



## Department of Energy, Environment and Climate Action

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Chris Renkin  
Director Regional Victoria  
Victorian Planning Authority

Ref: CMS 00009117

Submitted via [Engage Victoria](#)

Dear Chris

### **PUBLIC CONSULTATION ON THE BANNOCKBURN SOUTH EAST PRECINCT STRUCTURE PLAN, DEVELOPMENT CONTRIBUTIONS PLAN AND DRAFT AMENDMENT C107 GPLA TO THE GOLDEN PLAINS PLANNING SCHEME**

Thank you for your letter dated 5 May 2025 advising Department of Energy, Environment and Climate Action (DEECA) on the public consultation of the draft Planning Scheme Amendment C107gpla to the Golden Plains Planning Scheme to implement the Bannockburn South East Precinct Structure Plan and Development Contributions Plan. I am responding to you under delegation from the Secretary to DEECA.

DEECA has reviewed the draft amendment documentation focusing on:

- Bannockburn South East Precinct Structure Plan (April 2025) (the PSP)
- *Existing Ecological Conditions Report: Bannockburn Growth Areas* (Bruce Creek West) (EHP, November 2022)
- *Existing Ecological Conditions Report: Bannockburn Growth Areas* (South East Section) (EHP, September 2022)
- Draft Amendment C107gpla Explanatory Report (the Explanatory Report)
- Draft Amendment C107gpla ordinance including Clause 11.03-6L-01 and Schedule 1 to Clause 37.07 Urban Growth Zone
- Draft Amendment C107gpla zoning and overlay maps

In relation to environment portfolio interests, DEECA is generally supportive of draft Planning Scheme Amendment C107gpla (draft Amendment C107gpla) subject to the recommended updates / clarifications set out in the following sections.

#### **Schedule 1 to Clause 37.07 Urban Growth Zone (UGZ1)**

With reference to previous advice on UGZ1 provisions relating to Bruce Creek Conservation Area (refer email dated 12 March 2025), DEECA acknowledges and supports the inclusion of provisions at Clauses 3.0 and 4.0 requiring a conservation management plan, construction environmental management plan and land management plan. However, the following additional updates are recommended to provide greater clarity / consistency:

General comments:

- Update references to 'Bruce Creek uncredited open space' to 'Bruce Creek Conservation Area'. This will necessitate consequential updates to references in other draft amendment documentation including the PSP and Explanatory Report.
- It is understood that the 'cultural and/or environmentally sensitive area' extending 200 metres from Bruce Creek and the parcel in the east of the PSP have been primarily defined on the basis of the classification of both as areas of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*.

DEECA acknowledges that there is overlap with suitable habitat for the Victorian Grassland Earless Dragon (VGED). For clarity and consistency with current VGED considerations, DEECA recommends removing the reference to 'and/or environmentally' and replacing references to the 'DEECA VGED Habitat Distribution Model (HDM)' with the identification of the following areas, as referenced in the *Existing Ecological Conditions Report: Bannockburn Growth Areas* (South East Section) (EHP, September 2022), representing 'suitable habitat for VGED':

- areas mapped as Plains Grassland (EVC 132\_61) within Figure 2
- properties to the south where Striped Legless Lizard (SLL) grids 1, 2 and 3 were established (Figure 4a). It is noted that the properties where SLL grids 1, 2 and 3 were established do not support Plains Grassland, but are likely to contain other habitat features such as surface rocks and cracking soils which could be suitable for VGED.

The removal of reference to 'and/or environmentally' and replacement of the DEECA VGED HDM with the identification of 'suitable habitat for VGED' areas will necessitate consequential updates to references in other draft amendment documentation including the PSP and Explanatory Report. Refer below to recommended updates to the UGZ1 ordinance requirements.

- It is acknowledged that the above-referenced DEECA advice dated 12 March was focused on the Bruce Creek Conservation Area in response to a specific query from VPA. DEECA recommends the inclusion of equivalent provisions (that is, conservation management plan, construction environmental management plan and land management plan) in the UGZ1, for the Golden Sun Moth and Tussock Skink Conservation Area, identified as 'conservation area' in Plan 1. This will necessitate consequential updates to references to differentiate the two conservation areas in Plan 1, UGZ1 ordinance requirements and updates to other draft amendment documentation including the PSP and Explanatory Report.

## 2.2 Applied zone provisions:

- The applied zone provisions for the Golden Sun Moth and Tussock Skink Conservation Area identified as 'conservation area' in Plan 1 is currently General Residential Zone. DEECA recommends the consideration of an alternative applied zone depending on future ownership (such as Public Park and Recreation Zone, Public Conservation and Resource Zone or Rural Conservation Zone) to ensure conservation objectives are achieved.

## 2.4 Specific Provisions – Subdivision, Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan:

- On the basis of the above comments, replace the trigger for the Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan to remove reference to the 'culturally and/or environmentally sensitive area' with:

*A permit must not be granted to subdivide land on or within 200 metres of Bruce Creek until a Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan [..]*

- Add requirements for the preparation of a Conservation Area Concept Plan and Interface Plan (for example, refer *Officer South (Employment) PSP* (November 2024) pages 53 and 90)
- Update the requirement for 'guidance on protecting and enhancing terrestrial habitats' (dot point 7) to include 'in accordance with *Growling Grass Frog Habitat Design Standards* (DEECA, 2017)'.

### 3.0 Application requirements, VGED:

- As identified above, DEECA recommends replacing references to the DEECA VGED Habitat Distribution Model (HDM) with the identification of 'habitat suitable for VGED' areas. On this basis, the following updated application requirement for VGED is recommended:

*An application to use or subdivide land or construct a building or construct or carry out works on a lot containing land shown on Plan 1 / Plan 6 of the incorporated PSP as suitable habitat for the Victorian Grassland Earless Dragon must be accompanied by an impact assessment for the species to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action.*

It is noted that the plan referenced differs in the draft UGZ1 ordinance between the VGED provisions at Clause 3.0 versus 4.0.

### 4.0 Conditions and requirements for permits, Land management plan:

- Update the requirement for revegetation to include reference to 'in accordance with the prevailing Ecological Vegetation Classes' (dot point 2).

### 4.0 Conditions and requirements for permits: VGED impact assessment:

- As identified above, DEECA recommends replacing references to the DEECA VGED Habitat Distribution Model (HDM) with the identification of 'habitat suitable for VGED' areas. On this basis, the following updated requirement for VGED is recommended:

*A permit granted to subdivide land or to construct a building or construct or carry out works on a lot containing land shown on Plan 1 / Plan 6 of the incorporated PSP as suitable habitat for the Victorian Grassland Earless Dragon must be in accordance with an impact assessment for the Victorian Grassland Earless Dragon species prepared to the satisfaction of the responsible authority under Clause 3.0 of this schedule.*

It is noted that the plan referenced differs in the draft UGZ1 ordinance between the VGED provisions at Clause 3.0 versus 4.0.

## **Schedule 2 to Clause 42.01 Environmental Significance Overlay (ESO2)**

DEECA acknowledges that draft Amendment C107gpla seeks to amend the boundary of the ESO2 (Watercourse protection) to 'remove it from the precinct, avoiding duplication of provisions relating to water quality and fauna and flora habitat adjacent to Bruce Creek that are addressed in the PSP and UGZ1' (refer Explanatory Report).

DEECA understands that ESO2 applies more broadly across watercourses within Golden Plains, rather than just Bruce Creek within the PSP. For instance, Clause 1.0 (Statement of environmental significance) of ESO2 states:

- *Water quality is important for urban and rural communities alike and consideration of downstream effects is essential. The Corangamite Catchment Management Board has identified high priority issues in the catchment as water erosion, eutrophication and the quality of groundwater.*
- *The protection of watercourses is necessary to prevent the degradation of the environment, with respect to water quality, habitat, vegetation and erosion.*

Given the broader application of ESO2 and noting that the provisions are not specific to the PSP, DEECA questions the strategic justification for its removal within the PSP on the basis of avoiding duplication.

**Bannockburn South East Precinct Structure Plan (PSP)**

DEECA provides detailed recommendations for updates to address environment and biodiversity considerations in the PSP in Attachment 1 to assist VPA.

If you require further information in relation to this matter, please contact Sarah Collie, Manager Housing Unit at [pe.assessment@deeca.vic.gov.au](mailto:pe.assessment@deeca.vic.gov.au)

Yours sincerely



12 June 2025

## ATTACHMENT 1

DEECA provides the following detailed recommendations for updates to address environment and biodiversity considerations in the PSP.

Please note that this does not include the referenced consequential updates necessitated by recommendations to UGZ1 as set out in the cover letter.

PSP reference(s)	DEECA recommendation
General	Consequential updates necessitated by recommendations to UGZ1 (refer cover letter) including the Bruce Creek Conservation Area, Golden Sun Moth and Tussock Skink Conservation Area and the identification of suitable VGED habitat areas.
General	References to the 'Growling Grass Frog conservation area' be replaced with Bruce Creek Conservation Area
General	References to the 'Growling Grass Frog Habitat Design Plan' be replaced with Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan
General	DEECA advises that Eastern Grey Kangaroos are present in the PSP. As such, DEECA recommends updates to the PSP to acknowledge their presence and addition of a guideline to demonstrate how the PSP will be staged to minimise the risk of the kangaroos becoming landlocked.
Section 1.4, Plan 1, Section 2.2 and Plan 6	Add reference the Bruce Creek Conservation Area and the Golden Sun Moth and Tussock Skink Conservation Area with description of ecological values including: <ul style="list-style-type: none"> <li>• <i>Flora and Fauna Guarantee Act 1988</i> (FFG)-listed Melbourne Yellow-gum, Tussock Skink, Common Onion Orchid, Cotton Fireweed, Western Basalt Plains Grassland Community, and</li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC)-listed GGF, Golden Sun Moth and Natural Temperate Grassland of the VVP</li> </ul>
Plan 1	In accordance with R18, update to include all significant trees / habitat areas clearly symbolised as native vegetation to be retained
Section 2.2	Add reference to maintenance of passage for fauna (particularly Growling Grass Frog, Golden Sun Moth and Tussock Skink) within the Bruce Creek Conservation Area and the Golden Sun Moth and Tussock Skink Conservation Area
Section 3.1.1	Update O2 to reference to the Bruce Creek Conservation Area and the Golden Sun Moth and Tussock Skink Conservation Area
Requirements R4, R12 and R36	Correct reference from <i>Design and construction standards for Growling Grass Frog passage structures</i> (DELWP 2016) to <i>Growling Grass Frog Crossing Design Standards</i> (DELWP, 2017)
Requirement R20	Update to state 'Revegetate the Bruce Creek Conservation Area to restore and enhance the Natural Temperate Grasslands and ensure protection of extant biodiversity values'
Requirement R31	Update to replace reference to <i>Commonwealth Scientific and Industrial Research Organisation Best Practice Environmental Management Guidelines for Urban Stormwater</i> with <i>EPA Urban Stormwater Publication 1739.1</i> and add reference to the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999) consistency with the submission from Barwon IWM Forum and to address harm to the environment through the development in the growth areas if stormwater volume is not adequately managed
Requirement R36	Add reference to <i>Growling Grass Frog Habitat Design Standards</i> (DELWP, 2017)
Guideline G21	Update to state opportunities will be provided for the community to access and experience the Bruce Creek Conservation Area

	and the Golden Sun Moth and Tussock Skink Conservation Area while acknowledging the primary purpose of these areas is to protect and manage threatened species and vegetation communities
Guideline G24	Update to ensure G24 does not contradict the retention of native vegetation required under R18; that is, reword to 'Where practicable, low and moderate arboricultural value trees should be considered for retention, protected and enhanced, and indigenous revegetation undertaken to provide habitat and movement corridors for local fauna'
Plan 4	Update to include the bushfire interface street nominated in Plan 8
Plan 6	Update to include all significant trees / habitat areas nominated for retention within conservation areas, local parks or pocket parks/tree reserves
Plan 8	Update to consider the Western Basalt Plains Grassland to be retained within the Golden Sun Moth and Tussock Skink Conservation Area
Appendix 5	Update outcomes to include Tree Protection Zones; that is, reword to 'Any public paths or infrastructure, including but not limited to drainage infrastructure must be designed and located to avoid or minimise disturbance to vegetation including, Tree Protection Zones and Growling Grass Frog habitat'