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31 August 2020

Submission to the Legislative Council Environment and Planning Committee's Inquiry into Ecosystem Decline in Victoria

Dear Environment and Planning Committee,

Climate Action Moreland welcomes the opportunity to make a submission to the Inquiry into Ecosystem Decline in Victoria. This is a real step in the right direction, and we hope that as a result our unique species and ecosystems can be maintained and conserved.

Executive Summary

- The extent of Victoria's biodiversity decline - driving factors and stressors
- The adequacy of the existing legislative framework and government programs
  - Alignment of systems, structures and governance frameworks
  - Definition of agency roles, purpose and capacity building
  - The need for a comprehensive, strategic and representative network of terrestrial, freshwater and marine protected areas
- Proposed legislative, policy, program, governance and funding solutions
  - Public land
  - Private land
  - Forests
  - Wetlands
  - Urban and suburban areas
  - Monitoring and evaluation frameworks
  - Threat Abatement Planning
- Upholding First Peoples' connection to country
  - Sovereign partnership and rights
  - Governance and co-governance arrangements
  - Indigenous Ranger programs
  - Decision-making processes
  - Funding and resourcing community-based indigenous organisations in ILM
  - Free, Prior, Informed and Continuing Consent
  - Traditional land access
  - Promotion of benefits of ILM

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Basis for Submission

Healthy and robust land, water and biodiversity are fundamental to the health and wellbeing of all Victorians – these provide the foundation for a broad range of ecosystem services including clean air, drinking water and better soil health for food production. A healthy Country is also central to the cultural, spiritual, physical and economic wellbeing of Aboriginal Victorians.

With biodiversity loss accelerating in Victoria over the past two decades due to land clearing, fire, pest plants and animals, land development, water pollution and increasingly exacerbated by climate change (Department of Environment, Land, Water and Planning [DELWP] 2017), this review process is an important step in recognising the urgent need to address the biodiversity crisis in our state.

In the Municipality of Moreland we are well aware that even in a heavily urbanised environment we also occupy a biodiversity hotspot, especially the habitats along our urban creek corridors (Ives et al 2015). David Lindenmayer in a commentary article argues that "Wintle et al show that a focus of policy reform by governments must include not only the protection of large, intact areas but also small, isolated patches within highly modified environments" (Lindenmayer 2019). We provided substantial input to the Moreland Council Nature Plan on biodiversity that was adopted in August 2020 and have a continued interest in biodiversity outcomes both within Melbourne and the wider Victorian state.

In particular, we wish to respond to the points arising in the Terms of Reference for this review as follows.

1. **The 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;**

   The 2018 State of the Environment report found that Victoria's environmental health was declining in 51 of 170 categories (CES 2018).

   According to the Protecting Victoria's Environment – Biodiversity 2037 report (DELWP 2017) "more than half of the state's native vegetation has been cleared since European settlement, and many native plant and animal species are at risk from a range of pressures, including the impacts of climate change".

   In fact, Victoria boasts the highest level of continental landscape stress in Australia, with similar trends across our terrestrial systems, riparian systems, wetlands and estuaries (Robinson et al 2013).

   We have disturbed the existing balance in nature, and we are experiencing a biodiversity emergency.

   According to Dr Nadine Richings, five main human actions are recognised as driving biodiversity loss and ecosystem decline:

   - Habitat loss
     - Forests
     - Grasslands and woodlands

        - Freshwater: rivers, streams, lakes, ponds, marshes
        - Marine: coast, estuaries, reefs, bays, open sea, seabed
    - Introduced species
        - Animals (farmed)
        - Animals (free-living)
        - Plants
        - Micro-organisms: bacteria, viruses
    - Exploitation (use, abuse, disregard)
        - Animals
        - Habitats and ecosystems
        - Resources
    - Pollution
        - Plastic
        - Chemicals
        - Pharmaceutics
        - Land: general waste, landfill
        - Water pollution
        - Air pollution: GHG emissions, VOCs
    - Climate change associated with global warming
        - Animal agriculture
        - Land clearing and logging
        - Fossil fuels

Introduced animals are proliferating whilst our native species are under increasing pressure, with the recent summer bushfires have almost certainly accelerated this decline. In fact, the summer bushfire season was found to have burnt an area of approximately 97,000 km2 across southern and eastern Australia, an area which is considered habitat for 832 species of native vertebrate fauna with 21 of those already listed as close to extinction (Ward et al 2020).

Climate change will certainly see events such as the summer bushfires increase in frequency and severity within our lifetimes (Climate Council 2017).

2. **The adequacy of the legislative framework protecting Victoria's environment, including grasslands, forests and the marine and coastal environment, and native species; and the adequacy and effectiveness of government programs and funding protecting and restoring Victoria's ecosystems;**

Whilst we recognise that in 2017 the State Government released Protecting Victoria's Environment—Biodiversity 2037 to address the decline of our biodiversity by moving our conservation approach away from managing individual threatened species to broader scale and longer-term threat and ecosystem management, we do not feel that this is sufficient in halting the biodiversity crisis our state is facing.

There has previously, and remains, a perceived lack of 'strong, long-term, consistent whole-of-government policy and legislation to achieve key national biodiversity targets' among regional organisations, including in Victoria (Cork, Stoneham & Lowe 2007). This indicates that landholders are unclear on which environmental outcomes are relatively more important and why, and how biodiversity should be appropriately managed for 'good' outcomes.

Particular concerns include:

a) Need for alignment more broadly of systems, structures and governance frameworks to support regulatory effectiveness and outcomes;
b) Current policy, legislative and regulatory processes are outdated and overly complex, with DELWP in particular lacking the ability and respect to effectively regulate to protect Victoria's environment and strained relationships in the sector undermining positive conservation outcomes;
c) Absence of a strategic approach, with a real need for clarity around roles, responsibilities and purpose to help align conservation efforts.

There is an identified need for all agencies operating in this space to define agency roles, including inter-agency working groups, regulatory purpose, and to undertake capacity building processes regarding regulatory practices. This process would be benefited by consolidation of regulatory functions to align effort and adopt a proactive, open and outward-facing regulatory posture.

Significantly, we currently lack a comprehensive state-wide biodiversity framework with an accompanying funding mechanism designed to reverse the existing and continued degradation of existing ecosystems and areas of high biodiversity value.

Correspondingly, Victoria is also in dire need of a comprehensive, strategic and representative network of terrestrial, freshwater and marine protected areas (MPAs) including all remaining areas of high conservation value, managed with the primary aim of conserving biodiversity.

3. 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;

<u>Public Land</u>

a) Address known knowledge gaps and improve the evidence base for environmental management to help inform critical questions about Victoria's existing biodiversity condition and extent, as well as improve adaptive management and biodiversity outcomes in the state (CES 2018). In practice, this will require:

    i) A commitment to delivering a more coordinated and coherent approach to biodiversity management by streamlining land management approaches to address existing inefficiencies arising

from inconsistent data sources and reporting terminologies coming out of disparate investment programs across a number of land management groups;

ii) Complementary investment in improving data effectiveness in routinely monitoring progress against desired biodiversity outcomes, to improve data access in decision-making;

iii) Improved coordination and a strategic approach for investment in critical research to enable improved and timely decisions and policy interventions;

iv) Working with universities and industry in partnership to resource and undertake action research programs.

b) Appoint a Chief Biodiversity Scientist for Victoria to improve investment impact and coordination across biodiversity science and research. This position should ideally provide the DELWP Secretary and the Minister for Environment with esteemed counsel on biodiversity, threatened species and the impacts of climate change, invasive pests and extreme events on biodiversity values and assets; as well as advise on the delivery of the biodiversity targets committed to in Biodiversity 2037 (DELWP 2017).

c) Provide funding, resourcing and support to local communities and regional organisations that work in biodiversity conservation, with particular focus on First Nations groups, to develop and implement locally-identified conservation schemes.

<u>Private Land</u>

a) Commit to accelerating private land conservation efforts, in order to bridge the gap between the rates of private land conservation through permanent protection and biodiversity loss. Permanent protection measures focusing on high-priority ecosystems and landscapes require appropriate resourcing; we must also invest in local government capability to enforce the existing Guidelines for the Removal, Destruction or Lopping of Native Vegetation and the Invasive Plants and Animals Policy Framework.

b) Support recommendations contained in Trust for Nature's Statewide Conservation Plan (Robinson et al 2013), notably the need to establish a strategic, statewide approach to their conservation activities on private land, focussing on protecting priority ecosystems and species in a way that complements the conservation measures being undertaken or funded by partner agencies on public and private land.

c) Inclusion of private properties within a National Reserve Framework to improve the coordination and effectiveness of conservation measures (Fitzsimons & Wescott 2013).

d) The agricultural sector must urgently transition to regenerative and permaculture practices that enhance biodiversity and ecosystem outcomes. Significant funding must be made available to Landcare groups to support this transition process.

e) Consider the use of agreements registered on titles of land to assist in the permanent protection of land whilst retaining private land ownership.

f) Provide training, education and outreach programs to ensure that private landowners are properly informed about incentive schemes, and about land management for biodiversity outcomes more generally.

Forests

a) The logging of primary, remnant, old-growth or high-conservation value forests and bushland in Victoria must cease immediately, in order to protect crucial environmental values including rainfall, water tables, biodiversity and habitat and climate control. The Government must explore native forestry alternatives that have immense potential to safeguard existing biodiversity values, support and encourage the growth of sustainable alternative industries.

b) Where necessary, commit to provision of offset areas to compensate for impacts on biodiversity from the destruction of native vegetation.

c) The Victorian government must increase the levels of protection for existing forests, reserves, vegetation and riparian zones, including fragmented and degraded areas. Reforestation and rehabilitation of existing forested areas must be prioritised, with clearing these areas remaining as a last resort. This may include (but is not limited to) establishment of wildlife corridors, buy-back schemes to expand conservation areas within high biodiversity value identified locations, and creation of buffer zones in high conservation areas, including linkage to and restoration of ecological fragments on public and private land.

d) Review existing legislation and planning regulations, including processes for granting permits to remove native vegetation, to ensure that the process is not open to exploitation from vested interests.

e) The government must reassess the extinction vulnerability of fire-impacted species in Victoria and support the recovery of populations in both burnt and unburnt areas as a matter of priority and urgency. Multifaceted strategies designed to ameliorate current and fire-induced threats, including proactively protecting unburnt habitats, should be developed to support species' population recovery. This will crucially include policy reforms that aim to reduce megafires, reshape forest management modes, and prioritise the protection of key natural assets including unburnt areas (Lindenmayer & Taylor 2020).

f) With regard to Regional Forest Agreements (RFAs), protection of forest habitats should require the Federal Environmental Protection and Biodiversity Conservation Act to be administered in the case of RFA forestry operations, through existing triggers (such as conditions biodiversity and/or threatened species are likely to be significantly impacted by proposed forestry operations) or through advocating for introduction of a new land clearing trigger.

Wetlands

a) Develop an overarching strategy for wetland management (stand-alone or as part of a more extensive strategy for waterways or biodiversity) setting policy goals, targets, and reporting regimes, with a five-yearly review cycle (EDO 2012).

b) Enable Catchment Management Authorities (CMAs) authority under the Water Act in the management of all wetlands, whether on public or private land. As part of this, require CMAs to identify high value wetlands and provide Planning Authorities to ensure that planning schemes work to protect these wetlands (EDO 2012).

c) Ensure that all relevant water management agencies (including DSE, CMAs and EPA) are appropriately resourced to appropriately undertake their prescribed wetlands research and protection functions (EDO 2012).

d) Commit to using existing powers under the *Flora and Fauna Guarantee Act 1988* (Vic) to declare wetlands that are essential to the survival of listed threatened species and communities 'critical habitat', including the ability to protect critical habitat under imminent threat from development using the Interim Conservation Order under the *Act* (EDO 2012).

e) Use new and existing market-based instruments to ensure that the value of wetlands' ecosystem services is reflected financially, and people are properly funded to look after wetlands (EDO 2012).

Urban and suburban areas

a) Urban densification decisions should be undertaken in an environmentally and socially responsible way, rather than sustained suburban sprawl. This is critical to retaining biodiversity in outer-urban areas, as well as addressing the various social injustices that ensue due to urban sprawl. Mass planting of endemic native vegetation, informed by First Nations knowledge and environmental science, is central to this effort.

b) Commit to protecting some of the most ecologically endangered communities and species in Australia in the face of rapid urban development, particularly

grasslands and associated ecosystems which are listed as 'critically endangered' within the Urban Growth Boundary of greater Melbourne. This includes a requirement to address concerns that conservation reserves established outside these urban areas do not contain the same natural values as the impacted areas within the UGB.

c) Commit to and resource the establishment of a network of conservation areas (36 areas covering over 4000 hectares) within the Urban Growth Boundary, to be protected and managed for matters of national environmental significance species and vegetation communities. Report on progress in a transparent manner.

Improved Monitoring and Evaluation Frameworks

a) Better and more intensive monitoring is required to help us understand the current status of Victoria's flora and fauna, and track emerging risks, such as weeds and pest species that will move into unexpected landscapes and change the way ecosystems behave (Professor Mike Clarke, LaTrobe University). Addressing this requires:

    i) Establishment of a solid baseline from which to measure changes in biodiversity, including establishing the current distribution and abundance of naturalised plants and introduced species;

    ii) Maintenance of biodiversity datasets that are coordinated and routinely updated, to increase accessibility and utility of available data;

    iii) Increasing the knowledge base on the status of threatened species, specifically their abundance, population age structure and distribution;

    iv) Consistent methodologies for determining biodiversity trends over time;

    v) Improving existing knowledge on the status of invertebrates, lichens and fungi.

b) Exploration of Citizen Science initiatives to help flesh out the evidence base for improved decision-making around conservation of biodiverse areas.

Threat Abatement Planning

a) Work with the Commonwealth Government to strengthen threat abatement planning processes, including
    i) Establishment of Key Threatening Process (KTP) listings for altered fire regimes, altered hydrological regimes and livestock grazing;

    ii) Establish a threat abatement plan for land clearing;

iii) List major invasive threats under individual KTPs rather than bundling under the 'novel biota' KTP with no abatement plans.

b) Conduct a robust research program examining humane and sustainable means of controlling existing and potential threats to biodiversity from introduced animals, weeds and other pest species.

c) Climate change impacts must be considered in all conservation decisions, and the precautionary principle must be observed as part of these decisions.

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

First Nations peoples have lived on this land for millenia, developing deep and unique connection to Country.

In fact, this connection presents us with an abundant source of knowledge and innovations for improved land and water management policies when Indigenous decision-making is appropriately supported (Muller, Hemming & Rigney 2019).

We believe that this connection must be recognised and supported through the following actions:

a) Recognise First Nations people as sovereign partners in environmental management and support the assertion of sovereign rights, for example granting of legal personhood to rivers and national parks in New Zealand (Muller, Hemming & Rigney 2019). Drive further recognition of Indigenous rights and interests in land through title and agreements (Hill et al 2013).

b) Support First Nations communities and organisations to identify, organise and develop governance and co-governance arrangements that respond to customary institutions, given that Indigenous governance is most successful for ILM where Indigenous peoples start it themselves (Hill et al 2013).

c) Support hybrid economy approaches, for example government-funded Indigenous Ranger programs (Hill et al 2013).

d) Ensure that First Nations people are involved in all levels and at all stages of decision-making processes regarding ecosystem conservation to help ensure these projects do not have destructive impacts on Country. Further, environmental strategy and actions must be led by First Nations people and communities (Hill et al 2013).

e) Support Indigenous agency and build resilience of Indigenous Land Management (ILM) organisations by increasing the share of government funding and resourcing to First Nations groups to drive innovative practices

and discovery of new solutions to acute environmental issues. Leverage new resources by supporting innovative financing mechanisms that bring in corporate and philanthropic funding (Hill et al 2013).

f) Link community-based Indigenous organisations to the resources and support required to undertake ILM (for example, land councils and regional NRM bodies), for example through brokers and brokering organisations. Enable First Nations people to access funds for ILM based on their own cultural knowledge and practices through provision of Indigenous-specific government programs incorporating multi-year funding and flexible case management.

g) Actively work to ensure that conservation decisions do not lead adverse outcomes for First Nations people, such as displacement from Country, and that any proposals regarding planned conservation projects and areas uphold principles of Free, Prior, Informed and Continuing Consent.

h) Support Indigenous groups to regain access to traditional lands where possible; many Indigenous people lack access to traditional lands held under other forms of tenure (Hill et al 2013).

i) Increase visibility of ILM through identification and promotion of benefits generated by ILM for all Victorians. Recognise examples of best practice and work to apply lessons within Victorian context where appropriate and possible (Muller, Hemming & Rigney 2019).

About Climate Action Moreland (CAM)

Climate Action Moreland is a non-profit community group which brings together community members from the local areas of Brunswick, Coburg, Fawkner, Pascoe Vale and Glenroy to connect over a common desire for greater action on climate change. The group meets monthly, and meetings are open to all interested community members.

We work closely with other climate action groups, including those in the Yarra, Darebin and Bayside areas, and maintain strong community bonds with other environmentally-focussed groups including Friends of the Earth and The Wilderness Society.

We are proud of our history of community-based events and are currently developing an extensive community outreach program within Moreland & Brunswick, connecting with community groups and individuals to educate, inform and work together to form sustainable solutions.

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