

6th July, 2016

Lily D'ambrosio MP
Minister for Environment, Climate Change & Water
Ground office 2, 30 Oleander Drive
Mill Park 3082

Dear Ms D'Ambrosio

I'm a landowner and third generation farmer living beside the Yarra River in Yarra Junction. Apart from farming on our property my family has actively protected our section along the bank of the Yarra River keeping it free from noxious weeds and feral animals and have even fenced off the area to keep our cattle from straying down to the river. This fence has added another acre to the natural river frontage, derived from our personal property.

We have been deeply involved in organic farming, running an organic fruit shop as well as creating a Wildlife Rescue centre in our own home.

We are not red necked farmers – we are conservationists. *I have added further background to our situation at the end of this document.*

I would like to bring to your attention several problems Yarra River landowners are currently encountering:

Cancellation of Crown Land Leases & Water Frontage Licenses

Recently we were shocked to receive a letter from Chris Vassos, Regional Director for Port Phillip Dept of Environment, Land, Water and Planning to the effect that, our Crown Land Water Frontage Licence is cancelled.

Why, out of the blue, would our Water Frontage Licence be cancelled? After enquiring I was told that in July 2013, after public consultation the State Government released the Victorian Environmental Assessment Council's (VEAC) Yellingbo Final Investigation Report. Government endorsed this final report and committed to implement its recommendations including the creation of a new reserve to be known as the Yellingbo Nature Conservation Reserve.

Where was the public consultation? My neighbours and I had never heard about this proposal.

I was told by DELWP that a letter had been sent about a year ago titled Yellingbo Conservation Reserve. I acknowledged receiving such a letter but as the Yellingbo Honeyeater Reserve is some twenty kilometres away I assumed the letter was not relevant to me. I receive an inordinate amount of government-generated propaganda, which I chose not to read this letter and discard.

Why was this letter not truthfully titled '**Proposed Cancellation of Crown Land Leases & Water Frontage Licenses**'? Adding further to the apparent deceptive nature of this proposal I recall the pamphlet that was produced in the name 'Yellingbo Conservation Reserve' which looked like a tourist brochure advertising the Yellingbo Reserve. A hard working, busy landowner is not likely to pick one of these

up unless they had 'out of town' guests and were looking for some local attractions that may of interest.

I was also told that a public meeting had been held after being advertised in the local paper. I have found only one landowner who saw this notice and attended the meeting. Why only one meeting and again with the same misleading title? Has this been a deliberate subterfuge? It would seem so.

After contacting my neighbours regarding this matter we decided to organise a meeting of landowners in the same predicament as ourselves. I made a letter drop to 25 landowners and arranged a room to meet. Imagine my surprise when 65 people crammed into the small meeting room on a cold, wet winter's night. For the majority of these attendees the first they had heard of the crown land lease/license cancellation was from my letter inviting them to the meeting. Those landowners, making up the majority, who have no official lease/license had no direct notification at all. Why were they treated as being superfluous in this proposal? They have been custodians of the land along the river for many decades, some for generations exceeding 100 years and yet it appears they were not considered worthy of acknowledgement!

Due to the overwhelming response and the depth of feeling most evident at this first meeting it was decided to hold another, as it was becoming most evident that a large percentage of the Yarra River frontage landowners had no idea of what was happening.

Following an extended letter drop and word of mouth 110 landowners made the effort to attend this second meeting on a night where massive storms wreaked havoc all over Melbourne. The question was asked as to how many people had heard about the taking back of crown land before their cancellation letters arrived and not one hand went up! I say again, where was the public consultation? Most at the meeting agreed with me in feeling that there has been a degree of (deliberate?) obfuscation regarding this whole process.

The letters I delivered to respective landowners was clearly and honestly titled "Proposed Cancellation of Crown Land River Leases/Licenses' with a few lines regarding the acquisition and re-vegetation of the Yarra and its tributaries. I am self-employed, working 50-60 hours, six days a week and yet with simple, truthful statements regarding this crown land debacle I was able to get an overwhelming response; as opposed to those government personnel associated with this process who received virtually no response at all! It certainly appears to us landowners to be a process of deliberately misleading titles and careful notification in order to draw little attention to itself.

I wonder if this could be challenged legally? Your response to this issue will be most welcome as we are seriously considering seeking legal advice.

Melbourne Water – Discrimination, Hidden Agendas?

Melbourne Water's (MW) current policy regarding the transfer of irrigation licences is that they can only be down-stream of the original property. Inevitably this will mean that all licences will end up in Melbourne! Is this a long-term action on behalf of MW to have the Yarra devoid of pumping for any reason above the Yerring Gorge pumping station and consequently rendering the Yarra Valley bereft of any farming along the fertile soils surrounding the river? This would have the obvious flow on effect with loss of jobs, land degradation and environmental loss due to increased feral fauna and flora and many other systemic issues. Perhaps MW's agenda is to have healthy pre-filtered water from dense riverside plantings. With no competition from irrigators they will be able to continue pumping into Sugarloaf from Yering for longer into the dryer months when there is little sediment in the water. Perhaps the Environmental Assessment Council's report should have been titled Yering Gorge and Yarra Valley Water Harvesting Management Strategy instead of Yellingbo Nature Conservation Reserve.

In support of my statements above MW, again, banned pumping from the Yarra and its tributaries last year depriving farmers of water for their crops and no income for themselves or employees. But at least they could console themselves with the thought that Melbournians could wash their cars and water their lawns and ornamental gardens!

It's my opinion and many others across Australia that banning irrigation from rivers breaks the law of the Australian Constitution and I refer to section 100: *"The Commonwealth shall not, by any law or regulation of trade commerce, abridge the right of a state or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation"*.

MW are offering to pay for the fencing of crown land on properties but this is with little thought for the impact such fencing is having on landowners. These are people who have cared for this land for years. In my case I actually increased the water frontage moving the fence into my own property and have regularly planted natives in the area and managed the incessant encroachment of feral fauna and flora with non-invasive methods to water quality. I am led to believe that MW will be managing this huge conservation area to be established with minimal funds necessitating the use of toxic spaying. So much for the idea of a fertile natural filter of water running into the Yarra - I'm not so sure the Melbournians will be happy with that.

A coordinating committee for this 'Reserve' is to be established by the state government with representatives from Parks Victoria, MW, Yarra Ranges and Cardinia Councils, Dept of Environment and Primary Industries, Zoos Victoria, Port Phillip and Westernport Catchment Management Authority, Trust for Nature and four community representatives three of which will be nominated by the Yarra Ranges Council and one by the Cardinia Council. There is no mention of the affected landowners. Is this a case of deliberate discrimination? As custodians of the land for the last one hundred years I thought our opinions and advice might have been welcome.

Haining Farm

Another issue I feel strongly about is the Parks Victoria and MW plan to re-vegetate Haining Farm in the Don Valley. This was bequeathed to the State of Victoria by a very generous and far-sighted Sir John Reid for the express purposes of providing school children with first hand farm experiences close to Melbourne and an appreciation of the importance of food production. I don't believe Parks Vic and MW consulted with Sir John's relatives regarding contravening his wishes.

Bushfire Corridor

There is also major community concern that this conservation reserve will create a 'bushfire corridor' from Mt Donna Buang directly into Launching Place, Yarra Junction and surrounds.

I would like to reiterate that I am passionate about upholding and improving the land that has been proposed for the Yellingbo Conservation Reserve. I just can't see Melbourne Water doing this effectively as I believe they have limited funding and I have already witnessed them using inappropriate methods in their initial stages of "conservation". They also appear to have a complete disregard of the wisdom of the long-term landowners on the other side of the fence.

Again I look forward to your considered response to these concerns.

Yours truly,

Daryl Cochrane

[REDACTED], Yarra Junction, Vic 3797
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