



Department of Energy, Environment and Climate Action

8 Nicholson Street
East Melbourne, Victoria 3001
Email: [REDACTED]@deeca.vic.gov.au
deeca.vic.gov.au

[REDACTED]
Senior Strategic Planner – New Communities
Department of Transport and Planning

Ref: CMS 00013051

Sent via email: [REDACTED]

Dear [REDACTED]

PUBLIC CONSULTATION ON THE MERRIMU PRECINCT STRUCTURE PLAN, NATIVE VEGETATION PRECINCT PLAN, DEVELOPMENT CONTRIBUTIONS PLAN AND DRAFT AMENDMENT C109MOOR TO THE MOORABOOL PLANNING SCHEME – DEECA RESPONSE

Thank you for notification of the Moorabool Planning Scheme Amendment C109MOOR (the Amendment) to the Department of Energy, Environment and Climate Action (DEECA) on the 10 March 2026. I am responding to you under delegation from the Secretary to DEECA.

The proposed Amendment introduces the Merrimu Precinct Structure Plan (PSP), the Merrimu Development Contributions Plan (DCP), and the Merrimu Native Vegetation Precinct Plan (NVPP). These documents are intended to guide growth in the precinct, facilitating the development of approximately 8,000 homes, supporting a new community of around 24,000 residents.

The Victorian Planning Authority (VPA) has engaged extensively with DEECA throughout the preparation of this Amendment. While DEECA supports the intent of the Amendment, there are outstanding matters previously raised that are not addressed in the exhibited documentation, alongside new matters. These should be resolved prior to finalisation of the Amendment.

Precinct Structure Plan (PSP)

Impacts on native vegetation and ecological communities from road upgrades

There are several local road connections from the PSP area onto Bacchas Marsh-Gisborne Road. DEECA notes that page 36 of the Landscape Character Assessment states, *'Entry to Merrimu via Buckleys Road is steep and narrow. Alternate entry points should be considered as part of the PSP process.'*

DEECA's past responses have not supported the upgrade of these roads or the construction of new roads from the PSP area onto the Bacchus Marsh-Gisborne Road due to the high level of native vegetation clearing and potential for significant future impact to *Flora and Fauna Guarantee Act 1988* (FFG Act)-listed Rocky Chenopod Open-Scrub Community that occurs along the road reserve. Managing these impacts should be considered further before the PSP is finalised, including options to avoid through alternate access (such as replacing Buckleys Road and Connector Road with alternate access points from the north of the PSP area).

Conservation Area Concept Plans (Appendix 5)

DEECA supports the integration of the conservation areas into the broader realm of public open space whilst maintaining and protecting the ecological values of the reserves.

DEECA reaffirms previously raised concerns regarding the incompatibility of the conservation management plans with the conservation objectives. This has not been addressed in the exhibited documentation.

- Features identified on Conservation Area plans in Appendix 5 of the PSP will likely impact the FFG Act-listed Western (Basalt) Plains Grassland community, threatened flora and fauna species and future management actions (such as ecological burning).
- Incompatible features include:
 - Paths traversing conservation reserves,
 - Tree planting (particularly in areas of grassland), and
 - Placement of other infrastructures (such as picnic tables).

DEECA would support a statement included within the PSP that specific conservation management plans will need to be developed for the conservation reserves, which should ensure the long-term protection and management of native vegetation and threatened species within the conservation reserves. This will align with the requirements in the Schedule to the Urban Growth Zone (UGZ).

The PSP identifies areas as 'landscape value' which include areas identified as conservation areas and biolinks in the Ecology and Heritage Partners (EHP) report. The PSP does not describe the landscape values areas, state their objectives or state their management actions. Acknowledging that 'landscape value' can be broader than conservation value, DEECA requests that any management plan for these areas includes conservation objectives for the areas of ecological values.

Bushfire Management Plan

Any areas within conservation reserves that are covered by a Bushfire Management Overlay will also need to be managed for conservation objectives. The opening paragraph of Requirement R71 within Table 21 should be modified to include the following underlined text:

- *Any vegetation located in a setback required for bushfire purposes must be managed in accordance with the following requirements, unless otherwise agreed by the responsible authority and relevant fire authority or relevant conservation management plan prepared in accordance with the requirements of Schedule 1 of the UGZ.*

Threatened Species and Communities

The PSP area contains threatened flora, fauna and listed communities under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and/or the FFG Act including:

- Spiny Rice-flower (*Pimelea spinescens* subsp. *spinescens*)
- Fragrant Saltbush (*Rhagodia parabolica*)
- Golden Sun Moth (*Synemon plana*)
- Tussock Skink (*Pseudemoia pagenstecheri*), and
- Western (Basalt) Plains Grassland.

DEECA recommends that the assessed removal and retention figures for all threatened species and communities are collated and stated within the PSP.

Additionally, DEECA recommends that a Salvage and Translocation Plan is developed for threatened fauna species, including Tussock Skink, Striped Legless Lizard and Fat-tailed Dunnart, should they be encountered during construction works.

Native Vegetation Precinct Plan (NVPP)

Inadequate Offset Statement

Section 10.1 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Version 1.1) (DEECA, 2025) (Native Vegetation Guidelines) sets out mandatory requirements for all NVPPs, including the need for an offset statement that *'includes evidence that an offset that meets offset requirements for the removal of native vegetation is available, and explains how it will be secured in accordance with section 9 of the Guidelines.'*

Section 4.1.1 in the NVPP acknowledges that substantial Species Habitat Unit (SHU) obligations apply and that none are currently available on the DEECA-administered Native Vegetation Credit Register (NVR). The NVPP states that the required SHUs will need to be established and recommends investigating opportunities for first-party offset sites within the precinct.

The quantities available for the SHUs for the 6 subject species are vastly insufficient for the scale of impacts within Merrimu. As a result, the offset statement provided does not meet mandatory NVPP requirements in the Native Vegetation Guidelines. The statement provides no factual certainty regarding the ability to meet Species Offset obligations. An acceptable offset statement in this context would:

- Identify the proposed offset site(s) boundaries,
- Provide at least in-principal agreement from the relevant landowner(s),
- Confirm that the expected SHU generation is sufficient to meet NVPP offset obligations, and
- Demonstrate that the proposed site(s) meet the eligibility criteria in Section 9 of the Native Vegetation Guidelines.

DEECA would expect that if SHUs are not able to be identified as available, then a strategy to ensure that they will be secured will be developed, with sufficient detail incorporated into the NVPP (e.g. an alternative offset arrangement). The SHUs for Small Golden Moths (*Diuris basaltica*), Fragrant Saltbush (*Rhagodia parabolica*), Heath Spear-grass (*Autrostipa exilis*), Melbourne Yellow-gum (*Eucalyptus leucoxylon* subsp. *connata*) and Bacchus Marsh Wattle (*Acacia rostriformis*), could be found in a single offset site as these species typically co-habitat. DEECA recommends that the proponent engages with an offset broker to investigate a site that could meet these requirements.

DEECA notes that for some species, particularly Victorian Grassland Earless Dragon (VGED), SHUs may be difficult to secure. The Native Vegetation Guidelines permit alternative offsetting arrangements where SHUs are not available to purchase, or an offset site containing these units cannot be secured due to the restricted amount of habitat available for the species. Any alternative offsetting proposal would need to be developed in consultation with and be approved by the Secretary to DEECA.

Expiry of the NVPP

DEECA requests the NVPP to have a specified expiry timeframe written within it. The NVPP expiry should read as follows:

The vegetation removal is done within the period of validity of this report. NVPP shall remain valid for a period of 10 years from the date of its incorporation into the Moorabool Planning Scheme under Clause 52.16. After this period, the NVPP will expire unless reviewed and endorsed by Department of Energy, Environment and Climate Action (DEECA) and the responsible authority. Upon expiry:

- *Any proposed removal, destruction or lopping of native vegetation within the precinct will require a new planning permit application under Clause 52.17, supported by current site assessments and offset calculations in accordance with the Guidelines for the removal, destruction or lopping of native vegetation, or its successor.*

- *Offset obligations identified within this NVPP will no longer be applicable unless secured prior to the sunset date.*
- *Landowners and developers must provide offset evidence to the responsible authority for all offsets secured under this NVPP.*

Victorian Grassland Earless Dragon (VGED)

As VGED is a highly cryptic species and given that one of the conservation reserves within the Merrimu PSP is identified as protecting VGED habitat, Condition 8 of the NVPP should be updated to also include VGED.

Urban Growth Zone Schedule (UGZ)

To improve clarity, DEECA recommends that an additional condition is included in the Schedule to the UGZ to specify that before development can occur; any properties that have not been assessed for biodiversity values must be assessed. This is a requirement of the NVPP and is also specified in the EHP report.

DEECA are supportive of the inclusion of the VGED condition within the UGZ Schedule.

Native Vegetation Mapping

The current mapping within the NVPP does not clearly illustrate native vegetation to be retained or removed (Map 2). This mapping needs to be at an increased scale so that a distinction can be made between threatened flora, patches to be retained or removed, and scattered trees to be retained or removed.

Additionally, the NVPP should also include a Table that outlines the native vegetation to be retained alongside its habitat zone label and area (in hectares) like Table 3.3 in the NVPP. DEECA suggests that Table 3.3 is amended to include the offset requirements per Zone ID including the proportional splitting of offset requirements as mentioned in 4.1.1, where patches span across different land ownerships.

Drafting Errors

DEECA have identified the following drafting errors in the NVPP:

- The supporting Native Vegetation Removal Report (NVRR) needs to reference an accredited native vegetation assessor.
- The purpose of the NVPP states that the PSP will be designed to support industrial and employment opportunities; however, DEECA understands that the PSP will support residential development.
- Section 2 indicates that the NVPP applies to properties that were partially assessed, where adequate assessments were completed (outside the 'Desktop Assessment Area'). Table 2.1 and Figure 1 appear to link the extent of the NVPP to all properties in the PSP. The table and figure should be amended to restrict the NVPP extent to those properties where a full suite of ecological assessments has been conducted.
- A 'Permit to Take' is required for the take of Protected Flora declared under the FFG Act on public land. The NVPP should state that it applies to public land.
- Table 3 should be amended to also include scattered trees for removal

- The numbers of Large Trees that will be lost and the number of Large Trees in the offset requirements are not consistent (for example, the offset requirements in Table 4.1 state 10 Large Trees are to be protected, and the offset statement references 21 Large Trees).
- Condition 2 in Section 6 refers to Appendix C as containing a map which shows the locations for additional surveys. The map is in fact Figure 10 in *Draft Report Existing Ecological Conditions: Merrimu Precinct Structure Plan, Merrimu, Victoria* dated November 2025 by Ecology and Heritage Partners (EHP report) but should be enlarged for legibility.

Urban Growth Zone Schedule (UGZ)

To improve clarity, DEECA recommends that an additional condition is included in the Schedule to the UGZ to specify that before development can occur; any properties that have not been assessed for biodiversity values must be assessed. This is a requirement of the NVPP and is also specified in the EHP report.

DEECA are supportive of the inclusion of the VGED condition within the UGZ Schedule.

Public Acquisition Overlay (PAO)

DEECA notes that the Public Acquisition Overlay (PAO) is proposed to be applied to areas of DEECA managed Crown land (south-east boundary of the PSP and directly impacting Pyrites Creek and associated creek frontage). DTP have informed DEECA that the application of the PAO on DEECA managed Crown land has mistakenly been applied and will be removed accordingly.

If you require further information in relation to this matter, please contact [REDACTED], Senior Planning Officer at [REDACTED]@deeca.vic.gov.au

Yours sincerely



Senior Manager, Major and State Projects
Planning and Environment Assessment

13 April 2026