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Categories: Submissions

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Submission

I write this submission based on my personal experiences and interests as well as my professional expertise as a lawyer who has practised in planning, environment and local government law. I have serious concerns that the law and government at both the state and local level does not adequately protect nor recognise the unique inherent value of our Australian wildlife and natural environment. I am genuinely fearful that in another generation there will be little left of our precious fauna and native flora – the loss and damage will be irrevocable - to our nation's shame and the detriment of the First Peoples and the country as a whole. This reality is all the more likely after Australia's devastating 2019-20 bushfires that are estimated by our scientists to have killed or displaced almost **3 billion** native Australian animals.

There are many issues that should be addressed – for present purposes, I limit this submission primarily to some key issues that I personally consider most pressing including those that impact on my local area.

Threat to Koala population

Koalas are federally listed as a *threatened* species and since the bushfires of last summer may become upgraded to *endangered* by the Federal Government in certain areas. The key reason for this alarming status is their loss of habitat that is not adequately protected by the Federal Government or the States. The bottom line is that koalas rely on eucalypts for their survival – without gum trees, there is no koala. Gum trees are their habitat and their food source. Similarly plants are fundamental to the existence of humans and other animals – and our native plants are vital to the culture of the First Peoples.

In addition to bushfires, it is acknowledged that there are other contributing factors to the demise of the koala such as the disease chlamydia, roadkill, lack of water/heat and predators (wild and domestic). However it is widely accepted that the most significant ongoing threat to the existence of the koala is development – that results in the loss of green corridors ie. their habitat, the gum trees.

It is an imperative that Victoria (along with other states) take urgent legislative and executive action to provide special protection for the koalas in addition to other native wildlife. Suggestions include:

- Government incentives for creating green corridors and koala sanctuaries on Local Council land/reserves and Crown land by large scale planting of gum trees. For example, in Mount Martha on the Mornington Peninsula where I live, an example of an ideal tract of land for this purpose would be The Briars historical estate, a 230 hectare parcel of farming land owned largely by Council that is open to the public and has large vacant paddocks that would benefit from large scale gum tree planting.
- Stricter planning controls to ensure the impact of development on wildlife are minimised – impact statements should be a mandatory aspect of the process and obtained by the local council – not the developer.
- Main roads and highways should mandatorily be required by legislation to provide a wildlife underpass or overpass that would allow wildlife to safely and easily travel across green corridors without becoming roadkill. It is a common feature in certain Western countries eg Canada.

Current Planning laws

In terms of the Mornington Peninsula where I live – Council’s planning team is apparently working on a draft Biodiversity Conservation Plan (BCP) that is intended to protect and strengthen biodiversity protection. It aims to provide better protect both flora and fauna. What is of concern is that this BCP is reportedly expected to take an estimated 3-5 years to accomplish including the Ministerial sign-off. I suggest this type of delay in administrative action is a problem when our wildlife and flora faces a much more immediate threat. To give an example, my residential street is a relatively short beach dirt road that featured lots of native bush and birdlife when I first came to live in Mount Martha some 4.5 years ago. The road has a total of 42 house sites. In the short time I have lived here, there have been approx. 11 planning development applications in my street (26 per cent of total sites), each one involving the removal of vegetation. The removal of the vegetation has been to the detriment of the character of the street and the birdlife wildlife such as the kookaburras. The impact of the removal of significant mature gum trees is never made good with replanting - it is the wildlife that suffers each time.

One the problems with the current planning law with respect to the removal of trees is the conflict with fire regulations. The 10 metre rule means that anyone can by right remove a tree ie without planning permit (no matter how significant) if the tree is within 10 metres of a building. This fire regulation overrides any planning condition/requirement. In practice, this regularly creates a number of ironical planning problems. Often the developer is allowed to remove vegetation subject to conditions on the planning permit that require the developer to replant as part of the development permit. However if the replanting is within 10 metres of the development, developers often ignore the condition to replant – and Council does not actively enforce the conditions as the developer is effectively protected by the 10 metre fire regulation.

Rather than Council allowing developers to remove significant vegetation like gum trees on the basis that of conditions to replant, it is recommended more should be done to protect significant vegetation and ensure the development envelope is sympathetic to the existing vegetation.

It is also recommended that the fire regulations should not operate and prevail over planning law in the case of land in developed non rural areas – the 10 metre fire regulation should only apply to rural land. It is in my submission a nonsense to have the 10 metre rule apply to built up areas.

Planning law should also take into account the impact on wildlife. Take for example the current situation with the kangaroos in the Kinley estate in Lilydale that remain landlocked. It is unacceptable that the developer in this situation is the one to submit the report as how the kangaroos are to be dealt with. In any event, the application for development should have been refused if the developer could not relocate or accommodate the kangaroos. It is unacceptable that our precious wildlife is treated as a disposable commodity.

Kangaroos

I strongly oppose the commercial harvesting of kangaroos and wallabies. I consider the practice obscene, especially the manner in which the young may be killed. There is also a problem with the lack of oversight of those conducting the killings in settings where individuals may operate alone.

Protection of brumbies

I strongly oppose the state government sanctioned cull of the brumbies in the high country. It is cruel and unnecessary. The population count of brumbies was done by the government before our devastating bushfires of 2019-20. These beautiful, happy, wild horses have been in Australia for centuries and pose no real serious threat to fauna or flora – certainly none that warrants their termination.

Legislation is, however, required for the protection of the welfare of the animals that are currently “fair game” for capture without any licence required – at present any person can go catch any number of brumbies and then use whatever methods they like to “break them in” and then take them to town to try to sell – and if they can’t sell them, there have been numerous reports of the brumbies found wandering around in odd places, unfed – the practice obviously being to dump them apparently being to are simply “dumped” to fend for themselves. It is a disgraceful practice that does not ensure the animals are treated humanely

Rivers and waterways

More must be done to protect our rivers and waterways from pollution and interference through the commercial licensing system. It is a great concern that landowners in rural areas are deprived of water due to water usage/rights of licence holders – and the detrimental impact on our eco system when waterways dry up.

Coastline

I strongly oppose dredging and believe it is responsible for erosion of our coastline. It also causes undue interference and imbalance of the ecosystem of our sea.

Prevention of Cruelty to Animals Act & Wildlife Act

I strongly recommend a review of this legislation with respect to a number of issues - greyhounds should be removed from the Wildlife Act so they are treated as any other domestic dog . Currently the greyhounds are mistreated and it is allowed . The definition of cruelty needs to be expanded with lots of examples – too many persons are allowed to mistreat animals and get away with it because it is too hard to prove what is cruel.

Dolphins and sharks – more should be done to protect

Yours sincerely

Signed by : *Leonie Schween*