

Instruction Sheet – meeting levy requirements under the MSA Act

Version 1

How to pay a levy liability under the MSA Act

If you've made habitat compensation obligation payments through the Melbourne Strategic Assessment (MSA) program in the past, you may be familiar with the process of lodging a case registration within the Native Vegetation Information Management (NVIM) system. As of 1 July 2020, that process will no longer be necessary.

If you are familiar with the payment process for the Growth Areas Infrastructure Contribution (GAIC), you will find that the new payment process for MSA levy liability is very similar.

Below are the various processes for payment, depending on the trigger for the MSA levy liability.

Subdivision

1. DELWP will issue a levy assessment notice to the landowner (or the relevant lodging party) via email where a Statement of Compliance is issued for a plan of subdivision within the MSA Levy Area, for land where a levy liability remains.
2. Once the levy liability has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release or partial release) to the landowner (or the relevant lodging party).
3. This certificate must be presented to Land Use Victoria to demonstrate the levy has been paid. Land Use Victoria cannot accept plan of subdivision lodgement unless the appropriate MSA certificate is provided.

For certain subdivision applications made under section 35 of the *Subdivision Act 1988* (generally those where land is being vested in an acquiring authority for a public purpose), there is no requirement for a statement of compliance to be issued. In these cases, DELWP will issue a levy assessment notice to the acquiring authority, via email, following certification of the plan of subdivision.

Building permits on freehold land

1. As a landowner, your building surveyor is required to notify DELWP (msa.habitatcompensation@delwp.vic.gov.au) within 14 days of receiving your building permit application:
 - a. if your application is in the MSA levy area, and
 - b. is not an excluded event specified in S5 of the Act, including the most relevant ones below:
 - i. The demolition of a building or part of a building.
 - ii. The construction of a single dwelling.
 - iii. The repair or reinstatement of an existing building.
 - iv. Additions or alterations to an existing building that do not change or increase the floor area of the building.
2. DELWP will issue a levy assessment notice to the landowner or their representative, via email.
3. Once the levy amount has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to the landowner confirming that the levy has been paid.
4. The landowner must supply the certificate to the building surveyor to demonstrate payment has been made. A building surveyor will not be able to issue a building permit unless the appropriate MSA certificate is provided.

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Building permits on Crown land

1. The person responsible for the carrying out of the building work on Crown land is required to notify DELWP (msa.habitatcompensation@delwp.vic.gov.au) within 14 days of the building permit application being made:
 - a. if your application is in the MSA levy area, and
 - b. a levy liability remains, and
 - c. is not an excluded event specified in sections 5 and 6 of the MSA Act, including the most relevant ones below:
 - i. The demolition of a building or part of a building.
 - ii. The repair or reinstatement of an existing building.
 - iii. Additions or alterations to an existing building that do not change or increase the floor area of the building.
 - iv. Telecommunications works constructed in accordance with a Facilities Installation Permit issued under the *Telecommunications Act 1997 (Cth)*.
2. DELWP will issue a levy assessment notice via email to the person who is responsible for the carrying out of the building work on land where a levy liability remains. Once the levy liability has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to confirm that the levy has been paid.
3. The person responsible for the carrying out of the building work must supply the certificate to the building surveyor to demonstrate that payment has been made. A building surveyor will not be able to issue a building permit unless the appropriate MSA certificate has been issued.

Extractive industry work plans

If you have:

- a) a new extractive industry work plan, or
- b) a variation to an existing extractive industry work plan;

approved by the Department of Jobs, Precincts and Regions (DJPR) under the *Mineral Resources (Sustainable Development) Act 1990* within the MSA levy area, on land where a levy liability remains, DJPR will notify DELWP of the approval.

If the area covered by the work plan is on freehold (private) land, where a levy liability remains, DELWP will issue a levy assessment notice via email to the landowner. Once the levy liability has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to confirm that the levy has been paid. If the area covered by the work plan is on Crown land, where a levy liability remains, DELWP will issue a levy assessment notice via email to the approval holder. Once the levy liability has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to confirm that the levy has been paid.

Utility infrastructure on Crown Land

(Note: As of 1 July 2020, no MSA levy liability applies to the construction of utility infrastructure on freehold (private) land. This is a significant change to the program, which – prior to 1 July 2020 – required payment prior to the commencement of works for all utility infrastructure within the entire program area).

If you are constructing utility infrastructure (water, sewerage, drainage, gas, electricity or telecommunications services) on Crown land within the MSA levy area, where a levy liability remains, you are required to notify DELWP within 14 days of the completion of the work (Msa.Habitatcompensation@delwp.vic.gov.au).

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DELWP will issue a levy assessment notice to the person responsible for the carrying out of the work via email. Once the levy amount has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to confirm that the levy has been paid.

Roads and road infrastructure on Crown land

If you are constructing a road or road infrastructure on Crown land within the MSA levy area, where a levy liability remains, you are required to notify DELWP (msa.habitatcompensation@delwp.vic.gov.au) within 14 days of the completion of the work. DELWP will issue a levy assessment notice to the person responsible for the carrying out of the work, via email. Once the levy amount has been paid, DELWP will issue the appropriate certificate (usually a Certificate of release) to confirm that the levy has been paid.

When levies need to be met under the MSA Act

The below table summarises when levies need to be paid in respect to each of the levy events listed in section 24 of the MSA Act.

Levy event	Period of time within which levy must be paid
The issue of a statement of compliance for a plan of subdivision.	3 months after the date the statement of compliance is issued under the <i>Subdivision Act 1988</i> . Payment must be made for the plan of subdivision to be lodged with the Registrar of Titles.
The certification of a plan of subdivision submitted under section 35 of the <i>Subdivision Act 1988</i> for which a statement of compliance is not required to be issued before registration of that plan under that Act.	3 months after the date the plan of subdivision is certified under the <i>Subdivision Act 1988</i> .
Application for a building permit (Crown and freehold land).	6 months after the date on which the application is made. Payment must be made for the building permit to be issued.
Approval of a work plan or variation of a work plan under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .	In the case of the relevant owner—3 months after the date on which the approval is given. In the case of the approval holder—6 months after the date on which the approval is given. Payment must be made for the work authority to be granted.
Construction of utility infrastructure on Crown land.	6 months after the date on which the utility infrastructure work is completed.
Construction of a road on Crown land.	6 months after the date on which the construction is completed.

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Staged payments under the MSA Act

The MSA Act allows for the staged payment of levies.

Applying for staged payment approval

You can apply to DELWP for approval for the staged payment of levies imposed in respect to the following levy events:

- The issue of a statement of compliance for a plan of subdivision (i.e. subdivision of land).
- Application for a building permit.
- Approval of a work plan or variation of a work plan under the *Mineral Resources (Sustainable Development) Act 1990*.

Your application needs to be submitted to msa.habitatcompensation@delwp.vic.gov.au and include the following information:

- Property address & project name.
- Standard parcel identifiers (SPI/s).
- Stages associated with levy event with unique identifier for each stage. For subdivision each stage must relate to a specific part of the land that is to be subdivided.
- The proposed date that each stage will be paid.
- The proposed date the whole of the levy area will be paid.

If DELWP approves your staged payment application, you will be issued with a Certificate of staged payment approval which will outline payment due dates for each stage as well as the whole of the levy.

Existing staged obligations agreements entered into before the MSA Act

If you have a staged obligations agreement under the habitat compensation scheme made before 1 July 2020, it will be converted into a staged payment approval under section 131 of the MSA Act. DELWP will provide you with written confirmation of this within 14 days of the MSA Act's commencement on 1 July 2020.