

Hon Lilliana D' Ambrosio  
Minister for Energy, Environment and Climate Change  
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Victoria 3000.  
Email : lily.d'ambrosio @ parliament.vic.gov.au

Reference : State Emblems Area / Yellingbo Investigation.

Dear Minister,

I write in the hope that you will read my letter and consider the issues I have raised. As a long term resident, farmer and semi retired small businessman I have maintained a great interest and involvement with Planning in the Yarra Ranges, which takes in the Dandenong Ranges and the Yarra Valley Region. I served on the Upper Yarra Valley & Dandenong Ranges Authority as the Government appointed representative for the Trading and Commerce organisations in the Region for 4 years, during which the Regional Strategy Plan for the Region was revised.

Victorian Governments have for many years maintained a strong Bi Partisan support for the long term protection of this region resulting from its significant roles in agriculture, viticulture, tourism and recreation, the reason for the Regional Strategy Plan being incorporated into part 3A, Clause 46 of the Victorian Planning and Environment Act 1987. This ensures that the State Government maintains a statutory ongoing control over the Region, and that the fluctuations in ideology of our Local Government is kept in check with State Policy for the area.

The Policy to enclose the Yarra with vegetated corridors restricting any access to the river is in total breach of the recreational Planning Policies of the State for this Region.

The attached documents summarise my concerns. They detail Legislation which I believe has been largely ignored by the process.

The primary concern of the residents of this area is the obvious increase in the level of Bushfire Risk created by vegetated corridors. I have attached a summary of the significant bushfire history for your information, as you will note this region is one of the worst areas in the world for wildfire events. As a conservationist [ not a green!] I love my forest, but I also realise the inherent risk of its beauty and mitigate to reduce that risk.

The 2009 Bushfires wiped out far more wild animals than humans, our community supports the principle of ensuring the preservation of the States Wildlife and Flora Emblems, our concerns are not just for our own wellbeing.

Our property has Yarra River frontage and it is why we purchased it. We have over many decades turned a blackberry and weed farm into a very attractive frontage involving hundreds of hours of hard work, especially as I do not believe in using chemical sprays to control the constant job of weed control, as every weed imaginable thrives on the rich alluvial river soil. We have also planted many trees both native and exotic. Our neighbours enjoy the river in the summer months with their children swimming safely in the river beside our property.

Parks Victoria is in for a very large shock in respect of weed control and the cost of maintaining all the crown reserves, which will involve millions of dollars annually. I can assure you that most of the current custodians will be vigilant in an ongoing campaign to ensure that Parks Victoria address the weed and feral pest issues prior to the infestation of our freehold land. We will also monitor the excessive use of chemical sprays currently being used by Melbourne Water Contractors along the waterways.

The other area which has not been adequately addressed during the investigation is the cultural history of the Yarra River flats. The Wurundjeri People, in particular the Yarra Yarra Tribe lived for most of the year on the river flats due to the abundance of native wildlife and fish. Trading with the Boonwurrung from the bays and the south coast, the Taungurung from the Goulburn River Region, the Wathaurong from the western plains and the Dja Dja Wurrung from the north west Loddon , took place in these areas.

I would respectfully request that you ask for a Cultural Heritage assessment to be carried out over the State Emblems Area, especially along the Yarra River frontages and reserves.

The current actions of officers of DELWP and Melbourne Water are in breach of the conditions agreed to by the Victorian Government Response in regard to the Natural Features Reserves contained in Note number 3 on page 10. The note specifically covers landowners who have entered management agreements with Melbourne Water on a mutually agreeable fence line on the understanding that they would not be subject to a realignment of that boundary at a future date. We already have examples of properties where officers are advising landowners that they will now be taking back more land to comply with their computer generated maps illustrating the location of the crown reserve boundaries. I have Legal advice which supports my argument. I would appreciate your intervention into this issue prior to it becoming an expensive issue through the courts.

I am sure by now you are well aware of the lack of consultation issues which will be addressed by the Ombudsman's office in due course, so I will not waste your time on this matter.

My last concern relates to the composition of the membership of the Coordinating Committee established by Lisa Neville MP on 27 October 2015. This committee is totally unreflective of the community , the farmers, the tourism operators and the people who live in the Region. I request that you review this decision.

I look forward to your reply. I would also be prepared to travel to Melbourne to discuss these issues further and meet with you.

Yours faithfully,

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Attachments :

Summary of matters to be resolved.  
History of Bushfires in the Region.

## Summary of matters to be resolved.

### Heritage River Act 1992.

The Heritage River act covers areas contained within the proposed reserve. The Act takes precedence over the recommendations of previous Minister Ryan Smith MP. response in march 2014.

1. **Clause 8** of the Act required the preparation of a Management Plan , which was never prepared. Is the proposed Yarra River Act this document.?

The rivers covered by the Act where selected on the basis *whether the watercourse, or its immediate environment contained one or more of the following values;*

- *Cultural Heritage; important cultural features that by virtue of their rarity, antiquity, concentration or representativeness, illustrate human interactions with riverine environments.*
- *Areas or features within the corridor that are strongly associated with significant persons, events, movements, achievements, ideas or beliefs.*

No cultural assessment of the areas contained within the proposed conservation reserve has been undertaken.

**I would request that a cultural assessment be carried out for the sections of the Yarra River defined by the Heritage River Act within the proposed State Emblems Reserve in accord with the criteria defined above..**

- *Scenic Landscape values.*  
*Combinations of landforms, waterforms and vegetation types, and cultural features that provide outstanding opportunities for the enjoyment of scenic vistas.*  
*Vistas of high scenic quality that reflect particular landscape character types and river settings, and outstanding examples of particular landscapes.*

**No scenic assessment has been carried out. The current proposal actually contradicts the intent of the criteria for the Act.** The current implementation process being carried out by Melbourne Water and DELWP will result in the river being hidden behind a lineal forest, there will be no scenic vistas of the river, unless you are in an aircraft. When consideration is given to the importance of Tourism for this region, the current process is extraordinary.

**I would request that the current implementation process be halted and re assessed to address this issue.**

- *Recreational values;*  
*River corridors whose biological and physical characteristics provide outstanding recreational opportunities along their length or a numerous points along their courses.*  
*Significant recreational opportunities found on river corridors that are rare in terms of their resource requirements or setting.*  
*An outstanding diversity of recreational opportunities along a river corridor.*

An original assessment of these opportunities was carried out by the Victorian Department of Youth, Sport and Recreation "*canoeing the upper yarra*". Once again totally ignored. The current policy of Melbourne Water to leave fallen trees traversing the river has virtually stopped canoeing and like activities in the Yarra between Yerring Gorge and Warburton. Page 1 of 3

**Once again this is a component of why this region attracts so many visitors and Tourists from overseas and should have been considered by the investigation.**

2. **Clause 12.** the Act defines 14 uses which are prohibited in rivers included in the Act. Prohibitions recommended for the State Emblems Area by the March 2014 Government response do not comply with the Act.

*Nature Conservation reserves Page 7*

*Clause A c {v} Dog walking;*

*[vi] Horse riding.*

Both uses are generic to farming practices in the region, and are in conflict with the current version of the Heritage Act 1992. They should be removed from the agreed recommendations.

**Bearing in mind that the majority of the land included within the investigation area is prime agricultural farming land returning over \$ 250 million pa. the issues of farming in general were not properly evaluated or even considered by the investigation which only focussed on the biodiversity and ecological values in the specified area and the need to conserve and enhance them. [VEAC Advertisement Mail Newspapers 6 December 2011.]**

It should also be noted that the Crown Lands Acts [Amendment] Act 1994 Claus 124 *General conditions of leases* lists 13 general conditions to be included within crown leases. It does not make any reference to either dog walking or horse riding.

3. **Clause 22.** the act prohibits grazing in Heritage Rivers, but it did provide protection for people with existing grazing licenses prior to 1992.

*22 [1] This act is not to be taken to disturb the continuity, operation or effect of any instrument made or granted or issued under any other act which authorises the carrying out of the grazing of domestic stock in a natural catchment area or heritage river area.*

Once again the *recommendations* conflict with the act. Whilst the crown has the right to cancel leases, due consideration should have been given to farmers or landowners who have maintained their leased reserves in absolute compliance with the conditions of their leases, in many cases improving the biodiversity of the Yarra River and its tributaries at no cost to the State.

Federal Government publications relating to Land and water Policies encouraged the use of Riparian Corridors along waterways, but at the same time they promote controlled grazing to reduce the bushfire risk and the provision of firebreaks along each corridor. [*Stock and waterways: A Managers Guide - River Landscapes produced by Land & Water Australia.*]

## **Regional Strategy Plan.**

### **Part 3A Clause 46 Victorian Planning & Environment Act 1987.**

One of the omissions of the Yellingbo Investigation was that it totally ignored reference to the State Planning Policies of the region contained within the Regional Strategy Plan,

The Regional Strategy Plan was incorporated into the Planning & Environment Act by Premier Kennett in 1994. The strategic plan has always had total bipartisan support by both sides of Parliament, in fact the strongest supporters of the Plan were Labor Ministers Andrew Mc Cutcheon, John Thwaites, Justin Madden and Mary Delahunty.

The primary function of the plan is to protect and preserve the natural features of this Region, and maintain its significance for Tourism and Recreation, the importance of agriculture, viticulture, water harvesting and catchment etc. The Plan is still recognised throughout Victoria as a blue print for strategic long term planning, and as Victoria's population grows the Region will be increasingly significant to the Victorian economy, together with the requirement for the recreational needs of the residents of Melbourne.

Clause 46 G requires that no *Government Department, Public Authority or Council can carry out works or undertakings in the Region which are not in conformity with the RSP.*

It is obvious that both DELWP and Melbourne Water are unaware of this requirement of the Act.

The most significant aspect of the RSP is that it clearly establishes a balanced policy taking into account the most important aims of the plan.

- The conservation requirements of protecting the natural features, the historic and scenic landscapes, together with the wide range of flora and fauna, many of which are endangered.
- The Economic drivers of the Region, many of which have both State and National significance.
- The amenity of the residents of the Region to provide for their wellbeing and safety.

This balance was ignored by the VEAC investigation.

The protection of Bio Diversity took precedence over the considerations of ;

- the protection of residents from wildfire. [ Chapter 20]
- the importance of agriculture in the most productive areas of the Region. [Clause 14.01]
- the potential impacts on land use by plant and animal pests.
- the importance of recreation and tourism, especially those policies specifically relating to the Yarra River.
- the significance of the cultural and historic of the area covered by the investigation.
- the flood plain management policies [10.01 &10.03]

**The question I ask is why have State Policies imbedded in Legislation if they are to be ignored, surely the role of a Minister is to ensure that Government Departments have a responsibility to uphold the law, and to alert the responsible Minister when Laws and Policies are not being adhered to by public ally funded investigations.**

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cc Cindy Mc Leish MP Member for Eildon

Brad Battin MP Shadow Minister for Environment, Climate Change & Water

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