

**Yarra Riverkeeper  
Association  
Position Paper  
No. 2018.1**

**2018  
State of Victoria  
Election**



**YARRA  
RIVERKEEPER**



## **About us**

The vision of the Yarra Riverkeeper Association is 'Our Yarra: Healthy, Protected and Loved'. That vision drives everything we do. We speak for our Yarra River and we educate about our Yarra River. We are the voice of the community for the river. We speak about the river in newspapers, on radio, on television and through Facebook, Instagram and Twitter.

We give talks to the community from preschoolers to the University of the Third Age. We remind people that Melbourne is a river city and that the Yarra Valley is a world class destination for experiencing the beauty of our natural environment. The current Yarra Riverkeeper is Andrew Kelly, who took over the role from the founding Riverkeeper Ian Penrose.

## **About this document**

The Association has strongly advocated for more co-ordinated planning for the Yarra River corridor. That work was rewarded with the passing through both houses, unopposed, of the Victorian Parliament of the Yarra River Protection (Willip-gin Birrarung murrn) Act 2017 as well as the introduction of the Yarra River Planning Controls. The Act required a Yarra Strategic Plan and the development of a community vision for the Yarra River. These initiatives will help drive better protection and future improvements on the Yarra.

This document is a statement of key items we believe the Yarra River (and Melbourne) needs for a healthy future. It has been prepared for the Victorian State election on 24 November 2018.

## **Acknowledgement of Country**

The Association acknowledges the Wurundjeri People of the Kulin Nation as the traditional custodians of the lands and waterways of the Yarra Catchment. We also acknowledge the work that the Wurundjeri Council has done in the development of the Yarra River Protection (Willip-gin Birrarung murrn) Act.

# FIVE REQUESTS ON BEHALF OF OUR YARRA

## **1 From planning to action - implement the Yarra River Action Plan**

The Yarra River Action Plan (announced in February 2017) contains critical action points for the Yarra, and for Melbourne's waterways and green places. The Yarra River is being challenged by a drying climate and by population growth. The Yarra River Action Plan addresses these challenges. The Yarra has suffered badly in the past from good plans being drawn up but not being implemented. The community needs a timetable of when the outstanding action points are to be delivered, This timetable needs to be updated regularly and the community kept informed. This is an umbrella action that contains within it many of the other 'asks' we outline below.

Responsibility: Water, Planning, Treasury. Time frame: Short, medium and long term

## **2 Make the Yarra River Planning Controls permanent**

As our population grows the Yarra River Corridor is under sustained pressure from ad hoc, uncontrolled and inappropriate development with planning controls that vary from one council to another. If allowed to go ahead these developments destroy the public benefit the Yarra River confers. The interim planning controls have put up a wall against this flood of development that threaten the river, but these important controls are only temporary, expiring on 31 January 2021. There is an urgent requirement to make these controls permanent and for the process to do so to be initiated within the first 100 days of the government assuming office.

Responsibility: Planning. Time frame: Short term

## **3 Extend stormwater controls and fund gross pollutant traps**

Pollution from stormwater is the single biggest threat to water quality in our waterways. Stormwater drains are the single biggest contributor of litter to the Yarra River and therefore to Port Phillip Bay. Rain from roads, roofs, paving and carparks rushes into our stormwater system creating a toxic chemical and physical shock to our waterway. Current planning controls are inadequate. To stem the impact of stormwater pollution on waterways the Victorian Planning Provisions need to be amended:

- Clause 56.07 to be extended to cover commercial and industrial subdivisions to take appropriate stormwater management measures (currently, it covers only residential subdivisions).
- Clause 56.07 to be rewritten to clearly include strata title developments.
- Clause 56.08 to be extended to ensure best practice stormwater standards at the time of subdivision and during construction.

Responsibility: Environment, Planning and Local Government. Time frame: Short term

## **4 Increase Yarra environmental water to reflect ecological needs**

Environmental flows are critical to the health of our Yarra River. The right flows replenish wetlands and trigger fish and bird breeding, among many other benefits. The Healthy Waterways Strategy (2018), among other documents, acknowledges that as the climate dries, the 17GL awarded to the environment in 2006 is inadequate. This amount was based on the minimum needs of the system. The science shows that the Yarra needs environmental flows of at least 27GL per year, or at least 10GL more than is currently provided for, to ensure that the river remains healthy, and robust in the face of a drying climate.

Responsibility: Water. Time frame: Medium term

## **5 North East Link & Yarra crossing projects — net gain for environment**

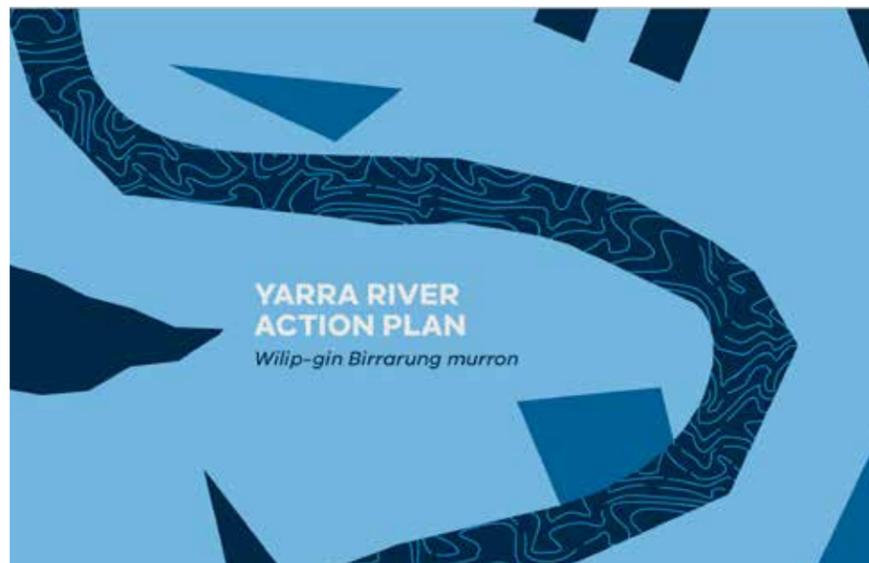
The construction and operation of the proposed North East Link will create a tunnel under the Yarra River and affect the Eastern Freeway along an extensive stretch of the Yarra. The planning for the link needs to ensure there is a net environmental gain for the Yarra River. Environmental and stormwater measures must be a mandatory part of any contract.

Responsibility: Roads, Environment, Water. Time frame: Short, medium and long term

## BACKGROUND ON OUR FIVE REQUESTS ON BEHALF OF OUR YARRA

### 1 From Planning to Action implementing the Yarra River Action Plan

**Key Actions:** The Association requests that the outstanding items in the Yarra River Action Plan be implemented as a matter of urgency.



*The Yarra River Action Plan was announced in February 2017 at French's Meadow, Abbotsford Convent. It is a strong plan based on 30 Action points - all of which need to be implemented.*

The Yarra River Action Plan is based on the strong analysis conducted by the Yarra River Ministerial Advisory Council about what the Yarra and the Yarra corridor needs to stay healthy in the face of a rapidly expanding population and a drying climate. A healthy river means a healthy community of people living in the catchment. In February 2017 the government committed to 28 of the recommendations of the Ministerial Advisory Committee and strengthened two of the recommendations in the final 30 action points.

The Yarra has already benefited from a number of the action points such as the Birrarung Council (Action 2) and the Yarra River (Willip-gin Birrarung murrion) Protection Bill (Action 5) being delivered as promised.

A number of actions in the Action Plan, even those marked as short term, have either not started or are not reported as having started.

The community expects these promises to be kept, and that the processes around the plan be transparent. The Yarra Riverkeeper Association asks all parties to support the Yarra River Action Plan and for the new government to provide a clear timetable for its completion and that timetable be reported to the community and to the Birrarung Council.

The health of the Yarra and of Melbourne's waterways depends on all 30 Action points being completed. Although all points in the action plan are important, the Yarra Riverkeeper in the context of this election draws attention to the following action points that are yet to be implemented:

#### **Action Point 12 — Gifted Asset Policy (p. 14)**

**'Develop a policy to accept, hold and maintain gifted land, funding or other assets for the Yarra River.'**

It is essential to develop this policy early so the public can support the river with donations of land. This policy then needs to be promoted to the community. While this is of little cost to government, it will bring significant benefits to the Yarra if properly managed. The principle can then be applied to other major urban rivers such as the Maribyrnong and Werribee when extended to these catchments. This is a policy that can empower and motivate the community.

#### **Action Point 22 — Bolin Bolin Billabong (p. 18)**

**'Restore natural water inflow regimes and rehabilitate the surrounding environs of the Bolin Bolin Billabong.'**

The Bolin Bolin Billabong is one of the most culturally significant places to the Wurundjeri people and to the Kulin Nation, and it also has major ecological values. The flows need to be restored to the billabong and a comprehensive program for the rehabilitation of the surrounding environs commenced in the short term. The building of the proposed North East Link adds urgency to establish a healthy baseline rather than a baseline that represents a compromised billabong.

#### **Action Point 22 — Melbourne's Natural Infrastructure Taskforce (p. 18)**

**'Establish a Taskforce to ... investigate the benefits of combining waterway management, open space, bay and coastal parkland management for greater Melbourne.'**

Melbourne's green and open spaces, its blue spaces, its rivers, waterways and bays deserve the sort of attention that its built infrastructure receives. Melbourne's natural infrastructure deserves an integrated and co-ordinated response. This is a low cost initiative that will reap excellent returns to the people of Melbourne. This policy extends the thinking that has been developed around Victoria's much loved Yarra.

#### **30 Parks Charge Review**

**'Undertake a broad based review of the Melbourne Metropolitan Parks Charge to define the strategic goals/services it delivers and identify the funding available for supporting priority projects identified in the Yarra Strategic Plan.'**

A review of the Melbourne Metropolitan Parks Charge is overdue. An independent review will deliver results not only for Melbourne but for all the parklands in the Metropolitan area. Though the Metropolitan Area continues to grow, the boundary of the area to which the charge applies has not been extended, unlike the 'Waterways and Drainage Charge' levied in our water bills. This creates sharp inequities. In December 2016, Infrastructure Victoria recommended that the basis of the Parks Charge be reviewed, among other things to implement a 'pricing, funding and expenditure regime for national parks, state forests and other protected areas as well as urban parks within 0-5 years, which ensures that funding and revenue for land management reflect an evaluation of the ecosystem services provided where possible and enables assessment of return on investments' (p189). We join a number of other community groups, including the Victorian Environment Friends Network and the Victorian National Parks Association, in pressing for a review of this charge.

The Yarra Action Plan is available here: <http://bit.ly/YarraActionPlan>

Responsibility: Water, Environment and Planning Ministers, with the lead minister on the Yarra River Action Plan being the Water Minister. Time frame: Short term



*Senior Wurundjeri elder Auntie Joy Murphy performing the Welcome to Country at the launch of the Yarra River Action Plan. The importance of Wurundjeri involvement in the management of the Yarra has been recognised both in the Yarra Action Plan and in the legislative act that followed the announcement of that plan.*

## 2 Yarra River Planning Controls

**Key Action:** The Association requests that the interim Yarra River Planning Controls be made permanent as a matter of urgency.



*Extract from the Department of Water, Environment, Land and Planning website.*

In February 2017 the government introduced planning controls along the Yarra River. These controls were a bold initiative to protect the landscape of the Yarra corridor by controlling inappropriate development on the land. The controls introduced include mandatory height limits, setbacks and skyline controls for the six councils along the Yarra between Richmond and Warrandyte. A group amendment was approved to the Planning Schemes for these six councils.

These measures have been welcomed by the community. The problem of inappropriate development in the Yarra corridor was highlighted again and again in community forums run by the Association. The community vision produced as part of the Yarra Strategic Plan clearly indicates the desire for a better river both on public and private land.

The controls however are temporary. They expire on 31 January 2021. As temporary controls their applicability has been challenged on one occasion already by developers on sites in Trenerry Crescent, Abbotsford. The Association, as part of our public education work community work, commissioned a report on the current status of urban planning on the Yarra. An outcome of this report, and the challenged from the developers at Trenerry Crescent, makes clear the need for the government to follow up on its commitment to these controls and ensure that they are made permanent as a matter of urgency. The Association is able to provide a printed copy of the report on request and it is available on our website: <http://bit.ly/PlanningYarra>.

Yarra River Planning Controls are available here: <https://www.planning.vic.gov.au/policy-and-strategy/waterways-planning/yarra-river-controls>

Responsibility: Planning Minister Time frame: short term



*Inappropriate development punctures the romance of the Yarra and destroys the experience of being in a bushland corridor, where one can escape the stresses of daily life and reconnect with nature.*

### 3 Stormwater Planning Controls - pollutants and litter

**Key Actions:** The Association requests that the Victorian Planning Provisions are strengthened to better manage stormwater, and that a state-funded program to install gross pollutant traps be established.

Stormwater is one of the greatest threats to river water quality. Our hard surfaces are changing the ways in which waters enter into our waterways from their catchments. Natural vegetation has been replaced by paved surfaces. Pollutants from our cars and from roofs collect on those hard surfaces and are washed in a sudden flow into our waterways through the stormwater system. This delivers a toxic and chemical shock to our rivers and creeks. After each major rain event the flow scours out the biodiversity of a creek or river while at the same time delivering a new load of sediment laced with pollutants.

Stormwater pollutants are classified into two categories: (i) gross pollutants such as vegetation, litter and sediments of different sizes and (ii) dissolved pollutants including nutrients, heavy metals, and hydrocarbons. The dissolved pollutants result mainly from automobile emissions, fluid leaks from vehicles, residential use of fertilizers and pesticides, refuse, and animal faeces. The pollutants such as trash, litter and vegetation with diameters larger than 5 mm are usually considered as gross pollutants. Poorly managed building sites contribute to significantly increased loads of sediment and into stormwater drains and thus our waterways. Most of our litter is carried into our creeks and rivers by stormwater. The Yarra is the biggest contributor of litter to Port Phillip Bay. Best Management Practices to reduce stormwater pollutants include oil and grit separators, grassed swales, vegetated filter strips, retention ponds, and catch basin inserts (CBIs). They are used to remove gross pollutants at the source. These systems do not take-up additional land as they are typically mounted within a catch basin (e.g. side entry pits; grate or gully pits).

Hundreds of stormwater drains empty into the Yarra River. Best Management Practices are applied to few of these drains with only a small percentage of drains containing gross pollutant traps. Stormwater pollutants cause physical, chemical and biological damage to the environment. Larger items can choke, suffocate, or disable aquatic life while dissolved pollutants can create health hazards for wildlife and recreational water users, among many other damaging effects. We support an expansion of all initiatives to retain stormwater on site, reduce stormwater flows, and improve the quality of stormwater entering waterways. Programs to reduce loads from existing sources have been in place for nearly 15 years and for the last 10 years controls on new subdivisions have been in place in the Planning Schemes for new residential areas. We are now seeking a critically needed expansion of those controls.

#### **Extend coverage of Stormwater Standards under Clause 56.07 of the Victoria Planning Provisions to industrial and commercial subdivisions**

The coverage of the best practice stormwater management standards for residential subdivisions (under Clause 56.07 of the Victoria Planning Provisions) needs to be extended to apply to all subdivisions and other developed lands, including industrial and commercial subdivisions.

#### **Include Strata Title Development in Clause 56.07**

Clause 56.07 to clearly include strata title developments within the existing regulations. This would better control urban infill, or brownfield, developments.

#### **Include stormwater standards during construction in Clause 56.08**

Clause 56.08 is to be rewritten to ensure best practice stormwater standards during subdivision, construction and subsequent building phases. It should be noted that no planning permit is required for earthworks prior to issuance of a subdivision permit. The impact of one episode that occurred through the lack of these controls can be seen in the recent report by Merri Creek Management Committee:

<http://bit.ly/MerriTurb>

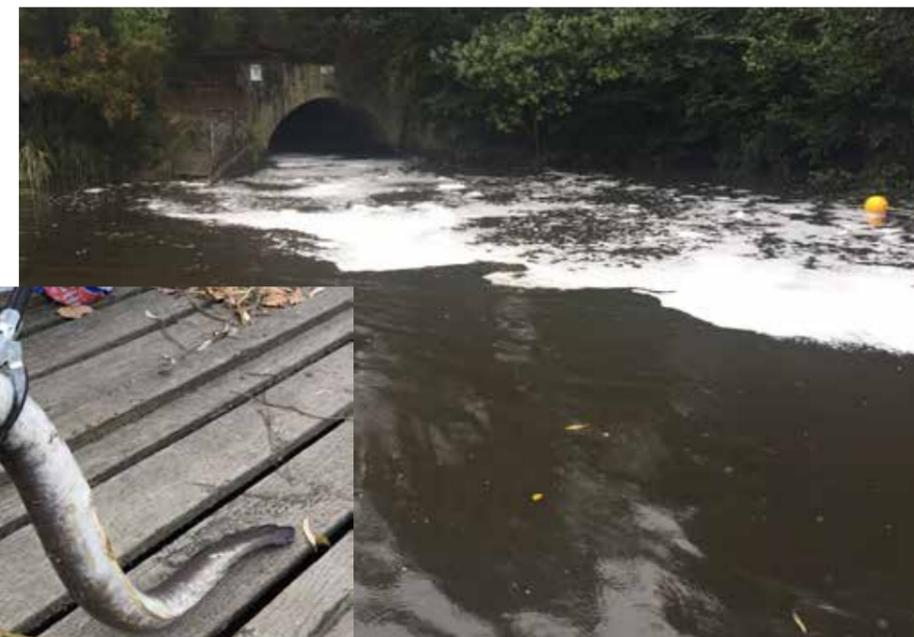
*Note: These three proposals are in alignment with Action Point 19 in the Yarra River Action Plan.*

#### **Establish a fund for councils to install and maintain gross pollutant traps on major stormwater drains**

Gross pollutant traps can contribute significantly to a cost effective means of helping solve both litter and other pollutants entering the Yarra River and its tributaries. These can be aligned with key wetlands, such as the Kalparrin wetland that are already preventing significant nutrient flows, pollution flows and litter from entering tributaries of the Yarra River. We need to encourage councils to implement gross pollutant traps at key high generating sources or areas that contribute litter to the river system – for example, at shopping centres.

Responsibility: Planning Minister. Local Government Minister. Timing: short term

*Right: Pollution entering the river at Hawthorn Drain after a rainstorm. Below: One of many dead eels collected from the Yarra, most likely as a result of an unidentified pollution event.*



*Bottom left: A retrofitted gross pollutant trap. It is important to clear gross pollutant traps on a regular schedule. Bottom right: Oil escaping into the stormwater drain at an automotive business in Kew. Oil spills are a regular occurrence into the Yarra from stormwater drains. The culprit is often difficult to identify.*



#### 4 North East Link & Yarra crossing projects — net gain for the environment

**Key actions:** The Association requests that all future river crossings on the Yarra respect the net gain principle of the environment, and are exemplars of best practice stormwater controls and thereby improve the quality of stormwater entering the Yarra

The government is proposing to build the largest road project in Victoria, the North East Link, at an estimated cost of more than \$16.5 billion. This is one of several proposed major road projects that have been envisioned for Melbourne that will affect the Yarra. The North East Link is an example of the sort of measures that all road projects intersecting with the Yarra need to consider. The North East Link involves tunnelling under the Yarra, altering the Eastern Freeway where it runs parallel to the Yarra, and substantial changes to drainage in the Yarra catchment and to Yarra tributaries. The construction of the Link and the expansion of the freeway is a direct threat to the health of the river and its corridor at a number of levels if the project is not appropriately managed.

#### **Net gain for the Environment**

The Yarra Riverkeeper Association requests that the government makes a public commitment to applying the principle of net gain for the environment, as defined in the Yarra River Protection (Willipgin Birrarung murrn) Act, to the North East Link and to any associated road works. The Yarra River Land, as defined in the legislation includes the bed, soil and banks of the Yarra, and by implication the water in the column, not just the river corridor. The Association understands the intent of this principle to be focussed on the natural environment of the Yarra River, not for improvements to the human environment, such as improved roads or sporting fields. It is important that this principle of net gain continues after the completion of the construction of the road and that there is continuous maintenance and improvement to contribute to a continued net gain for the environment after construction has been completed. There needs to be continued investment to ensure that the health of the environment is maintained and that the net gain does not become a net loss. The ongoing net gain must be made a requirement for any operator of the Link.

#### **Stormwater controls**

The Association requests that the design of the North East Link, and also associated changes to the Eastern Freeway from Abbotsford to Nunawading, incorporate the provision of best practice water quality treatment. Before the stormwater is discharged into the Yarra or any of its tributaries, devices need to remove litter, oils and greases, polyaromatic hydrocarbons, heavy metals such as nickel, cadmium, chromium, lead and zinc from the runoff.

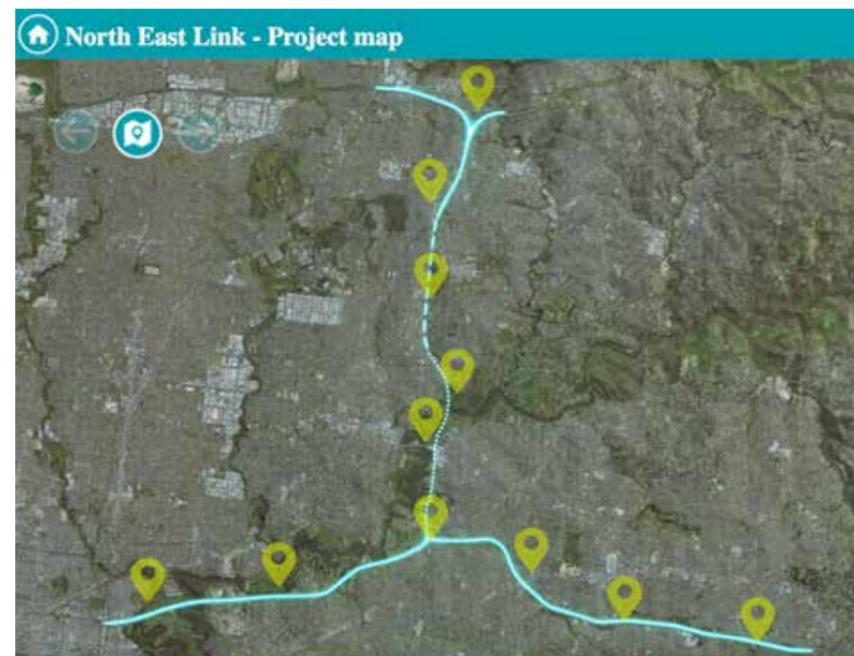
The Association requests that the North East Link is used as an exemplar project to create initiatives to retrofit river crossing by freeways and major road projects to not only protect our waterways but to improve the water quality by modelling stormwater quality controls.

This requirement needs to be a mandatory requirement in the design contract.

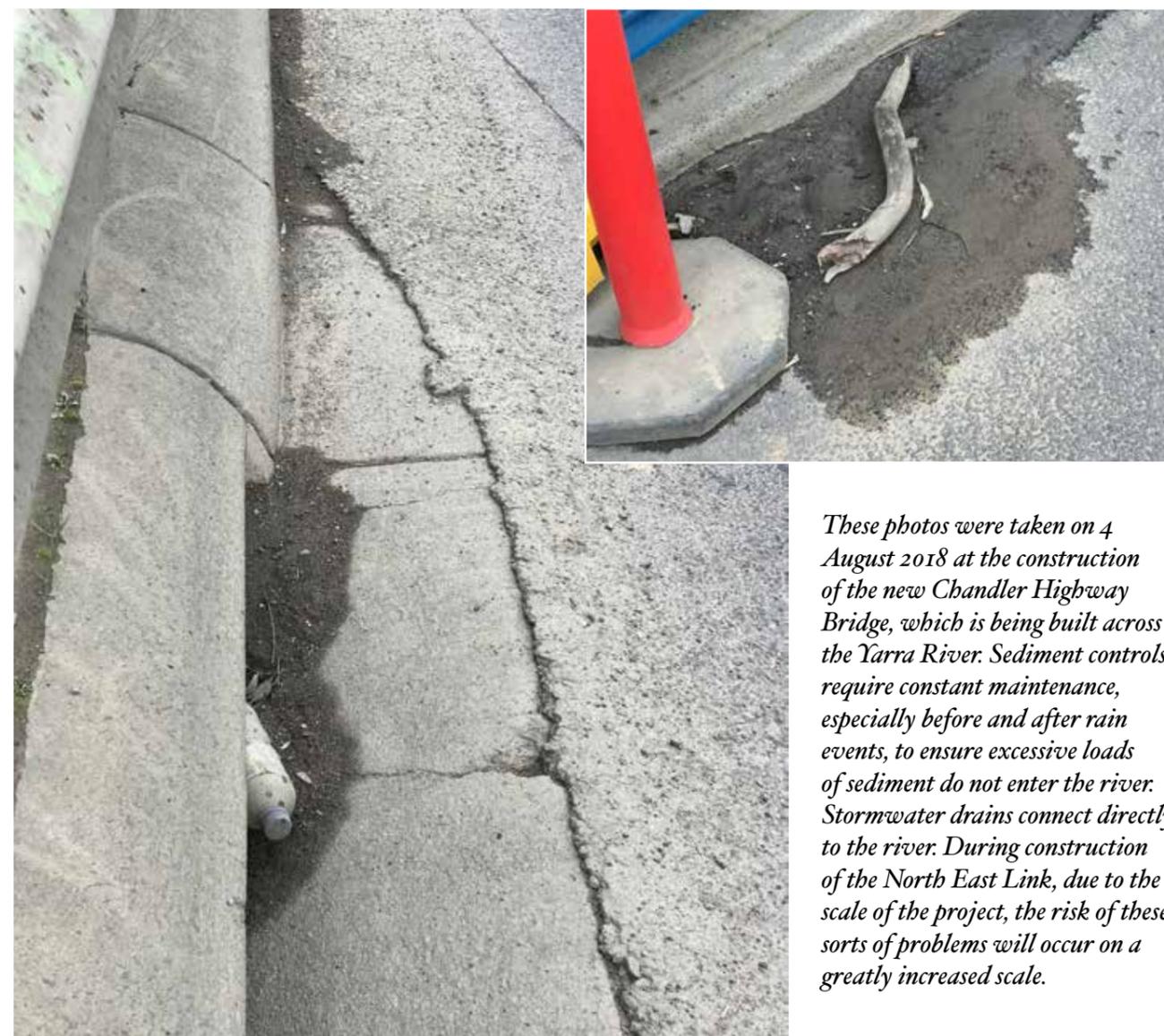
#### **Improvements in the construction phase**

The Association requests the Government introduce a much stronger regulatory regime on land disturbance to prevent the contamination of the runoff to the Yarra and its tributaries by soil erosion products and high suspended solids and turbidity discharges during the construction phase of the project. Land disturbance and contaminated run-off are a continuing issue with large-scale construction projects around Melbourne. Many projects are not compliant with the State Environment Protection Policies and construction sites fail to maintain sediment control structures after initial installation. Other sites do not provide adequate control structures such as rumble tracks and wash down bays. *This needs to be made mandatory in the construction contract.*

Responsibility: Roads Minister. Timing: short, medium and long term.



*The North East Link Project map shows how tightly the project first shadows where the Eastern Freeway follows the river, and how the entrance to the proposed tunnel follows the river northwards before tunnelling under the river. North of the tunnel the road impacts severely on a number of the tributaries of the Yarra.*



*These photos were taken on 4 August 2018 at the construction of the new Chandler Highway Bridge, which is being built across the Yarra River. Sediment controls require constant maintenance, especially before and after rain events, to ensure excessive loads of sediment do not enter the river. Stormwater drains connect directly to the river. During construction of the North East Link, due to the scale of the project, the risk of these sorts of problems will occur on a greatly increased scale.*

## 5 Increase Yarra Environmental Water to reflect ecological needs

**Key Action:** Environmental flows to the Yarra River are increased to 27GL

The flows of the Yarra have been reduced by 50 to 70 per cent (depending on rainfall) due to the creation of reservoirs and dams for Melbourne's water supply and for private stock and aesthetic purposes.

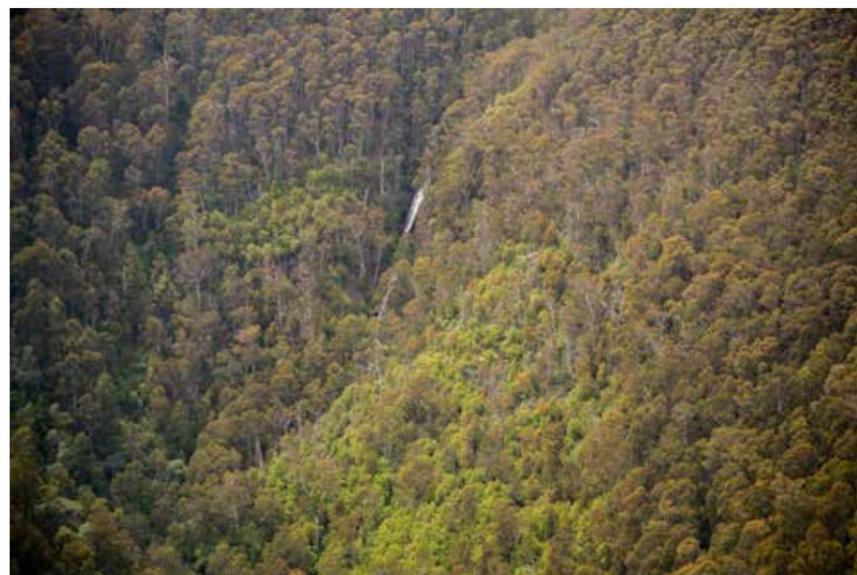
This has had a significant impact on the health of the Yarra. Environmental flows use water releases to recreate ecological processes in waterways where there has been significant damming. Environmental flows describe the quantity, timing, and quality of water flows. Flows duplicate natural process such as high flows that trigger fish breeding and the flushing out of excess sediment that clogs pools and riffles. Flows improve water quality, wildlife habitat, the shape of rivers and the health of vegetation in the river corridor. They can flush out dead spots created by low dissolved oxygen events that effectively create a dead zone in the river.

Australia, being the driest inhabited continent, has been a world leader in environmental flows. Victoria has been in the forefront of this work with the establishment of the Victorian Environmental Waterholder and the providing of 17GL of environmental flows to the Yarra in 2006. These flows were based on a report by the Sinclair, Knight Mertz *Determination of the Minimum Environmental Water Requirements for the Yarra River*. The report focussed on minimum requirements. Since then the climate has been undergoing a drying trend and we are now entering yet a further dry phase. We need to go beyond what was only intended to be a minimum if we wish to see the Yarra retain its current state of health. There is also the risk of under-utilized water rights being used, as a market for water develops in the southern basins of Victoria, which will put further pressure on healthy flows in the Yarra River. The *Draft Healthy Waterways Strategy* (Melbourne Water 2018) (pp 36–38) identifies that more Environmental Flow water releases are needed over the next 10 years or more. This indicates that a minimum increase of 10GL to at least 27GL is required to overcome the estimated minimum average shortfall over the next 10 years.

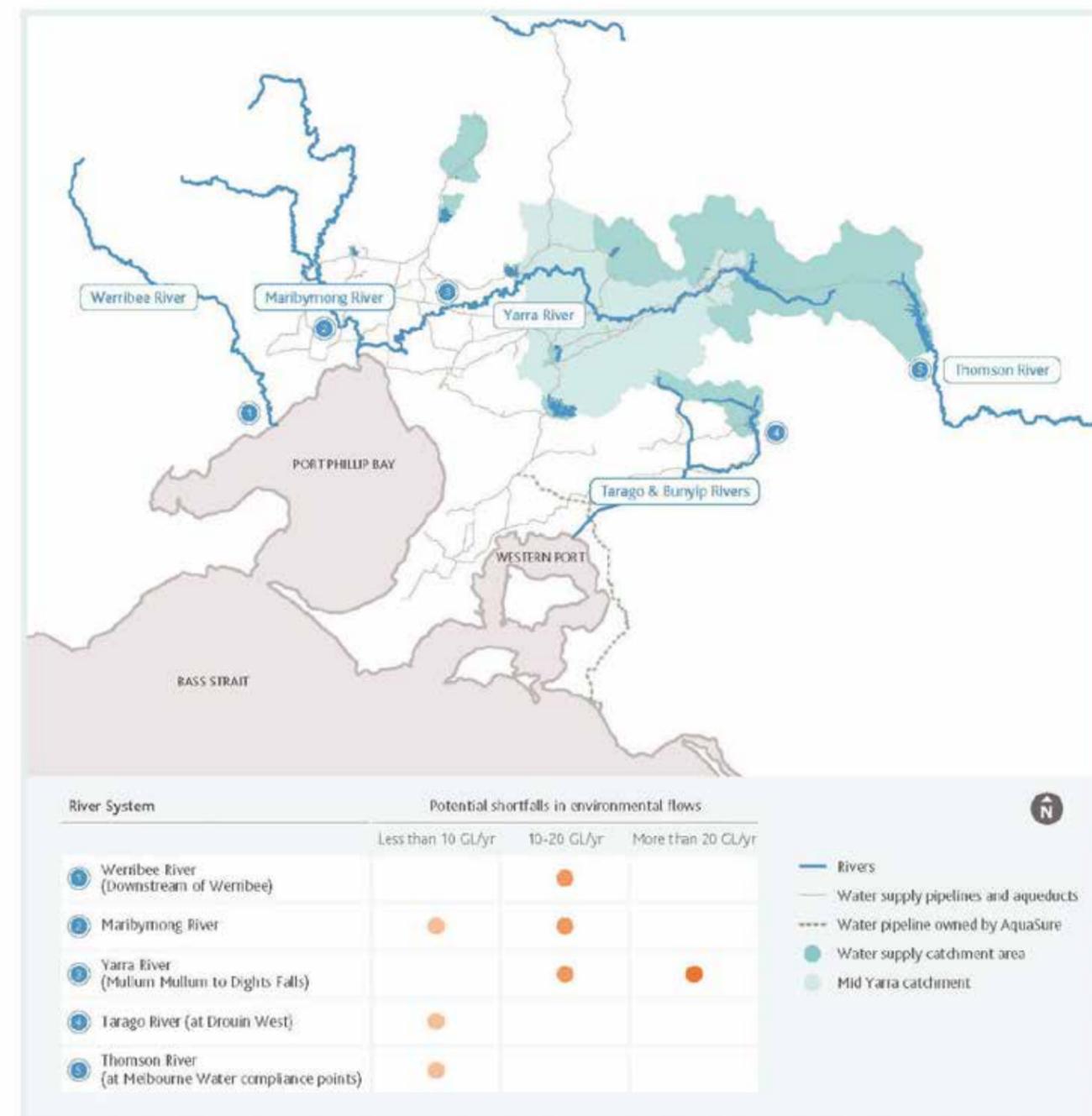
The desalination plant provides an opportunity to provide these flows securely and regularly. Purchases of water are more economic if done regularly, and an expanded water entitlement for the Yarra can help provide a base for regular purchases that are necessary to maintain potable water supplies.

Some of the mechanisms to harvest water were established before river health considerations were in place. With use of modern equipment, better outcomes are available for stream health with only a small decrease in yields. Without a review and adjustment, the Yarra's river ecology will become more stressed.

Responsibility: Water Minister. Time frame: short term.



*The Yarra Falls in the upper Yarra Catchment. More than 50% of the flow of the Yarra and its tributaries is extracted for drinking water. This severely impacts on the ecological function of the Yarra. The environmental water program is designed to somewhat offset these adverse impacts.*



*The potential shortfalls in environmental flows under various scenarios, with the central column being the likely scenario. (Draft Healthy Waterways Strategy. Melbourne Water, 2018).*



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