



Friends of Moonee Ponds Creek Inc

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To ensure the preservation, restoration, environment protection and ecologically sensitive development and maintenance of the Moonee Ponds Creek and adjoining catchment areas.

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Strategic Planning Department
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SUBMISSION

HUME PLANNING SCHEME AMENDMENT C250 PROPOSAL TO REZONE LAND AT 140-204 WESTERN AVENUE, 47-67 WRIGHT STREET AND 69-99 WRIGHT STREET, WESTMEADOWS

The Friends of Moonee Ponds Creek is a long established organisation (1989) whose purposes include:

Ensure the preservation, restoration, environment protection and ecologically sensitive development and maintenance of the Moonee Ponds Creek and adjoining catchment areas.

It is with deep concern that the proposal to rezone, with subsequent residential/industrial development, land in close proximity to the Moonee Ponds Creek. Our objections to AmC250 follow.

1. Existing Situation

The Moonee Ponds Creek abuts the proposed rezoning/redevelopment site along the length of its northern boundary. This is a **significant** part of the Creek – in its natural form of chain of ponds, rocks, banks, ancient remnant River Red Gum trees, high biodiversity, habitat and landscape values.

This is illustrated by the photographs below:



Photos by C. Layton, K. Oddie

The Creek corridor is currently protected by the vacant rural land buffer of land to the south (the subject of this amendment) and the large area of open space to the north of the Creek, including the former Mitchell Lasry quarry – land it is understood will remain as open space under current DELWP considerations. Upstream of the Creek and the proposed rezoning land is the Woodlands Historic Park – a State Park with high biodiversity and habitat values and forming a biolink with the Creek at Westmeadows. Downstream is The Tarnuk – an extensive, enhanced and significant wetlands body with high biodiversity and habitat values.

There is significant evidence of Aboriginal occupation in this area, including early settler accounts of corroborees along the Creek below the Woodlands homestead as well as numerous scar trees, stone tools and middens.

The Creek also reveals some of its geological history here with Ordovician bedrock and more recent volcanic flows evident. This waterway and adjacent natural open space is highly valued by the local community, as evidenced by the ongoing community plantings and care for the area over a long period.

The Hume Planning Scheme confirms the importance of the Moonee Ponds Creek as a ‘site of particular note’ in clause 21.08-1:

21.08-1

19/10/2017
C176

Natural Heritage

Hume supports a rich natural heritage which contributes to the municipality’s character and provides the community with a range of social, economic, ecological and health benefits. Hume’s landscape is characterised by undulating basalt plains punctuated by volcanic hilltops and deep incised valleys and waterways.

Hume’s remnant vegetation is amongst the most endangered in Victoria. This vegetation exists as scattered trees, woodlands, grasslands, scrub-lands and riparian vegetation. Hume’s remnant landscape continues to support both common and threatened native plants and animals.

Sites of particular note include Organ Pipes National Park, Woodlands Historic Park, Cooper Street Grassland, Evans Street Wildflower Grassland Reserve, Kalkallo Commons Grasslands, Mt. Ridley Nature Reserve and the waterways of Deep, Emu, Jacksons, Merri and Moonee Ponds Creeks and their associated tributaries.

It is into this significant natural Creek corridor and landscape that a high density residential/industrial development is intended, should the proposed rezoning proceed.

2. Proposed Rezoning/Development

The upper diagram on the following page shows the intensity of the proposed redevelopment of the subject land, close to the proximity of the Creek: 227 residential lots and 41 industrial lots. The residential lots will be zoned General Residential Zone 1 (GRZ1) – in which there are mandatory height limits of 11 metres or 3 storeys. There are no controls for number of units on a block and, because the lots sizes will be less than 400m², there is no mandatory requirement for gardens on a lot. Only a small neighbourhood park will be provided as part of the site development. The residents will rely heavily on a reserve provided along the Creek – see lower diagram below.

In addition, uses of the reserve could threaten the significant natural values of the adjoining Creek corridor. Under Hume City Council's Open Space Strategy 2010-2015, open space for 'greenfields' development sites such as this "will cater for recreation and sporting needs". Thus, the open, grassed, treed reserve shown in the landscape plan above could well see (with permits) facilities catering for recreational and sporting needs and the natural features diminished lessening any buffer zone function against the Creek corridor lessening the protection and enhancement of the Creek's significant natural values.

[It is of concern that in the exhibited AmC250 documents, a misleading plan was included:



The proposed rezoning will provide only a narrow section of the green 'Moonee Ponds Creek Open Space' – that is the narrow section of land between the end of the Residential precinct and the Creek blue line. The remainder of the green 'Moonee Ponds Creek Open Space' is outside the scope of AmC250.]

Given the high density of the proposed residential component of the subject amendment land, we do not feel the small open space buffer provided meets the Planning & Environment Act objective:

- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

and by:

- *Ensuring that the embellishment of the Moonee Ponds Creek open space appropriately considers stormwater management and important corridor habitat.*

or Hume Planning Scheme Clause 21.08-1:

- *Natural Heritage Objective 1 seeks to protect, conserve and enhance natural heritage for biodiversity, amenity and landscape character purposes.*

and key Strategies the Planning Scheme put forward to meet the objective:

- 1.1 Ensure development seeks to preserve the diversity and long term security of terrestrial and aquatic species and their environments.
- 1.2 Ensure development seeks to retain native vegetation, including scattered indigenous trees.
- 1.3 Conserve and re-establish areas of natural habitat where appropriate.
- 1.4 Protect and enhance existing habitat and open space corridors, including waterways, with significant landscape and/or flora and fauna values.
- 1.5 Ensure development and the planning of new areas connects areas of native vegetation identified for protection with the wider landscape and open space network.

Given Hume’s Open Space Strategy 2010-2015 states:

- The open space network will be planned to meet the community requirements for active and passive recreation and any areas that need to be set aside as offsets to conserve natural values protected under State planning requirements and/or Commonwealth or State legislation, for storm water management or any other purposes, will be generally considered to be in addition to community open space.

the FoMPC believes that a much larger amount of land should be set aside as the buffer between the AmC250 rezoning/development site and this important section of the Moonee Ponds Creek, regardless of legislative requirements.

And this would be in keeping with the Strategy’s provisions for Natural Areas:

Natural Areas	Areas set aside for the protection and/or enhancement of landscapes of indigenous vegetation sometimes including cultural and/or heritage sites. These include bush lands, native grasslands, woodlands and riparian landscapes. Often contain walking tracks and other facilities.	Provide primarily for the conservation and restoration of natural areas and sometimes also for the protection of cultural and/or heritage values. Usually also protect landscape values and provide as a secondary role, opportunities for informal passive recreation where they do not compromise the primary conservation objectives
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Development Plan Overlay

It is a very strong concern that a Development Plan Overlay will be prepared as part of AmC250. As stated in the Amendment Fact Sheet (see excerpt below), this will deny any further consideration by the community into what takes place on the land:

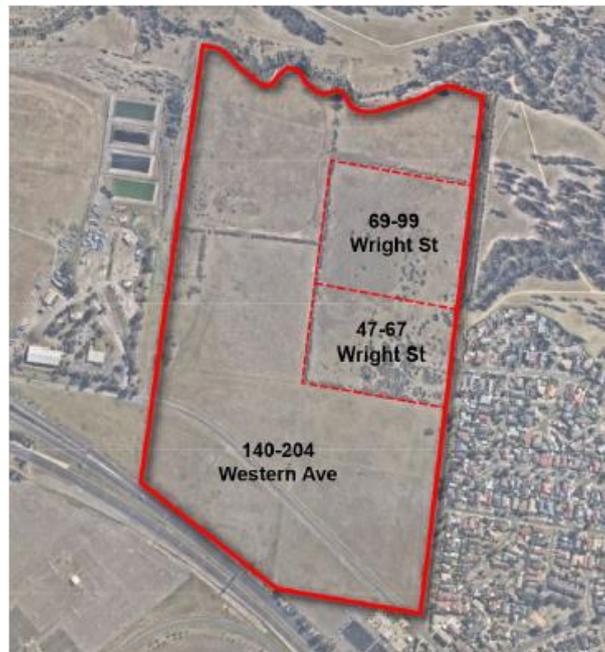
The amendment proposes to introduce controls that require a Development Plan to be prepared for the site. These same controls turn off the need for future planning applications to be advertised or the ability for planning permits to be reviewed by VCAT at the request of a third party if the application is consistent with the approved Development Plan. This means that if the amendment is approved, there will not be another formal opportunity to comment on how the land is developed.

Neighbourhood Character

In keeping with the demand for a large buffer between the residential/industrial development, we believe the intensity of development should be reduced. Small allotment blocks (<400m²) and the allowances of the General Residential Zone GRZ1 (no limit on number of units/block; up to three storeys in height; no compulsory open space/garden area) will mean residences will not reflect the existing pattern of development in Westmeadows. The proposed residential component of the MAB rezoning/development

proposal represents an overdevelopment of the site, particularly given its semi rural/outer suburban context. And the fact that a Development Plan Overlay will override the development of the land is further reason this 'overdevelopment' should not proceed.

Contaminated Site



The large section of the site (140-204 Western Ave) is contaminated from the adjoining Tullamarine Landfill: “An Environmental Audit (2014) found that whilst the land itself was not contaminated, the groundwater 15-25metres deep, is and continues to be contaminated.” The proviso that “the land is suitable for industrial and sensitive uses (including residential) provided construction works do not interfere with the groundwater and maintain the ongoing ability to monitor groundwater via the existing bore holes on the land.”

This hardly provides confidence when it is known that the contamination in the groundwater from the Tullamarine Landfill site is **spreading** through the rezoning/development site. In the lifetime of the industrial and residential components of the site, what changes could bring contaminated water higher to the surface, risking lives and livelihoods? Where is the comprehensive and detailed geological and hydrological modelling about the flow and spread of contaminated groundwater over time?

The two blocks adjoining Wright St (47-67 Wright St and 69-99 Wright St) proposed for residential development underwent a Preliminary Environmental Assessment in 2020. However given the sloping topography, toxicity spread from the Landfill Site, leaching from the contaminated land adjacent is likely. Will this be considered when undertaking a full audit, as well as the comprehensive geological and hydrological modelling mentioned above?

Disturbance of land through construction or other works or by other unknown factors in the future could potentially allow toxic contaminants to reach the proposed Bioretention System/Wetland which will drain into the Moonee Ponds Creek and The Tarnuk.

Containment, treatment and drainage of the storm water from the site and its industrial and residential developments is proposed by means of a Bioretention wetlands system at the lower point of the site, abutting the Creek. The FoMPC does not believe it proven that the proposed Bioretention system will function effectively so as to prevent contamination of the Creek, into which the effluent will be drained. How will this be monitored and regulatory requirements enforced? Enforcement and rectification will come too late once the Creek, The Tarnuk and Creek beyond have been contaminated and their significant natural values, biodiversity and habitat detrimentally impacted.

We do not consider it acceptable that the very high natural/biodiversity/habitat values of the Moonee Ponds Creek and The Tarnuk could be compromised in this way. Nor these same values and open space amenity of the Creek corridor to the north, which DELWP is considering as open space.

The Friends of Moonee Ponds Creek also supports the detailed submissions made by others on the Contamination issue in regard to AmC250 (cf TTTDAG submission).

Conclusion

The Friends of Moonee Ponds Creek does not support Amendment C250.

- The Friends of Moonee Ponds Creek considers that the proposed AmC250 rezoning and associated development will not protect the adjacent Moonee Ponds Creek and its significant natural values of landscape, biodiversity, habitat and amenity.

Being at an upper reach of the Creek, detrimental impacts, both physical and chemical, of the development of the Western Ave and Wright St lands will have unacceptable repercussions along the wider and longer Creek corridor.

- The proposed residential component is an overdevelopment of this semi-rural site and does not respect the existing Westmeadows residential character.

The application of a Development Plan Overlay will ensure that the community and residents are locked out of the planning process and any control over the nature of the development and its impacts.

- The contamination risks from the already partially polluted site, adjacent to the long-term highly toxic Tullamarine Landfill site, have the potential for permanent detrimental impacts on the Moonee Ponds Creek. The risks are high and unacceptable.

Yours sincerely,



John Kavanagh
President