

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	<p>More grasslands and woodlands should be reserved.</p> <p>More native vegetation should be protected within the expanded urban growth boundary.</p>	<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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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 respond 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
s47F	
	The Victoria Naturally Alliance
	Sunbury Maribyrnong Valley Green Wedge Defenders
	Sunbury Conservation Society Inc.
	Sunbury Conservation Society Inc.
	SMH Andrew Nominees Pty. Ltd
	SMH Andrew Nominees Pty Ltd
	SMH Andrew Nominees Pty. Ltd
	private
	Westernport Swamp Landcare Network
	Westernport Swamp Landcare Network
	Westernport Swamp Landcare Network Southern Brown
	CSonGrass
	Indigenous Flora and Fauna Association Inc
	on behalf of 14 neighbours
SMH Andrew Nominees Pty.Ltd	
Cardinia Shire Council	
Darebin Creek Management Committee Inc	
Australian Research Centre for Urban Ecology	
Friends of Wallan Creek	

Name	Organisation
s47F	Clarkefield and District Farm/Landcare
	Merri Creek Management Committee
	Philosophy/CACE Latrobe University
	City of Yarra
	Cardinia Shire Council
	Stockland
	Port Phillip & Western Port CMA
	Trust for Nature
	Urban Development Institute of Australia (Vic)
	City of Whittlesea
	School of Botany, University of Melbourne
	Victoria University, Sustainable Ecology, building
	Port Phillip & Westernport Catchment Authority
	Victorian National Parks Association
	Pimelea spinescens Recovery Team
Internode	
Friends of the Earth Melbourne	
Friends of Darebin Creek	
Environment Defenders Office	
La Trobe University	
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
s47F	Victoria Naturally Alliance
	Victoria Naturally Alliance
	Sunbury Maribyrnong Valley Green Wedge Defenders
	Sunbury Conservation Society Inc.
	SMH Andrew Nominees Pty. Ltd
	SMH Andrew Nominees Pty. Ltd
	SMH Andrew Nominees Pty Ltd
	SMH Andrew Nominees Pty Ltd
	SMH Andrew Nominees Pty Ltd
	Best Hooper Solicitors
	Green Wedges Coalition

Name	Organisation
s47F	
	C Son Grass
	M.G.Pastoral Co. Pty. Ltd.
	Indigenous Flora and Fauna Association Inc
	"Sunnyside"
	Hume City Council
	GARFIELD MAYALL PTY LTD
	ARG Planning
	SMH Andrew Nominees Pty.Ltd
	SMH Andrew Nominees Pty. Ltd
	SMH Andrew Nominees Pty. Ltd
	SMH Andrew Nominees Pty. Ltd
Asplan Town Planning	
Legoll Legal Practitioners	
Clement Stone Town Planners	
Tekcon Group Pty LTd	

Name	Organisation
s47F	
	SMH Andrew Nominees Pty.Ltd
	Amazon Group Holdings Pty Ltd
	Stockland
	Stockland
	Urban Development Institute of Australia (Vic)
	National Trust
	Victoria University, Sustainable Ecology, building
George Romanella Barrister & Solicitor	
SMH Andrew Nominees Pty.Ltd	
"RockRidge"	

Name	Organisation
s47F	
	Friends of Steele Creek Inc.
	Green Wedges Coalition

4.3 THIRD ROUND OF PUBLIC CONSULTATION

Name	Organisation
s47F	Glossop Town Planning Pty Ltd
	Legoll
	Asplan Town Planning (for C&M Kyriazis)
	Asplan Town Planning (for T & G Galea)
s47F	Wyndham City Council
	The Planning Group (for Lionsbrau Manor Pty Ltd)
	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 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 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 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 reaffirmed 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 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 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 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>

Biodiversity

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.

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.

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.

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.

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.

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>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.



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.



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



Carolyn Cameron
A/g Assistant Secretary
Strategic Approvals and Legislation Policy Branch
2 October 2009

cc Kim Lowe, Department of Sustainability and Environment

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.



The Hon Justin Madden MLC
Minister for Planning
Level 17
8 Nicholson Street
EAST MELBOURNE VIC 3000

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Yours sincerely



Carolyn Cameron
A/g Assistant Secretary
Strategic Approvals and Legislation Policy Branch
2 October 2009

cc Helvard Delheim, Department of Planning and Community Development

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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.

- 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 read 'Peter Garrett', with a large, sweeping flourish extending to the right.

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

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- 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.

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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', written over the 'Yours sincerely' text.

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)

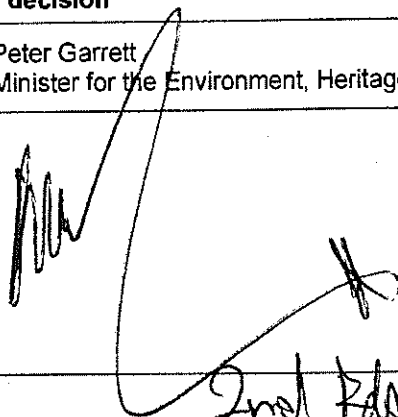
This decision is made under Section 146 of the *Environment Protection and Biodiversity
Conservation Act 1999* (EPBC Act).

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	
Date of decision	2nd February 2010



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

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 in the near future. I thank you and your department for their hard work and cooperation to progress the strategic assessment to this stage.

Yours sincerely

Peter Garrett



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

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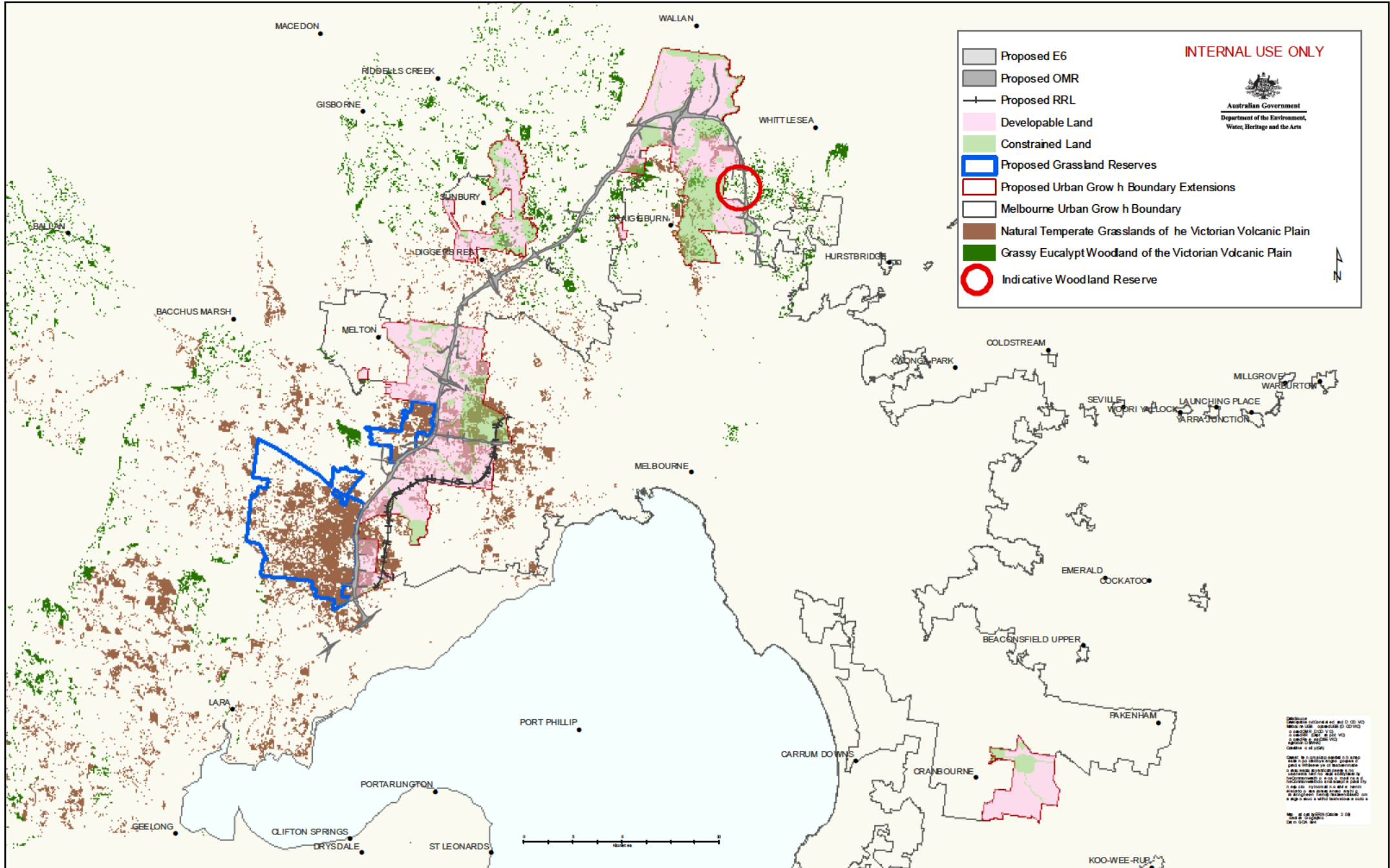
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Yours sincerely

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

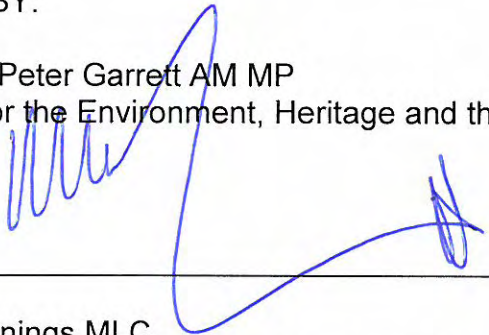
11.1 The Minister may approve, or approve with conditions, the taking of an action or class of actions in accordance with the endorsed Program, this Agreement and section 146B of the Act.

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.

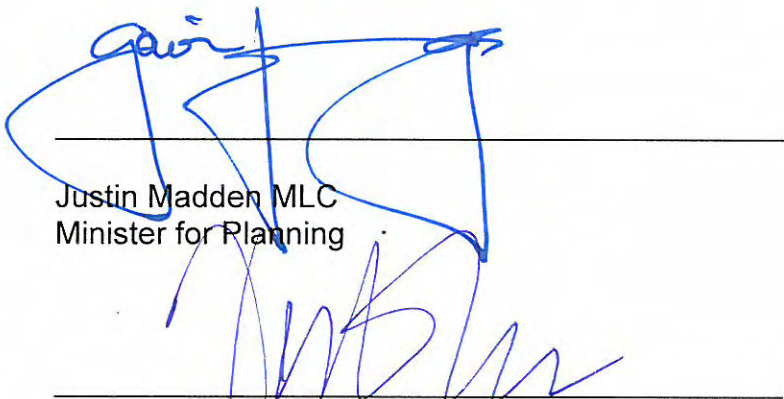
SIGNED BY:

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

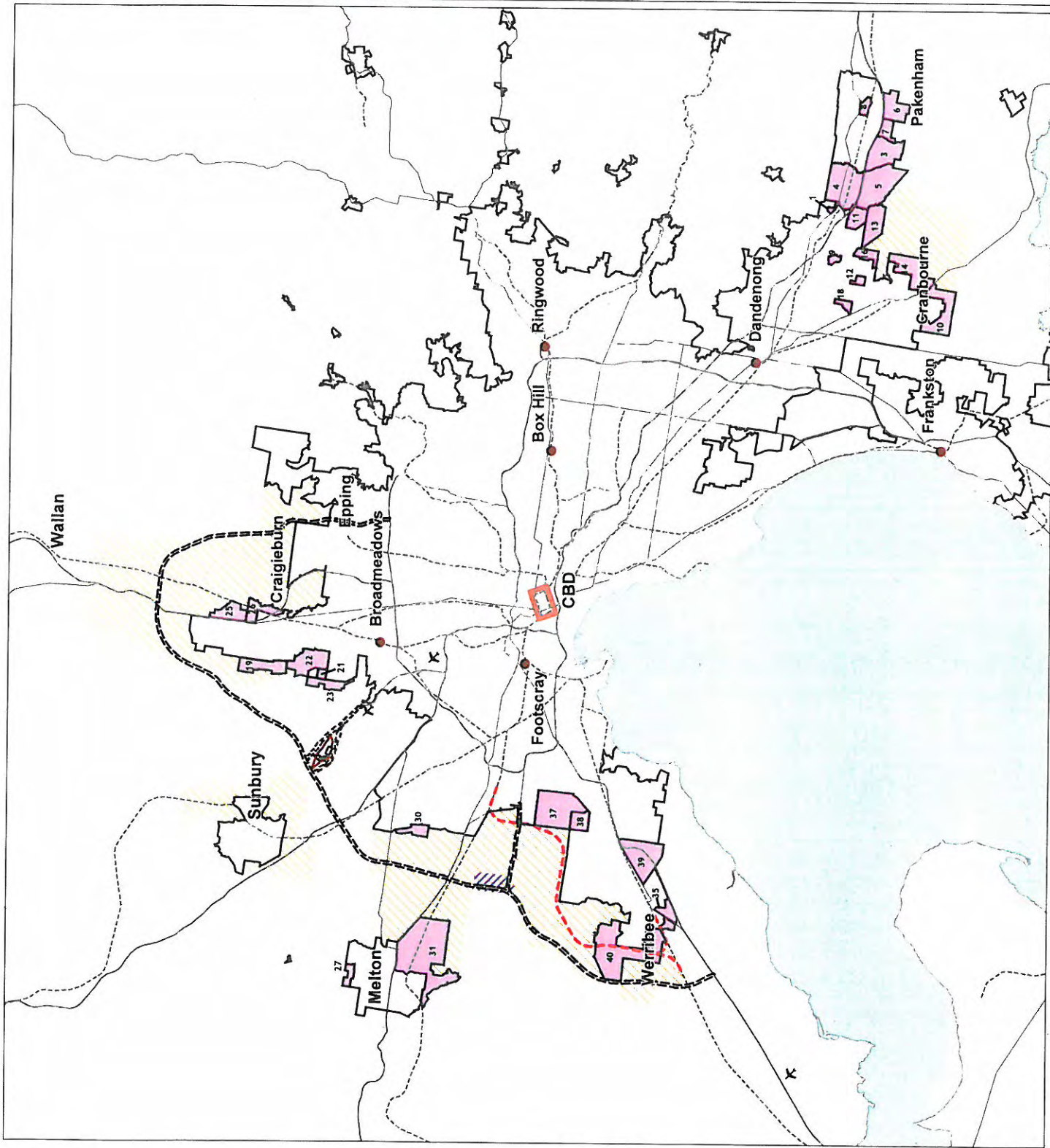
Attachment B: Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

Attachment C: Strategic Assessment Endorsement Criteria

Attachment D: Agreed Dates for Melbourne Strategic Assessment Program Delivery

Investigation Areas

-  Existing urban area
-  Investigation Area for inclusion in Urban Growth Boundary
-  Extension of Investigation Area
-  Precinct Structure Plan (PSP)
-  Roads
-  Rail line
-  Urban Growth Boundary
-  Central Business District (CBD)
-  Airport
-  Central Activities Districts
-  Regional Rail Link Corridor Reservation west of Werribee to Deer Park (investigations are currently underway)
-  Proposed Outer Metropolitan Ring Road/E6 Transport Corridor



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.

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.

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.

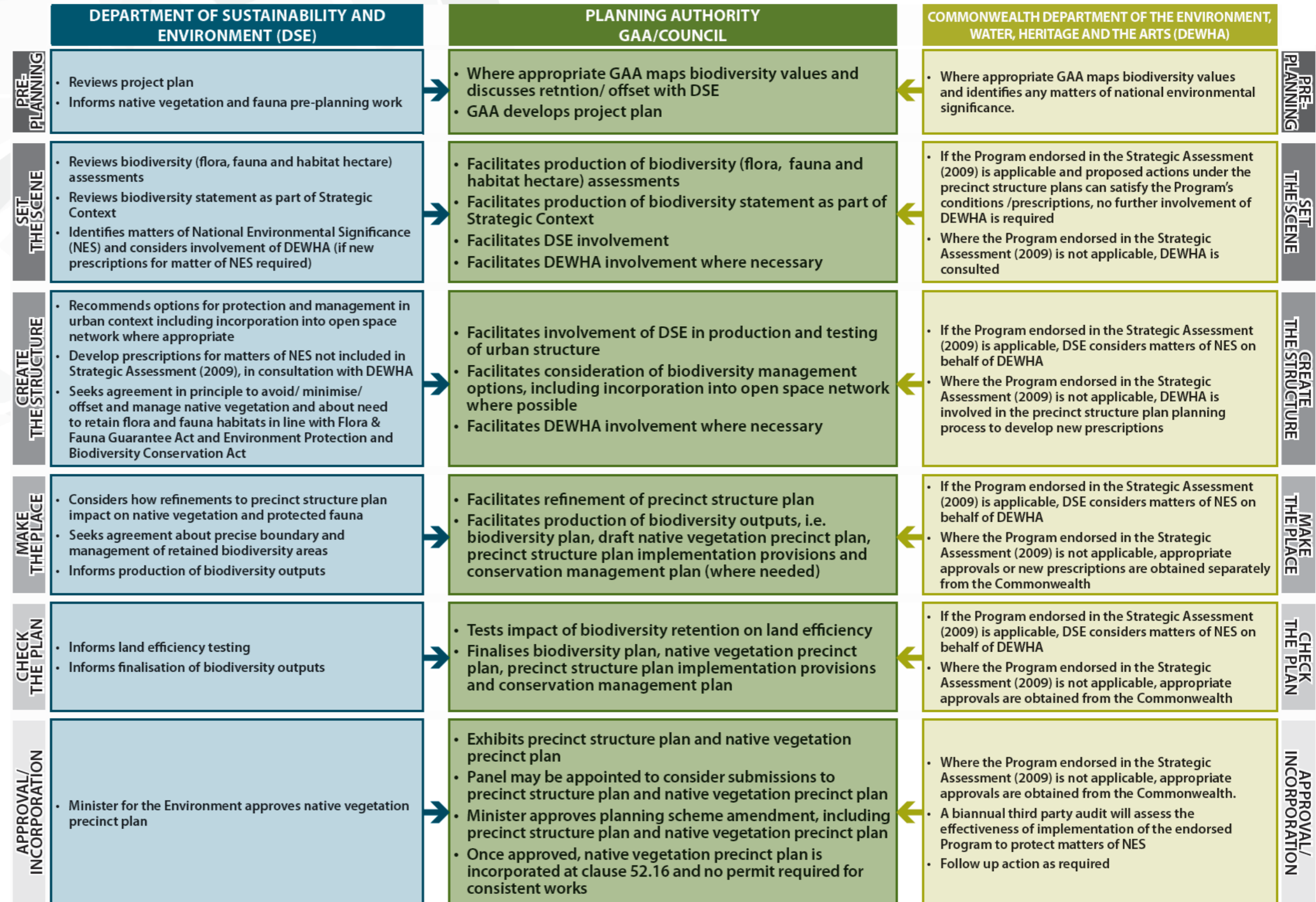
These biodiversity and native vegetation frameworks operate within the objectives of Melbourne 2030, so the task for managing biodiversity in precinct structure plans is to protect and manage biodiversity values whilst enabling urban development.

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



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.

