



FRIENDS OF HODDLES CREEK Inc.

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28th March 2017

Submission to the DELWP Review of the Flora and Fauna Guarantee Act 1988

1. **A draft version of any proposed changes to the Act must be released for Public Comment.**
2. The primary objective of the existing Act which is to guarantee that "all species can survive and flourish in the wild" must be steadfastly maintained. To that end the existing name of the Act should continue so that the Act's main objective is readily understood.
3. The primary focus of the FFG Act should be on individuals Species, Communities and Threatening Processes. This focus should be intensified. There is concern that any move to shift the focus from individual species to landscape scale biodiversity "enhancement" will weaken the Acts ability to protect species. It is believed that metrics around individual species will be more useful and practicable than metrics associated with vague expressions such as "biodiversity enhancement".
4. A primary problem behind the failure of the existing Act to stop the decline of biodiversity is not so much a failure of the FFG Act itself but the failure of the Department to meet its responsibilities under the FFG Act. This includes also the EPBC Act.

Example1:- The Department has a responsibility under the Act to prepare Action Statements as soon as possible after listing. In our Hoddles Creek Area *Thismia rodwayi* was found by members of the Friends of Hoddles Creek some years ago on top of a ridge in Wet Forest. This plant was FFG listed in 1994 (See Appendix 1). When we discovered in 2011 (17 years after listing) that no Action Statement had yet been prepared we made an enquiry to the Department as to its current position. We were told by the Department in 2011 that "*Thismia rodwayi* is considered a priority along with a number of other species and an action statement will be developed as soon as possible" (see Appendix 2). In 2013 we investigated again and received a response from the Secretary indicating no priority for *Thismia* and no current plans to produce an Action Statement (See Appendix 3). At this current time, twenty three years after first being listed, this incredibly rare species still has no Action Statement, nor is there any guidance from the Department as to its likely primary threats or suggestions regarding appropriate management.



Thismia rodwayi, Fairy Lanterns (Photo by FOHC member Keith Jesse)

Example 2

Tall Astelia is an FFG listed species. It is also an EPBC federally listed species. The Plant has a National Recovery Plan. (See:- <https://www.environment.gov.au/system/files/resources/930a5b65-2952-49f9-a070-ddf5ba7da242/files/astelia-australiana.pdf>). As the plant only occurs in Victoria the prime responsibility for the implementation of the National Recovery Plan lies with DELWP. The Recovery Plan was meant to have run for a maximum of five years from 2010, and was to be reviewed and revised within five years. In 2017 DELWP has not yet commenced implementation of the Recovery Plan.

Changes to the Act will make little difference to the outcome for threatened species if the Department (DELWP) continues to be the Key Agency responsible for Administering the Act.



Tall Astelia

5. Independence from DELWP is therefore a key requirement for successful Implementation, ongoing management, monitoring and accountability under any Act. The existing independent FFG Scientific Advisory Committee (SAC) responsible for assessing nominations for listing has, by and large worked OK. A separate Authority must be set up under the Act to administer the Act. Such an Authority would be responsible for preparing Action Statements and have oversight of the preparation of recovery plans, their implementation and monitoring. It would also monitor compliance and have powers to enforce the provisions of the Act. Perhaps the role of the Victorian Environmental Assessment Council could be expanded (VEAC)?

6. The Act needs to outline a process enabling an Action that is likely to have a significant impact on a listed species or community to be referred to an independent tribunal/authority for approval. The tribunal would need powers to fully investigate the proposed action and make binding recommendations. The Act must provide the means for the public to challenge the land management decisions of government in an affordable way.

7. The Act needs to specify very clearly that it applies to both public and private land, all land managers (including private owners) and have a system for assessing and monitoring compliance and penalties for non-compliance. Municipal Councils should be the lead operational Agency overseeing the protection of FFG listed species on Private Land. Recent questioning of the Environment Department at the Yarra Ranges Council has revealed that they do not believe the current FFG Act applies to Private Land. Whilst the FOHC do not consider that to be technically correct, it is true to say however that the current Act does not provide any tools or mechanisms for

use by Municipal Councils to assist them with ensuring compliance on Private Land. It is strongly recommended that the Act be amended so that Councils can play an authoritative key role here. **The Act must provide Municipal Councils with the tools necessary (including penalties) for its implementation, compliance and enforcement on private land.**

8. The Act must include a process that enables anyone to be able to nominate an area for listing as Critical Habitat. A nomination for critical habitat must be assessed by an independent body such as (or similar to) the current SAC.

Example:- In 2014 the Tall Astelia Recovery Group, Kurth Kiln Regional Park decided to try and "nominate" the last remaining site of Tall Astelia within the Yarra Catchment for listing as Critical Habitat. We soon learnt that there was no formal nominating process. The FFG Scientific Advisory Committee was not prepared to even ask for permission to investigate the matter (See Appendix 4). The Land Manager, Parks Victoria was not prepared to provide an opinion to the Recovery Group as to their position on whether or not the suggested area for a CHD was warranted. (See Appendix 5) In the end a request was sent to the Minister asking her to give the SAC permission to investigate the "nomination" (See Appendix 6). She declined instead asking DELWP to investigate the proposal the outcome of which was preordained given DELWPs history of refusal to use this FFG mechanism.

A nominating process for Critical Habitat must be incorporated into the Act

9. The Act must provide guidance as to the definition of Critical Habitat and provide criteria for its assessment.

Example: - Further to the request to the Minister outlined in Point 8 above see Appendix 7 which is an email from David Cheal (former DELWP botanist) indicating that in his opinion the Tall Astelia Recovery Group had outlined an *"incontrovertible case for action by the Minister"*. The response from the Department was negative as anticipated and is provided in Appendix 8. As can be seen from the response DELWP have ignored the request providing no assessment of the CHD proposal against any Critical Habitat criteria, other than to say they did not consider that a CHD would provide additional benefits to the conservation of the species.

Nominations for Critical Habitat Determination must be assessed against a clear set of criteria (outlined in the Act) by an Independent Committee, the results of which are published.

10. A Critical Habitat Determination should also be accompanied by an Action Statement or Conservation Advice providing guidance about its going management.

11. Exemptions for FFG Act compliance should be removed.

12. The Act should have an emphasis on not just preserving species and communities but also on restoration.

13. All SAC final recommendations should be published and readily available.

14. The Act must provide the authority for any government employee to be able to nominate.

15. The Act must assign the primary responsibility for nominating species, communities and threatening processes to Government Agencies (DELWP in particular) although the nomination process must continue to be open to anyone.

16. The Act should make provision for resources to be made available to assist people in nominating. Access to government data must be readily available on request at minimal cost.
17. The Act should make provisions that encourage the formation of Recovery Groups whether private or Agency and provide some guidance as to standards etc.
18. Action Statements for **all** listed species, communities or threatening processes must continue to be mandatory under the Act. Furthermore they must be produced within a set time frame.
19. The Act must broadly outline the types of information such as threats, recovery planning and actions to be implemented in an Action Statement. The term "Intended Management Actions" used currently by DELWP as a heading within Action Statements is unacceptable and is more often than not simply code for let's do nothing.

Appendix 1



NOMINATION NO. 322
ITEM NO.P3390+

FLORA AND FAUNA GUARANTEE - SCIENTIFIC ADVISORY COMMITTEE

FINAL RECOMMENDATION ON A NOMINATION FOR LISTING

Thismia rodwayi F. Muell. - Fairy Lanterns

Date of receipt of nomination: 6 April 1994
Date of preliminary recommendation: 5 May 1994
Date of final recommendation: 20 October 1994

File No. 94/0868

Validity:

The nomination is for a valid item and the prescribed information was provided.
The nominated taxon has been formally described and it is accepted as a valid taxon by the National Herbarium.

Eligibility for listing as a taxon under the Flora and Fauna Guarantee

The nominated item satisfies at least one criterion of the set of criteria prepared and maintained under Section 11 of the *Flora and Fauna Guarantee Act 1988*, and stated in Schedule 1 of the *Flora and Fauna Guarantee Regulations 1991*.

Evidence that criteria are satisfied:

Criterion 1.1 *The taxon is in a demonstrable state of decline which is likely to result in extinction.*

Evidence:

Deliberate searches were undertaken in the mid 1980s of four of the six sites where Fairy Lanterns has been recorded. The species was only observed at one of these sites.

Sub-criterion 1.2.1 *The taxon is very rare in terms of abundance or distribution*

Evidence:

Fairy Lanterns is currently known from only one site in Victoria, in the Wallaby Creek Catchment, near Kinglake. The population consists of only a small number of plants.

The data presented on distribution and abundance are the result of reasonable surveys and provide clear evidence that the taxon is rare in terms of abundance and distribution.

Background Information

- Classified as "vulnerable" in Victoria and "insufficiently known" in Australia (Gullan *et al.* 1990).

Advertisement for public comment

In accordance with the requirements of Section 14 of the *Flora and Fauna Guarantee Act 1988*, the preliminary recommendation was advertised for a period of at least 30 days.

The preliminary recommendation was advertised in:

- "The Age" - on 10 August 1994
- "The Weekly Times" - on 10 August 1994
- "The Whittlesea Post" - on 10 August 1994
- Government Gazette* - on 25 August 1994

Submissions closed on 30 September 1994.

Further evidence provided:

No public comments were received by the Scientific Advisory Committee.

No evidence was provided to warrant a review of the Scientific Advisory Committee's preliminary recommendation that the taxon is eligible for listing.

Documentation

The published information provided to the SAC has been assessed. To the best of their knowledge, the SAC believes that the data presented are not the subject of scientific dispute and the inferences drawn are reasonable and well supported.

Final Recommendation of the Scientific Advisory Committee

The Scientific Advisory Committee concludes that on the evidence available the nominated item is eligible for listing in accordance with Section 11(1) of the Act because primary criterion 1.1 is satisfied.

The Scientific Advisory Committee also concludes that sub-criterion 1.2.1 has been satisfied and that no evidence exists to suggest that primary criterion 1.2 cannot be satisfied as a consequence of sub-criterion 1.2.1 being satisfied.

The Scientific Advisory Committee recommends that the nominated item be supported for listing on Schedule 2 of the *Flora and Fauna Guarantee Act 1988*.

Selected references:

Coleman, D. G. (1936) *Sarcosiphon rodwayi* in Australia. *Victorian Naturalist* 52: 163- 166

Coleman, D. G. (1941) Further notes on "Fairy Lanterns". *Victorian Naturalist* 57: 167-168.

Gullan, P. K. , Cheal, D. C. & Walsh, N. G. (1990) *Rare or Threatened Plants in Victoria*. Department of Conservation and Environment, Victoria.

Scarlett, N. H. & Parsons, R. H. (1993) *Chapter 10 - Rare of Threatened Plants of Victoria*. In: *Flora of Victoria - Volume 1: Introduction*. Inkata Press (p242-243)

Willis, J. H. (1970) *A Handbook to Plants in Victoria. Vol. 1 Ferns, Conifers and Monocotyledons*. 2nd. Edition. Melbourne University Press.

Endorsement by the Convenor of the Scientific Advisory Committee

Date



Dr. Malcolm Calder
Convenor

5 December 1994

APPENDIX 2

From: raewyn.leach@dse.vic.gov.au [mailto:raewyn.leach@dse.vic.gov.au] **On Behalf Of** Kylie.White@dse.vic.gov.au
Sent: Friday, 30 December 2011 12:23 PM
To: l.gaffney@bigpond.com
Subject: Action Statement, *Thismia rodwayi*

Hi Laurence

I would like to apologise regarding the incomplete information regarding your question relating to *Thismia rodwayi* the that you forwarded to DSE on the 20/12/11. I would like to extend my appreciation of your interest regarding the status of this species.

As background information, I would like to advise that DSE has 673 items listed as "threatened" under the *Flora and Fauna Guarantee Act 1988*. An item is a plant, animal, community or potentially listed process.

We are working through this list and there are currently 312 items with approved action statements. A number of other items have action statements in draft form that are at one of the stages that an action statement goes through before it can be approved.

DSE has put in place different processes to improve the efficiency of developing action statements. It has put in place a prioritisation process to help decide which action statements will be worked on each year. *Thismia rodwayi* is considered a priority along with a number of other species and an action statement will be developed as soon as possible.

As you will appreciate, the Department receives a great deal of information and data from undertaking its various responsibilities and it can be hard to keep track of all this information. DSE has developed an information system which can help to address this problem, the Actions for Biodiversity Conservation Information System. This system has been designed to hold knowledge about the management of threatened species, communities and potentially threatening processes. While information is available for a number of items, we are still in the process of populating the system and information is not available for *Thismia rodwayi*. DSE also provides survey information on the biodiversity of Victoria including data on threatened flora in the Biodiversity Interactive Map (BIM).

You can access BIM by clicking on this link:

<http://mapshare2.dse.vic.gov.au/MapShare2EXT/imf.jsp?site=bim>

BIM shows that *Thismia rodwayi* has been detected at some further locations since listing, providing the species with some level of protection.

Regards

Kylie White | Executive Director Biodiversity and Ecosystem Services

Department of Sustainability and Environment | PO Box 500 East Melbourne VIC 3002

APPENDIX 3



Department of Environment and Primary Industries

Ref: SEC009555

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Mr Laurence Gaffney
Secretary
Friends of Hoddles Creek Inc.
l.gaffney@bigpond.com

- 1 JUL 2013

Dear Mr Gaffney

THISMIA RODWAYI

Thank you for your email of 22 May 2013 regarding the development of an action statement for *Thismia rodwayi*.

The Victorian Government is committed to maintaining the biodiversity and resilience of our ecosystems, hence protecting the habitat of threatened species.

In November 2012, the government launched *Environmental Partnerships*. A key action of *Environmental Partnerships* is the development of a roadmap to more effectively and efficiently manage threatened species, including streamlining the administration of the *Flora and Fauna Guarantee Act 1988* (FFG Act). In addition, as part of the 2013-15 Victorian Environmental Partnerships program, the government will invest \$16 million over the next two years to address critical risks to threatened species and native vegetation in Victoria.

Managing biodiversity is a complex undertaking, and I would like to advise that the Department of Environment and Primary Industries has over 600 items (a plant, animal, community or potentially listed process) listed as "threatened" under the FFG Act. The department is currently working through this list and there are currently over 300 items with approved action statements. *Thismia rodwayi* will be considered as part of this process.

Regarding your concerns about *Thismia rodwayi*'s response to fire, species that may be at risk from fire, including threatened species, are considered during the fire operations planning process. I therefore encourage you to submit any location records for this species to the Victorian Biodiversity Atlas so that they can be considered in fire management planning. In considering where to undertake planned burning, the department gives priority to protection of life and property, which is a significant issue in the context of the Dandenong Ranges and

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surrounds. Knowledge of where *Thismia rodwayi* occurs will allow assessment of options for protecting the species, including from the risk of intense bushfire.

I can also advise that the proposed planned burning target of 7000 hectares within the Yarra District is currently under review.

Management of our biodiversity is a collective responsibility and I appreciate your interest in the management of this particular species.

Thank you again for raising this matter with me.

Yours sincerely



Adam Fennessy
Secretary

APPENDIX 4

Flora and Fauna Guarantee Act 1988 Scientific Advisory Committee



Your ref:
Our ref:
Date: 27 May 2014

Jasper Hails
Coordinator, Tall Astelia Recovery Group
PO Box 169,
Woori Yallock VIC 3139

Dear Mr Hails,

Astelia australiana request

Martin O'Brien, our Executive Officer has given me a copy of your Appeal for Critical Habitat determination for a population of Tall Astelia (*Astelia australiana*) that you sent him.

Unfortunately the Scientific Advisory Committee (SAC) is not in a position to act on your request. Our roles are clearly specified under the Flora and Fauna Guarantee Act: they do not include receiving and processing nominations for Critical Habitat listing. Critical Habitat listing, together with the production of Action Statements, is a responsibility of the Secretary of the Department of Environment and Primary Industries (DEPI), as stated under the Act.

One possible course of action is write directly to the Secretary setting out your case. What he does with the request is then his decision.

A second course of action is for you and other concerned people to do what you can yourselves at the more local level, talking directly to local managers, including the Regional DEPI Biodiversity Officer and Parks Victoria staff, and offering direct on-ground assistance with the management process. This second course is in my view perhaps the better one.

I regret we can't do more, but the responsibilities of statutory committees like the SAC are both defined and limited by the legislation under which they operate.

With best wishes,



Assoc. Prof David Morgan
Convener FFG Scientific Advisory Committee

APPENDIX 5

From: Tony Varcoe [mailto:tony.varcoe@parks.vic.gov.au]
Sent: Tuesday, 10 March 2015 9:25 AM
To: Laurence Gaffney & Meredith Bryce
Subject: RE: Parks Victoria support for Critical Habitat Determination, KKR, Tall Astelia

Dear Lawrence

I apologise for the lengthy delay in responding to your previous emails. I had been seeking further advice and clarification on this complex matter.

As you would be aware, designation of a Critical Habitat Determination under the Flora and Fauna Guarantee has few precedents. As the organisation with statewide policy responsibility for threatened species, the Department of Environment Land, Water and Planning (DEWLP) would be responsible for any declaration of Critical Habitat for the Tall Astelia. If you have not already done so you may wish to provide your comprehensive submission to the Department to improve their knowledge of the status, threats and risks to the population.

As the land manager of Kurth Kiln Regional Park, Parks Victoria is dedicated to ensuring that the Tall Astelia population is conserved within the park. To this end we are working with DEWLP to both better understand the specific risks to the population and importantly address the threats to this species. Addressing of the key threats needs to occur whether or not a Critical Habitat Declaration is in place or not. Parks Victoria is not a position to make a recommendation that a Critical Habitat Determination should be declared however it is prepared to provide direct advice to the Department on the key threats that the species faces at Kurth Kiln and options for further conserving the population.

For further information please contact Craig Bray, District Manager

Tony Varcoe
Manager Science and Management Effectiveness
Parks Victoria
Level 10, 535 Bourke Street, Melbourne VIC 3000

From: Laurence Gaffney & Meredith Bryce [mailto:l.gaffney@bigpond.com]
Sent: Thursday, 3 July 2014 2:03 PM
To: Tony Varcoe
Cc: Jasper & Carmel Hails
Subject: Parks Victoria support for Critical Habitat Determination

Hello Tony

As discussed please find attached draft submission recommending the declaration of a Critical Habitat for the Upper Tomahawk and Egg Rock Creek Astelia Sub Catchment Protection Area within the Kurth Kiln Regional Park.

As the Kurth Kiln Regional Park is managed by Parks Victoria we believe that the ultimate success of our proposal will be enhanced if it can be shown that the Land Manager is supportive.

Hence we request that Parks Victoria consider the above submission.

We are happy to discuss the matter further with you or meet with PV as required. Your input into the submission is also welcome.

We think that a formal written support from Parks Victoria which we can then attach to the submission would be the best way to progress this but are open to other ideas.

Yours sincerely

Laurence Gaffney
&
Jasper Hails
Convenor, Tall Astelia Recovery Group (KKR)

Appendix 6

From: Laurence Gaffney & Meredith Bryce [mailto:l.gaffney@bigpond.com]

Sent: Wednesday, 8 April 2015 5:29 PM

To: Lisa Neville

Cc: Jasper Hails (Coordinator TARG)

Subject: Appeal for Critical Habitat Determination for Tall Astelia, Upper Tomahawk Creek, Kurth Kiln Regional Park

To:- Lisa Neville, Minister for Environment, Climate Change and Water

Hello Lisa

Please find the attached Submission outlining a case for a Critical Habitat Determination to be declared for the Upper Tomahawk Creek Area within the Kurth Kiln Regional Park (near Gembrook) to help protect and expand the last remaining population of Tall Astelia within the Yarra & Port Phillip Catchments. The Plant occurs only in Victoria and is both FFG listed and EPBC listed. Since 1993 the abundance of Tall Astelia in the Upper Tomahawk Creek Watershed has decreased by 60%. There is a 5 year National Recovery Plan for the Plant which is due for review & revision this year but unfortunately the plan is yet to commence. A Critical Habitat Determination can be made under Section 20 of the Flora and Fauna Guarantee Act 1988. We believe that a Critical Habitat Determination for the Tall Astelia of the Upper Tomahawk Creek Sub-Catchment will lead to improved management outcomes for this special area which may in turn help arrest the plant's current extinction trajectory.

We suggest our case be reviewed by your Scientific Advisory Committee (SAC) established under Section 8 of the Flora and Fauna Guarantee Act. Any recommendations from the SAC could then be forwarded to the Secretary, Department of Environment, Land, Water & Planning for his consideration of a "Determination" under Section 20.

We would appreciate any opportunity to meet with you to discuss this issue further. We can also arrange/assist with site visits as and if required.

Yours sincerely

Laurence Gaffney
Member, Tall Astelia Recovery Group, Kurth Kiln Regional Park.

Jasper Hails
Coordinator, Tall Astelia Recovery Group (Kurth Kiln Regional Park)
A Special Interest Group of the Friends of Kurth Kiln
PO Box 169, WOORI YALLOCK, VICTORIA 3139

APPENDIX 7

From: David

Sent: Monday, 13 April 2015 9:52 AM

To: 'Laurence Gaffney & Meredith Bryce'

Subject: RE: Appeal for Critical Habitat Determination for Tall Astelia, Upper Tomahawk Creek, Kurth Kiln Regional Park

Dear Laurence,

Thank you for this information and the attached file. Of course, this is an incontrovertible case for action by the Minister. I would hope the Minister feels compelled by her commitment to her own legislation to make such a determination. Of course, we have almost no history of Critical Habitat Determinations (only 1 case, of which I know, and that was ignored almost as soon as it was made). But the legislation clearly and specifically includes this management option.

I wish you well in these endeavours and am available for help, as you see fit.

Kind regards,

David Cheal

APPENDIX 8



Department of Environment
Land, Water & Planning

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www.delwp.vic.gov.au

Mr Laurence Gaffney
Lgaffney@bigpond.com

Ref: MIN002299


Mr Jasper Hails
Jasperhails@bigpond.com

Dear Mr Gaffney and Mr Hails

TALL ASTELIA HABITAT - UPPER TOMAHAWK CREEK

Thank you for your email on the 8 April 2015 to the Hon Lisa Neville MP, Minister for Environment, Climate Change and Water, regarding the Tall Astelia (*Astelia australiana*). As this matter falls within my area of responsibility, the Minister has asked that I reply to you on her behalf. I apologise for the delay in responding.

You have requested that Minister Neville asks the *Flora and Fauna Guarantee Act 1988* (FFG Act) Scientific Advisory Committee (SAC) to review your case for a Critical Habitat Determination for Tall Astelia at the Upper Tomahawk Creek Area within the Kurth Kiln Regional Park and provide their recommendations to the Secretary of the Department of Environment, Land, Water and Planning (DELWP).

As you are aware, under section 20 of the FFG Act, the Secretary of DELWP is responsible for determining whether critical habitat should be declared for the whole or any part or parts of the habitat of any taxon or community of flora or fauna. I have sought advice from relevant officers within DELWP, and on the basis of this information I do not consider that determination of critical habitat for Tall Astelia in the Upper Tomahawk Creek area within the Kurth Kiln Regional Park would provide additional benefits to conservation of the species. This is because threats to these populations of Tall Astelia are being managed effectively, balancing the risk of bushfires to human life and property with the need to maintain resilient natural ecosystems. As a result, I do not propose to request the SAC to provide additional advice on this matter.

A key concern you raise is the risk from timber harvesting on this species. In your submission you have indicated that there is no record of a Special Protection Zone being established to protect the Tomahawk Creek population from timber harvesting. The Action Statement for Tall Astelia states that the catchment of Tomahawk Creek should be excluded from timber harvesting and be maintained for conservation and reference purposes. The habitat which is the subject of your request, the Tomahawk Creek sub-catchment area, now lies within the Kurth Kiln Regional Park. The Park was established following recommendations by the Land Conservation Council in 1994 for Melbourne Area District 2. The Land Conservation Council recommendations took into account the conservation needs of Tall Astelia. Parks Victoria manage Kurth Kiln Regional Park in accordance with relevant Action Statements and do not allow timber harvesting to occur. Consequently, no additional

benefit would be gained by the creation of a Special Protection Zone in the Tomahawk Creek sub-catchment.

Your submission also raises concerns about the impact of planned burning on the Tall Astelia within the Upper Tomahawk Creek and Egg Rock Creek Astelia Sub-catchment Protection Area within the Kurth Kiln Regional Park. The 508ha planned burn "GB00012 - Below Egg Rock" which you identified in your submission has been postponed until 2017/18. The objective of this planned burn is to reduce fuel hazard within the burn unit and therefore bushfire risk to communities. The burn area contains several documented populations of Tall Astelia situated in major gully systems.

In planning for this burn, the protection of Tall Astelia is taken very seriously. Two strategies have been identified to minimise risk to Tall Astelia in this area. Firstly, a lighting pattern will be implemented where only drier vegetation well away from the wet gullies that support the Tall Astelia will be ignited. This will ensure that the damper vegetation that borders the wet gullies provides the maximum buffer effect. Secondly, the burn will be ignited under fuel moisture conditions that will ensure this buffering effect will be maximised.

Additionally, expert advice has identified that a risk to Tall Astelia from planned burning is increased likelihood of plant destruction from deer grazing and trampling. Planned burning has the potential to open up areas to deer incursion by removing understorey vegetation. A deer-exclusion fence has been constructed within the regional park to manage this threat to the Tall Astelia. The effects of the burn on the Tall Astelia populations will be carefully monitored post-burn, including assessing the effectiveness of the deer-exclusion fence.

In your submission, you have noted that there is a National Recovery Plan for Tall Astelia which is due for review and revision this year. As Recovery Plans are established under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1998*, I suggest that you contact the Commonwealth Department of Environment on this matter.

Thank you again for raising this matter with Minister Neville, and for your ongoing commitment to conservation of our natural environment.

Yours sincerely



Lee Miezis
Acting Executive Director, Environment Policy

22.9.15