



Submission to the Independent Review of the Wildlife Act 1975

INTRODUCTION

Habitat loss leading to ecosystem decline and collapse in the face of human encroachment is one of the most significant factors, on a global and local scale, that has led to the disappearance of once common species.

Victoria is the most intensively settled and cleared state in Australia and much of it has been altered for farming and other human activities.

This decline in extent and quality of habitat has had major implications for Victoria's plants and animals.

<https://www.environment.vic.gov.au/conserving-threatened-species/threatened-species-overview>

We have mourned the bleak future of many species including the Helmeted Honeyeater, Leadbeater's Possum, Eastern Barred Bandicoot, Brush-tailed Rock-wallaby, Plains-wanderer, Orange-bellied Parrot, Hooded Plover and Mountain Pygmy-possum to name a few just as we remain poised to farewell our iconic Koalas while continuing to destroy their sources of both food and shelter.

In considering the many salutary lessons of species loss through inaction and failure to protect, our submission will identify the present circumstances of two so-called common Victorian species- kangaroos in outer urban growth corridors and urban possums living in Council-managed parks and open spaces-that face the risk of being ushered along the trajectory from common through vulnerable to extinct.

DELWP and the Minister overseeing the Victorian *Wildlife Act* have a key responsibility in ensuring this does not happen by implementing structural policy change and enforceable wildlife-protective measures to avert the danger now rather than address a laborious, costly and largely unsuccessful process down the track to bring disappearing species back from the brink. The welcome review of the *Wildlife Act* presents a valuable opportunity to address worn out policy paradigms and avert the inevitable trajectory from common through vulnerable to endangered for all native species.

URBAN POSSUMS

Our submission will not draw a sharp distinction between Brushtail and Ringtail Possums because, from the perspective of issues addressed, the challenges faced by both in the urban, densely built environment are similar.

The needs for survival by possums in the urban setting are basic: food, somewhere dark for daytime rest and, as with all small defensive animals, protection from human

interference and predation from their companion animals. Mature trees with nest hollows fulfil all their needs but also define their vulnerabilities in circumstances where councils fail to provide support in acknowledgement that the removal of habitat trees creates homelessness and hunger leading to much suffering and death.

As it falls to municipal councils to manage parks and open spaces, the urban contexts of possum habitat, there is a critical role for an updated *Wildlife Act* to provide guidelines in order to bring about structural change in Council practices and community attitudes. The prevailing view of urban possums as “pests” to be managed and ultimately eliminated from urban green spaces fails to recognise the value of a species with a unique evolutionary footprint occupying a valuable ecological niche while providing opportunities for rich and humanizing close encounters with the wild in our densely built and noisy cityscapes. We look to the renewal of the *Wildlife Act* to address this failure.

CASE STUDY: University Square, Parkville

University Square is a small green island located among University of Melbourne properties and surrounded by Grattan, Leicester, Pelham and Barry Streets. Created during the reign of Queen Victoria it is managed by Melbourne City Council. The park was closed to the public for refurbishment works in May 2018, the outcome being that most of the historic Elms were felled and replaced by park benches and swathes of lawn. Wildlife advocates fought to save University Square's trees, home to generations of native animal species including three sub-species of Microbats, hundreds of Rainbow Lorikeets and around 40 Brushtail possums; despite considerable community support for the retention of healthy habitat trees only 10 of the original 41 mature trees were saved.



Three years on, with Microbats and most birds long gone, University Square's remaining possum population, now numbering only 3 adults and 1 young, is struggling for survival in the face of drastically limited genetic and gender diversity and continued Council actions including covertly removing a number of hard-won nest boxes, blocking any accessible natural dens and, as recently as 22nd January 2021 applying further exclusion collars to the few remaining habitat trees on all upper branches with a careless indifference that left possums stranded and desperately scrambling to find exit points. Thus the City of Melbourne's University Square refurbishment plan has resulted in the demise of irreplaceable wildlife species and left a formerly robust and sustainable population of possums on the brink of extermination.

CHALLENGES AND ANTIDOTES TO THE SURVIVAL OF URBAN POSSUMS

The case study profiles an ongoing tragedy, illustrating that tree removal, even for the ecologically positive purpose of creating the “urban forests” of the future, can for the unacknowledged and unsupported residents, spell a death sentence both for individuals and entire populations. Fortunately, the remedies are obvious, practical and cost-effective once the approach shifts from ‘pest management’ to one of responsibility to provide support to a species made vulnerable through council choices and strategies.

Possum boxes

While DELWP’s guidelines for possums do contain instructions on how to install and monitor a possum box -

https://www.ari.vic.gov.au/_data/assets/pdf_file/0024/328191/Nest-box-fact-sheet-general-guide.pdf

-the Governor in Council Order emanating from the *Wildlife Act* (1975), while empowering the trapping and release of possums, does not require Councils to use the simple nest box in replacing lost habitat.

Safe nesting spaces are critical for possum survival in the urban environment. Council procedures, including surveying the resident possums in each tree marked for removal and installation of possum boxes in nearby trees, on a one box per displaced possum basis, are essential prior to the tree’s removal. Temporary trunk collars can also be installed to give possums opportunity to disperse from hollows in condemned trees and find the installed nest boxes before their homes are demolished.

Possum-exclusion trunk collars

Metal or plastic trunk collars are frequently used by councils to prevent possums from browsing the canopies of aging trees. Unfortunately, these are the very hollow-bearing trees that provide optimum nesting for possums and within which they are likely to be sleeping as the collars are installed. On becoming active at sunset, as in the case study, they find themselves trapped and unable to descend along collared trunks to browse for food or water.

The remedy from this cruel practice is obvious. Where trunk collars are installed on a tree in need of protection from browsing, collars must be close enough to ground level and narrow enough to enable trapped possums to safely escape the tree. However, although this strategy averts starvation and dehydration as well as considerable stress, the loss of access to habitat trees due to collaring leaves the nocturnal possums stranded, exposed in daylight and vulnerable to human interference, predation from dogs and cats and attacks from birds. Again, possum surveys should be undertaken before collars are installed and nest boxes introduced on a one box per displaced possum basis in nearby trees as replacement homes.

Other measures

Councils should also be required to install possum-proof bins in municipal parks to prevent wildlife from ingesting binned human leftovers that interfere with their

digestive systems; highly visible “dogs on leash” signs should also be displayed at park entrance points for the safety of wildlife, children and other park users.

A few progressive municipal councils have initiated their own urban wildlife protective policies, including provision of fenced off-leash dog runs separated from main park areas and playgrounds, as well as encouraging residents to adopt possum-friendly practices such as retaining mature wildlife habitat trees in their gardens. The City of Yarra, for instance, is exemplary in framing policy that promotes the valuing of local wildlife.

However, it cannot be left to the whim of individual Councils whose policies and practices may alter with each new staff cohort. While wildlife advocates continue to work with individual Councils to re-frame their park management practices, lasting structural change can only happen from the top down. The Victorian *Wildlife Act* is the context in which values, guidelines and mandated strategies in the appropriate treatment of urban wildlife should be articulated in the course of its review.

KANGAROOS DISPLACED BY DEVELOPMENT

For the purpose of this submission, that has a specific focus on the challenges faced by urban and outer urban wildlife, we leave aside for now the fate of countless kangaroos that die as a consequence of the Victoria permit system that allows shooting for the purposes of damage mitigation on private land. However it would be remiss not to mention in passing that the lethal solution is, in the wording of the permit itself, to be implemented once non-lethal options have been exhausted but is generally used as a first and only option without consequences. Replacing permits to kill with incentives for landholders live with kangaroos by allocating Land for Wildlife as well as preserving or creating movement corridors for kangaroos to prevent land-locking would clearly provide benefits to landowners, the local community averse to shooting in their midst or living among dead wildlife, an environment fragmented by fences that lock kangaroos in, and clearly the kangaroos themselves.

Our submission will instead focus more narrowly on the “unintended consequences” for kangaroos from rampant development along Victoria’s growth corridors. Loss of habitat, deprivation of food and shelter and the consequent land-locking leave kangaroos with few options but to take their chances along burgeoning major roads with fatal outcomes for both drivers and animals.

Translocation has become a controversial demand from wildlife advocates who are proverbially as up against the wall as the land-locked kangaroos themselves in seeking solutions from a distressing set of circumstances with unacceptable outcomes. We believe the problems faced by kangaroos trapped by human encroachment on their habitat can be alleviated through policy reform that plugs the gaps in the administration of both the State’s Wildlife and Planning policies. Our detailed proposal is provided in the following letter to the Minister, The Hon. Lily D’Ambrosio and copy (pages 6-7) of the agenda of a prior meeting at her office to which the letter refers.

Letter to Minister D'Ambrosio:



The Hon. Lily D'Ambrosio

November 6, 2019

Minister for Energy, Environment and Climate Change

Dear Minister,

Re: Wildlife corridors in developing areas

I write on behalf of a broad alliance of organisations and individuals concerned about the future survival of kangaroos trapped at the interface of diminishing habitat and escalating development along Victoria's growth corridors.

On Friday 25th of October, as detailed in the attached agenda, we met with Dionne Eagleson from your office, and Warwick McGrath from the Department of Environment, Land, Water and Planning (DELWP), to consider mechanisms for ameliorating the trend of land-locked wildlife, with particular focus on Eastern Grey kangaroos trapped on the edges of Melbourne and other regional cities as development proceeds at a pace that precludes adaptation.

Our meeting was facilitated by the advocacy of the Member for South Barwon, Darren Cheeseman, who as a Torquay resident is familiar with the example of a local mob of land-locked kangaroos discussed. We have been working with Surf Coast Shire Council, the Geelong office of DELWP and other stakeholders for over 12 months to find a non-lethal resolution to their predicament. However, as detailed in the attached agenda, Section A)1(i-iii), when it is a matter of private land if the developer or landholder chooses not to act, there are insurmountable obstacles to progress in the absence of a legal mechanism to mandate action. In the case of the Torquay mob, various solutions were proposed to the developer but all have been rejected. The likely outcome is that, as the development proceeds to completion, the kangaroos will be killed as they try to cross the major roads encircling their diminishing habitat or face starvation as the small amount of remaining fodder is sacrificed for built structures.

The meeting discussed the implications of this scenario for other developing areas in Melbourne and regional cities. It was considered that a mechanism in the planning scheme capable of addressing all new development proposals, as already exemplified in the northern growth corridors of Melbourne, would be an effective approach. Broadening the planning scheme as proposed at Section B) 2(i & ii) of the attached agenda would require only minor State and local planning law reform. We estimate that at present 8-10 Councils would be involved, and while we could approach each in turn for amendments to their planning schemes, undertaking this process by means of a joint State/local government initiative has benefits of consistency across the State and a quicker time table, especially urgent in the light of the existential crisis faced by incremental numbers of land-locked kangaroos.

To this end, we seek a meeting with yourself and the Minister for Planning, Richard Wynne, as evidently the issues under consideration cut across both areas of Parliamentary responsibility and require a collaborative approach to a seemingly intractable problem. As proposed in the attached agenda (Section B) 3 (ii & iii), a planning-based mechanism would have the additional benefit of largely overcoming the need for a potentially failure-prone and stress-inducing process of kangaroo translocation that currently presents as a default option in the context of Victoria's built-up, residential growth corridors. We hope your office can assist us to progress this issue towards a positive outcome.

Yours sincerely

A handwritten signature in black ink that reads "Rheya Linden". The signature is written in a cursive, flowing style.

Rheya Linden, campaign director

Animal Active Australia Inc, Ross House, 247 Flinders Lane, Melbourne 3000

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Agenda for meeting at that Office of the Minister to consider the implications and policy-based solutions to land-locked kangaroos:

AGENDA Meeting, 8 Nicholson St Melbourne, 11 am, October 25, 2019

Attendees: Dionne Eagleson(Senior Environmental Adviser, Minister Lily D'Ambrosio) ; Warrick McGrath (DELWP); Jo Connellan (Planner & former Greens Councillor, Moreland); Peter Hylands (Creative Cowboy Films, kangaroo documentary film maker); Nadine Richings (Biologist,enRICHed Pursuits & adviser to Andy Meddick AJP); Rheya Linden (Campaign director, Animal Active Australia Inc.)

ITEMS

A) TRANSLOCATION POLICY FOR EASTERN GREY KANGAROOS IN VICTORIA (TP)

1) As expressed on Page 8 of the TP ("The controlling body or owner(s) of the site...KMP") and in conformity with current DELWP practice, the power to initiate kangaroo translocation via a Kangaroo Management Plan (KMP) is limited to landholders/developers who as a group: i) make property development choices contributing to kangaroo landlocking, ii) frequently fail to preserve safe kangaroo movement corridors and adequate remnant habitat as integral elements of their development plans, and iii) in general, prioritise financial/business rather than animal welfare interests in the development process.

*Relevant factors include: that for landholder/developer it is cheaper and easier to cull landlocked kangaroos than move them; that the cost of engaging an ecologist to prepare a KMP to facilitate translocation is seen as an unnecessary financial impost; a preference for avoiding departmental oversight and associated paperwork in site development process.

2) PROPOSAL

i) Thus, taking items 1 i)-iii) into account, we propose that a TP with guidelines for positive, non-lethal outcomes for landlocked kangaroos is more likely to have impact beyond the tokenistic if its requirements are relaxed to include a greater range of stakeholders capable of undertaking kangaroo translocation.

ii) That the categories of acceptable stakeholders to present a KMP for kangaroo translocation, including individuals and organisations, be extended to include those without a financial interest in the development process and a primary focus on kangaroo welfare. *Extending the category beyond landholders/developers might include at least the RSPCA, Shire Councils, Wildlife Advocacy and Rescue NGO's and individuals who are capable , under provisions outlined on Page 2 of the TP ("as a management option...can be met"), of developing a KMP and, subject to DELWP approval, adhere to TP guidelines in implementing the translocation procedure. The TP appears to allow flexibility of interpretation re: eligible categories at: i) Page 2: "The policy is applicable to all government and non-government (including not -for - profit) individuals or organisations"

ii) Page 2: "Section 28A of the Wildlife Act allows the Secretary (or a delegate) to issue an authorisation to allow a person to undertake a range of activities relating to wildlife, ...including (translocating) wildlife, provided that the Secretary is satisfied that the authorisation is necessary for, amongst other things, protection" iii) Page 5: "A proposal for an authorisation to translocate kangaroos" must " be prepared by a person suitably qualified and experienced in kangaroo management and the writing of a KMP" which is non-prescriptive on who should seek the preparation of a KMP from a suitably qualified expert

B) PLANNING LEGISLATION

1) Local and State planning laws: fail to ensure survivability of kangaroos and other wildlife in the face of precipitated residential, commercial and "major projects" development across the State. In cases where development consumes wildlife habitat there is scant regard to retention of sufficient habitat and safe movement corridors

2) PROPOSAL for reform of State and Local Planning that effectively reflects community expectations and the wildlife welfare provisions of both *Wildlife Act* and *Prevention of Cruelty to Animals Act* by:

i) mandating wildlife protective measures including provision of a wildlife survey and management plan developed by an independent expert, mandating retention/creation of safe movement corridors for kangaroos and retention of adequate habitat ensuring future survival of displaced wildlife.

ii) implementing measures identified at i) as conditions for approval of development plans at both Local Council and State levels.

3) Benefits of proposed reform:

i) Our proposed planning reform shifts responsibility to landholders/developers, through mandated requirements, for creating conditions of survivability of displaced wildlife (that is, through retention of adequate habitat and safe interconnected movement corridors).

ii) This measure is arguably of primary importance in avoiding landlocking and thus the need for translocation except in rare circumstances (e.g. DSE's successful translocation of approximately 70 kangaroos stranded and threatened with drowning due to flooding of Lake Eppalock).

iii) However, although the need for kangaroo translocation would be minimised through strict enforcement of proposed Local and State Planning conditions for development approval, a TP should nevertheless be retained as a default option, with the proviso that its categories of groups and individuals capable of initiating translocation through the development of a KMP be extended to include relevant organisations and individuals who have demonstrated a sustained interest in the welfare and survival of kangaroos.

CONCLUSION

Ultimately structural change in this space can only arise with a paradigm shift among those who review, and ultimately the Department that administers, Victoria's *Wildlife Act*. The long-awaited review presents a rare opportunity to re-imagine the human-wildlife intersect and, as we have argued with regard to the survival and welfare of both species considered in our submission, their needs viewed through a lens of protection, or at the very least harm minimization, rather than the management paradigm that has prevailed for too long.

Rheya Linden, campaign director