



Australian Government

Department of Climate Change, Energy,
the Environment and Water

TERMS OF REFERENCE FOR THE GEELONG GROWTH AREAS STRATEGIC ASSESSMENT REPORT

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

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

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

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

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

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

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

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

1. PURPOSE OF THE STRATEGIC ASSESSMENT REPORT

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

2. DESCRIPTION OF THE PLAN

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

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

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

3. DESCRIPTION OF THE PROTECTED MATTERS IMPACTED BY THE PLAN

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

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

3.2. The Report must identify and describe each protected matter that may be impacted directly, indirectly and/or cumulatively by actions proposed to be

taken under the Plan (these are the 'relevant protected matters'), including (at a minimum):

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

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

- 4.1. The Report must describe and assess the likely direct, indirect and cumulative impacts of actions taken under the Plan on all relevant protected matters. This must include, but not necessarily be limited to, an assessment of impacts of clearing, disturbance and fragmentation.
- 4.2. The Report must describe and provide justification for the method used to assess likely impacts on all protected matters arising from actions proposed to be taken under the Plan. The method must:
 - a) be appropriate for assessment at a strategic scale.
 - b) rely on the best available information.

- c) discuss uncertainty, including reference to the data and information relied upon.
- 4.3. The Report may also consider protected matters that are potentially eligible for listing as a result of inclusion in a final priority assessment listing held by the Commonwealth, or a recommendation to the Minister for listing by the Threatened Species Scientific Committee prior to the Report being submitted.
- 4.4. The Report must include analysis of:
 - a) how impacts on protected matters will be avoided.
 - b) the duration, extent and likely severity of the impacts.
 - c) the mitigation measures that will be implemented and their likely effectiveness to reduce impacts on the protected matters. An evaluation of effectiveness must include whether the key mitigation measures for protecting MNES are feasible, achievable and economically viable.
 - d) how unavoidable impacts will be offset in accordance with the principles of the *Environment Protection and Biodiversity Conservation Act, Environmental Offsets Policy, 2012*.
 - e) the proposed funding arrangements and the timeframes for the delivery of mitigation and offset requirements.
- 4.5. The Report must include an analysis of the conservation benefits (beneficial impacts) of the Plan, including:
 - a) how protected matters will be conserved, protected and managed within the strategic assessment area.
 - b) information regarding the process for establishing conservation areas. This must include information regarding land tenure, timing, funding and legal protective mechanisms.
 - c) the adequacy and likely effectiveness of the outcomes, commitments and measures under the Plan in protecting and managing protected matters, including the effectiveness of implementation, funding arrangements and who will be responsible for delivery.
 - d) available evidence to support conclusions reached regarding the effectiveness of the outcomes, commitments and measures identified in the Plan.

- 4.6. The Report must consider the extent to which the impacts on relevant protected matters of actions proposed under the Plan would be consistent with the EPBC Act, including but not limited to:
- a) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with Australia's international obligations, including under the Convention on Biological Diversity, World Heritage Convention, Ramsar Convention and the Convention for Migratory Species to the extent they apply to the relevant protected matters (section 146G, 146J, 146K and 146L of the EPBC Act).
 - b) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with recovery plans and threat abatement plans (section 146K(2) of the EPBC Act).
 - c) how regard has been and will be given to relevant information in conservation advices (section 146K(3) of the EPBC Act), threat abatement plans and recovery plans.
 - d) how approving a class of actions to be taken in accordance with the Plan would not be inconsistent with management plans for National Heritage places (sections 324S and 324X of the EPBC Act), management plans for declared World Heritage properties (sections 146G of the EPBC Act), the Australian World Heritage management principles (section 146G of the EPBC Act) and the National Heritage management principles (section 146H of the EPBC Act).
- 4.7. The Report must include information regarding the process for establishing conservation areas. This must include information regarding land tenure, timing, funding and management.
- 4.8. The Report must include justification for key methods used in the assessment.
- 4.9. The Report must include or refer to data from ecological surveys.

5. EVALUATION OF THE OVERALL OUTCOMES OF THE PLAN

- 5.1. The Report must evaluate the overall outcomes, commitments and measures for protected matters taking into account likely impacts on protected matters from actions proposed to be taken under the Plan.
- 5.2. The evaluation must include:
- a) the extent to which protected matters are represented in the strategic assessment area.

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

6. ADDRESSING UNCERTAINTY AND RISK

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

- a) knowledge gaps in scientific understanding and responding to new knowledge.
- b) assumptions made in assessing potential impacts and benefits.
- c) how changes to Commonwealth, State and local government legislation, policies, plans and advice are to be accounted for in the management of the areas impacted by the Plan.
- d) the capacity to ensure the Plan is implemented.
- e) differences in survey results relating to MNES and how to evaluate and resolve discrepancies.

7. ASSURANCE AND IMPLEMENTATION FRAMEWORK

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

- a) ensure outcomes, commitments and measures for protected matters contained in the Plan are, documented, delivered and adequately resourced throughout the life of the Plan.

- b) ensure the results of monitoring will be used to understand the effectiveness of 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 desired outcomes or where there are risks to protected matters.
- c) ensure new information relating to protected matters, including legislative changes, may be assessed and accounted for in implementation of the Plan.
- d) provide mechanisms that track persons who are relying on a strategic assessment approval to take an action and ensure persons undertaking actions are informed of their obligations under the endorsed Plan and approval.
- e) ensure compliance with the Plan will be monitored and non-compliance will be reported.
- f) provide for a 5-yearly assurance review and report.

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

8. SOCIAL AND ECONOMIC IMPACTS

8.1. The Report must assess the social and economic impacts of the Plan.

8.2. The Report must describe the consultation with the public (including affected parties) undertaken during the development of the Plan.

8.3. The Report must describe the process by which parties who may be affected by the strategic assessment will be accorded natural justice and procedural fairness as part of the assessment of impacts of the plan.

9. INFORMATION SOURCES

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

Attachment A - Geelong Growth Areas

