

July 24 2020

Response by the Victorian National Parks Association to the Strategic Extractive Resource Areas Pilot Project

Thank you for the opportunity to respond to the Strategic Extractive Resource Areas Pilot Project for the Wyndham and South Gippsland pilot areas.

The Victorian National Parks Association (VNPA) is an independent member-based organisation, working to improve protection of Victoria's biodiversity and natural areas, across land and sea. The VNPA has been actively working to protect Victoria's biodiversity for over 60 years.

Summary

The VNPA sees the loss of remnant vegetation and the fragmentation of threatened species habitat as one of the most serious biodiversity issues our state is facing.

After careful consideration the VNPA considers the Strategic Extractive Resource Areas Pilot Project as lacking due consideration of the impact of the extractive resource industry on the unique and threatened biodiversity values on the sites under consideration. The importance of intact tracts of native bushland for the persistence of threatened species cannot be underestimated.

Both of the proposed mine sites are within highly cleared bioregions of the Victorian Volcanic Plains and Gippsland Plains and if implemented as planned in the draft would see the clearing of substantial amounts of remnant native vegetation. This clearing will significantly exacerbate impacts on remnant native vegetation and essential habitat for threatened species.

As seen in the graph below (Figure 1), both the Victorian Volcanic Plains and Gippsland Plains bioregion are some of the most cleared bioregions in the state. The Victorian Volcanic Plains is the most cleared bioregion in the state.

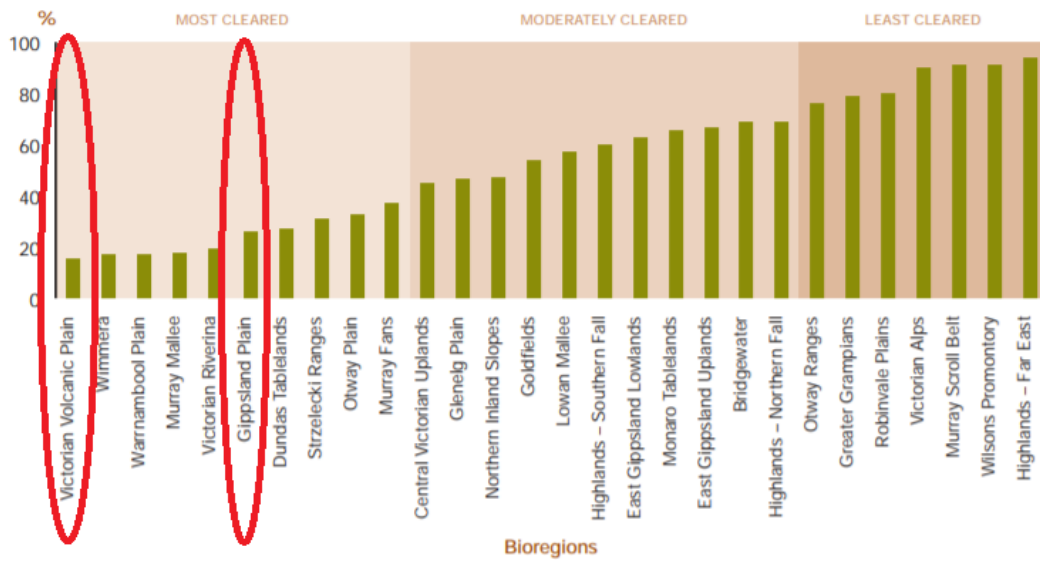


Figure 1. Proportion of native vegetation in fragmented landscapes in each bioregion (VEAC 2010)

The Wyndham site is within the proposed Western Grasslands Reserve which contains Victoria's rarest vegetation type and a Matter of National Significance under Federal law: Victorian Volcanic Plains (VVP). With less than the 5% of VVP left in existence, and less than 1% in good condition, it is critical that remaining extant areas are not cleared or impacted. This is clearly the case for areas that have already been identified to be protected in conservation reserves.

Any proposed disturbance in the South Gippsland site will directly affect the viability of the Adams Creek Nature Conservation Reserve and its rich assemblage of native flora and fauna, including the Southern Brown Bandicoot population that is present in the area.

These impacts have not been adequately covered in regard to these proposed sites.

Parcels to be removed from the draft SERA

Wyndham investigation pilot SERA

Within the proposed Wyndham Investigation Area an array of environmental concerns are present but have not been adequately addressed in this draft.

Western grasslands Reserve

The Western Grassland Reserve (WGR) is part of an offset program called the Melbourne Strategic Assessment (MSA) and would see 15,000-hectares of Natural Temperate Grassland as well as a range of habitat types including ephemeral wetlands, waterways, Red Gum swamps, rocky knolls and open grassy woodlands protected (DELWP 2020).

We note that, the SERA draft notes that an active quarry and quarry proposal are located within the Western Grasslands Reserve which have been made since the establishment of the public acquisition overlay "...and are therefore unlikely to proceed".

We support this and the position should be maintained. However the proposed quarry WA43 (Barro) and active quarry WA509 (Hanson) remain and "were not subject to the strategic impact assessment and were exempted from the Public Acquisition Overlay until such time as the quarry reserves are exhausted".

The two quarry projects identified within the WGR area: WA43 and WA509. WA43 should be extinguished to protect the threatened vegetation communities, plant and animal species present within the area so as to maintain the integrity of the Western Grasslands Reserve. Licence WA509 should not be renewed after its expiry date and must not expand its footprint.

Restoration of grasslands of the Victorian Volcanic Plains is near on impossible (and extremely expensive) after mining or quarrying operations. These operations are incompatible with the conservation values of the area and public access to the parkland. If these quarries proceed, it will further undermine the integrity and delivery of the MSA and the establishment of the Western Grassland Reserves.

It is also unclear if it is lawful to allow areas within the WGR to be exploited for the SERA pilot, or if the digging of mines/quarries within a high conservation value area will happen or not. The Draft SERA Pilot has the whole WGR area within the Extractive Industry Interest Area (Figure 14). It reiterates that works within the approved areas of WA43 and WA509 can proceed due to these mine sites being exempt under the State-Commonwealth grasslands protection agreement, but are unlikely to proceed due to the high cost and availability of offsets as the limiting factor. If the area is exempt from the Strategic Assessment area, then native vegetation and EPBC assessment should occur for the site that is yet to commence, which will be likely more expensive than fees applied under the current strategic assessment.

Two large quarries, extensive roads, removal of native vegetation and threatened species habitat within an area put aside as a park for conservation and public enjoyment is not acceptable. It is ecologically damaging and would not meet community expectations.

The Western Grassland Reserve must be removed from the SERA pilot area, areas

of high conservation values must not be cleared, and the two mining leases within the WGR must be extinguished.

Encroachment into Ramsar site

The southern end of the Wyndham Investigation Area overlaps with part of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site.

Ramsar sites are listed under the Convention on Wetlands of International Importance due to the areas' unique and important habitats that help conserve biological diversity.

The official Commonwealth Government site relating to its Ramsar obligations points out that these are not only government obligations:

“The conservation and wise use of Australia’s wetlands is guided and mandated by international agreements and Australian laws. Although these sorts of agreements and legislation have complicated legal and technical terms, and are implemented by governments, their intent is translated into the day-to-day actions of wetland managers including volunteers in community groups, farmers, national park rangers, and researchers. These legal documents about, or referring to, wetlands, mean that everyone is working towards similar conservation and wise use goals.”

See: <https://www.environment.gov.au/water/wetlands/publications/australias-obligations-under-ramsar-convention-legislative-support-wetlands-fact-sheet>

This area is well known as being a breeding ground for migratory birds which travel thousands of kilometres every year to feed, nest and rest in this area. The southern section of the Investigation Area which overlaps with the Ramsar listed Port Phillip Bay (Western Shoreline) and Bellarine Peninsula must be removed from the SERA pilot area. Any project will also need to be assessed under the National Environmental laws (EPBC Act 1999),

Removal of native vegetation and habitat, or disturbance to the hydrological patterns in the area, could threaten this site of conservation significance and integrity of the site. This would be unacceptable and should be avoided.

Other Significant Environmental Values

The SERA pilot area encompasses large amounts of the Werribee Plains, a geologically and botanically significant area that is part of the Greater Victorian Volcanic Plain (VVP). The VVP is Victoria’s largest bioregion once covered with botanically rich grasslands, grassy woodlands, but has now contracted to less than 5% of its original range (Vranjic 2008), 100% of that being fragmented and only 1.3% protected under conservation reserves (VEAC 2010). Victoria’s volcanic plains are one of 15 biodiversity hotspots in Australia and provide habitat for 65 species that are nationally threatened and 173 listed as threatened under Victorian legislation (VAGO 2020).

Any clearing of high conservation value vegetation and threatened species habitat is unacceptable. The SERA pilot area must avoid all high conservation value areas and threatened species habitat.

South Gippsland Pilot SERA

Within the proposed South Gippsland (SG) Investigation Area environmental concerns are present but have not been adequately addressed in this draft.

The report seems more concerned about the “High cost of offsets” instead of actively looking for ways to avoid removal of native vegetation and threatened species habitat.

Offsets are a flawed outcome and should at best be an option of last resort. The SERA fails to address the key principles of the State Native Vegetation rules. The three-step approach (avoid, minimise, offset) is the key policy in relation to the removal of native vegetation

https://www.environment.vic.gov.au/_data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf

Avoidance should be the first consideration. We note the Guidance on native vegetation suggest, “The strategic planning process is the most effective planning mechanism to protect and manage native vegetation” because it:

- allows for identification of areas of higher value native vegetation at a landscape scale
- allows for indirect and cumulative impacts of use or development on native vegetation to be understood and addressed
- provides the best opportunity to avoid and minimise impacts on native vegetation by directing use and development away from higher value areas
- minimises unnecessary or complex regulation by establishing clear expectations for where use and development can occur, and/or by coordinating approvals and offsets.

By focusing on offsets only the SERA has failed to meet its stated aims (page 8)

“stakeholders, including landowners, being given more confidence about the medium- to long-term planning and management of extractive industries, and **protection of valued assets.**” and “a template to implement **best practice planning controls** that can be applied to further SERAs in other LGAs”.

The approach to native vegetation and other conservation values in SERA does not protect valued ecological assets and in our view is far from “best practice”.

The likely reason offset prices are so high is because these vegetation types are diminished and becoming increasingly rare in the area. The SERA area contains high quality vegetation that is home to threatened and endangered fauna and flora such

as the Southern Brown Bandicoot (*Isodon obesulus*) and critically endangered Tea-Tree Fingers fungi (*Hypocreopsis amplexans*).

Adams Creek Nature Conservation Reserve and environs

The South Gippsland SERA pilot area will heavily impact the Adams Creek Nature Conservation Reserve environs and a number of threatened and endangered species found in the area. Parks Victoria manages Adams Creek NCR for nature conservation.

Indeed the 1994 Melbourne Area Review by the Land Conservation Council notes (p. 108), that the area is remnant habitat for “a wide range of mammals, birds, reptiles (including the lace monitor), and nine species of amphibian”. Further, “in all over 80 species of fungi have been recorded” including a (then) newly discovered species. That species, *Hypocreopsis amplexans* (Tea-tree Fingers) is now listed as **critically endangered** on the International Union for the Conservation of nature (IUCN) Red List of threatened species: <https://www.iucnredlist.org/species/80188449/80188453> The species is highly vulnerable to fire, and to land clearing. The IUCN listing includes “Land clearing is a significant threat. Immediately adjacent to the type locality in the Adams Creek Nature Conservation Reserve, sand mining, which completely removes the native vegetation, is being actively carried out.”

The area is within the Gippsland Plain Bioregion which has less than one percent of its natural vegetation remaining in a largely-intact condition. Much of the bioregion has been heavily modified with only a quarter of the original extent of native vegetation remaining (VEAC 2010) making the Adams Creek Nature Conservation Reserve and surrounding native vegetation very valuable for threatened species, such as the Southern Brown Bandicoot, which has managed to persist despite historic land clearing.

The Southern Brown Bandicoot is listed as **endangered** under the Federal Environment Protection and Biodiversity Conservation (EPBC) Act, with “habitat loss and degradation” cited as a primary threat to the species. The official Federal Government conservation advice lists “Establish corridors between fragmented populations” as a high priority for this species. If the proposed mining happens around the Adams Creek Nature Conservation Reserve environs this will further reduce the population of this species and bring it closer to extinction. The habitat within the Adams Creek Nature Conservation Reserve environs is critical habitat for the Southern Brown Bandicoot.

See conservation advice for Southern brown Bandicoot here
<http://www.environment.gov.au/biodiversity/threatened/species/pubs/68050-conservation-advice-05052016.pdf>

The Southern Brown Bandicoot is also listed as **threatened** under Victoria’s Flora and Fauna Guarantee Act, with loss of habitat again cited as a significant impact. Any loss or fragmentation of vegetation in this area will lead to decline of this species.

A portion of the SERA investigation area includes the Adams Creek Nature Conservation Reserve and surrounding native vegetation.

The Adams Creek Reserve and surrounding Native vegetation must be removed from the SERA pilot program. Mining operations will further fragment habitat and native vegetation, and are therefore incompatible with threatened species persistence therefore. Mining is not an appropriate land use for this area.

The pilot program should focus on already cleared areas to obtain sand resources, such as paddocks to the west of the reserve, and avoid the removal of remnant vegetation.

Do you have any feedback on the proposed planning provisions, which intend to secure 'Strategic Extractive Resource Areas' in the planning system?

The Strategic Extractive Resource Areas look to be being used as a way of extinguishing contrasting voices and concerns to that of the extractive resources industry and will disempower communities to protect the places they love.

The SERA overlay should not be placed over areas of high conservation value such as intact stands and corridors of native vegetation but should focus on already cleared areas to avoid conflict with ecological values, listed threatened species and concerned community members. Priority seems to have been given to areas closets to Melbourne,(for economic reasons) rather than areas further out. Detail assessment of all areas may allow for greater flexibility, in planning to avoid high conservation areas.

The Western Grasslands Reserves are covered by Public Acquisition Overlay (Schedule 7 - Western Grassland Reserves) and Environmental Significance Overlay (Schedule 4 - Western Grassland Reserves). It is unclear how the SERA would interact with these overlays in regards to road works within the proposed conservation reserve area and if DELWP would allow access granted to the WGR for mineral extraction outside of the two existing permits. Existing ESO should be avoided and detailed assessment of ecological values should be a key priority of the SERA.

For further information:

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