

s47F

From: s47F
Sent: Thursday, 22 August 2019 2:50 PM
To: s47F
Subject: meeting minutes MSA implementation
Attachments: Meeting minutes MSA Implementation 1 August 2019.docx

Hi s47F

Attached are meeting minutes for our last meeting. Let me know if there's anything that needs changing.

Sorry for delay in getting them to you!!

Cheers,

s47F

s47F | Team Leader Precinct Structure Planning | Melbourne Strategic Assessment
Energy, Environment and Climate Change | Department of Environment, Land, Water and Planning

Level 2, 8 Nicholson Street, East Melbourne

s47F

delwp.vic.gov.au



Environment,
Land, Water
and Planning





Meeting minutes - Melbourne Strategic Assessment implementation

1 August 2019, 9:30am – 1pm (51 Allara Street Canberra)

Chair §47F - DoEE

Andrew McNee – DoEE

§47F - DoEE

Attendees §47F - DELWP

§47F - DELWP

§47F - DELWP

Item number	Description
<h1>s22</h1>	
2	<p><u>Deadline for meeting commitments under the MSA Program for Western Grassland Reserves)</u></p> <p>Discussion DELWP provided update on acquisition process and interim management actions currently being implemented. DoEE reiterated their focus is on ensuring agreed environmental outcomes are delivered through acquisition and interim management. DoEE however noted that on-ground outcomes and the implementation of conservation measures were of greater importance than ownership. DoEE advised that under Section 304 of EPBC Act Conservation Agreements can be entered into in cases where commitments aren't being met. Also raised the potential that such an agreement could be applied with regard to commitments associated with the Western Grassland Reserves.</p>

Action - DoEE to direct DELWP to examples of Conservation Agreements
Action - DELWP to view examples and consider suitability of Conservation Agreements to the MSA program before getting back to DoEE

s22



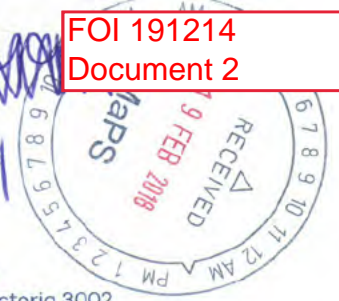
Hon Lily D'Ambrosio MP

Minister for Energy, Environment and Climate Change
Minister for Suburban Development

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9504
DX210098

FOI 191214
Document 2

MC18-002474



The Hon Josh Frydenberg MP
Minister for the Environment and Energy
GPO Box 787
CANBERRA ACT 2600

Min No: MC ESD
 Division: s47F Link:
 DLO: ca. 2. 18 Date:
 RECEIVED 16 FEB 2018 Environment and Energy Minister
 Covering Brief
 Minister Reply
 CoS/Adviser Reply
 Departmental Reply
 Appropriate Action
 For Information

Ref: MBR035609



Dear Minister

DEVELOPMENT OF THE MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2018 BY THE VICTORIAN GOVERNMENT

I am writing to advise you of the development of the Melbourne Strategic Assessment (Environment Mitigation Levy) Bill 2018 (Vic), and to ask for your support and assistance in making reciprocal regulatory changes. The Bill is currently under development, and is intended to provide a foundation for the operation of the Melbourne Strategic Assessment (MSA) program under Victorian law.

The MSA program is designed to ensure that the biodiversity impacts of Melbourne's urban growth are managed and mitigated in a way that meets both Commonwealth Government and Victorian state regulatory requirements, provides certainty and efficiency savings to developers, and delivers significant conservation outcomes for matters of national environmental significance. Most notably, the program will secure the 15,000 hectare Western Grassland Reserve outside Melbourne's urban growth boundary, and ensure it is managed for conservation in perpetuity.

The program was endorsed by the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in 2010, and was the first strategic assessment to be endorsed under Part 10 of the Act. Between 2010 and 2014, in a series of approvals under section 146B of the EPBC Act, the Commonwealth Government approved the undertaking of urban development in Melbourne's growth corridors, on the condition that development is conducted in accordance with the program, and that the mitigation measures set out within the program are delivered.

The Andrews Labor Government is firmly committed to the delivery of the MSA program. It recognises the program as a landmark achievement in the alignment of Commonwealth and Victoria's environmental regulation. The program has the broad support of both environmental interest stakeholders, who value the program's ambitious conservation objectives, and representatives of the property development industry, who recognise that the levels of administrative burden and uncertainty would be significantly higher if this streamlined program were not in place.

The program has been in operation in its current form since 2013. In accordance with the habitat compensation arrangements endorsed by the Commonwealth Government, the program operates on a full cost recovery basis. Persons undertaking actions associated with urban development within the program area are required to pay an amount of habitat compensation to the Victorian Government, calculated according to the impacts of those actions on native vegetation and matters of national environmental significance. This compensation is then used to fund the mitigation measures to be carried out by the Victorian Government, committed to under the program.

While the program is currently administered by the Department of Environment, Land, Water and Planning (DELWP), the requirement for persons to comply with the habitat compensation arrangements currently sits in the conditions of the EPBC Act approvals for the program, which



Victoria is unable to effectively enforce. This has resulted in regulatory gaps and overlaps between Commonwealth and Victorian departments.

To improve the transparency and enforceability of the habitat compensation arrangements, the Andrews Labor Government supports the establishment of a framework under Victorian law to impose habitat compensation arrangements, in the form of environment mitigation levies, directly.

The Bill proposes to establish this framework.

The Bill does not alter the Victorian Government's commitment to deliver the program's endorsed mitigation measures in any way – rather, it will support the Victorian Government's delivery of those measures. The Bill is intended to provide for an essentially neutral translation of the existing habitat compensation arrangements under the program approvals to environment mitigation levies directly imposed by Victorian law. The Bill will also provide that revenue collected under the program is directed only toward the specific activities covered under the program. DELWP officers have consulted with officers of Department of the Environment and Energy in relation to the Bill's proposals.

In the event that the Bill is passed in the Victorian Parliament, it is anticipated that the new framework will commence operation on 1 July 2018. To facilitate the operation of the new framework, an adjustment to the existing Commonwealth regulatory arrangements is necessary, to avoid duplication. Specifically, the conditions of the approvals issued under section 146B of the EPBC Act on 5 September 2013 and 11 September 2014 which require persons to comply with the specified habitat compensation arrangements, should be revoked, with effect on the commencement of the new Victorian framework.

The Victorian framework is also proposed to be applied to the 16 precincts subject to the approval issued on 8 July 2010 and the *Biodiversity Conservation Strategy (Victorian Government, 2013)*. However, I am advised that no amendment to the approval issued on 8 July 2010 would be required, on the basis that the application of the Victorian framework would not duplicate or be inconsistent with the conditions of that approval.

Thank you for your consideration. I invite you to confirm your support for the appropriate regulatory harmonisation measures by return letter at your earliest convenience. If you require any further information on this matter, please contact Mr Warrick McGrath, Director Regulatory Strategy and Design, at the Department Environment, Land Environment and Planning on 03 9637 9056.

Yours sincerely



Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Suburban Development

11/2/18

Encl.

Melbourne Strategic Assessment
Explanation of regulatory harmonisation proposal

Background

1. Victoria's endorsed program under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) involves the urban expansion of Melbourne by a range of third party developers. Under the program, Victoria committed to a number of conservation/mitigation measures (akin to offsets). Because Victoria is not, in almost all cases, the action taker taking the benefit of the EPBC Act approvals for the program, the program proposed that action takers fund Victoria's conservation/mitigation commitments through payments on the commencement of development.
2. There are four approvals for the program so far. Only the 8 July 2010 specified precincts, the 5 September 2013 north, west and north-west growth corridors, and the 11 September 2014 south-east growth corridor are relevant to this proposal.
3. The areas affected by these approvals are within the area affected by the policy document *Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Victorian Government, June 2013)* (BCS). This strategy is an endorsed document under the program. It contains three principal commitments:
 - a. development will be excluded from 36 conservation areas identified for protection of MNES;
 - b. development will be subject to salvage and translocation requirements; and
 - c. development will be subject to offset requirements in the form of fees.
4. The 2013 and 2014 EPBC Act approvals contain identical conditions (condition five on the 2013 approval, condition four of the 2014 approval) requiring action takers to comply with habitat compensation arrangements specified in:
 - a. the BCS; and
 - b. the *Habitat Compensation under the Biodiversity Conservation Strategy* (Victorian Government, August 2013) (HC Policy).
5. The HC Policy contains the mechanics and fee rates for habitat compensation.
6. These conditions have the effect of requiring the action taker to pay the fee in the correct amount prior to taking an action associated with urban development.
7. The same fees are also applied in those parts of area affected by the 8 July 2010 approval that are also within the BCS area. However, that approval contains no condition explicitly referring to fees.

Reasons for the development of the Bill

8. The Bill is being developed to address the following issues with the existing fee regime imposed under the 2013 and 2014 EPBC Act approvals, and applied to certain precincts affected by the 8 July 2010 approval:
 - a. The fee conditions are set under the EPBC Act approvals. Although Victoria administers the program, the state cannot enforce compliance with the EPBC Act approval conditions. This presents administrative overlap and compliance difficulty.
 - b. The penalties for non-compliance with the EPBC Act are not sufficiently proportionate to the fee quantum to be a real disincentive to non-compliance.
 - c. There is uncertainty about when the fee must be paid. The Department of Environment, Land, Water and Planning (DELWP) pragmatically uses certain points in the subdivision process, but this is not clear or transparent, and does not apply to all development.
 - d. The structure of the fee creates a compliance knowledge gap - it is difficult to monitor when actions take place across the whole of the program area. Reliance is placed on local government and other agencies via informal administrative arrangements. Better models exist (for example, the model adopted under the Bill, described below).

s47B(a), s47B(b)

Summary of the Bill

9. The Bill essentially proposes a neutral translation of the existing fee, with only some modification to improve compliance, and a range of other administrative improvements to improve transparency and compliance.
10. Instead of requiring persons taking actions to pay before taking an action, the Bill proposes that landowners will trigger a requirement to pay the levy upon the occurrence of one of several listed statutory events associated with development – for example, an application for a building permit, the issue of a subdivision statement of compliance, and several others.
11. The link to statutory events creates clarity around when a liability is triggered, in contrast to the less precise 'action associated with urban development' under the current fee regime. It also allows those statutory processes—the approvals under which are necessary to effectively develop land—to be delayed until payment of the levy is made. This will vastly improve compliance.
12. Although the list of triggers will necessarily not be as broad as 'actions associated with urban development', it is expected that all land in the program area will be subject to a levy trigger during the life of the program.
13. The imposition of the levy on the landowner will also create certainty about who is liable, in contrast to the "person taking the action" under the current fee regime.
14. The Bill also provides for the following:
 - a. Increased transparency around the determination of the quantum of liability, and when the liability has been triggered. An objection and review regime will apply to such determinations.
 - b. A sophisticated indexation model, and five-yearly review mechanism, will ensure so far as possible that the conservation/mitigation commitments are funded over the life of the program.
 - c. The monies collected will be required to be spent on program commitments only.
 - d. Auditing of the program will be required every two years by the Victorian Commissioner for Environmental Sustainability.

Implementation of the Cost Recovery Model and timing of the Bill

15. Throughout 2016 and 2017, DELWP conducted a comprehensive review of the costs of delivering the program, and subsequently reviewed the fee rates to ensure that those costs would be adequately recovered. These costs are now modelled over the duration of the program life—that is, until December 2060—with a level of sophistication significantly exceeding what was available in previous modelling that supported the current arrangements.
16. The fee, or levy, rates specified in the Bill were determined by this review – that is, the rates are calculated in 2016/17 dollars to address 2016/17 costs. This cost recovery modelling presumes the on imposition of the new framework from 1 July 2018, with the specific fees and indexation model set out in the Bill. Therefore, delaying introduction beyond 1 July 2018 would weaken the connection between the levy rates and the costs they are intended to recover. The consequences of the 'gap' would be carried through to affect levy rates in subsequent years.
17. There are also practical benefits, for DELWP and for industry, in aligning the commencement of the new levy rates with the commencement of a new financial year.

Rationale for requested amendments to the 2013 and 2014 EPBC Act approvals

18. DELWP is advised that if the Bill were to commence operation, and the Victorian environment mitigation levy under the Bill were to be imposed on development, it would be imposed *in addition to* the fee imposed by relevant condition on the 2013 and 2014 EPBC Act approvals. A "double taxation" scenario would occur in relation to the same action. This is clearly not intended and needs to be avoided.
19. In some ways it would be preferable for the relevant conditions of the EPBC Act approvals to be amended under s 143(1) of the EPBC Act to refer to the new Victorian framework – instead of requiring compliance with the HC Policy. However, DELWP understands there are legal impediments to amending conditions on these approvals – due to the uncertainty or breadth of potential Part 10 approval holders whose consent is required for any change.
20. Section 143(2) presents a viable alternative. That section permits the Commonwealth Minister for the Environment and Energy to revoke a condition if the Minister is satisfied that the condition is not needed to protect any matter protected by a provision of Part 3 for which the approval has effect.

21. Following the successful passage of the Bill, the Victorian framework will come into operation, and condition five of the 2013 EPBC Act approval, and condition four of the 2014 EPBC Act approval will not be needed to protect the relevant MNES. This is because:
- The levy regime under the Bill is almost identical in operation to the fee regime under the EPBC Act approvals, meaning action takers will continue to be required to fund Victoria's conservation/mitigation commitments in accordance with the endorsed program.
 - As an Act of the Victorian Parliament, the Commonwealth can have confidence in the continued operation of the Victorian levy regime.
 - Most importantly, the deletion of those conditions will not affect Victoria's conservation/mitigation commitments under the program. The Bill will in fact ensure the sustainable funding of those commitments by providing for the collection and indexation of the funds.

Explanation of interaction with 8 July 2010 approval

22. The current fee regime, described in the HC Policy, applies to 16 of the 28 precincts affected by the 8 July 2010 approval. It is proposed to include these areas in the area affected by the new Victorian levy framework.
23. However, in contrast to the 2013 and 2014 approvals, the 8 July 2010 approval does not contain conditions that explicitly refer to fees.
24. Accordingly, in DELWP's view, the 8 July 2010 approval does not need any alteration to its conditions.
25. The 8 July 2010 approval applies to 28 precincts. The conditions on that approval require compliance with a series of prescriptions designed to address impacts on MNES. During the early operation of that approval, stakeholder feedback was to the effect that the model of requiring action takers to comply with prescriptions did not provide the streamlined regulatory framework promised.
26. The Victorian Government then planned alternate mitigation arrangements - as described at a high level in the BCS. Essentially, pre-planned conservation areas, mapped by government, were to be set aside inside the urban growth boundary, and developers would be subject to salvage and translocation requirements, and habitat compensation arrangements.
27. This new strategy was expressed to apply to 16 of the 28 precincts subject to the 8 July 2010 approval, essentially, those which had not been subject to development under the prescriptions system, and all land approved under future approvals – for example, the 2013 and 2014 approvals.
28. To provide clarity about the relationship between the requirements of the prescriptions and the content of the BCS, the explanatory text to the 5 September 2013 approval states that compliance with the BCS is taken to satisfy the conditions of the approval issued on 8 July 2010 for those 16 specified precincts.
29. Accordingly, Victorian planning controls have been introduced to implement the conservation area protection and salvage and translocation requirements of the BCS in those 16 precincts, as well as all other areas the BCS applies to. Developers also pay the habitat compensation fees described in the HC Policy to DELWP in purported compliance with the prescription condition of the 8 July 2010 approval.
30. It is proposed that these precincts will be subject to the new Victorian levy framework in lieu of the old fee regime in the HC Policy. DELWP confirms that in moving from the current fee regime—set out in the HC Policy—to the Victorian levy framework, no change to planning controls implementing the BCS will occur.

s47B(a), s47B(b)

32. Accordingly, DELWP is of the view that the replacement of the old fee in these areas with the new Victorian levy framework:
- does not require any amendment to the conditions on the 2010 approval; and
 - is not inconsistent with the BCS or any of the requirements of the 2010 approval.
33. The Department of Environment and Energy is requested to confirm that no amendment to the 2010 approval is required, and that what is proposed is not inconsistent with the BCS.

Precedent for approach

34. The Sydney Growth Centres Strategic Assessment approval dated 28 February 2012 contains no conditions on action takers.
35. Sydney's model for meeting its mitigation commitments is similar to that now proposed by Victoria. A levy is imposed on developers at key development stages directly under state legislation. The funds are pooled in a central fund and hypothecated for conservation purposes.

How to deliver the transition

36. It is proposed for the Victorian Minister for Energy, Environment and Climate Change to write to the Commonwealth Minister for the Environment and Energy, seeking support for the Bill and the amendments to the EPBC Act approvals, should the Bill proceed.
37. Assuming the Commonwealth Minister supports the proposed arrangements, confirmation of this support will be referred to in the second reading speech for the Bill, once introduced into Victorian Parliament, to give stakeholders confidence in the alignment of the relevant regulatory controls.
38. The date the Bill commences operation should be the date the revocation of the relevant fee conditions takes effect. DELWP proposes 1 July 2018 as the logical date, as this will support the implementation of the new levy framework.
39. It is proposed that the Bill have no fixed commencement date, but that the date for commencement be set by proclamation. This will provide administrative flexibility in setting a date that aligns with the date the revocation of the conditions takes effect.
40. Assuming the Bill is passed by the Victorian Parliament, the Commonwealth Minister will be able to make a decision under s 143(2) of the EPBC Act to revoke the relevant conditions.
41. The Commonwealth Minister is able to make a decision to revoke conditions, and set a future date on which the revocation takes effect – section 143(4) of the EPBC Act. This will allow a decision to be made ahead of time.
42. Both the Commonwealth Minister's decision and proclamation of the Bill's commencement will need to occur at a time that provides sufficient notice to stakeholders of the date of commencement of the new system.

s47F

From: s47F
Sent: Wednesday, 23 October 2019 10:53 AM
To: MinisterialCorrespondence
Subject: VIP - proposed Melbourne Strategic Assessment Framework } EAD
Attachments: Letter to Sussan Ley - MSA Framework.pdf
Categories: Min Reply-Min Ley

EAD

-----Original Message-----

From: s47F via Helpdesk [mailto:Slipstream-Helpdesk@erin.gov.au]
 Sent: Wednesday, 23 October 2019 8:19 AM
 Subject: [ERIN #332870] Incoming corro outside of PDMS [SEC=OFFICIAL]

Hi Parliamentary helpdesk,
 The attached letter was posted to the Minister, but returned to sender and then sent to us by email. Can you please put it into PDMS as incoming corro?

Happy to discuss,

s47F

A/g Director | Victoria & Tasmania Assessments Environment Approvals Division Department of the Environment and Energy GPO Box 787 Canberra ACT 2601

s47F

E:

s47F

From: Andrew McNee
 Sent: Monday, 21 October 2019 3:40 PM

s47F

Subject: Fwd: MSA Bill

Hi

s47F

For urgent action.

Thanks, Andrew

Sent from my iPhone
 Begin forwarded message:

From: s47F

s47F

Date: 21 October 2019 at 15:31:06 AEDT

To:

s47F

Subject:
 MSA Bill

Unfortunately the letter that we sent between Ministers was returned to us by Aus Post because the Ministers PO Box had been closed. We received the unopened letter on Friday. I've attached the letter for your reference.

s47F

| Director

Regulatory Strategy and Design | Biodiversity Division Environment and Climate Change | Department of Environment, Land, Water and Planning

Level 2, 8 Nicholson St, East Melbourne VIC 3002 (DX 210098)

PO Box 500, East Melbourne, Victoria 8002

s47F

Attachment ATT00001.htm:

<https://helpdesk.risint.environment.gov.au/rt/Ticket/Attachment/4347969/2718202/ATT00001.htm>

Attachment Leter to Sussan Ley - MSA Framework.pdf:

<https://helpdesk.risint.environment.gov.au/rt/Ticket/Attachment/4347969/2718203/Leter to Sussan Ley - MSA Framework.pdf>



Hon Lily D'Ambrosio MP

Minister for Energy, Environment and Climate Change
Minister for Solar Homes

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9504
DX210098

The Hon Sussan Ley MP
Minister for the Environment
M1-40 Parliament House
PO Box 2600
CANBERRA ACT 2600

Ref: MBR040213



Dear Minister

PROPOSED MELBOURNE STRATEGIC ASSESSMENT FRAMEWORK

I am writing to seek your support for the Melbourne Strategic Assessment (Environment Mitigation Levy) Bill 2019 (Vic). The Bill is currently under development and is intended to provide a foundation for the operation of the Melbourne Strategic Assessment (MSA) program under Victorian law.

The MSA program: is designed to ensure the biodiversity impacts of Melbourne's urban growth are managed and mitigated in a way that meets both Commonwealth and Victorian regulatory requirements; provides certainty and efficiency savings to developers; and delivers significant conservation outcomes for matters of national environmental significance. Most notably, the program will secure the 15,000-hectare Western Grassland Reserve outside Melbourne's urban growth boundary, and ensure it is managed for conservation in perpetuity.

In 2010 the program was endorsed by the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and was the first strategic assessment to be endorsed under this Act. Between 2010 and 2014, in a series of approvals under section 146B of the EPBC Act, the Australian Government approved the undertaking of urban development in Melbourne's growth corridors, on the condition development is conducted in accordance with the program, and the mitigation measures set out within the program are delivered.

While the program is currently administered by the Department of Environment, Land, Water and Planning (DELWP), the requirement for persons to comply with the habitat compensation arrangements currently sits in the conditions of the EPBC Act approvals for the program, which Victoria is unable to effectively enforce. This has resulted in uncertainty, regulatory gaps and overlaps between Commonwealth and Victorian departments.

The Victorian Government is firmly committed to the delivery of the MSA program. It recognises the program as a landmark achievement in the alignment of both Commonwealth and state environmental regulation. The program has the broad support of both environmental interest stakeholders, who value the program's ambitious conservation objectives, and representatives of the property development industry, who recognise that the levels of administrative burden and uncertainty would be significantly higher if this streamlined program were not in place.

To improve the transparency and enforceability of the habitat compensation arrangements, the Victorian Government supports the establishment of a framework under Victorian law to directly impose habitat compensation arrangements, in the form of environment mitigation levies.

The Bill proposes to establish this framework.

The Bill does not alter the Victorian Government's commitment to deliver the program's endorsed mitigation measures in any way; rather, it will support the Victorian Government's delivery of those measures. It is intended to provide for an essentially neutral translation of the existing habitat compensation arrangements under the program approvals to environment mitigation levies directly imposed by Victorian law. In addition, the Bill will provide for revenue collected under the program to be directed only towards the specific activities covered under the program. DELWP officers have consulted officers of the Department of the Environment and Energy in relation to the proposed Bill.

Thank you for your consideration. I invite you to confirm your support of the Bill by return letter at your earliest convenience.

If you require any further information on this matter, please contact Mr Warrick McGrath, Director Regulatory Strategy and Design, DELWP, on (03) 96379056 or email warrick.p.mcgrath@delwp.vic.gov.au.

Yours sincerely



Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Solar Homes

①

29/9/19



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

MC19-013819

The Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Solar Homes
Level 17, 8 Nicholson Street
EAST MELBOURNE VIC 3002

13 NOV 2019

Dear Minister

A handwritten signature in cursive script, appearing to read 'Lily'.

I refer to your letter of 29 September 2019 concerning the Victorian Government's *Melbourne Strategic Assessment (Environment Mitigation Levy) Bill 2019*.

I am advised that under current arrangements, persons undertaking actions associated with urban development within the Melbourne Strategic Assessment area are required to pay an amount for habitat compensation to the Victorian Government, calculated according to the impact of those actions on matters of national environmental significance. I note your advice that, under the proposed new arrangements, the Victorian Government will impose habitat compensation obligations directly, rather than requiring enforcement through the conditions of approvals issued under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999*.

I note your advice that the outcomes of the Melbourne Strategic Assessment will continue to be met, and that the new laws will achieve equivalent conservation outcomes for matters of national environmental significance. I further note that the changes are minor and that the new laws address necessary technical changes in the framework to enable the Victorian Government to continue to meet its impact compensation requirements under the program, most notably securing the 15,000 hectare Western Grassland Reserve. I understand that, should the Bill be passed, consequential minor changes to the Strategic Assessment approvals issued on 5 September 2013 and 11 September 2014 would be required to avoid regulatory duplication. In principle, I would support those changes on the basis that the outcomes of the strategic assessment will continue to be met.

Thank you for raising this matter with me.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Sussan Ley'.

SUSSAN LEY

SENATE SUPPLEMENTARY BUDGET ESTIMATES
QUESTION ON NOTICE
SQ19-000525



QUESTION NUMBER:	115
SENATOR:	Janet Rice
GROUP:	Environment Approvals Division (EAD)
CONTACT OFFICER:	Lucy Butterfield, Acting Director, Victoria and Tasmania Assessments Section, EAD
CLEARANCE OFFICER:	Andrew McNee, Assistant Secretary, Assessments and Governance Branch, EAD
COMMENTS:	Nil
COMMITTEE DUE DATE:	29 November 2019

MO CLEARANCE

POLICY ADVISER:	<p><i>Comments</i></p> <p align="center">OK</p> <p>POLICY ADVISER <i>KD</i> 29/11 DATE</p>
PARLIAMENTARY ADVISER:	<p><i>Comments</i></p> <p align="right">DATE</p>
CHIEF OF STAFF:	<p align="center">APPROVED / NOT APPROVED FOR TABLING</p> <p align="center"><i>[Signature]</i></p> <p align="right">DATE</p>

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice
Environment and Energy portfolio

Question No: 115
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Program: Environment Approvals Division
Topic: Melbourne Strategic Assessment
Hansard Page:
Question Date: 01 November 2019
Question Type: Written

Senator Rice asked:

1. If the Victorian Government has not purchased all the land for the proposed Western Grassland Reserve by 2020 as committed through the Melbourne Strategic Assessment (MSA) will this be in breach of any MSA requirements or legislative requirements? If it will be in breach, which sections of these requirements?
 - a. How does the Department intend to ensure compliance?
 - b. What action will the Department take if the target is not met?

2. Has Victoria (government or DELWP) had any discussion or communication with the Department about its impending failure to meet its WGR land purchase commitment in the last 18 months, and did the Department provide Victoria with any advice on how it must act in response to this failure, especially in relation to the Victorian Government's Melbourne Strategic Assessment (Environment Mitigation Levy) Bill?

3. Has the Department at any point undertaken risk analysis of the Melbourne Strategic Assessment Program?
 - a. If so, when was the report completed? Please provide a copy of the report.
 - b. Did the risk analysis consider the risks that Victoria would not purchase land for the Western Grasslands Reserve by 2020? If yes, what steps were taken to mitigate that risk?
 - c. Please provide a copy of the risk analysis, and any strategy to mitigate identified risks.

4. Does the Department have any responsibility to ensure the Victorian Government's compliance with its commitments under the Melbourne Strategic Assessment Program?
 - a. How does it monitor compliance?
 - b. Has the Department received any complaints in relation to the Melbourne Strategic Assessment, either from members of the public or other stakeholders?
 - c. Has the Victorian Government passed on any reports of breaches, either of Commonwealth law or requirements or conditions under the Melbourne Strategic Assessments?

5. Has the Commonwealth agreed with the Victorian Government to any amendments to activities and processes under the Melbourne Strategic Assessment framework?

6. On what dates have Departmental officials undertaken observation activity in relation to the Western Grasslands Reserve under the Melbourne Strategic Assessment?

Please provide a list of dates, locations, and the observations taken at each site.

7. Please specify what reporting or observation the Department has undertaken, if any, either via information from Victorian government agencies, or through independent verification, in relation to each objective in tables 9-20 in the 2009 Melbourne Strategic Assessment Program Report

(https://www.msa.vic.gov.au/__data/assets/pdf_file/0022/64813/DMNSC-Program-Report-December-2009.pdf).

8. The Monitoring and Reporting framework specifies on p. 13 that the Victorian Government will “engage auditors” to “Provide reasonable assurance to the Commonwealth Government that the Program is being implemented in accordance with the Program Report”.

a. Please provide copies of any auditor reports that have been provided to the Department.

b. What dates were the audits actually undertaken? What dates are future audits currently scheduled for?

9. The Monitoring and Reporting framework specifies on p. 14 that the Victorian Government will prepare a compliance strategy in consultation with the Commonwealth Government. Has the Department been consulted on a compliance strategy? If yes, what dates did consultation occur on? What information did the Department receive?

10. Is the Melbourne Urban Development Policy still in effect?

a. If no, when did it cease to have effect? On what authority was it terminated? What was the reason for terminating the policy?

b. If yes, when was the most recent offset under the Melbourne Urban Development Policy?

c. Please provide the relevant documents for the rationale underpinning the introduction of the Melbourne Urban Development Policy.

d. What public or private consultation was undertaken before the introduction of the Melbourne Urban Development Policy? Please provide dates that particular stakeholders were consulted.

e. What areas of offsets were directed to the Western Grasslands Reserve through the application of the policy?

11. What is the total area (in hectares) within the boundaries of the proposed Western Grassland Reserves that meet the Commonwealth's criteria for endangered native temperate grasslands as described on page 22 of the Commonwealth publication Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland & Grassy Eucalypt Woodland?

a. What are the locations and area (hectares) of each of these patches within the boundaries of the proposed Western Grassland Reserves that meet the Commonwealth's criteria for endangered native temperate grasslands as described on page 22 of the Commonwealth publication Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland & Grassy Eucalypt Woodland?

b. What surveys does the Department rely on as a basis for these answers? Who did the surveys and when? How were these surveys conducted? Please provide the

survey reports and maps showing the location of the grassland patches that meet these criteria. What other information does the Department rely on in knowing that the Western Grassland Reserves is protecting endangered native temperate grasslands?

12. Has the Victorian Government provided the Department with any report from the Department of the Environment, Land, Water and Planning on its activities on the Western Grasslands Reserve Weed Management Group, especially in relation to weeds listed under the Victorian Catchment and Land Protection Act 1994?

13. What area of the proposed Western Grassland Reserves is confirmed habitat of the golden sun moth? On what surveys is this figure based? Please provide a copy of any survey reports, or other information which has informed the Department's assessment.

14. Does the Department have any economic analyses of the Western Grassland reserves? Please provide any copies of any analyses.

Answer:

1. Not securing the Western Grassland Reserve in its entirety by 2020 will not constitute a contravention of the conditions attached to the Part 10 approvals
 - a. N/A
 - b. N/A
2. The Victorian Government has commenced discussions with Commonwealth officials around opportunities to ensure that the environmental outcomes envisaged by the program are met. The Department understands that the *Melbourne Strategic Assessment (Environment Mitigation Levy) Bill* will assist the Victorian Government to fund the Western Grassland Reserve.
3. The Department maintained a Risk Assessment and Treatment Plan during the assessment of the Melbourne Strategic Assessment Program. A version of this working document is at Attachment A.
 - a. See Attachment A
 - b. See Attachment A
 - c. See Attachment A
4. Not securing the Western Grassland Reserve in its entirety by 2020 will not constitute a contravention of the conditions attached to the Part 10 approvals
 - a. N/A
 - b. Yes
 - c. Yes
5. The Melbourne Strategic Assessment Framework is extensive with many activities and processes undertaken by the Victorian and Australian Governments. Since endorsement of the Program there have been a number of agreed amendments to activities and/or processes, as contemplated by the Program.
6. Office of Compliance members undertook observations on 14 April 2016, 6 December 2016, and 9 April 2019.

Date	Location	Observations
14-Apr-16	Various locations in and around the proposed Western Grassland Reserve	Some illegal dumping and weed infestation was identified in and adjacent to the Western Grassland reserve.
6-Dec-16	Various locations in and around the proposed Western Grassland Reserve	Some illegal dumping and weed infestation was identified in and adjacent to the Western Grassland reserve, and some conservation work had commenced by contractor
9-Apr-19	Various locations in and around the proposed Western Grassland Reserve	Some illegal dumping and weed infestation was identified in and adjacent to the Western Grassland reserve.

The illegal dumping of rubbish is a matter for state authorities.

7. The Department reviewed Progress reports supplied by the Victorian government. These reports have been made public and are on the Victorian Government MSA web site.
8.
 - a. An Independent Monitor Audit was completed in late 2014, it can be found in the 2014-15 MSA program report. Part 2, page 10
https://www.msa.vic.gov.au/data/assets/pdf_file/0026/64835/MSA-Progress-Report-2014-15.pdf
 - b. The Victorian Department of Environment, Land, Water and Planning advised the Department the next audit will be in 2021 which will provide an assessment on the effectiveness of the planning mechanisms and implementation.
9. In 2015 and 2016 the Victorian Government (DELWP) held discussions with the Department regarding the development of a compliance strategy.

The Melbourne Strategic Assessment program is currently undergoing a significant legislative reform process including the introduction of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Bill 2019*. The Bill was recently passed by the legislative assembly in the Victorian lower house. The Bill will address a number of compliance issues under the program. DELWP will finalise its compliance strategy once the reform process is complete. As part of this DELWP will formally consult with the Department and seek endorsement before finalising the strategy.

10. No
 - a. 30 June 2018. The decision to cease implementation of the *Policy Statement for Melbourne urban development proposals needing consideration under Parts 7, 8 and 9 of the EPBC Act* (the Melbourne Urban Development (MUD) policy) was made jointly by the Department of the Environment and Energy and the Victorian Department of Environment, Land, Water and Planning.
 - b. N/A
 - c. Relevant briefing in relation to the introduction of the MUD Policy is at Attachment B, as previously released under the FOI Act.

- d. N/A
 - e. The MUD Policy required habitat compensation fees to be paid to the Victorian Government. The acquisition of the Western Grassland Reserve is the responsibility of the Victorian Government.
11. The 2016-17 Progress Report identifies that 936.7 ha of the EPBC Act listed Natural Temperate Grassland of the Victorian Volcanic Plain ecological community has been secured in the Western Grassland Reserves since commencement of the Melbourne Strategic Assessment. The 'Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report' published by the former Victorian Government Department of Sustainability and Environment in 2009 specifies 10,092 hectares of NTGVVP occurs within the Western Grassland Reserve.
 - a. See map at Attachment C
 - b. Vegetation assessments of the Western Grassland Reserves have been based on on-ground surveys (9,387 hectares – 63%) and quality assured modelling (37%).
 12. The Victorian Department of Environment, Land, Water and Planning has provided the Department of the Environment and Energy with Progress Reports as required under the endorsed Program and the Monitoring and Reporting Framework for the MSA.
 13. The 'Delivering Melbourne's Newest Sustainable Communities Strategic Impact Assessment Report' published by the former Victorian Government Department of Sustainability and Environment in 2009 specifies 8,100 hectares of potential habitat for the Golden Sun Moth occurs within the Western Grassland Reserve.
 14. No

Attachment A.

MELBOURNE STRATEGIC ASSESSMENT (MSA)												Date of Risk Analysis		Due date for review					
IDENTIFICATION												ANALYSIS			TREATMENT				
1	2	3	4	5			6			7			8	9	10	11	12		
Plan objectives (What is the objective or outcome sought? What do I want?)	Risk ID no.	Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	Consequence (Describe the adverse impacts for the objective)	Inherent risk rating (What is the risk rating before any controls are in place?)			Existing controls that reduce the likelihood or consequence of the risk			Current risk rating (What is the risk rating taking into account existing controls)			Treatment options (Additional actions that could reduce the consequence or likelihood of the risk)	Decision to apply treatment (Tickbox 9 rationale - e.g. No, resources not available)	Date treatment to be completed	Who is responsible for implementing the treatment?	Target risk rating (What is the expected risk rating after additional treatments are in place?)		
				9A Consequence	9B Likelihood	9C Rating	10A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to maintain or offset the impact of each potential cause or consequence of the event)	9A Consequence	9B Likelihood	9C Rating	10A Consequence	10B Likelihood	10C Rating				11A Consequence	11B Likelihood	11C Rating
1. Protect MNEs	1	The BCS/RSIS does not identify MNEs or avoid unacceptable impacts on MNEs	Strategies are not approved or there are unacceptable impacts on MNEs	Moderate	Possible	Medium	E endorsed program provides for CA input to draft strategies and monitor for approval powers	Moderate	Unlikely	Low - No additional treatments required									
	2	Non compliance with the endorsed program or approval conditions	There are unacceptable impacts on MNEs	Moderate	Possible	Medium	EPBC process - The department and DEPI resources issue for monitoring, audit and compliance. Program provides for monitoring and reporting (e.g. MNEI)	Moderate	Possible	Medium	Conduct individual audit of compliance. Review risk and options at time of new approvals.	No - defer pending finalisation of MRF & available resources	N/A	N/A	Moderate	Possible	Medium		
2. Efficient & effective administration of the EPBC Act	3	There is inadequate resourcing of the MSA within the SAE section	The assessment and business processes are inefficient and miss critical issues, with decisions lacking robustness	Moderate	Unlikely	Low	Resources are identified within budget for staff	Moderate	Unlikely	Low - No additional treatments required									
	4	Poor planning and business management	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Minor	Unlikely	Low	Established business framework is in place with regular reporting to managers and PCB	Minor	Rare	Low - No additional treatments required									
3. Effective stakeholder engagement	5	Legal challenges to Part 10 approval	Legal uncertainty about the status of the Program, and approval. Part 3 referrals required	Moderate	Possible	Medium	Wording of draft part 10 approval agreed with legal team	Minor	Possible	Low - No additional treatments required									
	6	Developer lodge Part 3 referral to avoid Part 10 approval obligations	Legal uncertainty about the status of the Program, and approval. Part 3 referrals required	Moderate	Likely	Medium	Policy statement on handling referrals in Part 10 area.	Moderate	Possible	Medium	Guidance for BEP and assessment teams not to accept referrals in MSA boundary. SAE to manage via letter explaining Part 10 approval applies	Yes	30-Aug-13	SAE	Moderate	Unlikely	Low		
3. Effective stakeholder engagement	7	Political delay for approval of SE Corridor Part 10 and SRIS for SEB	Uncertainty about the status of SRIS SEB in SE. Part 3 referrals required	Moderate	Likely	Medium	Escalation with Minister's Office. Policy statement for Part 3 referrals in Part 10 area.	Minor	Possible	Low - No additional treatments required									
	8	Stakeholder engagement (1) is limited and/or ineffective	Stakeholder don't support Program decision with potential adverse media	Moderate	Unlikely	Low	Resources are available and allocated within section budget for meetings with stakeholders	Moderate	Unlikely	Low - No additional treatments required									
3. Effective stakeholder engagement	9	Partner agency withdraws support for process, withhold information, is uncooperative or speaks against the process or strategy	Process not completed on time or abandoned. Delays not delivered for MNEs. Strategic Assessment brand risk	Moderate	Rare	Low	Agreement commit partners to engage and resolve critical issues	Moderate	Rare	Low - No additional treatments required									
	10	Partner agency makes unilateral decision that is not supported by the CA.	Strategic assessment outcomes in doubt leading to potential abandonment of	Moderate	Rare	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.	Moderate	Rare	Low - No additional treatments required									
3. Effective stakeholder engagement	11	SAE does not deliver timely, professional services to partner or stakeholders.	Repetition of issues, department and strategic assessment brand tarnished.	Moderate	Rare	Low	Resources allocated to manage the strategic assessment. Staff trained to deliver professional services. Business planning and management framework in place with reporting to PCB and relevant executives.	Moderate	Rare	Low - No additional treatments required									
	12	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Minor	Possible	Low	Agreement and TOR set out expectations for process and outcomes.	Minor	Unlikely	Low - No additional treatments required									

Attachment B.



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Environment Assessment and Compliance Division

MINUTE

Mary Colreavy
A/FAS EACD

Offsets to Western Grassland Reserve – Melbourne Strategic Assessment

This minute seeks your approval to allow offsets to the Western Grassland Reserve (WGR) from referred projects not covered by the Melbourne Strategic Assessment Program (the Program) in limited defined circumstances. If you agree, a suggested letter to the Victorian Department of Sustainability and Environment (DSE) advising of this approach is at [Attachment A](#).

DSE previously wrote to the department, on 5 January 2011, to request that allowance be made for such offsets in view of extra capacity in the 15,000ha WGR, and to facilitate early acquisition of private lots within the WGR. The Victorian Government is committed to acquisition of the private lands making up the reserve over the next 10 years. The Program built in an excess capacity of 500 habitat hectares to act as a buffer for unexpected contingencies that could occur over the 20 year life of the Program. Based on initial implementation experience a buffer of this size will not be needed. There is an opportunity for other offsets to contribute to the WGR and protection outcomes for listed Native Temperate Grasslands of the Victorian Volcanic Plains (NTGVVP) and several associated listed species (discussed below).

At the time, the department did not accept the approach. A summary of some of the key issues is at [Attachment B](#). We advised DSE that the department's policy approach was that projects outside the Program would not be allowed to offset into the WGR.

DSE has informally asked the department to reconsider its approach and circumstances have changed. The attached letter proposes that projects outside the Program area will have the option of offset to the WGR under two scenarios:

- 1) if the quantum of the offset is relatively modest (below 10 habitat hectares of NTGVVP) and if no other listed matters (apart from the Golden Sun Moth and Spiny Rice Flower) need to be addressed as part of the NTGVVP offset; and
- 2) if the developer in question already owns land or offsets in the WGR.

The mechanisms in the Program will be utilised in calculating all offset requirements. This approach will realise efficiencies as it may no longer be necessary for the department to negotiate, monitor and have administrative responsibility for relatively small offsets.

The Program also commits to protection of 80% of key habitat supporting the Golden Sun Moth and Spiny Rice Flower within the Victorian Volcanic Plains Bioregion. The 80% target is for the whole of the bioregion and will be funded through the Program. DSE is surveying the entire bioregion and several hundred additional occurrences of the Golden Sun Moth have been found to date. The habitat requirements to achieve 80% protection for both species have now been identified and are around 8,000ha for each. Most will be



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www.environment.gov.au



protected within the WGR or in new reserves to be established in the growth areas. There is still a shortfall of around 2,000ha and these habitats will be conserved outside of the WGR and Program areas in the broader bioregion.


The Program outcomes for NTGVVP, Golden Sun Moth and Spiny Rice Flower will see conservation of 80% of the best quality habitat remaining in the bioregion. The 80% commitment will be achieved through the Program offset arrangements. This outcome goes well beyond the geographic scope of the Program to include the entire bioregion (comprising 2.3 million hectares) as the management unit for achieving 80% protection. The 80% requirements under the Program do not include offsets achieved through Part 9 decisions and these would be additional. We believe that there is scope for Part 9 decisions to help facilitate quicker achievement of the outcomes and to benefit the protected matters at the landscape scale.

VIC/TAS Assessments and EPBC Act Strategic Approvals East have previously agreed an approach for the management of referrals inside and outside of the endorsed (but not yet approved) Program area (Attachment C). This may need to be revisited if the revised approach is agreed.

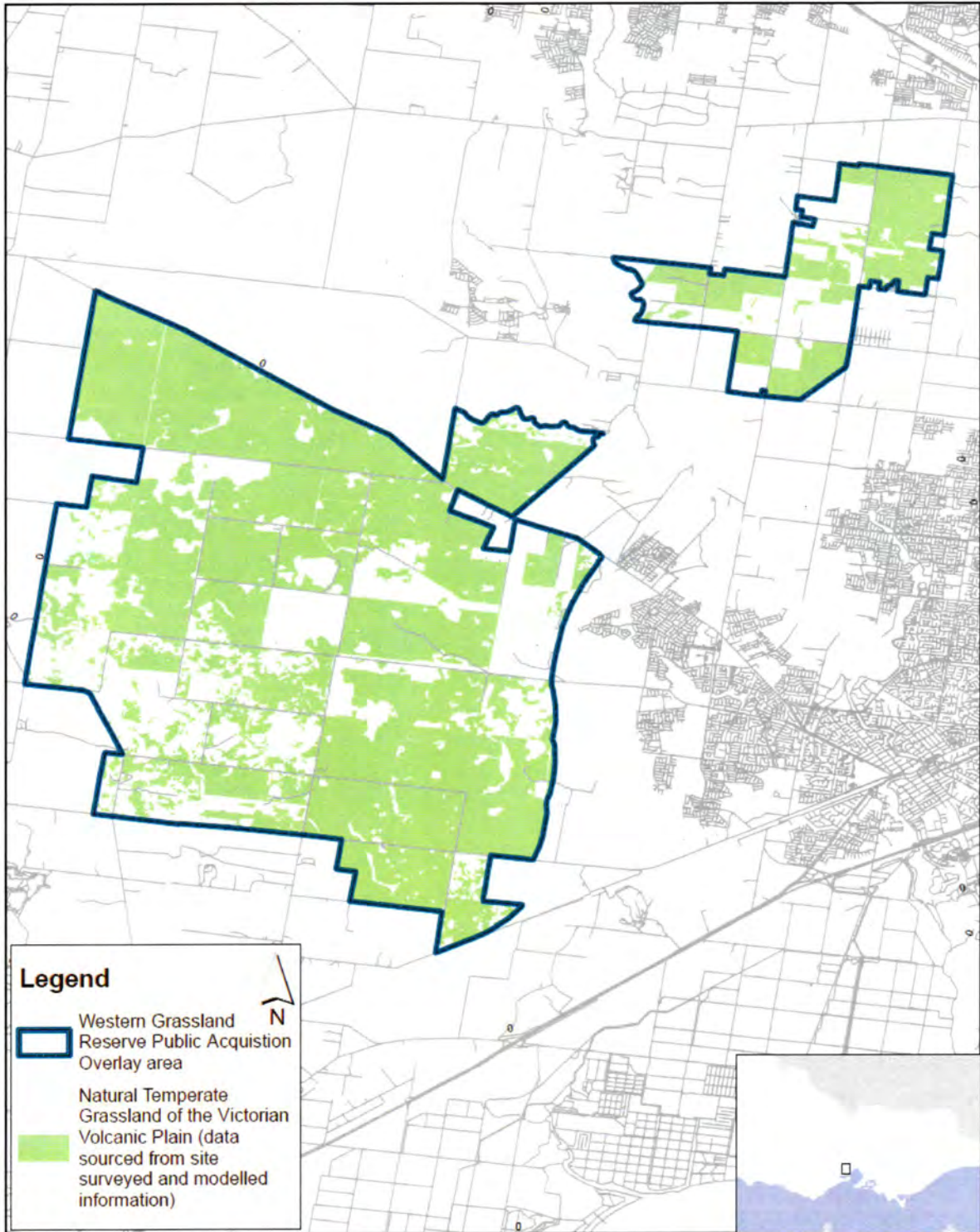

For Carolyn Cameron
Assistant Secretary
Strategic Approaches Branch

8 December 2011

I agree with the proposed direction to be followed - pls make sure that we clearly advise Vic that they will need to identify a new suitable strategic offset if they run out. Also pls make sure there is nothing in the Ministers approval that would make this inconsistent


15/12/11

Attachment 1 - Western Grassland Reserve



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Map produced by Biodiversity August 2019
 Spatial data is sourced from the Victorian Spatial Data Library.
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 Department of Environment, Land, Water and Planning, 2019

0 0.5 1 2 3 4 Miles



Environment,
 Land, Water
 and Planning

Project	Stage	Assessment Approach	EPBC Act Sensitivity	Public Interest
Melbourne Strategic Assessment	Post-approval	Strategic Assessment	Various listed threatened species and ecological communities	Various Senate Estimates Questions on Notice, Faunal Extinction Senate Enquiry, FOIs

MELBOURNE STRATEGIC ASSESSMENT, VICTORIA – BACK POCKET BRIEF – APRIL 2019

Key Issues

- Concerns have been raised about the likelihood of the Victorian Government meeting its commitments under the Melbourne Strategic Assessment endorsed Program.
- The Victorian Government committed to securing 15 000 hectares of grassland known as the Western Grassland Reserves by 2020 to compensate for impacts to grasslands as a result of urban development approved under the Strategic Assessment. To date approximately 8% of the proposed Western Grassland Reserves has been secured.

Talking points

- It remains the Victorian Government's responsibility to meet its commitments under the Melbourne Strategic Assessment Program, including in relation to the Western Grassland Reserves.
- The Department is engaging with the Victorian Government in relation to its commitments under the Melbourne Strategic Assessment Program.

Background

- The then Minister endorsed the final Program Report for the Melbourne Strategic Assessment on 2 February 2010. The Program Report outlined the proposed development of growth corridors, as well as road and rail projects.
- As part of the Program, the Victorian Government committed to establishing landscape-scale reserves including the Western Grassland Reserves, totalling approximately 15 000 ha in western Melbourne to offset the impacts of development under the Program. Conservation outcomes including securing the Western Grassland Reserves will be funded through cost recovery from development under the Program.
- The Victorian Government committed in the endorsed Program to acquire all private land (excluding quarries) in the identified Western Grassland Reserves by 2020. The last Progress Report (2016-17) identified that a total of 1243.6 ha of the 15 000 ha has been secured to date (8.3%).
- The Victorian Government wrote to the Department in 2012 advising that the commitments in the Program relating to securing the Western Grassland

Reserves were unlikely to be met, and seeking advice about extending the acquisition timeline. At that time the Department agreed in-principle to extension of the timeline. However, there are ongoing questions around the mechanism to do so.

- The likely failure of the Victorian Government to meet its commitments under the Program has been raised in the recent Senate Enquiry into Australia's Faunal Extinction Crisis, and through Questions on Notice following summer 2019 Senate Estimates.

Risk 13 – Inadequate funding of grassland reserves

The MSA implementation project plan has identified inadequate funding of the grassland reserves as a risk requiring further treatment, namely, reviewing the adaptive management provisions of the program relevant to this issue and identify options to deal with this risk. If there is not enough funding it may not be possible to establish the full 15 000ha reserve. If the reserve is not delivered, conservation outcomes will not be achieved, and there is potential for the strategic assessment approvals to be withdrawn.

The Melbourne strategic assessment aims to create grassland reserves of 15 000ha (4145 habitat hectares of grassland), which will be used to offset impacts from development in the Growth Areas. The Program designed the grassland reserves to be larger than the estimated amount of grassland to be cleared in the Growth Centres – by 500 habitat hectares. The rationale for having an excess offset is not clear however it may be a good practice buffer to ensure adequate supply of offsets.

There are a few ways this risk could eventuate:

1. Grassland clearance is offset elsewhere in the Growth Centres and not into the reserves. This is allowable under the Program, so developers may offset into other land they own within the Growth Centres, so the grassland reserves are not used.
2. More grassland is retained or preserved in the Growth Areas than was originally estimated to be cleared. Precinct plans may avoid impacts by locking grasslands up as conservation areas (or public open space), rather than zoning them for development thereby reducing their offset costs.
3. Precinct planning surveys identify less grassland than initially estimated through the Program and time-stamping project. As precincts are developed, surveys may reveal less grassland than initially estimated, so less offsets are required.
4. Money gained from grassland clearance isn't enough to buy calculated offset in the reserves. Difficulties in estimating the purchase price of grassland in the reserves (made more difficult by the time lag between developments and offsets) could result in too few funds available to buy offset land.

There is insufficient experience with the Program at this point in time to accurately identify trends. Subscription rates are likely to pick up substantially in future years as the new growth areas are developed. Surveys have been completed for the Regional Rail Link – the SIAR estimated 65 habitat hectares, whilst final surveys found 68.28 habitat hectares.

Adaptive management provisions in the Program to handle this risk

There is only one provision within the Program to deal with the possibility of a smaller grassland reserve – negotiation between Victoria and the Commonwealth to revise the conservation outcomes (p. 82). If the likelihood is increasing, or the consequence of the risk is becoming increasingly unacceptable, then the department should consider its position/stance and engage early (within 3-5 years) with Victoria to confirm a solution that protects the integrity of the strategic assessment process and outcomes.

Additional options to address this risk [advantages/disadvantages of each]

Offsets required under Part 9 approval decisions could be located within the WGR. To date, discussion within the department has not supported this approach. A number of reasons are elaborated in the attached document.

Seek formal advice from, at regular intervals (perhaps every three years), Victoria on how they intend to deliver the full 15 000ha reserve. In the event a significant shortfall is apparent, negotiation under the Program may be initiated to instigate procedures to more formally track the shortfall and to identify measures, to help get subscriptions back on track.

Melbourne Strategic Assessment Implementation Group

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below (see background). Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Agenda

1. Actions update report
2. Update on status of projects with two approvals (responsible section)
3. Update on status of current referrals within program area (responsible section).
4. Identifying inconsistencies in management of part 9/part 10 approval offsets
5. Deliverables received for review (e.g. sub regional biodiversity strategies, Monitoring and audit framework)
6. Other business (e.g. other or emerging risks, new issues, stakeholder issues)
7. Business Improvement for the implementation group (What's working well? What could be better?)
8. Next Meeting date

Minutes of meeting 23 August 2011

All attending – s47F (SAE), s47F (Compliance), s47F (Vic/Tas), s47F (Monitoring & Audit)

Item	Discussion	Actions	Who	Due date
1. Actions update report	Most items completed, .	Map just needs a few tweaks	s47F	20 September 2011
		Risk 15 - advice needed from Audit team & compliance in response to questions raised. Summary page of issue, options and feasibility/resources required to address (carry over from 26 July).		20 September 2011
2 Projects with two approvals	s47F to provide comments on grassland reserves risk paper. Papers on audit implications and grasslands funding risk management options were considered to be good summaries of the the issues. The group noted that the papers would inform future review of the Risk analysis and treatment schedules in the project plan	Liaise with compliance section about recommended compliance/enforcement actions to be taken. Report on recommendations of compliance management committee (carry over from 26 July)		20 September 2011
3. Current referrals	Two new referrals to SAE (Ref nos & a short title). No issues at this stage.	For information		N/A
4. Inconsistencies	the differences between covenants under Vic s173, Bushbroker and Trust for Nature were discussed with respect to the level of protection or confidence provided..	s47F to write quick paper about differences and circulate through the group for all to add to (carry over from 26 July).		20 September 2011
5. Deliverables for review	Should hear in the next week. Letter going out soon. s47F chat about RRL EIMP – the brief will go up within a month.	Report on handling of overdue items next meeting. Report on the status of the RRL EIMP.		20 September 2011
6. Other business	Emerging issue – pre referral of proposed developments (quarries, pipelines) in WGR. Issue not as imminent as initially thought.	Draft paper outlining issues raised with two past referrals in the grassland reserve (quarry and water pipeline) (carry over from 26 July).		20 September 2011
	The grassland conference in Wyndham in Nov was discussed, including proposed attendance (SAE, Compliance, Vic/Tas sections) and number of presentations required (strategic assessment & compliance)	convene a meeting with all the people going and get some agreement about what the speeches will be about		20 September 2011
	SAB Project Control Board endorsed proposals to revise Project Plan, review risk analysis/treatment and develop stakeholder	Conduct risk workshop. Update on its status. Perhaps circulate for comment.		20 September 2011

Item	Discussion	Actions	Who	Due date
	engagement plan due Sept/Oct..			
	Dwarf galaxies found in the Growth Areas	s47F to check program to see if they were covered	s47F	20 September 2011
	Some confusion may exist about who does compliance us or DSE	No action identified?	N/A	N/A
	EACD has internal lawyer (s47F) who gives specific legal advice based in JGB legal team.	For information	N/A	N/A
7. Process improvement – (Did well / do better)	<ul style="list-style-type: none"> Attendance is good, start/finish on time Concise reporting & items Good coverage of issues Actions are time-bound Info is being shared and linkages between sections strengthened.. 	1 hr for meeting	s47F	20 September 2011
		Ensure copies of relevant work distributed	All	20 September 2011
		Provide adequate time before meetings to review info/papers.	All	20 September 2011
8 Next Meeting	4 weeks	Outlook Appointment	s47F	20 September 2011

Melbourne Strategic Assessment Implementation Group-

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below (see background). Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Agenda

1. Actions update report
2. Update on status of projects with two approvals (responsible section)
3. Update on status of Current referrals within program area (responsible section).
4. Identifying inconsistencies in management of part 9/part 10 approval offsets
5. Deliverables received for review (eg sub regional biodiversity strategies, Monitoring and audit framework)
6. Other business (eg other or emerging risks, new issues, stakeholder issues)
7. Business Improvement for the implementation group (What's working well? What could be better?)
8. Next Meeting Date

Minutes of meeting 26 July 2011

Attendees: s47F (SAE, SASMB), s47F (Vic/Tas EAB), s47F (MAS, CEB),

Apologies: s47F (SAE, SASMB), s47F (Compliance, CEB)

Item	Discussion	Actions	Who	Due date	Completed	Notes
1. Actions update report	Most items completed	Map required	s47F	23 August 2011		
		Risk 15 - advice needed from Audit team & compliance in response to questions raised. Summary page of issue, options and feasibility/resources required to address.		23 August 2011		
2 Projects with two approvals	Recent audit of 2 residential projects - Amberfield (2006/3057) & Aurora (2007/3524) revealed a couple of issues	Liaise with compliance section about recommended compliance/enforcement actions to be taken.		23 August 2011		
		Report on implications of audit findings for MSA part 10 approval		23 August 2011		
		Report on implications of audit findings part 10 approvals generally		23 August 2011		
3. current referrals	<ul style="list-style-type: none"> Regional Rail Link 2011/6015 (½ in ½ out) CA decision, s47F SASMB is delegate, but Vic team processing 	For information		N/A	N/A	N/A

Item	Discussion	Actions	Who	Due date	Completed	Notes	
	<ul style="list-style-type: none"> Westlink Road 2010/5459 (?) accredited assessment, currently reviewing docs. 						
4. inconsistencies	Offset selection through Bushbroker scheme	Issue paper	s47F	23 August 2011			
		Discuss initially with s22 & others		3 August 2011			
5. deliverables for review	Several deliverables are overdue	Report on handling of overdue items next mtg			23 August 2011		
6. Other business	Emerging issue – pre referral of proposed developments (quarries, pipelines) in WGR	Mtg to discuss issue/options & develop a draft position paper.			9 August 2011		
		Note for executive agreement on handling such referrals (eg clearly unacceptable)			23 August 2011		
		Draft policy paper for handling proposed development impacting offsets			? 23 August 2011		
	EACD has internal lawyer (s47F) who gives specific legal advice	For information	N/A	N/A	N/A	N/A	
7. Process improvement – (Did well / do better)	<ul style="list-style-type: none"> Started on time Concise reporting & items 	1 hr for meeting	s47F	23 August 2011			
		Ensure copies of relevant work distributed	All	23 August 2011			
		Provide adequate time before mtgs to review info/papers.	All	23 August 2011			
8 Next Meeting	4 weeks	Outlook Appointment	s47F	23 August 2011			

Minutes of inaugural meeting 14 June 2011

Attendees: s22 (SAE, SASMB), s22 (SAE, SASMB), s22 (Vic/Tas EAB), s22 (MAS, CEB)

Item	Discussion	Actions	Who	Due date	Completed	Notes
1 Projects with two approvals	List to be compiled & reviewed prior to next mtg	Compile list & circulate	s47F	5 July 2011 (1 wk before next mtg)	20 July 2011	Circulated with mtg agenda
2. current referrals	List to be compiled and distributed prior to next mtg.	Compile list & circulate		5 July 2011 (1 wk before next mtg)	20 July 2011	Circulated with mtg agenda
3. inconsistencies	None known	N/A	N/A	N/A	N/A	N/A
4. deliverables for review	No new deliverables	Circulate list of deliverables	s47F	30 June 2011	20 July 2011	Circulated with mtg agenda
5. Other business	MAS conducted audits of some projects in Program endorsed area. Summary includes learnings.	circulate audit summaries.		Before next meeting	26 July 2011	Draft circulated earlier to s47F
	A further item risk treatment (risk 15) in the project plan is gap analysis of variation in compliance and audit methodologies	Circulate further information for consideration at next meeting		30 June 2011	Transferred to next meeting	Discussed at mtg 26 July – further action required. Comments rec 21 July Circulated 15 July
6. Process improvement – (Did well / do better)	<ul style="list-style-type: none"> • Clear agenda • Start & finish on time (1 hr) • Info shared • Good cross sectional/branch representation • Friendly atmosphere 	Use a mtg room with whiteboard	s47F	Next mtg	Yes	
		Visuals – have large map on hand		Next Mtg		
		One page overview of Strategic Assessments (& Melbourne project)		Next Mtg	Yes Yes	Larger doc for MSA summary
		Email copies of correspondence to	All	ongoing	Ongoing	

Item	Discussion	Actions	Who	Due date	Completed	Notes
		other members of implementation group				

Next meeting – One month (12 July - tbc)

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below (see background). Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Governance

The implementation group supports the Project Manager, and is responsible for reporting to or obtaining approvals from relevant executive staff (eg respective section heads), project management board (eg SASMB Project Control Board) or other executive decision making bodies (eg AWD Panel).

Membership

Chair - Project manager (Strategic Approvals East, s47F

Assessment officer (Vic/Tas Assessment Section, TBC)

Post approval officer (Monitoring & Audit section, TBC)

Others (as appropriate/required eg Compliance, Legislation & Policy Sections)

Background

The project plan risk assessment identifies an internal implementation group as a mechanism to manage two risks:

- *Risk 10 - An Individual project has two approvals - part program and part separate referral, and*
- *Risk 11 - Offsets are managed inconsistently (between sites for same or different projects, different developers)*

The risk treatment schedule specifies:

Establish an internal implementation group with monthly (or other agreed) timeframe for meeting to develop guidelines/policy and agreement on the handling of problem developments/offsets.

Melbourne Strategic Assessment Implementation Group

Minutes 1 August 2012

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Members of Group attending: s47F (Chair) (SAE), s47F (Compliance 1), s47F (Vic/Tas EACD).

Item	Previous actions	Discussion	New actions	Who	Due
1. Update on Biodiversity Conservation Strategy (BCS) and Sub-Regional Species Strategies (SRSS) (5 mins)		Expect draft strategies to be submitted to SA(E) (for Ministerial approval) in August 2012. Approval of new growth areas will be sought at the same time. Only includes areas not containing SBB.		s47F	
2. MSA Risk / Issues register	Standing Item	No change			
3. Vic/Cth compliance gaps (10 mins)	Standing item. The analysis of the gaps between the Victorian and Commonwealth compliance powers should be complete.	No change			
4. Projects with two approvals	Standing Item	No change			
5. Current referrals (10 mins)	EPBC 2011/6138) City West Water Ltd/Water management and use/West Wribree/VIC/Dual Water Supply Scheme EPBC 2011/6139 City West Water/Water management and use/Wyndham Vale/VIC/West	Draft approvals released for comment. Final approval due 22 Aug 2012. Vic/Tas Section has no record of these two referrals. Need to check Who has carriage of these		Vic/Tas Section	

Item	Previous actions	Discussion	New actions	Who	Due
	Werribee Dual Water Supply Scheme Stages 2B, 2D & 2E	assessments			
6. Quarries in the WGR	Standing Item	No change			
7. Part 9 Offsets into WGR	Standing Item - Report on progress	No change			
8. Deliverables for review BCS & SRSS comment period	Standing Item -Report on progress	See Item 1			
9. Other business SA(E) (10 mins) Compliance 1 (10 mins)	Project Planning	A3 maps have been produced for SA(E) by ERIN to include new precincts and Vic govt logical inclusions with EPBC Act endangered species and communities overlays. Discussion on usefulness of these maps to other sections. Vic/Tas Section would find these maps useful.		s47F	
	Ministerial – Vic National Parks Assn – campaign.	This campaign was discussed. All sections were aware of Vic National Parks agenda.			
	Recent compliance case at Kalkallo Creek concerning grasslands	Update. s47F provided an update – no major changes or outcomes so far.			
	QTB 12/231 (Vic National Parks campaign).	Updated 30 July for Spring Sitting. QTB discussed and noted.			
	Referral 2012/6235 Woodhouse Pastoral Company Pty Ltd/Residential development/Near the Eynesbury Township 45km north west of Melbourne/VIC/Outer Eynesbury Industrial and Residential Development	Proponent advised offset to WGR is not acceptable. Letter generated through Vic/Tas Section. Letter noted.			Vic/Tas Section
10. Process improvement (5 mins)		(Did well / do better) Concentrate on items - not on procedure		All	

Item	Previous actions	Discussion	New actions	Who	Due
11. Next Meeting		Proposed for 24 August 2012 (3-4pm)		All	

Melbourne Strategic Assessment Implementation Group

Minutes- 18 April 2012

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Previous actions	Discussion	New actions	Who	Due
1. Projects with two approvals. Current referrals.	West Werribee additional information has arrived. They should publish soon.	No change to the current situation			
2. Quarries in the WGR	<p>DSE brought the new quarry to the attention of Vic-Tas Section. The quarry encircles the existing quarry in the WGR. Vic-Tas/Compliance Section has sent a letter to the proponent. DSE may not have the power to stop the quarry, since the permits are issued by DPI. DSE suspect that the quarry proponent may be trying to increase their compensation claim by planning this quarry.</p> <p>There is apparently another quarry proposed in the WGR, but very little info is available as yet.</p>	<p>Currently with Compliance Section.</p> <p>No further action at this time.</p>		s47F	
3. Part 9 Offsets into WGR	<p>s47F is currently preparing a minute, which will aim to clarify the practicalities of the approach of Part 9 referrals near Melbourne offsetting into the WGR. This minute will be circulated for comment before going to panel (Dean Knudson will be the signatory). Will probably be circulated next week for comment.</p> <p>This minute will clarify lots of issues, including: how already approved projects are treated, how projects will be considered, where the boundary is, how habitat is treated etc.</p> <p>Circulate minute for comment</p>	Draft minute has been sent for consultation between James Barker, s47F and Carolyn Cameron. Will be sent to Dean Knudson and Panel for consideration and signature.			24 May 2012

Item	Previous actions	Discussion	New actions	Who	Due	
4. MSA Issues register	The analysis of the gaps between the Victorian and Commonwealth compliance powers should be complete. Complete and send out gaps analysis – including scenarios	s47F is preparing a table of the gaps in compliance powers between Vic and Commonwealth. He will present at the next meeting.		s47F	24 May 2012	
5. Deliverables for review BCS & SRSS comment period	DSE are close to buying properties in the WGR. The choke point for the bandicoots in the eastern growth corridor is a critical issue for SEWPaC. Should get next versions from Vic DSE soon Circulate comments that SEWPAC sent to DSE	s47F will provide an update on the present situation at the next meeting.			24 May 2012	
6. Other business	Project Planning – being rewritten by SA(E). Send out Project Plan when done	No change to the current situation.				
	Recent compliance case at Kalcalo Creek concerning grasslands – quite and interesting case. Discuss at this meeting	s47F will speak to the desk officer s47F (Compliance 1 Section) and provide an update at the next meeting.			24 May 2012	
	Need to get minutes or decisions made at executive level, circulated much more quickly between the sections – for example the minute about the Part 9 offsets in the WGR took a long time to get to Vic/Tas Section.				All	On-going
7. Process improvement – (Did well / do better)	Timings good Keep to the point					
8. Next Meeting		Proposed for Thursday 24 May 2012 (3.30 to 4.30pm)			All	24 May 2012

Melbourne Strategic Assessment Implementation Group

Minutes December 2011

s47F

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Discussion	Actions	Who	Due date
1. Projects with two approvals	Map has been updated, except for grassy woodland reserve, which s47F will do	Keep updating map	s47F	
2. Current referrals	s47F had a quick chat about West Werribee Dual Water Supply and the Sunbury pipeline. s47F chatted about the potential Neals Road referral, which will not be referred because of departmental advice.			
3. Inconsistencies/ Offset approaches	Vic/Tas are undergoing an offset mapping project – not sure how detailed this will be. Trust for Nature are mapping all NTG on the VVP outside Melbourne, looking to get a strategic assessment, mainly so all landowners can protect their land and be part of the offset trading scheme			
4. Deliverables for review	s47F discussed the DSE letter – we are still waiting on a few reports and some were not good enough.			
5. Regional Rail Link Management Plan for approval	Responses to our comments came in, and we are happy with them. This will probably be approved soon.			
6. Project plan update – Risk assessment, stakeholder engagement plan.	Plan has been revised. Going to Project Control Board next week for approval. Chat about audits and how many proponents claim to be compliant, but independent audits show they usually aren't.	Will send audit requirements from the program to s47F	s47F	
7. BCS & SRSS comment period	If everyone could get inputs to s47F by next week that'd be grand. Discussion over a compliance action near Bandicoot	s47F will provide comments to DSE	s47F	

Item	Discussion	Actions	Who	Due date
	habitat in the south west (Botanic Gardens). s47F looking into it. Also questions about how the Bandicoot corridors proposed in the SRSS will be funded and maintained in perpetuity. How will Vic guarantee management and maintenance?			
8. Other business	Chat about prescribed burning and how many compliance cases there could be against DSE. Also how burning may be done across the grasslands. s47F has presented concerns to Councils, DSE and CFA.			
	Chat about Grassland conference – s47F and s47F spoke.			
	DSE are putting all data on web soon, so s47F can do the Biodiversity Hotspot mapping	s47F to do mapping.	s47F	Next meeting
	s47F will circulate advice.	Circulate this advice from AGS about variation of strategic assessment conditions to alter a prescription.		Next meeting
	Chat about the importance of attaching milestones and reporting and audits to any money given out, particularly for offsets.			
	s47F spoke about how some Federal Government money was being used by Vic, when they should be spending their own. For example a Tussock weed control group was being used by DSE but it was funded through Caring for Country grants.			
9. Process improvement – (Did well / do better)				
10. Next Meeting	Late January		s47F	

Melbourne Strategic Assessment Implementation Group

Minutes February 2012

FOI 191214
Document 14

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Actions from the last meeting	Discussion	New actions	Who	Due
1. Projects with two approvals and current referrals	Keep updating map – waiting on grassy woodland data Waiting on West Werribee dual water supply further info	Chatted about the two new proposals for quarries in the WGR. There is one quarry there already. §47F is working on a compliance case at 1/235 Greg Road Truganina – destruction of grassland through herbicide application. Might end up being an enforceable undertaking case.	Quarries are a new standing item.		
2. Inconsistencies/ Offset approaches	Any news on the Vic/Tas offset mapping project?	Project in stasis – but each new offset referral is being asked for shape files of the offset so it can be mapped			
3. Deliverables for review - BCS & SRSS comment period	Closed now. We provided input. Met with folks.		Maybe circulate email about comments summary?		
4. Regional Rail Link Management Plan for approval	§47F				
5. Other business	Circulate this advice from AGS about variation of strategic assessment conditions to alter a prescription. §47F		§47F will circulate the legal advice		
		Audit is planning a project to look at Approvals that include offsets for WA, NSW and QLD. The project is following up on issues identified in recent audits of Victorian Approvals involving commercial and residential developments (particularly around the MUGB). Audit suspects similar issues to arise – mainly that conditions relating to offsets are not actioned quickly enough.			
6. Process improvement		Quick and lively.			

Item	Actions from the last meeting	Discussion	New actions	Who	Due
– (Did well / do better)					
7. Next Meeting		4 weeks		s47F	

Melbourne Strategic Assessment Implementation Group

Minutes 24 June 2012

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Present: s47F (Compliance 1 Section), s47F (SAE), s47F (Vic/Tas EACD)

Item	Previous actions	Discussion	New actions	Who	Due
1. Update on Biodiversity Conservation Strategy (BCS) and Sub-Regional Species Strategies (SRSS)		s47F provided a comprehensive update on the current state of the BCS and SRSS and the MSA in general.			
2. Projects with two approvals Current referrals	West Werribee dual water supply (ref EPBC 2010/5743) was discussed. No change to the current situation	Standing agenda item.			
3. Quarries in the WGR	DSE brought the new quarry to the attention of Vic-Tas Section. The quarry encircles the existing quarry in the WGR. Vic-Tas/Compliance Section has sent a letter to the proponent. DSE may not have the power to stop the quarry, since the permits are issued by DPI. DSE suspect that the quarry proponent may be trying to increase their compensation claim by planning this quarry. Currently with Compliance Section.	Standing Item - No further action at this time.			
4. Part 9 Offsets into	Compliance 1 Section is currently preparing a minute, which will aim to clarify the	Minute has been signed.			

Item	Previous actions	Discussion	New actions	Who	Due
WGR	practicalities of the approach of Part 9 referrals near Melbourne off-setting into the WGR.	This minute clarifies lots of issues, including: how already approved projects are treated, how projects will be considered, where the boundary is, how habitat is treated etc.			
5. MSA Issues register West Werribee dual water supply (ref EPBC 2010/5743)	<p>The analysis of the gaps between the Victorian and Commonwealth compliance powers should be complete.</p> <p>Complete and send out gaps analysis – including scenarios</p> <p>Compliance 1 Section is preparing a table of the gaps in compliance powers between Vic and Commonwealth. Will present at the next meeting.</p>	<p>Progress was discussed.</p> <p>s47F provided a table of relative compliance powers for discussion. The powers of the state are not fully understood by us and further work is required to define each regime including state compliance powers for projects on Crown land.</p>			
6. Deliverables for review BCS & SRSS comment period	<p>DSE are close to buying properties in the WGR. The choke point for the bandicoots in the eastern growth corridor is a critical issue for SEWPaC.</p> <p>Should get next versions from Vic DSE soon.</p>	Update on progress (see Item 1).			
7. Other business	MSA Project Planning – update by SA(E).	s47F provided an update.			
	Recent compliance case at Kalkallo Creek concerning grasslands.	s47F provided an update. We are awaiting a report about a potential offence under the EPBC Act.			
	Need to get minutes or decisions made at executive level, circulated much more quickly between the sections – for example the minute about the Part 9 offsets in the WGR took a long time to get to Vic/Tas Section.	Agreed			

Item	Previous actions	Discussion	New actions	Who	Due
8. Process improvement (Did well / do better)		Concentrate improvement actions on issues discussed rather than meeting procedures.			
9. Next Meeting		Proposed for late July 2012 (3-4pm)			

Melbourne Strategic Assessment Implementation Group

Minutes 15 March 2012

FOI 191214
Document 16

Present:

Absent: apologies - nil

- s47F – SAE Section - Chair
- s47F – Vic/Tas Section EAB
- s47F – Compliance 1 Section CaE Branch
- s47F – SAE Section SAB
- s47F – SAE Section SAB

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Previous actions	Discussion	New actions	Who	Due
1. Projects with two approvals. Current referrals.		West Werribee additional info has arrived – they should publish soon.		s47F	
2. Quarries in the WGR		DSE brought the new quarry to the attention of Vic-Tas Section. The quarry encircles the existing quarry in the WGR. Vic-Tas/Compliance Section has sent a letter to the proponent. DSE may not have the power to stop the quarry, since the permits are issued by DPI. DSE suspect that the quarry proponent may be trying to increase their compensation claim by planning this quarry. There is apparently another quarry proposed in the WGR, but very little info is available as yet.	Circulate the advice and letter about this quarry.	s47F	Next meeting
3. Part 9 Offsets into WGR		s47F is currently preparing a minute, which will aim to clarify the practicalities of the approach of Part 9 referrals near Melbourne offsetting into the WGR. This minute will be circulated for comment before going to panel (Dean Knudson will be the signatory). Will probably be circulated next week for comment. This minute will clarify lots of issues, including: how already approved projects are treated, how projects will be considered, where the boundary is, how habitat is treated etc.	Circulate minute for comment	s47F	Next meeting

Item	Previous actions	Discussion	New actions	Who	Due
4. MSA Issues register		Went through the issues. The analysis of the gaps between the Victorian and Commonwealth compliance powers should be done.	Complete and send out gaps analysis – including scenarios	s47F	Next meeting
5. Deliverables for review - BCS & SRSS comment period		s47F reported on meeting with Vic DSE. DSE are close to buying properties in the WGR. They also went through all the conservation sites and DSE explained why they were protected or not, or what further surveys needed to be done. The choke point for the bandicoots in the eastern growth corridor is a critical issue for SEWPac. Should get next versions from Vic DSE soon.	Circulate comments that SEWPAC sent to DSE		Next meeting
6. Regional Rail Link Management Plan for approval		Approved	Drop this item from agenda		
7. Other business?		Project Planning – being rewritten by SAE.	Send out Project Plan when done		2months
		Recent compliance case at Kalkallo Creek concerning grasslands – quite and interesting case.	Discuss this at next meeting		Next meeting
		Should get minutes of decisions made at executive level circulated much more quickly between the sections – for example the minute about Part 9 offsets in the WGR took a long time to get to Vic-Tas Section.			
8. Process improvement – (Did well / do better)		On time, concise/ make sure invite goes around earlier.			
9. Next Meeting		4 weeks + s47F (NRM)			

Melbourne Strategic Assessment Implementation Group

Minutes 24 May 2012

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Present: s47F (Compliance 1 Section), s47F (SAE), s47F (Vic/Tas EACD)

Item	Previous actions	Discussion	New actions	Who	Due
1. Projects with two approvals Current referrals	West Werribee additional information has arrived. Should be published soon. No change to the current situation	This list is being reviewed. Retain on the agenda			
2. Quarries in the WGR	DSE brought the new quarry to the attention of Vic-Tas Section. The quarry encircles the existing quarry in the WGR. Vic-Tas/Compliance Section has sent a letter to the proponent. DSE may not have the power to stop the quarry, since the permits are issued by DPI. DSE suspect that the quarry proponent may be trying to increase their compensation claim by planning this quarry. There is apparently another quarry proposed in the WGR, but very little info is available as yet. Currently with Compliance Section.	Compliance and Enforcement Branch has advised two quarry companies of their responsibilities under the EPBC Act. No further action at this time.			
3. Part 9 Offsets into WGR	Compliance 1 Section is currently preparing a minute, which will aim to clarify the practicalities of the approach of Part 9 referrals near Melbourne off-setting into the	Minute is with Dean Knudson			

Item	Previous actions	Discussion	New actions	Who	Due
	<p>WGR. This minute will be circulated for comment before going to panel (Dean Knudson will be the signatory). Will probably be circulated next week for comment.</p> <p>This minute will clarify lots of issues, including: how already approved projects are treated, how projects will be considered, where the boundary is, how habitat is treated etc.</p>				
4. MSA Issues register	<p>The analysis of the gaps between the Victorian and Commonwealth compliance powers should be complete.</p> <p>Complete and send out gaps analysis – including scenarios</p> <p>Compliance 1 Section is preparing a table of the gaps in compliance powers between Vic and Commonwealth. Will present at the next meeting.</p>	<p>Update on progress.</p> <p>Discussion on issues.</p> <p>s47F is working on this listing. There was discussion about the relative powers of the Commonwealth, Vic State and local government in regard to compliance issues. The powers of the state are not fully understood by us and further work is required to define each regime including state compliance powers for projects on Crown land.</p>			
5. Deliverables for review BCS & SRSS comment period	<p>DSE are close to buying properties in the WGR. The choke point for the bandicoots in the eastern growth corridor is a critical issue for SEWPaC.</p> <p>Should get next versions from Vic DSE soon</p> <p>s47F will provide an update on the present situation at the next meeting.</p>	<p>Update on progress.</p> <p>Decision is with the Vic Cabinet, prior to being sent to Commonwealth for approval.</p>			
6. Other business	<p>Project Planning – being re-written by SA(E).</p> <p>Send out Project Plan when done</p>	<p>This has yet to be done.</p>			

Item	Previous actions	Discussion	New actions	Who	Due
	No change to the current situation.				
	Recent compliance case at Kalkallo Creek concerning grasslands – quite and interesting case. Discuss at this meeting	Update on progress. s47F will speak to the desk officer Nick When (Compliance 1 Section) and provide an update at the next meeting. We are awaiting a report about a potential offence under the EPBC Act.			
	Need to get minutes or decisions made at executive level, circulated much more quickly between the sections – for example the minute about the Part 9 offsets in the WGR took a long time to get to Vic/Tas Section.	Agreed			
	Nil	s47F spoke about the EIANZ and will forward note that s47F has made			
	Nil	s47F spoke about Biodiversity fund projects that are not being used to best effect. WGR indigenous (protected lands) funding of projects is an issue.			
7. Process improvement (Did well / do better)					
8. Next Meeting		Proposed for 20 June 2012 (3-4pm)			

Melbourne Strategic Assessment Implementation Group

Minutes October 2011

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Discussion	Actions	Who	Due date
1. Projects with two approvals	Was only the patch that was reclassified.	Chat to DSE to clarify if one patch from Amberfield (or a whole EVC) was reclassified.	s47F	Next meeting
2. Current referrals	s47F mentioned the referrals for the West Werribee Dual Water Supply and the Sunbury pipeline.	s47F to make sure DSE writes a new prescription for Grey Box Grassy woodland. Tarneit road being done by s47F		Next meeting
3. Inconsistencies/ Offset approaches				
4. Deliverables for review	Waiting on letter from DSE			
5. Other business	s47F has written an email about this	Draft paper (and presentation) outlining issues raised with two past referrals in the grassland reserve (quarry and water pipeline) (carry over from 26 July).		Next meeting
	Chat about stakeholder management plan. Most people happy with it.			
		The grassland conference in Wyndham – convene a meeting with all the people going and get some agreement about what the speeches will be about.		Next meeting
	Proposed listing of seasonal wetlands (occur within MSA, new prescription needed). Ross has mentioned it to DSE – they will write one			
	Waiting on Mapping	Map just needs a few tweaks		Next meeting
	Asked DSE for mapping, no reply yet	Report on the Biodiversity Hotspot comparison when done		Next meeting or perhaps later
	Was this circulated?	Circulate this advice from AGS about variation of strategic assessment conditions to alter a		Next meeting

Item	Discussion	Actions	Who	Due date
6. Risk Workshop	Involved discussion about risk matrix. Some found the structure confusing and the grouping of risks odd. We discussed what actions should be proposed, and how much we should think about resourcing.	prescription. s47F will circulate the Risk spreadsheet to Vic/Tas. s47F will finalise risk assessment	s47F	Next meeting
7. Process improvement – (Did well / do better)				
8. Next Meeting	4 weeks			

Melbourne Strategic Assessment Implementation Group

Minute September 2011

s47F absent

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below. Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Item	Previous Actions	Discussion	New Actions	Who	Due date
1. Projects with two approvals	Liaise with compliance section about recommended compliance/enforcement actions to be taken. Report on recommendations of compliance management committee. Complete- s47F	Aurora development has had a variation to conditions <u>requiring new mgt plan with requirements to lodge covenants by a set date</u> . Amberfield has no <u>further formal compliance</u> actions. Some discussion about the reclassification of Victorian EVCs – was this done just for one site, or have they done this for a whole EVC? <u>Key issue is such changes create a mis-alignment of Cth & state expectations.</u>	Chat to DSE to clarify if one patch or a whole EVC was reclassified.	s47F	Next meeting
2. Current referrals		s47F - 2011/6083 – Toolern pipeline. Grey Box Grassy woodland. Discussion over new referrals – Summerton (potential) as well as Tarneit Road pipelines (with SAE)	s47F to make sure DSE writes a new prescription for Grey Box Grassy woodland. s47F to do referral.	s47F	Next meeting
3. Inconsistencies/ Offset approaches	s47F to write quick paper about differences between covenants in Vic and circulate through the group. Completed - s47F	Vic/Tas are negotiating with DSE about Section 69 protections for land, to try and improve them so that we can accept them.			
4. Deliverables for review	Report on handling of overdue items next meeting. Report on the status of the RRL EIMP. Completed - s47F	s47F – deliverables table has been sent to DSE and we are in communication about when they'll complete these.			
5. Other business	Draft paper outlining issues raised with two past referrals in the grassland reserve (quarry and water pipeline) (carry over from 26 July). Not	s47F will probably do a presentation on these referrals, as well as the small paper.	Draft paper outlining issues raised with two past referrals in the grassland reserve (quarry and water pipeline) (carry over from 26		Next meeting

Item	Previous Actions	Discussion	New Actions	Who	Due date
	complete- s47F		July).	s47F	
	The grassland conference in Wyndham – convene a meeting with all the people going and get some agreement about what the speeches will be about. Not complete	Nothing happened yet, but the conference has sold out, and we are trying to get some more tickets for s47F and co.	The grassland conference in Wyndham – convene a meeting with all the people going and get some agreement about what the speeches will be about.		Next meeting
	s47F to check program to see if Dwarf Galaxias were covered – Complete	s47F will circulate this advice to the group.			
	Map just needs a few tweaks – Not complete – s47F		Map just needs a few tweaks		Next meeting
		Spiny Rice Flower translocation plan – s47F circulated it, and Hal has commented on it. These comments will go to DSE.			
		s47F is going to do a project on Biodiversity Hotspots, which will compare the DSE mapping to the NGO mapping	Report on the Biodiversity Hotspot comparison when done		Next meeting or perhaps later
		RRL2 6 Month EMP is here, and s47F is going to comment on it.			
		<h1>s42</h1>			Next meeting
		s47F away first half of October. s47F away at the end of October and start of November.			
6. Risk Workshop	Conduct risk workshop. Update on its status. Perhaps circulate for comment. Complete	Long discussion about the risk assessment. <u>PESTLE and SWOT analysis – no additions.</u> Confusion about the new format, but agreed that the consolidation of risks and treatments on one line was good. Chat about the merits of clumping risks together, and whether sources of risk can	s47F will circulate the spreadsheet to Vic/Tas. s47F will finalise risk assessment		Next meeting

Item	Previous Actions	Discussion	New Actions	Who	Due date
		<p>be risks. Discussion about how the controls should reduce the risk - and the treatment should reduce risk further. There could be more treatments for some of the risks, even if this group doesn't have the ability to do the treatments (such as more resources for Compliance).</p>			
<p>7. Process improvement – (Did well / do better)</p>	<p>Good – solid discussion, respectful, friendly. Could do better – prepare for risk workshop.</p>				
<p>8. Next Meeting</p>	<p>Outlook Appointment</p>	<p>4 weeks</p>		<p>s47F</p>	

Melbourne Strategic Assessment Implementation Project

Risk Item 15

Part A - Risk Identification and analysis									
1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment?
15	State compliance / monitoring/ audit methodology does not meet Cth expectations.	Different State/Cth frameworks – legal, policy, guidelines, manuals. Divergent expectations. Uncertainty about who enforces compliance state or Cth. State unable to deal with Cth issues under State law or state powers inadequate on private land.	Failure of Program outcomes. Project loses integrity.	Compliance is referred to Cth by state. Cooperative engagement and relationships with stakeholders, e.g. ALERT network. Existing goodwill.	Weak	Certain (exists)	Moderate	High	Yes

Part B - Risk Treatment Register								
2	9	11	12	13	14	15	16	17
Description of Risk (from Analysis)	Current Risk Level	Treatments (What is GOING to be done to reduce the level of risk.)	Date treatment due for completion	Who is responsible for implementing the treatments	Expected rating when all treatments are in place			Progress to implement (To be updated at least monthly)
					Likelihood	Consequence	Risk Level	
15. State compliance	High	1. ID gaps (audit & compliance methodologies). 2. Develop partnership to address gaps.	2011 – needs 1 month. 31 Dec 2011 need 6-12 months	CEB	Certain Possible	Moderate	High Medium	Yet to be confirmed Approach to be endorsed by Panel (April 2011) and timeframes agreed depending on available resources/priorities.

Melbourne Strategic Assessment Implementation Project

SEWPaC Internal Implementation Group

Purpose

The purpose of the implementation group is to manage and reduce certain risks associated with implementation of the Melbourne Strategic Assessment. The specific risks being addressed are spelt out below (see background). Activities of the group may include monitoring EPBC Act referrals where there are joint part 9/part 10 approvals, developing guidelines/policy and other approaches to handling problem developments/offsets.

Governance

The implementation group supports the Project Manager, and is responsible for reporting to or obtaining approvals from relevant executive staff (eg respective section heads), project management board (eg SASMB Project Control Board) or other executive decision making bodies (eg AWD Panel).

Membership

Chair - Project manager (Strategic Approvals East, s47F)
Assessment officer (Vic/Tas Assessment Section, TBC)
Post approval officer (Monitoring & Audit section, TBC)
Others (as appropriate/required eg Compliance, Legislation & Policy Sections)

Agenda

1. Update on status of projects with two approvals (responsible section)
2. Update on status of Current referrals within program area (responsible section).
3. Identifying inconsistencies in management of part 9/part 10 approval offsets
4. Deliverables received for review (eg sub regional biodiversity strategies, Monitoring and audit framework)
5. Other business (eg other or emerging risks, new issues, stakeholder issues)
6. Business Improvement for the implementation group (What's working well? What could be better?)

Background

The project plan risk assessment identifies an internal implementation group as a mechanism to manage two risks:

- *Risk 10 - An Individual project has two approvals - part program and part separate referral, and*
- *Risk 11 - Offsets are managed inconsistently (between sites for same or different projects, different developers)*

The risk treatment schedule specifies:

Establish an internal implementation group with monthly (or other agreed) timeframe for meeting to develop guidelines/policy and agreement on the handling of problem developments/offsets.

Melbourne Strategic Assessment Implementation Project

Part A - Risk Identification and analysis									
1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment ?
10	An Individual project has two approvals - part program and part separate referral.	Project occurs partly within and partly external to the program boundary – separate EPBC approvals for program component and separate referral	Conservation outcomes are different. Offsets are acquired at different ratios and managed differently between different sites. Legal challenges	Internal discussions between EAB and SASMB maintain awareness of this risk. Paper to AWD Panel describing risks and seeking agreement on a consistent and defensible approach.	Incomplete	Possible	Moderate	Medium	Yes
11	Offsets are managed inconsistently (between sites for same or different projects, different developers)	Handling of referrals for projects partly contained in Growth centres requires different ratio of offset and management to those parts or other projects outside the program.	Developers challenge credibility of program & department. conservation outcomes may be greater/lesser. Developers sense injustice, inequitable treatment. Legal challenges.	Internal discussions between EAB and SASMB maintain awareness of this risk.	Incomplete	Possible	Moderate	Medium	Yes

Title	MELBOURNE STRATEGIC ASSESSMENT (MSA)					Date of Risk Analysis		Due date for review	
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IDENTIFICATION				ANALYSIS						TREATMENT									
1 Plan objectives (What is the objective or outcome, sought? What do I want?)	2 Risk ID no.	3 Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	4 Consequence (Describe the adverse impact/s for the objective)	6 Inherent risk rating (What is the risk rating before any controls are in place?)			7 Existing controls that reduce the likelihood or consequence of the risk			8 Current risk rating (What is the risk rating taking into account existing controls)			9 Treatment options (Additional actions that could reduce the consequence or likelihood of the risk.)	Decision to apply treatment (Yes/no & rationale - e.g. No, resources not available)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12 Target risk rating (What is the expected risk rating after additional treatments are in place?)		
				6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)			8A Consequence	8B Likelihood	8C Rating					12A Consequence	12B Likelihood	12C Rating
1. Protect MNES	1	The BCS does not identify MNES or avoid unacceptable impacts on MNES	Strategies are not approved or there are unacceptable impacts on MNES	Moderate	Possible	Medium	Assessment process enables Cth to engage in the design and development process.	Moderate	Unlikely	Low - No additional treatments required									
	2	Not comply with the endorsed plan or the approval conditions	There are unacceptable impacts on MNES.	Moderate	Possible	Medium	EPBC Act penalties for non-compliance. The department resources teams for monitoring, audit and compliance	Moderate	Possible	Medium	Review risk and options at time of approval. Schedule independent audit of compliance two years after date of approval.	Yes	TBC (pending approval date)	Plan manager	Moderate	Unlikely	Low		
2. Efficient & effective administration of the EPBC Act	3	There is inadequate resourcing of the MSA within the SA(E) section	The assessment process is superficial and misses critical issues, with decisions lacking robustness	Minor	Unlikely	Low	Resources have been allocated within budget for staff. Resource requirements are reviewed regularly within the planning framework and monitored by the PCB	Moderate	Unlikely	Low - No additional treatments required									
	4	Poor planning and business management	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Minor	Unlikely	Low	Established business framework is in place with regular reporting to managers and PCB	Moderate	Rare	Low - No additional treatments required									
3. Effective stakeholder engagement	5	Stakeholder engagement(s) are limited and/or ineffective	Stakeholders don't support Program decisions with potential adverse media	Moderate	Unlikely	Low	Resources are available and allocated within section budget for meetings with stakeholders	Moderate	Unlikely	Low - No additional treatments required									
	6	Partner agency withdraws support for process, withholds information, is uncooperative or speaks against the process or outcomes.	Process not completed on time or abandoned. Outcomes not delivered for MNES. Strategic Assessment brand tarnished	Moderate	Rare	Low	Agreement commits partners to engage and resolve critical issues.	Moderate	Unlikely	Low - No additional treatments required									
	7	Partner agency makes a unilateral decision that is not supported by the Cth.	Strategic assessment outcomes in doubt leading to potential abandonment of assessment	Moderate	Rare	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.	moderate	Unlikely	Low - No additional treatments required									
	8	Section does not deliver timely, professional service to partner or stakeholders.	Reputation of section, department and strategic assessment brand tarnished.	Moderate	Rare	Low	Resources allocated to undertake the strategic assessment. Staff trained to deliver professional service. Business planning and management framework in place with reporting to PCB.	Moderate	Unlikely	Low - No additional treatments required									
	9	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Minor	Possible	Low	Agreement and TOR set out expectations for process and outcomes.	Moderate	Unlikely	Low - No additional treatments required									

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL TARGET RISK OF THE ACTIVITY		

MSA risk assessment review September 2011

Summary of changes

1. Dept has a new risk assessment template. Risk assessment guidelines, templates, instructions etc are located here:

<http://intranet.environment.gov.au/business/risk/guidelines/Pages/default.aspx>

2. Issues removed – issues are risks that have eventuated and are a current issue. The Dept's guidelines for risk assessments exclude issues. Issues for the MSA project are being treated within the context of the MSA internal implementation group. Issues removed from the risk assessment include:
 - The level of Vic gov support for the program, whilst originally high, is now unclear. Vic government changed in 2011, cabinet considering its position.
 - Risk 10 - Projects with both part 9 and part 10 approval is a known issue and being treated through the MSA implementation group. Similarly for risk 11 – known issue.
 - Risk 13 - inadequate funding of WGR - known issue.
 - Risk 15 – compliance gaps state-Cth – known issue.
3. 15 risks previously identified have been consolidated into four key risk groupings. Each previous source copied across to new assessment and consolidated where there was duplication. These sources are really risks themselves (at a finer scale). It may be more useful to break down the consequence/likelihood/Rating columns for each individual source (sub-risk) rather than the current high level overview of risk rating for the higher level grouping of these risks.

DSEWPaC - RISK ASSESSMENT AND TREATMENT PLAN (Note this is an A3 size page)

Part 1: Activity Identification and Context Analysis

Activity Name	Melbourne Strategic Assessment Implementation Project	Outcome	Outcome 5: Environment Protection
Type of activity	Project	Division	Environment Assessment and Compliance Division
Date of risk analysis	<Write the date this risk assessment is being performed>	Duration of risk analysis	September 2011 - September 2012
		Decision Maker	Carolyn Cameron, AS, Strategic Approaches Branch Signature Make sure the Decision Maker signs the Risk Assessment and Treatment Plan off.
Activity Objective and main outcomes	MSA outcomes are delivered as promised in the endorsed Program. Adaptive management of MNES is facilitated. The relationship with project stakeholders is mutually respectful, cooperative and productive.	Key Stakeholders	Minister & dept line areas (incl. Vic/Tas, compliance, audit). Victorian government and agencies (including DSD, GAA). Land developers. Conservation groups.
External Environment Context	The endorsed program was developed by the vic government. The change of government in vic has resulted in some uncertainty about its commitment to the endorsed program. The endorsed program is an example of how strategic assessment processes (COAG and Gov EPBC reform agendas) reduce red tape, benefit developers, produce better environmental outcomes at landscape scale and provide certainty about future development and conservation objectives for all stakeholders.		

Part 2: Risk Assessment and Treatment Plan (Please refer to the Risk Assessment Matrix to complete this section)

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (Briefly describe the risk that could affect whether the objective is achieved)	3 Impacts (Briefly describe the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts). What is the event?	4 Sources of the risk (Briefly describe the potential causes or sources of the event happening)	5 Category (Select from the drop down menu the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks are needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Select from the Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
	WGR not fully established	<ul style="list-style-type: none"> Bad for MNES Negative publicity Program undermined and possibly abandoned 	1. Grassland clearance is offset elsewhere in the Growth Centres and not into the reserves. This is allowable under the Program, so developers may offset into other land they own within the Growth Centres, so the grassland reserves are not used. 2. More grassland is retained or preserved in the Growth Areas than was originally estimated to be cleared. Precinct plans may avoid impacts by locking grasslands up as conservation areas (or public open space), rather than zoning them for development thereby reducing their offset costs. 3. Precinct planning surveys identify less grassland than initially estimated through the Program and time-stamping project. As precincts are developed, surveys may reveal less grassland than initially estimated, so less offsets are required. 4. Money gained from grassland clearance isn't enough to buy calculated offset in the reserves. Difficulties in estimating the purchase price of grassland in the reserves (made more difficult by the time lag between developments and offsets) could result in too few funds available to buy offset land.	Loss of assets (departmental / environment).	Major	Possible	High											
1	Environmental outcomes not achieved Aren't these all risks which can't be grouped? They all have difference consequences, likelihoods etc. Should this be something more concrete like 'WGR not established'?	MNES are adversely impacted. How? By illegal clearance? By DSE not applying prescriptions? By the WGR not being funded?	Program offsets not delivered (e.g. WGR). Many sources	Operational	Major	Possible	High	Program specifies how offsets will be delivered. Project plan exists to manage implementation and governance arrangements under SAB Project Control Board. Timeline of program deliverables being monitored by the Dept.	Strong	Major	Possible	High	N/A			Major	Unlikely	Medium
		Environmental values are lost. Values which aren't MNES?	Stochastic disturbance or random events degrade environmental values.	Loss of assets (departmental / environment).				Offsets consolidated, actively managed, resilience increased and management resourced.	Strong				N/A					
		Adverse responses from Public and conservation NGOs. This could happen because of many things, not just for offsets.	Science/data errors lead to poor estimates of the amount of offsets required.	Information management (including ICT)				Handling notes for Program plans or strategies requiring Cth approval highlight the risk associated with rejecting critical documents and the need for adaptive management responses if rejection is required.	Strong				N/A					
		Conservation NGOs generate adverse media, political questioning and letters.	Legal interventions/constraints (eg VCAT challenges/rulings) to validity of the program, strategies, prescriptions, approvals or offsets.	Legal / statutory compliance				Monitoring of legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation.	Adequate				Identify adaptive management options if problematic rulings/changes occur.	As required	Project officer			
		Additional approvals not granted. Are these linked?	Funds insufficient to acquire offsets such as WGR.	Legal / statutory compliance				Legislative responsibility.	Strong				N/A					

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (Briefly describe the risk that could affect whether the objective is achieved)	3 Impacts (Briefly describe the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts). What is the event?	4 Sources of the risk (Briefly describe the potential causes or sources of the event happening)	5 Category (Select from the drop down menu the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks are needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Select from the Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
		Program may cease to be implemented (abandoned)	Key program elements (e.g. Strategies, plans) are not/ can not be delivered or are not approved.	Legal / statutory compliance				The program provides for monitoring, reporting and an adaptive management framework to deal with new/changed information.	Strong				N/A					
2	Project management is weak. Is this a risk, or a source of risk? Is the risk that we don't complete the post-endorsement deliverables?	Dept reputation tainted, professional reputation of staff degraded, credibility lost for Min, dept, and Vic gov / agencies.	Weak project planning and management by DSEWPAC &/or Vic DSE (e.g. Risk monitoring, lack of resources (staff, finances)).	Operational	Moderate	Possible	Medium	Approved project plan in place. PCB governance. Strong relationship with DSE including monitoring of deliverables and due dates, and other external factors (eg political) that could impact implementation. Regular meeting with DSE.	Adequate	Moderate	Unlikely	No additional treatments required	N/A					#N/A
		COAG red tape reduction agenda not supported.	Lack of dedicated staff/resources, corporate knowledge, training.	Workforce management and capability				The Program addresses risk management and includes provisions for ongoing Cth approval of key plans, strategies and prescriptions.	Strong				N/A					
		Conservation outcomes (eg WGR) not achieved. Loss of stakeholder support for Program, credibility of Strategic Assessments and reputation of agencies. Same as above (1)	Inconsistent application of the offsets for developers with projects spanning program and other areas. Adaptive management approaches are not identified or implemented	Operational				Dept has allocated resources (staff, finance) for post approval and compliance handling. Handling notes provided for deliverables.	Adequate				N/A					
		Return to individual referrals with high workload. Ajd piecemeal/opportunistic conservation outcomes.	Strategic Assessment process failure through weak project management and planning.	Operational				Project plan for implementation in place to monitor and manage implementation of the program for the 20years of its lifespan.	Adequate				N/A					

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (Briefly describe the risk that could affect whether the objective is achieved)	3 Impacts (Briefly describe the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts). What is the event?	4 Sources of the risk (Briefly describe the potential causes or sources of the event happening)	5 Category (Select from the drop down menu the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks are needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Select from the Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
3	Stakeholders are unhappy. This is the same as an impact - in part 1	Loss of credibility for the Program and strategic assessments with government, public and NGOs.	Change in Vic Gov policy (support for the MSA Program)	Stakeholder management and communication	Moderate	Possible	Medium	Cth role retained for approving and providing advice and adaptive management for key issues. (See s3.3 9 of the Rec Report).	Incomplete	Moderate	Possible	Medium	A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer	Moderate	Possible	Medium
		Stakeholders (e.g. Developers) lose interest in supporting this or may become antagonistic towards future strategic assessments.	Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	Stakeholder management and communication				Stakeholder engagement strategy, annual stakeholder presentations explaining implementation outcomes, existing media and information products etc.	Incomplete				A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer			
		Stakeholders generate additional work (letters, parliamentary questions) seeking information and explanations of process/outcomes failures which is embarrassing to the department/government.	Poor implementation of stakeholder strategy & plan (lack of, inconsistent) communication from SEWPaC to stakeholders.	Stakeholder management and communication				Maintain strong relationship with Vic government as the proponent, emphasising their role in identifying on-ground compliance issues.	Strong				A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer			
		Developers may need separate approvals for projects.	Reports (from proponent) are not delivered in a timely manner or with required content.	Stakeholder management and communication				Reporting is a condition of approval and compliance action can be taken.	Strong				N/A					
		Government /agencies do not appreciate/value the benefits of strategic assessments for protecting MNES, reducing red tape etc.	Inadequate resources (SEWPaC) to analyse and monitor compliance with reporting requirements.	Operational				Resourcing allocated within section budget/work plan	Adequate				N/A					
4	non-compliance is not identified or addressed. Developers don't comply with the Program?	Program fails to deliver desired outcomes.	Program deliverables not submitted.	Operational	Moderate	Unlikely	Low	Project plan with a list of deliverables/timing facilitates identification of non-compliance issues (reporting).	Strong	Moderate	unlikely	No additional treatments rem.				Moderate	Possible	Medium
		Loss of credibility (program, strategic assessment, department).	Under-resourcing (finance, staff, time), staff error, poor performance or inadequate skills to analyse reports and detect problems.	Workforce management and capability				Department has dedicated resources (staff, budgets) established guidelines, protocols and trained staff to deal with non-compliance issues. EPBC Reform package promotes strategic assessments.	Adequate									
		MNES are adversely impacted beyond the boundaries?	Other factors (e.g. social or economic) take precedence.	Operational				Reinvigorated governance regime (e.g. project & risk management frameworks, snr management boards).	Strong									
		Adverse public responses (letters, media).	Poor handling of incoming reports or deliverables.	Operational				Approval conditions include requirements for reporting on non-compliance.	Adequate									

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL TARGET RISK OF THE ACTIVITY		

Part 1: Activity Identification and Context Analysis

Activity Name	Melbourne Strategic Assessment Implementation Project	Outcome	Outcome 5: Environment Protection
Type of activity	Project	Division	Environment Assessment and Compliance Division
Date of risk analysis	<Write the date this risk assessment is being performed>	Duration of risk analysis	September 2011 - September 2012
Decision Maker	Carolyn Cameron, AS, Strategic Approaches Branch	Signature	Make sure the Decision maker signs the risk assessment and treatment plan off.
Activity Objective and main outcomes	VIA outcomes are delivered as promised in the endorsed Program. Adaptive management of VINEs is facilitated. The relationship with project stakeholders is mutually respectful, cooperative and productive.	Key Stakeholders	Minister & dept line areas (incl. vic / tas, compliance, audit), Victorian government and agencies (including DSD, GAA), Land developers, Conservation groups.
External Environment Context	The endorsed program was developed by the vic government. The change of government in vic has resulted in some uncertainty about its commitment to the endorsed program. The endorsed program is an example of how strategic assessment processes (COAG and Gov EPBC reform agendas) reduce red tape, benefit developers, produce better environmental outcomes at landscape scale and provide certainty about future development and conservation objectives for all stakeholders.		

Part 2: Risk Assessment and Treatment Plan (Please refer to the Risk Assessment Matrix to complete this section)

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (Briefly describe the risk that could affect whether the objective is achieved.)	3 Impacts (Briefly describe the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts)	4 Sources of the risk (Briefly describe the potential causes or sources of the event happening)	5 Category (Select from the drop down menu the type of source of the risk)	6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Select from the Control Rating	8A Consequence	8B Likelihood	8C Rating	9 Proposed risk treatments (Tasks are needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12A Consequence	12B Likelihood	12C Rating
1	Environmental Outcomes not achieved.	MNES are adversely impacted.	Program offsets not delivered (e.g. WGR).	Operational	Major	Possible	High	Program specifies how offsets will be delivered. Project plan exists to manage implementation and governance arrangements under SAB Project Control Board. Timeline of program deliverables being monitored by the Dept.	Strong	Major	Possible	High	N/A			Major	Unlikely	Medium
		Environmental values are lost.	Stochastic disturbance or random events degrade environmental values.	Loss of assets (departmental / environment).				Offsets consolidated, actively managed, resilience increased and management resourced.	Strong				N/A					
		Adverse responses from Public and conservation NGOs.	Science/data errors lead to poor estimates of the amount of offsets required.	Information management (including ICT)				Handling notes for Program plans or strategies requiring Cth approval highlight the risk associated with rejecting critical documents and the need for adaptive management responses if rejection is required.	Strong				N/A					
		Conservation NGOs generate adverse media, political questioning and letters.	Legal interventions/constraints (eg VCAT challenges/rulings) to validity of the program, strategies, prescriptions, approvals or offsets.	Legal / statutory compliance				Monitoring of legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation.	Adequate				Identify adaptive management options if problematic rulings/changes occur.	As required	Project officer			
		Additional approvals not granted.	Funds insufficient to acquire offsets such as WGR.	Legal / statutory compliance				Legislative responsibility.	Strong				N/A					
		Program may cease to be implemented (abandoned)	Key program elements (e.g. Strategies, plans) are not/ can not be delivered or are not approved.	Legal / statutory compliance				The program provides for monitoring, reporting and an adaptive management framework to deal with new/changed information.	Strong				N/A					
2	Project management is weak	Dept reputation tainted, professionalism of staff degraded, credibility lost for Min, dept, and Vic gov / agencies.	Weak project planning and management by DSEWPAC &/or Vic DSE (e.g. Risk monitoring, lack of resources (staff, finances)).	Operational	Moderate	Possible	Medium	Approved project plan in place. PCB governance. Strong relationship with DSE including monitoring of deliverables and due dates, and other external factors (eg political) that could impact implementation. Regular meeting with DSE.	Adequate	Moderate	Unlikely	- No additional treatments rem.	N/A			#N/A		
		COAG red tape reduction agenda not supported.	Lack of dedicated staff/resources, corporate knowledge, training.	Workforce management and capability				The Program addresses risk management and includes provisions for ongoing Cth approval of key plans, strategies and prescriptions.	Strong				N/A					
		Conservation outcomes (eg WGR) not achieved. Loss of stakeholder support for Program, credibility of Strategic Assessments and reputation of agencies	Inconsistent application of the offsets for developers with projects spanning program and other areas. Adaptive management approaches are not identified or implemented	Operational				Dept has allocated resources (staff, finance) for post approval and compliance handling. Handling notes provided for deliverables.	Adequate				N/A					
		Return to individual referrals with high workload. Ajd piecemeal/opportunistic conservation outcomes.	Strategic Assessment process failure through weak project management and planning.	Operational				Project plan for implementation in place to monitor and manage implementation of the program for the 20years of its lifespan.	Adequate				N/A					

IDENTIFICATION					ANALYSIS							TREATMENT						
1 #	2 Risk (Briefly describe the risk that could affect whether the objective is)	3 Impacts (Briefly describe the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts)	4 Sources of the risk (Briefly describe the potential causes or sources of the event happening)	5 Category (Select from the drop down menu the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks are needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Select from the Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
3	Stakeholders are unhappy	Loss of credibility for the Program and strategic assessments with government, public and NGOs.	Change in Vic Gov policy (support for the MSA Program)	Stakeholder management and communication	Moderate	Possible	Medium	Cth role retained for approving and providing advice and adaptive management for key issues. (See s3.3.9 of the Rec Report).	Incomplete	moderate	Possible	Medium	A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer	Moderate	Possible	Medium
		Stakeholders (e.g. Developers) lose interest in supporting this or may become antagonistic towards future strategic assessments.	Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	Stakeholder management and communication				Stakeholder engagement strategy, annual stakeholder presentations explaining implementation outcomes, existing media and information products etc.	Incomplete				A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer			
		Stakeholders generate additional work (letters, parliamentary questions) seeking information and explanations of process/outcomes failures which is embarrassing to the department/government.	Poor implementation of stakeholder strategy & plan (lack of, inconsistent) communication from SEWPaC to stakeholders.	Stakeholder management and communication				Maintain strong relationship with Vic government as the proponent, emphasising their role in identifying on-ground compliance issues.	Strong				A stakeholder engagement plan will be developed as part of the project implementation management.	Oct-11	Project officer			
		Developers may need separate approvals for projects.	Reports (from proponent) are not delivered in a timely manner or with required content.	Stakeholder management and communication				Reporting is a condition of approval and compliance action can be taken.	Strong				N/A					
		Government /agencies do not appreciate/value the benefits of strategic assessments for protecting MNES, reducing red tape etc.	Inadequate resources (SEWPaC) to analyse and monitor compliance with reporting requirements.	Operational				Resourcing allocated within section budget/work plan	Adequate				N/A					
4	non-compliance is not identified or addressed	Program fails to deliver desired outcomes.	Program deliverables not submitted.	Operational	Moderate	Unlikely	Low	Project plan with a list of deliverables/timing facilitates identification of non-compliance issues (reporting).	Strong	moderate	unlikely	No additional treatments req.				Moderate	Possible	Medium
		Loss of credibility (program, strategic assessment, department).	Under-resourcing (finance, staff, time), staff error, poor performance or inadequate skills to analyse reports and detect problems.	Workforce management and capability				Department has dedicated resources (staff, budgets) established guidelines, protocols and trained staff to deal with non-compliance issues. EPBC Reform package promotes strategic assessments.	Adequate									
		MNES are adversely impacted beyond	Other factors (e.g. social or economic) take precedence.	Operational				Reinvigorated governance regime (e.g. project & risk management frameworks, snr management boards).	Strong									
		Adverse public responses (letters, media).	Poor handling of incoming reports or deliverables.	Operational				Approval conditions include requirements for reporting on non-compliance.	Adequate									

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL TARGET RISK OF THE ACTIVITY		

DSEWPac - RISK ASSESSMENT AND TREATMENT PLAN (Note this is an A3 size page)

Part 1: Activity Identification and Context Analysis

Activity Name	Melbourne Strategic Assessment (MSA) Implementation Project	Outcome	Outcome 5: Environment Protection
Type of activity	Project	Division	Environment Assessment and Compliance Division
Date of risk analysis	Sep-11	Duration of risk analysis	September 2011 - September 2012
		Decision Maker	Carolyn Cameron, AS, Strategic Approaches Branch
Activity Objective and main outcomes	MSA outcomes are delivered as promised in the endorsed Program. Adaptive management of MNES is facilitated. The relationship with project stakeholders is mutually respectful, cooperative and productive.	Key Stakeholders	Minister & dept line areas (incl. Vic/Tas, compliance, audit). Victorian government and agencies (including DSD, GAA). Land developers. Conservation groups.
External Environment Context	The MSA Program was developed by and is implemented by the Vic government. It supports COAG and Australian Govt EPBC Act reform agendas, reduces red tape, provides outcomes at landscape scale and provides certainty about development and conservation outcomes.		

Part 2: Risk Assessment and Treatment Plan (Please refer to the Risk Assessment Matrix to complete this section)

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (the risk that could affect whether the objective is achieved)	3 Impacts (the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts).	4 Sources of the risk (the potential causes or sources of the event happening)	5 Category (the type of source of the risk)	6A Consequence	6B Likelihood	6C Rating	7A Controls in place (the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Control Rating	8A Consequence	8B Likelihood	8C Rating	9 Proposed risk treatments (Tasks needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12A Consequence	12B Likelihood	12C Rating
1	Environmental outcomes not achieved.	MNES are adversely impacted.	1.1 Illegal clearing. Prescriptions not appropriately applied.	Operational	Major	Likely	High	Compliance processes exist for dealing with illegal clearing.	Strong	Major	Unlikely	Medium	N/A			Major	Unlikely	Medium
		Status of MNES are not maintained or improved	1.2 Program offsets not delivered, especially if WGR is not fully funded.	Operational				Program specifies how offsets will be delivered and funded. Project plan is in place to manage implementation. Timeline of program deliverables is being monitored by the Dept. Independent audit and reporting as per Program.	Strong				Follow up and reminder notices for overdue deliverables.	As required	Project officer			
		Environmental values (MNES) are lost.	1.3 Stochastic disturbance or random events degrade environmental values.	Loss of assets (departmental / environment).				Offsets consolidated, actively managed, resilience increased and management resourced.	Strong				N/A					
		Adverse responses from Public and conservation NGOs.	1.4 Science/data errors lead to poor identification of environmental assets or estimates of the amount of offsets required.	Information management (including ICT)				Handling notes for Program plans or strategies requiring Cth approval highlight the risk associated with rejecting critical documents and the need for adaptive management responses if rejection is required.	Strong				N/A					
		Conservation NGOs generate adverse media, political questioning and letters.	1.5 Legal interventions/constraints (eg VCAT challenges/rulings) to validity of the program, strategies, prescriptions, approvals or offsets.	Legal / statutory compliance				Monitoring of legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation.	Adequate				Identify adaptive management options if problematic rulings/changes occur.	As required	Project officer			
		Additional approvals (e.g. New growth areas) not granted.	1.6 Vic government abandons Program, consistently fails to apply prescriptions or deliver program commitments or insufficient funds are committed to acquire offsets such as WGR.	Legal / statutory compliance				Legislative responsibility to comply with EPBC Act, political commitment and government investment in the program.	Strong				N/A					
		Program may cease to be implemented (abandoned)	1.7 Key program elements (e.g. Strategies, plans) are not/ can not be delivered or are not approved.	Legal / statutory compliance				The program provides for monitoring, reporting and an adaptive management framework to deal with new/changed information.	Strong				N/A					
2	Project management failure.	Dept reputation tainted, professional reputation of staff degraded, credibility lost for Min, dept, and Vic gov / agencies.	2.1 Weak project planning and management by DSEWPAC &/or Vic DSE (e.g. Risk monitoring, lack of resources (staff, finances)).	Operational	Moderate	Possible	Medium	Approved project plan in place. PCB governance. Strong relationship with DSE including monitoring of deliverables and due dates, and other external factors (eg political) that could impact implementation. Regular meeting with DSE.	Adequate	Moderate	Possible	Medium	N/A			Major	Unlikely	Medium
		Loss of stakeholder support for Program, credibility of Strategic Assessments and reputation of agencies.	2.2 Conservation outcomes not achieved or significant delays in delivery of conservation benefits.	Operational				Timeframes and locations for offsets identified in the Program. These timeframes are being tracked by the department. Prescriptions and other measures are in place to ensure conservation outcomes.	Incomplete				The draft biodiversity strategy and sub-regional species strategies require Cth approval and will locate where additional reserves will occur.	mar-Jun 2012	DSE & SEWPac			
		COAG red tape reduction agenda not supported.	2.3 Lack of dedicated staff/resources, corporate knowledge, training.	Workforce management and capability				The Program addresses risk management and includes provisions for ongoing Cth approval of key plans, strategies and prescriptions.	Strong				N/A					
		Conservation outcomes (eg WGR) not achieved.	2.4 Inconsistent application of the prescriptions and offset requirements for developers with projects spanning program and other areas. Adaptive management approaches are not identified or implemented.	Operational				Dept has allocated resources (staff, finance) for post approval and compliance handling. Handling notes provided for deliverables.	Adequate				N/A					

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (the risk that could affect whether the objective is achieved)	3 Impacts (the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts).	4 Sources of the risk (the potential causes or sources of the event happening)	5 Category (the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
		Delivery of Program commitments is not tracked for timeliness, quality, compliance, or adaptive management	2.5 Inadequate staff training or resources (SEWPaC) to analyse and monitor compliance with reporting requirements.	Operational	Moderate	Possible	Medium	Project plan, spreadsheet to track delivery dates and handling notes to assist staff identify key issues. Staff have access to the department's project management training.	Adequate	Moderate	Possible	Medium	N/A					
		Return to individual referrals with high workload and piecemeal/opportunistic conservation outcomes.	2.6 Strategic Assessment process failure through weak project management and planning.	Operational				Project plan for implementation in place to monitor and manage implementation of the program for the 20 years of its lifespan.	Adequate				N/A					
3	Stakeholders are unhappy (advocate cessation of Program).	Loss of credibility of the Program and strategic assessments with government, public and NGOs.	3.1 Change in Vic Gov policy (support for the MSA Program)	Stakeholder management and communication	Moderate	Possible	Medium	A stakeholder engagement plan has been drafted as part of the implementation project plan. Cth role retained for approving and providing advice and adaptive management for key issues. (See s3.3.9 of the Rec Report).	Adequate	Moderate	Possible	Medium	N/A			Moderate	Unlikely	Low
		Stakeholders (e.g. Developers) lose interest in supporting this or may become antagonistic towards future strategic assessments.	3.2 Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	Stakeholder management and communication				Stakeholder engagement strategy, annual stakeholder presentations explaining implementation outcomes, existing media and information products etc.	Adequate				N/A					
		Stakeholders generate additional work (letters, parliamentary questions) seeking information and explanations of process/outcomes failures which is embarrassing to the department/ government.	3.3 Poor implementation of stakeholder strategy & plan (lack of, inconsistent) communication from SEWPaC to stakeholders.	Stakeholder management and communication				Maintain strong relationship with Vic government as the proponent, emphasising their role in identifying on-ground compliance issues.	Strong				N/A					
		Developers may need separate approvals for projects.	3.4 Reports (from proponent) are not delivered in a timely manner or with required content.	Stakeholder management and communication				Reporting is a condition of approval and compliance action can be taken.	Strong				N/A					
		Government /agencies do not appreciate/value the benefits of strategic assessments for protecting MNES, reducing red tape etc.	3.5 Inadequate resources (SEWPaC) to analyse and monitor compliance and promote benefits.	Operational				Resourcing allocated within section budget/ work plan	Incomplete				Capitalise on activities being undertaken by Victorian Government agencies.	Ongoing	Project officer			
4	Non-compliance is not identified or addressed.	Program fails to deliver desired outcomes.	4.1 Program deliverables not submitted.	Operational	Moderate	Possible	Medium	Project plan with a list of deliverables/timing facilitates identification of non-compliance issues (reporting).	Strong	Moderate	Possible	Medium				Moderate	Possible	Medium
		Loss of credibility (program, strategic assessment, department).	4.2 Under-resourcing (finance, staff, time), staff error, poor performance or inadequate skills to analyse reports and detect problems.	Workforce management and capability				Department has dedicated resources (staff, budgets) established guidelines, protocols and trained staff to deal with non-compliance issues. EPBC Reform package promotes strategic assessments.	Adequate				Additional (dedicated) compliance resources could be allocated (e.g. team of 4). DSE staff could be trained and appointed Ex-Officio inspectors (authorised officers) under the EPBC Act.					
		MNES are adversely impacted	4.3 Other factors (e.g. social or economic) take precedence.	Operational				Reinvigorated governance regime (e.g. project & risk management frameworks, snr management boards).	Strong									
		Adverse public responses (letters, media).	4.4 Poor handling of incoming reports or deliverables.	Operational				Approval conditions include requirements for reporting on non-compliance.	Adequate									
		MNES are adversely impacted	4.5 Developers or land holders don't comply with the Program	Legal / statutory compliance				State and EPBC Act compliance operations. Timestamping project protects grasslands from incremental degradation.	Strong				N/A					

Moderate Possible Medium
OVERALL INHERENT RISK OF THE ACTIVITY

Moderate Possible Medium
OVERALL RESIDUAL RISK OF THE ACTIVITY

Moderate Possible Medium
OVERALL TARGET RISK OF THE ACTIVITY

DSEWPac - RISK ASSESSMENT AND TREATMENT PLAN (Note this is an A3 size page)

Part 1: Activity Identification and Context Analysis

Activity Name	Melbourne Strategic Assessment (MSA) Implementation Project	Outcome	Outcome 5: Environment Protection
Type of activity	Project	Division	Environment Assessment and Compliance Division
Date of risk analysis	Sep-11	Duration of risk analysis	September 2011 - September 2012
		Decision Maker	Carolyn Cameron, AS, Strategic Approaches Branch
Activity Objective and main outcomes	MSA outcomes are delivered as promised in the endorsed Program. Adaptive management of MNES is facilitated. The relationship with project stakeholders is mutually respectful, cooperative and productive.	Key Stakeholders	Minister & dept line areas (incl. Vic/Tas, compliance, audit). Victorian government and agencies (including DSD, GAA). Land developers. Conservation groups.
External Environment Context	The MSA Program was developed by and is implemented by the Vic government. It supports COAG and Australian Govt EPBC Act reform agendas, reduces red tape, provides outcomes at landscape scale and provides certainty about development and conservation outcomes.		

Part 2: Risk Assessment and Treatment Plan (Please refer to the Risk Assessment Matrix to complete this section)

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (the risk that could affect whether the objective is achieved)	3 Impacts (the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts).	4 Sources of the risk (the potential causes or sources of the event happening)	5 Category (the type of source of the risk)	6A Consequence	6B Likelihood	6C Rating	7A Controls in place (the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Control Rating	8A Consequence	8B Likelihood	8C Rating	9 Proposed risk treatments (Tasks needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12A Consequence	12B Likelihood	12C Rating
1 ^a	Environmental outcomes not achieved.	MNES are adversely impacted.	1.1 Illegal clearing. Prescriptions not appropriately applied.	Operational	Major	Likely	High	Compliance processes exist for dealing with illegal clearing.	Strong	Major	Unlikely	Medium	N/A			Major	Unlikely	Medium
		Status of MNES are not maintained or improved	1.2 Program offsets not delivered, especially if WGR is not fully funded.	Operational				Program specifies how offsets will be delivered and funded. Project plan is in place to manage implementation. Timeline of program deliverables is being monitored by the Dept. Independent audit and reporting as per Program.	Strong				Follow up and reminder notices for overdue deliverables.	As required	Project officer			
		Environmental values (MNES) are lost.	1.3 Stochastic disturbance or random events degrade environmental values.	Loss of assets (departmental / environment).				Offsets consolidated, actively managed, resilience increased and management resourced.	Strong				N/A					
		Adverse responses from Public and conservation NGOs.	1.4 Science/data errors lead to poor identification of environmental assets or estimates of the amount of offsets required.	Information management (including ICT)				Handling notes for Program plans or strategies requiring Cth approval highlight the risk associated with rejecting critical documents and the need for adaptive management responses if rejection is required.	Strong				N/A					
		Conservation NGOs generate adverse media, political questioning and letters.	1.5 Legal interventions/constraints (eg VCAT challenges/rulings) to validity of the program, strategies, prescriptions, approvals or offsets.	Legal / statutory compliance				Monitoring of legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation.	Adequate				Identify adaptive management options if problematic rulings/changes occur.	As required	Project officer			
		Additional approvals (e.g. New growth areas) not granted.	1.6 Vic government abandons Program, consistently fails to apply prescriptions or deliver program commitments or insufficient funds are committed to acquire offsets such as WGR.	Legal / statutory compliance				Legislative responsibility to comply with EPBC Act, political commitment and government investment in the program.	Strong				N/A					
		Program may cease to be implemented (abandoned)	1.7 Key program elements (e.g. Strategies, plans) are not/ can not be delivered or are not approved.	Legal / statutory compliance				The program provides for monitoring, reporting and an adaptive management framework to deal with new/changed information.	Strong				N/A					
2 ^b	Project management failure.	Dept reputation tainted, professional reputation of staff degraded, credibility lost for Min, dept, and Vic gov / agencies.	2.1 Weak project planning and management by DSEWPAC &/or Vic DSE (e.g. Risk monitoring, lack of resources (staff, finances)).	Operational	Moderate	Possible	Medium	Approved project plan in place. PCB governance. Strong relationship with DSE including monitoring of deliverables and due dates, and other external factors (eg political) that could impact implementation. Regular meeting with DSE.	Adequate	Moderate	Possible	Medium	N/A			Major	Unlikely	Medium
		Loss of stakeholder support for Program, credibility of Strategic Assessments and reputation of agencies.	2.2 Conservation outcomes not achieved or significant delays in delivery of conservation benefits.	Operational				Timeframes and locations for offsets identified in the Program. These timeframes are being tracked by the department. Prescriptions and other measures are in place to ensure conservation outcomes.	Incomplete				The draft biodiversity strategy and sub-regional species strategies require Cth approval and will locate where additional reserves will occur.	mar-Jun 2012	DSE & SEWPac			
		COAG red tape reduction agenda not supported.	2.3 Lack of dedicated staff/resources, corporate knowledge, training.	Workforce management and capability				The Program addresses risk management and includes provisions for ongoing Cth approval of key plans, strategies and prescriptions.	Strong				N/A					
		Conservation outcomes (eg WGR) not achieved.	2.4 Inconsistent application of the prescriptions and offset requirements for developers with projects spanning program and other areas. Adaptive management approaches are not identified or implemented.	Operational				Dept has allocated resources (staff, finance) for post approval and compliance handling. Handling notes provided for deliverables.	Adequate				N/A					

IDENTIFICATION					ANALYSIS						TREATMENT							
1 #	2 Risk (the risk that could affect whether the objective is achieved)	3 Impacts (the potential impacts on the activity if the event happens. Use this information to rate the consequence of the impacts).	4 Sources of the risk (the potential causes or sources of the event happening)	5 Category (the type of source of the risk)	6			7		8			9 Proposed risk treatments (Tasks needed to reduce the risk, i.e. risk treatments. In doing so consider each potential cause or source of the event)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12		
					6A Consequence	6B Likelihood	6C Rating	7A Controls in place (the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	7B Control Rating	8A Consequence	8B Likelihood	8C Rating				12A Consequence	12B Likelihood	12C Rating
		Delivery of Program commitments is not tracked for timeliness, quality, compliance, or adaptive management	2.5 Inadequate staff training or resources (SEWPac) to analyse and monitor compliance with reporting requirements.	Operational				Project plan, spreadsheet to track delivery dates and handling notes to assist staff identify key issues. Staff have access to the department's project management training.	Adequate				N/A					
		Return to individual referrals with high workload and piecemeal/opportunistic conservation outcomes.	2.6 Strategic Assessment process failure through weak project management and planning.	Operational				Project plan for implementation in place to monitor and manage implementation of the program for the 20 years of its lifespan.	Adequate				N/A					
3	Stakeholders are unhappy (advocate cessation of Program).	Loss of credibility of the Program and strategic assessments with government, public and NGOs.	3.1 Change in Vic Gov policy (support for the MSA Program)	Stakeholder management and communication	Moderate	Possible	Medium	A stakeholder engagement plan has been drafted as part of the implementation project plan. Cth role retained for approving and providing advice and adaptive management for key issues. (See s3.3.9 of the Rec Report).	Adequate	Moderate	Possible	Medium	N/A					
		Stakeholders (e.g. Developers) lose interest in supporting this or may become antagonistic towards future strategic assessments.	3.2 Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	Stakeholder management and communication				Stakeholder engagement strategy, annual stakeholder presentations explaining implementation outcomes, existing media and information products etc.	Adequate				N/A					
		Stakeholders generate additional work (letters, parliamentary questions) seeking information and explanations of process/outcomes failures which is embarrassing to the department/ government.	3.3 Poor implementation of stakeholder strategy & plan (lack of, inconsistent) communication from SEWPac to stakeholders.	Stakeholder management and communication				Maintain strong relationship with Vic government as the proponent, emphasising their role in identifying on-ground compliance issues.	Strong				N/A					
		Developers may need separate approvals for projects.	3.4 Reports (from proponent) are not delivered in a timely manner or with required content.	Stakeholder management and communication				Reporting is a condition of approval and compliance action can be taken.	Strong				N/A					
		Government /agencies do not appreciate/value the benefits of strategic assessments for protecting MNES, reducing red tape etc.	3.5 Inadequate resources (SEWPac) to analyse and monitor compliance and promote benefits.	Operational				Resourcing allocated within section budget/ work plan	Incomplete				Capitalise on activities being undertaken by Victorian Government agencies.					
4 ^c	Non-compliance is not identified or addressed.	Program fails to deliver desired outcomes.	4.1 Program deliverables not submitted.	Operational	Moderate	Possible	Medium	Project plan with a list of deliverables/timing facilitates identification of non-compliance issues (reporting).	Strong	Moderate	Possible	Medium						
		Loss of credibility (program, strategic assessment, department).	4.2 Under-resourcing (finance, staff, time), staff error, poor performance or inadequate skills to analyse reports and detect problems.	Workforce management and capability				Department has dedicated resources (staff, budgets) established guidelines, protocols and trained staff to deal with non-compliance issues. EPBC Reform package promotes strategic assessments.	Adequate				Additional (dedicated) compliance resources could be allocated (e.g. team of 4). DSE staff could be trained and appointed Ex-Officio inspectors (authorised officers) under the EPBC Act.					
		MNES are adversely impacted	4.3 Other factors (e.g. social or economic) take precedence.	Operational				Reinvigorated governance regime (e.g. project & risk management frameworks, snr management boards).	Strong									
		Adverse public responses (letters, media).	4.4 Poor handling of incoming reports or deliverables.	Operational				Approval conditions include requirements for reporting on non-compliance.	Adequate									
		MNES are adversely impacted	4.5 Developers or land holders don't comply with the Program	Legal / statutory compliance				State and EPBC Act compliance operations. Timestamping project protects grasslands from incremental degradation.	Strong				N/A					

a	The environmental outcomes are quite dependent on Victoria following the Program and dedicating the resources to implementing it.
b	The Program requires significant investment in management, from both DSE and DSEWPAC, but there is always a high risk in any huge project like this one
c	The department and DSE need to invest in compliance, particularly given the scale of this project.

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Possible	Medium
OVERALL TARGET RISK OF THE ACTIVITY		

Title		Date of risk analysis		Due date for review													
IDENTIFICATION				ANALYSIS						TREATMENT							
1 Plan objectives (What is the objective or outcome, sought? What do I want?)	2 Risk ID no.	3 Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	4 Consequence (Describe the adverse impact/s for the objective)	6 Inherent risk rating (What is the risk rating before any controls are in place?)			7 Existing controls that reduce the likelihood or consequence of the risk			8 Current risk rating (What is the risk rating taking into account existing controls)	9 Treatment options (Additional actions that could reduce the consequence or likelihood of the risk.)	Decision to apply treatment (Yes/no & rationale - e.g. No, resources not available)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12 Target risk rating (What is the expected risk rating after additional treatments are in place?)		
				6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)	8A Consequence	8B Likelihood						8C Rating	12A Consequence	12B Likelihood
1. Protect MNES at	1	The project design process does not identify MNES or avoid unacceptable impacts on MNES	There are unacceptable impacts on MNES	Moderate	Possible	Medium	Assessment process enables Cth to engage in the design and development process.	Moderate	Unlikely	Low - No additional treatments required							
	2	Legal foundations for program commitments such as the ... are not signed by the NSW government	Program commitments are not legally based and MNES are not effectively protected by state process	Moderate	Possible	Medium	Agreement commits partners to engage and resolve critical issues.	Moderate	Unlikely	Low - No additional treatments required							
	3	The proponent (...) does not comply with the endorsed plan or the approval conditions	There are unacceptable impacts on MNES.	Moderate	Possible	Medium	EPBC Act penalties for non-compliance. The department resources teams for monitoring, audit and compliance	Moderate	Possible	Medium	Review risk and options at time of approval. Schedule independent audit of compliance two years after date of approval.	Yes	TBC (pending approval date)	Plan manager	Moderate	Unlikely	Low
2. Efficient & Effective administration of the EPBC Act	4	There is inadequate resourcing of theSA within the section	The assessment process is superficial and misses critical issues, with decisions lacking robustness	Moderate	Possible	Medium	Resources have been allocated within budget for staff. Resource requirements are reviewed regularly within the planning framework and monitored by the PCB	Moderate	Unlikely	Low - No additional treatments required							
	5	Planning and business management is weak and superficial	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Moderate	Possible	Medium	Established business framework is in place with regular reporting to managers and PCB	Moderate	Rare	Low - No additional treatments required							
	6	Stakeholder engagement(s) are limited and/or ineffective	Program becomes uncoordinated leading to potential errors and poor overall management.	Moderate	Possible	Medium	Resources are available and allocated within section budget for meetings with stakeholders	Moderate	Unlikely	Low - No additional treatments required							
3. Effective Stakeholder engagement	7	Key stakeholder withdraws support for process, withholds information, is uncooperative or speaks against the process or outcomes.	Process not completed on time or abandoned. Outcomes not delivered for MNES. Strategic Assessment brand tarnished	Moderate	Unlikely	Low	Agreement commits partners to engage and resolve critical issues.	Moderate	Unlikely	Low - No additional treatments required							
	8	Section does not deliver timely, professional service to partner or stakeholders.	Reputation of section, department and strategic assessment brand tarnished.	Moderate	Unlikely	Low	Resources allocated to undertake the strategic assessment. Staff trained to deliver professional service. Business planning and management framework in place with reporting to PCB.	Moderate	Unlikely	Low - No additional treatments required							
	9	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Moderate	Unlikely	Low	Agreement and TOR set out expectations for process and outcomes.	Moderate	Unlikely	Low - No additional treatments required							
	10	Key stakeholder makes a unilateral decision that is not supported by other stakeholders.	Strategic assessment outcomes in doubt leading to potential abandonment of assessment	Moderate	Unlikely	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.	moderate	Unlikely	Low - No additional treatments required							

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL TARGET RISK OF THE ACTIVITY		

Title	MELBOURNE STRATEGIC ASSESSMENT (MSA)					Date of Risk Analysis		Due date for review		
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IDENTIFICATION				ANALYSIS						TREATMENT									
1	2	3	4	6			7			8	9	10	11	12					
Plan objectives (What is the objective or outcome, sought? What do I want?)	Risk ID no.	Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	Consequence (Describe the adverse impact/s for the objective)	Inherent risk rating (What is the risk rating before any controls are in place?)			Existing controls that reduce the likelihood or consequence of the risk			Current risk rating (What is the risk rating taking into account existing controls)			Treatment options (Additional actions that could reduce the consequence or likelihood of the risk.)	Decision to apply treatment (Yes/no & rationale - e.g. No, resources not available)	Date treatment is due for completion	Who is responsible for implementing the treatment?	Target risk rating (What is the expected risk rating after additional treatments are in place?)		
				6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)			8A Consequence	8B Likelihood	8C Rating					12A Consequence	12B Likelihood	12C Rating
1. Protect MNES	1	The BCS does not identify MNES or avoid unacceptable impacts on MNES	Strategies are not approved or there are unacceptable impacts on MNES	Moderate	Possible	Medium	Assessment process enables Cth to engage in the design and development process.			Moderate	Unlikely	Low - No additional treatments required							
	2	Not comply with the endorsed plan or the approval conditions	There are unacceptable impacts on MNES.	Moderate	Possible	Medium	EPBC Act penalties for non-compliance. The department resources teams for monitoring, audit and compliance			Moderate	Possible	Medium	Review risk and options at time of approval. Schedule independent audit of compliance two years after date of approval.	Yes	TBC (pending approval date)	Plan manager	Moderate	Unlikely	Low
2. Efficient & effective administration of the EPBC Act	3	There is inadequate resourcing of the MSA within the SA(E) section	The assessment process is superficial and misses critical issues, with decisions lacking robustness	Minor	Unlikely	Low	Resources have been allocated within budget for staff. Resource requirements are reviewed regularly within the planning framework and monitored by the PCB			Moderate	Unlikely	Low - No additional treatments required							
	4	Poor planning and business management	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Minor	Unlikely	Low	Established business framework is in place with regular reporting to managers and PCB			Moderate	Rare	Low - No additional treatments required							
3. Effective stakeholder engagement	5	Stakeholder engagement(s) are limited and/or ineffective	Stakeholders don't support Program decisions with potential adverse media	Moderate	Unlikely	Low	Resources are available and allocated within section budget for meetings with stakeholders			Moderate	Unlikely	Low - No additional treatments required							
	6	Partner agency withdraws support for process, withholds information, is uncooperative or speaks against the process or outcomes.	Process not completed on time or abandoned. Outcomes not delivered for MNES. Strategic Assessment brand tarnished	Moderate	Rare	Low	Agreement commits partners to engage and resolve critical issues.			Moderate	Unlikely	Low - No additional treatments required							
	7	Partner agency makes a unilateral decision that is not supported by the Cth.	Strategic assessment outcomes in doubt leading to potential abandonment of assessment	Moderate	Rare	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.			moderate	Unlikely	Low - No additional treatments required							
	8	Section does not deliver timely, professional service to partner or stakeholders.	Reputation of section, department and strategic assessment brand tarnished.	Moderate	Rare	Low	Resources allocated to undertake the strategic assessment. Staff trained to deliver professional service. Business planning and management framework in place with reporting to PCB.			Moderate	Unlikely	Low - No additional treatments required							
	9	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Minor	Possible	Low	Agreement and TOR set out expectations for process and outcomes.			Moderate	Unlikely	Low - No additional treatments required							

Moderate	Possible	Medium
OVERALL INHERENT RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL RESIDUAL RISK OF THE ACTIVITY		

Moderate	Unlikely	Low
OVERALL TARGET RISK OF THE ACTIVITY		

Title	MELBOURNE STRATEGIC ASSESSMENT (MSA)				Date of Risk Analysis	13-Sep-12	Due date for review	31-Dec-12		
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IDENTIFICATION				ANALYSIS						TREATMENT								
1 Plan objectives (What is the objective or outcome, sought? What do I want?)	2 Risk ID no.	3 Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	4 Consequence (Describe the adverse impact/s for the objective)	6 Inherent risk rating (What is the risk rating before any controls are in place?)			7 Existing controls that reduce the likelihood or consequence of the risk			8 Current risk rating (What is the risk rating taking into account existing controls)	9 Treatment options (Additional actions that could reduce the consequence or likelihood of the risk.)	Decision to apply treatment (Yes/no & rationale - e.g. No, resources not available)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12 Target risk rating (What is the expected risk rating after additional treatments are in place?)			
				6A Consequence	6B Likelihood	6C Rating	7A Controls in place (i.e. what is in place NOW to minimise or soften the impact of each risk or source of the event)	8A Consequence	8B Likelihood						8C Rating	12A Consequence	12B Likelihood	12C Rating
1. Protect MNES	1	The BCS/SRSS does not identify MNES or avoid unacceptable impacts on MNES	Strategies are not approved or there are unacceptable impacts on MNES	Moderate	Possible	Medium	Endorsed program provides for Cth input to draft and minister has approval powers	Moderate	Unlikely	Low - No additional treatments required								
	2	Non compliance with the endorsed program or approval conditions	There are unacceptable impacts on MNES.	Moderate	Possible	Medium	EPBC Act penalties for non-compliance. The department and DSE resources teams for monitoring, audit and compliance. Program provides for monitoring and reporting framework	Moderate	Possible	Medium	Conduct independent audit of compliance. Review risk and options at time of new approvals.	No - defer pending finalisation of monitoring and audit framework & available resources	N/A	N/A	Moderate	Possible	Medium	
2. Efficient & effective administration of the EPBC Act	3	DSE delay submission of key strategies (BCS/SRSS) and other deliverables (e.g. Monitoring framework)	Integrity of MSA Program is devalued and vulnerable to criticism	Moderate	Likely	Medium	Regular engagement with DSE	Moderate	Likely	Medium	Senior Executive engagement with state counterparts Ministerial engagement (letter) if executive ineffective	Yes Pending outcome of above	31 Oct 2012 31 Dec 2012	Plan manager	Moderate	Possible	Medium	
	4	There is inadequate resourcing of the MSA within the SAE section	The assessment and business processes are superficial and miss critical issues , with decisions lacking robustness	Moderate	Unlikely	Low	Resources have been allocated within budget for staff. Resource requirements are reviewed regularly within the planning framework and monitored by the PCB	Moderate	Unlikely	Low - No additional treatments required								
	5	Poor planning and business management	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Minor	Unlikely	Low	Established business framework is in place with regular reporting to managers and PCB	Minor	Rare	Low - No additional treatments required								
3. Effective stakeholder engagement	6	Stakeholder engagement(s) are limited and/or ineffective	Stakeholders don't support Program decisions with potential adverse media	Moderate	Unlikely	Low	Resources are available and allocated within section budget for meetings with stakeholders	Moderate	Unlikely	Low - No additional treatments required								
	7	Partner agency withdraws support for process, withholds information, is uncooperative or speaks against the process or outcomes.	Process not completed on time or abandoned. Outcomes not delivered for MNES. Strategic Assessment brand tarnished.	Moderate	Rare	Low	Agreement commits partners to engage and resolve critical issues.	Moderate	Rare	Low - No additional treatments required								
	8	Partner agency makes a unilateral decision that is not supported by the Cth.	Strategic assessment outcomes in doubt leading to potential abandonment of assessment	Moderate	Rare	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.	moderate	Rare	Low - No additional treatments required								
	9	SA(E) Section does not deliver timely, professional service to partner or stakeholders.	Reputation of section, department and strategic assessment brand tarnished.	Moderate	Rare	Low	Resources allocated to manage the strategic assessment. Staff trained to deliver professional service. Business planning and management framework in place with reporting to PCB.	Moderate	Rare	Low - No additional treatments required								
	10	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Minor	Possible	Low	Agreement and TOR set out expectations for process and outcomes.	Minor	Unlikely	Low - No additional treatments required								

Rating for risks with controls are less than or equal to inherent rating					
Moderate	Possible	Medium	Moderate	Unlikely	Low
OVERALL INHERENT RISK			OVERALL RESIDUAL RISK		

Title	MELBOURNE STRATEGIC ASSESSMENT (MSA)	Date	12-Aug-13	Due date for review	12-Nov-13
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IDENTIFICATION				ANALYSIS							TREATMENT								
1 Plan objectives (What is the objective or outcome, sought? What do I want?)	2 Risk ID no.	3 Risk (If this happens there will be an adverse impact on the objective. What will stop us getting what we want?)	4 Consequence (Describe the adverse impact/s for the objective)	6 Inherent risk rating (What is the risk rating before any controls are in place?)			7 Existing controls that reduce the likelihood or consequence of the risk				9 Treatment options (Additional actions that could reduce the consequence or likelihood of the risk.)	Decision to apply treatment (Yes/no & rationale - e.g. No, resources not available)	10 Date treatment is due for completion	11 Who is responsible for implementing the treatment?	12 Target risk rating (What is the expected risk rating after additional treatments are in place?)				
				6A Consequence	6B Likelihood	6C Rating	7A Controls in place (Briefly describe the existing controls, i.e. what is in place NOW to minimise or soften the impact of each potential cause or source of the event)		8A Consequence	8B Likelihood					8C Rating	12A Consequence	12B Likelihood	12C Rating	
1. Protect MNES	1	The BCS/SRSS does not identify MNES or avoid unacceptable impacts on MNES	Strategies are not approved or there are unacceptable impacts on MNES	Moderate	Possible	Medium	Endorsed program provides for Cth input to draft strategies and minister has approval powers												
	2	Non compliance with the endorsed program or approval conditions	There are unacceptable impacts on MNES.	Moderate	Possible	Medium	EPBC penalties . The department and DEPI resources teams for monitoring, audit and compliance. Program provides for monitoring and reporting framework (MRF)				Conduct independent audit of compliance. Review risk and options at time of new approvals.	No - defer pending finalisation of MRF & available resources	N/A	N/A	Moderate	Possible	Medium		
2. Efficient & effective administration of the EPBC Act	3	There is inadequate resourcing of the MSA within the SAE section	The assessment and business processes are superficial and miss critical issues , with decisions lacking robustness	Moderate	Unlikely	Low	Resources have been allocated within budget for staff. Resource requirements are reviewed regularly within the planning framework and monitored by the PCB and branch exec staff												
	4	Poor planning and business management	The strategic assessment is an inefficient use of resources and EPBC Act objectives are not met	Minor	Unlikely	Low	Established business framework is in place with regular reporting to managers and PCB												
	5	Legal challenge to Part 10 approval	Legal uncertainty about the status of the Program, and approvals. Part 9 referrals required.	Moderate	Possible	Medium	Wording of draft part 10 approval agreed with legal team												
	6	Developers lodge Part 9 referrals to avoid Part 10 offset obligations	Additional assessment workload. Legal uncertainty about status of approvals. Part 9 approvals undermine Part 10 outcomes.	Moderate	Likely	Medium	Policy statement on handling referrals in Part 10 area.				Guidance for BEP and assessment teams not to accept referrals in MSA boundary. SAE to manage via letter explaining Part 10 approval applies.	Yes	30-Aug-13	SAE	Moderate	Unlikely	Low		
	7	Political delays for approval of SE Corridor Part 10 and SRSS for SBB	Uncertainty about the status of SRSS SBB in SE. Part 9 referrals required.	Moderate	Likely	Medium	Executive liaison with Minister's Office. Policy statement for Part 9 referrals in Part 10 area.												
3. Effective stakeholder engagement	8	Stakeholder engagement(s) are limited and/or ineffective	Stakeholders don't support Program decisions with potential adverse media	Moderate	Unlikely	Low	Resources are available and allocated within section budget for meetings with stakeholders												
	9	Partner agency withdraws support for process, withholds information, is uncooperative or speaks against the process or outcomes.	Process not completed on time or abandoned. Outcomes not delivered for MNES. Strategic Assessment brand tarnished.	Moderate	Rare	Low	Agreement commits partners to engage and resolve critical issues.												
	10	Partner agency makes a unilateral decision that is not supported by the Cth.	Strategic assessment outcomes in doubt leading to potential abandonment of assessment	Moderate	Rare	Low	Agreement provides dispute resolution process. Regular stakeholder meetings.												
	11	SAE does not deliver timely, professional service to partner or stakeholders.	Reputation of section, department and strategic assessment brand tarnished.	Moderate	Rare	Low	Resources allocated to manage the strategic assessment. Staff trained to deliver professional service. Business planning and management framework in place with reporting to PCB and relevant executive staff												
	12	Stakeholder expectations are unclear or unrealistic.	Stakeholders become frustrated when expectations are not met.	Minor	Possible	Low	Agreement and TOR set out expectations for process and outcomes.												

Moderate	Possible	Medium
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Moderate	Possible	Medium
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Moderate	Possible	Medium
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ATTACHMENT A

IMPORTANT NOTE: *This Risk Assessment and Treatment Plan is a working document and should be updated regularly.*

Context for Risk Assessment *(It is important to clearly understand and define what you are assessing the risks for.)*

Project Title	Melbourne Strategic Approval Implementation Project	Objective (Outcome) of the project.	The project will ensure delivery of required elements of the endorsed program and approved classes of actions.
Project Manager	s47F	Project Sponsor	Carolyn Cameron
Decision maker	Steve Mercer		

Copy the following tables as many times as required to record all risks applicable to your activity.

Risk 1 – Analysis

Part A - Risk Identification and analysis									
1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment?
1.	Program outcomes not achieved.	<p>Process failure.</p> <p>Key program elements are/can not delivered (e.g. environmental activities/offsets).</p> <p>Science/data errors.</p> <p>Stochastic disturbance or random events degrade environmental values.</p>	<p>Loss of credibility for the strategic assessment process and the department.</p> <p>MNES are not protected as required by the EPBC Act.</p> <p>Adverse responses from Public and conservation NGOs.</p> <p>Environmental values are lost.</p>	<p>The Program addresses risk management and includes provisions for ongoing Cth approval of key plans, strategies and prescriptions.</p> <p>The program provides for monitoring, reporting and an adaptive management framework to deal with new/changed information.</p>	Strong	Possible	Major	High	Yes
2.	Program not fully implemented.	<p>Process failure</p> <p>Change of government or policy (Victoria/Cth)</p> <p>Legal interventions/constraints (eg VCAT challenges/rulings)</p> <p>Loss of support for WGR</p> <p>Changes to the EPBC Act and/or its administration.</p> <p>Key strategies needing further approval not agreed to by the Cth.</p> <p>Risk management plan not monitored/implemented/updated.</p>	<p>MNES are not protected as planned.</p> <p>Loss of credibility for the Program and strategic assessments with government, public and NGOs.</p> <p>Conservation NGOs generate adverse media, political questioning and letters.</p> <p>Increased workload for the department because individual referrals are required for development within the program area.</p> <p>COAG red tape reduction agenda not supported.</p> <p>Return to piecemeal/opportunistic impact assessment and conservation outcomes.</p> <p>Identified risks are not managed or new risks fail to be identified and managed.</p>	<p>The endorsed program currently enjoys a high level of support from all levels or government and stakeholders .</p> <p>Cth role retained for approving and providing advice and adaptive management for key issues. See s3.3.9 of the Recommendation Report).</p>	Incomplete	Possible	Major	High	Yes
3.	Program implementation abandoned.	<p>Process failure.</p> <p>Change in Victorian government policy.</p> <p>Loss of support for WGR.</p> <p>Legal challenges (e.g. VCAT appeals) to DSE role implementing the program on behalf of the Cth.</p>	<p>Loss of credibility for EPBC Strategic Assessments</p> <p>Increased workload (resources) for EABs due to individual development referrals</p> <p>Return to piecemeal/opportunistic conservation outcomes.</p>	<p>Department has a close relationship with the proponent and monitors progress with implementation and other external factors (eg political) that could increase likelihood of occurrence.</p>	Incomplete	Unlikely	Major	Medium	Yes
4.	Non-compliance with	<p>Project management failure.</p> <p>Poor handling of incoming reports or</p>	<p>Program fails to deliver desired outcomes.</p>	<p>Approval conditions known to proponent.</p> <p>Approval conditions include requirements</p>	Adequate	Possible	Medium	Medium	Yes

Part A - Risk Identification and analysis

1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment?
	approval/program conditions is not identified.	<p>deliverables.</p> <p>Poor project plan – failure to know what/when deliverables (reports etc.) are due.</p> <p>Poor project management – under resourced, lack of staff.</p> <p>Staff error, poor performance or inadequate skills to analyse reports and detect problems.</p>	<p>Adverse public responses (letters, media).</p> <p>Professionalism of staff, section, department degraded, brought into disrepute.</p>	for reporting on non-compliance.					
5.	Non-compliance is not addressed	<p>Project management failure.</p> <p>Lack of resources (financial/staff/time).</p> <p>Sensitivities (political, administrative etc).</p> <p>Social or economic drivers take precedence.</p>	Loss of credibility (program, strategic assessment, department).	Department has established guideline, protocols and trained staff to deal with non-compliance issues (see risk 14).	Adequate	Unlikely	Moderate	Low	No
6.	Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	<p>Project management failure.</p> <p>Poor (lack of, inconsistent) communication from SEWPaC to stakeholders (proponent, conservation NGOs and developers).</p> <p>Stakeholders lose interest or have limited resources.</p> <p>Reports (from proponent) are not delivered in a timely manner or with required content.</p> <p>Lack of resources (SEWPaC) to analyse and monitor compliance with reporting requirements.</p>	<p>Conservation stakeholders perceive a failure to deliver protection for MNES and generate angst and/or opposition to the program and future strategic assessments.</p> <p>Developers lose interest in supporting future strategic assessments.</p> <p>Government /agencies do not appreciate/value the benefits of strategic assessments for protecting MNES, reducing red tape etc.</p> <p>Stakeholders generate additional work (letters, parliamentary questions) seeking information and explanations of process/outcomes failures which is embarrassing to the department/ government.</p>	<p>Reporting is a condition of approval and compliance action can be taken.</p> <p>Department has committed to annual presentations to stakeholders explaining implementation outcomes etc.</p>	Adequate	Possible	Moderate	Medium	Yes
7.	Loss of credibility for the Program.	<p>Legal challenges (e.g. VCAT)</p> <p>Outcomes not achieved – see 1.</p> <p>Program not fully implemented.</p> <p>Non-compliance is not identified/rectified.</p> <p>Program is abandoned by Victoria.</p>	<p>Strategic assessment process undermined.</p> <p>Program may cease to be implemented.</p> <p>Developers may need separate approvals for projects.</p> <p>Increased resources required to process EPBC referrals</p>	Project planning and management by Vic government and the department for implementation of this and other programs.	Adequate	Unlikely	Major	Medium	Yes

Part A - Risk Identification and analysis

1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment?
8.	Loss of credibility for Strategic Assessment process.	Melbourne or other endorsed/approved strategic assessments fail (outcomes &/or process). Legislative change (Cth) that diminishes strategic assessment provisions.	Loss of credibility for department and EPBC Act.	Strategic assessments are actively promoted by the department and relationships with proponents carefully managed under project plans. Department is managing implementation of EPBC Act review.	Strong	Unlikely	Moderate	Low	No
9.	Legal challenges to validity of offsets etc.	Inconsistent application of the offsets for developers with projects spanning program and other areas.	Program may lose credibility. Program may cease to be implemented. Strategic assessment process may lose credibility.	None, a state process outside the immediate control and sphere of influence.	Weak	Possible	Moderate	Medium	yes
10	An Individual project has two approvals - part program and part separate referral.	Project occurs partly within and partly external to the program boundary – separate EPBC approvals for program component and separate referral	Conservation outcomes are different. Offsets are acquired at different ratios and managed differently between different sites. Legal challenges	Internal discussions between EAB and SASMB maintain awareness of this risk. Paper to AWD Panel describing risks and seeking agreement on a consistent and defensible approach.	Incomplete	Possible	Moderate	Medium	Yes
11	Offsets are managed inconsistently (between sites for same or different projects, different developers)	Handling of referrals for projects partly contained in Growth centres requires different ratio of offset and management to those parts or other projects outside the program.	Developers challenge credibility of program & department. conservation outcomes may be greater/lesser. Developers sense injustice, inequitable treatment. Legal challenges.	Internal discussions between EAB and SASMB maintain awareness of this risk.	Incomplete	Possible	Moderate	Medium	Yes
12	WGR is not supported	Inadequate funding	The strategic assessment falls over.	The program provides a framework and mechanisms for establishing the WGR offset.	Incomplete	Possible	Moderate	Medium	Yes
13	Inadequate funding of WGR	Science/data error - original estimate of land required as an offset was larger than required hence actual offsets are not enough to cover purchase price of entire reserve.	WGR is not supported and not delivered as required. Conservation outcomes not achieved. Strategic assessment falls over	The program requires WGR to be delivered regardless of funding issue, however, it does not provide a mechanism to modify the size of WGR reflecting new information on amount of offset required and able to be delivered through developer contributions.	Incomplete	Almost certain	Moderate	High	Yes
14	Inadequate resourcing of post approval handling	Underestimate current capacity for new work. Budget constraints (reductions). Organisational structure. Loss of corporate knowledge.	Inability to enforce non-compliance. Promotes culture of non-compliance. Loss of reputation for Dept (ineffective). Reduced knowledge of success/failure of Program & project objectives..	Operating budget for compliance. Dedicated staff/resources. Legislative responsibility. Reinvigorated governance regime (e.g. project & risk management frameworks, snr management boards).	Weak	Likely	Major	High	Yes
15	State compliance / monitoring/	Different State/Cth frameworks – legal, policy, guidelines, manuals.	Failure of Program outcomes.	Compliance is referred to Cth by state. Cooperative engagement and	Weak	Certain	Moderate	High	Yes

Part A - Risk Identification and analysis

1	2	3	4	5	6	7	8	9	10
	Description of risk (What can happen)	Potential causes/sources (of an event happening)	Potential impacts (if a risk event happens)	Existing controls (what is in place NOW to minimise risk)	Control ratings	Likelihood	Consequence	Risk Level	Further Treatment?
	audit methodology does not meet Cth expectations.	Divergent expectations. Uncertainty about who enforces compliance state or Cth. State unable to deal with Cth issues under State law or state powers inadequate on private land.	Project loses integrity.	relationships with stakeholders, e.g. ALERT network. Existing goodwill.		(exists)			

Risk 1 - Treatment

Risk treatment reviews (March 2011, April 2011, 5 May 2011)

Part B - Risk Treatment Register								
2	9	11	12	13	14	15	16	17
Description of Risk (from Analysis)	Current Risk Level	Treatments (What is GOING to be done to reduce the level of risk.)	Date treatment due for completion	Who is responsible for implementing the treatments	Expected rating when all treatments are in place			Progress to implement (To be updated at least monthly)
					Likelihood	Consequence	Risk Level	
1. Program outcomes not achieved.	High	Prepare a project plan to monitor and manage implementation of the program for the 20 years of its lifespan.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)	Possible	Major	High	14 April 2011 project plan approved Mar 2011 Project plan drafted 16 Nov 2010
2. Program not fully implemented.	High	Prepare a project plan to monitor and manage implementation of the program for the 20 years of its lifespan.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)	Possible	Moderate	Medium	14 April 2011 project plan approved Mar 2011 Project plan drafted 16 Nov 2010
3. Program implementation abandoned.	Medium	Prepare a project plan to monitor and manage implementation of the program for the 20 year lifespan.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)	Unlikely	Major	Medium	14 April 2011 project plan approved Mar 2011 Project plan drafted 16 Nov 2010
		Monitor legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation. Identify adaptive management options if problematic rulings/changes occur.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)				June 2011 regular phone hookup with DSE continuing Ongoing via media and regular phone meetings with Vic Gov.
		Handling notes for Program plans or strategies requiring Cth approval will highlight the risk associated with rejecting critical documents and the need for adaptive management responses if rejection is required.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)				See Project deliverables timeline for deliverables and handling notes therein for items requiring approval.
4. Non-compliance with approval/program conditions is not identified.	Medium	Project plan with a list of deliverables/timing will facilitate identification of non-compliance issues (so far as they relate to reporting).	Dec 2010	Project manager (Strategic Approvals East Section)	Possible	Moderate	Medium	May/June timeframes for 2010/11 deliverables being confirmed with DSE Project plan approved 14 April 2011 and list of deliverables approved
		Handling notes for deliverables will be developed providing guidance on what to do with deliverables.	Dec 2010	Project manager (Strategic Approvals East Section)				See deliverables spreadsheet
		Maintain strong relationship with Vic government as the proponent, emphasising their role in identifying on-ground compliance issues.	Ongoing	Project manager (Strategic Approvals East Section)				Ongoing (eg fortnightly phone link to DSE)
6. Stakeholders are uninformed (outcomes, new decisions, rationale, requirements).	Medium	A stakeholder engagement strategy will be developed as part of the project implementation management.	Strategy to be completed by February 2011	Project manager (Strategic Approvals East Section)	Unlikely	Moderate	Low	June 2011 – detailed engagement yet to be determined. May/June Meeting with Env NGOs Strategy approved 14 April 2011 (detailed plans for individuals stakeholders yet to be developed)

Part B - Risk Treatment Register

2	9	11	12	13	14	15	16	17
Description of Risk (from Analysis)	Current Risk Level	Treatments (What is GOING to be done to reduce the level of risk.)	Date treatment due for completion	Who is responsible for implementing the treatments	Expected rating when all treatments are in place			Progress to implement (To be updated at least monthly)
					Likelihood	Consequence	Risk Level	
7. Loss of credibility for the Program.	Medium	Treatments as identified above for risks 1-6	As above	Project manager (Strategic Approvals East Section)	Possible	Moderate	Medium	See above
9. Legal challenges to validity of offsets etc.	Medium	Monitor legal challenges related to the Program and/or changes to Vic/Cth policy and legislation that could have negative impacts on implementation. Identify adaptive management options if problematic rulings/changes occur.	Commencing Nov 2010 & ongoing	Project manager (Strategic Approvals East Section)	Possible	Moderate	Medium	June 2011 mthly mtg of internal implementation group commenced Ongoing
10. An Individual project has two approvals - part program and part separate referral.	Medium	Establish an internal implementation group with monthly (or other agreed) timeframe for meeting to develop guidelines/policy and agreement on the handling of problem developments.	March 2011	Project manager (Strategic Approvals East Section)	Possible	Minor	Low	June 2011 Initial meeting held, mthly meetings commenced Concept draft 5 May 2011
11. Offsets are managed inconsistently (between sites for same or different projects, different developers)	Medium	Establish an internal implementation group with monthly (or other agreed) timeframe for meeting to develop guidelines/policy and agreement on the handling of problem developments/offsets.	March 2011	Project manager (Strategic Approvals East Section)	Unlikely	Minor	Low	Commenced 14 June 2011 Concept draft 5 May 2011
12. WGR is not supported	Medium	Promote benefits of the WGR being fully supported by the proponent for maintaining the strategic approval of the growth area.	March 2011	Project manager (Strategic Approvals East Section)	Unlikely	Moderate	Low	See stakeholder engagement strategy
13. Inadequate funding of WGR	High	Review adaptive management provisions of the program relevant to this issue and identify options to deal with this risk.	March 2011	Project manager (Strategic Approvals East Section)	Likely	Moderate	Medium	Yet to occur
14. Inadequate resourcing	High	Seek additional resourcing State & Cth. Reprioritise workloads.	2011-12 budgets	SASMB	Possible	Major	High	Yet to occur
15. State compliance	High	1. ID gaps (audit & compliance methodologies). 2. Develop partnership to address gaps.	2011 – needs 1 month. 31 Dec 2011 need 6-12 months	CEB	Certain Possible	Moderate	High Medium	June 2011 Issue raised at implementation group, to be progressed. May 2011 Issue to be addressed via internal implementation group Approach to be endorsed by Panel (April 2011) and timeframes agreed depending on available resources/priorities.



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

July 2012

Melbourne Urban Development – Policy Statement for EPBC Act referrals

Purpose of this policy

This policy statement describes the approach of the Department of Sustainability, Environment, Water, Population and Communities (the department) in administering the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* for certain projects that are outside of Melbourne's Growth Areas and for which the framework described in the Melbourne Strategic Assessment can be applied.

The policy describes criteria to determine whether a proposed action may be considered under the strategic assessment framework. Eligible projects may use this framework for offset into the Western Grasslands Reserves where impacts cannot be avoided or otherwise mitigated.

This approach is expected to simplify the assessment of eligible projects and deliver administrative efficiency for developers and regulators.

Background

The EPBC Act is the Australian Government's central environmental legislation and provides a legal framework to protect listed flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance. [More information about the EPBC Act](#) is available at www.environment.gov.au.

The Victorian Government's program for Melbourne's Growth Areas has been assessed under the EPBC Act and is described in the report [Delivering Melbourne's Newest Sustainable Communities: Program Report](#) (Victorian Government, December 2009). The program was endorsed under the EPBC Act on 2 February 2010. This means that developments in the new Growth Areas can be considered for approval provided they are undertaken in accordance with the report's commitments and undertakings for protection of matters of national environmental significance. [Further information on the program and strategic assessment](#) is at www.dse.vic.gov.au.



Prescriptions have been approved under the EPBC Act to describe specific requirements to avoid, mitigate and offset impacts on ecological communities and species listed under the EPBC Act for projects covered by the endorsed program. The prescriptions describe the method for calculating offsets for permissible clearing. Offsets under the program are being used to establish the 15,000 hectare Western Grassland Reserve (WGR) located west of Melbourne near Werribee and Little River. A [map showing the location of the reserve](http://www.dse.vic.gov.au) is at www.dse.vic.gov.au.

Projects undertaken outside the Growth Areas described in the program report require approval under the EPBC Act if they are likely to have significant impacts on matters of national environmental significance. The department's [significant impact guidelines](#) should be used to determine if a project is likely to have significant impacts.

Projects within Melbourne's Growth Areas, and that have been approved as part of the Melbourne Strategic Assessment, do not require separate referral or consideration under the EPBC Act. Projects not captured by the strategic assessment must continue to be individually [referred under the EPBC Act](#) if they are likely to have a significant impact on any matter of national environmental significance. For guidance on whether an action is likely to have a significant impact on a matter of national environmental significance refer to the [significant impact guidelines](#) and other relevant EPBC Act information and policy statements such as for the Golden Sun Moth and threatened ecological communities of the Victorian Volcanic Plains.

Policy statement

This policy statement applies to urban developments not captured under the Melbourne Strategic Assessment, but for which the department believes that the offset approach under the program (into the WGR) may be appropriate and is likely to provide acceptable outcomes for relevant matters of national environmental significance. The categories of projects eligible for this approach are described below and summarised at Figure 1.

Geographic location

Projects on the Victorian Volcanic Plains Bioregion and that are within the North Western Metropolitan area including the Local Government Areas of Wyndham, Melton, Hume, Whittlesea, Brimbank, Darebin and Moreland. Developments within adjacent Local Government Areas (Moorabool, Greater Geelong and Golden Plains) may be considered if the specific project meets the other criteria in this policy.

Type of projects

Actions considered under this policy include urban, commercial and light industrial developments and infrastructure directly servicing such development (roads, pipelines and other utilities). Generally, developments will be smaller scale (less than 50ha in land area) and involve less than 1000 dwellings.



Excluded are major new freeways, transport, electricity or sewerage infrastructure not directly related to servicing eligible developments. Also excluded are extraction industries and heavy industry (including power stations), and actions on Commonwealth land.

This policy does not apply to projects which have an existing EPBC Act approval in place; that is, it does not apply retrospectively.

Matters of national environmental significance

Projects that are likely to have a significant impact on listed Natural Temperate Grasslands of the Victorian Volcanic Plain (NTGVVP) or Golden Sun Moth (GSM) are addressed by this policy.

The extent of project impacts must be within the following limits:

- No more than 10 hectares of listed NTGVVP; and/or
- No more than 10 hectares of GSM habitat.

Projects with significant impacts on additional matters of national environmental significance, but that otherwise meet the criteria described above, will still be considered under this policy approach for offset of clearing of NTGVVP and GSM habitat. This policy does not apply to impacts on other matters of national environment significance which will continue to be considered on an individual project basis, and consistent with the department's draft EPBC Act offsets policy.

How the policy works

Projects that meet the above criteria will still need to be individually referred under the EPBC Act. However, the department may consider, in forming assessment and approval recommendations, approaches consistent with the following prescriptions under the program:

- Final Prescription for Natural Temperate Grassland of the Victorian Volcanic Plain
- Final Prescription for Golden Sun Moth

Offset requirements for projects with significant impacts on NTGVVP or GSM can be calculated in accordance with these prescriptions and the associated processes determined by the Victorian Department of Sustainability and Environment.

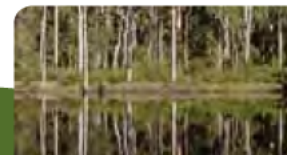
Quick links

Further information that may be useful can be found at the following links

- [About the EPBC Act](#)
- [EPBC Act - Fact sheet](#)
- [Refer a proposed action form](#)
- [Glossary](#)

An online tool is available to help you identify what matters of national environmental significance occur in a given area.

- [Protected matters search tool](#)
- [Species and ecological communities](#)



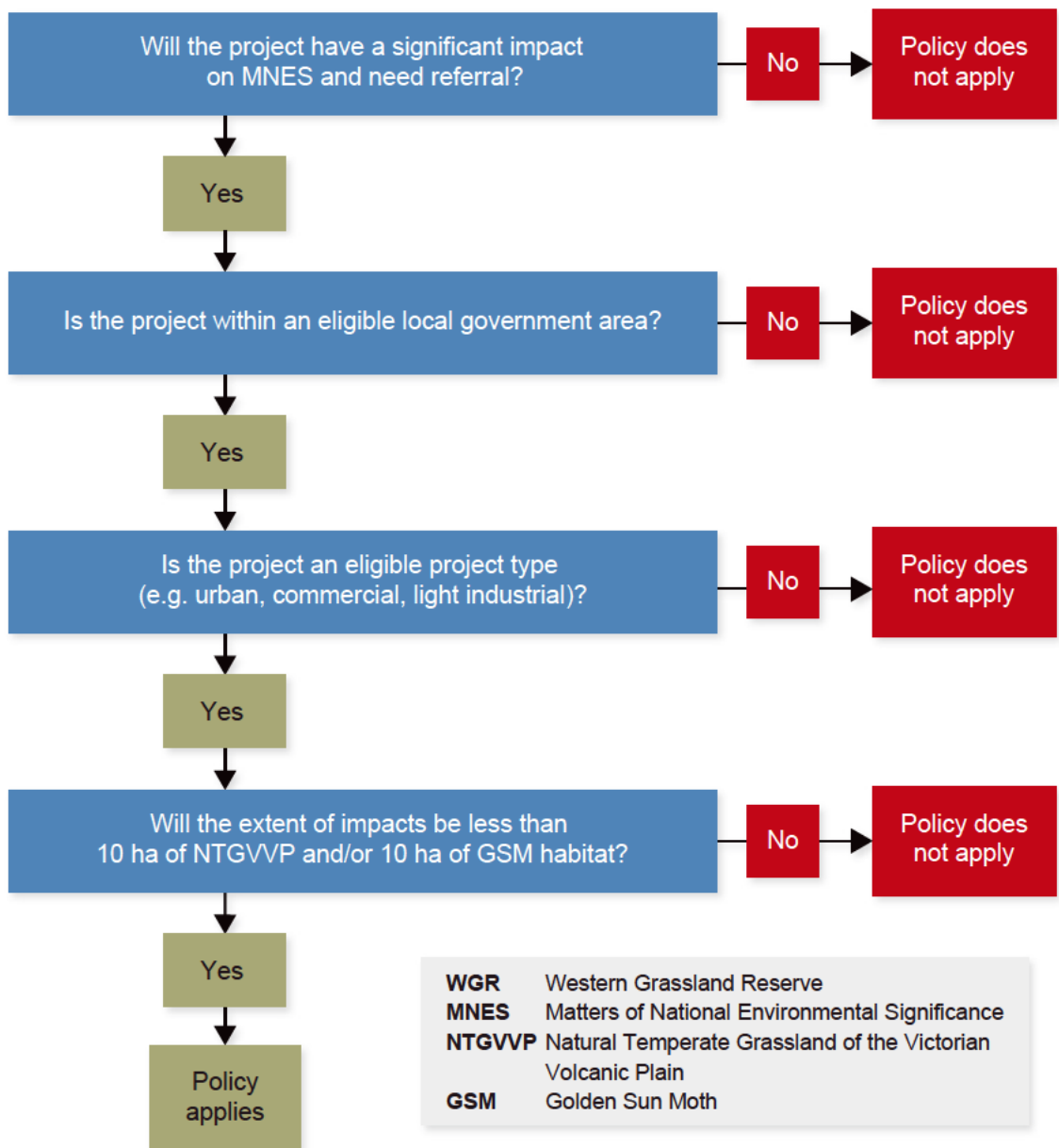


Figure 1: Eligible projects under this policy

Further information

If you have any questions about whether referral is required, or if this policy applies to a particular proposal, please contact the department’s Community Information Unit (CIU) on **1800 803 772**. The CIU will direct you to the right contact in the department.



Guidance note: Implementing the Biodiversity Conservation Strategy for Melbourne's Growth Corridors

Working document – February 2015

Melbourne Strategic Assessment



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1. Introduction

The Melbourne Strategic Assessment (MSA) evaluated the impacts of the Victorian Government's urban development program for Melbourne on matters of national environmental significance listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and established measures to mitigate those impacts.

The MSA provides a range of benefits to stakeholders and the environment, including greater planning certainty, improving biodiversity outcomes, and streamlining planning and approval processes.

The urban development program provides for:

1. Urban development in four growth corridors within Melbourne's expanded 2010 Urban Growth Boundary
2. Urban development in 28 existing precincts within the 2005 Urban Growth Boundary
3. Development of the Regional Rail Link Corridor between west of Werribee and Deer Park (section 2)
4. Development of the Outer Metropolitan Ring Transport Corridor.

Melbourne Strategic Assessment program

The Victorian Government has made commitments to the Commonwealth Government in relation to conservation outcomes and measures required to protect matters of national environmental significance. These are outlined in *Delivering Melbourne's Newest Sustainable Communities: Program Report* (the Program Report) (Victorian Government, 2009). The Commonwealth Minister for the Environment, Heritage and the Arts endorsed the program in 2010. These commitments include the preparation of the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (BCS) and sub-regional species strategies for the Golden Sun Moth, Growling Grass Frog and Southern Brown Bandicoot.

Development in the Melbourne Strategic Assessment area is permitted by the Part 10 EPBC Act class of action approvals granted by the Commonwealth Environment Minister. The approvals are founded on the Program Report and associated documents, including the BCS and sub-regional species strategies, which are a relevant consideration.

Biodiversity Conservation Strategy

The BCS is the overarching strategy for the protection of biodiversity in Melbourne's growth corridors. It sets out all the conservation measures required for matters of national environmental significance and to meet state requirements. The BCS was informed by the sub-regional species strategies. The conservation measures in the BCS include:

1. The protection and management of land of high biodiversity value within 36 new conservation areas
2. Requirements to provide fees and offsets for removal of native vegetation and threatened species habitat on land not required for conservation and suitable for urban development
3. Requirements to salvage and translocate certain threatened species prior to removal of habitat on land not required for conservation and suitable for urban development.

The BCS applies to a sub-set of the area covered by the MSA. It covers:

- The four growth corridors in the expanded 2010 Urban Growth Boundary (UGB)
- 16 of the existing 28 urban precincts in the 2005 UGB
- The Outer Metropolitan Ring Transport Corridor/E6 Road Reservation.

The BCS does not apply to the Regional Rail Link corridor between Werribee and Deer Park (section 2) or to 12 of the existing 28 urban precincts in the 2005 UGB (those precincts approved before 1 March 2012).

Commonwealth approvals

The Commonwealth Minister has granted four approvals for urban development under Part 10 of the EPBC Act for the area covered by the MSA. These approvals are:

1. Urban development in the south-eastern growth corridor (September 2014).
2. Urban development in the western, north-western and northern growth corridors (September 2013).
3. Urban development in the existing 28 urban precincts within the 2005 UGB (July 2010).
4. Development and operation of the Regional Rail Link (West of Werribee to Deer Park) (June 2010).

The Commonwealth approvals regulate urban development in the area covered by the MSA under the EPBC Act. The approvals must be considered in conjunction with the Program Report and relevant documents. Development must be undertaken in accordance with these approvals in order to comply with the EPBC Act.

The two approvals associated with the BCS – the September 2014 and September 2013 approvals – require:

1. Actions associated with urban development to be undertaken in accordance with the requirements of the BCS and sub-regional species strategies for the Golden Sun Moth, Growling Grass Frog and Southern Brown Bandicoot.
2. Persons taking actions to comply with the habitat compensation arrangements and fees described in the BCS and *Habitat Compensation under the Biodiversity Conservation Strategy* (DEPI, 2013b).
3. Approval to be obtained from the Commonwealth Minister for:
 - Any proposed actions associated with urban development within the 36 conservation areas identified in the BCS that would result in a net loss of habitat for species or ecological communities listed under the EPBC Act (condition 2) (see section 4 of the guidance note).
 - Any proposed adjustments to the boundaries of conservation areas numbered 10, 14, 15, 18, 20, 21, 28, 33, 34, 35, and 36 identified in the BCS that would result in a net loss of area of the conservation area (condition 3) (see section 2 of the guidance note).
 - Any proposed changes to the boundaries of conservation areas numbered 1 to 9, 11 to 13, 16, 17, 19, 22 to 27, and 29 to 32 identified in the BCS (condition 4) (see section 2 of the guidance note).

Purpose of the guidance note

The purpose of this guidance note is to set out how the Department of Environment, Land, Water & Planning (DELWP) will implement key components of the BCS in order to meet commitments to matters of national environmental significance outlined in the Program Report and the requirements of two Commonwealth approvals and associated documents (the September 2014 and September 2013 approvals) and state requirements.

The intended audience of the guidance note is planning or approval authorities, such as the Metropolitan Planning Authority (MPA), Department of Environment, Land, Water and Planning (DELWP), Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and municipal councils, as well as planning consultants, developers and landowners.

The guidance note covers:

- Proposed adjustments to conservation area boundaries – see page 7.
 - For proposed adjustments to conservation areas categorised as ‘Growling Grass Frog conservation, floodplain and open space’, see page 11.
 - For proposed adjustments to conservation areas categorised as ‘open space’, see page 14.
- Preparing conservation area concept plans as part of precinct structure plans – see page 17.
- Proposed uses or development in conservation areas – see page 25.

- Retaining native vegetation and scattered trees outside conservation areas – see pages 28 and 32.
- Determining scattered trees on a property – see page 35.

DELWP has administrative responsibility for considering endorsement of any proposed adjustments to conservation area boundaries that require approval of the Commonwealth Minister and for considering approval of any proposed adjustments that do not require approval of the Commonwealth Minister. Section 2 of the guidance note sets out the criteria that DELWP will consider in endorsing or approving proposed adjustments. The guidance note does not provide for changes to conservation area boundaries for any other purpose than those listed in section 2.

Further information

For further information, please contact:

- Department of Environment, Land, Water & Planning – Customer Service Centre 136 186 or www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategic-assessment
- Metropolitan Planning Authority – (03) 9651 9600 or www.mpa.vic.gov.au/
- Commonwealth Department of the Environment – post.approvals@environment.gov.au or www.environment.gov.au/protection/assessments/strategic/melbournes-urban-growth-boundary

Key terms

BCS area – The area covered by the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors described on page 4 of the BCS. This is a subset of the area covered by the Melbourne Strategic Assessment and comprises:

1. The four growth corridors in the expanded 2010 Urban Growth Boundary (UGB)
2. 16 of the existing 28 urban precincts in the 2005 UGB
3. The Outer Metropolitan Ring Transport Corridor/E6 Road Reservation.

Commonwealth approvals – The two approvals granted by the Commonwealth Environment Minister of all actions associated with urban development within the western, north-western, northern and south-eastern growth corridors under Part 10 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The approvals granted in September 2013 and September 2014 have effect until 31 December 2060. The approvals exclude development in the northern growth corridor within the boundary of Hearn’s Swamp and on properties 3, 4, 6, 7 and 9 in the Diggers Rest Precinct Structure Plan (Growth Areas Authority, 2012).

Habitat Compensation Layer – A data layer administered by DELWP showing the location of native vegetation and threatened species habitat within the BCS area. The layer is used as the basis for calculating the habitat compensation fees to be paid to DELWP for the removal or deemed removal of native vegetation and habitat in the BCS area.

Habitat Compensation Scattered Tree Layer – A data layer administered by DELWP showing the location of scattered trees within the BCS area. The layer is used as the basis for calculating the habitat compensation fees to be paid to DELWP for the removal or deemed removal of scattered trees in the BCS area.

MSA area – The area covered by the Melbourne Strategic Assessment. This comprises the area covered by the BCS in addition to the Regional Rail Link corridor (between Werribee and Deer Park) and 12 of the existing 28 urban precincts in the 2005 UGB (those precincts approved before 1 March 2012).

Matters of national environmental significance – Matters listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The relevant matters within the area covered by the MSA include:

- Listed threatened species and ecological communities
- Listed migratory species

- Wetlands of international importance.

Matters of state significance – Threatened species and ecological communities listed under the *Flora and Fauna Guarantee Act 1988* and species listed on DELWP’s Rare and Threatened Species Advisory Lists.

Time-stamping – The time-stamping project captured and ‘time stamped’ native vegetation information to establish a dataset and maps showing the type, extent and condition of all native vegetation in the BCS area. The data was used together with information on threatened species habitat from the BCS to create the Habitat Compensation Layer.

Tree retention zone – The 'tree retention zone' is defined in the standard Native Vegetation - Technical Information Sheet: Defining an acceptable distance for tree retention during construction works (DSE, 2011a) or a council tree retention standard approved by DELWP for use in the MSA area.

Acronyms

MSA – Melbourne Strategic Assessment

BCS – Biodiversity Conservation Strategy for Melbourne’s Growth Corridors

CACP – Conservation Area Concept Plan

CIP – Conservation Interface Plan

DEDJTR – Department of Economic Development, Jobs, Transport and Resources

DELWP – Department of Environment, Land, Water & Planning

DoE – Commonwealth Department of the Environment

DTPLI – Department of Transport, Planning and Local Infrastructure

EMP – Environmental Management Plan

MPA – Metropolitan Planning Authority

GCP – Growth Corridor Plans

HC Layer – Habitat Compensation Layer

HCST Layer – Habitat Compensation Scattered Tree Layer

PSP – Precinct Structure Plan

MNES – Matters of national environmental significance

2. Adjustments to conservation area boundaries

Introduction

Conditions 3 and 4 of the Part 10 Commonwealth approvals that regulate urban development in the growth corridors under the EPBC Act require approval to be obtained from the Commonwealth Minister for:

1. Proposed changes to boundaries of conservation areas 10, 14, 15, 18, 20, 21, 28, 33, 34, 35, and 36 that would result in a net loss of the conservation area. These conservation areas are generally categorised in the BCS as 'Growling Grass Frog conservation, floodplain and open space', 'open space' or 'regional parks'.
2. Proposed changes to boundaries of conservation areas 1 to 9, 11 to 13, 16, 17, 19, 22 to 27, and 29 to 32. These conservation areas are generally categorised in the BCS as 'nature conservation' or 'existing public land'.

The explanatory information in the Commonwealth approvals specify that the boundaries of the first group of conservation areas may be adjusted without approval from the Commonwealth Minister provided there is no net loss of area. This is consistent with the BCS, which provides for the boundaries of Growling Grass Frog conservation areas 'to be varied slightly if necessary to address site specific issues' and the boundaries of 'open space' or 'regional parks' to be 'revised if necessary' at the precinct structure planning stage.

For the second group of conservation areas, the explanatory information states that the intent of the approvals is to ensure the boundaries of these areas do not change. The approvals must be considered in conjunction with the Program Report and relevant documents. The Program Report identifies areas within the growth corridors suitable for urban development and areas set aside for conservation.

DELWP has administrative responsibility for considering endorsement of proposed adjustments that require approval of the Commonwealth Minister, prior to submitting them to the Minister for approval.

Where a proposed adjustment does not require the approval of the Commonwealth Minister, an application must be made to and approved by DELWP for a boundary to be adjusted.

DELWP will consider applications for approval or endorsement of proposed adjustments to conservation area boundaries based on the criteria in this guidance note. These criteria are consistent with the Commonwealth approval and associated documents, including the BCS. The BCS specifies requirements to be met when adjusting conservation area boundaries. The criteria in this guidance note are consistent with and provide further detail in relation to these requirements.

The future land-uses of any land approved by DELWP or the Commonwealth Government to be excluded from a conservation area will be determined by the relevant planning authority.

Roles and responsibilities

Table 1 summarises the Commonwealth Government's and DELWP's roles in approving/endorsing proposed adjustments to the boundaries of conservation areas.

Table 1: Approval/endorsement of proposed adjustments to the boundaries of conservation areas

Conservation area type	Conservation area numbers	Proposed adjustment to conservation area boundary	
		DELWP role:	Commonwealth role:
Nature conservation	1 2 3(part only) 4 5 11 16 17 19 22(part only) 23 25 26 27 29 30 31 32	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary
	18 (part only) 33 (part only)	Consider endorsement if net loss of area and refer endorsed adjustments to Commonwealth Government Consider approval if no net loss of area	Consider approval for net loss of area
Growling Grass Frog conservation, floodplain and open space	14(part only), 15(part only) 21 34 36(part only)	Consider endorsement if net loss of area and refer endorsed adjustments to Commonwealth Government Consider approval if no net loss of area	Consider approval for net loss of area
Regional Parks	3 (part only)	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary
	14(part only), 15(part only), 36(part only)	Consider endorsement if net loss of area and refer endorsed adjustments to Commonwealth Government Consider approval if no net loss of area	Consider approval for net loss of area

Conservation area type	Conservation area numbers	Proposed adjustment to conservation area boundary	
		DELWP role:	Commonwealth role:
Existing public land	12 24	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary
	10 (part only) 35	Consider endorsement if net loss of area and refer endorsed adjustments to Commonwealth Government Consider approval if no net loss of area	Consider approval for net loss of area
Existing offset	6	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary
Open Space	22 (part only)	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary
	10 (part only) 18 (part only) 20 28 33 (part only)	Consider endorsement if net loss of area and refer endorsed adjustments to Commonwealth Government Consider approval if no net loss of area	Consider approval for net loss of area
Type to be determined following surveys	7 8 9 13	Consider endorsement and refer endorsed adjustments to Commonwealth Government	Consider approval for any change to boundary

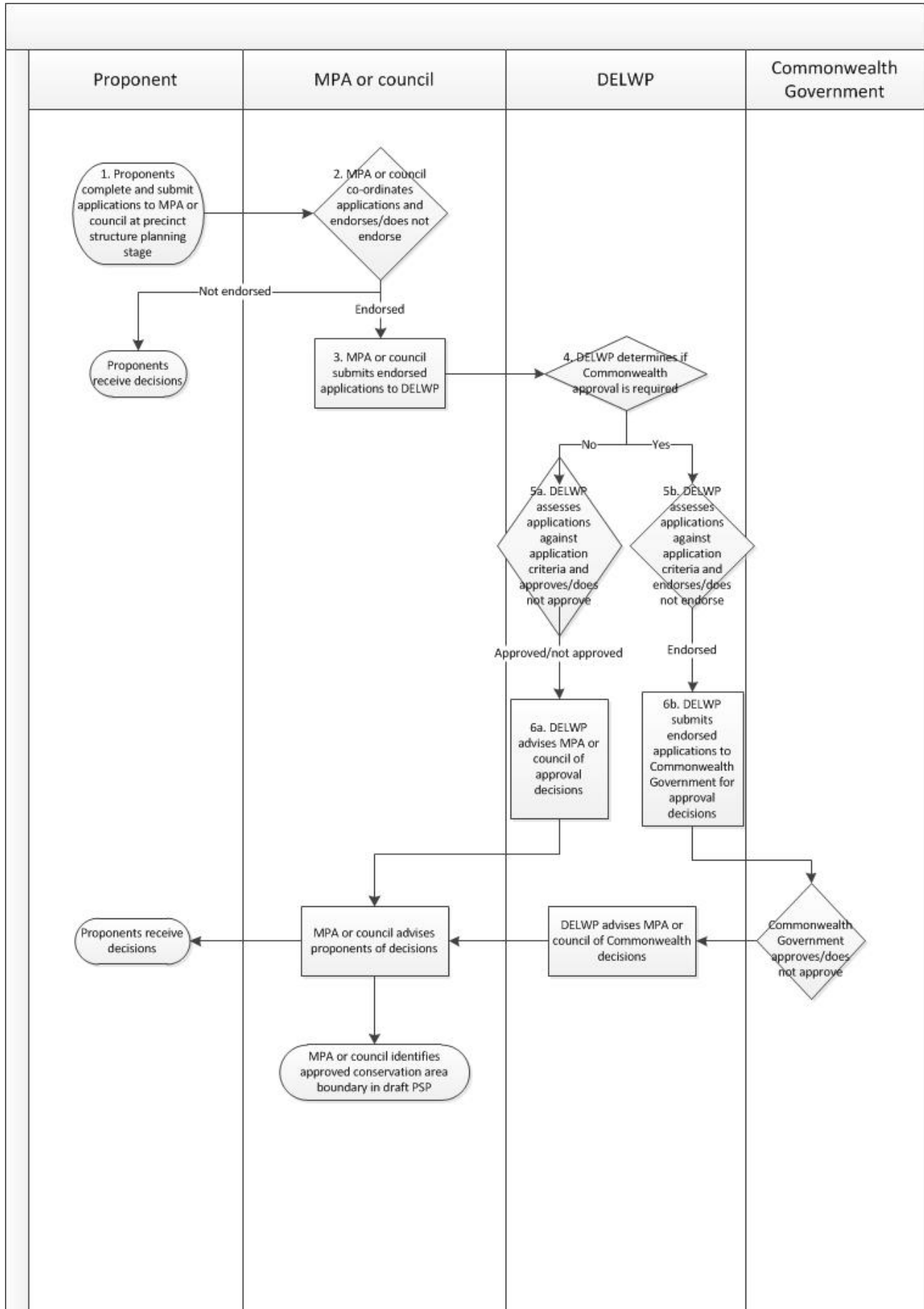
Process for proposing adjustments to conservation area boundaries

The process for proposing adjustments to conservation area boundaries is shown in diagram 1.

Application form

Landowners proposing adjustments to conservation area boundaries must complete the application form available on DELWP's website. The application form and any queries on the application process should be submitted to: Msa.Habitatcompensation@delwp.vic.gov.au.

Diagram 1: Process for proposing adjustments to conservation area boundaries



Surveys will be required for conservation areas 18, 20, 28, 31, 32, 33, and 35 to confirm the biodiversity values of areas of land that have not previously been surveyed as part of time-stamping prior to considering any proposed adjustments to conservation area boundaries at the precinct structure planning stage if necessary. Surveys may also be required for conservation areas categorised as ‘Growling Grass Frog conservation, floodplain and open space’ to confirm high quality habitat or areas of strategic importance for Growling Grass Frog prior to considering any necessary proposed adjustments to boundaries. DELWP will specify any survey requirements and standards in writing. Where possible, surveys should be undertaken on all land not previously surveyed in a conservation area within a precinct prior to considering any proposed adjustments. Surveys will be co-ordinated by the MPA.

Criteria for ‘Growling Grass Frog conservation, floodplain and open space’

The Commonwealth approvals require any net loss of area in conservation areas 14, 15, 21, 34 and 36 (categorised as ‘Growling Grass Frog, floodplain and open space’) to be approved by the Commonwealth Minister.

For Growling Grass Frog conservation areas, the Commonwealth approvals provide flexibility for the Victorian Government to make slight changes to the boundaries of these conservation areas to maximise their design and function. This allows the Victorian Government to determine when changes are appropriate, including when changes that may impact these areas are acceptable based on their necessity.

DELWP will consider applications for approval or endorsement of proposed adjustments based on the following criteria.

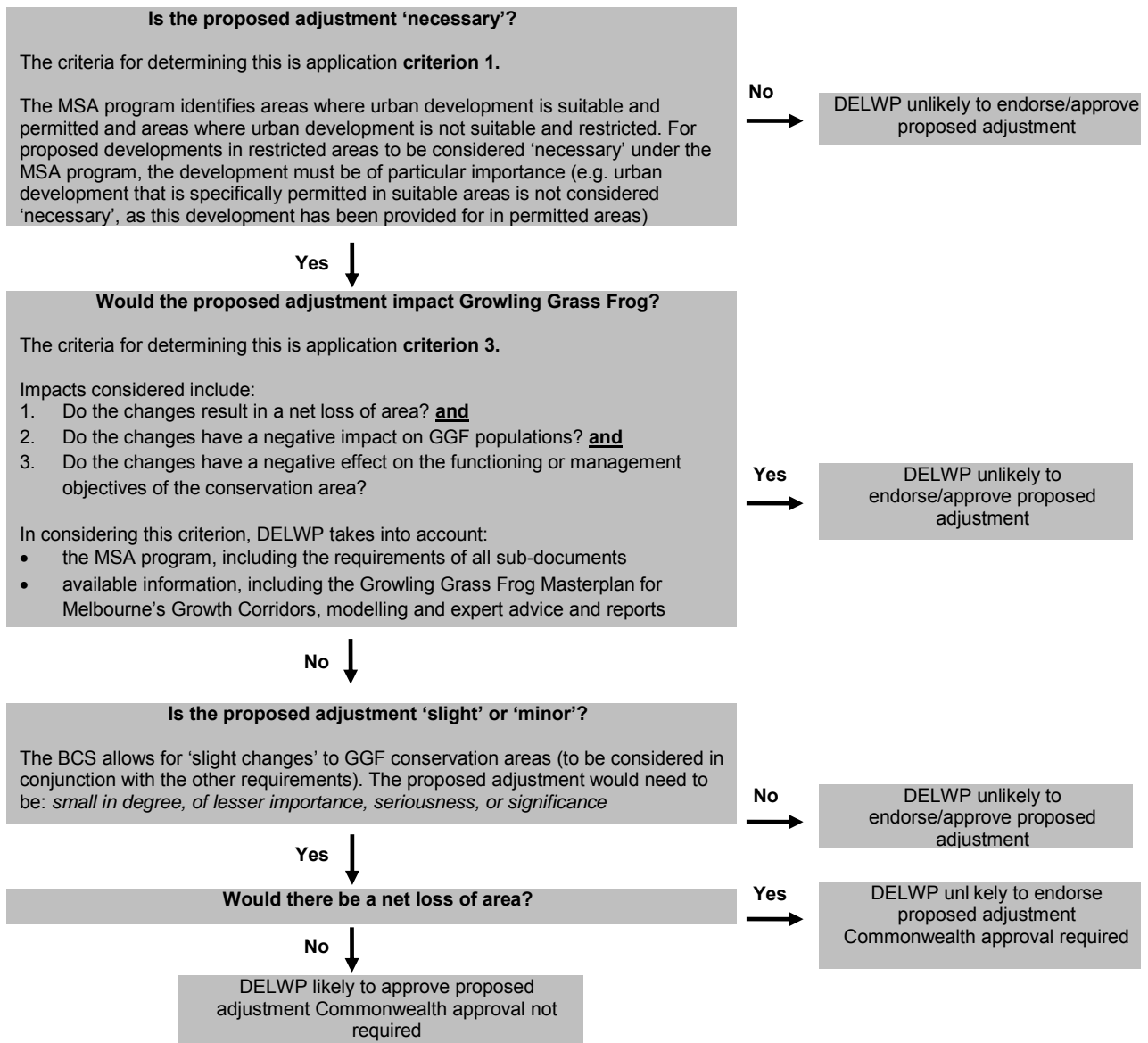
Application criteria

1	<p>The proposed adjustment must be necessary to address one or more of the following site specific issues. These criteria have been determined in consideration of the requirement in the BCS that only slight adjustments may be made to address site-specific issues arising at the precinct structure planning stage and the broader context of the Program Report.</p> <ul style="list-style-type: none"> ▪ To address issues associated with the construction and operation of any urban infrastructure shown in the Growth Corridor Plans (GAA, 2013) or existing or proposed new infrastructure of state significance, where no feasible alternatives are available. DELWP will require confirmation from the MPA in determining whether this criterion has been met. ▪ To address issues necessary to meet the urban planning objectives of a precinct structure plan, such as appropriate urban form or the construction of roads, bridges, water management and other infrastructure, where no feasible alternatives are available. DELWP will require confirmation from the MPA in determining whether this criterion has been met. ▪ To exclude existing buildings or other infrastructure on or near the boundary of a conservation area. ▪ To allow access to land made inaccessible as a result of a conservation area, where no feasible alternatives are available.
2	<p>The proponent must obtain the written agreement of all landowners who are materially affected by the proposed adjustment (e.g. the adjustment reduces the area of developable land on their property).</p>
3	<p>The proposed adjustment must maintain the biodiversity values of the conservation area, must not result in negative impacts on Growling Grass Frog populations and must have no negative effect on the functioning or management objectives of the conservation area. In considering this criterion, DELWP will take into account the following:</p> <ol style="list-style-type: none"> a) Whether the proposed adjustment results in a net loss of area of a conservation area within the precinct. b) Impacts of the proposed adjustment on habitat known to be currently or previously occupied by

	<p>Growling Grass Frog, as indicated by records shown in the BCS or the Victorian Biodiversity Atlas, the Growling Grass Frog Masterplan, or new surveys undertaken by suitably qualified consultants (where surveys are required by DELWP).</p> <p>c) Impacts of the proposed adjustment on areas of strategic importance for the Growling Grass Frog and the ecological functioning and effective management of the conservation area. In determining this, DELWP will consider the Growling Grass Frog Masterplan and Growling Grass Frog habitat design and construction standards. These areas include:</p> <ul style="list-style-type: none"> ▪ High quality habitat (wetland or terrestrial). ▪ Areas required for habitat construction or enhancement and associated buffers, in accordance with DELWP’s Growling Grass Frog habitat design and construction standards. ▪ Areas required for works to provide appropriate hydrological regimes and water quality for Growling Grass Frog. ▪ Areas required for connectivity between populations of Growling Grass Frog. ▪ Areas required for the improvement of waterway condition or ecological function. ▪ Areas required to effectively implement conservation management actions, such as biomass management, weed control, restoration, or access for management or maintenance. ▪ The shape of the conservation area resulting from the proposed adjustment.
4	<p>The proposed adjustment should not result in a net loss in the amount and quality of native vegetation, habitat for matters of national environmental significance or areas of strategic importance for the Growling Grass Frog in the conservation area in the precinct. Where there are no feasible alternatives to the proposed adjustment and a net loss would occur, a net conservation gain elsewhere within the Melbourne Strategic Assessment area in the amount and quality of native vegetation, habitat for matters of national environmental significance or areas of strategic importance for the Growling Grass Frog must be achieved.</p>

The decision making process for applying these criteria are outlined in Figure 1. The process reflected in this diagram is consistent with the Commonwealth approval and associated documents, including the BCS.

Figure 1: Decision making process for Growling Grass Frog conservation areas



Criteria for 'open space'

The Commonwealth approvals require any net loss of area in conservation areas 10, 18, 20, 28, 33, and 35 (generally categorised as 'open space') to be approved by the Commonwealth Minister.

For open space conservation areas, the Commonwealth approvals provide flexibility for the Victorian Government to make changes to the boundaries of these conservation areas to maximise their design and function. This allows the Victorian Government to determine when changes are appropriate, including when changes that may impact these areas are acceptable based on their necessity.

DELWP will consider applications for approval or endorsement of proposed adjustments based on the following criteria.

Application criteria

1	<p>The proposed adjustment must be necessary to address one or more of the following site specific issues. These criteria have been determined in consideration of the requirements in the BCS that adjustments may only be made if necessary and associated with further planning work at the precinct structure planning stage and the broader context of the Program Report.</p> <ul style="list-style-type: none"> ▪ To exclude areas of low biodiversity value for matters of national environmental significance on
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	<p>the basis of new surveys, as provided for in section 5 of the BCS for conservation areas 10 (buffer only), 18, 20, 28, 33 and 35.</p> <ul style="list-style-type: none"> ▪ To address issues associated with the construction and operation of any urban infrastructure shown in the Growth Corridor Plans (GAA, 2013) or existing or proposed new infrastructure of state significance, where no feasible alternatives are available. DELWP will require confirmation from the MPA in determining whether this criterion has been met. ▪ To address issues necessary to meet the urban planning objectives of a precinct structure plan, such as appropriate urban form or the construction of roads, bridges, water management and other infrastructure, where no feasible alternatives are available. DELWP will require confirmation from the MPA in determining whether this criterion has been met. ▪ To exclude existing buildings or major infrastructure that are located on or near the boundary of a conservation area. ▪ To allow access to land made inaccessible as a result of a conservation area, where no feasible alternatives are available.
2	<p>The proponent must obtain the written agreement of all landowners who are materially affected by the proposed adjustment (e.g. the adjustment reduces the area of developable land on their property).</p>
3	<p>The proposed adjustment must meet the relevant criteria for revising the conservation area boundary specified in the relevant table of section 5 of the BCS (these criteria are specified for conservation areas 10 (buffer only), 18, 20, 28, 33, and 35).</p> <p>Note: This criterion also applies to any areas within these conservation areas re-categorised as 'nature conservation' in accordance with the BCS, in addition to the criteria in this guidance note for nature conservation areas.</p>
4	<p>The proposed adjustment must maintain the biodiversity values of the conservation area. In considering this criterion, DELWP will take into account the impacts of the proposed adjustment in relation to:</p> <ul style="list-style-type: none"> ▪ Large patches of high quality native vegetation containing populations of matters of national environmental significance. <p>Note: Areas within 'open space' and 'regional parks' that meet this criterion will be re-categorised as 'nature conservation' in accordance with the Habitat compensation under the Biodiversity Conservation Strategy (DEPI, 2013b).</p> <ul style="list-style-type: none"> ▪ Large patches of native vegetation. ▪ Populations, high quality habitat and ecological communities of matters of national environmental significance. ▪ Large areas of scattered trees, particularly areas containing patches of native vegetation or populations or ecological communities of matters of national environmental significance. ▪ Areas required for habitat connectivity between conservation areas and other areas of high biodiversity value. ▪ Areas required to buffer populations of matters of national environmental significance and state significance. ▪ Areas required to effectively implement conservation management actions, such as biomass management, weed control, restoration, or access for management or maintenance. <p>Note: areas of 'open space' that meet this criterion will remain categorised as 'open space'.</p> <ul style="list-style-type: none"> ▪ The shape of the conservation area resulting from the proposed adjustment.
5	<p>The proposed adjustment should not result in a net loss in the amount and quality of native</p>

vegetation or habitat for matters of national environmental significance in the conservation area. Where there are no feasible alternatives to the proposed adjustment and a net loss would occur, a net conservation gain elsewhere in the Melbourne Strategic Assessment area in the amount and quality of native vegetation and habitat for matters of national environmental significance must be achieved.

Criteria for ‘nature conservation’ and ‘existing public land’

The Commonwealth approvals require that any change to the boundaries of conservation areas 1 to 9, 11 to 13, 16, 17, 19, 22 to 27, and 29 to 32 (generally categorised as ‘nature conservation’ and ‘existing public land’) be approved by the Commonwealth Minister.

The explanatory information in the Commonwealth approvals specify that the intent of the approvals is to ensure the boundaries of these conservation areas do not change.

DELWP will consider endorsing applications of proposed adjustments prior to submitting them to the Commonwealth Minister for consideration based on the following criteria.

Note: The BCS provides for the boundaries of conservation areas 31 and 32 to be adjusted if necessary at the precinct structure planning stage. In addition to the criteria below, the criteria in the tables for conservation areas 31 and 32 in section 5 of the BCS apply to these two conservation areas.

Application criteria

1	<p>The proposed adjustment must be necessary to address one or more of the following site specific issues. These criteria have been determined in consideration of the requirements in the BCS and the broader context of the Program Report.</p> <ul style="list-style-type: none"> ▪ To address issues associated with the construction and operation of any urban infrastructure shown in the Growth Corridor Plans (GAA, 2013) or existing or proposed new infrastructure of state significance, where no feasible alternatives are available. DELWP will require confirmation from the MPA in determining whether this criterion has been met. ▪ To exclude existing buildings or major infrastructure that are located on or near the boundary of a conservation area. ▪ To allow access to land made inaccessible as a result of a conservation area, where no feasible alternatives are available.
2	<p>The proponent must obtain the written agreement of all landowners who are materially affected by the proposed adjustment (e.g. the adjustment reduces the area of developable land on their property).</p>
3	<p>The proposed adjustment must maintain the biodiversity values of the conservation area. In considering this criterion, DELWP will take into account the impacts of the proposed adjustment in relation to:</p> <ul style="list-style-type: none"> ▪ Native vegetation. ▪ Populations, habitat and ecological communities of matters of national environmental significance and state significance. ▪ Scattered trees. ▪ Areas required to buffer populations of matters of national environmental significance and state significance. ▪ Areas required to effectively implement conservation management actions, such as biomass management, weed control, restoration, or access for management or maintenance. ▪ The shape of the conservation area resulting from the proposed adjustment.

4	The proposed adjustment should not result in a net loss of the amount and quality of native vegetation or habitat for matters of national environmental significance in the conservation area. Where there are no feasible alternatives to the proposed adjustment and a net loss would occur, a net conservation gain elsewhere in the Melbourne Strategic Assessment area in the amount and quality of native vegetation and habitat for matters of national environmental significance must be achieved.
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Proposed adjustments to ‘regional parks’

Four conservation areas occur within the proposed boundaries of three regional parks. These are:

1. Kororoit Creek Regional Park – conservation area 3.
2. Werribee Township Regional Park – conservation area 14.
3. Kororoit Creek Regional Park – conservation area 15.
4. Cranbourne Regional Park – conservation area 36.

The criteria for ‘open space’ apply to any proposed adjustments to conservation area 3. The criteria for ‘Growling Grass Frog conservation, floodplain and open space’ apply to any proposed adjustments to conservation areas 14, 15 and 36.

The final boundaries of the regional parks will be determined as part of the regional parks finalisation process.

3. Precinct structure planning – Conservation Area Concept Plans and Conservation Interface Plans

Introduction

Precinct Structure Plans (PSPs) are prepared by the MPA or councils in consultation with DELWP. As part of preparing PSPs, Conservation Area Concept Plans (CACPs) and Conservation Interface Plans will be prepared for each conservation area. CACPs and Conservation Interface Plans are incorporated into PSPs.

The purpose of CACPs is to set out the conservation objectives of each conservation area and show the locations of areas suitable for land-uses compatible with conservation, such as passive recreation and water management. CACPs will also show the location of any development or works shown in the Growth Corridor Plans or proposed as part of the PSP and agreed to by DELWP. The remainder of the conservation area will be used primarily for conservation.

CACPs comprise:

1. A map setting out the land-uses/constraints for the conservation area.
2. Notes specifying any conservation requirements relating to the plan.

The detailed management requirements for conservation areas will be set out in management plans and/or on-title management agreements that will be prepared for each conservation area. These will be prepared once the future land manager is determined and the area is secured for conservation in accordance with the arrangements set out in DEPI (2013b). Management plans/on-title agreements will be prepared by the land manager in consultation with DELWP and will set out the management actions to be implemented to ensure the conservation of native vegetation and matters of national environmental significance and state significance within each conservation area.

Conservation Interface Plans are plans showing the layout of the interface area that must be established around conservation areas in accordance with the requirements of the BCS. The plan will describe the land uses within 30m of the conservation area.

CACPs and Conservation Interface Plans are to be endorsed by DELWP prior to incorporation into the PSP.

Development or works proposed within a conservation area requiring a permit must be generally in accordance with any PSP that applies to the conservation area, including the CACP. A planning scheme amendment may be required to facilitate proposed development or works that are not generally in accordance with the PSP.

Matters to show on Conservation Area Concept Plans

CACPs will show the following for each conservation area:

1. The boundary of the conservation area.
2. Native vegetation, as indicated by the time-stamping data or new surveys undertaken by suitably qualified consultants for conservation areas where new surveys are undertaken in accordance with the BCS.
3. Records of matters of national environmental significance and state significance.
4. Location of scattered trees.
5. Location of proposed infrastructure shown in the Growth Corridor Plans or of state significance or necessary to meet the urban planning objectives of the PSP, including roads, river/creek crossings, shared trails and services.
6. Existing infrastructure, including roads, buildings, river crossings, etc.

7. Public access points, walking paths and shared trails (if known). Public access arrangements may be shown in CACPs where known, however, where possible, these arrangements should generally be determined by the public land manager and set out in management plans and/or on-title management agreements to be prepared once land within the conservation area is secured for conservation. Public access will generally be suitable in conservation areas in public ownership and categorised as open space, regional parks and Growling Grass Frog conservation. In nature conservation areas, public access may not be suitable or will be restricted to limited designated areas.
8. The Conservation Interface Plan, prepared in accordance with the requirements for buffers for conservation areas specified in section 5 of the BCS.

Table 2 outlines the additional matters that should be shown in CACPs for the different categories of conservation areas.

Table 2: Additional matters to show in Conservation Area Concept Plans

Category of conservation area	Additional matters to show in Conservation Area Concept Plans
Growling Grass Frog conservation, floodplain and open space	<ol style="list-style-type: none"> 1. Locations suitable for water management assets and associated infrastructure, such as vehicle access tracks. 2. Locations suitable for passive recreation infrastructure, such as BBQs and picnic facilities. 3. Location of river/creek crossings, boardwalks and viewing platforms. 4. The Conservation Interface Plan showing the location of: <ul style="list-style-type: none"> ▪ Land-uses, such as sealed roads, paths, parks, and open space (the width of roads and paths must be shown). ▪ Fences, bollards, paths or other form of delineation between the conservation area and adjacent house lots in exceptional cases where there is no road proposed between the conservation area and adjacent house lots. ▪ Adjacent house lots, showing the direction of frontage. Development must front onto the conservation area (i.e. there should be no side or back fences abutting the conservation area).
Regional parks and open space	<ol style="list-style-type: none"> 1. Locations suitable for water management assets and associated infrastructure, such as vehicle access tracks. 2. Locations suitable for passive recreation infrastructure, such as BBQs and picnic facilities. 3. Location of river/creek crossings, boardwalks and viewing platforms, and any areas of active open space, car parks and buildings (where suitable). 4. The Conservation Interface Plan, prepared in accordance with the requirements for buffers for conservation areas specified in section 5 of the BCS and showing the location of: <ul style="list-style-type: none"> ▪ The boundary of the interface zone. ▪ Land-uses, such as sealed roads, paths, parks, and open space (the width of roads and paths must be shown). ▪ Fences, bollards, paths or other form of delineation between the conservation area and adjacent house lots in cases where there is no road proposed between the conservation area and adjacent house lots. ▪ Any trees and shrubs to be planted, including the type of species planted

Category of conservation area	Additional matters to show in Conservation Area Concept Plans
	<p>(if known).</p> <ul style="list-style-type: none"> ▪ Adjacent house lots, showing the direction of frontage.
Nature conservation and existing public land	<ol style="list-style-type: none"> 1. The Conservation Interface Plan, prepared in accordance with the requirements for buffers for conservation areas specified in section 5 of the BCS and showing the location of: <ul style="list-style-type: none"> ▪ The boundary of the interface zone. ▪ Land-uses, such as sealed roads, paths, parks, and open space (the width of roads and paths must be shown). ▪ Fences to protect the biodiversity values of the conservation area. ▪ Any trees and shrubs to be planted, including the type of species planted (if known). ▪ Adjacent house lots, showing the direction of frontage.

Guidelines for developing Conservation Area Concept Plans

Conservation areas categorised as ‘Growling Grass Frog conservation, floodplain and open space’

Water management assets and low intensity passive recreation and other suitable infrastructure may be located within ‘Growling Grass Frog conservation, floodplain and open space’ conservation areas where this is compatible with the ecological functioning and effective management of the conservation area.

CACPs will provide certainty about land use within the Growling Grass Frog corridors. CACPs for these conservation areas will identify areas of strategic importance for the Growling Grass Frog. They will also identify locations where water management assets, passive recreation and other suitable infrastructure can be located. Table 3 shows the land uses, buildings and works or infrastructure that DELWP considers are generally consistent with the conservation of Growling Grass Frog and may be provided for in CACPs.

Once completed, the Growling Grass Frog Masterplan for Melbourne’s Growth Corridors will inform the identification of areas of strategic importance for the Growling Grass Frog. The Masterplan will be applied to CACPs not yet completed and will not affect decisions reflected in approved CACPs.

Until the Masterplan is completed, areas of strategic importance for the Growling Grass Frog will be determined based on the best available existing information on a case by case basis, including:

- DELWP’s Growling Grass Frog habitat design, construction and management guidelines
- information gathered in developing the Growling Grass Frog Masterplan for Melbourne’s Growth Corridors
- information on existing Growling Grass Frog habitat and populations
- topographic and hydrological data
- precinct structure planning studies
- scientific literature
- expert advice where required.

CACPs will not identify the exact locations of wetlands to be created for the Growling Grass Frog. The location of wetlands within areas of strategic importance will be confirmed once land within the conservation area has been secured for conservation and will be informed by the Growling Grass Frog

Masterplan (see Appendix 1). Wetlands will not be located outside these predesignated areas and will not be located in areas set aside for water management assets and low intensity passive recreation.

Water management assets such as sediment ponds and treatment wetlands can provide suitable habitat for Growling Grass Frog in some cases. Stormwater assets generally do not provide adequate breeding habitat for Growling Grass Frog as they are subject to threatening processes (e.g. poor water quality, inappropriate vegetation and predatory fish infestation) and maintenance activities such as draining and dredging to remove sediment and contaminants. As such, DELWP does not consider stormwater assets to be secure breeding habitat. Space will be required for dedicated off-line wetlands and associated habitat and buffers to ensure the long-term conservation of Growling Grass Frog.

In developing CACPs, a ‘working draft’ map should be developed that includes:

- aerial imagery
- 0.5 metre contours
- parcel boundaries
- 100 year flood line
- Melbourne Water’s waterway corridor boundary (if available)
- existing Growling Grass Frog habitat
- any suggestions for wetland locations
- cultural heritage information (where appropriate).

Where the exact locations of areas of strategic importance for Growling Grass Frog are not able to be determined at the PSP stage, the CACP will identify areas where water management assets and low intensity passive recreation are able to be located in consideration of likely wetland creation scenarios.

Table 3 shows the land uses, buildings and works or infrastructure that DELWP considers are generally consistent with the conservation of ‘Growling Grass Frog conservation, floodplain and open space’ conservation areas and may be provided for in CACPs, and sets out guidelines for locating these within these conservation areas.

Table 3: Guidelines for developing CACPs – ‘Growling Grass Frog conservation, floodplain and open space’

Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<p>Infrastructure shown in the Growth Corridor Plans.</p> <p>Infrastructure of state significance or necessary to meet the urban planning objectives of the PSP, where there are no feasible alternatives, including:</p> <ul style="list-style-type: none"> - Water management activities and associated infrastructure, such as vehicle access tracks. - Passive recreation and associated infrastructure, such as 	<p>Proposed land-uses, buildings and works or infrastructure should:</p> <ol style="list-style-type: none"> 1. Avoid habitat known to be currently or previously occupied by the Growling Grass Frog. 2. Avoid areas of strategic importance for the Growling Grass Frog, the ecological functioning of the conservation area for Growling Grass Frog, or the effective management of the conservation area, as determined by DELWP. These areas include: <ul style="list-style-type: none"> ▪ High quality habitat (wetland or terrestrial foraging or refuge habitat). ▪ Areas that may be required for habitat construction or enhancement and associated buffers. ▪ Areas required for works to provide appropriate hydrological regimes and water quality for Growling Grass Frog. ▪ Areas required for connectivity between populations of Growling Grass Frog.

Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<p>BBQs and picnic facilities, walking paths or shared trails boardwalks and viewing platforms, and playgrounds.</p> <p>- River/creek crossings.</p> <p>Note: Active open space, car parks and buildings are generally not suitable.</p>	<ul style="list-style-type: none"> ▪ Areas required for the improvement of waterway condition or ecological function. ▪ Areas required to effectively implement conservation management actions, such as biomass management or weed control, or access for management or maintenance. <p>3. Avoid the creation of small, isolated areas of reserve that are difficult to manage.</p> <p>4. For infrastructure – be minimised to reduce the area affecting the conservation area.</p> <p>Note: any proposed development or works in conservation areas requiring a planning permit must be referred to DELWP (see section 5).</p>

The notes to be included as part of the CACP for 'Growling Grass Frog conservation, floodplain and open space' conservation areas are provided in Appendix 2.

Conservation areas categorised as 'regional parks' and 'open space'

Table 4 shows the land uses, buildings and works or infrastructure that DELWP considers are generally consistent with the conservation of 'regional parks' and 'open space' conservation areas and may be provided for in CACPs, and sets out guidelines for locating these within these conservation areas.

Table 4: Guidelines for developing CACPs – 'regional parks' and 'open space'

Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<p>Infrastructure shown in the Growth Corridor Plans.</p> <p>Infrastructure of state significance or necessary to meet the urban planning objectives of the PSP, where there are no feasible alternatives, including:</p> <ul style="list-style-type: none"> - Water management activities and associated infrastructure, such as vehicle access tracks. - Passive recreation and associated infrastructure, such as BBQs and picnic facilities, walking paths or shared trails boardwalks and viewing platforms, and playgrounds. 	<p>Proposed land-uses, buildings and works or infrastructure should:</p> <ul style="list-style-type: none"> ▪ Avoid large patches of native vegetation. ▪ Avoid populations, high quality habitat, and ecological communities of matters of national environmental significance and state significance. ▪ Avoid large areas of scattered trees, particularly areas containing patches of native vegetation or populations or ecological communities of matters of national environmental significance. ▪ Avoid areas required to buffer populations of matters of national environmental significance and state significance. ▪ Avoid areas required to effectively implement conservation management actions, such as biomass management, weed control, restoration, or access for management or maintenance. ▪ Avoid the creation of small, isolated areas of reserve that are difficult to manage. ▪ For infrastructure – be minimised to reduce the area affecting the conservation area. <p>Note: any proposed development or works in conservation areas requiring a planning permit must be referred to DELWP (see section 5).</p>

Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<ul style="list-style-type: none"> - River/creek crossings. <p>Note: Active open space, car parks and public buildings may be suitable in limited circumstances.</p>	

Conservation areas categorised as ‘nature conservation’ and ‘existing public land’

Table 5 shows the land uses, buildings and works or infrastructure that DELWP considers are generally consistent with the conservation of ‘nature conservation’ and ‘existing public land’ conservation areas and may be provided for in CACPs, and sets out guidelines for locating these within these conservation areas.

Table 5: Guidelines for developing CACPs – ‘nature conservation’ and ‘existing public land’

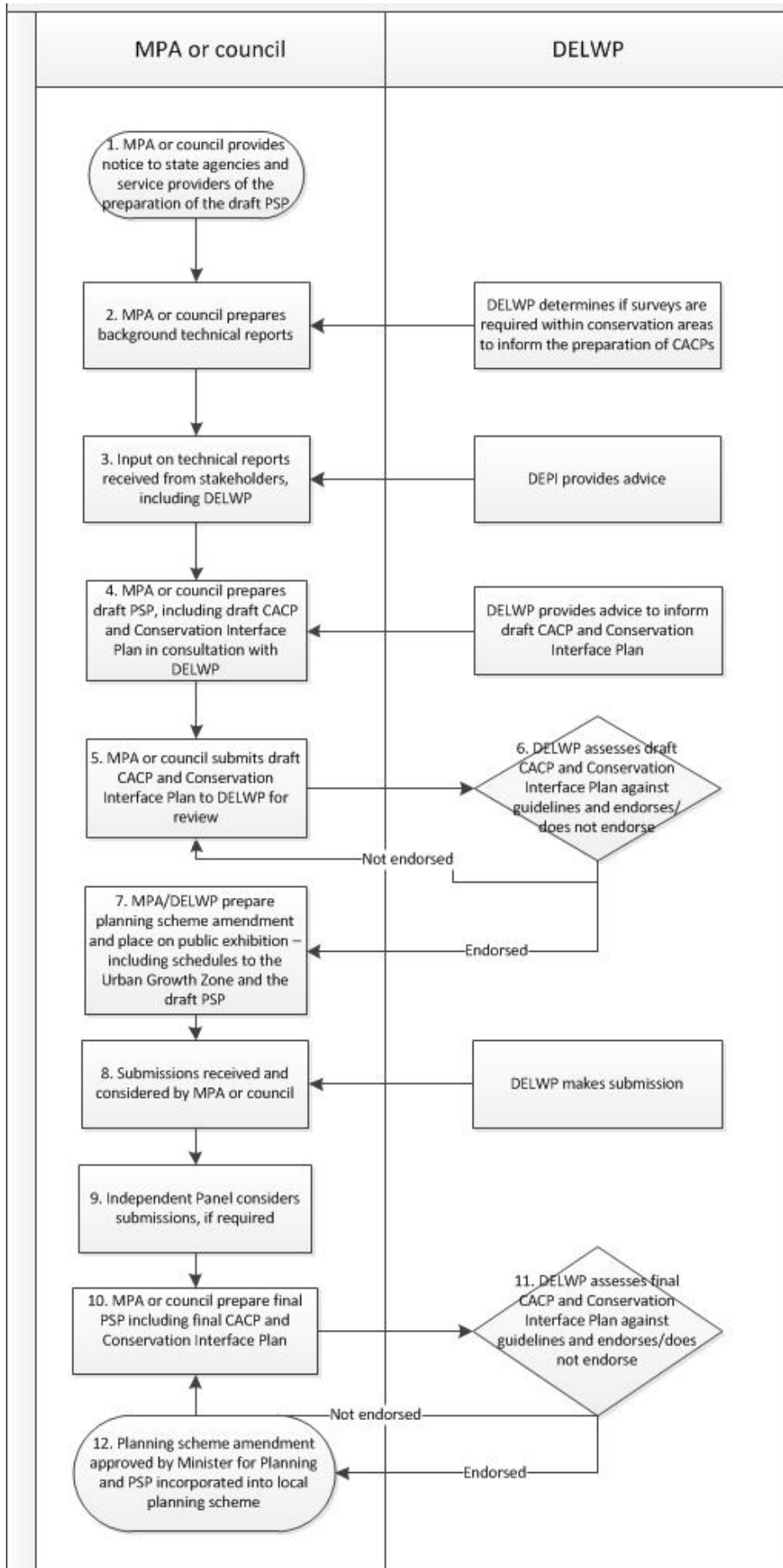
Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<p>Infrastructure shown in the Growth Corridors Plans.</p> <p>Infrastructure necessary to meet the urban planning objectives of the PSP, where there are no feasible alternatives, including:</p> <ul style="list-style-type: none"> - Walking paths or shared trails. 	<p>Proposed land-uses, buildings and works or infrastructure should:</p> <ul style="list-style-type: none"> ▪ Avoid native vegetation. ▪ Avoid populations, high quality habitat and ecological communities of matters of national environmental significance and state significance. ▪ Avoid the tree retention zone of scattered trees, as defined in DSE (2011a). ▪ Avoid areas required to buffer populations of matters of national environmental significance and state significance. ▪ Avoid areas required to effectively implement conservation management actions, such as biomass management, weed control, restoration, or access for management or maintenance. ▪ Avoid the creation of small, isolated areas of reserve that are difficult to manage. ▪ For infrastructure – be minimised to reduce the area affecting the conservation area. <p>Note: any proposed development or works in conservation areas requiring a planning permit must be referred to DELWP (see section 5).</p>

The notes to be included as part of the CACP for ‘nature conservation’ and ‘existing public land’ conservation areas are provided in Appendix 2.

Process for preparing Precinct Structure Plans

The process for preparing CACPs and Conservation Interface Plans is shown in diagram 2.

Diagram 2: Process for preparing precinct structure plans



Surveys will be required for conservation areas 18, 20, 28, 31, 32, 33, and 35 to confirm the biodiversity values of areas of land that have not previously been surveyed as part of time-stamping prior to considering any proposed adjustments to conservation area boundaries at the precinct structure planning stage if necessary. Surveys may also be required for conservation areas categorised as 'Growling Grass Frog conservation, floodplain and open space' to confirm high quality habitat or areas of strategic importance for Growling Grass Frog prior to considering any necessary proposed adjustments to boundaries. DELWP will specify any survey requirements and standards in writing. Where possible, surveys should be undertaken on all land not previously surveyed in a conservation area within a precinct prior to considering any proposed adjustments. Surveys will be co-ordinated by the MPA.

4. Uses or development within conservation areas

Introduction

Condition 2 of the Part 10 Commonwealth approvals that regulate urban development in the growth corridors under the EPBC Act requires that a person must not undertake an action, such as a proposed use or development, that results in a 'net loss of habitat' for ecological communities or species listed under the EPBC Act in a conservation area unless agreed by the Commonwealth Minister.

DELWP has administrative responsibility for considering endorsement of proposed uses or developments associated with urban development in conservation areas that require the agreement of the Commonwealth Minister, prior to submitting proposals to the Minister for consideration.

Where a proposed use or development in a conservation area does not require the agreement of the Commonwealth Minister, the proposal must be submitted to DELWP for agreement.

Uses or developments proposed in a conservation area requiring a permit must be generally in accordance with any PSP that applies to the area, including the CACP. A planning scheme amendment may be required to facilitate proposed uses or developments that are not generally in accordance with the PSP.

Decision guidelines for agreeing to uses or development

Uses or development not requiring Commonwealth agreement

Where a proposed use or development associated with urban development in a conservation area does not require the agreement of the Commonwealth Minister, the proposal must be submitted to DELWP for agreement, in accordance with the requirements of the BCS.

In making a decision to agree to a proposal, DELWP will consider the following:

1. The need for the use or development and the feasibility of alternative options that do not require removal of native vegetation or habitat for matters of national environmental significance, including alternative locations.
2. The impacts of the construction or operation of the use or development on the biodiversity and other environmental values of the land, including matters of national environmental significance, and including cumulative impacts arising from past, current or likely future uses or developments.
3. The impacts of the construction or operation of the use or development on the ability to provide for the management of the land to protect and enhance the biodiversity values of the land, including land that is or may be required for rehabilitation or the conservation of populations of Growling Grass Frog.
4. The consistency of the use or development with any Conservation Area Concept Plan applying to the land and any management plan for the conservation of the land applying under a Land Management Agreement under section 69 of the *Conservation Forests and Lands Act 1987* or approved by a public land manager.
5. The design measures, construction techniques, environmental controls and management measures proposed to avoid, minimise, manage or offset the impacts of the construction or operation of the use or development on the biodiversity and other environmental values of the land.

Uses or development requiring Commonwealth agreement

DELWP has administrative responsibility for considering endorsement of proposed uses or developments in conservation areas that require the agreement of the Commonwealth Minister under condition 2 of the Commonwealth approvals, prior to submitting proposals to the Minister for consideration.

DELWP is responsible for undertaking an assessment to determine whether a proposed use or development in a conservation area is likely to result in a 'net loss of habitat' for ecological communities or species listed under the EPBC Act. DELWP is responsible for endorsing and submitting any applications that require the agreement of the Commonwealth Minister for consideration under condition 2 of the

Commonwealth approvals. Any proposed uses or development submitted to the Commonwealth Minister cannot commence until this agreement is provided.

Guidance on the definition of 'net loss of habitat' for ecological communities or species listed under the EPBC Act for the purposes of condition 2 of the Commonwealth approvals is set out in Appendix 3. Appendix 3 also outlines the process that DELWP will follow in determining whether proposed uses or development in conservation areas will result in a net loss of habitat.

In making a decision to endorse a proposal, DELWP will consider the following criteria in addition to criteria outlined above, consistent with the explanatory information in the Commonwealth approvals:

1. Whether the values of the conservation area for populations, habitat and ecological communities of matters of national environmental significance would be maintained in the long-term.
2. Whether there would be a net conservation gain elsewhere for populations, habitat and ecological communities of matters of national environmental significance impacted by the use or development.

Uses or development not associated with urban development

Any proposed uses or development not associated with urban development within conservation areas may require approval of the Commonwealth Minister under Part 9 of the EPBC Act.

A referral must be made to the Commonwealth Minister if the proposal is likely to have a significant impact on a matter of national environmental significance. Landowners or proponents should contact the Commonwealth Government for advice on whether a referral is required.

Process for proposing uses or development

Application form

Proponents proposing uses or development in conservation areas must complete the application form available on DELWP's website. The application form and any queries on the application process should be submitted to: Msa.Habitatcompensation@delwp.vic.gov.au.

Applications for endorsement or approval must include the following information:

1. A description of the use or development, including:
 - a. A plan showing the project footprint and any associated site facilities or works.
 - b. A description of the project.
 - c. A description of any operational and maintenance requirements.
 - d. Commencement and completion dates, including any project staging.
2. A description of the need for the use or development and the feasibility of alternative options that do not require removal of native vegetation or habitat, including alternative locations.
3. A description of the consistency of the use or development with the Conservation Area Concept Plan contained in any Precinct Structure Plan applying to the land and any management plan for the conservation of the land under section 69 of the *Conservation Forests and Lands Act 1987* or approved by a public land manager having responsibility for the care or management of the land.
4. A description of the impacts of the use or development on:
 - a. Native vegetation, including the amount and quality proposed to be removed.
 - b. Flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and matters of national environmental significance listed under the EPBC Act, including the amount and quality of ecological communities and habitat and number of individuals of species to be removed.
 - c. Other environmental values of the land, including soil, wetlands and waterways.
5. A flora and fauna survey conducted by a suitably qualified and experienced person, if required by DELWP.

6. A description of the design measures, construction techniques, environmental controls and management measures proposed to be implemented to avoid, minimise, manage or offset the impacts of the construction or operation of the use or development on the biodiversity and other environmental values of the land.

Guidelines for preparing Environmental Management Plans

DELWP may require proponents to prepare Environmental Management Plans (EMPs) to DELWP's satisfaction for proposed uses or development within conservation areas referred to DELWP for approval.

The purpose of EMPs is to set out how the impacts of the development or works on the biodiversity values of the conservation area will be avoided, minimised and managed.

EMPs must be prepared in accordance with the standard AS/NZS ISO14001 and include the following:

1. The proponents name and address and contact details.
2. The names and positions of the personnel responsible for implementing the EMP.
3. A description of the development or works to be undertaken on the land, including:
 - Project location, including a plan showing the project footprint and any associated site facilities or works. This must also be provided to DELWP in shape-file format, compatible with ArcGIS V10.0.
 - Project design and construction techniques.
 - Operational and maintenance requirements.
 - Commencement and completion dates, including any project staging.
4. A list of any permit, approval, license or other legislative requirements, including any permit or approval conditions.
5. A description of the design measures, construction techniques, environmental controls, and management measures proposed to be implemented to avoid, minimise or manage impacts of the development or works on native vegetation, threatened species habitat and other biodiversity values of the conservation area.
6. Maps showing the proposed location of:
 - a. Work areas, machinery and plant, spoil dumps, storage areas, and vehicle and employee access points.
 - b. Environmentally sensitive areas, including native vegetation, habitat and waterways.
 - c. Environmental controls, including water quality controls, erosion and sediment controls, native vegetation protection fences, and restricted access areas.
 - d. Management measures, including areas proposed to be rehabilitated.
7. A description of the proposed monitoring and auditing procedures.

Habitat compensation fees

Any approved development or works within conservation areas will be subject to habitat compensation fees that apply to the land, as required by the Commonwealth approval.

5. Retaining native vegetation

Introduction

Landowners or proponents of infrastructure projects are required to pay habitat compensation fees to DELWP for the removal of native vegetation and habitat in the area covered by the BCS.

The location of native vegetation within each precinct in the BCS area is identified in the Habitat Compensation Layer (HC Layer) and the precinct structure plan (PSP). DELWP will calculate fees for native vegetation on the basis of the information in the HC Layer.

Habitat compensation fees are not required for native vegetation and habitat outside conservation areas identified in the BCS that is deemed by DELWP to be 'retained' in accordance with the criteria in this guidance note. These criteria ensure that any native vegetation and habitat not subject to fees maintains its biodiversity value in the long-term. Native vegetation and habitat outside conservation areas that is not removed and that does not meet these criteria is deemed to be removed and is subject to habitat compensation fees. Note: fees do not apply to areas subject to existing on-title management agreements.

Criteria for retaining native vegetation

Approval is required from DELWP to exempt native vegetation and habitat proposed to be retained outside conservation areas from habitat compensation fees. The following criteria must be met before DELWP will consider approving an exemption:

Criteria for retaining native vegetation outside conservation areas

1	The native vegetation and habitat must not be subject to removal as part of a planning permit application.
2	The native vegetation must be shown in DELWP's time-stamping data. Note: DELWP may require new surveys where the time-stamping data is based on estimated data. DELWP will specify any survey requirements and standards in writing. Surveys must be undertaken by a suitably qualified consultant.
3	80 per cent of the land proposed to be retained must comprise native vegetation, AND: <ul style="list-style-type: none">▪ include ≥ 5 hectares 'high persistence' habitat for Spiny Rice-flower or Matted Flax-lily confirmed to be occupied by either of these species in a recent survey (high persistence habitat is defined in DSE, 2009), AND/OR▪ include ≥ 50 hectares 'high persistence' habitat for Golden Sun Moth confirmed to be occupied by this species in a recent survey (high persistence habitat is defined in DSE, 2009), AND/OR▪ include ≥ 2 hectares of Grassy Eucalypt Woodland (as mapped in figures 19 and 20 of the BCS or as confirmed in a recent survey as meeting the definition under the EPBC Act), AND/OR▪ include ≥ 1 hectares of 'very high quality' Seasonal Herbaceous Wetlands within a patch of native vegetation that is at least triple the size of the total area of wetlands¹ (as mapped in 'The impact of Melbourne's growth on Seasonal Herbaceous Wetlands (freshwater) of the temperate lowland plains' (DEPI, 2013d)) or confirmed in a recent survey as meeting the definition under the EPBC Act) (very high quality Seasonal Herbaceous Wetland is defined in the listing advice for this community, Threatened Species Scientific Committee, 2012). Note: DELWP will give preference to proposals meeting the above criteria that adjoin a conservation area identified in the BCS containing Grassy Eucalypt Woodland, Spiny Rice-flower, Matted Flax-lily, or Golden Sun Moth.

¹ I.e. if the total area of Seasonal Herbaceous Wetlands is 1 ha, then the patch of native vegetation the wetlands occur within must be a least 3 ha.

4	The land proposed to be retained must be owned by a public authority or be vested in a public authority.
5	The land proposed to be retained must be secured through an on-title management agreement with DELWP under section 69 of the <i>Conservation, Forests and Lands Act 1987</i> (CFL Act). The section 69 agreement will require the landowner to maintain the native vegetation and habitat on the land. The landowner is responsible for funding the implementation of the agreement.
6	The land proposed to be retained must be of a shape that enables its effective management in the long-term, taking into account factors such as the surrounding land-uses and the area:perimeter ratio.

Process for retaining native vegetation

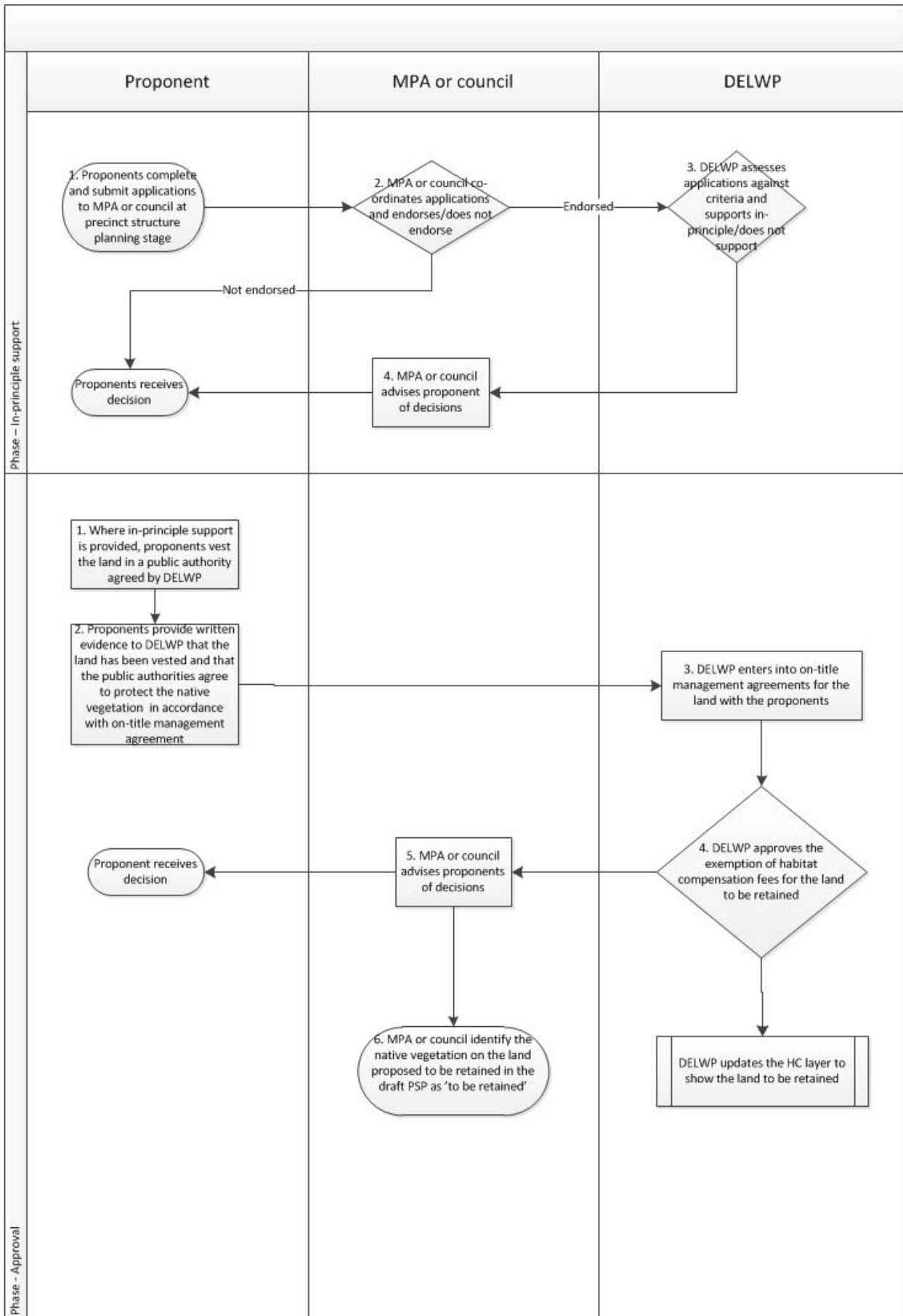
The process for retaining native vegetation outside conservation areas is shown in diagram 3.

Application form

Landowners proposing to retain native vegetation outside conservation areas must complete the application form available on DELWP's website. The application form and any queries on the application process should be submitted to: Msa.Habitatcompensation@delwp.vic.gov.au.

DELWP encourages applications to be made prior to public exhibition of the draft PSP. However, applications may also be made following gazettal of the PSP (eg. at the subdivision stage). Where these applications are approved, the PSP will be amended to identify the native vegetation as 'to be retained'.

Diagram 3: Process for retaining native vegetation outside conservation areas



Use of native vegetation as an offset

Native vegetation in the MSA area that occurs outside conservation areas may be used as an offset for the removal of native vegetation outside the MSA area where the protection of the native vegetation meets the requirements of Victoria's *Native Vegetation Permitted Clearing Regulations* (DEPI, 2013c). This native vegetation will be subject to habitat compensation fees unless the criteria in this guidance note for retaining the native vegetation are also met.

6. Retaining scattered trees

Introduction

Landowners or proponents of infrastructure projects are required to pay habitat compensation fees to DELWP for the removal of scattered trees in the BCS area.

The number and location of scattered trees within each precinct in the BCS area will be identified in the Habitat Compensation Scattered Tree Layer (HCST Layer) and the precinct structure plan (PSP). DELWP will calculate fees for scattered trees on the basis of the information in the HCST Layer.

Habitat compensation fees are not required for scattered trees outside conservation areas identified in the BCS that are deemed by DELWP to be 'retained' in accordance with the criteria in this guidance note or council tree retention standards approved by DELWP. These criteria ensure that any trees not subject to fees maintain their biodiversity value in the long-term. Scattered trees that are not removed but that do not meet these criteria are deemed to be removed and are subject to habitat compensation fees.

Criteria for retaining scattered trees

Approval is required from DELWP to exempt scattered trees proposed to be retained from habitat compensation fees.

The following criteria must be met before DELWP will consider approving an exemption:

Criteria for retaining scattered trees outside conservation areas

1	The scattered trees must not be subject to removal as part of a planning permit application.
2	The land containing the scattered trees must be owned by a public authority or be vested in a public authority prior to the commencement of subdivision, buildings or works on the land parcel.
3	The trees must not be subject to any ground disturbance (such as excavation, storage, placement of fill, paving) within the 'tree retention zone'. The 'tree retention zone' is defined in the standard <i>Native Vegetation - Technical Information Sheet: Defining an acceptable distance for tree retention during construction works</i> (DSE, 2011a) or in a council tree retention standard approved by DELWP. The standard specifies additional activities that are not permitted within the tree retention zone.

Additional criteria for retaining scattered trees may apply in precincts where DELWP has approved the use of a council tree retention standard in place of criteria 3. Where a council tree retention standard is approved by DELWP, criteria 1 and criteria 2 continue to apply in addition to the requirements of the council standard. DELWP may approve a council standard where it provides equal or greater protection of scattered trees as the criteria in this guidance note.

Councils must submit a tree retention standard to DELWP for approval prior to public exhibition of the draft precinct structure plan. DELWP will make an approval decision prior to public exhibition of the draft plan.

DELWP will identify what precincts are subject to an approved council tree retention standard on the department's website.

Process for retaining scattered trees

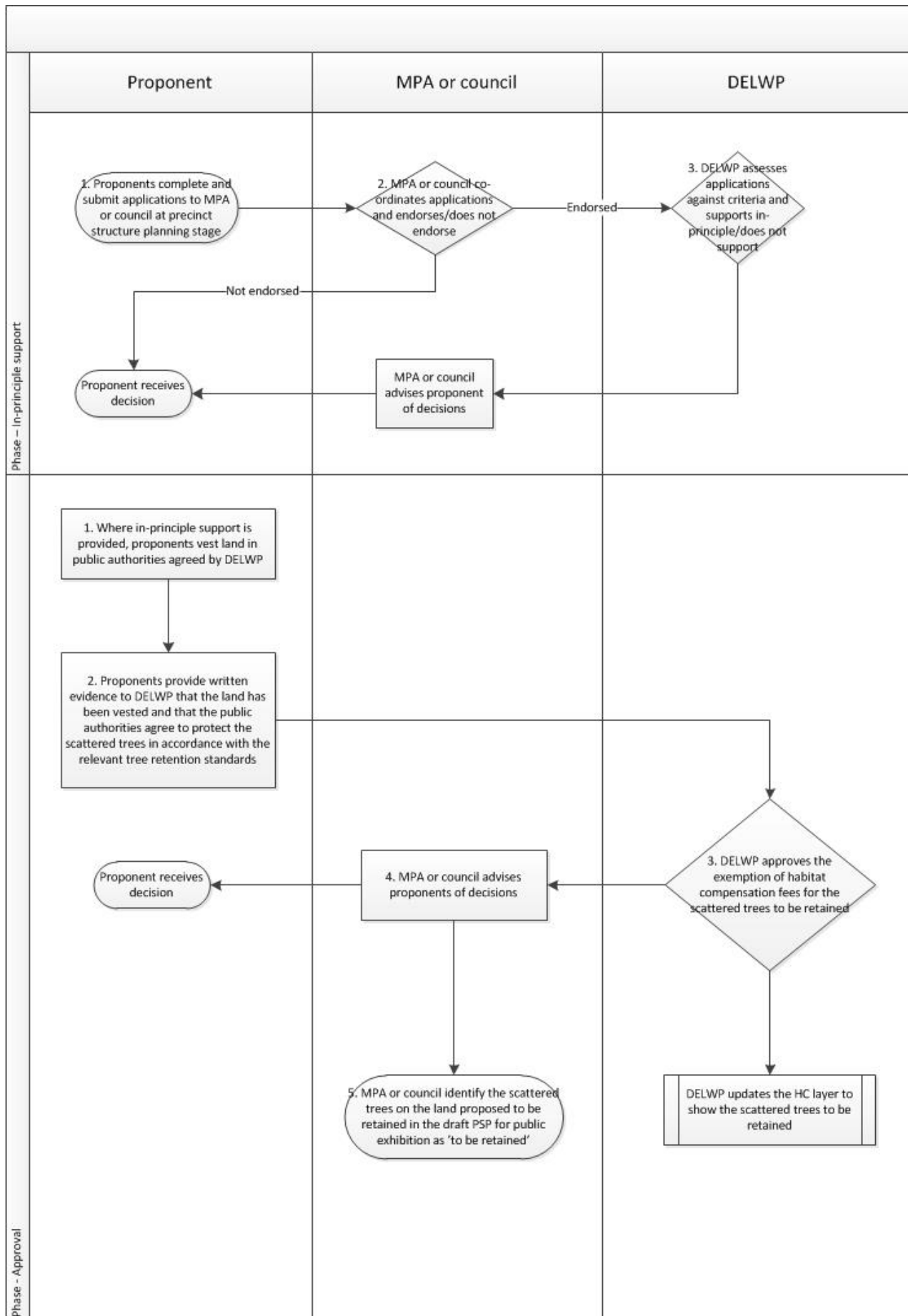
The process for retaining scattered trees outside conservation areas is shown in diagram 4.

Application form

Landowners proposing to retain scattered trees outside conservation areas must complete the application form available on DELWP's website. The application form and any queries on the application process should be submitted to: Msa.Habitatcompensation@delwp.vic.gov.au.

DELWP encourages applications to be made prior to public exhibition of the draft PSP. However, applications may also be made following gazettal of the PSP (eg. at the subdivision stage). Where these applications are approved, the PSP will be amended to identify the scattered trees as 'to be retained'.

Diagram 4: Process for retaining scattered trees outside conservation areas



Habitat compensation fees

Land retained for scattered trees, including land within tree retention zones, will be subject to other habitat compensation fees that apply to the land (e.g. the fee for Golden Sun Moth), as required by the Commonwealth approval.

Use of scattered trees as an offset

Scattered trees in the MSA area may be used as an offset for the removal of scattered trees outside the MSA area where the protection of the trees meets the standard defined in DSE (2011b) *Defining protected, retained or lost scattered trees*. Provided this standard is met, these scattered trees will not be subject to habitat compensation fees.

7. Determining scattered trees

Introduction

Landowners or proponents of infrastructure projects are required to pay habitat compensation fees to DELWP for the removal of scattered trees in the BCS area. The number and location of scattered trees within each precinct in the BCS area will be identified in the Habitat Compensation Scattered Tree Layer (HCST Layer) and the precinct structure plan (PSP). DELWP will calculate fees for scattered trees on the basis of the information in the HCST Layer.

The HCST Layer is not complete and only includes scattered tree information for some parts of the BCS area. To complete the HCST Layer, scattered tree surveys must be undertaken at the precinct structure planning stage on those land parcels where scattered trees have not been previously confirmed by surveys.

Where proponents are undertaking infrastructure projects (e.g. construction of pipelines) prior to the preparation of PSPs within land parcels where scattered trees have not been previously surveyed, scattered tree surveys will be required within the footprint of the proposal prior to the commencement of works.

Definition of scattered trees

A scattered tree is defined as a native 'Very Large or Large Old Tree' or 'Medium Old Tree' that occurs outside native vegetation patches, which have been determined by the time-stamping project. These terms are defined in the glossary of the BCS as:

- A Very Large or Large Old Tree is a tree with a diameter at breast height equal to or greater than the large old tree diameter as specified in the relevant Ecological Vegetation Class (EVC) benchmark.
- A Medium Old Tree is a tree with a diameter at breast height equal to or greater than 0.75 of the large tree diameter in the relevant EVC benchmark but less than the diameter at breast height for a large old tree.

Process for determining the scattered trees that occur on a land parcel

Land parcels where scattered trees have been determined

Some land parcels in the BCS area have been surveyed for scattered trees as part of the time-stamping project. The HCST Layer indicates the land parcels where scattered tree surveys have been undertaken and identifies the number and location of scattered trees on each parcel, using a unique identifier for each tree.

This information was collected by qualified ecological consultants and has been subject to DELWP's quality assurance (QA) process. DELWP has approved this information for incorporation into the HCST Layer and considers it to be final.

Where proponents are undertaking infrastructure projects within land parcels where scattered trees have been previously surveyed, no additional surveys are required within the footprint of the proposal. DELWP considers the existing survey data as final and will use this data as the basis for determining habitat compensation obligations for scattered trees.

Land parcels where scattered trees have not been confirmed

Some land parcels in the BCS area have not been surveyed for scattered trees. DELWP has estimated the number and location of scattered trees on these land parcels using Air Photo Interpretation (API).

In order to confirm the API estimated data, MPA will request access to these properties to undertake scattered tree surveys at the precinct structure planning stage. Where PSPs will be prepared by councils, councils will be responsible for undertaking these surveys.

Landowners may undertake surveys at their own cost to DELWP requirements and standards. Where landowners do not provide access to their properties or do not undertake their own surveys, DELWP will use the API estimated data as the basis for determining scattered trees on a land parcel.

Surveys must be undertaken by suitably qualified consultants in accordance with DELWP requirements and standards. Survey data will be subject to DELWP's QA process and must be approved by DELWP

Once DELWP accepts the survey data following QA, DELWP considers this information to be final.

The process for determining scattered trees where trees have not been confirmed is shown in diagram 5.

Infrastructure projects

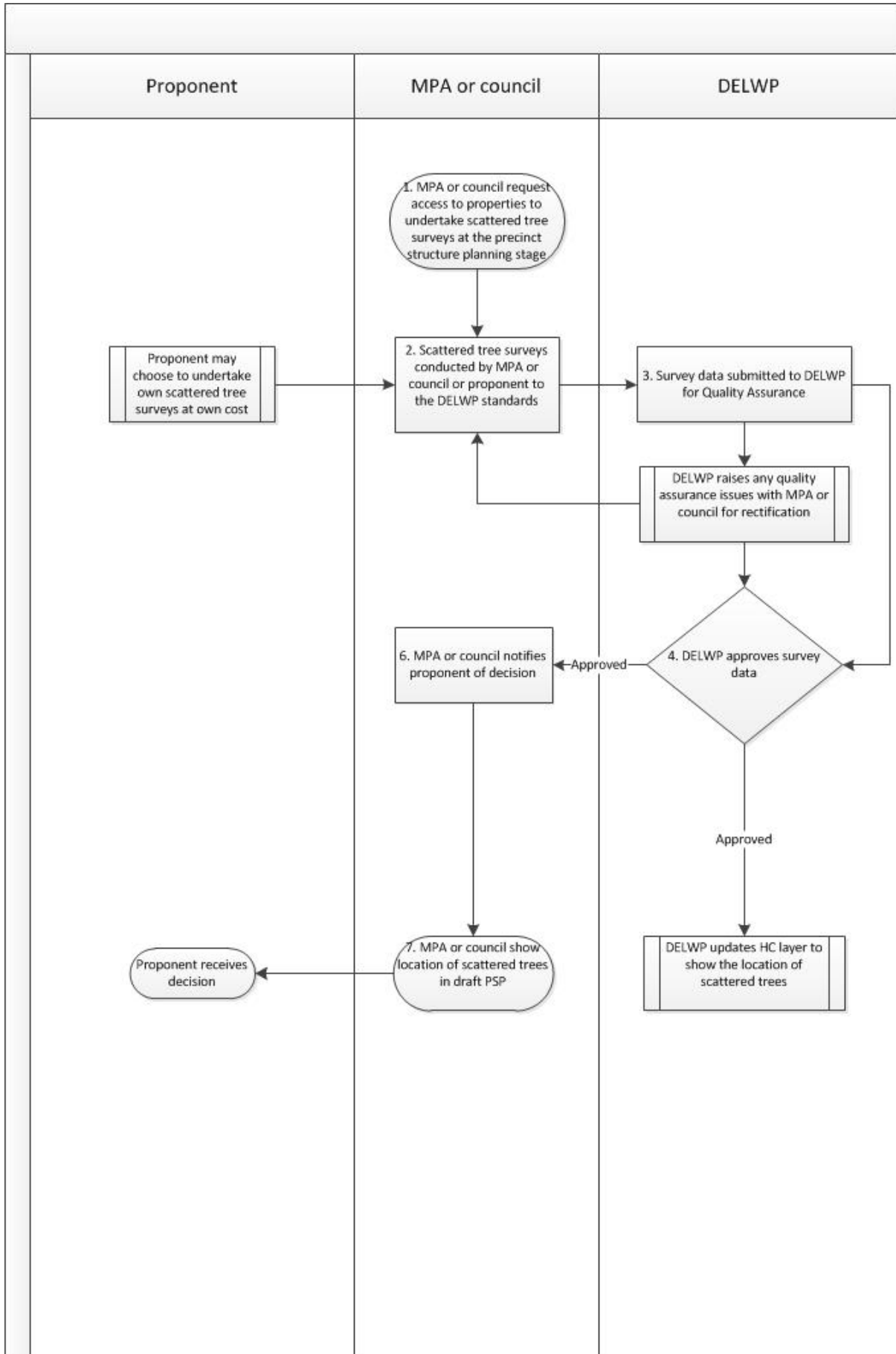
Where proponents are undertaking projects prior to the preparation of PSPs, proponents are responsible for undertaking scattered tree surveys within the footprint of the proposal.²

Proponents are required to submit survey data to DELWP for QA and must be approved by DELWP.

DELWP will incorporate the survey data into the HCST Layer following QA and approval of the data.

² The footprint of the proposal must include the tree protection zones of scattered trees where the footprint overlaps with those zones. Proponents of infrastructure projects are required to pay habitat compensation fees for scattered trees where the footprint overlaps the tree retention zones of those trees.

Diagram 5: Process for determining scattered trees on land parcels where trees have not been confirmed



8. References

DEPI (2013a) Biodiversity Conservation Strategy for Melbourne’s Growth Corridors, Department of Environment and Primary Industries, East Melbourne

DEPI (2013b) Habitat Compensation under the Biodiversity Conservation Strategy, Department of Environment and Primary Industries, East Melbourne

DEPI (2013c) Native Vegetation Permitted Clearing Regulations, Department of Environment and Primary Industries, East Melbourne

DEPI (2013d) The impact of Melbourne’s growth on ‘seasonal herbaceous wetlands (freshwater) of the temperate lowland plains’

DSE (2011a) Native Vegetation - Technical Information Sheet: Defining an acceptable distance for tree retention during construction works, Department of Environment and Sustainability, East Melbourne

DSE (2011b) Defining protected, retained or lost scattered trees, Department of Environment and Sustainability, East Melbourne

DSE (2009) Delivering Melbourne’s Newest Sustainable Communities, Strategic Impact Assessment Report. Department of Environment and Sustainability, East Melbourne

GAA (2013) Growth Corridor Plans, Growth Areas Authority, Melbourne

Victorian Government (2009) Delivering Melbourne’s Newest Sustainable Communities – Program Report. Department of Planning and Community Development, East Melbourne.

Appendix 1: Summary of Growling Grass Frog Masterplan

The Sub-regional Species Strategy for the Growling Grass Frog (GGF strategy) committed to preparing a Growling Grass Frog Masterplan for the growth corridors. As set out in the GGF strategy, the purpose of the GGF Masterplan is to identify overall priorities for strategic management works such as wetland enhancement or construction, based on scientific advice and following adaptive management principles.

The GGF Masterplan uses a decision support model developed by Melbourne University and Arthur Rylah Institute to estimate the extinction risk of habitat retention/creation/enhancement scenarios for the GGF conservation areas.

The process for identifying investment priorities includes the following main steps.

In each waterway:

1. Identify existing GGF habitat and potential opportunities for enhancing and creating GGF habitat.
2. Develop several scenarios based on DELWP's Growling Grass Frog habitat design, construction and management guidelines.
3. Estimate costs (mainly construction and management) and benefits (reduced probability of extinction according to the model) for each scenario.
4. Identify the optimal (best conservation outcome for money) scenario(s) for each waterway on a map and accompanying brief report.
5. Optimise across all waterways in the growth corridors to identify the suite of scenarios that delivers the best conservation outcomes for the available budget.

An adaptive management approach to identifying investment priorities is essential, as opportunities and constraints will change over the life of the GGF habitat enhancement and construction program. To allow this to happen, the GGF Masterplan will include a module for re-running the prioritisation process as needed.

Appendix 2: Notes to be included in Conservation Area Concept Plans and Conservation Interface Plans

Conservation Area Concept Plans

Conservation areas categorised as ‘Growling Grass Frog conservation, floodplain and open space’

1. The conservation objectives of the conservation area are:
 - a. Maintain and improve the current site quality and extent of native vegetation in the conservation area.
 - b. [Insert the relevant conservation objectives for matters of national environmental significance from the list under the heading ‘conservation objectives’ below].
2. Water management locations provide for the construction and maintenance of stormwater treatment infrastructure, including retarding basins, treatment wetlands, swales, sediment ponds and bio-retention systems. Maintenance activities may include works such as de-silting, spreading sediment, controlling weeds and reconstructing wetlands.
3. Passive recreation locations provide for low intensity passive recreation, where compatible with the functioning and management objectives of the conservation area. Associated infrastructure may include BBQs, picnic areas, tables, shelters, playgrounds and lighting. Passive recreation locations are likely to include some potential Growling Grass Frog habitat (e.g. grassy areas with sparse tree/shrub cover) that should be managed in accordance with the Department of Environment, Land, Water & Planning’s Growling Grass Frog habitat management standards.
4. The balance of the conservation area provides for the creation, enhancement and management of habitat for the Growling Grass Frog and protects strategically important areas for the Growling Grass Frog from incompatible land-uses and infrastructure. It also provides for the protection of native vegetation.
5. Low intensity passive recreational infrastructure, such as walking paths, shared trails, boardwalks and footbridges may be sited outside passive recreation locations, where appropriately located and designed and compatible with the functioning and management objectives of the conservation area to the satisfaction of the Department of Environment, Land, Water & Planning. Where an indicative location is shown, the final location and design must be to the satisfaction of the Department of Environment, Land, Water & Planning.
6. Development or works, other than shown in this plan or associated with the conservation of the Growling Grass Frog or native vegetation, are not generally suitable within the conservation area. Any proposed development or works requires the approval of the Department of Environment, Land, Water & Planning.
7. Lighting must be designed and baffled to prevent light spill and glare into the conservation area outside the identified passive recreation areas.
8. Any planting and revegetation must be to the satisfaction of the Department of Environment, Land, Water & Planning.
9. A Fire Management Plan is to be prepared for the conservation area to the satisfaction of the Country Fire Authority.
10. Drainage from storm water treatment infrastructure must be designed to minimise impacts on biodiversity values.
11. The conservation area is to be designed and managed as a ‘dog on-lead’ area, in areas that are publicly accessible.

Conservation areas categorised as ‘nature conservation’ and ‘existing public land’

1. The conservation objectives of the conservation area are:
 - a. Maintain and improve the current site quality and extent of native vegetation in the conservation area.
 - b. [Insert the relevant conservation objectives for matters of national environmental significance from the list under the heading ‘conservation objectives’ below].
2. The conservation area will provide primary habitat for [insert relevant matters of national environmental significance] and will include management of [native grassland] and [grassy eucalypt woodland] values.
3. Development or works, other than shown in this plan or associated with the conservation of matters of national environmental significance or native vegetation, are not generally suitable within the conservation area. Any proposed development or works requires the approval of the Department of Environment, Land, Water & Planning.
4. Any planting and revegetation must be to the satisfaction of the Department of Environment, Land, Water & Planning.
5. A Fire Management Plan is to be prepared for the conservation area to the satisfaction of the Country Fire Authority.
6. Drainage from storm water treatment infrastructure must be designed to minimise impacts on biodiversity values.

Conservation Interface Plans

Conservation areas categorised as ‘Growling Grass Frog conservation, floodplain and open space’

1. Trees should not be planted within 10 metres of the conservation area boundary.
2. All necessary fire breaks must be outside of the conservation area.

Conservation areas categorised as ‘nature conservation’ and ‘existing public land’

1. Trees should not be planted within 10 metres of the conservation area boundary.
2. The conservation area must be fenced appropriately to protect biodiversity values to the satisfaction of the Department of Environment, Land, Water & Planning.
3. All necessary fire breaks must be located outside the conservation area.

Conservation Objectives

The notes of Conservation Area Concept Plans should include conservation objectives for matters of national environmental significance relevant to the conservation area. The conservation objectives for each conservation area should be chosen from the following, which are derived from the Monitoring and Reporting Framework: Technical Protocols for Program Outcomes (DEPI, 2014):

1. The composition, structure and function of Natural Temperate Grassland of the Victorian Volcanic Plain improves in the conservation area.
2. The composition, structure and function of Grassy Eucalypt Woodland of the Victorian Volcanic Plain improves in the conservation area.
3. The composition, structure and function of Seasonal Herbaceous Wetlands (freshwater) of the Temperate Lowland Plains improves in the conservation area.
4. There is no substantial negative change to the population of Button Wrinklewort in the conservation area.

5. There is no substantial negative change to the population of Large-fruit Groundsel in the conservation area.
6. There is no substantial negative change to the population of Maroon Leek-orchid in the conservation area.
7. There is no substantial negative change to the population of Matted Flax-lily in the conservation area.
8. There is no substantial negative change to the population of Small Golden Moths Orchid in the conservation area.
9. The population of Spiny Rice-flower is self-sustaining in the conservation area.
10. Golden Sun Moth persists in the conservation area.
11. Growling Grass Frog persists in the conservation area.
12. Southern Brown Bandicoot persists in the conservation area.
13. Striped Legless Lizard persists in the conservation area.

Appendix 3: Process for determining whether proposed uses or development in conservation areas require Commonwealth agreement

Condition 2 of the Part 10 Commonwealth approvals that regulate urban development in the growth corridors under the EPBC Act requires that a person must not undertake an action, such as a proposed use or development, that results in a 'net loss of habitat' for ecological communities or species listed under the EPBC Act in a conservation area unless agreed by the Commonwealth Minister.

The definition of 'net loss of habitat' for listed ecological communities or species and the process for determining whether a proposed use or development is likely to result in a 'net loss of habitat' for the purposes of condition 2 of the Commonwealth approvals is set out below.

DELWP will assess whether a proposed use or development in a conservation area is likely to result in a 'net loss of habitat' for ecological communities or species listed under the EPBC Act and will submit any endorsed applications that require referral to the Commonwealth Minister for consideration.

Habitat for Growling Grass Frog

Definition of habitat

Habitat for Growling Grass Frog (GGF) in a conservation area is defined as:

1. High quality habitat

High quality habitat comprises water bodies that currently contain, or are highly likely to contain important habitat attributes required by GGF for breeding as well as foraging and dispersal (such as permanent or semi-permanent, extensive aquatic vegetation, high water quality, connected to other occupied sites, absence or low densities of predatory fish, high cover of terrestrial refuge sites). This includes habitat known to be currently or previously occupied by GGF, as indicated by records of GGF shown in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (BCS) or the Victorian Biodiversity Atlas, the Growling Grass Frog Masterplan for the growth corridors (GGF Masterplan), or new surveys undertaken by suitably qualified consultants.

This definition corresponds to the definition of 'high quality habitat' in the Sub-regional Species Strategy for the Growling Grass Frog (DEPI, 2013).

2. Areas of strategic importance for Growling Grass Frog

Areas of strategic importance for GGF comprises:

- Wetland or terrestrial habitat important for foraging, refuge, or dispersal.
- Areas that may be required for habitat construction or enhancement and associated buffers.
- Areas required for works to provide hydrological regimes and water quality for GGF.
- Areas required for connectivity between populations of GGF.
- Areas required for the improvement of waterway condition or ecological function.
- Areas required to effectively implement conservation management actions, such as biomass management or weed control, or access for management or maintenance.

This definition corresponds to the definition of 'medium quality habitat' in the Sub-regional Species Strategy for the Growling Grass Frog (DEPI, 2013). However, it may also include areas of 'low quality habitat' as defined in the GGF strategy where wetlands would be created or enhanced in the future.

Process for determining habitat and areas of strategic importance for Growling Grass Frog

In determining whether high quality habitat or areas of strategic importance for GGF, as defined above, would be impacted by proposed uses or development in a conservation area, DELWP will consider the following:

1. Records of GGF shown in the BCS, the Victorian Biodiversity Atlas, or the GGF Masterplan.
2. Information on habitat and areas of strategic importance for the conservation of GGF along the waterway gathered in developing the GGF Masterplan.
3. DELWP's Growling Grass Frog Habitat Design, Construction and Management Guidelines.
4. Native vegetation or habitat assessments, including any assessments undertaken as part of the requirements for a permit for the proposed action under the Victorian planning system or studies undertaken as part of the precinct structure planning process.
5. Topographic and hydrological data.
6. Air photo interpretation.
7. Scientific literature and guidelines (e.g. Commonwealth Department of the Environment's *Significant Impact Guidelines for the Vulnerable Growling Grass Frog (Litoria raniformis)* (2009).
8. Expert advice where required, including from DELWP's Growling Grass Frog Technical Advisory Group and Arthur Rylah Institute.
9. New surveys undertaken by suitably qualified consultants, where DELWP considers necessary.

DELWP will require proponents of proposed uses or development to undertake surveys where water bodies may be impacted by the action that DELWP considers may contain important habitat attributes required by GGF for breeding as well as foraging and dispersal, as indicated by factors such as proximity to known aquatic habitat, waterbody size, and aquatic vegetation cover. Where these water bodies contain GGF records, DELWP considers this habitat to contain these important habitat attributes (i.e. the habitat is high quality habitat) and surveys will not be required to demonstrate this.

Proposed actions within conservation areas to be referred for Commonwealth agreement

DELWP will refer proposed uses or developments in conservation areas to the Commonwealth Minister for agreement under condition 2 of the Commonwealth approvals that would likely result in:

1. Removal or degradation of high quality habitat for GGF, as defined above, resulting in a net loss of this habitat within the conservation area.
2. Removal or degradation of areas of strategic importance for GGF, as defined above, resulting in a net loss of this habitat within the conservation area.

Where a proposed action would result in removal or degradation of high quality habitat or areas of strategic importance for GGF, the action would not require referral to the Commonwealth Minister for agreement under condition 2 of the Commonwealth approvals if the conservation area boundary was expanded to include an area of equal or greater amount and quality of this habitat for GGF, resulting in no net loss of habitat and this applied to a conservation area not restricted under condition 4 of the Commonwealth approvals.

DELWP is preparing guidelines for the design of waterway crossings that will be incorporated into DELWP's Growling Grass Frog Habitat Design, Construction and Management Guidelines to ensure any proposed crossings do not prevent GGF from accessing high quality habitat by creating a barrier to movement.

Habitat for other matters of national environmental significance

Definition of habitat

Habitat for other matters of national environmental significance is defined as:

Ecological communities

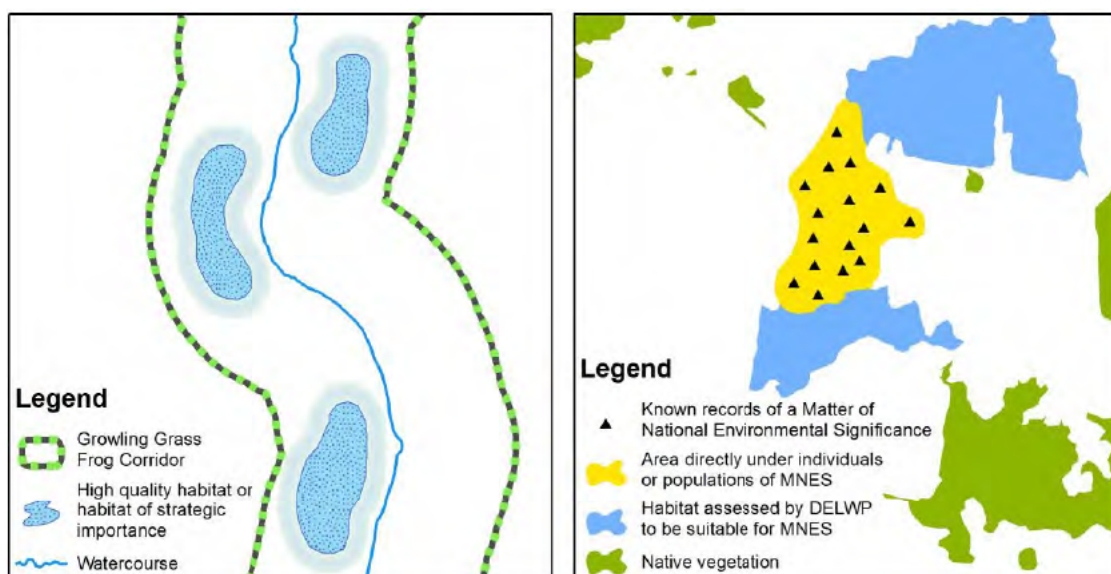
1. Natural Temperate Grassland (NTG) – Native vegetation with a habitat score > 0.4 comprising the following Ecological Vegetation Classes (EVCs): Plains Grassland, Lighter Soils Plains Grassland, Low Rains Plains Grassland, Creekline Tussock Grassland (where this is not mapped as Seasonal Herbaceous Wetlands) and Stony Knoll Shrubland (where this is not mapped as Grassy Eucalypt Woodland), as determined by the time-stamping data shown in the BCS or new surveys by suitably qualified consultants, where DELWP considers necessary.
2. Grassy Eucalypt Woodland (GEW) - Areas mapped in Figures 19 and 20 of the BCS, which is incorporated in a GIS dataset for GEW held by DELWP.
3. Seasonal Herbaceous Wetlands (SHW) - Areas mapped in Appendix 1 of 'The impact of Melbourne's growth on Seasonal Herbaceous Wetlands (freshwater) of the temperate lowland plains' (DEPI, 2013), which is incorporated in a GIS dataset for SHW held by DELWP.

Individuals and populations

1. Golden Sun Moth (GSM) - Areas directly under individuals or populations of GSM as well as native or non-native vegetation within 100 metres of the area containing the individuals and populations of GSM, as determined by the time-stamping data shown in the BCS or new surveys by suitably qualified consultants, where DELWP considers necessary.
2. Other MNES: Areas directly under individuals or populations of MNES as well as any surrounding areas that contain vegetation suitable for the listed matter contiguous with the area containing the individuals or populations of MNES, as determined by the time-stamping data shown in the BCS or new surveys by suitably qualified consultants, where DELWP considers necessary. In determining areas suitable for the listed matter, DELWP will also consider the information outlined below under 'process for determining habitat for MNES', which includes relevant Commonwealth and State policies and plans.

As NTG, GEW and SHW ecological communities are defined separately, an area of land adjacent to individuals and populations of MNES that is vegetation suitable for the listed matter may nevertheless comprise NTG, GEW or SHW and any net loss of this habitat would be provided to the Commonwealth Minister for agreement.

An example of the above definitions of habitat for listed ecological communities and individuals and populations is illustrated in the map below.



Process for determining habitat for matters of national environmental significance

In determining whether NTG, GEW or SHW ecological communities or habitat for individuals and populations of MNES, as defined above, would be impacted by proposed uses or development in a conservation area, DELWP will consider the following:

1. Time-stamping data shown in the BCS.
2. Records of threatened species shown in the BCS or the Victorian Biodiversity Atlas.
3. Relevant Commonwealth and State policies and plans, such as Listing and Conservation Advices and Recovery Plans. For listed ecological communities, the minimum thresholds for each community as outlined in relevant Commonwealth listing advices will be considered when determining whether a referral to the Commonwealth Minister for agreement is required.
4. Maps of GEW shown in Figures 19 and 20 of the BCS (for GEW), which are incorporated in a GIS dataset for GEW held by DELWP.
5. Maps of SHW shown in Appendix 1 of DEPI (2013) (for SHW), which are incorporated in a GIS dataset for SHW held by DELWP.
6. New surveys by suitably qualified consultants, where DELWP considers necessary.

DELWP will assess the impacts of proposed actions on the basis of the time-stamping data where this data was based on surveys. Where the time-stamping data was based on modelling, DELWP may require new surveys to be undertaken by a suitably qualified consultant.

Proposed actions within conservation areas to be referred for Commonwealth approval

DELWP will refer proposed uses or developments in conservation areas to the Commonwealth Minister for agreement under condition 2 of the Commonwealth approvals that would likely result in:

1. Removal or degradation of NTG, GEW or SHW ecological communities, as defined above, resulting in a net loss of this habitat within the conservation area.
2. Removal or degradation of habitat for individuals and populations of MNES, as defined above, resulting in a net loss of this habitat within the conservation area.

Where a proposed action would result in removal or NTG, GEW or SHW ecological communities or habitat for individuals and populations of MNES, the action would not require referral to the Commonwealth Minister for agreement under condition 2 if the conservation area boundary was expanded to include an area of equal or greater amount and quality of this habitat, resulting in no net loss of habitat and this applied to a conservation area not restricted under condition 4 of the Commonwealth approvals.

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COMPLIANCE AND ENFORCEMENT

SOUTHERN VICTORIA

9/02/2015

12/02/2015

s47F and s47F



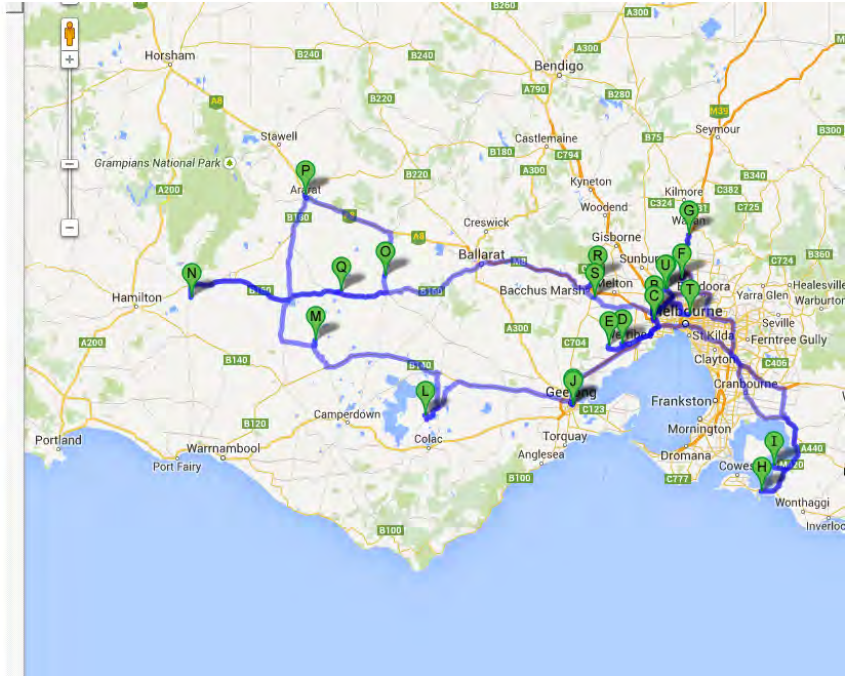
Figure 1: 1316 Darlington-Nerrin Road, Dundonnell, s47F and s47F



COMPLIANCE AND ENFORCEMENT

TRIP LOCATION OVERVIEW

- A Melbourne Airport, Victoria
 - B 93 Furlong Road, Cairnlea, Victoria
 - C 415 Fitzgerald Road, Derrimut, Victoria
 - D Black Forest Road, Wyndham Vale, Victoria
 - E Live Bomb Range Rd, Mambourin, Victoria
 - F Patullus Lane, Craigieburn, Victoria
 - G 175 Northern Highway, Wallan, Victoria
 - H 145 Marine Parade, San Remo, Victoria
 - I Corinella, Victoria
 - J 1/23 Fyans Street, South Geelong, Victoria
 - K cnr myers st, gheringhap st, geelong
 - L 150 Illets Road, Dreeite, Victoria
 - M 1316 Darlington-Nerrin Rd, Dundonnell, Victor
 - N Penshurst-Dunkeld Road, Dunkeld, Victoria
 - O Skipton Rd & Streatham-Carngam Rd, Mt En
 - P 132 Lambert Street, Ararat, Victoria
 - Q Streatham-Carngam Road, Streatham, Victo
 - R Lake Merrimu, Melbourne, Victoria
 - S Parwan-Exford Road, Parwan, Victoria
 - T 8 Nicholson Street, Brunswick East, Victoria
 - U Melbourne Airport, Victoria
- [Add Destination - Show options](#)





COMPLIANCE AND ENFORCEMENT

SITE 1. 93 Furlong Road, Cairnlea

Referral advice on grasslands at site

9/02/2015 8.45am

s47F and s47F

s47F and s47F (Ecological Consultants)

Background

Consultation on the potential need to refer 0.4ha of Themeda dominated grasslands. Grassland has been de-rocked, ploughed and slashed historically and has poor herb coverage.

Action Taken

The site was inspected under consent with s47F and s47F. Some NTGVVP attributes were observed, for example Themeda. Exotic plants species were present across the site and it was mutually considered to be low quality.

Follow up action

Write to s47F stating that the site does contain NTGVVP attributes however is not at a quality that would warrant referral.



93 Furlong Road, Cairnlea, s47F and s47F



COMPLIANCE AND ENFORCEMENT



93 Furlong Road, Cairnlea, mixed exotic and native vegetation at the site and soil cracking



COMPLIANCE AND ENFORCEMENT

SITE 2. 415 Fitzgerald Road, Derrimut

CAS2001 - Derrimut VIC / East Union Pty Ltd and Cadence property / 415 Fitzgerald Rd NTGVVP

9/02/2015 9.30am

s47F and s47F (case officer)

s47F (East Union Pty Ltd)

Background

1.1ha of potential NTGVVP was excavated at 415 Fitzgerald Rd, Derrimut, in December 2014. The Derrimut Grasslands Reserve is directly across the road. s47F has not responded to a show cause issued 5 January 2015 however provided consent for entry to the site.

Action Taken

Entry to the site was not possible as it was rostered day off work for trade workers in Victoria. We walked along the edges of the site and had without prejudice discussion with s47F about the allegation. He was unaware of any attributes on the site and seemed willing to resolve the issue as reasonably and as soon as possible. The construction on the site has significantly progressed since the site was last visited in December 2014.

Follow up action

Send s47F the NTGVVP brochure via mail

Visit Melbourne Water site (behind 415 Fitzgerald Rd) in order to get an indicative vegetation quality

Talk with s47F and ask his perspective on the prospect for medium/high quality NTGVVP to occur at the site



COMPLIANCE AND ENFORCEMENT

SITE 3. 974 Blackforest Road, Wyndham Vale

Drive-by of matter reported by DELWP

9/02/2015 10.30 am

s47F and s47F

Background

Rock stockpiling inconsistent with the Melbourne Strategic Assessment proposed, and already occurring, at Black Forest Road, Wyndham Vale.

Action Taken

Observations were made from side roads of current stockpiling. The piles appeared to be significantly large. At the proposed site there appears to be exotic vegetation at the observable portions of the property but there is potential for high quality EC deeper in (it is quite a large property and has the appropriate structure for NTGVVP).

Follow up action

Seek information on the property owner and their intentions with the site.

CC DELWP into all correspondence.



COMPLIANCE AND ENFORCEMENT



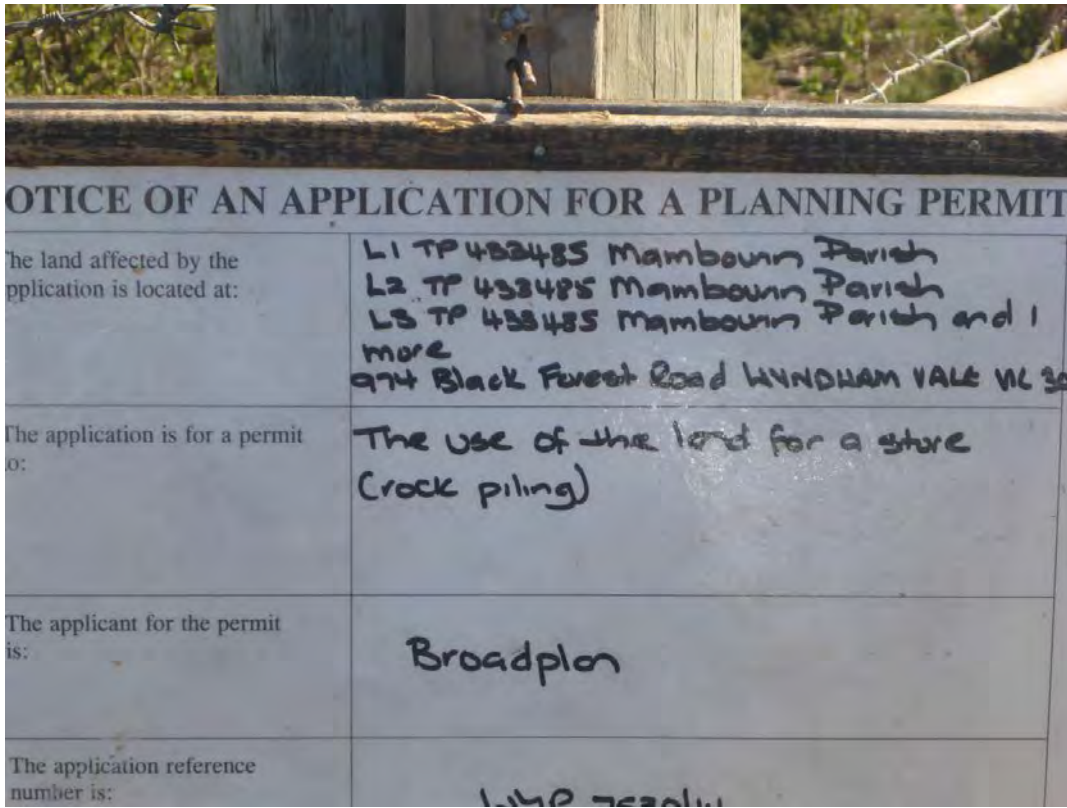
Blackforest Road, Wyndham Vale, current rock stockpiling



974 Blackforest Road, Wyndham Vale, proposed site for stockpiling



COMPLIANCE AND ENFORCEMENT



974 Blackforest Road, Wyndham Vale, application for planning permit information at site

SITE 4. Live Bomb Range Road, Quandong

CAS2058 - VIC Quandong / Ripley Road / Dennis Family Trust / Quarry development within WGR

9/02/2015 11.00 am

s47F (case officer) and s47F

Dennis Family Trust

Background

The Department received information that a new quarry is proposed for development in the Western Grasslands Reserve in Quandong.

Action Taken

Southern Victoria 9-12 February 2015



COMPLIANCE AND ENFORCEMENT

A drive-by was attempted however all access roads were gated. Officers were unable to get any closer than 3km from the proposed site.

Follow up action

Contact proponent about intention to refer

SITE 5. 500 Exford-Parwan Road, Parwan

CAS6 – VIC Parwan / s47F [REDACTED] / remediation order

9/02/2015 12.30 pm

s47F [REDACTED] and s47F [REDACTED]

s47F [REDACTED]

Background

Clearing of up to 70ha of Grey Box Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia EC by s47F [REDACTED] resulted in a remediation order in 2012. Information was received by the Department that suggested s47F [REDACTED] was conducting works in an area protected by the order.

Action Taken

Drive-by of the site and observations from the roadside revealed that minor works had occurred however it was outside of the critical area of the remediation order.

Follow up action

No further action



COMPLIANCE AND ENFORCEMENT



500 Exford-Parwan Road, Parwan, view from roadside



COMPLIANCE AND ENFORCEMENT

SITE 6. 8-32 Patullos Lane, Craigieburn

**CAS2060 - Craigieburn VIC / CFA / slashing of GSM habitat and NTGVVP
Patullos Ln EPBC 2010-5671**

9/02/2015 1.30 pm

s47F and s47F (case officer)

s47F and s47F (proponents), s47F (ecologist)

Background

EPBC 2010/5671 has been deemed a controlled action and is currently in the assessment stage. A consultant for the approval holder contacted assessments to notify that they had discovered slashing across the lot that was unauthorised by the landholder. Information suggests it was likely to be completed by Country Fire Authority (CFA).

Action Taken

Entered site with consent and made observations of the clearing that occurred. Illegal dumping on a neighbouring site had spontaneously caught alight and as a result the CFA deemed the vegetation on the lot a fire hazard. The grasslands were slashed however impact is unlikely. The proponents were verbally notified that no further compliance action would be taken against them or the CFA and that the removal of weeds in the offset area was acceptable during assessment.

Follow up action

Letter to proponents stating that no offence is considered to have occurred and removal of weeds is appropriate during the assessment phase



COMPLIANCE AND ENFORCEMENT



8-32 Patullos Lane, Craigieburn, slashing, woody weeds and neighbouring illegal dumping

SITE 7. 175 Northern Highway, Wallan

CAS1958 - Wallan VIC / Crystal Creek Properties / 175 Northern Highway rock removal clearing

9/02/2015 2.30 pm

s47F and s47F (case officer)

s47F (Farm Manager), s47F (proponent) and s47F (Ecologist)

Background

Officers attended 175 Northern Highway, Wallan on 10/11/14 at 10:06 am and made observations from outside the property. Observations made from outside the property showed that recent works are being undertaken on the property which included the



COMPLIANCE AND ENFORCEMENT

removal of rocks. The proponent S47F of Crystal Creek Properties was contacted to arrange a site inspection with consent. His response to the show cause stated that the land did not have any conservation value prior to clearing.

Action Taken

Entered site with consent and made observations. Elements of NTGVVP were present however vegetation was predominantly regrowth of exotic species. Some charred tussocks were observed and it was stated that the land had been burnt in September. This means that herbicide was likely to have occurred prior to this (burning in wet months would not be possible).

It was alleged by the proponent that the lot was in the logical inclusion for the Urban Growth Boundary of the Melbourne Strategic Assessment. This would significantly affect our interest in the matter. It was later established that its inclusion is highly unlikely. Ecologists have been on site of the years, including Melbourne Water, so an indicative quality/EC presence could be acquired.

Follow up action

Ensure not included in the logical inclusion of UGB

Find quality/EC presence pre-November, contact Melbourne Water

Letter to proponent updating on the matter

8-32 Patullos Lane, Craigieburn, slashing, woody weeds and neighbouring illegal dumping



COMPLIANCE AND ENFORCEMENT



175 Northern Highway, Wallan, burning, regrowth and rock pile



175 Northern Highway, Wallan, regrowth vegetation and soil cracking



COMPLIANCE AND ENFORCEMENT

SITE 8. Coast Road, French Island

CAS2032 - French Island VIC / SSSB Pty Ltd / clearing OBP habitat 1154 Coast Rd

10/02/2015 8.30 am

s47F and s47F (case officer)

s47F and s47F (DELWP)

s47F (environmental planner) and s47F (proponent)

Background

s47F of DELWP (formerly DEPI) mentioned a potential compliance matter on French Island in the Western Port Ramsar site during a phone conversation on 8 January 2015. At 1154 Coast Road on the north western peninsula of the island a number of road reserves have been cleared with potential impact on the orange-bellied parrot, coastal saltmarsh EC and Western Port Ramsar site.

Action Taken

Entered site with consent and made observations. Clearing was observed to be minimal (not trees appeared to be felled) and only to provide access to the site. No works had encroached on the boundaries of the Ramsar site and any edge effects would be highly unlikely.

Follow up action

Letter to proponent NFA



COMPLIANCE AND ENFORCEMENT



Coast Road, French Island, clearing along fence line at site

SITE 9. Corangamite CMA, Geelong

Educational visit

10/02/2015 5.00pm

s47F and s47F

Various Landcare representatives and Corangamite CMA staff

Information provided

Information provided about general EPBC matters as well as specific information on NTGVVP and Seasonal Herbaceous Wetlands of the Lowland Temperate Plains.



COMPLIANCE AND ENFORCEMENT

SITE 10. 150 Ilets Road, Dreeite

**Drive-by CAS1957 - Dreeite VIC / V L Winter / 150 Ilets Rd Rock Removal
Corangamite Water Skink**

11/02/2015 9.30 am

s47F and s47F (case officer)

Background

A Colac Otway Shire inspection on 7 November 2014 revealed that, using an excavator, large quantities of rock had been removed and disturbed from the land at 315 Beeac-Dreeite Road, Dreeite, VIC. Actual address has later been clarified as 150 Ilets Rd, Dreeite. Proponent is s47F This property is potentially habitat for the Corangamite Water Skink (*Eulamprus tympanum marnieae*) listed as endangered under the EPBC Act.

Action Taken

Drive by of the site and observations made from side of Ducks Road. Rock removal was observed approximately 75 meters from swampy terrain.

Follow up action

Call s47F from DELWP and ask if observed excavation would impact on the species

Contact proponent noting that they have elected not to respond

Potentially enter site with warrant



COMPLIANCE AND ENFORCEMENT



150 Ilets Road, Dreeite, view from Ducks Road of rock removal

SITE 11. 1316 Darlington-Nerrin Road, Dundonnell

Community engagement

11/02/2015 12.00 pm

s47F and s47F (case officer)

s47F

Information

s47F invited compliance officers to observe a private NTGVVP reserve that he manages. The property constitutes over 2,000ha of high quality remnant vegetation and includes a gilgai cluster of Seasonal Herbaceous Wetlands of the Lowland Temperate Plains.



COMPLIANCE AND ENFORCEMENT



1316 Darlington-Nerrin Road, Dundonnell, Seasonal Herbaceous Wetlands of the Lowland Temperate Plains (in its dormant summer state)

SITE 12. Penshurst-Dunkeld Road, Dunkeld

Drive-by CAS1960 - Dunkeld VIC / Donnybrook Pastoral / Penshurst-Dunkeld Road Herbicide spraying NTGVVP

11/02/2015 2.30pm

s47F and s47F (case officer)

s47F (Donnybrook Pastoral)

Background



COMPLIANCE AND ENFORCEMENT

Officers observed, from public land on Thursday 13 November at 08:48 areas adjacent to the Dunkeld Penshurst Road which appeared to contain NTGVVP and also appeared to have been recently poisoned. s47F elected not to provide consent to enter.

Action Taken

Observations from road side indicate that extensive rock removal (approx 20ha) has occurred at the site recently. At least 8 large rock piles were present at the site. Edges of the property have poa and other elements of NTGVVP. Effects of herbicide were also observed and vegetation that was subject to the spraying has not regenerated.

Follow up action

Engage expert to enter site under warrant and report on EC presence/quality and impact.

Letter to proponent with additional allegation of rock removal observed.



Lot 1, LP16008, Penshurst-Dunkeld Road, Dunkeld, rock removal at property boundary



COMPLIANCE AND ENFORCEMENT

SITE 13. Streatham-Carngham Road, Streatham

**CAS1959 - Streatham VIC / Nangunia Pty Ltd / Carngham-Streatham Road
Rock Removal**

12/02/2015 10.00am

s47F and s47F (case officer)

s47F (Nangunia Pty Ltd)

Background

Officers observed, from public land on Wednesday 12 November at 15:51 machinery removing rock from what appeared to be EC. The site was cleared of vegetation and a tracked excavator and tip truck were on site. The excavator appeared to be removing rock and piling it near where it was in operation. Proponent was issued a show cause and responded stating that, prior to clearing, the vegetation was Brome grass and wild oats.

Action Taken

Entered site under consent and observed vegetation in the depression on the land. Some common tussock was present and minor elements of SHWLTP but mostly dominated with wild oats. It has been crash grazed historically and appeared to be markedly degraded. The depression itself is 20-30ha and the rock removal was observed to be 0.5-0.75ha. Tread marks from the excavator were apparent. Unlikely to constitute significant impact, however with remediation the site could be useful for bush banking.

Follow up action

Seek s47F advice about viability as an EC

Letter to proponent with information about s47F CMA

Potentially return in Spring to assess wetting regime and vegetation



COMPLIANCE AND ENFORCEMENT



Streatham-Carngham Road, Streatham, depression at site and rock pile

SITE 14. Lake Merrimu, Bacchus Marsh

Referral advice on grasslands at site

12/02/2015 12.30pm

s47F and s47F

s47F (Principal Botanist GHD)

Background

Compliance was contacted by GHD on 18 December 2014 for advice regarding the subdivision of 2 properties by Southern Rural Water at Lake Merrimu with potential NTGVVP.

Action Taken

Southern Victoria 9-12 February 2015



COMPLIANCE AND ENFORCEMENT

Entered site and observed vegetation. One property had poor EC coverage and is unlikely to warrant referral. The other has sufficient elements to raise minor concern but is borderline and will need further investigation.

Follow up action

Research/talk to assessments about potential referral for property

Letter to GHD with advice regarding referral



Lake Merrimu, Bacchus Marsh, s47F assessing property

SITE 15. 8 Nicholson Street, East Brunswick

Meeting with DELWP

12/02/2015 2.00 pm

s47F and s47F

Southern Victoria 9-12 February 2015



COMPLIANCE AND ENFORCEMENT

DELWP representatives (including s47F

Information

Meeting focused on aligning our approaches to compliance. Key points:

- Clearing in Western Grasslands Reserve, agricultural clearing and rock stockpiling issues should be referred to Compliance
- Action with approval in the Melbourne Strategic Assessment (MSA) are not applicable
- Actions not in accordance with the Urban Growth Boundary or the MSA should be referred to s47G(1)(a)
- Logical Inclusions are not a part of the EPBC approved Strategic Assessment and this needs to be communicated
- Information sharing preferences: NTPs for sensitive information, formal template highlighting key information required for initial reports, Standard Operating Procedures for joint investigations (not an MOU as councils enforce the legislation)
- Community engagement and preventative compliance work is our preference. We want to work on key Ecological Communities and Threatened Species, for example currently we're interested in engaging with Western Vic communities about NTGVVP/SHWLTP and the Murray Darling Plains about the newly listed EC in the area.
- Can our engagement be tailored to motives in given area? Urban is a cost-benefit analysis; rural is more likely a lack of knowledge
- We should provide our advice to communities concurrently to avoid duplication of effort. Community engagement can be coordinated.

Follow up action

DELWP to collaborate information on Melbourne Strategic Assessment and Native Vegetation briefings and then provide dates to Department of the Environment for joint community engagement

Department of the Environment to develop a template for DELWP staff to report matters more effectively



Australian Government
Department of the Environment

COMPLIANCE AND ENFORCEMENT

VICTORIA FIELD INSPECTIONS 14-17 APRIL 2014

OFFICERS ATTENDING: s47F

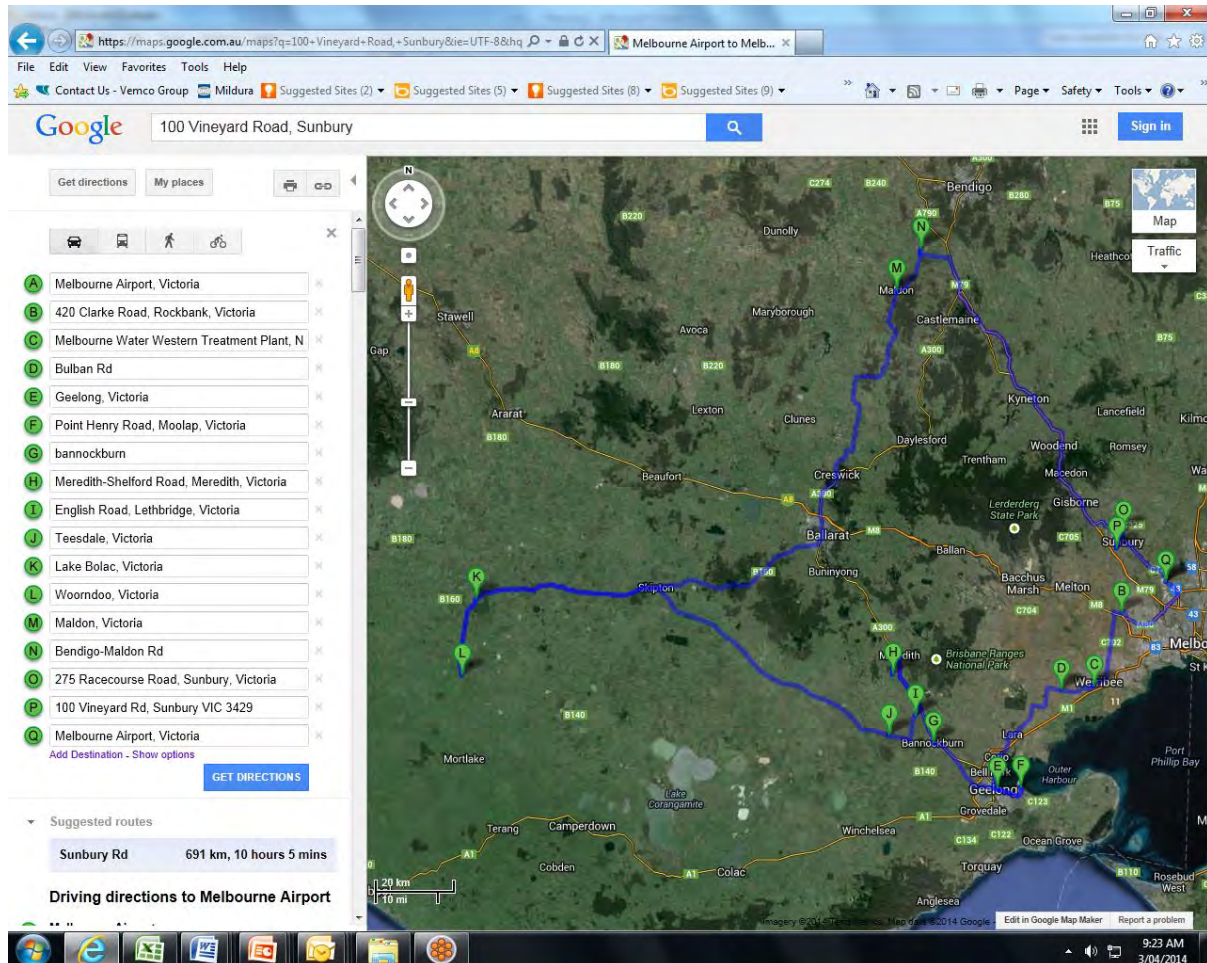


Recording *Pimelea spinescens* subsp. *Spinescens*, a critically endangered plant, on the Cressy-Shelford Road



COMPLIANCE AND ENFORCEMENT

TRIP LOCATION OVERVIEW



Overview

Over four days compliance officers travelled over 800 kilometres by car to attend 17 sites across central Victoria. The field trip included 15 site inspections to determine whether escalation in accordance with the EPBC Compliance and Enforcement policy was warranted. Of the sites inspected six will require further investigation to be undertaken.

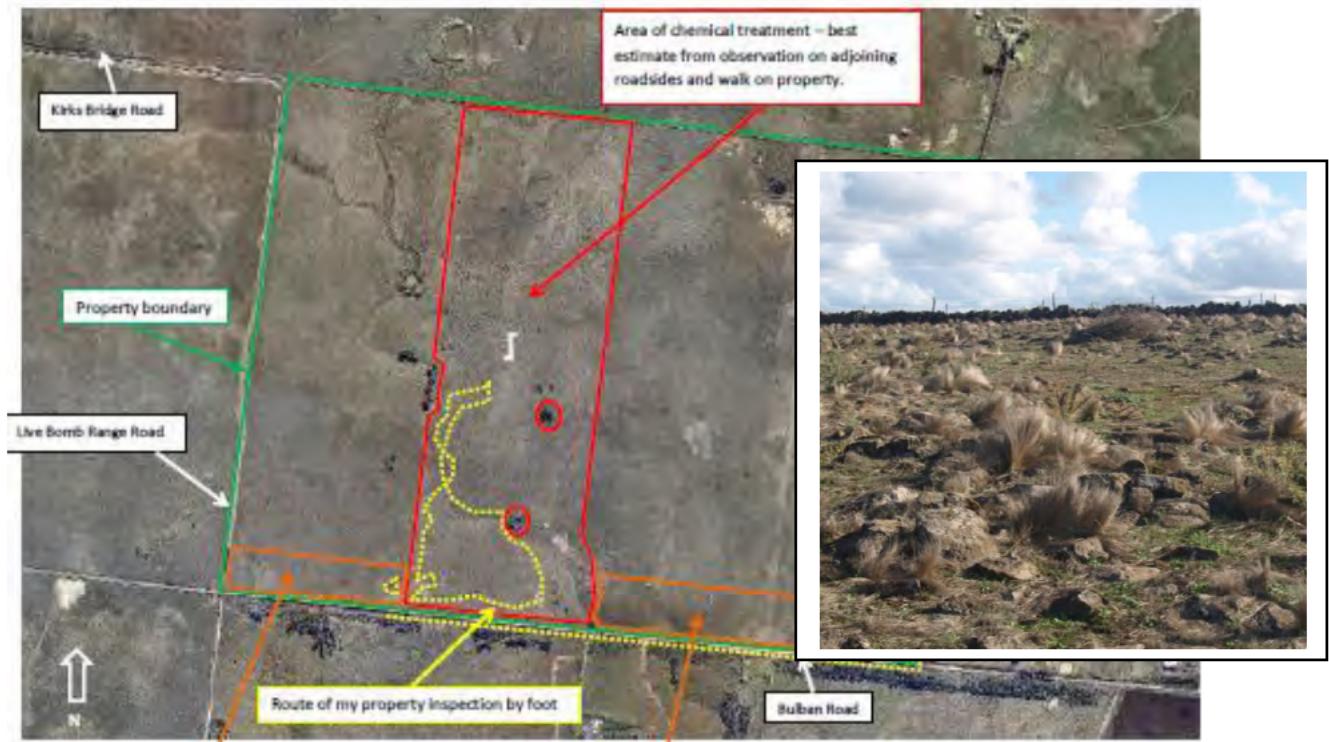
The officers gave three presentations to the community stakeholders on how the EPBC Act may apply to the management of rural landholdings and linear reserves (road, rail and power) within the NTGVVP Bioregion.



COMPLIANCE AND ENFORCEMENT

Site 1 – CAS1220 Wyndham Vic / Bulban Road boom spraying of native vegetation

Objectives: Make observation at a site on Bulban Road Mambourin inspect site to determine the effect of the application of herbicide across 80ha on native temperate grasslands that may be present on the site.



The site contains low quality NTGVVP dominated by weed species including Serrated Tussock

Inspection: Consent provided by the landholder to enter the property pursuant to s405 EPBC Act. The site is heavily impacted by the application of herbicides. The property contains remnant grasslands which are in very poor condition. The site was observed to be dominated by serrated tussock, artichoke and boxthorn. There were remnant patches of weed free NTGVVP scattered throughout the property. The land holder proposes to convert the property from grazing to cropping.

Action The property has significant weed infestation and is representative of other adjacent properties. Legal advice will be sought as to that potential conflict with the objects of the Melbourne Strategic Assessment should the landholder choose to refer the conversion the property to cropping. Schedule re-inspection of the property in Spring to better assess the quality of remnant vegetation across the site. Contact landholder to advise options that are available to assist land holders within the Western Grassland Reserves control weeds (DEPI to make contact).



COMPLIANCE AND ENFORCEMENT

**Site 2 – CAS1606 Werribee VIC / Melbourne Water / Western Treatment Plant / EPBC
2008-4221 s142 & CAS1659 Werribee VIC / Melbourne Water / WTP post effluent
Stage 2 / EPBC 2002-688 s142**

Objectives: Inspect site and meet with representatives to Melbourne Water to discuss allegations that conditions attached to approvals EPBC 2008/4221 and EPBC 2002/688 have been contravened

Inspection: Staff met with representatives of Melbourne Water. Several sites were inspected including wetlands that have been established as part of the project. The sites are well managed and have enriched biodiversity values in the area.



Action

- 1) Allegation that Melbourne Water failure to provide strategic plan as required by conditions attached to EPBC 2008/4221 are not substantiated. There is evidence of consultation between the proponent and the department surrounding the provision of the plan. The multiple contacts and contact persons that MW has dealt with is likely to be a contributing factor to contravention. MW continues to liaise with the Department to come into compliance. Recommend that the case be closed.
- 2) There is evidence to support that a contravention of conditions attached to EPBC 2002-688 has occurred (no radio tracking of GGF, no remote sensing of salt marsh on 5 yearly basis) . Recommend case officer seeks additional information from the proponent.



COMPLIANCE AND ENFORCEMENT

Site 3 Grassy Groundcover research Moorlap Point Henry

Objectives: Meeting with s47F Grassland Restoration Officer Greening Australia. The Grassy Groundcover research project undertaken with the University of Melbourne’s Burnley Campus, investigates methods of restoring natural temperate grasslands of the Victorian volcanic Plain in situ. The Moolapio project site at Point Henry is one of their main research plots. The Research project has received substantial funding as a part of endorsable undertakings or remediation determinations entered into by the Department.



Site 4 Community Engagement Bannockburn

Over 130 reserve managers attended a presentation held in conjunction with the Victorian Department of Environment and primary industries on how the EPBC Act protects matters on national environmental significance in linear reserves. The presentations focused on fire mitigation works within road and rail reserves. Attendees included representatives from several local councils, VicRoads, VLine, ARTC, Parks Victoria to name a few.



COMPLIANCE AND ENFORCEMENT

Site 5 - CAS1640: Junray Investments 146 Meredith-Shelford Rd, Shelford 3329

Objectives: Make observations into an allegation that NTGVVP may have been recently cleared on the property

Inspection: Consent provided by the landholder to enter the property pursuant to s405 EPBC Act. The property was inspected accompanied by the farm manager, Mr Gordon Brown. The site contains large areas of intact high quality NTGVVP. Native grasses adjacent to the alleged clearing lacked diversity and were unlikely to constitute the listed ecological community. The property is well managed and areas of native pasture (including areas containing NTGVVP) are protected and have received CMA funding to enhance those ecological attributes.

Action : No contravention identified. Cases recommended for closure. Provide farm manager information about Bush Broker and Trust for Nature managed offsets.





COMPLIANCE AND ENFORCEMENT

Site 6,7, 8 & 9 - CAS1648 Lethbridge VIC / 490 English Road / Clearing of NTGVVP

Objectives: Investigate allegation that clearing of NTGVVP has occurred across a number of properties in the Lethbridge area.

Inspection: Consent provided by the landholder to enter the property pursuant to s405 EPBC Act. Several properties were inspected accompanied by the owner and his ecological consultant. NTGVVP remnants were observed on some of the properties.



Action : Case officer to seek additional information about the nature and timing of the clearing across several properties.



COMPLIANCE AND ENFORCEMENT

Site 10 Community Engagement Lake Bolac

Over 40 reserve managers attended a presentation held in conjunction with the Victorian Department of Environment and primary industries on how the EPBC Act protects matters on national environmental significance in linear reserves. The presentations focused on fire mitigation works within road and rail reserves. Attendees included representatives from several local councils, VicRoads, VLine, ARTC, Parks Victoria to name a few.

A second presentation aimed at informing rural landholders about how the EPBC Act impacts on farming practices in the NTGVVP bioregion was attended by approximately 30 people.

Site 11 Woorndoo, clearing NTGVVP in powerlines easement

Objectives: Investigate allegation that clearing of NTGVVP has occurred along the road reserve on the Worondoo-Ararat road.



Inspection: The site is public land and consent was not required. Officers from the Department had two meetings on site. Firstly with representatives of land care organisations between 9:00 and 10:am followed by a meeting with Powercorp and Vemco.

The site contains high quality, herb rich NTGVVP which was observed to have been significantly impacted by recent 'clean-up' works undertaken by Powercorp's contractor Vemco.

Action: During the meeting Powercorp and Vemco agreed to provide an Enforceable Undertaking, in reparation for a contravention of the EPBC Act for the Ministers consideration by no later than September 2014.



COMPLIANCE AND ENFORCEMENT

Site 12 Inspection Cressy Shelford Road

Objectives: Inspect Cressy Shelford Road which is the subject of an enforceable undertaking between the Department and the Colac Otway shire Council.



Inspecting *Pimelea spinescens* subsp. *Spinescens*, a critically endangered plant, on the Cressy-Shelford Road

Inspection: The site was observed to be in good condition and relatively weed free. The sites impacted by previous stock piles associated with roadwork's are recovering. The site appears to be responding well to the management practices which the Council has in place.

Action: No follow-up required.



COMPLIANCE AND ENFORCEMENT

Site 13 **185 Mt Gow Road Shelford**

Objectives: Make observations relating to clearance of NTGVVP on property

Inspection: The site was observed to be cleared and prepared for pasture. Areas that may have contained NTGVVP had been cleared. The area cleared is small (approx 2ha).

Action: New case on CEMS seek information from local Council and land holder relating to alleged clearance (note same land holder as sites 6 -9)





COMPLIANCE AND ENFORCEMENT

Site 14 Boonderoo Nature Conservation Reserve Fire break construction

Objectives: Meet with Parks Victoria to discuss if referral is warranted or otherwise

Inspection: Officers met with s47F (Parks Victoria) to discuss issues surrounding the establishment of control lines within the Boonderoo Nature Conservation Reserve. The site is a recent acquisition of Parks Victoria. The site has been subject to grazing and lacks floral diversity, being dominated by grass species. The proposal is to put in place a series of fire breaks that will facilitate mosaic burning across the site to promote grassland recovery.



Compliance and Parks Victoria officers inspect the Boonderoo Nature Conservation Reserve

Action: Following consideration to the nature of the works and the quality of the grassland that will be impacted Compliance officers formed the opinion that the works will not result in a significant impact NTGVVP.

Parks Victoria were advised that no further approvals are required under national environmental law to undertake the works as described



COMPLIANCE AND ENFORCEMENT

Site 15 **CAS1268 Maldon Road, Maldon,**

Objectives: Determine if spot spraying within the road reserve has had a significant impact on the Greybox ecological community.

Inspection: Officers met with Vic Roads and DEPI on site and made observations across a number of sites that had been subject to spot spraying with a herbicide. The spraying was targeted at weed species, however the contactors mistakenly targeted “Chocolate Lily” a plant listed at the state level. The site contains the EPBC listed ecological community; Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia. Vic roads have done detailed surveys of the impacts and approximately 2ha of the listed EC has been impacted in some way by the spray event. Compliance officers consider that given nature of the works and the apparent recovery of the site and on-going management there is little prospect that the EC at the site has been significantly impacted.

Action: Close case, advise VicRoads that no contravention was identified and no further action will be taken.



Compliance and DEPI officers inspect the impact of herbicide spraying on the Maldon-Bendigo road



COMPLIANCE AND ENFORCEMENT

Site 16 **CAS1275 - Sunbury VIC / Hume CC and Australand Holdings / housing development_CAS1275_2013**

Objectives: Make observations at 275 Racecourse Road Atlas about the potential for the site to contain MNES.

Inspection: Hume City Council proposes to build a 390 lot housing development at the site. NES may include Grassy Eucalypt Woodland of the Victorian Volcanic Plain Growing Grass Frog and Striped Legless Lizard. The visit was made following the receipt of a ministerial raising concerns about the potential for the site to impact on MNES. The site was observed to contain significant serrated tussock and other weed species.

Action: Close case, the landholders are aware of requirements under national environmental law. There is no evidence to warrant progressing this matter further.



Significant weed species and introduced pasture species dominate the Racecourse Road site



COMPLIANCE AND ENFORCEMENT

Site 17 **CAS1661 Sunbury VIC / 100 Vineyard Road / EPBC 2008-4214 s74AA**

Objectives: Make observations into the nature and extent of construction works that are reported to have commenced on site.

Inspection: The project (EPBC 2008/4214) is a residential development which has records of high golden sun moth numbers in the northern half of the site. The works have begun in the southern half where GSM have not been recorded. The project has been determined a controlled action with no decision as yet.

The works included the placement of a single site shed and placement of pegs in the ground. The land upon which survey pegs and shed were placed in on a portion of the property that has been subject to cropping for over 80 years. The works on site were minor and have no prospect to have impacted on MNES. Areas of the property that contain MNES were not impacted.

Action: Close case, the works are minor and have not impacted on MNES. Advise landholder and assessment team that no further compliance action will be taken.



Compliance officers met with landholders and their representatives, no contravention was identified



Australian Government
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COMPLIANCE AND ENFORCEMENT

VICTORIA FIELD INSPECTIONS 10-14 November 2014

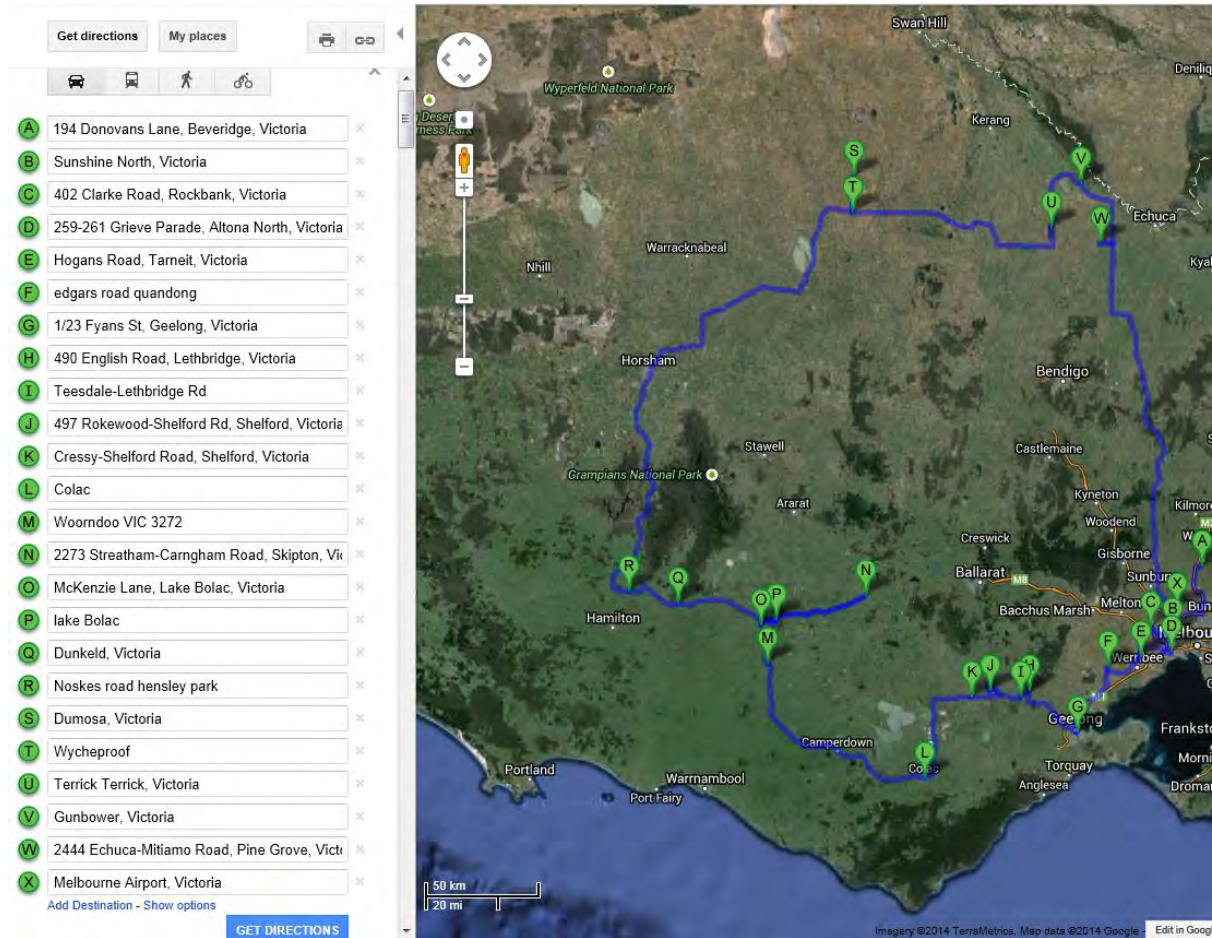
OFFICERS ATTENDING: s47F





COMPLIANCE AND ENFORCEMENT

TRIP LOCATION OVERVIEW



Overview

The field trip, conducted over five days included 24 site inspections to determine whether escalation in accordance with the EPBC Compliance and Enforcement policy was warranted.

The offices also had seven meetings/presentations with regional stakeholders and included gave three presentations on how the EPBC Act may apply to the management of rural landholdings and linear reserves (road, rail and power) within the NTGVVP Bioregion.



COMPLIANCE AND ENFORCEMENT

Community Engagement

In the course of the field trip seven meetings/presentations with a range of stakeholders.

Monday 10 November 5pm Geelong Victoria

Meeting with Corangamite Catchment Management Authority to discuss collaborative approach to grassland management within the CCMA bioregion.

Tuesday 11 November 3pm Colac Victoria

Meeting with Colac Otway Shire Council to discuss Enforceable Undertaking. The Council will write to the Department seeking to end the EU on the basis that the elements of the undertaking have been fully realised.

Tuesday 11 November 4:00 -5:30pm Colac Victoria

Presentation to 18 members of the Colac Otway Shire Council on the EPBC Act.

Wednesday 12 November 9:30am – 11am Woorndoo

Meeting with landcare groups to discuss protection of NTGVVP in their region .

Wednesday 12 November 5:00pm -6:30pm Lake Bolac Victoria

Presentation to rural landholders on managing protected ecological communities. (25 attendees)

Thursday 13 November 9:00am – 10:00 Hensley park

Meeting with Country Fire Authority native vegetation managers to discuss biomass reduction and planned burns on linear reserves in central Victoria.

Friday 14 November 11:30 am – 12:45pm Gunbower

Presentation to rural landholders on managing protected ecological communities (22 attendees)



COMPLIANCE AND ENFORCEMENT

Site 1 – CAS1742 Beveridge VIC / 194 Donovans Lane / proposed land clearing

Objectives: Meet with rural landholder to determine what works are able to be undertaken across the property.



The site contains good NTGVVP in the areas that contain rocky rises, other areas of the property show signs of previous cultivation and have introduced pasture species

Inspection: Entry on 10 November 2014 at 08:44am by consent provisions of s405 EPBC Act. Officers traversed the property and observed that the low-lying areas of the property showed signs of past cultivation. There was no evidence of cultivation along the rocky rises nor along the Merri Creek to the east of the property. The property is nominated as a “conservation reserve” under the Melbourne’s strategic assessment and is subject to certain conditions attached to the s142B instrument.

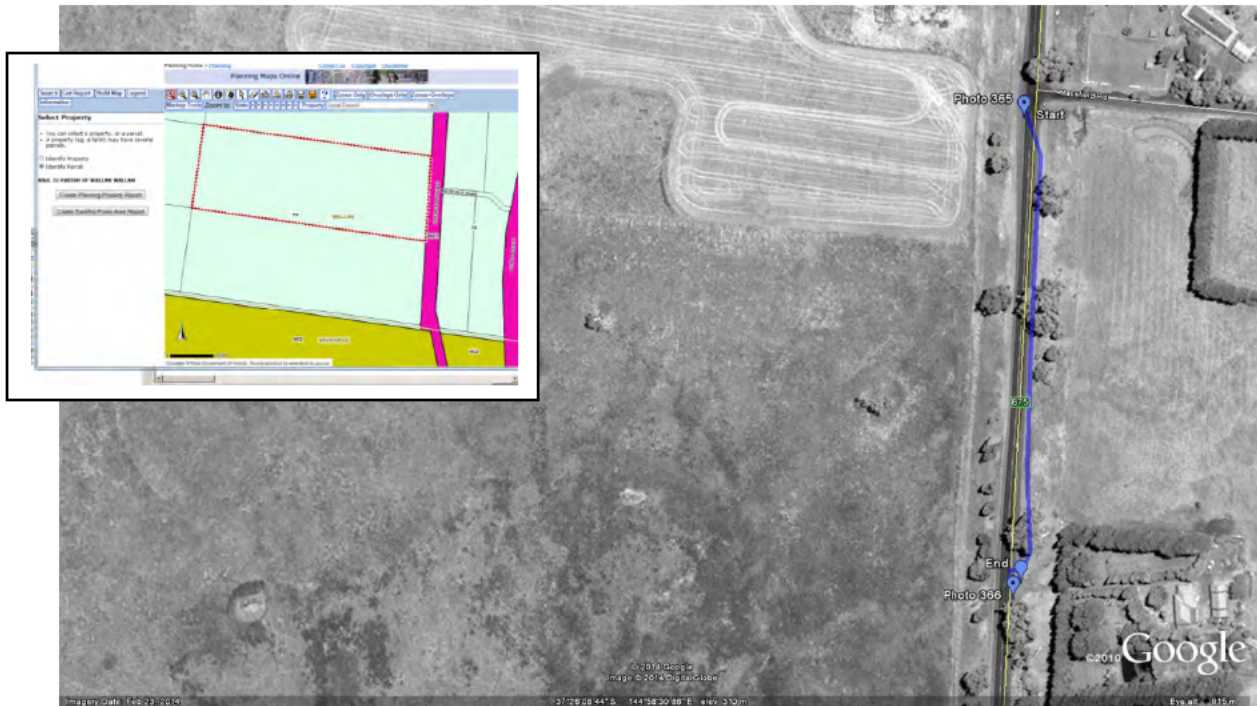
Action The site contains areas that are subject to “as of right” exemptions available under 43B EPBC Act. The land holder will be advised that certain areas of the property are able to have the pasture improved (but not converted to cropping) and will be provided advice that the rocky rises and the area along the Merri Creek must not be modified without approval of the Minister.



COMPLIANCE AND ENFORCEMENT

Site 2 –New Case Northern Highway (cnr Macsfield Road) Rock removal and clearing of native vegetation

Objectives: Make observations of alleged clearing of NTGVVP on the Northern Highway



Inspection: Officers attended on 10/11/14 at 10:06 am and made observations from outside the property. Observations made from outside the property showed that recent works are being undertaken on the property which include the removal of rocks. There were elements of the ecological community NTGVVP observed adjacent to and inside the fence line. The works are being undertaken on a property known as 175 Northern Highway Wallan 3756 and are occurring on the parcels 29 and 32 Parish of Wallan Wallan. The clearing is estimated to be between 50 and 70ha. The matter was referred to officers by the owner of Site 1.

Action Contact the landholder to determine the nature and extent of the works. Create new case.



COMPLIANCE AND ENFORCEMENT

Site 3 – CAS1874 Sunshine North VIC / s47F / 53-93 Munro Ave / clearing spiny rice flower

Objectives: Make observations from outside the property of the extent and nature of reported clearing



The site contains low quality NTGVVP dominated by weed species including Serrated Tussock

Inspection: Officers attended on 10/11/14 at 11:24am and made observations from outside the property. Inspection revealed that an area of approximately 3.00m² of medium-low quality NTGVVP has been impacted by the works. The proponent has applied to the Brimbank City Council for a retrospective clearing permit. The impacts are unlikely to have had a significant impact on NTGVVP and there is no information that *Pimelea* SS has been impacted.

Action Close case No further Action



COMPLIANCE AND ENFORCEMENT

Site 4 – CAS1921 VIC Sunshine North / ARTC / Burnett st and Munro Ave / clearing spiny rice flower

Objectives: Meeting with representative of Brimbank City Council to examine illegal road works in Solomon Heights.



(L) The road works have caused water to accumulate in the SW corner of the site. This has the potential to impact on the Ecological Community in the future if unattended. (R) A pair of shingleback lizards discovered by the local Fire Brigade

Inspection: Officers attended on 10/11/14 between 11:08am and 11:36am and made observations at the subject site. Inspection with consent of the managing authority (Brimbank City council) the works comprise the re-surfacing of a pre-existing access track. The works are approximately 0.7K in length. The works have not impacted on MNES however windrowing caused by the earthworks may have affected natural drainage of the adjacent grasslands. It was observed that the SW corner of the site was much wetter and contained prolific growth of introduced grass species. The works are unlikely to be significant

Action Liaise with Council and the operator to encourage works to be undertaken to restore natural water flows across the site.



COMPLIANCE AND ENFORCEMENT

Site 5 – CAS515 Rockbank VIC / 402 Clarkes Road / Clearing NTGVVP

Objectives: Make observations on how the site is recovering post a clearing event in 2012



The site shows the ecological community is slowly recovering on the property

Inspection: Officers attended on 10/11/14 at 11:59am and made observations from outside the property. The landholder refused consent to enter the property, observations were made from public land adjacent. The site appears to be heavily grazed and elements of the ecological community were observed to be recovering across the site. The land is subject to “time stamping” under the Victorian Planning Scheme. The landholder has been prosecuted under the Planning and Environment Act (Vic) and fined.

Action The progression of this case is not recommended on public interest grounds. This matter is recommended for closure and reasons for closure will be elaborated in the Case Decision Record.



COMPLIANCE AND ENFORCEMENT

Site 6 – CAS1883 VIC Altona North / Mojo Property / Grieve Pde / Natural Temperate Grassland clearing

Objectives: Determine if NTGVVP remains present on the property



All NTGVVP has been removed from the site. Construction of warehouses is underway

Inspection: Officers attended on 10/11/14 at 12:26am and made observations from outside the property. Allegation of clearing of critically endangered EC Natural Temperate Grassland of Victoria. Lot was purchased in early 2014 and appears to have been cleared to build 3 warehouses. Site known to contain EC, as well as likely habitat for Spiny Rice Flower (critically endangered) and Striped Legless Lizard. Officers observed the site contained no natural attributes.

Action Show cause has been issued but developer’s lawyers who will respond to allegations of a contravention of the EPBC Act by 28 Nov 2014.



COMPLIANCE AND ENFORCEMENT

Site 7 – CAS1781 Tarneit VIC / Newland Developers / Lot G Hogans Road / development near GGF habitat

Objectives: Determine location of development in relation to the Urban Growth Boundary



Davis Creek enhanced Grewia grass frog habitat, new development under construction.

Inspection: Officers attended on 10/11/14 at 12:54 am and made observations from outside the property. The site is under construction on the north of Hogans Road it is adjacent to, and east of, Davis creek.

Action The site was confirmed to lie within the Urban Growth Zone (11-555) associated with the Melbourne Strategic Assessment. The site is required to be undertaken in accordance with the approved Program (s146B EPBC Act). No offence is identified and the case is recommended for closure.



COMPLIANCE AND ENFORCEMENT

Site 8 – CAS1853 Quondong VIC / proposed residential developments within Western grassland Reserves

Objectives: Make observations of the nature of vegetation across a number of properties.



All sites inspected contained NTGVVP , quality of the ecological community varied from site to site.

Inspection: Officers attended on 10/11/14 between the hours of 13:51 and 14:50 and made observations from outside the property. Six (6) of eighteen (18) properties were able to be observed from public land. All those properties contained NTGVVP. There are currently 18 Development Applications under assessment by the local council to construct homes and associated infrastructure on the properties. It is unlikely that each individual action is significant, however the prospect that these development progress could seriously undermine the ecological character of the Western Grassland Reserves, a key offset associated with Melbourne’s Strategic Assessment.

Action Continue to monitor the status of the development applications currently before the local council.



COMPLIANCE AND ENFORCEMENT

Site 9 – CAS1220 Wyndham Vic / Bulban Road / boom spraying of native vegetation

Objectives: Make observations of the property



The site shows signs of further weed infestation with boxthorn, serrated tussock and artichokes dominating the landscape. (Inset site condition early in 2014)

Inspection: Officers attended on 10/11/14 at 15:07 and made observations from outside the property. The property lies within the Western Grassland Reserve. The land holder does not appear to be undertaking active weed control across the property and as a result introduces weed species which continue to dominate NTGVVP

Action No further action required, inaction is not an action for the purpose of the EPBC Act.



COMPLIANCE AND ENFORCEMENT

Site 10 – CAS1648 Lethbridge VIC / 490 English Road / Clearing of NTGVVP

Objectives: Determine if there any native regeneration on the site



The site is now under cultivation

Inspection: Entry on Tuesday 11 November 2014 at 08:15 am under consent provisions of s405 EPBC Act. The site was previously inspected early in 2014. The purpose of the inspection was to ascertain if there was any native vegetation on the margins of the paddock that would be able to identify the likely character of the site pre-clearing. Officers were unable to identify any native vegetation in the uncultivated portions of the property

Action Officers are unable to establish elements of the offence and the case is recommended for closure



COMPLIANCE AND ENFORCEMENT

Site 11 – CAS1655 Teesdale Vic / Bannockburn Shellford Road / clearing NTGVVP

Objectives: Make observations of remnant ecological community on the property



The site contains medium quality NTGVVP in the 10ha of un-disturbed NTGVVP

Inspection: Entry on Tuesday 11 November 2014 at 08:45 am under consent provisions of s405 EPBC Act. Due to a canola crop sown in the previously cleared (2012) areas of the property officers had to walk 1.5k to the subject site. It was observed that the remnant vegetation was likely to constitute the critically endangered ecological community NTGVVP. The landholder asserts that this area was not cleared because of its ecological attributes, which he purports were not present across the 100ha of the property cleared in 2012.

Action Given the period of time that has elapsed since the clearing it will not be possible to establish the quality of vegetation that was removed in 2012. Officers are unable to establish elements required to progress this matter Case recommended for closure following advice to the land holder of the ecological value of the remaining grassland.



COMPLIANCE AND ENFORCEMENT

Site 12 – 497 Rokewood – Shelford Road alleged clearing of NTGVVP

Objectives: Determine the veracity of an allegation that NTGVVP has been removed.



The site contains low quality NTGVVP dominated by weed species including Serrated Tussock

Inspection: Officers attended on Tuesday 11 November 2014 at 10:31 and made observations on public land. A bare earth firebreak was observed to run the length of the road in the vicinity of #497. The site did not contain significant grasslands and was dominated by Phalaris (a non-native grass species)

Action No further action. Record incident on CEMS



COMPLIANCE AND ENFORCEMENT

Site 13 – Cressy Shelford Road, Enforceable Undertaking

Objectives: Make observations into the effectiveness of restorative works on the site



The site has responded well to restorative works. Very high quality NTGVVP persist across the subject site Inset Spiny-rice flowers thrive across the site.

Inspection: Officers attended public land on Tuesday 11 November 2014 at 10:48 and made observations on public land. The remediation works undertaken by the Colac Otway Shire Council have been successful with healthy and diverse NTGVVP present across the site. Recent spraying of weed species was observed to have been undertaken

Action Recommend to withdraw from the Enforceable undertaking, following a formal request by the Colac Otway Shire Council, on the basis that the elements of the EU have been fully satisfied.



COMPLIANCE AND ENFORCEMENT

Site 14 – Meeting with Vic Roads Hamilton Highway Dunervy. Grassland restoration project

Objectives: Observe the progress of a grassland restoration project undertaken by Vic Roads



The site of the direct seeding shows a highly diverse restored NTGVVP

Inspection: Officers attended public land on Tuesday 11 November 2014 between 12:03 and 12:49 and made observations on public land. The site was subject to a previous compliance action. Following the last action by the Department, Vic Roads agreed to undertake restorative works across the site which contains one of Victoria's most important populations of *Leucochrysum albicans* var. *tricolor* — Hoary Sunray. As part of this project a portion of the site was directly seeded using a process developed by the Melbourne University and Greening Australia (and partially funded by Endorsable Undertakings entered into by the Department). Officers observed a very successfully implemented trial.

Action No further action required.



COMPLIANCE AND ENFORCEMENT

Site 15 – Landcare and Community Restoration Project Bolac Plains road

Objectives: Meet local landcare groups to examine recent grassland restoration projects



Local landcare group show off their restored grassland

Inspection: Officers attended public land on Wednesday 12 November 1014 between 09:39 and 11:00 and made observations on public land. The site had been previously cropped and in 2013 the local landcare group, local council and a range of community organisations collaborated to restore approximately 2ha of NTGVVP. The direct seeded grassland used local providence seed which was produced in a local native seed production nursery.

Action No further action required.



COMPLIANCE AND ENFORCEMENT

Site 16 – CAS1198 Woorndoo Vic / Mortlake Ararat road / Powercor clearing

Objectives: meeting with Powercor and Vemco to progress an Enforceable undertaking



Areas impacted by the previous clearing show variable recovery across the site

Inspection: Officers attended public land on Wednesday 12 November 2014 between 11:15 am and 12:20 pm and made observations on public land. Officers met with representatives of Powercor and Vemco to examine how the site has recovered from past clearing. Some areas show almost complete recovery with other sites showing little sign of recovery. The inspection was used to inform the areas that should be subject to an ongoing compliance action. The site did not appear to have had any substantive works undertaken since the last inspection early in 2014.

Action Continue to liaise with Powercor and Vemco for an administrative response to an identified contravention of national environmental law.



COMPLIANCE AND ENFORCEMENT

Site 17 – CAS1594 Streatham VIC / Streatham-Carngham Rd & Skipton Rd / Spray grassland

Objectives: Examine site recovery following an application of herbicide early in 2014.



Rocky rises across the property contain high quality NTGVVP

Inspection: Entry on Wednesday 12 November between 14:07 and 15:04 2014 under consent provisions of s405 EPBC Act. Observations were made across the property to examine the impacts of a previous application of a herbicide early in 2014. The site contains areas which did not contain high quality NTGVVP (approx 60Ha). These areas show signs of past pasture improvement and are dominated by weed and non native grasses and clover. Portions of the property that contain rocky rises contain high quality NTGVVP (approx 20ha). These areas show signs of recovery, but are likely to require management over a number of years to effect a full recovery.

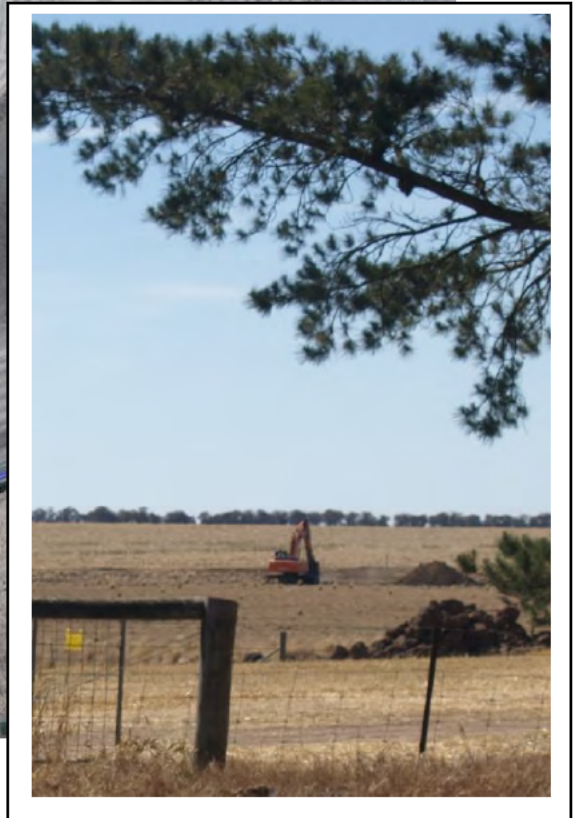
Action Continue to liaise with the landholder to enter into an administrative response to a likely contravention of national environmental law (subject to CMP direction)



COMPLIANCE AND ENFORCEMENT

Site 18 – NEW CASE Rock removal Carngham-Streatham Road

Objectives: Observed new activities at location



Rock removal observed between site inspections

Inspection: Officers observed, from public land on Wednesday 12 November at 15:51 machinery removing rock from what appeared to be NTGVVP. The site was cleared of vegetation and a tracked excavator and tip truck were on site. The excavator appeared to be removing rock and piling it near where it was in operation. The property is believed to be Lot 2 LP139112, Carngham-Streatham Road Streatham Vic 3315,

Action Assign new case



COMPLIANCE AND ENFORCEMENT

Site 19 – CAS1650 Lake Bolac VIC / McKenzie Road / Hoary Sunray

Objectives: Make observations of the site



The site appeared to have been recently subject to spraying of herbicide.

Inspection: Officers observed, from public land on Wednesday 12 November at 16:22 areas adjacent to Mackenzies Road that appeared to have had herbicide applied. The area subject to the spraying did not contain native vegetation and was dominated by Phalaris.

Action Advise case officer of recent spraying incident



COMPLIANCE AND ENFORCEMENT

Site 20 – New Case Penshursts-Dunkeld road Spraying native pasture

Objectives: Determine veracity of allegation that native vegetation has been sprayed with herbicide.



The site shows signs of recent application of herbicide

Inspection: Officers observed, from public land on Thursday 13 November at 08:48 areas adjacent to the Dunkeld Penshurst Road which appeared to contain NTGVVP and also appeared to have been recently poisoned. The property is believed to be Lot 1 LP16008, Penshurst-Dunkeld road council property #4040300.002700

Action Assign new case for follow-up



COMPLIANCE AND ENFORCEMENT

Site 21 – CAS1538 Hensley Park VIC / Noskes Subdivision Road / spraying NTGVVP

Objectives: Record the recovery of the site to determine if further action required



Discussing future biomass strategies for the Noskes Road Subdivision with the Country Fire Authority

Inspection: Officers made observations on public land on Thursday 13 November between the hours 09:16 and 10:18 the road reserve adjacent the Noskes Subdivision Road. The site had been previously subjected to herbicide application at a rate of 1lt per Ha. The site appears to have fully recovered and no adverse impacts were observed on the grassland. The grassland is dominated with kangaroo grass with a high level of flowering native species present

Action Advice case officer no further action, close case.



COMPLIANCE AND ENFORCEMENT

Site 22 – CAS868 Dumosa nr Whycheproof VIC / Trevor Trewin/roadside clearing

Objectives: Observe the state of recovery across the site



The site shows limited recovery, however that may be the result of an abnormally dry spring

Inspection: Officers made observations on public land on Thursday 13 November between the hours 13:40 and 15:12 in the road reserve adjacent in Dumosa which is subject to a current compliance investigation. The site covers a linear reserve of over 33 kilometres. Recovery of the Murray plains Grassland across the site was highly variable. The was 100% cured and as such it was not possible to make a complete assessment of the ecological character of the site. It was apparent that recovery across the site was minimal compare to the extant grassland, however the extreme dry season may have played a role in restraining recovery.

Action Advise case officer of observations made. Recommend another trip in winter.



COMPLIANCE AND ENFORCEMENT

Site 23 – CAS1910 Echuca VIC / Patho Plains / roadside spraying and native grassland burning

Objectives: Observe impacts of herbicide application on several roadsides



The dry spring has resulted in early curing of native vegetation along local road reserves

Inspection: Officers made observations on public land on Friday 14 November 2014 at 09:43am of several roadsides which are alleged to have had herbicide applied to them. The extreme dry conditions were not conducive to determining the nature and extent that the spraying may have had on native grasslands.

Action Unable to gather evidence to support a contravention, recommend case be closed.



COMPLIANCE AND ENFORCEMENT

Site 24 – CAS1894 Pine Grove VIC / s47F / 2444 Echuca Mitiamo Rd - Grassland
Clearing

Objectives: Meet landholder to determine what actions can be undertaken across the property



Areas recently burnt in the north east show a divers grassland

Inspection: Entry on Friday 13 November 2014 between 13:05 and 13:46 under consent provisions of s405 EPBC Act. Officers traversed the property and discussed past uses of the property. The officers were satisfied that the portion of the property to the south were subject to an as-of-right exemption under s43A and farming practices, including cropping, could continue in that portion of the property. The North eastern corner had attributes that indicate that no cultivation had occurred in the past.

Action Write to owner describing portions of the property subject to exemption



Site Inspection Report – SA03 – Melbourne’s Urban Growth Boundary VIC

Prepared by s47F

Departmental Officers Attending: s47F and s47F

Approval Holder Representatives Attending: N/A

Date time: 5 December 2016 14:00-16:30 and 6 December 2016 14:30-16:30

Key Findings

An opportunistic site inspection was conducted by Departmental Officers whilst in Melbourne to attend DELWP's Melbourne Strategic Assessment (MSA) Ecological Forum 2016 (6 Dec 2016, 10:00-14:00).

Officers inspected the following:

- Kororoit Creek conservation area (photo 1)
- Western Grassland reserve (photo 2-11)
- Cobbledicks Reserve (photo 12-13)
- Conservation Area 24, Kalkallo Common Grassland (photo 14-17)
- Investigation area for proposed Grassy Eucalypt Woodland Reserve (photos 18-20)
- Conservation Area 28 (photo 21)

No outstanding issues were identified at the inspection.

TRIP LOCATION OVERVIEW

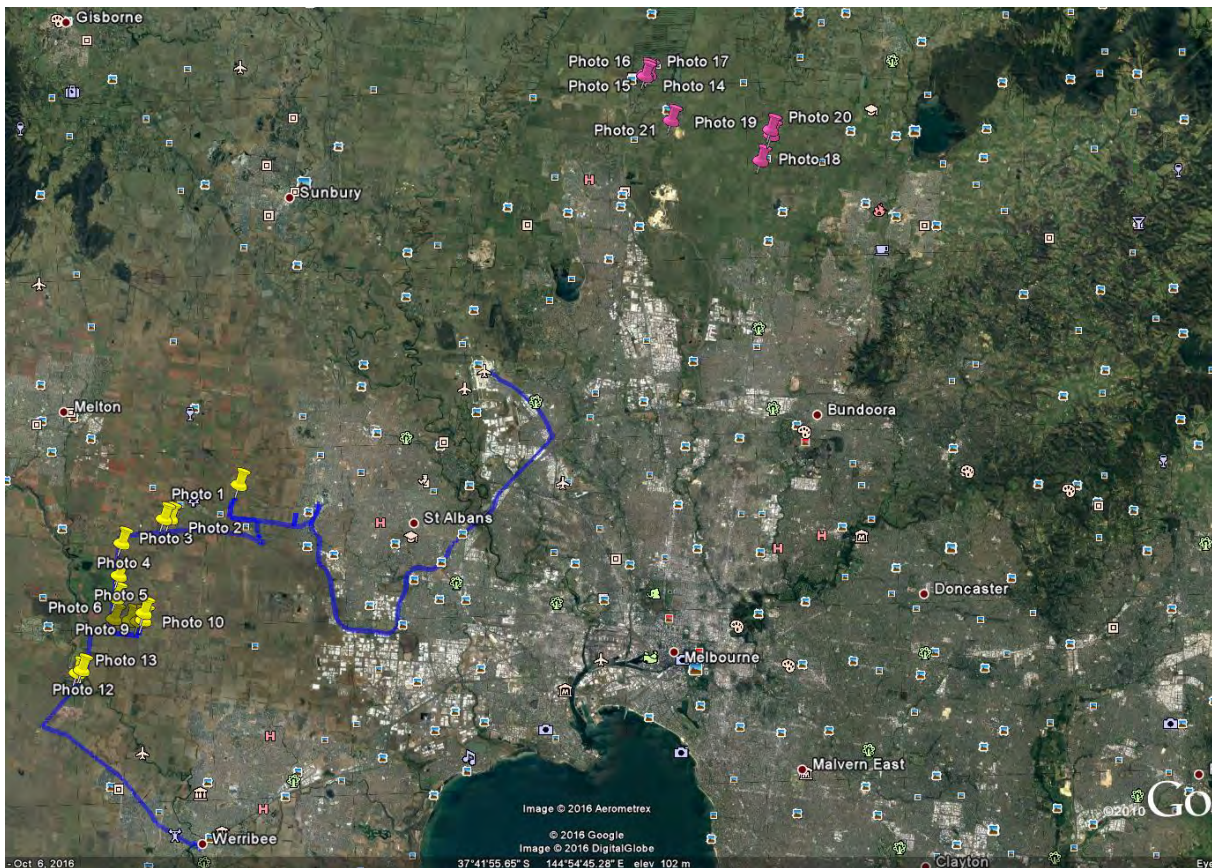


Figure 1: Route over the two days, yellow markers day 1 (5/12/16) and pink markers day 2 (6/12/16)

Inspection Objectives

An opportunistic site inspection was conducted by Departmental Officers whilst in Melbourne.

Reference Documentation

Strategic Assessment approval notices, maps and management plans.

Actions Taken

On arrival in Melbourne on the 5 December 2016 officers drove to sites to the west of Melbourne and undertook opportunistic monitoring including taking photos.

On the 6 December 2016 after the ecological forum officers drove to sites north of Melbourne and undertook opportunistic monitoring including taking photos.

Officers did not contact Victorian officers or stakeholders prior to arrival so took photos from roadsides, being aware of stakeholder privacy.

Observations

No outstanding issues were identified at the inspection. Some illegal dumping and weed infestation was identified in and adjacent to the Western Grassland reserve, and some conservation work had commenced by contractor Greening Australia.

No issues were identified in the proposed Grassy Eucalypt Woodland Reserve though some grazing had occurred. Conservation Area 24 contains an active cemetery and some signage identifying the protected grassland had been erected.

Photo reference points for day 1 are shown in Figure 2, and photo reference point for day 2 are shown in Figure 16.

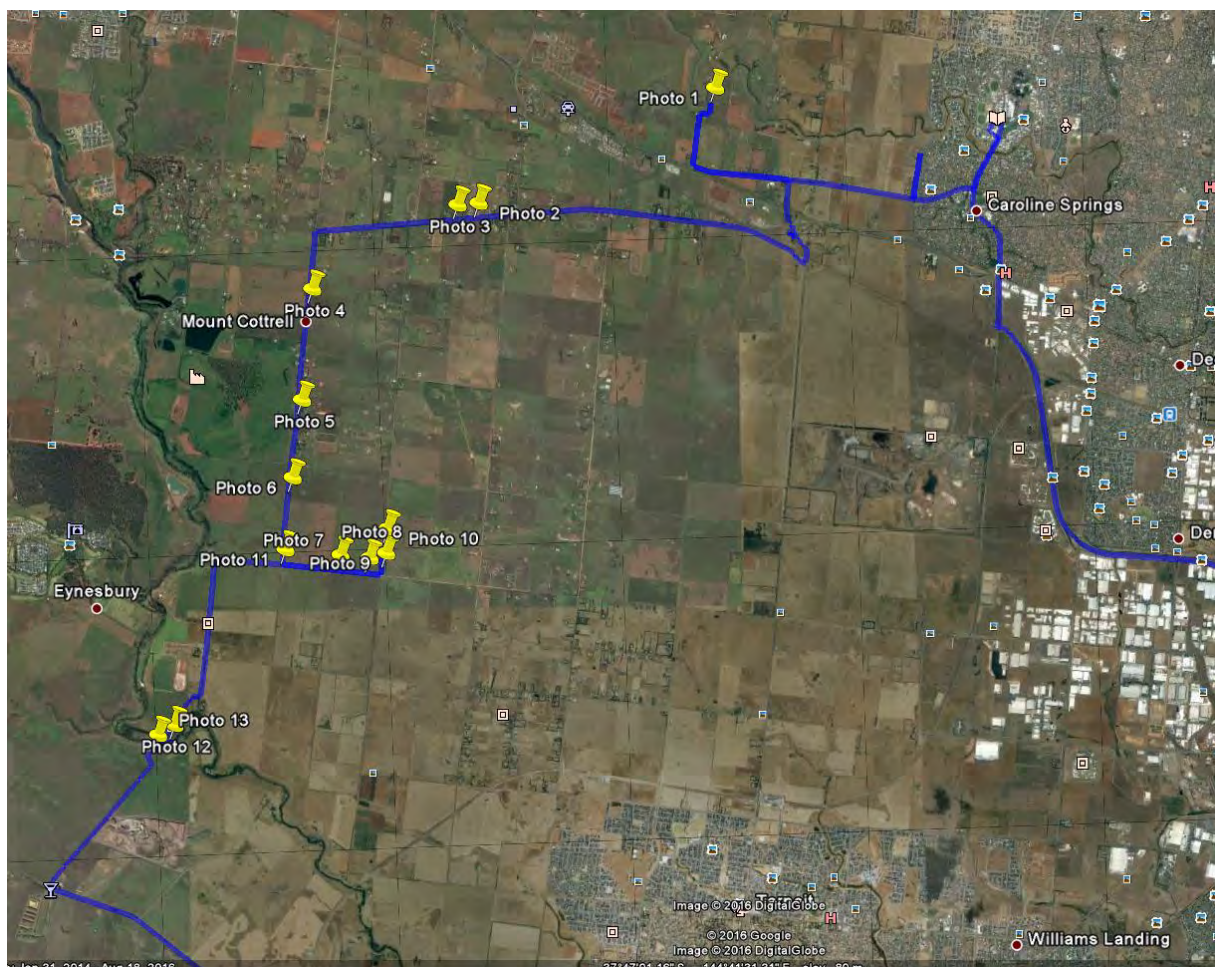


Figure 2: Photo Reference Points Monday 5 December 2016

Figures 3-15 and 17- 21 show the protected areas of the Strategic Assessment



Figure 3: Photo 1 Kororoit Creek conservation area



Figure 4: Photo 2 Western Grassland Reserve

Date & Time: Mon Dec 5 14:47:41 AEDT 2016
Position: -037.74523° / +144.63882°
Altitude: 130m
Datum: WGS-84
Azimuth/Bearing: 311° N49W 5529mils (True)
Elevation Angle: -11.3°
Horizon Angle: -16.7°
Zoom: 1X



Figure 5: Photo 3 Western Grassland Reserve

Date & Time: Mon Dec 5 14:50:32 AEDT 2016
Position: -037.75676° / +144.61135°
Altitude: 138m
Datum: WGS-84
Azimuth/Bearing: 357° N03W 6347mils (True)
Elevation Angle: -09.0°
Horizon Angle: -05.9°
Zoom: 1X



Figure 6: Photo 4 Western Grassland Reserve



Figure 7: Photo 5 Western Grassland Reserve



Figure 8: Photo 6 Western Grassland Reserve

Date & Time: Mon Dec 5 14:56:39 AEDT 2016
Position: -037.79583° / +144.61473°
Altitude: 95m
Datum: WGS-84
Azimuth/Bearing: 336° N24W 5973mils (True)
Elevation Angle: +00.1°
Horizon Angle: +03.6°
Zoom: 1X



Figure 9: Photo 7 Western Grassland Reserve

Date & Time: Mon Dec 5 14:57:06 AEDT 2016
Position: -037.79641° / +144.62009°
Altitude: 95m
Datum: WGS-84
Azimuth/Bearing: 010° N10E 0178mils (True)
Elevation Angle: -07.9°
Horizon Angle: +04.7°
Zoom: 1X



Figure 10: Photo 8 Western Grassland Reserve, illegal dumping

Date & Time: Mon Dec 5 14:57:40 AEDT 2016
Position: -037.79577° / +144.62321°
Altitude: 94m
Datum: WGS-84
Azimuth/Bearing: 285° N75W 5067mils (True)
Elevation Angle: -02.1°
Horizon Angle: +04.6°
Zoom: 1X



Figure 11: Photo 9 Western Grassland Reserve

Date & Time: Mon Dec 5 14:58:47 AEDT 2016
Position: -037.79218° / +144.62369°
Altitude: 96m
Datum: WGS-84
Azimuth/Bearing: 220° S40W 3911mils (True)
Elevation Angle: -07.3°
Horizon Angle: +02.4°
Zoom: 1X



Figure 12: Photo 10 Western Grassland Reserve

Date & Time: Mon Dec 5 15:03:09 AEDT 2016
Position: -037.79472° / +144.60456°
Altitude: 91m
Datum: WGS-84
Azimuth/Bearing: 247° S67W 4391mils (True)
Elevation Angle: -01.5°
Horizon Angle: +03.6°
Zoom: 1X



Figure 13: Photo 11 Western Grassland Reserve

Date & Time: Mon Dec 5 15:07:46 AEDT 2016
Position: -037.81991° / +144.58259°
Altitude: 47m
Datum: WGS-84
Azimuth/Bearing: 347° N13W 6169mils (True)
Elevation Angle: +00.9°
Horizon Angle: -02.2°
Zoom: 1X



Figure 14: Photo 12 Cobbleicks Reserve not a part of strategic assessment but adjacent

Date & Time: Mon Dec 5 15:09:17 AEDT 2016
Position: -037.82127° / +144.57954°
Altitude: 54m
Datum: WGS-84
Azimuth/Bearing: 239° S59W 4249mils (True)
Elevation Angle: +02.0°
Horizon Angle: +07.9°
Zoom: 1X



Figure 15: Photo 13 Cobblesticks Reserve, not a part of strategic assessment but adjacent. Shows prickly pear weed infestation adjacent the Western Grassland Reserve.

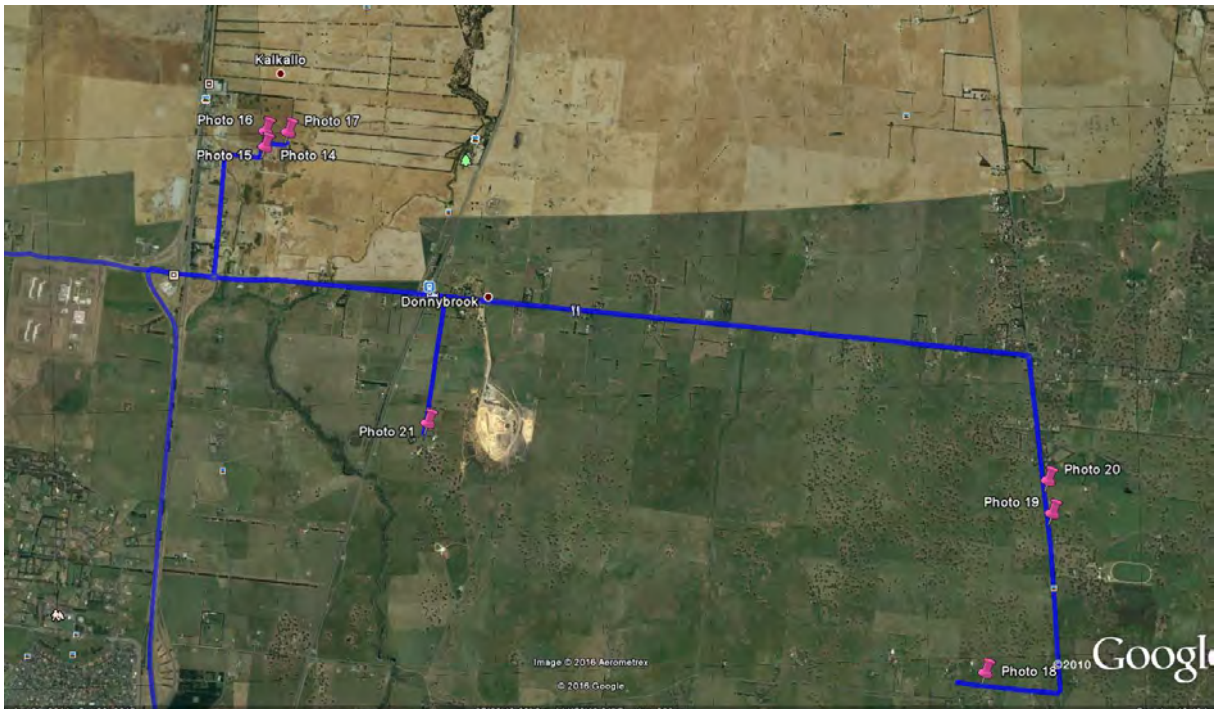


Figure 16: Photo Reference Points Tuesday 6 December 2016

Date & Time: Tue Dec 6 15:20:34 AEDT 2016
Position: -037.53135° / +144.95336°
Altitude: 237m
Datum: WGS-84
Azimuth/Bearing: 013° N13E 0231mils (True)
Elevation Angle: +03.8°
Horizon Angle: +02.3°
Zoom: 1X



Figure 17: photo 14, Conservation Area 24, Kalkallo Common Grassland. Contains an active cemetery.

Date & Time: Tue Dec 6 15:20:53 AEDT 2016
Position: -037.53136° / +144.95347°
Altitude: 232m
Datum: WGS-84
Azimuth/Bearing: 124° S56E 2204mils (True)
Elevation Angle: +01.2°
Horizon Angle: +00.8°
Zoom: 1X



Figure 18: photo 15, Conservation Area 24, Kalkallo Common Grassland

Date & Time: Tue Dec 6 15:23:14 AEDT 2016
Position: -037.53011° / +144.95354°
Altitude: 231m
Datum: WGS-84
Azimuth/Bearing: 004° N04E 0071mils (True)
Elevation Angle: +05.2°
Horizon Angle: +01.2°
Zoom: 1X



Figure 19: photo 16, Conservation Area 24, Kalkallo Common Grassland with Native Grassland signage

Date & Time: Tue Dec 6 15:27:08 AEDT 2016
Position: -037.53025° / +144.95582°
Altitude: 236m
Datum: WGS-84
Azimuth/Bearing: 199° S19W 3538mils (True)
Elevation Angle: -02.4°
Horizon Angle: +00.1°
Zoom: 1X



Figure 20: photo 17, Conservation Area 24, Kalkallo Common Grassland

Date & Time: Tue Dec 6 15:42:48 AEDT 2016
Position: -037.57543° / +145.02484°
Altitude: 206m
Datum: WGS-84
Azimuth/Bearing: 001° N01E 0018mils (True)
Elevation Angle: -05.6°
Horizon Angle: +00.2°
Zoom: 1X



Figure 21: photo 18, Investigation area for proposed Grassy Eucalypt Woodland Reserve

Date & Time: Tue Dec 6 15:45:25 AEDT 2016
Position: -037.56279° / +145.03211°
Altitude: 214m
Datum: WGS-84
Azimuth/Bearing: 307° N53W 5458mils (True)
Elevation Angle: -00.0°
Horizon Angle: +03.2°
Zoom: 1X



Figure 22: photo 19, Investigation area for proposed Grassy Eucalypt Woodland Reserve

Date & Time: Tue Dec 6 15:45:35 AEDT 2016
Position: -037.56014° / +145.03180°
Altitude: 215m
Datum: WGS-84
Azimuth/Bearing: 311° N49W 5529mils (True)
Elevation Angle: -05.3°
Horizon Angle: +04.9°
Zoom: 1X



Figure 23: photo 20, Investigation area for proposed Grassy Eucalypt Woodland Reserve



Figure 24: photo 21, land adjacent Conservation Area 28

Issues/Follow up actions

N/A

Prepared by:

s47F

Compliance Auditor
Monitoring and Assurance Section
12 December 2016

Reviewed by:

s47F

Assistant Director
Monitoring and Assurance Section
13 December 2016

Approved by:

s47F

Acting Director
Monitoring and Assurance Section
13 December 2016

DELIVERING MELBOURNE'S NEWEST SUSTAINABLE COMMUNITIES



STRATEGIC IMPACT ASSESSMENT REPORT

FOR THE ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION ACT 1999

OCTOBER 2009

