

SUBMISSION

From: SAVE THE HOLDEN BUSHLANDS

Spokesperson: (redacted)

To: Department of Environment, Land, Water & Planning

planning.implementation@delwp.vic.gov.au

17/07/2020

Dear Sir/Madam,

STRATEGIC EXTRACTIVE RESOURCE AREAS (SERA) PILOT PROJECT

I write on behalf of 'Save the Holden Bushlands' an alliance of community representatives dedicated to the protection of significant flora and fauna at the Holden Proving Ground site in Lang Lang. We also have a broader objective to see existing remnant vegetation and habitat combine to create a biodiversity corridor running through Cardinia and Bass Coast Shires along the eastern shoreline and foothills of Westernport and the Bass River catchment.

Against this background we wish to make a submission to the pilot project as follows.

The project report identifies issues facing extractive industry and, in its words, (page 87) *seeks to use the planning system to provide greater protection for strategic resources in Victoria.*

Our main concern is that the project appears to elevate the importance of extractive resources at the expense of the natural environment and other key planning considerations.

The draft changes to planning policy and statutory controls, set out in the report, make it clear that extractive resources are intended to be given an equivalent level of protection as the brown coal resources in the Latrobe Valley – with a far reaching planning overlay applied in a blanket fashion without detailed analysis and proper consideration of sensitive environments.

Further, local communities will be shut out of the planning process with the new overlay avoiding public notification and normal third party participation.

Our concern is also with the coverage of the proposed overlay that will apply to the existing resource, also future expansion opportunities and buffer areas.

In our opinion this is a step to provide planning certainty for extractive resources that is totally out of balance with present planning processes.

An example highlighted in the report (page 73) with regard to Adams Creek Reserve shows that even areas of high strategic biodiversity values are not off-limits from being covered by this blanket 'State Resource Overlay'. The report states that *the high biodiversity of the area does not necessarily restrict or impinge upon quarry operations* and goes on to say that any offsets may likely be more onerous given the quality of ecology and high biodiversity value.

This is reinforced on page 77 where the report states that areas with high biodiversity value have been included within the proposed SERA boundary *because high biodiversity values present in the area do not restrict quarry operations. Any expansion of quarries would require necessary approval if biodiversity was to be impacted.*

The assessment process, as portrayed above, suggests the environment is an impediment or constraint that can easily be overcome.

This clearly has the appearance of paying lip service to environmental issues and a strong reason why this pilot project appears flawed and lacking the input of broad expertise.

The messages in the report (page 20) suggest that proponents for extractive industry approvals find the process *too long, costly and uncertain* and that biodiversity requirements are a key constraint and bring very high upfront costs.

We believe it is an improper use of the Victorian planning system to address such challenges like these with a 'one sided' overlay as proposed, where the normal planning considerations are scant and the community is shut out of any involvement.

In effect an endeavour to 'neutralise' the planning process to support this one activity; notwithstanding its importance to the construction and infrastructure sectors of the economy, is a basic denial of fundamental community rights and poses grave danger to ecological and environmental imperatives.

Our group firmly believes the approach should involve a careful consideration and balancing of all the competing objectives, where areas of high environmental significance are given appropriate weighting, and not waved away in the manner this pilot project appears to outline.

The report could not be more emphatic about its intentions when it sets out the advantages to industry of this approach (page 98) that include *Increased policy protection and certainty for extractive industry already operating* and *In future resource areas, designation as a SERA removes the requirement to justify if extractive industry is an appropriate use of the land. This removes the tension between industry, local government and local residents.*

This is code for saying that the classification of a broad area as a SERA lowers the bar and threshold question as to whether the land in question is suitable for extractive industry (in other words other considerations like the environment take on lesser importance).

Of course, removal of third party participation in the planning process removes a clear tension in that the community has no say in any further decision making for extractive proposals within the SERA area.

Notwithstanding that the community is removed from the process (and are not informed about an application, cannot object at the Council level or take matters to VCAT) applications for extractive industry may still proceed to VCAT; when, for example, a responsible authority rejects an application or sets down permit conditions that industry may see as onerous.

In these circumstances VCAT will then be faced with making decisions where the bar is much lower as the threshold policy outlined in this report will mandate that extractive industry within a SERA has priority; the requirement to justify it as an appropriate use of the land will have been removed.

The map on page 102 of the report demonstrates the wide and blanket coverage of a potential SERA (and State Resource Overlay) in South Gippsland Shire. The area concerned includes a nature conservation reserve and natural environment that has been given little consideration in this report.

The report makes it clear that further SERAs will be rolled out around the state in other areas viewed as being strategically important for the supply of extractive resources.

It seems ironic that proximity to Melbourne is valued for obtaining the extractive resource yet a lesser value is placed on the impact of such activity on the riparian habitat and flora and fauna (endangered and otherwise) of the proposed SERAs – in fringe areas of Melbourne so critical to maintaining the green wedges, natural environment and health of the community.

Put another way, the proposal appears to trade away endangered species and habitat for Melbourne's infrastructure (car parks, bridges and the like) without appropriate mechanisms for community input to question or seek redress for the environmental damage and incremental degradation that inevitably accompanies such quarrying, when areas are not properly investigated beforehand.

In conclusion, our group views with great concern the approach followed in this report where environmental considerations appear secondary and the community is to be excluded from further consideration of proposals that fall within a designated SERA.

We call on the Victorian Government to halt the roll out of any SERAs until there is a proper environmental analysis made of any such areas (in this case the first two pilot areas) and the potential impacts on the natural environment, especially fauna and flora, on habitats, corridors and local watercourses is carefully assessed – and the community is further consulted.

Key regional biodiversity corridors, tracts of remnant vegetation and bushland, flora and fauna reserves together with state and national parks must surely be areas at the top of the list where the sort of 'broad brush' planning approach pursued in this report is so unsuited to achieving the best outcomes for the community and future generations.

We would be pleased to elaborate further on our views if required.

Yours sincerely,

(redacted)