

The logo for the Grassy Plains Network, featuring the text "Grassy Plains Network" in a white, serif font, overlaid on a photograph of a grassy plain landscape with a cloudy sky.

# Grassy Plains Network

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## **VNPA and Grassy Plains Network response to draft Brief for Geelong Strategic Assessment**

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# 1 Introduction

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## 1.1 The Victorian National Parks Association

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The Victorian National Parks Association (VNPA) has been at the forefront of nature conservation campaigns for 70 years. It is one of Victoria's leading nature conservation organisations. It is an independent, non-profit, membership-based group, which exists to protect Victoria's unique natural environment and biodiversity through the establishment and effective management of national parks, conservation reserves and other measures. Its activities include strategic campaigns, education programs and developing policies, through to hands-on conservation work, as well as programs to promote the care and enjoyment of Victoria's natural heritage.

## 1.2 The Grassy Plains Network

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The Grassy Plains Network represents a broad range of land managers, ecologists, academics, and community concerned about the decline of the grassy ecosystems in and around Melbourne and nearby urban centres.

## 1.3 Deep and ongoing involvement

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Together, the VNPA and the Grassy Plains Network have been deeply involved in the Melbourne Strategic Assessment process since its inception over a decade ago and have a strong understanding of its many failings, few successes, and what lessons must be learned.

## 1.4 Excellent and threatened environment values present across the Northern and Western Geelong Growth Areas

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The Northern and Western Geelong Growth Areas contain extensive areas of valuable native vegetation, riparian and aquatic systems and ecosystems of state and federal significance. These include good patches of the federally listed critically endangered Natural Temperate Grassland of the Victorian Volcanic Plain and Seasonal Herbaceous Wetlands, and extensive populations of critically endangered Golden Sun Moth and the vulnerable Striped Legless Lizard, as well as the endangered Adamson's Blown-grass (*Lachnagrostis adamsonii*) and the critically endangered Spiny Rice-flower (*Pimelea spinescens*). State-listed communities include Western (Basalt) Plains Grassland and Plains Grassy Woodland, and species include Leafless Bluebush (*Maireana aphylla*) and Melbourne Yellow Gum (*Eucalyptus leucoxylon* subsp. *connata*). Grassland cover may exceed 800 hectares. Significant watercourses include the Moorabool Rive and Cowies Creek. Dog Rocks Sanctuary and the adjacent Honey Woodlands also contain much of value.

## 1.5 Get the planning right now

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Matters of environmental significance are commonly overlooked in the planning process, despite clear policy and legislation emphasising their importance.

We understand the intent of strategic assessments is to fast track approvals and deal with cumulative impacts, but our experience with the Melbourne Strategic Assessment has shown it to be a flawed process, with many promises and commitment made, but

with poor delivery. For instance, timelines for land acquisition were ignored, weeds were allowed to spread and environmental assets degrade, the economic fundamentals underpinning the Melbourne Strategic Assessment were ill-informed, and surveys of biodiversity grossly inadequate.

Conserving threatened species and natural areas is good for people as well as the environment. In order to achieve genuinely good results for the environment and for people, it is critical we get the planning right now for this substantial planning activity.

We understand that undertaking a holistic and comprehensive survey of natural values can inform the development process in such a way that a good balance is achieved between the necessity for development and the retention of biodiversity. Much is to be gained by integrating considerations of natural values into the planning processes at the earliest stage possible. This allows the establishment of interconnected areas of biodiversity, reduction in fragmentation, better protections, reductions in weed impacts, reduction of risk, early identification of strategically important assets, and greater certainty for developers, planners and community.

We understand that the Geelong Strategic Assessment is the next step in a long planning process supported by relevant strategic documents. We do however have numerous concerns that we see as important to address. Many of these arise from engagement in the Melbourne Strategic Assessment process.

We also understand that some of these concerns will be best addressed further along the decision-making process, for instance at the PSP stage, or as part of the development of the Biodiversity Conservation Strategy. Nevertheless, we feel it important to state them now and for the record.

We also note that we will be engaging with the Geelong Strategic Assessment process in an ongoing manner into the foreseeable future.

## 1.6 Summary of key points

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**INSUFFICIENT DETAIL:** The Geelong Strategic Assessment provides insufficient detail on processes for approvals, timelines, sequencing, consultation, hold points, mechanisms for enforcement, and responsibilities.

**FAST-TRACK DEVELOPMENT:** The Geelong Strategic Assessment is a pro-development fast-tracking process. It has not appropriately considered the cost to the environment. The Fauna and Flora Guarantee Act places a duty of care on the City of Greater Geelong to pay proper consideration to the environmental values present in the Northern and Western Geelong Growth Areas.

**SECRECY:** The City of Greater Geelong is engaging in a culture of secrecy by failing to release their reasoning for the need for a strategic assessment, and by not releasing the fauna and flora assessment it has undertaken across the Northern and Western Geelong Growth Areas.

**REPEATING MISTAKES:** The Geelong Strategic Assessment is repeating a major mistake made in the Melbourne Strategic Assessment, in that it is approving an outcome without providing detail of how that outcome will be achieved.

**THREATENED SPECIES IGNORED:** The Geelong Strategic Assessment provides no information on how matters of state and federal significance will be aligned. Over 60 grassland species are listed as threatened in Victoria. How are these to be protected?

**OFFSETS UNCLEAR:** The Geelong Strategic Assessment provides no information on how offsetting is to proceed.

**CONSERVATION AREAS UNPROTECTED:** The Geelong Strategic Assessment provides no processes by which conservation areas are to be appropriately protected and managed.

**NO CHECKS AND BALANCES:** The Geelong Strategic Assessment provides no information on what checks and balances will be in place to ensure good outcomes for the environment and the people of Geelong.

**RUSHED AND POOR SEQUENCING:** On-ground assessments have begun on the Creamery Road and Elcho Road East PSPs. How can commencing these PSPs align with the strategic goal of providing interconnected biodiversity reserves across the whole of Northern and Western Geelong Growth Areas? The intention of the Biodiversity Conservation Strategy is to establish a whole-of-growth-areas strategy prior to the PSP process.

**WEAK:** The Brief is weakly worded.

## 2 Learning from the Melbourne Strategic Assessment

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### 2.1 Significant flaws

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The Melbourne Strategic Assessment was a deeply flawed process, and we hope that Geelong succeeds where Melbourne failed, striking a good balance between development and the environment. Numerous failures have been highlighted by the Victorian Auditor General's Office highly critical 2020 report *Protecting critically endangered grasslands*, as well as the Inquiry into Ecosystem Decline and the Inquiry into Environmental Infrastructure for Growing Populations.

We appreciate that the 5300 hectares of the Geelong Strategic Assessment is substantially less than the 60,000+ hectares of the Melbourne Strategic Assessment, and the complexities of tenure are also less. Nevertheless, the Melbourne Strategic Assessment holds some timely lessons for the Geelong Strategic Assessment.

### 2.2 Only winners were the developers

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The Melbourne Strategic Assessment delivered good outcomes for developers but the environment wore the brunt of the risk and suffered the consequent losses. Upfront funding of the Melbourne Strategic Assessment Biodiversity Conservation Strategy led to a windfall for developers that were not required to undertake their own biodiversity assessments, which by government estimates exceeded \$500m.

### 2.3 Rushed timelines

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The time allocated for consultation and appropriate survey was inadequate, leading directly to substantial biodiversity loss and poor planning outcomes.

### 2.4 Lack of adequate consultation

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Failures of consultation went beyond rushed timelines. For instance, good consultation requires the timely provision of background materials of sufficient quality to make informed judgements. It also requires an iterative process that allows a journey towards, hopefully, some sort of consensus or at least mutual understanding. Failure to do this creates significant problems for the acceptance of the project over the long-term and undermines the success of the project. The Melbourne Strategic Assessment failed to engage with private landholders and other stakeholder groups from the inception of the project, leading to considerable anger and long-term issues.

### 2.5 Lack of adequate survey

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Obtaining adequate, scientifically reliable, evidence-based survey data requires substantial on-ground time and effort. Desktop studies and rushed on-ground methods only create problems down the track and lead to substantial biodiversity loss and poor planning outcomes.

#### 2.5.1 Timestamping

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The timestamping requirement on environmental survey data meant that no new data of scientific merit could be included in the process, leading directly to substantial biodiversity loss and poor planning outcomes.

### 2.5.2 Poor methodology

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Surveys must be conducted following a methodology that allows for the seasonality of species and their detection. Some ecosystems, such as the critically endangered Seasonal Herbaceous Wetlands, are difficult to detect without some, or several, seasons of adequate rainfall immediately preceding the survey. In the Western Grassland Reserves, some species required three years of good rain before being identified through monitoring.

### 2.5.3 Modelling

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Modelling is a valuable tool, but the quality of its outputs is only as good as its inputs. In the case of the Melbourne Strategic Assessment, input data was often significantly inaccurate, leading directly to substantial biodiversity loss and poor planning outcomes.

### 2.5.4 Lack of access to private property and roadside surveys

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Roadside surveys are often undertaken when access to private land is denied, and it is best described as looking over the fence. This is notoriously inaccurate, especially in grassy ecosystems where biodiversity is often present only at ground level and within the inter-tussock spaces of the grassland, and consequently invisible from roadside observation. The surveys conducted across the Melbourne Strategic Assessment area relied heavily on this method because of landholder anger at the imposition of public acquisition overlays on their properties.

We note that successful Council incentives programs build good relations with landholders and expedite access to properties for survey.

### 2.5.5 Incomplete survey areas

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The Melbourne Strategic Assessment did no surveys of actual roadsides within the proposed extent of the Western Grassland Reserves, despite these being areas that included known patches of high conservation significance.

### 2.5.6 Limitations of data informing desktop assessments

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Desktop assessments, like modelling, are only as good as their inputs. If no or poor surveys exist, the desktop survey will also be poor.

### 2.5.7 Lack of targeted surveys for critical species

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Certain species require specific survey methods, for instance laying out of tiles for Striped Legless Lizard. These need to be undertaken at the correct time and in the correct weather.

### 2.5.8 Narrow focus on certain threatened species

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Surveys need to consider the presence of all relevant species, not narrowed down to a convenient few. For example, the Plains Wanderer was excluded from the Melbourne Strategic Assessment despite being critically endangered under the EPBC Act and despite its likely presence in the Melbourne Strategic Assessment area.



## **2.6 Slow rate of land purchase leading to biodiversity loss**

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Perhaps the most substantial failure of the Melbourne Strategic Assessment was its failure to purchase land in a timely manner. This failure to effectively gain control of land targeted for its biodiversity values has led to massive weed invasion and consequent biodiversity loss. It has also meant substantial additional costs to the public purse for purchase at inflated prices, and for increased management.

We cannot stress enough the importance of early land purchase, leasing or the establishing of management agreements that are rigorously enforced. The conservation values of almost every conservation area in the Melbourne Strategic Assessment are currently in decline.

## **2.7 Lack of oversight by DELWP**

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Poor governance structures and process are causing considerable frustration and disappointment across the Melbourne Strategic Assessment. DELWP is required to give appropriate advice to facilitate good outcomes for the environment throughout the PSP process. This has not always been delivered, with lack of resources and lack of vision being two significant causes.

In the Melbourne Strategic Assessment, DELWP has been the only authority in a position to ensure that the range of other authorities, land holders and land managers associated with Melbourne Strategic Assessment conservation areas fulfil their obligations. The Melbourne Strategic Assessment has created a confusing situation where lines of authority are ambiguous. In many cases, local councils are bearing the burden of oversight in a context where a lack of clear process, communication, resourcing and funding from DELWP means any attempt at oversight is effectively hamstrung.

## **2.8 Lack of federal oversight**

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Melbourne Strategic Assessment processes do not facilitate Federal action, nor does it seem that such action is forthcoming.

## **2.9 Confusing and complex processes**

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The entire Melbourne Strategic Assessment process is a tangled web of overlapping targets, hierarchies and parallel approaches that is almost impossible to navigate.

## **2.10 Failure to apply planning controls such as Environmental Significance Overlays to BCS conservation areas**

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Lack of Environmental Significance Overlays has made it easier of landholders to get away with not meeting their environmental obligations.

## **2.11 Inadequate incentives for weed control on private land**

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Successfully managing weed control on private land prior to its being acquired is of great importance. All available tools must be used to avoid the weed-management debacle occurring in the Western Grassland Reserves.

## **2.12 Lack of enforcement when land holders fail to meet their obligations**

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Confusion over appropriate levels of management and handover responsibilities has been exacerbated by poor communication, oversight, and lack of adequate survey. The Federal authorities have shown no motivation to enforce the CALP Act despite obvious breaches of the law. Local councils are keen to positively engage with landholders, so turn a blind eye to the need for enforcement.

## **2.13 Poor reporting and lack of transparency**

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The Melbourne Strategic Assessment has not released a progress report since 2016, a deplorable failure to report.

## **2.14 Unclear tenure for conservation areas**

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The ultimate tenure of many of the conservation areas in the Melbourne Strategic Assessment is still to be determined. This is exacerbated by the failure to establish appropriate pathways by which BCS conservation area land can be transferred to local councils and other authorities. Any proposed funding agreements must accept the in perpetuity requirements of managing these reserves, and also specify the appropriate ecological condition for handover. The latter point is complicated by the often-lacking appropriate survey undertaken at the timestamped establishment of the BCS conservation areas.

## **2.15 Necessity for funding in perpetuity**

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The idea that land can be intensively managed for ten years and then considered of a quality that will maintain itself in a self-sustaining way is a fallacy. Grasslands in particular require regular biomass reduction. Funding for conservation areas needs to be structured to recognise the in perpetuity nature of conservation.

## **2.16 Failure to appreciate the scope of best practice grassland management and restoration**

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Grassland management and restoration is more complex than that of many other ecosystems, with a detailed history of land use and context required, as well as a sophisticated approach to adaptive management. Restoration is hampered by the lack of a native seed industry, a factor that must be considered in long term plans for biodiversity improvement of partially degraded ecosystems such as those in the Geelong Strategic Assessment.

## **2.17 Lack of transparency regarding funding**

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The economic basis for the funding of the Melbourne Strategic Assessment, and the operation of the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020, remain opaque.

## 3 Serous concerns

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### 3.1 Biodiversity a second thought

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From our discussions with a range of interested parties it is clear that the City of Greater Geelong has not to date put appropriate biodiversity protection and planning at the forefront of its thinking about the Northern and Western Geelong Growth Areas.

It is of considerable concern that the Northern and Western Geelong Growth Area Framework Plan has been developed without any proper assessment of the natural values present in the Growth Areas. Poor planning outcomes are consequently being foregrounded. The Structure Plans put forward do not respond to the environmental reality on-ground, but rather appear as a grid imposed over them.

We do not consider the Flora and Fauna Assessments undertaken by Ecology and Heritage Partners to be adequate descriptions of the environmental values present across the Northern and Western Geelong Growth Areas.

One of the main failings of the Melbourne Strategic Assessment was that the environment carried all the risks, while development was given all the security. We see that happening here already, with the Framework Plan overlaying development over large areas of good biodiversity without any reasoning why such egregious removal of native vegetation should be justified.

### 3.2 Justifications for Geelong Strategic Assessment undisclosed

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We have been unable to find in any public documentation the reasoning for the necessity of a strategic assessment such as one proposed. We understand there have been extensive discussions with DELWP regarding this matter over some 18 months. This level of secrecy does nothing to instil public confidence in this process.

### 3.3 Secret fauna and flora assessment

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We understand that The City of Greater Geelong has undertaken detailed assessments across the Geelong Strategic Assessment area. However, the City of Greater Geelong has not seen fit to release the survey data, meaning no independent scrutiny of the methodology can be undertaken. We are concerned that these surveys may not meet appropriate federal and state standards and may not have targeted all relevant species. We also do not know if they include crown land such as roadsides and the adjacent rail line, both areas known to be places of considerable conservation merit when it comes to grasslands.

We note that Section 9.2 of the Section 146 Agreement for Geelong Growth Areas (SA040) requires the parties to make such information accessible and reusable by the community and available in the public domain. We are concerned that The City of Greater Geelong is undermining the basis of this Agreement and is being unduly secretive.

We note that Section 4 of the Section 146 Agreement for Geelong Growth Areas (SA040) states that “The Plan must include at a minimum, a commitment to develop and outline an assurance and implementation plan that includes the best practice

monitoring programs”. Proceeding with the current manifestly inadequate survey data means that no best practice monitoring can be undertaken.

### **3.4 Importance of baseline data for future monitoring**

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Without adequate baseline data, future monitoring of biodiversity values cannot confirm what losses of biodiversity may have occurred because of land holders failing to meet their obligations. Beyond allowing bad actors to prosper, this also complicates future processes relating to the handover of assets to public authorities.

### **3.5 Relationship between the Geelong Strategic Assessment and state legislation unclear**

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We understand that there have been considerable discussions to date between the City of Greater Geelong, DELWP and DAWE regarding the integration of alignment of state and federal policies. This is commendable and necessary.

We are however concerned that matters of state, such as threatened species and native vegetation clearing regulations, will be overridden by federal matters. This would represent a very poor outcome for the environment. In particular, we are concerned about the manner in which state and federal offset policies can align. We consider state regulations to provide significantly stronger protections for the environment than federal regulations.

The 2020 revisions to the Flora and Fauna Guarantee Act place additional responsibilities on government and associated agencies, in particular by placing a duty of care to properly consider and value the environment through their actions. The expectations with respect to public authorities actions have been significantly increased.

### **3.6 Ensuring delivery**

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It is easy for promises and broad statements to be made regarding delivery. What is needed is for appropriate mechanisms to be put into place to ensure the appropriate delivery of this project. That includes clear and adequate timelines, well thought-out approvals processes, systems for incorporating and responding to new data, process to manage the risks of insufficient data, hold points, consultation and engagement processes, transparent monitoring and reporting, independent oversight, careful consideration of sequencing, providing the means for enforcing breaches of process, and providing timely and accurate provision of information to all stakeholders.

### **3.7 The PSP process**

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We believe that considerable preparatory work should occur very early in the PSP process to ensure good biodiversity outcomes can be achieved. It has been our experience that initial decisions regarding the location of infrastructure, such as gas pipelines and overhead transmission lines, are often made without due consideration of the impacts to biodiversity. Major road alignments and public transport decisions about bus routes are also determined very early and lead to inappropriate outcomes such as major roads cutting connectivity and introducing noise and light pollution between important patches of biodiversity.

We understand that background technical assessments have already begun on the fast-tracked Creamery Road and Elcho Road East PSPs, and we are concerned that such assessments will subvert the goals set out for the role of the Biodiversity Conservation Strategy. It is hard to imagine how advancing these PSPs can align with the strategic goal of providing interconnected biodiversity reserves across the whole of the Northern and Western Geelong Growth Areas. The intention of the Biodiversity Conservation Strategy is to establish a whole-of-growth-areas strategy and then insert the individual PSP processes into that.

The PSP cannot meaningfully advance to the draft stage without a completed BCS process. Our experience is that once at draft stage, so much work has gone into a PSP that it is very difficult to negotiate meaningful change, regardless of the extent of further community consultation. It is also impossible to comment on any assumptions about the presence or absence of natural values without access to flora and fauna assessment data and background technical reports.

The BCS is the process by which appropriate safeguards are going to be proposed. It is where offsetting strategies will be articulated. Without these and other components of the BCS, the PSP will simply pay lip-service to the intentions of the Geelong Strategic Assessment.

We believe these PSPs are being fast-tracked due to political pressure and pressure from developers. Rushed development will mean bad outcomes. The City of Greater Geelong will gain a reputation as being nothing more than a rubber stamp for greed and mismanagement.

### 3.8 Offsetting

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We want to see a clear policy that sets out commitments to use offsets only as a last resort and to create a connected, secure, strategically located network of environmental reserves within the Northern and Western Geelong Growth Areas.

Without a clear understanding of the natural values present it is impossible to assess the offset requirements for any prospective urban design.

We are concerned about the very real possibility that offsets for specific species may not be available on the state credit register. Action N1.3.7 of the Framework Plan asserts that offsets will be onsite within the precincts. While in principle we agree that this is a good goal, we are concerned that it may not be attainable.

To date, and in general, offsetting processes for grasslands have failed to deliver the net gain expected benefits. Improvements in quality often require extensive restoration efforts over and above standard management practices. We urge all parties to avoid and minimise impacts to grassland so that offsetting impacts can be mitigated.

### 3.9 Land acquisition strategy

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All land for conservation must be acquired as soon as possible, or otherwise put under a strong, enforceable and publicly available management agreements. Otherwise we will only repeat the mistakes of the Melbourne Strategic Assessment.

It is all too common for biodiversity values to begin to decline once land is approved for development. The 30-year timeline for the Northern and Western Geelong Growth Areas means it is likely that large areas will be approved for development but left undeveloped for an entire generation. This brings with it a high risk of degradation from the land being in effect abandoned, with lack of appropriate management, and the consequent spread of weeds. The vagaries of the market add additional risk to this scenario.

### **3.10 No processes stated for security and tenure of conservation areas**

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No information has been provided on the process for establishing conservation areas, the key values that they will be protecting, their tenure, the processes and requirements for handover to public authorities, their funding, or their management before, during and after their transition to being public assets. As noted above, this lack was a major failing for the Melbourne Strategic Assessment. We also note that conflicts may arise over the competing needs of conservation and public access with respect to these conservation areas, and no mechanism is yet in place to negotiate this process.

### **3.11 Checks and balances**

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We wish to highlight the need for clear and transparent processes that specify an independent monitor with strong powers, require regular reporting, provide mechanisms for the reporting of breaches, and provide processes for enforcement. These need to be applicable to all parties, from the individual to the developer, and across local, state and federal authorities.

### **3.12 Land use conflicts**

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The Framework Plan shows areas of development over areas of known ecological significance. It would appear clear the City of Greater Geelong is not paying proper attention to its responsibilities to the environment and is disregarding any application of avoidance and mitigation of impacts to native vegetation.

### **3.13 Rural residential zoning will lead to biodiversity loss**

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In our experience, zoning land Rural Residential leads to biodiversity loss because landholder use comes into conflict with native vegetation. Processes need to be in place, for instance Environmental Significance Overlays, that allow appropriate protection of biodiversity and enforcement in the case of landholder non-compliance.

### **3.14 Impacts of gas and electricity infrastructure**

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It is important for the proposed Lara Iona Pipeline to be located away from biodiversity assets if the pipeline is to be built using an open trenching method. Direct drilling will likely be a preferable method where biodiversity assets are present. Maintenance requirements can have ongoing impacts to native vegetation. Pipelines also have considerable capacity to disrupt local hydrology.

### **3.15 Impacts to hydrology**

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We are concerned that altered hydrological regimes due to urbanisation can have significant impacts downstream and note the presence of RAMSAR sites downstream.

We also note that seasonal ephemeral wetlands are an important feature of the basalt plains and are fragile, endangered, and easily impacted by development.

### 3.16 EPBC referrals

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We note that EPBC referrals have already begun (EPBC Referral 2021/8939). We hope that such actions do not subvert the stated intentions of the parties to obtain good outcomes for the natural values present within the Northern and Western Geelong Growth Areas through a holistic Growth Area-wide process.

## 4 The draft terms of reference for the Geelong Growth Areas Strategic Assessment Report

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### 4.1 Amendments to the Brief

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**Please refer to comments made to  
Draft\_Terms\_of\_Reference\_for\_public\_comments attached to this submission.**

The Brief sets out in general terms the scope and aims of the Biodiversity Conservation Strategy and the Report that will accompany the Plan describing the proposed activities to deliver the Northern and Western Geelong Growth Areas.

We would like to see a stronger wording of the Brief in general. We are very aware that developers and government agencies can use gaps in clarity or weak phrasing to leverage outcomes that are not in the interests of the environmental values of the Northern and Western Geelong Growth Areas.

The Geelong Strategic Assessment is an agreement between the federal Department of Agriculture, Water and the Environment and the City of Greater Geelong, but it is absolutely essential that matters of state significance be included in its scope. State and federal matters must be aligned, and the Brief refer to both, rather than its current form, which only refers to protected matters that are of national significance.





Australian Government

Department of Agriculture, Water and the Environment

## DRAFT TERMS OF REFERENCE FOR THE GEELONG GROWTH AREAS STRATEGIC ASSESSMENT REPORT

On 27 January 2022, the City of Greater Geelong entered into an agreement with the Commonwealth Minister for the Environment (**the Minister**)(**the Agreement**), pursuant to section 146(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), to undertake a strategic assessment of the impacts of actions taken within the strategic assessment area on matters protected by a provision of Part 3 of the EPBC Act (**protected matters**).

The Geelong Growth Areas means part of the Northern and Western Geelong Growth Areas identified in the Clause 21.20 of the Greater Geelong Planning being generally the area described at Attachment A.

The Agreement requires City of Greater Geelong to prepare the following documents which will be considered by the Minister.

a) A Plan (**the Plan**)

The Plan is the 'policy, plan or program' and is the document to which the Strategic Assessment Report relates. The Plan will describe the proposed activities of the development of the Geelong Growth Areas and specify commitments to protect matters protected under the EPBC Act.

b) A Strategic Assessment Report (**the Report**)

The Report will describe and assess the impacts of actions under the Plan on all relevant matters protected under Part 3 of the EPBC Act (**relevant protected matters**).

These Terms of Reference specify what must be included in the Report.

### 1. PURPOSE OF THE STRATEGIC ASSESSMENT REPORT

- 1.1. The Report must assess the impacts of actions under the Plan on all relevant protected matters.
- 1.2. The Report must address how those impacts will be avoided, mitigated and offset (where necessary or appropriate) to ensure the long-term protection of protected matters.
- 1.3. The Report must provide sufficient detail to enable an evaluation of the ability of the Plan to ensure the long-term protection and conservation of the relevant protected matters.

## 2. DESCRIPTION OF THE PLAN

2.1. The Report must describe the Plan to which the Agreement relates:

- a) The Report must provide a summary outlining the Plan's overall purpose, key elements, spatial extent, and timeframes, including how long the Plan is proposed to be in effect.
- b) The Report must provide details about the key elements of the Plan, including:
  - i. the outcomes, commitments, and measures to be delivered for protected matters.
  - ii. the class or classes of actions likely to be taken under the Plan over the term of the Plan.
  - iii. the legal and administrative frameworks to implement and ensure compliance with the Plan, and the persons and authorities responsible for implementation and compliance.
  - iv. the relationship of the Plan to other relevant Commonwealth and State policies, plans and guidelines, commitments, regulations and legislation, including environmental approvals.
  - v. an identification of actions or classes of actions that are outside the scope of the Plan.
  - vi. management and funding arrangements for implementing the Plan and complying with any approval given with respect to the Plan under Part 10 of the EPBC Act, including but not limited to:
    - I. a description of the mechanism that will be used by City of Greater Geelong to verify the persons who are proposing to take an action in accordance with the Plan, and to inform those persons of approval conditions.
- c) The Report must describe the need and justification for the Plan including the environmental, social and economic drivers for its development.
- d) The Report must describe the decision-making framework that was used in considering alternatives and developing conservation outcomes of the Plan. It should identify the alternative options that were evaluated to reach the final Plan, and why these options were not supported.

- e) The Report must describe how the principles of ecologically sustainable development (as set out in section 3A of the EPBC Act) are considered and promoted in the development of the Plan.

### **3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN**

3.1. The Report must describe the nature of the environment within the strategic assessment area that may be impacted by actions proposed to be taken under the Plan. This must include (at a minimum):

- a) a description and map of current and historical land-use, including consideration of areas which may pose an environmental risk.
- b) the broad extent, type and quality of vegetation present in the strategic assessment area, where such information is available or is required in the relevant EPBC Act statutory document for a protected matter (such as a recovery plan).
- c) a description of the nature of the environment, including the state of natural and physical resources, ecological processes, and threatening processes.
- d) a description of the landscape context and key environmental matters, such as any known habitat connectivity, habitat fragmentation, and ecological processes.
- e) map or maps of areas that are already protected, including national parks, nature reserves, and known offset areas under both Commonwealth and/or State legislation.
- f) the location of any declared World Heritage properties or National Heritage places in the strategic assessment area and identification of sensitive heritage areas for protected matters.

3.2. The Report must identify and describe each protected matter that may be impacted directly, indirectly and/or cumulatively by actions proposed to be taken under the Plan (these are the 'relevant protected matters'), including (at a minimum):

- a) maps of listed ecological communities and descriptive information including listing status, threatening processes, habitat quality and landscape context.
- b) maps of species records and habitat for listed threatened species including habitat quality and landscape context.
- c) descriptive information for listed threatened species including listing status, threatening processes, estimates of population size or

abundance and distribution within and adjacent to the strategic assessment area.

- d) extent and condition and ecological character of declared Ramsar wetlands. This must include information on past, present and projected trends in the ecological character and its likelihood to change over time.
- e) spatial and descriptive information for declared world Heritage properties and National Heritage places and their values, located within or adjoining to the strategic assessment area.
- f) spatial and descriptive information on the environment of Commonwealth land within or adjoining the strategic assessment area.
- g) maps of species records and habitat for listed migratory species located within or adjoining the strategic assessment area, including estimates of habitat usage and species abundance in the context of global populations.

#### **4. ASSESSMENT OF THE IMPACTS OF THE PLAN ON PROTECTED MATTERS**

- 4.1. The Report must describe and assess the likely direct, indirect and cumulative impacts of actions taken under the Plan on all relevant protected matters.
- 4.2. The Report must describe and provide justification for the method used to assess likely impacts on all protected matters arising from actions proposed to be taken under the Plan. The method must:
  - a) be appropriate for assessment at a strategic scale.
  - b) rely on the best available information.
  - c) discuss uncertainty, including reference to the data and information relied upon.
- 4.3. The Report may also consider protected matters that are potentially eligible for listing as a result of inclusion in a final priority assessment listing held by the Commonwealth, or a recommendation to the Minister for listing by the Threatened Species Scientific Committee prior to the Report being submitted.
- 4.4. The Report must include analysis of:
  - a) how impacts on protected matters will be avoided.
  - b) the duration, extent and likely severity of the impacts.

- c) the mitigation measures that will be implemented and their likely effectiveness to reduce impacts on the protected matters.
- d) how unavoidable impacts will be offset in accordance with the principles of the *Environment Protection and Biodiversity Conservation Act, Environmental Offsets Policy, 2012*.
- e) the proposed funding arrangements and the timeframes for the delivery of mitigation and offset requirements.

4.5. The Report must include an analysis of the conservation benefits (beneficial impacts) of the Plan, including:

- a) how protected matters will be conserved, protected and managed within the strategic assessment area.
- b) the adequacy and likely effectiveness of the outcomes, commitments and measures under the Plan in protecting and managing protected matters, including the effectiveness of implementation, funding arrangements and who will be responsible for delivery.
- c) available evidence to support conclusions reached regarding the effectiveness of the outcomes, commitments and measures identified in the Plan.

4.6. The Report must consider the extent to which the impacts on relevant protected matters of actions proposed under the Plan would be consistent with the EPBC Act, including but not limited to:

- a) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with Australia's international obligations, including under the Convention on Biological Diversity, World Heritage Convention, Ramsar Convention and the Convention for Migratory Species to the extent they apply to the relevant protected matters (section 146G, 146J, 146K and 146L of the EPBC Act).
- b) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with recovery plans and threat abatement plans (section 146K(2) of the EPBC Act).
- c) how regard has been and will be given to relevant information in conservation advices (section 146K(3) of the EPBC Act), threat abatement plans and recovery plans.
- d) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with management plans for National Heritage places (sections 324S and 324X of the EPBC Act), management plans for declared World Heritage properties (sections

146G of the EPBC Act), the Australian World Heritage management principles (section 146G of the EPBC Act) and the National Heritage management principles (section 146H of the EPBC Act).

- 4.7. The Report must include justification for key methods used in the assessment.

## **5. EVALUATION OF THE OVERALL OUTCOMES OF THE PLAN**

- 5.1. The Report must evaluate the overall outcomes, commitments and measures for protected matters taking into account likely impacts on protected matters from actions proposed to be taken under the Plan.

- 5.2. The evaluation must include:

- a) the extent to which protected matters are represented in the strategic assessment area.
- b) the extent to which protected matters are represented in areas to be protected or managed under the Plan.
- c) the extent to which any areas to be protected or managed under the Plan will ensure the long-term protection of each protected matter, and the ongoing function of any key ecosystem services needed for the ongoing viability of protected matters.
- d) the extent to which the outcomes, commitments and measures under the Plan address any significant vulnerabilities of protected matters under reasonable climate change scenarios.
- e) the likely effectiveness of the outcomes, commitments and measures under the Plan in protecting and managing protected matters and any risks and uncertainties.
- f) an assessment of how the Plan meets the endorsement criteria, asset out in Attachment 2 of the Agreement.

## **6. ADDRESSING UNCERTAINTY AND RISK**

- 6.1. The Report must identify key uncertainties and risks associated with implementing the Plan, responses to these and proposed adaptations to changing circumstances. Key uncertainties may include:

- a) knowledge gaps in scientific understanding and responding to new knowledge.
- b) assumptions made in assessing potential impacts and benefits.

- c) how changes to Commonwealth, State and local government legislation, policies, plans and advice are to be accounted for in the management of the areas impacted by the Plan.
- d) the effectiveness or capacity to ensure the Plan is implemented.

## 7. ASSURANCE AND IMPLEMENTATION FRAMEWORK

7.1. The Report must include an evaluation of the adequacy of the Plan's Assurance and Implementation Framework which describes the best practice monitoring programs, regular review, public reporting and independent auditing processes proposed to:

- a) ensure outcomes, commitments and measures for protected matters contained in the Plan are, documented, delivered and adequately resourced throughout the life of the Plan.
- b) ensure the results of monitoring will be used to understand the effectiveness of outcomes, commitments and measures for protected matters and improve implementation, in particular, to adapt where monitoring demonstrates delivery of the commitments and measures are not leading to the predicted outcomes or where there are risks to protected matters.
- c) ensure new information relating to protected matters, including legislative changes, may be assessed and accounted for in implementation of the Plan.
- d) provide mechanisms that track persons who are relying on a strategic assessment approval to take an action and ensure persons undertaking actions are informed of their obligations under the endorsed Plan and approval.
- e) ensure compliance with the Plan will be monitored and non-compliance will be reported.
- f) provide for a 5-yearly assurance review and report.

7.2. The Report must include an evaluation of the Plan's framework for monitoring actions taken under the Plan and addressing the responsibilities of the Minister and City of Greater Geelong as to these matters.

## 8. INFORMATION SOURCES

8.1. The Report must identify the sources of information and data relied upon including the reliability and currency of the data.



# Attachment A - Geelong Growth Areas

