

# NWGGGA PART 10 TERMS OF REFERENCE



## **What is the Part 10 Strategic Assessment?**

The Part 10 Strategic Assessment is an approval pathway under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which allows for the consideration of multiple Matters of National Environmental Significance (MNES) and/or cumulative impacts to MNES.

It has the capacity to achieve better outcomes for the environment and development through strategic planning across a broader area. Upfront consideration of environmental values and development goals allows for an overarching design and implementation plan which ensures environmental values can be protected and managed in the long-term.

Further information on Strategic Assessments under the EPBC Act can be found here:

<https://www.awe.gov.au/environment/epbc/strategic-assessments>

## **What are Matters of National Environmental Significance?**

The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

There are nine matters of national significance that come under the EPBC Act:

- world heritage properties
- national heritage places
- wetlands of international importance (listed under the Ramsar Convention)
- listed threatened species and ecological communities
- migratory species protected under international agreements
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- nuclear actions (including uranium mines)
- a water resource, in relation to coal seam gas development and large coal mining development.

## **Why is the City of Greater Geelong undertaking a Part 10 Strategic Assessment?**

Throughout the past year, the City of the Greater Geelong (the City) has held detailed discussions on the assessment pathways with the Department of Agriculture, Water and the Environment (DAWE) and the Department of Environment Land Water and Planning (DELWP), with the collective agreement that based on the scale and complexity of the project that the Part 10 assessment process provides the best outcomes for the environmental values and stakeholder interests, as well as offering time and administrative efficiencies.

Multiple MNES have been recorded within the assessment area, and this process allows us to take a coordinated approach to understanding the cumulative impacts that may be posed by development.

The Part 10 Strategic Assessment allows the City to provide greater certainty to all stakeholders over future development. The City is also working closely with DELWP to ensure state processes are run in alignment with the federal approvals.

## **What is the process for a Part 10 Strategic Assessment?**

The Terms of Reference are being advertised for public comment between the 21<sup>st</sup> February and 21<sup>st</sup> March 2022.

The City will then prepare a draft Plan and Strategic Assessment Report, which are the strategic assessment document which outline how the City will approach the Matters of National Environmental Significance (MNES) through conservation management and offsets.

Once the draft strategic assessment documents have been completed, the City will undertake a public exhibition period, and consider any comments that are received before finalising the documents.

After the documents have been finalised, they will be submitted to DAWE for the formal assessment.

If approved, the City will then have a series of conditions and requirements which must be met to enable development to commence.

## **What are the Terms of Reference?**

The Terms of Reference provide a framework for how the Strategic Assessment documents will be developed and implemented.

While the EPBC Act outlines the requirements for the Strategic Assessment, the Terms of Reference have been drafted to reflect the specific requirements of this assessment.

## **Are there opportunities for comment?**

Yes, there are two formal opportunities for public comment during the Strategic Assessment process.

Public consultation is being held for the Terms of Reference between the 21<sup>st</sup> February and 21<sup>st</sup> March 2022, with this process being run by DAWE. During the advertising period, you will be able to access the information on the DAWE website via <https://www.awe.gov.au/environment/epbc/strategicassessments/geelonggrowthareas>

Once the draft strategic assessment documents have been prepared, the City will undertake a public exhibition period for a period of approximately 28 days. Comments received during this period will be reviewed and considered in the final versions of the strategic assessment documents.

## **Where does the mapped information come from?**

The City undertook multiple years of on-ground assessments within the Northern and Western Geelong Growth Areas (NWGGA) to determine environmental values and the extent of native vegetation.

For the assessed properties, a report has been prepared and is being used as the basis for the state and federal government approvals. The report has been reviewed by DELWP and DAWE to ensure the assessment have met the required state and federal assessment guidelines.

For unassessed areas, we are currently developing the approach for determining value, and will provide further communication on opportunities for assessment and consideration as the project progresses.

## **What do the different areas on the map mean?**

The advertised map shows the full scope of the project including the development areas outlined in the Framework Plan, as well as the area needed to upgrade services and roads. The area shown on the map is broader than the project area to allow us to consider direct and impacts to MNES from the project.

Areas shown on the map are:

Key Development Area – The areas nominated for development under the NWGGA Framework Plan C395

Transport – Known and potential road upgrades that fall outside of the Key Development Area

Strategic Assessment Area – the area which needs to be considered under the Part 10 Strategic Assessment which includes all development and associated infrastructure

Water and Infrastructure – The investigation area for potential upgrades or new alignment for services such as water and electricity, and potential road upgrades

### **How are state matters being considered?**

The City committed to developing a Biodiversity Conservation Strategy (BCS) as part of the Framework Plan which recently went through a Planning Scheme Amendment (C395). The BCS will be a holistic document which identifies how environmental values will be linked to local, regional, state, and federal plans and policies and will include waterways, and how new communities will incorporate biodiversity through detailed precinct planning.

The BCS will give guidance on environmental matters for any Precinct Structure Plans (PSP) and Native Vegetation Precinct Plans developed for NWGGA.

The State Planning Policy Framework (SPPF) outlines Victoria's policy objectives and strategies relating to the protection and management of native vegetation. Specifically, the following clauses give policy context and inform decision making:

- 12.01 Biodiversity
- 12.04 Significant environment and landscapes
- 13.03 Soil degradation
- 13.05 Bushfire
- 14.02 Water
- 15.03 Heritage (includes Aboriginal cultural heritage)

### **What is a Native Vegetation Precinct Plan?**

A Native Vegetation Precinct Plan (NVPP) provides for the strategic management of native vegetation for a defined area or precinct. A NVPP is established via a planning scheme amendment that incorporates the plan and lists it in the schedule to Clause 52.16 of the Victorian Planning Scheme.

### **What offsets are likely to be required?**

Through the detailed ecological assessments, the City has identified areas of native vegetation and threatened species habitat. If any of these areas are proposed for removal through the planning process, the loss will be required to be offset in accordance with the relevant state and/or federal policy requirements. At a State level, general offsets and species offsets may be required.

Through the Part 10 Strategic Assessment the City will develop an Offset Strategy which will outline the commitments and requirements for meeting the federal offsets dependent on the proposed impacts to Matters of National Environmental Significance.

### **Where can I find out more about native vegetation?**

Please refer to the DELWP Native Vegetation webpage for further information on Victoria's native vegetation.  
<https://www.environment.vic.gov.au/native-vegetation/native-vegetation>

Please refer to the DELWP Environment webpage for further information on Victoria's biodiversity.  
[https://www.environment.vic.gov.au/?\\_ga=2.123557065.357283826.1641943490-568648263.1620024351](https://www.environment.vic.gov.au/?_ga=2.123557065.357283826.1641943490-568648263.1620024351)

To find out more about biodiversity in Geelong please refer to our website  
<https://www.geelongaustralia.com.au/environment/default.aspx>

### **Is it illegal to remove native vegetation?**

In Victoria, a permit under the Planning and Environment Act 1987 is generally required from your local Council to remove native vegetation, including native grasslands.

Grasslands and some other endangered vegetation types are also protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

A failure to obtain necessary permits can incur heavy penalties.

### **What if I want make changes to my property now?**

If you are looking to make changes to your property prior to development, a planning permit may be required. Please refer to the below website to get more information about planning permits, when a planning permit is required, and the application process.

<https://www.geelongaustralia.com.au/planning/permit/default.aspx>

Consideration may also need to be given to potential approval requirements under the EPBC Act if known or potential values occur on your land. Please refer to the below EPBC Act website for more information.

<https://www.awe.gov.au/environment/epbc/do-you-need-approval>

### **Who is this information being sent to?**

All landholders within the Northern Geelong Growth Area, and those within the Creamery Road precinct and Batesford North precinct in the Western Geelong Growth Area.

The approach for the remaining precincts within the Western Geelong Growth area will be subject to further on-ground assessment and subsequent determination of the best pathway.

### **Glossary**

Extent of native vegetation – The area of land covered by a patch and/or a scattered tree, measured in hectares

General offset – An offset requirement specified in general habitat units to compensate for the biodiversity loss from native vegetation removal.

Native vegetation – Native vegetation is defined in Clause 72 of the Victoria Planning Provisions and all local planning schemes as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'.

Planning permit - A planning permit is a legal document that gives permission for a use, development or subdivision on a piece of land.

Species offset – An offset requirement specified in species habitat units to compensate for the impact on a rare or threatened species habitat from native vegetation removal.

### **References**

City of Greater Geelong *Planning Permits* <https://www.geelongaustralia.com.au/planning/permit/default.aspx>

Department of Agriculture Water and the Environment *What does the EPBC Act protect?*

<https://www.awe.gov.au/environment/epbc/what-is-protected>).

Department of Environment Land Water and Planning *Guidelines for the removal, destruction or lopping of native vegetation 2017* [https://www.environment.vic.gov.au/\\_data/assets/pdf\\_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf](https://www.environment.vic.gov.au/_data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf)

Department of Sustainability and Environment, November 2011 *Time-stamping native vegetation data -*

[https://www.vgls.vic.gov.au/client/en\\_AU/search/asset/1147282/](https://www.vgls.vic.gov.au/client/en_AU/search/asset/1147282/)