

## Applications for amending or revoking conservation covenants

Clause 42 of Schedule 6 outlines the information required in an application for an amendment or revocation of a conservation covenant.

### Approval Sought

Approvals required for the BOGP that would otherwise be required under the Reserves Act relate to the amendment of an existing conservation covenant that applies to part of the Project Site. MGL seeks to amend the Bendigo Conservation Covenant (a copy is provided in Part E) to remove it from applying to land parcels within areas of Bendigo Station impacted by the BOGP. The covenant would continue to apply to the surrounding land.

**Table 2: Assessment of amendment of covenant in relation to relevant information requirements**

| Relevant section | Is the information present?<br>Y/N | Application document reference | Is the information provided in sufficient detail? Y/N | Comments |
|------------------|------------------------------------|--------------------------------|---|----------|
|------------------|------------------------------------|--------------------------------|---|----------|

Schedule 6 clause 42 - For the purposes of section 43(3)(g), an application for an amendment or revocation of a conservation covenant must include the following information:

|  |     |  |     |  |
|--|-----|--|-----|--|
| (a) a general assessment of the values protected by the covenant (informed by the covenant purpose and objectives), including the extent of any values of regional, national, or international significance: | Yes | A.15 (pgs 139-144)<br>A.13<br>B.19 (pg 22) | Yes | <b>Information present and sufficient</b><br>Noting that information provided is a general assessment and lacks consideration of the values informed by the covenant objectives. DOC has identified gaps in the heritage, recreation, landscape and biodiversity considerations. |
| (b) if the application relates only to a portion of the area protected by a conservation   | Yes | A.15 (pgs 144-148)                         | Yes | <b>Information present and sufficient</b><br>As above.   |

| Relevant section   | Is the information present? Y/N | Application document reference                   | Is the information provided in sufficient detail? Y/N | Comments   |
|--|---------------------------------|--|---|--|
| covenant, a description of the area affected, and the values contained within it:  |                                 | A.13   |   |  |
| (c) assessment of impacts of the project on those values and any proposed methods of addressing those impacts:                   | Yes                             | A.15 (pgs 148-155)<br>A.13<br>B.34 (pgs 177-179) | Yes   | <p><b>Information present and sufficient</b><br/>           As above. Additionally, it is noted whilst the impacts on these values are addressed at a high level, DOC has identified gaps in the heritage, recreation, landscape and biodiversity assessments which mean impacts may not be fully identified.</p> <p>Proposed heritage mitigation includes recording of sites that would be lost, development of new public access to CIT battery (separate concession application), and proposed restoration work to CIT battery which would require separate approvals not sought in this process.</p> |
| (d) whether and to what extent the values that will be impacted by the project are found elsewhere in any part of the covenanted | Yes                             | A15 (pg 154)<br>A.13                             | Yes   | <p><b>Information present and sufficient</b><br/>           Noting the assessment of values in the area which will remain covenanted is also limited.</p>  |

| Relevant section   | Is the information present? Y/N | Application document reference                           | Is the information provided in sufficient detail? Y/N | Comments  |
|--|---------------------------------|--|---|---|
| area that will remain subject to the covenant protection:  |                                 |  |   |   |
| (e) the contact details of the owner of the burdened land or, if the covenant relates to more than 1 parcel of land, of the owner of each piece of land that will be directly affected by the proposed activity: | Yes                             | F.02   | Yes   | <b>Information present and sufficient</b><br>Noting postal contacts only have been identified         |
| (f) the written consent to the proposed amendment or revocation of each person referred to in paragraph (e):   | Yes                             | F.05 (pgs 1-2)   | Yes   | <b>Information present and sufficient</b>   |
| (g) if the covenant was granted in favour of a local authority or other body under section 77 of the Reserves Act 1977, the written consent of that local authority or other body:                               | N/A                             | N/A  | N/A   | N/A<br>Covenant is in favour of Minister of Conservation therefore no requirement for other approval. |
| (h) (i) details of the covenant, including—  |                                 |  |   |   |
| (i) the addresses of all land subject to the covenant:   | Yes                             | F.02 (pg 2)  | Yes   | <b>Information present and sufficient</b>   |
| (ii) a copy of the covenant deed and any variations.   | Yes                             | E.04 (pgs 1-7)<br>E.03 (pgs 1-17, 22-27, 70-81, 138-145) | Yes   | <b>Information present and sufficient</b>   |

Appendix 2 – Applications for amending or revoking conservation covenants – completeness assessment

| Relevant section | Is the information present?<br>Y/N | Application document reference | Is the information provided in sufficient detail? Y/N | Comments |
|------------------|------------------------------------|--------------------------------|---|----------|
|                  |                                    | E.05 (pgs 1-2)                 |   |          |