



Department of Sustainability and Environment

File: PP-FF/39/3183

Frankston Bypass EES Submission
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Date: 12th March 2009

Dear Sir/Madam

FRANKSTON BYPASS ENVIRONMENTAL EFFECTS STATEMENT – FURTHER INFORMATION SUPPLIED BY DSE

Thankyou for the opportunity to present the Department of Sustainability and Environment's (DSE) submission on the above Environmental Effects Statement (EES). As requested by the Panel, DSE were asked to provide further information in regard to a number of specific issues raised in our submission.

The Panel asked whether the Minister for Environment and Climate Change has the power in legislation to approve the clearing of Very High Conservation Significance Vegetation where a like-for-like offset was unlikely to be found, and to require an alternative offset. Furthermore, whether the Minister has the authority to alter policy to achieve the same outcomes.

Ministerial approval for the removal of Very High Conservation Significance Vegetation (VHCS) is a requirement of the Native Vegetation Management Framework (the Framework), this requirement does not sit in the *Planning and Environment Act 1987* and as such the Minister for Environment and Climate Change retains a degree of discretion when deciding if approval should be granted. Any decision made by the Minister in relation to native vegetation is a policy decision.

The Framework is an incorporated document under clause 81 of the Victoria Planning Provisions. The Minister's role is referred to in appendix four of the Framework. It specifies the following in relation to Very High Conservation Significance Vegetation:

"Clearing not permitted unless exceptional circumstances apply (i.e. impacts are an unavoidable part of a development project, with approval of the Minister for Environment and Conservation (or delegate) based on considerations of environmental, social and economic values from a statewide perspective)"

The framework does not require the Minister to approve offsets for the clearing of Very High Conservation Significance Vegetation. The decision made by the Minister is based on the merits of the project in reference to the above statement. In practice, the approval of offsets is undertaken by DSE.

Notwithstanding the lack of available offsets, the Minister could make a decision that exceptional circumstances warrant the removal of vegetation in this case. If this is the case offsets will still be required.

bulldozing
the last of
it's kind
and
eliminating
a bunch of
threatened
species
like
southern
brown
bandicoots
in the
process.

The Panel also enquired as to the likelihood of finding an offset, in particular for Herb-rich Plains Grassy Wetland and Grassy Woodland (Westerfield property patch 46a).

DSE has undertaken a reasonably thorough exploration of potential offset sites. Neither DSE mapping, the DSE BushBroker system nor consultation with ecological consultants has identified any new sites of Herb-rich Plains Grassy Wetland. There is one known site, however the area is subject to an approved development plan (including all required offsets) by the relevant Council and DSE. The site is within the Urban Growth Boundary and may be prohibitively expensive to purchase.

There are two smaller areas of Herb-rich Plains Grassy Wetland that occur on private property. Neither have been assessed for their quality and it is unlikely that they are large enough to meet the offset requirements for the proposed Frankston Bypass.

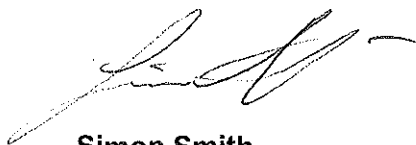
With regard to the Grassy Woodland patch 46a it is very difficult to confirm the location of any sites with high quality and intactness. DSE has been advised that there is one private property site that may be close to the 90% intactness equivalent to patch 46a. This would need to be confirmed. It is a very large property with numerous high quality EVC's, many would complement other losses along the proposed Frankston Bypass alignment.

No discussions have been held with any of the owners for the above properties.

I understand that the Panel subsequently sought clarification as to the existing offset area of Herb-rich Plains Grassy Wetland at the EastLink Interchange. DSE advises that there is no existing offset site of the Herb-rich Plains Grassy Wetland at this location as an offset for the EastLink project.

Should you require any further clarification please contact Mark Winfield, Manager Biodiversity on 0419 751 006.

Yours sincerely



Simon Smith
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Biodiversity and Ecosystem Services