

Guidelines for regional waterway strategies

September 2024

Context

The *Water Act 1989* (s.190) requires 'an Authority' that has a waterway management district to prepare a 'regional waterway strategy' for the purposes of performing its functions under s.189(1) of the Act.

The *Water Act 1989* lists the nine catchment management authorities and Melbourne Water Corporation as authorities with a waterway management district. The term 'waterway managers' is applied collectively to these ten organisations in this document.

The new regional waterway strategies will replace the existing regional waterway strategies that were prepared by catchment management authorities in 2014, and Melbourne Water in 2018. The development of the new regional waterway strategies presents an opportunity to improve waterway management to address key issues, and align with new Victorian Government policy and strategy, including through:

- Supporting formal agreements between Traditional Owners and waterway managers to increase Traditional Owners' role in regional waterway management.
- Providing a stronger focus on climate change adaptation and mitigation.
- Robust identification of management priorities through up-to-date information and strong alignment with regional outcomes for waterways.
- Consideration of risks and issues resulting from population change and increased urbanisation, and the need for continued strong community connection to and stewardship of waterways.
- Consideration of opportunities for cultural, social, and recreational uses and values of waterways.
- Responding to changing strategic priorities through delivery of flexible implementation plans, work programs and other regional plans.

The regional waterway strategies will align with the new *Victorian Waterway Management Strategy* currently being developed by the Department of Energy, Environment and Climate Action (DEECA). The new *Victorian Waterway Management Strategy*¹ will provide the framework for the Victorian Government, in partnership with Traditional Owners, stakeholders and community, to sustain living waterways.

The health of Victoria's waterways has been challenged since colonisation, driven by the legacy issues of historic land and waterway use and more recently from the pressures of increased population growth, urban development and climate change. This has led to a significant decline in conditions that support environmental, cultural, social, and economic values.

The regional waterway strategies will plan for the uses and values of waterways, recognising the central role of environmental condition and functioning ecosystems in supporting all waterway values. The aim of regional waterway strategies will be to enable effective management of the condition of waterways at priority management areas to achieve outcomes in a dynamic and uncertain environment.

¹ The draft *Victorian Waterway Management Strategy* is due to be released for public consultation in February 2025. If this consultation highlights a critical addition in relation to regional waterway strategies, these Guidelines will be varied (or addendum issued).

Purpose of the regional waterway strategies

The purpose of the regional waterway strategies is to provide a single regional planning document to guide strategic investment in waterway management activities over a ten-year period. The regional waterway strategies aim to enable effective management of the condition of waterways in priority management areas and achieve regional outcomes in line with the *Victorian Waterway Management Strategy*, *Water is Life*, regional catchment strategies, sustainable water strategies, and other key regional and state plans, including Traditional Owner Country Plans.

The regional waterway strategies will be developed and implemented by waterway managers, in partnership with Traditional Owners, local communities, private landholders, relevant statewide and regional agencies and boards and other key stakeholders.

The scope of the regional waterway strategies includes planning for rivers, wetlands, and their floodplains, collectively known as 'waterways', including consideration of the whole of catchment and cross-regional context as appropriate. For coastal waterway managers, the regional waterway strategies will also include management of estuaries and some formally recognised marine and coastal aquatic ecosystems (e.g., Corner Inlet, Swan Bay).

For some activities (e.g. environmental and cultural watering and Ramsar site management), the regional waterway strategies will be supported by management plans that provide long-term direction on specific objectives and more detailed information on management actions and targets.

The development and implementation of the regional waterway strategies will deliver key elements of the statewide management approach for rivers, estuaries, wetlands, and their floodplains, as outlined in the *Victorian Waterway Management Strategy*.

Long-term and medium-term outcomes in the regional waterway strategies will be achieved through the delivery of regional waterway strategy implementation plans and other regional plans and strategies. Actions in the implementation plans may be delivered by the Victorian Government, Traditional Owners, community, industry, private landholders, and non-government organisations, subject to available funding.

Traditional Owner knowledge and priorities

Traditional Owner priorities in *Water is Life – Traditional Owner Access to Water Roadmap* include actions for increasing the resourcing for and role of Traditional Owners in the care and management of waterways and catchments. The regional waterway strategies are intended to play a significant role in progressing these actions.

Waterway managers must seek to collaborate with Traditional Owners² (both formally recognised³ and non-formally recognised) in their management area to develop the regional waterway strategies. Noting the level of partnership is to be self-determined by each group or the partnership may be declined. DEECA will provide funding for Traditional Owners to participate in a way that suits them.

It should be noted that waterway managers cannot partner with a Traditional Owner to develop regional waterway strategies for land or waters that are formally recognised as subject to Native Title, a Recognition and Settlement Agreement or Registered Aboriginal Party recognition, where that group is not the formally recognised organisation, without the consent of the formally recognised group.

In areas where there is no formally recognised group, waterway managers should seek to include and engage with all Traditional Owners with an interest in caring for Country.

The regional waterway strategies must acknowledge and respect Traditional Owners' obligations and rights to care for water and Country. They should seek to increase the role of traditional ecological knowledge, where Traditional Owner consent is provided, to inform waterway management activities on Country.

The regional waterway strategies can embed formal partnership arrangements that increase the capacity and resources available to Traditional Owners to make and implement decisions about waterway management on their

² Where Traditional Owners are Aboriginal people who have traditional connection to an identified geographical area of Country within Victoria.

³ Formal recognition refers to the legal process under which Traditional Owner groups are recognised as the right group to speak to about land and waters within a specific area. Traditional Owners may have formal recognition under the *Native Title Act 1993* (Cth), *Aboriginal Heritage Act 2006*, or the *Traditional Owner Settlement Act 2010*.

Country (*Water is Life* Outcome 2) or pave the way for these formal arrangements through a 'learning by doing' approach.

Traditional Owners have the right to partner in decisions and this may mean they embed their self-determined vision, outcomes, and priorities for managing waterways on their Country into the regional waterway strategies. Alternatively, Traditional Owners can develop a separate document to sit alongside the regional waterway strategies.

Traditional Owners also have the right to have their quotes or specific statements written about their Country relevant to the regional waterway strategy incorporated into the strategy. There will be a transparent mechanism to include Traditional Owner voices that do not reflect the policy of the Victorian Government.

Any material prepared by Traditional Owners will not be altered by the waterway manager or the Victorian Government, unless free, prior, and informed consent is provided by the Traditional Owners. Traditional Owners may request to submit material directly to DEECA to provide to the Minister for Water for noting as part of the approval process for the regional waterway strategies. This will increase the ways in which management of waterways is guided by Traditional Owner knowledge (whilst ensuring Traditional Owners always maintain sovereignty over their cultural data and information) and embed Traditional Owner priorities alongside those of the Victorian Government.

Community and science driven

The regional waterway strategies will embed local community knowledge, in addition to western scientific knowledge and traditional ecological knowledge, in the identification of regional outcomes and priorities. Waterway managers will engage with all types of knowledge holders throughout the regional waterway strategy development process. The regional waterway strategies will be developed using the best available knowledge at the time and waterway managers will endeavour to update and adapt regional waterway strategy implementation plans in response to new information as it emerges, subject to available funding.

The regional waterway strategies will embed community partnerships and involvement in waterway management, such as through citizen science, to support communities to connect with and care for living waterways.

Structure of the regional waterway strategies

The regional waterway strategies must include all elements described below. The regional waterway strategies will be delivered via implementation plans and/or other sub-regional management plans which identify specific activities to achieve the medium-term and long-term outcomes. This will enable flexible and adaptive management and the ability to respond to new information and changing conditions during strategy implementation.

The regional waterway strategies must be published in a web-based format. A website will be developed to host all regional waterway strategies (excluding Melbourne Water's Healthy Waterways Strategy) and provide a single platform for the community to access the strategies. To ensure accessibility for the whole community, the website will be configured for printing and sharing and enable use of other media such as video.

Scale of management

Long and medium-term outcomes for the regional waterway strategy will be set at appropriate scales (e.g., whole-of-Country, river reach, cross-regional). Planning will consider the connectivity between waterways and systems, and the impacts of surrounding land use activities as needed to achieve outcomes.

Management programs and plans should include catchment-based activities if they are the most relevant or effective way to reduce threats to waterway values.

Where there are common outcomes and threats across regional boundaries, waterway managers are encouraged to coordinate planning and delivery of management activities with other regions to maximise efficiency and enable achievement of outcomes at meaningful scales, including whole-of-Country where relevant.

Current and future flagship waterway projects will be embedded in the regional waterway strategies. There will be an opportunity to assess the currently identified flagship projects through the prioritisation process (see specific

requirements below for details), to ensure they remain priorities for the regional waterway strategies and revise accordingly if not⁴.

Specific requirements of the regional waterway strategies

The regional waterway strategies must:

- Provide an overview of the waterway management district that:
 - respectfully acknowledges and describes Aboriginal values of waterways, traditional ecological knowledge, and the relevant Traditional Owners' ongoing connection to Country
 - describes the environmental, cultural, social (including recreation) and economic values of waterways including the broader catchment context
 - outlines key threats
 - identifies future challenges and opportunities.
- Describe the functions, powers and responsibilities of the waterway manager and partner organisations in managing the region's waterways, including responsibilities of waterway managers to the relevant Traditional Owners under Recognition and Settlement Agreements and Native Title.
- Set the strategic context for the regional waterway strategy by outlining its relationship to other regional, Traditional Owner, state, and federal policies and agreements.
- Highlight progress and explain how knowledge gained during implementation and review of the previous regional waterway strategy has influenced the new strategy.
- Explain the method to develop the regional waterway strategy, including the partnership and engagement approach.
- Embed Traditional Owner knowledge and priorities into the regional waterway strategy where it is provided, as self-determined by the relevant Traditional Owners. This could be incorporated into the regional waterway strategy with free, prior, and informed consent, or submitted as a separate document prepared by Traditional Owners.
- Set out the vision (50 year), principles, long-term outcomes (>20 year), and medium-term outcomes (<10 year) for waterway management in the region that are aligned to the draft *Victorian Waterway Management Strategy* vision and outcomes and the regional context. Medium-term outcomes should be specific, measurable, achievable, relevant, and time-bound (SMART).
- Clearly demonstrate the program logic that links:
 - sub-strategy work programs, implementation plans and management plans to medium-term outcomes
 - medium-term outcomes to long-term outcomes
 - long-term outcomes to the vision.
- Include an approach to monitoring, evaluation, reporting, learning and adaptive management of the regional waterway strategy and associated sub strategy work programs, implementation plans and management plans.
- Through a prioritisation process, identify and spatially map priority areas for management over the next ten years. The prioritisation process will:
 - be driven by state and regional outcomes at appropriate scales (e.g., whole-of Country, river reach, cross-regional)
 - assess feasibility of management actions that are needed to achieve regional outcomes and address risks
 - include obligations for management of waterways with formal international, national, and state significance

⁴ Flagship waterways are large-scale projects which incorporate a monitoring approach aiming to show long-term term (>30 year) improvements in waterway and catchment health. The current flagship waterways sites are identified in *Water for Victoria* (2016).

- consider climate change impacts, appropriate adaptation strategies and action co-benefits for climate change mitigation
 - consider Traditional Owner knowledge and priorities
 - consider existing government commitments to Traditional Owners as described in *Water is Life*
 - consider community and other partner knowledge and views
 - consider the full range of waterway management tools and approaches to achieve regional outcomes (including planning, environmental water management, on-ground works, community partnerships and awareness raising)
 - guide State, Federal and philanthropic investment into projects and work programs for a range of partners and stakeholders.⁵
- Identify key knowledge gaps and priority investigations to address these gaps, including how any new information will be used.
 - Describe how the regional waterway strategy will be implemented, including the roles and responsibilities of all delivery partners.
 - Be written for a wide audience that includes partners, agencies, local natural resource management or conservation groups, and the broader community of the region.
 - Undergo a public consultation period for a minimum of 35-days.

Additional requirements

In addition to the above requirements, regional waterway strategies must:

- In Northern Victoria, complement and inform Victoria's contribution to the *Murray-Darling Basin Plan*, and contribute to meeting Victoria's obligations under the Basin Plan, as required.
- Be subject to an interim review after five years which will be used to assess progress towards medium-term outcomes and may lead waterway managers to change or update outcomes, priorities, and management approaches as required (for example, where major fire or floods have occurred).
- Be subject to a final review at the completion of the implementation period. Reviews should be undertaken in collaboration with Traditional Owners and other partners.

Approval of the regional waterway strategies

The regional waterway strategies are a statutory requirement under the *Water Act 1989* and must be approved by the environment Minister and the Minister administering the Act. The Minister for Water will approve the regional waterway strategies in both these capacities, in accordance with section 190 of the Act. The Minister for Environment will be provided with copies of the approved regional waterway strategies for noting.

To ensure adequate engagement with the community, it is a requirement for the regional waterway strategies to undergo a public consultation period for a minimum of 35 days. After this, waterway managers will revise the draft regional waterway strategy, considering comments received from stakeholders and the wider community.

A final draft of the regional waterway strategy must be submitted to DEECA for review and to determine whether to recommend it to the Minister for Water for approval.

A summary of the consultative process, the issues raised, and how the draft strategy was amended in response to these must be submitted to DEECA with the final draft of each regional waterway strategy. Traditional Owners also have the right to submit their assessment of the partnership to develop the regional waterway strategy directly to DEECA for consideration.

If Traditional Owners choose to prepare a separate document detailing their waterway management priorities, they have the right to submit this to the Minister for Water.

For material written by Traditional Owners in the regional waterway strategies, the intent is that this is published without alteration unless free, prior, and informed consent is provided by that group. The regional waterway

⁵ Allocation of Victorian Government funding is subject to standard budgetary processes and available funding.

strategies will be clear that these are not Victorian Government commitments. Recognising Traditional Owner priorities is an essential step for increasing wider knowledge and awareness of Traditional Owner objectives in their voice, and for Traditional Owners to inform the delivery of waterway management activities on their Country.

The regional waterway strategy implementation plan will not require approval by the Minister for Water. This is to enable adaptive delivery of management activities to achieve the medium-term outcomes of the regional waterway strategy.

Timelines

All final regional waterway strategies must be submitted to the Minister for Water for approval between 1 July 2026 and 30 June 2027, except for the Port Phillip and Westernport region, which must be submitted by 30 June 2028.

Further guidance for the development of the regional waterway strategies

To assist waterway managers and partners in the development of the regional waterway strategies, throughout 2024 DEECA will develop a series of guidance notes where there is a clear need. The guidance notes will provide advice and suggestions for developing components of the regional waterway strategies.

It will not be mandatory for regional waterway strategies to follow the guidance notes, however, there will be efficiencies and benefits for waterway managers and partners in adopting a relatively consistent approach across Victoria.

Variations to the regional waterway strategies

The regional waterway strategies may be varied any time after they have been approved. Waterway managers will comply with the mandatory consultation requirements and submit the proposed variation for approval to the Minister for Water. Traditional Owners do not require approval by the Minister for Water to vary their self-determined content in the regional waterway strategies. Please note revisions are subject to available funding.

In some circumstances, the regional waterway strategy may undergo minor variations throughout the management period without undergoing the 35-day public consultation period and approval by the Minister for Water. Such changes are considered administrative in nature, for example, updating the strategy context, background or roles and responsibilities, or adapting medium-term outcomes in response to new information, policy, or changed circumstances following major events such as flooding or bushfire. This will ensure the regional waterway strategy is adaptive and provides the community with accurate and up to date information.

Waterway managers must seek advice from DEECA to confirm whether a change is administrative or not and receive approval prior to publishing any changes to the regional waterway strategy. Variations which represent a significant shift from the approved strategy or a change in long-term outcomes sought, will require public consultation and approval by the Minister for Water.