

**Application for Review Nos P2974 to 2978/2003, P266/2004 and P973/2004
17 to 43 Austin Rd, Seaford
Submission by the Friends of Edithvale – Seaford Wetlands Inc,
20 September 2004**

Representative - Barry Ross

The Friends of Edithvale - Seaford Wetlands Inc

Following is a brief resume of our group:

- Formed in 1988
- Have 229 members
- Conduct monthly working bees to plant trees, remove weeds etc
- Arrange field work by schools, work for the dole teams, scouts etc
- Conduct school excursions and project work
- Give talks to community groups
- Man the Edithvale Wetlands bird hide at weekends
- Produce a bi-monthly newsletter
- Represented on a number of other committees and forums

I am the Project Co-ordinator and am a Life Member.

History: Carrum Carrum Swamp Before European Settlement

The Edithvale and Seaford Wetlands are remnants of the once vast Carrum Carrum Swamp which was a triangular area that stretched from Mordialloc to Frankston, out to Dandenong and covered approximately 4,500 ha – see map, Appendix 1.

The area covered by the Carrum Carrum Swamp was, geologically speaking, recently part of Port Phillip Bay and emerged around 6,000 years ago as the sea level dropped.

The Carrum Carrum Swamp was fed by the Dandenong and Eumemmerring and its outlets to Port Phillip Bay were the Kananook and Mordialloc Creeks.

The Carrum Carrum Swamp supported a diverse mosaic of wetland vegetation, including reeds, sedge and rushland, shrubmarsh and closed Paperbark Scrub. Banksia Sheo-oak Woodland grew on the coastal dunes and open Eucalypt Woodland and colourful heaths grew on old dunes and into the hinterland.

The area teemed with wildlife and provided an abundant source of food and resources for the resident Aboriginal Bunurong tribe. Evidence of aboriginal activity exists in the form of stone tools and artefacts which have been collected from the higher ground - *present photo*.

The Carrum Carrum Swamp was a natural paradise and it is often speculated that it was better than Kakadu.

Impact of European Settlement on the Carrum Carrum Swamp

European settlement has been disastrous for the Carrum Carrum Swamp.

The first European to sight the Swamp was the surveyor Charles Grimes in 1803. In the mid 1800's the area was settled by squatters but the essential nature of the Swamp did not change until the 1870's when serious attempts commenced to drain the area. This culminated in the construction in 1879 of the Patterson Cut, which is now known as the Patterson River.

The Patterson River enabled most of the Swamp to be drained and allowed the area's rich soils to be used for market gardens. The vegetable growing exacerbated the ecological damage caused by the earlier grazing activities and eventually resulted in the elimination of most the indigenous vegetation.

In addition to the loss of habitat, the Swamp's prolific wildlife suffered from hunting by professional shooters to supply food for the new and growing population in Melbourne. The opening of the Frankston railway line in 1882 made the area available to sporting shooters who wreaked havoc on the remaining birdlife.

The next and most telling impact on the Carrum Carrum Swamp was residential subdivision. As Melbourne expanded, the desirable high land along Port Phillip Bay was settled first then subdivision moved inland with the low lying land being filled and built on.

Unfortunately, the draining and reclamation that occurred with the Carrum Carrum Swamp was replicated at the other wetlands which once ringed Melbourne. According to the Port Phillip and Western Port Regional Catchment Authority nearly two thirds of the region's natural wetlands have been lost to draining, filling and other modification.

For many years the Edithvale and Seaford Swamps were spared from development because they were the low points and were too difficult to drain. However they were steadily surrounded by suburbia.

The end result is that today we are left with two tiny precious remnant wetlands that are incredibly vulnerable to the threats posed by urban development, such as drainage, feral animals, weed invasion and disturbance by people and their domestic pets. We need to protect these wetlands and enhance the diversity of what is left.

Management of Seaford Wetlands

In 1973, the McLeod Road, Carrum Swamp was lost to the Patterson Lakes development and there were plans afoot to develop parts of Edithvale and Seaford Wetlands. This galvanised the bird watching and conservation community to organise to save these two tiny remnants. This led to the establishment of the Wetlands Investigation Committee which was made of representatives from the Frankston, Springvale and Chelsea Councils and conservation and community groups.

The Committee published a report in 1975 which formed the basis for further work in protecting and managing these wetlands.

The Wetlands Investigation Committee operated for some years. In addition to providing sound advice to the various authorities involved, the committee was very successful in raising

the level of community awareness about the benefits of wetlands. No longer were these smelly swamps waiting to be drained and put to good use, instead they were now seen as precious community assets to be cherished.

Eventually the Wetlands Investigation Committee was replaced by a Management Committee and an Advisory Committee which were established by an act of Parliament in 1980.

The Management and Advisory Committees continued the good work started by their predecessor. In relation to Seaford, one of their best initiatives for commissioning a report in 1985 by the Monash School of Environmental Science entitled the 'Ecology and Management of Seaford Swamp'. This report contained a comprehensive analysis of the existing situation and recommendations for substantial improvement works. Most of the recommended works were subsequently undertaken by the Dandenong Valley Authority

Following the takeover of the Dandenong Valley Authority by Melbourne Water, the multi disciplined management and advisory committees were dissolved, thus removing the vital direct public input. After some agitation by our group, the need to involve the public was accepted by Melbourne Water who this year established a Community Liaison Committee.

Acquisition of properties for the Wetland Reserve

The bulk of the wet areas of the Wetland Reserve were acquired by the former Dandenong Valley Authority, primarily for flood mitigation purposes. Both Edithvale and Seaford Wetlands are regarded as critical parts of Melbourne flood mitigation schemes for the south and south east suburbs (source: Port Phillip and Western Port Regional Catchment Strategy 2004 – 2006).

The drier buffer areas have been progressively purchased by Frankston Council and Melbourne Water and its predecessors.

Ironically, the last meeting of the Management Committee on 12 January 1993, before it was wound up by Melbourne Water, recommended that the vacant land in Austin Road be purchased for inclusion in the Wetland Reserve. We have not been able to locate Melbourne Water's response to this recommendation.

Frankston Council's 1999 Seaford Wetlands Management Plan contained a recommendation that the vacant land in Austin Road be purchased in Year 2. Unfortunately, because of budgetary constraints this recommendation has not yet been actioned. However, the purchase is listed in Council's Capital Works program for acquisition in the 2005/6 financial year.

Community Involvement in the Wetlands

There is a long history of community involvement in improving the wetlands. For instance, during the last six years the following groups have participated in tree planting projects:

Skills Plus (work for the dole)
Best Community work Experience (work for the dole)
Patterson River Secondary College
Woodleigh School
Chisholm Institute Bonbeach Campus

First Ballan Park Scout Group
Conservation Volunteers Australia
Woorinyan Employment Support Service

During this time we have planted approx 18,000 trees, shrubs and ground cover plants, all of which were propagated by our volunteers from seeds and cuttings collected locally from indigenous plants.

In addition to planting the trees, we also follow up with weed removal and other maintenance.

You will hear from Mrs Christine Gawly from the first Ballan Park Scout Group about her pack's work at the Wetlands.

We have been very successful in applying for grants and have received \$45,760 from various sources during the last six years. All of this has been used to benefit the Wetlands.

Our group also helps with school project work and you will hear more about this shortly from Mrs Sybil Bond.

We are frequently asked and give talks to Rotary, Probus and other community groups.

One of our important functions is a lobby group and it because of this that many improvements have been made to the Wetlands by the various authorities. One of our more significant wins in this area was in having the Wetlands declared a Ramsar site. Our initial requests to have the Wetlands listed were turned down and it wasn't until we turned up the heat that things started to happen.

It would be fair to say that both Edithvale and Seaford Wetlands would have not have been saved and improved if were not for vigorous and ongoing community action that commenced around 30 years ago.

Our group represents the community and our presence here at this Hearing is an indication of the widespread concern about this proposal.

Management Problems and Bad Decisions

Over the years there have been many bad decisions made which have resulted in degradation of the Wetlands. Some of these were taken in ignorance, some with good intentions and some were just uncaring.

Some examples are

- The housing which has been allowed far too close to the Wetlands. The decisions on most of these were made before the importance of the Wetlands was recognised.
- The large white house in Wilson Grove which is completely out-of-character with its surrounds and is a case book study of what should not be allowed. Alas, approval for this building was made in recent times – *present photo*.

- For a few years during the 1980s the Frankston Sewerage Authority discharged treated effluent into the Wetlands. At the time, this seemed a great idea, the water attracted additional birdlife and the plant life proliferated. However, this practice was stopped when it was recognised that it was changing the nature of the Wetlands by encouraging the rapid expansion and domination by the Common Reed (*Phragmites australis*).
- Stormwater drains discharge directly into the Wetlands bringing sediments, nutrients, rubbish and pollutants. While this run-off is an important source of water, more needs to be done to clean it up before it enters the Wetlands - *present photo of drain near Seaford North Primary School*.
- Derelict bird hide in center of Wetlands. This sad example of a badly sited and maintained structure was vandalised around seven years ago - *present photo*.
- There is minimal enforcement of regulations against dogs off the lead at the Wetlands. This is bad enough when they just run around the track but some irresponsible owners allow or even encourage their dogs to enter the fenced off area. Dogs on the loose can create havoc with the birdlife.
- The Frankston City Motor Cycle Park is on the other side of Wells Road next to the Wetlands. The club serves an important social need for the community but, because of the noise it generates, is a less than ideal neighbour for the Wetlands. We also have a problem with some other motorbike riders who zoom around the cycle/walk track and all too frequently enter the fenced off area for a bit of off-road practice.
- The viewing platform off Austin Road is an example of how not to construct a viewing structure near a wetland with sensitive birdlife – *present photo*.
- The cycle/walk track in the south west corner is far too close to the habitat area and, because it is raised and overlooks the Wetlands, users of the track disturb the birdlife.

The old track wisely followed the southern boundary but, as frequently happens, many walkers and riders left this formed track to cut the corner. Later, when the fence was constructed it followed the informal short-cut which was then sealed.

- Because of the close proximity to the urban area, the Wetlands suffer from a weed problem, much of which is caused by garden escapes. Some of these weeds have the potential to damage the habitat value of the Wetlands and change its character. The photo of the thriving clump of New Zealand Cabbage Trees (*Cordyline australis*), illustrates the point – *present photo*.

The biggest weed problem is the introduced Spiny Rush (*Juncus acutus*) which is native of the Americas and Europe and covers many hectares of Seaford Wetlands. A large infestation in the middle has been poisoned and burnt but it continues to expand around the edges.

- There are estimated to be approx 14 resident foxes in the Wetlands. These take a toll on the birdlife but also help keep the rabbit numbers down.

- The Downs' Farm is a privately owned 20 ha property, in the north east corner of the Wetlands. In 1993 Frankston Council was given State Government funding to purchase this site for inclusion in the Wetland Reserve. Eleven years later, the Council has still not acquired this site. From time-to-time the purchase funds even slip out of the budget.
- The lagoon construction in 1988 raised the water level in the Wetlands and resulted in street flooding on the western side of the Wetlands. This was caused by the very low gradients. To solve the problem, pumps were installed to pump the stormwater into the Wetlands. This pumping in turn drew saline groundwater into the drainage system which was damaging to the Wetlands. To overcome this problem, an expensive pipe system was installed to take the stormwater around the Wetlands to the major drain outlet opposite Erwin Street. This problem is detailed in Section 3.2.2 of the Ramsar Management Plan.

Unfortunately now there is a back flow of the saline water into the Wetlands from this drain which counters all the good work done in the past. The back flow is suspected of being caused by a build up of sediment in the drain and has caused a demarcation dispute between Melbourne Water and Frankston Council as to who is responsible for fixing the problem.

This is a good example of how difficult it is to manage a complex natural system such as a wetland.

- The interchange of the Frankston Mitcham Fwy and the Mornington Peninsula Fwy will only be around 600 metres from the Wetland Reserve. The noise, lighting etc from this massive undertaking will certainly put some unwanted stress on the Wetlands.
- The lack of a fence on the east side of the viewing platform has allowed children to create an unofficial BMX obstacle course with the dredged spoil material.
- Excessive mowing in the southern section of the *Juncus kraussi*. We believe that this plant represents a low fire risk and that the mowing should be reduced to create more habitat.
- Housing has been allowed far too close to the Wetlands. The decisions on most of these were made before the importance of the Wetlands was widely recognised and little or no weight was given to environmental considerations in planning decisions.

Unfortunately, the lessons from these past mistakes have not been heeded in this proposal. Of the houses that abut the Wetland Reserve, the average distance from their back/side fences that face the Wetlands to the fence around the Wetlands is 26.8 metres. While this is obviously grossly inadequate, it is generous when compared with the average of 17.1 metres from the back fences of the proposed eight single dwellings in Austin Road to the wetland fence.

Acid Sulfate Soils

Acid sulfate soils and salinity were exposed during when some of the lagoons were excavated in 1988. The lagoons were certainly well intentioned but created some significant problems with acid sulfate soils and salinity. Section 3.2.2 of the Ramsar Management Plan contains the following explanation: "The excavation occurred in the absence of hydrogeological

knowledge and unfortunately, broke through the peat layer, allowing some ground water to enter this part of the wetland. The brackish water in this system has significantly the scope for ecological succession and the creation of a productive wetland system. In addition the excavated material was acid sulfate, turning the water acid. In addition the sandy material excavated to form islands was too sandy and infertile which, combined with its acid status, prevented good plant growth.

We are concerned about the possibility that the proposed development will create more acid sulfate problems for the Wetlands. The Chadwick Group conducted some tests at the Austin Road land for the developers. A copy of their report is attached as Appendix 2. As you will notice, a series of bore holes uncovered acid sulfate soils at varying depths starting at 1 metre. The results are described as being at "Prescribed Waste" levels but The Chadwick Group reports that there should not be any problems with disturbance of the acid sulfate soils because the buildings will be constructed on concrete slabs.

The National Strategy for the Management of Coastal Acid Sulfate Soils, which is listed on the Federal Department of Environment and Heritage's website, sets out a series of objectives for the management of acid sulfate soils. Objective No 2 is:

"To avoid disturbance to Coastal Acid Sulfate Soils".

We note that page 23 Mr Mustoe's report, which details the construction phases of the proposed development, states that there will 51 days work involving the use of digging and excavating equipment to level the surface and lay underground pipes and the concrete slabs.

What worries us is:

- Were eight boreholes drilled by The Chadwick Group sufficient to draw conclusions, particularly in the light of the variation in the findings?
- Will the excavation required for sewerage and stormwater pipes create problems?
- Will footings be required for the buildings?

When acid sulfate soil is drained or disturbed it produces sulfuric acid. If this occurs at the development site, the acid could be transferred to the watertable and the Wetlands with dire consequences. This threat is not addressed in Mr Mustoe's ecological assessment.

Rehabilitation of the South West Corner

The south west corner is a case book study in bad management. The more significant problems being:

- The viewing platform which is far too intrusive and is the source of much disturbance to the birdlife.
- The walk/cycle track which cuts across the south west corner, is far too close to the habitat and, because it is raised, creates unnecessary disturbance to the birdlife. The impacts from this track are no doubt one of the reasons why the shy birds that frequents the adjacent habitat are seldom seen.

- Mounds of dredging soil which have been colonised by non-wetland vegetation, in particular coastal wattles.

Most of these problems have been acknowledged in the Opportunities and Constraints Paper which has been prepared as part of Melbourne Water's Edithvale-Seaford Wetlands Revegetation Prescriptions Project.

In the past the southern end of the Wetlands provided for better conditions for birdlife. For instance, the Monash Report noted that Latham's Snipe numbers at Seaford Wetlands are unusually high compared with other wetlands in Victoria. The report discusses Latham's snipe requirements and notes that, "When water levels in the northern lagoons began to decline during October, the Snipe were more commonly observed in the *Juncus kraussii* zone just north of Austin Road".

We believe that the southern end can be restored to its former glory by undertaking the measures outlined in our concept plan.

Obviously any plans to properly rehabilitate the southern end are contingent on the retention of the vacant Austin Road land as a buffer to the Wetlands.

You will note that our plan provides for a new birdhide in the south west corner. This will replace the existing inappropriate viewing platform. We have in mind that this birdhide will be built along the lines of the hide at Edithvale Wetlands which is good example of sensitive design. If the Tribunal undertakes a site inspection of the Austin Road site, we recommend that you take the opportunity to visit the Edithvale hide. We will be happy to make arrangements.

Lastly, Melbourne Water is currently undertaking a hydraulic study of Edithvale - Seaford Wetlands and the current indications are that the Austin Road levee bank may have to be raised to increase the flood retention capabilities of the Wetlands. This should not affect our proposal. However, we hope that sufficient investigative work is undertaken to avoid the sort of unintended consequences the have resulted from other engineering works in the past

Buffer battles at Edithvale - Seaford Wetlands

Because the Edithvale - Seaford Wetland are surrounded by suburbia, the size and form of buffers has been an ongoing issue. Following are some relevant examples previous work on this subject.

Edithvale Wetlands

One of the key recommendations in the Wetlands Investigation Committee 1975 report was:

"A distance of 300 metres from the normal winter flood level shoreline is considered the minimum required to provide such protective buffering unless some other feature such as a bank or a water course, forms a natural but closer boundary. Whenever reasonable and possible, all land designated as liable to flooding, below

the level of RL 7.0 feet, should be incorporated into the reserves or the buffer zones.”

This recommendation was put to the test when the Dandenong Valley Authority (DVA) conducted a comprehensive study in 1979 to justify the high cost of acquiring sufficient land to provide a 300 metre buffer. The study concluded that because of the high cost involved that a 150 metre buffer would suffice. A copy of this report is tabled

In many ways the issues covered in the study are similar to what we are facing today at Austin Road

Edithvale Common Pavillion

Early this year the City of Kingston lodged a referral with the Federal Dept of Environment & Heritage (DEH) covering extension to the Edithvale Common Pavillion.

The pavillion is approx 200 metres from the edge of the Wetland vegetation and 300 metres from the edge of a lagoon.

Like the proposal for Austin Road, there is a cycle/walk track between the site in question and the Wetlands. The potential impacts of the pavilion were:

- Noise, such as loud music and car revving at weekend social events
- Increased lighting
- Expansion of the carpark.

In the end, the DEH approved the proposal subject to the following conditions:

- A 9.00pm curfew of noisy activities at the pavilion from 1 December to 28/29 February to avoid disturbance to migratory waders, in particular Sharp-tailed Sandpipers and Latham’s Snipe when peak numbers are present.
- Lighting to be restricted to essential security lighting.
- No expansion to carparking area.

A copy of DEH’s Decision is attached as Appendix 3.

The impacts of the housing at Austin Road will clearly be infinitely greater than those associated with Edithvale Common Pavillion because:

- The houses will be around 180 metres closer to the Wetland vegetation.
- The disturbance factors have the potential to be 24 hours a day seven days a week.

South East Wetlands Needs Analysis – the Role of Buffers

Early in our group’s history it became obvious that the other wetlands in the south east region were under threat from suburban development. We were also aware that one of the key requirements for a successful wetland was the provision of an adequate buffer zone and that there was little useful information available on this subject.

In an attempt to help fill the void about buffer distances, design and uses, we applied for and received a grant from the then Department of Conservation and Natural Resources to finance a study on the effectiveness of buffer zones and the role of buffer areas a habitat.

The end result was a comprehensive report prepared by Biosis Research Pty Ltd covering the results of their investigations and field work.

Part of the field work consisted of monitoring disturbance distances from 13 vantage points, four of which were at Seaford Wetlands, one being opposite Harold Street which is around 180 metres north of the proposed development site.

The report recommended when planning for areas near wetlands, the following principles should be considered in assessing the appropriateness of uses in such areas:

- All wetlands should have a buffer area.
- Buffers should be 100 m wide where possible, with a minimum width of 60 m.
- Wetlands that support sensitive species may require buffers of 150 m or more.
- Where such widths are not available (eg where existing uses occur close to a wetland), narrower buffers can be made more effective by controlling human access through fencing or dense plantings.
- Some recreational activities can occur within buffer area and buffer planning should allow graded levels of activity and access across the width of the buffer.
- Walking and bicycle tracks around wetlands can be a major source of disturbance to birds; their location and design should aim to minimise this and to provide areas where there is not close access (<60m) to the wetland.
- Moving traffic appears to have little or no disturbing effect on waterbirds but car parks and the activity associated with them do, so such facilities should be placed outside buffer areas.
- Highly disturbing activities (eg gun clubs, motor boats) should not be allowed in or near wetlands.
- Landscaping at wetlands can degrade habitat values if it poorly planned; landscaping around wetlands and especially in buffer areas should be based on an ecological understanding of the wetland's habitat values.
- For urban wetlands, design of housing areas should encourage "ownership" of the wetland by the residents; this appears to provide excellent control of unauthorized activities that disturb birds.

The study also noted the lack of information on nocturnal disturbance, including lighting, and recommended further research be undertaken on this subject because many wetland birds are active at night.

We support the study's recommendation for a buffer of at least 150 metres for a wetland that supports sensitive species. The southern end of Seaford Wetlands obviously fits this description. Considering that there was no data collected for either the Australasian Bittern or Latham's Snipe, both of which are notoriously sensitive, a buffer of in excess of 150 metres is what is really needed.

We believe the above three examples provide compelling evidence that the tiny strip on offer between the proposed dwellings and the wetland vegetation/habitat area is completely unacceptable and a recipe for disaster.

Mosquito Problem

Like most low lying areas, Seaford has a mosquito problem and the Seaford Wetlands receive a disproportionate amount of the blame.

Because of the drought conditions, mosquito numbers have not been a source of concern over the past seven years. However, recent rain has changed all this and the mossies are back.

The mosquito problem has been a particularly big issue in the past and a copy of a typical newspaper article on the subject is attached as Appendix 4.

Allowing the proposed houses to be built so close to the Wetlands is sure to result in demands from the new residents for spraying etc to improve their quality of life and to eliminate the risk of Ross River Fever and Murray Valley Encephalitis.

Fire Danger

As outlined in Section 4.4.6 of the Ramsar Management Plan, the presence of large areas of drying wetland vegetation poses a high fire risk in summer. There was a large fire in the mid 1990's at Seaford which caused considerable damage to fences and the wetland vegetation. Fortunately, there was no damage to houses.

Just last summer a deliberately lit fire required fire bombing by "Elvis" the helicopter. A newspaper article covering this is attached as Appendix 5.

The predominant vegetation is the Common Reed (*Phragmites australis*) which is quite flammable and throws up large flames and frightening black smoke. The spread of *Phragmites* due to human interference has exacerbated the situation.

Most fires occur on hot days when a north wind is blowing, which means the fire races south. As Austin Road is at the southern end of the Wetlands, the new houses would therefore be in a high risk position. The new residents could be sure to demand this risk be minimised by creating a substantial firebreak, which would be at the expense of the wildlife habitat. Also, because of the risk to property, more than likely chemical retardants would be used to fight such fires and would be very damaging to the sensitive wetland ecosystem.

Referral Authority Responses

We are disappointed with the responses by the two referral authorities Melbourne Water (MW) and the Department of Sustainability and Environment (DSE). Both MW and DSE together with Frankston City Council (FCC) are parties to the memorandum of understanding (MoU) regarding the listing and management of the Edithvale – Seaford Wetlands.

In our view DSE abdicated its responsibilities to FCC with words like Council should satisfy itself that there will be no adverse effects on the wetlands. Given that this is an internationally important site and that DSE is directly involved through the MoU, we would have thought that they should have taken a much closer interest and provided a much more detailed response. With all due respect to FCC, we do not consider that they are qualified to be making decisions about this internationally important sensitive site.

Despite our criticism of DSE's response, they did at least detail the most critical matters that required consideration. MW did not even bother to do this, they just advised that they did not object provided a number standard drainage conditions were met. They did mention that the site is adjacent to the Ramsar listed Wetlands and that it was important that to protect this area and ensure development had no adverse impact.

What we found most disappointing about MW's response was the following recommendation:

“As the landowner of these wetlands, Melbourne Water is concerned that the residences are cited too close to the wetland. It is strongly recommended that there is a minimum setback of 10 metres to minimize any direct disturbance of the adjacent habitat. Appropriate vegetative screening on the boundary adjoining the wetland may minimize impacts such as noise and lighting from the units. Melbourne Water would support the inclusion of conditions that require a minimum setback and vegetative screenings as outlined above.”

Amazingly, this recommendation is only made for the properties at 29 to 39 Austin Road. It is not made for Nos 41 and 43 which are the ones closest to the Wetlands!

MW's recommendation does not say what is appropriate vegetation, how deep it should be or on which side of the boundary it should be located.

MW have told us the reason they considered the provision of 10 metre setback made the development acceptable was that this 10 metres plus the land between the back fence and the wetland would mean that the development is more than 20 metres from the wetland vegetation and generally farther than 60 metres from the wetland edge.

We believe that MW's approach is wrong because:

- The 10 metres setback behind the back fences will provide little if any protection to the Wetlands. Owners cannot be forced to retain or even maintain the proposed vegetation screening. Also, owners can and will use their backyards for parties, DIY carpentry and other noisy activities which would be not be suitable near a sensitive Ramsar listed Wetland.

- The edge of the wetland should be regarded as the edge of the wetland vegetation, not a submerged area because the wetness moves with the seasons and is therefore almost impossible to define.
- The Ramsar Management Report has the following two objectives dealing with infrastructure near the wetlands:
 - (a) Locate infrastructure for human activities at least 60 m from the edge of the wetlands or, where unavoidable, provide dense screening vegetation at least 20 m from the edge of the wetland vegetation.
 - (b) Locate infrastructure likely to concentrate human activities (eg carparks, entry points, picnic areas) at least 120 m from the edge of the wetland vegetation.

Clearly (a) should apply because it is hard to imagine infrastructure more likely to concentrate human activities than a home does, 24 hours a day 7 days a week.

- The logic in not recommending even a miserable 10 metre setback for the most intrusive buildings at Nos 41 and 43 says a lot for the attention MW has paid to this issue.

We are extremely disappointed that MW appears to have chosen to overlook its responsibilities to protect the Wetlands and ignored the objectives in its own Ramsar Management Plan for the area.

Ramsar Convention

Our group worked hard to get the Ramsar listing for the Edithvale - Seaford Wetlands as we believed that this would lift their status, increase the resources available for improvement and maintenance works and provide bullet proof protection.

Most of what needs to be done is outlined at a high level in the Ramsar Management Plan.

While we are somewhat disappointed with the slow progress being made on most of the action item listed in the Management Plan, we are aghast that an important part of the area covered by the Plan is under threat by residential development. We appreciate that the Austin Road properties were not included in the designated Ramsar area because the owners would not give their agreement. This is just a technicality as the Austin Road sites are clearly an integral part of the Wetlands and their loss to housing would do irretrievable damage.

The proposed development has been declared a “Controlled Action” by the Federal Department of Environment and Heritage (DEH) under the Environment Protection and Biodiversity Conservation Act. The next step in this process will be an environmental impact assessment – see DEH letter dated 6 May 2004 which is attached as Appendix 6.

When our Wetlands were declared a Ramsar site there was much jubilation and both State and Federal politicians basked in the favourable publicity generated by the event and we were assured that this was the start of a new era for the Wetlands.

The Ramsar Convention and the backing Federal and State legislation are designed to protect listed wetlands from threats such as what is being proposed in Austin Road. To allow the development to proceed, would appear to make a mockery of all these protection measures.

Summary

In making your decision on these application we ask that you keep in mind that:

- Seaford Wetlands have already suffered enormously from human interference and we, as custodians, should whatever is possible to reverse past mistakes, not compound them with more of the same.
- Despite the high stresses placed on the Wetlands, they still support an amazing variety of birdlife, including species that every year travel from the northern hemisphere to spend the warmer months here.
- The migratory species that visit the Wetlands are covered by international treaties that protect the birds and their habitat.
- The Wetlands are covered by the Ramsar Convention the purpose of which is to protect Wetlands and includes the following key undertaking:
“Desiring to stem the progressive encroachment on and loss of wetlands now and in the future.”
- The Wetlands and their birdlife are a source of wonder and enjoyment for many people. We all have a duty to protect this marvelous asset to ensure that it can also be enjoyed by future generations.
- The proposed development site fall within the area covered the Ramsar Management Plan and clearly contravenes its objectives for avoiding disturbance to wildlife.
- Given the high sense of community ownership and interest in the Wetlands and all the treaties and legislative protective measure that apply to the Wetlands, approval of the development could create a loss of faith in the planning process.

To us the issue is clear, because the proposed development will clearly have a detrimental impact on the Wetlands it contravenes all the treaties and legislation designed to protect Ramsar sites and migratory waders and therefore should be rejected. Even if you have some doubts about the impact, we would suggest that you should apply the Precautionary Principle and reject the application.

Thank you