



**ENVIRONMENT PROTECTION AND BIODIVERSITY  
CONSERVATION ACT 1999  
Part 10 Strategic Assessments  
Section 146 (1) Agreement**

Relating to the assessment of impacts of the Program to revise Melbourne's  
Urban Growth Boundary

between

**THE COMMONWEALTH OF AUSTRALIA**

and

**THE STATE OF VICTORIA**

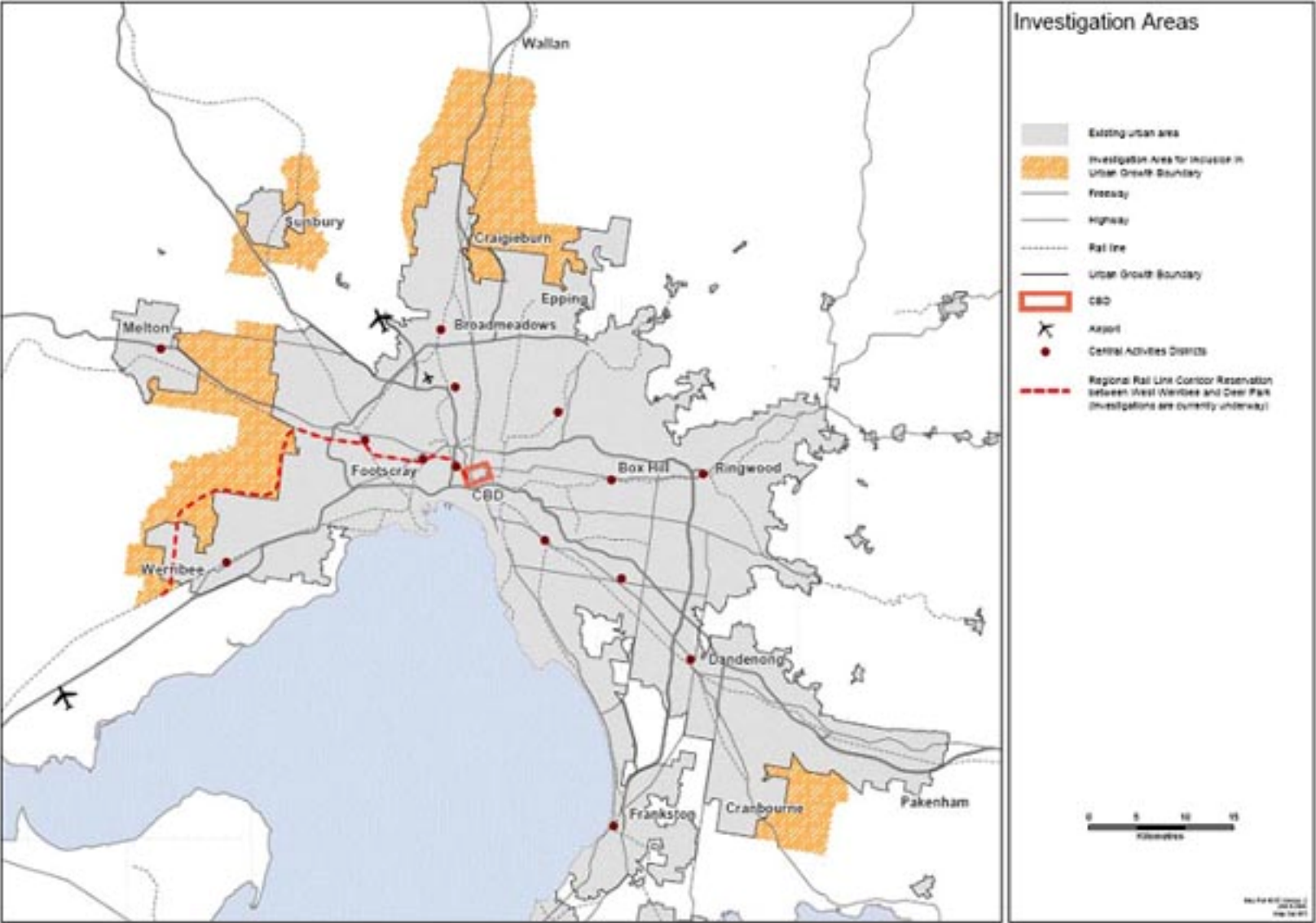
**Attachment A: Areas included within the Program**

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Attachment A: Areas included within the Program



## Terms of Reference for Strategic Assessment of the Program to revise Melbourne's Urban Growth Boundary

### 1. PROJECT PURPOSE AND DESCRIPTION

The Report, as referred to in clause 7 of the Agreement, must describe the Program (or stage of), including:

- (a) how the Program has been developed and its legal standing
- (b) the basis of land/asset tenure for all land within the scope of the Program
- (c) the regional context (natural and human) in which the urban area will exist
- (d) the actions or classes of actions that are subject of the Program, including the short, medium and long term aspects of the actions or classes of actions at or associated with the Program. These could include relevant construction and operational aspects associated with proposed urban development and associated infrastructure
- (e) Victorian management and approval arrangements and the person(s) or authority responsible for the adoption or implementation of the Program.

### 2. PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT

#### 2.1 Planning for and promoting ecologically sustainable development

The Report must describe the planning and design process that has led to the Program, with particular reference to the treatment of environmental and cultural heritage through assessment and selection of options that maximise environmental, social and economic outcomes.

The Report must state how the Program promotes the following principles of ecologically sustainable development:

- a) decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- c) the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making
- e) improved valuation, pricing and incentive mechanisms should be promoted.

#### 2.2 Environment affected by the Program

The Report must provide a detailed description of the environment likely to be affected by the implementation of the Program. This includes the environment beyond the identified growth and planning areas that could be affected by the proposed development for example, through the construction of any major infrastructure associated with the

development, the offsite impacts from stormwater management measures (e.g. inundation and flow effects from water quality control dams/ponds/wetlands), or 'edge effects' such as weed introduction, pollution and feral animals.

This description must identify the listed environmental and heritage assets and characteristics, including biophysical processes associated with the area set to be affected by the Program and the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:

- (a) components of biodiversity and maintenance of important ecological processes
- (b) listed threatened and migratory species under the Act and their associated habitats
- (c) a description of ecological communities including but not limited to their connectivity, extent, and condition with specific reference to threatened ecological communities as listed under the Act and other significant ecological communities for example, the natural temperate woodlands of the Victoria Volcanic Plain and grassy wetland communities
- (d) any physical environmental processes (e.g. fire, flooding/inundation) influencing the environmental characteristics of the site or surrounds, or influencing the potential impacts on the site or surrounds, including the impacts on any Ramsar sites
- (e) places listed on the Commonwealth and National Heritage Lists.

### **3. PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES**

#### **3.1 Nature and significance of impacts**

The Report must include sound analysis of the potential and likely impacts on the environment of the Program (Item 2.2) with specific reference to matters of national environmental significance, areas of high biodiversity and heritage values listed under the Act.

The analysis must include:

- (a) areas or matters likely to be eligible for listing as matters of national environmental significance
- (b) a description and analysis of likely and potential impacts, including any indirect impacts on matters of national environmental significance – with reference to relevant Policy Statements, for example the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines*
- (c) an analysis of applicable key threatening processes as defined in the Act
- (d) an assessment of whether identified impacts will be short, long term or irreversible, local or regional, discrete or cumulative, or exacerbated by the likely impacts of climate change
- (e) an assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

### **3.2 Management, mitigation or offset of likely impacts**

The Report must identify and describe the Victorian Government *management measures* (e.g. works, on-ground actions, regulatory interventions, area-specific management plans, market based instruments, compliance and enforcement requirements) that will be implemented prior, during or post Program implementation to prevent, minimise, rehabilitate or offset the potential environmental impacts caused by implementing the actions or classes of actions (Item 1(d)) with specific reference to matters of national environmental significance under the Act.

For those Victorian Government management measures the Report must set out:

- (a) the approach taken to addressing the impacts of the actions or classes of actions
- (b) the predicted effectiveness of the proposed measures and actions. Claims regarding effectiveness of measures and actions must be justified, including a description of the methodology used to formulate these predictions/confidence limits
- (c) maintenance or operational requirements associated with proposed management measures
- (d) compliance and enforcement requirements associated with proposed condition requirements
- (e) the Victorian agency or agencies responsible for each management measure including the budgetary, regulatory and anticipated or proposed programmatic arrangements to implement measures and actions, compliance and enforcement and maintenance or operational requirements
- (f) timelines and accountabilities for implementing proposed measures and actions, and associated compliance and maintenance requirements
- (g) proposed offsets in the context of evolving or approved policy, for example the Commonwealth Draft Policy Statement: Use of environmental offsets under the *Environment Protection and Biodiversity Conservation Act 1999*, August 2007.

### **3.3 Addressing uncertainty and managing risk**

The Report must identify key uncertainties associated with the implementation of management measures, for example where there is a high level of uncertainty related to the timing and nature of management measures, or their maintenance or operation.

For key uncertainties the Report must set out:

- (a) responses by the Victorian Government to ensure an acceptable level of certainty and therefore actively manage risks associated with implementing the actions or classes of actions (Item 1(d))
- (b) how and when measures and actions will be reviewed in light of anticipated new information.

### **3.4 Reasonable assurance**

The Report must include a “*reasonable assurance statement*” that gives a high degree of confidence that the management measures will be implemented and that the actions or classes of actions (Item 1(d)) will not have a significant impact on matters of national environmental significance.

## **4. AUDITING AND REPORTING**

The Report must set out:

- (a) monitoring and public reporting processes, effective during the development period that describe the implementation and associated management measures and condition requirements
- (b) commitments for independent auditing of Program implementation.

## **5. ADAPTIVE MANAGEMENT, REVIEW AND MODIFICATION**

The Report must identify and analyse the likely circumstances and procedures that may result in the review or modification of the report itself or the Program to which it relates, such that changing community standards or new information relating to the impacts of the Program may be introduced, reassessed and accounted for in implementing the Program. The Report must also show how uncertainty is being targeted and addressed during Program implementation.

## **6. ENDORSEMENT CRITERIA**

The Report must describe how the Program together with any associated management arrangements, meets the criteria set out in Attachment C (Endorsement Criteria).

## **7. INFORMATION SOURCES**

For information used in the assessment, the Report must state:

- (a) the source of the information
- (b) how recent the information is
- (c) how the reliability of the information was tested
- (d) uncertainties in the information.

## **Strategic Assessment Endorsement Criteria**

When deciding whether to endorse a policy, plan, or program the Minister must be satisfied that the assessment report adequately addresses the impacts to which the agreement relates and that any recommendations to modify the policy, plan or program have been responded to appropriately.

In determining whether or not to endorse the Program the Minister will have regard to the extent to which the Program meets the objectives of the Act. In particular that it:

- protects the environment, especially matters of national environmental significance
- promotes ecologically sustainable development
- promotes the conservation of biodiversity
- provides for the protection and conservation of heritage.

Accordingly, the Program and Final Report should:

- incorporate mechanisms which avoid the taking of actions in any location that will have an impact to matters of national environmental significance or are of high biodiversity or heritage value; or
- provide that where impacts can not be avoided, then the impacts should be reduced to an acceptable level
- provide for effective management, mitigation or offset of the likely impacts
- contain an effective system of adaptive management that is independently audited and publicly reported.

The Minister will also consider the extent to which the Program and its associated Final Report adequately incorporates:

- the precautionary principle
- the other principles of ecologically sustainable development
- intergenerational equity
- matters the Minister considers to have a high likelihood of being potentially eligible for listing as matters of national environmental significance.

**Agreed Dates for Melbourne Strategic Assessment Program Delivery**

Draft Report provided for public comment as per clause 8.2 of the Agreement – 18 June, 2009.

Revised Final Report sent to the Minister as per clause 9.1 of the Agreement – COB 14 August, 2009.

Both Parties reserve the right to request a renegotiation of the agreed timeframe and dates for the assessment. The agreed dates may be altered by either Party to the extent only that such variation is consistent with the provisions of the Act.