

River Red Gum Forests Investigation

DISCUSSION PAPER

OCTOBER 2006



Victorian Environmental
Assessment Council



WHAT IS VEAC?

The Victorian Environmental Assessment Council (VEAC) was established in 2001 under the *Victorian Environmental Assessment Council Act 2001*. VEAC replaced the Environment Conservation Council (ECC) as the body providing the State Government with independent and strategic advice on public land use. The five Council members are:

Mr Duncan Malcolm (Chairperson) – Mr Malcolm has a long career in natural resource management. He is currently the Chairperson of the Gippsland Coastal Board, Watermark Inc., a member of the Victorian Coastal Council and former Chair of Lakes and Wilderness Tourism and The Irrigation Association of Australia Ltd.

Associate Professor David Mercer – Associate Professor Mercer is with the School of Social Science and Planning at RMIT University. He has a background in natural resource management, recreation and tourism. The author of over 130 academic publications, Associate Professor Mercer is an elected Fellow of the Environment Institute of Australia and New Zealand and sits on the editorial board of the Australian Journal of Natural Resources and Policy.

Professor Barry Hart – Professor Hart has expertise in environmental science, particularly in water quality management and ecological risk assessment.

He has published extensively and received several awards for his work in the scientific underpinning of natural resource management. Professor Hart also has considerable experience in catchment management issues across Victoria, having served on the Victorian Catchment Management Council for almost 10 years. He is also a Board member of the Victorian Environment Protection Authority.

Ms Jan Macpherson – Ms Macpherson is a lawyer with expertise in environmental and planning law. She also has an extensive background in Indigenous heritage and land management having worked for several years in northern Australia. Ms Macpherson has formal qualifications in corporate governance and is currently a Board member of Greening Australia.

Ms Jill McFarlane – Ms McFarlane comes from a background in family farming enterprises in both western Victoria and South Australia and also spent time as a social worker in rural areas of South Australia, NSW and Victoria. Ms McFarlane now lives in Central Victoria. Having completed two terms on the board of the North Central Catchment Management Authority (CMA), she has experience in the complexities of natural resource management issues across public and private land. She has a strong focus on community engagement and involvement in natural resource management.

MAKING SUBMISSIONS

The primary purpose of this Discussion Paper is to inform and initiate submissions from interested people and organisations. All stakeholders are encouraged to make a submission to VEAC—these submissions will be considered in detail by VEAC when developing specific proposals for public land in the study area for the Draft Proposals Paper, scheduled for publication in mid 2007. There will be further opportunities for submissions following publication of the Draft Proposals Paper.

The closing date for written submissions on this Discussion Paper is Thursday, 7 December 2006.

ONLY SUBMISSIONS SENT DIRECTLY TO VEAC CAN BE TREATED AS SUBMISSIONS.

All submissions to VEAC become public documents, unless otherwise requested. If you wish your submission to be considered confidential, a written request must accompany the submission. If the confidentiality request is not accepted, your submission will be returned to you.

Information contained in all submissions may also be stored and used by VEAC or the Department of Sustainability and Environment, for purposes relating to the River Red Gum Forests Investigation and subsequent government considerations of matters related to the Investigation.

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Victorian Environmental
Assessment Council

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MESSAGE FROM THE COUNCIL

The river red gum forest area is one of Victoria's, indeed Australia's, most significant ecological and economic regions. It supports a wide diversity of environmental, economic and cultural values. People readily identify with the majestic River Murray and the landscape through which it flows, dominated by awe-inspiring red gum trees and the ecologically rich wetlands within the river system.

The river red gum forests and wetlands have seen major changes in use. Over the last 50,000 years Indigenous Traditional Owners have established a special relationship to ancestral lands. This spiritual connection is described as caring for country rather than ownership of land. Today, Aboriginal people have retained this association with ancestral lands, evolving and adapting over time.

Over recent centuries the River Murray has been used for large scale transport by paddle-steamers with extensive river regulation for agriculture. The region has seen major environmental devastation including the collapse of the Murray cod fishery and deforestation of the floodplains for agriculture, to fuel paddlesteamers and to supply railway transport.

Today we acknowledge the intrinsic biodiversity values of the region and the need for their protection, yet the riverine system remains under threat. Salinity is a major environmental concern with the expectation that by 2020 Adelaide's water supplies from the River Murray may be too salty to drink on two out of every five days. Population increases are placing pressures on waterfront access and natural values, particularly in relation to tourism and recreation activities.

However, the most significant threat to the river red gum forests and wetlands is insufficient water to maintain natural flood regimes. Without adequate water for the environment large areas of riverine ecosystems may be lost forever. Climate change is likely to compound this serious situation.

We encourage everyone to participate in this Investigation process and in so doing help us develop a shared vision for the river red gum forests on public lands. We look forward to your input and feedback on this Discussion Paper as we move into the next phase of the River Red Gum Forests Investigation.



Mr Duncan Malcolm (Chairperson)

Associate Professor David Mercer

Ms Jan Macpherson

Professor Barry Hart

Ms Jill McFarlane

ACKNOWLEDGMENT OF COUNTRY

The Victorian Environmental Assessment Council acknowledges Traditional Owners within the study area, their rich culture, and their spiritual connection to country. This includes the Bangerang, Bararapa, Dhudoroa, Dja Dja Wurrung, Jarra Jarra, Jupagulk, Latje Latje, Ntait, Nyeri Nyeri, Robinvale, Tati Tati, Taungurung, Wadi Wadi, Wamba Wamba, Way Wurru, Wergaia, Yorta Yorta, and Yulupna peoples.

VEAC also recognises and acknowledges the contribution and interests of Indigenous people and organisations in the management of land and natural resources.

Finally, we acknowledge that past injustices and continuing inequities experienced by Indigenous peoples has limited, and continues to limit, their participation in land and natural resource management processes.



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HOW TO USE THIS DISCUSSION PAPER

This Discussion Paper is the first report published in VEAC's River Red Gum Forests Investigation. As the name suggests, its principal purpose is to generate discussion that will inform later stages of the Investigation process—VEAC will be receiving submissions in response to this Paper until Thursday, 7 December 2006 (details inside front cover).

The Discussion Paper is divided into four parts.

Part A provides background and details on the values and assets of public land in the study area, including biophysical, socio-economic, Indigenous land associations and historical aspects of the study area. Part A covers chapters 2 to 8 of the paper.

Part B explains in detail the public land use framework as it applies to the River Red Gum Forests study area. This includes the various public land use categories represented in the study area and the management arrangements associated with them. Chapter 9 is the only chapter in this part of the paper.

Part C of the Discussion Paper provides details on the various uses of land within the study area and the implications of these uses on the values and assets of the River Red Gum Forests as a whole. It covers chapters 10 to 17.

Part D explores the issues emerging from the material in Part C and raised through community input to the investigation processes. This part of the Discussion Paper covers chapters 18 to 19.

The paper is divided into these four parts to reflect the four objectives sought through the development of the Discussion Paper. The objectives are to:

- provide detailed information on the various values and assets found within the study area (Part A);

- provide the reader with some context around how public land is categorised (Part B);
- explain the links between the various values and assets identified in Part A with the various land use categories outlined in Part B (Part C); and
- raise potential issues associated with the River Red Gum Forests Investigation and encourage submissions responding to the Discussion Paper (Part D).

The Discussion Paper is first and foremost a detailed resource document. This type of document enables any stakeholder to gain sufficient information and knowledge about the study area in its entirety to make an informed response to the Discussion Paper. It also ensures all information and knowledge is available in the public domain for all to read.

VEAC is aware that the document is of considerable length and, in some situations, this length could deter some readers. To overcome this and make the material contained in the Discussion Paper more accessible a summary brochure is available free through Information Victoria and at VEAC's website: www.veac.vic.gov.au.

Additional detailed and background material related to the Investigation is contained in the appendices at the back of this Discussion Paper. Maps showing relevant information are interspersed throughout the document and large scale maps are located inside the back cover.

Acknowledgments

The Victorian Environmental Assessment Council (VEAC) would like to formally acknowledge the contribution all individuals and government, community and industry groups have made to the development of this Discussion Paper. In particular, VEAC would like to acknowledge the information and feedback provided by the Community Reference Group during the development of this Paper. Members of this group are listed in Appendix 1. A large proportion of the data, information and in some cases draft text used in the Paper has been received from various government agencies involved in the Government Contact Group, including the Department of Sustainability and Environment (DSE). A list of the members of this group is at Appendix 2.

Many other technical experts and consultants have provided valuable input and information, including some draft text for this Discussion Paper. These include: Chapter 2, Fons Vandenberg, Department of Primary Industries, DPI and Dr Susan White and Gresley Walklin-King; Chapter 4, David Rees, DPI; Chapter 5, Alan Yen, DPI, Ian Mansergh, Nevil Amos, and the entire Biodiversity and Natural Resources Team, DSE, and Christine Kenyon; Chapter 6, William Glenbar and Karen Milward, Chapter 7, Robyn Ballinger; Chapter 8, Fiona McKenzie, Spatial Analysis and Research, DSE; Chapter 12, William Glenbar and Karen Milward, Joy Elley Aboriginal Affairs Victoria, and Daniel Catrice, DSE; Chapter 13, Gary Niewand, DSE and Russell Goodman, DPI; Chapter 14, Mal McKinty, Barry Dexter and Leon

Bren, University of Melbourne; Chapter 15, Geoff Earl, Simon Casanelia and Keith Ward, Goulburn Broken CMA, Paul Sinclair, Environment Victoria, Jane Doolan, Paulo Lay, Julia Reed, Phil Heaphy, Rebecca Curran, and John Cooke, DSE, Tony Ladson, Monash University and Christine Forster, Victorian Catchment Management Council. Assistance and advice was also provided by DSE regional services staff as well as Parks Victoria and DPI.

Since the start of the Investigation VEAC members and staff have had many discussions with numerous stakeholders and experts, in the study area and elsewhere. While these people may not have been directly involved in the preparation of this Paper, their perspectives and information contributed greatly to our understanding of the study area and key issues.

The Discussion Paper was prepared by the River Red Gum Forests Investigation team: Paul Peake, (Project Leader), Kaye Follett, Dr Natasha McLean and Dr Mel Mitchell. Joan Phillips, Director and earlier in the project, Shane Dwyer as the then CEO, Simon Ransome, Naomi Withers, Sue Street, Fred Cumming, James Fitzsimons, Amanda Stajewski, Sharon Edwards, and Belinda Irwin also provided invaluable assistance to the team. Special thanks also go to Naomi Withers and Mark Worthing for all the in-house mapping and spatial advice and to Alison Oates, Matt White and David Parkes, DSE and Doug Froud, consultant for their extensive work on the pre-1750 Vegetation Map.

Terms of Reference for the River Red Gum Forests Investigation

Pursuant to Section 15 of the *Victorian Environmental Assessment Council Act 2001* the Minister for Environment hereby requests the Council to carry out an investigation of public land within the area shown on the accompanying plan.

The purposes of the investigation are to:

- (a) Identify and evaluate the extent, condition, values, management, resources and uses of riverine red gum forests and associated fauna, wetlands, floodplain ecosystems and vegetation communities¹; and
- (b) Make recommendations relating to the conservation, protection and ecological sustainable use of public land as specified in Section 18 of the *Victorian Environmental Assessment Council Act 2001*.

In addition to the considerations specified in Section 18 of the *Victorian Environmental Assessment Council Act 2001*, the Council must also take into consideration the following matters:

- Policies, programs and reports, as well as obligations, resulting from International, Commonwealth-State and Interstate agreements or arrangements, as they relate to the investigation;

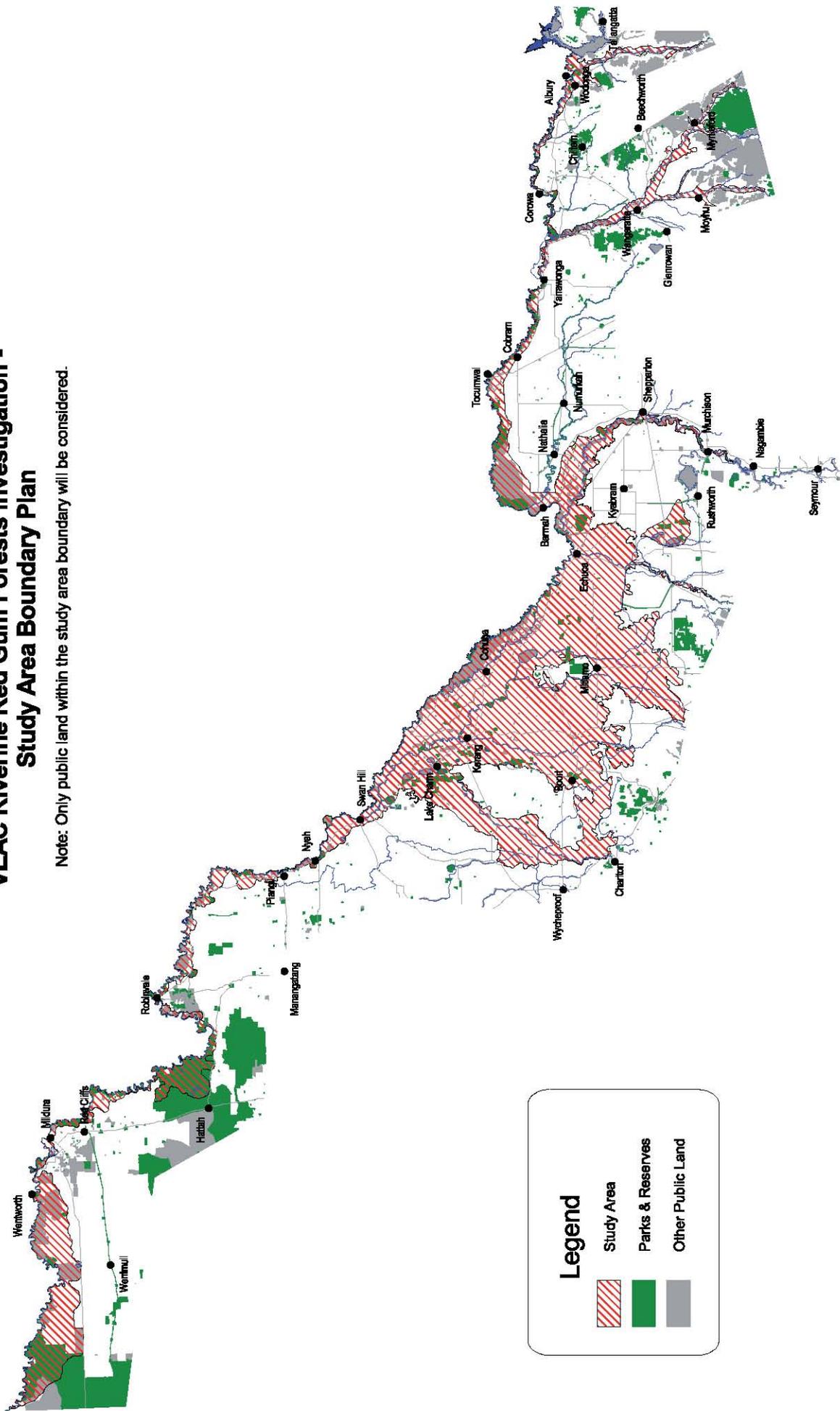
- Existing State Government policies, programs, strategies and Ministerial Statements, as they relate to the investigation;
- Regional programs, strategies and plans, as they relate to the investigation;
- Possible opportunities for indigenous management involvement;
- The Yorta Yorta Co-operative Management Agreement;
- Appropriate access for commercial opportunities (eg timber, grazing, apiaries, and other resource industries), for appropriate recreation activities, and for community values and uses;
- Nationally agreed criteria for a comprehensive, adequate and representative reserve system, and;
- Opportunities for a joint management regime with the New South Wales Government for the Murray River and public land on its floodplains.

The Council is required to release a Discussion Paper, a Draft Proposals Paper, and submit a Final Report on the results of its investigation. The Final Report must be submitted by 1 February 2008.

¹ This includes all Ecological Vegetation Classes (EVCs) occurring within the study area boundary.

VEAC Riverine Red Gum Forests Investigation - Study Area Boundary Plan

Note: Only public land within the study area boundary will be considered.



6 April 2005
 Base Data from DSE GIS Corporate Library
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 The State of Victoria, 2005.

1 Introduction

BACKGROUND TO THE RIVER RED GUM FORESTS INVESTIGATION

One thousand years ago a visitor to the Murray Valley would have seen Aboriginal people living alongside the River Murray as they have done for tens of thousands of years. The people utilised the river red gums to make bark canoes for transport across the river. They hunted, fished and foraged, drawing on the abundant natural resources of the region. The people had then—and continue to have—an inherent spiritual relationship with their traditional country.

One hundred years ago the visitor would have seen large river paddle-steamers laden with wool bales off-loaded at Echuca for the rail trip to Melbourne and then world markets. They would have seen timber cutters harvesting the red gums and box trees to power the paddle-steamers, to build wharves and railways, and for a myriad of other purposes. The Murray River was the life-blood of the region for transport, communication and access to markets.

Today, visitors go to the region for many different reasons. The scenic landscapes, magnificent red gum forests and wetlands, diverse recreational opportunities and dynamic industries draw people to the Murray Valley. Many of these industries, such as timber harvesting, honey production and grazing, have been active in forest areas since the early days of European settlement. The two largest river red gum forests in the world occur within the region: the Gunbower-Perricoota and Barmah-Millewa forests. The region is also ecologically diverse and the river, its floodplains, billabongs and tributaries, provide significant habitat for threatened flora and fauna species. The river remains the life-blood of the region but now with a different emphasis on industry for local communities, providing water for irrigation and a focus for recreation and tourism. The area's popularity places pressure on the region and its resources.

Despite the region's significance, it has been twenty years since the last broad-scale systematic survey of public land use. Consequently, the Victorian Government has requested VEAC to investigate the River Red Gum Forests of the Murray Valley. VEAC will consult widely with the community and stakeholders and consider all values and issues before making recommendations to Government on the appropriate public land use (e.g. state forest, national park, regional park) for the various areas of public land in the study area. The Council hopes that its final recommendations to Government for the area will provide a useful framework for public land into the future.

The Victorian Environmental Assessment Council

The Victorian Environmental Assessment Council Act 2001 (VEAC Act) came into effect in December 2001. This Act repealed the *Environment Conservation Council Act 1997* and established the Victorian Environmental Assessment Council to conduct investigations and make recommendations relating to the protection and

ecologically sustainable management of the environment and natural resources of public land. The current five members appointed to VEAC by the Minister for Environment are Mr Duncan Malcolm (Chairperson), Associate Professor David Mercer, Professor Barry Hart, Ms Jan Macpherson and Ms Jill McFarlane. A brief biography of each of the Council members is provided on the inside front cover of this Discussion Paper.

The Council conducts its affairs in accordance with the VEAC Act. In particular, Section 18 specifies that "Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister—

- (a) the principles of ecologically sustainable development;
- (b) the need to conserve and protect biological diversity;
- (c) the need to conserve and protect any areas which have ecological, natural, landscape or cultural interest or significance, recreational value or geological or geomorphological significance;
- (d) the need to provide for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within Victoria;
- (e) the existence of any international treaty ratified by the Commonwealth of Australia which is relevant to the investigation;
- (f) any agreement at a national, interstate or local government level into which the Government of Victoria has entered, or under which the Government of Victoria has undertaken any obligation in conjunction with the Commonwealth, a State, Territory or municipal council, which relates to the subject matter of the investigation;
- (g) the potential environmental, social and economic consequences of implementing the proposed recommendations;
- (h) any existing or proposed use of the environment or natural resources."

In carrying out its investigations, Council has the task of considering all the complex issues and views involved and then providing integrated recommendations that form the basis of future public land use and management in the study area. In particular, Council must take into account the protection of biodiversity and other environmental values along with the competing demands on the land and its resources as well as the full range of social and economic considerations.

Terms of Reference for the River Red Gum Forests Investigation

On 19 April 2005, the Minister for Environment, the Hon. John Thwaites, requested that VEAC undertake an Investigation into River Red Gum Forests. The Terms of Reference together with a map of the Investigation study area are presented earlier.

The Terms of Reference specify eight matters that VEAC must take into consideration. Some of these matters are quite specific and are explored in more detail in relevant chapters of this Discussion Paper. The Yorta Yorta Co-operative Management Agreement and possible opportunities for Indigenous management are described

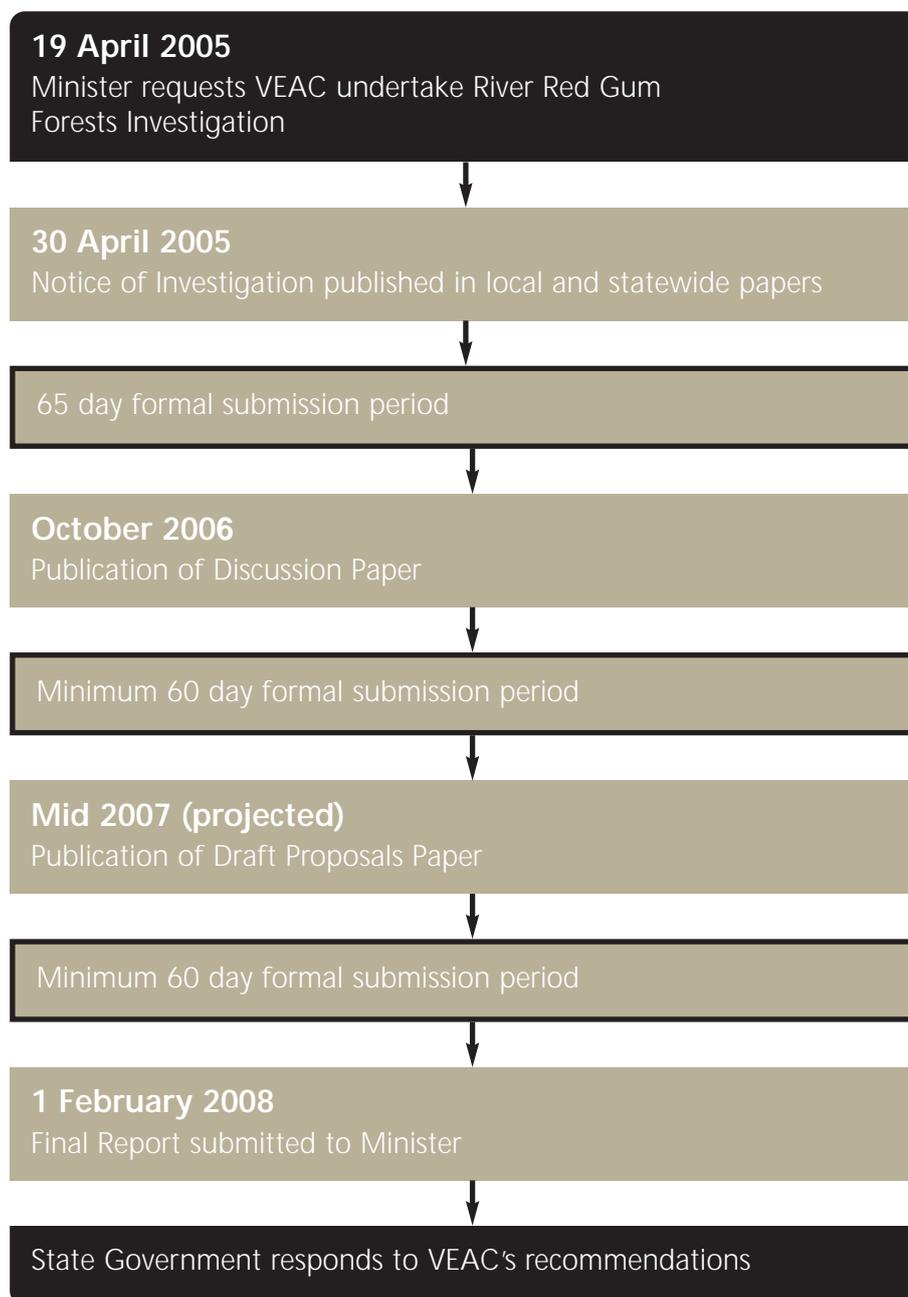
in chapters 6 and 19. The nationally agreed reserve system criteria are discussed in chapters 5 and 10. Other matters to take into consideration arise in several chapters or are less specific (such as access for the timber industry in chapter 14).

The Investigation Process

The process for the River Red Gum Forests Investigation is formally specified in the VEAC Act and the Terms of Reference for the Investigation. The process is shown in Figure 1.1. There are three submission periods (each a minimum of 60 days) and the Investigation is scheduled to be completed by 1 February 2008 when the Final Report is given to the Minister for Environment.

Over 580 submissions were received in response to the Notice of Investigation (listed in Appendix 3). These submissions contain a vast amount of valuable information and perspectives on the Investigation, and have formed a major input to this Discussion Paper and the Investigation as a whole. A summary of some of the major matters raised in submissions is contained in chapter 18. VEAC is very grateful for the large amount of time and effort that members of the community have put into their submissions, and looks forward to receiving further submissions in response to this Discussion Paper. Details for making submissions are provided on the inside front cover of this paper.

Figure 1.1 VEAC's public consultation process for the River Red Gum Forests Investigation.



Principles and Objectives

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) are key considerations under Section 18 of the VEAC Act. Broadly, ESD embraces economic development that provides for biodiversity protection, inter-generational equity, and enhanced social welfare.

ESD came to prominence in the early 1990s. Since that time many definitions, concepts and publications have been developed at all levels from international to local. In Victoria, the *Commissioner for Environmental Sustainability Act 2003* defines ESD as development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. Under this legislation the objectives of ESD are:

- (a) to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations;
- (b) to provide for equity within and between generations;
- (c) to protect biological diversity and maintain essential ecological processes and life support systems.

This Act also articulates a set of guiding principles for ESD, namely:

- (a) that decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (c) the need to consider the global dimension of environmental impacts of actions and policies;
- (d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environment protection;
- (e) the need to maintain and enhance international competitiveness in an environmentally sound manner;
- (f) the need to adopt cost effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms;
- (g) the need to facilitate community involvement in decisions and actions on issues that affect the community.

The Victorian Government has developed two major ESD documents: *Our Environment Our Future: Victoria's Environmental Sustainability Framework (2005)* and *Our Environment Our Future: Sustainability Action Statement (2006)*. These are designed to inform and guide community, industry and government in how to go about their business in a more sustainable manner.

Objectives of the Investigation

After considering the Terms of Reference, inspecting the study area, talking to stakeholders, and considering submissions, the Council has developed a set of objectives for the Investigation to address the Terms of Reference. These will help the Council identify and focus on the key issues, guide the consultation process, and provide a framework to ensure the Council has adequate

information upon which to base its recommendations to Government.

In addressing the purposes of the Investigation outlined in the Terms of Reference, Council will recommend a pattern of land use for public lands in the study area that will facilitate their sustainable management, in the context of the overall pattern of land use, within and contiguous to the study area.

In achieving this objective, the Council will develop recommendations that will reflect:

- A high level of community involvement in the Investigation and the ongoing management of public land, including:
 - > Local residents
 - > Indigenous people and groups
 - > Commercial and industry interests
 - > Conservation and recreation groups
- Protection of natural values, including:
 - > Adequate representation of all Ecological Vegetation Classes (EVCs) of the study area in the park and reserve system
 - > Protection of biodiversity including rare and threatened flora and fauna
- Protection of catchments and water quality
- Protection of landscape values and cultural heritage
- Integration of opportunities for a wide range of uses and activities within the area, including:
 - > Provision for appropriate resource use from the different categories of public land
 - > Provision for appropriate recreation in the different categories of public land
 - > Development of a culture of integrated conservation and land management involving farmers, resource users, tourism operators and the public
 - > Accessible and well-managed natural areas for public recreation and enjoyment
- Maintenance of options for possible infrastructure development in the future such as:
 - > New roads and other public facilities
 - > Tourism development
- Consideration of the management demands created by various land use categories, including:
 - > Control of pest plants and animals
 - > Fire management
 - > Access, interpretation and education for visitors

General community acceptance of the Council's recommendations is particularly important since one of the outcomes of the Investigation should be to ensure public land in the area is managed to meet the needs and aspirations of both the local communities and the wider Victorian community, both now and into the future. In reaching its conclusions the Council will weigh up competing views and it is likely that not all of these will be accommodated to the extent that their advocates would see as appropriate. In recognition of this, the Council will ensure that processes are transparent and assessment of views and information are fair, reasonable and supportable.