

**Submission
No 22**

INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

Organisation: Surf Coast Energy Group (SCEG)

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To: The Secretary
Legislative Council Environment and
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Thank you on behalf of the Surf Coast Energy Group (SCEG) for the opportunity to provide a submission to the 'Inquiry into the Protections within the Victorian Planning Framework'.

Background:

The Surf Coast Energy Group (SCEG) is a community-based, not-for-profit organisation encouraging positive behaviour change and promoting an understanding of climate change and resource use. We were established in 2007 and have been incorporated since 2008. Sadly the planetary emergency has only gotten a lot worse since then. In response, our committee believes the best chance for change is at the local level using '**Systems Thinking**' to develop a **Model** that serves Community Sustainability.

In the past year, our group delivered three key projects:

1. Solar Schools program - facilitating installation of rooftop solar at local schools on behalf of govt through a \$100,000 competitive grant from DELWP.
2. Think Resilience - delivered a public education training program focused on community resilience and sustainability.
3. Spring Creek Futures - supporting the community to develop land-use options for Spring Creek valley, including facilitating Landcare improvement of nature within the valley.

In 2022 we are continuing to expand our project portfolio with:

1. Development of an Ecological Footprint Calculator (with particular relevance to the Surf Coast community, business and individuals).
2. Working in partnership with the Torquay District Landcare Group to provide funding, expertise and onground assistance in environmental weed removal and revegetation in Spring Creek valley.
3. Working in partnership with Bellbrae Primary School that proposes to formalise a safe bicycle/pedestrian path (Active Transport link), separated from heavy vehicle movement, between Bellbrae, Jan Juc and Torquay.

4. Continuing to investigate the community purchase land within Spring Creek valley as part of a 'Community Common'.

Our committee of ten includes strong capacities around ecological restoration, community engagement, solar energy, landscape architecture, conservation management, business planning, finance and more. We are a frequently asked by local and state government to advise on sustainability matters, and have built strong links to the local business sector. We have a strong regional profile, and among our members are well connected to a range of community groups in our local government area and beyond.

Focus of this Submission:

This submission will focus on three elements of the Inquiry:

1. Housing,
2. Environmental sustainability and vegetation protection;
3. Delivering certainty and fairness in planning decisions for communities.

1. Housing:

Equity is one of the key planks under-pinning the SCEG platform. The other three being economy, ecology and energy. It is SCEG's position that all four need to be addressed as part of a *systems approach* to reflect a sustainable and prosperous community.

The Surf Coast has a long history of affordable rental accommodation. However, since the dramatic surge in growth from the early 2000's, rental affordability and home ownership have become increasingly out of range for many who once called Torquay home. In other words, growth has had a perverse effect on equity.

The other notable lever that has distorted home ownership opportunity is negative gearing. These two levers, namely growth and negative gearing are economic structural issues that have created system traps for those on lower incomes.

From a systems perspective the problem is a policy-based structural issue that requires a policy restructure (for example remove negative gearing, re-examine Government growth-based stimulus policies and land tax disincentives on land next to town boundaries, and replace with policies that recognise Limits To Growth and rural space).

1.1. Tiny Houses and rural land: Whilst the Tiny House movement is not a panacea to the social housing problem, here in the Surf Coast it is nevertheless one component of low cost housing that has merit; especially as it is a design solution being led by the grassroots and not being imposed from above by bureaucrats (eg. high rise public housing).

Within the Surf Coast Shire the Tiny House movement has gained considerable momentum in the last decade or so. It is likely other shires in Victoria and Australia are experiencing a similar trend.

Growth in the tiny house movement coincides with the rapid increase in cost of land and home ownership.

From a landholders perspective it also has the potential to provide a modest recurrent income stream, relieve income stress on smaller landholdings, reduce impact on over-worked farms, and provide important housing accommodation for those who are either long term renters or who are saving up for their first home. Importantly it opens the door to social housing reform that escapes the false hope of growth to provide housing opportunity. Some initial planning considerations should include:

- minimum acreage entry point for eligibility.
- Maximum number of tiny houses/land owner title (in consideration of multiple landholdings on separate titles)
- Siting with reference to neighbours, noise, wildlife
- Relevance of high tourism value of our area, and that any policy needs to protect tourism values, natural viewsheds, etc.
- Energy needs: a quality offgrid system and associated generator can in some cases be nearly half the cost of a tiny house.
- Meeting Australian indoor standards, Aust. Standard 5139 being one example.
- Waste stream management
- Like all things there are sensible limits to growth. Therefore, tiny houses could fulfil an agreed percentage of overall housing stock within the Surf Coast as opposed to being an open-ended tiny house scheme.
- Finally, the phenomenon of Tiny Houses should be seen as an opportunity to correct at least some of the housing imbalance already visible in the system within the Surf Coast.

1.2. LOTS smaller, houses bigger: This disturbing trend, often falsely framed around affordable housing, conveniently ignores the downsides: significant urban heat island effect, loss of opportunity to nature, loss of outdoor space and privacy. Maximising sub-divisions, which inevitably also includes poor orientation for passive sunlight and subsequent energy requirements, might provide great windfalls to developers but everything else is sub-optimal. It needs to be fixed immediately.

1.3. Population Policy, national, state and local: Humanity has become accustomed to thinking about a never-ending expansion of services as part and parcel of living in the 21st century. However, some parts of that equation are not adequately accommodated if at all. For instance, it would be a different scenario if the stakeholder net could be broadened to include categories that currently have no voice in this discussion:

- Future generations. Given the clear and unambiguous trend toward a badly damaged planet, should we rethink the growth-is-good paradigm when all living planet indicators show it is

unsustainable? Contemporary economic theory describes this approach as discounting. However, could we plan for better outcomes if the planning schedule required planetary services to be equal or better than previous generations?

- All other non-human species that share the Surf Coast bioregion and who also have a right to habitat and freshwater. We already know that human interference with climate is causing changes to rainfall. Barwon Water states:
 - ‘It is hotter and it is raining less, which is having a direct impact on the water that flows down our rivers and into our reservoirs. West Barwon Reservoir, one of our biggest catchments, has seen a 32% reduction in average annual inflows since 1997.
 - The trend is similar across the region. Lal Lal Reservoir, part of the Moorabool catchment, has seen a 62% reduction in annual inflows since 1997. Our modelling shows that water that flows into our waterways will reduce by a further 20% by 2065.¹

- Equity across international boundaries. How does our large energy demand influence opportunity in energy-challenged, developing countries? Suffice to say Australian people’s energy demands are roughly equal to the United States. Analysis by the Ecological Footprint Network² shows that if everyone lived like the USA (or Australia) we would need 4 planets worth of resources. Globally we consume one and three quarter planet’s worth of resources every year. We don’t have one and three quarter planets, much less four, and as the available carbon budget continues to decline what will be the outcome for those in developing countries who require more energy just to reach a basic standard of living?

- Energy is key to everything; including our relationship with water. Most people assume it is advanced technology that has bought us a 21st century lifestyle. However, the more correct answer is that fossil fuels have delivered an energy density beyond our wildest dreams which in turn has heralded an era of staggering technology development. But that equation is now reaching its endgame as climate change threatens to destroy life on earth as we know it. As a result, we will need to move to a renewable energy future. There are many who believe we can make a smooth transition to renewable technology and continue growing as we are accustomed. However, that scenario does not hold up to any real time analysis.

Only 4% of current global energy consumption comes from sources other than nuclear, hydro or fossil fuels.

Year – 2018	GDP/capita (US\$)	Fossil energy consumption (*TOE per capita)	% Energy consumption from fossil fuels
USA	62,790	5.94	84
Australia	57,400	5.33	92
Canada	46,230	6.04	65
UK	42,940	2.29	79
Malaysia	11,370	2.97	94

¹ <https://www.getfeedback.com/r/jDj2Bg8o/q/5>

² <https://www.footprintnetwork.org/>

China	9,770	2.00	85
South Africa	6,370	2.01	96
Indonesia	3,890	0.67	96
Vietnam	2,570	0.71	79
India	2,010	0.55	92
Bangladesh	1,700	0.22	99
World	11,310	1.55	85

*TOE= tonnes oil equivalent

Source: *BP Statistical Review of World Energy 2019 and World Development Indicators*³

There are many reasons for why this has occurred, however, the most important take home message is that the climate emergency we now face makes it impossible to transition to a renewable energy economy in time based on technology alone. In short, it requires behaviour change writ large; especially those making public policy. Changes needed include:

- a) Radically rethinking expectations around growth.
- b) Understanding that the energy rich economy we have now is not going to be the economy we have in the future.
- c) The global system of growth and consumerism is in direct conflict with a living planet;
- d) Re-localising just about everything to make a much bigger effort to live within the capacity of the local bioregion in which we live will be critical.

This is our challenge here in the Surfcoast, as it is at a State level, as it is internationally.

2. Environmental sustainability and vegetation protection:

Biodiversity in Victoria is in decline under current population size and demand and urban sprawl and habitat loss feature as two main drivers of accelerating biodiversity loss. If we are to have any chance of meeting biodiversity conservation targets (including those outlined in Biodiversity 2037, and our national and international obligations), while ensuring a high quality of life for all Victorians, we must begin to consider the carrying capacity of our lands and aquatic systems.

The following excerpt from the most recent World Wide Fund for Nature report underscores why this approach is no longer valid:

The top threats to species identified in the report are directly linked to human activities, including habitat loss, degradation, and over-exploitation of wildlife. According to Global Footprint Network, humanity is currently using the resources of 1.6 planets to provide the goods and services we demand when we only have one Earth.⁴

³ <https://www.resilience.org/stories/2020-05-20/from-energy-transition-to-energy-reduction/> p. 18.

⁴ <https://www.footprintnetwork.org/content/uploads/2020/09/LPR2020-Full-report-lo-res.pdf> (homepage summary)

Ecologists have a name for this, it's called Ecological Overshoot.

If we are to have any chance of meeting biodiversity conservation targets (including those outlined in Biodiversity 2037, and our national and international obligations), while ensuring a high quality of life for all Victorians, we must begin to consider the carrying capacity of our lands and aquatic systems.

Having provided a broad overview of the reasons for biodiversity decline, we now look at private land ownership and its relationship to nature in Victoria; and we will be focussing on three elements:

1. Identifying the problem. Biodiversity is in decline. In Victoria much of that is held in private ownership. Urban and peri-urban areas support critical habitat for a range of endangered species.
2. Case Study. How a community in Torquay, Victoria is planning to save Spring Creek valley.
3. How Government can play a lead role.

2.1. Identifying the problem:

Victoria represents the most highly cleared state in Australia with approximately half of its former extent of native vegetation cleared for agriculture, mining and urban development since 1750. Across the 14 million hectares of private land (two-thirds of Victoria), 80% of the former extent of native vegetation has been removed, particularly grasslands, chenopod shrublands, grassy woodlands, riverine woodlands and wetlands). As a consequence of this extensive habitat loss, most native vegetation on private land is classified by the state government as either endangered, vulnerable, rare or depleted. While broad-scale removal of native vegetation is now regulated, ***approximately 1200 ha of native woody vegetation and 3200 ha of grassland vegetation continues to be removed in Victoria every year***, principally in threatened woodland and grassland ecosystems.⁵

Further,

This incremental loss of native vegetation on private land is likely to continue as new land uses develop and new technologies emerge. **As has been shown repeatedly over the past 150 years, native vegetation clearance occurs in response to urban development**, and development of agriculture and mining.⁶

In another study by the Australian Conservation Foundation the problem of urban sprawl and subsequent habitat destruction was highlighted:

⁵ <https://www.trustfornature.org.au/images/uploads/conservation/SCP/Trust-for-Nature-Statewide-Conservation-Plan.pdf> p.17.

⁶ Ibid. p.18

Urban sprawl threatens species and their habitat in multiple and interconnected ways. The probability of a species being threatened with extinction increases with the percentage of its range that is urbanised. Urban sprawl increases pollution, invasive species, disease, inappropriate fire regimes, changes to water flows, car strikes, human-wildlife conflicts and, most significantly, fundamental changes to how land is used causes habitat destruction and fragmentation. Habitat destruction for urban sprawl in Australia's cities and towns is playing a significant role in worsening Australia's extinction crisis. In the first 17 years of the operation of the EPBC Act, at least 20,212 hectares of urban threatened species habitat was destroyed. This is an area equivalent to more than 11,400 MCG football grounds.⁷

Given biodiversity decline is accelerating and there is a direct correlation to habitat loss on private land; there is a lot riding on private land stewardship across Victoria. Indeed, if nature in Victoria is to thrive it will require a purposeful rethink by Victorian parliament to not only institute legal safeguards for nature on private land, but to actively encourage community to get involved as key change agents.

For private land this has been achieved in the past principally by supporting Landcare. Whilst Landcare serves a strategic role on farming land, its social network essentially runs through farming communities. On the coast, Coastcare supports conservation on public lands. However, fewer opportunities to contribute to conservation exist for communities in regional townships and in urban and peri-urban landscapes. They are largely left out of the equation. Indeed, a study by the Australian Conservation Foundation found that:

While our national parks and wilderness areas are essential for protecting biodiversity, our cities and towns also provide critical habitat for threatened species. In fact, 25% of Australia's nationally listed threatened plants and 46% of threatened animals can be found in our urban areas. While many of these species also have habitat outside cities and towns, for 39 threatened species, these urban areas are the last remaining places in which they exist.⁸

Further,

The prevalence of threatened species in our cities and towns challenges the misnomer that high conservation value ecosystems exist only in remote national parks or wilderness areas. While protecting large intact ecosystems is certainly important for protecting biodiversity, for many threatened species including several that are critically endangered, these urban areas are the last place where we can protect them within their original range.⁹

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https://d3n8a8pro7vhmx.cloudfront.net/auscon/pages/17703/attachments/original/1596500683/Extinction_crisis_in_cities_and_towns.pdf?1596500683 p.9.

⁸ Ibid. p. 2.

⁹ Ibid. p.8.

There are many instances where communities would relish the opportunity to play a much greater role in the custodianship of nature in their collective back yard. For state government the time has come to tap into that untapped enthusiasm.

2. 2 Case Study:

Here in Torquay on the Surf Coast of Victoria we have been doing a lot of thinking about that and have developed an idea we think can serve as a model for other communities.

The idea in a nutshell is to strive for greater ecosystem functionality across 700 hectares of the Spring Creek valley, and at the same time enable the community to collectively purchase land as part of a Community-owned Land Trust. Ownership brings new energy and the collective enthusiasm of an entire community to the table. Here in Torquay the concept came about as a direct response to the future of Spring Creek valley. The Ecological Vegetation Class of almost the entire valley is Bellarine Yellow gum (*Eucalyptus leucoxydon* ssp. *bellarinensis*) Woodland; a Grassy Woodland officially described as Endangered and indicative of the precarious future facing peri-urban ecosystems outlined in the ACF report. The community has fought tirelessly for more than 13 years to save it from residential development. Now, with the creation of the Distinctive Area Landscape (DAL) process, the community not only has a real opportunity to stop a destructive land sub-division, but to also offer an alternative community-led vision about its and our future. Importantly, the focus of the plan is ecological restoration of Bellarine Yellowgum Woodland, along with the woodland birds and animals associated with it. Development of the proposal and the ongoing battle to save Spring Creek is drawing lots of pro-bono support from our community. Together we are creating a compelling plan (as summarised in the Background introduction. For further details on SCEG's Spring Creek plan, see attached file).

2.2. How Government can play a lead role:

Whilst the process for us is legally complex and slow, the process could be expedited if State Government considered ways in which it could establish Community Land Bank and Community Land Trust templates to help communities work through legal, financial and governance aspects associated with Community Land Trusts. In our experience there isn't a model or an exact precedent that's fit for purpose. In the meantime, entities like Trust for Nature, Bush Heritage and the ACT's publicly-owned Woodland's and Wetland's Trust, the Bunanyung Landscape Alliance in Ballarat, as well as Hepburn Community Windpark Co-operative in Daylesford have provided useful insights.

Urban Conservation and the need for new models:

A special source of inspiration has been 'Zealandia', a wildly successful urban valley wildlife restoration project in Wellington, New Zealand as it demonstrates how successful urban conservation programs can be; and in particular highlighting what a community can achieve when it puts its mind to it. The project has reintroduced over 20 species of native wildlife back into the area, some of which were previously absent from mainland New Zealand for over 100 years. (More details about Zealandia can be found here: (<https://www.visitzealandia.com/>).

Saving Spring Creek is not the endgame; rather it's a starting point:

This submission has already highlighted the endangered status of Grassy Woodlands and Bellarine Yellow gum, noting that Bellarine Yellow gum is officially listed under the Victorian Flora and Fauna Guarantee Act 1988. It is also worth underscoring that a Spring Creek valley flora and fauna report commissioned by the Surf Coast Shire revealed that:

There is suitable habitat within the study area for seven fauna species listed under the FFG Act (Swift Parrot, Grey-headed Flying-fox, Baillon's Crake, Lewin's Rail, Eastern Great Egret, White-footed Dunnart and Brown Toadlet).¹⁰

Two species, the Grey-headed Flying-fox and the Swift Parrot are also listed under the EPBC Act. Indeed, urban habitat destruction was the biggest threat to the vulnerable Grey-headed Flying Fox.¹¹ Another three EPBC listed species, the Growling Grass Frog, Western Plains Galaxiella and Yarra Pygmy Perch were shown to meet modelling criteria. Indeed, the Growling Grass Frog is known by local residents to exist within 10km of the study area.

As climate change impacts begin to compound threats to our biodiversity, connecting and restoring habitats on private and public lands within well-managed landscapes will be fundamentally important for species survival. This necessary paradigm shift to mixed-used 'sustainable landscapes' could be accelerated with the right support from government.

¹⁰ Ecology and Heritage Partners Pty Ltd (Jan 2016). Biodiversity Assessment of the Spring Creek Urban Growth Area. Prepared for Surf Coast Shire. p. 31.

¹¹ https://d3n8a8pro7vhm.cloudfront.net/auscon/pages/17703/attachments/original/1596500683/Extinction_crisis_in_cities_and_towns.pdf?1596500683 p. 13.

In concluding, this document argues ecological restoration and ambition by community becomes possible as a new yardstick for success when the right policy frameworks and meaningful incentives are put in place to encourage widespread buy-in. It is worth considering that whilst our community is looking to save the nature of Spring Creek valley, we see a much bigger game at play in which communities in general are given license to play a much more substantive role in land stewardship. The challenge for our parliamentarians is to introduce a suitable model and a framework that engages communities as part of living in the 21st century.

In 1986 we saw the Victorian Premier Joan Kirner launch **Landcare**. In the early 1990s the Victorian Government also introduced **Coast Care**. Now in 2020 when clearly things are not going well for nature it's time to consider urban conservation (**Urban Care**) using a suite of measures headed by Community Land Trusts to achieve the aim. In doing so it gives strong permission for all Victorians to actively support the State Government's 'Biodiversity 2037' goals to reverse biodiversity decline in Victoria.

3. Delivering certainty and fairness in planning decisions for communities

3.1 Permanently protecting green wedges and urban growth boundaries: SCEG applauds the introduction of Distinctive Area Landscapes. Whilst we in the Surf Coast are still waiting on determinations by the Planning Minister, the Hon. Richard Wynne, we are optimistic that it will be the first real signal from State Government to recognise sensible limits to growth. Further to this we would like to see the following:

3.2 A review of the State Planning Code so that it responds appropriately to the unique (non-metropolitan) pressures being applied to regional and especially coastal areas. Solutions lie in greater de-centralisation of planning, being less hierarchical in nature, and greater opportunity for Shires to determine their community's future.

3.3. Biodiversity assessments need to be far more **ambitious** and built into the planning code. Cumulative impacts on nature (or death by a thousand cuts) are a big problem exacerbated by our expanding population. Typically, we might leave token patches of landscape for nature but because habitat is becoming more and more fragmented it loses its viability. This is known in ecology as an Extinction Debt and it is happening under our watch.

The following questions are critical:

- i. What are the needs of the lifeforms identified within Biodiversity Assessments when an urban development is planned?
- ii. Are there minimum spatial requirements for some species and ecosystems?
- iii. Are there minimal ecological requirements that become compromised as a result of urban development? SCEG points to the Karaaf Wetland (RAMSAR nominated coastal saltmarsh ecosystem) that is being cumulatively degraded from urban stormwater run-off as a result of over-urbanisation around its perimeter.
- iv. What percentage of public open space needs to be set aside for nature (as opposed to public open space which is set aside for people?)
- v. How can regional planning laws be modified to meet the aspirations of the Victorian Government to reverse alarming species decline across Victoria?

If this document has generated any further interest or questions please feel free to contact the SCEG committee.

Thanking you for your time,
Graeme Stockton
(Chairperson Surf Coast Energy Group)