



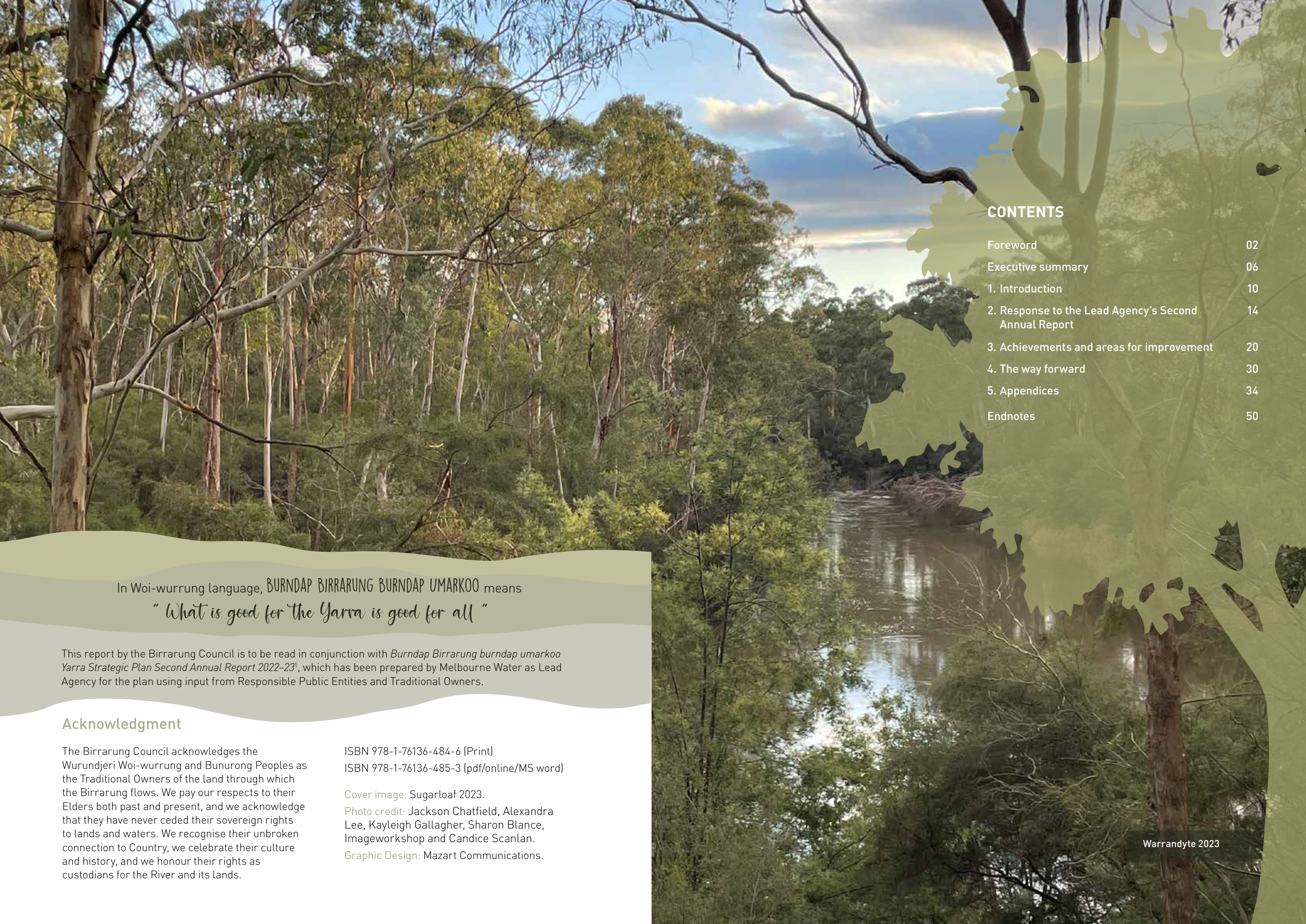
Birrarung Council
Annual Report to
Parliament on the
implementation of

BURNDAP BIRRARUNG BURNDAP UMARKOO Yarra Strategic Plan 2023



Environment,
Land, Water
and Planning





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In Woi-wurrung language, BURNDAP BIRRARUNG BURNDAP UMARKOO means
“ What is good for the Yarra is good for all ”

This report by the Birrarung Council is to be read in conjunction with *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Second Annual Report 2022–23*¹, which has been prepared by Melbourne Water as Lead Agency for the plan using input from Responsible Public Entities and Traditional Owners.

Acknowledgment

The Birrarung Council acknowledges the Wurundjeri Woi-wurrung and Bunurong Peoples as the Traditional Owners of the land through which the Birrarung flows. We pay our respects to their Elders both past and present, and we acknowledge that they have never ceded their sovereign rights to lands and waters. We recognise their unbroken connection to Country, we celebrate their culture and history, and we honour their rights as custodians for the River and its lands.

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FOREWORD

The Birrarung Council is pleased to present its second Annual Report on the implementation of *Burndap Birrarung burndap umarkoo*.

Foreword

The Birrarung Council is pleased to present its second Annual Report on the implementation of *Burndap Birrarung burndap umarkoo Yarra Strategic Plan* to the Minister for Water, the Honourable Harriet Shing. In this report, we provide commentary on progress to date and develop priorities that will help to realise the future success of the Plan and to support the 50-year Community Vision and the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* (the Act).

We acknowledge the efforts of those individuals, non-profit groups, municipal councils, government agencies, and other authorities who continue to work in service of the protection of the Birrarung and its lands. We also extend our gratitude to those Responsible Public Entities who have engaged with us as part of our yarning circles, and who shared their valuable insights as to what is working well and what can be improved in implementing *Burndap Birrarung burndap umarkoo*.

We especially thank our Executive Officer, Jackson Chatfield, and Project Officer, Kayleigh Gallagher for providing high-level executive and administrative support for the Council in performing our statutory and allied functions. We also thank Sarah Thomson, for her excellent work in drafting this report.

The Birrarung Council: who we are and what we do

The Birrarung Council (the Council) is an independent statutory body established under the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*³ (the Act) to provide advice to the Minister for Water and to Government on, and advocate for, the protection and preservation of the Birrarung (Yarra River) and its lands. Members of the Birrarung Council are appointed by the Minister for Water and include requisite Indigenous representation from the two Traditional Owner groups recognised as possessing traditional rights and interests in the Country through which the Birrarung flows (Appendix 1; see Appendix 2 for a summary of meetings, activities and events attended).

Our vision is for the Birrarung and its lands to be forever protected as a living entity and kept alive and healthy for the benefit of future generations. As an independent voice for the River, our mission is to champion the interests of the River as one living and integrated natural entity, guided by the voice and knowledge of Traditional Owners as the custodians of the River and its lands.⁴

WALKING TOGETHER WITH THE BIRRARUNG



The Birrarung is alive, has a heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung.

Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy—for all generations to come.

We need to share, we need to listen and we need to find a way of coming together to do this.

The strength of the Council is that it brings Indigenous and non-Indigenous people together.

The Birrarung Council recognises the unique relationship between the Birrarung and its people. The Wurundjeri Woi-wurrung are the people of the river, and the Bunurong are the people of the mouth of the Birrarung. Their songs have been carried by the water from the mountains to the sea for tens of thousands of years.

The Birrarung Council is the voice of the Birrarung, the Yarra River. We advocate on behalf of the Birarrung, which means that **we speak for the river** in policy and planning contexts so that the river can be heard by all.

But we also have a more profound obligation. As the river’s voice, our role is to enable and support others to **communicate with the river**, as a single, living, and integrated entity.

Doing so requires us **to be in good relations** with the river, and with each other.

We commit to working together **to protect and care for the Birrarung**. We are a small part of the long story of the Birrarung, but our stewardship and our actions will shape the future of the river.

We recognise that **water is a source of infinite healing**, and that in caring for the Birrarung, the river also cares for us in return.

The experience and expertise of each member of the Birrarung Council is different, and valued. Like the tributaries of the Birrarung, we join our varied experience and expertise together to form a single, integrated voice for the river.

We commit to ensuring that the Birrarung Council reflects the cultural diversity of the community of the Birrarung, and to creating a culturally safe place for us all to work together.

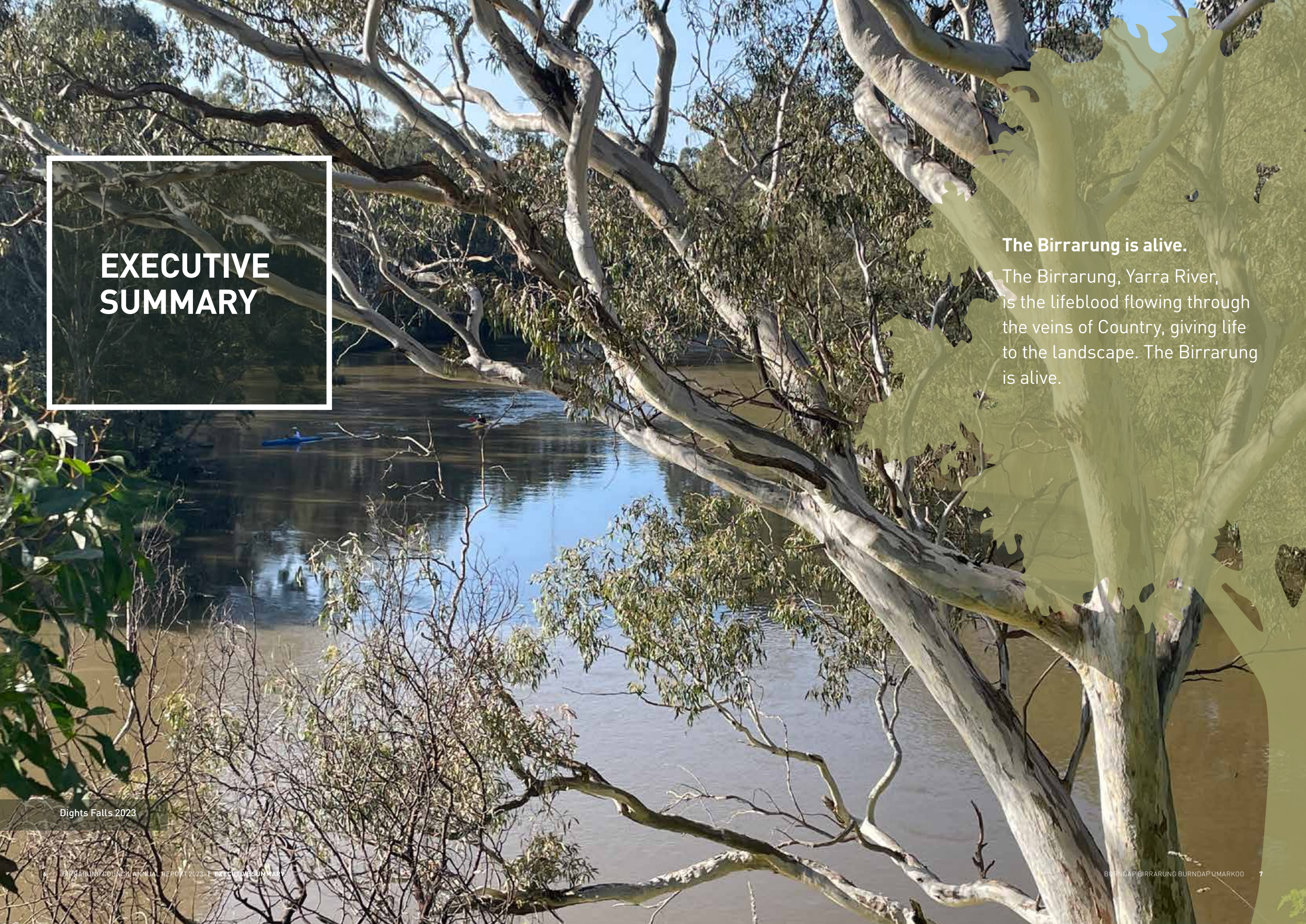
The Birrarung Council recognises Wurundjeri Woi-wurrung and Bunurong as sovereign peoples who have never ceded their rights to lands and waters. We will work together to strengthen their voices as custodians of the Birrarung.

We recognise that we have reciprocal and mutual obligations to each other, and to the Birrarung.

As Council members, we recognise that we are at the beginning of a journey, but we commit to walking that path together.

This statement reflects the position of the Birrarung Council in July 2022. The statement will be renewed following the appointment of new Council members.





EXECUTIVE SUMMARY

The Birrarung is alive.

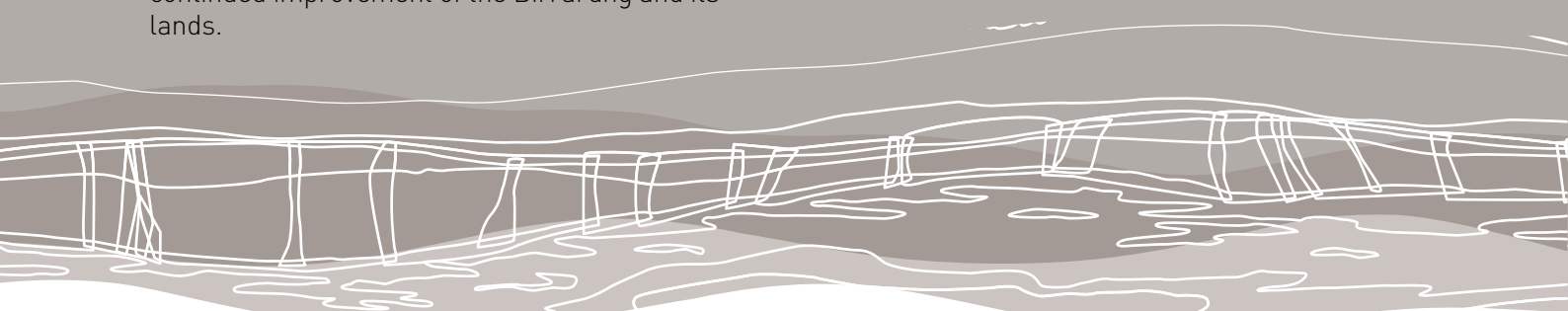
The Birrarung, Yarra River, is the lifeblood flowing through the veins of Country, giving life to the landscape. The Birrarung is alive.

The Role of the Birrarung Council as the Voice for the River

We, the Birrarung Council, have a responsibility as the voice for the Birrarung to provide advice to the Victorian government on how the River and its lands are being managed by responsible public entities delivering *Burndap Birrarung burndap umarkoo*, and, using this voice, we provide advice through annual reporting to the Minister for Water and the Victorian Parliament.

Our membership comprises Traditional Owners of the River as well as respected leaders and experts in a diversity of fields. By walking together, we collectively represent the voice for the River and use this voice to advocate for the protection and continued improvement of the Birrarung and its lands.

The Birrarung Council believes the recognition and embracing of the River's status as a single living entity, connected from source to sea, will challenge our mindsets and relationship with the Birrarung and eventually change the institutional behaviours and practices that impact the River and its lands. The Council believes that these changes in behaviours and practices are pivotal to achieving both environmental and cultural Net Gain for the River. Achieving this transformational shift will require public entities to break out of the currently entrenched business-as-usual approach for managing the River and its lands.



Yarning Circles

Yarning circles are being used to better understand how Responsible Public Entities are developing their relationships with the River and to strengthen the authorising environment for *Burndap Birrarung burndap umarkoo* implementation by reinforcing the values and principles of *Wilip-gin Birrarung murren* (such as the River's status as a single living entity and achieving a Net Gain for the Birrarung).

Traditional Owner Elders on the Birrarung Council led us to build an enquiry process using a yarning circle approach to bring together the senior leadership of these entities and engage in two-way dialogue with the Birrarung Council which helped us to understand the mindsets and practices of entities and to identify opportunities where Council may provide advice and advocate on their behalf to support the implementation of *Burndap Birrarung burndap umarkoo*.

The yarning circles were guided by a set of cultural protocols and the use of a talking stick to embed and celebrate cultural practices and ways of doing business as the voice for the River.

This approach proved a powerful tool that encouraged reflection and inspired thoughtful discussion on decision-making for the River. What we learned from our yarning circles informed our observations and priorities in this report, and we hope this way of doing business continues to deepen our understanding of RPEs and their connection with the Birrarung.

Preview of this Report

In this second-year report, we identify what progress towards implementation of *Burndap Birrarung burndap umarkoo* has been achieved, and where progress could be improved. We acknowledge there are barriers that continue to impede progress such as resourcing and capacity constraints.

The Birrarung Council is pleased with how Responsible Public Entities responded to the first Birrarung Council report on implementing *Burndap Birrarung burndap umarkoo*. We believe the extent of responsible public entities' collaboration with other entities and the Traditional Owners is improving and expect this trend to continue throughout *Burndap Birrarung burndap umarkoo* implementation as awareness of *Wilip-gin Birrarung murren* principles become further embedded into daily practices and strategic planning.

We expect to see decision-making increasingly aligned with the River's status as a single living entity and a deepening understanding of this transformational concept amongst RPEs and increasingly within the broader community.

We expect the role of Wurundjeri Woi-Wurrung and Bunurong to become more prominent over the coming years of implementation and for both groups to be sustainably resourced to support genuine and culturally appropriate partnership, leadership, and self-determination in the management of the Birrarung and its lands.

The Birrarung Council remains optimistic about the future of the Birrarung. We will continue to observe the progression of *Burndap Birrarung burndap umarkoo* as we embody the perspective of the Sacred Kingfisher, perched on the branches of a manna gum high over the Birrarung seeing all and calling us to respect and nurture the River and its lands. We wish to thank all of those involved in efforts to implement *Burndap Birrarung burndap umarkoo* and giving effect to *Wilip-gin Birrarung murren*.

We particularly acknowledge the leadership and guidance of the Wurundjeri Woi-Wurrung Aboriginal Corporation and the Bunurong Land Council Aboriginal Corporation as the River's original custodians who have "known the Birrarung since the beginning."

Jordan Smith (Wurundjeri Woi-wurrung) walks through a Smoking Ceremony before members of the Birrarung Council and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation sit down for a yarning circle by the Birrarung 2023





SECTION 1. INTRODUCTION

Warandyte 2023

In 2017, the Parliament of Victoria passed the *Yarra River Protection (Wilip-gin Birrarung murrnong) Act* [the Act]. In an Australian first, this bipartisan legislation recognises the Birrarung (Yarra River) and its lands, as ‘one living and integrated natural entity.’ In doing so, this legislation also reflects the existing laws and leadership of the Traditional Owners of the River, who have always known the Birrarung to be alive.

In 2018, the wider community of the Birrarung came together to create the 50 Year Community Vision⁵ which was jointly launched with the Wurundjeri Woi-wurrung’s *Nhanbu narrun ba ngargunin twarn Birrarung (Ancient Spirit and Lore of the Yarra)*. Together, these two documents are a unique and powerful commitment from the people of the River to create a better future for us and for the Birrarung.

The Act also set out the Yarra Protection Principles⁶ and required the development of a plan to implement the Vision and protect the River. Responsible Public Entities (RPEs)⁷ must work together, along with Traditional Owners, to achieve the Community Vision through the Yarra Strategic Plan. *Burndap Birrarung burndap umarkoo (Yarra Strategic Plan) 2022-2032* [hereafter *Burndap Birrarung burndap umarkoo*] was launched in February 2022. *Burndap Birrarung burndap umarkoo* is a detailed blueprint for change over the next 10 years and, together with the Implementation Plan⁸ developed by Melbourne Water as the Lead Agency and other RPEs, *Burndap Birrarung burndap umarkoo* provides a framework of activity and progress measures.

Each year, the Birrarung Council is required under the Act to deliver a report to the Minister for Water on the implementation of *Burndap Birrarung burndap umarkoo* (Appendix 3). The Birrarung Council’s first annual report, *Birrarung Council Annual Report to Parliament on the implementation of Burndap Birrarung burndap umarkoo Yarra Strategic Plan 2022* (hereafter the Birrarung Council’s First Annual Report), was submitted to the Minister for Water, the Honourable Harriet Shing, on 31 October 2022 and was tabled in Parliament on 22 February 2023. This report constitutes the second annual report of the Birrarung Council. Those parties involved in managing the River and its lands also play a role in the reporting sequence (Figure 1).

The Birrarung Council annual report responds to and builds on the Lead Agency’s annual report and sits alongside the State of the Yarra and its Parklands Report, prepared by the Office of the Commissioner for Environmental Sustainability every five years,⁹ whose second report is due for release in December 2023. The Birrarung Council appreciates this investment in engagement with the River and looks forward to seeing greater integration in reportage pertaining to the River in the future.

We also acknowledge that in September 2023, for the first time, the Yarra River Keeper Association prepared an annual report assessing progress against commitments in *Burndap Birrarung burndap umarkoo*.¹⁰ Although this does not form part of statutory reporting on the state of the Birrarung, it is evidence of broader community engagement with and reporting on the River.

Overview

The Birrarung Council has adopted the emblem of the Sacred Kingfisher to symbolise our role in understanding and speaking for the River. Perched high over the River, the Sacred Kingfisher patiently observes everything happening on the banks and in the water. We are like the Sacred Kingfisher, perched high over the River, observing what is happening along its land and water. This has been our objective in preparing this annual report – to narrate what we have observed and then to speak, on behalf of the River, about what we would expect to see in the future.

In our First Annual Report, delivered in 2022, we set out six future directions to improve implementation of *Burndap Birrarung burndap umarkoo*: organisational commitment, Traditional Owner partnerships, collaboration, land use decision making and planning, decision making framework and net gain, Birrarung Parklands. In this report, we address implementation against each of these directions.¹¹

We do this by reflecting on lessons from the last year and a half of implementation by considering:

- What has been done so far to achieve the actions and priority projects set out in *Burndap Birrarung burndap umarkoo*,
- How these actions are being undertaken through new governance arrangements and where there exist areas for improvement, and
- What are the barriers that are inhibiting organisational behaviour change and implementation of *Burndap Birrarung burndap umarkoo*.

In preparing this report, we have drawn on several sources (Appendix 4 and Appendix 7):

- The *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Second Annual Report 2022-2023*, prepared by Melbourne Water as Lead Agency in partnership with RPEs and Traditional Owners [hereafter the Lead Agency’s Second Annual Report].
- Results from a monitoring and evaluation survey commissioned by the Lead Agency,¹² employed as a tool to assess progress in implementing and meeting strategic objectives of *Burndap Birrarung burndap umarkoo*.¹³

- Insights and understanding drawn from our yarning circles¹⁴ with RPEs and Traditional Owner groups to explore how the principles and values of the Act are embedded in daily practices, decision-making processes and collaborative planning, and to reveal the challenges that are impacting implementation of *Burndap Birrarung burndap umarkoo* (Appendix 5).

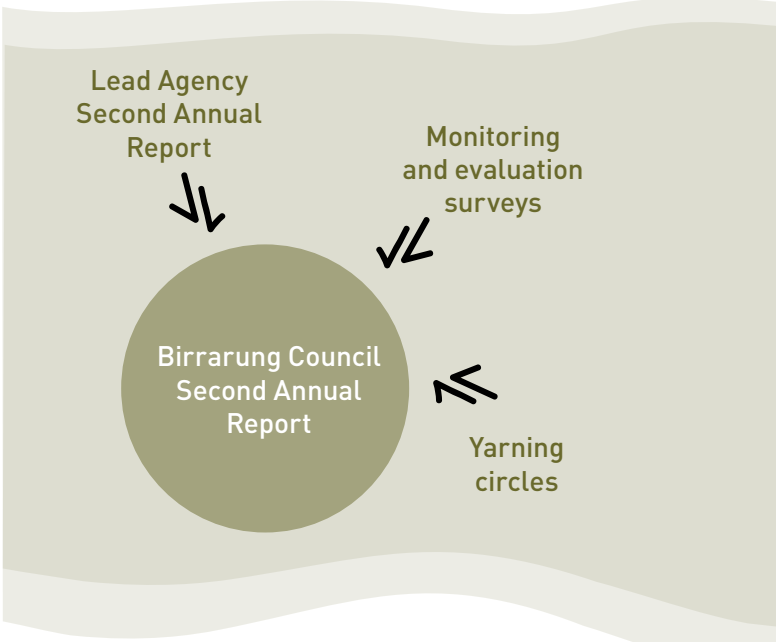


Figure 2 | Sources

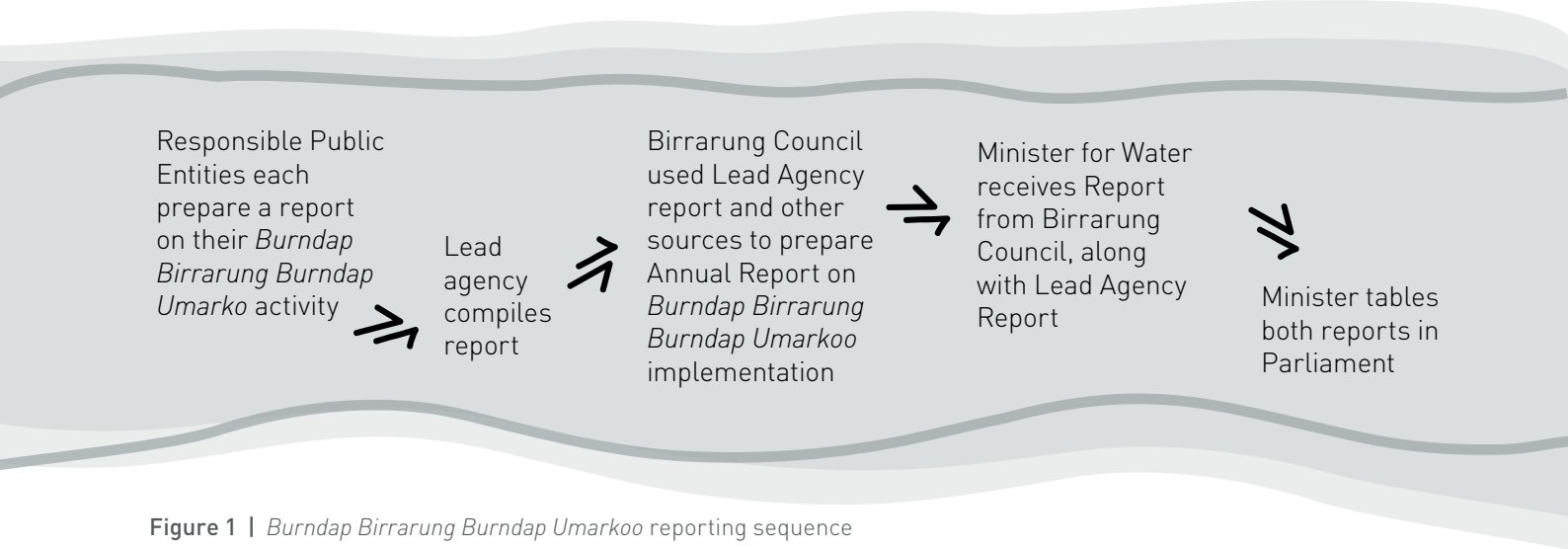


Figure 1 | *Burndap Birrarung Burndap Umarkoo* reporting sequence

Structure of this report

In section 3, we consider the Lead Agency’s Second Annual Report and provide an analysis of progress and indicative trends and reflect on the monitoring and evaluation survey data. In section 4, we discuss and provide our own observations drawn from the yarning circles, highlighting achievements, identifying areas for improvement, and analysing barriers to change across emergent themes. In section 5, we set out our conclusions and priorities for future change.



SECTION 2. RESPONSE

Studley Park

Response to the Lead Agency’s Second Annual Report

The Lead Agency has provided a comprehensive report in which they have assessed progress in addressing the priorities highlighted in our 2022 advice to the Minister on the implementation of *Burndap Birrarung burndap umarkoo* including an assessment of:

- the status of 40 actions set out under Part 1 of *Burndap Birrarung burndap umarkoo* which are categorised as either short-term (1-3 years), medium term (4-7 years) or long-term (8-10 years) and organised under four performance objectives (Box 1).
- the status of the 165 activities (projects, maintenance, campaigns, and other initiatives) that have been listed by RPEs as contributing to the performance objectives.
- progress on the five priority projects.

BOX 1 | Performance Objectives

- Performance Objective 1:**
A healthy River and lands
- Performance Objective 2:**
A culturally diverse River corridor
- Performance Objective 3:**
Quality parklands for a growing population
- Performance Objective 4:**
Protecting the natural beauty of the River corridor

Box 1 | Performance Objectives set out in Part 1 of *Burndap Birrarung burndap umarkoo*

Progress on actions

Of the 40 actions identified, four have been delivered, 19 are in progress and 17 remain in the planning stage. Since the last reporting period, we welcome the delivery of a further action and the progression of five additional actions from the planning stage (Table 2).¹⁵ This indicates solid progress, and we acknowledge the ongoing work and investment of all RPEs and Traditional Owner organisations towards the progression of future actions. We are mindful that the 40 actions vary in ambition, complexity, parties responsible for delivery, and impact to the Birrarung, and that more complex actions will take longer to deliver.

There has been some progress on short-term actions: of the 22 short-term actions, four have been delivered, nine are in progress, and nine are still in the planning phase (Figure 3). We are encouraged that there continues to be progress towards delivery of short-term actions and look forward to seeing further progress as we approach the three-year completion date. Of the nine actions still in the planning phase, the Lead Agency reports that it is confident these actions will be progressed in the next year. We look forward to seeing these actions receiving priority to rapidly progress through planning to implementation in the coming year.

Table 2 | Additional progress on actions in the 2022-2023 reporting period

ACTIONS DELIVERED	ACTIONS IN PROGRESS
Completed actions are: Work with partners, primarily Wurundjeri Woi-wurrung, the Victorian Environmental Water Holder (VEWH), and Parks Victoria, to implement a landscape scale approach to improving wetlands and billabongs for the Lower Yarra billabongs¹⁶	- Develop a place-based pilot project (in an area where stormwater is threatening Yarra health and amenity) to explore innovative re-use of stormwater¹⁷ - Increase and enhance the extent and quality of urban greening in the inner city reach on public and private land downstream of Gardiners Creek¹⁸ - Develop and pilot Wurundjeri Woi-wurrung flora and fauna assessments as critical planning tools for future management of the catchment¹⁹ - Adopt a multi-agency collaboration and investment approach to management of invasive animals and plants²⁰ - Plan, design, and manage the river parklands as one living and integrated natural entity^{*21} *The Lead Agency reports that initial planning has been undertaken to develop the scope of the Parklands as a living entity transformative project. We acknowledge this progress and are encouraged to see it further develop but we consider that this action is better reflected as still being in the planning stage.

Studley Park 2023

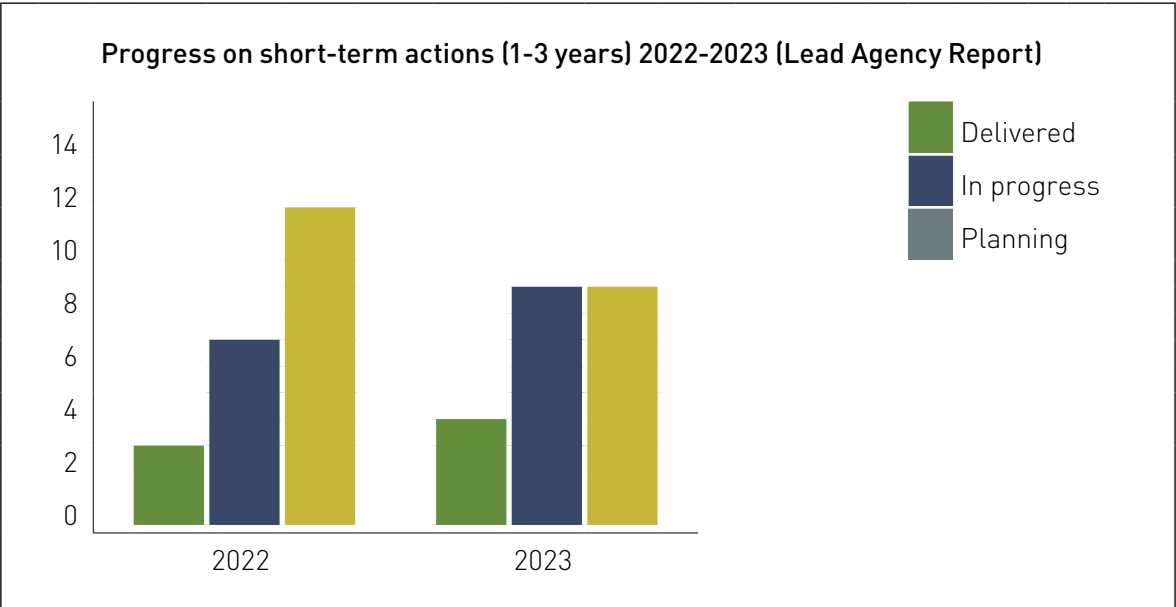


Figure 3 | Progress on short-term actions (1-3 years) 2022-2023 (Lead Agency Report)

In addition, we are pleased to see that actions relating to waterway management have been well-progressed. We note there has been less substantive progress on actions relating to community behaviour, cultural diversity, and parklands, which may in turn compromise delivery on several of the future directions earmarked in the Birrarung Council’s First Annual Report.²²

Progress on activities

The 165 activities listed in the Activities Schedule include projects, maintenance, campaigns, and other initiatives that RPEs consider as contributing to the performance objectives. The number of activities has nearly doubled in the last reporting period (an increase from 88 activities in 2022). Of these, three (5%) have been delivered, 118 (72%) are in progress, 31 (19%) are planned, and 11 (7%) are in the ideation phase. While most activities align with Performance Objective 1: Healthy river and lands (64%), the Birrarung Council is encouraged to see the prevalence of activities that align with Performance Objective 3:

Quality parklands for a growing population (28%). We note however, that only 3% and 5% of activities align with protecting landscapes and promoting a culturally diverse river corridor (Performance Objectives 4 and 2, respectively).

Progress on priority projects

Progress on the five priority projects set out in *Burndap Birrarung burndap umarkoo* has also continued, with three being well progressed, including a delivery date, while two remain in the planning and resourcing phase. The Birrarung Council is pleased to see progress on these important projects.

It is encouraging to see that the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) is responsible for leading one of the priority projects and is a major contributor in two others, in addition to playing a role in 39 of the 40 actions. We caution that there are some factors around resourcing that may constrain their ability to deliver on these actions (Section 4).

Table 3 | Progress on priority projects (Lead Agency Report)

PRIORITY PROJECT	ACHIEVEMENTS TO DATE	ESTIMATED DELIVERY
Birrarung Trial Floating Wetlands	Floating wetlands installed at three locations, wildlife monitoring and community engagement commenced	Installation complete. Monitoring and evaluation to occur between 2024 and 2025
Polystyrene Pollution Program	Building evidence base, mapping of source pathways, and round table	Ongoing
Birrarung Rangers Program	Project plan released, and resourcing for phase 1 initiated	Ongoing
Yering Billabongs Project	Functional design for re-engaging floodplains and billabongs, landscape designs, cultural values assessment, confirm land management arrangements, flora and fauna survey, eel environmental DNA (eDNA) monitoring by WWCHAC Narrap Unit	June 2024
Yarra Flats Project	Successful trial watering of the billabongs and detailed designs for constructed wetland	June 2024



Uncle Dave Wandin (Wurundjeri Woi-wurrung Elder & Birrarung Council member) and Uncle Shane Clarke (Bunurong Elder & Birrarung Council member) speak at the BBBU Executive Forum at Birrarung Park, Templestowe in June 2023



SECTION 3. ACHIEVEMENTS AND IMPROVEMENT

In this section, we identify and discuss achievements and areas for improvement, drawing on the six future directions identified in our First Annual Report (Appendix 8), with the addition of another important priority that emerged from the yarning circles.

Sugarloaf 2023

Achievements and areas for improvement

Recognition of the River as a living entity

Arguably the greatest transformative potential of the Act is its foundation for different ways of thinking about, relating to, and managing the Birrarung. Recognising that the shift required in both individual and corporate mindsets to reimagine the River is substantial and will take time. We commend all parties for the constructive work they are doing towards this goal. We have observed among the management of some RPEs positive leadership in transformative thinking through their organisations.

“We’re learning more about how to think about waterway management, and so in that context, the work and the concept of thinking about the Yarra, the Birrarung as a single living entity, is one that our people are engaging with, hopefully, and learning, but with the recognition that rivers and waterways feed the soul of the place.”
RPE Senior Leadership, yarning circle comments.

In many places, the Birrarung forms a boundary between local government areas. Historically, the River’s value has been linked to its use as a resource, and its lands have often been treated as ‘left-over’ spaces for accommodating infrastructure including roads, car parks, transmission lines and sporting facilities. We acknowledge the difficulty for RPEs in expanding organisational thinking beyond their jurisdictional footprint. Overall, we observe that there remains some difficulty among RPEs in understanding the Birrarung as a living entity and translating this concept into the development of organisational relationships with the River. This is reflected in a lack of obvious change from business as usual planning and decision making including a slow uptake of the Decision Making Framework.

To truly achieve the Community Vision, *Burndap Birrarung burndap umarkoo*, and deliver on the principles of the Act, the RPEs must begin to consider opportunities for reimagining human and organisational relationships with the whole of the Birrarung and its lands. With the guidance of Melbourne Water, which, as the Lead Agency, is in the best position to provide the kind of thought leadership required to drive the connection between theory and practice, RPEs should be supported to develop a deeper understanding of the living entity concept and what it means for people to be in relationship with the River. The Birrarung Council would expect and is beginning to see further investment in this. One practical solution by which to do this could be for RPEs to work on articulating their current organisational relationship with the River and their aspirations for what a good relationship with the River should be, and then develop actions for achieving a good relationship.

“When the Act was put through, this was a chance to change how we do things. Community is forefront. Move beyond the mindset of the River being a River, a boundary, or a bank where people build or do things on. We are proud of our role as an RPE but acknowledge we have more work to do. Whilst we are proud of that, we fully acknowledge we are on a very long journey, and we have taken a few small steps. It starts with commitment and passion, to provide us with what we need to help deliver on what the (Birrarung) Council is advising us to do.”
RPE Senior Leadership, yarning circle comments.

Traditional Owner partnerships and self determination

“We must understand each other’s duties, for us the land is our mother and rivers are her veins. Caring for Country is caring for our Mother. Our (cultural) way of thinking doesn’t always fit your way. We need to blend these together. Sometimes there’s a big cultural gap... The gap has closed slightly but there is a long way to go. You need to consider our cultural obligations to the land and how we make decisions as a community.”
Wurundjeri Woi-wurrung Elder and Birrarung Council member, yarning circle comments.

Positioning Traditional Owners as decision makers and delivery agents alongside state and local authorities is essential to giving genuine effect to the intent of the Act and its Yarra Protection

Principles.²³ Birrarung Council Elders reiterate, as they have since the inception of *Burndap Birrarung burndap umarkoo*, that a minimum standard for proper engagement is the development of a Reconciliation Action Plan (RAP). The Birrarung Council is encouraged to see that engagement with Traditional Owners has increased, with the majority (11) of RPEs now having a RAP in place (in comparison with seven in 2022) and many of the remaining either have or are planning for either organisation-wide or project-specific partnership agreements. It is commendable that RPEs are beginning to engage more comprehensively with Traditional Owners on a range of projects and activities in relation to the Birrarung. We acknowledge the work of the YCC as a forum to support capacity building leading to the establishment of sustainable relationships towards eventual self-determination. However, we note that the level of investment remains relatively small compared to what is likely to be needed and varies significantly across organisations (Table 4).

Table 4 | RPE assessment of organisational support to Traditional Owner Corporations in capacity development for *Burndap Birrarung Burndap Umarkoo* activities

	Yes	Partly	No	Unsure
1. Has your organisation provided support to Traditional Owner Corporations to learn and develop new skills?	7	1	3	2
2. Has your organisation provided Traditional Owner Corporations with access to funding, staff, and facilities?	6	4	-	3
3. Has your organisation enabled Traditional Owner Corporations to network and build partnerships and work together on YSP initiatives?	6	5	1	1
4. Has your organisation supported Traditional Owner Corporations to mobilise their community participation, articulate a clear vision, and foster collaboration in YSP initiatives?	1	8	2	2
5. Has your organisation enabled Traditional Owner Corporations to be involved in identifying concerns and problem-solving in YSP initiatives?	5	5	1	2

Despite overall improvements in Traditional Owner engagement, issues such as limited formal partnership and/or inconsistent collaboration persist. Traditional Owners stress the importance of self-determination and genuine ownership of project design and outcomes. When formalised partnership agreements are entered into, Traditional Owners can secure a central role in setting the agenda for projects with which they are involved, from design to delivery. Some such partnerships exist, but more often engagement takes the form of contract fulfilment, which may be perceived as tokenistic. For instance, the Wurundjeri Woi-wurrung Narrap Unit reports that while relationships with some RPEs are improving, the unit currently manages the full program of works including determining the objectives and management actions on only 10% of all sites on

which they are contracted to conduct work. This exclusion from decision making does not reflect the sovereignty of the Traditional Owners or their connection to Country.

At a minimum, the Birrarung Council would expect to see Reconciliation Action Plans (RAPs) and formal partnerships with Traditional Owner corporations expanding and maturing. We would expect to see RPEs understanding priorities and values of the respective Traditional Owner groups and extending their engagement with Traditional Owners to all projects (both directly relating to the Birrarung and otherwise) and engaging early, openly, and comprehensively. RPEs and other parties should remain mindful that genuine engagement with Traditional Owners takes time, involves more than mere consultation, and offers

opportunities for Traditional Owner led decision-making. Proper engagement must be sensitive to the competing demands and preferred priorities and modes of engagement of the Traditional Owner group and should support and promote the political, economic, social, cultural, and environmental aspirations of Traditional Owner organisations and respect Traditional Owner self-determined governance.²⁴

Ethical engagement practices should align with Traditional Owner protocols and support self-determination. Such practices should ensure that support occurs through consolidating, producing, and distributing project-based scientific and environmental information so that the information is understandable and useable.

Traditional Owners continue to emphasise the need for sustainable and recurring resourcing support from government to build and maintain participation, long-term engagement, capacity building, and leadership in the management of the Birrarung. Whilst building the capacity within Traditional Owner Corporations to the levels required to meaningfully achieve the ambitions of *Burndap Birrarung burndap umarkoo* will take time and needs to be directed by the corporations, the Birrarung Council expects to see a clear increase in the secure and effective resourcing of Traditional Owner Corporations in the coming year.

The proper process for engagement with Traditional Owners would see organisations better understanding the principles of self-determination and sovereignty by engaging through the representative Traditional Owner corporations. In relation to the Birrarung corridor, the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) and Bunurong Land Council Aboriginal Corporation (BLCAC) are the Registered Aboriginal Parties who maintain their own governance processes and engagement protocols in relation to their respective territories.



Birrarung Council Yarning Circle with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation at Collingwood Children's Farm 2023

Organisational commitment

Organisational commitment is key to unlocking the transformative potential of the Act. It is essential to managing the River as an integrated living entity, overcoming fragmented management and decision making by organisations setting their own priorities rather than basing them on the needs of the entire River and its lands, and integrated action towards the long term Community Vision. The Birrarung Council is pleased that most organisations are now aware of the River's legal and cultural status as one living and integrated natural entity, although we note that there is still uncertainty as to what this means for each RPE. Nonetheless, improved commitment to and incorporation of *Burndap Birrarung burndap umarkoo* and the principles of the Act are increasingly reflected within operational and organisational processes and systems. We are also pleased that there has been an increase in the number of corporate documents such as organisational websites, published strategies, news articles and other documentation referring to *Burndap Birrarung burndap umarkoo*.

We have been most encouraged however, with the level of commitment shown by RPE leadership teams in being available for and participating in the Executive Forum held in June 2023 and in our

yarning circles in which their contributions were thoughtful, open, and genuine. Leadership support is crucial for embedding the principles of the Act, *Burndap Birrarung burndap umarkoo*, and the community vision at all organisational levels.

We recognise also that commitment is strong among Yarra Collaboration Committee (YCC) representatives and organisational staff for whom the principles of the Act resonate. Their support is crucial to continuing progress. However, we have observed that as just one representative of a larger organisation, there is limited opportunity for these individuals to influence reimagining business-as-usual decision making in relation to the governance of the Birrarung, as envisaged in the principles of the Act. Furthermore, unwieldy bureaucratic arrangements, organisational resourcing and capacity issues, and competing priorities may affect the retention of corporate knowledge and sustained organisational commitment. The Birrarung Council would expect to see increased commitment and clearer authorising environments to better support embedding the principles of the Act within organisations with decision-making and accountability for implementing *Burndap Birrarung burndap umarkoo* more widely shared beyond individual YCC representatives

Collaboration

RPEs discharge their duties over discrete but contiguous areas for which they hold land and water management responsibilities. These duties and priorities may to a greater or lesser extent align with those of their neighbours. Management of the Birrarung and its lands as an integrated living entity requires collaboration among respective RPEs and between RPEs and Traditional Owners so that activities and projects are integrated and serve the needs of the whole system. We are encouraged to see how comprehensively collaboration is improving, with 82% of the 165 activities in the current Activities Schedule listed as collaborative, an improvement on 66% of the 88 activities in 2022. We are also encouraged to see that those RPEs who actively participate in the YCC have reported positively on their involvement in terms of networking and a willingness to share advice and learnings. We are mindful that establishing collaborative governance systems takes time and therefore acknowledge the efforts undertaken by the Lead Agency and the YCC members for establishing a space to generate impactful, culturally safe collaboration to coordinate shared outcomes for the River.

We understand that collaborative governance processes are likely to weaken where the Birrarung exists as one among many competing priorities and the business-as-usual approach fails to shift. It is for this reason that we welcome the development of a new collaborative platform to strengthen the work of the YCC and facilitate greater knowledge sharing and improving outcomes between and among RPEs and Traditional Owners. This has been identified as one of four transformative projects to be funded and delivered in the years ahead and we look forward to improvements in both the extent and quality of collaboration within the YCC and between RPEs and Traditional Owner corporations as a result.

We recognise the important role of transparent communication and robust engagement in deliberative community development and are encouraged that Melbourne Water as Lead Agency is developing a communication and engagement plan in partnership with the YCC to assist RPEs with incorporating consistent messaging of the *Burndap Birrarung burndap umarkoo* outcomes.²⁵ We welcome this undertaking and look forward to the finalisation of this strategy and its uptake by RPEs (or their development of their own plans) given the desire of community advocacy groups for more community engagement and collaboration.

“ We [RPEs] have to navigate this [YSP] space really carefully to ensure that we're not treading over our delegated authority [as a Local Government Body], but that we're also pushing the boundary to help things move forward... We understand the critical importance of the river and the stewardship role that we have, however there is a really big process to work out how we shift policy, practice, customs, and people's mindset. ”

RPE Senior Leadership, yarning circle comments.



Uncle Dave Wandin (Wurundjeri Woi-wurrung Elder & Birrarung Council member) welcomes senior leaders from Melbourne Water & Department of Energy, Environment and Climate Action during a yarning circle day at Heide Museum 2023

Land use planning and decision making

In our 2022 Annual Report, we expressed concern at the long delay in implementing the *Burndap Birrarung Burndap Umarkoo* Land Use Framework and Yarra River - Bulleen Precinct Land Use Framework Plan. In our first annual report, we highlighted that “Land use planning and decision making by State and local governments will also be a key focus of Birrarung Council reporting in the future.”^[i] We acknowledge the achievements of the Department of Transport and Planning so far but would be encouraged to see the Bulleen Precinct Land Use Framework Plan finalised and efforts commence on the Abbotsford Land Use Framework Plan, which was a commitment in the Yarra River Action Plan of 2017 and is mentioned in *Burndap Birrarung burndap umarkoo*. It is unfortunate that little progress has been made since then. We observe that land use planning decisions affecting Yarra River lands continue to be the key issue that concerns communities.

The land use framework set out in Part 2 of *Burndap Birrarung burndap umarkoo* is crucial to the long term protection and appropriate use of the River’s lands. The Birrarung Council is concerned about the delay in implementation of the land use framework. This delay means that there is a continued risk of decisions being made by Responsible Public Entities that are independent and could be inconsistent with the Yarra Protection Principles.

Another key component that will guide more appropriate land use decision-making and planning that aligns with *Wilip-gin Birrarung murrn* principles is the Yarra River - Bulleen Precinct Land Use Framework Plan which remains in draft form. The framework plan and its associated amendment has not yet been implemented. Council is encouraged to see the recent funding announcement to develop and support a dedicated water unit within the Department of Transport and Planning that will significantly accelerate progress. However, Council is disappointed that the land use framework has yet to be fully implemented and planning amendments have not been gazetted into planning schemes.

Decision Making Framework and net gain

“Net Gain is going to bring a lot of value to everyone.”
Bunurong Elder and Birrarung Council member.

The Decision Making Framework (DMF) is an important tool to ensure that “activities and decision-making are consistent with the Act and aligned with delivery of the plan”.²⁷ It also enables the development and prioritisation of projects that lead to positive and transformational change and the delivery of the 50-year community vision emphasizing net gain. We acknowledge that as the DMF was being trialled to test and adapt the assessment process in the first year of implementation, we would not expect to see much uptake across RPEs. However, we feel it is worth noting that as yet, none of the RPEs have fully embedded the DMF into their organisational processes and continue to rely on in-house evaluation procedures to guide planning and project delivery. Only half of the RPEs are using the DMF on selected projects as a tool to guide discussions with stakeholders and project partners. Neglecting to apply the DMF will constrain the extent to which land use and planning decisions meet the objectives of net gain as set out in the Act.

“Net gain should make progress towards the 50-year vision. Every decision that impacts the River should provide a net gain to the River and its lands as a living entity.
Every investment for the River should deliver a gain to reverse the long term trend of degradation through small decisions that compound and continue to create a net loss to the river and its lands.”
Birrarung Council member.

The DMF is one means by which the principle of environmental net gain for the River can be delivered. Evidence of immature development and inadequate integration of the principles of net gain within project planning and implementation is of concern. We acknowledge the Lead Agency’s admission of a lack of progress on this measure and their plan to address it in the near future through the Implementation Plan. Nonetheless,

we consider it vital to the health and the River and its lands that broader awareness and application of the DMF occurs across operational divisions and that the definition of net gain for the Birrarung is developed and adopted in the future. The Birrarung Council has explored and proposed a multi-dimensional approach to net gain on the Birrarung that considers restorative ecology, ethics of caring for Country, and scientific and technical assessment that better align with the aspirations of Traditional Owners, in a departure from the conventional application of net gain as a means to offset damaging impacts to the environment.²⁸ We would expect greater investment from RPEs in understanding, adopting and applying these more culturally appropriate principles of net gain in project planning throughout the River corridor.

Birrarung parklands

Protecting and managing Yarra River Lands and other parklands is of vital importance to the recognition of the Birrarung and its lands as an integrated living entity. Under section 59(1) of the Act, the declaration of the Greater Yarra Urban Parklands enables parklands in the vicinity of the River between Punt Road, South Yarra and the urban growth boundary in Warrandyte to be given a common identity as one living and integrated

natural asset of state significance. While significant parkland areas were declared and gazetted in 2018, giving effect to the declaration through consistent identity and management is taking time and is of concern. Of the 10 actions relating to this objective, five remain in the planning phase, four of these having short-term timeframes.²⁹

We were pleased to attend a YCC workshop hosted by the Lead Agency in August 2023 that was designed to collaboratively explore the management of parklands as a living entity. However, we have observed that the RPEs are only just beginning to engage with this transformational way of thinking about the River and its lands. The Birrarung Council considers that the incorporation and management of Yarra River Lands and parklands consistent with its status as a living entity, will require significant guidance by the Lead Agency, Parks Victoria and DEECA. To this end, we prepared a discussion paper to support a dialogue about how we might envision a Great Birrarung Parkland. Our aspiration for the Great Birrarung Parkland reflects our understanding of the River as a living entity, defined not by the boundaries of land titles, but encompassing the many ways of life and land use linked to the River.

“The Birrarung needs its lands, like we need water. Without water, there is no life, without its lands, there is no Birrarung. The river needs its lands.”

Alexandra Lee (Birrarung Council member), Jock Gilbert (RMIT), Uncle Dave Wandin (Wurundjeri Woi-wurrung Elder & Birrarung Council member) and Uncle Andrew Gardiner (Wurundjeri Woi-wurrung Elder & Birrarung Council member) speaking during the Great Birrarung Parkland panel discussion at MPavilion, July 2023.



SECTION 4. THE WAY FORWARD

The transformative change envisioned in the Act, the Community Vision and Burndap Birrarung burndap umarkoo is significant and will require strategic leadership and ongoing collaborative work to be realised.

Djirri Djirri Dancers perform at BBBU Executive Forum at Birrarung Park, Templestowe in June 2023

The Birrarung Council recognises that achieving this kind of change is neither easy nor swift and acknowledges the scale of organisational shifts to policy, planning, and the formation of collaborative partnerships required to give full effect to the principles of the Act and implementation of *Burndap Birrarung burndap umarkoo*.

Based on our observations, we identify several opportunities that exist for future improvements to implementation. Below we set out strategic priorities and suggest specific measures to address each priority.



Birrarung Council and Wurunderi Woi-wurrung Cultural Heritage Aboriginal Corporation members and staff standing together after finishing a yarning circle 2023

Recognition and decision-making supporting the Birrarung’s status as a living entity be enhanced.

We suggest that the Lead Agency, with Parks Victoria and DEECA, continue to invest in thought leadership on the transformative concept of a living entity with the assistance of the Birrarung Council and provide guidance to Responsible Public Entities (RPEs) on how to recognise the River in this way and embed this concept in all decision-making processes and activities within the River corridor.

Organisational commitment to the principles of the Act be enhanced and embedded in daily practices and decision-making.

This can be achieved by:

- RPEs developing, adopting, and investing in an approach to achieving net gain for the River and embedding this into project planning and implementation.
- Application of the Decision Making Framework, inclusive of the principles of net gain, when undertaking all projects affecting the River, especially in the development and management of parklands.
- RPEs, following the Lead Agency’s guidance, developing formal communication strategies to satisfy the following objectives:
 - To provide strategic context for communication and engagement activities associated with implementation of *Burndap Birrarung burndap umarkoo*,
 - To provide a consistent approach for regular and ongoing engagement with Traditional Owners as guided by Registered Aboriginal Parties, and
 - To outline an approach to raise awareness among local communities and facilitate involvement on implementation of *Burndap Birrarung burndap umarkoo*.

The extent and quality of Traditional Owner partnerships be improved to enable self-determination and support their roles as decision-makers and delivery agents on their Country.

This can be achieved by:

- Improving organisational literacy on the principles of Traditional Owner self-determination and sovereignty and the embedding of these principles in organisational strategies, planning and policy.
- RPEs strengthening their relationships with Traditional Owner organisations and understanding how they wish to be involved and consulted.
- Allocating adequate resourcing to Traditional Owner engagement and investment in ongoing collaboration in accordance with Traditional Owner protocols and priorities.

Collaborative planning across RPEs be improved to achieve greater and shared outcomes for the River and its lands.

This can be achieved by:

- Integrating and aligning investment in the development and management of Yarra River Lands and other parklands consistent with the status of the River and its lands as a living entity.
- The continuation of investment by the Lead Agency and YCC in the development of platforms to facilitate greater cross-organisational collaboration which is essential to progressing the more ambitious and transformative actions.

5. APPENDICES

APPENDIX 1: Birrarung Council Members

APPENDIX 2: Birrarung Council meetings, activities, and events

APPENDIX 3: Sections of the Act relevant to Birrarung Council annual reporting

APPENDIX 4: *Burndap Birrarung Burndap Umarkoo* - data collection and reporting

APPENDIX 5: Birrarung Council Yarning Circles

APPENDIX 6: Yarning Circle Protocols

APPENDIX 7: Monitoring and evaluation framework to assess *Burndap Birrarung burndap umarkoo* governance arrangements

APPENDIX 8: Lead Agency reported progress on strategic outcomes and future directions central to the success of *Burndap Birrarung burndap umarkoo*

Studley Park 2023

APPENDIX 1: Birrarung Council Members



Chris is a Professor of Practice at the Monash Sustainable Development Institute and has been involved in river and catchment management in Victoria for more than 35 years. He has contributed to advancing the protection of rivers through recent roles as chair of several ministerial advisory committees that have led to significant planning and legislative reforms, including the Wilip-gin Birrarung murrn (Yarra River Protection) Act. His previous roles include Chair of the Victorian Environmental Water Holder, CEO of the Office of Living Victoria and General Manager at Melbourne Water and he is currently a non-executive director at Barwon Water.



Uncle David Wandin is a Wurundjeri Woi-wurrung Elder and Cultural Practices Manager (Fire and Water) at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. He is a recognised leader in the promotion and execution of cultural (cool) burns in Victoria. He has also sat on the Waterways of the West Ministerial Advisory Committee.

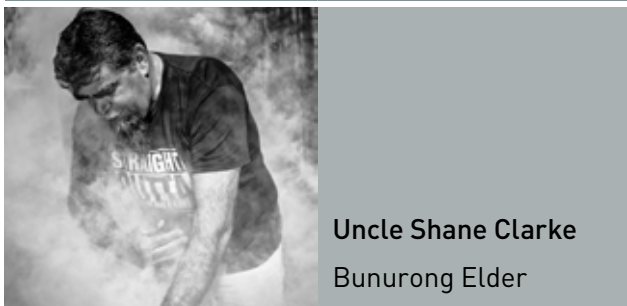


Auntie Diane Kerr is a Wurundjeri Woi-wurrung Elder, and a well-known advocate in the health, welfare, childcare, education, and land rights arenas. She has sat on committees advising the Royal Women’s Hospital, served as Director and Chair of the Board of Native Title Services Victoria, and also sat on the Victorian Aboriginal Working Group.



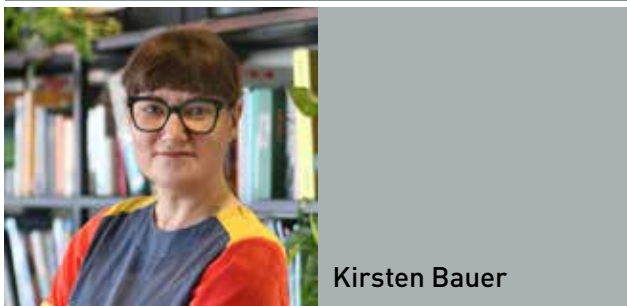
Uncle Andrew is a proud descendant of the Wurundjeri clans of the Woi-wurrung people and identifies as an Aboriginal Muslim Australian. Uncle Andrew’s working life has been in the service of Aboriginal communities, Aboriginal community-controlled health, and self-determination. Uncle Andrew has held numerous positions across a range of organisations and has held (or currently holds) numerous Board and Committee positions.

In December 2019, Uncle Andrew was elected to the First Peoples Assembly Victoria as the Wurundjeri Woi-wurrung reserved seat holder and was re-elected in July 2023 to continue the work on State-wide Treaty.



Uncle Shane Clarke is a highly respected Elder and valued member of the Bunurong Land Council. He has provided great service and dedication to the land council and community.

Uncle Shane has a wealth of knowledge regarding to Aboriginal culture including Landcare management, culture practices, language, and storytelling. For many years Uncle Shane has worked and been involved in cultural heritage management. He has also held various positions within several Aboriginal community organisations.



Kirsten is a director of ASPECT Studios – a global, urban design and landscape architectural practice. Kirsten is a longstanding design reviewer and advisor to the Office of the Victorian Government Architect, RMIT University (where she is adjunct professor) and Melbourne University.



Prue has had over 35 years of experience in providing community and publicly related services to Victoria in the state, local government and not-for-profit sectors and is currently Chair of Chisholm Institute, Chair of the Ross Trust, and a local government municipal monitor. Her previous roles include Deputy Secretary, Planning and Local Government; CEO; and CEO, City of Yarra.



Erin has worked in water resource management since 2002, in both the private and public sectors. She is recognised internationally for her research into the ground-breaking new field of legal rights for rivers, and the challenges and opportunities these new rights create for protecting the multiple social, cultural, and natural values of rivers. She is currently a Senior Lecturer and ARC Research Fellow at Melbourne Law School.



Alexandra Lee

Alexandra is a Registered Landscape Architect with over 20 years' experience in the private and public sectors. Her career has a strong focus on urban water management and exploring the importance of the community's connection to place through water. She is a member of the City of Melbourne Parks and Gardens Committee and the Australian Institute of Landscape Architects 'Connection to Country' Victorian Sub-committee.



Bronwyn South

Bronwyn is Finance Manager at her family's apple and pear orchard / Angus cattle grazing enterprise on the Arthurs Creek. She is an active participant in Melbourne Water's Stream Frontage Management program and is a life member of the Strathewen Landcare Group.

Warwick Leeson OAM

Term ended 29 March 2023

Warwick is the Chair of the Yarra Riverkeeper Association. He is a former mayor and councillor of the Shire of Nillumbik and has been a powerful advocate for Victorian waterways and open spaces in the Riverine corridor. His 2013 Order of Australia Medal citation recognised his work in community rebuilding and recovery and in encouraging fire awareness planning in the aftermath of the 2009 bushfires.

Appendix 2: Birrarung Council meetings, activities, and events

Summary of Birrarung Council meetings, activities, and events from 1 July 2022 to 30 June 2023:

- 12 Monthly meetings
- 15 Traditional Owner Elder meetings
- 3 Yarning Circles
- 20 Working Group/Steering Committee meetings
- 3 External workshops and forums
- 1 Special board meeting

In the period between the end of the financial year and submission of this report, we have undertaken six additional yarning circles. The Birrarung Council has undertaken several activities in accordance with its statutory advice and advocacy functions, tabulated below.

EVENT/ACTIVITY	DESCRIPTION	OUTCOME
Yarning circles (ongoing)	Conversations held with senior leadership of RPEs and Traditional Owner corporations.	Insights gained from RPEs and Traditional Owners as to how the principles and values of the Act are embedded and incorporated into governance arrangements, daily practices, and decision-making processes. Identification of any barriers that are impacting their capacity to engage, collaborate, and deliver on implementation of <i>Burndap Birrarung burndap umarkoo</i> .
<i>Burndap Birrarung burndap umarkoo</i> launch event (October 2022)	Formal launch event to celebrate the release in February 2022 of <i>Burndap Birrarung burndap umarkoo Yarra Strategic Plan</i> .	Brought together the authorising environment inclusive of RPE leadership and Traditional Owners with the Minister for Water and other government and industry representatives to commit to <i>Burndap Birrarung burndap umarkoo</i> .
Great Birrarung Parkland talk at MPavillion (March 2023)	Initiated and led a public discussion of the Birrarung Council's vision for the Great Birrarung Parkland featuring Wurundjeri Woi-wurrung Elders, other Council members, and leading landscape architects.	Exploration of the concept of the Great Birrarung Parkland and building public support for our shared responsibility in changing the way we view and value our River and its lands.

EVENT/ACTIVITY	DESCRIPTION	OUTCOME
Development of monitoring and evaluation framework (April-June 2023)	Participation in development of monitoring and evaluation framework for <i>Burndap Birrarung burndap umarkoo</i> , integrating previous work by Birrarung Council and Monash Sustainable Development Institute with the work of the Lead Agency.	Development of the <i>Burndap Birrarung burndap umarkoo – Yarra Strategic Plan – Monitoring, Evaluation, Reporting and Improvement (MERI) Plan</i> prepared by Alluvium and the subsequent development of annual monitoring and evaluation surveys enabling data collection on <i>Burndap Birrarung burndap umarkoo</i> implementation.
<i>Burndap Birrarung burndap umarkoo</i> Executive Forum (June 2023)	On-Country forum bringing together executive leadership teams from RPEs and Minister Shing to participate in a water commitment ceremony for the River.	Renewed commitment to <i>Burndap Birrarung burndap umarkoo</i> by senior RPE leadership. The Birrarung Council also presented their assessment of progress in 2022 and the priorities identified for the YCC in the years ahead. This built on a similar forum with Mayors and councillors and other senior RPE representatives in October 2022 and attended by Minister Shing.
Discussion paper: <i>A vision for the Great Birrarung Parkland</i> ³² (August 2023)	Discussion paper prepared by the Birrarung Council on a more ambitious agenda for the River's land and expands on the vision of the Greater Yarra Urban Parkland identified in the Act.	Creation of a dialogue about how we might envision a Great Birrarung Parkland and prompt thinking in a way that brings together our understanding of the river and its lands as a living entity, expands on the concept of parkland, and supports the 50 Year Community Vision.
Managing Parklands as a Living Entity – Workshop (August 2023)	A Yarra Collaboration Committee workshop hosted by the Lead Agency to bring together Traditional Owners and RPEs to ensure that planning and management of parklands is done within the context of the Birrarung's cultural landscape and the intent of the Act.	The Birrarung Council contributed to discussions on what it means to manage parklands as one living and integrated natural entity within the Birrarung's cultural landscape and shared our vision for the Great Birrarung Parkland.

EVENT/ACTIVITY	DESCRIPTION	OUTCOME
Presentation to the WWCHAC Board of Directors (September 2023)	Birrarung Council Chair and Executive Officer presented to the WWCHAC Board of Directions on the history, purpose, and priorities of the Birrarung Council.	Established a connection with the WWCHAC Board and informed them of the work being undertaking by the Birrarung Council, particularly the current yarning circle process and how these inform Council's annual reporting to Parliament on the implementation of <i>Burndap Birrarung burndap umarkoo</i> .
Birrarung River Cruise (September 2023)	Participation in the inaugural Birrarung River Fest, organised and hosted by the Yarra River Keeper Association.	Presentation to community participants during the inaugural River cruise about the work of the Birrarung Council and how <i>Burndap Birrarung burndap umarkoo</i> is reimagining the River as a living entity and restoring its ecological and cultural health.
NGV Reimagining Birrarung: Towards 2070 (October 2023 – April 2025)	Reimagining Birrarung: Towards 2070 is a speculative design exhibition being led by NGV in collaboration with the Birrarung Council. The exhibition will take place in August 2024 over a 6-month period at the NGV, Melbourne.	To be achieved: The exhibition will present new, speculative visions for key sites identified as significant along the Birrarung. The designs will aim to give effect to the 50-year Community Vision and align with the principles of the Yarra River Protection (<i>Wilip-gin Birrarung murron</i>) Act 2017, including net gain. Additionally, the design work will align with the Birrarung Council's Great Birrarung Parkland Discussion Paper and have regard to the Birrarung Council's annual report on <i>Burndap Birrarung burndap umarkoo</i> implementation including the embedded Walking Together Statement.

Appendix 3: Sections of the Act relevant to Birrarung Council annual reporting

Section 48 Functions and powers of the Council

- (1) The main functions of the Council are—
- a) to provide advice to the Minister—
 - (i) generally in relation to the administration of this Act; and
 - (ii) on particular matters on which its advice is sought relating to the protection and improvement of Yarra River land; and
 - (iii) on the development of a Yarra Strategic Plan, including the scope and adequacy of public participation processes; and
 - (iv) on the implementation of a Yarra Strategic Plan; and
 - (v) on the operation and effectiveness of a Yarra Strategic Plan and its contribution to the protection and improvement of Yarra River land, and the environmental, cultural and heritage values of Yarra River land, including the waterway health of the Yarra River; and
 - b) to advocate for protection and preservation of the Yarra River.

Section 57 Report of the Council

- (1) The Council must report to the Minister on the implementation of a Yarra Strategic Plan by responsible public entities.
- (2) A report under subsection (1) must be made on or before 31 October each year after a Yarra Strategic Plan has come into operation under section 38.

Section 44 Lead agency to prepare annual report for Council

The lead agency must prepare an annual report from the information provided to the agency in any report under section 43 and give the report to the Council to assist it with its functions under section 57(1).

Appendix 4: *Burndap Birrarung Burndap Umarkoo* - data collection and reporting

Notes on data generation and limitations

Every effort has been made to ensure the data generation and analysis process has been sufficiently robust. We rely on the Lead Agency’s quantitative analysis of data collected directly from RPEs. The data generated through our yarning circles is more qualitative in nature and has been subject to content analysis to identify, synthesise and thematically analyse performance as articulated by respondents and observed by the Birrarung Council.³³ By analysing the content of the yarning circles, we are better able to understand the barriers inhibiting positive behaviour change towards implementation of *Burndap Birrarung burndap umarkoo* and the principles of the Act. The themes extracted from this analysis have been used to inform and shape the content of this report. This data is not exhaustive - to date, we have held yarning circles with eight RPEs and a yarning circle with one Traditional Owner group, meaning that there remain six RPEs and one Traditional Owner group from whom we have been unable to collect qualitative data at this time. These organisations will not be neglected, as the enquiry process will continue after submission of this report and findings reported in next year’s annual report.

Appendix 5: Birrarung Council Yarning Circles

2023	Responsible Public Entity
5 April	Yarra Ranges Council
3 May	Nillumbik Shire Council
6 June	Banyule City Council
5 July	Manningham City Council
	Parks Victoria
2 August	Melbourne Water
	Department of Energy, Environment and Climate Action
6 September	City of Stonnington
28 September	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

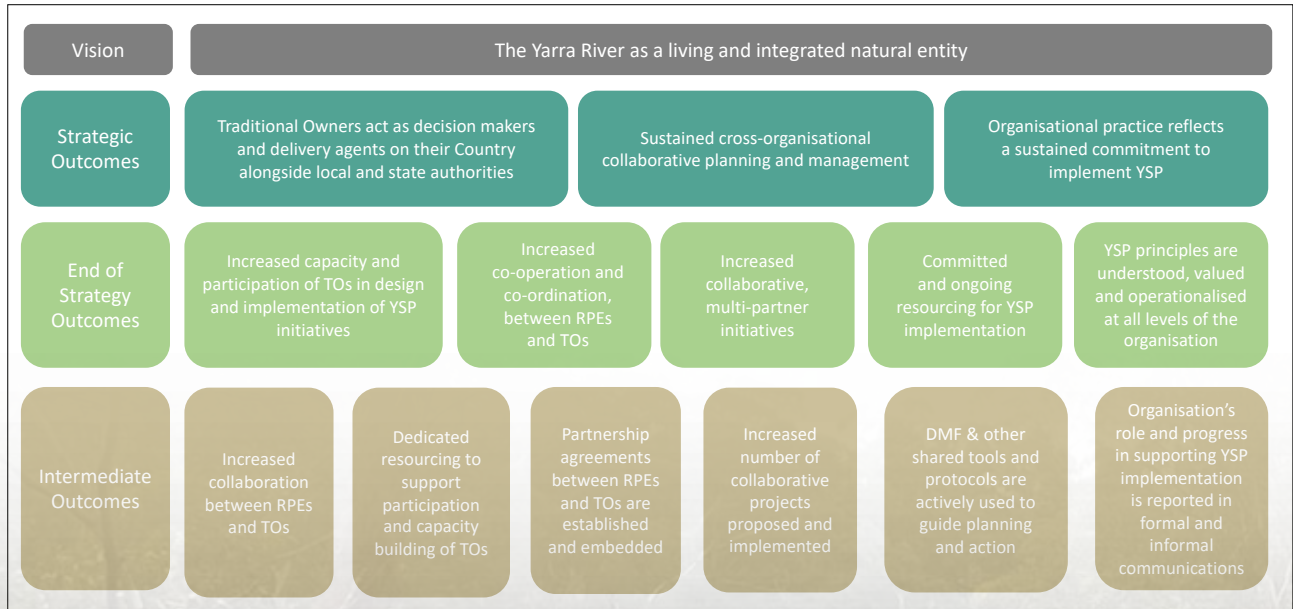
Questions developed to address four key governance themes and posed to each RPE during the enquiry process are as follows:

1. How will your organisation and staff recognise and make decisions that support the River’s status as one living and integrated natural entity from source to Sea?
2. How will your organisation embed the principles and values of the Yarra River Protection (*Wilip-gin Birrarung murrn*) Act 2017 into daily practices and decision-making processes?
3. How will your organisation partner with Traditional Owners to enable self-determination and support their roles as decision-makers and delivery agents on their Country?
4. How will your organisation collaborate and plan with other RPEs to achieve greater and shared outcomes for the River and its lands?

Appendix 6: Yarning Circle Protocols

- The seating arrangement for the Yarning Circle must be circular.
- The Birrarung must be present in the room (virtual or physical).
- Artefacts or materials that represent the spirit of the Birrarung must be present in the room (Birrarung water, Manna gum leaves, images, River stones, etc.).
- The Elders are to sit either side of the Chair.
- The Chair opens the Yarning Circle and invites the Elders to provide a short Welcome to our guests and share an opening Elders statement.
- A *talking stick* is to be used to provide cultural principles to the discussion ensure a single speaker at any given time.
- The cultural significance of the *talking stick* will be explained by an Elder to all participants.
- The *talking stick* will enable the participant holding the talking stick to speak freely and finish their thoughts in full without interruption.
- The Chair invites each participant to introduce themselves in a clockwise direction using the *talking stick*. The Chair then sets the scene for the Yarning Circle: why we are here.
- Only the person holding the *talking stick* may speak. Everyone else must listen.
- The Chair will introduce each topic before asking the Elders to comment first.
- The guests will be given first opportunity to respond first before all other participants are invited to speak upon request of the *talking stick*.
- The *yarning circles* will run for up to 1-hour and be recorded for Birrarung Council purposes only and not be attributed publicly to any individual, group, or organisation without permission. Recordings will not be permanently kept.

Appendix 7: Monitoring and evaluation framework to assess *Burndap Birrarung burndap umarkoo* governance arrangements



Warrandyte 2023

Appendix 8: Lead Agency reported progress on strategic outcomes and future directions central to the success of *Burndap Birrarung burndap umarkoo*

Where outcomes are marked as ‘achieved’ or ‘partly achieved’, it indicates that there has been evidence of at least some improvement in intermediate outcomes. The Birrarung Council notes that these outcomes represent ongoing

processes rather than static events and would prefer to see responses that better reflects this. Response column as per Birrarung Council assessment.

STRATEGIC OUTCOMES

STRATEGIC OUTCOME	INTERMEDIATE OUTCOMES	STATUS	RESPONSE
Traditional Owners are decision-makers and delivery agents on their Country alongside state and local authorities.	Partnership Agreements between RPEs and Traditional Owners are established and embedded.	In progress	Improvement noted with greater formal Traditional Owner engagement.
	There is dedicated resourcing to support participation and capacity building of Traditional Owners.	In progress	Targeted, sustainable resourcing remains an issue.
Sustained cross organisational collaborative planning and management.	An increased number of collaborative projects proposed and implemented.	Achieved	Significant improvement noted in number of collaborative projects.
	Increased collaboration between YCC parties, both RPEs and Traditional Owners.	Achieved	Improvement noted but further deepening of collaborative relationships is still required.
Organisational practice reflects a sustained commitment to implement <i>Burndap Birrarung burndap umarkoo</i> .	Organisation’s role and progress in supporting <i>Burndap Birrarung burndap umarkoo</i> implementation is reported in formal and informal communications.	Partially achieved	Improvement noted.
	<i>Burndap Birrarung burndap umarkoo</i> Decision Making Framework (DMF) and other shared tools and protocols are actively used to guide planning and action.	Planned	The DMF remains underutilised.

FUTURE DIRECTIONS

DIRECTIONS	ACTIONS	OUTCOME	RESPONSE
Commitment to <i>Burndap Birrarung burndap umarkoo</i>	Every RPE should make clear statements in their internal and outward facing communications about their role in <i>Burndap Birrarung burndap umarkoo</i> .	Partially achieved	Improvement noted.
	RPEs should use mechanisms such as including <i>Burndap Birrarung burndap umarkoo</i> goals and activities in key planning, strategy, and policy documents, in agendas for meetings of senior decision-makers, and in reporting, action and risk registers.	Achieved	Improved commitment to and incorporation of <i>Burndap Birrarung burndap umarkoo</i> reflected within operational or organisational processes and systems. Increased number of corporate documents referring to <i>Burndap Birrarung burndap umarkoo</i> .
Partnerships with Traditional Owners	By June 30, 2023, all agencies should have a Reconciliation Action Plan in place and be actively using this as a basis to work with Traditional Owners. All RPEs should also be actively working on a Partnership Agreement, if they do not already have one in place.	Partially achieved	Improvement noted, with the majority of RPEs having a RAP in place and many remaining parties either have or are planning for partnership agreements.
	RPEs should work towards real integration between plans with Traditional Owners and resulting actions, so that RAPs and Partnership Agreements serve as a genuine basis for change going forward.	Partially achieved	Improvement noted. Level of genuine partnership and investment varies across organisations. Further improvement required in terms of genuine engagement involving Traditional Owner leadership.
	All parties work together to identify possible ways that resourcing needs can be better met. This may include funding, in kind support, providing or sharing training opportunities, and providing data and information.	Partially achieved	Adequate resourcing supporting Traditional Owner participation and capacity building should be improved.

FUTURE DIRECTIONS

DIRECTIONS	ACTIONS	OUTCOME	RESPONSE
Collaboration	YCC members should develop that forum to serve as a learning exchange, with frank discussion by members about what has worked and what hasn't, in order to accelerate progress to collaborative stewardship of the Birrarung. YCC members should also share their ideas for growing organisational commitment to the <i>Burndap Birrarung burndap umarkoo</i> .	Achieved	Broad participation in and positive outcomes of collaborative management.
	Melbourne Water, as Lead Agency, should continue working to support Traditional Owner participation in the YCC.	Achieved	Improvement noted however the extent and quality of collaboration within the YCC and between RPEs and Traditional Owner corporations could be further improved upon.
Land use decision making and planning	The Department of Environment, Land, Water and Planning (now the responsibility of the Department of Transport and Planning) should make progress to incorporate the <i>Burndap Birrarung burndap umarkoo</i> Land Use Framework into local and state planning policy a priority.	In progress	Not yet implemented.
Decision Making Framework and Net Gain	Melbourne Water, as Lead Agency working through the YCC, should remind RPEs about the need to embed the DMF into activity planning.	Partially achieved	Improvement required. The DMF remains underutilised.
	All RPEs should start using the DMF across projects, as intended under <i>Burndap Birrarung burndap umarkoo</i> .	Partially achieved	Improvement required. The DMF remains underutilised.
	The concept of net gain should be used in the DMF to be applied by RPEs undertaking all projects affecting the River, and particularly for transformational projects.	Planned	Improvement required although the Lead Agency plans to address it through the Implementation Plan.

FUTURE DIRECTIONS

DIRECTIONS	ACTIONS	OUTCOME	RESPONSE
Birrarung Parklands	Creating a stronger identity for the Parkland locally, nationally, and internationally.	Planned	Some progress has been made but further improvement is required. To assist, the Birrarung Council has prepared a discussion paper to outline our aspirations for the development and management of the Great Birrarung Parklands.
	Formalising a role for Traditional Owners in the planning and management of the Parklands corridor.	Planned	Awareness is increasing in the need invest adequately in engagement.
	Integrating and aligning investment and management of lands in the Parklands corridor to enhance the use and enjoyment of the Parkland and the conservation of the environment consistent with the status of the River as a 'living entity'.	Planned	Some progress has been made but further improvement is required. Competing priorities between and within organisations constrains progress.
	Acquiring and reconnecting the existing nominated land parcels along the Birrarung River corridor and integrating place-based stories and culture into low-impact infrastructure and design that enables net gain for the River.	Partially achieved	Some progress has been made on land acquisition but there has been limited development of principles of net gain.
	Creating ecological net gain for the Birrarung including a 'Special Landscape Overlay' within the state planning scheme.	Planned	Principles of net gain remain underdeveloped among RPEs, and planning scheme amendments delayed.

ENDNOTES

Uncle Dave Wandin (Wurundjeri Woi-wurrung Elder & Birrarung Council member) speaking to senior leaders from Melbourne Water and Department of Energy, Environment and Climate Action during a yarning circle day at Heide Museum 2023

Endnotes

1

Melbourne Water Corporation (2022). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Second Annual Report 2022–23*. Reporting on implementation from 1 July 2022 to 30 June 2023. Produced by Melbourne Water, 18 September 2023.

2

See the Birrarung Council website: Current projects (water.vic.gov.au)

3

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017. Authorised Version No.008, accessible from Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 (legislation.vic.gov.au)

4

See the Birrarung Council website About the Council (water.vic.gov.au)

5

Melbourne Water Corporation (2018). *Yarra River 50-year Community Vision: Wilip-gin Birrarung murrn*. Accessible from Yarra River 50-year community vision (water.vic.gov.au)

6

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, part 2, s7-13.

7

There are 14 Responsible Public Entities as determined by the Act: Banyule City Council, Boroondara City Council, Department of Energy, Environment and Climate Action (DEECA), Department of Transport and Planning (DTP), Manningham City Council, Melbourne City Council, Melbourne Water, Nillumbik Shire Council, Parks Victoria, Stonnington City Council, Victorian Planning Authority, VicTrack, Yarra City Council, and Yarra Ranges Shire Council.

8

Melbourne Water Corporation (2022). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Implementation Plan 2022*.

9

Commissioner for Environmental Sustainability Victoria (2019). *The State of the Yarra and its Parklands Report 2018*. Published 19 March 2019. Accessible from <https://www.ces.vic.gov.au/state-of-reports/state-yarra-and-its-parklands-2018-report>

10

Yarra River Keeper Association (2023). *Burndap Birrarung burndap umarkoo: A review of the first year of implementation of the Yarra Strategic Plan*.

11

Letter from the Hon Harriet Shing to YCC Chair Jane Doolan, dated 19 February 2023.

12

Alluvium (2023). *Discussion Paper: Yarra Strategic Plan MER Framework Integration*. Prepared for Melbourne Water, April 2023. Resulted in the Monitoring and Evaluation Survey distributed by the Lead Agency as part of their data collection process in preparation of their Second Annual Report.

13

The Lead Agency received survey responses from 13 of the 14 RPEs with varying degrees of detail. VicTrack being the only RPE to not have responded at the date of reporting.

14

To celebrate and embed cultural practices and ways of doing business, we adopted the format of a yarning circle. Yarning circles are guided by a suite of cultural protocols and is held with each RPE individually (see Appendix 6).

15

We note that the Lead Agency’s First Annual Report identified 16 actions in progress and 21 in planning. By our count, there were 15 actions in progress and 22 in planning.

16

Action 7.

17

Action 1.

18

Action 11.

19

Action 16.

20

Action 20.

21

Action 29.

22

The future directions set out were commitment to *Burndap Birrarung burndap umarkoo*, partnerships with Traditional Owners, Collaboration, Land use decision making and planning, Decision Making Framework and net gain, and Birrarung Parklands.

23

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, s12(1)-(3).

24

See, for instance National Health and Medical Research Council (2018). *Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders*. Accessible from www.nhmrc.gov.au/guidelines-publications/ind2.

Australian Institute of Aboriginal and Torres Strait Islander Studies (2012). Guidelines for Ethical Research in Australian Indigenous Studies. Accessible from [gerais.pdf \(aiatsis.gov.au\)](http://gerais.pdf.aiatsis.gov.au). Australian Institute of Aboriginal and Torres Strait Islander Studies (2020). *AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research*. Accessible from AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research. Janke, T. (2021). *True Tracks: Respecting Indigenous Knowledge and Culture*. UNSW Press. Australian Institute of Health and Welfare (2013). *Engagement with Indigenous communities in key sectors: Resource sheet no. 23*. Produced for the Closing the Gap Clearinghouse, October 2013.

25

From communications with Melbourne Water.

26

Birrarung Council (2022). *Birrarung Council Annual Report to Parliament on the implementation of Burndap Birrarung burndap umarkoo: Yarra Strategic Plan 2022*.

27

State Government of Victoria (2022). *Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan: A 10-year plan for the Yarra River corridor – 2022 to 2032*, p.152.

28

Lindsay, B. and Moggridge, B. (2021). *Reframing ‘environmental net gain’ for the Yarra Birrarung*. Report prepared for the Birrarung Council. Birrarung Council (2021). A new model for net gain in the Birrarung. Summary document.

29

Actions 30, 31, 32, 34 and 35.

30

Birrarung Council (2023). *A vision for the Great Birrarung Parkland*.

31

Ibid, p.1.

32

Birrarung Council (2023). *A vision for the Great Birrarung Parkland*.

33

Content analysis is a research method used to identify patterns and themes in recorded communications, which may be written, oral or visual.

[i]

Birrarung Council (2022). *Birrarung Council Annual Report to Parliament on the implementation of Burndap Birrarung burndap umarkoo: Yarra Strategic Plan 2022*.

Glossary

Birrarung Parkland: *Burndap Birrarung burndap umarkoo (Yarra Strategic Plan)* definition of a vision for publicly accessible parkland associated with the Yarra River corridor.

Great Birrarung Parkland: the Birrarung Council’s vision for a holistic view of the lands belonging to the River.

Greater Yarra Urban Parklands: Gazetted parkland as defined under the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*.

Net gain: an environmental principal referenced in the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*. The Birrarung Council’s version of net gain builds on this and encompasses scientific and technical measures of gain alongside principles of ecologically restorative measures and cultural understandings of gain.²

Abbreviations and acronyms

BLCAC	Bunurong Land Council Aboriginal Corporation
DEECA	Department of Energy, Environment and Climate Action (formerly Department of Environment, Land, Water and Planning (DELWP))
DMF	Decision Making Framework
LGA	Local Government Area
RAP	Reconciliation Action Plan
RPE	Responsible Public Entity
VEWH	Victorian Environmental Water Holder
WWCHAC	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation
YCC	Yarra Collaboration Committee



BURNDAP BIRRARUNG BURNDAP UMARKOO

What is good for the Yarra is good for all