19 May 2026

Response to public submissions on Preliminary Documentation - Birregurra–Ombersley Poultry Farm: Matters of National Environmental Significance Management Plan (EPBC 2025/10098)

Matter 43957

This letter is intended to be read in conjunction with two documents:

- The Preliminary Documentation for Birregurra–Ombersley Poultry Farm (EPBC 2025/10098), published for public comment, dated 23/02/2026.
- The updated Preliminary Documentation, published for public review, dated 19/05/2026.

Table 1 outlines Biosis's response to the two public submissions received in response to the publication of the Preliminary Documentation for the proposed Birregurra–Ombersley Poultry Farm.

Table 1 Biosis response to public submissions on Preliminary Documentation - Birregurra–Ombersley Poultry Farm

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
1	**Respondent 1**	Concern raised about survey efforts being incomplete and seasonally inappropriate. They note that targeted surveys have only been undertaken for Striped Legless Lizard, and only within 2.4 ha of a 145.9 ha project area, leaving the	Targeted surveys were undertaken for Striped Legless Lizard (SLL) in the area deemed suitable habitat during the Flora and Fauna Assessment for the site. They were conducted in accordance with the *Survey guidelines for Australia's threatened reptiles* (DEWHA 2011), during the species' active period (October - December). Grazing pressure alone was not the sole determinate of low likelihood of the species occurrence within the paddock areas. Targeted surveys were	Section 1.5 of the PD updated to include some additional contextual information regarding areas where SLL surveys were not conducted.

Biosis Pty Ltd
Melbourne
38 Bertie Street
Port Melbourne VIC 3207
Phone: 03 8686 4800
Fax: 03 9646 9242
ACN 006 175 097
ABN 65 006 175 097
Email: melbourne@biosis.com.au
biosis.com.au

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
		extent of potential habitat and populations unknown. They emphasise that multiple EPBC-listed fauna and flora species are identified by the consultant as having medium to high likelihood of occurrence, yet no targeted surveys were undertaken at appropriate times for those species. They assert that assumptions of absence based on grazing disturbance are not supported by ecological evidence and risk overlooking remnant populations.	not undertaken in the proposed farm site as the grassland habitat within the majority of the area was significantly disturbed, including a lack of biomass management, lack of native grassland vegetation, low cover of tussock grasses, high proportion of weed grasses, rock removal, as well as periodic heavy grazing. Grassland in the south-east fenced section was unlikely to provide suitable habitat due to seasonal flooding, extremely dense 'choked' grass structure, and no rock cover. It was assessed that SLL were unlikely to occur within the pipeline alignment, due to a lack of any suitable habitat. Multiple EPBC-listed fauna and flora species are identified as having a medium to high likelihood of occurrence within the fenced area of Plains Grassy Wetland in the south-east corner of the farm site, and some within the patch to the south. Targeted surveys were not undertaken in this area because measures are and will be put in place to ensure there are minimal to no impacts to these areas during construction and operation. Multiple other EPBC listed species were identified as having a medium to high likelihood of occurrence in the Birregurra Creek. The pipeline alignment is to go along the opposite side of Burregurra Road to the GGF habitat, and beneath Birrergurra Creek via underboring. Similarly, no targeted surveys were conducted around the creek because suitable mitigation measures will be in place to ensure there are minimal to no impacts to potential habitat in this area.	
2	**Respondent 1**	Concern raised around pipeline construction activities disrupting Growling Grass Frog movement corridors. They argue impacts cannot be defined as indirect without targeted surveys along the pipeline corridor, noting the species can disperse up to 200 m from waterways. They identify risks from	The current alignment and construction plan avoids all direct and indirect impacts to the potential Growling Grass Frog (GGF) movement corridor to the west of Birrregurra Road. The pipeline alignment was altered to the other side of Birregurra Road to avoid direct impacts to the areas of potential Growling Grass Frog (GGF) habitat and movement corridor. Indirect impacts to the movement corridor will be avoided through designation as a no-go zone, and therefore no parking or storage will occur.	Minor update to section 4.2 of the PD to clarify that no works are occurring in the GGF movement corridor. Vehicle hygiene protocols to reduce the spread of chytrid fungus will be included in the project Construction Environmental Management Plan (CEMP).

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
		potholes, temporary excavation, parking of vehicles within corridors, and insufficient hygiene protocols, particularly the potential spread of chytrid fungus. They also argue that construction timing has not adequately considered the species' breeding season.	Construction is not expected to impact the species' breeding habitat. Works are not proposed to be conducted at night and are highly unlikely to influence the breeding of any local population.	
3	**Respondent 1**	Surveys for Seasonal Herbaceous Wetlands are claimed to be insufficient due to inappropriate timing, ongoing grazing and difficulty identifying wetlands under such conditions. They argue that reliance on currently identified wetlands risks overlooking additional patches, including small but ecologically significant remnants such as HZ22. They emphasise that even sub-threshold wetlands or remnants of critically endangered ecological communities warrant protection in a highly cleared landscape.	Areas of wetlands corresponding to the EPBC listed Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHWTLP) were identified within the proposed farm site and mitigation measures are and will be in place to ensure that direct and indirect impacts to these areas are avoided during construction and operation. Other wetland areas within the farm site include several constructed dams which occur in heavily grazed areas and lack native vegetation, and therefore would not qualify for the threatened ecological community. Habitat zone 22 is within the unnamed road reserve and was assessed for the presence against the threshold criteria for SHWTLP on 25 September 2023 (the addendum to the initial FFA). It met the key species thresholds for the community but did not reach the size threshold, and therefore does not qualify for the listing. Size thresholds for the community are outlined within the EPBC Act listing advice for SHWTLP. Minimum thresholds for isolated wetlands and wetlands in clusters are 0.5 ha, and wetlands which form part of a native vegetation remnant is 0.1 ha. Habitat Zone 22 is approximately 0.06 ha, falling well below any threshold. Nonetheless, this wetland patch is included in an area to be protected and will be excluded from grazing moving forward. It has also been put forward for revegetation works and habitat enhancement, which would ultimately improve the condition of the area.	Section 2.3 of the PD updated to note that HZ22 did not meet the size threshold to be considered SHWTLP, but that it will nonetheless be protected. Section 2.3 of the PD updated to include information on the thresholds, and where the guidance is derived from. Section 4.4 of the PD updated to outline that no-go zones must be identified and mapped in the Construction Environmental Management Plan that is to be produced prior to commencement of construction.

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
4	**Respondent 1**	The assessment of potential SLL habitat in the adjacent windfarm was not sufficient, and ideally an offset site would be located in the southern extent of the Acciona Wind Farm following surveys in the area to confirm the species presence.	The Mount Gellibrand Wind Farm is not in the ownership of the proponent and could not be accessed during the assessment, and targeted surveys or detailed habitat assessments within the area are not feasible. Biosis contacted Acciona regarding SLL surveys likely to have been conducted on the wind farm as the property was assessed as containing some high-quality grasslands, which may support potential habitat. The results of any SLL surveys were not authorised to be shared with Biosis, and are not publicly available. The wind farm is unavailable as a third-party offset site, as it is an unrelated private property. A visual assessment of the habitat quality within the adjacent wind farm identified that the area adjacent to the proposed impact and site supports native grassland, with patches of native tussock-forming grasses (Kangaroo grass *Themeda triandra*), native herbs, and remnant surface and embedded rock. The wind farm property is already likely to support a viable population of SLL. Any occupied habitat in the native grassland area is likely to score as high-quality SLL habitat, and is unlikely to be meaningfully improved through management as an offset without extensive works to control presence of pasture grass, which is unrealistic in an agricultural landscape. Increasing the area of moderate-condition SLL habitat for the local population is a priority, and will be accomplished through the first-party offset approach proposed. An area of 5.7 hectares will be secured, and the condition improved from poor quality habitat to moderate quality. This approach is likely to eventually lead to a net-increase in moderate condition habitat for the local population of 4.44 hectares.	Section 2.1.2 of the PD has been updated slightly to note the visible habitat values for SLL in contiguous habitat in the adjacent Mount Gellibrand Wind Farm (open grassland with significant areas of native vegetation, and surface and embedded rock). Photo 3 caption updated to highlight presence of these features in the adjacent wind farm.
5	**Respondent 1**	Concern that ongoing management and monitoring commitments for the offset are inadequately specified. They note that the PD proposes	Comment refers to Section 9.2 of the PD. This section relates to construction works within areas impacted during construction, not monitoring related to the proposed SLL offset. Inspections of rehabilitation efforts in construction areas will be conducted within the first and second year post construction. This timing allows for sufficient time for the rehabilitation measures to have taken effect,	Details on specific SLL management and monitoring commitments to be included within the Offset Management Plan. Additional information on management

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
		only two monitoring inspections in the first two years post-construction and lacks detail on survey methods, success criteria, adaptive management triggers, or contingency measures if habitat creation fails to support Striped Legless Lizards over time.	and/or show any failings the require adaptive management. If adaptive management is determined to be necessary it will likely include additional monitoring to determine the effectiveness. Ongoing management and monitoring commitments for the offset area will be addressed in detail in the Offset Management Plan (OMP). The Preliminary Documentation discusses the offset strategy, but also states that an OMP will be prepared concurrently providing further details on habitat creation measures, proposed gain, and ongoing management, monitoring and reporting requirements. The plan will therefore include these areas of concern, namely: survey methods, success criteria, adaptive management triggers and contingency measures.	and monitoring requirements to be included within the OMP have been included in section 7.2 of the PD. The SLL offset scoring approach and protocol (added to Appendix of PD) has been updated to clarify habitat condition variation, which will be reflected in OMP targets for management and success criteria.
6	**Respondent 1**	The commenter notes that "*Revegetation should be best-practice seed-based restoration that encompasses a rich diversity of locally vascular indigenous species not limited to grasses*"	Biosis broadly agrees with this approach. Revegetation of the offset area using a variety of local native grasses and herbs will be a core focus of the OMP, to improve habitat quality for SLL, and to manage the threat of loss of native grassland vegetation.	Specific details on revegetation works will be outlined with in the OMP. SLL scoring protocol updated to outline that native vegetation cover, and diversity in vegetation species and life forms is required to achieve higher site condition scores. The PD notes in several sections that revegetation will occur as part of the offset site management.
7	**Respondent 1**	The submitter strongly opposes the proposed scrape-based salvage methodology, describing it as a high-risk approach likely to result in injury or mortality of Striped Legless Lizard individuals. They argue that scraping reduces opportunities for detecting and safely relocating animals and recommend alternative methods	Whilst Biosis agrees that the scrape-based salvage technique can result in injury to SLL, we maintain that the activity is appropriate if conducted in a slow and controlled manner and under constant supervision by an ecologist. Based on the results of the targeted survey program, and maximum of one individual SLL recorded throughout the 150 tiles on any one survey day, it is estimated that between 2 and 10 individual SLL occupy the habitat proposed for removal. Section 6.1 of the PD outlines sufficient salvage and relocation controls that will minimise	Section 6.1 of the PD updated to include note on pre-clearance works (checking of any surface rocks and tussock grasses immediately prior to removal, and relocation of any SLL found).

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
		such as tile grids and pitfall trapping conducted at appropriate times to maximise detection and relocation success.	the potential impact to any SLL present. Pitfall trapping is not generally conducted for long legless reptiles (snakes and legless lizards) in volcanic grassland ecosystems. This is due to a combination of the low rate of capture, significant animal ethics considerations, and substantial time costs and soil disturbance required to install pits large enough to trap the species. Pre-clearance survey and salvage is sufficient to minimise potential impacts to any resident individuals.	
8	**Respondent 1**	Striped Legless Lizard offset process is identified as lacking transparency. They argue that offset calculations are not adequately justified, that site selection does not prioritise areas with confirmed high-quality habitat in the adjacent wind farm, and that the scoring framework has not been transparently agreed with relevant stakeholders and experts.	The initial SLL offset scoring protocol was developed in part by Biosis Principal Zoologist with over forty years of professional experience in wildlife research and natural resource management, and expertise in herpetology. Recent updates to the scoring protocol have been made by Biosis Senior Zoologist with speciality in Herpetology, and recent experience in developing and applying reptile offset scoring protocol (Swamp Skink *Lissolepis coventryi* scoring protocol and related OMP, recently approved as part of EPBC referral for unrelated project). Regardless of the above, the Biosis team has reviewed the proposed offset scoring protocol in response to the respondent, and has strengthened the protocol to ensure that the targets are measurable, and based on measurable habitat quality factors known to be relevant to SLL. In light of this review the scoring protocol was updated to include a clear threshold for SLL habitat quality. SLL habitat quality is consistent throughout areas of the site that would be suitable for establishment as an offset. First-party offset is the preferred approach, if deemed suitable. If a third-party offset is required, it would likely be sourced through an appropriate broker at an established offset property further from the impact area. High-quality native grasslands in adjacent windfarm are highly unlikely to be available, or suitable, for use as a third-party offset.	Section 7.2.1 (Table 10) updated to include additional information on current condition of offset site. SLL offset scoring protocol updated to include clear thresholds for SLL habitat quality.

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
9	**Respondent 2**	The PD is noted as lacking the survey data necessary to accurately derive habitat quality scores for the proposed offset site. The respondent highlights the absence of tile surveys, lack of evidence for species detections or sloughs, and insufficient documentation of baseline condition. They contend that reliance on general observations and undocumented site visits undermines the credibility of the scoring process underpinning offset calculations.	Targeted surveys were not undertaken in the proposed paddock areas including the proposed offset sites as the grassland habitat within the majority of the area was assessed as unlikely to support SLL due to significant disturbance from ongoing heavy grazing, native grassland degradation, and rock removal. A conservative approach was taken and a precautionary SLL stocking rate of 1/3 was assigned due to the presence of suitable habitat within the adjacent laneway (including area with confirmed SLL records from targeted surveys), and the visibly high-quality native grassland in the neighbouring wind farm. Several documented site visits have been conducted throughout the assessment process, including the initial Flora and Fauna Assessment of the impact area, SLL targeted surveys, and further habitat assessments of the pipeline easement. An additional site inspection was undertaken in February 2026 to assess condition of the site for its suitability as a first-party offset, and to collect recent site photographs of the impact and proposed offset areas to inform habitat quality assessments.	Section 7.2.1 (Table 10) updated to include additional information on current condition of offset site. SLL offset scoring protocol updated to include clear thresholds for SLL habitat quality. The OMP will include a requirement for a baseline SLL habitat quality survey in the offset area in year 1 of the offset establishment.
10	**Respondent 2**	Concern that impacts to Striped Legless Lizard habitat has been underestimated. The respondent suggests that areas described as occasionally utilised or restorable habitat between known populations and the offset site may themselves constitute habitat intersecting the project footprint, potentially increasing the residual significant impact and invalidating the proposed offset.	The majority of the grassland habitat within the proposed farm site is significantly disturbed by ongoing heavy grazing, loss of native vegetation, inappropriate biomass management, and historic rock removal, and therefore was not considered suitable habitat for SLL. Areas intersecting the project footprint were assessed as not suitable habitat. Areas of restorable habitat currently represent poor habitat quality, and therefore improving the area proposed for the offset provides the best opportunity to provide a benefit to the local population of the species. An independent assessment of the habitat quality at the proposed offset site has been commissioned and will inform the baseline habitat condition assessment for the OMP.	Additional monitoring past year 10 of offset management is proposed if SLL have not been recorded within the offset area (confirming the assumed 1/3 species stocking rate). Certainty in ecological benefit has also been reduced to 70% to account for the uncertainty in SLL recolonisation of the offset site following improvements to condition. Section 7 of the PD updated to include provision for additional years of active management and monitoring, if offset targets (including confirmation of SLL presence) are not achieved by the end of Year 10 of management. The OMP will also

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
				include requirements for review of the offset plan, and offset strategy, in the event that performance targets are not met by the end of Year 10. The offset strategy review will include requirements for identification of an alternative SLL offset approach, to be implemented if the performance outcomes are not met by the end of Year 20 of the offset (time that ecological benefit must be achieved).
11	**Respondent 2**	Claims the proposed offset is fundamentally unsuitable because it does not meet EPBC Offsets Policy requirements. The respondent notes that the offset must reach at least the same habitat quality score as the impacted site, and asserts that even under optimistic assumptions the proposed offset will not achieve this threshold nor demonstrably improve or maintain species viability.	The SLL offset calculations have been revised following the review of the scoring protocol outlined in response #9 above including the Species Stocking Rate calculations. The impact area condition score has been revised to 6/10. • The Offset scoring protocol for species stocking rate estimates the local population density through targeted surveys of a representative sample of the site. Stocking rate is scored based on the '*maximum number of Striped Legless Lizards detected at any single tile array during a survey on a particular day*'. targeted surveys were conducted in areas of suitable habitat that may be impacted, following appropriate methodology and survey effort outlined in SLL survey guidelines. A maximum of 1 SLL was recorded on any one survey day, resulting in a corresponding species stocking rate score of 1/3. However, a score of 2/3 has been used as a precaution as the impacted habitat borders onto likely higher-quality habitat in the adjacent wind farm, and may be utilised occasionally by additional individuals inhabiting the wind farm as primary habitat. • Targeted survey recorded four instances of SLL. The initial stocking rate scoring (3/3) was based on an initial offset calculation of four individuals recorded simultaneously. However, upon review it was confirmed that these records all occurred on separate days, across only two distinct tile transects. Two of the recorded observations were confirmed to be the same individual SLL, based on its unique	Updates to section 7 of PD, including species stocking rate score (summarised in table 13 of PD). Updates to impact site scoring description (Now included in PD appendix) to clarify that a maximum of one SLL was recorded on any given survey day, corresponding with a low species stocking rate. Updates to the SLL offset scoring protocol to clarify the scoring rationale and remove potentially ambiguous language.

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
			head scale morphology. As such the stocking rate was adjusted to reflect this. • A maximum of one SLL was recorded across the 150 survey tiles within the ~2.5 ha survey area on any single survey day. Following the population density calculation rationale presented in the scoring protocol, this indicates that approximately 2-10 individual SLL are likely to inhabit the 1.26 ha impact area. This is a low population density, as SLL have been recorded at densities of 44 to 156 per hectare in high-quality habitat. This update eliminates the concern of the submitter that the proposed offset site not reaching the habitat quality score of the impact site. The specific details will be included in the Offset Management Plan.	
12	**Respondent 2**	The identified 90% confidence level is challenged, arguing this claim is neither precautionary nor supported by scientific evidence. He notes that confidence values heavily influence calculated offset adequacy and criticises the lack of an objective, evidence-based framework to justify the certainty assigned to predicted habitat improvements and species responses.	The confidence level reduced to 70% along with other updates to offset calculations, following revision of impact site score from 7/10 to 6/10. The specific details will be included in the Offset Management Plan. The revised confidence considers that: • There is a high likelihood in the proposed ecological benefit through proposed habitat quality gains achieved through direct habitat improvement and threat reduction. The proposed improvements to site context and condition are directly manageable through established methods. • There is a level of uncertainty in the current species stocking rate at the proposed offset site, and that the ecological benefit relies on some level of SLL presence within the offset site following the improvements to condition and context. • The uncertainty in SLL presence is mitigated through proposed additional years of active monitoring. If the 1/3 species stocking rate is not confirmed during the first 10 years of offset management by recording SLL presence within the offset area, additional years of monitoring and reporting will occur for a maximum of 10 additional years, until SLL are recorded within the offset area.	Updates to section 7 of PD, including reduction in confidence to 70%, and increase in offset area size to 5.7 ha (summarised in table 13 of PD). Section 7 of the updated PD outlines that, in the event that SLL are not recorded within the first 10 years, additional habitat improvements will be required, triggered through the adaptive management framework. Measures will include, at a minimum, introduction of additional surface rocks throughout the site, and revegetation plots in the northern extent of the site. A review of the offset plan, and offset strategy will also be conducted, to ensure that the offset performance targets can be achieved.

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
13	**Respondent 2**	A lack of clear commitments regarding long-term offset securement, governance, monitoring, and enforcement is noted. The respondent notes that while Trust for Nature covenants are mentioned, the PD does not explain how offset outcomes will be protected, audited or enforced beyond the initial Offset Management Plan or EPBC approval period.	The details of proposed offset securement, governance, monitoring, and enforcement will be outlined in the OMP. The OMP will outline that appropriate active management, monitoring, reporting, and auditing will occur for at least the first 10 years of offset management, and that the offset area will be secured in perpetuity as SLL habitat. The exact details of the mechanisms and responsibilities will meet EPBC Offsets Policy requirements. The details will not materially effect the OMP management/monitoring/reporting/auditing requirements.	Additional information on monitoring added to section 7.2. Updates to SLL offset scoring protocol to ensure that habitat condition thresholds are clear, to enable clear targets for quality improvement and monitoring. Section 7.2.1 of PD outlines the performance criteria for the OMP, including a Trust For Nature (TfN) covenant of the offset area, and specific land-use restrictions in perpetuity. TfN and DCCEEW will be consulted at various points over the life of the OMP (up to 20 years) for review of annual offset status reports, and periodic audit reports. The updated PD outlines requirements for active management to achieve the offset performance criteria, then ongoing management for the life of the approval. Due to the dynamic nature of the ecological values, we have proposed a plan for the first 10 years of active management and monitoring, with an adaptive management approach that requires development of a framework for additional years of active management and monitoring after year 10, up until 20 years, with provision for an offset approach if the ecological benefit has not been achieved at this point.
14	**Respondent 2**	Asserts that the offset proposal and public review process are disingenuous, as Biosis openly	The assertion made that Biosis's "true intention is to pursue a third-party offset" is inaccurate and unfounded. The primary proposed offset approach is a first-party offset, as detailed in the PD. Third-	No changes to PD proposed.

#	Submitter	Key points of submission	Biosis response	Relevant PD update OR justification for no updates
		states its intention to pursue third-party offsets if the first-party offset is rejected. The respondent argues this prevents meaningful public scrutiny of the proponent's preferred offset solution and undermines transparency and confidence in the assessment process.	party alternatives have been explored, however, this is a standard approach for any project to ensure that all potential offset options have been investigated. The preferred approach is to utilise a first-party offset, unless deemed unsuitable by DCCEEW, or established as otherwise unviable for the project.	