



Grassy Plains Network

The Hon. Tanya Plibersek MP
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

17 June 2022

Dear Minister Plibersek,

Re: Illegal destruction of critically endangered grassland conservation reserve, and review of joint Commonwealth–Victorian Melbourne Strategic Assessment

Congratulations, it has been many years since someone of your experience, ability and commitment has held the Environment portfolio.

The immediate trigger for this correspondence is the recent illegal destruction of Conservation Area 9 – one of the 36 hotspots mandated for permanent protection under the joint State and Federal Strategic Assessment under the EPBC Act 1999 – by its private landholder. Conservation Area 9 was 40 hectares of some of the very best grassland within the entire Melbourne region, including that protected by the Western Grassland Reserves.

The destruction at 643–707 Mt Atkinson Road Truganina VIC 3029 took place around December 2021 – January 2022 according to aerial imagery, but only came to the notice of authorities in April this year. Thousands of tonnes of fill have been dumped across the site, burying the native vegetation, with rock-crushing having also been undertaken.

For complex historical reasons, Melbourne and its surrounds are the last significant stronghold of the critically endangered Native Temperate Grassland of the Victorian Volcanic Plain ecosystem. The loss of Conservation Area 9 in no small way pushes that ecosystem closer towards extinction.

The loss of Conservation Area 9, which was planned to be for the preservation of nature and a place for the enjoyment of future residents as Melbourne grows, deprives future residents and the broader community of that opportunity.

This destruction is currently under investigation by Commonwealth, State and local authorities, and in this case the Victorian Environmental Protection Agency as well.

The Melbourne Strategic Assessment

The Melbourne Strategic Assessment is the existing agreement the Commonwealth Government entered into with the Victorian Government in 2009, under section 146 of the Environment Protection and Biodiversity Conservation Act 1999, to conduct a strategic assessment of the potential impact of the Victorian program ‘Delivering Melbourne’s newest sustainable communities’ on matters of national environmental significance.

That program included the expansion of Melbourne's Urban Growth Boundary and the release of 60,000 hectares of land for development as a mechanism to alleviate a crisis in housing affordability. Setting aside impacts one way or another on that housing crisis, what the Melbourne Strategic Assessment did achieve was provide a great deal of certainty and subsidy for developers (estimated to be worth almost 1 billion dollars in 2009). In short the developer got certainty and the environment has born the risk.

In effect, what the Melbourne Strategic Assessment did was switch off the need to apply for EPBC approval for the clearing of native vegetation on a site-by-site basis in the Melbourne Strategic Assessment area, which comprises the then-newly released land of Melbourne's urban growth corridors.

The Melbourne Strategic Assessment is essentially a large-scale offset agreement, with a levy on development funding the purchase and maintenance of the Western Grassland Reserves, which are located immediately west of Melbourne's Urban Growth Boundary. The Western Grassland Reserves are intended to conserve substantial areas of Natural Temperate Grassland of the Victorian Volcanic Plain, which is listed as critically endangered under the EPBC Act.

In addition, the Melbourne Strategic Assessment requires the establishment of 5000 hectares of protected reserves of EPBC-listed grassy woodland, as well as having species-specific targets for EPBC-listed species such as the Growling Grass Frog and Golden Sun Moth.

Further, the 2013 Biodiversity Conservation Strategy identified 36 biodiversity hotspots within the newly released urban growth corridors that are to be reserved for conservation and public open space as part of the Melbourne Strategic Assessment. Conservation Area 9 was one of these.

Oversight absent

The loss of Conservation Area 9 is symptomatic of a larger failure of governance with respect to the Melbourne Strategic Assessment. Conservation Area 9 had no planning protections in place. It had no Environmental Protection Overlay, it was zoned Urban Growth Zone rather than having a conservation zoning, there was no interim management agreement in place or even being negotiated with the owner, it had been subject to previous abuse at the hands of that owner, and it had not even been appropriately surveyed.

The sad truth is that, since 2009, the Melbourne Strategic Assessment has been an instrument causing the decline of EPBC-listed species and communities, not their conservation. We also note that the Commonwealth has, for at least the last nine years, largely been absent from ensuring its approvals are implemented.

This perverse and counterintuitive outcome has been driven by lack of appropriate interim management on private land prior to that land becoming part of the public estate or part of planned development. That in turn is driven by lack of purchase, oversight, attention, planning and the institutional culture within the Victorian Department of Environment, Land, Water and Planning (DELWP).

It is fair to say the Victorian Government is comprehensively failing to meet its side of the joint agreement. A good summary of that failure can be found in the Victorian Auditor-General's Office 2020 [report](#) *Protecting Critically Endangered Grasslands*.

Since that report, some progress has been made. For instance, the Victorian Government passed the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020, which increased the funding stream to improve the rate of purchase of the Western Grassland Reserves. Increased funding, however, does not address more structural matters and systemic failures.

It is also true that, in the case of land purchased for the Western Grassland Reserves (to date 17 per cent of its final extent), once formerly private land passes over into the strict management processes instituted by DELWP, the decline in the environmental values of that land has halted. Note though, that much will have to be done to restore that land to its 2009 quality.

It is important to restate that Commonwealth oversight of this joint Commonwealth–Victorian agreement has been absent for many years.

Urgent review needed

Systemic and compounding failures of governance are having avoidable and irreversible impacts on the EPBC-listed species that the Melbourne Strategic Assessment is supposed to protect.

The illegal clearing of Conservation Area 9 provides a tragic but timely opportunity to re-establish the role of the Commonwealth. It would be entirely appropriate to now instigate a thorough review of the Melbourne Strategic Assessment joint agreement, and to undertake an urgent independent ecological audit to ensure its approvals are being properly implemented.

The idea of a strategic assessment, in which a broad overview is taken, allowing regional-level connections to be made and identifying the best areas for preservation and protection, should make sense. At the same time however, the inherently large-scale approach means that the impacts of actions under such an assessment, if poorly conceived and executed, are magnified.

That has been the case with the Melbourne Strategic Assessment. The scale of the task was too great to be appropriately met within the tight timelines somewhat arbitrarily imposed on the original assessment process. It has never fully recovered from the flawed circumstances of its creation.

A detailed audit of its progress will reveal many lessons for similar agreements – in particular the recent Geelong Strategic Assessment, which is shaping-up to be equally poorly conceived.

Without decisive Commonwealth action, we have little faith that the Melbourne Strategic Assessment will do more than formalise the ongoing loss on one of Australia’s most endangered ecosystems and the broad suite of unique species that it is home to. We request you take the opportunity presented by the destruction of Conservation Area 9 to thoroughly review the progress of the Melbourne Strategic Assessment.

The Victorian National Parks Association and the Grassy Plains Network are requesting the following action be taken as a matter of urgency:

- Immediate assessment of the current state of the Conservation Area 9 and a report identifying opportunities for rehabilitation and restoration if that is even possible
- Identification and securing of an alternative site of the same size and ecological value in the metro area
- A thorough audit and investigation that ensures all 35 other conservation areas have the appropriate legal protections and are being properly managed
- The Federal Government to undertake an urgent independent ecological audit of the Melbourne Strategic Assessment to ensure its approvals are being properly implemented
- Immediately acquire the Western Grasslands Reserve and Grassy Eucalypt Woodlands as a whole.

Who we are

The Victorian National Parks Association (VNPA) is one of the State'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.

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.

Your Sincerely,

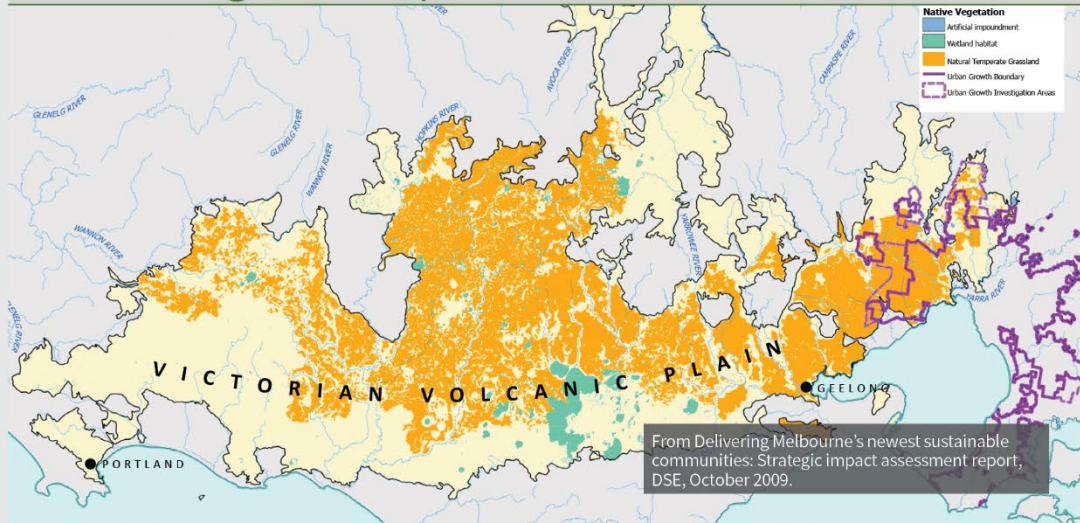


Matt Ruchel,
Executive Director,
The Victorian National Parks Association

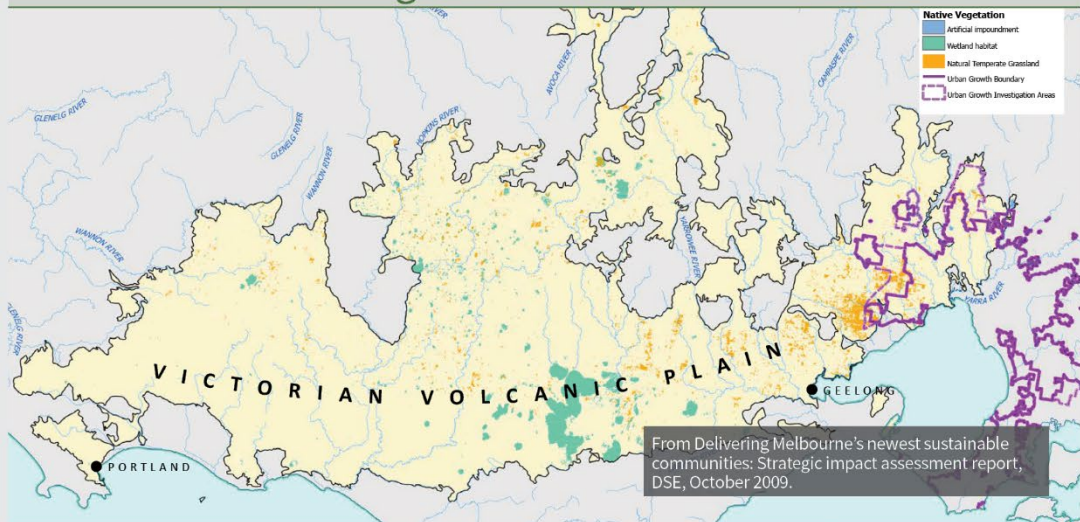


Adrian Marshall,
Facilitator,
the Grassy Plains Network

Extent of grasslands pre-1775



Modelled extent of grasslands 2009



The rarest of the rare: Only 2% of the original extent of the Natural Temperate Grasslands of the Victorian Volcanic Plain remains, as can be seen in the two maps above. The remainder is highly fragmented and degraded. The map of the Western Grassland Reserves to the right shows high-quality patches, i.e. those dominated by Kangaroo Grass, in red. It is evident how incredibly rare such patches are, only a few per cent of the 2%. Conservation Area 9 was one such high quality patch dominated by Kangaroo Grass.

The Western Grassland Reserves

