

1. Wyndham City Context

Wyndham City Council welcomes the opportunity to provide a submission to the Inquiry into Ecosystem Decline in Victoria. As a local government we work daily to protect our local natural environment and trust that our experience in this area will be of value to this Inquiry.

Wyndham City is located at the western edge of metropolitan Melbourne in one of Victoria's designated growth corridors. It includes residential and industrial urban areas, open farmland, intensive agriculture, natural rivers, coastline and wetlands, including RAMSAR listed wetlands, and some of the most significant remnant temperate native grasslands in the country. Listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), Wyndham is home to:

- 1 National Heritage Place,
- 1 Wetland of International Significance,
- 7 Threatened Ecological Communities.
- 65 Threatened Species, and
- 64 Migratory Species.

Wyndham is also home to several new and future conservation reserves set out in the Melbourne Strategic Assessment (MSA) and Biodiversity Conservation Strategy for Melbourne's Growth Corridors (BCS) to protect EPBC listed species and communities, including the future Western Grassland Reserve.

Wyndham City has clear goals and guiding principles, informed by extensive community consultation, for the protection of our natural environment in our *Environment and Sustainability Strategy 2016-2040*, *City Forest and Habitat Strategy 2017-2040*, and the *Wyndham City Plan 2017-2021*. Environmental protection is embedded into other Council strategies, management plans and the Wyndham Planning Scheme.

Council works with local, state and federal policies and legislation particularly in respect to the protection and conservation of Council owned and managed environmental assets, environmental planning, the implementation of the BCS, providing aid and education to private landowners to protect native vegetation on their properties, and development decision-making under the Wyndham Planning Scheme.

2. Summary of Recommendations

Wyndham City makes the following recommendations for implementation by the Victorian Government to halt ecosystem decline in Victoria. They are discussed in further detail throughout this document:

Climate Change

1. Work with public and private landholders to create a series of biodiversity corridors to reconnect fragmented habitats in rural and urban areas, allowing native vegetation and wildlife to migrate in the face of climate change.
2. Invest in more comprehensive research in the impacts of climate change on specific ecosystems and the implementation of subsequent mitigation measures.

Urban Sprawl

3. Lock down a permanent Urban Growth Boundary that protects Wyndham's and Melbourne's remaining green wedges and biodiversity values, to protect ecosystems from the decline that results from urban encroachment and land speculation in the Green Wedge Zones.

Private Ownership of Native Vegetation

4. Increase funding and education for landowners to manage native vegetation and wildlife on their properties.
5. Investigate and implement options to provide long-term protection of significant environmental assets on private land.

Invasive Weeds

6. Consider the lack of weed control in areas previously or currently supporting native vegetation as the unpermitted removal of native vegetation, thereby triggering a requirement to restore or offset the biodiversity losses.
7. Improve investment in monitoring and compliance for uncontrolled weed invasion, with a clear process for reporting and enforcing compliance issues. This needs to be done cooperatively between different levels of government and the community.
8. Increase investment in ongoing weed management on public land and reserves.
9. Increase focus and investment to facilitate long-term habitat restoration and protection. This includes fully funding existing strategies such as Melbourne Water's *Healthy Waterways Strategy* and the State Government *Protecting Victoria's Environment - Biodiversity 2037*. This also requires resourcing for strong cooperation mechanisms between both government agencies and the community to achieve their aims.

Dumping and Litter

10. Create better networks, working groups and reporting mechanisms between State and Local Government Agencies to proactively manage litter across all locations (e.g. Vic Roads, Melbourne Water, Sustainability Vic, EPA).
11. Develop consistent litter reporting and data capture across the state.
12. Continue to support local government litter initiatives through grant funding, networking and capacity building.
13. Continuation and expansion of the EPA Officers for the Protection of Local Environments (OPLE) program.

Community Education

14. Implement education initiatives and infrastructure in existing and future urban and peri-urban conservation reserves (such as the Biodiversity Conservation Strategy reserves and Western Grassland Reserve) to support their use for community education and appreciation.
15. Continue funding for educational initiatives, with increased focus on the variety of different ecosystems (such as grasslands).

Data Availability

16. Invest in the use of smart technologies to implement long-term, state-wide, representative monitoring of biodiversity across a greater range of lifeforms, kingdoms, ecosystems, bioregions and landscapes to obtain a better understanding of overall biodiversity decline.

17. Investigate appropriate mechanisms to enable all biodiversity data obtained by professional assessors to be uploaded into central government databases, incorporating processes that ensure data quality, consistency and that is publicly accessible.
18. Provide ongoing monitoring of data to support the prompt listing of threatened biodiversity under relevant legislation.

Legislative Framework and Strategic Planning

19. Encourage the Federal Government to adopt the changes proposed in the Interim Report for the Independent Review of the EPBC Act.
20. Establish strong and deliberate relationships and coordination mechanism between local government environmental planning staff, regional and regulatory staff from DELWP, and other relevant agencies to coordinate and improve planning outcomes.
21. Increase resourcing and focus on monitoring and compliance for unpermitted native vegetation removal, including a clear process for reporting and enforcing compliance issues. This must be done cooperatively between different levels of government and the community.
22. Increase penalties and enforcement to provide a sufficient deterrent to breaches against the EPBC Act and the *Planning and Environment Act 1987*.
23. Develop a mechanism for the review of native vegetation offset site condition after the initial 10 years, and ongoing, rolling 10-year management plans. Monitoring results and management plans must be publicly available.
24. Update the *Guidelines for the removal, destruction and lopping of native vegetation* (DELWP 2017) with the aim to have a net gain (rather than no net loss) in biodiversity to compensate for all the historical habitat loss that has occurred.
25. Ensure that the Victorian Government implement all recommendations from the June 2020 Victorian Auditor-General Office report on Protecting Critically Endangered Grasslands.

Indigenous Australians

26. Ensure that the traditional land management of Indigenous Australians plays a greater role in biodiversity conservation.
27. Provide Indigenous land management groups with adequate resources to enable their engagement in the protection and management of Victoria's biodiversity.

3. Threats to Victoria's Biodiversity

3.1 Climate Change

Wyndham City understands that climate change poses a serious risk to our natural environment and has developed multiple strategies to improve Council's performance in this area, including the *Greenhouse Action Plan 2018-2021* and *Climate Change Adaptation Strategy 2016-2020*. Climate change is listed as a threat to our natural environment in the *City Forest and Habitat Strategy 2017-2040*.

Wyndham's biodiversity and natural vegetation are experiencing change. For example, altered hydrology in the municipality has changed the local vegetation. Salt is accumulating in some low-lying areas of the municipality and as a result some areas of grassland or floodplains are changing to saltmarsh. Furthermore, Wyndham's 27.4 km of coastline (mostly undeveloped), is at risk from sea level rise. This will impact coastal habitats along with the other values of beaches in some locations.

A key action to protect Wyndham's biodiversity under climate change is to provide space for native vegetation and wildlife to move and adjust to changing local conditions. Wyndham City is committed to demonstrating leadership in addressing sustainability and climate change issues. However, legislative, policy, program, governance and funding solutions to facilitate ecosystem and species protection, restoration and recovery in Victoria, in the context of climate change impacts, are currently lacking. The Victorian State of the Environment Report 2018 notes there is no comprehensive state-wide data on the impacts of climate change to sensitive ecosystems.

Recommendations:

- Work with public and private landholders to create a series of biodiversity corridors to reconnect fragmented habitats in rural and urban areas, allowing native vegetation and wildlife to migrate in the face of climate change.
- Invest in more comprehensive research in the impacts of climate change on specific ecosystems and the implementation of subsequent mitigation measures.

3.2 Urban Sprawl

Urban sprawl is a particular issue within Wyndham, where significant areas of land and remnant grasslands are currently being developed. Land outside of the urban growth boundary is also affected by this, as land speculators have been purchasing nearby land in the hopes of another expansion of the urban growth boundary. Our observation in Wyndham is that these land parcels can be poorly managed for weeds and biodiversity protection as the land speculators have little incentive to manage the land appropriately. This results in a degradation of native vegetation quality and spreading of weeds onto other nearby land parcels and conservation reserves. This was identified as an issue in the June 2020 Victorian Auditor-General Office report on Protecting Critically Endangered Grasslands.

The existing urban growth boundary is still perceived by many developers and investors as temporary or having the option to expand further in future. Locking down the current Urban Growth Boundary permanently would protect Wyndham's and Melbourne's remaining green wedges and biodiversity values from further encroachment and land speculation, and thereby protect the ecosystems present from further decline.

Recommendations:

- Lock down a permanent Urban Growth Boundary that protects Wyndham's and Melbourne's remaining green wedges and biodiversity values, to protect ecosystems from the decline that results from urban encroachment and land speculation in the Green Wedge Zones.

3.3 Private ownership of native vegetation

Most remnant grasslands in Wyndham are located on privately owned land, along with several significant wetlands, waterways and woodlands. While government agencies generally have the knowledge and skills to protect environmental values on their land, our engagement with the private landowners has shown that they often lack the knowledge, ability or resources to protect matters on their own lands. Wyndham City currently provides grants and education to our rural landowners in order to protect native vegetation, including critically endangered grasslands on their properties through our Land Protection Grant Scheme.

There is currently a need for more proactive powers and incentives to help landowners to identify and protect native vegetation and wildlife on their own properties. In the grassland context there are many properties that retain high quality grassland under the private management regime.

More creative thinking is needed on how these areas of high-quality biodiversity on private land could be protected in perpetuity, with different options to suit the broad range of private landholder arrangements. Options may include an increase of on-title protection, a form of leasing arrangement by the State Government, and further incentives and support provided through more localised service providers.

Recommendations:

- Increase funding and education for landowners to manage native vegetation and wildlife on their properties.
- Investigate and implement options to provide long-term protection of significant environmental assets on private land.

3.4 Invasive Weeds

Invasive weed species present in Wyndham include several 'Weeds of National Significance'. Within the grassland ecosystems for example, at least three species of the highly invasive *Nassella* genus are well established. Common indigenous species can easily become locally extinct due to these weeds.

The displacement of native vegetation due to invasive weeds leads to habitat simplification and thus further decline in biodiversity. The competitive advantage of these invasive species can be exacerbated by poor land management practices on both private and public land.

The economic and social impacts directly linked to invasive species are vast. Serrated tussock, for example, is widespread throughout the rural areas of Wyndham and has significant impacts on carrying capacity and a reduction in agricultural return on pastoral land, threatening rare native plant species and resulting in a loss of flora biodiversity and wildlife habitat (Agriculture Victoria, 2020). Wyndham City is committed to controlling and reducing the spread of invasive weeds by providing incentive and educational programs to help landowners control weeds on their property, and by controlling weeds on Council lands.

Government projects to protect and restore Victoria's ecosystems have seen great successes and great failures. In the case of the Western Grassland Reserve within Wyndham the program is clearly failing on several fronts, as discussed further in section 4.5, and in the Victorian Auditor-General's Office June 2020 report of Protecting Critically Endangered Grasslands. Landholders are reluctant to invest the considerable time and economic cost of invasive weeds due to the Public Acquisition Overlay on their land. As a result, native vegetation quality is declining.

There is little monitoring or compliance of weed control from the State Government despite extensive invasion of weeds listed under the *Catchment and Land Protection Act 1994*. Further compliance and enforcement work is necessary to encourage landowners to control listed species. A further option would be to consider native vegetation loss due to uncontrolled weed invasion as a form of removal of native vegetation under the *Guidelines for the removal, destruction or lopping of native vegetation 2017*. This would provide further enforcement opportunities and allow for native vegetation losses to be recognised and offset. A legal obligation to control invasive species

specifically to mitigate impacts on biodiversity on private and public land may be a useful mechanism.

Many of the invasive weeds that impact Wyndham have origins in South America or South Africa and are therefore more likely to adapt and compete even more effectively with the impacts of a warming climate. More research in the impacts of climate change on specific weeds and the implementation of subsequent mitigation measures is needed.

Further focus and investment are also required to facilitate long-term habitat restoration and protection. Weed control must be considered holistically with other land management options including burning and revegetation. Current strategies which address this, such as the as Melbourne Water's *Healthy Waterways Strategy* and the State Government *Protecting Victoria's Environment - Biodiversity 2037*, must be fully funded and implemented to improve the overall health of ecosystems.

Recommendations:

- Consider the lack of weed control in areas previously or currently supporting native vegetation as the unpermitted removal of native vegetation, thereby triggering a requirement to restore or offset the biodiversity losses.
- Improve investment in monitoring and compliance for uncontrolled weed invasion, with a clear process for reporting and enforcing compliance issues. This needs to be done cooperatively between different levels of government and the community.
- Increase investment in ongoing weed management on public land and reserves.
- Increase focus and investment to facilitate long-term habitat restoration and protection. This includes fully funding existing strategies such as Melbourne Water's *Healthy Waterways Strategy* and the State Government *Protecting Victoria's Environment - Biodiversity 2037*. This also requires resourcing for strong cooperation mechanisms between both government agencies and the community to achieve their aims.

3.5 Dumping and Litter

Littering and illegal dumping of waste has widespread detrimental impacts on the natural environment. It enters our creeks, rivers, wetlands and beaches, where it has the potential to harm or kill wildlife. Due to the high level of construction, Wyndham is particularly vulnerable to the large-scale dumping of soils and rubbish in areas of significant roadside native vegetation, which can damage or kill smaller grassland species. We have experienced additional damage to affected native vegetation due to the difficulty of removing the dumped materials. Actions taken by Wyndham City to reduce dumping on these sites, including signage and surveillance, have had only limited success thus far and likely just result in the shifting of the issue to other areas.

Dumped garden waste and soils can also result in the introduction of weeds into the natural environment. Smaller conservation reserves in urban areas are regularly subject to such residential dumping, resulting in the gradual loss of biodiversity due to weed invasion and the impacts of litter on wildlife.

Within Wyndham, litter reports for the 2019-2020 financial year have increased 39% from the previous year. These reports include several complaints related to dumping in waterways and arterial roads that aren't managed by Council. Further opportunities exist to improve networks and connections between various government agencies who all play a role in managing litter and dumping in Victoria. Currently there is often confusion surrounding who is responsible for litter

management under different circumstances, resulting in slower responses when issues arise. Multiple applications and methods have been developed to both map and measure litter but better consistency across the state is required. Consistency in litter reporting and data capture across the state would aid in better communication and application of resources between various agencies.

Wyndham City is committed to reducing the amount of litter in our natural areas through our *Waste and Litter Strategy 2016-2040*. Wyndham City has received multiple grant funding opportunities to reduce litter within our community, including multiple State Government grants to trial initiatives such as the Pop-Up Recycling Days, Building Site Litter campaigns and installing innovative litter traps to limit litter entering Port Phillip Bay.

The EPA Officers for the Protection of the Local Environment (OPLE) program has been a great success within Wyndham, with the EPA Officer providing Wyndham with both additional resourcing and enforcement opportunities to tackle some of these threats.

Recommendations:

- Create better networks, working groups and reporting mechanisms between State and Local Government Agencies to proactively manage litter across all locations (e.g. Vic Roads, Melbourne Water, Sustainability Vic, EPA).
- Develop consistent litter reporting and data capture across the state.
- Continue to support local government litter initiatives through grant funding, networking and capacity building.
- Continuation and expansion of the EPA Officers for the Protection of Local Environments (OPLE) program.

3.6 Community Education

Wyndham City is dedicated to educating and connecting residents to the natural assets within the municipality but have found that it is very challenging to reach a large portion of our community. Unfortunately, many residents know very little about native grasslands, with a Wyndham City 2020 Natural Environment Attitudes survey indicating that most residents rate their knowledge as less than 5 out of 10. As such, there is little community support to protect critically endangered grasslands.

The survey also showed that our community has very low knowledge of native vegetation and wildlife and felt that the main things they could and did do to support local biodiversity was to participate in community tree planting days and plant native plants in their gardens. These attitudes seem more reflective of national tree planting/environmental messaging from national campaigns rather than an understanding of Wyndham and its own natural landscape.

In 2019 the Victorian Government funded the Caring for our Local Environment initiative, to support the greater engagement of urban communities in environmental volunteering, environmental education and related activities. These funds were distributed to Local Governments, including Wyndham. The funding was welcome and should lead to positive outcomes. The initiative would, however, have been strengthened by including mechanisms that fostered greater collaboration between Councils. This was a one-off, single year initiative, which is a short timeline for fostering longer term community engagement. There is great potential to see this investment continued.

Western Australia has wildflower gardens and trails that form a major tourist attraction during spring and go a long way to education communities about native vegetation and wildlife. Such

creative approaches to community education have a great potential, given such a large part of our state was covered in native grasslands that were once full of a diverse display of native wildflowers. Urban and peri-urban reserves such as the conservation areas laid out in the Biodiversity Conservation Strategy and the Western Grassland Reserve could be this drawcard if the appropriate level of commitment for delivery and vision to utilise their potential as grassland, wildflower, biodiversity education assets.

Recommendations:

- Implement education initiatives and infrastructure in existing and future urban and peri-urban conservation reserves (such as the Biodiversity Conservation Strategy reserves and Western Grassland Reserve) to support their use for community education and appreciation.
- Continue funding for educational initiatives, with increased focus on the variety of different ecosystems (such as grasslands).

3.7 Data Availability

Although it is clear that biodiversity is in decline in Victoria, as reported in the Victorian State of the Environment 2018 Report, the extent and rate of decline can only be properly understood if adequate historical and current data continues to be collected, evaluated and published. Ecosystem destruction is often overlooked due to insufficient data availability and surveillance, particularly in regions without dedicated resources or active and 'green' communities.

Declines are only known where significant effort and resources are put into monitoring historical and current status. Currently, most species survey effort is spent on species listed under the EPBC Act, iconic species, and species groups attracting hobby and interest groups, such as birds and orchids. However, other forms of biodiversity and ecosystem decline are not adequately understood, including losses from exempt activities, losses of habitat structures (such as tree hollows, rocks), insect decline, losses from existing use rights, climate change impacts, and decline of habitat condition from inadequate management.

Recommendations:

- Invest in the use of smart technologies to implement long-term, state-wide, representative monitoring of biodiversity across a greater range of lifeforms, kingdoms, ecosystems, bioregions and landscapes to obtain a better understanding of overall biodiversity decline.
- Investigate appropriate mechanisms to enable all biodiversity data obtained by professional assessors to be uploaded into central government databases, incorporating processes that ensure data quality, consistency and that is publicly accessible.
- Provide ongoing monitoring of data to support the prompt listing of threatened biodiversity under relevant legislation.

4. Legislative Framework and Strategic Planning

4.1 EPBC Act

Whilst the EPBC Act is a piece of federal legislation, it is an integral part of the legislative framework aimed at protecting Victoria's biodiversity and ecosystems. Many of Wyndham's natural areas and

indigenous species are listed under the EPBC Act. Wyndham City has recently provided comment on the EPBC Act as part of the independent review.

The interim report from the review of the EPBC Act showed that Australia's natural environment is in an overall state of decline and under increased threat. The EPBC Act is ineffective and is not fit to address current or future environmental challenges. Fundamental reform of the EPBC Act is required to protect and conserve the natural environment.

Recommendations:

- Encourage the Federal Government to adopt the changes proposed in the Interim Report for the Independent Review of the EPBC Act.

4.2 Native Vegetation Planning Protections

The current framework that surrounds native vegetation removal in Victoria, the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation 2017* (the Guidelines), serves to provide a 'no net loss' approach to native vegetation protection. This is a step down from the previous 2002 regulations that laid out an objective to achieve a net gain in the extent and quality of native vegetation. It must be acknowledged that any application for native vegetation removal that requires an offset still results in an overall loss of native vegetation and biodiversity. Incremental losses are continuing, particularly on private land, resulting in an overall ecosystem decline throughout Victoria. Ecosystem health can only be improved with a net gain policy that focusses on long term habitat restoration and protection.

91% of Victoria is classified as Location Risk A in the Guidelines, which allows for greater clearance with less oversight in areas which are not modelled to have a significant impact on rare or threatened species if small amounts are removed. This results in a 'death by a thousand cuts' scenario where native vegetation and habitat are slowly chipped away over time based solely on modelled data.

The Victorian Government is currently seeking comment on the future of Green Wedge Zones through the 'Planning for Melbourne's Green Wedges and Agricultural Land Project. While there is a strong emphasis on provisions for quarrying and agriculture, less focus is being made on the competing priority for many of these areas, which is to protect and enhance the biodiversity of the area, and to recognise, protect and conserve green wedge land for its environmental resources. These proposals have the potential to cause further ecosystem decline in Green Wedge Zones where other land uses are given priority over the protection of the environment. The current Strategic Extractive Resource Areas Pilot Project also seeks to prioritise extractive industry use within Green Wedges.

Improvement in the referral systems, and better collaboration and ongoing communication between government agencies where they are required to provide comment on the same planning application, would allow for better and more consistent responses, and align both the application and compliance of environmental planning policy decisions. This would provide clarity for both planners and applicants on the requirements and assessment of permit applications, as well as facilitating better outcomes for the protection of Victoria's biodiversity.

Recommendations:

- Establish strong and deliberate relationships and coordination mechanism between local government environmental planning staff, regional and regulatory staff from DELWP, and other relevant agencies to coordinate and improve planning outcomes.

4.3 Compliance and Enforcement

Under Section 127 of the *Planning and Environment Act 1987*, the maximum penalty for the illegal removal of native vegetation is 1200 penalty units (currently \$198,264 as at 1 July 2019). The financial input, time and effort required to obtain successful prosecution often exceeds the penalty, even where prosecution is successful, and a penalty is issued.

Penalties under planning infringement notices served under Section 130 (3) of the *Planning and Environment Act 1987* as at 1 July 2019 are 5 penalty units (\$826.10) for a person and 10 penalty units (\$1,652.20) for a body corporate.

Applications made to remove native vegetation often cost more than the resulting penalty for contravening the law. These costs include permit application fees, consultant fees, purchase of offsets and time delays. As such, adequate deterrence through substantial minimum and maximum penalties is imperative to protect native vegetation from unpermitted clearing.

Recommendations:

- Increase resourcing and focus on monitoring and compliance for unpermitted native vegetation removal, including a clear process for reporting and enforcing compliance issues. This must be done cooperatively between different levels of government and the community.
- Penalties must be increased and enforced to provide a sufficient deterrent to breaches against the EPBC Act and the Planning and Environment Act.

4.4 Native Vegetation Offsets

Offsetting should be a last resort after avoiding and minimising impacts on the environment. Local areas often do not benefit from offsets and can result in local extinctions and poor outcomes for local communities. Offsets (particularly general offsets) also generally favour common and less threatened environments to the detriment of the more threatened environments, such as the grasslands of Wyndham in areas targeted for development and agriculture. Offsetting should be focused on the local area where possible to compensate the local community, prevent local biodiversity loss and mitigate fragmenting of habitat. Offsetting should also be done with a 'net gain' approach in order to slow the rate of biodiversity loss.

The ongoing protection of offsets is an issue. Offsets are intended to be 'in perpetuity', but funding and management plans are currently required for only 10 years, with little ongoing management requirements of the offset site. A better solution to private ownership of conservation areas and offset sites is also required to ensure the long-term protection and management of offsets.

Standards should be established to ensure urban conservation areas become public lands where they have been used for avoidance, minimisation and offsetting. In some cases, urban conservation areas have been retained and not placed into public ownership, rather being left in the ownership and management of the developer. These cases pose high risks to the protection of the environmental values of the site and the 'in perpetuity' arrangements of the offsets. Developers can seek to act against the interest of the conservation values, allow them to be depleted and then advocate for their removal.

Recommendations:

- Develop a mechanism for the review of offset site condition after the initial 10 years, and ongoing, rolling 10-year management plans. Monitoring results and management plans must be publicly available.
- As a minimum, all clearing should be offset under the *Guidelines for the removal, destruction and lopping of native vegetation* (DELWP 2017) with the aim to have a net gain (rather than no net loss) in biodiversity to compensate for all the historical habitat loss that has occurred.

4.5 The Melbourne Strategic Assessment

The Melbourne Strategic Assessment (MSA) program was established to manage the impact of urban development in Melbourne's growth areas, providing defined conservation areas to protect Matters of National Environmental Significance, and more certainty and streamlined processes for developers.

The proposed Western Grassland Reserve, situated on Melbourne's western urban fringe, was a key mechanism to offset the biodiversity losses associated with development and to protect critically endangered grasslands. Although the reserve was to be delivered in 2020, as of April 2020 less than fifteen percent of the reserve has been secured and there is significant concern that the biodiversity values on the remaining private lands within the reserve area are in decline. The Victorian Auditor-General's Office June 2020 report of Protecting Critically Endangered Grasslands indicates that this slow acquisition is in part due to the slower rate of urban development and thus inadequate cost recovery from mandatory offset fees paid by developers. The failure to secure this, and other planned offset sites has been known and not acted on by the Federal and State Governments due to an inadequate regulatory mechanism. At the time the MSA was not legislated by the Victorian Government apart from inclusion in local planning schemes. Legislation has recently been enacted in Victoria, the lesson being this should have been done at the outset so that environmental outcomes are achieved, not just development and business outcomes.

The MSA was fast tracked through Federal, State and local governments for agreement and approval. Due to time constraints the assessments of biodiversity values were undertaken with limited detail as would be usual for such an application. It is possible that areas of threatened biodiversity have been inadequately recorded and may be lost. However, since its inception, there have been no requirement for ongoing monitoring of the biodiversity values within the offset areas still under private ownership. There is a need for ongoing, independent and thorough assessments of the values and the status of the Western Grassland Reserve and other offset sites to identify if this strategic assessment approach does achieve the desired environmental protection.

Recommendations:

- Ensure that the Victorian Government implement all recommendations from the June 2020 Victorian Auditor-General Office report on Protecting Critically Endangered Grasslands.

5. Indigenous Australians

Wyndham City recognises the importance of the connection between Indigenous Australians and the natural environment in Wyndham City's Reconciliation Action Plan 2017 and City Forest and Habitat Strategy 2017-2040.

The basalt plains around the Werribee River have been home to a diversity of Indigenous Australians, families and communities for countless generations. Their range of knowledge and complex skills, shared through generations of storytelling, are evident in the grasslands, trees, stones and waterways. The protection of cultural heritage is important to Indigenous Australians for reinforcing identity and belonging and important to all Australians as embodying knowledge connected to a place.

Wyndham contains several culturally significant sites and is working proactively with Traditional Owner groups to ensure we apply the appropriate care to such sites. Current policies, including the EPBC Act, do not adequately address or implement the protection of areas of significance to Indigenous Australians. The Interim Report for the Independent Review of the EPBC Act (June 2020) outlines that the EPBC Act is not fulfilling its objectives relating to the role of Indigenous Australian in protecting and conserving biodiversity.

There are infinite opportunities for Indigenous Australians connection to country through researching and investing into wholistic ecosystem protection and management. The economic and employment opportunities on a national level in this context are diverse and would involve invaluable contribution to national health and wellbeing.

Recommendations:

28. Ensure that the traditional land management of Indigenous Australians plays a greater role in biodiversity conservation.
29. Provide Indigenous land management groups with adequate resources to enable their engagement in the protection and management of Victoria's biodiversity.