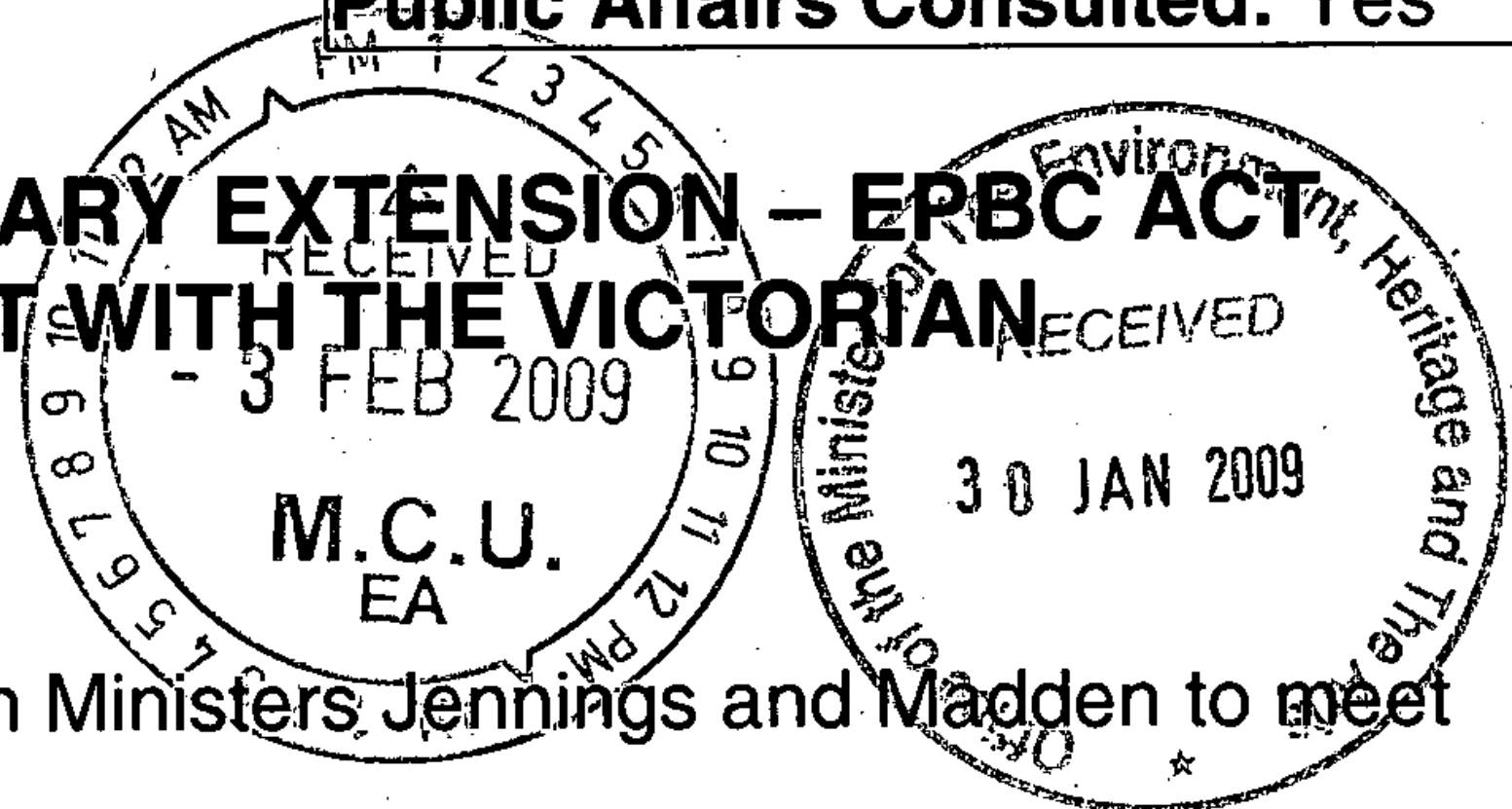


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Page 1 of 3

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS**Minister for the Environment, Heritage and the Arts** (Decision)

Brief No:	CO9/1285
Division/Agency:	AWD
Public Affairs Consulted:	Yes

MELBOURNE URBAN GROWTH BOUNDARY EXTENSION – EPBC ACT STRATEGIC ASSESSMENT AGREEMENT WITH THE VICTORIAN GOVERNMENT**Timing:**

Priority: 2/2/09 to enable signing of Agreement with Ministers Jennings and Madden to meet June final decision deadline

Purpose: To seek your agreement to undertake a strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), of a Program to revise Melbourne's Urban Growth Boundary (including associated transport infrastructure).

Background:

- The strategic assessment provisions (section 146) of the EPBC Act enable you, as Minister, to enter into agreement with a person responsible for the implementation of a plan, policy or program. An assessment must be conducted on the impacts of that plan, policy or program on matters protected under the Act. Once the assessment is complete, these provisions allow you to approve the taking of an action or a class of actions in accordance with the endorsed plan, policy or program (**Attachment A**).
- The strategic assessment provisions of the Act have the potential to achieve greater regional outcomes in protecting the environment over the traditional assessment of individual projects.
- Melbourne is predicted to grow by almost 1.8 million people in the next 30 years, with an additional 600,000 extra households to be accommodated over the next 20 years.
- In December, Victoria released *Melbourne @ 5 million*, nominating potential urban expansion areas for further investigation. Victoria is pressing for a strategic assessment to be completed by June 30, 2009, for legislative reasons and to speed up affordable housing development.
- The expansion of the Melbourne urban growth boundary could potentially impact on matters of national environmental significance, in particular RAMSAR listed wetlands, threatened species and a recently listed ecological community, particularly in northern and western outer Melbourne.

Issues/ Sensitivities:

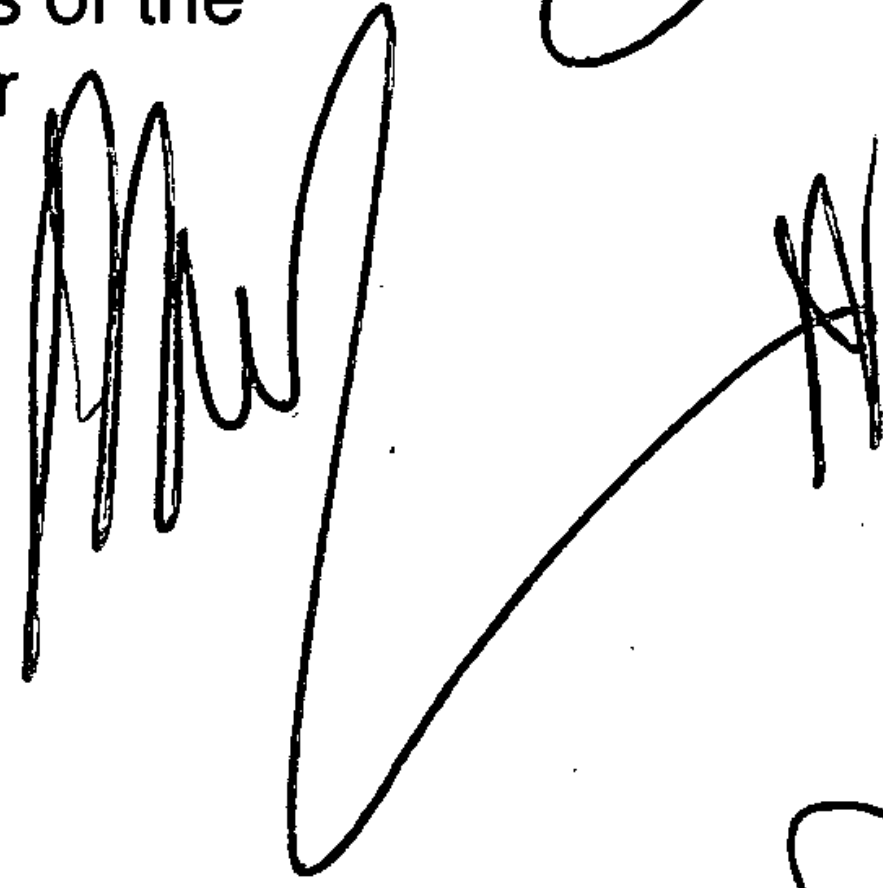
- The Department supports a strategic assessment of the expansion of the Melbourne growth boundary to improve management of cumulative impacts on matters of national environmental significance and reduce the number of referrals. This is consistent with COAGs desire for an increased streamlining of environmental assessment processes between the Commonwealth and State Governments.
- Victorian Minister for Environment, Minister Jennings wrote to you (Jan 09) requesting a strategic assessment be undertaken. Similarly, Victorian Minister for Planning wrote to you (Dec 08) to express interest in pursuing strategic assessment options in Victoria. We recommend you reply to both Ministers sending a signed strategic assessment Agreement (**Attachment C**).
- The Department and Victorian agencies have negotiated an Agreement (**Attachment B**) for you and Ministers Jennings and Madden to sign. The Agreement sets out the processes and responsibilities for a strategic assessment.

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- The Agreement requires assessment of the Program to consider impacts on environmental matters protected by the EPBC Act. A Departmental working group has been formed to advise on the significance of the impacts of the Program.
- Terms of Reference (ToR) for the strategic assessment have been developed with relevant Victorian agencies (**Attachment B**). They require Victoria to develop an Impact Assessment Report which includes details of the Program, the environment likely to be impacted on, the management measures taken to avoid, prevent, mitigate and offset the impacts, auditing and reporting and adaptive management measures.
- The EPBC Act provides the option to undertake public consultation for the Draft ToR. The Dept considers this unnecessary as: (1) Victoria's time frame for completion (June 09) is ambitious, (2) minimal ToR public comments have been received for other strategic assessments in the past and (3) the ToR are broad to allow full analysis of the issues and provide for a substantive public comment period for the draft impact assessment report.
- Victoria only approached you in early Dec 08 regarding a strategic assessment. They have set a timeframe for completion of the final selection of the Urban Growth Boundary (and by extension of the strategic assessment) by June 09 because of legislative changes. This is an ambitious timeframe and will present challenges in meeting it. The Dept has considered the risks associated with this project due to the likely stresses on the assessment process. However, the potential benefits of entering into this strategic assessment are considered to outweigh the risks.
- The Agreement nominates dates for the completion of key milestones in the strategic assessment process to ensure the Victorian Ministers take responsibility for their Departments' performance within the agreed timeframe. Either Party may request the time frame be renegotiated. The Agreement provides the option of staging the assessment, endorsement and/or approval phases in case of unforeseen setbacks.
 - **Jan/early Feb 2009** – Strategic Assessment Agreement to be signed by you and Ministers Jennings and Madden.
 - **Saturday 4 April 2009** - Draft impact assessment report to be released by Victoria for public comment concurrent with Victoria's Draft Program for the Urban Growth Boundary
 - **Mid May 2009** - Revised impact assessment report to be submitted to you.
 - **Late May 2009** - Final impact assessment report may be accepted by you (or delegate).
 - **Mid June 2009** - Program may be endorsed, and certain actions under the Program may be subsequently approved by you. You are required to consult other relevant Commonwealth Ministers before any approvals may be made.
- The ability to meet this timetable is heavily dependent on the quality and timeliness of information provided by Victoria to you. You may wish to express the importance of this to your state colleagues.

Recommendation/s:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Note the flowchart (Attachment A), the Agreement and Terms of Reference (Attachment B) 2. Sign 3 copies of the Agreement (Attachment B) 3. Sign the replies to Ministers Jennings and Madden (Attachment C), ensuring that all (3) signed copies of the Agreement are attached to Minister Jennings' letter | <ol style="list-style-type: none"> 1. Noted/ Please discuss 2. Signed/ Not signed 3. Signed/ Not signed |
|--|--|



s. 22(1)(a)(ii)

A/g First Assistant
Secretary,
Approvals and Wildlife
Division

Secondary Contact
s. 22(1)(a)(ii)
Director, Strategic Approvals East
s. 22(1)(a)(ii)

2 MINISTER
/ 8 /2009

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Consultation: DEWHA – AWD, Heritage, Water, Marine, Policy Coordination, Public Affairs

Attachments:

A	Strategic Assessment Flowchart
B	Strategic Assessment Agreement (including Terms of Reference) - 3 copies
C	Replies to Ministers Jennings and Madden



***ENVIRONMENT PROTECTION AND BIODIVERSITY
CONSERVATION ACT 1999
Part 10 Strategic Assessments
Section 146 (1) Agreement***

Relating to the assessment of impacts of the Program to revise Melbourne's
Urban Growth Boundary

between

THE COMMONWEALTH OF AUSTRALIA

and

THE STATE OF VICTORIA

1 PARTIES

The Parties to this Agreement are:

The Commonwealth of Australia, represented by the Minister for the Environment, Heritage and the Arts

and

The State of Victoria, represented by both the Minister for Environment and the Minister for Planning.

2 DEFINITIONS

2.1 Unless stated otherwise in this Agreement, the definitions, meanings and terms in the *Environment Protection and Biodiversity Conservation Act 1999* apply to this Agreement and its attachments.

2.2 In this Agreement:

Melbourne @ 5 Million means the report *Melbourne 2030: a planning update - Melbourne @ 5 million* as published by Victorian Government, December 2008.

Minister means the Minister for the Environment, Heritage and the Arts or delegate.

The Program to revise *Melbourne's Urban Growth Boundary* includes the implementation of the Urban Growth Zone resulting from the expansion of the Urban Growth Boundary within the designated Investigation Areas identified in the *Melbourne @ 5 Million* report (see map at Attachment A). The Program also includes the Outer Metropolitan Ring Transport Corridor and Regional Rail Link Corridor Reservation between West Werribee and Deer Park.

The Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

Working days means a business day as measured in Canberra, ACT.

2.3 In this Agreement references to the singular include the plural.

3 PREAMBLE

3.1 The Parties agree that the areas within the Investigation Areas and land associated with the Victorian Transport Plan have significant environmental values and significant environmental, social and economic values may be derived from implementing the Program.

3.2 Recognising those significant environmental values, the Parties commit to undertake an assessment of impacts of actions under the Program on all matters protected by Part 3 of the Act.

4 BACKGROUND

- 4.1 Section 146(1) of the Act allows the Minister to agree in writing with a person responsible for the adoption or implementation of a policy, plan or program that an assessment be made of the impacts of actions under the policy, plan or program on a matter protected by a provision of Part 3 of the Act. For the purpose of Section 146(1) of the Act the Agreement relates to the Program as described in clause 2.2.
- 4.2 The *Melbourne @ 5 Million* plan has identified environmental constraints to outward growth and Urban Growth Investigation Areas outside the current Urban Growth Boundary where growth may be feasible (Attachment A).
- 4.3 The implementation of new Urban Growth Zones within the Urban Growth Areas of Melbourne including those within the expanded Urban Growth Boundary will be subject to the Victorian Government's Precinct Structure Planning process. Individual projects such as the Outer Melbourne Ring Road and Regional Rail Link identified in the *Victorian Transport Plan* will be subject to environment assessment and planning approval processes under Victorian law. In addition to requirements under the Act, the removal of native vegetation and associated habitats for urban expansion and major transport infrastructure will be subject to requirements for impact avoidance, minimisation and offsetting under Victoria's Native Vegetation Management Framework.

5 OPTION TO UNDERTAKE ASSESSMENT, ENDORSEMENT AND APPROVAL PHASES OF THE STRATEGIC ASSESSMENT IN STAGES

- 5.1 The Parties may consult and agree to undertake the assessment of the impacts of the Program by assessing individual stages which, taken together, collectively make up the Program. Where the Parties agree on this approach, each stage will be assessed in accordance with section 146(2) of the Act and this Agreement.
- 5.2 If a staged assessment is required the Minister may issue a staged endorsement and approval in accordance with clause 5.1.
- 5.3 The strategic assessment of any stage will form a discrete component of the Program, however any endorsement and approval decisions will take into account the cumulative impacts of the entire Program.
- 5.4 Where a stage of the Program is assessed, this Agreement and Terms of Reference (Attachment B) shall be used.
- 5.5 Where a staged assessment is determined as necessary by the Parties, the public shall be notified by means of a public notice made available:
- (a) on the websites of the Victorian Government, the Growth Area Authority and the Department of Sustainability and Environment
 - (b) published in newspapers circulating nationally and in Victoria.

6 TERMS OF REFERENCE

6.1 This agreement provides for the preparation of a Terms of Reference for a report on the impacts of the Program and consideration of the report by the Minister.

7 PREPARATION OF THE REPORT

7.1 The Victorian Government will cause a Draft Report to be prepared in accordance with this Agreement and the Terms of Reference (Attachment B).

7.2 The Victorian Government shall provide the Draft Report for public comment by notice:

- (a) posted on the websites of the Victoria Government, the Growth Area Authority and the Department of Sustainability and Environment
- (b) published in newspapers circulating nationally and in Victoria.

The notice must advise that the Draft Report is available and how copies may be obtained, provide contact details for obtaining further information, invite public comments on the Draft Report and set a period of at least 28 days within which comments must be received. The Draft Report for the Program will be advertised for comment concurrent with the Draft Program for draft Urban Growth Boundary changes. The notice in clause 7.2 should occur by the agreed date and conditions specified in Attachment D.

7.3 The Parties:

- (a) may each notify interested parties of the notice in paragraph 7.2 and of the availability of the Draft Report
- (b) will each make copies of the notice in paragraph 7.2 and Draft Report available electronically through their websites in accordance with agreed dates provided in Attachment D.

7.4 The Victorian Government will prepare a Revised Draft Report, or a Supplementary Report to the Draft Report, taking account of the comments received.

8 CONSIDERATION OF THE REPORT

8.1 Following the closure of public consultation period for the Draft Report, the Victorian Government will submit to the Minister:

- (a) the Final Report, comprised of
 - (i) the amended Draft Report or
 - (ii) the Draft Report and a Supplementary Report (clause 7.4)
- (b) the Program
- (c) public responses relating to the Draft Report
- (d) comments on how the public responses have been taken into account in the Final Report.

Submission of items in clause 8.1 should occur by the agreed date and conditions specified in Attachment D.

8.2 The Minister will consider the Final Report. If the Minister is not satisfied that the Final Report adequately addresses the impacts of the actions to which this Agreement relates:

- (a) The Minister will make recommendations to the Victorian Government, as he considers appropriate, regarding the Final Report and implementation of the Program
- (b) The Victorian Government may provide the Minister with advice, or seek clarification from the Minister on recommendations in subclause (a)
- (c) The Victorian Government will provide to the Minister a summary of the recommendations, advice or clarification in subclauses (a) and (b), and how they are incorporated into the Final Report and how modifications to the implementation of the Program will take effect
- (d) The Minister will consider the revised Program supporting material and may accept the Final Report or request further information or clarification if not satisfied that it addresses adequately the impacts of the actions to which this Agreement relates.

9 ENDORSEMENT OF THE PROGRAM

9.1 The Minister will endorse the Program if satisfied the Report adequately addresses the impacts to which this Agreement applies and:

- (a) that any recommended modifications to the Program, or modifications having the same effect have been made
- (b) the endorsement criteria set out in Attachment C are met.

10 APPROVAL OF ACTIONS

10.1 If the endorsement criteria (Attachment C) are met the Minister may approve, or approve with conditions, the taking of an action or class of actions in accordance with the endorsed Program, clause 5.3 of this Agreement and section 146(B) of the Act.

11 VARIATION

11.1 The Parties may vary this Agreement by an exchange of letters or electronic communications to the extent only that such variation is consistent with the provisions of the Act.

SIGNED BY:

The Hon. Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts

Gavin Jennings MLC
Minister for Environment and Climate Change

Justin Madden MLC
Minister for Planning

Dated thisday of2009

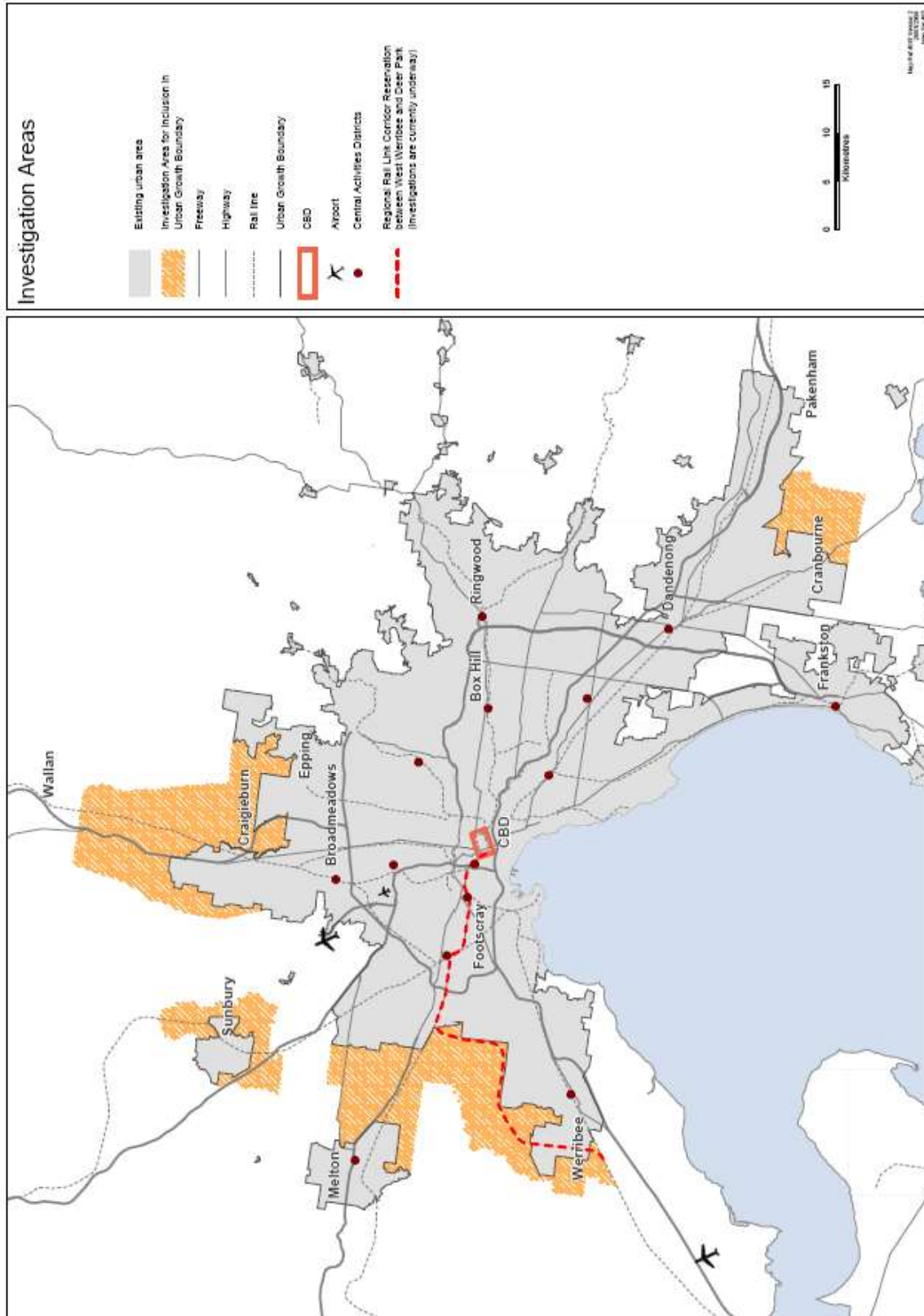
Attachment A: Urban Growth Investigation Areas affected by the Program

Attachment B: Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

Attachment C: Strategic Assessment Endorsement Criteria

Attachment D: Agreed Dates for Melbourne Strategic Assessment Program Delivery

Attachment A: Urban Growth Investigation Areas



Attachment B

Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

1. PROJECT PURPOSE AND DESCRIPTION

The Report, as referred to in clause 7 of the Agreement, must describe the Program (or stage of), including:

- (a) how the Program has been developed and its legal standing
- (b) the basis of land/asset tenure for all land within the scope of the Program
- (c) the regional context (natural and human) in which the urban area will exist
- (d) the actions or classes of actions that are subject of the Program, including the short, medium and long term aspects of the actions or classes of actions at or associated with the Program. These could include relevant construction and operational aspects associated with proposed urban development and associated infrastructure
- (e) Victorian management and approval arrangements and the person(s) or authority responsible for the adoption or implementation of the Program.

2. PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT

2.1 Planning for and promoting ecologically sustainable development

The Report must describe the planning and design process that has led to the Program, with particular reference to the treatment of environmental and cultural heritage through assessment and selection of options that maximise environmental, social and economic outcomes.

The Report must state how the Program promotes the following principles of ecologically sustainable development:

- a) decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- c) the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making
- e) improved valuation, pricing and incentive mechanisms should be promoted.

2.2 Environment affected by the Program

The Report must provide a detailed description of the environment likely to be affected by the implementation of the Program. This includes the environment beyond the identified growth and planning areas that could be affected by the proposed development for example, through the construction of any major infrastructure associated with the

development, the offsite impacts from stormwater management measures (e.g. inundation and flow effects from water quality control dams/ponds/wetlands), or 'edge effects' such as weed introduction, pollution and feral animals.

This description must identify the listed environmental and heritage assets and characteristics, including biophysical processes associated with the area set to be affected by the Program and the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:

- (a) components of biodiversity and maintenance of important ecological processes
- (b) listed threatened and migratory species under the Act and their associated habitats
- (c) a description of ecological communities including but not limited to their connectivity, extent, and condition with specific reference to threatened ecological communities as listed under the Act and other significant ecological communities for example, the natural temperate woodlands of the Victoria Volcanic Plain and grassy wetland communities
- (d) any physical environmental processes (e.g. fire, flooding/inundation) influencing the environmental characteristics of the site or surrounds, or influencing the potential impacts on the site or surrounds, including the impacts on any Ramsar sites
- (e) places listed on the Commonwealth and National Heritage Lists.

3. PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES

3.1 Nature and significance of impacts

The Report must include sound analysis of the potential and likely impacts on the environment of the Program (Item 2.2) with specific reference to matters of national environmental significance, areas of high biodiversity and heritage values listed under the Act.

The analysis must include:

- (a) areas or matters likely to be eligible for listing as matters of national environmental significance
- (b) a description and analysis of likely and potential impacts, including any indirect impacts on matters of national environmental significance – with reference to relevant Policy Statements, for example the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines*
- (c) an analysis of applicable key threatening processes as defined in the Act
- (d) an assessment of whether identified impacts will be short, long term or irreversible, local or regional, discrete or cumulative, or exacerbated by the likely impacts of climate change
- (e) an assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

3.2 Management, mitigation or offset of likely impacts

The Report must identify and describe the Victorian Government *management measures* (e.g. works, on-ground actions, regulatory interventions, area-specific management plans, market based instruments, compliance and enforcement requirements) that will be implemented prior, during or post Program implementation to prevent, minimise, rehabilitate or offset the potential environmental impacts caused by implementing the actions or classes of actions (Item 1(d)) with specific reference to matters of national environmental significance under the Act.

For those Victorian Government management measures the Report must set out:

- (a) the approach taken to addressing the impacts of the actions or classes of actions
- (b) the predicted effectiveness of the proposed measures and actions. Claims regarding effectiveness of measures and actions must be justified, including a description of the methodology used to formulate these predictions/confidence limits
- (c) maintenance or operational requirements associated with proposed management measures
- (d) compliance and enforcement requirements associated with proposed condition requirements
- (e) the Victorian agency or agencies responsible for each management measure including the budgetary, regulatory and anticipated or proposed programmatic arrangements to implement measures and actions, compliance and enforcement and maintenance or operational requirements
- (f) timelines and accountabilities for implementing proposed measures and actions, and associated compliance and maintenance requirements
- (g) proposed offsets in the context of evolving or approved policy, for example the Commonwealth Draft Policy Statement: Use of environmental offsets under the *Environment Protection and Biodiversity Conservation Act 1999*, August 2007.

3.3 Addressing uncertainty and managing risk

The Report must identify key uncertainties associated with the implementation of management measures, for example where there is a high level of uncertainty related to the timing and nature of management measures, or their maintenance or operation.

For key uncertainties the Report must set out:

- (a) responses by the Victorian Government to ensure an acceptable level of certainty and therefore actively manage risks associated with implementing the actions or classes of actions (Item 1(d))
- (b) how and when measures and actions will be reviewed in light of anticipated new information.

3.4 Reasonable assurance

The Report must include a “*reasonable assurance statement*” that gives a high degree of confidence that the management measures will be implemented and that the actions or classes of actions (Item 1(d)) will not have a significant impact on matters of national environmental significance.

4. AUDITING AND REPORTING

The Report must set out:

- (a) monitoring and public reporting processes, effective during the development period that describe the implementation and associated management measures and condition requirements
- (b) commitments for independent auditing of Program implementation.

5. ADAPTIVE MANAGEMENT, REVIEW AND MODIFICATION

The Report must identify and analyse the likely circumstances and procedures that may result in the review or modification of the report itself or the Program to which it relates, such that changing community standards or new information relating to the impacts of the Program may be introduced, reassessed and accounted for in implementing the Program. The Report must also show how uncertainty is being targeted and addressed during Program implementation.

6. ENDORSEMENT CRITERIA

The Report must describe how the Program together with any associated management arrangements, meets the criteria set out in Attachment C (Endorsement Criteria).

7. INFORMATION SOURCES

For information used in the assessment, the Report must state:

- (a) the source of the information
- (b) how recent the information is
- (c) how the reliability of the information was tested
- (d) uncertainties in the information.

Attachment C**Strategic Assessment Endorsement Criteria**

The Act permits the Minister to approve the taking of actions or classes of actions in accordance with an endorsed policy, plan or program (section 146(B)). The effect of such a decision is that the approved actions or class of actions would not need further approval from the Minister under the Act.

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates and that any recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will have regard to the extent to which the Program meets the objectives of the Act. In particular that it:

- protects the environment, especially matters of national environmental significance
- promotes ecologically sustainable development
- promotes the conservation of biodiversity
- provides for the protection and conservation of heritage.

Accordingly, the Program and Final Report should:

- prevent actions from being taken in any location that have an impact on matters of national environmental significance or are of high biodiversity or heritage value; or
- where impacts can not be avoided, then the impacts should be less than significant
- provide for effective management, mitigation or offset of the likely impacts
- contain an effective system of adaptive management that is independently audited and publicly reported.

The Minister will also consider the extent to which the Program and its associated Final Report adequately incorporates:

- the precautionary principle
- the other principles of ecologically sustainable development
- intergenerational equity
- matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.

In arriving at a decision to approve an action or a class of actions the Minister must act in accordance with his obligations, including giving consideration to:

- issues relevant to any matter protected by a provision of the Act
- social and economic matters.

Attachment D**Agreed Dates for Melbourne Strategic Assessment Program Delivery**

Draft Report provided for public comment as per clause 7.2 of the Agreement – 4 April, 2009.

Revised Final Report sent to the Minister as per clause 8.1 of the Agreement – COB 25 May, 2009.

Both Parties reserve the right to request a renegotiation of the agreed timeframe and dates for the assessment. The agreed dates may be altered by either Party to the extent only that such variation is consistent with the provisions of the Act.

Note: Representatives from the relevant Victorian Ministers' agencies have indicated their ability to progress the strategic assessment by the agreed dates.

EPBC Act - Section 146 (Strategic Assessment Provisions)

Flowchart of strategic assessment process





The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

C09/1285

The Hon Justin Madden MLC
Minister for Planning
PO Box 500
EAST MELBOURNE VIC 3002

- 2 FEB 2009

Dear Minister 

Thank you for your letter of 26 November 2008 concerning your support for the use of strategic assessments to achieve efficient assessment and approval processes under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), particularly for Melbourne's future growth corridors.

Strategic assessment under the EPBC Act provides an opportunity to address potential impacts of the proposed *Melbourne @ 5 million* Program to revise Melbourne's Urban Growth Boundary and to avoid the delays associated with project by project assessment. This forward planning will undoubtedly have positive environmental and heritage results for both the State of Victoria and the Commonwealth, whilst also providing clarity for planning decisions.

I understand both you and the Hon Gavin Jennings, Minister for Environment and Climate Change, will be signing the Agreement representing the State of Victoria. Minister Jennings has been provided with three (3) original copies of a signed Agreement, which he has been asked to forward to you for signing. Once signed, one (1) copy is then to be returned to me (please retain two signed agreements for you and Minister Jennings). **Attachment 1** contains a copy of my letter to Minister Jennings. **Attachment 2** contains an unsigned copy of the Agreement and Terms of Reference for your information.

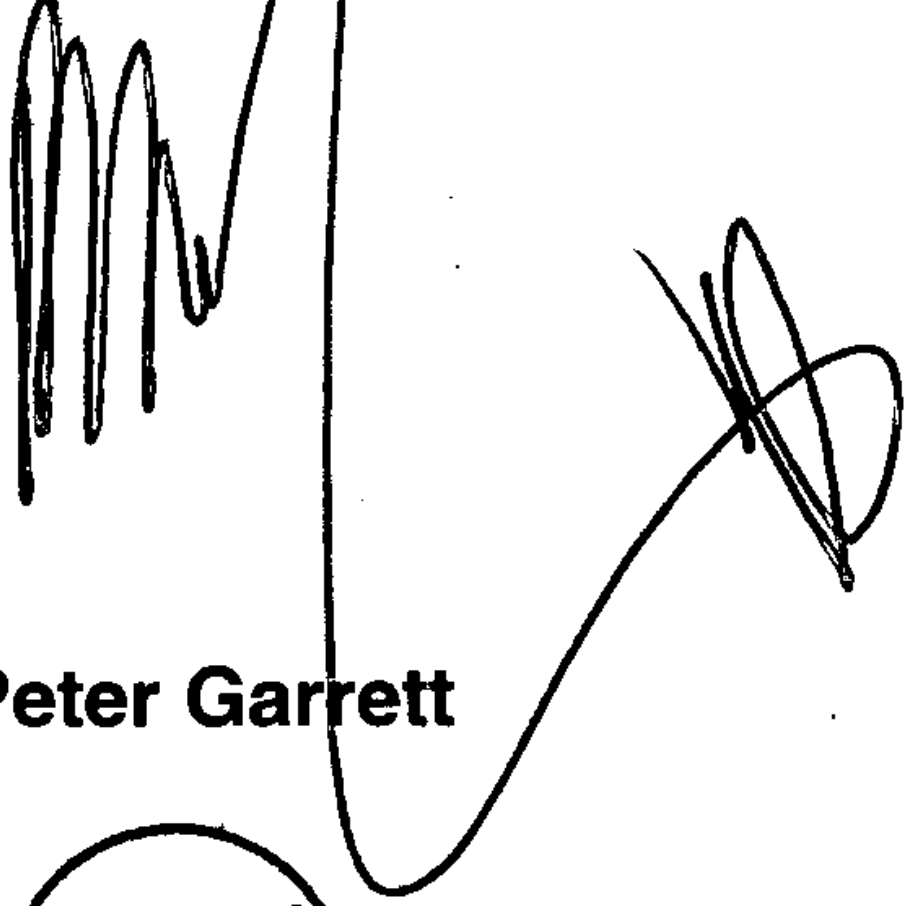
You will note key dates attached to the Agreement have been identified to facilitate the project meeting Victoria's ambitious June 2009 deadline. The success of this endeavour will depend greatly on a cooperative and open approach between our two governments and on the timeliness and quality of the information provided by your agency.

I agree with Minister Jennings who suggested we establish a steering group of senior officials to ensure our agencies work closely together on this matter. Our representation in this committee will be Mr Gerard Early, a Deputy Secretary in my Department. I have asked Mr Mark Flanigan, Assistant Secretary, Strategic Approvals and Legislation Branch, to be the first point of contact for discussions. Ongoing cooperation and information sharing between Victorian agencies and my Department will be critical to the effective and timely delivery of the strategic assessment.

By entering into a strategic assessment the Commonwealth is agreeing to assess impacts of the proposed Program. Any approvals of the Program will be determined through the assessment process. I acknowledge it is important to accommodate Melbourne's accelerated growth and to protect matters listed under the EPBC Act in a sustainable manner.

I look forward to working with you on this strategic assessment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Garrett', with a long, sweeping underline that extends to the right.

Peter Garrett





The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

C09/1285

The Hon Gavin Jennings MLC
Minister for Environment and Climate Change
Level 22, 50 Lonsdale St
MELBOURNE VIC 3000

- 2 FEB 2009

Dear Minister 

Thank you for your letter of 13 January 2009 requesting a strategic assessment of potential impacts associated with future urban development in Melbourne.

Strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides an opportunity to address potential impacts of the proposed *Melbourne @ 5 million* Program to revise Melbourne's Urban Growth Boundary and to avoid the delays associated with project by project assessment. This forward planning will undoubtedly have positive environmental and heritage results for both the State of Victoria and the Commonwealth, whilst also providing clarity for planning decisions.

Please find attached three (3) copies of the Agreement for your signature (**Attachment 1**). I understand both you and the Hon Justin Madden, Minister for Planning, will be signing the Agreement representing the State of Victoria. Please sign all three (3) copies and forward (all) copies to Minister Madden for his signature. Also enclosed at **Attachment 1** are the Terms of Reference for the strategic assessment which will guide this process.

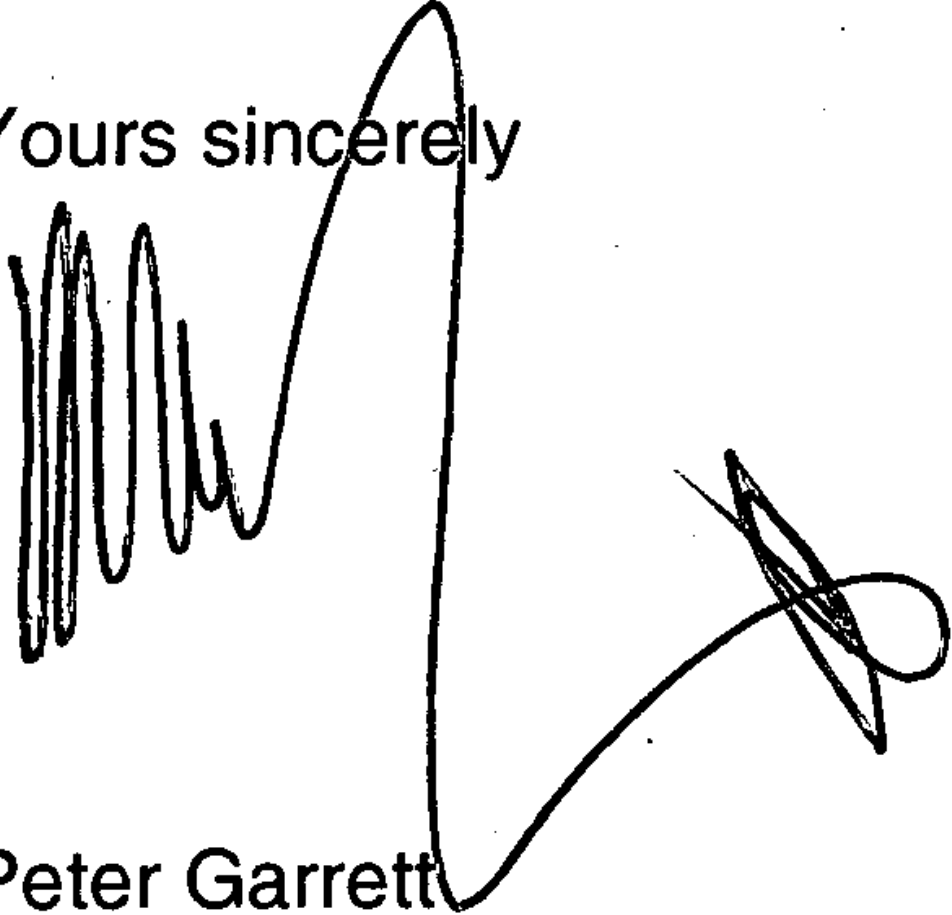
You will note key dates attached to the Agreement have been identified to facilitate the project meeting Victoria's ambitious June 2009 deadline. The success of this endeavour will depend greatly on a cooperative and open approach between our two governments and on the timeliness and quality of the information provided by your agency.

I agree that establishing a steering group of senior officials will ensure our agencies work closely together on this matter. Our representation in this committee will be Mr Gerard Early, a Deputy Secretary in my Department. I have asked Mr Mark Flanigan, Assistant Secretary, Strategic Approvals and Legislation Branch, to be the first point of contact for discussions. Ongoing cooperation and information sharing between Victorian agencies and my Department will be critical to the effective and timely delivery of the strategic assessment.

By entering into a strategic assessment the Commonwealth is agreeing to assess impacts of the proposed Program. Any approvals of the Program will be determined through the assessment process. I acknowledge it is important to accommodate Melbourne's accelerated growth and to protect matters listed under the EPBC Act in a sustainable manner.

I look forward to working with you on this strategic assessment.

Yours sincerely

A handwritten signature in black ink, consisting of a series of vertical, wavy lines followed by a large, sweeping loop that ends in a small flourish.

Peter Garrett

CC: The Hon Justin Madden MLC, Victorian Minister for Planning



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Page 1 of 4

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

Minister for the Environment, Heritage and the Arts

Decision

through: FAS AWD

Brief No: B09/3534
 Division/Agency: AWD
 Public Affairs Consulted: Yes

ENDORSEMENT OF THE MELBOURNE PROGRAM FOR URBAN EXPANSION FOLLOWING EPBC ACT 146 STRATEGIC ASSESSMENT

Timing: by 11 January 2010 to facilitate progression of related statutory processes.

Purpose: To recommend you endorse the program *Delivering Melbourne's Newest Sustainable Communities: Program Report December 2009* under Part 10 of the EPBC Act.

Background

- On 4 March 2009 you signed an agreement (amended 16 June 2009) with the Victorian Ministers for Planning, and Environment and Climate Change providing for a strategic assessment to be made of the impacts of actions under the Victorian Government's program to revise Melbourne's urban growth boundary (UGB) (Attachment N).
- The strategic assessment agreement provides terms of reference for the preparation of an impact assessment report. It also contains non-statutory endorsement criteria to inform your decision on whether to endorse the finalised program.
- The Victorian Government submitted the program *Delivering Melbourne's Newest Sustainable Communities: Program Report December 2009* (Attachment B) and *Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report October 2009* (Attachment C) to the Commonwealth Government. The Victorian Government is now seeking endorsement of the program under Part 10 of the EPBC Act.
- Section 146(2)(f) of the EPBC Act allows you to endorse a program following a strategic assessment of the impacts of actions under that program, if you are satisfied that:
 - the impact assessment report adequately addresses the impacts to which the agreement relates; and
 - the recommended modifications to the program, or any modifications having the same effect, have been made.
- The endorsement of the program is a prerequisite in the strategic assessment process before any approval of actions or classes of actions can be given under section 146B of the EPBC Act. The subsequent giving of approval under section 146B for the taking of an action or actions in accordance with an endorsed program is a separate decision for you to consider.
- The endorsement criteria were amended by agreement of your delegate Ms Carolyn Cameron, Acting Assistant Secretary, Strategic Approvals and Legislation Branch, with Victorian Ministers Madden and Jennings on 2 October 2009 (Attachment I). These amendments were made to improve the clarity of the language used.
- On 2 October 2009, your delegate also formally recommended modifications to the program (Attachment G). The Victorian Government resubmitted the program responding to these modifications on 23 October 2009.
- You wrote to the Victorian Government on 4 December 2009 foreshadowing that while the program as submitted on 23 October 2009 was generally acceptable, you would be recommending further modifications (B09/3231). You wrote again on 18 December 2009 with these recommendations (Attachment H). Victoria submitted the final program, incorporating the recommended modifications on 29 December 2009 (Attachment B).
- Previous briefings B09/2576 and B09/3231 provide an overview of the program for Melbourne's urban expansion and background to this strategic assessment.

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- The Victorian Parliament has not yet ratified the urban development legislation including the revised urban growth boundary (Amendment VC55). The main contentious issue is a growth area infrastructure contribution which is not directly associated with the program under EPBC Act assessment. Victorian Parliament resumes again in February 2010.
- Endorsement of the program does not authorise the lawful taking of actions. If you decide to endorse the program, the next statutory process would be to consider whether to approve actions or classes of actions to be taken in accordance with the endorsed program.
- Subject to your endorsement, there are also a number of planning framework elements identified in the program, such as species prescriptions, that require your approval before any approved actions could be taken in accordance with the requirements of the program. It is expected that these would be submitted soon after endorsement.

Issues/ Sensitivities:

- If endorsed, this program would be the first of its kind to be strategically assessed in accordance with the provisions of Part 10 of the EPBC Act. There is strong interest from other jurisdictions in the outcome of this strategic assessment process, as it has been promoted through COAG as a method for reducing "red tape" between jurisdictions for environmental assessments. Additionally, a number of urban development strategic assessments in other jurisdictions have commenced or are about to reach formal agreement.
- The program commits to delivering conservation outcomes and will utilise specific Victorian planning frameworks, legislation and policies to implement development whilst meeting EPBC Act requirements. The program provides for ongoing identification, management and protection of matters of national environmental significance (MNES) over the estimated 20 years of implementation through measures to avoid, mitigate and offset the impacts. The Australian Government will have a role in all stages of implementation, particularly in the early approval and planning stages.
- Robust monitoring, reporting, auditing and adaptive management frameworks will also be implemented to identify and respond to non-compliance incidents and improved information on MNES. The department considers that there are sufficient checks and balances in the program to ensure that the program will be implemented appropriately, or non-compliances detected and addressed.
- Only certain elements of the program can be revised. These elements and the circumstances and manner in which they can be revised are specified in the program. If the program is not implemented as described, any future related actions may not have the benefit of a valid approval under the EPBC Act.
- The department considers the conservation outcomes will satisfactorily protect MNES over the long term, by combining sufficient rigour for accountability with enough flexibility to respond to new information. Similarly, the planning frameworks, utilising Victorian legislation and policies identified in the program, are considered satisfactory to deliver these conservation outcomes. The certainty offered by the planning framework of the program is augmented by the requirement for your approval of key plans and strategies, and the monitoring, reporting and adaptive management frameworks required by the program.
- The department is satisfied that the impact assessment report (Attachment C) has adequately addressed the likely impacts on MNES from implementation of the program. The program contains a wide range of appropriate mechanisms to avoid, mitigate and offset these impacts, while simultaneously committing to the delivery of specified, overarching conservation outcomes. The department's detailed analysis of the program and associated impact assessment report is at Attachment A.

Key commitments in the program:

- The Victorian Government has committed to delivering a 15 000 hectare reserve for the critically endangered Native Temperate Grassland of the Victorian Volcanic Plain, which will increase the proportion of the grasslands in reserves from the current 2% to 20%. The

program also commits the Victorian Government to delivering a separate reserve of at least 1 200 hectares containing the Grassy Eucalypt Woodland of the Victorian Volcanic Plain ecological community. Both large-scale reserves will provide for long-term protection, management and persistence of MNES and contribute to broader positive biodiversity outcomes for the bioregion.

- These reserves are proposed as the preferred location for delivery of offsets for the anticipated clearing of approximately 4666 hectares of the grassland (around 6% of the remaining community) and 708 hectares of the woodland (around 1% of the remaining community) EPBC-listed ecological communities. Commitments to secure like-for-like offsets prior to clearing are contained in the program. All clearing of an EPBC-listed ecological community must be offset, including areas that may not have been considered significant under a Part 9 referral assessment.
- Other conservation commitments include ensuring the maintenance or improvement of water quality inflows to two nearby Ramsar wetlands, a network of small reserves inside the UGB for the conservation of specific MNES, surveys of all development areas prior to the granting of planning permissions and no substantial negative change to known populations of particular MNES, as specified in the program.
- Additional program commitments include the requirement for approval of key strategies and plans such as biodiversity conservation strategies and prescriptions; defined triggers to revise certain mechanisms within the program to improve conservation outcomes or to respond to new information; regular public reporting of activities and compliance with program implementation; and independent five-year reviews.

Recommended modifications

- A number of recommended improvements were identified to augment the reporting and compliance elements of the program (B09/3231). You wrote to Victorian Ministers Jennings and Madden on 18 December 2009 formally recommending modifications to the program (Attachment H). These modifications are now included in the revised program.
- The Victorian Government has also responded to previous modifications recommended by your delegate on 2 October 2009 (Attachment G), and in the same response agreed to suggested revisions to the endorsement criteria (see brief B09/2576).
- The department considers that Victoria has made all recommended modifications to the program, or modifications having the same effect have been made, and that you may now consider endorsing the program in accordance with the requirements of the EPBC Act.

Recommendations:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Note the recommendation report at <u>Attachment A</u> 2. Note the program at <u>Attachment B</u> 3. Note the impact assessment report at <u>Attachment C</u> 4. Note the public submission reports at <u>Attachments D - F</u> 5. Note the program modification recommendations at <u>Attachments G and H</u> 6. Note the endorsement criteria at <u>Attachment I</u> 7. Endorse the program titled <i>Delivering Melbourne's Newest Sustainable Communities: Program Report December 2009</i> 8. Sign the notice of endorsement at <u>Attachment J</u> 9. Sign the letter to Minister Madden at <u>Attachment K</u> 10. Sign the letter to Minister Jennings at <u>Attachment L</u> 11. Agree to announce your decision | <ol style="list-style-type: none"> 1. Noted / Please discuss 2. Noted / Please discuss 3. Noted / Please discuss 4. Noted / Please discuss 5. Noted / Please discuss 6. Noted / Please discuss 7. Endorsed / Not endorsed 8. Signed / Not signed 9. Signed / Not signed 10. Signed / Not signed 11. Agree / Not agreed |
|--|---|

s. 22(1)(a)(ii)

Strategic Approvals and
Legislation

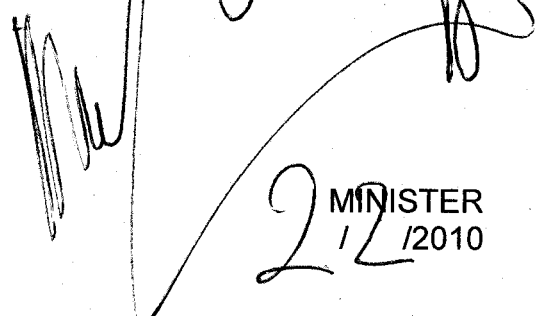
s. 22(1)(a)(ii)

Secondary Contact
s. 22(1)(a)(ii)

5 / 01 / 2010

Consultation:**Attachments:**

- | | |
|---|--|
| <ol style="list-style-type: none"> A B C D E F G H I J K L M N O P Q | <ol style="list-style-type: none"> Strategic assessment report for endorsement decision Delivering Melbourne's Newest Sustainable Communities: Program Report December 2009 Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report October 2009 Summary of Victoria's response to public comments Delivering Melbourne's Newest Sustainable Communities: Summary of submissions Delivering Melbourne's Newest Sustainable Communities: Final report on submissions Delegate's recommendations for program modification 2 October 2009 Recommendations for program modification 18 December 2009 Endorsement criteria as amended 2 October 2009 Notice of endorsement decision Letter to Minister Madden (planning) Letter to Minister Jennings (environment) Map of Melbourne strategic assessment program area Strategic assessment agreement including terms of reference Precinct Structure Planning Guidelines 2009 <i>Melbourne 2030 a planning update: Melbourne @ 5 million 2008</i> <i>The Victorian Transport Plan 2008</i> |
|---|--|



2 / 2 / 2010
MINISTER



Australian Government

Department of the Environment, Water, Heritage and the Arts

***ENVIRONMENT PROTECTION AND BIODIVERSITY
CONSERVATION ACT 1999***

**STRATEGIC ASSESSMENT REPORT FOR ENDORSEMENT
DECISION**

**Strategic assessment of *Delivering Melbourne's Newest Sustainable
Communities December 2009*, the revision of Melbourne's Urban
Growth Boundary, Victoria**



Executive Summary

1. The Victorian Government has developed a program for implementing urban and associated development to accommodate Melbourne's expected population increase over the next 20 years.
2. The program outlines:
 - where development will occur in the revised urban growth boundary, including some areas within the existing urban growth boundary
 - road and rail transport corridors
 - Victorian legislation, policies, plans and strategies that will implement development
 - commitments to conservation outcomes and activities.
3. This program, *Delivering Melbourne's Newest Sustainable Communities Program Report December 2009* (the program) is the subject of a strategic assessment agreement between the Commonwealth Minister for the Environment, Heritage and the Arts and the Victorian Ministers for Planning and the Environment and Climate Change. The Victorian Government is seeking endorsement of the program under section 146 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
4. The strategic assessment considered the program and the impact assessment report, *Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report October 2009* (the IAR).
5. The strategic assessment has considered the impacts of implementing the program and the measures proposed to minimise these impacts on matters of national environmental significance (MNES) through a combination of avoidance, mitigation and offsetting.
6. Generally, implementation of the program will result in serious impacts on two critically endangered EPBC Act listed ecological communities (Natural Temperate Grassland of the Victorian Volcanic Plain (grassland) and Grassy Eucalypt Woodland of the Victorian Volcanic Plain (woodland) and listed threatened flora and fauna. Listed migratory birds are known to occur in areas intended for development, and development will occur in the catchment areas of two Ramsar wetlands. Many of the threatened species likely to be impacted are found within the two listed communities. The full list of MNES considered likely to be impacted by the implementation of the program is at Schedule 1.
7. Over the life of the program, it is anticipated that majority of impacts will result from the clearing of vegetation and reduction of extent and connectivity of species habitat. Hydrological changes in water flows and/or quality associated with development are also possible, but are subject to specific mitigation measures.
8. The program has *avoided* impacts through designing the urban growth boundary and transport corridors to avoid, to a large extent, areas of high-quality MNES habitat. The western urban growth boundary (UGB) has been designed to

channel development around areas of listed grassland. The development footprint for northern Melbourne has excised areas of woodland, such that 80 per cent of all woodland within the revised UGB will be retained and managed in secure conservation reserves.

9. The program commits the Victorian Government to utilising specified Victorian planning frameworks (based on legislation, policies, plans and strategies) to deliver conservation outcomes and minimise impacts on MNES.
10. Key elements of the Victorian planning framework for *mitigating* impacts on MNES include: biodiversity conservation strategies, sub-regional species strategies, precinct structure planning guidelines, native vegetation precinct plans, conservation management plans and prescriptions. Many of these measures interact to enhance mitigation of impacts on MNES.
11. Specified conservation outcomes also provide broad-scale goals for mitigation measures, such as: species-specific conservation threshold targets, for example 80 per cent of highest priority habitats to be permanently protected and managed; maintained or improved water quality entering two Ramsar wetlands; a network of actively managed reserves across the landscape; and long-term sustainability and persistence for listed species and ecological communities.
12. At the broad-scale planning level of the four designated growth areas, biodiversity conservation strategies will provide the opportunity to obtain overarching biodiversity outcomes concurrently with urban development, and deliver on the conservation outcomes specified in the program. Sub-regional species strategies will inform the biodiversity conservation strategies by providing information on specific species, such as important populations and habitat links, as well as strategies for their protection. Each biodiversity conservation strategy and sub-regional species strategy requires approval by the Commonwealth.
13. At precinct/suburban planning scale, requirements such as minimum buffers for riparian corridors, best practice water sensitive urban design, protection of native vegetation and particular management requirements for MNES provide further mitigation of impacts. These MNES management requirements are identified through the application of species-specific prescriptions and are incorporated into the precinct structure planning process. All prescriptions for management of MNES must be approved by the Commonwealth.
14. At a smaller scale the program provides for discrete reserves, smaller offsets outside the main reserves such as at least three 100 hectare reserves for Golden Sun Moth conservation and ongoing protection for existing reserves housing MNES.
15. The Victorian Government has committed to acquiring and protecting large reserves for EPBC Act listed grassland and woodland ecological communities to be managed for the long-term persistence of MNES. Two large grassland reserves outside the UGB totalling 15 000 hectares will provide anticipated *offsets* of 10 000 hectares of high quality EPBC Act listed grassland community.

A commitment to a woodland reserve of at least 1 200 hectares is also contained within the program.

Table 1: The comparison of proposed clearance area to offsets.

Ecological Community	Proposed area to be cleared (hectares)	Proposed Offset (hectares)
Grassland (NTPVVP)	4 665	~10 000 within reserve
Woodland (GEWVVP)	708	At least 1200 within reserve

16. The consolidation of offsets into large, contiguous reserves that are actively managed is considered to provide greater conservation benefit than small scale, scattered offsets. This includes the ability to carry out management techniques which would be problematic in smaller areas (such as burning), to adaptively manage, to allow fauna that have limited mobility to maintain genetic connectivity across the landscape and provide greater security against threats. All offsets must be secured prior to any clearing occurring.
17. The department considers the commitment of the Victorian Government to establish and manage these reserves as very significant in relation to ensuring the representation, protection and persistence of MNES in the long term and across the bioregion.
18. The mechanisms proposed within the program to address cumulative impacts affecting water quality are considered to be more effective and efficient at delivering outcomes than through the regulation of individual actions. Initiatives include implementing water sensitive urban design and requiring minimum buffers along riparian areas, with a view to meeting the stated conservation outcome of maintaining or improving the quality of water entering the wetlands.
19. Overall biodiversity benefits are expected to result from the implementation of the conservation activities and offset/reserve proposals, including the protection and management of habitat for non-listed species, appropriately protected river and wetland ecosystems and maintenance of riparian habitat connectivity.
20. The program includes monitoring, reporting, and adaptive management frameworks to manage risks and uncertainties associated with the long-term implementation of the program. Changing circumstances, procedures and/or new information relating to MNES will be incorporated and accounted for when implementing the program. Adaptive management will be critical to improving outcomes delivered through the program. The program commits to independent monitoring and public reporting.
21. Melbourne's growing population has increased the demand for land supply, more affordable housing, employment areas and access to transport. Establishing a multi-node settlement pattern, using existing urban areas and adopting sustainable community design principles with transit oriented development demonstrates the Victorian Government has considered economic and social matters. The program provides protection of MNES within this context, adequately reflecting the principles of ecologically sustainable development.

22. The Victorian Government undertook public consultation on the draft impact assessment report and the department concludes that the IAR and program has adequately addressed the comments received.
23. For the Minister to endorse the program, he or she must be satisfied that the IAR adequately addresses the impacts to which the agreement relates and that any recommended modifications have been made to the program or any modifications having the same effect have been made.
24. There have been two occasions where modifications to the program have been recommended by the Minister or delegate. The department considers that these modifications, or modifications having the same effect, have been made.
25. The department considers that the IAR has adequately addressed the terms of reference in describing the impacts likely to result from the implementation of the program, and the measures proposed in the program that will be taken to avoid, mitigate and offset these impacts.
26. The department believes that the modified program contains the necessary mechanisms to monitor and minimise the likely impacts of the program on MNES over the life of the program, and commits to delivering appropriate and achievable conservation outcomes for those MNES.
27. Once a program is endorsed it cannot be amended or replaced, unless the program itself provides for such changes. The department considers that the program establishes a clear and rigorous framework for shaping urban development undertaken in accordance with the program, while allowing an appropriate degree of flexibility in specified areas to ensure future circumstances can be responded to appropriately.
28. The department notes that, should the program be endorsed, the EPBC Act provides for the attaching of conditions to any approval of an action or class of actions. This affords a further opportunity to ensure the protection of MNES, should it prove necessary or desirable to do so at the level of individual actions.

Recommendation

29. That the Minister endorse the program *Delivering Melbourne's Newest Sustainable Communities Program Report December 2009* under section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

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1 Strategic assessment overview

30. The strategic assessment provisions under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) enable the Minister to enter into an agreement with a person responsible for the adoption or implementation of a policy, plan or program (PPP) for an assessment to be undertaken in relation to the impacts of actions under that PPP on matters protected under the EPBC Act. Once the assessment is complete, these provisions allow the Minister to endorse the PPP and approve the taking of an action or a class of actions in accordance with the endorsed PPP.
31. The strategic assessment agreement provides for:
- preparation of a draft report on the impacts to which the agreement relates (impact assessment report)
 - publication of the draft report for public comment
 - finalising the report and providing it to the Minister
 - the Minister making recommendations for modifications to the PPP (if any), and
 - the endorsement of the PPP if the Minister is satisfied with the program.
32. The agreement to assess the impacts of the program to revise Melbourne's urban growth boundary was signed by the Commonwealth Minister for the Environment, Heritage and the Arts and Victorian Ministers for Planning and the Environment and Climate Change on 4 March 2009. The program definition and key dates were amended as requested by the Victorian Government on 16 June 2009 (hereafter referred to as the agreement).

2 Endorsement overview

33. Section 146(2)(f) of the EPBC Act sets out matters for which the Commonwealth Minister must be satisfied before endorsing a PPP. These are that the Minister is satisfied that the impact assessment report adequately addresses the impacts to which the agreement relates, and that either the recommended modifications of the PPP have been made or any modifications having the same effect have been made.
34. The strategic assessment agreement also contains terms of reference for preparation of the impact assessment report and endorsement criteria that the Minister will have regard to.
35. The Minister is therefore required to consider the impact assessment report in deciding whether to endorse the PPP. Once the PPP is endorsed, it is not possible to amend or replace it without undertaking another strategic assessment.
36. There are no statutory timeframes for the endorsement decision prescribed under section 146.

37. The decision on whether to endorse the program is a necessary step in the strategic assessment process before the Minister can consider whether to issue approvals for actions or classes of actions taken in accordance with the program.

2.1 Endorsement considerations

2.1.1 The impact assessment report adequately addresses impacts

38. The Minister must be satisfied that the report adequately addresses the impacts to which the agreement relates. The agreement sets out the provisions of section 146 of the EPBC Act and the terms of reference for the preparation of the report.
39. Discussion of the impacts relating to the agreement is at section 4 of this report.

2.1.2 Recommended modifications have been made

40. The Minister must be satisfied that either the recommended modifications of the PPP (if any) have been made or any modifications having the same effect have been made.
41. There have been two occasions where modifications have been recommended by the Minister and the delegate. The first modifications were recommended in letters to the Victorian Ministers for Planning and the Environment from the delegate of the Minister on 2 October 2009 (Commonwealth Government 2009a). The second modifications were recommended in letters to the Victorian Ministers for Planning and the Environment on 18 December 2009 (Commonwealth Government 2009b).
42. Discussion of the recommended modifications and the Victorian Government's response is at section 7 of this report.

2.1.3 Endorsement criteria considered

43. The strategic assessment agreement contains endorsement criteria providing that the Minister will have regard to the extent that the PPP meets the objectives of the EPBC Act.
44. In particular that the PPP:
- protects the environment, especially matters of national environmental significance
 - promotes ecologically sustainable development (ESD)
 - promotes the conservation of biodiversity, and
 - provides for the protection and conservation of heritage.
45. Accordingly, the PPP and final report should:
- incorporate mechanisms which avoid the taking of actions in any location that will have an impact to matters of national environmental significance or are of high biodiversity or heritage value; or
 - provide that where impacts cannot be avoided, then the impacts should be reduced to an acceptable level

- provide for effective management, mitigation or offset of the likely impacts, and
 - contain an effective system of adaptive management that is independently audited and publicly reported.
46. The Minister will also consider the extent to which the PPP and its associated final report adequately incorporates:
- the precautionary principle
 - the other principles of ecologically sustainable development
 - intergenerational equity, and
 - matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.
47. The endorsement criteria were amended by way of exchange of letters on 2 October 2009 to remove confusion over the use of “significant” and substitute “avoid” impacts for “prevent”. Discussion about whether endorsement criteria have been addressed is at section 9 of this report.

2.1.4 Terms of reference addressed

48. The terms of reference provide for a report on the impacts to which the agreement relates.
49. The provisions of section 146 of the EPBC Act allows for the preparation of the terms of reference can be provided in the agreement or that draft terms of reference can be prepared, released for public comment and then finalised. In the case of the agreement for this strategic assessment, the terms of reference are provided in the agreement and were not released for public comment. This was due to timeframe considerations and that previous strategic assessment agreements had received very few comments on the draft terms of reference.
50. In summary, the terms of reference for the report specify that the report addresses:
- Project purpose and description
 - Promoting ecologically sustainable development (ESD)
 - Planning for and promoting ESD
 - Environment affected by the program
 - Preventing impacts on matters of national environmental significance (MNES) and promoting the protection and conservation of biodiversity and heritage values
 - Nature and significance of impacts
 - Management, mitigation or offset of likely impacts
 - Addressing uncertainty and managing risk
 - Reasonable assurance
 - Auditing and reporting
 - Adaptive management, review and modification
 - Endorsement criteria
 - Information sources

51. Discussion about how the terms of reference have been addressed is at section 4 (impacts), section 5 (risks and compliance) and section 6 (ESD) of this report. The department's conclusion is at section 9 of this report.

2.1.5 Public consultation on impact assessment report

52. The agreement also requires the draft report is released for public comment for a period of at least 28 days. The final report must take into account the comments (if any) received after publication of the draft report.
53. Public consultation by the Victorian Government on the draft impact assessment report was undertaken for a period of 31 days from 17 June 2009 to 17 July 2009 (Victorian Government 2009c).
54. A summary of the public consultation process and comments is at section 8 of this report.

3 Description of the Program

55. The program subject to this strategic assessment is *Delivering Melbourne's Newest Sustainable Communities Program Report December 2009* (the program) (Victorian Government 2009b). This program is a whole of government initiative by the Victorian Government.
56. The report that addresses the impacts of this program is the *Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report October 2009* (the IAR) (Victorian Government 2009a).
57. The program is the result of the Victorian Government's plans to cater for and accommodate Melbourne's expected population increase over the next 20 years.
58. The groundwork for the program began when Victorian Government released its vision for metropolitan Melbourne and the surrounding region *Melbourne 2030* in October 2002 (Department of Infrastructure 2002). This was updated with the *Melbourne @ 5 million* report and the *Victorian Transport Plan* in December 2008 to provide the rationale for revising the urban growth boundary and constructing new transport corridors. These documents also described socio-economic considerations for new development (see section 6). The *Melbourne @ 5 million* report (Department of Planning and Community Development 2008) showed investigation areas around Melbourne where urban development could be reasonably located. The *Victorian Transport Plan* (Department of Transport 2008) described the Outer Metropolitan Ring Road and E6 road (OMR/E6) and Regional Rail Link (RRL) transport infrastructure projects. These two reports are the basis for the program.
59. A draft of the program was released for public comment together with the impact assessment report in June (see section 8 of this report). The department has since worked with the Victorian Government on the program to improve the clarity and intent of the document. The final program also incorporates recommended modifications (see section 7 of this report).

3.1 Content of the program document

60. The program describes: the areas for urban development; the Victorian Government legislation, strategies, policies and plans to implement development and the conservation outcomes sought for MNES. More detail on the content of the program, the notional activities under the program and how the program will be implemented is provided below.
61. The department's analysis of the program is based on the final program document submitted to the department by the Victorian Government on 29 December 2009.

3.1.1 Where the program will be implemented

62. The program for Melbourne's urban expansion will be implemented in the following areas:
- Land within Melbourne's proposed revised urban growth boundary (UGB) that will accommodate approximately 284 000 new dwellings and employment areas. The total area in four expanded growth areas is approximately 41 000 hectares, of which around two-thirds would be developed (Victorian Government 2009b, map p. 11).
 - Precincts within the existing UGB which have been or will be publicly exhibited after 26 May 2009 (approximately 40 precincts) (Victorian Government 2009b, map p. 17).
 - The Regional Rail Link (RRL) corridor between Deer Park and Werribee (Victorian Government 2009b, map p. 11).
 - The Outer Metropolitan Ring Road/E6 (OMR/E6) corridor provides for four lanes each way and a four-track rail corridor around the west and north of Melbourne (Victorian Government 2009b, map p. 11), and
 - Two grassland reserves to the west of Melbourne totalling 15 000 hectares and an approximate 1200 hectare woodland reserve to the north of Melbourne.

3.1.2 Program implementation phases: program approval, planning, construction and operation.

63. The program utilises state legislation, policies, plans and strategies to implement development. Together with specifying conservation outcomes to be achieved, the use of planning frameworks and legislation guides decision making to identify, protect and conserve MNES.
64. The explanation of how the program works is in section 3.3 of this report.
65. Implementation of the program divided into four stages. The stages are sequenced, however there will be overlaps given the breadth of the program.
- Stage 1 – involves securing Commonwealth and Victorian Government approval (and endorsement) of the program through key legislation including the EPBC Act. This stage is currently underway.
 - Stage 2 – develops the plans and strategies that make up the planning framework. Details of the mechanisms that make up the framework are described in section 3.3.2 of this report. This stage also specifies when environmental assessments are undertaken and land acquisition processes for the program occur. Stage 2 will occur over the next 12-18 months but may take up to three or four years to complete. The Commonwealth is involved in approving specific plans and strategies in this stage.
 - Stage 3 – encompasses activities that will be undertaken to implement the program such as the development of land for urban and transport infrastructure as well as establishing conservation reserves both within and outside the UGB. This will occur over the next 20 years. During this stage the Commonwealth will receive reports and review audits but involvement will be less than stage 2.
 - Stage 4 – is the operational stage where land has been developed in accordance with the plans and strategies of stage 2 and the activities to

implement the program of stage 3. In this stage the transport corridors will be operating, urban activities will be occurring within the growth areas and conservation reserves will be established and actively managed. This will occur over the next 20 years and beyond. The Commonwealth will have minimal formal involvement beyond receiving and responding to monitoring and audit reports which may require compliance activities.

3.1.3 Conservation outcomes and activities

66. Conservation outcomes are one of the main mechanisms in the program to ensure that the Victorian Government will deliver on protecting MNES.
67. Conservation activities are commitments for a range of activities to achieve the conservation outcomes.
68. The program will deliver a range of environmental outcomes to avoid, mitigate and offset impacts resulting from the program, from the establishment of large-scale reserves outside the UGB, to riparian buffer corridors and a number of smaller (i.e. 100-150 hectares) reserves within the UGB. These outcomes will be delivered over different temporal scales depending upon the timing of development and will utilise a range of different conservation activities.
69. A detailed assessment of the adequacy of the conservation activities and outcomes is in section 4 of this report.

3.1.4 Role of the Victorian and Commonwealth Governments

70. The responsibility for implementing the program lies with the Victorian Ministers including the Minister for Planning, the Minister for Environment and Climate Change, the Minister for Public Transport and the Minister for Roads and Ports.
71. Nine Victorian Government agencies will work to implement the program throughout the four program implementation stages to ensure a whole of government approach.
72. The Victorian Government will work with councils, government and non-government service providers, developers, land owners and the Commonwealth Government to implement the program.
73. The Commonwealth Government is represented by the Minister for Environment, Heritage and the Arts. If this program is endorsed, actions or classes of actions would be considered for approval by the Minister for Environment, Heritage and the Arts,
74. The Commonwealth Government will be involved in all four program implementation stages although involvement will be more intense in the first two stages. For a full summary of Commonwealth Government involvement throughout the program refer to Schedule 2.

3.1.5 Program evaluation

75. The program document describes monitoring, reporting and adaptive management commitments for the implementation of the program. Monitoring and reporting is specified by stages of implementation and by conservation outcomes. A list of reports provided to the Commonwealth Government is at schedule 2. Whilst the monitoring, reporting and adaptive management commitments appear comprehensive, the department considers that more detailed reporting, monitoring frameworks are required to ensure the timeframes are appropriate and linkages between the various elements are clear. The frameworks will be established between the Victorian and Commonwealth Governments within 12 months if the program is endorsed.
76. Further discussion on the various elements of monitoring, reporting and adaptive management and how these provide certainty for implementation of the program is in section 3.3 of this report.

3.2 Notional activities under the program

77. The formal process of approving actions or classes of actions cannot occur until the program has been endorsed. The Minister can approve actions or classes of actions taken in accordance with the endorsed program. The EPBC Act allows the Minister to apply conditions to actions or classes of actions. Defining, approving and conditioning actions and classes of actions is a separate step in the strategic assessment process. Approval of specific actions may require further analysis and negotiation with the Victorian Government.
78. Notional actions associated with implementing this program which could be considered for approval include:
 - Development of urban activities, including transport, utility and social infrastructure, residential, commercial and industrial activities, extractive industries (quarries) within the program area.
 - Development of transport infrastructure along the RRL and OMR/E6 corridors.

3.3 How the program works

3.3.1 Legislation and policy informs process and guides decision making

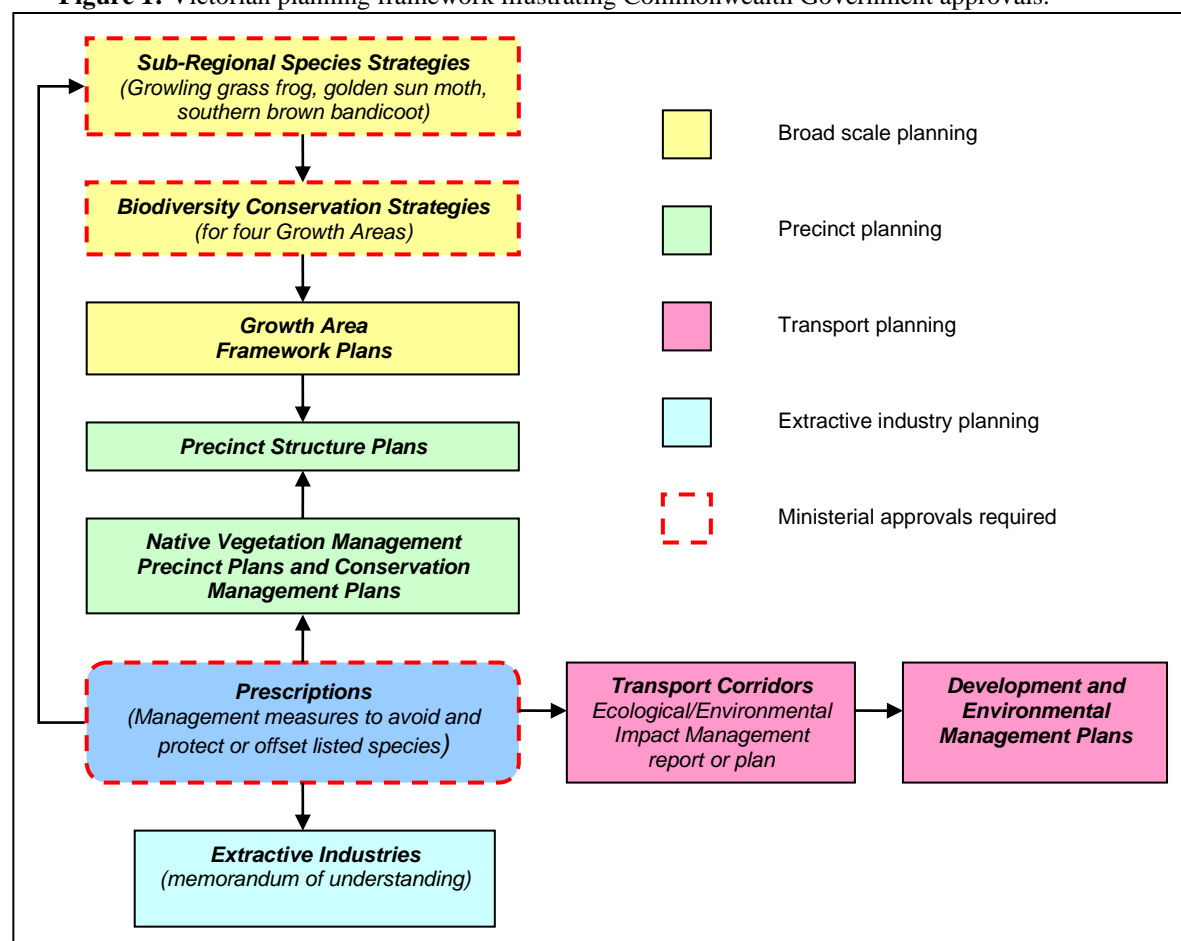
79. A key feature of the program is the linkages between Victorian legislation, policy and planning frameworks that will guide decision making and implementation of the program.
80. The planning framework in the program utilises existing Victorian Government legislation, such as the *Planning and Environment Act 1987*, for providing policies and provisions for planning schemes which regulate the use, development or conservation of land within Victoria. Other legislation and policies, such as the *Flora and Fauna Guarantee Act 1998* and Native Vegetation Management Framework 2002 are integral to the conservation of biodiversity.

81. Victorian legislation on water, including water quality, and greenhouse gas and energy efficiency, may also be triggered through implementation of the program.
82. A list of primary legislation, policies and strategies that regulate the program is provided (Victorian Government 2009b, pp. 20-22).

3.3.2 Program planning framework

83. The program planning framework outlines the plans and strategies that will be put in place to implement development and protect MNES.
84. Key plans and strategies within the framework will require Commonwealth Ministerial approval. This has been negotiated between the Commonwealth and Victorian Governments because of the importance of particular parts of the framework for providing the best possible outcomes for MNES. Figure 1 illustrates the program planning framework with the key plans, strategies and prescriptions.

Figure 1: Victorian planning framework illustrating Commonwealth Government approvals.



3.3.3 Prescriptions

85. Prescriptions are a mechanism utilised by the Victorian Government to provide “rules” or actions to manage impacts on specific MNES.
86. Draft prescriptions are provided in the IAR for each of the MNES that have been identified as likely to be impacted by the program implementation (Victorian Government 2009a, pages 147-207). The prescriptions direct retention, allowable clearing, the potential for translocation and offsetting requirements.
87. These prescriptions provide guidance about how MNES will be managed at the small-medium scales (for example suburban scale) of development. Some of the draft prescriptions specify targets (such as 80 per cent of highest priority habitats to be retained) while others specify mitigation measures (for example buffers along riparian corridors).
88. Use of prescriptions will be a requirement for the urban, transport and extractive industry planning processes. In urban development planning, the prescriptions will primarily be used by the Growth Areas Authority to design precinct structure plans (suburbs), and will also inform the broader sub-regional species strategies by identifying important populations, areas to be retained (where known) and habitat links. In transport planning, the prescriptions will be used to manage MNES found in the rail and road corridors. This will also be the case for extractive industries.
89. The content of the prescriptions is not articulated in the program. This is to allow prescriptions to change in response to certain triggers specified in the program (Victorian Government 2009b, p. 31) and hence improve conservation activities and outcomes. Triggers include:
 - new listings under the EPBC Act
 - publication of any new recovery plan or policy statement relevant to a MNES subject to a prescription, and
 - any indication that relevant conservation outcomes described in the program, conservation strategies or sub-regional strategies may become unachievable or there may be better ways to achieve the outcome.
90. These triggers aim to address risks relating to improved information availability and respond to changes over the life of the program and are an important adaptive management component of the program.
91. The prescriptions require approval by the Commonwealth Government. Approval must occur before actions are undertaken or the actions will not have approval as they will not be in accordance with the program. It is anticipated that the prescriptions would be the first element of the program planning framework to be considered for approval by the Minister if the program is endorsed.

3.3.4 Implementing urban development

92. As Figure 1 illustrates, there are two main levels of urban planning, broad scale planning for growth areas and precinct planning at a precinct and suburban scale. The two levels of planning are described below.

Broad scale planning

93. There are three main components of the broad scale planning framework; growth area framework plans; biodiversity conservation strategies; and, when required, sub-regional strategies for particular species.
94. Growth area framework plans are statutory plans which will be prepared for each of the four new expanded growth areas. These plans establish the structure for land within the growth areas based on the strategic directions of *Melbourne 2030*. They guide the creation of new communities within the growth areas and will incorporate protection mechanisms for MNES specified in the program. They show broad land use patterns (including the location of principal and major activity centres), committed and proposed transport networks, regional open space, significant waterways and areas of environmental sensitivity.
95. Maps (Victorian Government 2009b, pp. 26-33) show indicative growth area framework plans as red areas for developable land and green areas for constrained land (not for urban development). Growth area framework plans are already in place for some of the existing precincts that form part of the program. Existing growth areas framework plans will be amended to cover the extended growth areas and to take into account program requirements.
96. Growth area framework plans will be developed in a manner that is consistent with biodiversity conservation strategies and sub-regional species strategies which require approval by the Commonwealth Minister.
97. Growth area framework plans do not require Commonwealth Government approval and will inform precinct level planning. The department considers this to be acceptable as the key strategies that will guide management of MNES will be approved by the Minister.
98. The department has negotiated for sub-regional species strategies to be developed for some specific MNES such as the growling grass frog, southern brown bandicoot and the golden sun moth which generally have requirements for management in the broader landscape.
99. When developed these strategies will identify important populations and habitat links for protection within the landscape consistent with approved species prescriptions. They will influence negotiations and inform preparation of broad scale biodiversity conservation strategies and precinct structure plans. Each sub-regional species strategy must be approved by the Commonwealth Government prior to the finalisation of biodiversity conservation strategies.
100. A biodiversity conservation strategy will be prepared by the Victorian Government for each of the new expanded growth areas. They will outline how areas of high biodiversity value within the growth areas will be managed and spatially identify how outcomes for MNES will be delivered within the growth area. Each biodiversity conservation strategy will inform growth area framework planning and must be approved by the Commonwealth Government before growth area framework plans are completed. The department anticipates the

biodiversity conservation strategies will complement each other because Commonwealth requirements form the basis for each strategy.

Precinct (suburban) level planning

101. Precinct structure plans (PSPs) define the future structure of a suburb or group of suburbs, detailing the location of housing, activity centres, employment centres, community facilities, local transport networks and open space. They also identify the location of biodiversity sites and listed heritage places. These plans will be prepared in accordance with the growth area framework plans and in accordance with the Precinct Structure Planning Guidelines (PSP Guidelines). The Commonwealth Government is not required to approve PSPs under the program.
102. PSPs will also be prepared in accordance with the prescriptions, which require approval by the Commonwealth Government (see section 3.3.3).
103. The PSP Guidelines apply to the preparation of PSPs for new residential communities and new major employment areas (Growth Areas Authority 2009). The PSP Guidelines provide detailed guidance on the process that must be followed in assessing, protecting and managing biodiversity values in developing PSPs as well as guidance on best practice Water Sensitive Urban Design (WSUD) and integrated water management. The department had input into these guidelines when they were being developed during 2009. The Commonwealth Government does not approve these guidelines but they do take into account MNES through the Biodiversity Precinct Planning Kit and requirement to incorporate prescriptions.
104. The PSP Guidelines incorporate the Biodiversity Precinct Planning Kit, which specifies pre-planning surveys for biodiversity, biodiversity data inputs and templates to be used in preparing biodiversity plans.
105. The PSP Guidelines require that a native vegetation management plan and a conservation management plan be developed after surveys have been completed.
106. A native vegetation management plan sets out the requirements for the protection, removal and offsetting of native vegetation for a defined area or precinct. It must be consistent with relevant approved prescriptions.
107. After a biodiversity survey of the precinct has occurred according to the PSP Guidelines, a native vegetation management plan is developed. The plan is then incorporated into the relevant local planning scheme. It is not required to be submitted to the Commonwealth Government for approval.
108. A conservation management plan is to be prepared in accordance with any approved prescriptions for areas where there are important populations of species that require particular protection and management (e.g. golden sun moth, southern brown bandicoot, growling grass frog). The plan will then form part of the relevant local planning scheme. It is not required to be submitted to the Commonwealth Government for approval. Compliance reporting to the department by Victoria will examine whether both native vegetation

management plans and conservation management plans are implemented in accordance with the program.

3.3.5 Implementing transport

109. The program describes environmental requirements for planning the RRL and OMR/E6 transport corridors (Victorian Government 2009b, pp. 31-32).
110. Assessment of the flora, fauna and ecological values of the final alignment of the RRL and the OMR/E6 will be undertaken in accordance with the Victorian *Environment Effects Act 1978*. Planning for the final alignments for the transport infrastructure must be in accordance with approved prescriptions.

Regional Rail Link

111. The proponent for the RRL will be required to prepare an ecological impact management report which will describe the existing ecological values, assess potential effects of construction and operation and describe planned mitigation measures.
112. The proponent will also prepare an ecological impact management plan which will guide management actions as well as monitoring, evaluation and reporting procedures. The Minister will be consulted on the ecological impact management plan to ensure MNES are appropriately considered.
113. The draft prescriptions for MNES allow clearing for “state significant infrastructure”, which includes the RRL and OMR/E6 transport corridors, even if other criteria for retention of MNES are met. The department considers that the ecological impact management plan would address minor avoidance and mitigation options that could be undertaken within the RRL corridor that would minimise impacts on MNES where possible.
114. If the program is endorsed, the Minister could consider in his decision about whether to approve actions in the subsequent step attaching conditions that relate to Ministerial approval of the ecological impact management plan to ensure that all of the impacts have been fully considered and the opportunities to minimise these impacts have been undertaken.
115. The ecological impact management plan will inform the development plan and environmental management plans. According to the program, the Commonwealth Government would not be involved in these plans. The department considers this acceptable as the ecological impact management plan would be the key plan to approve.

OMR/E6 transport corridors

116. The proponent will prepare an environmental impact report on the OMR/E6 to document the likely environmental effects and project benefits of the preferred alignment. It will detail the results of field surveys, the likely impact of the project and the availability of suitable offsets.

117. The environmental impact report will guide the preparation of an environmental management plan for the projects construction and operation. This plan will include monitoring, auditing and reporting requirements. Management measures within this plan will be consistent with approved prescriptions.
118. As per the RRL, the department considers the environmental management plan would address minor avoidance and mitigation options that could be undertaken. As such, if the program is endorsed, a condition relating to Ministerial approval of the plan could be considered in the subsequent decision on whether to approve actions.

3.3.6 Implementing extractive industries

119. A Memorandum of Understanding (MoU) between the Department of Sustainability and Environment (DSE) and the Department of Primary Industries exists to endorse the Mining and Extractive Industries Work Approvals process. This approvals process does not currently account for MNES.
120. The program proposes to amend the MoU to require that approved prescriptions be applied to all future extractive industries. The department does not anticipate that extractive industries would be classified as “state significant infrastructure” and hence prescriptions would be applied as for urban development with relevant criteria for retention of MNES to be followed. As previously stated, the Commonwealth Government approves prescriptions but otherwise there is no other Commonwealth approval required for this activity.
121. There may be additional impacts from this activity on water quality and quantity in certain areas that could affect MNES (for example near Ramsar wetlands). These additional impacts may not necessarily be addressed through prescriptions (see section 4.5). If the program is endorsed, the Minister’s decision about whether to approve actions could consider attaching additional conditions, such as a submission of an environmental management plan for these types of activities.

3.3.7 Planning for reserves

122. The Victorian Government has committed in the program to the establishment of large reserves to offset the impacts from development.
123. The planning document *Melbourne @ 5 million* foreshadowed that two large grassland reserves were planned for western Melbourne. To obtain contiguous land parcels for reservation, voluntary and compulsory acquisition of private land will occur. Public consultation has occurred on this proposal, and an overview of comments is in section 8 (details of specific comments are at Victorian Government 2009c). An acquisition schedule for the grasslands reserves will be provided to the department by December 2010 (Victorian Government 2009b, p. 48).
124. A large woodland reserve to the north east of Melbourne has been negotiated by the department late in the strategic assessment process. Hence the same level of public consultation and planning has not occurred as for the grassland reserves.

The Victorian Government has committed to the establishment of the reserve but the specific mechanisms for delivery will be decided after public consultation on the location of the Public Acquisition Overlay (which identifies the land that would be compulsorily acquired) and other legal protection measures such as permanent on-title agreements (Victorian Government 2009b, p. 53).

125. Interim management plans will be developed for private property that has been designated for inclusion in the grassland reserve but is yet to be acquired. The plans will introduce a management regime to ensure the ecological communities are not degraded in the period prior to formal acquisition. Reports on the implementation of the interim management plan will be provided to the department every six months in 2010-2011 then annually until the land is acquired.
126. National Park or reserve management plans will be developed to reserve land for conservation or recreation purposes as required by Victorian legislation. Performance standards for management and monitoring methodology based on best practice adaptive management of grasslands will be provided to the department by June 2011.
127. The Victorian Government has also committed to investigating the establishment of a wetland reserve in the south east of Melbourne adjacent to the program area (Victorian Government 2009b, p. 46, 67). This wetland will be designed to restore important wetland habitats and assist achieving water quality objectives for waterways and the Western Port Ramsar site. An investigation report will be provided to the Commonwealth Government by March 2011, including identifying the funding and acquisition mechanisms.

3.3.8 Offsets

128. The minimum requirements for delivering offsets are specified within the program. The key requirement in the department's view is that offsets must be secured prior to commencement of clearing. The calculation of native vegetation losses and gains, and like for like criteria, will be in accordance with the habitat hectare system as prescribed by Victoria's Native Vegetation Management Framework as cited within the program.

The Victorian Native Vegetation Management Framework: Offsets and habitat hectare methodology

129. The Program's basis for treatment of vegetation is primarily based on the policy, *Victoria's Native Vegetation Management – A Framework for Action*. The Victorian Native Vegetation Management framework's overall aim is to achieve a reversal of the long term decline in native vegetation quality and extent across the landscape whilst subsequently providing protection and management incentives that will lead to an improvement in overall vegetation quality.
130. The Framework operates on the triage of avoiding, minimising and offsetting impacts on native vegetation, and uses the Victorian habitat hectare vegetation quality assessment model. The overall objective of the Victorian Government is to protect high quality habitat.

131. The vegetation quality assessment model considers the attributes of a parcel of land containing native vegetation by giving the parcel a quality score based on presence or absence of ecological attributes including ground, shrub and canopy cover, woody debris and weed coverage. For example, a parcel of land may be 10 hectares in total area but be scored as 1.5 habitat hectares. The 1.5 represents the area of the total that is native habitat. The remaining 8.5 hectares would be unscored due to being either severely degraded or non-native habitat.
132. The approach by the Victorian Government differs to that of the Commonwealth Government in that the focus is on habitat rather than individual species. This allows for qualities within an ecosystem to be assessed as a whole, including the ecological community and associated species.
133. Prescriptions bridge the gap between the habitat approach and impacts on individual species by requiring offsets for species impacted by development. Offsets will be obtained which contain the species in high quality habitat. Therefore there will be instances where the prescriptions will require offsets in addition to any requirements of the Native Vegetation Management Framework.
134. The department's view is that the Native Vegetation Management Framework provides a strong basis for obtaining offsets for EPBC Act listed ecological communities, and the application of prescriptions, together with the Victorian framework, will be able to obtain satisfactory offsets for other EPBC Act listed species.

Administering offsets

135. The process of creating, advertising and selling native vegetations credits for offsets will be administered by the Bush Broker program (Victorian Government 2009a, p. 129). This facilitates the requirement for developers to secure and fund the creation and ongoing management of offsets. Most offsets will be accounted for within the proposed grassland and woodland conservation reserves. However, if areas of requisite like for like habitat cannot be found in these proposed conservation reserves, then the offset will have to be secured elsewhere within the bioregion. As the developer is responsible for locating offsets prior to development, it is likely this situation would result in outcomes similar to current practice for case by case development.
136. The Commonwealth Government has also asked Victoria to report publicly on accounting for offsets. This has been included as a commitment in the modified program (Victorian Government 2009b, pp. 72-79).

3.3.9 Commonwealth Government involvement

137. The outcome of this strategic assessment will result in the Victorian Government taking primary responsibility for implementing and managing the program, including planning for protection of MNES and undertaking conservation management activities to deliver specified conservation outcomes.

138. However the Commonwealth Government will still retain significant involvement in key aspects of the program relating to the protection of MNES, including the approval of key planning strategies such as:
- the sub-regional species strategies
 - biodiversity conservation strategies and
 - prescriptions
- as well as monitoring and reporting, and adaptive management frameworks against specified conservation outcomes.
139. These key strategies and frameworks are integral to the program's success as they will establish how MNES will be protected in the landscape, what will be monitored and reported on and how new information will be used to maximise biodiversity outcomes.

3.3.10 Monitoring, reporting, compliance and adaptive management

140. The program includes monitoring, reporting, and adaptive management frameworks to manage risks and uncertainties associated with the long-term implementation of the program. Changing circumstances, procedures and/or new information relating to MNES will be introduced and accounted for when implementing the program. Adaptive management is critical to improve the outcomes delivered by the program as circumstances change.

Monitoring and Reporting

141. A monitoring and reporting framework will be developed by the Victorian Government to ensure processes and outcomes are compliant with the program. The framework will describe the roles of the Commonwealth and Victorian Governments and the independent monitor.
142. An independent monitor will be appointed to check the Victorian Government are compliant with their own legislation and planning processes. Terms of reference for an independent monitor will be agreed between the Commonwealth and Victorian Governments.
143. The Victorian Government will be responsible for delivering reports under Victorian legislative processes that the Commonwealth Government may not receive, but the Commonwealth will receive reports on whether the construction of urban areas and transport infrastructure is compliant with the program.

Compliance

144. An overarching tenet of strategic approvals is that any actions approved by the Minister must be taken in accordance with the endorsed program, otherwise the approval may not be valid. If the program is not implemented as specified or the conservation outcomes are not obtained, approvals given for any actions relating to the non-compliance would become invalid. Approval holders could be liable if they continued with actions and face compliance action under normal EPBC Act procedures. For example, actions relating to a non-compliant precinct plan may no longer benefit from approval where the precinct plan is developed in a way that does not comply with the program. Recent modifications to the program

provide for remediation by the Victorian Government to improve equity for developers acting in accordance with approved plans.

145. The Victorian Government is, for the most part, only the party responsible for the implementation of the program rather than being an approval holder for actions taken in accordance with it. There will in most cases be limitations on the ability of the Commonwealth Government to utilise existing enforcement mechanisms under the EPBC Act in instances where the Victorian Government fails to implement or comply with the program as required. It is also not possible to amend or replace an endorsed program. However, if the program is not being implemented as endorsed, there are steps outlined in the program to resolve the non-compliance (Victorian Government 2009b, pp. 85-86). For example, in the case of non-compliance with a conservation outcome, the Victorian Government must submit a remedial plan for addressing non-compliance for approval by the Commonwealth Government.
146. The Commonwealth retains all normal powers to enforce the EPBC Act against approval holders and other persons for taking an action without valid approval, or non-compliance with any conditions that may be attached to an approval of an action or class of actions under the EPBC Act, irrespective of the relationship or role such approval holders may have with the Victorian Government. The EPBC Act also provides for third party enforcement mechanisms that may also be available in the event of non-compliance.

Adaptive management

147. An adaptive management framework will be developed by the Victorian Government to guide the input of new information and procedures. The framework will set out the methodology for systematic improvement of management practices and will be submitted to the Minister for approval
148. New listings under the EPBC Act will be accounted for through development of new prescriptions as specified in the program. Note that the event of a new listing will not affect any approvals given under the EPBC Act prior to that listing.

4 Anticipated impacts from program implementation

4.1 General description of the environment

149. The total area of land identified as suitable for development within the program is approximately 24 000 hectares (Victorian Government 2009b, p. 9) although this may not include all developments in the constrained land. Most of this land is located to the west and north of Melbourne, with 3770 hectares located to Melbourne's south east.
150. The IAR states that the program will be implemented predominately within the Victorian Volcanic Plain and Gippsland Plain bioregions. Some activities in Melbourne's west will occur in the Otway Plain and small parts in Melbourne's north in the Central Victorian Uplands and Highlands-Southern Fall bioregions (Victorian Government 2009a, pp. 29-32).
151. The climate has fairly uniform temperatures across the region but with significantly varied rainfall. Rainfall increases from west to east, with the western volcanic plains having the lowest rainfall (Laverton averages 541 mm per year) and increasing to the hills to east and north east (Mt Dandenong averages 1170 mm per year).
152. The five main catchments that the program may impact on are Werribee, Maribyrnong, Yarra, Dandenong and Western Port. Many rivers and creeks in the Western Port area flow into the Western Port Ramsar site. Many of the rivers and creeks within the Werribee catchment flow into the coastal wetlands that are part of the Port Phillip Bay Ramsar site.
153. The program area includes predominately agricultural land adjacent to highly urbanised areas. There has been extensive clearing of the original native vegetation in both the Victorian Volcanic Plain (four per cent remaining) and Gippsland Plain (thirteen per cent remaining) bioregions. The Highlands-Southern Fall bioregion may have a higher percentage of native vegetation.

4.2 Likely impacts on MNES

154. Section 4.5 will discuss specific MNES impacts. This section will provide an overview of impacts that are likely to occur from implementation of the program.
155. The assessment was required to consider the impacts of the implementing the program on MNES and how the program proposed to avoid, mitigate and offset these impacts.
156. Over the life of the program, it is anticipated that major impacts will occur from clearing vegetation, barriers to species movement from development and hydrological changes from development. Other threats to these include weed invasion, loss of terrestrial climatic habitat caused by anthropogenic emissions of greenhouse gases (listed key threatening process), competition and land degradation by rabbits and predation by introduced animals particularly the

domestic cat and the european red fox (both of which have threat abatement plans).

157. The full list of MNES likely to be impacted from implementation of the program is at Schedule 1. Generally impacts will be on two EPBC Act listed ecological communities, threatened flora and fauna, migratory birds and two Ramsar wetlands. Expert advice was sought to determine the MNES likely to be impacted.
158. Two EPBC Act listed critically endangered ecological communities will be impacted by the program: the Natural Temperate Grassland of the Victorian Volcanic Plain (the grassland) and the Grassy Eucalypt Woodland of the Victorian Volcanic Plain (the woodland). EPBC Act listed species associated with these ecological communities will therefore also be impacted. These include: the spiny rice flower, striped legless lizard, golden sun moth, grassland earless dragon and the plains wanderer (associated with the grasslands); and the swift parrot and matted flax lily (associated with the woodlands).
159. Other MNES not typically associated with these ecological communities that are likely to be impacted by the program include:
 - the Port Phillip and Western Port Ramsar wetlands, migratory birds, the growling grass frog, the Australian grayling (through water quantity and quality impacts)
 - the southern brown bandicoot (through barriers to movement and vegetation clearing), and
 - other flora such as orchids.
160. The EPBC listed grassland is predominately to the west of Melbourne although it ranges to the north. The woodland community is predominately in the northern growth area. The south east growth area has been substantially modified for horticulture and hence contains fewer EPBC listed species and communities. The main impacts in this area are likely to be on the southern brown bandicoot and the growling grass frog.
161. The Temperate Lowland Plains Grassy Wetland ecological community has also been nominated to be listed under the EPBC Act and is likely to be impacted by the program.
162. As detailed survey information for all MNES is not available, the Victorian Government has used a combination of surveys, mapping and modelling to estimate the extent of, and the impacts on, MNES. More detailed information will become available about the impacts and their offsets from surveying under the Precinct Planning Structure Guidelines and for offsets. Based on expert advice on presence and absence, the department is confident that the all the MNES that could be impacted have been identified.
163. The IAR specifies MNES ecological community losses from development. These are anticipated losses based on current mapping, surveys and plans for development (Victorian Government 2009a, p. 274).

Table 2: The anticipated number of hectares of ecological communities and other native vegetation likely to be impacted by the program implementation.

Vegetation	Anticipated losses (hectares)
Natural Temperate Grassland of the Victorian Volcanic Plain	4665
Grassy Eucalypt Woodland of the Victorian Volcanic Plain	708
Plains Grassy Wetland (nominated to be listed under EPBC Act)	75
Other native vegetation	1040
TOTAL	6488

Table 3: The number of hectares of ecological communities and other native vegetation likely to be impacted by the nominal activities under the program. Differences in overall areas may be due to rounding errors.

Indicative activity	Anticipated loss of Grassy Eucalypt Woodland (hectares)	Anticipated loss of Natural Temperate Grassland (hectares)
Clearing for urban development	584	4047
Clearing for E6	83	5
Clearing for OMR transport corridor	42	520
Clearing for RRL	0	95
TOTAL	709	4667

164. It could be assumed that MNES associated with the identified ecological communities would also be impacted to the same or lesser degree as shown in Tables 2 and 3.

4.3 Minimising impacts

165. The Victorian Government was asked to address three main criteria in the strategic assessment: avoid impacts on MNES, mitigate impacts on MNES and provide offsets where impacts could not be avoided or mitigated. These three criteria are reflected in the endorsement criteria (see section 2.1.3 in this report) and the terms of reference.

166. Section 4.5 will discuss specific measures Victorian Government will implement to minimise impacts on individual MNES. This section will provide an overview of the measures that are intended to reduce impacts on MNES from implementation of the program. Note that consideration of the program's consistency with Commonwealth obligations and plans will be formally addressed in the subsequent step of whether to approve actions (EPBC Act Part 10).

4.3.1 Avoid

167. The program avoids impacts by positioning the urban growth boundary and transport corridors to avoid areas of MNES habitat. The western growth area has been designed to exclude development in some areas of grassland and the northern area has been designed to avoid areas of woodland, such that 80 per cent of all woodland within the revised UGB will be retained and managed in secure conservation reserves (Victorian Government 2009a, p. 150).
168. Areas outside the UGB that have been excluded from development may not have complete protection from future development. However the Victorian Government has committed in the program to protect other grassland remnants on the Werribee Plain (i.e. outside the UGB) through applying appropriate local statutory planning controls to remnant grasslands and improving or expanding Environmental Significance Overlays (ESOs) (Victorian Government 2009b, p.50). ESOs are planning controls that restrict certain development activities.
169. Within the UGB, other areas have been, or will be, excluded from development through a number of mechanisms.
170. The growth area framework plans identify land that is constrained for urban development (see the green areas in Victorian Government 2009b, maps 3-6 on pp. 12-15) for a range of reasons including high biodiversity values. These areas may have protection ranging from simple avoidance to commitments for ESOs, conservation zoning and protection for reserves.
171. Areas of high biodiversity already identified are given in the program (Victorian Government 2009b, p. 9). These include small grassland reserves and habitat for the southern brown bandicoot. These areas are expected to have greater protection for reserves and management as per conservation activities and outcomes identified in the program.
172. The application of prescriptions may also lead to identified areas excluded from development. It is expected that these smaller areas may gain greater protection through reserves and management as per the conservation outcomes, for example as specified in the grasslands conservation activities (Victorian Government 2009b, p. 47).

4.3.2 Mitigate

173. The program includes a number of measures for mitigating impacts on MNES. These measures include: surveys, biodiversity conservation strategies, sub-regional species strategies, PSP guidelines, native vegetation precinct plans, conservation management plans, prescriptions, conservation activities and conservation outcomes. Many of these measures interact to enhance mitigation of impacts on MNES.
174. At the broad-scale level, biodiversity conservation strategies provide the opportunity to obtain overarching biodiversity outcomes in the growth area framework plans and deliver on conservation outcomes. These can include protection and management measures for reserves within the UGB and are

required to be approved by the Commonwealth Government. The sub-regional species strategies will inform the biodiversity conservation strategies by providing information on specific species, such as identifying important populations and habitat links, that will lead to achieving the overarching biodiversity outcomes as well as conservation outcomes for these species. These strategies also require approval by the Commonwealth Government.

175. Conservation outcomes also provide broad-scale goals for mitigation measures, such as targets (for example 80 per cent of highest priority habitats to be permanently protected and managed), network of reserves and long-term sustainability and persistence for species and ecological communities.
176. At the medium and precinct (or suburban) scale, requirements such as buffers in riparian zones, best practice water sensitive design, protection and removal of native vegetation for a precinct and particular management requirements for MNES provide mitigation of impacts from development. These are identified through the application of prescriptions, PSP guidelines, native vegetation precinct plans and conservation management plans.
177. At the small-scale, discrete reserves, smaller offsets outside the main reserves and feasible translocation of species would be identified through prescriptions. Conservation activities include small-scale mitigation measures such as protection for reserves already identified, for example threatened flora species in Truganina Cemetery (Victorian Government 2009b, p. 63).
178. Mitigation measures, as well as offsets (see discussion of offsets below) are not purely based on ecological requirements but also include social and economic considerations. For example, the Victorian Government argues that reserves inside the UGB should be a certain size (for example greater than 100 hectares) even though smaller-sized reserves have shown persistence in the medium-term at least. It is proposed numerous small reserves within the UGB would fragment the desired transport-oriented urban form and impose additional management costs. Without management activities, smaller reserves would arguably be more susceptible to isolation, invasion of feral animals and weeds and possibly vandalism. More discussion about socio-economic considerations is in section 4.6 of this report.

4.3.3 Offset

179. The offsets committed in the program are large, managed reserves for grasslands and woodlands delivered through the application of prescriptions.
180. Two large grassland reserves outside the UGB totalling 15 000 hectares will provide anticipated offsets of 10 000 hectares high quality EPBC Act listed grassland community. A woodland reserve of at least 1200 hectares is also committed. The Victorian Government proposes these large reserves would have benefits in terms of resilience to climate change impacts, ability to implement management regimes such as controlled burns and cost-efficiencies compared to smaller reserves.

Table 4: The comparison of proposed clearance area to offsets.

Ecological Community	Proposed area to be cleared (hectares)	Proposed Offset (hectares)
Grassland (NTPVVP)	4 665	~10 000 within reserve
Woodland (GEWVVP)	708	At least ~1200 within reserve

181. Prescriptions may allow clearing to be permitted but require offsets to be obtained. Offsets are required to be secured before the impact occurs and inline with the requirements of Victoria's Native Vegetation Management Framework.
182. If the identified reserves do not contain the MNES values, then offsets may be obtained elsewhere. Offsets need to be like-for-like but will not be counted for multiple species (Victorian Government 2009a, p. 134). For example, the Victorian Government's analysis indicates that the proposed grassland reserves should provide sufficient offsets to meet the requirements for the EPBC Act listed grassland community. The "unallocated" areas would then be available for threatened species offsets where these are required in addition to native vegetation offsets. The two key species that would be in this category would be the golden sun moth and the spiny rice flower. If these species were not found in the unallocated areas, then offsets would have to be found elsewhere.
183. Management of offsets and reserves are a key component for long-term persistence of the species or ecological community. The program commits to management of the large reserves and Victoria will provide interim management plans, reports on implementation and identified performance standards to the department.

4.4 Anticipated program outcomes

184. The conservation outcomes in the program commit to the establishment of 15 000 hectares of grassland reserves, at least a 1200 hectares woodland reserve, the same or improved water quality to Ramsar wetlands, a series of small reserves inside UGB and no substantial negative change to known populations of particular MNES.
185. The conservation activities commit to investigating the establishment of a wetland in the south east (Casey-Cardinia growth area, possibly around 300 hectares), incorporating best practice urban water management techniques, protecting relevant habitat from point source contaminants, protecting and managing reserves and other activities.
186. The overall biodiversity outcomes are anticipated to include: reserves that are managed for all species; functioning rivers, creeks and wetlands and riparian habitat connectivity.
187. The consolidation of offsets into large, contiguous reserves which are actively managed provides additional value from scattered offsets, including the ability carry out management techniques restricted in smaller areas (such as burning), to

adaptively manage in response to management regimes, allowing fauna that have limited mobility to move across the landscape (such as the golden sun moth) and can have greater security against threats. The department considers the commitment to these reserves by the Victorian Government as very important to the representation, protection and persistence of MNES in the long term and across the bioregion.

188. Similarly, the ability of the program to address cumulative impacts affecting water quality through implementing water sensitive urban design, requiring buffers along riparian areas and setting conservation outcomes to main or improve water quality to wetlands is in the departments consideration more effective and efficient than through individual developments.

4.5 Specific MNES impacts and mitigation measures

189. Victoria has described the impacts of the program on individual MNES in the IAR (Victorian Government 2009a). Impacts will be addressed through a number of plans, strategies and prescriptions. Individual MNES impacts are mostly mitigated through specific prescriptions (see discussion on prescriptions at section 3.3.3) but also through sub-regional species strategies and biodiversity conservation strategies. The implementation of these prescriptions, in concert with other specific conservation activities, is expected to result in the achievement of conservation outcomes described in the program for each relevant MNES.
188. The program also identifies a number of species for which specific sub-regional strategies will be developed to inform landscape-scale management activities and responses (see discussion in section 3.3.4). The discussion below includes reference to these sub-regional species strategies under the relevant MNES headings.
189. As discussed at section 3.3.4, the program also requires the preparation and Commonwealth approval of biodiversity conservation strategies for the four new and expanded growth areas. The implementation of each biodiversity conservation strategy is expected to deliver additional benefits to MNES and biodiversity more generally and assist in the amelioration of some projected impacts on, or existing threats to, MNES, over and above those discussed below.
190. Discussion of mitigation measures is at section 4.3.2.

Natural Temperate Grassland of the Victorian Volcanic Plain Ecological Community – critically endangered

Current Status

191. Natural Temperate Grassland of the Victorian Volcanic Plain (the grasslands) ecological community occurs only in Victoria. Its specific pre-European and current extent is unknown, but based on similar Victorian Ecological Vegetation Classes (EVCs) it is estimated that less than 5 per cent of its pre-European extent (approximately 260,000 hectares) remains. Of that approximately 2 per cent of the remaining community is currently secured within reserve systems.

192. The community supports complex and variable structures of flora and fauna including other EBPC listed species (striped legless lizard, golden sun moth, spiny rice-flower), as well as providing important hydrological and ecological landscape functions. Losses in extent, fragmentation and degradation of floristic integrity of this community occur primarily through land clearing, grazing, weed encroachment, prolonged drought and poor management.
193. The grasslands extend westwards across Victoria from greater Melbourne toward South Australia across the basalt plains. Remnants of the community occur directly to the west of Melbourne and many of these occur within areas proposed for urban and infrastructure development under the program.

Impacts

194. Implementation of the program to the west and north of Melbourne is likely to result in the clearing of approximately 4 665 hectares (or 6per cent of the current extent) of grassland (Victorian Government 2009a, p. 132). As scored by the Victoria DSE Habitat Hectare scoring approach, this figure is composed of:
897 hectares of low quality grassland, 3696 hectares of medium quality grassland, and 72 hectares of high quality grassland.
195. It is anticipated that most of the grassland will be removed for development and the only patches remaining will be those identified for conservation through prescriptions.

Conservation outcomes

196. The program proposes that implementation of the conservation activities to mitigate and offset the impacts of the program will result in the following conservation outcomes for this ecological community (Victorian Government 2009b, p. 48):
- The creation of two conservation reserves for grassland totalling 15 000 hectares outside the UGB in Melbourne's west. Of this, approximately 10,000 hectares is representative of the critically endangered grassland community.
 - These two reserves will bring secure representation of this community up to approximately 20per cent of its current extent.
 - The reserves will also accommodate a quarry, and areas earmarked for infrastructure for management, recreation and education relating to the grasslands.
 - The reserves will be funded primarily through accounted offset losses from clearing of grasslands and some habitat for other MNES associated with urban development and transport infrastructure.
 - The creation of a number of smaller managed reserves containing this ecological community within the UGB, providing connectivity between related habitat types such as grassy woodlands, stony knolls and floodplain grasslands; Some of the smaller areas are represented on the zoning maps (Victorian Government 2009b, pp. 12-15) as rural conservation zones and public conservation and resource zones.

197. Overall projected gains from securing and managing the community within these offsets against the direct losses from clearing is calculated at:
- maximum loss: 4665 hectares (1922 habitat hectares).
 - maximum offset: 10 091 hectares (4154 habitat hectares).
198. Additional conservation outcomes will be achieved through application of the prescription for the grasslands during surveys for the growth areas (draft in Victorian Government 2009a, at p. 146) which proposes the following mitigation and offset measures:
- Patches of grasslands will be retained between the existing urban growth boundary and new urban growth boundary if the site also contains an EPBC listed endangered or critically endangered orchid species.
 - grasslands will be retained within the current UGB if they represent a manageable, contiguous, patch of 150 hectares including areas outside the precinct.
 - All permitted clearing of this ecological community will be offset in accordance with the Victorian native vegetation management framework, and offsets will be secured prior to clearing. The offsets will be sourced within the proposed western grassland reserves at ratio of approximately 2:1.
199. It is unlikely that implementation of this prescription will result in many reserves being created within the existing urban growth boundary as there are not many patches of grasslands that will meet the retention threshold of 150 hectares. The draft prescription does not propose to retain any areas of grasslands within the expanded urban growth zone (unless required by another prescription), due to the:
- specific avoidance of the grasslands particularly in defining the UGB in the western investigation areas
 - further avoidance through fine tuning the placement of the urban growth boundary, the OMR/E6 transport corridor and the Regional Rail Link exclusion areas, and
 - establishment of the grassland reserves offset.
200. Victoria has explained that the threshold of 150 hectares or more for retention of grassland is based on practical considerations regarding the ability to maintain and maximise conservation values and resource appropriate management regimes for conservation reserves, within the overall constraints imposed by the social and economic requirements for Melbourne's future growth (Victorian Government 2009a, p. 137).
201. The listing advice for this EC notes that small patches of grassland can retain their conservation values despite their size, and the department notes that smaller grassland reserves in the ACT and Melbourne appear to be viable in the medium-term, though information on their management and resource intensity is not readily available.
202. There is ongoing scientific debate over whether "larger is better". There is no doubt that the benefits of larger conserved areas better extends to the abilities of management, possibilities of landscape-scale improvement and benefits for individual species through allowing free movement and isolation from further

disturbance. Smaller patches are seen to be more at risk to invasion and degradation by exotic species, urban edge effects and management limitations. Some modelling work done by Royal Melbourne Institute of Technology (RMIT) for Victoria supports this view (Victorian Government 2009a, Appendix 6, p. 306).

203. The other side of the debate focuses on the importance of biodiversity within smaller patches; that floristic representation may be unique to the patch and that this may not necessarily be replicated or reproduced in any other area. Additionally, smaller patches may assist in conserving such diversity for future re-establishment after stochastic events in other areas, or loss through the effects of climate change.
204. The department is of the view that this is acceptable as long as all the conservation outcomes as presented in the program are achieved. The 150 hectare threshold can be amended through revision of the prescription if conservation outcomes are not being achieved to the satisfaction of the department.
205. Additional measures to avoid impacts to the ecological community within the expanded UGB proposed in the program include the rezoning of some land areas within the expanded boundary as non-developable lands. Some of this land may receive the benefit of Environmental Significance Overlays which would constrain development. The program also commits to planning arrangements and extending Environmental Significance Overlays onto the Werribee Plains outside the UGB.
206. The conservation outcomes in program for grasslands also commit to the delivering a number of smaller reserves, including some already identified and others within the urban context (Victorian Government 2009b, p. 47). The department is aware of existing small grassland reserves scattered throughout the west Melbourne area (representing most of the two per cent currently protected) and is of the view that these will enhance protection of the grasslands.
207. The IAR includes many of the department's requested changes and additional information so that it adequately describes the impacts of the program on this Ecological Community. The department continues to work with Victoria to refine the draft prescription to ensure it is comprehensive, with ability for the department to tighten aspects if necessary relating to achieving conservation outcomes of the program and that it is easily understood by those who will be directly responsible for its implementation.

Conclusion

208. The program is proposing to retain a small number of patches of Natural Temperate Grassland of the Victorian Volcanic Plain ecological community of 150 hectares in size within the current urban growth boundary, and offset the remaining areas to be cleared to within the proposed western grassland reserves.

209. There is strong agreement both within and outside of Government that if the current project-by-project approach were to be undertaken over the same timeframe as the program that the grassland community would be overwhelmed through fragmentation, weed invasion and edge effects of development in the case by case scenario.
210. The benefits of the program over the case by case scenario include a sound commitment to management and conservation of a large area of the EC as well as ensuring some diversity is maintained within other areas for the future.
211. Additionally, given that many fauna dependent on the grassland habitat have poor mobility (for example golden sun moths) larger, well managed reserves should increase resilience against edge effects and urban disturbances. Sound argument exists that large reserves will be more beneficial to biological persistence over time and more cost effective to manage in the longer term than more numerous but potentially isolated smaller reserves.
212. The measures for mitigation and offset for this ecological community demonstrate the impacts are sufficiently addressed to a level that the conservation outcomes are highly likely to be achieved.

Grassy Eucalypt Woodland of the Victorian Volcanic Plain Ecological Community – critically endangered

Current Status

213. The Grassy Eucalypt Woodland of the Victorian Volcanic Plain (the woodlands) ecological community is endemic to western Victoria. The woodland's overall distribution roughly follows that of the Natural Temperate Grassland of the Victorian Volcanic Plain (grasslands) as the two naturally merge in transition communities in many areas. The woodland has undergone a severe decline in extent (approximately 95 per cent, or 697,300 hectares) and floristic integrity since European settlement with approximately only three per cent of the remaining community currently within secure reserves.
214. Grassy Eucalypt Woodland of the Victorian Volcanic Plain is an open eucalypt woodland dominated by *E.camaldulensis* with a species rich grassy understorey, supporting a number of nationally listed flora and fauna species, including many also occurring within the grasslands. Both woodlands and grasslands communities have similar hydrological and ecological functions, with the woodlands supporting additional arboreal wildlife such as woodland dependent birds, mammals and insects.
215. The woodlands ecological community has been reduced to remnants in the west and north of greater Melbourne through clearance for agriculture and urban development. Remnants are further threatened by fragmentation, weed invasion, edge effects, inappropriate management regimes and climate change.

Impacts

216. Implementation of the program will result in the loss of approximately 709 hectares of this ecological community. Clearing of remnants will occur primarily in the Hume-Whittlesea growth area. The program initially avoids

direct impacts to the ecological community through placement of the revised UGB to avoid more than half of its known occurrence within this area.

Conservation outcomes

217. The program proposes that implementation of the conservation activities to mitigate and offset the impacts of the program will result in the following conservation outcomes for this ecological community (Victorian Government 2009b, p. 48):
- The creation of a 1200 hectare conservation reserve for the woodlands ecological community outside the UGB south-west of Whittlesea.
 - Eighty per cent of the ecological community within the UGB being retained and managed in secure conservation reserves.
 - The creation of a network of small and medium sized conservation reserves in the Sunbury Growth Area, and the Hume-Whittlesea Growth Area, particularly areas associated with the Merri Creek and Darebin Creek floodplains that have not been zoned for urban development.
218. Existing remnants of the ecological community on private land within the Hume-Whittlesea Growth and Sunbury areas, constrained land within the northern investigation area, and the proposed conservation reserve south-west of Whittlesea will be used for obtaining offsets.
219. The program is yet to finalise the status and management regime for this proposed conservation reserve. This is because the required public consultation has not been undertaken. The Victorian Government is investigating the best approach to most efficiently and effectively obtain this reserve. The reserve proposal, acquisition and management approach and schedule will be provided to the department in 2010 following community consultation. The department has worked closely with Victorian officials to ensure this commitment to a reserve is included in the program.
220. The IAR includes many of the department's requested modifications and additional information so that it adequately describes the impacts of the program on this Ecological Community. The department continues to work with Victoria to refine the draft prescription to ensure it is comprehensive, with ability for the department to tighten aspects (such as thresholds) where necessary relating to achieving conservation outcomes of the program and that it is easily understood by those directly responsible for its implementation.

Conclusion

221. Victoria calculates that achieving the program outcomes will result in improvement in the quality of remaining woodlands through implementation of the program. In addition, security and management of the proposed conservation reserve will assist to address cumulative impacts and contribute to the long term persistence of this ecological community.
222. Without this commitment from the program, over time this community will suffer further decreases and degradation with no obligation to create an aggregated area for reserve. Additionally, retained areas will be managed by

Parks Victoria to improve quality of understorey and structure, as well as protection from weed invasion and urban edge effects.

223. Therefore, the proposed measures for mitigation and offset for this ecological community demonstrate the impacts are sufficiently addressed to a level that the conservation outcomes are highly likely to be achieved.

Key species associated with the grassland and woodland ecological communities

Golden Sun Moth (*Synemon plana*) - critically endangered

Current Status

224. The golden sun moth historically occurs in native temperate grasslands across NSW, ACT, Victoria and SA. The original extent of these grasslands is estimated at two million hectares with less than one per cent now remaining. As a consequence golden sun moth populations are substantially reduced in extent and are fragmented.
225. The golden sun moth is a medium-sized day flying moth that is most often found within the grasslands ecological community. The species is also known to inhabit woodlands and non-native grassy areas. The golden sun moth is known from 125 extant sites across its range, of which 50 occur in the Melbourne region. Around half of these populations are less than 10 hectares in size, and less than ten are within secure conservation reserves.
226. Threats to the species include:
- Loss and degradation of wallaby grass-dominated native temperate grasslands across the species historical range
 - Loss and degradation of open grassy woodlands where the ground layer is dominated by wallaby grass, and
 - Soil disturbance at extant golden sun moth sites.

Impacts

227. Implementation of the program to the west and north of Melbourne is likely to result in the loss of approximately 4665 hectares of grasslands and approximately 709 hectares of woodland that constitute habitat for golden sun moth, as well as areas of degraded and non-native vegetation in which the moth inhabits. The program avoids direct impacts to these ecological communities through fine tuning the placement of the urban growth boundary, the OMR/E6 transport corridor and the Regional Rail Link exclusion areas.

Conservation outcomes

228. The program proposes that the implementation of the conservation activities to mitigate and offset the impacts of the program will result in the following conservation outcomes for the golden sun moth:
- Approximately 80 per cent of high quality confirmed habitat (native grassland with confirmed presence of golden sun moth) being retained and managed in secure conservation reserves within the Victorian Volcanic Plains bioregion.
 - The creation of two conservation reserves totalling approximately 10 000 hectares of grasslands containing suitable habitat for the golden sun moth that will contribute to long-term persistence of the species.
 - The creation of a 1200 hectare conservation reserve for the woodlands containing suitable habitat for the golden sun moth that will contribute to the long-term persistence of the species.
 - The creation of a number of smaller reserves within the UGB that contain populations of the golden sun moth.

- Improved knowledge of the location and habitat attributes of the golden sun moth.
229. The Growth Areas Authority will be conducting surveys in accordance with the Biodiversity Precinct Planning Kit (Victorian Department of Sustainability and Environment 2009) for the golden sun moth and other matters of NES within the revised UGB within the next two years. Present golden sun moth distribution data across the revised UGB is not yet available and detailed site-by-site impacts cannot be assessed.
230. Conservation outcomes will be achieved through application of the prescription for the golden sun moth (in draft in Victorian Government 2009a, p. 166). The prescription is based on a modelling system to measure habitat into classes of contribution to species persistence, which is described in the IAR in Appendix 2 (Victorian Government 2009a, p. 282) and Appendix 3 (p. 294).
231. The prescription directs the size and quality of patches of confirmed golden sun moth habitat to be retained within the UGB. For example, patches of highest quality habitat with golden sun moth present that are greater than 100 hectares will be retained.
232. Similarly to the grasslands prescription, it is unlikely that the prescription criteria will facilitate retention of many patches of golden sun moth habitat within the UGB. However, three reserves have already been identified in the western growth centre (Victorian Government 2009b, p. 12).
233. Victoria has explained that the threshold of 100 hectares or more for retention of golden sun moth habitat is based on practical considerations regarding the ability to maintain and maximise conservation values and resource appropriate management regimes for conservation reserves, within the overall constraints imposed by the social and economic requirements for Melbourne's future growth (Victorian Government 2009a, p. 137).
234. It should be noted that ecological management experience in Victoria and elsewhere has demonstrated that smaller sites (half a hectare, for example) can be successfully managed for golden sun moth persistence. However, as discussed previously, information on their management and resource intensity is not readily available (see section 4.5).
235. Offsets will be secured into the proposed reserves in accordance with the prescription and the Victorian Native Vegetation Management Framework (NVMF) (Victorian Government 2009a, p. 167-168). This will include:
- Clearing of high quality confirmed habitat will be offset by treating this vegetation as very high conservation significance under the NVMF and the offset site must contain a population of golden sun moth. The department calculates this to represent an approximate offset ratio of 2:1.
 - Clearing of medium quality confirmed habitat will be offset by the proponent in exchange for securing high quality confirmed habitat, the department calculating this to represent an approximate offset ratio of 1:1.

- Clearing of low quality confirmed habitat will be offset by the proponent through survey and confirmation of an area of confirmed golden sun moth habitat outside the UGB equivalent the size proposed to be cleared.

Conclusion

236. The program is proposing to retain a small number of patches of golden sun moth habitat of approximately 100 hectares in size within the current urban growth boundary, and to offset clearing of habitat to within the proposed western grassland reserves.
237. There is an overall target of 80 per cent of confirmed sun moth habitat to be protected across the bioregion. Without such a strategy, case by case referrals would not achieve such outcomes for golden sun moth. Nor would there be any future obligation to create aggregated areas for protection.
238. Retained areas and the large reserved areas of grasslands to the west of Melbourne will be managed to protect from weed invasion and urban edge effects and contribute to the long term persistence of the golden sun moth.
239. Additionally, surveys undertaken by the Growth Areas Authority will inform the preparation of a sub-regional species strategy consistent with the prescription for the golden sun moth. This sub-regional species strategy will identify important populations, habitat, and areas to be retained as required by the prescription. The sub-regional species strategy will inform the biodiversity conservation strategy for the relevant growth area and will influence the design of precincts through the precinct structure plans. The Minister will approve the sub-regional strategy.
240. Measures for mitigation and offset for the golden sun moth ensure the impacts are sufficiently addressed to a level that the conservation outcomes are highly likely to be achieved.

Spiny Rice-flower (*Pimelea spinescens*) - critically endangered

Current status

241. The spiny rice-flower listed is endemic to Victoria. Spiny rice-flower distribution of populations is fragmented due to land clearance for settlement, industry and agriculture. The spiny rice-flower is a stunted sub-shrub of 5-30 centimetres in height that is most often found associated with the grasslands and the woodland ecological communities. Further threats include industrial and urban development, maintenance activities for road and rail reserves, weed invasion, inappropriate management and fire regimes.
242. Almost all known populations are small, and the total estimated area of occupancy of the species is between 5.7 square kilometres to 10 square kilometres. The number of mature individuals of spiny rice-flower is estimated at 55 000, occurring in over 184 sites. The majority of sites support populations of less than 100 individuals. In the Melbourne region, there are approximately 46 known populations of which 36 are estimated to support up to 100 plants.

243. The Growth Areas Authority will be conducting all surveys for the spiny rice-flower and other MNES within the revised UGB over the next two years. Current survey data across the revised UGB is not yet available, and detailed site-by-site impacts cannot be assessed.

Impacts

244. As spiny rice-flower is most often found in association with the grasslands and woodlands, clearing of these ecological communities will impact the spiny rice-flower (please also refer to sections on ecological communities above).

Conservation outcomes

245. The program proposes that the implementation of the conservation activities to mitigate and offset the impacts of the program will result in the following conservation outcomes for the spiny rice-flower:
- Approximately 80 per cent of the total area of the highest priority habitat being retained and managed in secure conservation reserves within the Victorian Volcanic Plain bioregion.
 - Creation of two conservation reserves totalling approximately 10 000 hectares of grassland containing spiny rice-flower populations will contribute to long-term persistence of the species.
 - Creation of smaller conservation reserves within the UGB containing populations of spiny rice-flower.
 - Protection of any populations of the species containing 200 plants or more.
246. Offsetting impacts on the spiny rice-flower will be in accordance with the draft prescription (Victorian Government 2009a, p. 182) and the Victorian Native Vegetation Management Framework. The proposed western grassland reserves will be used in accounting for the offsetting process.
247. The current draft prescription carries risk of legal challenge, albeit in the department's view a low risk, due to the perception it may conflict with actions in the national recovery plan for the spiny rice-flower (action 3.1 and 3.2) which state that populations of spiny rice-flower on private and public land be protected.
248. The draft prescription proposes clearing habitat in the case of state-significant infrastructure, and this may include populations that might otherwise be retained. This issue does not need to be addressed for any endorsement decision but will need to be clarified by the department in any approval of actions.
249. The department suggests the overall objective of a recovery plan is to recover species in a region, in which case the definition of population would be broader than a selected number of plants. The recovery plan for spiny rice-flower is usually applied to case by case assessments where the impacts are fewer and the benefits are smaller.
250. Under the program, securing offsets for populations identified on public and private land must be secured before clearing can occur. The department's view is that secured, managed reserves with known occurrences of spiny rice flower

will lead to medium to long term protection of this species and this will address the overall objective of the recovery plan.

251. Discussions have been held with Victorian Government officials about the benefits of preparing a sub-regional species strategy consistent with the prescription for the spiny rice-flower. The sub-regional species strategy would be developed to guide the conservation of spiny rice-flower at both growth area and precinct levels and would be approved by the Commonwealth consistent with the other sub-regional species strategies.
252. It is highly likely that the conservation outcomes for this species as stated by the program will be achieved.

Matted Flax-lily (*Dianella amoena*) - endangered

Current status

253. Matted flax-lily occurs in grassland and grassy woodlands in Tasmania and Victoria. In Victoria it occurs in four bioregions, but is concentrated around the greater Melbourne area in remnant vegetation along roadsides, railways and small reserves. It is co-dependent on the presence of specific other native flora for effective pollination.
254. Matted flax-lily is amenable to translocation and translocation has occurred at a number of sites in the Melbourne region. Threats to matted flax-lily identified in the draft national recovery plan that may be relevant to implementation of the program include weed invasion, disturbance and clearing of remnants, fragmenting habitat, inappropriate road and rail verge maintenance and inappropriate fire regimes.

Impacts

255. Implementation of the program over the next 20 years will impact some sites likely to contain small populations of matted flax-lily within degraded habitat in the north (Victorian Government 2009a, p. 174).
256. The program avoids impacts to matted flax-lily habitat through the placement of the extended UGB in locations to the north and south-east of Greater Melbourne corresponding with alignment for avoidance of both grassland and woodland ecological communities.

Conservation outcomes

257. The program proposes implementation of the conservation activities will result in the following conservation outcomes for the matted flax-lily (Victorian Government 2009b, p. 55):
 - Approximately 80 per cent of the total area of the highest priority habitat being retained and managed in secure conservation reserves within the Victorian Volcanic Plain bioregion.
 - Creation of a 1200 hectare conservation reserve for the woodlands community containing populations of matted flax-lily, and contributing to the long-term persistence of the species.
 - Creation of two conservation reserves totalling approximately 10 000 hectares of grasslands possibly containing matted flax-lily.

- Creation of a selection of smaller conservation reserves within the UGB possibly containing populations of matted flax-lily.
258. The draft prescription for matted flax lily (Victorian Government 2009a, p. 175) directs that no area of native vegetation supporting matted flax-lily may be cleared until protection of at least 80 per cent of the areas where “high contribution to species persistence” and its confirmed habitat intersect across the bioregion (Victorian Government 2009a, App 4, p. 298).
259. The exceptions to clearing matted flax-lily before an 80 per cent target of protection has been reached include:
- If the clearance is unavoidable for the provision of infrastructure of state significance
- or
- If the native habitat within the land parcel contains greater than 25per cent cover of high threat grassy weeds.
260. The draft prescription directs that if clearing of high contribution habitat is permitted, an offset must be found and secured prior to the development approval. These offsets will be determined by treating the vegetation to be removed as very high conservation significance as a result of its values for the matted flax-lily and the relevant like for like criteria followed including a requirement that the offset site must contain a population of the matted flax-lily.
261. The draft prescription does not give an undertaking to offset the clearing of matted flax-lily on confirmed medium or low contribution habitat. This is not consistent with the prescription for golden sun moth, which stipulates that offsets of an equivalent area must be secured when clearing confirmed medium contribution habitat.
262. The draft prescription also directs that if any matted flax-lily plants are approved for removal at a site, a fully costed translocation plan that satisfies the Victorian Department of Sustainability and Environment must be prepared.
263. Plants are to be translocated to areas of suitable habitat within secure conservation reserves (either on or off site), preferably to the proposed northern woodland reserve unless a better outcome is likely to be achieved elsewhere. The translocation must follow the *Guidelines for the Translocation of Threatened Plants in Australia*, 2nd Edition (or as updated).

Conclusion

264. There is an overall target of 80 per cent of confirmed high contribution habitat (native grassland or woodland with confirmed presence of matted flax lily) to be protected across the bioregion. Case by case referrals would be unlikely to achieve such outcomes for matted flax-lily.
265. There are also commitments to the creation of two large conservation reserves for the grassland and woodland ecological communities in which matted flax-lily are likely to occur or be translocated into, contributing to the long term persistence of the species.

266. Retained areas and the large reserved areas of grasslands to the west and woodlands to the north of Melbourne will have management to protect from weed invasion and urban edge effects which will contribute to the long term persistence of the matted flax-lily.
267. The measures for mitigation and offset for the matted flax lily demonstrate the impacts are sufficiently addressed to a level that the conservation outcomes are highly likely to be achieved.
268. Approval of the prescription and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Striped Legless Lizard (*Delma impar*) - vulnerable

Current status

269. Striped legless lizard occurs in fragmented populations within grasslands and grassy woodlands throughout ACT, NSW and Victoria. In Victoria its providence is linked to the critically-endangered grassland ecological community, and also occurs within some smaller reserves in the west of Melbourne. Populations of the species are also known within the proposed grassland reserve areas.
270. Losses in extent, fragmentation and degradation of this habitat through land clearing, grazing and weed encroachment are major threats to this species as well as predation by domestic and feral cats and foxes and limited biological knowledge.

Impacts

271. Implementation of the program over the next 20 years is likely to result in the loss of approximately 4665 hectares of grasslands community, constituting suitable habitat for striped legless lizard.
272. The program avoids direct impacts to striped legless lizard habitat through fine tuning the placement of the urban growth boundary, the OMR/E6 transport corridor and the Regional Rail Link exclusion areas. Further avoidance and mitigation measures are as described above under section 4.5 on the grasslands ecological community.
273. Specific measures to mitigate impacts to striped legless lizard are described by the draft prescription for the species (Victorian Government 2009a, p. 157). Mitigation measures for likely impacts to Striped Legless Lizard include:
- the offset of grasslands community into managed reserves
 - strategies to prevent impacts from feral and domestic animals
 - retention of striped legless lizard habitat remnants that are manageable and contain other matters of NES, and
 - translocation.

Conservation outcomes

274. Conservation outcomes for the striped legless lizard as specified by the program (Victorian Government 2009b, p. 60) include:

- a series of reserves and other managed areas to maintain viable populations
- a program of research and monitoring to inform adaptive management, and
- assessment of feasibility and protocols for translocation.

275. The draft prescription directs treatment of striped legless lizard and its habitat for when they are found during Growth Area Authority surveys to be carried out over the next two years. The draft prescription currently mirrors outcomes for the grassland community.

276. The draft prescription for the striped legless lizard has not been developed with reference to information now available in the draft EPBC Policy statement for the species. Specifically, the policy statement clarifies what is likely or not likely to constitute an important population and the prescription may require modification to reflect this.

Conclusion

277. If the mitigation measures are undertaken and the conservation outcomes achieved as described in the program, the department considers that the striped legless lizard should benefit from and persist in large areas of managed and protected grassland. Its persistence within smaller habitat patches over time is questionable, due to edge effects, habitat degradation and disturbance.

278. Approval of the prescription and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Swift Parrot (*Lathamus discolor*) - endangered

Current Status

279. The swift parrot was listed as endangered in 2000 due to a marked decline in distribution and abundance. The Swift Parrot is a small, fast-flying and nectivorous bird occurring in eucalypt forests in south-eastern Australia. It breeds in Tasmania migrating to the mainland in autumn. During winter the parrots are semi-nomadic, foraging in flowering eucalypts mainly in Victoria and New South Wales.

280. There are a few records each year from suburban Melbourne and suitable winter foraging habitat is present within the woodland community and red gum grassy woodland habitat in the north investigation area. Swift parrots show high site fidelity returning to sites on a cyclic basis. Site use depends on the availability of foraging resources for the species.

Impacts

281. Implementation of the program over the next 20 years is likely to cause further loss and fragmentation of suitable foraging habitat for the Swift Parrot through the clearing of approximately 709 hectares of woodland community.

Conservation outcomes

282. The program proposes conservation outcomes for the swift parrot by protecting woodland habitat through:

- creating a woodland reserve outside the UGB greater than 1200 hectares
- retaining 80per cent of woodland within the UGB, and
- creating a network of smaller conservation reserves in the two northern-most growth areas.

283. The swift parrot Recovery Plan 2001-2005 remains in force until revoked. A revised recovery plan is being prepared. These outcomes are not inconsistent with the current recovery plan objectives to protect and manage swift parrot habitat at a landscape scale.

Conclusion

284. There are no specific conservation outcomes for the swift parrot outlined by the program. The ability exists within the program to formulate a prescription for this species if required (Victorian Government 2009b, p. 67).

285. The overall conservation outcomes above should be sufficient to adequately mitigate impacts to an acceptable level.

Grassland Earless Dragon (*Tympanocryptis pinguicolla*) - endangered

Current status

286. Grassland earless dragon is listed as endangered and occurs in fragmented populations within grasslands throughout ACT, NSW and Victoria. In Victoria its providence is linked to the critically-endangered ecological community Natural Temperate Grasslands of the Victorian Volcanic Plains (the grassland).

287. The last potential sighting of this species in the Volcanic Plains bioregion was in 1997. Few sustained targeted surveys have been undertaken for grassland earless dragon within the last 20 years, and there is some belief it may be extinct within the study area

Impacts

288. Impacts from implementing the program over the next 20 years may contribute to the threatening processes for this species which include losses in extent, fragmentation and degradation of grassland habitat through land clearing and weed encroachment. Additionally, edge effects may increase from urban development and include predation by domestic and feral cats and foxes.

Conservation outcomes

289. The program proposes conservation outcomes for the grassland earless dragon will be achieved by:

- The creation of two conservation reserves totalling approximately 10,000 hectares of grassland possibly containing extant populations of the species.
- The creation of a selection of smaller conservation reserves within the UGB containing suitable habitat for the species.

Conclusion

290. There are no specific conservation outcomes for grassland earless dragon as experts suggest that there is slim chance of rediscovering the species within the bioregion.
291. However, if the species persists in the area it may do so within the largest and most undisturbed areas of grassland, which includes some areas of the proposed grassland reserves in the west and Craigieburn grassland reserve.
292. If the species is rediscovered, the ability exists within the program to formulate a prescription for this species if required (Victorian Government 2009b, p. 67).
293. The overall conservation outcomes for grasslands should be sufficient to adequately mitigate impacts on this species to an acceptable level.

Plains Wanderer (*Pedionomus torquatus*) - vulnerable

Current status

294. The Plains Wanderer occurs in fragmented populations within grassland habitat central west QLD, SA, NSW and Victoria. In Victoria its occurrence is linked to the grassland ecological community.
295. An extremely mobile but cryptic species, the last record of plains wanderer in the Volcanic Plains bioregion was a road-killed individual from the Werribee district in 2008. Few sustained targeted surveys have been undertaken for the species within the last 10 years.
296. The plains wanderer is averse to built up areas, obstacles and restricted areas of habitat, and is most likely to persist within large tracts of relatively undisturbed grassland habitat.

Impacts

297. Implementation of the program over the next 20 years is likely to result in the loss of approximately 4665 hectares of grassland constituting suitable habitat for plains wanderer.
298. Habitat clearing, fragmentation and degradation may contribute as known threatening processes for this species, along with edge effects from urban development and include predation by domestic and feral cats and foxes.

Conservation outcomes

299. The program proposes conservation outcomes relevant to the plains wanderer will be achieved by the creation of two conservation reserves totalling approximately 10 000 hectares of grassland community possibly containing extant populations of the species;

Conclusion

300. There are no specific conservation outcomes for plains wanderer in the program, but if the species is rediscovered, the ability exists within the program to formulate a prescription for this species if required (Victorian Government 2009b, p. 67).

301. The areas proposed for development are not considered areas critical for the survival of the species (Baker-Gabb 2002, Draft Recovery Plan).
302. It is likely that the plains wanderer may benefit from and persist in large areas of managed and protected grassland as described in the overall conservation outcomes for grasslands.
303. The department therefore advises that the overall conservation outcomes above should be sufficient to adequately mitigate any impacts on this species to an acceptable level.

Southern Brown Bandicoot (*Isoodon obesulus*) - endangered

Current status

304. The southern brown bandicoot is a medium-sized ground-dwelling marsupial listed as endangered in 2001 due to a marked decline in distribution and abundance. The species has high fecundity, suggesting the potential to recover if the right conditions exist.
305. The species is well known in the south-east of Melbourne and has been recorded in the south-east investigation area and adjacent precincts. Bandicoots in this area likely form part of a population that ranges from the south-east Melbourne to Wilson's Promontory, which is one of five isolated populations in Victoria.
306. The largest population within the Melbourne area occurs at the Royal Botanic Gardens Cranbourne, where it is protected by a predator-proof fence.
307. A draft national recovery plan for the species is in preparation by the Victorian Department of Sustainability and Environment.

Impacts

308. Threats to southern brown bandicoot related to urban development under the program include habitat loss, fragmentation and degradation, including alteration of the vegetation structure by grazing, weeds or inappropriate fire regimes; predation by cats and foxes.
309. Implementation of the program is likely to directly impact some populations of southern brown bandicoot within the south-east investigation area through habitat removal or alteration during urban development and quarrying activities in the south-west of the investigation area.
310. Proposed strategies to minimise impacts on the southern brown bandicoot include excising some areas of likely habitat from development, securing a network of corridors and ensuring links between populations throughout the south-east.

Conservation outcomes

311. The program proposes that implementation of conservation activities to mitigate and offset the impacts of the program will achieve the following conservation outcomes for the southern brown bandicoot (Victorian Government 2009b, p. 58):

- Functioning sustainable populations of southern brown bandicoot within and adjacent to the new UGB with connectivity between populations.
 - Protection and enhancement of all populations of southern brown bandicoot including the wild population at the Royal Botanic Gardens Cranbourne.
312. The draft prescription for southern brown bandicoot (Victorian Government 2009a, p. 189) directs that conservation management plans must be prepared for the management of populations and suitable habitat, and must achieve a number of objectives. These include:
- That habitat both on and offsite will be retained, connected and managed for long-term population viability.
 - Thirty years of monitoring to determine long-term effectiveness of conservation objectives.
 - That threatening processes relating to habitat will be appropriately managed and be responsive to the results of monitoring.
313. A sub-regional species strategy consistent with the prescription will be developed by 2011 and will guide conservation of the southern brown bandicoot at both growth area and precinct levels. This strategy is to be approved by the Commonwealth.
314. The strategy will address connectivity between and within important populations over the long term. Key strategic protection and management measures, such as land acquisition and planning scheme measures, will commence prior to or in conjunction with precinct structure planning.
315. The program proposes a number of performance measures including:
- priority protection of existing habitat and future management mechanisms will be established by March 2011, and
 - monitoring to assess progress of implementing the prescription and an evaluation of whether proposed conservation outcomes are being achieved will be carried out every two years or to an agreed schedule. The monitoring reports will be provided to the Minister.

Conclusion

316. The program proposes broad conservation outcomes for southern brown bandicoot along with performance measures to ensure that outcomes are being achieved.
317. The draft prescription commits to preparation of precinct conservation management plans to be consistent with the sub-regional strategy which will be approved by the Commonwealth. Precinct conservation management plans will specify the retention, management and monitoring of suitable habitat across the landscape.
318. Both the prescription and the sub-regional species strategy are integral to the mitigation of impacts of the program upon southern brown bandicoot. Approval of the prescription, sub regional strategy and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Growling Grass Frog (*Litoria raniformis*) - vulnerable

Current status

319. The growling grass frog was listed as vulnerable in 2000 due to a marked decline in range resulting in fragmented and disjunct populations. This large frog is highly mobile and requires a mosaic of adjacent aquatic and terrestrial habitats for feeding, reproduction and over-wintering.
320. It is widely distributed within the greater Melbourne region, and Victoria is considered the stronghold of the species. It occurs in a wide range of habitat, from ephemeral wetlands and creeks in the west and north of Melbourne to the wetter areas in the south east of Melbourne.

Impacts

321. Potential threats from implementing the program include habitat loss and degradation, barriers to movement, altered flood regimes, predation from introduced fish species and introduced animals, changes to vegetation composition, disease and exposure to biocides.
322. Important populations and individual growling grass frogs have been recorded, or suitable habitat identified, in all investigation areas covered by the program.
323. Implementation of the program over the next 20 years is likely to impact some important populations of the growling grass frog within the growth areas. It is expected that important populations may be identified in growth area surveys. The main threat to the species being the loss of connectivity to suitable habitat and between sub-populations.

Conservation outcomes

324. The program proposes that the implementation of conservation activities to mitigate and offset the impacts of the program will result in the following conservation outcomes for the growling grass frog (Victorian Government 2009b, p. 58):
- Functioning sustainable populations of growling grass frog within, and adjacent to the new UGB with connectivity between populations.
 - Protection and enhancement of important populations of growling grass frog including the populations at Merri Creek, Pakenham and south-east growth area, Kororoit Creek and Darebin Creek in the north.
325. The program also proposes a number of performance measures to ensure the conservation outcomes are being achieved.
326. The draft prescription for the growling grass frog (Victorian Government 2009a, p. 194) specifies a number of objectives for the management of the species which reflect the conservation outcomes as above. They also specify:
- retention, upgrading and connection or buffering of existing habitat within proposed precincts
 - creation of new habitat within proposed precincts, and
 - careful management of hydrology and aquatic vegetation to avoid introduction of predatory fish.

327. The draft prescription also specifies that precinct conservation management plans for the growling grass frog must demonstrate how habitat and connectivity is retained, created and managed for an important or potentially important population. Additionally it must demonstrate how it will adaptively manage habitat and threatening processes.
328. A sub-regional species strategy consistent with the prescription will be developed to assist conservation of the growling grass frog at both growth area and precinct levels. The program states that this strategy requires approval by the Commonwealth.
329. The program is considered to be consistent with the draft recovery actions in the draft national recovery plan that has been developed by Victorian Department of Sustainability and the Environment.
330. The department considers the conservation activities proposed in the program will contribute to the persistence of important populations of the growling grass frog in each investigation area.

Conclusion

331. The program proposes broad conservation outcomes for growling grass frog along with performance measures to ensure that outcomes are being achieved.
332. The draft prescription commits to preparation of precinct conservation management plans to be consistent with the sub-regional strategy which requires approval by the Commonwealth. Precinct conservation management plans will specify the retention, management and monitoring of suitable habitat across the landscape.
333. The program also proposes a water management regime that commits to maintaining or improving water quality. These commitments are readily evaluated and provide clarity when assessing the impacts of the program on the growling grass frog.
334. Both the prescription and the sub-regional species strategy are integral to the mitigation of impacts of the program upon the growling grass frog. Approval of the prescription, sub regional strategy and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

OTHER MNES BY LISTING:

Button Wrinklewort (*Rutidosia leptorrhynchoidea*) – endangered

Current status

335. Button Wrinklewort is a native daisy species and occurs in the ACT, NSW and Victoria. The Victorian populations represent 4 per cent of the total known populations (Briggs et al. 1998) and it historically occurs in association with the grassland.
336. Sites supporting remnant button wrinklewort populations in the Victorian Volcanic Plain occur primarily in ‘undisturbed’ railway easements and cemeteries. Three large known populations occur at Truganina cemetery, Dobie’s Bridge (Digger’s Rest) and Rokewood cemetery.
337. Losses in extent of this species have occurred through its sensitivity to land clearing, grazing, weed competition, pasture improvement and changed fire regimes.

Impacts

338. Implementation of the program over the next 20 years is unlikely to result in loss of any known button wrinklewort populations. Two known sites within the UGB will both be protected from impacts and will not be developed (Victorian Government 2009a, page 171). The site at Digger’s Rest (Dobie’s Bridge) is close to the path of the proposed Regional Rail Link but is proposed to be protected from development.

Conservation outcomes

339. The program proposes that through implementation of the protection measures and ongoing management there will be ‘no substantial negative change’ to known populations of button wrinklewort within the UGB (Victorian Government 2009b, p. 64).
340. If further button wrinklewort populations are located, a prescription specifying its treatment will be developed to the satisfaction of the Commonwealth.

Conclusion

341. The IAR concludes that impacts to button wrinklewort as a result of implementing the program are unlikely. Due to its low tolerance for grazing and other disturbance, it is unlikely extant populations will be found.
342. There is a national recovery plan in preparation for this species. The mitigation measures and conservation outcomes are consistent with recovery actions identified by DSE (2003) (SPRAT).
343. Approval of the prescription and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Small Golden Moths Orchid (*Diuris basaltica*) - endangered

Current status

344. The Small Golden Moths Orchid is a small, yellow, deciduous orchid endemic to Victoria where it is known from the basalt plains immediately to the north and west of Melbourne in the Victorian Volcanic Plain Natural Region.
345. Only two populations are currently known to exist. The largest (about 400 plants) is located within the Melbourne west investigation area on private property at Rockbank along Clarke Road near Parwan. The second site does not fall within the program area and contains just two plants.

Impacts

346. The primary threat to the orchid is disturbance. Currently, neither of the known sites are protected by law from development. However it is unlikely that either site will be affected by development under the program.

Conservation outcomes

347. The program proposes a conservation outcome whereby there will be 'no substantial negative change' to known populations (Victorian Government 2009b, p. 56).
348. The program proposes to avoid impacts from urban development to the Clarke Road population by permanently protecting and managing the areas containing Small Golden Moths Orchid. It is proposed the land will be purchased and secured by Victoria or protected by entering into a binding agreement with the landholder to provide management of the species in perpetuity.
349. If further populations of the orchid are located during surveys, a prescription will be developed by DSE and approved by the Commonwealth to guide future management actions. It is likely that any subsequent populations found will be managed on site.

Conclusion

350. Conservation outcomes specified by the program are not considered to be inconsistent with the draft recovery actions detailed in the national recovery plan currently in preparation by the DSE. Through securing and managing the Clarke Road population, the program will implement/achieve multiple proposed recovery actions.
351. Approval of the prescription and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Adamson's Blown Grass (*Lachnagrostis adamsonii*) - endangered

Current status

352. Adamson's blown grass is endemic to south central and south-western Victoria. There are currently no known populations within the program study area, although detailed surveys could discover persisting populations within the areas proposed for the grassland reserves.

Impacts

353. Implementation of the program is not considered likely to cause a significant impact to this species.

Conservation outcomes

354. There are no specific conservation outcomes for Adamson's blown grass in the program. Any new populations found within areas to be developed will be subject to a prescription for its treatment that will be developed by DSE and approved by the Commonwealth.

Conclusion

355. The known distribution of Adamson's blown grass within Victoria suggests that impacts under the program to this species area unlikely. Should the species be found in areas to be developed, a prescription for its treatment will be developed and approved by the Commonwealth to ensure adequate conservation measures and related adaptive management for this species will be achieved.

Australian Grayling (*Prototroctes maraena*) - vulnerable*Current status*

356. The Australian Grayling is a small to medium-sized slender, silvery fish that is endemic to south-eastern Australia, including Victoria, Tasmania and NSW. It is a migratory species that relies on access to coastal and freshwater habitats for its survival.

Impacts

357. The grayling has been recorded in Cardinia Creek in the south-east investigation area. Potential threats to the grayling from urban development within the south east include river regulation, barriers to movement, decreased water quality, siltation, introduced predatory fish and disease.

Conservation outcomes

358. The program proposes the following conservation outcome for the Australian Grayling (Victorian Government 2009b, p. 62):

- Management of factors, including migration routes, riparian vegetation and water quality, affecting Australian Grayling populations to promote persistence and recovery of the species in Cardinia creek.

359. The program proposes to carry out a range of conservation activities to mitigate the impacts of the program and to ensure that the conservation outcomes are achieved. These include:

- securing a 200 metre buffer within the Cardinia Creek corridor
- including the Cardinia Creek buffer within the revised Casey-Cardinia growth area framework plan
- protection of water quality through best practice urban water management entering the grayling habitat of Cardinia Creek, and
- protecting potential habitat for the species through best practice urban water management.

Conclusion

360. The department considers that the program is not inconsistent with the recovery actions in the national recovery plan for this species. The proposed conservation actions in the program indicate impacts on the grayling will be mitigated and the conservation outcomes are likely to be achieved.

Australian Painted Snipe (*Rostratula australis*) - vulnerable

Current status

361. Australian Painted Snipe was listed as vulnerable in 2003. It occurs in scattered locations over south-eastern Australia but is considered to occur in a single, contiguous breeding population.

Impacts

362. Implementation of the program is not considered likely to cause a significant impact to this species.

Conservation outcomes

363. There are no specific conservation outcomes for Australian painted snipe in the program, however three locations where painted snipe has been recorded in and near the study area have been excluded from the UGB and two of these sites are included within the proposed western grassland reserves.
364. Further habitat suitable for the species will be managed as part of the program within the Merri Creek area and large retained and recreated wetlands in the south-east investigation area.
365. If the species is detected during surveys for the precinct structure plans a prescription for treatment of its habitat on any site will be developed by DSE and approved by the Commonwealth.

Conclusion

366. The overall conservation outcomes offered by the program under the Migratory Birds section (Victorian Government 2009b, p. 68) should be sufficient to adequately mitigate impacts on this species to an acceptable level.

Clover Glycine (*Glycine latrobeana*) -vulnerable

Current status

367. Clover Glycine (Purple Clover) was listed as vulnerable in 2001. It is widely but sporadically distributed across south-eastern Australia. In Victoria it is widespread and records exist from the volcanic plains.
368. There are no recent records of clover glycine in the program study areas. Surveys for Precinct Structure Plans may discover extent populations of this species.

Impacts

369. Current data suggest that any impacts associated with implementing the program to this species are unlikely.

Conservation outcomes

370. There are no specific conservation outcomes for clover glycine in the program, however any new populations found will be subject to a prescription that will be developed by DSE and approved by the Commonwealth.

Conclusion

371. Should clover glycine be found in areas to be developed, a prescription for its treatment and related adaptive management will be developed and approved by the Commonwealth to ensure conservation measures for this species will be achieved

Dwarf Galaxias (*Galaxiella pusilla*) - vulnerable

Current status

372. The Dwarf Galaxia is a small transparent olive-amber freshwater fish occurring in Tasmania and Victoria. Populations have declined as a result of destruction, degradation and fragmentation of wetland habitat.
373. The galaxia has not been recorded in the study areas, although there is expectation it may be found in surveys of the south-east.

Impacts

374. Implementation of the program over the next 20 years has the potential to impact this species through changes to wetland habitats resulting from river regulation, barriers, water quality, runoff, siltation, introduced predatory fish and disease.

Conservation outcomes

375. There are no specific conservation outcomes for Dwarf Galaxias in the program, however conservation outcomes relevant to the Australian Grayling (Victorian Government 2009b, p. 62) and Migratory species, wetlands and waterways (Victorian Government 2009b, p. 68) apply similarly to this species.
376. The program proposes that impacts associated with its implementation will be mitigated through the protection and management of the Cardinia Creek corridor with an aim to maintain high conservation values.
377. This will include securing a buffer up to 200 metres wide, revegetation and woody weed removal activities in degraded areas. The program proposes to ensure best quality stormwater management which is designed to mitigate potential water quality issues.

Conclusion

378. Potential exists for impacts on extant populations of this species in the south-east. However, mitigation of impacts through conservation activities for other matters of NES should be sufficient to ensure ongoing protection of this species.
379. Additionally, any populations of galaxias found during surveys will be subject to a prescription that will be developed by DSE and approved by the Commonwealth.

Grey-headed Flying Fox (*Pteropus poliocephalus*) - vulnerable

Current status

380. Grey-headed Flying Fox was listed as vulnerable in 2001. Concentrated colonies of this species are distributed along the coastal belt of south-eastern Australia. The grey-headed flying fox services ecosystem functions such as pollination and seed dispersal for a range of native and commercial forestry trees.
381. There are several colonies in the Melbourne area, the most concentrated being the colony at the Royal Botanic gardens. Populations are highly mobile and commute considerable distances on a daily basis between food sources and roosting sites.
382. There are scant records of grey-headed flying fox within the investigation areas for the program, but they may occur in the woodlands in times of flowering.

Impacts

383. Current data suggest that impacts under the program to this species are unlikely.
384. The areas within focus of the program do not include the major known roosting sites or any satellite colonies.

Conservation outcomes

385. There are no specific conservation outcomes for the grey-headed flying fox in the program, however conservation outcomes relevant to the swift parrot may apply similarly to this species.

Conclusion

386. The department considers that it is unlikely that implementation of the program will cause any direct impact to this species.

Large-fruit Groundsel (*Senecio macrocarpus*) - vulnerable

Current status

387. Large-fruit groundsel was listed as a vulnerable species in 2000 and occurs in SA and Victoria. In Victoria it occurs in eleven locations primarily in wetter depressions within grassy woodlands and grasslands. Several of these occur in Public Transport Corporation lands (rail reserves) and private lands around Melbourne's west.
388. Losses in extent through land clearing and changes in hydrological regime within grassland habitat including increased siltation, salinity and flooding events threaten the large-fruit groundsel.

Impacts

389. Implementation of the program over the next 20 years is likely to result in the loss of known and extant habitat of the large-fruit groundsel. For example, the species is known at a site at Rockbank in the western investigation area and this site is not proposed to be excluded from development (Victorian Government 2009a, p. 173).
390. Mitigation measures for offsetting likely impacts to large-fruit groundsel include:
- the offset of grassland habitat into managed grassland reserves for potential natural recolonisation

- a prescription yet to be developed by the DSE in agreement with the Commonwealth
- enhanced protection of the Truganina cemetery grasslands, and
- replanting of nursery grown stock from salvaged sites.

391. Mitigation measures are inconsistent with an action outlined in the Victorian Flora and Fauna Guarantee statement for the species, that action being “Protection of existing sites” (FFG Action Statement, no.68, p. 4).

Conservation outcomes

392. A recovery plan is currently being prepared for this species. Advice on the conservation for this species is provided on the species profile and threat database.
393. The program proposes that through implementation of the protection measures and ongoing management there will be ‘no substantial negative change’ to known populations of large-fruit groundsel within the UGB (Victorian Government 2009b, p. 64).
394. There are some results from propagation and planting experiments but generally the results demonstrate limited applicability based on current knowledge.

Conclusion

395. Conservation outcomes for large-fruit groundsel to be achieved by Victoria reflect the mitigation measures in that they focus on protection and management of currently known populations.
396. Any new populations found will be subject to a prescription that will be developed by DSE and approved by the Commonwealth.

Swamp Everlasting (*Xerochrysum palustre*) - vulnerable

Current status

397. Swamp everlasting is a small native everlasting daisy and was listed as vulnerable in 1999. It occurs in about 23 sites across Victoria, mostly within road or rail reserves. It occurs within the rail reserve on the south-east edge of the south-east investigation area.

Impacts

398. Current data suggest that impacts under the program to this species are unlikely, but there is potential for the species to be found in surveys.

Conservation outcomes

399. The program proposes (Victorian Government 2009b, p. 66) that through implementation of the protection measures and ongoing management, there will be no substantial negative change to known populations of the Swamp Everlasting within the UGB.
400. The known population in the south east will be protected from urban development through development of a precinct conservation management plan that will inform the precinct structure plan.

Conclusion

401. The known population in the south east will be protected from development.
402. Any new populations found will be subject to a prescription developed by DSE for approval by the Commonwealth, indicating the overall conservation outcome for this species will be achieved.

River Swamp Wallaby Grass (*Amphibromus fluitans*) - vulnerable

Current status

403. River swamp wallaby grass occurs in NSW, Victoria and Tasmania. In Victoria, it occurs mostly in the central north, with fewer records from southern Victoria. There are records of this species from Cranbourne, near the south-east investigation area and one record in the west.

Impacts

404. Current data suggest that impacts under the program to this species are unlikely, but there is potential for the species to be found in surveys within the areas proposed as grassland reserves, and other wetter areas within the north and south-east.
405. Expert advice to the department suggests that any populations in the Melbourne region would not meet the criteria as important populations.

Conservation Outcomes

406. There are no specific conservation outcomes for river swamp wallaby grass in the program however conservation outcomes for listed species without current prescriptions apply (Victorian Government 2009b, p. 67). They include:
- identification and assessment prior to planning and construction, and
 - no substantial negative change to known populations within the UGB or other outcomes as agreed with the Commonwealth.

Conclusion

407. Potential exists for impacts on extant populations of this species in the west. Any new populations found will be subject to a prescription developed by DSE for approval by the Commonwealth, indicating the overall conservation outcome for this species will be achieved.

Maroon Leek-Orchid (*Prasophyllum frenchii*) - endangered

Current status

408. The Maroon leek-orchid is a tall, slender, deciduous terrestrial orchid endemic to south-eastern Australia. Grasslands and grassy woodlands are important habitats for the species.
409. The current known population of maroon leek orchid in a railway corridor in the south-east is well known and managed, but faces a range of threats.

Impacts

410. It is not expected that the program will have a direct impact on this species.

Conservation outcomes

411. The program proposes the following conservation outcomes for the maroon leek orchid (Victorian Government 2009b, p. 66):

- no substantial negative change to known populations of the maroon leek orchid within the UGB, and
- an increase in the ability of each population to become self sustaining in the long term.

412. The program has proposed a range of conservation activities to ensure that the proposed conservation outcomes are met, including the potential establishment of a conservation reserve along the disused railway easement.

Conclusion

413. The program has proposed to exclude development from the disused railway, and implement a conservation management plan for the ongoing maintenance of the existing population.

414. There is also potential to develop a prescription for maroon leek orchid if required. The prescription would be developed by DSE for approval by the Commonwealth, indicating the overall conservation outcome for this species will be achieved.

Other Orchid and Herb Species

415. Other orchid species may also potentially occur within the program area, although considered very unlikely. They include:

- cream spider-orchid (*Arachnorchis orientalis* (syn. *Caladenia fragrantissima* ssp. *orientalis*))
- green-striped greenhood (*Pterostylis chlorogramma*)
- metallic sun-orchid (*Thelymitra epipactoides*), and
- sunshine diuris (*Sunshine Diuris*)

416. The following three herbs of grassland and grassy wetlands have historically occurred within parts of Melbourne west and Melbourne north investigation areas, although expert advice to the department suggests that their present potential for occurrence is very unlikely:

- austral toadflax (*Thesium australe*)
- basalt peppercress (*Lepidium hyssopifolium*), and
- swamp fireweed (*Senecio psilocarpus*)

Conservation outcomes

417. The program proposes that searches for all seven of these species will be undertaken as part of the precinct structure planning investigations. The program has also given the undertaking to ensure that suitably qualified botanists will conduct surveys for the orchid species at the appropriate time of year.

418. The program proposes that if any of these species are found during surveys, a prescription will be developed by the Victorian Government and submitted to the Commonwealth for approval. In the interim, any orchids listed under the

EPBC Act as endangered or critically endangered will be retained and managed on site unless the Commonwealth Government advises otherwise.

Conclusion

419. These seven species of orchids and herbs are unlikely to occur within the program area. The program has undertaken to survey for their presence appropriately and retain any orchids listed under the EPBC Act as endangered or critically endangered until a relevant prescription is approved by the Commonwealth Government. Therefore, given the low likelihood of occurrence of these species within the program area, and the program commitments regarding surveying and retention of extant plants, the program is likely to have an acceptable impact on these seven orchid and herb species.

Latham's Snipe (*Gallinago hardwickii*) - marine/migratory

Current status

420. Latham's Snipe is one of many shorebirds that are a non-breeding visitor to wetlands in the Melbourne area during migration (between August and March). This snipe will readily move locations as conditions become more or less favourable. They are cryptic and difficult to survey due to their physical similarities to other snipes.

421. Records indicate shorebirds occur in the west and north investigation areas and they are considered likely to occur in the south-east. Victorian Government (2009a, p. 199) suggests nationally significant numbers of shorebirds use some of the wetlands in and adjacent to the investigation areas including those associated with Merri Creek and within the western grassland reserves. Victorian Government (2009a), suggests that Latham's snipe is the most likely shorebird to use such areas.

Impacts

422. The implementation of the program has the potential to affect populations of Latham's snipe through habitat (wetland) loss or modification, disturbance and predation from introduced species/domestic pets such as cats, dogs and foxes.

423. The IAR suggests impacts of the program on shorebirds, including Latham's snipe, will not be significant. However, 670 hectares of wetland habitat occurs within the study area including some large artificial impoundments, and up to 89per cent of this may potentially be lost through implementation of the program.

Conservation outcomes

424. Sixty hectares of wetland are proposed to be protected from urban development. The mitigation strategy suggests that wetlands may be incorporated in the precinct planning structure.

425. There are no specific conservation outcomes for Latham's snipe in the program, however conservation outcomes for migratory species, waterways, wetlands and Ramsar sites apply (Victorian Government 2009b, p. 68). They include:

- A network of conservation reserves including wetlands managed for migratory species and other wetland values
- Improved management and design of retained and constructed wetlands to maximise habitat opportunities

426. The draft prescription regarding wetlands (Victorian Government 2009a, p. 201) includes:

- Avoiding loss of wetlands where possible
- Providing 100 metre buffers around key wetlands
- Limiting indirect disturbances
- Re-creating new wetlands

Conclusion

427. The program does not specifically address the requirements for this species in the IAR. The draft prescription for migratory species applies.

428. The prescription will be integral to mitigating impacts of the program on Latham's snipe. Approval of the prescription and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for this species will be achieved.

Migratory Birds

Current status

429. There are a large number of migratory bird species that inhabit the Melbourne bioregion on a regular basis. These include marine, shorebird and wetland species as well as some terrestrial species.

430. Some species are of international importance, such as Latham's snipe, which can be present as a single migratory population distributed amongst wetlands over a wide area.

431. Terrestrial species include a suite of forest/woodland-dependant birds, such as the satin flycatcher, black-faced monarch and the endangered regent honeyeater and swift parrot.

Impacts

432. 670 hectares of wetland habitat is estimated to occur within the program area including some large artificial impoundments. Implementation of the program over the next 20 years may result in the loss of up to ~600 hectares (~ 89per cent) of both natural and artificial wetland habitat throughout the program area.

433. Additionally, 709 hectares of woodland habitat will be cleared as a result of the program (see section from paragraph 216).

434. The program initially avoids direct impacts to wetland and woodland habitat through the placement of the extended UGB.

435. The program also avoids direct impacts through the rezoning of some land areas within the extended boundary as non-developable lands. Additional measures to

avoid impacts on migratory bird habitat within the extended UGB are included in the draft prescription and associated mitigation measures.

Conservation outcomes

436. The program proposes that implementation of the conservation activities to mitigate and offset the impacts of the program will result in conservation outcomes for migratory birds, wetlands and Ramsar sites (Victorian Government 2009b, p. 68) including:
- a network of conservation reserves including wetlands managed for migratory species and other wetland values
 - improved management and design of retained and constructed wetlands to maximise habitat opportunities
 - major new area of re-established wetlands managed for water quality mitigation and biodiversity conservation
 - improved water quality entering Western Port Ramsar site
 - same or improved water quality entering Port Phillip Bay Ramsar site, and
 - limited indirect disturbances to identified wetlands.
437. Sixty hectares of wetland are proposed to be protected from urban development. The mitigation strategy suggests that wetlands may be incorporated in the precinct planning structure.
438. Surveys will be conducted on a site by site basis and if nationally significant species use the site or are likely to use the site, then the site will be retained and managed under a conservation management plan. It is therefore possible that more wetland habitat may be retained within the UGB than the current estimate of 60 hectares.
439. The draft prescription and other associated mitigation measures include:
- Important wetlands and other migratory species habitat to be included in biodiversity conservation strategies to be approved by the Commonwealth;
 - Sites that are used or are likely to be used by nationally significant migratory species will be protected with a 200 metre buffer as part of the precinct structure plan, and will be managed under a conservation management plan.

Conclusion

440. The migratory birds taskforce contributed the following advice:
- The expanded UGB is adjacent or nearby to protected wetlands that support significant numbers of listed migratory shorebirds virtually year-round.
 - From the available evidence, the program is unlikely to have a direct significant impact on these listed species or protected wetlands.
441. The program commits to retaining wetlands that provide, or are likely to provide habitat for nationally listed migratory species. These sites will be protected with a 200 metre buffer and managed under a conservation management plan. The migratory birds taskforce has advised that the program is unlikely to have a direct significant impact on listed species or protected wetlands.

442. The program proposes to address indirect impacts by achieving conservation outcomes whereby water quality entering Ramsar sites is either maintained or improved.
443. The measures for mitigation and offset for migratory birds demonstrate the impacts are sufficiently addressed to a level that the conservation outcomes are likely to be achieved.
444. Approval of the prescription for the treatment of migratory birds and related adaptive management considerations by the Commonwealth will provide adequate conservation measures to ensure conservation outcomes for these matters will be achieved.

Ramsar Wetlands

Known sites and status

445. There are three Ramsar sites within the Melbourne region. These are the Port Phillip Bay (western shoreline) and Bellarine Peninsula, Edithvale-Seaford Wetlands, and Western Port sites.
446. Threats to these sites include hydrological changes in flow, quality and quantity of water passing into and through the wetlands. Other threats include pest plants and animals, livestock grazing, vegetation clearance for agriculture and visitor impacts.

Impacts

447. Implementation of the program is likely to have impacts on these Ramsar sites. The Outer Metropolitan Ring/E6 transport corridor (OMR/E6) traverses a northern section of the Port Phillip Bay Ramsar site near its junction with the Princes freeway south-west of Werribee. This section of the Ramsar site forms the property boundary of the Western Treatment Plant contained within the Port Phillip Bay Ramsar site. The proposed route of the OMR/E6 through the Port Phillip Bay Ramsar site includes substantial areas of exotic pasture and some native grassland. The nearest major wetland is 500 metres south of the Princes freeway and there is a small seasonal cane grass swamp just west of the Princes freeway junction.
448. The program proposes to mitigate impacts of the OMR/E6 traversing this section of the Port Phillip Bay Ramsar site by adopting best practice conservation methods to prevent accidental disturbance and/or runoff reaching nearby wetlands. The IAR states that further investigations will be carried out prior to planning the OMR/E6 so that management practices will be put in place before construction begins (Victorian Government 2009a, p. 214).
449. Implementation of the program is unlikely to directly impact the other Ramsar sites of Western Port and Edithvale-Seaford given they are of a sufficient distance from the proposed areas of development.

450. There is the potential for the program to have indirect impacts to the ecological character of Ramsar sites through changes in water quality and hydrology. Notably, there could be extractive industries (e.g. quarries) located near Ramsar wetlands that may impact water entering the wetlands through ground water diversion and other quality impacts through runoff from spoil.
451. Urban stormwater runoff flowing into the Ramsar wetlands has the potential to reduce benthic fauna communities and subsequently affect the food supply of shorebirds.
452. Closer proximity of urban development will increase levels of human visitation posing a risk of disturbance to important shorebird sites. This is particularly relevant to the Port Phillip Bay Ramsar site.

Mitigation measures

453. Downstream hydrological impacts as a result of implementing the program will be addressed through the precinct structure planning process with an integrated water management plan forming a prerequisite for any precinct structure plan. Integrated water management plans will:
- include water sensitive urban design
 - restrict downstream flows from subdivision sites to pre-development levels, unless increased flows are approved by the relevant drainage authority
 - implement stormwater harvesting and management options that meet Best practice Environmental Management Guidelines (CSIRO 1999), and
 - set design standards for flood capacity and conveyance.
454. Precinct Structure Planning guidelines will ensure that:
- urban run-off systems are designed and managed in accordance with requirements of the relevant water authority
 - existing natural waterways, wetlands and riparian vegetation are incorporated into urban runoff systems
 - there are constructed lakes, ponds and other water bodies that protect and enhance natural systems, and
 - urban runoff is not discharged into native vegetation, unless it cannot be avoided and will be managed and be beneficial to the areas discharged
455. Other downstream water quality management processes include:
- monitoring of water quality entering Ramsar sites, and preparing adaptive management measures in response. Water quality must be consistent with relevant state environmental protection policy, and
 - a remedial management plan to deal with potential water quality breaches submitted to DEWHA by 2010.
456. Increased visitor pressure will be managed through the implementation of a 200 metre buffer to exclude dogs and pedestrians from significant shorebird sites within two kilometres of new urban areas. There will also be increased monitoring for foxes and domestic predators in the Port Phillip Bay Ramsar site

area within two kilometres of urban areas, and adaptive management measures as required.

Conservation outcomes

457. The program proposes to mitigate the likelihood and severity of indirect impacts, by implementing measures to achieve the following conservation outcomes:

- A network of small and large conservation reserves including diverse wetland areas managed for migratory species and other wetland values, particularly in areas distant from urban development.
- Improved management and design of retained and constructed wetlands to maximise habitat opportunities for migratory species.
- New wetland areas established in the Melbourne south-east investigation area in order to contribute to water quality mitigation and biodiversity conservation.
- Improved water quality entering Western Port Ramsar site.
- Improved or maintained water quality entering Port Phillip Bay Ramsar site.
- Limited indirect disturbances to identified wetlands.

458. The proposed new wetlands in the Melbourne south-east investigation area are situated on the site of the former Koo Wee Rup swampland, and will be designed to improve the water quality flowing into Western Port. The Growth Areas Authority and Melbourne Water will carry out an investigation, that will identify funding and the practical requirements necessary to create the proposed new wetlands. The outcomes of the investigation will be submitted to the department in March 2011, and will inform the Biodiversity Conservation Strategy for the south-east and the Casey-Cardinia Growth area framework plan. Melbourne Water will be responsible for creating the wetlands and implementing the management plan. Monitoring will be undertaken by DSE, and these results submitted to the department.

459. Issues of concern were raised with the Victorian Government. As a result, subsequent versions of the program propose to address these concerns with the following commitments:

- A management plan for the section of the proposed OMR/E6 that traverses the Port Phillip Bay Ramsar site will be submitted to the department for approval.
- Results of the investigation into the proposed new wetland will be submitted to the department by March 2011.
- Works and subsequent management plan for the proposed new wetlands near Western Port will be completed within an earlier timeframe, by 2019.
- Improved commitments to monitoring water quality entering Ramsar sites, and remedial management plans if standards are not met, including a remedial management plan for potential water quality breaches submitted to DEWHA by 2010.

Conclusion

460. The proposed conservation outcomes state that the water quality of waterways entering Ramsar sites will either be maintained or improved. Any other outcome

will result in actions not gaining EPBC approval. There are a range of measures to mitigate the impacts of the program on water quality and Ramsar sites.

461. The program will implement a regime of monitoring, evaluation and remediation as necessary, the results of which will be reported to DEWHA on an ongoing basis. The Victorian Government has also increased its level of commitment to maintaining and improving water quality in order to address concerns over uncertainty.
462. Additionally, if the program is endorsed there is the ability to condition certain activities or actions, such as quarries and the OMR/E6. This would strengthen commitments in the program and further address risks of impact associated with these activities.
463. Therefore, taking all mitigation factors into consideration and that the proposed conservation outcomes must be met or else actions under the program would no longer be approved, the department is of the view that impacts to Ramsar sites and wetlands will be acceptable.

Heritage

Known sites

464. The officer's mess at the RAAF Laverton Airbase within the current UGB is listed as a Commonwealth Heritage Place and is not within the study area. The Point Cook Air Base is the closest National Heritage Place to the current UGB and is not included within an investigation area. Neither of these sites will suffer any impact through the program.
465. There are twelve sites listed on the Register of the National Estate within the UGB, and an additional eight "indicative" places.

Impacts

466. It is not expected that implementation of the program will have a direct impact on any Heritage sites or areas.

Conservation outcomes

467. The conservation outcomes proposed by the program will ensure that all known sites on the RNE, and sites of Aboriginal cultural heritage are protected and managed (Victorian Government 2009b, p. 71). This will be achieved through the following commitments:
 - All known sites on the Register of the National Estate will be referenced in planning schemes with appropriate controls in place by 2010;
 - Cultural heritage management plans will be prepared and implemented through the precinct structure planning process; and
 - Monitoring and enforcement of land management obligations to ensure compliance with statutory planning controls and cultural heritage management plans.

Conclusion

468. It is unlikely that there will be any direct impacts on Heritage as a result of the program. Conservation outcomes have been included to ensure that the program

undertakes a series of activities to protect and maintain National and Commonwealth Heritage places or sites listed on the Register of the National Estate.

4.6 Climate change impacts

445. The IAR states that the future climate of the Port Phillip and Westernport region is expected to be hotter and drier than it is today (Victorian Government 2009a, pp. 137-138). Average annual temperatures are expected to be around 0.8 °C warmer in 2030 compared to 1990 figures, particularly in summer. The number of days over 30 °C are also expected to increase.
446. The average annual rainfall is expected to decrease by around four per cent, with the greatest percentage reductions occurring in spring (seven per cent).
447. It is likely that current threats impacting on MNES will be exacerbated, although the extent is difficult to predict. The most susceptible species will be those with restricted or specialised habitat requirements, poor dispersal abilities or small populations.
448. The western grasslands occupy a rain shadow area cast by the You Yangs/Brisbane Ranges that largely limits tree growth in the area. Historically the grasslands receive 500-550 mm annual rainfall. The grasslands share strong floristic, structural and faunal assemblage affinities with grasslands north of the Great Dividing Range in Victoria that occupy areas receiving between 450-550 mm annual rainfall. If the rainfall is reduced by the expected order of magnitude, then Victoria postulates that this would be within the climate envelope of the western grasslands vegetation community based on the northern grasslands.
449. Similarly the woodlands shares close affinities with grassy woodlands north of the Great Dividing Range including the Victorian Riverina, hence the same logic applies for resilience of the woodlands reserve in the face of warmer and drier conditions.
450. Minimising impacts from climate change on MNES within the UGB are anticipated to be resolved through the biodiversity conservation strategies that are prepared for the urban development areas and the adaptive management strategy required by the program. Both are required to be approved by the Commonwealth Government.
451. The department considers that the scale of reserves, opportunity to provide adaptive management measures and logic of similar communities in drier conditions succeeding as adequately addressing the impacts of climate change for communities in these reserves. The department considers that impacts of climate change within the UGB will be addressed through other mechanisms as previously described.

4.7 Conclusion on impacts from program

452. The department considers that the IAR has adequately addressed the impacts to which the agreement relates. The likely impacts on MNES have been identified and sufficient information has been provided to address avoidance, mitigation and offset measures to reduce these impacts.
453. The department also considers the conservation outcomes are adequate to protect MNES, containing enough rigour to be accountable but also flexible to enable the program to respond to changing conditions and information. Similarly, the planning frameworks are likely to deliver these conservation outcomes through the security of existing legislation and policies combined with the requirement for key plans and strategies to be approved by the Commonwealth Government.
454. In comparison to business-as-usual scenario of individual projects being assessed under Part 9 of the EPBC Act, the program commits to managed, consolidated reserves instead of scattered offsets due to broad-scale implementation of the program. Offsets can also be obtained for all losses and not just those deemed significant on a case-by case basis.
455. Socio-economic considerations are included in the mitigation measures, so that reserve size or targets for example incorporate considerations such as resources for management and maximising development. This can give confidence that conservation outcomes are achievable and sustainable since the Victorian Government has considered the costs when designed the mitigation measures.
456. The department notes that some proposed activities may require additional conditions to meet conservation outcomes. For example extractive industries and sewage treatment plants will need to provide additional information on the impacts of these activities on the quantity and quality of receiving waters and Ramsar wetlands before any specific approvals will be granted. This is considered by the department to be manageable in the future and consequently the report adequately addresses impacts associated with implementation of the program.
457. The department also considers that program will minimise impacts on heritage, including the Register of the National Estate sites.

5 Risks and Compliance

458. A risk analysis undertaken by the department identified three types of risks which could result in the program not delivering on the conservation outcomes or leading to non-compliant actions. These risks are: process, outcome and science risks. The risk analysis examined the program to identify mechanisms to reduce these risks. If the risk was not adequately minimised, modifications to the program were recommended (see section 7). A summary of the risks and compliance measures is discussed here but also see section 3.3.9.

5.1 Process risks

459. Process risk describes when the process for implementing development as specified in the program is not followed. This can occur two ways:

- The program is not implemented as specified by Victorian Government.
- or
- Actions are not taken in accordance with program by approval holders.

460. Examples of process risks occurring could be:

- MNES cleared without offsets secured.
- Mechanisms within the program are unclear, leading to uncertainty for approving plans, strategies etc and reporting and remedial actions to occur.
- Victorian legislation and/or policies change.

461. Mechanisms identified in the program to trigger awareness of process non-compliance occurring, through monitoring and reporting for example, include:

- Independent reporting on all projects that are part of the program for compliance with implementation of planning mechanisms (Victorian Government 2009b, p. 75).
- Independent report on construction works compliance (Victorian Government 2009b, p. 78).
- Breaches reported to Commonwealth of clearing that is not in accordance with the requirements of the native vegetation precinct plan or conservation management plan, or relevant approval document for transport infrastructure or other land use (Victorian Government 2009b, pp. 55, 57, 60).
- Independent review (Victorian Government 2009b, p. 74).
- Community groups notify the department.

462. Mechanisms in the program to rectify identified process non-compliance include:

- Approvals are not valid if program not followed; approval holders may not have benefit of approval if they continue with actions.
- Independent monitor of the program to be established with the terms of reference to be agreed between the Commonwealth and Victorian Governments (Victorian Government 2009b, p84).
- The program states that references to legislation are provided for context.

463. Modifications were recommended where it was identified the program did not minimise some process risks. These modifications included:

- Require public reporting of activities and outcomes, particularly accounting for offsets.
- Require five-yearly review with actions arising from review to be agreed between Commonwealth and Victorian Governments.
- Program to state that Commonwealth approved remedial actions be undertaken if program not being implemented as endorsed.
- Include a dispute resolution mechanism in the program to define the process for handling a disagreement in the application of the program and define an outcome if the dispute is not resolved.

464. As these modifications have been made to the program, the department considers that the process risks are adequately managed.

5.2 Outcome risks

465. Outcome risks relate to the achievement of the conservation outcomes specified in the program. There major risks are that outcomes are not achieved even though program is implemented as specified.

466. Examples of outcome risk occurring include:

- Biodiversity conservation strategies and sub-regional species strategies do not deliver conservation outcomes.
- Prescriptions as specified in the IAR do not deliver on the outcomes.
- MNES not managed well in reserves.
- Impacts from certain activities (e.g. extractive industries, OMR in Ramsar area etc) greater than anticipated due to lack of information and lack of participation in future processes.

467. Mechanisms identified in the program to trigger awareness of outcomes non-compliance occurring include:

- specific MNES reporting on outcomes
- independent review (Victorian Government 2009b, p. 74), and
- community groups notify the department

468. Mechanisms in the program to rectify identified outcome non-compliance include:

- Commonwealth Government approves prescriptions
- Commonwealth Government approval of biodiversity conservation strategies and sub-regional species strategies
- revision of prescriptions under certain circumstances, and
- monitoring and adaptive management strategy for reserve management (Victorian Government 2009b, pp. 98-100).

469. Modifications were recommended where it was identified the program did not minimise some outcome risks. These modifications included:

- require public reporting of activities and outcomes, particularly accounting for offsets
- a statement in the program that non-compliance with conservation outcomes means approvals are not valid and this triggers compliance actions. For example, Victorian Government is required to submit a plan for addressing

non-compliance which must be approved by Commonwealth Government prior to actions continuing.

- a dispute resolution mechanism in the program to define the process for handling a disagreement in the application of the program and define an outcome if the dispute is not resolved, and
- critical offset requirements in the program.

470. As these modifications have been made to the program, the department considers that the outcome risks are adequately managed.

5.3 Science risks

471. Science risks occur when the program is not able to adapt to new information that could improve the protection of MNES. Examples of these risks include:

- In the future it is found that the grassland floristics inside the UGB are more resilient to climate change impacts than the reserves outside the UGB.
- A catastrophe occurs that changes the protection measures for MNES, for example a bushfire in the reserves.

472. New information sources could include:

- the revision of a recovery plan
- new listings under the EPBC Act occur, noting that the event of a new listing will not affect any approvals given under the EPBC Act prior to that listing, and
- community groups or the Victorian Government notify the department of new information.

473. The program contains the following mechanisms to address these risks:

- Commonwealth Government approves prescriptions
- Commonwealth Government approves biodiversity conservation strategies and sub-regional species strategies
- prescriptions are revised under certain circumstances, and
- there is a monitoring and adaptive management strategy for reserve management (Victorian Government 2009b, pp. 98-100).

474. Modifications were recommended to improve some of these mechanisms to respond to new information, such as clarifying what new information will trigger the revision of prescriptions (see section 7.2). As these modifications have been made, the department considers that the science risks are adequately managed.

5.4 Conclusion

475. Overall the program manages the uncertainty of not having all information about MNES impacts upfront through the use of planning frameworks, policies, plans and strategies and conservation outcomes.

476. There are risks that the program may not deliver on the protection of MNES through the failure of the processes, conservation outcomes or new information. The department considers that these risks have been adequately minimised through the use of monitoring, reporting, adaptive management and the requirement for the Commonwealth to approve key plans, strategies and

prescriptions. The additional recommended modifications to further limit risks have been incorporated into the final revised program.

6 Principles of Ecologically Sustainable Development

477. The EPBC Act identifies the principles of ecologically sustainable development (ESD) in section 3A. The endorsement criteria for the strategic assessment (see section 2) also reference the principles of ecologically sustainable development as relevant to determining whether or not to endorse the program. Each principle of ESD is discussed individually below.

3A (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.

478. Through consideration of the program the associated impact assessment report and this document, the statutory decision on whether to endorse the program under assessment will include consideration of the short and long term environmental impacts, benefits and risks of the program. Further information on economic, environmental, social and equitable matters is provided below.

479. *Melbourne @ 5 Million* (Department of Planning, Community Development 2008) and the program both describe how the Victorian Government has integrated both short and long-term economic, environmental, social and equitable considerations into the strategic planning process for the long term development of Melbourne, of which the expansion of the UGB, being the subject of the program, is one element.

480. The Victorian Government's economic considerations include the ongoing provision of land and housing supplies to meet projected demand resulting from Melbourne's rapidly increasing population. The demand for affordable housing is a key driver behind the expansion of the UGB. The majority of the housing will be provided within the current UGB, minimising the extent of expansion required. The Victorian Government also intends to use the expanded UGB to establish new employment and industry centres, stimulating job creation and associated economic activity. The construction of the OMR/E6 road and rail arterials will enable freight movement more efficiently between major freight terminals located within Melbourne and Geelong.

481. Social considerations for the long and short term are aligned with land and housing availability for Melbourne's growing population. The Victorian Government have committed to developing an integrated transport network across the state in *The Victorian Transport Plan*, which will assist with movement within the expanded UGB. The development of transport projects associated with this program, including the regional rail link, will provide a diversity of options for commuters as well as increasing the capacity of metropolitan rail lines to accommodate an increase in public transport users.

482. In relation to the planning of new precincts, the stated overarching goal of the Victorian Government Growth Areas Authority is to "...create diverse, compact and well connected communities that are affordable and rich in local jobs, transport access, services and culture" (Growth Areas Authority 2009, p. 2). The PSP Guidelines set out how a sense of place and community will be established in vibrant communities with greater access to housing choice,

transport and employment areas while increasing environmental sustainability. Housing densities of 15 dwellings per hectare will be supported by multi-node settlement patterns with greater housing densities concentrated around transport corridors. This is expected to provide the framework for more integrated sustainable communities through transport-oriented development.

483. The environmental impacts, benefits and risks of the program are addressed in the impact assessment report and discussed elsewhere in this document (see section 4 and section 5).

484. Consideration of the environment is further demonstrated in the program by the exclusion of some areas of high conservation value, native vegetation and species habitat, for example the grasslands west of Melbourne and woodlands to the east of the northern growth area. Within the UGB the planning framework will take into account areas of high ecological value and important or threatened species, including MNES. At a finer scale the requirement of plans to manage flora and fauna during the construction phase through to ongoing day to day management is well described.

485. Where impacts cannot be avoided or mitigated the program establishes how environmental values lost through the implementation process can be offset elsewhere in the landscape. The creation of large grassland and woodland reserves and the protection of riparian corridors through legal mechanisms offering ongoing security and management will allow natural ecosystem functions to persist across the landscape.

3A (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the Precautionary Principle).

486. The expansion of Melbourne's UGB is expected to lead to substantial impacts on MNES. Due to the long duration of the UGB expansion, the program adopts a process for identifying and protecting MNES and other biodiversity values, within the context of specific conservation outcomes. This necessarily involves some uncertainty regarding the extent of actual impacts at the time of making a decision on endorsement.

487. To address this uncertainty, the process the program adopts includes mandatory mitigation and offset requirements. The program also contains monitoring, auditing and reporting commitments and requirements designed to lower the risk of environmental damage. These processes and commitments are described in greater detail in section 3.3.10 of this report.

488. A number of the formally recommended modifications to the program sought to improve the processes established in the program (see section 7 for modifications). The modifications aimed to improve the level of certainty regarding the protection of the environment and the manner in which environmental degradation would be prevented.

489. In many cases the areas likely to be impacted contain substantial native vegetation and species habitat and facilitate ecological processes. However the

majority of areas are substantially modified from their pre-European condition and extent. Broadly, losses will be addressed through offsetting with a focus on protection through large contiguous reserves legally protected from development and managed for conservation in a consistent manner. The IAR concludes that focusing on achieving environmental gains in the targeted areas will lead to improved long-term outcomes compared with the existing approach of ad-hoc offsetting requirements generated by individual development actions.

490. The Victorian planning system allows for the consideration of biodiversity assets from a landscape scale to a local level. For example, biodiversity surveys within precincts will identify MNES, and then approved prescriptions are applied that outline how the matters are to be managed before any impacts can occur. The draft prescriptions in the IAR (which are yet to be approved) include protection and removal protocols and ongoing requirements for management. Additionally, species or ecological communities listed in the future are accounted for within the program planning framework which requires survey methodologies and prescriptions to be developed for those species or communities. These processes will manage future uncertainties and ensure all impacts are appropriately addressed.

491. The program requires the Victorian Government to develop a monitoring and reporting framework for approval by the Commonwealth Government. An independent monitor will be appointed to ensure the program is being properly implemented by all relevant parties, and commitments identified in the program are being met. Additionally, Victoria's own monitoring will indicate whether on-ground works are being undertaken in accordance with the program.

492. Results of reporting will be utilised in the adaptive management framework to be agreed upon by the Commonwealth and Victorian Governments. The framework will allow new information and listings to be accommodated within the scope of the program. These two frameworks will significantly reduce the risk of environmental degradation or damage, increase the likelihood of achieving good biodiversity outcomes and to protect and enhance MNES.

3A (c) *the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*

493. To ensure the maintenance and enhancement of the environment, the Victorian Government aims to manage native vegetation to achieve a net gain in vegetation quality and extent across the landscape. The temporal scale of this program and the application of the adaptive management framework provides the opportunity to increase the security provided to broader biodiversity across the Victorian landscape over time.

494. The program proposes the reservation of a series of integrated conservation reserves across the greater Melbourne region. Reserves include two large (totalling 15 000 hectares) and three small grassland reserves (totalling 300 hectares) and a network of woodland reserves to protect the two critically endangered ecological communities. In addition, riparian corridors, Ramsar sites

and habitat for EPBC listed species that contributes to their long term persistence will be protected and managed.

495. The program provides for the management of large areas of land set aside for conservation purposes which will include targeted management measures to maximise biodiversity outcomes both now and into the future. Environmental significance overlays and targeted conservation zoning will be placed on land to protect ecological values.

496. High quality grasslands or any species occurring within the grasslands ecological community in areas of less than 100 hectares are unlikely to be retained in situ, based on the current formulation of the draft prescriptions. It is arguable that the clearing of areas within the UGB and offsetting elsewhere will lead to a decline in overall diversity and quality of grasslands across the Victorian Volcanic Plain. The basis of the draft prescriptions taking this approach is described further in section 4.

497. As discussed in section 4, large well managed reserves provide landscape-scale improvement and benefits for individual species through allowing free movement and preventing isolation from further disturbance. Smaller patches are considered to be more at risk to invasion and degradation by exotic species, urban edge effects and management limitations (paragraph 202). However areas providing high ecological function services will be protected and managed to maintain the health and diversity of specific MNES across the landscape. Combined with integrated management these areas will facilitate optimal outcomes for MNES in the long term.

498. The program establishes statutory and policy mechanisms and committed funding under which the majority of conservation activities will be carried out. Monitoring, reporting and adaptive management will provide an opportunity for improved environmental outcomes to be achieved as ecological systems are better understood over time.

499. Policy mechanisms such as the PSP Guidelines include requirements for integrated water management including water sensitive urban design as well as biodiversity planning requirements to ensure urban environments accommodate and enhance natural systems.

3A (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;

500. The program proposes large scale avoidance, mitigation and offsetting mechanisms together with a planning framework of legislation and integrated biodiversity strategies as the basis for the conservation of biodiversity and ecological integrity in planning for Melbourne's urban expansion.

501. *Melbourne @ 5 Million* (Department of Planning, Community Development 2008) plans for development to focus on existing urban areas and predominantly modified landscapes. This will reduce the extent of impacts on the environment than would otherwise occur if 1.8 million people needed to be housed in new growth areas alone. Almost 316 000 dwellings are anticipated to be in

Melbourne's established areas and over 284 000 dwellings are anticipated for Melbourne's growth areas.

502. A strategic assessment allows the Commonwealth Government to have a role in the planning for the expanded UGB, which it normally would not have. Strategic assessments also offer the opportunity to influence landscape outcomes, consolidate conservation measures such as offsets and reduce perception of additional bureaucracy by engaging in the planning stage. It is arguable that a strategic assessment may be the only way to deliver large, secure and managed reserves for critically endangered ecological communities.
503. The location of the UGB expansion and the development of the program clearly reflect the avoidance of large areas of grasslands, woodlands, Ramsar and other areas with high biodiversity values in the initial planning phases of the Melbourne's expansion (Department of Planning and Community Development, 2008).
504. The development and application of sub-regional species strategies and biodiversity conservation strategies at a landscape level will assist the conservation of biological diversity and maintenance of ecological integrity. This will be achieved through ensuring the needs of MNES are considered at a scale that spans precincts and development footprints and reflects the ecological function of the landscape.
505. Mitigation measures will be carried out as the planning framework is implemented. At a precinct level, surveying for species, the use of prescriptions to identify how species should be managed in the landscape and the subsequent development and application of native vegetation precinct plans and conservation management plans are mandatory processes in the planning process established by the program. These structured processes will facilitate improved conservation outcomes, and retain flexibility to adapt and evolve with the advance of relevant scientific knowledge and incorporating feedback from monitoring and auditing processes.
- 3A (e) *Improved valuation, pricing and incentive mechanisms should be promoted.***
506. The Victorian Government uses Victoria's Native Vegetation Management Framework (otherwise known as the habitat hectares approach) to quantify offsets. The approach is a metric based environmental valuation method that provides detailed information on the gains or losses of ecological characteristics. By knowing the values of the environment prior to impacts, the Victorian Government can calculate the expected loss to occur as a result the program and establish an area with commensurate gain (refer to section 3.3.8).
507. The program identifies the Bush Broker system as a way of accounting the clearing and offsetting that occurs as a result of the program. Bush Broker creates, advertises and sells native vegetation credits (offsets) generated by environmental improvements made elsewhere. The calculation of losses and gains in native vegetation and required offsets will be in accordance with Victoria's Native Vegetation Management Framework. Through the Bush Broker system the Victorian Government will offer native vegetation credits for

sale to developers, with the proceeds progressively funding the establishment and ongoing management of the western grassland reserves.

508. The program requirements for offsetting incorporate the valuation and pricing of environmental impacts and creates an incentive for developers to minimise the extent of impacts due to the cost associated with securing and managing suitable offsets. The requirement to secure necessary offset values before impacts are authorised also provides an incentive to retain higher value environmental assets rather than offset them, if they would prove difficult, time consuming or expensive to locate or secure.

509. The Victorian Government has committed to commencing the acquisition of the grassland reserves, with a view to being able to establish a “bank” of offsets from which developers can more efficiently secure the necessary offset values. This approach represents an innovative method to simultaneously deliver on conservation outcomes and improve the efficiency of development approval processes.

Conclusion

510. Melbourne’s growing population has increased the demand for land supply, more affordable housing, employment areas and access to transport. Establishing a multi-node settlement pattern, using existing urban areas and adopting sustainable community design principles demonstrates the Victorian Government has considered economic and social matters. The program considers protection of MNES within this context.

511. The program proposes broad conservation activities and outcomes supported by planning frameworks, strategies, policies, plans and mechanisms to ensure the long term protection of MNES for future generations.

512. The program will facilitate development of large grassland and woodland reserves to protect critically endangered ecological communities, a series of smaller reserves protecting threatened species, riparian corridors and broader biodiversity, and will ensure water quality inflows into Ramsar wetlands remain the same or improve.

513. A lack of full scientific certainty is managed by the program through requirements for species surveying, management strategies and monitoring, reporting and adaptive management frameworks.

514. The program adequately addresses the principals of ecologically sustainable development within the endorsement criteria.

7 Recommended Modifications

7.1 First recommended modifications

515. As stated in section 2.1.2 of this report, there have been two occasions where modifications have been recommended. The first recommended modifications were sent to the Victorian Government on 2 October 2009. The program was resubmitted by the Victorian Government on 23 October 2009.

516. The recommended modifications and Victoria's response are as follows.

1. The inclusion of a map indicating the general location of the proposed smaller reserves inside the UGB. This will illustrate Victoria's commitment to retaining areas of high biodiversity across the urban landscape and protecting matters of national environmental significance (NES).

517. Victoria have included four maps at the very back of the program report that broadly show where the reserves are likely to be within the expanded UGB. The maps do not detail exactly where these reserves will be located but give an indication of Victoria's intention to secure these areas for conservation purposes. Therefore the department therefore considers that this recommended modification has been addressed.

2. Clarification be provided of the actions to which the Program is intended to relate. Additionally, if any of these actions will impact on matters of NES in a manner not addressed in the impact assessment report, including through indirect consequential impacts, please provide further details.

518. The program report now includes a summary of activities (Victorian Government 2009b, p. 18). The summary should not be read as exhaustive. The department therefore considers that this recommended modification has been addressed.

3. The Program commit to submitting a "Grassy Eucalypt Woodland of the Victorian Volcanic Plain Strategy" to the Minister for approval, following endorsement. This strategy would be expected to provide a commensurate level of integrated and contiguous protection to that established within the Program for the Natural Temperate Grassland of the Victorian Volcanic Plain, which is also listed as critically endangered under the EPBC Act. It is expected that the approval of this strategy would be necessary before actions impacting on the woodlands could be approved.

519. The department considered that this recommendation was not sufficiently addressed. The program report as resubmitted did not address the following issues:

- no commitment or mention of a woodlands strategy
- did not state that an interim management plan will be implemented as for the grassland reserves
- did not state that a management plan will be established as it does for the grassland reserves, and
- did not state that any management reports or monitoring requirements need to be provided to the department as it does for the grasslands.

520. The program did state that a reserve will be established and that 80 per cent of all woodlands within the program area will be retained and managed in secure conservation reserves and an additional reserve will be established outside the UGB.

521. The approach to achieving conservation outcomes for woodlands included the application of an Environmental Significance Overlay to land identified for conservation of the woodlands, the development of a biodiversity conservation strategy and the development of a proposal for a woodland reserve.

522. In summary the resubmitted program did not provide a commensurate level of protection for the woodlands that is established for the grasslands. It lacked clarity about how the woodlands will be dealt with by Victoria.

523. However, the department considers this was addressed in the second recommended modifications – see paragraph 536- 537.

4. The Program should clearly describe the commitment of the Victorian Government to involve the Australian Government and/or the department in the review or approval of specified key documents, strategies and plans, for example the biodiversity strategy and species prescriptions, that will inform and influence actions taken in the Program area. This will provide a foundation for robust adaptive management processes and clarify roles, responsibilities and expectations for future decision-making processes.

524. The Commonwealth Government, as represented by the Minister and the department, have a role in most of the planning processes. The roles vary from approval to comment with most aspects are adequately addressed.

525. However, there is less involvement and oversight in the OMR/E6 and the extractive industries planning processes in particular (the Commonwealth Government is at least consulted in the RRL). This carries the risk that the Commonwealth Government will not be able to adequately ensure that avoidance and mitigation measures are implemented, especially given that the draft prescriptions allow clearance for state significant infrastructure (such as the transport corridors).

526. The department considers that this risk can be adequately managed through conditioning approvals for these actions to require Commonwealth Government approval for environmental management plans if the program is endorsed. Therefore the department considers that this recommended modification is addressed.

5. Describe the method(s) used to determine the size or percentage thresholds for retention of specific species or populations, as contained in the proposed prescriptions within the impact assessment report. It is important that the basis of these settings be transparent, particularly where social and economic considerations are relevant factors, noting that there is a high degree of public interest in this issue.

527. In the IAR (Victorian Government 2009a, pp.135-137) the Victorian Government described why particular sizes and thresholds for protection within the prescriptions were chosen. A number of reasons are provided, including ecological principals and ease of management, and state that socio-economic reasons have "acted as constraints on widespread retention of conservation reserves over the urban area" (p. 137).

528. Therefore the department considers that this recommended modification is addressed.

7.2 Second recommended modifications

529. The second recommended modifications were sent to the Victorian Government on 16 December 2009. The Victorian Government submitted the final program on 29 December 2009.

530. The recommended modifications and Victoria's response are as follows.

1. To clarify the process for identifying, reporting and rectifying non-compliance with the program, I recommend the following requirements be included:

- i. The public reporting of activities and outcomes of the program to improve transparency and accountability. In particular, the reporting should clearly account for offsets obtained in relation to matters of national environmental significance (NES) impacted through implementation of the program.*

531. This modification has been made to the table 21 of monitoring and reporting commitments (Victorian Government 2009b, pp. 73-74). In this table, the Victorian Government has committed to public reporting of activities and outcomes. Hence the department considers that this recommended modification is addressed.

- ii. The inclusion of a commitment to a 5-yearly independent review of the program, with a scope to be determined by agreement between the parties within 18 months of endorsement, to report on all aspects of the program's operation, with any further actions arising from this review to be agreed between the Commonwealth and the Victorian Government.*

532. This modification has also been made to the table 21 of monitoring and reporting commitments (Victorian Government 2009b, pp. 73-74). In this table, the Victorian Government has committed to an independent review with the scope to be agreed between the Commonwealth and Victorian Governments. Hence the department considers that this recommended modification is addressed.

- iii. A dispute resolution mechanism in the program to minimise potential conflict in relation to the operation of the program. This mechanism should define the process for handling a disagreement in the application of the program.*

533. A dispute resolution clause has been included in the compliance and enforcement section of the program (Victorian Government 2009b, p. 86). Hence the department considers that this recommended modification is addressed.

- iv. *A clear articulation of the continuing compliance relationship between approval holders and the Australian Government, including the ability to pursue compliance action for a failure to comply with requirements of approval or for taking actions that are not covered by a valid approval*

534. A statement to this effect has been included in the compliance and enforcement section of the program (Victorian Government 2009b, pp. 85-86). Hence the department considers that this recommended modification is addressed.

- v. *Further clarification that a failure to deliver a conservation outcome or to comply with a procedural requirement specified in the program may result in any approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) no longer being valid for any related and subsequent actions. The process to be followed if such a non-conformance is detected should also be documented in the program, including a statement that I (the Minister) will be required to approve any remedial actions and these actions must be undertaken to my satisfaction.*

535. A statement to this effect has been included in the compliance and enforcement section of the program (Victorian Government 2009b, pp. 85-86). Hence the department considers that this recommended modification is addressed.

2. To provide more certainty regarding to the proposed Woodland Reserve:

- i. *The identification of the funding, acquisition and other legal protection mechanisms that will be used to secure the protection of the woodland reserve.*

536. The Victorian Government has identified that a public consultation process is required to be undertaken to establish the woodlands reserve, and this process will assist in identifying the appropriate funding, acquisition and other legal protection mechanisms, as more cost efficient but secure arrangements may be established. Additional wording to this effect is included in the woodlands conservation activities table (Victorian Government 2009b, pp. 51-54). The department considers that this approach to securing a woodland reserve is acceptable and hence the recommended modification is addressed.

- ii. *The development of an adaptive management, monitoring and reporting plan.*
- iii. *Progress reports on the establishment of the woodland reserve and the interim management activities undertaken therein, at a similar frequency to that of the progress reports for the grassland reserves in the program.*
- iv. *The preparation and implementation of arrangements for the long term protection and management of the proposed reserve after the term of the interim management plan has concluded, for example the preparation of a National Park or Reserve Management Plan.*

537. Additional requirements have been added to the woodlands conservation activities table (Victorian Government 2009b, pp. 51-54). Noting that arrangements for establishing the reserve may not be the same as the grassland reserves, the protection for the community should be similar and hence the department considers that these recommended modifications have been addressed.

3. To provide assurance regarding offsetting requirements

- i. The provision of further details regarding the timing, security and deliver mechanisms that all offsets proposed under the program must comply with, to ensure that minimum standards and consistent requirements are maintained.*

538. Additional wording has been provided in the offsets section of the program (Victorian Government 2009b, p. 32-33). Hence the department considers that this recommended modification is addressed.

4. To improve the program's ability to respond to new information and activities in relation to matters of national environmental significance:

- i. A statement clarifying the triggers for revising prescriptions, which could include:*
 - *Any new recovery plan or policy statement relevant to any matter of national environmental significance (NES) subject to a prescription,*
 - *Any new substantial scientific information relating to a relevant matter of NES brought up by either party and as agreed;*
 - *Any indication that relevant conservation outcomes described in the program, conservation strategies or sub-regional species strategies may become unachievable.*

539. These additional triggers for revising prescriptions have been included in the program in the prescriptions section (Victorian Government 2009b, pp. 30-31). Hence the department considers that this recommended modification is addressed.

- ii. *A process describing how the revision of prescriptions would be conducted, including a statement that Australian Government approval of revised prescriptions is required within a specified period following the revision being agreed to, or the prescription will lapse and no further authorisation of impacts on the relevant matter of NES would be permitted under the program until an approved prescription is in place.*

540. The process for revising prescriptions is included in the program in the prescriptions section (Victorian Government 2009b, p. 31). Hence the department considers that this recommended modification is addressed.

7.3 Conclusion on recommended modifications

541. All the recommended modifications, or modifications having the same effect, have been made to the program.

8 Public Consultation

542. As discussed in section 2.1.5 of this report, public consultation on the IAR was undertaken for a period of 31 days from 17 June to 17 July 2009 (Victorian Government 2009c).

543. The Victorian Government published the IAR on the internet, sent approximately 15 000 letters to landholders directly affected by the program (for example their land was identified for compulsory acquisition) and conducted public meetings in affected areas.

544. Approximately 1500 submissions were received on Melbourne's proposals for urban and transport development. Of these, 246 related to the program and IAR and included specific comments on the proposed grassland reserves. The other submissions related to matters not covered by the strategic assessment (such as the growth areas infrastructure charge).

545. A summary of the issues and Victoria's response is in the following table.

Table 5: Summary of issues raised in public consultation and the response by the Victorian Government.

Issue	Description of issue	Response by Victorian Government
Consultation period	The public comment period was too short to provide effective feedback on the program and there was a general lack of understanding about what the program actually involved.	<ul style="list-style-type: none"> Further targeted consultation with land holders, NGOs and the general public has occurred since the program was released for public comment. Revised IAR and program published on internet in early/mid November 2009.
Survey, data and mapping inadequate	The number of surveys conducted and the quality of data used to produce species/vegetation mapping was inadequate.	<ul style="list-style-type: none"> Addressed through better explanation of the planning process. Further surveys will be conducted at various scales during the planning process and in appropriate seasons for targeted species e.g. the golden sun moth, spiny rice flower and matted flax lily.
Avoiding, minimising and offsetting native vegetation	More grasslands and woodlands should be reserved. More native vegetation should be protected within the expanded urban growth boundary.	<ul style="list-style-type: none"> It is not possible to protect all native vegetation within the new urban growth boundary, however Victoria are increasing the protection of grasslands from 2 to 20 per cent. Significant areas of woodland have been avoided in the expansion of the urban growth boundary with a number of small reserves proposed.

Issue	Description of issue	Response by Victorian Government
Grasslands reserves issues	<p>The process of acquisition of land for reserves needs clarification.</p> <p>Extent of the grassland reserves should exclude homes and land with no native vegetation.</p> <p>Management of grasslands (weed, pest and fire management) is poorly described.</p>	<ul style="list-style-type: none"> ○ Clearing of native vegetation will not occur until an offset has been permanently established. The grassland reserves will be acquired within 10 years. ○ An acquisition schedule will allow people to remain on their properties for as long as practicable. ○ Consideration will be given to excluding land with lower-value biodiversity from the reserves. ○ A DEWHA approved interim management plan will be developed to ensure the quality of grassland is maximised in the future. A full management plan will eventually be developed by the reserve manager.
Policy tools inadequate	The policies will not protect MNES or are poorly described.	<ul style="list-style-type: none"> ○ Planning framework processes are being guided by Commonwealth Government approved biodiversity conservation strategies, specific species sub-regional management strategies and prescriptions.
Monitoring and auditing	How will actions be monitored, audited and reviewed in unclear.	<ul style="list-style-type: none"> ○ An auditor will be appointed to assess how well the planning processes are being implemented.

546. The department considers that the Victorian Government abided by the terms of the agreement for public consultation and that based on the issues raised and Victoria's response, the program and IAR has adequately addressed the comments received.

9 Overall conclusions

547. The department concludes that the program *Delivering Melbourne's Newest Sustainable Communities Program Report 2009* contains conservation outcomes and implementation measures that will protect MNES in the long term.

548. The department also considers that the impact assessment report, *Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report October 2009*, adequately addresses the impact to which the strategic assessment agreement signed 4 March 2009 and revised 16 June 2009 relates. This is demonstrated by addressing the terms of reference and providing measures to avoid, mitigate and offset these impacts. The department's view is that the IAR sufficiently addressed the terms of reference as discussed in section 4 (impacts), section 5 (risks and compliance) and section 6 (ESD).

549. Modifications to the program were recommended by the Minister and his delegate and the department considers the recommended modifications have been made.

550. The Victorian Government undertook public consultation on the draft impact assessment report and the department concludes that the IAR and program has adequately addressed the comments received.

Schedule 1: MNES that could be impacted by the program

Table 6: MNES that could be impacted by the program

Name	Status	Presence	Paragraph no
Ecological Community			
Natural temperate Grassland of the Victorian Volcanic Plain	CE	Known to occur	
Grassy Eucalypt Woodland of the Victorian Volcanic Plain	CE	Known to occur	
Fauna - Mammals			
Southern Brown Bandicoot <i>Isoodon obesulus obesulus</i>	E	Known to occur and breeding likely within area	
Grey-headed Flying Fox <i>Pteropus poliocephalus</i>	V	Known to occur	
Fauna – Birds (non-migratory)			
Plains Wanderer <i>Pedionums torquatus</i>	V	Likely to occur	
Fauna - reptiles			
Grassland Earless Dragon, <i>Tympanocryptis Pinguicolla</i>	E	Likely to occur	
Striped Legless Lizard <i>Delma impar</i>	V	Known to occur	
Fauna - amphibians			
Growling grass frog	V	Known to occur	
Fauna - fish			
Australian Grayling <i>Prototroctes maraena</i>	V	Likely to occur	
Eastern Dwarf Galaxia <i>Galaxiella pusilla</i>	V	Likely to occur	
Fauna - insects			
Golden Sun Moth <i>Synemon plana</i>	CE	Known to occur	
Fauna – Migratory birds			
Cattle Egret <i>Ardea ibis</i>		Likely to occur	
Great/White Egret <i>Ardea alba</i>		Likely to occur	
Swift Parrot <i>Lathamus discolor</i>	E	Likely to occur	
Double-banded Plover <i>Charadrius bicinctus</i>		May occur	
Pacific Golden Plover <i>Pluvialis fulva</i>		May occur	
Red-necked stint <i>Calidrus ruficollis</i>		May occur	
Common Greenshank		May occur	
White-throated Needletail <i>Hirundapus caudacutus</i>		Likely to occur	
Fork-tailed Swift <i>Apus pacificus</i>		Likely to occur	
Sharp-tailed Sandpiper <i>Calidris acuminata</i>		May occur	
Curlew Sandpiper <i>Calidris ferruginea</i>		May occur	
Latham's Snipe <i>Gallinago hardwickii</i>		Likely to occur	
Painted Snipe <i>Rostratula benghalensis</i>	V	Likely to occur	
Rainbow Bee eater <i>Merops ornatus</i>		Likely to occur	
Satin Flycatcher <i>Myiagra cyanoleuca</i>		Likely to occur	
Rufous Fantail <i>Rhipudura rufifrons</i>		Likely to occur	
Black-faced Monarch <i>Monarcha melanopsis</i>		Likely to occur	
Flora - Asteraceae			
Button Wrinklewort <i>Rutidosia leptorrhynchoides</i>	E	Known to occur	
Swamp Everlasting <i>Xerochrysum palustre</i>	V	Known to occur	

Name	Status	Presence	Paragraph no
Large-fruit Groundsel/Fireweed <i>Senecio macrocarpus</i>	V	Known to occur	
Flora – Fabaceae			
Purple Clover <i>Glycine latrobeana</i>	V	Likely to occur	
Flora – Orchidaceae			
Small/Early Golden Moths <i>Diuris basaltica</i>	E	Likely to occur	
Maroon Leek Orchid *	E	Known to occur	
Cream Spider Orchid *	E	May occur	
Green-striped Greenhood *	V	May occur	
Metallic Sun-orchid *	E	Unlikely to occur	
Sunshine Diuris *	E	Unlikely to occur	
Flora – Phormaceae			
Matted Flax-lily <i>Dianella amoena</i>	E	Known to occur	
Flora – Poaceae			
Adamson's Blown Grass <i>Lachnagrostis adamsonii</i>	E	May occur	
River Swamp Wallaby Grass <i>Amphibromus fluitans</i>	V	Known to occur	
Flora – Thymelaeaceae			
Spiny Rice-Flower <i>Pimelea spinescens spinescens</i>	CE	Known to occur	

STATUS = V – Vulnerable; E – Endangered; CE – Critically Endangered

Table 7: Register of National Heritage List as of October 2009

NAME	CLASS	STATUS
Summerhill Homestead and Outbuildings	Historic	Indicative Place
The Mount Alexander - Murray Valley Railway Line	Historic	Indicative Place
John Batmans Pastoral Run Outstation Sites	Historic	Indicative Place
Camoola	Historic	Indicative Place
O'Herns Road Farming Complex & Ford	Historic	Indicative Place
Catholic Church (former)	Historic	Registered
St Johns Presbyterian Church (former)	Historic	Registered
Victoria Bridge	Historic	Registered
Deanside Group	Historic	Registered
John Kelly House (former)	Historic	Registered
Jacksons Creek Rail Bridge	Historic	Registered
Jacksons Creek Road Bridge	Historic	Registered
Sunbury Rings	Indigenous	Registered
Mount Fraser	Natural	Indicative Place
Truganina Cemetery Grasslands	Natural	Indicative Place
Craigieburn to Cooper Street Grasslands	Natural	Registered

Schedule 2: Commonwealth Government involvement in the Program to Revise the Melbourne Urban Growth Boundary

Table 8: Commonwealth Government approval of plans, strategies, etc. as stated in the program

References in the Program to Commonwealth Government approval of the following plans, strategies, documents etc.:	Page reference	Timeframe, if specified
Definition of the Program: Overarching statement about Commonwealth Government involvement in plans, policies and documents	5	If the Program specifies that a policy, plan or other document requires approval, then the Victorian Government must submit to the Minister a draft or variation of plan, policy or document for approval or modifications
If there are additional relevant recovery plans, future listed matters of NES, or new information affecting actions of the prescriptions, then the prescriptions are to be revised and resubmitted to the Minister for approval	26	
Prescriptions for management of matters of NES	40	Submitted to the Minister for approval, following endorsement of the Program
Actions or classes of actions	40	Submitted to the Minister for approval, following endorsement of the Program
Reporting and Monitoring framework for the Program.	40	Submitted to Minister for approval within 12 months of giving approval of actions or classes of actions taken in accordance with the Program
Sub-regional species strategies for the Golden Sun Moth, Growling Grass Frog, Southern Brown Bandicoot	40	Submitted to the Minister for approval between 2010 - 2011 and prior to finalisation of the relevant biodiversity conservation strategy
Biodiversity conservation strategies for each of the growth areas	40	Submitted to the Minister for approval between 2010 - 2011 and prior to the finalisation of the relevant growth area framework plans
A standard monitoring protocol for detecting environmental changes arising from site based interventions, including specific monitoring requirements for the proposed western grassland reserves	40	Submitted to the Minister for approval in 2011
Sub-regional species strategy for Golden Sun Moth	50	Submitted to the Minister for approval by June 2011

Schedule 2

References in the Program to Commonwealth Government approval of the following plans, strategies, documents etc.:	Page reference	Timeframe, if specified
Sub-regional species strategy for Growling Grass Frog and Southern Brown Bandicoot	53	Submitted to the Minister for approval by February 2011
Prescription for Large Fruit Groundsel based on occurrence at Rockbank site	60	Prescription is prepared and submitted to Minister for approval following surveys at Rockbank site
Prescription for Button Wrinklewort if new populations are located, to inform planning process	60	Prescription is prepared and submitted to Minister for approval following surveys for this species
Biodiversity conservation strategy for south-east investigation area that reflects values of disused railway line, and particularly focuses on the protection and management of the Maroon Leek-Orchid and Swamp Everlasting	61	Submitted to the Minister for approval by March 2011
All new prescriptions for matters of NES	62	<ul style="list-style-type: none"> • New prescriptions must be provided to Minister for approval before they are applied • Prescriptions must be “in place” prior to construction
Adaptive management framework prepared to support processes established in the Program	77 - 78	Submitted to the Minister for approval in 2011. Incorporate monitoring data every 3-5 years or otherwise agreed

Table 9: Commonwealth Government consultation on plans, strategies, etc as stated in the program

References in the Program to Commonwealth Government consultation on the following plans, strategies, documents etc	Page reference	Timeframe, if specified
Development of Regional Rail Link and Outer Metropolitan Ring/E6 Transport Corridor infrastructure: Any requirements for further environmental assessment that may be required under <i>Environmental Effects Act 1978</i> or other applicable Victorian Legislation will be conducted in consultation with the department to inform final decision on alignments, design and environmental management of infrastructure	13	
Growth Area framework draft plans will be submitted to the department for comment before finalisation	23	
Precinct Structure Plans: The Victorian Government will provide the department an opportunity to comment on changes to precinct structure plan guidelines, precinct structure planning notes, and the biodiversity precinct structure planning kit	24	
Following consultation with the Minister the ecological impact management plan for the Regional Rail Link is to be approved by the Victorian Minister for the Environment and Climate Change	27	
Victorian Minister for the Environment and Climate Change to consult with the Minister to ensure that matters of NES are appropriately considered and addressed in the ecological impact management plan for the Regional Rail Link	40	Consultation will take place when ecological impact management plan for the Regional Rail Link is submitted by to the Victorian Government
An adaptive management response to any species not specifically addressed in the Program will be developed if and when required in consultation with the Commonwealth Government	42	In response to any new information arising from detailed ecological surveys that are be undertaken in the initial stages of implementing the Program
Victorian Government reporting on transport corridor (Regional Rail Link-west of Werribee to Deer Park): Victorian Minister for the Environment and Climate Change will consult with the Minister on preparation of environmental management plan including measures for managing construction impacts	71	Ongoing

Table 10: Reporting to the Commonwealth Government as stated in the program

Program references to reporting to the Commonwealth Government on the following plans, strategies, documents etc	Page Reference	Timeframe, if specified
<i>Process reporting</i>		
Reporting and Monitoring Reports of the implementation of the Program	40	During stages 2 and 3 (Implementation and construction) consistent with the approved reporting and monitoring framework
Interim Management Reports on the Western Grassland Reserves	40	Every six-months during 2010 - 2011, then annually until land is acquired
<i>Stage 1 Program Approval (monitoring and reporting requirements):</i> Report outlining how, where and when the planning scheme amendment and amendment to <i>Planning and Environment Act 1987</i> has given effect to the Program	69	Report submitted within 3 months of the Victorian Government's approval of the amendment
<i>Stage 1 Program Approval (monitoring and reporting requirements):</i> Reporting and monitoring framework with schedules is established between the Victorian Government and the Commonwealth Government	69	Framework established within 12 months of the Victorian Government's approval of the framework
<i>Stage 2 Process Implementation</i> Independent party report on all projects defined by the program. Including: growth area framework plans, sub-regional species strategies, bio-diversity conservation strategies, conservation management plans, native vegetation precinct management plans, national park or reserve management plans, framework for transport Infrastructure, transport planning mechanisms, other activities within the Program such as quarry approvals, sewage treatment facilities.	70	Independent reporting will occur every 2 years for the first 4 years unless otherwise agreed OR To be determined within the agreed monitoring and reporting framework To ensure that planning mechanisms (urban planning frameworks, & reservations) are occurring as set out by the program.
<i>Stage 3 Construction and Works (monitoring and reporting requirements):</i> Independent party report on construction works compliance with Program	72	Every 5 years or as agreed under reporting & monitoring framework
<i>Stage 3 Construction and Works (monitoring and reporting requirements):</i> Victorian Government reporting on construction of Regional Rail Link infrastructure	73	Ongoing

Schedule 2

Program references to reporting to the Commonwealth Government on the following plans, strategies, documents etc	Page Reference	Timeframe, if specified
<i>Stage 3 Construction and Works (monitoring and reporting requirements):</i> Victorian Government reporting on construction of Outer Metropolitan Ring/E6 Transport Corridor infrastructure	74	Ongoing
<i>Grasslands</i>		
Grasslands Acquisition schedule	44	By December 2010 or following gazettal of the Planning scheme amendment
Grasslands Interim Mgmt Plan	44	by December 2010
Grasslands 'reports' (Interim Management reports as above??)	44	6 monthly in 2010-2011 then annually until land acquired
Grasslands Performance standards for management and monitoring methodology	45	by June 2011
Results of mapping for Environmental Significance Overlays (ESOs)	46	by June 2013
Report any breaches of planning permits, clearing not in accordance with NVPP or CMP	46	as agreed
<i>Grassy Woodlands</i>		
Report any breaches of planning permits, clearing not in accordance with NVPP or CMP	48	as agreed
Reserve proposal, acquisition, management approach and schedule	48	by June 2010
Reports on progress of reserve establishment through the acquisition schedule	49	by 2012 and 2015, or as determined by approved monitoring and reporting framework
<i>Golden Sun Moth, Spiny Rice-flower and Matted Flax Lily</i>		
Survey Data (for Recovery Planning processes)	50	annually
Sub-regional species strategy for GSM	50	by June 2011
Report any breaches of planning permits, clearing not in accordance with NVPP or CMP	50	as agreed
<i>Small Golden Moth Orchid</i>		
Provide Clarke's road reserve proposal, acquisition and management approach (as part of the BCS for the growth area)	51	by March 2011
Performance standards for management and monitoring	52	by June 2011
<i>Southern Brown Bandicoot (SBB) and Growling Grass Frog (GGF)</i>		
Sub-Regional-Species Strategies for SBB & GGF	53	by Feb 2011
Monitoring reports	54	at least every 2 years according to agreed schedule

Schedule 2

Program references to reporting to the Commonwealth Government on the following plans, strategies, documents etc	Page Reference	Timeframe, if specified
Performance report planning permits and land mgmt obligations NVPP and CMP or other	54	as agreed
<i>Striped Legless Lizard</i>		
Protocol for translocation	55	by 2010
Monitoring results as per park management plan	56	
<i>Button Wrinklewort/ Large-Fruit Groundsel</i>		
Monitoring results	59	
<i>Migratory, water, wetlands and Ramsar</i>		
Outcome of wetland investigation (to establish wetland area along with Biodiversity Conservation strategy for South East)	63	by March 2011
Monitoring results of the MIG spp, mgmt activities and compliance with Mgmt plan	63	2 x 4 yearly then 1 x 5 yearly
Breaches of any land mgmt obligations of planning approvals	64	as agreed
Breaches of any land mgmt obligations of planning permits	64	as agreed
Results of water quality testing, compliance with proposed conservation outcomes	65	
Report including mechanism for protecting Ramsar site values	65	as agreed

10 References

- Baker-Gabb, D. J. 2002. Recovery Plan for the Plains-wanderer *Pedionomus torquatus* 2002-2006: *Conservation of lowland native grassland dependent fauna*. DEWHA, Canberra.
- Briggs, J.D., V.T. Corrigan & W.J.S. Smith 1998. *Rutidosia leptorrhynchoidea* (Button Wrinklewort) revised national recovery plan, 3rd ed. NSW National Parks & Wildlife Service.
- Commonwealth Government 2009a. Letters to Victorian Ministers for Planning and Environment and Climate Change recommending modifications. 2 October 2009
- Commonwealth Government 2009b. Letters to Victorian Ministers for Planning and Environment and Climate Change recommending modifications. 18 December 2009
- Department of Infrastructure 2002. *Melbourne 2030*.
- Department of Planning and Community Development, 2008. *Melbourne @ 5 Million*.
- Department of Transport 2008. *Victorian Transport Plan*
- Growth Areas Authority 2009. *Precinct Structure Planning Guidelines*
- Hills, A. & R. Boekel 2003. *Flora & Fauna Guarantee Action statement - Large-fruit Groundsel Senecio macrocarpus*. [Online]. Melbourne Victoria: Department of Sustainability and Environment
- Strategic assessment agreement under Section 146 (1) of the *Environment Protection and Biodiversity Conservation Act 1999* relating to the assessment of impacts of the program to revise Melbourne's urban growth boundary between The Commonwealth of Australia and The State of Victoria, 4 March 2009 (amended 16 June 2009).
- Victorian Department of Sustainability and Environment (Vic. DSE) 2003) *Flora & Fauna Action Statement #28 - Button Wrinklewort - Rutidosia leptorrhynchoidea*.
- Victorian Department of Sustainability and Environment 2009. *Biodiversity Precinct Planning Kit*
- Victorian Government 2009a. *Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report*. October 2009.
- Victorian Government 2009b. *Delivering Melbourne's Newest Sustainable Communities Program Report* December 2009.
- Victorian Government 2009c. *Delivering Melbourne's Newest Sustainable Communities: Summary of submissions made to the strategic assessment report and the proposed western grassland reserves* October 2009.

The Victorian Government's consultation and engagement on the Melbourne program for urban expansion

Purpose: To provide a summary of the public consultation undertaken by the Victorian Government for the urban growth boundary expansion and an assessment of Victoria's response to comments received during the statutory minimum 28 day public comment period on the draft impact assessment report (IAR) produced for this strategic assessment.

Chronology of community engagement:

Pre-assessment Urban Expansion Engagement

Date	Engagement description
2 December 2008	The planning document <i>Melbourne @ 5 Million</i> was released showing investigation areas for future urban development.
8 December 2008	The <i>Victorian Transport Plan</i> was released showing the Regional Rail Link (RRL) and Outer Melbourne Ring road and E6 (OMR/E6) transport corridors.
22 December 2008 - 20 February 2009	The Growth Areas Authority conducted a public submission process on land included within the investigation areas. Approximately 350 submissions were received.
Early 2009	Environmental reference group established by the Victorian Government. Representatives include government departments and agencies, local councils and non-government organisations such as the Victorian National Parks Association and Trust for Nature. The group was established to inform key stakeholders of progress on the development of the urban expansion program and the strategic assessment.

Strategic Assessment Program Engagement

Date	Engagement description
16 June	The Victorian Government sent approximately 15,000 letters to land holders affected by the urban expansion program informing them of the intention of the Victorian Government to compulsorily acquire their land for urban development or conservation purposes
17 June - 17 July 2009	The Victorian Government conducted 8 public meetings giving residents affected by the urban expansion program the opportunity to better understand the proposal and voice their concerns. Over 2,000 people attended.
17 June - 17 July 2009	The Victorian Government conducted the statutory minimum 28 day public comment period on the Melbourne IAR as required under s146 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). Documents released included the program report, a report on the OMR/E6 and a report on the RRL along with other documents related to the urban expansion but not related to this assessment.
24 August - 21 September 2009	Additional public comment period conducted for landholders brought into the Urban Growth Boundary (UGB) through subsequent minor changes to the location of the UGB and transport alignments.

General engagement feedback summary:

Feedback from Victoria's public engagement process, letters to the department from the public and meetings between departmental officers and Victorian based environmental non-government organisations focused on the following issues:

- Conducting a strategic assessment is potentially a better way to plan for environmental protection.
- If managed appropriately, establishing a large grassland reserve will be a good outcome for listed species and listed ecological communities.
- The opportunity to comment during the strategic assessment process is very limited and would benefit from further opportunity to comment.
- There is inadequate information on what matters of national environmental significance occur on the ground and an understanding of what will be lost.
- The program needs to ensure retention of high quality vegetation within the expanded urban growth boundary.
- Victorian Government should provide secure and well managed protected areas and acquire them before clearing commences.
- Victorian legislation around the growth areas infrastructure charge places an unfair burden on current landowners (although this is not related to the strategic assessment).

Strategic assessment comment summary:

- During the statutory and additional public comment periods, approximately 1 500 submissions were received. Of these, 246 related to the program/IAR and included specific comments on the proposed grassland reserves. The other submissions related to matters not covered by the strategic assessment (such as the growth areas infrastructure charge).
- A submissions summary document titled *Delivering Melbourne's Newest Sustainable Communities: summary of submissions made to the strategic impact assessment report and the proposed western grassland reserves – October 2009* has been provided to the department by the Victorian Government with their responses to the public comments.
- The submissions summary document addresses Clause 9.1(d) of the strategic assessment agreement requiring the Victorian Government to provide "comments on how the public responses have been taken into account in the Final Report".

An overview of the issues raised in the submissions summary document is below.

Issue	Description of issue	Response by Victorian Government
Consultation period	The public comment period was too short to provide effective feedback on the program and there was a general lack of understanding about what the program actually involved.	<ul style="list-style-type: none"> ○ Further targeted consultation with land holders, NGOs and the general public has occurred since the program was released for public comment. ○ Revised IAR and program published on internet in early/mid November 2009.
Survey, data and mapping inadequate	The number of surveys conducted and the quality of data used to produce species/vegetation mapping was inadequate.	<ul style="list-style-type: none"> ○ Addressed through better explanation of the planning process. Further surveys will be conducted at various scales during the planning process and in appropriate seasons for targeted species e.g. the golden sun moth, spiny rice flower and matted flax lily.

Issue	Description of issue	Response by Victorian Government
Avoiding, minimising and offsetting native vegetation	More grasslands and woodlands should be reserved. More native vegetation should be protected within the expanded urban growth boundary.	<ul style="list-style-type: none"> It is not possible to protect all native vegetation within the new urban growth boundary however the Victorian Government is increasing the protection of grasslands from 2 to 20%. Significant areas of woodland have been avoided in the expansion of the urban growth boundary with a number of small reserves proposed.
Grassland reserves issues	<p>The process of acquisition of land for reserves needs clarification.</p> <p>Extent of the grassland reserves should exclude homes and land with no native vegetation.</p> <p>Management of grasslands (weed, pest and fire management) is poorly described.</p>	<ul style="list-style-type: none"> Clearing of native vegetation will not occur until an offset has been permanently established. The grassland reserves will be acquired within 10 years. An acquisition schedule will allow people to remain on their properties for as long as practicable. Consideration will be given to excluding land with lower value biodiversity from the reserves. A Commonwealth Government approved interim management plan will be developed to ensure the quality of grassland is maximised in the future. A full management plan will eventually be developed by the reserve manager.
Policy tools inadequate	The policies will not protect MNES or are poorly described.	<ul style="list-style-type: none"> Planning framework processes are being guided by Commonwealth Government approved biodiversity conservation strategies, specific species subregional management strategies and prescriptions.
Monitoring and auditing	How will actions be monitored, audited and reviewed in unclear.	<ul style="list-style-type: none"> An auditor will be appointed to assess how well the planning processes are being implemented.

Assessment of Victoria's response to comments:

- The submission summary document is an accurate representation of the views expressed during the statutory public comment period when compared against the original submissions.
- The issues raised in submissions have been adequately dealt with in the revised program/IAR submitted to the department for endorsement.
- The Victorian Governments responses to the issues raised in the statutory public comment period meet the requirements of the EPBC Act and the requirements of Clause 9.1(d) of the strategic assessment agreement.

Follow up options from issues raised:

- In response to concerns about the consultation period, it would be possible to seek public comment on proposed approval of actions following endorsement.

DELIVERING MELBOURNE'S NEWEST SUSTAINABLE COMMUNITIES

SUMMARY OF SUBMISSIONS MADE TO THE STRATEGIC IMPACT ASSESSMENT REPORT AND THE PROPOSED WESTERN GRASSLANDS RESERVES

OCTOBER 2009

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Melbourne, October 2009

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1. INTRODUCTION

The Victorian Government has entered into an agreement with the Commonwealth Government, under section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to conduct a strategic assessment of the potential impact of the Program 'Delivering Melbourne's newest sustainable communities' on matters of national environmental significance.

Seven matters of national environmental significance are identified under the EPBC Act, including threatened species and ecological communities, migratory species and World heritage properties. Any proposal to undertake an action (including strategic or policy proposals) that could have a significant effect on matters of national environmental significance requires approval from the Commonwealth Government.

The Program seeks to expand Melbourne's Urban Growth Boundary to develop residential and employment areas and related infrastructure within the growth areas and to construct the Regional Rail Link (west of Werribee to Deer Park) and Outer Metropolitan Ring (OMR) /E6 Transport Corridor.

In addition to the strategic assessment process, the Program will be subject to assessment and approvals under Victorian legislation.

In Melbourne 2030: a planning update – Melbourne @ 5 million (2008), the Victorian Government identified the need to review Melbourne's Urban Growth Boundary around the growth areas of Melbourne in response to population projections showing Melbourne will reach five million people faster than anticipated.

The Victorian Government anticipates that an additional 600,000 new dwellings will need to be accommodated in Melbourne over the next 20 years of which 316,000 new dwellings will be located in the established areas and 216,000 will be located in the growth areas.

In order for Melbourne's outward growth to occur in a sustainable way, it is important that sufficient land is allocated for housing, retail, local employment, open space, recreational facilities, schools and other community infrastructure; and for major infrastructure corridors and regional employment areas. The Victorian Government is seeking to do so with no net loss to biodiversity outcomes.

The Victorian Government has identified two major transport initiatives to facilitate Melbourne's growth: the Regional Rail Link and the OMR/E6 Transport Corridor. Refer to The Victorian Transport Plan (2008) and Freight Futures: Victorian Freight Network Strategy (2008).

On 2 December 2008, the Victorian Government announced its intention to expand Melbourne's Urban Growth Boundary to support a city of five million.

Melbourne @ 5 million identifies investigation areas to accommodate an additional 134,000 homes in an expanded Urban Growth Boundary.

The investigation areas are:

- Melbourne West, which includes land in the City of Wyndham and the Shire of Melton;
- Melbourne North, which includes land in the Cities of Whittlesea and Hume, and the Shire of Mitchell; and

- Melbourne South-East, which includes land in the City of Casey.

A consultation process was run by the Growth Areas Authority in early 2009 to consider submissions relating to land within the announced investigation areas and relating to the draft Urban Growth Boundary.

The Government received submissions into May 2009. A report summarising those submissions was prepared by the Growth Areas Authority.

Delivering Melbourne's newest sustainable communities was released for public comment in June 2009, which provided information about the Program including the rationale and proposed location of:

- Melbourne's revised Urban Growth Boundary and land for development;
- The alignment of the Regional Rail Link (west of Werribee to Deer Park) and the OMR/E6 Transport Corridor; and
- Grassland reserves in Melbourne's west.

A Strategic Impact Assessment Report for EPBC Act which outlined the strategic assessment of the Program, was released at the same time for public comment. Submissions were received between 17 June and 17 July 2009. A third round of consultation for property owners and occupiers affected by minor changes to the alignments of the transport corridors and boundaries of the grassland reserve was held from 26 August to 21 September 2009.

The Victorian Government has considered all submissions received in response to the Program and Strategic Impact Assessment.

1.1 PURPOSE OF THIS DOCUMENT

The purpose of this document is to report on the submissions received during public consultation in accordance with the requirements of the agreement with the Commonwealth Government, under section 146 of the EPBC Act.

The report is structured as follows:

- Section 2 provides a summary of public consultation processes:
- Section 2.1 summarises the submissions received for the Strategic Impact Assessment Report including the Government's response to issues raised.
- Section 2.2 summarises the submissions received for the proposed western grassland reserves including the Government's response to issues raised.
- Section 3 provides a list of submitters.

2. SUMMARY OF PUBLIC CONSULTATION PROCESS

Participatory processes involving key non-government stakeholders were commenced early in 2009 with the signing of the agreement to undertake the strategic assessment. An Environmental Reference Group was established and has held regular meetings. Members of the Environmental Reference Group include representatives from the Parks Victoria, Melbourne Water, Port Phillip and Westernport Catchment Management Authority, Victorian National Parks Association, Trust for Nature and Wyndham City Council, as well as the Department of Sustainability and Environment and Department of Planning and Community Development.

Major public consultation was conducted between 17 June and 17 July 2009. Letters were sent to 15,000 landowners and occupiers directly affected by the program, advertisements were placed in state and national newspapers outlining the program and inviting participation in eight public information sessions. Information was also provided on the websites of the Victorian Government agencies involved. Over 2,000 people participated in these information sessions, hundreds of calls were made to the call centre established for the program and calls were logged for follow-up by agency staff.

A web-portal was also established to receive formal submissions on the program. Approximately 1,500 submissions were received on the Delivering Melbourne's Newest Sustainable Communities Program. Ninety submissions were received on the Strategic Impact Assessment report and including 148 on the proposed Western Grasslands Reserves.

Following a preliminary review of submissions and analysis of new biodiversity data gathered during the major public consultation period, refinements were made to the alignments of the transport corridors and boundaries of the grassland reserves. Property owners and occupiers affected by these changes were sent a detailed package of information and maps and given an opportunity to make a submission during a third round of consultation from 26 August to 21 September 2009. Eight submissions regarding the grassland reserves were received during this period.

2.1 SUBMISSIONS MADE TO THE STRATEGIC IMPACT ASSESSMENT REPORT

2.1.1 OVERVIEW OF SUBMISSIONS

There were 90 submissions regarding the Strategic Impact Assessment Report. These came from a variety of individuals and organisations. The general themes covered included:

- scope and methodology of the Strategic Impact Assessment;
- process for consultation;
- survey, data and mapping issues;

- species not listed under the EPBC Act;
- the three step approach from Victoria's Native Vegetation Management - A Framework for Action (DNRE 2002);
- protection or retention of native vegetation within urban areas, including of woodland and grassland communities;
- offsets for clearing;
- mitigation measures;
- the land acquisition process and management of the proposed grassland reserves;
- principles of Ecologically Sustainable Development and population growth;
- cumulative impacts and threatening processes;
- landscape connectivity;
- waterways and wetlands;
- the use of policy tools and precinct planning to manage and plan for biodiversity values;
- monitoring, auditing and review.

Submissions from peak bodies, municipalities and academic institution are described below.

UNIVERSITY OF MELBOURNE AND OTHERS (SUBMISSION 8662)

The submission states that the report represents a step forward for integrated land-use planning in Victoria, but views the Report as not meeting some of the requirements of the EPBC Act.

In particular the submission states that:

- the overall methodology for the Strategic Impact Assessment is flawed;
- the Terms of Reference have not been met;
- the data are incomplete and more detailed surveys should be undertaken at appropriate time of year;
- avoidance has not been adequately addressed;
- key threatening processes have not been specifically addressed;
- there is uncertainty about how the grassland reserves will be secured and their values will be maintained prior to acquisition;
- grassland patches smaller than 150 hectares are viable and should be considered for retention within urban areas;
- there is a lack of detail about mitigation measures for grassy eucalypt woodland;
- mitigation measures for species have not been rigorously assessed to determine their effectiveness.

The submission recommends:

- improvements to the methodology including steps that should be included in an Strategic Impact Assessment;
- assessment of alternative options;
- use of more sophisticated habitat modelling and population analysis;
- that the Strategic Impact Assessment also address State regulatory requirements, particularly items listed under the *Flora and Fauna Guarantee Act 1988*.

ENVIRONMENT DEFENDERS OFFICE - VICTORIA (SUBMISSION 6661)

The submission supports the notion of Strategic Impact Assessment in principle but asserts that this assessment is not ideal.

In particular the submission states that:

- the process has been too short with not enough time devoted to public consultation;
- the overall methodology for the Strategic Impact Assessment is flawed;
- the Terms of Reference have not been met;
- the data are incomplete and further surveys are required;
- cumulative impacts are not addressed;
- avoidance has not been adequately addressed;
- the adequacy of current policies and tools to conserve biodiversity has not been evaluated;
- there is uncertainty about how the grassland reserves will be secured and their values will be maintained prior to acquisition;
- grassland patches smaller than 150 hectares are viable and should be considered for retention within urban areas;
- there is a lack of detail about mitigation measures for grassy eucalypt woodland;
- mitigation measures for species have not been rigorously assessed to determine their effectiveness;
- there is a lack of detail on the maintenance, operational, compliance and enforcement requirements of the management measures and that there is uncertainty regarding their implementation.

The submission recommends:

- improvements to the methodology;
- establishment of an independent monitoring authority;
- retention of sites with biodiversity values within the Urban Growth Boundary;

- that the Strategic Impact Assessment also address State regulatory requirements, particularly items listed under the *Flora and Fauna Guarantee Act 1988*.

CSONGRASS (SUBMISSION 6214)

The submission states that there are some extremely positive steps from a grassland conservation point of view, but that the vision falls short. The submission largely focuses on the Western Investigation Area.

In particular the submission states that:

- the process has been too short with not enough time devoted to public consultation;
- grassland patches smaller than 150 hectares are viable and should be considered for retention within urban areas;
- the data are incomplete and further surveys are required;
- there is a lack of detail on how wetland management outcomes will be achieved.

The submission recommends:

- more detailed mapping and further surveys;
- assessment of impacts on non-listed taxon;
- specific management actions for the proposed reserves, including the establishment of a Grassland Management Team;
- inclusion of specific additional areas in grassland reserves;
- creation of habitat links;
- land swaps to allow high quality sites within the Urban Growth Boundary to be retained;
- that the OMR Transport Corridor should be realigned to avoid high value sites.

URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA - VICTORIA (SUBMISSION 4512)

The submission supports the use of a Strategic Impact Assessment to reduce red tape and costs to business, but states that there are areas that could be improved.

The submission recommends:

- that the Strategic Impact Assessment also address State regulatory requirements;
- that the Strategic Impact Assessment should provide blanket approval under Commonwealth and State law and remove the need for further approvals;
- reconsideration of requirements to avoid, minimise and offset impacts at later stages (eg. the Precinct Structure Planning Process);
- simplification of species prescriptions so that proposed management and mitigation measures for threatened communities are considered to also address species requirements;

- development of an offset transaction model.

CITY OF WHITTLESEA (SUBMISSION 7238)

The submission commends the Government on the foresight to prepare an integrated long-term plan but states that there are a number of matters that require further consideration before the Program is approved. The submission focuses on the Northern Investigation Area.

In particular, the submission states:

- data are incomplete and more detailed surveys should be undertaken at appropriate time of year;
- there is a lack of clarity about future use, ownership and treatment of areas to be retained within the Northern Investigation Area;
- the City supports exclusion of woodland between Summerhill Road and Donnybrook Road, in principle;
- that it is inappropriate for grasslands cleared within the Northern Investigation Area to be offset within the proposed western grasslands reserves.

The submission recommends:

- reconsideration of development in the Quarry Hills area
- that native vegetation should be offset in the same municipality where it is cleared;
- reservation of a buffer to Merri Creek;
- exploration of strategies to protect biodiversity values in “retained areas” including through provision of offsets and incentives through land stewardship programs;
- assessment of development areas under the *Victoria’s Native Vegetation Management – A Framework for Action* (DNRE 2002).

MERRI CREEK MANAGEMENT COMMITTEE (SUBMISSION 8005)

The submission states that the Program described in the Strategic Impact Assessment report should not be endorsed by the Commonwealth Minister as it does not meet the Terms of Reference and is not consistent with the EPBC Act. The submission focuses on the Northern Investigation Area.

In particular, the submission states:

- the process has been too short with not enough time devoted to public consultation;
- the Terms of Reference have not been met;
- data are incomplete and further surveys are required;
- there is a lack of clarity about the locations and mechanisms for protecting “retained areas”;
- landscape connectivity is not adequately addressed;

- avoidance has not been adequately addressed;
- grassland patches smaller than 150 hectares are viable and should be considered for retention within urban areas;
- the amount of grassland to be removed in the Northern Investigation Area is not quantified;
- it is inappropriate to offset clearance of grasslands within the Northern Investigation Area within the proposed western grasslands reserves;
- there is a lack of clear, transparent information on why areas were either included or excluded from development in the Northern Investigation Area;
- there is an over-reliance on the Precinct Structure Planning process to “fine-tune” planning and management;
- there is a lack of detail on processes for monitoring, audit and review;
- issues of water quality and hydrology have not been addressed;
- the Merriang Biodiversity Action Plan and associated work done to involve landowners in land stewardship is not reflected;
- there is a lack of consideration of biodiversity impacts from Sewage Treatment Plants, Freight Logistics Precinct and additional infrastructure associated with the program.

The submission recommends:

- that VicRoads consult with Merri Creek Management Committee regarding the OMR/E6 Transport Corridor;
- there should be buffers to creeks.

LA TROBE UNIVERSITY AND OTHERS (SUBMISSION 6437)

The submission notes that the Strategic Impact Assessment attempts to put in place rigorous prescriptive measures to ensure that impacts from development are minimised, but notes concerns with indirect impacts on listed matters outside of the Urban Growth Boundary and grassland reserves.

In particular, the submission states that the direction of all offsets from the expansion of the Urban Growth Boundary into the proposed grassland reserves will destroy the market for offsets; place many remnants in immediate danger of clearing and remove offset funds available for conservation.

It recommends that Department of Environment, Water, Heritage and Arts determine a defined offset ratio and provides examples.

ROYAL BOTANIC GARDENS MELBOURNE, INCLUDING THE AUSTRALIAN RESEARCH CENTRE FOR URBAN ECOLOGY (SUBMISSION 6522)

The submission notes that the Royal Botanic Gardens shares the Government's commitment to maintaining and enhancing biodiversity, but provides comment on ways to improve the Report.

In particular, the submission states:

- the data are incomplete;
- the Victoria Planning Provisions are currently deficient in their ability to incorporate biodiversity values at the regional level into strategic planning;
- landscape connectivity is not adequately addressed;
- preservation of remnant vegetation should be the first priority;
- the offsets proposed for clearance of grassy eucalypt woodlands are inadequate;
- the proposed mitigation options lack sufficient scientific knowledge;
- there is a lack of detail about the development and implementation of the Precinct Planning Guidelines and Biodiversity Precinct Planning Kit.

The submission recommends:

- improved data collation and assessment;
- further research and development of new policies to achieve conservation outcomes;
- the creation and implementation of regional defragmentation plans;
- urban developments should be designed to provide ecosystem services and habitat;
- improving the approach to better promote ecologically sustainable development;
- consideration be given to additional reserve areas within the North and South east Investigation Areas;
- that the Strategic Impact Assessment also address State regulatory requirements, particularly items listed under the *Flora and Fauna Guarantee Act 1988*.

CARDINIA SHIRE COUNCIL (SUBMISSION 8012)

The submission notes extensive concerns about the Strategic Impact Assessment and its potential to significantly impact on the timetable for delivery of the Shire's structure plans.

In particular, the submission states:

- not enough time has been devoted to public consultation;
- the data are incomplete and further surveys are required;
- the timing for additional work will impact on precinct structure plans that are currently underway;
- there are resource constraints on implementation, including any monitoring that responsible authorities are required to undertake.

The submission recommends:

- a review process for the Department of Sustainability and Environment decisions;
- that mitigation measures for species and habitats should be more flexible and respond to site context;
- clearer parameters for minimisation and offsets;
- guidance on further work that is to be undertaken.

VICTORIAN NATIONAL PARKS ASSOCIATION (SUBMISSION 8289)

The submission welcomes the Government's commitment to the new grasslands reserves and supports the idea of a strategic approach, but raises a range of issues.

In particular, the submission states:

- the process has been too short with not enough time devoted to public consultation;
- the data are incomplete and further surveys are required;
- there is a lack of clear, transparent information on why areas were either included or excluded from development;
- avoidance has not been adequately addressed;
- there is no assessment of gains that will be achieved by the proposed offsets;
- there is uncertainty about how the grassland reserves will be secured and their values will be maintained prior to acquisition;
- grassland patches smaller than 150 hectares are viable and should be considered for retention within urban areas ;
- there is a lack of detail about mitigation measures for grassy eucalypt woodland;
- mitigation measures for species lack detail and have not been rigorously assessed to determine their effectiveness;
- there is an over-reliance on the Precinct Structure Planning process to "fine-tune" planning and management and that values need to be identified prior to this process.

The submission recommends:

- extending the consultation period;
- further targeted survey work;
- that the OMR/E6 Transport Corridor be realigned to avoid high value sites;
- that trade-offs be made clear in a science-based, consultative process;

- retention of grassland sites within the urban area if they contain multiple values and can be logically included in an urban conservation network;
- retention of grassy eucalypt woodlands within the urban area;
- retention of grassy wetlands within the urban area with buffers;
- protection of specific additional high values sites within urban areas;
- reservation of a buffer to Merri Creek;
- development of a transparent and detailed grassland reserve design plan;
- development of enforceable management guidelines and plans for all organisations with responsibility for managing significant grassland patches;
- development of strategic plans that address each threatened species.

2.1.2 RESPONSE TO ISSUES RAISED

SCOPE OF STRATEGIC IMPACT ASSESSMENT

Some submissions queried the scope of the Strategic Impact Assessment process as it pertains to various future Commonwealth and State Government approvals processes.

Government response

The Strategic Impact Assessment has been developed to satisfy Commonwealth Government requirements for assessment of matters of national environmental significance (MNES). It does not replace State processes.

The Strategic Impact Assessment accounts for MNES that are described in the program documentation. Additional MNES that are not covered by the Strategic Impact Assessment will require the preparation of a prescription for managing the issue. Any such prescriptions will be developed in consultation with the Commonwealth Government.

EQUITY AND PROCESS

Several submissions were concerned that there was limited time available for public consultation.

Government response

The Victorian Government has endeavoured to make the consultation process as inclusive and accessible as possible. There have been two periods of public consultation. An initial two month consultation period following the release of Melbourne @ 5 Million in December 2008 encouraged interested parties to provide comment on the broad proposal. This included the four investigation areas and creation of two grassland protected areas. The second consultation period involved establishment of a government website and specific information line; eight information sessions in locations across the investigation areas; a mail out to those directly affected by the proposals; and a one-month public submission period.

Further targeted consultation has occurred. Releasing the Program report into the public domain will allow the community to better understand the Program

DATA AND METHODOLOGY

A number of submissions raised questions about the quality and quantity of data used in developing the proposals described in the Strategic Impact Assessment report.

Government response

To the west of Melbourne, detailed on-ground surveys were undertaken over the past 18 months. All relevant properties were surveyed unless permission to access the property was not able to be gained from the owner.

Throughout the study area, the best available information including field data from the Department of Sustainability and Environment and the Growth Areas Authority, consultant's reports and Department of Sustainability and Environment modelling were used to develop the proposed program. A precautionary approach was used in developing the proposed program.

The amount and type of data used in the revised Strategic Impact Assessment report is described in detail in the report.

Additional data will be collected during 'downstream' processes. This will include further subregional surveys, Precinct Structure Planning Surveys, and ecological monitoring.

Surveying will be conducted at varying scales, at appropriate seasons and for targeted species, such as the Golden Sun Moth, Matted Flax-lily and Spiny Rice-flower.

CONSIDERATION OF PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Several submissions referred to principles of ecologically sustainable development, urging that the proposals accord with these principles. Others raised the issue of population growth. Some of these submissions suggested a greater emphasis be placed on urban consolidation within the existing Urban Growth Boundary.

Government response

Population projections released in 2008 show that Melbourne is growing rapidly, and will reach 5 million people faster than anticipated. The proposals announced, including proposals for the western grassland reserves, take an integrated long term approach to land use and transport planning to ensure that infrastructure and essential services will be ready as communities grow. A vital part of the approach has been the agreement with the Commonwealth Government to undertake a strategic assessment of the likely impact of the projects on matters of national environmental significance, bringing a deeper appreciation of how to balance urban development with environmental impacts.

A combination of urban consolidation and Greenfield development will be required to accommodate Melbourne's population growth. Of the new dwellings required, it is anticipated that 316,000 will be accommodated in the established areas and 284,000 dwellings will be accommodated in the growth areas.

AVOIDANCE, MINIMISATION AND OFFSETTING NATIVE VEGETATION

Some submissions placed emphasis on the importance of the three step approach of avoiding, minimising and offsetting native vegetation clearing outlined in Victoria's Native Vegetation Management Framework.

Several submissions urged that more native vegetation be protected, or that all native vegetation in the study area be protected.

Several submissions proposed more grassland or woodlands be reserved. or expressed interest in better understanding how woodland communities would be protected. A number of submissions proposed the permanent protection of woodland communities which are to be excluded from the Urban Growth Boundary in order to avoid vegetation clearing.

Some submissions questioned whether the offsets proposed were adequate, or questioned the concept of offsetting as a general strategy or the provision of offsets within the grassland reserve.

Several submissions urged that offset areas be secured prior to any clearing being permitted and/or that funds for purchase of offsets be secured at the outset.

Government response

The proposed program, including all offsets that will be required as a result of permitted clearing, is consistent with the requirements of the Victoria's Native Vegetation Management – A Framework for Action (DNRE 2002):

- *Avoidance has been achieved across the programme.*
- *Minimisation will occur during Growth Area Framework Plan and Precinct Structure plan development.*
- *Offsetting will be required where clearing has not been avoided. In most cases clearing of native vegetation will not occur until an offset has been permanently established, as required by the Native Vegetation Management Framework.*

It is not possible to protect all native vegetation. However, in response to the likely clearing of native grassland vegetation within the new Urban Growth Boundary, Victoria will protect the largest consolidated area remaining of volcanic plains grasslands. This will increase the representation of native grasslands in the protected area system from 2 per cent to 20 per cent.

Areas proposed for inclusion in the western grassland reserves will contribute to the long-term conservation of the largest remaining area of western plains grassland and associated threatened species habitat in Victoria. Co-locating the offsets for clearing for further development provides a substantially better outcomes than if offset sites were scattered. Controlling weeds, pests and fire is more cost-effective and easily done in a large reserve than many small reserves. Past management of small reserves has been poorly funded with poor results.

The new grassland reserves will be acquired as quickly as practicable. The process will be completed within ten years.

Significant areas of woodland clearing have been avoided and minimized in the expansion of the Urban Growth Boundary. All offsets for permitted clearing of grassy woodlands, including the EPBC-listed Grassy Eucalypt Woodland of the Victorian Volcanic Plain will meet the requirements of the Native Vegetation Management Framework. Improved security for key woodland remnants

is proposed in the revised Strategic Impact Assessment report. An indicative map will a number of small reserves to be established with the Urban Growth Boundary.

Growth Area Framework Planning will be undertaken for all new development areas. This process will allow for environmental values to be taken into account through sub-regional conservation strategies and designation of broad open space areas and habitat linkages. Precinct structure planning will provide detailed resolution of these areas in conjunction with further detailed data collection.

CONSIDERATION OF SPECIES NOT LISTED UNDER THE EPBC-ACT

Several submissions expressed concern that species not listed under Commonwealth legislation were not being considered.

Government response

The Strategic Impact Assessment has been developed to satisfy Commonwealth Government requirements for assessment of matters of MNES. It does not replace State processes. The Strategic Impact Assessment accounts for current MNES as described in the program documentation. Where relevant, additional matters of MNES not covered by the Strategic Impact Assessment will require the preparation of a prescription for managing the issue developed in consultation with the Commonwealth Government.

Impacts on species other than those listed under the EPBC Act will be considered through subsequent processes including precinct structure planning processes.

Prescriptions for species not currently listed under the EPBC Act will be developed if they are listed in the future (Please see page 61 of the Strategic Impact Assessment report.)

WATERWAYS AND WETLANDS

Some submissions raised concerns about the impact of urbanisation on hydrology and water quality in creeks and wetlands, often recommending buffers.

Government response

Excepting Ramsar listed wetlands, the issues of waterways and wetlands were outside the scope of the Strategic Impact Assessment. These issues will be dealt with through urban design during the Precinct Structure Planning process.

CONSIDERATION OF CUMULATIVE IMPACTS AND LANDSCAPE CONNECTIVITY

Some submissions were concerned that cumulative impacts and threatening processes were not adequately addressed.

Some submissions were concerned about landscape connectivity and proposed habitat links through the urban area.

Government response

The Strategic Impact Assessment is a new approach to considering impacts from urban development within metropolitan Melbourne. The consideration of potential impacts across the investigation areas through the Strategic Impact Assessment, rather than during ad-hoc development referrals, ensures that potential cumulative impacts from this Program are considered at a strategic level with the development of appropriate mitigation and offset approaches.

Issues of landscape connectivity and habitat links have been considered during the design of areas to be retained within the Urban Growth Boundary and the Grassland Reserves

Landscape design and protection of corridors is a key feature of the mitigation measures proposed for Southern Brown Bandicoot, Growling Grass Frog and other species.

Corridors will be fully identified through Growth Area Framework Plans and Precinct Structure Planning processes..

MITIGATIONS MEASURES AND PRESCRIPTIONS

Some submissions called for greater detail regarding mitigation measures.

Some submissions raised concerns about the adequacy of current tools, particularly the precinct planning process to deliver biodiversity outcomes. Others were concerned about the impact of proposed mitigation actions and further work on the progress of precinct plans.

Government response

Greater detail has been included in the revised Strategic Impact Assessment report about management commitments and the way in which mitigation measures will be achieved.

Prescriptions for management of MNES within precinct structure planning areas have been refined as described in the revised Strategic Impact Assessment report.

A review of current policy tools used to deliver biodiversity outcomes was outside the scope of the Strategic Impact Assessment.

Prescriptions within the Strategic Impact Assessment Report will guide the consideration of biodiversity issues during precinct structure planning.

The Growth Area Framework Planning, Precinct Structure Planning, Native Vegetation Precinct Planning and CMP processes will be guided by a regional biodiversity conservation strategy and specific species sub-regional management strategies to be approved by DEWHA. This will provide greater certainty to protect matters of national environmental significance.

MONITORING AND AUDITING

Some submissions raised concerns about how actions were going to be monitored, audited and reviewed, including who would be responsible and what resources were available for this.

Government response

The Strategic Impact Assessment Report includes commitments to appoint an auditor to assess how well the Precinct Structure Planning Guidelines support the protection of matters of national environmental significance under the EPBC Act; to provide biennial audit reports to the State and Commonwealth Governments; and five-yearly reviews of the Precinct Structure Planning Guidelines.

Responsibility for undertaking monitoring within the Western Grasslands Reserves and on public land will rest with the Department of Sustainability and Environment. The Growth Areas Authority will ensure that monitoring arrangements for retained areas of private land are clarified as an outcome of the Precinct Structure Planning process.

2.2 SUBMISSIONS MADE TO THE PROPOSED WESTERN GRASSLANDS RESERVES

2.2.1 OVERVIEW OF SUBMISSIONS RECEIVED

There were 148 submissions received regarding the proposed Western Grassland Reserves. Ninety per cent of these submissions opposed the proposed Western Grassland Reserves.

A survey commissioned by Department of Sustainability and Environment identified 48 homes and approximately 200 properties within the proposed Western Grassland Reserves area. Submissions were received from 48 home owners and 39 property owners. All of these object to the proposed Western Grassland Reserves.

The total number of submissions received does not directly correspond to the number of individuals or organisations who made submissions. In some cases individuals made multiple submissions and a number of joint submissions from groups of land owners were also received. In some cases individuals who contributed to joint submissions also made submissions independently.

2.2.2 SUBMISSIONS OPPOSING PROPOSAL

Common thematic issues about the creation of a Western Grasslands Reserve:

- Many propose grasslands of high value in the proposed Urban Growth Boundary must be similarly protected.
- Some propose clearing in the Urban Growth Boundary must not proceed until the Western Grassland Reserves have been established.
- Many propose extending the consultation process to undertake further data analysis to inform Strategic Impact Assessment Report and to allow better community consultation
- Many are concerned that appropriate weed control will be difficult.
- Many are concerned that appropriate pest control will be difficult.
- Many are concerned that appropriate fire risk management for urban boundary dwellings will be difficult.
- Many are concerned about ongoing management and sufficient funding of the Western Grassland Reserves by Government.
- Many question the net gain policy three step approach, and believe proposed offsets are not adequate or that avoid and minimise steps have been ignored.
- Some are concerned that high quality native vegetation in the proposed Urban Growth Boundary is being offset with poor quality native vegetation in the proposed Western Grassland Reserves.
- Some are concerned that habitat corridors between biodiversity areas will be destroyed/not actively created.

Additional thematic issues raised by home and property owners within the proposed Western Grassland Reserves:

- Many propose that owners be allowed to remain in homes or continue to use land productively for social, historical or financial reasons and are not seeking rezoning of their land into the Urban Growth Boundary.
- Many propose that owners remain in their homes and manage the land in partnership with Government.
- Many propose altering the Western Grassland Reserves boundaries to exclude established homes and businesses from the reserve, with some proposing the inclusion of established homes and businesses in the Urban Growth Boundary citing land as suitable for development given proximity to infrastructure and facilities.
- Some propose alternative areas that could be used for offsets, and provide site specific details.
- Many state that no native vegetation of value exists on their property, with the expectation that the area would as such be re-zoned in the future.
- Many are concerned regarding significant financial and emotional hardship through the acquisition process.
- Many are concerned regarding the quality and quantity of data used in developing the proposals described in the Strategic Impact Assessment report.
- Many are concerned regarding the consultation process: for not providing enough time to response adequately, nor enough accessible information (in particular for those with no access to computers, or with English as a second language).
- Many question the logic and fairness of destroying old homes to establish new ones.
- Many question the logic and fairness of acquiring established land to offset damage caused by developers and new home buyers.
- Some state that they had not been contacted to organise surveying of their land.
- Some disagree with Strategic Impact Assessment of Golden Sun Moth and Spiny Rice Flower habitats.
- Some question government commitment to acquiring land under the Land Acquisition and Compensation Act 1986 (LAC Act).

2.2.3 SUBMISSIONS SUPPORTING PROPOSAL

Common thematic issues raised in general:

- Many submissions confirm support for protection of Victorian grasslands.
- Many propose expanding proposed Western Grassland Reserves to include more grasslands, or all that within the study areas.
- Some propose permanent reservation of the woodland communities excluded from the Urban Growth Boundary.

- Some propose that clearing in the Urban Growth Boundary does not proceed until WGR have been established and/or upfront funding confirmed.
- Some propose project timelines be extended to include improved data collection from surveys and community consultation.

2.2.4 RESPONSE TO ISSUES RAISED

GRASSLANDS RESERVES EXTENT AND QUALITY

Some submitters proposed altering the reserves boundaries to exclude homes and businesses from the western grassland reserves and in some cases rezoning that land to urban growth.

Some submissions queried why land with no native vegetation was being acquired.

Government response

The grassland reserves include the largest consolidated area remaining of volcanic plains grasslands in the country. Consideration will be given to excluding land with lower value biodiversity from the reserve, where this does not compromise the integrity or management of the reserve.

Areas proposed for inclusion in the western grassland reserves include remnant native grasslands in a range of conditions as well as areas proposed for restoration of habitat values in order to contribute to the long-term conservation of the largest remaining area of western grassland and associated threatened species habitat in Victoria.

New land will be included within the boundary to the south of the large western grassland reserve.

The land within the new Urban Growth Boundary provides sufficient land for Melbourne's future population growth.

GRASSLANDS RESERVES ACQUISITION AND MANAGEMENT

Several submissions proposed that funding should be provided upfront and/or the reserves established prior to clearing.

Many submissions sought clarification on issues relating to land acquisition for the proposed grassland reserves.

Some submissions queried the commitment to ongoing management of reserve by Government and/or proposed weed control, pest animal control or fire management.

Some homeowners proposed that they should retain ownership of their properties and manage the land with the Government.

Government response

In most cases clearing of native vegetation will not occur until an offset has been permanently established, as required by the Native Vegetation Management Framework. The new grassland reserves will be acquired as quickly as practicable. The process will be completed within ten years.

The acquisition schedule will allow people to remain on their properties for as long as practicable. Acquisition of properties will be based on fair payment to landholders for land and capital improvements such as buildings, as required by the LAC Act.

Values will be protected prior to acquisition through the provision of community grants to assist in management and through compliance programmes under the Catchment and Land Protection Act 1994, Planning and Environment Act 1987 and the EPBC Act. A DEWHA approved interim management plan will be developed to ensure the quality of listed grasslands is maximised for the future of the reserve.

Details of reserve management will be determined through a detailed reserve planning process led by the Department of Sustainability and Environment. Community and expert input will be sought.

Control of weeds will be a major focus of management efforts from the commencement of the acquisition program. Incentives will be provided to assist landowners to continue to manage weeds in the short-term. Over the longer term management of weeds will be in accordance with a management plan for the reserves which will be prepared by the reserve manager in consultation with the community.

Management of pest animals and of wildlife will be in accordance with a management plan for the reserves which will be prepared by the reserve manager in consultation with the community.

Consistent best practice fire management will be applied through an integrated fire management planning approach.

Consideration is being given to alternative land stewardship arrangements which may satisfy the requirements of the EPBC Act and Victoria's Native Vegetation Management - A Framework for Action. Acquisition remains the preferred option and such arrangements would only be considered in special cases.

EQUITY AND PROCESS

Some submission queried the length of the consultation period.

Some submissions queried the fairness and logic of entire project and acquisition process.

Government response

The Victorian Government has endeavoured to make the consultation process as inclusive and accessible as possible. There have been two periods of public consultation. An initial two month consultation period following the released of Melbourne @ 5 Million in December 2008 encouraged interested parties to provide comment on the broad proposal. This included the four investigation areas and creation of two grassland protected areas.

The second consultation period involved establishment of a government website and specific information line; eight information sessions in locations across the investigation areas; a mail out to those directly affected by the proposals; and a one-month public submission period.

A third round of consultation has occurred following refinement of the grassland reserves boundaries.

The expansion of the Urban Growth Boundary will result in the loss of areas of native grassland. The establishment of the western grassland reserves will offset the loss of native grassland through the long-term conservation of the largest remaining area of western grassland and associated threatened species habitat in Victoria.

Issues of fairness in the provisions of compensation for the acquisition of land for a public purpose is dealt with through the LAC Act.

This includes a requirement for the payment of fair compensation to land holders for land and capital improvements such as buildings. The LAC Act also provides dispute resolution mechanisms where the amount of compensation offered is disputed by land holders. Depending on the value of the claim, a determination can be made by either by the Victorian Civil and Administrative Tribunal or a Court.

The schedule for the acquisition of the reserve will allow people to remain on their properties for as long as practicable. Acquisition of properties will be based on fair payment to landholders for land and capital improvements such as buildings, as required by the LAC Act.

FINANCIAL AND EMOTIONAL HARDSHIP

Some submissions cited financial and emotional hardship of home acquisition.

Government response

Land acquisition and compensation issues will be managed in accordance with the LAC Act.

The acquisition schedule will allow people to remain on their properties for as long as practicable. Acquisition of properties will be based on fair payment to landholders for land and capital improvements such as buildings, as required by the LAC Act.

OTHER ISSUES

Other issues raised in the grassland reserve submissions including data quality; avoidance minimisation, and offsetting of native vegetation; and landscape connectivity were also raised in submissions to the Strategic Impact Assessment report. The government response to these issues is outlined under Strategic Impact Assessment Report – Response to Issues Raised.

2.3 SUBMISSIONS MADE IN THE THIRD ROUND OF PUBLIC CONSULTATION

2.3.1 OVERVIEW OF SUBMISSIONS

There were eight submissions to the third round of consultation relating to small variations to the grassland reserves. These included five submissions relating to the proposed changes to the grassland reserves and three submissions relating to the original grassland reserve boundaries. Five submissions objected to the acquisition of properties for the grassland reserves and questioned whether their properties contained any biodiversity values and recommended further survey work. One submission related to a property which was being partially acquired and requested that all or none of the property be acquired. The other two submissions supported the grassland reserves, one made recommendations to their management and the other recommended the reserves be further extended.

2.3.2 RESPONSE TO ISSUES RAISED

The Government responses provided in section 2.2.4 are relevant to these eight new submissions. No additional responses are required.

3 REFERENCES

Department of Natural Resources and Environment (2002). *Victoria's Native Vegetation Management Framework: A Framework for Action*. Department of Natural Resources and Environment, East Melbourne.

State Government of Victoria (2008). *Freight futures: Victorian Freight Network Strategy: for a more prosperous and liveable Victoria*. Department of Transport, Melbourne.

State Government of Victoria (2008). *The Victorian Transport Plan*. Department of Transport, Melbourne.

4 LIST OF SUBMITTERS

4.1 STRATEGIC IMPACT ASSESSMENT REPORT

Name	Organisation
Mrs Christine Adams	
Karen Alexander	The Victoria Naturally Alliance
Mario Attard	
Ms A Azaris	Sunbury Maribyrnong Valley Green Wedge Defenders
Ms Arnie Azaris	Sunbury Conservation Society Inc.
Ms Arnie Azaris	Sunbury Conservation Society Inc.
Dr Russell Best	
Somia Blain	SMH Andrew Nominees Pty. Ltd
Sonya Blain	SMH Andrew Nominees Pty Ltd
T.D. Blain	SMH Andrew Nominees Pty. Ltd
M Janette Carr	
Mr Brendan Casey	private
Ms Karina Castan	
Miss Adele Cerosoli	
Mr & Mrs Pamela and Colin Clune	
Ms Maggie Cowling	
Mr Michael Davies	
Ms Susan Davies	Westernport Swamp Landcare Network
Ms Susan Davies	Westernport Swamp Landcare Network
Susan Davies	Westernport Swamp Landcare Network Southern Brown
Mr Giorgio De Nola	CSonGrass
Ms Carrie Deutsch	
Mr Dennis Emberson	
Mr Nicholas Evans	
Mr Tony Faithfull	Indigenous Flora and Fauna Association Inc
Ms Jane Farnan	
Mr. Walter Fioritti	
Mr Patrick Fitzgerald	
Mr Michael Fogarty	
Margaret A Gray	on behalf of 14 neighbours
Miranda Haler	
Miranda S. Haler	SMH Andrew Nominees Pty.Ltd
Mr Dietmar Hildebrand	
Robin H Hocking	
John Holland	Cardinia Shire Council
Adrian Infanti	Darebin Creek Management Committee Inc
Ms Marnie Ireland	Australian Research Centre for Urban Ecology
Claudia James	Friends of Wallan Creek
Mrs Alison Joseph	
mr karl just	
Mr Chris Lewis	

Name	Organisation
MS Julie Macdonald	Clarkefield and District Farm/Landcare
Luisa Macmillan	Merri Creek Management Committee
Ms Julie Mason	
Dr Freya Mathews	Philosophy/CACE Latrobe University
Mr Craig` McGrath	City of Yarra
Garry McQuillan	Cardinia Shire Council
Greg Miller	Stockland
Ms Anna Molan	
Dr David Moon	
Mr Ian Morgans	Port Phillip & Western Port CMA
Carol Morley	
Mr Peter Moulton	Trust for Nature
Martin Muscat	
Mr Martin Musgrave	Urban Development Institute of Australia (Vic)
Mrs Carol Nelson	
Marie Ormonde	
Mr Glenn Osboldstone	
Justine O'Meara	City of Whittlesea
Dr Megan O'Shea	
Dr. Kirsten Parris	School of Botany, University of Melbourne
Dr Ian Patrick	
Mr Justin Pegg	
Dr Susan Peirce	
Ms Julia Perdevich	
Pascale Pitot	
Mr Ray Radford	
Miss Deborah Reynolds	Victoria University, Sustainable Ecology, building
Miss Maria Riedl	
Mr Andre Rigoni	
Mr Martin Roberts	
John Robinson	Port Phillip & Westernport Catchment Authority
Ms Louise Romanin	
Matt Ruchel	Victorian National Parks Association
AProfessor James Thom	
Mr Ben Thomas	Pimelea spinescens Recovery Team
Mrs Kylie Thorburn	
Miss Angela Tiede	
Mr Warren Tomlinson	
Mr Karl Tracksdorf	
John Upsher	Internode
John Upsher	
Mr Wayne Vella	
Mrs Martine Wakeham	
Cam Walker	Friends of the Earth Melbourne
Mr Sean Walsh	Friends of Darebin Creek
Mr Rupert Watters	Environment Defenders Office
Miss Esther Wong	
Mr Nathan Wong	La Trobe University
Peng Hong Wong	VIP Rockbank Pty Ltd

4.2 WESTERN GRASSLAND RESERVES

Name	Organisation
#Not Supplied# #Not Supplied#	
#Not Supplied# #Not Supplied#	Sunpork Enterprises P/L
#Not Supplied# #Not Supplied#	Holt & MacDonald Pty Ltd
#Not Supplied# #Not Supplied#	Public and Rockbank residence
Mr Daryl Akers	
Karen Alexander	Victoria Naturally Alliance
Karen Alexander	Victoria Naturally Alliance
Eerzulla Alievski	
Rifat Alievski	
B. Armstrong	
B. Armstrong	
Barry Armstrong	
Barry Armstrong	
Barry Armstrong	
S. Armstrong	
Ms A Azaris	Sunbury Maribyrnong Valley Green Wedge Defenders
Ms Arnie Azaris	Sunbury Conservation Society Inc.
Mary Rose Azzopardi	
A.M. Blain	SMH Andrew Nominees Pty. Ltd
J Blain	SMH Andrew Nominees Pty. Ltd
Jata Blain	SMH Andrew Nominees Pty Ltd
Sonya Blain	
Corie Bugeja	
Corie & Sylvia Bugeja	
Corie and Sylvia Bugeja	
J and G Buhagia	SMH Andrew Nominees Pty Ltd
Joe and Gina Buhgiar	
Mr Robert Burns	
Frank Buttigieg	
Paul and Maria Capela	
Paul and Maria Capela	SMH Andrew Nominees Pty Ltd
mr Andrew Cassar	
Mr Dan Cassar	
Mr Jeff Cassar	
Mr Shane Cassar	
Mrs Tamara Cassar-Gray	
Miss Adele Cerosoli	
Mr John Cicero	Best Hooper Solicitors
Pamela and Colin Clune	
Rosalie Counsell	Green Wedges Coalition
Don and Rosemaria Curmi	
Rita and Joseph Curmi	
K. Czerwinski	
Mr & Ms D Knight & S	

Name	Organisation
Armstrong	
Mr & Ms D Knight & S Armstrong	
Mr Giorgio De Nola	CSonGrass
M.G. Dennis	M.G.Pastoral Co. Pty. Ltd.
Mr Bohdan Drozdowskyj	
Dennis Emberson	
Robert Emmins	
Ms Jennie Epstein	
Mr Nicholas Evans	
Steven Geoffrey and Christine Evans	
Mr Tony Faithfull	Indigenous Flora and Fauna Association Inc
Miss Julie Fanning	"Sunnyside"
Andrew and Tania Fava	
Dr Denise Fernando	
Mr. Walter Fioritti	
Bernie Fox	
Ms Stacey Gardiner	Hume City Council
MR JEFF GARFIELD	GARFIELD MAYALL PTY LTD
Peter Gibbs	
Miss Anuradah Gnanathnimuthalian	
Walter Grahame	
Mr Andrew Gray	ARG Planning
John Grech	
John Grech	SMH Andrew Nominees Pty.Ltd
Mr John Gregg	
Mr Peter Griffiths	
Miranda S. Haler	SMH Andrew Nominees Pty. Ltd
M Haler	SMH Andrew Nominees Pty. Ltd
S Haler	SMH Andrew Nominees Pty. Ltd
Sonia Haler	
Francis Hinchliffe	
Mr Tong Hu Huang	
Mrs Alison Joseph	
Ziili Joung	
mr karl just	
mr karl just	
Mrs Margo Karagiozakis	
Mr Mark Karagiozakis	
J and S Karathanasis	Asplan Town Planning
Terrence John Keating	
Norman Keegel	
Mrs Sapna Khan	Legoll Legal Practitioners
D. Knight	
Mr William Kuszniczuk	Clement Stone Town Planners
Mr Phat Lam	Tekcon Group Pty LTD
Ms Jody Laughton	
Erin and Tony Levy	

Name	Organisation
Mr Chris Lewis	
Swbi Lika	SMH Andrew Nominees Pty.Ltd
Ana Liptak	
Maria and Michael Liptak	
Mr Hanbiao Liu	Amazon Group Holdings Pty Ltd
Mr Tristan Martin	
Mr Greg Megson	
Anthony Melissari	
Nino Melissari	
Alfred Micallef	
Greg Miller	Stockland
Greg Miller	Stockland
Ines Mizzi	
Pattie Morgan	
Mr M Morizzi	
Ms Mimi Morizzi	
John and Mary Morton	
Mr Martin Musgrave	Urban Development Institute of Australia (Vic)
Mr David Ngo	
Giovanni and Pasquale Nigro	
Dr Megan O'Shea	
Agata Ostric	
Mr Scott patten	
Darrel Pearce	
Leanne Pearce	
Terry Pearce	
Terry Pearce	
Mr Justin Pegg	
Pascale Pitot	
Martin Purslow	National Trust
Mrs Janette Quayle	
Miss Deborah Reynolds	Victoria University, Sustainable Ecology, building
Miss Maria Riedl	
Peter Roberts	
Mr George Romanella	George Romanella Barrister & Solicitor
Bepina Sabali	
Mia Sablic	
Tanya Sammut	
Mr Sellathurai Selvarajah	
Mr Eric Sharkey	
Mr Keith Sheridan	
Mr Kieran Patrick Sheridan	
Marie Mier Sobolie	SMH Andrew Nominees Pty.Ltd
Charlie Spiteri	
Mr Frank and Michelle Spiteri	
Mr. Frank and Michelle Spiteri	
Mr John STEVENS	"RockRidge"
Jason Summers	
Sue Tardif	

Name	Organisation
Mr Rodney Thynne	
Miss Angela Tiede	
Mr Warren Tomlinson	
Mr Simon Travlos	
Helen van den Berg	Friends of Steele Creek Inc.
Mr Peter Vella	
Mrs Martine Wakeham	
Rosemary West	Green Wedges Coalition
Miss Esther Wong	

4.3 THIRD ROUND OF PUBLIC CONSULTATION

Name	Organisation
Mr John Glossop	Glossop Town Planning Pty Ltd
Sapna Khan	Legoll
	Asplan Town Planning (for C&M Kyriazis)
	Asplan Town Planning (for T & G Galea)
Maurice Stabb	Wyndham City Council
Alice Buscombe	
Lynne Josephs	The Planning Group (for Lionsbrau Manor Pty Ltd)
Lynne Josephs	The Planning Group (for Mr Mario Attard)

Delivering Melbourne's newest sustainable communities

Public Consultation Final Report on Submissions

November 2009

Delivering Melbourne's newest sustainable communities

Public Consultation Final Report on Submissions

The discussion of the Urban Growth Boundary, Regional Rail Link, Outer Metropolitan Ring / E6 Transport Corridor and Grassland Reserves within this report reflects the content of Amendment VC55 as approved by the Minister for Planning, which is still subject to ratification by Parliament before the Amendment comes into operation.

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Introduction

Purpose of report

This is the final report on submissions received throughout the consultation period for *Delivering Melbourne's newest sustainable communities*, which includes a review of the Urban Growth Boundary and the identification of alignments / reservations for the Regional Rail Link, Outer Metropolitan Ring / E6 Transport Corridor, and two grassland reserves. The report outlines the consultation process, including an explanation of how submissions were considered, where changes were made to the proposals and a summary of issues raised and the Government's response to those issues.

Project context

In December 2008, the Victorian Government released the following four documents for shaping Melbourne:

- > *Victoria in Future 2008*;
- > *Melbourne 2030: a planning update – Melbourne @ 5 million* (“*Melbourne @ 5 million*”);
- > *The Victorian Transport Plan*; and
- > *Freight Futures: Victorian Freight Network Strategy* (“*Freight Futures*”).

Victoria in Future 2008 provided an update to Victoria's population projections. It indicated that Melbourne will reach a population of five million people faster than anticipated. Over the 30 years from 2006 to 2036, Victoria will grow by 2.3 million people, with 1.8 million additional people in metropolitan Melbourne and about 477,000 in regional Victoria.

Melbourne @ 5 million outlined the implications of *Victoria in Future 2008* growth projections for Melbourne's future settlement pattern and provided essential land use and development context for *The Victorian Transport Plan*. It defined a refined settlement pattern needed to ensure that Melbourne remains liveable as the population approaches five million, which included the designation of six Central Activities Districts, employment corridors and the need to accommodate an additional 600,000 dwellings in metropolitan Melbourne over the next 20 years of which:

- > Almost 316,000 dwellings are anticipated to be in Melbourne's established areas, where access to trams and other public transport services will be important; and
- > Approximately 284,000 dwellings are anticipated to be in Melbourne's growth areas.

Melbourne @ 5 million signalled the Government's commitment to review Melbourne's Urban Growth Boundary during 2009 and designated 'Investigation Areas' in Melbourne's north, west and south-east as potential areas for inclusion within the Urban Growth Boundary. It also identified the need to determine the boundaries of proposed grassland areas for protection in Melbourne's west. These grasslands are listed as critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999* and provide habitat for a range of endangered flora and fauna species.

The need to ensure new growth areas are adequately serviced with infrastructure and the implementation of the Growth Areas Infrastructure Contribution were also outlined in *Melbourne @ 5 million*.

The Victorian Transport Plan and Freight Futures identified major transport initiatives to facilitate Melbourne's growth including the Regional Rail Link and the Outer Metropolitan Ring / E6 Transport Corridor.

The Regional Rail Link is a 50 kilometre railway connection that will link the Melbourne-Geelong railway from west of Werribee to Southern Cross Station via the Melbourne-Ballarat railway, connecting at Deer Park. It delivers improved regional network outcomes and provides an opportunity for enhanced local passenger services.

The Outer Metropolitan Ring / E6 Transport Corridor is a long term transport project which will accommodate the large increases expected in the volume of freight and people moving around outer metropolitan Melbourne and Victoria in the longer term. It is a 100 kilometre long corridor that is intended to link Avalon Airport, Werribee, Melton, Melbourne Airport and Donnybrook and then via the proposed E6 Transport Corridor, link Donnybrook to the Metropolitan Ring Road at Thomastown.

In March 2009, the Victorian Government entered into an agreement with the Commonwealth Government, under section 146 of the *Environment Protection and Biodiversity Conservation Act 1999*, to conduct a strategic assessment of the potential impact of expanding the growth areas of Melbourne and related transport and infrastructure on matters of national environmental significance. Matters of national environmental significance include threatened species and ecological communities, migratory species, World and National Heritage properties and Ramsar wetlands. The undertaking of any action that could have a significant impact on a matter of national environmental significance requires approval from the Commonwealth Minister for the Environment, Heritage and the Arts.

In May 2009, the Victorian Government made a small modification to the boundary of the Investigation Areas designated in *Melbourne @ 5 million* in Melbourne's west in light of updated information regarding the Volcanic Plains Grasslands in the vicinity of Troups Road, Melton.

In June 2009, the Victorian Government released *Delivering Melbourne's newest sustainable communities* for public comment. It provided the rationale for the four integrated land use and transport proposals to:

- > Revise Melbourne's Urban Growth Boundary and designate land for development;
- > Plan the alignment of the Regional Rail Link (west of Werribee to Deer Park) and the Outer Metropolitan Ring / E6 Transport Corridor; and
- > Define the boundaries and management of areas for grassland reserves in Melbourne's west.

The *Delivering Melbourne's newest sustainable communities* documentation included a range of background studies for each of the proposals, and the Strategic Impact Assessment report to meet the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

In August 2009, the Victorian Government submitted to the Commonwealth Government its draft final Program Report and updated Strategic Impact Assessment Report. These reports identified the Victorian Government's commitments to manage and mitigate the potential impacts of future development on matters of national environmental significance.

In August / September 2009 further targeted consultation occurred around variations for the Regional Rail Link, the Outer Metropolitan Ring / E6 Transport Corridor and the Grasslands reserves that responded to issues raised in earlier consultation.

Consultation on *Delivering Melbourne's newest sustainable communities* took place over three stages, the first starting in December 2008 and the third finishing in September 2009. The proposals have been refined at each stage of the consultation process following further evidence raised in the submissions or further detailed work. The final changes to the proposals are outlined in section 4.

Consultation overview

Public consultation has been an essential part of the process for determining the revisions to Melbourne's Urban Growth Boundary; designating new areas for development; and for reserving land for the Regional Rail Link, Outer Metropolitan Ring / E6 Transport Corridor and grassland areas. Public feedback was formally sought at three stages. Figure 1 outlines the steps in the consultation process, which is also described in brief below.

Figure 1: Consultation process

Stage 1 – Submissions on Investigation Areas (22 December 2008 to 20 February 2009)

Undertaken from 22 December 2008 to 20 February 2009, and resulted in approximately 350 submissions being received. Notification included:

- > Advertisement in metropolitan papers and relevant local papers in mid December 2008;
- > Notification and information on websites of the Growth Areas Authority and Department of Planning and Community Development; and
- > All affected landholders were sent a letter regarding the review process and the proposed Growth Areas Infrastructure Contribution in February 2009.

The objectives of the Stage 1 consultation process were:

- > To gain a more comprehensive understanding of the range of issues affecting the Growth Areas; and
- > To provide an opportunity for landowners seeking to be included in the Urban Growth Boundary to outline the development potential of their land within the investigation area and to advise their knowledge on the opportunities and constraints of land.

On 19 May 2009, the Minister for Planning announced an extension to the boundary for the western Investigation Area. All property owners within the Troups Road extension of the Investigation Area were notified by mail that the Growth Areas Infrastructure Contribution may apply, should their land be included in the revised UGB.

A *Summary and Response to Submissions Report* that documented public submissions received during Stage 1 was released with the *Delivering Melbourne's newest sustainable communities* package in June 2009.

Stage 2 – Submissions on Delivering Melbourne’s newest sustainable communities (17 June 2009 to 17 July 2009)

Undertaken from 17 June 2009 to 17 July 2009, and approximately 1400 submissions were received. Notification included:

- > All landowners and occupiers affected by any of the four projects were notified by mail. Approximately 11,200 letters were sent on 17 June 2009; and
- > Advertisement in metropolitan papers and relevant local papers.

Consultation for the program *Delivering Melbourne’s newest sustainable communities* included:

- > A dedicated website with a Portal for online submissions;
- > A dedicated call centre providing support seven days per week;
- > Eight information sessions held across the areas affected by the proposals; and
- > Letters of acknowledgement of submissions were sent to all who made a submission.

The objective of the Stage 2 consultation process was to seek public feedback on:

- > Melbourne’s revised Urban Growth Boundary and the land designated for development;
- > An alignment for the Regional Rail Link (west of Werribee to Deer Park);
- > An alignment for the Outer Metropolitan Ring / E6 Transport Corridor;
- > The boundaries and management of proposed grassland reserves in Melbourne’s west; and
- > The findings of the strategic impact assessment of matters of national environmental significance.

Stage 3 – Submissions on Alternative Options (24 August 2009 to 21 September 2009)

Stage 3 was a targeted process directed to those affected by the proposed alternative alignments / boundaries. It was undertaken from 24 August 2009 to 21 September 2009, and approximately 280 submissions were received. Notification included:

- > All landowners and occupiers affected by any of the four projects were notified by mail;
- > Notification and information was also available on the Department of Planning and Community Development website;
- > Information sessions in the areas affected by the alternative proposal, conducted in late August and early September; and
- > Letters of acknowledgement of submissions were sent to all who made a submission.

The objective of the Stage 3 consultation process was to seek feedback from affected property owners, occupiers and councils on alternative options for parts of the Regional Rail Link (west of Werribee to Deer Park), Outer Metropolitan Ring / E6 Transport Corridor and grassland reserves in Melbourne's west.

Submissions from stage 2 and 3 of the consultation process are now available to view on www.dpcd.vic.gov.au

Submissions Assessment

This section outlines the approach the Government undertook to analyse and assess submissions. This section will help explain the methodology and decision making regarding the submissions process.

Submissions were considered in the context of the objectives for each project and the package as a whole. These objectives for the package and individual projects are outlined below.

Delivering Melbourne's newest sustainable communities

The objectives are to:

- > Ensure Melbourne's outward growth occurs in a sustainable way by addressing the future settlement, employment and transport needs of Melbourne, having regard to the directions and policies of *Melbourne 2030*, *Melbourne @ 5 million*, *The Victorian Transport Plan* and *Freight Futures*;
- > Define a revised Urban Growth Boundary to manage the growth of Melbourne's metropolitan urban area;
- > Define alignments for the Regional Rail Link (west of Werribee to Deer Park) and the Outer Metropolitan Ring / E6 Transport Corridor;
- > Inform the planning of other long term transport infrastructure projects required to support future growth in population and the way goods are moved across the metropolitan area;
- > Identify opportunities for improving environmental outcomes within Melbourne's growth areas and protecting the values of adjoining green wedges including designating permanent grassland reserves in Melbourne's west; and
- > Provide certainty to local communities, developers and other investors about future development in the growth areas.

Implicit in these objectives is a need for an integrated resolution of the outcomes.

Review of Melbourne's Urban Growth Boundary

The directions and principles that underpin *Melbourne 2030* and its update *Melbourne @ 5 million* were taken into account. In addition the following principles, as outlined in the consultation material of 17 June 2009, have also guided the Urban Growth Boundary Review:

- > The majority of new development is within approximately three kilometres of high capacity public transport (existing, planned or potential);
- > There is potential to develop contiguous extensions of urban areas, to allow efficient use of infrastructure and build on or add value to existing communities;
- > Improved biodiversity values and environmental outcomes may be achieved;
- > Communities can be created that are of sufficient size to support the provision of necessary regional and local infrastructure and services;
- > The pattern of development would allow for efficient public transport networks at a sub-regional level;
- > New residential development can be planned with access to existing and/or future employment opportunities; and
- > Land use conflict between industry and sensitive land uses can be avoided or minimised.

The assessment of submissions was also influenced by a **precautionary approach** to constraints assessments. In particular:

- > A conservative approach was taken to identifying land as available for urban development within the Urban Growth Boundary. This approach has been followed to allow the future protection of areas that may require it and to respond to the implications of the Growth Area Infrastructure Contribution. Further refinement of the areas that have been assumed as not available for urban development will take place when more detailed work has taken place during the Growth Area Framework Plan or subsequent Precinct Structure Plan processes.
- > For matters of environmental significance such as areas with known or potential biodiversity values, landscape values, creeks, wetlands, flood ways, drainage areas and for areas requiring buffers the precautionary approach has been taken. This approach means that buffer sizes and areas of constrained land maybe larger than might be necessary in the longer term, however they leave the ability to protect the land (or release it for development if appropriate) as a result of further studies and more detailed planning.
- > This issue has been highlighted as a large number of submissions related to land identified as constrained and in particular that this land is suitable for development. Generally the approach has been to retain the constrained status of the land due to the reasons set out above so that further refinements can take place at the Growth Area Framework Plan and Precinct Structure Plan stages.

Some submissions were **beyond the scope** of the Urban Growth Boundary Review, which means:

- > The submission was about policy decisions already made by Government such as the direction to accommodate more housing in the growth areas or to implement a Growth Areas Infrastructure Contribution; and
- > The submission referred to land outside of the Investigation Areas designated by Government. Land included in the Investigation Areas was based on a consideration of the land required to accommodate the development envisaged in *Melbourne @ 5 million* and a preliminary assessment of areas that might prove most suitable for creating sustainable new communities.

Regional Rail Link (West of Werribee to Deer Park)

The overall objective is “to reserve land for a high-quality transit corridor serving Melbourne’s and Victoria’s west.”

It is envisaged that the project will achieve the following desired outcomes for transport in Victoria:

- > Separate Geelong, Ballarat and Bendigo trains from suburban trains in Melbourne;
- > End the conflict between Geelong regional trains and Werribee suburban trains, thereby providing a substantial increase in capacity, reliability and frequency for both lines;
- > Provide a dedicated V/Line track on new alignment through the new growth areas of Tarneit and Derrimut giving residents and other key stakeholders a high quality rail link; and
- > Allow a major boost in services; particularly much needed peak hour services for regional commuters on the Geelong, Ballarat and Bendigo lines.

The project has been planned to support sustainable development of growth areas in Wyndham. It will help shape these areas by ensuring forecast residential growth can be catered for and provides an opportunity for higher value land development around key activity nodes which currently exist or which could be readily developed around the alignment.

As the Regional Rail Link – West of Werribee to Deer Park is part of a broader suite of rail projects, it will also indirectly provide the following outcomes for transport in Melbourne:

- > Increased passenger carrying capacity into and out of Melbourne's Central Business District;
- > Improved train service punctuality;
- > Greater choice of transport options to, from and across the city;
- > Reduced road congestion on the western and south-western metropolitan road corridors;
- > Changes in travel patterns and increased modal interchange; and
- > Relief for rail congestion in the inner rail network.

The Outer Metropolitan Ring / E6 Transport Corridor

The Outer Metropolitan Ring / E6 Transport Corridor is being planned to provide an ultimate high speed transport link for freight and people that would:

- > Enhance connectivity between key international transport hubs such as Melbourne Airport, Avalon Airport and Port of Geelong;
- > Improve access to the proposed Beveridge Interstate Rail Terminal;
- > Serve as an important route to interstate and major regional destinations;
- > Link residential and employment growth areas in the north and west of Melbourne; and
- > Improve access in this major employment corridor which includes Avalon Airport, Werribee, Melton, Melbourne Airport and Donnybrook.

As with all infrastructure projects other key objectives based on compliance with government legislation or good planning practice are to:

- > Ensure that the project is capable of performing its function of providing safe and efficient movement;
- > Ensure that the project is technically feasible;
- > Avoid as far as possible, minimise where unavoidable and provide offsets for any biodiversity impacts;
- > Avoid as far as possible, minimise where unavoidable and prepare a Cultural Heritage Management Plan to mitigate any Cultural Heritage impacts; and
- > Minimise socio-economic impacts in relation to existing and future residential and industrial development and maximise opportunities for future urban development.

A set of assessment criteria was used to compare the alternative alignments for the Outer Metropolitan Ring / E6 Transport Corridor. The criteria used included: number of houses/buildings affected; route length; impact on urban development; environmental impacts; community impacts; commercial impacts; cultural heritage impacts; and construction feasibility.

Grassland Reserves

The objectives are to:

- > Permanently protect the two largest remaining areas of native grasslands on the Victorian Volcanic Plain;
- > Create a ready supply of native vegetation offsets sufficient to compensate for the likely clearing of native grasslands within the expanded urban area; and
- > Establish a consolidated conservation reserve that will be managed to improve the quality of native vegetation and maximise opportunities for the long-term viability of threatened flora and fauna species through a dedicated program of adaptive management.

Strategic Impact Assessment

The objectives are to:

- > Undertake a strategic assessment of matters of national environmental significance within the Program in the context of s146 of the *Environment Protection and Biodiversity Conservation Act 1999*;
- > Ensure the impacts of the Program on matters of national environmental significance are considered;
- > Identify appropriate mitigation measures for any impacts on matters of national environmental significance considered; and
- > Ensure the Urban Growth Boundary Review Program incorporates mitigation measures.

Future steps

The process undertaken to-date has focussed on delineating an Urban Growth Boundary and land suitable for development within that boundary, and the designation of reservations for the Regional Rail Link, Outer Metropolitan Ring / E6 Transport Corridor and grassland reserves. Further planning is required for each of these initiatives as they are progressively delivered. Tasks will include:

- > Biodiversity Conservation Strategies ;
- > Growth Area Framework Plans;
- > Sub-Regional Species Strategies;
- > Precinct Structure Plans;
- > Native Vegetation Precinct Plans;
- > Green Wedge Management Plans;
- > Regional Rail Link: undertaking of actions required by Minister for Planning in response to a decision on a referral under the *Environment Effects Act 1978*; and
- > Outer Metropolitan Ring / E6 Transport Corridor: undertaking of actions required by Minister for Planning in response to a decision on a referral under the *Environment Effects Act 1978*.

Changes made since Consultation (June 2009)

This section outlines the changes made compared to the documentation released in June 2009.

Regional Rail Link, alignment refinements include (refer Map 1):

- > In the vicinity of Davis Road (Mount Cottrell / Tarneit), the alignment has been moved approximately 200m north. An assessment of the potential property impacts indicated that the realignment option would have significantly less impact on six properties (houses not affected or property missed entirely).
- > A number of splays (required for embankments) for road crossing have been slightly widened.

Outer Metropolitan Ring / E6 Transport Corridor, alignment refinements include (refer Map 2):

- > Around Bulban Road in Mambourin, the reservation has been widened to the west to provide flexibility to respond to potential operations planned for the quarry in that area.
- > In Mount Cottrell the alignment has been straightened, which delivers an improved biodiversity outcome and impacts on fewer houses and buildings compared with the original alignment.
- > In Woodstock / Wollert the alignment has been moved east of Epping Road. The alignment shift results in a very significant reduction in the number of houses to be acquired – 12 in total, which is 35 fewer than the originally displayed alignment. The alignment has also been relocated to minimise impact on remnant areas of Plains Grassy Woodland habitat (which is classified as critically endangered).
- > North of Findon Road the alignment has been moved marginally westward to avoid operational equipment of the quarry in that area.
- > There have been minor modifications to access restorations in a number of locations.
- > For the length of the alignment, the reservation has been narrowed marginally, in numerous places, in light of improved information on the terrain.

Grassland Reserves, boundary refinements include (refer Map 3):

- > In the vicinity of Troups Road Middle Road, Faulkners Road, Dohertys Road, Ballan Road and Ripley Road a number of small exclusions have been made to exclude highly degraded areas or existing residences, based on more detailed advice
- > South of Boundary Road an additional approximately 100 ha was included resulting from the change in the alignment of the Outer Metropolitan Ring / E6 Transport Corridor.
- > An expansion south of Bulban Road of approximately 600 ha, based on new information about the extent and condition of Natural Temperate Grasslands.

Constrained Land, refinements include:

- > Changes to the status of quarries / buffers. Including the change in status of a quarry (250 ha) in Mambourin where the lessee has indicated an intention to utilise a works approval which results in a significant reduction of developable land including the need for buffer areas, and the expansion of the constrained area to a quarry in Sunbury. In the latter case, the quarry operator intends to confine their operations to an area to along Emu Creek which will potentially allow a substantial reduction in buffer areas, the details of which will be resolved at the Precinct Structure Planning stage. A similar circumstance is also known in Clyde North.

- > Adjustment to the boundaries of buffers along escarpments, areas of landscape values, floodways and native vegetation to better align with new information, contours and existing controls.
- > Retention of three areas of volcanic plains grasslands inside the expanded Urban Growth Boundary as protected habitats of the Golden Sun Moth. These sites are of sufficient size and quality to meet the thresholds for protection proposed in the Strategic Impact Assessment. These thresholds were developed in conjunction with the Commonwealth to meet *Environment Protection and Biodiversity Conservation Act 1999* requirements. In the medium to long term, there may be potential to change the status of these conservation areas, once the full extent of Golden Sun Moth populations in Victoria is understood and 80% of Victoria's highest priority habitats for this species are protected.

Urban Growth Boundary, refinements include (refer Map 4-7):

- > In the vicinity of Craigieburn Road, and in response to agreement by the Commonwealth to allow the development (subject to native vegetation offsets and biodiversity surveys) of land inside the existing Urban Growth Boundary in the Precinct Structure Plan area known as 'R2', it is proposed to move the boundary west to align with Mickleham Road. This change will provide for additional housing within the core catchment of the proposed Craigieburn Town Centre subject to final decisions based on the results of biodiversity surveys.
- > It is not proposed to include the low density area north of Mt Ridley Road, where the remaining undeveloped area is remote from potential future centres.
- > In Casey an expansion is proposed in response to more detailed advice on drainage, information on ownerships, recognition that the area is part of a much larger agricultural area with opportunities for affected farmers to relocate and, most importantly, the benefits from maximising the potential catchment for any potential extension of the rail network from Cranbourne East to Clyde.
- > Two changes resulting from the final alignment of the Outer Metropolitan Ring/ E6 Transport Corridor as follows:
 - i. A change which keeps the alignment of the Urban Growth Boundary along the centre line of the Outer Metropolitan Ring / E6 Transport Corridor at Mount Cottrell, which results in a reduction of developable land.
 - ii. As a result of an eastward shift of the proposed E6 Transport Corridor near Donnybrook Road in Woodstock the Urban Growth Boundary will be aligned with Merriang Road.
 - iii. As a result of an eastward shift of the proposed E6 Transport Corridor between Summerhill Road and Lehmanns Road the Urban Growth Boundary has generally been aligned to the centre line of the E6 Transport Corridor from Masons Road south to Bindts Road where it then follows Bindts Road south to Lehmanns Road.
- > Aligning the Urban Growth Boundary with Mount Cottrell Road, in Melton South, to retain the integrity of the low density residential development in that area, and to support the long term role of Mount Cottrell Road as an arterial linking Werribee and Melton.
- > Support for the proposal to allow further development at 'Quarry Hills', in South Morang / Mernda. The proposal focuses on the delivery of wider community benefits, specifically a regional park. In some cases further work is required to better resolve the delineation between constrained and developable land. As the total area is small it is considered appropriate that all this land be classified as constrained until such time that the Growth Areas Authority and Department of Sustainability and Environment together with the Council have resolved these detailed development issues and can advise the Government as to where developable zones should be applied.
- > In a number of locations very slight changes have been made to better align the Urban Growth Boundary to linear features, dependent on the circumstances (e.g. centre line of a road).

Map 1: Proposed and Recommended Regional Rail Link Alignment

Map showing the proposed and recommended Regional Rail Link alignment.

Map 2: Outer Metropolitan Ring / E6 Transport Corridor Alignment Alternatives Considered During Targeted Consultation Aug-Sept 2009

Map showing the Outer Metropolitan Ring / E6 Transport Corridor alignment alternatives considered during targeted consultation conducted from August to September 2009.

Map 3: Changes made to Grassland Reserves Since 2009 Consultation

Map showing the changes made to the grassland reserves since the 2009 consultation.

Map 4: Urban Growth Boundary Change Made Since 2009 Consultation – West

Map showing the changes made to the Urban Growth Boundary for Melbourne's west since the 2009 consultation.

Map 5: Urban Growth Boundary Change Made Since 2009 Consultation – North

Map showing the changes made to the Urban Growth Boundary for Melbourne's north since the 2009 consultation.

Map 6: Urban Growth Boundary Change Made Since 2009 Consultation – Sunbury

Map showing the changes made to the Urban Growth Boundary for Sunbury since the 2009 consultation.

Map 7: Urban Growth Boundary Change Made Since 2009 Consultation – South East

Map showing the changes made to the Urban Growth Boundary for Melbourne's south east since the 2009 consultation.

Issues and response

This section outlines the major issues raised throughout the submission period and the government response to those submissions.

Key Issue	Response
<p>Consistency with Government policy</p> <p>A number of submissions raised concerns that the proposal to change the Urban Growth Boundary is inconsistent with the directions of Melbourne 2030, and that no changes should be made to the Urban Growth Boundary. Some submissions also indicated that urban consolidation should only occur within existing established residential areas</p>	<p>A change to the Urban Growth Boundary is necessary to accommodate the higher than anticipated population growth which <i>Melbourne @ 5 million</i> seeks to manage. <i>Melbourne 2030 and Planning for all of Melbourne</i> both stated clearly that the Urban Growth Boundary can and will change in response to development need in the growth areas. Revising the Urban Growth Boundary is one part of the Government's response to the projected population increase. <i>Melbourne @ 5 million</i> indicates that 316,000 additional dwellings are anticipated to be in Melbourne's established areas and outlines a range of initiatives which seek to facilitate this change.</p> <p><i>Melbourne @ 5 million</i> is a policy refinement of the settlement patterns of Melbourne 2030 and provides a strategic planning response to the growth projections outlined in Victoria in Future 2008.</p> <p>The Government has made a commitment to amend the Urban Growth Boundary. This commitment is outlined in Melbourne @ 5 million.</p> <p>A change to the Urban Growth Boundary is required to, among other things, provide choice and assist in maintaining housing affordability. If the Urban Growth Boundary is not amended and land supply is subsequently diminished, there will be a number of negative impacts including a rise in land and house prices, loss of population growth and economic investment to other States.</p>

<p>Green wedge areas</p> <p>A number of submissions raised concerns about the protection of green wedge areas, particularly the areas that contain important tourism, agricultural and biodiversity values.</p>	<p>Consideration has been given to the agricultural, environmental and economic values associated with land in the green wedges in determining the location of the Urban Growth Boundary. These have been balanced against the need to accommodate 284,000 dwellings in the growth areas.</p> <p>A major outcome of the current process is the establishment of 15,000 ha of protected grassland reserves.</p> <p><i>Melbourne 2030</i> always contemplated the need for areas adjacent to growth areas to be considered for future urban use. In this circumstance, the preparation of Growth Area Framework Plans was seen as the appropriate mechanism to resolve any interface tensions.</p> <p>The Strategic Assessment process under the <i>Environment Protection Biodiversity and Conservation Act 1999</i> has ensured consideration of matters of national environmental significance. The two transport projects have also been assessed under the <i>Environment Effects Act 1978</i>.</p>
<p>Transport infrastructure in new growth areas</p> <p>Some submissions raised issues about the lack of public transport infrastructure to support new communities in the Investigation Areas, and the importance of implementing public transport priorities to ensure the liveability of the growth areas.</p>	<p>One of the key directions of <i>Melbourne 2030</i> is to concentrate urban expansion into growth areas that are, or can be, served by high-capacity public transport. This is re-affirmed in <i>Melbourne @ 5 million</i>.</p> <p>There are a number of initiatives outlined in The Victorian Transport Plan to deliver high-capacity public transport services in the growth areas including:</p> <p>Short term commitments</p> <ul style="list-style-type: none"> > Regional Rail Link > Metro rail extensions to Sunbury and South Morang > New train stations > New and upgraded bus services <p>Medium term initiatives</p> <ul style="list-style-type: none"> > Melton rail line upgrade > Cranbourne East rail extension <p>Long term considerations</p> <ul style="list-style-type: none"> > Protection of a range of long-term options to extend rail services within the Investigation Areas <p>Growth Area Framework Plans will comprehensively address future transport needs.</p>

<p>Land outside the Investigation Areas</p> <p>A number of submissions were received from submitters outside the Investigation Areas, requesting that their land be included in the revised Urban Growth Boundary. Some of these submitters based this request on the premise that the exclusion of their land in the Investigation Area (or the existing Urban Growth Boundary) was an 'anomaly' that should be corrected through the Urban Growth Boundary review process.</p>	<p>The land included in the Investigation Areas was based on a consideration of the population projections and a preliminary assessment of areas that might prove most suitable for creating sustainable new communities.</p> <ul style="list-style-type: none"> > The Investigation Areas are extensions of existing growth areas and take advantage of existing or proposed arterial road networks and existing and potential public transport networks. > More land was included in the Investigation Areas than is ultimately required for urban development, to allow for identification of constrained areas that are not developable. > The land referred to in a number of submissions is not within close proximity (i.e. within three kilometres) of an existing or potential high capacity public transport corridor. This is one of the important guiding principles for determining land to be included in the approved Urban Growth Boundary. > The process to review the Urban Growth Boundary does not include an assessment of the 'anomalies' raised by submitters. It is noted that upon introduction of the Urban Growth Boundary in 2002, the Government ran a process to address 'anomalies'.
<p>Growth Areas Infrastructure Contribution</p> <p>Many submissions indicated a lack of confidence that land values will increase to the extent required to pay the contribution, particularly for those land parcels expected to be furthest from the initial development fronts. A related concern raised was that rates may increase based on an increase in land values, forcing an early sale at a significantly lower price than would be achieved if the owner could afford to wait to sell.</p>	<p>This issue is generally considered to be out-of-scope, though the following comments are made.</p> <p>The public consultation period sought to inform the determination of the Urban Growth Boundary. The Victorian Government's policy decision to introduce the Growth Area Infrastructure Contribution was not part of this process, however the issues raised have been considered in finalising the Growth Areas Infrastructure Contribution Bill.</p> <p>The Growth Areas Infrastructure Contribution is to apply to all land that was brought into the Urban Growth Boundary in 2005, and additional land designated for urban development as part of the recent review.</p>

<p>Land Acquisition</p> <p>Submissions related to timing of the valuation process and mechanisms available for compensation.</p>	<p><i>The Land Acquisition and Compensation Act 1986</i> outlines the process by which Government will acquire land and compensate landowners affected by the reservation. In some circumstances, for example where there is a loss on sale or a relevant permit refusal, Part 5 of the Planning and Environment Act 1987 also entitles landowners affected by the reservation to compensation prior to any acquisition taking place.</p> <p>The State of Victoria has in place a “Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land”. This document sets out the manner in which Ministers, departments and agencies are to conduct themselves during negotiations and requires Government to obtain proper valuation advice in the course of such transactions. The office of the Government Land Monitor has been established to oversee this process and ensure probity.</p>
<p>Detailed Planning and Suggestions for Proposed Land Uses</p> <p>Many submissions related to detailed land use planning.</p> <p>Councils also expressed strong interest in being involved in the Growth Area Framework Plan process.</p> <p>Numerous submissions were made about how individual parcels of land should be used and/or developed and some developer submissions included detailed planning work for particular areas, including master plans.</p> <p>Developers in some cases were requesting changes to the proposals based on this work.</p>	<p>The Review has not sought to finalise the specific land uses that may occur on land that is brought within the expanded Urban Growth Boundary. While a general settlement pattern has been considered, the resolution of a land use structure and broad land use categories will be determined through the preparation of Growth Area Framework Plans and at the more detailed level through the Precinct Structure Plan process.</p> <p>It would be premature to make decisions on work that had not been through these more detailed planning processes.</p> <p>Growth Area Framework Plans will be produced in consultation with Councils and will include an opportunity for community comment.</p>

<p>Airport Overlays</p> <p>Submissions were received requesting two countervailing positions. One to allow commercial activities to occur within the Melbourne Airport Environs Overlay, the other to expand the Melbourne Airport Environs Overlay based on 15 Australian Noise Exposure Forecast contour and prevent the encroachment of urban development in the area.</p>	<p>With respect to the position to allow activity within the Melbourne Airport Environs Overlay, the proposed areas are outside the designated Investigation Areas thus the requests are considered out-of-scope.</p> <p>As to an expanded Melbourne Airport Environs Overlay, this issue was considered by Parliament as recently as 2003 when it was resolved to utilise the 20 Australian Noise Exposure Forecast contour, as distinct from the '15', as the basis of the Overlay.</p> <p>The current Australian Noise Exposure Forecast system was agreed between the Commonwealth and State Planning Ministers in September 1991. The agreement supported the use of the Australian Noise Exposure Forecast system and, in particular, the 20 Australian Noise Exposure Forecast contour as the appropriate long-term land use planning tool for development of areas in the vicinity of airports.</p> <p>The Australian Government proposes to finalise its National Aviation Strategy late in 2009, which is considering national approaches to manage aircraft noise impacts in the vicinity of airports. It would be premature to make any decisions regarding the Airport Environs Overlay until the outcome of the National Aviation Strategy is known.</p>
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<p>Extractive industry A number of quarry owners and operators and industry bodies made submissions regarding extractive industry operations. The submissions relate to the protection of mineral resources within the extractive industry interest areas, and ensuring that existing and proposed quarries are not jeopardised by their inclusion within the Urban Growth Boundary (i.e. protection of buffers between existing quarries and other more sensitive land uses).</p> <p>Some submitters specifically requested that their quarry (existing or proposed) be excluded from the Urban Growth Boundary.</p> <p>Other submitters requested that their site be included in the Urban Growth Boundary on the basis that they intend to operate from the site in the short term only, and that their site (or part thereof) could potentially be used for urban purposes following rehabilitation.</p>	<p>The location of all existing and proposed quarries has been considered in determining the location of the approved Urban Growth Boundary, with the protection of quarry operations being a fundamental objective for the Review process.</p> <p>A number of quarries have been included in the approved Urban Growth Boundary. Both the quarries and their buffers have been identified as areas not suitable for development. In addition, it is intended that more detailed planning will occur through the preparation of Growth Area Framework Plans and Precinct Structure Plans to determine what activities can occur within the buffers. Appropriate zones will be put into place (if they are not already) to reflect the quarry operations and buffers.</p> <p>As discussed later it was not considered appropriate to create 'holes' within the Urban Growth Boundary.</p>
<p>Un-used Quarries Several submissions were received with regards the issue of un-used quarries and that they are suitable for development.</p>	<p>Due to the uncertainty of the future use of quarries and their rehabilitation it would be premature in most cases to identify the land as being appropriate for development in the absence of detailed site by site investigations, and it is proposed this occur during the preparation of a Precinct Structure Plan for the area.</p>
<p>Buffers and Non Urban Land A number of submissions were received regarding the extent of buffers, which were outlined as significantly constrained land i.e. not developable at this stage.</p>	<p>A precautionary approach has been taken in defining buffers and areas not for urban development. This approach was taken to ensure that the current and future use of the particular site had an appropriate buffer to protect the continued use (including the protection biodiversity and landscape values) and / or minimise the impact on adjacent areas.</p> <p>The Environment Protection Authority recommends buffer distances for sensitive uses and a precautionary approach was taken based on possible future uses of the sites.</p> <p>While land has been identified as not for urban development at this stage, it may be found to be appropriate for development at some future more detailed planning stage.</p>

<p>Landscape values A number of submissions raised the importance of protecting existing landscape values and major topographic features including remnant volcanic cones, hills, creeks, ridge lines and swamp areas.</p>	<p>There are a number of identified landscape values and topographic features that are considered worthy of protection within the growth areas and they have been identified as non-developable. The background paper on landscape values (released as part of the package of documents in June 2009 for public comment) provides further detail on the principles behind this approach.</p> <p>In most circumstances, more detailed planning is required to determine the final boundaries for these areas. This will occur during the Growth Area Framework Plan and Precinct Structure Plan processes.</p> <p>The requirements of a Growth Area Framework Plan include reference to the need to respond to landscape values, as do the Precinct Structure Planning Guidelines.</p>
<p>Intermodal freight terminal A number of submissions referred to the proposed intermodal freight hub in Beveridge, the associated traffic and amenity impacts associated with the facility, and whether it should be included in the proposed Urban Growth Boundary.</p>	<p>The <i>Victorian Transport Plan and Freight Futures</i> provide the policy basis for this facility, including its broad location. A location is now proposed in Beveridge, east of the existing Melbourne-Sydney rail line.</p> <p>More detailed planning on the specific objectives and functions of the facility, including its land use and transport requirements and its operational characteristics are still to be undertaken. Once these elements are more fully resolved appropriate planning controls will be put in place to facilitate its delivery.</p> <p>Access, traffic and amenity issues raised will be considered as part of this process.</p>
<p>‘Holes’ in the Urban Growth Boundary Some submissions requested that areas within the Urban Growth Boundary be excluded for various reasons.</p>	<p>When the Urban Growth Boundary was originally established, particular attention given to avoid creating holes or ‘donuts’ within the boundary for non-urban uses.</p> <p>The objective was to create a single contiguous boundary which defined the urban edge to Melbourne, recognising that a range of non urban activities and values would be included inside the boundary and that their management could be by a range of other planning controls.</p> <p>This approach to the delineation of an expanded boundary and non urban land has been maintained for this Review.</p>
<p>Utility Infrastructure Some submissions raised concerns about existing land uses, such as waste water treatment plants.</p>	<p>In the northern investigation area a new waste water treatment plant is required. The Government will investigate the most suitable location in Kalkallo / Donnybrook for this facility.</p>

<p>Biodiversity</p> <p>A number of submissions raised issues regarding the protection of important biodiversity values including remnant vegetation and grasslands, and natural systems including creeks, rivers and catchments.</p>	<p>The protection of identified biodiversity values and natural systems has been an important influence on the location of the proposed Urban Growth Boundary. Large areas of high conservation value were excluded from the proposed new Urban Growth Boundary. These will result in a 15,000 ha grassland reserve west of Melbourne and a 1200 ha grassy woodland reserve to Melbourne's north.</p> <p>Within the new Urban Growth Boundary large areas of native vegetation have been designated as unsuitable for development and protected with new planning controls. Biodiversity Conservation Strategies will be prepared for each growth area (including Sunbury). These will document the biodiversity values in more detail, establish further mechanisms for permanently protecting areas of native vegetation and identify key linkages and landscape connections for mobile fauna. These strategies will be submitted to the Commonwealth for approval and will inform the preparation of the Growth Area Framework Plans. Waterways will be protected with buffers and in some cases more targeted management and monitoring regimes. Merri Creek in the north will form an important spine to a network of retained areas of grassy woodlands, grasslands and threatened species habitats.</p> <p>Prescriptions have been developed for species likely to be significantly impacted. These prescriptions are binding on urban development, transport infrastructure and extractive industries and will guide decision makers on whether to retain the species on site or secure an offset for the species elsewhere. The prescription for Golden Sun Moth, for example, has already resulted in 300ha of grassland being set aside for protection within the urban area.</p> <p>Sub-regional strategies will be prepared for mobile species such as Growling Grass Frog and Southern Brown Bandicoot to identify and secure the necessary habitat and landscape connectivity that enables long-term sustainability of populations. These strategies will be used to prepare Biodiversity Conservation Strategies and will guide Precinct Structure Planning. Detailed surveys for many other species that may potentially occur will be undertaken prior to precinct design or transport planning, and if detected a prescription will be developed to manage the species to the satisfaction of the Commonwealth.</p> <p>Long-term protection targets and outcomes have been established for species and ecological communities. These will be used as part of government commitments to a well resourced adaptive management approach, increased data gathering and a comprehensive monitoring and reporting framework.</p>
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<p>Smaller areas with Significant Biodiversity Some submissions related to smaller less strategic areas as having biodiversity values and that these areas should be marked as constrained.</p>	<p>Some smaller areas with known high biodiversity values will be protected within the expanded Urban Growth Boundary. However in general the Strategic Impact Assessment focussed on larger more strategic areas, with processes established for identifying biodiversity issues at a finer scale during implementation.</p> <p>More detailed analysis and planning will take place firstly at the Growth Area Framework Plan stage and then in even greater detail at the Precinct Structure Plan stage. These processes will be guided by the Strategic Impact Assessment prescriptions, the Precinct Structure Planning Guidelines and the Biodiversity Conservation Strategies to be prepared for each growth area.</p>
<p>Agriculture Submissions were received in relation to the protection of agricultural land, particularly in the south-east Investigation Area. Equally submissions were received supporting the proposed change in status of the agricultural land to urban development.</p>	<p>The Governments considerations in this area have needed to balance a range of issues, including:</p> <ul style="list-style-type: none"> > A need to provide additional residential land supply in the south east which best delivers on the growth management objectives as outlined in Section 3; > A recognition that if not provided in this area an alternate location would need to be assessed against the benefits of retaining the agricultural land; > The proximity of the Clyde area to exiting regional urban infrastructure include major activity centres, TAFE and a range of recreational facilities; > The significant size of the wider agricultural precinct, that among other things provides the potential for relocation options which allows the opportunity to upgrade farming practices (recognising this has been a common practice for this type of intensive agricultural activity); > Land ownerships.
<p>Waterways Some submissions related to the extent of land constrained along waterways.</p>	<p>Drainage advice provided the base information for the planning of waterways in the Investigation Areas. This information was complimented by the biodiversity assessments which examined remnant riparian habitats.</p> <p>In the context of the biodiversity information all major waterways are proposed to be constrained from development and a 100 metre buffer has been assumed along them to protect their biodiversity values.</p> <p>Further work will occur during framework planning and precinct structure planning to review the extent of land that is constrained.</p>

<p>No Existing Planning Controls Submissions were received to show areas as constrained for values not yet recognised in Planning Schemes. An example of this was to show areas as constrained due to heritage values, where no heritage overlays existed.</p>	<p>Where issues are raised that require new planning controls to be applied it is appropriate to address this on a case by case basis or at the Growth Area Framework Planning and Precinct Structure Planning stages.</p>
<p>Melbourne's Hinterland Some submissions related to issues in Melbourne's hinterland, particularly to the north in the vicinity of Wallan.</p>	<p><i>Melbourne @ 5 million</i> acknowledges the growth pressures being experienced in the area within about 100 kilometres of Melbourne (Melbourne's hinterland). This continues a trend that has been evident over the past two decades, where housing and population growth in the hinterland, both in towns and rural landscapes, has been considerable and sustained.</p> <p>The Green Wedge Zones which are utilised in metropolitan fringe councils provide a high degree of protection for this part of the hinterland. It safeguards agricultural uses and preserves rural and scenic landscapes, non-renewable resources and natural areas including water catchments. Green Wedge Management Plans are being progressively prepared for all twelve Green Wedge areas, and will further provide guidance on the protection and preservation of values in the green wedge areas.</p> <p>Outside the metropolitan fringe councils, the remaining areas of the hinterland are essentially part of regional Victoria and policy issues for this area will be considered as part of the Government's blueprint for provincial Victoria. The blueprint will set a broad framework for the future development of prosperous, liveable and sustainable regional communities. A set of criteria to guide settlement planning within 100 kilometres of Melbourne, as proposed in <i>Melbourne @ 5 million</i>, will form part of this blueprint.</p> <p>For the proposed expansion of the Urban Growth Boundary the issue of managing hinterlands is particularly relevant for the Shire of Mitchell, particularly for the township of Wallan.</p> <p>In the Shire of Mitchell green wedge planning controls do not apply, and outside the proposed urban areas it will be the strategic application of a range of planning controls which will ensure the varied values of the area are protected.</p> <p>For Wallan an important issue will be its role vis-à-vis the future growth area of Beveridge. It is therefore proposed that the Department of Planning and Community Development lead work with the Council aimed at preparing both an updated plan for Wallan and appropriate controls to manage the land at the interface with the Urban Growth Boundary.</p>

Alignment for the Outer Metropolitan Ring / E6 Transport Corridor

Proposed Major Corridor Changes

Reasons for not changing the proposed Outer Metropolitan Ring / E6 Transport Corridor alignment (Strategic Issues - Refer to Map 8)

Map Ref	Location	Change Proposed	Explanation why proposed change is not accepted
8ER1/ER2, 8-NS/WM, 8-KK	Rockbank, Diggers Rest, Mickleham	A number of submitters sought corridors that were discussed and rejected in the Outer Metropolitan Ring /E6 Transport Corridor Planning Assessment Report.	The reasons for recommending the displayed corridor were set out in the Planning Assessment report. No new evidence was presented in submissions that justified a change of corridor.
8-SB	Diggers Rest	Some submitters proposed an option to the south of Diggers Rest that would require passing to the south of Bulla.	<p>A corridor option further to the south would either impact on Organ Pipes National Park or pass to the north of Organ Pipes National Park and require multiple crossings of Jacksons Creek.</p> <p>This proposed corridor option would not provide as a direct a connection for the Outer Metropolitan Ring/E6 Transport Corridor, it would result in a longer route and due to the bridges required, would have considerably higher construction costs and/or would have unacceptable impacts on the Organ Pipes National Park.</p>
8-EW	Epping / Woodstock / Wollert	<p>A number of submissions sought that the E6 should only be constructed as an arterial road and only as far north as Bridge Inn Road.</p> <p>A number of submissions indicated that the existing arterial road network should be upgraded in preference to constructing the E6 as a freeway.</p>	<p>It is accepted and agreed that preference should be given to upgrading the existing arterial road network before constructing a new freeway in a new alignment corridor. It is likely that the E6 would be constructed as an arterial in the first stage.</p> <p>High level strategic transport modelling clearly indicates that, ultimately, north-south travel demand in the corridor will be of such a level as to require the construction of a six lane freeway in the E6 corridor, even with widening of the Hume Freeway to four lanes in each direction.</p>

			Hence, it is considered prudent planning to enable a future government to have the ability to determine whether to construct a freeway within the E6 reservation. Previous experience has shown that it is very costly and disruptive to seek to upgrade an arterial to a freeway at a later date if this requirement has not been allowed for and incompatible development has occurred adjacent to a road corridor.
8-EW	Epping / Woodstock / Wollert	Several submissions sought an alignment for the E6 further to the east to create what the submitters consider would be a more complete ring road of outer Melbourne. Such a corridor would need to connect the Outer Metropolitan Ring / E6 Transport Corridor to the Eastern Freeway / EastLink through Warrandyte and Eltham, or Lilydale.	<p>The environmental and social impacts of this option would be expected to be major, and would be larger than the environmental and social impacts of the recommended option, as there is not a reserved corridor for such a proposal through any areas of low environmental values. Such a corridor, as suggested, would serve a less populated area, with consequent lesser usage and would therefore have fewer transport user benefits than the recommended option.</p> <p>For longer distance travel, the recommended option would make use of existing corridors such as the Metropolitan Ring Road and the Eastern Freeway/EastLink, thereby maximising the use of investment in existing corridors.</p>

Localised proposals

Reasons for not changing the proposed Outer Metropolitan Ring / E6 Transport Corridor alignment (Local Issues - refer to Map 7)

Map Ref	Location	Change Proposed	Explanation why proposed change is not accepted
9-2/ 9-3	Wyndham Vale (Black Forest Road to Ballan Road)	A number of submitters suggested a westward shift of the OMR/E6 alignment.	Such a shift would be expected to result in the Outer Metropolitan Ring / E6 Transport Corridor impacting on the proposed grassland reserve.
9-5	Rockbank (Middle Road to Western Highway)	Submitters sought that the OMR/E6 alignment be shifted either west of Troups Road, or at least further west on their properties, just to the east of Troups Road.	<p>An alignment west of Troups Road is not acceptable as it would impact on the proposed grassland reserve.</p> <p>It was not considered feasible to shift the OMR/E6 alignment further west as it would also be located further west on the northern side of the Western Highway. This would impact adversely on proposed urban development to the west. An alternative alignment would also result in three extra homes/buildings needing to be acquired from other properties.</p>
9-6	Rockbank – Greigs Road to Tarletons Road (part)	Locate the OMR/E6 up to 870m further to the east (Option B) of the originally displayed alignment (Option A)	<p>Option B is considered to have a poorer land use outcome than the originally displayed Option A. It would reduce the area available for urban development east of the OMR/E6. It would leave less area for high quality development adjacent to Kororoit Creek. The area to the west of the OMR/E6 with the original Option A would still be a large viable development area.</p> <p>The impact of the original Option A on the Deanside Wetland is not considered to be so significant as to require relocation of the OMR/E6.</p> <p>Option B would impact an additional 8 houses/buildings (30 compared with 22) and would be 300m longer (6.6 km compared with 6.3 km). Option B would also impact on other wetlands and leave some properties trapped between a new subdivision and the Creek.</p>
9-7	Rockbank - near Tarleton Road	A submission suggested a westward shift of the OMR to avoid a flood prone area and to reduce the impact on houses.	The proposed transport corridor does not need to be moved to avoid the flood prone area because the transport corridor can cross this area using a bridge, pipes or culverts.

9-8	Plumpton (Melton Highway to Calder Freeway)	Submitters in the vicinity of Holden Road/Plumpton Road sought an alignment shift further to the east to avoid homes and to place the alignment further into the Airport Environs Overlay area.	<p>The alignment of the OMR/E6 transport corridor south of the Melton Highway has been selected to minimise impacts on future development. The alignment of the OMR/E6 Transport Corridor in the vicinity of the Calder Freeway has been selected to minimise impacts on Calder Park and Diggers Rest.</p> <p>It is important for the OMR/E6 Transport Corridor to cross the Melton Highway at a right angle to facilitate development south of the Melton Highway.</p>
9-9	Diggers Rest – Bulla-Diggers Rest Road Interchange	Submitters sought to maintain the interchange of Bulla-Diggers Rest Road with the Calder Freeway.	<p>The current Calder Freeway/Bulla-Diggers Rest Road interchange is located too close to the proposed Outer Metropolitan Ring / Calder freeway interchange to enable safe operation of both without costly ramp braiding or other treatment works.</p> <p>Alternative access to the area to the north is available via the existing Calder Freeway/Vineyard Road interchange. Additionally, there is planning underway for a new interchange on the Calder Freeway at Calder Park Drive. This interchange will incorporate access to Duncans Lane to the south via Thompsons Road, thus providing access to the area to the east of the Calder Freeway at Diggers Rest.</p> <p>Consultation is required to determine the need for any further complementary work to upgrade the local road network to be undertaken to maintain a similar standard of road access to the area to that which currently exists (eg bridge strengthening to maintain access for heavy vehicles).</p>
9-10/ 9 DL	Diggers Rest	Submitters sought relatively minor shifts of the OMR/E6 to reduce the impact on their properties.	<p>The location of the OMR/E6 Transport Corridor is limited by the need to achieve satisfactory crossing locations of Jacksons Creek and Deep Creek and by the need for a satisfactory interchange location with the Calder Freeway. Hence, it is not feasible to realign the OMR/E6 Transport Corridor through this area.</p> <p>However, further investigation of the OMR/E6 Transport Corridor revealed that it is possible to amend the proposed right of way slightly to minimise property acquisition and access impacts in the vicinity of Duncans Lane. Key changes</p>

			include realigning of Duncans Lane and reducing the OMR/E6 land requirement in the vicinity of the Calder Freeway/OMR/E6 interchange.
9-11	Mickleham / Konagaderra Springs	Submitters in the vicinity of Mickleham sought an alignment shift to the east to avoid properties in the Bardwell Drive/Parkland Crescent area.	Option 1e considered in the Planning Assessment Report was located east of Mickleham Road in this area. This option was ruled out because of its impacts on areas of biodiversity significance and cultural heritage in the Mickleham / Mount Ridley area, including the 'Avenue of Honour' located on Mickleham Road.
9-12	Mickleham - Donnybrook Road to Hume Freeway and east of Merri Creek	<p>Locate the OMR/E6 Transport Corridor further to the north/west (Option B) of the originally displayed alignment (Option A).</p> <p>Enable the provision of an additional interchange to serve adjoining land on the Hume Freeway north of Donnybrook Road.</p>	<p>Option B would reduce the catchment area for the activity centre north of the OMR/E6 relatively close to where that centre would be located while not substantially increasing the primary catchment area for the Merrifield activity centre, as access to that centre and development would be constrained by the flood retention basin.</p> <p>Option B would have greater potential for adverse landscape implications on the hills on the western side of the valley. It would also impact more significantly on properties on the east side of Mickleham Road severing houses from dams and other agricultural infrastructure.</p> <p>An additional interchange to serve the adjoining land could be located within the OMR/E6 Hume Freeway interchange area, if required. This will need to be considered further in the Growth Area Framework Planning process.</p>
9-14	Mickleham - Donnybrook Road to Hume Freeway)	A submitter sought that the OMR/E6 alignment be moved south to lessen the impact on the Alma Vale property.	A southward shift of the alignment would potentially increase the adverse impact on the Melbourne Water retarding basin. While it would increase the developable land on the north, this would be offset by a decrease in the area of developable land on the south side, with little net effect.
9-16	Wollert – Bridge Inn Road	A submitter sought a significant alignment shift to avoid the proposed quarry near the south-east corner of Epping Road and Bridge Inn Road, Wollert.	It is not possible to design an alignment that would pass to the west of the proposed quarry property, and also avoid an area of land, to be developed for housing which is within the existing Urban Growth Boundary and has an approved structure plan. Alignments which avoid proposed quarry land on the southeast corner of Epping Road and Bridge Inn Road would pass through quarry land north of Bridge Inn Road.

			In order to avoid property on the west side of Epping Road, the impact on quarry land of the revised Option B would instead be greater.
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Map 8: Suggested Alternative Corridor Options to Displayed Outer Metropolitan Ring / E6 Transport Corridor Alignment

Map showing the suggested alternative corridor options to the displayed Outer Metropolitan Ring / E6 Transport Corridor alignment.

Map 9: Suggested Changes to Displayed Outer Metropolitan Ring / E6 Transport Corridor Alignment

Map showing the suggested changes to the displayed Outer Metropolitan Ring / E6 Transport Corridor alignment.

[Attachment C]**Strategic Assessment Endorsement Criteria - Revised**

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates and that any recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will have regard to the extent to which the Program meets the objectives of the Act. In particular that it:

- protects the environment, especially matters of national environmental significance
- promotes ecologically sustainable development
- promotes the conservation of biodiversity
- provides for the protection and conservation of heritage.

Accordingly, the Program and Final Report should:

- incorporate mechanisms which avoid the taking of actions in any location that will have an impact on matters of national environmental significance or are of high biodiversity or heritage value; or
- provide that where impacts can not be avoided, then the impacts should be reduced to an acceptable level
- provide for effective management, mitigation or offset of the likely impacts
- contain an effective system of adaptive management that is independently audited and publicly reported.

The Minister will also consider the extent to which the Program and its associated Final Report adequately incorporates:

- the precautionary principle
- the other principles of ecologically sustainable development
- intergenerational equity
- matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.

4. The Program should clearly describe the commitment of the Victorian Government to involve the Australian Government and/or the department in the review or approval of specified key documents, strategies and plans, for example the biodiversity strategy and species prescriptions, that will inform and influence actions taken in the Program area. This will provide a foundation for robust adaptive management processes and clarify roles, responsibilities and expectations for future decision-making processes.
5. Describe the method(s) used to determine the size or percentage thresholds for retention of specific species or populations, as contained in the proposed prescriptions within the impact assessment report. It is important that the basis of these settings be transparent, particularly where social and economic considerations are relevant factors, noting that there is a high degree of public interest in this issue.

On a separate matter, to improve the clarity of the endorsement decision, I would like to refine the endorsement criteria within Attachment C to the strategic assessment agreement of 16 June 2009. Under the terms of that agreement, this may be done through an exchange of letters.

Where the endorsement criteria specifies “...*incorporates mechanisms which prevent actions being taken in any location that have an impact on matters of national environmental significance*”, I suggest modifying the language to reflect the avoidance of actions, rather than prevention. Where the criteria state “...*impacts should be less than significant*”, I suggest the use of “...*impacts should be reduced to an acceptable level*” as the term “significant” has a particular meaning under the EPBC Act that is not directly relevant in this instance.

These changes are marked in the enclosed draft revised endorsement criteria. If you are amenable to these changes, please include a statement to that effect in your response to this letter. I have also written on similar terms to the Hon Justin Madden MLC, Victorian Minister for Planning.

I look forward to receiving the modified program and would like to take this opportunity to thank the Victorian officials for all the assistance they have provided to the department during this assessment.

Yours sincerely

s. 22(1)(a)(ii)

A/g Assistant Secretary
Strategic Approvals and Legislation Policy Branch
2 October 2009

cc s. 22(1)(a)(ii) Department of Sustainability and Environment



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Gavin Jennings MLC
Minister for Environment and Climate Change
Level 22
50 Lonsdale St
MELBOURNE VIC 3000

Dear Minister

Thank you for the submission of the Program and impact assessment reports relating to *Delivering Melbourne's Newest Sustainable Communities* on 14 August 2009. I note that these reports are submitted pursuant to the strategic assessment agreement of 16 June 2009 for assessing the expansion of Melbourne's urban growth boundary (UGB) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Officers of this department have been reviewing the information presented in those documents and working closely with Victorian Government officials to ensure a high degree of certainty for Minister Garrett when deciding whether to endorse the Program and, subsequently, approve actions taken in accordance with it.

There remain, however, a number of key elements of the Program that would benefit from further explanation or clarification, prior to endorsement. In accordance with the terms of the strategic assessment agreement I, as delegate of the Minister for the Environment, Heritage and the Arts, would like to recommend that the following five modifications be made to the reports submitted on 14 August 2009. This information will ensure that the department is able to provide a detailed and comprehensive Program endorsement briefing to Minister Garrett.

1. The inclusion of a map indicating the general location of the proposed smaller reserves inside the UGB. This will illustrate Victoria's commitment to retaining areas of high biodiversity across the urban landscape and protecting matters of national environmental significance (NES).
2. Clarification be provided of the actions to which the Program is intended to relate. Additionally, if any of these actions will impact on matters of NES in a manner not addressed in the impact assessment report, including through indirect consequential impacts, please provide further details.
3. The Program commit to submitting a "Grassy Eucalypt Woodland of the Victorian Volcanic Plain Strategy" to the Minister for approval, following endorsement. This strategy would be expected to provide a commensurate level of integrated and contiguous protection to that established within the Program for the Natural Temperate Grassland of the Victorian Volcanic Plain, which is also listed as critically endangered under the EPBC Act. It is expected that the approval of this strategy would be necessary before actions impacting on the woodlands could be approved.





The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

The Hon Gavin Jennings MLC
Minister for Environment and Climate Change
Level 22
50 Lonsdale St
MELBOURNE VIC 3000

Dear Minister

Gavin

Further to my letter of 3 December 2009 and following discussions between officers of our departments, I write to recommend the following modifications to the program titled *Delivering Melbourne's Newest Sustainable Communities* under the strategic assessment to expand Melbourne's Urban Growth boundary.

As the program cannot be varied or amended once endorsed, I am recommending that the modifications outlined below be made to allow greater transparency and adaptability and more robust decision-making over the intended 20 to 30 year operating period of the program.

1. To clarify the process for identifying, reporting and rectifying non-compliance with the program, I recommend the following requirements be included:

- i. The public reporting of activities and outcomes of the program to improve transparency and accountability. In particular, the reporting should clearly account for offsets obtained in relation to matters of national environmental significance (NES) impacted through implementation of the program.
- ii. The inclusion of a commitment to a 5-yearly independent review of the program, with a scope to be determined by agreement between the parties within 18 months of endorsement, to report on all aspects of the program's operation, with any further actions arising from this review to be agreed between the Commonwealth and the Victorian Government.
- iii. A dispute resolution mechanism in the program to minimise potential conflict in relation to the operation of the program. This mechanism should define the process for handling a disagreement in the application of the program.
- iv. A clear articulation of the continuing compliance relationship between approval holders and the Australian Government, including the ability to pursue compliance action for a failure to comply with requirements of approval or for taking actions that are not covered by a valid approval.

- v. Further clarification that a failure to deliver a conservation outcome or to comply with a procedural requirement specified in the program may result in any approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) no longer being valid for any related and subsequent actions. The process to be followed if such a non-conformance is detected should also be documented in the program, including a statement that I will be required to approve any remedial actions and these actions must be undertaken to my satisfaction.

2. To provide more certainty regarding to the proposed Woodland Reserve:

I understand that the proposed reserve for the Grassy Eucalypt Woodland of the Victorian Volcanic Plain (woodland) ecological community has not undergone the same public consultation process as the western grassland reserve. However, I note that at present the program does not provide the same level of certainty for the establishment of a conservation reserve for the protection of the woodland ecological community relative to the proposals for the western grassland reserves.

I am recommending that the program include further information on the process that will be used to establish the proposed woodland reserve and greater clarity regarding the Victorian Government commitments in that regard, including but not limited to:

- i. The identification of the funding, acquisition and other legal protection mechanisms that will be used to secure the protection of the woodland reserve.
- ii. The development of an adaptive management, monitoring and reporting plan.
- iii. Progress reports on the establishment of the woodland reserve and the interim management activities undertaken therein, at a similar frequency to that of the progress reports for the grassland reserves in the program.
- iv. The preparation and implementation of arrangements for the long term protection and management of the proposed reserve after the term of the interim management plan has concluded, for example the preparation of a National Park or Reserve Management Plan.

3. To provide assurance regarding offsetting requirements

- i. The provision of further details regarding the timing, security and delivery mechanisms that all offsets proposed under the program must comply with, to ensure that minimum standards and consistent requirements are maintained.

4. To improve the program's ability to respond to new information and activities in relation to matters of national environmental significance:

- i. A statement clarifying the triggers for revising prescriptions, which could include:
 - Any new recovery plan or policy statement relevant to any matter of national environmental significance (NES) subject to a prescription,
 - Any new substantial scientific information relating to a relevant matter of NES brought up by either party and as agreed;
 - Any indication that relevant conservation outcomes described in the program, conservation strategies or sub-regional species strategies may become unachievable.



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

The Hon Justin Madden MLC
Minister for Planning
Level 17
8 Nicholson Street
EAST MELBOURNE VIC 3000

Dear Minister

A handwritten signature in blue ink, appearing to read 'Justin', written over the word 'Minister'.

Further to my letter of 3 December 2009 and following discussions between officers of our departments, I write to recommend the following modifications to the program titled *Delivering Melbourne's Newest Sustainable Communities* under the strategic assessment to expand Melbourne's Urban Growth boundary.

As the program cannot be varied or amended once endorsed, I am recommending that the modifications outlined below be made to allow greater transparency and adaptability and more robust decision-making over the intended 20 to 30 year operating period of the program.

1. To clarify the process for identifying, reporting and rectifying non-compliance with the program, I recommend the following requirements be included:

- i. The public reporting of activities and outcomes of the program to improve transparency and accountability. In particular, the reporting should clearly account for offsets obtained in relation to matters of national environmental significance (NES) impacted through implementation of the program.
- ii. The inclusion of a commitment to a 5-yearly independent review of the program, with a scope to be determined by agreement between the parties within 18 months of endorsement, to report on all aspects of the program's operation, with any further actions arising from this review to be agreed between the Commonwealth and the Victorian Government.
- iii. A dispute resolution mechanism in the program to minimise potential conflict in relation to the operation of the program. This mechanism should define the process for handling a disagreement in the application of the program.
- iv. A clear articulation of the continuing compliance relationship between approval holders and the Australian Government, including the ability to pursue compliance action for a failure to comply with requirements of approval or for taking actions that are not covered by a valid approval.

- v. Further clarification that a failure to deliver a conservation outcome or to comply with a procedural requirement specified in the program may result in any approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) no longer being valid for any related and subsequent actions. The process to be followed if such a non-conformance is detected should also be documented in the program, including a statement that I will be required to approve any remedial actions and these actions must be undertaken to my satisfaction.

2. To provide more certainty regarding to the proposed Woodland Reserve:

I understand that the proposed reserve for the Grassy Eucalypt Woodland of the Victorian Volcanic Plain (woodland) ecological community has not undergone the same public consultation process as the western grassland reserve. However, I note that at present the program does not provide the same level of certainty for the establishment of a conservation reserve for the protection of the woodland ecological community relative to the proposals for the western grassland reserves.

I am recommending that the program include further information on the process that will be used to establish the proposed woodland reserve and greater clarity regarding the Victorian Government commitments in that regard, including but not limited to:

- i. The identification of the funding, acquisition and other legal protection mechanisms that will be used to secure the protection of the woodland reserve.
- ii. The development of an adaptive management, monitoring and reporting plan.
- iii. Progress reports on the establishment of the woodland reserve and the interim management activities undertaken therein, at a similar frequency to that of the progress reports for the grassland reserves in the program.
- iv. The preparation and implementation of arrangements for the long term protection and management of the proposed reserve after the term of the interim management plan has concluded, for example the preparation of a National Park or Reserve Management Plan.

3. To provide assurance regarding offsetting requirements

- i. The provision of further details regarding the timing, security and delivery mechanisms that all offsets proposed under the program must comply with, to ensure that minimum standards and consistent requirements are maintained.

4. To improve the program's ability to respond to new information and activities in relation to matters of national environmental significance:

- i. A statement clarifying the triggers for revising prescriptions, which could include:
 - Any new recovery plan or policy statement relevant to any matter of national environmental significance (NES) subject to a prescription,
 - Any new substantial scientific information relating to a relevant matter of NES brought up by either party and as agreed;
 - Any indication that relevant conservation outcomes described in the program, conservation strategies or sub-regional species strategies may become unachievable.

- ii. A process describing how the revision of prescriptions would be conducted, including a statement that Australian Government approval of revised prescriptions is required within a specified period following the revision being agreed to, or the prescription will lapse and no further authorisation of impacts on the relevant matter of NES would be permitted under the program until an approved prescription is in place.

I have instructed my department to continue working closely with Victorian officials to implement these modifications as soon as practicable. The long-term and complex nature of the program requires our best efforts to ensure the achievements will be obtained and any issues are resolved quickly. I believe that the time invested now in improving and clarifying the program as described above will greatly assist future implementation.

I have written in similar terms to Minister Jennings.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Peter Garrett', with a stylized, flowing script.

Peter Garrett

- ii. A process describing how the revision of prescriptions would be conducted, including a statement that Australian Government approval of revised prescriptions is required within a specified period following the revision being agreed to, or the prescription will lapse and no further authorisation of impacts on the relevant matter of NES would be permitted under the program until an approved prescription is in place.

I have instructed my department to continue working closely with Victorian officials to implement these modifications as soon as practicable. The long-term and complex nature of the program requires our best efforts to ensure the achievements will be obtained and any issues are resolved quickly. I believe that the time invested now in improving and clarifying the program as described above will greatly assist future implementation.

I have written in similar terms to Minister Madden.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Peter Garrett', with a large, sweeping flourish extending from the end of the signature.

Peter Garrett

Attachment I**Strategic Assessment Endorsement Criteria**

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates and that any recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will have regard to the extent to which the Program meets the objectives of the Act. In particular that it:

- protects the environment, especially matters of national environmental significance*
- promotes ecologically sustainable development*
- promotes the conservation of biodiversity*
- provides for the protection and conservation of heritage.*

Accordingly, the Program and Final Report should:

- incorporate mechanisms which avoid the taking of actions in any location that will have an impact to matters of national environmental significance or are of high biodiversity or heritage value; or*
- provide that where impacts can not be avoided, then the impacts should be reduced to an acceptable level*
- provide for effective management, mitigation or offset of the likely impacts*
- contain an effective system of adaptive management that is independently audited and publicly reported.*

The Minister will also consider the extent to which the Program and its associated Final Report adequately incorporates:

- the precautionary principle*
- the other principles of ecologically sustainable development*
- intergenerational equity*
- matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.*

**Notification of
DECISION TO ENDORSE THE PROGRAM TO REVISE MELBOURNE'S
URBAN GROWTH BOUNDARY**

Delivering Melbourne's Newest Sustainable Communities: Program Report
(December 2009)

This decision is made under Section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Endorsement decision

Policy, plan or program that is endorsed	Delivering Melbourne's Newest Sustainable Communities: Program Report (December 2009)
Content of the policy, plan or program	The program contains the framework for implementing urban development and associated transport infrastructure within Melbourne's existing and revised urban growth boundary, measures to avoid, mitigate and offset impacts and conservation outcomes to be met for matters of national environmental significance.

Person authorised to make decision

Name and position	Peter Garrett Minister for the Environment, Heritage and the Arts
--------------------------	--

Signature

A handwritten signature in black ink, appearing to be 'Peter Garrett', written over a horizontal line.

Date of decision

A handwritten date '2nd February 2010' in black ink, written over a horizontal line.



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

The Hon Gavin Jennings MLC
Minister for Environment and Climate Change
Level 22
50 Lonsdale St
MELBOURNE VIC 3000

Dear Minister *Gavin*

-2 FEB 2010

Thank you for your letter regarding the Melbourne strategic assessment. I welcome your resubmission of the program document titled *Delivering Melbourne's Newest Sustainable Communities* that is currently under strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As you are aware my Department has been working with Victorian Government officers to progress the strategic assessment of the program to revise Melbourne's urban growth boundary and associated transport infrastructure. The program has been developed to facilitate Melbourne's urban expansion while meeting the requirements of the EPBC Act.

After a comprehensive assessment phase I am pleased to advise you that I have endorsed the Program titled *Delivering Melbourne's Newest Sustainable Communities: Program Report (December 2009)*.

This endorsement paves the way for the future approval of actions or classes of actions to be taken in accordance with the endorsed program. It must be noted that this endorsement alone does not give EPBC Act approval for any action or class of actions to be taken in accordance with the program.

I look forward to working with you on the approvals phase of this strategic assessment, and in particular to working cooperatively to utilise the downstream planning processes to ensure protection of high biodiversity assets within the urban growth boundary, consistent with the overall objectives of the strategic assessment.

I thank you and your department for their hard work and cooperation to progress the strategic assessment to this stage.

Yours sincerely

Peter Garrett
Peter Garrett



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

The Hon Justin Madden MLC
Minister for Planning
Level 17
8 Nicholson Street
EAST MELBOURNE VIC 3000

Dear Minister

- 2 FEB 2010

Thank you for your letter regarding the Melbourne strategic assessment. I welcome your resubmission of the program document titled *Delivering Melbourne's Newest Sustainable Communities* that is currently under strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As you are aware my Department has been working with Victorian Government officers to progress the strategic assessment of the program to revise Melbourne's urban growth boundary and associated transport infrastructure. The program has been developed to facilitate Melbourne's urban expansion while meeting the requirements of the EPBC Act.

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I look forward to working with you on the approvals phase of this strategic assessment, and in particular to working cooperatively to utilise the downstream planning processes to ensure protection of high biodiversity assets within the urban growth boundary, consistent with the overall objectives of the strategic assessment.

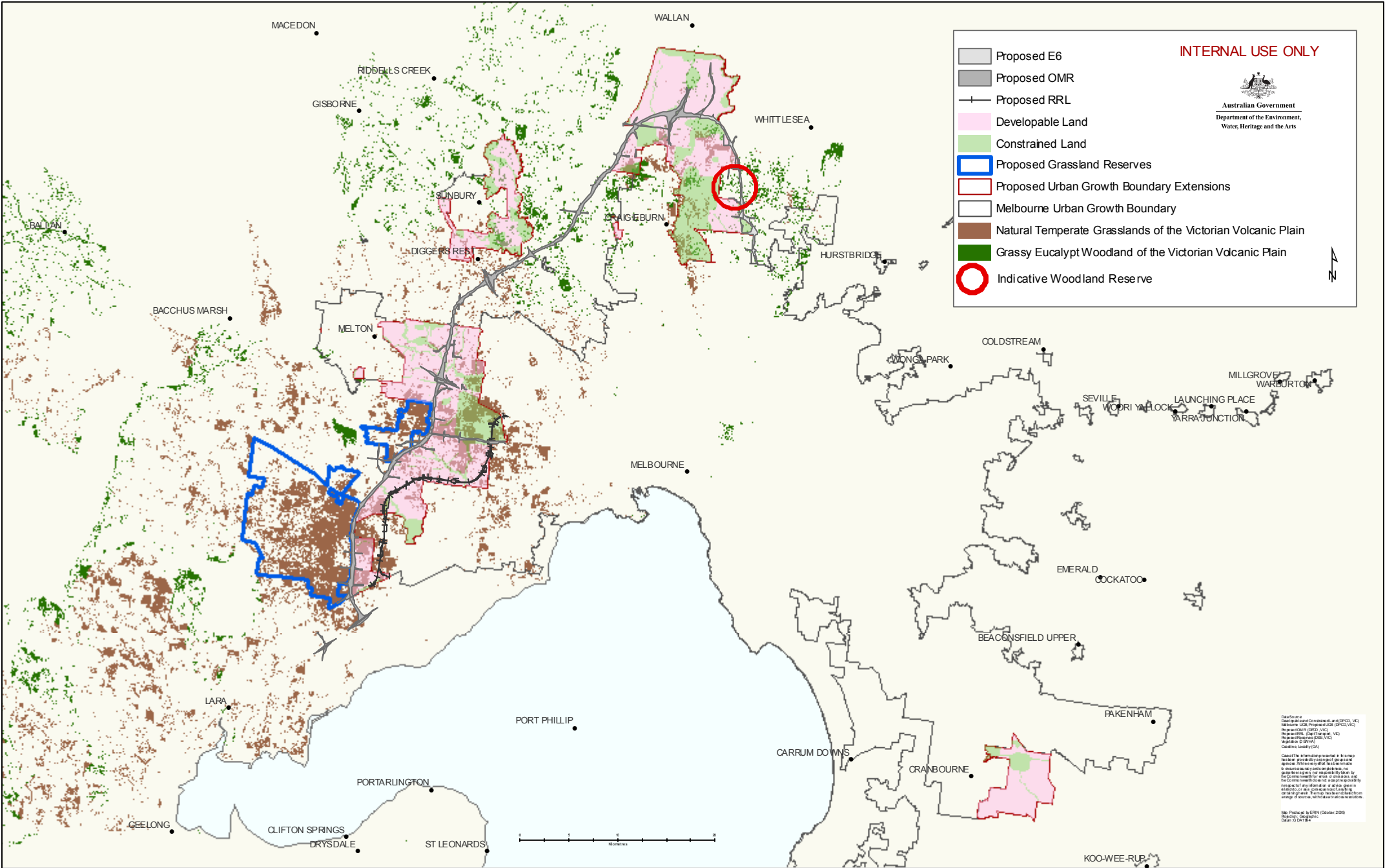
I thank you and your department for their hard work and cooperation to progress the strategic assessment to this stage.

Yours sincerely

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Peter Garrett

Melbourne Strategic Assessment





***ENVIRONMENT PROTECTION AND BIODIVERSITY
CONSERVATION ACT 1999
Part 10 Strategic Assessments
Section 146 (1) Agreement***

Relating to the assessment of impacts of the Program to revise Melbourne's
Urban Growth Boundary

between

THE COMMONWEALTH OF AUSTRALIA

and

THE STATE OF VICTORIA

1 PARTIES

1.1 The Parties to this Agreement are:

The Commonwealth of Australia, represented by the Minister for the Environment, Heritage and the Arts

and

The State of Victoria, represented by both the Minister for Environment and the Minister for Planning.

2 REVOCATION OF PREVIOUS AGREEMENT

2.1 By entering this agreement the Parties hereby revoke the previous agreement made under section 146(1) of the Act in relation to the assessment of impacts of the Program to revise Melbourne's Urban Growth Boundary signed on 4 March 2009.

3 DEFINITIONS

3.1 Unless stated otherwise in this Agreement, the definitions, meanings and terms in the *Environment Protection and Biodiversity Conservation Act 1999* apply to this Agreement and its attachments.

3.2 In this Agreement:

Melbourne @ 5 Million means the report *Melbourne 2030: a planning update - Melbourne @ 5 million* as published by the State of Victoria in December 2008.

Minister means the Minister for the Environment, Heritage and the Arts or delegate.

The Program means the Urban Growth Boundary (UGB) Review for Melbourne being undertaken by the State of Victoria and announced on 2 December 2008, for the development of land, including transport infrastructure, within:

- (i) the investigation areas shown in the *Melbourne @ 5 Million* Report (published by the State of Victoria in December 2008) including the subsequent extension to these areas as shown on the map at Attachment A; and
- (ii) areas inside the existing UGB for which a planning scheme amendment to introduce a Precinct Structure Plan has not commenced to be exhibited or does not remain on exhibition under sections 17-19 of the *Planning and Environment Act 1987* (Vic) as at 26 May 2009, as indicated on the map at Attachment A, and as definitively shown on the Growth Areas Authority map no. 3356/6, dated 26 May 2009.
- (iii) areas in the Outer Metropolitan Ring Transport Corridor, the E6 Transport Corridor and the Regional Rail Link Corridor between West Werribee and Deer Park discussed in the *Victorian Transport Plan* (published by the

State of Victoria on 8 December 2008) as shown on the Map at Attachment A.

The proposed detailed components of the Program will be set out in the *Delivering Melbourne's Newest Sustainable Communities* Report to be published in 2009 and other relevant documents, as they relate to the above areas. The final detailed components of the Program will be set out in a document which the State of Victoria will provide to the Minister for his consideration.

The Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

Working days means a business day as measured in Canberra, ACT.

3.3 In this Agreement references to the singular include the plural.

4 PREAMBLE

- 4.1 The Parties agree that the areas and land associated with the Program have significant environmental values and significant environmental, social and economic values may be derived from implementing the Program.
- 4.2 Recognising those significant environmental values, the Parties commit to undertake an assessment of impacts of actions under the Program on all matters protected by Part 3 of the Act.

5 BACKGROUND

- 5.1 Section 146(1) of the Act allows the Minister to agree in writing with a person responsible for the adoption or implementation of a policy, plan or program that an assessment be made of the impacts of actions under the policy, plan or program on a matter protected by a provision of Part 3 of the Act. This Agreement is made pursuant to Section 146(1) of the Act.
- 5.2 The *Melbourne @ 5 Million* plan has identified environmental constraints to outward growth outside the current UGB (Attachment A).
- 5.3 The development of land for urban use within the areas covered by the Program will be subject to the State of Victoria Precinct Structure Planning process. Individual projects such as the Outer Melbourne Ring Road and Regional Rail Link identified in the *Victorian Transport Plan* will be subject to environment assessment and planning approval processes under Victorian law. In addition to requirements under the Act, the removal of native vegetation and associated habitats for urban expansion and major transport infrastructure will be subject to requirements for impact avoidance, minimisation and offsetting under the State of Victoria's Native Vegetation Management Framework.

6 OPTION TO UNDERTAKE ASSESSMENT, ENDORSEMENT AND APPROVAL PHASES OF THE STRATEGIC ASSESSMENT IN STAGES

- 6.1 The Parties may consult and agree to undertake the assessment of the impacts of the Program by assessing individual stages which, taken together, collectively make up the Program. Where the Parties agree on this approach, each stage will be assessed in accordance with section 146(2) of the Act and this Agreement.
- 6.2 If a staged assessment is required the Minister may issue a staged endorsement in accordance with clause 6.1.
- 6.3 The strategic assessment of any stage will form a discrete component of the Program, however any endorsement decisions will take into account the cumulative impacts of the entire Program.
- 6.4 Where a stage of the Program is assessed, this Agreement and Terms of Reference (Attachment B) shall be used.
- 6.5 Where a staged assessment is determined as necessary by the Parties, the public shall be notified by means of a public notice made available:
- (a) on the websites of the Growth Area Authority and the Department of Sustainability and Environment
 - (b) published in newspapers circulating nationally and in Victoria.

7 TERMS OF REFERENCE

- 7.1 This agreement provides for Terms of Reference (Attachment B) for a report on the impacts of the Program and consideration of the report by the Minister.

8 PREPARATION OF THE REPORT

- 8.1 The State of Victoria will cause a Draft Report to be prepared in accordance with this Agreement and the Terms of Reference (Attachment B).
- 8.2 The State of Victoria shall provide the Draft Report for public comment by notice:
- (a) posted on the websites of the State of Victoria, the Growth Area Authority and the Department of Sustainability and Environment
 - (b) published in newspapers circulating nationally and in Victoria.

The notice must advise that the Draft Report is available and how copies may be obtained, provide contact details for obtaining further information, invite public comments on the Draft Report and set a period of at least 28 days within which comments must be received. The Draft Report will be advertised for comment concurrent with the *Delivering Melbourne's Newest Sustainable Communities* Report. This notice should occur by the agreed date specified in Attachment D.

8.3 The Parties may each notify interested parties of the notice in paragraph 8.2 and of the availability of the Draft Report.

8.4 The State of Victoria will prepare a Revised Draft Report, or a Supplementary Report to the Draft Report, taking account of the comments received.

9 CONSIDERATION OF THE REPORT

9.1 Following the closure of public consultation period for the Draft Report, the State of Victoria will submit to the Minister:

- (a) the Final Report, comprised of
 - (i) the amended Draft Report or
 - (ii) the Draft Report and a Supplementary Report (clause 8.4)
- (b) any amended version of the *Delivering Melbourne's Newest Sustainable Communities* Report, or any report supplementary to it
- (c) public responses relating to the Draft Report
- (d) comments on how the public responses have been taken into account in the Final Report.

Submission of items in clause 9.1 should occur by the agreed date specified in Attachment D.

9.2 The Minister will consider the Final Report and:

- (a) The Minister may make recommendations to the State of Victoria, as he considers appropriate, regarding the Final Report and implementation of the Program
- (b) The State of Victoria may provide the Minister with advice, or seek clarification from the Minister on recommendations in subclause (a)
- (c) The State of Victoria will provide to the Minister a summary of the recommendations, advice or clarification in subclauses (a) and (b), and how they are incorporated into the Final Report and how modifications to the implementation of the Program will take effect
- (d) The Minister will consider the reports and other materials referred to in this clause and may accept the Final Report or request further information or clarification if not satisfied that it addresses adequately the impacts of the actions to which this Agreement relates.

10 ENDORSEMENT OF THE PROGRAM

10.1 The Minister will endorse the Program if satisfied the Report adequately addresses the impacts to which this Agreement applies and:

- (a) that any recommended modifications to the Program, or modifications having the same effect have been made
- (b) the endorsement criteria set out in Attachment C are met.

11 APPROVAL OF ACTIONS

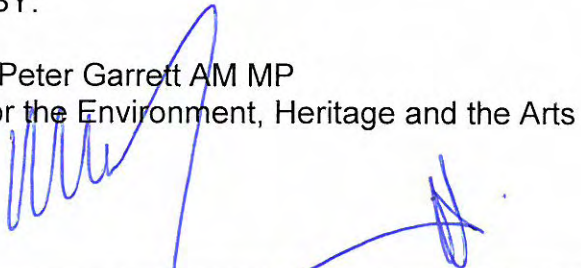
11.1 The Minister may approve, or approve with conditions, the taking of an action or class of actions in accordance with the endorsed Program, this Agreement and section 146B of the Act.

12 VARIATION

12.1 The Parties may vary this Agreement by an exchange of letters or electronic communications to the extent only that such variation is consistent with the provisions of the Act.

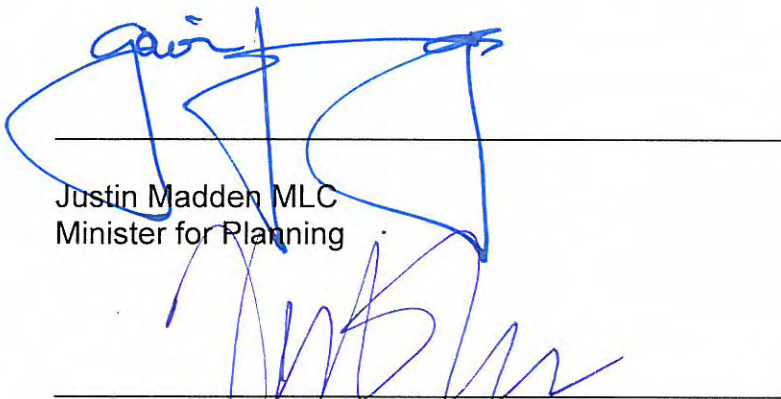
SIGNED BY:

The Hon. Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts



Gavin Jennings MLC
Minister for Environment and Climate Change

Justin Madden MLC
Minister for Planning



Dated this 16th day of June 2009

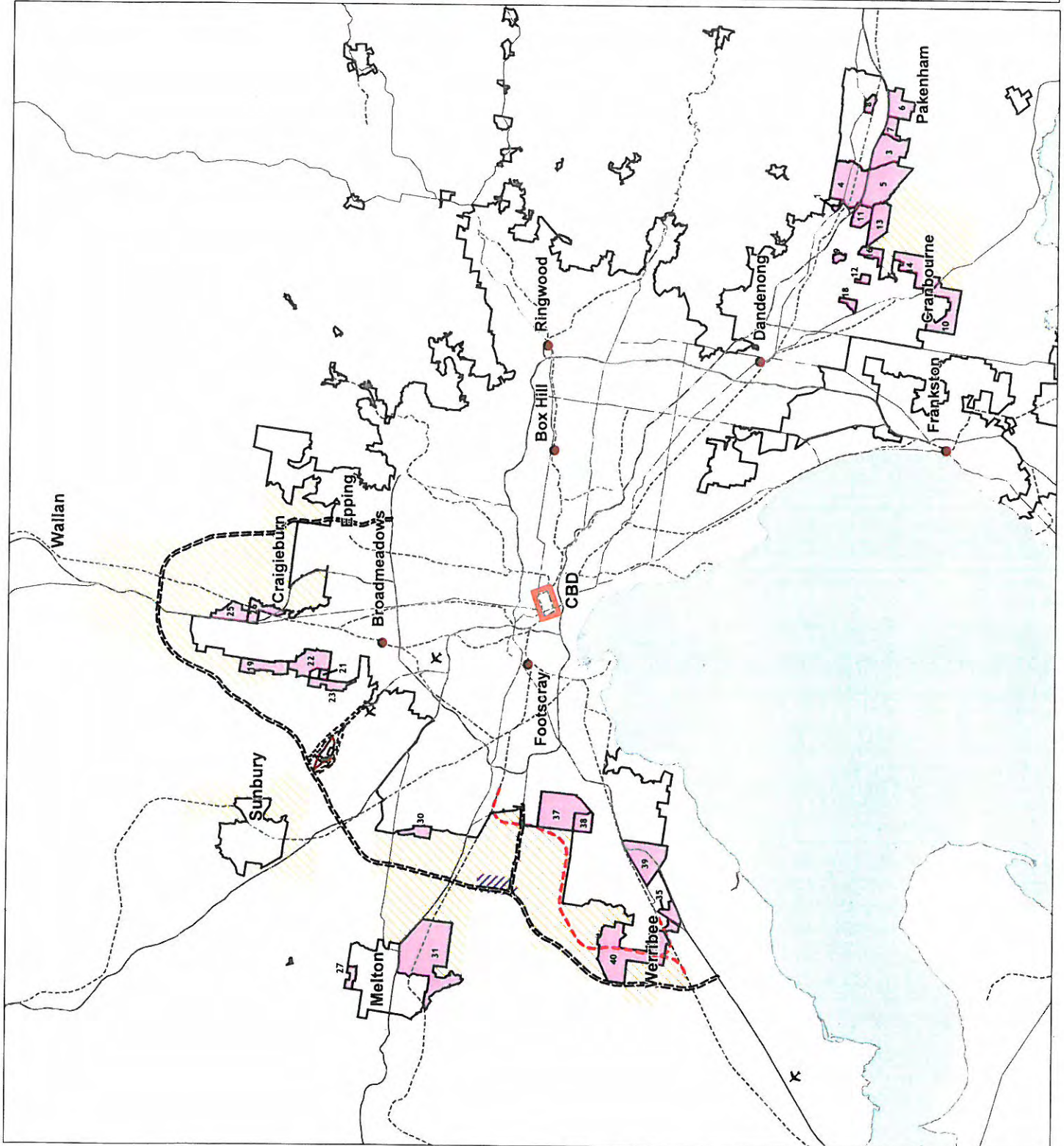
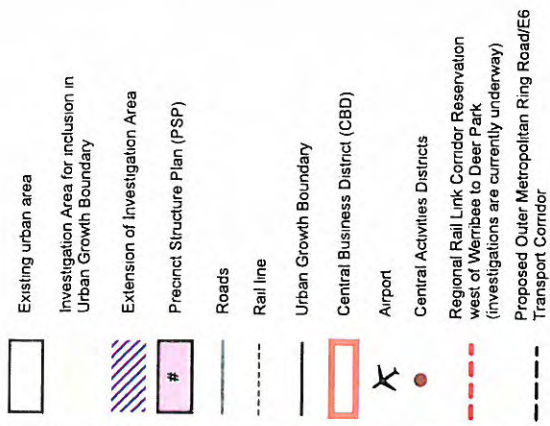
Attachment A: Areas included within the Program

Attachment B: Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

Attachment C: Strategic Assessment Endorsement Criteria

Attachment D: Agreed Dates for Melbourne Strategic Assessment Program Delivery

Investigation Areas



Attachment B

Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

1. PROJECT PURPOSE AND DESCRIPTION

The Report, as referred to in clause 8 of the Agreement, must describe the Program (or stage of), including:

- (a) how the Program has been developed and its legal standing
- (b) the basis of land/asset tenure for all land within the scope of the Program
- (c) the regional context (natural and human) in which the urban area will exist
- (d) the actions or classes of actions that are subject of the Program, including the short, medium and long term aspects of the actions or classes of actions at or associated with the Program. These could include relevant construction and operational aspects associated with proposed urban development and associated infrastructure
- (e) the management and approval arrangements of the State of Victoria and the person(s) or authority responsible for the adoption or implementation of the Program.

2. PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT

2.1 Planning for and promoting ecologically sustainable development

The Report must describe the planning and design process that has led to the Program, with particular reference to the treatment of environmental and cultural heritage through assessment and selection of options that maximise environmental, social and economic outcomes.

The Report must state how the Program promotes the following principles of ecologically sustainable development:

- a) decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- c) the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making
- e) improved valuation, pricing and incentive mechanisms should be promoted.

2.2 Environment affected by the Program

The Report must provide a detailed description of the environment likely to be affected by the implementation of the Program. This includes the environment beyond the identified growth and planning areas that could be affected by the proposed development

for example, through the construction of any major infrastructure associated with the development, the offsite impacts from stormwater management measures (e.g. inundation and flow effects from water quality control dams/ponds/wetlands), or 'edge effects' such as weed introduction, pollution and feral animals.

This description must identify the listed environmental and heritage assets and characteristics, including biophysical processes associated with the area set to be affected by the Program and the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:

- (a) components of biodiversity and maintenance of important ecological processes
- (b) listed threatened and migratory species under the Act and their associated habitats
- (c) a description of ecological communities including but not limited to their connectivity, extent, and condition with specific reference to threatened ecological communities as listed under the Act and other significant ecological communities for example, the natural temperate woodlands of the Victoria Volcanic Plain and grassy wetland communities
- (d) any physical environmental processes (e.g. fire, flooding/inundation) influencing the environmental characteristics of the site or surrounds, or influencing the potential impacts on the site or surrounds, including the impacts on any Ramsar sites
- (e) places listed on the Commonwealth and National Heritage Lists.

3. PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES

3.1 Nature and significance of impacts

The Report must include sound analysis of the potential and likely impacts on the environment of the Program (Item 2.2) with specific reference to matters of national environmental significance, areas of high biodiversity and heritage values listed under the Act.

The analysis must include:

- (a) areas or matters likely to be eligible for listing as matters of national environmental significance
- (b) a description and analysis of likely and potential impacts, including any indirect impacts on matters of national environmental significance – with reference to relevant Policy Statements, for example the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines*
- (c) an analysis of applicable key threatening processes as defined in the Act
- (d) an assessment of whether identified impacts will be short, long term or irreversible, local or regional, discrete or cumulative, or exacerbated by the likely impacts of climate change
- (e) an assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

3.2 Management, mitigation or offset of likely impacts

The Report must identify and describe the *management measures* of the State of Victoria (e.g. works, on-ground actions, regulatory interventions, area-specific management plans, market based instruments, compliance and enforcement requirements) that will be implemented prior, during or post Program implementation to prevent, minimise, rehabilitate or offset the potential environmental impacts caused by implementing the actions or classes of actions (Item 1(d)) with specific reference to matters of national environmental significance under the Act.

For these management measures the Report must set out:

- (a) the approach taken to addressing the impacts of the actions or classes of actions
- (b) the predicted effectiveness of the proposed measures and actions. Claims regarding effectiveness of measures and actions must be justified, including a description of the methodology used to formulate these predictions/confidence limits
- (c) maintenance or operational requirements associated with proposed management measures
- (d) compliance and enforcement requirements associated with proposed condition requirements
- (e) the Victorian agency or agencies responsible for each management measure including the budgetary, regulatory and anticipated or proposed programmatic arrangements to implement measures and actions, compliance and enforcement and maintenance or operational requirements
- (f) timelines and accountabilities for implementing proposed measures and actions, and associated compliance and maintenance requirements
- (g) proposed offsets in the context of evolving or approved policy, for example the Commonwealth Draft Policy Statement: Use of environmental offsets under the *Environment Protection and Biodiversity Conservation Act 1999*, August 2007.

3.3 Addressing uncertainty and managing risk

The Report must identify key uncertainties associated with the implementation of management measures, for example where there is a high level of uncertainty related to the timing and nature of management measures, or their maintenance or operation.

For key uncertainties the Report must set out:

- (a) responses by the State of Victoria to ensure an acceptable level of certainty and therefore actively manage risks associated with implementing the actions or classes of actions (Item 1(d))
- (b) how and when measures and actions will be reviewed in light of anticipated new information.

3.4 Reasonable assurance

The Report must include a “*reasonable assurance statement*” that gives a high degree of confidence that the management measures will be implemented and that the actions or classes of actions (Item 1(d)) will not have a significant impact on matters of national environmental significance.

4. AUDITING AND REPORTING

The Report must set out:

- (a) monitoring and public reporting processes, effective during the development period that describe the implementation and associated management measures and condition requirements
- (b) commitments for independent auditing of Program implementation.

5. ADAPTIVE MANAGEMENT, REVIEW AND MODIFICATION

The Report must identify and analyse the likely circumstances and procedures that may result in the review or modification of the report itself or the Program to which it relates, such that changing community standards or new information relating to the impacts of the Program may be introduced, reassessed and accounted for in implementing the Program. The Report must also show how uncertainty is being targeted and addressed during Program implementation.

6. ENDORSEMENT CRITERIA

The Report must describe how the Program together with any associated management arrangements, meets the criteria set out in Attachment C (Endorsement Criteria).

7. INFORMATION SOURCES

For information used in the assessment, the Report must state:

- (a) the source of the information
- (b) how recent the information is
- (c) how the reliability of the information was tested
- (d) uncertainties in the information.

Attachment C**Strategic Assessment Endorsement Criteria**

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates and that any recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will have regard to the extent to which the Program meets the objectives of the Act. In particular that it:

- protects the environment, especially matters of national environmental significance
- promotes ecologically sustainable development
- promotes the conservation of biodiversity
- provides for the protection and conservation of heritage.

Accordingly, the Program and Final Report should:

- incorporate mechanisms which prevent actions from being taken in any location that have an impact on matters of national environmental significance or are of high biodiversity or heritage value; or
- provide that where impacts can not be avoided, then the impacts should be less than significant
- provide for effective management, mitigation or offset of the likely impacts
- contain an effective system of adaptive management that is independently audited and publicly reported.

The Minister will also consider the extent to which the Program and its associated Final Report adequately incorporates:

- the precautionary principle
- the other principles of ecologically sustainable development
- intergenerational equity
- matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.

Attachment D**Agreed Dates for Melbourne Strategic Assessment Program Delivery**

Draft Report provided for public comment as per clause 8.2 of the Agreement – 18 June, 2009.

Revised Final Report sent to the Minister as per clause 9.1 of the Agreement – COB 14 August, 2009.

Both Parties reserve the right to request a renegotiation of the agreed timeframe and dates for the assessment. The agreed dates may be altered by either Party to the extent only that such variation is consistent with the provisions of the Act.

PSP NOTES

Biodiversity Management

The *PSP Notes* are a series of documents providing advice to key stakeholders and organisations responsible for preparing precinct structure plans. These are expected to be updated from time to time. This document represents current thinking about planning for biodiversity in growth areas.

In all precinct structure plans, the assessment, protection and management of biodiversity values should be considered in the context of the surrounding and long term urban development. Where biodiversity values need to be retained within the precinct, the aim should be to incorporate these into open space networks (both public accessible spaces and nature reserves) where appropriate. These areas should be managed to assist with long term viability.

Policy and legislative context

The primary goal for conserving native vegetation in Victoria is 'to achieve a reversal, across the entire landscape, of the long-term decline in the extent and quality of native vegetation, leading to a **'Net Gain'**'. Protecting the environment for future generations is also one of the government's top ten goals listed in Growing Victoria Together.

Melbourne 2030 aims to 'protect native habitat and areas of important biodiversity through appropriate land-use planning'.

Clause 15.09 of the *Victoria Planning Provisions* notes that:

- Planning authorities should have regard to *The National Strategy for the Conservation of Australia's Biological Diversity*;
- Planning and responsible authorities must have regard to *Victoria's Native Vegetation Management – A Framework for Action*; and
- Planning and responsible authorities must ensure that any changes in land use or development would not adversely affect matters of national environmental significance including wetland wildlife habitats designated under the *Convention on Wetlands of International Importance* (the Ramsar Convention).

Biodiversity conservation is implemented by the Commonwealth through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and administered by the Australian Government Department of Environment, Water, Heritage and the Arts (DEWHA). Matters of national environmental significance to be protected in the Urban Growth Zone include:

- Threatened ecological communities and threatened species
- Migratory birds
- Wetlands of international importance (Ramsar listed wetlands)

To maximize positive environmental and planning outcomes the requirements of the EPBC Act should be taken into account during the entire precinct structure planning process. The Strategic Assessment of 2009 provides a context for conditional approval under the EPBC Act for protection of matters of national environmental significance through rigorous assessment under the precinct structure plan development requirements.

The Program to be endorsed in the Strategic Assessment (2009) for the Urban Growth Boundary may specify prescriptions for treatment of matters of national environmental significance. Where prescriptions are specified in the Program these must be followed. Where treatments are not defined, appropriate approvals must be obtained separately from the Commonwealth.



Native vegetation framework

The Native Vegetation Framework requires a three step approach to applying Net Gain:

1. To **avoid** adverse impacts, particularly through vegetation clearance.
2. If impacts cannot be avoided, to **minimise** impacts through appropriate consideration in planning processes and expert input to project design or management.
3. Identify appropriate **offset** options.

In the context of precinct structure planning this three-step approach is dealt with by a native vegetation precinct plan (NVPP) (See Clause 52.16 of *Victoria Planning Provisions*). The NVPP will form part of the implementation provisions of the precinct structure plan, and it will set out the native vegetation to be retained and the vegetation to be removed as a result of the precinct structure plan, including mechanisms for offsetting any losses. In some cases this will reflect decisions made in the location of the urban growth boundary.

These biodiversity and native vegetation frameworks operate within the objectives of Melbourne 2030, so the task for managing biodiversity in precinct structure plans is to protect and manage biodiversity values whilst enabling urban development.

Approach to integrating biodiversity requirements

A standard approach to integrating biodiversity requirements into the precinct structure planning process is set out in the following table.

The Biodiversity Precinct Planning Kit assists Councils, developers and consultants in the preparation of biodiversity background reports and biodiversity components for precinct structure planning. It identifies the information required by DSE and ensures assessment of biodiversity values is sufficiently detailed and of a standard that enables resultant documents (including Strategic Context (Biodiversity), Biodiversity Plan, Native Vegetation Precinct Plan and associated planning tools) to be prepared as part of the Precinct Structure Plan. The Kit has been developed by DSE and endorsed by DPCD and GAA.

Approach to integrating biodiversity requirements

	DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT (DSE)	PLANNING AUTHORITY GAA/COUNCIL	COMMONWEALTH DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS (DEWHA)	
PRE-PLANNING	<ul style="list-style-type: none"> Reviews project plan Informs native vegetation and fauna pre-planning work 	<ul style="list-style-type: none"> Where appropriate GAA maps biodiversity values and discusses retention/ offset with DSE GAA develops project plan 	<ul style="list-style-type: none"> Where appropriate GAA maps biodiversity values and identifies any matters of national environmental significance. 	PRE-PLANNING
SET THE SCENE	<ul style="list-style-type: none"> Reviews biodiversity (flora, fauna and habitat hectare) assessments Reviews biodiversity statement as part of Strategic Context Identifies matters of National Environmental Significance (NES) and considers involvement of DEWHA (if new prescriptions for matter of NES required) 	<ul style="list-style-type: none"> Facilitates production of biodiversity (flora, fauna and habitat hectare) assessments Facilitates production of biodiversity statement as part of Strategic Context Facilitates DSE involvement Facilitates DEWHA involvement where necessary 	<ul style="list-style-type: none"> If the Program endorsed in the Strategic Assessment (2009) is applicable and proposed actions under the precinct structure plans can satisfy the Program's conditions /prescriptions, no further involvement of DEWHA is required Where the Program endorsed in the Strategic Assessment (2009) is not applicable, DEWHA is consulted 	SET THE SCENE
CREATE THE STRUCTURE	<ul style="list-style-type: none"> Recommends options for protection and management in urban context including incorporation into open space network where appropriate Develop prescriptions for matters of NES not included in Strategic Assessment (2009), in consultation with DEWHA Seeks agreement in principle to avoid/ minimise/ offset and manage native vegetation and about need to retain flora and fauna habitats in line with Flora & Fauna Guarantee Act and Environment Protection and Biodiversity Conservation Act 	<ul style="list-style-type: none"> Facilitates involvement of DSE in production and testing of urban structure Facilitates consideration of biodiversity management options, including incorporation into open space network where possible Facilitates DEWHA involvement where necessary 	<ul style="list-style-type: none"> If the Program endorsed in the Strategic Assessment (2009) is applicable, DSE considers matters of NES on behalf of DEWHA Where the Program endorsed in the Strategic Assessment (2009) is not applicable, DEWHA is involved in the precinct structure plan planning process to develop new prescriptions 	CREATE THE STRUCTURE
MAKE THE PLACE	<ul style="list-style-type: none"> Considers how refinements to precinct structure plan impact on native vegetation and protected fauna Seeks agreement about precise boundary and management of retained biodiversity areas Informs production of biodiversity outputs 	<ul style="list-style-type: none"> Facilitates refinement of precinct structure plan Facilitates production of biodiversity outputs, i.e. biodiversity plan, draft native vegetation precinct plan, precinct structure plan implementation provisions and conservation management plan (where needed) 	<ul style="list-style-type: none"> If the Program endorsed in the Strategic Assessment (2009) is applicable, DSE considers matters of NES on behalf of DEWHA Where the Program endorsed in the Strategic Assessment (2009) is not applicable, appropriate approvals or new prescriptions are obtained separately from the Commonwealth 	MAKE THE PLACE
CHECK THE PLAN	<ul style="list-style-type: none"> Informs land efficiency testing Informs finalisation of biodiversity outputs 	<ul style="list-style-type: none"> Tests impact of biodiversity retention on land efficiency Finalises biodiversity plan, native vegetation precinct plan, precinct structure plan implementation provisions and conservation management plan 	<ul style="list-style-type: none"> If the Program endorsed in the Strategic Assessment (2009) is applicable, DSE considers matters of NES on behalf of DEWHA Where the Program endorsed in the Strategic Assessment (2009) is not applicable, appropriate approvals are obtained from the Commonwealth 	CHECK THE PLAN
APPROVAL/ INCORPORATION	<ul style="list-style-type: none"> Minister for the Environment approves native vegetation precinct plan 	<ul style="list-style-type: none"> Exhibits precinct structure plan and native vegetation precinct plan Panel may be appointed to consider submissions to precinct structure plan and native vegetation precinct plan Minister approves planning scheme amendment, including precinct structure plan and native vegetation precinct plan Once approved, native vegetation precinct plan is incorporated at clause 52.16 and no permit required for consistent works 	<ul style="list-style-type: none"> Where the Program endorsed in the Strategic Assessment (2009) is not applicable, appropriate approvals are obtained from the Commonwealth. A biannual third party audit will assess the effectiveness of implementation of the endorsed Program to protect matters of NES Follow up action as required 	APPROVAL/ INCORPORATION

Note: All references to *the Program* mean the endorsed Program, and the actions or classes of actions approved in accordance with it under the strategic assessment process in Part 10 of the Environment Protection and Biodiversity Conservation Act 1999.



DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS**Minister for Environment Protection, Heritage and the Arts (Decision)**

Brief No: B10/1571
Division/Agency: AWD
Public Affairs Consulted: Yes

FINAL APPROVAL FOR 28 EXISTING PRECINCTS UNDER THE ENDORSED PROGRAM FOR MELBOURNE'S URBAN EXPANSION

Timing: 19 July 2010 - to facilitate orderly land releases.

Purpose: To consider final approval for urban development within 28 precincts undertaken in accordance with the endorsed Program for Melbourne's urban expansion (Attachment A).

Background

- On 2 February 2010, you endorsed the Victorian Government's Program for Melbourne's urban expansion as described in the Program document *Delivering Melbourne's Newest Sustainable Communities Program Report* (Dec 2009, Victorian Government). Section 146B(1) of the EPBC Act allows you to approve the taking of an action, or class of actions, in accordance with the endorsed Program.
- On 11 June 2010, you approved the Regional Rail Link Project (West of Werribee to Deer Park), the first approval to be granted under the strategic assessment provisions of the EPBC Act.
- On 18 June 2010, you advised relevant Ministers of your intention to approve activities associated with urban development undertaken in accordance with the Program within the 28 precincts of Melbourne's current urban growth boundary, subject to conditions, pursuant to section 146C of the EPBC Act. This brief and the draft approval notice are at Attachment B.

Issues/ Sensitivities:

- Information relevant to your approval decision is in the above brief and its attachments. These attachments have been updated for the final approval decision, as necessary, and are at Attachment C to this current brief. Attachment C1 provides a summary of the proposal for urban development within the 28 precincts in Melbourne's current urban growth boundary and the overall Program, plus figures. Detailed legal considerations, that you are required to take into account in decision-making, are at Attachment C2. Further additional information to assist in your final decision is below.

Ministerial comments and changes to approval conditions

- You are required to take into account any comments received from Ministers in making a final approval decision. You sought comments from the Minister for Infrastructure, Transport, Regional Development and Local Government, Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for Climate Change, Energy Efficiency and Water. You also invited comments from responsible Victorian Government Ministers.
- No substantive comments were received, however, changes have been made to the approval conditions to reflect advice from AGS that it is not possible to enforce conditions requiring a 'third party' to do something. This is relevant to the suggested condition in the draft approval which required the Victorian Department of Sustainability and the Environment to provide reporting on completion of Precinct Structure Plans. A new annexure has been added to the approval to provide explanation as to the meaning and intent of the approval, and also to reflect the agreement by DSE to provide this reporting. Further explanation of these changes is at Attachment B.

NGO comments

- The department met with key NGO representatives on 13 May 2010 to provide an update on the Program, as well as any informal feedback on your consideration of approvals for the existing 28 precincts within Melbourne's current growth boundary and the Regional Rail Link.
- No specific concerns were raised about the 28 precincts. However, concerns were raised about the perceived inability to protect small areas of high biodiversity within the four new growth areas. The department considers that the Program, and application of the prescriptions for matters of national environmental significance (MNES), will identify most such areas. However, in addition, requirements under the Program to prepare and implement Biodiversity Conservation Strategies for the new growth areas will be used to identify high biodiversity areas that might otherwise be missed by the prescriptions.
- DSE has advised NGOs that it will shortly constitute a reference group, including NGOs, to identify potential additional conservation reserves. Provided there is adequate scientific justification for such reserves, these requirements will be reflected in the Biodiversity Conservation Strategies submitted to yourself for approval. The department has also committed to provide the draft strategies to relevant NGO groups for comment, to ensure that justifiable nominations have been adequately considered.
- The department does not consider that changes are needed to the approval conditions for activities associated with urban development within the 28 precincts to reflect issues raised by NGOs to date.

Developers and consultants

- The Urban Development Institute of Australia and Planning Institute of Australia (Victorian branches) wrote to you on 9 April 2010 to express concerns about the draft prescription for the Golden Sun Moth which required offsetting for clearing of non-native grasslands where the species may occur. The final prescription, which you approved on 16 April 2010, included modifications to address this concern and to ensure a fairer offset arrangement. The department, on your behalf, wrote to the institutes on 28 April 2010 to advise of these changes.
- DSE convened a workshop of developers and consultant ecologists on 3 May 2010 to provide an update on the Program and the application of the prescriptions for protection of matters of national environmental significance (MNES) approved by yourself. Developers are broadly accepting of the Program and MNES prescriptions, in view of the upfront certainty it provides in addressing EPBC Act requirements. The workshop considered examples for application of the final Golden Sun Moth prescription to illustrate its implementation during the precinct structure planning process.
- The department does not consider that changes are needed to the approval conditions for activities associated with urban development within the 28 precincts to reflect issues raised by developer groups to date.

Growth Boundary Extension

- At the time of writing, the enabling legislation to provide for the expansion of Melbourne's urban growth boundary is still being debated in the upper house of the Victorian Parliament. The President of the upper house, Robert Smith, has sought legal advice on whether the Victorian government's enabling legislation is acceptable. This legal advice may take up to a month to be received, before debate can resume on the amended enabling legislation.
- This does not have any implications for implementation of the Program for the 28 precincts within Melbourne's *current* growth boundary. The Victorian Government retains the legal authority to gazette the planning instruments to create the acquisition and environmental significance overlays providing for the creation of the Western Grassland Reserves without the need for new legislation. We understand that this mechanism will be used in the event of further delays to the legislation for the new growth areas. As previously advised, the department does not consider it appropriate to consider approval of actions associated with the 4 new growth areas until the legislation and planning instruments are in place.

Conclusion

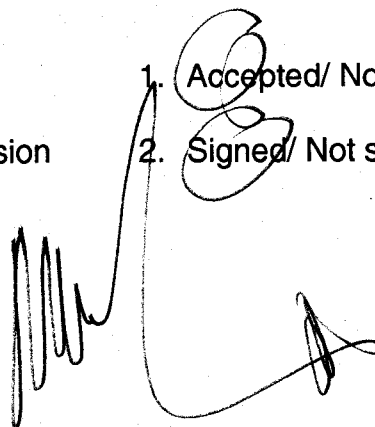
- The department considers that impacts associated with actions undertaken in accordance with the Program within the existing 28 precincts are acceptable. These impacts are discussed in the brief at Attachment B and considered in detail at Attachment C2.
- In summary, developments within the existing 28 precincts will result in loss of 768ha of listed grasslands out of a total loss of 4,665ha for the overall Program (eg 17% of total loss). For listed grassy woodlands, the Program will result in loss of up to 709ha of which 135ha will occur within the existing 28 precincts (19% of total loss).
- These losses will be offset at an average ratio of 2:1 with 'like for like' habitat sourced from the new grassland and woodland reserves. This will secure meaningful protection at the bioregional, landscape and ecosystem scale for the ecological communities and associated listed species. The department believes that this outcome is highly desirable.
- Impacts will also occur for non-grassland and woodland dependent species such as the listed Southern Brown Bandicoot and Growling Grass Frog. The prescriptions require important habitat and linkage/dispersal corridors to be retained for protection, and managed in accordance with conservation plans approved by DSE. To date, precinct structure plans have avoided and retained all important habitat (examples at Attachment C1, C2) and no offsets have been required. This is consistent with the expected outcome for all of the existing precincts where these species are present.
- The existing 28 precincts are integral to the implementation of the important social and economic aspects of the Program for Melbourne's urban expansion even though they are located within the current urban growth boundary. These precincts total 15,581ha and are anticipated to cater for up to 75,000 new homes. These precincts were included so that their precinct planning process could be carried out in accordance with the Program and be consistent with its social and environmental objectives.
- The Victorian Government continues to meet all of its commitments under the Program even though the enabling legislation for the expansion of Melbourne's urban growth boundary continues to be debated in the upper house of the Victorian Parliament. This approval decision will provide certainty to planning and decision making for development within the existing 28 precincts, and will ensure the Program's desirable environmental outcomes can begin to be achieved.

Recommendations:

1. Adopt the final decision and conditions at Attachment A.
2. If you accept Recommendation 1, sign the approval decision notice and notification letters at Attachment A.

1. Accepted/ Not accepted

2. Signed/ Not signed



s. 22(1)(a)(ii)

Acting Assistant Secretary
Strategic Approvals & Legislation Branch

Secondary Contact:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @environment.gov.au

 MINISTER
/2010

s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @environment.gov.au

1/7/2010

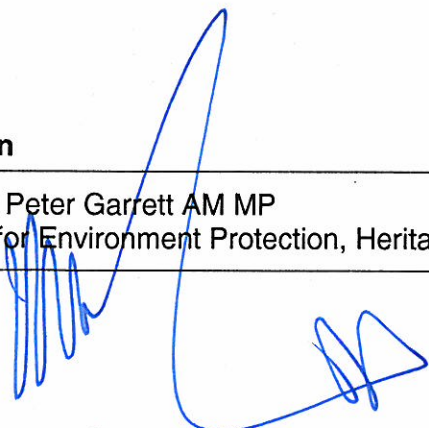
Attachments:

A	<ul style="list-style-type: none"> Final approval decision notice Letters to relevant Ministers 	B	<ul style="list-style-type: none"> Draft approval decision brief signed 18 June 2010 (B10/1115) Draft approval decision notice and conditions Changes in final notice/conditions
C	<ul style="list-style-type: none"> C1: Summary, MNES tables C2: Legal considerations Figures 	D	<ul style="list-style-type: none"> Endorsed Program (December, 2009) Department's assessment report on the endorsed Program <i>Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report</i> (Victorian Government 2009a).



**APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH
AN ENDORSED PROGRAM UNDER THE *ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION ACT 1999***

This decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999*.

General	Further explanatory information related to this approval decision is at Annexure 1.
Approved action/class of actions	All actions associated with urban development, undertaken in accordance with the endorsed program report <i>Delivering Melbourne's Newest Sustainable Communities</i> , Victorian Government, December 2009 (the Program), within the 28 precincts identified on page 17 (Map 7).
Relevant controlling provisions	The approval has effect for: <ul style="list-style-type: none">• Wetlands of international importance (sections 16 & 17B)• Listed threatened species and communities (sections 18 & 18A)• Listed migratory species (sections 20 & 20A)
Conditions of approval	This approval is subject to the conditions specified at Annexure 2.
Period for which approval has effect	The approval has effect until 31 December 2060.
Person authorised to make decision	
Name and Position	The Hon Peter Garrett AM MP Minister for Environment Protection, Heritage and the Arts
Signature	
Date of decision	5th July 2010

ANNEXURE 1**Explanatory information**

This approval decision is made under section 146B of the EPBC Act which provides for the Minister for the Environment (the Minister) to approve actions, or classes of actions, undertaken in accordance with an endorsed policy, plan or program. An approval under section 146B of the EPBC Act has the same effect as an approval given under Part 9 of the Act, therefore actions approved under this decision will not require separate referral, assessment or approval under the EPBC Act in order to be taken.

On 2 February 2010, the Minister endorsed the Program of the Victorian Government for Melbourne's urban growth as described in *Delivering Melbourne's Newest Sustainable Communities* (Victorian Government, December 2009). Among other things, the endorsed program includes actions associated with urban development proposed to occur in 28 precincts located within Melbourne's urban growth boundary as identified on page 17 of this document.

This approval only applies to the specified class of actions that are undertaken in accordance with the requirements of the Program and the conditions at Annexure 2 of this approval decision.

Program evaluation, monitoring and reporting requirements for approved classes of actions under the Program are described at Section 11 of the Program report. These requirements are the responsibility of the Victorian Government. In particular, the Victorian Government must submit a Reporting and Monitoring Framework to the Minister for approval within 12 months of the date of this approval.

As an interim measure, the Victorian Government Department of Sustainability and Environment has agreed, consistent with the requirements of the Program, to provide reports to the Department of the Environment, Water, Heritage and the Arts (the department) on implementation of the prescriptions for protection of matters of national environmental significance (MNES) for each of the 28 precincts covered by this approval. The reports will be provided within 28 calendar days following adoption of each Precinct Structure Plan. The reports will demonstrate how the relevant prescriptions have been applied and the measurable outcomes achieved for protection of MNES. Each report will include the following minimum information:

- a) applicable prescriptions for the precinct
- b) outcomes of flora and fauna surveys (if required)
- c) outcomes required for each applicable prescription
- d) *In situ* reserve requirements (if needed) and adopted measures for *in situ* protection of each MNES (if needed)
- e) offset requirements and how these will be attained, including calculation of any habitat hectare requirements under the Victorian *Native Vegetation Management Framework*, and
- f) a figure or map showing *in situ* offsets (if needed) and other protection areas.

ANNEXURE 2**Conditions**

Actions must be undertaken in accordance with the following conditions to ensure protection of listed threatened species and ecological communities, listed migratory species and the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula, the Edithvale Seaford and Western Port Ramsar sites.

1. Persons taking actions must undertake the actions in accordance with the following prescriptions approved by the Minister for protection of matters of national environmental significance (MNES):
 - *Final Prescription for Natural Temperate Grassland of the Victorian Volcanic Plain* (approved 16 April 2010)
 - *Final Prescription for Spiny Rice-flower* (approved 16 April 2010)
 - *Final Prescription for Golden Sun Moth* (approved 16 April 2010)
 - *Final Prescription for Matted Flax-lily* (approved 16 April 2010)
 - *Final Prescription for Striped Legless Lizard* (approved 16 April 2010)
 - *Final Prescription for Grassy Eucalypt Woodland of the Victorian Volcanic Plain* (approved 27 May 2010)
 - *Final Prescription for Growling Grass Frog* (approved 27 May 2010)
 - *Final Prescription for Southern Brown Bandicoot* (approved 27 May 2010)
 - *Final Prescription for Migratory Species* (approved 27 May 2010).
2. Persons taking actions must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including application of the MNES prescriptions to developments within the 28 precincts covered by this approval, and make them available upon request to the Minister within 28 days from the date of a request.



The Hon Peter Garrett AM MP

Minister for Environment Protection, Heritage and the Arts

B10/1571

The Hon Anthony Albanese MP
Minister for Infrastructure, Transport,
Regional Development and Local Government
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing in regard to the Victorian Government's Program for Melbourne's urban expansion entitled *Delivering Melbourne's Newest Sustainable Communities* (the Program).

The Program, providing for 284,000 new dwellings in four new growth areas as well as development in 28 existing precincts within Melbourne's current growth boundary, has been assessed under the strategic assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). I endorsed the outcomes of the strategic assessment on 2 February 2010 as meeting the requirements of the EPBC Act for protection of matters of national environmental significance.

I have since been considering the approval of specific developments as well as more generic classes of actions undertaken in accordance with the Program. On 11 June 2010 I approved the Regional Rail Link Project (West of Werribee to Deer Park), the first approval to be granted under the strategic assessment provisions of the EPBC Act.

I wrote to you on 18 June 2010 to advise of my intention to approve activities associated with urban developments within the 28 precincts of Melbourne's current urban growth boundary and to provide the opportunity for any comment on my proposed decision. The 28 precincts cover some 15,581 hectares and will provide for up to 75,000 new homes.

I am pleased to advise that I have now made my final decision to approve these developments, subject to the conditions in the attached notice. This decision will significantly cut red tape by avoiding the need for assessment and approval of individual housing development projects under the EPBC Act, while at the same time ensuring an appropriate level of environmental protection in accordance with the requirements of national environmental law and the expectations of the community.

Yours sincerely

A blue ink handwritten signature of Peter Garrett, consisting of a series of loops and a long horizontal stroke.

Peter Garrett



The Hon Peter Garrett AM MP

Minister for Environment Protection, Heritage and the Arts

B10/1571

The Hon Gavin Jennings MLC
Minister for Environment and Climate Change
Parliament House
EAST MELBOURNE VIC 3002

Dear Minister

I am writing in regard to the Victorian Government's Program for Melbourne's urban expansion entitled *Delivering Melbourne's Newest Sustainable Communities* (the Program).

As you are aware, I endorsed the Program on 2 February 2010 under the strategic assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I have since been considering the approval of specific developments as well as more generic classes of actions undertaken in accordance with the Program. On 11 June 2010 I approved the Regional Rail Link Project (West of Werribee to Deer Park), the first approval to be granted under the strategic assessment provisions of the EPBC Act.

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Thank you for your continued assistance and cooperation on this matter.

Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke.

Peter Garrett



The Hon Peter Garrett AM MP

Minister for Environment Protection, Heritage and the Arts

B10/1571

The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services
and Indigenous Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing in regard to the Victorian Government's Program for Melbourne's urban expansion entitled *Delivering Melbourne's Newest Sustainable Communities* (the Program).

The Program, providing for 284,000 new dwellings in four new growth areas as well as development in 28 existing precincts within Melbourne's current growth boundary, has been assessed under the strategic assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). I endorsed the outcomes of the strategic assessment on 2 February 2010 as meeting the requirements of the EPBC Act for protection of matters of national environmental significance.

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Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, followed by a small circular flourish.

Peter Garrett