

Mr Justin Harding
Senior Strategic Planner
Mitchell Shire Council
113 High Street
Broadford Vic 3658
By email: [REDACTED]

10 May 2024

Dear Mr Harding

Re: Landscape Assessment Study

I refer to your email to me of the 2nd May last and I set out my submissions in response to the proposed Significant Landscape Overlay Tallarook Ranges, Cherry Tree Ranges and Trawool Valley ("**SLO**").

1. The SLO is not based on sound town planning or environmental protection principles, appropriate for a long-standing grazing and farming region. It has the effect of unduly restricting existing farming and grazing operations which are the livelihood of the Tallarook Ranges, Cherry Tree Ranges and Trawool Valley areas, in favour of a misguided aim to re-vegetate the areas with local native vegetation species.
2. The SLO does not seek to directly control current or future development. On the contrary, its negative "native vegetation" function will destroy the economic viability of the areas under the proposed extension and **greatly** increase the bushfire risk in those areas.
3. The SLO will substantially affect and restrict farming operations and agricultural activities. Both the extended and new requirements and restrictions will impede the optimum use of the land for farming and grazing operations as they are presently being undertaken, and as they may be undertaken in the future. There is no economic return from land which is covered with "native species".
4. The SLO largely or indeed, entirely, ignores the historical development of the Tallarook Ranges and the historic township of Tallarook and the picturesque vistas of the Trawool Valley. The focus on forced re-vegetation with native species is in stark contrast to the existing and historic grazing and farming use of these areas (see item 13).
5. The perverse focus on "native vegetation" will undermine and detract from the tourist features of the area and the present unique amenity of the area that attracts visitors. Properties along the Goulburn Valley Highway between Tallarook township and Trawool (such as [REDACTED]) and the many facilities in

the Trawool Valley, all feature non-native deciduous trees. It is they that make the area attractive, not native species.

6. The Tallarook township and the Trawool Valley activities and associated infrastructure within the landscape to be covered by the SLO is supported by the surrounding agricultural and farming activities. These activities must be encouraged so that they can be maintained and not unduly restricted or discouraged, leading to the death of regional towns.
7. Degradation of the rural amenity will occur if impractical restrictions (among other things, native vegetation) are imposed in respect of the use of the land for farming and grazing purposes.
8. There are more than sufficient controls and restrictions presently in place pursuant to the SLO Tallarook Ranges, as it presently applies.
9. The dramatic rock formations in the Tallarook Ranges cannot be preserved if they are not carefully managed and maintained by sympathetic grazing operations.
10. Present requirements are proposed to be substantially increased under the SLO. For example, under the present SLO, in the Tallarook Ranges a permit was not required for any agricultural development or activity whereas, under the proposed SLO, a permit is required for buildings or works in general.
11. The SLO does not specify what sort of permit is required.
12. The SLO concedes that agricultural structures are an integral part of the picturesque rural landscape. It follows that they should not be subjectively restricted by the terms of the SLO, for example, one that distinguishes between a building used for agriculture and a building used for agriculture that is an open-sided rural structure (as referred to in section 3.0 of the SLO)
13. The SLO proposes that “*a permit is required to remove, destroy or lop any native vegetation.*” This proposal is unworkable and will destroy sound farming practice. This is in stark contrast to Clause 42.03 of Schedule 2 of the existing SLO which balances environmental and farming considerations with *a permit not being required for: “Removal, destruction or lopping of dead vegetation, exotic vegetation or native vegetation if seedlings or regrowth are less than 10 years old and the land is being re-established or maintained for cultivation or pasture, the minimum extent of native vegetation necessary for the construction, operation or maintenance of a fence, or the removal, destruction or lopping of native vegetation as a result of grazing domestic stock or moving stock along a road.”*
14. Landscape plan submissions will require the use of “locally appropriate” species of native vegetation. What does that mean? Furthermore, this requirement will derogate from bushfire risk reduction.

15. To my knowledge, there are no native gardens and plantations that attract tourism or even landowners. It is the non-native gardens and plantations which have enhanced the vista of the area, eg. The very popular Open Garden events and the much-admired [REDACTED] Gardens; and many other economic and commercial agricultural activities throughout the three areas in question.
16. There is currently a substantial forest reserve (The Tallarook State Forest) set aside on the Tallarook plateau which comprises local native trees and vegetation. This is an area which receives little attention from tourists, but is simply used by shooters, trail bike riders and 4wd enthusiasts who cause damage throughout the area of the State Forest, and to the adjoining landowners.
17. The proposed SLO (particularly the requirement for a permit be issued to remove, destroy or lap any native vegetation) is contrary to the intended purpose for which the land owned and managed by [REDACTED] was alienated from the Crown. The intent of Victoria's legislators was well-documented; with legislative measures introduced in the 1860s to encourage the acquisition of parcels of land in the Tallarook region for farming purposes in order to fulfil the Colony's agrarian aims.

Each of the land parcels managed by [REDACTED] were alienated from the Crown (becoming private freehold land) pursuant to *The Lands Act 1869* ("TLA1869"). In accordance with TLA1869 the land parcels were initially allotted as licenses and convertible into 'Crown Grants' of Freehold Title, subject to conditions for the improvement of the land including:

- the land to be enclosed with a "good and substantial fence" (s20(iii))
- at least 10% of the allotment to be "cultivated" (s20(iii)) which meant that land first had to be cleared of existing vegetation
 - Cultivation was defined to mean *The word "cultivation" shall include planting cereal or root crops, planting an orchard, vineyard, nursery, or shrubbery, or laying down land with artificial grasses.*
- make "substantial and permanent improvements"
 - The words "substantial and permanent improvements" were defined to mean and include *dams well cultivation fencing clearing or draining of an allotment and the erecting of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such an allotment.*

These land parcels were granted as freehold land only where the conditions summarised above were satisfied.

The focus of the proposed SLO amendments on aiming to return the land to unvaluable native scrub is totally at odds with the terms of the Crown Grants, at odds with 140 years of continuous farming and grazing activities of those lands.

The Shire of Mitchell, if it wishes to focus its 20 year forward plan on returning our most attractive areas into uninteresting native bushland scrub, is making a grave error of judgment.

Let me remind the Counsellors of the Shire of Mitchell that they have a responsibility to act reasonably in relation to its dealings with its ratepaying farmers and landowners and not pander to the wishes of persons who have no pecuniary interest in the land and who have contributed nothing to its improvement.

18. The SLO is cast in very wide terms which will give rise to uncertainty, costs, delays and litigation in its application.

For the above reasons the proposed SLO should not proceed in its present form without substantial amendments. Secondly, the existing SLO Tallarook Ranges is more than adequate to maintain and protect the Tallarook Ranges.

I and my representatives would appreciate the opportunity to speak to the above as you have indicated on Wednesday the 3rd of June next.

Yours sincerely

[Redacted signature block]