

Birrarung Council

The voice of the Yarra

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Environment and Planning Committee
Parliament of Victoria

Submission to the Environmental Infrastructure Inquiry

Dear Committee members

The Birrarung Council wishes to make a submission to the Environmental Infrastructure Inquiry, which seeks comments on the current and future arrangements to secure environmental infrastructure, particularly parks and open space, for a growing population in Melbourne and across regional centres. The purpose of our submission is to briefly outline the background to recent reforms to the governance of the Yarra River which may be of interest to the Committee in its deliberations, including establishment of the Birrarung Council and the Greater Yarra Urban Parklands as part of those reforms.

Context for River protection

Legislation to protect the River and its lands

The 2017 *Yarra River Protection (Wilip-gin Birrarung murrn) Act* provides for the protection and preservation of the Yarra river, the Birrarung, as one living and integrated natural entity.

This legislation made Victorian Parliament history as the first Act to be co-titled, and have part of its preamble written in Woi-wurrung, assuring Traditional Owners a permanent voice in the planning for and management of the Birrarung. This is the first time in Australia that a river and its surrounding public land has been recognised as one living and integrated entity for protection and improvement. The Act was also the first piece of place based legislation that is bi-cultural in its intent.

The legislation applies to both the River and its lands, recognising that they together form part of a unique and interdependent environment. The Act contains provisions relating to Yarra River Land as Crown and State government owned freehold parcels which are adjacent to the River, or any part of which is within 500 metres of a bank of the River. References to 'the River' therefore include its lands.

Birrarung Council – the ‘voice of the River’.

The Birrarung Council, also created under the *Yarra River Protection (Wilip-gin Birrarung murrong) Act*, is charged with providing advice to Government on how to protect the River, and secure its health for the generations to come. It also provides advocacy, serving as the ‘voice of the River’. Traditional Owners form part of our membership and together we act as a champion for community and Traditional Owner aspirations for the Birrarung. The establishment of the Council represents the first time, in Australia, that such a strong (bi-cultural) champion and guardian of a critical waterway has been established.

Traditional Owners and community connection to the River

The Wurundjeri Council, the predecessor of the current Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation, wrote, in its foreword to the State Government’s 2017 Yarra River Action Plan (Wilip-gin Birrarung murrong):

Our Dreaming tells us that Bunjil, our Creator spirit made kulin (men) from the earth and that Bunjil’s brother, Balliyang, the Bat, created bagarook (women) from the water. The requirement to touch the land and waterways lightly, respecting that which provides life, is implicit here. Since our beginning it has been understood that a harm to any aspect of biik, to Country, is a harm to all things and ourselves.

The Yarra protection legislation, in its preamble, recognises the intrinsic connection of the Traditional Owners to the Yarra River and its Country and states that “The role of the traditional owners as custodians of Yarra River land should be acknowledged through partnership, representation and involvement in policy planning and decision-making.” (s 12 (2)).

The legislation also requires that a long term community vision be developed to guide planning and management decisions that will impact the Yarra corridor . In 2018, the Ministers for Water, Planning and Environment launched the *Yarra River 50-year Community Vision* and received a copy of the Wurundjeri Woi Wurrung Birrarung Water Policy (*Nhanbu narrun ba ngargunin twarn Birrarung -Ancient Spirit and Lore of the Yarra*), which the Wurundjeri Woi wurrung people launched on the same day. These documents together describe the aspirations of Traditional Owners and community to care for the River and its parklands, as a single living and integrated natural entity. .

The Yarra River Action Plan (Wilip-gin Birrarung murrong)

In addition to the Yarra Protection legislation, the Victorian Government’s Yarra River Action Plan is a key framing document which sets out objectives and actions for the River (Refer to Attachment 1 for the Plan’s objectives, action areas and summarised recommendations). The Yarra River Action Plan was the State Government’s response to recommendations from the Yarra River Protection Ministerial Advisory Committee.. Objective 2 Relates to the Great Yarra Parklands and includes commitments to recognising the network of parklands along the Yarra as part of the one integrated living whole natural asset,

improving community access to and opportunities to enjoy the river parklands. Importantly, this greater community access needs to be balanced with the need to protect the River, and other objectives and related commitments in the Yarra Action Plan relate to protecting and improving the health of the River and its riparian ecology and increasing the resilience of the River to the impacts of climate change and population growth.

Key principles underpinning the Yarra River Action Plan, as evident in its directions and recommendations, are of relevance to the Inquiry. They can be summarised as:

- Working with and recognising Traditional Owners' unique connection to the land and custodial role, and incorporating both Traditional Owners and their cultural values and knowledge into understanding and management of the River
- Setting up governance based on partnership of all relevant parties
- Engaging community – in setting the high level aspirations for the River and in developing the plan for how we achieve these
- Understanding that environment, culture, social dimensions and amenity are intertwined aspects of the River, and that one cannot be considered without the others
- Appreciating connectivity and flow occurring between different areas of the River, applying to both ecosystems and people
- The need for both high level strategic planning and pragmatic work to measure how goals are being achieved. The latter must focus on detailed planning, clear actions, data which is relevant and meaningful, targets and monitoring
- Attention to planning controls
- Identifying areas which are sensitive or at particular risk, and which require particular attention and protection
- Being ambitious for what can be achieved.

Main issues for consideration in relation to environmental Infrastructure

i. The Traditional Owner voice at the core

The Council is concerned that too often Traditional Owners are brought in to environmental projects as an “add on” to existing decision making and management arrangements. We cannot stress enough that

Traditional Owners must be at the core of projects, from the outset, so that their voice is respected and their right to and knowledge of Country is realized.

The Council suggests that the bi-cultural approach to the River, of articulating Traditional Owner and community aspirations for significant parks and public open space, provides the necessary foundation to enable protection and enjoyment into the longer term.

ii. Balancing community access and protection

The Council believes that the tension between increasing community access and appreciation of parks and open space, while still protecting the River, is the key issue at the heart of environmental infrastructure as it applies to the Yarra. Clearly there are sections of the River where better public access could be created, to increase understanding and enjoyment of this iconic natural asset. At the same time there are areas where access should be prevented, in the interests of protecting at risk ecology (both fauna and flora) and preventing disruption to vital ecological flows necessary for propagation and to Traditional Owner cultural places along the River.

This tension between access and protection will clearly apply to many other parks and open space areas across the state.

iii. A holistic approach to parks and open space

The Yarra Protection Act requires the River to be treated as one living and integrated natural entity and, through the forthcoming Yarra Strategic Plan, to establish “an overarching policy and planning framework to coordinate and harmonise planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity”. (S. 5 (c)). The goal of co-ordinated planning is a key means by which to protect the Yarra.

This requires a holistic approach to decisions affecting the various areas of the Yarra but in practice there is still a “patchwork” that often does not consider each specific land use in the context of what is around it, and the impacts on surrounding areas. For example, in some areas active recreation may not be compatible with the land use in adjacent parkland which has particular ecological values and /or Traditional Owner cultural values associated with sites.

iv. Environment, culture, social dimensions and amenity

Land is more than just green space. It has a complex history, both pre and post settlement. It can contain places of significance to Traditional Owners, and have been the site of important events in white settlement history. It is used in many ways - as a setting for social interaction, to enable active or passive recreation, to offer a retreat for reflection or the chance for learning about our environment.

Bringing a perspective which recognises the intertwined nature of these environmental, cultural, social and amenity impacts is essential to sound and respectful placed-based decision making.

Great Birrarung Parkland

The Yarra protection legislation allowed for the gazetting of the Greater Yarra Urban Parklands (GYUP), for Yarra River Land as defined under the Act which is used as parkland or open space. The Council believes that the concept of the Parkland is an opportunity to challenge conventional thinking about the nature of a 'park' as a parcel of land which exist for a public purpose. The Great Birrarung Parklands (our alternative name for the GYUP) could encompass the entire landscape corridor of the River including private land recognising its environmental, historical and contemporary Traditional Owner cultural dimensions. In this way, the component areas which make up the Parkland may be diverse in character and ownership, but are still part of one living entity This narrative should convey that the significance of the Parkland is about more than just gazetted land, and is about a combined landscape of all land parcels that form the river corridor landscape. Such an understanding would allow the public to more fully and respectfully experience the River and understand its cultural significance for all Australians.

Conclusion

Although there is a clear need to protect the Yarra and its lands, which is an area of unique biodiversity with significant billabongs and wetlands, we also see a need to better communicate what the River has to offer, supporting appropriate access and assisting people to appreciate and connect with the River as one entity. While there is an innate tension between these two goals, we believe that sensitive and respectful place based planning can find a way to deliver both access to and protection of the River. We also believe that, if the community are to value the River and its lands, and be supporters of its protection, they need to appreciate and use this important natural asset.

The reforms to the governance of the Birrarung are unique in Australia and are attracting national and international interest. We trust that the comments of the Birrarung Council, together with the policy context of the Yarra River Action Plan, can assist the Committee in its consideration of this crucial issue for a growing city and state. We would be happy to follow up with further details if this is of interest.

Yours sincerely



Chris Chesterfield
Chair, Birrarung Council
28 September 2020

Attachment 1: Yarra River Action Plan objectives, aims and recommendations

1. OBJECTIVES AND AIMS

The Yarra River Action Plan is guided by five objectives, each with specific aims.

Objective 1: A healthy river

- Wilip-gin Birrarung murrong (keep the Birrarung alive)
- protect and improve the health of the River and its riparian ecology
- increase the resilience of the river to the impacts of climate change and population growth
- protect the health of Port Phillip Bay

Objective 2: The Great Yarra Parklands

- recognise the network of parklands along the Yarra as part of the one integrated living whole natural asset
- improve community access to, movement along and on the river
- increase opportunities to enjoy the river parklands for people of all ages and abilities
- create more destinations and improve visitor experiences

Objective 3: A culturally diverse riverscape

- in partnership with Traditional Owners, recognise, protect and promote both intangible and tangible cultural values
- recognise, protect and promote heritage values
- quality public places for recreation, celebration and coming together

Objective 4 : Securing the Yarra footprint

- protect iconic and naturalistic river landscapes from inappropriate development
- connect communities and places along the river with trails and cycling corridors
- recognise the importance of the river to the economic prosperity and vitality of Melbourne and the Yarra Valley

Objective 5: Modern governance

- provide visionary leadership and a long-term commitment to delivering the vision and its goals
- partner with the Traditional Owners in the management of natural resources
- align the activities and decisions of responsible agencies and councils
- prioritise collaborative community processes

2. ACTIONS (summarised)

Action 1 A LEAD AGENCY FOR THE YARRA

Designate Melbourne Water Corporation as the lead agency to develop the initial Yarra Strategic Plan and coordinate its delivery... and... work in partnership with Traditional Owners and public entities with delivery responsibilities along the Yarra

Action 2 BIRRARUNG COUNCIL

Establish a ministerial advisory committee that is independent of the responsible public entities and is to be known as the Birrarung Council to act as the voice of the Yarra River ...as a statutory body enshrined in legislation

Action 3 STATE POLICY RECOGNITION

Recognise the importance of the Yarra River and its parklands to the economic attractiveness, vitality and liveability of Melbourne (and the Yarra Valley) in relevant state policies including:

- the landscape setting
- the waterway and adjacent Crown land known as part of the one integrated living whole natural asset that is the Yarra River
- the biodiversity corridor along the river in urban areas in environmental management
- ecological health, cultural, social and amenity values in catchment and waterway management

- recognise the Greater Yarra (urban) Parklands that stretch from Warrandyte to Port Phillip Bay, as a state-significant natural infrastructure in state policy.

Action 4: TRADITIONAL OWNER INCLUSION

Support the Wurundjeri Council to play an active and ongoing role in protecting and improving the Yarra River and its parkland

Action 5: YARRA RIVER (BIRRARUNG) PROTECTION BILL

Prepare a Yarra River (Birrarrung) Protection Bill to establish an overarching planning framework for the Yarra River that coordinates waterway, public land and infrastructure management, cultural and heritage and statutory land use planning, with a clear role for amenity planning

Action 6: ANNUAL INDEPENDENT IMPLEMENTATION AUDIT

Create an independent statutory function for an annual audit of the implementation of the Yarra Strategic Plan and tabling of the report in Parliament. This will be overseen by the new Birrarung Council.

Action 7: STATE OF THE YARRA AND ITS PARKLANDS REPORTING

The Commissioner for Environmental Sustainability is to report on the environmental condition and benefits of the Yarra River and its parklands as part of the regular State of the Environment reporting, commencing with a baseline in the 2018 report

Action 8: COORDINATED FUNDING

A review of current and potential public funding streams to identify options for a secure and regular investment to implement the Yarra Strategic Plan.

Action 9: SUPPORT FOR COUNCIL LEADERSHIP

Support local governments along the Yarra River to contribute to the development of the Yarra Strategic Plan and lead its implementation in their local district.

Action 10: STRONGER PLANNING CONTROLS

Expand the landscape assessment approach that is being taken to establish the stronger planning controls along the suburban Yarra River to other urban areas along the river.

Action 11: ALIGN PUBLIC LAND RESERVATIONS

There is to be a moratorium on the reduction of Public Acquisition Overlays (PAOs) or sale of public land along the Yarra River corridor until the Yarra Strategic Plan is finalised. The new Birrarung Council is to provide the Minister with advice on specific exceptional cases until the Yarra Strategic Plan is in place.

Action 12: GIFTED ASSET POLICY

Develop a policy to accept, hold and maintain gifted land, funding or other assets for the Yarra River.

Action 13: COMMUNITY VISION

Develop a community vision that clearly outlines community requirements, values, expectations and preferences for the entire length of the river over the long term.

Action 14: YARRA STRATEGIC PLAN

Develop and maintain an overarching river corridor strategic framework plan, to be known as the Yarra Strategic Plan, that gives effect to the community vision (and key directions for each reach of the river) and is developed in collaboration with the community and in accordance with departmental guidelines. It is to:

- harmonise activities and decision-making in the development of public open space along the river, statutory planning and the management of public land and infrastructure and waterway management
- recognise, protect and promote Traditional Owner cultural values and heritage values
- provide future direction to land use and development in the corridor
- have a 50-year outlook.

Action 15: PROTECT AND PROMOTE CULTURAL AND HERITAGE VALUES

Work with the Traditional Owners to recognise, protect and promote intangible and tangible cultural values in the riverscape in the Yarra Strategic Plan along with other heritage values.

Action 16: COMMUNITY REFERENCE FORUMS

Establish local community reference forums in each reach of the Yarra to provide local communities with opportunities to participate in deliberative co-design processes during development of the community vision, Yarra Strategic Plan, river precinct structure planning and master planning for the Yarra River land.

Action 17: LONG-TERM TARGETS

Establish long-term targets for each of the four key elements (environmental health; community access and amenity of the river and its parklands; landscape setting and interface with adjacent land uses; cultural and heritage values) in the Yarra Strategic Plan to provide direction to the management of the river and its landscape.

Action 18: MONITOR IMPLEMENTATION

All relevant public bodies with delivery responsibilities in the Yarra Strategic Plan will report regularly on their progress.

Action 19: EXTEND COVERAGE OF STORMWATER STANDARDS

Extend the coverage of the best practice stormwater management standards for residential subdivisions.

Action 20: ABBOTSFORD RIVER STRUCTURE PLAN

Develop a precinct structure plan centred on the Yarra River for the Abbotsford reach between Dights Falls and Victoria Street.

Action 21: CULTURAL RIVER PRECINCT STRUCTURE PLAN

Develop a precinct structure plan to provide direction to the future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats.

Action 22: BOLIN BOLIN BILLABONG

Restore natural water inflow regimes and rehabilitate the surrounding environs of the Bolin Bolin Billabong.

Action 23: MISSING ABBOTSFORD LINK

Secure the footprint, provide all-abilities access, and connect the Yarra Main Trail between Victoria Street and Dights Falls.

Action 24: MELBOURNE'S NATURAL INFRASTRUCTURE TASKFORCE

Establish a Taskforce that brings together the skills of the Department of Environment, Land, Water and Planning (DELWP) with the Traditional Owners, Parks Victoria, Melbourne Water, VicRoads, Environment Protection Authority, and local governments to:

- Investigate the benefits of combining waterway management, open space, bay and coastal parkland management for greater Melbourne.
- Establish ongoing collaborative governance arrangements between DELWP, Traditional Owners, Parks Victoria, Melbourne Water and local government to:
 - deliver an integrated vision and strategy for Melbourne's natural infrastructure
 - realise the synergies from coordinated delivery of related projects from the updated Plan Melbourne, Water for Victoria, Port Phillip Bay Environmental Management Plan (EMP) and Yarra River Action Plan
 - establish long-term funding arrangements for developing and maintaining urban natural infrastructure
- Report to the Victorian Government on an improved integrated institutional model for delivery of major natural infrastructure in Melbourne.

Action 25: URBAN NATURAL INFRASTRUCTURE STRATEGY

Develop an integrated vision and strategy for Melbourne's open spaces, including its waterway corridors and coastal parklands to improve the liveability and ecological health of the growing city.

Action 26: MAP TRADITIONAL OWNER CULTURAL VALUES

Work with the Traditional Owners to map tangible and intangible cultural values along the Yarra River

Action 27: PROTECT THE MARIBYRNONG RIVER

Use the landscape assessment methods applied along the Yarra to establish stronger planning controls to protect the Maribyrnong River and its environs.

Action 28: PROTECT OTHER URBAN RIVERS AND THEIR PARKLANDS

Review the reforms to protect the Yarra River and consider protection of other major Melbourne rivers and their open spaces (such as the Maribyrnong and Werribee rivers).

Action 29: RIVER CORRIDOR FOOTPRINTS

Identify the preferred open space footprint of Melbourne's key waterway corridors and in particular those under sustained growth pressure.

Action 30: PARKS CHARGE REVIEW

Undertake a broad based review of the Melbourne Metropolitan Parks Charge to define the strategic goals/services it delivers and identify the funding available for supporting priority projects identified in the Yarra Strategic Plan.