

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

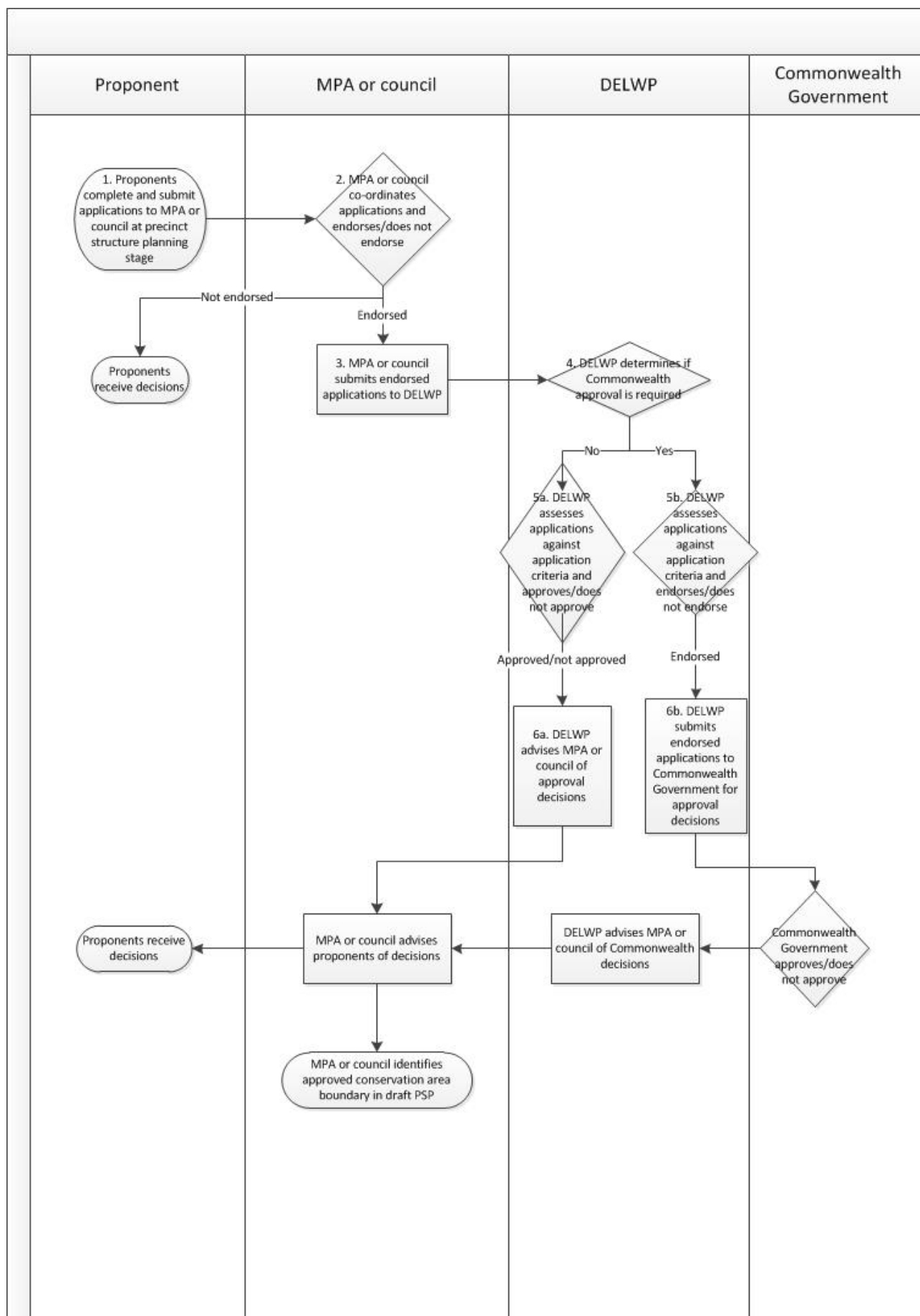
Process for proposing adjustments to conservation area boundaries

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.

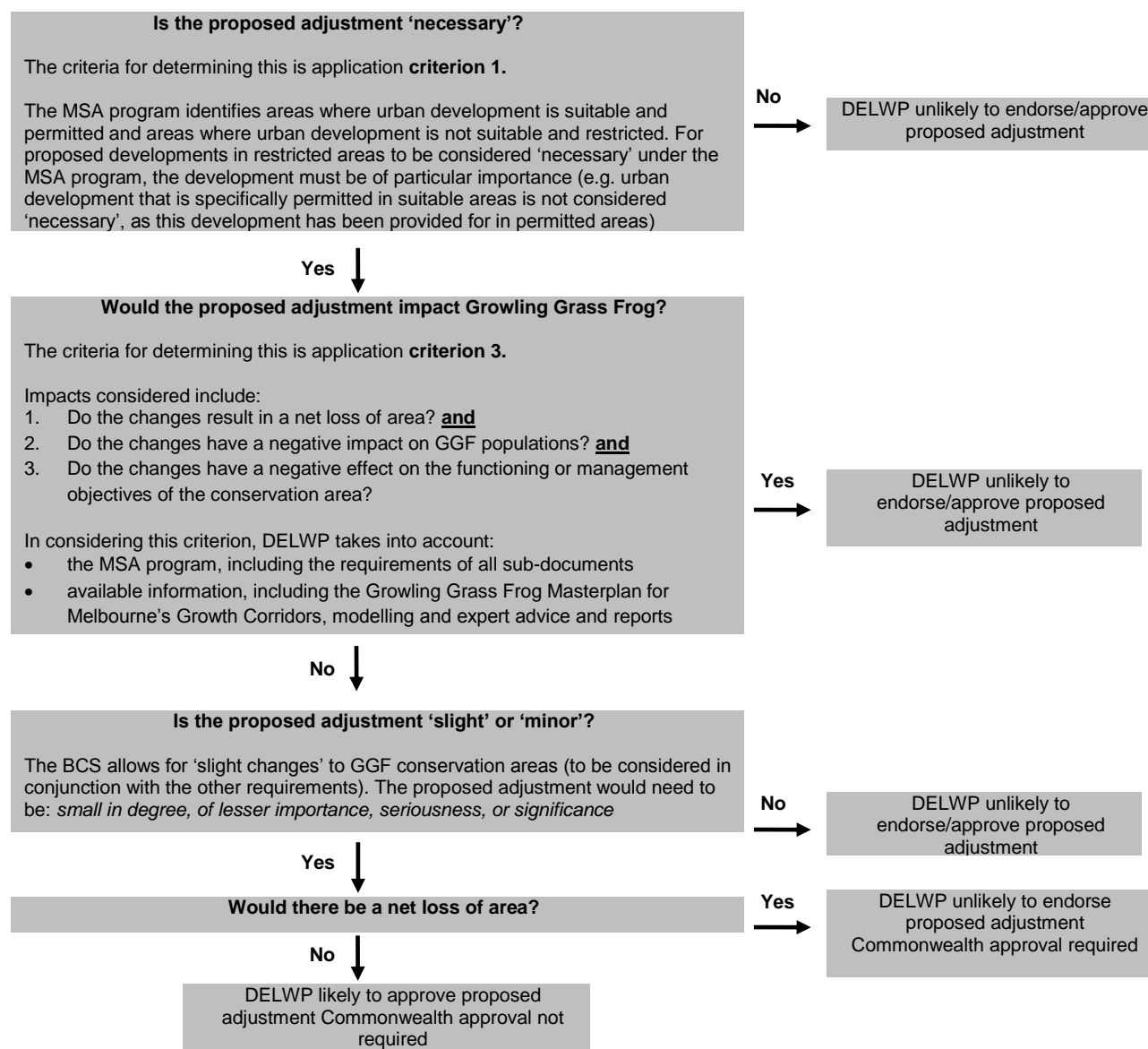
Application criteria

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> <ul 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 Growing 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>

<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.</p>
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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’

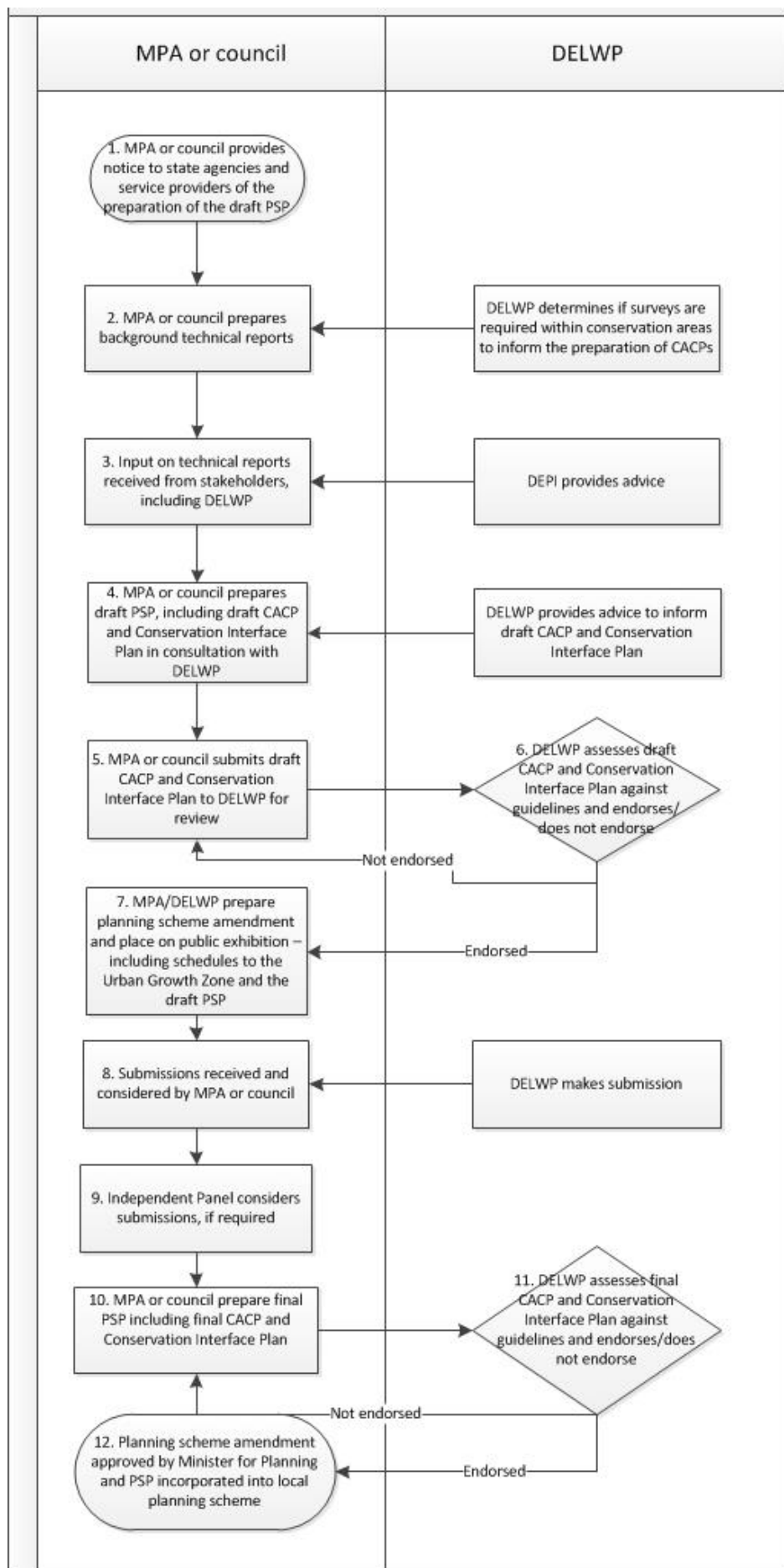
Suitable land-uses or infrastructure	Guidelines for locating land-uses or infrastructure
<p>Infrastructure shown in the Growth Corridors Plans.</p> <p>Infrastructure necessary to meet the urban planning objectives of the PSP, where there are no feasible alternatives, including:</p> <ul style="list-style-type: 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	<p>The native vegetation must be shown in DELWP's time-stamping data.</p> <p>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.</p>
3	<p>80 per cent of the land proposed to be retained must comprise native vegetation, AND:</p> <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). <p>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.</p>

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 at 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

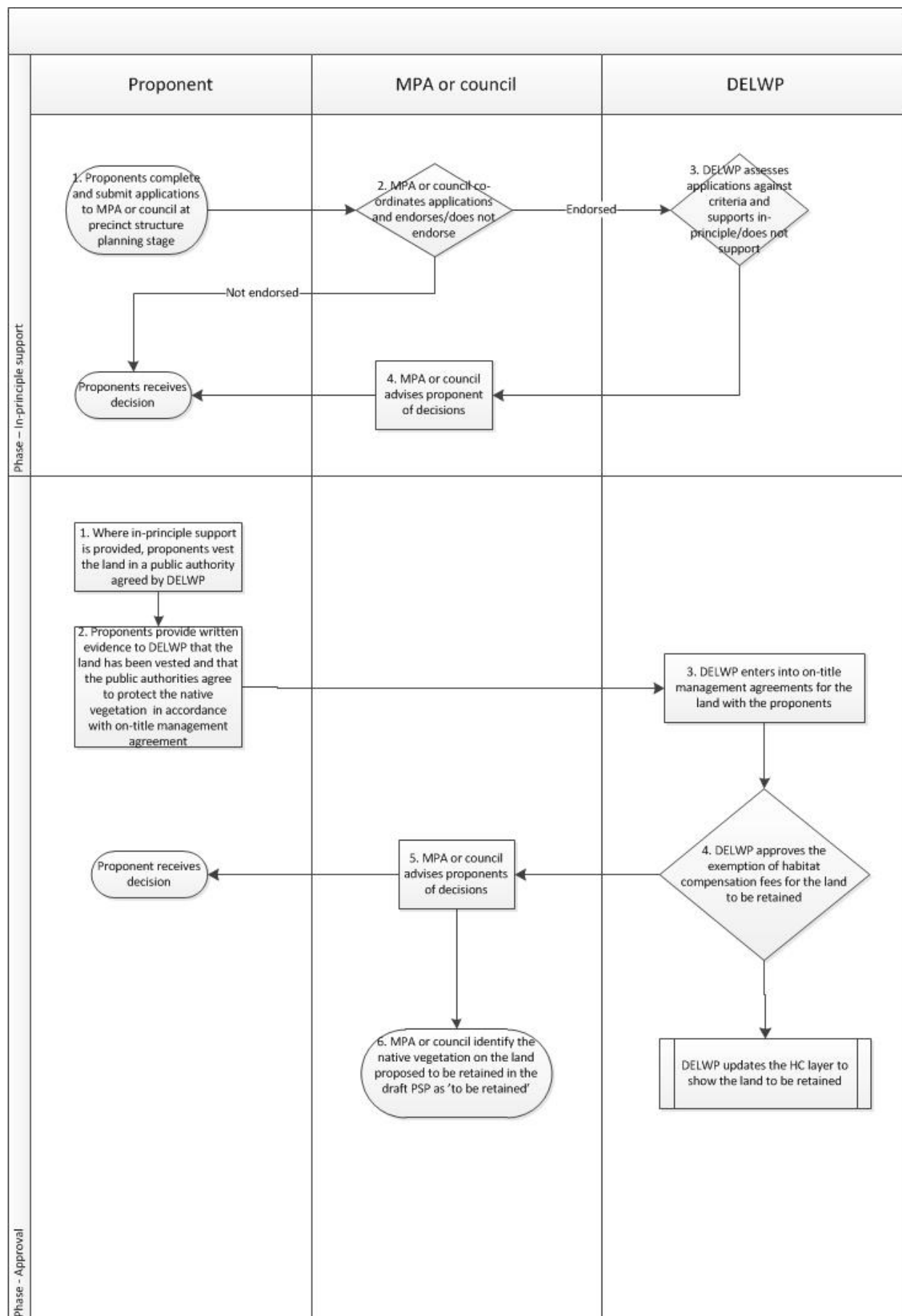
The process for retaining native vegetation outside conservation areas is shown in diagram 3.

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

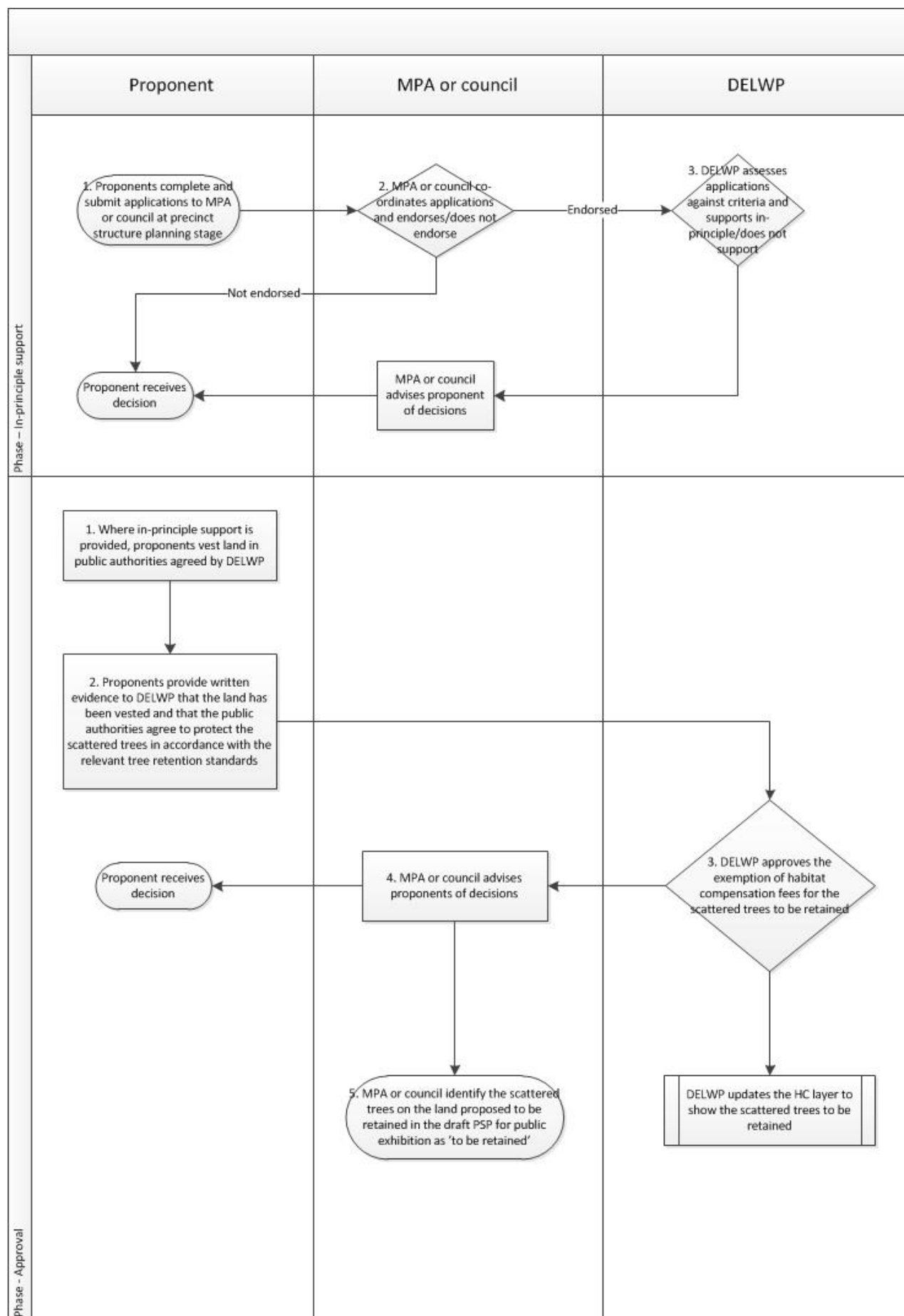
The process for retaining scattered trees outside conservation areas is shown in diagram 4.

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

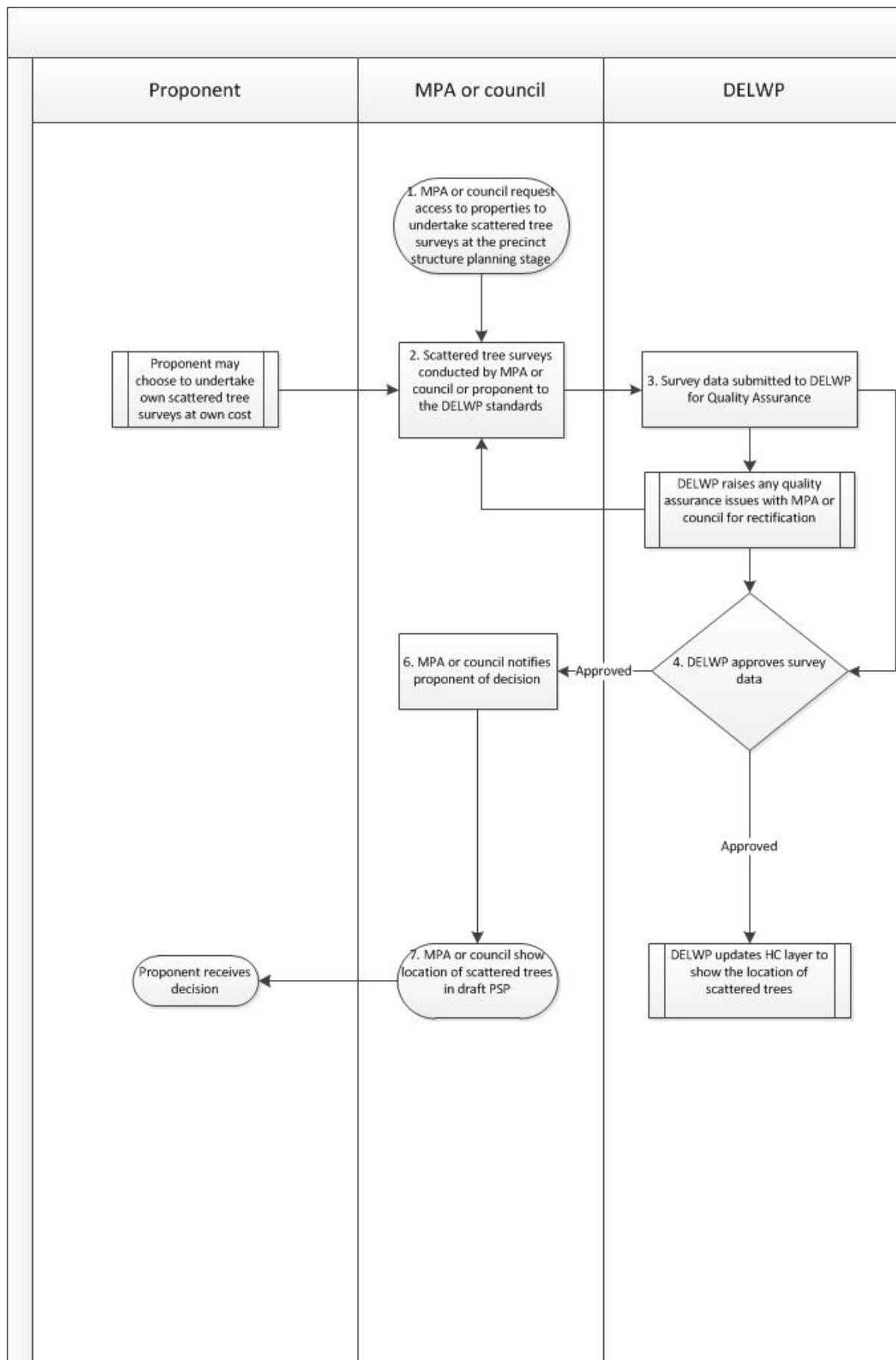
Where proponents are undertaking projects prior to the preparation of PSPs, proponents are responsible for undertaking scattered tree surveys within the footprint of the proposal.²

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

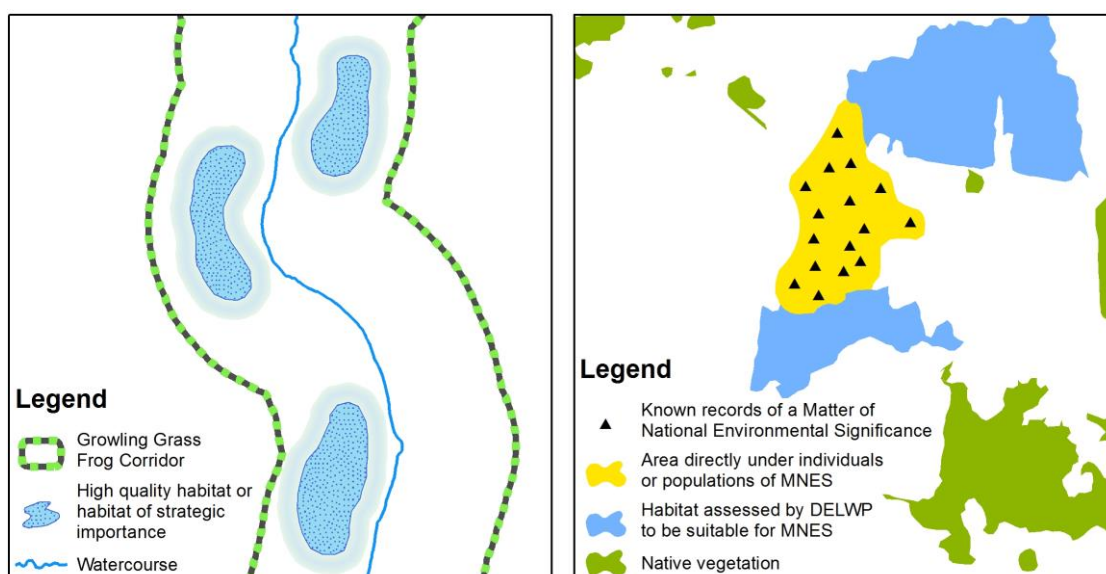
1. Natural Temperate Grassland (NTG) – Native vegetation with a habitat score > 0.4 comprising the following Ecological Vegetation Classes (EVCs): Plains Grassland, Lighter Soils Plains Grassland, Low Rains Plains Grassland, Creekline Tussock Grassland (where this is not mapped as Seasonal Herbaceous 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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