

Ingrid Stitt
Minister for Environment
Tenancy 2, 80 Carmody Drive
Cairnlea VIC 3023

24 April 2023

Cc: Sonya Kilkenny, Minister for Planning
Arvid Pluschke, Acting Director, Victoria Assessments, DCCEEW
Gareth Smith, Director City Planning and Economy, City of Greater Geelong
Jessica Hurse, Manager Planning and Growth, City of Greater Geelong

Dear Minister Stitt,

Re: Protections for environment under the Geelong Strategic Assessment

The North West Alliance is a coalition of organisations and local community members which holds serious concerns that the planning process in relation to the Northern and Western Geelong Growth Areas and the Geelong Strategic Assessment does not give appropriate due consideration to the environmental values of the growth areas.

We understand the need for sustainable urban design based on sound planning principles. Strategic assessments are, at least on paper, a good idea, taking a whole-of-landscape approach to the conservation of natural values. But the process to date has left us with little confidence in the Geelong Strategic Assessment. The 'strategic' component of this development process currently lacks important detail. Nature is seemingly being relegated to second place to offset-driven development. Communications from the City of Greater Geelong have raised many more questions than they have provided answers.

Our concerns include the following.

1. Failure to conserve areas of good biodiversity

- 1.1. The draft EPBC Plan mapping shows only a single conservation area of approximately 100 ha in the Northern Geelong Growth Area. This is despite the Northern Geelong Growth Area containing 693.69 ha of confirmed Golden Sun Moth (listed as Vulnerable under EPBC Act) habitat, an additional four distinct areas of Striped Legless Lizard (listed as Vulnerable under EPBC Act) populations and one patch of Natural Temperate Grassland of the Victorian Volcanic Plain. A less than 1:6 ratio of protected habitat to cleared known habitat for Matters of National Environmental Significance shows disregard for the concepts of avoid and minimise. Authorities appear to have leapt straight to offset, with one conservation area apparently a token effort.

- 1.2. In the Northern Geelong Growth Area, all four Striped Legless Lizard populations should be protected, as well as the patch of Natural Temperate Grassland of the Victorian Volcanic Plain. These areas need a conservation buffer zone of minimum 100 m around them to minimise future impacts of adjacent land use and to allow for passive recreation and engagement opportunities adjacent to areas of conservation significance.
- 1.3. In the Northern Geelong Growth Area, the proposed conservation area should be expanded to include contiguous or near contiguous areas of Western (Basalt) Plains Grassland. See figure 1.
- 1.4. In the Western Geelong Growth Area, the only areas currently being conserved under the draft EPBC Plan are along Cowies Creek and the Moorabool River, despite hundreds of hectares of Plains Grassland being present. See figure 2.
- 1.5. 'Opportunity areas' are shown on some mapping provided to us, but these appear to be simply waterways. There is no inclusion of any thinking relating to the discovery of multiple Striped Legless Lizard populations or almost 700 ha of Golden Sun Moth habitat. We have no confidence that 'opportunities' will become areas of actual conservation. To list them as only opportunities fails to strategically assess the entire landscape – which is the whole point of having a strategic assessment. Moreover, these 'opportunity areas' may be destined to become multi-use parks through the PSP and development process, negating their conservation value and further undermining any strategic outcomes from a biodiversity perspective.

2. Waterways

- 2.1. Waterway mapping appears to ignore ephemeral waterways. There is also a question of floodplain mapping – we have been told that the extent of the floodplain for the Moorabool River at the western edge of the Western Geelong Growth Area is yet to be determined and will not be determined until after the Biodiversity Conservation Strategy is finalised. This appears to be a failure of proper process.
- 2.2. According to the Biodiversity Dataset for Northern and Western Geelong Growth Areas (BDNWGGA), the absence of Australian Grayling and Little Galaxias in the Western Growth Area is believed to be caused by quarry-related structures downstream in the Moorabool River. It is important to acknowledge this impact and formally endorse the planned removal of these structures as part of this process.
- 2.3. Development should not occur on floodplains except to improve Integrated Water Management outcomes or to provide for biodiversity and recreation. Recent flooding across Australia has shown the planning failures associated with development on floodplains and areas likely to be impacted by inundation. The lack of appropriate modelling in this regard is concerning.
- 2.4. Conservation buffers along waterways need to be a minimum 200 m (Figure 2). Currently the Western Geelong Growth Area conservation areas are shown as 100 m. Choke points that compromise the ecological function of the entire system must be avoided. Conservation buffers should not be compromised by becoming locations for infrastructure such as pipelines. As acknowledged in the BDNWGGA, "an increase in human activity adjacent to Cowies Creek and the Moorabool River is likely to increase the threats to the Australian Grayling". Buffer zones need to be designed to minimise these impacts.

- 2.5. It is imperative that flows from septic tanks do not compromise water quality. Additionally, treated wastewater should not be discharged into the Moorabool River due to the risk of bioaccumulation of emerging contaminants, such as pharmaceutical compounds.
- 2.6. It is highly recommended that stormwater containment and treatment adhere to world-class standards before being discharged into the Moorabool River. Additionally, there should be no allowance for net nutrient increases within the river due to stormwater movement.

3. Biolinks

- 3.1. We are told determination of biolinks will occur during the PSP process. This runs counter to the intentions of a strategic assessment: to do planning for biodiversity early to avoid inevitable land use conflict later. Biolinks have to be put in place at the whole of landscape scale, that is one of the objectives of the Geelong Strategic Assessment.
- 3.2. Biolinks need to be substantial in width to allow proper functionality, and wider still if they are to include areas of passive recreation, bike paths and so on. Waterway biolinks need to include a minimum of a 200 m buffer. Biolinks need to link not only areas of conservation value within the Northern and Western Geelong Growth Areas, but also to areas of conservation significance outside the Northern and Western Geelong Growth Areas.
- 3.3. Potential biolinks include the full length of the railway line, which is known to have many good patches of remnant vegetation.

4. The quality of existing data

- 4.1. Substantial areas have not been subject to fauna and flora surveys, partly due to lack of access to private land, partly because no attempts have been undertaken. The EHP report *Existing Ecological Conditions: Northern and Western Geelong Growth Areas – July 2021* states that “Based on visual assessments from the roadside, it is likely that additional areas of the NTGVVP community occur in unassessed areas within the NGGA. It is recommended that CoGG further investigate the possibility to gain access to parcels that have not been surveyed to determine the presence of the NTGVVP ecological community” (p. 82). This recommendation must be acted upon. The likely presence of Natural Temperate Grassland of the Victorian Volcanic Plain should factor into conservation decisions.
- 4.2. We also note that the large block that spans the Northern Geelong Growth Area boundary just south of the quarry has not been surveyed, though is highly likely to contain significant populations of Golden Sun Moth and Striped Legless Lizard.
- 4.3. There is a significant chance that small but important areas of grassland have been overlooked across the Growth Areas. This is a matter of particular concern for grassland ecosystems, with many of the best quality patches of grassland remaining in Victoria being small. It is well known that big is not necessarily better when it comes to grassy ecosystems. It is important to consider that small patches can be protected, and that restoration works can work out from these remnant cores to create larger robust areas of good quality grassland. This is being undertaken at the Western Grassland Reserve. It is also a strategy that has proved effective through a number of roadside restorations in Victoria.

- 4.4. Some significant species and communities have been overlooked in the survey process, e.g. Plains Wanderer, and Seasonal Herbaceous Wetlands, both of which have a reasonable likelihood of being present. It is also important to reconsider the presence of Grassland Earless Dragon given its confirmed sighting nearby. Further, the EHP Existing Ecological Conditions: Northern and Western Geelong Growth Areas – July 2021 report (p. 81) states that “The previous assessments completed identified the potential for a single nationally listed ecological community to occur, the Natural Temperate Grassland of the Victorian Volcanic Plain” – but we know previous assessments were inadequate, so it is unreasonable to place too much weight on their assertion that only a single EPBC-listed community is present. In addition, the determination of which species to survey for is based on the recorded presence of existing flora, but there are almost no survey records for flora in the surrounding areas – not because of lack of biodiversity values, but because it is farming land that has never been surveyed.
- 4.5. No methodology has been provided for how data has been aggregated.
- 4.6. Surveys focus on Matters of National Environmental Significance, not state and local significance.
- 4.7. We have been told that the biodiversity dataset is locked-in for the two PSPs being ‘fast-tracked’ for development, Elcho Road East and Creamery Road. This highlights the fact that aspects of this development are being rushed through without concern for appropriate process.
- 4.8. In order for biolinks to be most effective, they will need to link to areas of conservation significance beyond the Northern and Western Geelong Growth Areas. However, no data is presented to suggest where such biodiversity values might lie. Good work is being done within the City of Greater Geelong to identify biolinks across the municipality, but this does not appear to have been incorporated into the Geelong Strategic Assessment.

5. Offsetting

- 5.1. The current EPBC Plan appears to rely heavily on offsetting to the detriment of conservation of existing areas. In the Northern Geelong Growth Area, a ratio of less than 1:6 of protected habitat to cleared known habitat for Matters of National Environmental Significance is currently proposed. This approach fails to appropriately consider the avoid and minimise conditions for native vegetation removal. It is a fallacy to assert offsetting provides net gain. The extent of grassland, and the numbers of Golden Sun Moth and Striped Legless Lizard, all continue to decline, and the current Geelong Strategic Assessment is only adding to that decline.
- 5.2. All offsetting should occur in similar habitat as close to the new growth areas as possible, with no offsets located more than 20 km away.
- 5.3. No evidence has yet been shown that the vast amounts of offsetting that this current plan relies on will be available, affordable or appropriate.
- 5.4. The typical offsetting regime, in which land is intensively managed to good condition for ten years, is inappropriate for grasslands. Grasslands are not like forests. Leave a forest alone and it gets better. Leave a grassland alone and it gets worse. Grasslands require regular biomass removal forever, not just for ten years. Weed issues will also likely require considerable ongoing inputs. These perpetual management requirements demand a system that allows for perpetual funding.

- 5.5. Offsets should be purchased within the next three years, in targeted locations that either help create new or better biolinks or expand upon current areas of high biodiversity. This may involve paying some landowners a premium above current land values so that the key sites can become public land. An alternative is to pay landowners to place a covenant on their land and then improve and maintain habitat.

6. Restoration

- 6.1. We have heard nothing about restoration. Is there any intention to try to reverse the declining conservation values of this landscape, or is further loss of nature through offsetting the only conservation outcome?
- 6.2. Much of the land is being dismissed as 'degraded', ignoring the fact that, despite the high presence of exotic species, these are nevertheless grassy ecosystems with important biodiversity and ecological values. This emphasis on 'degraded' also ignores the fact that with time, patience and good management these communities can be moved towards more natural native grassland ecosystems.

7. Lack of detail regarding governance issues

- 7.1. We require assurances that good governance frameworks will be in place. Given the process to date, we have substantial concerns in this area. How will monitoring be undertaken in a manner that ensures appropriate ecosystem values are being captured? What targets are going to be set? How will compliance be ensured? At the moment we are hearing references to the CaLP Act, which is effectively toothless when it comes to any compliance matters.
- 7.2. Will areas to be conserved be required to be restored to their timestamped quality? If so, will the landholders who allow continued degradation following timestamping be held to account for that loss of biodiversity? Or will the taxpayer be required to foot that bill?

8. Lack of interim management

- 8.1. We are told that the biodiversity values are in general decline across the GSA area, yet City of Greater Geelong is making little effort to ensure biodiversity values are being maintained across the landscape prior to final land use determination. Very importantly, this failure to act in a strong, integrated manner, and to actively support current land holders with incentives, will lead to long-term loss of conservation values and greater management costs in perpetuity.

9. Tenure and acquisition of conservation areas

- 9.1. No detail has been provided for the final tenure of conservation areas. Future tenure needs to be established early for long-term conservation benefits.
- 9.2. No detail has been provided of when conservation area land will be acquired. Early acquisition is essential to minimise costs as land value increases, and to reduce substantial future management costs as well.

10. Management of biodiversity areas

- 10.1. Biodiversity conservation areas must be managed primarily for their conservation values to allow biodiversity targets to be met. There will be immense pressure to turn as much public land as possible into public recreational zones.
- 10.2. To maximise conservation outcomes, we suggest that an organisation such as the Ballarat Environment Network or the Nature Glenelg Trust will deliver better on-ground conservation outcomes than Parks Victoria. Parks Victoria is overburdened, a situation that would only be exacerbated by it having to manage vast areas of the Western Grassland Reserve in coming years.

11. Cultural heritage

- 11.1. No mention has been made of cultural heritage. Have agreements been made with the Wadawurrung? Without a Cultural Heritage Management Plan in place early, many important conservation management measures cannot be undertaken (e.g. those causing soil disturbance), to the detriment of biodiversity outcomes.
- 11.2. Cultural Heritage Plans must be completed before any PSP process gets to public engagement.

12. Controls on land uses adjacent to areas of conservation value

- 12.1. It is important to limit the land uses adjacent to conservation areas to maximise the effectiveness of those conservation areas. Light spill, pollutants of all types, noise, vehicle–animal interactions, fencing, and planting palettes, are among the many interface issues that can impact conservation efforts. Levels of risk associated with various land uses also need to be considered. While ‘buffers’ (e.g. 25 m) are a common move to minimise such impacts, this simplistic one-solution-fits-all approach misses the opportunity for a more effective approach to planning.

13. Funding

- 13.1. Monies raised through a developer levy scheme need to be sufficient to ensure that long term (i.e. significantly greater than 10 years) management for conservation is fully funded.
- 13.2. Land for conservation needs to be purchased upfront. It may be necessary to pay a premium price for offsets to ensure local offsets are obtained that meet conservation needs such as creating and strengthening biolinks and areas of high-value biodiversity.
- 13.3. The applicable uses of the developer levy need to include all matters essential for long-term health of these ecosystems, including community engagement, signage, and restoration programs.
- 13.4. It is important to note that a reconsidered funding model and offset priorities will likely mean that the proposed \$130M will not be sufficient.
- 13.5. Mechanisms will need to be in place to be able to increase the developer levy if conservation goals require increased funding.

14. The above matters suggest that commitments under the FFG Act are not being met

- 14.1. Section 4B of Victoria’s Fauna and Flora Guarantee Act requires matters of biodiversity significance to be given their due weight. The City of Greater Geelong appears to be

abrogating its responsibilities in this matter. Section 4B of the FFG Act requires Ministers and public authorities to give proper consideration of objectives:

1. In performing any of their functions that may reasonably be expected to impact on biodiversity in Victoria, including a function under this Act or any other Act, a Minister and a public authority must give proper consideration to the objectives of this Act, so far as is consistent with the proper exercising of their functions.
2. In addition to subsection (1), a Minister and a public authority, so far as is consistent with the proper exercising of their functions, must give proper consideration to any instrument made under this Act, including—
 - a) the Biodiversity Strategy; and
 - b) action statements; and
 - c) critical habitat determinations; and
 - d) management plans.
3. Without limiting subsections (1) and (2), consideration must be given to the potential impacts on biodiversity, including—
 - a) long and short-term impacts; and
 - b) beneficial and detrimental impacts; and
 - c) direct and indirect impacts; and
 - d) cumulative impacts; and
 - e) the impacts of potentially threatening processes.
4. The Minister may make guidelines in relation to the proper consideration of the objectives of this Act and the instruments made under it by public authorities.

Conclusions/Summary

These are all substantial issues that need to be addressed. Currently we are being presented with draft plans that suggest very poor outcomes for nature across the entire Northern and Western Geelong Growth Areas.

We do not believe that the proposed consultation process will be sufficient to address these matters, hence we are contacting you now to highlight our growing concerns about the rushed and destructive Geelong Strategic Assessment process as it is being undertaken at present.

What we want, in brief, is:

- Greater security for biodiversity and less emphasis on developer-friendly offsetting
- Where offsetting must occur, offsets must be kept local (within 20 km)
- Upfront purchase and management of conservation areas
- The immediate implementation of an interim management strategy
- Actions that allow for improved health of the Moorabool River and Cowies Creek, including minimum 200 m conservation buffers and no floodplain development
- No PSP gazetted until all survey and other actions associated with an appropriate Cultural Heritage Management Plan are implemented
- Strong governance provisions for oversight, protection and compliance
- Targets that encourage restoration, not simply business-as-usual management
- Proper adherence to the FFG Act

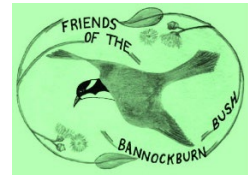
- Biolinks to strengthen biodiversity values within and beyond the growth areas
- Better baseline data to make this strategic assessment more truly strategic
- Detailed response to these concerns and more engagement from City of Greater Geelong prior to the proposed June 2023 release of the GSA documents for public consultation.

We urge you to ensure that these concerns are addressed, that a genuine community consultation process is followed, and that the strategic assessment truly works to preserve nature across the whole of the Northern and Western Geelong Growth Areas. We reiterate that we are not opposed to the Strategic Assessment process per se, but rather wish to see a genuinely strategic process that puts the protection of nature front and centre.

Sincerely,

Adrian Marshall, on behalf of:

Batesford Fyansford and Stonehaven Landcare Group
 Cool Geelong
 Friends of Cowies Creek
 Friends of the Bannockburn Bush
 Geelong Field Naturalists Club
 Grassy Plains Network
 Parents for Climate Action Geelong - Bellarine – Surfcoast
 People for a Living Moorabool
 Victorian National Parks Association
 VVP Biosphere



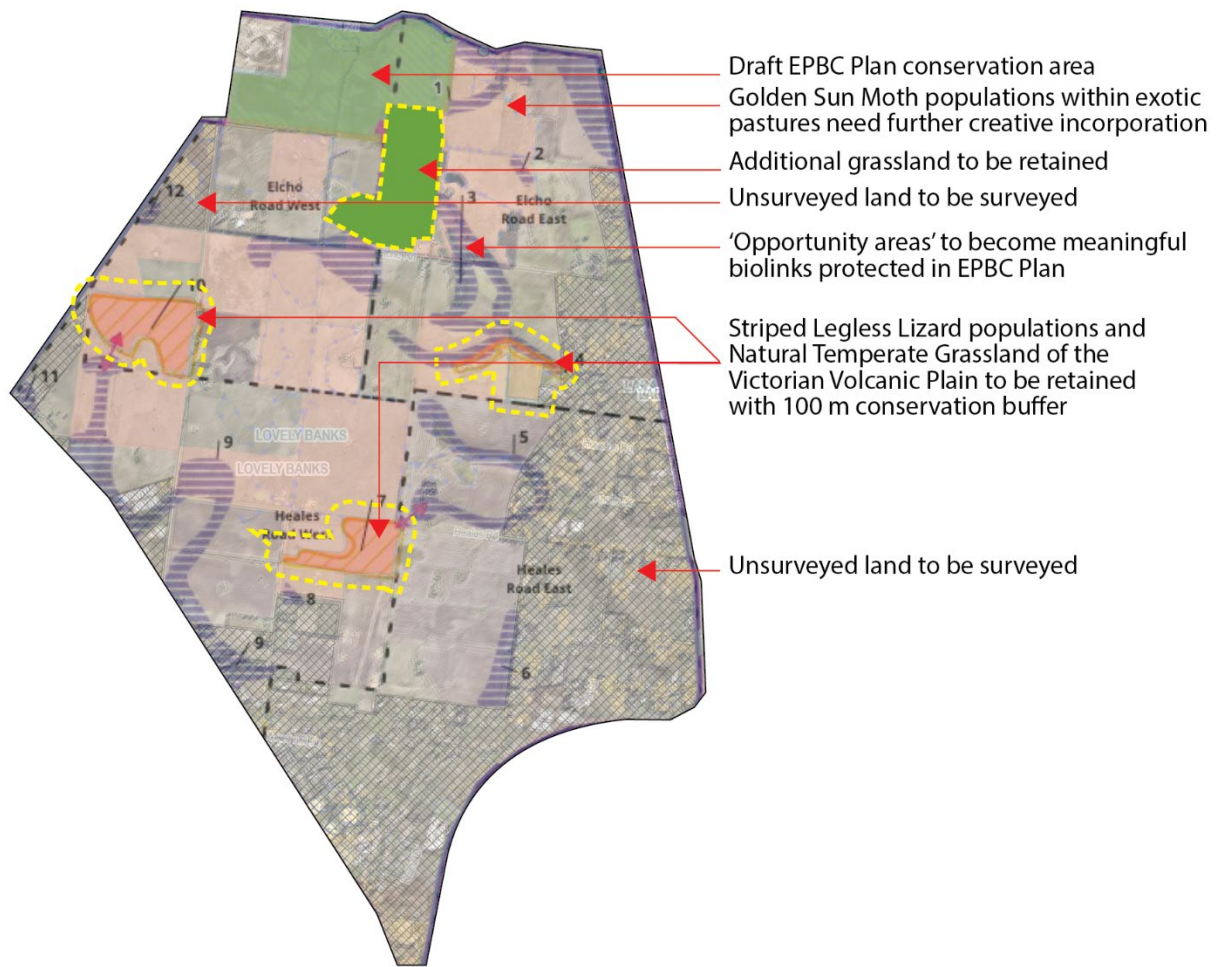
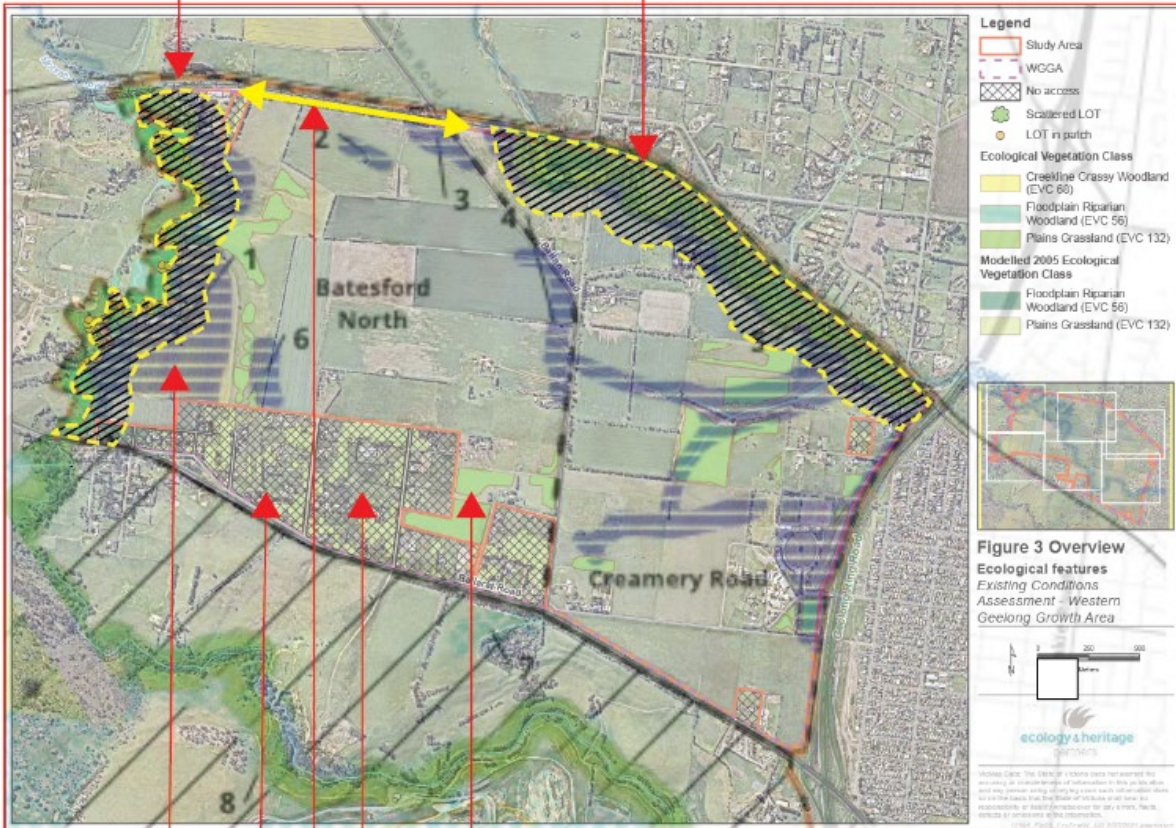


Figure 1: Proposed approach to retention of conservation values within the Northern Geelong Growth Area

Ensure minimum 200 m buffer to waterway conservation areas



Retain some additional grassland

Unsurveyed land to be surveyed

Use railway line as biolink

'Opportunity areas' to be biolinks protected in EPBC Plan

No construction on floodplain or land subject to inundation

Figure 2: Proposed approach to retention of conservation values within the Western Geelong Growth Area