

Appendix A: Existing Planning Scheme Provisions

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The Yarra River corridor is protected through State planning policy. In addition, the planning policy and controls apply within the Boroondara Planning Scheme to manage development at the local level.

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

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

Municipal Strategic Statement

The City of Boroondara 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 City of Boroondara are described below and shown on the map opposite.

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 parts of Hawthorn and Kew. 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.

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 3 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, reserve 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 individual properties that have individual heritage significance as well as entire precincts of Boroondara 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 Bulleen 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, reserve and private property, between Burke Road and Gardiners 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, maintain linear parkland, protect 'the landscape qualities of the Yarra River corridor as a vegetation dominated corridor' and '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.