

Lyndall Rowley  


## Submission to the Inquiry into Ecosystem Decline in Victoria

Dear Environment and Planning Committee,

Thank you sincerely for giving the opportunity for me to submit my thoughts and comments.

I note that your inquiry is sometimes referred to by some as the “extinction inquiry” and I would indeed second that inference of significance and urgent need for change.

Despite the various mechanisms for the maintenance and protection of biodiversity, threatened species, threatened vegetation communities, and native vegetation (cover & quality), as well as government policies and landscape planning via the planning scheme, Victoria and indeed Australia are still showing a trend of decline. The threats and threatening processes continue along with ongoing population growth, land development and the arrival of climate change, and Victoria now has a fragmented compromised ecosystem and many threatened species which are being pushed more and more towards unviability, extirpations and ultimately, extinctions.

There is no doubt in my mind that your inquiry into ecosystem decline is just in the nick of time – as long as we act accordingly and this time with great determination to reverse the trend.

### Climate change, consequential megafires, and compromised ecosystem resilience

To explicitly add another impact now contributing to this existing state of peril and ecosystem decline – the details of which the Committee is already well aware – ***I urge the Committee to factor in and consider climate change and its increasing manifestation for context, and as another influence operating on Victoria’s declining ecosystems.*** The altered and altering weather patterns and desiccating effects of climate change are sure to have an ongoing and increasingly negative impact on Victoria’s ecosystem in a variety of ways, let alone variously upon species and communities that are already surviving in sub-optimal habitats, being a legacy of historical and present-day human occupation and resource use. Climate change will amplify any harsh conditions as well as force further vulnerability.

A more stochastic and obvious direct consequence of climate change and altered weather patterns is the megafire. The wildfires of contemporary Australia have shown us the incredible and catastrophic destruction that is wrought in just a few days and weeks, laying bare whole ecosystems and bringing surviving native inhabitants to the conditions for potential extirpation.

Now that climate change is obviously here and already contributing to such ecologically damaging events such as the megafires of Black Summer, ***I urge the Committee to take into consideration the devastating impact of the Black Summer event upon Victoria’s ecosystems and species – which is still to play out and some species and communities may not fully recover; and to also factor in the prospect of more megafires impacting Victorian ecosystems into the future.***

In my opinion, and as a general rule, ***we need to retain, protect and enhance the ecological function of all of Victoria's habitats, native vegetation, wetlands and waterways in order to build as much resilience as possible into the ecosystem*** for it to cope with ongoing assaults from fires, droughts, and more chronic annual rainfall deficits, all being amplified by the growing presence of climate change. ***I therefore urge the Committee to heed the science and predicted influences of climate change, adopt the Precautionary Principle and take a precautionary approach to the management of Victoria's ecosystem function and biodiversity maintenance.*** None of us truly know for certain how each species, their habitats and entire vegetation communities will fair with ongoing climate change, nor do we know exactly how each of our waterways, wetlands and aquifers will cope and what the cumulative effects for each region will be. We don't know exactly what cascading events will be triggered. We also can't foresee when and where the next megafire will occur. Hence, ***the most prudent and low-risk approach towards ecosystem management is to at least retain, protect and enhance what exists now in the Victorian landscape.***

In relation to the use of fire i.e. landscape 'hazard reduction' burning intended to reduce fire risk: despite all of the years of annual planned burning we still get wildfires. But with climate change now amplifying fire risk weather and drying vegetation and soils, we will get more megafires. Helped by climate change altering atmospheric conditions, the wildfires can now generate their own weather in the form of huge, towering pyro-cumulonimbus convective formations (or 'pyroCBs') that can reach up to the stratosphere. Allow me to speak frankly to be clear about this more recent phenomenon: no amount of 'hazard reduction' can stop or slow this type of dangerous fire behaviour with these atmospheric conditions in conjunction with other conducive weather (which are both predicted to become more frequent and intense); it is virtually akin to 'going nuclear' in magnitude and energy. To continue with and even expand upon planned (hot, 'blanket', landscape) burning programs across Victoria is therefore futile for the purposes of wild(mega)fire prevention in the 21<sup>st</sup> Century; and besides, in its traditional currently practised form it is a single-purpose, crude and blunt instrument inflicted upon dynamic, living systems which can have negative consequences on the already stressed environment. (The frequent burning on Mallee public land has been studied for years and declines in native species are in evidence). ***I urge the Committee to consider the current use of landscape planned burning as having a negative impact to the environment while having little wildfire prevention efficacy. A vastly more determined fast and aggressive first attack (by air) on all new ignitions would be a far more certain and direct approach to wildfire prevention and the protection of ecosystems from catastrophic fires.***

### **Flawed and failed protections**

The Committee is no doubt aware of the recent findings in relation to the many failings of the Environment Protection and Biodiversity Act – including the failure of Regional Forest Agreements under the Act. So too you can add the many failings of Victoria's Flora and Fauna Guarantee Act and Victoria's Biodiversity Strategy as well as the government's environmental policies and implementation through the Victorian Planning Provisions and planning schemes. I don't need to give evidence; the purpose of your inquiry as well as the reported National and Victorian states of environment both in decline give testament to that. I do not have the answers, but ***I urge the***

***Committee to look at more effective legislation, policies and powers to protect Victoria's habitats, native vegetation and native populations of flora and fauna.***

### **Victorian Planning Provisions**

Areas for improvement include zoning and overlays in planning schemes and underlying legislation to support conservation over zoned land use. For example, in my experience over many years working to protect biodiversity, I constantly lost the battle to protect intact native vegetation and habitat – including threatened species – from: rezoning of rural land for subdivision; clearing native vegetation and habitat for subdivisions and industrial zone use (despite the FFG Act, Victoria's policy on native vegetation, local policies, any overlays, and the 'avoid, minimise' being the first two of the three-tier native vegetation retention rules); clearing and fragmentation of further vegetation and habitat for houses and other structures. That's just a snap-shot. But ***the critical message I need to convey to the Committee is that despite excellent policies and good intent, the zoning of planning schemes determines the permitted land use, and any policies or overlays to 'protect' those values are effectively largely negated. Even the presence of FFG Act listed species seems toothless and cannot override the purpose and permitted use of the zone.*** Only strong interpretation and advocacy from an enlightened council officer along with a willing proponent can mitigate damage to some degree. But the footprint of a subdivision and its services nevertheless destroys and degrades a natural environment. No 'offset' can make up for the *actual* permanent (net) loss, further fragmentation of vegetation and habitats, and the dislocation (or effective death) of some individual species. At present, ***the zone determines land use***, full stop. 'Discretionary' decision-making, even with policies and guidelines, is in practice and outcome (obviously) compromised by the pre-determined permitted land use. ***I urge the committee to address this significant 'flaw' in the Victorian Planning Scheme that undermines the intent of the Biodiversity Strategy and state environmental policy in order to prevent further avoidable declines in habitats for native species.***

### **Logging of native forests – it needs to end soon**

The Committee would be aware of the very recent significant and historic decision against VicForests' illegal logging which was all happening under the Regional Forests Agreement (RFA) system (which is meant to protect threatened species and communities), and under the Code of Forest Practice, and overseen by DEWLP. The final orders of the Federal Court came down in August which grants injunctions to protect 66 areas from logging by VicForests. Victoria's faunal emblem, the Leadbeater's Possum, was at threat by Vicforests' careless and illegal logging practices, along with another threatened species, the Greater Glider.

I encourage the Committee to read the eye-opening Federal Court summary here which has set a precedent and could flow onto questioning other RFAs:

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2020/2020fca0704/summary/2020fca0704-summary>

Given that VicForests' misconduct has demonstrated a blatant disregard of its obligation to avoid impacts to threatened species and habitat, and that 'the system' has failed to prevent VicForests'

illegal activity from occurring despite public warnings, I think the planned 10-year logging phase-out should be brought forward. To add to the need for urgency for logging phase-out, I think the 2019-20 Black Summer fires impact needs to be factored into the current depauperate ecological state of Victoria's forested estate. ***I urge the Committee to recommend a halt to current logging to allow the forests of fire-affected regions time to recover undisturbed, and for the Committee to recommend a more rapid phase-out from logging of all of Victoria's native forests.***

In view of the failure of the RFA process to protect declines of threatened species in the presence of logging ***I urge the Committee to review all RFA agreements in Victoria to increase the number and size of no-go Special Protection Zones and have them actively monitored to ensure that all threatened species and their habitats are adequately protected from current and any future logging plans. Increase auditing of Vic Forests' planning and operations during the remaining shortened phase-out period.***

There are many other issues which I would like to highlight as important but I will leave that to others who have personal experience.

I thank the Committee once again for this opportunity to contribute to your inquiry and I wish you well.

I look forward to your conclusions and recommendations to turn around Victoria's ecosystem decline.

Kind regards,

Lyndall Rowley.