



## Notification of approval decision

### Shearwater - Paynesville Residential Development, 10 Fullarton Drive, Paynesville, Victoria (EPBC 2023/09592)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

#### Approved Action

<b>person to whom the approval is granted (approval holder)</b>	Paynesville Armstrong Pty Ltd ACN 657 324 073
<b>Action</b>	To develop 10.702 ha of land for a 59-lot residential subdivision, including the development of roads, services and a 3.32 ha reserve which will house stormwater treatment wetlands and swales, at 10 Fullarton Drive, Paynesville, Victoria. See EPBC Act referral 2023/09592

#### Approval decision

<b>decision</b>	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	<b>Controlling Provision</b>	<b>Decision</b>
	Wetlands of international importance (section 16 and section 17B)	Approved
	Listed migratory species (section 20 and section 20A)	Approved
<b>period for which the approval has effect</b>	This approval has effect until 31 December 2050.	
<b>conditions of approval</b>	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

#### Person authorised to make decision

<b>name and position</b>	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
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signature



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date of decision

19 December 2025

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## Annexure A

**Note:** Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

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### Part A – Avoidance, mitigation, and compensation conditions

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#### CLEARING LIMITS

- 1) The approval holder must not:
  - a) **Clear** outside of the **Action area**.
  - b) **Construct** outside of the **Action area**.
- 2) The approval holder must not **clear** more than:
  - a) 1.216 hectares of **Latham’s snipe habitat**.
- 3) If the approval holder detects the presence, where likely to be affected by the Action, of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department** as part of the referral of this Action or in accordance with this condition, the approval holder must:
  - a) notify the **department** in writing of the presence and likely extent of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department** within **10 business days** of detecting the presence of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department**, and not **clear** any area where the **protected matter** or the habitat of the **protected matter** is located unless:
    - i) condition 2 provides for the **clearing** of that **protected matter** or habitat of that **protected matter**, and
    - ii) **clearing** does not exceed the limit specified in condition 2 for that **protected matter** or habitat of that **protected matter**.
- 4) The approval holder must comply with all conditions of any approval related to this Action issued by the Victorian Minister for Environment under the *Flora and Fauna Guarantee Act 1988* (Vic) to the extent that they relate to **protected matters**.

## PRE-CLEARING AND CONSTRUCTION SURVEYS

- 5) The approval holder must not **commence the Action** until a **suitably qualified field ecologist** has determined that **Latham's snipe** have migrated for the season and that no **Latham's snipe** remain present in the **Action area**.
- 6) The approval holder must not **commence the Action** until a **baseline condition survey** has been undertaken by a **suitably qualified field ecologist** in accordance with the **Offset Management Plan (OMP)** (section 3.3 and Table 5).

## NO GO ZONES (NGZs)

- 7) To prevent inadvertent **harm** to all native vegetation to be retained, prior to the commencement of any **clearing** or **construction** within the **Action area**, the approval holder must have a **suitably qualified field ecologist** clearly demarcate all **NGZ** around all native vegetation to be retained.
- 8) The approval holder must maintain the integrity of all **NGZs** at all times until the **completion of the Action**.
- 9) The approval holder must ensure that no **clearing, construction**, vehicle movement or parking, or placement of construction-related materials occurs within any **NGZ**.

## ACTION MANAGEMENT PLANS

### Construction Environmental Management Plan (CEMP)

- 10) To avoid and mitigate **harm** as a result of the Action on **Gippsland Lakes Ramsar site** or **Latham's snipe**, the approval holder must, prior to commencement of the Action, develop a Construction Environmental Management Plan (CEMP). The approval holder must commence implementing the CEMP no later than the **commencement of the Action** and continue to implement the CEMP until the **completion of the Action**. The CEMP must be published on Resi Ventures website until the **completion of the action**.
- 11) The CEMP must include measures to address direct and indirect impacts on MNES and the avoidance and mitigation measures to be implemented, including monitoring programs, weekly **Action area** checks, incident management procedures, corrective action reporting and contingency planning.
- 12) The CEMP must not be inconsistent with:
  - a) EPA Publication 1739.1 (2021). Urban Stormwater management guidelines, Table 1 Quantitative performance objectives for urban stormwater([Urban stormwater management guidance | epa.vic.gov.au](https://www.epa.vic.gov.au/urban-stormwater-management-guidance))
  - b) EPA Publication 1834.2 (2025). Civil construction, building and demolition guide, Chapter 5 Erosion, sediment and dust. [Civil construction, building and demolition guide | epa.vic.gov.au](https://www.epa.vic.gov.au/civil-construction-building-and-demolition-guide)
  - c) **Environmental Management Plan Guidelines**

- 13) The approval holder must avoid and mitigate impacts to water quality in the **Gippsland Lakes Ramsar site**, and any **EPBC Act** listed migratory species that inhabit the **Gippsland Lakes Ramsar site** during **construction** of the stormwater system by implementing best practice management for sediment and erosion controls and stormwater quality management including, but not limited to, the following:
- a) Install a barrier impermeable to sediment fixed to boundary fencing to prevent sediment from the **Action area** flowing to the **Gippsland Lakes Ramsar site**,
  - b) Conduct weekly **Action area** checks adjacent to the **Gippsland Lakes Ramsar site** to monitor for sediment runoff and implement **incident** management procedures and corrective actions:
    - i) monitoring must be undertaken at least weekly and each day for three days immediately following any heavy rain event (>20mm in 24 hrs)
  - c) Not store or dump any soils, materials, equipment, vehicles, machinery or waste products within 30m of the **Gippsland Lakes Ramsar site**.

#### **Operational Environmental Management Plan (OEMP)**

- 14) Prior to commencement of the **operation** of the stormwater management infrastructure the approval holder must, submit an Operational Environmental Management Plan (OEMP) to the **Minister**. The approval holder must not commence **operation** until the OEMP is approved in writing by the **Minister**. The OEMP must include specific measures for the protection of **Latham's snipe** within the **offset site** and **Gippsland Lakes Ramsar site** and be implemented at least until the expiry of this approval, and must:
- a) Be consistent with:
    - i) the **Environmental Management Plan Guidelines**,
    - ii) Conservation Advice for *Gallinago hardwickii* (**Latham's snipe**) or subsequent guidance listed on **SPRAT**
  - b) Include a comprehensive ecological evaluation monitoring program, to be developed and implemented by a **suitably qualified field ecologist** specifically for **Latham's snipe** presence and use at the offset site in years 1, 3, 6 and 9 to assess the success of the offset site in establishing functional **Latham's snipe** habitat,
  - c) Include a water quality monitoring program to be developed and implemented by a **suitably qualified person** to ensure no adverse impacts to the **Gippsland Lakes Ramsar site**. The water quality monitoring program must include:
    - i) an initial assessment at a control site(s) to be undertaken within one month prior to commencement of **operations**,
    - ii) an initial assessment of baseline conditions in the area adjacent to the **Action area** to be undertaken within one month prior to commencement of **operations**,

- iii) assessment of **local performance indicators** (Attachment B – Lake King) every four months for at least two years post-commencement of **operations**,
  - iv) trigger values for corrective measures,
  - v) proposed corrective measures if trigger values are reached or exceeded,
  - vi) reporting of monitoring outcomes in the annual **compliance report** and
  - vii) a requirement for samples to be tested at a **NATA accredited laboratory**.
- d) Water quality monitoring must be conducted, both at the control site(s) and at areas adjacent to the **Action area**, post-commencement of **operation** to demonstrate if water quality has returned/remained at baseline conditions and/or if **local performance indicators** have been exceeded. If **local performance indicators** exceed baseline conditions the approval holder must:
- i) Implement the corrective measures,
  - ii) Continue monitoring for a further two years (every four months),
  - iii) Repeat until water quality has returned to baseline conditions.
- e) The water quality monitoring program must be consistent with:
- i) ANZECC & ARMCANZ (2000) water quality monitoring guidelines  
<https://www.waterquality.gov.au/sites/default/files/documents/anzecc-armcanz-monitoring-reporting.pdf>
- 15) The CEMP and OEMP must be **SMART** and based on referenced or included evidence of effectiveness. The CEMP and OEMP must include:
- a) Details of the relevant protected matters and a reference to **EPBC Act** approval conditions to which the plan refers,
  - b) A table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
  - c) Commitments capable of ensuring that the environmental outcomes are achieved,
  - d) Reporting and review mechanisms to demonstrate compliance with the commitments made in the plan,
  - e) An assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
  - f) Impact avoidance, mitigation and/or repair measures, and the timing of those measures,
  - g) References to other relevant plans or conditions of approval (including state approval conditions).

## OFFSETS

- 16) The approval holder must not commence the **operation** unless the **offset site** has been **legally secured**.
- 17) Within 20 **business days** of the **offset site** being **legally secured**, the approval holder must provide to the **department**:
- a) A copy of s69 agreement under the *Conservation Forests and Lands Act 1987* with **DEECA** or other enduring protection mechanism agreed to in writing by the **department** for the **offset site**, and
  - b) A **shapefile** of the **offset site**.
- 18) The approval holder must ensure the entire **offset site** is enclosed by temporary fencing during **construction** in accordance with the **OMP** (section 3.4 *Fencing* and section 3.5 - Table 5: *Fencing and access management*) and **EMP** (section 2.3 *Construction zone fencing of the proposed onsite offset area*). The approval holder must not reach **settlement** of any lot created by this Action unless the entire **offset site** has been enclosed by permanent fencing.
- 19) The approval holder must ensure that an **independent, suitably qualified field ecologist** undertakes monitoring of the **habitat quality**, and presence and numbers of weeds, pest animals and **Latham's snipe** in the **offset site** (at least every six months) as specified in the **OMP**.
- 20) **Habitat quality** monitoring surveys must be conducted during the appropriate seasonal window, include photo points and document vegetation condition in accordance with the **OMP**. Surveys must be carried out in accordance with the *Vegetation Quality Assessment Manual – Guidelines for applying the habitat hectares scoring method*, Victorian Government Department of Sustainability and Environment 2004 or subsequent version as proposed in the **OMP**.
- 21) The approval holder must ensure that targeted assessments to monitor the **offset outcomes** specific to **Latham's snipe** are undertaken as specified in the **OMP** and are:
- a) Not inconsistent with the *Wildlife Conservation Plan for Migratory Shorebirds* (chapter 8 Threats and 9 Actions to achieve the specific objectives) (Commonwealth of Australia 2015),
  - b) Not inconsistent with the *EPBC Act Policy Statement 3.21 – Industry Guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species* (Commonwealth of Australia 2017), and
- 22) To compensate for the residual significant impacts of the Action on **Latham's snipe** the approval holder must commence implementing the **OMP** no later than the **commencement of the Action** and continue to implement the **OMP** at least until the end of **year 10**.
- 23) The approval holder must include in each annual **compliance report** the results of the monitoring undertaken to achieve the long-term **performance indicators** outlined in Table 5 of the **OMP** or adaptive management measures taken.

- 24) The approval holder must achieve all **offset outcomes** by the end of **year 10**. This is to be assessed against the **habitat quality** values in Tables 10 and 11 of the **Preliminary Documentation** for the baseline assessment. Once achieved, the approval holder must maintain, or exceed, the **offset outcomes** at least until the expiry of this permit.
- 25) The approval holder must, within 40 **business days** following the end of **Year 10**:
- Submit a report to the **department** prepared by an **independent, suitably qualified field ecologist** that details the outcomes of the assessment conducted in accordance with conditions 19 and 24 of this approval and includes a determination made by the **independent, suitably qualified field ecologist**, as to whether each of the **offset outcomes** have been achieved.
  - Notify the **department** in writing of any **offset outcomes** that have not been achieved at the **offset sites** and the likely reasons why any **offset outcomes** have not been met.
- 26) The approval holder must ensure any vegetation or enhancement planting in the **offset site** uses species suitable for **foraging habitat** or **roosting habitat** for **Latham's snipe** and is:
- Not inconsistent with National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds (*Appendix H – Migratory Shorebirds, Table 11 Light management actions specific to migratory shorebirds*) to ensure plantings consider light impacts (DCCEEW, 2023).
- 27) The approval holder must not relinquish or transfer ownership of the **offset site** unless the **Minister** has approved in writing the proposed relinquishment or transfer and the entity to assume responsibility for the **offset site**. In seeking the **Minister's** approval of a proposed transfer, the approval holder must submit to the **department**:
- A written report certified by a **suitably qualified field ecologist** providing evidence that the **offset site** has been created and is functioning as **Latham's snipe** habitat supported by monitoring results in accordance with the requirements of conditions 19 and 21,
  - Detailed evidence that the entity to assume responsibility for the **Latham's snipe offset site** has committed to accept responsibility for the **offset site** and continue to implement the OEMP at least until the expiry date of this approval,
  - Detailed evidence that the entity to assume responsibility for the **offset site** is capable of implementing the OEMP for the foreseeable future.

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## Part B – Administrative conditions

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### PLAN REVISION

**Note:** Section 143A of the **EPBC Act** entitles the approval holder to apply for the **Minister's** approval of a revised version of a **plan**.

- 28) The approval holder may choose to revise a **plan** required to be implemented under conditions 10-13 without submitting it for approval under section 143A of the **EPBC Act**, if:
- a) the taking of the Action in accordance with the revised **plan** would be consistent with the approved Action,
  - b) the taking of the Action in accordance with the revised **plan** would be consistent with the conditions attached to this approval,
  - c) the taking of the Action in accordance with the revised **plan** would not be likely to have a **new or increased impact**, and
  - d) the approval holder notifies the **department** electronically that it has prepared a revised version of the **plan** (the 'revised **plan**'). In notifying the **department**, the approval holder must specify each condition which references the **plan** and provide the **department** with:
    - i) an electronic copy of the revised **plan**,
    - ii) an electronic copy of the revised **plan** marked up with track changes to show the differences between the **plan** and the revised **plan**,
    - iii) a comprehensive explanation of all differences between the **plan** and the revised **plan**,
    - iv) a declaration that the approval holder has read and understands the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals, Commonwealth of Australia 2017*,
    - v) a comprehensive analysis and detailed discussion on the likelihood that taking the Action in accordance with the revised plan will not have, or will be not likely to have, a **new or increased impact**,
    - vi) written notice of the date on which the approval holder will implement the revised **plan** (the 'revised **plan** implementation date'), being at least 30 **business days** after the date of providing notice of the revision of the **plan**, or a date agreed to in writing with the **department**, and
    - vii) a copy of the **compliance report** for the latest **ACR period** and a statement of any relevant history of compliance (including non-compliance) in relation to the **plan**.

The approval holder must commence implementation of the revised **plan** from the revised **plan** implementation date unless otherwise notified in writing by the **Minister**.

- 29) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with a **plan** which has been revised without submitting it for the **Minister's** approval would be likely to have a **new or increased impact**, then:
- a) the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply, or ceases to apply, in relation to the revised **plan**,

- b) the approval holder must implement the **plan** in force immediately prior to that revised **plan** or a version of the **plan** specified by the **Minister** in the notice, and
  - c) the **Minister** may also notify that, for a specified period, the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply for one or more specified **plans**.
- 30) The approval holder may, at any time by giving written notice to the **department**, revoke its choice to implement a **plan** which has been revised without submitting it for the **Minister's** approval. If the approval holder revokes the choice to implement a revised **plan**, the approval holder must implement the plan in force immediately prior to that revised **plan**.

**Note:** The above conditions are not intended to limit the operation of section 143A of the **EPBC Act**.

### **SUBMISSION AND PUBLICATION OF PLANS**

- 31) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 32) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
- a) of this approval, if the version of the **plan** to be implemented is specified in these conditions,
  - b) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**,
- 33) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 34) The approval holder is required to exclude or redact sensitive **biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If sensitive **biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

### **COMMENCEMENT OF THE ACTION**

- 35) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 36) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.
- 37) The approval holder must notify the **department** electronically of the date of commencement of implementation of the **OMP** within 5 **business days** following commencement of implementation of the **OMP**.

## COMPLIANCE RECORDS

- 38) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 39) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

**Note: Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 40) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 41) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 42) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 business days of the next anniversary of the date of this approval decision.

## ANNUAL COMPLIANCE REPORTING

- 43) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 44) The approval holder must ensure each **compliance report** includes:
- a) accurate and complete details of compliance and any non-compliance with each condition attached to this approval decision, and
  - b) if any **incident** occurred, accurate and complete details of each **incident**.
- 45) The approval holder must ensure each **compliance report** is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 46) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
  - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.

- 47) The approval holder must:
- a) Exclude or redact sensitive **biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
  - b) If sensitive **biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
  - c) If sensitive **biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 48) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 49) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

**Note:** **Compliance reports** may be published on the **department's** website.

## REPORTING NON-COMPLIANCE

- 50) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition which has not been, or may have not been, complied with,
  - b) a short description of the **incident**, and
  - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 51) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
  - b) the potential impacts of the **incident**,
  - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and

- d) any variation of these conditions that will be required to prevent recurrence of the **incident** and/or to address its consequences.

## INDEPENDENT AUDIT

- 52) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 53) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 54) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval.
- 55) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 56) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 57) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.
- 58) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 59) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 60) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

## COMPLETION OF THE ACTION

- 61) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 62) The approval holder must notify the **department** electronically at least 60, but not more than 70, **business days** prior to the expiry date of this approval, that the approval is due to expire.

**Note:** Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

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## Part C – Definitions

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Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

**Action area** means the location of the Action, represented in Attachment A by the red line designated ‘Study area’ and yellow dashed line designated ‘Offset area’.

**Annual Compliance Report period** or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

**Audit period** means each subsequent three year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

**Audit report** means a written report of an **independent audit**.

**Baseline condition survey** means the survey completed by a **suitably qualified field ecologist** prior to commencement of the Action at the offset site as specified in the **OMP**.

**Biodiversity data** means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

**Business day(s)** means a day that is not a Saturday, a Sunday, or a public holiday in Victoria.

**Clear, cleared** or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

**Commence the Action** or **commences the Action** means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs,
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**,
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks,
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

**Commencement of the Action** means the date on which the approval holder **commences the Action**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

**Completion of the Action** means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

**Compliance report** means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

**Construction or construct** means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.
- **Construction** does not include the installation of temporary fences or signage.

**DEECA** means the Department of Energy, the Environment and Climate Action or subsequent state department responsible for administering Victorian government environmental legislation.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**East Gippsland Shire Council (or EGSC)** means the local governing body responsible for providing services, infrastructure and leadership to the East Gippsland region in eastern Victoria.

**Environmental Management Plan or EMP** means the document *Shearwater - Paynesville Residential Development, Environmental Management Plan (EPBC 2023/09592)*, Report No. 23077.04 (3.10), Nature Advisory, October 2025 or the latest subsequent version revised in accordance with these conditions.

**Environmental Management Plan Guidelines** means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Foraging habitat** means habitat critical for **Latham’s snipe** within the Action area planted in accordance with the **OMP** (Appendix 1. Wetland revegetation guide and list of potential flora species for use in the revegetation works for the offset site). Within the Action area the location of newly planted foraging habitat is shown at Attachment A by the light green zones designated ‘Proposed foraging habitat’.

**Gippsland Lakes Ramsar site** means the Gippsland Lakes Ramsar site designated to be of international importance under the Ramsar Convention, an international treaty for wetland conservation and listed under the EPBC Act.

**Habitat quality** means how well a particular site supports a particular threatened species for its ongoing viability. It is assessed through three main components: the site condition, the site context and the species stocking rate (Commonwealth of Australia 2012 *EPBC Act Offset assessment guide*).

**Harm** means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

**Incident** means any:

- event which has the potential to, or does, harm any protected matter,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a plan, and/or
- actual non-compliance with one or more commitment made in a plan.

**Independent** means a person, or firm, who does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder’s staff, representatives, or associated persons.

**Independent audit** means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

**Independent Audit and Audit Report Guidelines** means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

**Independent auditor** means a person, or firm, who:

- does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder’s staff, representatives, or associated persons,

- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

\*Other than for the purpose of undertaking the role for which the person, or firm, is required.

**Latham’s snipe** means the EPBC Act listed threatened species *Gallinago hardwickii*.

**Latham’s snipe habitat** means areas that could provide habitat critical for the species activities such as foraging and roosting habitat as recognised under the EPBC Act as ‘important habitat’.

**Legally secure** means to provide enduring conservation protection on the title of land under s69 *Conservation, Forests and Lands Act 1987 (Vic)* with **East Gippsland Shire Council** or another enduring protection mechanism agreed to in writing by the **department**, to provide protection for the site against development incompatible with conservation into perpetuity.

**Local performance indicators** mean the EPA Environment Reference Standard water quality indicator values for Lake King ([Attachment B](#)).

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval, including sensitive **biodiversity data**.

**NATA accredited laboratory** means National Association of Testing Authorities accredited laboratory.

**No go zones (or NGZs)** means the areas represented in [Attachment A](#) by the zones hatched with black lines designated ‘Native vegetation no go zone’.

**Offset Management Plan or OMP** means the document titled *Shearwater Paynesville Residential Development, Offset Management Plan (EPBC 2023/09592)*, Report No. 23077.04 (2.10), Nature Advisory, October 2025 or the latest subsequent version approved in writing by the **Minister**.

**Offset outcomes** means the values from the **Preliminary Documentation** for:

- a) ‘Future Area and Quality with Offset’ (scale 1 to 10) and justification in the ‘Value’ and ‘Information source’ columns respectively in Table 10: Offset Assessment Steps, Values and Information Sources at section ‘6.2 Latham’s Snipe Offset Strategy’, and
- b) ‘Final Offset Site Habitat Score’ (scale 1 to 10) in Table 11: Comparison of habitat quality – condition, context and stocking rate of the original habitat and the proposed offset site.
- c) Permanent fencing around the offset site prevents public access.
- d) Have a weed density of  $\leq 10\%$  by year 5 and maintained thereafter.

**Offset site** means the 3.32 hectare area at 10 Fullarton Drive, Paynesville, Victoria represented in Attachment A by the zone enclosed by the yellow dashed line designated 'Offset area'.

**Operation** means to enable water to flow through the stormwater management system constructed as part of the Action.

**Performance indicators** mean the long-term management actions and objectives outlined in Table 5 of the **OMP**.

**Plan** means any action management plan or strategy that the approval holder is required by these conditions to implement.

**Preliminary documentation** means *Shearwater – Paynesville Residential Development, EPBC Act Preliminary Documentation* (EPBC 2023/09592), Report No 23077.04 (1.15), Nature Advisory, October 2025.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Roosting habitat** means habitat critical for **Latham's snipe** within the Action area. Within the Action area the location of roosting habitat to be planted is shown at Attachment A by the lime green zone designated 'Proposed roosting habitat' and existing habitat to be retained by the dark green zone designated 'Existing roosting habitat'.

**Settlement** means the date which the new landowner(s) becomes the registered owner and takes possession of the property (unless otherwise arranged).

**Shapefile** means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**SMART** means specific, measurable, achievable, relevant and time bound.

**SPRAT** means the Species Profile and Threats (SPRAT) database on the department website designed to provide information about species and ecological communities listed under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Suitably qualified field ecologist** (for the purpose of undertaking environmental surveys) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for **Gippsland Lakes Ramsar site** water testing and **Latham's snipe** and can give an authoritative assessment and advice on the impacts to the wetland ecological value or the presence of **Latham's snipe** using relevant protocols, standards, methods and/or literature.

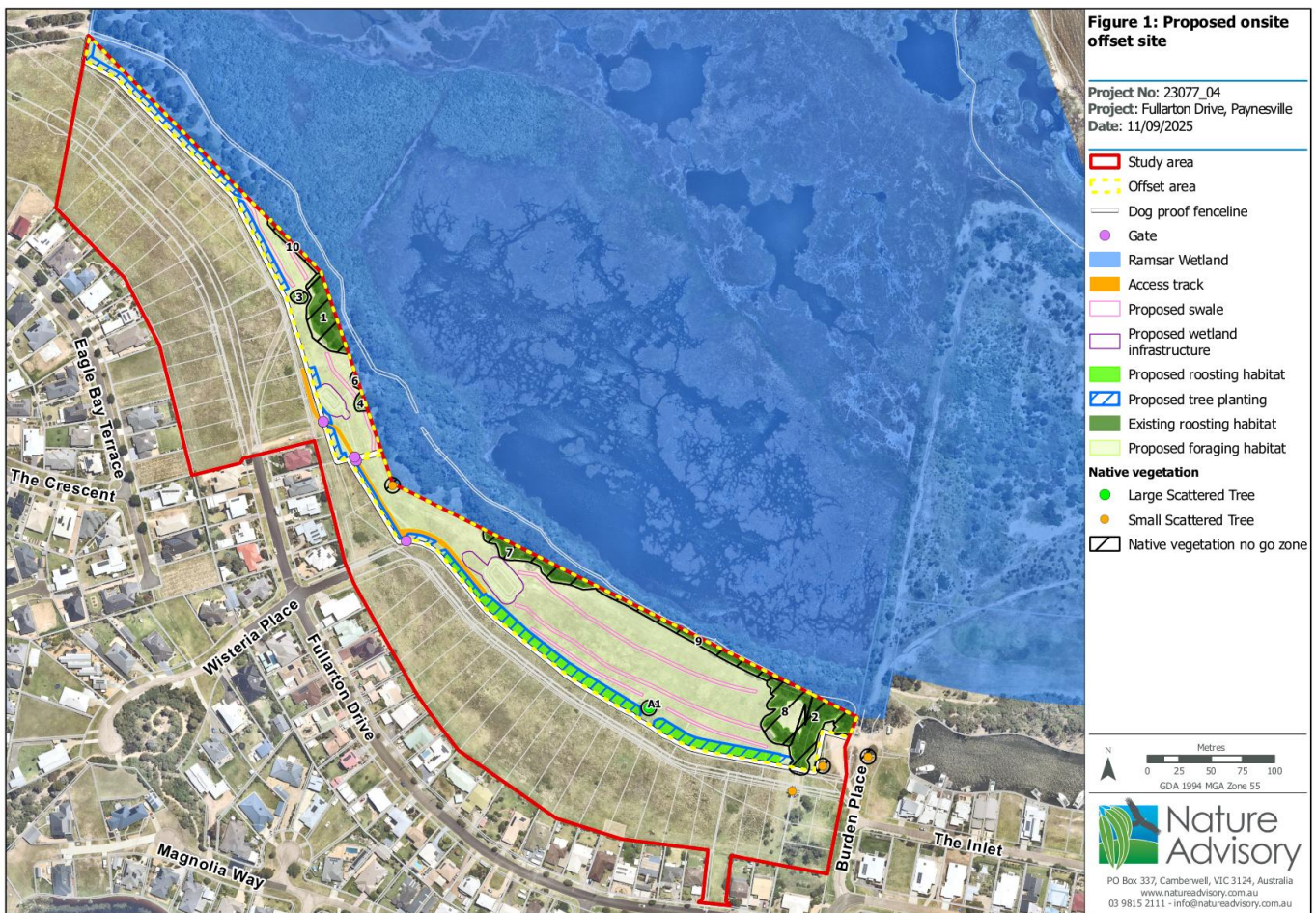
**Suitably qualified person** (for the purpose of undertaking environmental water testing) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing water quality monitoring surveys and can give an authoritative assessment and advice on the monitored **local performance indicators** on the Gippsland Lakes Ramsar site using relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

**Year 10** means the tenth year from the date the offset site is **legally secured**.

## Attachments

The attachments used to support this decision notice are set out below.



- A: Proposed Action area to allow the creation of 59 allotments and associated infrastructure at 10 Fullarton Drive, Paynesville, Victoria.
- B: EPA Environment Reference Standard (ERS) water quality indicators and objectives for Gippsland Lakes (Lake King subsegment)

Table 5.16: Gippsland Lakes—Indicators and objectives

SUBSEGMENT	Surface / Bottom	INDICATORS												
		Total phosphorus (µg/L)	Total nitrogen (µg/L)	Dissolved oxygen (% saturation)	Chl-a (µg/L)	Dissolved inorganic phosphorus (µg/L)	Dissolved inorganic nitrogen (µg/L)	TSS (mg/L)	Salinity (PSU)		Light attenuation (m <sup>-1</sup> )	pH	Toxicants in water	Toxicants in sediment
		75 <sup>th</sup> percentile	75 <sup>th</sup> percentile	25 <sup>th</sup> percentile - max	75 <sup>th</sup> percentile	75 <sup>th</sup> percentile	75 <sup>th</sup> percentile	75 <sup>th</sup> percentile	25 <sup>th</sup> percentile	75 <sup>th</sup> percentile	75 <sup>th</sup> percentile	25 <sup>th</sup> - 75 <sup>th</sup> percentile	% protection	
Lake Wellington	Surface	120	1,000	95-130	25	15	15	30	NA	15	2.5	7.5-8.5	95	DGV
Lake Victoria	Surface	90	600	95-130	20	20	10	10	15	25	1.5	7.5-8.5	95	DGV
	Bottom	110	600	50-130	15	50	50	10	21	28	N/A	N/A	95	DGV
Lake King	Surface	50	500	95-130	10	10	10	5	20	30	0.7	7.5-8.5	95	DGV
	Bottom	70	500	50-130	5	30	100	5	25	30	N/A	N/A	95	DGV
Lake Reeve	Surface	R75	R75	R25-R75	R75	R75	R75	R75	R25	R75	R75	R25-R75	95	DGV
Exchange	Surface	50	500	95-130	10	10	10	5	20	30	0.6	7.5-8.5	95	DGV
	Bottom	30	300	80-130	5	15	40	10	30	35	N/A	N/A	95	DGV