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Monday 22 September 2008

Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

RE: SENATE INQUIRY INTO OPERATION OF THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

Hume City Council welcomes the opportunity to provide comment to the Senate Inquiry. Council wishes to make the following observations based on the Terms of Reference:

- a. the findings of the National Audit Office Audit 38 Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999;

Hume City Council's Response:

Hume City Council believes that the referral can be improved and streamlined by encouraging greater cooperation between State and Federal Government Agencies. Council also believes that there is a need for a higher level of education for Developers and the broader community.

- b. lessons learnt from the first 10 years of operation of the Environment Protection and Biodiversity Conservation (EPBC) Act in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery;

Hume City Council's Response:

With regard to lessons learnt in the first 10 years of operation of the EPBC Act, Hume City Council believes there are number of lessons that can be translated into improvement. Firstly, Hume City Council believes that the Developers are willing to protect environments when they can be integrated into master planning for communities.

Secondly, Hume City Council believes that a higher level of auditing needs to take place to identify where critical habitats of threatened species and ecological communities exist. This information needs to be updated regularly as habitats change as a result of developments.

A third point which Council wishes to emphasise is that if its habitats and species are to be protected there needs to be a significant investment in recurrent funding to support these initiatives. The current system of ad-hoc or annual funding (one-off) does not support long term management plans which have often been agreed to by Council and Developers. The funding also does not incorporate improvement to an environment, rather maintenance of an environment.

The final point is that Hume City Council is taking on a new role as a large scale natural resource manager. This is a new role to Council and potentially represents a cost shifting exercise for State and Federal Governments. Council would hope in the future that thought would be given to establish a true three way partnership to better manage the natural environment and habitats.

- c. the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassy White Box Woodlands and the Paradise Dam;

Hume City Council's Response:

Council wishes to make a number of points under this heading.

Firstly, it is inevitable that the planning process, with regard to both Strategic Planning and Statutory Planning, has become more complex as a result of increasing legislation. At the same time, recognition of the presence or potential for the presence of a threatened tax on a given site requires that Council and its staff keeps abreast of a changing, and indeed, increasing range of specialist knowledge required to fulfil its obligations under the Act.

Secondly, Council believes that there appears to be an assumption that once a vegetation community or species protected under the EPBC Act is discovered, that Local Government will be an obvious candidate to assume responsibility for it. Where there is development on the site, the Developer will generally expect to hand over the site to Local Government to manage at some stage. In larger reserves, the State Government can take responsibility.

However, there has so far been a lack of resources for Local Government to manage these sites. This has been an issue for Hume City Council particularly with the Golden Sun Moth and with Matted Flax Lily. It is becoming a greater concern for Council with the listing of Natural Temperate Grasslands of the Volcanic Plain, a vegetation community once widespread across Hume City Council's landscape, and now remaining in often isolated patches.

Vegetation that comes over to Council because it contains a species or community listed under the EPBC Act requires to be maintained, if it is not to succumb to threats such as weed invasions and pest animal infestation. The cost of this is estimated to be at least \$1600 per hectare per annum (Council research into cost of management of remnant vegetation 2007). Hume City Council currently manages at least 300 ha of land containing endangered species or communities and this total is growing as the Urban Growth Corridor contains grassland sites and sites where surveys have discovered the presence of the Golden Sun Moth.

Project grants are frequently inadequate in amount to adequately manage the sites.

It is important to note that funding is usually for a short duration, 12 months, which is often unrealistic. An effective management or "rescue" program will require a minimum of three years to include correct management action timing and to allow for necessary follow-up actions.

- d. the effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate;

Hume City Council's Response:

It is encouraging that greater protection for listed species and communities appears to be afforded. For example, the recent listing of Natural Temperate Grasslands of the Volcanic Plain has, in the Hume area, resulted in a dramatic and rapid shift in awareness of the implications of broad-scale actions that will damage this vegetation.

For example, land-holders are aware that large penalties may be incurred by broad-scale land-management techniques that would impact on grassland vegetation. This includes ploughing and most particularly broad-scale weed control techniques like boom spraying, and, particularly, aerial spraying.

At the same time, spray contractors, particularly aerial spraying operators, have ceased weed control operations in potential grassland areas in this region.

Whilst there has been some concern expressed by the farming community and by land-holders who have significant noxious weed problems on their properties, from the perspective of grassland and other vegetation conservation, the cessation of broad-scale weed control techniques is a vital step in their protection where damage might occur.

There is concern within the farming and land-holder community that costs of weed control will become prohibitive with the listing of Natural Temperate Grasslands of the Volcanic Plain due to recent changes to the listing of grasslands.

There may be cases in which this will be a genuine problem, and there is possibly a case for looking at the implications of this in terms of the control of serious and invasive listed weeds such as Chilean Needle Grass (*Nasella neesiana*) or Serrated Tussock (*Nasella trichotoma*).

The solution may be to provide funding for private land-holders to undertake more expensive and labour-intensive spot-spraying where this is necessary.

However, there will be some cases where Plains Grassland that is severely infested with serious weeds will not meet the criteria for EPBC listing under the Act.

Landholders probably need assistance with understanding both the vegetation on their properties and the requirements and provisions of the Act.

The Golden Sun Moth (*Synemon plana*) appears to be better protected than it would have been without the Act. The Act is taken seriously by land managers and surveys are revealing the presence of the moth on a number of sites. Plans for its conservation management are then drawn up. It remains to be seen how effective this management is, particularly in areas that are urbanising.

Simple protection of significant vegetation or fauna by locking up land is inadequate and funds are required to actively manage these ecosystems if they are to survive in the long term. Specialist monitoring and implementation of management plans has real costs that cannot be met by friends groups and volunteers alone.

Funding for all land managers, be it Local Government, State Government and most importantly private land holders needs to be targeted long term and the success or otherwise adequately measured to gauge the success of management.

- e. the effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply;

Hume City Council's Response:

No comment.

- f. the impacts of other environmental programmes, eg EnviroFund, GreenCorps, Caring for our Country, Environmental Stewardship Programme and Landcare in dealing with the decline and extinction of certain flora and fauna; and

Hume City Council's Response:

Hume City Council undertakes a significant amount of works within the community to educate and support community and landcare groups. Council views the maintenance of the existing suite of environmental programs as integral to the holistic approach to environmental education. Council views the maintenance of funding of these programs as a "stop gap" measure and supports additional funding being allocated to these programs that will assist in dealing with the decline and extinction of certain flora and fauna. Council is supportive of volunteers and has confidence in volunteers undertaking works that will support the local environment.

- g. the impact of programme changes and cuts in funding on the decline or extinction of flora and fauna.

Hume City Council's Response:

Council would expect that the quality and quantity of flora and fauna within the municipality would increase in direct proportion to the funding being invested in its retention. Council believes that further program changes or cuts in funding will have a direct and discernible impact on the extinction of specific flora and fauna. Council acknowledges that there is little funding directly focussed on the extinction of flora and fauna in growth or interface areas and submits that for proper and responsible natural resource management to occur significant funds need to be directed towards effective programs and community education.

Should you require further clarification or information please contact Mr Jason Summers, Manager Sustainable Environment on (03) 9205 2303

Yours faithfully



DAVID KEENAN
ACTING CHIEF EXECUTIVE OFFICER