

Appendix A: Existing Planning Scheme Provisions

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Municipal Strategic Statement

Banyule City Council recognises in the MSS the importance of the Yarra River as a recreational and environmental resource and as a place of notable natural and cultural heritage.

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

The Municipal Profile at Clause 21.01 includes reference to the significance of the Yarra River valley and vegetation corridor to Banyule.

Clause 21.05 'Natural Environment', identifies the important role of Banyule's natural environment and the function it plays within the municipality. Objective 2 aims to protect and enhance the natural values of waterways and wetlands through rehabilitation, buffering from development and appropriate management of stormwater run-off. These goals will be achieved through the implementation of the appropriate zones and overlays.

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

- *Middle Yarra River Concept Plan, Dights Falls to Burke Road* (1990)
- *The Middle Yarra Concept Plan - Burke Road to Watsons Creek* (1993)
- *Banyule Environment Policy and Strategy: Protecting and Enhancing our Local Environment* (1997)
- *Banyule City Council Annual State of the Environment Report*
- *Yarra River Action Plan* (2006).

Local Planning Policy

The Neighbourhood Character Policy at Clause 22.02 includes specific direction for residential areas in adjoining the Yarra River corridor and its floodplains. This relates to maintenance of the low density environment of areas around Lower Plenty, protection of the tree canopy and native vegetation environment, designing buildings to reflect the undulating topography (where a feature of the area), and encouraging the use of natural or muted tones in new development. The Policy has been recently updated to include specific requirements for each of the new residential zones within each neighbourhood character precinct.

The Cultural Heritage Conservation Policy at Clause 22.06 relates to many sites within the Yarra River Corridor. Clause 22.06 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 Banyule 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 Ivanhoe Golf Course, Heidelberg Park and Cricket Ground and parklands in Lower Plenty. Together with land included in the PCRZ, 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.

Public Conservation & Resource Zone (PCRZ)

The PCRZ is the most prevalent zone along the Yarra River, covering large segments of the river corridor along the boundary of the municipality. It includes the major open spaces of the Yarra Valley Parklands, the Banyule Flats Reserve and the Warringal Parklands. There are no specific siting or design requirements in this zone.

Special Use Zone (SUZ)

The SUZ is applied to the Rosanna Golf Course, which has a small area of interface with the river. The Schedule to the zone (SUZ1) identifies the land as private sports grounds 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.

Rural Conservation Zone (RCZ)

The RCZ applies to parts of Lower Plenty and Viewbank. There is a small part of the zone intersecting the river. The schedule to this zone highlights the environmental values of land in close proximity to the Yarra River. The schedule limits the minimum subdivision area to 2ha. Broad decision guidelines require consideration of environmental and landscape values and the impact of new development upon vistas.

Neighbourhood Residential Zone (NRZ)

The NRZ is applied to areas immediately adjoining the riverside parklands of Ivanhoe, Eaglemont, Rosanna and Viewbank, including those areas within the Significant Landscape Overlay.

A maximum of two dwellings per lot may be constructed and a mandatory height limit of 8m (9m on a sloping site) applies. Schedule 3 to the NRZ implements a permit requirement for dwellings on a lot less than 500m².

General Residential Zone (GRZ)

Areas of the GRZ stretch beyond the NRZ into the river's wider hinterland, through the suburbs of Ivanhoe, Heidelberg, Rosanna and Viewbank.

These areas are mostly included within schedule 2 to the GRZ: Incremental areas (GRZ2) which stipulates a requirement of a maximum 40% site coverage and for 1 tree to be provided per 400m², including 1 large tree in the front setback. Building height requirements of ResCode apply (discretionary 9m height limit or 10m on a sloping site).

Residential Growth Zone (RGZ)

The RGZ is applied to residential areas around the Heidelberg Activity Centre. The discretionary height limit of 13.5m applies.

Low Density Residential Zone (LDRZ)

The LDRZ is applied to land in Lower Plenty, which interfaces the river and extends to the north-eastern corner of the municipality, close to the boundary. The schedule sets the minimum lot size at 0.4ha and Council is currently undertaking strategic justification work to apply this requirement to the new format zone schedule. Decision guidelines for subdivision make reference to landscape values, but there are no specific requirements for building heights, setbacks or site coverage.

Urban Floodway Zone (UFZ)

Small areas of UFZ are located in Heidelberg, including The Greenery nursery on Banksia Street and parkland and residential sites nearby on Vine Street. There is also a small area of parkland in Ivanhoe zoned UFZ. Use and development of land is limited in this zone and comprehensive review of how it might be affected by flooding is required.

Commercial 1 Zone (C1Z)

A small part of commercial land within in the Heidelberg Activity Centre is included in the study area, which allows a wide range of commercial and mixed use development, many of which do not require a planning permit.

Overlays

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

ESO1: Yarra River, Plenty River & Darebin Creek

The Environmental Significance Overlay Schedule 1 applies to the slopes and environs close to the river's edge. The Overlay aims to enhance the conservation and maintenance of the streamside environment and minimise the loss of vegetation along the river's edge. It requires a permit to remove, lop or prune any significant vegetation, and to construct a fence or a building over 4.5m in height. Decision guidelines include consideration of the visual amenity of the natural and landscaped character of the area and a minimum requirement of 50% site permeability.

The Overlay makes reference to a number of documents including:

- *The Middle Yarra River Concept Plan - Dights Falls to Burke Road, August* (1990)
- *Middle Yarra Concept Plan - Burke Road to Watsons Creek* (1991)
- *An Inventory of Sites of Environmental Significance in the City of Banyule and Adjoining Areas*, Banyule City Council, September (1995)
- *Wildlife Corridor Program*, Banyule City Council, (2000).

ESO4: Significant Trees & Areas of Vegetation

The Environmental Significance Overlay Schedule 4 aims to protect and enhance trees and areas of vegetation that are significant within the municipality. There are numerous sites near to the river corridor included within ESO4. The Overlay requires a permit to remove, lop or prune any significant vegetation. ESO4 is not specific to vegetation around the river. The table within the schedule lists specific locations of significant vegetation.

Reference is made to:

- City of Banyule – *Significant Trees and Vegetation Study* (March 2000)
- *Banyule City Council Significant Trees and Vegetation Register*
- *National Trust (Victoria) Significant Trees Register*.

SLO1: Watercourse Environs

The Significant Landscape Overlay Schedule 1 relates to the wider river environment, beyond the extent of ESO1 which follows the river's edge. It is located to the east of Burke Road and up to the eastern municipal boundary.

The overlay aims to protect watercourses and their immediate environs from inappropriate development that detracts from the appearance of the area. It aims to maintain a vegetation screen for views to and from the river. A permit is required for a building with a wall over 8 metres or any other part over 12 metres, and to remove native vegetation or exotic trees.

The decision guidelines include ensuring that buildings or works are in keeping with the character of the area and protecting vistas from the river, nearby streets, adjoining open spaces or prominent scenic viewpoints. A minimum requirement of 50% site permeability applies and buildings when viewed from the river or on ridgetops must be totally screened by vegetation. There are no building height or setback requirements.

SLO2: Yarra Valley Landscape Area

The Significant Landscape Overlay Schedule 2 relates to the wider river environment, mostly west of Burke Road, beyond the extent of ESO1.

This overlay aims to protect views into and out of identified significant areas within the municipality, particularly from ridgetops. It requires a permit for buildings over 6 metres in height. Specifically it also gives direction to enhance the

views and retain a sense of remoteness in the valleys of the watercourse.

Similar decision guidelines to SLO2 apply. There are no building height or setback requirements.

The Overlay makes particular reference to the *Middle Yarra Concept Plan* (1990) with the objective of encouraging development that is consistent with the recommendations outlined in the Concept Plan.

VPO1: Plenty River East Area

The Vegetation Protection Overlay Schedule 1 applies to land east of the Plenty River, in Lower Plenty. The purpose of the overlay is to conserve the existing pattern of vegetation, landscape quality and ecosystems within the area, which is subject to ongoing development. A permit is required to remove, lop or destroy native vegetation.

The overlay makes reference to a number of documents including the *Wildlife Corridor Program*, Banyule City Council (2000).

VPO3: Eaglemont, Ivanhoe East & Ivanhoe

The Vegetation Protection Overlay Schedule 3 applies to the garden suburban neighbourhoods within this area identified in the *Neighbourhood Character Strategy*. The purpose of the overlay is to protect the contribution that trees make to neighbourhood character, local identity and habitat links, particularly in relation to the Yarra River valley and wildlife corridor. A permit is required to remove, lop or destroy trees over a specified height and size.

VPO5: Substantial Tree Protection Area

The Vegetation Protection Overlay Schedule 5 applies to the garden court and garden suburban neighbourhoods identified in the *Neighbourhood Character Strategy*. This includes an extensive part of the City's residential neighbourhoods. The purpose of the overlay is to protect the contribution that trees make to neighbourhood character, local identity and habitat links. A permit is required to remove, lop or destroy trees over a specified height and size.

DDO5: Heidelberg Specialised & Major Activity Centres

The general purpose of DDO5 is to promote development that positively contributes to the built form and the public realm. Specifically relating to the Yarra River, one of the objectives aims to provide consistent building setbacks along Burgundy Street, Hawdon Street and Cape Street in order to retain valued views to the Yarra River Corridor. For sites directly adjoining the riverside parklands a maximum height of 10m applies.

DDO8: Plenty River East Neighbourhood Character

This DDO applies to residential neighbourhoods to the north-east of the Yarra and Plenty Rivers confluence. The purpose of DDO8 is to ensure that buildings do not penetrate the tree canopy, retain the area's heavily vegetated character and maintain the spaciousness and bush character of front gardens. A permit is required for buildings over 8 meters in height or within the dripline of a tree protected under a VPO or ESO, or to construct a fence. No building height or setback requirements are stipulated.

Land Subject to Inundation Overlay

The LSIO is applied along the length of the Yarra River within Banyule, to the parklands and the adjoining residential interface beyond. A permit is required for specified buildings and works and for subdivision. No building height, setbacks or site coverage requirements are stipulated.

Heritage Overlay

There are a number of identified sites, including buildings and open spaces, with heritage overlays throughout the municipality which are concentrated along the river. Significant sites include the Yarra Flats (HO134), Wilson Reserve (HO167), Chelsworth Park (HO168), the Banyule Homestead (HO13) and the Viewbank Homestead (HO).

