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Australian Government

Department of Climate Change, Energy,
the Environment and Water

**GUIDELINES FOR THE CONTENT OF A DRAFT
PUBLIC ENVIRONMENT REPORT**

Queen Victoria Market Southern Development Project

***Environment Protection and Biodiversity Conservation
Act 1999***

EPBC 2024/09860

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GUIDELINES FOR A DRAFT PUBLIC ENVIRONMENT REPORT FOR

Queen Victoria Market Southern Development Project

EPBC 2024/09860

PREAMBLE

Lendlease (Queen Victoria Markets) Head Developer Pty Ltd proposes to build three mixed use towers and a low-rise civic building adjacent to the Queen Victoria Market (QVM), convert the carpark within QVM into public open space and restore the Franklin Street Stores in preparation for their adaptive reuse.

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to the Minister for the Environment on 23 May 2024. The Minister determined on 21 June 2024 that approval is required as the action is likely to have a significant impact on the following matters of national environmental significance (MNES) that are protected under Part 3 of the EPBC Act:

- National Heritage Places (sections 15B and 15C)

On the same date, it was determined that the proposed action be assessed by a Public Environment Report (PER).

Information about the action and its relevant impacts, as outlined below, is to be provided in the PER. This information should be sufficient to allow the Minister to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

GENERAL ADVICE ON GUIDELINES

1 GENERAL CONTENT

The PER should be a stand-alone document that primarily focuses on the matters of National Environmental Significance listed above. It should contain sufficient information to avoid the need to search out previous or supplementary reports. The PER should take into consideration the EPBC Act Significant Impact Guidelines that can be downloaded from the following web site: <http://www.environment.gov.au/epbc/guidelines-policies.html>.

The PER should enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. Information provided in the PER should be objective, clear, and succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the PER is to be written in a clear and concise style that is easily understood by the general reader. Technical jargon should be avoided wherever possible. Cross-referencing should be used to avoid unnecessary duplication of text.

Detailed technical information, studies or investigations necessary to support the main text should be included as appendices to the PER. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public from which information has been extracted be made available at appropriate locations during the period of public display of the PER.

After receiving the Minister's approval to publish the report, the Proponent is required to make the draft PER available for a period of public comment. Specific instructions regarding publication requirements will be provided as part of the Minister's direction to publish.

If it is necessary to make use of material that is considered to be of a confidential nature, the Proponent should consult with the Department on the preferred presentation of that material, before submitting it to the Minister for approval for publication.

The level of analysis and detail in the PER should reflect the level of significance of the expected impacts on the environment. Any and all unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

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The Proponent should ensure that the PER assesses compliance of the action with principles of Ecological Sustainable Development as set out in the EPBC Act, and the objects of the Act at Attachment 1. The PER must include all information set out in Attachment 2 which is a copy of Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations) - *Matters to be addressed by draft public environment report and environmental impact statement*.

2 FORMAT AND STYLE

The PER should comprise three elements, namely:

- the executive summary
- the main text of the document
- appendices containing detailed technical information and other information that can be made publicly available.

The guidelines have been set out in a manner that may be adopted as the format for the PER. This format need not be followed where the required information can be more effectively presented in an alternative way. However, each of the elements must be addressed to meet the requirements of the EPBC Act and Regulations.

The PER should be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet pages used as data sources.

The PER should include:

- a list of abbreviations and glossary of terms
- a copy of these guidelines
- a table indicating where each specific element of these guidelines has been addressed in the PER
- a list of persons and agencies consulted during the PER
- contact details for the Proponent
- the names of the persons involved in preparing the PER and work done by each of these persons.

Maps, diagrams and other illustrative material should be included in the PER with detailed captions. The PER should be produced on A4 size paper capable

of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible.

The Proponent should consider the format and style of the document appropriate for publication on the Internet. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

SPECIFIC CONTENT

3 GENERAL INFORMATION

The general information section should provide the background and context of the action. This information should include:

1. the title of the action
2. the full name and postal address of the designated proponent
3. a clear outline of the objective of the action
4. the location of the action
5. the background to the development of the action
6. how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action
7. the current status of the action
8. the consequences of not proceeding with the action.

4 DESCRIPTION OF THE ACTION

All construction and operational components of the action should be described in detail. This should include the precise location (including coordinates) of all works to be undertaken, structures to be built or elements of the action that may have impacts on MNES. This should include temporary structures that are involved in the construction phase.

The description of the action must include details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.

The description of the action must describe all activities that are related to the proposal and being undertaken by another person or organisation.

The PER must include a detailed map of the project design layout for the proposed action. This may be split across several maps within the PER to

ensure ease of visual representation. The map must clearly delineate the following:

1. disturbance footprint (impact areas)
2. project area boundary
3. National Heritage boundary
4. precise locations of infrastructure proposed for development
5. scale bar

5 FEASIBLE ALTERNATIVES

The PER must include discussion of any feasible alternatives to the action, to the extent reasonably practicable, including:

1. if relevant, the alternative of taking no action
2. a comparative description of the impacts of each alternative on the National Heritage values of QVM
3. sufficient detail to make clear why any alternative is preferred to another.

Short, medium and long-term advantages and disadvantages of the options should be discussed.

6 DESCRIPTION OF THE ENVIRONMENT

The PER must include a description of the environment of the proposal site and the surrounding area that may be affected by the action. This must include:

1. a description of the National Heritage values of the National Heritage Place including:
 - a. a copy of the gazetted National Heritage values and Statement of Significance of the National Heritage Place
 - b. a detailed focus on the heritage values relevant to the proposed action
 - c. a description of the surrounding area, with respect to the heritage values of the QVM.
2. information detailing the known location of burials in the cemetery.
3. photographs of tangible National Heritage values from relevant vantage points.
4. a description of the current condition of buildings and their features, and likely future condition under the current management practices.

7 RELEVANT IMPACTS

The PER must include a description of all the relevant impacts of the proposed action. Relevant impacts are impacts that the proposed action will have or is likely to have on the National Heritage values of QVM.

1. Impacts during both the construction and operational phases of the project should be addressed, and the following information provided:
 - a. a detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts
 - b. a statement as to whether any relevant impacts are likely to be unknown, unpredictable or irreversible
 - c. analysis of the significance of the relevant impacts
 - d. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.
2. The PER must identify any direct impacts of the project on the heritage values of the QVM. This includes, but is not limited to:
 - a. the impact of tree root incursion and excavations on burial sites
 - b. impacts to the legibility of QVM's distinctive character and open setting
 - c. connectivity of Franklin Street Stores to the remainder of QVM site
 - d. the ability to recognise the historically important features and layout of market buildings
 - e. any change to the fabric of QVM, including permanent and temporary removal of the Franklin Street Store canopy.
3. The PER must identify any indirect impacts of the project on the heritage values of the QVM. This includes, but is not limited to:
 - a. impacts on the ability to conduct future archaeological research at the cemetery
 - b. impacts to the intangible and experiential qualities of QVM
 - c. disruptions to market operations and commercial viability of QVM as a fresh produce market
 - d. impacts to the Franklin Street Stores from future tenancies, including establishment of operations and nature of business activities.

4. The PER must identify and address cumulative impacts, where potential project impacts are in addition to existing impacts of other activities (including all components of the action and known potential future expansions or developments at QVM).
5. The PER should also discuss any positive impacts of the development on the heritage values of the QVM.

8 PROPOSED AVOIDANCE, MITIGATION AND OFFSETTING MEASURES

The PER must provide information on proposed avoidance, mitigation and offsetting measures to deal with the relevant impacts of the action. Specific and detailed descriptions of proposed measures must be provided and substantiated, based on best available practices. This information must include the following elements:

1. a consolidated list of avoidance and mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including:
 - a. a description of proposed avoidance and mitigation measures to deal with relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent
 - b. assessment of the expected or predicted effectiveness of the mitigation measures
 - c. a description of outcomes that the measures are expected to achieve including details of any baseline data or proposed monitoring to demonstrate progress towards achieving these outcomes
 - d. any statutory or policy basis for the mitigation measures
 - e. the cost of the mitigation measures
 - f. discussion on the potential for offsetting or compensating for the impacts of the action.
2. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

9 OTHER APPROVALS AND CONDITIONS

The PER must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:

1. details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
 - a. what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy
 - b. how the scheme provides for the prevention, minimisation and management of any relevant impacts.
2. a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action
3. a statement identifying any additional approval that is required
4. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action
5. a list of any conditions of consent or approval relevant to the State or Local heritage values of the place (for example from entities such as Heritage Victoria).

10 CONSULTATION

The PER must discuss any consultation about the action, including:

1. any consultation that has already taken place
2. proposed consultation about relevant impacts of the action
3. if there has been consultation about the proposed action, any documented response to, or result of, the consultation
4. identification of affected parties, including market users such as shoppers and traders, and descendants of persons buried at the site or groups representing such persons or groups of people. This section should include a statement describing the views of the affected parties.

10.1 First Nations Consultation

The PER must include information on engagement with First Nations people whose rights, interests and aspirations may be affected by the proposed action, and include:

1. identification of the relevant Traditional Owners and other relevant First Nations people (including groups and organisations) and details of engagement with Traditional Owners and other relevant First Nations people.
2. information on the rights, interests, views, aspirations and other concerns expressed by the Traditional Owners and other First Nations people in relation to the project, including Native Title and any other land and water rights and interests, land and water management arrangements, and cultural heritage.
3. information on how First Nations people's rights, interests, views and concerns will be or have been addressed in design, construction and operation of the proposed action.
4. information on any project-related agreements, plans, ongoing engagement arrangements, partnerships and benefit-sharing arrangements entered into with Traditional Owners and other relevant First Nations people.
5. engagement with First Nations people should apply principles set out in [Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999](#) or any First Nations engagement standard (if one is in force); and [Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia and the Best Practice Standards in Indigenous cultural heritage management and legislation](#).

11 ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

1. the person proposing to take the action
2. for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

12 ECONOMIC AND SOCIAL MATTERS

The PER must analyse the economic and social impacts of the action, both positive and negative. This information must include:

1. projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies
2. employment opportunities expected to be generated by the project (including construction and operational phases)
3. economic and social impacts for all relevant impacted stakeholders including First Nations, at the local, regional and national levels
4. details of the relevant cost and benefits of alternative options to the proposed action, as identified in section 5.

13 INFORMATION SOURCES PROVIDED IN THE PER

For information given in a draft Public Environment Report, the draft must state:

1. the source of the information
2. how recent the information is
3. how the reliability of the information was tested
4. what uncertainties (if any) are in the information.

14 CONCLUSION

An overall conclusion as to the environmental acceptability of the proposal should be provided, including discussion on compliance with principles of ecologically sustainable development and the objects and requirements of the EPBC Act (as discussed in Attachment 1 below). Reasons justifying undertaking the proposal in the manner proposed should also be outlined.

Measures proposed or required by way of restoration action or compensation for any unavoidable impacts on MNES, and the relative degree of compensation, should be restated here.

ATTACHMENT 1
THE OBJECTS AND PRINCIPLES OF THE
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT
1999 SECTIONS 3 AND 3A

Section 3 Objects of the Act

1. to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance
2. to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources
3. to promote the conservation of biodiversity
4. to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples
5. to assist in the co-operative implementation of Australia's international environmental responsibilities
6. to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity
7. to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

Section 3A Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development.

1. Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
2. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
3. The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
4. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
5. Improved valuation, pricing and incentive mechanisms should be promoted.

ATTACHMENT 2

MATTERS THAT MUST BE ADDRESSED IN A PER AND EIS (SCHEDULE 4 OF THE EPBC REGULATIONS 2000)

1 General information

The background of the action including:

1. the title of the action
2. the full name and postal address of the designated proponent
3. a clear outline of the objective of the action
4. the location of the action
5. the background to the development of the action
6. how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action
7. the current status of the action
8. the consequences of not proceeding with the action.

2 Description

A description of the action, including:

1. all the components of the action
2. the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts
3. how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts
4. relevant impacts of the action
5. proposed avoidance and mitigation measures to deal with relevant impacts of the action
6. any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action
7. to the extent reasonably practicable, any feasible alternatives to the action, including:

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- a. if relevant, the alternative of taking no action
 - b. a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action
 - c. sufficient detail to make clear why any alternative is preferred to another
8. any consultation about the action, including:
- a. any consultation that has already taken place
 - b. proposed consultation about relevant impacts of the action
 - c. if there has been consultation about the proposed action — any documented response to, or result of, the consultation
9. identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

3 Relevant impacts

Information given under paragraph 2.4 must include

1. a description of the relevant impacts of the action
2. a detailed assessment of the nature and extent of the likely short term and long term relevant impacts
3. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible
4. analysis of the significance of the relevant impacts
5. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4 Proposed safeguards and mitigation measures

Information given under paragraph 2.5 must include:

1. a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures
2. any statutory or policy basis for the mitigation measures
3. the cost of the mitigation measures
4. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring

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programs for the relevant impacts of the action, including any provisions for independent environmental auditing

5. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program
6. a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

5 Other Approvals and Conditions

Information given under paragraph 2.6 must include:

1. details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - a. what environmental assessment of the proposed action has been, or is being carried out under the scheme, plan or policy
 - b. how the scheme provides for the prevention, minimisation and management of any relevant impacts
2. a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action
3. a statement identifying any additional approval that is required
4. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6 Environmental record of person proposing to take the action

Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

1. the person proposing to take the action
2. for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7 Information sources

For information given the PER must state:

1. the source of the information
2. how recent the information is
3. how the reliability of the information was tested
4. what uncertainties (if any) are in the information.