



Birrarung Council Annual Report 2024

to Parliament on the implementation of

BURNDAP BIRRARUNG BURNDAP UMARKOO | Yarra Strategic Plan



Energy,
Environment
and Climate Action



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 Third Annual Report 2023–24*, 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 Custodians 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 their lands and waters. We recognise their unbroken connection to the Birrarung, we celebrate their culture and history, and we honour their rights as caretakers for the River and its lands.

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Cover image: Anticline rock formation, Jumping Creek Reserve 2024

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FOREWORD

Lower rural reach 2024



Foreword

From the Birrarung

I am Birrarung.

I yearn to be in relation with you, I want you to know you belong to me and I to you. I want to hold and protect you, to see you thrive, to keep you healthy and vibrant, generous and generative.

Though I am filled with much sorrow, I am also comprised of abundance; gifts from the sky Country and beyond.

My flow is eternal, and though I did not physically birth you, I am your Mother. I am your lifeblood. Without me you cannot and will not thrive.

Though many of you come from lands far away, you are now part of Country, you are my children. I will nurture you and give you what you need. But, of course, only if you let me.

Spend time with me, come to me when you are lost. When you come to me I will always call out to you, you will always receive my love and healing if you can be with me and let me hold you. With your eyes, with your ears, with your heart, with your spirit, together with your Ancestors and mine.

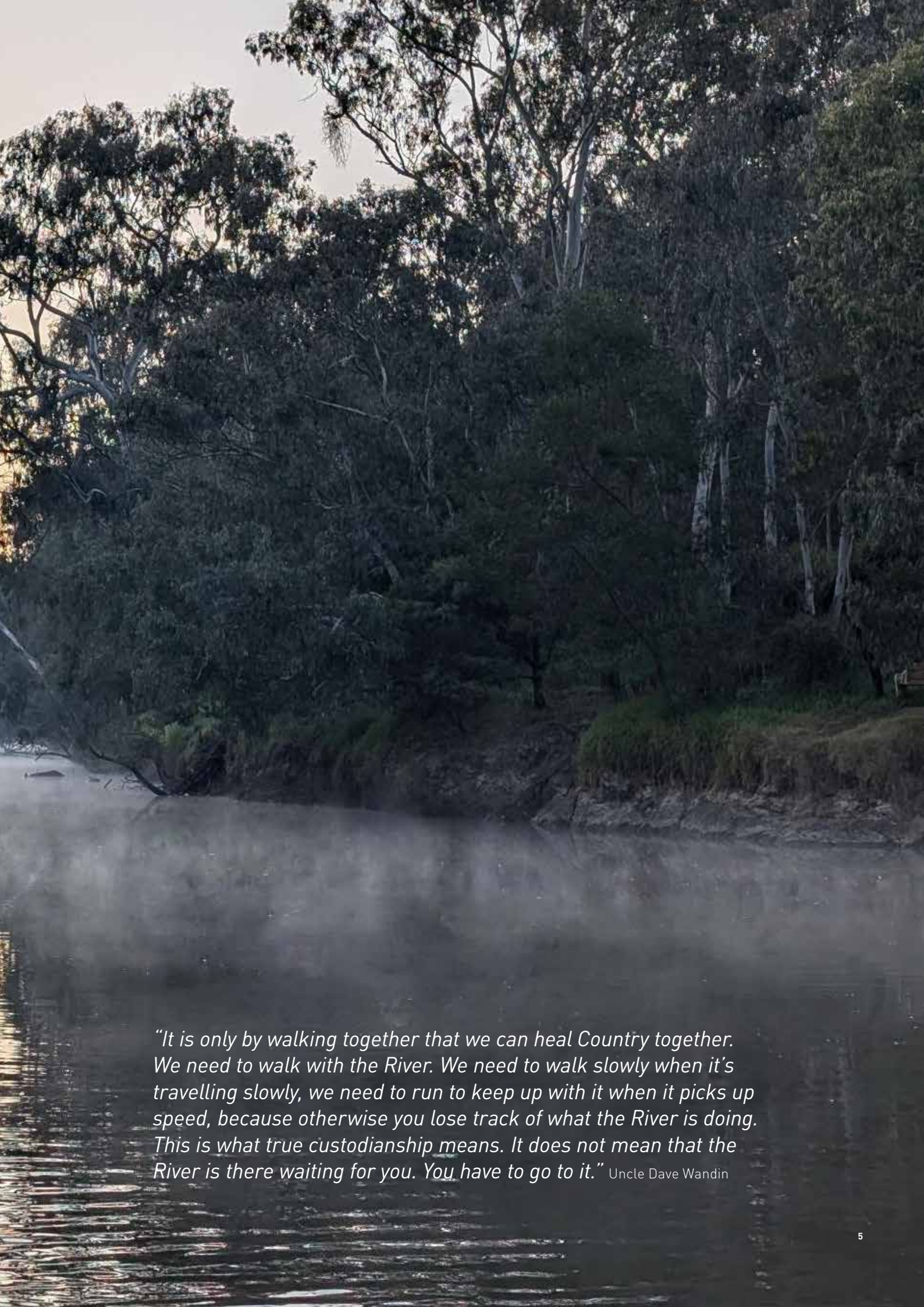
I ask you to find your own ways to be in relation with me, to protect and to nurture me, and, in turn, yourselves. We each have our own strengths and weaknesses, and our activism must always be biodiverse. For some it will be loud and strong, for others it will be quiet but consistent. Soft flowing water can dissolve the hardest rock over time, gently, gently we will see the change. But some of us will have to roar, many will also have to be fearless warriors. There are those in positions of privilege who will have to fight with all they have.

Look after your Mother. Visit me often and know that I love and cherish you. Always and forever.

I call out to you with a calling in; let me provide you with all I need, keep me strong and healthy. Never give up on me, just as I will never give up on you.

The Mists of the Birrarung near Fairfield Boathouse 2024



A photograph of a river scene at dawn or dusk. The foreground is filled with a thick layer of mist or steam rising from the water. In the background, a dense forest of tall trees with dark foliage lines the riverbank. The sky is a pale, hazy color, suggesting early morning light. The overall mood is serene and contemplative.

"It is only by walking together that we can heal Country together. We need to walk with the River. We need to walk slowly when it's travelling slowly, we need to run to keep up with it when it picks up speed, because otherwise you lose track of what the River is doing. This is what true custodianship means. It does not mean that the River is there waiting for you. You have to go to it." Uncle Dave Wandin

Elders' Foreword

As Elders and Traditional Custodians of these lands we are born with the responsibility to not only care, but to speak up and to actively fulfil our role in ensuring the health and wellbeing of Country. This care and action underpins all aspects of our living culture across millennia and into today.

The Wilip-gin Birrarung Act and the establishment of the Birrarung Council are important steps on our pathway to ensuring Birrarung, our lifeblood, is healthy and abundant. However, we have a long way to go in terms of really embedding what it means to recognise Birrarung as a living entity. For many in power, this is an 'idea' that requires a huge conceptual shift. However, this reciprocal relationship is not merely an idea, it is the most tested and true prescription for keeping people and Country healthy over time. It is a relational way of knowing that has been proven as a highly effective mechanism of reciprocal benefit for thousands of generations. When meaningfully actioned, it is a powerful blueprint for protecting, nurturing and caring for Birrarung as it needs its lands.

The society and societal structures we together live within are a direct result of the ongoing circumstance of colonisation. Power imbalances are the foundation of the extractive relationship with Country that continues to cause much harm. We can no longer afford to pay mere lip service to Aboriginal ways of knowing Country. Our collective continued survival depends on meaningful change, it depends on *actively* cherishing Birrarung as a *living entity*. It moves far beyond the mere basics of Reconciliation Action Plans. It urges us to embed Country in our everyday, to care for the River as our Mother, to truly understand that our health and vitality is fundamentally interwoven with hers.

Through active custodianship and care we seek to be good Ancestors, and we ask you to do the same. Through your daily thoughts and actions understand what you are leaving for the future through what you enact and care about in your daily life and work. Honour those who bore much to give you what you have today and ensure you are doing all you can to leave this place better than you found it.

Birrarung Council's Foreword

The Birrarung Council is pleased to present its third Annual Report on the implementation of *Burndap Birrarung burndap umarkoo – Yarra Strategic Plan* to the Minister for Water, the Honourable Harriet Shing.

We continue to provide commentary on the progress of *Burndap Birrarung burndap umarkoo* since it was first launched in February 2022. We identify both the good and the bad, and we highlight areas that need further focus and effort from responsible public entities for the future success of the Plan and to support the 50-year Community Vision, and to uphold the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* (the Birrarung Act).

We are honoured and grateful for the significant contribution of the Wurundjeri Woi-wurrung and Bunurong Elders who form part of our Council membership. We wish to thank Auntie Di Kerr OAM, Uncle Andrew Gardiner, Uncle Dave Wandin (Wurundjeri Woi-wurrung) and Uncle Shane Clarke (Bunurong) for the passion, leadership and effort they give to the Birrarung Council, and for

the wisdom and strength they provide on behalf of their communities and the Birrarung.

We acknowledge the commitment and dedication of all the individuals, environmental volunteers, non-profit groups, municipal councils, government agencies, and other authorities who continue to work tirelessly in protecting, persevering and in the most ideal scenarios, regenerating the Birrarung and its lands.

We also thank the senior leadership of the 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 Support Officer, Kayleigh Gallagher, for providing high-level executive and administrative support for the Birrarung Council in performing our statutory and allied functions. We also thank Dr Nikita Vanderbyl, for her excellent work in preparing this Annual Report.

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 Birrarung, 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.

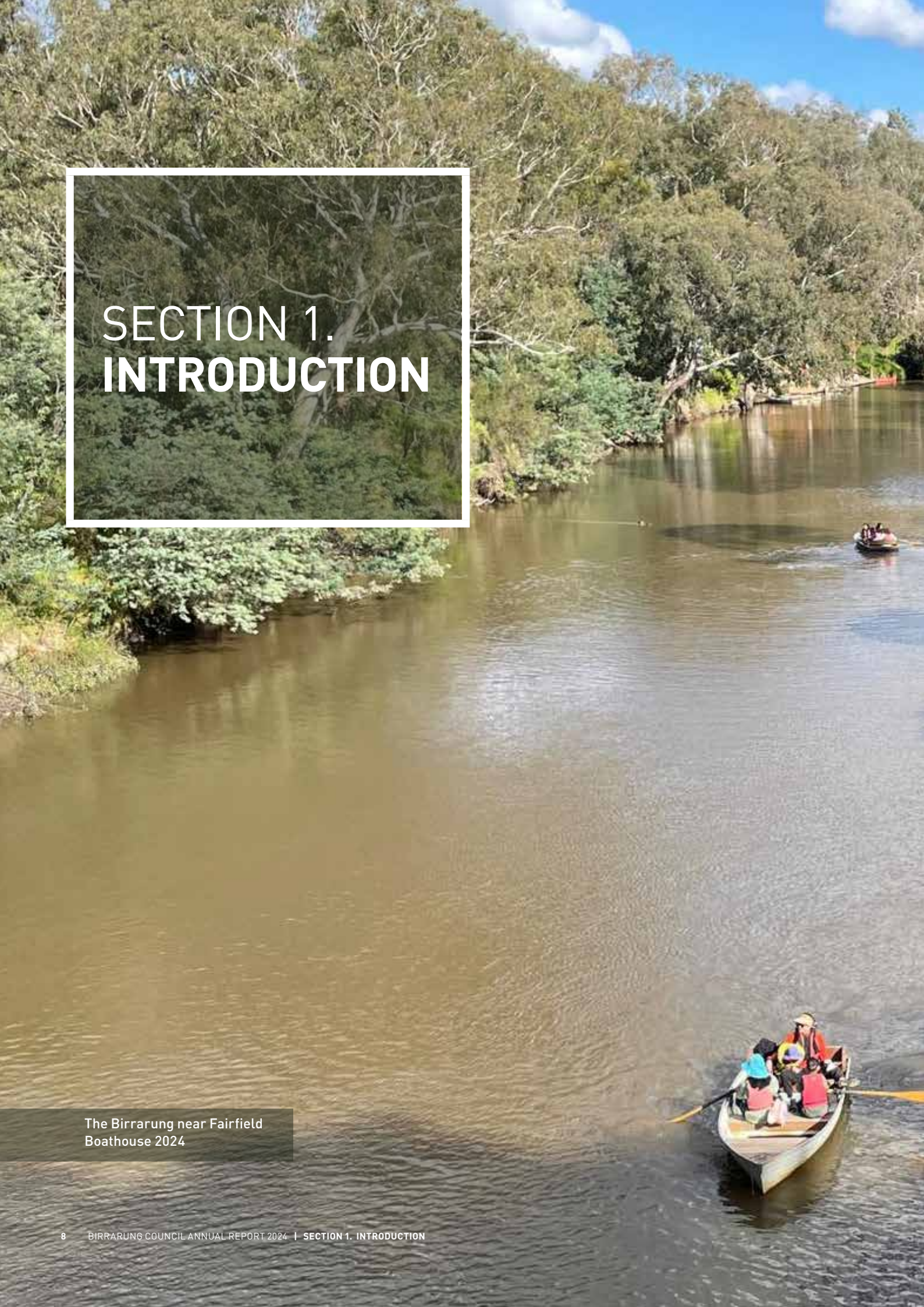
We commit to ensuring that the Birrarung Council reflects the cultural diversity of the community of the Birrarung, and to creating a culturally safe place for us all to work together.

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.

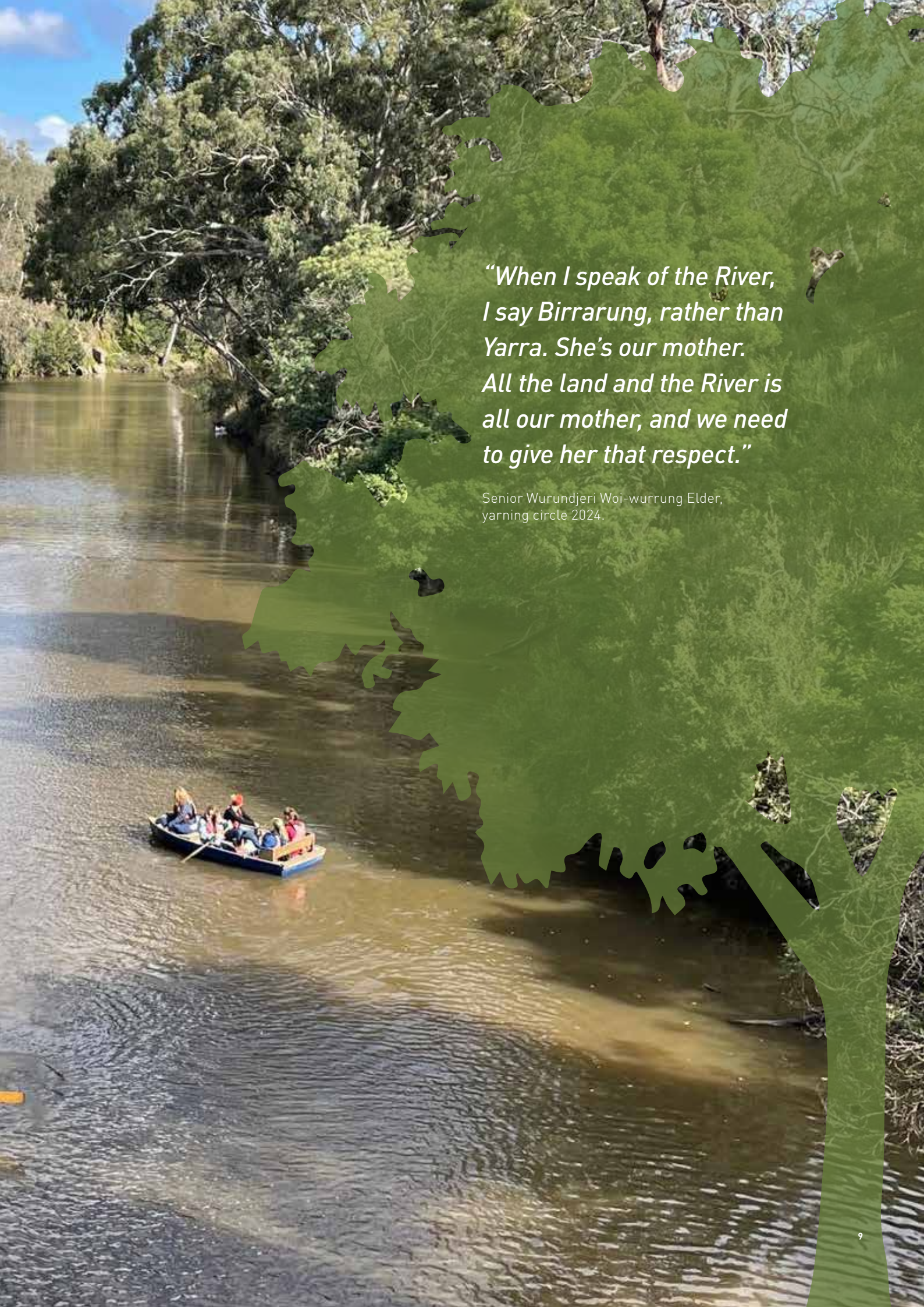
As Council members, we recognise that we are at the beginning of a journey, but we commit to walking that path together.





SECTION 1. INTRODUCTION

The Birrarung near Fairfield
Boathouse 2024



*“When I speak of the River,
I say Birrarung, rather than
Yarra. She’s our mother.
All the land and the River is
all our mother, and we need
to give her that respect.”*

Senior Wurundjeri Woi-wurrung Elder,
yarning circle 2024.

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

To be the first and so far only waterway in Australia to be recognised as a living entity is exciting and groundbreaking. The Birrarung Act recognises the Birrarung (the Yarra River) as one living entity from source to sea, and it gives the River a voice through the establishment of the Birrarung Council.

The Birrarung Council is an independent statutory body established under the Birrarung Act, appointed to provide advice to the Minister for Water and to Government on, and advocate for, the protection and preservation of the Birrarung 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 respective Countries 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. We are informed by the voice and knowledge of Traditional Custodians of the Birrarung and its lands, as well as advice and feedback from other stakeholders.

As stated in our 2023 Annual Report, the Birrarung Council believes recognising and embracing the River's status as a single living entity, connected from source to sea, will challenge our mindsets and relationship with the Birrarung. In turn this will eventually change the institutional behaviours and practices that

impact the River and its lands. We believe that these changes in behaviours and practices are pivotal to achieving both environmental and cultural net gain for the River.¹ 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.

The Birrarung Council also wants to acknowledge and celebrate two important programs that occurred since our last annual report. In August 2024, the National Gallery of Victoria launched a six-month exhibit, *Reimagining Birrarung 2070*, which features the work of eight leading Landscape Architecture firms as they imagine multiple futures for the river, centred on the idea of the River as a living entity. This exhibit is the first of its kind to feature landscape architecture, and is a wonderful platform for the wider community to explore future possibilities for the Great Birrarung Parkland. Launched at Design Week in May 2024 with strong representation by the Birrarung Council presenting to a public audience, this exhibition brings the Landscape Architecture community into a public conversation about the future of Birrarung and what role the community plays.

In September 2024, the Yarra Riverkeeper Association held the second Birrarung Riverfest, in collaboration with government agencies, community groups, artists, academics, and community leaders, with events all along the River's length. The Birrarung Riverfest culminated on 22 September, World Rivers Day, with a series of events in Federation Square. This festival is a wonderful opportunity for the wider community to connect with and celebrate the Birrarung.

Smoking ceremony at Heide Museum of Art as part of annual yarning circles with responsible public entities

Yarning Circles

The Birrarung Council has continued undertaking its yarning circles in 2024. This process ensures accountability of the responsible public entities, and helps keep the living River, the Birrarung Act, its key principles, and *Burndap Birrarung burndap umarkoo* high priorities for responsible public entities (Appendix 3 and 4).

We invite the senior leadership of the responsible public entities into a yarning circle with the Birrarung Council to engage in a two-way, open and honest dialogue. Senior leaders who manage actions or have decision-making responsibilities along the Birrarung can explore different themes and issues surrounding their work executing *Burndap Birrarung burndap umarkoo*. We also use this space to listen and share different ideas and to identify potential solutions to barriers that may be impeding progress. This process offers valuable time and space for reflection by senior leaders.

The yarning circles help to inform our Annual Report to Parliament and provide Birrarung Council with insights on how responsible public

entities are performing as caretakers and stewards of the Birrarung and its lands. We also explore the extent to which responsible public entities are working across organisational boundaries and jurisdictions to truly recognise, make decisions and formulate policies that align with the River's status as a single living entity from source to sea. Included is unpacking how each responsible public entity is working with the Traditional Custodians of the River to support Wurundjeri Woi-wurrung and Bunurong Peoples as decision-makers alongside local and state government. This is a key principle of the Birrarung Act and *Burndap Birrarung burndap umarkoo*.

Yarning circles continue to be a beneficial and insightful methodology to build understanding between the Birrarung Council and the responsible public entities about the Birrarung Act and how its principles can be embedded into their policies. Moving away from a business-as-usual approach means thinking less of 'managing' the River and more about caring for its needs as a participant in their jurisdiction.

What Birrarung Council learned from the yarning circles in 2024

- The River as a living entity remains a difficult concept to be translated and given effect to by responsible public entities as caretakers of the Birrarung and its lands. The Birrarung Council was pleased to hear the senior leadership of the responsible public entities reflect and begin to explore their own relationship with the River and acknowledge the need for their organisations to embed new behaviours and practices as caretakers of the River.
- Senior leaders are demonstrating a stronger desire and willingness to engage with

Traditional Custodians but struggle with moving beyond a transactional relationship to creating true partnerships which demonstrate a deep commitment to walking together.

- There is acknowledgement that the Wurundjeri Woi-wurrung and Bunurong Peoples both require sustainable resourcing, that will enable them to play a key role in the management and protection of their own Country and its values at all levels and stages of planning and decision-making. However, pathways to this remain unclear.

Preview of the Report

Section 2 describes our response to the Lead Agency's Annual Report by Melbourne Water and analyses progress and indicative trends. Here we also reflect on the monitoring and evaluation survey undertaken by Melbourne Water. The *State of the Birrarung (Yarra) and Its Parklands Report* and the *Healthy Waterways Strategy Mid-term Review*,

both released within the 2023-24 reporting period, are also reviewed here. In Section 3 we provide our observations from yarning circles, highlighting achievements and identifying areas for improvement and analysis of barriers to change. In the final section we set out our conclusions and priorities for future change.

BOX 1 | Language is important

The Birrarung Council has noted that the language used by responsible public entities and others in relation to the River, and specifically to understanding it as a living entity, is often problematic.

While we note the organisational context for specific language, we hear too often of 'managing' the Birrarung and this language is counterproductive to understanding Birrarung as a living entity. The use of the word 'management' in relation to any aspect of Country reveals an unhealthy relationship that sees living entities as property and resources to be 'controlled'. We would not speak of 'managing' our mother and neither should we speak of managing the Birrarung and its lands if we are to fully empower Birrarung as a living entity.

The Birrarung Council believes that ensuring the ancient name of this waterway is more regularly utilised and normalised empowers and forefronts the cultural connection and deep time relationship of Traditional Owners and the Birrarung. To call Birrarung by its correct, Ancestral name wherever possible strengthens and prioritises the River's place as a living entity.

'Birrarung' means 'river of mists and shadows' in Woi-wurrung language. Language holds complex, ancient knowledge. Dual naming is becoming increasingly important as a mechanism through which to embed culture, knowledge of Country and to provide a greater sense of respect and belonging for Traditional Owners.

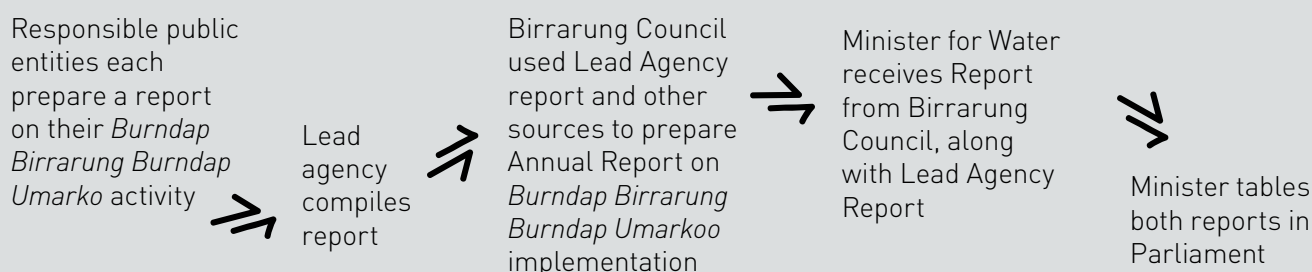


Figure 1 | *Burndap Birrarung Burndap Umarkoo* reporting sequence

State of the Birrarung (Yarra) and
Its Parklands Report 2023 and
Healthy Waterways Strategy
Mid-term Review

Lead Agency
Third Annual Report



Birrarung Council Third
Annual Report



Monitoring and
evaluation surveys

Yarning
circles

Figure 2 | Sources



SECTION 2. RESPONSE

Lower rural reach 2024



Response to the Lead Agency's Second Annual Report

The Lead Agency has provided an annual report on the period from July 2023 to June 2024. Progress on priorities highlighted in our 2023 advice to the Minister have been assessed, including:

- 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 176 activities (projects, maintenance, campaigns, and other initiatives) that have been listed by responsible public entities as contributing to the performance objectives. This is also known as the Activities Schedule.
- Progress on the five priority projects.

BOX 2.1 | Performance objectives

- PO1 A healthy River and lands
- PO2 A culturally diverse River corridor
- PO3 Quality parklands for a growing population
- PO4 Protecting the natural beauty of the River corridor

Studley Park Boathouse 2024

Progress on Actions

Of the 40 actions identified in *Burndap Birrarung burndap umarkoo*, nine have been delivered, 21 are in progress and 10 remain in the planning stage. Since the last reporting period we welcome the delivery of five further actions and the progression of two additional actions from the planning stage. We acknowledge the ongoing hard work of all responsible public entities and Traditional Owner organisations to achieve this solid progress and progression of future actions.² We are once again 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.

Short-term actions have progressed with nine of the 22 short-term actions now delivered. A further nine short-term actions are in progress and four are in the planning stage. The delivery deadline for short-term actions is 2025. Given this timing we expect to see increased effort to complete almost half of these actions during this period.

In 2025, the Lead Agency with the support of the Yarra Collaboration Committee (YCC), will focus

on delivering the remaining Part 1 short-term actions. They have indicated that work plans will be reviewed and, where necessary, rescoped to facilitate delivery.

We commend the Lead Agency for its commitment to working with the Department of Energy, Environment and Climate Action (DEECA) and the Department of Transport and Planning (DTP) to progress Part 2 (the land-use framework), to recognise *Burndap Birrarung burndap umarkoo* in Victoria Planning Provisions (VPP) under the Planning and Environment Act 1987, and to develop workplans for supporting actions.

We note that it is now over two and a half years since the launch of *Burndap Birrarung burndap umarkoo*. We reiterate the importance of Part 2 (the land-use framework) to give effect to the purpose of the Birrarung Act. The delay in undertaking this work has undermined the effectiveness of *Burndap Birrarung burndap umarkoo* in changing the way that planning decisions are made.

We are pleased to see that there is a commitment by the Lead Agency to achieve the necessary changes to the Victorian Planning Policy in 2024.³



Uncle Andrew Gardiner speaking at the OzWater conference

Table 2 | Additional progress on actions delivered in the 2023-24 reporting period

ACTIONS IN PROGRESS

- Action 1: Develop a place-based pilot project (in an area where stormwater is threatening Birrarung's health and amenity) to explore innovative re-use of stormwater...
- Action 2: Implement a Birrarung-specific stormwater awareness and behaviour change campaign targeted at reducing litter and contamination entering the Birrarung River.
- Action 5: Develop an integrated program to improve management of domestic wastewater in non-sewered areas (includes places serviced by septic tanks)...
- Action 8: Support the aspirations of the Wurundjeri Woi-wurrung people to pursue water justice for their people and Country...
- Action 10: Undertake vegetation works to strengthen terrestrial and aquatic habitat corridors to improve biodiversity...
- Action 11: Increase and enhance the extent and quality of urban greening in the inner city reach on public and private land downstream of Gardiners Creek...
- Action 12: Follow the goals and principles as set out in *Protecting Victoria's Environmental Biodiversity 2037* for habitat and species conservation planning. ... Includes developing bicultural approach to assessing net gain on Country...
- Action 13: Explore and support the use of incentive mechanisms to build skills, knowledge and capacity in restoring landscape function...
- Action 14: Promote the use of conservation covenants to protect priority conservation values on private land as well as enhancing habitat connectivity...
- Action 15: Plan and undertake terrestrial and aquatic flora and fauna assessments to ascertain where opportunities exist to reintroduce and restore native plants and animals...
- Action 19: Wurundjeri Woi-wurrung CHAC to lead and explore the feasibility of research projects identifying current extents, habitat needs, and best practice recovery programs for culturally valued freshwater aquatic species...
- Action 20: Adopt a multi-agency collaboration and investment approach to management of invasive animals and plants in the Birrarung corridor...
- Action 22: Deliver an interactive education program along the River corridor to enhance awareness and understanding around climate change and the adaptive capacity of the River...
- Action 23: Map key risks to the Birrarung for climate change and develop a climate change adaptation and resilience action plan...
- Action 29: Plan, design, and manage the River parklands as one living and integrated natural entity, ensuring that all parklands are managed to a consistently high standard and celebrate the relationship between the River and its parklands...
- Action 30: Develop, with Traditional Owners, a consistent conservation, cultural and visitation brand identity for the Birrarung and its parklands...
- Action 32: Investigate locations and options for improved access to the Birrarung and its parklands...
- Action 33: the state government to investigate opportunities to improve and extend the area of parklands and deliver on priorities for acquisition...
- Action 34: Conduct a strategic assessment of infrastructure and services in the Birrarung's parklands to ensure they are contemporary, inclusive and provide multiple benefits, while respecting and protecting the conservation and cultural values of the parklands and the River...
- Action 37: Investment in a comprehensive dredging operation and ongoing maintenance dredging of the River to ensure boats and vessels can move safely...
- Action 39: Protect the River's landscapes and views through improved planning and management of the river corridor and incorporation of the Yarra Strategic Plan land-use framework into local and state planning policy...

ACTIONS DELIVERED

- Action 4: Develop the integrated water management plan (including bicultural approaches) for the Yarra catchment to optimise water cycle planning and reduce stormwater pollution into the River...
- Action 6: Investigate options to restore billabongs and wetlands on private and public land by using water for the environment to mimic natural water cycles and undertaking complementary land and water management works...
- Action 7: Work with partners, primarily Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, the Victorian Environmental Water Holder and Parks Victoria, to implement a landscape scale approach to improving the condition of wetlands and billabongs for the Lower Yarra billabongs...
- Action 9: Work with Wurundjeri Woi-wurrung to enhance knowledge, monitor and understand ecological change in prioritised Lower Yarra billabongs which have received environmental water...
- Action 16: Develop and pilot Wurundjeri Woi-wurrung flora and fauna assessments as critical planning tools for future management of the catchment...
- Action 17: Invest in habitat restoration and environmental watering to: increase native fish, support a healthy ecosystem, and improve opportunities for recreational fishing and cultural practices...
- Action 26: Support a program of cultural value studies by the Traditional Owners for the Birrarung and its lands...
- Action 36: Develop a 10-year berthing strategy for the lower Yarra River...
- Action 38: Establish a Lower Yarra River management committee to guide commercial berthing, events and activation, and River infrastructure development and improvement...

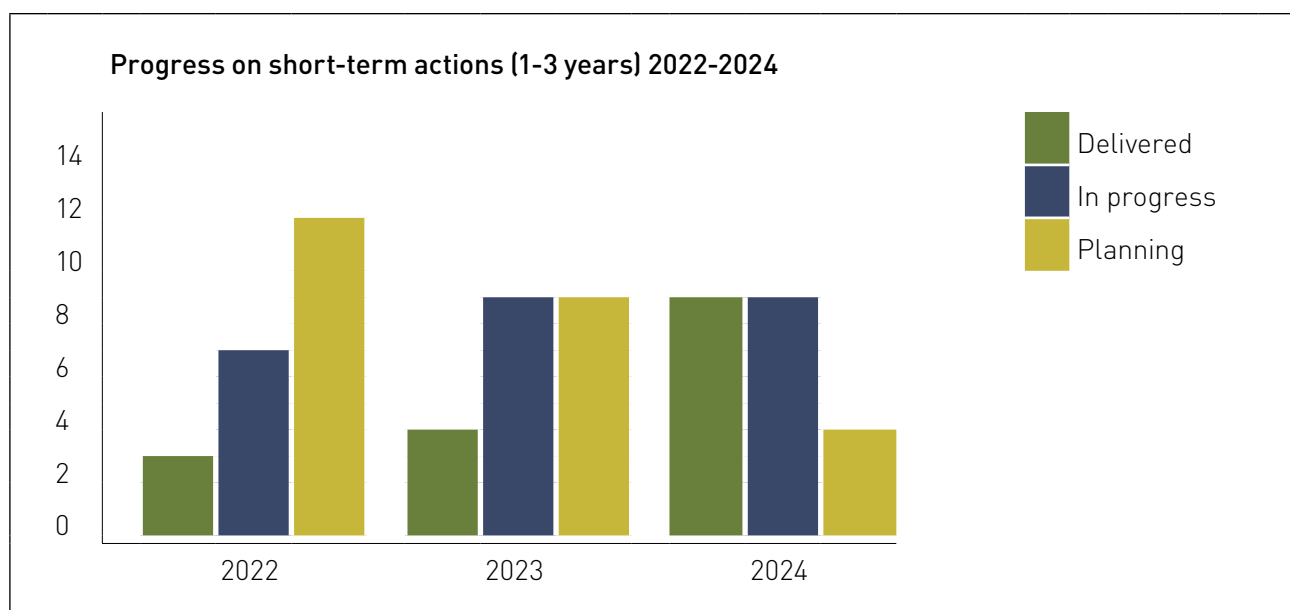


Chart 2.1 | Progress on short-term actions (1-3 years) 2022-24.

Viewing the actions under each performance objective reveals the progress of key priorities and what is risked if momentum is lost. In our 2023 Annual Report we expressed concern about less substantive progress on actions relating to community behaviour, cultural diversity and parklands. This year we recognise the actions in progress are substantial, however, as we note elsewhere in this report, a major concern relates to the fourth performance objective.

Performance Objective 1: a healthy River and lands (Actions 1-23) has delivered six actions, while 14 are in progress and three are planned. These actions encompass water quality, habitat, pest plants and animals, and climate change. The *State of the Birrarung (Yarra) and Its Parkland 2023 Report* and the *Healthy Waterways Strategy Mid-term Review* both emphasise how important these actions are. Unfortunately, the data within these reports shows that the River's health is not improving quickly enough to achieve significant improvements to the health of the Birrarung. See Section 2.5 and 2.6 for details on these reports.

Performance Objective 2: a culturally diverse River corridor (Actions 24-28) includes only five actions, one of which has been delivered and



Cultural Training Day Abbotsford 2024

four are planned. The completion of cultural values studies will support the delivery of the other actions which focus on education and communication of the River's value. We recognise the importance of this work, and reiterate that this needs to be undertaken as a way to strengthen the relationship between the community and the River.

Performance Objective 3: quality parklands for a growing population (Actions 29-38) includes 10 actions, of which six are in progress with two planned and two delivered.

Finns Reserve, suburban reach, October 2024

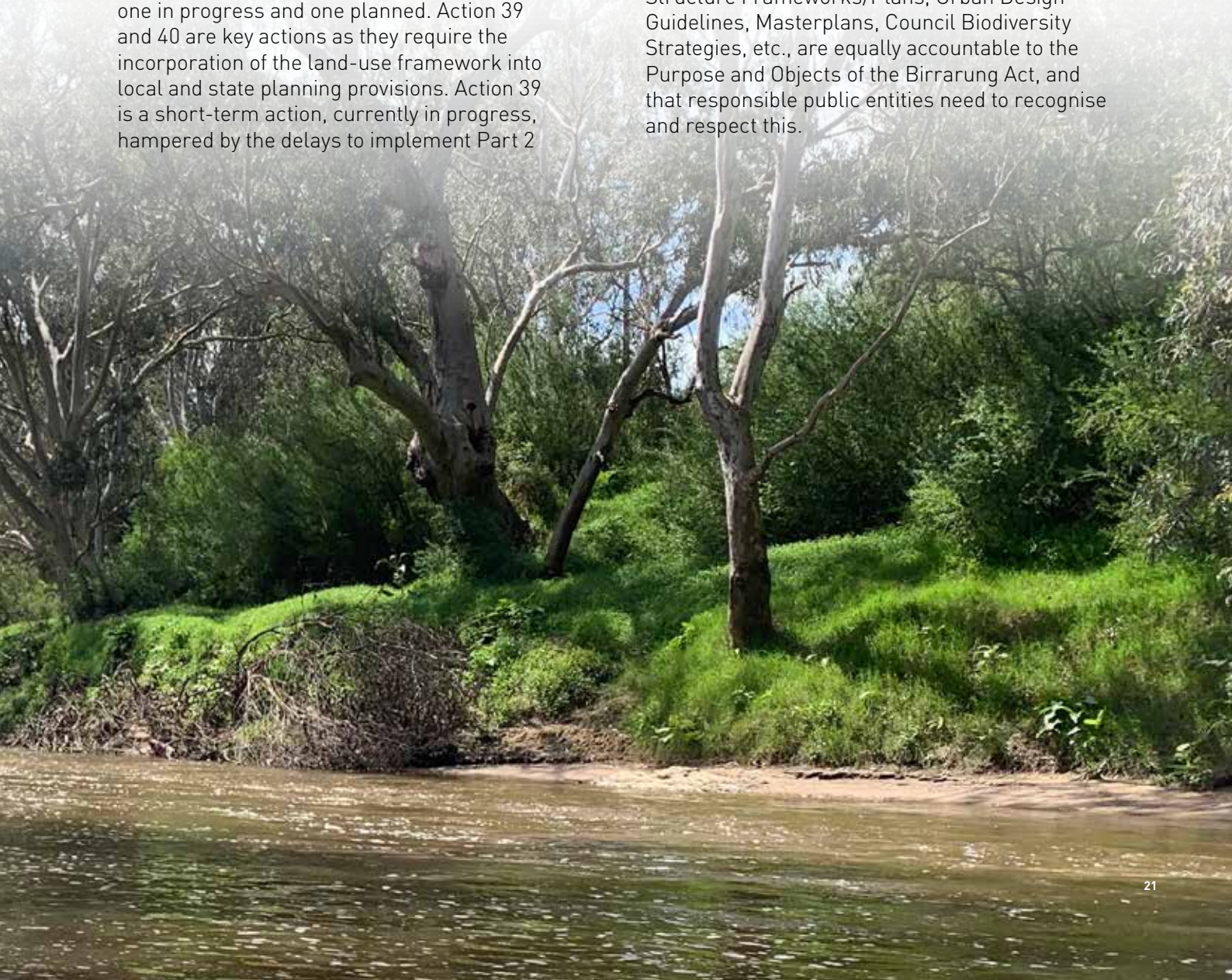
Actions aligned with this performance objective recognise the River as a continuous living entity. The Birrarung Parklands transformative project is responsible for achieving these actions and we are pleased to see some progress towards understanding the River's living entity status and the ways in which this will be communicated to the broader public. Cultural values mapping undertaken by Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) is a start to enacting self-determination for Traditional Custodians and should strengthen their role in strategic decision-making for culturally significant sites. Indigenous Cultural and Intellectual Property rights are a critical part of this process and must be recognised by responsible public entities using the most up to date ethical processes.

Performance Objective 4: protecting the natural beauty of the River corridor has only two actions, one in progress and one planned. Action 39 and 40 are key actions as they require the incorporation of the land-use framework into local and state planning provisions. Action 39 is a short-term action, currently in progress, hampered by the delays to implement Part 2

(the land-use framework). Action 40 is a long-term action that is yet to be fully scoped, but which should be given urgent attention to ensure the efficacy of the Birrarung Act and *Burndap Birrarung burndap umarkoo*.⁴

Momentum needs to be maintained to ensure these key actions and the associated strategies and policies are completed. It is essential that the land-use framework developed as a core part of *Burndap Birrarung burndap umarkoo* is given effect in planning schemes through state-led planning scheme amendments, and that it is carried forth efficiently into all Birrarung-related provisions, guidelines, policies, and plans.

In drawing this observation, we are conscious that statutory planning scheme provisions have a primary responsibility in supporting and enabling the Birrarung Act. But we are also conscious that the associative planning instruments including Structure Frameworks/Plans, Urban Design Guidelines, Masterplans, Council Biodiversity Strategies, etc., are equally accountable to the Purpose and Objects of the Birrarung Act, and that responsible public entities need to recognise and respect this.



Progress on activities

To track the activities planned and undertaken by responsible public entities contributing to the four performance objectives of *Burndap Birrarung burndap umarkoo*, the Lead Agency maintains a collated list referred to as the Activities Schedule. The activities listed in the Activities Schedule include local projects, transformative projects, maintenance, and other initiatives of responsible public entities. Each year the schedule is revised; for this reporting period, fifteen activities were added and five removed because they were delivered in the previous year, bringing the total to 176.

Twenty-seven activities listed as in progress last year have been delivered. There are 108 activities in progress and 36 of these are considered to be of an ongoing nature.⁵

Geographically, the suburban reach currently has the most activities indicating a strong correlation between population density and impacts to the River. Seventy activities are connected with this area of the River, while 45 are taking place in the inner city reach. In the lower rural reach (14), upper rural (21) and whole of River reaches (22) there are significantly fewer activities. Notably, whole of River reach activities may be big projects compared to those in the inner city reach.

Chart 2.2 illustrates these activities by reach, indicating how many have been delivered, are in progress and are planned. Currently, eight are at the idea stage.

The upper rural reach extends from the Upper Yarra Reservoir to Healesville; the lower rural reach extends from Healesville to Warrandyte; the suburban reach from Warrandyte to Dights Falls, and the inner city reach from Dights Falls to Port Phillip Bay.

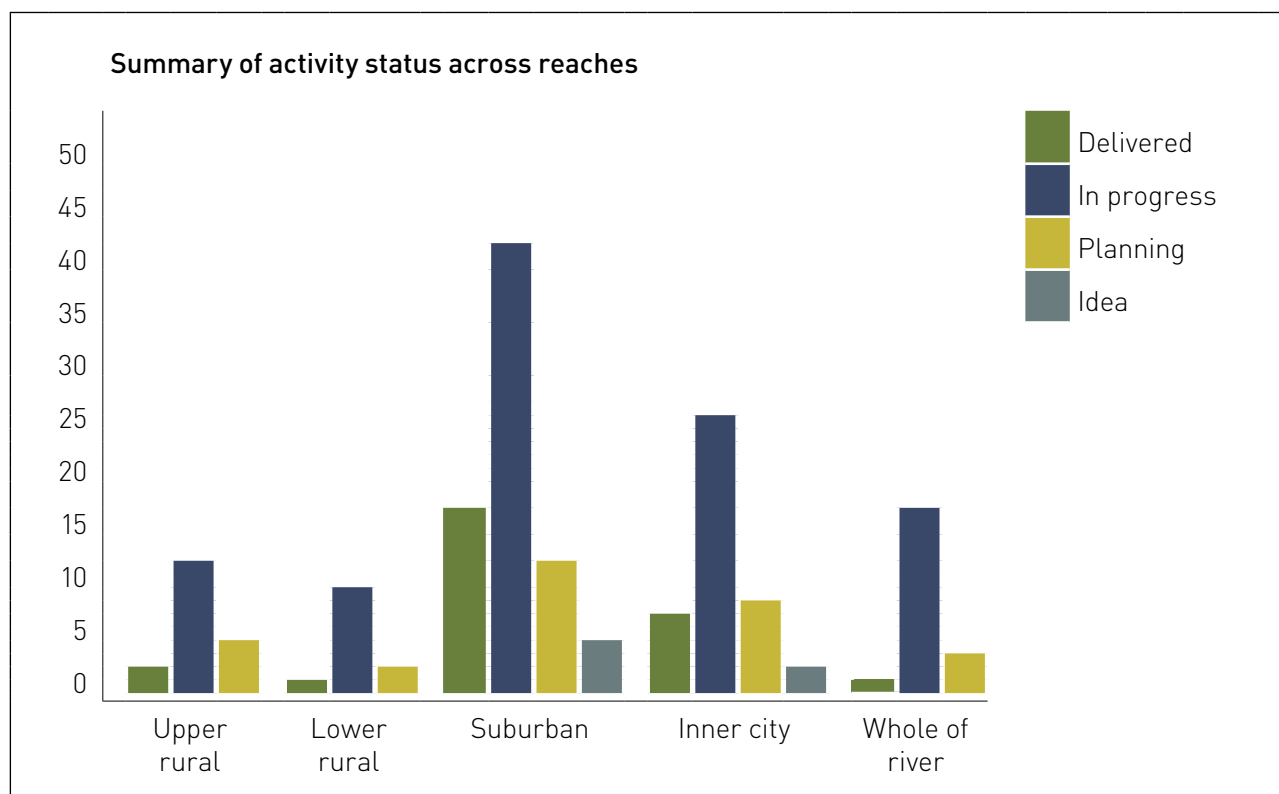


Chart 2.2 | Summary of activity status across reaches with data supplied by the Lead Agency.

Data from page 34 of the Lead Agency Report, Table 4.

Progress on priority projects

Five priority projects, listed in *Burndap Birrarung burndap umarkoo*, represent a shift toward collaborative care of the River. With the exception of the ongoing Birrarung Rangers Program, each currently funded component now has an estimated delivery date.

The Birrarung Council is pleased to see progress on these important projects including the opportunities for Traditional Owners to be empowered decision makers and for their cultural knowledge to enrich caring for the River. This is evident in the Yering Billabongs Project, a 100-hectare Crown land reserve at Yering which has been returned to public management and the former grazing lands restored to functional billabongs and floodplain.

A demonstration cultural burn was carried out in May 2024 as part of regeneration and floodplain restoration, providing a valuable example of walking together to care for Country.

The Birrarung Rangers Program, (sitting within the Water Program of the Narrap Unit), is led by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. Co-leads were appointed in April 2024 and a Baany (Cultural Water) investigation in the planning phase. This will provide an important evidence base and Wurundjeri Woi-wurrung-led methodology for caring for waterways across Country. This report has evident synergies with the SoY 2023 Report recommendations (detailed below).

The Yarra Riverkeeper Association are leading the Polystyrene Pollution Project which will submit its final report in 2024. The evidence base and mapped sources of pollution will inform education and engagement programs for community and industry. We look forward to seeing the way forward mapped by this project given its evident alignment with the recommendations outlined in the SoY 2023 Report.

Darter in the inner city reach
June 2024

The Yarra Flats project will improve ecological, cultural and social values of an important billabong complex whilst reducing stormwater pollution to the Birrarung. Practical completion is estimated for 2026 with opportunities for Narrap Rangers to continue leading project elements.

Melbourne City Council are leading the Birrarung Trial Floating Wetlands project which has been extended until mid-2026.

Bringing wildlife back to the inner city reach of the Birrarung is an important visual reminder for visitors and residents that the River is alive and cared for. We look forward to seeing how the important knowledge about plant and animal species in floating wetlands is used for improving the health of the River.

BOX 2.2 | James Thyer – Slowly down the Birrarung

On joining the Birrarung Council in late 2023, I wanted to refamiliarise myself with the Birrarung by canoeing its whole length. Over a year, friends and I took 13 canoeing days from the highest canoeable stretch just above East Warburton to Port Phillip Bay. It wasn't as easy as I thought it would be! Once the beautiful mountain stream leaves the Warburton area and enters the flats to Healesville, many fallen gum trees make life difficult for canoeists - at the same time creating great wildlife habitat. Willows have been controlled in many areas, but thickets still remain to create hazards. The intensity of human land uses sees the water becoming muddied. When the river re-enters hilly, wooded country from Wonga Park for the 90 km to the Bay the banks become more stable with more extensive native vegetation and river clarity improves until major urban creeks start entering, bringing with them floating litter. It's a beautiful river, but my trip has shown me some of the pressures that the Birrarung faces.



Floating Wetlands, inner city reach 2024



Upper rural reach, Warburton 2024

State of the Birrarung (Yarra) and Its Parklands 2023 Report

BOX 2.3 | SoY 2023 Recommendations

Recommendation 1	That the Victorian Government resource and support the Wurundjeri Woi-wurrung and Bunurong Traditional Owners to implement a program of on-ground assessment and develop contemporary bio-cultural indicators, to restore the knowledge system of Traditional Owners for the Birrarung and its parklands.
Recommendation 2	That Melbourne Water ensure that community knowledge and perspectives are central to the implementation of the <i>Burndap Birrarung burndap umarkoo: Yarra Strategic Plan 2022–32</i> , including regular and targeted social research, at scale, to understand the needs, aspirations and activities of those living along, or frequently using, the Yarra and its parklands.
Recommendation 3	That the Victorian Government recognise and act on the potential for the Yarra and its parklands to be planned for, protected and managed as a safe haven and conservation flagship that restores and protects critical habitats for threatened species, and improves the amenity and wellbeing of people who live in and visit the area.
Recommendation 4	That the Victorian Government commission the Victorian Environmental Assessment Council to investigate and recommend additions to the protected area network on public land in the Yarra River catchment to support the achievement of Priority 18 in <i>Protecting Victoria's Environment – Biodiversity 2037</i> , which is to maintain and enhance a world-class system of protected areas.
Recommendation 5	That the Victorian Government commit to a long-term research program to identify the changes to habitat and species occurring in the Yarra and its parklands in response to climate change. The results of this research, and the outcomes of actions to build resilience and mitigate the impacts of climate change, would be publicly reported on a regular basis.
Recommendation 6	That the Victorian Government develop consistent litter monitoring, collection and removal processes and publicly release an annual litter report that includes data analysis and interpretation on litter volumes, composition, sources, trends and impacts, as well as the locations of existing and emerging litter hotspots and the outcomes of actions to reduce litter along the Yarra River main stem and its tributaries.
Recommendation 7	That the Victorian Government establishes improved data infrastructure to enable a range of social and biophysical data to be routinely collated and analysed for the purpose of generating targeted intelligence and insights to inform decision-making and the implementation of, and reporting of progress on, <i>Burndap Birrarung burndap umarkoo: Yarra Strategic Plan 2022–32</i> .

For the first time consecutive *State of the Birrarung (Yarra) Reports* (SoY Reports) give us a baseline analysis showing change over time. The first 5-yearly report card on the condition of the Yarra River corridor was released in 2018. The seven recommendations from the 2023 SoY Report align with our concerns in key areas of the River's wellbeing.

The first SoY Report recommendation prioritises Traditional Owner decision-making and self-determination which we also recognise as critical to successfully caring for Country. *Burndap Birrarung burndap umarkoo* demonstrates the need to reinstate the cultural landscape management principles and techniques of Traditional Owners for the Birrarung and its parklands through resourcing and support from the Victorian Government. This will enable a program of on-ground assessments and the development of bio-cultural indicators, and ultimately Traditional Owner leadership of the Birrarung's care.

Three of the SoY Report's recommendations reflect the need for greater understanding of the Birrarung as a living entity (Recommendations 4, 5, and 7). Understanding the condition of the River along its entire course through detailed and ongoing research and monitoring has the potential to foster a stronger relationship with the River for communities as well as those responsible for the care and stewardship of the Birrarung. Increased data will assist understanding the Birrarung to avoid making mistakes that harm rather than help the River (recognising that some of the past damage resulted from ignorance and carelessness rather than intent to harm). The SoY Report (Recommendation 5) emphasises that monitoring in the form of long-term research into habitat and species in the Birrarung and its parklands is needed to mitigate the impacts of climate change.

Establishing improved data infrastructure will increase the progress and reporting of *Burndap Birrarung burndap umarkoo* according to Recommendation 7. The amount of data is growing but it must be analysed in a timely manner to ensure the River's health and wellbeing is prioritised. Consistent litter monitoring and the release of annual data to the public about this metric for the River's health would further assist community understanding and connection to the River as a living entity (Recommendation 6).

Increasing the protected area network in the Yarra River Catchment (Recommendation 4) aligns with our vision for the Great Birrarung Parkland. It is also consistent with Priority 18 in *Protecting Victoria's Environment – Biodiversity 2037*, which is to maintain and enhance a world-class system of protected areas.⁶

Recommendation 3 focuses on the environmental health of the River and its lands. It proposes establishing the River and its catchment as a safe haven for threatened species and habitats, a catalyst for increased investment to achieve the Victorian Government's *Biodiversity 2037* targets. Success would be measured in terms of improvements in terrestrial and aquatic habitats, waterway condition, water quality and native fish populations, and increased participation in land management activities. We endorse this is significant and powerful idea.⁷

While Recommendation 2 is explicitly centred on the implementation of *Burndap Birrarung burndap umarkoo*, it also recognises the importance of human relationships with the River for its ongoing care, emphasising the importance long-term outcomes and the people invested in them.

Similar conclusions can be drawn from the *Healthy Waterways Strategy Mid-term Review*.

"For biodiversity, a warming climate will place further stress on habitats and species already under pressure from other threats. At the same time, habitat disturbance and fragmentation will encourage invasion of pest plants and animals that prey on or outcompete native species, while increases in fire severity and frequency could undermine the survival of vegetation communities."⁸

Healthy Waterways Strategy Mid-term Review

The *Healthy Waterways Strategy Mid-term Review* (Mid-term Review) delivers important data relevant to the implementation of *Burndap Birrarung burndap umarkoo*. The *Healthy Waterways Strategy 2018-2028* (the Strategy) establishes a region-wide plan to protect and improve the health of rivers, wetlands and estuaries across the Port Phillip and Westernport region. The Birrarung is within the Yarra catchment.

The Strategy reflects the aspirations and expectations of communities and stakeholders, statutory obligations and the desire to achieve long-term protection and enhancement of the region's waterways. It was co-designed with the involvement of over 600 people and 220 organisations involved in waterway management including Traditional Owners, state agencies and local governments, and water corporations. The Strategy has long term targets of 10 to 50 years together with ongoing synergies with the 50-year Community Vision and *Burndap Birrarung burndap umarkoo*.⁹

The Mid-term Review commenced in 2022, assessing progress of the Strategy and identifying areas for improvement. It also explored how external influences have changed since 2018 such as climate forecasts and new policies/guidelines, and how these changes may impact the ability to meet the Strategy targets.

The Review and accompanying data shows that a range of targets are off track highlighting the importance of refocusing efforts in several areas. For the Yarra catchment this included stormwater and pollution management targets which are currently not being met. Stormwater harvesting is 'slightly off track' with only 18% of stormwater from urban developments being harvested. The infiltration of stormwater is 'significantly off track' with 1% achieved to date. The review finds that this is due to the rate of urban development being much faster than the delivery of on ground stormwater projects.¹⁰

From the perspective of the Birrarung this highlights the importance of the principle of

Downstream from Bend of Islands,
lower rural reach 2024

net gain that is intended to deliver benefits for Birrarung when its lands are taken for development. The Birrarung Act states: "There should be a net gain for the environment in the area of the Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land".¹¹

Vegetation maintenance is considered to be 'on track', however the actions to establish riparian zone buffers are 'slightly off track'. Increasing costs and difficulties working with private land holders were cited as contributing factors. This highlights the importance of community, local council, government agencies, and private landholders developing positive relationships to enable walking together for the health of the River.

Community involvement and interest in the Birrarung is already reflected in the Yarra catchment's high community participation rates. An important 10-year target for the Yarra catchment is to increase participation

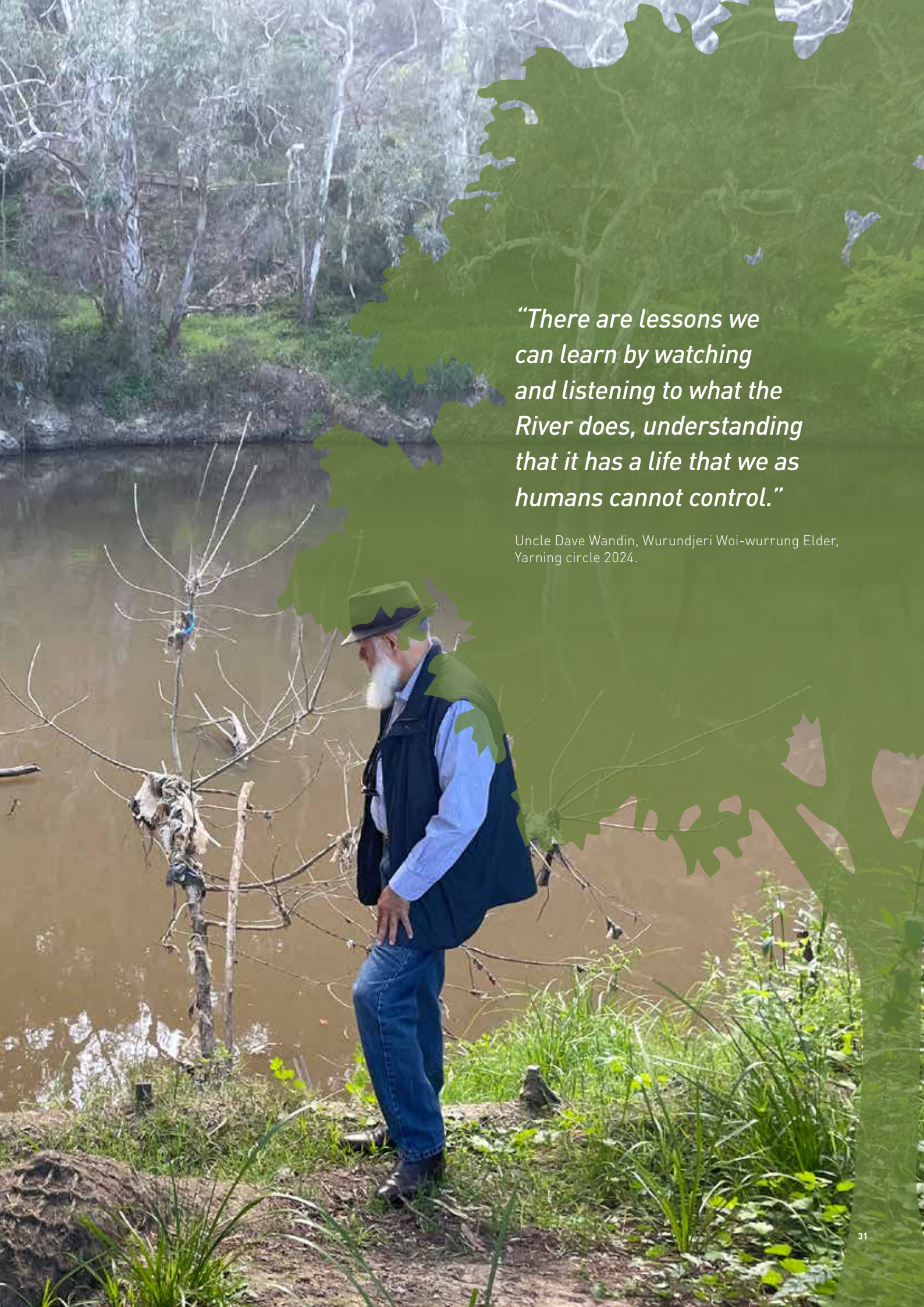
rates and support community groups and citizen science. The Yarra catchment continued to have the highest community participation rate of all the catchments in the region with participation numbers increasing since last year. This target is 'on track' with 74% achieved to date. The Birrarung Council recognises the important role played by community groups in meeting the targets set out in the Strategy and Melbourne Water's role as an important funder of coordinated vegetation programs for community groups, private landholders and local councils.¹² These results, combined with the challenges outlined for vegetation and stormwater, underscore the enthusiasm of the community while also highlighting the responsibilities of developers, private land holders, and others to address the needs of the River more fully.



A full-page photograph of a person wearing a hat and a light-colored shirt, sitting on a rock at the edge of a river. They are looking across the river towards a waterfall in the distance. The river is calm, reflecting the surrounding greenery. The waterfall is partially obscured by trees and foliage. The overall scene is peaceful and natural.

SECTION 3. ACHIEVEMENTS AND IMPROVEMENT

Uncle Dave Wandin and Uncle Andrew Gardiner performing water exchange as part of Sydney Biennale, Collingwood Children's Farm 2023



*"There are lessons we
can learn by watching
and listening to what the
River does, understanding
that it has a life that we as
humans cannot control."*

Uncle Dave Wandin, Wurundjeri Woi-wurrung Elder,
Yarning circle 2024.

Recognition of the River as a living entity

The Birrarung Act establishes a new foundation for thinking differently about, relating to, and caring for the Birrarung. Recognising the River and its lands as one living and integrated natural entity demands that we consider our relationship to the River in new and different ways. The River's legal status as a living entity is arguably the most transformative component within the Birrarung Act and it is vital that all responsible public entities embrace this 'way of seeing' which underpins *Burndap Birrarung burndap umarkoo* and gives effect to the 50-year Community Vision.

Responsible public entities understand that greater commitment to *Burndap Birrarung burndap umarkoo* is integral to changing their relationship to the River, but the challenge remains one of transforming mindsets at an individual and organisational level.

For us the language around the River being a living entity is really quite new and finding a way to take that into proper consideration when we're planning our spaces adjacent to the River. It's really important and challenging.

Senior leader, Boroondara City Council, yarning circle comments 2024.

We have observed several obstacles facing responsible public entities in shifting their understanding about the River as a living entity and changing their relationship with the Birrarung. The River has long been valued primarily as a resource with many competing interests extracting what they need with insufficient thought to the future.

The Birrarung's lands have been segmented and used to accommodate infrastructure including roads, car parks, sporting facilities, and transmission lines and its waters hosting passive and active recreational activities. This reflects an unhealthy relationship with the River.





From the perspective of the River and its Traditional Owners there is no segmentation of the River, and its lands are not treated differently. Wurundjeri Woi-wurrung Elder and Birrarung Council member Uncle Dave Wandin provided advice to responsible public entities during one Welcome to Country. He urged participants to embrace new understandings of the River by articulating their responsibilities to it.

"It's a custodial responsibility, but it should also be a custodial responsibility for people whose work connects them with the River, for however long you might be in your career, where you have influence to not only just accept the norm, but to challenge it every step of the way when you see that the River is not in the state that it should be."

Uncle Dave Wandin, Wurundjeri Woi-wurrung Elder, yarning circle Welcome, 2024.

Our 2023 Annual Report highlighted the Birrarung Council's expectation for further investment from each responsible public entity to understand their existing, organisational relationship with the River, and to articulate what a 'good' relationship could look like. This is an idea the Birrarung Council has explored with responsible public entities during our yarning circles as a way to draw a connection between decision-making processes and the River's health and well-being. To further assist, Birrarung Council members have reflected on and articulated their own relationship with the River (Appendix 5).

We commend the progress on the transformative projects of the Birrarung Parklands and Greening the Birrarung, as they offer multiple opportunities for responsible public entities and their constituents to begin to understand and give effect to their reciprocal relationship with the River by contributing to interconnected projects.

Traditional Owner partnerships and self-determination

Leadership and decision-making by Traditional Owners is needed to give genuine effect to the intent of the Birrarung Act and its Yarra Protection Principles.¹³ Reconciliation Action Plans (RAPs) remain the minimum standard for proper engagement with Traditional Owners. In 2024, the majority of responsible public entities have a RAP, or similar agreement, in place or are in the process of progressing to their next RAP. Other partnership agreements and self-determination strategies are also progressing. The Birrarung Council is encouraged to see that engagement with Traditional Owners has strengthened while responsible public entities are also more aware of the demands placed upon Traditional Owners.

Communication with Traditional Owners was noted as improving in this year's survey responses. However, there remain limitations to the ways in which Traditional Owners are involved in decision-making processes. We are still to observe circumstances where Traditional Owners are engaged proactively in decision-making, rather than asked for input to projects and initiatives already decided upon.

Legally we [Traditional Owners] have been recognised by the Act as decision makers, but so far, we are only permitted to inform the process that gets you [responsible public entities] to the decision. Our advice and feedback are included in frameworks etc, but Traditional Owners are not actually a part of the decision-making process, because [we] cannot have self-determination unless [we] can make decisions.

Uncle Dave Wandin, Wurundjeri Woi-wurrung Elder, yarning circle 2024.

We recognise the level of effort is increasing but we caution not to lose momentum on this component of *Burndap Birrarung burndap umarkoo*.

The Yarra Collaboration Committee continues to be an important knowledge sharing platform building the capacity of responsible public entities to support Traditional Owner self-determination. However, we note that over the past 12 months the type of support varies and can fall within existing services offered by WWCHAC. For example, instead of representing new initiatives for capacity building, listening to the desires of Traditional Owners around specific events or staffing needs, Elders were involved in paid committees or business as usual events or training.

The Birrarung Council is pleased to see strong awareness of the importance of relationship building among the responsible public entities collaborating with Traditional Owners. We acknowledge the on-going challenges posed by resourcing funding constraints that affect the ability of Traditional Owners to resource engagement and collaboration with responsible public entities.

In 2024 the WWCHAC released the *Burndap Birrarung Burndap Umarkoo Engagement Framework* which provides guidance to partner organisations on appropriate ways to work with the WWCHAC to realise the objectives of *Burndap Birrarung burndap umarkoo*.

The *Engagement Framework* emphasises that Wurundjeri Woi-wurrung involvement should begin at the program or project conception stage and continue throughout the program. The *Framework* specifies: "Wurundjeri Woi-wurrung values and knowledge are central to understanding and managing the Birrarung as a living and integrated natural entity."¹⁴

We would expect to see responsible public entities using this framework to strengthen their engagement with Traditional Owners to build stronger partnerships and a greater role in decision-making.

Organisational commitment

We commend the work of the responsible public entities who are working towards a holistic approach to caring for the Birrarung by working across departmental siloes and with other government agencies. However, for other responsible public entities understanding the needs of the River relevant across different branches of the organisation is only just starting.

We do need to shift our minds somewhat to the whole Country, and what the interactions [are], and how we are addressing those, not just focusing exclusively along what could be seen as a narrow band of Country compared to the broader area.

Senior leader, Melbourne City Council, yarning circle comments 2024.

Leadership support remains crucial for embedding the principles of the Birrarung Act, *Burndap Birrarung burndap umarkoo*, and the 50-year Community Vision at all organisational levels. Once again, we are encouraged by the level of commitment shown by responsible

public entity leadership teams in being available for yarning circles and the Executive Forum. Their contributions reflected this commitment and were rich, honest and engaged.

Responsible public entities continue to demonstrate strong commitment to supporting the Yarra Collaboration Committee (YCC) and its role as a knowledge sharing body. YCC representatives also have an important role assisting their organisation to understand its obligations under the Birrarung Act.

As we noted in 2023, the challenges of unwieldy bureaucratic arrangements, organisational resourcing and capacity constraints, and competing priorities continue to affect sustained organisational commitment.

The Birrarung Council expects to see growing commitment and a supportive authorising environment to further embed commitment to delivery of *Burndap Birrarung burndap umarkoo* across all organisational levels of responsible public entities.

We have responsibilities on Country that has held 60,000 years of continuous living culture. That should give us goosebumps and it should give us a sense of responsibility around how we tell and celebrate ... First Nations' stories, how we honour ... Traditional Owners, how we recognise and learn from the way in which they've cared for Country over a very long period of time.

Senior leader, Melbourne City Council, yarning circle 2024.

Uncle Bill Nicholson and Uncle Dave Wandin speaking at Dights Falls Scarred Tree during Cultural Training Day



Collaboration

The Birrarung's lands extend across the jurisdictional boundaries of multiple entities and land users. Yarning circles and survey responses have shown us that many responsible public entities understand the challenges and opportunities that come with working with their neighbours or other entities across those boundaries. They have expressed how they believe working together can fulfil the Birrarung Act and its principles, such as net gain, which requires thinking about how actions will impact the River, its lands, and downstream entities in the future.

We see positive developments where actions are completed collaboratively. In 2022, 66% of the 88 activities listed in the Activities Schedule were collaborative. That proportion increased to 82% in 2023 and is currently sitting at 86% of 176 activities.¹⁵

The 'Let's Talk' communication platform developed by Melbourne Water provides YCC members with access to an interactive map showing all activities and projects in the Birrarung and its lands, technical reports, communication material, videos, newsletters and outputs from workshops and meetings. Responsible public entities report it has been helpful to share knowledge and advice and to avoid duplication. They are eager for improvements to increase its functionality. We also welcome the publicly accessible web version released in late September.¹⁶

Collaborative governance takes time when it is done well. We acknowledge the efforts of the Lead Agency and the YCC members for working to continue culturally safe collaboration to coordinate shared outcomes for the River. We note the challenges faced in this area relate to resourcing. As with survey responses last year, responsible public entities have again raised concerns about resourcing and support available for inter-agency collaboration. Survey responses noted activities underway, or in the planning phase, to meet *Burndap Birrarung burndap umarkoo* are being absorbed within existing role capacities putting pressure on designated staff.

We also recognise the important role played by community groups and their desire for more engagement and collaboration. We urge that the positive outcomes experienced by responsible public entities using the communication platform to share knowledge and resources can be expanded to benefit local communities whose support of the River has been long-lived. For example, revegetation work achieved through grants from Melbourne Water and, reported in their Lead Agency report, highlights the collaboration at the local community level while working across existing jurisdictional boundaries. We believe the community would welcome more widespread engagement and collaboration.

Community is all of us, with all of our differences and aspirations.

Birrarung Council member, yarning circle comments 2024.

Chris Brace (Melbourne Water), Janet Bolitho (Yarra Riverkeeper Association), Zena Cumpston (Birrarung Council) and Greg Bain (Melbourne Water), at the Birrarung Riverfest, September 2024



Land-use planning and decision-making

The Birrarung Council welcomes the adoption and gazettal of the *Birrarung-Bolin Framework Plan* in February 2024, as it recognises this part of the River as an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage.

For many parts of the River, however, land-use planning decisions continue to be a key issue concerning communities. The ongoing absence of an explicit reference to the Birrarung Act and *Burndap Birrarung burndap umarkoo* in respective planning schemes is a major gap in the planning provisions for the Birrarung and its lands.

We strongly support the work of the Department of Transport and Planning to develop the necessary planning scheme amendments to address this gap. We are conscious that additional guidance materials will be needed to assist responsible public entities and others to implement the principles and goals of the Birrarung Act and *Burndap Birrarung burndap umarkoo* into planning deliberations and associative planning instruments. While Action 39 (the incorporation of *Burndap Birrarung burndap umarkoo* land use framework into local and state planning policy) is likely to be completed in late 2024, Action 40 (to set land-use planning goals and monitor changes in land-use using satellite imagery, geospatial and remote sensing techniques and cultural practices and knowledge) is yet to be fully scoped.

Further work is needed to give effect to the planning framework integral to *Burndap Birrarung burndap umarkoo* in planning schemes. The absence of these instruments is hindering the realisation of the Birrarung Act's purposes, and intention "that the Yarra River is kept alive and healthy for the benefit of future generations."¹⁷

Some responsible public entities are struggling to navigate, comprehend, and fulfil their obligations in drafting and implementing planning instruments including Structure Frameworks/ Plans, Urban Design Guidelines and Masterplans.

We believe, it is now timely to review how new land-use planning instruments, policies, and recent decisions are responding to their obligations in the *Yarra River Protection (Wilip-gin Birrarung murrnong) Act 2017*, VC197 and the *Birrarung-Bolin Framework Plan*.

Planning processes cannot continue to treat the Birrarung as a passive third party, nor as a passing quotation extracted from the Birrarung Act. As noted by Planning Panels Victoria, "the existing and emerging legislative and policy landscape is broader than the [Aboriginal Heritage Act 2006] ... [and thus] it seems disingenuous to consider [... developments and new policies and provisions] in a vacuum outside of the emerging policy context and parallel projects that are being undertaken to look after the Yarra as a single entity – and to do so in partnership with the Traditional Owners."¹⁸

Planning decision-makers at all levels have a legislative and moral obligation to lead in implementing the *Burndap Birrarung burndap umarkoo* "framework for planning the use, development and protection of land ... in the present and long-term interests of all Victorians,"¹⁹ and importantly nourishing the Birrarung, a living entity.

Accordingly, we would expect to see the Birrarung as a living and integrated natural entity being translated into robust provisions, policies, strategies, and plans to protect and advance the wellbeing of the River and its lands.

Decision Making Framework and net gain

The Decision-Making Framework (DMF) is an important component of *Burndap Birrarung burndap umarkoo* intended to “facilitate transparent and coordinated decision-making, including with Wurundjeri Woi-wurrung and Bunurong Traditional Owners, for activities that affect the Yarra River land or when performing a function or duty or exercising power that may affect the Yarra River land on their Country”.²⁰

As a tool for ensuring consistency with the Birrarung Act and the delivery of *Burndap Birrarung burndap umarkoo*, the DMF will help with putting into practice the shift in mindset needed in transforming our relationship with the River and is also an important way in which net gain can be delivered for the Birrarung.

We are pleased to see responsible public entities increasingly embedding the DMF into their planning and delivery of *Burndap Birrarung burndap umarkoo* including using the assessment tool for considering activities against the Yarra Protection Principles. In 2024 12 responsible public entities reported partial use of the DMF, only one confirming completely embedding the DMF. This represents an improvement on last year.

Increased use and institutional awareness of the DMF is leading to better collaboration and involvement of Traditional Owners and better outcomes for the Birrarung. However, we recognise embedding the DMF is a slow process because it relies on building awareness of *Burndap Birrarung burndap umarkoo* and the

Yarra Protection Principles across organisations and adjusting established approval processes and norms. We urge responsible public entities not to lose momentum.

The DMF is one way in which net gain can be delivered for the Birrarung. Net gain is detailed in Appendix F of *Burndap Birrarung burndap umarkoo*. In 2023 we wrote that “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”.²¹ In our 2021 report *Reframing ‘environmental net gain’ for the Yarra / Birrarung*, we advocated that a net gain model must be future focused; restorative; based on the whole interconnected ecological system, based on the notion of landscape as being the cultural landscape for which First Peoples are custodians, as well as the ecological dimension; and comprised of social and cultural as well as physical landscape goals.²²

The Birrarung Council advocated for *Burndap Birrarung burndap umarkoo* to include a priority action to develop a definition of net gain consistent with the concept put forward in our *Reframing ‘environmental net gain’ for the Yarra / Birrarung* discussion paper and a practical proposal for implementing net gain for the Birrarung. The current *Burndap Birrarung burndap umarkoo* is ambiguous about this action and there is a need to see the Department of Energy, Environment and Climate Action and Lead Agency give it priority with a clear process and timeline.

Upper rural reach, Warburton 2024

Birrarung Parklands

The Birrarung Parklands are a transformative project intended to set the standard for what it means to care for the River and its parklands as one living and integrated natural entity. Transformative projects, as defined by the YCC, position Traditional Owners as decision makers, leave a lasting legacy, strengthen the connection between the community and the Birrarung, and address complex multi-agency challenges.²³ The Birrarung Parklands transformative project will achieve this through three interconnected elements: a cultural narrative and visual identity that will be evident in signage and communication; cultural values mapping led by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to document cultural values along the Birrarung's length; and a parkland stocktake to identify priority actions needed to achieve the 2070 vision for the Birrarung Parklands described by the YCC.²⁴

We are pleased to see progress on the 10 actions relating to the Birrarung Parklands under *Burndap Birrarung burndap umarkoo*. These actions sit within *Performance Objective 3: quality parklands for a growing population* and include two actions delivered, six in progress and two in the planning stage. Since the last reporting period three have progressed from planning to 'in progress'. Two actions in the planning phase are within the short-term timeframe which will require an increase in momentum to complete in 2025.²⁵

This progress is encouraging for building towards recognition of the Birrarung as a living entity across many jurisdictions. We continue, however, to note that this recognition requires a shift in thinking and leadership by the Lead Agency, being Melbourne Water, in conjunction with Parks Victoria and the Department of Energy, Environment and Climate Action.

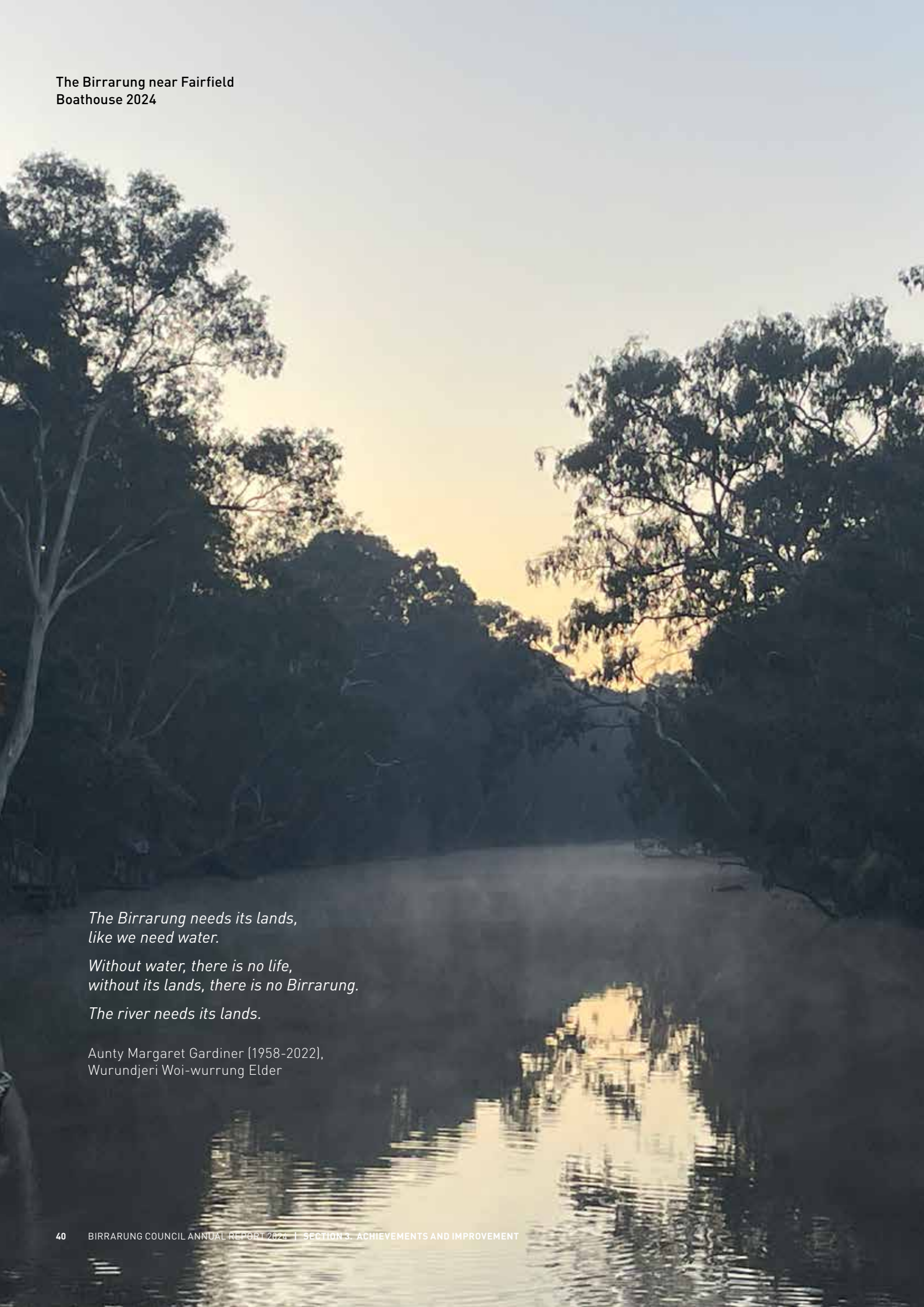
We also believe Recommendation 3 in the SoY Report offers obvious affinity with this project. The "potential for the Yarra and its parklands to be planned for, protected and managed as a safe haven and conservation flagship" is a powerful idea also aligned to the 50-year Community Vision.

We see the potential of the Birrarung Parklands for enhancing the wider community's understanding of the River as a living entity. To support this work, we have provided guidance on conceptual framing of the Parklands as part of a wider cultural landscape that encompasses all land adjacent to the River, including land used for agricultural, industrial and residential purposes. This is a holistic conception of the lands belonging to the Birrarung inspired by Wurundjeri Woi-wurrung Elder Aunty Margaret Gardiner. She urged that we recognise the connection between spirit and place.

The River as a living entity is not defined by boundaries of land titles but encompasses the many ways of life and land-use linked to the River.²⁶ In 2023 we produced a discussion paper to support a dialogue about how we can envision a *Great Birrarung Parkland* – bringing together our understanding of the River as a living entity, through a world-class cultural landscape that supports the 50-Year Community Vision for the Birrarung.²⁷



Inner city reach 2024



*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.

Aunty Margaret Gardiner (1958-2022),
Wurundjeri Woi-wurrung Elder

The Birrarung Council has further supported this dialogue by reaching out to institutions and individuals involved in art and design. In 2021, we held a major event with the design schools of Monash, RMIT, and the University of Melbourne as part of Melbourne Design Week. In 2024, we partnered with the National Gallery of Victoria to present a new exhibition titled 'Reimagining Birrarung'. This showcases landscape architect led visions for what the living entity could be in 2070. The Birrarung Council does not specifically endorse any of these ideas, but we do endorse the value of creative exploration and the opportunity this creates for a wider community dialogue about these ideas.

Understanding the Birrarung as a living entity and our relationship with it should influence behaviours and practices in caring for the River, and these should be constantly

evolving. It will require conscious reflection and experimentation. Implementing the current *Burndap Birrarung burndap umarkoo* vision for the Birrarung Parklands is one way to progress this. Implementation can be incremental and sometimes experimental to allow for community and stakeholders to participate in the journey and to explore their relationships with the River and each other alongside responsible public entities.

The Birrarung Parkland transformative project is a practical and tangible opportunity for responsible public entities to explore, test, and build organisational commitment in a way that requires many parts of the organisation to focus on understanding and embedding the living entity status of the River, Traditional Owner partnerships, collaboration, and land-use planning and decision making including net gain.



Executive Officer Jackson Chatfield, Sarina Loo CEO of Victorian Environmental Water Holder and Birrarung Council Member Erin O'Donnell at the VicWater Conference, Melbourne 2024



Panel Discussion at Reimagining Birrarung Design Concepts for 2070 Symposium at NGV during Melbourne Design Week



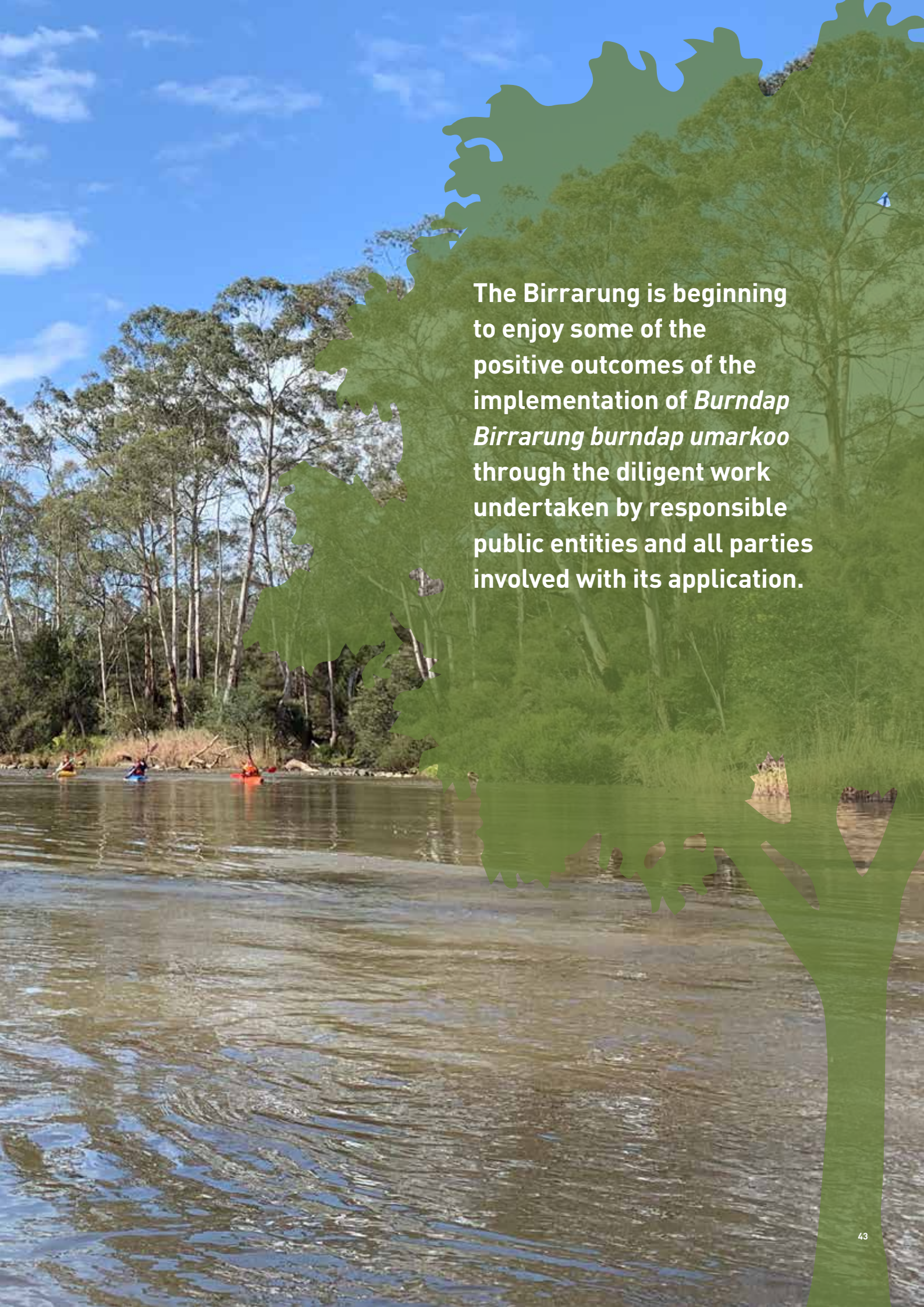
Uncle Andrew Gardiner (above) and Chris Chesterfield (right) speaking at Reimagining Birrarung Design Concepts for 2070 Symposium at NGV during Melbourne Design Week





SECTION 4. **THE WAY FORWARD**

Downstream from Bend of Islands
lower rural reach 2024

The background image shows a wide river with several people in kayaks. The kayakers are wearing bright orange and blue gear. The riverbank is lined with tall, thin trees, possibly eucalyptus, under a clear blue sky with some light clouds. A large, dark green silhouette of a tree with many leaves is overlaid on the right side of the image, partially obscuring the text and the background scene.

The Birrarung is beginning to enjoy some of the positive outcomes of the implementation of *Burndap Birrarung burndap umarkoo* through the diligent work undertaken by responsible public entities and all parties involved with its application.



Birrarung Council Members together at Heide Museum of Art following a yarning circle (left to right) Uncle Shane Clarke, Sandra Brizga, David Jones, Erin O'Donnell, Alexandra Lee, Uncle Andrew Gardiner, Uncle David Wandin, Aunty Di Kerr, James Thyer, Zena Cumpston, Chris Chesterfield, Bronwyn South.

The findings of the second *State of the Birrarung (Yarra) Report* and the *Healthy Waterways Strategy Mid-term Review* show that significant time and effort are needed to realise the kind of transformative change envisioned in the Birrarung Act. We observe multiple opportunities for future improvements to its implementation, and we present five strategic priorities with specific measures suggested to address them. These express similar priorities to our 2023 Annual Report. However, the YCC has identified that delivery of the Birrarung Parkland transformative project provides an opportunity to advance all of these priorities in a practical and tangible way.

This is also the view of the Birrarung Council and we have included making progress on the Birrarung Parklands a priority below.

1. Enhance and strengthen organisational understanding of the Birrarung as a living entity

This can be achieved by:

- Responsible public entities articulating their existing organisational relationship with the living River, in all its complexity, and starting to identify what a healthy, reciprocal relationship would look like for them.
- Continue to invest in thought leadership on the transformative potential of the living entity with the assistance of the Birrarung Council and provide guidance to responsible public entities on how to recognise the River in this way and embed this into all decision-making processes and activities that can impact the River corridor.

2. Prioritise embedding *Burndap Birrarung burndap umarkoo* in state and local planning policies to give effect to Part 2 (the land-use framework)

This can be achieved by:

- Amending and updating planning schemes and associated planning strategies, policies, guidelines and plans to incorporate and reflect the content and priorities of *Burndap Birrarung burndap umarkoo*.
- Appraising the alignment of new land-use planning instruments, policies, and decisions since the gazettal of the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, VC197* and the *Birrarung-Bolin Framework Plan*.
- Developing a Planning Practice Note on how the Birrarung “as one living and integrated natural entity” should be understood in the context of land-use planning. The Birrarung Council offers to work alongside the Department of Transport and Planning to undertake this work.

3. Strengthen organisational commitment to the principles of the Birrarung Act, including net gain, within daily practices and decision-making

We acknowledge that responsible public entities are working on this strategic priority, and we identify some additional actions to assist:

- Increasing use of the Decision-Making Framework for all projects affecting the River and its lands.
- Developing explicit strategies by each responsible public entity to achieve a net gain for the River and embedding these in project planning and implementation.
- Developing a training package for responsible public entities to equip incoming local government councillors with knowledge and skills to give effect to *Burndap Birrarung burndap umarkoo*.

4. Enable Traditional Owners to increasingly act as decision-makers and partners in caring for the Birrarung

This can be achieved by:

- Developing and supporting partnership agreements with Traditional Owners.
- Applying the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation’s *Engagement Framework* and identifying opportunities to engage early and appropriately resource Traditional Owners.
- Supporting long-term funding to empower self-determined participation by Traditional Owners in implementation of *Burndap Birrarung burndap umarkoo*, particularly for the 39 actions in which they are listed as a key partner.

5. Progress the implementation of the Birrarung Parklands transformative project

Implementing this transformative project is a practical and tangible way to progress understanding the Birrarung as a living entity and our relationship with it, as well as how this should influence behaviours and practices in caring for and connecting with the River.

This can be achieved by:

- Collaborating on enacting Recommendation 3 from the *State of the Birrarung Report* – the Birrarung and its lands planned for, protected, and cared for as a safe haven and conservation flagship.
- Honouring the River’s status as a living entity, in collaboration with Traditional Owners, in newly developed signage and communication that is unified and consistent.
- Expanding opportunities and strengthening engagement with, and participation from, the many diverse communities who share a connection with the River and its lands.



5. APPENDICES

Floating carpet of wattle blossoms, Mount Lofty Reserve,
lower rural reach 2024



APPENDIX 1

Birrarung Council Members

APPENDIX 2

Birrarung Council meetings, activities
and events

APPENDIX 3

Birrarung Council Yarning Circles

APPENDIX 4

Yarning Circle Protocols

APPENDIX 5

Relationship with the River statements

APPENDIX 1: Birrarung Council Members



**Professor
Chris Chesterfield**
Chair

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 murrin (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.



Aunty Diane Kerr OAM
Wurundjeri
Woi-wurrung Elder

Aunty 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 David Wandin
Wurundjeri
Woi-wurrung Elder

Uncle Dave 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.



Uncle Andrew Gardiner
Wurundjeri
Woi-wurrung Elder

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
Bunurong Elder

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 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.



Zena Cumpston

Zena Cumpston is a Barkandji woman who works as an artist, writer, consultant and curator. She is passionate about plants and seeks out projects that empower community and Country. Across 2024 her visual art practice will feature as part of two major art competitions, as well as several exhibitions across Australia and overseas. Zena recently co-wrote the 'Growing on Country' resource, a unique space to consider food sovereignty, fostering fertile conditions for social and environmental justice and change. She was a co-author of the Federal State of the Environment Report (2021) and the highly popular book 'Plants; past, present, future' as part of the First Knowledges series.



Dr Sandra Brizga

Sandra is an independent environmental consultant specializing in waterway and coastal management, and a Sessional Member of Planning Panels Victoria. She is a former President of the Australian and New Zealand Geomorphology Group, an Honorary Life Member of the River Basin Management Society and a Fellow of the Peter Cullen Water and Environment Trust. Previous government board roles have included the Victorian Catchment Management Council, Port Phillip and Westernport Catchment Management Authority and Trust for Nature.



Dr David Jones

David is a planner, landscape architect and heritage advisor with over 40 years' experience in academia, research, and practice, with strengths in First Nations' Country values and care, regional planning, statutory and strategic planning, urban design, and cultural heritage. From 2010-2020 he was Professor of Planning & Landscape Architecture at Deakin University, from 2020-2022 oversaw the strategic planning and urban design activities and engagements of the Wadawurrung Traditional Owners Aboriginal Corporation, and he continues to practice in the Country/planning/design intersection assisting Corporations, and design/planning practices.



Dr Erin O'Donnell

Erin has worked in water law and policy 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 the University of Melbourne Law School.



Dr James Thyer

James is a professional scientist who has worked for CSIRO, industry and research institutes working in diverse areas from agriculture to microbiological safety, and most recently he has worked at DEECA in areas such as their Open Spaces program. James has volunteered or served on the boards of several conservation organisations involved in revegetation and National Park advancement.



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 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.

The Birrarung Council wishes to heartily thank Kirsten Bauer and Prue Digby for their hard work during their terms as Birrarung Council members, and welcome Dr Sandra Brizga, Zena Cumpston, Dr David Jones and Dr James Thyer as new members.

APPENDIX 2: Birrarung Council meetings, activities and events

Summary of Birrarung Council meetings, activities, and events from 1 July 2023 to 30 June 2024:

- 11 Monthly meetings
- 6 Birrarung Council Elder meetings
- 13 Yarning circles with responsible public entities
- 7 External workshops and forums
- 4 Special board meetings

In the period between the end of the financial year and submission of this report, Council have undertaken 4 additional yarning circles. Following the tabling of our 2023 Annual Report, the Birrarung Council met with the Minister for Water, the Hon. Harriet Shing for a yarning circle on the banks of the Birrarung at Collingwood Children's Farm, Abbotsford.

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 responsible public entities and Traditional Owner corporations.	Insights gained from responsible public entities and Traditional Owners as to how the principles and values of the Birrarung 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> .
Discussion paper: A vision for the Great Birrarung Parkland (August 2023)	Discussion paper prepared by the Birrarung Council on a more ambitious agenda for the River's land expanding on the vision of the Greater Yarra Urban Parkland identified in the Birrarung Act.	Creation of a dialogue about how Council 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, expanding 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 responsible public entities to ensure that planning and management of parklands is done within the context of the Birrarung's cultural landscape and the intent of the Birrarung 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.
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.	Shared learnings from the yarning circle process and how these inform Council's annual reporting to Parliament on the implementation of <i>Burndap Birrarung burndap umarkoo</i> .

EVENT/ACTIVITY	DESCRIPTION	OUTCOME
Birrarung River Cruise (September 2023)	Participation in the inaugural Birrarung River Fest, organised and hosted by the Yarra Riverkeeper Association.	Presentation to community participants 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.
National Gallery Victoria (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 opened in August 2024 for a 6-month period at the NGV, Melbourne.	Presenting new, speculative visions for key sites along the Birrarung. The exhibition engages a broad audience and aims to give effect to the 50-year Community Vision and align with the values and principles of the Birrarung Act and Birrarung Council.
Cultural water exchange (December 2023)	In 2022, the Birrarung Council was invited to speak at River Conversations, a two-day symposium held as part of the Sydney Biennale arts festival, held on the Parramatta River and at the Cutaway at Barangaroo. The Birrarung Council presented on the origins of the Birrarung Act and the progress that has been made over the past five years, including of <i>Burndap Birrarung burndap umarkoo</i> .	As part of the presentation, water from the Birrarung at Warrandyte was infused with smoke from a smoking ceremony conducted by Uncle Dave Wandin, and participants were invited to take small vials of this water back to share with their own rivers. The Birrarung Council also received a gift of the water of the Burramatta/Parramatta River, which was released into Birrarung in December 2023.
Yarning circle with Minister for Water (December 2023)	Conversation with the Hon. Harriet Shing and Birrarung Council members.	Provide insights into Birrarung Council annual report on implementation of <i>Burndap Birrarung burndap umarkoo</i> and to discuss priorities and opportunities for future delivery.
Reimagining Birrarung: Towards 2070 workshop with Prof. Chris Chesterfield & Dr. Erin O'Donnell (December 2023)	The workshop was an opportunity for the exhibition's 8 design teams to present their work and to hear from Prof. Chris Chesterfield and Dr. Erin O'Donnell.	Increased awareness of the Birrarung Act, 50-year Community Vision and the Birrarung Council's idea of the Great Birrarung Parkland.
Birrarung Council induction for new members (January 2024)	Four new council members received induction from the Integrity and Governance representative of the Department of Energy, Environment and Climate Action.	Meet the legislative responsibilities of the Birrarung Council under the Birrarung Act and to broaden and strengthen the Council's membership representation and diversity of skills.

EVENT/ACTIVITY	DESCRIPTION	OUTCOME
Birrarung Council Cultural Awareness Day with Wurundjeri Woi-wurrung (February 2024)	A cultural competency and awareness day for all Birrarung Council members and staff, connecting with Wurundjeri Woi-Wurrung culture and the Birrarung.	Birrarung Council members strengthened their understanding of Traditional Owner values and connection with the Birrarung to embed the walking together approach into Birrarung Council business.
Australian Water Association's OzWater Conference (May 2024)	Uncle Andrew Gardiner and Dr. Erin O'Donnell represented and spoke on behalf of the Birrarung Council.	Increased awareness of the Birrarung Act and the Birrarung Council model and approach to speaking for a River as a living entity in a planning and policy setting.
Committee of Aboriginal and Torres Strait Islander Water Interests (CAWI) meeting (May 2024)	Uncle Dave Wandin, Uncle Shane Clarke and Dr. Erin O'Donnell represented the Birrarung Council and spoke on a panel.	Increased awareness of the Birrarung Act and the Birrarung Council model and approach to speaking for a River as a living entity in a First Nations water rights setting.
National Gallery Victoria (NGV) Design Week Event - <i>Reimagining Birrarung 2070</i> (May 2024)	Birrarung Council members participated in Design Week talks to acknowledge the forthcoming exhibition <i>Reimagining Birrarung 2070</i> .	Birrarung Council contributing to the discussions around the forthcoming exhibition and engaging with new audiences through the NGV to bring awareness to the Birrarung Act and the Birrarung's living entity status.
<i>Burndap Birrarung burndap umarkoo</i> Executive Forum (June 2024)	Bringing together decision makers responsible for implementing <i>Burndap Birrarung burndap umarkoo</i> and reinforce commitment to collaborative governance and partnerships with Traditional Owners.	Birrarung Council Chair Chris Chesterfield spoke of Birrarung Council priorities and the expectations of the responsible public entities for 2024.
Birrarung Council at Murray-Darling Basin Authority (MDBA): River Reflections Conference 2024 (June 2024)	Uncle Andrew Gardiner and Jackson Chatfield (Executive Officer) presented at the conference on the Birrarung Council and Walking Together approach to tackle complex problems.	Increased awareness of the Birrarung Act and the Birrarung Council model and approach to speaking for a River as a living entity in a planning and policy setting.





APPENDIX 3: Birrarung Council Yarning Circles

Questions developed to address four key governance themes and posed to each responsible public entity 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 responsible public entities to achieve greater and shared outcomes for the River and its lands?
5. How is your organisation progressing the delivery of relevant actions to support implementing *Burndap Birrarung Burndap Umarkoo* outcomes?



Australian Darter, suburban reach,
close to Dights Falls, October 2024

APPENDIX 4: Yarning Circle Protocols

2023

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

2024

6 March	Boroondara City Council Manningham City Council
3 April	Melbourne City Council Department of Transport and Planning
1 May	Yarra City Council Victorian Planning Authority
5 June	Parks Victoria
7 August	Banyule City Council Nillumbik Shire Council
2 October	Melbourne Water Department of Energy, Environment and Climate Action

The Yarning Circle are guided by a set of cultural protocols (listed below) and involve the use of a talking stick as a way to embed and empower cultural practices and ways of doing business as the 'voice for the River'.

- The seating arrangement for the Yarning Circle must be circular.
- The Birrarung must be present in the room (virtual or physical).
- The Chair opens the Yarning Circle and sets the scene: why we are here.
- The Chair then invites the Elders to share any opening comments.
- The Elders will explain the cultural significance and role of the talking stick to all participants.
- The talking stick is used to provide cultural principles to the Yarning Circle and ensure a single speaker at any given time.
- Only the person holding the talking stick may speak. Everyone else must listen.
- Each participant is to then introduce themselves in a clockwise direction using the talking stick.
- The Chair then invites the CEO (or equivalent/nominated representative) to provide an opening statement on behalf of their organisation.
- Birrarung Council will then begin asking questions and participating guests will be given first priority to speak before other participants are invited to speak by requesting the talking stick.
- 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.
- In line with supporting honest and open discussion, recordings will not be permanently kept.

Appendix 5: Relationship with the River statements

A selection of Birrarung Council members have written their own relationship with the River statements, as a guide for all engaged on *Burndap Birrarung burndap umarkoo*.

It's complicated. I live near the Birrarung. Over geomorphological timescales, the Birrarung has built and carved the landforms that define my neighbourhood. The Birrarung and its riparian zone also support birds, insects and animals that visit my home and garden. The Birrarung provides many opportunities for rest and recreation. The Birrarung and its tributaries provide water supply to my home and workplace. From time to time, the Birrarung spills out of its banks, clashing with infrastructure and land uses on its floodplain, bringing anthropogenic debris and pollutants back into its river channel. As a waterway management professional, I provide advice on how the Birrarung functions, how to look after the Birrarung, and how to minimise any harms to the Birrarung. - Sandra

I am a Barkandji woman. We are river (Barka) people (kandji). Without our Barka, our lifeblood, we do not exist. All of our waterways are connected. I have seen what happens when greed and extraction takes an unbearable toll. My relationship to Birrarung is guided by the deep respect and reverence I have for water as a lifeblood, as mother.

Whilst I am far from my mother's Ancestral lands, Birrarung is what makes me feel most at home. I feel held by Birrarung, and I feel compelled to show respect and care for these lands and its Traditional Custodians by doing all I can to support her. I see her strength and resilience, her power and abundance. Even in the times where I cannot sit with her as often as I would want to, just a glimpse of her as I race across the city will brighten my day. She calls to me to work as hard as I can, to care with all of my being. She reminds me that time is circular, that our Ancestors are with us always. - Zena

For the 21 years that I have lived in Naarm, the Birrarung has cared for me. Every time I turn on a tap, I am grateful to the Birrarung for her gifts of well-being: the water I drink, the water I cook and wash with, the water that brings joy and health. The Birrarung makes my life possible. Yet I also know that the Birrarung doesn't have a choice. My well-being currently depends on the dams that strangle her mountain flows, and the city I live in requires her to funnel away stormwater, bearing the burden of pollution. I became a member of the Birrarung Council because I wanted to hear her voice, to understand her needs, and to restore reciprocity to my relationship with the Birrarung. I spend time with her whenever I can, getting to know the ebb and flow of her rhythms. I watch the flocks of black cormorants chasing fish, darters drying their wings on her banks, and flying foxes winging their way in search of fruit as the sun goes down. This is a river who has been in company with people for tens of thousands of years. I think she wants us to know her, to be with her, and to treat her with all the respect and love we have to offer. - Erin

I like seeing the river when it is flowing high on its banks, when its waters have more strength, and flow into joining billabongs to nourish the land, reed beds and trees. A high river seems to invite others to come and see it. Fast flowing rapids with overhanging native vegetation gives it a beauty. A drought river is sluggish and without energy, somehow sad. The river is also less vital when it becomes a bog for cattle and deer, muddying its waters. When its tributaries disgorge brown turbid water, laden with plastic waste, it also has a forlorn and depressing feeling. - James

For me, the Birrarung – that main artery – evokes thoughts of human relationships – peace, recreation and friendships.

My lifelong relationship is with one of the Birrarung's tributaries. It is generational. My family has been here for over 100 years because of the creek – its water and soil provide our livelihood. Like all relationships it must be constantly nurtured to retain its balance.

My period of stewardship is so short and yet I feel its importance. I have weeded and revegetated, worked with Melbourne Water to fence and install off stream watering. This will always be ongoing. The best I can hope is that I leave this creek – and its waters flowing on their way to the Birrarung – in a better condition.

I wonder if the next generation will have a similar relationship with the creek. It gives me heart that consumers are recognising the importance of waterways. To export our fruit or to sell to some domestic outlets we now require certification of our environmental stewardship. I hope the desire for environmentally sound food production and its associated costs survives these difficult times in our economy.
- Bronwyn

A child of the neo-liberal landscape protection and conservation philosophies of the late 1970s and early 1980s, I avidly explored and played in the watercourses of the Birrarung and Gardiners Creek, before being educated and teaching in environmental planning at various universities, including under McHarg. Intimately experiencing the silent foreboding, golden-blossom coloured and aroma-filled patches, with dappled light and platypus-splashes, and occasionally being drowned in the tumultuous and water-immersive waters and rapids of the Birrarung, from Yering Gorge through Laughing Waters to Pound Bend, was my regular weekend journey route. Additionally, I have been lucky to have been guided and challenged by several Elders over the years as to how better to respect, protect and nourish Country and its tangible and intangible values. - David

My formative childhood years were spent on the banks of the Dooyedang (Avon) River on Gunaikunai Country. In and around the river was how our childhood was spent, it was central to our world.

Now as an adult, Birrarung is how I understand the place in which I live. It is the wilderness that remains in our city that supports my health and wellbeing. Its waters bring stories from up in the catchment, it tells me the seasons, it draws me to its banks and reminds me why we are here. Our river that formed this landscape has a power for me that urbanisation has not diminished.

I often feel a mixture of stress and support when I visit Birrarung. Stress on her behalf of the state she is in. Support through the prevailing strength she has and gives to me. I feel she supports me far more than I can support her. As an adult, she carries my childlike wonder. - Alexandra

Being raised in the outer suburbs of Melbourne in the 1960s and early 70s, First Nations people and culture was invisible. Nature was present, but there to be violently repurposed rather than appreciated. I was curious about nature but frustrated by the ignorance and lack of story related to the place I lived. I learnt a way of understanding something of nature through my study of biology and earth sciences at university. That led me to a job and career working to care for Victoria's waterways. Only in recent years have I built some relationship with Traditional Custodians' land and waterways and begun to appreciate a different way of seeing and knowing these living landscapes. The Birrarung has been at the core of that journey. I greatly appreciate what the River and its lands give to us, but also feel ashamed of what we have taken from it without gratitude and acknowledgement. I now also better understand the pain this taking from the 'Mother' has inflicted on the Traditional Custodians and their wellbeing. I now speak to the River about my feelings and find myself hurting at the attitudes and sense of entitlement of others who take from the River without gratitude or speak badly of the River. It is a privilege to share some part of my life with the Birrarung. - Chris

Glossary

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

Great Birrarung Parkland: the Birrarung Council's vision for a world-class cultural landscape encompassing 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 (more information available on the Birrarung Council website <https://birrarungcouncil.vic.gov.au/>).

Endnotes

- 1 For a detailed explanation of net gain see Lindsay and Moggridge (2021), *Reframing 'environmental net gain' for the Yarra Birrarung* Report.
- 2 *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*, s12(1)-(3).
- 3 Melbourne Water Corporation (2024). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Third Annual Report 2023-24*. Reporting on implementation from 1 July 2023 to 30 June 2024. Produced by Melbourne Water, 20 September 2023, p. 29.
- 4 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. 65-66.
- 5 Melbourne Water Corporation (2024). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Third Annual Report 2023-24*, p. 34.
- 6 Commissioner for Environmental Sustainability Victoria (2024). Department of Environment, Land, Water and Planning (2017) [now Department of Energy, Environment and Climate Action], *Protecting Victoria's Environment – Biodiversity 2037*, p. 49 <https://www.environment.vic.gov.au/__data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf>
- 7 Commissioner for Environmental Sustainability Victoria (2024). *State of the Birrarung (Yarra) and Its Parklands 2023 Report*, p. 46.
- 8 Commissioner for Environmental Sustainability Victoria (2024). *State of the Birrarung (Yarra) and Its Parklands 2023 Report*, Recommendation 5, p. 50.
- 9 Melbourne Water Corporation (2024). *Healthy Waterways Strategy Mid-term Review Summary*, p. 5.
- 10 Healthy Waterways Strategy website. Report Card, Yarra Catchment snapshot: <https://healthywaterways.com.au/report-card?suld=YAR&tabld=overview&>.
- 11 *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*, s9(4).
- 12 Melbourne Water Corporation (2024). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Third Annual Report 2023-24*, p. 18.
- 13 *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*, s12(1)-(3).
- 14 Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, 2024. *Burndap Birrarung Burndap Umarkoo Engagement Framework*, p. 12.
- 15 Melbourne Water Corporation (2024). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Third Annual Report 2023-24*, p. 18.
- 16 The publicly accessible version is found at: <https://letstalk.melbournewater.com.au/>
- 17 *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* (Vic), Preamble.
- 18 Planning Panels Victoria (2021), *Banyule Planning Scheme Amendment C107bany Treetop Adventure Park, Yarra Flats Park, Ivanhoe East: Panel Report*, p. 44.
- 19 *Planning and Environment Act 1987* (Vic), Clause 1.
- 20 State Government of Victoria (2022). *Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan: A 10-year plan for the Yarra River corridor – 2022 to 2032*, Appendix E, p. 152.
- 21 Birrarung Council (2023). *Birrarung Council Annual Report to Parliament on the implementation of Burndap Birrarung burndap umarkoo Yarra Strategic Plan 2023*, p. 28.
- 22 Birrarung Council (2021), *Reframing 'environmental net gain' for the Yarra / Birrarung: Summary document*, October 2021; See also: Lindsay and Moggridge (2021), *Reframing 'environmental net gain' for the Yarra Birrarung* Report, < <https://www.water.vic.gov.au/birrarung-council/current-projects>>
- 23 Melbourne Water Corporation (2024). *Burndap Birrarung burndap umarkoo Yarra Strategic Plan Third Annual Report 2023-24*, p. 20.
- 24 See *Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan: A 10-year plan for the Yarra River corridor – 2022 to 2032*, p. 56.
- 25 Actions 31 and 35.
- 26 Birrarung Council (2023). *Birrarung Council Annual Report to Parliament on the implementation of Burndap Birrarung burndap umarkoo Yarra Strategic Plan 2023*, p. 29.
- 27 Birrarung Council (2024). *A vision for the Great Birrarung Parkland: discussion paper prepared by the Birrarung Council*, < <https://birrarungcouncil.vic.gov.au/resources>>



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What is good for the Yarra is good for all