



Friends of Nillumbik Inc.

P.O. Box 258 Eltham 3095

mail@friendsofnillumbik.org

Submission to review of native vegetation clearing regulations. 7th March, 2017

Friends of Nillumbik Inc. (FoN) is a grassroots not-for-profit, community volunteer group. We have around 1000 supporters who live and work in the Shire of Nillumbik. The purpose of our association is to support and promote the environmental and landscape values, neighbourhood character, orderly planning and good governance of the Shire of Nillumbik.

The Shire of Nillumbik contains Melbourne's most intact remaining Green Wedge which occupies over 90% of the shire's total land area.

Quotes from 21.03-3 of the Municipal Strategic Statement, Nillumbik Planning Scheme (Environment, Conservation & Landscape – Environment Significance):

Flora:

"Much of the Shire remains heavily vegetated, particularly in the non-urban undulating regions and along the major rivers and creeks. Eight Ecological Vegetation Classes (EVC) have been identified within the Shire..... In relatively undisturbed areas, the Shire is rich in indigenous understorey species, especially terrestrial orchids. Over 100 different orchid species occur within the Shire and this represents over 30 per cent of Victoria's orchid species. Three orchid species found in the Shire are listed under the Flora and Fauna Guarantee Act 1988".

Fauna:

"The Shire supports diverse native fauna. Results of the most recent surveys of native fauna in north-east Melbourne....identified 322 native terrestrial vertebrate species and 14 species of native fresh water fish most of which occur within the Shire. A large number of these species are considered to be threatened as a result of habitat loss and other threatening processes.....The more vegetated and remote parts of the Shire support a range of threatened ground dwelling mammals including the Brush-tailed Phascogale and the Common Dunnart. Other rare species include the Eltham Copper Butterfly, Swift Parrot and the Regent Honeyeater which is believed to have a total population numbering fewer than 1000 individuals. Nine native faunal species occurring within the Shire are currently listed under Victoria's Flora and Fauna Guarantee Act 1988".

Sites of environmental significance:

"All areas supporting native flora and fauna are environmentally significant, however there are specific locations in the Shire occurring on both private and public land that have been identified as particularly importantThere are three sites of national faunal significance, twenty-two sites of state faunal significance, twenty-eight sites of regional faunal significance, comprising a total area of 288 square kilometres. This represents 67% of the total land area of the Shire".

Landscape:

“The Shire of Nillumbik has high landscape value and plays a regional role for metropolitan Melbourne as an accessible area of natural landscape beauty. The rural areas provide vistas of agricultural land, treed bushland, hills and watercourses with minimal urban intrusion.....Indigenous vegetation is predominant in landscapes throughout the Shire”.

Influences:

“Although comparatively rich in native flora and fauna there are a number of key environment threatening processes that are occurring within the Shire”. (Among the five major threats identified, there are):

“Habitat destruction, modification and fragmentation mainly through land clearing and other processes such as dieback.....Urban/human disturbance, particularly the impact of residential development, recreational activities and fire.....Declining range/population of rare or threatened native species caused by habitat loss and ecosystem imbalances favouring certain species to the detriment of other species.”

The Shire of Nillumbik is a significant area for native flora and fauna and natural landscape beauty, however, these values are threatened by habitat destruction, land clearing, human disturbance and fire (among others). The intrinsic link between native vegetation, habitat and biodiversity is well established. Biodiversity is threatened by native vegetation clearing and the 2009 Victorian Bushfires Royal Commission recognised that fact (Recommendations 39, 41 and 43).

Green Wedge Management Plan:

In 2011 council’s Green Wedge Management Plan (Part 2: Delivering the vision 2010-2025) identified updating the Environmental Significance Overlay (faunal & habitat significance) and implementing planning controls from an assessment of Green Wedge landscape character, as high priority recommended actions.

In 2016 this important strategic planning work culminated in proposed Amendment C81 (landscape protection) and proposed Amendment C101 (habitat protection -ESOs) to the Nillumbik Planning Scheme.

Rural landowners (PALs) resist environment protection:

Amendment C81 went through all stages of exhibition, public hearings, panel hearing and final council approval; it was sent off for Minister’s final sign-off. C101 however met with organised opposition from some rural landholders during the exhibition and hearings stage.

The opposition

[REDACTED]

[REDACTED] During the uproar and [REDACTED], councillors voted to abandon proposed amendment C101 rather than send it to a panel.

[REDACTED] campaign spilled over into the October 2016 local council elections. [REDACTED] across the Shire which brought political change in the composition of council.

Capitalising on their political momentum, [REDACTED] now directed their efforts toward defeating proposed Amendment C81 which awaited the Minister's final approval. Last-minute letters of objection were sent to the Minister. In a shock decision, Minister rejected C81. [REDACTED]

Submissions from Nillumbik Council and PALs:

The newly constituted Nillumbik Council has also submitted on the review of the native vegetation regulations. In our view both submissions stray well beyond the review's terms of reference.

Instead of focussing on the extent to which the regulations protect sensitive vegetation, Council emphasises the needs of residents; property owners being disadvantaged; the role of the Bushfire Management Overlay and even the local election results (draft version).

Despite the priority already given to the protection of human life over all other policy considerations in Clause 13.05-1 of the Planning Scheme, both the [REDACTED] and Council submissions unnecessarily make human life a predominant theme, rather than the protection of sensitive vegetation. [REDACTED] totally rejects regulations concerning native vegetation clearing. (Part 5 of their submission).

[REDACTED]

In view of the failure of both Amendments C81 and C101, due in part to [REDACTED] [REDACTED] Nillumbik desperately needs tighter native vegetation clearing regulations to protect biodiversity values in our Green Wedge.

Friends of Nillumbik's position:

We support the submission made by Environmental Justice Australia (EJA) February 2017, and the submission from Nillumbik's Green Wedge Protection Group.

We agree with these statements from EJA: "Due to the weakness of the Flora and Fauna Act – the native vegetation clearing laws are in fact a critical determinant of whether biodiversity is protected or destroyed...".

"...the (current) review should have been a more substantial exercise in biodiversity reform in conjunction with the review of the Flora and Fauna Guarantee Act."

[REDACTED] (President, Friend of Nillumbik Inc.)