

# Lower Yarra River Corridor Study



BOROONDARA MUNICIPAL TOOLKIT  
NOVEMBER 2016



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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

The Department of Environment, Land, Water and Planning would like to thank all who have provided their input throughout this, and past local and regional studies. This appreciation is extended to the many heritage, cultural, community, planning, environmental, landcare groups and friends of the Yarra River who have contributed their information, knowledge, views and time over the life of this, and past studies.

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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 has committed to protecting Melbourne's iconic Yarra River from inappropriate development and promoting its amenity and significance by establishing legislation and a dedicated trust.

A Ministerial Advisory Committee was announced on 15 December 2015. The Committee is focused on providing advice to government on the role and responsibility of a future dedicated Trust and the form of legislative instruments required for it to be established.

The Committee will commence work in 2016 with the first step being preparation of a discussion paper to determine the river's long term needs, with advice to Government in late 2016 and a potential Trust established in 2017. The Committee will consult all stakeholders and the community throughout this process.

## Implementing Stronger Policy and Planning Controls

The Victorian Government recognises that development pressures will continue in the short to medium term until a trust is formed. To support effective decision making along the Yarra River while the above investigations progress, the Minister for Planning has approved a program that focuses on strengthening existing planning policy as it relates to the Yarra River.

This includes finalising a range of studies (including this study) and implementing their recommendations via suite of consistent planning controls within the Yarra River corridor between Richmond and Warrandyte – an area under the greatest pressure from urban development. This includes the municipalities of Yarra, Stonnington, Boroondara, Banyule, Manningham and Nillumbik.

Together with the establishment of the proposed Yarra River Trust, this project represents an important milestone in protecting the river as a vital community resource for the people of Melbourne, now and into the future.

## Strengthening State Planning Policy

On 12 August 2015, the Minister for Planning hosted a roundtable forum with council mayors and heads of Melbourne Water, Parks Victoria and the Port Phillip Catchment Management Authority, to outline the proposed actions the Victorian Government is taking 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 between Richmond and Warrandyte.

On 17 September 2015, the Department of Environment, Land, Water and Planning hosted a workshop of senior planning practitioners from all 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 has been used to inform the development of strengthened State planning policy and input into the preparation of model planning controls for discussion and application within the Yarra River corridor, between Richmond and Warrandyte.

On 21 December 2015, Amendment VC121 was gazetted giving effect to a strengthened 'River corridor' and a new 'Yarra River Protection' sub-policy within the State Planning Policy Framework. The new 'Yarra River Protection' policy provides a strengthened basis and rationale for the protection of the whole of the Yarra River corridor to inform decision making.

## Preparing Consistent Planning Controls: Richmond to Warrandyte

The Department of Environment, Land, Water and Planning is working in partnership with councils to finalise a number of strategic projects which will form the basis of a planning scheme amendment to implement agreed controls within the Inner-Middle Yarra corridor.

This includes steps to:

- 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;
- Implement the strategic findings of the City of Yarra's 'Yarra River Strategy'; and
- Prepare 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*, November 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.

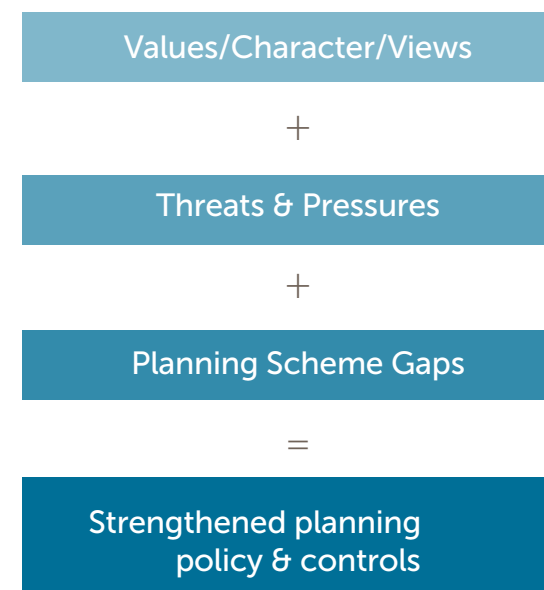
The recommendations in this report aim to strengthen the current provisions of the *Boroondara Planning Scheme*, in order to ensure that the sensitive environment of the Yarra River corridor is protected and managed, now and into the future.



### 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 *Boroondara 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.

### Recommended Changes

This study has identified the need to apply stronger siting and design controls through the *Boroondara 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 *Boroondara 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.
- Update existing Design and Development Overlay Schedule 31 'Yarra River Corridor Protection' (DDO31), establishing area specific height, setback and other siting and design requirements.
- Replace the existing Environmental Significance Overlay Schedule 1 'Yarra River Corridor Protection' (ESO1) with a Significant Landscape Overlay (SLO). Merge with existing Significant Landscape Overlay Schedule 2 'Yarra Valley Significant Landscape Area' (SLO2), 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 Lower Yarra River Corridor in Boroondara

## 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 Boroondara, 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, with land dropping down to the river corridor.
- Its dense vegetation cover underpinning the landscape character of surrounding residential areas.
- The variety of landscapes as it transitions from the bush suburban settings of residential areas in Kew and Hawthorn to the more naturalistic setting of Studley Park and Yarra Bend Park.
- The network of parklands and conservation areas, including the extensive Yarra Bend and Studley Parks and formal recreation spaces, which are linked by the Main Yarra Trail and Yarra Boulevard.
- 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 cultural heritage significance and as a key factor in shaping the settlement of the region.

## The Yarra River Character within Boroondara - River Interface Character

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, five different river character types have been identified, two of which apply to the City of Boroondara, as shown on the map opposite:

### Leafy Suburban River Interface Character Type

The low density residential areas of Kew and Hawthorn have a distinctly leafy, well vegetated suburban character. These areas feature a strong landscape setting of tall native and exotic canopy tree cover.

Many properties directly abut the river's edge, while other areas are located beyond the riverside parkland. 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.

The established neighbourhoods of the Leafy Suburban River Interface Character Type feature single dwellings, one or two storey in scale, often on large lots and spaciouly set appart. Existing planning controls have 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 development that steps down the hillside to the river and built form or hard landscaping close to the river's edge. These sites also have a high site coverage and minimal tree canopy cover or vegetation, which results in highly prominent built form that dominates the landscape.

## Parklands & Recreation Character Type

The many formalised open spaces and recreation reserves that lie on the flat land of the river's floodplain, and follow the river corridor within its broader suburban setting, are included within the Parklands and Recreation Character Type.

These spaces include the Yarra Bend Park, Studley Park and Yarra Bank Reserve. The Main Yarra Trail provides access to these linked open spaces. These areas are well-vegetated with mature trees, with either a formally planted or naturalistic character.

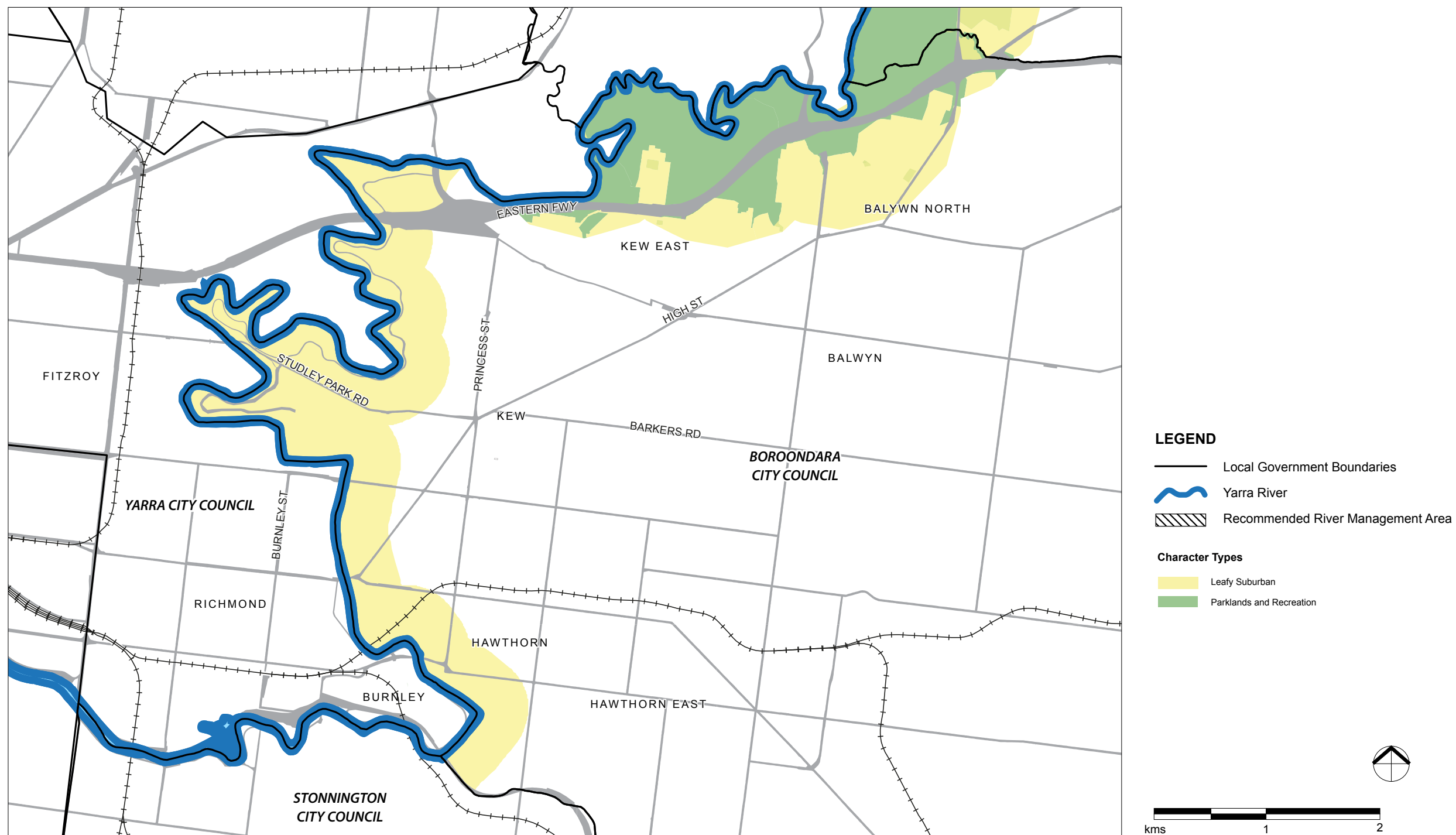
While not subject to pressure for new development, the siting and design of parkland and recreational infrastructure, particularly at the river's edge is an important consideration in these areas. This includes fencing, sports facilities and playgrounds, as well as jetties, boat ramps or sheds, and mooring 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 Boroondara, and these are documented in Chapter 3 of the *Recommendations Report*.

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

- Dynamic views of the river that can be obtained from moving along the Main Yarra Trail, other local trails 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 and the Monash and Eastern Freeway.
- The pedestrian bridge crossings at Gipps Street and Walmer Street.
- Formal viewing points of Dights Falls.
- The many viewing points from within the Yarra Bend Park.
- Views to the broader river corridor from elevated points in Kew.



CITY OF BOROONDARA YARRA RIVER CORRIDOR STUDY

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**RIVER INTERFACE CHARACTER TYPES**



# 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 ‘Yarra River Protection’ policy provides a strengthened basis and rationale for the protection of the whole of the Yarra River corridor to inform decision making. The new policy clearly states the river’s significance and importance through a ‘statement of significance’ objective and the body of the policy structured around four key strategic policy principles and strategies to achieve the objective.

The new ‘River corridors’ policy has been relocated from its previous location at Clause 11 (Settlements) to Clause 12 (Environment and landscape values) supporting a refocusing of the State’s planning policy away from development within an urban setting, to one focused on protecting and enhancing its environmental and landscape setting. The new Yarra River protection policy is found at Clause 12.05 of the SPPF. The following is an extract:

### Yarra River Protection

#### Objective

Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

#### Strategies

Strengthen the river’s natural environment, heritage and overall health by:

- Protecting the river’s riparian vegetation, natural riverbank topography and flood management capacity.
- Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.
- Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.

Maintain a sense of place and landscape identity by:

- Retaining a dominant and consistent tree canopy along the river corridor and within its broader landscape setting.
- Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.

Retain and enhance people’s enjoyment of the river and its environment by:

- Planning for the river and its environs as a recreation and tourism resource.
- Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.
- Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year round.

Ensure that development is designed and sited to maintain and enhance the river’s secluded and natural environment by:

- Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.
- Ensuring that the siting and design of buildings avoid contrast with the local natural landscape and environmental character.
- Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres, or greater, from the banks of the river.

## Local Planning Policies & Controls

The local policies and controls of the *Boroondara 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 21.05 Heritage, Landscapes and Urban Character
- Clause 21.06 Environment

### Local Planning Policies

- Clause 22.07 Neighbourhood Character Policy
- Clause 22.05 Cultural Heritage Conservation Policy

### Zones

- Neighbourhood Residential Zone (NRZ), Schedule 3 (8m mandatory height limit, or 9m on sloping sites), maximum of two dwellings per lot)
- General Residential Zone (GRZ), Schedule 3 (10.5m discretionary height limit, or 11.5m on sloping sites) Schedule 1 (9m discretionary height limit, or 10m on a sloping site, permit requirement for dwellings on a lot less than 500m²)
- Residential Growth Zone (RGZ), (13.5m discretionary height limit)
- Mixed Use Zone (MUZ), (9m discretionary height limit, permit requirement for dwellings on a lot greater than 300m²)
- Special Use Zone (SUZ)

### Overlays

- Significant Landscape Overlay
  - SLO2: Yarra Valley Significant Landscape Area
- Environmental Significance Overlays
  - ESO1: Yarra River Corridor Protection
- Design and Development Overlays
  - DDO31: Yarra River Corridor Protection
  - DDO6: Hawthorn Tram Depot Design and Development Area
- Heritage Overlay

## Reference Documents

- *Lower Yarra Concept Plan, Punt Road to Dights Falls (1986)*
- *Middle Yarra River Concept Plan, Dights Falls to Burke Road (1990)*
- *The Middle Yarra Concept Plan - Burke Road to Watsons Creek (1993)*
- *Lower Yarra River, Landscape Guidelines (1988)*
- *Lower Yarra River, Urban Design Guidelines (1992)*

## Amendments in Progress

There are no amendments currently in progress which affect the recommendations of this study.



## Gaps in Planning Scheme Controls

The current suite of policies and controls in the *Boroondara 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 Boroondara, mostly within the Municipal Strategic Statement (MSS).
- The MSS recognises the aesthetic and environmental attributes of the Yarra River corridor and notes the dramatic landscape of the Yarra River as contributing to a strong and distinctive sense of place for Boroondara.
- The MSS recognises the need to manage development on privately owned land to protect views from the Yarra River as well as protecting views towards the river. It also identifies the role of the Yarra River as a habitat corridor in the municipality with a high environmental value.
- 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 NRZ applies an 8m (9m on a sloping site) mandatory height control to areas adjoining the river in Hawthorn and Kew. Other detailed design requirements recommended in this study are not able to be included in this zone schedule.
- Other residential zones (GRZ, RGZ and MUZ) apply discretionary height controls to neighbourhoods near or adjoining the river.
- 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)

- DDO31 ‘Yarra River Corridor Protection’ applies to all land adjoining the Yarra River within Boroondara and aims specifically to protect and enhance the environmental values and landscape character of the Yarra River corridor. The schedule sets a mandatory height limit of 9 metres (10 metres on a sloping site, or 12 metres to meet Melbourne Water requirements in floodprone areas). It does not include setback distances from the edge of the river.
- DDO31 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.
- DDO31 is applied to residential neighbourhoods south of the Eastern Freeway which have no interface with the river.

### Environmental Significance Overlay (ESO1)

- ESO1 ‘Yarra River Corridor Protection’ has been applied along the Yarra River frontage and adjoining properties, including areas of parkland, reserve and private property, between Burke Road and Gardiners Creek.
- ESO1 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.

### Significant Landscape Overlay (SLO2 )

- SLO2 has been applied to the surrounds of the Yarra River along the Eastern freeway between Yarra Boulevard, Kew and Bullen Road, Kew. It includes the area of landscape significance ‘which extends from the river to the higher ridgelines’.
- While SLO2 does not relate directly to the river frontage in many locations, it provides general tree canopy protection to the river’s broader landscape setting.

## 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.

# 5. Planning Scheme Implementation Options & Recommendations

## Overview

This chapter provides an overview of the proposed form, content and spatial application of statutory planning controls for the *Boroondara 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 *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 *Boroondara 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.
- Update existing Design and Development Overlay Schedule 31 'Yarra River Corridor Protection' (DDO31), establishing area specific height, setback and other siting and design requirements.
- Replace the existing Environmental Significance Overlay Schedule 1 'Yarra River Corridor Protection' (ESO1) with a Significant Landscape Overlay (SLO). Merge with existing Significant Landscape Overlay Schedule 2 'Yarra Valley Significant Landscape Area' (SLO2), 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 *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 Boroondara 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 revised DDO31 schedule titled 'Yarra River (Birrarung) Protection' has been drafted for inclusion in the *Boroondara 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 E**.

## DDO Boundary

The proposed revised DDO is based upon the existing DDO31 and 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 DDO31 be revised so that it is applied only to identified areas of private land shown on the map on page 5 within this setting. The revised DDO (shown on the map on page 11) should be read in conjunction with the proposed SLO to ensure a holistic landscape management approach occurs. **Appendix E** provides more detail regarding the proposed extent of the control boundary for each area.

Other proposed changes to the boundary of the existing DDO31 are:

- The extent of the control boundary as it applies in Kew (in the area bounded by Molesworth Street, Studley Avenue and Stawell Street) is recommended to be reduced as:
  - DDO31 generally extends 1-2 properties into the hinterland from the river's edge; this area encompasses an entire street block from the Yarra Boulevard.
  - while the area is located on higher ground, it is not visible from the river.
  - the area does not have a direct interface with the river as a buffer is created by: open space along the river's frontage; the small, heavily treed enclave of residential development of River Retreat; and the roadway of the Yarra Boulevard.
- in this location, maintaining building height below the tree canopy is the key consideration in the protection of the river's wider landscape setting.
- while the area's zoning within the General Residential Zone (GRZ1) applies a discretionary building height of 9m (10m on a sloping site), it is also included within a precinct Heritage Overlay control which would effectively retain existing building height.
- The extent of the DDO31 boundary is extended in Swinton Avenue and Harrison Crescent (as detailed in Appendix E) so that the DDO is applied to all sites along the ridgelines of these areas.
- DDO31 is extended to include the residential precinct around Belford Road, Kew, north of the Eastern Freeway, which has considerable interface with surrounding riverside parkland.
- DDO31 is removed from residential precincts in North Balwyn which are to the south of the Eastern Freeway and have no interface with the river or riverside parkland.

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 E**). Within Boroondara, the proposed height is set at 8m or 9m (with a 9m or 10m sloping site allowance respectively). This is consistent with the established pattern of 1-2 storey residential development within all character areas of Boroondara and the underlying strategic directions of the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone within the corridor.

## Setbacks from the Yarra River

Area-specific mandatory setbacks have been recommended, (see **Appendix E**), 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 Boroondara setbacks vary between 30m and 80m 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 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 to be achieved and 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 combine the existing ESO1 ‘Yarra River Corridor Protection’ and SLO2 ‘Yarra Valley Significant Landscape Area’ into a single SLO control. The spatial application of the SLO should be extended to cover all land toward the Yarra River.

A new SLO schedule titled ‘Yarra River (Birrarung) Corridor’ has been drafted for inclusion in the *Boroondra 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 12 mapped to the centreline of the Yarra River.

The proposed SLO includes the existing spatial extent of SLO2 which accurately reflects the topographical formation land rises up the distinctive ridgelines around North Balwyn.

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 at 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 Boroondara.

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 waterway, stream or other types of 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

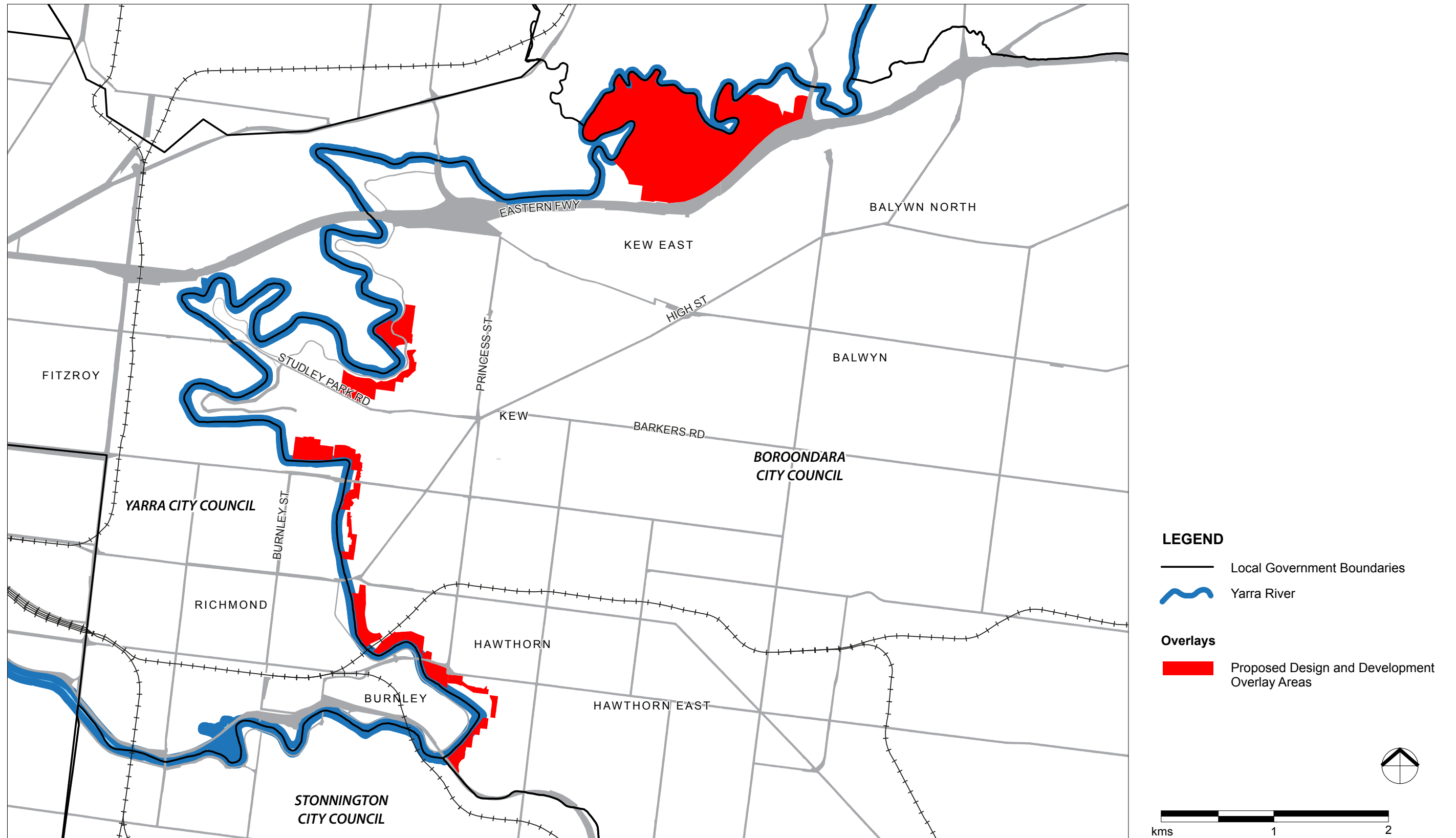
It is not proposed that any formal referral arrangements be established under this SLO. Notification of an application of any interested party can occur at the discretion of the Responsible Authority.

## Reference Document

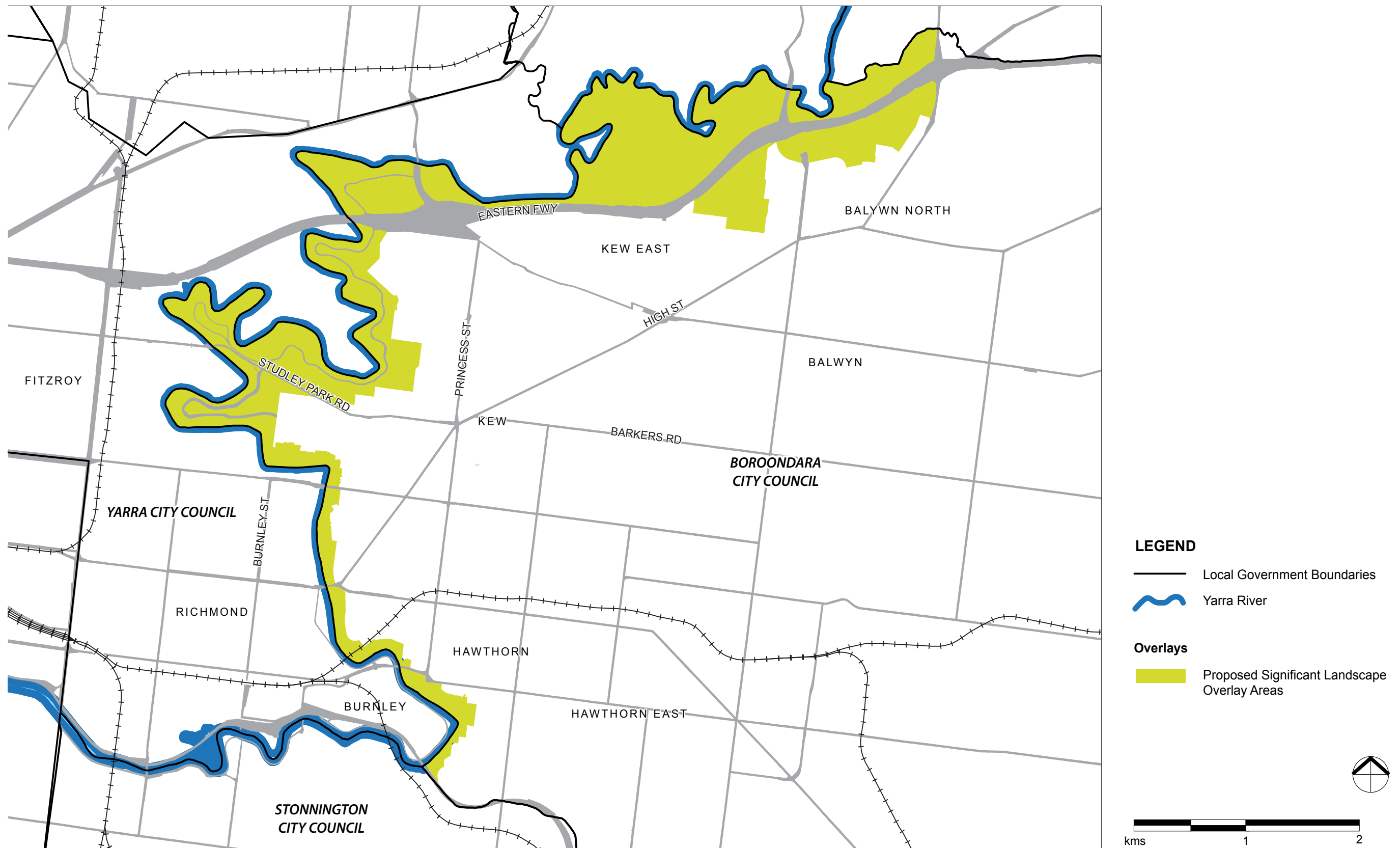
*Lower Yarra River Corridor Study Recommendations Report*, 2016, Department of Environment, Land, Water and Planning

*Guidelines for Approval of Jetties*, 2011, Melbourne Water

*Shared Pathway Guidelines*, 2009, Melbourne Water



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



CITY OF BOROONDARA YARRA RIVER CORRIDOR STUDY

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**PROPOSED SIGNIFICANT LANDSCAPE OVERLAY**