

# **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

## **Inquiry into the sustainability and operational challenges of Victoria's rural and regional councils**

Bendigo — 25 October 2017

### Members

Mr Josh Bull — Chair

Mr Simon Ramsay — Deputy Chair

Ms Bronwyn Halfpenny

Mr Luke O'Sullivan

Mr Tim Richardson

Mr Richard Riordan

Mr Daniel Young

### Witnesses

Mr David Clark, Network Coordinator, Lexton Landcare Group; and  
Mr Joel Owins, Network Facilitator, Upper Mount Emu Creek Landcare.

**The ACTING CHAIR (Ms Halfpenny)** — We will now recommence our hearing and welcome David Clark from the Lexton Landcare Group and Joel Owins from the Upper Mount Emu Creek Landcare Group. Thank you for coming in. We are starting a little bit late so I hope you are not inconvenienced. This is of course the continuation of the inquiry into the sustainability and operational challenges of rural and regional councils.

Welcome and thank you for being here to present today. Just a couple of formalities: first of all, the evidence that you give is going to be recorded. You will get a copy of the proof to check for accuracy prior to it becoming public. Anything you say in this hearing is protected by parliamentary privilege. However, those same comments outside this hearing will not be protected by parliamentary privilege. If you would like to make a short presentation, then we will follow that up with questions. For the record, please state your name and full title and background.

**Mr CLARK** — My name is David Clark. I have worked in a Landcare capacity since about 1992 and on a part-time basis. I work for my local group at Lexton but I also work and coordinate two Landcare networks, of which Joel's is one. I also, for my sins, am a shire councillor at the Pyrenees Shire Council. If you would like to ask me questions about that, I would be very happy to take questions if you want that perspective and sense of things.

**Mr OWINS** — My name is Joel Owins. I am the facilitator for the Upper Mount Emu Creek Landcare network, which is funded by the local Landcare facilitator initiative. I work approximately 20 hours per week covering nine individual Landcare groups within the Ballarat area.

**Mr CLARK** — I just wanted to make four quick points, most of which are covered in our submission. The first one is that the roadside management in Victoria is a bit of a piecemeal affair. You have got a range of agencies with a range of goals. You have got councils, you have got VicRoads and you have got the Department of Environment, Land, Water and Planning. You have also got communities, all with an interest in roadside management, which makes it tricky. It is administratively complex and the current regulations, like native vegetation regulations, do not particularly help councils to do their jobs in that sense.

Our submission focuses very much on the roadside weeds and pests part of the thing, and that is really what we will focus on, but we can talk a little bit more broadly if you would like us to. It has been a very valuable program for councils, certainly in our area, in terms of the work that they have done over the last four years.

The key issue in our submission is that continuity, not quantum, is the critical part of a program like this. Certainly the history of weed control in Victoria was that up until the early 1980s the lands department used to do all this stuff on roadsides, and it was pretty much under control. They stopped and the weeds got away, particularly the woody weeds in the higher rainfall areas, which you would be very familiar with gorse, broome, boxthorn and Spanish heath to some extent — those particularly — and Luke to some extent.

**Mr OWINS** — Plus Blackberry and sweet briar.

**Mr CLARK** — We are gorse dominated, but woody weeds are not mutually exclusive unfortunately. Those weeds got away, and our Landcare group then basically did its first weed strategy in 1994, and there is a picture at the bottom right there of what I have given you — the lower picture — which shows you the road we started on, and 25 years later we still have not got the stuff under control. We have got about 90 per cent of it gone but we still have not got it under control yet. It is a fair way to go.

The map that is in front of you, Bronwyn, you do not need to look at it. It is really simply to show that in one small Landcare group there are 12 different weeds, and I have registered 87 sites there but there are probably about double that in reality on roadside. That is just to give you some sense of the quantum that our groups are dealing with in a community sense, and primarily that is roadsides in our sense.

The issue of weed control pretty much is a bit of a tale of two stories. If you look at the picture that is under your hand there, Luke, that is a classic bit of roadside in close to the City of Ballarat. The council has actually controlled the roadside, but the rural land, which is predominantly rural residential, has still got significant issues of gorse on it; whereas the other two pictures on the other page are more commercial rural land, and you do not have too many farmers with a lot of issues on commercial rural land. Effectively weeds cost money and they get rid of them, so the issue is very much on the road. For our groups — we have got three urban groups and then six rural groups in Joel's network — our rural areas are pretty good. The work is really pretty much

roadsides. But certainly in the other areas places like gorse task force and that are really critical to do work on the private land while we are doing work on the public land as well.

Each council's approach is different. We deal with four councils across our Upper Mount Emu Creek network and our Upper Avoca one. To give you a sense of the four councils in that area, the City of Ballarat — this is before the roadside weeds and pest program — was spending about \$80 000 on roadside improvement and management. Ninety per cent of that money was being spent in the city, but if you went to a councillor and said to them, 'Are you spending any money?', they would ask an officer and the officer would say, 'We're actually spending \$80 000'. The fact is it is actually being spent mostly on the main drag of Ballarat and the peripheral streets, so again how you package it is a bit of an issue.

In a little council like ours, the maximum we are spending is \$2000 to \$3000, mostly through grants to Landcare. The Hepburn council, again a council of not great means, is probably spending about \$10 000 a year, and it is mostly by giving each of the Landcare groups a grant of about \$1000 to do what they want. They could do other things with it, but a lot of it was on weed control. The Central Goldfields, which is the other council we deal with, they had no roadside improvement program and no access really for local groups. So each council very much had their own thing. That is all I really wanted to say. I am very happy to take questions on what is in our submission or more generally if there are issues.

**The ACTING CHAIR** — This is really off target, but somebody was telling me the other day that places like Bunnings often sell plants that in the state of Victoria might be defined as weeds. Have you ever heard of that?

**Mr CLARK** — Often it is probably an overstatement, but certainly there are examples.

**The ACTING CHAIR** — I know this is completely off topic, but I just thought it was an interesting —

**Mr CLARK** — There has been one in the last three months, and I do not think it was Bunnings — it was someone else. But Bunnings I think had one in the last 12 months where again they had a plant that was on the state list. So there are kind of four levels to the list. It was on one of the state registered lists. I think they had brought these plants in from interstate where they are not considered a weed.

**The ACTING CHAIR** — Yes, that is right, I said Bunnings because it is a national company and, as you say, it is something that would only arise from national companies.

**Mr CLARK** — Yes, it does happen. It certainly does happen.

**The ACTING CHAIR** — In terms of the terms of reference, which are sustainability and operational challenges, and weeds and pests are of course some of them, I notice that you were saying that it is not necessarily about the amount but consistency.

**Mr CLARK** — Yes.

**The ACTING CHAIR** — So I guess in terms of our inquiry, because I know there are state funds and there are council funds, how do you see from a state government point of view that continuity or consistency could be achieved? Is it direct funding to councils, or how do we determine that councils will do the work, or are you saying that that responsibility ought to come back?

**Mr CLARK** — My sense would be, if the state did not continue the funding — it is around \$50 000 at the moment — I think every council can use that and use it quite adequately and properly can for the next 10 years. Our experience has been that investing a small amount of money where there has not been any before has made our work with the \$50 000 way, way easier because we have been at it consistently for the last 10 years whereas there would be a number of councils that would have nothing for 10 years in that sense. So that investment is good. I think what will happen is that you will resource a council like Ballarat which would still spend some money if this program was not there but it will be back at that \$10 000 mark instead of \$50 000 or \$60 000, and your small councils like Pyrenees and Central Goldfields and those will not spend anything unless there is community pressure.

That is what will happen, I think, in the situation where the state does not continue to fund.

**The ACTING CHAIR** — So you think it should still be done by council as opposed to having a state approach and the best place to do it is through the council if you are looking at continuity and it ongoing?

**Mr CLARK** — In my view it is probably more a council view than a Landcare view. I think if you have got local roads, councils should be responsible for everything on local roads. If that is weeds, that is good. But they are not responsible for trees. Every time they want to go and cut a tree down they have to go and talk to DELWP. It is just dumb. They have got the roads and the roads are theirs and theirs to manage, and the regulations and laws still apply to them about vegetation clearing, but they actually have to go and talk to DELWP. And it used to be that they were the authorities for weeds as well but that has now come to council. So that is a bit of a classic.

I know the question you asked Mr Niemann before from the city there. There are any amount of examples where both the state and the local government have the same responsibilities for what the community views as the same assets. Committees of management are the ones he raised. We are the same in Pyrenees. Half our committees of management are on Crown land, half of them are on council land, and you cannot close the book up and say, as you know, ‘We are not going to support you because yours is on Crown land. You are still a valuable community to us’, versus we are going to support these guys down the road because you happen to own it. If I was in a decision-making position, they are the kinds of things I would be looking at to clarify. With council you have either got all these reserves or you have not. With council you have either got this road or you have not, and you have got all the responsibilities that go with it. They are the issues, I think, for the committee to be dealing with and recommending to Parliament.

**The ACTING CHAIR** — So they really need to be clearly defined I guess, because I know when we did the Fiskville inquiry one of the problems was of course that nobody took responsibility for anything and it was always someone else’s issue, and therefore we had the poisoning of the waterways. So in terms of us making recommendations, you think there ought to be very clear areas of responsibility and only one level of government ought to be responsible.

**Mr CLARK** — Where you can make it one, why wouldn’t you? It is nonsensical not to.

**Mr RIORDAN** — Just the first comment, Mount Emu Creek ends up in my electorate. I did not realise the start of it was so far away; I googled it as you were talking. It is the longest creek in the state.

**Mr CLARK** — Yes.

**Mr RIORDAN** — There you go.

**The ACTING CHAIR** — Which one was that?

**Mr RIORDAN** — Mount Emu Creek. I will just add another great first to my electorate — it has the longest creek. I thought that was great; I should have known that. My question is about the way we do roadside management generally. This is a perennial problem in my electorate with vast roadways going east, north, south and west from high rainfall to not so high rainfall. It is a huge cost to local government in what I would term the confusion around the science of roadside weed management. For example, about three years ago — it is probably more than that; it might be five or six years ago — Colac Otway shire copped a \$3 million fine because it dumped a load of gravel on a roadside. Fast forward to today and we see VicRoads ploughing up our roadsides left, right and centre, putting rope wire barriers in with concrete, dirt and gravel, and escalator machines and God knows what. I do not think there would be one permit, one EES study done or anything.

We have the situation of when some groups do things on roadsides it is bigger than Ben Hur and other groups can do what they like on roadsides. We see with roadside management local farmers giving up in exasperation, getting the tractor out and ploughing great swathes along their boundaries, which will have some weed mitigation effect no doubt. Others just throws sprays and herbicides out in sheer frustration. In other areas we see VicRoads take on mowing like you have never seen before — it is almost MCG quality. Then you go from that to absolutely nothing.

At the moment we have every regime imaginable. The other one of course is burning. So we have a growing sentiment that the traditional CFA burning off on the side of the roads is evil and then in the same breath — in fact in exactly the same month — I heard that the CFA and local people cannot do burning I am attending an Indigenous burning ceremony where we have decided that Indigenous cool burning is the best thing since sliced bread and it is going to be fantastic for revegetating and bringing on native grasses, which makes sense. I am not criticising it. But the confusion to me was we cannot burn under any circumstances because the world will come

to an end. Then then the next minute we are saying, 'Oh, actually it could be a good idea'. It seems to me that no-one really knows what is going on with weed management and roadside management. It is a huge estate that we have that covers all corners of our state, so it is a vast amount of public land. With that huge introduction, can you —

**Mr O'SULLIVAN** — You sound like Simon Ramsay.

**Mr RIORDAN** — Yes. Well, it is a big issue in my area. What are your thoughts on this? Do you think there is a considered opinion on it, or would you agree that someone has to step back and have a proper look at what is going on with this and what the best methods are?

**Mr CLARK** — At Pyrenees we got hit with a \$150 000 fine about seven or eight years ago. We never had to pay the fine, but we had to put on an environment officer and we had to do a range of things, so again a similar situation.

**Mr RIORDAN** — What did you get fined for?

**Mr CLARK** — It was something around the golden sun moth. We had cut a bit of grass or had gone a bit wide or something. We did not think it was huge.

**The ACTING CHAIR** — They are everywhere. They are down in Epping as well.

**Mr RIORDAN** — I know. For something that is so rare it seems to turns its little fluffy feet and end up everywhere.

**Mr CLARK** — Logic says to me there are only two road authorities in the state. There is VicRoads and there is council, and they should have primacy for that piece of dirt that is the road reserve. That to me is logical — and primacy in all facets of what is there. In saying that, there are some real journeys of education. I am sitting on a committee, with my state Landcare hat on at the moment, with VicRoads as a response to the Ravenswood interchange out here, the Western Highway one, where they basically made an estimate they were going to remove 80 trees but they did not ground truth it. They removed 800 and that created a bit of community outrage — in fact not a bit of community outrage, it created a significant amount of outrage. So VicRoads have got some issues they know they have got to deal with.

But you have got authorities, and to me I would be taking the other authorities out because the legislation that controls what I do on my private land still controls what council does on that public land. Those controls are in place but you do not need all those other fingers in the pie. You make one person accountable and responsible, and you work through it in that sense. If it is burning, you have got your municipal emergency management committees to thrash that out.

If it is work on the roadside, native vegetation rules are something that really irk me. If I go and drive around an area to fix a bridge — this was when we had the 2011 floods — we could not fix one of our bridges because we were not allowed to drive on the grass. Six months later you would never have known we had driven on the grass. We did not put a block of concrete on it like you would do if you were building a house in Werribee on the same kind of grassland. The native vegetation rules do not seem to understand temporary things, like when you go and fix something and you go and it recovers in six to 12 months. They seem to take everything as if you are going to obviously kill it and it is never going to recover. There is no flexibility in some of those important systems, I find.

**Mr RIORDAN** — Do you think that what you could describe as extreme conservatism, I guess it is by whoever is responsible for native grassland, whichever department, is actually (a) costing local government a lot of money, but also (b) hindering a commonsense, practical sort of approach to weeds. They are not seeing the leaves for the trees, if you like. They are not seeing the weeds for the native grasses.

**Mr CLARK** — Yes. Again we are talking about native grasses more than weeds here, but we had a \$350 000 bridge job that has the same alignment as it has today when we should have changed the alignment because the cost was about another \$70 000 to \$80 000 to deal with the native vegetation offsets. So we did not realign the bridge, we put it exactly where it was because it was just cheaper in that sense. Again if I took you there now, Richard, which is two and a half to three years after we have done the job, you would never know.

Because we were there, we did a job and then we have gone again. It is not like we have put a block of concrete on it or a house or something. It is a temporary disturbance.

**Mr RIORDAN** — Last question. Your pictures here talk about how full-on commercial farmland tends to manage weeds better. Right across the state we have the sort of peri-urban hobby farmer dilemma of them probably thinking gorse looks lovely when it flowers and the blackberries are nice to eat. Do you know of any councils that are dealing with that in a way that is cost-effective, or would you describe it as a growing problem that does not seem to be being addressed at the moment?

**Mr CLARK** — It is just a reality we have to deal with. Do you want to make a comment about your turf around Invermay?

**Mr OWINS** — I took that photo last night of the gorse on the private landholder versus the roadside. A lot of that comes down to the cost of removing the gorse, and also the landholders in those kinds of areas are getting quite old and are unable to undertake the work. Really it does come down to a lot of that, even with the Victorian Gorse Taskforce funding it is still not quite enough to get them to control it, let alone control it for 25 years, which needs to be done with the regrowth.

**Mr CLARK** — Certainly my experience says, Richard, that the voluntary-type stuff is still always the way to start it off in that sense. The City of Ballarat has been very supportive of our work. Now in the days of privacy you do not know who the people are, so the city has done number of mail-outs and stuff like that and supported the voluntary work we have done with those hobby farmers in the sense of things. We have not got them all and we have not had to use a legislative stick at this stage, but I have found in my other places that has worked quite well. You do the voluntary stuff but then you actually have someone who comes and says, 'Well, you're required by law and if you haven't taken up the voluntary option, you now need to do something', because it is no good doing nine if you do not do the 10. Empowering the community through a kind of Landcare approach is still very valuable, but you have to have the stick at the end of the day as well in that sense.

**Mr O'SULLIVAN** — Thank you both for coming in and addressing the committee today. Probably the other two members on this side of the table have pretty much covered everything that I wanted covered. But I just want to ask you one question or get your opinion on one aspect in terms of weeds and growth on the side of the roads. At what point does the fire risk element take over from every other regulation and restriction in terms of addressing the maintenance on the side of the roads? As you guys would have seen, it certainly happens. We heard it from the Buloke council where, particularly in a wet spring, you can have growth 2 metres high on the side of the road and usually if there is a fire, the CFA try to use the road as a stopping point to attack the fire. If you have got 2-metre-high growth on the side of the road, it is actually a conduit for making the fire bigger, faster and stronger rather than being a potential natural firebreak. At some stage should there be a requirement, if it is over a certain height or a certain density or whatever the measurement would be, where it is an absolute fire risk, that all other regulations be set aside and the CFA or the local landowner can actually step in and take the necessary requirements to stop it from being a fire risk?

**Mr CLARK** — The current system deals reasonably well with probably what is the biggest risk in most of those areas, which is someone throwing a cigarette butt out of the window, and it covers slashing and that type of thing. I think what you are alluding to, Luke, I think is very appropriate, particularly in cropping country where you have got significant standing fuel in the paddocks as well. My sense is that the best way to sort that out is, again, at a local level where you can actually make some decisions about what are the strategic breaks and you can put in place some reasonably sensible and easy to follow local rules around things like slashing. You can certainly slash it. You can slash phalaris anytime, but you can certainly slash native grass too as long as you do it at the righttime.

To me again it is a bit about where do you put some regs in place that you do not have to change every day and you do not have to check up. You know, it is Buloke council and Buloke's rules are I can slash in October but I cannot slash after that for native grass, and I know I can go and get it done. If I do it before the end of October, no-one is going to come and fine me. To me, that is how you make the system work. You put some rules in it that way and you enlist some emergency management people — other people who can do that, and they might pick three or four roads that they do physically burn. I spent my early days when I came home from the farm going out and doing strategic firebreak burning. All of that kangaroo grass is still there. It is very much about

where do you make the decisions that actually deal with the local circumstances best. To me again, you come back to that local government situation where you make those decisions.

**The ACTING CHAIR** — Can I just ask one question on your submission? That thing about how frustrating, when it stopped in the 1980s, when there was almost an eradication of a particular — was it the gorse or —

**Mr CLARK** — Yes, gorse.

**The ACTING CHAIR** — At the moment with the grant system I guess the idea is that it is flexible, and you have people, Landcare groups, who can apply and it can go where it is needed. But it sort of sounds as if really no-one will miss it if it has gone because you do not know if it has gone over there or here. What could the government do to make it a more consistent thing? I mean, obviously within legislation about responsibilities there are things about weed control and everything else, but how I guess do you match that with an ongoing attachment of funding? Because if you just give it an amount of money, the state government will probably say, ‘Well, do we know if the council is going to allocate that to weed control or is it going to be somewhere else?’. Have you thought about any way or how, and also I guess to put the responsibility on state government to do these things too?

**Mr CLARK** — I think the state has got a great history of providing money to Landcare groups for landcare support, and I think that is great. There is a bit of good political pressure around it. I think the roadside weeds stuff has worked. Certainly we have had pretty good luck with our four councils in terms of having some input into the actual program, and I think that is mentioned in the submission. So that bit about whether you write some rules in the thing that say, ‘By all means you have got to’, I think it will be there that you have got to have a three-year plan and DELWP has to sign off on it, but have you tested it with the local Landcare groups? Are they prepared to give you a letter of support? All that stuff that actually road-tests it, because really the only good mechanism you have got is community outcry. That is the reason we stopped killing weeds in 1984 and then 10 years later we looked at it and said, ‘Bugger, look what has happened 10 years later and now we have got to do something about it’. You do not know until a few years after the event. That is absolutely right. Short of building that money in — that is a really good thing, but I think building in some community checking and oversight is probably the best way in the long term to actually keep it delivering without adding a whole heap of bureaucracy.

**The ACTING CHAIR** — Yes, red tape and everything else. So it should go to council, not Landcare groups themselves?

**Mr CLARK** — That potentially is an option, because then you go to the places where the money is and maybe you ask the councils to make a component of that available for community based if they want to, or at least have some community process around that. That, I think, opens that process up. I mean, there are a number of groups that certainly do get their Landcare grants for weed control, but certainly the big ones in the state like serrated tussock, like gorse, like blackberry and like ragwort have all got now specific statewide groups. The state funds them and then they do work specifically on those weeds, which has been a really great incentive.

**Mr RIORDAN** — One quick one. When you rattled off those well-known weeds there, is canola that is getting out of the paddocks considered a weed?

**Mr CLARK** — No.

**Mr RIORDAN** — It does not have a detrimental effect?

**Mr CLARK** — No, it is very minor in that context.

**The ACTING CHAIR** — All right. Is there anything else you wanted to add?

**Mr OWINS** — I think David has covered a lot of it, yes.

**The ACTING CHAIR** — Fine, thank you very much for coming in and contributing to the inquiry.

**Witnesses withdrew.**