

Land protection under the Biodiversity Conservation Strategy

Melbourne Strategic Assessment



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Introduction

Land Protection under the Biodiversity Conservation Strategy for the Melbourne Strategic Assessment has been prepared in response to obligations arising from the assessment conducted under Part 10 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Melbourne Strategic Assessment (MSA) evaluated the impacts of the Victorian Government's Program 'Delivering Melbourne's newest sustainable communities' on matters of national environmental significance listed under the EPBC Act.

The Program provides for urban development in four growth corridors within Melbourne's expanded 2011 Urban Growth Boundary and in 28 existing precincts within the 2005 Urban Growth Boundary. It also provides for the development of the Regional Rail Link between the west of Werribee and Deer Park, and the Outer Metropolitan Transport Corridor.

The MSA includes commitments from the Victorian Government to the Commonwealth Government in relation to conservation outcomes and measures to protect matters of national environmental significance outlined in the Program Report. The commitments include the preparation of the Biodiversity Conservation Strategy (BCS) and sub-regional species strategies for three matters of national environmental significance: the Golden Sun Moth, Growling Grass Frog and Southern Brown Bandicoot. The conservation outcomes include the establishment of:

- A 15,000 hectare grassland reserve outside the Urban Growth Boundary (UGB), west of Werribee and south of Melton, to offset the impact of development occurring within the growth corridors on Natural Temperate Grasslands.
- A woodland reserve of at least 1,200 hectares outside the UGB, south-west of Whittlesea to offset the impact of development occurring within the growth corridors on Grassy Eucalypt Woodlands.
- A network of small and medium sized Conservation Areas within the UGB to protect key sites and maintain connectivity between related habitat types, particularly grassy woodlands, grasslands and threatened species habitat.
- A network of Conservation Areas on the Victorian Volcanic Plain outside the UGB which, together with existing reserves and areas protected under the Program, will protect 80 per cent of the highest priority habitats for the Golden Sun Moth, Spiny Rice-flower and Matted Flax-lily within the bioregion.

Land not in a Conservation Area and suitable for urban development may be cleared of native vegetation in accordance with the approval by the Commonwealth Environment Minister under the Program and subject to Victorian legal and planning processes such as the *Flora and Fauna Guarantee Act 1988* and the *Planning and Environment Act 1987*.

The purpose of this working draft document is to:

- Outline the mechanisms for the protection of land in Conservation Areas identified as part of the MSA.
- Describe the process of land acquisition and the rights of landowners.
- Outline the governance associated with land acquisition.
- Identify criteria which will provide the basis for prioritisation of land acquisition for each conservation outcome.

This document should be read in conjunction with the BCS and the 'Habitat Compensation under the BCS' (DEPI 2013) document.

Land protection mechanisms

The Conservation Areas that the Victorian Government committed to establishing in the Program Report and BCS will be protected and managed for conservation in perpetuity. This will be achieved through the following mechanisms described below:

- Statutory planning provisions (such as appropriate zones and overlays).
- On-title management agreements under the *Conservation Forest and Lands Act 1987 (CF&L Act)*.
- Acquisition of land by the Crown (including both acquisition under a Public Acquisition Overlay and voluntary negotiated sales).
- Vesting of land in a public authority.

The application of these mechanisms to a particular Conservation Area is described under the sections for each Conservation Area.

DEPI has considered where each mechanism may be appropriate to ensure that public land values are protected and where the values warrant protection within the Crown estate. The process considered public land values, management and access requirements. Key criteria included:

- Assessment of the ecological significance and values:
 - Is the vegetation of a high National Reserve System priority (a high-priority Ecological Vegetation Class within a high-priority bioregion) according to *Australia's National Reserve System Strategy 2009-2030*?
 - Is the vegetation listed as Endangered in Victoria and a vegetation community listed under the EPBC Act?
 - Are significant populations of flora species listed under the EPBC Act present?
 - Could the values be adequately protected by an agreement on private land?
- Location, management and access:
 - Is the area of a size that makes management by the Crown efficient?
 - Is the area adjacent to or nearby existing crown land, in particular any Nature Conservation Reserves?
 - Does the sensitivity of the vegetation and species on site and the nature of the habitat mean that public access is limited and the site and its management cannot be integrated with other uses?
 - Are there other encumbrances on the land which may already restrict the use of the land?

Statutory Planning Provisions

The State Minister for Planning will determine the most appropriate statutory planning provisions that will be applied to Conservation Areas. This may include state and local policies, appropriate planning zones, overlays and/or other provisions.

On-title management agreements

One way to permanently protect the values present on land, while retaining private ownership, is through the use of an agreement registered on the title of the land. This agreement imposes restrictions on the use and development of the Conservation Areas and require the landowner and any future landowners to maintain the habitat and prevent it from degrading. This is to ensure the ongoing protection of the species and associated habitat that is present on the land. Land in some Conservation Areas may be secured through this means. These agreements will be made under section 69 of the CF&L Act and signed between the landowner/s and the Secretary to the Department of Environment and

Primary Industries (DEPI). If the land is encumbered by a mortgage, the Mortgagee must consent to the landowner entering into the agreement and agree to be bound by the terms and conditions of the agreement .

Agreements will utilise a set of standard conditions, with some variation depending on the matter of environmental significance that is being protected, such as grassland, or habitat for a particular species. While all agreements will restrict the use of the land, as described under the sections for each Conservation Area, some agreements will also require more active management of the native vegetation and habitat. In some cases funding will be provided to the landowner to undertake specific actions to manage the vegetation or species habitat.

DEPI will prepare template agreements that will be used to streamline this process. DEPI will be responsible for preparing the on-title agreements in consultation with the landowner and for monitoring and enforcing compliance with the agreement. Landowners will be required to undertake any actions in the agreements, maintain the specified commitments, monitor and regularly report to DEPI on their implementation.

Land acquisition by the Crown

There are three possible means by which the Crown can acquire land under this program:

- Under a Public Acquisition Overlay (PAO) (either negotiated sale or compulsory acquisition).
- Voluntary negotiated sale.
- Voluntary land transfer for a habitat compensation obligation reduction.

Land acquired by the Crown will typically be reserved under the *Crown Land (Reserves) Act 1978* (CLR Act) and will be managed by an appropriate public land manager in accordance with a management plan that applies to the area.

Where land is acquired or purchased by the Crown, including through negotiated sale, compulsory acquisition and transfer for an obligation reduction, the price is based on the Valuer-General's official valuation. The Valuer-General conducts a detailed property valuation when a property is set to be acquired by the Crown. This valuation is valid for three months and sets the maximum price that can be paid for the property. All transactions over \$750,000 must be approved by the Victorian Government Land Monitor and require two separate valuations.

When DEPI intends to purchase the land a process begins that includes valuation, survey and subdivision if required, as well as investigation of any issues on the property that may need to be resolved by the landowner prior to settlement or be accounted for in the valuation, e.g. contaminated soil, rubbish, land notices, etc. These processes may take three to six months depending on issues that might arise and the progress of negotiations.

Acquisition under a Public Acquisition Overlay

DEPI will seek to negotiate voluntary sale agreements with landowners affected by a PAO and it is expected that most properties will be acquired by voluntary agreement. However, at a later date it may be necessary to compulsorily acquire to ensure all parcels are acquired. This approach would only be used as a last option.

If a landowner under the PAO wishes to sell before DEPI has approached them, they are able to but they must first give written notice to DEPI. DEPI will advise whether it is interested in purchasing the land at that point in time. If DEPI is interested, then negotiations and acquisition processes will commence.

If DEPI is not in a position to purchase the land, the landowner may then place the land on the open market and sell to any interested party, however, the land will remain under the PAO and DEPI will have the right to acquire it in the future. Should the sale price to another party be below the unaffected market value (its value without a PAO), the landowner may claim loss on sale compensation from DEPI (section 106 *Planning and Environment Act 1987*). This payment will be taken into consideration when DEPI purchases the property in the future.

Compulsory acquisition is initiated by the State Government issuing a 'Notice of Intention to Acquire' followed by a 'Notice of Acquisition' under the *Land Acquisition and Compensation Act 1986* (LAC Act). This activates a sequence of events for completing the acquisition within a fixed timeline, in accordance with the LAC Act. A landowner may still enter into a negotiated sale agreement after receiving a 'Notice of Intention to Acquire'.

If land subject to a PAO is acquired, the value of the property and any other compensation to be paid to landholders is assessed having regard to a number of factors that are described in the LAC Act including:

- Market value.
- Any special value (pecuniary advantage) to the claimant.
- Any loss attributable to severance or disturbance.
- Payment of Solatium (compensation for intangible and non-pecuniary disadvantages resulting from the acquisition) (if applicable).
- Professional expenses necessarily incurred.

DEPI’s compensation offer is based on the Valuer-General’s valuation. Landowners may seek advice from professionally qualified advisors and submit a claim for compensation within a fixed period. Disputes over the amount of compensation where land is compulsorily acquired are resolved in the Victorian Civil and Administrative Tribunal or through the courts. Compensation for negotiated purchases is determined by voluntary agreement between the landowner and the Victorian Government.

Voluntary negotiated sale of land not under a PAO

The Crown may purchase certain conservation areas such as those classified for nature conservation as indicated in this document, although no PAO is in place over this land. These areas will be purchased on a voluntary basis through negotiated sale. In these cases, DEPI will pay the market value of the land and each party will bear their own costs including valuation, surveyors and legal expenses.

Voluntary transfer for a reduction in habitat compensation obligations

Where this document indicates land will be purchased by the Crown, landowners may have the option of transferring the land to the Crown and obtaining a reduction in habitat compensation obligations for up to the equivalent value. This reduction can be applied to relevant obligations on the same or other land owned by the landowner. This will be a voluntary process through agreement with the landowner. The landowner should contact DEPI as soon as possible during the Precinct Structure Planning (PSP) process if considering this option.

Vesting of land in a Public Authority

Where the landowner is required to protect the land through an on-title agreement, and DEPI has indicated that the land will not be purchased by the Crown, landowners may have the option to vest that land with a public authority such as Melbourne Water or Local Government. An on-title agreement will still be required to protect the values in perpetuity. This option will only be available where there is agreement between DEPI and the public authority (potential options listed in Table 1). These areas may be integrated with land used for other purposes such as floodplain/waterway protection, landscape aesthetics or passive recreation such as bike paths, sports grounds, and picnic areas. In these cases, landowners will create a plan of subdivision which creates a reserve to be vested in the public authority identified by DEPI.

Table 1: Options for public authority ownership

Owner	Conditions for assignment
Melbourne Water	<ul style="list-style-type: none"> ▪ Floodplain corridor
Local Government	<ul style="list-style-type: none"> ▪ Within own Local Government Area ▪ Floodplain corridor ▪ Areas adjacent to floodplain corridor ▪ Open space

Governance

DEPI will establish the Melbourne Strategic Assessment Land Prioritisation Advisory Group (LPAG). The group will make recommendations on which of the parcels identified for crown acquisition should be purchased at that time. DEPI will provide the LPAG with a shortlist of parcels which could be purchased and any other relevant information such as available funds and which species or vegetation community are relevant. This shortlist will be prioritised for each conservation outcome based on the criteria detailed in this document. If any landholders have requested hardship consideration for an early purchase, this will also be provided to the Advisory Group at the same time for consideration. Any offers of purchase will be made subject to availability of funds.

The membership of the LPAG will be comprised of three members that have experience in the following areas:

- Land values expertise to ensure that transactions are in the public interest, and provide best results for the program.
- Natural land values expertise to ensure recommendations are made with an awareness of conservation significance and reflect the priorities outlined in this document.
- Relevant expertise to ensure recommendations are made in light of the personal circumstances of landholders and any hardship being experienced.

A probity adviser will also attend meetings as an observer. This will ensure recommendations are made equitably and landowners are treated fairly. DEPI will act as the Secretariat for the LPAG only.

Western Grassland Reserve

The Western Grassland Reserve (WGR) will form a new grassland reserve covering two large areas south of Melton and west of Werribee. The Reserve will contain the largest concentration of remaining grassland of this type in Australia. It is designed to provide sufficient habitat to enable the persistence of a number of threatened species and it contains a range of other habitat types including wetlands, waterways, rocky knolls and open grassy woodlands.

Protection Mechanisms

The Reserve will be created through progressive acquisition by the State of Victoria of freehold land within these specific areas followed by the reservation for ecological purposes under the CLR Act. The acquisition process commenced in 2010 with the application of a PAO over the proposed grassland reserves. The Minister for Environment and Climate Change is the acquiring authority under the PAO and land acquired will be progressively assigned to Parks Victoria as the land manager.

Prioritisation approach

DEPIs prioritisation process assesses the characteristics of each parcel of land to be acquired. By identifying each parcel's unique characteristics, DEPI will be able to identify the relative priority of acquiring a parcel of land in comparison to another at a particular point in time. As DEPI has species specific targets to meet in terms of habitat protection, each parcel will be prioritised against funding available for a particular species or habitat type. This information will be provided to the LPAG with other relevant information to assist in their considerations on the recommendations for the next land acquisition.

The information collected in order to assess each parcel of land will be regularly updated as new information becomes available. Data collected since 1990 is included in the analysis.

The prioritisation process considers several key factors:

- Biodiversity values
- Land management requirements
- Strategic fire management requirements
- Location and features of the parcel of land

Prioritisation criteria

Criterion 1 – Vegetation State

This criterion identifies the native vegetation on a parcel of land. A parcel with a score of four supports high quality grassland. Such parcels are important to acquire as a priority, to ensure their values are maintained and to reduce the risk of them being lost or degraded. The costs of maintaining high-quality vegetation are generally low in comparison to the costs of improvement following degradation.

Vegetation on the parcels could be referable to one of two ecological communities:

- Natural Temperate Grassland of the Victorian Volcanic Plain (NTG). The relevant 'states' used below (which reflect quality) are described in DSE (2011a).
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHW). Quality states are not used here to distinguish this ecological community.

SHW is treated differently to NTG (more is required to score highly), because it occurs in small scattered patches and cannot be treated by the same rules, and it may have a lower risk of irreversible degradation.

Table 2: Vegetation State

Score	Vegetation State
1	<ul style="list-style-type: none"> < 50% of the total parcel area is covered by NTG vegetation in state: Spear (<i>Austrostipa</i>) Grassland.
2	One or more of the following: <ul style="list-style-type: none"> > 50% of the total parcel area is covered by NTG vegetation in state: Spear (<i>Austrostipa</i>) Grassland. 0 – 5 hectares of NTG in state: Kangaroo Grass (<i>Themeda</i>) Grassland. 0.5 – 5 hectares of SHW.
3	One or more of the following: <ul style="list-style-type: none"> > 5 hectares of NTG vegetation present in state: Kangaroo Grass (<i>Themeda</i>) Grassland. 0 – 1 hectares of NTG vegetation present in state: High quality Native Grassland. > 5 hectares of SHW.
4	<ul style="list-style-type: none"> > 1 hectare of NTG vegetation present in state: High quality Native Grassland.

Criterion 2 – Values of Ecological Significance

This criterion recognises other values of ecological significance, including Ecological Vegetation Classes (EVCs), beyond the NTG and SHW ecological communities present on the site.

Table 3: Values of ecological significance

Score	Values of Ecological Significance
1	No other values of ecological significance.
2	One or more of the following values present: <ul style="list-style-type: none"> Stony Knoll Shrubland (EVC 649). Escarpment Shrubland (EVC 895). Creekline Grassy Woodland (EVC 68). Creekline Tussock Grassland (EVC 654). Aquatic Herbland (EVC 653). Riparian Woodland (EVC 641). <i>Allocasuarina</i> species.
3	Any species listed in Victoria as Rare or Threatened.
4	Any species listed under the EPBC Act present.

Criterion 3 – Risks to the quality of the values

Parcels with elevated risks of degradation are preferred for early purchase because early management allows the mitigation of the risks and reduces the costs associated with rehabilitation. Not all risks can be easily foreseen or quantified. The scoring system below is focussed on weeds, which are one of the greatest risks to the values on all parcels. Weed control urgency (CU) scores are based on the formula in DSE (2011b).

Table 4: Risks to quality of the values

Score	Risks to the quality of the values
1	Low threat to the values from weeds (CU = 1 – 3).
2	One or more of the following threats present: <ul style="list-style-type: none">▪ Weed invasion is a moderate threat to the values (CU = 4-8).▪ Pest animal invasion is a threat to the values.
3	One or more of the following threats present: <ul style="list-style-type: none">▪ Weed invasion is a substantial threat to the values (CU = 9-12).▪ Modified hydrology is a threat to the values.
4	Weed invasion is a major threat to the values (CU = 13-16).

Criterion 4 – Strategic fire management requirements

The draft fire management strategy proposes two main fire management zones which are consistent with DEPI's Code of Practice for Bushfire Management on Public Land (2012). The priority will be to realise the most critical protection areas in public ownership so that the required fire protection works can be more easily achieved.

The primary purpose of the Bushfire Moderation Zone is to provide strategic areas of sufficient width and continuity to:

- Achieve a substantial barrier to the spread of bushfire by reducing the speed and intensity of fires, along with the potential for spot fire development.
- Reduce damage to built assets caused by bushfire.
- Create areas to assist in making fire suppression activities safe and more effective.

The primary purpose of the Landscape Management Zone is to provide for the use of prescribed burning for specific land management objectives including:

- Specific ecological fire regimes for native species / communities and habitat diversity.
- Management of areas of regeneration at a landscape scale.

Table 5: Strategic fire management requirements

Score	Strategic fire management requirements
1	Landscape Management Zone
2	Bushfire Moderation Zone

Criterion 5 – Parcel Features

Parcels will be prioritised based on their features. Parcels which contain the owner's primary place of residence and provide their primary source of income will be a high priority due to the level of impact of the PAO on the owner.

Table 6: Parcel features

Score	Parcel features
0	No relevant features present on the parcel.
1	The parcel has one of the following features: <ul style="list-style-type: none">▪ A house which is the owner's primary place of residence.▪ A business which is the owner's primary source of income.
2	The parcel has both of the following features: <ul style="list-style-type: none">▪ A house which is the owner's primary place of residence.▪ A business which is the owner's primary source of income.

Criterion 6 – Neighbourhood

Parcels which are adjacent to existing crown land may be prioritised over other land. More effective management can be undertaken when the land is in a consolidated area.

Table 7: Neighbourhood

Score	Neighbourhood
0	The parcel is isolated from other land reserved for conservation under the CLR Act.
4	The parcel is adjacent to land reserved for conservation under the CLR Act.

Other considerations for land purchase

In exceptional circumstances, if a landowner is suffering hardship as a direct result of the PAO and the owners have unsuccessfully attempted to sell the property on the open market, consideration may be given to purchasing their parcel over parcels of higher priority in accordance with the above criteria.

DEPI will assess individual cases of hardship on a case-by-case basis and will provide these to the LAPG for consideration when determining parcels to recommend for purchase.

Grassy Eucalypt Woodland Reserve

The State Government has committed to permanently protect stands of Grassy Eucalypt Woodland (GEW) in a new conservation reserve outside the UGB north-east of Melbourne of 1,200 hectares in size. This reserve is expected to be a multi-tenured reserve, secured through voluntary negotiation with landowners. Some land will remain in private ownership protected through on-title agreements, while other areas will be purchased through voluntary negotiation by the Crown followed by the reservation for ecological purposes under the CLR Act.

Should DEPI be unsuccessful in securing any land in the GEW reserve area within a given budget period, DEPI will seek to secure GEW elsewhere in its range. Any land secured will count towards the target area of 1,200 hectares, thereby resulting in a decrease in the amount of land to be secured in the GEW reserve north east of Melbourne.

Protection Mechanisms

The boundaries of a broad area, within which the GEW Reserve will be located, have been identified and published in the BCS. However the spatial distribution of GEW is patchy and dispersed. Consequently, any GEW reserve will protect GEW of varying qualities. The boundary of the reserve will evolve as parcels are gradually secured over time with each new secured parcel influencing the future priorities and shape of the reserve.

The mechanisms used for protection will depend upon the grassy woodland state and negotiations with the landowner. Under a multi-tenured reserve approach, DEPI will use voluntary negotiation to purchase the land as a mechanism to protect valuable high quality patches, and areas required for connectivity between these patches. It is likely in these circumstances that the parcel will be sub-divided so that only these areas are acquired. The land will be reserved for ecological purposes under the CLR Act. Voluntary on-title private land agreements may also be used to protect these areas as well as other areas of lower quality GEW. These agreements, which may require active management will apply only to the area to be protected, not the whole parcel. Under these agreements, funds will be provided to the landowners to undertake management requirements.

Protection criteria

Category 1 – Grassy Eucalypt Woodland – Kangaroo Grass (*Themeda*) Woodland

This state includes vegetation with an intact eucalypt canopy, and an understorey strongly dominated by Kangaroo Grass (*Themeda triandra*). It is the rarest and most intact state recognised, and is usually referable to GEW. It has often experienced light or intermittent grazing over a long period, but never fertiliser application, oversowing, de-rocking or cropping. Native herbs or sub-shrubs are scattered, and may be represented by some grazing sensitive species.

Voluntary negotiation for purchase by the Crown is the preferred form of protection for areas of greater than 1 hectare of GEW vegetation in this state. If on the same parcel there is GEW in others states present and they are important for connectivity these areas may also be acquired.

These parcels are a priority to secure, to ensure their values are maintained and to reduce the risk of them being lost or degraded. The costs of maintaining high-quality vegetation are generally low in comparison to the costs of improvement following degradation. DEPI will also consider the use of on-title protection agreements with active management in these areas, in cases where purchase is not practical.

Category 2 – Grassy Eucalypt Woodland – Spear Grass (*Austrostipa*) Woodland State

This vegetation has an intact eucalypt overstorey, with an understorey dominated by native grasses, however Kangaroo Grass has been replaced by native species tolerant of prolonged grazing (usually Spear Grass (*Austrostipa*) and/or Wallaby Grass (*Rytidosperma*)). This state is usually referable to GEW. These areas have often experienced prolonged heavy-moderate grazing, they possibly have some history of low-degree fertiliser application and oversowing, but have never been de-rocked or cropped.

Voluntary negotiation for purchase by the Crown is the preferred form of protection in areas with greater than 5 hectares of GEW vegetation in this state. DEPI will also consider the use of on-title protection agreements with active management in these areas, in cases where purchase is not practical.

Category 3 – Derived grasslands and thickets

Vegetation in this category may be in one of two states, either Derived Grassland or regeneration Thicket. Derived grasslands no longer have any trees, but retain a ground layer dominated by native grasses. They may have been subject to prolonged heavy-moderate grazing, possibly with some history of low-degree fertiliser application and oversowing, but have not been de-rocked or cropped. In contrast, thickets often have a very high density of sapling *Eucalyptus* trees, often resulting from a change in management (such as the removal of grazing). These states are relatively rare, and are usually referable to GEW. On-title agreements (with active management) under the CF&L Act will be voluntarily negotiated with landowners to protect and manage areas of GEW in these states.

Category 4 – Scattered Trees or ‘Fertilised Woodlands’

These areas contain *Eucalyptus* trees, but the understorey is dominated by exotic species characteristic of higher nutrient agricultural environments. Such areas are widespread, but are degraded from a conservation outcome perspective. These areas have often had a long history of intensive grazing, fertiliser application and possibly oversowing of exotic pasture species; but have never been de-rocked or cropped.

They will be protected through on-title agreements under the CF&L Act. This will protect the trees from further disturbance and encourage regeneration. These areas will serve to consolidate and connect the areas of higher quality habitat (categories 1 – 3 above).

Prioritisation for protection within categories 1 and 2

DEPIs prioritisation process will assess the characteristics of each parcel of land to be protected. By identifying each parcel’s unique characteristics, DEPI will be able to identify the relative priority of purchasing a parcel of land in comparison to another at a particular point in time.

The information collected in order to assess each parcel of land will be regularly updated as new information is known. Available data collected since 1990 is included in the analysis.

The prioritisation process considers several key factors:

- Biodiversity values.
- Land management requirements.
- Location and features of the parcel of land.

Criterion 1 – Ecological values

This criterion recognises other values of ecological significance beyond the GEW ecological community present on the site.

Table 8: Values of Ecological Significance

Score	Values of Ecological Significance
1	No other values of ecological significance.
2	One or more of the following values present: <ul style="list-style-type: none">▪ Stony Knoll Shrubland (EVC 649).▪ Escarpment Shrubland (EVC 895).▪ Creekline Grassy Woodland (EVC 68).▪ Creekline Tussock Grassland (EVC 654).▪ Aquatic Herbland (EVC 653).▪ Riparian Woodland (EVC 641).

Score	Values of Ecological Significance
	<ul style="list-style-type: none"> ▪ <i>Allocasuarina</i> species.
3	Any species listed in Victoria as Rare or Threatened.
4	Any species listed under the EPBC Act present.

Criterion 2 – Risks to the quality of the values

Parcels with elevated risks of degradation are preferred for early purchase because early management allows the mitigation of the risks and reduces the costs associated with rehabilitation. Not all risks can be easily foreseen or quantified. The scoring system below is focussed on weeds, which are one of the greatest risks to the values on all parcels. Weed control urgency (CU) scores are based on the formula in DSE (2011b).

Table 9: Risks to the quality of the values

Score	Risks to the quality of the values
1	Low threat to the values from weeds (CU = 1 – 3).
2	One or more of the following threats present: <ul style="list-style-type: none"> ▪ Weed invasion is a moderate threat to the values (CU = 4-8). ▪ Pest animal invasion is a threat to the values.
3	One or more of the following threats present: <ul style="list-style-type: none"> ▪ Weed invasion is a substantial threat to the values (CU = 9-12). ▪ Modified hydrology is a threat to the values.
4	Weed invasion is a major threat to the values (CU = 13-16).

Criterion 3 – Neighbourhood

Parcels which are adjacent to existing crown land may be prioritised over other land. More effective management can be undertaken when the land is in a consolidated area.

Table 10: Neighbourhood

Score	Neighbourhood
0	The parcel is isolated from other land reserved for conservation under the CLR Act.
2	The parcel is adjacent to land protected under a Land Management Co-operative Agreement under section 69 of the CF&L Act.
4	The parcel is adjacent to land reserved for conservation under the CLR Act.

Network of conservation areas

In addition to the reserves described above, the Victorian Government has also committed to the conservation of some smaller areas within the growth corridors. These reserves are areas containing matters of National Environmental Significance and State Significance that will be protected and managed to achieve the conservation outcomes in the Program Report. The BCS identifies 36 Conservation Areas.

The Conservation Areas in the BCS fall into a number of categories, as shown in Table 11 and will be managed accordingly. A complete list of the conservation areas and their status can be found at Appendix 1.

In some cases, Conservation Areas include multiple management categories. These combinations include:

- Nature conservation / Regional parks.
- Nature conservation / open space.
- Growling Grass Frog conservation, floodplain and open space / Regional parks.
- Existing public land / open space.

The delineation between these categories within Conservation Areas will occur at the PSP stage in accordance with the following principles:

- Nature conservation will be identified within Regional parks only where there is high quality native vegetation supporting populations of matters of national environmental significance. This scenario only applies to conservation area 3: Clarke's Road Grassland, Rockbank.
- Open space will be delineated from nature conservation based on a general absence of large native vegetation patches and matters of national environmental significance, but may include scattered trees and small patches of native vegetation where these can be managed to retain their biodiversity values within an overall open space context.
- The delineation between Regional parks and Growling Grass Frog conservation, floodplain and open space, will be determined as part of the Regional parks finalisation and implementation process.

Additional parts of Conservation Areas designated as open space or Growling Grass Frog conservation, floodplain and open space may be categorised as nature conservation in the following situations:

- Where part of the open space component of the conservation area is required for intensive grassland and threatened species restoration in order to protect a population in the long term. This scenario only applies to Conservation Area 10: Truganina Cemetery Grassland and Buffer, or
- Where a parcel contains nature conservation and adjoining Growling Grass Frog conservation, floodplain and open space categories and, based on the BCS, the latter category on the parcel also contains populations of matters of national environmental significance (other than the Growling Grass Frog) and is predominantly covered by native vegetation. This scenario only applies to Conservation Area 11, where it adjoins Conservation Area 2; Conservation Area 34, where it adjoins Conservation Area 22 (north-western parcel only); and Conservation Area 34, where it is located within Conservation Area 23.

Where the BCS indicates that some changes may be allowed, the final boundaries of Conservation Areas will be settled during the PSP process including approval of the changes by the Commonwealth Government. This includes any changes due to infrastructure such as roads and bridges. Land acquisition by the Crown will only occur where the PSP has been finalised, development is commencing and access ways to the land for management are available.

Protection mechanisms

Landowners undertaking development will be required to secure any land mapped as a Conservation Area on a parcel through on-title agreements under the CF&L Act. This will protect the vegetation and habitat from disturbance and encourage regeneration.

Landowners have the option in areas classed as nature conservation, for these to be voluntarily purchased by the Crown or transferred for a reduction in certain habitat compensation obligations.

Land within Conservation Areas classified as Growling Grass Frog conservation, floodplain and open space in the BCS may be secured through voluntary transfer of the land to the appropriate public authority identified by DEPI. The option of a transfer of land for a reduction in habitat compensation obligation is not available in these areas.

Table 11: Conservation Areas within the BCS

Type of protected area	Explanation	Protection options
Nature Conservation	These areas will be protected and managed primarily for nature conservation, including matters of national environmental significance and state significance.	<ul style="list-style-type: none"> ▪ Section 69 agreement under CF&L Act ▪ Land purchase by the crown ▪ Transfer to the crown for reduction
Growling Grass Frog conservation, floodplain and open space	These areas will be protected and managed primarily for the Growling Grass Frog in accordance with the requirements of the sub-regional species strategy for the Growling Grass Frog, but will also include areas managed for floodplain and stormwater infrastructure, and areas of open space for passive recreation.	<ul style="list-style-type: none"> ▪ Section 69 agreement under CF&L Act ▪ Vesting the land in public authority
Regional parks	These areas will be protected and managed as regional parks, with specific conservation management regimes in place for areas containing matters of national environmental significance. The final boundaries for the regional parks and Conservation Areas within them are still to be determined.	<ul style="list-style-type: none"> ▪ Section 69 agreement under CF&L Act ▪ Acquired through Metropolitan Park processes
Open space	These areas have been zoned unsuitable for urban development (Rural Conservation Zone) primarily for landscape values and will be surveyed to determine the boundaries of any areas required for biodiversity protection.	<ul style="list-style-type: none"> ▪ Section 69 agreement under CF&L Act ▪ Vesting the land in public authority

Conservation Areas outside of the UGB

The BCS also establishes conservation programs to protect areas of conservation value outside the UGB for certain matters of national environmental significance impacted by urban development within the growth corridors. These include sites of conservation value for the Golden Sun Moth, Spiny Rice Flower and Matted Flax Lily.

The Program Report committed to protect 80 per cent of confirmed high persistence habitat for these species across the Victorian Volcanic Plain.

The area of land required outside the UGB to meet this target, over and above the WGR and Conservation Areas, is:

- Golden Sun Moth - 680 hectares (DSE, 2012c).
- Spiny Rice-flower - 394 hectares (DSE, 2012d).
- Matted Flax-lily - 529 hectares (DSE, 2012d). Sites secured to meet this target may include land within the GEW Reserve.

Land identified through these conservation programs will be protected through voluntary on-title management agreements with active management or voluntary acquisition of land by the Crown. There will be no compulsory acquisition of land.

Should DEPI be unsuccessful in securing any land on the Victorian Volcanic Plains for a species within a given budget period, DEPI will seek to secure habitat for that species elsewhere in its range. Any land secured through this program will be counted towards the target size, thereby resulting in a decrease in the amount of land to be secured on the Victorian Volcanic Plains.

References

DSE (2011a) Western Grassland Reserves: Grassland management targets and adaptive management (2011). Department of Sustainability and Environment, East Melbourne.

DSE (2011b) Western Grassland Reserves: Interim Management. Department of Sustainability and Environment, East Melbourne.

DSE (2012c) Spatial definition of habitat for Golden Sun Moth across the Victorian Volcanic Plain bioregion, Melbourne Strategic Assessment, Department of Sustainability and Environment, East Melbourne.

DSE (2012d) Spatial definition of habitat for Spiny Rice Flower and Matted Flax Lily across the Victorian Volcanic Plain bioregion, Melbourne Strategic Assessment, Department of Sustainability and Environment, East Melbourne.

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

Appendix 1: Conservation areas within the UGB

Type of protected area	BCS Number	Name	Hectares	Status/ location
Nature Conservation	1	Kororoit Creek North Grassland, Plumpton	13.30	
	2	Kororoit Creek North, Plumpton	45.03	Adjacent to GGF corridor and proposed Kororoit Creek Regional Park
	4	Greig's Road, Mount Cottrell	46.47	Adjacent to WGR (across road)
	5	Ravenhall North Grassland, Rockbank	35.34	Separated from Kororoit Creek Regional Park by Highway
	11	Woods Road, Truganina	21.87	Connects to Truganina South Reserve (40hectares)
	16	GEW site, Sunbury	18.22	
	17	GEW site, Sunbury	14.51	
	18 (part only)	Lancefield Road, Sunbury	50 of 253	Linking GGF corridors
	19	GEW site, Sunbury	2.45	
	22 (part only)	Bald Hill, Donnybrook	104.00	Adjacent to GGF corridor.
	23	Hume Freeway, Kalkallo	103.67	Near Kalkallo Common. Area or responsibilities may reduce as illegal clearing issue over 50%
	25	GEW site, Donnybrook	1.77	
	26	Mount Ridley West, Mickleham	112.32	Adjacent to Mount Ridley Woodland reserve
	27	Summerhill Road West, Wollert	26.47	
	29	Mickleham Road, Mickleham	37.69	
	30	Austral Bricks, Wollert	207.92	
	31	Craigieburn Road East, Wollert	29.75	
	32	Craigieburn Road West, Wollert	159.13	
	Growling Grass Frog conservation, floodplain and open space	14 (part only)	GGF Corridor, Western Growth Corridor (South)	
15 (part only)		GGF Corridor, Western Growth Corridor (North)		
34		GGF Corridor, Northern Growth Corridor		
36 (part only)		GGF Corridor, South East Growth Corridor Retarding Basin		
Regional parks	3	Kororoit Creek Regional Park	75 of 235.12	
	14 (part only)	Werribee Township Regional Park	Frog ponds	
	15 (part only)	Kororoit Creek Regional Park	Frog ponds	
	36	Cranbourne Regional Park	Frog ponds	
Existing public land	10 (part only)	Truganina Cemetery and buffer, Truganina	15.3	
	12	Sewells Road	1.51	
	24	Kalkallo Grassland	24.97	

Type of protected area	BCS Number	Name	Hectares	Status/ location
	35	Clyde-Tooradin Rail Reserve	15.16	
Existing offset area	6	Deer Park Quarry Grassland, Ravenhall	n/a	Existing offset
Open space	10 (part only)	Truganina Cemetery and buffer, Truganina	15.3	
	18 (part only)	Lancefield Road, Sunbury	50 of 253	Linking GGF corridors
	20	Racecourse Road, Sunbury	20 ha of 42	
	22 (part only)	Bald Hill, Donnybrook	103	Adjacent to GGF corridor
	28	Summerhill Road East	130 of 331	Adjacent to proposed GEW
	33 (part only)	O'Hearns Road	230 of 468	Adjacent to Craigieburn Grasslands
Type of Conservation Area to be determined following surveys	7	Mount Atkinson Grassland, Mount Cottrell	31.5	
	8	Middle Road (north), Mount Cottrell	112.57	
	9	Middle Road (south), Mount Cottrell	43.33	
	13	Ballan Road, Wyndham Vale	59.54	

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