

Development fact sheet: Victorian grassland earless dragon (VGED)

Information for landowners and developers in the Melbourne Strategic Assessment area



Victorian grassland earless dragon. Image: DEECA

Introduction

Thought to be extinct, a native lizard known as the Victorian grassland earless dragon (VGED) was rediscovered west of Melbourne in 2023. VGED is a Matter of National Environmental Significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and is regulated by the Commonwealth Government. The species is also protected under the Victorian *Flora and Fauna Guarantee Act (1988)*.

Historically, the species likely occurred across native grasslands to the north and west of Melbourne. VGED is a species of the Natural Temperate Grassland of the Victorian Volcanic Plain and Grassy Eucalypt Woodland of the Victorian Volcanic Plain ecological communities.

At the request of the Commonwealth, the Victorian Government has developed a Prescription under the Melbourne Strategic Assessment (MSA) Program to address the rediscovery of VGED and to avoid and mitigate impacts to VGED in the MSA Program area. The Commonwealth-approved Prescription guides how the MSA Program will manage any impacts to the VGED and sets out the steps that must be followed to help protect the species while supporting urban development.

What is the MSA Program?

The MSA Program is a Commonwealth and Victorian Government agreement delivered by the Department of Energy, Environment and Climate Action (DEECA). The MSA Program ensures urban development in Melbourne's growth areas meets the requirements of Commonwealth and Victorian environmental laws, so biodiversity is protected into the future. The Program provides regulatory certainty and clarity for developers and is critical in streamlining environmental approvals in support of the government delivering the *Housing Statement* in Melbourne's growth areas.

For more on the MSA Program, including where it applies and areas of modelled, potential VGED habitat, see mapshare.vic.gov.au/msa/map/. For more on planning requirements in the MSA area, see msa.vic.gov.au/for-developers/planning-requirements-for-conservation-areas.

How does the MSA Program address the rediscovery of VGED?

The VGED Prescription guides how the MSA Program will manage any impacts to the VGED and provides clear information for developers about VGED conservation activities that will be carried out by the Victorian Government. It will ensure active management of VGED by the Victorian Government under the MSA Program through:

- protection and management of VGED habitat within MSA Conservation Areas and reserves (Western Grassland Reserve, Grassy Eucalypt Woodland Protected Area, and any areas secured to deliver conservation outcomes for golden sun moth, matted flax-lily and spiny rice-flower)
- conducting habitat assessments and targeted surveys to identify any VGED populations [in areas modelled as VGED habitat](#) in the MSA Program area (see approach in table below)
- potential in-situ management and translocation (relocation) of any VGED identified through targeted surveys.

The VGED Prescription outlines a three-tiered approach to habitat assessments and targeted surveys:

Land status scenario	Conservation actions	Next steps
1. Prior to exhibition of Planning Scheme Amendment for PSP	Notified through the Precinct Structure Plan (PSP) planning process. DEECA will work with the Department of Transport and Planning (DTP) on conducting VGED surveys as part of PSP technical background studies.	<ul style="list-style-type: none"> • If no VGED are found, no further implications for future development. • If VGED are found, DEECA and the Commonwealth Government will consider if in-situ management is viable, informed by a Conservation Management Plan. If not, relocation in consultation with the Commonwealth Government may be required. • If surveys have not taken place to inform the PSP, planning controls will require landowners to grant access for future surveys under Scenario 2.
2. Post exhibition of Planning Scheme Amendment for PSP; planning permit not issued	<p>DEECA will work with DTP to proactively conduct surveys ahead of planning permit issue where a PSP exists (landowners grant access on a voluntary basis).</p> <p>Will be notified through the planning permit process if requirements have not happened through proactive engagement channels.</p> <p>Landowners or developers can choose to undertake surveys themselves, following DEECA's approved survey approach.</p>	<ul style="list-style-type: none"> • If no survey completed prior to permit issue, standard planning controls will enable survey access. • If no VGED found, no further implications for future development. • If VGED are found, where pre-development timing allows, interim in-situ management will be considered prior to relocation, informed by a Conservation Management Plan, in consultation with the Commonwealth Government, with consideration to the National Recovery Plan.
3. Post exhibition of Planning Scheme Amendment for PSP; planning permit already issued	<p>No change to existing permits. DEECA will work with DTP to conduct surveys where landowners agree and voluntarily grant access. Developers can choose to do own surveys following the latest, published survey guidelines and to DEECA's satisfaction.</p>	<ul style="list-style-type: none"> • Planning permit conditions do not apply retrospectively to any permits already issued. • If a survey is carried out and no VGED found, no further action required. • If VGED are found, they will be relocated. No ongoing in-situ management required.

What actions do landowners in the MSA area need to take?

The Victorian Government is taking a three-tiered approach to VGED survey work based on the planning and development status of the land. This approach will prioritise conducting any required surveys ahead of planning permit approvals to ensure all requirements are fulfilled before development begins.

DEECA will work with the Department of Transport and Planning to deliver VGED surveys. Targeted surveys will only be conducted where modelled, potential habitat is confirmed on-ground through the assessment. Any targeted surveys will be timed to avoid disrupting planning and construction schedules to the extent possible.

In some cases, landowners may choose to do their own surveys in accordance with the latest, published survey guidelines and to DEECA's satisfaction. These activities are in addition to existing requirements that protect designated Conservation Areas within development sites. Information for landowners and developers within and outside the MSA area is available in Frequently Asked Questions about the VGED Prescription at msa.vic.gov.au.

What happens if a landowner does not provide access to land?

If access cannot be provided prior to planning approvals, planning permits will include a condition requiring access to be granted before development starts for the Victorian Government to carry out assessments and, if necessary, relocation activities. By supporting timely access to development sites, landowners and developers can support the completion of any conservation actions before construction needs to start.

What happens if VGED are found?

The chances of discovering VGED are very low. In the unlikely event VGED are found in Land Status Scenarios 1 and 2, the Victorian Government will develop a Conservation Management Plan to be approved by the Commonwealth Government which may involve activities such as in-situ management and/or relocation. Any VGED found in Land Status Scenario 3 will be relocated and guided by the *Rediscovery response protocol for a listed GED* as detailed in the National Recovery Plan. If VGED are not identified through any targeted surveying, there are no further implications for future development.

What is required for developers and landowners outside the MSA Program area?

Outside of the area covered by the MSA Program, standard regulatory environmental approval requirements apply. Proposals to rezone and develop land must continue to comply with the existing requirements under the EPBC Act to assess if a development may have an impact on 'protected matters' including VGED and consider how proposals may impact the environment as required in the Victorian planning system.

These processes may include conducting field surveys and self-assessing whether a referral to the Commonwealth Government is necessary under the EPBC Act. See dcceew.gov.au/environment/epbc/approvals#decide-whether-to-submit-a-referral.

Planning authorities including councils and the VPA will continue needing to consider biodiversity impacts under the *Planning and Environment Act 1987* (Victorian Government), the EPBC Act (Commonwealth Government) and the FFG Act (Victorian Government), in the strategic planning phase of proposed urban growth areas and in preparation of rezoning proposals (including PSPs).

These matters are also relevant to the planning permit process. Field survey results may be used to support a proposal to use and develop land. For more information on planning requirements, see planning.vic.gov.au.

The VGED habitat distribution model (HDM) will assist the VPA and councils to deliver PSPs by identifying areas of potential VGED habitat and informing VGED identification, conservation and recovery efforts. To view the VGED HDM, see environment.vic.gov.au/conserving-threatened-species/victorian-grassland-earless-dragon-habitat-distribution-model. For information on landowner and developer obligations outside the MSA area, see vpa.vic.gov.au/planning-in-areas-that-include-potential-victorian-grassland-earless-dragon-habitat/.

For more information, please email msa.planning@deeca.vic.gov.au or contact DEECA's Customer Contact Centre on 136 186.

We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.



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