

THE CITY OF  
GREATER GEELONG

# NORTHERN AND WESTERN GEELONG GROWTH AREAS

---

MAY 2023

DRAFT EPBC PLAN

## ACKNOWLEDGEMENT OF COUNTRY

Greater Geelong is located on the traditional lands of the Wadawurrung people. The land was created by the great ancestor spirit, Bunjil, the wedge-tailed eagle. Wadawurrung territory extends from the great dividing range in the north to the coast around Port Phillip Bay.

The city acknowledges the Wadawurrung people as the traditional owners of this land who to this day practice their culture and uphold the dignity of their ancestors.

## DOCUMENT TRACKING

This document was prepared on behalf of the City of Greater Geelong by Biosis and Open Lines.

<b>PREPARED BY:</b>	
Mitchell Ross, Tom Holden, Peter Hemphill (Open Lines)	
<b>REVIEWED BY:</b>	
Mitchell Deaves (Biosis), Peter Hemphill (Open Lines)	
<b>VERSION CONTROL:</b>	
<b>VERSION:</b>	Public exhibition version
<b>DATE:</b>	May 2023

# Contents

<b>LIST OF FIGURES.....</b>	<b>IV</b>
<b>LIST OF TABLES.....</b>	<b>IV</b>
<b>ACRONYMS AND TERMS .....</b>	<b>VI</b>
<b>1 INTRODUCTION .....</b>	<b>1</b>
1.1 The Strategic Assessment .....	1
1.2 Purpose of the Plan.....	1
1.3 Overview of the Plan and supporting documents .....	2
1.4 Area covered by the Plan.....	4
1.5 Timing for implementation of the Plan.....	7
1.6 Regulatory context and legal effect of the Plan.....	7
1.7 Responsibilities for implementing the Plan.....	8
<b>2 CONTEXT FOR DEVELOPING THE PLAN .....</b>	<b>9</b>
2.1 Biodiversity values and challenges.....	9
2.2 Social and economic context .....	10
2.3 Planning context .....	12
<b>3 OBJECTIVE AND OUTCOMES OF THE PLAN.....</b>	<b>17</b>
3.1 Introduction.....	17
3.2 Outcomes framework .....	17
3.3 Objective of the Plan.....	18
3.4 Outcomes of the Plan .....	18
3.5 Commitments.....	19
3.6 Measures .....	19
<b>4 DEVELOPMENT SUPPORTED BY THE PLAN .....</b>	<b>20</b>
4.1 Introduction.....	20
4.2 Location of development.....	20
4.3 Development classes of actions .....	23
4.4 Persons who can undertake development and their obligations .....	28
4.5 Changes to the boundaries of land subject to development .....	29
<b>5 CONSERVATION FRAMEWORK.....</b>	<b>30</b>
5.1 Introduction.....	30

5.2	Purpose of the conservation framework.....	30
5.3	Relevant protected matters .....	30
5.4	Avoidance and minimisation of impacts .....	32
5.5	Mitigation of impacts.....	35
5.6	Residual impacts and offsets.....	37
<b>6</b>	<b>DELIVERY OF EXTERNAL INFRASTRUCTURE .....</b>	<b>41</b>
6.1	Introduction.....	41
6.2	Commitments for external infrastructure .....	41
6.3	Avoidance and minimisation of impacts .....	41
6.4	Mitigation of impacts.....	42
6.5	Offsets for residual impacts .....	42
<b>7</b>	<b>ASSURANCE AND IMPLEMENTATION FRAMEWORK.....</b>	<b>43</b>
7.1	Introduction.....	43
7.2	Purpose of the assurance and implementation framework .....	43
7.3	Governance framework .....	43
7.4	Funding framework .....	49
7.5	MERI framework .....	51
7.6	Compliance framework .....	61
7.7	Data management process .....	66
7.8	Process for changing the implementation documents.....	67
	<b>REFERENCES .....</b>	<b>69</b>
	<b>APPENDIX A: WHERE THE PLAN ADDRESSES THE ENDORSEMENT CRITERIA.....</b>	<b>70</b>

# List of Figures

Figure 1-1: Strategic assessment documents.....	4
Figure 1-2: Location of the Strategic Assessment Area and Growth Areas .....	5
Figure 1-3: Administrative context of the Study Area, Strategic Assessment Area and Growth Areas .....	6
Figure 4-1: Development and conservation land within the Strategic Assessment Area .....	22
Figure 7-1: Governance structure for implementing the Plan.....	47
Figure 7-2: Components in the MERI framework for the Plan .....	52
Figure 7-3: Application of MERI at different time scales.....	60

# List of Tables

Table 1-1: Plan structure and content .....	2
Table 2-1: Key biodiversity actions from the Framework Plan for the Growth Areas .....	13
Table 2-2: Summary of how each part of the planning system hierarchy will be used to implement the Plan .....	16
Table 3-1: Definition of the components of the outcomes framework.....	17
Table 3-2: Outcomes of the Plan .....	18
Table 4-1: Commitments for development .....	20
Table 4-2: Development types and example impact activities included in urban and commercial development class of actions.....	23
Table 4-3: Development types and example impact activities included in industrial development class of actions .....	25
Table 4-4: Development types and example impact activities included in rural development class of actions.....	25
Table 4-5: Development types and example impact activities included in supporting infrastructure and services class of actions.....	26
Table 4-6: Activity types and example activities included in environmental management class of actions .....	27
Table 5-1: Relevant species and ecological communities.....	31
Table 5-2: Commitments for avoidance.....	33
Table 5-3: Commitments for mitigation .....	35
Table 5-4: Commitments for offsetting .....	38
Table 6-1: Commitments for external infrastructure development.....	41
Table 7-1: Commitments for governance .....	43
Table 7-2: Potential roles and responsibilities of support partners .....	46
Table 7-3: Key stakeholders that will be included in the Stakeholder Engagement Strategy and their likely main interests .....	48

---

Table 7-4: Commitment for funding .....	49
Table 7-5: Commitments for MERI.....	51
Table 7-6: Types of monitoring data that will be collected.....	53
Table 7-7: Draft Key Evaluation Questions.....	55
Table 7-8: Categories of options for adaptive management .....	58
Table 7-9: Commitment for compliance .....	61
Table 7-10: Responsibilities for two types of compliance relevant to implementing the Plan.....	62
Table 7-11: List of factors that will be considered in defining consequence ratings as part of the risk assessment .....	64
Table 7-12: Potential options for compliance action available to the City.....	65
Table 7-13: Commitment for data management.....	66

## Acronyms and terms

Acronyms	Meaning
BCS	Biodiversity Conservation Strategy
DCCEEW	Commonwealth Government Department of Climate Change, Energy, the Environment and Water (DCCEEW)
DEECA	Victorian Government Department of Environment, Energy and Climate Action
DELWP	The former Victorian Government Department of Environment, Land, Water and Planning (now DEECA and DTP)
DTP	Victorian Government Department of Transport and Planning
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
FPAL	Finalised priority assessment list
IBRA	Interim Biogeographic Regionalisation for Australia
KPI	Key Performance Indicator
LGA	Local Government Authority
MERI	Monitoring, evaluation, reporting and improvement
MNES	Matters of National Environmental Significance
NGGA	Northern Geelong Growth Area
NVPP	Native Vegetation Precinct Plan
P&E Act	Victorian <i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PSP	Precinct Structure Plan
SAR	Strategic Assessment Report
TEC	Threatened ecological community
ToR	Terms of Reference
UGZ	Urban Growth Zone
VPP	<i>Victoria Planning Provisions</i>
WGGA	Western Geelong Growth Area
WIK	Works in Kind

Terms / Abbreviations	Definition
BCS guiding principles	A set of principles to guide both the preparation of the BCS and the decisions that will need to be made as part of the strategy's implementation
City Implementation Group	The primary body responsible for day-to-day implementation of the Plan
Conservation Management Plan	The document used to provide for the protection and ongoing management of the biodiversity values within each strategic conservation area
Construction Environmental Management Plans	A plan developed to ensure appropriate environmental management practices are implemented during the construction phase of a project
Cowies Creek Conservation Area	The section of Cowies Creek within the WGGA to be protected and managed for conservation purposes under the Plan

Terms / Abbreviations	Definition
Development land	Specified land within the Strategic Assessment Area where development under the Plan is proposed to occur
Development under the Plan	The broad term used to describe all development occurring under the Plan. This includes land subject to development within the Growth Areas, the External infrastructure corridors, the NGGA Conservation Area, and Cowies Creek Conservation Area
Evaluation questions	The questions used to evaluate the Plan in regard to the achievement of outcomes and implementation of commitments
External infrastructure	Development comprising the supporting infrastructure and services class of action and the environmental management class of action that is located outside of Growth Areas but within the Strategic Assessment Area
Land subject to development	Development land within the Growth Areas subject to all classes of actions under the Plan
NGGA Conservation Area	Area of land within the NGGA to be avoided for conservation purposes under the Plan
Specific mitigation measures	Additional mitigation measures beyond those delivered through the existing planning system to address specific risks to MNES associated with the implementation of the Plan
Stakeholder engagement strategy	A process for stakeholder engagement to guide the City in undertaking ongoing engagement with key stakeholders over the life of the Plan
Standard mitigation measures	Mitigation measures delivered by the Victorian planning system through the PSP process, existing provisions in the Greater Geelong Planning Scheme, and the planning permit process
Strategic Conservation Area	Areas within the Growth Areas that will be avoided from development and protected and managed for conservation in-perpetuity
The City	The City of Greater Geelong
The Executive Committee	The Northern and Western Geelong Growth Areas EPBC Plan Executive Committee
The Framework Plan	<i>Northern and Western Geelong Growth Area Framework Plan</i>
The Growth Areas	Northern and Western Geelong Growth Areas
The Minister	Commonwealth Minister for the Environment
The Plan	The Northern and Western Geelong Growth Areas EPBC Plan (this document)
Works in Kind	A contribution in lieu of payment of the biodiversity levy amount



# 1 Introduction

## 1.1 THE STRATEGIC ASSESSMENT

The City of Greater Geelong (the City) has identified two key areas for urban growth in Geelong's northwest in the Northern and Western Geelong Growth Areas (the Growth Areas).

The Growth Areas were identified through several State planning strategies for future growth. The City subsequently developed the *Northern and Western Geelong Growth Areas Framework Plan* (the Framework Plan) (The City of Greater Geelong, 2021), which describes the Growth Areas and outlines considerations for their future development until 2047.

Geelong is considered to be Victoria's primary growth and population centre outside of Melbourne and contains numerous assets that are vital for the State's social, economic and environmental sustainability (Victoria State Government, 2017). The Growth Areas are the key areas identified for development to support Geelong's long-term growth. This growth is driven by a strong economy and employment opportunities that are expected to continue in the coming decades (Geelong Region Alliance, 2007; The City of Greater Geelong, 2021).

Development within the Growth Areas and associated infrastructure development outside the Growth Areas will lead to impacts to biodiversity values protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and biodiversity values protected under Victorian biodiversity regulations.

To support development in the Growth Areas and protect matters of national environmental significance (MNES), the City is undertaking a strategic assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This enables a landscape scale assessment and approval of a suite of development actions under the EPBC Act and provides the opportunity to deliver improved environmental and development outcomes compared to project-by-project assessments through strategic consideration of biodiversity issues.

As part of the strategic assessment process, the City has prepared the *Northern and Western Geelong Growth Areas EPBC Plan* (the Plan). The Plan (this document) gives effect to the outcomes of the strategic assessment process.

The Plan has been prepared in accordance with the Endorsement Criteria in the Agreement to undertake the Northern and Western Geelong Growth Areas strategic assessment (Strategic Assessment Agreement) (27 January 2022) between the Commonwealth Minister for the Environment (the Minister) and the City ([see Appendix A](#)).

## 1.2 PURPOSE OF THE PLAN

The purpose of the Plan is to ensure development within the Growth Areas and associated infrastructure development outside the Growth Areas protects MNES and proceeds in accordance with the requirements of the EPBC Act.

The Plan:

- Describes the development (classes of actions) for which approval is being sought under the EPBC Act
- Sets out an objective, and a series of outcomes and commitments to define what the Plan will achieve
- Sets out a conservation framework to address the impacts of the development on MNES, including through avoiding and minimising, mitigating, and offsetting residual impacts
- Describes the process for delivering infrastructure outside the Growth Areas
- Sets out an assurance and implementation framework to implement the Plan

The Plan recognises the importance of the biodiversity values within the Greater Geelong area for MNES and will facilitate Geelong's future growth by streamlining EPBC Act approvals and ensuring implementation is cost efficient in its support of both urban growth and the protection of MNES.

The commitments in the Plan represent agreed pledges by the City (the approval holder) (see Section 1.7.1) for undertaking actions to address impacts to MNES. The commitments will not be changed once the Plan is endorsed under Part 10 of the EPBC Act, and the approval holder will be responsible for the delivery of these commitments over the life of the Plan.

## 1.3 OVERVIEW OF THE PLAN AND SUPPORTING DOCUMENTS

### 1.3.1 THE PLAN STRUCTURE

Table 1-1 outlines the structure of the Plan and briefly describes the content of each chapter.

**Table 1-1: Plan structure and content**

Plan chapter	Description of chapter
<b>Chapter 1: Introduction</b>	Introduces the strategic assessment, the purpose of the Plan, the regulatory context for the Plan and responsibilities for its implementation
<b>Chapter 2: Context for developing the Plan</b>	Describes the context and need for the Plan in relation to social, economic, and environmental factors of the region
<b>Chapter 3: Objective and outcomes of the Plan</b>	Describes the outcomes framework for the Plan that includes an objective and outcomes that the Plan aims to achieve, and a series of commitments that will be delivered to achieve these outcomes
<b>Chapter 4: Development supported by the Plan</b>	Details the types of development (the classes of actions) that endorsement and approval under Part 10 of the EPBC Act will cover, including the scope and location of the development
<b>Chapter 5: Conservation framework</b>	Describes the conservation framework for the Plan, including the commitments that the Plan will deliver to avoid and minimise, mitigate and offset the impacts of the development on MNES
<b>Chapter 6: Delivery of external infrastructure</b>	Describes how external infrastructure development located outside the Growth Areas within the Strategic Assessment Area will be delivered to avoid and minimise, mitigate and offset impacts on MNES
<b>Chapter 7: Assurance and implementation framework</b>	Describes the assurance and implementation framework for the Plan that sets out how it will be implemented and what assurance mechanisms will be put in place to ensure the Plan's outcomes are achieved

### 1.3.2 SUPPORTING DOCUMENTS

The Plan is supported by four documents. These include:

- Three implementation documents:
  - The Northern and Western Geelong Growth Areas Commitments and Measures
  - The Northern and Western Geelong Growth Areas Biodiversity Conservation Strategy (BCS)
  - The Northern and Western Geelong Growth Areas Funding Program
- A Strategic Assessment Report (SAR)

Figure 1-1 shows the relationship between the documents associated with the strategic assessment.

The three implementation documents do not form part of the Plan to be endorsed by the Minister under Part 10 of the EPBC Act. While the commitments will not be changed once the Plan is endorsed under Part 10, the measures set out in the implementation documents may be updated from time to time as part of adaptive management (see Section 3.2).

#### **COMMITMENTS AND MEASURES DOCUMENT**

The Plan identifies a broad objective and national level outcomes relating to the protection of MNES under the EPBC Act and socio/economic considerations. The Plan's outcomes represent standards of environmental protection that will be achieved for MNES under the Plan in accordance with the requirements of the EPBC Act. The Plan's objectives and outcomes will be achieved through the delivery of a set of commitments and measures. The outcomes, commitments and measures were developed through an 'outcomes framework' based on program logic principles (see Section 3.2).

The outcomes and commitments are set out in the Plan and will not be changed once the Plan is endorsed under Part 10 of the EPBC Act. However, the measures to implement the commitments may be updated from time to time over the life of the Plan through an adaptive management process in accordance with the Plan's MERI framework (see Section 6.5). The measures are set out in the Commitments and Measures document, including the following details for each:

- Responsibility
- Key support partner/s (if relevant)
- Timing

Additionally, the BCS identifies a further broad objective focused on state and local biodiversity, and subsequent state level outcomes, commitments and measures. Some of the Plan's outcomes are also relevant to the BCS. The commitments and measures for the BCS are also detailed in the Commitments and Measures document.

#### ***BIODIVERSITY CONSERVATION STRATEGY***

The BCS satisfies the delivery of three key actions (Action N1.3.1, N1.3.2 and W1.3.1) under the Framework Plan for the protection of biodiversity in the Growth Areas. The Framework Plan says an "overarching biodiversity conservation strategy will be prepared for the growth area[s] that provides high level guidance for the management of nationally and state significant biodiversity values...The strategy will spatially identify how outcomes for matters of national environmental significance will be delivered..." (The City of Greater Geelong, 2021).

The purpose of the BCS is to:

- Identify the national, state and local biodiversity values that are present in the Growth Areas and set out a conservation program for providing genuine, long-term positive results for those values
- Set out how the conservation elements of the EPBC Plan for the Growth Areas will be implemented including through avoiding and minimising, mitigating, and offsetting residual impacts in accordance with the mitigation hierarchy (DSEWPC, 2012)
- Guide the preparation of Precinct Structure Plans and subsequent development within the Growth Areas to ensure the outcomes are consistent with State biodiversity policy

#### ***FUNDING PROGRAM***

The Plan includes a funding framework that will ensure the Plan is adequately funded throughout its life. The funding framework is described in Section 7.4 of the Plan. The detailed measures that describe how the commitment for funding in the Plan will be implemented are provided in the Commitments and Measures document.

The City is also developing a Funding Program that will set out how the funding framework will be implemented. It will describe how measures to achieve the commitments for funding will be implemented. The key commitments that will require funding are those that relate to:

- Offset establishment, management, monitoring and audit
- Securing and managing the NGGA Conservation Area and Cowies Creek Conservation Area
- Implementing conservation measures
- Implementing the MERI framework and compliance framework

Implementation of funding for the BCS including additional state and local outcomes, commitments and measures will also be described in the Funding Program.

#### ***STRATEGIC ASSESSMENT REPORT***

A Strategic Assessment Report (SAR) has been prepared to assess the impacts of the development under the Plan on MNES. The SAR also evaluates the adequacy of the Plan's outcomes, commitments and measures in protecting MNES over the life of the Plan.

The SAR has been prepared in accordance with the Commonwealth Terms of Reference (ToR) for the strategic assessment provided under the Strategic Assessment Agreement.

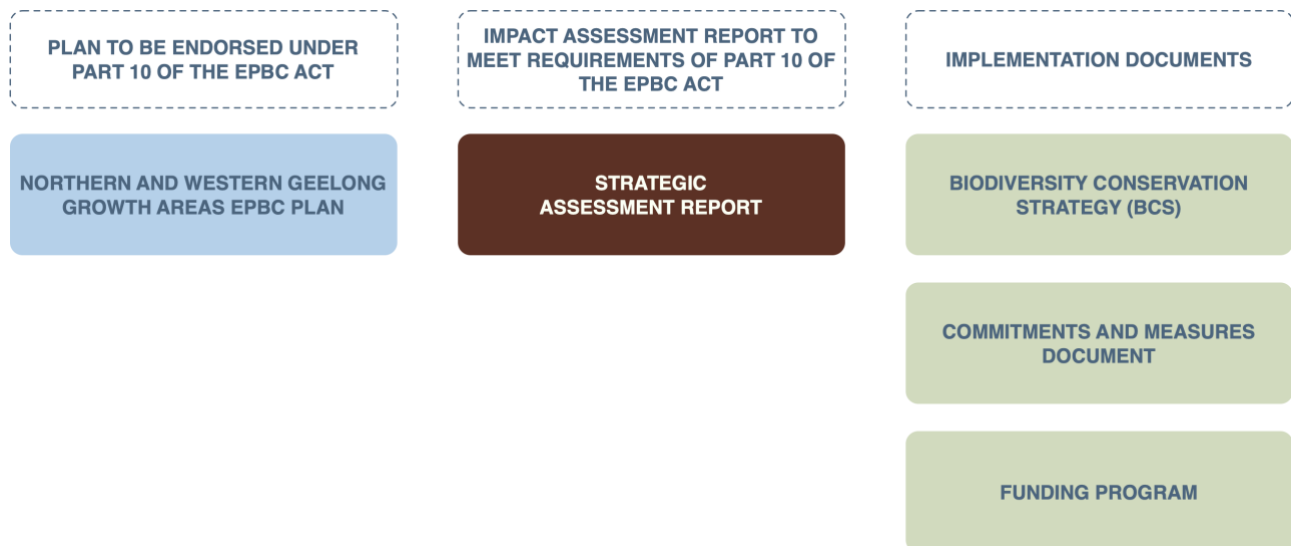


Figure 1-1: Strategic assessment documents

## 1.4 AREA COVERED BY THE PLAN

The area covered by the Plan is known as the Strategic Assessment Area and is shown in Figure 1-2. It covers 7,101 ha within the Victorian Volcanic Plains Bioregion and includes the Northern Geelong Growth Area (NGGA) and the Western Geelong Growth Area (WGGA) which are identified in the Framework Plan.

The Strategic Assessment Area includes:

- The entire NGGA as described in the Framework Plan which occurs in the Lovely Banks locality and covers 2,103.9 ha
- The two northern precincts (Creamery Road and Batesford North) within the WGGA which covers 767.2 ha and occurs in the Bell Post Hill/Batesford localities

The remaining precincts of the WGGA identified in the Framework Plan cover 2,472.3 ha and have been excluded from the strategic assessment due to a lack of information and resolution relating to a range of factors needed to support and rationalise a full assessment and approval under the EPBC Act. This includes the anticipated development demand and timing, and the detailed plans for decommission and rehabilitation of the active Batesford Quarry.

The Growth Areas and the majority of the Strategic Assessment Area occur within the boundaries of the City of Greater Geelong LGA (see Figure 1-3). A small portion of the Strategic Assessment Area (to the west of WGGA) extends into the neighbouring Golden Plains Shire LGA. However, no actions are proposed within this location.

The Strategic Assessment Area also includes indicative locations for infrastructure external to the Growth Areas, which are required to deliver the development objectives of the Framework Plan (see Figure 1-2).

Section 4 describes the development under the Plan, including the external infrastructure projects.

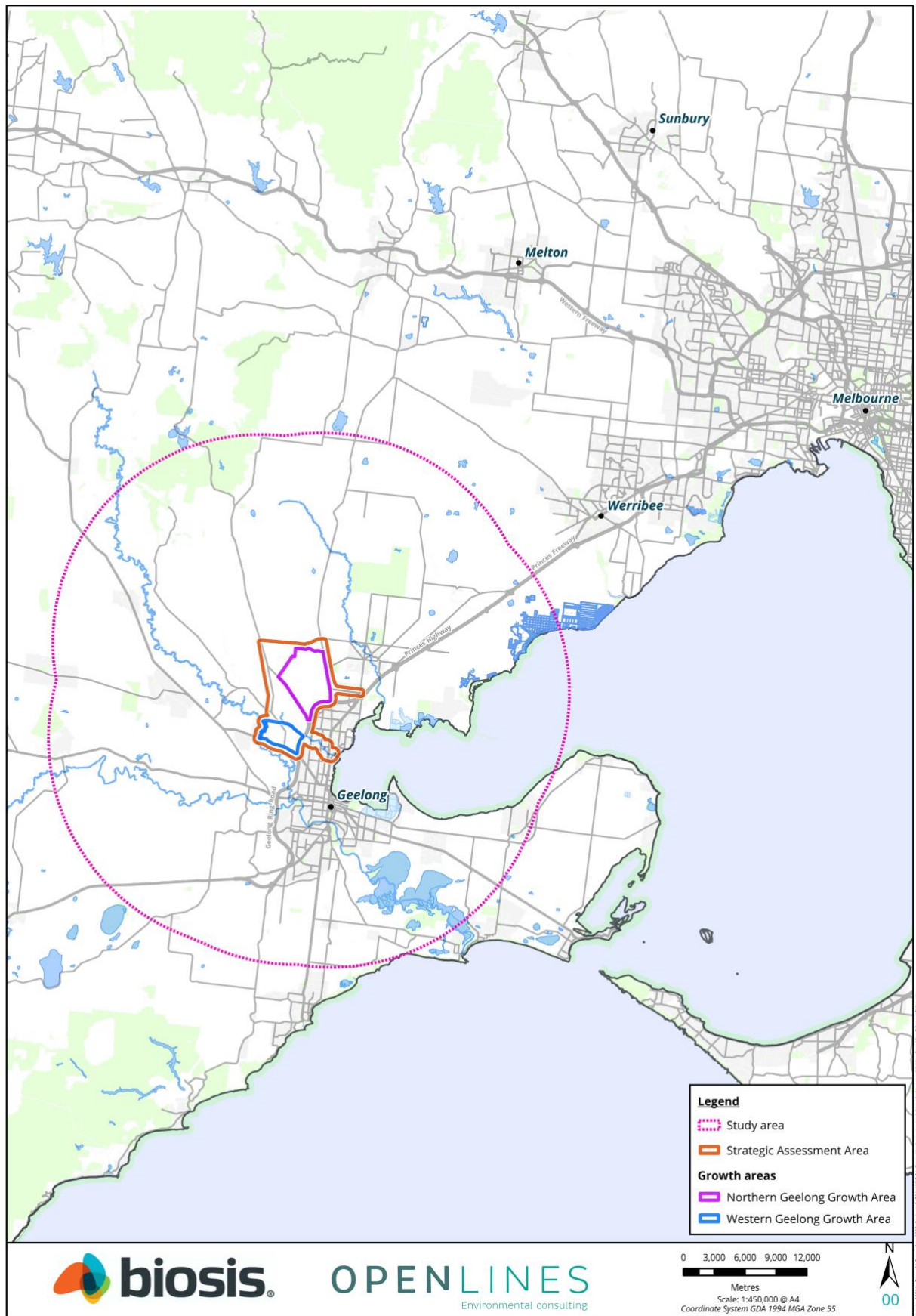


Figure 1-2: Location of the Strategic Assessment Area and Growth Areas



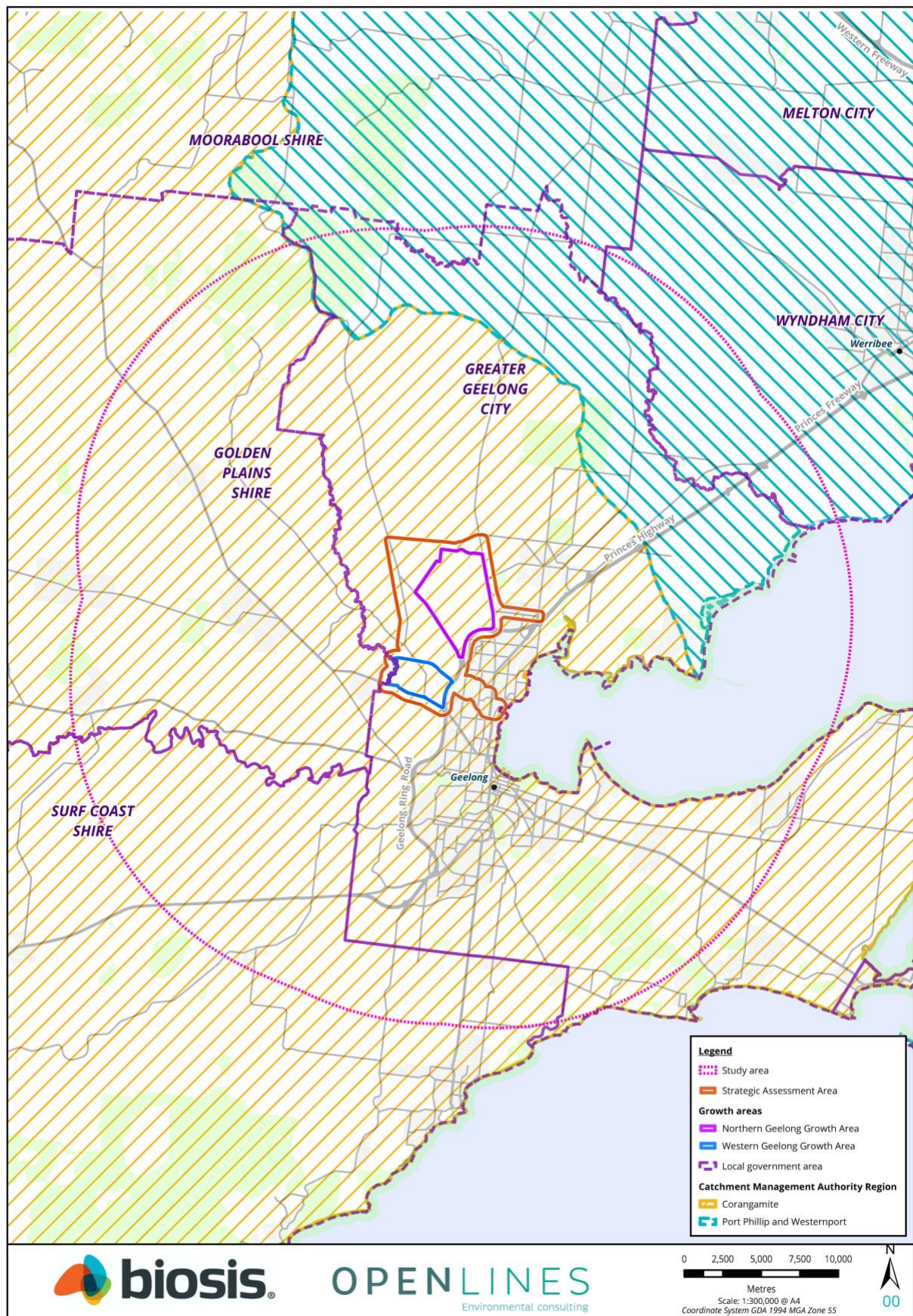


Figure 1-3: Administrative context of the Study Area, Strategic Assessment Area and Growth Areas

## 1.5 TIMING FOR IMPLEMENTATION OF THE PLAN

Implementation of the Plan will commence at the point that the Plan is endorsed and one or more of the classes of action has been approved. Implementation will occur for a period of 30 years. This timing is consistent with the implementation of the development under the *Northern and Western Geelong Growth Areas Framework Plan* (The City of Greater Geelong, 2021) to 2047 and allows additional time to complete the implementation of the commitments under this Plan.

## 1.6 REGULATORY CONTEXT AND LEGAL EFFECT OF THE PLAN

The Plan has been prepared to meet the requirements of the EPBC Act. Following endorsement and associated approvals under the EPBC Act, the Plan enables the development that is described in Chapter 4 to proceed without the need for further assessment and approval for impacts on protected matters under the EPBC Act.

The Plan does not address Victorian planning, biodiversity or other regulatory requirements. Separate approvals are needed in accordance with State regulatory requirements before the development under the Plan can proceed.

### 1.6.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The EPBC Act is Australia's key piece of legislation to protect and manage Australia's nationally and internationally important biodiversity, environment and heritage. The objectives of the EPBC Act include:

- Providing for the protection of the environment (specifically MNES)
- Promoting Ecologically Sustainable Development (ESD) through the sustainable use of natural resources
- Promoting the conservation of Australian biodiversity and heritage
- Promoting a cooperative approach to the protection and management of the environment
- Assisting in the cooperative implementation of Australia's international responsibilities
- Recognising and promoting the role and knowledge of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity

Under Part 10 of the EPBC Act, the Commonwealth Minister for the Environment (the Minister) can agree to undertake a strategic assessment of the impacts of a policy, plan or program on matters protected under the EPBC Act.

The Strategic Assessment Agreement was signed by the City of Greater Geelong and the Minister on 27 January 2022. The Agreement includes Terms of Reference (ToR) to guide the preparation of the SAR, as well as a set of Endorsement Criteria to ensure the Plan meets the requirements of the EPBC Act and is able to be adequately implemented. The ToR outline what the SAR must contain to allow the Minister to endorse the Plan.

The Strategic Assessment Agreement, SAR and Plan must all be publicly exhibited, and any public submissions need to be considered to finalise the documentation. The Agreement provides that, in determining whether to endorse the Plan, the Minister will consider the Plan against the Endorsement Criteria in the agreement to ensure the Plan meets the requirements of the EPBC Act and is able to be adequately implemented (see [Appendix A](#)).

Following endorsement of the Plan, the Minister may approve the taking of actions in accordance with the endorsed policy, plan or program subject to a range of general considerations (s 146F) and constraints on decision making (s 146G-M), including to not act inconsistently with a recovery plan or threat abatement plan for a protected matter (s 146K).

Actions undertaken in accordance with a policy, plan or program endorsed by the Minister do not require further assessment and approval for impacts on protected matters under the EPBC Act. The Minister may endorse a policy, plan or program if satisfied that the SAR adequately addresses the impacts on protected matters (s 146(2)(f)) and that any recommended modifications to the policy, plan or program by the Minister have been made (s 146 (2f(ii))).

### 1.6.2 OTHER APPROVALS REQUIRED FOR THE PROPOSED DEVELOPMENT

A range of separate planning, biodiversity and other approvals may be needed in accordance with State regulatory requirements before the development under the Plan can proceed. These include:

- Planning approvals under the *Planning and Environment Act 1987*
- Non-Aboriginal heritage approvals under the *Heritage Act 2017*

- Aboriginal cultural heritage approvals under the *Aboriginal Heritage Act 2006*
- Pollution and waste approvals under the *Environment Protection Act 2017*
- Water and waterway related approvals under the *Water Act 1989*
- Protected flora species approvals under the *Flora and Fauna Guarantee Act 1988*

## **1.7 RESPONSIBILITIES FOR IMPLEMENTING THE PLAN**

The Plan includes a governance framework that includes roles and responsibilities for implementing the Plan. The governance framework is set out in Section 7.3.

### **1.7.1 APPROVAL HOLDER**

The City of Greater Geelong will be the approval holder for the Plan. As approval holder, the City has primary responsibility for implementing the Plan and ensuring the Plan's outcomes are achieved and its commitments are delivered.

The City is also responsible for ensuring third-parties who undertake an approved action under the endorsed Plan take these actions in accordance with the requirements of the Plan.

Further details of the roles and responsibilities of the approval holder are set out in Section 7.3.



## 2 Context for developing the Plan

This section of the Plan outlines the environmental, social and economic context for the development of the Plan and how the Plan helps address biodiversity challenges and supports social and economic opportunities and growth. It also sets out the context for the Plan including the Victorian planning system and the social, economic and biodiversity values of the Strategic Assessment Area and surrounding region.

### 2.1 BIODIVERSITY VALUES AND CHALLENGES

The Greater Geelong area supports a range of biodiversity values. The following sections provide an overview of the biodiversity values of the Strategic Assessment Area and the challenges to biodiversity conservation in the region.

#### 2.1.1 BIOREGIONAL CONTEXT

The area covered by the Plan is wholly contained within the Southern Volcanic Plain IBRA bioregion. This bioregion is characterised by broad basaltic plains, interspersed with areas of lakes and swamps. Native grasslands occur in areas where basalts are older and more weathered to produce heavy clays which are generally fertile yet poorly drained. Younger occurrences of relatively unweathered lava flows occur as stony rises, and support thin soils and woodland vegetation (Dahlhaus *et al.*, 2003; Williams, 2022).

Large areas of grasslands and woodland in the bioregion, including the Growth Areas, have been removed or degraded primarily for agricultural activities (DSE, 2003; EHP, 2021). The Growth Areas currently do not contain any State protected areas or National Parks. However, several reserves are managed by the City. Other native vegetation also remains in areas not subject to historical clearing and within riparian corridors. Native vegetation that remains on agricultural land is typically highly modified and degraded, providing relatively low biodiversity value (EHP, 2021).

#### 2.1.2 BIODIVERSITY VALUES

The Strategic Assessment Area supports a variety of biodiversity values, both within the Strategic Assessment Area itself, and in the surrounding landscape through waterways, connected vegetation and movement of fauna.

These biodiversity values include (EHP, 2021):

- A variety of grassland and woodland vegetation communities which include the Critically Endangered EPBC listed threatened ecological community (TEC) Natural Temperate Grassland of the Victorian Volcanic Plain
- Potential habitat for numerous Commonwealth listed species, as well as known populations of the following MNES:
  - *Lachnagrostis adamsonii* (Adamson's Blown-grass) – listed as Endangered
  - *Delma impar* (Striped Legless Lizard) – listed as Vulnerable
  - *Synemon plana* (Golden Sun Moth) – listed as Vulnerable
  - *Litoria raniformis* (Growling Grass Frog) – listed as Vulnerable
- Three hydrological catchments (Moorabool River, Hovells Creek and Cowies Creek) that support rivers, waterways and aquatic and riparian ecosystems including the Port Phillip Bay (Western Shoreline) & Bellarine Peninsula Ramsar site

Protected matters relevant to the Plan are set out in Section 5.3.

#### 2.1.3 BIODIVERSITY CHALLENGES

The biodiversity of the region is subject to several threatening processes that present a challenge when planning for development within the Strategic Assessment Area. Most native vegetation has been cleared or modified within the region for agricultural activities and more recently urban development. The disconnected and modified nature of the remaining native vegetation also exacerbates the impact of other threatening processes (DSE, 2003; EHP, 2021).

The following threatening processes are impacting biodiversity values within the Strategic Assessment Area and surrounding landscape:

- Habitat loss and fragmentation – given the large amount of historical clearing, protecting and/or restoring remaining areas of native vegetation is important for any future conservation efforts (DSE, 2003)
- Invasive weeds – the Growth Areas contain a high density of weeds and introduced pasture which pose a threat to multiple threatened species either through habitat competition or habitat degradation (DELWP, 2020; EHP, 2021)
- Pest animals – pests including rabbits, hares and foxes are present within the region and pose a threat to multiple threatened species, either through predation, competition or habitat degradation (DELWP, 2020; EHP, 2021)
- Water system modification – all the major watercourses within the Geelong region have experienced environmental impacts from development. These impacts include barriers to movement, changes to hydrological flows, decreased water quality, erosion and degradation of riparian vegetation (Corangamite CMA, 2014; DELWP, 2021)
- Recreational disturbance – recreational activities in estuarine and coastal environments can impact these environments, particularly waterbirds and migratory birds which occur in coastal environments and within the Port Phillip Bay (Western Shoreline) & Bellarine Peninsula Ramsar site (DELWP, 2020)
- Climate change – impacts of climate change are likely to increase in the future, affecting biodiversity through processes such as more intense and longer bushfire seasons and increased drought and flooding (DELWP, 2019)

The development supported by the Plan has the potential to exacerbate existing threats and introduce new threats to the Strategic Assessment Area and surrounding landscape. The Plan includes conservation outcomes and commitments which will help protect MNES and achieve benefits to biodiversity in the region (see Section 5).

## **2.2 SOCIAL AND ECONOMIC CONTEXT**

The Plan supports delivery of urban growth described in the Framework Plan. This development will address a range of planning challenges associated with Geelong's social and economic growth. The following sections outline the social and economic values and context for the Growth Areas, described in detail in the Framework Plan.

### **2.2.1 INDIGENOUS HERITAGE**

Geelong is located on the traditional lands of the Wadawurrung people, which extends from the Great Dividing Range in the north to the coast around Port Phillip Bay. The Traditional Owners are represented by the Wadawurrung Traditional Owners Aboriginal Corporation (Wadawurrung) (The City of Greater Geelong, 2021).

The Wadawurrung people have inhabited the Geelong locality for over 25,000 years (Wathaurong Aboriginal Co-operative, 2021). The Framework Plan states that the cultural, social, environmental, economic and spiritual contribution of the Wadawurrung people is an integral part of Geelong's identity.

The Growth Areas contain landscapes and waterbodies that are highly significant to the Wadawurrung people, including the waters of the Moorabool River, Barwon River and Cowies Creek. The Growth Areas also contain several registered Aboriginal places. There has only been limited archaeological investigation within the Growth Areas and a large number of additional sites of significance for Aboriginal people potentially occur in these areas (The City of Greater Geelong, 2021). Under the Framework Plan, the City aims to recognise and protect these sites and work in partnership with the Wadawurrung people to interpret and manage these sites.

### **2.2.2 POST CONTACT HERITAGE**

The Geelong area has a rich history of early settlement which primarily consisted of pastoral activities, followed by freehold agricultural enterprises as the population increased. There are a number of registered heritage places including pastoral estates, quarries, railways and townships (The City of Greater Geelong, 2021). The Framework Plan aims to retain post-contact heritage sites and values and integrate them into the urban landscape of the Growth Areas.

### **2.2.3 CURRENT LAND USE**

Since European settlement, large areas of grasslands and woodland have been removed or modified for agricultural activities in the Geelong area. Currently, the Growth Areas primarily consist of land that has been developed for agricultural purposes. The NGGA is primarily used for pastoral and cropping activities associated with rural residential housing while the WGGA comprises of a mix of existing land uses, including agriculture, recreation reserves, rural and medium density housing, and educational facilities (The City of Greater Geelong, 2021). While the WGGA does not

contain any State protected areas or National Parks, there are a number of reserves managed by the City – including the Moorabool River Reserve (EHP, 2021).

#### **2.2.4 GEELONG'S GROWTH**

Geelong is considered to be the primary population centre outside of Melbourne and contains numerous assets that are vital for the state's social, economic and environmental sustainability (Victoria State Government, 2017). It is the largest regional city in Victoria, with a current population of approximately 317,857 people (ABS, 2020). The city is projected to exceed a population of 500,000 by 2050 with an anticipated, sustained annual growth rate of 2.5% (The City of Greater Geelong, 2021). This projected growth is driven by a strong economy and employment growth that is expected to continue in the coming decades (Geelong Region Alliance, 2007; The City of Greater Geelong, 2021).

#### **GREATER GEELONG SETTLEMENT STRATEGY**

The growth of Geelong has long been recognised. To manage the long term growth of the city and provide for the region's housing needs the City of Greater Geelong prepared the Greater Geelong Settlement Strategy 2020 (The City of Greater Geelong, 2021). The strategy directs future housing growth to urban Geelong. This includes a target of 50 per cent of housing growth occurring in established areas and 50 per cent accommodated in three major growth areas – Armstrong Creek, the Northern Growth Area, and the Western Growth Area.

The G21 Regional Growth Plan (Geelong Region Alliance, 2013) first identified the Northern and Western Geelong Growth Areas as potential growth areas for 'further investigation' in 2013. The Northern and Western Geelong Growth Areas and Greater Geelong Settlement Strategy provides a program and process for managing the release of precinct structure plan areas to ensure that Geelong's housing needs are met, and the necessary supporting infrastructure and sequencing of development is considered.

#### **2.2.5 SOCIAL AND ECONOMIC VALUE OF THE PLAN**

The development supported by this Plan will facilitate substantial social and economic opportunities and growth that will generate many jobs and boost the economy, including in relation to:

- Housing and accommodation
- Employment
- Community
- Transport

#### **HOUSING AND ACCOMMODATION**

The development supported by the Plan aims to provide a sustainable and diverse mix of housing and accommodation to support future residents and visitors of Geelong. Diverse housing is important for the success of new urban areas, as it attracts a range of potential residents at all stages of their life. The City intends to provide a mix of low-rise, multi-unit and clustered housing types, along with aged-care and affordable, community and social housing options (The City of Greater Geelong, 2021).

The Growth Areas identified in the Framework Plan have the capacity to accommodate 110,000 new residents. In addition to residential housing, a range of other accommodation types may also be provided including hotels, motels and caravan and camping parks. Existing rural living spaces will also be retained in some areas, providing opportunities for agriculture and rural industry (The City of Greater Geelong, 2021).

#### **EMPLOYMENT**

Development will also generate substantial business opportunities and create jobs across a range of employment types including commercial business, industry, education, health care, transport and agriculture. Additionally, the construction phases of development will generate many jobs that will be sustained over the coming decades as each precinct is released and developed (The City of Greater Geelong, 2021).

The Growth Areas are also near the Geelong Ring Road Employment Precinct, Port of Geelong, Avalon Airport and Melbourne, which will facilitate further employment opportunities and growth (The City of Greater Geelong, 2021).

**COMMUNITY**

The development supported by the Plan will facilitate the delivery of community infrastructure including libraries, art and cultural centres, sports facilities and function spaces. This infrastructure will provide both social and economic value to the Growth Areas as well as Greater Geelong (The City of Greater Geelong, 2021).

Amenity is a key factor for attracting new residents and businesses, as well as facilitating future investment opportunities and tourism. Community open spaces, including recreation reserves and local parks, will be integrated into the layout of the development areas, providing residents and visitors with access to these spaces and adding aesthetic appeal (The City of Greater Geelong, 2021).

Existing heritage sites will also be protected and integrated into the Growth Areas, providing the community with a sense of place. Tree canopy cover will be maximised to reduce urban heat and provide potential habitat for fauna, while also increasing amenity for the community (The City of Greater Geelong, 2021).

**TRANSPORT**

The Plan also covers development of public and private transport networks and corridors which will allow residents and visitors to easily travel to and from the Growth Areas, as well as access facilities within the Growth Areas. Linkages and access points will be established to existing transport corridors such as the Geelong Ring Road to maximise use of existing transport infrastructure (The City of Greater Geelong, 2021).

Public transport including buses and rail will be prioritised within the Growth Areas to help promote more sustainable transport options. Additionally, open spaces within the Growth Areas will be maximised to allow for shared pathways that will facilitate sustainable transport linkages, such as via walking and cycling, throughout the Growth Areas (The City of Greater Geelong, 2021).

**2.3 PLANNING CONTEXT**

The Victorian planning system under the *Planning and Environment Act 1987* (P&E Act) is the key delivery framework for development within the Growth Areas and the implementation of the BCS.

The Victorian planning system hierarchy provides a framework for decision-making for the use and development of land in greenfield areas. The hierarchy relevant to the Growth Areas includes:

- The Planning Policy Framework
- *Northern and Western Geelong Growth Area Framework Plan* (the Framework Plan)
- Greater Geelong Planning Scheme and Urban Growth Zone (UGZ)
- Precinct Structure Plans (PSPs)
- Planning permits

**2.3.1 PLANNING POLICY FRAMEWORK**

The Planning Policy Framework (PPF) is the policy content of planning schemes and provides overarching policy to guide land use, subdivision and development in Victoria. The PPF is informed by Victorian Government policy.

The PPF includes planning policies under three tiers:

- State-wide – policies of state significance that apply in all planning schemes in Victoria
- Regional – policies of state significance that apply to allied planning schemes based on geographic groupings
- Local – policies of local significance that apply to an individual local planning scheme

Several policies under the PPF are relevant to the protection of MNES and biodiversity values, including:

- Clause 12.01 – aims to protect and enhance Victoria's biodiversity
- Clause 12.03 – aims to protect and enhance river corridors, waterways, and wetlands
- Clause 13.02 – aims to manage fire risks without unacceptable impacts to biodiversity
- Clause 13.04 – aims to manage soil degradation and contaminated land

- Clause 14.02 – aims to protect water quality
- Clause 19.03 – aims to sustainably manage water through integrated water management

The PPF will be given effect in the Growth Areas through the development of PSPs, planning permits, and other decision-making related to the Growth Areas. A planning authority must take into account the PPF when preparing an amendment to a planning scheme. A responsible authority must take into account and give effect to the PPF when it makes a decision under the planning scheme, such as a decision to grant a permit for use or development.

### 2.3.2 FRAMEWORK PLAN

The Framework Plan (The City of Greater Geelong, 2021) was prepared as part of the City's plan to address the long-term growth in Geelong. The plan describes the existing site context of the Growth Areas and sets out:

- Broad future urban structure of the Growth Areas, including potential areas suitable for environmental protection
- Vision and set of urban development objectives for each Growth Area
- A set of actions to be implemented through future planning processes

The overarching vision of the Framework Plan is:

*“By 2047, Greater Geelong will be internationally recognised as a clever and creative city-region that is forward looking, enterprising and adaptive, and cares for its people and environment”*

The biodiversity-related urban development objectives of the Framework Plan for each Growth Area are:

*“Protect and regenerate biodiversity and cultural heritage values of the natural and constructed waterways along the Lovely Banks monocline and heritage values of the Elcho Homestead”*

*“Protect and regenerate biodiversity and cultural heritage values along the Barwon and Moorabool Rivers, Cowies Creek and the Dog Rocks Sanctuary and establish vegetated constructed waterways”*

Other key biodiversity actions in the Framework Plan are summarised in Table 2-1.

The Framework Plan will inform the subsequent preparation of more detailed PSPs. The Framework Plan is incorporated into the Greater Geelong Planning Scheme at Clause 11.02.

**Table 2-1: Key biodiversity actions from the Framework Plan for the Growth Areas**

Action	Growth Area
A network of linear corridors will be created to promote biodiversity linkages within neighbourhoods that connect between conservation areas, waterways and the open space network. Corridors may be located as illustrated in Plan 9 and Plan 17 of the Framework Plan	Northern Western
Any conservation areas that are identified will prioritise the protection and enhancement of local indigenous flora and fauna species	Northern Western
The integrated transport network will protect, minimise impacts and revegetate roadside vegetation	Northern Western
Stormwater drainage management will minimise the downstream impacts on the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site	Northern Western
A Native Vegetation Precinct Plan will be prepared for each precinct to determine the presence and management of significant flora, fauna and ecological communities	Northern Western
‘Green-blue’ connections will be designed to promote flora and fauna by distributing water to soil through natural infiltration and irrigation. Waterways illustrated on Plan 7 and Plan 15 of the Framework Plan will be designed to provide sufficient corridor width to establish continuous riparian reserves that allow for biodiversity values to thrive	Northern Western

Action	Growth Area
<p>Individual detailed master plans that outline the protection and enhancement of river and creek corridors will be prepared and incorporated within the relevant precinct structure plan including:</p> <ul style="list-style-type: none"> <li>• Cowies Creek, between Geelong Ring Road and Geelong-Ballan Road</li> <li>• Barwon River, between Geelong Ring Road and Merrawarp Road</li> <li>• Moorabool River, between Midland Highway and Geelong-Ballarat Railway</li> <li>• Moorabool River (and deviation channel), between Geelong Ring Road and Midland Highway and including Dog Rocks Sanctuary and Moorabool River Reserve</li> </ul>	Western

### 2.3.3 GREATER GEELONG PLANNING SCHEME AND URBAN GROWTH ZONE

The Greater Geelong Planning Scheme sets out objectives, strategies and policy for the use, development and protection of land in the City of Greater Geelong, including the Growth Areas.

The planning scheme includes the PPF and applies a zone (the UGZ) to land within the Growth Areas.

A key purpose of the UGZ is to manage the transition of non-urban land identified for urban growth into urban land.

Within the UGZ, a PSP must be prepared before non-urban land can be converted into urban land. The UGZ allows detailed planning requirements for the precinct to be specified in schedules to the zone to ensure development proceeds generally in accordance with the PSP. The schedules incorporate the future structure plan of each PSP and allow:

- Zones to be applied to the land consistent with the urban structure in the PSP and/or specific provisions as an alternative to zones or alongside zones that control land-uses and development
- Requirements for permit applications for subdivision and development
- Conditions or requirements that must be included on a permit
- Decision guidelines that must be considered in granting a permit

### 2.3.4 PRECINCT STRUCTURE PLANS AND NATIVE VEGETATION PRECINCT PLANS

#### ***PRECINCT STRUCTURE PLANS***

PSPs are high-level strategic plans that set out the preferred spatial location of land uses and infrastructure within each precinct, including details of the future urban structure of the precinct. This helps to stage development within an area and guide provision of subdivision permits, building permits and infrastructure delivery. Although PSPs provide a level of certainty for development, they are intended to be flexible to allow for site specific considerations.

The City will prepare PSPs for each of the nine precincts within the Growth Areas in accordance with the strategies in Clause 11.02-2L 'Northern and Western Geelong Growth Areas' of the Greater Geelong Planning Scheme. These strategies require the development to be generally in accordance with the Framework Plan map and sequenced generally in accordance with the Development Sequencing maps that form part of the clause. PSPs will also consider the *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021).

PSPs will be prepared over approximately 10 to 15 years. Each PSP will be a self-contained project and will be incorporated into the planning scheme via a planning scheme amendment process.

The PSP process involves several key steps, including:

- Early consultation with stakeholders to develop a vision for the precinct
- Preparation of technical studies and reports to understand key issues and constraints for the precinct, and to inform planning and management responses to be addressed in the PSP
- An opportunity for stakeholders to raise concerns and make submissions through public exhibition
- An independent planning panel hearing to consider and resolve key technical, planning and stakeholder issues
- Approval of the PSP and incorporation into the Greater Geelong Planning Scheme through a planning scheme amendment

PSPs include requirements and guidelines for the development of the precinct and are implemented primarily through planning permits. They inform the preparation and assessment of permit applications and the conditions that may be placed on planning permits.

Once a PSP has been incorporated into the planning scheme by a planning scheme amendment, planning permits can be granted by the responsible authority for urban development as set out in the UGZ.

#### **NATIVE VEGETATION PRECINCT PLANS**

A permit is usually required to remove native vegetation in Victoria. Removal of native vegetation is regulated through clause 52.16 'Native Vegetation Precinct Plan' and clause 52.17 'Native vegetation' of planning schemes.

NVPPs will be used to assess and manage the impacts of native vegetation removal in the Growth Areas. They provide for the strategic management of native vegetation within a precinct. NVPPs identify the native vegetation to be retained and that can be removed, and the offset requirements for the vegetation to be removed. NVPPs switch off the need for a permit to remove native vegetation where removal is in accordance with an NVPP.

NVPPs will be prepared for each precinct within the Growth Areas containing native vegetation in conjunction with the preparation of PSPs and will be incorporated in the schedule to Clause 52.16 via a planning scheme amendment.

The purpose of an NVPP is to ensure no net loss to biodiversity because of the removal of native vegetation. This is to be achieved by applying the three-step approach in the Native Vegetation Guidelines (DELWP, 2017c), which is:

- Avoid the removal of native vegetation
- Minimise impacts from the removal of native vegetation that cannot be avoided
- Provide an offset to compensate for the impact of the removal of native vegetation

NVPPs must be prepared in accordance with Clause 52.16, including the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017c) and in consideration of the Greater Geelong Planning Scheme, including:

- Planning Policy Framework Clause 12.01-1S – 'Protection of biodiversity'
- Other relevant plans, strategies or policies that are incorporated in the Greater Geelong Planning Scheme, including the Framework Plan and any relevant PSP

The preparation of an NVPP requires an assessment of the importance of the native vegetation for biodiversity, land and water protection, landscape and cultural values. This is documented in a site assessment report.

#### **2.3.5 PLANNING PERMITS**

Responsible authorities approve planning permits for subdivision and development that are consistent with the Greater Geelong Planning Scheme and generally in accordance with the relevant PSP that applies to the land.

The permit application process involves several key steps, including:

- Preparation of technical studies and reports that support the application and inform the planning decision, including plans to address the potential impacts of the development
- Referral of the application to specialist referral authorities for advice and comment where required – these may object to the permit or specify conditions to be included on a permit to address potential impacts
- An opportunity for stakeholders to raise concerns and make submissions through a notification process
- Inclusion of conditions on permits to address the potential impacts of the development
- An opportunity to review the merits of a permit decision at the Victorian Civil and Administrative Tribunal

The UGZ requires that, before deciding on an application for subdivision or development the responsible authority must consider, in addition to a general set of decision guidelines in Clause 65:

- The Municipal Planning Strategy and the Planning Policy Framework
- Any relevant Growth Area framework plan, such as the Framework Plan
- Any PSP applying to the land, including the vision and objectives of the plan

Furthermore, permits granted for subdivision or development must:

- Be generally in accordance with the PSP
- Include any conditions or requirements specified in the schedule to the Urban Growth Zone or the PSP

### 2.3.6 IMPLEMENTATION OF THE PLAN THROUGH THE PLANNING SYSTEM HIERARCHY

Table 2-2 summarises how each part of the planning system hierarchy is proposed to be used to implement the Plan.

**Table 2-2: Summary of how each part of the planning system hierarchy will be used to implement the Plan**

Part of planning system hierarchy	Summary of implementation approach	Implementation mechanism
PPF	The PPF will be given effect in the Growth Areas through the development of PSPs, planning permits, and other decision-making related to development. A planning authority must take into account the PPF when preparing an amendment to a planning scheme and a responsible authority must take into account and give effect to the PPF when it makes a decision under the planning scheme, such as a decision to grant a permit	PSPs, planning permits
Framework Plan	The Framework Plan will inform the subsequent preparation of more detailed PSPs to be prepared for each precinct within the Growth Areas Policy will be introduced into the Greater Geelong Planning Scheme to give effect to the commitments in the BCS	Planning scheme amendment
Greater Geelong Planning Scheme and UGZ	Schedules to the UGZ for each precinct will apply environment zones to the strategic conservation areas (see Chapter 5) and specify requirements for permit applications, conditions to be included on permits, and decision guidelines to ensure development proceeds generally in accordance with the PSP and give effect to commitments in the Plan, where appropriate	Planning scheme amendments to incorporate schedules to the UGZ
PSPs	PSPs will be prepared for each of the precincts within the Growth Areas PSPs will identify the strategic conservation areas (see Chapter 5) as to be protected for conservation in the urban structure maps for the precinct PSPs will include requirements and guidelines for the development of the precinct to give effect to commitments in the Plan, where appropriate	Planning scheme amendments to incorporate PSPs and NVPPs into the planning scheme
NVPPs	NVPPs will be prepared for each precinct containing native vegetation in conjunction with the preparation of PSPs NVPPs for precincts containing native vegetation will identify the vegetation in the strategic conservation areas (see Chapter 5) as to be retained and the remaining native vegetation as to be removed, and will specify the offsets needed to meet State biodiversity policy	
Planning permits	Planning permits will be granted generally in accordance with the PSP, and in accordance with the requirements of the relevant UGZ schedule and other requirements of the planning scheme	Planning permits



## 3 Objective and outcomes of the Plan

### 3.1 INTRODUCTION

The Plan identifies a broad objective, as well as six outcomes relating to the protection of MNES under the EPBC Act and socio/economic considerations. The Plan's outcomes represent standards of environmental protection that will be achieved for MNES under the Plan in accordance with the requirements of the EPBC Act. The Plan's objective and outcomes will be achieved through the delivery of a set of commitments and measures.

The objective, outcomes, commitments and measures were developed through an 'outcomes framework' based on program logic principles. The outcomes framework provides a way to structure what the Plan will deliver for the conservation of protected matters in a clear and logical way. It supports accountability and transparency by providing the basis and a set of benchmarks for monitoring, reporting, and ongoing evaluation and adaptive management of the Plan.

The outcomes framework is a requirement of the Endorsement Criteria in the Strategic Assessment Agreement.

### 3.2 OUTCOMES FRAMEWORK

The outcomes framework is comprised of four components:

- A broad *objective*
- *Outcomes*
- *Commitments* to deliver the outcomes
- *Measures* to implement the commitments

The definition of each of these is provided in Table 3-1.

The logic underpinning the outcomes framework is designed to ensure that:

- The objective, outcomes, commitments and measures align so that implementing the measures and commitments is expected to lead to the outcomes and objective of the Plan being achieved
- Assumptions about the relationships between these can be identified and tested so that implementation can be adaptively improved over time where necessary under changing circumstances

#### 3.2.1 OUTCOMES AND COMMITMENTS VERSUS MEASURES

The Plan's outcomes and commitments are set out in the Plan and will not be changed once the Plan is endorsed under Part 10 of the EPBC Act. The measures to implement the commitments are set out in the Commitments and Measures document and are not set out in this Plan (see Section 1.3).

While the commitments in this Plan will not be changed once the Plan is endorsed, the measures may be updated from time to time over the life of the Plan through an adaptive management process in accordance with the Plan's MERI framework (see Section 7.5).

The improvement step of the MERI framework provides the opportunity to adaptively manage implementation of the Plan to ensure the commitments are successfully delivered and the Plan's objective and outcomes are achieved.

Table 3-1: Definition of the components of the outcomes framework

Framework component	Definition
Objective	The contribution that the outcomes of the Plan will make to broader State-wide, regional and local planning policies. It articulates the reason the Plan is being undertaken and the broad goal it is intended to support

Framework component	Definition
<b>Outcomes</b>	The impacts or changes to environmental and socio/economic conditions that are expected to be achieved because of the delivery of the commitments and that are needed to achieve the overall objective of the Plan
<b>Commitments</b>	The direct results of implementing the measures that are expected to lead to the achievement of the outcomes
<b>Measures</b>	The specific actions that will be undertaken to meet the commitments

### 3.3 OBJECTIVE OF THE PLAN

The objective of the Plan is to:

*Provide for the protection of matters of national environmental significance while supporting the delivery of the Northern and Western Geelong Growth Areas Framework Plan and its objectives*

### 3.4 OUTCOMES OF THE PLAN

The outcomes of the Plan are set out in Table 3-2. Refer to the Commitments and Measures document for an explanation and justification of each outcome.

The outcomes have been defined in way to provide both:

- Assurance that appropriate standards of environmental protection will be met, and
- Sufficient flexibility to support the implementation of the Plan over its life in a complex and dynamic ecological, social, and economic environment

The outcomes have been developed to be:

- Specific in relation to scope and how the Plan will contribute to the outcome relative to other influences
- Measurable and able to be reported against
- Achievable within the scope of the Plan

The outcomes are fixed for the life of the Plan for the purposes of the EPBC Act once the Plan is endorsed.

The approval holder is responsible for tracking progress against the achievement of outcomes under the Plan's monitoring, evaluation, reporting and improvement framework and adjusting measures as necessary through adaptive management to ensure the outcomes will be achieved.

**Table 3-2: Outcomes of the Plan**

No.	Outcome
1	Populations of Golden Sun Moth and Striped Legless Lizard are maintained within the NGGA Conservation Area
2	The long-term viability of the important population of the Growling Grass Frog along Cowies Creek is supported through the protection and enhancement of habitat within the WGGA
3	The protection and management of land outside of the Growth Areas makes an important contribution to the recovery efforts for Natural Temperate Grassland, Golden Sun Moth and Striped Legless Lizard in Victoria
4	Matters of national environmental significance associated with waterways, riparian areas and wetlands are protected from any notable adverse impacts of development under the Plan
5	The Plan improves regulatory efficiency by streamlining EPBC Act approvals
6	Implementation of the Plan is effective, timely, and cost efficient

### 3.5 COMMITMENTS

The commitments of the Plan are set out under the development, conservation, and assurance and implementation chapters in the Plan (Chapter 4, Chapter 5, and Chapter 6 respectively).

The Plan's commitments cover:

- Incorporating the Plan into the planning system hierarchy so that development occurs in accordance with the Plan
- A series of conservation commitments relating to:
  - Avoiding and minimising impacts
  - Mitigating impacts
  - Offsetting residual impacts
- A series of assurance and implementation commitments, relating to:
  - Governance
  - Funding
  - MERI
  - Compliance

The City, as approval holder, is responsible for ensuring the commitments are implemented and for monitoring and reporting on progress in delivering the commitments under the MERI framework (see Chapter 7.5).

### 3.6 MEASURES

Each commitment has a set of measures associated with it. The implementation of those measures is expected to deliver the commitments.

The measures set out:

- What will be done to deliver the commitment
- Responsibilities for implementation
- Any relevant key support partners for implementation
- Timing of implementation
- Where appropriate:
  - The relevant standards or methods that will be applied
  - Any conditions relating where, when and under what circumstance actions will be carried out

The City, as approval holder, is responsible for ensuring the measures are implemented and for monitoring and reporting on progress in delivering the measures under the MERI framework (see Chapter 7.5). Measures may be adjusted as necessary through adaptive management to ensure the outcomes and commitments are delivered.

The full list of the Plan's commitments and associated measures are provided in [the Commitments and Measures document](#).

## 4 Development supported by the Plan

### 4.1 INTRODUCTION

Following endorsement and associated approvals under the EPBC Act, the Plan enables certain development to proceed without the need for further assessment and approval for impacts on protected matters under the EPBC Act.

This section describes the development that is supported by the Plan and includes details of the following:

- Where development can occur
- Development actions that are supported by the Plan
- Development that is not covered by the Plan
- Who can undertake development and their requirements
- Changes to the boundaries of the land subject to development

#### 4.1.1 COMMITMENTS

The Plan's commitments for development are provided in Table 4-1.

The measures to implement these commitments are described in the Commitments and Measure document.

**Table 4-1: Commitments for development**

No.	Commitment
1	Development within the Strategic Assessment Area will proceed in accordance with any Commonwealth approval conditions and generally in accordance with the EPBC Plan and NWGGA Biodiversity Conservation Strategy
2	Proposed minor changes to the boundaries of land subject to development will meet the eligibility for consideration and be in accordance with the process for considering changes set out in Section 4.5 of the Plan

### 4.2 LOCATION OF DEVELOPMENT

#### 4.2.1 DEVELOPMENT IN THE GROWTH AREAS

Development under the Plan is only proposed to occur within specific locations in the Strategic Assessment Area (development land). This includes:

- 'Land subject to development' within the Growth Areas. This land covers 2,664.5 ha across the Growth Areas and is shown in Figure 4-1. Development within this land is proposed for all classes of actions (see Section 4.3)
- The 'NGGA Conservation Area' within the avoided land in the NGGA (see Figure 4-1). Development within this area is restricted to the environmental management class of actions (see Section 4.3.5)
- The 'Cowies Creek Conservation Area' and Moorabool River Corridor within the avoided land in the WGGA (see Figure 4-1). Development within these areas is restricted to the environmental management class of actions and limited activities under the supporting infrastructure and services class of actions (see Sections 4.3.4 and 4.3.5)

Development within the NGGA Conservation Area will be in accordance with the principles set out in Section 4.3.5.

Development within the Cowies Creek Conservation Area and Moorabool River Corridor will be in accordance with the principles set out in Section 4.3.5 and will be limited to the minimum activities required to facilitate any actions required under the supporting infrastructure and services class of actions in accordance with the principles set out in Section 4.3.4.

Although approval is being sought to develop all land subject to development, some of this land may not be developed following the PSP process that will occur during the implementation phase of the Plan. This could be due to the establishment of open space, reduced development requirements, or unforeseen development constraints.

#### **4.2.2 EXTERNAL INFRASTRUCTURE DEVELOPMENT**

Some development – called ‘external infrastructure development’ – may occur outside the Growth Areas within the Strategic Assessment Area. This development is limited to the supporting infrastructure and services class of actions and the environmental management class of actions (see Sections 4.3.4 and 4.3.5).

The Plan shows indicative locations where external infrastructure development is intended to occur (see Figure 4-1) and includes a set of commitments to ensure this development is located to avoid and minimise impacts to MNES.

The delivery of external infrastructure development is described further in Chapter 6.

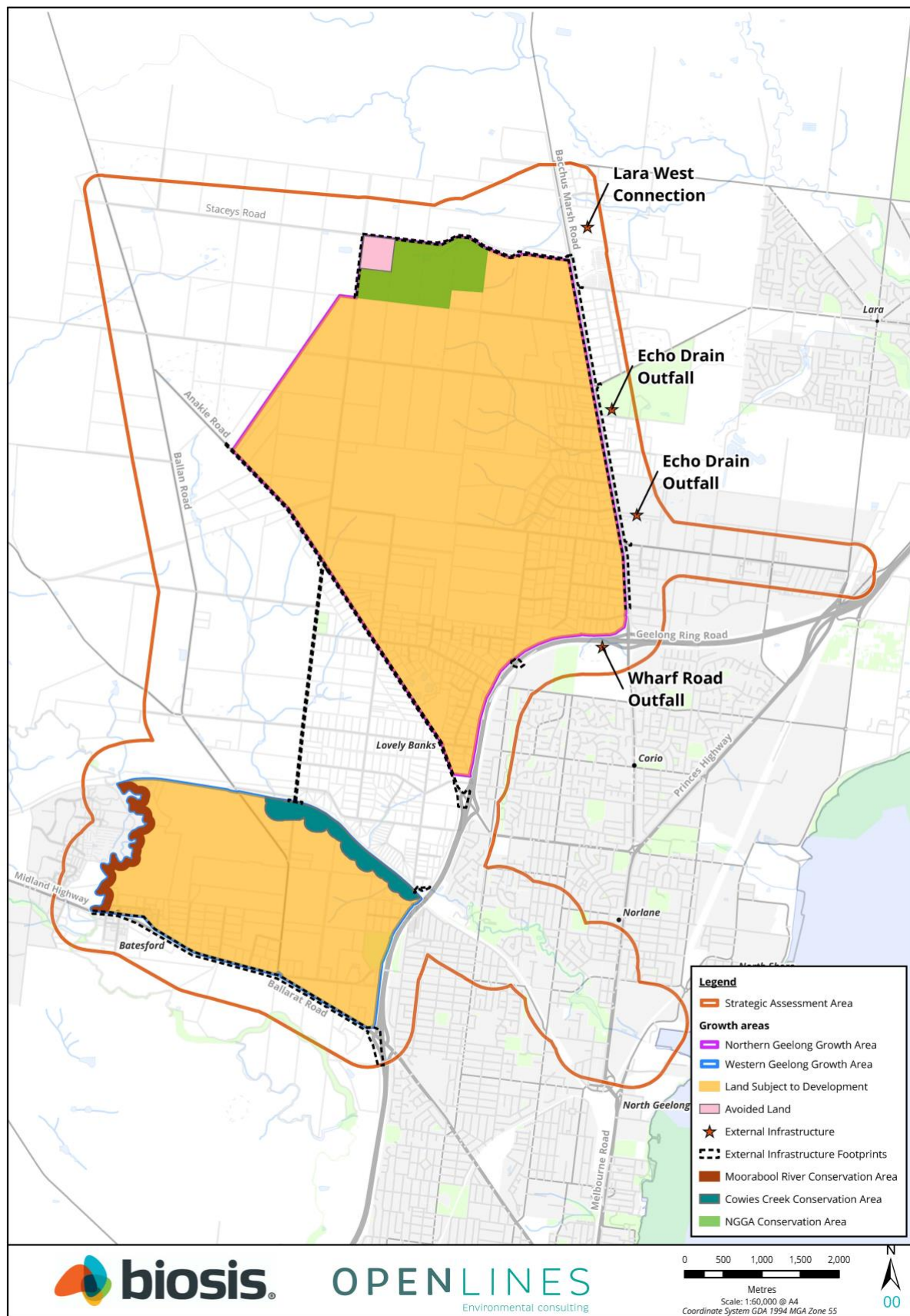


Figure 4-1: Development and conservation land within the Strategic Assessment Area

### 4.3 DEVELOPMENT CLASSES OF ACTIONS

Development is approved under Part 10 of the EPBC Act through ‘classes of actions’ that represent the scope of development that may be undertaken through the Plan. There are five classes of actions that are included in the Plan:

- Urban and commercial development
- Industrial development
- Rural development
- Supporting infrastructure and services
- Environmental management

The Minister may approve the classes of actions in accordance with the endorsed Plan. If granted, the classes of actions approval will set out what actions are approved and the conditions of approval. The intention of the strategic assessment is for the classes of actions as described in this Plan to be approved.

Each class of actions is defined below and includes a number of broad ‘development types’. Specific examples of the various ‘impact activities’ that may be undertaken as part of each development type are also provided.

The example impact activities are intended to provide an understanding of the specific actions that are considered within the scope of each class of actions and are defined as per the VPP. These lists are not intended to be exhaustive. Certain impact activities that are not listed may be considered within the scope of approved classes of actions where:

- The action could reasonably be considered to be part of that class of actions
- The impacts of the action are substantially the same as those listed and assessed in the Strategic Assessment Report

Certain development and actions are also considered to be out of scope for this Plan (see Section 4.3.6).

#### 4.3.1 URBAN AND COMMERCIAL DEVELOPMENT

The urban and commercial development class of actions covers actions and activities associated with residential and commercial areas. It includes the construction, operation, maintenance, and decommissioning of the following:

- Residential buildings and accommodation
- Education centres
- Leisure and recreation premises
- Offices
- Places of assembly and public buildings
- Retail premises
- Community services

Table 4-2 sets out the development types and example impact activities that are covered by this class of actions. The impact activities are as defined in the VPP, unless subject to specific exclusions (see Section 4.3.6).

All activities under the urban and commercial development class of actions can only occur within the land subject to development.

**Table 4-2: Development types and example impact activities included in urban and commercial development class of actions**

Development type	Examples of specific impact activities
Residential buildings and accommodation	<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Residential aged care facility</li> <li>• Group accommodation</li> <li>• Motel</li> <li>• Camping and caravan park</li> <li>• Display home centre</li> </ul>

Development type	Examples of specific impact activities
Education centres	<ul style="list-style-type: none"> <li>• Child care centre</li> <li>• Primary school</li> <li>• Secondary school</li> <li>• Tertiary institution</li> </ul>
Leisure and recreation premises	<ul style="list-style-type: none"> <li>• Indoor recreation facility</li> <li>• Outdoor recreation facility</li> <li>• Open sports ground</li> </ul>
Offices	<ul style="list-style-type: none"> <li>• Bank</li> <li>• Medical centre</li> <li>• Real estate agency</li> <li>• Home based business</li> </ul>
Places of assembly and public buildings	<ul style="list-style-type: none"> <li>• Cinema</li> <li>• Exhibition centre</li> <li>• Function centre</li> <li>• Library</li> <li>• Place of worship</li> </ul>
Retail premises	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Postal agency</li> <li>• Landscape and garden supplies</li> <li>• Market</li> <li>• Supermarket</li> <li>• Hairdresser</li> </ul>
Community services	<ul style="list-style-type: none"> <li>• Emergency services facility</li> <li>• Hospital</li> <li>• Veterinary centre</li> <li>• Service station</li> </ul>

#### 4.3.2 INDUSTRIAL DEVELOPMENT

The industrial development class of actions covers actions and activities associated with the construction and operation of facilities for industrial use. It includes the construction, operation, maintenance, and decommissioning of:

- Industry
- Warehouses
- Energy generation

Table 4-3 sets out the development types and example impact activities that are covered by this class of actions. The impact activities are as defined in the VPP, unless subject to specific exclusions (see Section 4.3.6).

All activities under the industrial development class of actions can only occur within the land subject to development.



**Table 4-3: Development types and example impact activities included in industrial development class of actions**

Development type	Examples of specific impact activities
Industry	<ul style="list-style-type: none"> <li>• Materials recycling</li> <li>• Refuse disposal</li> <li>• Research centre</li> <li>• Car wash</li> <li>• Dry cleaner</li> <li>• Transfer station</li> </ul>
Warehouses	<ul style="list-style-type: none"> <li>• Fuel depot</li> <li>• Mail centre</li> <li>• Boat and caravan storage</li> <li>• Vehicle store</li> </ul>
Energy generation	<ul style="list-style-type: none"> <li>• Solar farm facility</li> </ul>

#### 4.3.3 RURAL DEVELOPMENT

The rural development class of actions covers actions and activities associated with the use of rural land for agriculture and associated activities.

All activities under the rural development class of actions can only occur within the land subject to development.

Table 4-4 sets out the development types and example impact activities that are covered by this class of actions. The impact activities are as defined in the VPP, unless subject to exclusion (see Section 4.3.6).

All activities under the rural development class of actions can only occur within the land subject to development.

**Table 4-4: Development types and example impact activities included in rural development class of actions**

Development type	Examples of specific impact activities
Agriculture	<ul style="list-style-type: none"> <li>• Grazing animal production</li> <li>• Animal training</li> <li>• Domestic animal husbandry</li> <li>• Horticulture</li> <li>• Market garden</li> <li>• Saleyard</li> <li>• Winery</li> </ul>

#### 4.3.4 SUPPORTING INFRASTRUCTURE AND SERVICES

The supporting infrastructure and services class of actions covers actions and activities that are required to facilitate and support all other types of development. This covers a wide range of activities including (but not limited to) those required for the supply of water, electricity, fuel, transport, telecommunications, the removal of waste, as well as safety interventions like erosion prevention. It includes the construction, operation, maintenance, and decommissioning of:

- Transport terminals
- Utility installation
- Supporting infrastructure

Table 4-5 sets out the development types and example impact activities that are covered by this class of actions. The impact activities are as defined in the VPP, unless subject to specific exclusions (see Section 4.3.6).

Table 4-5: Development types and example impact activities included in supporting infrastructure and services class of actions

Development type	Description or examples of specific impact activities
Transport terminals	<ul style="list-style-type: none"> <li>• Bus terminal</li> <li>• Railway station</li> </ul>
Utility installation	<p>Includes land used:</p> <ul style="list-style-type: none"> <li>• For telecommunications</li> <li>• To transmit or distribute gas or oil</li> <li>• To transmit, distribute or store power including battery storage</li> <li>• To collect, treat, transmit, store or distribute water</li> <li>• To collect, treat, or dispose of storm or flood water, sewage, or sullage</li> </ul>
Supporting infrastructure	<ul style="list-style-type: none"> <li>• Transport system</li> <li>• Car park</li> <li>• Sign</li> <li>• Freeway service centre</li> </ul>

All activities under the supporting infrastructure and services class of actions can only occur within the following locations (except where this is external infrastructure development – see below):

- Land subject to development
- Cowies Creek Conservation Area (noting the limited scope of permissible activities outlined below)
- Moorabool River Corridor (noting the limited scope of permissible activities outlined below)

Within the Cowies Creek Conservation Area and Moorabool River Corridor, the following specific impact activities (as defined in the VPP) are not permissible under the supporting infrastructure and services class of actions:

- All activities included within the ‘transport terminals’ category under the VPP
- The following activities included within the ‘utility installation’ category under the VPP:
  - Data centre
  - Telecommunications facility
- All activities included within ‘transport system’ under the VPP (except for cycling paths and footpaths and their associated infrastructure)
- The following specific impact activities (as defined in the VPP):
  - Car park
  - Freeway service centre
  - Helicopter landing site

Within the Cowies Creek Conservation Area and Moorabool River Corridor, development under this class of actions must also be undertaken in accordance with the following principles and standards:

- Development does not prevent the achievement of any environmental objectives, outcomes, commitments or management actions established for the areas
- Development does not directly impact habitat for MNES
- Potential indirect impacts are minimised as much as possible by implementing mitigation measures

In addition, for the Cowies Creek Conservation Area, opportunities to enhance the MNES values of the area are maximised in the design and planning process for the class of actions.

#### **EXTERNAL INFRASTRUCTURE DEVELOPMENT**

External infrastructure development includes the supporting infrastructure and services class of actions where that is located outside the Growth Areas within the Strategic Assessment Area. The Plan shows indicative locations where external infrastructure development is intended to occur (see Figure 4-1).

The delivery of external infrastructure development is described further in Chapter 6.

#### 4.3.5 ENVIRONMENTAL MANAGEMENT

The environmental management class of actions covers actions and activities that are required to facilitate environmental management under the Plan. The management class of action will be undertaken for the activity types and associated specific activities defined in Table 4-6.

**Table 4-6: Activity types and example activities included in environmental management class of actions**

Activity type	Examples of specific activities
Growling Grass Frog habitat construction and management	<ul style="list-style-type: none"> <li>Constructing and managing wetlands to provide habitat for the Growling Grass Frog in the Cowies Creek Conservation Area</li> </ul>
Vegetation and habitat management activities	<ul style="list-style-type: none"> <li>Biomass reduction to manage native grasslands (such as controlled burns and sheep grazing)</li> <li>Pest plant and animal control works</li> <li>Revegetation activities (such as direct seeding) to restore degraded vegetation</li> </ul>
Supporting infrastructure for avoided land	<ul style="list-style-type: none"> <li>Exclusion fencing</li> <li>Signage</li> <li>Paths or tracks required for management activities</li> </ul>

All activities under the environmental management class of actions can only occur within the following locations (except where this is external infrastructure development – see below):

- Land subject to development
- NGGA Conservation Area
- Cowies Creek Conservation Area
- Moorabool River Corridor

Activities under this class of actions must be undertaken in accordance with the following principles and standards:

- Activities will only be undertaken only where it is sympathetic to or enhances habitat values or attributes for MNES
- Activities are consistent with any environmental objectives, outcomes, commitments or management actions established for the relevant areas
- The overall benefit of the activities is greater than the potential impacts
- The activities will be consistent with relevant best practice methods or guidelines, such as the *Growling Grass Frog Habitat Design Standards* (DELWP, 2017b) and other MNES standards as relevant (noting that these are likely to change and/or be updated throughout implementation of the Plan)
- The mitigation hierarchy is applied to ensure any negative impacts are avoided and mitigated as much as practicable while still allowing the necessary environmental management activity to be undertaken

#### EXTERNAL INFRASTRUCTURE DEVELOPMENT

External infrastructure development includes the environmental management class of actions where that is located outside the Growth Areas within the Strategic Assessment Area. The Plan shows indicative locations where external infrastructure development is intended to occur (see Figure 4-1).

The delivery of external infrastructure development is described further in Chapter 6.

#### 4.3.6 DEVELOPMENT NOT COVERED BY THE PLAN

Development that is not covered by the Plan includes the following:

- Actions that are already approved under the EPBC Act

- Actions that do not require approval under the EPBC Act because:
  - They have prior authorisation or are subject to continuing use provisions (in accordance with sections 43A and 43B of the EPBC Act)
  - They are within the scope and are undertaken in accordance with a previous referral that was determined to be 'not a controlled action' under Part 7 of the EPBC Act
- Any classes of actions that are not described in the Plan
- The following specific impact activities (as defined in the VPP) that were considered in the planning process for the strategic assessment and excluded from the Plan:
  - Airport
  - All activities included within the 'earth and energy resources industry' category under the VPP
  - All activities included within the 'energy' category under the VPP (except for solar energy facility which is permitted under the industrial development class of action, see Table 4-3)
  - All activities included within the 'recreational boat facility' category under the VPP
  - Aquaculture
  - Broiler farm
  - Cattle feedlot
  - Heliport
  - Intensive animal production
  - Intensive dairy farm
  - Marine dredging
  - Pig farm
  - Poultry farm
  - Poultry hatchery
  - Reservoir
  - Rice growing
  - Timber production
  - Wharf

If actions that have been excluded from the scope of the Plan are proposed to take place within the Plan area in the future, they will be subject to separate assessment and approval under the EPBC Act.

#### 4.4 PERSONS WHO CAN UNDERTAKE DEVELOPMENT AND THEIR OBLIGATIONS

Any person can undertake development within the Plan area and access the associated Part 10 EPBC approval provided the following requirements are met:

- Development must comprise the classes of actions as defined in this Chapter
- Development must only occur in the development land as defined in this Chapter
- Development must proceed in accordance with any Commonwealth conditions of approval
- Development must proceed generally in accordance with the Plan, including the avoidance and minimisation, mitigation and offset requirements of the Plan
- Developers must pay any required biodiversity levy (see Section 7.4)
- Development must be registered in accordance with the developer registration system (see Section 7.5.4)
- Development must comply with any conditions imposed by way of the developer registration system *including* conditions concerning the delivery of offsets and an obligation to pay a levy implementing the plan.

Development that does not meet these requirements may need separate approval under the EPBC Act.

The Victorian planning system is the key delivery framework for implementing the Plan (see Section 2.3). The planning system has a key role in ensuring regulated third-parties (developers) undertake development under the Plan in accordance with the Commonwealth approval conditions and requirements of the Plan.

The Commitments and Measures document details the specific measures that will be taken to ensure the Plan's requirements are incorporated in the Greater Geelong Planning Scheme.

## 4.5 CHANGES TO THE BOUNDARIES OF LAND SUBJECT TO DEVELOPMENT

The Plan provides a process to allow minor changes to the boundaries of land subject to development where this is necessary to address planning issues during the preparation of PSPs. Provided these changes are made in accordance with the requirements of the Plan, any impacts of these changes on MNES are covered by the Part 10 EPBC approval associated with the Plan and additional approval is not required under Part 9 of the EPBC Act.

Proponents of the boundary change may include the City, developers, or infrastructure providers.

The commitment allowing minor boundary changes is set out in Table 4-1. This requires any changes to meet the eligibility for consideration and be in accordance with the process for considering changes set out in this section.

### 4.5.1 REQUIREMENTS TO BE MET

#### *ELIGIBILITY FOR CONSIDERATION*

The following criteria must be met for boundary changes to land subject to development to be eligible for consideration:

- The boundary change is minor in terms of scale, and is limited to the site or subdivision scale, and
- The boundary change is necessary to support a planning proposal identified through the PSP process to either:
  - Meet the urban planning objectives or priorities of the relevant PSP, or
  - Reduce the risk of impacts from the development on MNES, and
- It can be demonstrated that no feasible urban design alternatives to the planning proposal requiring the boundary change exist within the existing boundary of land subject to development, and
- The boundary change does not modify the boundaries of the NGGA Conservation Area or Cowies Creek Conservation Area unless it can be demonstrated that there will be no increase in risks on MNES and that there will be no net loss in extent and condition of habitat for MNES within the conservation areas

The City will consider planning proposals that require a boundary change to the land subject to development and advise proponents of their eligibility or how the planning proposal could be adjusted to meet the criteria.

#### *PROCESS FOR CONSIDERING BOUNDARY CHANGES*

The following process will be followed for planning proposals requiring a boundary change to the land subject to development that are deemed eligible by the City for consideration:

- Undertake ecological surveys within the proposed new land subject to development for all protected matters with the potential to occur. Surveys must be undertaken by a qualified ecologist in accordance with relevant guidelines
- Prepare a report assessing the potential direct and indirect impacts of the planning proposal on protected matters within the proposed new land subject to development. The report must demonstrate how impacts will be avoided and minimised, mitigated, and offset in accordance with the offsets mitigation hierarchy and the EPBC Act Offsets Policy (DSEWPC, 2012)
- The report must be provided to the City Implementation Group (see Section 7.3) along with GIS spatial files showing the boundary change and proposed location of the new land subject to development
- The City Implementation Group will consider the report and will provide a copy to the EPBC Plan Executive Committee and the Commonwealth Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) for review and comment
- If the planning proposal within the proposed new land subject to development will impact MNES or proposes to modify the boundaries of the NGGA Conservation Area or the Cowies Creek Conservation Area, the change must be endorsed by DCCEEW. Other changes will be endorsed by the City Implementation Group
- Once the boundary change and proposed new land subject to development is approved:
  - Relevant maps in the BCS will be updated
  - The PSP will show the new boundary of land subject to development
  - The boundary change will be reported in the annual progress report for that year (see Section 7.5.4)

## 5 Conservation framework

### 5.1 INTRODUCTION

The Plan includes a conservation framework for protecting MNES that has been developed to achieve the Plan's objective and biodiversity-related outcomes.

The Plan's conservation framework for protecting MNES has been developed in accordance with the offset mitigation hierarchy (DSEWPC, 2012). The mitigation hierarchy requires impacts on MNES to be firstly avoided and minimised to the greatest extent practicable, and then mitigated. The remaining residual impacts can then be offset.

This Chapter describes the Plan's conservation framework, including:

- Purpose of the conservation framework
- Relevant protected matters for the Plan
- Avoidance and minimisation of impacts
- Mitigation of impacts
- Residual impacts and offsets

#### 5.1.1 IMPLEMENTATION OF THE CONSERVATION FRAMEWORK

The Plan's conservation framework for protecting MNES will be implemented through a series of commitments and measures that are set out in this Chapter and provided in the Commitments and Measures document.

The conservation framework sets out commitments that will be delivered for:

- Avoiding and minimising impacts to MNES
- Mitigating impacts to MNES
- Offsetting residual impacts to MNES

These commitments will be delivered through a series of detailed measures. Further description of the measures and their implementation are provided in the BCS.

While the commitments associated with the Plan's conservation framework will not change, the measures proposed to implement these commitments are subject to change (see Section 3.2). This would occur through an adaptive management process in accordance with the Plan's MERI framework (see Section 7.5). The BCS and Commitments and Measures document may be updated from time to time over the life of the Plan (see Section 7.8).

The Plan's assurance and implementation framework (see Chapter 7) also supports the conservation framework. This includes a range of commitments to support delivery of the conservation framework, including relating to governance, MERI, compliance, and funding the implementation of the Plan.

### 5.2 PURPOSE OF THE CONSERVATION FRAMEWORK

The purpose of the conservation framework is to ensure:

- Development within the Plan area avoids and minimises, mitigates, and offsets impacts to MNES in accordance with the requirements of the EPBC Act and the Endorsement Criteria in the Strategic Assessment Agreement
- The Plan's biodiversity-related outcomes for MNES are achieved

### 5.3 RELEVANT PROTECTED MATTERS

Protected matters relevant to the Plan are the protected matters that may be impacted directly, indirectly and/or cumulatively by actions proposed to be taken under the Plan (as defined in the Strategic Assessment Agreement). For these matters, an assessment of the potential impacts of the proposal is required in the SAR. The SAR provides the

method for identifying relevant protected matters that have the potential to be impacted (see Part 3 of SAR) and assesses impacts to each protected matter (see Part 4 of SAR).

#### **SPECIES AND ECOLOGICAL COMMUNITIES**

The relevant species and ecological communities are listed in Table 5-1. These include:

- One threatened ecological community
- Twenty threatened species
- Seven migratory species

**Table 5-1: Relevant species and ecological communities**

Type of relevant protected matter	Species or ecological community
Threatened ecological communities (TECs)	Natural Temperate Grassland of the Victorian Volcanic Plain
Threatened flora	<i>Lachnagrostis adamsonii</i> (Adamson's Blown-grass)
	<i>Pimelea spinescens</i> subsp. <i>spinescens</i> (Spiny Rice-flower)
Threatened fauna	<i>Botaurus poiciloptilus</i> (Australasian Bittern)
	<i>Calidris canutus</i> (Red Knot)
	<i>Calidris ferruginea</i> (Curlew Sandpiper)
	<i>Calidris tenuirostris</i> (Great Knot)
	<i>Charadrius leschenaultii</i> (Greater Sand Plover)
	<i>Charadrius mongolus</i> (Lesser Sand Plover)
	<i>Delma impar</i> (Striped Legless Lizard)
	<i>Galaxiella toourtkoourt</i> (Eastern Dwarf Galaxias) (previously <i>Galaxiella pusilla</i> )
	<i>Limosa lapponica baueri</i> (Western Alaskan Bar-tailed Godwit)
	<i>Litoria raniformis</i> (Growling Grass Frog)
	<i>Nannoperca obscura</i> (Yarra Pygmy Perch)
	<i>Neophema chrysogaster</i> (Orange-bellied Parrot)
	<i>Neophema chrysostoma</i> (Blue-winged Parrot)
	<i>Numenius madagascariensis</i> (Eastern Curlew)
	<i>Prototroctes maraena</i> (Australian Grayling)
	<i>Rostratula australis</i> (Australian Painted Snipe)
	<i>Sternula nereis</i> (Australian Fairy Tern)
	<i>Synemon plana</i> (Golden Sun Moth)
Migratory species	<i>Calidris acuminata</i> (Sharp-tailed Sandpiper)
	<i>Calidris ruficollis</i> (Red-necked Stint)
	<i>Charadrius bicinctus</i> (Double-banded Plover)
	<i>Gallinago hardwickii</i> (Latham's Snipe)
	<i>Sternula albifrons</i> (Little Tern)
	<i>Tringa nebularia</i> (Common Greenshank)
	<i>Tringa stagnatilis</i> (Marsh Sandpiper)

**OTHER RELEVANT PROTECTED MATTERS**

One Ramsar site, the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula is also a relevant protected matter. Parts of this Ramsar site are located downstream of the Growth Areas and have the potential to be indirectly impacted by the proposed development under the Plan associated with changes to water flows and water quality.

There are no other relevant protected matters.

**5.4 AVOIDANCE AND MINIMISATION OF IMPACTS****5.4.1 CONTEXT**

Avoiding and minimising impacts to MNES is the first step in the offset mitigation hierarchy. The avoidance process provides opportunities to avoid and protect areas of high biodiversity value and is fundamental to a determination that commitments adequately address the likely impacts on MNES and reducing the need for offsets.

Avoidance is a requirement of the Endorsement Criteria in the Strategic Assessment Agreement (Attachment 2, Clause 3(c)), which requires the Plan to describe how impacts will be avoided.

There may be several reasons why land is avoided, including because land:

- Has high biodiversity values and is avoided for biodiversity purposes
- Is not strategically located and is therefore not a priority for development
- Is not generally suitable for development for another reason such as topography or land use conflict

Avoidance is defined in the Plan as any land not directly impacted by development within the Growth Areas.

The Plan considered the proposed development for the Growth Areas set out in the Framework Plan and applied a strategic planning process to consider and resolve conflicts between areas identified as high biodiversity value and areas proposed for development in the Framework Plan. This avoidance planning comprised three processes:

- Strategic level planning to locate the Growth Areas and identify initial avoidance priorities
- Locating and designing the development within the Growth Areas to avoid impacts
- Future precinct and site-scale planning

These processes are described in detail in the BCS, and avoidance outcomes for MNES are justified in the SAR.

The strategic planning process at the Growth Area level led to the identification in the Plan of two strategic conservation areas that will be avoided from development and protected and managed to conserve MNES in-perpetuity. These are:

- The NGGA Conservation Area in the NGGA
- Cowies Creek Conservation Area in the WGGA

Strategic conservation areas represent high biodiversity value areas that contain the most important Commonwealth, State and local biodiversity values in the Growth Areas, and are the areas considered most likely to be viable in the long-term because of their size, condition, shape and location in the landscape.

These two strategic conservation areas are described in Section 5.4.3.

The strategic planning process also led to the identification of two additional strategic conservation areas to protect State and local biodiversity values within the Growth Areas, as well as several biodiversity opportunity areas and investigation areas, which will be subject to further consideration and decisions on protection during precinct planning. While these areas may have some benefits for MNES, they were not identified in the Plan as being needed for the protection of MNES. The BCS identifies these other biodiversity areas and describes the process for confirming their protection and boundaries during precinct planning through the preparation of PSPs.

**5.4.2 COMMITMENTS FOR AVOIDANCE AND MINIMISATION**

The Plan's commitments for avoidance and minimisation are provided in Table 5-2. See the Commitments and Measures document for measures relating to avoidance.



Table 5-2: Commitments for avoidance

No.	Commitment
3	The NGGA Conservation Area will be established in perpetuity to avoid and protect 74 ha of habitat for Striped Legless Lizard and 108 ha of habitat for Golden Sun Moth
4	A Conservation Management Plan will be prepared and implemented for the protection and ongoing management of Striped Legless Lizard and Golden Sun Moth within the NGGA Conservation Area
5	The Cowies Creek Conservation Area will be established in perpetuity to avoid and protect habitat needed to support the continued persistence of the Growling Grass Frog in the WGGA
6	A Conservation Management Plan will be prepared and implemented for the protection and ongoing management of Growling Grass Frog and areas of potential habitat for Adamson's Blown-grass within the Cowies Creek Conservation Area

#### 5.4.3 AVOIDANCE AND MINIMISATION WITHIN GROWTH AREAS

##### LOCATION AND DESCRIPTION OF STRATEGIC CONSERVATION AREAS

###### Northern Geelong Growth Area

The NGGA Conservation Area is shown in Figure 4-1. The area supports:

- 108 ha of habitat for the Golden Sun Moth
- 74 ha of habitat for the Striped Legless Lizard
- 55 ha of mapped native vegetation (Plains Grassland EVC 132)

The key aim of the conservation area is to protect and manage habitat for Striped Legless Lizard and Golden Sun Moth in perpetuity. It will do this by:

- Protecting habitat supporting populations of the two species
- Improving the condition of habitat for the two species
- Where possible, increasing the area of occupied habitat for the Striped Legless Lizard through regeneration or restoration of any potentially suitable areas

The NGGA Conservation Area was confirmed by the City through a Structured Decision Making process that led to confirmation of an area for conservation that was not identified in the Framework Plan. The conservation area was identified as a high biodiversity value area that:

- Supports multiple important biodiversity values
- Focuses on the largest habitat area for Striped Legless Lizard within the NGGA and a substantial area of habitat for the Golden Sun Moth
- Provides the best opportunities for protecting and managing viable areas of biodiversity in the long term due to its suitable shape, area, and condition of the vegetation

The Structured Decision Making process is described further in the BCS.

###### Western Geelong Growth Area

The Cowies Creek Conservation Area in the WGGA is shown in Figure 4-1. The area supports:

- An important population of the Growling Grass Frog that is connected to a larger metapopulation downstream, as well as all remaining habitat for Growling Grass Frog in the WGGA
- A previously known record of Adamson's Blown-grass
- Areas of mapped Creekline Grassy Woodland (EVC 68)

A key aim of the conservation area will be to support the persistence of the Growling Grass Frog within the WGGA and maintain the metapopulation dynamics with the broader Cowies Creek metapopulation downstream. It will do this by:

- Protecting high quality instream habitat
- Helping to improve the condition of lower quality instream habitat
- Protecting terrestrial habitat in buffer areas adjacent to the creek
- Regenerating areas of terrestrial habitat that are degraded through historical land uses
- Potentially providing for the creation of off-stream habitat

#### **PROTECTION AND MANAGEMENT OF STRATEGIC CONSERVATION AREAS**

The commitments to protect and manage the NGGA Conservation Area and the Cowies Creek Conservation Area will be implemented through a series of measures set out in the Commitments and Measures document and described further in the BCS. These measures will ensure that these strategic conservation areas are protected and actively managed to maintain and enhance their MNES values in the long-term.

##### Planning to finalise strategic conservation area boundaries

The boundaries of the Cowies Creek Conservation Area are indicative in the Plan and will be finalised during precinct planning through the preparation of the Creamery Road PSP. The boundary will be confirmed to ensure the conservation area includes all areas of habitat that may be needed to support the continued persistence of the Growling Grass Frog within the WGGA, including areas of habitat that may be used for breeding, foraging and movement.

Further details about finalising the boundary of the Cowies Creek Conservation Area are provided in the BCS.

##### Planning controls and mechanisms to secure land within strategic conservation areas

The NGGA Conservation Area and Cowies Creek Conservation Area will be purchased and/or vested in the City as a reserve to be managed for conservation purposes.

The strategic conservation areas will also be protected through planning controls as well as security agreements to ensure the protection and management of the land for conservation in-perpetuity.

The planning controls are proposed to include:

- Identifying the strategic conservation areas in relevant PSPs as land to be protected for conservation in the urban structure maps of the precinct, to direct development away from these areas
- Applying an appropriate environment zone to the strategic conservation areas under the Greater Geelong Planning Scheme, to limit the use and development that can occur within the strategic conservation area
- Identifying the native vegetation in the strategic conservation areas as 'to be retained' within the relevant NVPPs, to ensure a permit is required to remove that native vegetation

The strategic conservation areas will be secured under in-perpetuity, on-title agreements consistent with the security requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017c)

##### Preparation and implementation of Conservation Management Plans for strategic conservation areas

The City will prepare and implement Conservation Management Plans to provide for the protection and ongoing management of the biodiversity values within each strategic conservation area.

Conservation Management Plans will be prepared in accordance with the Commonwealth Environmental Management Plan Guidelines (DoE, 2014). The Conservation Management Plan for Cowies Creek will also be prepared in accordance with the Growling Grass Frog Habitat Design and Crossing Standards (DELWP, 2017b, 2017a).

Each Conservation Management Plan is proposed to include the following information, as relevant:

- Objectives of the Conservation Management Plan
- Boundaries of the conservation areas
- Native vegetation to be retained as identified in the relevant NVPP for the precinct

- Extent and condition of biodiversity values in the areas, including habitat and records
- Management actions and arrangements to protect, and where appropriate, restore, the biodiversity values of the conservation areas, including management methods, standards and techniques, roles and responsibilities, timing for implementation, funding and monitoring and reporting
- For the Cowies Creek Conservation Area identify any locations suitable for public access points, walking paths/trails, passive recreation, and water management assets and associated infrastructure

The City proposes to fund the implementation of the Conservation Management Plans using the implementation fund established under the Plan's funding framework. The funding framework is described in Section 7.4 and the specific measures for funding are provided in the Commitments and Measures document.

## 5.5 MITIGATION OF IMPACTS

### 5.5.1 CONTEXT

Mitigating impacts to MNES is the second step in the offset mitigation hierarchy. The mitigation process reduces how likely or significant unavoidable impacts may be and further reduces the need for offsets.

Mitigation of impacts is a requirement of the Endorsement Criteria in the Strategic Assessment Agreement (Attachment 2, Clause 3(c)), which requires the Plan to describe how impacts will be mitigated.

Development under the Plan has the potential to indirectly impact habitat and populations of MNES within the Growth Areas and within the Plan area outside the Growth Areas. These indirect impacts relate to:

- Altered fire regimes
- Changes to water flows and water quality
- Disturbance due to noise, dust, litter, or light
- Disturbance from increased public access to natural areas
- Fauna mortality and barriers to movement
- Inadvertent impacts on adjacent habitat or vegetation
- Predation or competition by pest or domestic fauna
- Spread of infection or disease
- Spread or introduction of weeds

The Plan includes commitments to ensure each of these indirect impacts is mitigated. These commitments are expected to substantially reduce the risk of residual impacts to MNES associated with these indirect impacts to the extent that offsets for these impacts are not required (see Part 4 of SAR).

### 5.5.2 COMMITMENTS FOR MITIGATION

The Plan's commitments for mitigation are provided in Table 5-3. See the Commitments and Measures document for measures relating to mitigation.

**Table 5-3: Commitments for mitigation**

No.	Commitment
7	Standard mitigation measures will continue to be implemented to minimise the indirect impacts of the development on MNES in accordance with the requirements of the <i>Greater Geelong Planning Scheme</i> (The City of Greater Geelong, 2022), as updated from time to time, and generally in accordance with the Framework Plan (The City of Greater Geelong, 2021)

No.	Commitment
8	<p>The following additional specific mitigation measures will be implemented to minimise the indirect impacts of development on the NGGA Conservation Area and Cowies Creek Conservation Area:</p> <ul style="list-style-type: none"> <li>• Establish a conservation interface for the conservation areas</li> <li>• Design and baffle public lighting to prevent light spill and glare within the Cowies Creek Conservation Area</li> <li>• Prepare Construction Environmental Management Plans for construction works on land immediately adjacent to the conservation areas</li> </ul>
9	<p>Additional specific mitigation measures will be implemented to minimise the indirect impacts of the development on MNES associated with waterways, riparian areas and wetlands including:</p> <ul style="list-style-type: none"> <li>• EPBC listed threatened and migratory birds</li> <li>• <i>Galaxiella toourtkoourt</i> (Little Galaxias)</li> <li>• <i>Litoria raniformis</i> (Growling Grass Frog)</li> <li>• <i>Nannoperca obscura</i> (Yarra Pygmy Perch)</li> <li>• <i>Prototroctes maraena</i> (Australian Grayling)</li> <li>• <i>Lachnagrostis adamsonii</i> (Adamson's Blown Grass)</li> <li>• Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site</li> </ul>

### 5.5.3 IMPLEMENTATION OF MITIGATION FOR THE GROWTH AREAS

Mitigation measures for biodiversity values will mostly be determined and implemented through the Victorian planning system as development proceeds (see Chapter 2.3). This will deliver a range of standard mitigation measures through the PSP process, existing provisions in the Greater Geelong Planning Scheme, and the planning permit process, which will address many of the potential indirect impacts of development within the Growth Areas.

This standard mitigation includes measures such as stormwater management, erosion control, and management of construction sites. The Plan includes a commitment to ensure these standard mitigation measures continue to be implemented to address the range of indirect impacts of the development.

The assessment of potential indirect impacts to MNES in the SAR identified several additional specific mitigation measures beyond those delivered through the existing planning system. These are required to address specific risks to MNES associated with waterways, riparian areas and wetlands, as well as other environmental values within conservation areas. The specific mitigation measures will also mostly be delivered through the existing planning system and will provide additional protection to State and local biodiversity values.

#### STANDARD MITIGATION MEASURES

The standard mitigation measures and their implementation through the PSP process, existing provisions in the Greater Geelong Planning Scheme, and the planning permit process, are described further in the BCS.

The City will be responsible for implementing the standard mitigation measures. The City will make decisions about what standard mitigation is implemented to address impacts in accordance with the Greater Geelong Planning Scheme and the specific circumstances of the relevant precinct and proposed subdivision or development.

#### ADDITIONAL SPECIFIC MITIGATION MEASURES

The Plan includes commitments to implement additional specific mitigation measures beyond that delivered through the existing planning system to address specific risks to MNES and minimise indirect impacts on:

- Protected matters associated with waterways, riparian areas and wetlands
- The NGGA Conservation Area and Cowies Creek Conservation Area

The first commitment relating to mitigating impacts on waterways, riparian areas and wetlands is proposed to be implemented through the preparation of technical studies to understand the key risks from development on MNES associated with Hovells Creek, Cowies Creek and the Moorabool River. These studies aim to:

- Address risks associated with changes to water quality and hydrology from the development in the Growth Areas
- Identify measures, standards or targets to mitigate impacts on MNES including, as relevant:
  - Water quality parameters
  - Water retention and flow management requirements
  - Limits on extraction or use
  - Habitat buffer requirements
  - Monitoring and reporting

It is proposed that guidelines are prepared based on the results of these studies to guide the preparation of PSPs and decisions on planning permits and permit conditions to ensure risks to MNES in relation to these impacts are adequately managed. A planning scheme amendment or other appropriate process is proposed to be undertaken to ensure the guidelines are considered during the preparation of PSPs and in decisions on planning permits and permit conditions.

A set of mitigation measures are proposed to implement the second commitment relating to mitigating impacts on the NGGA Conservation Area and Cowies Creek Conservation Area. These include:

- Identifying a conservation interface between urban development and the boundaries of the NGGA Conservation Area and Cowies Creek Conservation Area in plans within relevant PSPs
- Designing and baffling public lighting to prevent light spill and glare within the Cowies Creek Conservation Area by including this as a requirement or guideline in the relevant PSP, or as a condition on permits, as appropriate
- Preparing Construction Environmental Management Plans for construction works on land immediately adjacent to the NGGA Conservation Area and Cowies Creek Conservation Area, by including this as a requirement or guideline in the relevant PSP, or as a condition on permits, as appropriate

Commitments for avoidance and minimisation (see Section 5.4.2) are also relevant to minimising the indirect impacts of the development on MNES. These require the preparation and implementation of Conservation Management Plans for the protection and ongoing management of Striped Legless Lizard and Golden Sun Moth within the NGGA Conservation Area and Growling Grass Frog and habitat for Adamson's Blown-grass within the Cowies Creek Conservation Area.

## 5.6 RESIDUAL IMPACTS AND OFFSETS

### 5.6.1 CONTEXT

Offsetting impacts to MNES is the final step in the offset mitigation hierarchy. Offsetting is intended to compensate for any residual impacts that remain after impacts have been avoided and minimised, and mitigated.

Offsets are a requirement of the Endorsement Criteria in the Strategic Assessment Agreement, which requires the Plan to provide for offsets in accordance with the principles of the EPBC Act Offsets Policy (Attachment 2, Clause 3(d)).

Development under the Plan will result in residual impacts in the NGGA to Natural Temperate Grassland, Golden Sun Moth, and the Striped Legless Lizard (see Section 5.6.2).

The Plan establishes a strategic offsets approach that aims to maximise the benefits to MNES. It does this through two key approaches to ensure the Plan's outcomes are achieved:

- Prioritising offsetting early in the life of the Plan to reduce the risk that impacts occur head of the benefits gained through offsets and to secure values in the landscape ahead of a background rate of decline
- Focusing offsets on large patches of native vegetation and habitat that are well located in the landscape from a biodiversity perspective, including sites that:
  - Occur within key biodiversity corridors and improve connectivity across the landscape
  - Are connected to existing conservation reserves

These approaches are reflected in two key commitments relating to offsets under the Plan (see Section 5.6.3).

Conservation planning science (for example, see (Gordon *et al.*, 2011) confirms the benefits of strategic approaches and supports the position that the Plan's approach to offsets will be substantially stronger than what would occur under standard project-by-project approvals.

The BCS includes further justification for this strategic approach to offsetting and a summary of the results of analysis that was done to determine the adequacy of the offset targets reflected in the offset commitments in the Plan in combination with the overall design of the offsets program.

#### 5.6.2 RESIDUAL IMPACTS FROM THE DEVELOPMENT WITHIN THE GROWTH AREAS

The development under the Plan will result in the clearance and direct loss of the following MNES in the NGGA:

- Natural Temperate Grassland – 18.6 ha
- Golden Sun Moth (*Synemon plana*) – 657.7 ha
- Striped Legless Lizard (*Delma impar*) – 153.4 ha

There will be no residual impacts to MNES in the WGGA and offsets are not required (refer to Part 4 of the SAR).

The residual impacts within the NGGA will result from clearing of native vegetation and species habitat during construction of the development. The impacts will be permanent due to the ongoing use of the developed land. A detailed assessment of the residual impacts of the development on MNES is provided in the SAR (Part 4).

#### 5.6.3 COMMITMENTS FOR OFFSETS

The Plan's commitments for offsetting residual impacts are provided in Table 5-4. See the Commitments and Measures document for measures relating to offsets.

The amount of offsets reflected in the commitments was determined in accordance with the principles of the EPBC Act Offsets Policy (DSEWPC, 2012). A detailed explanation and justification of the offset targets and the consistency of the offsets package with the principles of the EPBC Act Offsets Policy is provided in the BCS.

**Table 5-4: Commitments for offsetting**

No.	Commitment
3	The NGGA Conservation Area will be established in perpetuity to avoid and protect 74 ha of habitat for Striped Legless Lizard and 108 ha of habitat for Golden Sun Moth
4	A Conservation Management Plan will be prepared and implemented for the protection and ongoing management of Striped Legless Lizard and Golden Sun Moth within the NGGA Conservation Area
10	Offset sites will be established in strategic locations to protect and manage a minimum of the following amounts of habitat to support the following MNES: <ul style="list-style-type: none"> <li>• 45 ha of Natural Temperate Grassland</li> <li>• 375 ha of known habitat for Striped Legless Lizard</li> <li>• 585 ha of known habitat for Golden Sun Moth</li> </ul>
11	Within the first five years of Plan implementation the City of Greater Geelong will secure the following offsets at a minimum: <ul style="list-style-type: none"> <li>• 100% of the offset requirement for Natural Temperate Grassland</li> <li>• 70% of the offset requirement for Striped Legless Lizard</li> <li>• 50% of the offset requirement for Golden Sun Moth</li> </ul>
12	Offset delivery will keep pace with and occur ahead of impacts within the NGGA

#### 5.6.4 DESCRIPTION OF OFFSETS

There are two components to strategic offsets under the Plan:

- Protection and management of the NGGA Conservation Area
- Protection and management of the remaining offsets outside the Growth Areas

The NGGA Conservation Area and the MNES to be protected and managed in this area is described in Section 5.4.3. This area has been avoided from development and will also form part of the offset package under the Plan.

The remaining offsets to be secured outside the Growth Areas after the delivery of the NGGA Conservation Area are:

- Natural Temperate Grassland – 45 ha
- Striped Legless Lizard – 301 ha
- Golden Sun Moth – 477 ha

#### 5.6.5 IMPLEMENTATION OF OFFSETS FOR IMPACTS IN THE GROWTH AREAS

The City will coordinate offset delivery on behalf of developers which will help ensure that the offsets are delivered successfully and in a strategic manner. This will be funded under the Plan's funding framework (see Chapter 7.4).

##### **STRATEGIC LANDSCAPE CONSIDERATIONS**

In order to ensure offset sites are appropriate and contribute to the strategic benefit of the offset package, sites will be selected that meet at least one of the following strategic landscape criteria:

- Protection of areas of habitat that would be considered large for each MNES
- Located within a key biodiversity corridor and improves connectivity across the landscape
- Connection to an existing conservation reserve

It is proposed that the City develop strategic landscape criteria to guide the targeting of land suitable for strategic offsets, identify priority offset locations that meet at least one of these criteria, and establish a work program to engage with landholders within those areas to seek agreement to establishing offset sites on their land.

##### **TIMING OF DELIVERY**

The Plan includes two commitments around the timing of offset delivery. These commitments will:

- Ensure that the delivery of offsets remains ahead of the level of impacts over the life of the Plan
- Deliver early offsets (by the end of year 5) for each MNES

These commitments are important to help maximise the benefits of the strategic approach to offsets and deliver a conservation outcome that improves or maintains the viability of each MNES.

The delivery of offsets relative to impacts from development in the Growth Areas is proposed to be tracked, including through monitoring permits that remove habitat for each MNES and tracking the securing of offsets under appropriate security agreements. The approach for tracking impacts and offsets is described in the BCS.

To help mitigate risks around offset delivery, it is proposed that contingency steps be implemented if the early offset targets are not on track, or the rate of offsets is not ahead of the rate of impacts. These steps are described in the BCS.

**SECURING OFFSET SITES**

A description of how the NGGA Conservation Area will be secured is provided in Section 5.4.3.

Offset sites outside the NGGA will be secured under in-perpetuity, on-title agreements consistent with the security requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017c). An offset management plan will be prepared for each site and landholders will report annually on management actions in accordance with the requirements of these guidelines (DELWP, 2017c). These mechanisms:

- Provide for the in-perpetuity protection of sites
- Are accepted by DCCEW as appropriate mechanisms for EPBC offsets
- Facilitate the necessary management, monitoring and reporting to ensure a conservation gain for each MNES

Surveys by an appropriately qualified ecologist using relevant survey techniques will be undertaken for each site prior to it being secured. Only sites with confirmed values for each MNES will contribute to meeting the offset targets.



## 6 Delivery of external infrastructure

### 6.1 INTRODUCTION

Some development – called ‘external infrastructure development’ – may occur outside the Growth Areas within the Strategic Assessment Area. This development is limited to the supporting infrastructure and services class of action and the environmental management class of action (see Sections 4.3.4 and 4.3.5).

External infrastructure development is required to support the urban development within the Growth Areas and help deliver the development objectives of the Framework Plan.

Planning for essential infrastructure development for the Growth Areas is in various stages and the specific locations and the types of external infrastructure that will be needed are not yet known.

The Plan shows indicative locations where external infrastructure development is intended to occur (see Figure 4-1). These include:

- Corridors along Staceys Road, Bacchus Marsh Road, Anakie Road, Midland Highway, and Evans Road to facilitate road and intersection upgrades
- Corridors adjacent to Cowies Creek and Tower Hill Drive to facilitate shared trail upgrades
- Stormwater related infrastructure associated with Hovells Creek, Elcho Road drain and Wharf road outfall

These indicative locations have not been surveyed and the biodiversity values of these areas is not confirmed.

While the specific locations and potential impacts of external infrastructure are not yet confirmed, the Plan includes a set of commitments that, along with their associated measures, will establish a process to ensure that external infrastructure development will avoid and minimise, mitigate, and offset any residual impacts to MNES.

### 6.2 COMMITMENTS FOR EXTERNAL INFRASTRUCTURE

The Plan’s commitments for external infrastructure development are provided in Table 6-1. See the Commitments and Measures document for measures relating to external infrastructure development.

**Table 6-1: Commitments for external infrastructure development**

No.	Commitment
13	<p>External infrastructure development will be designed and located to avoid and minimise impacts to MNES and native vegetation. The following specific avoidance outcomes will be delivered:</p> <ul style="list-style-type: none"> <li>• Spiny Rice-flower – any confirmed population or part of the population must be avoided and will be protected, maintained and managed to ensure the persistence of that population in the long-term</li> <li>• Other MNES – any confirmed population or occurrence that would be considered important or notable (for instance, due to size, condition or potential contribution to the recovery of the MNES) must be avoided and will be protected, maintained and managed to ensure the persistence of that population or occurrence in the long-term. Impacts to all other populations or occurrences will be avoided and minimised as far as practical</li> </ul>
14	<p>Unavoidable clearing due to the external infrastructure development of any areas confirmed to support MNES will be offset in accordance with the EPBC Act Environmental Offsets Policy and associated Offsets Assessment Guide (or equivalent) (Commonwealth of Australia, 2012; DSEWPC, 2012)</p>

### 6.3 AVOIDANCE AND MINIMISATION OF IMPACTS

The Plan includes a commitment to design and locate external infrastructure development to ensure this development does not have unacceptable impacts on MNES and avoids and minimises impacts to these matters (see Table 6-1).

The commitment requires that any confirmed population of Spiny Rice-flower and other MNES that are considered important or notable to be avoided and protected to ensure the persistence of those populations in the long-term, and that impacts to all other populations will be avoided and minimised as far as practical.

This avoidance process will be undertaken by the proponent of each infrastructure project as part of the standard planning and detailed design phase of each project. Specific measures that set out the avoidance process detailed in the Commitments and Measures document. The process is proposed to include:

- Undertaking targeted surveys prior to development in accordance with relevant survey guidelines, to inform the detailed design of each infrastructure project and the avoidance and minimisation that is proposed to occur
- Providing a report to the Executive Committee that demonstrates avoidance and minimisation outcomes in accordance with the requirement of the commitment (see Table 6-1)
- Preparing and implementing Conservation Management Plans for any populations of MNES avoided to ensure appropriate management of these populations and address potential indirect impacts from the infrastructure

The proponent of the infrastructure project will be responsible for preparing the report to the Executive Committee and preparing and implementing Conservation Management Plans. The City Implementation Group will co-ordinate the review of the report by the Executive Committee and approve the Conservation Management Plan.

## 6.4 MITIGATION OF IMPACTS

External infrastructure development will be subject to a range of Victorian regulations that ensure the indirect impacts of the development on the environment is mitigated, including the *Road Management Act 2004*, *Environment Protection Act 2017*, *Flora and Fauna Guarantee Act 1988*, and *Water Act 1989*. These regulations are supported by policies and procedures that result in the implementation of a range of standard mitigation measures during construction and operation, including stormwater management, erosion control, and management of construction sites.

The preparation and implementation of Conservation Management Plans for any populations of MNES avoided will also address and manage specific potential indirect impacts associated with the external infrastructure on MNES, including the spread of weeds, fire regimes, removal of rocks or other habitat features and inappropriate road maintenance works such as slashing, grazing, clearing, herbicide application, and soil disturbance from vehicle traffic.

## 6.5 OFFSETS FOR RESIDUAL IMPACTS

The Plan includes a commitment to offset any unavoidable clearing due to the external infrastructure development of any areas confirmed to support MNES (see Table 6-1).

Unavoidable clearing will be offset in accordance with the EPBC Act Environmental Offsets Policy (DSEWPC, 2012) and associated Offsets Assessment Guide (or equivalent). Offsets will be secured prior to the commencement of works and will be secured and managed in accordance with the eligibility, security, and offset management requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017c).

It is proposed that a report be provided to the Executive Committee that shows the location of any MNES that will be directly impacted and the proposed offsets for these impacts, including security and management arrangements.

The proponent of the infrastructure project will be responsible for preparing the report to the Executive Committee and sourcing, securing and managing offsets. The City will co-ordinate review of the report by the committee.

## 7 Assurance and implementation framework

### 7.1 INTRODUCTION

The Plan includes an assurance and implementation framework that has been developed to ensure the successful delivery of the Plan and to support the Plan's conservation framework.

The Plan's assurance and implementation framework is comprised of several components. This Chapter describes:

- The purpose of the assurance and implementation framework
- The governance framework
- The funding framework
- The MERI framework
- The compliance framework
- Data management
- The process for changing the implementation documents

The Plan's assurance and implementation framework includes a range of commitments which are set out and described throughout this Chapter. The framework will be implemented through a detailed set of measures.

### 7.2 PURPOSE OF THE ASSURANCE AND IMPLEMENTATION FRAMEWORK

The purpose of the assurance and implementation framework is to ensure implementation of the Plan:

- Complies with the Commonwealth approval conditions
- Efficiently and effectively delivers the Plan's conservation framework and the conservation program in the BCS
- Is transparent and accountable

### 7.3 GOVERNANCE FRAMEWORK

#### 7.3.1 CONTEXT

Governance is defined for the Plan as the structures, mechanisms and processes for implementing the Plan.

Governance is a key part of the Plan's assurance and implementation framework. It will ensure the objective and outcomes of the Plan are achieved, and the commitments and measures are efficiently and effectively implemented.

#### 7.3.2 COMMITMENTS FOR GOVERNANCE

The Plan's commitments for governance are provided in Table 7-1.

**Table 7-1: Commitments for governance**

No.	Commitment
15	Governance arrangements will be established to implement the Plan, consistent with the Plan's governance framework
16	A Stakeholder Engagement Strategy will be developed to guide engagement with key stakeholders on implementation of the Plan

### 7.3.3 GOVERNANCE STRUCTURE

The overall governance structure for implementing the Plan is shown in Figure 7-1. The governance structure addresses the key elements needed for successful delivery of the Plan, namely:

- Regulatory oversight
- Decision-making
- On-ground delivery and implementation
- Stakeholder interests and perspectives

The governance structure includes:

- The approval holder (The City of Greater Geelong)
- Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Victorian Government Department of Energy, Environment and Climate Action (DEECA)
- Victorian Government Department of Transport and Planning (DTP)
- Northern and Western Geelong Growth Areas EPBC Plan Executive Committee
- City Implementation Group
- Support partners
- A process of ongoing-stakeholder engagement

#### **APPROVAL HOLDER**

The City of Greater Geelong will be the approval holder for the Plan. As approval holder, the City is responsible for:

- Ensuring the Plan's outcomes are achieved and implementing the commitments and measures
- Ensuring regulated third-parties who undertake an approved action or any part of an approved action under the endorsed Plan take these actions in accordance with the Plan and implementation documents and with the Commonwealth approval conditions
- Taking reasonable steps to ensure regulated third-parties:
  - Are informed of any relevant requirements of the endorsed Plan and Commonwealth approval conditions that regulates or restricts the way in which the action is taken
  - Comply with the endorsed Plan and Commonwealth approval conditions
- Notifying DCCEEW of any known non-compliances with conditions by third parties

In implementing the commitments and measures, key roles of the City include:

- Giving effect to the Plan's requirements through the Victorian planning system, including through amendments to the Greater Geelong Planning Scheme and the preparation of PSPs and the permit application process
- Protecting and managing the NGGA Conservation Area and the Cowies Creek Conservation Area
- Delivering the offsets needed to meet Commonwealth requirements
- Ensuring Victorian offset requirements are delivered (by developers)
- Implementing the MERI framework, including reporting on progress in implementing the Plan

#### **COMMONWEALTH DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER**

DCCEEW is the regulator for the Commonwealth approval of the Plan under Part 10 of the EPBC Act. DCCEEW reports to the Commonwealth Minister for the Environment (the Minister).

Key matters that DCCEEW or the Minister is responsible for in relation to the Plan are:

- Endorsement of the Plan under the EPBC Act
- Approval of actions or classes of actions in accordance with the endorsed Plan and setting conditions of approval
- Ensuring the City, as approval holder, complies with the Commonwealth approval conditions
- Ensuring the City achieves the Plan's outcomes and implements the commitments and measures

- Considering and approving implementation documents prepared by the City
- Considering and approving any proposed changes to the implementation documents

#### **VICTORIAN GOVERNMENT DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION**

DEECA is the regulator for approvals under the native vegetation regulations. DEECA reports to several Ministers, including the Victorian Environment Minister.

DEECA or the relevant Minister is responsible for the preparation of section 69 agreements under the *Conservation Forests and Lands Act 1987* that will be used to secure some offsets, and monitoring and enforcing compliance with the agreements.

#### **VICTORIAN GOVERNMENT DEPARTMENT OF TRANSPORT AND PLANNING**

DTP is the regulator for approvals under the Victorian planning system. DTP reports to several Ministers including the Planning Minister.

DTP or the relevant Minister is responsible for authorising planning scheme amendments to give effect to the Plan.

#### **EPBC PLAN EXECUTIVE COMMITTEE**

The City will establish the Northern and Western Geelong Growth Areas EPBC Plan Executive Committee (the Executive Committee) as the primary body responsible for overseeing and making decisions about the implementation of the Plan.

The City will prepare Terms of Reference (ToR) to set out the purpose, responsibilities, membership and decision-making processes for the Executive Committee.

#### Roles and responsibilities

Key responsibilities of the Executive Committee are:

- Monitoring and reporting on:
  - Compliance with the Commonwealth approval conditions
  - Achievement of the Plan's outcomes and implementation of the Plan's commitments
  - Implementation of the measures to achieve the commitments as set out in this document and the BCS
- Setting the strategic direction and priorities for implementing the Plan
- Overseeing processes to secure and protect avoided land and offsets
- Overseeing funding arrangements and making funding decisions
- Making decisions on adaptive management
- Reviewing and approving working arrangements with support partners
- Establishing stakeholder advisory groups where appropriate

#### Members

The Executive Committee will be comprised of:

- CEO, City of Greater Geelong (Chair of the Committee)
- Director, City Planning and Economy Group (or equivalent position), City of Greater Geelong
- Director, City Services (or equivalent), City of Greater Geelong
- Manager, Planning and Growth (or equivalent position), City of Greater Geelong
- Executive oversight from DCCEEW
- Executive oversight from DEECA and DTP

#### Secretariat

The City Implementation Group.

### Meetings

At least 2 meetings per year over the life of the Plan.

### **CITY IMPLEMENTATION GROUP**

The City will establish an Implementation Group as the primary body responsible for day-to-day implementation of the Plan. The Director, City Planning and Economy Group (or equivalent position) will be responsible for the City Implementation Group. The group will be led by the Manager, Planning and Growth (or equivalent position).

### Roles and responsibilities

Key responsibilities of the City Implementation Group are:

- Co-ordinating the implementation of the Plan, including delivery of the commitments
- Co-ordinating delivery of the measures (as set out in this document and the BCS) to achieve the commitments
- Co-ordinating support partners, including establishing and overseeing formal agreements
- Implementing the MERI program consistent with the Plan's MERI framework
- Implementing the compliance program consistent with the Plan's compliance framework
- Managing contracts needed to implement the Plan
- Preparing briefs for decisions by the Executive Committee
- Secretariat support for the Executive Committee and any Stakeholder Reference Group that is established
- Liaising with DCCEEW on the Commonwealth approval conditions and other implementation issues

### Reporting line

The City Implementation Group reports to the Executive Committee.

### **SUPPORT PARTNERS**

Several support partners will assist with the implementation of the Plan.

Key support partners and their potential roles and responsibilities are set out in Table 7-2.

The City will consider establishing formal agreements with key support partners to formalise roles and responsibilities. The City Implementation Group will be responsible for deciding on the need for formal agreements with support partners and establishing agreements within 6 months of Plan endorsement.

**Table 7-2: Potential roles and responsibilities of support partners**

Support partner	Potential role	Explanation
Trust for Nature	Prepare agreements for covenants under the <i>Victorian Conservation Trust Act 1972</i> , and monitor and enforce compliance with the agreements	Trust for Nature covenants may be used to secure some Commonwealth and Victorian offsets under the Plan
Corangamite CMA	Oversee development that occurs on a floodplain or over a waterway and the management of waterways	The CMA will play a role in ensuring development does not adversely impact floodplains and waterways in the Plan area, including through the authorisation of works over designated waterways in the Plan area
		The City will collaborate with the CMA in relation to the management of waterways within the Plan area, including the measures relating to Commitment 9 (preparation of studies and guidelines for the Hovells Creek, Cowies Creek and Moorabool River catchments)

Support partner	Potential role	Explanation
Agriculture Victoria	Administer and enforce the <i>Catchment and Land Protection Act 1994</i>	Landholders are required to take all reasonable steps to manage declared noxious weeds and pest animals, including on potential future offset sites under the Plan
Country Fire Authority (CFA)	Advise and assist with fire prevention and planning in the Growth Areas	The City will collaborate with the CFA in relation to fire prevention and planning in the Growth Areas, including the management of the NGGA Conservation Area and Cowies Creek Conservation Area
Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC)	Advise and assist with the management of Aboriginal heritage values and culture and land management of NGGA Conservation Area and Cowies Creek Conservation Area	WTOAC is the statutory authority for the management of Aboriginal heritage values and culture
Private landholders	Private landholders may enter into on-title security agreements to secure their land for offsets under the Plan	Most offsets under the Plan are likely to remain in private ownership and will be secured and managed under on-title security agreements

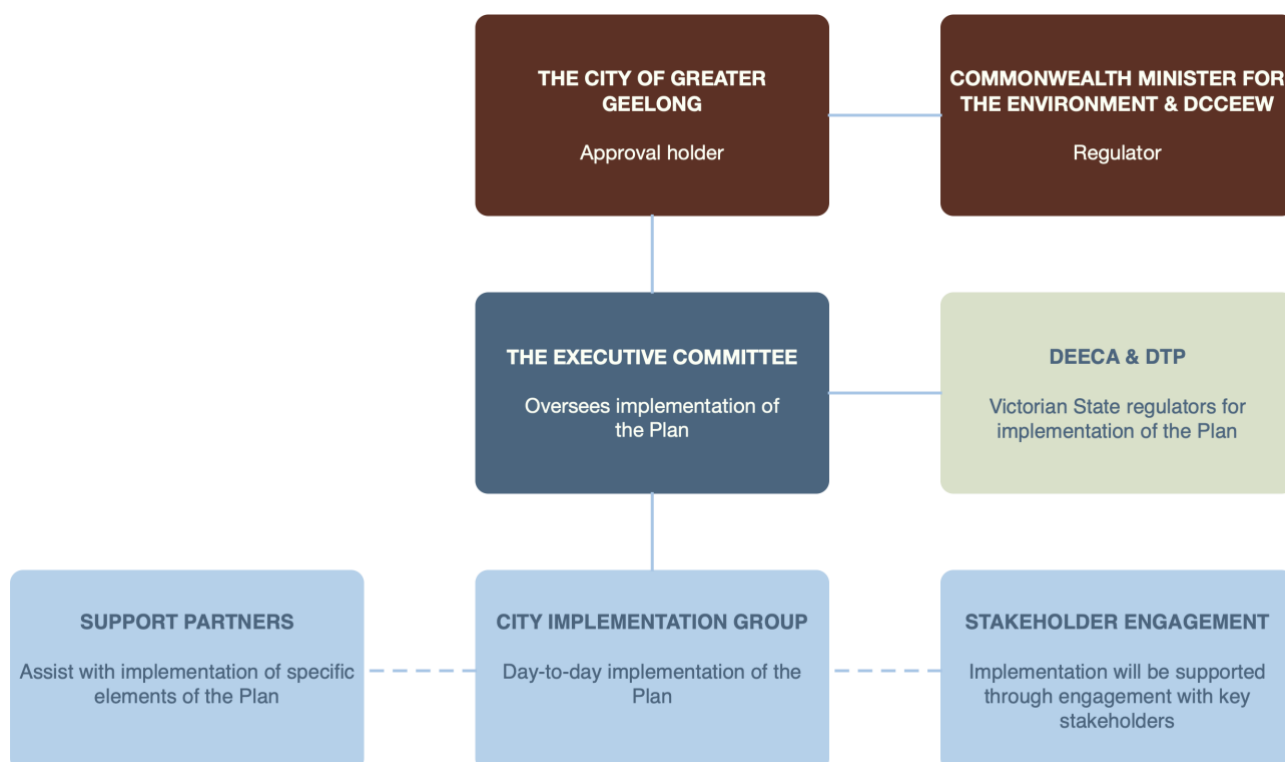


Figure 7-1: Governance structure for implementing the Plan

#### 7.3.4 STAKEHOLDER ENGAGEMENT STRATEGY

The Endorsement Criteria in the Strategic Assessment Agreement requires that the Plan provide a process for stakeholder engagement, including with the DCCEEW (Attachment 2, Clause 4(b)(f)).

The Plan includes a commitment to develop a Stakeholder Engagement Strategy to guide the City in undertaking ongoing engagement with key stakeholders over the life of the Plan.

The Stakeholder Engagement Strategy will identify:

- Engagement objectives and principles
- Key stakeholders and their interests in the Plan
- Engagement processes and tools, including an implementation schedule
- How the results of engagement will be used to inform improvements to implementation of the Plan, including through the 5-yearly independent evaluation and assurance reviews (see Section 7.5)
- Reporting requirements on results of engagement to be included in annual progress reports

Several processes that will be used to implement the Plan through the planning system require stakeholder engagement, including the preparation of PSPs and planning scheme amendments. Engagement processes under the Plan will be aligned to these planning system processes to support efficient and effective engagement.

Table 7-3 sets out key stakeholders that will be included in the Stakeholder Engagement Strategy and their likely main interests in the implementation of the Plan.

**Table 7-3: Key stakeholders that will be included in the Stakeholder Engagement Strategy and their likely main interests**

Stakeholder	Likely main interests in the Plan
DCCEEW	<ul style="list-style-type: none"> <li>• Acceptability of the impacts of the Plan on MNES</li> <li>• Compliance with Commonwealth approval conditions, including by regulated third-parties taking actions under the Plan</li> <li>• Protection and ongoing management of avoided land and offsets</li> <li>• Monitoring and reporting on progress in achieving the conservation outcomes of the Plan and implementing the commitments</li> <li>• Evaluation and adaptive management</li> </ul>
DEECA	<ul style="list-style-type: none"> <li>• The impacts of the Plan on State biodiversity values</li> <li>• Protection and ongoing management of avoided land and offsets</li> <li>• Implementation of the conservation framework through the Victorian planning system</li> </ul>
DTP	<ul style="list-style-type: none"> <li>• Land available for development in the Growth Areas</li> <li>• Implementation of development and the Plan through the Victorian planning system</li> </ul>
Corangamite CMA	<ul style="list-style-type: none"> <li>• Development over waterways</li> <li>• Management and protection of waterways and wetlands downstream from the Growth Areas, including Ramsar sites</li> </ul>
Developers	<ul style="list-style-type: none"> <li>• Land available for development in the Growth Areas</li> <li>• Opportunities to use avoided land for recreation or water management</li> <li>• Offset liabilities</li> <li>• Levy fees and mechanisms</li> <li>• Other administrative requirements for development</li> <li>• Timeframes for development sequencing</li> </ul>
Wadawurrung traditional owners	<ul style="list-style-type: none"> <li>• Avoidance and protection of Indigenous heritage values</li> <li>• Protection and ongoing management of avoided land and offsets</li> </ul>
Environment groups	<ul style="list-style-type: none"> <li>• Acceptability of the impacts of the Plan on MNES and State biodiversity values</li> <li>• Compliance with Commonwealth approval conditions</li> <li>• Protection and ongoing management of avoided land and offsets</li> <li>• Monitoring and reporting on progress in achieving the conservation outcomes of the Plan and implementing the commitments</li> <li>• Management of waterways and Ramsar sites</li> <li>• Compliance with Commonwealth approval conditions</li> </ul>



### 7.3.5 GOVERNANCE MECHANISMS AND PROCESSES

The governance framework includes a range of mechanisms and processes to ensure effective and efficient implementation. These mechanisms and processes are incorporated into:

- A funding framework, including:
  - A mechanism to secure funds through a levy on development
  - Governance arrangements to administer the funds and make funding decisions
- A monitoring, evaluation, reporting and improvement (MERI) framework, including:
  - Monitoring protocols
  - Evaluation processes
  - Reporting requirements
  - A process for adaptive management
- A compliance framework, including:
  - Monitoring protocols as set out under the MERI program
  - A process to implement a risk-based approach to compliance action
  - Reporting requirements as set out under the MERI program

These are described in more detail in Sections 7.4, 7.5 and 7.6 respectively.

## 7.4 FUNDING FRAMEWORK

### 7.4.1 CONTEXT

The Endorsement Criteria in the Strategic Assessment Agreement requires that the Plan describe the funding arrangements for implementation (Attachment 2, Clause 2(h)).

The City has prepared a Funding Program consistent with the Framework described in Section 7.4.3 to implement the Plan. The Funding Program will be implemented into the Greater Geelong Planning Scheme by inclusion as a mandatory requirement in the urban growth zone. All proponents undertaking development will need to fulfil the requirements of the EPBC Plan and funding contribution.

### 7.4.2 COMMITMENTS FOR FUNDING

The Plan's commitment for funding is provided in Table 7-4.

**Table 7-4: Commitment for funding**

No.	Commitment
17	Funding arrangements will be established to fund the implementation of the Plan's commitments and measures over the life of the Plan, consistent with the Plan's funding framework

All the commitments in the Plan will require funding over the life of the Plan. The key commitments that will require funding to protect MNES are those which relate to:

- Offset establishment, management, monitoring and audit
- Securing and managing the NGGA Conservation Area and Cowies Creek Conservation Area
- Implementing conservation measures
- Implementing the MERI framework and compliance framework

The measures to deliver the Plan's Funding commitment are set out in the Commitments and Measures document.

### 7.4.3 FUNDING FRAMEWORK

The key elements of the funding framework are:

- Establishment of an implementation fund to fund the costs of implementing the commitments and measures, including securing and managing offsets for MNES required under the Plan in perpetuity
- Provision of upfront funding from the City into the implementation fund to secure and manage a substantial proportion of the offsets for MNES early during early implementation of the Plan
- Full recovery of the costs incurred by the City in implementing the commitments and measures, through a biodiversity levy payable by developers in the Growth Areas
- Establishment of governance and administrative arrangements to administer the implementation fund and the collection and application of the biodiversity levy

#### ***COST RECOVERY THROUGH A BIODIVERSITY LEVY ON URBAN DEVELOPMENT***

The cost of implementing the commitments in the Plan and their associated measures will be fully cost-recovered from developers within the Growth Areas through a biodiversity levy.

The biodiversity levy will be calculated separately and structured differently for each growth area given the substantial difference in biodiversity values and impacts of development between the Growth Areas.

The biodiversity levy will be payable by developers within the Growth Areas on a per-hectare-of-developable-land basis. The biodiversity levy will be subject to indexation and adjustment over time to encompass any variation in the cost of implementation of the commitments and measures over the life of the Plan.

The Funding Framework includes the following elements which are described in detail in the Funding Program:

- The biodiversity levy area within the Growth Areas
- The basis upon which the biodiversity levy will be calculated, including indexation and adjustment
- The biodiversity levy amount payable in respect of each landholding within the biodiversity levy area
- The biodiversity levy events which will trigger the requirement to pay the biodiversity levy in respect of a landholding
- Any exemptions or exclusions from the biodiversity levy liability and from biodiversity levy events
- Confirmation that the biodiversity levy is only payable once in respect of a landholding within the NWGGA
- The requirement that prior to taking an action within the classes of actions described in this Plan and approved by the Minister, a person must seek the City's authorisation to proceed with that action subject to paying the biodiversity levy
- The governance and administrative processes by which the City will:
  - Notify developers of a biodiversity levy liability
  - Collect the biodiversity levy
  - Confirm when a biodiversity levy liability has been satisfied in respect of a landholding
  - Apply the biodiversity levy to fund the implementation of the commitments and measures in the Plan

The City is considering providing the option for developers to make a works in kind (WIK) contribution in lieu of payment of the biodiversity levy amount. Under a WIK contribution, a developer would agree that they will provide offsets and/or works in full or partial satisfaction of the requirement to pay the biodiversity levy amount. The WIK contribution would be limited to certain circumstances to ensure commitments for offsets under the Plan can be effectively delivered.

#### ***MECHANISM TO SECURE THE LEVY***

Provided that this Plan is endorsed under Part 10 of the EPBC Act, and the Minister approves the classes of actions in accordance with the endorsed Plan, the Funding Program will provide the mechanism to impose, collect and apply the biodiversity levy.

## ADMINISTRATION OF FUNDING

The City is considering options for administering the offset fund established through the biodiversity levy, including appropriate governance arrangements for the fund. Governance arrangements will include:

- Application of an appropriate governance framework to guide decision making on the use of the funds
- Monitoring of compliance with payment of the biodiversity levy
- Annual progress reports that will include information on revenue and expenditure of funds
- Undertaking of compliance action where necessary to enforce compliance with biodiversity levy liabilities

Governance arrangements will be finalised in consultation with key stakeholders following public exhibition of the Plan and detailed in the Funding Program.

## 7.5 MERI FRAMEWORK

### 7.5.1 CONTEXT

The Endorsement Criteria in the Strategic Assessment Agreement requires that the Plan address monitoring, including to ensure monitoring is used to understand the effectiveness of outcomes, commitments and measures and inform adaptative management, and to provide for a 5-yearly assurance review (Attachment 2, Clause 4(a)(ii and viii)).

MERI is a key component of the Plan's assurance and implementation framework. MERI provides a system for understanding how well a policy, plan or program is performing, communicating that to regulators and the public, and adapting implementation as needed. MERI can be considered as (DEWHA, 2009):

*"a continuous cycle of participation and communication rather than as a single evaluation event. MERI promotes learning and adaptive management in response to progressive monitoring and evaluation which enables improvement in program design and achievement of desired outcomes"*

Strategic assessments represent complex, long term programs for managing both development and conservation. Ongoing decisions over the life of a policy, plan or program are necessary to ensure successful implementation.

### 7.5.2 COMMITMENTS FOR MERI

The Plan's commitments for MERI are provided in Table 7-5.

**Table 7-5: Commitments for MERI**

No.	Commitment
18	A MERI program will be implemented over the life of the Plan, consistent with the Plan's MERI framework
19	A development registration system will be developed and implemented to track development under the EPBC Part 10 approval

### 7.5.3 PURPOSE OF THE MERI FRAMEWORK

The purpose of the MERI framework for the Plan is to:

- Provide transparency and accountability for implementation of the Plan
- Determine whether the:
  - Plan's objective and outcomes are being achieved
  - Plan's commitments to achieve the objective and outcomes are efficient and effective
  - Measures (set out in the Commitment and measures document) are efficient and effective
- Enable new information over the life of the Plan to be assessed and integrated into implementation
- Adaptively improve implementation of the Plan where necessary to ensure the objective and outcomes are achieved

#### 7.5.4 COMPONENTS OF THE MERI FRAMEWORK

The MERI framework for the Plan is comprised of the following components:

- Monitoring
- Evaluation
- Reporting
- Improvement (adaptive management)

The components of the MERI framework and how they fit together are shown (in green) in Figure 7-2.

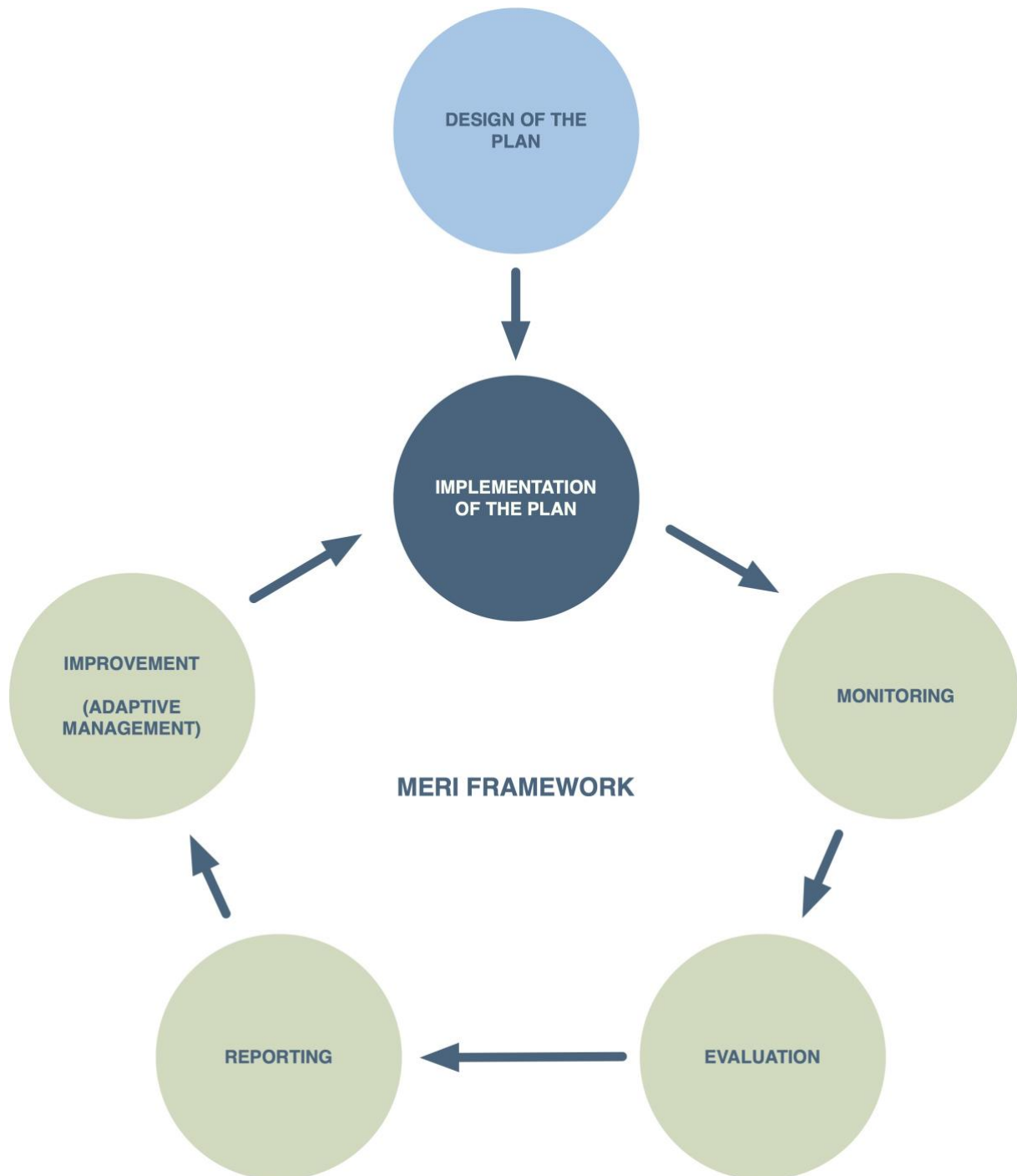


Figure 7-2: Components in the MERI framework for the Plan

**MONITORING**

Monitoring data will be collected and recorded over the life of the Plan.

Monitoring will involve:

- Establishing Key Performance Indicators (KPIs)
- Developing monitoring protocols
- Collecting and recording monitoring data
- Tracking of actions through a development registration system

Key performance indicators

KPIs will be established for:

- Each outcome
- Each commitment
- Compliance with the Commonwealth approval conditions

KPIs will provide a framework for understanding:

- If each outcome is being achieved and if not, the possible factors that are causing the outcome to not be achieved
- If each commitment is being delivered efficiently and effectively
- The extent of compliance with the Commonwealth approval conditions

KPIs will be established within 12 months of endorsement of the Plan.

The adequacy of KPIs will be reviewed as part of the Plan's five-yearly evaluation.

Monitoring protocols

Detailed monitoring protocols will be developed for each KPI that set out:

- What monitoring data will be collected
- How monitoring data will be collected
- Frequency of monitoring data collection
- Location of monitoring (for data related to environmental outcomes)

Table 7-6 identifies the three broad types of monitoring data that will be collected under the monitoring protocols, examples of the data collected, the timing for data collection, and how this data will be used.

Monitoring protocols will be established within 12 months of endorsement of the Plan.

**Table 7-6: Types of monitoring data that will be collected**

Type of data	Examples of data collected	Timing for collecting data	Use of monitoring data
Implementation data	<ul style="list-style-type: none"> <li>• Rate of development</li> <li>• Revenue and expenditure of funds</li> <li>• Planning scheme amendments</li> <li>• Gazettal of PSPs and NVPPs</li> <li>• Protection of avoided land (ha)</li> <li>• Retention of native vegetation through NVPPs (ha)</li> <li>• Establishment of offset sites (ha and biodiversity values protected)</li> </ul>	Annually	Inform: <ul style="list-style-type: none"> <li>• Preparation of annual progress reports</li> <li>• Five-yearly evaluations</li> </ul>

Type of data	Examples of data collected	Timing for collecting data	Use of monitoring data
	<ul style="list-style-type: none"> <li>Management plans and activities for offset sites or avoided land</li> </ul>		
Environmental data	<ul style="list-style-type: none"> <li>Changes in condition and extent of native vegetation in avoided land and offset sites</li> <li>Presence/absence of species</li> <li>Changes to species populations</li> </ul>	Annually to five-yearly depending on ecological considerations	Inform five-yearly evaluations
Compliance data	<ul style="list-style-type: none"> <li>Percent of PSPs consistent with Commonwealth approval conditions</li> <li>Percent of permits with conditions consistent with Commonwealth approval conditions</li> <li>Number of non-compliances with permit conditions relevant to Commonwealth approval conditions</li> <li>Number of incidences of illegal removal of native vegetation not in accordance with NVPPs</li> <li>Number of incidences of illegal development in conservation areas</li> </ul>	Annually	Inform: <ul style="list-style-type: none"> <li>Preparation of annual progress reports</li> <li>Five-yearly evaluations</li> </ul>

#### Collecting and recording monitoring data

Monitoring data will be captured and recorded over the life of the Plan in accordance with the monitoring protocols.

A monitoring baseline will be established to set a reference point for tracking progress in implementing the Plan. The monitoring baseline will be established based on the first monitoring event for each outcome.

Monitoring data will be captured and maintained for each monitoring event in an appropriate data management system that will be established for the Plan, and that provides:

- A consistent format for storing data
- Ongoing access to monitoring data throughout the life of the Plan

#### Tracking of actions through a development registration system

The City will establish a development registration system for tracking development under the Part 10 EPBC Act approval (Commitment 19). The system will help ensure that:

- The City can monitor developments using the Part 10 approval
- Regulated third-parties (developers) are aware of their responsibilities under the Plan

The development registration system will:

- Use an appropriate step in the Victorian planning system as the trigger for registration
- Require developers to provide information to the City about their action, including how it is consistent with the requirements of the Plan
- Inform the offset delivery commitment to monitor the rate of offsets being delivered versus the rate of development

## EVALUATION

Evaluation is the process of assessing the effectiveness of actions towards achieving a specific outcome.

Evaluations will be undertaken at two scales throughout the life of the Plan (see Figure 7-3):

- Five-yearly evaluations
- End of Plan evaluation

### Five-yearly evaluation and assurance review

An independent evaluation and assurance review will be undertaken every 5 years over the life of the Plan. The evaluation and assurance review will be undertaken by an independent party engaged by the City.

The five-yearly evaluation and assurance review will determine:

- Compliance with the Commonwealth conditions of approval
- Whether the outcomes of the Plan are being achieved, and if not, the reasons for this
- Progress of the implementation of each commitment and an evaluation of how efficiently and effectively the commitments are being implemented

The five-yearly evaluation and assurance review will also make recommendations where appropriate for improving the implementation of the Plan. The evaluation will be the primary trigger point and basis for any necessary adaptive management of the Plan to ensure the outcomes of the Plan are achieved.

The evaluation and assurance review will be prepared based on:

- A set of Key Evaluation Questions for each type of evaluation (see Table 7-7)
- Performance against the KPIs for each outcome and commitment
- Monitoring data collected as part of the monitoring program

Draft Key Evaluation Questions for each main part of the evaluation and assurance review are provided in Table 7-7. These draft questions will be refined and finalised by the City prior to the first five-yearly evaluation.

The first five-yearly evaluation and assurance review will be undertaken within 12 months after the first full 5 years of implementation, and then within that timeframe every five years following this over the life of the Plan – at year 10, 15, 20 and 25 of the Plan's implementation.

The evaluation and assurance review results will be provided in the five-yearly assurance report.

**Table 7-7: Draft Key Evaluation Questions**

Evaluation type	Issue to address	Draft Key Evaluation Questions
Achievement of outcomes	Outcome progress	<ul style="list-style-type: none"> <li>• To what extent are the Plan's outcomes being achieved?</li> <li>• What is the magnitude and rate of positive or negative change in outcomes?</li> <li>• Are changes occurring consistently across the Strategic Assessment Area?</li> </ul>
	Contribution of the Plan	<ul style="list-style-type: none"> <li>• To what extent were changes directly attributable to the Plan?</li> <li>• To what extent have the Plan's commitments been delivered?</li> <li>• Have there been any significant delays in delivering commitments that might affect the achievement of outcomes?</li> </ul>
	Contribution of other factors	<ul style="list-style-type: none"> <li>• What other factors might have influenced the achievement of the outcomes?</li> <li>• Did any environmental changes or ecological processes occur outside the control of the Plan that might influence outcomes?</li> <li>• Were similar trends observed outside the Plan area without interventions?</li> </ul>

Evaluation type	Issue to address	Draft Key Evaluation Questions
		<ul style="list-style-type: none"> <li>Were there any unexpected outcomes (positive or negative)?</li> </ul>
	Program logic and design	<ul style="list-style-type: none"> <li>Are the relationships and assumptions in the outcomes framework linking measures to commitments to outcomes still valid?</li> <li>Has the design and implementation of the MERI program, including monitoring protocols and KPIs, been adequate to measure changes?</li> </ul>
Implementation of commitments	Efficiency	<ul style="list-style-type: none"> <li>Were commitments delivered within expected timeframes and within expected budgets?</li> <li>Are the processes to implement commitments administratively efficient, including arrangements with deliver partners?</li> <li>Are there alternative measures to deliver the commitments that are faster, less costly, or more administratively efficient to implement?</li> </ul>
	Effectiveness	<ul style="list-style-type: none"> <li>To what extent are the Plan's outcomes being achieved?</li> <li>Were commitments delivered according to the BCS?</li> <li>Are the commitments the best way to achieve the outcomes of the Plan? What commitments contribute most and least?</li> <li>Are there alternative measures that would more effectively deliver the commitments and/or achieve additional or multiple benefits?</li> <li>Do the measures continue to meet best practice standards?</li> </ul>

#### End of Plan evaluation

An independent end of Plan evaluation will be undertaken at the end of the life of the Plan. The end of Plan evaluation will be undertaken by an independent party engaged by the City.

The end of Plan evaluation will consider performance over the whole life of the Plan, drawing on information and the results of the five-yearly evaluations and assurance review and the monitoring program.

The evaluation will determine whether the Plan's:

- Objective was achieved
- Outcomes were achieved
- Commitments were implemented effectively and efficiently

The end of Plan evaluation will be undertaken within 12 months of the end of the Plan.

The end of Plan evaluation results will be provided in the final report for the Plan.

#### **REPORTING**

Reporting will be undertaken at the following points (see Figure 7-3):

- Annual progress reports
- Five-yearly assurance reports
- Adaptive management reports
- Final report for the Plan

#### Annual progress reports

Annual progress reports will be prepared to report publicly on compliance with the Plan and Commonwealth approval conditions and ensure transparency and accountability in implementing the Plan.

Annual progress reports will include information on:

- Progress in delivering the development in accordance with the Commonwealth approval conditions



- Progress in implementing the commitments
- Revenue and expenditure of funds to implement the Plan
- Non-compliances with the Commonwealth approval conditions and any compliance actions taken

Annual progress reports will be prepared based on the monitoring data collected as part of the monitoring program.

The first annual report will be prepared and made publicly available within 6 months after the end of the first full financial year following Commonwealth approval of the actions/classes of actions for the development under the Plan, and then within that timeframe every year following this over the life of the Plan.

A draft of the annual progress report will be provided to the Executive Committee for review and comment prior to being finalised for public release. The final annual progress reports will be made publicly available on the City's website.

#### Five-yearly assurance reports

Five-yearly independent assurance reports will present the results of the independent five-yearly evaluations and assurance review. The independent assurance report will include:

- Analysis and key findings on:
  - Whether the outcomes of the Plan are being achieved
  - How efficiently and effectively the commitments are being implemented
  - Extent of compliance with the Commonwealth conditions of approval
- Any recommendations for adaptively improving the implementation of the Plan, including compliance

The first five-yearly assurance report will be prepared and made publicly available within 12 months after the first full 5 years following Commonwealth approval of the actions/classes of actions for the development under the Plan, and then within that timeframe every five years following this over the life of the Plan.

A draft of the five-yearly assurance report will be provided to the Executive Committee and DCCEEW for review and comment prior to being finalised for public release. As the assurance report is an independent report, comments will be limited to corrections or clarifications rather than the findings of the report.

The final five-yearly assurance reports will be made publicly available on the City's website.

#### Adaptive management reports

Within 3 months following completion of each draft five-yearly assurance report, the City will prepare an adaptive management report that includes recommendations for adaptive management actions for endorsement by the Executive Committee. The adaptive management process is described in more detail below.

#### Final report for the Plan

The final report for the Plan will present the results of the end of Plan evaluation.

The final report will be prepared within 12 months of the end of the Plan.

A draft of the final report for the Plan will be provided to the Executive Committee for review and comment prior to being finalised for public release. As the final report for the Plan is an independent report, comments will be limited to corrections or clarifications rather than the findings of the report.

The final report will be made publicly available on the City's website.

#### **IMPROVEMENT (ADAPTIVE MANAGEMENT)**

The improvement step of the MERI program provides the opportunity to adaptively manage implementation of the Plan to ensure that the objective and outcomes of the Plan are successfully achieved, and the commitments are delivered.

Adaptive management of the Plan may be needed because of new opportunities that arise to improve implementation, changes in economic and social conditions, local events such as fires, floods and disease affecting biodiversity, climate variation, and implementation or governance issues that need to be addressed.

### Triggers for adaptive management

The independent five-yearly evaluation and assurance review will be the primary trigger point and basis for any necessary adaptive management of the Plan to ensure the outcomes of the Plan are achieved.

Adaptive management may also be triggered by the City on an ad hoc basis in response to issues or opportunities that arise and that need to be addressed immediately. This may include:

- New information relating to protected matters, such as:
  - New listings of species or threatened ecological communities (TECs)
  - The re-discovery of a previously considered extinct (in the wild) species
  - New knowledge that changes the understanding about a protected matter
- Changes to the legislative or policy context
- Changes to guidelines or standards relevant to a protected matter

### Options for adaptive management

Options for adaptive management will vary according to the situation and will be determined on a case-by-case basis through the process set out in the section 'Process to decide adaptive management actions' (see below).

The broad categories of options that may be considered are provided in Table 7-8.

**Table 7-8: Categories of options for adaptive management**

Category	Potential circumstance for using the option
Change conservation priorities or scope	Where evidence demonstrates that the outcomes of the Plan are not being achieved or conservation commitments are not being delivered. This may include: <ul style="list-style-type: none"> <li>• Changing the proposed location of, or protecting a new, conservation area</li> <li>• Improving mechanisms to protect a conservation area</li> <li>• Changing responsibilities for protecting a conservation area</li> <li>• Changing the management requirements for a conservation area</li> </ul>
Change development priorities or scope	Where evidence demonstrates that development impacts may affect the outcomes of the Plan or development commitments are not being delivered. This may include: <ul style="list-style-type: none"> <li>• Pausing development in a particular location where the establishment of offsets is not keeping pace with the impacts of the development</li> <li>• Removing areas for development</li> </ul>
Increase monitoring effort and evaluation frequency or undertaking new research	Where more information is needed on a specific issue to inform decision making
Change priorities or timing for implementing measures	Where evidence suggests a commitment or measure could be implemented earlier to achieve a better outcome
Change policy or guidelines relevant to the Plan	Where stakeholders need more clarity on the Plan or how it should be interpreted, policy issues affecting the delivery of commitments or measures are identified, or legislative changes are made that are relevant to the implementation of the Plan
Change mitigation or management standards relevant to the Plan	Where best practice standards relevant to mitigation of impacts or management of conservation areas change or new opportunities arise to improve practices
Change implementation processes or governance arrangements for the Plan	Where evidence suggests implementation processes or governance arrangements are inefficient or not effectively delivering commitments or measures

Process to decide adaptive management actions

Within 3 months following completion of each draft five-yearly assurance report, the City will prepare an adaptive management report that includes recommendations for adaptive management actions for endorsement by the Executive Committee. Recommendations endorsed by the Executive Committee will form the basis of the adaptive management program to be commenced over the following five-year implementation period of the Plan.

The adaptive management report by the City will be provided to the Executive Committee along with the draft of the five-yearly assurance report. The adaptive management report will include:

- The City's response to any recommendations made in the five-yearly assurance report
- Recommendations for adaptive management actions for endorsement, including any recommendations made in the five-yearly assurance report and any other recommendations made by the City
- Any proposed changes to measures or other parts of the BCS to give effect to the recommendations
- Reasons why any recommendations in the draft five-yearly assurance report are not being recommended
- Costs of implementing the adaptive management actions any implications for funding arrangements
- Priorities for implementing adaptive management actions, including any urgent actions that need to be taken
- Timing for implementing adaptive management actions
- Any consultation with key stakeholders or expert advice sought to inform the adaptive management actions

The Executive Committee may endorse the recommendations, not endorse the recommendations with reasons, or may suggest further actions are taken or further information sought to inform their decision.

The City will publish on the City's website at the same time as the final five-yearly assurance reports:

- A response to any recommendations made in the five-yearly assurance report
- The endorsed adaptive management actions and the proposed timing for implementation of these actions

Any changes to the measures or other parts of the implementation documents to reflect and give effect to the recommendations will be made within 12 months of endorsement of the recommendations.

**7.5.5 IMPLEMENTATION OF THE MERI PROGRAM**

Implementation of the MERI program involves the following steps which are repeated in a cycle (see Figure 7-2):

- Implementation of the Plan as endorsed by the Commonwealth Environment Minister
- Monitoring of implementation
- Evaluation of the success of implementation
- Reporting the results of the evaluations
- Improving implementation of the Plan (as required) by amending the measures in the implementation documents

Given the long timeframes of the Plan, application of the MERI program will occur at different times scales over the life of the Plan, as set out in Figure 7-3.

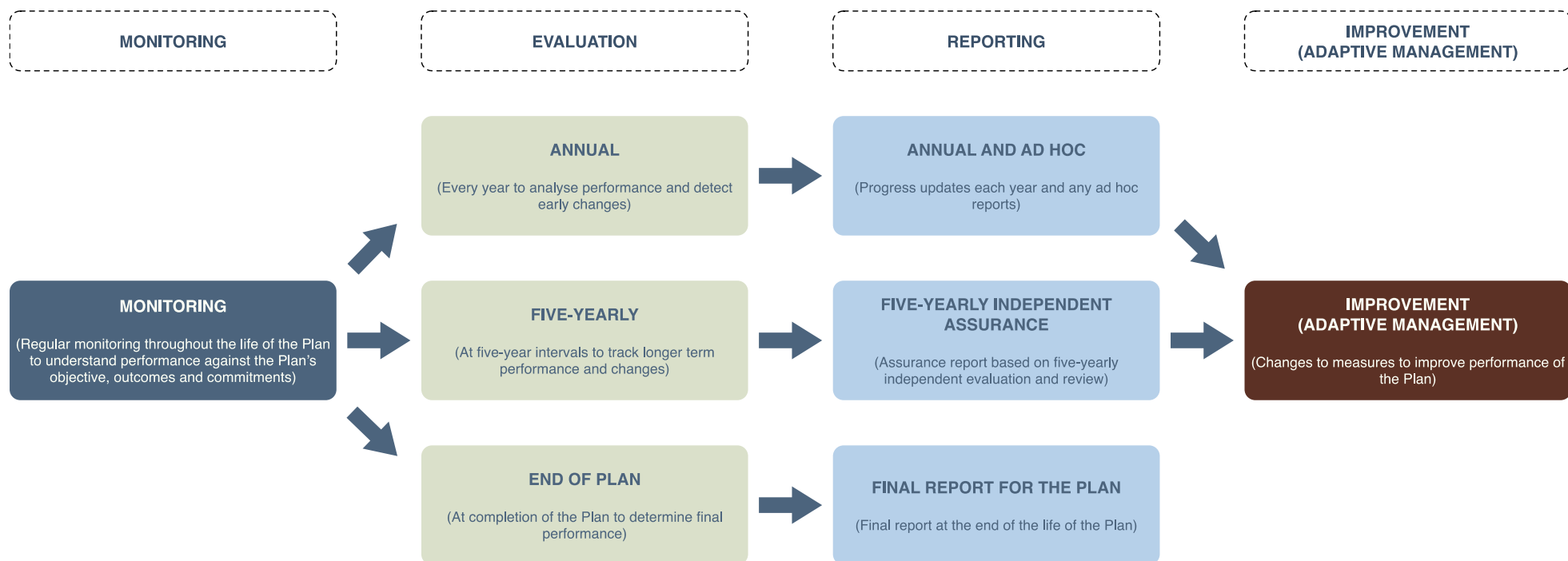


Figure 7-3: Application of MERI at different time scales

## 7.6 COMPLIANCE FRAMEWORK

### 7.6.1 CONTEXT

The Endorsement Criteria for the Plan provided under the Strategic Assessment Agreement requires that the Plan ensure compliance with the Plan will be monitored and non-compliance reported (Attachment 2, Clause 4(a)(vii)).

A robust compliance framework is critical to the successful implementation of the Plan. The purpose of the compliance framework is to ensure the City achieves the Plan's outcomes and delivers the commitments and regulated third-parties undertake approved actions under the endorsed Plan in accordance with the Commonwealth approval conditions.

This Chapter sets out the compliance program for implementing the Plan's compliance framework, including:

- The commitments for compliance
- Purpose of the compliance program
- Types of compliance and responsibilities
- Components of the compliance program

The measures to deliver this commitment are set out in the Commitments and Measures document.

### 7.6.2 COMMITMENTS FOR COMPLIANCE

The Plan's commitment for compliance is provided in Table 7-9.

**Table 7-9: Commitment for compliance**

No.	Commitment
20	A compliance program will be implemented over the life of the Plan, consistent with the Plan's compliance framework

### 7.6.3 PURPOSE OF THE COMPLIANCE FRAMEWORK

The purpose of the compliance framework is to ensure:

- The City delivers the commitments and achieves the outcomes of the Plan
- Regulated third-parties (developers) undertake approved actions under the endorsed Plan in accordance with the Commonwealth approval conditions, and:
  - See benefits in the strategic assessment process in relation to urban planning and environmental outcomes
  - Understand how to comply with the Commonwealth approval conditions
  - Expect that the approval conditions will be enforced and understand the consequences of non-compliance
- Regulators have confidence that:
  - Compliance with the Commonwealth approval conditions will be monitored and reported
  - Compliance action and enforcement will be undertaken efficiently and effectively

### 7.6.4 RESPONSIBILITIES FOR COMPLIANCE

There are two broad types of compliance relevant to implementing the Plan. They are compliance related to:

- Achievement of the Plan's outcomes and implementation of commitments by the City
- Regulated third-parties taking approved actions under the endorsed Plan

Responsibilities for these two broad types of compliance are set out in Table 7-10.

Table 7-10: Responsibilities for two types of compliance relevant to implementing the Plan

Compliance category	Responsible regulatory authority	Relevant regulatory framework
Achievement of outcomes and implementation of commitments	DCCEEW is responsible for ensuring the City achieves the Plan's outcomes and implements the commitments in accordance with the Plan, or causes these to be implemented through support partners DCCEEW can potentially take action to enforce compliance under the EPBC Act	Potential breach of EPBC Act
Regulated third-parties taking approved actions under the endorsed Plan	The City, as the approval holder, is responsible for ensuring that regulated third-parties comply with the Plan and implementation documents and the Commonwealth approval conditions The City or other appropriate regulatory authority can potentially take action to enforce compliance under the regulatory frameworks used to implement the Plan, including the P&E Act	Potential breach of regulatory frameworks used to implement the Plan, including P&E Act

As approval holder, the City is responsible for ensuring regulated third-parties taking approved actions under the endorsed Plan take these actions in accordance the Plan and implementation documents and with the Commonwealth approval conditions.

Where a regulated third-party undertakes an action or any part of an approved action under the endorsed Plan, the City will take reasonable steps to ensure that the regulated party:

- Is informed of any relevant requirements of the endorsed Plan and Commonwealth approval conditions that regulates or restricts the way in which the action is taken
- Complies with the endorsed Plan, implementation documents and Commonwealth approval conditions

The Plan's requirements will be delivered through several Victorian regulatory frameworks. The P&E Act is the primary regulatory framework for giving effect to the requirements of the Plan. Compliance for regulated third-parties will be undertaken in accordance with the compliance arrangements of these regulatory frameworks.

In many cases, the City will be the appropriate regulatory authority responsible for taking compliance action for a breach by a regulated third-party as many the Plan's requirements are being delivered through the planning system.

In some cases, there may be a breach of another regulatory framework with a different responsible regulatory authority. The City will work with that regulatory authority to ensure compliance.

#### 7.6.5 COMPONENTS OF THE COMPLIANCE FRAMEWORK

The components of the compliance framework are:

- Promoting voluntary compliance
- Monitoring compliance and detecting non-compliance
- Taking a risk-based approach to compliance action
- Notifying DCCEEW
- Reporting on compliance

##### **PROMOTING VOLUNTARY COMPLIANCE**

The City's primary focus will be on prevention and avoidance of non-compliance. Adopting a conciliatory approach through a process of education, communication and negotiation will more often provide a positive outcome.

This will be achieved by:

- Providing information to the public and regulated third-parties about the Plan

- Implementing a development registration system

#### Providing information to regulated third-parties

The City will develop a series of educational materials to inform the public about the Plan and help support regulated third-parties to comply with the Commonwealth approval conditions. This may involve:

- Establishing a specific site on the City's website for the Plan
- Developing fact sheets and FAQs and other guidance materials
- Meeting with key stakeholders and other regulatory agencies
- Implementing an education campaign in cases where there is an increasing trend of non-compliance

#### Development registration system

As outlined in Section 7.5.4, the City will establish a development registration system to help ensure that:

- The City can monitor developments using the EPBC Act Part 10 approval
- Regulated third-parties (developers) are aware of their responsibilities under the Plan

#### **MONITORING COMPLIANCE AND DETECTING NON-COMPLIANCE**

Compliance monitoring data will be collected in accordance with the Plan's MERI framework.

The MERI framework proposes KPIs to be established to determine the extent of compliance with Commonwealth approval conditions and detailed monitoring protocols to be developed for each compliance KPI.

The monitoring protocols will determine how monitoring data will be collected. This may include:

- Reports about compliance issues from the public, community groups and other regulatory authorities
- Site visits and inspections by the City – either random or in response to a notification
- Compliance audits and desktop investigations by the City, including audits of PSPs and permit conditions
- Data and reports required by other regulatory frameworks, including section 69 agreements under the CFL Act

The City will focus monitoring and detection efforts on high-risk compliance issues (see below).

The City will maintain accurate and complete compliance records and will provide any electronic copies of compliance records to the DCCEE if requested and within the timeframe specified in the request.

#### Compliance officer

The City will create and fund a position for one additional compliance officer to support the City's existing compliance team and to assist the City and regulated third-parties to comply with the Commonwealth approval conditions.

The compliance officer will support:

- Providing information and advice to regulated third-parties to support them to comply
- Identifying priority compliance issues and a decision-framework for taking compliance action
- Coordinating investigations and taking compliance action
- Coordinating remedial actions to rectify the impacts of any non-compliance
- Working with other appropriate regulatory authorities to investigate or take compliance action
- Supporting monitoring and reporting on compliance

The compliance officer will have the powers available under the P&E Act and *Local Government Act 2020* to take compliance action where a breach of the Plan requirements is also a breach of those regulatory frameworks.

#### **RISK-BASED APPROACH TO COMPLIANCE ACTION**

The City will take a risk-based approach to compliance action to ensure that compliance effort is efficient and focuses on issues that are most likely to affect the achievement of the Plan's outcomes or the delivery of the commitments.

To achieve this, the City proposes to:

- Prioritise potential compliance issues into risk categories
- Develop a decision-framework to guide the taking of compliance action proportionate to the risk

#### Prioritising potential compliance issues

The City will undertake a compliance risk assessment to prioritise potential compliance issues relevant to the Plan into risk categories. This will be undertaken by considering the consequence and likelihood of each potential compliance issue affecting the environmental outcomes of the Plan or the delivery of the commitments.

Table 7-11 provides a list of factors that will be considered in defining consequence ratings as part of the compliance risk assessment. These will be refined and updated in undertaking the risk assessment.

The compliance risk assessment will be updated every five years to respond to any changes in compliance risks as part of the five-yearly evaluation, which will investigate compliance and make recommendations for improvement.

**Table 7-11: List of factors that will be considered in defining consequence ratings as part of the risk assessment**

Type of consequence	Example of definitions
Biodiversity impacts	Potential [major/moderate/minor] direct loss of habitat for MNES in avoided land, an offset site, or area to be retained in a NVPP Potential [major/moderate/minor] degradation of habitat for MNES from indirect impacts in avoided land, an offset site, or area to be retained in a NVPP or downstream Ramsar site
Financial impacts	Potential [major/moderate/minor] permanent financial impact on cost recovery model or delay in receiving cost recovery funds
Delivery timing	Potential [major/moderate/minor] delay in the delivery of a commitment or measure or achievement of an environmental outcome
Reputational risks	Potential [major/moderate/minor] impact on the regulated communities' perception of the Plan and attitude towards compliance if not addressed

#### Decision-framework to guide compliance action

The City will develop a decision framework to guide the taking of compliance action against regulated third-parties in a way that is proportionate to the risk as determined through the compliance risk assessment.

Compliance of regulated third-parties will be undertaken by the regulatory authority responsible for these regulatory frameworks and in accordance with the compliance arrangements of these frameworks.

In many cases, the City is likely to be the regulatory authority responsible for taking compliance action for a breach as many the Plan's requirements are being delivered through the planning system. In some cases, there may be a breach of another regulatory framework with a different responsible regulatory authority.

The decision-framework will:

- Identify the options for compliance action under relevant regulatory frameworks for each compliance issue
- Provide guidance on the best option for compliance action that is proportionate to the risk of the compliance issue
- Set out the process for the City to engage with other responsible regulatory authorities to agree the compliance action to be taken by that regulatory authority that is proportionate to the risk of the compliance issue

The decision-making framework will be developed in consultation with relevant responsible regulatory authorities.

Table 7-12 identifies potential compliance actions available to the City under relevant regulations.



Table 7-12: Potential options for compliance action available to the City

Compliance response	Description
Preliminary negotiation	Negotiate informally with the regulated third-party
Official warning	Issue an official warning (s 8 of <i>Infringements Act 2006</i> )
Planning infringement notice	Issue a planning infringement notice, which provides a monetary penalty and provides the City with the option to require remedial action (s 130 P&E Act)
Enforcement order/interim enforcement order	Make an application to the Victorian Civil and Administrative Tribunal for an enforcement order to achieve compliance (s 114 P&E Act) or interim enforcement order where there is a need for immediate action to prevent a negative impact (s 120 P&E Act)
Cancel or amend a permit	Make an application to the Victorian Civil and Administrative Tribunal to cancel or amend a permit (s 87, 88 and 89 P&E Act)
Carry out work	Undertake work to secure compliance with an enforcement order or intern enforcement order and recover the cost of the work done (s123 P&E Act)
Injunction	Seek an injunction in the Court to restrain a person from contravening an enforcement order or interim enforcement order (s 125 P&E Act)
Prosecution	Undertake prosecution proceedings in the Court to punish an offence (s 126 P&E Act)

**NOTIFYING DCCEEW**

Notifying DCCEEW will be undertaken for non-compliances in relation to both:

- Delivery of commitments by the City or support partners
- Regulated third-parties taking approved actions under the endorsed Plan

Delivery of commitments by the City or support partners

Where the City identifies a potential non-compliance (the non-compliance has occurred or is likely to occur) with the delivery of commitments that the City or a support partner is responsible for, the City will:

- Notify DCCEEW of the non-compliance within 30 days, including:
  - Nature of the non-compliance and whether it has occurred or is likely to occur
  - Risk category of the non-compliance
  - Any reasons for the non-compliance
- If the non-compliance is identified as high risk, provide DCCEEW with a plan setting out the compliance actions proposed to be taken to rectify the non-compliance and the timing for implementing these actions within 3 months
- For other non-compliance risk categories, undertake compliance actions appropriate to the risk category and respond to any requirements of DCCEEW in relation to the non-compliance within a reasonable timeframe
- Report to DCCEEW regularly on progress in implementing the compliance actions

Non-compliances and the steps taken (or that will be taken, including estimated timing for taking these steps) to rectify these non-compliances, will be reported in the annual progress reports.

Regulated third-parties taking approved actions under the endorsed Plan

Where the City identifies a potential non-compliance (the non-compliance has occurred or is likely to occur) by regulated third-parties taking approved actions under the endorsed Plan, the City will:

- Undertake an initial assessment of the potential non-compliance to determine:
  - Nature of the non-compliance and whether it has occurred or is likely to occur
  - Risk category of the non-compliance
- Notify DCCEEW of the non-compliance following the initial assessment within 30 days
- Respond to the non-compliance in accordance with the decision framework for taking compliance action

- Report to DCCEEW regularly on progress in implementing the compliance actions

Non-compliances and the steps taken (or that will be taken, including estimated timing for taking these steps) to rectify these non-compliances, will be reported in the annual progress reports.

#### **REPORTING ON COMPLIANCE**

The City will undertake regular reporting on compliance to ensure transparency and accountability. Reporting on compliance will be undertaken in accordance with the MERI program (see Section 7.5). The MERI program requires compliance to be reported in annual progress reporting and five-yearly assurance reports.

Annual progress reporting will report on:

- Any activities undertaken by the City to support voluntary compliance
- Number of non-compliances for the reporting period and the nature of the non-compliance
- Any compliance action taken by the City or other relevant responsible regulatory authority to each high-risk non-compliance and the outcomes of the compliance action taken

Five-yearly independent assurance reports, which present the results of the independent five-yearly evaluations and assurance review, will report on:

- Analysis and key findings on extent of compliance with the Commonwealth conditions of approval
- Any recommendations for improving the implementation of the Plan, including compliance

## **7.7 DATA MANAGEMENT PROCESS**

### **7.7.1 CONTEXT**

A wide range of data was used to develop the Plan and will be used and updated throughout implementation the Plan.

Key types of data include:

- Spatial and other data on existing biodiversity values
- Data on the impacts of the development on biodiversity values
- Boundary data, such as the boundaries of development land and avoided land
- Monitoring data to be collected in accordance with the MERI framework, including:
  - Implementation data
  - Environmental data
  - Compliance data

### **7.7.2 COMMITMENT FOR DATA MANAGEMENT**

The Plan's commitment for data management is provided in Table 7-13.

**Table 7-13: Commitment for data management**

No.	Commitment
21	A data management and sharing agreement will be developed to set out how data associated with the Plan will be managed and shared

## **7.8 PROCESS FOR CHANGING THE IMPLEMENTATION DOCUMENTS**

### **7.8.1 CONTEXT**

The Plan and its commitments will not be changed once endorsed under Part 10 of the EPBC Act.

As the Plan will be implemented over a long time-period it is important that there is an appropriate level of flexibility provided during implementation to ensure the outcomes are achieved. Adaptive management of the Plan may be needed because of new opportunities that arise, changes in economic and social conditions, local events such as fires, floods and disease, climate variation and administrative issues.

Flexibility during implementation is provided for by incorporating measures to deliver the commitments into the implementation documents for the Plan – the BCS, the Commitments and Measures document, and the Funding Program (see Section 1.3).

### **7.8.2 REQUIREMENTS FOR CHANGING THE IMPLEMENTATION DOCUMENTS**

#### ***TRIGGER POINT FOR ADAPTIVE MANAGEMENT***

The five-yearly evaluations will be the primary trigger point and basis for any adaptive management of the Plan through changes to the implementation documents (see 1.3.2). Adaptive management may also be triggered on an ad hoc basis in response to issues or opportunities that arise and need to be addressed immediately (see Section 7.5.3).

Criteria will be established to determine trigger points for when adaptive management should be considered outside the five-yearly evaluations.

#### ***OPTIONS FOR ADAPTIVE MANAGEMENT***

Options for adaptive management will vary according to the situation and will be determined on a case-by-case basis through a process which forms part of the improvement steps under the Plan's MERI framework (see adaptive management in Section 7.5.4).

#### ***CRITERIA FOR CHANGING THE IMPLEMENTATION DOCUMENTS***

Changes to the implementation documents are possible if the following requirements can be met:

- Five-yearly evaluations recommend changes that are endorsed by the Executive Committee
- The changes are consistent with the Commonwealth approval conditions
- The changes do not compromise the ability to achieve the outcomes and commitments of the Plan
- The changes do not materially increase the impacts to MNES that were determined and assessed through the Strategic Assessment Report. This requirement relates to the nature, duration, extent, and likely severity of the impacts on the environment of the changes

### **7.8.3 PROCESS FOR MAKING CHANGES TO THE IMPLEMENTATION DOCUMENTS**

Proposed changes to the implementation documents will be provided to the Executive Committee for approval. A request to change an implementation document will include the following:

- The details of the proposed changes
- Justification for the changes and how they will improve achievement of outcomes and delivery of commitments or other improvements to implement the Plan
- How the changes meet the requirements for changing the implementation documents identified in Section 7.8.2
- The proposed revised implementation document

The Executive Committee will consider any proposed changes and:

- Approve the changes, or
- Recommend amendments to the implementation document changes

Once the changes to the implementation document are finalised, the City must formally update the document and provide a notice to the public on their website about the amendments.

Should the changes necessitate a review of the subordinate implementation documents that are included in the Greater Geelong Planning Scheme these changes will be implemented via a planning scheme amendment.

# References

- ABS (2020) *Region summary: Geelong*. Available at: <https://dbr.abs.gov.au/region.html?lyr=sa4&rgn=203>.
- Corangamite CMA (2014) 'Corangamite Waterway Strategy 2014 - 2022'.
- Dahlhaus, P. *et al.* (2003) 'Victorian Volcanic Plains Scoping Study'. CSIRO Land and Water.
- DELWP (2017a) 'Growling Grass Frog Crossing Design Standards Melbourne Strategic Assessment'. Department of Environment, Land, Water and Planning.
- DELWP (2017b) 'Growling Grass Frog Habitat Design Standards Melbourne Strategic Assessment'. Department of Environment, Land, Water and Planning.
- DELWP (2017c) 'Guidelines for the removal, destruction or lopping of native vegetation'.
- DELWP (2019) 'Victoria's Climate Science Report 2019'.
- DELWP (2020) 'Port Phillip Bay (Western Shoreline) & Bellarine Peninsula Ramsar Site Ecological Character Description'. Department of Environment, Land, Water and Planning.
- DELWP (2021) 'Flora and Fauna Guarantee Act 1988 Public authority duty'.
- DEWHA (2009) 'NRM MERI Framework'.
- DSE (2003) 'Biodiversity Action Planning: Strategic Overview for the Victorian Volcanic Plain Bioregion'. Victorian Government Department of Sustainability and Environment.
- DSEWPC (2012) 'Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy'.
- EHP (2021) 'Existing Ecological Conditions: Northern and Western Geelong Growth Areas'. Prepared for the City of Greater Geelong.
- Geelong Region Alliance (2007) 'The Geelong Region Plan'. G21 Geelong Region Alliance.
- Geelong Region Alliance (2013) 'G21 Regional Growth Plan'. G21 Geelong Region Alliance.
- Gordon, A. *et al.* (2011) 'Assessing the impacts of biodiversity offset policies', *Environmental Modelling and Software*, 26(12), pp. 1481–1488. Available at: <https://doi.org/10.1016/j.envsoft.2011.07.021>.
- The City of Greater Geelong (2021) 'The Northern and Western Geelong Growth Areas Framework Plan.'
- Victoria State Government (2017) 'Plan Melbourne 2017-2050'. Available at: <https://planmelbourne.vic.gov.au/home>.
- Victorian Planning Authority (2021) 'Precinct Structure Planning Guidelines: New Communities in Victoria'.
- Wathaurong Aboriginal Co-operative (2021) 'Wathaurong History & Profile'. Available at: <https://www.wathaurong.org.au/history-profile/>.
- Williams, N. (2022) 'Southern Volcanic Plain'. University of Melbourne, Ecolinc. Available at: <https://grasslands.ecolinc.vic.edu.au/bioregions/southern-volcanic-plain>.

## Appendix A: Where the Plan addresses the endorsement criteria

Endorsement criteria section	Endorsement criteria requirement	Chapter of the Plan
<b>General</b> 1. The Plan must:	a) describe how the Plan is to operate;	1.2 – Purpose of the Plan 1.3 – Overview of the Plan and supporting documents
	b) use plain English and be written in a way that assists readers who do not have background in or detailed knowledge of the requirements of Part 10 of the EPBC Act;	<b>Entire Plan</b> 1.6 – Regulatory context and legal effect of the Plan
	c) provide clarity about legal responsibilities affected by the Plan following endorsement and approval;	1.6 – Regulatory context and legal effect of the Plan 1.7 – Responsibilities for implementing the Plan 7.3 – Governance framework
	d) incorporate an agreed outcomes framework that uses a consistent hierarchy and language to clearly specify what the Plan (and any supporting documents) will deliver for protected matters. For the purposes of this Agreement and the Terms of Reference (noting that a different framework may be used for the Plan) these include: <ul style="list-style-type: none"> <li>i) ‘outcomes’ which represent the highest level of what the Plan will deliver for protected matters, commitments, and measures’</li> <li>ii) ‘commitments’ which represent what the approval holder (or holders) will do over the life of the Plan to deliver the outcomes</li> <li>iii) ‘measures’ which represent the specific activities that the approval holder (or holders) will undertake to meet the commitments</li> </ul>	3 – Objective and outcomes of the Plan
	e) should allow for flexibility and adaptive management with respect to matters of development and conservation to deal with changes over the timeframe of the approval. This flexibility may be in relation to: <ul style="list-style-type: none"> <li>i) spatial matters and where approved actions may be undertaken;</li> <li>ii) conservation measures, including which areas of land may be used to meet the approval holder’s conservation commitments and how developments in scientific information will be incorporated by the approval holder into the conservation measures; and</li> <li>iii) how the City of Greater Geelong will administer and implement the Plan in the future in conjunction with existing Local Government mechanisms which may change over time;</li> </ul>	4.5 – Changes to the boundaries of land subject to development 7.5 – MERI framework 7.8 – Process for changing the implementation documents
	f) be clear about what aspects of the Plan cannot be altered.	1.3.2 – Supporting documents 7.8 – Process for changing the implementation documents

Endorsement criteria section	Endorsement criteria requirement	Chapter of the Plan
<b>Scope</b> 2. The Plan must:	a) provide an approval holder (or holders);	1.7.1 – Approval holder
	b) describe the role and responsibilities of the approval holder (or holders) and the Commonwealth;	1.7 – Responsibilities for implementing the Plan 7.3 – Governance framework
	c) define the action or class of actions that are included in the Plan;	4.3 – Development classes of actions
	d) define persons who can take an action under the Plan;	4.4 – Persons who can undertake development and their obligations
	e) define the timeframe of the Plan;	1.5 – Timing for implementation of the Plan
	f) define the spatial area of the strategic assessment;	1.4 – Area covered by the Plan
	g) define the class of action boundaries;	4.2 – Location of development
	h) describe the funding arrangements for implementation; and	7.4 – Funding framework
	i) define matters excluded from the scope of the Plan, including but not limited to: <ul style="list-style-type: none"> <li>i) actions that have already been found not to be controlled actions under section 75(1) of the EPBC Act;</li> <li>ii) actions that have already been approved under section 133(1) of the EPBC Act; and</li> <li>iii) actions not assessed or specifically excluded from the Plan.</li> </ul>	4.3.6 – Development not covered by the Plan
<b>Environmental management</b> 3. The Plan must:	a) identify the Protected matters that are relevant to the Plan (relevant protected matters);	5.3 – Relevant protected matters
	b) summarise the expected duration, extent and likely severity of the Impacts to which this Agreement relates;	5.4 – Avoidance and minimisation of impacts 5.5 – Mitigation of impacts 5.6 – Residual impacts and offsets 6.3 – Avoidance and minimisation of impacts 6.4 – Mitigation of impacts 6.5 – Offsets for residual impacts
	c) describe how the Impacts to which this Agreement relates will be avoided or mitigated and may refer to enhancement or management activities relating to these Protected Matters;	5.4 – Avoidance and minimisation of impacts 5.5 – Mitigation of impacts 6.3 – Avoidance and minimisation of impacts 6.4 – Mitigation of impacts
	d) provide for appropriate offsets in accordance with the principles of the EPBC Act Environment Offsets Policy, in the event that impacts to protected matters cannot be fully avoided or mitigated;	5.6 – Residual impacts and offsets 6.5 – Offsets for residual impacts
	e) define clear and measurable outcomes and commitments for the achievement of administrative and regulatory efficiencies, including specific, measurable, achievable,	3.4 – Outcomes of the Plan 3.5 – Commitments

Endorsement criteria section	Endorsement criteria requirement	Chapter of the Plan
	relevant and timely performance indicators to demonstrate progress towards achieving these outcomes and commitments	
	f) define clear and measurable outcomes and commitments for the management and conservation of protected matters that are relevant to the Plan, including specific, measurable, achievable, relevant and timely performance indicators to demonstrate progress towards achieving these outcomes and commitments.	3.4 – Outcomes of the Plan 3.5 – Commitments
<b>Implementation</b> 4. The Plan must include at a minimum, a commitment to develop and outline:	a) an assurance and implementation plan that includes the best practice monitoring programs, regular review, public reporting and independent auditing processes proposed to: i) ensure outcomes, commitments and measures for protected matters contained in the Plan are, documented, delivered and adequately resourced throughout the life of the Plan.	7 – Assurance and implementation framework
	ii) 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.	7.5 – MERI framework
	iii) ensure new information relating to protected matters, including legislative changes, may be assessed and accounted for in implementation of the Plan.	7.5 – MERI framework (Improvement (adaptive management))
	iv) 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.	7.5 – MERI framework (Monitoring)
	v) detail all governance arrangements including the roles and responsibilities of the Parties and the named approval holder (or holders), including in the post approval phase, for the implementation of the Plan and Part 10 approval	7.3 – Governance framework
	vi) describe how the named approval holder (or holders) will demonstrate and adaptively manage the effectiveness of proposed regulatory, administrative and protected matter outcomes	7.5 – MERI framework (Improvement (adaptive management))
	vii) ensure compliance with the Plan will be monitored and non-compliance will be reported.	7.6 – Compliance framework
	viii) provide for a 5-yearly assurance review and report.	7.5 – MERI framework (five-yearly evaluation and assurance review)
	b) governance processes to ensure that all activities are undertaken in accordance with the Plan;	4.4 - Persons who can undertake development and their obligations 7.3 – Governance framework



Endorsement criteria section	Endorsement criteria requirement	Chapter of the Plan
	c) outcomes and commitments for regulatory and administrative efficiencies including for governments and third-party developers	7.3 – Governance framework
	d) a conservation plan which implements the 'avoidance, mitigation, offset' hierarchy approach;	5 – Conservation framework 6 – Delivery of external infrastructure
	e) a process for data management and sharing of data; and	7.7 – Data management process
	f) a process for stakeholder engagement (including with the Commonwealth).	7.3.5 – Stakeholder engagement strategy
Implementation	5. The information provided for these commitments should be of sufficient detail to enable an assessment of the suitability and effectiveness of the proposed approach.	Entire Plan (refer to Chapter 29.7 of the SAR)