Warringal Conservation Society

COMMENTS ON THE DRAFT YARRA RIVER – BULLEEN PRECINCT LAND USE FRAMEWORK PLAN

SUMMARY OF WARRINGAL CONSERVATION SOCIETY SUBMISSION

Warringal Conservation Society (WCS) is a not for profit, community-based organisation caring for the Environment. We are committed to protecting, restoring and rehabilitating the natural environment for native flora and fauna in Banyule and in the wider community.

We are very supportive of the Principles and Framework of the draft Plan to establish this Cultural Precinct. We consider the following aspects of the draft Plan to be positive elements:

- The addition to public open land for conservation and passive recreation including the Greenery site in Banksia Street, potential sections of the former Bulleen Drive-in site, and the area subject to flood inundation at the Yarra Valley Country Club
- Increased public access to the eastern edge of Yarra River
- Restoration and linkage of remnant landscapes and riverine habitat and billabongs
- Footbridges to connect the eastern side of the river to the Main Yarra Trail
- Acknowledgement of indigenous heritage in this area

Our concerns about the draft Plan, as detailed below, include:

- Focus of the draft Plan on Manningham, although the scope of the zone includes Banyule
- Alteration to surface and ground water from the North East Link Project (NELP) construction and other developments, resulting in further loss of trees and habitat
- Impact on threatened fauna and flora and local biodiversity, especially on Powerful Owl and Platypus
- Potential degradation of water quality of the Yarra River impacting on aquatic species
- Potential amendments to planning heights and setback for residential development within the zone.

In the following discussion we propose measures to mitigate these concerns. We acknowledge the work of the people and organisations who initiated and developed the draft Plan, and appreciate the opportunity to have been involved in earlier community consultations and through this Advisory Committee public hearing process.

BACKGROUND: THE WARRINGAL CONSERVATION SOCIETY

History of WCS and our goals

Founded in 1970 in Banyule, Warringal Conservation Society is a not for profit organisation with members from all walks of life. As members we actively contribute to the biodiversity that sustains and enriches all of our lives and those of the future. In the 49 years since our founding we have developed from a group that fought for the protection and restoration of the natural spaces in our local environment, in a time when some sectors of government and parts of the community were unaware of the values of natural history and environmental conservation. Our Society continues to fight to protect and restore our local environment. Since 1970 we have initiated and supported local, state, national and global environmental campaigns.

We aim to:

- Restore and enhance indigenous vegetation to provide habitat and carbon control
- Share information about conservation and natural history
- Promote sustainable living and use of resources
- Encourage our local community to be active in conservation
- Interact with governments at all levels to keep them accountable for environmental decision making.

The Society actively undertakes projects that contribute to the biodiversity that sustains and enriches all of our lives and that of future generations. We advocate for wildlife and the natural environment, we provide information to members and the community ranging from local to global environmental issues, and we add our voice to the chorus of those calling for a sustainable future. We regularly make submissions to Banyule City Council, Members of Parliament, State and National enquiries and the Victorian Civil Administrative Tribunal. Our work in community education includes speakers at monthly meetings, a regular newsletter and other publications.

We have participated in several community consultation workshops since the announcement of the development of the Cultural Precinct Plan. We have also been involved with the parallel NELP including representation on the Community Liaison Group (CLG) north and many meetings with NELP staff.

We have made submissions to the NELP Community Liaison Group (North), and in response to NELP's Environment Protection and Biodiversity Conservation *Act* 1999 Referral and NELP's Environmental Effects Statement. We have expressed our concerns that:

- There was insufficient consideration of a wider range of alternatives: public transport; other routes; tunnel extension; use of a tunnel boring machine or mined tunnel instead of cut and cover tunnel; freeway instead of tollway.
- The Yarra River Protection (Wilip-gin Birrarung murron) Act 2017 protects the Yarra and its tributaries from private developments but it is inconsistent that public infrastructure development is exempt.
- The impact of the NEL on ground water and surface water, and resultant changes to habitat (including that of several listed species), are uncertain.

We have concern with the concurrent NELP Environmental Effects Statement review and the Yarra River – Bulleen Precinct Advisory Committee without a clear link between the two processes.

COMMENTS ON THE DRAFT PLAN

Project scope

The scope of developments appears to be limited to the eastern, Manningham, side of the River. Ivanhoe, Eaglemont, Heidelberg, and Viewbank are ignored although the scope map indicates that they are part of the Cultural Precinct. The projects for re-vegetation and billabong re-vitalisation should include the western side of the Yarra River. As significant continuous ecological and cultural landscape the western riparian zone and the Banyule and Annulus Billabongs should be given equal weight under the Yarra River Protection *(*Wilip-gin Birrarung murron*)* Act 2017.

We note that Banyule Flats location is incorrectly indicated as being on top of Viewbank Hill on maps 1 and 4. The correct location is shown on maps 5A and 5B.

Objective 1: Ecological and parkland connections

We strongly support measures enabling public access but have some concerns about the impact on fauna (refer to sections on Powerful Owl and Platypus below).

We strongly support the plan to enhance the natural environment and increase faunal habitat.

We support the need to address the impact of drawdown on wetlands and billabongs resulting from NEL construction. The extent of the 'billabong network' (p.47) is not defined. Billabong rehabilitation and protection from drawdown should include Banyule Billabong and Annulus Billabong on the Ivanhoe and Heidelberg north/west side of the river in addition to Bolin Bolin Billabong.

Objective 2: Access for the future

We support this objective.

Pathways closest to the riverbank need to be for passive recreation and contemplation, constructed of soft materials, and narrower than the 3m used for shared use pathways. Discontinuous and meandering tracks would be preferable to a continuous track along the river's edge that would encourage through traffic. Wider paved pathways for commuter cyclists and faster moving recreational cyclists should be set well back from the sensitive riparian zone.

We support the two new pedestrian and cycling bridges to provide connection to and from the Main Yarra Trail. We have concern about the planned location of the northern bridge. Refer to sections on Powerful Owl and Platypus below.

Objective 3: An internationally significant cultural place

The 300+ year old River Red Gum on the corner of Bridge Street and Manningham Road is a Heritage Overlay Place. Although dismissed in the EES as of no Aboriginal Cultural Heritage value, it is of considerable social value to the wider community. This is evidenced by Manningham Council's commitment to protecting the tree and to the recent announcement that it is the National Trust's 2019 Victorian Tree of the Year, receiving an impressive 28.5% of the votes. (Manningham Council, 6 May 2019) (National Trust, 20 May 2019)

The tree is considered to be an important Songline marker, and sister to the 'Yingabeal' scar tree located nearby at Heide (History Teachers Association of Victoria, 2016). NELP's

conclusion is 'The works would result in the loss of a tree assessed as being of local and regional significance and a local landmark.' (NELP EES p9.32). The proposed written, oral and photographic records are no compensation for the loss of this valued tree. Alternative designs for the interchange should be developed so that it can be protected.

We seek re-design of the Manningham interchange to preserve and protect this tree.

Objective 4: A complementary mix of uses

We oppose the proposal to increase building height and reduce set-back from the Yarra on the site of the Yarra Valley Country Club, and argue that buildings of 17.5m in height will be visible from the western side of the river. This sets risky precedent for other areas along the Yarra. Land swap deals between Parks Victoria and developers should be carefully scrutinised to make sure they will facilitate excellent environmental outcomes and represent good value for the public. Land swaps should not be used as a convenient way for the developer to offload the potential liability of maintaining land they cannot develop in return for more valuable development sites. The close proximity of public parkland will increase the return achieved at the development site and this value should be factored into the terms of any land swap agreement negotiated.

We were informed at the public briefing on 29 May that the proposal for the former Bulleen Drive-in site had been withdrawn, and so we have not commented on the proposal in this submission. In principle we would like re-development of the works area south of the Manningham interchange (current industrial estate and former Drive-in site) as open public green space to compensate for the overall loss of conservation, passive and active space within the north-south corridor of the NEL. We seek opportunity to comment on any further proposals for the site.

We support the redevelopment of the Greenery Garden Centre at 4 Banksia Street as public open space and question why this is not detailed in the draft Plan.

ECOLOGICAL CONCERNS

Because of the presence of listed species in the project area we seek a full fauna and flora survey of the eastern side of the Yarra River, from Banksia Street to the northern extent of any proposed development.

Powerful owl

This species is listed as a threatened taxon in Victoria under the Flora and Fauna Guarantee Act 1988, and it is estimated that there are only 20 Powerful Owls living in the eastern suburbs of Melbourne (Cooke, 21 April 2016). A pair of these owls breeds in the area of Banyule Flats/Birrurung Park (Carter et al., 2019). It is critical that these birds are not disturbed. The planned walk/cycle path and river crossing are too close to roosting and nest sites (Webster A., Humphries, & Lowe).

We seek re-routing of the path and bridge following a full fauna and flora survey of the eastern side of the Yarra River, from Banksia Street to the northern extent of proposed construction. Any work in this area should be avoided during breeding season. Details of nesting and crèche sites can be provided on request. The sensitive habitat also needs to be protected from light spilling from the proposed sporting fields and residential developments.

Platypus
Platypus frequent the Yarra River between the Plenty River and Salt Creek confluences (personal observations of WCS members, Practical Ecology, 2017). Construction of the footbridge in this area should avoid disturbance of dens and large River Red Gums which provide valuable habitat.

Macquarie Perch and Australian Grayling

Australian Grayling has been listed as threatened under the Flora and Fauna Guarantee Act 1988, and is considered vulnerable in Victoria (Department of Environment Water Land and Planning). Macquarie perch is listed as endangered in Australia and threatened in Victoria (Department of Environment and Energy, 2018).

Polluted runoff from road surfaces and muddy water from construction sites will be an issue for both species. Suspended solids that will enter tributaries of the Yarra are a critical issue for Macquarie Perch as they are a visual feeder. Macquarie Perch in the Yarra are considered to be an insurance population because of their genetic diversity and relative security. As populations decrease elsewhere the Yarra population may be an essential source for reintroduction to former habitat. Australian Grayling undertake seasonal breeding migration triggered by water flows in the Yarra. How changes in water flow due to construction and operation of the NEL will affect this migration is unclear (Department of Environment and Energy, 2018). The position and capacity of 'stormwater treatment features' and 'spill containment facilities' are not described with any clarity in the NELP EES (North East Link Project, 2019). Inadequate controls will impact on Banyule Swamp, the Yarra River and dependent species.

The NELP EES does not provide data on populations of Macquarie Perch and Australian Grayling in the Yarra River or discussion of possible impacts. (North East Link Project, 2019). A study of aquatic fauna in the study area should be conducted.

Details of planned water treatment facilities for the NELP need to be provided.

Environmental Performance Requirements, for all projects adjacent to the River, should include measures to prevent erosion, water run-off, spills and for monitoring of water quality.

Water drawdown
Concern is raised by predictions of water drawdown at Banyule Flats, Bolin Bolin Billabong and along the route of the NEL tunnel. (North East Link Project, 2019). Drawdown will impact not only on surface water in the billabongs and wetlands but also on long-term survival of vegetation.

Details of management plans for re-vitalisation and long-term management for the Billabongs need to be developed and funded.

Adverse Impact of NEL construction on vegetation
Clearance for road construction and subsequent death of trees due to drawdown will have a significant impact on the tree canopy and habitat of the study site (and also in the area of the Simpson Barracks). Much of the re-vegetation work on Parks Victoria land on both sides of the Yarra River between Birrarung Park and Banyule Flats, and around Banksia Park was undertaken approximately 30 years ago with an abundance of acacia plantings which have since become senescent.

It is important that future re-vegetation uses indigenous species of local provenance and that a wide variety of trees, sub-story and ground cover plants are incorporated.

A long-term management plan and adequate funding will be needed for weed and vermin control; and watering will be needed for ongoing maintenance to ensure the success of the plantings.

WCS CONCLUDING COMMENTS

In summary, we are supportive of the proposals of the draft Plan.

Should the Plan be approved for construction we seek the following broad conditions:

1. Re-design of the Manningham interchange to preserve and protect the River Red Gum at the corner of Bridge Street and Manningham Road.
2. Retention of restrictions on building height and set-back from the Yarra on the site of the Yarra Valley Country Club.
3. Opportunity to comment on any further proposals for the former Bulleen Drive-in site.
4. Redevelopment of the Greenery Garden Centre at 4 Banksia Street as public open space.
5. A full fauna and flora survey of the eastern side of the Yarra River, from Banksia Street to the northern extent of proposed development.
6. An aquatic fauna survey of the Yarra River.
7. Protection of Powerful Owl habitat by re-routing the path and northern bridge and protecting the owl habitat from light spill. Any work in this area should be avoided during breeding season.
8. That construction of the northern footbridge should avoid disturbance of Platypus dens and the large River Red Gums which provide valuable habitat.
9. Details of planned water treatment facilities for the NELP need to be provided.
10. That Environmental Performance Requirements, for all projects adjacent to the River, should include measures to prevent erosion, water run-off, spills and for monitoring of water quality.
11. Detailed management plans for re-vitalisation and long-term management for the Billabongs need to be developed and that adequate funding be provided.
12. That future revegetation uses indigenous species and that a wide variety of trees, sub-story and ground cover plants are incorporated.
13. Development of a long-term management plan for weed and vermin control; and watering will be needed for ongoing maintenance to ensure the success of the plantings, and that adequate funding be provided.

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