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10 October 2007

Mr Richard Willis,
Secretary,
Select Committee on Public Land Development,
Parliament House, East Melbourne, Victoria 3002

Dear Mr Willis

Legislative Council Select Committee
Devilbend Hearing

Supplementary Submission

Thank you for the opportunity to make a supplementary statement to my written and verbal submissions and for the grace of period of two weeks, during which I have been away from home.

The request for this supplementary statement arose from a conversation with the Chair, Mr David Davies, after the hearing when it had become apparent from Mr Burgess' submission and subsequent questioning by Mr Tee, that I had overlooked answering the second of three questions addressed to me by Mr Tee following my submission. (Jamie Edgerton gave a partial response which I endorse.)

Mr Tee addressed to me the following question: "The other issue was the report I read was the working group summary report of December 2004. That identified that 40-hectare block of land as having a very low priority as a potential addition to the park. I just wanted to see whether you share the conclusion of that report. I know your submission is that we can return the block of land, but my question: is that report an accurate reflection of the block of land?"

The answer I would have given is as follows:

"The 2004 working group summary report is not 'an accurate reflection of the block of land'.

"The only indication in the report of the 'priority [of the 40 ha block] as a potential addition to the park' is in Table 5 on pp 26-27.

"This tabulation was tabled at a meeting of the Natural Values Sub-committee (of which I was a member) of the Working Group by Mr Jack Krohn, Convenor of the Working Group, quite late in the extended Working Group process. The immediate and emphatic response of the Sub-committee was to reject the analysis of 'priorities for inclusion in the park' on the grounds that the ecological basis of the community's long term vision was the absolute equality of value to the reserve of all segments of the Devilbend land, whether they currently carried high-quality habitat or were partially or significantly degraded by clearing and agricultural use. It had been agreed by the Sub-committee in previous meetings that all of the land was capable of restoration to a high standard given sufficient time, and the loss of any part of it from public ownership would be regrettable.

“Mr Krohn conveyed to the Sub-committee that he was under firm instruction to include such a tabulation of priorities, and that he would do so despite the views of the Natural Values Sub-committee. Some considerable time was in fact spent at his insistence reviewing and altering the structure of the table. But consent was never given to the contents, nor to inclusion of the table in the report. In late November 2004 Mr Krohn suddenly announced that the draft Report was in the Minister’s hands, and was no longer available for the Working Group’s further comment. A last minute request was submitted to Mr Krohn that the final report should at least include a statement of the strong objections of the Natural Values Sub-committee to inclusion of the priorities table (Table 5). However, 14 months later when the final version of the report was eventually released, it was discovered that this request had been rejected.

“In February 2005 the Westernport & Peninsula Protection Council wrote to Minister Thwaites on behalf of the Groups asking for publication of the final Working Group Report, and setting out their position as follows:

“ **‘Sale of land**

‘We were disappointed that despite the strong evidence produced by the Natural Values Sub-Committee of the Working Group in favour of retaining all of the land, Mr Krohn insisted the final Summary Report should include a tabulation of ‘order of preference’ for sale of blocks. The Devilbend Steering Group – the 36 groups which supported our letter to you on 23 January 2004, representatives of which have met regularly throughout 2004 - sent a strong message of disagreement. In their view, the evidence tabled during the Working Group’s deliberations strongly supported the stance taken in the Community Vision that any sale of land would be prejudicial to conservation imperatives, and the potential proceeds would be trivial by comparison with the long term value of a fully preserved asset. In this connection we do urge the Precautionary Principle. Once any land is sold it would be most unlikely ever to be economically and ecologically retrievable.’

“A copy of the letter is appended to this supplementary submission. No acknowledgment of this letter was received from the Minister, or to later letters on 28 April and 28 July requesting advice on the status of the issue.

“It is interesting (though not really relevant in our view) to point out that Block 1, the 40 ha segment in question, did not in fact receive the very lowest priority for inclusion in the park in Mr Krohn’s tabulation, and to the best of my knowledge there is no other reference elsewhere in the report which suggests any priority. In the section of the Report titled ‘Conclusions’ there are references to possible land sales but none relate specifically to any particular blocks. There are no Recommendations.

“In view of the above, I support Mr Burgess’ statement that there was pressure applied on the Working Group to compromise and to accept that the sale of some land was ‘necessary’. Devilbend Steering Group representatives had already, in meetings of the whole Krohn Working Group, countered this ‘necessity’ by pointing out that the Community Vision proposed restoration of the reserve over an extended period of at least 50 years. They tabled papers setting out a feasible budget which, by adopting this longer time scale, would avoid the need for any funding from land sales. Included in this budget was income flow from a number of activities (related especially to education and research) which would contribute significantly in the long run to the financial support of the reserve. As pointed out in our written submission to the Select Committee, the effective establishment of these

activities depended critically on the retention of a slightly separate yet coherent site which is offered by Block 1.

“It is understandable that Mr Tee was misled by Table 5 of the Summary Report into believing that Block 1 had been judged to have ‘little conservation value,’ since the Report had failed to register the complete refusal of the Natural Values Sub-Committee to acknowledge the tabulation of ‘priorities for addition to park’. I trust I have made it clear that the report was flawed in failing to report this, and therefore provides no basis for such a statement. This important flaw in the report is most regrettable and is inconsistent with the excellent presentation elsewhere of the case for use of 100% of the Devilbend land as a nature conservation reserve.

“In terms of Mr Tee’s question: ‘is that report an accurate reflection of the block of land?’, the answer is categorically ‘No!’”

“The Natural Values Sub-committee comprised a membership of high reputation and range of relevant expertise. Included on it was Mr Roger Richards representing Birds Australia, who has appeared before the Select Committee. Mr Richards has asked me to express his full confirmation of my account of the issue as presented above.”

Yours sincerely

Brian Cuming
Member of Council
Devilbend Foundation Inc.

Att: WPPC letter to Hon John Thwaites 9 February 2005

Westernport and Peninsula Protection Council Inc



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P.O. Box 9
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9 February 2005

Hon John Thwaites, MLA
Deputy Premier of Victoria,
Minister for Water, Environment and Victorian Communities
Treasury Place, East Melbourne, Vic, 3002.

Dear Minister

Re Devilbend Working Group

We thank you for the opportunity provided by the Devilbend Working Group to review alternative outcomes for Devilbend. The meetings were conducted to a high standard.

Due to lack of time nearing the end of the process members of the Working Group received only an unfinished draft of the final report prepared by Mr Krohn, and we therefore have only a general idea of what was eventually presented to you.

However, we trust that the following will be clear from the Report:

Re: natural values

- ❖ There has been a substantial loss of biodiversity on the Mornington Peninsula since European arrival;
 - On current trends, significant further loss of native flora and fauna in the near future will be apparent.
 - Primary factors responsible for the loss of species and diminished ecological health of the region are loss and fragmentation of habitat, and decline in habitat quality.
- ❖ The ecological value of Devilbend is highly significant at both regional and state levels.
 - Preservation and enhancement of ecological values at Devilbend has the potential to make an important contribution to reversing the declines and loss of native species on the Mornington Peninsula.

Re: Park objectives

- ❖ Evidence from the Natural Values Sub-Committee of the Working Group provided a strong argument for a park with a conservation priority.
- ❖ The Working Group recognized two qualitatively different scenarios. No plausible intermediate cases were proposed.
- ❖ The Melbourne Water **Draft Master Plan (DMP)** proposed a park. In the hierarchy of public parks in Victoria this DMP proposed park is a 'Metropolitan Park', namely one in which:
 - 'potentially large numbers of visitors need to be catered for'; and
 - 'there may be special challenges in protecting natural and other fragile values.'
- ❖ The DMP proposed park has as its objective a priority for relatively high impact recreational activities (eg. high density fishing and boating) and high overall visitation (~200,000 people/yr).
 - There are already abundant opportunities for fishing and boating around the Peninsula and no convincing evidence was presented to support a need to further service these interests.
- ❖ The **Community Vision (CV)** signals a new designation of Park which might be called a 'Wildlife Restoration Reserve': it would be:
 - a conservation-oriented park with low-impact recreation activity only; in which
 - on-going, gradual processes of restoring habitat and reintroducing wildlife - and learning from these processes - become central features of interest.
 - Given:
 - the number of species of flora and fauna at the site which are poorly represented elsewhere on the Peninsula (and in the State)
 - the potential for ecological restoration and species re-introductions,
 - the size and strategic location of the land in the heart of the Mornington Peninsula 'green wedge zone',

a conservation oriented park is the most appropriate designation for Devilbend.

Re: Ecological Restoration

- ❖ The Natural Values Sub-Committee of the Working Group highlighted a fundamental defect in current planning approaches to habitat conservation:
 - Based on outmoded science we continue to preserve the 'good bits', allow degradation of the 'not so good bits' until they are 'bad', and put concrete and cats on the 'bad bits'.

- As a result, the very direction of planning has been towards further and further fragmentation into small, unsustainable islands of habitat.
- ❖ *Devilbend offers a turning point in habitat restoration philosophy and practice*
 - The relatively new science of 'landscape ecology' emphasises the fundamental importance of large and connected patches of habitat.
 - Restoration of habitat is many times more effective, and much more economical, when quality fragments are grouped in proximity inviting re-connection.
 - The Devilbend land offers a rare opportunity to achieve this goal.
- ❖ DMP arguments for the selling of the cleared land are based on an outdated 'myth' that cleared farmland cannot be effectively or economically restored to valuable habitat.
 - Evidence, including much local on-ground evidence, was produced to the contrary.

Funding and costs

- ❖ Significant elements of the costs estimated by Parks Victoria and Melbourne Water related to infrastructure required for intensive fishing and boating activities, e.g., roads, parking, toilets, boat ramps, supervision, capital works to maintain water levels.
- ❖ The Community Vision would require substantially less such infrastructure.
- ❖ The Community Vision would require some initial government support (eg, de-commissioning works, some annual income assistance in early years), but has the potential to become economically, as well as ecologically, self-sustaining.
 - An outline of income and expenditure estimates for the Community Vision is attached.

Management

- ❖ The Working Group acknowledged that:
 - the most appropriate form of management may depend on which type of park is chosen; and
 - a number of alternative management arrangements need to be further explored
- ❖ The novel features of a Wildlife Restoration Reserve may require a novel management arrangement.
 - It was noted by the Working Group that Trust for Nature has offered their expertise and experience in finding an appropriate solution;
 - there was, however, insufficient time to explore options with TFN.

Sale of land

We were disappointed that despite the strong evidence produced by the Natural Values Sub-Committee of the Working Group in favour of retaining all of the land, Mr Krohn insisted the final Summary Report should include a tabulation of 'order of preference' for sale of blocks. The Devilbend Steering Group - the 36 groups which supported our letter to you on 23 January 2004, representatives of which have met regularly throughout 2004 - sent a strong message of disagreement. In their view, the evidence tabled during the Working Group's deliberations strongly supported the stance taken in the Community Vision that any sale of land would be prejudicial to conservation imperatives, and the potential proceeds would be trivial by comparison with the long term value of a fully preserved asset. In this connection we do urge the Precautionary Principle. Once any land is sold it would be most unlikely ever to be economically and ecologically retrievable.

Minister, before you make any final decision on the future of Devilbend we would appreciate a further opportunity to discuss it with you.

We would also appreciate early release of the final Summary Report and the Main Report of the Working Group so that this excellent accumulation of information and analysis can be made widely available.

Yours sincerely,

(signed)

Max Anderson,

President, Westernport and Peninsula Protection Council Inc.

Att: 'Estimates of income and costs for the Community Vision of a
Wildlife Restoration Reserve at Devilbend.'

Estimates of income and costs for the Community Vision of a
Wildlife Restoration Reserve at Devilbend

The economic basis for a Wildlife Restoration Reserve received no effective criticism from the Working Group. It rests on:

- ❖ A long-term (say 50 year) approach to habitat restoration and development of facilities.
- ❖ Retention of 100% of the land, which will make possible:
 - Continuation of leases to produce income, initially high, then reducing as grazed sections are programmed for restoration;
 - A simple, mainly road-bounded shape to minimize neighbour pressures and radically simplify management;
 - A multi-purpose trail allowing equestrian use within the boundary (impossible with 'bites' out of the boundary);
 - hence engaging equestrian support and income sources;
 - Land outside the simple boundary, for 'busy' income-generating enterprises (eg school camp accommodation, education centre, tertiary campus, etc);
 - Engagement of enthusiastic volunteers (very unlikely for a metropolitan park);
- ❖ No high capital requirements to service fishing or boating activities such as :
 - roads, parking, boat ramps, jetties, etc
 - infrastructure to maintain water levels
- ❖ Potential for funding from sources other than DSE (unlikely for a metro park) eg
 - Commonwealth government
 - Philanthropic sources
 - Health, education and eco-tourism related sources
- ❖ Other offsets to costs offered by the Community Vision including:
 - Carbon sequestration credits
 - 'Net Gain' credits
 - Economical funding of threatened species rescue

A summary of estimates for years 1, 10 and 50 follows. Some minor adjustments to earlier submissions have been made in the light of revised data made available to the Working Group.

<u>Annual costs (\$000)</u>	year1	year10	year50
staff (1.5)	75	75	75
overheads	25	25	25
Contractors	50	50	50
reveg 40/ha (over 5yr)	100	110	120
develop trails, interps	10	15	20
water inspections etc	<u>35</u>	<u>17</u>	<u>17</u>
Total costs	295	292	307
<u>Annual income (\$000)</u>			
leases and rent	100	80	5
'enviro' funding/grants (State)	120	80	50
Volunteer/'in-kind'	10	35	50
other income:			
* Commonwealth funding/grants			
* funding/grants non-'enviro'			
- health			
- education			
- eco-tourism			
* 'off-park' enterprises	<u>65</u>	<u>97</u>	<u>202</u>
Total income	295	292	307

Notes:

- 1 *Lease income is based on current figures. Long-term contracts should enhance this significantly.*
- 2 *'other income' would come progressively from park related enterprises in the 'off-park' allotments.*

