



Our Yarra: Healthy, Protected and Loved

Presentation to the Bulleen Precinct Advisory Committee

Thank you to the members of the Advisory Committee for the opportunity to present.

Yarra Riverkeeper Association - an introduction

The Yarra Riverkeeper Association is the community voice for the river. The Yarra Riverkeeper speaks for the river as the river cannot speak for itself. We are a key and informed stakeholder on the Yarra River. Our policy achievements include the initial advocacy for the Yarra River Protection (Willip-gin Birrarung murrn) Act as well as for the Yarra Planning Controls. We have built an informed and evidence-based community understanding of the river as a single and integrated ecosystem from source to the bay.

This submission has two parts:

1. Yarra Valley Country Club proposal
2. The Bulleen Land Use Framework

Part 1 Yarra Valley Country Club

The Yarra Riverkeeper Association is opposed to:

1. The proposed and significant intrusion into the floodplain and further deep excavation to compensate for the loss of the volume of the floodplain.
2. A new, significant and intrusive area of urban development where there currently is the experience of green and open space.

The fill and extension into the flood plain would significantly impact the floodplain's form and value to wildlife and habitat. Even if the current contours are not those of 1835, they have acquired significant ecological value through time in the landscape. It also establishes an inappropriate precedent.

We support the Manningham Council's recent submission on Amendment C125.

We would also like to endorse the Council's disappointment in Parks Victoria's unwillingness to take up the opportunity of a significant addition to Yarra River Lands by opposing the proposal northern portion of the Yarra Valley Country Club site to become part of the public estate.

Northern part of the YVCC passing into Public Ownership

The Association supports the northern part of the site passing to public ownership and management.

2 The Bulleen Land Use Framework

Where did the concept of the Land Use Framework Plan come from?

It is worth reminding ourselves of where the origin of the Bulleen Precinct Advisory, now we are nearing the end of the public consultation process. I am aware the committee is familiar with this, but I am presenting the process from the point of view of the Association.

In 2017 the government released the Yarra River Action Plan; this was the government's response to the Yarra River Ministerial Advisory Committee report.

The Action Plan committed to a Cultural Precinct Plan in Action 21.

This Action Plan came out of the Yarra Riverkeeper's work in lobbying government for an Act and a Trust for the Yarra River. My predecessor Ian Penrose took Brian Tee, then Shadow Minister for Planning, out on the river in our boat, and Mr Tee 'got the river'. He understood the value the river brought to Melbourne. The following lines were included in the ALP Environmental Policy for the 2014 election:

Labor will introduce a Yarra River Protection Act to guard the river corridor from inappropriate development. A new trust will develop standardized planning controls for the Yarra and work with agencies to promote the river's amenity and significance.

Our intent as Yarra Riverkeepers in advocating for a Yarra act and trust was for better coordinated long term planning along the river that would bring proper and considered planning to the Yarra River as the most significant connected ecosystem in Melbourne and the Yarra Valley, and on that controls the long term health of the city. The Association was (and is) seeing a river being whittled away by short-term thinking and special pleading and horse-trading that was not taking a whole river perspective of a waterway connected from Mount Donna Buang to Port Phillip Bay.

Yarra River Planning Controls and the Yarra River Protection (Willip-gin Birrarung murrn) Act

Out of that advocacy and promise came the Ministerial Advisory Committee led by Chris Chesterfield. That, in turn, led to the Yarra River Action Plan, part of which was the action for the Yarra River Protection (Willip-gin Birrarung murrn) Act.

A crucial part of that Act is to consider the river as 'one living and integrated natural entity'. That is what we wanted as an Association speaking for the river when advocated for an act and for mandatory planning controls

Another critical aspect of the Act is an environmental net gain for the river from any river project. The environmental net gain has been honoured in the breach since the Act was passed.

The Act also established the Birrarung Council, and I am a member of that Council.

The Act also required a strategic plan for the Yarra. The plan has been delayed, but a final plan is due in the next month or so.

Yarra River 50-Year Community Vision

The Act also required a community vision for the river to be developed by the lead agency. The vision reads:

Our Yarra River, Birrarung, provides a continuous network of protected parklands, providing inclusive access to all.

And

This is a valued place of connection to Wurundjeri culture and community, with a network of hubs of learning, play and celebration. It benefits from a **united and integrated approach to governance and land management**, guided by the wisdom and practices of Traditional Owners, keeping culture not just in the past but alive into the future.

This vision needs to be respected in the deliberations of the Advisory Committee. The highlighting is by the Association.

Nhanbu narrun ba ngurgunin twarn Birrarung - Wurundjeri Water Policy

Nhanbu narrun ba ngurgunin twarn Birrarung needs to be an integrated and integral part of the Bulleen Precinct Land Use Planning Framework. The Association supports a Wurundjeri Cultural Centre as an essential part of the precinct.

Delays in implementation Action Point 21

There was a lot of progress early with the proposed Act and Planning Controls, but progress has slowed. The Bulleen Precinct Plan was Action Point 21, and the timeframe was 'short-term'. That timeframe has been ignored.

The delays in finalizing the plan have led to projects being developed that should have been adequately considered and developed in the light of a long-term considered plan for the health of the river and the community. Covid 19 and the associated lockdowns have shown just how much the community values the Yarra River and its longitudinal connectivity, both literally and as an imaginative green thread that ties the city together.

It is now time for the committee to bring that process back on track for Bulleen and fulfil the government's intent of a considered response to the long-term need rather than ad hoc

responses to particular projects and to please particular interests. It is time to deliver on the government's original vision for the river. These hearings were slow to be started and then delayed – especially considering the Precinct Plan was one of the 'short term' actions in the Yarra River Action Plan. The hearings were to commence after the North-east Link hearings were completed. There was a considerable gap. These hearings were again delayed last year as one Council were unable to obtain their chosen legal representation. The community, especially the informed community, has found these unnecessary delays frustrating. Good planning is lost in delays. Our consistent and considered opinion is that the North-east Link project should have been developed in the context of a final Bulleen Precinct Plan rather than the reverse. In finalizing Bulleen Precinct Plan, we need to consider what ground has been lost in delays and respond to that in the final plan, so the river is not disadvantaged. We are advocating that the Land Use Framework Plan or any aspect not be delayed any further, particularly for any requirement to complete the North-East Link project planning.

Projects that have been developed during the delay

Among the projects that would have been better developed in the context of a completed Bulleen Precinct Plan are

- North-east Link
- The Soccer Fields site, 27- 59 Templestowe Road, Bulleen
- The Treetops Proposal in Yarra Flats Park — for a rope course in the River Red Gums canopy adjacent to the river.

These proposals reduced the river's continuity as a wildlife corridor and a place for reflection and contemplation. Both reduce the connection between the Yarra River and its lands.

The soccer fields proposal results from short-term horse-trading to facilitate the North-East Link proposal that occurred in the absence of a Bulleen Precinct Plan.

North-east Link

As a member of the Interim Yarra River Advisory Committee – the predecessor of the Birrarung Council, I can say that North-east Link came to us with presentations, leaving me and others on the Council, with the impression that while the project would be clearing a substantial number of trees and turning parkland into asphalt, the project would be actively creating new habitat areas for wildlife and for parklands in a connected way along the lower Yarra to deliver a significant net gain in urban parklands that would improve the connectivity of the Yarra and expand wildlife habitat. That net gain now looks like it is going to shrink and disappear, and potential habitat and reflective recreation areas along extended trails being replaced by sports fields and infrastructure:

- if the Parks Victoria land and part of the driving range site are developed into sporting fields
- if the YVCC golf course is developed
- if the land on the northern part of the site does not pass into public ownership

- If the HM Clause (Pacific) lease runs for its full period (and then is potentially renewed),
- If the Industrial Park Site is not turned into parklands
- If the Greek Drive-in site is not developed into reflective recreation parkland and habitat.

Soccer Fields Proposal — 27-59 Templestowe Road, Bulleen

Instead, the proposal, sanctioned by North-east Link, to turn part of the Yarra River Lands should have contributed to the expansion of parkland and habitat into soccer fields. There will be lights to disturb the wildlife, a loss of opportunity to create significant habitat. One major issue for habitat is fragmentation. The proposal will not serve to address that – it will create further fragmentation. The imitation grass on the lower soccer field will moult, plastics including microplastics, into the waterway. Council is creating a source of litter of the most insidious kind. The Port Phillip Baykeeper (pers. comm.) has demonstrated, through a detailed survey in Darebin during the Covid lockdowns, the contribution of artificially grassed playing fields on waterways to the litter problem in our waterways. The proposal is to alter the form of the floodplain floor, setting an unfortunate precedent as does the proposed and more significant intrusion of the Yarra Valley Country Club into the flood plain.

The response to the lockdowns has shown how much the community values extended open space for a healthy experience of nature.

This site is symbolic of the using of river lands for active recreation. A soccer field can be anywhere; connected sizeable urban waterway land can only be on a waterway.

As the population ages, the need for the sort of active recreation sites represented by the proposed soccer fields at 27-39 Templestowe Road is in decline. What is needed is parkland that is not a plastic playing field but is genuine parkland that people can walk and ride through, sit in, reflect – and enjoy.

We note that in the plan the HM Clause site is primarily proposed for further sports fields. We advocated for it being painted the dark ecological green. As Aunty Margaret Gardiner said at the Birrarung Council, ‘The river needs its lands.’



Light green is the expansion of ‘active’ recreation and dark green is the expansion of the habitat and reflective recreation within the proposed new sites. More is intended for the light-

green uses that are not unique to the river lands that could be established elsewhere than for the river's unique ecological parklands.

Treetops site

There is a proposal awaiting consideration by Banyule Council for a commercial operator to be granted a lease from Parks Victoria to develop and operate a treetop-based adventure facility on the site. For this project to go ahead requires an exception to be made in the planning scheme for the project, one that contradicts the zoning intent. We note a disappointment in Parks Victoria's willingness to permit a private operator to develop and use public land at the Yarra Flats area for the Treetops Project, immediately adjacent to the river, which contradicts Parks Victoria's responsibility to protect our natural places. The funds from Parks Victoria leases go into the state treasury and are not used to fund park improvements, so the lease is a net loss for the Yarra River Lands. While such a proposal may very well be appropriate in a forested area that is not a migratory wildlife corridor of high value, it is entirely inappropriate on the banks of the Yarra exploiting fragile and aged River Red Gums. The project would alienate public land, reduce the weight for other forms of use such as reflective recreation. Our submission on the Treetops proposal is available [here](#).



The proposed Treetops Adventure site is located right on the Yarra river in a high-value ecological corridor. The presence of the course will further fragment the corridor.

HM Clause (Pacific)

This is a critical site in the Bulleen Precinct and for the connectivity of the Yarra corridor. The Association is an advocate of the site becoming parklands as we believe that the sort of work being done, admirable as it is, is not suitable for high value publicly owned land on Melbourne's major waterway in an urban setting. Suitable agricultural land for experimental agriculture is readily available elsewhere compared to high-value, on-waterway connected parkland on the Yarra River, for which additional opportunities are scarce. It seems ironic that this high-value public land is leased out at all.

The Association was surprised at the time of the lease extension in 2017 that the lease was provided for such a long period by Parks Victoria, given the discussions and initiatives at the time around Yarra River Planning Controls and the Yarra River Action Plan and the Yarra River Protection (Willip-gin Birrarung Murrong) Act. The Yarra River Action Plan was announced in 2017, and the Act was passed unopposed in September 2017. We would have expected that HM Clause (Pacific) would have been aware of these initiatives and that they may affect the use of the site they leased on the Yarra River. We do not have expertise in real estate but we have been advised that many such leases would have a market review at five-year intervals.

For such a prominent site, we would appreciate seeing a public, commercial justification of the rent being charged by Parks Victoria, based on a site valuation. The Yarra Valley Country Club values the northern part of its site at \$34 million, and the HM Clause site is not dissimilar in size. We are unclear what Hunt and Hunt in their submission is intending with the references to natural justice, which, as we understand it (not being lawyers), relates to a fair hearing, that is, one without bias. We would appreciate clarification round this element of their submission: Where do they perceive the bias to be?

We would understand the compulsory resumption of a lease to be less onerous than the compulsory property acquisition. Compulsory acquisition is mooted within the precinct areas with POAs and plays a significant role in the North-east Link project.

Better Planning and Mandatory Controls

We need to improve our long-term planning. We need to make the planning controls – GC48 – permanently urgently. The current controls need to be respected as if they are permanent in this process. We need to ensure that mandatory controls become part of the planning toolkit to protect natural places and ecosystems. Discretionary controls are ineffective in protecting natural spaces, as the Planning Schemes, through the Planning and Environment Act put weight in favour of development. The point of the mandatory controls is to avoid special pleadings by particular interests that distort the role of particular sites in the overall and long-term management of the river, to allow the river to be considered as the 'one living and integrated natural entity'.

Camaldulensis Park

To end on a positive note, which highlights an opportunity: the Friends of Yarra Flats have developed a Camaldulensis Park concept. As this incorporates the Bolin Bolin Billabong and the proposed Wurundjeri Cultural Centre, it would be appropriate for this to be managed through the Wurundjeri Woi wurrung Tribe Land Council. This proposal allows for developing a 'great' parkland similar to the Darebin Parklands or Westgate Park. Camaldulensis Park could be the first part of the Great Birrarung Parkland as proposed in the Yarra River Protection (Willip-gin Birrarung murrn) Act and fostered by the Birrarung Council. It is a bold piece of new thinking that has come out of the informed community, who have a deep relation to the river and to their part of the river in particular. We advocate for this to be included in the Land Use Planning Framework as part of the Great Birrarung Parkland foreshadowed in the Act.



The proposed Camaldulensis Park. A community-driven contribution to the proposed Great Birrarung Parkland.

Concluding remarks

We are generally supportive of the Bulleen Precinct Plan. However, we believe it can and should be further tightened to provide better protection for the Yarra River, its corridor and the Yarra River Lands. I believe we need some bold thinking to reflect the potential of the Yarra River Protection (Willip-gin Birrarung murrong) Act. We need more attention to the concept that 'the river needs its lands' and land-use should be appropriate to the uniqueness of the river corridor sites and their contribution to the river's ecology as a whole.

However, any project on the river, whether bike paths or new bridges, must include a net environmental gain for the Yarra River, and that requirement for a net gain needs to be clearly flagged in the Bulleen Precinct Plan.

The opportunities for the Great Birrarung Parkland need to be addressed in the Bulleen Precinct Plan.

Warm regards,

A handwritten signature in blue ink, appearing to read 'Andrew Kelly', with a stylized, cursive script.

Andrew Kelly
Yarra Riverkeeper, on behalf of the Yarra Riverkeeper Association