

Middle Yarra River Corridor Study



NILLUMBIK MUNICIPAL TOOLKIT
OCTOBER 2016

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Acknowledgement

The study acknowledges that the State of Victoria has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. We would like to acknowledge the Traditional Owners of this land, and offer our respect to the past and present Elders, and through them to all Aboriginal and Torres Strait Islander People.

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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 *Middle Yarra River Corridor Study Recommendations Report*, December 2015 (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.

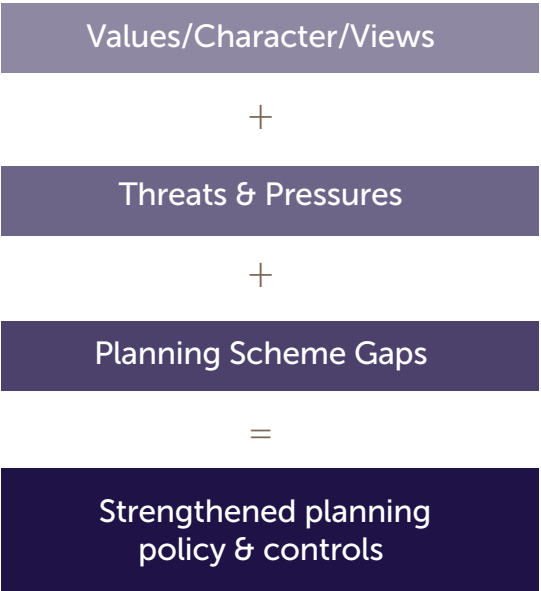
The recommendations in this report aim to strengthen the current provisions of the *Nillumbik Planning Scheme*, in order to ensure that the sensitive environment of the Yarra River corridor is protected and managed, now and into the future.



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 *Nillumbik 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 Nillumbik Shire Council are shown on the map on page 7, **River Interface Character Types & Key Views**.

Recommended Changes

This study has identified the need to apply stronger siting and design controls through the *Nillumbik 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 *Nillumbik 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 a new Design and Development Overlay (DDO) 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.
- Replace the existing Environmental Significance Overlay Schedule 2 'Yarra River Environs' (ESO2) with a Significant Landscape Overlay (SLO), and extend its coverage to capture an area approximate to the recommended area of management, establishing 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 Middle Yarra River Corridor in Nillumbik

River Corridor Values

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

Within the local context of the Nillumbik Shire Council, 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 dense vegetation cover underpinning the landscape character of surrounding residential and rural areas.
- The variety of landscapes as it transitions from the bush suburban settings of Eltham to the more rural settings of North Warrandyte.
- The network of parklands and conservation areas along the river corridor, including the extensive Warrandyte State Park and formal recreation spaces, which are linked by the Main Yarra Trail.
- Its recreational value for the local community in providing the experience of a natural bush setting within the city.
- Its pivotal role in the pre- and post-contact history of the municipality; as a place of Aboriginal cultural heritage significance and as a key factor in shaping the settlement of the region.

The Yarra River Character within Nillumbik

The character of the entire Middle 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 Nillumbik Shire Council:

Eltham & North Warrandyte - Bush Residential

The low density residential areas of Eltham and North Warrandyte have a distinctly bush, natural character. The area features a strong landscape setting of tall native canopy tree cover, where buildings are nestled into the hilly topography and bush environment.

Within Eltham, several large properties directly abut the river corridor. Within North Warrandyte, most properties have a direct interface with the river corridor.

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 conservation areas.

The established neighbourhoods of the Bush Residential Character Type feature single dwellings, one or two storey in scale, on large lots with bush surrounds. Existing planning controls have retained this character by requiring a low site coverage to allow space for new planting, requiring retention of existing trees and restricting building heights to below the predominant tree canopy.

Eltham & North Warrandyte - Rural Environment

Large areas of Eltham and North Warrandyte are included in the Rural Environment Character Type. These areas comprise large lot rural residential properties and spacious dwelling settings within a bushy native landscape environment. In this location there are many properties directly adjacent to the river corridor or its surrounding conservation areas.

There is a mix of dwelling styles, some of which sit discreetly within the landscape and others which are more visually dominant. There are also areas of cleared pastoral land, different types of rural structures and occasional horse ménages.

As per the Bush Residential areas, for lots adjoining the river the siting and design of new buildings, retention of the tree canopy and protection of the riverbank environment are of particular importance. On other sites located further away from the river, it is important that the tree canopy is retained to reduce the visibility buildings from the river corridor and its surrounding conservation areas.

Riverside Conservation Areas

Extensive areas of bushland and conservation reserves lie along the river's edge, including the Warrandyte State Park, Laughing Waters Park and Sweeneys Flats.

These areas are all set aside for retention as bushland or wetlands and are included within the Yarra River Conservation Character Type. These reservations showcase the river in its more natural setting, providing habitat for the range of flora and fauna along the river's course, and also provide a heavily landscaped buffer to residential areas beyond.

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, picnic shelters and furniture, 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 designed and sited in a sensitive manner.

Riverside Parklands and Recreation

There are small areas of formalised open space and recreation reserves in Eltham, including Lenister Farm, Eltham Lower Park and the Barak Bushland, all of which lie along Diamond Creek. These are included within the Parklands and Recreation Character Type. The Main Yarra and Diamond Creek Trails provide access to these linked open spaces. These areas are well-vegetated with mature trees, with either a formally planted or naturalistic character.

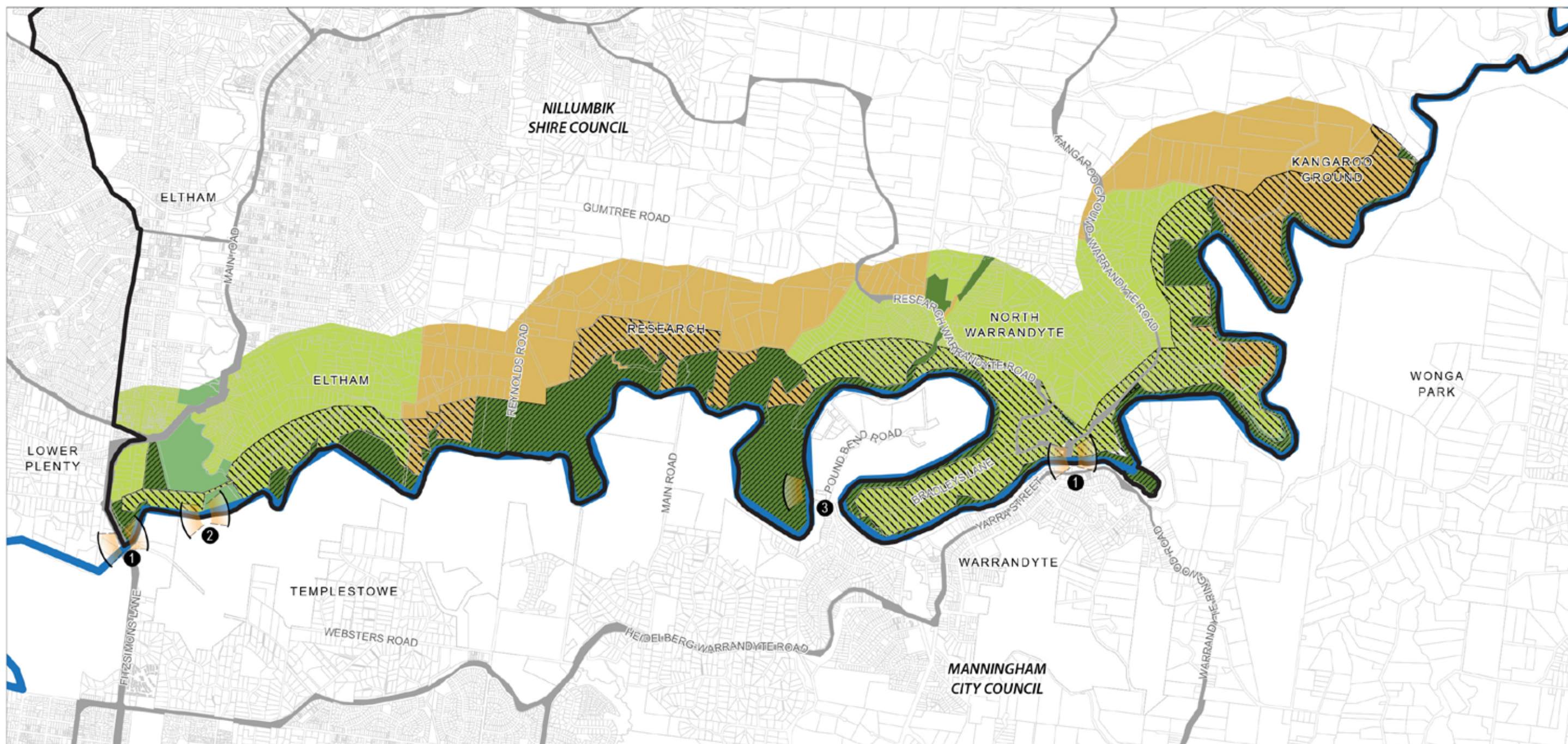
Within these areas, the siting and design of parkland and recreational infrastructure (particularly where Lenister Farm meets the river's edge), is an important consideration.

Key Views

There are numerous viewing opportunities within, to or from the river corridor within the Nillumbik Shire Council , which are also documented in Chapter 3 of the *Recommendations Report*.

These key views include:

- Dynamic views of the river from the Main Yarra Trail (on the south side of the river), other local trails or when traveling by boat.
- Bridge crossing views of the river, including bridges at Fitzsimons Lane and the Kangaroo Ground-Warrandyte Road.
- Views from the pedestrian bridge crossing near the confluence with the Diamond Creek.
- Viewing points from the south side of the river into the municipality, from the Warrandyte State Park, Pound Bend and Warrandyte township.
- Views south across the broader river corridor from elevated points in North Warrandyte.



LEGEND

Local Government Boundaries

Yarra River

Area where management of the River Corridor is recommended:

Private Land

Public Land

Character Types

Character Type 1: Leafy Suburban

Character Type 3: Rural Environment

Character Type 5: Parklands and Recreation

Character Type 6: Yarra River Conservation

Key Viewing Locations

1 Road Bridge Crossing Points

2 Pedestrian Bridge to Diamond Creek Trail

3 Warrandyte State Park: Pound Bend

MIDDLE YARRA RIVER CORRIDOR STUDY

RIVER INTERFACE CHARACTER TYPES & KEY VIEWS



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4. Existing Planning Scheme Provisions

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 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 Policies & Controls

The local policies and controls of the *Nillumbik 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. Noteworthy development controls are summarised within brackets.

Municipal Strategic Statement (MSS)

- Clause 21.02 Municipal Overview & Regional Context
- Clause 21.03 Municipal Profile & Key Influences
- Clause 21.03-3 Environment, Conservation & Landscape
- Clause 21.04 Vision - Strategic Framework

Local Planning Policies

- 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

Zones

- Low Density Residential Zone (0.4ha minimum subdivision control)
- Rural Conservation Zone (limit of one dwelling per lot; 40ha minimum subdivision area in RCZ4 & 8ha in RCZ3)
- General Residential Zone, Schedule 1 (9m discretionary height limit, or 10m on sloping sites, as per ResCode)
- Neighbourhood Residential Zone, Schedule 7 (8m mandatory height limit, or 9m on sloping sites, maximum of 2 dwellings per lot)
- Public Park and Recreation Zone & Public Conservation and Resource Zone
- Urban Floodway Zone (restricts most development on flood-prone land close to the river)

Overlays

- Environmental Significance Overlay (ESO)
 - ESO1: Sites of Faunal and Habitat Significance
 - ESO2: Yarra River Environs
 - ESO4: Waterways (relates to tributaries other than the Yarra River)
- Significant Landscape Overlay (SLO)
 - SLO2: Bush and Semi-Bush Residential Areas
 - SLO3: Bush Garden Character
- Heritage Overlay (HO) (applies to individual sites and precincts)
- Land Subject to Inundation Overlay (LSIO) (restricts development in low lying areas abutting the Yarra River)

Reference Documents

- Shire of Nillumbik Neighbourhood Character Study (2000) and Residential Design Guidelines (2001, amended 2003)*
- Streamside Environment Policy (1997)*
- Nillumbik Green Wedge Management Plan (2011)*
- Shire of Nillumbik Landscape Character Assessment (2009)*
- Nillumbik Shire Council Aboriginal Heritage Study (1996)*
- Sites of Faunal and Habitat Significance in North East Melbourne (1997)*

Amendments in Progress

The following amendments to the *Nillumbik Planning Scheme*, at the time of preparing this report, were being actively considered by Council.

Amendment C81: Significant Landscape Overlay

Amendment C81 proposes to introduce six new schedules to the Significant Landscape Overlay covering the Shire’s Green Wedge areas, to manage their landscape character attributes.

Schedule 13 to the proposed SLO ‘River Interface Landscape Character Area’ has a degree of overlap with the proposed SLO proposed by this study. The proposed new schedule proposes the capture of a wider geographic area based on broad landscape form and character.

The Panel appointed to hear submissions to Amendment C81 recommended that the implementation of Schedule 13 be coordinated with the outcomes of this study. Nillumbik Shire Council resolved on 24 May 2016 to adopt the amendment and seek approval from the Minister for Planning to apply the new controls.

Amendment C101: Environmental Significance Overlays

Amendment C101 proposes to implement the findings and recommendations of the following strategies that have been adopted by Nillumbik Shire Council:

- *Environmental Significance Overlay (ESO1) Review, Stage 2 Parent Report and Addendum*, Ecology Australia 2007
- *Nillumbik Sites of Significance Review Rural Areas*, Abzeco June 2014

The amendment proposes to amend both the statutory content and spatial application of all Environmental Significance Overlays currently within the Nillumbik Planning Scheme to ensure they better identify and protect the biodiversity values of the municipality. Specifically, the amendment proposes to:

- Replace ESO1 ‘Sites of Faunal and Habitat Significance’ with a new schedule ‘Core Habitat’ and apply the new schedule to identified sites.
- Include two new schedules ESO2 ‘Buffer Habitat’ and ESO3 ‘Environmentally Significant Habitat’ in Township and Residential Areas and apply the new schedules to identified sites.
- Consolidate the current waterways ESO2 ‘Yarra River Environs’, ESO3 ‘Plenty River Environs’ and ESO4 ‘Waterways’ into a new ESO4 ‘Waterways’ and apply the new schedule to identified sites.

A planning panel has been appointed to consider submissions made in relation to the amendment.

Gaps in Planning Scheme Controls

The current suite of policies and controls in the *Nillumbik 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 Nillumbik, 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. However, there is limited guidance about managing the impact of development upon the river’s landscape quality.
- 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.

Zones

- The various 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 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. However, there are no overlays that implement the level of control proposed by this study, i.e. mandatory building heights and setbacks for private land abutting or in close proximity to the river and a consistent environmental/tree control along the river corridor.
- Three ESOs are applied to different areas along the river and together manage a range of environmental issues.
- The ESO most relevant to this study, ESO2 Yarra River Environs, applies to land immediately adjoining the river, and relates to a broad range of considerations including river health and conservation. However, in most places it covers only a narrow strip of land along the river’s edge and does not extend to the entire area identified for management in this study.
- The area included in ESO2 would need to be extended and the schedule updated to reflect the specific outcomes of this study and better integrate with the key riverside overlays in Manningham and Banyule.
- SLO2 Bush and Semi-Bush Residential Areas and SLO3 Bush Garden Character are designed to implement neighbourhood character considerations of these heavily landscaped areas. They do not extend to the river’s edge in all locations.
- SLO2 has limited design requirements specified in its decision guidelines; SLO3 requires a more comprehensive consideration of the siting and design of new buildings in relation to the landscape, tree canopy and topography. Neither control has specific requirements for building height, setbacks or site coverage. They cannot be amended to enforce mandatory height or setback controls.

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 *Nillumbik Planning Scheme*.

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 *Middle 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 *Nillumbik 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 a new Design and Development Overlay (DDO) 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.
- Replace the existing Environmental Significance Overlay Schedule 2 ‘Yarra River Environs’ (ESO2) with a Significant Landscape Overlay (SLO), and extend its coverage to capture an area approximate to the recommended area of management, establishing 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 *Middle 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 Nillumbik that have been identified. The *Middle 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 *Nillumbik 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 C**.

DDO Boundary

The proposed DDO captures an area which best reflects the extent of land within the ‘Waterway Corridor’ and the ‘River Experience Corridor’ of the Yarra River, identified in Chapter 5 of the 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 new DDO be applied to identified areas of private land shown on the map on page 9 within this setting. The proposed DDO should be read in conjunction with the proposed SLO to ensure a holistic landscape management approach. **Appendix C** 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 has not undertaken a detailed analysis of current and/or potential development opportunities to justify additional planning controls, particularly as other legislative controls also apply public land. 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.

Design Objectives & Decision Guidelines

The proposed design objectives and decision guidelines have been adapted from those outlined in Chapter 5 of the 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

A maximum mandatory building height is proposed for each identified area (see **Appendix C**). Within Nillumbik, the proposed height is set at 8m (with a 9m sloping site allowance) for all areas. This is consistent with the established pattern of 1-2 storey residential development within all character areas within Nillumbik and the underlying Neighbourhood Residential Zone, Low Density Residential Zone, and Rural Conservation Zone within the corridor.

Setbacks from the Yarra River

Area-specific mandatory setbacks have been recommended, (see **Appendix C**), assessed against the methodology outlined in Chapter 5 of the 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 Nillumbik setbacks vary between 50m and 120m from the Yarra River. For a number of areas it is proposed that an elevation contour level be used to define a more naturalistic setback. 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 *Middle 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 *Middle 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 2 “Yarra River Environs” (ESO2) with a new Significant Landscape Overlay (SLO), and extend its coverage to capture an area approximate to the recommended area for management in the Report. This will establish consistent landscape, vegetation and other management requirements.

A new SLO schedule titled ‘Yarra River (Birrarung) Corridor’ has been drafted for inclusion in the Nillumbik Planning Scheme, based on the findings of the Report.

The proposed SLO should be read in conjunction with the proposed DDO to ensure a holistic landscape management approach occurs where overlap exists.

SLO Boundary

The proposed SLO captures an area which includes the ‘Waterway Corridor’ and the ‘River Experience Corridor’, as described in Chapter 5 of the *Recommendations Report*. In some locations, the SLO will also include land within the ‘Landscape Setting Corridor’, comprising the wider river valley, due to the topographic influences affecting the viewshed from the river, its adjoining open spaces or the Main Yarra Trail.

The SLO applies to all areas of public and private land as shown on the map on page 10 mapped to the centreline of the Yarra River.

The steeply sloping environment of the river’s northern bank and landscape corridor within Nillumbik result in an SLO coverage which is within 250 metres to 400 meters from the river’s edge.

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 Nillumbik Shire Council.

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

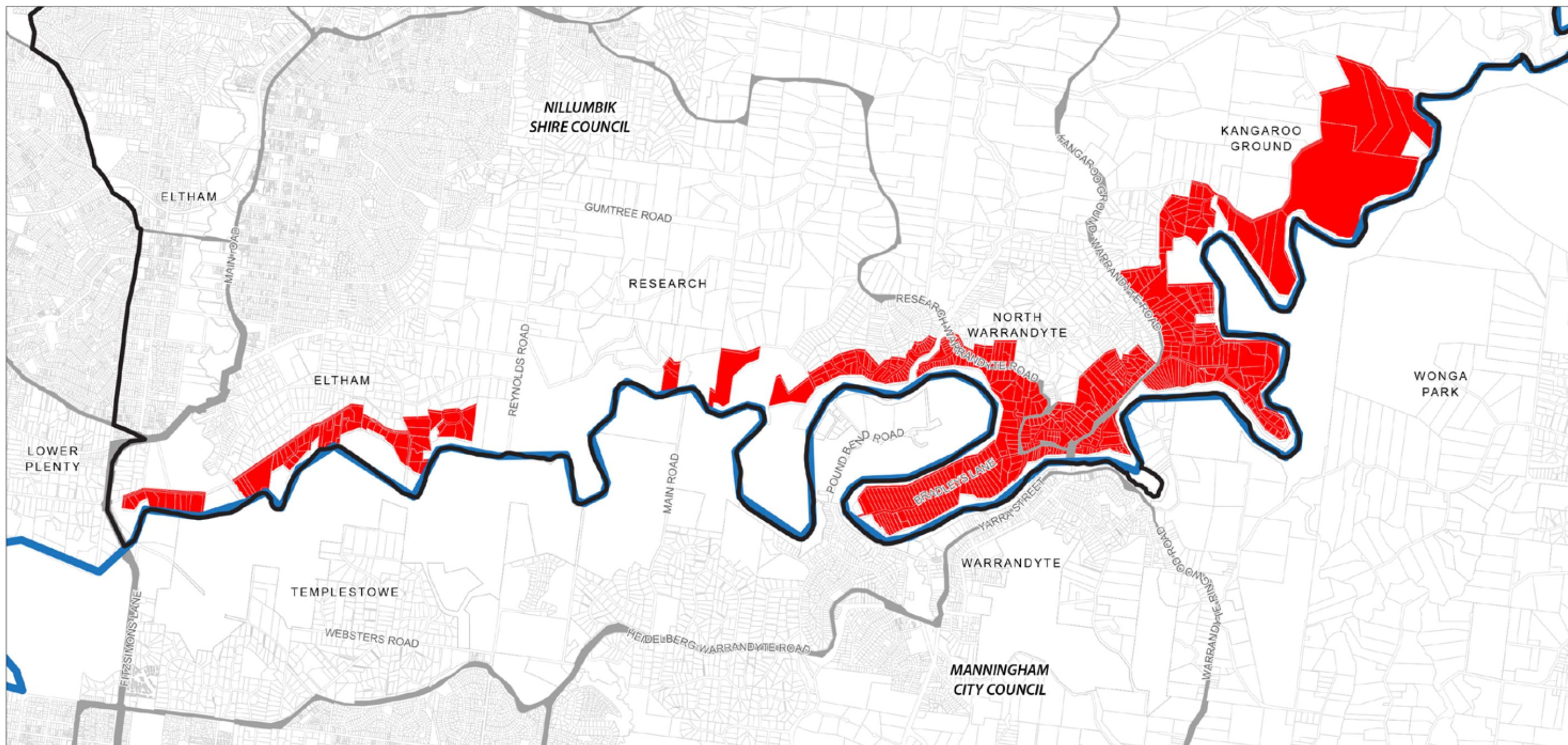
It is not proposed that any formal referral arrangements be established under this SLO. Notification of an application of any interested party can occur at the discretion of the Responsible Authority.

Reference Document

Middle 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



LEGEND

- Local Government Boundaries
- Yarra River

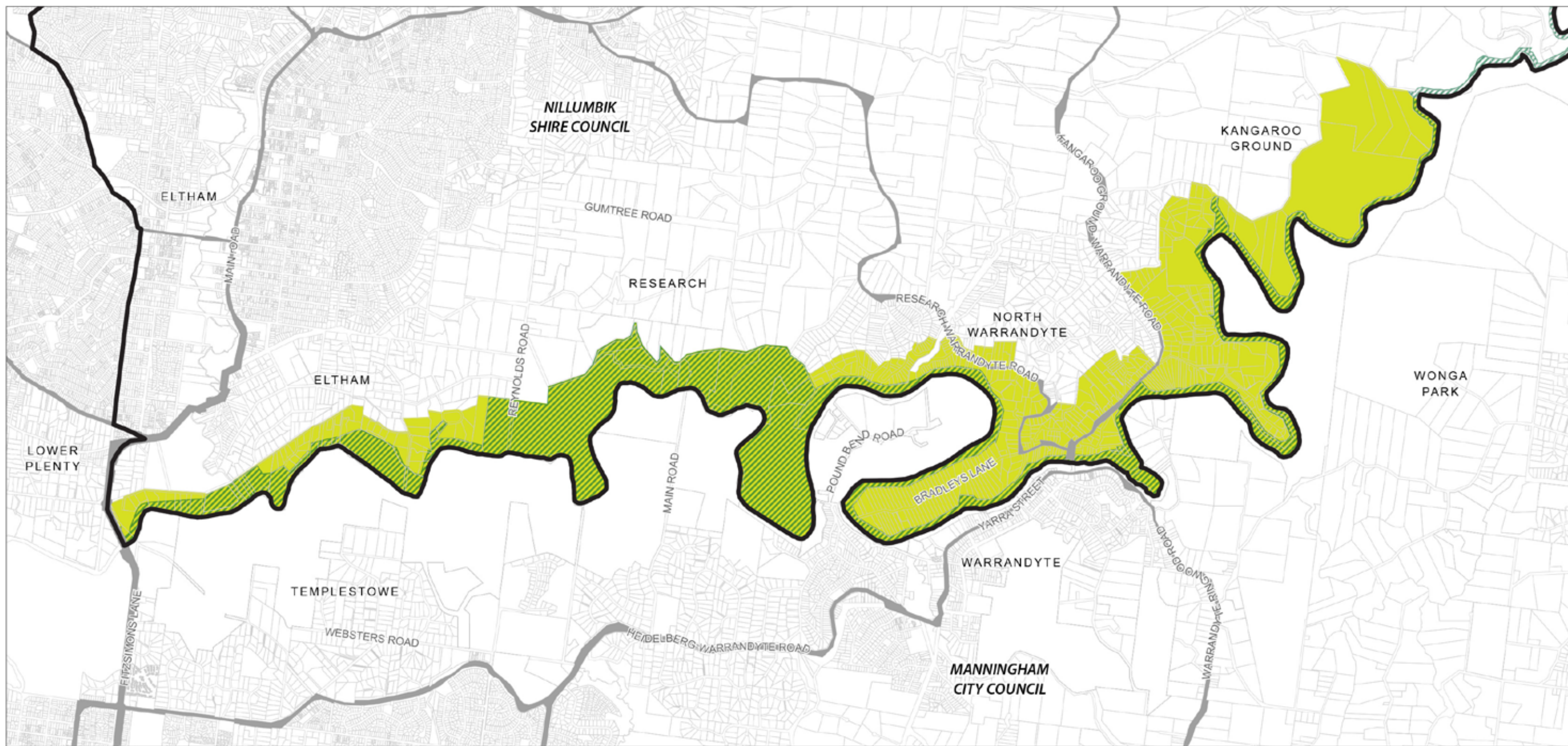
Proposed Overlay

- Proposed Design and Development Overlay Areas

MIDDLE YARRA RIVER CORRIDOR STUDY

PROPOSED DESIGN & DEVELOPMENT OVERLAY





LEGEND

- Local Government Boundaries
- Yarra River

Proposed Overlays

- Existing Environmental Significance Overlay (ESO2) Yarra River Environs
- Proposed Significant Landscape Overlay (SLO) Area

MIDDLE YARRA RIVER CORRIDOR STUDY

PROPOSED SIGNIFICANT LANDSCAPE OVERLAY



