

Australian Government
Department of the Environment,
Water, Heritage and the Arts

EPBC Act

Melbourne Strategic Assessment

Spotted-Tailed Quail (D.Watts) Southern cassowary (Wet Tropics Management Authority – QLD) Glassodia orchid (S.Bourne) Swift Parrot (T.Tonelli)

Australian Government
Department of the Environment, Water, Heritage and the Arts

What is the EPBC Act?

- *Environment Protection and Biodiversity Conservation Act*
- Australia's national environmental law
- Identifies and protects matters of national environmental significance (NES)
- Defines role of Australian government in protecting the environment

www.environment.gov.au

Australian Government
Department of the Environment, Water, Heritage and the Arts

Strategic assessment under Sec 146 of the EPBC Act

- Minister can undertake a public assessment of a Policy, Plan or Program.
- Allows for a more strategic approach in planning to incorporate matters of NES.
- Provides options for a landscape approach for protection of matters of national environmental significance
- Incorporates flexibility in assessment approach and in the issues to be assessed (eg beyond MNES)
- Offers efficiencies of scale.

www.environment.gov.au

Australian Government
Department of the Environment, Water, Heritage and the Arts

Why a strategic assessment...?

Currently project-by-project referrals result in:

- project-by-project outcomes – limited ability to aggregate offsets
- consideration of EPBC matters at the end of the state planning process
- only significant impacts considered; difficult to account for cumulative impacts

Strategic assessment of a **plan, policy or program** facilitates:

- development of an overall strategy to achieve good environmental outcomes for biodiversity across the landscape
- greater consistency/certainty/equity in decision making

www.environment.gov.au

Australian Government
Department of the Environment, Water, Heritage and the Arts

Melbourne strategic assessment

DELIVERING

Australian Government
Department of the Environment, Water, Heritage and the Arts

4 new growth centres:

- Sunbury
- Melton/Wyndham
- Whittlesea/Hume
- Casey

28 existing precincts

- Existing growth areas
- Planning underway

Public transport:

- Regional Rail Link
- Outer Ring Road

Features of Melbourne strategic assessment

- Collaborative agreement to assess impacts on MNES from a program of urban development
- Broad scale landscape based assessment of MNES
- Recognise overall impact and outcomes upfront; impacts over long term

Features of Melbourne strategic assessment

- Outside this agreement, Commonwealth would not have a role in planning
- Less detail upfront – downstream processes and adaptive management to protect MNES
- Processes for implementation critical to achieve sustainable results
- Challenge to take communities with us

What is the 'Program'?

- The final Program was endorsed by the Minister for the Environment on 2 February 2010.
- It describes actions covered by the strategic assessment and conservation outcomes for MNES to be achieved.
- It documents institutional arrangements, processes and responsibilities.
- Developments undertaken in accordance with the endorsed Program will meet EPBC Act requirements.

Planning under the Program

Offsets

- Victorian *Native Vegetation Framework* and *BushBroker* will be used in determining offsets for MNES.
- Net gain in protection of native vegetation quality and/or quantity.



Offset requirements for native vegetation and Golden Sun Moth

The strategic impact assessment is an assessment of the impacts arising from an expansion of the Urban Growth Boundary (the Regional Rail Link and the three Interceptors Ring 10) Transport Corridor (the Program) on matters listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Proposals have been developed for restoring several forms of natural environmental significance, including the Golden Sun Moth, which are likely to be impacted as a result of the Program. These proposals identify design guidelines so that habitat loss be minimised and what can be offset. They also identify how requests are to be assigned, including through the process of...

Native vegetation patches are defined on page 13 of the Guide for the assessment of Subsidised Planning Permit applications (SPPAs) (2007-01-09) to note that areas of wetland grassland that cover the delineated and non-delineated request patches under DTE has delineated otherwise.

The loss and offset requirements for the removal of patches of native vegetation must be calculated as follows:

Offsets for removal of patches of native vegetation shall meet the offset criteria in Victorian Native Vegetation Management – a Framework for Action (2002-05-16) of the Department of Sustainability and Environment (DSE) for a fragmented species, this can increase the conservative significance of a patch of native vegetation, and result in a larger offset being...

Outcomes for Ecological Communities

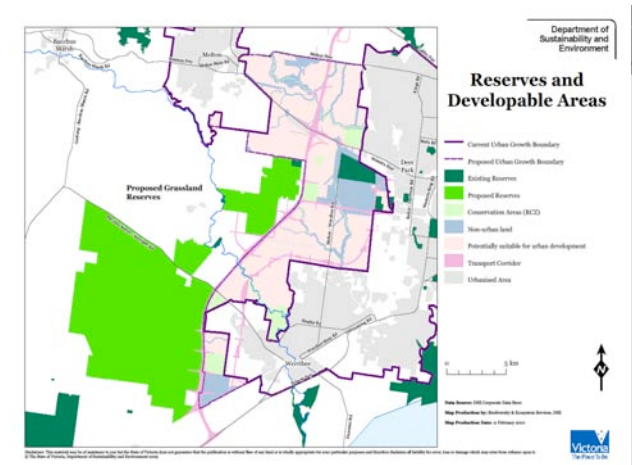
Large scale:

- Large grassland and woodland managed reserves outside UGB will provide biodiversity values for MNES and beyond

■ NTGVVP:

- 4,665 ha cleared ; 10,000 ha offset in 15,000 ha grassland reserve
- takes current 2% in reserves to 20% of remaining
- small reserves within UGB

- 80% of GEVVVP avoided; 709 ha cleared; 1,200 ha offset



Benefits to developers?

- Avoids need for individual project-by-project assessments under the EPBC Act and associated outcome uncertainties
- Provides certainty about the outcomes required (eg 'sets the goalpost') at the very start of the planning process
- Guarantees approval for developments undertaken in accordance with the Program
- Provides for state government to administer offsets rather than the individual developer
- Minimises the need for small urban reserves that may constrain development options at the last minute

What's in it for Governments?

- Once planning frameworks in place Victoria will be responsible for implementing the Program...
- Effectively DSE will ensure Precinct planning & developments meet Program = EPBC Act considerations
- *'This is a great step forward for the Australian and Victorian governments to work together with this modern, flexible and sensitive approach to planning, which allows national environmental issues to be considered early on in the state planning process and cuts red tape'...Minister Garrett*

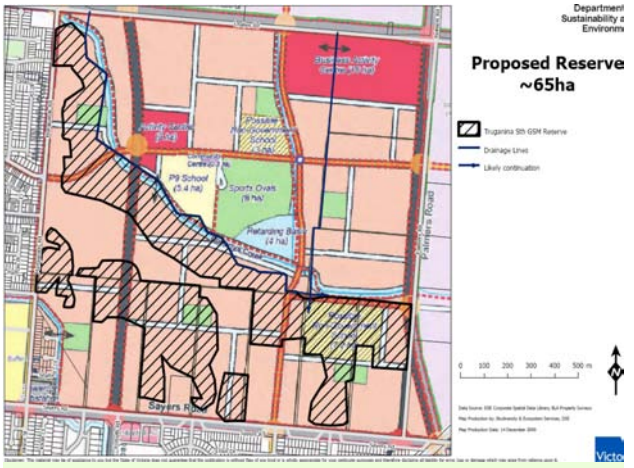
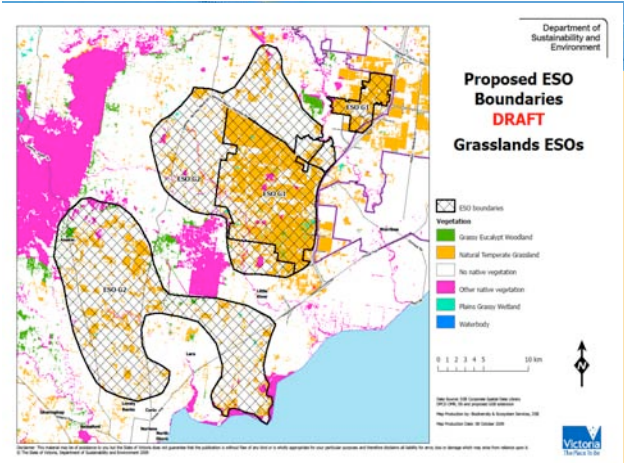
Assurance ?

- **Utilising existing Victoria legislation gives more certainty combined with assurance of specified outcomes**
- Commonwealth approves downstream planning/ management documents
- Monitoring and Reporting
- Adaptive Management

Monitoring and reporting ?

- Australian Government approval of key Biodiversity Strategies
- Annual reporting by DSE
- Independent party appointed for biannual compliance audit
- Independent monitoring of acquisition Grassland Reserves & achievement 80% targets
- Public website for reporting
- Five yearly review of environmental achievements/failures





Housing affordability?

- Reforms through COAG tasked with reducing regulatory burden across jurisdictions.
 - Concerns of the past are being addressed through streamlining assessments through early engagement and bilateral agreements.
 - The Program for the revision of Melbourne's Urban Growth Boundary to facilitate twenty year's urban development and 284,000 homes.
 - A similar Program is underway for the Western Sydney growth centres with a planned capacity for 180,000 dwellings
 - Implementing the Hawke Review of the EPBC Act will further streamline regulatory processes by ensuring efficient and effective regulation and a greater emphasis on strategic approaches for environmental protection.

Housing affordability?

- Social and economic drivers intrinsic to the justification of the Program (eg housing affordability, access to public transport).
- Program integrates new rail and road infrastructure to be completed prior to urban development
- Strategic planning may identify environment constraints 'upfront' and give certainty in urban planning to maximise housing and infrastructure efficiencies.
- Piecemeal approvals and fragmented reserves may constrain consolidated development adding to costs and eroding housing affordability.