

Melbourne Strategic Assessment

For AECOM / EIANZ Interactive Breakfast Seminar



15th July 2015

Outline

- Introduction
- MSA Broader Regulatory Framework
- Guidance Note
- Types of Reserves in the MSA and obligations required
- Native Vegetation and Scattered Trees
- Land Prioritisation



Melbourne Strategic Assessment - Approvals

- The Melbourne Strategic Assessment (MSA) is a strategic environmental assessment and approvals process conducted under the Commonwealth EPBC Act.
- Provides class of actions approvals under the EPBC Act for impacts to matters of national environmental significance (MNES) associated with implementing Melbourne's urban development Program Report.
- The Commonwealth have granted four Part 10 EPBC Act approvals for the MSA Program.
 - **June 2010:** Regional Rail Link
 - **July 2010:** 28 Precincts (2005 UGB)
 - **September 2013:** Western, North-western and Northern Growth Corridors (2010 UGB)
 - **September 2014:** South-eastern Growth Corridor (2010 UGB)

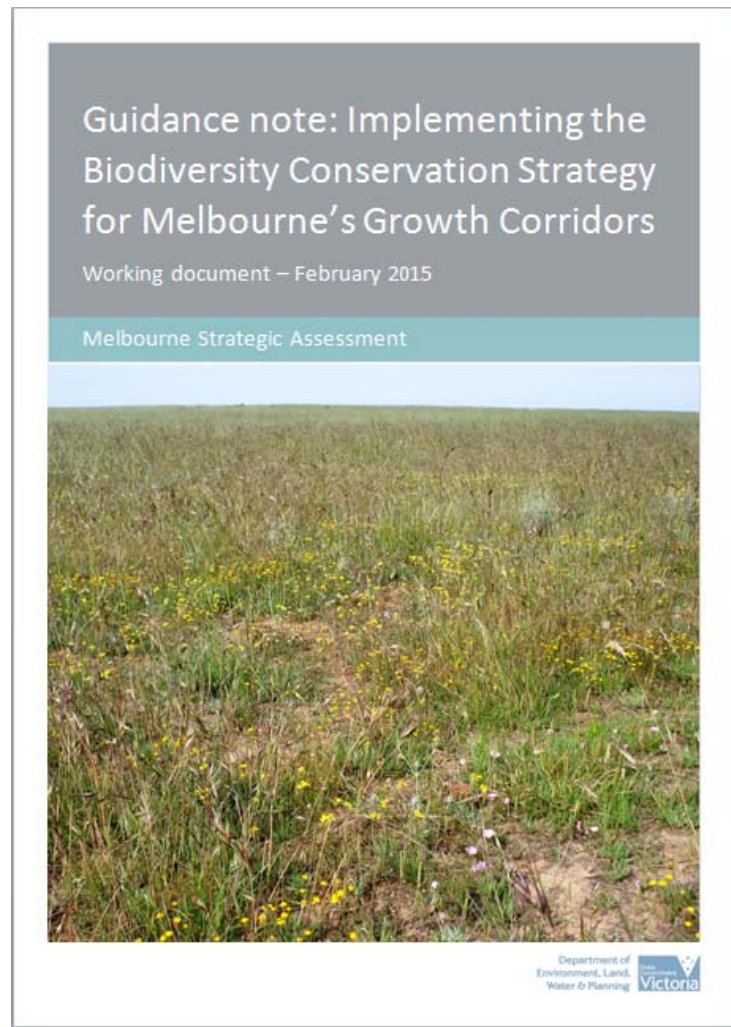


EPBC Act conditions of approval

- Consistency with Program documents
- Changes to conservation area boundaries
- Works in conservation areas
- Payment of habitat compensation fees

The Commonwealth still has a role in agreeing to implementation of the MSA program under the Part 10 approvals. The Guidance Note provides guidance on what is required for Commonwealth consideration.

Guidance Note for implementing the BCS



Key users include:

- DELWP
- MPA
- Local government
- Developers
- Melbourne Water
- Victorian government departments
- Commonwealth Government

The guidance note aims to provides certainty for stakeholders about how DELWP will implement key components of the BCS

The guidance note provides detail on a number of issues...

1. Conservation area boundary changes

2. Conservation Area Concept Plans

3. Works in conservation areas (including guidance for condition 2 of the EPBC Act approval)

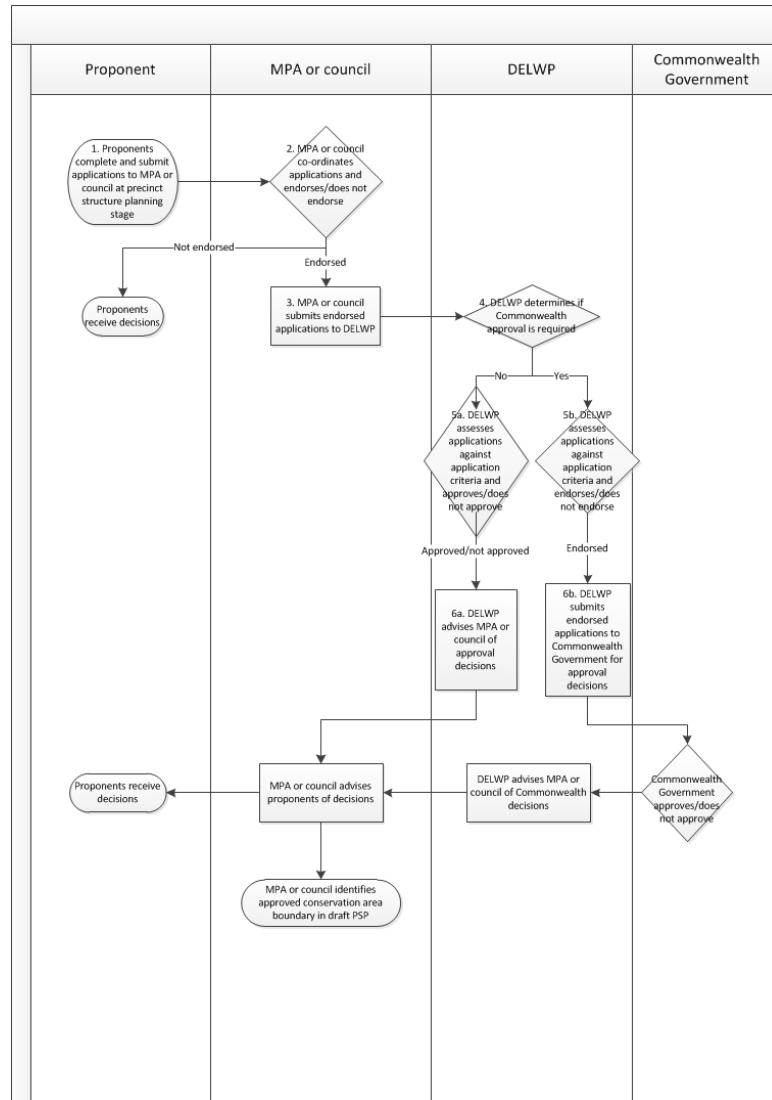
4. Retention of native vegetation and scattered trees outside conservation areas

5. Surveys for scattered trees

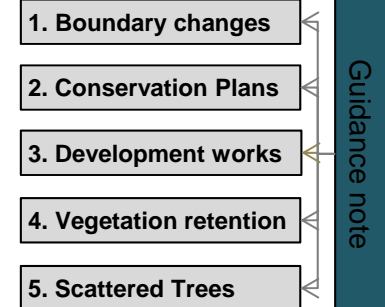
Guidance note

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graph LR; GN[Guidance note] --> I1[1. Conservation area boundary changes]; GN --> I2[2. Conservation Area Concept Plans]; GN --> I3[3. Works in conservation areas (including guidance for condition 2 of the EPBC Act approval)]; GN --> I4[4. Retention of native vegetation and scattered trees outside conservation areas]; GN --> I5[5. Surveys for scattered trees];
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...it also outlines the process for decision making



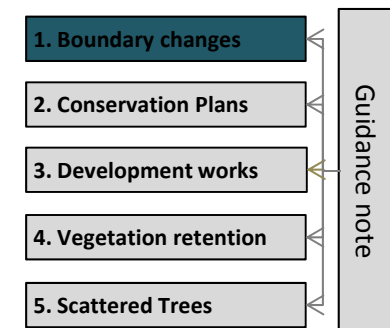
- Roles and responsibilities
- Timelines for decision making – including process diagrams
- Over time it will be updated to include new advice, forms & templates



Types of Conservation Areas in the BCS

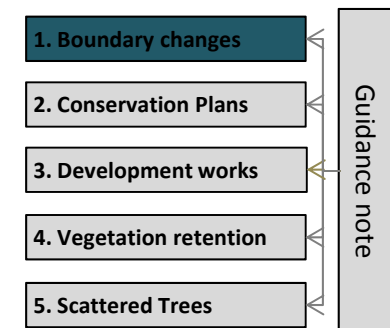
There are two types of conservation area boundary changes:

- **Nature conservation**
- No changes are intended for Nature conservation areas. However, the Commonwealth will consider changes in some limited circumstances.
- Commonwealth agreement required.
- There must be no loss in either area or conservation value.
- **Growling Grass Frog and open space**
- DELWP may agree slight changes for these conservation areas where there is no loss in area.
- Other changes require Commonwealth agreement.



The following criteria apply when assessing proposed changes

- While the specific criteria for different conservation areas differ, changes for both types must:
 - be necessary;
 - result in no net loss in the size of the conservation area (unless agreed by Commonwealth Minister);
 - not reduce biodiversity values; and
 - have agreement from affected landholders.
- These criteria have been developed in consultation with the Commonwealth and endorsed by DoE.



Conservation Area Concept Plans are included in PSP's

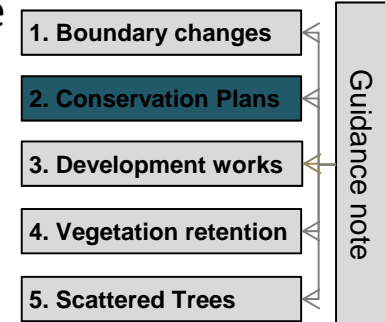
Proposed land-uses, buildings and works or infrastructure should:

Nature conservation areas:

- Avoid native vegetation.
- Avoid populations, high quality habitat and ecological communities of matters of environmental significance.
- Avoid the tree retention zone of scattered trees.
- Avoid areas required to buffer populations of matters of environmental significance.
- Avoid areas required to effectively implement management actions.
- Avoid the creation of small, isolated areas that are difficult to manage.

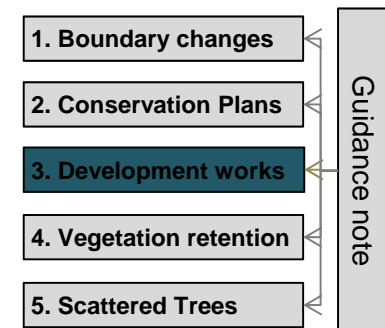
Other conservation areas:

- Avoid habitat known to be currently or previously occupied by GGF.
- Avoid areas of strategic importance for GGF, the ecological functioning of the conservation area for GGF, or the effective management of the area, as determined by DELWP.
- Avoid the creation of small, isolated areas of reserve that are difficult to manage.
- For infrastructure – be minimised to reduce the area affecting the conservation area.



Development works in or that impact Conservation Areas require approval

- Development in conservation areas will require DELWP agreement
- Also requires Commonwealth agreement where the development will result in a 'net loss of habitat' for MNES
- In considering proposal, DELWP needs to consider:
 - The need and the feasibility of other options.
 - The impacts on the environmental values of the land.
 - The impacts of the ability to manage the land.
 - Consistency with CACPs and other management plans.
 - The design and construction techniques to avoid and minimise impacts.



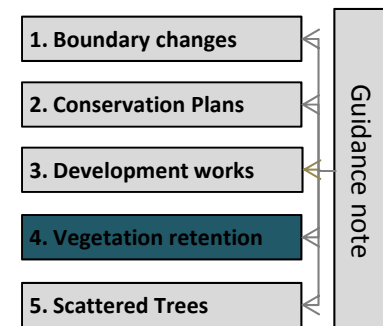
Retaining native vegetation and scattered trees outside conservation areas

- Habitat compensation fees apply unless otherwise approved.
- DELWP may approve retention and associated fee reduction for:
 - Native vegetation of high biodiversity values
 - Scattered trees on public land.
- In agreeing to approve retention and associated fee reduction, DELWP will consider:
 - The quality of the native vegetation and presence of MNES
 - That the site is appropriately secured and managed.

For example: DELWP is applying the criteria to proposals in Wollert PSP.

Note: DELWP MSA will assess any proposals against the Guidance note criteria.

Note: For infrastructure projects it is important to remember that scattered tree surveys do not need to be done by the proponent, they are done by the MPA.



Land Protection and Expenditure of Funds

Land Protection

Program report and BCS set out how to deliver these commitments:

- A 15,000 hectare grassland reserve
- A woodland reserve of at least 1,200 hectares south-west of Whittlesea
- A network of small and medium sized conservation areas within the UGB
- A network of conservation areas on the VVP outside the UGB

Mechanisms to protect land

- An agreement (restrictive covenant) under section 69 of the CF&L Act;
- Vesting of the land in a public authority;
- Voluntary negotiated purchase by the Crown; or
- Acquisition of land by the Crown.

Prioritisation of land

- The prioritisation process considers several factors e.g. Biodiversity values, land management requirements, strategic fire management requirements
- A Land Prioritisation Advisory Group has been established to provide recommendations on purchases.

MSA contact details

Main MSA contact: msa.information@delwp.vic.gov.au

