



Title of Proposal - Proposed Multi-lot Residential Subdivision, 75 Paynesville Road and 114 Newlands Drive, Paynesville, Victoria

Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

1.1 Project Industry Type

Residential Development

1.2 Provide a detailed description of the proposed action, including all proposed activities.

The property is located at 75 Paynesville Road and 114 Newlands Drive, Paynesville, Victoria, in accordance with the current planning permit 583/2004/P/D (formerly described as 1300 Paynesville Road, Eagle Point within superseded planning permit 583/2004/P/C).

The property is proposed to be redeveloped as a multi-lot residential subdivision in stages (Stages 1, 2, 3, 4, 5, 6, 7, 8, 9A and 9B). The proposed residential development was originally approved on 5th September 2006, with Stage 1 completed by the original proponent in 2011. The remainder of the proposed residential development was then purchased by the current proponent, Paynesville Park Pty Ltd, and a number of changes to the subdivision layout were made.

The Planning Permit (583/2004/P/C) was amended and approved on 29th June 2016 to allow for the removal of two scattered trees in the northern part of the property previously proposed to be retained (Stages 9A and 9B). The conditions in the Planning Permit relating to the removal of native vegetation from Stages 2, 3, 4, 5 and 6 were also amended to be consistent with the current native vegetation controls under Clause 52.17 of the East Gippsland Planning Scheme.

The Planning Permit specified under condition 72g that an assessment of native vegetation to be removed within Stages 2, 3, 4, 5 and 6 of the proposed development was required, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (583/2004/P/C 2016). Therefore, Ecology and Heritage Partners Pty Ltd was engaged in 2016 to undertake an Ecological Assessment of Stages 2, 3, 4, 5, 6, 7 and 8 of the proposed residential development.

Under Planning Permit 583/2004/P/C, the property was described as Lots 1 and 2, and Reserve 4 on Plan of Subdivision 729135M. The current Planning Permit (583/2004/P/D) was recently amended and approved on 23rd December 2016. The boundaries of the staging program were also amended as part of the current Planning Permit (583/2004/P/D). Stage 9A of the development (forming part of Lot 1 on Plan of Subdivision 729135M) was completed prior to issuing the current Planning Permit.

Currently, Stages 2 through 8 of the development are described as Lot 2 on Plan of Subdivision



729135M, and Stage 9B is described as Lot 10 on Plan of Subdivision 742846B. Stages 2 through 8, and 9B of the development are yet to be completed.

It should be noted that Stage 9B is to be sold, subdivided and developed by another party. Therefore, all stages of the proposed residential subdivision have been included in this referral for assessment, with the exception of Stages 1 and 9B.

The proposed residential development will include the establishment of approximately 281 residential lots and associated roadways, with residential lots varying in total area from approximately 628 m² to 1,328 m². The residential development will retain some areas of remnant native vegetation and scattered trees and also establish new public open spaces, which will include the following:

- Three reserves with estimated total areas of 0.791 hectares in Stage 8, 0.415 hectares in Stage 4 and 0.224 hectares in Stage 2 of the proposed residential development; and
- One wetland reserve with an estimated total area of 7 hectares in Stages 2 and 3 of the proposed residential development, which is an extension of the existing reserve described as Reserve 4 on Plan of Subdivision 729135M.

Public open spaces will include car parking spaces, lighting, walking paths, bollards, view platforms, seats, shelters, barbeques and other relevant facilities and services, particularly adjacent to the two proposed lakes within the wetland reserve.

1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.

Area	Point	Latitude	Longitude
Stages 2 through 8	1	-37.909037552726	147.70638646191
Stages 2 through 8	2	-37.909029087811	147.70638646191
Stages 2 through 8	3	-37.909240710384	147.70828546589
Stages 2 through 8	4	-37.909647024017	147.7084356696
Stages 2 through 8	5	-37.909621629481	147.70886482304
Stages 2 through 8	6	-37.909765531738	147.70889700955
Stages 2 through 8	7	-37.909807855878	147.70917595929
Stages 2 through 8	8	-37.909731672409	147.70925106114
Stages 2 through 8	9	-37.909926363339	147.7101308257
Stages 2 through 8	10	-37.910154912904	147.7106672675
Stages 2 through 8	11	-37.910281884578	147.71156848973
Stages 2 through 8	12	-37.916291626477	147.71030248707
Stages 2 through 8	13	-37.91566528193	147.70609678334
Stages 2 through 8	14	-37.914336398136	147.70634354657
Stages 2 through 8	15	-37.914133254549	147.70523847645
Stages 2 through 8	16	-37.909037552726	147.70638646191
Stage 9A	1	-37.90924779478	147.70949890986



Area	Point	Latitude	Longitude
Stage 9A	2	-37.909252027225	147.70949890986
Stage 9A	3	-37.909125053773	147.7094828166
Stage 9A	4	-37.909556762613	147.71080246344
Stage 9A	5	-37.909692200159	147.71175196543
Stage 9A	6	-37.910174694388	147.71166613474
Stage 9A	7	-37.910030792932	147.71072199717
Stage 9A	8	-37.909603319298	147.70961156264
Stage 9A	9	-37.90924779478	147.70949890986

1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).

The property is privately owned and located at 75 Paynesville Road and 114 Newlands Drive, Paynesville. The property is located approximately 240 kilometres east of Melbourne's CBD and approximately 12 kilometres south east of Bairnsdale's CBD. The property has an estimated total land area of 30.6 hectares and is bound by residential properties, parkland and Ashley Street to the north, residential properties to the south and east, and agricultural land to the west.

1.6 What is the size of the development footprint or work area?

The size of the proposed impact area is limited to 0.428 hectares.

1.7 Is the proposed action a street address or lot?

Street Address

75 Paynesville Road
Paynesville VIC 3880
Australia

1.8 Primary Jurisdiction.

Victoria

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

No



1.10 Is the proposed action subject to local government planning approval?

Yes

1.10.1 Is there a local government area and council contact for the proposal?

Yes

1.10.1.0 Council contact officer details

1.10.1.1 Name of relevant council contact officer.

Martin Ireland, Senior Planner

1.10.1.2 E-mail

1.10.1.3 Telephone Number

(03) 5153 9500

1.11 Provide an estimated start and estimated end date for the proposed action.

Start date 04/2017

End date 12/2022

1.12 Provide details of the context, planning framework and State and/or Local government requirements.

The proposed action is subject to the following State and Local Government environmental legislation and policy.

Catchment and Land Protection Act 1994

The Catchment and Land Protection Act 1994 (CALP Act) contains provisions relating to catchment planning, land management, noxious weeds and pest animals. In the context of this proposed action the proponent is required to take appropriate measures to prevent and/or minimise the spread of noxious weeds prior to, during and post-construction of the proposed development.

A number of weeds listed as noxious under the CaLP Act were recorded during the assessment (Spear Thistle *Cirsium vulgare*, African Box-thorn *Lycium ferocissimum*, African Love-grass *Eragrostis curvula* and Blackberry *Rubus fruticosus* spp. agg.). In assessing the planning permit application, East Gippsland Shire Council may stipulate conditions of approval relating to the objectives of the CaLP Act, such as the preparation of a Weed Management Plan incorporated



into a Construction and Environmental Management Plan as part of the development.

Wildlife Act 1975

The Wildlife Act 1975 (and associated Wildlife Regulations 2013) is the primary legislation in Victoria providing for protection and management of wildlife. Authorisation for habitat removal may be obtained under the Wildlife Act 1975 through a licence granted under the Forests Act 1958, or under any other Act such as the Planning and Environment Act 1987. Any persons engaged to remove, salvage, hold or relocate native fauna during construction must hold a current Management Authorisation under the Wildlife Act 1975, issued by DELWP.

Planning and Environment Act 1987

In Victoria the control, use and development of land, including native vegetation removal, is managed under the Planning and Environment Act 1987 and municipal planning schemes. Under the Victorian system each planning scheme contains State and local policy provisions as well as provisions that control the use and development of land.

The property is located within the East Gippsland Shire Council and is currently subject to the following zoning and overlays:

General Residential Zone – Schedule 1; and, Design and Development Overlay – Schedule 14.

A planning permit will be required from the East Gippsland Shire Council to remove, destroy or lop any native vegetation for the proposed development under Clause 52.17 of the planning scheme. In accordance with the Design and Development Overlay – Schedule 14, any permit to remove native vegetation will also be assessed based on its impact to the landscape setting.

Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines

The State Planning Policy Framework, and Clauses 52.17 (Native Vegetation) and 12.01 (Environmental and Landscape values) of Victorian Planning Schemes, require Planning and Responsible Authorities to have regard for Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines (the 'Guidelines') (DEPI 2013) when considering proposals involving native vegetation removal. A review of the ecological implications of the proposed action against the requirements of the Guidelines was undertaken as part of the Vegetation Assessment (Ecology and Heritage Partners Pty Ltd 2016).

The total extent of native vegetation over the property is 6.440 hectares, which includes 0.498 hectares of remnant native Plains Grassy Woodland and corresponds with the nationally significant ecological community, Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland.

The total extent of native vegetation proposed to be impacted by the development of the property is 4.498 hectares, which includes 0.428 hectares of remnant native Plains Grassy Woodland, which corresponds with the nationally significant ecological community, Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland.



Based on the location risk and the extent risk thresholds (DEPI 2013), the proposal falls under the Moderate risk-based pathway (Ecology and Heritage Partners Pty Ltd 2016).

Based on the data gathered by Ecology and Heritage Partners Pty Ltd during the field assessment in September 2016, the removal of native vegetation across the property generates an offset obligation of 0.257 general biodiversity equivalence units (BEUs). No requirement to obtain specific BEUs was generated as part of the proposed removal of native vegetation from the property. General BEUs will be met and secured through the purchase of a 3rd party offset via an Over-The-Counter offset broker or an agreed offset within the East Gippsland Shire Council, and will be separate to any offsets required for matters of NES. Offsets can be readily obtained through an Over-the-Counter offset broker.

1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.

Public consultation was undertaken as part of the initial Planning Permit application. Six objections were received. Since that time there have been several requests to amend the Planning Permit with all but one application being subject to public notice in accordance with Section 52 of the Planning and Environment Act 1987. The two most recent amendments to the Planning Permit were undertaken by the proponent (583/2004/P/C 2016 and 583/2004/P/D 2016). Both applications to amend the Planning Permit were subject to public notice with neither application receiving any objections.

1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.

A Vegetation Assessment was undertaken by Ecology and Heritage Partners Pty Ltd in November 2016, which included an assessment of proposed development Stages 2, 3, 4, 5, 6, 7 and 8 within the property (Ecology and Heritage Partners Pty Ltd 2016). An evaluation of the implications arising from State environmental legislation and policies associated with the proposed development, as well as avoidance measures to minimise potential impacts to ecological values identified within the property boundary was undertaken as part of the Vegetation Assessment (Ecology and Heritage Partners 2016) and detailed above in Section 1.12.

1.15 Is this action part of a staged development (or a component of a larger project)?

Yes

1.15.1 Provide information about the larger action and details of any interdependency between the stages/components and the larger action.

The property is proposed to be redeveloped as a multi-lot residential subdivision, which will be



undertaken in a staged program. It should be noted that all stages of the proposed residential subdivision have been included in this referral for assessment, with the exception of Stages 1 and 9B.

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Currently, Stages 2 through 8 of the development are described as Lot 2 on Plan of Subdivision 729135M, and Stage 9B is described as Lot 10 on Plan of Subdivision 742846B. Stages 2 through 8, and 9B of the development are yet to be completed.

It should be noted that Stage 9B is to be sold, subdivided and developed by another party.

1.16 Is the proposed action related to other actions or proposals in the region?



No



Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

- [Profiles of relevant species/communities](#) (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#);
- [Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

2.1 Is the proposed action likely to impact on the values of any World Heritage properties?

No

2.2 Is the proposed action likely to impact on the values of any National Heritage places?

No

2.3 Is the proposed action likely to impact on the ecological character of a Ramsar wetland?

No

2.4 Is the proposed action likely to impact on the members of any listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat?

Yes

2.4.1 Impact table

Species	Impact
Communities The Protected Matters Search	The development is proposed to impact 0.428



Species	Impact
<p>Tool (PMST) identified three threatened ecological communities that are known to occur or likely to occur within 10 kilometres of the property (Ecology and Heritage Partners Pty Ltd 2016), including: • Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>) Grassy Woodland and Associated Native Grassland; • Natural Damp Grassland of the Victorian Coastal Plains; and, • Subtropical and Temperate Coastal Saltmarsh. One patch of Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>) Grassy Woodland and Associated Native Grassland occurs within the property. This community is listed as Critically Endangered under the EPBC Act. It was assessed as the Ecological Vegetation Class (EVC) Plains Grassy Woodland (EVC 55_61). The presence of the ecological community was confirmed as the patch fulfilled the following criteria for an ecological community: • The patch occurs in the central Gippsland Plain of Victoria; • The patch is dominated by native species (i.e. Gippsland Red Gum) and contains projective foliage cover of native trees of more than five percent; • The patch is larger than 0.2 hectares (patch area = 0.428 hectares) • The tree canopy is dominated by Gippsland Red Gum; and, • More than 50 percent of the perennial ground layer vegetation comprises native vegetation.</p> <p>Flora No EPBC Act-listed flora species were recorded in the study area. The Victorian Biodiversity Atlas (VBA) contains records of three EPBC Act-listed and 50 State significant flora species previously recorded within 10 kilometres of the property (Ecology and Heritage Partners Pty Ltd 2016). The PMST nominated an additional six EPBC Act-listed species which have not been recorded but have the potential to occur in the project locality (Ecology and Heritage Partners Pty Ltd 2016).</p>	<p>hectares of a total area of 0.498 hectares of the Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>) Grassy Woodland and Associated Native Grassland ecological community. This community is characterised by Gippsland Red Gum recruitment, as well as scattered native grasses including Spear Grass <i>Austrostipa</i> spp., Kangaroo Grass <i>Themeda australis</i> and Wallaby Grass <i>Rytidopserma</i> spp. An additional 4.070 hectares of native vegetation, that does not qualify as an EPBC Act-listed ecological community, will also be impacted by the proposed development.</p>
<p>Fauna The VBA contains records of 22 EPBC</p>	<p>Of these species, two (Black Wattle <i>Acacia mearnsii</i> and Common Cotula <i>Cotula australis</i>) are protected under the FFG Act due to their membership of protected groups (the Wattle genus <i>Acacia</i> and the Daisy family <i>Asteraceae</i>), and one (Coast Grey Box) is listed as rare under the Advisory List of Rare or Threatened Plants in Victoria (Ecology and Heritage Partners Pty Ltd 2016). Coast Grey Box has also been recorded within five kilometres of the property (Figure 2). However, other significant species are unlikely to occur within the property due to the highly modified nature of the property, particularly the long history of grazing and degraded understorey.</p> <p>Based on highly modified nature of habitat</p>



Species	Impact
Act-listed, 40 State significant and 15 regionally significant fauna species previously recorded within 10 kilometres of the property (Ecology and Heritage Partners Pty Ltd 2016). The PMST nominates an additional 31 EPBC Act-listed fauna species which have not been recorded in the locality but are considered to have the potential to occur (Ecology and Heritage Partners Pty Ltd 2016).	present within the study area, landscape context, and the proximity of previous records, EPBC Act-listed, and State and regionally significant fauna species are considered unlikely to occur regularly within the property.

2.4.2 Do you consider this impact to be significant?

No

2.5 Is the proposed action likely to impact on the members of any listed migratory species, or their habitat?

No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

2.7 Is the proposed action likely to impact on any part of the environment in the Commonwealth land?

No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No

2.9 Will there be any impact on a water resource related to coal / gas / mining?

No

2.10 Is the proposed action a nuclear action?

No

2.11 Is the proposed action to be taken by the Commonwealth agency?



No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?

No

2.13 Is the proposed action likely to impact on any part of the environment in the Commonwealth marine area?

No



Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

3.1 Describe the flora and fauna relevant to the project area.

Flora

The property supports Plains Grassy Woodland (EVC 55_61), Plains Grassy Wetland (EVC 125), Damp Sands Herb-rich Woodland (EVC 3) and Aquatic Herbland (EVC 653) habitat. Aquatic Herbland and Plains Grassy Wetland habitat are confined to the dam and low lying area located in the north-east and south-east portions of the property, respectively. A single remnant patch of low quality Damp Sands Herb-rich Woodland is located in the south-east corner of the property, while remnant patches of Plains Grassy Woodland are present across the property, with the highest quality patch located in the south-east portion.

Aquatic Herbland habitat is dominated by Water Ribbons *Triglochin* spp., with scattered occurrences of other native species, such as Pondweed *Potamogeton* spp. and Water Starwort *Callitriche* spp. Plains Grassy Wetland is surrounded by fringing Gippsland Red Gums and comprised an understorey of Rush *Juncus* spp. and Common Spike-sedge *Eleocharis acuta*. Damp Sands Herb-rich Woodland habitat is characterised by Coast Grey-box *Eucalyptus bosistoana* and Gippsland Red Gum, with understorey native herbs including Bidgee-widgee *Acaena novae-zelandiae*, Common woodruff *Asperula conferta*, Common Cotula *Cotula australis*, Kidney-weed *Dichondra repens* and Nodding Saltbush. Plains Grassy Woodland habitat contains Gippsland Red Gum and scattered native grasses, including Spear Grass *Austrostipa* spp., Kangaroo Grass *Themeda australis* and Wallaby Grass *Rytidopserma* spp.

Fifty-four (54) flora species (26 indigenous and 28 non-indigenous or introduced) were recorded within the property during the field assessment. Of these species, two (Black Wattle *Acacia mearnsii* and Common Cotula *Cotula australis*) are protected under the FFG Act due to their membership of protected groups (the Wattle genus *Acacia* and the Daisy family *Asteraceae*), and one (Coast Grey Box) is listed as rare under the Advisory List of Rare or Threatened Plants in Victoria (Ecology and Heritage Partners Pty Ltd 2016).

Fauna

Most significant species recorded in the surrounding area are water birds, and have been recorded in the Gippsland Lakes and nearby conservation reserves (Figure 3). Some species are likely to visit the property on occasion or opportunistically whilst en-route to more suitable sites. Fauna observed utilising habitat present onsite included Australian Magpie *Cracticus tibicen*, Welcome Swallow *Petrochelidon neoxena*, Australian Wood Duck *Chenonetta jubata*, Chestnut Teal *Anas castanea*, Straw-necked Ibis *Threskiornis spinicollis*, Red Wattlebird



Anthochaera carunculata, Noisy Miner *Manorina melanocephala*, Eastern Rosella *Platycercus eximius*, Little Corella *Cacatua sanguinea*, Laughing Kookaburra *Dacelo novaeguineae*, Rainbow Lorikeet *Trichoglossus haematodus*, Sulphur-crested Cockatoo *Cacatua galerita* and Galah *Eolophus roseicapilla* and Common Froglet *Crinia signifera*. Based on the modified nature of the property (particularly the degraded understorey) significant fauna species are considered unlikely to occur or reside for long periods within the property.

3.2 Describe the hydrology relevant to the project area (including water flows).

The property is located within the Gippsland Plain bioregion. The Gippsland Plain bioregion typically has a temperate climate, averaging between 500 to 1,100 millimetres of rain per year. A number of rivers provide drainage networks for the bioregion, including the Avon, Bass, Latrobe, Macalister, Mitchell, Tambo, Tarwin, Thompson and Yarra Rivers.

The closest surface water bodies to the property include:

Newlands Backwater associated with Lake Victoria located approximately 300 metre south and 1.1 kilometres east of the property; Lake Victoria located approximately 1.1 kilometres south of the property; Lake King located approximately 1.3 kilometres north of the property; and, Jones Bay located approximately 4.1 kilometres north of the property.

Based on the properties proximity to the Newlands Backwater, which is associated with Lake Victoria, groundwater underlying the property is inferred to flow towards the south.

The property is generally flat. A dam (approximately 0.02 hectares) and a low lying area are present in the north of the property, both of which contained water at the time of the field assessment. The dam and low lying area are connected to a small wetland area that has been constructed outside the property within parkland near the northern boundary.

3.3 Describe the soil and vegetation characteristics relevant to the project area.

The property is located within the Gippsland Plain bioregion. The Gippsland Plain bioregion is typically characterised by flat low-lying coastal and alluvial plains, with undulating terrain dominated by barrier dunes, floodplains and swampy flats. Soil characteristics vary from texture contrast to gradational texture across the bioregion depending on their location within the upper terrain, dunes or floodplains and swamps. Generally, the bioregion is less than 200 metres above sea level, and the coastline includes sandy beaches backed by dunes and cliffs, and shallow inlets with extensive mud and sand flats. In terms of native vegetation, the bioregion typically supports Lowland Forest, Heathy Woodland, Damp Sands Herb-rich Woodland, Swamp Scrub, Plains Grassy Woodland, Plains Grassy Forest, Plains Grassland and Gilgai Wetland ecosystems.

Native vegetation within the property is characterised by Plains Grassy Woodland and Damp Sands Herb-rich Woodland habitat, which were defined by the presence of canopy tree species, including Gippsland Red Gum *Eucalyptus tereticornis* subsp. *mediana* and Coast Grey-box



Eucalyptus bosistoana. The condition of the remnant patches varied according to the presence of large old trees, canopy cover, weed cover, recruitment and the presence of logs.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.

No outstanding natural features were recorded at the property.

3.5 Describe the status of native vegetation relevant to the project area.

Remnant native vegetation in the property is representative of four EVCs: Plains Grassy Woodland (EVC 55_61), Plains Grassy Wetland (EVC 125), Damp Sands Herb-rich Woodland (EVC 3) and Aquatic Herbland (EVC 653). The presence of the Plains Grassy Woodland and Damp Sands Herb-rich Woodland EVCs is generally consistent with the modelled pre-1750s native vegetation mapping (DELWP 2016c). The presence of Plains Grassy Wetland and Aquatic Herbland is likely due to the construction of dams and modification of water flow in the property, creating semi-permanent to permanent waterbodies and damp low-lying areas encouraging these EVCs to persist. The remainder of the property comprises introduced vegetation.

Plains Grassy Woodland

Plains Grassy Woodland is present throughout the property, with the largest patch (habitat zone PGW1) present in the north (Figure 1). The majority of Plains Grassy Woodland patches are defined by the presence of three or more canopy trees (Gippsland Red Gum *Eucalyptus tereticornis* subsp. *mediana*), and are dominated by introduced species in the understorey. The condition of the remnant patches varies according to the presence of large old trees, weed cover, canopy cover, log presence and recruitment.

The highest quality patch, habitat zone PGW3, is located in the east of the property and contains Gippsland Red Gum recruitment as well as scattered native grasses including Spear Grass *Austrostipa* spp., Kangaroo Grass *Themeda australis* and Wallaby Grass *Rytidopserma* spp. This patch is considered to be the grassy woodland form of the Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community, which is listed as Critically Endangered under the EPBC Act.

Other native species present within the Plains Grassy Woodland patches include scattered occurrences of Tall Sundew *Drosera auriculata*, Nodding Saltbush *Einadia nutans* and Tree Violet *Melicytus dentatus* s.l. Introduced species include Cape weed *Arctotheca calendula*, Toowoomba Canary-grass *Phalaris aquatica*, Paspalum *Paspalum dilatatum*, Yorkshire Fog *Holcus lanatus*, Wild Oat *Avena fatua*, Brome *Bromus* spp. and Couch *Cynodon dactylon* var. *dactylon*.



Plains Grassy Wetland

One Plains Grassy Wetland patch is present within the property, and is surrounded by fringing Gippsland Red Gums (Figure 1). Species present include Rush *Juncus* spp. and Common Spike-sedge *Eleocharis acuta*, as well introduced species such as Couch and Ribwort *Plantago lanceolata*.

Aquatic Herbland

One small patch of Aquatic Herbland is present within a dam in the east of the property (Figure 1). The patch is dominated by Water Ribbons *Triglochin* spp., with scattered occurrences of other native species, such as Pondweed *Potamogeton* spp. and Water Starwort *Callitriche* spp.

Damp Sands Herb-rich Woodland

One patch of Damp Sands Herb-rich Woodland is present in the south east of the property (Figure 1), and is dominated by Coast Grey-box *Eucalyptus bosistoana* in the overstorey, as well as scattered Gippsland Red Gum. The understorey contains native herbs, such as Bidgee-widgee *Acaena novae-zelandiae*, Common woodruff *Asperula conferta*, Common Cotula *Cotula australis*, Kidney-weed *Dichondra repens* and Nodding Saltbush.

Scattered Trees

Forty-nine (49) scattered trees occur throughout the property, primarily Gippsland Red Gum, as well as one Manna Gum *Eucalyptus viminalis* and six stags (Figure 1). This includes 17 Very Large Old Trees, 26 Large Old Trees and six Medium/Small trees. These trees would once have been part of the Plains Grassy Woodland EVC, however the understorey vegetation predominantly consists of introduced species (mainly exotic pasture grasses) and the trees no longer form a patch of native vegetation.

Scattered noxious weeds are present throughout the property, including Spear Thistle *Cirsium vulgare*, Boxthorn *Lycium ferocissimum*, African Love-grass *Eragrostis curvula* and Blackberry *Rubus fruticosus* spp. agg.; the latter two of which are also considered Weeds of National Significance (WONS).

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The property is generally flat. A dam and a low lying area are present in the north of the property, both of which contained water at the time of the field assessment.

3.7 Describe the current condition of the environment relevant to the project area.

The property comprises a mixture of remnant native vegetation, scattered trees and highly degraded areas. The property is located within a highly urbanised landscape, with extensive



residential development to the north, east and south, and agricultural land uses to the west. Remnant native vegetation within the property is generally considered to be low quality and isolated, with no continuity between onsite and offset patches of vegetation on surrounding undeveloped land. Within the property, weed cover ranges from moderate to high. High threat weeds are scattered throughout the property and include Spear Thistle *Cirsium vulgare*, Boxthorn *Lycium ferocissimum*, African Love-grass *Eragrostis curvula* and Blackberry *Rubus fruticosus* spp. agg. (Ecology and Heritage Partners Pty Ltd 2016).

3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.

The PMST did not identify any National Heritage Places under Matter of National Environmental Significance or Commonwealth Heritage Places within 10 kilometres of the property (Ecology and Heritage Partners Pty Ltd 2016).

It is considered unlikely that any other heritage values are present at the property due to a history of disturbance (i.e. grazing activities).

3.9 Describe any Indigenous heritage values relevant to the project area.

The proposed multi-lot residential development was initially approved prior to the introduction of provisions of the Aboriginal Heritage Act 2006. Subsequent amendments to the Planning Permit and residential development that have since been approved have not triggered any further requirement to undertake a cultural heritage assessment. A portion of the south-west corner of the property is contained within an area of cultural heritage sensitivity, based on the location of the property within 200 metres of a named waterway. Land located between the named waterway and the south-west corner of the property has been subject to residential development.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.

Freehold. The property is owned by Paynesville Park Pty Ltd.

3.11 Describe any existing or any proposed uses relevant to the project area.

The property currently comprises undeveloped vacant land that was historically utilised for agricultural activities, including grazing. The property is proposed to be redeveloped as a multi-lot residential development.



Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

The proposed action will result in the loss of 0.428 hectares of Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community, which covers 0.498 hectares of the property. An additional 4.070 hectares of native vegetation, that does not qualify as an EPBC Act-listed ecological community, will also be impacted by the proposed development. Therefore, mitigation measures will be implemented to ensure protection of ecological values identified within the broader property during construction. The following impact avoidance measures will be undertaken during construction:

Minimise impacts to native vegetation and habitats through construction and micro-siting technique; Where the impact area is located within 20 meters of a remnant native vegetation patches, the retained vegetation will be adequately fenced to restrict machinery access and inadvertent disturbance to the patches; Signage will be installed on fences protecting the retained vegetation that states that areas beyond the fencing are designated 'no go' areas and access is prohibited; Physical disturbance to ecological values (i.e. remnant native vegetation patches), including excavation and placement of spoil will not occur outside of the demarcated impact areas; All contractors will be made aware of ecologically sensitive areas to ensure inadvertent disturbance to these areas doesn't occur. The extent of remnant native vegetation patches and scattered trees will be shown in all construction plans provided by contractors; Tree Retention Zones (TRZs) will be implemented to prevent indirect losses of native vegetation during construction activities. Moreover, the planning permit stipulates that "*The minimum area around all native trees to be retained must be at least twice the diameter of the canopy where possible, and managed to enable natural regeneration or supplementary revegetation planting with locally indigenous species of suitable provenance*"; The planning permit stipulates that "*within the area of native vegetation to be retained and any TRZ associated with the permitted development, the following is prohibited: - Any vehicle or pedestrian access, trenching or soil excavation and- Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products and- Entry or exit pits for underground services and - Any other actions or activities that may result in adverse impacts to retained native vegetation.*" Removal of any habitat trees or shrubs (particularly hollow-bearing trees) will be undertaken between February and September to avoid the breeding season for the majority of fauna species. If any habitat trees or shrubs are proposed to be removed, this will be undertaken under the supervision of an



appropriately qualified zoologist to salvage and translocate any displaced fauna; Where possible, construction stockpiles, machinery, roads, and other infrastructure will be placed away from areas supporting native vegetation, large old trees (LOTs) and/or wetlands; and, Best practice sedimentation and pollution control measures will be undertaken at all times to prevent offsite impacts to waterways and wetlands.

A Construction Environmental Management Plan (CEMP) will be prepared and include specific actions that expand on the points provided above to ensure areas of ecological value within the property are avoided.

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

The proposed action will result in the loss of 0.428 hectares from a 0.498 patch of Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community. Should the action be considered a controlled action, the proponent will source a suitable offset in accordance with the EPBC Offset Policy to compensate for the loss of the community. The loss of all native vegetation (including non-listed communities) will be offset in accordance with Victoria's Permitted clearing of native vegetation: biodiversity assessment guidelines (DEPI 2013).



Section 5 – Conclusion on the likelihood of significant impacts

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

5.1.1 World Heritage Properties

No

5.1.2 National Heritage Places

No

5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)

No

5.1.4 Listed threatened species or any threatened ecological community

No

5.1.5 Listed migratory species

No

5.1.6 Commonwealth marine environment

No

5.1.7 Protection of the environment from actions involving Commonwealth land

No

5.1.8 Great Barrier Reef Marine Park

No

5.1.9 A water resource, in relation to coal/gas/mining

No



5.1.10 Protection of the environment from nuclear actions

No

5.1.11 Protection of the environment from Commonwealth actions

No

5.1.12 Commonwealth Heritage places overseas

No

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.

The loss of 0.428 hectares of Gippsland Red Gum Grassy Woodland and Associated Native Grassland community, which covers 0.498 hectares of the property, partially fulfils the significant impact criteria, 'reduce the extent of an ecology community', in accordance with the EPBC Act Policy Statement 1.1 Significant Impact Guidelines (DoE 2013). However, the proposed action is not considered to constitute a significant impact, based on the following:

The Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community occupies a limited range or area; The Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community is isolated from other remnant native patches, does not form a contiguous patch of native vegetation, and is located within a broader urbanised landscape; The remnant patch of native vegetation is considered to qualify as a Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community, but is a modified example, and consists of a relatively low floristic diversity; The remnant patch of native vegetation is considered to qualify as a Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community, based on perennial groundcover vegetation. Due to ongoing threats from introduced species (particularly pasture grasses), including noxious weeds and Weeds of National Significance, the quality of perennial groundcover vegetation is anticipated to degrade over time. Therefore, the patch is considered to have poor long-term viability and in the future will likely no longer qualify as a Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community; and, The Gippsland Red Gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community is unlikely to support any threatened flora or fauna species associated with this community.

The proposed action is considered unlikely to have any significant impact on a matter of NES.



Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

The party undertaking the action has no previous records of breaching any environmental management requirements or standards.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.

Not applicable.

6.3 Will the action be taken in accordance with the corporation's environmental policy and planning framework?

Yes

6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.

Paynesville Park Pty Ltd does not have a formalised environmental policy. However, Paynesville Park Pty Ltd is a responsible organisation that will comply with relevant local, State and Commonwealth environmental legislation and guidelines throughout the duration of the residential development.

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

No



Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
No other relevant ecological or environmental reports have been referenced as part of this EPBC Act referral application, beyond the Biodiversity Assessment report completed by Ecology and Heritage Partners Pty Ltd.	NA	NA



Section 8 – Proposed alternatives

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

8.0 Provide a description of the feasible alternative?

Alternative locations are not available to the proponent and are, therefore, not considered. Alternative timeframes have not been considered as they would act only to postpone the proposed residential development.

8.1 Select the relevant alternatives related to your proposed action.

8.27 Do you have another alternative?

No



Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

9.2 Organisation

9.2.1 Job Title

Director

9.2.2 First Name

Michael

9.2.3 Last Name

Sadler

9.2.4 E-mail

mjs@crowthersadler.com.au

9.2.5 Postal Address

1/29 Access Way
Carrum Downs VIC 3201
Australia

9.2.6 ABN/ACN

ABN

66452290567 - The Trustee for Paynesville Park Unit Trust

9.2.7 Organisation Telephone

0400534804



9.2.8 Organisation E-mail

mjs@crowthersadler.com.au

9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

Not applicable

Small Business Declaration

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature:..... Date:

9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations

No

9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

Declaration

I, MICHAEL SADLER, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature: [Signature] Date: 21/3/2017

I, MICHAEL SADLER, the person proposing the action, consent to the designation of _____ as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature: [Signature] Date: 21/3/2017

9.3 Is the Proposed Designated Proponent an Organisation or Individual?



Organisation

9.5 Organisation

9.5.1 Job Title

Director

9.5.2 First Name

Michael

9.5.3 Last Name

Sadler

9.5.4 E-mail

mjs@crowthersadler.com.au

9.5.5 Postal Address

1/29 Access Way
Carrum Downs VIC 3201
Australia

9.5.6 ABN/ACN

ABN

66452290567 - The Trustee for Paynesville Park Unit Trust

9.5.7 Organisation Telephone

0400534804

9.5.8 Organisation E-mail

mjs@crowthersadler.com.au

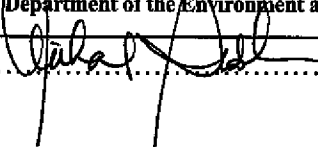
Declaration

I, MICHAEL SADLER, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.



Australian Government
Department of the Environment and Energy

Submission #2087 - Proposed Multi-lot Residential
Subdivision, 75 Paynesville Road and 114 Newlands
Drive, Paynesville, Victoria

Signature:  Date: 21/3/2017

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Senior Botanist

9.8.2 First Name

Tom

9.8.3 Last Name

Wright

9.8.4 E-mail

twright@ehpartners.com.au

9.8.5 Postal Address

292 Mount Alexander Road
Travancore VIC 3032
Australia

9.8.6 ABN/ACN

ABN

65685233760 - The trustee for The EP Unit Trust

9.8.7 Organisation Telephone

(03) 9377 0100

9.8.8 Organisation E-mail

enquire@ehpartners.com.au

Declaration



I, THOMAS WRIGHT, I declare that to the best of my knowledge the
information I have given on, or attached to this EPBC Act Referral is complete, current and
correct. I understand that giving false or misleading information is a serious offence.

Signature: Thomas Wright Date: 21/03/2017



Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 16616_endorsed_staging_plan_23-12-16.pdf
2. 16616_amended_permit_d_23-12-16.pdf
3. 8512_ehp_paynesvillepark_eaglepoint_vegassess_10112016.pdf
4. bior_report_ehp8512_paynesville_04112016.pdf
5. 8880_pmst.pdf
6. 8880_fig01_ecolfeat_p.pdf
7. 8880_fig02_sigflora.pdf
8. 8880_fig03_sigfauna.pdf
9. paynesville_park_unit_trust_deed.pdf