

Briefing for the  
**Minister for Planning**

<b>Subject:</b>	<b>EES REFERRAL – SOUTH GIPPSLAND HIGHWAY UPGRADE (COX’S BRIDGE)</b>
<b>Timing:</b>	As soon as practicable.

**Recommendations:**


1. That you sign the attached statement of decision (**Attachment 1**) under section 8B(3)(c) of the *Environment Effects Act 1978* that an Environment Effects Statement is not required for the proposed South Gippsland Highway Upgrade (Cox’s Bridge), for the reasons set out in the attached Reasons for Decision (**Attachment 2**).
2. That you sign the attached letters notifying the proponent (VicRoads) and decision makers (Minister for Environment and Climate Change and VicRoads in its capacity as Planning Authority) of your decision.

**Adviser:** .....

**Adviser’s Notes:**  
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**Minister’s Comments:**  
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Recommendation 1:     Approved     Not Approved     Noted     Returned for Review  
 Recommendation 2:     Approved     Not Approved     Noted     Returned for Review

Signed: .....  ..... Date: 7/11/09

**Justin Madden MLC, Minister for Planning**

<b>Reference:</b>	CMIN013264, EES Referral 2009R00014
<b>Approved By:</b>	Jeffrey Gilmore, Executive Director Planning Policy and Reform, ☎ 9637 9055





# Department of Planning and Community Development

TO: Minister for Planning

Ref: CMIN013264

FROM: Planning and Local Government

File: 09/003460-01

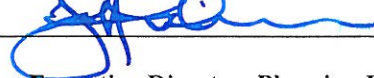
SUBJECT: South Gippsland Highway Upgrade (Cox's Bridge) – Need for EES

## RECOMMENDATION/S

1. That you sign the attached statement of decision (**Attachment 1**) under section 8B(3)(c) of the *Environment Effects Act 1978* that an Environment Effects Statement is not required for the proposed South Gippsland Highway Upgrade (Cox's Bridge), for the reasons set out in the attached Reasons for Decision (**Attachment 2**).
2. That you sign the attached letters notifying the proponent (VicRoads) and decision makers (Minister for Environment and Climate Change and VicRoads in its capacity as Planning Authority) of your decision.

## KEY ISSUES

3. **Decision and timing:** VicRoads has sought your decision on whether an Environment Effects Statement (EES) is required under the *Environment Effects Act 1978* for the proposed South Gippsland Highway Upgrade (Cox's Bridge). The 20 business day target for a decision was 8 October 2009.
4. **Proposal:** VicRoads proposes to upgrade the South Gippsland Highway, 1.5 kilometres (km) south of Sale, to reduce the incidence of road closure due to flooding. The proposed upgrade works are located between the Thomson River and the Sale Common Wetlands (see map in **Attachment 3**). The project will involve the construction of a 450 metre (m) long bridge, raising of the roadway and construction of a 660 m long structure to control flood water. The total length of the project will be 2.85 km. The project is located in part of the Sale Common (wetlands), which forms part of the Gippsland Lakes Ramsar Wetland site.
5. Two alignments have been presented as part of the referral, namely the Central Alignment (**Attachment 4**) and Western Alignment (**Attachment 5**). Since lodging the referral, VicRoads has announced that it intends to proceed with the Central Alignment Option.
6. **Key Environmental Issues:** The proposed upgrade of the South Gippsland Highway has the potential to impact native vegetation, threatened flora and fauna and will require works to be undertaken within a Ramsar wetland. The project also has the potential to wither impact on heritage listed trees or result in the displacement of permanent and seasonal residents from a caravan park, depending on the alignment.

Approved by:  Date: 14/10/09  
Jeffrey Gilmore, Executive Director, Planning Policy and Reform ☎ 9637 9055

Endorsed by: Prue Digby, Deputy Secretary Planning and Local Government, ☎ 9637 8345

Signature:  Date: \_\_\_\_\_

Reviewed by: John Giniyan, Executive Director Planning Policy, ☎ 9637 8045

Signature:  Date: 13/10/09

Reviewed by: Trevor Blake, Chief Environmental Assessment Officer, ☎ 9637 9623

Prepared by: Anthony Wansink, Senior Environment Assessment Officer, ☎ 9412 4657

7. Native Vegetation: Native vegetation removal has been minimised by locating the majority of project works within the existing road reserve. The Central Alignment will require the removal of 2.11 hectares (ha) of native vegetation and the Western Alignment 1.96 ha, including up to 1.64 ha of endangered Floodplain Wetland Aggregate Ecological Vegetation Class (EVC) and 0.47 ha of endangered Floodplain Riparian Woodland EVC. Note that the removal of vegetation with a 'very high' conservation significance will require approval from the Minister for Environment and Climate Change. Further opportunities for avoidance of vegetation removal are limited by engineering design constraints (i.e. safe curve radius) of the proposed road.
8. The Department of Sustainability and Environment (DSE) has advised that the loss of vegetation is acceptable and that the 'avoid' aspect of *'Victoria's Native Vegetation Management – A Framework for Action'* has been adequately demonstrated, with residual loss to be offset through an Offset Management Plan. Offsets have not been determined at this stage.
9. Threatened Flora: A search of DSE and Commonwealth Department of Environment, Heritage, Water and the Arts (DEWHA) databases was undertaken by Ecology Partners, and identified nine species listed under the *Flora and Fauna Guarantee Act 1988* (FFG Act) as previously recorded within 10 km and one species listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The site assessment did not locate any of these species, and Ecology Partners considers that it is unlikely that any State or Nationally significant species would occur within the direct project footprint. Advice from DSE supports the Ecology Partners assessment.
10. Threatened Fauna: The database search indicated that fifteen fauna species listed under the FFG Act have been previously recorded within 10 km of the project along with five species listed under the EPBC Act, the majority of which are migratory birds. DSE advises that the project will result in a temporary disturbance to bird species using the area, due to construction noise and human activity. There is unlikely to be a significant long term impact on local bird populations given the minimal extent of vegetation (i.e. habitat) removal and the existing road use within the site.
11. There is some potential for the project to impact on the threatened native fish species, particularly Dwarf Galaxias, given the spatial relationship between the project area and the Sale Common wetlands. Database records for Dwarf Galaxias (111 individuals) indicate a high usage of the area, which is corroborated by ecologists from the Arthur Rylah Institute locating individuals at Cox's Bridge in August 2009. VicRoads commissioned Ecology Partners to undertake a targeted assessment for Dwarf Galaxias which did not locate any individuals but did identify an abundance of preferred habitat.
12. Specific Management measures proposed by VicRoads to minimise the impact on Dwarf Galaxias include the preparation of a Conservation Management Plan and post construction habitat assessments. DEWHA, as part of the decision under the EPBC Act, also require VicRoads to avoid construction operations during Dwarf Galaxias breeding season (20 July to 31 October). This is considered to be an effective management approach, which should effectively mitigate any risk of long term impact on the population.
13. Ramsar Wetlands: The two alternate alignments both pass through the Sale Common wetland, which forms part of the Gippsland Lakes Ramsar site. There is some potential for minor changes to the natural flood regime within the Sale Common wetland, characterised as 'marginally drier conditions compared to the current regime'. Flood modelling indicates that the potential impacts can be appropriately avoided by manually controlling water flows from the Latrobe River using the existing flow control structure at the southern end of the Sale Common. The impact is unlikely to be significant using the above approach.

14. **Cultural Heritage:** The Central Alignment will require the removal of nine mature elm trees that are covered by a Heritage Overlay under the Wellington Planning Scheme. The Heritage Overlay citation states that these trees are '*significant as a small park with a collection of mature trees that is a reminder of the development of the Sale Canal, and a memorial to the planter*'. The impact of the removal of these trees may be of local significance. VicRoads proposes to grow semi-mature trees ready for replacement planting in the public reserve to the west of these proposed works.
15. The project area does not contain any known Aboriginal cultural heritage sites. VicRoads is proposing to prepare a voluntary Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*, in consultation with the local Registered Aboriginal Party.
16. **Socio-economic:** The Western Alignment will require the closure of the Thomson River Caravan Park and the relocation of 10 permanent and 49 seasonal (annual) residents. In addition, the caravan park has an annual total average of 3,250 overnight visitors and provides employment for two full time caravan park staff. As VicRoads has now announced that the Western Alignment is not the preferred option, potential impacts are unlikely to manifest. If this option were to be reconsidered at a later date, the Planning Amendment process will enable these impacts to be effectively examined and considered in decision making. The Central Alignment does not raise any potential social or economic impacts.
17. **Other Issues:** Impacts associated with noise, air quality, traffic flow and greenhouse gas emissions during operation will not significantly increase given that this project is not designed to increase capacity but rather prevent road closure due to the flooding. Minor noise and air quality (dust) impacts can be effectively managed during the construction phase using VicRoads' standard environmental practices.
18. **Need for an EES.** On the basis of an evaluation of the proposed South Gippsland Highway Upgrade (Cox's Bridge) against the decision criteria in the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (detailed assessment in **Attachment 6**), it is concluded that an EES is not warranted for the following reasons:
  - Native vegetation removal has been avoided and minimised by largely following the existing road reserve. Application of *Victoria's Native Vegetation Management – A Framework for Action* will provide an appropriate mechanism to address residual loss.
  - The proposed works are unlikely to result in significant adverse effect on the environmental or social values of the area, including Ramsar wetlands, terrestrial and aquatic fauna habitat, and public use of surrounding land, if appropriate environmental management practices are applied during construction.
  - The potential effects of the project can be adequately assessed via the planning scheme amendment process under the *Planning and Environment Act 1987*, which has enabled community input.

## CONTEXT

19. **Planning Process:** The project will require an amendment to the Wellington Shire Planning Scheme under the *Planning and Environment Act 1987*. VicRoads has been the Planning Authority for the preparation of two Planning Scheme Amendment documents for exhibition; namely, C56 (Western Alignment) and C57 (Central Alignment). Both Planning Scheme Amendment documents were publicly exhibited from September to October 2009. A total of 41 submissions were received.

20. VicRoads announced on 25 August that the Central Alignment had been selected as the preferred alignment. A Directions Hearing relating to the Central Alignment (C27) has been scheduled for 14 October 2009.
21. **EPBC Referral:** A referral was lodged under the EPBC Act in April 2009 with DEWHA deciding that the project was not a controlled action if implemented in accordance with prescribed measures. No further assessment is required under the EPBC Act.

#### **CONSULTATION**

22. This briefing package has been prepared in consultation with DSE and DPCD Gippsland region staff.