

Caring for our local environment

DIRT JUMPS PILOT PROGRAM

Angela Kirsner reports

In the December edition of *The Creek* we reported on the Shire's six-week trial of dirt bike jumps at Citation Reserve, which aimed to divert kids from building tracks in our bushland by providing them with a great alternative.

The pilot saw a group of keen young local riders working with experienced trail educators from Trailscapes to build bike jumps, table tops, gap jumps, whale tails and berms. The trail educators mentored the kids on how to construct the jumps safely, making sure the natural environment remains protected. Post-trial, the Shire is encouraging these riders to continue to look after the site and enjoy the jumps they worked so hard to build.

Indeed, when I went to see how the site is being used in late January, there were dozens of kids using the jumps, at a 'meet' organised via social media – with some impressive jumping (see photo).

The Shire continues to inspect the site weekly to ensure it remains safe.



Volume 27 No 1, February 2023

Clean Up Australia Day SUNDAY 5TH MARCH



Join with BERG Mt Martha, the Yacht Club, Mt Martha Rotary, the Lifesaving Club & others to clean up beach, creek & surrounds. Register & pick up a rubbish bag outside the IGA, any time between 9.00 and 12.00. Enquiries Liz Barraclough 0408 388 430

All hands welcome!

Over 60 kids aged 10 between and 17 took part, some dads helped to build the jumps, and the program, was deemed a huge success.



SAVE THE DATE! FUNGI TALK & WORKSHOP WITH ALISON POULIOT



Friday 14 April 6-9pm - Illustrated talk Saturday 15 April 9am-2pm - Workshop & field work Fungi expert, ecologist & photogra



Fungi expert, ecologist & photographer Dr Alison Pouliot has run over 700 fungi forays & workshops in a dozen countries over the last two decades. Her book The Allure of Fungi is a must-read for fungi enthusiasts. Booking details in an eNews soon!

Balcombe Estuary Reserves Group Mt Martha Inc. No A0034645Y ABN 50 224 628 623 ISSN 2207-5011

Next steps

The trial is being reviewed, and the results will inform the final draft of the Shire's *Recreational Facilities for Mountain Bike and BMX Strategy*, which guides how the Shire will manage community-built dirt jumps into the future (click on <u>BMX Strategy</u> for more information). The draft Strategy will go to Council in mid-2023, to be considered for adoption.



RIGHTS OF NATURE

A GAME-CHANGER

Angela Kirsner reports

This article is based on a Zoom presentation last November by **Dr Michelle Maloney**, co-founder and National Convenor of

Australian Earth Laws Alliance, organised by MPS Councillor Debra Mar. I was there, and fortunately it was also recorded. To watch it click on <u>youtu.be/0F1QQucVhUI</u> or paste the address into your browser.

I magine if Balcombe Creek had legal rights just as people do – rights enforceable in a court of law. It might, for example, have the right to be unpolluted; to support a thriving ecosystem without diversions or destruction; to be restored.

But our Western legal system sees nature as a collection of objects for human use (or protection), a resource. Nature has no legal rights.

'Rights of Nature' laws aim to change this; to change the legal status of nature and natural systems from being human property to being recognised as rights-bearing entities. Such laws might apply to а whole jurisdiction – a country, a state – or to a particular ecosystem, a river, for example or a wetland, endowing it with legal personhood and the specific rights that brings.

This simple but radical concept is gaining traction in many places.

In Australia it is spearheaded by the Australian Earth Laws Alliance (www.earthlaws.org.au/). Created by a group of lawyers concerned about the role 'the law' is playing in the destruction of the living world, AELA advocates for shifting our systems towards a more Earthcentred approach.

Isn't environmental law enough?

Environmental Law began in the 1970s with the slow realisation that Earth was in trouble. Though it has done good things, it is tacked onto over 500 years of extractivist, expansionist Western property law systems. And it is the poor cousin of over 2000 years of British ideas around private property, ownership, hierarchical control, and the use of nature. In its current state environmental law can do no more than mitigate around the edges.

How, Michelle Maloney asked, do we take the excellence from Western culture into a future that considers the rest of the Earth community? It is not, she emphasised, about destroying everything, but about taking the edges off some aspects of human-centred extractivism and destruction of nature, while ensuring that both humans and nature can thrive.

Building momentum

When AELA started some ten years ago, Rights of Nature existed in just two countries: Ecuador and Bolivia. Today they are in over a dozen jurisdictions. In Bolivia, they are national law. Both Columbia and Mexico have recognised the rights of



Human centred

Earth centred

a river, and over two dozen US communities have declared the Rights of Nature in their local place.

In Ecuador, where constitutional reforms have helped recognise nature as a legal entity, Rights of Nature laws have led to almost three dozen court cases, the majority finding in favour of nature. For example, a group got together to defend the rights of a river, won their case, and the entity that had caused the damage was ordered to restore the parts of the river they had damaged.

In 2017, the NZ government passed an Act recognising that the Funganui River had the same legal rights as a legal person – a first in Western law. In India, Pakistan and Bangladesh, although Rights of Nature were not in their constitutions, communities took cases to court and activist courts declared that various rivers and glaciers have the rights of nature. Many of these decisions are still in place. And in Spain an entire marshland ecosystem has been recognised as having rights. There is much happening. But probably the most important aspect of Rights of Nature, in Michelle's view, is that it changes people's thinking. It is a spearhead concept that pushes people to ask why nature can be pushed around and destroyed.

An enriching perspective

As yet, we have no Rights of Nature in Australia's Western legal system. The conversation here, however, is considerably enriched bv the remarkable Earth-centred culture of our First Nations peoples. The oldest continuous culture on Earth, it is built round the 'relationist ethos', the idea that the entire society is about obligation to each other, to care for country, for something bigger than ourselves, and to look after each other - and 'each other'

is much more than just people.

It's not about one way being right or wrong, but about listening to old knowledge and wisdom about a place and working together to build something better for our future than the current legal system is capable of.

What is happening in Australia?

The Yarra River Act is the first law in Australia to recognise Aboriginal peoples' connection to a river. Importantly, it recognises the whole river as a living being. While it hasn't changed the river's legal rights, it set up the Birrarung Council to involve First Nations people from the area.

The Blue Mountains City Council last year passed a motion to incorporate Rights of Nature into its planning and operations. In the Kimberley the Martuwarra Fitzroy River Council operates under strong indigenous law, with elders working to oppose commodification of their river and protect it from hungry extractavist activities.

And locally?

The workshop with Dr Michelle Maloney was the first outcome of Mornington Peninsula Shire Council's passing of a resolution on 18th October to explore the concept of Rights of Nature as a foundational framework for Council strategies, plans and future actions.

RAKALI **IN BALCOMBE CREEK**

By Sue Brabender For years I have suspected that T there are Rakali in Balcombe Creek, and searched for evidence. Finally, on 8th November last year, I was excited to find their tracks in the muddy creek edge near audio station #5. I have seen Rakali and their tracks in other parts of Victoria, but to be sure, I sent photos of the tracks to the Australian Platypus Conservancy and the Threatened Species Conservancy.

Indeed, they confirmed, they are Rakali tracks!

Australia's 'Otter'

Since the early 1990s Australia's Water-rat has also been referred to as Rakali, the name used by the Ngarrindjeri people in the lower River Murray and Coorong region of South Australia.

Rakali weighs up to 1.3kg, as big as a medium-sized platypus. On every other continent otters are the main water animal. In Australia Rakali fills this with niche, many similarities to otters and their behaviour. Its body is elongated and streamlined, its tail thick

and muscular to serve as a rudder when swimming. The hind feet are partly webbed, with a broad palm for paddling. The small ears can be folded flat against the head, and the muzzle is blunt, with a dense set of long whiskers. The fur repels water, drying quickly once the animal exits the water.

Most commonly, Rakali's head and back are dark brown (with goldenyellow belly fur) or a lighter shade of brown, reddish-brown or grey (with fawn- to cream-coloured belly fur). The tail has a white tip, with the white sometimes extending up to half the tail, though two Rakali have been captured during research with no white tip.

Breeding

It is believed that Rakali survive up to three to four years in the wild. Females are sexually mature at four months, breeding usually from about eight months, with gestation around 34 days. There may be two litters per year of three to four offspring each. The young suckle for four weeks and are independent by eight weeks.

A watery home

Water-rats occupy burrows in creek and river banks, or shelter in large hollow logs near the water. They are found in a wide variety of freshwater habitats, both natural and manmade, from swamps, ponds and lakes to rivers, creeks and irrigation channels. They also inhabit brackish sheltered estuaries and ocean

Ratty dinner

Water-rats mainly dine on fish, aquatic insects, crayfish, crabs, mussels, clams and, to a lesser extent, frogs and turtles. They may also nibble at particularly nutritious aquatic plants.

When the occasion presents, Rakali will take terrestrial prey such as house mice during a mouse plague, and they will happily snack on pet food left on a porch or picnic leftovers. Large individuals are also known to kill water birds such as ducks and coots.

Protecting Rakali

Predation by cats, dogs and foxes occurs but humans have the most impact on Rakali survival.

> Please remember that dogs along Balcombe Creek must be on a lead. The Mornington Peninsula Shire has a 24 hour cat curfew; if you have a cat. it must remain on your property and not be permitted to wander.

> With the continuing wonderful regeneration work carried out by BERG Mt Martha volunteers, and by not allowing pet access in the creek and confining cats, we may have the opportunity to catch a glimpse of these fascinating and intelli-

may populate beaches, ephemeral rivers and lakes in inland Australia when these fill with water after heavy rain.

They tend to be most active in places where thick grass, low shrubs, reed beds or large rocks provide plenty of cover on or near the banks.

Sound like the Balcombe Creek?

Wide distribution

across Rakali are found the Australian mainland, and in Tasmania and many offshore islands. Locally, Rakali have been seen at Safety Beach, Mornington and Mount Eliza, with a couple of reported sightings in Mt Martha in previous years.

gent native animals.

Learning more

An intern from the Threatened Species Conservancy is currently working on the Port Phillip Bay Rakali project. A citizen science app, which can be used to record rakali evidence, has been developed.

If you spot a Rakali or their tracks please notify the Australian Platypus Conservancy (APC) using their reporting form - click here.

The rakali information in this article is taken from the APC website and a December information session. For more information, go to platypus.asn.au/rakali/

Photo: Carolyn Hall, courtesy Australian Platypus Conservancy

and

INDIGENOUS CULTURAL HERITAGE AWARENESS BERG MT MARTHA'S JOURNEY TO DATE - 2017 TO 2023

Suzanne Ryan reports

 2^{017} was something of a turning point in BERG Mt Martha's engagement with the Indigenous people of the Mornington Peninsula.

Following discussion with Phillip Wierzbowski, the Coastcare Victoria Facilitator for Port Phillip and Western Port, we approached the Peninsula's Registered Aboriginal Party, the Bunurong Land Council Aboriginal Corporation (BLCAC), for guidance and support in devising on-ground projects our and activities. It was the start of a journey to build the capability and capacity of our volunteers in networking with BLCAC to deliver environmental outcomes.

The missing link

Engagement with BLCAC had been the missing link in our development of grants and works, especially along Mt Martha Foreshore, an area rich in sensitive cultural heritage sites. It is now our first step, hand in hand with the Shire's Natural Systems Team and their fabulous bushland contractor Naturelinks.

We have gained so much from these interactions. Our volunteers have more awareness, knowledge and appreciation of Aboriginal cultural heritage, of why heritage sites are unique, and how they may protection. need We better understand the Aboriginal cultural heritage management process, and our obligation and requirements to ensure compliance with the State Aboriginal Heritage Act and

Regulations. The Natural Systems Team

Systems Team works with us to meet these obligations.

Overall, our volunteers are more confident in working with the BLCAC.

BERG MM has obtained funding under our Coastal Team grants – both Coastcare and Port Phillip Bay Fund grants since 2017 – to engage and consult with Aboriginal parties of the Mornington Peninsula.

Following walks and talks along the Mount Martha foreshore with Bunurong Elder Uncle Shane Clarke, we were lucky enough to produce a video with him, a fabulous and fun experience. You can find it on the BERG YouTube channel, <u>here</u>.

Lionel Lauch of Living Culture has shown us the lower reaches of the Balcombe Estuary in a different light: food and use of plants and waterways.

We have also gained from consultation and advice from the BLCAC on permits and works, such as planting near middens, and their protection and value.

Cultural heritage workshop

Our most recent activity has been a compelling Cultural Heritage Awareness workshop presented last November and again in February by Bunurong woman Jillian West, of Nomuckerlener Indigenous Consulting and Mentoring Services. (see www.indigenoustraining.org/.)

Some 50 people attended the two workshops, from friends' groups, community volunteers and the wider community.

The aim was to build a deeper understanding of the history of the traditional owners, and open up conversations between the individuals and groups involved in each workshop. The workshops began outside, with a traditional Bunurong Smoking Ceremony. This led to a little delay at the first workshop, when someone forgot to close a door and the venue filled with smoke! Alarms and fire trucks!

They were special mornings filled with laughter, listening, discussions, and questions answered, an engaging sharing of knowledge and information by Jillian and her team. They took us on a journey through their History, Identity and Culture, their communication styles, and protocols for interaction. They were welcoming and joyful days.

And participants' enthusiasm was tangible. They loved that it was facilitated by local Bunurong people. They felt they had gained better understanding of issues, both past and present, that affect Aboriginal and Torres Strait Islander societies and communities, and how to communicate sensitively and effectively with these peoples.

If you get a chance to attend a Cultural Heritage Awareness workshop, give it serious thought. It is fantastic to have a personal discussion with individuals about current and prior events, the excitement and motivations about the future and keeping their history and culture alive. The inclusiveness and sharing are personal and memorable.



THE CREEK Vol 27 No 1, February 2023

Page 5

ESTUARYWATCH

Bruce Ferres reports

It has been fascinating to watch the highs and lows in the Estuary over recent weeks.

Late last year, after November's deluge, South East Water alerted us to a sewage spill into the creek. Turbidity (water clarity) remained unacceptably high into January, and dissolved oxygen also remained poor in the lower level of the basin.

This slow recovery we suspect has been due at least in part to the condition of the estuary mouth. A wide, long sand spit moved the mouth (when open) far northwards (see George Murley's dramatic drone images), so there was negligible flow in and out of the estuary. The seawater flushing that usually occurs with high tide and open entrance was simply not happening.

The water thus trapped in the basin had a chemical profile closer to stormwater than seawater. Under these conditions, fauna ecologist Mal Legg suggests seawater-dependent species would all die, to be replaced only gradually when the seawater flushing returns.

Finally, a breakthrough

Then, in the first week of February, strong onshore winds and high tides saw seawater washing over the high berm, with minor flooding in the basin. Then, on February 5th the mouth opened overnight – this time, in front of the bridge rather than far north of it, and once again, at last, there is a more usual ebb and flow of water in and out of the estuary.

What caused the sewage spill?

Peter McMahon and I had a very positive meeting with SE Water before Christmas for a debriefing on the November spill.

The suspect is a siphon under Hopetoun Creek. SE Water recently completed a change in the stormwater catchment in Mt Martha from а pump to a gravity system (which uses no energy and so generates no carbon emissions). Siphons form part

of this system, to move water under waterways and other depressions. Three siphons take the sewer under Hopetoun Creek, and it is one of these that is suspected to have leaked, although all had been recently assessed and passed.

SE Water notifies the EPA of spills over 200 litres, and with the volume of this spill still not clear (it is forming part of the investigations), the EPA was promptly notified. SE Water assured us that they are determined to clarify what happened to prevent a recurrence, and are also committed to informing the community early of any potential adverse events.



Estuary mouth in April 2020 (above) and December 2022 (below) Drone images by George Murley



Mining our monitoring data

The water quality monitoring station that stood on the Campground jetty for twelve months was part of a collaboration between SE Water and BERG Mt Martha. While SE Water withdrew its funding after 12 months as the ammonia sensor (vital in detecting sewage) was unreliable, we are delighted that they are making excellent use of the data collected over the 12 months, extracting and analysing it to develop a better understand of the estuary's water quality over time.

Their draft report covers the influence of temporal variables such as seasons and time of day, relationships and correlations between indicators, and comparison with water quality guideline values. *Cont. next page*



THANKS TO OUR BUSINESS PARTNERS

FEATURING

REGENERATION PROJECTS

At Regeneration Projects, we think of the Two Bays – Nairm / Port Phillip Bay and Westernport Bay – as another team member.

Based in Mornington, established during lockdown, our purpose-driven consultancy works with businesses locally and internationally to put Nature at the heart of their decision-making.

Each Friday Matt, founder of Regen Projects, can be found collecting litter on beaches between Mt Martha and Mornington, as part of our 1% for the Planet commitment.

We believe there's great potential for more businesses to support local grassroots organisations like BERG.

Meet RP's team: top left: Nora & Jaari; below, Matt & Lauren



- 1% for the Planet
- Bell's Meats
- Bendigo Bank Mount Martha
- Boomerang Bags Mount Martha
- Bunnings Mornington
- Complete Colour
- Complete Step Podiatry & Footwear Specialists
- Danckert Real Estate
- Etch Sparkling
- Master Movers
- Mornington Peninsula Gardening
- Mount Martha Chiropractic & Sports Injury Clinic
- Mount Martha Primary School
- Mount Martha Veterinary Clinic
- Mount Martha Village Clinic
- Mount Martha Yacht Club
- Mr Curtis Wine Bar
- Proscape Landscaping
- Ritchies IGA
- Roberts Beckwith Partners
- Rotary Club of Mount Martha
- Sea Side Shacks
- Volpino
- Warlimont & Nutt Pty Ltd



So much water! The campground jetty after the storm in early February Photo Angela Kirsner

This will enable us to determine the background water quality in the estuary for these parameters, and expected normal ranges over time,

WHY NOT JOIN THE ESTUARYWATCHERS!

EstuaryWatch happens monthly at 3 test sites: old campground, fishing platform below Ferrero Oval, and August Street footbridge. Just a few hours, no expertise needed.

Come along and see what we do! You'll be made very welcome. Contact Bruce Ferres on 0435 389 804

providing an indication of estuary health. It will also enable us to make recommendations on a water quality threshold to alert to potential pollution such as sewage spills.

The draft is being reviewed by stakeholders, and we have been asked to provide feedback. The final report should be released by April.

BERG sediment pin

In April 2020, we placed a 'sediment pin' in the Henley Avenue sediment delta within the estuary, to measure sediment deposition over time. December 2022 has been the only time recently when the water level was low enough to inspect it. We found no significant increase in sediment depth, suggesting that sediment deposited has spread, expanding the size of the delta, rather than adding height to the existing deposit.

Further drone images will be taken when the basin empties to see if this can be confirmed.

BERG Mt Martha welcomes new members

Brett Crittenden & family, Angela Dupuche, Clive Alsop & family, James Angus & family

EstuaryWatch - continued

Page 7

FIELD NEWS

Field Officer Liz Barraclough reports Summer is always quiet in the field – time off for our crews of hardworking volunteers.

We wound up in December with repairs to the plantings in the Rabbit Paddock, where a number of plant guards had been removed and plants uprooted or run over by BMXers (see photo). We dragged logs and brush to protect repaired areas and placed a few signs strategically to denote the site as a revegetation zone.



A sumptuous Christmas lunch

Then, on Friday 9th December, we celebrated with a Christmas breakup lunch for all BERG Mt Martha volunteers at the Old Campground. Barb Thraves organised it and

ordered in some food, a number of BERGers brought a plate, Martin Thraves and David Barraclough cooked loads of snags, and a fine BERG feast was enjoyed by more than 40 volunteers and a number of our wonderful Naturelinks crew.

2023: Back to the weeds

Back to work at the start of February! The Friday group tackled the patch on Watson Road between tennis courts and kinder, where we weeded, checked plantings and collected rubbish. And at the February Sunday working bee we tackled the Polygala yet again at the top of the rabbit paddock. We've now removed almost all the large plants but will need to following up the seedlings for years.

...and Naturelinks works on

In December our wonderful Shire bushland contractors focused on grassy weeds, thistles, Blackberry and emerging woody weeds in the Bunyip area. They were back in early January weeding in many places: along Hopetoun Creek, and Augusta Street, and towards the Pistol Club, Citation reserve, and the northern side of the estuary. As always, we are indebted to them.

THE CREEK Vol 27 No 1, February 2023

Celebrating with South Beachers

Richard Sellars Jones has done much, in tandem with BERG Mt Martha, to support and help with restoration work along the cliffs above South Beach, notably in working to restore Banksia woodland.

Richard invited us to the annual drinks party held, on 13th January this year, by a number of South Beach users and beach box holders, to showcase BERG Mt Martha.

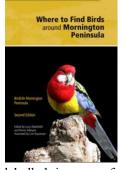
He waxed lyrical to the crowd about us and all we do, and encouraged beach box owners and those who frequent this end of the beach to support us and donate generously. Eric Smalley and I spoke, and Cate Clarke, from our coastal team, gave an overview of her Carpobrotus project, explaining the indigenous and invasive weedy Pigface varieties. This very pleasant occasion prompted donations of over \$1250 to our South Beach projects, plus three new members, and others renewing. A most gratifying outcome!



Page 8

BIRDLIFE BOOK REPUBLISHED

Birdlife Mornington Peninsula has republished its popular booklet Where to Find Birds around Mornington Peninsula, updated from the 2007 edition with more



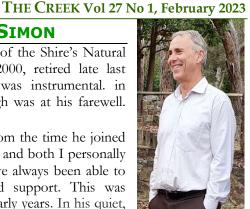
than 30 walks, 69 labelled images of birds, and information on how to find birds in general.

Order your copy <u>here</u>, from Nichemark (<u>www.nichemark.com.au</u>) Price: \$29.90

THANKS SIMON

Systems Team since 2000, retired late last year from the team he was instrumental. in developing. Liz Barraclough was at his farewell. She writes:

'I have known Simon from the time he joined the Natural Systems Team, and both I personally and BERG Mt Martha have always been able to rely on his guidance and support. This was especially valuable in our early years. In his quiet,



unassuming way, Simon was always happy to share his considerable knowledge and experience, and this, I'm sure, not only contributed to BERG's success, but also helped produce one of the most stable and skilled teams in the Shire.

'I thank him for all his help and support over the years, to me and to BERG Mt Martha. We wish him well in his next venture.'

| Come along to our Bushland Activities | Join us at Waterwatch & EstuaryWatch | Other Local Groups |
|---|---|---|
| \$2nd Sunday of the month: between 9.30am & noon. Details emailed a few days ahead, or call Liz Barraclough 0408 388 430. \$Coast Group: fortnightly on Wednesdays, between 9.30am & noon. Call Suzanne Ryan 0418 387 604. Details emailed a few days ahead. \$Friday Group: weekly between 9.30am & noon. Call Liz Barraclough 0408 388 430. Details emailed a few days ahead. | First Sunday of each month: Waterwatch testing: meet 9.15am at Uralla Rd bridge. Enquiries to Franc Amendola 0433 626 007 or Sue Milton 0407 350 175. EstuaryWatch testing: meet 9.00am at the Rotunda. Enquiries to Bruce Ferres 0435 389 804. | BirdLife Mornington Peninsula bird-watching 2nd Wednesday and 3rd Sunday. Enquiries to Max Burrows mornington@birdlife.org.au or 0429 947 893, or visit www.birdlife.org.au/locations/birdlif e-mornington-peninsula. Sunshine Reserve working bee 9.30am, last Sunday of month. Call Pia Spreen 0437 299 847. |
| BERG MT MARTHA PATRON: TERRY DENTON COMMITTEE: President Eric Smalley• Vice President (position vacant) • Secretary Kath Smalley • | | |

TREASURER & BUSINESS PARTNERS COORDINATOR JULIE ZAMMIT • FIELD OFFICER LIZ BARRACLOUGH • WATERWATCH SUE MILTON • Newsletter Angela Kirsner • Marion Orchison

Balcombe Estuary Reserves Group Mt Martha Inc. No. A0034645Y ABN 50 224 628 623 Mail: PO Box 433 Mt Martha 3934 Email: info@berg.org.au Mob: 0427 433 585 Web: www.berg.org.au

facebook.

THE CREEK

Print Post Approved pp100003761 If undelivered, please return to: BERG Mt Martha, PO Box 433 Mount Martha 3934





THE CREEK is proudly printed & supported by

