



# Planning Panels Victoria

Department of Transport and Planning

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Melbourne, Victoria 3001

17 June 2026

Hon Sonya Kilkenny MP  
Minister for Planning  
Level 26, 121 Exhibition Street  
**MELBOURNE 3000**

Dear Minister

**Priority Projects Standing Advisory Committee Referral 52 Report  
Stanley Road and McGrady Road, Grantville**

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Please find enclosed for your consideration the Committee Report relating to Referral 52 of the Priority Projects Standing Advisory Committee, appointed to provide you with advice on whether a planning permit should be issued for the removal of native vegetation along Stanley Road and McGrady Road, Grantville.

The report has also been provided to the Department through the Deputy Secretary, Planning and Land Services and the Manager, Priority Projects to support its briefing to you.

I acknowledge the input of my Committee member Cameron Miller. We were supported by Georgia Jennings, Amy Selveraj and Georgia Thomas from the office of Planning Panels Victoria.

If you have any queries, please contact Georgia Jennings from Planning Panels Victoria on (03) 9935 4196 or at [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).

Yours sincerely

**Meredith Gibbs**

Chair, Priority Projects Standing Advisory Committee

Enc

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Referral 52: VCAT Call-in P241/2025  
Stanley Road and McGrady Road, Grantville

**Priority Projects Standing Advisory Committee Report**

*Planning and Environment Act 1987*

**17 June 2026**

Planning Panels Victoria acknowledges the Wurundjeri  
Woi Wurrung People as the traditional custodians of  
the land on which our office is located. We pay our  
respects to their Elders past and present.

*Planning and Environment Act 1987*

Priority Projects Standing Advisory Committee Report pursuant to section 25 of the PE Act

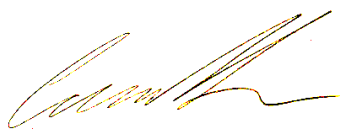
Referral 52: VCAT Call-in P241/2025

Stanley Road and McGrady Road, Grantville

**17 June 2026**

A handwritten signature in black ink, appearing to read 'M Gibbs'.

Dr Meredith Gibbs, Chair

A handwritten signature in black ink, appearing to read 'Cameron Miller'.

Cameron Miller, Member

## Contents

|                                                           | Page      |
|-----------------------------------------------------------|-----------|
| <b>1 Introduction .....</b>                               | <b>15</b> |
| 1.1 Terms of Reference and letter of referral.....        | 15        |
| 1.2 Procedural issues.....                                | 15        |
| 1.3 The Committee's approach .....                        | 17        |
| 1.4 Site inspection.....                                  | 17        |
| 1.5 Limitations .....                                     | 18        |
| <b>2 Proposal.....</b>                                    | <b>19</b> |
| 2.1 The proposal.....                                     | 19        |
| 2.2 Subject land and surrounds.....                       | 20        |
| 2.3 Existing approvals.....                               | 22        |
| 2.4 Permit application, assessments and road design ..... | 24        |
| 2.5 Referral authority position.....                      | 26        |
| 2.6 Versions of the permit conditions.....                | 28        |
| <b>3 Planning context.....</b>                            | <b>29</b> |
| 3.1 Overview .....                                        | 29        |
| 3.2 Municipal Planning Strategy .....                     | 30        |
| 3.3 Bass Coast Statement of Planning Policy .....         | 31        |
| 3.4 Extractive industry policies and plans.....           | 33        |
| 3.5 Biodiversity policies and plans .....                 | 35        |
| 3.6 Zones and Overlays .....                              | 39        |
| 3.7 Clause 71.02-3 (Integrated decision making).....      | 40        |
| <b>4 Adequacy of the ecological assessment.....</b>       | <b>41</b> |
| 4.1 The issues.....                                       | 41        |
| 4.2 Background .....                                      | 41        |
| 4.3 Evidence and submissions.....                         | 46        |
| 4.4 Discussion.....                                       | 53        |
| 4.5 Findings and recommendations .....                    | 56        |
| <b>5 Adequacy of the Arboricultural Assessment .....</b>  | <b>57</b> |
| 5.1 The issue .....                                       | 57        |
| 5.2 Background .....                                      | 57        |
| 5.3 Evidence and submissions.....                         | 57        |
| 5.4 Discussion.....                                       | 59        |
| 5.5 Findings and recommendations .....                    | 60        |
| <b>6 The three step approach .....</b>                    | <b>61</b> |
| 6.1 The issue .....                                       | 61        |
| 6.2 Background .....                                      | 61        |
| 6.3 Evidence and submissions.....                         | 63        |
| 6.4 Discussion.....                                       | 70        |
| 6.5 Findings .....                                        | 71        |
| <b>7 Significant Landscape Overlay .....</b>              | <b>72</b> |
| 7.1 The issue .....                                       | 72        |
| 7.2 Background .....                                      | 72        |
| 7.3 Evidence and submissions.....                         | 72        |

|                   |                                                                    |           |
|-------------------|--------------------------------------------------------------------|-----------|
| 7.4               | Discussion.....                                                    | 73        |
| 7.5               | Finding .....                                                      | 73        |
| <b>8</b>          | <b>Overall assessment .....</b>                                    | <b>74</b> |
| 8.1               | Relevant considerations.....                                       | 74        |
| 8.2               | Discussion.....                                                    | 74        |
| 8.3               | What permit conditions should be imposed?.....                     | 76        |
| 8.4               | Finding and recommendation .....                                   | 76        |
| <b>Appendix A</b> | <b>Terms of Reference.....</b>                                     | <b>78</b> |
| <b>Appendix B</b> | <b>Referral letter .....</b>                                       | <b>82</b> |
| <b>Appendix C</b> | <b>Document list.....</b>                                          | <b>84</b> |
| <b>Appendix D</b> | <b>Committee recommended version of the permit conditions.....</b> | <b>93</b> |

## List of Tables

|         | Page                                                                                              |
|---------|---------------------------------------------------------------------------------------------------|
| Table 1 | Summary of Committee’s advice on requested matters ..... 12                                       |
| Table 2 | Chronology of existing approvals for the Quarry..... 22                                           |
| Table 3 | Planning context..... 29                                                                          |
| Table 4 | Ecological experts ..... 41                                                                       |
| Table 5 | General chronology of flora and fauna surveys undertaken by<br>Nature Advisory 2019-2026 ..... 42 |
| Table 6 | Chronology of flora surveys and observations of orchids 2019-<br>2016 ..... 43                    |
| Table 7 | Chronology of Strzelecki Gum assessments..... 44                                                  |
| Table 8 | Chronology of changes to the road design and resulting native<br>vegetation removal ..... 61      |

## List of Figures

|           | Page                                                                                                                         |
|-----------|------------------------------------------------------------------------------------------------------------------------------|
| Figure 1  | Quarry location and extent..... 19                                                                                           |
| Figure 2  | Extent of proposed roadworks along Stanley Road and<br>McGrady Road ..... 20                                                 |
| Figure 3  | Nearby reserves in the Western Port Woodlands ..... 21                                                                       |
| Figure 4  | Grantville Nature Conservation Reserve, Stanley Road and<br>McGrady Road ..... 21                                            |
| Figure 5  | Endorsed Plans extract, annotated to show haul route access<br>point from Stanley Road and limit of extraction area ..... 23 |
| Figure 6  | Grantville Strategic Framework Plan (Clause 11.01-1L-07)..... 31                                                             |
| Figure 7  | Extract from Regional Sand Extraction Strategy showing<br>‘indicative major wildlife corridors’ ..... 34                     |
| Figure 8  | Stanley and McGrady Road biolink as shown in the Bass Coast<br>Biodiversity Biolinks Plan ..... 38                           |
| Figure 9  | Land use zoning map ..... 39                                                                                                 |
| Figure 10 | Wildlife corridors in and around the project footprint..... 51                                                               |

## Glossary and abbreviations

|                            |                                                                                                                      |
|----------------------------|----------------------------------------------------------------------------------------------------------------------|
| 2D Design                  | Traffix Group two-dimensional functional road and footpath design for Stanley Road                                   |
| Amended Plans              | Stanley Road Grantville Quarry Road Upgrade Civil Design (Functional Design 08.04.26)                                |
| Arboricultural Assessment  | Arboricultural Assessment Pre-Development, Stanley Road Grantville (Arbor Survey, 13 November 2025, version 1)       |
| Assessor's Handbook        | <i>Assessor's Handbook – Applications to remove, destroy or lop native vegetation</i> (DEECA 2025, Version 1.2)      |
| Bass Coast SPP             | Bass Coast Statement of Planning Policy (DTP, March 2025)                                                            |
| Biolinks Plan              | Bass Coast Biodiversity Biolinks Plan 2018                                                                           |
| Committee                  | Priority Projects Standing Advisory Committee                                                                        |
| Council                    | Bass Coast Shire Council                                                                                             |
| DAL Committee              | Distinctive Areas and Landscapes Standing Advisory Committee                                                         |
| DAL Hearing process        | Bass Coast Statement of Planning Policy Distinctive Areas and Landscapes Standing Advisory Committee hearing process |
| DEECA                      | Department of Energy, Environment and Climate Action                                                                 |
| DELWP                      | Department of Environment, Land, Water and Planning (former)                                                         |
| DTP                        | Department of Transport and Planning                                                                                 |
| EPBC Act                   | <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)                                           |
| EVC                        | ecological vegetation class                                                                                          |
| FFG Act                    | <i>Flora and Fauna Guarantee Act 1988</i>                                                                            |
| Flora and Fauna Assessment | Stanley Road, Grantville Flora and Fauna Assessment (Nature Advisory, May 2026, Report No. 19081 (1.9))              |
| FZ                         | Farming Zone                                                                                                         |

|                                |                                                                                                                                                                                                                                                                    |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GTSAG                          | Gippsland Threatened Species Action Group                                                                                                                                                                                                                          |
| McGrady Road Works             | the proposed roadworks on McGrady Road to provide access between the northern and southern blocks of the Quarry                                                                                                                                                    |
| Minister                       | Minister for Planning                                                                                                                                                                                                                                              |
| NV Guidelines                  | <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (DEECA, August 2025)                                                                                                                                                                |
| NVRR                           | Native Vegetation Removal Report (NVRR ID: 304_20260505_LA8)                                                                                                                                                                                                       |
| Original Ecological Assessment | Stanley Road Grantville Flora and Fauna Assessment (Nature Advisory, August 2022, Report No. 19081 (1.4))                                                                                                                                                          |
| Original Permit Application    | The original planning permit application (220321) to remove, destroy or lop vegetation, including 2.090 hectares of Lowland Forest (EVC 16) vegetation, including 36 large trees, for the purpose of undertaking the Stanley Road Works and the McGrady Road Works |
| Original Road Design           | Road design plans first prepared by Cardno (later acquired by Stantec) that supported the Original Permit Application                                                                                                                                              |
| PE Act                         | <i>Planning and Environment Act 1987</i>                                                                                                                                                                                                                           |
| PICS                           | Phillip Island Conservation Society Incorporated                                                                                                                                                                                                                   |
| Planning Scheme                | Bass Coast Planning Scheme                                                                                                                                                                                                                                         |
| project footprint              | The direct area of works including: <ul style="list-style-type: none"> <li>- road pavement</li> <li>- road verge</li> <li>- footpath</li> <li>- the location of services (drainage)</li> <li>- batter slope</li> </ul>                                             |
| Proponent                      | Heidelberg Materials Australia Pty Ltd (the permit applicant)                                                                                                                                                                                                      |

|                                     |                                                                                                                                                                                                                                                                                                    |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| proposal                            | The proposal to remove 0.768 of native vegetation, including four large trees, along Stanley Road and McGrady Road, Grantville to enable access to the Quarry                                                                                                                                      |
| Quarry                              | the proposed sand extraction quarry at Grantville described in WA512                                                                                                                                                                                                                               |
| Quarry Permit                       | planning permit 96/116 for the use and development of the Quarry                                                                                                                                                                                                                                   |
| Regional Sand Strategy              | <i>Regional Sand Extraction Strategy Lang Lang to Grantville</i> (Department of Infrastructure, 1996)                                                                                                                                                                                              |
| RO                                  | Restructure Overlay                                                                                                                                                                                                                                                                                |
| Roadside Vegetation Management Plan | Bass Coast Significant Roadside Vegetation Management Plan 2020                                                                                                                                                                                                                                    |
| roadworks                           | Stanley Road Works and Mc Grady Road Works                                                                                                                                                                                                                                                         |
| Tree Protection Standard            | <i>Australian Standard AS4970 – 2025 (Protection of Trees on Development Sites)</i>                                                                                                                                                                                                                |
| SGCS                                | South Gippsland Conservation Society Incorporated                                                                                                                                                                                                                                                  |
| SLO1                                | Significant Landscape Overlay, Schedule 1                                                                                                                                                                                                                                                          |
| Stanley Road Works                  | the proposed roadworks along Stanley Road to provide access to the Quarry                                                                                                                                                                                                                          |
| study area                          | The area defined by Nature Advisory and presented as Figure 1.1 – 1.5 in the Flora and Fauna Assessment. The area is approximately 8.5 hectares long and runs fenceline to fenceline within the public road reserve along Stanley Road and portions of Mary Street, Alma Crescent and McGrady Road |
| surrounding land                    | This is a loosely defined area outside of the project footprint generally up to 10 kilometres from the centre point of the study area. It is analogous with the 'search area' used by Nature Advisory                                                                                              |
| SUZ2                                | Special Use Zone, Schedule 2                                                                                                                                                                                                                                                                       |
| TZ                                  | Township Zone                                                                                                                                                                                                                                                                                      |
| VBA                                 | Victorian Biodiversity Atlas                                                                                                                                                                                                                                                                       |

|                      |                                                                                                                                                                                    |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| VCAT                 | Victorian Civil and Administrative Tribunal                                                                                                                                        |
| VCAT proceeding      | VCAT proceeding P241/2025                                                                                                                                                          |
| VPP                  | Victoria Planning Provisions                                                                                                                                                       |
| VQ Assessment Manual | <i>Native Vegetation: sustaining a living landscape, Vegetation Quality Assessment Manual – guidelines for applying the Habitat Hectare scoring method</i> (Version 1.3, DSE 2004) |
| Work Authority       | work authority WA512 for the Quarry                                                                                                                                                |
| Work Plan            | approved work plan PLN-000710 for the Quarry                                                                                                                                       |

## Overview

### Referral summary

|                      |                                                                                                                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Referral date        | 18 September 2025                                                                                                                                                                                                                                    |
| Referral description | Referral 52: Stanley Road and McGrady Road, Grantville                                                                                                                                                                                               |
| Brief description    | Victorian Civil and Administrative Tribunal Proceeding P241/2025 relates to a permit application to remove native vegetation on road reserves along Stanley Road and McGrady Road, Grantville, to enable road upgrades to service Grantville Quarry. |
| Subject land         | Stanley Road and McGrady Road, Grantville                                                                                                                                                                                                            |
| The Proponent        | Heidelberg Materials Australia Pty Ltd                                                                                                                                                                                                               |
| Planning Authority   | Bass Coast Shire Council                                                                                                                                                                                                                             |

### Committee process

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Committee          | Meredith Gibbs (Chair), Cameron Miller                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Supported by           | Georgia Jennings, Amy Selteraj and Georgia Thomas, Planning Panels Victoria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Directions Hearing     | Online, 30 March 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Site inspection        | Accompanied, 30 April 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Committee Hearing      | 4, 5, 6, 7 and 8 May 2026, Planning Panels Victoria and by video                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Parties to the Hearing | <p><b>Bass Coast Shire Council</b> – represented by David Vorcheimer of Russell Kennedy</p> <p><b>Heidelberg Materials Australia Pty Ltd (Proponent)</b> – represented by Sean McArdle, Barrister, instructed by Sebastian Withers of Norton Rose Fullbright, who called expert evidence on:</p> <ul style="list-style-type: none"> <li>- Engineering from Glen Chrzanowski of SMEC</li> <li>- Traffic from Jason Walsh of Traffix</li> <li>- Taxonomy from Neville Walsh (Jointly with Council)</li> <li>- Arboriculture from Mark Reynolds of Arborsurvey</li> <li>- Ecology from Chris Armstrong of Nature Advisory</li> </ul> <p><b>Catherine Watson</b></p> <p><b>Gippsland Threatened Species Action Group Inc</b>, represented by Geoff Glare and David Sutton, who called expert evidence on:</p> <ul style="list-style-type: none"> <li>- Botany from Doug Frood</li> </ul> <p><b>John Cuttriss</b></p> <p><b>Lea Trowbridge</b> represented by Janet Grimes</p> <p><b>Phillip Island Conservation Society Inc</b>, represented by Jane Jobe</p> <p><b>South Gippsland Conservation Society Inc</b>, represented by Neil Rankine, who called expert evidence on:</p> <ul style="list-style-type: none"> <li>- Frog Ecology from Dr Brendan Casey</li> </ul> |

|                     |                                                                         |
|---------------------|-------------------------------------------------------------------------|
| Citation            | Priority Projects Standing Advisory Committee Referral 52 [2026]<br>PPV |
| Date of this report | 17 June 2026                                                            |

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## Executive summary

The Proponent, Heidelberg Materials Australia Pty Ltd, proposes to remove 0.768 of native vegetation, including four large trees, along Stanley Road and McGrady Road, Grantville (proposal) to enable roadworks which will in turn enable access to a future sand extraction quarry (Quarry). The development and use of the Quarry is permitted under existing approvals (planning permit 96/116 and work authority WA512). A planning permit is only required for vegetation removal; no planning permit is required for use and development of the road.

In August 2022, the Proponent sought a planning permit from Bass Coast Shire Council (Council) for the native vegetation removal under Clause 52.17 (Native vegetation) and Clause 42.03-2 (Significant Landscape Overlay, Schedule 1 (SLO1)) of the Bass Coast Planning Scheme (Planning Scheme). Despite the Department of Energy, Environment and Climate Action's (DEECA) support in late 2024, on 19 February 2025 Council refused the application. The Proponent sought a review of Council's decision at the Victorian Civil and Administrative Tribunal (VCAT) (proceeding P241/2025) (VCAT proceeding).

The Minister for Planning (Minister) called in the VCAT proceeding and referred it to the Priority Projects Standing Advisory Committee (Committee) on 18 September 2025. The Minister asked the Committee to provide advice on whether a permit should be issued, and if so, what permit conditions should be imposed. The Minister noted the Quarry resource is of state significance and considered the proceeding raised a major issue of policy, the determination of which may have a substantial effect on the achievement or development of planning objectives.

Subsequently, the Department of Transport and Planning (DTP) requested the Committee to provide advice on a number of matters. Table 1 (below) provides a summary of the Committee's advice on these matters.

Key issues raised in submissions included:

- the adequacy of the ecological and arboriculture assessments
- whether the Proponent had adequately avoided and minimised impacts on native vegetation as required by the Planning Scheme
- consistency of the proposal with the requirement to protect biodiversity
- the acceptability of the proposed native vegetation removal in light of the Bass Coast Strategic Planning Policy (Bass Coast SPP) and the Western Port Woodlands
- potential impacts on habitat and ecological connectivity of the Stanley and McGrady Road road reserves
- potential impacts on threatened species
- the need to balance extractive resource development and the protection of biodiversity.

The Committee finds, subject to its recommendations, the proposal:

- meets the requirements of Clause 52.17 (Native vegetation) including the three-step approach (avoid, minimise and offset) set out in the *Guidelines for the*

*removal, destruction or lopping of native vegetation* (DEECA, August 2025) (NV Guidelines)

- will not have an impact on the landscape significance of the area and is consistent with SLO1
- is consistent with relevant policy for the protection of biodiversity (Clause 12.01) and mineral (sand) extraction (Clause 14.03)
- is, on balance, acceptable.

The Committee is satisfied the ecological and arboricultural assessments have been undertaken in accordance with relevant guidance and industry accepted standards and appropriately assessed the impact of the proposal. Further:

- The updated native vegetation removal report accurately classifies the impacted ecological vegetation classes.
- There is sufficient evidence to conclude no Strzelecki Gums are present in the project footprint.
- A targeted survey for the Southern Toadlet is not required.

Overall, the ecological and arboricultural assessments are acceptable.

The Committee has recommended additions to the permit conditions intended to reduce impacts on retained native vegetation and fauna utilising the road reserve. These are set out in Appendix D. The Committee considers the use of granitic sand or similar permeable surface for the footpath would reduce impacts on retained trees.

In determining, ultimately, the proposed removal of native vegetation for the road upgrade is acceptable, the Committee has considered where the balance lies between the policy imperatives of resource extraction and the protection of biodiversity. The Planning Scheme clearly provides policy support for the protection of biodiversity, including native vegetation and important habitat in roadsides. It also refers to consolidating and linking existing fragmented biodiversity habitat areas. The Planning Scheme also provides considerable policy support for economic development and sand extraction. The Bass Coast SPP clearly articulates the policy tension between protecting biodiversity and the realisation of significant sand resources in the Western Port Woodlands area.

Overall, the Committee is satisfied the proposal, subject to its recommended permit conditions, will achieve net community benefit and support sustainable development, consistent with the Victorian planning objectives and Clause 71.02-3 of the Planning Scheme. It is supported by, and implements, the relevant sections of the Planning Policy Framework.

The Committee finds, subject to its recommendations, a permit should be issued.

**Table 1 Summary of Committee's advice on requested matters**

| Matter                                                     | Committee's advice                                                                           | Chapter reference / comments |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------|
| The acceptability of proposed removal of native vegetation | Subject to the Committee's recommendations, the proposed removal of vegetation is acceptable | Chapters 4, 5, 6 and 8       |

| Matter                                                                                                                                                                                                                                                                                                                       | Committee's advice                                                                                                                                                                                                                                                        | Chapter reference / comments                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Whether the relevant decision guidelines and three-step process for consideration of native vegetation removal have been met                                                                                                                                                                                                 | The Committee is satisfied the guidelines and three-step process for consideration of native vegetation removal have been met                                                                                                                                             | Chapter 6                                                                                                                                                                                                                                                                                                     |
| The suitability of the Proponent's flora and fauna assessment, including whether adequate assessment has been undertaken for species protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and <i>Flora and Fauna Guarantee Act 1988</i> , and, specifically, the Green-Striped Greenhood | The Committee is satisfied the Proponent's flora and fauna assessment is adequate and meets the relevant guidelines                                                                                                                                                       | Chapter 4                                                                                                                                                                                                                                                                                                     |
| Any other related impacts on fauna                                                                                                                                                                                                                                                                                           | The Committee is satisfied the impacts on fauna can be appropriately managed by implementation of the recommended planning permit conditions.                                                                                                                             | Chapter 4                                                                                                                                                                                                                                                                                                     |
| Associated impacts on heavy vehicle traffic and haulage routes                                                                                                                                                                                                                                                               | The Committee is unable to advise on this matter as it is outside the scope of the Committee's remit. There was no suggestion at the Hearing that the proposed removal of vegetation will have any relevant impacts on heavy vehicle traffic and haulage routes.          | N/A                                                                                                                                                                                                                                                                                                           |
| Associated impacts on upgrading requirements for footpaths and bicycles                                                                                                                                                                                                                                                      | The Committee is unable to advise on this matter as it is outside the scope of the Committee's remit. There was no suggestion at the Hearing that the proposed removal of vegetation will have any relevant impacts on upgrading requirements for footpaths and bicycles. | Note that experts gave evidence that some native vegetation losses would be avoided if the footpath required under the Quarry Permit was no longer required. However, the Committee did not consider this issue because the Quarry Permit currently requires a footpath to be constructed and Council made no |

| Matter                                                                                                   | Committee's advice                                                                                                                                                                                                                                                                                         | Chapter reference / comments                                                                                            |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
|                                                                                                          |                                                                                                                                                                                                                                                                                                            | suggestion that this requirement would change.                                                                          |
| Associated impacts on design and construction of the intersection of Stanley Road and Bass Coast Highway | The Committee is unable to advise on this matter as it is outside the scope of the Committee's remit. There was no suggestion at the Hearing that the proposed removal of vegetation will have any relevant impacts on design and construction of the intersection of Stanley Road and Bass Coast Highway. | Note that Mr J Walsh gave evidence that the current intersection meets the Quarry Permit's requirements in this regard. |
| Whether the proposal aligns with relevant state and local planning scheme policy                         | The Committee is satisfied that the proposed removal of vegetation aligns with relevant state and local planning scheme policy.                                                                                                                                                                            | Chapters 3 and 8                                                                                                        |
| Whether the proposal is consistent with state policy for mineral extraction                              | The Committee is satisfied that the proposed removal of vegetation is consistent with state policy for mineral extraction.                                                                                                                                                                                 | Chapters 3 and 8                                                                                                        |

## Recommendation

For the reasons set out in this Report, the Committee recommends the Minister for Planning:

**Issue planning permit (application 220321) for removal of 0.768 of native vegetation, including four large trees, located at Stanley Road and McGrady Road reserve, Grantville, subject to the Committee's recommended permit conditions as shown in Appendix D.**

# 1 Introduction

## 1.1 Terms of Reference and letter of referral

The Minister for Planning (Minister) appointed the Priority Projects Standing Advisory Committee (Committee) on 14 June 2020 (refer to Appendix A). The purpose of the Committee is set out in its Terms of Reference dated 9 September 2023 to:

... provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

This is Referral 52 to the Committee.

The Minister's letter of referral (dated 18 September 2025; refer to Appendix B) advised she had decided to call-in VCAT proceeding P241/2025 (VCAT proceeding).

The VCAT proceeding was an application for review of Bass Coast Shire Council's (Council) refusal of planning permit application (220321) for the removal of vegetation associated with proposed roadworks along Stanley Road (Stanley Road Works) and Mc Grady Road (Mc Grady Road Works) (together, roadworks). The Minister referred the matter to the Committee to provide advice and recommendations on whether a permit should be issued, and if so, what permit conditions should be imposed.

## 1.2 Procedural issues

### (i) Clarification on call-in background and requested advice

At the Directions Hearing and in subsequent correspondence to the Committee, submitters requested clarification on the background for the Minister's referral of the matter to the Committee. The referral letter states:

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998 as I consider that the proceeding raises a [sic] major issue of policy, and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives.

The Committee wrote to DTP requesting clarification of the specific policies and planning objectives referred to by the Minister.<sup>1</sup>

DTP responded indicating the following matters of policy as relevant:

- the removal of native vegetation and impact on biodiversity (Clause 12.01-1S)
- protection of biodiversity (Clause 12.01-2S: Native Vegetation Management)
- the possible need to provide infrastructure, including transport networks, to enable appropriate extraction (Clause 14.03-1S: Resource exploration and extraction)
- alignment with State policy (Clause 14.03-1S and Clause 14.03-1L), including to locate quarries to minimise impacts on areas of high landscape and environmental quality.<sup>2</sup>

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<sup>1</sup> Document 32

<sup>2</sup> Document 40

DTP requested particular advice and recommendations on:

- The acceptability of proposed removal of native vegetation;
- Whether the relevant decision guidelines and three-step process for consideration of native vegetation removal have been met;
- The suitability of the proponent's flora and fauna assessment, including whether adequate assessment has been undertaken for species protected under the Environment Protection and Biodiversity Conservation Act 1999 and Flora and Fauna Guarantee Act 1988, and, specifically, the Green-Striped Greenhood;
- Any other related impacts on fauna;
- Associated impacts on heavy vehicle traffic and haulage routes;
- Associated impacts on upgrading requirements for footpaths and bicycles;
- Associated impacts on design and construction of the intersection of Stanley Road and Bass Coast Highway;
- Whether the proposal aligns with relevant state and local planning scheme policy;
- Whether the proposal is consistent with state policy for mineral extraction.

Table 1 sets out the Committee's advice on the above matters.

## **(ii) Introduction of additional information**

On the second last day of the Hearing, after the completion of all expert evidence, Heidelberg Materials Australia Pty Ltd (Proponent) sought to introduce and rely on a Technical Memorandum from its civil engineering expert, Mr Chrzanowski.<sup>3</sup> The Proponent submitted the evidence was not new and essentially clarification of evidence already before the Committee because it had been the matter of Mr Chrzanowski's presentation to the Committee.<sup>4</sup>

Council submitted at best the information in the Technical Memorandum could only be weighted as a submission because it had not been subject to cross examination, nor had any other relevant witness had the opportunity to comment on the information. If accepted, it should be given little weight.

Other parties submitted the Technical Memorandum should not be accepted by the Committee for the reasons set out by Council.

After considering all submissions, the nature of the information contained in the Technical Memorandum and the late stage of its proposed introduction in the proceedings, the Committee decided to allow the Technical Memorandum to be tabled noting:

- the Technical Memorandum would be treated as a submission, not as evidence, and would be weighted accordingly
- parties would be able to make brief submissions on the Technical Memorandum
- the Proponent would be able to briefly respond to these submissions.

The Committee made directions to allow this process to occur after the close of the Hearing. No submissions were received in accordance with these directions.

<sup>3</sup> Document 113

<sup>4</sup> Specifically, slide 8 of Mr Chrzanowski's PowerPoint presentation, Document 57

## 1.3 The Committee's approach

Key issues raised in submissions were:

- the adequacy of the ecological and arboriculture assessments
- whether the Proponent had adequately avoided and minimised impacts on native vegetation as required by the Planning Scheme
- consistency of the proposal with the requirement to protect biodiversity
- the acceptability of the proposed native vegetation removal in light of the Bass Coast Strategic Planning Policy (Bass Coast SPP) and the Western Port Woodlands
- potential impacts on habitat and ecological connectivity of the Stanley and McGrady Road road reserves
- potential impacts on threatened species
- the need to balance extractive resource development and the protection of biodiversity.

The Committee has assessed the proposal against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Bass Coast Planning Scheme (Planning Scheme).

The Committee considered all material provided to it:

- from the VCAT proceedings<sup>5</sup>
- observations from the accompanied site visits
- submissions, evidence and other material presented to it during the Hearing.

The original submissions received by Council when the permit application was advertised were not provided to the Committee. Some parties tabled their original submissions as part of this Hearing, and these have been considered by the Committee. Otherwise, the Committee did not consider the original submissions to the permit application. Subject to this, all submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in this Report.

This Report deals with the issues under the following headings:

- Adequacy of the ecological assessment
- Adequacy of the arboricultural assessment
- The three step approach
- Significant Landscape Overlay
- Overall assessment.

## 1.4 Site inspection

An accompanied site inspection was undertaken by the Committee on 30 April 2026. Representatives of the Proponent, Council, Gippsland Threatened Species Action Group (GTSAG) and South Gippsland Conservation Society (SGCS) attended.

The project footprint along Stanley Road and McGrady Road was inspected including:

- the Stanley Road / Mary Street intersection

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<sup>5</sup> Documents 3-9

- the area of Swampy Woodland
- locations of (potential) Strzelecki Gum
- the access point to the Quarry.

The Quarry land was viewed from the road.

After the accompanied site inspection, the Committee drove around the adjacent Adams Estate, unaccompanied.

## **1.5 Limitations**

The matter before the Committee relates to an application for a permit to remove native vegetation for the purpose of constructing a road. No planning permit is required to construct or carry out works associated with the proposed roadworks, or to use the widened roadway as a road, because exemptions in Clause 62 of the Planning Scheme apply.

Submitters raised concerns relating to impacts of the construction and use of the road including:

- changes to hydrology in the vicinity of the project footprint caused by the roadworks, including potential impacts on the Southern Toadlet
- the permit should not be issued because there are other sand resources closer to Melbourne that better meet various Victorian government policies.

These matters have only been considered insofar as they also relate to the impacts of the removal of vegetation.

## 2 Proposal

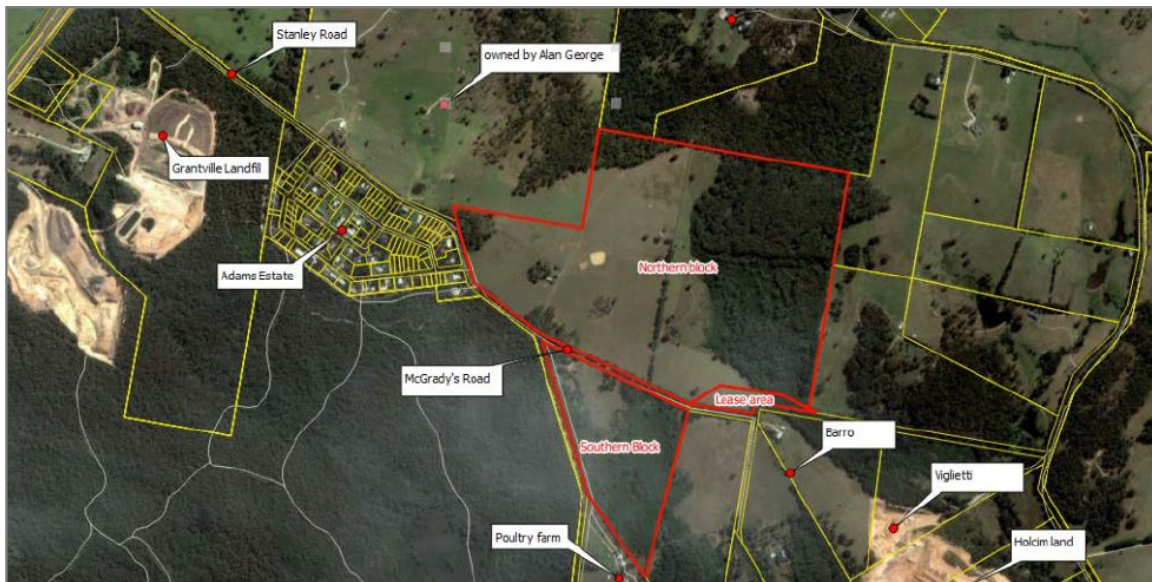
### 2.1 The proposal

The Proponent, seeks permission to remove and destroy vegetation, including native vegetation, along Stanley Road and McGrady Road, Grantville.

The vegetation removal will enable roadworks along approximately 1.2 kilometres of Stanley Road and approximately 100 metres of McGrady Road which will in turn enable access to a future sand extraction quarry (Quarry). Access to the Quarry will be from Stanley Road, to the west of the Quarry land. The roadworks on McGrady Road are required for quarry vehicles to cross between the northern and southern blocks of the Quarry.

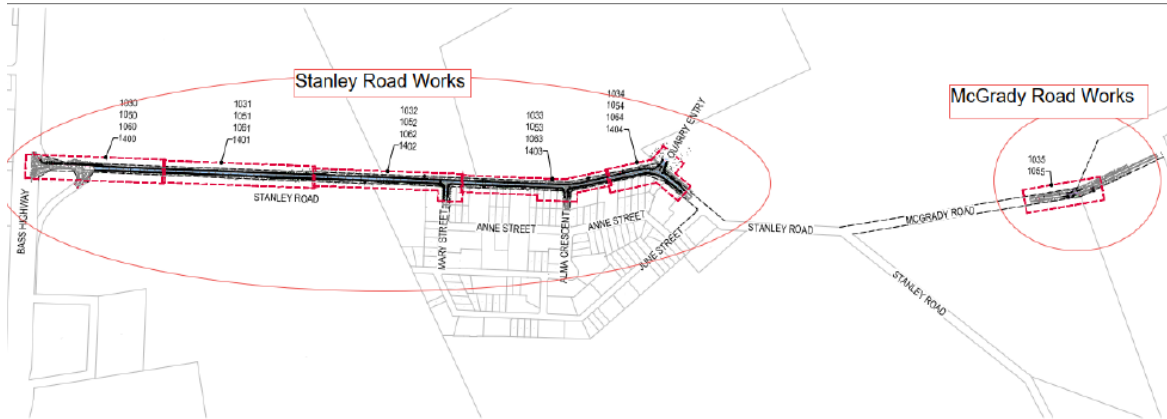
The Quarry comprises a northern and southern block, bisected by McGrady Road, as shown in Figure 1.

**Figure 1 Quarry location and extent**



Source: Proponent's Part A submission, Figure 1 (Document 46) showing Work Plan extract, section 2.1, with Quarry bounded in red

The extent and location of the proposed roadworks is shown in Figure 2.

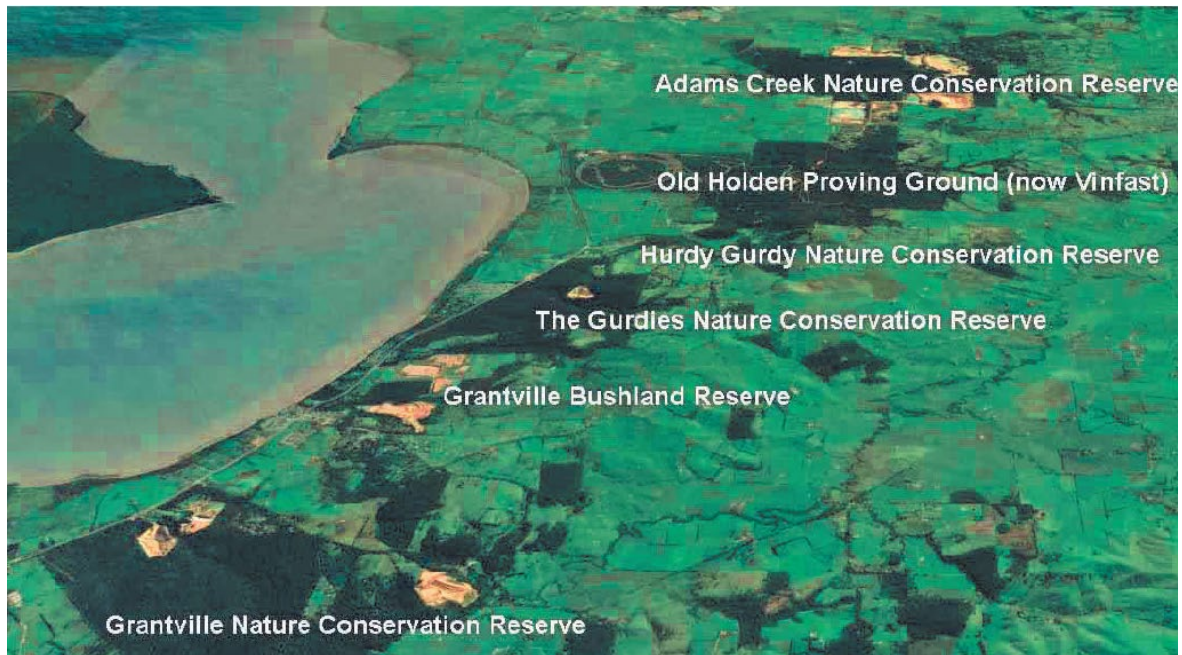
**Figure 2** Extent of proposed roadworks along Stanley Road and McGrady Road

Source: Proponent's Part A submission, Figure 1 (Document 46) showing Work Plan extract, section 2.1, with Quarry bounded in red

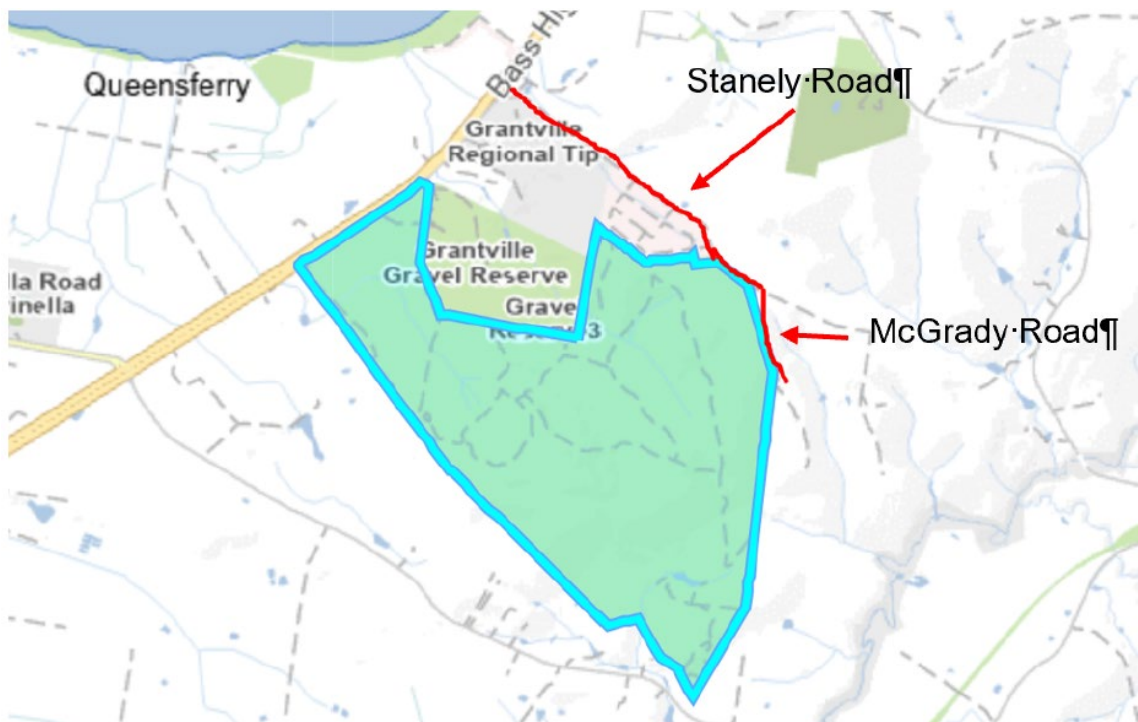
## 2.2 Subject land and surrounds

Stanley Road and McGrady Road are located approximately 2-3 kilometres from Grantville, a small coastal town on the eastern side of Western Port Bay approximately 100 kilometres from Melbourne Central Business District. The Stanley Road Works commence a short distance from the intersection of Stanley Road with the Bass Highway, where the current bitumen surface ends and the gravel road starts. The McGrady Road Works are located 500 metres to the east of the Stanley Road / McGrady Road intersection, as shown in Figure 2 (above).

Stanley and McGrady Roads occur within an area known as the Gurdies Hills and Strzelecki Foothills, which includes the Western Port Woodlands. The Bass Coast SPP identifies the Western Port Woodlands as a biodiversity refuge. It includes, relevantly, Grantville Nature Conservation Reserve, Grantville Bushland Reserve, The Gurdies Nature Conservation Reserve, Hurdy Gurdy Creek Nature Conservation Reserve, and private land between these areas. Figure 3 shows the location of these reserves and Figure 4 shows the location of Grantville Nature Conservation Reserve, Stanley Road and McGrady Road.

**Figure 3** Nearby reserves in the Western Port Woodlands

Source: Document 78, page 82 [PDF 5 of 14]

**Figure 4** Grantville Nature Conservation Reserve, Stanley Road and McGrady Road

NearMap image showing Grantville Nature Conservation Area in green with an aqua outline and Stanley Road and McGrady Roads in red

Source: Document 64, [35].

Adams Estate (shown as pink in Figure 9, below) is a small residential area of about 50 dwellings located on Stanley Road.

Relevant zones and overlays are discussed in Chapter 3.6.

### 2.3 Existing approvals

The development and use of the Quarry is permitted under existing approvals:

- planning permit 96/116 (Quarry Permit)
- work authority granted under section 77I of the Mineral Resources Sustainable Development (MRSD) Act (WA512) (Work Authority) and approved work plan PLN-000710 (Work Plan).

The relevant approvals remain in force, and work has commenced under the Quarry Permit. Table 2 provides a brief chronology of the existing approvals process.

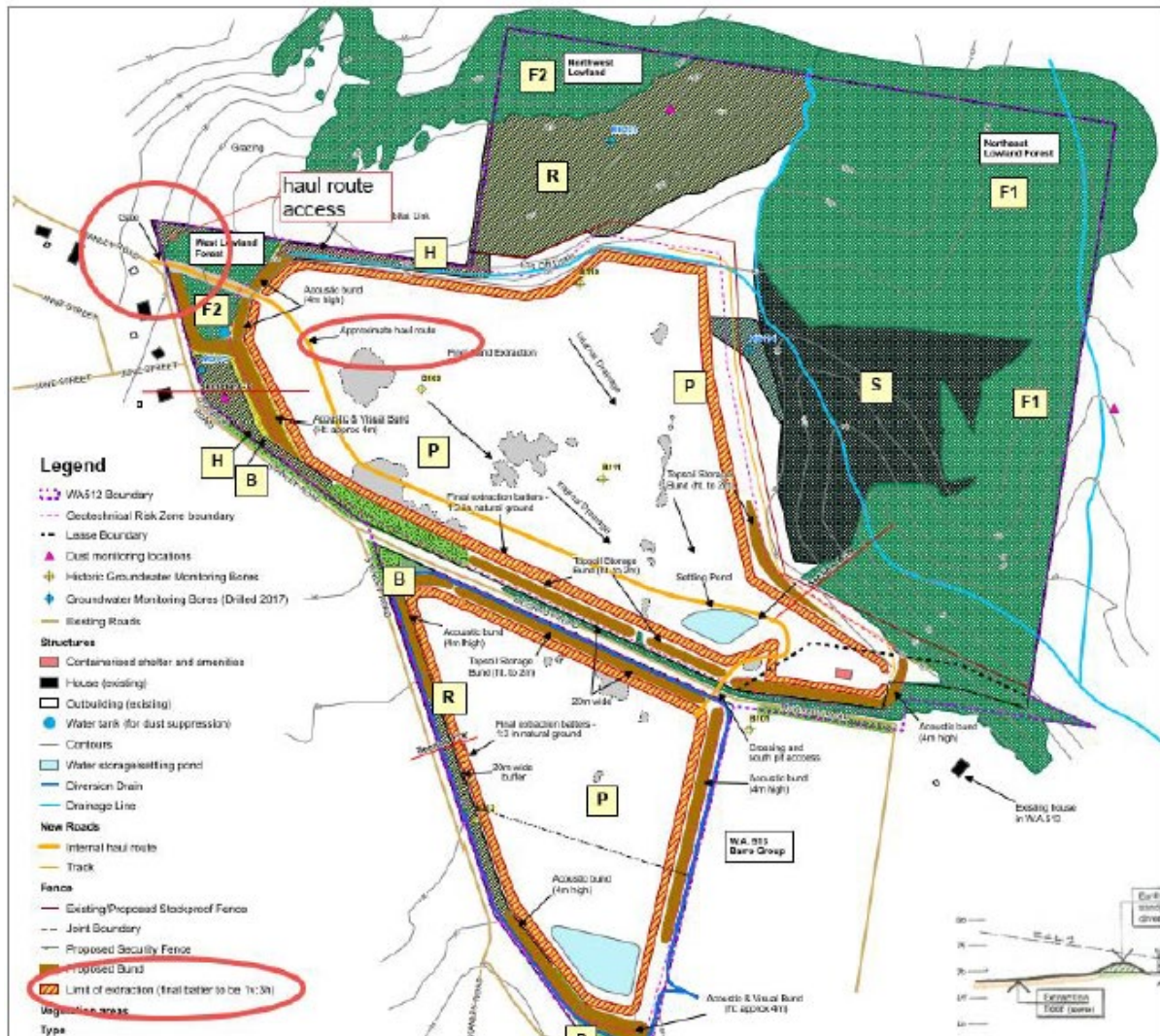
**Table 2** Chronology of existing approvals for the Quarry

| Date                     | Approval                                                                                                                                  |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 1997 and prior           | VCAT grants the Quarry Permit for the Quarry subject to conditions following its review of Council’s decision to refuse the Quarry Permit |
| 4 February 1998          | Quarry Permit for the Quarry issued by Council                                                                                            |
| 5 February 2019          | Work Plan approved under section 77G of the MRSD Act                                                                                      |
| 17 June 2019             | Work Authority granted under section 77I of the MRSD Act                                                                                  |
| 1 October 2019           | Plans endorsed under condition 1(a) of the Quarry Permit (Endorsed Plans)                                                                 |
| Prior to 4 February 2022 | Work commenced under the Quarry Permit                                                                                                    |

Source: Information contained in the Proponent’s Part A submission (Document 46)

The Quarry Permit allows “[t]he extraction of sand and ancillary purposes in accordance with the endorsed plan”. The endorsed plans show the location of access to and egress from the Quarry from Stanley Road together with the location of the crossing over McGrady Road, as shown in Figure 5.

**Figure 5** Endorsed Plans extract, annotated to show haul route access point from Stanley Road and limit of extraction area



Source: Proponent's Part A submission, Figure 24 (Document 46)

The Quarry Permit conditions require, amongst other things, heavy vehicles to access the Quarry using Stanley Road and for Stanley Road to be upgraded:

25. All heavy vehicular traffic travelling to and from the subject land must use Stanley Road.
26. (a) Stanley Road must be upgraded to the satisfaction of the Responsible Authority and such upgrading must include a footpath/bicycle path between Mary Street and the Bass Highway ...
- ...
27. The designated haulage route shall be maintained by the permit holder, or by the Responsible Authority at the cost of the permit holder, to the satisfaction of the Responsible Authority.
28. The permit holder must ensure that all trucks under its control or under the control of its employees travel to and from the subject land along the haulage route specified in Condition 25. The permit holder shall use its best endeavours to ensure that all vehicles not under its direct control use the designated haulage route.

## 2.4 Permit application, assessments and road design

In August 2022, the Proponent sought approval from Council to remove, destroy or lop vegetation, including 2.090 hectares of Lowland Forest (Ecological Vegetation Class (EVC) 16) vegetation, including 36 large trees and requiring an offset of 1.440 general habitat units, for the purpose of undertaking the Stanley Road Works and the McGrady Road Works (together, roadworks)(Original Permit Application). By the time the application was refused by Council in February 2025, the proposed removal had been reduced to 1.757 hectares of native vegetation, including 36 large trees.

The Proponent sought review of Council's refusal at VCAT and the VCAT proceeding was called in by the Minister and referred to the Committee on 18 September 2025.

A permit is required for the proposed removal of vegetation:

- for the Stanley Road Works: native vegetation under Clause 52.17 of the Planning Scheme
- for the McGrady Road Works:
  - native vegetation under Clause 52.17
  - vegetation under the Significant Landscape Overlay, Schedule 1 (SLO1).<sup>6</sup>

Although the permit trigger under SLO1 relates to both native and non-native vegetation, all vegetation proposed to be removed as part of the McGrady Road Works is native vegetation. Therefore, the application relates solely to native vegetation.

No permit is required for the use or development of a road under the following exemptions:

- Clause 62.01 (use not requiring a permit) relating to the use of land for a road
- Clause 62.02-2 states that planning permit requirements for buildings and works do not apply to roadworks, unless the planning scheme specifically requires a permit or the land is in the Public Conservation and Resource Zone.

The Original Permit Application was supported by, amongst other things:

- Road design plans prepared by Cardno (later acquired by Stantec) (Original Road Design).
- *Stanley Road Grantville Flora and Fauna Assessment* (Report No. 19081 [1.4]) (Original Ecological Assessment).

At the time the Original Permit Application was made no specific arboricultural assessment had been undertaken.

As recommending referral authority, the Department of Environment, Land, Water and Planning (DELWP) (subsequently Department of Energy, Environment and Climate Action - DEECA), reviewed the Permit Application and made requests for information and referral responses between September 2022 to December 2024. Finally, in December 2024

<sup>6</sup> The Proponent's Part A submission canvassed the possibility that the McGrady Road Works do not require a planning permit. However, the Proponent did not pursue this argument before the Committee and maintained that a permit is required under both Clause 52.17 and SLO1. Council agreed that this was an appropriate approach. As a result, the Committee has assumed that the McGrady Road Works do require a planning permit.

DEECA supported the grant of a permit, subject to various conditions. More detail on this process is provided in Chapter 2.5.

The Council officer report recommended Council grant a permit for removal of 1.757 hectares of native vegetation, including 36 large trees, subject to various conditions (including those required by DEECA).

On 19 February 2025 Council refused the application on the following grounds:

1. The proposal does not satisfy the purpose of Clause 52.17 as it fails to adequately demonstrate that the removal of native vegetation has been avoided and therefore does not demonstrate that impacts from the removal of native vegetation have been reasonably minimised.
2. The proposal is inconsistent with state and local planning policy at Clauses 12.01-1S and 12.01-1L that seeks to protect and enhance Victoria's biodiversity.
3. The proposal is inconsistent with the objective of Clause 12.01-2S to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
4. The proposal does not satisfy the decision guidelines required to be considered for applications in the Detailed Assessment Pathway for removal of native vegetation as required in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines).
5. The proposal is inconsistent with the Farming Zone decision guidelines in relation to environmental issues.
6. The application is inconsistent with expectations in relation to native vegetation removal described in the decision guidelines of Clause 65.01.

During the VCAT proceeding, Council raised concerns about:

- whether all relevant fauna and flora surveys had been adequately undertaken, and
- the absence of an arboricultural assessment.

In response, the Proponent engaged:

- Nature Advisory to undertake further, updated ecological assessments (the adequacy of which is discussed in Chapter 4), and
- Mr Mark Reynolds of Arbor Survey to undertake arboricultural assessments (the adequacy of which is discussed in Chapter 5).

Due to uncertainty about whether the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) listed Strzelecki Gum was present in the project footprint, the Proponent and Council jointly engaged taxonomic expert, Mr Neville Walsh, to provide expert opinion on the taxonomy of the species present. This matter is dealt with in Chapter 4.

The Proponent's team of advisors then undertook an iterative process of refining the road design and alignment to avoid and minimise impacts on native vegetation in the road reserves. The team included the following experts who gave evidence for the Proponent at the Hearing:

- Mr Jason Walsh (traffic)
- Mr Glen Chrzanowski (civil engineering)
- Mr Mark Reynolds (arboriculture)
- Mr Chris Armstrong (ecology).

This iterative process ultimately led to the final road design before the Committee (Stanley Road Grantville Quarry Road Upgrade Civil Design) (Functional Design 08.04.26) (Amended Plans)<sup>7</sup> and is discussed further in Chapter 6.

Various other corrections to the supporting documentation were made during the Hearing.

The final proposal before the Committee involves the removal of 0.768 hectares of native vegetation, including four large trees. It was common ground the detailed assessment pathway under the NV Guidelines applies.

## 2.5 Referral authority position

DEECA, formerly DELWP, is a recommending referral authority. Initially, DEECA did not support the Original Permit Application principally because:

- the avoid and minimise statement was not in accordance with the NV Guidelines
- the Original Permit Application was not aligned with Clause 12.01 of the Planning Scheme.<sup>8</sup>

DEECA requested:

- further targeted studies and information
- revised avoid and minimise statements relating to specific project elements (principally the footpath) and natural values
- any consequential changes required to information requirements of Clause 52.17.

Specifically in August 2024, DEECA stated:

DEECA considers there are gaps in the application documentation that raises biodiversity matters of concern to the department as they relate to Clause 12.01 *Biodiversity* of the Bass Coast Planning Scheme. It is considered the roadside vegetation is providing a buffer and connectivity to native vegetation and habitat for threatened species located within the Grantville Landfill site (Crown land) and Grantville Nature Conservation Reserve which can be considered as important areas of biodiversity. The removal of native vegetation and threatened species habitat within the roadside is likely to further contribute to fragmentation, edge effects and degradation of these locally high-quality remnant areas of native vegetation and habitat.<sup>9</sup>

It considered the following species to have potential to occur within the study area:

- Tea-tree Fingers
- Swamp Skink
- Powerful Owl
- Southern Brown Bandicoot
- Swamp Antechinus
- White-footed Dunnart
- Southern Toadlet
- Lace Monitor
- Gang Gang Cockatoo.

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<sup>7</sup> Document 36

<sup>8</sup> Documents 3m, 3n, 4a and 4e

<sup>9</sup> Document 4e.

Subsequently, Nature Advisory undertook further surveys and assessments, including a likelihood of occurrence analysis which concluded twenty listed fauna species had the potential to occur in the project footprint.

Regarding flora assessments, DEECA acknowledged the Nature Advisory had undertaken a targeted survey for Green-striped Greenhood (*Pterostylis chlorogramma*) during the height of its flowering season and had also looked for Cobra Greenhood (*Pterostylis grandiflora*). DEECA was satisfied both species are unlikely to occur within the project footprint and no further survey for Cobra Greenhood was required. However, it requested a targeted survey be conducted for Tea-tree Fingers (*Hypocrepis amplexans*).

DEECA also requested further information to support Nature Advisory's identification of Swamp Gum (*Eucalyptus ovata*) within the project footprint because "*Swamp Gum is very closely related to the Critically Endangered Strzelecki Gum (Eucalyptus strzeleckii)*".<sup>10</sup> An arboricultural survey was undertaken in conjunction with the engagement of an expert taxonomist to assist with the identification of Strzelecki Gum.

The additional information provided by the Proponent eventually resulted in DEECA's support, subject to conditions, for removal of 1.757 hectares of native vegetation, including 36 large trees on 4 December 2024.<sup>11</sup> A general offset of 1.211 general habitat units was required:

- i) located within the Port Phillip and Westernport Catchment Management Authority (CMA) or Bass Coast Shire Council municipal area
- ii) with a minimum strategic biodiversity value of at least 0.466
- iii) the offset(s) secured must provide protection of at least 36 large trees.

Additional conditions included matters concerning protection measures for native vegetation to be retained and native fauna living or nesting in the vegetation and the requirement for a Construction Environment Management Plan.

In response to the Committee's invitation to participate in the Hearing on 30 October 2025, DEECA:

- declined to participate
- noted it had been informed that additional surveys had identified the presence of potential Strzelecki Gums and Cobra Greenhood
- said:
 

... DEECA are of the opinion that any additional information or changes would not alter our position on the application and acknowledge there may be impacts to, or removal, of Strzelecki Gums and Cobra Greenhood. It is noted that DEECA's recommended conditions may need to be altered to reflect any updated Native Vegetation Removal Report should the extent and type of native vegetation removal be amended.<sup>12</sup>

<sup>10</sup> Document 4e.

<sup>11</sup> Document 4i

<sup>12</sup> Document 12a

## 2.6 Versions of the permit conditions

Following the directions of the Committee, the Proponent circulated:

- Day 1 permit conditions: no changes to the proposed conditions that appear in the Council Officer's report as tabled at the Council meeting of 19 February 2025<sup>13</sup>
- Day 2 permit conditions: track changes against Day 1 version<sup>14</sup>
- Day 3 permit conditions: track changes against the Day 2 version.<sup>15</sup>

The Day 2 version incorporated changes largely to reflect changes in the amount of native vegetation to be removed as a result of refinements to the road design and native vegetation assessment (discussed further in Chapters 4 and 6). The Day 3 version incorporated changes in response to matters raised during the Hearing including other parties' comments on the proposed conditions.

Parties were given the opportunity to provide written comments on the Day 3 version after the close of the Hearing. The following parties elected to do so:

- South Gippsland Conservation Society Incorporated (SGCS)<sup>16</sup>
- GTSAG<sup>17</sup>
- Council.<sup>18</sup>

In developing its recommended version of the conditions, the Committee has had regard to all parties' comments.

The Committee's recommended permit conditions in Appendix D uses the Proponent's Day 3 version as the starting point.

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<sup>13</sup> Document 38

<sup>14</sup> Documents 55 and 56

<sup>15</sup> Document 120

<sup>16</sup> Document 122

<sup>17</sup> Document 123

<sup>18</sup> Document 124a

## 3 Planning context

### 3.1 Overview

This Chapter identifies planning context relevant to the proposal.

**Table 3 Planning context**

|                                               | Relevant references                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Victorian planning objectives</b>          | <ul style="list-style-type: none"> <li>- section 4 of the PE Act</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Municipal Planning Strategy</b>            | <ul style="list-style-type: none"> <li>- Clause 02.03-2 (Environmental and landscape values)</li> <li>- Clause 02.03-4 (Natural resource management)</li> <li>- Clause 02.04 (Strategic Framework Plan)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Planning Policy Framework</b>              | <ul style="list-style-type: none"> <li>- Clauses 11.01-1L-07 (Grantville), Clause 11.03-5S (Distinctive areas and landscapes)</li> <li>- Clause 12 Biodiversity: Clauses 12.01-1S (Protection of biodiversity), 12.01-1L (Protection of biodiversity), f) 12.01-1S (Protection of biodiversity), 12.01-2S (Native vegetation management), 12.01-1L (Protection of biodiversity), 12.01-2S (Native vegetation management), 12.05-2L-01 (Landscapes), 12.05-2L-02 (Landscape character areas)</li> <li>- Clause 14.03 (Earth and energy resources); Clauses 14.03-1S (Resource exploration and extraction), 14.03-1L (Resource exploration and extraction)</li> <li>- Clause 17 (Economic development)</li> <li>- Clause 18.02-4S (Roads)</li> <li>- Clause 52.08 (Earth and energy resources industry)</li> <li>- Clause 52.17 (Native vegetation)</li> <li>- Clause 62.01 (Uses not requiring a permit)</li> </ul> |
| <b>Other planning strategies and policies</b> | <ul style="list-style-type: none"> <li>- Plan Melbourne Direction 4, Policies 4.1, 4.2</li> <li>- Protecting Victoria's Environment – Biodiversity 2037</li> <li>- Bass Coast Statement of Planning Policy</li> <li>- Guidelines for the removal, destruction or lopping of native vegetation (DEECA, August 2025)</li> <li>- Bass Coast Biodiversity Biolinks Plan (2018)</li> <li>- Bass Coast Significant Roadside Vegetation Management Plan (2020)</li> <li>- Regional Sand Extraction Strategy Lang Lang to Grantville (1996)</li> <li>- Helping Victoria Grow – Extractive Resources Strategy (2018)</li> <li>- Strategic Extractive Resources Roadmap (2021)</li> </ul>                                                                                                                                                                                                                                    |
| <b>Planning scheme provisions</b>             | <ul style="list-style-type: none"> <li>- Farming Zone</li> <li>- Township Zone</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

- 
- Restructure Overlay
  - Special Use Zone
  - Significant Landscape Overlay
  - State Resource Overlay
- 

**Planning practice notes**

- Planning Practice Note 89: Extractive Industry and Resources
- 

## 3.2 Municipal Planning Strategy

Clause 2.03-2 (Environmental and landscape values) provides:

**Biodiversity and habitat conservation**

The decline and fragmentation of indigenous vegetation and loss of biodiversity is a major environmental issue in the Shire and a contributing factor towards other land and water degradation issues.

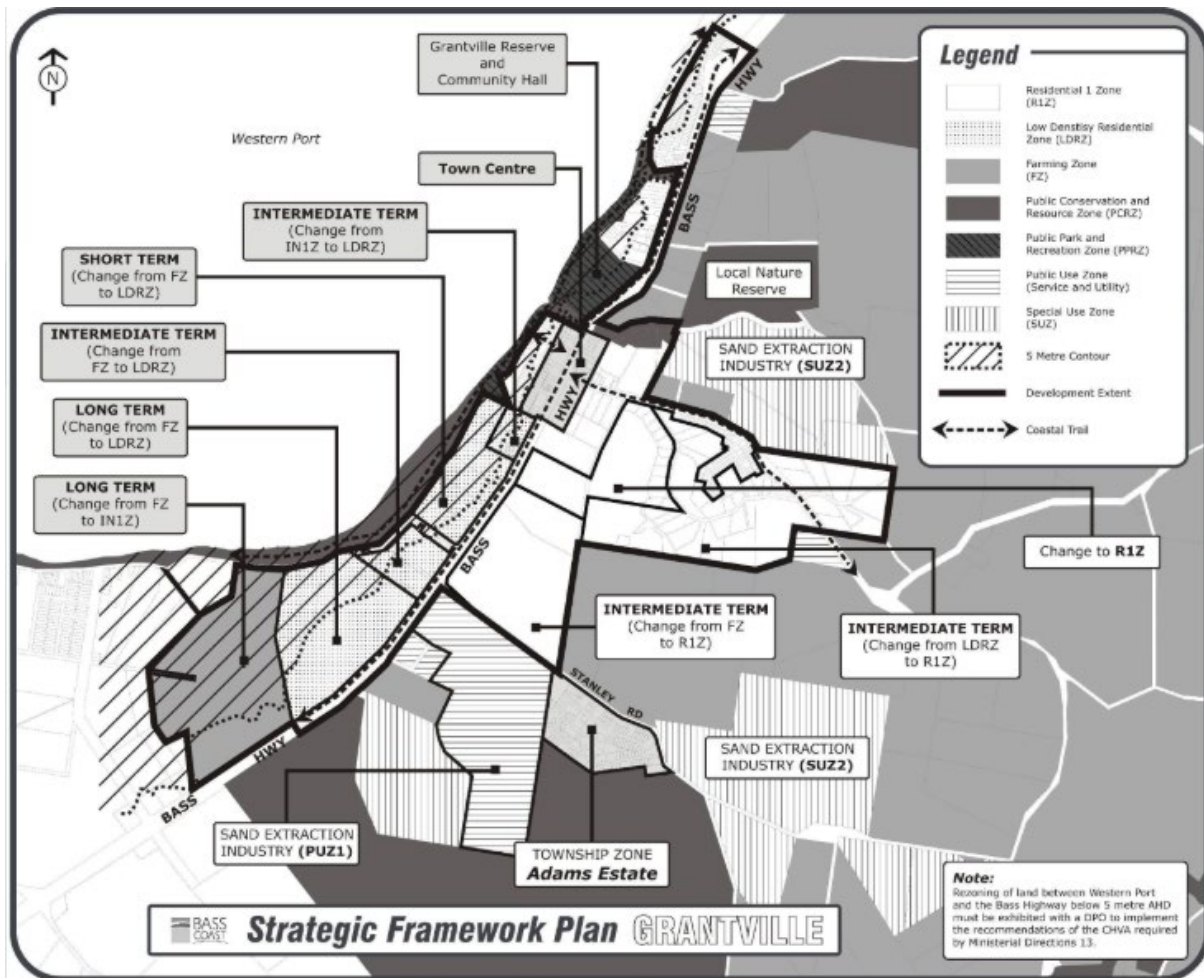
Council seeks to:

- Protect and conserve the Shire's biologically diverse natural environment.
- Prioritise habitat protection and enhancement.
- Minimise the decline and fragmentation of indigenous vegetation.
- Minimise the degradation of the coastline and other areas of high habitat value.

Clause 02.03-4 (Natural resource management) states:

The known sand resources in the Gurdies-Grantville area will become increasingly important for concrete sand supplies in metropolitan Melbourne over time ...

The Grantville strategic framework plan identifies sand extraction industry areas along and at the end of Stanley Road (Clause 11.01-1L-07 (Grantville)) (refer Figure 6).

**Figure 6 Grantville Strategic Framework Plan (Clause 11.01-1L-07)**

Source: Planning Scheme, Clause 11.01-1L-07

### 3.3 Bass Coast Statement of Planning Policy

Bass Coast Shire is a declared “*distinctive area and landscape*” under the *Planning and Environment Act 1987* (PE Act).

The Bass Coast SPP has been prepared to guide future use and development of land within the declared area to ensure the protection and conservation of its distinctive attributes. It was developed DTP in collaboration with Council, the Bunurong, and relevant government agencies and authorities after public consultation and the independent advice of the Distinctive Areas and Landscapes Standing Advisory Committee (DAL Committee) which held hearings in 2023 (DAL Hearing process). The DAL Committee considered a range of factors including the ecological significance of the Western Port Woodlands and biolinks.

On 14 October 2025, the Bass Coast SPP became operational following the publication of its notice of approval in the *Victoria Government Gazette*. It forms part of the Victoria Planning Provisions, and the next steps is for a planning scheme amendment to implement the Bass Coast SPP into the Planning Scheme to be prepared. Information

provided by Council<sup>19</sup> indicated this could involve introduction of a Significant Landscape Overlay (as drafted and exhibited through the consultation process) and an (interim) Environmental Significance Overlay to the Western Port Woodlands to ensure their ongoing protection and conservation as a distinctive attribute within the declared area. However, DTP has indicated it considers further work is required to justify an Environmental Significance Overlay.

The Western Port Woodlands is recognised in the Bass Coast SPP as one of the main refuges for wildlife in the area, providing habitat for threatened species. The Woodlands consist of the Grantville Nature Conservation Reserve, Grantville Bushland Reserve, The Gurdies Nature Conservation Reserve, Hurdy Gurdy Creek Nature Conservation Reserve, Lang Lang Proving Ground and Lang Lang Education Area, and private land between these areas.

The boundaries of the Woodland are undefined.

The Bass Coast SPP acknowledges *"long-standing community concerns about the potential impacts of expanded extractive industry activity on the biodiversity values of the Western Port Woodlands"*. It states:

It is important to balance protecting Victoria's unique biodiversity and environment with the safeguarding of extractive resources essential for meeting the housing, infrastructure and employment needs of Victoria's growing population. These goals need not be mutually exclusive.

It identifies further investigative work is required to understand the intrinsic values of the Woodlands and the efficacy of current protections. Council is taking steps to further this work including mapping of the environmental values and extent of the Woodlands.

The Bass Coast SPP sets out several relevant objectives and strategies:

Objective 2: To protect and enhance environmental assets and ecosystem services and support their resilience and adaptation to climate change impacts and natural hazards.

...

Strategy 2.3: Retain and enhance the declared area's valued biodiversity, landscape character, vegetation and canopy cover (to the extent practicable ...

...

Objective 4: To protect and enhance the declared area's significant landscapes, including their distinctive characters, physical features and cultural values.

...

Strategy 4.6: Retain and enhance remnant native vegetation in coastal reserves, along road and waterway corridors and on private land ... where appropriate and to the extent practicable ...

...

Objective 5: To protect, conserve and enhance the declared area's significant biodiversity and ecosystem services.

...

Strategy 5.2: Improve habitat quality and quantity, particularly for endangered animal species, by increasing indigenous vegetation and retaining and enhancing remnant native vegetation to the extent practicable ...

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<sup>19</sup> Document 64

Strategy 5.3 Establish and maintain strategic biolinks, particularly along waterways and coastlines, to enhance habitat and better connect areas of high environmental, biodiversity and ecological value.

...

Objective 7: To avoid and minimise human impacts and the effects of ... and development on the declared area's environmental and ecological values.

### 3.4 Extractive industry policies and plans

Clause 14.03 of the Planning Scheme concerns 'Earth and energy resources'. In summary:

- An objective is to encourage exploration and extraction of natural resources *"in accordance with acceptable environmental standards"* (Clause 14.03-1S).
- Strategies include:
  - Recognise the possible need to provide infrastructure, including transport networks, for the exploration and extraction of natural resources (Clause 14.03-1S).
  - Ensure extraction of stone does not have a detrimental impact on the environment or significant landscape areas (Clause 14.03-1L).
  - Plant extensive buffer zones of indigenous vegetation around quarries (Clause 14.03-1L).
  - Minimise the impact of extractive industries on the infrastructure capacity of the surrounding area, including surrounding road networks, water usage and drainage infrastructure (Clause 14.03-1L).
  - Design and locate quarries to minimise impacts on areas of high landscape and environmental quality (Clause 14.03-1L).
  - Consider, as relevant, the *Regional Sand Extraction Strategy Lang Lang to Grantville* (1996) (Regional Sand Strategy) (Clause 14.03-1L).

Clause 52.08 (Earth and energy resources industry) of the Planning Scheme encourages land to be used and developed for exploration and extraction of earth and energy resources *"in accordance with acceptable environmental standards"*.

More generally, planning is to:

- provide for a strong and innovative economy and contribute to the economic wellbeing of the state and foster economic growth (Clause 17)
- facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure (Clause 18.02-4S).

#### **The Regional Sand Extraction Strategy Lang Lang to Grantville**

Clause 14.03-1L of the Planning Scheme requires consideration of the Regional Sand Strategy, as relevant.

Its purpose is to identify:

- preferred areas of sand extraction
- areas of significant conservation value to be preserved and where sand extraction will not be allowed.

The Stanley Road area is identified as having several resource blocks and an extractive industry interest area, as well as 'no go' areas such as the Grantville Conservation Reserve south of Stanley Road. The Quarry is located in Resource Block 13.

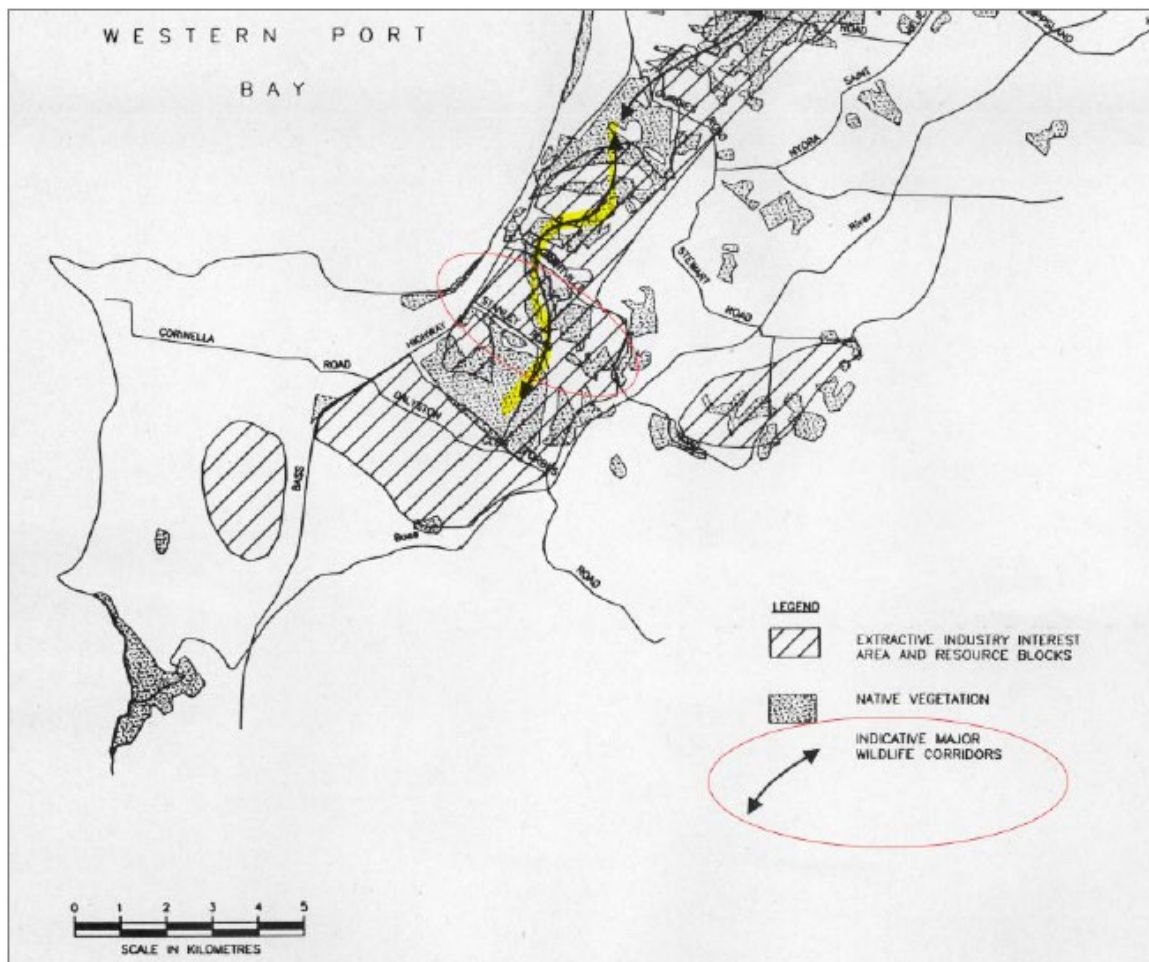
The Regional Sand Strategy explains the strategic importance of the Lang Lang-Grantville sand deposits in relation to the declining sand resource located in the Heatherton-Dingley area which has supplied Melbourne for over 25 years (noting this was written in 1996). It identifies the Lang Lang-Grantville sand deposits as being an increasingly significant source of fine sand for concrete production for the Melbourne market out to mid-2030.

In seeking to balance sand extraction with preservation of significant conservation values in the area, the Strategy acknowledges the importance of wildlife corridors within the landscape. Due to a range of factors including fragmentation of vegetation and the presence of significant north-south barriers in the wider landscape, the Strategy states:

Within the regional strategy area, however, the existing wildlife corridors are regarded as semi-permeable only, with significantly reduced faunal movement and genetic exchange for some species.

It mapped 'major wildlife corridors' with one at the eastern end of Stanley Road (refer Figure 7 below).

**Figure 7** Extract from Regional Sand Extraction Strategy showing 'indicative major wildlife corridors'



Source: Document 46, page 54

The Regional Sand Strategy identified the key strategy for access to sand quarries to be to focus quarry traffic onto existing, but upgraded, roads. In relation to Resource Block 13, the Strategy identified an upgraded Stanley and McGrady Road route as one possible access option.

### 3.5 Biodiversity policies and plans

#### Clause 12.01 of the Planning Scheme

Clause 12.01 of the Planning Scheme seeks to protect and enhance biodiversity in a variety of ways, including by:

- ensuring decision making considers the impacts of land use and development on Victoria's biodiversity, including consideration of cumulative impacts and fragmentation of habitat (Clause 12.01-1S)
- assisting in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects (Clause 12.01-1S)
- avoiding impacts of land use and development on identified significant flora and fauna habitats and remnant indigenous vegetation, including roadside vegetation (Clause 12.01-1L)
- Siting, designing and constructing development to retain existing vegetation (particularly when indigenous) and incorporating revegetation where possible (Clause 12.01-1L)
- consolidating and linking existing fragmented biodiversity habitat areas and identified wildlife corridors (Clause 12.01-1L)
- supporting the development of an extensive network of natural bushland reserves, wildlife corridors and vegetation areas, both on private and public land (Clause 12.01-1L)
- ensuring there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation including by applying the 'three step approach' (Clause 12.01-1S).

#### Clause 52.17 (Native vegetation)

Clause 52.17 has the following purpose:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Energy, Environment and Climate Action, 2025) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

In this case a permit is required to remove, destroy or lop native vegetation. Before deciding a permit application, Clause 52.17-4 (Decision guidelines) provides that in

addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the NV Guidelines.

### **Native Vegetation (NV) Guidelines**

The NV Guidelines is an incorporated document under Clause 72.04 of the Planning Scheme and must be applied when a permit is required under Clause 52.17. Clause 12.01-2S also requires its consideration, as relevant.

It sets out and describes the application of Victoria's statewide policy in relation to assessing the impacts of, and offsetting for, the removal of native vegetation.<sup>20</sup>

A key strategy is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (Clause 12.01). This is achieved through the "three-step approach" as set out in the NV Guidelines:

**Avoid:**

- Prevent removal of native vegetation where possible (locate or design development to retain vegetation).
- Applicant must show there are no feasible avoidance options that won't undermine the proposal.

**Minimise:**

- Reduce impacts that cannot be avoided (site/design to remove less vegetation or lower-value areas; manage works to protect surrounding vegetation, e.g. stormwater controls).
- Applicant must demonstrate no further reasonable minimisation is possible without undermining the proposal.

**Offset:**

- Compensate for any remaining biodiversity loss by securing an offset that meets the Guidelines' offset calculations and attributes (general or species offsets, multipliers, vicinity, large-tree and strategic value requirements).
- Application must include an offset statement showing an appropriate offset is available or achievable.

Under the NV Guidelines two types of offsets can be required: a species offset and a general offset. Both offset types use the same underlying formula:

$$\text{habitat hectares} = \text{extent (ha)} \times \text{condition score}$$

More specifically:

- general habitat score = habitat hectares × general landscape factor (derived from strategic biodiversity value)
- species habitat score = habitat hectares × species landscape factor (derived from habitat importance score for each threatened species).

The type of offset required depends on the proportional impact on threatened species habitat (as mapped in habitat importance maps). For each threatened species whose habitat overlaps the proposed removal area, a proportional impact calculation is performed:

<sup>20</sup> Native vegetation is defined in Clause 72 of the Victoria Planning Provisions as plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses. Plants from other states or overseas are not native and the permitted clearing regulations do not apply if they are being removed.

$$\left( \frac{\text{Value of species' habitat to be removed}}{\text{Total statewide value of that species' habitat}} \right) \times 100$$

If this exceeds the species offset threshold, a species offset is required for that species. If it falls below, a general offset applies. A single proposal may require both offset types simultaneously if multiple species are affected.

General offsets apply where there is no significant impact on any threatened species habitat. Species offsets apply where there is a significant impact on threatened species habitat. They attract stricter requirements reflecting the greater biodiversity risk.

### **Assessor's Handbook**

Clause 12.01-2S requires consideration of the *Assessor's Handbook – Applications to remove, destroy or lop native vegetation* (DEECA 2025, Version 1.2) (Assessor's Handbook), as relevant.

The Assessor's Handbook provides guidance for consultants and applicants when preparing an application for a planning permit to remove, destroy or lop native vegetation under Clauses 52.16 and 52.17.

### **Vegetation Quality Assessment Manual**

The *Native Vegetation: sustaining a living landscape, Vegetation Quality Assessment Manual – guidelines for applying the Habitat Hectare scoring method* (Version 1.3, DSE 2004) (VQ Assessment Manual) describes the application of the habitat hectares method for assessing vegetation quality and provides a step-by-step approach to conducting assessments in the field.

The VQ Assessment Manual is not part of the Planning Scheme.

### **Bass Coast Biodiversity Biolinks Plan**

The Bass Coast Biodiversity Biolinks Plan 2018 (Biolinks Plan) is not part of the Planning Scheme.

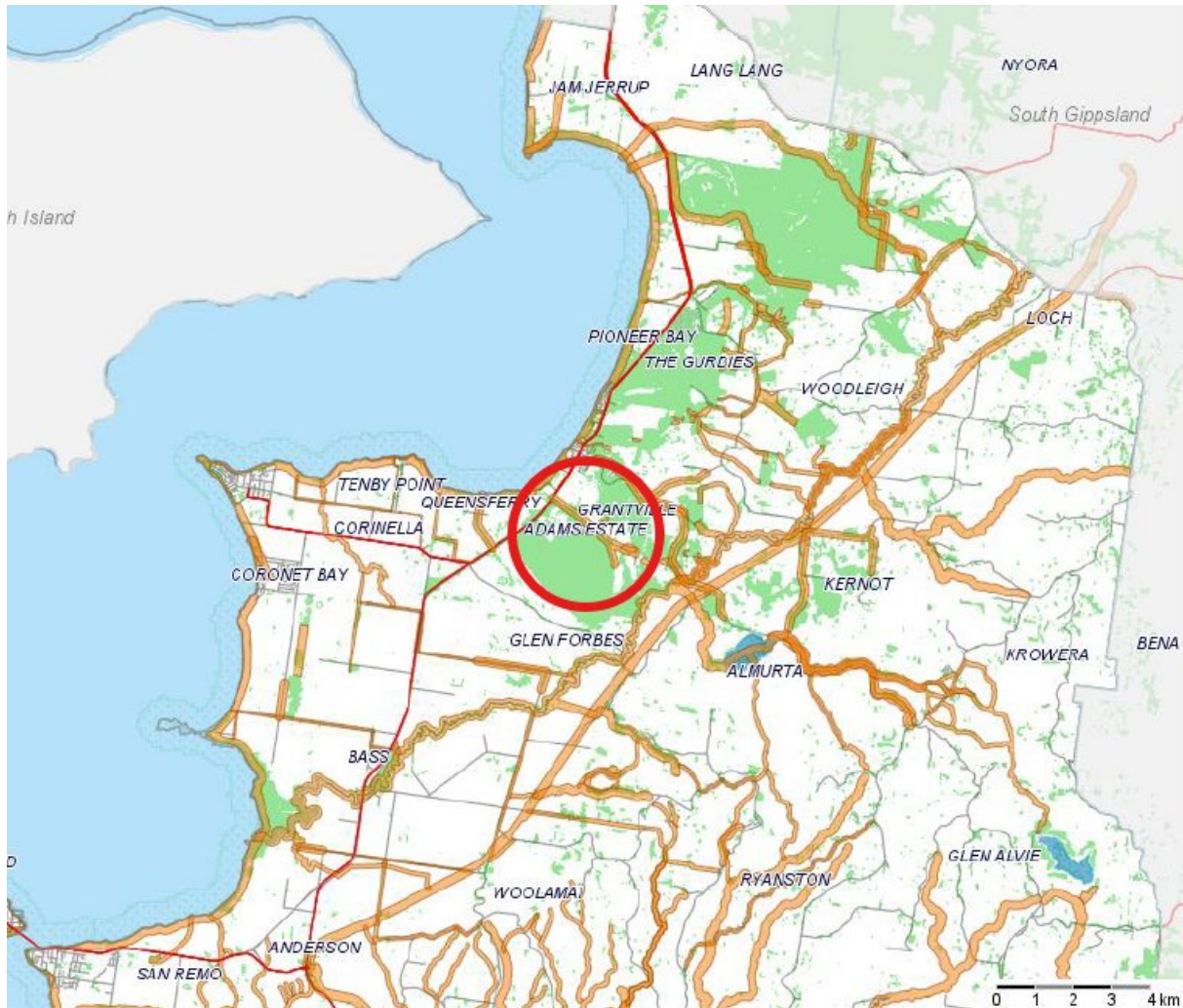
The aims of the Biolinks Plan are to:

- provide connectivity in the landscape by linking remnant patches of indigenous vegetation using biolinks or wildlife corridors
- restore ecological connectivity to encourage the movement of wildlife and allow for genetic diversity in breeding populations to ensure long term viability of isolated species.

The Biolinks Plan:

- acknowledges high quality roadside vegetation connects remnant patches of vegetation
- "identifies areas with high biodiversity value for flora and fauna that are viable sites for re-vegetation and remnant protection across Bass Coast Shire".  
Relevantly, Stanley and McGrady Roads are identified as a biolink (refer Figure 8).

**Figure 8 Stanley and McGrady Road biolink as shown in the Bass Coast Biodiversity Biolinks Plan**



Source: Document 88, page 15 (red circle showing Stanley and McGrady Roads added by Committee)

The mapping of biolinks in the Biolinks Plan was based on desktop data and stakeholder and community feedback and included potential new strategic biolinks. It was not based on ecological surveys.

### **Bass Coast Significant Roadside Vegetation Management Plan**

The Bass Coast Significant Roadside Vegetation Management Plan 2020 (Roadside Vegetation Management Plan) is not part of the Planning Scheme.

It provides a framework for Council management of rural roadside vegetation. Its objective is to protect roadside biodiversity and landscape values without compromising other essential functions of roadsides, roadway or related assets.

The Plan states:

Less than 14% of remnant indigenous vegetation remains across the Bass Coast ... The vegetation that does remain today occurs as small isolated patches or linear strips in reserves, on private land, and growing along our roadsides. Roadside vegetation provides important genetic diversity of the forest that covered the shire prior to European settlement and [is] integral in conserving the gene pool of indigenous plant species.

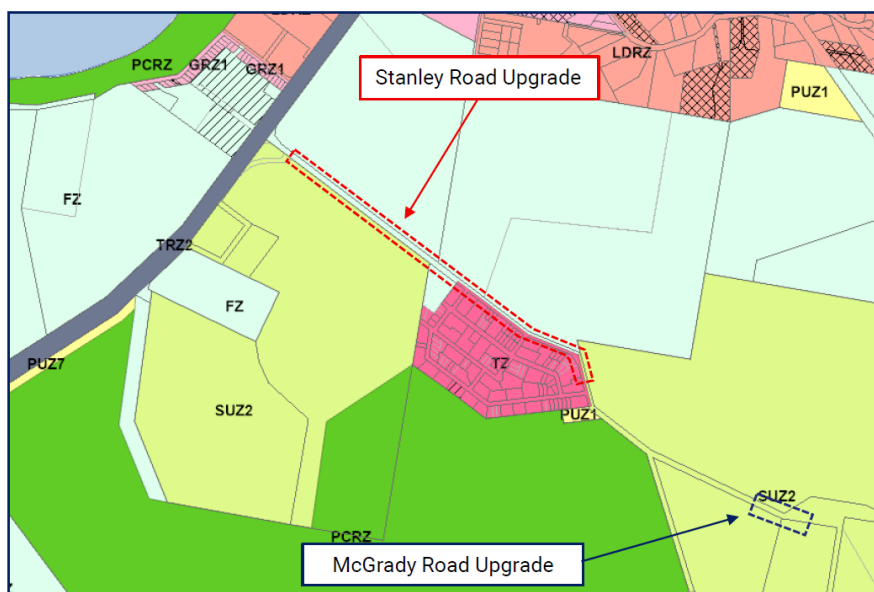
The networks of vegetation on our roadsides play a key role in linking together fragmented vegetation across the landscape and allows for movement, population dispersion and occasional nesting sites and food reserves for fauna.

The Roadside Vegetation Management Plan identifies both Stanley and McGrady Roads as having “significant” roadside vegetation of the relevant EVC with bioregional conservation status as “Vulnerable”. The management action to be taken by Council is weed control.

### 3.6 Zones and Overlays

Stanley and McGrady Roads are located adjacent to the Farming Zone (FZ), Township Zone (TZ), and Special Use Zone, Schedule 2 (SUZ2), as shown in Figure 9.

**Figure 9 Land use zoning map**



Source: Document 33, Figure 2.

The purposes of the FZ, TZ and SUZ are to implement the Municipal Planning Strategy and the Planning Policy Framework. In particular:

- The FZ seeks to preserve land for agricultural production and ensure non-agricultural uses, including residential development, do not constrain, limit, or conflict with farming operations.
- The TZ provides for residential development while supporting a mix of commercial, industrial, and community uses that serve local needs and respect the area’s distinctive neighbourhood character.
- The SUZ2 facilitates the use and development of land for the earth and energy resources industry.

McGrady Road is affected by the Significant landscape Overlay Schedule 1 (SLO1). A permit is required to remove, destroy or lop vegetation in the SLO1. Further details are discussed in Chapter 7.

Adams Estate (shown as pink in Figure 9, above) is affected by the Restructure Overlay (RO). The purpose of the RO is to implement the Municipal Planning Strategy and the Planning Policy Framework, and to:

- identify old and inappropriate subdivisions which are to be restructured
- to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

### **3.7 Clause 71.02-3 (Integrated decision making)**

Clause 71.02-3 states:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

## 4 Adequacy of the ecological assessment

### 4.1 The issues

The issues are:

- whether the impact of all project components have been assessed
- whether the survey methods used are appropriate
- whether there has been adequate assessment of impacted native vegetation including:
  - whether the characterisation of underlying EVCs is accurate
  - whether the assessment of Strzelecki Gum was adequate
- whether there has been adequate assessment of fauna including:
  - the role of Stanley and McGrady Road as a biolink for fauna
  - whether the assessment of Southern Toadlet was adequate.

### 4.2 Background

#### (i) Joint expert statement

A joint meeting of the ecological experts was held on 2 April 2026. Present were:

**Table 4 Ecological experts**

| Name               | Expertise     | Party                     |
|--------------------|---------------|---------------------------|
| Mr Chris Armstrong | Ecology       | Proponent                 |
| Mr Mark Reynolds   | Arboriculture | Proponent                 |
| Mr Neville Walsh   | Taxonomy      | Proponent/Council jointly |
| Mr Doug Frood      | Botany        | GTSAG                     |
| Dr Brendan Casey   | Frog ecology  | SGCS                      |

The joint expert statement on biodiversity matters dated 28 April 2026 reflects the outcomes of the meeting.<sup>21</sup>

#### (ii) General flora and fauna assessment approaches

From 2019 onwards, the Proponent engaged Nature Advisory (formerly Brett Lane and Associates Pty Ltd) to complete various flora and fauna assessments along Stanley and McGrady Roads. A summary is Provided in Table 5.

<sup>21</sup> Document 52

**Table 5**      **General chronology of flora and fauna surveys undertaken by Nature Advisory 2019-2026**

| Date           | Survey / Report                                                                                  | Details and outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 May 2019    | Initial Flora & Fauna Field Assessment – Stanley Road component (Original Ecological Assessment) | <p>The Stanley Road component of the field assessment was conducted. This initial assessment characterised and mapped native vegetation and assessed fauna habitats. This assessment formed the basis of the Original Permit Application submitted to Council in August 2019. Fauna assessment approaches included:</p> <ul style="list-style-type: none"> <li>- incidental searches for mammal scats, tracks and signs (e.g. diggings, signs of feeding and nests/burrows)</li> <li>- daytime bird observations</li> <li>- general searches for reptiles and frogs</li> <li>- general searches for bat habitat including dead trees with hollows and underneath the bark of trees.</li> </ul> |
| 30 May 2022    | Flora & Fauna Field Assessment – McGrady Road component (Original Ecological Assessment)         | The McGrady Road component of the field assessment was conducted on foot. This survey extended coverage to the 100-metre section of public roadside at McGrady Road.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 19 July 2022   | Targeted Survey – Green-striped Greenhood                                                        | A targeted Green-striped Greenhood orchid survey was conducted -no Green-striped Greenhood's were detected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 22 August 2024 | Nature Advisory Report 19081.3 (1.0) – Targeted Flora and Fungi Survey <sup>22</sup>             | A targeted survey for Green-Striped Greenhood, Cobra Greenhood Strzelecki Gum and Tea-tree Fingers. Transects were spaced no more than two metres apart. Nature Advisory detected two individuals of Cobra Greenhood during this survey.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| April 2026     | Nature Advisory Report 19081 (1.7) – Flora and Fauna Assessment                                  | Updated Flora & Fauna Assessment, Stanley Road Grantville. This report incorporated: targeted survey results from 2024 and 2026 including the identification of a Cobra Greenhood population and habitat previously deemed unlikely; a re-assessment of the likelihood of all threatened species to occur within the study area based on updated information.                                                                                                                                                                                                                                                                                                                                  |
| May 2026       | Nature Advisory Report 19081 (1.10) – Flora and Fauna Assessment                                 | Final Flora and Fauna Assessment update which included minor updates to authority acronyms, changes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

<sup>22</sup> Document 44, Attachment 3

| Date        | Survey / Report                                                            | Details and outcomes                                                                                                                                                                                                                          |
|-------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | Updated May 2026 (version 1.10) (Flora and Fauna Assessment) <sup>23</sup> | to EVC allocations and the number of habitat zones and scattered trees mapped.                                                                                                                                                                |
| 01 May 2026 | Nature Advisory Addendum Statement Ref No.19081.05 <sup>24</sup>           | Final Flora and Fauna Addendum Statement which included changes to EVC's and resultant habitat hectare scoring. An additional 0.013 hectares of removal of vegetation on the southern side of McGrady Road was incorporated into this report. |

### (iii) Surveys for threatened flora

Several orchid species have the potential to occur within the study area. Table 6 provides a summary of orchid surveys and observations undertaken by the Proponent and submitters within and adjacent to the study area.

**Table 6 Chronology of flora surveys and observations of orchids 2019-2016**

| Survey date | Survey party                       | Outcome                                                                                                                                                                             |
|-------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 2019    | Nature Advisory                    | No Cobra Greenhood or Green-striped Greenhood recorded.                                                                                                                             |
| May 2022    | Nature Advisory                    | No orchid species of concern recorded.                                                                                                                                              |
| July 2022   | Nature Advisory                    | Targeted Green-striped Greenhood survey- none recorded and as such species deemed unlikely to occur.                                                                                |
| 5 Aug 2024  | Council-employed Botanist/Arborist | Two Cobra Greenhood plants recorded in study area.                                                                                                                                  |
| 22 Aug 2024 | Nature Advisory                    | Two Cobra Greenhood recorded at Stanley Road/Mary Street intersection. Mosquito Orchid (c.50) and Nodding Greenhood (hundreds) also found. No Green-striped Greenhood found.        |
| 12 Jun 2025 | GTSAG                              | 13 Cobra Greenhood recorded in 50 metre section outside but adjacent to study area (east of Stanley Road/June Street intersection).                                                 |
| 13 Jun 2025 | GTSAG                              | 9 buds and 10 non-flowering Cobra Greenhood recorded the in the study area. An additional 15 plants were found adjacent (but outside) the study area. Only 1 plant fully in flower. |
| 30 Jul 2025 | GTSAG                              | 6 Cobra Greenhood in study area.                                                                                                                                                    |

<sup>23</sup> Document 60

<sup>24</sup> Document 61

| Survey date         | Survey party                            | Outcome                                                                                                                                                    |
|---------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 Aug 2025          | Nature Advisory, GTSAG, Council (joint) | 6 Cobra Greenhood in study area. Survey also mapped suitable habitat for Cobra Greenhood. Green-striped Greenhood not found in study area.                 |
| Aug 2024 – Mar 2026 | GTSAG                                   | Additional targeted flora surveys - further Cobra Greenhood records outside study area. Green-striped Greenhood recorded nearby but not within study area. |

Sources: Nature Advisory Flora and Fauna Assessment Report (Document 60), Mr Armstrong Expert Witness Statement (Document 44), GTSAG Hearing Presentation (Document 92).

#### (iv) Strzelecki Gum

Strzelecki Gum is listed as 'vulnerable' under the EPBC Act and 'critically endangered' under the *Flora and Fauna Guarantee Act 1988* (FFG Act). Table 7 sets out the chronology of the assessments undertaken.

**Table 7** Chronology of Strzelecki Gum assessments

| Date                    | Person                | Action                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| December 2024           | Mr Frood              | Mr Frood receives four plant specimens collected from individual eucalypt trees along Stanley Road by Alison Oates (botanist, GTSAG representative).                                                                                                                                                                                                                                                                       |
| 6 August 2025           | Council               | Council prepares a map identifying potential Strzelecki Gum <sup>25</sup> locations along Stanley Road. This map is provided to Arbor Survey and later to Mr N Walsh as part of the brief of materials.                                                                                                                                                                                                                    |
| August 2025             | Mr Reynolds           | Mr Reynolds undertakes an initial site inspection and subsequently receives Council's information on the locations of potential Strzelecki Gum.                                                                                                                                                                                                                                                                            |
| September-November 2025 | Mr Reynolds           | Formally engaged by the Proponent to undertake an initial arboricultural survey of trees. Prepares an initial arboricultural assessment (Arboricultural Assessment Pre-Development, Stanley Road Grantville (Arbor Survey, 13 November 2025, version 1)) (Arboricultural Assessment). <sup>26</sup> In this preliminary assessment, several trees were identified as potential Strzelecki Gum based on field observations. |
| 12 December 2025        | Proponent and Council | Joint instructions issued to Mr N Walsh, then Senior Conservation Botanist / Honorary Research Associate at the Royal Botanic Gardens Victoria (National Herbarium of Victoria),                                                                                                                                                                                                                                           |

<sup>25</sup> The map also identified potential Greenhood Orchid locations.

<sup>26</sup> Document 42

| Date                      | Person                      | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |                             | to act as an independent jointly engaged expert to provide a taxonomic determination of the trees in question.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| January-February 2026     | Mr N Walsh<br>Mr Reynolds   | Mr N Walsh attends the site in January and is assisted by Mr Reynolds to locate relevant trees. A spider lift is used to access canopy. Mr N Walsh directs the collection of samples from around 10 trees, personally inspecting and collecting material from within the area inspected from the spider lift.<br><br>Survey resumes site in February with a larger truck-mounted Elevated Work Platform. Mr N Walsh personally collects samples from the remaining 22 trees. Buds, fruits and foliage are collected wherever possible - sampling is incomplete for trees 32 (no buds) and 209 (no fruit). |
| February 2025             | Mr N Walsh                  | Mr N Walsh takes measurements and makes observations from all 32 field specimens and compares these with: (a) authoritatively identified specimens of <i>E. strzeleckii</i> at the National Herbarium of Victoria; and (b) specimens of Swamp Gum from as close to Grantville as possible within the Herbarium collections.                                                                                                                                                                                                                                                                               |
| 25 February 2026          | Mr N Walsh                  | Mr N Walsh provides his expert witness statement (later updated 12 March 2026) setting out his findings and determination on the taxonomy of the trees in question. <sup>27</sup>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2 April 2026              | Mr Frood                    | Mr Frood provides his expert witness statement on the taxonomy of the trees in question (his statement dated 2 April 2026). <sup>28</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2 April and 28 April 2026 | All ecology-related experts | A joint meeting of the ecological experts was held on 2 April 2026 and the joint expert statement issued on 28 April 2026.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

#### (v) Southern Toadlet

The Southern Toadlet (*Pseudophryne semimarmorata*) is listed as 'endangered' under the FFG Act. Nature Advisory did not undertake any targeted surveys for the Southern Toadlet and instead assumed it to be present within the study area. The Native Vegetation Removal Report NVRR ID: 304\_20260505\_LA8) (NVRR) did not trigger a species offset for Southern Toadlet.<sup>29</sup>

<sup>27</sup> Document 16

<sup>28</sup> Document 45

<sup>29</sup> Document 104

## 4.3 Evidence and submissions

### (i) Project footprint

Submitters raised concerns whether ecological assessment had considered the full extent of the works area.

The Proponent submitted the Amended Plans show:

- the road pavement width
- a road verge
- the footpath form and alignment
- the location of underground services (drainage)
- batter slopes
- safe clearance zones.

The Amended Plans (and previous versions) were provided to Nature Advisory as the basis for the project footprint and study area.

Mr Armstrong's evidence was that in addition to the engineering footprint (as described above) a *"construction buffer of 0.5m was put on the full extent of works"* to ensure the total extent of vegetation removal was considered.<sup>30</sup> Furthermore, he said:

A more nuanced approach was adopted, whereby impacts were determined more accurately by mapping to the canopy extent (informed by the canopy spread data from the arborist) to account for 'full' removal. Understorey impacts were determined based on accurate detailed design lines from the latest plans. This was accounted for as partial removal, where it occurred beyond impacted canopy trees.<sup>31</sup>

Mr Armstrong gave evidence the Fauna and Flora Assessment did not account for removal of vegetation on the southern side of McGrady Road. This was addressed in Nature Advisory Addendum Statement.<sup>32</sup>

### (ii) Survey methods

Mr Armstrong gave evidence:

- The native vegetation assessment was undertaken in accordance with the NV Guidelines, Assessor's Handbook and VQ Assessment Manual.
- Database searches of the Victorian Biodiversity Atlas (VBA) and Protected Matters Search Tool examined flora and fauna records from surrounding land to inform the determination of potential occurrence of listed matters.
- The additional requirements for applications in the detailed assessment pathway were addressed for EPBC Act and FFG listed matters.

Submitters were critical of Nature Advisory's methodology and submitted it had not utilised other sources which, they said, demonstrated key species in and around the study area. For example, GTSAG submitted:

- Based on its own survey program (detailed in Table 6 above), Cobra Greenhood is present at the Mary Street intersection.

<sup>30</sup> Document 66, slide 5

<sup>31</sup> Document 44, page 3

<sup>32</sup> Document 61

- Several species of orchid not surveyed have high potential to occur in the project footprint, including:
  - Dense Leek-orchid (EPBC-vulnerable, FFG-critically endangered): the species is recorded in the Atlas of Living Australia most recently on 19 October 2022, at a location within five kilometres of the Stanley Road/McGrady Road study area.
  - Crested Sun-orchid (FFG-endangered): flowers in October/November, and it is recorded in the Atlas of Living Australia within five kilometres of the study area (most recent record: 19 October 2022, collector: Michael Keogh).
  - Thick-lip Spider-orchid (EPBC-vulnerable): There are Atlas of Living Australia records for the Gurdies Nature Conservation Reserve (within approximately 10 kilometres of the study area), including records from September 2008, October 2010, October 2012 and October 2017. Photographs taken by Dick Wettenhall in October 2022 at The Gurdies Nature Conservation Reserve were included in GTSAG's presentation.

The Proponent acknowledged submitter concerns but submitted:

- The Nature Advisory work has applied orthodox, sufficient, and acceptable approaches to survey and assessment in accordance with relevant government guidelines.
- The assessment has gone further than would often be accepted as sufficient in a permit application process.
- DEECA reviewed earlier iterations of the work and was satisfied with its scope.<sup>33</sup>

### **(iii) Native vegetation assessment**

Mr Armstrong gave evidence in response to requests for further information from DEECA (for more details see Chapter 2.5 above):

- Nature Advisory initially identified only one listed flora species with potential to occur in the project footprint: Green-Striped Greenhood (EPBC: Vulnerable, FFG: Endangered). Targeted surveys for this species were undertaken in July 2022.
- Following additional targeted flora surveys, one individual and the removal of 0.028 hectares of the species habitat for Cobra Greenhood (FFG Act: Endangered) was identified as being impacted by the works.
- No other species listed as threatened under the EPBC or FFG Acts would be impacted.

Phillip Island Conservation Society Incorporated (PICS) submitted the Flora and Fauna Assessment was inadequate because:

- Council's own officers identified several Green-striped Greenhood, three Cobra Greenhood and two Strzelecki Gum within the study area.
- Nature Advisory's survey found only two Cobra Greenhood and missed the others.
- Nature Advisory stated limitations to its survey may have hampered its ability to find these species.

<sup>33</sup> Document 116

## Accuracy of Ecological Vegetation Classes

Mr Frood, expert botanist for GTSAG, gave evidence:

- Swampy Woodland (EVC 937) was a more representative EVC type for the area than Lowland Forest (EVC 16), because the canopy is dominated by Swamp Gums and Strzelecki Gums - species indicative of Swampy Woodland and not dominant in Lowland Forest
- Alison Oates (a GTSAG representative and lead author of the relevant departmental EVC mapping) had identified that Damp Heathy Woodland EVC 793 occurs along McGrady Road.

Mr Armstrong gave evidence:

- agreed in principle Swampy Woodland was a more appropriate EVC for the locality, even though the departmental pre-European vegetation mapping modelled the area as Lowland Forest
- upon review, agreed with the change in EVC to Swampy Woodland
- initially deferred an opinion on whether Damp Heathy Woodland EVC 793 occurs along McGrady Road, noting it would require a review of the relevant EVC benchmarks and the field data collected. In his Addendum statement, Mr Armstrong agreed with Mr Frood that Damp Heathy Woodland (EVC 793) was a more appropriate classification for the McGrady Road zones.<sup>34</sup>

This resulted in minor changes to the Flora and Fauna Assessment as addressed in Mr Armstrong's addendum expert statement and the NVRR.<sup>35</sup>

## Strzelecki Gum

Many submissions raised concern about potential impacts to Strzelecki Gum.

Mr N Walsh gave evidence:

based on what I believe to be the most critical characters to distinguish *Eucalyptus strzeleckii* [Strzelecki Gum] from *E. ovata* [Swamp Gum], supported by literature and observations of specialist-determined specimens held at the National Herbarium of Victoria, I have found no compelling evidence of gum-barked trees beside Stanley Rd being other than *Eucalyptus ovata subsp. ovata*.<sup>36</sup>

Mr Frood's evidence addressed the botanical characteristics of trees along Stanley Road with potential affinity to Strzelecki Gum. He concluded:

- certain trees in near-coastal Gippsland habitats have stronger affinities to Strzelecki Gum than to Swamp Gum but do not represent typical Strzelecki Gum
- in the absence of taxonomic work describing them as a discrete threatened entity, these trees are a near-coastal variant within a broader description of Strzelecki Gum.

Both experts agreed there would be scientific value in undertaking additional molecular (genetic) analysis to truly determine the species.

<sup>34</sup> Document 61

<sup>35</sup> Documents 61 and 104

<sup>36</sup> Document 16, page 8

The Proponent submitted:

- According to current taxonomic classifications, the impacted trees on Stanley Road are not the listed threatened species Strzelecki Gum because:
  - the Threatened List (September 2025) includes 'aff.' and 'subsp.' listings as separate statutorily identified taxa
  - the trees on Stanley Road do not fall within the listed taxon on current taxonomic norms.
- Furthermore, DEECA confirmed any additional information or changes would not alter its position, and it acknowledged there may be impacts to, or removal of, Strzelecki Gums.

Council submitted Mr N Walsh had undertaken an expert examination and determined the eucalypts along Stanley Road and McGrady Road reserves are not Strzelecki Gum. The Council accepted the evidence of Mr N Walsh.

#### **(iv) Fauna assessment and the role of Stanley and McGrady Road as a biolink**

The biodiversity joint expert statement identified there are *"significant habitat values in the road reserve"*.<sup>37</sup>

Mr Armstrong gave evidence:

- Techniques used to detect fauna were limited to:
  - incidental search for mammal scats, tracks and signs
  - daytime bird observations
  - general searches for reptiles and frogs
  - general searches for bat habitat.
- Using these techniques, fourteen fauna species were recorded in the study area, all of them common fauna.<sup>38</sup>
- Nature Advisory completed a likelihood of occurrence analysis and concluded twenty listed fauna species had the potential to occur in the project footprint.
- The susceptibility and impact analysis indicated some areas of suitable habitat for listed species would be impacted:
 

This is specifically habitat that is suitable for Southern Brown Bandicoot, White-footed Dunnart, Lace Monitor, Bearded Dragon and Southern Toadlet on the southern side of Stanley Road between Mary Street and Bass Hwy.<sup>39</sup>
- However, all potential impacts to listed fauna species could be mitigated through appropriate mitigation measures including:
  - restricting works to daylight hours
  - erection of fauna proof fencing
  - preclearance salvage and relocation of fauna.<sup>40</sup>

<sup>37</sup> Document 52

<sup>38</sup> Document 60, Appendix 5

<sup>39</sup> Document 60, section 7

<sup>40</sup> The proposed construction mitigations are set out in full in Document 60, section 7

Regarding connectivity, Mr Armstrong said:

- The study area's habitat connectivity, including linkages to other habitats in the region, was assessed using field observations, recent aerial photography and DEECA's NatureKit.
- While there is habitat fragmentation to the north of the study area, connectivity is maintained by "*linear strips such as roadside vegetation*".<sup>41</sup>
- Connectivity is maintained across Stanley Road as well as along the road.

Dr Casey provided anecdotal evidence of fauna utilising trees in the road reserve when discussing the ecological significance of the roadside vegetation. He did not address the connectivity of the project footprint with nearby areas of ecological significance.

At the Hearing, GTSAG presented field observations from three nocturnal surveys completed in April 2026. Results for native fauna observed in the Stanley and McGrady Roads road reserves included the Kookaburra and Australian Magpie, Krefft's glider, Common Ringtail possum, Common Brushtail possum, microbats, roosting birds and macropods.<sup>42</sup> GTSAG submitted:

- The project footprint sits within a fragmented landscape where less than 15 per cent of native vegetation remains.
- The roadside reserves form part of critical biolinks from the coast to the hinterland of Western Port Bay, including Western Port Woodlands.
- The Western Port Woodlands has high ecological significance and biodiversity values as outlined in the Bass Coast Statement of Planning Policy Distinctive Areas and Landscapes Standing Advisory Committee Report.<sup>43</sup>
- Additional surveys should be completed to identify threatened and non-threatened fauna utilising the project footprint.

SGCS submitted:

- The importance of wildlife connectivity in this landscape has been recognised since (at least) the *Regional Sand Extraction Strategy – Lang Lang to Grantville* (1996). That document mapped 'indicative major wildlife corridors' in relation to extractive industry interest areas and resource blocks, as shown in Figure 7.
- The DAL Hearing process highlighted the importance of biolinks in the broader landscape of the Western Port Woodlands. Loss of connectivity is a threat to the longevity of the Western Port Woodlands and leads to biodiversity decline due to inbreeding.
- The project footprint plays an important role in wildlife connectivity within the broader landscape of the Woodlands, as shown by the arrows in Figure 10 (below). The vegetation along Stanley Road has become increasingly important as development over the last 30 years has led to greater and greater fragmentation of significant ecological areas in the surrounding landscape, and future proposals are likely to worsen this.
- The proposed removal of native vegetation will diminish connectivity along and across Stanley and McGrady Roads.

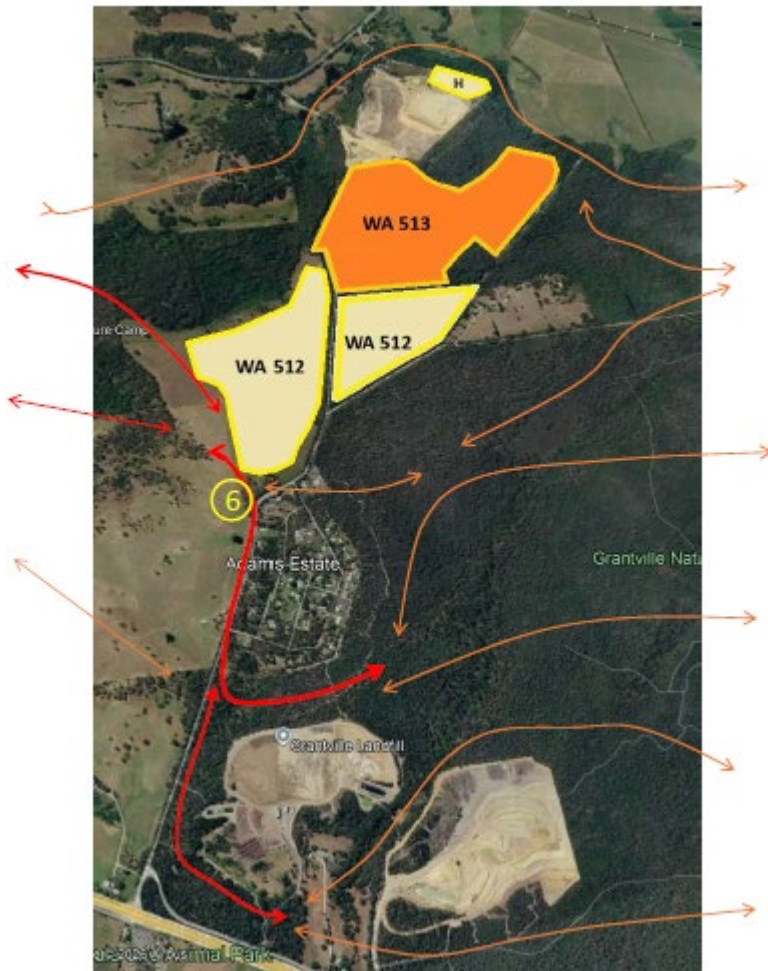
<sup>41</sup> Document 66, slide 13

<sup>42</sup> Document 92

<sup>43</sup> Document 78

- Offsetting will not address the lost connectivity caused by the proposal because there is no requirement for the offset to be provided within the footprint area and/or to address the loss of connectivity for wildlife.
- Targeted mitigations for the loss of connectivity caused by native vegetation loss could be imposed as permit conditions, such as underpasses for wildlife.

**Figure 10 Wildlife corridors in and around the project footprint**



Source: Document 75, slide 24

Ms Watson submitted:<sup>44</sup>

- The Flora and Fauna Assessment was *"fairly cursory and not well timed"* given:
  - The iNaturalist project has recorded 8687 observations of flora and fauna species within the broader Western Port Woodlands – around 6000 of them research grade – with 1569 species identified by 405 observers.
  - Local wildlife photographer, Mr Newman, recently recorded 45 native species within the Stanley Road study area including seven mammals, three reptiles, three frogs and 32 birds.
- Consideration must be given to the joint expert statement on biodiversity in the DAL Hearing process which stated:

The Western Port Woodlands must be viewed and managed as a connected system of habitat, rather than individual remnants/blocks/reserves. If not, the quality of habitat in

<sup>44</sup> Document 81

these remnants will experience ongoing decline, further fragmenting and isolating sub-populations across a variety of indigenous species (e.g. Southern Brown Bandicoot). The cumulative impact of incremental vegetation removal, including road widening, further fragments an already vulnerable system.<sup>45</sup>

The Proponent submitted:

- the ecological function of Stanley and McGrady Roads after the upgrade works is unlikely to be significantly different from the existing situation
- the roads will continue to be lined by a large number of trees and native vegetation.

### **Southern Toadlet**

Dr Casey gave expert evidence on the Southern Toadlet for SGCS:

- Because no targeted surveys for the Southern Toadlet along Stanley Road were undertaken by Nature Advisory, the species' status within the project footprint is unknown and the potential presence of a population cannot be dismissed.
- A population was discovered in April 2023 at Adams Creek Nature Conservation Reserve, approximately 14 kilometres north of Stanley Road. Habitat at this location comprised gravel roads, wheel ruts, culverts, standing water, and vegetated road verges — consistent with typical roadside habitat utilised by the species.
- Dr Casey had himself identified two populations approximately one kilometre south of the study area in the Grantville Nature Conservation Reserve.

At the joint expert conference Dr Casey and Mr Armstrong agreed suitable habitat for the Southern Toadlet exists within the study area and project footprint. Specifically:

- Spoon drains and depressions along the road reserve with suitable leaf litter and vegetation cover are present.
- The Stanley Road roadside hydrology has the potential to support the hydrological regime required for the lifecycle of Southern Toadlet.
- The Grantville Nature Conservation Reserve population habitat is contiguous with the Stanley Road roadside vegetation, with no physical barrier preventing migration between the two areas.

Mr Armstrong gave evidence:

- The species may use the study area, but the project footprint is considered marginal habitat, given that impacts are restricted to the margins of the existing road.
- The removal of vegetation in the project footprint would not have a significant impact on the species as it represents a small proportion of habitat at the edge of a large contiguous habitat area.
- The project footprint is not preferential breeding habitat for the Southern Toadlet because it is compacted and they would be using the swampy areas much more extensively.
- The Toadlet would not use the roadside drains in the project footprint to support its population.

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<sup>45</sup> Document 21

- There would be no change in the 'after' situation which would also comprise compacted areas and remain less preferential as compared to the nearby swampy areas.
- The mitigations recommended will ensure no direct impacts to any individuals present.

Council submitted:

- the open drains/swale drains in the footprint area support threatened frog and toadlet populations
- the retention of water in the drains provides some passive watering benefit to the native vegetation as it allows moisture to be absorbed into the ground surface rather than being carried away under the road in a pipe and discharged elsewhere.

SGCS submitted:

- changes in hydrology, and in particular water movement north-south across (or under) Stanley Road, will impact the Southern Toadlet.
- a hydrological assessment is required to determine the impacts on Southern Toadlet habitat.

The Proponent submitted:

- because no planning permit is required to alter the drainage along Stanley Road, there is no nexus between the alteration of drainage and the proposal before the Committee
- Mr Armstrong's ecological assessment assumed the presence of Southern Toadlet and recommended mitigation measures to avoid direct impacts and this is an appropriate basis for assessment.

## 4.4 Discussion

The Committee is satisfied the study area includes all relevant project elements and supports the additional 0.5 metre buffer allowed when assessing impacts of the works.

There are no requirements for the use of specific data bases for ecological impact assessments. Nature Advisory used the Protected Matters Search Tool, VBA and DEECA's Native Vegetation Removal Map. The Protected Matters Search Tool is commonly used for EPBC Act species searches. The VBA, developed and curated by DEECA, is primarily intended as a general record of all Victorian flora and fauna species observations, whether they be from formal scientific surveys or observations by the public. It is considered standard industry practice to consult the VBA and DEECA generally relies on it for their modelling and species assessments.

As for other tools such as iNaturalist and the Atlas of Living Australia, these are more recent open-source databases. Increasingly, these types of sources are providing additional information about the location and distribution of species across Australia. However, due to their open-source nature, they should be used with caution. The fact that the Flora and Fauna Assessment did not use these sources is not critical.

Overall, the Committee is satisfied the assessment of native vegetation proposed to be removed followed the relevant guidance and is adequate.

The Proponent's NVRR and underlying Flora and Fauna Assessment were prepared with reference to the three key DEECA guidance documents that describe assessment requirements and approaches: NV Guidelines, Assessor's Handbook and VQ Assessment Manual. A site assessment of the native vegetation proposed for removal was undertaken and a site assessment report produced as required for all developments in detailed assessment pathway. The fact the NVRR has been completed and accepted by DEECA suggests the assessments and data quality met DEECA standards.

The reclassification of EVCs in the updated NVRR reflect the agreed position between the relevant experts and does not introduce significant changes to the removal calculations. The final offset requirements reflect these changes.

Mr N Walsh was very clear that, in his expert opinion, no Strzelecki Gums are present in the project footprint. In contrast, Mr Frood's evidence did not positively identify trees along Stanley Road as Strzelecki Gum, but only as a possible variant of uncertain taxonomic status. Both the Proponent and Council accepted the evidence of Mr N Walsh. The Committee also accepts the evidence of Mr N Walsh.

Although both experts considered a detailed genetic analysis would provide greater certainty as to the taxonomy of the trees in question, it was clear the results of that analysis could lead to a range of results including identification of the trees as Strzelecki Gum, Swamp Gum, species affinities (*sp.aff.*) of either or an entirely new species or sub-species. In the latter case, that species would not be listed under the EPBC Act or the FFG Act until a much later date.

In its letter to the Committee dated 30 October 2025, DEECA clearly stated any additional information or changes resulting from this Hearing process, including potential impacts to, or removal of, Strzelecki Gums, would not alter its support for the application. In the Committee's view, this indicates DEECA did not consider any further survey or analysis necessary and continues to support the proposal even where Strzelecki Gums *are* present and *are* removed. DEECA's only requirement was that, if any Strzelecki Gums were found to be present, any resulting changes to the NVRR be reflected in relevant permit conditions.

The Committee considers, therefore, sufficient expert analysis of the taxonomy of the eucalyptus species present has been completed for the purposes of this process.

However, the Committee acknowledges the concerns of several submitters regarding the adequacy of the fauna assessments, and the potential impact of the proposed removal of native vegetation on fauna and their use of the project footprint as a biolink. This issue was specifically acknowledged by DEECA in the process that led, ultimately, to its support for the proposal. Initially, DEECA requested further information about the presence and location of habitat for threatened species, targeted surveys and impact assessment for threatened species. This information was required for it to properly determine whether the impacts to biodiversity values would be acceptable in accordance with decision guideline 9 of the Assessor's Handbook and Clause 12.01 (Biodiversity). In its clarification of the further fauna surveys it required, DEECA expressly acknowledged:

the roadside vegetation is providing a buffer and connectivity to native vegetation and habitat for threatened species located within the Grantville Landfill site (Crown land) and Grantville Nature Conservation Reserve which can be considered as important areas of biodiversity.

The removal of native vegetation and threatened species habitat within the roadside is likely to further contribute to fragmentation, edge effects and degradation of these locally high-quality remnant areas of native vegetation and habitat.<sup>46</sup>

As outlined above in Chapter 2.5, in response to DEECA's request Nature Advisory undertook further surveys and assessments. This included a likelihood of occurrence analysis for threatened fauna which identified twenty listed fauna species as having the potential to occur in the project footprint. Nature Advisory concluded all potential impacts to listed fauna species could be mitigated through appropriate measures (set out in the Flora and Fauna Assessment). DEECA accepted this further work as adequate and relying on it, supported the proposal in December 2024, subject to conditions, having explicitly considered Clause 12.01 and the potential role the project footprint played in terms of connectivity in the broader landscape. DEECA's conditions are reflected in the Proponent's Day 3 permit conditions.

The Committee accepts DEECA's position that the fauna survey and assessment work was adequate and Mr Armstrong's evidence to this effect. Although submitters presented information about faunal use of the project footprint and submitted the area is a biolink, the Committee considers these matters have been adequately addressed as part of the work undertaken by the Proponent.

The proposed mitigations for threatened fauna are generally appropriate, but the Committee considers the Fauna Management Plan could be extended, as described below, in recognition of the importance of the area in terms of its location broadly within the Western Port Woodlands which is identified in the Bass Coast SPP as a wildlife refuge. This would provide a higher level of comfort to the Committee that the issue of the permit would be acceptable in terms of its impact on biodiversity (particularly with reference to policy objectives at Clause 12.01).

The Committee recommends that the Fauna Management Plan include requirements to:

- undertake surveys for diurnal, nocturnal and crepuscular fauna before works commence to establish accurate baseline fauna utilisation of the study area, to the reasonable satisfaction of DEECA
- monitor and assess the impacts of the native vegetation loss on the surveyed fauna for a period of two years after removal of the native vegetation, to the reasonable satisfaction of DEECA
- provide the results of the targeted surveys and monitoring to the responsible authority and DEECA without delay
- implement appropriate adaptive management measures, as reasonably required by the responsible authority and/or DEECA, to address any ongoing impacts on fauna utilising of the area in the vicinity of the project footprint.

For example, adaptive management measures could include appropriate requirements for additional tree planting immediately adjacent and nearby to the project footprint, or wildlife movement mitigation measures to specifically address any loss of ecological connectivity. The Committee recommends as part of this process, the mitigation approaches outlined in the *Victorian Infrastructure Delivery Authority (VIDA) Roads Fauna Sensitive Road Design Guidelines 2025* are considered.

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<sup>46</sup> Document 4e

The Committee agrees with the Proponent that there is no nexus between any potential impact on the Southern Toadlet and the proposal. No permit is required for upgrade of the road itself, and it is the proposed road that could (although this was not definitively) alter the hydrology of the project footprint and surrounds in a way that would impact the Southern Toadlet (if it was found to exist there). However, there was no suggestion that the removal of native vegetation would be likely to significantly alter the local hydrology of Stanley Road.

## 4.5 Findings and recommendations

The Committee finds:

- The Flora and Fauna Assessment:
  - has appropriately assessed the impact of all project components
  - has generally been undertaken in accordance with relevant guidance and industry accepted standards
  - overall, is acceptable.
- The updated native vegetation removal report accurately classifies the impacted ecological vegetation classes.
- There is sufficient evidence to conclude no Strzelecki Gums are present in the project footprint.
- A targeted survey for the Southern Toadlet is not required.
- Additional mitigation measures should be included in the Fauna Management Plan required under the permit conditions.

The Committee recommends:

**The permit conditions include additional requirements for the Fauna Management Plan, as set out in the Committee's preferred permit conditions in Appendix D, to:**

- a) undertake surveys for diurnal, nocturnal and crepuscular fauna before works commence to establish accurate baseline fauna utilisation of the study area, to the reasonable satisfaction of Department of Energy, Environment and Climate Action**
- b) monitor and assess the impacts of the native vegetation loss on the surveyed fauna for a period of two years after removal of the native vegetation, to the reasonable satisfaction of Department of Energy, Environment and Climate Action**
- c) provide the results of the targeted surveys and monitoring to the responsible authority and Department of Energy, Environment and Climate Action without delay**
- d) implement appropriate adaptive management measures, as reasonably required by the responsible authority and/or Department of Energy, Environment and Climate Action, to address any ongoing impacts on fauna utilising of the area in the vicinity of the project footprint.**

## 5 Adequacy of the Arboricultural Assessment

### 5.1 The issue

The issue is whether the Arboricultural Assessment was appropriate.

### 5.2 Background

*Australian Standard AS4970 – 2025 (Protection of Trees on Development Sites)* (Tree Protection Standard) provides guidance on assessing, retaining and protecting trees during development. It specifies notional root zones and structural root zones that should be protected.

For the purposes of calculating the extent of native vegetation losses, the NV Guidelines and Assessor's Handbook provide assumed losses must be included in the total native vegetation extent. Assumed losses include encroachment into the notional root zone or structural root zone as follows:

Unless an arborist report indicates otherwise, a tree, or trees will be deemed lost if the encroachment (of compaction and excavation) into the NRZ [notional root zone] is greater than 10 per cent, or is inside the SRZ [structural root zone].

### 5.3 Evidence and submissions

Mr Reynolds, the Proponent's arborist, gave expert evidence relating to:

- his qualifications, experience and expertise
- his surveys of trees proximate to the existing and proposed road alignments for the Stanley Road Works and the McGrady Road Works
- the subsequent Arboricultural Assessment<sup>47</sup> which ranked the trees based on their arboricultural value and provided mitigation strategies based on the Tree Protection Standard
- his interactions with the Proponent's design team (civil engineers, traffic engineers and ecologist) as the team refined the road design (covered in more detail in Chapter 6)
- his final construction impact review.

Mr Reynolds gave evidence:

- He ranked trees using the following priorities for retention:
  - **Priority 1 Trees:** Hollow Bearing Trees. These trees have hollows and can be of 'high' and 'medium' arboricultural value
  - **Priority 2 Trees:** Large Trees. These trees have a trunk diameter of 70 cm or over – these trees could have 'high', 'medium' or 'low' arboricultural value depending on their condition
  - **Priority 3 Trees:** High Arboricultural Value. These trees do not have hollows and do not have a trunk diameter of 70 cm or over

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<sup>47</sup> Document 42

- **Priority 4 Trees:** Medium Arboricultural Value. These trees do not have hollows, do not have trunk diameters over 70 cm and are only of fair condition overall
- **Priority 5 Trees:** Low Arboricultural Value. These trees do not have hollows, do not have trunk diameters over 70 cm and are generally in poor condition.
- These priorities were given to the civil and traffic engineers (as discussed further in the next Chapter).
- Construction impacts were assessed based on the Amended Plans and the Tree Protection Standard.
- Mr Reynolds used road cross section layers from the Amended Plans in Computer Aided Design (CAD) to assess impacts on individual trees, assessing them one-by-one, based on the extent of excavation within or beyond the existing table drain inverts taking the outer edge of the batter as the limit of works.
- He identified trees as being 'lost' where they are located within the 'works envelope' (the project footprint) but stated 11 of these 'lost' trees may in fact survive. All trees identified as being 'lost' are accounted for in the NVRR.
- He identified a number of trees as being 'retained' although they will incur:
  - **major encroachment:** encroachment of over 20 per cent into the notional root zone or within the structural root zone
  - **moderate encroachment:** encroachment of between 10 – 20 per cent into the notional root zone
  - **zero or minor encroachment:** 0-10 per cent into the notional root zone.
- These trees are retainable because, in most cases, the encroachment from the proposed works will be less than the existing footprint of the road (that is, between the invert of the table drains) based on existing root conditions and their likely extension under the table drain and existing road. He stated the Tree Protection Standard recognises:
 

... that existing obstructions and hard surfaces can influence the practical protection response. Where a road corridor and table drain have created a long-standing disturbed condition, arboricultural assessment may reasonably conclude that the actual root occupation beyond that disturbance is reduced and more likely non-existent.<sup>48</sup>
- He drew a distinction between encroachment and impact, stating the impact of the relevant works on each tree is the determining factor for whether a tree is likely to survive, rather than encroachment. The impact is a judgement to be made by the arborist based on the individual tree and relevant conditions.
- Further, this approach is consistent with the NV Guidelines because the Assessor's Handbook states the general approach that trees will be deemed 'lost' if encroachment into the notional root zone is greater than 10 per cent is qualified by the words "*unless an arborist report indicates otherwise*". Here, he undertook the impact assessment on relevant trees, determined which in his expert opinion would be 'retained' and recorded this in the Arboricultural Assessment.
- No trees will be removed solely for safety clearance zones.

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<sup>48</sup> Document 35, section 10.2.3

Council submitted:

- The tree losses associated with construction buffers, the footpath and the safe clearance zone have not been appropriately addressed.
- No baseline assessment of potentially affected trees has been undertaken, making it impossible to assess whether the Amended Plans represent a genuine improvement on previous versions.
- Mr Reynolds' evidence was inconsistent with the Assessor's Handbook which states:  
...unless an arborist indicates otherwise, a tree, or trees will be deemed lost if encroachment in the notional root zone is greater than 10 per cent, or inside the SRZ.
- Of the 193 trees identified as 'retained', 146 (75.6 per cent) will experience 20 per cent or more encroachment into the notional root zone. Further, most cases of 'major encroachment' involve 35-40 per cent encroachment into the notional root zone, a level at which tree survival is highly uncertain.
- No genuine assessment of the likely impact of major notional root zone and structural root zone encroachment on 146 'retained' trees has been provided because no ground truthing of root locations has been carried out. As such, the true extent of vegetation loss, that is, accounting for indirect mortality from root encroachment, has not been adequately assessed.
- Given the identified deficiencies in the Arboricultural Assessment and the extent of root encroachment into the notional root zone, it is not possible to know with any certainty how many 'retained' trees will survive the construction process.

The Proponent continued to rely on the Arboricultural Assessment. It submitted there is no uncertainty about 'retained' trees because Mr Reynolds gave evidence these trees will be retained provided the permit conditions are implemented.

## 5.4 Discussion

The Committee considers Mr Reynolds a suitably qualified arborist able to make expert judgements regarding the long term viability of trees within the road reserve. The Committee is satisfied Mr Reynolds has undertaken an appropriate and expert assessment of the impacts of the proposal on trees and accepts his opinion regarding the trees that are 'retainable' despite levels of tree encroachment above 10 per cent. The assessment is consistent with industry standards and relevant guidance.

Having said this, the Committee accepts there is some uncertainty regarding the long term viability of 'retained' trees especially those that will experience greater than 20 per cent encroachment into the notional root zone. The proposed tree management measures in the Day 3 permit conditions (as agreed between Council and the Proponent) are intended to address this issue and the Committee considers they will likely lead to improved tree retention outcomes. The Committee also encourages the Proponent to take all reasonable measures to retain trees that have been identified as 'lost' but which may be retained during the carrying out of the roadworks. The Committee has added a note to this effect in the permit conditions.

The Committee is satisfied the project footprint (full construction extent) has been considered in Mr Reynolds' impact assessment.

## 5.5 Findings and recommendations

The Committee finds:

- The Proponent's arboricultural assessment is appropriate and consistent with industry standards and relevant guidance.
- The proposed tree management measures in the Day 3 permit conditions will likely lead to improved tree retention outcomes and are generally appropriate.
- The Committee encourages the Proponent to take all reasonable measures to retain trees that have been identified as 'lost' but which may be retained during the carrying out of the roadworks.

The Committee recommends:

**A note is added to the permit conditions, as set out in the Committee's preferred permit conditions in Appendix D, to encourage the Proponent to take all reasonable measures to retain trees that have been identified as 'lost' but which may be retained during the carrying out of the roadworks.**

## 6 The three step approach

### 6.1 The issue

The issue is whether the three-step approach under the NV Guidelines has been properly applied, including:

- whether the 'key objective' of the proposal has been accurately identified
- whether the road has been appropriately sited and designed to avoid and minimise impacts on native vegetation including at the Mary Street intersection
- whether feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal
- whether the proposed offsets are appropriate.

### 6.2 Background

Chapter 2.4 provides background on the development of the road design which culminated in the Amended Plans before the Committee. A brief chronology of road design changes and resulting proposed native vegetation removal is set out in Table 8.

**Table 8 Chronology of changes to the road design and resulting native vegetation removal**

| Date         | Consultant | Document                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                      | Native vegetation removal                                   |
|--------------|------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 2019 – 2021  | Cardno     | Road design plans first prepared by Cardno (later acquired by Stantec) (Original Road Design) | Adopted a 'business as usual' approach, including: <ul style="list-style-type: none"> <li>- 7.6 metre trafficable width (between kerb inverts)</li> <li>- Drainage in the road verges</li> <li>- Footpath offset by 1 metre from kerb invert (concrete footpath)</li> <li>- Vertical geometry to generally following existing road levels, requiring significant cut.</li> </ul> | 2.090 hectares of Lowland Forest (EVC 16)<br>36 large trees |
| 13 June 2023 | Stantec    | Stanley Road Engineering Assessment of Current Design (Stantec Assessment)                    | Adopted three key recommendations for changes to the Original Road Design, including: <ul style="list-style-type: none"> <li>- shifting the centreline of the road from its existing alignment to minimise tree loss</li> <li>- amending the drainage strategy so that drainage</li> </ul>                                                                                       | 1.757 hectares of Lowland Forest (EVC 16)<br>36 large trees |

| Date            | Consultant    | Document                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Native vegetation removal                                                |
|-----------------|---------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
|                 |               |                                                                                 | <p>was placed below the road rather than in its verges</p> <ul style="list-style-type: none"> <li>- placing the footpath immediately at the back of kerb, rather than separated by a nature strip (also, locating the footpath on fill above existing disturbed table drains).</li> </ul>                                                                                                                                                                                                                                     |                                                                          |
| 6 December 2023 | Cardno        | Updated Road Designs based on the Stantec Assessment (Cardno Application Plans) | This design accompanied the permit application that was ultimately refused by Council on 19 February 2025.                                                                                                                                                                                                                                                                                                                                                                                                                    | 1.757 hectares of Lowland Forest (EVC 16)<br>36 large trees              |
| 9 February 2026 | Traffix Group | Preliminary 2D Design                                                           | <p>Prepared for discussion purposes with SMEC including:</p> <ul style="list-style-type: none"> <li>- 7.0 metre wide road (narrowing road lanes from 3.8 metres to 3.5 metres)</li> <li>- road centreline located centrally between the existing 'toe of bank' on either side of Stanley Road to minimise vegetation loss</li> <li>- alignment modifications- road and footpath including unsealed a 1.5 metre wide footpath located immediately adjacent to carriageway.</li> <li>- 1 metre safe clearance zones.</li> </ul> | 0.757 hectares of Lowland Forest (EVC 16)<br>3 large trees <sup>49</sup> |
| 8 April 2026    | SMEC          | Stanley Road Grantville Quarry Road Upgrade Civil                               | Prepared for the Hearing and appended to Mr Chrzanowski's evidence. <sup>51</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.758 hectares of Lowland Forest (EVC 16)                                |

<sup>49</sup> Subsequently updated to 4 large trees due to a data mismatch between Mr Armstrong and Mr Reynolds.

<sup>51</sup> Document 34

| Date | Consultant | Document                                                          | Description                                                                                                    | Native vegetation removal |
|------|------------|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------|
|      |            | Design (Functional Design 08.04.26) (Amended Plans) <sup>50</sup> | The Amended Plans do not make any changes to the McGrady Road Works (refer to Cardno Application Plans above). | 4 large trees             |

Source: Committee’s summary of information contained in tabled documents

### 6.3 Evidence and submissions

**(i) The key objective of the proposal**

The Proponent submitted the upgrade of Stanley and McGrady Raods, including the footpath as required by the Quarry Permit, is the ‘proposed used and development’ for the purposes of the NV Guidelines.

Mr Cuttriss submitted the underlying proposal is to extract sand from the Quarry to supply the Melbourne housing market, not to upgrade Stanley and McGrady Roads.

**(ii) Overview of the Proponent’s avoid and minimise approach**

The Proponent called on evidence from several experts including civil engineering, traffic engineering, arboriculture and ecology. Each expert said the road designs were progressively improved to meet both minimum road specifications and to avoid and minimise impacts to vegetation, particularly the priority tree categories identified by Mr Reynolds. Mr Armstrong stated in addition to the tree priorities developed by Mr Reynolds, other avoidance factors were considered, primarily impacts to Cobra Greenhood habitat.

Mr J Walsh, a traffic expert, gave evidence for the Proponent. He explained he was initially engaged in August 2025 to give evidence at the VCAT proceeding but later his role changed and involved input into the Amended Plans, including:

- overseeing preparation of the two-dimensional functional road and footpath design (2D Design) which would set out key design parameters from a traffic perspective and would be used as the ‘starting point’ for the three-dimensional civil design, and
- reviewing the three-dimensional civil design from a traffic and vegetation loss perspective, namely:
  - road design changes that can be accommodated to minimise vegetation loss/clearance/disturbance, whilst achieving acceptable traffic and road safety outcomes.

Mr J Walsh said he received advice from Arbor Survey that tree removal would be reduced if:

- the road width was to be reduced, and
- the drainage footprint limited to within the footprint of the existing table drain and no closer than the existing ‘toe of bank’.

<sup>50</sup> Document 36

Mr J Walsh said after considering the existing conditions, the development context, projected traffic volumes and relevant road requirements and guidance, Traffix Group prepared the 2D Design (which was then provided to SMEC) based on:

- A trafficable road width (face-of-kerb to face-of-kerb) of 7.0 metres, providing a 3.5 metre-wide lane in each direction, is an appropriate width for the Stanley Road upgrade. This was 600mm less than the original application plans and presents the opportunity to reduce vegetation removal.
- In line with the advice from Arbor Survey, to reduce vegetation impacts the centreline of the carriageway was located approximately centrally between the existing toe of bank on either side of Stanley Road.
- An unsealed 1.5 metre-wide footpath between Bass Highway and Mary Street immediately adjacent to the road is appropriate because:
  - in contrast to a paved footpath, an unsealed footpath can potentially be provided within tree root zones and close to trees without requiring their removal, thereby minimising tree removal
  - locating the footpath immediately adjacent to the carriageway is an acceptable safety outcome and will reduce the works footprint and vegetation removal
  - it will provide appropriate connectivity between Bass Highway and Mary Street and is an improvement on existing conditions (no separate footpath).

Overall, in his opinion the Amended Plans are appropriate because:

- They are generally consistent with the 2D Design (overall carriageway and footpath provision and alignment) and provide an acceptable traffic engineering outcome.
- A one-metre safety clearance zone is appropriate for the length of Stanley Road, including the 60kph section of Stanley Road, so that potentially more vegetation can be retained. Mr J Walsh noted Amended Plans are more conservative with some sections of two- and three-metre clear zones being adopted.
- They provide an appropriate transport outcome given the context of the future road use and design objective to retain roadside vegetation where practical.

Mr J Walsh raised no issues with the McGrady Road Works.

Mr Chrzanowski, a civil (road) engineer with SMEC, gave evidence outlining his involvement in the proposal which began in January 2026 when engaged by the Proponent to prepare a revised set of civil drawings for the proposed road upgrade for Stanley Road, drawing on previous plans – the Amended Plans. He said:

- The design development was undertaken in close consultation with the Proponent, Mr Reynolds (Arbor Survey), Mr Armstrong (Nature Advisory), and Mr J Walsh (Traffix Group) to ensure alignment with planning objectives, operational requirements, and minimise impacts to native vegetation.
- Mr Reynolds communicated the retention priorities for relevant trees (Priority 1 to 5 as outlined in Chapter 5).
- Mr Armstrong identified a “*high priority*” area of Cobra Greenhood habitat at the Stanley Road / Mary Street intersection and the importance of maximising its retention.

- SMEC used the 2D Design, together with the retention priorities identified by Mr Reynolds and Mr Armstrong, to develop a three-dimensional functional road design.
- The design process was iterative and involved communication between relevant consultants.

Mr Chrzanowski outlined the key measures to minimise impacts on higher value vegetation as far as practicable, within the constraints of applicable road engineering requirements, including:

- Aligning the road pavement between the existing table drain inverts where practicable, consistent with arborist advice;
- Matching existing road grade levels as far as practicable to reduce cut and fill requirements, including batters;
- Applying a preference for fill rather than cut where feasible in order to satisfy vertical road design requirements, consistent with arborist advice;
- Minimising fill depths over tree root zones as far as practicable; and
- Examples of optimisation of the road geometry to minimise tree impacts include:
  - Where the design was required to extend outside swale drain inverts, encroachment was minimised into the structural root zone of trees to minimise tree impacts.
  - Where trees were present on both sides of the road, the design was adjusted to shift the road alignment away from higher value trees.
- Minimising intersection and earthworks footprint in the vicinity of Mary Street due to presence of Cobra Greenhood Habitat.
- Trunk drainage being located below existing pavement and central within the road cross section.
- Footpath on south side of Stanley Road located at the back of kerb.
- Cross-sectional changes leading to an overall reduction of 0.9 m footprint from Back of Kerb to Back of Kerb [including:]
  - Narrowing the traffic lane width from 3.8 m to the standard traffic lane width of 3.5 m; and
  - Nominating barrier kerbs in lieu of the semi-mountable kerbs proposed by the Cardno and Stantec designs. Barrier kerbs are 150 mm narrower than a semi-mountable kerb and are appropriate for a local road use case.
- Use of crushed rock or granitic sand for the footpath surface in lieu of concrete resulting in less disturbance to tree roots; and
- A series of refinements to horizontal and vertical alignment intended to further minimise vegetation impacts based on vegetation priority provided by the Arborist while maintaining road functionality. ...

In terms of their involvement in the road design process, Mr Reynolds and Mr Armstrong gave evidence consistent with that of Mr J Walsh and Mr Chrzanowski.

Mr Reynolds said:

- He provided a prioritised tree retention list to both Mr J Walsh and Mr Chrzanowski for consideration of potential amendments to the road alignment aimed at avoiding and minimising vegetation loss. Priority 1 and 2 trees were to be avoided wherever possible.
- He met with Mr Armstrong to ensure consistency in their identification of hollow bearing trees, which trees were considered large trees with trunk diameters of greater than 70 centimetres and the tree locations with the result that four hollow bearing trees (Priority 1) and 33 large, old trees (Priority 2) were identified.

- Further meetings were held with the consultant group to discuss possible refinements to the Amended Plans in order to reduce vegetation losses.
- From an arboricultural perspective, although there could be minor refinements to the road design and footpath, the Amended Plans are fully resolved.

After the Amended Plans were finalised, Mr Reynolds undertook his final impact assessment (on trees) and provided proposed impact mitigation measures. His evidence was:

- Fifty-four trees cannot be protected as they are located within the project footprint. This equates to 21.8 per cent of the total tree population assessed and is less than the tree losses associated with the Cardno Plans of December 2023 (refer to Table 8) of 33.2 percent.
- For the purposes of offsetting, these trees have been identified as 'lost'. However, eleven of these trees may be physically retained, but at this stage, the extent of the root system and the impacts on these trees cannot be determined.
- No Priority 1 trees (hollow bearing trees) will be lost.
- No trees will be removed solely because they are within the safety clearances zones.
- A large number of trees will incur major encroachment into the notional root zone. A lesser number of trees will incur moderate or minor encroachment. These are considered retainable. This classification process is discussed in Chapter 5.
- The existing drain invert can reasonably be seen as the outer boundary of a previously disturbed corridor, with any remaining root system from the retained trees likely being more concentrated around the trees themselves and within less disturbed soil. Limiting the proposed road and drainage works to this existing disturbed area is therefore expected to minimise further root loss and support the preservation of the remaining viable root zones.
- Locating the footpath on the southern side of Stanley Road, directly onto the curb minimises impacts because fewer trees will be lost and the southern side is less compacted. In his view, there should be no footpath because this would result in lesser impacts to trees.
- He supported the use of granitic soil on the footpath due to its permeability which would reduce impacts on trees.
- Wherever possible the footpath was located above natural ground level to minimise tree disturbance.

Mr Armstrong gave evidence on the nature and extent of native vegetation impacts, the ecological values of the subject vegetation and the three-step avoid, minimise, offset approach applied. His evidence documented the ranking of vegetation into priority values to focus retention on the most ecologically significant areas. A retention hierarchy was applied through iterative re-designs that will result in:

- avoidance of all hollow bearing trees
- unavoidable impacts to four out of 33 large trees
- unavoidable impacts to two out of 6 high arboricultural value trees
- unavoidable impacts to 10 out of 67 medium arboricultural value trees
- the majority of impacts restricted to low arboricultural value trees (38 trees).

Mr Armstrong said:

- If approved, the proposal will result in the loss of 0.768 hectares of native vegetation, including 0.357 hectares of an endangered EVC (Swampy Woodland) and four large trees.
- The NVRR detailed the offset requirements as:
  - 0.3900 General Habitat Units
  - In the vicinity of Melbourne Water CMA or Bass Coast Shire LGA
  - With a minimum strategic biodiversity value score of 0.4571
  - 4 large trees.<sup>52</sup>
- Compliant offsets are available through DEECA's Native Vegetation Credit Register.<sup>53</sup>
- No species offsets are required.

The Proponent submitted:

- The proposed native vegetation removal has been avoided and mitigated in accordance with Clause 52.17 and the NV Guidelines. Each of the relevant decision guidelines have been met.<sup>54</sup>
- DEECA supports the application, subject to conditions which the Proponent accepts.
- Since Council issued its notice of decision to refuse the permit, the Proponent has commissioned all further work reasonably required to respond to the issues raised in the VCAT proceeding.
- Its approach to working with Council and submitters has been *"transparent and collaborative"*.
- The Proponent's significant effort and a clear intent to reduce the ecological impact of the proposal are demonstrated by the iterative road design process of its multi-disciplinary team of consultants (documented in relevant expert witness statements and culminating in the Amended Plans).
- The expert evidence is some vegetation removal is unavoidable to deliver the required road upgrade and vegetation was ranked into 'priority' values to prioritise areas of vegetation retention of most importance. This meets the avoid and minimise requirement.
- It is reasonable to assume the requirement for a footpath between Mary Street and Bass Highway and the Amended Plans present a footpath proposal that avoids and minimises impacts. As it currently stands, the Quarry Permit requires provision of a footpath and Council (which is also the relevant road authority) did not submit that no footpath be required.

Council submitted:

- A road upgrade is required under condition 26(a) of the Quarry Permit, which mandates construction of a footpath/bicycle path between Mary Street and Bass Highway.

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<sup>52</sup> Document 104

<sup>53</sup> Document 60, Appendix 9

<sup>54</sup> The Proponent's Part B submission addresses each relevant decision guideline of the NV Guidelines (Document 54, [14] and following). This material is not repeated here.

- Changes such as the reduction in the trafficable road width from 7.6 metres in the Original Road Design to 7.0 metres and the change in footpath from a concrete pavement to an unsealed granitic sand footpath are improvements (although ultimately Council submitted the footpath should be made of concrete for ongoing management ease and longevity).
- The proposal will result in 54 trees being 'lost' and 193 'retained' as compared to the Decision Road Designs which would have led to only 157 'retained' trees (11.4 per cent improvement). However, this significantly understates the true impact of the proposal because it does not account for trees likely to die due to root encroachment, only those to be physically removed.
- The proposal is inconsistent with the objective of Clause 12.01-2S to ensure no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation because the Proponent has not demonstrated all feasible attempts have been made to avoid removal of native vegetation before proceeding to the minimise step.

Several submitters questioned whether biodiversity offsets can adequately compensate for the loss of this vegetation:

- PICS submitted offsets cannot replace the ecosystem function of old-growth vegetation, referencing Nature Advisory's own finding that the vast majority of vegetation is of high quality and many trees bear hollows.
- GTSAG submitted destruction of native vegetation in exchange for offsets represents a net vegetation, habitat and biodiversity loss: once lost, it is lost forever.

Ms Watson submitted the guiding principle must be avoidance rather than mitigation, and alternative sand resources to the Quarry exist, including Strategic Extractive Resource Areas on cleared farmland.

Some submitters suggested use of boardwalks for the footpath could reduce impacts on trees.

### **(iii) Mary Street intersection**

There was also discussion and cross examination relating to the process and acceptability of avoidance of recognised Cobra Greenhood individuals and habitat.

Mr Armstrong's evidence acknowledged the avoidance of large trees to the north of the Stanley Road / Mary Street intersection results in encroachment into Cobra Greenhood habitat. When cross-examined, Mr Armstrong did consider Cobra Greenhood habitat an avoidance priority, however, he did not state the level of priority. In both his oral and written evidence, Mr Armstrong raised a question concerning whether further road redesign at the Mary Street intersection could further reduce impacts to Cobra Greenhood habitat.

Mr Chrzanowski provided road engineering evidence, including some comparative analysis of alternative alignments of Stanley Road at its intersection with Mary Street. He said avoiding the Cobra Greenhood habitat at the Mary Street intersection would have required significant removal of priority trees on the north side of the road (including four Priority 2 large trees). After giving his evidence, Mr Chrzanowski provided a

memorandum which provided detail of an alternative alignment of Stanley Road which would avoid the Cobra Greenhood habitat at the Mary Street intersection.<sup>55</sup> This alternative alignment would push the road northwards and result in:

- substantial cut requirements along the northern side of the alignment, necessitating the construction of retaining walls to maintain earthworks within the existing road reserve
- considerable tree loss on the northern side of the road including removal of three Priority 2 trees
- the cut slope of the northern batter would extend into the existing ground and likely sever root systems within this area, further contributing to ecological impact.

Due to its late provision, Mr Chrzanowski's memorandum was not the subject of any cross examination or put to any other witnesses (refer to Chapter 1.2 above).

The Proponent submitted:

- 250 square metres of Cobra Greenhood habitat will be impacted (approximately 10 per cent of the habitat), leaving approximately 2,400 square metres of habitat (mostly on private land).
- The alignment of Stanley Road, rather than the intersection tie in to Mary Street, is what mostly impinges on the area of Cobra Greenhood habitat.
- Mr Chrzanowski's evidence was that avoiding Cobra Greenhood habitat would involve significant loss of trees to the north of Stanley Road.
- The decision to avoid the removal of a large number of trees on the north side of Stanley Road, at the cost of removal of a limited portion of Cobra Greenhood habitat, was an acceptable approach.
- There may be opportunity to re-establishment Cobra Greenhood habitat after the roadworks are complete.

Council submitted:

- Mr Armstrong said he still had concerns about whether losses to Cobra Greenhood habitat had been sufficiently avoided and minimised.
- The trees on the north side of the road at the intersection which would be retained under the proposed alignment have been given greater retention priority than the Cobra Greenhood.
- Mr Armstrong confirmed he did not consider two sets of plans to provide an opinion on what was the preferable outcome in relation to avoiding and minimising the impact of the proposal on the Cobra Greenhood habitat at Mary Street.
- Therefore, the NV Guidelines were not followed because there was no meaningful assessment of the potential to avoid the impact on Cobra Greenhood habitat.
- Mr Chrzanowski's alternative alignment was not considered by Mr Armstrong in forming his opinions.
- The late submission of this material is reflective of the unresolved and uncertain nature of the proposal.

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<sup>55</sup> Document 113

## 6.4 Discussion

The Committee considers the key objective of the proposal is the upgrade of Stanley Road to a level suitable to carry the expected future traffic (volume and type) and to provide a cross over on McGrady Road for traffic movements between the northern and southern blocks of the Quarry. The upgrade of Stanley Road to provide access to the Quarry is required under the Quarry Permit and the McGrady Road cross over aligns with the approved Work Plan.

The first step in the three-step approach is to avoid removal of native vegetation where possible by locating or designing development to retain vegetation. A permit applicant must show there are no feasible avoidance options that will not undermine the proposal. In many cases where an access road is to be provided, a multi-criteria options analysis of potential access routes is undertaken and part of this would be analysis of route options that avoid native vegetation losses. Here, the VCAT proceeding that led to the grant of the Quarry Permit reviewed potential access routes and VCAT decided access was to be via Stanley Road. As a result, such an options analysis is redundant, and the Committee considers it reasonable that any avoidance opportunities come from within the road reserve itself.

The Proponent has used the minimum road parameters for a safe and suitable road (given the number and type of vehicles that will use it once the Quarry and the proposed Barro quarry, another approved quarry which will use the same haulage road are operational) and then sought to avoid removal of native vegetation through the road design and alignment to avoid tree losses. The Committee accepts the evidence of Mr J Walsh and Mr Chzrownwski that the Amended Plans provide appropriate minimum road parameters.

In this case, minimising impacts on native vegetation by choosing a road alignment and design that avoids areas of higher value biodiversity is appropriate and consistent with the NV Guidelines and Clause 12.01. This necessarily requires design teams to work in collaboration with ecological and arborist experts to avoid and minimise impacts.

The Committee is satisfied the iterative process the Proponent's expert team undertook to refine the Amended Plans to avoid and minimise impacts was appropriate. As outlined in the evidence of Mr Chzrownski and Mr J Walsh, the road design was changed in important ways such as reducing the road width, siting the upgraded road to avoid high value trees on the north side of Stanley Road, changing the drainage infrastructure from kerbside to under-road, moving the footpath to the back of kerb and the use of granitic sand for the footpath based on the retention priorities provided by Mr Armstrong and Mr Reynolds. Mr Reynolds supported the use of granitic sand for the footpath as it allows for water infiltration reducing impacts on trees.

This iterative approach accords with the NV Guidelines and is supported by the Committee.

Regarding Cobra Greenhood habitat, the Committee is not aware of any DEECA guidance prioritising threatened species habitat over large trees (or vice versa). Certainly, the NV Guidelines have a significant focus on large trees, canopy trees and large scattered trees because *"large trees are often the oldest part of an ecological*

*system and are difficult to replace in the short term".* Given this, it is not unreasonable for the Proponent to prioritise retention of large trees. In addition, although Cobra Greenhood habitat will be lost, a significant proportion of its habitat will remain at the intersection, in public and private land and the Committee notes the removal the Cobra Greenhood removal did not trigger any species offsets for this species.

A permit applicant must also demonstrate no further reasonable minimisation is possible without undermining the proposal. The Committee is satisfied appropriate minimisation of native vegetation losses has occurred, as demonstrated by the refined project footprint and corresponding reduction in native vegetation impacts.

Finally, the Committee also notes the proposal before it will result in a significantly reduced level of removal as compared to that supported by DEECA. The Proponent's final position is for removal of 0.758 hectares of native vegetation and four large trees as compared to the removal of 1.757 hectares of native vegetation including 36 large trees and one small tree previously supported by DEECA.<sup>56</sup>

The Committee considers the approach to native vegetation offsetting to be appropriate and consistent with the NV Guidelines.

Some submissions argued, despite provision of required offsets, there would be a net loss of biodiversity. The Committee notes these concerns. Clause 52.17 explicitly provides Victoria's policy objective of no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation is achieved by applying the three-step approach in accordance with the NV Guidelines.

## 6.5 Findings

The Committee finds:

- The three-step approach (avoid, minimise and offset) has been appropriately applied, consistent with the NV Guidelines.
- The use of granitic sand or similar permeable surface for the footpath would reduce impacts on retained trees.

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<sup>56</sup> Document 4i

## 7 Significant Landscape Overlay

### 7.1 The issue

The issue is whether the removal of vegetation within the area of the McGrady Road Works will have an impact on the landscape significance of the area.

### 7.2 Background

The McGrady Road Works are in an area affected by the SLO1.

The purpose of the SLO1 is to implement the Municipal Planning Strategy and the Planning Policy Framework, and to:

- identify significant landscapes
- conserve and enhance the character of significant landscapes.

A permit is required to remove, destroy or lop any vegetation specified in a schedule to the SLO (Clause 42.03-2). Relevantly, Clause 3.0 of SLO1 provides a permit is required to remove, destroy or lop any vegetation except:

- on certain land not relevant to the proposal
- the removal of vegetation associated with extractive industry that has an existing permit or works approval.

As noted in Chapter 2.4, even though there is an argument that the proposal is removal of vegetation *“associated with extractive industry that has an existing permit or works approval”* and therefore exempt, the Proponent has elected to proceed on the basis that a permit is required under the SLO1.

The SLO1 provides a statement of the nature and key elements of the landscape protected by the overlay. Relevantly, it characterises the Bass Coast Shire as having a series of important landscapes extending from the Strzelecki foothills through the Bass Valley to coastal areas fronting Western Port Bay. It states development must be sensitively designed and sited to avoid detrimental visual impacts.

The landscape character objectives to be achieved include:

- To protect and enhance the landscape quality of the area.
- To protect and enhance vegetation within the landscape.

Relevant decision guidelines include:

- Whether the proposal is consistent with maintaining the landscape significance of the area
- The impact of the proposed ... works on the landscape significance, scenic views or amenity of the landscape.
- The protection of landscapes and seascapes, having regard to:
  - Conservation and enhancement of significant areas of natural vegetation and significant stands of trees.
  - Visual impact from scenic vantage points.

### 7.3 Evidence and submissions

The Flora and Fauna Assessment mapped the vegetation within McGrady Road as Damp Heathy Woodland (EVC 793). In total, 0.285 hectares of EVC 793 and two large trees were

mapped in McGrady Road. Total proposed vegetation removal of EVC 793 is 0.031 hectares and one large tree.

The Proponent submitted the McGrady Road Works:

- are very minor, highly localised and limited to a vehicle crossing between two sides of the approved Quarry
- will not have a discernible impact upon the landscape character or quality of the Strzelecki Foothills
- are critical to delivering the quarry which is supported by other provisions of the Planning Scheme.

Council submitted the proposal is consistent with the objectives of SLO1.

## **7.4 Discussion**

The vegetation removal proposed at McGrady Road is very minor in the context of the overall landscape and the McGrady Road Works will not have a discernible impact on the landscape character of the Strzelecki Foothills.

The vegetation that will be impacted by the McGrady Road Works is all native vegetation and of generally moderate condition, lacking in the benchmark density of large trees. It is not significant given the existing fragmentation, small and narrow footprint of the vegetation and the fact it abuts degraded or modified landscapes. There will be no discernible visual impacts on the general landscape character and quality.

## **7.5 Finding**

The Committee finds the removal of vegetation along McGrady Road will not have an impact on the landscape significance of the area.

## 8 Overall assessment

### 8.1 Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the responsible authority to consider, as appropriate:

- matters set out in section 60 of the PE Act
- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- any matter required to be considered in the zone, overlay or other provision
- the orderly planning of the area
- the effect on the environment and amenity of the area
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate.

The decision guidelines for Clause 52.17 have been discussed at Chapter 6.

Other matters to be considered include:

- objections
- comments and decisions of referral authorities
- other matters a responsible authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

### 8.2 Discussion

The Proponent's Part A submission provided a helpful summary of the policy context, permit triggers, application requirements and referral requirements for the proposal. It also provided a summary of referral authority comments and responses, and a chronology of the proposal. The Council's submission also provided a helpful summary of relevant policy. The Committee has been assisted by these in its deliberations.

The issues and impacts required to be considered in the relevant decision guidelines have been discussed at length in the issue-specific Chapters of this Report. In summary, the Committee considers:

- The ecological and arboricultural surveys and assessments undertaken were adequate.
- The three-step approach and decision guidelines of Clause 52.17 and the NV Guidelines have been met.

- The removal of vegetation along McGrady Road will not have an impact on the landscape significance of the area and is consistent with the requirements of SLO1.

The overall acceptability of the proposal must be considered in the context of the of the decision guidelines of Clause 65 and the requirement to balance competing objectives in favour of net community benefit and sustainable development.

A key issue is where the balance lies between the policy imperatives of resource (sand) extraction and the protection of biodiversity. The Planning Scheme clearly provides policy support for the protection of biodiversity, including native vegetation and important habitat in roadsides. It also refers to consolidating and linking existing fragmented biodiversity habitat areas. However, that support is not absolute. The Planning Scheme also provides considerable policy support for economic development and sand extraction. But again, that policy support is not absolute. Resource extraction may only take place if appropriate environmental standards are achieved.

The Bass Coast SPP clearly articulates the policy tension between protecting biodiversity and the realisation of significant sand resources in the Western Port Woodlands area.

The Proponent is not required to achieve an 'ideal' outcome; just an acceptable one. In judging net community benefit, the correct approach is to weigh up social, economic and environmental benefits and disbenefits of the proposal and determine where the balance lies. There is no 'magic formula' for this. What must be demonstrated is that the benefits outweigh the disbenefits. The Committee must assess this on the material before it, even where there is inconclusive evidence and conflicting submissions.

There is clear strategic merit in realising the Quarry's sand resource. The removal of native vegetation is for the upgrade to Stanley and McGrady Roads, which in turn is a requirement of the Quarry Permit and required to realise the sand resource. The sand resource is identified as a resource of state significance and is needed to service Melbourne's construction industry and support the provision of more housing in the context of the gradual decline of sand deposits located within Metropolitan Melbourne. The Quarry Permit was subject to the earlier VCAT proceeding that investigated many alternative access routes to the Quarry and determined Stanley Road was appropriate. The use and upgrade of Stanley and McGrady Roads aligns with Clauses 17 and 18.

The Committee accepts that to realise the sand resource, the roadworks must occur and native vegetation will be lost. It is satisfied, subject to the Committee's recommended permit conditions, biodiversity will be protected as required by Clause 12.01 and Clause 52.17 of the Planning Scheme. The removal of native vegetation has been avoided and minimised to the extent practicable without undermining the objective of the proposal.

Considered in the context of other permit applications to remove native vegetation, the vegetation removal proposed here is relatively minor and represents a significant improvement on the Original Permit Application to Council which sought to remove 1.757 hectares of native vegetation including 36 large trees. For example, many residential subdivisions have approvals for the removal of up to 5 hectares of native vegetation, while larger projects requiring an Environment Effects Statement (EES) will often involve the removal of over 10 hectares of native vegetation.

Further, there will be no discernible impact on the significant landscape values protected under the SLO1.

The Committee has given weight to the fact the project footprint sits within the broad area of the Western Port Woodlands, a mosaic of fragmented areas of high biodiversity value. It is located adjacent to native vegetation that directly links to the Grantville Nature Conservation Reserve and the Grantville Landfill site. The biodiversity experts all agreed the road reserve contained significant habitat values.

The matter is finely balanced and not all policy objectives can be met to their fullest extent.

The Committee has considered the above benefits and disbenefits across a range of relevant 'communities': the local residents including the Adams Estate, community conservation groups (such as SGCS, GTSAG, and PICS), the local community and the broader community across the region and Melbourne, both now and into the future. It has also considered the intrinsic rights of biodiversity to exist and flourish. It accepts the benefits and disbenefits of the removal of vegetation will be experienced unevenly across the various affected communities.

Overall, the Committee is satisfied the proposal will achieve net community benefit and support sustainable development, consistent with the Victorian planning objectives and Clause 71.02-3 of the Planning Scheme. It is supported by, and implements, the relevant sections of the Planning Policy Framework.

### **8.3 What permit conditions should be imposed?**

The Committee has based its recommended permit conditions on the Proponent's Day 3 conditions which it supports, except as stated otherwise. For the reasons set out in this Report, the Committee recommends several additions to the conditions to reduce impacts on retained native vegetation and fauna utilising the road reserve.

Council submitted the standard permit note regarding the potential requirement for an EPBC Act approval should be included. The Committee agrees.

The Committee has not undertaken a detailed review of drafting of the permit but observes there is some potential to refine drafting to improve clarity. A review should be undertaken with consideration of DTP's Writing Planning Permits guide before a permit is finalised.

Accurate cross-referencing of conditions in the permit will need to be undertaken before the permit is finalised.

### **8.4 Finding and recommendation**

The Committee finds, subject to its recommended permit conditions, a permit should be issued.

The Committee recommends the Minister for Planning:

**Issue planning permit (application 220321) for removal of 0.768 of native vegetation, including four large trees, located at Stanley Road and McGrady Road reserve, Grantville, subject to the Committee's recommended permit conditions shown in Appendix D.**

# Appendix A Terms of Reference



Version 2: Amended June 2023

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

## Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
  - a. statutory and strategic land use planning
  - b. land development and property economics
  - c. urban design and architecture
  - d. heritage
  - e. civil engineering and transport planning
  - f. social impacts
  - g. environmental planning
  - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

## Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

## Background

5. The Victorian Government is committed to streamlining the assessment and determination of projects that inject investment into the Victorian economy, keep people in jobs and create homes for people. The planning system is an important part of supporting investment and economic growth in Victoria.
6. The DFP focusses on new development projects in priority sectors and/or projects that are in the planning system that face undue delays. These can include (but are not limited to) housing, mixed use, retail, employment, tourism, industrial and other opportunities.

## Method

7. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
8. The referral letter must specify:
  - a. the specific issues the Minister for Planning seeks advice about
  - b. the mechanism of intervention being considered (for example, but not limited to, draft planning scheme amendment, call-in from the Victorian Civil and Administrative Tribunal, planning permit application)
  - c. whether submissions are to be considered by the Committee, and if so, how many are being referred, and
  - d. how the costs of the Committee will be met.
9. The letter of referral will be a public document.
10. In making a referral, the Minister for Planning or delegate must, either:
  - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria

**Terms of Reference | Priority Projects Standing Advisory Committee**

- Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
- b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
11. The Committee may inform itself in anyway it sees fit, but must consider:
    - a. The referral letter from the Minister for Planning
    - b. referred submissions
    - c. the comments of any referral authority
    - d. the views of the project proponent
    - e. the views of the relevant Council and
    - f. the relevant planning scheme.
  12. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority, or government agency.
  13. The Department of Transport and Planning (DTP) will be responsible for any further notification required. New submissions, if required, will be collected by DTP.
  14. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
  15. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
  16. The Committee may:
    - a. assess any matter 'on the papers'
    - b. conduct discussions, forums, or video conferences when there is a quorum of:
      - i. a Chair or Deputy Chair, and
      - ii. at least one other member.
  17. The Committee may apply to vary these Terms of Reference in any way it sees fit.

**Submissions are public documents**

18. The Committee must retain a library of any written submissions or other supporting documentation provided to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
19. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

**Outcomes**

20. The Committee must produce a concise written report to the Minister for Planning providing the following:
  - a. a short description of the project
  - b. a short summary and assessment of issues raised in submissions
  - c. a draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral
  - d. any other relevant matters raised during the Committee process
  - e. its recommendations and reasons for its recommendations
  - f. a list of persons or authorities/agencies who made submissions considered by the Committee and
  - g. a list of persons consulted or heard, including via video conference.

**Timing**

21. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
  - a. the date of receipt of referral, if no further submissions or information are to be sought, or
  - b. receipt of the final submission of material or final day of any public process in respect of a referral.

**Terms of Reference | Priority Projects Standing Advisory Committee**

**Fee**

22. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
23. The costs of the Committee will be met by each relevant proponent.

81C

**Sonya Kilkenny MP**  
**Minister for Planning**

Date: 9/9/2023

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**Terms of Reference | Priority Projects Standing Advisory Committee**

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The following information does not form part the Terms of Reference.

**Project Management**

1. Administrative and operational support to the Committee will be provided by Priority Projects, Department of Transport and Planning ([priority.projects@delwp.vic.gov.au](mailto:priority.projects@delwp.vic.gov.au)).
2. Day to day liaison for the Committee will be managed by Planning Panels Victoria ((03) 8624 5714 and [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)).

## Appendix B Referral letter



The Hon Sonya Kilkenny MP

Minister for Planning

GPO Box 4356  
Melbourne, Victoria 3001 Australia

Ref: BMIN-1-25-1577

Ms Sarah Raso  
Lead Chair  
Priority Projects Standing Advisory Committee  
Planning Panels Victoria  
planning.panels@delwp.vic.gov.au

Dear Ms Raso

I refer to the Victorian Civil and Administrative Tribunal (VCAT) proceeding P241/2025 for the review of planning permit application 220321 which seeks to remove native vegetation on road reserves along Stanley Road and McGrady Road, generally located between the Bass Highway and 115 McGrady Road in Grantville and Glen Forbes. The vegetation removal is required to upgrade McGrady and Stanley Road in Grantville for the purposes of enabling the extraction of hard rock resources from the Grantville Quarry (WA512).

Resources Victoria has advised that the Grantville Quarry resource is of state significance with an estimated resource value of approximately \$73 million. I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of *Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998* as I consider that the proceeding raises a major issue of policy, and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives.

I have also decided to refer the matter to the Priority Project Standing Advisory Committee for advice and recommendations on whether a planning permit should be issued, and if so, the appropriate permit conditions that should be imposed.

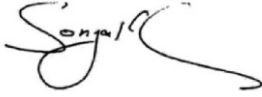
On 19 February 2025, the proponent filed an appeal with VCAT under section 77 of the *Planning and Environment Act 1987* in response to the council's notice of decision to refuse the permit application.

The VCAT hearing has been scheduled to commence on 7 October 2025 for a period of four days.

The cost of the advisory committee will be met by the proponent, Heidelberg Materials Australia Pty Ltd.

If you would like to discuss this matter further, please email Adam Henson Director, Planning Facilitation, Department of Transport and Planning, at [REDACTED].

Yours sincerely



**The Hon Sonya Kilkenny MP**  
Minister for Planning

Date: 18/09/2025

## Appendix C Document list

| No.                       | Date      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Provided by           |
|---------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1                         | 9 Sep 23  | Terms of Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Minister for Planning |
| 2                         | 18 Sep 25 | Letter of Referral                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Minister for Planning |
| <b>Referred documents</b> |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |
| 3                         | 18 Sep 25 | VCAT file: <ul style="list-style-type: none"> <li>a) Council Officer Report</li> <li>b) Cover letter prepared by Ricardo Planning</li> <li>c) Planning Permit Application Form</li> <li>d) Certificate Title</li> <li>e) Engineering assessment (Stantec, 13 June 2023)</li> <li>f) Council Meeting minutes (19 February 2025)</li> <li>g) Notice of decision to refuse to grant a Permit (19 February 2025)</li> <li>h) Planning Report prepared by Ricardo Planning (24 August 2022)</li> <li>i) Flora and Fauna Assessment (Nature Advisory, August 2022)</li> <li>j) Bass Coast Shire Council – Planning Permit No.96116</li> <li>k) Council decision (19 February 2025)</li> <li>l) Letter from the Minister for Planning to the Principal Registrar (18 September 2025)</li> <li>m) Letter from DEECA to Council (21 March 2023)</li> <li>n) Letter from DEECA to Council (17 May 2024)</li> <li>o) Australian Conservation Foundation v. the Commonwealth (1980) 146 CLR 493 (13 February 1980)</li> <li>p) Boerkamp v The Hon Matthew Guy [2014] VSC 167 (14 April 2014)</li> <li>q) Dual Gas Pty Ltd &amp; Ors v Environment Protection Authority (includes Summary) (Red Dot) [2012] VCAT 308 (29 March 2012)</li> <li>r) Planning Permit 96/116 (Pioneer Concrete (Vic) Pty. Ltd.)</li> <li>s) L Bisinella Developments Pty Ltd v Environment Protection Authority [2024] VCAT 515 (6 June 2024)</li> <li>t) Maguire v Parks Victoria [2020] VSCA 172 (25 June 2020)</li> </ul> | Minister for Planning |

| No. | Date      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Provided by           |
|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|     |           | <ul style="list-style-type: none"> <li>u) Council open Letter to Tribunal, Applicant and Parties (23 July 2025)</li> <li>v) Anthony R Davidson Objection</li> <li>w) Threatened Species Action Group Objection</li> <li>x) Simon John Lord Objection</li> <li>y) Simon John Statement of grounds and objection from</li> <li>z) South Gippsland Conservation Society Objection</li> <li>aa) South Gippsland Conservation Society Statement of Grounds</li> <li>bb) Neil Rankine Statement of grounds</li> <li>cc) Neil Rankine Supplementary Statement of Grounds</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |
| 4   | 18 Sep 25 | <p>VCAT file, Requests for Further information, Advertising and response to objections:</p> <ul style="list-style-type: none"> <li>a) Letter from DELWP to Council regarding request for further information (28 September 2022)</li> <li>b) Letter from Council regarding request for further information (5 October 2022)</li> <li>c) Letter from Ricardo Planning to Council with response to request for further information (30 November 2022)</li> <li>d) Attachment A – Figure 2-1: Tree removal (dated 28 June 2021, prepared by Nature Advisory)</li> <li>e) Email from DEECA to Council re DEECA referral response (2 August 2025)</li> <li>f) Email from Council to Ricardo Planning re DEECA referral response (5 August 2024)</li> <li>g) Letter from Ricardo Planning to Council re response to email of 5 August 2024</li> <li>h) Targeted Flora and Fungi Survey prepared by Nature Advisory and dated August</li> <li>i) Letter from DEECA to Council re conditional approval of permit application</li> <li>j) Letter from Ricardo Planning to Council re response to objector comments</li> <li>k) Letter from Ricardo Planning to Council regarding Cultural Heritage Management Plan query</li> </ul> | Minister for Planning |
| 5   | 18 Sep 25 | <p>VCAT orders:</p> <ul style="list-style-type: none"> <li>a) Initiating Order (25 March 2025)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Minister for Planning |

| No.                     | Date      | Description                                                               | Provided by                                                  |
|-------------------------|-----------|---------------------------------------------------------------------------|--------------------------------------------------------------|
|                         |           | b) Procedural Orders (26 May 2025)                                        |                                                              |
|                         |           | c) Procedural Orders (6 June 2025)                                        |                                                              |
|                         |           | d) Compulsory Conference (Interim) Orders (17 June 2025)                  |                                                              |
|                         |           | e) Procedural Orders (15 August 2025)                                     |                                                              |
|                         |           | f) Procedural Orders (15 September 2025)                                  |                                                              |
| 6                       | 18 Sep 25 | Applicant first Practice Day hearing submission                           | Minister for Planning                                        |
| 7                       | 18 Sep 25 | Practice day response from Catherine Wilson                               | Minister for Planning                                        |
| 8                       |           | <i>No document</i>                                                        | -                                                            |
| 9                       | 18 Sep 25 | Council response to Practice Note PNPE2 (29 May 2025)                     | Minister for Planning                                        |
| <b>Tabled documents</b> |           |                                                                           |                                                              |
| 10                      | 1 Oct 25  | Notification letter to VCAT parties                                       | Planning Panels Victoria (PPV)                               |
| 11                      | 20 Oct 25 | Letter from Council recommending DEECA be invited to Committee Hearing    | Bass Coast Shire (Council)                                   |
| 12                      | 22 Oct 25 | Letter to DEECA regarding invitation to participate in the Hearing        | PPV                                                          |
| 12a                     | 30 Oct 26 | Letter from DEECA advising it does not wish to participate in the Hearing | Department of Energy, Environment and Climate Action (DEECA) |
| 13                      | 12 Dec 25 | Letter to Committee regarding Hearing                                     | Council                                                      |
| 14                      | 12 Dec 25 | Letter to Committee regarding Hearing                                     | Proponent                                                    |
| 15                      | 23 Dec 25 | Directions Hearing notification letter                                    | PPV                                                          |
| 16                      | 12 Mar 26 | Expert Statement of Neville Walsh (Botany)                                | Proponent                                                    |
| 17                      | 25 Mar 26 | Summary of Key Issues                                                     | Lea Trowbridge (Adams Estate)                                |
| 18                      | 25 Mar 26 | Summary of Key Issues                                                     | Phillip Island Conservation Society                          |
| 19                      | 26 Mar 26 | Summary of Key Issues                                                     | South Gippsland Conservation Society Inc                     |
| 20                      | 26 Mar 26 | Summary of Key Issues and procedural matters                              | Proponent                                                    |

| No. | Date      | Description                                                                                                                                                                                                                                                | Provided by                                           |
|-----|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 21  | 26 Mar 26 | Summary of Key Issues                                                                                                                                                                                                                                      | Catherine Watson                                      |
| 22  | 26 Mar 26 | Summary of Key Issues                                                                                                                                                                                                                                      | John Cuttriss                                         |
| 23  | 26 Mar 26 | Summary of Key Issues                                                                                                                                                                                                                                      | Gippsland Threatened Species Action Group Inc (GTSAG) |
| 24  | 26 Mar 26 | Summary of Key Issues                                                                                                                                                                                                                                      | Council                                               |
| 25  | 30 Mar 26 | Email to Committee regarding timeframes for the Hearing                                                                                                                                                                                                    | South Gippsland Conservation Society Inc              |
| 26  | 30 Mar 26 | Email to Committee with procedural issues, enclosing:<br>a) South Gippsland Conservation Society Inc objection to Planning Application No 220321 Stanley Road<br>b) DAL Committee Report final Pages 79-91                                                 | South Gippsland Conservation Society Inc              |
| 27  | 30 Mar 26 | Email to Committee with procedural issues, enclosing:<br>a) Protecting Victorias Environment Biodiversity 2037 Accessible<br>b) Bass Coast Statement of Planning Policy DAL Committee report<br>c) Ecology conclave statement of agreed opinions and facts | Catherine Watson                                      |
| 28  | 30 Mar 26 | Email to Committee with procedural issues                                                                                                                                                                                                                  | Janet Grimes (Adams Estate)                           |
| 29  | 31 Mar 26 | Site inspection locations and procedural issues                                                                                                                                                                                                            | Gippsland Threatened Species Action Group             |
| 30  | 31 Mar 26 | Submission to Application 220321                                                                                                                                                                                                                           | John Cuttriss                                         |
| 31  | 2 Apr 26  | Directions, distribution list and Hearing timetable                                                                                                                                                                                                        | PPV                                                   |
| 32  | 2 Apr 26  | Letter to DTP seeking clarification                                                                                                                                                                                                                        | PPV                                                   |
| 33  | 9 Apr 26  | Expert Statement of Jason Walsh (Traffic)                                                                                                                                                                                                                  | Proponent                                             |
| 34  | 9 Apr 26  | Expert Statement of Glen Chrzanowski (Engineering)                                                                                                                                                                                                         | Proponent                                             |
| 35  | 9 Apr 26  | Expert Statement of Mark Reynolds (Arboriculture)                                                                                                                                                                                                          | Proponent                                             |
| 36  | 9 Apr 26  | Functional Design Plans                                                                                                                                                                                                                                    | Proponent                                             |
| 37  | 9 Apr 26  | Tree Section Plans                                                                                                                                                                                                                                         | Proponent                                             |
| 38  | 9 Apr 26  | Day 1 – Council Officer Report conditions (pdf and word)                                                                                                                                                                                                   | Proponent                                             |

| No. | Date      | Description                                                                                              | Provided by                                   |
|-----|-----------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 39  | 10 Apr 26 | Site inspection locations                                                                                | Gippsland Threatened Species Action Group Inc |
| 40  | 10 Apr 26 | Letter to PPV with response to request for clarification                                                 | DTP                                           |
| 41  | 10 Apr 26 | Letter to Committee regarding Directions                                                                 | Proponent                                     |
| 42  | 13 Apr 26 | Initial Draft Arboricultural Assessment of Mark Reynolds                                                 | Proponent                                     |
| 43  | 14 Apr 26 | Email to Proponent in response to letter regarding Directions                                            | PPV                                           |
| 44  | 16 Apr 26 | Expert Statement of Chris Armstrong (Ecology)                                                            | Proponent                                     |
| 45  | 17 Apr 26 | Expert Statement of Doug Frood (Botany)                                                                  | Gippsland Threatened Species Action Group     |
| 46  | 20 Apr 26 | Part A Submission                                                                                        | Proponent                                     |
| 47  | 23 Apr 26 | Expert Statement of Brendan Casey (Frog Ecology)                                                         | South Gippsland Conservation Society Inc      |
| 48  | 24 Apr 26 | Email response to South Gippsland Conservation Society regarding concerns raised over expert conclave    | PPV                                           |
| 49  | 27 Apr 26 | Site inspection itinerary                                                                                | Proponent                                     |
| 50  | 28 Apr 26 | Email to Committee and Parties with instructions for site visit                                          | Council                                       |
| 51  | 28 Apr 26 | Letter to Parties regarding new member appointed                                                         | PPV                                           |
| 52  | 29 Apr 26 | Joint Expert Statement (Biodiversity)                                                                    | Proponent                                     |
| 53  | 1 May 26  | Email to Committee - Circulation of Part B and notice of updated ecology materials                       | Proponent                                     |
| 54  | 1 May 26  | Part B submission                                                                                        | Proponent                                     |
| 55  | 1 May 26  | Day 2 conditions - Tracked (word)                                                                        | Proponent                                     |
| 56  | 1 May 26  | Day 2 conditions - Clean (pdf)                                                                           | Proponent                                     |
| 57  | 1 May 26  | Expert Witness presentation - Glen Chrzanowski (Engineering)                                             | Proponent                                     |
| 58  | 1 May 26  | Email to Committee - Circulation of compilation of key documents and expert order                        | Proponent                                     |
| 59  | 1 May 26  | Key authorities book (documents referred to in the Part A and Part B submissions)                        | Proponent                                     |
| 60  | 6 May 26  | Chris Armstrong updated Flora and Fauna report 19081 (1.10) Report Stanley Road 260501 (Updated version) | Proponent                                     |

| No. | Date     | Description                                                                         | Provided by                          |
|-----|----------|-------------------------------------------------------------------------------------|--------------------------------------|
| 61  | 1 May 26 | Addendum Expert Statement of Chris Armstrong (Ecology)                              | Proponent                            |
| 62  | 1 May 26 | Compare Redline - Flora and Fauna Assessments                                       | Proponent                            |
| 63  | 3 May 26 | Expert Witness presentation - Mark Reynolds (Arboriculture)                         | Proponent                            |
| 64  | 5 May 26 | Hearing Submissions (updated with track changes)                                    | Bass Coast Shire Council             |
| 64a | 5 May 26 | Email to Committee - Amendments to Council submissions submitted on 4 May 2026      | Bass Coast Shire Council             |
| 65  | 4 May 26 | Email to Committee - Confirmation no presentations for Jason Walsh or Neville Walsh | Proponent                            |
| 66  | 4 May 26 | Expert Witness presentation of Chris Armstrong (Ecology)                            | Proponent                            |
| 67  | 5 May 26 | Hearing timetable (v2) and Distribution List (v2)                                   | PPV                                  |
| 68  | 5 May 26 | Hearing presentation (Lea Trowbridge represented by Janet Grimes)                   | Ms Grimes                            |
| 69  | 5 May 26 | Hearing submission (Lea Trowbridge represented by Janet Grimes)                     | Ms Grimes                            |
| 70  | 5 May 26 | DEECA Assessors handbook V1.2 June 2025                                             | Bass Coast Shire Council             |
| 71  | 5 May 26 | Expert Witness presentation Dr Brendan Casey (Frog Ecology)                         | South Gippsland Conservation Society |
| 72  | 5 May 26 | Email to Committee - DEECA Map of Stanley Road                                      | South Gippsland Conservation Society |
| 73  | 5 May 26 | DEECA Map of Stanley Road                                                           | South Gippsland Conservation Society |
| 74  | 5 May 26 | Email to Committee - Types of questions in relation to map                          | South Gippsland Conservation Society |
| 75  | 6 May 26 | Hearing presentation                                                                | South Gippsland Conservation Society |
| 76  | 6 May 26 | Hearing submission                                                                  | South Gippsland Conservation Society |

| No. | Date     | Description                                                                                                                          | Provided by                               |
|-----|----------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 77  | 6 May 26 | DAL Committee Document 117 Proponent - Ecology conclave statement of agreed opinions and facts<br>(Note: same as Tabled Document 83) | South Gippsland Conservation Society      |
| 78  | 6 May 26 | DAL Committee Report final Pages 79-91                                                                                               | South Gippsland Conservation Society      |
| 79  | 6 May 26 | Grantville Nature Conservation Reserve CA 214C Parish Corinella map                                                                  | South Gippsland Conservation Society      |
| 80  | 6 May 26 | Video on wildlife underpasses                                                                                                        | South Gippsland Conservation Society      |
| 81  | 6 May 26 | Hearing presentation                                                                                                                 | Ms Watson                                 |
| 82  | 6 May 26 | Hearing submission                                                                                                                   | Ms Watson                                 |
| 83  | 6 May 26 | Ecology conclave statement<br>(Note: same as Tabled Document 77)                                                                     | Ms Watson                                 |
| 84  | 6 May 26 | Bass Coast Statement of Planning Policy<br>(Note: same as Tabled Document 106)                                                       | Ms Watson                                 |
| 85  | 6 May 26 | Biosis Flora and fauna study, 1995                                                                                                   | Ms Watson                                 |
| 86  | 6 May 26 | Koala Genetic Report                                                                                                                 | Ms Watson                                 |
| 87  | 6 May 26 | Significant-Roadside-Plan                                                                                                            | Ms Watson                                 |
| 88  | 6 May 26 | Biolinks Plan 2018                                                                                                                   | Ms Watson                                 |
| 89  | 6 May 26 | WA7033 webinar                                                                                                                       | Ms Watson                                 |
| 90  | 6 May 26 | Letter from 3 Mayors<br>(Note: same as Tabled Document 97)                                                                           | Ms Watson                                 |
| 91  | 6 May 26 | Hearing submission                                                                                                                   | Gippsland Threatened Species Action Group |
| 92  | 6 May 26 | Hearing presentation                                                                                                                 | Gippsland Threatened Species Action Group |
| 93  | 6 May 26 | Hearing presentation                                                                                                                 | Mr Cuttriss                               |
| 94  | 6 May 26 | Hearing submission                                                                                                                   | Mr Cuttriss                               |
| 95  | 6 May 26 | Submission to Application 220321                                                                                                     | Mr Cuttriss                               |
| 96  | 6 May 26 | Excerpts - Strategic Extractive Resource Areas Background Tech Report-Lang Lang 2024                                                 | Mr Cuttriss                               |

| No. | Date     | Description                                                                                                     | Provided by                          |
|-----|----------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 97  | 6 May 26 | Joint Mayoral letter - Western Port Woodlands advocacy<br>(Note: same as Tabled Document 90)                    | Mr Cuttriss                          |
| 98  | 6 May 26 | Lang Lang Strategic Extractive Resource Areas discussion paper Save Western Port Woodlands - Aligning the needs | Mr Cuttriss                          |
| 99  | 6 May 26 | Save Western Port Woodlands letter to Planning and Resources Ministers                                          | Mr Cuttriss                          |
| 100 | 6 May 26 | Minister response -CMIN-1-25-7608                                                                               | Mr Cuttriss                          |
| 101 | 6 May 26 | Email to Committee - Minor corrections to be made to Chris Armstrong report                                     | Proponent                            |
| 102 | 6 May 26 | 19081_05 Figure 2. Native vegetation to be removed 260505                                                       | Proponent                            |
| 103 | 6 May 26 | Tree table updated                                                                                              | Proponent                            |
| 104 | 6 May 26 | 19081_05_NVR_260505                                                                                             | Proponent                            |
| 105 | 6 May 26 | Hearing submission                                                                                              | Phillip Island Conservation Society  |
| 106 | 6 May 26 | Bass Coast Statement of Planning Policy 2025<br>(Note: same as Tabled Document 84)                              | Phillip Island Conservation Society  |
| 107 | 6 May 26 | Cited analysis by Greg Holland                                                                                  | Phillip Island Conservation Society  |
| 108 | 6 May 26 | Mineral Resources (Sustainable Development) Act 1990                                                            | Phillip Island Conservation Society  |
| 109 | 7 May 26 | Doug Frood - VicFlora - Eucalyptus ovata (Swamp Guide)                                                          | South Gippsland Conservation Society |
| 110 | 7 May 26 | Hearing presentation slides                                                                                     | Ms Watson                            |
| 111 | 7 May 26 | Hearing presentation slides (Lea Trowbridge represented by Janet Grimes)                                        | Ms Grimes                            |
| 112 | 8 May 26 | Email to Committee - Memorandum prepared by Mr Chrzanowski dated 7 May 26                                       | Proponent                            |
| 113 | 8 May 26 | Memorandum from Mr Chrzanowski regarding avoiding Orchid Habitat dated 7 May 26                                 | Proponent                            |
| 114 | 8 May 26 | Closing submissions                                                                                             | Bass Coast Shire Council             |

| No. | Date      | Description                                                                                                                                                                           | Provided by                               |
|-----|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 115 | 8 May 26  | Comments on Proponent - Day 2 conditions                                                                                                                                              | Bass Coast Shire Council                  |
| 116 | 8 May 26  | Part C submission                                                                                                                                                                     | Proponent                                 |
| 117 | 8 May 26  | Standard AS4970 – 2025 – Protection of trees on development sites (incorporating Amendment No. 1)<br><i>Note: document not uploaded to the document share due to copyright status</i> | Proponent                                 |
| 118 | 8 May 26  | Email to Parties - Next steps - Directions on drafting changes and memorandum and Standard AS4970 – 2025                                                                              | PPV                                       |
| 119 | 11 May 26 | Email to Committee - Day 3 version of the Permit Applicant's conditions                                                                                                               | Proponent                                 |
| 120 | 11 May 26 | Day 3 conditions                                                                                                                                                                      | Proponent                                 |
| 121 | 11 May 26 | Comments on Council 'day 2' conditions                                                                                                                                                | Proponent                                 |
| 122 | 18 May 26 | Comments on 'day 3' conditions                                                                                                                                                        | South Gippsland Conservation Society Inc  |
| 123 | 18 May 26 | Comments on 'day 3' conditions                                                                                                                                                        | Gippsland Threatened Species Action Group |
| 124 | 18 May 26 | Email filing 'day 3' drafting comments with attachment<br>a) Comments on 'day 3' conditions                                                                                           | Bass Coast Shire Council                  |

## Appendix D Committee recommended version of the permit conditions

The Committee recommended changes are based on the Day 3 version of the permit conditions (Document 120) and are shown as:

Tracked Added

~~Tracked Deleted~~

Note that minor editorial, renumbering and reordering of permit conditions are not shown as tracked changes.

### AMENDED PLANS REQUIRED

1. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the native vegetation removal plans at Figure 2 of Nature Advisory Report No. 19081 (1.10) May 2026 and the footpath detail shown in Stanley Road Grantville Quarry Road Upgrade Civil Design (Functional Design 08.04.26) but modified and expanded to show, include and/or address:
  - a) The requirements of the Department of Energy, Environment and Climate Change (DEECA) as set out in Condition 4 of this permit.
  - ~~b) A Construction Environmental Management Plan as set out in Condition 5 of this permit.~~

All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

### Endorsed Plans Conditions

2. The works and removal of native vegetation as shown on the endorsed plan(s) must not be altered without the written consent of the responsible authority.
3. Before works start the Native Vegetation Removal Report NVRR ID: 304\_20260505\_LA8 must be endorsed by the responsible authority and will then form part of this permit.

### DEECA Conditions

4. Before any native vegetation removal or works start, plan(s) must be prepared to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action ~~must be submitted to and approved by the responsible authority~~. When approved, the responsible authority will endorse the plan(s), which will then form part of this permit. The plan(s) must be:
  - a) a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site,

to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained; and

- b) drawn to scale with a key, north point, dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
  - i. the location and identification of the land affected by this permit, including standard parcel identifiers for the affected and adjacent land
  - ii. the location and area of all native vegetation present, including large trees within patches and scattered trees, that are permitted to be removed under this permit
  - iii. all areas of native vegetation to be retained; and
- c) of a scale that ~~makes~~ enables the responsible authority to locate the native vegetation permitted to be removed and audit for compliance. For large or linear projects, the plan must include a master plan and detailed subplans to the satisfaction of the responsible authority.

### Construction environment management plan

5. Before any native vegetation removal begins ~~or~~ works start, a Construction Environment Management Plan must be prepared to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action ~~must be submitted to and approved by the responsible authority~~. When approved, the plan will be endorsed and will form part of this permit.

The Construction Environment Management Plan must include, require, show and / or address:

- a) a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. The measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the protection zones of all native trees to be retained.
  - b) measures to control sediment and sediment laden water run-off including design detail of any structures.
  - c) where equipment, machinery and material are to be stored/ stockpiled.
  - d) proposed monitoring and reporting systems.
  - e) land rehabilitation techniques including revegetation and weed control.
6. Before any native vegetation removal begins or works start, a Tree Management Plan must be prepared to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will form part of this permit.

The Tree Management Plan must include, require, show and / or address~~in relation to trees:~~

- a) a Tree Protection Specifications (TPS) and a Tree Protection Plan (TPP) prepared by a suitably qualified arborist in accordance with AS 4970:2025.
- b) any material departure from the requirements of the TPS and TPP affecting a retained tree during the carrying out of the works must be reported to the responsible authority in writing within 48 hours, and works in the affected Tree Protection Zone

must not recommence until a remedial response has been approved by the responsible authority to protect the affected tree(s).

- c) a watering regime to ensure the ongoing health of retained trees. The watering regime ~~should~~must nominate watering frequency, methods, which trees are to be watered and in what circumstance(s). The watering regime must be implemented during the works and for not less than 12 months following completion of the works and thereafter as reasonably required by the responsible authority. The watering regime must be developed with input from a ~~suitable~~ suitably qualified arborist. The watering regime must be reviewed at intervals of not more than 3 months during the works until 12 months after completion of the works. Records of watering carried out on site must be kept and provided to the responsible authority on request.
- ~~d) Measures to retain trees that are identified as removed in Figure 2 of Nature Advisory Report No. 19081 (1.10) May 2026 but which may, during the carrying out of road upgrade works in accordance with condition 26(a) of Planning Permit 96/116 (Road Upgrade Works).~~
- d) specification as to the composition, construction methods, location and depth of fill around retained trees to minimise the impact of fill over root zones of retained trees. These matters must be informed by input from a ~~suitable~~ suitably qualified arborist.
- e) management and reporting arrangements directed to the protection of retained trees during the carrying out of the works in accordance with the approved TPS and TPP. The management and reporting arrangements should include, at a minimum:
  - i. that before the works start, a ~~suitable~~ suitably qualified arborist to the satisfaction of the responsible authority (Project Arborist) must be engaged to supervise tree protection on site during the works and provide certifications in accordance with condition 6(i)v. below.
  - ii. the Project Arborist's name and contact details must be provided to the responsible authority before the development commences, and any change to the nomination of the Project Arborist notified to the responsible authority within 7 days.
  - iii. the Project Arborist is responsible for on-site management of retained trees in accordance with the endorsed TPS and TPP.
  - iv. the Project Arborist must be present on the site during the works, and perform the tasks that are nominated for the Project Arborist, in accordance with the TPS, TPP and/or Construction Environment Management Plan.
  - v. the Project Arborist must provide written certification to the responsible authority:
    - before the works start, that tree protection measures have been installed in accordance with the endorsed TPS and TPP; and
    - during the works at intervals identified in the TPS, TPP and / or Construction Environment Management Plan, on the condition of retained trees, the status of protection measures, any non-compliance with the TPS and / or TPP and any recommended remedial action to ensure protection of retained trees.
7. Before any native vegetation removal begins or works start, a Fauna Management Plan must be prepared to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. When approved, the plan will be endorsed and will form part of this permit.

~~a Fauna Management Plan.~~ The Fauna Management Plan must include, require, show and / or address~~will include:~~

- a) a requirement to:
    - i. undertake further surveys before works commence for diurnal, nocturnal and crepuscular fauna to establish accurate baseline fauna utilisation of the area of native vegetation removal, and
    - ii. map relevant habitat
  - b) a plan ~~for identifying~~that identifies fauna habitat prior to construction. This plan must include the threatened fauna habitat shown in Figure 3 of Nature Advisory Report No. 19081 (1.10) May 2026 together with any habitat identified as a result of the further survey work required under Condition 7(a)
  - c) pre-clearing surveys
  - d) construction phase capture (fauna salvage) methodology
  - e) proposed release sites on the subject land, or other appropriate locations, and plan for what to do if pest species are encountered, the animal is harmed or there are no appropriate locations for release on the subject land
  - f) a requirement to monitor and assess the impacts of the native vegetation loss on the surveyed fauna for a period of two years after removal of the native vegetation
  - g) a requirement to provide the results of the targeted surveys and monitoring to the responsible authority without delay
  - h) a requirement to implement appropriate adaptive management measures, as reasonably required by the responsible authority, to address any ongoing impacts on the surveyed fauna.
8. Before any removal of native vegetation, the tree/ vegetation must be inspected by an appropriately qualified zoologist with appropriate permits under the *Wildlife Act 1975* to determine the presence of any native fauna living or nesting in the vegetation. Should any native animals be detected they must be caught to avoid harm to the animal and managed in accordance with the endorsed fauna management plan.
  9. Hollow bearing trees removed must be retained for conservation purposes on the subject land and placed in suitable areas of habitat under the direction of a qualified zoologist. At a minimum the sections of the trees containing hollows must be placed in the vicinity of the trees to be retained (within the vegetation protection fencing area).

#### **Protection of retained native vegetation.**

10. All trees and native vegetation patches not included in the Native Vegetation Removal Report NVRR ID: 304\_20260505\_LA8 must be retained and protected.
11. Before works start, a vegetation protection fence must be erected around all patches of native vegetation (or scattered trees) to be retained. This fencing must be erected on the endorsed construction zone boundary. Where the patch of native vegetation contains canopy trees, the vegetation protection fence must be at a distance from the retained native vegetation that is not less than the tree protection zones. The vegetation protection fence must be constructed of star pickets, chain mesh or similar to the satisfaction of the responsible authority. The fence must include a notice advising on the purpose of the

Tree/ Vegetation Protection Zone. The native vegetation protection fence must remain in place until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:

- a) vehicular or pedestrian access
- b) trenching or soil excavation
- c) entry and exit pits for the provision of underground services
- d) any other actions or activities that may result in adverse impacts to retained native vegetation
- e) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.

**Native vegetation permitted to be removed, destroyed or lopped**

12. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.768 hectares of native vegetation, including 4 large trees.

**Native vegetation offsets**

13. To offset the removal of 0.768 hectares of native vegetation, including 4 large trees, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DEECA 2025):
- a) a general offset of 0.3900 general habitat units:
    - i. located within the Melbourne Water Catchment Management Authority (CMA) or Bass Coast Shire Council municipal area
    - ii. with a minimum strategic biodiversity value of at least 0.4571
    - iii. the offset(s) secured must provide protection of at least 4 large trees.
14. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. This evidence must be one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

**Offset evidence**

15. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Environment Assessment at the Department of Energy, Environment and Climate Action by email to [pe.assessment@deeca.vic.gov.au](mailto:pe.assessment@deeca.vic.gov.au).

**First party offset reporting**

16. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**Permit expiry**

17. This permit will expire if one of the following circumstances applies:
- a) The vegetation removal works have not commenced within two years of the date of this permit; or
  - b) The vegetation removal works have not been completed within four years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible authority to extend the periods referred to in this condition.

**Permit Notes****A. Planning Permission**

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

**B. Failure to Comply**

Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

**C. Permit for Protected Fauna**

Before the commencement of works, a Flora and Fauna Guarantee Act 1988 (FFG) permit to take protected flora is required if the works will impact on protected flora species or communities. The applicant should confirm whether a FFG permit to take protected flora is required to remove protected flora during construction works associated with the road drainage works.

**D. [Permit under EPBC Act](#)**

[Works or other activities which may affect protected flora and fauna, may require approval under the Environment Protection and Biodiversity Act 1999 \(EPBC Act\). Before any works commence on site, all flora and fauna likely to be affected should be checked to determine whether EPBC Act approvals are required and are obtained by the permit holder.](#)

**E. Tree retention**

All reasonable measures should be implemented to retain trees that are identified as 'Tree to be removed' in Figure 2 of Nature Advisory Report No. 19081 (1.10) May 2026 but which may, in the opinion of the Project Arborist, be retained during the carrying out of road upgrade works in accordance with condition 26(a) of Planning Permit 96/116.

**F. Bushfire Prone Area**

This site is located within a designated Bush Fire Prone Area. Compliance with AS3959 may be required.

**G. DEECA Note 1**

Some plants, fish and plant communities are protected under the Victorian Flora and Fauna Guarantee Act 1988 (FFG Act). The proposed project will impact protected flora listed under the FFG Act. Should the responsible authority grant a permit to remove, destroy or lop native vegetation from on public land, the permit holder must obtain a permit to take protected flora under the FFG Act. To submit a FFG permit application or for further information, please contact the Gippsland Natural Environment Program on [Gippsland.Environment@deeca.vic.gov.au](mailto:Gippsland.Environment@deeca.vic.gov.au).

**H. DEECA Note 2**

All wildlife in Victoria is protected under the Wildlife Act 1975. Prior to removal of trees/vegetation landholders are advised to contact the Conservation Regulator to determine if a Wildlife Act authorisation is required. For further information please contact [environmental.research@deeca.vic.gov.au](mailto:environmental.research@deeca.vic.gov.au).

**Attachments**

Nil