

MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENTAL MITIGATION LEVY) ACT 2020

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Many will be familiar with for the requirement for the payment of Habitat Compensation Levies in areas covered by the Biodiversity Conservation Strategy (BCS). Plans of Subdivision were referred to DELWP with the requirement to pay the levy prior to gaining consent to certification & Statement of Compliance.

The Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 commenced on the 1st July 2020 and brings with it significant changes to the process for paying Habitat Compensation Levies or MSA levies as they are known in the Act.

This process has been completely removed from the Planning Permit process and will now mirror the GAIC (Growth Areas Infrastructure Contribution) payment process.

The liability to pay an MSA levy will be triggered when one of the following events occur:

- Issue of a Statement of Compliance for a plan of subdivision
- Application for a building permit
- Approval of a work plan under the Minerals Resources (Sustainable Development) Act
- Construction of utility infrastructure on Crown Land
- Construction of a road on Crown land.

For a subdivision where Statement of Compliance has issued within an MSA area the following will occur:

- DELWP will issue a levy assessment notice to the landowner
- Once the levy is paid, DELWP will issue the appropriate certificate
- This certificate is presented to Land Use Victoria when lodging the plan of subdivision. Note LUV cannot accept the lodgement without the MSA certificate.

You will also see a notice on the Folio of the Register referring to Section 45 of the Melbourne Strategic Assessment Act 2020 for land where the MSA levy may be payable.

For more detail please refer to the MSA website: www.msa.vic.gov.au