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**From:** [REDACTED]  
**Sent:** Sunday, 30 August 2020 8:52 PM  
**To:** ecosystems  
**Subject:** inquiry into ecosystem decline  
**Attachments:** TIME LINE 2020-04-17.docx

**Categories:** Submissions

Dear Sir/Madam,

Thank you for the opportunity to comment.

Please find attachment below of the time line history of the Powling Street Wetland in Port Fairy and the fight our group, South Beach Wetland and Landcare Group had to save the habitat of an internationally significant population of Latham's Snipe. We failed due to the weak EPBC Act. The developer PEMS was allowed to construct 24lots on snipe habitat. From 430 birds from one sighting and videoing at Powling Street by 6 members of our group in 2010 we now get counts in the low double figures, something you might applaud with Covid-19 but not this magnificent migratory bird. Politicians of the two major parties have failed to protect these birds. And if I was God they'd all be in purgatory.

Yours sincerely

Don Stewart

Chairperson

(South Beach Wetlands and Landcare Group)

POWLING ST TIMELINE – ALL As at 2018-08-27

Date	Description
Circa 1830s	European settlement of Port Fairy Many freshwater wetlands in and around Port Fairy (see 1860 map previously supplied)
1852	Port Fairy district mapped by Watson. Two wetland areas hold enough water for them to act as boundaries to stock (What is now Powling Street Wetland and the ephemeral wetland on subject land)
Circa 1870s	What is now Powling Street Wetlands and surrounding area are part of 'Seaview', farm owned by William Powling
1880s onwards	Construction of major drainage network in Port Fairy district to drain wetland areas for agriculture. (see District wetland drainage map previously supplied)
1948	Wetland occupies about 4 hectares as shown on <b>aerial photograph 1949</b>
1950s	Used by school students for nature study with Port Fairy Consolidated teacher Gracie Bowker
1950s	Ray Donohue visited about 20 wetlands in the Port Fairy district with his father hunting Snipe. By 2000 all of these have been destroyed or damaged by drainage, clearing or filling.
1958-59?	<b>Zoning as residential</b> (includes main wetland area as well as land currently owned by PEMS)
Pre-1960s	Dairy farming
1960s	<b>Development of South Beach Estate</b> by Walhet Pty Ltd
Late 1960s	Construction of 'yellow' road around perimeter of wetland
1970s	<b>Installation of drainage scheme</b> reduces wetland area
1977	<b>Aerial photo February 1977</b> shows newly established South Beach Estate with central drain clearly showing in wetland and abundant water present at the end of summer.  Shows Russell Clarke Reserve as a shallow ephemeral wetland area
1980s	Snipe monitoring by State Government before State closure of hunting for Snipe (1980s snipe monitoring supplied previously) (Naarding books)
Late 1980s or early 1990s	Destruction of shallow wetlands at Sandy Cove, east end of Southcombe Park Reserve (now George Dodds Reserve near Martin's Point) to create 'islands' and deep ponds
Early 1990s	Destruction of ephemeral wetlands in Russel Clark Reserve to create 'islands' and deep ponds
1993-1995	Shire calls in debts on undeveloped Walhet land for unpaid rates etc. Due diligence report.
1995	<b>Cleaning of spoon drains and perimeter drains</b> increases drainage of main wetland so it is almost dry

1997-1998	<b>South Beach Estate sewered.</b> Excess spoil is dumped in wetland near pumping station
Early 1998	<b>Valuation of land</b> by land valuer for potential sale (at least some valuations undertaken after the land advertised for sale)
Mid 1998	<b>Land sold by Moyne Shire to Mr Bock (PEMS)</b> without assessment of environmental or cultural values
18 October 1998	Jodie Honan writes to Moyne Shire re concerns about sale of 'swamp and rocky land'.
August-Dec 1998	Transfer of land to PEMS
1999	<b>Wetlands Group forms</b> to campaign to keep land on corner of Powling and Avery Streets in public ownership (successful)
1999	Mr Bock clears boxthorn from east end of hill and starts removing part of the hill. Stopped after Wetlands Group contacts Shire
1999 onwards	Mr Bock dumps fill at west end of his land which falls onto Council land. Wetlands Group contacts Shire. Mr Bock asked to remove, does so, but continues to dump
3 June 2000	Pump fails and wetland fills. Colonised by birds and frogs within days. Pump repaired by Shire and wetland drained again. Community members approach Shire re returning water to wetlands.
2000	<b>Construction of earth weir</b> to retain water in wetlands during winter and allow drying down in summer
2000	<b>Preparation of draft Management Plan</b> by Elisia Dowling (Deakin Uni student) for wetlands including consultation with Dr Peter Breen of Water Studies Centre (Monash Uni)
2001	SBWLG begins counts of Lathams Snipe at Powling Street Wetlands
2001	First contact with Janet Holmes (DSE) re nomination as Wetland of National Importance (we are still sending applications and waiting for an assessment)
2001	GHCMA grant for protection of wetlands
2001	<b>DSE proposal for an Environmental Significance Overlay (ESO 17)</b> for Powling Street Wetlands as part of review of overlays in south-west Victoria. As at June 2008, Council has still not acted on this.
Oct-Dec 2001	SBWLG began videoing snipe from with borrowed camera. Bought our own in 2007 and continued more frequently.
Circa 2002	<b>Installation of sediment traps</b>
2002	Wetlands Group removes spoil dumped during 1997-98 sewage project from wetland. Ongoing revegetation of dry land areas
2004	Installation of permanent gated weir
Mid-2004	<b>Partial draining of ephemeral wetland</b> south of the hill (west of Mills Crescent) by Bock
September 2004	<b>Permit for PEMS subdivision of two blocks on west side of Villiers Street</b> (now O'Reilly St)

10 September 2004	Meeting at site with Council officers to discuss illegal drain constructed to drain ephemeral wetland
12 January 2005	<b>Application under EPBC Act for 44 lot subdivision</b>
16 February 2005	<b>Decision that 44 lot subdivision proposal is not a controlled action</b>
24 February 2005	Meeting at Shire with Mr Bock re better communication
Early 2005	Mr Bock increases frequency of mowing
22 March 2005	Request for reconsideration of original decision under EPBC Act based upon additional information
8 April 2005	Lions Working Bee on corner of Powling and Avery Streets
11 May 2005	Works undertaken by PEMS prior to the EPBC decision include construction of drain into wetland Shell material is present after the excavation
15 May 2005	<b>Two lot subdivision on west side Villiers St (now O'Reilly St) amended to three by Shire</b>
23 May 2005	<b>EPBC Decision on reconsideration</b> , conditions imposed by DEOH. Reconsideration of Decision whether Action needs Approval/Decision changed from NCA to NCA (particular manner)
25 May 2005	Group wins Regional Landcare award for work on wetlands
26 July 2005	<b>EPBC decision amended at request of proponent.</b> Reconsideration of Decision whether Action needs Approval/Decision changed from NCA (particular manner) to new manners
29 July 2005	Statement from DSE about significance of area
August 2005- April 2007	Request for Statement of Reasons, FOI, Ombudsman etc. See attached details of correspondence
September 2005	Return of the Lathams Snipe Festival at Port Fairy Consolidated School (whole school activity)
4 October 2005	Maximum count of Snipe on PEMS land recorded – approx 200 birds in long grass along Hill Street
2005-present	Ongoing planting, weed control etc. with volunteers including local, Melbourne and overseas students
February 2006	John Bock fencing three lot subdivision in Villiers St (now O'Reilly St) in such a way that it appears there are four blocks not three. Approached by Shire, fencing not completed at the time, but finished off later (present in 2013).
2006	Installation of signage at Wetlands
19 August 2007	SBWLG letter to Planning Implementation Strategy re significance of Powling Street Wetlands (Strategy still not completed)
Circa August 2007	<b>Application to Moyne Shire (PL07/174) for 44 lot subdivision by PEMS advertised. Forty objections received</b>
9 November 2007	Council considers application for subdivision. Council Officer states he is: 'in a very compromised and conflicted position in regard to making a recommendation to Council on the permit application.

	PEMS modifies the plan the day before the meeting in an attempt to appease the Primary School, so application has to be advertised again.
October-December 2007	Videoring of Snipe in wetlands (see DVD of Powling Street Wetland)
19 December 2007	Council <b>Notice of Decision in support of PL07/174</b> PEMS 43 lot subdivision proposal (against recommendation of Shire delegate and despite objections)
15-16 July 2008	<b>VCAT Hearing South Beach Wetlands &amp; Landcare Group v Moyne SC [2008] VCAT 2383</b>
22 Sept 2008	SBWLG <b>Request for reconsideration</b> under section 78 of the Environment Protection and Biodiversity Conservation Act 1999 of decision due to likelihood of significant impact on listed migratory species – Latham’s Snipe at Port Fairy. <i>Reference Number: 2005/1954</i>
February/October 2008	Wannon Water concerns re sewage pump in Villiers St (now O’Reilly St), electronics being replaced.
29 Oct 2008	<b>EPBC 2005/1954 Invitation for Public Comment</b> on Reconsideration of Referral Determination: S78 Reconsideration request - Appendices and Figures
29 November 2008	John Bock and Trevor Bagust meet with Don and Jodie re possibility of giving land to Shire
November-December 2008	Ecology Australia snipe surveys (Ecology Australia 2009; 2010)
21 November 2008	<b>VCAT ruling South Beach Wetlands &amp; Landcare Group v Moyne SC [2008] VCAT 2383 (subdivision refused)</b>
29 November 2008	John Bock approached SBWLG to discuss donating area of hill land back to Council as part of subdivision
9 Dec 2008	<b>SBWLG Update re request for reconsideration under section 78 of the EPBC Act.</b> <i>Reference Number: 2005/1954;</i>
15 December 2008	Vegetation and earth removal behind school
20 April 2009	Small fire on PEMS rocky hill
12/6/2009	Flooding of Powling Street/Singleton Street. Pipe to sea was filled with seaweed and freshwater backed up. Also caused problems to sewerage system..
22/6/2009	Spoke to Oliver Moles re Pea Soup rocks.....after storm surge of 16th May. (Big sea came over Ocean Drive)
24 May 2009	Photos showing where sea went past Powling St drain
November 2009	Ecology Australia snipe surveys (Ecology Australia 2010)
19-03-2010	Excavation west of Mills Crescent (drainage?) photos
11 August 2010	Extensive flooding of district including overflow of drains onto streets cnr of Singleton and Powling Streets (photos)
19 September 2010	<b>Largest count made at Powling street Wetland complex</b> – 430 snipe. Photos of large flocks of snipe over Powling Street Wetlands complex (in video)
28 September 2010	Submission re Moyne Shire Land Capability Study. J. Honan

October 2010	PEMS offers north side of hill to Moyne Shire (letter to Don Stewart 4/10/2013)
9 December 2010	Federal government representatives Meg Baulderston and Mark ? visited wetland area
January 2011	<b>SBWLG OBJECTION Re: Planning application no. PL10/223</b> Four lot subdivision, O'Reilly Street, Port Fairy (3 small lots on east side of O'Reilly and balance including Bock shed)
2/3/11	Big sea came over Ocean Drive (extreme west end). (see photos taken same place as Jock Varcoe's)
9 Mar 2011	<b>EPBC 2005/1854 Reconsideration of Referral Determination: S78 Reconsideration decision</b>
April 2011	<b>SBWLG reiterate objection Re: PL10/223 – Four (4) lot subdivision and associated works, Mills Crescent, Port Fairy</b>
May 2011	Four lot subdivision blocks have 'For Sale' signs although still waiting for to EPBC reconsideration decision
10 July 2011	Sea breaks across Ocean Drive west end. Seaweed on front lawn of houses (photos). Sea breaks across Ocean Drive east of Passage Carpark depositing rocks and seaweed and closing road (photos).
2 August 2011	Council surveys local community about location of proposed footpath along Powling Street (either beside footpath or beside houses) without any consideration of impact on snipe population in main wetland.
7 December 2011	Council letter that Council will slash no more than 10m behind houses
Sept-Dec 2011	<b>GHD surveys undertaken</b> (published in GHD 2012).
February 2012	Publication of GHD (2012). Powling Street Wetland, Port Fairy. Targeted survey for Latham's Snipe. (Commissioned by DSEWPaC/DEH)
8 May 2012	Offer from PEMS Pty Ltd to SBWLG to give us land rather than giving it to Council (not taken up by SBWLG)
1 June 2012	<b>EPBC 2005/1954 Decision on Assessment Approach: Preliminary Documentation</b>
21 June 2012	Notification for Publication of Preliminary Documentation under the EPBC Act 1999 ... EPBC 2005/1954
July 2012	SBWLG Preliminary Information Response to PEMS Pty Ltd
Approx Sept 2012	Very wide area mown behind Avery St/O'Reilly St houses without permission (later found to be done by shire)
August-Sept 2012	<b>EPBC 2012/6527</b> Moyne Shire Council/Natural resources management/Port Fairy/VIC/Alteration of Grass Maintenance Regime within Powling St Wetlands 31 Aug 2012 advertised. SBWLG commented. Proposes increasing mowing width to 20m behind houses
2 Sept 2012	Re-excavation of drain south of Education Land on the east side of Mills Crescent houses (leading back to Russel Clark Reserve)
27 November 2012	Excavation in north-east corner of Powling St Wetland area (Council Land) to connect new house to stormwater. Apparently no EPBC permission sought for works.

18 December 2012	<b>Proposal EPBC 2005/1854 withdrawn</b>
18 December 2012	<b>Proposal EPBC 2012/6687</b> advertised The Far End Family Trust t/a Planning Engineering & Management Solutions Pty Ltd/Residential development/Port Fairy Township /VIC/Residential Development and Associated Infrastructure at Port Fairy
29 January 2013	<b>EPBC 2012/6687 Decision whether action needs approval/Approval Not Required - particular manner</b>
18 April 2013	EPBC 2012/6687 Statement of Reasons: Decision under section 75 and 77A
April 2013	Port Fairy Consolidated School awarded \$9910 Communities for Nature grant to conserve snipe habitat on Education Land.
8 August 2013	Email from John Bock advising he considers walking on unmade road reserves as trespass (see below re Council response)
August 2013	Moyne Shire Notice of decision re Permit application PL13/029
11 October 2013	Confirmation by Ian Harper Moyne Shire Council, that unmade road reserves are owned by Council, not PEMS, and that members of the public can walk on them (map provided).
October 2013	Ecology Australia snipe survey (unpublished data included in Ecology Australia 2014)
24-28 February 2014	VCAT hearing Warrnambool re PL13/029
31 March 2014	<b>VCAT ruling Stewart v Moyne SC [2014] VCAT 360 (31 March 2014)</b>
August 2014-March 2015	New Snipe survey program in SW Victoria with Dr Birgita Hansen (Federation Uni)
August 2015	Subdivision site works commence – fill, excavation of pond
September 2015	Snipe survey program expands in year 2
	First recording of complete migration by Latham’s Snipe. T0 returns to Port Fairy
	Radiotracking confirms high site fidelity by Latham’s Snipe. Individual birds use “settles” each day for roosting. Bird fly out each night to feed in grazed wetlands close to town. Andrew Crossley (Honours student) contributes to this
	Vegetation surveys (Dr Michelle Casanova) note differences in structure between day time and night time habitats. Roughness is more important than species composition
February 2018	Completion of intensive studies at Port Fairy
	Over 80 sites across SE Australia are now counted three times a year. Strong links with Japanese Wild Bird Society from three visits to Japan Research featured in Victorian Landcare Magazine Most of subdivision around Mills Crescent now built on Western part of subdivision for sale as single block (~\$700,000) Feeding area for sale for \$1.2 million

<p>April 2020</p>	<p>Hill land has been transferred to Council to form part of the rest of the Council owned wetland area</p> <p>Mills Crescent subdivision built on. Pedestrian traffic through snipe habitat on eastern side of subdivision has increased, as has mowing.</p> <p>Western part of subdivision has been largely completed by developer including massive earthworks excavating the side of the hill including jackhammering of basalt, and altering drainage (was not specified in subdivision), drainage works, roadworks, lighting. Water treatment pond has not been completed to standards (no vegetation). Works began the week that snipe were due back from Japan and included a lot of noise and traffic adjacent to remaining habitat. Elevated street lighting installed on side closest to wetlands rather than adjacent to houses.</p> <p>Works on pause, possibly due to COVID-19.</p>
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