

Appendix A: Existing
Planning Policy & Controls

General Planning Policy & Controls for the Yarra River Corridor

Planning Scheme policy and controls apply to the entire Yarra River corridor at the State level.

In addition, the Planning Schemes of each municipality adjoining the river manages development at the local level.

Melbourne Water, Parks Victoria and the Department of Environment Land Water and Planning are responsible for management of open spaces alongside the river and issues of water quality.

Overview

The planning schemes for each municipality along the Yarra River include policy and controls for the river and its environs. Key policy and controls that apply are:

- State Planning Policy at Clause 11.04-8 River Corridors
- Policies regarding the river in the Municipal Strategic Statement or Local policies of each planning scheme
- A range of urban, rural and public zones that relate to uses or development along the river
- A range of overlay controls that relate to specific management issues for landscape, environment, flooding and built form, and providing for public acquisition.

The policy and controls that apply to land in the Yarra corridor generally are detailed here. An overview of how they apply to the three municipalities within the Lower Yarra Study area then follows.

State Planning Policy Framework

In 2012, Amendment VC96 introduced a specific State policy on River Corridors to the State Planning Policy Framework (SPPF), at Clause 11.04-8. This clause aimed to 'protect and enhance the significant river corridors of Metropolitan Melbourne'.

On 21 December 2015, Amendment VC121 was gazetted giving effect to a strengthened River Corridors policy and a new 'Yarra River Protection' sub-policy within the State Planning Policy Framework. The new 'Yarra River Protection' policy provides a strengthened basis and rationale for the protection of the whole of the Yarra River corridor to inform decision making.

The new 'Yarra River Protection' policy provides a strengthened basis and rationale for the protection of the whole of the Yarra River corridor to inform decision making. The new policy clearly states the river's significance and importance through a 'statement of significance' objective and the body of the policy structured around four key strategic policy principles and strategies to achieve the objective.

The new 'River corridor' policy has been relocated from its previous location at Clause 11 (Settlements) to Clause 12 (Environment and landscape values) supporting a refocusing of the State's planning policy away from development within an urban setting, to one focused on protecting and enhancing its environmental and landscape setting. The new Yarra River protection policy is found at Clause 12.05 of the SPPF. The following is an extract:

Yarra River protection

Objective

Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

Strategies

Strengthen the river's natural environment, heritage and overall health by:

- *Protecting the river's riparian vegetation, natural riverbank topography and flood management capacity.*
- *Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.*
- *Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.*

Maintain a sense of place and landscape identity by:

- *Retaining a dominant and consistent tree canopy along the river corridor and within its broader landscape setting.*
- *Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.*

Retain and enhance people's enjoyment of the river and its environment by:

- *Planning for the river and its environs as a recreation and tourism resource.*
- *Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.*
- *Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year round.*

Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:

- *Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.*
- *Ensuring that the siting and design of buildings avoid contrast with the local natural landscape and environmental character.*
- *Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres, or greater, from the banks of the river.*

This amendment strengthened policy at the State level for the Yarra River, adding to policy at Clause 11.04-7 which identifies the river as a significant asset and Clause 11.03-1 which encourages public accessibility along waterways.

Another key policy in the SPPF that affects built form along the Yarra River is Clause 14.02-1 Catchment planning and management which specifies:

- *Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface run-off from adjacent land uses.*

Local Planning Policy Framework

The Yarra River generally is identified as a key feature for municipalities in their the Municipal Strategic Statements (MSS), as an important environmental and recreational asset with landscape significance. An example of this is the City of Yarra's Clause 21.07-2 Yarra River, Merri Creek & Darebin Creek.

Zones

A wide range of urban, suburban and public uses zones apply along the Yarra River corridor which set out controls regarding the use or development of land. The zones that apply to the Lower Yarra study area are described in broad terms below. This should be read in conjunction with the zones map provided in *Appendix B: Planning Scheme Maps*. More detail regarding each zone can be found within the review of the individual municipalities policy and controls, provided within this Appendix.

Public Park & Recreation Zone & Public Conservation & Resource Zone

The Public Park and Recreation Zone (PPRZ) and Public Conservation and Resource Zone (PCRZ) relate to public land, and have been applied to large sections of the Yarra River corridor. The PPRZ recognises areas of public recreation and open space and protects areas of significance. The PCRZ focuses on the protection and conservation of the environment.

Land within the PPRZ is generally managed by Council, Parks Victoria, or a committee of management on behalf of the Crown. Land within the PCRZ is generally managed by Parks Victoria.

General Planning Policy & Controls for the Yarra River Corridor cont...

While many uses are allowed within these zones as of right, activities and development is usually limited by the statutory obligations of public land managers, the requirements of other relevant Acts and the zone controls. Important environmental assets, as well as recreational assets on the land, are also protected and enhanced for these reasons.

Residential Zones

In July 2014 new format residential zones replaced all Residential 1, 2 and 3 Zones in Victoria.

The new zones essentially seek to encourage varying levels of housing density and dwelling types across residential areas. They allow for schedules to be introduced that tailor development outcomes for different areas. Schedules can specify outcomes such as building height, setbacks, landscaping and site coverage.

The new residential zones are:

- Residential Growth Zone, which provides for housing growth by a mix of housing types that includes medium to higher density housing. This zone has a discretionary height limit of 13.5 metres, unless otherwise specified in a schedule.
- General Residential Zone, which will allow modest housing growth and housing diversity that respects the character of the neighbourhood. The discretionary 9 metre height limit of ResCode applies (or 10 metres on a sloping site) unless otherwise specified in a schedule.
- Neighbourhood Residential Zone, which restricts housing growth in areas identified for urban preservation. This zone has a 8 metres mandatory height limit (9 metres on a sloping site) and a maximum of two dwellings per lot, except where otherwise specified in the zone schedule.
- Mixed Use Zone, which provides for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. This zone provides for housing at higher densities.

The introduction and application of the new residential zones provides a timely opportunity for each council to consider which areas of the municipality have the greatest capacity to accommodate housing growth and change and to identify those locations with particular neighbourhood character, heritage and environmental values or poor amenity where future growth should be limited.

Much of the residential hinterland within the eastern section of the study area is located within the General Residential and Neighbourhood Residential Zones. There are small pockets of land identified for a greater residential density within the Residential Growth Zone and the Mixed Use Zone.

All residential zones trigger a permit to construct more than one dwelling built on a lot. The zones refer to ResCode (Clauses 54 and 55) which provides specific benchmarks for heights, setbacks and site coverage. The setbacks requirements of ResCode relate to neighbourhood character and restrict the extent of walls on boundaries for amenity purposes; it is not possible to consider river frontage setbacks under ResCode.

Commercial 1 & 2 Zones

The Commercial Zones are applied within the Motorway and Current & Ex-Industrial Character Types. They can provide for a wide range of commercial and mixed use development, including residential apartments, or offices, manufacturing, bulky goods retailing and other complementary uses. Many land uses do not require a planning permit.

Industrial 1 & 3 Zones

The Industrial Zone provide for a range of industrial and commercial uses. The Industrial 1 Zone allows for unlimited office floorspace, small supermarkets and associated retail shops. The Industrial 3 Zone provides for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter industry conflict and to allow limited retailing in appropriate locations.

Special Use Zone

The Special Use Zone (SUZ) applies to specific sites adjoining the river corridor. The purpose of the Special Use Zone (SUZ) is to recognise or provide for the use and development of land for specific purposes. Examples uses include private education centres, golf courses, sports grounds and utility and service installations.

Urban Floodway Zone

The Urban Floodway Zone (UFZ) is applied to small, discreet areas of the river corridor to allow for the free passage and storage of water. It is a highly restrictive control and prevents subdivision except where it will not result in an increase in the number or the creation of new lots entirely within the zone.

Overlays

Overlay controls located along the Yarra River typically implement a specific policy direction. They provide a permit trigger for particular uses or development, and may specify built form outcomes. Looking at the broader river corridor, including urban areas, the overlay controls in operation are described below. This should be read in conjunction with the various overlay maps provided in *Appendix A: Planning Scheme Maps*. More detail regarding each overlay can be found within the review of the individual municipalities policy and controls, provided within this chapter.

Design & Development Overlay

The purpose of the Design & Development Overlay (DDO) is to identify areas which are affected by specific requirements relating to the design and built form of new development. This has been applied along sections of the Yarra River to manage built form that interfaces with the river.

Significant Landscape Overlay

The Significant Landscape Overlay identifies, conserves and enhances the character of significant landscapes. It has been applied along some sections of the Yarra River to protect the corridor's landscape.

Environmental Significance Overlay

The Environmental Significance Overlay (ESO) aims to identify areas where development of land may be affected by environmental constraints and where identified environmental values need to be protected. The ESO is commonly applied along the Yarra River to areas of particular environmental significance.

Vegetation Protection Overlay

The Vegetation Protection Overlay (VPO) aims to protect vegetation, particularly native and significant vegetation. The VPO has been applied in some areas along the Yarra River to protect vegetation.

Heritage Overlay

The Heritage Overlay (HO) aims to conserve and enhance heritage places of natural or cultural significance. The overlay protects sites, built form and vegetation of heritage significance. This generally applies to specific properties along

the river, affecting buildings sited along the river, bridges or gardens and structures in open space. It may also be applied to sites of Aboriginal cultural heritage.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to land located within the 1 to 100 year flood storage or flood fringe areas. The purpose of this overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions, and will not cause any significant rise in flood level or flow velocity.

Public Land Management

The extensive areas of public land and Crown land within the study area are subject to individual public land management plans. These are administered by the relevant authority, which may include Melbourne Water, Parks Victoria or DELWP.

In most instances, for development on public land which is consistent with the relevant management plan and the zone provisions, a permit is not required. Generally overlay controls are not applied to public land.

Given the sensitive nature of the public land of the river corridor, the issue of whether additional planning scheme controls apply to public land is an important consideration.

City of Boorondara: Key Studies & Reports

Lower & Middle Yarra Concept Plans

The Melbourne & Metropolitan Board of Works commissioned several concept plans in the 1980s and 1990s for the Yarra River corridor, for various sections between Punt Road, Richmond to Watsons Creek in Warrandyte. They are the:

- Lower Yarra Concept Plan, Punt Road to Dights Falls (1986)
- Middle Yarra River Concept Plan, Dights Falls to Burke Road (1990)
- Middle Yarra Concept Plan - Burke Road to Watsons Creek (1993)

These studies recommended a range of implementation measures including public land management and planning scheme controls. They formed the basis for numerous planning controls along the river corridor which are in operation today, through the creation of Streamside Environment Areas, Floodway Management Areas, Yarra Valley Backdrop Areas and Yarra Viewshed Areas.

Within Boroondara, they were the basis for the application of the Significant Landscape Overlay Schedule 2: Yarra Valley Significant Landscape Area.

Review of Policies & Controls for the Yarra River Corridor: Punt Road to Burke Road (2005)

The State Government Department of Sustainability and Environment (DSE) commissioned Planisphere to review the policies and controls for development within the lower Yarra River in 2005.

The study applied the principles of landscape protection to the lower Yarra River by assessing the river's values, distinguishing river interface character types and identifying planning objectives that are relevant to this section of the river.

Recommendations to protect and enhance the valued qualities of the corridor were made. This included non-statutory recommendations such as public land management and improved access, as well as a range of overlay controls in specific locations, including the Design and Development Overlay, Environmental Significance Overlay and the Significant Landscape Overlay.

Specifically, the study identified one distinct river interface character type within the Boroondara section of the Yarra River - Leafy Suburban, as well as the extensive parklands along the river's edge.

Amendment VC96 (ESO1 & DDO31)

Amendment VC96 introduced interim mandatory height limits and vegetation controls along the Boroondara River frontage through the introduction of an Environmental Significance Overlay and a Design and Development Overlay. In addition, the amendment also introduced a new State Planning Policy (Clause 11.04-8) to 'protect and enhance the significant river corridors of Metropolitan Melbourne'.

The Amendment was based on the *'Review of Policy and Controls for the Yarra River Corridor: Punt Road to Burke Road'* report by DSE (2005), and reflected the additional work undertaken by DPCD in 2010.

The Amendment was introduced in response to a VCAT hearing regarding a proposal for three dwellings fronting the Yarra River at the rear of the site at 12 Coppin Grove, Hawthorn. This application raised the issue of the lack of clear controls within the Planning Scheme to manage building siting and design and vegetation protection along the river corridor.

Amendment VC96 represents a significant step towards stronger planning policy and controls for the Yarra River corridor, and has since formed the basis for the implementation of built form management and vegetation protection controls along the river.

Specifically, VC96 introduced:

- Schedule 1 to the Environmental Significance Overlay which seeks to protect vegetation along the Yarra River corridor and provides guidelines for development.
- Schedule 31 to the Design and Development Overlay which seeks to protect and enhance the environmental values and landscape character of the Yarra River corridor through the application of mandatory height controls (9 metre height permit trigger and a mandatory height control of 9 metres in most instances, or up to 12 metres where Melbourne Water requires additional elevation for floodway management purposes).

The policy and controls were made permanent through Amendment C210 in 2015.

Boorondara Planning Scheme: Policy & Controls

Municipal Strategic Statement

Boroondara City Council recognises in the MSS the significance of the Yarra River as a riverine environment and acknowledges Council's role as a custodian of a portion of the river and its environs.

The MSS recognises the influence of built form on the natural environment and includes objectives to protect and enhance the value of the Yarra River and its adjoining parkland. Particularly, its vision is to contribute to the aesthetic and environmental attributes of the Yarra River Corridor.

The MSS at 21.05 'Heritage, Landscapes and Urban Character' notes the dramatic landscape of the Yarra River as contributing a strong and distinctive sense of place for Boroondara. Further to this the MSS recognises the need to manage development on privately owned land to protect views from the River as well as protecting views towards the river. Clause 21.06 'Environment', identifies the role of the Yarra River as a habitat corridor in the municipality with a high environmental value.

The MSS lists a number of reference documents. Of particular relevance are:

- Lower Yarra Concept Plan, Punt Road to Dights Falls (1986)
- Middle Yarra River Concept Plan, Dights Falls to Burke Road (1990)
- The Middle Yarra Concept Plan - Burke Road to Watsons Creek (1993)
- Lower Yarra River, Landscape Guidelines (1988)
- Lower Yarra River, Urban Design Guidelines (1992)

Local Planning Policy

The Neighbourhood Character Policy at Clause 22.07 aims to encourage new development that is consistent with the scale of existing buildings, protects and extends vegetation and canopy trees, and maximises views without detriment to the views from neighbouring properties.

The Cultural Heritage Conservation Policy at Clause 22.05 relates to many sites within the Yarra River Corridor. Clause 22.05 outlines the policy basis and objectives for cultural heritage sites controlled by a Heritage Overlay. It sets out detailed policies and objectives which aim to conserve heritage places and control new and existing development in areas of heritage and cultural significance.

Zones

Zones that apply to the study area within Boroondara City Council are described below. A zoning map is provided in *Appendix B: Planning Scheme Maps*.

Public Parks & Recreation Zone (PPRZ)

This zone covers large areas of public land along or near the Yarra River, including the Dickinson Reserve and FA Andrews Reserve in Kew, Yarra Bank Reserve and Fairview Park in Hawthorn. The PPRZ provides an almost continual buffer of highly vegetated parkland along the river (at varying widths). There are no specific siting or design requirements in this zone.

Urban Floodway Zone (UFZ)

The UFZ applies to various areas abutting the Yarra River corridor, including sites within the River Retreat, Young Street, Harrison Crescent, and Fairview Street areas. Use and development of land is limited in this zone and comprehensive review of how it might be affected by flooding is required.

Special Use Zone (SUZ)

The SUZ is applied to Scotch College in Hawthorn, which has a significant interface with the river. The schedule to the zone (SUZ1) identifies the land as a private education centre, with the purpose of ensuring orderly and proper use and development that does not detract from the amenity of the surrounding neighbourhood. There are no specific siting or design requirements in this zone.

Neighbourhood Residential Zone (NRZ)

The NRZ is applied to areas immediately adjoining the riverside parklands in the Fairview Street, Riversdale Court, Coppin Grove C, Harrison Crescent, Barkers Road B, Barkers Road C and Young Street areas. A maximum of two dwellings per lot may be constructed and a mandatory height limit of 8m (9m on a sloping site) applies. The schedule to the NRZ implements a permit requirement for dwellings on a lot less than 500m².

General Residential Zone (GRZ)

The GRZ applies through the suburbs of Kew and Hawthorn including areas immediately adjoining the river or riverside parklands. These areas are mostly included within schedule 3 to the GRZ, implementing a permit requirement for dwellings on a lot less than 500m². Building height requirements of ResCode apply (discretionary 10.5m height limit or 11.5m on a sloping site).

Several small areas are included in schedule 1 to the GRZ: which triggers a permit for a single dwelling on a lot small than 500m², and applies a discretionary 9m height limit or 10m on a sloping site.

Residential Growth Zone (RGZ)

The RGZ1 is applied to residential areas along Riversdale Road and Power Street in Hawthorn. The discretionary height limit of 13.5m applies.

Mixed Use Zone (MUZ)

The MUZ is applied to the former Hawthorn Tram Depot site in Wallen Road, Hawthorn, which allows for housing at higher densities, and a variety of commercial, industrial and residential land uses. A discretionary height limit of 9m applies and a permit is required for dwellings on a lot greater than 300m².

Special Use Zone (SUZ)

The SUZ Schedule 2 applies to the Scotch College campus, for the purpose of a private education centre.

Boornodara Planning Scheme: Policy & Controls cont...

Overlays

Overlay controls that apply to the study area are described below and shown on the map on the following page.

Design & Development Overlay

The purpose of the Design & Development Overlay (DDO) is to identify areas which are affected by specific requirements relating to the design and built form of new development. This has been applied along sections of the Yarra River to manage built form that interfaces with the river.

Schedule 31 (DDO31) Yarra River Corridor Protection

Schedule 31 to the DDO applies to land adjoining the Yarra River between Bulleen Road, East Kew and Gardiner's Creek. The overlay is applied along the Yarra River frontage and adjoining properties, including areas of parkland, reserves and private property. The schedule specifically aims to protect and enhance the environmental values and landscape character of the Yarra River corridor. The schedule sets a mandatory height limit of 9 metres (10 metres on a sloping site, or 12 metres to meet Melbourne Water requirements in floodprone areas).

Schedule 6 (DDO6) Hawthorn Tram Depot Design and Development Area

Schedule 6 to the DDO seeks to enhance and recognise the heritage significance of the Tram Depot building and the significance of the adjacent open space area of the Yarra River environs. The overlay sets guidelines relating to building form, colour and detailed design for buildings and works including a recommended building height of 33.3 metres.

Heritage Overlay

The Heritage Overlay (HO) aims to conserve and enhance heritage places of natural or cultural significance. The overlay protects sites, built form and vegetation of heritage significance.

The overlay is applied to various properties that have individual heritage significance as well as entire precincts that more collectively contribute to heritage significance, including: the Yarra Boulevard Precinct; Walmer Street Precinct; West Hawthorn Precinct and the Fairview Park Precinct. In addition to this many prominent buildings along the Yarra River corridor are covered by the Heritage Overlay including the Studley Park Boathouse and the Raheen Estate.

Significant Landscape Overlay

The Significant Landscape Overlay identifies, conserves and enhances the character of significant landscapes.

Schedule 2 (SLO2) Yarra Valley Significant Landscape Area

Schedule 2 has been applied to the surrounds of the Yarra River along the Eastern freeway between the Yarra Boulevard and Bullen Road, Kew. It includes the area of landscape significance 'which extends from the river to the higher ridgelines'.

The statement of nature and key elements of landscape notes:

The special visual character of the area arises from its varied landforms, meandering river, wetlands and vegetation and the way buildings fit harmoniously into the landscape. Despite the variety of land uses within the area the dominance of the natural environment over urban land uses creates a strong consistent character throughout the valley.

Design objectives of SLO2 relate to protecting areas along the Yarra from visual intrusion and protecting and enhancing the skyline vista when viewed from the river, its banks, nearby parklands, bicycle trails, the Yarra Boulevard and scenic viewpoints. A permit is required for most buildings and works and to remove, destroy or lop a tree or vegetation.

Decision guidelines require consideration of buildings and works in relation to the sensitive riverine environment, and potential impact upon views of the area from the river, its banks, trails and parkland. They include consideration of:

- retaining or planting vegetation to screen views of buildings and structures from the river and viewing locations
- controlling the height of all buildings and structures
- ensuring building form, colour and detailed design is sensitive to the surrounding environment
- limiting built areas or impervious surfaces on the site.

Environmental Significance Overlay

The Environmental Significance Overlay identifies areas where the development of land may be affected by environmental constraints.

Schedule 1 (ESO1) Yarra River Corridor Protection

Schedule 1 has been applied along the Yarra River frontage and adjoining properties, including areas of parkland, reserves

and private property, between Bourke Road and Gardiner's Creek.

The statement of environmental significance notes:

This section of the Yarra River corridor is one of Melbourne's best known and loved locations. The corridor's bushland characteristics and natural landscape character especially in Yarra Bend and Fairfield Park, are unique in an inner city location. The Yarra River corridor, parks and trails are accessed by a large number of residents from the surrounding suburbs and visitors alike.

Design objectives of ESO1 relate to protecting areas along the Yarra River from the loss of vegetation, maintaining linear parkland, protecting 'the landscape qualities of the Yarra River corridor as a vegetation dominated corridor' and to 'protect and enhance the skyline vista when viewed from the Yarra River' and other viewpoints. A permit is required for most buildings and works and to remove, destroy or lop a tree or vegetation.

Decision guidelines require consideration of buildings and works in relation to the sensitive riverine environment, and potential impact upon views of the area from the river, its banks, trails and parkland. They include consideration of:

- effects of vegetation removal on the landscape character and habitat value of the Yarra River corridor.
- ensuring building form, height, colour and detailed design is sensitive to the surrounding environment
- promoting the environmental values of the Yarra River corridor and the visual values of the Yarra River Corridor through the design of buildings.

There is also a requirement to consider the design and siting of jetties, boat ramps and mooring facilities within the landscape context.

Vegetation Protection Overlay

The Vegetation Protection Overlay recognises, protects and preserves areas of vegetation that are of special significance, natural beauty, interests and importance.

Schedule 1 (VPO1) Willsmere Vegetation Protection Area

Schedule 1 has been applied to the large existing trees surrounding the Willsmere Historic Building which contribute to the setting and views of the area.

Design objectives of VPO1 relate to recognising the special landscape significance of the area and the Yarra Bend Park,

conservation of historical, visual, landscape or botanical significance and minimising the destruction of or damage to trees in the area. A permit is required to remove, destroy or lop a tree or vegetation shown as being significant on associated maps.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to land located within the 1 to 100 year flood storage or flood fringe areas. The purpose of this overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions, and will not cause any significant rise in flood level or flow velocity.

The LSIO is applied to low-lying land adjoining the river throughout the municipality, to varying distances from the river's edge.

Stonnington City Council: Key Studies & Reports

Lower Yarra River Studies

The City of Stonnington has been considered in several of studies of the Lower Yarra River which were undertaken between 1988 and 2001. These studies focussed on a variety of issues including the protection of recreation, landscape and environmental values. Recommended implementation measures included public land management and planning scheme controls.

The Lower Yarra studies are:

- Lower Yarra River Concept Plan (Punt Road to Dights Falls), MMBW 1986
- Lower Yarra River Landscape Guidelines (Punt Road to Dights Falls), MMBW 1988
- Lower Yarra River Urban Design Guidelines, 1992
- Lower Yarra River Future Directions Plan, Parks Victoria 2001.

Review of Policies & Controls for the Yarra River Corridor: Punt Road to Burke Road (2005)

The State Government Department of Sustainability and Environment (DSE) commissioned Planisphere to review the policies and controls for the section of the Yarra River between Punt Road and Burke Road in 2005.

This study ('the 2005 Review') applied the principles of landscape protection to the Yarra River corridor by assessing the river's values, distinguishing broad river interface character types and identifying planning objectives that are relevant to this section of the river.

Recommendations to protect and enhance the valued qualities of the corridor were made. This included non-statutory recommendations such as public land management and improved access, as well as a range of overlay controls in specific locations, including the Design and Development Overlay, Environmental Significance Overlay and the Significant Landscape Overlay.

Specifically, the study identified two distinct river interface character types within the Stonnington section of the Yarra River - Urban Residential and Leafy Suburban, as well as the extensive parklands along the river's edge.

DDO3 Review (2012 & 2014 update)

Schedule 3 to the Design and Development Overlay (DDO3) was introduced to the Stonnington Planning Scheme to implement the 1986 *Lower Yarra River Concept Plan (Punt Road to Dights Falls)*. It applies to the Yarra River between Punt Road and Grange Road.

The 2005 Review recommended that further strategic landscape and built form character assessment for this part of the Yarra River be undertaken with a view to revising DDO3 to introduce stronger built form guidelines, including building height controls, into the Stonnington Planning Scheme. In particular, the report recommended further exploration of the impact of development on hill faces, skylines and ridgelines.

Planisphere was commissioned in 2012 to undertake this review of DDO3 and to assess the strategic justification for revised built form controls. The study analysed the river's landscape character in detail and identified five typologies within the broader 'urban residential' typology identified in the 2005 Review (shown on map, top right).

The study recommended height controls for each typology within the DDO3 area, and that these be introduced to the Planning Scheme as discretionary controls for public use land or public open space, and mandatory height controls for all other sites. It also recommended that the boundary of the overlay be expanded in several locations to encompass areas of elevated land. The study was reviewed in 2014 in order to align its recommendations with the introduction of the new format residential zones.

Of particular relevance to the preparation of the Lower Yarra River Study are the recommendations for Typology 1: Riverfront Apartments and Typology 4: River Ridgeline which are included in the revised DDO3.

Planning Scheme Amendments

Amendment C155

Amendment C155 proposed to implement the recommendations of the DDO3 Review. It was exhibited in 2012 and submissions were referred to a Planning Panel.

The Panel was generally supportive of the proposed changes to DDO3 and the strategic assessment undertaken in the DDO3 Review. The Panel supported the introduction of mandatory height controls through most of the study area, with the exception of the 12m and 9m height limit areas proposed between River Street and Como Park which it recommended be applied as discretionary controls.

The Panel considered that these areas have significant variations in topography, viewpoints and existing building scale that make it impossible to define an appropriate mandatory maximum height limit. Additionally, the Panel agreed that a number of existing high scale buildings in this area which exceed the proposed height limits are of a high quality and fitting to the varied context, therefore justifying the approach of a site by site assessment of appropriate building height.

Several changes to the objectives and decision guidelines of the proposed DDO were also recommended, particularly in relation to the assessment of proposals under discretionary height limits.

Amendment C187

Amendment C187 introduced the suite of new format residential zones to the Stonnington Planning Scheme. The new zones applied mandatory height controls to residentially zoned land across all of the study area through the zone schedules. The mandatory heights reflect the recommendations of the DDO3 Review, with the exception of a minor boundary re-alignment between DDO3-1 and DDO3-4, relating to the site at 61 Kensington Road, South Yarra.

Stonnington Yarra River Biodiversity Linkages Project

In 2010, Council commenced one of the biggest regeneration projects in Yarra River's recent history. In order to achieve the City of Stonnington's commitment to enhancing and improving biodiversity and habitat values, Council developed and approved the Yarra River Biodiversity Linkages Project, Master Plan in April 2010.

The Master Plan is broken into six project stages along a 3km stretch of the Yarra River that falls within the City of Stonnington from Grange Road to Punt Road. It aims to increase habitat connectivity, improve water quality and provide recreational and educational opportunities for the community to interact with Melbourne's landmark river. The works have included:

- Indigenous riparian revegetation (planting of over 110,000 plants).
- Construction of an ephemeral wetland system, bioretention garden and installation of a gross pollutant trap for stormwater treatment.
- Construction of a 3m wide pedestrian boardwalk made from recycled plastic.
- Construction of two river viewing platforms.

- Widening and upgrade of bicycle path and installation solar bike path markers.
- Increased recreational spaces for improved interaction with the Yarra River.

Stonnington Planning Scheme: Policy & Controls

Municipal Strategic Statement

Stonnington City Council recognises in the Municipal Strategic Statement (MSS) the importance of the Yarra River as an important environmental resource which makes a significant contribution to the identity of Stonnington.

The Strategic Vision at Clause 21.03-2 recognises the Yarra River frontage, escarpment and skyline as one of the City's key landmarks, views and vistas and that it is to be protected from intrusive development.

Clause 21.06-1 'Overall Urban Structure' at 'Built Environment and Heritage', identifies the variety and distinctiveness of built form and its responsive relationship to the local topography as key features in the municipalities overall character and structure. Objective 1 aims to protect and reinforce the character of the Yarra River by managing the height and design of future development to enhance landmarks, views and visas, and requiring enhanced landscaping as part of new development. These goals will be achieved through the implementation of the appropriate zones and overlays.

Clause 21.07 -3 at 'Open Space and Environment', identifies the contribution of significant trees and landscape to the quality of Stonnington's open space and natural environment. Objective 2 aims to protect significant trees and the landscape and environmental values of the Yarra River edge and escarpment through the protection of significant trees, minimising the visual intrusion of buildings besides waterways and the appropriate management of vegetation removal. These goals will be achieved through the implementation of the appropriate zones and overlays

The MSS lists a number of reference documents, including Review of Policies and Controls for the Yarra River Corridor, Punt Road to Burke Road, Consultant Report, June 2005.

Local Planning Policy

Neighbourhood Character

The Neighbourhood Character Policy at Clause 22.23 aims to encourage development that contributes to the preferred neighbourhood character of residential areas in the municipality. The policy includes specific direction for residential areas adjoining the Yarra River corridor and its floodplains.

The policy sets guidelines to minimise the visual impact of development on the Yarra River and its environs, design buildings to reflect the undulating topography in their form, scale and layout and minimise the need for cut and fill, and minimise site coverage and hard surfaces on sites adjoining sensitive river environs. Two neighbourhood character precincts adjoin the Yarra River:

Garden River Precinct, between Punt and Orrong Roads. The preferred future character for this precinct includes:

'Buildings that contribute to the Yarra River and its landscaped setting, with innovative architectural styles set among Victorian, Edwardian and Interwar dwellings and well-planted, spacious gardens. New buildings of varying styles and scales are designed to complement and respect the river environs. Consistent front and side setbacks allow for substantial planting that contributes to the tree canopy, and softens the appearance of built form. Where adjoining or visible from the Yarra, buildings address both the street and the River.'

Garden Estate Precinct, between Orrong Road and the eastern study area boundary. The preferred future character for this precinct includes:

'Large, high quality buildings set within spacious, landscaped gardens. Generous front and side setbacks allow space for substantial planting and canopy trees, which reinforces the leafy character of the precinct and contributes to the Yarra River landscape setting. New buildings or additions offer innovative and contemporary design responses while complementing the key aspects of building form and scale of the precinct. Where adjoining the Yarra, buildings address both the street and the River.'

Heritage

The Heritage Policy at Clause 22.04 relates to many sites within the Yarra River Corridor. Clause 22.04 outlines the policy basis and objectives for heritage sites (including settings) controlled by a Heritage Overlay. It sets out detailed

policies and objectives which aim to conserve heritage places and control new and existing development in areas of architectural, heritage and cultural significance.

Zones

Zones that apply to the study area within the City of Stonnington are described below. A zoning map is provided in *Appendix B: Planning Scheme Maps*.

Public Parks & Recreation Zone (PPRZ)

The Public Park and Recreation Zone (PPRZ) applies to the linear parkland north of Alexandra Avenue and the river itself, as well as public open spaces such as Como Park and the Darling Gardens. The purpose of this zone is to 'recognise areas for public recreation and open space, to protect and conserve areas of significance where appropriate, and to provide for commercial uses where appropriate'.

Land within the PPRZ is generally managed by Council, Parks Victoria, or a committee of management on behalf of the Crown. While many uses are allowed within these zones as of right, activities and development is usually limited by the statutory obligations of public land managers, the requirements of other relevant Acts and the zone controls. Important environmental assets, as well as recreational assets on the land, are also protected and enhanced for these reasons.

General Residential Zone (GRZ)

The majority of land within the study area is zoned General Residential. The purpose of this zone is 'to encourage development that respects the neighbourhood character of the area' and 'to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport'.

There are thirteen schedules which apply within the General Residential Zone. To the west of Grange Road, GRZ3, GRZ4 and GRZ5 apply. To the east of Grange Road, GRZ5, GRZ8 and GRZ11 apply. The zones set a range of height limits:

- GRZ3 and GRZ4 'Residential Boulevards & Corridors' - mandatory 12 metres
- GRZ5 'Residential Boulevards & Corridors' - mandatory 9 metres
- GRZ8 'Garden Estate Precincts' - mandatory 12 metres
- GRZ11 'Garden River and Garden Suburban Precincts' mandatory 12 metres.

For all GRZ schedules, an additional 1 metre in height is allowed for a sloping site. This does not apply to:

- *An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.*
- *The rebuilding of a lawful building or works which have been damaged or destroyed.*

Additional height is also allowed as follows:

- *A lift overrun may exceed the above mentioned mandatory height requirements by no more than 1.2 metres.*
- *In areas subject to the Special Building Overlay or the Land Subject to Inundation Overlay, the maximum building height may be exceeded by no more than the minimum additional building height required by the overlay provisions.*

Special Use Zone (SUZ)

The SUZ is applied to St Kevin's College in Toorak, which has an interface with the Yarra River and Gardiners Creek. The schedule to the zone (SUZ1) provides 'for the use and development of education centres and recreation facilities potentially affected by floodwaters of the Yarra River'.

There are no specific siting or design requirements in this zone. Decision guidelines relate to flooding issues and visual impact upon adjoining residential areas.

Public Use Zone (PUZ)

The PUZ is applied to Melbourne High School in South Yarra, which is separated from the river by Alexandra Parade. The zone provides for the use of land for education.

There are no specific siting or design requirements in this zone.

Stonnington Planning Scheme: Policy & Controls cont...

Overlays

Overlay controls that apply to the study area are described below and shown on the map on the following page.

Design & Development Overlay

The purpose of the Design & Development Overlay (DDO) is to identify areas which are affected by specific requirements relating to the design and built form of new development. This has been applied along sections of the Yarra River to manage built form that interfaces with the river.

Schedule 1 (DDO1) Royal Botanic Gardens, City of Melbourne

Schedule 1 to the DDO seeks to ensure that the enjoyment of the Royal Botanic Gardens is not diminished by overshadowing or visual intrusion from any new buildings or works, and applies to the area of land between Alexandra Avenue and Toorak Road, between Punt Road and the rail corridor. The schedule includes a permit requirement for buildings over 12 metres in height.

Schedule 3 (DDO3) Yarra River Skyline Area

Schedule 3 to the DDO applies to land adjoining the Yarra River between Punt and Grange Roads. Design objectives of the control are:

- To protect areas along the Yarra River from visual intrusion caused by the inappropriate siting or appearance of buildings or works.
- To encourage development in keeping with the character and appearance of the area.
- To protect and enhance the skyline when viewed from the river or its banks, or the Yarra Boulevard in the City of Yarra, or from prominent scenic viewpoints within the valley environs.
- To encourage development consistent with any concept plan approved for the area.

The schedule includes a permit requirement for buildings over 6 metres in height, but does not apply maximum height limits.

Schedule 6 (DDO6) City Link Exhaust Stack Environs

Schedule 6 to the DDO seeks to ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack. This overlay is circular

in shape and applies to land approximately within a 750m radius of the exhaust stack. The overlay extends across the study area east of Chapel Street through to Balmerino Avenue.

Schedule 7 (DDO7) Prahran/South Yarra and Windsor Activity Centre

The northern end of the Activity Centre has frontage to Alexandra Avenue, between Chapel and River Streets. Schedule 7 to the DDO specifies design requirements for each sub-area within the DDO; there are no height limits for this part of the DDO near the Yarra River. This DDO has now expired and is intended to be replaced with Schedule 1 to the Activity Centre Zone, which is awaiting Ministerial approval.

Schedule 8 (DDO8) Forrest Hill Precinct

Schedule 8 to the DDO applies to the Forrest Hill Precinct, located between Chapel and Yarra Street, south of Melbourne High School. The overlay seeks to implement design objectives to develop a predominantly higher density precinct where new buildings are of 'a pedestrian friendly scale and design at ground level'. It sets a range of discretionary height limits within the precinct, up to 76 metres.

Three properties in the vicinity of the Yarra River are included within DDO8 in the precinct identified as 'Chapel Street North'. The preferred character for this precinct is to 'provide well designed new development that will reinforce but not dominate the gateway and boulevard role of the precinct'. There is a preferred maximum height of 38 metres.

Design objectives included within the DDO seek to 'emphasise the important corner gateway site at Alexandra Avenue and Chapel Street through use of appropriate built form, setbacks, active frontages and landscape treatments', while 'avoiding an overbearing presence on the Melbourne High School building'.

Heritage Overlay

The Heritage Overlay (HO) aims to conserve and enhance heritage places of natural or cultural significance. The overlay protects sites, built form and vegetation of heritage significance.

HO122 applies to a large precinct between Punt Road and Chapel Street, the Alexandra Avenue Precinct. HO2 applies to the Melbourne High School Site. HO146 applies to the Rockley Road precinct in South Yarra.

Several individual buildings within the river environs are also included within the Heritage Overlay.

DDO8-1: Residential Areas Surrounding Activity Centres And Along Main Roads

DDO8 aims to increase residential densities and provide a range of housing types around activity centres and along main roads. It encourages a high standard of design outcomes which respond sensitively to their context, while providing an increase in development opportunity.

DDO8-1 applies to land zoned Residential Growth Zone Schedule 2 (RGZ2) on the west side of Bulleen Road immediately adjacent to land zoned Urban Floodway Zone.

DDO8-1 specifies a range of discretionary heights: for lot sizes greater than 1,800m² a maximum of 11m applies; for lots less than 1,800m² a maximum of 9m applies (10m on a sloping site).

Significant Landscape Overlay

The Significant Landscape Overlay identifies, conserves and enhances the character of significant landscapes.

Schedule 1 (SLO1) Yarra River and Valley Streamside Environment Area

Schedule 1 has been applied along the Yarra River frontage and adjoining properties, between Grange Road and Gardiners Creek. It includes the area of landscape significance 'which extends from the river to the higher ridgelines'.

The statement of nature and key elements of landscape notes:

The special visual character of the area arises from its varied landforms, meandering river, wetlands and vegetation and the way buildings fit harmoniously into the landscape. The dominance of the natural environment over urban land uses creates a strong consistent character throughout the valley.

Design objectives of SLO1 relate to protecting areas along the Yarra from visual intrusion and maintaining the river as a 'visual, conservation, ecological and recreation resource'. A permit is required for most buildings and works and to remove, destroy or lop a tree or vegetation.

Decision guidelines require consideration of buildings and works in relation to the sensitive riverine environment, and potential impact upon views of the area from the river, its banks, trails and parkland. They include consideration of:

- retaining or planting vegetation to screen views of buildings and structures from the river and viewing locations
- limiting building height to 9 metres above natural ground

level (as a discretionary consideration)

- ensuring building form, colour and detailed design is sensitive to the surrounding environment
- limiting built areas or impervious surfaces on the site.

There is also a requirement to consider the design and siting of jetties, boat ramps and mooring facilities within the landscape context. There are requirements for building setbacks from the river's edge.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to land located within the 1 to 100 year flood storage or flood fringe areas. The purpose of this overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions, and will not cause any significant rise in flood level or flow velocity.

The LSIO is applied to low-lying land adjoining the river between Punt and Grange Roads, to varying distances from the river's edge.

Special Building Overlay

The Special Building Overlay (SBO) applies to small areas of land within South Yarra and Toorak which are prone to overland flooding. The purpose of the SBO is to set appropriate conditions and floor levels to address any flood risk to development. A planning permit is required for buildings and works and may result in a requirement for elevated floor levels.

Public Acquisition Overlay

Within the study area, the Public Acquisition Overlay (PAO) applies to small areas of land adjoining the western side of Punt Road and the northern end of Chapel Street which are reserved for the purpose of road widening. There are no areas of PAO within the study area which relate to the provision of open space or amenities relating to the Yarra River.

City of Yarra Council: Key Studies & Reports

Lower Yarra River Studies

The City of Yarra has been considered in several of studies of the Lower Yarra River which were undertaken between 1988 and 2001. These studies focussed on a variety of issues including the protection of recreation, landscape and environmental values. Recommended implementation measures included public land management and planning scheme controls.

The Lower Yarra studies are:

- Lower Yarra River Concept Plan (Punt Road to Dights Falls), MMBW 1986
- Lower Yarra River Landscape Guidelines (Punt Road to Dights Falls), MMBW 1988
- Lower Yarra River Urban Design Guidelines, 1992
- Lower Yarra River Future Directions Plan, Parks Victoria 2001.

Review of Policies & Controls for the Yarra River Corridor: Punt Road to Burke Road (2005)

The State Government Department of Sustainability and Environment (DSE) commissioned Planisphere to review the policies and controls for the section of the Yarra River between Punt Road and Burke Road in 2005.

This study ('the 2005 Review') applied the principles of landscape protection to the Yarra River corridor by assessing the river's values, distinguishing broad river interface character types and identifying planning objectives that are relevant to this section of the river.

Recommendations to protect and enhance the valued qualities of the corridor were made. This included non-statutory recommendations such as public land management and improved access, as well as a range of overlay controls in specific locations, including the Design and Development Overlay, Environmental Significance Overlay and the Significant Landscape Overlay.

Specifically, the study identified three distinct river interface character types within the City of Yarra section of the Yarra River - Urban / Industrial / Ex-Industrial, as well as the parklands along the river's edge.

Yarra River Corridor Strategy (2015)

The City of Yarra *Yarra River Corridor Strategy* ("the 2015 Strategy") was prepared by Planisphere on behalf of the City of Yarra in 2014-2015. The recommendations of the 2015

Strategy have been implemented through Amendment C195 on an interim basis, through an updated DDO1 and ESO1.

The 2015 Strategy identified four river interface character types within the City of Yarra, and set out detailed recommendations for future building siting and design.

This *Lower Yarra River Corridor Study* incorporates the detailed analysis and recommendations of the 2015 Strategy. The recommendations of the 2015 Strategy have been reviewed in regard to the recent changes to the State Planning Policy Framework (SPPF) and the current Yarra River planning controls program.

Findings from the *Lower Yarra River Corridor Study* will be used to update the planning controls introduced through Amendment C195. This will help to maintain a consistent approach to protecting the river within the City of Yarra in line with the recommendations for the other municipalities of the Lower-Middle Yarra river corridor.

Swan Street Structure Plan (2014)

The Swan Street Structure Plan (2014) is a high-level strategy document providing broad direction for future development of the Swan Street Study Area. The Structure Plan area is bound by Punt Road to the west, the Yarra River corridor to the south and Loyola Grove to the east. A point roughly halfway between Swan Street and Bridge Road was designated as the northern boundary. The entire section of the Yarra River corridor within the Swan Street Structure Plan area is edged by the Monash Freeway/Citylink Toll Road.

The Structure Plan is not intended to provide detailed considerations for every site within the study area, noting that detailed planning for many projects will need to be undertaken to better respond to the specific site context. The plan sets a direction for greater intensification and redevelopment of established areas across the Swan Street study area.

The areas of the study area closest to the Yarra River form part of six precincts:

- Punt Road (Precinct 5)
- Cremorne Mixed Use (Precinct 6)
- River Edge (Precinct 7)
- Cremorne South (Precinct 8)
- Church Street (Precinct 9)
- Barkly Avenue (Precinct 10).

The direction for each precinct includes different mixes of land use, built form and other attributes.

Within the Framework Plan, future preferred buildings heights vary from 2-3 storeys (9m) through to 10-12 storeys (36m).

This includes:

- 7-10 storeys (30m) at the Nylex Strategic Redevelopment Site
- 5-6 storeys (19m) along the Punt Road interface, and throughout much of the Church Street and Cremorne South Precincts
- Heights of 4 storeys (13m) for the majority of the remaining areas within the Cremorne Mixed Use, Cremorne South and Barkly Avenue precincts.

Yarra Business and Industrial Land Strategy (BILS, 2012)

The Yarra BILS (adopted in 2012) sets out the strategic direction for industrial land, including recommendations for sites with an interface to the Yarra River.

The Strategy notes that: '*many of Yarra's core industrial areas interface with the Yarra River which is remnant of traditional industrial development. The open space, recreation and landscape significance of the Yarra River corridor means that activities which complement these values such as offices, cafes and tourism oriented facilities should be preferred.*'

For all locations (aside from the industrial node in Burnley), the Strategy notes the changing role of these areas away from industrial land use. It notes that future land use directions, including residential, commercial and mixed use, have the potential to improve the interface of these areas with the river. It recommends master planning in many instances to address urban design, river access, interface issues and space for landscaping.

Johnston Street Local Area Plan (2015)

The Johnston Street Local Area Plan was adopted by Council in December 2015. The Plan is a high-level strategy document that gives direction for the future development of the Johnston Street Activity Centre.

The study area covers approximately 112 hectares and is situated across the suburbs of Abbotsford and Collingwood, generally bound by the Eastern Freeway, Smith Street, Vere Street and the Yarra River. A copy of the Precincts Plan has been included on the following page. The Plan focusses on the section of Johnston Street that extends east from Smith Street to the Yarra River, which is 1.8km in length.

The Plan seeks to accommodate a greater mix of activities including, residential, retail, offices and other commercial uses within the facilitate Johnston Street Activity Centre. Three precincts are situated in proximity to the Yarra River:

- Johnston Street East (Precinct 2)
- Trenerry Crescent (Precinct 7)
- Abbotsford Convent (Precinct 8).

Trenerry Crescent Urban Design Analysis & Masterplan (2015)

The Trenerry Crescent Urban Design Analysis and Masterplan provides a more detailed contextual analysis of the Trenerry Crescent Precinct, and is included in the Johnston Street Local Area Plan as Appendix C.

The masterplan provides direction for remaining development opportunities within the Trenerry Crescent precinct. The masterplan notes that the *Yarra River Corridor Strategy (2015)* will form the basis for proposed built form controls along the Yarra River Corridor.

The masterplan notes that a number of sites within the precinct have already been recently developed and have limited scope for future development, however there are also number of sites that have significant development potential.

It sets guidelines for future development, including:

- Provide substantial setbacks from the river corridor - buildings to be set back from the crest line of the Yarra River
- Provide a transition in built form that steps away from the river interface - heights and setbacks of DDO1 are recommended to apply to river frontage
- Buildings could step up to a maximum upper level height of 6-8 (up to approximately 25m) storeys, with taller built form located towards the Trenerry Crescent interface, stepping down to a 3-4 storey street wall.

The masterplan does not specifically recommend that these be implemented as mandatory controls, rather it supports the introduction of mandatory controls via the work being undertaken to review DDO1.

The masterplan also aims to maintain public access along the corridor between private development and the river, maintain and maximise views to the Yarra River and ensure development responds to the heritage fabric of the precinct.

It includes visual impact analysis of built form from the Trenerry Crescent streetscape, but not from the river corridor.

Yarra Planning Scheme: Policy & Controls

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) identifies the Yarra River's importance for recreation, nature conservation, its ecological values and landscape qualities. The Yarra River's open space is regionally significant and recreational opportunities along the river corridor are provided at:

- Main Yarra Trail
- Fairfield Park Boathouse
- Yarra Bend Park
- Dights Falls
- Abbotsford Convent
- Collingwood Childrens Farm

Clause 21.03 includes two relevant maps: strategic framework plan and a residential development opportunities map.

The strategic framework plan identifies open space, the core industrial area and Victoria Street Major Activity Centre (MAC) which abut the Yarra River. Bridge Road MAC and an existing and potential commercial and industrial area are also in close proximity to the river.

The residential development opportunities map identifies the following sites:

- Amcor and its neighbouring site
- Victoria Street East Precinct
- Victoria Gardens area
- Other sites on Victoria Street
- Area in River Street
- Richmond Maltings site

The Yarra River Corridor is to be reinforced as the key ecological and open space element of the urban framework and key vistas across the corridor maintained. The MSS recognises that there are distinct sections of the river some of which have a strong built form presence, such as where the Monash Freeway dominates, but stipulates that natural features should predominate. The river corridor's topography can be visually undermined by larger scale development sited too close to its banks.

Local Policy

There is no local policy specifically for the Yarra River corridor.

Clause 22.03 Landmarks & Tall aims to maintain the prominence of Yarra's valued landmarks and landmark signs. This includes the Skipping Girl sign, Victoria Street, Abbotsford and the Nylex sign, Harcourt Parade, Cremorne. Development should protect the views of these signs.

Clause 22.08 Protection of Biodiversity applies to ESO1, ESO2 and ESO3 areas, provides policy regarding the protection of biodiversity. The policy focuses on identified species of remnant vegetation. The policy includes objectives:

- To protect and enhance Yarra's natural biodiversity.
- To protect the long term survival and viability of remnant vegetation.
- To ensure the survival of indigenous species.
- To minimise the impacts of introduced flora and fauna on indigenous vegetation.
- To manage sites to allow for the natural regeneration of indigenous vegetation.

The policy includes a list of preferred indigenous plants.

Clause 22.11 Victoria Street East Precinct Policy affects a number of key development sites in Yarra and includes policy regarding the interface with the Yarra River.

Clause 22.12 Public Open Space Contribution policy applies to residential and mixed use proposals to provide public open space for new residential development. It identifies when and where land contributions for public open space are preferred over cash contributions. This includes a number of areas that abut the Yarra River.

Zones

Zones that apply to the study area within the City of Yarra are described below. A zoning map is provided in Appendix B: Planning Scheme Maps.

Public Park and Recreation Zone (PPRZ)

The PPRZ applies to large areas of open space along the river corridor, including Yarra Bend Park, linear reserves along the river, small open spaces and golf courses. Land included in the PPRZ provides an extensive buffer of highly vegetated parkland along the river (at varying widths). There are no specific siting or design requirements in this zone.

Neighbourhood Residential Zone (NRZ)

The NRZ is applied to residential areas in Fairfield, Richmond and Cremorne adjoining the river.

A maximum of two dwellings per lot may be constructed and a mandatory height limit of 8m (9m on a sloping site) applies. The schedule to the NRZ implements a permit requirement for dwellings on a lot less than 500m².

Urban Floodway Zone (UFZ)

A large parcel of land in Fairfield is included within the UFZ. Use and development of land is limited in this zone and comprehensive review of how it might be affected by flooding is required.

Industrial 1 Zone (IN1Z)

Parts of Abbotsford and Richmond are included in the Industrial 1 Zone.

The IN1Z provides for a range of industrial and commercial uses, which have been recently expanded with the zone reform program to include unlimited office floorspace, small supermarkets and associated retail shops.

Industrial 3 Zone (IN3Z)

The IN3Z applies to large sites and precincts in Cremorne. The IN3Z provides for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter industry conflict and to allow limited retailing in appropriate locations.

Commercial 1 Zone (C1Z)

The C1Z is applied to commercial areas of Richmond and Abbotsford. The C1Z allows a wide range of commercial and mixed use development, including residential apartments, and many land uses do not require a planning permit.

Commercial 2 Zone (C2Z)

The C2Z is applied to commercial and light industrial areas of Richmond, Abbotsford and Cremorne. This zone provides for offices, manufacturing, bulky goods retailing and other complementary uses.

Public Use Zone (PUZ3)

Special policy and controls are applied to Public Use Zone Schedule 3 (PUZ3) land which is part of the Crown Allotment 133G, Parish of Jika Jika, situated in Yarra Bend Road (referred to in this study as 'Forensicare'). This includes an incorporated plan titled *Victorian Institute of Forensic Psychiatry Concept Plan* (1997) which encourages the reuse of buildings and some built form of 2 storeys. The schedule requires no permit for use or development generally in accordance with the concept plan. Before any use commences or building or works are constructed, an overall development plan generally in accordance with the concept plan must be approved by the authority. This includes a building development plan, landscape management plan, drainage management plan and elevations showing the location, type, design, height, colour and materials of all buildings and works, including proposed lighting.

Special Use Zone (SUZ)

Schedule 1 to the Special Use Zone (SUZ1) applies to Latrobe Golf Course and aims to provide for a private golf course and ancillary purposes.

SUZ4 applies to Abbotsford Convent and aims to provide for the development and management of the site primarily for arts, culture, education, tourism and parkland uses and implement the Abbotsford Convent Masterplan (2004). A planning permit is required to construct a building situated outside the defined building envelope plan contained in the Master Plan.

Yarra Planning Scheme: Policy & Controls cont...

Comprehensive Development Zone (CDZ)

The Comprehensive Development Zone (CDZ) applies to Victoria Gardens and its Schedule (CDZ1) gives effect to Victoria Gardens - Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area, an Incorporated document.

The plan includes a Yarra environs precinct (a width of approximately 5 metres along the river frontage) that must only be developed for pedestrian and bicycle linkages, boat landings, boardwalks, terraces, decks, seating and ancillary works and public recreational facilities.

CDZ3 applies to the Richmond Maltings site which is separated from the river by CityLink. It gives effect to the *Planning and Design Principles for the Richmond Malting Site, Cremorne - November 2007*, an incorporated document which includes building envelopes and height limits as well as policy to: 'strengthen the built form edge to the Monash Freeway and the Yarra River while allowing for access to sky and long distance views'.

These sites are currently not included in DDO1 Yarra River Corridor Protection.

Priority Development Zone (PDZ1)

The Priority Development Zone - Schedule 1 (PDZ1) applies to the Victoria Street East Precinct at Yarra Gardens / Shamrock Street North. It gives effect to the Yarra Gardens Precinct Plan – December 2009, an Incorporated Plan. The overlay specifies a number of requirements including a legal agreement and plans to be submitted with the application e.g. acoustic plan, transport plan. The precinct plan includes detailed policy about the river, setback and height controls and requirements for public access along the river frontage.

These sites are currently not included in DDO1 Yarra River Corridor Protection.

Overlays

Overlays that apply to the study area within the City of Yarra are described below. A set of overlay maps are provided in Appendix B: Planning Scheme Maps.

DDO1: Yarra River Corridor Protection

Design and Development Overlay (DDO1) 'Yarra River Corridor Protection' is an interim control introduced through Amendment C195 and due to expire 31/12/17. This Amendment implemented the recommendations of the 2015 Strategy, and updated the former DDO1 which had applied to the length of the river.

The current DDO1 is applied to all land, both private and public, along the river. It also includes the tributaries of the Merri & Darebin Creeks.

DDO1 includes a Statement of significance for the river and detailed design objectives relating to the appearance of built form within the river's sensitive landscape. It focuses upon retaining the natural elements of the river's environment, such as riparian vegetation and riverbank topography, as the dominant visual elements in the landscape.

DDO1 sets a range of mandatory and discretionary setbacks and height controls for sites and precincts adjoining, or in close proximity to, the river. Decision guidelines relate to the level of visibility of a development within the landscape, the retention of riparian vegetation and natural river bank topography, and the provision of new vegetation to screen development.

ESO1: Yarra River Environs

The Environmental Significance Overlay Schedule 1 relates to the Yarra River Environs and applies to all land adjoining the river, both public and private.

The current Schedule 1 (ESO1) 'Yarra River Environs' was also introduced through Amendment C195 as an interim control. ESO1 does not include the Merri and Darebin Creek tributaries.

Permits are required for specified buildings, works and vegetation removal. Environmental objectives include:

- Protect indigenous vegetation and wildlife habitats throughout the corridor.
- Conserve water quality and capacity.
- Protect the sensitive ecosystem and enhance the ecological features of the river corridor.

Decision guidelines relate to retaining the landscape character of the river, and its natural elements of bank topography, riparian vegetation and habitat. Additionally, reference is made to the *Middle*

Yarra Concept Plan - Dights Falls to Burke Road (1990), the *Middle Yarra Concept Plan - Dights Falls to Burke Road* (1986) and the 2015 Strategy.

Development Plan Overlay (DPO3)

The DPO3 applies to the Botanica Business Park in Swan Street, Burnley. It requires a development plan to be prepared before a permit is granted to subdivide the land. The development plan must include three-dimensional views from the Yarra River of the proposed development. In accessing the development plan, the responsible authority is expected to consider the views from the Yarra River.

This site is currently not included in DDO1 Yarra River Corridor Protection.

Development Plan Overlay (DPO11)

The DPO11 applies to the Amcor site. It includes requirements the preparation of a development plan which relate to the built form interface.

The overlay requires a Section 173 agreement that ensures the following will be provided:

- First 30 metres of land from the river (measured from the edge of the river bank) for maintaining ongoing public access and landscape values and protecting riparian vegetation along the river.
- A pedestrian and bicycle path along the Yarra River frontage, connecting to existing accessways.

The overlay includes building heights which are preferred (closer to Heidelberg Road) and maximum (closest to the river). The maximum building height fronting the river is 2 storeys, setback from the crest line. Up to 14 storeys is preferred at the corner of the site where Heidelberg Road and Chandler Highway intersect.

This site is currently not included in DDO1 Yarra River Corridor Protection.

Heritage Overlay (HO)

The HO applies to numerous sites along the river corridor including:

HO9 Abbotsford Convent

HO12 Former Pheonix Biscuit Co. complex

HO48 Dights Mill site

HO70 Amcor site

HO229 Hawthorn Bridge

HO239 Church Street Bridge

HO262 MacRobertson Bridge

HO281 Hoddle Bridge

HO287 Wallen Road bridge

HO292 Victoria Bridge, Kew

HO297 Hawthorn Railway bridge

HO298 Corroboree Tree at Burnley Gardens

HO299 The Boulevard Parklands

HO303 Fairfield Hospital

HO306 Burnley Gardens

HO307 Yarra River Protectorate Station site

HO353 Skipping Girl Vinegar Sign

Land Subject to Inundation Overlay (LSIO) & Special Building Overlay (SBO)

The LSIO applies along length of the Yarra River corridor, to land located within the 1 to 100 year flood storage or flood fringe areas. The purpose of this overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions, and will not cause any significant rise in flood level or flow velocity. The LSIO is applied to low-lying land along the river, at varying distances from its edge.

The SBO applies to a small section of residential land between Alphington Street and Coate Park, Alphington. This overlay aims to ensure the free passage of water in urban areas liable to inundation from overland flows.

Public Acquisition Overlay (PAO2)

PAO2 has been applied for the creation of a continuous linear park / trail system adjacent waterways. It covers land directly abutting the Yarra River between Gipps and Walmer Streets. This addresses a strategic gap in the Main Yarra Trail on the City of Yarra side of the river. It also applies to land along Darebin Creek from the Yarra River.

VCAT & Planning Panel Decision Findings

Key VCAT Cases & Planning Scheme Amendments

A number of decisions by the Victorian Civil and Administrative Tribunal (VCAT) and Panels regarding planning scheme amendments have been considered in relation to the study. These cases will assist in understanding existing practices regarding the issues associated with development along rivers and aim to achieve best practice through learnings. The following VCAT cases and amendments have been identified as relevant:

- 647-649 Victoria Street, Abbotsford proposal fronting the Yarra River
- Stonnington Planning Scheme Amendment C155 which updates DDO3 which provides built form controls along the Yarra River
- Fisher Parade, Ascot Vale proposal fronting the Maribyrnong River
- Buckingham Drive, Heidelberg proposal adjacent to the Banyule Creek, near its confluence with the Yarra River
- Coppin Grove, Hawthorn proposal of residential dwellings fronting the Yarra River
- State & Boroondara Planning Scheme Amendment VC96 which provided State policy for river corridors and implemented interim ESO & DDO controls (with a mandatory height limit) along Boroondara's section of the Yarra River
- Honeywell large scale, mixed use proposal on Victoria Street at a key site along the City of Yarra's section of the Yarra River
- Yarra Street, Warrandyte proposal for advertising signage at a site fronting the Yarra River

While some of these decisions are concerned with the Maribyrnong River and other sections of the Yarra River and its tributaries, they are of relevance to the future management and planning of the Lower Yarra River section.

647-649 Victoria Street, Abbotsford Proposal (2016)

In 2016 a VCAT case¹ was held in relation to a proposal to construct a 9 storey 'U' shaped, mixed use building which has frontages to Walmer Street and the Yarra River.

The Tribunal considered the requirements of DDO1, which applies a discretionary 18 metre height control for those parts of the site 15 metres beyond the mandatory minimum setback line. The upper four levels of the building, and the roof top plant exceeds the 18 metres and reach an overall height excluding the roof top plant of 33 metres (44.82 metres AHD).

Objectors, including Melbourne Water and the Yarra Riverkeeper, raised a number of issues relating to the development setback from

the Yarra River, the size and scale of the building and its visibility when viewed from the river, the riverside public realm and the northern side of the river.

The Tribunal considered the site's interface with the river in terms of built form visibility and public spaces surrounding the building, in balance with the identification of the site in the Victoria Street Structure Plan (2010) as a 'substantial change area' with 'significant development potential'.

The Tribunal found that the proposed scale of built form complied with the mandatory and discretionary requirements of DDO1 and was consistent with objectives of DDO1. It found that the proposed built form would not be excessive in this context and noted that *"the design objectives do not seek invisibility but do ask for buildings of a high architectural standard demonstrating a positive interface with the Yarra River and the natural landscape and environment character"*.

However, the Tribunal required an improved design response at the ground level to provide an appropriate public realm interface with the river. This included provision of adequate publicly accessible open space, a reduction in privatised open space, and adequate space for the planting of substantial vegetation.

Stonnington Amendment C155 (2013, lapsed)

Amendment C155 to the Stonnington Planning Scheme proposed to update Stonnington DDO3 which applies along the Yarra River. While supporting the intent and scope of the revised DDO, the Panel did not support the full extent of the proposed mandatory height controls.

The Panel found that it is impossible to identify a maximum height for universal application where there are major variations in topography and viewpoints from site to site. This outcome demonstrates the challenges of setting specific development controls across a complex environment, such as the river corridor.

The Panel also concluded that the Melbourne High School site should be included in the DDO area. The Panel recognised that while the site is exempt from Planning Scheme control, it is appropriate for Council to provide guidance for development and seek to influence a site's development. This outcome is of relevance to the many sites within public control across the Lower Yarra Study area.

Fisher Parade Proposal (2013)

This controversial VCAT case² related to Council's failure to make a decision regarding a four storey building along the Maribyrnong River.

² BMG Architects v Moonee Valley CC [25 September 2013], VCAT reference number P3563/2012

In this case, Melbourne Water raised concerns about the interface of the development to the river, acknowledging that the proposed 12m set back was not sufficient. They suggested that a 20m set back (at a minimum) from the river should be imposed to allow for riparian planting and allow access for the appropriate management of the waterway system.

Although the provisions of Clause 14.02 'Water' specify a 30m vegetated buffer zone from waterways, Melbourne Water was willing to compromise with the provision of a 20m buffer.

VCAT believed that the 20m buffer was arbitrarily appointed and called for a redesign of the whole development to interface more appropriately with the river. It also highlighted that Clause 14.02 is not a planning scheme control, rather it sits within a State policy context.

VCAT suggested an alignment of the Planning Scheme with the Water Act (1989) to allow for more consistent decision outcomes. Additionally it called for a systematic process to notify referral authorities when there are cases involving developments within proximity to a river bank. VCAT deemed the development inappropriate given its context and relationship to the river.

Buckingham Drive Proposal (2013)

Situated in close proximity to the heritage protected Banyule Flats with views to the Yarra River Corridor, this proposal involved the development and subdivision of three dwellings and removal of native vegetation. It was initially refused by Council and subsequently appealed at VCAT³.

The site fronts Banyule Creek and is subject to a number of overlays including Banyule ESO4, SLO1 and HO13. Alongside the numerous statutory controls, the site is also constrained by its geographic and environmental context.

VCAT acknowledged that while the subject site was appropriate for more intensive development, it also presented a number of difficulties in regard to its physical and strategic context. Primarily it did not respond to its immediate surroundings especially in addressing the interface with the river corridor. Furthermore it had the potential for the development to be observed from long-range views, given its prominent location on the top of an escarpment.

Strategic considerations were balanced between development opportunities and environmental values. It was ruled that the proposed development was not located within an area that supported urban consolidation. Instead a restrained approach was required to ensure that core environmental values are maximised. VCAT contended that a better outcome would involve a reduced set back from the escarpment boundary and suitable landscaping to reduce visual bulk. On this basis, the decision of the Council was

³ Banyule Management Pty Ltd v Banyule CC [23 September 2013], VCAT reference number P3243/2012

upheld and no permit was granted.

Coppin Grove Proposal & Amendment VC96 (2013)

In 2013, a VCAT case⁴ was held regarding a proposal for three dwellings fronting the Yarra River in the backyard of 12 Coppin Grove, Hawthorn.

During the VCAT hearing, Amendment VC96 was gazetted to introduce State policy on River Corridors, at Clause 11.04-8. This clause aims to 'protect and enhance the significant river corridors of Metropolitan Melbourne'. It also introduced mandatory controls into the Boroondara Planning Scheme. These changes were based on the 'Review of Policy and Controls for the Yarra River Corridor' report by DSE (2005), and reflected the additional work undertaken by DPCD in 2010.

The 2005 DSE report is now a State level reference document.

VC96 introduced a DDO and an amended ESO as interim provisions to the Boroondara Planning Scheme. The DDO refers to the objectives and guidelines of ESO1. It includes a 9 metre height permit trigger and a mandatory height control of 9 metres in most instances, or up to 12 metres where Melbourne Water requires additional elevation for floodway management purposes. The ESO provides detailed policy for the corridor.

In response to Amendment VC96, revised plans were prepared, reducing the number of proposed dwellings to two and reducing the height to comply with the new DDO height control of 9 metres.

However, the Tribunal refused the revised proposal, concluding that the scale, mass and appearance of the revised proposal was visually intrusive rather than subordinate to landscaping and the extent of earthworks excessive, and that it was not consistent with the new State policy.

The Tribunal found that the interim DDO and ESO controls were not clearly worded and did not adequately reflect the intention of their objectives, nor the State policy.

Honeywell Proposal (2010)

In 2010, a VCAT case⁵ was held in response to opposition regarding Council's decision to approve a large scale, mixed use development consisting of three towers ranging from nine to eleven storeys adjacent to the Yarra River. The site was subject to interim DDO4 of the Yarra Planning Scheme which introduced discretionary height limits.

⁴ Watkins v Boroondara CC (includes Summary)(Red Dot) [2013] VCAT 824 (10 May 2013), VCAT reference number P1904/2012

⁵ Colquhoun & Ors v Yarra CC [2010] VCAT 1710, VCAT reference numbers P1204/2010, P1340/2010, P1345/2010

¹ Victoria Gardens Developments Pty Ltd v Yarra CC [2016] VCAT 1045

VCAT & Planning Panel Decision Findings cont...

The Tribunal found this DDO, which expired in 2011, to be unclear and ineffective. The Tribunal approved the proposal, which breached the preferred maximum height limits, as it was considered to be consistent with State and local policy.

The Tribunal commented that the DDO was not clearly worded and that the built form parameters specified by its controls did not reflect its objectives.

Yarra Street Proposal (2005)

This VCAT case⁶ relates to Council's refusal to grant a permit for retrospective approval of five advertising signs for a café/art gallery. The site backs onto the Yarra River with a 10m slope from Yarra Street down to the river. The site is affected by an HO and an ESO and land to the north of the site falls within the PCRZ.

Council ruled that the proposed number of signs was excessive and not in keeping with the high amenity value of the surrounding area. It also noted the signs did not respect the heritage or natural environment and adversely affected the character and appearance of the surrounding area.

VCAT also deemed the five signs to be excessive, however granted permission for two signs on the Yarra Street frontage. The other existing signs facing the Yarra River were required to be removed.

⁶ Turnbull v City of Manningham [21 April 2005], VCAT reference P3614/2004