

Ravenhall Prison Project: Ecology and Heritage Assessments and Approvals

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Setting the scene: policy and legislation

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

- Commonwealth legislation
- Matters of National Environmental Significance (MNES)
 - Threatened species and ecological communities
- Referral required for any action that may result in a 'significant impact' on MNES
- EPBC Act Environmental Offsets Policy October 2012
- Part 10 Strategic Assessments:
 - Landscape/regional scale
 - Approval of 'classes of actions' rather than individual referral of projects
 - Melbourne Strategic Assessment (MSA), Biodiversity
 Conservation Strategy and Habitat Compensatory Fees
- Ravenhall Prison Project area crossed the MSA boundary, and MSA had not yet been approved





Setting the scene: policy and legislation

Planning and Environment Act 1987

- Clause 52.17
- Victoria's Native Vegetation Management a Framework for Action (the Framework)
 - Aim to achieve a Net Gain in the extent and quality of native vegetation
 - Avoid, Minimise and Offset
 - Recently superseded by the Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines

Flora and Fauna Guarantee Act 1988 (FFG Act)

- Threatened species, communities and potentially threatening processes
- Permit required to 'take' protected flora species from public land

Environmental Effects Act 1978 (EE Act)

- Establishes a process to assess the environmental impacts of a project
- Referral criteria to determine if applicable
- If applicable, requires an Environmental Effects Statement (EES) biosis.com.au © Copyright Biosis 2014

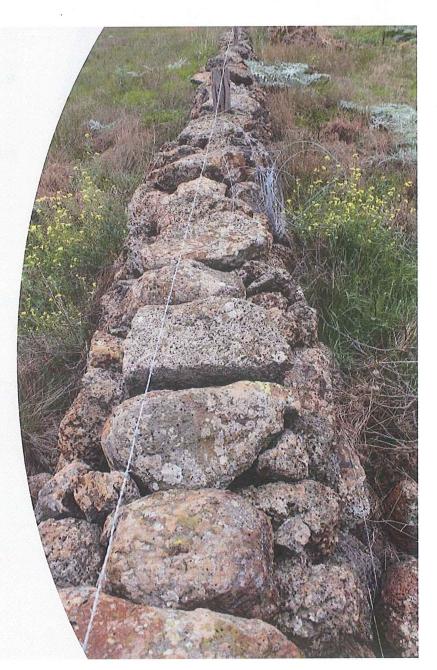




Setting the scene: policy and legislation

Aboriginal and Historical Cultural Heritage

- Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007
- Mandatory Cultural Heritage Management Plan (CHMP) triggers:
 - High impact activity
 - Area of cultural sensitivity
- Heritage Act 1995
 - Administered by Heritage Victoria
 - Permit required to impact on registered historical heritage places
- P&E Act: Clause 52.37 of the Victorian Planning Provisions:
 Post Boxes and Dry Stone Walls
 - Permit required to demolish, remove or alter dry stone walls
 - Schedule to Clause 52.37 yet to be implemented, however Melton City Council tend to request Dry Stone Wall Management Plans in the interim





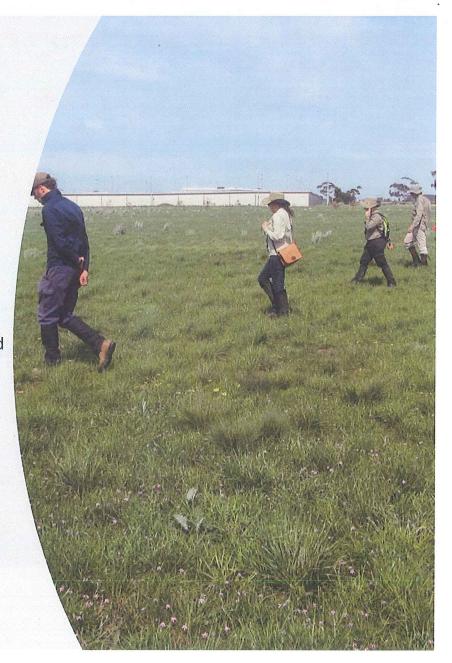
Assessments undertaken

Ecology

- Targeted surveys for listed threatened flora and fauna
- Mapping of threatened ecological communities and native vegetation
- Vegetation assessments of adjacent Ravenhall Grasslands Nature Conservation Reserves (RGNCR) to determine offset potential

Cultural Heritage

- Cultural heritage assessments: background research & field inspections for Aboriginal and historic cultural heritage
- Desktop Assessments (CHMP) incl. local history, land use history and Aboriginal cultural heritage predictive modeling
- Standard Assessment (CHMP) field surveys for surface artefacts, ground disturbance & identifying areas of archaeological potential
- Complex Assessment (CHMP) to conduct subsurface testing in areas of archaeological potential





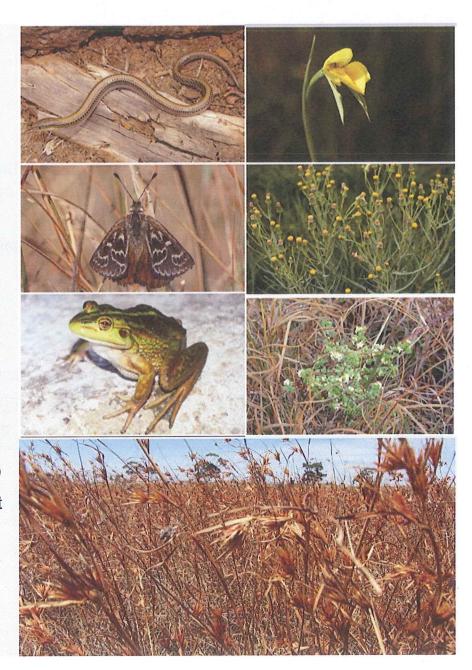
Values identified - ecological

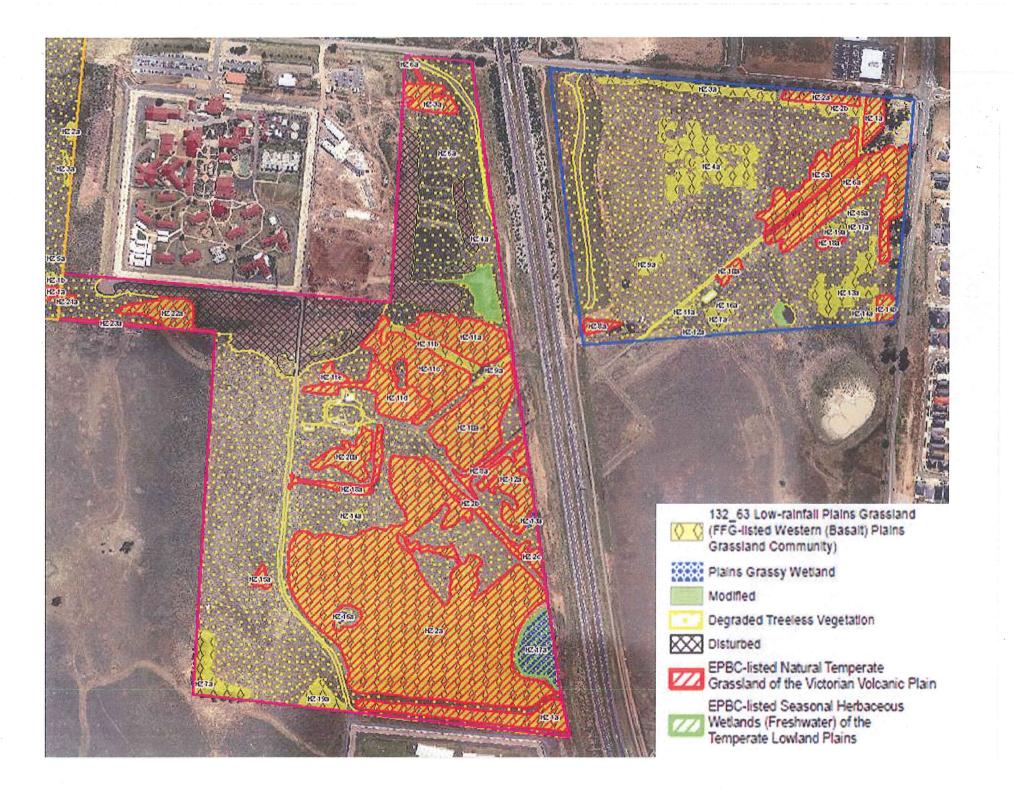
Potential habitat for EPBC Act listed species

- Striped Legless Lizard Delma impar
- Golden Sun Moth Synemon plana
- Growling Grass Frog Litoria raniformis
- Small Golden Moths orchid Diuris basaltica
- Large-headed Fireweed Senecio macrocarpus
- Spiny Rice-flower Pimelea spinescens

Native vegetation and threatened communities

- Natural Temperate Grassland of the Victorian Volcanic Plain community (EPBC Act listed)
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains community (EPBC Act listed)
- Western (Basalt) Plains Grassland Community (FFG Act listed)







Values identified – cultural heritage

Aboriginal cultural heritage

- Two aboriginal places:
 - 1 x surface low density artefact distribution within Site 1
 - 1 x sub-surface low density artefact distribution within Site 2



Historical cultural heritage

- Dry stone walls
- Listed Heritage Inventory place containing buildings, structures and rail sidings associated with the sites' former use as a WWII explosives depot





Approvals required - Commonwealth

EPBC Act

- EPBC Act referral required due to potential for significant impacts to listed threatened species and ecological communities
 - Project crosses MSA boundary
 - MSA not approved at time, but expectation that referrals would still be consistent with the program
- EPBC Act referral submitted 8 March 2013
- Determined a 'Controlled Action' on 10 April 2013
 - Assessment by 'Preliminary Documentation' and additional information requested
 - Tailored approach required to offsets (habitat comp. fees AND physical offsets required)
 - Public consultation period
- Approved with conditions on 23 October 2013
 - Adhere to MSA for relevant part of project area pay habitat compensatory fees, undertake salvage for Striped Legless Lizard
 - Loss of MNES within Site 2 to be offset by improved management and protection of RGNCR
 - Develop EMP and OMP





Approvals required – State

P&E Act

The Melton Planning Scheme was amended to introduce a specific set of controls through schedule 8 to the Special Use Zone (SUZ8).

- •The removal of native vegetation was dealt with through SUZ8 rather than Clause 52.17; exempt from requiring permit.
- •The SUZ8 requires an Environmental Management Plan (EMP) which addresses the biodiversity obligations of the EPBC Act, EE Act and FFG Act and the requirements of the Framework including offsets.

EE Act

- Referral submitted in January 2013 to Minister for Planning
- EES not required, subject to preparation of an EMP

FFG Act

- Project requires removal of protected flora on public land
- FFG permit required, obtained on 28 October 2013





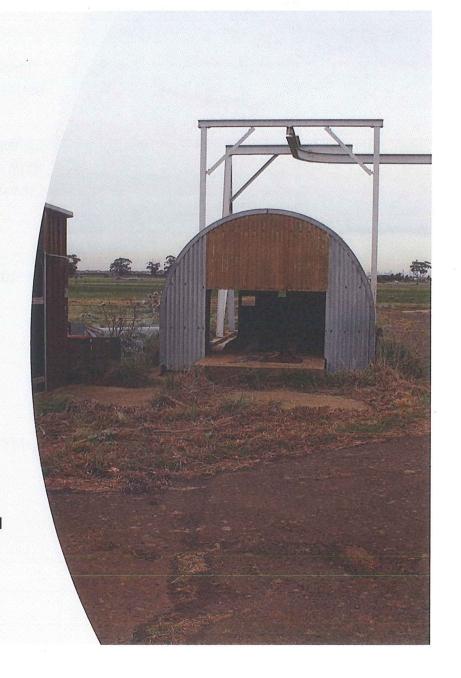
Approvals required – State

Aboriginal cultural heritage

- CHMPs for site 1 and 2
 - Requirement to undertake sub-surface testing to inform CHMPs
 - CHMPs to be approved by AAV before any further ground-disturbance can commence – dilemma for other site investigations

Historical cultural heritage

- Consent to Disturb required from Heritage Victoria for removal/disturbance to historic buildings and other features
 - Photographic recording and mapping required as a condition
- Dry Stone Wall Management Plan to be prepared as best practice, in line with Clause 52.37 of the Melton Planning Scheme.
 - Identify walls to be retained and those that require removal
 - Recommendation for salvage/re-use of removed walls

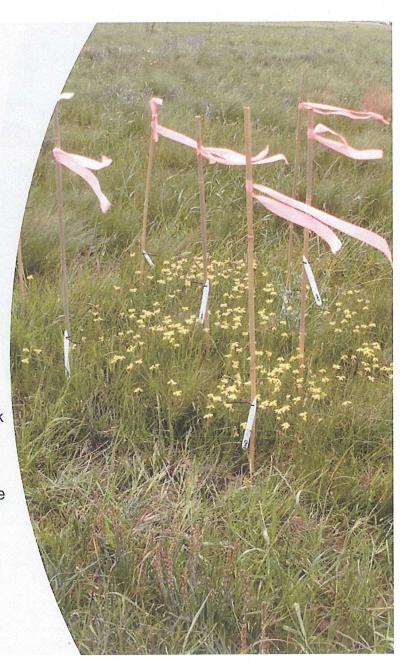




Ravenhall Prison Project

Not your average project!

- Ecological and cultural heritage assessments and approvals are usually the first step
- Tight project timelines and risk of Unexploded Ordnance and Exploded Ordnance Waste (UXO/EOW) required a unique approach
- EPBC Approval period lasted approximately 8 months
- Other site investigations required during this time with different objectives
- UXO/EOW risk a key complication:
 - Further ecology and heritage tasks required for project approval could not be undertaken unless it was safe to do so, but the work required in order to make the site safe would normally require ecology and heritage approval...!!!
- Our role shifted to ensure that site investigations could commence without compromising the ecology and cultural heritage approval process, or safety of personnel
- Many challenges faced





CHMP Complex Assessment (or 'how to dig holes without losing a limb')

- CHMP approval required prior to intrusive ground works, and subsurface testing required as part of this process
 - Shovel probes (0.4x0.4 m) and test pits (1x1 m)
- UXO/EOW risk detailed discussions and careful approach required
- Locations of proposed shovel probes and test pits marked and metal detecting equipment used to 'clear' each area for excavation
- Formal notification to DoE due to threatened flora surveys
 - botanist inspected each excavation area
- No Registered Aboriginal Party (RAP) for the area, so 2 reps from each of three Traditional Owner groups were present:
 - Wurundjeri Tribe Land and Compensation Cultural Heritage Council
 - Boon Wurrung Foundation
 - Bunurong Land Council Aboriginal Corporation
- SWEMS and careful communication of safety issues required
- Successfully completed with limbs intact!





Striped Legless Lizard salvage and UXO/EQ

- Salvage required within all of Site 1, in accordance with the MSA and EPBC approval conditions
- No legislative requirement to undertake salvage within Site 2 (outside MSA)
- Salvage methodology grader and excavator
- UXO/EOW risk, remediation required
- Careful consideration to develop an acceptable and safe approach to salvage
- Salvage plan prepared to the satisfaction of DEPI, and salvage undertaken within remaining areas
- 10 Striped Legless Lizards salvaged and relocated to adjacent grassland reserves





Outcomes so far...

- All ecology and cultural heritage approvals have been granted for the project
 - Following 1 amendment, 2 referrals, 2 permits and 8 plans!
- Approval conditions met:
 - Striped Legless Lizard salvage
 - Offset and Environmental Management Plans finalised and approved
- Implementation of the OMP has commenced for the RGNCR
 - Plants salvaged and translocated to the reserves
 - DoJ have committed to funding the management of the RGNCR in perpetuity.
- Dry stone wall salvaged and relocated in conjunction with Melton City Council and Stone Wall Management Plan.
- Photographic recording and mapping has been undertaken for the buildings and structures included in the Victorian Heritage Inventory record, prior to their removal.









Key Messages

A unique project and approval process, but useful lessons still learnt:

- Engage with regulators as early as possible
 - DEPI, DoE, Parks Victoria and any additional stakeholders
 - Keep them informed during course of project
- Include discipline specialists on project team in order to get expert advice as early as possible
- Familiar with intricacies of project and their field of expertise
 - Unexpected situations, if they arise, can be dealt with swiftly
 - But important to identify conflicting objectives early
- Communication is vital
 - Regular team meetings

