

North East Link Project Environment Effects Statement Panel
121 Exhibition street
Melbourne VIC. 3000

7 June 2019

Submission to the Environment Effects Panel from the Birrarung Council

The Birrarung Council (the Council) seeks to raise several strategic issues in relation to the North East Link Project (NELP) Environment Effects Statement (EES) on the basis of Council's role as the 'voice of the River' under the *Yarra River Protection (Willip-gin Birrarung murrong) Act 2017* (the Act).

Known as Birrarung in the Woi-wurrung language, the river is central to the history, economy, health and culture of the Traditional Owners, the Wurundjeri people. The Yarra is an iconic symbol of Victoria, providing 70% of Melbourne's drinking water and boasting 2,450 hectares of urban parkland and green open space.

The Victorian Government recognised that the Yarra is fundamental to Melbourne's sustainability, liveability and prosperity, when it released the Yarra River Action Plan in 2017. The establishment of the Council in 2018 represents the first time in Australia that a strong, independent champion of such an iconic waterway has been established. Council is charged with providing advice to Government to protect the River and its parklands. Importantly, Traditional Owners form part of the Council.

In 2018, the Ministers for Water, Planning and Environment also launched the Yarra River 50-year Community Vision and received a copy of the Wurundjeri Water Policy (Nhanbu narrun ba ngargunin twarn Birrarung -Ancient Spirit and Lore of the Yarra). These documents describe the aspirations of community and Traditional Owners to care for the river and its parklands, as a single living and integrated natural entity. They provide the strategic direction for all future planning and management decisions that will impact the Yarra corridor.

The Council has met with NELP staff on a number of occasions and has appreciated the openness and spirit of collaboration demonstrated by the project towards implementing the intent and principles of the Act. We note the work by NELP that has occurred, or is planned, to protect the river, enhance access and amenity, and recognise its culture and history through collaborations with the Wurundjeri as Traditional Owners.

All of this work is positive, however the Council has some concerns, as outlined below.

1. Appreciating the significance of the Birrarung

The Yarra is an iconic and irreplaceable part of our landscape, our history, our culture. It is of special significance to the Wurundjeri people. Development and infrastructure projects can be replaced or superseded, but this is not the case for our River and its parklands. It is for this reason that such strong protections are now in place, to ensure we do not lose or further degrade this unique waterway. It is too late to reverse some of the damage that has resulted from the development of the Port of Melbourne or the Monash Freeway but we can at least arrest further harm and seek net environmental benefit going forward.

The Yarra River protection legislation recognises the significance of the Yarra beyond all other waterways and seeks to embed principles that will reverse the decline that has resulted from the development of Melbourne. The River must be managed as a single, living and integrated natural entity. The need to protect and enhance is also included in Victorian Planning Policy, with specific provisions to strengthen the Yarra River's natural environment, heritage and overall health.

Council is concerned that the EES does not adequately take into account the need to protect and enhance the River, as set out in Victorian planning policy and legislation, and the need to treat it as one living and integrated natural entity. In addition, we are concerned that the EES does not sufficiently recognise the community and Traditional Owner aspirations for the Birrarung.

2. Environmental Performance Requirements

The Environmental Performance Requirements (EPR) to be developed for the NELP are, as yet, unclear and it is difficult for the Council to form a view on their adequacy. However Council is concerned that their scope, as indicated by the EES, will be too narrowly focussed on minimising impact on the current state of the Yarra. The Council believes that such a low bar is totally unacceptable for what is probably by far the biggest infrastructure project within the Greater Yarra Urban Parkland and Yarra River lands in a generation.

The NELP EPR should be designed to contribute to delivering the Yarra River 50-year Community Vision and the Wurundjeri Water Policy (Nhanbu narrun ba ngargunin twarn Birrarung -Ancient Spirit and Lore of the Yarra).

3. Delivering a net environmental benefit

The Act acknowledges the River and surrounding parklands as a nationally significant asset and incorporates the principle that projects and activities which affect the River and Yarra river land should deliver a net environmental gain.

However this opportunity for generating benefit for community in the long term may not be realised. By way of example, Melbourne's major freeways discharge hundreds of megalitres of polluted stormwater runoff into the River and its tributaries every time it rains.

Contaminants from this stormwater such as zinc are reaching levels in the sediments of the Yarra River that are toxic to invertebrates that are the foundation of the food chain.

The expansion of the Eastern Freeway associated with the NELP will create additional stormwater pollution. This upgrade should in fact trigger a requirement for the whole of the road to now meet modern water sensitive road design standards. The performance requirement should be to reduce net pollution not to 'minimise'.

Council believes that the NELP has a unique opportunity to deliver net benefit, by taking a whole of corridor approach. Rather than assessing options to minimise impact or achieve the required net gain at the site scale only, NELP should adopt the concept of the river and its parklands as a single living and integrated entity and think in terms of the whole corridor when assessing options to achieve net environmental benefits.

4. The role of NELP in future

Council has noted NELP is working with the Wurundjeri and suggests that this strong foundation may present an opportunity to support an ongoing role for the Wurundjeri in management activities in relation to the Yarra river corridor in this precinct, beyond project completion.

NELP should also ensure that its activities deliver long term benefits through requiring ongoing monitoring and management of environmental outcomes, and delivery of cultural and other community facilities that are maintained in the long term.

5. The importance of alignment with other policy, strategy and projects

There is important policy and project work underway which needs to inform and be informed by the NELP as all areas of work progress.

The draft Yarra Strategic Plan is currently under development that may identify significant opportunities that the NELP can deliver. The strategy, once finalised, will provide further guidance for the NELP.

The draft Yarra River - Bulleen Precinct Land Use Plan is also on public exhibition. Given that both are being developed in parallel, Council stresses the importance of strong processes to ensure optimal alignment between the Yarra River - Bulleen Precinct planning and the NELP.

NELP, given its scale and scope, is a once in a generation project which offers a unique opportunity to catalyse significant positive change for the Yarra. Opportunities such as the Bulleen Cultural Precinct proposal (Attachment 1) are supported by the Council as an example of the kind of change that could be leveraged by NELP.

Future dialogue between Council and the NELP Environment Effects Statement Panel

NELP provides a major opportunity for Government to use its new legislation and policy in regard to the Yarra to enhance the environmental health and cultural significance of the River and its parklands.

The Birrarung Council's submission highlights a number of strategic issues which need to be addressed in order for this opportunity to be fully realised. We would be pleased to work with the Panel going forward on these and other more specific matters.

Sincerely

A handwritten signature in black ink, appearing to read 'Chris Chesterfield', written in a cursive style.

Chris Chesterfield
Chairperson, Birrarung Council