

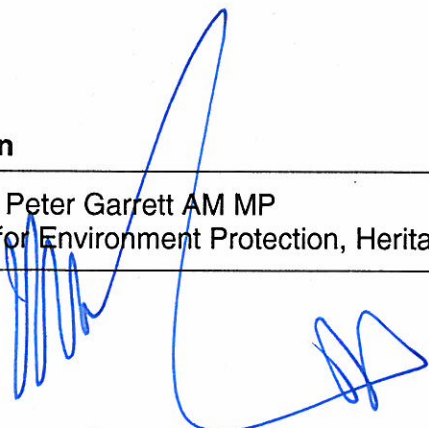


## Australian Government

### Department of the Environment, Water, Heritage and the Arts

#### APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PROGRAM UNDER THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

This decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999*.

<b>General</b>	Further explanatory information related to this approval decision is at Annexure 1.
<b>Approved action/class of actions</b>	All actions associated with urban development, undertaken in accordance with the endorsed program report <i>Delivering Melbourne's Newest Sustainable Communities</i> , Victorian Government, December 2009 (the Program), within the 28 precincts identified on page 17 (Map 7).
<b>Relevant controlling provisions</b>	The approval has effect for: <ul style="list-style-type: none"><li>• Wetlands of international importance (sections 16 &amp; 17B)</li><li>• Listed threatened species and communities (sections 18 &amp; 18A)</li><li>• Listed migratory species (sections 20 &amp; 20A)</li></ul>
<b>Conditions of approval</b>	This approval is subject to the conditions specified at Annexure 2.
<b>Period for which approval has effect</b>	The approval has effect until 31 December 2060.
<b>Person authorised to make decision</b>	
<b>Name and Position</b>	The Hon Peter Garrett AM MP Minister for Environment Protection, Heritage and the Arts
<b>Signature</b>	
<b>Date of decision</b>	5th July 2010

### Explanatory information

This approval decision is made under section 146B of the EPBC Act which provides for the Minister for the Environment (the Minister) to approve actions, or classes of actions, undertaken in accordance with an endorsed policy, plan or program. An approval under section 146B of the EPBC Act has the same effect as an approval given under Part 9 of the Act, therefore actions approved under this decision will not require separate referral, assessment or approval under the EPBC Act in order to be taken.

On 2 February 2010, the Minister endorsed the Program of the Victorian Government for Melbourne's urban growth as described in *Delivering Melbourne's Newest Sustainable Communities* (Victorian Government, December 2009). Among other things, the endorsed program includes actions associated with urban development proposed to occur in 28 precincts located within Melbourne's urban growth boundary as identified on page 17 of this document.

This approval only applies to the specified class of actions that are undertaken in accordance with the requirements of the Program and the conditions at Annexure 2 of this approval decision.

Program evaluation, monitoring and reporting requirements for approved classes of actions under the Program are described at Section 11 of the Program report. These requirements are the responsibility of the Victorian Government. In particular, the Victorian Government must submit a Reporting and Monitoring Framework to the Minister for approval within 12 months of the date of this approval.

As an interim measure, the Victorian Government Department of Sustainability and Environment has agreed, consistent with the requirements of the Program, to provide reports to the Department of the Environment, Water, Heritage and the Arts (the department) on implementation of the prescriptions for protection of matters of national environmental significance (MNES) for each of the 28 precincts covered by this approval. The reports will be provided within 28 calendar days following adoption of each Precinct Structure Plan. The reports will demonstrate how the relevant prescriptions have been applied and the measurable outcomes achieved for protection of MNES. Each report will include the following minimum information:

- a) applicable prescriptions for the precinct
- b) outcomes of flora and fauna surveys (if required)
- c) outcomes required for each applicable prescription
- d) *In situ* reserve requirements (if needed) and adopted measures for *in situ* protection of each MNES (if needed)
- e) offset requirements and how these will be attained, including calculation of any habitat hectare requirements under the Victorian *Native Vegetation Management Framework*, and
- f) a figure or map showing *in situ* offsets (if needed) and other protection areas.

## Conditions

Actions must be undertaken in accordance with the following conditions to ensure protection of listed threatened species and ecological communities, listed migratory species and the ecological character of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula, the Edithvale Seaford and Western Port Ramsar sites.

1. Persons taking actions must undertake the actions in accordance with the following prescriptions approved by the Minister for protection of matters of national environmental significance (MNES):
  - *Final Prescription for Natural Temperate Grassland of the Victorian Volcanic Plain* (approved 16 April 2010)
  - *Final Prescription for Spiny Rice-flower* (approved 16 April 2010)
  - *Final Prescription for Golden Sun Moth* (approved 16 April 2010)
  - *Final Prescription for Matted Flax-lily* (approved 16 April 2010)
  - *Final Prescription for Striped Legless Lizard* (approved 16 April 2010)
  - *Final Prescription for Grassy Eucalypt Woodland of the Victorian Volcanic Plain* (approved 27 May 2010)
  - *Final Prescription for Growling Grass Frog* (approved 27 May 2010)
  - *Final Prescription for Southern Brown Bandicoot* (approved 27 May 2010)
  - *Final Prescription for Migratory Species* (approved 27 May 2010).
2. Persons taking actions must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including application of the MNES prescriptions to developments within the 28 precincts covered by this approval, and make them available upon request to the Minister within 28 days from the date of a request.