

# PROTECTING THE YARRA RIVER (BIRRARUNG)

Ministerial Advisory Committee  
Final Report

Prepared by:  
Yarra River Protection  
Ministerial Advisory Committee

**VICTORIA**  
State  
Government

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# **PROTECTING THE YARRA RIVER (BIRRARUNG)**

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## Acknowledgement

The Yarra River Protection Ministerial Advisory Committee proudly acknowledges Victoria's Aboriginal communities and their rich culture, and pays respect to their Elders past and present.

We acknowledge Aboriginal people as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we rely.

We recognise the intrinsic connection of Traditional Owners to Country and value their contribution to managing the land, water, natural and built landscapes. We acknowledge the ongoing contribution this makes to the Yarra River catchment.

We support the need for genuine and lasting partnerships with Traditional Owners to understand their culture and connections to Country in the way we plan for and manage the Yarra River corridor and its environment.

We embrace the spirit of reconciliation, working towards equity for Traditional Owners.



# Foreword

“The Yarra River Protection Ministerial Advisory Committee (Yarra MAC) recognises that the Yarra River and its parklands are a magnificent natural asset that is highly valued by the community”

Victoria has been a leader in planning and managing waterways, catchments and open spaces and in regulating urban development and industry to ensure we enjoy the healthy environment that is fundamental to our liveability and prosperity. The effectiveness of our institutions and the outcomes they have delivered for Melbourne and our region are the envy of other Australian capital cities. Indeed many other cities around the world have looked to Melbourne for examples to follow. But we should not be complacent. Melbourne’s population is growing rapidly and we must ensure that the Yarra River, or Birrarung in the language of the Traditional Owners, remains healthy and its many values can be enjoyed by future generations.

There are lessons to be learned from the past. This is not the first time Melbourne has faced a period of rapid population growth that has put pressure on infrastructure, services and the environment.

Melbourne’s European settlement began as little more than a shambolic frontier town. The Gold Rush, the subsequent population and property booms and the lack of city services in the 19th century led to Melbourne gaining an international reputation as ‘Smellbourne’. But then over several decades, visionary plans set aside an arc of green open spaces around the Hoddle Grid. To the south of the Yarra River the Botanic Gardens, Alexandra Gardens and Kings

Domain edged by the boulevard of St Kilda Road. To the east, Treasury and Fitzroy Gardens and the more utilitarian Yarra Park and Gosch’s Paddock now home to Melbourne’s famous sports and entertainment precinct. To the north, Carlton Gardens, later to be graced with the bold and startling presence of the Royal Exhibition Building and beyond, the huge expanse of Royal Park and Princes Park connected by the majestic, tree-lined boulevard of Royal Parade. At the same time we constructed one of the world’s earliest sewerage systems and reserved the forested headwaters of the Yarra River for our water supply. And so, together with profound social and cultural changes, our shambolic frontier town transformed in a relatively brief period into ‘Marvellous Melbourne’.

Remarkably little investment in open spaces and infrastructure occurred in the following decades. The First World War, Depression and Second World War were times of austerity and sacrifice. The 1929 *Plan of General Development for Melbourne*<sup>1</sup> contained the first vision of green open spaces along Melbourne’s waterways but little was done to put it into effect. The 1956 Olympics was perhaps the event that signalled Melbourne’s awakening from that somewhat bleak period. It was again time for optimism and vision, and Melbourne’s population was again booming. By the 1970s sprawling development had virtually doubled the extent of the metropolitan area.

1. *Plan for General Development* (Metropolitan Town Planning Commission), 1929. The Plan of General Development was a planning scheme to prevent ‘misuse’ of land and protect property values. It also identified a number of issues such as traffic congestion and recognised the value of Melbourne’s waterways as an open space network.



Post-war scarcity meant services such as the sewerage system had not kept up. The Yarra River, our waterways and Port Phillip Bay were neglected and becoming grossly polluted.

The city's planners revived the earlier vision for Melbourne's open space network along with the idea of green wedges and development corridors. There was community pressure to tackle pollution problems caused by industry and unsewered suburbs. Slowly the momentum began to build behind the vision and greater prosperity and community expectations sustained the investment needed to deliver it. The Environment Protection Authority Victoria was created to regulate industry. It was only the second environment protection agency to be created in the world. A huge investment by state and federal governments was made in sewerage in the suburbs. A new Metropolitan Plan<sup>2</sup> identified open space corridors for our waterways including the Yarra River and government started acquiring land to build this open space network and the trail system that connects it. This period stands out as Melbourne's second great wave of visionary planning and investment and it has left us with a wonderful legacy of a world-class open space network, much of it built around our waterways and the bay. Victoria became known as the 'Garden State' principally because of Melbourne's extensive network of green open spaces.

Melbourne is now experiencing its third great wave of population growth. So far we have been able to sustain our liveability and a reasonably healthy natural environment largely because of the legacy of planning and investment undertaken more than 40 years ago. But we should be concerned. Sustaining or improving liveability as Melbourne's population grows to more than 7 million over the next 35 years is a massive challenge that will require a vision, and a sustained commitment to deliver it by successive governments over many decades.

The Yarra River Protection Ministerial Advisory Committee (Yarra MAC) recognises that the Yarra River and its parklands are a magnificent natural asset that is highly valued by the community. We should not take for granted the effort that has been required to create this asset or the effort needed to ensure it remains healthy and continues to serve a growing population.

The Yarra MAC also recognises that the challenges facing the Yarra are shared by all of Melbourne's open spaces and waterways including the bay. We believe that many of the recommendations in this report should be considered in the light of this broader challenge. We have, therefore, gone beyond our terms of reference to recommend a Taskforce to develop a vision and strategy for all of Melbourne's open spaces, including parklands, waterways, coasts and bays and

to consider institutional reforms to implement the next wave of planning and investment in open spaces and natural assets to underpin Melbourne's liveability as we grow.

It has been a privilege to be given the task of undertaking this review over the last nine months. We acknowledge the support of the Yarra River Protection Program team within the Department of Environment, Land, Water and Planning and thank team members for their hard work and professionalism. We also thank the many individuals, groups and agencies that met with the Yarra MAC, attended workshops or made submissions.

There is no doubt about the care people have for the Yarra and the concern they have for its future. There is also a passion to reveal more of its history and heritage, to understand and enhance its many values and to ensure a greater role for Traditional Owners and the community in its management.

We commend this report to the Minister for Planning, the Minister for Water, the Minister for Energy, Environment and Climate Change, and the people of the Yarra (Birrarung) and our region.

**Yarra River Protection  
Ministerial Advisory Committee**

Chris Chesterfield, Chair  
Eamonn Moran PSM QC  
Professor Jane Doolan  
Kirsten Bauer

2. *Planning Policies for Metropolitan Melbourne* (Melbourne and Metropolitan Board of Works), 1971. This report introduced long-term conservation and development policies for Melbourne through growth corridor and what we now call 'green wedge' principles, and contains outward growth to a limited number of areas on the edge of the city.



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# Recommendations

## Governance reforms

### **RECOMMENDATION 1**

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Adopt five objectives to guide the development of legislation and reforms of institutional arrangements to protect the Yarra River.

### **RECOMMENDATION 2**

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

### **RECOMMENDATION 3**

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Establish a statutory requirement to develop a community vision that clearly outlines community requirements and expectations for the entire length of the river over the long term.

### **RECOMMENDATION 4**

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Establish a statutory requirement to develop and maintain an overarching Yarra Strategic Plan.

### **RECOMMENDATION 5**

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Establish a statutory requirement for public participation processes in the development of the Yarra Strategic Plan.

### **RECOMMENDATION 6**

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Assign Melbourne Water the planning function for developing the Yarra Strategic Plan and coordinating its delivery. This will establish Melbourne Water as 'caretaker of river amenity' in addition to its existing role as 'caretaker of river health'.

### **RECOMMENDATION 7**

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Require Melbourne Water to establish a Birrarung Rivers Council to provide oversight and advice to the Melbourne Water Board on its 'caretaker' functions in the development and implementation of the Yarra Strategic Plan.

### **RECOMMENDATION 8**

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Require Melbourne Water to establish a community reference forum for each reach of the Yarra to provide local inputs to the Yarra Strategic Plan as part of the public consultation activities.

### **RECOMMENDATION 9**

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Create an independent statutory function to audit the implementation of the Yarra Strategic Plan every second year.

### **RECOMMENDATION 10**

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Assign the auditing function to the Commissioner for Environmental Sustainability (or an existing auditing entity).

### **RECOMMENDATION 11**

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Require the Commissioner for Environmental Sustainability to provide reports on the 'State of the Yarra River' as part of the 'State of the Environment' reporting.

### **RECOMMENDATION 12**

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Prepare a Yarra (Birrarung) 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.

### **RECOMMENDATION 13**

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The Department (DELWP) should establish appropriate consultative processes during the preparation of the Bill.

### **RECOMMENDATION 14**

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Authorise Melbourne Water to use Waterways and Drainage Charge funds for undertaking its new functions as described in Recommendation 6.

### **RECOMMENDATION 15**

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Review 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.

### **RECOMMENDATION 16**

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DELWP, as the responsible department, is to champion funding bids through government budgeting processes for priority projects identified in the Yarra Strategic Plan.

## Expanding the model across Melbourne

### RECOMMENDATION 17

Expand the Yarra model to protect other major Melbourne rivers and their open spaces such as the Maribyrnong and Werribee Rivers.

### RECOMMENDATION 18

In recognition of the importance of green open spaces, waterways, coasts and bays to the liveability and ecological health of Melbourne, establish a joint Taskforce reporting to the DELWP Secretary that brings together the skills of DELWP, Melbourne Water, Parks Victoria and local government.

## Supporting projects

### RECOMMENDATION 19

Map the Traditional Owner tangible and intangible cultural values along the full length of the Yarra River.

### RECOMMENDATION 20

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

### RECOMMENDATION 21

Introduce the stronger planning controls along the Yarra River that are currently under development as quickly as possible, and expand this work as part of the Yarra Strategic Plan to other areas along the Yarra River.

### RECOMMENDATION 22

Establish 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.

### RECOMMENDATION 23

DELWP to review all PAOs and land acquisition opportunities along the river to enable alignment with the Yarra Strategic Plan.

### RECOMMENDATION 24

DELWP to review and update Crown land reservations along the river to enable alignment with the Yarra Strategic Plan.

### RECOMMENDATION 25

Extend Clause 56 of the Victoria Planning Provisions best practice stormwater management standards for residential subdivisions to apply to commercial and industrial subdivisions to assist in maintaining the water quality in the Yarra River at the current levels. Note that to make a marked difference in the water quality in the lower Yarra River will require further significant policy and regulatory changes.

### RECOMMENDATION 26

Use the community consultation process for the development of the community vision and Yarra Strategic Plan to also meet the requirements for the development of water quality standards for the Yarra under the State Environment Protection Policy (Waters of Victoria).

### RECOMMENDATION 27

Support councils along the Yarra River to contribute to the development of the Yarra Strategic Plan and implementation in their local government area.

## Early start actions

### RECOMMENDATION 28

Melbourne Water to commence development of the Yarra Strategic Plan and community vision as quickly as possible.

### RECOMMENDATION 29

Provide Melbourne Water (or another appropriate entity) with immediate funding to lead the development and implementation of solutions to two areas where there has been long standing community issues, numerous plans undertaken and for which there are currently significant development proposals.

### RECOMMENDATION 30

Implement the stronger planning controls already under development for the Maribyrnong River.





# 1. Introduction



# Introduction

## Background

The Victorian Government has committed to protecting the Yarra River’s amenity and significance by introducing legislation, stronger planning controls and a trust or similar entity.

The Department of Environment, Land, Water and Planning (the Department) is working with Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra councils, and with Melbourne Water to establish stronger planning controls along the Yarra River. These aim to protect the landscape values along the river between Richmond and Warrandyte, an area under increasing development pressure. This work has recently:

- strengthened the State Planning Policy Framework, implementing for the first time a Yarra River protection planning policy that identifies the Yarra’s metropolitan significance and provides guidance to councils about decision-making
- strengthened overshadowing controls in the Melbourne central business district to ensure that tall buildings do not overshadow the Yarra River and its banks
- implemented interim planning controls into the Yarra Planning Scheme (City of Yarra) to protect this part of the Yarra River corridor that is under the most pressure.

Before preparing new legislation to protect the Yarra River the Victorian Government established the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) to assess the effectiveness of current governance arrangements.

The Yarra River Protection Reference Group (Yarra Reference Group) was also established to assist the Yarra MAC and government to better understand the key issues, opportunities and reform options for protecting the river. The Yarra Reference Group comprises representatives of the organisations with direct oversight and management responsibilities for the Yarra River and its riverscape plus key stakeholders: councils (Banyule, Baw Baw, Boroondara, Hobsons Bay, Melbourne, Manningham, Maribyrnong, Nillumbik, Stonnington, Yarra and Yarra Ranges), Environment Protection Authority (EPA) Victoria, Melbourne Water, Parks Victoria, Port Phillip and Westernport Catchment Management Authority, Environmental Justice Australia and Yarra Riverkeeper Association.

## Yarra River Protection Ministerial Advisory Committee

### Members

The Minister for Planning and the then Minister for Environment, Climate Change and Water established the five-member Yarra MAC in December 2015.

Members are:

- **Chris Chesterfield (Chair)** — a Victorian Environmental Water Holder Commissioner and Director, Strategic Engagement at the Cooperative Research Centre for Water Sensitive Cities (Monash University).
- **Eamonn Moran PSM QC** — a barrister in private practice at the Victorian Bar and a consultant legislative counsel.
- **Professor Jane Doolan** — a Professorial Fellow in Natural Resource Governance at the University of Canberra, Chair of the Murray-Darling Freshwater Research Centre and Director of Western Water.
- **Kirsten Bauer** — a landscape architect and director of ASPECT Studios, member of the Victorian Design Review Panel and other municipal design review panels in Victoria, and an adjunct professor of RMIT University.
- **Dr Tamara Boyd** — an environmental engineer, board member of the Corangamite Catchment Management Authority and Principal Consultant at Intrinsic Scope (a member for the first half of our term).

In July 2016 the Wurundjeri Tribe Land and Compensation and Cultural Heritage Council (Wurundjeri Council) were invited to join the Yarra MAC in their deliberations. Representatives from the Wurundjeri Council provided cultural advice in the finalisation of this report.

### Scope

The Yarra MAC was asked to provide assistance in engaging with the community, and other stakeholders, and to provide advice and a recommended action plan for the improved management, promotion and protection of the entire length of the Yarra River (excluding the Port of Melbourne waters and the regulation of on-water activities, commercial boats and berthing). We were also asked to consider wider application and transferability of our recommendations to other Melbourne rivers such as the Maribyrnong River.

The Yarra MAC's terms of reference are in Appendix B.

### Approach

At the outset, the Yarra MAC made some key decisions, in consultation with both ministers, about the scope of our work and the approach to be taken. These decisions reflected the terms of reference, the Yarra MAC's status as an independent advisor, and time and budget limitations.

In particular, the Yarra MAC decided that while it recognised the desirability of governance reforms underpinned by a community vision for the Yarra River and its parklands, there was insufficient budget and time (just nine months) to develop such a vision. To do the task well requires collaboration and co-design with all the local communities and a substantial commitment.

Another early question was the extent to which the Yarra MAC should consider the tributaries and broader catchment stormwater run-off which impact on the Yarra. While the focus of our terms of reference was on the main stem of the Yarra River and adjacent

land, we considered the tributaries as important inputs affecting the health of the main stem when developing our recommendations. Throughout the development of this report, the Yarra MAC have been conscious of the need to maintain a whole-of-catchment approach to the management of the Yarra and its tributaries, and to complement the approaches being outlined in the Water Plan for Victoria and Plan Melbourne, that are concurrently under development.

The Yarra MAC adopted an approach that included:

- regular discussions with key stakeholders responsible for decision-making and management of the Yarra River, and with key environmental advocates
- identifying the priority issues through consultation and workshops
- developing a discussion paper for public release that proposed a new management model for discussion and debate about improvements to the oversight and management of the Yarra River
- providing a range of opportunities for people to voice their views in person and online in July and early August 2016
- commissioning specific work and holding discussions on key issues with acknowledged experts.

Table 1 shows the Yarra MAC's activities in more detail.

**TABLE 1: TIMELINE**

Activity	Detail
<b>Critical issues and opportunities identification</b> (Jan–Mar 2016)	The Yarra MAC held a number of discussions with key stakeholders and conducted two workshops in late February and early March seeking input about the most significant issues facing the Yarra River corridor. Workshop participants were invited from the Reference Group organisations to identify the priority issues for the Yarra River that are impacting on its environmental, cultural, social and economic values. The results are presented in the <i>Protecting the Yarra River (Birrarrung) Discussion Paper</i> .
<b>Investigations/lines of enquiry</b> (Mar–July 2016)	The Yarra MAC pursued a number of lines of enquiry including: <ul style="list-style-type: none"> <li>• understanding the current governance arrangements</li> <li>• independent advice about the Yarra’s health from the Centre for Aquatic Pollution Identification and Management (CAPIM)</li> <li>• a review of the governance arrangements for the Yarra River over time including strategies/plans, investment and regulation</li> <li>• a review of the application of land use and development controls</li> <li>• the value of the Yarra parklands and opportunities for improving their contribution to the liveability of Melbourne</li> <li>• understanding international best practice governance arrangements for urban rivers.</li> </ul>
<b>Discussion Paper release</b> (1 Jul 2016)	The Yarra MAC developed the <i>Protecting the Yarra River (Birrarrung) Discussion Paper</i> to promote community discussion about opportunities to improve the river’s oversight and management. The Discussion Paper outlined the river’s community values, issues associated with its management, a proposal to develop a community vision and integrated strategic plan for the Yarra, and governance options.
<b>Public and targeted consultation</b> (Jul 2016)	Stakeholders and members of the community were provided with a variety of opportunities to have their say about the issues and proposals in the Discussion Paper. There were more than 270 face-to-face conversations at three community meetings, three listening posts, and four community discussion groups. The consultation received 195 submissions. The online engagement site allowed visitors to download the Discussion Paper, post ideas and ask questions. The site had almost 5,000 visitors between 1 July and 8 August 2016.
<b>Deliberations</b> (Aug 2016)	<p>In August and early September the Yarra MAC considered the results of the investigations alongside community views and preferences. We also tested options with the organisations that would be affected by the proposed changes.</p> <p>The Yarra MAC considered at a high level, the practicability of the proposed changes when framing our recommendations but did not analyse the costs and benefits, or the implementation requirements of recommendations.</p>
<b>Advice to government</b> (Sept 2016)	This report contains our advice to the Victorian Government.



“ The Yarra River is valued and appreciated as much for the vegetation and parkland that dominate its corridor as for the presence of the waterbody itself ”<sup>3</sup>

<sup>3</sup> The Middle Yarra River Study (Planisphere), 2014 for the Department of Transport, Planning and Local Infrastructure.





## 2. The case for change



## The case for change

*“It is our view that the Yarra River and its parklands are a state significant asset that underpins the liveability and economic prosperity of Melbourne and the Yarra Valley”*

The Yarra River is an iconic waterway, central to Melbourne’s character and identity. Its linear network of parks and open spaces is one of Melbourne’s greatest assets and the most heavily used in Victoria. It flows 242 kilometres from its near-pristine forested headwaters, through the tranquil rural Yarra Valley and Melbourne’s suburbs to the heart of Melbourne’s central business district before discharging into Port Phillip Bay. The Yarra River catchment is home to more than two million people and the upper Yarra reach provides 70 per cent of Melbourne’s drinking water. Its estuary is home to the Port of Melbourne, Australia’s largest maritime hub for cargo. There are 2,450 hectares of urban parklands and green open spaces along the Yarra where people relax, meet, exercise and celebrate. It is a wildlife and biodiversity corridor supporting diverse life forms and it is important to the culture, values and practices of Traditional Owners.

It is our view that the Yarra River and its parklands are a state significant asset that underpins the liveability and economic prosperity of Melbourne and the Yarra Valley.

The governance arrangements for the river are therefore of critical importance to ensure that it is managed to meet the needs of a growing Melbourne. The Yarra MAC considers that ‘best practice’ management arrangements requires an integrated and coordinated approach to managing four key elements of the river:

- its overall environmental health (waterway and riparian lands)
- community use, access and amenity of the river and its parklands
- the interface of the river corridor with adjacent (private) land use
- its cultural and heritage values.

Effectively, the Yarra MAC would like to see the river, its corridor and catchment linkages managed as one integrated living whole natural asset - a concept which borrows from the Traditional Owners.

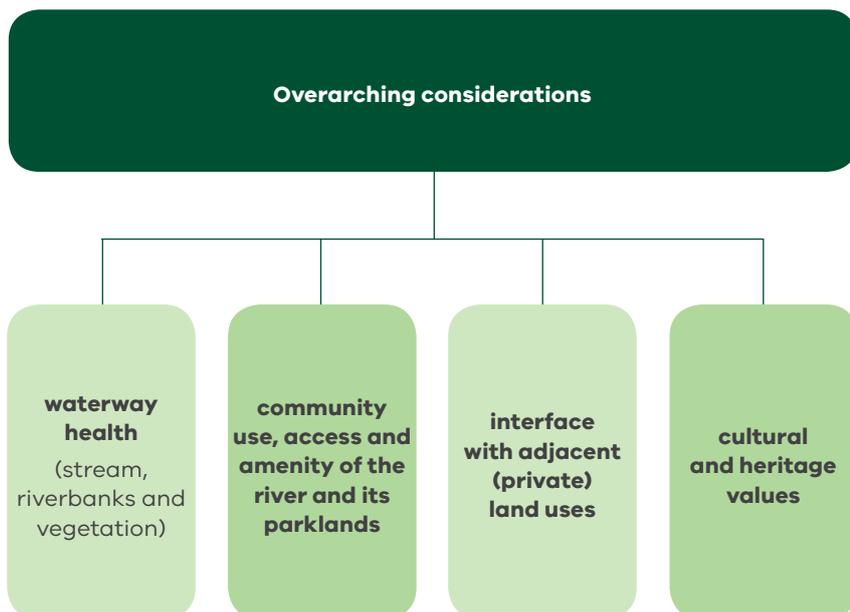
With this concept in mind, the Yarra MAC developed an analytical framework to explore the effectiveness of the governance arrangements for each of the key elements of the riverscape, plus the overarching coordinative mechanisms across the elements.

### ONE LIVING AND INTEGRATED ENTITY

The Yarra River is a dynamic, natural and cultural system, which includes the main river, its tributaries and the broad landscape which it traverses. It is significantly influenced by humans who are in turn, significantly influenced by it. This concept asserts that the Yarra River must be acknowledged, respected and cared for as one living and integrated entity and not as separate components. Such a holistic approach blends the wisdom of Traditional Owners ‘Caring for Country’ with contemporary Australian values of the river and its parklands that contributes to the wellbeing of the community and the prosperity of the city.



**FIGURE 1: ANALYTICAL FRAMEWORK**





## Findings

### Waterway health

(stream, riverbanks and vegetation)

In Australia and across the world, relatively few rivers remain in pristine condition. Most rivers are affected by human activities in their channels and catchments. These often result in changes to their form, flows and water quality and to vegetation, soils, flora and fauna.

Despite significant catchment changes and urbanisation, the Yarra River's water quality is much better today than it was in the 1970s and has remained fairly stable in the past decade. The water quality in the Yarra River's urban reaches compares well against other major urban rivers across the world. The ecological habitat of the Yarra River is still relatively high-standard and supports a diverse community of fish and birdlife. One-third of Victoria's animal species and over 190 species of birds are found in the Yarra catchment. The Yarra River supports many important environmental values including platypus and nationally significant fish species (such as the Australian grayling and the Macquarie perch).

There are a range of measures to protect waterways, including the Yarra River, from the adverse impacts of human activities with a hierarchy of state policy, environmental protection legislation and regulations, catchment management strategies, and

healthy waterway management plans. Melbourne Water is the designated waterway manager and both prepares a regional waterway strategy and delivers programs to maintain and improve the ecological health of the Yarra. These activities have an ongoing funding source in the Waterways and Drainage Charge. The Yarra has received significant attention including major investment in re-vegetation and weed control, managing water extractions and establishing a 17 gigalitre environmental water reserve which, combined with passing flow obligations, provides water for the environment.

The EPA regulates industry and industrial wastes cannot be discharged to the river. However there are several sewage treatment plants in the catchment and some pollution 'hotspots' associated with industrial land uses, unsewered areas, agriculture and general pollution from urban stormwater run-off.

Generally, the Yarra MAC considers that the current arrangements for waterway management are good.

The biggest issue that remains is the management of diffuse sources of pollution from urban stormwater run-off in the suburban and inner-city Yarra reaches.

*“the Yarra River's water quality is much better today than it was in the 1970s and has remained fairly stable in the past decade”*



### **Community use of, access to and amenity of the river and its parklands**

The quality of life that Melbourne provides as a city is one of its greatest achievements. This 'liveability' is built on two waves of 'city shaping', planning and investment in open spaces during the late-19th and mid-20th centuries. The protection of the Yarra River and the establishment of many kilometres of open spaces along its length, including the Botanic Gardens and numerous parks, is a gift to current and future generation from those two periods of visionary planning and investment.

The Yarra brings people together and helps connect them with the natural systems of our city. Its continuous landscape transcends municipal, property and political boundaries and provides for a diverse range of recreational activities including cycling, walking, boating, fishing, rowing, canoeing, kayaking, swimming in some places and nature-based activities. The upper reaches of the Yarra River are within national parks which have trails for hiking and walking, and areas for camping and picnics. Together, the parklands and open space of the Yarra River are one of the most visited areas of regional open space in Melbourne, attracting millions of visits each year.

Although Melbourne's population and metropolitan area have almost

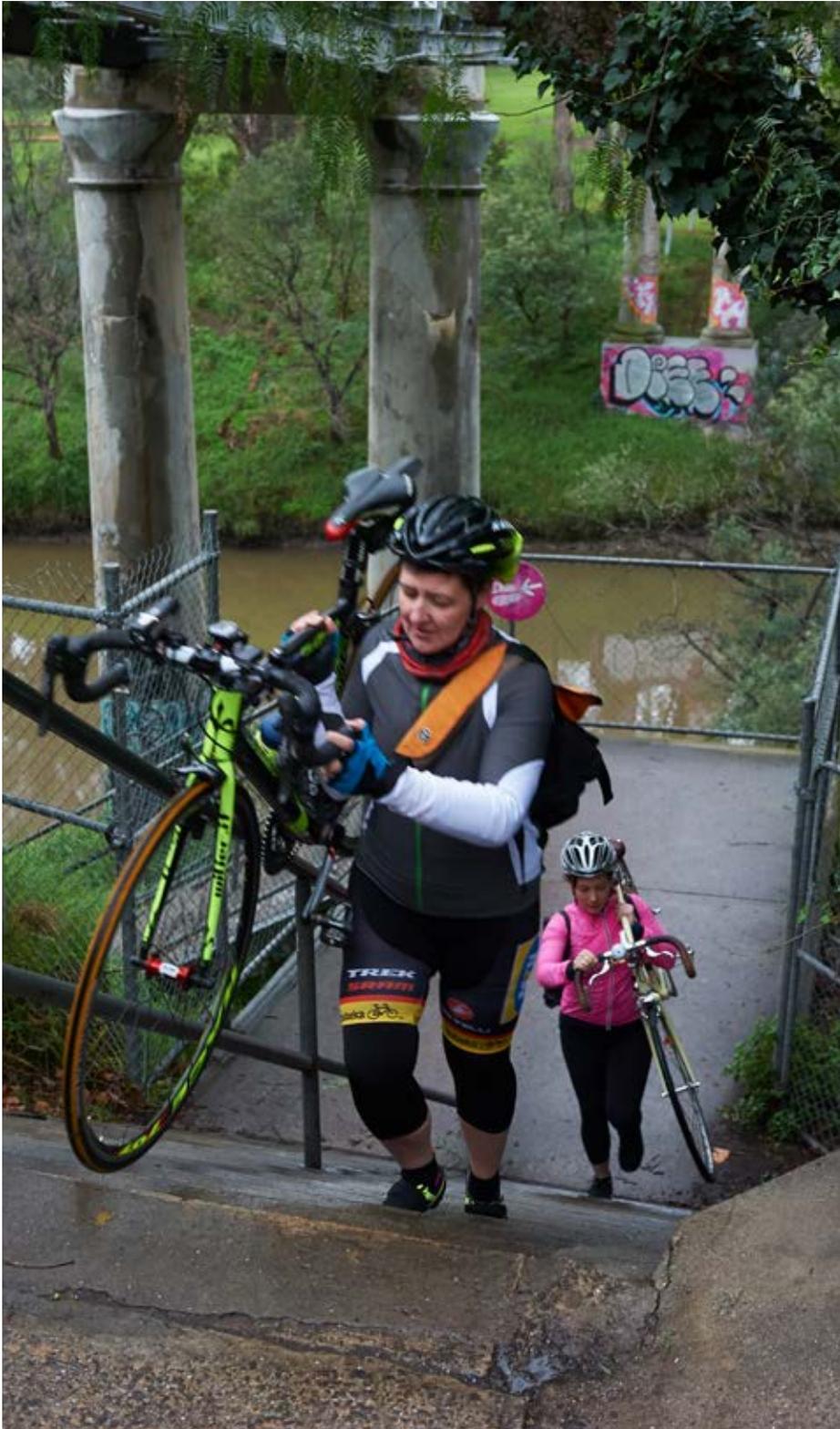
doubled since 1970 our investment in open spaces in recent decades has been only incremental. It also lacks the guiding support of an agreed vision and detailed strategy. There is no agency explicitly responsible for integrated planning of, and investment in, Melbourne's open spaces. Ensuring Melbourne's future liveability will require more, and higher-quality, public open spaces, healthy waterways and interconnecting parks across the city. The relationship between a community vision for the Yarra River and its management cannot be separated from the planning of parks and waterways across greater Melbourne.

Great cities embrace their urban green and blue infrastructure. Sydney has its harbour and ocean beaches, New York has its Central Park and the Hudson River, and Singapore has its island status and concept of a 'city in a garden'. While Melbourne is well known for its parklands along the Yarra River corridor and beaches and open spaces along the extensive coastline of Port Phillip Bay, it is also a city of multiple waterway corridors that support a significant network of parklands and open spaces.

Melbourne needs to embrace the contribution that the waterway corridors (along with the beaches and open spaces around the bay) make to the liveability of the city and improve the quality of this green and blue infrastructure.

This work must involve local and metropolitan thinking and stakeholders. These green-blue networks and places underpin the community's health and wellbeing, and sense of place, preserve cultural heritage narratives, provide off-road movement corridors that link communities and destinations, improve the city's ecological health and biodiversity, reduce the urban heat island effect and support economic prosperity. The Yarra River and its corridor have an important part to play in Melbourne's liveability and economic prosperity.

As one of Melbourne's greatest open space assets, there is no coherent, whole-of-river approach to its management.



### **Interface of the river with adjacent private land uses**

The Yarra River's character and environment changes constantly along its course, with differing degrees of development, access, land use and management in each location. The current patchwork of planning policies and controls reflect the various approaches each municipality takes to management of the river.

Members of the community have expressed concern about intrusive developments along the Yarra and the cumulative effects of site-by-site changes to the landscape setting that the community enjoys.

The government has committed to taking a consistent and stronger approach to managing development along the Yarra River and the Department is developing stronger planning controls for the Yarra River corridor. This includes a revised State Planning Policy for the entire Yarra River corridor, and updated overlay controls in six metropolitan municipalities to manage development along the river between Punt Road, Richmond and Warrandyte – a reach that is under immediate development pressure.

There are other urban reaches of the Yarra River (and Melbourne's other waterways) that are likely to experience development pressure in the future and that will need similar action.

A dedicated program is required to introduce stronger planning controls to protect Melbourne's river corridors for the enjoyment and appreciation of future generations.

### Cultural and heritage values

For the Wurundjeri people, who have a spiritual connection to the Yarra's lands and waterway, the river is a life source that has been etched into the landscape by the ancestral creator spirit Bunjil, the wedge-tailed eagle. The Yarra River provided them with a variety of foods (such as eels and fish) and numerous varieties of native animals and plants could be found along its fertile banks. The Wurundjeri call the river Birrarung—meaning shadows of the mists—and their spiritual connection to places such as the confluence of the Yarra River and Merri Creek extends back thousands of years through periods of extraordinary environmental upheaval that saw dramatic changes in the river. The Bolin Bolin Billabong in Bulleen was a place for great gatherings and where sacred and social interactions between the clans would take place. The Wurundjeri would also gather with other members of the Kulin Nation on the land where the Melbourne Cricket Ground now stands. Other places of significance for the Wurundjeri people include Coranderk Mission Station at Healesville, Pound Bend at Warrandyte, the Dights Falls area in Collingwood, and the Heide Scar Tree in Bulleen.

The identification of cultural Aboriginal Places along the Yarra River is a reactive process that occurs largely as a result of the Wurundjeri Council's Registered Aboriginal Party status and the requirements for planning permits for the development of Wurundjeri homelands. There is little data within the Victorian Aboriginal Heritage Register about cultural heritage sites along the Yarra River for the reaches upstream of the river's urbanised catchment area.

The site for Melbourne was chosen because of the Yarra's water supply. The river also provided the earliest transport links to the developing city. The Yarra River was the axis of the original colonial city of Melbourne and main passage for the transport of goods. The river facilitated the city's growth and prosperity and provided an area for the city's residents to develop ways of living and customs (such as using ferries for transport, recreational boating and festivals). The river continues to shape ways of living in Melbourne and the city's urban form.

There are many significant sites along the Yarra River and they include structures (such as bridges and wharves), buildings like the Abbotsford Convent; places of significant events (such as the Separation Tree in the Botanical Gardens and the Heidelberg School of impressionist artists); historic properties (such as Government House, Gulf Station and Yering Station in the Yarra Valley); and towns (such as Warrandyte and Warburton). There are 60 non-Aboriginal heritage sites within 200 metres of the Yarra River that are currently included on the Victorian Heritage Register under the *Heritage Act 1995*.

A strategic review of significant cultural and heritage sites along the Yarra would help identify and promote places that tell the story of the Traditional Owners and of the post-European settlement of greater Melbourne.

*“The Bolin Bolin Billabong in Bulleen was a place for great gatherings and where sacred and social interactions between the clans would take place”*

There is an opportunity to tell more of the story of the Yarra's rich history and heritage.

**TABLE 2: THE YARRA'S LEGISLATIVE AND REGULATORY FRAMEWORK**

Element	Key legislation and regulatory instruments	Situation
<p><b>Waterway management</b></p> <p>There are a range of measures to protect waterways from the adverse effects of human use.</p> <p>Institutional administrative arrangements are based within a planning hierarchy of state policy, catchment management and healthy waterway strategies.</p> <p>Management plans for improving the environmental condition of the Yarra River are funded from the Waterways and Drainage Charge - this includes allocations to councils for projects.</p>	<ul style="list-style-type: none"> <li>• The <i>Water Act 1989</i> sets out the water entitlement framework and mechanisms for managing Victoria's water resources. It provides caps on consumptive uses, sets sustainable diversion limits, allocates entitlements and requires licences for works on waterways. It also sets out the framework for managing rivers, floodplains and drainage.</li> <li>• The <i>Catchment and Land Protection Act 1994</i> sets out the integrated catchment management system—the institutions, processes and responsibilities for assessing and managing catchments.</li> <li>• There are regulations about when it is permitted to clear native vegetation, to ensure biodiversity impacts are factored into decisions about land use changes and development.</li> <li>• Diffuse and point-source pollution (including wastewater management) is controlled with a combination of works approvals and licences, issuing of notices, formal enforcement and collaborative management frameworks to achieve the requirements of the State Environmental Protection Policy (Waters of Victoria) under the <i>Environmental Protection Act 1970</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• The Yarra River catchment has a capped water entitlement, passing flow requirements at several locations and a 17 GL environmental water entitlement.</li> <li>• Melbourne Water as the designated waterway manager prepares a regional waterway strategy and delivers the implementation plan.</li> <li>• As these are catchment-based they cover the full length of the Yarra River.</li> <li>• Most identifiable point-source pollutants have now been addressed. The biggest source of pollution in the suburban and inner-city Yarra reaches is from urban stormwater run-off.</li> <li>• All stormwater run-off in the Yarra Catchment (home to 2 million people) drains into the Yarra River (via drains and tributaries).</li> </ul>
<p><b>Yarra parklands and public open spaces (Crown land)</b></p> <p>As well as DELWP and Parks Victoria's Crown land management efforts, there are volunteer committees of management, which are appointed by the Minister.</p> <p>Councils allocate funding for maintenance and investment from their general rates revenue. Parks Victoria is allocated funds by the Department from the Parks and Reserves Trust. Some committees of management have no income stream (for example Burke Road Billabong Committee of Management).</p>	<ul style="list-style-type: none"> <li>• The <i>Crown Land (Reserves) Act 1978</i> enables land to be reserved for a range of public purposes, stipulates how reserved land must be dealt with and prescribes governance arrangements for committees of management appointed to manage reserved land.</li> </ul>	<ul style="list-style-type: none"> <li>• There are about 830 Crown land parcels adjacent to the Yarra River totalling more than 139,000 hectares.</li> <li>• There are a multitude of different land management arrangements and committees of management.</li> <li>• There is no requirement for an integrated approach to managing the linear network of parklands or to improving the community benefits provided.</li> <li>• The Main Yarra Trail in the lower reach is an important cycling corridor, especially for commuters but some key access points require cyclists to carry their bicycles up and down steep steps.</li> <li>• There are limited all-abilities access points from which to enjoy the river.</li> </ul>

Element	Key legislation and regulatory instruments	Situation
<p><b>Land use planning (includes cultural and heritage Values)</b></p> <p>Under Victoria's planning system local councils and the Victorian Government develop planning schemes to control land use and development and to ensure the protection and conservation of land in Victoria in the present and long-term interests of all Victorians.</p> <p>These schemes are developed in line with planning policy and strategy and contain planning policies, zones, overlays and other provisions that affect how land can be used and developed.</p> <p>Cultural and heritage values are addressed via planning permit requirements for cultural and heritage management plans.</p>	<ul style="list-style-type: none"> <li>• The <i>Planning and Environment Act 1987</i> sets out the framework for planning the use, development and protection of land in Victoria.</li> <li>• The State Planning Policy Framework in the Victoria Planning Provisions provides the overarching policy to guide land use, subdivision and development in Victoria and includes a dedicated Yarra River protection planning policy. The Local Planning Policy Framework provides local policy context for precinct structure planning and land subdivision permits.</li> <li>• Some planning scheme provisions and overlays (for example flooding overlay) trigger the referral of a permit application to Melbourne Water to ensure any waterway, water quality and drainage issues affecting or affected by the subdivision are satisfactorily addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• There are nine councils along the Yarra River and an additional 10 in the broader Yarra catchment.</li> <li>• There is no overarching (integrated) linear/ corridor strategy for the length of the Yarra River to guide the development and application of consistent, joined-up conditions for land use and development along the river.</li> <li>• 100,000 ha of land in the upper Yarra catchment is a designated water supply catchment and excludes other uses.</li> <li>• Management of stormwater run-off from properties is only required in a very limited set of circumstances in the Yarra catchment and the standards (<i>Best Practice Environmental Guidelines for Urban Stormwater</i>) need updating.</li> </ul>

### The critical gap – no overarching alignment mechanisms

Generally, the Yarra MAC considers that the legislative and regulatory frameworks are relatively effective for managing the Yarra given the single-purpose approach by each entity, with the exception of whole-of-river amenity (refer Table 2).

There is no overarching mechanism, however, for a joined-up approach that aligns the objectives and decisions of organisations across regulatory and spatial boundaries. This is a key gap in current governance arrangements. More than 10 organisations have responsibilities for the management of the Yarra River corridor across four broad areas of governance:

- controls over land use and development, including first steps to protect the ‘amenity’ of the river corridor
- provision of environmental health protection and services
- provision of amenity services such as recreation, leisure, tourism, water transport and land transport
- stewardship of the cultural significance of the river for Traditional Owners and the wider Victorian community.

In addition to government entities, there are also multiple community and private sector organisations that play a direct or indirect role in the management of the Yarra River corridor or the activities of which affect the corridor and catchment. Waterway health is the only element that has consistent administrative arrangements for the length of the river (excluding the Port of Melbourne waters), and an ongoing funding source for improvement projects.

Achieving harmonisation and integration of effort across these agencies and areas of governance is perhaps the principal challenge facing the Yarra.

A degree of institutional complexity is inevitable when managing urban waterways and catchments. Network governance approaches or ‘middle-ground approaches’ bridge the traditional decision-making arena with on-ground implementation efforts and helps to pool resources, expertise, experience and knowledge. Although there have been varying levels of success with the application of network governance approaches, they do provide opportunities to develop a common vision and strategic approach.

Overarching integrative mechanisms are required to align the efforts of agencies and organisations with administrative responsibilities along the Yarra River.

### The challenge: population growth and climate change

#### Population growth and changing demographics

Population growth in the Melbourne region will continue to put pressure on the health and amenity of the Yarra River and its corridor. Greater Melbourne is projected to grow from 4.6 million residents in 2016 to nearly 8 million residents by 2051. The Yarra catchment is a highly populated area with over two million people (over one-third of Victoria’s population) residing there.

While the water quality of the Yarra and Port Phillip Bay compares well with rivers in other cities internationally, urban development in the catchment, if not properly managed, will result in increased pollutants in stormwater run-off that will affect the ecological health of the river and the bay. The built environment has less surface permeability than natural land, leading to increased stormwater flows into waterways that exacerbate the effects of flooding,

increase river scouring and affect river habitat.

A growing population will increase usage of the Yarra, its parklands and public open spaces. Most of Melbourne’s growth will be accommodated by two urban forms: low-density greenfield development and higher-density inner-city development. Population growth generally occurs across the catchment in both types of urban development and will put additional pressure on the city’s green wedges, parks and open spaces as well as on the environment in peri-urban greenfield areas. The landscape along the Yarra needs to be protected and conserved and a wider range of uses, all-abilities access and changing recreation requirements considered. This will require a balance between protecting some areas and identifying and designing hubs or attractions as destinations to accommodate more-intensive uses.

#### Impacts of a changing climate

The changing climate also poses a threat to sustainable management of the Yarra River. Declining rainfall, higher temperatures, longer droughts and more frequent storms are predicted.

While there has been much progress with environmental flow arrangements in the last decade, these have aimed at protecting current environmental values under the historic climate patterns. As we experience the effects of climate change, current arrangements may not be adequate to sustain a healthy river and many of its plant and animal species in their current forms.

Hotter conditions and longer droughts will increase the frequency of bushfires. The upper Yarra and its catchment will be increasingly vulnerable to bushfires which are a threat to biodiversity and Melbourne’s water supplies.



## Conclusion

After examining the current planning and management arrangements for the Yarra River, the Yarra MAC has concluded that a new management model is needed to ensure the river and its open spaces are protected, and continue to underpin the liveability and prosperity of a growing Melbourne. In our Discussion Paper released earlier in the year, we proposed a strategic framework comprising:

- a community vision that clearly outlines community requirements and expectations for the entire length of the river over the long term
- an integrated, overarching strategic plan for the Yarra that would give effect to the community vision, provide direction to and harmonise activities and decision-making in waterway management, public land and infrastructure management, management of cultural and heritage values and statutory planning and include planning for whole-of-river amenity
- improved management arrangements to ensure the Yarra Strategic Plan will be implemented efficiently and effectively with clear accountabilities for all aspects of management
- Traditional Owner inclusion and collaborative public participation processes
- legislation to provide statutory backing and longevity to the new arrangements and give real confidence that the river will be protected over the long term
- a statutory reporting and audit function to provide regular reporting to government and the community about progress towards delivering the plan
- clear funding and infrastructure delivery arrangements.

*“a new management model is needed to ensure the river and its open spaces are protected, and continue to underpin the liveability and prosperity of a growing Melbourne”*





### 3. Community views



# Community views

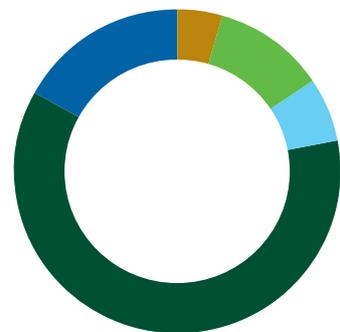
On 1 July 2016 the Yarra MAC published a Discussion Paper to seek the views of the community about key issues and opportunities for the river and about proposed management arrangements to protect it. The Discussion Paper was available for public comment for five weeks and submissions closed on 8 August 2016.

The following key messages were drawn from the community engagement process:

- There is strong support for improvements to governance arrangements for the Yarra River and its environment.
- The environmental and community benefits of the river and its surrounds should be protected and improved for the benefit of all Victorians.
- The involvement of Traditional Owner and local communities is critical to the legitimacy, longevity and implementation of a new vision and plan for the river.

More than 270 face-to-face conversations were held and 195 submissions were received from a range of stakeholder organisations, government, community groups and individuals.

**FIGURE 2: SUBMISSIONS BY GROUPING**



- Agencies, 9
- Community Group, 21
- Council, 12
- Individual, 121
- Industry/Organisation, 32

**Source:** Analysis of submissions by the Department of Environment, Land, Water and Planning, 2016.

*“More than 270 face-to-face conversations were held and 195 submissions were received from a range of stakeholder organisations, community groups and individuals.”*

## Who we heard from

The engagement process was designed to ensure that a wide range of perspectives were captured. During the consultation period people were invited to have their say online by sharing an idea, asking a question, and making a written submission. A number of forums were held along the Yarra River corridor to provide opportunities for local communities to have their say in person: four stakeholder workshops, three community workshops, a youth workshop, three community insights workshops, and three listening posts.



## What we heard

Submissions covered a diverse range of issues. While views expressed by submitters were not unanimous or even compatible, some common themes emerged. Many submissions noted an appreciation of the opportunity to comment.

### **Protect and improve the Yarra's environmental health**

There was a strong desire to protect and improve the water quality of the Yarra and the diversity of the flora and fauna along its banks.

Respondents were most concerned about the effects of stormwater run-off into the river, particularly with the increasing intensity of urban development and increasing traffic as Melbourne's population grows. Some respondents identified the need to control levels of sedimentation and the amount of litter that ends up in the river. Some respondents noted the importance of monitoring pollution from specific sites or activities (such as sewage treatment plants and factories along the river, construction sites and discharges from rural activities).

There was concern about the diversion and extraction of water especially in the upper reaches. This issue was connected to the need to protect environmental flows from the increasing effects of climate change. At the same time, several respondents argued against further control and diminution of water use rights, seeing this as a constraint to the right to farm.

Protecting biodiversity and providing habitat for native animals, including the need to improve the amount of native vegetation and pest management along the river was highlighted. There was support for re-introducing and protecting iconic native animal species (such as platypus and koalas) and for a continuous biodiversity corridor.

A number of respondents emphasised the importance of protecting the headwaters of the Yarra from further logging and farming activities. Some respondents supported the proposal for a Great Forest National Park.

### **Enhance community experience of the Yarra River corridor**

Many respondents wanted increased opportunities for new forms of recreation and better access to infrastructure for existing recreational activities. Respondents

highlighted the importance of maintaining and improving, where possible, community access to the river. Some suggested increasing the amount of public land along the river to allow development of a continuous recreational trail. There were calls for swimming in the lower reaches of the river once the water quality is sufficiently improved.

Respondents recognised the competing needs of river users (such as cyclists and walkers) and for competing needs to be managed. Respondents also acknowledged that more recreational opportunities could impinge on water quality and biodiversity aspirations for the river and that both needed to be balanced and well-managed.

A defining characteristic of the Yarra River is the natural surrounds and scenic views along its length. Many respondents wanted to protect the river from inappropriate development. They supported strong planning controls to prevent overshadowing, encroachment and light pollution. While supporting the environmental and recreational importance of the river, respondents with interests in land alongside it stressed the importance of respecting private rights to use or redevelop their land.



### **Develop an enduring vision and strategic plan**

Many respondents agreed with the Yarra MAC's proposal for an overarching vision and strategic plan to provide a clear, unified policy focus and a way to improve the fragmented management of different aspects of the river and its surrounds.

It was important for many respondents that the vision for the river be a long-term one that reflects the views of the Traditional Owners as well as the broader community. Many respondents also emphasised the need for the vision to adopt a whole-of-catchment approach.

This was also the view of most respondents about the development of a strategic plan. Some respondents suggested a 'nested' approach to planning for the river corridor. Some respondents saw a strategic plan as the primary mechanism for integrating the diversity of issues along the river, and for coordinating the disparate management arrangements. Most argued the plan should be required by legislation and that management agencies should align their priorities, policies and actions. They argued the strategic plan needs to focus on outcomes and identify priority actions. Several respondents also emphasised the need for clear review and reporting mechanisms that covered both the content of the plan and its implementation.

The need to involve Traditional Owners, councils and the broader community in developing the plan was stressed in many submissions.

### **Establish a new management model**

There was strong support for a new approach to managing the river and its environment. Respondents agreed with the Yarra MAC's proposal for a new management model to give effect to the vision and strategic plan as well as to coordinate the various agencies and stakeholders involved in managing the river corridor.

Most respondents stressed the need for the management model to have adequate and secured funding over an extended period of time. While respondents typically viewed funding as critical to the effectiveness and sustainability of the management model, there were differing views about where such funding might come from. The Parks Charge, Waterways and Drainage charge, philanthropic donations and value capture were all suggested as potential funding sources.

Compliance and enforcement were highlighted by a number of respondents who felt that desirable environmental and planning outcomes could only be achieved if the management model had 'teeth'.

While most respondents supported a new management approach, there were mixed views when it came to whether the management model should be located in an existing government organisation or in a new and distinct entity.

Many respondents in favour of establishing the management model in an existing organisation argued that adding another institutional layer risked duplication and complexity. Respondents asserted that organisations such as Melbourne Water, Parks Victoria and the Department already performed many of the functions that a new management model would have to undertake. Furthermore, the technical and delivery expertise that a new management model

*“It was important for many respondents that the vision for the river be a long-term one that reflects the views of the Traditional Owners”*



would require also resides in these organisations. It would need to be redeployed or duplicated if a new entity was created.

There were also many other respondents who argued for a new entity and pointed to perceived inefficiencies of organisations working to different goals. They reasoned that the current organisations had not been able to resolve the challenges of fragmented management even though they are aware of them. They also argued the Yarra River and its uses must be the sole focus of any management agency and it should not be distracted by other potentially competing priorities. Some respondents felt that an independent entity accountable to parliament would have the authority and ability to deliver successful coordination.

It should be noted that half the respondents were ambivalent or did not address the question of a new management entity.

### **Legislate the elements required to protect the river corridor**

The Yarra Riverkeeper and Environmental Justice Australia made a detailed submission advocating what they would like included in the new legislation to protect the Yarra. They proposed a landscape governance Act which requires developing a long-term vision for the river, long-term river health targets, a statutory Yarra River Plan with a clear pathway towards targets and goals, and a Yarra River Trust to manage and champion the river.

They also suggested the Act:

- includes operational features (such as long-term river health targets, nested planning arrangements, obligations of public authorities, institutional arrangements, funding and revenues, and enforcement measures)
- establishes three bodies dedicated to Yarra River governance: a Yarra River Trust (a champion for the river, responsible for planning

and oversight of long-term protection and restoration, including collaboration with and coordination of public and non-governmental parties), a Yarra River Panel (a standing advisory body for advice and for public participation in decision-making and governance) and a River Health Monitor (to monitor, audit and report to parliament on the State of the Yarra and implementation of the Yarra River Plan)

- establishes an independent source of revenue to be administered by the Trust.

Around thirty other submissions supported these proposals.





## 4. Recommendations



## Introduction

There was strong support from the community across all groups for modernising governance and management arrangements to protect and improve the Yarra River and its parklands.

After examining the current planning and management arrangements for the Yarra and taking into account the feedback from community and stakeholders, the Yarra MAC proposes a new governance framework to protect the river comprising the following seven elements:

1. Five strategic goals/objectives to underpin the governance reforms: a healthy river, the Great Yarra Parklands, a culturally diverse riverscape, securing the Yarra footprint and modern governance.
2. Recognition of the importance of the Yarra River and its parklands to the economic prosperity and vitality of Melbourne (and the Yarra Valley) in all relevant state policies.
3. A community vision that clearly outlines community requirements and expectations for the entire length of the river over the long term.
4. An integrated, overarching strategic plan for the river to give effect to the community vision and provide direction to (and harmonise) activities and decision-making in waterway management, management of public land and infrastructure, management of cultural and heritage values, statutory planning, and planning for whole-of-river amenity.
5. Improved institutional arrangements to:
  - ensure the Yarra Strategic Plan and reach-based plans are developed and implemented efficiently and effectively with clear accountabilities for all aspects of management
  - clarify roles and accountabilities, in particular for amenity values along waterways
  - provide regular independent auditing of implementation of the Yarra Strategic Plan and reporting on its overall condition to government and the community
  - require inclusion of Traditional Owners and community participation.
6. Legislation to provide statutory backing and longevity to:
  - the overarching strategic planning framework
  - alignment of the activities and decisions of agencies and councils
  - require independent auditing of implementation of the Yarra Strategic Plan and reporting on its overall environmental condition.
7. Clear funding and infrastructure delivery arrangements.

Detailed recommendations on each of these areas are outlined in the following sections. We have also made a number of recommendations supporting these arrangements over the longer term and some early work that could be undertaken.

We have developed these recommendations to improve the protection and management of the Yarra River as required in our Terms of Reference. We consider the changes to the governance arrangements will significantly improve the river's protection and have the potential for extension to the Maribyrnong, Werribee and other rivers in Melbourne.

The Yarra MAC also recognises that the challenges facing the Yarra are shared by all of Melbourne's open spaces and waterways including the Bay. We believe that many of the recommendations in this report should be considered in the light of this broader challenge. We have, therefore, gone beyond our terms of reference to recommend a Taskforce to develop a vision and strategy for all of Melbourne's open spaces (including parklands, waterways, coasts and bays) and to consider institutional reforms to implement the next wave of planning and investment in open spaces and other natural assets to underpin Melbourne's liveability as the city grows.



# Governance reforms

## Policy recommendations

### RECOMMENDATION 1

Adopt five objectives to guide the development of legislation and reforms of institutional arrangements to protect the Yarra River.

- i. A healthy river.
- ii. The Great Yarra Parklands.
- iii. A culturally diverse riverscape.
- iv. Securing the Yarra footprint.
- v. Modern governance.

### Explanation

Clear objectives are important for the design of governance reforms and ideally should be embedded in legislation and regulations. The Yarra MAC developed, tested and refined these objectives through the stakeholder and community consultation process.

### Implementation detail

Objective	Through which we aim to...
<b>A healthy river</b>	<ul style="list-style-type: none"> <li>• Wilip-gin Birrarung murrong – ‘keep the Birrarung alive’</li> <li>• protect and improve the health of the river and its riparian ecology</li> <li>• increase the resilience of the river to the impacts of climate change and population growth</li> <li>• protect the health of Port Phillip Bay.</li> </ul>
<b>The Great Yarra Parklands</b>	<ul style="list-style-type: none"> <li>• recognise the network of parklands along the Yarra as part of the one integrated living whole natural asset</li> <li>• improve community access to, movement along and on the river</li> <li>• increase opportunities to enjoy the river parklands for people of all ages and abilities</li> <li>• create more destinations and improve visitor experiences.</li> </ul>
<b>A culturally diverse riverscape</b>	<ul style="list-style-type: none"> <li>• in partnership with Traditional Owners, recognise, protect and promote both intangible and tangible cultural and heritage values</li> <li>• recognise, protect and promote cultural and heritage values</li> <li>• provide quality public places for recreation, celebration and coming together.</li> </ul>
<b>Securing the Yarra footprint</b>	<ul style="list-style-type: none"> <li>• protect iconic and naturalistic river landscapes from inappropriate development</li> <li>• connect communities and places along the river with trails and cycling corridors</li> <li>• recognise the importance of the river to the economic prosperity and vitality of Melbourne and the Yarra Valley.</li> </ul>
<b>Modern governance</b>	<ul style="list-style-type: none"> <li>• provide visionary leadership and a long-term commitment to delivering the vision and its goals</li> <li>• partner with the Traditional Owners in the management of natural resources</li> <li>• align the activities and decisions of responsible agencies and councils</li> <li>• prioritise collaborative community processes.</li> </ul>

**RECOMMENDATION 2**

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

- i. ecological health, cultural, social and amenity values in catchment and waterway management
- ii. the landscape setting in which the river sits not only for the enjoyment of the community but also for the attractiveness of Melbourne to businesses, tourists and events in land use planning
- iii. the biodiversity corridor along the river in urban areas in environmental management
- iv. adjacent Crown lands as part of the one integrated living whole natural asset that is the Yarra River in public land management.

**Explanation**

While good progress is being made on policies for waterways and catchment management and urban development in Melbourne, there is a noticeable policy gap for parklands and green open spaces. The three major rivers (Yarra, Maribyrnong and Werribee), their parklands and biodiversity corridors, the beaches and open spaces around Port Phillip Bay and future waterway focused open space corridors in Melbourne's growth areas, are vital to its liveability and economic prosperity.

With the twin pressures of significant population growth and the effects of climate change on the Yarra River it is important to develop and protect the adjacent public lands and the naturalistic setting of the river. These twin pressures will make it equally challenging to maintain waterway health at current levels. In particular the cumulative impacts of the changes to stormwater run-off with each property development will ultimately affect the Yarra River and the health of Port Phillip Bay.

**Implementation detail**

- Embed in the State Planning Policy Framework and municipal planning schemes.
- Embed in a future Melbourne metropolitan open space strategy.
- Embed in Yarra catchment and waterway management planning.
- Update Crown land reservations.

*“The Yarra River and the landscape through which it passes have metropolitan significance as an environmental, aesthetic, cultural, recreation and tourism asset. The river corridor links parklands and reserves into a near-continuous vegetated landscape experience that provides a highly valued refuge from the urban environment for local and metropolitan communities. Its highly naturalistic landscape corridor forms a backdrop to surrounding suburbs, helping to define their identity.”<sup>4</sup>*

4. Planisphere 2014, Middle Yarra Corridor Study, Victorian Department of Transport, Planning and Local Infrastructure.

## Governance reforms (cont)

### New overarching planning framework

#### RECOMMENDATION 3

Establish a statutory requirement to develop a community vision that clearly outlines community requirements and expectations for the entire length of the river over the long term.

#### RECOMMENDATION 4

Establish a statutory requirement to develop and maintain an overarching Yarra Strategic Plan that:

- i. gives effect to the community vision
- ii. provides direction to and harmonises activities and decision-making in waterway management, management of public land and infrastructure, cultural and heritage values management and statutory planning
- iii. includes planning for whole-of-river amenity
- iv. provides future direction to land use and development
- v. is reviewed every 10 years.

#### Explanation

The Yarra MAC concluded that despite the conscientious work of more than 10 organisations responsible for planning and oversight of the Yarra River, the management of the river and its riverscape is fragmented. In particular, there is no overarching mechanism for a joined-up approach that aligns objectives and integrates decision-making across organisations and along the full length of the river.

Under current management arrangements, decisions about statutory planning, public land management and waterway management tend to be portfolio-based and are undertaken somewhat independently of each other. There has also been a lack of planning to protect and enhance the amenity of the Yarra River.

The Yarra MAC proposes a Yarra Strategic Plan (including a community vision) that outlines a spatial and management vision along the river to harmonise the planning and management efforts of the various state and local authorities responsible for the aspects of the river. The Yarra Strategic Plan would not take the place of other policies and plans made under relevant statutes such as the *Planning and Environment Act*, the *Environment Protection Act* and the *Water Act*. It would be an overarching strategy that integrates and harmonises the many plans, regulations and investment programs of the various agencies and organisations that manage the corridor. The Yarra Strategic Plan would also develop a spatial

and management vision for each reach of the river. The plan's scope would include the waterway and its riverscape, parklands and open spaces, interfaces with adjacent land uses and infrastructure, linkages with its catchment and connectivity with the lower reaches of tributaries and their associated open spaces. More specifically, a Yarra Strategic Plan would:

- outline the community values and vision along the full length of the river
- identify issues, opportunities and challenges for managing the river, its parklands, the corridor and catchment
- identify demand for services along the river, now and in the future
- prioritise values along the river and resolve competing uses
- enable community participation and stakeholder engagement at a scale commensurate with the river's significance
- develop standards and statements of outcomes for the river as a whole and for each reach about river health, community amenity, statutory planning and management of Crown lands
- establish broad strategic directions, spatial planning and detailed parameters that provide structure for the future protection and development of the Yarra River and its riverscape.

To give effect to the vision and provide status for the Yarra Strategic Plan it would be mandated by legislation, tabled in parliament, and incorporated into municipal planning schemes along the river.

### Implementation detail

- The Yarra (Birrarung) Protection Bill requires a Yarra Strategic Plan (including a community vision and reach based spatial and management plans be developed to guide the future use and development of the river corridor).
- Develop the Yarra Strategic Plan in accordance with departmental guidelines and considering Melbourne’s long-term needs (50-year outlook). The plan is to:
  - set an ambitious 21st century vision for the Yarra River, its parklands, public open spaces, and landscapes
  - coordinate and align the cumulative and individual decisions about land use and development, and infrastructure investments that will be made across regulatory boundaries over many years
  - focus on community values and recognise that many objectives will be beyond the remit of any one organisation
  - include long-term targets which provide an expression of goals to be achieved over a determined timeframe
  - provide a mechanism for balancing competing uses and policy objectives
  - be reviewed every 10 years.
- Once approved by the Minister and tabled in parliament, the Yarra Strategic Plan and subsequent reach-based plans would be reflected in the statutory planning framework and local planning provisions. The plans would provide guidance for land use and development, infrastructure and investment decisions and the management plans of waterway manager(s), Parks Victoria and local councils.

### RECOMMENDATION 5

Establish a statutory requirement for public participation processes in the development of the Yarra Strategic Plan.

#### Explanation

Engagement is about making better and more sustainable decisions through a process that engenders trust and credibility. Community and stakeholder engagement contributes to informed decisions by bringing all perspectives to the table; by identifying important issues early; and by allowing decisions to be understood and owned by as many people as possible. Engagement can also build and strengthen relationships which ultimately leads to community ownership of outcomes.

Community co-design processes with opportunities for deep public participation and debate will be essential for establishing the community values and priorities for the Yarra. The Yarra River (Birrarung) Protection Bill should include a requirement for public participation in shaping the plans both upfront as part of objective setting for the Yarra Strategic Plan and in the more detailed design of reach and precinct-based plans.

A proactive, transparent public participation program will be required that uses a series of engagement tools to facilitate a meaningful discussions with the community to:

- identify community values and preferences
- provide the broadest platform possible for local communities to hear about and contribute to the future directions for the Yarra River and its environment
- build capacity of stakeholders and interested communities to participate in the project
- ensure no surprises at a later date by engaging the community early so that they feed into the planning process
- increase local community and key stakeholder understanding, and strengthen support for, the final recommendations.

### Implementation detail

- The Yarra River (Birrarung) Protection Bill requires collaborative public participation processes in the preparation of the Yarra Strategic Plan.

## Governance reforms (cont)

### Reformed institutional arrangements

#### RECOMMENDATION 6

Assign Melbourne Water the planning function for developing the Yarra Strategic Plan and coordinating its delivery. This will establish Melbourne Water as 'caretaker of river amenity' in addition to its existing role as 'caretaker of river health'.

- i. Melbourne Water's objective in undertaking the new role: Protect and improve the Yarra River and adjacent public lands as the one living whole natural asset.
- ii. New accountabilities to be assigned to Melbourne Water to support the objective:
  - a. develop the Yarra Strategic Plan
  - b. coordinate delivery of the Yarra Strategic Plan including reflection in planning schemes
  - c. monitor and report on implementation of the Yarra Strategic Plan
  - d. provide advice to the Minister for Planning on proposed planning scheme amendments and development proposals with a major impact on the amenity of the Yarra River
  - e. become a recommending referral authority for protection of amenity values along waterways in land use planning permits
  - f. be able to accept, hold and maintain gifted land, funding or other assets.
- iii. Melbourne Water is to undertake these functions in partnership with the Traditional Owners and with strong community participation.

#### RECOMMENDATION 7

Require Melbourne Water to establish a Birrarung Rivers Council to provide oversight and advice to the Melbourne Water Board on its 'caretaker' functions in the development and implementation of the Yarra Strategic Plan.

- i. Birrarung Rivers Council Functions:
  - a. advice, guidance and strategic oversight of the development and implementation of the Yarra Strategic Plan
  - b. act as a champion for the Yarra River.
- ii. Members (mix of representatives and skills based)
  - a. independent chair
  - b. representatives from the Wurundjeri Council (at least two), DELWP, EPA Vic, Parks Victoria, two Councils, environmental advocacy group, the Victorian Farmers Federation and a community representative
  - c. skills based independent members as required (waterway health, urban design/ landscape architect, urban parks and recreation, statutory planning, environmental planning, public participation processes, community health).

#### RECOMMENDATION 8

Require Melbourne Water to establish a community reference forum for each reach of the Yarra to provide local inputs to the Yarra Strategic Plan as part of the public consultation activities.

#### Explanation

Given the range of stakeholders involved and the complexity of management activities that need to be coordinated to shape the Yarra's future, an agency needs to be identified or created to develop the Yarra Strategic Plan, including the community vision, and coordinate its implementation.

This agency must be able to exercise influence across the relevant portfolios. It will need to have relevant technical capability and capacity, relationships with all the key agencies and ongoing funding. It would lead the development of any new budget bids and work with the Department (as the sponsoring government department to ensure they were submitted for consideration in the government budget processes). It would (by developing the Yarra Strategic Plan) be responsible for refining the management partnership with Traditional Owners and establishing community relationships. Service delivery functions would remain with the existing agencies and councils. Any gaps in service delivery functions that emerge through the planning process will need to be filled, however, with clear accountabilities for these new roles.

In developing this recommendation, the Yarra MAC considered the option of establishing a new authority or assigning the function to an existing agency. In evaluating institutional options, we considered:

- complementing and not disrupting successful governance arrangements, practices and relationships
- consistency with existing statewide policies
- capacity and capability
- the most efficient use of existing funding
- clarity of accountabilities and reduced duplication and complexity.

We also considered the new governance model should reflect best practice in urban water management and should be able to be transferred to other urban rivers across Melbourne and the state<sup>5</sup>.

The Yarra MAC took the view that creating a new and separate entity to look after the Yarra River corridor alone would be at odds with 30 years of river and catchment management reform in Victoria and Melbourne; and we are regarded as a world leader in this area. It is our view that a small stand-alone entity would struggle to develop the capabilities required to lead the many established players including local government and the development industry. We considered that such an entity would not have the gravitas necessary to challenge initiatives or developments inconsistent with the vision for the Yarra and to assert the river's importance to the many powerful stakeholders. Having an entity solely for the Yarra corridor would also create boundary issues with existing agencies, would potentially disrupt some successful programs and would be an

additional cost to government.

The Yarra MAC concluded that preparing and coordinating the implementation of the Yarra Strategic Plan would be best done by an existing agency. The Yarra MAC assessed the options for a number of existing organisations that could potentially take on this new role including the Department, Port Phillip and Westernport Catchment Management Authority, Melbourne Water, Parks Victoria and the Victorian Planning Authority.

The Yarra MAC considers that Melbourne Water is best placed to undertake this work given its existing capability and base level of resourcing to do so (staff, systems and revenue stream) with minimal disruption to its existing business. It also already has:

- accountability for waterway management planning and service delivery along the entire length of the river and its tributaries
- existing land use planning and permit assessment capabilities through its stormwater and flood management functions
- an existing funding stream (the waterways and drainage charge) some of which could be directed towards developing the Yarra Strategic Plan including a community vision.

The Yarra MAC considers the new function of preparing and coordinating the implementation of the Yarra Strategic Plan needs to be undertaken with the strong involvement of Traditional Owners, relevant agencies and the community and provide a real focus for the Yarra within the organisation.

Given this, we also recommend that Melbourne Water establish an independently chaired Birrarrung Rivers Council with a mixture of representatives and skills based members to provide advice and oversee the development of the Yarra Strategic Plan. We also recommend that Melbourne Water establish local community forums in each reach as part of public consultation activities.

#### Implementation detail

- The Yarra River (Birrarrung) Protection Bill assigns the planning function for preparation of the Yarra Strategic Plan and requires the Birrarrung Rivers Council.
- Amend Part 10 of the *Water Act* to enable the development of a strategic planning function (as outlined).
- Minister for Water to assign new functions to Melbourne Water with respect to the Yarra River and amend its Statement of Obligations.
- Annual letter of expectations from the Minister for Water to the Board of Melbourne Water (e.g. date of first plan, detail for consideration in the scope, work in partnership with the recognised Traditional Owners, and establishment of the Birrarrung Rivers Council).
- Establish Melbourne Water as a recommending referral authority for the amenity of the Yarra River in the Victoria Planning Provisions.

5. Table 9 in *Protecting the Yarra River (Birrarrung) Discussion Paper* has the full list of issues and principals considered in evaluating options.

## Governance reforms (cont)

### Reformed institutional arrangements

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#### RECOMMENDATION 9

Create an independent statutory function to audit the implementation of the Yarra Strategic Plan every second year.

#### RECOMMENDATION 10

Assign the auditing function to the Commissioner for Environmental Sustainability (or an existing auditing entity).

#### RECOMMENDATION 11

Require the Commissioner for Environmental Sustainability to provide reports on the 'State of the Yarra River' as part of the 'State of the Environment' reporting.

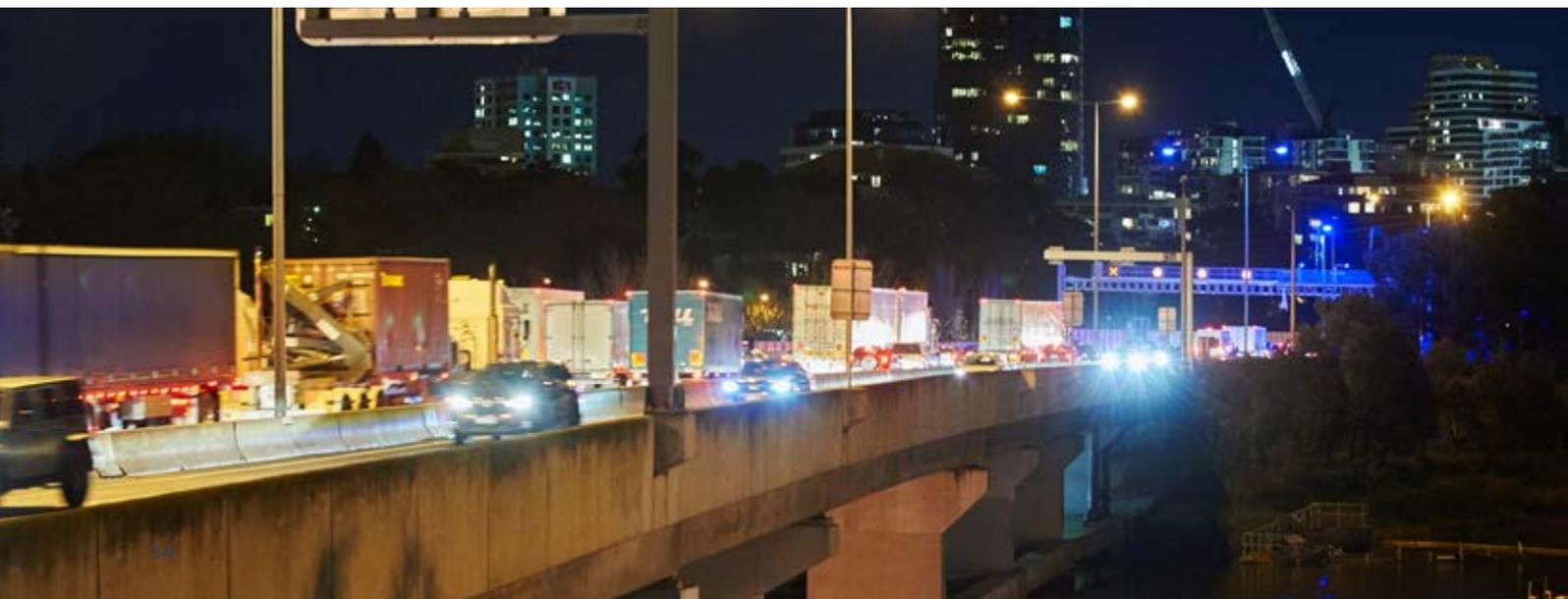
#### Explanation

A core part of the proposed institutional arrangements is a regular, independent audit and report to parliament on the extent to which progress is being made in implementing the Yarra Strategic Plan. This will provide a real incentive to all organisations to align their operations to the Yarra Strategic Plan and implement its requirements. The Yarra MAC considers that the audit should be undertaken every two years and that there are benefits in assigning this new audit role to the Commissioner for Environmental Sustainability.

The Yarra MAC further recommends a report on the 'State of the Yarra River' be included in the normal 'State of the Environment' reporting process by the Commissioner for Environmental Sustainability. This would be consistent with the current focus on aligning Victoria's environmental reporting efforts. It would assess the extent to which progress is being made towards the desired longer-term outcomes.

#### Implementation detail

- The Yarra River (Birrarrung) Protection Bill establishes a requirement for a regular independent audit and report to parliament on the implementation of the Yarra Strategic Plan.
- Report on the environmental condition of the Yarra River as part of the State of the Environment reporting.
- The Department, Melbourne Water and the Commissioner for Environmental Sustainability develop a set of ecological, amenity, cultural and social indicators for a 'State of the Yarra' Report developed in parallel with the Yarra Strategic Plan.
- Establish the baseline measures (State of the Yarra) as part of the 2018 State of the Environment Report.



## New legislation

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### RECOMMENDATION 12

Prepare a Yarra (Birrarung) 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. The Bill will:

- i. create a requirement for the development of a Yarra Strategic Plan (community vision and corridor plan) that includes objectives and targets for long-term outcomes to guide planning and decision-making
- ii. ensure the activities and decision-making of agencies and councils are aligned with delivery of the Yarra Strategic Plan and progressing towards achieving the long-term outcomes
- iii. require Traditional Owner inclusion and community participation
- iv. set out monitoring, reporting and independent audit requirements
- v. include a Traditional Owner language title: Wilip-gin Birrarung murron - 'keep the Birrarung alive'

### RECOMMENDATION 13

The Department (DELWP) should establish appropriate consultative processes during the preparation of the Bill.

### Explanation

Legislation is essential to implement the new policy and planning framework for the Yarra River. At the heart of the new framework is the development of a strategic corridor plan including a community vision for the river corridor and its catchment linkages, and separate reach-based plans. The development of that vision and preparation of those plans should be mandated and regulated through legislation.

Legislation is also the mechanism by which relevant public bodies, such as statutory corporations, councils and public land managers can be required to align their decisions, priorities, policies and actions with the vision and plans.

Legislation can establish new bodies and alter the functions of existing bodies. By this means the functions and powers of Melbourne Water may be expanded not only to encompass the development of a vision and preparation of plans for the corridor but to broaden its role as a waterway management authority to include protecting and enhancing waterway and landscape amenity.

Clarity of accountability is critical and legislation is required to establish the proposed new reporting and auditing obligations. This includes Melbourne Water's new planning functions and the requirement that all relevant public bodies must act in a coordinated manner and align their activities and decisions with the Yarra Strategic Plan.

Several submissions asked for further consultation during preparation of the new legislation including consequential amendments.

### Implementation detail

- Prepare a Yarra River (Birrarung) Protection Bill. Appendix A outlines some of the key matters that should be dealt with in the Bill and for appropriate consultation arrangements.

## Governance reforms (cont)

### Funding arrangements

#### RECOMMENDATION 14

Authorise Melbourne Water to use Waterways and Drainage Charge funds for undertaking its new functions as described in Recommendation 6.

#### RECOMMENDATION 15

Review 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.

#### RECOMMENDATION 16

DELWP, as the responsible department, is to champion funding bids through government budgeting processes for priority projects identified in the Yarra Strategic Plan.

#### Explanation

Many submissions identified the need for secure funding to support investment in maintaining and improving the health and amenity of the Yarra River. The Yarra MAC noted that there is significant funding for some, but not all, key areas of management. Currently the main funding sources for protecting and improving the Yarra River are the Waterways and Drainage Charge, the Melbourne Metropolitan Parks Charge and councils.

#### Waterways and Drainage Charge:

Melbourne Water raises revenue from a Waterways and Drainage Charge that is paid by property owners across the Port Phillip and Westernport region. This charge enables Melbourne Water to fund a substantial program of works to manage the Yarra River and its tributaries. It has a clear long-term program for the Yarra and generally well defined targets and service levels. The program offers grants to support local government, community groups and rural landholders. The need for the waterways and drainage related services provided by Melbourne Water, the cost of those services and the price of the Waterways and Drainage Charge is subject to regulation by the Essential Services Commission (ESC).

#### Melbourne Metropolitan Parks Charge:

Much of the past investment in creating the open space corridor along the Yarra River has been funded by revenue from the Parks Charge which had a similar history to the Waterways and Drainage Charge up until 1998 when Parks Victoria was created. Since that time, the revenue from the charge is currently paid into the Parks and Recreation Trust Account (PRTA) administered by the Secretary of the Department.

The Parks Charge is currently not subject to any regulatory oversight and the allocation of funds is not transparent so it is unclear what strategic goals drive the investments and services it supports.

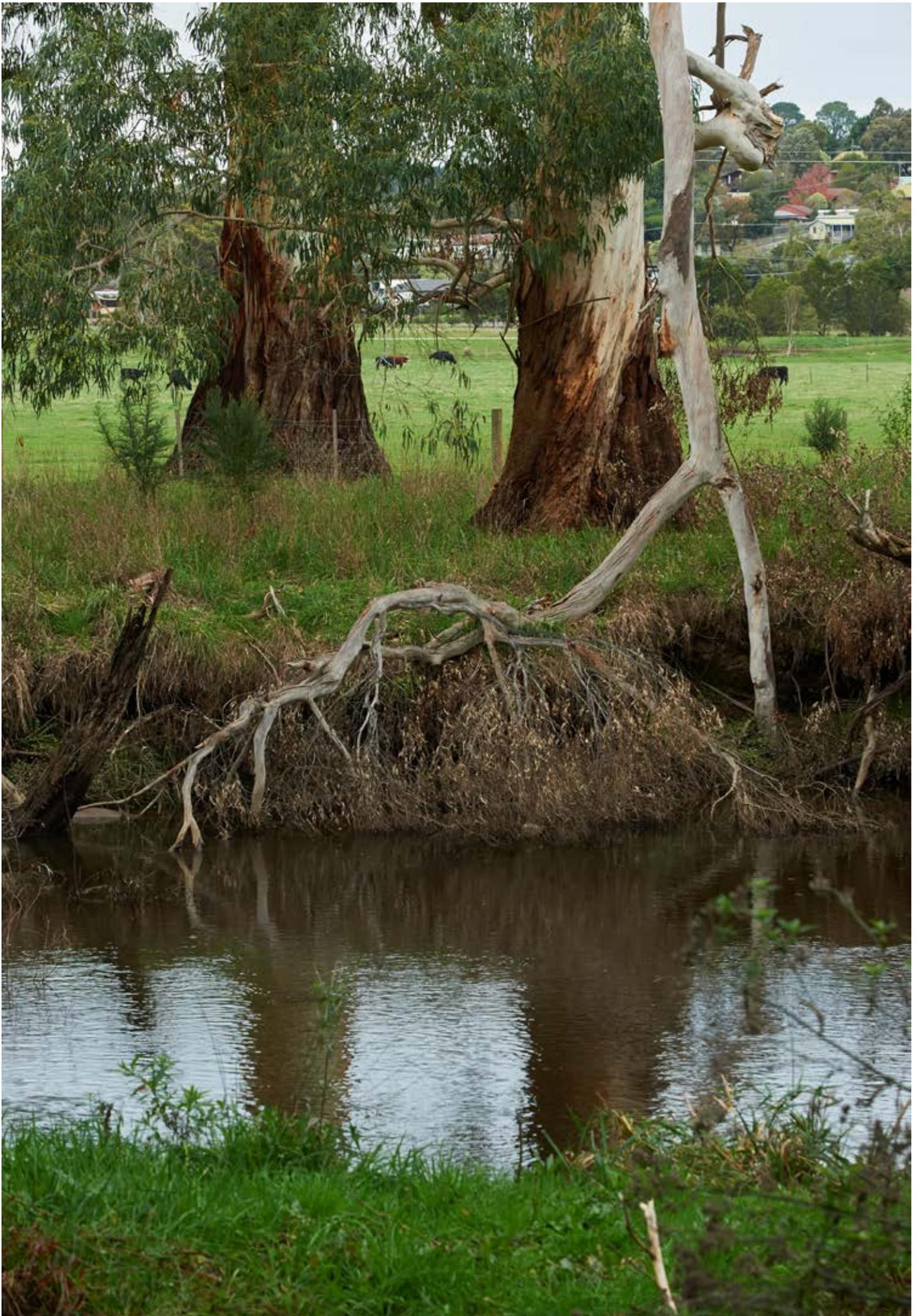
**Local Government:** Local government provides significant funding for investments and management activities within the Yarra River and its tributaries. For example the City of Stonnington is spending over \$7 million on landscape enhancement of the Yarra River from Punt Road to Herring Island. These funds come from rate revenue, special charges and developer contributions.

In the past, additional funding has also been made available through consolidated revenue and federal funding to support key infrastructure initiatives and pollution reduction measures (such as bike trails, sewer backlog programs). Most recently, funds have been made available from the Environmental Contribution levy to assist with stormwater management.

There are currently funding gaps, particularly for activities associated with community amenity.

#### Implementation detail

- Review the Melbourne Metropolitan Parks Charge and report to government by the end of 2017.
- Prepare a business case for infrastructure and assets investment along the Yarra River and its parklands – firstly for funding known priority infrastructure projects; secondly for ongoing funding for projects identified in the Yarra Strategic Plan.





## Expanding the model across Melbourne

The Yarra MAC developed recommendations to improve the management of the Yarra River as required in our Terms of Reference. The Terms of Reference also required us to look at the broader application and transferability of the recommendations to other waterways (such as the Maribyrnong River).

*“A collaborative, joined-up approach would provide focus on protecting and enhancing the liveability of Melbourne as it rapidly grows”*

In our view other major urban rivers in the Greater Melbourne region, including the Maribyrnong and Werribee rivers, face similar challenges. This was supported by councils along the Maribyrnong and other members of the community during the consultations.

The Yarra MAC has developed these recommendations to provide focus and effective delivery of the Yarra Strategic Plan and also to enable the new management model to be easily extended to include other rivers in the Port Phillip and Westernport catchments, should the government wish to do so. It could even be extended to urban rivers in other cities in the state.

If the geographic scope is broadened to include the whole of the Greater Melbourne region and Port Phillip and Western Port bays then there would be an opportunity to consider and evaluate a more significant institutional reform that harnesses the potential energy and synergies of bringing together the full suite of open spaces management, waterway management and coast and bays management. A collaborative, joined-up approach would provide focus on protecting and enhancing the liveability of Melbourne as it rapidly grows.

## An opportunity for a Melbourne-wide approach

### RECOMMENDATION 17

Expand the Yarra model to protect other major Melbourne rivers and their open spaces such as the Maribyrnong and Werribee rivers.

### RECOMMENDATION 18

In recognition of the importance of green open spaces, waterways, coasts and bays to the liveability and ecological health of Melbourne, establish a joint Taskforce reporting to the DELWP Secretary that brings together the skills of DELWP, Melbourne Water, Parks Victoria and local government.

- i. Investigate the potential benefits of combining waterway management, open space, bay and coastal management for greater Melbourne.
- ii. Develop an integrated vision and strategy for Melbourne's waterways, open spaces, coasts and bays to improve Melbourne's liveability and ecological health.
- iii. Establish ongoing collaborative governance arrangements between DELWP, Traditional Owners, Parks Victoria, Melbourne Water and local government to:
  - a. deliver the integrated vision and strategy
  - b. synergise delivery of related projects from the Water Plan, Plan Melbourne, Port Phillip Bay Environmental Management Plan (EMP) and Yarra MAC recommendations

- c. establish long-term funding arrangements
- d. identify the preferred open space footprint of Melbourne's key waterways and in particular those under sustained growth pressure (e.g. Werribee River) and plan to secure this.
- iv. Report to the Victorian Government on an improved integrated institutional model by December 2017.

### Explanation

The Yarra MAC's Discussion Paper highlighted that the Yarra River and its parklands are the legacy of two eras of visionary planning combined with a commitment (and the necessary investment) to implement the plans across several decades (city founding era of the late 1800s and post-war population growth and environment protection era of the 1970s).

Melbourne is now in its third and largest wave of population growth. As we move well beyond 4 million residents, the liveability that Melbourne relies on for its economic attractiveness and prosperity, will be challenged. The government is already investing in upgrades to our major water and transport infrastructure to cater for this population growth. It is the Yarra MAC's view that the same focus and attention is needed on the protection and improvement of all Melbourne's river parklands and urban natural places.

Planning for the projected population growth of Melbourne requires a major focus on the provision and quality of open spaces and parklands across the city and this should include

waterways, coasts and bays. This would provide a more integrated network approach to the protection and improvement of blue and green infrastructure for the enjoyment of current and future Melburnians. It would be the environmental equivalent of the major infrastructure build now being undertaken in Melbourne and would be a truly city shaping initiative. This would create the opportunity for this generation to contribute a 'third wave of visionary planning' to the liveability of Melbourne.

The institutional arrangements for the management of waterways and parklands are currently separated with a strong focus on efficient service delivery. The Yarra MAC questions whether this 'city servicing' structure is suitable for the 'city shaping' planning and infrastructure delivery agenda required to maintain the liveability of Melbourne with significant population growth. A more integrated, multi-objective and joined-up decision-making approach is required to sustain years of effort and strong collaboration with local government and other stakeholders.

To implement this much broader agenda would require bringing together the combined roles, capabilities and strengths of Melbourne Water, Parks Victoria, local government and key parts of the Department into a dedicated entity that is focused on the protection and improvement of Melbourne's waterways, parklands, coasts and bays as urban natural assets.

### Implementation detail

- Establish a joint Taskforce reporting to the Secretary of the Department of Environment, Land, Water and Planning by December 2017.

## Supporting projects

The Yarra MAC has identified several actions that are required to support the development and implementation of the Yarra Strategic Plan including:

- Support the Wurundjeri Council and local governments along the Yarra to immediately and actively participate in the planning processes which will tax their existing resources at short notice.
- Preserve the full footprint of the river and its Crown land as it stands today until the Yarra Strategic Plan is sufficiently developed to provide guidance about priority areas for preservation.
- Improve the regulation of stormwater management.
- Align potentially competing processes.

### RECOMMENDATION 19

Map the Traditional Owner tangible and intangible cultural values along the full length of the Yarra River.

#### Explanation

It is important to identify and understand both the tangible and intangible Traditional Owner cultural values along the Yarra River to inform the ongoing development of a community vision and Yarra Strategic Plan.

An important first step is to undertake a desktop study to assist in identifying both the tangible and intangible values of the Wurundjeri people. Developing an in-depth understanding of such values (particularly the intangible cultural values) will require considerable time and investment and is therefore beyond the scope of a desktop study. The timeframe for understanding Wurundjeri cultural values must be realistic and take into account Wurundjeri Council's resources and capacity. Such a process would extend well beyond the timeframe associated with the development of the community vision for the Yarra Strategic Plan.

Identification of cultural Aboriginal Places along the Yarra River is largely as a result of Wurundjeri Council's Registered Aboriginal Party (RAP) status with requirements for planning permits for the (re) development of Wurundjeri homelands. There is currently very little data within the Victorian Aboriginal Heritage Register (VAHR) on cultural

heritage sites along the Yarra River for the reaches extending upstream of the waterway's urbanised catchment area. Traditional Owner tangible and intangible cultural values have intrinsic importance to the Wurundjeri people; therefore, documenting such material ought not to be limited to statutory triggers.

Detailed cultural heritage site assessments remains a large information gap for the Wurundjeri Council who do not currently have either the budget or resources to undertake such an extensive project.

#### Implementation detail

Work with the Wurundjeri Council to establish the methodology, project plan and timelines to record both tangible and intangible cultural values along the Yarra River.

**RECOMMENDATION 20**

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

**Explanation**

Developing the Yarra Strategic Plan will need significant input from the Wurundjeri Council and expert advice to recognise, protect and promote both tangible and intangible values. The Wurundjeri Council require support to build their capacity to support such a large program of works.

**Implementation detail**

- The Department provides regular briefings on policies, regulatory systems and other relevant topics.
- Provide financial support to build the capacity of Wurundjeri Council representatives to actively participate in the Yarra River's governance structures including the Birrarung Rivers Council and the Taskforce.
- Provide financial and technical support for a dedicated project manager to support the Wurundjeri Council's ongoing participation in protecting and promoting the Yarra River and Traditional Owner intangible and tangible cultural heritage values.

**RECOMMENDATION 21**

Introduce the stronger planning controls along the Yarra River that are currently under development as quickly as possible, and expand this work as part of the Yarra Strategic Plan to other areas along the Yarra River.

**Explanation**

The Department is working with Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra councils and with Melbourne Water to prepare and implement stronger planning controls along the Yarra River. These aim to protect the landscape values of the river between Richmond and Warrandyte, an area under increasing development pressure. This work has recently:

- strengthened the State Planning Policy Framework, implementing for the first time a Yarra River protection planning policy that identifies the river's metropolitan significance and provides guidance to councils about decision-making.
- strengthened overshadowing controls in the Melbourne central business district to ensure that tall buildings do not overshadow the Yarra River and its banks.

During the consultation process we found broad support for this work across the community and councils.

**Implementation detail**

- Implement the stronger planning controls that have been developed as quickly as possible.

**RECOMMENDATION 22**

Establish 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.

**Explanation**

There are Public Acquisition Overlays (PAOs) on private land along the Yarra River largely resulting from the green wedge and green corridors protection planning. These PAOs represent a state liability that the Department can reduce by removal or reduction in the area to which they apply. Normally such processes (for removal of PAOs) do not involve consulting the community.

The Yarra MAC's view is that it would be prudent to place a moratorium on the reduction of PAOs and sale of Crown land along the Yarra until they could be reviewed as a whole against the community vision, objectives and Yarra Strategic Plan.

**Implementation detail**

- Direct the Department to cease removal or reduction in areas of PAOs or sale of Crown land near the Yarra River until the Yarra Strategic Plan is completed.
- If government decides to expand the focus of protecting the Yarra River to include the Maribyrnong and Werribee rivers then direct the Department to also stop removing or reducing the area of PAO's and not sell Crown land along the Maribyrnong and Werribee rivers until a Strategic River Corridor Plan is in place.

## Supporting projects (cont)

### RECOMMENDATION 23

DELWP to review all PAOs and land acquisition opportunities along the river to enable alignment with the Yarra Strategic Plan.

### RECOMMENDATION 24

DELWP to review and update Crown land reservations along the river to enable alignment with the Yarra Strategic Plan.

#### Explanation

There are more than 139,000 hectares of Crown land in 830 parcels associated with the Yarra River (including its headwaters). There are a multitude of different reservations and land management arrangements with some volunteer committees of management having no funding sources. Each area is managed according to local priorities and there is no requirement for an integrated approach to managing the linear network of parklands or to improving the community benefits provided from the asset base (such as linkages that connect communities and destinations).

These reservations need to be reviewed and refreshed to align with the goals of the Yarra Strategic Plan. For example, once a node for more intense uses is identified the parcels of Crown land in this area ought to be restructured to facilitate ongoing management and, where appropriate, private investment.

#### Implementation detail

Review and restructure the 833 Crown land reservations along the Yarra River to:

- consider and protect the river and its public lands as the one whole, integrated, natural asset
- consistently apply suitable reservations and recognise the different uses/precincts in the Yarra Strategic Plan
- facilitate development at nodes identified for more intense uses.

### RECOMMENDATION 25

Extend Clause 56 of the Victoria Planning Provisions best practice stormwater management standards for residential subdivisions to apply to commercial and industrial subdivisions to assist in maintaining the water quality in the Yarra River at the current levels. Note that to make a marked difference in the water quality in the lower Yarra River will require further significant policy and regulatory changes.

### RECOMMENDATION 26

Use the community consultation process for the development of the community vision and Yarra Strategic Plan to also meet the requirements for the development of water quality standards for the Yarra under the State Environment Protection Policy (Waters of Victoria).

#### Explanation

There is a reasonably high level of satisfaction with the quality and amenity of the Yarra River corridor and Melbourne's waterways in general. This is a legacy of significant planning and investment over many decades but in particular, the initiatives of the 1970s and 80s that saw major investment in sewerage Melbourne's sprawling suburbs, the creation of the EPA and the introduction of world-leading regulation of industrial pollution. Now, stormwater run-off from outer suburbs remains the biggest problem.

Virtually all of Melbourne's existing urban area is serviced by drainage infrastructure that discharges stormwater run-off directly into waterways, including the Yarra. There are over 10,000 kms of council drains and 400 kms of Melbourne Water drains that collect stormwater from properties and roads across 935 square kilometres of urbanised land in the Yarra catchment.

Since the mid-1990s, the EPA, councils and Melbourne Water have invested much time and effort in improving stormwater management

to reduce pollution. Several major investigations and plans have addressed water quality in the Yarra and many of the actions in these plans have been implemented. These efforts have maintained the water quality and avoided further decline even though there has been significant population growth and urbanisation in the catchment. Despite these successes, by far the most frequently raised issues in the Yarra MAC's consultation with stakeholders and community were river health and water quality.

It is the MAC's view that considerable further effort is required if water quality is to be maintained at the current levels into the future given the projected population increases. The Yarra MAC has recommended an extension to the existing stormwater management regulations so that they apply to all subdivisions (including commercial and industrial developments) not just to residential developments as at present.

The *Water for Victoria Discussion Paper* proposes that five regional plans be developed for Melbourne to identify its long-term water servicing needs. These plans should allow for local stormwater standards and the actions to achieve them. It is important that these standards are driven by outcomes including river health and the Yarra Strategic Plan is an important input.

The Yarra Strategic Plan should also contribute to the current revision of the State Environment Protection Policy (SEPP) for the Yarra River and its catchment.

These are important initiatives of government but it is the Yarra MAC's view that an improvement in Yarra River water quality will not be achieved by anything like a business as usual approach. Achieving a further significant improvement in water quality in the Yarra is likely to require a vision and commitment as ambitious as that of the 1970s when the EPA was created, and when a huge investment was made in the backlog sewerage of Melbourne's suburbs. A 'stormwater improvement program' aiming to achieve a substantial change in Yarra River quality in line with community expectations would need to include:

- a role for the EPA that requires Melbourne Water and local governments to develop a stormwater plan and be accountable for its effective implementation including adopting consistent environmental performance standards as defined by the *Urban Stormwater Best Practice Environmental Management Guidelines*
- introducing a new duty of care provisions in the *Environment Protection Act* (as recommended by the recent EPA review) - Melbourne Water and councils to demonstrate their 'duty of care' through implementation of stormwater management plans
- requiring measures such as diversion of stormwater to sewer where chronic and otherwise hard to treat contamination exists
- applying the new *Urban Stormwater Best Practice Environmental Management* (BPEM) standards to all forms

of urban development with minimum on-site requirements and an option to use credits or trading for part of the standard. (Clause 56 of the Victoria Planning Provisions currently only requires BPEM standards in residential subdivisions)

- authorised protection officers to address localised pollution and waste complaints under the *Environment Protection Act 1970* (as recommended by the recent EPA Inquiry).

This will need to be considered in the development of the community vision, outcomes and targets in the Yarra Strategic Plan.

#### Implementation detail

- Prioritise actions in the *Water for Victoria Plan* addressing stormwater management in the Yarra Catchment.
- Expedite the development of an integrated water management strategy for the Yarra Catchment and as part of this process:
  - investigate options for stormwater management policy and regulatory change akin to the 'Backlog sewer program' in the 1970s and 1980s.
  - set the waterway health and water quality target, at a minimum, maintain today's standards.
- Extend Clause 56 of the Victoria Planning Provisions best practice stormwater management standards for residential subdivisions to apply to commercial and industrial subdivisions.

## Supporting projects (cont)

### RECOMMENDATION 27

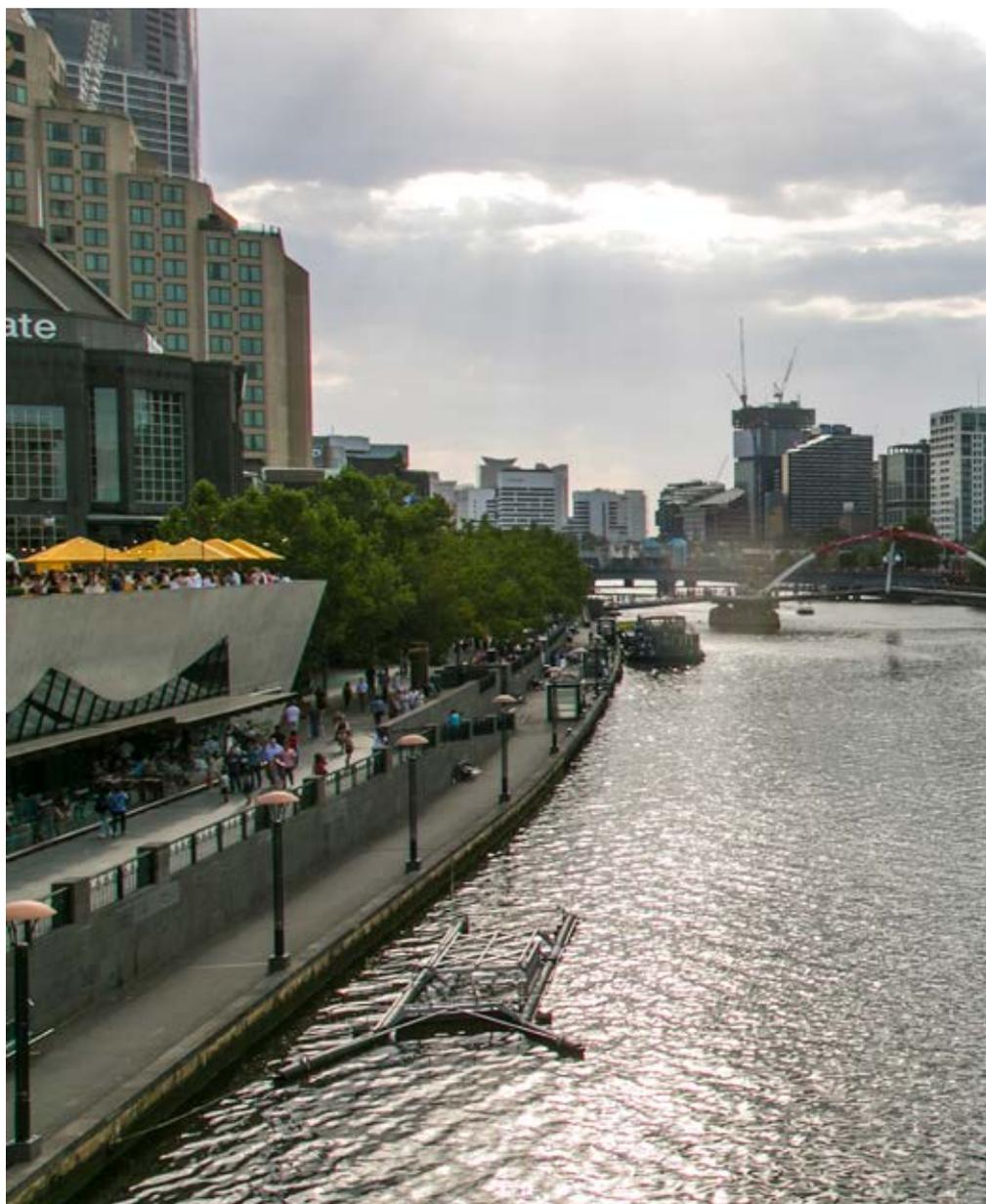
Support councils along the Yarra River to contribute to the development of the Yarra Strategic Plan and implementation in their local government area.

#### Explanation

Developing the Yarra Strategic Plan will require a sizeable contribution from councils along the Yarra. Given the Yarra is a state-significant asset, the Yarra MAC proposes that the state assists councils to establish a dedicated senior officer role to lead the coordination of planning and open space management across council portfolios (stormwater management, parklands, recreational facilities, planning, events) and to participate in a 'joined-up' approach to protecting and improving the Yarra River and its parklands. This will greatly help the timely access to information and championing of the 'joined-up' approaches within councils.

#### Implementation detail

- Provide funding contributions towards a senior project officer at councils along the Yarra River to coordinate planning and open space management across council portfolios and actively participate in the development of the Yarra Strategic Plan for several years.







## Early start actions

During the Yarra MAC's investigations and stakeholder consultations, several opportunities for immediate on-the-ground action stood out as being consistent with the likely future directions of a Yarra Strategic Plan and the implementation of our other recommendations.

These actions could be started immediately and progressed while the legislation is being prepared, and the new administrative arrangements established.

These actions include:

- starting to develop the community vision and Yarra Strategic Plan ahead of administrative orders to do so
- actions to support and facilitate implementation of the Yarra Strategic Plan, particularly those actions with long lead times
- develop and implement solutions at locations where there has been long standing community concerns, and numerous plans prepared and for which there are widely supported development proposals
- implementing stronger planning controls.

### RECOMMENDATION 28

Melbourne Water to commence development of the Yarra Strategic Plan and community vision as quickly as possible.

#### Explanation

Finalising the formal administrative arrangements for Melbourne Water's new planning function could take 12 months or more.

Meanwhile Melbourne Water could start developing the Yarra Strategic Plan (including the community vision) subject to the agreement of Melbourne Water, Minister for Water and the Minister for Planning. In particular Melbourne Water could commission the background investigations and preliminary works needed to inform, and provide the evidence basis for the planning.

#### Implementation detail

- The Minister for Water requests Melbourne Water commence development of the Yarra Strategic Plan and community vision (subject to agreement of the Minister for Planning).

**RECOMMENDATION 29**

Provide Melbourne Water (or another appropriate entity) with immediate funding to lead the development and implementation of solutions to two areas where there has been long standing community issues, numerous plans undertaken and for which there are currently significant development proposals. These are:

- i. secure the footprint, provide all abilities access, and connect the Yarra Main Trail between Victoria Street to Dights Falls
- ii. develop an integrated precinct plan to provide direction to the future land use changes for the Yarra corridor between Bolin Bolin Billabong and the Yarra Valley Country Club that recognises the internationally significant arts and culture precinct, Traditional Owner cultural values, environmental values of the wetlands and provides certainty to land owners and developers.

**Explanation**

Two locations stand out as priorities for early master planning in parallel with the development of the community vision and Yarra Strategic Plan – the suburban reach between Walmer Street and Victoria Street and the corridor between Bolin Bolin Billabong and the Yarra Valley Country Club. These were readily identified by the community, councils and agencies during the consultation process.

A couple of infrastructure projects were also identified. These have languished for many years and some background technical investigations have been completed but they have lacked an overarching champion to lead and broker the commitments required by the various organisations. They are in areas that are currently subject to significant land development proposals and involve land subject

to public acquisition overlays with long-term implications for public access and landscape amenity. Some early planning and investment is needed to guide, and make use of, the opportunities that redevelopment provides to create better outcomes for the community.

**Implementation detail**

- Master planning:
  1. Undertake a preliminary master plan exercise for the corridor between the Abbotsford Convent and Walmer Street in Abbotsford, with a particular focus on continuity of the Main Yarra Trail, opportunities to provide safe access to a wider range of users ('all abilities') and to provide connections where there are gaps in the trail and trail quality. The development of the Abbotsford riverside between Flockhart and Gipps Streets has the potential to become an important link in Melbourne's public open space and trail network and would open the stretch of riverside to the public which is currently inaccessible.
  2. Undertake a preliminary local master plan for the corridor between Bolin Bolin Billabong and the Yarra Valley Country Club to a level needed to confirm future land use priorities. This precinct has the opportunity to become an integrated cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage. The precinct has a number of public acquisition overlays and land use opportunities that should be reviewed as a whole.
- Infrastructure projects
  1. Secure the footprint, provide all-abilities access, and connect the Yarra Main Trail between Victoria Street to Dights Falls (removing the need to use the Gipps Street steps).
  2. Restore natural stormwater flow regimes into the Bolin Bolin Billabong.

**RECOMMENDATION 30**

Implement the stronger planning controls already under development for the Maribyrnong River.

**Explanation**

The Maribyrnong River is a unique environment and a resource for Melbourne's western and northern suburbs. Members of the local community have a strong attachment to the river: they appreciate its industrial and cultural heritage, and recreational and environmental values. There is still a sense of remoteness in the upper reaches of the river.

The Department, in consultation with the relevant councils, has reviewed existing studies and the planning controls along the Maribyrnong River, and the recommendations in previous studies such as the Maribyrnong River Valley Design Guidelines. The review has identified that specific areas along the Maribyrnong River would benefit from site-specific height controls, and a review and application of an Environmental Significance Overlay that is currently being conducted by Melbourne Water.

**Implementation detail**

- Implement planning controls to protect the Maribyrnong River as quickly as possible.

# Glossary

<b>Amenity</b>	Amenity is a term broadly used in this report to encompass those aspects of the Yarra River that enhance community wellbeing. For people, the river provides: a way of connecting with nature; an escape and place for reflection; interesting and enjoyable landscapes; a place for recreation and social interaction; and opportunities to connect with culture and heritage. These amenity values are dependent on: the health and naturalness of the river and the abundance of plants and animals; infrastructure such as trails, signage and other facilities; the cleanliness of the waterway and surrounding landscape (appearance, odour, litter etc.); ability to access the waterway; and the quality and extent of open space.
<b>Biodiversity</b>	The numbers and variety of plants, animals and other living beings, including micro-organisms, across our land, rivers and oceans. It includes the diversity of their genetic information, the habitats and ecosystems in which they live and their connections with other life forms.
<b>Catchment</b>	An area of land where run-off from rainfall goes into one river system.
<b>Catchment management authorities</b>	Government authorities established to manage river health, regional and catchment planning, and waterway, floodplain, salinity and water quality management.
<b>Community</b>	Includes individuals, public and private landholders, community groups and business owners.
<b>Country</b>	Traditional Owner culture revolves around relationships to the land and water. For Traditional Owners, Country is a part of who they are, just as they are a part of it.
<b>Corridor</b>	The waterbody and public land adjacent to it including parklands and public open spaces.
<b>Ecosystem</b>	A dynamic complex of plant, animal, fungal and microorganism communities and the associated non-living environment interacting as an ecological unit.
<b>Environmental Water Entitlement</b>	A legally recognised, secure share of the water resources to be taken from a water system to maintain the environmental values of a water system.
<b>Floodplain</b>	Land subject to overflow during floods and that is often valuable for its ecological assets.
<b>Gigalitre (GL)</b>	One billion (1,000,000,000) litres.
<b>Point source</b>	Any single identifiable source of pollution from which pollutants are discharged such as a pipe, ditch, or site.
<b>Riparian land</b>	Land or vegetation that adjoins a river, creek, estuary, wetland or lake.
<b>Riverscape</b>	The wider landscape setting of the river corridor, defined by ridgelines at the extremity of the viewshed.
<b>Sewage</b>	Wastewater produced from household and industry.
<b>Sewerage</b>	The pipes and plant that collect, remove, treat and dispose of liquid urban waste.
<b>Stormwater</b>	Run-off from urban areas. The net increase in run-off and decrease in groundwater recharge resulting from the introduction of impervious surfaces such as roofs and roads within urban development.

<b>Traditional Owners</b>	People who, through membership of a descent group or clan, are responsible for caring for particular Country. A Traditional Owner is authorised to speak for Country and its heritage as a senior Traditional Owner, an Elder or, in more recent times, a registered native title claimant.
<b>Wastewater</b>	Water that has had its quality affected by human influence, deriving from industrial, domestic, agricultural or commercial activities.
<b>Waterway condition/ Waterway health</b>	Waterway condition (or waterway health) is an umbrella term for the overall state of key features and processes that underpin functioning waterway ecosystems (such as species and communities, habitat, connectivity, water quality, riparian vegetation, physical form, and ecosystem processes such as nutrient cycling and carbon storage).
<b>Waterways</b>	Rivers and streams, their associated estuaries and floodplains (including floodplain wetlands) and non-riverine wetlands.
<b>Wetlands</b>	Inland, standing, shallow bodies of water, which may be permanent or temporary, fresh or saline.
<b>Yarra River corridor</b>	The water body and the public parklands and public open spaces connected with the Yarra River.

# Appendix A

## Outline of Yarra River (Birrarung) Protection Bill

### Preamble

The Bill should have a Traditional Owner language title: Wilip-gin Birrarung murrong - "keep the Birrarung alive".

There should be a preamble to the Bill that recognises the past and ongoing stewardship of, and connection to, the Yarra River of the Wurundjeri people, as the original custodians of the land through which the Yarra River flows. It should further refer to the importance of the Yarra River to Melbourne and Victoria and express the intention of the Parliament to ensure that it is kept alive and healthy for the benefit of future generations.

### Part 1-Preliminary

This Part should define the various terms used in the Bill and provide for the specification of the public and private land in relation to which powers exercised under the Bill may be exercised.

A statement of the objectives of the Bill should also be included. Suggested objectives are as follows:

- a. to establish a new management framework for the Yarra River that will—
  - i. provide for its protection, conservation and improvement; and
  - ii. ensure the maintenance and enhancement of waterway health, community access to, and use and amenity of, the Yarra River; and
  - iii. ensure the conservation of biodiversity, and the ecologically sustainable management of natural resources; and
  - iv. seek to make the Yarra River as resilient to climate change as is reasonably possible; and
  - v. provide for the conservation, management and control of flora and fauna;
  - vi. safeguard the needs of future generations;
- b. to provide for the development of a unifying community vision for the Yarra River and the making, with community participation, of an integrated Yarra Strategic Plan and master plans for each reach of the Yarra River;
- c. to strengthen arrangements for, and ensure community participation in, the management of the Yarra River by providing for the carrying out of planning, coordinating, advisory, reporting and educative roles;
- d. in recognition of their spiritual, social, cultural and economic relationship with the Yarra River, to involve the Wurundjeri people, as the original custodians of the land through which the Yarra River flows, in the new governance and decision-making processes;
- e. to promote and facilitate the integrated management of the Yarra River by—
  - i. aligning the decisions, priorities, policies and actions of all relevant public bodies with the vision, Plan and master plans mentioned in paragraph (b); and
  - ii. specifying common principles to which they must

have regard in exercising powers and performing functions (see below);

- f. to provide for independent auditing and reporting on the implementation of the Yarra Strategic Plan;
- g. to empower the Commissioner for Environmental Sustainability to report on the state of the Yarra.

This Part should also require relevant bodies to act in accordance with the following principles in exercising powers or performing functions:

#### 1. Sustainability principles

- i. Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment today, while considering the environmental, social and economic needs of future generations.
- ii. This requires the effective integration of environmental, social and economic considerations in decision-making processes with the objective of improving community well being and benefitting future generations.
- iii. The environmental practices and procedures adopted should be cost-effective and in proportion to the significance of the environmental risks and consequences being addressed.

#### 2. Precautionary principle

- i. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- ii. Decision-making should be guided by —
  - a. a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
  - b. an assessment of the risk-weighted consequences of the options.

#### 3. Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

#### 4. Biodiversity and ecological integrity

Biodiversity and ecological integrity should be maintained or enhanced as part of the irreplaceable life support systems on which the earth depends.

#### 5. Shared responsibility

Protection of the environment is a responsibility shared by all levels of government and industry, business, communities and the people of Victoria.

## 6. **Integrated decision-making**

There should be coordination between all levels of government and government agencies when designing policies and making decisions.

## 7. **Net gain**

There should be a net gain for the environment arising out of any individual action or policy that has an environmental impact.

## 8. **Best practice**

When designing policies and programs, the best practicable measures available at the time should be used.

## 9. **Continuous improvement**

Implementation of natural resource management should aim for continuous improvement and extend beyond compliance with relevant laws and requirements.

## 10. **Principle of integrated environmental management**

If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.

## 11. **Accountability and transparency**

- i. Members of the community should be given —
  - a. access to reliable and relevant information in appropriate forms; and
  - b. opportunities to participate in policy and program development.
- ii. Decisions should be made in a transparent manner and be made public.

## 3. **12. Principle of enforcement**

Enforcement of environmental requirements should be undertaken for the purpose of—

- a. better protecting the environment and its economic and social uses; and
- b. ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements; and
- c. influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts.

Finally, this Part should provide for the application of the Bill to the Crown in its various capacities.

## **Part 2-Vision and Plans**

In the application of the Bill to the Yarra River, the Bill should confer on Melbourne Water (MW) the function of establishing a new Vision, and an overarching strategic plan, for the Yarra River and separate plans for each reach or specific areas within each reach of the Yarra River (Plans).

This Part should provide for the procedure for the making of the Plans, require them to be approved by relevant public bodies and relevant Ministers and, when

approved, to be tabled in Parliament.

The initial strategic plan is to be prepared within 2 years of the commencement of the Act. All Plans are to be reviewed at least every 10 years, or sooner if desired.

MW should be empowered to investigate and research any matter related to its functions, powers and duties in relation to the Yarra River.

All relevant public bodies (that is, relevant councils, state government bodies and managers of Crown land including the MW Corporation) should be required to align their decisions, priorities, policies and actions with the Plans and take a coordinated approach to the protection, management, improvement and governance of the Yarra River and implementation of the Plans.

MW should be required to:

- establish mechanisms for monitoring the implementation of the Yarra Strategic Plan and master plans and whether decisions and actions of the specified bodies are in conformity with the Yarra Strategic Plan and master plans;
- establish targets for ecological health, amenity and cultural values of the Yarra River and mechanisms for evaluating achievement of those targets;
- report to the Commissioner for Environmental Sustainability (or other auditing entity) and the community on the delivery of the Yarra Strategic Plan;
- provide advice to the Minister on the state of the Yarra River and on any matter related to its functions under the Bill;
- provide advice to planning authorities so that provision is made in planning schemes for realisation of the Vision and Yarra Strategic Plan;
- advise the Minister for Planning on matters relating to land use development on land connected with the Yarra River;
- do anything else reasonably necessary to achieve the objectives of the Bill and perform its functions under it.

## **Part 3-Birrarrung Rivers Council**

This Part should require MW to establish a body to be known as the Birrarung Rivers Council comprised of:

- a. an independent chair;
- b. at least 2 persons nominated by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. to represent the Traditional Owners of the land through which the Yarra River flows;
- c. representatives of Parks Victoria, the Department of Environment, Land Water and Planning, the EPA, 2 councils along the Yarra River and the Victorian Farmers Federation;
- d. an environment advocate;
- e. experts in relevant fields and community representatives.

The council is to have an advisory role in relation to the preparation by MW of the Plans and must:

1. report annually on development of those Plans and on the extent to which public bodies have aligned their decisions, priorities, policies and actions with them and are taking a coordinated approach to the protection, management, improvement and governance of the Yarra River and implementation of the Plans;
2. act as a champion for the Yarra River;
3. promote community awareness and understanding of the importance of land and water resources and of their sustainable use, conservation and rehabilitation;
4. facilitate public participation in the development of the Plans and the work of managing and governing the Yarra River

MW should be required to ensure that the Council is adequately resourced to perform its functions.

#### **Part 4-Auditing and reporting**

This Part should empower the Commissioner for Environmental Sustainability (or other auditing entity) to conduct an audit on the work of MW in relation to the Vision and Plans and on the extent to which they are being implemented by relevant public bodies and are proving effective and report the audit outcome bi-annually to Parliament.

The Commissioner for Environmental Sustainability should be required to include in the State of the Environment Report a report on the state of the Yarra River

#### **Part 5-Consequential and Other Amendments**

This Part should amend Part 10 of the Water Act 1989 to provide for a new function of protecting and enhancing the amenity of a waterway and its connected public and private land. MW as the waterway management authority for the Yarra River and designated land along the Yarra River, should be assigned this new function. The Minister should be empowered to also confer the same function on MW for any other waterway within its waterway management district and on any other Authority under Part 10 of the Water Act 1989 for any waterway within the waterway management district of that Authority.

This Part should also amend any Act under which a relevant public body (including MW) operates to require it to align its decisions, priorities, policies and actions with the vision and Plans prepared under Part 2 and take a coordinated approach to the protection, management, improvement and governance of the Yarra River and implementation of the Plans.

Finally this Part should amend the Commissioner for Environmental Sustainability Act 2003 to recognise the new functions conferred on the Commissioner by Part 4.

# Appendix B

## Terms of Reference

### Introduction

1. The Yarra River is a highly valued natural asset that defines Melbourne's liveability and provides a variety of cultural, environmental, social and economic benefits to Victoria.
2. The Yarra River runs for approximately 242 km from its source in the Yarra Ranges National Park, through the Yarra Valley to its mouth at the head of Port Phillip in Newport. It traverses a variety of urban, semi-rural, rural and pristine wilderness landscapes and 11 municipalities (Banyule, Baw Baw, Boroondara, Hobsons Bay, Melbourne, Manningham, Maribyrnong, Nillumbik, Stonnington, Yarra and Yarra Ranges).
3. The responsibility for managing the Yarra River and the land and tributaries in its catchment rests with several public bodies including the Secretary, Department of Environment, Land, Water and Planning, Parks Victoria, Melbourne Water, Port Phillip and Westernport Catchment Management Authority and the 11 municipalities. Committees of management, non-government bodies and many private sector interests also play a role in, and value, the Yarra River (e.g. Port of Melbourne Corporation, Yarra Riverkeepers Association, and the Yarra River Business Association).
4. The Victorian Government has committed to introduce a Yarra River Protection Bill and to establish a trust to protect the Yarra River from inappropriate development and promote its amenity and significance. The Government is also committed to improving the health of waterways, catchments and riparian environments, including the Yarra River and its catchment.
5. The Government is introducing strengthened planning controls to protect parts of the lower and middle sections of the Yarra River from immediate development pressure. The Department is working with the 11 councils to ensure the amended planning controls will achieve the best outcomes for development along the Yarra River corridor.
6. All of Melbourne's rivers and waterways are highly valued assets to the state. Melbourne's other iconic waterway - the Maribyrnong River, and other significant waterways will be improved and protected from inappropriate development in the future.
7. The Government is establishing this Committee to provide assistance in engaging with the community and other stakeholders and to provide advice and a recommended action plan for the improved management, promotion and protection of the Yarra River.
8. It is anticipated that to protect the Yarra's significance and amenity and help it recover from previous and ongoing land use impacts, the following problems need to be addressed:
  - a. Private land holdings and development intruding and encroaching along the banks of the Yarra River diminish the public's experience of an iconic river.
  - b. Unacceptable and increasing levels of polluted water and substantially altered flow regimes in the Yarra River catchment threaten environmental health.
  - a. Complex institutional and regulatory arrangements may be one of the barriers to addressing these problems.

### Definitions

9. In these Terms of Reference–

**Committee** means the Ministerial Advisory Committee for the Yarra River;

**Codes of Conduct** mean – the *Directors' Code of Conduct and Guidance Notes* issued by the Victorian Public Sector Commission (published at – <http://vpssc.vic.gov.au/resources/directors-code-of-conduct-and-guidance-notes/>);

**Department** means the Department of Environment, Land, Water and Planning;

**DPC Guidelines** means the *Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees* issued by the Department of Premier and Cabinet (published at – <http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines>);

**Key Issues and Opportunities** means the key issues and opportunities set out in paragraph 17 of these Terms of Reference;

**Melbourne Water** means Melbourne Water Corporation established under Schedule 1 of the *Water Act 1989*;

**Member** means a member of the Committee and includes a reference to the chairperson unless the contrary intention is expressed;

**Ministers** mean the Minister administering the *Planning and Environment Act 1987* and the Minister administering the *Water Act 1989*;

**PA Act** means the *Public Administration Act 2004*;

**Project Control Board** means the group of executive directors selected from the Planning Group, the Water and Catchments Group, the Local Infrastructure Group and the Land, Fire and Environment Group of the Department to govern the Yarra River Project;

**Public sector employee** has the meaning given in section 4(1) of the PA Act;

**Referral authority** includes a **determining referral authority** and a **recommending referral authority** and each of these terms has the meaning given in section 3 of the *Planning and Environment Act 1987*;

**Secretariat** means the group of Departmental staff described in paragraph 68;

**Secretary** means the body corporate established by section 6 of the *Conservation, Forests and Lands Act 1987*;

**Yarra River** means the River Yarra Yarra;

**Yarra River corridor** means all the bed, soil and banks of the Yarra River and all land that abuts the Yarra River or is within 20 metres of the upper lip of the banks of the Yarra River;

**Yarra River catchment** means the area which, through run-off or percolation, contributes to the water in the Yarra River and all its tributaries.

### Establishment Of Ministerial Advisory Committee

10. The Ministers establish a ministerial advisory committee, to be known as the *Yarra River Protection Ministerial Advisory Committee*, effective from the date of these Terms of Reference.

### Functions and accountabilities

11. The functions of the Committee are to –
- produce a written discussion paper for public comment on the Key Issues and Opportunities;
  - assist the Department in engaging with relevant agencies, councils, members of the community and other stakeholders on the discussion paper;
  - oversee the collation of evidence and data from relevant persons and agencies on the Key Issues and Opportunities, as needed, for the discussion paper and report to the Ministers; and
  - provide to the Ministers a report with advice and findings on the Key Issues and Opportunities, a recommended action plan and a strategic framework which sets out a vision for the Yarra River, and any other matters the Ministers request

in writing or that the Committee thinks fit to include.

- All outputs must be provided by the dates agreed with the Project Control Board.
- The Committee is subject to the general direction of the Ministers regarding the performance of its functions and meeting these Terms of Reference.
- The Committee is subject to the general direction of the Project Control Board for how and when it performs its functions.
- Members must work collaboratively with the Secretariat, the Project Control Board and the Department to produce the outputs.
- Members must be respectful of all views, engage in a constructive manner and genuinely seek the best outcomes.

### Key issues and opportunities

17. The Committee is required to address the following matters:

#### Defining the Issues

- What are the current and emerging issues for the Yarra River that are impacting on its environmental cultural, social and economic values?

#### Institutional and regulatory arrangements

- In relation to the statutory bodies with powers and functions affecting or relevant to the Yarra River –
  - What are the existing powers and functions of these statutory bodies?
  - What opportunities are there to improve these powers and functions to address the issues for the Yarra River?
- What are the options and net benefits for establishing an entity, including a statutory trustee, to contribute to the management, promotion and protection of the Yarra River?
- What would be the role, power and functions of any entity and/or trust for the Yarra River?

#### Land use planning and development

- In relation to the referral of planning applications –
  - Are the relevant criteria and powers of referral authorities sufficient to address land developments that affect the Yarra River?
  - Are there other matters of concern or other statutory bodies that should be included in the referral process?
- What other changes to land development

controls would further improve the health of the Yarra River and its tributaries and improve the net benefits that the Yarra River can provide to the community?

### General

7. Which of all these issues and opportunities are of greatest priority and, if addressed, would achieve the greatest net economic, social and environmental benefits for the community today and for future generations?
8. What other strategies and measures are needed to ensure all the benefits and opportunities for the Yarra River can be realised or achieved in a cost effective manner?
9. Does the Committee have any advice or findings that would benefit the Maribyrnong River and the community?

### Timeframe

18. The Committee operates for 9 months from the date on which it is established or such earlier date on which the Ministers abolish the Committee.

### Membership

19. The Committee consists of up to five members appointed by the Ministers, one of which is the chairperson.
20. A member of the Committee is appointed by the Ministers for the term of office specified in his or her instrument of appointment.
21. The Committee is to be constituted by members who collectively have knowledge, skills and experience in institutional governance, natural resource and water management, social science and economics, planning, land development, local government and stakeholder engagement.
22. During the term of his or her appointment, a member must immediately notify the Secretariat in writing if there is a material change in his or her circumstances relevant to the matters set out in paragraph 24 or described in his or her written declaration of conflicts of interest.
23. Each member must sign a deed of confidentiality at the time of appointment.

### Conflicts of interest and other standards of conduct

24. Except as approved by the Ministers, each member must not have, and must be independent of any person or body with –
  - a. statutory powers or functions for the management or protection of the Yarra River or its tributaries or catchment;
  - b. a private or commercial interest relating to land or activities in the Yarra River corridor;
  - c. a private or commercial interest in development of land in the Yarra River catchment.

25. Each member of the Committee must at all times act –
  - a. in accordance with the Code of Conduct; and
  - b. in a manner that is consistent with the public sector values in section 7(1) of the PA Act.
26. The Committee must ensure that processes are in place to deal with conflicts of interests that—
  - a. apply to both financial and non-financial interests; and
  - b. require full disclosure of interests at meetings of the board and the recording of the disclosure in the minutes of the meeting.
27. The Committee must have regard to the *Conflicts of Interest and Duty: A Practical Guide for Directors of Public Entities* issued by the Victorian Public Sector Commission (published at <http://vpssc.vic.gov.au/html-resources/conflicts-of-interest-and-duty/>) in its deliberations, proceedings or meetings.
28. A member who has a direct pecuniary or private interest in a matter being discussed at a meeting of the Committee must declare the nature of the interest and the potential for there to be a conflict:
  - a. at the commencement of a meeting; or
  - b. if they become aware of an interest during discussions, as soon as possible after becoming aware of the interest.
29. A member who has made a declaration of a potential conflict of interest may not be present or take part in any discussion of the matter to which the declaration relates unless the Committee agrees otherwise.
30. A member who has made a declaration of a potential conflict of interest must not vote on the matter to which the declaration relates.
31. The chairperson or member presiding at a meeting at which a declaration of an interest is made must cause the declaration to be recorded in the minutes of the meeting.
32. The chairperson must keep a record of declared interests. Any member may request and be granted access to this Register of Interests.

### Chairperson

33. The Ministers must appoint one of the members to be the chairperson.
34. The chairperson must provide leadership and oversee the performance of the Committee's functions and delivery of its accountabilities.
35. The chairperson must approve the agenda and minutes of meeting prior to circulation to members and other meeting attendees.

### Remuneration & expenses

36. Subject to clause 38 of these Terms of Reference, a member is entitled to receive remuneration for their service on the Committee as set out in their

instrument of appointment.

37. A member of the Committee standing for election must comply with the requirements of section 79(4) of the PA Act, as if the member is a director of a public entity, and the Committee is a public body and the board of a public body for the purposes of that section.
38. A member who is a public sector employee is only eligible to be paid remuneration as determined in accordance with the DPC Guidelines.
39. No additional remuneration is payable to a member for time spent in preparation for meetings of the Committee.
40. A member (including the chairperson) is entitled to be reimbursed for reasonable travel and personal expenses related to their service on the Committee, at the rates that apply to employees of the Department.
41. To enable members to claim remuneration and expenses, Members must complete the Department's Commencement Form and Claim Form.
42. The costs of the Committee will be met by the Department.

#### **Removal from office and vacancies**

43. The Ministers may remove a member from office by notice in writing, at any time and for any reason or for no reason at all.
44. The office of a member becomes vacant if –
  - a. a member resigns in writing addressed to any one of the Ministers;
  - b. The Ministers remove a member from office by notice in writing;
  - c. a member dies or, in the opinion of the Ministers, becomes incapable of performing his/her duties; or
  - d. a member becomes a bankrupt or a person disqualified from acting as a director or acting in the management of a company.
45. Upon a vacancy occurring in the office of a member, the vacancy may be filled by the Ministers in accordance with these Terms of Reference.

#### **Meeting procedure**

46. Meetings of the Committee may be conducted in a manner determined by the chairperson subject to these Terms of Reference or any direction given by the Project Control Board.
47. A quorum for a committee meeting consists of at least 2 members (for a committee of 3 or 4 members) or of at least 3 members (for a committee of 5 members).
48. The Committee must aim to make decisions by consensus. If the Committee is unable to achieve consensus, a decision of the Committee must be

made by a majority of the members present at a meeting.

49. If the chairperson is absent, or the office of chairperson is vacant, the members present at a meeting may elect from the members present a member to preside at that meeting.
50. The chairperson, or presiding member, must ensure, as far as practicable, that every member has adequate opportunity to participate in discussions.
51. At the commencement of each meeting, the chairperson must enquire of all members whether there is any potential for a conflict of interest to arise in respect to any item on the meeting agenda or any matter to be discussed and an interest held by a member.
52. A list of scheduled meetings times will be prepared by the Secretariat and approved and distributed by the chairperson of the Committee.
53. Minutes will be taken by the Secretariat and distributed to members of the Committee.

#### **Minutes**

54. The chairperson must –
  - a. ensure that minutes of each meeting are kept;
  - b. circulate the minutes for comment by members before being formally adopted at the next meeting; and
  - c. provide the adopted minutes to the Project Manager of the Secretariat within 14 days of being adopted.

#### **Gifts and hospitality**

55. The Committee must ensure that it has a gifts and hospitality policy in place that conforms to the Department's Model Gifts, Benefits and Hospitality Policy (see <http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/gifts-benefits-and-hospitality>).

#### **Dispute resolution**

56. The Committee must ensure that it has a dispute resolution policy in place that conforms to the Department's Model Dispute Resolution Policy (see <http://www.depi.vic.gov.au/about-us/boards-and-governance/on-board-governance-guides-and-resources/dispute-resolution>).

#### **Observers and advisors**

57. Members of the Project Control Board and the Secretariat may attend meetings of the Committee except when the Committee decides to meet in private.
58. The chairperson may invite any other person to participate in all or part of a meeting and workshop.
59. As a condition of attending a meeting, the

chairperson may require an invitee to first sign a deed of confidentiality.

60. Department staff with the Secretariat or Project Control Board and other invitees to a Committee meeting may not vote in the Committee's deliberations.

### **Time commitment**

61. The Committee is expected to meet approximately every 4 weeks.
62. Members are expected to attend a minimum of 80% of meetings.
63. Members are also expected to conduct consultation meetings with the members of the community and stakeholders.

### **Confidentiality and other duties of members**

64. The Project Control Board may authorise the Committee to release specified information to third parties or the public.
65. On the termination or expiry of a member's appointment, the member must return all documents relating to the Committee to the chairperson.

### **Intellectual property**

66. The rights to intellectual property created by the members of the Committee in the course of their duties on the committee, including any papers and reports required under these Terms of Reference, is the property of the State of Victoria. However, the Minister on behalf of the State grants the Committee a licence to use this property as authorised under these Terms of Reference. In this clause "intellectual property" includes legal rights that protect the results of creative efforts including copyright, proprietary rights in relation to inventions (including patents), registered and unregistered trademarks, confidential information (including trade secrets and know how), registered designs, circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields but does not include moral rights.

### **Insurance**

67. It is the responsibility of each member to ensure that he or she maintains adequate insurance in relation to their activities as a member of the Committee.

### **Secretariat support to the committee**

68. The Committee will be provided with administrative and technical support by Department staff from the Planning Group and Water and Catchments Group.
69. The Secretariat will organise meeting rooms, take minutes, distribute agendas and provide other administrative support.
70. The Secretariat will assist in drafting reports and

preparing meeting agendas and papers. Agendas and draft minutes will be prepared in consultation with the Chairperson.

71. The Secretariat will disseminate information and papers to members in an efficient and effective manner.
72. Staff of other groups of the Department and relevant agencies, authorities and councils may also be requested by the Secretariat to provide technical assistance.

### **Amendments and revocation**

73. The Ministers may amend these Terms of Reference at any time.
74. Any amendments take effect when they have been given in writing to the Chairperson.
75. The Ministers may revoke these Terms of Reference in writing at any time and upon revocation of these Terms of Reference the Committee ceases to exist.

### **Privacy**

76. The Committee must have processes in place to ensure that its members, in the course of their duties on the Committee, comply with the requirements imposed by or under the Privacy and Data Protection Act 2014 as if the Committee is a public sector agency for the purposes of that Act.

### **Publications**

77. All outputs must be suitable for a public audience.
78. In consultation with the Committee, the Department will desktop publish all material to ensure it is in keeping with the broader work program. This includes determining the art work and photography, and undertaking editing for public consumption purposes.

### **Relationship with other projects**

79. The Committee will be required to carry out its work at the same time as a number of other related government projects. These include the Water Plan, review of the State Environment Protection Policy (Waters of Victoria) the Environment Protection Authority review, Coastal Management Review, Plan Melbourne Refresh, Lower Yarra River Use Future Directions and other projects, as advised by the Project Control Board.
80. The Secretariat will advise the Committee at its first meeting of the projects to which this requirement applies.
81. The Committee must ensure that its management of consultations with members of the community and other stakeholders is co-ordinated or consistent with the management and needs of these other projects.

**Not in scope**

82. The Committee is not required to include in the discussion paper, undertake stakeholder consultation or prepare advice or a recommended action plan or recommended vision for the following issues or areas:
- a. the regulation of commercial boat operations, berths and related services;
  - b. the regulation and promotion of on-water activities; and
  - c. Port of Melbourne waters.

**Reporting requirements**

83. The chairperson of the Committee will report on the Committee’s progress and submit outputs to the Project Control Board.

**Dated** 10/12/2016



**Hon. Richard Wynne MP**  
**Minister for Planning**



**Hon. Lisa Neville MP**  
**Minister for Environment,  
Climate Change and Water**



