

Appendix A:  
Existing Planning  
Scheme Provisions

# Existing Planning Scheme Provisions

## Municipal Strategic Statement

Nillumbik Shire Council recognises through its MSS the important role the Council plays in the region's biodiversity. It recognises that there are a number of key environmental assets throughout the municipality including the Yarra River system, which provide for social, recreational and cultural pursuits. It also identifies an ongoing commitment to regional objectives for integrated catchment management, including direction by the *Yarra Catchment Action Plan* published by Yarra Care (1996).

Clause 21.02 'Municipal overview & regional context' and Clause 21.03 'Municipal profile & key influences' refer to the importance of the river to the geographic, the environmental, historic conservation and landscape context of the Shire of Nillumbik.

Clause 21.03-3 'Environment, conservation and landscape' notes the Yarra River corridor and its tributaries as sites of particular environmental, heritage, recreational and tourism value. It recognises that the water quality of waterways within the Shire is generally poor and in decline, due to development influences which have impacted on their habitat and general health. This includes unsustainable land management practices, excessive vegetation clearance and poor management of storm water in urban areas. It also identifies issues of flooding as an important strategic consideration, particularly along the Yarra River from Kangaroo Ground to Eltham.

Clause 21.03-5 'Infrastructure' notes the significance of the river corridor as a major open space network.

The key strategic goals and the vision for the Shire are outlined in Clause 21.04 'Vision – strategic framework', and can be summarised as follows:

- Retain and enhance networks of habitat links along the waterways
- Retain natural and cultural heritage
- Preserve the natural environment and the rural characteristic which contributes to the identity of the Shire
- Enhance the aesthetic qualities of the urban and rural environment, responding appropriately to existing land form, landscapes and vegetation.

In addition, the MSS makes reference to the following relevant documents:

- *Middle Yarra Concept Plan*, Burke Road to Watsons Creek (1991)
- *Yarra Catchment Action Plan* (1999).

## Local Planning Policy

The local planning policies that are relevant to the Yarra River corridor recognise the unique characteristic of the landscape, and the picturesque views that can be experienced from the elevated ridgelines toward the river.

The MSS identified a number of issues associated with water management within the Shire which are addressed throughout the local planning policies, including:

- Clause 22.03 Residential Use and Development on Small Lots in Green Wedge Areas.
- Clause 22.05 Aboriginal Cultural Heritage Policy.
- Clause 22.12 Neighbourhood Character Policy.

General objectives evident in Local Policies include:

- Encouraging appropriate and respectful siting and design of dwellings in areas that may be impacted by erosion, flooding and environmental degradation.
- Maintaining a strong tree canopy and native planting across the municipality.
- Managing drainage and effluent with reference to the *Nillumbik Siting and Design Guidelines for Environmentally Sensitive Areas*.
- Ensuring new uses and developments do not detract from sites and features of Aboriginal cultural heritage including areas along the Yarra River.

## Zones

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

### Low Density Residential Zone (LDRZ)

Areas of LDRZ land are located along the Yarra River corridor itself or adjoining Conservation Areas at Eltham and North Warrandyte.

The Low Density Residential Zone (LDRZ) provides for residential use within a low density environment. The standard LDRZ provisions restrict land use to two dwellings per lot and provide a minimum subdivision area of 0.2 hectares (with connected reticulated sewerage) and 0.4 hectares (without). However, the Schedule to the LDRZ in Nillumbik applies a minimum lot size of 0.4ha. Decision guidelines include consideration of the protection of the natural environment and character of the area.

### Rural Conservation Zone (RCZ)

A large segment of continuous RCZ is distributed throughout the Shire, intersecting at certain points along the river's edge.

The RCZ includes broad decision guidelines requiring consideration of environmental and landscape values and the impact of new development upon vistas.

Most of the RCZ land within the study area is included in Schedule 3, which applies to land not directly abutting the river corridor. It specifies a minimum lot size of 8ha.

All land adjoining the river is included in Schedule 4 to the RCZ. This has a specific aim of conserving the rural character and the environmental and landscape values of the Yarra River. It applies a minimum lot size of 40ha.

### General Residential Zone (GRZ) & Neighbourhood Residential Zone (NRZ)

Areas of GRZ (Schedule 1 General residential areas) and NRZ (Schedule 7 Nillumbik neighbourhood residential areas) stretch beyond the river environs through the suburbs of Eltham.

GRZ1 requires a permit for a single dwelling on a lot greater than 500m<sup>2</sup> and applies the discretionary height limit of ResCode (9m or 10m on a sloping site).

NRZ7 applies a maximum of two dwellings per lot and a mandatory height limit of 8m (9m on a sloping site) applies.

### Public Conservation and Resource Zone (PCRZ)

The PCRZ covers a large portion of land along the Yarra River corridor, beginning in the most south-western point of the boundary, following the course of the river. The PCRZ provides an almost continual buffer of highly vegetated, undeveloped land long the river (at varying widths). It includes public reserves such as Sweeneys Flats and the Warrandyte State Park. There are no specific siting or design requirements in this zone.

### Public Park and Recreation Zone (PPRZ)

There is only one small section of PPRZ which directly interfaces with the Yarra River, at Lenister Farm, located in the south-western corner of the municipal boundary. There are no specific siting or design requirements in this zone.

## Overlays

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

### ESO1: Sites of Faunal and Habitat Significance

Environmental Significance Overlay Schedule 1 identifies strategies and objectives for protecting sites of faunal and habitat significance. It is applied to numerous areas in the Shire, including river corridors. Within the study area, it is applied along the broader river environment within Eltham and Warrandyte. Reference is made to Sites of Faunal and Habitat Significance in North East Melbourne (1997) as the guiding document for informing the strategic policy objectives.

Permit requirements relate to buildings, works, fences and vegetation removal and decision guidelines focus on the protection of vegetation in relation to faunal habitat. Decision guidelines relate to general consideration of native vegetation and habitat value. There are no detailed siting and design provisions.

### ESO2: Yarra River Environs

The Environmental Significance Overlay Schedule 2 is applied to land immediately adjoining the Yarra River. In most locations it is applied to public land within the PCRZ, however several sites within the RCZ are also included in ESO2.

This ESO recognises the Yarra River and its environs as one of the most important natural assets of Melbourne and of significant landscape character within the Shire. It further identifies the role of the Yarra River in providing key views throughout the Shire, attracting residents and visitors.

The aims of ESO2 include protection of habitat corridors, enhancement of views to and from the river to minimise visual intrusion and retention of the sense of remoteness along the river corridor. Permit requirements relate to buildings outside of residential zones and over 6m in height, works, fences and vegetation removal. Decision guidelines include consideration of the environmental aspects of the river, waterway health and conservation, the landform of the riverbanks and the visual impact of new development. There are specific requirements relating to site coverage and excavation.

### ESO4: Waterways

The Environmental Significance Overlay Schedule 4 relates to waterways throughout the Shire. Within the study area it applies to land immediately adjoining Diamond Creek and Watsons Creek, which meet the Yarra in Eltham and Kangaroo Ground respectively. The objectives to be achieved and permit requirements are similar to those of ESO2 and include protection of habitat, water quality and views.

### SLO2: Bush and Semi-Bush Residential Areas

The Significant Landscape Overlay Schedule 2 is applied to parts of Eltham and North Warrandyte located within the broader Yarra River environs.

The SLO implements the Neighbourhood Character Study which aims to retain the distinctive 'bushland setting' or 'bush garden character' of these areas, as well as their environmental values. New housing must be sensitively sited and designed, and respond to the landscape and topographic character. Permits are required for specified buildings, works, vegetation removal and fencing.

SLO2 includes brief decision guidelines relating to the role of vegetation in contributing to the character of the area. There are no specified building heights, setbacks or site coverage requirements.

### Land Subject to Inundation Overlay

The LSIO is applied along the length of the Yarra River within Nillumbik. 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 individual sites within the Heritage Overlay along the Yarra River.

