

**SUBMISSION:  
VEAC STATEWIDE ASSESSMENT OF PUBLIC LAND**

**SUBMISSION TO:**

Victorian Environmental Assessment Council (VEAC)

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**SUBMISSION FROM:**

DATE OF SUBMISSION: 12 June 2015.



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Signature: .....

Norm Stimson

**SUBMITTER QUALIFICATIONS / ACCREDITATIONS / APPOINTMENTS / EXPERIENCE:**

My qualifications, accreditations, appointments, experience include:

- Bachelor Applied Science Degree (Environmental Assessment and Land Use Policy).
- Certificate Applied Science (Conservation and Resource Development).
- DSE Certificate of Competency – Vegetation Quality Assessments (Habitat Hectares).
- Former Authorised Officer, Heritage Act 1995.
- Former Authorised Officer (Warden), former Aboriginal and Archaeological Relics Preservation Act 1972.
- Former Authorised Officer (Bailiff of Crown Lands), Land Act 1958.
- Former Authorised Officer, Conservation, Forests and Lands Act 1987
- Former Authorised Officer (Inspector), former Vermin and Noxious Weeds Act 1958.
- Former Authorised Officer, Catchment and Land Protection Act 1994.
- Former Authorised Officer, Land Conservation (Vehicle Control) Act 1972.
- Former Authorised Officer, Litter Act 1987.
- Former Appointed Commissioner for Taking Affidavits, Evidence Act 1958.
- 36 years environmental work experience, including:
  - \* work in areas including environmental assessment / land use planning / flora and fauna conservation / cultural heritage / catchment and land protection / Public Land management.

\* past employment with Department of Environment and Primary Industries / Dept of Sustainability and Environment / Dept of Primary Industries / Dept of Natural Resources and Environment / Dept of Conservation and Natural Resources / Dept Conservation, Forests and Lands / Dept of Crown Lands and Survey.

## **1.0 INTRODUCTION.**

The Victorian Environmental Assessment Council (VEAC) “Statewide Assessment of Public Land” comprises the following stated purpose:

“The purpose of the investigation is to carry out a statewide assessment of public land in Victoria which considers the recommendations of the council and its predecessors and the appropriateness of the current system of public land use categories established as a result. The focus of the investigation is to provide information and recommendations to assist management effectiveness and is not intended to change the current levels of protection underpinning Victoria’s public land system.

In particular, the council is requested to investigate and provide:

1. an assessment of the current system of public land use categories, including identification and evaluation of approaches adopted in other jurisdictions nationally and internationally, and consideration of options for changing or consolidating the existing categories to result in a system of categories that is simple and clear and that supports effective and efficient public land management;
2. an assessment of the current reservation status of public land, including areas where land use has changed since Government accepted a recommendation; and
3. an inventory of the types of values on public land.”

## **2.0 GENERAL COMMENTS / OVERVIEW.**

I have particular concerns that the Victorian Government’s referral to VEAC to undertake the Statewide Assessment of Public Land may comprise a hidden agenda to identify any “surplus” or “excess” public land to enable a sell off, and/or to propose and justify a diminishment of adequate funding in the management and protection of our public land. Such possible hidden agenda may be able to be enacted under various guises, which are concerning, including:

- making public land management “more efficient”;
- in “changing” existing categories;
- of restricting existing categories to a “clear and simple” (narrowed) regime;
- an assessment review of current reservation status where “land use has changed”;
- an inventory (review) of the types of values of public land;
- undertaking this “stock take” of public land.

The Victorian National Parks Service also apparently made previous submission partly and correctly along these lines on the then proposed terms of reference, that there should be a clear statement that there will not be any future downgrading of levels of protection given for land that is already reserved. As a result additional wording to address this concern was provided in the paragraph on the purpose of the investigation, to now state that it is *not intended to change the current levels of protection underpinning the protected area system* or State Forest. This however

does *not* adequately address or remedy my concerns stated above. “Not intended” does not mean that it *will not happen*. Further, the “not intended” statement only applies to the existing “protected area system” of current categories for public land that is assessed and falls within these categories. There is a substantial hidden danger that some public land will now be assessed and *excluded* from the protected area system, and become “surplus” public land.

I also have grave concerns about apparent incremental deterioration in the *adequate assessment* and *adequate management and protection* of public land. These are expanded on below. Although this public consultation phase of the investigation focuses on public land categories, the matters of assessment, management and protection of these public land categories are intrinsically intertwined. Hence they are briefly addressed in this submission for this reason, as well as to inform VEAC for consideration of inclusion in the proposed discussion paper, draft proposals paper and final report.

I submit and seek that VEAC publicly releases, prior to the next public consultation phases, the *full and complete* objectives, terms of references, and directives given to it by Government to fully and properly inform the public on this investigation.

### **3.0 PUBLIC LAND USE CATEGORIES.**

Reference: VEAC “Fact Sheet. Statewide Assessment of Public Land. Victoria’s Public Land Use Categories.”

Reference: Land Conservation Council (LCC) Statewide Assessment of Public Land Use Victoria (July 1988):

I consider that the existing range of public land use categories, outlined in VEAC’s Fact Sheet, are generally both adequate and appropriate. There are a myriad of public land value types and significance levels, specific management and protection requirements, public land uses, and underpinning statutes that apply to Victoria’s rich public land portfolio. This situation is appropriately and necessarily reflected in the current array of public land categories.

The current system of varying but specific public land categories allows for appropriately targeted public use, management and protection outcomes, specific to the public land values and significance of each land category area. To “dumb-down” the range of land use categories into a system of lesser numbered and more “generic” categories will inevitably result in a deterioration of targeted best land use, best management and best protection outcomes. It is highly dubious that a more generic range of public land use categories would also result in “more efficient” management – the *same* public land values, *same* significance levels, *same* public uses, same statutes, and *same* management requirements will still apply. But then the Government has also directed a review of the types of values of public land; this is quite worrying, as it suggests potential intent to manipulate the underpinning public land values to manufacture or ensure a diminishment of public land “significance”.

It is also likely that any narrowing of public land use categories into a more confined generic system will create a situation of uncertainty in management and protection.

The public will also be less confident in the public land use category system. Indeed, the LCC in its 1988 Statewide Assessment of Public Land report reported that there was “confusion in the community” where reservations of land existed not in accordance with Council’s recommendations. It follows that such potential “community confusion” will now be further exacerbated in the application of a system of “generic reserves” instead of specific reservations for identified specific purposes.

It may be a cynical view, but if the current range of public land use categories is reduced into a narrower and “simpler” system, some public land areas may be assessed or deemed not to meet the threshold criteria or significance levels for inclusion in the new system, thus enabling or enacting a possible “release” and sell off of public land, effectively by stealth.

Notwithstanding the above criticism, there are some problems with the current “specific reservations” system (e.g. such as Flora Reserve, Landscape Reserve, Historic Reserve, etc). Some reserves may have a number of highly significant public land values but of different type. For example, the Barrakee Hill Conservation of an Area of Natural Beauty (Scenic) Reserve near Charlton has very high scenic / lookout / landscape values, but apparently has equally or similarly high flora and nature conservation values significance. So the question arises as to what category of reserve is most appropriate in such circumstances, to best recognise, target manage, and protect for maximum public use and interest outcomes. This quandary however deals with reserves at the “high end”; it does not apply to “lower end” reserves, and therefore does not detract from my criticisms that have been made above.

#### **4.0 EXISTING PUBLIC LAND ASSESSMENT.**

Reference: Land Conservation Council (LCC) Statewide Assessment of Public Land Use Victoria (July 1988).

Reference: DELWP (DEPI / DSE) Crown Land Assessment Manual / procedures / policy.

Land Conservation Council (LCC) Statewide Assessment of Public Land Use Victoria (July 1988) states that “Public Land, as the name implies, is land owned by and available for use by the public”. One of the functions of VEAC and its predecessor entities (Environment Conservation Council ECC, LCC) is to carry out investigations and make recommendations to the Minister with respect to the balanced use of public land in Victoria. VEAC’s role necessarily includes the assessment of environmental values and resources on public land, and to identify gaps and deficiencies in the protection of these values.

The Department of Environment Land Water and Planning (DELWP) and its predecessor entities (DEPI, DSE, etc) have the responsibility to assess “Uncategorised Public Land” and any VEAC recommended and Government approved land use categories where land use changes have occurred or are proposed to occur. However the extent to which DELWP is *adequately* and *appropriately* undertaking its assessment responsibilities and obligations appears substantially inadequate, and should be of great public concern. This aspect is particularly referred to VEAC for particular consideration.

DELWP started its' detailed "assessment program" in circa 1990, in response to the then Government's policy in relation to an accelerated "Crown land sales program". A detailed and comprehensive assessment process was then appropriately formulated, enabling the assessment of public land against a wide range of public land values and a full range of potential significance levels. Assessing officers were required to have an appropriate tertiary qualification (e.g. environmental or other appropriate degrees or diplomas).

Over the years DELWP's assessment process has steadily eroded in quality of process and implementation. Today DELWP apparently allows any officer including non-qualified persons and persons with little or no experience to undertake assessments. DELWP management has also over-turned appropriately undertaken assessments presumably for expediency, rather than based on a proper and objective consideration of the land's public land values and significance. DELWP assessment reports were originally proposed to determine the presence of public land values, their significance levels, and future public land use category, or if land had no significant public land values than it might be assessed as surplus / saleable Crown land. The assessment reports also were originally designed to compile public land value information on the land assessed, which could then be referred in any future land use decisions and used to inform VEAC in future investigations. However the assessment process eroded in some areas to such an extent that some assessment reports comprised only a one line sentence of "assessment", such as "No public land values – sell". And management signed off on such cases, apparently without question. During about the mid 1990s, DELWP instigated a further accelerated Crown land assessment and sales program where external contractor assessors were engaged to assess public land areas. This program was flawed from the beginning by having *external* assessors assessing *public land on core DELWP and Government values, interests and policies*. Further, the contract assessors were paid a set fee on a "per assessment case" basis, so the quicker the contractors could spit out the assessments the faster they were paid. The potential for poor or improper assessments was only too obvious. DELWP did prudently attempt to check (a small amount of) the assessments as they came in, but it would have effectively defeated the purpose of contracting out to undertake detailed checks of each and every assessment. Many poor and incorrect assessments were therefore approved by management – some of this land may have already been sold off, but many of these assessments are probably still "on the books". To give an example of how many poor assessments eventuated, about *seventy* land area assessments were later found to be incorrect or poorly done in the NW Region alone (these identified assessments had to be redone). It is unknown how many more poor or incorrect assessments state wide remain undetected. In addition to this, assessment reports become "outdated" over time, with changed in-field circumstances and new information coming to hand. Most assessment reports of maybe 2 years or older should be properly, adequately and competently re-assessed, if major land use change is proposed or considered.

DELWP appears to be currently proposing (or may have already put into place) a revised and "dumb-downed" assessment process that may discard the originally detailed assessment criteria and/or significance levels. However despite public requests for release of information to this end, DELWP has to date declined to do so. It also appears that DELWP is developing, or has developed, the possible new

assessment process *internally* and *without any public consultation*. If this is correct, it is considered highly inappropriate, particularly when the assessment process may determine public land that is actually owned by all citizens of the Victorian public to be “surplus” to the public estate and public interest and to then clear it for disposal / sale. The possible new “strategic” assessment process may comprise a clear focus on public land to be “divested” (sold), and a preference to identifying “protective mechanisms” as well as native title interests to enable the land to be sold (i.e. rather than retention as public land and re-assignment to a public land use category). It may be that DELWP is also proposing that other Agencies undertake their own assessments (for review by DELWP). If so, this is of great concern, including as to the competency of the assessors and the ability and risk of DELWP to effectively “check” the assessments in any case. The disaster of DELWP’s past “contracting out” of assessments to outside contractors is testament to this. There are indications that DELWP’s new “strategic assessment” form may lack any rigorous detail on the myriad of public land values that have to be considered; if this is correct, the new strategic assessment process will be a disaster, and *absolutely not in the public interest*. It also appears that, during the 1990s when the assessment program was largely devised, assessments had to *justify any disposals* against the public interest which was not to be inappropriately compromised. Today, however, the *onus appears to be reversed*, with public land being largely considered potentially surplus and saleable unless it can be *justified to keep it in the public land portfolio*. This aspect is of particularly great concern and is particularly relevant to the concerns of this submission (and possibly the VNPA’s original submission concerns).

The following listing is but some of the many apparently inadequate aspects of DELWP’s past, current and/or proposed future public land assessment process. Refer also to Appendix: Case Examples to this submission, for some actual examples of some of these matters:

(a) DELWP apparently does *not* require assessing officers to be appropriately qualified, or even experienced. The result is that significant public land values are *not* being adequately identified, and land is *not* being appropriately assessed. As a result, land is *not* being apportioned to an appropriate land use category, and there are instances where public land that should be kept in public ownership is assessed as “surplus” and being sold off.

(b) DELWP Management may not in all cases be appropriately signing off on the assessments in an objective and appropriate manner.

(c) DELWP may be apparently proposing to “dumb-down” the current public land assessment criteria and assessment process, into a new or revised “strategic assessment” process. It appears that DELWP may also be attempting to apply the recently changed native vegetation removal process and “risk pathways” process to public land assessments, and indeed to even try to circumvent the need for field assessment of sites. (The native vegetation removal / risk pathway mapping and processes is absolutely abysmal, of no real worth, and is an insult to the public interest.)

(d) DELWP may be apparently proposing to divest its own and the primary responsibility for public land assessment to other Government Departments or

Agencies to have these other Departments or Agencies undertake their own assessments for public land within their portfolios. (This will inevitably cause even more deterioration of the adequacy of the Government's processes for the assessment of public land – with the public land estate and the Victorian public being the losers.)

## **5.0 EXISTING PUBLIC LAND MANAGEMENT.**

The DELWP holds the responsibility as the “land owner” and the responsible “assessor” of most categories of public land. DELWP may also be the direct “land manager” of many public land categories. Other public land may be managed by other Government Departments or Agencies as the “implied manager”, or there may be “delegated managers” such as appointed Committees of Management of Reserves (e.g. local committees of management or municipal councils). Many public land areas are also held under tenure lease or licence (some of these may be for bona fide community group outcomes, or could solely be for private use benefit where these private interests (supposedly) don't override the public interest).

VEAC's determined recommendations for public use categories include balanced land management and protected outcomes in the public interest.

The following listing is some of the many apparently inadequate aspects of DELWP's (and other Government Department or Agency's) past, current and/or proposed future management of public land. Refer also to Appendix: Case Examples below, for a few actual examples of some of these matters:

(a) There are many unauthorised occupations or uses of all land use categories of public land. However despite many of these unauthorised uses having been identified, and been identified as causing significant negative impact to public land values, DELWP has at least until recently held a view of “doing nothing”. This is despite the identification of impacts as likely being highly detrimental to significant public land values. DELWP holds (or held) an “unwritten policy” that all illegal occupations or the like be “put away” and not dealt with, regardless of the extent of the impacts and regardless of the public land values and their significance that are being impacted.

(b) There are many current occupations of public land that are licensed or leased but that are causing significant public land values impacts in any case. However despite these impacts being recognised, DELWP is unwilling to intervene or do anything. DELWP will likely argue a defence of a lack of resources, and the nonsense logic that it may be “good” that occupiers are “managing” the land thereby alleviating the need for DELWP to do so and the spending of public money.

Example 1: Grazing Licences have standard conditions for licensees to control pest plants and animals on the licensed area. Invariably, DELWP almost never systematically monitors or enforces any of the licensees to undertake good management practices or any control measures.

Example 2: PLWF Grazing Licences largely allow unfettered grazing of frontages. Invariably these sites are subsequently largely denuded and modified especially in the understorey, with significant water quality demise. Weeds usually run rampant. There is usually no DELWP monitoring or enforcement.

Example 3: Many areas of highly significant northern plains grasslands are occupied under licence or illegally. In many cases cultivation has occurred, destroying the grassland. DELWP (and PV) invariably “turn a blind eye” to these impacts. The ludicrous situation is that northern plains grassland land purchases are the highest priority within the land purchase program, yet there are existing northern plains grasslands within the public land portfolio that are being degraded or destroyed through Governmental management and enforcement ignorance or negligence.

(c) The follow on from (a) and (b) is that the impacts of the occupations have been so great as to have in some cases destroyed the public land values and their significance that once existed, whereby the public land has to now be assessed as having no significant public land values and might be assessed as “surplus and saleable”. The lunacy of this process of Governmental “responsible land management” needs no further comment.

(d) DELWP undertakes fuel reduction burns on public land. DELWP attempts to purport that some of these are in fact “ecological burns”, and calls all burns “*planned* burns”. Presumably the “planning” includes “assessment” of the public land that should include identification of the land’s public land values, justification for the burns (e.g. fuel loads, public risk to life and property, etc), the impacts of the burns (e.g. compliance with statutes for public land management and protection and flora and fauna protection etc.), and evaluation of lesser impact alternative actions. However there have been many significant and documented impacts to environmental and public land values that are significantly contrary to VEAC recommended / Government approved land use category, values, management and protection (including statutory obligation) outcomes. Despite the public questioning DELWP to these ends, DELWP has refused to disclose its “planning” and “assessments”, and refuses to acknowledge the damage caused. The premise in the planned burning policy that the program is an open and transparent process is truly nonsense. It should also be stated that the outcome of the Government’s recent Review of Performance Targets for Bushfire Fuel Management on Public Land by the Inspector-General for Emergency Management is unlikely to address the problem. Even if the Review finds in favour of a “risk based” outcome instead of an “area based” outcome, it appears that DELWP will continue to claim how some areas are “extreme risk” and burn the hell out of them, but without any real public justifications of its risk analyses or any proper considerations of alternative measures other than burning. Planned burning, either risk based or area based, still does not allow DELWP to flaunt the law in relation to compliance with many statutes that are effectively being undermined or breached.

## **APPENDIX: CASE EXAMPLES.**

### **EXAMPLE 1:**

#### **One Tree Hill area, Greater Bendigo National Park (OTH-GBNP) – Fuel Reduction Burns.**

- 238 hectares of OTH-GBNP burnt in “planned burns” in recent years, and 237 ha proposed to be burned this year.

- DELWP purports there to be a “severe fire risk” as “justification”. The public question this. DELWP refuses to provide the public with its planning and assessment, its estimate of the fuel loads, its estimate of the “risk”, etc.

- The community undertook its own assessments, and the following *evidence* has been documented:

\* At least 7.701 km of walking tracks have been bulldozed and turned into permanent vehicle tracks, with at least 268 trees chain-sawed down. Overall there are 13.02 km of *new permanent vehicle tracks* comprising the bulldozing of walking tracks and the bulldozing through bushland (Victorian Ministerial approval is required under the National Parks Act for new permanent works including roads or tracks – DELWP refuses to inform the public if such approval was sought or obtained.)

\* 238 ha of habitat or potential habitat for Pink Tail Worm Lizard *Aprasia parapulchella* (EPBC Act listed) and McIvor Spider Orchid *Caladenia audasii* (EPBC Act listed) have been burned to date (these were also “*blanket* burns” – don’t worry about “small mosaic burns”!).

\* Over 3.6 ha of habitat or potential habitat for Pink Tail Worm Lizard and McIvor Spider Orchid have been bulldozed for new vehicle tracks to date.

\* Estimated possible number of past fallen trees or fallen part trees:

239ha X 142 fallen trees or part trees/ha = 33,938 trees or part trees burnt and fallen.

\* Estimated total number of past potential loss of viable habitat hollows:

239ha X 234 hollows/ha = 55,926 potential hollow losses.

\* Direct and indirect impacts to Pink Tail Worm Lizard and McIvor Spider Orchid are unknown.

\* DELWP apparently undertook its own “internal assessment” of Pink Tail Worm Lizard and determined that it could undertake the burns and the bulldozing on the premise and justification of “experimenting” to enable “future protection” of the species from wild fire! Despite public requests, DELWP refuses to fully inform and provide the public with its planning and assessment.

\* DELWP apparently did not refer the matter to the Fed Dept Environment for permit or authority for these “controlled actions” for the EPBC Act Pink Tail Worm Lizard.

\* DELWP’s “planning” and “assessment” to manage and protect the McIvor Spider Orchid and its habitat are unknown. The effects to the pollinators of McIvor Spider Orchid from the burns are unknown. Despite public requests, DELWP refuses to provide its planning and assessment.

\* DELWP apparently did not refer the matter to the Fed Dept Environment for permit or authority for these controlled actions in relation to the EPBC Act McIvor Orchid (required under EPBC Act). DELWP also refuses to inform the public in this regard.

\* Estimated 55,968 losses of actual or potential hollows for FFG listed Brush Tail Phascogale *Phascogale tapoatafa*. (DELWP refuses to acknowledge this loss or impacts.)

\* Impacts to gold mining and other historic / heritage / archaeological sites, including through bulldozing, pursuant to the Heritage Act. (Heritage Victoria was referred the matter, but has declared that it identified “no damage or disturbance”!)

\* The GBNP is a listed and mapped area of Aboriginal Cultural Heritage Significance, where procedural and other processes apply pursuant to the Aboriginal Heritage Act. It is unknown if DELWP / Parks Victoria have complied with the Act. Aboriginal Affairs Victoria has been referred the matter for comment, but is yet to respond.

\* The GBNP Management Plan appears to have been compromised in relation to the protection of significant flora and fauna, the protection of heritage sites, the management of the roads and tracks, etc.

\* The significant and ongoing burning will eventually substantially modify or destroy the shrub and ground layer areas. Communities such as the Victorian Woodland Bird Community will be severely affected, and will eventually disappear from the Park. DELWP purports in a recent advertising propaganda campaign that its’ planned burns target “grass, leaves and twigs”.



Photo Above: Typical example of new bulldozed permanent vehicle track through Greater Bendigo National Park quality bushland and endangered species habitat. The public will be demanding that DELWP / PV release their due diligence and legally required survey, assessment, impact and other statements or requirements, including permits issued by Federal Dept of Environment, on species including for EPBC Act listed *Caladenia audasii* and *Aprasia parapulchella*.



Photo Above: Substantial soil erosion is occurring at and seriously impacting on this Greater Bendigo National Park alluvial gold diggings site, as a direct consequence of irresponsible “planned burning” land management practices. DELWP / PV also bulldozed a new vehicle track through the middle of these diggings as part of its preparation for the planned burns.



Photo above: This is an area typical of some of the still unburnt areas of the One Tree Hill area of the Greater Bendigo National Park that DELWP / PV are wanting to burn. Note the strong environmental, structural, diversity and habitat values. Compare with Photo 55 below, post burn area over 12 months after the burn event. The environment is suffering significantly through these burns. It is doubtful if or when they will recover.



Photo above: This is what the DELWP / PV planned burns are turning the One Tree Hill area of the Greater Bendigo National Park into – a devastated woodland area with many burnt fallen trees and devoid of major shrub layer with significant ground species effects and modification.





Above: Some of the photos of the many thousands of trees that have fallen as a result of DELWP / PV's planned burns on One Tree Hill GBNP. DELWP has stated in propaganda TV ads that it targets "grass, leaves and twigs" in its burns!

Footnote to VEAC: Detailed community reports on the planned burns and impacts and assessment of the Greater Bendigo National Park One Tree Hill area are available on request. They are large and therefore have not been emailed with this submission. They may be supplied on computer data disk if required. If so, I also give my consent to these other documents becoming public documents.

**EXAMPLE 2:**

**Kilmore Public Park and Gardens Reserve – Fuel Reduction Burns / VicRoads Kilmore-Wallan Bypass.**

(A) Fuel Reduction Burns.

Kilmore Public Park and Gardens Reserve; DELWP Planned Burns, 2008 and 2012. Comprise photographic evidence as to:

- The RISK that such so-called "cool burns" may in fact turn into "very hot burns" and/or indeed get "out of control", with devastating consequences. The calculated level of "acceptable risk" that DELWP / PV may argue they have considered in relation to potential risk to EPBC Act and FFG Act listed protected matters (e.g. burns very close to and/or over known sites and within known habitat of EPBC Act listed Pink Tail Worm Lizard and McIvor Spider Orchid) must be considered highly dubious to veracity.
- The potential for very significant adverse effects to the "cultural heritage landscape" (e.g. significant tree and canopy death and losses).

Detailed information is contained in the following reports:

1. “TREE DEATHS / LOSSES IN 2008 FUEL REDUCTION BURN AREA – MONUMENT HILL PUBLIC PARK & GARDENS RESERVE, KILMORE”. Report Date: June 2013. Report By: Save Monument Hill Community Group.
2. ACTUAL / POTENTIAL TREE / STUMP HOLLOW LOSSES IN 2012 FUEL REDUCTION BURN AREA – MONUMENT HILL PUBLIC PARK & GARDENS RESERVE, KILMORE”. Report Date: February 2013. Report By / For: Concerned Kilmore local residents / members of public – Save Monument Hill Community Group.



Above: Photo of the aftermath of the so-called “cool burn” and “planned burn” in the Kilmore Public Park and Gardens Reserve, undertaken by DEPI in 2008. This 2008 burn killed 405 trees with another 40 trees significantly stressed and likely to die at the time of the survey. Of the trees that died, 115 were classified as “large old trees” (>70cm dbh). This area is subject to Victorian Heritage Register nomination, comprises a cultural heritage landscape (coppiced trees from human activities including charcoal production) – the burns have therefore significantly negatively impacted these heritage values.

#### (B) VicRoads Kilmore-Wallan Bypass.

VicRoads had proposed a route for the Kilmore-Wallan Bypass through Kilmore’s Public Park and Gardens Reserve (which includes Monument Hill).

- The Reserve comprises significant flora and fauna (including FFG Act / EPBC Act matters), historic/heritage (including State significance area), recreational, landscape, scenic, open space, etc. values.

- The Kilmore community strenuously opposed the destruction of this public land for the purposes of a road (including when obvious other routes of much lesser impact were also being considered).

- The community sought DELWP’s assistance, however DELWP advised it had “no written assessment” of the reserve, refused to assess the land (including to inform VicRoads and inform the Bypass EES, to inform on Mitchell Council’s Management Plan, to inform on Vict Heritage Register nomination, to inform on Mitchell Shire C56 Heritage Planning Scheme amendment, to inform on the community’s nomination of Monument Hill as Nature Conservation Reserve, etc), and stated that it

would otherwise entirely rely on VicRoads (biased and inadequate) Bypass environmental studies.

- The community also sought information from both DELWP and VEAC as to VEACRECS25 to help inform the matters, but both refused to publicly disclose this information.

- DELWP also initially chose not to present at the VicRoads Bypass, but only presented at the direction of the EES Panel. Even then, DELWP presented nothing of any value, failed to discuss or comment on any of the public land values or their significance or the impacts, and essentially said nothing except that it was “happy” with the VicRoads “process”!

-The Kilmore community was left to its own to undertake its own public land values assessments and make proper presentation at the EES Hearing in defence of this public land area. To the community’s great credit, it “saved” this public land area for present and future generations to enjoy. The EES Panel chose to recommend against going through the reserve as the impacts to the significant heritage and environmental and community values would be too great. The Heritage Council also has chosen to add the Kilmore Hume and Hovell memorial monument to the Victorian Heritage Register, based on the community’s nomination and presentations. It goes without saying that the community is disgusted with how DELWP has treated the community, how it regards this public land without any consequence, and how it has otherwise dealt with the matter.

Footnote to VEAC: Detailed community reports and other information on the Kilmore Public Park and Gardens Reserve / Monument Hill area, including on DELWP’s planned burns, are available on request. They are large and therefore have not been emailed with this submission. They may be supplied on computer data disk if required. If so, I also give my consent to these other documents becoming public documents.

### **EXAMPLE 3:**

#### **Clunes old Common area (situated just to the north of township).**

- Originally assessed by DELWP internal assessment officer as having no significant public land values and “GL” surplus and saleable Crown land.

- Later diligently picked up by DELWP other assessment officer as being a potentially incorrect assessment. Re-assessed, identified very significant western plains grassland with rare and threatened species. Recommended as Nature Conservation Reserve (maybe 10 years ago or more). It appears that this land use category recommendation has never been implemented, and that the area is still held under Grazing Licence!

### **EXAMPLE 4:**

#### **United Hustlers and Redan Co Historic Mining Site, Bendigo – P125842.**

- Originally and correctly assessed by qualified DELWP internal assessment officer as having significant public land values (historic / heritage, recreation, strategic) – assessed as Public Land and future land use category addition to abutting proposed Long Gully Creek Linear Park Reserve. Assessment in line with ECC Box Ironbark Investigation to protect heritage sites, in line with City of Greater Bendigo Heritage Study, etc.

- Subsequently, a public application was made to bulldoze most of the historic landscape site for car park purposes. DELWP management determined the application without referral to the assessment officer and against assessment officer protestations. Management apparently made an autonomous determination on the basis that it would be “better” for someone else to “manage” the site other than DELWP (e.g. to control the weeds that DELWP had itself failed to control), even if it meant destroying the heritage values! Management also “consulted” Heritage Victoria which indicated it would not oppose the application and used this as further justification of the decision – but HV is not the land manager, does not make land management decisions and invariably never stops development. The DELWP management determination becomes even more ludicrous where the creation of a car park would usually change the land from “PL” to likely “GL”.

**EXAMPLE 5:**

**Old Ravenswood Water Reserve – P123553 and P123554**

- Originally assessed by DELWP appointed external contract assessor, as “no significant public land values” and a “fully modified” site and “GL” surplus and saleable Crown land.

- Later diligently picked up by DELWP qualified assessment officer as being a potentially incorrect assessment. Re-assessed, identified three very significant historic old stone buildings (part of old Ravenswood Run and potentially of State significance) and other historic and native vegetation and strategic PLWF values. Re-assessed as “PL”.

- Subsequently the Grazing Licence holder of the area bulldozed the historic water reserve dam, damaged the stone dam wall, disturbed the historic buildings, deliberately removed a stone floor archaeological site, etc. DELWP management determined to take “no effective action” other than to have the licensee “reinstate: the dam – it appears that the licensee is still occupying the site and enjoying it private interests of this significant public land area.

**EXAMPLE 6:**

**“Extinct” orchid species found via DELWP qualified assessor – Gravel Reserve.**

A native orchid species previously thought to be extinct was relatively recently found on a Gravel Reserve via proper and diligent DELWP Crown land assessment by an appropriately environmentally qualified assessor. (The name of the species and location is not mentioned here, to ensure protection.)

This particular case is made to highlight the fact that DELWP has eroded the assessment process and standards, whereby any unqualified and inexperienced person can undertake public land assessments. DELWP Bendigo has taken this to the extreme, where previous specialists in various fields of public land management have been “dumb-downed” to all becoming “generalists”. Public land assessors are no exception. The result is that there has been a loss of expertise in DELWP, caused by deliberate management actions.

NORM STIMSON.