

Yarra River – Bulleen Precinct Advisory Committee

Dear Committee members

**Birrarung Council submission :
Draft Yarra River – Bulleen Precinct Land Use Framework Plan.**

Thank you for providing the opportunity to provide an updated submission on the Draft *Yarra River – Bulleen Precinct Land Use Framework Plan* (the Framework Plan).

The opportunities presented by this precinct are immense. This section of the River, partially protected from development in the past, can become a very special place with careful planning at this critical point in time. Or it can suffer the fate of poor planning decisions which could change parts of it for ever. Strong cultural and environmental leadership is needed to determine which future is realised.

The core issues we highlighted in our original submission remain the same, but the past 12 months has enabled the Birrarung Council to further explore a number of issues of importance to the Yarra, including the potential of the Great Birrarung Parkland.

Our role in relation to advising on development which affects the River, and the strategic and specific issues we see with the current draft Plan, are set out below

Birrarung Council- the ‘voice of the River’

The Birrarung Council, created under the 2017 *Yarra River Protection (Wilip-gin Birrarung murrn) Act*, provides advocacy for the protection and preservation of the Yarra River, as one living and integrated natural entity.

The establishment of the Council represents the first time, in Australia, that such a strong champion and guardian of a natural asset – the Yarra River and its lands – has been created. The Council is charged with providing advice to Government on how to protect the River, and secure its health for the generations to come. The Council serves as the ‘voice of the River’. Traditional Owners form part of our membership and together we act as a bi-cultural champion for the River and to support the aspirations of the communities of the Birrarung.

The Yarra protection legislation required that a long-term community vision be developed to guide the Yarra Strategic plan. In 2018, the Ministers for Water, Planning and Environment launched the *Yarra River 50-year Community Vision* and received a copy of the Wurundjeri Woi wurrung Birrarung Water Policy (*Nhanbu narrun ba ngargunin twarn Birrarung -Ancient Spirit and Lore of the Yarra*) which the Wurundjeri Woi wurrung people launched on the same day. These documents describe the aspirations of community and Traditional Owners to care for the River and its parkland, 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.

Over-arching comments on the Land use Framework Plan

“As the Traditional Owners we have always had the responsibility to protect the Birrarung, now we also have the opportunity. The River needs its lands”

- Birrarung Council Traditional Owners

The Traditional Owner voices on the Birrarung Council provide the fundamental perspective which can serve to test the directions set out in the Land Use Framework. In reminding us that “the River needs its lands” the Wurundjeri Woi wurrung are reminding us that the River needs to be the first consideration when we consider land use and the relationships between different land uses in the Bulleen Precinct, and in other areas that the Birrarung traverses. This is the part of the essential wisdom that the Yarra protection legislation seeks to capture and have us apply.

Traditional Owners on Council have expressed their support for the precinct having State or National park status.

The Birrarung Council is pleased to see the important work undertaken over the last 12 months with the Wurundjeri Woi wurrung through the Bulleen Banyule Cultural Values Study. The four objectives of the Framework Plan are:

- ecological and parkland connections
- access for the future
- an internationally significant cultural place
- a complementary mix of uses

We note that these objectives have remained the same as the 2019 Draft Plan, but actions have been further developed. The Council supports the way in which various commitments and actions under the four objectives have been shaped to protect and respect Traditional Owner’s places and species of significance, and to tell the stories of place, culture and history.

We note that the Framework contains commitments that the Study will be used to guide specific actions and decisions in the future. It is of critical importance that the actual implementation of the high-level framework remains true to these commitments.

We wish to stress that the voice of Traditional Owners must remain at the forefront of the thinking as the Framework Plan is translated into change on the ground, and that the view and understanding of the Wurundjeri Woi wurrung must always be sought, be respected and be applied.

What is not clear from the draft Framework is what role the Wurundjeri Woi wurrung will have in future land management. We understand they seek an active role and believe a clearer articulation of what commitments there are to such a role should be included in the draft Framework.

Connecting planned changes with the Community and Traditional Owner aspirations

Council has reviewed the Framework Plan and supports the vision, principles and objectives it contains. We note efforts to tie proposed changes to the *50-year Yarra Community Vision* and the Wurundjeri Woi wurrung Birrarung Water Policy (*Nhanbu narrun ba ngargunin twarn Birrarung -Ancient Spirit and Lore of the Yarra*) and urge that these aspirations be kept as a clear focus for work unfolding during plan implementation. This will be critical in order to keep changes on the trajectory which will enable achievement of community and Traditional Owner aspirations.

Taking a holistic view of land use

The Yarra Protection Act requires the River to be treated as one living and integrated natural entity and that the forthcoming Yarra Strategic Plan establish “an overarching policy and planning framework to coordinate and harmonise planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity”. (S. 5 (c)). The goal of co-ordinated planning is a key means by which to protect the Yarra.

This requires a holistic approach to decisions affecting the various areas of the Yarra. For example, while Council supports the principle for the long-term land use change from private land into open space parkland, it believes that it is also important not to take a “patchwork” approach but consider each specific land use in the context of what is around it, and the impacts on surrounding areas.

We support recommendations that would see approximately 36 hectares of private land be acquired for parkland (comprised of the former Bulleen Drive-In, the Greenery Nursery, the Country Club, the Golf Driving Range and 199 and 211 Templestowe Road). However we are concerned that some areas earmarked for active recreation may not be compatible with the proposed land use of adjacent parkland which has particular ecological values or contains Traditional Owner cultural sites. The possibility of soccer fields at the Golf Driving Range site is one case in point. Another sensitive area is the former Drive-In site. We note this is currently earmarked for “open space / recreation / conservation” in the Framework Plan. We do not support recreation use at this site given its surrounds and the proximity to the Bolin Bolin Billabong. It is imperative any land adjacent/close to the Billabong or other ecologically sensitive areas is returned, as much as possible to parkland with carefully planned provision for any public access.

In short, recreational uses should always be sympathetic to the open parkland and natural environment contexts.

We are also keenly aware of the planning challenges posed by the mix of use proposed for the Country Club site , where new residential development will be combined with open space and conservation areas.

The Council sees the village concept as key to the planning of recreation and mixed-use development within the precinct, allowing people to move in and out of different areas easily and with flow between all recreational and cultural areas creating an attractive visitor experience whilst not threatening the River's unique riparian environs. This would mean, for example, that bike paths would not run within 30 metres of the river for any extended distance..

A holistic approach to land use planning takes into consideration the needs of our native flora and fauna. The River is the water, the bed, the banks but also the great river red gums and all the plant and animal wildlife that live along the River. Fragmentation and disturbance are a significant threat to wildlife. However clever landscape design can minimise active intrusion so wildlife can thrive relatively undisturbed.

We note the plan's attention to the concept of connectivity but a clearer understanding of how this will work, while still protecting the environment and especially sensitive areas, is not evident in the level of detail provided

Council would welcome further detail on the proposed mixed-use development, and specifically how this use will support the vision and principles set out in the Draft Plan.

Applying the principle of net gain

The Yarra Protection legislation includes a series of principles to be used in decision making about the River, which include the requirement for a net gain approach. In using the term 'net gain', the Council is meaning a concept of bi-cultural environmental net gain, which incorporates Traditional Owner and Community aspirations for the River.

The concept of net gain, a building block of the legislation, requires that there should be a net gain for the environment arising out of any individual action or policy that has an environmental impact. Designing net gain benefits requires a broad perspective on impacts and opportunities for the River. The Framework Plan, as it currently stands, does not show how changes will deliver net gain for the River and does not demonstrate how net gain thinking has been applied to the challenge of changing land use.

The Birrarung Council has recently commissioned a research project to frame the concept of net gain so that it is easily understood by those making policy and project decisions about the River. We would be pleased to share the results of this work with you, when completed. We believe that this contemporary framing of net gain will be a valuable tool as work in the precinct shifts from high level conceptual to implementation stage.

Specific issues

The Great Birrarung Parkland

The Council has for some time been raising the issue of the unrealised potential of the Greater Yarra Urban Parklands, which we suggest be renamed as the Great Birrarung Parkland.

The COVID 19 lockdown has shown how valuable our waterway paths are for recreation and reflection. There is a new appreciation of parkland and open space generally, and their role in our mental and physical health. There is now more than ever a need for the Great Birrarung Parkland to be enhanced to meet community as well as ecological need.

The Council has been working to identify practical ways that actions and directions contained in the Yarra Strategic Plan can make the most of this important initiative, and increase the continuity of the parkland.

We believe that the Great Birrarung Parkland must truly be presented and understood as 'one living and integrated natural entity' rather than a series of land parcels. To achieve this, and meet the intent of the Yarra River Protection Act plus Community and Traditional Owner aspirations, acquisition of certain privately owned land parcels is not only desirable but necessary. We were pleased to see planned acquisition of The Greenery nursery at Banksia Street in the latest Framework Plan, and would encourage further strategic acquisitions in the short to medium term to secure the River and its lands.

We note and support the commitment to:

Create a contiguous, open space connection on the east side of the river that expands and links together the Greater Yarra Urban Parklands..... by converting at least part of the private land holdings and leased Crown land on the eastern side of the Yarra River (former Bulleen Drive-in site, Yarra Valley Country Club, Bulleen Golf Driving Range, 165 Templestowe Road, 199-209 and 211-219 Templestowe Road) to open space. (p. 43)

It is our view that, wherever possible and practical, open space should be freed up to compensate for its loss elsewhere, including as a consequence of the North East Link Project.

The Traditional Owners on the Council have expressed a wish that soccer fields not be located on the flood plains, as proposed in the draft Planning Scheme Amendment C132mann in relation to the land at 27-59 Templestowe Road Bulleen. Their preference is for this flood plain area be used as open space for the enjoyment of all. There is always a degree of flexibility about where sporting facilities can be located but this is not the case for the River lands.

Creating a cultural precinct

The Council has previously advocated for a land use plan to help realise the aspiration, set out in the Government's 2017 *Yarra River Action Plan*, for the Bulleen Banyule River precinct to become an 'internationally significant cultural precinct, centred on the relationship between the arts, nature, and Traditional Owner heritage'.

The importance of achieving this vision cannot be overstated, and Council sees this element as a central and fundamental component of the Draft Plan.

No other place is as fitting as a location for such a venture as this section of the River which brings together two unique strands of our cultural heritage: it combines the cultural legacy of Australian Impressionism and the Heide Modern Art movement along with the Traditional Owner cultural significance, including areas such as the Bolin Bolin Billabong which remain especially significant to the Wurundjeri Woi wurrung.

The Council actively supports and champions the changes that need to happen in order for this vision for the precinct to be achieved. It believes implementing this vision for the precinct will be a significant step towards implementing the Community Vision and Wurundjeri Woi wurrung Birrarung Water policy. It also supports consideration of a centre for the Wurundjeri Woi wurrung to be incorporated into the heart of a future Cultural precinct, to be used as the base for its cultural and land council operations. Such a location is not only in keeping with the Cultural vision for the precinct but an appropriate siting given the significance of this area to the Wurundjeri Woi wurrung. It would allow the Traditional Owners to be physically at the heart of the Cultural precinct, which is symbolically as well as pragmatically apt.

Council is aware of the work by Maudie Palmer AO and Eugene Howard, contemporary art curatorial consultants, on a concept for a Bulleen Cultural Precinct. The concept incorporates elements of contemporary and environmental art, and encourages recreational use as well as cultural appreciation.

The Council believes any Cultural precinct proposal to be seriously considered for the area must be a living concept, subject to growth, change and refresh and in sympathy with the idea of the River as a living entity.

Bolin Bolin Billabong

The importance of the Billabong cannot be overstated. The Council supports the draft Framework's commitment to "Revive the billabong network and develop coordinated water management approaches in partnership with the Wurundjeri Woi Wurrung.

However, the Council has also heard concerns from the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation about possible impacts on the Bolin Bolin Billabong from the North East Link. These concerns relate to the ground water and the need to ensure water supply so that Bolin Bolin is never dry again.

As the Framework states, current changes pose both threats and opportunities. We believe there is an opportunity for greater protection of the Billabongs, not just revival, and suggest this is an area where the net gain principal could be applied. For example, net gain actions could see that the Bolin Bolin billabong not only maintains its current volume of water, but could even have higher water levels. Importantly, any arrangements need to secure a permanent water legacy, protected from any future policy and planning changes that may come.

Significant trees

In addition, Council has a clear view that all trees of significance should be protected as far as possible. Developments of our urban landscape and infrastructure poses threats to significant trees, so it is important that appropriate protections are incorporated into the land use planning for the Yarra River – Bulleen precinct.

We note the Framework contains a commitment to that “all practical design alternatives to retain the existing significant River Red Gum should be explored. If removal cannot be avoided, ...legacy actions ...(will be provided) in consultation with key stakeholders”.(p. 45). However, there is no specific action around protecting this or the many other significant trees. The Council suggests that a specific focus on significant trees is warranted, and necessary to guide implementation.

In the event that the River Red Gum cannot be saved, then net gain principles should be applied to develop appropriate changes.

Conclusion

There are significant pressures on this part of the Yarra to rezone land for urban development, plus a legacy of land development and use, that are clearly inconsistent with the Community Vision and Traditional Owner values for the River. The Land Use Framework Plan is a unique opportunity to establish a new River precinct that is as substantial in its impact on Melbourne as the Southbank precinct and the reorientation of the CBD to the River which occurred in the 1980s. This project offers a once-in-a-lifetime opportunity to create a Precinct which is a living example of what progressive thinking about environmental and cultural protection can achieve, and what celebration of environment and culture can give us and generations to come.

Council would welcome further opportunities to provide comment on the Draft Plan as it is progressed.

Sincerely



Chris Chesterfield

Chair
Birrarung Council

25 September 2020