
11.9 Draft Yarra (River) Strategic Plan

Reference: D20/75567

Authoriser: Director Planning and Place Making

Purpose

1. To seek Council's endorsement of the Council officer preliminary submission to the draft *Yarra Strategic Plan (YSP)*.

Background

2. The draft *Yarra Strategic Plan* has been prepared by Melbourne Water as the nominated lead agency in accordance with the requirements of the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*.
3. The *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* (the Act) sets the legal framework for preparing and approving a ten year *Yarra Strategic Plan (YSP)*. The Act specifically refers to the plan as the '*Yarra Strategic Plan*'; with an area of land within 1km of the banks of the Yarra River; this includes a significant amount of land within the City of Yarra.
4. More specifically, the Act defines the Yarra River land as the bed, soil and banks of the Yarra River and the Crown and state government owned land parcels within 500m of the bank of the Yarra River. This includes many of Yarra's open spaces and parklands.
5. The Draft YSP is a ten year plan to achieve the requirements of the Act, the 50 Year community vision and the ambitions of Traditional Owners as expressed through their Water Policy document titled– *Nhanbu narrun ba ngarguin twarn Birrarung*.
6. The draft YSP provides a whole of river approach to the planning and management of the Yarra River and, significantly, the process has brought together for the first time all the responsible agencies and the Traditional Owners to collaborate in preparing the draft YSP.
7. Melbourne Water is the lead agency responsible for preparing the draft YSP. Council is one of the nominated *Responsible Public Entities (RPE)* under the Act due to its land management responsibilities for the open space and parklands adjoining the Yarra River. Melbourne Water formed the *Yarra Collaboration Committee (YCC)* comprising representatives of the Traditional Owners and the 15 RPEs to guide their work and bring about a 'whole of river' understanding and direction to the work.
8. Council officers have been involved with the preparation of the draft YSP through the *Yarra Collaborative Committee (YCC)*.
9. As Council is one of the *Responsible Public Entities (RPE)* under the Act it has further opportunity to consider the drafting of the final YSP. It is expected that endorsement of the final draft YSP by the RPEs, including Council, will occur later this year.

External Consultation

10. The draft YSP underwent community consultation from 23 January through to 29th March 2020. A range of engagement techniques were used including social media, pop-ups, localised mail-outs, focus groups, direct contact with Committees of Management and interviews with the Community Assembly that formed the community vision.
11. 138 submissions received from the community, agencies and local government. The joint submission by the Yarra River Keeper Association and Environmental Justice Australia is a key submission.
12. Council officers have submitted a preliminary submission (**Attachment 1**) to Melbourne Water on behalf of Council which responds to the draft YSP.

Internal Consultation (One Yarra)

13. The preliminary submission has been informed through consultation that has occurred with relevant units of Council including City Works & Assets, Aboriginal Partnerships, Open Space, Heritage Advisor and Strategic Planning.

Financial Implications

14. There are no financial implications in receiving this report.
15. Council will need to consider the implications of meeting the requirements of the Act and a final YSP on its operations.
16. It is anticipated that there would need to be budget allocation by Council in the future for some activities and actions out of an endorsed *Yarra Strategic Plan*.
17. It is expected, however, there may be some future funding available for projects that support the implementation of the YSP.
18. Notwithstanding, the implementation of the plan would most probably require some Council budget consideration over a number of years.

Economic Implications

19. There are no known implications from this report.

Sustainability Implications

20. A *Yarra Strategic Plan* for the Yarra River and environs would support the protection and enhancement of the habitat and biodiversity of the Yarra River.

Climate Emergency Implications

21. A clear intention of the draft YSP is to respond to climate change and the impacts on the Yarra River corridor. At this stage, it is considered that the draft YSP needs to include further details explaining how it will respond to these issues through its actions and targets.

Social Implications

22. The Community Vision set out in the draft YSP reflects the values the Yarra River has to the community.
23. The YSP will provide greater protection of these values and how the Yarra River and its parklands can be seen as a connected and integrated single and living entity.

Human Rights Implications

24. There are no known implications from this report.

Communications with CALD Communities Implications

25. Melbourne Water conducted the consultation which provided opportunity for CALD communities to participate.

Council Plan, Strategy and Policy Implications

26. The draft YSP supports many of the outcomes sought in Council's strategies and the Council Plan.

Legal Implications

27. There are no known legal implications, other than the responsibility that Council would have as a *Responsible Public Entity* once it is endorsed by the Minister. Those aspects are not completely clear at this stage.

Other Issues

28. The purpose of the YSP is twofold:
 - (a) guide the future use and development of the *Yarra Strategic Plan* area, and
 - (b) identify areas for protection within the *Yarra Strategic Plan* area.

29. The key elements of the YSP, as set out in the Act, include:
- (a) the long-term (50 Year) community vision;
 - (b) setting out values, objectives and performance objectives;
 - (c) identify regional infrastructure networks;
 - (d) identify projects for the protection and improvement of Yarra River land;
 - (e) set out a narrative description of the river corridor.
 - (f) a decision-making framework; and
 - (g) stating which parts of the YSP are binding and which are discretionary on RPEs.
30. The *Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation* developed the *Nhanbu narrun ba ngarguin twarn Birrarung* to define their ambitions for the planning, policy and decision making for the Birrarung. This has informed the development of the YSP and forms a companion document to the YSP ensuring that their aspirations for the river, and the inclusion of Traditional Owners in the on-going management of the river, are prioritised.
31. The draft YSP comprises two parts:
- (a) **Part 1** titled '*Working together to deliver the Community Vision*' which sets out the strategic context, Traditional Owners statement, performance objectives and actions, and
 - (b) **Part 2** the *Land Use Framework* which sets out the broad whole of river planning directions for the river corridor.
32. After reviewing the draft YSP, Council officers lodged a preliminary submission on behalf of Council.

Officers Preliminary Submission

33. Key points in the preliminary submission are:
- (a) generally the draft YSP is supported as it has brought together the key elements required under the Act and sets out a broad 10 year direction. The YSP is necessarily high level as it is dealing with the whole of the Yarra River, however, a level of further detail is needed and would add to the overall understanding of the future directions and outcomes expected through its implementation;
 - (b) the community vision has been derived through considerable community engagement and sets appropriate vision statements for the whole of the river and each of its reaches. In some cases the content of the draft YSP directions and actions need to be more closely aligned with the vision statements;
 - (c) the active involvement of Traditional Owners in developing the draft YSP and on the YCC has been a significant and valuable change in how the river is conceived, understood and managed. It is one of the transformative aspects of the draft YSP;
 - (d) there is an expectation that the draft YSP should be more ambitious and should convey more clearly how it will bring about transformative or significant change, rather than a continuation of business as usual in the planning and management of the Yarra River;
 - (e) the inter-relationship between the draft YSP and other state government strategies is not clearly explained or evident through the content. It is considered important that key strategies, such as the *State of the Yarra and its Parklands* and the *Healthy Waterways Strategy*, are more explicitly referred to in the draft YSP especially where they are being relied upon to achieve and measure the performance of the YSP and to achieve outcomes within the wider river catchment area;
 - (f) the draft YSP has limited content on key issues including water quality and management, habitat protection and biodiversity, climate change and connectivity along the river. These are key issues affecting the management of the Yarra River and therefore the draft YSP should be reviewed to address these issues;

- (g) while recognising the YSP is a 10 year plan, some timeframes are considered too long, and more ambitious short and intermediate timeframes are needed to progress multiple actions simultaneously. These are likely to occur through proposed 3 year and annual implementation plans but this is not clear. If this is so, the draft YSP should make clearer how the implementation will occur;
- (h) supports making the existing interim planning controls (DDO1) permanent and for the YSP to become a reference document in the planning scheme. It isn't clear how the Land Use Framework will inform other policy changes in planning schemes and potentially could become part of a whole of river regional policy. This would strengthen the connection between the YSP and the Victorian planning system. Implementation through planning schemes will occur after approval and is being led by DELWP;
- (i) seeks including proposals in Yarra for land acquisition and identifying additional areas where a Public Acquisition Overlay (or a private covenant) should be applied to improve links and expand the open space network;
- (j) some changes are sought to the draft Land Use Framework to include identified areas for environmental protection and enhancement that displays a linked network of areas along the river corridor. Similarly additional detail needs to be included on the corridor access links and those to areas outside the YSP area;
- (k) support for including the preparation of an Abbotsford Structure Plan as a means for planning the access and links along the river between Walmer Street and Gipps Street, Abbotsford;
- (l) supports an on-going role for the Yarra Collaborative Committee to foster collaboration, build understanding and stronger on-going relationships across agencies and the Traditional Owners. Its role, responsibilities and function need to be explicit as it is being assumed that the YCC be actively involved in the implementation of the YSP;
- (m) the format of the draft YSP could be improved to make it easier to read. Some of the connections between the performance objectives and actions is disjointed by the YSP being in two parts. It is considered that there should be greater alignment across the visions, performance objectives, directions, actions and targets that shows how the objectives will be achieved through clear and measurable actions, and
- (n) the preliminary submission responds in more detail to each of the performance objectives and actions and the draft Land Use Framework.

Next Steps

- 34. Melbourne Water, as the lead agency, is reviewing submissions and will be responding to the matters raised with proposed changes to the consultation draft YSP.
- 35. Under the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* submissions relating only to **Part 2** of the draft YSP – 'the Land Use Framework' - that have not been fully accepted by the lead agency must be referred to a Panel, similar to a planning panel, where submitters will have the opportunity to be heard by the Panel.
- 36. Yarra Council as a *Responsible Public Entity* (RPE) has the opportunity to make a submission to the Panel.
- 37. Melbourne Water has indicated that 51 submissions have been referred to the Panel with the changes proposed in other submissions being accepted by Melbourne Water.
- 38. Hearing dates for the Panel are being confirmed, however, they may commence on 25th May and occur over two weeks. It is proposed that officers present the preliminary submission at the panel hearing.
- 39. The Panel will report to the Minister for Planning providing its recommendations regarding the draft YSP and the submissions. At this stage a Panel report is expected in early to mid-July. The Panel report will be made public.
- 40. Concurrent with the consideration of Part 2 of the draft YSP, Melbourne Water will be reviewing submissions and revising Part 1 of the draft YSP.

41. Melbourne Water's intention is to seek endorsement of the final draft YSP by RPE's (in particular local government) prior to the local government election caretaker period commencing in September 2020. Achieving this creates some tight timeframes that could easily change due to their dependency on the timing of the Panel process and the effort and time required to revise the draft YSP.
42. Recognising this, Melbourne Water is reviewing the program for revising the draft YSP and seeking endorsement. Officers have indicated to Melbourne Water that Council would expect to have the opportunity to review and consider the post-consultation revised draft YSP (both Parts 1 & 2) prior to endorsement. This would mean a revised draft YSP being available in late June/July.

Conclusion

43. The draft YSP is a significant step towards implementing the requirements of the Act and will achieve greater protection of the Yarra River parklands, and importantly, bring about a new way of thinking about the river as a 'single living entity'.
44. While submissions are supportive of the draft YSP they also point to the need for further improvements to the content for it to be more ambitious, with more specific details and clarity in the objectives and actions that will deliver the community vision over the next 10 years.
45. Further opportunity will be available for Council to consider a post-consultation version of the draft YSP with the aim of having a final version ready for endorsement by RPEs in mid to late August 2020.

RECOMMENDATION

1. That Council:
 - (a) note the report of officers in relation to the draft *Yarra Strategic Plan* being prepared by Melbourne Water as the nominated lead agency in accordance with the requirements of the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*;
 - (b) note the key points of the officers preliminary submission that have been lodged with Melbourne Water as outlined in paragraph 31 of this report;
 - (c) endorse these key points for presentation to the Panel considering submissions in relation to the draft *Yarra Strategic Plan*, and
 - (d) officers continue to represent the Council at the various meetings regarding the preparations of the draft *Yarra Strategic Plan*, and the panel hearings, and provide further updates to the Council.

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Attachments

- 1 Attachment 1- Overview Draft Yarra Strategic Plan