

Project: **Ballarat
North**

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On behalf of Ballarat Region Wildlife Rescue and Advocacy, I would like to submit a response to the Ballarat North Precinct Structure Plan - consultation draft.

For the sake of brevity, I shall respond to each subsection and clause in brief dot-point form.

Section 1.7 - Historical context

All historical sites and areas of cultural and heritage significance must be given greater protection, not only to the sites themselves, but to the impact on visual amenity or dangers of increased traffic. Landscapes and gardens as established already around the listed sites under 1.7, must be protected and all extant tree canopy conserved, whether registered as "significant" or not. These landscaped areas could be restored, but established plants should be retained and added to, not bulldozed and recreated from scratch.

For example, the site of Wyndholm Park, listed for subdevelopment, contains an avenue of honour of large old trees, some bearing hollows that are home to various birds and marsupials. I know this because I am a frequent visitor to this site, as my consulting vet is based there. At every visit, I am impressed by the massive trees, both European and native Eucalyptus. They speak of a time long gone, when life moved at a slower, more graceful pace, and add much to the heritage values of the area.

I do not understand why the Hayshed at Noble Court has been identified as a heritage site, and yet is not included in the heritage protections of the plan. Please include ALL significant historical sites in the protected zone. We have already lost so much of our history to development and misfortune (fires, storms, building collapse). We cannot afford for our noble heritage City to lose any more, or all the character for which Ballarat is so beloved, will be gone and we will become just another boring housing estate, like any other in Greater Melbourne.

1.8 - Precinct Features

The former Wendouree Landfill site is located within the Structure Plan area. This of considerable concern for any future housing or community centre development, due to toxic run-off from contaminated soil. Not only is there an issue with relatively recent use as a tip, but earlier use in the 1980s and earlier, may have included disposal of dangerous chemicals and mining and construction industry waste, which is now heavily restricted, but at the time was either permitted in landfill, or simply was not monitored. Have there been thorough testing of soil throughout this area? What safeguards are in place to ensure there is no leaching of arsenic, bromide, or other toxins or heavy metals, into the water table, that may then be used for irrigation or simply find its way into the landscape during flood events?

The Burrenbeet Creek, which by admission in this document, is habitat to rare and threatened species, has not been allocated nearly enough land for buffer zones, against not only the impact of construction events, but the ongoing impact of residential and road use in surrounding areas. Once again, there has been insufficient consideration given to the ever-increasing risk of intense storm and flood events. As we have seen in recent years, "once in a century" destructive weather events are becoming "twice a year" events, and the superlatives and "unprecedented" comments just keep increasing. Greater consideration must be given to protecting areas of high biodiversity values from future unforeseen weather events.

1.11 - Native Vegetation Precinct Plan

I will refer in detail to the plan itself, but wish to point out concerns long held by wildlife carers and conservationists as to the usefulness of "offsets". To be blunt, we believe offsets in general to be a giant RORT - a way for developers and industry to get away with destroying one habitat, by simply buying a consignment of native tubestock (often not even the required species), convincing some poor volunteer community group to plant them out at the assigned offset location, then giving zero care to the plants once they are in ground, with the result that most of them are completely dead within a few months, if that. Even in situations where an offset land area is actually maintained, unless it is immediately adjacent to the land that was cleared, it fails utterly to provide any replacement habitat for the local wildlife whose homes have been bulldozed or cleared. Impacted birds may be able to fly to a new location, but marsupials and reptiles cannot, and many are killed on the roads while seeking new habitat. They don't have time to wait for new trees to grow, once their old tree hollows or burrows are destroyed. Therefore, it is the stance of the wildlife caring community that ALL native vegetation must be retained where it is, except where it is impossible to do so due to bushfire setback requirements.

2.1 - PSP Vision

Cohesive network of Green Spaces - looking at the maps and tables, there appear to be significant gaps between the "green spaces". How will the plan ensure that all the green spaces are fully connected by living corridors of not only lawn or grass, but trees and understorey species, to ensure safe movement of wildlife? What will be done to ensure a reduction of the wildlife road trauma toll, which is considerable throughout the City of Ballarat and surrounding areas? Will there be wildlife underpasses or wildlife bridges, to allow the wallabies, kangaroos, koalas, echidnas and possums who currently inhabit this area, to move around their changed environment in safety?

The plan aims for "Nature positive outcomes at subdivision". How exactly will this be achieved? Does this include a requirement that every lot has a shade tree with nest-boxes to house the marsupials and birds whose homes will have been destroyed during construction? What will be done to ensure new residents are not getting upset about "possums getting into the roof" or "falling down the chimney" (a frequent reason for rescue callouts and a source of frustration when callers are informed that we cannot

"rescue" an animal who is just living in their home, and that as they are protected, they just need to learn to live with the wildlife around them. After all, they were here first!) Will all lots have koala-friendly and echidna-friendly fencing, to prevent animals getting trapped in back yards and unable to escape, while being attacked or chased by domestic animals such as dogs? This is another frequent cause of wildlife rescue callouts, and one that could be prevented with proper home design planning. The use of colorbond or similar fencing, for bushfire safety, is problematic for climbing animals. Frequently possums and koalas can get INTO a yard by jumping off an overhanging branch, but once down, if the new yard has no trees close to the fence, they can't get back out. One way to resolve this issue is to have mandatory "cat walks" topping the fencelines, with "koala ladders" on either side of the fences on every fenceline of a property. This allows climbing animals to move around safely above the level of most dogs, and to access neighbouring properties to escape back to their home trees.

The plan vision mentions connectivity to areas outside the precinct, which to the north, east and west, will for the foreseeable future be AGRICULTURAL USE. What provisions will be included to ensure full amenity of use by the farming community, once they suddenly have medium to high density housing developments next door? How will they be protected against ongoing complaints from their new neighbours about the noise and odours of their necessary work? We already have issues with new residents complaining endlessly about dogs that bark, cows that moo, roosters that crow, or "so much cow shit everywhere, it stinks!" What is worse, these complaints are often directed via council, whose time is taken up explaining to city dwellers that such sounds and smells are not only perfectly normal for country living, but also a requirement of farming, that puts food on their own tables. If social cohesion is important to the Ballarat community, this issue will need to be addressed. It must be understood that the farming community beyond the precinct will continue to act as they always have, and there should be zero impact on their livelihoods from the new residents of the precinct. As an example of how such protection can be achieved, may I draw your attention to the case in France, in 2021, where a "Sensory Heritage" law was passed to protect farmers and their livestock, after the plight of "Maurice the Noisy Rooster" made headlines around the country. Now in France, it is forbidden to complain about the sights, sounds or smells of rural life - which includes barking Maremma dogs (trust me, they are loud, and they bark at 3am, as they should, because it's their job to protect their flocks - but it drives neighbours mad.) I can see problems with the inhabitants of the precinct closest to the farming areas. Farmers in our area already have enough to contend with. Please ensure their way of life is fully protected from adverse complaints by residents of the precinct.

Plan 2 - Place Based Plan

I am deeply concerned that the only area listed as "conservation area" is the small strip on one side of the Burrenbeet Creek. This is not nearly enough land dedicated to protecting the rich biodiversity of the area. Yes, there are other "green spaces", but it is unclear just how "green" they will be. Areas of mown grass (required for bushfire safety according to that section) are NOT a wildlife corridor. Neither are footy ovals or basketball courts or other sporting facilities. Biodiversity needs diverse vegetation of differing heights and densities to ensure safe movement, respite from predators, shelter from the

elements, and food. The vision describes a 30% tree canopy, but I fail to see how that will be achieved according to this map. From a wildlife care perspective, tree canopy corridors need to be CONNECTED canopies. In other words, the branches need to touch, so that arboreal species can move from one tree to the next without having to come down to ground, where they are vulnerable to traffic and predators such as dogs and cats. How will the Plan ensure there are connected corridors of tree and shrubbery canopy traversing the entire precinct?

3.1.1. - Implementation Objectives

04 - To promote and facilitate environmentally sustainable development in subdivisions.

How will this be achieved? This goal is very vague and beyond the use of correctly aligned solar panels and provision of EV charging stations, I cannot see how this can be achieved, unless there are extremely strict requirements regarding choice of building materials, passive solar design, insulation type, and the requirement that every lot, regardless of housing type, still contains at least one large shade tree. We have all seen the new developments to the west of Ballarat, and the temperature difference when driving around Winter Valley and Lucas, or even Wendouree West and Delacombe, compared to the established green leafy streets of Central Ballarat, Redan and Soldier's Hill, is incredible. I've noted a 3 degree difference on average, but sometimes it can be up to 5 degrees hotter in the new, almost treeless suburbs. Yes, street trees have been planted, but they are still just saplings, giving off zero shade, and they are species that do not actually provide much shade even when mature. The old Elms, London Planes, Oaks and Maples of the heritage precinct of Central Ballarat do a much better job of cooling the environment in Summer, and improving mental health simply by making the place feel nicer to live and work in, or drive through.

G8 - Housing abutting open space... should have a "strong built form along the park edges" ...to provide a backdrop and interface... What is this waffle all about??? What does that actually mean? Speak English! Are you suggesting a high wall instead of a fence? Are you suggesting no open garden extending out to the parkland beyond the boundary? Are you saying that buildings next to parks must have high boundary fences and not be open to allow the best view of the open space?

3.2.2. - G.10

The Guidelines listed that pertain to sustainability and tree canopy should be REQUIREMENTS, not Guidelines that can easily be ignored by greedy developers and a compliant "relevant authority". We have seen this happen so often. Terrible decisions are made and let slip through the cracks of the planning process, without the knowledge of the community, and by the time they are aware, it is too late to repair the damage. The habitat is destroyed, the wildlife are killed, and the heritage values are lost. The "Street Tree Planting" requirement of 30% of public land is not nearly enough, so the least that can be done is to ensure that "sufficient provision is made for street tree planting" becomes a firm

REQUIREMENT that cannot be challenged. A minimum 30% of connected CANOPY tree cover (spreading shade trees, not upright growing fastigiata cultivars, with branches touching, must be guaranteed to prevent this development turning into another sauna like Delacombe or Wendouree West.

3.3 - O8

If this precinct is to be the clean, green, tranquil home that this plan envisages, then protection of existing habitat, and creation of new areas of habitat on currently cleared or degraded land, is essential.

R10 - Canopy tree coverage

It is unclear if this 30% coverage refers to "at maturity" or 30% coverage when planted. Will they be planting large mature trees, which comes at greater risk of the trees dying, especially if no permanent watering infrastructure is setup, given the unpredictable climate. Will they be prioritizing faster-growing species and cultivars? It is essential that all EXISTING mature trees be saved, regardless of where they may be on the subdivision plan. Plan the housing around the mature trees. It takes much longer for most trees to grow to a large size, than it does to build a home.

3.3.2

G18 - "Utilities and other infrastructure...avoid traversing areas for conservation...where practical. This is totally unacceptable! "Where practical" gives complete discretion to developers and infrastructure companies to totally ignore conservation values and destroy key habitat! There is only one area of any size set aside for conservation as it is, along Burrenbeet Creek! This small area must therefore be fully protected. No discretion for "where practical". Utilities etc MUST NOT TRAVERSE AREAS FOR CONSERVATION. Make this a requirement!

G19 - "Movement corridors..." This needs to be a REQUIREMENT, not a guideline. Sensitive lighting is a great start, but we also need road trauma prevention, wildlife-friendly fencing, connected corridors of canopy, underpasses and wildlife bridges, and given our experience of the trauma of Lake Wendouree, CCTV cameras set up around the wildlife corridors to deter cruelty to animals and other antisocial acts.

Table 20 - Summary Land Use Budget

The Conservation Reserve simply is not big enough to achieve the sustainability objectives and values set out earlier in the Plan. There needs to be specific conservation areas set aside beyond the waterway, to protect the wallabies, kangaroos and echidnas that currently dwell in the area that will become the Precinct.

Streetscape Cross Section

Local Access Street - Burrenbeet Creek Interface

The area between the shared 2-way bike and footpath (and dog walkers) is not wide enough to provide an escape route for waterbirds and rakali, and may pose a safety risk to pedestrians at times of flash flooding. Once again, I am using the example of Lake Wendouree, where not only does the main walking track, nature strips and main pavement frequently flood, concealing the lake edge and meaning some people fall in the water, but at times of flooding, the path may be impeded by swans or other waterbirds, which leads to incidents with joggers, dog walkers and pram pushers. This area does frequently flood. I have seen all the paddocks at Wyndholm Park underwater this Winter, so there is a good chance this will happen again closer to the creek. Perhaps this should be a narrower road, allowing then for the bike path to be further set back from the creek.

Vegetation Plan

2.1 - Not enough of the area has been accessed, let alone surveyed thoroughly to comprehend the biodiversity values in the area.

2.1.1. - Fauna

How many hours were spent surveying fauna in the precinct area? I am surprised that no Growling Grass Frogs were noted, as I have seen and heard them in Wyndholm Park, which lies near the northern boundary of the proposed precinct. When were the "targeted surveys" completed? There were definitely Growlers present at various times this year when I visited Wyndholm Park, during the wetter months.

Why were Wetland Bird species not surveyed? Considering how many individuals we are losing in the region, to road trauma, acts of deliberate animal cruelty (mostly around Lake Wendouree and Victoria Park) and of course duck shooting season (where they shoot anything that moves, with zero care for whether a waterbird is protected or otherwise), it is crucial that any area capable of sustaining water birds, should be properly surveyed before any development activity takes place.

3.1 - Large trees to be removed

It is our stance that NO large trees should be removed, regardless of species, regardless of tree health. The large trees scattered throughout the area are habitat to Yellow-tailed Black Cockatoos, Gang-Gangs, Tawny Frogmouths, Eyelet Nightjars and Barn Owls. They are all habitat for Ringtail Possums and Krefts Gliders, and Feathertail Gliders have been found in woodpiles on farms. We are aware of this not due to any species mapping tool, but simply by the rescue callouts we get for injured, trapped or displaced animals. Wildlife carers are observant people, so we look for the tree hollows and nests, we listen to identify the bird calls. We know these species exist in the precinct, because we have seen them ourselves - and we know they need every large tree to remain standing.

Table 3.3 - Tree species

Please note, that *Eucalyptus camuldulensis*, *E. radiata*, *E. ovata*, and *E. leucoxylon*, are all listed within our wildlife carer group as keystone species for supporting Ringtail Possums, Sugar and Krefts Gliders, Phascogales and Koalas, as well as a large variety of bird and invertebrates. Therefore, from a biodiversity perspective, all larger individuals of these species should be preserved, especially given so many have already been cleared since Invasion and colonial settlement, and the fauna rely on what little is left to survive. They cannot manage if more trees are removed from this area.

NO LARGE EUCALYPTUS TREES SHOULD BE REMOVED. These are key required habitat for the marsupial and bird population already existing in the area. Thanks to the prior removal of wildlife corridors of canopy beyond the precinct boundaries, there is NOWHERE FOR THE ANIMALS TO GO if you destroy their large old trees, especially the hollow-bearing trees. Removal of these trees, especially the Redgums (*Eucalyptus camuldulensis*) will result in many animals fleeing along the roadsides, with the inevitable tragic road trauma - and yet more tragic, traumatic rescue callouts for the stressed, under-resourced and unpaid volunteer wildlife rescuers.

I firmly object in the strongest fashion, to the removal of a single *Eucalyptus* tree, scattered or in patches, within the precinct. Stop destroying Ballarat biodiversity and habitat.

4.1.1 - Offsets

First Party offsets, on property, are the only offsets worth having. The rest are just a giant, corrupt RORT that fools nobody. Any native vegetation that simply cannot be left standing where it is, must be replaced ON SITE as close as practicable to the original vegetation that was removed. Replacement vegetation must be planted at the cost of the authority that removed the original vegetation, and it should be maintained and monitored by the relevant authority to ensure it is still alive and thriving after 12 months. Any offset or replacement vegetation not alive after 12 months, should be deemed as FAILURE to meet requirements, with a considerable financial penalty.

Recommendations -

2 - A and B

It is listed here that before removal or modification of trees containing potential arboreal fauna, permits to "manage" wildlife, issued by DEECA. Wildlife rescuers have noted that this often results in the deaths of the wildlife in question! Any relocation or short-distance rescue and release of animals dwelling in vegetation listed for removal or modification (lopping etc) should be performed through liaising with local rescue groups, who may obtain the relevant permits from the department. Many of our local rescuers are registered shelter managers or licenced foster carers, and highly experienced in relocation and release. They also have a far greater knowledge of the local area, its habitat most suitable for these species, and the population levels in surrounding areas. In other words, we know the best places to relocate them to, we know how best to get them safely out of the tree, and how to transport them with the least chance of "capture myopathy". We also have qualified and licenced darters and experienced tree-climbers to assist with relocation of arboreal animals.

Map - Site ID 100 (if I am reading the map correctly, as no street names are legible) appears to refer to the huge Eucalypt trees at the current entrance to Wyndholm Park Horse Stud on Gillies St. If that is correct, I must object in the strongest terms imaginable to their removal. I frequently visit this location, and have seen a huge array of birdlife nesting in these trees, including Gang-Gangs, Yellow-tailed Black Cockatoos and countless others. I have also observed a Boobook in those trees when visiting after nightfall. We know there are various marsupials utilizing these trees, as we have had rescue callouts in the area for possums hit on the road just outside the park. Please spare these trees. In fact, ALL trees at the current Wyndholm Park stud should be retained, even the huge old Cypress and Pine trees. The trees at the park are one of the highlights of a visit to this area.

In conclusion, while this development appears to have many outstanding features in terms of livable communities, it is concerning that more care is not shown for protecting what little habitat remains in the area. Greater protection for our Fauna species in the area is definitely needed, particularly considering how heavily cleared the surrounding area is to the north. Any wildlife fleeing the destruction of their habitat during construction works, will have nowhere to go! Sensitivity to the needs of our dwindling native species needs to be a number one priority.

Additionally, I am concerned at how this development will impact the traditional rural nature of the area, and wonder how the relationship with agricultural land use "across the border" of the precinct will work out. It should be noted that local farmers have had a VERY rough deal over the last decade, and they are still under considerable stress thanks to the Fire Services Levy, the Western Renewables Transmission Line (Remember Piss Off Ausnet and AEMO!) as well as ongoing drought, severe storms, flashfloods, and a temperamental market. Any divisions between "city living" within the precinct, and "farm living" on the other side of the boundary, could lead to tensions that could spill over and disrupt the solidarity of the Ballarat regional community. This area has always been seen as RURAL - within the city boundaries, but not part of the city of Ballarat. Putting a new suburb in the middle of a rural area could work well, but it could also risk becoming a satellite village, with no real identity, no sense of belonging to either rural or city communities. I have seen this happen before in other locations.

I do like the overall style of this proposed development, with its EV charging stations, connected walkable and rideable pathways, and HOPEFULLY lots of connected corridors of canopy, using spreading shade tree species, preferably a mix of native and deciduous trees.

I note that no species listing has as yet been given for trees to be planted in future. Hopefully this will be forthcoming shortly.

Thank you for your attention,

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Wildlife rescuer and revegetation plant grower,

Ballarat Region Wildlife Rescue and Advocacy