

# Response to Birrarung Council's second report to Parliament 2023

A report required to be delivered to the minister by October of that year

Response by The Waterways Network

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*'The river needs its lands.'*

*Aunty Margaret Gardiner*

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The Waterways Network acknowledges the Traditional Owners of the lands and waters of the Yarra Catchment, and that sovereignty has never been ceded.

## Contents

**Introduction**

**Background – the why**

**State of the Yarra and its Parklands Report 2023**

**Yarra River Action Plan – recommendations**

**Recommendations from review by the Yarra Riverkeeper of the first year report to Parliament by the Birrarung Council**

**What is working**

**What is not working**

**Who needs to act at what level**

**Conclusion and summary**

## Introduction

The Waterways Network welcomes the second report by the Birrarung Council on the implementation of the Yarra Strategic Plan as required by the Yarra River Protection (Willip-gin Birrarung murrong) Act. The act was innovative and potentially transformative, and its implementation has been slow. The work that flowed from the Act is now maturing and the many pieces are coming together coherently.

The Yarra Birrarung work and the environmental planning work for waterways not least of all the 2022 election promise for protection for 14 urban waterways is a flagship of environmental work by the current ALP government.

The work on the Birrarung Yarra had many beginnings. The Yarra River Action Plan is one of those beginnings.

A response to the Birrarung Council report is in effect a response to the lead agency report and to the progress on the Yarra Strategic Plan and to the work of the Yarra Coordination Committee.

In the context of this report, and for simplicity, the 'Plan' is Burndap Birrarung burndap umako (previously called the Yarra Strategic Plan) which is sometimes also referred to as the YSP where the context suits; the 'Act', or the Birrarung Act, is the Yarra River Protection (Wilip gin Birrarung umako) Act; the SoY (2022 or 2023) is the State of the Birrarung (Yarra) report by the Commissioner of Environmental Sustainability; and the YCC is the Yarra Coordinating Committee. The 'Council' refers the Birrarung Council released two reports before the first annual report to Parliament. This document is a response to the Birrarung Council's second annual report to Parliament. The Department of Environment, Lands, Water and Planning (DELWP) is now the Department of Energy, Environment And Climate Action, and Planning is now part of the Department of Transport and Planning (DTP).

## Background – the why

The Yarra Protection (Willip-gin Birrarung murrong) Act (Birrarung Act) was passed in 2017. The Waterways Network (TWN) recognises that the Birrarung Act is bold and innovative – nothing quite like it has been done before. The Act at the time of its passing was described as an act for a plan. The plan was named the Yarra Strategic Plan, since renamed Burndap Birrarung Burndap Umako (the Plan). The Act also established the Birrarung Council as the independent advocate for the river, and the council also reported to parliament on the success of otherwise of the plan. One of the key principles of the Birrarung Act was community involvement in the work of looking after the river. This report is an application of that principle. It is a review not only of the Birrarung Council second report to Parliament, but also thereby the associated work on the Yarra Strategic Plan, the lead agency report, the three-year implementation plan, and the State of the Birrarung (Yarra) and its Parklands 2023 Report.

The second Birrarung Council report covers the period 1 July 2022 to 30 June 2023 for the implementation of the Plan. Due to political delays in the announcement of the the Plan the first report only covered less than half a year. However as many of the actions in the plan were already in existence this was still an effective period to establish the pattern of a series of interlocking reports. This current Council report is the first full year of reporting.

The series of reports in the act are designed to ensure transparency and that management of the Plan is adaptive and responsive to improvement.

There is a cascade of annual reporting on the Plan

1. The Responsible Public Agencies are required to report to the Lead Agency (Melbourne Water)
2. Melbourne Water is required to report to the Birrarung Council
3. The Birrarung Council is required to report to the Water Minister
4. And the Minister must table the Birrarung Council report along with lead agency report in Parliament within seven sitting days.

Both the Water Act and the Birrarung Act encourage and require community involvement in water management. These measures are intended to ensure transparency and accountability.

The Water Act in its purposes says:

*to maximise community involvement in the making and implementation of arrangements relating to the use, conservation or management of water resources*

And there are other references in the Act to community involvement in management of water resources.

The Birrarung Act has as one of its principles

*Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of Yarra River land.*

The most recent report of the Commissioner of Environment cited the importance of community involvement in the Yarra and its Parkland.

The Birrarung Act requires a report from the Commissioner of Environmental Sustainability every 5 years

The other important document is the Healthy Waterways Strategy (HWS), a sister strategy to the Plan, which is a 10 year strategy.

The Yarra Planning Controls also run parallel to the Plan and implement the ‘single living entity’ concept first highlighted in the Birrarung Act. This concept is also expressed in other government policies including the Waterways of the West work and the Rivers of the Barwon work.

The Yarra Riverkeeper Association, with assistance of The Waterways Network (TWN) reviewed the first Birrarung Report when it was tabled in Parliament.

In October 2023 the Birrarung Council sent its second report to the Minister and this was tabled in Parliament, but was not readily available to the public, neither on the council’s website for some time, nor did appear to be available through Hansard.

The 2023 Annual Report by the Birrarung Council is being reviewed by The Waterways Network, though the review will broadly follow the format set out by the Yarra Riverkeeper.

The TWN sees this as an opportunity to also reflect all the work on the Yarra that can be loosely grouped together under the ‘single living entity’ heading. There is the Act and all that flows from that and the Yarra Planning Controls.

## *State of the Birrarung (Yarra) and its Parklands Report 2023*

The SoY report is a critical part of the Birrarung Act. The report measures the health of the river at five yearly intervals so the effectiveness of work to improve the river can be measured and trends identified. So SoY2023 was not available at the time of completion of the Birrarung Council Second Report. It casts a light on the success on the whole body of work that falls under the concept of the Birrarung (Yarra) as a ‘single living entity’. The SoY report lays out the scene.

Since the passing of the Yarra Act in 2017 it is difficult to conclude that the health of the river has improved. The second SoY report by the Commissioner of Environmental Sustainability states that of the 43 measures of the health of the river only five are improving and only seven were assessed as good, and this is at a time of a biodiversity emergency. In comparison with the first SoY 2018 of the indicators of environmental health have improved and 10 have deteriorated.

*A relatively lower performance is demonstrated for indicators within the ‘Environmental health’ theme. All 10 assessments ranked as deteriorating are environmental health indicators, and only 12% of assessments for this theme are ranked as improving. Concerningly, six of the nine environmental health indicators having a deteriorating trend relate to threats and pressures meaning that, without effective management and mitigation, the positive trends (stable or improving) exhibited by the native species and ecosystem health indicators may not be maintained and lead to an overall decline in the condition of the river corridor environment. (p.27)*

While this is not encouraging, we are at least in a position to know where we now are – we have a baseline to compare progress or a lack of progress against. Between now and the next SoY report in 2028 there is an urgency to ensure the other measures in the Birrarung Act **do deliver** on their promise to improve the health of the Birrarung.

It is worth noting in this context that much of the revegetation work done in the Birrarung corridor and on tributaries is done by community groups such as the Friends of Yarra Flats Park, Friends of Wilson Reserve, Friends of Herring Island, Warringal Conservation Society, Friends of Warrandyte State Park, and Friends of the Helmeted Honeyeater. At least two of these organizations run high quality native plant nurseries. This work needs to be measured and assessed as a separate indicator in the next SoY.

The SoY 2023 makes a number of valuable recommendations and in particular in the context of this report:

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*Recommendation 2: That Melbourne Water ensure that community knowledge and perspectives are central to the implementation of the Burndap Birrarung burndap umarkoo: Yarra Strategic Plan 2022–32 — 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. (p 44).*

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This aligns with the recommendations of the previous report by the Yarra Riverkeeper. Community has been overlooked. There is a challenge for government in engaging as equal partners with Traditional Owners while still also engaging with community and in particular with the importance of community volunteer groups, many of long standing with their own acquired knowledge of the river and its lands.



## The Yarra River Action Plan – Status of Actions

The Yarra River Action Plan is the foundational document of the suite of work that falls under the umbrella of the Yarra River Project. It deserves to be regularly monitored and tracked. The status given below is completed to the best of our ability on information available. As a public document the TWN believes the status should be accurately and publicly reported by DEECA and the responsible minister.

Action	Time	Responsible party	Status
1. A lead agency for the Yarra	Short term	DELWP	Completed. Appointed
2 Birrarung Council	Short term	DELWP	Completed. Appointed
3 State policy recognition	Short term	DELWP	Completed. Amended
4 Traditional Owners inclusion	Short term	DELWP	Completed.
5 Yarra River (Birrarung) Protection Bill	Short term	DELWP	Completed. Passed unopposed
6 Annual independent implementation audit	Short term Birrarung Council		Completed and ongoing
7 State of the Yarra and its parklands reporting	Short term	Commissioner for Environmental Sustainability	Completed and ongoing
8 Coordinated funding	Short term	DELWP	There has been little additional investment in the Plan/YSP. Funding cannot be described as 'secure' or 'regular'. No external reporting as part of the Birrarung Council report or the lead agency reporting on co-ordinated funding.
9 Support for council leadership	Short term	DELWP	Unclear. The nature of the support in the action is unclear. No additional funding for councils for work in the area of the Plan/YSP

10 Stronger planning controls	Short term	DELWP	Partially implemented with the Yarra Planning Controls but not gazetted between Warrandyte and Warburton
11 Align public land reservations	Medium term	DELWP	Unclear as to how this was or has been executed. No public reporting.
12 Gifted asset policy	Short term DELWP	DELWP	<b>Not done</b>
<b>A NEW COORDINATIVE PLANNING FRAMEWORK</b>			
13 Community vision	Short term	Melbourne Water	Completed
14 Yarra Strategic Plan	Short term	Melbourne Water	Completed and ongoing
15 Protect and promote cultural and heritage values	Short-long term	Melbourne Water	Completed and ongoing
16 Community reference forums	Short-long term	Melbourne Water	Done in part, unclear extent with precinct structure plans and master planning outside the initial PLAN/YSP
17 Long-term targets	Short term	Melbourne Water	10 year performance targets in the PLAN/YSP
18 Monitor and implementation	Short-long term	Melbourne Water	Done
19 Extend coverage of stormwater standards	Short term	DELWP	<u>Partially done</u> , further work to be done. Government has failed to codify the environmental improvements in urban waterway flows and water quality – EPA Guidelines have no legal force – Sodic soils impacts from developments having a major impact.

<b>STRATEGIC YARRA PROJECTS</b>			
20 Abbotsford river structure plan	Short term	DELWP	<b>Not commenced</b>
21 Cultural river precinct structure plan	Short term	DELWP	Completed
22 Bolin Bolin Billabong	Short term	Parks Victoria	Not completed.
23 Missing Abbotsford link	Medium term	Parks Victoria	<b>Not commenced</b>
<b>MELBOURNE'S RIVER AND COASTAL PARKLANDS</b>			
24 Melbourne's natural infrastructure taskforce	Short term	DELWP	<b>No action taken, Government intent on this action unclear. Response by government needed to clarify intent</b>
25 Urban natural infrastructure strategy	Short term	Taskforce	<b>No action taken. Government intent on this action unclear. Response by government needed to clarify intent</b>
26 Map Traditional Owner cultural values	Short-long term	DELWP	Commenced but not completed
27 Protect the Maribyrnong River	Medium term	DELWP	Partially completed. DDOs yet to be done.
28 Protect other urban rivers and their parklands	Medium term	Taskforce	Commenced with promise for 14 Melbourne waterways (as promised at 2022 election)
29 River corridor footprints	Short-medium term	Taskforce	<b>Not commenced</b>
30 Parks charge review	Short term	DELWP	<b>Status unclear. No public review available. The Melbourne Parks charge is used to fund institutions of state-wide significance</b>

			<b>importance such as Shrine and the Zoo, which should be funded from other source, and the parks charge used to fund Melbourne's parks such as the Greater Birrarung Parklands</b>
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## Review by the Yarra Riverkeeper 2023 (2022 reports)

Here are the recommendations from the first review by the Yarra Riverkeeper report. The TWN with the benefit of hindsight makes the following comments on these recommendations. Our work as the TWN builds on the first review by the Yarra Riverkeeper, which remains sharply relevant, and warrants re-reading when assessing future Birrarung Council annual reports.

	<b>TWN comment</b>
1. Establish an overarching mechanism for community participation at a strategic level and consult community groups on the design of the mechanism.	<b>Endorsed</b>
2. Identify resources for funding to support the full implementation of the Plan, including meaningful, transformative projects.	<b>Endorsed</b>
3. Document on an annual basis how this funding is contributing to new activities.	<b>Endorsed</b>
4. Provide resources to employ a fulltime partnership broker for at least three years starting in 2023.	<b>Endorsed</b>
5. Extend the Yarra River Planning Controls to the entire river corridor.	<b>Refined</b> – Warrandyte to <b>East Warburton</b> , as the first step.
6. Integrate the land-use framework into State and local planning schemes, as a matter of priority.	<b>Endorsed</b> – noting <b>progress</b> has been reported
<b>We recommend that the Birrarung Council:</b>	
7. Publish annual reports on its activities, including meetings held with local government agencies and state departments.	<b>Endorsed</b>
8. Maintain an up-to-date website independent of government, including information on its responsibilities, and Council contact details.	<b>Endorsed</b>
9. Include community activities, contributions and perspectives in its annual implementation report	<b>Endorsed</b>
<b>We recommend that the Yarra Collaboration Committee:</b>	
10. Engage with the broader community on a regular basis through a formal mechanism. Melbourne Water and the Committee should apply the principles of IAP2 Quality Assurance Standards on community and stakeholder engagement at least to the level of ‘Collaborate’. <sup>3</sup>	<b>Strongly endorsed</b>

11. Include community activities, contributions and perspectives in its annual implementation reports.	<b><i>Strongly endorsed</i></b>
12. Integrate the land-use framework into State and local planning schemes.	<b><i>Endorsed</i></b>
13. Apply the Decision Making Framework, including the principle of environmental net gain to all Birrarung Parkland projects.	<b><i>Strongly endorsed. Application of <u>net gain</u> is should be mandatory on all projects on the Yarra River lands.</i></b>

## What is working

This section presents what is working from the viewpoint of the TWN.

The Yarra River project, the suite of work stemming from the Birrarung Act and the work under the 'single living entity' including the Yarra River Protection Controls, is maturing. The parts are knitting together into a more effective whole – but significant gaps remain!.

The Yarra River project is a flagship for how environmental improvement can be implemented. As the Yarra Community Vision says, 'What is good for the Yarra is good for all'.

While there are more numbered points for 'What is not working' than 'What is working' that should not be interpreted to mean the Act, the Plan, the Birrarung Council and the SoY reporting is not effective. The Act was different in its approach to previous legislative programs to solving wicked environmental problems, long term problems that are too often trumped by immediate human needs and short-term political demands. The Birrarung Act is long-term iterative program.

1. The layered system of reporting and adaptative management outlined in the [Act](#) is effective in both showing what has been achieved and what has not been achieved, and at reviewing how best to adapt management. The development of the implementation plan by the lead agency in response to the Birrarung Council's first report is an example of the success of the legislative structure.
2. The public reporting function of the Birrarung Council through the tabling of its report in Parliament has been effective in delivering transparency and in giving the Birrarung the best opportunity to retain a focus within state government. An example of this is the Council's highlighting of the need to implement the land use framework:  
*However, Council is disappointed that the land use framework has yet to be fully [implemented](#), and planning amendments have not been gazetted into planning schemes. Government is now responding to highlighting of this need [in past reports](#).*
3. The Council has also highlighted the lack of application by the responsible public entities of the net gain principle through the Decision Making Framework in the Plan.
4. The Birrarung Council's report notes the success of the Yarning Circles as noted in the second report by [Council](#) and that this is a new way of approaching engagement with senior roles in the responsible public entities. This has been a journey since the inception of the [Council](#) The Yarning Circles reflect the maturing of the [Council](#) as one that includes Traditional Owners as sovereign partners. The [Council](#) deserves credit for embracing the complexity of this work and accepting appropriately guidance from Traditional Owners. Such

involvement is easy to say and much harder to honestly implement given structural impediments in the approaches and thinking in government.

5. The response by the lead agency to the Birrarung Council's first report in creating a three-year implementation strategy shows the effectiveness of the process of public review leading to adaptative management.
6. The process of the [Act](#) is now maturing with the release of the second round of annual reports and the release of the second State of the Birrarung (Yarra) and its Parklands 2023 Report by the Commissioner of Environmental Sustainability.
7. The concept of a waterway as a 'single living entity', first highlighted in the Birrarung Act in the words of the Woiwurrung/Wurundjeri has gained traction in policy and in government through the Yarra Planning Controls, the Waterways of the West Action Plan, the Rivers of the Barwon Action Plan, the work on the introduction of better protection for 14 Melbourne waterways promised in the 2022 election, and elsewhere in government.
8. Community is continuing to work on the environmental health of the Birrarung. One of the key projects in the Plan is the work on polystyrene pollution ([as part of the overall Litter Problem](#)) by the Yarra Riverkeeper. This has been a long term multi-year evidence-based project that has identified the problem, located the sources, and drawn the stakeholders together to consider solutions. This work now needs to be picked up by [Government](#) to drive change through education and compliance, both need to work hand in hand. 'Friends' groups up and down the Birrarung continue to work effectively on improving the health of the river. As an exemplar the work of the Friends of the Yarra Flats Park. Arguably the work of 'Friends' groups contribute as much revegetation (a key measure of environmental health) as the responsible public entities.
9. The Birrarung Council continues to publicly advocate for the net gain principle.
10. The Birrarung Council continues to publicly advocate for the Birrarung Parklands. The Parklands is part of the Birrarung Act, a potentially powerful part. It now needs clear and positive engagement from the YCC and funding from [Government](#) and better protection through the inclusion of the Land Use Planning Framework in the Planning Scheme.

## What is not working

1. There was and remains a lack of resourcing [to all parts of the Program](#). [The Plan](#) was based [erroneously](#) at conception, on existing projects funded on current resources only. No new resources were committed for environmental projects [or activities and the responsible public entities have no or limited funds to contribute to initiatives](#). The Plan was allotted a co-ordinating role rather than a generative one establishing new funded projects. There are insufficient funds



committed by Government and the Responsible public entities to the work of improving the environmental health of the Birrarung. Most of the actions in the plan were already in existence. To be transformative in the way the Labor Government initially envisaged it, significant additional funds need to be provided to the lead agency, to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, to the responsible public entities and to community environment groups to implement transformative projects that will make an immediate difference.

2. The notion of changing the mindset is worthy but insufficient to drive improvements on the environment of the Yarra. Education is important, the way we address problems is important but what makes the difference in the end is what has been improved in the Yarra Corridor. The pendulum has swung too far in favour of 'how' things are done.
3. The current Monitoring and Evaluation Framework anonymises the data so it is not known who has completed actions, for instance applying to the DMF to projects on Yarra River Lands and who has not.
4. The delays in the release of the Plan for political reasons impeded the effective implementation of the plan. This limitation needs to be recognised, and additional resources provided.
5. The community principle in the Act has not been implemented.
  - a. The community is not being involved in the effective management of waterways. The work of community is not being measured and due credit allotted for what is a significant contribution to the health of the Birrarung,
  - b. There is no longer community representation on the Birrarung Council, no member represents or is primarily representing community on the Council.
  - c. There is no community representation on the Yarra Coordinating Committee
  - d. There is a lack of public transparency for the Birrarung Council. The website is consistently out of date and there is no program to engage with the community. The release of the Council's second report was not promoted to the community, in fact it was difficult to access. This is inconsistent with being the 'voice of the Birrarung'. The voice of the Birrarung Council 'speaks' to Government at all levels but does not address and inform community, nor tap into community knowledge and capacity for promoting and supporting environmental work on the Birrarung,
6. The YCC has no public face, no community members and no public accountability and lacks senior management representation from the RPEs. (Yet the Yarn Circles of the Birrarung Council have drawn in the senior managers backed by Traditional Owner imprimatur, which shows the increasing

effectiveness of the Birrarung Council.)

7. The Council is required by the Birrarung Act to be the independent advocate for the river, yet the Council is yet to define what it means to be independent and nor has it defined what it means by advocacy. The Council uses the descriptor 'voice of the Birrarung'. Yet it is unclear what is meant by this in the context of Council's work as an independent advocate, and the Council's lack of direct engagement with community.
8. The Birrarung Council should advocate to Government for the completion of the actions in the Yarra River Action Plan and the public reporting of this work.
9. The Birrarung council should strengthen its efforts to require RPEs and the lead agency to require RPEs to apply the net gain principle. The council should consider commissioning a report to review and operationalize net gain.
10. There are actions in the Yarra River Action Plan that have been overlooked or unreasonably delayed. [\(example needed\)](#)
11. It is a weakness of the Plan that there are no binding elements on the representative public entities in the Plan.

# Who needs to act at what level

## Ministerial

1. The Land Use Planning Framework urgently needs to be included in the State and Municipal Planning Schemes.
2. Substantial additional funding is provided to demonstrate real additionality for the projects in the Plan and clear improvement in the environmental health of the Birrarung Yarra. Examples:
  - a. Fund a transformative project on the Birrarung Parklands, drawing all the parcels of government-managed land (not committees of management) into a single collaboratively managed entity involving community and the Birrarung Rangers.
  - b. Fund a net gain project and require from the 31 March all projects on Yarra River Lands to demonstrate a net gain, the net gain to be assessed by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation who would charge fees for service.
3. The Action Plans for the Yarra, Barwon and Waterways of the West are reported on annually by DEECA and included in a response to the Birrarung Council annual report.
4. Recognition of the work of community in protecting and improving the health of the Yarra Birrarung in the Plan through ongoing core organizational funding of key environmental not-for-profits and volunteer groups in the Yarra River corridor.
5. Funding for community groups, both for core funding and for project funding. There has been a philosophical drift away from core funding to volunteer environment groups under the influence of neo-liberal market economics. As one anonymous community member said, 'We are expected to survive and thrive on selling trinkets and baubles.'
6. Include community representatives in the YCC, for both for the knowledge community groups bring and for accountability and transparency.
7. Senior managers need to be required to attend the YCC. The success of the Derwent River Authority has been in good part of result of the presence of the most senior executives.
8. The Birrarung Council, the YCC and the lead agency required to comply with the recommendations in the Auditor General's report 'Public Participation in Government Decision Making'  
<https://www.audit.vic.gov.au/sites/default/files/20170510-PP-Decision-Making.pdf>?
9. Clarification around the roles of the three responsible Ministers, acknowledgement that it is a shared responsibility, and consideration about how the three Ministers and the various departments can work most effectively to deliver the Yarra River Action

Plan, the Birrarung Act and the PLAN in full. The TWN acknowledges that the current government created and delivered the Act as something that was bold and innovative and also with its share of challenges. The Act is a flagship for a new methodology [in](#) addressing environmental issues [at](#) a time of environmental decline, a biodiversity emergency, of climate change and of increasing population pressures.

## Birrarung Council

1. Continue and strengthen the already strong work of being a cross-cultural Traditional Owner led council.
2. Define what 'independent' and 'advocate' mean and use that work to strengthen its role as 'the voice of the Birrarung'.
3. Appoint a member from a community environment group (as required by the Birrarung Act).
4. Engage with community and develop a formal strategy for recognising the work of community, informing community, celebrating community and fulfilling the slogan 'voice of the Birrarung'.
5. The Birrarung Council includes the Community Recommendation in SoY 2023 in its MERI, assessing how effective responsible public entities are in funding, supporting and engaging with community environment groups (often known as 'Friends' groups).
6. The Yarra River Action Plan actions to be monitored by the Birrarung Council and the [Government](#) and RPE's kept accountable for their completion.
7. The Monitoring and Evaluation Framework (MERI) while aggregating the data also needs to have a table of who is implementing the actions and who is not, for example who is applying the DMF, including net gain, to projects on Yarra River Lands. Accountability for all entities needs to be clear.
8. Community feedback needs to be included in the Monitoring and Evaluation Framework and the work of community in revegetating and habitat restoration needs to be included. The work of community is not clearly and explicitly recognised in the PLAN and the Monitoring and Evaluation Framework. One question to be answered would be how well do the Agencies and RPE's engage with and fund community environment groups.

## Commissioner of Environmental Sustainability

We applaud the recognition of the importance of community in the second recommendation in The Birrarung and its Parklands report. The community has knowledge, has capacity to make a difference and is an effective force in creating transparency and accountability. The TWN also believes that the contribution of community environment groups is under-estimated.

1. Include specific indicators on the contribution of community environmental groups in the Yarra corridor to revegetation and habitat restoration. This would include area and quality indicators.
2. Indicator 07 needs to be fleshed out with more detail. The measures for this indicator needs to be expanded beyond simple numbers and hours. Number of sites, extent of areas improving and the longevity of the work, as well as the quality of the planting and contribution to community knowledge need to be assessed.
3. Indicator 09 include revegetation and habitat restoration as a community activity and assess the hours involved and the extent of benefit. Unlike other recreational activities the work of community environment groups are actively improving the health of the Yarra River Land

## Conclusion

The work of the Birrarung Act is maturing and beginning to deliver, though progress has been painfully slow. The announcement of the release of the Yarra Strategic Plan was delayed, and the incorporation into the planning schemes of the Land Use Planning Framework in the Plan has been.. Two of the key bodies have each released two reports and a three-year implementation plan has been developed by the lead agency. The Birrarung Council has been reviewed as required by the legislation. While not perfect, progress is being made. Iterative adaptive management is happening. However, the Plan and the Council and the YCC are hamstrung by a lack of community engagement despite the community principle in the Act.

The TWN looks forward to review future annual reports of the Birrarung Council and thereby contribute to the iterative improvement of the bold and innovative environmental work on the Birrarung Yarra as a 'single living entity'.

The real test of the Plan and the Council will be in four years when the Commissioner of Environmental Sustainability reports to parliament in the State of the Birrarung (Yarra) and its Parklands. Will there be improvement in the environmental health of the Birrarung? This will be the only true indicator of success.