

Friends of Merri Creek Inc. Submission to Legislative Council Environment & Planning Committee Inquiry into Ecosystem Decline in Victoria

August 2020

Summary

Friends of Merri Creek Inc is a long-established volunteer community group, actively engaged in environment protection and biodiversity conservation in the rural, peri-urban and urban reaches of Merri Creek in Victoria.

Impacts of climate change are apparent and affecting Merri Creek, highlighting the urgency of government action to reduce carbon emissions.

Our experiences with the Melbourne Strategic Assessment and related planning processes for Melbourne's expansion provide an illustration of systems that are locking in the continued decline of threatened species and communities. Specific examples of failure leading to ecosystem decline: prescriptions that sacrifice large areas of EPBC-listed communities; long-term, blanket approvals of urban development; whittling down of conservation areas; lack of management of conservation areas pending urban development; and very limited implementation of offset commitments.

The offset system to allow native vegetation removal is being used as the default approach, without the prior steps of avoiding and minimising loss. There are many biological, practical, administrative, financial and logic problems with the theoretical idea of a successful offset system.

State Government funding of conservation land management and ecological restoration is grossly inadequate. Parks Victoria and volunteer community groups such as Landcare and environmental friends groups are chronically under-resourced. Effective conservation of natural and restored areas requires ongoing maintenance,

particularly in infrastructure and land use planning and development processes.

Government policies and strategies that promote ecosystem health are not being implemented through government processes. Short-term infrastructure planning for urban growth areas, where pressures for development with high returns to current landholders seem to outweigh strategic planning process than longer-term aims for a liveable

city that optimises uses and development outcomes to the benefit of future communities and the environment.

Our experience with protecting and restoring natural areas along the Merri Creek demonstrates the social, economic and ecological benefits, but much more needs to be done. This includes the planning and establishment of a conservation open space network across the metropolitan region, including extensive revegetation and wetland restoration.

There are substantial employment opportunities in conservation land management and ecological restoration. Support for First Peoples in restoring environment will contribute to inclusion and recognising custodianship.

Victoria's biodiversity is sadly depleted and continuing to decline, but we have the knowledge, wealth and capacity to turn this around if there is political commitment and commensurate funding.

1. Introduction

The Friends of Merri Creek Incorporated (FoMC) is a community group based in the northern suburbs of Melbourne, with over 450 members. We have actively worked since establishment in 1988 to restore and protect the Merri Creek, its environs and tributaries in urban, peri-urban and rural settings. We aim to protect and enhance the indigenous flora and fauna communities, ecological processes and the unique biological and geological landscapes, significant Indigenous cultural sites, and historical features of the Merri Creek corridor from Wallan through northern Melbourne, for the enjoyment and benefit of current and future generations. We highly value the indigenous flora and fauna of our catchment, and of Victoria generally, as our natural heritage to be conserved.

Friends of Merri Creek activities include:

- Planting, weeding and other ecological restoration
- Monthly water quality monitoring
- Bird surveys at 10 sites, four times/year
- Monthly litter clean-ups
- Public walks, talks and tours
- Providing six representatives, and currently three office-bearers, to Merri Creek Management Committee
- Advocacy for parkland creation, wetland restoration, water quality improvement and protection of sites, species and communities of conservation significance in the Merri catchment
- Campaigns against threats to the Merri corridor, including a freeway, a major power transmission line, and toxic waste stockpiles
- Engagement in strategic planning and development approvals processes to protect the Merri corridor and significant sites.

FoMC members and office-bearers include environmental planners and ecologists with specialist expertise relevant to environment protection and biodiversity conservation, who contribute *pro bono* to engagement in public policy development, planning and decision-making processes in support of the FoMC objectives for waterway management and ecological protection/restoration.

Our submission is organised under the terms of reference of the Inquiry. Some of the issues and examples presented below are derived from our experience with the Melbourne Strategic Assessment (MSA) process under the EPBC Act, for a major expansion of the Urban Growth Boundary and planning for long-term urban development of metropolitan Melbourne. In our view, this process has many serious deficiencies and is a case study illustrating many shortcomings and inadequacies of both the national EPBC Act and the Victorian provisions for ecosystem protection and management.

2. ToR a) Extent of the decline of Victoria's biodiversity and the likely impact on people, particularly First Peoples, and ecosystems, if more is not done to address this, including consideration of climate change impacts.

2.1 Climate change impacts

The trends and impacts of a changing climate are becoming rapidly more obvious and alarming. Taking a narrow focus on the Merri Creek, these include intense storm events bringing floods and more erosion, prolonged drought degrading water quality, heatwaves which kill vegetation and biota, and dangerous wildfires. Globally, current rates of climate change present an existential challenge, and every government should be taking urgent action to reduce greenhouse gas emissions.

2.2 Planning to lose endangered species and communities to urban development – the Melbourne Strategic Assessment

Victoria's most recent *State of the Environment* report in 2013 identified that only 11 of 294 threatened species showed signs of recovery. There are many signs that the state's threatened species continue to decline, and some formerly common species are also threatened.¹ The Melbourne Strategic Assessment and related planning processes provide an illustration of systems that are locking in the continued decline in threatened species and communities.

The growth corridors designated for Melbourne's expansion extend over hundreds of square kilometres and contain many threatened species and communities, including:

- high quality, species-diverse remnants of volcanic plains grasslands in Melbourne's west and north, including habitats for listed endangered species;
- important remnants of listed Grassy Eucalypt Woodland in the north, with iconic, centuries-old River Red Gums;

¹ <https://www.audit.vic.gov.au/report/conserving-threatened-species>

- a network of habitats associated with waterways and wetlands across each growth corridor, supporting rare vegetation types, Growling Grass Frogs and other listed species;
- important habitat links for endangered Southern Brown Bandicoot in the southeast.

The native grasslands of the Victorian volcanic plains used to extend from the Melbourne area right across western Victoria. After less than 200 years of European settlement, the grasslands have almost been wiped out through ploughing, sowing with exotic pastures and crops, and clearing for houses and infrastructure. They are listed as Critically Endangered under national environment legislation, and are on the Victorian Flora & Fauna Guarantee Act threatened species list (Western (Basalt) Plains Grasslands Community, along with Western Basalt Plains (River Red Gum) Grassy Woodland Floristic Community 55-04).

Unjustified sacrifices by prescription

A significant number of good quality grassland remnants persisted around Melbourne and the metropolitan area contained some of the best large Western Basalt Plains grassland patches in the State. But the strategic planning process for Melbourne's outward expansion since 2008 has effectively sacrificed almost all of this vegetation community within the urban growth areas, by requiring retention only of sites with one endangered orchid species or an area of at least 150 hectares.² There is no scientific justification for these arbitrary and excessive requirements. Experience in northern and western Melbourne demonstrates that grassland reserves of much less than 150 hectares can be actively and sustainably managed in an urban setting. This has been confirmed by many scientific studies.³

As a result of the prescription, "It is likely that up to 3,278 ha of this native grassland will be cleared over the next 20 to 30 years as a result of the revised Urban Growth Boundary and associated infrastructure projects.... A further 769 ha of this Natural Temperate Grassland occurs within proposed precincts adjoining the Melbourne West and Melbourne North Investigation Areas and much of this is also likely to be removed.

² Victorian Government Dept of Sustainability & Environment (2009) *Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for the EPBC Act 1999*, Page 146.

³ Kendal, D., Zeeman, B.J., Ikin, K., Lunt, I.D., McDonnell, M.J., Farrar, A., Pearce, L.M., Morgan, J.W., 2017. The importance of small urban reserves for plant conservation. *Biol. Conservation*. 213, 146-153.

Soanes, K., Sievers, M., Chee, Y.E., Williams, N.S.G., Bhardwaj, M., Marshall, A.J., Parris, K.M., 2019. Correcting common misconceptions to inspire conservation action in urban environments. *Conservation Biology* 33, 300-306.

McCarthy, M.A., Thompson, C.J., Williams, N.S.G., 2006. Logic for designing nature reserves for multiple species. *American Naturalist* 167, 717-727.

Hence up to 4,667 ha of Natural Temperate Grassland may be impacted as a result of actions under the Program.” (Strategic Impact Assessment Report, p6)

This loss of 4,667 ha constitutes a substantial proportion of the remaining Volcanic Plain grassland: modelling by the Victorian Government estimated that at least 95% of the grassland community has been cleared with only 65,000 ha remaining (Strategic Impact Assessment Report 2009), whilst other on-ground estimates are as low as 30,000 ha.

Over 50% (778 ha) of critically endangered Grassy Eucalypt Woodland in urban growth areas is likely to be cleared for development (Strategic Impact Assessment report, p8).

The listed Striped Legless Lizard will not be salvaged from development sites, due to the illogical consequence of the unavailability of 900 specimens for proposed investigation into the effectiveness of translocation.

Long-term approval for destruction

The approval by the Commonwealth Minister in September 2013 of all actions associated with urban development in three growth corridors has effect until 31 December 2060 – a period of 47 years. This long-term approval does not allow for the possibility of:

- additional species or communities that occur in the growth corridors being listed because of declining populations, e.g. due to impacts of climate change,
- additional occurrences of listed species/communities being identified within the growth corridors, or
- demonstrated failure/inadequacy of measures specified in the biodiversity conservation strategies to protect threatened species or communities, during this period of 47 years.

Whittling down of Conservation Areas

The Biodiversity Conservation Strategy produced under the MSA (Vic. Govt Dept of Environment & Primary Industries 2013) identified 36 Conservation Areas within the urban growth areas to protect matters of national environmental significance and state significance. The total extent of proposed Conservation Areas was reduced by 35% between the draft Biodiversity Conservation Strategy and the final Strategy by inviting the landowners to challenge the original assessments.

The ecological surveys used to support these challenges were often inadequate with not enough time to assess the vegetation or being undertaken at the wrong time of year. Since the BCS, with approval from the Commonwealth Minister, an additional 377 hectares (over 9.4%) have been removed from the 4,000 hectares of BCS Conservation Areas.⁴

⁴ <https://www.msa.vic.gov.au/regulatory-requirements/conservation-areas/approved-boundary-changes> Accessed 19/3/20).

Riparian corridors designed to protect Growling Grass Frog populations were reduced from 200 m wide on each side of larger waterways to 100 m as the default width between metapopulation nodes, without any ecological justification⁵. This is likely to result in local extinctions. At the proposed Lockerbie/Cloverton town centre, the corridor has been reduced to 20m on one side of Merri Creek. This is likely to result in the loss of one of the healthiest known populations around Melbourne of this nationally vulnerable species.

No conservation management of Conservation Areas pending development

Although Conservation Areas were identified in 2013, there has been very little progress in establishing these. By 30 June 2017, (the most recent publicly available information) only part of one Conservation Area had been secured, a total of 68.5 hectares⁶.

"The actual rate and pattern of development (habitat removal) and reserve establishment is unknown, but will occur over many decades....."

*MSA funding will only be available to start securing and managing conservation areas as development occurs and Habitat Compensation Fees are paid. DELWP does not yet have access to all the funding it will eventually require to manage all conservation areas."*⁷

This is clearly an unacceptable situation and cannot be allowed to continue. Ecological infrastructure (i.e. conservation reserves) needs to be considered similarly to built infrastructure and the Government should utilise compulsory acquisition processes to protect areas with high biodiversity value.

For the indeterminate period (probably decades) before each Conservation Area is established, there is no obligation, legal requirement or incentive to undertake active management to conserve the endangered species or communities being nominally 'protected'. Instead landholders potentially have massive financial incentive to not manage native species effectively – i.e. the hope of being able to sell this land for urban development. Without active conservation management, threatening processes, particularly invasive weeds, predation and over-grazing are severely degrading the condition of these areas. Over time, these processes will potentially wipe out the listed species/communities.

Offset commitments not implemented

Two key commitments under the MSA to offset the destruction of listed species and communities in Melbourne's growth areas are the establishment and management of a

⁵ Total reduction of 42% in habitat designated for GGF protection, between the draft and final Biodiversity Conservation Strategy.

⁶ Victorian Government Dept of Environment, Land, Water & Planning (2018) *Melbourne Strategic Assessment Progress Report 2016-17*.

⁷ MSA 2015 Ecological Forum: Information and Questions & Answers
<https://www.msa.vic.gov.au/publications>

According to State Government policy⁹, the three-step approach: 1. Avoid 2. Minimise 3. Offset - should be followed when vegetation removal is proposed. However, it seems that current practice is to leapfrog the first two steps and go straight to offsetting. Any offset proposal should result in a net gain in extent and quality of indigenous biodiversity, including species and genetic diversity, ecosystem function, and ecosystem services.

There are many biological, practical, administrative, financial and logic problems with the theoretical idea of a successful offset system:

- There can be a considerable period between the “establishment” of an offset and the time when it can perform a function equivalent to the loss from clearing. Existing offset policies do not require the offset to provide equivalent resources prior to clearing, which can result in a long-term break in the continuity of an ecological resource, such as hollow-bearing trees.
- Studies (examples below) have suggested that there is no empirical evidence indicating that biodiversity offsets have worked to date, as they have only resulted in a net loss of biodiversity.
- Spash (2015) considers that offsets use economic logic to legitimise, rather than prevent, continuing habitat destruction.¹⁰
- No net loss in biodiversity through the use of offsets is considered to be “administratively improbable and technically unrealistic” (Walker et al. 2009).¹¹ This is because offset schemes have had a poor track record of compliance. Over the longer-term (100 years and longer) there is no guarantee that government agencies will continue to be responsible or that their staffing levels will be sufficient to ensure that the ever-increasing number of offsets are properly maintained.
- Biodiversity offset policies in Australia have tended to lock in biodiversity decline and risk exacerbating it (Maron et al. 2015).¹² Moreno-Mateos et al. (2015)¹³ consider that biodiversity offsets embrace misplaced technological optimism towards ecosystem restoration so they cannot resolve the trade-off between development and conservation.
- Complex native grassland and woodland communities (as found in the Merri Creek catchment), as well as old-growth forests, are scarce in Victoria and

⁹ Dept of Environment, Land, Water & Planning *Guidelines for the removal, destruction or lopping of native vegetation*. 2017.

¹⁰ Clive L. Spash. *Bulldozing biodiversity: The economics of offsets and trading-in Nature*. Biological Conservation 192. 2015. Pages 541–551.

¹¹ Susan Walker et.al. *Why bartering biodiversity fails*. Conservation letters. Vol.2 Issue 4, August 2009. Pages 149-157

¹² Martine Maron. *Locking in loss: Baselines of decline in Australian biodiversity offset policies*. Biological Conservation. Volume 192, December 2015, Pages 504-512.

¹³ David Moreno-Mateos et.al. *The true loss caused by biodiversity offsets*. Biological Conservation Volume 192, December 2015, Pages 552-559

We are concerned that the development of National Environment Standards will not be sufficient to protect Victorian biodiversity and ecosystems that do not fit the national framework.

5.2 Government decision-making to consider biodiversity values and impacts

All government decision-making should consider biodiversity values and impacts, early in the process. Specifically, biodiversity conservation needs to be given a higher priority in infrastructure and land use planning and development approvals processes.

It is not sufficient to use a legislative approach to biodiversity protection and conservation by focusing on protection of threatened species and communities; **most of our indigenous species and communities are in decline and in need of protection and restoration.** Avoidance of loss, i.e. protection of remnant vegetation and habitat must be given priority over offsetting elsewhere and native vegetation everywhere need to be managed effectively (i.e. environmental weeds controlled)

5.3 Policies should be implemented

There are sound, adopted Victorian Government policies and strategies promoting ecosystem protection and restoration, that are not being implemented through government processes.

Our recent experience with the Beveridge North West Precinct Structure Plan, prepared by the Victorian Planning Authority, illustrates this disconnect between policy and practice in strategic planning for urban development. Our detailed submission to the Planning Panel referred to Plan Melbourne 2017-2050, the Victoria Planning Provisions (in all Planning Schemes), the Integrated Water Management Framework for Victoria (2017) and the Healthy Waterways Strategy (2018). The draft Precinct Structure Plan ignores directives in these policies and strategies to protect and restore wetlands and terrestrial habitat. Our submission concluded:

"In our experience, biodiverse habitat and wetland restoration outcomes are feasible and bring substantial social and economic, as well as catchment management and ecological benefits. It appears to us that the pressures to maximise a form of urban development with high returns to current landholders have so far been more influential in the current strategic planning process than longer-term aims for a liveable, ecologically sustainable city that optimises uses and development outcomes to the benefit of future communities and the environment."

Another seven Precinct Structure Plans are being 'fast-tracked' in the name of post-COVID economic recovery. It seems unlikely, given time pressures and the response of the VPA to our submission, that these plans will pay any more attention to ecosystem protection or repair than the example above. Hence a form of urban development with very poor ecological outcomes will be locked in across growth areas of Melbourne and regional centres.

5.4 Conservation and ecological restoration in metropolitan Melbourne

The two goals of the State Government's *Protecting Victoria's Environment - Biodiversity 2037* highlight the importance of protecting and restoring natural areas in cities and suburbs. Our experience over the past 40 years along the Merri Creek and tributaries supports this, but much more needs to be done. Here are a few suggestions:

- Melbourne's waterway corridors and green wedges are crucial for biodiversity conservation and people's access to nature, but they need better protection through legislation and planning scheme controls.
- The Metropolitan Open Space Strategy should plan for a network of conservation open space as well as recreational open space. The conservation open space network should include sites of high biodiversity value as well as space for ecological restoration if we are to retain Melbourne's full suite of indigenous species and communities.
- The conservation open space network should be followed through at Precinct Structure Planning stage for urban development of greenfields land. Conservation reserves to protect indigenous biodiversity (local as well as regional, State and national significance) and to provide space for ecological restoration should be established in all new suburbs. This will enable all residents to have local contact with nature, a vital contributor to mental health.
- 'Surplus' government and public agency land should be assessed for its existing and potential contribution to the conservation and open space network, and retained as public land where it makes a contribution, whether through existing values or after revegetation/ecological restoration. Local government should not have to purchase this land from the State.
- All natural wetlands in Victorian cities and towns, including drained wetlands that could be restored, should be clearly mapped and protected in planning schemes and as part of Integrated Water Management plans and Development Services Schemes.

5.5 Funding

A substantial, multi-year funding increase by the State Government is essential for the conservation of Victoria's biodiversity. More funding is required for, among other things:

- Parks Victoria for conservation land management and visitor facilities and programs.
- Community (volunteer) groups and non-government organisations doing conservation land management and ecological restoration work – support for facilitators, administration, materials, contractors, capacity building and training, etc.
- Support for Indigenous organisations to build capacity and undertake environmental land stewardship on country.
- Private land conservation, e.g. state-wide rate rebates for land with conservation covenants on title.
- Environmental education programs that introduce and connect all Victorians to nature and natural areas.

New sources of funding should be considered – i.e. a tiny % tax on all property transactions could generate large amounts of funding for conservation. Conservation

land management is a primary role of the State Government that cannot be 'handballed' to other sectors or levels of government, although many other parties are willing to assist and contribute.

6. ToR e) Opportunities to restore Victoria's environment while upholding First Peoples' connection to country, and increasing and diversifying employment opportunities in Victoria

There are substantial employment opportunities in conservation land management and ecological restoration. This is meaningful, healthy and rewarding work.

The opportunities to include First Peoples in restoring environment will contribute to inclusion and recognising custodianship. Merri Creek Management Committee has a very good working relationship with Wurundjeri Tribe Council and their Narrap land management team – including cultural burning programs. Maintaining this relationship is dependent on grants programs.

A simple change the Government can implement is to insist that all infrastructure projects include ecological restoration goals. For example road projects could be compelled to restore a percentage of their area using native grass seed mixes rather than exotic species. This would stimulate the restoration industry, providing a continuity of funding that would allow economies of scale that reduce costs while creating jobs.

Conclusion

Effective strategies for biodiversity conservation and ecological restoration are known, and many organisations and individuals are willing to do more, given better support by the Victorian Government. Victoria's biodiversity is sadly depleted and continuing to decline, but we have the knowledge, wealth and capacity to turn this around if there is political commitment and commensurate funding.