

Lower Yarra River Corridor Study



YARRA MUNICIPAL TOOLKIT
NOVEMBER 2016

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Acknowledgements

Traditional Owners

The Victorian Government proudly acknowledges Victoria's Aboriginal community and their rich culture and pays respect to their Elders past and present.

This study acknowledges that the Birrarung (Yarra River) flows through the traditional land of the Wurundjeri people with the waterway, its natural landscape and key features having social, cultural and spiritual significance.

Project Participants

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1. New Directions for the Yarra River

The Victorian Government has established a program of activity aimed at protecting the long term interests of the Yarra River. Commencement of the program was announced in August 2015 by the Minister for Planning.

The program is focused on establishing a dedicated Yarra River Trust and managing development impacts in the short term through implementing stronger planning policy and planning controls for areas along the Yarra River under immediate pressure from development.

Establishing the Yarra River Trust

The Victorian Government is committed to protecting Melbourne's iconic Yarra River from inappropriate development and promoting its amenity and significance by establishing a dedicated Trust.

In December 2015 the Minister for Planning and the then Minister for Environment, Climate Change and Water appointed the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) to provide independent advice to Government on the key issues and opportunities for the river as well as improvements to the governance arrangements.

The Yarra MAC released a Discussion Paper in June 2016 to promote debate about how the Yarra River should be managed and protected in the future. It outlined a number of key issues facing the future of the Yarra River and options for a new management model to protect its values.

The Yarra MAC will deliver its final *Recommendations Report* to both Ministers in the last quarter of 2016. For further information please visit: www.delwp.vic.gov.au/yarra-river-protection.

Implementing Stronger Policy and Planning Controls

The Victorian Government recognises the need to respond to development pressures in the short to medium term until a Trust is formed. To support effective decision making while new governance and policy arrangements are being finalised. The Minister for Planning has approved a program that focuses on strengthening existing planning policy and controls for the Yarra River.

A range of studies (including this study) implement their recommendations via a suite of consistent planning controls within the Yarra River corridor. The focus of the program is the area between Richmond and Warrandyte, which is the stretch of river under the greatest pressure from urban development. This portion of the river passes through or adjoins the municipalities of Yarra, Stonnington, Boroondara, Banyule, Manningham and Nillumbik.

Strengthening State Planning Policy

On 12 August 2015, the Minister for Planning hosted a roundtable forum with council mayors and the heads of Melbourne Water, Parks Victoria and the Port Phillip Catchment Management Authority, to outline the actions the Victorian Government proposes to strengthen existing planning policy and controls for the Yarra River.

Councils and authorities were invited to collaborate with the Department of Environment, Land, Water and Planning in developing more effective and consistent planning controls for the Yarra River between Richmond and Warrandyte.

On 17 September 2015, the Department of Environment, Land, Water and Planning hosted a workshop involving senior planning practitioners from all relevant councils, Melbourne Water, Parks Victoria and the Port Phillip Catchment Management Authority to discuss the components of a strengthened State planning policy, and to discuss the potential form and content of model planning controls. The feedback received through this workshop was used to inform the development of a strengthened State planning policy and input into the preparation of model planning controls.

On 21 December 2015, Amendment VC121 was gazetted giving effect to a strengthened 'River Corridor' policy and a new 'Yarra River Protection' policy within Clause 12 of 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 under the planning system.

Preparing Consistent Planning Controls: Richmond to Warrandyte

The Department of Environment, Land, Water and Planning has worked in partnership with councils and Melbourne Water to finalise a number of strategic projects between Richmond and Warrandyte. The following actions will form the basis of a planning scheme amendment to implement strengthened planning controls.

- Finalise the Middle Yarra River Study recommendations and complete associated municipal toolkits for Banyule, Manningham and Nillumbik councils;
- Review planning controls implemented in the City of Boroondara under VC96 and strengthen those controls with appropriate setback distances;
- Review the strategic findings of the City of Yarra's *Yarra River Strategy*; and
- Review planning controls for areas adjacent to the Yarra River within the City of Stonnington.

2. Project Background

This Toolkit

This *Municipal Toolkit* sets out proposed planning provisions to implement the findings and outcomes of the *Lower Yarra River Corridor Study Recommendations Report*, October 2016 (the *Recommendations Report*).

These proposed provisions are based on a detailed assessment of the landscape values and character of the river corridor, the identification of potential development pressures for the Yarra River, and analysis of the effectiveness of the current suite of statutory provisions in managing threats to identified values.

The recommendations in this report aim to strengthen the current provisions of the *Yarra Planning Scheme*, in order to ensure that the sensitive environment of the Yarra River corridor is protected and managed, now and into the future.



Implementation Approach

As set out in Chapter 1 of the *Recommendations Report*, the approach can be summarised as:

- Understanding the values, character and views of the river
- Identifying the threats and pressures to these
- Examining the current approach to managing development and protecting vegetation in the study area through the planning scheme, in order to determine the gaps in statutory controls
- Recommending ways in which these controls could be strengthened to protect the identified values, character and views.



Recommended Areas of Management

Chapters 5 & 6 of the *Recommendations Report* identify the areas recommended for management through the *Yarra Planning Scheme*.

These recommendations focus on managing development on private land, where development has the greatest potential exists to impact upon the river's immediate and broader landscape setting. The area of focus is defined in Chapter 5 as:

- The Waterway Corridor - the river's immediate environment
- The River Experience Corridor – the experience of the river from its banks and trails
- The Landscape Setting - the wider landscape setting.

The areas recommended for management within the City of Yarra are shown on the map on page 5, River Interface Character Types & Key Views.

Recommended Changes

This study has identified the need to apply stronger siting and design controls through the *Yarra Planning Scheme* for prominent areas within close proximity to the Yarra River, where future development has the potential to negatively impact on its value and significance.

This study recommends the following for the *Yarra Planning Scheme*:

- Council to consider updating the Municipal Strategic Statement (MSS) to include content and outcomes outlined in this study as part of a future review of the Local Planning Policy Framework.
- Apply an updated Design and Development Overlay Schedule 1 'Yarra River Corridor Protection' (DDO1) to areas of private land that are adjacent to, or within close proximity to the Yarra River, establishing area specific height, setback and other siting and design requirements. Remove DDO1 from public land and revise the boundary to reflect the findings of this study.
- Replace the existing Environmental Significance Overlay Schedule 1 'Yarra River Environs' (ESO1) with a Significant Landscape Overlay (SLO), to establish consistent landscape, vegetation and other management requirements.
- Adopt a master plan approach to managing major development sites and development on public land, using the Incorporated Plan Overlay (IPO) or the Development Plan Overlay (DPO), as a potential planning tool to guide the use and development of land.

3. The Lower Yarra River Corridor in Yarra

River Corridor Values

The Yarra River is a major natural landscape feature of significance to metropolitan Melbourne. These values are documented in detail in Chapter 2 of the *Recommendations Report*.

Within the local context of the City of Yarra, the community has identified that the river is specifically valued for:

- Its rich natural environment which includes some of the most valuable flora, fauna, geological and geomorphological assets in metropolitan Melbourne.
- The role it plays as a key biodiversity corridor through the municipality.
- The topographical formation of its landscape as it winds through the municipality.
- Its vegetation cover underpinning the landscape character of surrounding residential areas.
- The variety of landscapes as it transitions from the suburban setting of Alphington to the more urban settings of Richmond and Abbotsford.
- The network of parklands and open spaces, including the extensive Yarra Bend Park and Studley Park, which are linked by the Main Yarra Trail and Capital City Trail.
- Its recreational value for the local community in providing the experience of a natural setting within the city.
- Its pivotal role in the pre- and post-contact history of the municipality: as a place of Aboriginal heritage significance; as a part of Melbourne's industrial heritage; and as an integral factor in shaping the settlement of Melbourne.

The Yarra River Character within the City of Yarra

The character of the entire Lower Yarra River corridor is documented in detail in the Chapter 3 of the *Recommendations Report*. Across the study area, six different river character types have been identified, four of which apply to the City of Yarra:

Richmond & Abbotsford - Current and Ex-Industrial Character Type

Parts of Richmond and Abbotsford are included in the Current and Ex-Industrial River interface character type, comprising intensely urbanised areas of industrial and commercial uses. In some locations, former industrial areas are undergoing a transition into residential or mixed use.

This character type features established industrial, commercial and residential buildings, some of which are located within close proximity to the Yarra River corridor. There is a mix of building styles, scales and heights.

Older industrial development is often built of red brick, and many buildings are heritage listed. Newer industrial buildings are frequently utilitarian in nature with limited architectural interest.

Mature trees and understorey planting are located sporadically along the river banks. Some locations feature a well vegetated character which compliments the landscape of the Yarra Bend Park or other open spaces on the opposite banks. Other locations by contrast have minimal river bank vegetation, with either buildings or infrastructure built to the river's edge.

The topography in this character area is generally flat and drops away steeply to the river's edge.

Cremorne - Motorway Character Type

Areas along the river that adjoin the Monash Freeway in Richmond and Cremorne are included in the Motorway River character type. This comprises intensely developed urban areas of industrial, commercial and residential uses. There are a number of larger sites which are being redeveloped for residential apartments. The Monash Freeway is constructed on top of or immediately adjoining the river bank and overshadows the water.

This character type consists of taller built form constructed on land that adjoins the motorway, including the heritage listed grain silos and Nylex clock. It also includes commercial land along the river frontage around Church Street, the Richmond Terminal Station and Burnley Harbour.

Views towards this character type from the waterway, opposite bank or recreation trails are defined by the dominant built form which frames the skyline.

The topography of this area is marked by a gradual rise from the river's edge towards an overall flat topography. Within this area the Yarra River features highly modified river banks. Additionally, the river's formation has been significantly modified through the creation of the artificial Herring Island and Burnley Harbour.

Because of the motorway infrastructure and intensive urban development, there is limited vegetation or tree canopy in this character type.

Fairfield - Leafy Suburban Character Type

The low density residential areas of Fairfield have a distinctly leafy, well vegetated suburban character. The area features a strong landscape setting of tall native and exotic canopy tree cover. A pocket of residential properties has a direct interface with the river corridor.

The established neighbourhoods of the Leafy Suburban character type feature single dwellings, two to three storeys in scale, on large lots spaciouly set apart. Existing planning controls have generally retained this character by requiring a low site coverage to allow space for new planting and generally restricting building heights to below the predominant tree canopy.

There are examples of more recent subdivision and more intensive development adjacent to the river corridor which jeopardises the amount of space available for trees and canopy coverage.

For lots adjoining the river, the siting and design of new buildings, retention of the tree canopy and protection of the riverbank environment is of particular importance. On other sites located further away from the river, retention of the tree canopy will reduce the visibility of buildings from the river corridor and surrounding parkland areas.

Parklands & Recreation Character Type

Extensive areas of parklands and recreation reserves lie alongside the river, on the flat land of its floodplains, which are included within the Parklands and Recreation character type.

These spaces include the Yarra Bend Park, Studley Park, Abbotsford Convent, Collingwood Children's Farm, Burnley Park, Kevin Bartlett Reserve and other smaller pocket parks. They are linked by the Capital City Trail and Main Yarra Trail. These areas are well-vegetated with mature trees, with either a formally planted or naturalistic character.

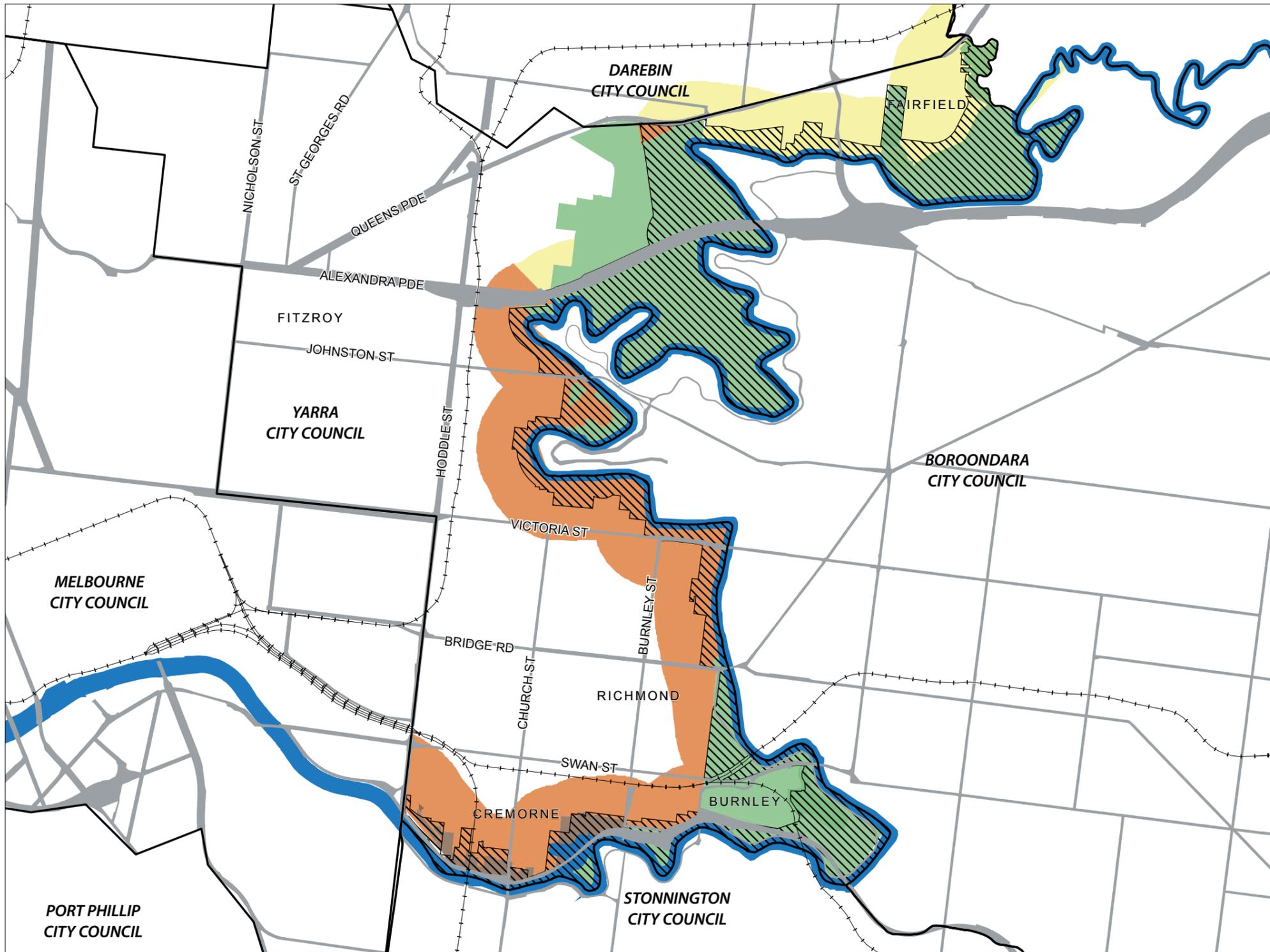
While not subject to pressure for new development, the siting and design of parkland and recreational infrastructure, particularly at the river's edge is an important consideration in these areas. This includes fencing, sports facilities and playgrounds, as well as jetties, boat ramps or sheds, and mooring facilities. As highly valued spaces along the river corridor, it is essential that this infrastructure is provided in a sensitive manner.

Key Views

There are numerous viewing opportunities within, to or from the river corridor within the City of Yarra, and these are documented in Chapter 3 of the *Recommendations Report*.

In summary, the key views within (or to) the City of Yarra include:

- Dynamic views of the river that can be obtained from moving along the Main Yarra Trail, other local trails, Monash Freeway or access by boat.
- Bridge crossings of major roads that provide views of the river for people travelling in cars, pedestrians or cyclists, including bridges at Johnston Street, Victoria Street, Bridge Road, Wallen Road, Chapel Street, Hoddle Bridge and the Eastern Freeway.
- The pedestrian bridge crossings at Gipps Street, Cremorne Rail and Pedestrian Bridge, and Walmer Street.
- Formal viewing points of the Dights Falls.
- The many viewing points from within the Yarra Bend Park.



LEGEND

- Local Government Boundaries
- Yarra River
- Recommended river management area

Character Type

- Leafy Suburban
- Parklands and Recreation
- Current and Ex-Industrial
- Motorway

LOWER YARRA RIVER CORRIDOR STUDY
RIVER INTERFACE CHARACTER TYPES

4. Existing Planning Scheme Provisions

Overview

A review of the *City of Yarra, Yarra River Strategy 2015* (the 2015 Strategy) and the current provisions within the *Yarra Planning Scheme* has been undertaken as part of this review of planning controls relating to the Yarra River within the City of Yarra.

The recommendations of the 2015 Strategy were implemented via Amendment C195 to the Yarra Planning Scheme on an interim basis and subject to a review process. This will ensure the approach for protecting the Yarra River within the City of Yarra is consistent with a broader corridor approach being progressed by the Department of Environment, Land, Water and Planning.

This has focused on:

- Review of the 2015 Strategy conclusions and strategic intent against the revised Clause 12.05-2 'Yarra River Protection' of the State Planning Policy Framework, implemented by VC121.
- Review of all interim mandatory setback requirements with a view to confirming their appropriateness and alignment with a consistent methodology being prepared under the broader Yarra River Planning Controls project.
- Review of the appropriateness of all interim height requirements within each Current and Ex-Industrial Character types to achieve desired landscape character objectives of the new State Policy.
- Review of the appropriateness of the current extent of DDO1 as it relates to the Motorway precinct and other areas where built form may overshadow the Yarra river.
- Addressing any identified gaps or inconsistencies in the application of the interim DDO1 and ESO1 in the *Yarra Planning Scheme* with the approach being taken under the broader Yarra River Planning Controls project.
- How best to integrate the findings of the 2015 Strategy report to present a definitive and consistent reference document.

Relevant information and detailed analysis which has informed proposed recommendations is located within **Appendices C to F** of this report. The overarching strategic narrative for the Yarra River between Richmond and Fairfield is contained with the *'Lower Yarra River Study Recommendations Report'*.

Recommended Changes to the 2015 Strategy

The detailed analysis relating to these changes are contained within **Appendices C to F**. The following adjustments are recommended post review of the 2015 Strategy:

- **Parkland Area A (North): La Trobe Golf Course & SUZ site.**
Increase building setback from 50m to 100m to provide a more substantial vegetation buffer to the river's edge. Include a building setback of 30m from Darebin Creek.
- **Parkland Area A (North): Land in Commercial Zone 1 (CZ1) Heidelberg Road, Fairfield**
Reclassify all land within the CZ1 to the 'Current & Ex-Industrial character type' and maintained within DDO1 with un-prescribed discretionary height control to ensure interface with the Merri Creek and Yarra River environs are managed and protected.
- **Current & Ex-Industrial Area A: Trenerry Crescent & River Street.**
Increase the overall mandatory minimum setback from 25m to 30m and increase the setback for all mandatory height levels to ensure overshadowing of the Yarra River is avoided and to reduce visual impact when viewed from the river corridor.
- **Current & Ex-Industrial Area B: Victoria Crescent (northern segment)**
Reduce all heights and make mandatory for land abutting the Yarra River within Industrial Zone 1 to ensure overshadowing of the Yarra River is managed within current levels and to reduce visual impact when viewed from the river corridor.
- **Current & Ex-Industrial Area B: Victoria Crescent (southern segment)**
Increase the setback for all mandatory height levels and maintain the existing discretionary maximum overall height to reduce visual impact when viewed from the river corridor.
- **Current & Ex-Industrial Area C - Carlton & United Breweries precinct.**
Increase the setback for all mandatory height levels and maintain the existing discretionary maximum overall height to reduce potential visibility of new industrial built form within the Industrial 1 Zone from the Yarra river corridor.

It is recommended that a master plan be prepared for this site to guide future built form relationships with the Yarra River. Opportunity exists for an increased ground level setback of up to 60m which would encourage better connection with the riverine environment through quality public open space and riverfront access.

- **Motorway Precinct Areas.**
Extend the spatial application of DDO1 northward to ensure areas within current industrial, commercial and/or mixed used zones are subject to a mandatory overshadowing test to ensure overshadowing of the Yarra River is avoided and that the design objectives of DDO1 are considered.

State Planning Policy Framework

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 policy provides a strengthened basis and rationale for the protection of the whole of the Yarra River corridor.

The new policy includes a 'Statement of Significance' for the Yarra River, four key strategic policy principles, and a number of objectives and strategies.

The new 'River Corridor' policy has been moved from its previous location at Clause 11 (Settlements) to Clause 12 (Environment and landscape values), supporting a refocusing of the 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 avoids 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 Policies & Controls

The local policies and controls of the *Yarra Planning Scheme* relating to the Yarra River are detailed in **Appendix A**, and zoning and overlay maps are reproduced in **Appendix B**. The provisions that are of most relevance to the siting and design of new development within the study area are listed under the following headings.

Municipal Strategic Statement (MSS)

- Clause 21.02 Municipal Profile (Open Space Resources, Environment and Natural Systems)
- Clause 21.04 Land Use
- Clause 21.05-2 Urban Design
- Clause 21.05-3 Built Form Character (Yarra River Corridor)
- Clause 21.07 Environmental Sustainability
- Clause 21.07-2 Yarra River, Merri Creek and Darebin Creek
- Clause 21.08 Neighbourhoods
- Clause 21.10 Future Work.

Local Planning Policies (LPPF)

- Clause 22.08 Protection of Biodiversity
- Clause 22.10 Built Form and Design Policy
- Clause 22.11 Victoria Street East Precinct Policy.

Zones - General

- Public Park & Recreation Zone (PPRZ)
- General Residential Zone (GRZ) in Leafy Suburban typology, adjacent to CityLink and in River Street and Yarra Bend Court
- Commercial 1 & 2 Zones (C1Z & C2Z) for land in Current & Ex-Industrial typology
- Industrial 1 Zone (IN1Z) in Current & Ex-Industrial typology
- Road Zone 1 (RDZ1) for Eastern Freeway, CityLink, Yarra Boulevard and major roads that intersect the river
- Public Conservation & Resource Zone (PCRZ) for southern end of Alphington Park
- Public Use Zone (PUZ) within parkland
- Mixed Use Zone (MUZ) at the Amcor site
- Urban Floodway Zone (UFZ) to the southern parts of two residential properties at View Street, Alphington.

Zones - Site Specific

- Comprehensive Development Zone (CDZ1) - Victoria Gardens
- Priority Development Zone (PDZ1) - Victoria Street East Precinct at Yarra Gardens / Shamrock Street North
- Public Use Zone (PUZ3) - 'Forensicare'
- Special Use Zone (SUZ1) - Latrobe Golf Course
- Special Use Zone (SUZ4) - Abbotsford Convent.

Overlays

- Design and Development Overlay (DDO1) - Yarra River Corridor Protection (inclusive of Merri & Darebin Creeks, interim control due to expire 31/12/17)
- Design and Development Overlay (DDO4) - Victoria Street East Precinct (expired 30/9/11)
- Environmental Significance Overlay (ESO1) - Yarra River Environs (only applies to Yarra River, interim control due to expire 31/12/17)
- Land Subject to Inundation Overlay (LSIO)
- Public Acquisition Overlay - Schedule 2 (PAO2)
- Development Plan Overlay (DPO3) - Swan Street Development, Burnley
- Development Plan Overlay (DPO11) - Amcor Site, Heidelberg Road, Alphington
- Heritage Overlay (HO)
- Special Building Overlay (SBO)
- Citylink Project Overlay (CLPO)
- Environmental Audit Overlay (EAO).

Since the Corridor Strategy was prepared in 2015, an interim control and changes to the DDO1 have been made. These changes relate to the State Government work around the Yarra River Corridor, and have been outlined below.

Reference Documents

- *The Middle Yarra Concept Plan - Dights Falls to Burke Road* (1990)
- *The Lower Yarra Concept Plan - Dights Falls to Punt Road* (1986)
- *Environmental Weed Invasions in Victoria, Department of Conservation and Natural Resources and Ecological Horticulture Pty. Ltd.* (1992)
- *City of Yarra, Yarra River Corridor Strategy*, Planisphere (2015)
- *Guidelines for Approval of Jetties*, Melbourne Water (2011)
- *City of Yarra Stormwater and Drainage Policy*.

Gaps in Planning Scheme Controls

The current suite of policies and controls in the *Yarra Planning Scheme* (the Planning Scheme) relating to the Yarra River has been reviewed in detail. This analysis has shown where gaps exist in the statutory framework for the protection and management of the river corridor, and where additional controls are required to achieve the recommended outcomes of the study.

Planning Policy Framework

- Council's Local Planning Policy Framework includes numerous references to the significance of the Yarra River within the City of Yarra, mostly within the Municipal Strategic Statement (MSS).
- The MSS includes specific references to the significance of the Yarra River as a defining feature of the municipality.
- The MSS states that 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, such as topography and vegetation, should predominate.
- It notes that prescribing maximum heights and setbacks may be necessary for some sections of the corridor.
- There is no local policy specifically designed to address development along the Yarra River corridor. While several local policies refer to the significance of the river, these policy statements are general in nature and do not provide direction about the siting and design of development within the river's setting.

Zones

- The various general zone controls applying to private land trigger permits for different types of land use or development.
- While the zones include general requirements to respect the character or environment of the area, none of these requirements relate specifically to the protection and management of the Yarra River corridor.
- The areas of GRZ adjoining the river in Fairfield implements a 9m mandatory height control. Other detailed design requirements recommended in this study are not able to be included in this zone schedule.

- Other site specific zone controls (such as the PCZ, SUZ or CDZ) set mandatory height limits in accordance with approved development plans.
- The zoning of public land generally provides adequate guidance for development along the river corridor, as it limits development opportunities and defers to other statutory requirements for public land management.

Overlays

A number of overlay controls apply within the study area and trigger permits for various types of development, each with a specific intent and decision guidelines.

Design and Development Overlay (DDO1)

- The interim DDO1 'Yarra River Corridor Protection' has introduced mandatory height and setback controls to both public and private land adjoining the river (excluding sites within residential zones or subject to other site specific controls of the PCZ, SUZ or CDZ). It is due to expire at the end of 2017.
- DDO1 is applied more extensively than the DDO recommended for other municipalities in the Lower and Middle Yarra River study areas, which is recommended to be applied only to privately owned land.
- The former DDO1 applied discretionary height and setback requirements and used the river's 'crestline' as a means of identifying required setbacks. In reviewing the effectiveness of this DDO, the 2015 Strategy concluded that it has led to inconsistent outcomes, with many developments in breach of the discretionary requirements. It also found that use of the 'crestline' as a measurement for building setbacks is difficult to administer. The permanent DDO control should therefore retain the current means of measuring setbacks as developed in the preparation of DDO1, and its mandatory height and setback controls that respond to area-specific circumstances.
- The current heights and setbacks specified in DDO1 do not prevent overshadowing of the river, waterway or shared trails, as required by the updated State Planning Policy. Detailed shadow analysis has shown how DDO1 should be revised to prevent overshadowing, included in **Appendix E**.
- Several mapping anomalies have been identified since the introduction of DDO1 and need to be updated.

Environmental Significance Overlay (ESO1)

- The current ESO1 'Yarra River Environs' was introduced in January 2016 and is an interim control. Similar to the DDO1, the Statement of Environmental Significance contained in the ESO1 emphasises the importance of the Yarra River and its surrounding environment. The control is applied to all sites adjoining the river, both public and private land, and in most instances includes entire property parcels.
- While this ESO provides environmental and tree protection, the approach taken in other municipalities within the Inner-Middle Yarra River corridor is to apply the SLO, as a holistic landscape management tool.

Other Overlays

- The Land Subject to Inundation Overlay requires permits for buildings and works on public and private land near the river, and limits development potential on these sites. Applications must be considered by Melbourne Water. The overlay does not relate to the management of river corridor landscape values.
- The Heritage Overlay manages the development of significant heritage places within the river corridor, but does not require consideration of landscape values, unless identified in a statement of significance.
- The DPO is a site specific overlay control which sets mandatory height limits in accordance with approved development plans.

Overshadowing Analysis

Detailed overshadowing analysis has been conducted within the City of Yarra in response to the new State Policy direction of *'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.'*

Given that many sites have the potential for future built form that could cast additional shadow across the river and its banks, revised building envelopes are proposed in a number of locations to ensure that year-round solar access is retained.

This overshadowing analysis was conducted by the Department of Environment, Land, Water and Planning (DELWP) and is included as **Appendix E**. It tested the potential for overshadowing based on the current interim height and setback requirements of DDO1. Revised building height and setback controls are recommended within Trenergy Crescent, Victoria Crescent, River Street and the Motorway precinct, Cremorne/Burnley to prevent overshadowing.

5. Planning Scheme Implementation Recommendations

Overview

This chapter provides an overview of the proposed form, content and spatial application of statutory planning controls for the *Yarra Planning Scheme* (the Planning Scheme). These controls are proposed to replace the current interim DDO1 and ESO1.

The proposed controls deliver a strengthened framework to achieve the agreed vision for the river and the protection of its values and character identified within the *Lower Yarra River Corridor Study Recommendations Report*, 2016 (the Report).

The focus of the new controls is to protect and enhance the natural landscape character of the Yarra River corridor where the river, its topography, adjacent public open space and a continuous corridor of vegetation and canopy trees remain the dominant features in public views from the Yarra River and its surrounds.

Recommended Changes

This study recommends the following changes to the *Yarra Planning Scheme*:

- Council to consider updating the Municipal Strategic Statement (MSS) to include content and outcomes outlined in this study as part of a future review of the Local Planning Policy Framework.
- Apply an updated Design and Development Overlay Schedule 1 'Yarra River Corridor Protection' (DDO1) to areas of private land that are adjacent to, or within close proximity to the Yarra River, establishing area specific height, setback and other siting and design requirements. Remove the DDO1 from public land and revise the boundary to reflect the findings of this study.
- Replace the existing Environmental Significance Overlay Schedule 1 'Yarra River Environs' (ESO1) with a Significant Landscape Overlay (SLO), to establish consistent landscape, vegetation and other management requirements.
- Adopt a master plan approach to managing major development sites and development on public land, using the Incorporated Plan Overlay (IPO) or the Development Plan Overlay (DPO), as a potential planning tool to guide the use and development of land..

The above recommendations are intended to improve the consistency of planning controls along the Yarra River between Richmond and Warrandyte. They reflect provisions and recommendations made for other municipalities along this stretch of the river.

Local Planning Policy Framework

It is recommended that Council strengthen existing references within the MSS regarding the Yarra River, utilising the content of the *Lower Yarra River Corridor Study Recommendations Report*, 2016.

An updated MSS could include the vision for the river set out in the Report, and the key values for the river corridor within the City of Yarra that have been identified. The *Lower Yarra River Corridor Study Recommendations Report*, 2016, should also be included as a reference document.

Managing Built Form Outcomes – Applying the DDO

A new DDO schedule titled 'Yarra River (Birrarung) Protection' has been drafted for inclusion in the *Yarra Planning Scheme* based on the findings of the *Recommendations Report*.

An analysis of each DDO area which includes a detailed rationale for the control boundary, building heights and setbacks is provided at **Appendix F**.

DDO Boundary

The existing extent of DDO1 captures an area which reflects the extent of land within the 'Waterway Corridor' and the 'River Experience Corridor' of the Yarra River, identified in Chapter 5 of the *Recommendations Report*. This general area is defined as:

- the Yarra River itself, its banks and its immediate environment; and
- the fore and middle ground landscape that is viewed or experienced from the river, the Main Yarra Trail and the adjoining parklands.

It is proposed that the extent of DDO1 be modified to include areas of private land shown on the map on page 5 within this setting. The updated DDO1 should be read in conjunction with the proposed SLO (which captures both private and public land) to ensure a holistic landscape management approach. **Appendix F** provides more detail regarding the proposed extent of the control boundary for each area.

As a general rule, the DDO has not been applied to areas of public land as this study (or past studies) has not undertaken a detailed analysis of current and/or potential development opportunities to justify additional planning controls.

In a limited number of situations, the proposed DDO has been applied to areas of public land for the following reasons:

- Where public land forms a narrow buffer between the Yarra River and private land;
- Where it helps clarify the spatial intent and application of the DDO; and
- Where ownership of land is in question and is zoned within a public zone.

Modifications to the boundary of the overlay are proposed to:

- Extend the DDO to include land parcels that may overshadow the river within the Motorway character type.
- Remove DDO1 from the Creek tributary.
- Address minor mapping anomalies.

Design Objectives & Decision Guidelines

The proposed design objectives and decision guidelines have been adapted from those outlined in Chapter 5 of the *Recommendations Report*. The design objectives are structured under the following headings:

- Landscape protection
- Height, setback and overshadowing
- Materials and design
- Site coverage and permeability.

Permit Requirements

A permit is required for subdivision and all buildings and works within the proposed DDO. This includes the construction of a swimming pool or tennis court associated with a dwelling.

Overshadowing

It is proposed that a mandatory control be applied requiring that new buildings not cast any additional shadow over the banks and waters of the Yarra River, measured during the winter solstice.

In addition, overshadowing of public open space during spring/autumn equinox period is to be discouraged. Given the close proximity of private land to public open space it is recommended that this requirement be discretionary with any overshadowing assessed on merit, on a case by case basis.

Building Heights

Maximum building heights are set out for each part of the DDO area, in response to the local context. This reflects the complexity of the river's landscape within the City of Yarra, which is a highly urbanised setting.

In many instances maximum heights are set as mandatory

controls, in order to meet the siting and design objectives of the new State Policy direction. In areas where there is an existing pattern of higher scale built form, or for land not directly at the river's interface, the maximum building height is expressed as a discretionary control.

Setbacks from the Yarra River

Area-specific mandatory setbacks have been recommended, following a review of setbacks recommended in the 2015 Strategy and included in DDO1 (see **Appendix F**), through assessment against the methodology outlined in Chapter 5 of the *Recommendations Report*.

Setback maps are included as attachments to the DDO schedule to provide direction on the location of the 'Setback Reference Line' that is to be used for determining horizontal setback measurements.

In all instances the 'setback reference line' relates to a cadastral/property boundary for ease of identification. Information showing the setback line on the DDO schedule map is for illustrative purposes.

Within the City of Yarra, setbacks vary between 20m and 100m from the Yarra River. All setbacks are outlined in Table 1 of the proposed DDO.

Existing Development Within a Setback

Where existing buildings are located within a mandatory setback distance (partially or wholly) it is proposed that the following mandatory conditions apply in relation to any application to partially or completely replace the building:

- the proposed height is consistent with the height specified for the area;
- the proposed replacement does not reduce the existing setback of the previous building; and
- the footprint of the building is limited to the current gross floor area.

The proposed control provides discretion to the Responsible Authority should a re-orientation of the building footprint occur, to encourage an increased setback and therefore a better outcome from a visual impact perspective.

Fences

A permit is required to construct a fence within identified setback areas. An exemption is provided for simple rural post and wire, and timber rail type fencing.

Where a permit is required, key considerations should include that the height of the fence, the visual permeability and use of materials do not contrast with the local environment. These requirements aim to ensure any proposed fencing does not have a negative visual impact on the overall local landscape character.

Site Coverage

It is proposed that a site area provision be included to limit built form and hard stand areas within a lot in a residential area as a discretionary requirement. This is to ensure that:

- the bulk and massing of built form or a hard stand area does not dominate the visual appearance of the site context;
- stormwater run off is reduced; and
- retention and expansion of vegetated areas is encouraged.

Building Materials

Materials selection is a key component and objective of the DDO. A discretionary requirement is included to ensure building materials utilise non-reflective colours and finishes to avoid visual intrusion with the context of the surrounding landscape. This requirement is discretionary given the variety of building products which are available, and the variable landscape characteristics of a given locality.

Subdivision

Appropriate consideration will need to be given to the potential impact future development associated with a subdivision may create from the perspective of the Yarra River environs.

While this study has not recommended minimum subdivision lot sizes, this option could be investigated further by Council within the context of broader strategic land use planning objectives for areas adjacent to the Yarra River.

Application Requirements

It is proposed that applications be accompanied by key information which will assist the Responsible Authority in making an informed assessment of a proposal.

Information that should be provided for an application will be based on the type of buildings and works proposed, at the discretion of the Responsible Authority. This may include:

- A written assessment demonstrating how the proposal meets the objectives and requirements of the DDO.
- A survey plan, prepared and certified by a suitably qualified surveyor, accurately showing proposed buildings and works in relation to proposed mandatory height and setbacks, measured to Australian Height Datum and from natural ground level.
- A visual impact assessment which may comprise cross-sectional diagrams, photo montages or a view shed analysis from agreed publicly accessible viewing points.
- The need for shadow diagrams and a schedule of materials and finishes.

Referral of Applications

It is recommended that referral of applications within 50 to 100 metres of the banks of the Yarra River be referred to Melbourne Water on a recommending referral basis.

Referral should be focused on Melbourne Water's review of the potential impact that a development may have on the health and function of the riverine environment, in addition to any potential flood constraints that may be present where a corresponding referral under a flood overlay exists. For example, this could include:

- Assessment of the removal of riparian, or other vegetation, and its impacts on bank stability or erosion.
- Impacts of direct or indirect run off on riverine environment, excavation or other earthworks which may impact.

An amendment to Clause 66.04 of the planning scheme will be required to give effect to this.

Reference Document

The *Lower Yarra River Corridor Study Recommendations Report*, 2016, Department of Environment, Land, Water and Planning, should be identified as a reference document.

Managing Landscape, Vegetation & Environmental Values - Applying the SLO

The *Lower Yarra River Corridor Study Recommendations Report*, 2016, identifies the need for a consistent approach to the management of vegetation and environmental values which contribute to the overall landscape significance of the entire corridor.

It is proposed to replace Environmental Significance Overlay Schedule 1 'Yarra River Environs' (ESO1) with a new Significant Landscape Overlay (SLO). A new SLO schedule titled 'Yarra River (Birrarrung) Corridor' has been drafted for inclusion in the *Yarra Planning Scheme*, based on the findings of the *Recommendations Report*.

The proposed SLO will establish consistent landscape, vegetation and other management requirements. It should be read in conjunction with DDO1 to ensure a holistic landscape management approach occurs where overlap exists.

SLO Boundary

The review has found that the extent of ESO1 as determined in the 2015 Strategy remains sound as it closely aligns with the 'Waterway Corridor' and the 'River Experience Corridor' as

described in Chapter 5 of the *Recommendations Report*.

The SLO applies to all areas of public and private land as shown on the map on page 5 mapped to the centreline of the Yarra River.

Statement of Nature and Key Elements of Landscape

The proposed SLO schedule includes a statement which outlines the significance of the Yarra River at the State, regional and local level, structured in the following way to include:

- A statement outlining the importance of the Yarra River from a 'whole of river' perspective;
- The landscape, environmental, cultural and social value of the Yarra River; and
- An overview of the landscape values relevant to the SLO area within the City of Yarra.

Landscape Character Objectives & Decision Guidelines

The objectives of the draft SLO are adapted from those outlined within Chapter 5 of the *Recommendations Report*. The objectives are structured under four key themes with the following general objectives:

- Landscape and environmental values
- Protection of waterway and the riparian zone
- Public open space and access
- Siting and design of built form.

Permit Requirements

It is proposed that a permit be required in the following instances:

- Remove, destroy or lop vegetation with an exemption for removal of exotic species of limited height and width.
- Construct a dwelling greater than 6 metres in height above natural ground level and within 30 metres of the Yarra River.
- Construct a fence within 30 metres of the banks of the Yarra River with an exemption for post and wire or post and rail construction.
- Undertake buildings and works associated with a bicycle or shared pathway with appropriate exemptions for municipal or public authorities.

As the application of the SLO will affect both private and public land, it is proposed that an exemption be included for municipal and or public authorities who may be conducting works which are aimed at ensuring the ongoing health of the waterway environment.

Application Requirements

It is proposed that applications be accompanied by key information which will assist the Responsible Authority in making an informed assessment of a proposal.

Information that should be provided for an application will be based on the type of buildings and works proposed, and at the discretion of the Responsible Authority. This may include:

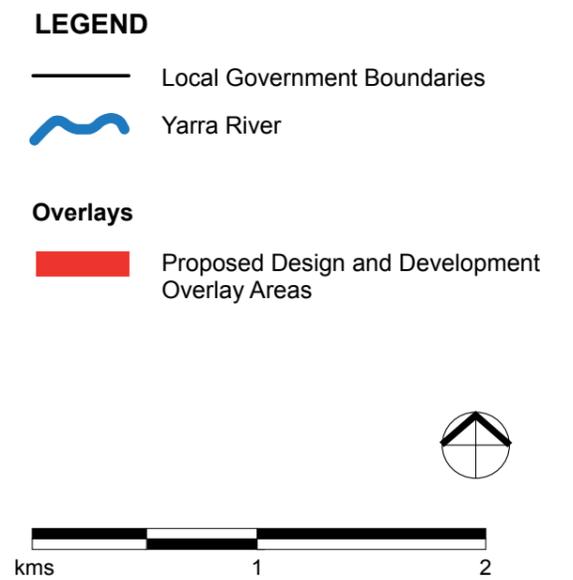
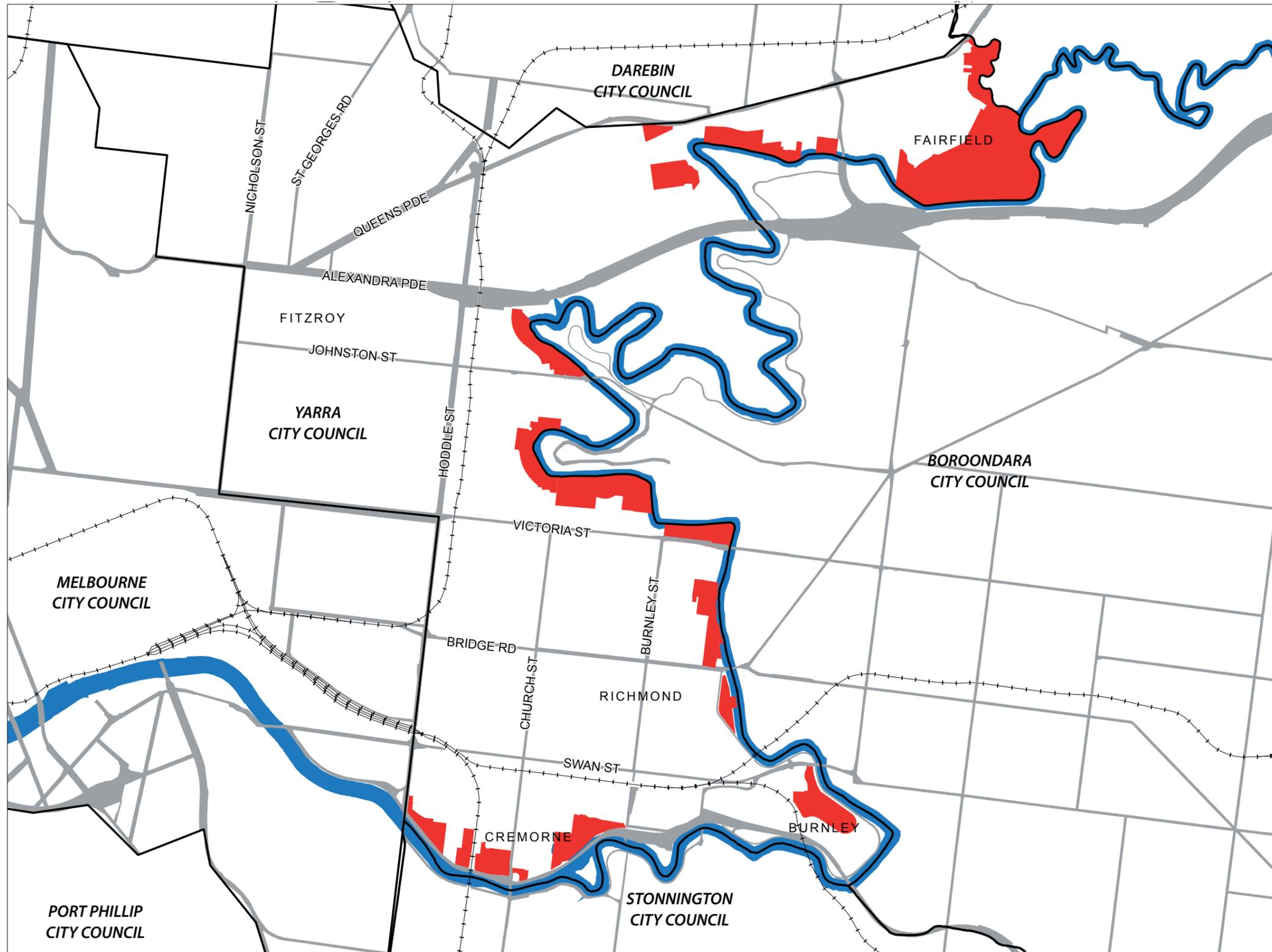
- A written assessment demonstrating how the proposal meets the objectives and requirements of the SLO.
- A survey plan, prepared and certified by a suitably qualified surveyor accurately showing the location of proposed buildings and works measured to Australian Height Datum from natural ground level.
- A landscape plan which outlines the location, species type and quantity of vegetation to be removed, and any replacement vegetation, supported by a suitably qualified arborist report.
- How any earthworks and their impacts will be managed and what protections are to be provided regarding run off or to prevent erosion when close to the river's bank.

Referral of Applications

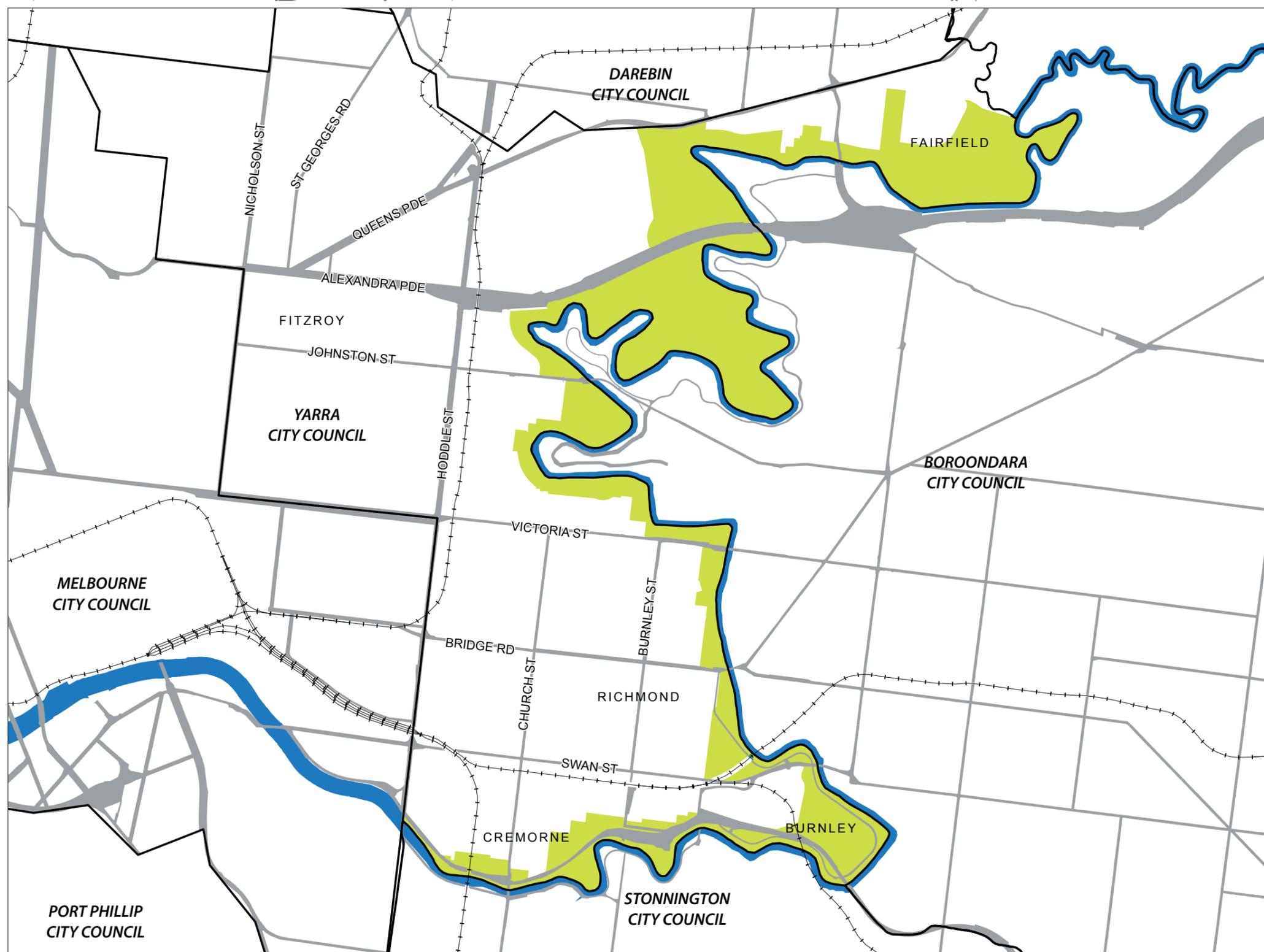
It is not proposed that any formal referral arrangements be established under this SLO. Notification of an application of any interested party can occur at the discretion of the Responsible Authority.

Reference Document

Lower Yarra River Corridor Study Recommendations Report, 2016, Department of Environment, Land, Water and Planning
Guidelines for Approval of Jetties, 2011, Melbourne Water
Shared Pathway Guidelines, 2009, Melbourne Water



CITY OF YARRA YARRA RIVER CORRIDOR STUDY
PROPOSED DESIGN AND DEVELOPMENT OVERLAY



LEGEND

-  Local Government Boundaries
-  Yarra River

Overlays

-  Proposed Significant Landscape Overlay Areas



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CITY OF YARRA YARRA RIVER CORRIDOR STUDY
PROPOSED SIGNIFICANT LANDSCAPE OVERLAY