

**Yarra River - Bulleen Precinct
Advisory Committee Report**

Planning and Environment Act 1987

16 April 2021

Planning and Environment Act 1987

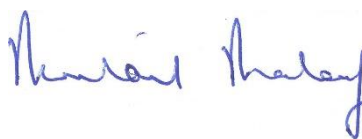
Advisory Committee Report pursuant to section 151 of the PE Act

Yarra River - Bulleen Precinct

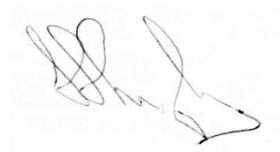
16 April 2021



Con Tsotsoros, Chair



Michael Malouf, Member



Greg Sharpley, Member



Lorina Nervegna, Member

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Glossary and abbreviations

AHD	Australian Height Datum
the Amendment	Amendment C125mann to the Manningham Planning Scheme
Banyule Council	Banyule City Council
Birrarung Act	<i>Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017</i>
CMA Traffic Report	Yarra Valley Country Club Development Plan Traffic Report (CMA, March 2020)
the Committee	Yarra River - Bulleen Precinct Advisory Committee
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DoT	Department of Transport
DPO	Development Plan Overlay
EPA	Environment Protection Authority
Golf Course Guidelines	Planning Guidelines for the Conversion of Golf Course Land to Other Purposes, June 2020
GRZ	General Residential Zone
Heide MoMA	Heide Museum of Modern Art
LUFP	Draft Yarra River - Bulleen Precinct Land Use Framework Plan
Manningham Council	Manningham City Council
NEL	North East Link
NELP	North East Link Project
ODP	Outline Development Plan
PE Act	<i>Planning and Environment Act 1987</i>
Plan Melbourne	<i>Plan Melbourne 2017-2050: Metropolitan Planning Strategy</i>
RL	Reduced Level
Urban Design Review 2019	Bulleen Precinct Plan Planning and Urban Design Review (David Lock Associates, 12 April 2019)
Wurundjeri Woi Wurrung Corporation	Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
YRB Precinct	Yarra River - Bulleen Precinct
YVCC	Yarra Valley Country Club
YVCCP	YVCC Property Pty Ltd (Proponent for Amendment C125mann)

Note: A number following the zone or overlay refers to a schedule number unless specified otherwise

Overview

Amendment summary

The Amendment	draft Manningham Planning Scheme Amendment C125mann
Common name	Yarra Valley Country Club
Brief description	The Amendment proposes to rezone the subject land and apply additional planning provisions to facilitate future residential development and additional public open space
Subject land	9-15 Templestowe Road, Bulleen
The Proponent	YVCC Property Pty Ltd
Planning Authority	Minister for Planning
Exhibition	<ul style="list-style-type: none"> - 13 May to 7 June 2019 (draft Framework Plan and draft Planning Scheme Amendment) - 31 August to 25 September 2020 (2020 consultation draft and updated draft Planning Scheme Amendment)
Submissions	84 submissions were received, as shown in Appendix B

Committee process

The Committee	Con Tsotsoros (Chair), Lorina Nervegna, Michael Malouf and Greg Sharpley
Terms of Reference	See Appendix A
Assisted by	Amy Selvaraj
Directions Hearing	By video conference, 14 October 2020
Committee Hearing	By video conference: 18, 19, 20, 21, 27 and 28 January; 1, 2, 3, 4, 8, 9, 10, 11, 15, 22, 23, 24 and 25 February; and 1 March 2021
Site inspections	Unaccompanied, 12 January 2021
Parties to the Hearing	24 parties shown in Appendix C
Citation	Yarra River - Bulleen Precinct (AC) [2021] PPV
Date of this Report	16 April 2021

Executive summary

The Yarra River, otherwise known as Birrarung, is 242 kilometres long, begins in the Yarra Ranges National Park, runs through the Melbourne metropolitan area including the Central City, and ends at Port Phillip Bay.

The Yarra River corridor within the Yarra River - Bulleen Precinct (YRB Precinct) is culturally significant to its traditional owners, the Wurundjeri Woi Wurrung people. It is their integrated cultural landscape, a spiritual place, a meeting space, an area for movement, a cultivated landscape, and a place where indigenous people negotiated relationships with settlers. The YRB Precinct is home to the Bolin Bolin Billabong, which itself is naturally and culturally significant.

Since the 1840s and after European contact, the Yarra River landscape around Heidelberg in the YRB Precinct inspired artists who founded the Heidelberg School. Today, the Heide Museum of Modern Art is located near where these artists once painted.

Planning statements and strategies since the *Statement of Planning Policy - No 4, River Yarra 1977* have sought to protect the Yarra River and its environs.

The *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* (Birrarung Act) sets out the long term community vision for the Yarra River, the need for a Yarra Strategic Plan, and established the Birrarung Council. The draft Yarra Strategic Plan, led by Melbourne Water, acknowledges the preparation of a Land Use Framework Plan to guide planning in the YRB Precinct.

The Department of Environment, Land, Water and Planning prepared the draft YRB Precinct Land Use Framework Plan (LUFP) in response to this legislation and subsequent planning.

(i) Land Use Framework Plan and Committee process

In October 2018, the Minister for Planning appointed the Yarra River - Bulleen Precinct Advisory Committee (the Committee) to advise about the LUFP. The Committee's Terms of Reference required it to consider draft Manningham Planning Scheme amendments:

- C125mann (the Amendment) which seeks to enable residential development and public open space on the Yarra Valley Country Club site at 9 Templestowe Road
- C128 which sought to develop the former Bulleen drive-in site at 49 Greenaway Street.

They were exhibited from 13 May to 7 June 2019 and received 39 submissions.

A revised version of the LUFP and the Amendment were exhibited from 31 August to 25 September 2020 and received a further 45 submissions from existing and new submitters.

The Committee has considered the Amendment on the basis that the Minister for Planning would consider it after the LUFP is approved and introduced into the relevant planning schemes.

Key issues raised across all submissions regarding the LUFP related to Aboriginal cultural heritage, arts and culture, stormwater and drainage, type, scale and location of development, biodiversity, landscape and natural values, open space and recreation, the North East Link Project, transport and traffic, pedestrians and cyclists, affordable housing,

amenity, extent of the YRB Precinct area and how the Plan should reference information and be implemented.

Key issues raised across all submissions regarding the Amendment include whether there was sufficient strategic justification, compliance with relevant Ministerial Directions, and if it would achieve net community benefit. Other issues related to cultural heritage, earthworks, stormwater and drainage, potential contamination, public open space, built form including building heights and setbacks, landscape and visual impact, native vegetation, biodiversity and trees, housing affordability and diversity, transport, traffic, vehicular access, site services, ecological sustainability and the site's interface with the abutting Industrial 1 Zone.

(ii) Draft Yarra River - Bulleen Precinct Land Use Framework Plan

The Committee considers the LUFP to be a well considered and robust plan for existing and future generations. The Plan represents this generation's contribution towards protecting and enhancing the riparian environment and landscape along the Yarra River, arguably one of Victoria's most important rivers. It builds on the foundations and contributions of previous generations.

The Committee supports many of the changes proposed by submitters, many of which DELWP has agreed either as sought or in a varied form.

Any issue associated with acquiring land in the Bulleen Industrial Precinct for the North East Link Project has already been determined through a previous process and is outside the scope of the LUFP.

Arts, culture and heritage

The LUFP appropriately acknowledges and responds to Aboriginal cultural heritage. From an Aboriginal cultural heritage perspective, there should be no earthworks which enable urban development and active recreational facilities on the Yarra River floodplain.

The LUFP would benefit from greater clarity and direction on the proposed internationally significant cultural place. Arts and cultural and industrial uses can co-exist within Bulleen Industrial Precinct.

Environment

The LUFP should further emphasise and strengthen the importance of storm water and drainage by referencing Melbourne Water as the floodplain manager in LUFP would inform about the governance; an important part of the YRB Precinct.

The Plan addresses biodiversity issues however there may be potential conflict between objectives seeking ecological outcomes with strategies enabling active recreation. Through Objectives 1.1 and 1.3, it should encourage active recreational facilities on the western side of the Yarra River where most such facilities exist. This would help minimise impact on flora and fauna, including their wildlife habitat, on the eastern side.

The LUFP adequately refers to the significance of the Bridge Street Red Gum in Objective 3. The Heritage Overlay (HO24) statutorily protects the tree.

The Tree Top Park proposed on land outside the YRB Precinct, is subject to a separate planning proposal and is outside the scope of the LUFP.

Traffic and transport

The LUFP would benefit from further changes which better address future traffic volumes on the road network.

A signalised intersection at Bridge Street would provide access to Banksia Park and Heide Museum of Modern Art while enabling better movements between the areas north and south of Manningham Road.

The existing Public Acquisition Overlay 4 area along Templestowe Road should not be extended other than to accommodate isolated flaring at intersections. A future strategy would help investigate the opportunity to construct an interim 3 metre shared footway on the north side of Templestowe Road.

The LUFP should:

- identify the proposed loop road across the Heide Museum of Modern Art, Yarra Valley Country Club and Sonoco sites for pedestrian and cyclist access only
- show an indicative signalised intersection along the Heide Museum of Modern Art and Yarra Valley Country Club boundary, opposite Elizabeth Street
- delete the reference to the signalised intersection at 165 Templestowe Road.

There should be improved public transport to, from, and within, the YRB Precinct to support future development including the proposed internationally significant cultural place. There should be an investigation, which includes or is led by the Department of Transport, into movements to, from, and within the YRB Precinct to inform these future public transport outcomes.

The LUFP appropriately references the North East Link Project and would benefit from further changes which clarify:

- references to the North East Link Project and associated road connections are indicative
- affected key sites, development and road projects are subject to North East Link requirements.

North East Link Project should be consulted when investigating the Templestowe Road duplication and be identified as the agency for the Templestowe Road Soccer Facilities.

Use, development and recreation

The LUFP, with post-exhibition changes, appropriately responds to open space and recreation. It achieves this through Objectives 1 and 4, related Maps and other content which seek to:

- reconnect parklands, increase open space and fill the gaps in the Greater Yarra Urban Parklands
- by seeking to balance the provision of new open space for both active and passive recreation with new riparian parklands and with adjacent land uses.

Retaining the Public Acquisition Overlay (PAO2) will enable future acquisitions of public open space. The LUFP should recognise that 165 Templestowe Road, currently occupied by HM Clause is currently leased from Parks Victoria until 2032, with neither party seeking to review the lease earlier. It should be considered for public open space after the lease expires in 2032.

The LUPF should be revised to provide further direction regarding low rise development within the Yarra River corridor, 203 Bulleen Road, Yarra Valley Country Club and Sonoco sites. Enabling a café in the Precinct is beyond the framework scale and scope of the LUPF.

Affordable housing policy and direction should be included in a relevant municipal-wide housing strategy or affordable housing policy. The LUPF should not include guidance on affordable housing.

The LUPF appropriately responds to amenity and would benefit from including high voltage transmission line content from the Middle Yarra Concept Plan (1993) in Section 3.4 (Physical connections).

Other issues

The LUPF appropriately references planning provisions and authorities. With changes supported by the Committee, the Plan provides sufficient guidance to ensure that potential development sites are consistent with the YRB Precinct's conservation and cultural themes. It should:

- reference three projects: the proposed recreational facilities on the Bulleen Golf Driving Range site; new shared user path bridges across the Yarra River; and Templestowe Road upgrade
- include the Rosanna Golf Course as a key site in the YRB Precinct.

The LUPF can progress before the North East Link detailed design is finalised because it is unlikely to affect the final design.

(iii) Draft Manningham Planning Scheme Amendment C125mann

Draft Manningham Planning Scheme Amendment C125mann (the Amendment) seeks to rezone the Yarra Valley Country Club site at 9-15 Templestowe Road and apply planning provisions which would enable it to be developed for residential development and public open space.

The Committee recommends that the LUPF is approved and introduced into the relevant planning schemes before a decision is made on the Amendment.

Strategic issues

The exhibited Amendment complies with Ministerial Direction 7(5). General Residential Zone Schedule 4, which was prepared after exhibition, does not comply with Ministerial Direction 7(5), however Chapter 11 recommends how to make it compliant.

The Amendment can deliver net community benefit, as defined in the Planning Guidelines for the Conversion of Golf Course Land to Other Purposes, June 2020, if, among things, it enables development that:

- contributes to achieving state or local government policy objectives and strategies
- provides additional open space
- integrates with surrounding land uses, infrastructure and services
- protects and enhances the wider open space network and ecological connectivity
- contributes to local housing priorities such as affordable or social housing.

The Amendment complies with part of Ministerial Direction 21 (Golf Course Redevelopment) by having regard to the associated Guidelines. It does not comply with the Direction

requirement to explain in the Amendment explanatory report how it addresses the Guidelines. However, this can be resolved before the Amendment is finalised.

The Amendment, subject to adopting recommendations in this report, has sufficient strategic justification to progress.

Aboriginal cultural heritage

The Committee concludes that the Amendment, with its post-exhibition changes and subject to other Committee recommendations, can appropriately respond to Aboriginal cultural heritage and mitigate the development's potential harm.

Earthworks and hydrology

The scale of earthworks enabled by the exhibited Development Plan Overlay Schedule 5 should not be permitted on the floodplain, being land subject to the Land Subject to Inundation Overlay and beyond the mandatory minimal setback in Design and Development Schedule 2.

The Development Plan Overlay Schedule 5 provisions should prohibit significant earth works and development on the floodplain, consistent with existing planning provisions. The mandatory minimum setback line in Map 3 of Design and Development Overlay Schedule 2 should not be changed.

Stormwater and drainage

It is appropriate to include the post-exhibition Drainage and Hydrology Stormwater Management Strategy Report requirements in Development Plan Overlay Schedule 5, subject to deleting the fourth point regarding fill on the floodplain.

Only stormwater from the elevated area of the Yarra Valley Country Club site should be treated on the elevated area of the site before discharging to the adjacent floodplain.

Potential contamination

The Environmental Audit Overlay should be applied to the entire Yarra Valley Country Club site to require an audit across the entire site. References to site remediation or the need for a Site Remediation Strategy are not needed if the Environmental Audit Overlay is applied to the entire site.

Public open space

The Development Planning Overlay Schedule 5 should require a section 173 agreement to enable about 73 per cent of the Yarra Valley Country Club site to be transferred to the relevant authority as public open space. It should refer generically to a statutory body as the future acquiring authority.

Built form

The proposed maximum building heights specified in Figure 2 and Table 1 of DPO5 are not appropriate or justified. A mandatory maximum building height of 12 metres (3 storeys) should be applied to the subject land outside the Land Subject to Inundation Overlay if further visual assessment is carried out.

Landscape and visual impact

The Development Plan Overlay Schedule 5 provisions should better respond to assessing landscape and visual impacts of any future development proposal. A landscape and visual impact assessment should be required with any future development plan to understand potential visual impacts on the landscape.

Building heights and setbacks for different parts of the Yarra Valley Country Club site should be informed by the landscape and visual impact assessment report. They should not be included in Development Plan Overlay Schedule 5 unless this report is prepared before the Amendment is finalised.

Native vegetation, biodiversity and trees

There should be no vegetation removed from the floodplain to enable earthworks for future development. Development Plan Overlay Schedule 5 would benefit from further requirements to better assess future development plans and permits. Requiring a Native Vegetation and Biodiversity Report through Development Plan Overlay Schedule 5 would support assessments when design details are known.

Housing diversity and affordable housing

The Amendment has sufficient guidance regarding housing diversity but would benefit from including provisions proposed since exhibition.

Any future development on the Yarra Valley Country Club site should provide five per cent of its total dwellings as affordable housing. A specific percentage should be specified to ensure certainty rather than applying varying rates in return for increased building height. The type of affordable housing should be negotiated between the permit applicant and responsible authority.

Transport, traffic and access

The Development Plan Overlay Schedule 5 provisions, with changes proposed since exhibition, appropriately respond to transport, traffic and access issues. They should be consistent with the LUFP which seeks shared access at Templestowe Road with the Heide Museum of Modern Art.

Community infrastructure, site services and ecologically sustainable development

It is appropriate to include the post-exhibition Site and Servicing Report requirements in Development Plan Overlay Schedule 5. The Schedule would benefit from additional detail which provides further guidance on ecologically sustainable development.

Industrial interface

Any future development on the Yarra Valley Country Club site should respond to the existing Industrial 1 Zone interface at the Sonoco site (17 - 25 Templestowe Road). The interface response should be informed by acoustic and air emissions reports which measure and identify existing circumstances, and if required, recommend mitigation measures.

General Residential Zone Schedule 4 and Design and Development Overlay Schedule 2

Zone suitability and garden area requirement

The General Residential Zone is more suitable for the Yarra Valley Country Club site than the Residential Growth Zone. It is appropriate and justified to apply the General Residential Zone.

It is appropriate and justified to require the construction or extension of a dwelling or residential building to apply the minimum garden area requirement specified in the General Residential Zone.

Building height

General Residential Zone Schedule 4 and Design and Development Overlay Schedule 2 should specify maximum building heights no greater than what is recommended for Development Plan Overlay Schedule 5.

General Residential Zone Schedule 4 should specify no height so that the default maximum building height of 11 metres (3 storeys) and an extra metre on sloped land applies.

Table 1 in Design and Development Overlay Schedule 2 should specify a maximum building height of 11 metres (12 metres for sloped land) for land which complies with Map 3.

Other issues

The Amendment can progress irrespective of the restrictive covenant on the Yarra Country Club site property title. The restrictive covenant is a matter for any future permit application.

The Amendment should not change any clauses in the Planning Policy Framework, as they are no longer being pursued by YVCC Property Pty Ltd.

Form and content of the Amendment

The Amendment would benefit from drafting changes that:

- make it consistent with the Ministerial Direction 21 and the Ministerial Direction on the form and content on planning schemes
- clarify its provisions and improve its operation, such as deleting duplicated, redundant, or unnecessary provisions
- make it consistent with changes recommended in this report.

Recommendations

Based on the reasons set out in this Report, the Committee recommends:

- 1. Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E.**
- 2. Approve and introduce the Yarra River - Bulleen Precinct Land Use Framework Plan into the relevant planning schemes before deciding on draft Amendment C125mann to the Manningham Planning Scheme.**
- 3. Draft Amendment C125mann to the Manningham Planning Scheme as re-exhibited in 2020 be prepared, adopted and approved, subject to the following changes:**
 - a) Apply General Residential Zone 4, as shown in Appendix F, rather than the Residential Growth Zone.**
 - b) Amend Development Plan Overlay Schedule 5, as shown in Appendix G.**

- c) Amend Design and Development Overlay Schedule 2 to increase the maximum building height for 9-15 Templestowe Road, Bulleen from 8 metres to 11 metres (12 metres on sloping land).**
- d) Apply the Environmental Audit Overlay to the entire site at 9-15 Templestowe Road, Bulleen.**
- e) Abandon changes to:**
 - Map 3 of Design and Development Overlay Schedule 2**
 - clauses in the Planning Policy Framework, including the introduction of a site-specific Clause 22 policy.**



Part A: Background

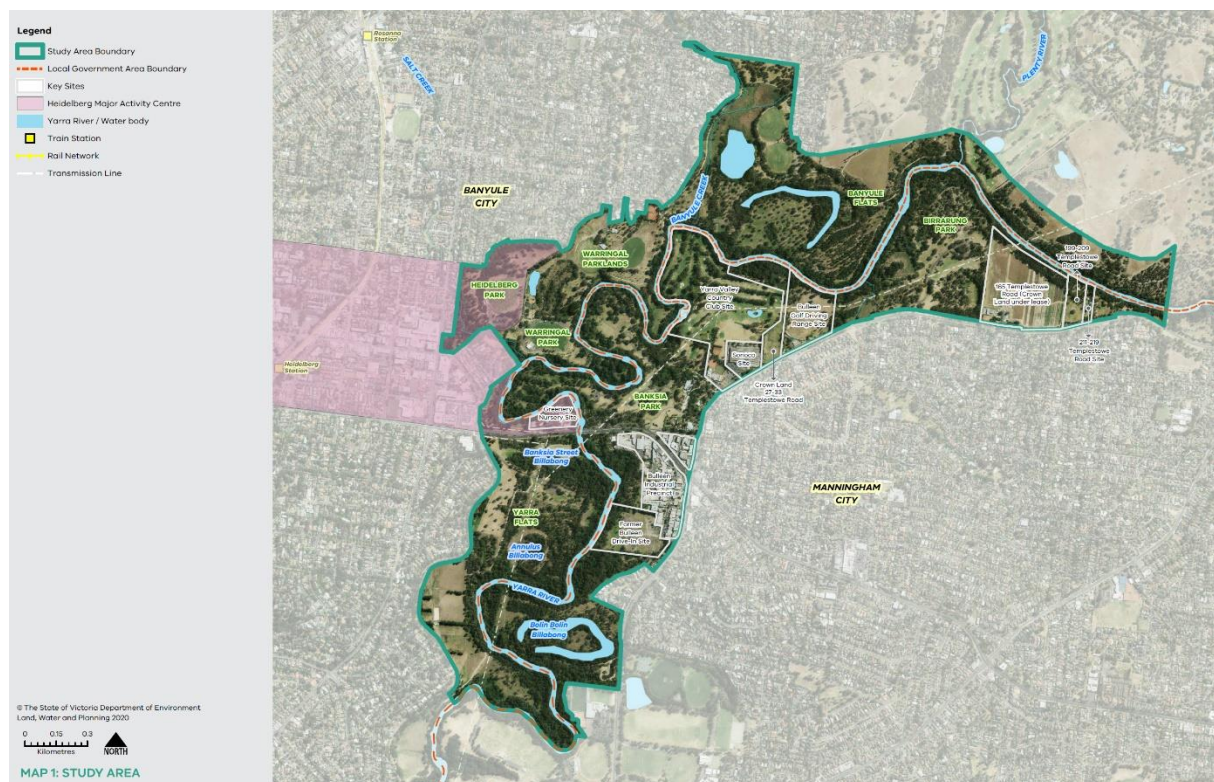
1 Introduction

1.1 The Land Use Framework Plan

The Yarra River Protection Ministerial Advisory Committee identified the need to plan for the future of the Yarra River - Bulleen Precinct (the YRB Precinct). It recommended an integrated plan to direct future land use changes. The Department of Environment, Water, Land and Planning (DELWP) subsequently prepared the draft Yarra River - Bulleen Precinct Land Use Framework Plan (LUFP) in 2019.

The LUFP applies to approximately 426 hectares along the Yarra River corridor through Lower Templestowe, Heidelberg and Bulleen across the municipalities of Banyule and Manningham as shown by the green border in Figure 1.

Figure 1 Yarra River - Bulleen Precinct Land Use Framework Plan Study Area



The YRB Precinct includes:

- Bolin Bolin Billabong in the southern part
- former Bulleen Drive-in site at 41-49 Greenaway Street
- YVCC site at 9-15 Templestowe Road
- Bulleen Golf Driving Range site at 37-59 Templestowe Road
- Heide Museum of Modern Art (Heide MoMA) at 7 Templestowe Road
- Sonoco industrial site at 17-25 Templestowe Road
- 165 Templestowe Road, leased by Parks Victoria to HM Clause until 2032
- Bulleen Industrial Precinct in the Templestowe Road / Manningham Road area
- other public parks and private land.

The LUFP seeks to provide a long term framework for coordinating planning and decision making in the YRB Precinct and proposes to:

- connect parklands and ecological landscapes
- increase the open space footprint
- fill in the gaps in the Greater Yarra Urban Parklands
- improve access including walking and cycling routes to connect key places within and beyond the study area including public transport routes and activity centres
- create an internationally significant cultural place, centred on the relationship between the arts, nature and Traditional Owner heritage – with an expanded Heide MoMA and two potential new cultural hubs
- achieve a complementary mix of uses, where public and private uses are better connected and add value to each other.

The LUPP was publicly exhibited for comment in May and June 2019 and a revised version was re-exhibited in August and September 2020. The 2020 LUPP reflected:

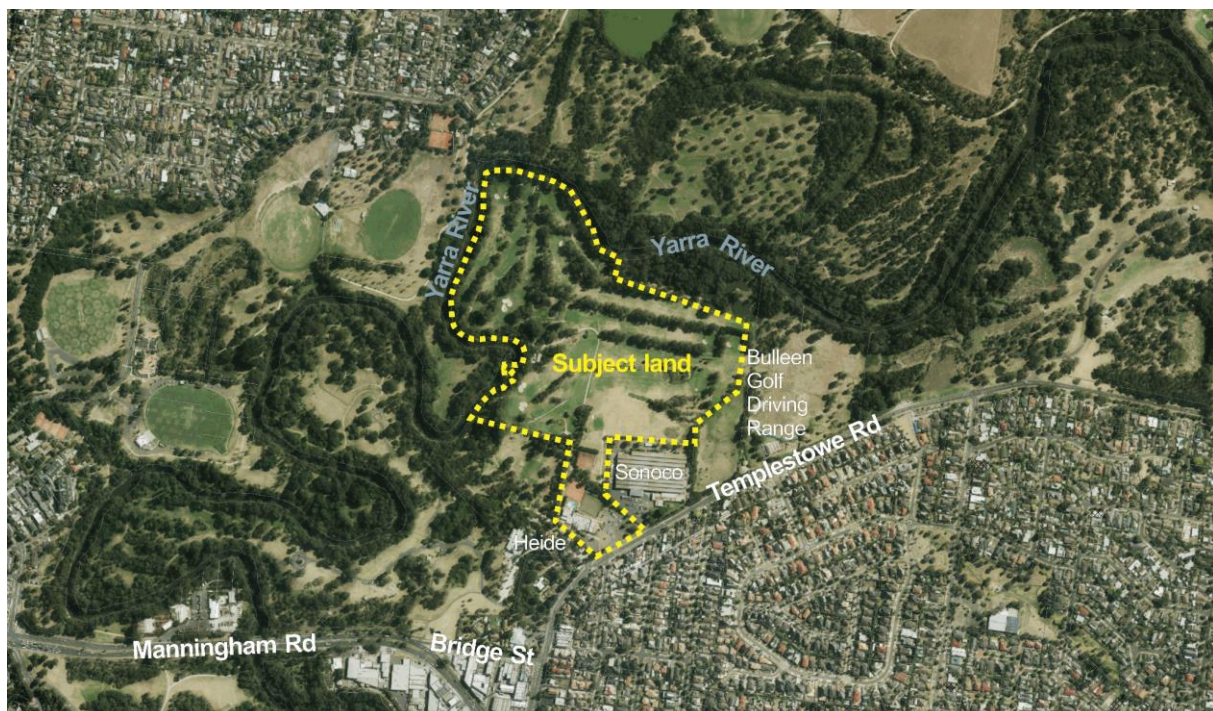
- findings of the Bulleen-Banyule Flats Cultural Values Study by the YRB Precinct's Traditional Owners – the Wurundjeri Woi Wurrung people
- the impacts and status of the North East Link (NEL)
- amended plans for the Yarra Valley Country Club (YVCC) site.

1.2 Draft Amendment C125mann

(i) The subject land

The draft Amendment applies to 9-15 Templestowe Road, Bulleen, comprising approximately 22.4 hectares, as shown in Figure 2 (subject land). The YVCC currently operates on the subject land, which comprises a 9-hole golf course, function room, gaming machines, tennis courts, squash courts, a bowling green, swimming pool, other outdoor recreation facilities, and a large car parking area abutting Templestowe Road.

Figure 2 Amendment C125mann subject land



Source: www.vicplan.vic.gov.au and Planning Panels Victoria

(ii) Amendment description

Manningham Planning Scheme Amendment C125mann (the Amendment) seeks to:

- rezone 9-15 Templestowe Road, Bulleen (YVCC site) to facilitate future residential development
- apply the Development Plan Overlay to require the preparation and approval of a development plan before the proposal can proceed.

Specifically, the exhibited Amendment proposes to:

- rezone the southern portion of the land to Residential Growth Zone
- apply a Development Plan Overlay schedule to the land (DPO5)
- amend Design and Development Overlay Schedule 2 (DDO2) to increase the maximum building height from 9 metres to 17.5 metres
- amend the Clause 52.01 Schedule to exempt the land from the requirement to make a public open space contribution
- amend Clause 21.05 (Residential) and Clause 21.07 (Green Wedge and Yarra River Corridor)
- introduce Clause 22.20 (Yarra Valley Country Club Key Redevelopment Site) into the Planning Scheme.

YVCC Property Pty Ltd (YVCCP), the Proponent of the Amendment, proposes to transfer 16.31 hectares (72.8 per cent of the total YVCC site) to the public at no cost. The Outline Development Plan (ODP) and section 173 agreement requirements in DPO5 reflect this. The Amendment's explanatory report states that this land would be rezoned to the Public Park and Recreation Zone through a separate process after:

- it is transferred to Government ownership
- the wetlands have been constructed or at a time agree with the Responsible Authority.

1.3 Background to the LUF and the Amendment

1950s	The YVCC site was used for farming activities. It appears to have been used for quarrying and fill associated with the Olympic sites in Heidelberg.
1975	The Public Acquisition Overlay was applied to 2.05 hectares along the river frontage of the YVCC for proposed public open space
September 2015	YVCC lodged a planning permit application (PL15/025573) to construct 202 two to three storey townhouses and to construct a two storey leisure and recreation facility
June 2016	Proponent requested the Minister for Planning to call in permit application PL15/025573
May 2017	Manningham Council requested the Minister for Planning to expedite a structure plan for the Bulleen precinct
2018	
May	State government launched the 50-year Community Vision for the Yarra River
June	The intended proponent requested the Minister for Planning to: <ul style="list-style-type: none"> - call in permit application PL15/025573 [section 97B of the PE Act] - consider a combined planning scheme amendment and permit application [section 20(4) of the PE Act] - establish an independent Advisory Committee to consider the combined application and amendment [section 151 of the PE Act]
October	The Minister for Planning decided to establish an Advisory Committee to consider a draft Land Use Framework Plan and draft planning scheme amendment for the YVCC
2019	
May to June	DELWP publicly exhibited the Land Use Framework Plan and the Amendment and held a public consultation forum
June	The Minister for Planning decided to defer the Advisory Committee process until the North East Link Inquiry and Advisory Committee process was completed
2020	
23 January	Melbourne Water released the draft Yarra Strategic Plan for public comment
24 July	The Panel Report which considered the Yarra Strategic Plan was completed
31 August	The Minister for Planning decided to progress the Advisory Committee process DELWP publicly re-exhibited the LUF and the Amendment
25 September	Re-exhibition ended
24 December	YVCC Property provided its preferred version of GRZ4 and DPO5
2021	
11 January	Deadline for expert witness statements

18 January	Hearing commenced
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1.4 Procedural issues

(i) Hearing by video conference

The Committee advised parties that it would be conducting the Directions Hearing and Main Hearing by video conference using MS Teams due to physical distancing restrictions associated with the coronavirus disease pandemic. No party objected to this hearing format.

(ii) Parties that did not appear

Templestowe United Football Club, originally a party to the Hearing, informed parties that it no longer sought to appear at the Hearing. Grollo Industries Pty Ltd requested to be heard at the Hearing but did not appear at its allocated time.

The Committee has considered their written submissions.

1.5 The Committee's approach

The Committee considered all written submissions made in response to the 2019 and 2020 exhibitions of the LUFP and the Amendment, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. It has considered these submissions within the context of the 2020 exhibited version of the LUFP and the Amendment.

The Committee has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and documents have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

For the purposes of this report, the Committee has applied terminology outlined below.

Exhibition

Public notice of the draft LUFP and the Amendment from 31 August to 25 September 2020. This is not formal exhibition of a prepared amendment under section 19 of the *Planning and Environment Act 1987* (PE Act). The Committee acknowledges the documents were originally exhibited in a different form from 13 May to 7 June 2019. It has considered submissions which responded to both exhibited versions.

Document references and versions in this report

Any reference to the LUFP and the Amendment refer to draft documents.

The Committee was presented with a considerable number of document versions throughout the process. For the purposes of this report, the Committee:

- General Residential Zone Schedule 4 is referred to as GRZ4.
- DPO Schedule is referred to as DPO5 with the following versions:
 - Exhibited DPO5 – version exhibited from 31 August to 25 September 2020
 - YVCCP DPO5 v1 – document 20, provided on 24 December 2020
 - YVCCP DPO5 v2 – document 99, provided on 9 February 2020
- Any reference to wpd refers to a 'without prejudice' version.

This Report deals with the issues under the following headings:

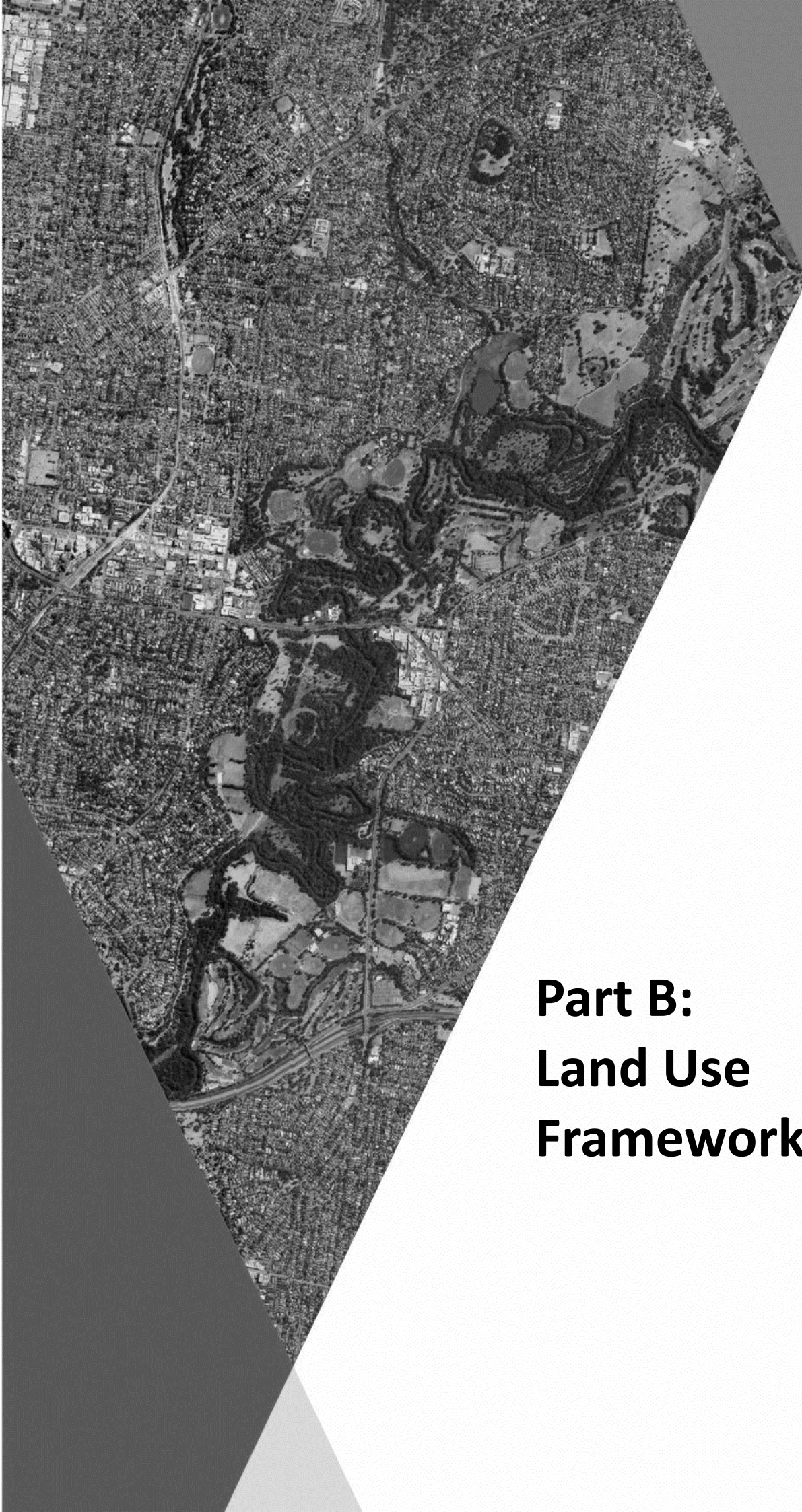
Part A: Background

Part B: Land Use Framework Plan

- Planning context
- Arts, culture and heritage
- Environment
- Traffic and transport
- Use, development and amenity
- Other issues

Part C: Amendment C125mann

- Planning context
- Strategic issues
- Development Plan Overlay Schedule 5
- General Residential Zone Schedule 4 and Design and Development Overlay Schedule 2
- Other issues
- Form and content of the Amendment.



Part B: Land Use Framework Plan

2 Planning context

Planning context set out in this chapter is relevant to the LUFP and the Amendment.

2.1 Legislation

(i) Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017

The *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* (Birrarung Act):

- sets out how a long term community vision and the Yarra Strategic Plan, which will give effect to that vision
- establishes a new statutory body, the Birrarung Council, as an independent voice of the Yarra River.

Sections 8 to 13 of the Birrarung Act includes the following Yarra protection principles:

8 General principles

- (1) Proposed development and decision-making should be based on the effective integration of environmental, social and cultural considerations in order to improve public health and wellbeing and environmental benefit.
- (2) Decision-makers should take into account the best practicably available information about the potential impacts of climate change so as to avoid, so far as possible, serious or irreversible damage resulting from climate change.
- (3) Decision-makers should take into account the impact of any individual action or policy on public health and wellbeing and seek to ensure that public health and wellbeing is enhanced by the action or policy.
- (4) Each generation should ensure that the environmental, social and cultural benefits that have been acquired are maintained or enhanced for the benefit of future generations.
- (5) Protection of the environment and delivery of sustainable development is a responsibility shared by all levels of government, industry, business, communities and the people of Victoria.

9 Environmental principles

- (1) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation or for failing to assess the risk-weighted consequences of the options.
- (2) Environmental practices and procedures should ensure that biodiversity and ecological integrity is maintained or enhanced in ways that are proportionate to the significance of the environmental risks and consequences being addressed.
- (3) If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.
- (4) There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.

10 Social principles

- (1) The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.

- (2) Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of Yarra River land.

11 Recreational principles

- (1) Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced through the design and management of public open space for compatible multiple uses that optimise community benefit.
- (2) Public open space should be used for recreational and community purposes that are within the capacity of that space, in order to sustain natural processes and not diminish the potential of that open space to meet the long-term aspirations of the community.

12 Cultural principles

- (1) Aboriginal cultural values, heritage and knowledge of Yarra River land should be acknowledged, reflected, protected and promoted.
- (2) The role of the traditional owners as custodians of Yarra River land should be acknowledged through partnership, representation and involvement in policy planning and decision-making.
- (3) The cultural diversity and heritage of post-European settlement communities should be recognised and protected as a valued contribution to the identity, amenity and use of Yarra River land.

13 Management principles

- (1) There should be coordination between all levels of government and government agencies when designing policies and programs and making decisions in relation to Yarra River land.
- (2) When designing policies and programs, the best practicable measures available at the time should be used.
- (3) Implementation of natural resource management should aim for continuous improvement and extend beyond compliance with relevant laws and requirements.

(ii) Planning and Environment Act 1987

Section 4AA of the *Planning and Environment Act 1987* (PE Act) sets out the obligations of the Head of the DELWP in relation to Yarra River land. It specifies how the Yarra Strategic Plan and the Yarra Protection Principles under the Birrarung Act are to be considered when performing a function or duty or exercising a power under the PE Act in relation to Yarra River land.

2.2 Relevant strategies, plans and studies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

The following policies are relevant to the LUPP:

Policy 4.1.4: Protect and enhance the metropolitan water's edge parklands

The Yarra River and its parklands shaped the development of Melbourne and are essential to the identity, liveability and prosperity of the city.

...

Stronger planning controls will also be put in place to protect water's edge parklands from intrusion and encroachment of development that impacts on open space and diminishes their natural landscape setting.

Policy 4.2.2: Support the growth and development of Melbourne's cultural precincts and creative industries

The city's dynamic arts culture will be supported and facilitated—ensuring spaces and facilities are created that encourage cultural innovation and new forms of artistic expression throughout the metropolitan area.

Policy 6.5.1: Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature

Melbourne's network of green spaces provides important areas of habitat for biodiversity conservation as well as opportunities for people to enjoy frequent contact with nature in urban environments. It includes a range of public and private green spaces, from parks and reserves to backyards and gardens as well as waterway and transport corridors that provide important green linkages. Existing green spaces need to be protected and new green spaces need to be created to improve landscape connectivity and resilience.

6.5.2 Protect and enhance the health of urban waterways

Retaining stormwater in the landscape through water-sensitive urban design and stormwater harvesting is necessary to secure the health of the city's waterways and bays. It will also reduce flood risks, improve landscapes and amenity, and create a greener city. Objectives and performance standards within planning schemes must be strengthened to minimise the impacts of stormwater.

(ii) Bulleen-Banyule Flats Cultural Values Study 2020

The Bulleen-Banyule Flats Cultural Values Study 2020 is the result of Action 26 of the Yarra River Action Plan. Delivered by the Wurundjeri Woi Wurrung Aboriginal Corporation, the final report identifies the Wurundjeri Woi Wurrung tangible and intangible values for a core area of the YRB Precinct. The final report includes site-specific recommendations which have informed the LUFP.

(iii) Yarra Action Plan

The Yarra Action Plan was prepared in response to the need for a whole-of-river approach to protecting and improving community amenity and open spaces along the Yarra River. It recognises the Bolin Bolin Billabong next to the Yarra River, adjacent to Bulleen Park, as:

- one of Melbourne's few remaining billabongs
- having a high ecological and cultural significance
- an important ceremonial meeting place for the Traditional Owners and neighbouring tribes.

It sets out 30 actions for implementing the plan, including:

- 14: develop and maintain an overarching river corridor strategic framework plan – the Yarra Strategic Plan
- 15: protect and promote cultural and heritage values

- 19: extend the coverage of stormwater management standards to maintain water quality in the Yarra River
- 21: develop a precinct structure plan to direct future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats
- 22: restore natural water inflow regimes and rehabilitate the surrounding environs of the Bolin Bolin Billabong.

(iv) Yarra Strategic Plan (draft)

Melbourne Water is leading the preparation of Yarra Strategic Plan which is intended to be endorsed in 2021. The Plan:

- seeks to achieve the Yarra River 50-Year Community Vision
- acknowledges the LUFP
- was released in in January 2020 for public comment
- was considered by a Planning Panel which completed its report in July 2020.

The Yarra Strategic Plan sets out 10 year performance objectives:

- A healthy river and lands – Improving the water quality of the Yarra River and protecting its land, floodplains and billabongs to achieve greater biodiversity.
- A culturally diverse river corridor – Acknowledging, protecting and commemorating the rich heritage of the Birrarung and its stories.
- Quality parklands for a growing population – Improving the river's parklands to support community wellbeing and strengthen the relationship between the Yarra River, its community and visitors.
- Protecting the natural beauty of the Yarra River corridor – Respecting the significance of the Yarra River's landscapes. Where we build, we will protect and celebrate the river's natural beauty, landscapes and views.

3 Arts, culture and heritage

3.1 Aboriginal cultural heritage

(i) The issue

The issue is whether the LUFP appropriately acknowledges and responds to Aboriginal cultural heritage.

(ii) Background

The Birrarung Act, Yarra River Action Plan and Plan Melbourne are relevant to this chapter. Plan Melbourne includes:

- Policy 4.1.4 (Protect and enhance the metropolitan water's edge parklands) which states the Yarra River and its parklands are *"the source of considerable historical and cultural importance to Aboriginal Victorians"*
- Policy 4.4.2 (Respect and protect Melbourne's Aboriginal cultural heritage) which states *"Victoria's landscape holds the imprint of countless generations of Aboriginal people"*.

DELWP exhibited the LUFP with the Bulleen Precinct Plan Heritage Impact Assessment and Traditional Owner Engagement (Andrew Long and Associates, 9 May 2019)

In 2018, the community through consultation identified its priority to celebrate cultural and heritage values and expressed:

- The intrinsic link between the natural landscape and Aboriginal culture and practices should be recognised.
- Work with the Wurundjeri Woi Wurrung People to share and celebrate culture and heritage.¹

The LUFP includes:

- Objective 3 (An internationally significant cultural place) includes strategy 3.2 which seeks to:

Provide ongoing protection for Aboriginal cultural heritage places by ensuring that new trails and other development across the precinct minimise potential impacts to heritage sites and to Wurundjeri Woi Wurrung cultural values identified in the Bulleen-Banyule Flats Cultural Values Study. The precinct should be considered holistically as an integrated cultural landscape. Identification of options and strategies to develop new and enhance existing Aboriginal places should be self-determined by the Wurundjeri Woi Wurrung Cultural Heritage Corporation.
- Map 3 (Cultural heritage) which identifies a significant proportion of the YRB Precinct as an area of cultural heritage sensitivity².

(iii) Evidence and submissions

Several submitters including the Wurundjeri Woi Wurrung Corporation, Birrarung Council and Yarra Riverkeeper Association, referred to the Birrarung Act. They specifically referred

¹ Exhibited LUFP, p17

² As specified in Division 3, Part 2 of the *Aboriginal Heritage Regulations 2018*.

to a purpose and objective which declared and recognised Crown land and freehold land owned by the State and within the vicinity of the Yarra River as *“one living and integrated natural entity”*.

The Wurundjeri Woi Wurrung Corporation sought to preserve archaeological footprint and landscapes of cultural importance. It explained that this comprises tangible and intangible elements. Intangible elements include cultural practices such as smoking ceremonies, Welcomes to Country, dance, artwork, music and craft. It referred to Bulleen-Banyule Cultural Values Study which found the YRB Precinct:

- was where ceremonial cultural practices were carried out
- was visited and lived in by creation and spiritual beings, animal species representative of those presently found in the precinct
- contains registered Victorian Aboriginal Cultural Heritage Places which demonstrate Wurundjeri Woi Wurrung occupation and use of the landscape
- is a place of social and political importance, where the control and management of Wurundjeri Woi Wurrung people, under the Aboriginal Protectorate and later by the Guardian of the Aborigines, was carried out over about 20 years
- has evidence of non-indigenous – indigenous conflict
- was a favoured location for eel fishing.

Yarra Riverkeeper Association considered the Yarra River, including its floodplain, should be protected as *“one living and integrated natural entity”*. It opposed earthworks which alter the floodplain’s form. The Association submitted:

The Framework needs to go further and capture Traditional Owner thinking around the connectivity of the river and its corridor, best captured in the phrase, ‘The river needs its lands.’ The river is more than the water flowing by. It is the bed and banks. It is the floodplain. It is the lenses of groundwater that slowly and steadily feed the river with its essential ingredient – water.

Birrarung Council and Yarra Riverkeeper Association requested that the LUFP refer to the net gain principle set out in the Yarra Protection Act. They explained the principle seeks to reverse the steady degradation of the Yarra River corridor.

Parks Victoria is the public land manager for most of the public open space in the YRB Precinct. It supported the LUFP’s strategies for protecting Aboriginal cultural heritage, shared storytelling and interpretation through the river corridor. It considered most of the YRB Precinct to be culturally sensitive, with the Bolin Bolin Billabong being one of the more significant sites. Parks Victoria submitted there should be a greater connection between the LUFP objectives and the Traditional Owner’s vision for connecting to country and creativity.

Ms Palmer AO and Mr Howard supported the Wurundjeri Woi Wurrung aspirations for enhanced cultural engagement in the YRB Precinct and the development of a new cultural place. They submitted that the Bulleen-Banyule Cultural Values Study:

- informs that the Wurundjeri Woi Wurrung people understand the YRB Precinct as an ‘integrated cultural landscape’
- emphasises the importance of cultural renewal.

Ms Palmer and Mr Howard referred to the LUFP which states that the following learnings from the Study have been integrated into the Plan:

- support for retuning parkland and ecological connections
- the need to avoid impacts to identified cultural values and to not disturb areas of

- cultural significance
- the desire to establish a cultural place for Wurundjeri Woi Wurrung people at the Plenty River confluence.

Heide MoMA explained that it was consulting with Wurundjeri Woi Wurrung Corporation to:

- showcase the pre-contact landscape in Heide's riparian zone
- restore the cultural and ecological integrity of the area, and to advance visitor understanding of traditional ownership.

The Wurundjeri Woi Wurrung Corporation submitted the river red gum at the corner of Bridge Street and Manningham Road:

- is a significant tree to the Elders
- is a rare surviving remnant of the former landscape occupied by the Wurundjeri Woi Wurrung people
- is subject to the Heritage Overlay (HO24) in the Manningham Planning Scheme.

(iv) Discussion

The LUFP is founded on Aboriginal cultural heritage and values and further informed by reports including the Bulleen-Banyule Cultural Values Study and the Heritage Impact Assessment and Traditional Owner Engagement. Of note, the Study recognises:

- the YRB Precinct as an integrated cultural landscape
- the importance protecting and enhancing both tangible and intangible place-based values.

The Committee interprets this as the Yarra River corridor having cultural value beyond the identified and registered artefacts found over the years. Aboriginal cultural heritage includes the ceremonies, intertribal relations, and conflicts along the Yarra River. An example is the Yarra River's junction with the Plenty River where 40 Aboriginal people once camped³.

As set out in the Preamble of the Yarra River Protection Act, to the Wurundjeri Woi Wurrung people, the Yarra River (Birrarung) is *"alive, has a heart, a spirit and is part of our Dreaming"*. Aboriginal cultural heritage and this environment are one in the same and inseparable. The section of the Yarra River corridor in the YRB Precinct forms part of a single Yarra River entity running 242 kilometres from the Yarra Ranges National Park to Port Phillip Bay.

The Committee considers there should be no earthworks on the Yarra River floodplain to enable urban development. The floodplain forms an important part of the river's function and landscape. The Committee is cognisant the floodplain, including a large part of the YVCC site, has experienced historic earthworks as recent as mid last century. This should not be regarded as an opportunity to further deform the floodplain. Rather, the Bulleen-Banyule Cultural Values Study seeks to enhance the place-based values.

Amendment C132mann introduced provisions which will facilitate active recreation on the floodplain which forms part of 27-59 Templestowe Road (Golf Driving Range). The Committee considers there should be no further earthworks on other parts of the floodplain for active recreational facilities. Active recreation may have a lesser visual impact than

³ Heritage Impact Assessment and Traditional Owner Engagement, p29

multi-level buildings, however, raising the earth to create level playing fields can also affect the place's values.

The Committee finds the LUFP appropriately acknowledges and responds to matters of Aboriginal cultural heritage. It seeks to protect and enhance existing cultural values while creating an internationally significant cultural place (refer to Chapter 3.2) centred on arts, nature and Traditional Owner heritage.

Existing and future planning provisions should respond to the Aboriginal cultural heritage directions in the LUFP. The Manningham Planning Scheme interim DDO2 applies mandatory minimum setback lines generally consistent with floodplain boundary.

The Heritage Overlay (HO24) provides statutory protection to the surviving river red gum at the corner of Bridge Street and Manningham Road.

(v) Conclusion

The Committee concludes:

- From an Aboriginal cultural heritage perspective, earthworks which enable urban development and active recreational facilities should be discouraged on the Yarra River floodplain.
- The Land Use Framework Plan appropriately acknowledges and responds to Aboriginal cultural heritage.

3.2 Internationally significant cultural place and hubs

(i) The issues

The issues are:

- whether the LUFP provides sufficient clarity and direction about its proposed internationally significant cultural place and hubs
- whether the internationally significant cultural place should apply to the Bulleen Industrial Precinct.

(ii) Evidence and submissions

Many submitters supported the proposed 'internationally significant cultural place'. Several sought greater clarity and direction on the proposal. For example, the Yarra Riverkeeper Association submitted:

If this is to be a world-class cultural location that attracts tourists nationally and internationally, the planning needs to be bold, innovative and go beyond the usual. If the precinct is to be at the forefront of embracing and championing places rich in bicultural identity, the Framework needs to have a Wurundjeri presence at its heart. There needs to be a direct investment in the sites' indigenous history and continual presence of Traditional Owners and Wurundjeri Culture. That is what will attract visitors internationally – and nationally. That is what will give the precinct longevity.

Melbourne Water sought more information on the required outcomes for future land use and development. It questioned whether the YRB Precinct would draw international people and what facilities and service would be available to accommodate them. It requested the LUFP reference the need for a positive interface with river and parklands, including visually sensitive interfaces that do not hinder public access or detract from local amenity.

Creative Victoria considered that further detailed work was required to develop a coherent and viable vision for YRB Precinct's cultural offer. This includes how proposed new cultural places will complement existing institutions such as Heide MoMA. Heide MoMA submitted that creating an internationally significant cultural place would require major improvements to the physical connections into and with the YRB Precinct. It added:

We advocate for a connected and continuous plan for land management so the whole precinct can celebrate Aboriginal culture and stories, and not result in disparate or silo-like 'hubs'.

Manningham Council requested that a new Strategy 3.6 seek to protect and celebrate the Bridge Street River Red Gum subject to the Heritage Overlay (HO24). DELWP responded that the LUPF is a land use framework that does not refer to individual trees. The LUPF refers to the NEL Urban Design Strategy which seeks to *"consider all practical design alternatives to retain the existing significant River Red Gum should be explored. If removal cannot be avoided, provide legacy actions in consultation with key stakeholders."*

Riverland Conservation Society of Heidelberg Inc submitted that Yarra Flats Park should:

- be referenced because it is the scene of Heidelberg School paintings
- include interpretive information in addition to existing artist trail signs.

Sanctum Studio submitted that local art would be needed to because of the impact from NEL. It considered the YRB Precinct provides an opportunity to enhance local community and economic outcomes while strengthening and adding vitality to the precinct's art program. Sanctum Studio proposed:

- an accessible community cultural hub
- an evolving public art program including sculptures, ephemeral art beside walkways and parkland, murals and projection art
- an environmental sculptural play space for local families and visitors.

Bulleen Art and Garden Centre Pty Ltd (BAAG) has been operating on crown land at 6 Manningham Road since 1967. It welcomed DELWP's changes to the LUPF during the Hearing to acknowledge BAAG as an existing cultural place. This included further references in maps 2, 4 and 5a and the key site summary table, and a section on Colonial and Modern Art Practice.

YVCC members submitted that the LUPF should consider the opportunity for an arts and culture scene without negatively impacting the golf course.

Numerous submissions supported the Bulleen Industrial Precinct being transformed into employment and community uses while others sought to retain the industrial uses. Several submitters had previously conveyed their views to the NEL Project Inquiry and Advisory Committee.

DELWP agreed to revise the LUPF to:

- clarify what is meant by a new cultural place on the YVCC site
- reference the proposed Creative Placemaking Strategy at section 6.0 (Next steps)
- identify opportunities to further clarify aspects of the cultural precinct in the objectives after consulting with Creative Victoria
- update references to BAAG on maps, in the key sites table and section 2.4.

DELWP submitted that the LUFP recognises the importance of modern art through objective 3.5 which seeks to:

Develop a shared storytelling strategy that connects the multi-layered histories and values of the study area.

(iii) Discussion

The Yarra River corridor in the YRB Precinct has been culturally significant to Aboriginal people for thousands of years. Since the 1840s and after European contact, the Yarra River landscape around Heidelberg in the YRB Precinct inspired artists. They included Arthur Streeton, Tom Roberts and Frederick McCubbin who founded the Heidelberg School. Today, Heidi MoMA is located near where these artists once painted.

The fusion between ancient culture and relatively modern art makes the YRB Precinct a unique location to establish an internationally significant cultural place. DELWP is commended for progressing this ambitious objective, which some may have dismissed early in the process. The Committee agrees with the Yarra Riverkeeper Association that to achieve this outcome, planning needs to be *“bold, innovative and go beyond the usual”*.

The DELWP LUFP wpd proposes bold and innovative directions by:

- implementing strategies which seek to protect and enhanced the Yarra River corridor, including the floodplain, by support mandatory building setbacks
- seeking to retain and encourage more arts and cultural uses in the Bulleen Industrial Precinct, including BAAG
- capturing opportunities enabled by NEL
- enabling appropriate infrastructure to support the cultural place.

The YRB Precinct will become more accessible through the NEL in the medium term and proposed Bulleen train station as part of the outer suburban railway loop in the longer term.

BAAG has demonstrated that arts and cultural uses can co-exist with existing industrial uses. Nothing in the LUFP would compel industrial uses to move out. The Committee does not support changes which seek to vary or reverse any decision made through the previous NEL Project EES Inquiry process.

The Bridge Street River Red Gum is a historically significant part of the cultural place. The LUFP broadly seeks to celebrate the place’s arts and culture and refers to the NELP aspiration to retain the tree. The Committee is satisfied with this response.

(iv) Conclusions and recommendations

The Committee concludes:

- The Land Use Framework Plan would benefit from greater clarity and direction on the proposed internationally significant cultural place.
- Any issue associated with acquiring land in the Bulleen Industrial Precinct for the North East Link Project has already been determined through a previous process and is outside the scope of the Land Use Framework Plan.
- Arts and cultural and industrial uses can co-exist within Bulleen Industrial Precinct.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to better recognise the Bulleen Art and Garden Centre.

4 Environment

4.1 Stormwater and drainage

(i) The issue

The issue is whether the LUPF appropriately responds to stormwater and drainage issues.

(ii) Evidence and submissions

The Wurundjeri Woi Wurrung elders and the Birrarung Council:

- supported parkland and ecological connections in the YRB Precinct
- sought to discourage people from moving off the formal tracks
- preferred passive recreation rather than active recreation, note that recreational use should be sympathetic to the parkland and cultural contexts.

The Birrarung Council requested that all trees of significance be protected as far as possible.

Many submissions including from Melbourne Water requested the LUPF address numerous billabongs and other water features. These include Banyule Creek, Plenty River, Banyule Swamp, Warringal Swamp, Birrarung Park Billabong, Annulus Billabong, Banksia Street Billabong, and Peninsula Billabong.

Several submitters opposed development on land east of the Yarra River due to potential additional impacts on stormwater flows and quality.

Melbourne Water submitted that stormwater is highlighted as the most significant threat to the Yarra River but the LUPF does not identify any objectives or land areas to build constructed wetlands or stormwater treatment. It noted that Melbourne Water's flood levels are recognised as best practice and seek to control development on the floodplain to ensure that the community is kept safe.

Melbourne Water requested the LUPF consider how to avoid intensifying the impact of flooding through inappropriately located use and development in the YRB Precinct. It requested that LUPF be revised to:

- identify Melbourne Water as the relevant Flood Management Authority for the Yarra River floodplain (Section 3.5)
- refer to the need for Melbourne Water to assess and approve appropriate land uses on the floodplain (Section 3.5)
- include the 1:100 year flood extent and potential future wetlands (Map 5A).

DELWP provided the Bulleen Precinct Plan Planning and Urban Design Review prepared by David Lock Associates on 12 April 2019 (Urban Design Review 2019). The report stated the LUPF should be amended to addresses the issues identified by the Yarra River Act and Yarra River Action Plan and that irrespective of whether there is full or partial acquisition of sites along the floodplain there is the ability to improve water quality and enhance water flows, including seasonal flooding of wetlands and billabongs.

DELWP agreed to revise LUPF Section 3.5 to:

Protecting the river's riparian vegetation, natural riverbank topography and flood management capacity are critical factors for any new development in the study area. Any new development will need to ensure floodplain storage is maintained and

enough land is available to service environmental needs. Where development does occur permeable ground surfaces, rainwater harvesting and provision of wetland systems and bioretention systems provide solutions to minimise floodplain impacts.

DELWP proposed to revise Map 5A to show the extent of 1:100 flood extent.

(iii) Discussion

The LUFP addresses the revival of the various billabongs along the YRB Precinct but does not adequately address other water features such as wetlands which form part of the landscape and assist in developing the natural values and treating water.

A key environmental aspect of the Yarra River is its floodplain which is subject to reduced natural flooding and reduced water quality from the surrounding residential development. This will inevitably impact the floodplain's flora and fauna and must be addressed as a long term issue. Providing stormwater treatment systems on the drains which discharge onto the floodplain will result in better flow control and better water quality.

The LUFP does not identify all water features such as billabongs and wetlands which form part of the River floodplain. A table documenting the water features would better highlight the importance of the water features on the floodplain. This should be complemented with revised or new maps which show all billabongs and other water features, including the extent of flooding and major stormwater drainage discharges.

The Committee does not consider that every relevant land manager needs to be referenced in the LUFP. However, referencing Melbourne Water as the floodplain manager in Section 3.5 would inform about the governance about an important part of the YRB Precinct.

(iv) Conclusions and recommendations

The Committee concludes:

- The Land Use Framework Plan should further emphasise and strengthen the importance of storm water and drainage by:
 - revising Objective 1.4 to acknowledge the area's wetlands and other water features in addition the billabongs
 - identifying all wetlands, billabongs and other water features, including the extent of flooding in a table and maps
 - requiring appropriate storm water treatment systems for all storm water discharges to the Yarra River floodplain.
- Referencing Melbourne Water as the floodplain manager in Land Use Framework Plan would inform about the governance, an important aspect of the Yarra River - Bulleen Precinct.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to:

- a) revise Objective 1.4 to acknowledge the area's wetlands and other water features**
- b) strengthen the importance of stormwater and drainage for the Yarra River in Section 3.5**

- c) identify all wetlands, billabongs and other water features in a table and maps
- d) reference Melbourne Water as the floodplain manager.

4.2 Biodiversity, landscape and natural values

(i) The issues

The issues are whether the LUFP appropriately responds to:

- biodiversity, landscape and natural values in the YRB Precinct
- the Bridge Street Red Gum.

(ii) Evidence and submissions

Several submissions sought to restrict activities which may negatively impact specific flora and fauna. Mr Kieca submitted that Birrarung Park, on the eastern side of the Yarra River, should be kept relatively undeveloped without bicycle and pedestrian through traffic. He preferred quiet and slow access. He submitted that Parks Victoria needs to:

- upgrade the park which is in poor condition
- clear vegetation from, and rehabilitate, the perennial lake.

Submitters including Friends of Banyule, Ms Niddrie, Warringal Conservation Society, and Yarra Riverkeeper Association:

- sought to protect and enhance the vegetation along the Yarra River
- requested further flora and fauna studies to ensure that bridges and footpaths do not impact on *'iconic and endangered animal species'*
- requested detailed management plans for revitalising and managing the billabongs
- were concerned about the Powerful Owl, Macquarie Perch and Australian Grayling which use YRB Precinct as their habitat.

DELWP referred to:

- Melbourne's Plan for General Development (1929) which identified considerable acquisitions of land for public open space being made along the Yarra River in Heidelberg
- 1971 Statement of Planning Policy No 4 – Yarra River which directed that the Yarra River and its environs be planned primarily as an open space system for nature conservation and recreation.

Melbourne Water supported the LUFP's direction for a large riparian and conservation corridor along the Yarra River to provide habitat values and support wildlife with refuge areas. It placed great weight on retaining and enhancing the natural values of the Yarra River and referred to legislation which supports the goal. Melbourne Water submitted that the LUFP provides an opportunity for a deeper level of detail to support the Yarra Strategic Plan.

Melbourne Water requested that 150 to 200 metres of land each side of the Yarra River be set aside to 'future proof' a riparian corridor. It considered this necessary to improve ecological connections and to enhance the natural landscape character.

The Urban Design Review 2019 stated that the LUFP should address the impact of scattered active recreation facilities in light of their impacts on the landscape/natural setting that is sought to be achieved across much of the YRB Precinct.

Manningham Council called evidence on ecology from Dr Lorimer of Biosphere and YVCCP called evidence on biodiversity from Mr Mueck of Biosis.

Dr Lorimer responded to the YRB Precinct's broader ecological values in his revised evidence:

More broadly than just the YVCC land, the Yarra (Birrarung) corridor's ecological function relies heavily on its wetlands and the river's fringing strips of native vegetation – particularly the eucalypts and the often-dense subcanopy trees and shrubs. The ecological function is being held back largely by antithetic management of wetlands (e.g. water extraction), fragmentation of native vegetation (e.g. by roads) and the narrowness of the remaining strips of native vegetation.'

DELWP subsequently proposed to replace Objective 1.3 with:

Balance the provision of new open space for active and passive recreation with areas of new riparian parklands primarily for ecological rehabilitation and conservation purposes. Revegetation of Yarra River frontages should link remnant indigenous landscapes, be undertaken at a depth sufficient to achieve minimum ecological outcomes and include species identified as culturally important to the Wurundjeri Woi Wurrung people. This may also include a program of cultural burning.

Active recreational facilities

Melbourne Water and Manningham Council sought to direct active recreation such as sports fields to the eastern end of the YRB Precinct. Melbourne Water considered there is a tension between the need for sporting facilities and ecological improvement for preserving a 'natural feel' to the area. Manningham Council submitted that additional sports fields should be on land south of the industrial precinct at 203 Bulleen Road, and the HM Clause leased site at 165 Templestowe Road.

Several submitters requested that parkland along the Yarra River be restored to parkland rather than active recreation. They were concerned that sporting fields such as the ones proposed for 37-59 Templestowe Road (Golf Driving Range site) would result in unacceptable impacts. They include light spill, disturbance to avifauna and terrestrial fauna, and restricting the potential to develop a vegetation buffer and footpaths between the sports fields and the Yarra River.

Mr Shannon submitted that the YVCC golf course should remain and be integrated with public access along the Yarra River. Mr Maguire sought greater emphasis on active sporting facilities to address a perceived loss of such facilities due to the NELP. Templestowe United Football Club and the Veneto Club requested that LUFP support the rapid development of the sports fields proposed on the Golf Driving Range site.

Western side of Yarra River

Friends of Banyule and Warringal Conservation Society considered the LUFP has given little attention to the western side of the Yarra River. Friends of Banyule referred to the Yarra Flats Parkland and improving the water regime management for the Annulus and Banyule Billabongs.

Friends of Banyule requested further extensive flora and fauna studies to ensure that roadworks, pathways and bridge works do not impact iconic and endangered animal species.

Warringal Conservation Society supported the LUFP being more focussed on the natural values rather than active recreation and considered that pathways should be narrower than elsewhere, meandering and not be through-cycle paths and meandering rather than continuous through traffic cycle paths.

YVCC site

Manningham Council submitted that allowing part of existing recreational open space forming part of the river floodplain to be used for urban development would reduce the extent of land belonging to the valued river valley.

Dr Lorimer stated that from a terrestrial ecological perspective, the habitat and corridor role in the YVCC site's proposed open space should:

- widen the strip of native vegetation beside the Yarra River to better facilitate wildlife movement
- revegetate wider areas within the convex parts of the river frontage to create habitat nodes for animals to forage and take refuge
- not construct paths through the expanded native vegetation because human traffic disturbs adjacent wildlife
- plant shrubs and understorey trees beneath retained canopy trees, similar to Mr Mueck's recommendation
- avoid light spill into native vegetation and wetlands
- construct and maintain at least one wetland (or expand Wetland 1) to provide habitat for indigenous flora and fauna
- keep sports fields, parking and other high-traffic or well-lit areas well away from the Yarra River and its fringing vegetation
- have ongoing weed management.

Former Bulleen drive-in site

Ms Dunn submitted that the former Bulleen drive-in site and all open space be available as parkland without public entertainment. She submitted that the Yarra River reserve is essentially a nature reserve and any human activity makes it unfit for wildlife activity.

Ms Palmer opposed the development of sports fields on the former Bulleen drive-in site and highlighted the need to protect and enhance the riparian environs in order to enhance the landscape of the YRB Precinct.

Bridge Road River Red Gum

Submitters including Manningham Council were concerned about the old Red Gum at Bridge Street. Manningham Council referred to the NEL Urban Design Strategy which requires exploration of "*all practical design alternatives*" to retain the Red Gum.

Manningham Council submitted the NELP acknowledges the final design of the NEL is intended to be informed by the LUFP. It was concerned that the LUFP did not specifically address the Bridge Street Red Gum. It requested the LUFP include an express objective to further emphasise the importance of the tree to the community. DELWP responded that the LUFP is not best placed to include a strategy for a single tree.

Tree Top Park outside the YRB Precinct

Friends of Banyule referred to a current proposal to develop a Tree Top Park in the red gums south of Manningham Road. It was concerned that this would damage the trees and impact the fauna.

(iii) Discussion

The LUFP appropriately responds to retaining, and where not possible, minimising or planting new, vegetation. It also includes objectives and strategies to maintain and enhance the Yarra River corridor as a habitat for fauna.

Regarding LUFP Objective 1, the need for a contiguous open space corridor along the Yarra River cannot be stated enough. Submitters had varying views on how this should be achieved. The Committee shares the same concern as submitters and expert witnesses regarding the potential impact of future development on the YRB Precinct's biodiversity.

The LUFP is a pivotal opportunity to:

- address and reverse historic decisions which introduced inappropriate land uses and development in and around the Yarra River corridor
- establish suitable direction to guide future development around the corridor
- re-establish the original vision for the corridor, as identified generations ago.

The LUFP generally achieves this by seeking to transition incompatible land uses and development and to set the rules for future development.

The Committee was not provided with sufficient information to determine the appropriate width for the riparian habitat corridor. However, the LUFP, combined with the mandatory setbacks in DDO2 provide a solid foundation for establishing this corridor.

Parkland management

Submissions and evidence regarding the condition of some of the parklands along the Yarra River corridor, including the extent of weeds, is consistent with the Committee's observations during its inspections. Dr Lorimer offered sound and detailed direction on how to help restore the environment. The Committee considers the LUFP provides appropriate precinct-wide direction for maintain and enhancing the parklands. However, the detail sought by submitters is beyond what should be included in a broad scale land use framework plan.

Active recreational facilities

The LUFP objective to create ecological and parkland connections may conflict with strategies for active recreation if facilities such as sporting fields are developed on the floodplain or in wildlife habitat locations. Active recreational facilities can significantly impact flora and fauna during their construction and operation.

The YRB Precinct's more sensitive ecological areas are on the eastern side of the Yarra River. The LUFP should discourage development which can potentially affect flora and fauna from locating on the eastern side of the Yarra River. They should be redirected to the western side of the river where most of the area's public sporting facilities exist.

The proposed sporting fields and associated facilities at the Golf Driving Range site should be reviewed to ensure that they are designed to sensitively respond to flora and fauna.

The Committee is not persuaded by Melbourne Water's submission that any new active recreational facilities should be located at the eastern end of the YRB Precinct, east of Birrarung Park where the floodplain narrows considerably. This does not appear to align with Melbourne Water's aspiration for a wider river corridor.

Separating active recreation from more sensitive parkland areas will enable the LUF to better achieve its objectives.

Bridge Road River Red Gum

The LUF specifically recognises the Bridge Street Red Gum's significance and also seeks it to be retained through any NEL design. The tree's cultural importance is statutorily recognised through the Heritage Overlay (HO24). Its ecological values were comprehensively assessed through the NEL Project EES, which conclude that the final NEL design should retain the tree. The Minister for Planning's assessment supported its retention.

The LUF has objectives which seek to retain the river red gums, particularly the one at Bridge Street. An objective specifically for the Bridge Street Red Gum is not needed. This by no means understates its importance. Having objectives at this detailed level would make the LUF unnecessarily complicated.

Tree Top Park outside the YRB Precinct

The Committee does not comment on the Tree Top Park proposed on land outside the YRB Precinct because it is subject to a separate planning proposal and is outside the scope of the LUF.

(iv) Conclusions and recommendations

The Committee concludes:

- The Land Use Framework Plan addresses biodiversity issues however there may be potential conflict between objectives seeking ecological outcomes with strategies enabling active recreation.
- The Land Use Framework Plan should, through Objectives 1.1 and 1.3:
 - encourage passive recreational facilities on the eastern side of the Yarra River to minimise impacts on flora and fauna, including their wildlife habitat
 - encourage active recreational facilities west of the Yarra River where most exist
- The Land Use Framework Plan adequately refers to the significance of the Bridge Street Red Gum in Objective 3.
- The Tree Top Park is proposed on land outside the Yarra River - Bulleen Precinct, subject to a separate planning proposal and is outside the scope of the Land Use Framework Plan.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to:

- a) **encourage active recreation on the western side of the Yarra River and parklands with passive recreation on the eastern side through Objectives 1.1 and 1.3**

- b) seek revegetation of indigenous landscape to be at a depth sufficient to achieve minimum ecological outcomes and include species identified as culturally important to the Wurundjeri Woi Wurrung people.**

5 Traffic and transport

5.1 Road network

(i) The issue

The issue is whether the LUFP appropriately addresses the estimated future traffic and bicycle volumes on the road network.

(ii) Evidence and submissions

The Department of Transport (DoT) submitted that, based on predicted traffic growth, Templestowe Road is likely to be upgraded in about 15 years. It explained that a business case, due for completion in November 2021, will establish the project's timeframe. DoT added that it seeks a 70km/hr, four lane divided road with additional lanes for left and right turn movements, a 6-metre median strip and a 3-metre shared footway on the northern side.

DoT explained that its aspirational road specifications could not fit within the combined existing roadway and PAO4 area. This includes the inability to accommodate separate pedestrian and bicycle paths. It would need to downscale the design to fit the available space or seek further land acquisitions to resolve this situation.

DoT added that it seeks to:

- include bus stops at or near signalised access points at the YVCC and Driving Range sites
- retain the PAO4 and acquire the land when funds are committed for the project
- explain Templestowe Road's role and function within the YRB Precinct in the LUFP
- revise the new LUFP Strategy 2.9 to remove any detailed description of the Templestowe Road upgrade, as follows:

Investigate with the Department of Transport the upgrading of Templestowe Road to cater for the current and future needs of all road users.

Many submitters supported the proposed Templestowe Road upgrade. Several submitters, including NELP and Manningham Council, assumed the upgrade would occur at some point and set out related requests for involvement in planning for the project and regarding a shared use path on the northern side, respectively.

All traffic experts in the witness conference agreed on the need to upgrade Templestowe Road. This included Mr Hunt, which YVCCP called for evidence on traffic and car parking. Mr Hunt stated:

- existing traffic volumes in Templestowe Road are close to the theoretical threshold to justify its upgrade
- the NEL is not expected to greatly increase traffic volumes.

Mr Hunt referred to the traffic volume modelling of the NELP⁴, to determine the likely changes in traffic volumes for the road network surrounding the YVCC site. The arterial

⁴ NEL Project EES Technical Report, Appendix D

roads in the vicinity include Templestowe Road, Bulleen Road and Manningham Road. He predicts that by 2036 Templestowe Road will be carrying 25,000 to 32,000 vehicles each day.

Manningham Council called evidence on traffic from Mr Gnanakone of onemilegrid. He stated that Templestowe Road currently carries approximately 20,000 vehicles each day, which would typically justify duplication.

All experts and submitters highlighted that there are no on-road cycle lanes on Templestowe Road, in the vicinity of the YVCC site while Mr Hunt's evidence did identify off-road trails provided on the north side of the Yarra River (the Yarra Trail) and to the southwest of the site in Banksia Park to the northeast in Birrarung Park.

The DELWP LUPF wpd included a new Strategy 2.9 regarding the Templestowe Road upgrade. It relates to the Templestowe Road duplication and references an off-road shared pathway on the north side of Templestowe Road.

(iii) Discussion

The exhibited LUPF included objectives and strategies regarding the Templestowe Road duplication, the number and location of signalised intersections, PAO4 and the width and location of the shared footpath.

The Committee acknowledges that DoT is progressing the business case to upgrade Templestowe Road which may result in either a less than aspirational design in available space or further land acquisitions to include an aspirational design. The sports fields on the Golf Driving Range site are likely to be developed before the upgrade, resulting in increased traffic volumes.

The NELP, proposed soccer fields, the YVCC site and possibly other sites such as Sonoco, are likely to be developed within the Templestowe Road upgrade 15-year timeframe. This will provide greater certainty for the upgrader about access arrangements. However, it may also result in works such as the YVCC site / Heide MoMA signalised intersection being reconfigured to realign to the duplicated road carriage.

DoT, Manningham Council and property owners along Templestowe Road should communicate with each other to determine:

- whether access arrangements should be designed on a permanent or interim basis
- how to design any interim arrangements to minimise works when the road is duplicated.

DoT should consider whether the land acquisitions can occur earlier to enable a 3-metre shared pathway on the northern side of Templestowe Road before the main carriageway is duplicated.

Developments which proceed before Templestowe Road is duplicated will require certainty about where their property boundary will align. The Committee considers that DoT should design any road widening within the existing Public Acquisition Overlay (PAO4) area. It does not support this area being expanded unless more land is needed to flare intersections. There is an opportunity for DoT to adopt a cross section that uses the proposed YVCC site landscape zone land outside of the PAO4 area for the pedestrian part of the shared pathway.

The Committee prefers DELWP's version of the new Strategy 2.9 because it provides more clarity on the future intent of the LUFP, particularly the off-road shared pathway on the northern side of Templestowe Road.

(iv) Conclusion and recommendation

The Committee concludes that the Land Use Framework Plan:

- would benefit from further changes, based on DELWP's proposed changes to better address future traffic volumes on the road network
- should reflect the existing Public Acquisition Overlay 4 area, with no extension, other than to accommodate isolated flaring at intersections
- should include a strategy to investigate the opportunity to construct an interim 3 metre shared footway on the north side of Templestowe Road.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to introduce a new Strategy 2.9 to upgrade Templestowe Road which:

- a) is led by the Department of Transport**
- b) includes an interim 3 metre shared footway on the north side of Templestowe Road, subject to further investigation.**

5.2 Access along Manningham Road and Bridge Street

(i) The issue

The issue is whether the LUFP appropriately addresses access around the Manningham Road and Bridge Street area, including access to Heide MoMA.

(ii) Evidence and submissions

DoT submitted that Heide MoMA could achieve safe and efficient access through left in and left out access to Templestowe Road, supported by U-turn provisions at the Bridge Street and the YVCC signalised intersection.

Creative Victoria, Heide MoMA, BAAG and Birrarung Council sought a signalised entrance for Heide MoMA from Bridge Street to meet current and future needs. Heide MoMA considered Banksia Park and Heide MoMA could be better integrated through a new shared entrance from Bridge Street. Its submission included images from the Heide Masterplan which showed this arrangement.

At the Hearing, NELP advised that the NEL design:

- retained Heide MoMA's two vehicle access points to Templestowe Road
- did not include access at Banksia Park or Bridge Street, however the final reference design will be confirmed later in 2021.

Heide MoMA did not support a shared access with the YVCC site development at Templestowe Road, irrespective of whether it had access at Bridge Street.

DELWP called evidence on traffic from Mr De Waard of Traffix. Mr De Waard considered the Templestowe Road upgrade and signalisation at Bridge Street and Heide MoMA needing to be reconfigured to left in / left out. This is due to its proximity to Bridge Street. He added:

This will result in trips approaching from the east and departing to the west having to perform U-turns at the Bridge Street intersection and the new proposed signals for the YVCC, west of Roberts Street. I am satisfied that this is a reasonable outcome should access to Banksia Park / Heide does not occur from Bridge Street.

(iii) Discussion

The Committee supports a signalised intersection in Bridge Street, through Banksia Park, which provides access to Heide MoMA because:

- Heide MoMA is one YRB Precinct's most significant arts and culture anchors which requires appropriate access to support its existing and future traffic volumes
- aligning the signalised access at the appropriate location would better integrate the areas north and south of Manningham Road, particularly the Bulleen Industrial Precinct with Heide MoMA
- Heide MoMA is likely to have less than optimal access at its southern Templestowe Road access closest to Bridge Street because of the Bridge Street signalisation.

The Committee acknowledges that Heide's Masterplan emphasises access at Banksia Street and proposes to remove the link between the two current carparks which will ultimately remove the option to exit at Templestowe Road.

(iv) Conclusion and recommendation

The Committee concludes that the Yarra River - Bulleen Precinct Land Use Framework Plan would benefit from a signalised intersection at Bridge Street which provides access to Banksia Park and Heide Museum of Modern Art while enabling better movements between the areas north and south of Manningham Road.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to show a signalised intersection on Map 5B in Bridge Street which:

- a) provides access to Banksia Park and Heide Museum of Modern Art**
- b) better integrates the areas north and south of Manningham Road and Bridge Street.**

5.3 Access along Templestowe Road

(i) The issue

The issue is whether the LUFP appropriately addresses Templestowe Road access to the Heide MoMA (7 Templestowe Road), YVCC (9-15), Sonoco (25) and HM Clause (165) sites and the sports fields proposed on the Bulleen Golf Driving Range site (37).

(ii) Evidence and submissions

All three traffic expert witnesses and DoT agreed that there was insufficient distance between the YVCC site and Bridge Street for more than one new additional signalised access point.

DoT noted that its submission was in response to the 2019 exhibited LUFP. Regarding the 2020 LUFP version it submitted:

- Map 5B should delete the proposed signalised intersection at 165 Templestowe Road because there is no proposal to develop the site and it would consider any future request for traffic signals
- a proposed intersection should be located to benefit multiple sites.

DoT had no preference for the signalised access being located along the boundary along the YVCC site and Heide MoMA or the boundary along the YVCC site and Sonoco site. It had previously approved (in-principle) a concept plan with shared access to the YVCC and Heide MoMA sites (Figure 6 of this report) which would:

- require some land acquisition from both sites
- not cause an issue with neighbouring intersections.

DELWP supported shared access points along Templestowe Road, where possible. Its LUFP wpd included a new Strategy 2.11:

Provide a new signalised intersection (see also strategy 2.5) to consolidate vehicle access to and integrate circulation between the Heide, YVCC and Sonoco sites from Templestowe Road. This should occur in concurrence with investigations into the upgrading of Templestowe Road (see strategy 2.9).

Manningham Council sought to signalise the Heide MoMA access at Templestowe Road. It had no preference about the access point but would be satisfied if DoT and Heide MoMA reached an agreement.

Mr Gnanakone did not support a signalised access to Heide MoMA on Templestowe Road. He stated:

If the Heide access was also signalised (not currently shown on the draft Framework Plan), the separation to the YVCC access would be only 140 metres, and a separation of 210 metres would be provided to Bridge Street.

Several submitters, including NELP and Heide MoMA, questioned the shared vehicular connection between the YVCC and Bulleen Golf Driving Range sites shown on Map 5B. They noted the recently gazetted Amendment C132mann enabled future sports fields on the Bulleen Golf Driving Range site which would block the proposed internal vehicular loop road.

Submitters and all traffic expert witnesses agreed that the loop connection should provide access for pedestrians and bikes rather than vehicles.

(iii) Discussion

The Committee has already found that Heide MoMA would need access at Bridge Street /Banksia Park to effectively manage traffic. As YRB Precinct evolves into an internationally significant cultural place with increased visitors to Heide MoMA, the museum will need signalised access at Templestowe Road, even with access at Bridge Street. The need for this signalised access will be heightened if the Bridge Street access does not proceed.

DoT has confirmed that there needs to be minimal signalised intersections along Templestowe Road, with sufficient distance from Bridge Street to ensure safety and efficiency. Heide MoMA should receive the highest priority for this access.

The Committee agrees that, from an efficiency and safety perspective, there is enough distance for only one signalised access point between the YVCC site and Bridge Street. It says this while recognising that:

- Heide MoMA is an important cultural anchor to the YRB Precinct which needs multi-directional access from Templestowe Road
- if the YVCC site is redeveloped with dwellings, residents and visitors would need controlled access.

There should be one signalised access point shared between the Heide MoMA and YVCC sites which separate into two accessways once further into the sites. The access arrangement should be designed as equitably as possible, with minimal footprint. Where possible, aligning the access point opposite Elizabeth Street would assist motorists and pedestrians seeking to safely cross at this future busy point along Templestowe Road.

Map 5B should be revised to notate a joint signalised access point near the YVCC and Heide MoMA boundaries.

The Committee generally agrees with DELWP's proposed Strategy 2.11. Consolidating vehicle access between the Heide MoMA, YVCC and Sonoco sites may result in the form of a signalised shared point for the Heide MoMA and YVCC sites and left-in left-out access for the Sonoco site. Fully integrating access across all sites would require an internal vehicular loop road. However, the Committee finds:

- there is little need for a vehicle loop road for an area of this scale
- there should be limited roads on the Yarra River corridor side of Templestowe Road
- there has been little support for such a road since exhibiting the LUFP.

Irrespective, integrated pedestrian and cyclist access should be provided between the three sites and the Yarra River corridor. The proposed vehicular loop road would be an ideal alignment for enabling this connection. The LUFP, including Map 5B, should be revised to reflect the pedestrian and cyclist loop road.

Planning for future signalised access along Templestowe Road north of Manningham Road should be within the context of the proposed Templestowe Road upgrade. For example, the proposed shared access point between the Heide MoMA and YVCC sites is likely to either be partly or entirely removed to enable future upgrades. Relevant parties should consult with DoT to determine whether the design of any future access point can incorporate elements that will form part of the upgraded road design.

The Committee agrees with DoT that signalised access to 165 Templestowe Road should not be shown on Map 5B and the signalised intersection to the proposed Soccer Facilities on the Bulleen Drive-in Range be supported as currently shown on Map 5B.

Like the Sonoco site, appropriate access arrangements can be considered if there is a serious proposal to develop 165 Templestowe Road.

(iv) Conclusion and recommendation

The Committee concludes that the Land Use Framework Plan should be revised to:

- identify the proposed loop road across the Heide Museum of Modern Art, Yarra Valley Country Club and Sonoco sites for pedestrian and cyclist access only
- show an indicative signalised intersection along the Heide Museum of Modern Art and Yarra Valley Country Club boundary, opposite Elizabeth Street
- delete the reference to the signalised intersection at 165 Templestowe Road.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to:

- a) add Strategy 2.11 for a new signalised intersection that:
 - consolidates access and between the 7 (Heide Museum of Modern Art) and 9-15 (Yarra Valley Country Club)
 - integrates pedestrian and cyclist circulation between 7 (Heide Museum of Modern Art), 9-15 (Yarra Valley Country Club) and 25 (Sonoco) Templestowe Road
- b) delete the reference on Map 5B to signalised access at 165 Templestowe Road.

5.4 Pedestrian and cyclist access

(i) The issues

The issues are whether the LUFPP appropriately addresses pedestrian and cyclist access, including river crossings and their siting, connection with areas outside the YRB Precinct, safety, and their impact on the environment in the Yarra River corridor.

(ii) Evidence and submissions

Several submissions referred to the location of the bridges and pathways. Heide MoMA supported the new crossings and requested that a new pathway be provided off the neighbouring main Yarra trail. Mr Connor submitted that the proposed footbridge near Birrarung Park be moved further east where there is an existing well-worn track. Ms Niddrie supported the location but raised concerns with the potential impact on the platypus and ecological pond in the Yarra River.

Manningham Council requested that:

- Strategy 2.3 be revised to refer to new pedestrian and cycling bridges across the Yarra River including at Bulleen Park, Banksia Park Reserve and Birrarung Park, consistent with the illustrated connections on Map 5B
- Strategy 2.5 refer to cycling and public transport links rather than only pedestrians
- a new Strategy 2.10 provide a shared user path on the north side of Templestowe Road between Finns Reserve and Manningham Road to facilitate active travel to various destinations within the YRB Precinct.

Banyule Council submitted that the LUFPP consider the construction of a new underpass at Banksia Street to the east of the existing bypass with a view to mitigating flooding of the existing underpass a key goal.

Melbourne Water sought to link open spaces and sites on the western and northern side of the Yarra River such as the Heidelberg Activity Centre and sites of cultural significance. It cautioned against locating paths in flood zones. It submitted that paths should:

- be relocated or duplicated to higher ground
- avoid areas identified for biodiversity and be set back a minimum 30 metres from the riverbank.

Melbourne Water submitted that car parking presents a challenge for the YRB Precinct and threatens the Yarra River corridor's aesthetics and ambience. It requested that this be considered if the area is to be activated. Melbourne Water added that the LUFP should consider car parks for those seeking to access the parkland and the potential impact of the car parks on the environment.

The Wurundjeri Woi Wurrung Corporation did not support a formal path along the Bolin Bolin Billabong or any other structures to be built at this location. Birrarung Council requested a pedestrian path to access the Birrarung Cultural Precinct from Bulleen Road and a car park for this precinct.

Several submissions requested mountain bike riding and riverside access for recreational purposes. Others requested that access paths be located, and made from materials, which do not negatively affect the sensitive river corridor environment.

Mr Teese queried whether the Greenery Garden Centre at 4 Banksia Street could accommodate a path with its future land use. BAAG sought clarification on the location for the new shared paths proposed by both NELP and the LUFP near its site which may negatively impact BAAG's operation.

Several submitters were concerned about safety and requested a separation between pedestrians and bikes. Mr Kieca submitted that the new bridge locations will have an impact on the usage patterns on current pathways, where pedestrian loops would now experience high volumes of high-speed bicycle traffic and will require safety precautions to be put in place to avoid frequent accidents.

Parks Victoria submitted that if there is a need for high-speed commuter cycling, it should be next to the parklands and detailed in further traffic and road duplication investigations. DoT requested that it be involved in future planning for the bicycle network and its interaction with the road network so it could consider safety and connectivity between the two.

Mr De Waard found the walking and cycling connections in Map 5B to provide a *"highly connective network of paths and shared paths to/from and within the precinct"*.

DELWP explained that the location of the proposed shared pathway links shown on LUFP Map 5B are indicative only and that their locations will need to be refined through the future Access and Movement Strategy and in consultation with the Wurundjeri Woi Wurrung and key stakeholders. This strategy would:

- resolve safety concerns and whether there should be separation between pedestrians and cyclists
- address car park location and potential impacts.

DELWP added that technical advice will be needed to manage potential impacts on biodiversity values.

The DELWP LUFP wpd proposed the following strategy changes:

- 2.1 – similar to 2020 version but refined to reference both sides of the Yarra and to ensure sensitive siting of the networks
- 2.3 (new) – to deliver three new bridges across the Yarra River which are sensitively sited and designed with consider landscape, flooding, and vegetation impacts, specifically:
 - the Main Yarra Trail near McCubbin Street and Bulleen Park

- the Main Yarra Trail near Yarra Street and Banksia Park
- the Main Yarra Trail downstream of Plenty River and Birrarung Park
- 2.4 (new) – to establish clear visual and physical connections to the Yarra River and its environs
- 2.5 (new) – to identify opportunities to improve access to parklands through signalised pedestrian crossings
- 2.6 (new) – to investigate with DoT and Banyule Council, new signalised crossings to better connect pedestrians and cyclists between the Heidelberg Activity Centre, the train station and a new bridge at the main Yarra Trail
- 2.7 (previously 2.3) – revised to ensure the Main Yarra Trail at the Banksia Bridge is sensitively sited with regard to its surrounds
- 2.8 (previously 2.4) – to deliver a new cultural trail connecting numerous sites of cultural importance
- 2.12 (new) – to establish a path between the Heide MoMA and Golf Driving Range sites through the YVCC site.

(iii) Discussion

The Committee categorises issues raised in submissions as:

- resolved through changes proposed in the DELWP LUF wpd
- more detailed than what would be expected in a framework plan and will be resolved at a later stage after further work and investigations are completed, or
- queries or comments which do not request a change.

The Committee commends DELWP for changes proposed in its final version which seek to resolve issues raised in submissions. The Committee supports these changes, which will improve the LUF's clarity and implementation. Particularly, the future Access and Movement Strategy and technical advice which will inform more detailed matters such as safety, siting, required car parking spaces and locations and their potential impacts on the environment, flora and fauna.

Regarding safety, LUF Objective 2.2 has sought to separate pedestrian and cyclist paths, where necessary, since the exhibited version. The Access and Movement Strategy will inform whether this is necessary from a safety perspective.

The LUF's direction for consultation with the Wurundjeri Woi Wurrung people, DoT and key stakeholders which ensure the pedestrian and cyclist access network and its potential impact on its surrounds is comprehensively reviewed from different perspectives.

The Committee acknowledges Melbourne Water's cautioning about the impact of the Yarra River corridor's aesthetics if more car parking is required. As submitted by DELWP, this detail will be apparent through future investigation. The Committee agrees with Melbourne Water that, should further car parking be required, it should be sensitively designed to not negatively impact on the Yarra River corridor.

(iv) Conclusions and recommendations

The Committee concludes that the Land Use Framework Plan:

- has considered pedestrian and cyclist access based on relevant investigations to date

- would benefit from further changes related to pedestrian and cyclist access, including river crossings and their siting, connection with areas outside the Yarra River - Bulleen Precinct, safety, and their impact on the environment in the Yarra River corridor.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to:

- a) refer to public safety in the Objective 2 introduction**
- b) revise and introduce strategies 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, and 2.12 to better respond to access and connectivity.**

5.5 Public transport and parking

(i) The issue

The issue is whether the LUFPP appropriately responds to public transport needed to service the YRB Precinct.

(ii) Evidence and submissions

Several submitters highlighted the need for the LUFPP to identify a bus service along Templestowe Road. Manningham Council requested a new strategy which provided for a new bus service along Templestowe from Templestowe Village to the Heidelberg Activity Centre and railway station.

Creative Victoria submitted that the LUFPP has little reference to public transport services in the YRB Precinct. It encouraged DELWP to partner with DoT to investigate:

- how existing bus routes could provide more direct access to visitor nodes
- whether new routes should be added to improve services to the YRB Precinct.

Heide MoMA requested improved public transport connections from Heidelberg Station to the cultural centre and a new bus stop in front of its site.

Parks Victoria submitted that if there is a need for high-speed commuter cycling identified that it should be adjacent to the parklands and detailed in further traffic and road duplication investigations.

DoT submitted that bus services currently only operate along Templestowe Road between Rosemont Drive and Thompsons Road. It did not propose to add services or extend existing services further along Templestowe Road. It was seeking to provide bus stops at or near the proposed signalised intersections at the YVCC site and the Golf Driving Range site.

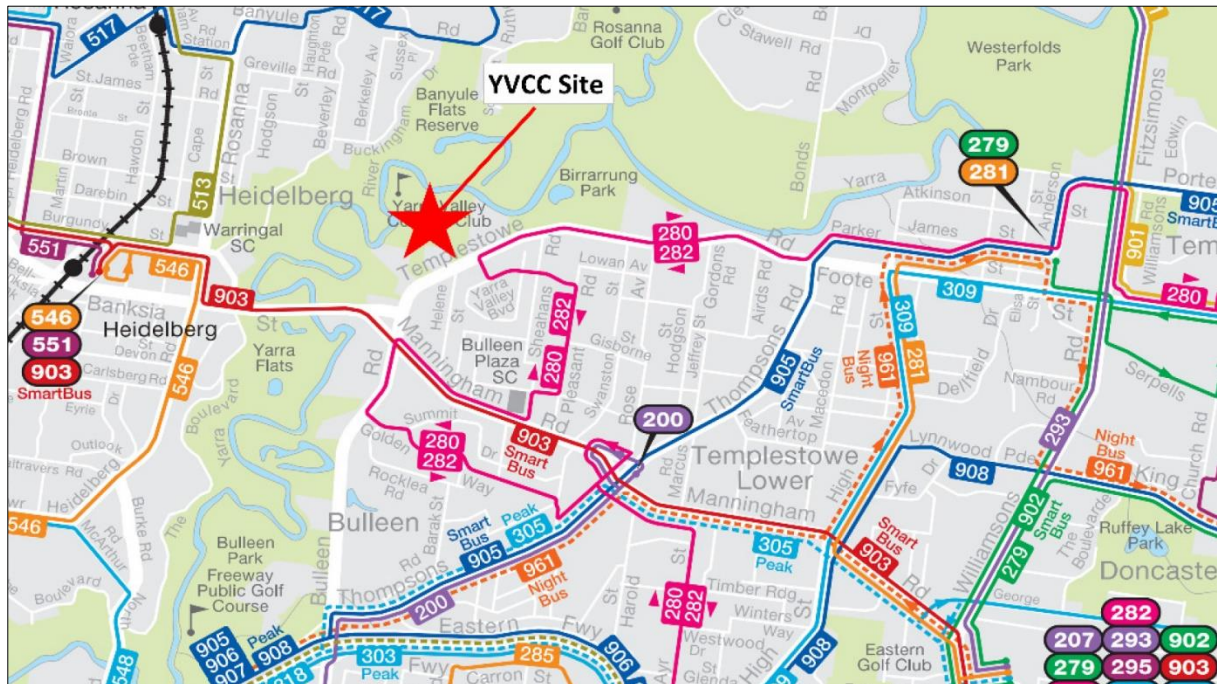
The traffic experts considered a bus service was needed along Templestowe Road, which considers a bus stop at the YVCC site.

Mr Hunt stated that:

- the YVCC site is partially located within the Principal Public Transport Network (refer Figure 3)
- there are no bus services along the YVCC Templestowe Road frontage
- there are several services nearby, with the closest at:
 - Rosemont Drive about 340 metres east of the site

- Manningham Road 480 metres south of the site.

Figure 3 Public transport routes in and around the YRB Precinct



Source: Mr Hunt's evidence and ptv.vic.gov.au

DELWP agreed to add a new strategy in the LUFP:

Investigate with the Department of Transport new public transport bus connections in and around the cultural precinct. Prioritise linkages west to Heidelberg Station, east to Templestowe Village and south to proposed Bulleen Park and Ride.

As outlined in Chapter 4.2, Melbourne Water was concerned about the impacts of car parking on the surrounding environment. DELWP submitted that car parking is generally more appropriate to resolve at the site level and through the development of the proposed Access and Movement Strategy. It added that there is some potential for the LUFP to address car parking considerations.

(iii) Discussion

There is an interrelationship between public transport and parking. If YRB Precinct evolves into what is envisaged in the LUFP, it will ultimately become a well-recognised arts and culture precinct. Once established, it may draw in visitors from around Australia and from overseas. Parts of the YRB Precinct are expected to intensify through redevelopment in the future.

The YRB Precinct, which is predominantly car dependent, should investigate public transport opportunities with the intention of improving its operation to better serve those seeking to travel to, and within the precinct. The ability to achieve an internationally significant cultural place will be reliant on moving visitors as efficiently as possible.

The Committee supports a new strategy which will ensure that any proposed public transport measures consider the area's future visitor and residential population and how to better integrate key sites within the YRB Precinct and the precinct itself with activity centres

and Heidelberg Station. An efficient bus connection between Heide MoMA and the station will be important for supporting a greater number of visitors.

Strategy 2.10 should also consider car and bicycling parking needs. Not all visitors will be using public transport. The Committee agrees with DELWP that parking can be considered on a case-by-case basis. However, the ability to achieve future parking in the required locations is complicated by the extent of environmentally sensitive and culturally significant areas. The Committee considers there should be a more strategic approach to parking, based on anticipated numbers for places such as Heide MoMA in their ultimate development. This will help guide future decisions for individual sites.

(iv) Conclusions and recommendation

The Committee concludes:

- There should be improved public transport to, from, and within, the Yarra River - Bulleen Precinct to support future development including an internationally significant cultural place.
- There should be an investigation, based on the Yarra River - Bulleen Precinct in its ultimate development into:
 - movements to, from, and within the Precinct to inform what future public transport outcomes will be needed, in consultation with, or led by, the Department of Transport
 - anticipated car and bicycle requirements to indicate how and where they will be provided.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to add a new Strategy 2.13 which seeks to:

- a) investigate new public transport bus routes in and around the Yarra River - Bulleen Precinct, in consultation with, or led by the Department of Transport**
- b) estimate car and bicycle parking needs and indicate their provision, based on future needs.**

5.6 North East Link Project

(i) The issues

The issues are whether the LUF:

- appropriately addresses the issues and opportunities resulting from the construction of the NELP
- appropriately references the NELP and associated information.

(ii) Background

An EES was prepared for the NELP under the *Environment Effects Act 1978*. The Minister for Planning appointed the North East Link Inquiry and Advisory Committee to review and consider the EES and associated submissions. The Committee completed its report on 22 October 2019 and the Minister for Planning's assessment of the environment effects was released in November 2019.

The NELP was declared under the *Major Transport Projects Facilitation Act 2009* on 5 February 2020.

(iii) Evidence and submissions

The Bulleen Industrial Zone Group, an incorporated body representing 66 businesses in the Bulleen Industrial Precinct, considered that the LUPF did not recognise the significance of the Bulleen Industrial Precinct and the negative social and economic impacts of replacing it with a cultural gateway. It added:

Thus, we have a situation of potentially large-scale job losses being borne by a particularly vulnerable workforce. In proposing the establishment of a “cultural gateway”, neither the scale of job losses nor the profile of the workforce are analysed in the Framework Plan.

Manningham Council explained that the Bulleen Industrial Precinct provided about 1,200 jobs. It requested that land in the Industrial Precinct used for the NELP construction be returned to commercial and industrial zone uses after completion. It referred to the Planning Minister’s position on this matter:

I strongly agree with the IAC that the Manningham Road Interchange design should maximise the return of residual land for employment, including industrial land uses (IAC Recommendation 7a). Long-term uses for this land that provide employment could, importantly provide opportunities for displaced BIP businesses to return.

Manningham Council submitted that references to the Bulleen Industrial Precinct should designate future industrial and employment uses which complement the vision for a new cultural gateway. DELWP supported an employment focus, with a special focus on higher order uses which achieve a cultural gateway.

BAAG requested the LUPF:

- reinforce the clear intent in the NEL Project EES assessment to recognise BAAG and support its ongoing operation
- insert a new paragraph in Section 2.4:

Following consideration of the North East Link Project’s Environmental Effects Statement, the Minister recognised the importance of the Bulleen Art and Garden and recommended its retention.

DELWP supported considering an explicit objective which reflects the NEL Project EES assessment in relation to BAAG. It supported the proposed Section 2.4 paragraph in-principle, noting it was not intended or possible to respond to every relevant EES Environmental Performance Requirement.

NELP submitted that the LUPF had been changed to respond to its requested changes to the 2019 version. NELP sought further changes to NEL references in the LUPF.

NELP sought changes to LUPF Objective 3 and 4 and Strategies 1.1, 2.4, 2.5 (new), 2.8, 2.12, 3.1, 3.3 and 4.3 which added further context regarding the NEL. It requested that Map 5B refer to the NEL proposed alignment and proposed road connections as ‘indicative only’.

The DELWP responded to NELP related changes by referring to the following being subject to NEL requirements:

- future Manningham Road interchange with NEL (Strategies 2.4 and 3.3)
- Bulleen Drive-in site, 201 and 203 Bulleen Road, BAAG site and Bulleen Industrial Precinct (Objective 1, Maps 2, 5A and 5B and Key Sites Table)

- ‘new parklands’ (ecological versus recreation) at each key site, and where relevant (Map 5A)
- cycling connection along Bridge Street as a more direct connection between Manningham Road (west) and Templestowe Road (Map 5A).

The DELWP LUDP wpd also:

- referenced NELP as a consulting agency for investigating the Templestowe Road duplication (Strategy 2.9)
- referred to NELP as the agency for the Templestowe Road Soccer Facilities (Other Projects Table).

(iv) Discussion

The NEL and YRB Precinct are both of regional significance. NELP’s potential impact on the YRB Precinct’s natural environment and the Bulleen Industrial Precinct were comprehensively assessed and considered through the NEL EES and Inquiry and Advisory Committee process. The Yarra River – Bulleen Precinct Advisory Committee does not revisit decisions made through this previous process. This includes changes sought by the Bulleen Industrial Zone Group.

The LUF should clearly indicate that any reference to NELP is indicative only because its detailed design is yet to be finalised. Accordingly, references to key sites, future development and road projects should note that they are subject to NEL requirements.

The Committee has considered opportunities arising from the future NEL and how the project should be referencing in the LUF. The LUF should:

- acknowledge NELP as the agency for the Templestowe Road Soccer Facilities, one of the opportunities arising from the Project
- seek to consult with NELP on the Templestowe Road upgrade because there is a direct relationship between the two projects.

Chapter 3.2 has concluded that arts and cultural and industrial uses can co-exist. BAAG is a key example of this co-existence within a predominantly industrial area. BAAG is one of the YRB Precinct’s anchors which draws in visitors from the local and broader area. This was reflected in the Minister for Planning’s assessment of the NEL Project EES which sought to retain BAAG through any future NEL design. This should be recognised in the LUF.

(v) Conclusions and recommendation

The Committee concludes:

- North East Link Project outcomes that formed part of the separate Inquiry and Advisory Committee process are outside the scope of the Land Use Framework Plan.
- The Land Use Framework Plan appropriately references the North East Link Project and would benefit from further changes which clarify:
 - references to the North East Link Project and associated road connections are indicative
 - affected key sites, development and road projects are subject to North East Link requirements

- North East Link Project should be consulted when investigating the Templestowe Road duplication and identified as the agency for the Templestowe Road Soccer Facilities.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to better reflect the North East Link Project.

6 Use, development and amenity

6.1 Open space and recreation

(i) The issues

The issues are whether the LUPF appropriately responds to:

- reconnecting parklands, increasing open space, and filling in the gaps in the Greater Yarra Urban Parklands
- existing and future passive and active open space, their compatibility with surrounding land uses and the existing Public Acquisition Overlay on private and crown land.

(ii) Evidence and submissions

Many submitters supported the creation of a contiguous open space connection on the eastern side of the Yarra River by expanding and linking up the open space network. They supported using the Public Acquisition Overlay to enable this.

The Conisbee family requested that:

- Banksia Park be expanded by acquiring 1 Templestowe Road, 22 and 42 Bridge Street
- Birrarung Park be expanded by acquiring 199-209 Templestowe Road.

DELWP did not support these land acquisitions.

Several submitters sought to return land parcels closest to the Yarra River to public ownership for passive use. They suggested the LUPF preference new public open space over development at locations including the YVCC and Sonoco sites, Bulleen Industrial Precinct and the former Bulleen Drive-In site. YVCC members requested the golf course remain on the YVCC site within the Special Use Zone.

Melbourne Water considered the LUPF represents an opportunity to secure a consolidated river corridor by acquiring those parcels of land for their original public parkland use. It was concerned about locating sporting fields in a cultural precinct. Melbourne Water submitted:

- a greater proportion of the land should be made available for passive rather than active recreation
- active open space and sports related recreation would be more appropriately located at eastern end of the precinct along Templestowe Road where there are gentler gradients and less flooding issues.

Parks Victoria supported the open space network being linked and expanded along the Yarra River including the public land acquisitions that would be required to support this. It requested the LUPF not raise an expectation for existing public open spaces to be available for formal sporting infrastructure and programs.

HM Clause Pty Ltd explained that the LUPF identified crown land at 165 Templestowe Road for future open space, recreation and conservation. It added that it is leasing the site from Parks Victoria for its farming operations. It submitted that HM Clause would be significantly impacted if the site was needed in the short to medium term. It requested that the LUPF refer to the site being needed in the long term.

Parks Victoria submitted that the lease with HM Clause was renewed on 1 September 2017 for a period of 15 years and is due to expire on 31 January 2032. It did not intend to terminate the lease earlier.

Several submitters sought space on the Yarra River for a canoe/kayak access point. The Yarra Riverkeeper Association was concerned with mountain bike riding and its negative impact on the YRB Precinct.

NELP explained that 27-59 Templestowe Road (the Golf Driving Range site), which is partially subject to PAO2, will be acquired as a future public open space. The Birrarung Council did not support sports fields being developed on the floodplain, as approved in Amendment C132mann or recreational uses at the former Bulleen Drive-in site, given its proximity to the Bolin Bolin Billabong.

DELWP responded to submissions by proposing to revise the LUFP to:

- include 201-203 Bulleen Road (subject to NEL requirements) in Strategy 1.1
- require recreation related development to comply with Manningham Planning Scheme DDO2
- revise Strategy 1.2 to limit development to new walking and cycling connections
- create a new Strategy 1.3 which seeks to balance new open space for active and passive recreation with areas of new riparian parklands.

DELWP proposed to revise:

- the Yarra River Protection section to note that the Public Acquisition Overlay has been on land proposed for open space since the 1970s
- the Public Acquisition Overlay section to note that Planning Scheme Amendment C132mann, which enables sports fields at 37-59 Templestowe Road, was approved in December 2020.

DELWP submitted that the issues, needs and impacts of different user groups such as mountain bikers needed to be further analysed through the proposed the Access and Movement Strategy.

(iii) Discussion

The Committee's discussion on open space and recreation acknowledges that the decision to enable active recreation at 37-59 Templestowe Road, including land forming part of the Yarra River floodplain was subject to a separate process. For reasons set out earlier in this report, the LUFP should:

- discourage earthworks which reshape the floodplain for sports fields
- direct future active recreation to areas west of the Yarra River to better preserve and manage the parklands and their ecological values east of the river.

This revised focus would directly respond to concern about the possibility of more active recreational uses of the east side of the Yarra River and their potential impact on ecological values and the proposed cultural place. Seeking to balance open space with new riparian parklands will help support this direction for areas and concerns about the compatibility between the two areas.

DELWP's revised LUFP Strategies 1.1, 1.2, 1.3 and Map 5A have appropriately and directly responded to submissions, including requests from Manningham Council. The Committee

supports 201-203 Bulleen Road being referred to as a key site with future proposed open space, recreation and conservation. Referencing the Public Acquisition Overlay which has been in place since the 1970s and the approved Amendment C132mann, both of which seek to support public open space, will provide a better understanding of the planning mechanisms in place to implement relevant strategies and actions.

The Committee agrees with DELWP that the needs of various parkland users needed to be better understood before directions can be established.

The LUF cannot affect leasing arrangements between property owners and lessees, or influence when or how land will become available for open space and recreation. It can reflect actual circumstances such as indicating the HM Clause lease at 165 Templestowe Road is due to expire 31 January 2032. The LUF should specify the actual lease expiry date rather than referring to medium or long term. These terms mean different things to different people.

Specifying the lease expiry date would provide assurance that the site would not be available for public open space before then but does not assure that it will become public open space from then. Whether the lease is extended beyond 2032 will be a matter between Parks Victoria and HM Clause closer to that date.

(iv) Conclusions and recommendations

The Committee concludes that the Land Use Framework Plan, with post-exhibition changes, appropriately responds to open space and recreation:

- through Objectives 1 and 4, related Maps and other content which seek to:
 - reconnect parklands, increase open space and fill the gaps in the Greater Yarra Urban Parklands
 - by seeking to balance the provision of new open space for both active and passive recreation with new riparian parklands and with adjacent land uses
- by retaining the Public Acquisition Overlay (PAO2) to enable future acquisitions of public open space
- by recognising that 165 Templestowe Road, currently occupied by HM Clause:
 - is currently leased from Parks Victoria until 2032, with neither party seeking to review the lease earlier
 - may be considered for public open space after the lease expires in 2032.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to:

- a) amend Objectives 1.1, 1.2, 1.3, 4.1 and 4.3**
- b) reflect changes associated with the proposed sports fields enabled through Amendment C132mann**
- c) revise the Public Acquisition Overlay section to acknowledge that Manningham Planning Scheme Amendment C132mann, which enables sports fields at 37-59 Templestowe Road, Bulleen was approved in December 2020**
- d) identify 201 and 203 Bulleen Road, Bulleen? as a key site on relevant maps and in the Framework Plan Summary: Key Sites table**

e) for 165 Templestowe Road, Bulleen:

- acknowledge in Maps 2, 4, 5A and 5B that the site is the subject to a lease until 2032
- note in Map 4 that the site may be considered for open space after the lease expires in 2032

f) make associated changes in other recommendations to the relevant maps.

6.2 Use and development

(i) The issue

The issue is whether the proposed uses and development identified in the LUFP are appropriate and consistent with what is sought for the YRB Precinct.

(ii) Evidence and submissions

Submissions considered the LUFP should include directions which seek to:

- transform the Yarra River floodplain or all YRB Precinct land into public open space rather than permitting development
- acquire Rural Conservation Zone land at 1 and 199-209 Templestowe Road, and 22-40 and 42 Bridge Street to expand Banksia Park and Birrarung Park
- enable a café near the old Finn's Pub and where the Aboriginal community had their corroborees
- enable a café, rest place and playground at 199-209 Templestowe Road
- retain industrial and commercial uses in the Bulleen Industrial Precinct
- retain the HM Clause seed farm at 165 Templestowe Road and the Greenery Nursery rather than redevelop them
- not develop active open space on sites south of the Yarra River, including the Golf Driving Range site and 27-33 Templestowe Road, because:
 - earthworks would negatively impact the floodplain and natural environment
 - active recreation and its associated facilities would result in negative amenity impacts
- for the YVCC site:
 - ensure that any future development in the YRB Precinct does not negatively impact the existing golf course
 - not reference or permit residential uses
 - limit residential development to land outside the floodplain
 - have built form consistent with the surrounding public open space and residential area.

BAAG requested that its 7,720 square metre site at 6 Manningham Road be included as a Key Site in the LUFP. It submitted that the site is:

- the first along Manningham Road in the Bulleen Industrial Precinct
- appropriately located to provide a physical landmark gateway function
- the only existing cultural place in the proposed cultural core.

YVCC members sought to retain golf uses on the YVCC site while DELWP considered this not to be the best long-term community outcome. YVCCP requested that LUFP Map 5A be

revised so that the potential development opportunities and new parklands area on the YVCC site are consistent with the areas shown in the Amendment.

DELWP called evidence on urban design from Mr Sheppard of Kinetica. Mr Sheppard found the YVCC site designation as a 'Key Redevelopment Site' for urban consolidation and substantial change to be inconsistent with:

- local policies, including the housing strategy, in Manningham Planning Scheme
- the preferred character of less intense urban form with setbacks, landscaping and open space in this part of the municipality.

Wurundjeri Woi Wurrung Corporation did not object to:

- potential cultural hubs shown in LUFP Map 5A subject to built structures remaining in existing built areas subject to previous ground disturbance and not encroaching into existing parkland
- development in the Bulleen Industrial Precinct subject to:
 - being sympathetic to the surrounding parkland
 - not protruding above the natural vegetation
 - adequately managing any indirect impacts on the surrounding cultural heritage and natural values.

Wurundjeri Woi Wurrung Corporation was primarily concerned that developing the YVCC and Sonoco sites would negatively impact cultural heritage and natural values.

Melbourne Water sought to ensure that future development considers the amenity and environmental values associated with the Yarra River landscape and corridor. It added:

Vegetation extent and the establishment of continuous riparian vegetated buffers are a key consideration and a performance objective in the Healthy Waterways Strategy for the Yarra River.

Melbourne Water submitted that development identified in LUFP Map 5A such as buildings and other facilities for recreational uses are unsuitable on the floodplain and that sporting ovals are unsuitable in some locations due to flooding depth and risk.

Parks Victoria requested that the LUFP not raise an expectation that existing public open spaces will be available for formal sporting infrastructure and programs. It confirmed that it did not intend to terminate the lease at 165 Templestowe Road to HM Clause Pacific before its expiry on 31 January 2032.

Manningham Council submitted:

- 165, 199-209 and 211-219 Templestowe Road should become active open space and revegetation in the short-term rather than the medium term
- LUFP Objective 4.6 be revised have low-rise built form respond to the Yarra River corridor setting
- the former drive-in site at 203 Bulleen Road should be acknowledged for supporting development opportunities, given it is set back from the Yarra River and floodplain
- the Sonoco site should continue to be used for employment in the long term.

DELWP submitted that employment and community uses in the Bulleen Industrial Precinct would be considered after the NEL detailed design is known. DELWP added that enabling a café in the YRB Precinct is outside the scope of the LUFP.

DELWP agreed to revise the LUFP to:

- refer to low rise development which responds to the Yarra River corridor setting
- refer to development opportunities at 201 and 203 Bulleen Road
- provide further development direction for:
 - YVCC site by setting objectives to be met
 - Sonoco site by recognising its existing industrial use, future redevelopment and by setting objectives to be met.

The DELWP LUPF wpd:

- deleted Strategy 4.6 which referenced low rise urban form
- integrated relevant considerations into Strategies 4.1 (YVCC), 4.2 (Sonoco) and 4.3 (Bulleen Industrial Precinct) without referencing low rise urban form
- added 201 and 203 Bulleen Road and 6 Manningham Road as key sites.

(iii) Discussion

The Committee agrees that the Yarra River floodplain should be transformed into public open space rather than permitting development. However, land beyond the floodplain is privately owned and has existing commercial and industrial uses. The Committee considers the LUPF strikes the right balance. It seeks to protect the floodplain while enabling harmonious surrounding land uses with built form that appropriately interfaces with the Yarra River corridor. The DELWP LUPF wpd changes provide more focussed direction on these uses and development.

The proposed new LUPF Objective 4.3 recognises decisions associated with NELP and appropriately seeks cultural and community uses in the Bulleen Industrial Precinct which complement employment uses. The actual impact resulting from NELP will be known when detail designs are finalised. The design and development responses in Objective 4.3 will ensure that new development has an acceptable interface with the Yarra River corridor.

The Committee agrees that the following land should be identified as key sites:

- 6 Manningham Road (BAAG) for employment and community uses which reflect its existing uses
- 201 Bulleen Road and 203 Bulleen Road for open space, recreation and conservation.

The LUPF identifies uses and development north of Bridge Street which are more harmonious with the sensitive Yarra River corridor. This includes addressing historic decisions which have resulted in potential conflicts and seeking that future use and development does not introduce any further conflicts.

The YVCC golf course and associated facilities is generally visually compatible with the surrounding Yarra River corridor, except for its asphalt car park along Templestowe Road. The proposed Objective 4.1 sets parameters so that new development interfaces appropriately with its surrounds.

The existing industrial uses north of Bridge Street, including the Sonoco site, which directly abut the Yarra River corridor are incompatible because:

- they have large impervious surface areas including asphalted car parks, concrete and large span roofs
- the land grades down from the industrial land towards the river which potentially enables offsite land contamination and groundwater seepage.

The exhibited LUFP appropriately directs more compatible land uses on existing industrial land. Sites such as Sonoco can continue to operate indefinitely irrespective of this direction.

The Committee supports the DELWP LUFP wpd changes, as they are consistent with the Committee's findings regarding uses and development in the YRB Precinct.

The Committee does not comment on the location of future cafes in the YRB Precinct are outside the scope of a broader scale LUFP. Any such proposal should be considered on its merit through a separate process.

(iv) Conclusions and recommendation

The Committee concludes:

- The Land Use Framework Plan should be revised to provide further direction regarding low rise development within the Yarra River corridor, 203 Bulleen Road, Yarra Valley Country Club site and the Sonoco site.
- Enabling a café in the Yarra River - Bulleen Precinct is beyond the framework scale and scope of the Land Use Framework Plan.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to provide further direction on development.

6.3 Affordable housing

(i) The issue

The issue is whether the LUFP should include direction regarding affordable housing.

(ii) Evidence and submissions

Not-for-profit organisations, Manningham Inclusive Community Housing (MICH) and Rights Employment Accommodation Leisure Inc (REAL Inc), were concerned with the lack of affordable housing in Manningham. MICH helps young people with an intellectual disability move into their own home within their community. REAL Inc provides the men and women exiting the two Special Schools in the area with continuing involvement in the Manningham community, including accommodation.

MICH submitted:

- Manningham's housing prices and rental rates were too high for these young people to afford
- Manningham has a significant shortage of affordable housing.

MICH referred to a 2014 Knox City Council report which estimated that Manningham shortage of social housing would increase from 1,230 to 1,570 dwellings between 2014 and 2036. At the Hearing, it highlighted that a typical 50 square-metre single bedroom apartment in Manningham sells for over \$375,000 and rents for over \$380 each week. MICH explained that rental equated to \$1,520 each month or about 88 per cent of the monthly \$1,721 disability support pension.

MICH requested⁵ the LUF Objective 4.1 be changed to require the YVCC site to include 5 per cent affordable housing for people in the 'very low income range', as defined in Ministerial Notice in the Victorian Gazette, No. S256, 1 June 2018.

REAL Inc submitted that the NELP is an opportunity to access unused or repurposed government land for affordable housing. It referred to Project Independence, a not-for-profit organisation and registered community housing provider which had a financial model which enables residents to grow social and financial independence. REAL Inc considered other forms of accommodation to be unaffordable and without certainty of tenure.

(iii) Discussion

There is a clear need for affordable housing in Melbourne, including Manningham. Affordable housing is an issue which warrants a focussed strategic response through a relevant strategy which includes detailed implementation actions. This is most likely to be a municipal housing strategy. The strategy would:

- use empirical evidence to justify the number, form and type of affordable dwellings and where they should be located
- work in combination with the LUF which outlines where residential development, which provides an opportunity for affordable housing, may be envisaged in the Precinct.

(iv) Conclusions

The Committee concludes:

- Affordable housing policy and direction should be included in a relevant municipal-wide housing strategy or affordable housing policy.
- The Land Use Framework Plan should not include guidance on affordable housing.

6.4 Amenity

(i) The issue

The issue is whether the LUF appropriately responds to amenity.

(ii) Evidence and submissions

Several submissions were concerned that the proposed sports fields on land along Templestowe Road and the road's duplication would increase noise and traffic, resulting in unacceptable amenity impacts on surrounding residents and parkland visitors.

DELWP considered the traffic volume on Templestowe Road to be high and likely to increase with NEL, irrespective of whether the road is duplicated or not.

Parks Victoria submitted that the LUF does not mention how the existing high voltage transmission lines, that cut through the parklands, affect amenity. It requested that alternative options suggested in the 1993 Melbourne Parks & Waterways (MPW) *Middle Yarra Plan* be investigated.

⁵ Document 127a

DELWP acknowledged the transmission lines and pylons have a considerable impact on the landscape. It agreed to update LUFP Section 3 to note relevant content in the Middle Yarra Concept Plan (1993). Section 3.4 (Physical connections) of the DELWP LUFP wpd included:

Similarly, high voltage transmission lines that run generally north-south through the precinct constrain vegetation links and pose some limitations on future land use. They also have considerable visual impact on the corridor. The *Middle Yarra Concept Plan* (1993) noted that the transmission lines 'detract from the integrity of the Middle Yarra Valley and ideally should be relocated', citing changing community attitudes to the use of river valleys as utility easements. Any undergrounding of the powerlines would have significant archaeological and cost impacts, as noted in the *Yarra Valley Parklands Management Plan* (2008).

(iii) Discussion

The Committee was not provided with information to persuade it that future land uses and development identified in the LUFP will result in unacceptable amenity impacts. This includes the proposed sports fields on the Golf Driving Range site which would be located at a considerable distance from existing residential properties. While some additional noise should be expected, there is no evidence it would be unacceptable. It is likely to be partly masked by noise from existing traffic along Templestowe Road.

The high voltage transmission lines can be seen from many vantage points along the Yarra River riparian corridor. Their scale and appearance negatively impact the amenity of visitors to the sensitive environmental corridor along the Yarra River. This has been recognised for at least 27 years, as indicated in the Middle Yarra Concept Plan (1993). The Committee considers:

- any option which helps mitigate this amenity impact would benefit a regional population for future generations
- including relevant content from the Middle Yarra Concept Plan would better inform the LUFP about previous community aspirations.

(iv) Conclusions and recommendation

The Committee concludes that the Land Use Framework Plan:

- appropriately responds to amenity
- would benefit from including high voltage transmission line content from the Middle Yarra Concept Plan (1993) in Section 3.4 (Physical connections).

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to add high voltage transmission line content from the Middle Yarra Concept Plan (1993) in Section 3.4 (Physical connections).

7 Other issues

7.1 Planning provisions and authorities

(i) The issue

The issue is whether the LUFP appropriately references planning provisions and authorities.

(ii) Evidence and submissions

Melbourne Water submitted the LUFP should:

- seek to apply the interim planning provisions on a permanent basis to better protect the Yarra River
- include minimum setbacks for open space and ecological parkland connectivity
- identify Melbourne Water as the relevant Floodplain Management Authority for the Yarra River floodplain
- reference planning scheme overlays which seek to protect and improve the Yarra River and its floodplain.

It explained that Planning Scheme Overlays include Land Subject to Inundation Overlay, Significant Landscape Overlay, Environmental Significance Overlay and the Design and Development Overlay.

YVCCP submitted that the LUFP should not reference DDO2 until its provisions are finalised. It considered the provisions introduced through Amendment GC48 were *“not informed by detailed topographical, geomorphological, or view point or built form analysis on a site-by-site basis in respect of each area of private land to which the DDO2 was applied- including the subject land”*.

Manningham Council called urban design evidence from Mr Czarny of Hansen Partnership. Mr Czarny considered the building setback behind the mandatory 18 metre Australian Height Datum (AHD) contour line and maximum 8 metre building height introduced through Amendment GC48 respond to the YVCC site’s sensitivity and its physical conditions and context. Specifically, the alignment of the riverbank and profile of buildings on both sides of Templestowe Road.

Veneto Club requested that the planning provisions introduced through Amendment GC48 be varied for land in the Templestowe Road sub-precinct. This is to enable future recreational facilities to be provided to the community in a timely manner.

DELWP explained that information about specific planning scheme overlays has been included in relevant LUFP maps. It noted that relevant overlays are available on the internet.

DELWP submitted that it prepared the LUFP knowing there was a separate process to make the interim Amendment GC48 provisions permanent. It clarified that LUFP Map 2 and other parts of the document refer to the mandatory minimum setback established by DDO2. DELWP did not support changing DDO2 provisions, including the setback, to the YVCC site or any other land in the Templestowe Road sub-precinct.

DELWP noted that the proposed recreational facilities at 27-59 Templestowe Road was approved through Amendment C132mann on 23 December 2020. The amendment applied the Specific Controls Overlay which exempts the provisions of the Manningham Planning

Scheme and applies requirements in the *Templestowe Road Soccer Facilities Incorporated Document, October 2020*.

(iii) Discussion

Amendment C132mann has enabled 27-59 Templestowe Road to be developed for recreational purposes since submissions were received for the exhibited LUPF.

The Committee is satisfied that the LUPF appropriately references relevant planning scheme overlays. The mandatory minimum setback shown in Map 2 reflects existing planning DDO2 provisions irrespective of their status. Removing references to DDO2 would send the wrong message about the existing and consistent approach to the Yarra River corridor planning, implemented through five planning schemes. The LUPF could be revised if any of the permanent provisions are amended.

The Committee is satisfied that the LUPF appropriately references Melbourne Water as:

- an agency which partners with Parks Victoria and other entities to manage land in the YRB Precinct
- an agency involved in the Bolin Bolin Billabong Rehabilitation Project, Yarra Flats Park Restoration and Yarra Strategic Plan.

(iv) Conclusion

The Committee concludes the Land Use Framework Plan appropriately references planning provisions and authorities.

7.2 Implementation

(i) The issues

The issues are whether the LUPF should:

- wait until the NEL detailed design is finalised
- reference additional projects
- direct that a planning scheme overlay be applied to potential developments.

(ii) Evidence and submissions

Manningham Council submitted that the LUPF should progress without delay because:

- it does not have to wait until the final NEL detailed design, as that project anticipates the LUPF
- the LUPF is flexible enough to not interfere with the final NEL design.

Manningham Council requested that LUPF section 2.2 be updated to identify the following projects:

- NELP planning to develop three new soccer fields, a pavilion and associated parking at the Bulleen Golf Driving Range site.
- Manningham Council planning to construct a new shared user path bridge across the Yarra River connecting Banksia Park and the Main Yarra Trail.
- State Government preparing a business case, design work and staging options to duplicate and upgrade Templestowe Road.

DELWP agreed to include the projects in LUPF section 2.2.

Melbourne Water considered there was an opportunity to align the outcomes sought at the local level in the LUFP with the Yarra Strategic Plan's overarching vision and objectives.

The Environment Protection Authority (EPA) requested that it be kept informed about the LUFP implementation and related implementation including planning scheme amendments. It was concerned about the risk of harm to the environment, human health and amenity from pollution and waste. DELWP confirmed that it would consult with EPA.

Mr Atkin requested that a planning scheme overlay be applied on potential development sites so that future development is consistent with their conservation and cultural themes.

DELWP noted that it proposes to apply the DPO to potential development sites so that the outcomes are consistent with strategic policies and LUFP objectives. It agreed to consider how to give effect to the cultural precinct theme in the LUFP's implementation plan.

(iii) Discussion

The Committee considers that the framework scale of the objectives and strategies in the LUFP is flexible enough to not affect the final design of NEL. Should there be a potential conflict, the LUFP can be further reviewed for associated revisions. The LUFP seeks to establish important strategic direction to inform future planning decisions in the YRB Precinct. It should be implemented without delay.

The LUFP, with the post-exhibition changes supported by the Committee, provides sufficient guidance for future development sites. The revised LUFP better aligns with the YRB Precinct's conservation and cultural themes.

(iv) Conclusions and recommendation

The Committee concludes that the Land Use Framework Plan:

- can progress before the North East Link detailed design is finalised because it is unlikely to affect the final design
- reference the proposed recreational facilities on the Bulleen Golf Driving Range site; new shared user path bridges across the Yarra River; and Templestowe Road upgrade
- with changes supported by the Committee, provides sufficient guidance to ensure that potential development sites are consistent with the Yarra River - Bulleen Precinct's conservation and cultural themes.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to reference:

- a) the proposed recreational facilities on the Bulleen Golf Driving Range site**
- b) new shared user path bridges across the Yarra River**
- c) Templestowe Road upgrade.**

7.3 YRB Precinct area

(i) The issue

The issue is whether the LUFP should be revised to include the Rosanna Golf Course in the YRB Precinct.

(ii) Evidence and submissions

Banyule Council noted the privately owned Rosanna Golf Course at 54 Cleveland Avenue, Lower Plenty abuts the Yarra River and is partly included in the YRB Precinct. It requested that the LUF include the entire property as a key site.

(iii) Discussion

The Committee considers there is strategic logic in including the Rosanna Golf Course in the YRB Precinct because:

- Banyule Planning Scheme DDO2 applies to the entire site
- the mandatory minimum setback is outside the proposed YRB Precinct
- developing land currently excluded from the YRB Precinct will directly affect the part of the site included in the precinct and ultimately impact the Yarra River.

Designating the Rosanna Golf Course as a key site will inform relevant decision makers about the sensitive nature of this land.

(iv) Conclusion and recommendation

The Committee concludes that the Land Use Framework Plan should be revised to include the Rosanna Golf Course as a key site in the Yarra River - Bulleen Precinct.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to include the Rosanna Golf Course as a key site in the Yarra River - Bulleen Precinct.

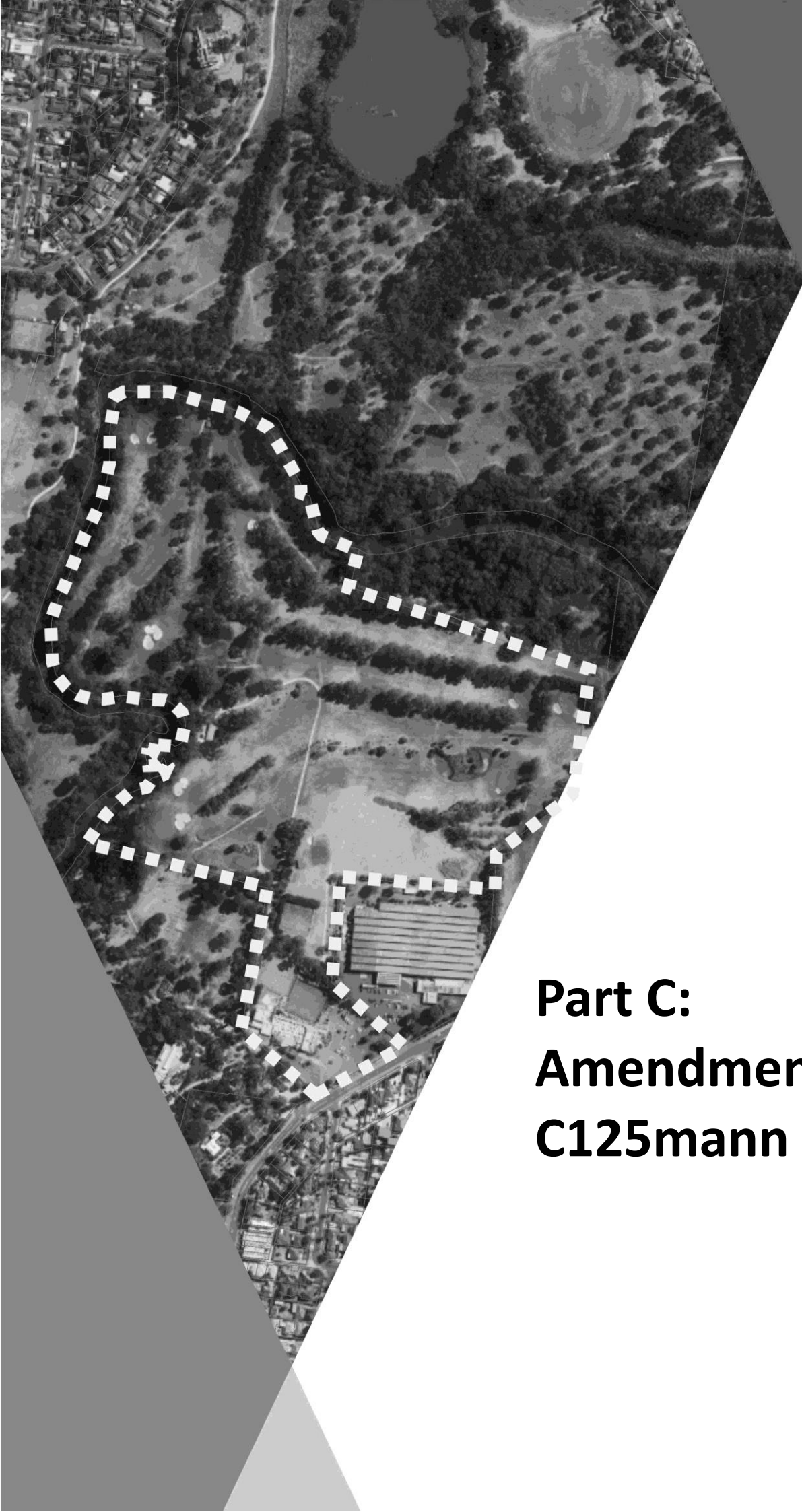
7.4 LUF context and drafting

DELWP and other parties proposed changes to the LUF since it was exhibited. The Committee agrees with changes which improve the LUF's clarity and operation through more context and better drafting. The Committee supports changes to:

- add new, and revise existing, maps and plans which support existing and recommended content
- add the Templestowe Road duplication, Heide Masterplan, Heidelberg Activity Centre Structure Plan, Banksia Park Bridge and Templestowe Road Soccer Facilities as relevant projects (Section 2.2)
- add further landscape evolution and colonial and modern art practice references (Section 2.4)
- better express content and remove duplication.

The Committee recommends:

Amend the Yarra River - Bulleen Precinct Land Use Framework Plan, as shown in Appendix E, to add more context and better drafting which improve its clarity and operation.



Part C:
Amendment
C125mann

8 Planning context

There is significant State and local planning legislation and policy to guide the consideration of these matters and these are briefly summarised.

8.1 State legislation and policy

(i) *Planning and Environment Act 1987*

The relevant objectives of the Act include:

- (1) The objectives of planning in Victoria are:
 - (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
 - ...
 - (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
 - ...
 - (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
 - (g) to balance the present and future interests of all Victorians.
- (2) The objectives of the planning framework established by this Act are:
 - (a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
 - ...
 - (e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;
 - ...
 - (h) to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;
 - (i) to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice.

(ii) Planning Policy Framework

The Amendment is assessed by various clauses in the Planning Policy Framework, summarised in Table 1 and Table 2.

Table 1 Planning Policy Framework: State and regional policies

Relevant clauses
11 Settlement
11.01 Victoria
11.01-1R Settlement – Metropolitan Melbourne
To create mixed-use neighbourhoods at varying sensitivities, including through the development of urban renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
12 Environmental and Landscape Values
12.03 Water Bodies and Wetlands

Relevant clauses

12.03-1R Yarra River Protection

To maintain and enhance the natural landscape character of the Yarra River corridor.

12.05 Significant Environments and Landscapes

12.05-1S Environmentally sensitive areas

To protect and conserve environmentally sensitive areas.

14 Natural Resource Management

14.02 Water

14.02-1S Catchment planning and management

To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

15 Built Environment and Heritage

15.01 Built Environment

15.01-1S Urban design

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

15.01-2S Building design

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

15.01-4R Healthy Neighbourhoods-Metropolitan Melbourne

To create 20-minute neighbourhoods where people have the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

15.02 Sustainable Development

15.02-1S Energy and resource efficiency

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

15.03 Heritage

15.03-2S Aboriginal cultural heritage

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

16 Housing

16.01 Residential Development

16.01-2S Location of residential development

To locate new housing in designated locations that offer good access to jobs, services and transport.

18 Transport

18.01 Integrated transport

18.01-1S Land use and transport planning

To create a safe and sustainable transport system by integrating land use and transport.

Relevant clauses

18.02 Movement Networks

18.02-1S Sustainable personal transport

To promote the use of sustainable personal transport.

18.02-2S Public transport

To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

18.02-3S Road system

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

19 Infrastructure

19.02 Community Infrastructure

19.02-4S Social and Cultural Infrastructure

To provide fairer distribution of and access to, social and cultural infrastructure.

Table 2 Planning Policy Framework: Local policies

Relevant clauses

21 Municipal Strategic Statement

21.03 Key Influences

Sets out a number of key influences relevant to the Amendment including:

- Commitment to sustainability
- Biodiversity conservation and sustainable land management
- Future housing needs
- Residential amenity
- Transport
- Yarra River environs
- Drainage and sewage
- Tourism.

21.04 Vision – Strategic Framework

Summarises the City of Manningham Council Plan and the key land use themes informing its vision for future land use planning and development. The Strategic Land Use Framework Plan illustrates the key strategic directions for future land use planning and development in the municipality.

21.05 Residential

Identifies key housing issues in the City of Manningham including accommodating population growth, providing housing diversity, consolidating urban growth and managing the potential impact of development on surrounding areas.

21.07 Green Wedge and Yarra River Corridor

Sets out the key issues and objectives in managing land use and development within the Yarra River corridor including impacts on built form and landscape character and the environment.

Relevant clauses

21.10 Environmentally Sustainable Development

Sets out Council's Environmentally Sustainable Development policy for building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.

21.11 Heritage

Seeks to enhance cultural heritage through the retention and protection of significant buildings, precincts, trees and landscapes. It also seeks to minimise impacts on heritage places as a result of changes to adjoining land uses and development and protect sites of archaeological significance

21.12 Infrastructure

Seeks to ensure that adequate infrastructure is in place and maintained to meet community needs including for public transport, roads, bicycle and pedestrian networks, sewerage and stormwater management.

21.13 Open Space and Tourism

Seeks to identify and address existing gaps in the public open space network and provide comprehensive pedestrian and bicycle networks.

21.14 Community Health and Well-being

Seeks to provide appropriate spaces and facilities for social interaction as part of any development to foster a sense of community and social engagement.

22 Local Planning Policies

22.02 Native Vegetation Policy

Seeks to protect, conserve and where possible enhance the biodiversity values, habitat corridors and eco systems and indigenous flora and Fauna.

22.03 Cultural Heritage Policy

Seeks to recognise, protect, conserve, manage and enhance identified cultural heritage places.

22.04 Residential Accommodation

Gives effect to the Municipal Strategic Statement as it relates to policies for residential development, community health and well-being and the development of areas designated for low density. It seeks to ensure a number of matters are considered in residential development including location, car parking, traffic, built form and amenity.

22.08 Safety Through Urban Design

Seeks to improve safety by encouraging the use of public spaces and improve accessibility by creating attractive, vibrant, walkable environments.

22.09 Access for Disabled People Policy

Seeks to facilitate the integration of people with a disability into the community and to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

22.10 Bulleen Gateway Policy

Seeks to retain the commercial area as a neighbourhood level centre; encourage high standards of development and promote compatibility between the various forms of land use; and encourage appropriate built form to enhance this gateway to the municipality.

Relevant clauses

22.12 Environmentally Sustainable Development

Seeks to achieve development demonstrating best practice in environmentally sustainable development from the design stage through to construction and operation.

8.2 Other relevant planning strategies, policies and guidelines

(i) Plan Melbourne

The Plan Melbourne policies set out in Chapter 2.2 of this report are applicable to the Amendment.

(ii) Planning guidelines for the conversion of golf course land to other purposes

In June 2020, DELWP published Planning Guidelines for the Conversion of Golf Course Land to Other Purposes (Golf Course Guidelines) following receipt of a report from the Golf Course Redevelopment Standing Advisory Committee. The guidelines set out clear expectations for stakeholders for golf course redevelopment and outline how proposals should provide new public parks, protect biodiversity and the environment, and contribute to other social and community outcomes. Along with a summary of the relevant legislative and planning policy context, the guidelines establish a high level assessment pathway to be followed for the redevelopment of a golf course and the steps to be taken in determining the appropriateness of the site for redevelopment.

8.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework. The zones and overlays shown in Table 3 are either existing or proposed planning provisions.

Table 3 Relevant zone and overlay purposes

Zones and overlays

Zones

Residential Growth	<p>To provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</p> <p>To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</p> <p>To ensure residential development achieves design objectives specified in a schedule to this zone.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
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General Residential	<p>To encourage development that respects the neighbourhood character of the area.</p> <p>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
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Overlays

Development Plan	<p>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</p> <p>To exempt an application from notice and review if it is generally in accordance with a development plan.</p>
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8.4 Ministerial Directions, Practice Notes and guidance

Ministerial Direction 11

The Amendment's explanatory report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction 21

Ministerial Direction 21 (Golf course development) seeks to ensure that the redevelopment of a golf course delivers a net community benefit. In preparing a planning scheme amendment proposing to change planning provisions or its zone to redevelop a golf course, it requires a planning authority to:

- have regard to the *Planning guidelines for the conversion of golf course land to other purposes*, May 2020 (Department of Environment, Land, Water and Planning)
- include in the explanatory report for the amendment an explanation of how the amendment addresses the guidelines.

Ministerial Direction (The form and content of planning schemes)

Ministerial Direction (The form and content of planning schemes) specifies directions from the Minister for Planning under section 7(5) of the PE Act. It provides mandatory requirements and options for drafting local planning scheme content.

The Committee refers to this numberless direction as Ministerial Direction 7(5) in this report.

Planning Practice Notes and guidance

The following are relevant to the Amendment:

- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays (DELWP, November 2018)
- Planning Practice Note 91: Using the residential zones (DELWP, December 2019)
- A Practitioner's Guide to Victorian Planning Schemes Version 1.4 (DELWP, April 2020)

9 Strategic issues

9.1 Ministerial Direction 7(5)

For reasons set out in Chapter 11.3, the Committee considers the Amendment does not comply with Ministerial Direction 7(5). The Committee makes recommendations on how to make the planning provisions consistent with this direction.

The Committee concludes:

- The exhibited Amendment complies with Ministerial Direction 7(5).
- General Residential Zone Schedule 4, which was prepared after exhibition, does not comply with Ministerial Direction 7(5), however Chapter 11 recommends how to make it compliant.

9.2 Ministerial Direction 21

(i) The issue

The issue is whether the Amendment complies with Ministerial Direction 21.

(ii) Background

Ministerial Direction 21 (Golf Course Redevelopment) commenced on 25 June 2020. Its purpose is to ensure that “*ensure that the redevelopment of a golf course delivers a net community benefit*”. It requires that when preparing an amendment to the planning scheme to enable a golf course to be redeveloped, it must:

- have regard to the Golf Course Guidelines
- explain in the explanatory report how the amendment addresses the guidelines.

The Golf Course Guidelines set out a seven step assessment:

- Step 1: Consider whether the land should be developed
- Step 2: Identify the strategic direction for the site
- Step 3: Determine what other assessment and approvals are required
- Step 4: Document site values, constraints and opportunities
- Step 5: Engage the community
- Step 6: Provide a land use concept that delivers net community benefit
- Step 7: Deliver a quality outcome.

The Guidelines provide more detailed guidance for each step. For Step 7, it seeks no less than 20 per cent of the developable area to be integrated into the site as public open space.

After not finding a response to Ministerial Direction 21 in the Amendment’s explanatory report, the Committee directed that YVCCP provide one through its submission at the Hearing.

(iii) Evidence and submissions

YVCCP acknowledged that the Amendment, as exhibited in August 2020, did not specifically assess Ministerial Direction 21. It considered the steps set out in the Golf Course Guidelines were addressed when preparing the Amendment and through the Hearing. YVCCP explained:

- Step 1: The YVCC site is appropriate for redevelopment because: there is no tenure barrier; it has a lower appeal as a nine-hole course compared to the other golf courses in the corridor; the course is not economically viable; and about 73 per cent of the site would remain open space at no cost.
- Step 2: The Amendment is consistent with the relevant strategic direction and objectives.
- Step 3: Approvals, in addition to those in the PE Act, have been identified – Cultural Heritage Management Plan (already prepared and approved) and a potential environmental audit.
- Step 4: Site values, constraints and opportunities have been documented through reports, plans and expert evidence.
- Step 5: The Amendment has been through two public notification processes and the Hearing.
- Step 6: Expert evidence concludes the Amendment will deliver net community benefit.
- Step 7: DPO5 includes “*detailed, stringent and well considered*” requirements for developing the YVCC site.

YVCCP submitted that it would transfer the proposed public open space, including land subject to PAO2 and land needed for the future Templestowe Road widening (PAO4) to the public at no cost. YVCCP provided a property valuation report⁶ for the YVCC site. It valued:

- the proposed residential precinct (Residential Growth Zone) at \$75.4 million
- the proposed public open space (Special Use Zone) at \$28.9 million
- future public open space land subject to PAO2 at \$4,700,000
- road widening land subject to PAO4 at \$660,000⁷.

The property valuation report appended the Certificate of Title and considered the seven easements (E-1 to E-7) which applied to the YVCC site.

YVCCP called evidence on economics from Mr Quick of Urbis and evidence on social planning from Ms Peterson of Ratio.

Mr Quick stated that golf participation has declined over the past two decades. He found golfers favoured neighbouring 18-hole golf courses rather than the YVCC golf course. Mr Quick advised that YVCC instructed him that:

- its entertainment and recreational facilities have been downscaled due to less patrons and increased maintenance costs
- its operations are not financially viable and have been operating at a loss for at least five years
- it intends to close the YVCC irrespective of the Amendment.

Mr Quick stated that closing the YVCC would result in job losses. Ms Peterson referred to the job losses equating to seven full time and 26 casual staff.

⁶ Document 73

⁷ All valuations exclude Goods and Services Tax

Ms Peterson considered that the Amendment would achieve net community benefit. This was based on social, economic and environmental impacts and on the benefits and disbenefits of the immediately surrounding community compared the municipal population.

Regarding future public open space, Ms Peterson stated:

This land may be encumbered by easements, reservations, heritage, vegetation or other conditions and make provision for land to be used for passive or active recreation.

DELWP submitted the Committee's comments about how the Amendment responds to Ministerial Direction 21 would assist the Minister for Planning to exercise his discretion.

(iv) Discussion

Ministerial Direction 21 requires a planning scheme amendment to consider, but not necessarily comply with, the Golf Course Guidelines. The Victoria Planning Provisions do not refer to the Guidelines.

The Committee generally agrees with YVCCP's response to Ministerial Direction 21. It acknowledges that, based on its existing business model and expert evidence, the YVCC appears to be economically unviable. The Committee accepts Mr Peterson's evidence that the Amendment will deliver a net community benefit. The Golf Course Guidelines defines net community benefit differently to how it is defined in Manningham Planning Scheme Clause 71.02-3.

The 73 per cent of land identified for future public open space is largely undevelopable for other uses such as residential dwellings. However, it would be of considerable community benefit to use the land for passive recreational purposes.

DPO5 versions since the Amendment was exhibited include requirements which seek to:

- contribute to achieving state or local government policy objectives and strategies
- provide additional open space
- integrate with surrounding land uses, infrastructure and services
- protect and enhance the wider open space network and ecological connectivity
- contribute to local affordable housing priorities.

The Committee considers that any future development on the YVCC site should retain these elements to ensure that it achieves net community benefit. It questions whether raising the earth level on an existing floodplain to enable higher density residential development, as enabled by the exhibited DPO5, is consistent with cultural heritage and environment policy objectives. This is considered later in this report.

The Committee formed its view that the Amendment can achieve net community benefit, having given the property valuation report considerably less weight than evidence statements where expert witness were made available to answer questions. The Committee questions the report's approach to valuing the PAO4 land as highest and best use rather than the underlying planning provisions.

(v) Conclusions

The Committee concludes that the Amendment:

- can achieve net community benefit, as defined in the Planning Guidelines for the Conversion of Golf Course Land to Other Purposes, June 2020, if, among things, it enables development that:
 - contributes to achieving state or local government policy objectives and strategies
 - provides additional public open space
 - integrates with surrounding land uses, infrastructure and services
 - protects and enhances the wider open space network and ecological connectivity
 - contributes to local housing priorities such as affordable or social housing
- complies with part of Ministerial Direction 21 (Golf Course Redevelopment) by having regard to the Guidelines
- does not comply with the Direction requirement to explain in the Amendment explanatory report how it addresses the Guidelines, however this could be resolved before the Amendment is finalised.

9.3 Strategic justification

(i) The issue

The issue is whether the Amendment has sufficient strategic justification to progress.

(ii) Background

The Amendment's explanatory report states that the Amendment seeks to implement, and is supported by, clauses of the Planning Policy Framework.

(iii) Evidence and submissions

Manningham Council submitted the Amendment lacked strategic justification and did not consider what the planning framework contemplated for the YVCC site. It explained that the Amendment:

- started on the mostly unquestioned and unanalysed assumption that urban development up to the maximum achievable extent should occur on the YVCC site
- would enable a clearly perceived expanse of urban development over a substantial distance within the broader Yarra River floodplain environs
- inadequately responds to the objectives of the Yarra Strategic Plan, Birrarung Act, LUFP objectives and the Planning Policy Framework.

Manningham Council called evidence on planning from Mr Milner of Kinetica. He found that, at a broad scale, there is a fundamental policy tension between:

- accommodating urban growth in the metropolitan area
- protecting and enhancing a principally non-urban, State significant river corridor
- acknowledging the opportunities that arise from a location where regional accessibility will be further enhanced by NEL.

Mr Milner found strong strategic support for retaining most of the northern part of the YVCC site as active recreational open space or in a more natural condition and setting as parkland with better public connections. He considered that policy prioritised protecting and

enhancing the river corridor. He did not give greater weight on maximising residential development by filling in part of the floodplain.

The Conisbee Family requested the Amendment be abandoned because it was inconsistent with the river corridor and residential development east of Templestowe Road. Mr Atkin supported the YVCC site being developed for open space or conservation and questioned the proposed residential development. Mr Carolan did not object to the Amendment if land near the Yarra River was returned to public ownership and passive use.

DELWP supported the post-exhibition version of the Amendment subject to, among other things, no residential development on the Yarra River floodplain.

YVCCP submitted that planning policy objectives do not prohibit development of the YVCC site. It considered the objectives are primarily directed to:

- filling in the missing links in the contiguous parklands
- promoting public access to the River corridor
- protecting landscape character
- ensuring that development in the River corridor is subordinate to the landscape and impacts and intrusion are minimised.

YVCCP added that all the relevant policies contemplate development in the River corridor. It considered that residential development, including fill up to the easement line, can be achieved consistent with policy objectives. YVCCP acknowledged there are policies and provisions such as Clauses 21.07-2 and 21.07-4, Environmentally Significant Overlay Schedules 2 and 3 which seek to minimise and avoid unnecessary earthworks respectively.

YVCCP called evidence on planning from Ms Jordan of Sophie Jordan Consulting. She explained the Amendment seeks to establish a strategic and statutory framework for the YVCC site to transform it from a golf course into a residential precinct in a landscape setting.

Ms Jordan stated the Amendment was prepared with extensive technical information, supported by planning policies, and was strategically justified. Ms Jordan considered the Amendment brings together three key Manningham Planning Scheme policy foundations:

- delivering new housing to meet the needs of the community (Clause 21.05)
- delivering new and regionally significant public open space (Clause 21.13)
- the ongoing management and enhancement of the landscape values along the River Corridor (Clause 21.07).

(iv) Discussion

The Committee considers the existing golf course on the YVCC site is generally consistent with the surrounding Yarra River corridor. The Amendment proposes to introduce a planning framework for the YVCC site to enable higher density dwellings on about 27 per cent of the total area and public open space on the remaining land.

The Committee has previously concluded that the LUFP should be approved and introduced into the relevant planning schemes before approving the Amendment. Like many parties and expert witnesses, the Committee has considered how the Amendment responds to the LUFP when assessing its strategic basis.

A well-planned and designed residential development on the YVCC site will not necessarily result in policy tension between providing more housing, including affordable housing, and protecting the Yarra River corridor. It does not need to be a choice of one over the other.

The Committee considers there is an opportunity to enable development which responds harmoniously with the Yarra River corridor, consistent with planning policy irrespective of the YVCC site's complicated nature. This would require comprehensive and sufficiently robust planning provisions which will ensure that built form height, setbacks and works appropriately interface with the river corridor, Heide MoMA and the low-rise residential area east of Templestowe Road.

For reasons set out in Chapter 10, the Committee considers that developing the floodplain, as enabled by the exhibited DPO5 or subsequent versions proposed by YVCCP, would not result in a net community benefit. The Committee considers that policies and legislation seeking to protect, if not restore, the Yarra River floodplain outweigh policies for additional housing. These policies view the Yarra River corridor, including its floodplains and landscape, as a single entity across its 242-kilometre length.

There would be considerable benefit in the floodplain being public open space at no upfront cost. However, the YRB Precinct's abundance of existing open space lessens the weight of policies seeking to increase public open space in Banyule and Manningham. The Committee has placed greater weight on policies seeking to protect the floodplain for cultural and environment reasons, irrespective of whether it is publicly or privately owned.

There is broad scale policy support for providing additional housing, including affordable housing in Manningham but little policy for locating it on the YVCC site. The Manningham Residential Strategy found that it can achieve its estimated dwelling numbers based on other parts of the municipality, including identified main road areas and Doncaster Hill. The Committee found little to no policy support for residential development of the proposed scale and density enabled by the Amendment for the YVCC site. However, enabling an appropriately scaled and sited residential development on the site would not conflict with existing policy.

Chapters 10 to 12 recommend changes to the planning framework necessary to ensure that future development on the YVCC site continues to achieve policies seeking to protect and enhance the Yarra River corridor. The Committee considers that, subject to adopting these recommendations, the Amendment would be supported by key policy objectives outlined in Chapter 8 and could achieve net community benefit and sustainable development as required by Clause 71.02-3.

(v) Conclusion

The Committee concludes that the Amendment, subject to adopting recommendations in this report, has sufficient strategic justification to progress.

10 Development Plan Overlay Schedule 5

Submitters responded to the exhibited DPO5, comprising five pages. On 24 December 2020, YVCCP proposed a different DPO5 with more provisions across 14 pages (YVCCP DPO5 v1). YVCCP asked its expert witnesses to respond to this version. Table 4 outlines the different requirements between the exhibited and YVCCP version.

Table 4 Exhibited DPO5 and YVCCP proposed DPO5

Exhibited	YVCCP DPO5 v1
Requirements before a permit is granted	Requirements before a permit is granted (varied)
Conditions and requirements of permits <ul style="list-style-type: none"> - Content of applicant/permit - Maximum building height - Affordable housing and public open space 	Conditions and requirements of permits <ul style="list-style-type: none"> - Conditions and requirement for permits in relation to the proposed residential area - Conditions and requirement for permits in relation to public open space - Section 173 agreement to provide transfer of public open space - Section 173 agreement to provide public open space - Section 173 agreement to construct a signalised intersection
Requirements for development plan <ul style="list-style-type: none"> - Site analysis - Use and development - Built form - Native vegetation and landscape - Traffic and access - Site servicing, drainage/hydrology - Ecologically sustainable development - Application for approving a development plan to include site investigation assessment; drainage/hydrology assessment; flora and fauna survey; and traffic management plan 	Requirements for development plan <ul style="list-style-type: none"> - Vision - Planning Report - Site and context analysis report - Housing diversity report - Site master plan - Building heights - Native vegetation and biodiversity report - Tree management plan - Landscape master plan - Earthworks strategy plan - Integrated transport and traffic management plan - Site servicing report - Drainage and hydrology stormwater management strategy report - Ecologically sustainable development strategy - Site remediation strategy - Cultural heritage interpretation plan - Development staging - Community engagement strategy

Exhibited	YVCCP DPO5 v1
Outline Development Plan	Outline Development Plan (varied)
-	Decision guidelines

10.1 Aboriginal cultural heritage

(i) The issue

The issue is whether the Amendment appropriately responds to Aboriginal cultural heritage.

(ii) Background

Section 46(a) of the *Aboriginal Heritage Act 2006* requires a Cultural Heritage Management Plan (CHMP) to be prepared in certain locations and circumstances. The original and re-exhibited Amendments were supported by the Yarra Valley Country Club redevelopment Bulleen: CHMP 13793 (Biosis, 10 November 2016).

The exhibited DPO5 did not refer to Aboriginal cultural heritage. Since YVCCP DPO5 v1, the schedule:

- required a permit application in the Public Park and Recreation Zone to include, where relevant, details of the location of any Aboriginal Cultural Heritage sites
- included a new vision regarding Aboriginal cultural heritage values
- required a site and context analysis report which includes areas of known Aboriginal cultural sensitivity
- required a cultural heritage interpretation plan that addresses Aboriginal cultural heritage values.

(iii) Evidence and submissions

The Wurundjeri Woi Wurrung Corporation explained that the Wurundjeri Woi Wurrung people are the Traditional Owners of the Birrarung (Yarra River) and Bulleen-Banyule Flats area. The Corporation was concerned about the development impact on cultural heritage and natural values. It requested there be no ground disturbance within 50 metres of the place registered in the Victorian Aboriginal Heritage Register place and identified in the CHMP.

Manningham Council had no concern regarding Aboriginal cultural heritage requirements and accepted the evidence of the relevant witnesses.

YVCCP called evidence on cultural heritage from Mr Vines of Biosis. Mr Vines is one of the co-authors of the CHMP. He considered the developed proposed for the YVCC site to be consistent with the objectives of the *Aboriginal Heritage Act 2006*.

Mr Vines referred to the CHMP which was approved by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council. It shows photographs from the 1950s and 1970s and geotechnical investigations which show the extent of ground disturbance before the golf course was developed. The golf course development led to further earthworks.

The CHMP includes the six conditions to mitigate the impact on Aboriginal cultural heritage:

1. Cultural heritage induction
2. Archaeological salvage before commencing civil or construction works

3. Archaeological inspections of:
 - The floodplain in areas of less ground disturbance to a maximum depth of 1 metre.
 - The areas of deep fill to the north of the Sonoco factory if excavations here extend to 3 metres or more.
4. Reburial of artefacts
5. Cultural heritage interpretation and strategic partnership
6. Protection of adjacent Aboriginal cultural heritage.

Mr Vines considered the CHMP:

- contains appropriate measures to manage any impacts to Aboriginal cultural heritage values
- provides a sufficient mechanism to facilitate a response to concerns raised by the Wurundjeri people and other submissions.

(iv) Discussion

The Committee has determined that the LUFP should discourage development on the Yarra River floodplain for cultural and environmental reasons. This includes intangible cultural activities and events which have, and will continue to occur on the floodplain. The floodplain on the YVCC site forms part of a broader single entity than cannot be separated. Having reviewed evidence and submissions specific to the YVCC site, the Committee found no good reason to vary its view for the YVCC site.

Regarding tangible cultural heritage, the approved CHMP comprehensively assessed the YVCC site's ground disturbance history, registered place, and the proposed development's potential harm to Aboriginal cultural heritage. There is no doubt that the site has experienced significant ground disturbance since the 1950s.

The CHMP sets out conditions to mitigate the harm and the post-exhibition versions of DPO5 including requirements which seek to ensure that Aboriginal cultural heritage is appropriately considered in future approvals.

No party sought to challenge the CHMP's findings or Mr Vine's evidence.

(v) Conclusion

The Committee concludes that the Amendment, with its post-exhibition changes, and subject to other Committee recommendations, can appropriately respond to Aboriginal cultural heritage and mitigate the development's potential harm.

10.2 Earthworks and hydrology

(i) The issue

The issue is whether the DPO5 Clause 3.1 (Earthworks Strategy Plan) provisions are appropriate.

(ii) Background

Manningham Planning Scheme Clause 21.07 (Green Wedge and Yarra River corridor) includes objectives and strategies relevant to earthworks.

Table 5 Planning Policy Framework clauses relevant to earthworks in the Yarra River corridor

Clauses	Details
21.07-5	Environmental issues
Objectives	<ul style="list-style-type: none"> - To conserve and enhance the significant environmental qualities of the green wedge and Yarra River corridor.
Strategies	<ul style="list-style-type: none"> - Protect and enhance native vegetation, including roadside vegetation as wildlife habitat and as corridors for flora and fauna. - Require land use and development proposals to demonstrate compliance with Net gain objectives and principles to avoid, minimise and offset removal of and impacts upon native vegetation. - Promote the re-vegetation of cleared areas or gaps in habitat corridors with indigenous species.

Proposed earthworks related provisions changed considerably since the Amendment was exhibited.

Exhibited DPO5:

The pre-commencement submission and then compliance with a Soil Management Plan (or similar) to the satisfaction of the Responsible Authority. This plan should address the management of any potential contaminants, details of any fill and movement of soil/materials, and any associated land management requirements.

YVCCP DPO5 v1:

Earthworks Strategy Plan

An Earthworks Strategy Plan must be provided that addresses, but is not limited to:

- An overview of the geotechnical investigation scope and test types used to assess the type and suitability of local soils for fill reuse;
- Geotechnical assessment of the design cut, and/or fill batters, and founding soils to confirm adequate bearing capacity and landform stability are present;
- Assessment of possible geotechnical impacts on third-party assets, including but not limited to, the proposed North East Link tunnel structures and existing high voltage power transmission towers;
- The approach to cut and fill across the site, including:
 - a clear depiction of existing and proposed contours;
 - a summary depiction of cut and fill denoting the various levels of cut and fill in 1m increments;
 - a summary depiction of all batter slopes, defining the grades on each, with no vegetated slopes steeper than 1:3;
- Design that ensures no earthworks within the tree protection zones of any trees to be retained;
- Design that ensures earthworks do not create abrupt level changes within external interface areas; and
- Geotechnical compliance testing for placement and compaction of fill soils during construction.

(iii) Evidence and submissions

YVCCP submitted that it proposes to raise the existing ground level above the existing 1:100 year flood level, as defined by Melbourne Water and identified through the Manningham Planning Scheme Land Subject to Inundation Overlay. It sought to construct a raised

platform to extend the amount of developable land and to enable more dwellings on the site.

The Land Subject to Inundation Overlay requires the:

- floor level of any dwelling to be a minimum of 400 millimetres above the natural surface level
- subfloor to not obstruct the overland flow path.

This effectively precludes the development of dwellings on about 20.5 hectares of the 25.8 hectare site. YVCCP sought to fill a portion of the floodplain to a level above the flood level to reduce the extent of affected Land Subject to Inundation Overlay and DDO2 areas and increase the developable area by about 30 per cent.

The elevated area is proposed to be extended to have the toe of the filled area along the southern boundary of a high voltage transmission line easement which crosses the site.

YVCCP contended that the DDO2 based its mandatory setback on an arbitrary peak flood line *“that has no relationship at all to the natural character of the River and River corridor or specific landscape objectives.”*

YVCCP submitted that increasing the elevated area into the floodplain would impact the floodplain storage capacity and that Melbourne Water (referral authority for the development) would require a storage offset. It proposed to create an offset volume to the fill by excavating sections of the floodplain adjacent to the proposed elevated area. The extent of the fill into the floodplain was amended during the Hearing which affected the hydraulic modelling undertaken by YVCCP’s expert witness.

Both YVCCP and other submitters noted that the current elevated area was artificially raised many years ago and the floodplain topography was altered by quarrying, excavation and filling. Both parties considered that this supported their case for either allowing or refusing further excavation and filling on the floodplain.

YVCCP called evidence on drainage and water from Ms Mag of Stormy Water Solutions. Ms Mag stated that the TuFlow modelling prepared by CJ Arms was based on the superseded draft development plan. This plan included fill on the high voltage electricity easement and on the Heide site. She noted that the model identified afflux on the abutting Golf Driving Range site to the east, but this was not a concern because it is to be filled to enable the construction of soccer fields. Ms Mag was confident that, from a hydraulic perspective, the revised extent of fill and the potential to obtain additional excavation from elsewhere on the floodplain could achieve an adequate flood offset.

YVCCP called evidence on geotechnology from Mr O’Shannessy of Golder. Manningham Council called evidence on hydrology from Mr Dunn of Engeny.

The hydraulics expert witness conference identified that the TuFlow hydraulic modelling required additional refinement to confirm that an adequate offset volume could be achieved. They considered the comparatively large area of the floodplain would ‘likely’ be enough to obtain the offset volume. Mr Dunn later advised that further analysis of the TuFlow model raised concerns about the veracity of the model due to stability and boundary condition issues.

Mr O'Shannessy explained that DDO15 (North East Link Project – Tunnel Protection Area 2) applied to the YVCC site outside of the Land Subject to Inundation Overlay but where development was proposed above. He stated that:

- DDO15 would require any future development proposal to be statutorily referred to the North East Link Authority under Clause 66.04
- The Authority will request an engineering assessment to determine whether the development, including earthworks enabled by DPO5, will adversely affected the proposed NEL tunnels.

Melbourne Water did not support fill on the floodplain because it:

- would dramatically alter the geomorphology and topography
- does not meet the design objectives of the overlay
- does not meet the outcomes sought for the floodplain.

Melbourne Water added:

Extensive earthworks and modifications to the Yarra River landscape are required to accommodate the proposed YVCC amendment and development and this is unacceptable.

YVCCP provided a CJ Arms memo which replicated Melbourne Water's preliminary requirements in 2014⁸ for the YVCCP site. It notes, among other things:

- Flood storage should be maintained on site. Some cut and fill, maintaining the flood storage, would be acceptable around the edges of the floodplain to increase the developable area above flood level. Plans would need to be approved by Melbourne Water prior to works commencing.
- ..
- Generally, fill depths should not exceed 1.5m and land below the 17.7m contour should not be filled or developed.

Landscaping expert witnesses for both the YVCCP and DELWP stated that the maximum slope in a public area should be 1:6. YVCCP revised the slopes on the fill to be generally a maximum of 1:6. Its without prejudice version of DPO5 allowed steeper slopes if required:

A summary depiction of all batter slopes, which must achieve the appearance of a natural landform, defining the grades on each, with no vegetated slopes steeper than 1:6 unless a steeper slope is required as a consequence of excavation works or detailed design of the proposed drainage solution.

Documentation and expert evidence identified the location of the excavated areas being adjacent to the proposed fill area. Visualisations of the concept development did not include images depicting the proposed excavation on the floodplain.

Later in the Hearing, DELWP provided the YVCC site property title shows restrictions on the northern portion of the land, where fill is proposed. The restrictions provide for a flood way easement of approximately 1 hectare across the land, which cannot be filled without the approval of Melbourne Water, DELWP and Parks Victoria.

DELWP considered that consent to fill the land should be required before adopting the Amendment. It noted the decision to allow fill is separate to Melbourne Water's response to

⁸ Document 83H

the Amendment. DELWP added that, even if the Committee and the Minister for Planning supported fill on the YVCC site, the practical issue of legal consent remains.

YVCCP submitted that there is a process available which could be pursued to have the floodway easement removed should Melbourne Water and others allow filling on the affected land. Melbourne Water has not been approached in relation to filling the floodway.

Submitters opposed fill on the floodplain because they considered it was an attempt to maximise developable land and was not strategically justified. YVCCP responded that:

- there is no strategic reason against adding fill to a portion of the floodplain
- providing 73 per cent of the YVCC site as public open space at no charge, more than offsets the reduced floodplain.

NELP stated that the proposed fill is unlikely to materially affect the road tunnels proposed to pass under the YVCC site. NELP advised it would undertake a detailed review after the final location of the tunnels is identified and a detailed design is prepared.

At the hydraulics expert witness conference, Melbourne Water:

- confirmed that it had not changed its position regarding the development setback line
- maintained that the existing Land Subject to Inundation Overlay alignment is the absolute maximum encroachment into the floodplain.

At the Hearing, there was discussion regarding both the definition and applicability of 'net gain' to the floodplain in relation to environmental principles. Dr Lorimer was concerned that if the earthworks were undertaken as proposed the environmental values of the floodplain might be affected which would not result in a net gain.

YVCCP stated that the 'net gain' as defined in the Birrarung Act does not apply to private land and therefore, until the floodplain is transferred to public ownership, it should not be applied to the YVCC site.

Dr Lorimer stated if the Council became the owner of the land that the 'net gain' provision of section 9(4)⁹ of the Birrarung Act to the floodplain should be expanded to be applicable, as it currently is not included.

Dr Lorimer stated that net gain is well understood both legally and socially.

(iv) Discussion

The Committee has concluded that the LUP should provide precinct-wide direction that, for cultural and environmental reasons, the Yarra River floodplain is not modified. The Committee will now consider whether the YVCC has specific circumstances to warrant modifying part of the river floodplain to enable more development.

In 2014, Melbourne Water was open to the potential for some minor fill around the edges of the elevated area for depths of up to 1 metre. The hectares of floodplain area proposed for earthworks, and the depth of fill of up to 4 metres significantly depart from Melbourne

⁹ Birrarung Act section 9(4): *There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.*

Water's preliminary advice. YVCCP has relied on its background reports and expert evidence to support the extent of proposed works.

The hydraulic modelling expert witnesses agreed that there is likely to be an adequate area on the floodplain to obtain additional cut to offset the flood storage required. However, the Committee notes that their agreement did not consider other potential non-hydraulic related earthworks constraints on the floodplain, which could limit the area available for excavation. These constraints include, lowering of the ground water table and consequential impacts on the trees on the floodplain, excavation within the dripline of trees and consequent impact on survival, the safety implications of steep gradients required for the excavations, the visual impact of having 7-metre deep excavations near the base of a 4-metre fill embankment and elevated 'islands' of trees.

The Committee is cognisant that:

- the Amendment seeks to establish a framework for making future planning decisions when detail designs are known and available
- YVCCP was critical of DELWP asking for a concept development plan as part of the Amendment process.

However, an indicative contoured earthworks plan may have provided 'proof of concept' that the required excavation volume can be achieved while complying with the competing needs. This includes maintaining the existing large trees, limiting ground slopes to less than 1:6, maintaining public safety, minimising lowering of the ground water table and restricting dramatic changes to the topography of the floodplain by the creation of 11-metre high comparatively steep slopes.

Based on best available information, the Committee considers that the proposed earthworks are inappropriate and unjustified. The proposed extent of earthworks, which include excavating the floodplain to enable necessary flood water storage and other requirements sought by hydraulic experts, are unlikely to be sympathetic to the existing floodplain. They are likely to have an unacceptable impact on flora, environmental landscape and visual amenity.

YVCCP DPO5 v2 requires the preparation of a Draft Earthworks Plan which addresses issues related to cut and fill in the floodplain which seeks to allow non-complying grades.

The floodway easement shown on the YVCC site on its property title is a matter which has to be resolved at a later stage. The PE Act enables an Amendment to progress irrespective of restrictive covenants. YVCCP would have to either design around it or seek to vary or remove the restriction when applying for a planning permit.

The Committee is not convinced with YVCCP's submission about the gifting of future public open space offsetting the degree of earthworks and hydrological changes. The earthworks would significantly raise the earth, reduce the floodplain area, impact on floodplain vegetation on land which has been evidently valued by the community for generations.

The Committee considers the DDO2 mandatory building setback is based on existing science, irrespective of how the overlay was introduced into the relevant planning schemes. Although DDO2 applies to the entire YVCC site, the setback aligns with the existing Land Subject to Inundation Overlay which has been justified on evidence-based flood levels.

Regardless, they exist in the Manningham Planning Scheme and form part of the YVCC site's statutory planning framework.

The Land Subject to Inundation Overlay and mandatory setback in DDO2 clearly differentiate the Yarra River floodplain from land which is unlikely to flood. The Committee considers this to be the most logical and strategically supported alignment to define where development can occur. It does not support development on land subject to the Land Subject to Inundation Overlay or varying planning provisions to enable such development on the floodplain.

While land can be engineered to raise land above existing flood levels, for reasons outlined above, the Committee does not support this response. Historic earthworks to the floodplain do not justify further deformation of this land.

The Committee agrees with YVCCP that the net gain principle does not apply to this privately owned part of the floodplain. Regardless:

- any future permit application may have to consider Manningham Planning Scheme Clause 21.07 (Green wedge and Yarra River corridor) which refers to net gain
- Principle 10(1) of the Birrarung Act states:
The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.

The Committee considers that reducing the floodplain area to enable multi-level higher density housing would not be protecting nor enhancing the existing amenity of the Yarra River land for the whole community.

(v) Conclusions and recommendations

The Committee concludes:

- The scale of earthworks enabled by the exhibited Development Plan Overlay Schedule 5 should not be permitted on the floodplain, being land:
 - subject to the Land Subject to Inundation Overlay
 - beyond the mandatory minimal setback in Design and Development Schedule 2.
- The Development Plan Overlay Schedule 5 provisions should prohibit significant earth works and development on the floodplain, consistent with existing planning provisions.
- The mandatory minimum setback line in Map 3 of Design and Development Overlay Schedule 2 should not be changed.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix F, to prohibit development and significant earthworks on land subject to the Land Subject to Inundation Overlay.

Abandon changes to Map 3 of Design and Development Overlay Schedule 2.

10.3 Stormwater and drainage

(i) The issue

The issue is whether the Amendment appropriately responds to potential stormwater and drainage impacts.

(ii) Background

The exhibited Amendment includes a requirement to prepare a Drainage and Hydrology Stormwater Management Strategy Report which addresses the collection and treatment of stormwater flows from 6.5 hectares on site, 7.2 hectares of Templestowe Road and residential land to the east of the site, 2.6 hectares from the Sonoco site and 1.8 hectares from a portion of the proposed soccer fields site; as well as the hydrological modelling of cut and filling impacts on peak flood flow in the floodplain.

It is proposed to treat the stormwater partly on site and partly in a series of wetlands situated in the floodplain areas excavated to provide the offset flood storage for the proposed fill in the floodplain.

(iii) Evidence and submissions

Ms Mag relied on MUSIC modelling undertaken for the proposed development to conclude that stormwater could be properly treated using proposed onsite stormwater treatment systems in combination with additional treatment in the wetlands proposed on the adjacent floodplain.

Ms Mag and other experts advised that the proposed catchment is comparatively small and the floodplain is large so it would be possible to construct appropriate stormwater treatment systems to meet current best practice standards.

Ms Mag stated that stormwater treatment facilities on the floodplain could be designed to enhance the floodplain's landscape environment.

DELWP called evidence on stormwater engineering from Ms Barich of Incitus. Ms Barich stated that the proposed wetland system did not comply with industry recommended turnover times, periods of inundation and maintenance access requirements. She recommended the reference to wetlands be replaced by ephemeral wetlands or bioretention systems which also have low maintenance requirements.

The expert witness conference recommended that the reference to 'wetland/s' be removed from DPO5 and replaced with "*stormwater quality and/or flood storage assets*". This is because the most appropriate method for treating stormwater may not be through wetlands and would be finalised as part of the detailed design stage. The conference acknowledged that the design of stormwater treatment facilities is widely understood and can be addressed by appropriate wording in the Amendment.

Submitters queried the YVCCP's assumption that the treatment facilities on the floodplain would eventually be maintained by others following transfer of the land to public ownership. YVCCP explained that this approach is similar to that adopted elsewhere in the metropolitan area where multiple landowners contribute to the construction of a drainage network and treatment system and the land is then transferred to the public.

Manningham Council and Parks Victoria were apprehensive about the cost of maintaining and operating stormwater treatment facilities:

- located in a comparatively deep excavation with access issues
- constructed primarily for the benefit of the YVCCP.

Manningham Council and Parks Victoria queried who would eventually own the floodplain. Parks Victoria stated that it does not seek to be the crown land manager of the site.

Parties at the Hearing advised that:

- Templestowe Road and the residential land east of the YVCC site currently drain to the north along Templestowe Road and then west across the floodplain to the Yarra River
- the Golf Driving Range site drains separately to the Yarra River
- the Sonoco site stormwater is drained partly over land onto the YVCCP site and partly piped under the YVCCP site to a wetland on the floodplain on YVCCP site
- the YVCC site wetland subsequently drains south to the Yarra River.

Mr Robinson explained that there is currently no defined stormwater discharge point nominated for the Sonoco or Golf Driving Range sites to the east.

Mr Dunn stated that, if only stormwater from the proposed elevated area of the YVCCP site was required to be treated, it could be done onsite and then discharged to the floodplain. Similarly, stormwater from the Sonoco and Golf Driving Range sites could be treated on their sites and discharged to the floodplain.

Mr Dunn acknowledged that the stormwater pipe under the YVCCP site from Sonoco to the floodplain would require detailed assessment before additional fill could be placed on it. He noted that it would be necessary to create an easement or similar across the YVCCP site.

(iv) Discussion

As the total area of the YVCCP proposed catchment is less than 60 hectares, Melbourne Water will not own or operate the future treatment facility. The operation and maintenance of any treatment facility on the floodplain may be Parks Victoria or Manningham Council. This depends on which agency ultimately owns the floodplain.

Due to the various issues associated with diverting stormwater to a treatment system on the floodplain, it would be simpler and more practical for YVCCP to treat the stormwater from the elevated area on the elevated area and for the stormwater from the other properties to be treated elsewhere. This approach would require YVCCP to construct and maintain a stormwater treatment system servicing the elevated area.

As the soccer fields are yet to be constructed and will be on public land, the stormwater from the Sonoco site should be required to be treated to best practice standards on site and then diverted to the soccer fields site for discharge to the river, either through a separate easement or in combination with stormwater from the soccer fields site. Diverting the treated Sonoco Stormwater towards the soccer fields site would remove the requirement to create an easement across YVCCP land, not require upgrading of the existing stormwater pipe and avoid potential liability issues associated with stormwater discharged from Sonoco through the YVCCP site.

If the YVCCP floodplain land is transferred to public ownership before the Sonoco and soccer fields stormwater disposal systems are finalised, the treated stormwater could possibly be temporarily incorporated with the treated water from the YVCCP site as part of the development of wetlands on the floodplain.

With Templestowe Road proposed to be upgraded in the near future, it is recommended that best practice facilities for treating stormwater from the upgraded road and adjacent residential areas be designed and constructed at that time.

The Drainage and Hydrology Stormwater Management Strategy Report proposed since exhibiting the Amendment includes a dot point which specifically addresses flood modelling associated with fill on part of the floodplain. This should be revised to not reference fill on the floodplain, consistent with other Committee recommendations.

(v) Conclusions and recommendation

The Committee concludes:

- It is appropriate to include the post-exhibition Drainage and Hydrology Stormwater Management Strategy Report requirements in Development Plan Overlay Schedule 5, subject to revising the fourth point to prohibit fill on the floodplain.
- Only stormwater from the existing elevated area of the YVCC site should be treated on the elevated area of the site before discharging to the adjacent floodplain.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require a Drainage and Hydrology Stormwater Management Strategy Report which prohibits treatment on the floodplain.

10.4 Potential contamination

(i) The issue

The issue is whether the Amendment appropriately responds to potential land and groundwater contamination.

(ii) Background

The floodplain has experienced previous development and earthworks such as farming, market gardening, quarrying, excavation and filling, as well as land contouring and irrigation infrastructure for the golf course. The elevated area has been subject to farming and extensive fill which raised it above the original floodplain. The raised area currently has a clubhouse, swimming pool, bowling green, sealed carpark and associated infrastructure. The elevated area also includes the abutting Sonoco industrial site, comprising approximately 2.6 hectares and in the Industrial 1 Zone.

(iii) Evidence and submissions

YVCCP has previously investigated potential contamination on various parts of the YVCC site. Its investigation identified potential asbestos contamination on the elevated area, quarrying and landfilling on the floodplain and chemical contamination from market gardening over most of the site.

YVCCP proposed to apply the Environmental Audit Overlay to the proposed residential precinct of the YVCC site.

After reviewing the investigations, EPA responded:

- EPA does not object to the application of the Environmental Audit Overlay on the elevated land, however it notes that the information provided does not appear to include justification as to why an audit should be deferred.
- A requirement in the preparation of a Development Plan in the DPO could be used to ensure that the conditions of the audit are or will be met.
- The potential for other amenity impacts including odour and dust should be considered in accordance with EPA Publication 1518 to ensure future occupants are not impacted by other amenity impacts from the industry.
- It may be helpful for the 2016 Detailed Site Investigation to be amended to conclude if an audit is required or not for the floodplain. Clarifying the need for an audit may mean that a Site Remediation Strategy is not necessary.

EPA submitted that these matters should be resolved before the YVCC site can be considered suitable for the intended use.

Mr Taylor stated after reviewing the investigations he was satisfied that:

with the application of the Environmental Audit Overlay across the residential precinct and the requirement for an SRS for any part of the land not subject to the Environmental Audit Overlay, or otherwise where an environmental audit is not to be undertaken, will be appropriate for assessing the potential contamination and subsequent remediation / management of the land as appropriate.

Manningham Council requested the floodplain be investigated, and any contamination removed or remediated to EPA requirements before transferring it to public ownership. It sought to add the following to the DPO5 Site Remediation Strategy provisions:

Such further investigations (including soil testing) and assessment of the nature and extent of any contamination as are needed to determine the suitability of the land for use as public open space, whether an environmental audit is required, and what remediation activities are required to make it suitable for use as public open space.

(iv) Discussion

The historic use and development of the YVCCP site such as quarrying, landfilling, market gardening and topography changes have not been well documented. Having regard to the various investigations undertaken on different areas of the YVCC site, there continues to be uncertainty whether potential contamination has been adequately addressed.

The Committee is cautious about having an EPA approved audit on the elevated area and a Site Remediation Strategy for the remainder of the land.

The entire YVCC site has unresolved issues, as identified by the EPA, which need to be clarified through further investigations and potentially remediation to ensure that any residual contamination issues are addressed before land is transferred to the public.

Based on the results of previous investigations, unresolved queries and the proposal to rezone land to enable a sensitive land use, the Committee considers the Environmental Audit Overlay should apply to the entire YVCC site. This approach is consistent with Ministerial Direction 1 and Planning Practice Note 30 (Potentially Contaminated Land).

(v) Conclusion and recommendations

The Committee concludes:

- The Environmental Audit Overlay should be applied to the entire Yarra Valley Country Club site to require an audit across the entire site.
- References to site remediation or the need for a Site Remediation Strategy are not needed if the Environmental Audit Overlay is applied to the entire site.

The Committee recommends:

Amend Development Plan Overlay Schedule 5 as shown in Appendix G to:

- a) delete reference to site remediation**
- b) delete the requirement for a Site Remediation Strategy.**

Apply the Environmental Audit Overlay to the entire site at 9-15 Templestowe Road, Bulleen.

10.5 Public open space**(i) The issues**

The issues are:

- whether DPO5 appropriately responds to public open space
- how DPO5 should express the transfer of public open space to the relevant government authority.

(ii) Background

The exhibited DPO5:

- shows land north of the southern boundary of the electrical easement as public open space in ODP (Map 1)
- requires a permit to include a condition for a section 173 agreement to provide the public open space as shown on the ODP.

Manningham Planning Scheme requires a default 5 per cent of a subdivision to be public open space or 8 per cent for other identified land. The guidelines referred to in Ministerial Direction 21 seek at least 20 per cent of the total developable land area as public open space.

(iii) Evidence and submissions

Many submissions supported the proposal for public open space on about 73 per cent of the YVCC site – specifically, the river floodplain.

Birrarung Council did not support future public open space proposed on the existing floodplain being used as active open space. It considered this land use to be incompatible with the ecological values of the adjacent parkland. It sought recreational uses which were sympathetic to this natural environment.

Manningham Council submitted that the Amendment needs to provide:

- an effective mechanism for ensuring that public open space is transferred to public ownership (cannot be retained privately) in return for developing the southern part of the YVCC site

- clear requirements for developer to transfer the public open space in a suitable state.

Manningham Council explained that a YVCCP consultant had informally contacted its officers, but it has not formally considered or taken a position in response to any proposal to take ownership of the future public open space. It added that such a decision is not simple and needs to consider how the land will be used. For example:

- a municipal council would typically manage active open space such as sports fields
- Parks Victoria would be the obvious and sensible choice for managing the space if the land was retained for its ecological and landscape values as part of the greater Yarra Valley Parklands.

Manningham Council supported a 173 agreement as a tool for transferring open space to public ownership, on the basis that it is the only practical tool available. It noted a section 173 agreement would not be ideal if it was transferred to another government agency because the agreement requires Council to be a party.

YVCCP revised the public open space requirements in its first, second and without prejudice DPO5 versions. Later versions required a permit application, with respect to the future public open space, to consider and assess any Aboriginal Cultural Heritage Sites, landscaping and tree management. It proposed further requirements for the section 173 agreement including:

- an agreement to transfer the future public open space to Manningham Council
- the owner to construct and maintain the wetlands for 24 months.

In its without prejudice version, DELWP proposed further permit conditions and section 173 agreement requirements including details of proposed ownership and maintenance arrangements.

(iv) Discussion

Providing 72.8 per cent of the total land area as public open space far exceeds the proportion that would be provided in Manningham and the 20 per cent sought by Ministerial Direction 21. Although the proposed future open space is predominantly a river floodplain subject to inundation and a high voltage electricity easement, its scale would enable recreational opportunities.

The issue of which government authority would ultimately acquire and maintain the future public open space was left unresolved. This includes the proposed wetlands which would service the proposed residential precinct on the YVCC site. There was considerable support from members of the community, resistance from Parks Victoria and an unresolved position from Manningham Council. The Committee considers that DPO5 should refer to a 'statutory body' until that acquiring authority is known.

(v) Conclusions and recommendation

The Committee concludes that Development Planning Overlay Schedule 5 should:

- require a section 173 agreement to enable the floodplain area of the Yarra Valley Country Club site to be transferred to the relevant authority as public open space
- refer generically to a statutory body as the future acquiring authority.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to replace the section 173 agreement provisions for transferring public open space with new provisions.

10.6 Built form

(i) The issues

The issues are whether:

- the extent of development, including scale and density, enabled by DPO5 is appropriate and justified
- the proposed maximum building heights and setbacks specified in the ODP, Figure 2 and Table 1 of DPO5 are appropriate and justified.

(ii) Background

DDO2 applies to the subject land and specifies a mandatory maximum height of 8 metres (9 metres on sloping land).

The exhibited Amendment proposes to:

- increase the maximum building height in DDO2 from 8 to 16.5 metres (17.5 metres on sloping land)
- apply varied maximum building heights of 2 to 3, 4 and 4 to 5 storeys through DPO5
- apply the maximum building height of 13.5 metres (14.5 metres on sloping land) by applying the Residential Growth Zone Schedule 2 to the southern portion of the subject land.

(iii) Evidence and submissions

Numerous submissions objected to the proposed building heights. Warringal Conservation Society sought to retain the existing building height and setback from the Yarra River. It was concerned that 17.5 metre buildings would be visible from the western side of the river.

Heide MoMA was concerned about any future development's design including sightlines from its site, building height and setback of buildings from its shared boundary and impact on the floodplain. It sought a seamless integration between the Heide MoMA and YVCC sites.

Manningham Council submitted that the building heights need to be supported and informed by a detailed landscape and visual analysis. This would demonstrate the visual impact of the proposed earthworks and built form when viewed from different perspectives, particularly the Yarra River, proposed open space areas, Heide MoMA and Templestowe Road.

Manningham Council was concerned that the maximum building heights in the exhibited DPO5:

- referred to levels rather than storeys
- determined height by reference to finished ground levels in the approved development plan
- did not require a visual or landscape impact assessment to support or explain the rationale for the identified 'areas of opportunity' in the ODP

- did not specify how the height applies to design elements or building services.

At the Hearing, Manningham Council supported a maximum of 3 storeys and said it would consider 4 storeys if a landscape and visual impact assessment found it appropriate on some parts of the YVCC site.

Since the Amendment was exhibited, YVCCP proposed through DPO5 v1 to:

- specify maximum building heights across 12 building areas in RL metres and storeys, ranging from RL 27.5 metres (2 storeys) to RL 40.5 metres (3 to 4 storeys)
- clarify that specified building heights exclude lift overruns, services, plant and associated plant screenings.

YVCCP DPO5 v2 introduced the need for a landscape and visual impact assessment report to be included with the development plan.

All urban design and landscape expert witnesses agreed the southern part of the YVCC site was appropriate for 2 to 3 storey townhouses. They also agreed to the need for DPO5 to require a landscape and visual impact assessment report which assessed existing and proposed conditions.

YVCCP called evidence on urban design from Mr Biles of Ratio. Mr Biles considered the building heights proposed in YVCCP DPO5 v1 to be appropriate. He explained that the building heights set out in Figure 2 of YVCCP DPO5 v1 were based on three-dimensional modelling and photo montages and were set to:

- run buildings along the site contours or, where not possible, step buildings down with falling ground levels
- present a two storey edge to the future parkland to the north and mass buildings behind to appear recessive from the future public space
- limit the height along the Heide interface and step heights with the topography so that buildings do not overly dominant the Heide grounds
- allow 3 to 4 storey built form away from the most sensitive interfaces and towards Templestowe Road while incorporating comfortable transitions in scale that work with the relevant ground levels.

Ms Jordan found the building envelopes and specified maximum heights in the DPO5 building heights plan enabled flexibility for designing different built forms. This includes the DPO5 v1 detail for plant, building services, associated screening and lift over runs enabled above the nominated maximum building height.

Mr Sheppard considered that DPO5 should be revised to better address built form character, building heights and setbacks. He found the maximum building height of 8 metres (9 metres on slope) in DDO2 to be consistent with the predominant 1 and 2 storey building scale on the south of Templestowe Road. He acknowledged the YVCC site's size and relative isolation:

- enabled an opportunity for its own character
- did not justify offending planning provisions which seek a spacious layout and landscaping which is essential for the development to conform with the preferred river corridor character.

Mr Sheppard stated that built form up to 2 storeys at the edge of the northeast promontory:

- may result in an 8.5 metre height above the level of Field 1 of the proposed sports fields
- would result in visual exposure which conflicts with planning provisions seeking to protect landscape character unless mature canopy trees were in place to screen the buildings before construction.

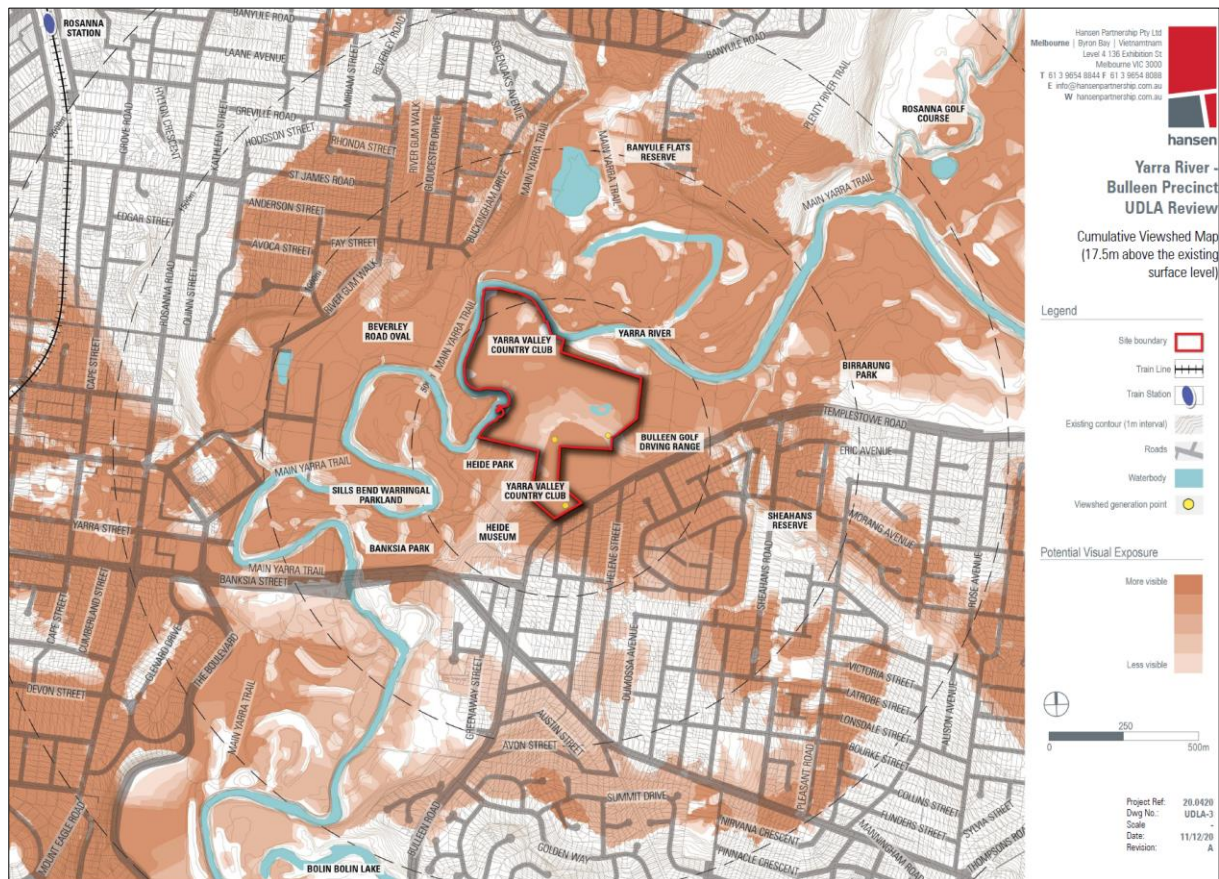
Mr Sheppard recommended that DPO5:

- require spacious landscaped setbacks and separations between buildings
- apply the DDO2 maximum building height of 8 metres (9 metres on slope) to land 25 metres from the building setback line (18 metre contour)
- beyond that, increase the maximum height commensurate with the default 11 metres in GRZ3, which applies to land south of Templestowe Road
- discourage building forms longer than 25 metres.

Mr Czarny considered the mandatory building setback from the current 18 metre AHD contour line responds to the site's alignment to the riverbank. He stated that a variation to these provisions must be supported by a site-specific technical analysis and visual assessment.

Mr Czarny considered it inappropriate to apply a mandatory maximum building height of 16.5 metres (17.5 metres on slope) across all developable areas. He stated that development of up to 17.5 metres above existing ground level on the YVCC site may result in exposure from public vantage points and destinations. These include parts of the site itself and from neighbouring land, commonly frequently locations such as the Templestowe Road corridor and more distant elevated public open space. He reached his findings after reviewing a cumulative viewshed map, as shown in Figure 4. The map indicates the degree of potential visual exposure of 17.5 metre built form based on surrounding land elevations.

Mr Czarny accepted that views towards the proposed development area would be largely screen by existing riparian canopy vegetation on and around the YVCC site. He was not concerned with two to three storey townhouses on land outside the existing Land Subject to Inundation Overlay and mandatory setback line. He noted these heights are consistent with existing DDO2 provisions.

Figure 4 Cumulative viewshed map

Source: Mr Czarny's Evidence, Appendix C

(iv) Discussion

The Committee has already determined that the LUFP should not support development on land within the current 18 metre AHD contour line for cultural and environmental reasons. This is referred to elsewhere as the Yarra River's floodplain or the area in the Land Subject to Inundation Overlay. Since the Amendment was exhibited, no party, including YVCCP, and no expert witnesses sought building heights greater than 4 storeys.

The Committee has considered the appropriate building heights and setbacks within this context – up to 4 storeys and on land outside the Land Subject to Inundation Overlay.

The Committee considers the YVCC site has sensitive interfaces with the Yarra River, including its floodplain, Heide MoMA and the low rise residential area along Templestowe Road. The site is not in an activity centre where higher density residential development is encouraged. It is about a 20-minute walk to Bulleen Plaza and a 34-minute walk to Heidelberg train station.

For land east of Templestowe Road, existing planning policy and provisions enable buildings of up to 11 metres and seek to retain the area's existing front and side setbacks with landscaping and open space. For land north of Templestowe Road (Yarra River corridor side), DDO2 transitions the maximum building height to 8 metres. This includes the YVCC, Sonoco and Golf Driving Range sites.

The Committee considers the built form provisions for the YVCC site should generally be an extension of the GRZ3 provisions for the low scale residential area south of Templestowe Road. In terms of building height, this equates to a maximum of 11 metres (3 storeys), consistent with the views of the urban design experts. These measures are irrespective of earthworks.

The Committee does not agree with submissions and evidence that YVCC site towards Templestowe Road can accommodate greater height. It is difficult to understand how that would respect the neighbourhood character of the area which is predominantly open space on the west side of the road and single and double storey detached housing in a garden setting to the east.

The Committee accepts Mr Sheppard's evidence that DPO5 should reflect the setbacks and landscaping sought for the low rise area east of Templestowe Road. Urban development should not intensify as it transitions towards the Yarra River corridor.

The Committee is not persuaded the site can accommodate 4 storeys in some parts while achieving acceptable built form character. The three-dimensional modelling and photo montages were of some assistance but not conclusive.

The Committee is cognisant that Mr Czarny's broad visual assessment indicated that 4 storeys may be possible. Should the Committee's recommended 3 storeys not be adopted, a landscape and visual impact assessment report, as proposed since YVCCP DPO5 v2, consistent with other built form provisions recommended by the Committee, would guide any future decision whether a fourth storey is possible on some parts of the site. Any fourth storey element should be limited to the point where the overall development continues to broadly reflect an extension of the GRZ3 provisions south of Templestowe Road.

(v) Conclusions and recommendations

The Committee concludes:

- The proposed maximum building heights specified in Figure 2 and Table 1 of DPO5 are not appropriate or justified.
- A mandatory maximum building height of 12 metres (3 storeys) should be applied to the subject land outside the Land Subject to Inundation Overlay.
- Should the recommended maximum heights not be adopted, a landscape and visual impact assessment should be undertaken before finalising the Amendment to better understand the visual impact of enabling four storeys in some areas.
- The Department of Environment, Land, Water and Planning 'without prejudice' revision of Development Plan Overlay Schedule 5 proposes Land Use Framework Plan related objectives which will better inform building heights and setbacks.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to:

- a) specify a mandatory maximum building height of 12 metres (3 storeys) to land outside the Land Subject to Inundation Overlay**
- b) specify that no development other than landscaping, open space and stormwater treatment be enabled on land within the Land Subject to Inundation Overlay**

- c) include objectives of the Yarra River - Bulleen Precinct Land Use Framework Plan which will better guide future building heights and setbacks.**

10.7 Landscape and visual impact

(i) The issue

The issue is whether the DPO5 provisions are appropriately for assessing the landscape and visual impacts on any future development proposal.

(ii) Background

The proposed landscape and visual impact related provisions in DPO5 have changed since the Amendment was exhibited. YVCCP DPO5 v1 required a landscape master plan, and the later versions required a landscape and visual impact assessment (LVIA) report:

A LVIA Report must be prepared to the satisfaction of the responsible authority which assesses the proposed development within the Yarra River corridor environs. The LVIA Report must include, but not be limited to:

- A statement of the existing landscape setting and relevant character values of the site and its surrounding context, informed by the Significant Landscape Overlay – Schedule 2, the Middle Yarra River Study and any other investigations;
- A "viewshed" or "zone of visual influence" examination informing of the exposure of potential future development within the broader setting, and the identification of key public and private receptor locations;
- The preparation of technically accurate photomontage images from identified public receptor locations (agreed to by the Responsible Authority) representing the existing and proposed conditions (with and without landscaping);
- An evaluation of photomontage collateral determining the nature of impacts (if any) on landscape values, and any required actions / modifications to ensure the protection of key landscape values.

SLO2 and DDO2 include an application requirement to provide a *‘visual impact assessment of proposed buildings and works from public viewing points within the Yarra River corridor as determined by the responsible authority’*.

(iii) Evidence and submissions

YVCCP submitted that it has undertaken extensive three-dimensional modelling of the concept building forms and heights. It called evidence on urban design from Mr Goss of Orbit Solutions. Mr Goss presented photomontages and dynamic modelling which showed how future development may appear with and without landscaping and vegetation. He explained that the building facades were taken from an inner city development for demonstration purposes. The final design would be more responsive to its natural context.

YVCCP called evidence on landscape from Mr Murphy of Barry Murphy Consulting. He considered the extent of landscaping would provide filtered views to the development and that existing mature canopy vegetation in the river corridor on the YVCC site should not be removed. He applied the following landscape design principles:

- development and built form must be subordinate to the Yarra River environs
- setbacks and building separation are to have ‘green fingers’ of vegetated connections that spill out of the development.

Mr Biles considered that the modelling and montages demonstrate that the proposed building heights are appropriate, would not be excessively prominent, and would not overwhelm the site's interfaces or broader landscape context. Ms Jordan stated that the modelling provided a clear understanding of the built form envelopes proposed, while allowing enough flexibility at the design stage.

The urban design expert conference report stated that all experts agreed to the need for a LVIA to better understand the potential impact of the future development, when design details are known, on the sensitive surrounding landscape and from key vantage points. There was agreement about the details sought by the proposed provisions. No urban design expert questioned Mr Goss' methodology for preparing the montages. Mr Sheppard noted that no modelling image captured the viewshed from the floodplain directly towards the development.

Mr Czarny included further view-sheds that were not assessed in the photomontages, notably from the Banyule Flats. Mr Czarny did not think the development should form part of a prominent view from this elevated foreground position and agreed that taller form in the Heidelberg Activity Centre, although visible, was remote and in the background, and was less discernible and inconsequential.

Mr Sheppard questioned whether it was possible to propose and assess the built form parameters specified in DPO5 before the LVIA was prepared. He considered this assessment was needed to support the degree of prescription proposed in the DPO5 built form provisions.

(iv) Discussion

The Committee notes that the modelling prepared for YVCCP relied on heavy vegetated canopy and understorey screening to filter views of the concept development. It may take many years before trees reach the heights shown in the modelling.

Images captured from the modelling was taken from relatively obscure angles which resulted in trees merging closer to each other. There should have been a more perpendicular view to better understand an important potential visual impact from the floodplain. There is existing vegetation which partly obscures the views. However, there will be visitors to the public open space who will stand in front of this vegetation with uninterrupted views towards the development. From a perpendicular perspective, they will have a more prominent view of the buildings.

The Committee accepts that what Mr Goss presented is a concept development which is unlikely to represent the final design. It agrees with Mr Czarny that any development plan would benefit from understanding the potential visual impact from more vantage points, including Banyule Flats. This demonstrates the need to comprehensively assess the landscape and visual impact of the final design.

The Committee supports DPO5 requiring a LVIA report that is prepared to the satisfaction of the responsible authority. Consistent with Mr Sheppard's concern, it would be difficult to identify which areas should be restricted to two or three storeys without this assessment. More fine-tuned maximum building heights and setbacks should be informed by empirical evidence through the LVIA report.

(v) Conclusions and recommendations

The Committee concludes:

- The Development Plan Overlay Schedule 5 provisions should better respond to assessing landscape and visual impacts of any future development proposal.
- A landscape and visual impact assessment should be required with any future development plan to understand potential visual impacts on the landscape.
- Building heights and setbacks for different parts of the Yarra Valley Country Club site should:
 - be informed by the landscape and visual impact assessment
 - not be included in Development Plan Overlay Schedule 5 unless this report is prepared before the Amendment is finalised.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to:

- a) require a landscape and visual impact assessment report**
- b) specify a 3 storey maximum building height for the developable part of the site without specific heights and setbacks for each building block, unless a landscape and visual impact assessment report, prepared before the Amendment is finalised, informs these measures.**

10.8 Native vegetation, biodiversity and trees

(i) The issue

The issue is whether the DPO5 provisions related to native vegetation, biodiversity and trees are appropriate and justified.

(ii) Background

Manningham Planning Scheme Clause 21.07 (Green wedge and Yarra River corridor) includes objectives and strategies relevant to vegetation shown in Table 5.

(iii) Evidence and submissions

Ms Boak submitted that developing dwellings on the YVCCP site would increase the presence of cats and foxes and impact on the native fauna due to the presence of drainage pipes which would provide habitat. She was concerned that developing land on the western side of Templestowe Road would increase light spill into the parkland.

Mr Connor, Mr Deane, Ms Easton and Ms Romano were concerned that more public access through paths and foot bridges would affect the Powerful Owl habitat in areas including the YVCCP site.

Manningham Council submitted that the loss of trees would affect the Powerful Owl. It had no substantial disputes regarding ecology, following the experts' agreement that in addition to an Arboriculture Report, a Native Vegetation and Biodiversity Report should be required for the entire YVCCP site.

Mr Mueck noted that Biosis conducted biodiversity studies on the YVCC site in 2015, 2016, and 2020. He stated that, depending on the final volume of fill and excavation required for the floodplain, 5.51 hectares of 6.41 hectares of patch native vegetation would be retained

on the floodplain. In the worst-case scenario, 4.61 hectares of patch native vegetation would be retained. In the minimum case, eight hollow bearing large trees would be lost and in the worst case 14 large hollow bearing large trees would be lost. He explained the relevant offsets are readily available from the DELWP credit register.

Mr Mueck stated that light spill from the development may potentially impact the wetlands in the floodplain. He considered that light spill could be minimised by good design. He advised there are offsets available for loss of habitat for the Grey-headed Flying-fox.

Mr Mueck found the remaining floodplain land habitat could be enhanced by planting understorey trees and shrubs on the remaining fairways.

Mr Murphy considered the loss of any old trees on the floodplain would be unacceptable from a landscape perspective. YVCCP referred to Dr Lorimer's evidence which stated that particular trees can be sacrificed for the greater good. YVCCP contended that DPO5 should enable flexibility for achieving the land's overall goal.

YVCCP submitted that the 'net gain', as defined in the Birrarung Act, does not apply to private land and therefore until the floodplain is transferred to public ownership it should not be applied to the YVCC site. Mr Mueck agreed.

Dr Lorimer stated that the 'net gain' principle is well understood both legally and socially. He stated that the 'net gain' definition in the Birrarung Act should apply to Manningham Council if it became the owner of the future public open space.

Dr Lorimer stated that the ecological reports prepared by Biosis have not fully addressed issues, including, old hollow bearing Red Gums, the aquatic environment, and various vegetation classes that he identified as being present on site. He considered the Biosis reports have errors and limitations, making them unsatisfactory for assessing the Amendment.

Dr Lorimer found the Amendment could result in an acceptable ecological outcome if a Native Vegetation and Biodiversity Report is prepared which:

- includes a flora and fauna survey that addresses all flora and fauna on the whole site
- addresses the creation of one or more biodiversity- oriented wetlands on the flood plain to fully compensate for any loss of existing wetlands
- applies the 'net gain' provision of section 9(4) of the *Yarra River Protection (Wilip-Gin Birrarung murrn) Act 2017* to the floodplain
- addresses minimisation of conflicts between nature conservation and other possible uses of the floodplain
- provides appropriate management, conservation and revegetation measures for all native vegetation, wetlands and habitat areas to be retained or created as part of the mitigation measures.

Dr Lorimer questioned whether Mr Mueck's 'worst case' scenario is just that. He noted the hydrology expert witness conference agreed that the amount of excavation required in the floodplain is insufficient.

(iv) Discussion

Mr Mueck's worst case scenario expands the minimum impact case to include the impact of the proposed fill and excavation on the floodplain. It is therefore the likely to be the minimum impact scenario when the modified floodplain and the filled areas are considered

together. The proposed development on the YVCC site will require trees to be removed and 'offset' wetlands to be lost to enable the excavation of fill material.

The Committee accepts Dr Lorimer's evidence that some trees might need to be removed to enable a better overall outcome. However, the indicative extent of excavation and likely impact on trees, particularly if this area is further extended to address hydraulic requirements, will result in the removal of trees and wetlands on the floodplain. This impact is solely to increase the developable area without providing a 'net gain' to the floodplain.

The Committee agrees with YVCCP that the net gain principle does not currently apply to the floodplain. However, a net gain strategy is included in the Manningham Planning Scheme Clause 21.07 and even if the term is not clearly defined, it is well understood.

The Amendment has not satisfactorily demonstrated that the required area of cut and fill on the floodplain can minimise the impact on riparian flora and fauna, and comply with appropriate landscaping, earthworks, public safety, access, planning and other requirements to achieve an acceptable outcome. The LUFP, proposed DPO5 provisions and relevant planning policy and provisions seek to minimise disturbance to the floodplain habitat.

The Committee agrees with Dr Lorimer's recommendation, as agreed to by YVCCP, for DPO5 to require a Native Vegetation and Biodiversity Report. DPO5 provisions related to native vegetation and trees seek to retain the vegetation and provide large canopy trees and vegetation in the buffers around the residential development area, but do not address how indigenous vegetation will be incorporated into the proposed residential development area. A Native Vegetation and Biodiversity Report could investigate options.

(v) Conclusions and recommendation

The Committee concludes:

- There should be no vegetation removed on the floodplain to enable earthworks for future development.
- Development Plan Overlay Schedule 5 would benefit from further requirements to better assess future development plans and permits.
- Requiring a Native Vegetation and Biodiversity Report through Development Plan Overlay Schedule 5 would support assessments when design details are known.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require a Native Vegetation and Biodiversity Report.

10.9 Housing diversity

(i) The issue

The issue is whether the Amendment should include more guidance or detail regarding housing diversity.

(ii) Background

The exhibited DPO5 required plans and information to include a housing diversity statement that explains the proposed mix of housing on the YVCC site, including affordable housing. It also required built form guidance that:

Promotes the creation of a mix of dwelling types to meet present and future housing demand, whilst responding to identified character requirements.

(iii) Evidence and submissions

Manningham Council submitted that the Amendment should give more direction on how it will provide a range of housing typologies to meet existing and future community housing needs. It added that DPO5 could require the development plan to identify minimum and maximum dwelling yields.

Mr Milner had little doubt that the YVCC site, having regard to population and household growth projections and its high amenity, would find a ready market that positively responds to housing supply, planning policy and potentially housing diversity and affordability.

MICH referred to the Manningham Residential Strategy (March 2012)¹⁰ which is a key policy document in the Manningham Planning Scheme. The strategy seeks to increase supply of townhouses, units, villas and apartments to 25 per cent of all residential dwellings by 2030 to meet changing household needs.

YVCCP submitted the Amendment responds to planning policy that seeks “*appropriate infill development at increased densities in order to provide more and different housing opportunities in the municipality*”. It added that Manningham needs greater housing diversity choices. The YVCCP DPO5 v1 proposed to change the housing diversity provisions to:

Housing Diversity Report

A Housing Diversity Report must be prepared explaining the mix of housing on the site including how it is proposed to provide the applicable percentage of the overall housing stock as affordable housing. The report must also include criteria for determining affordable housing stock.

This provision remained in DPO5 wpd from YVCCP, DELWP and Manningham Council.

(iv) Discussion

Victoria Planning Provisions Clause 16 includes a strategy to widen housing diversity to offer choice and changing household needs. Manningham Planning Scheme Clause 21.05 (Residential) applies to the General Residential Zone and refers to the Manningham Residential Strategy (2012) as a key policy document. It encourages housing types that meet the changing needs of the community.

The Committee agrees with YVCCP that higher density townhouse and apartment housing, as envisaged in its concept plan, would increase housing diversity in Manningham. A considerable proportion of housing in Manningham is a detached single dwelling on a lot, which may not suit all socio-demographics in the municipality at all stages of their life. Adding housing not widely available elsewhere in the municipality would align with Manningham Council’s aspirations regarding housing diversity.

There is sufficient state and local policy guidance for housing diversity to inform future decisions on the YVCC site. The Amendment appropriately responds to housing diversity but would benefit from YVCCP’s proposed change to require a housing diversity report.

¹⁰ Document 105

(v) Conclusion and recommendation

The Committee concludes the Amendment has sufficient guidance regarding housing diversity but would benefit from provisions proposed since exhibition.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require a housing diversity report with specified inclusions rather than a housing diversity statement.

10.10 Affordable housing**(i) The issues**

The issues are:

- whether it is appropriate to increase the proportion of affordable housing in return for additional building height
- whether the affordable housing percentages specified in DPO5 are appropriate
- whether affordable housing should be defined in further detail.

(ii) Background

Exhibited DPO5:

- did not require affordable housing on the subject land.
- included a discretionary provision to include a permit condition for a section 173 agreement to provide 5 per cent of the total dwellings as affordable housing subject development being approved above 3 levels at the locations specified in the ODP.

YVCCP DPO5 v1 and subsequent versions included a mandatory provision to include a permit condition for a section 173 agreement to provide a minimum of:

- 2 per cent affordable housing
- 4 per cent affordable housing if the permit allows 4 storeys in Areas C1 and D2 shown in its Figure 2.

(iii) Evidence and submissions

MICH, REAL Inc, Manningham Council and DELWP did not support the proposed affordable housing requirements in their exhibited or subsequently proposed versions. Several submissions and expert evidence referred to the Manningham Residential Strategy (2012) which sets a target of 5 per cent affordable housing outside of Doncaster Hill and 10 per cent for Doncaster Hill. Manningham Council explained that the 5 per cent benchmark came from Council's earlier adopted housing policy¹¹.

Mr Milner and MICH did not support 'trading' additional building height in return for more affordable housing. Mr Milner explained that:

- building height and housing affordability are two separate objectives and each outcome should be achieved on the site

¹¹ Affordable Housing Policy and Action Plan 2010-2020

- the YVCC site and environs do not reflect urban renewal areas such as Melbourne's Central City or Fisherman's Bend which there is a connection between urban design, yield and affordable housing
- overdeveloping land in this location with intrusive built form cannot be justified or offset by more affordable housing.

MICH considered the *"trade-off"* of providing affordable housing in return for increased density and building height may not be possible or acceptable. It regarded this as a *"hollow"* offer.

MICH requested that 10 per cent of the total dwellings be affordable for the 'very low income range', as defined by the 2018 Ministerial Notice in the Victorian Gazette, No. S256, 1 June 2018. REAL Inc submitted that for Melbourne, the Notice defines very low income for a single person as up to \$25,220 each year. It noted the disability support pension is \$20,625 each year.

REAL Inc did not specifically refer to the Amendment's provision for affordable housing in its original submission. However, at the Hearing, it submitted:

- a voluntary section 173 agreement does not provide certainty that affordable housing will be provided
- it is unacceptable to trade-off building height increases in return for a percentage of affordable housing
- there should be a pre-defined percentage such as 10 per cent at Doncaster Hill
- mandating housing accessibility would ensure all homes were accessible for all community members irrespective of age and mobility.

Manningham Council considered the YVCCP DPO5 v1 minimum 2 per cent for affordable housing to be *"miserly"* and *"out of step with current fair expectations for a redevelopment site like this"*. DELWP considered it to be a *"lowball offer"* which was inconsistent with growing practice and without information to explain the approach.

DELWP submitted there are a growing number of examples which require contributions of between 5 and 10 per cent. It acknowledged there is debate as to whether this should include social housing or other iterations. DELWP submitted that the development would need to be sufficiently advanced and the developer prepared to disclose its development costs to understand what contribution can be applied. The DELWP DPO5 wpd required 5 per cent of affordable housing if buildings were up to three storeys and 6 per cent if they reached four storeys.

Ms Peterson qualified that she was instructed to not consider in isolation whether the provision of affordable housing was appropriate for the proposal. Overall, she considered the extent of affordable housing to be at the low end (but within) the magnitude of affordable housing provision for this type of development.

(iv) Discussion

An objective of the PE Act is *"to facilitate the provision of affordable housing in Victoria"*. Manningham and Melbourne at a broader scale have a big challenge to provide more affordable housing.

No party opposed some form of affordable housing on the YVCC site. The Committee considers that at least 5 per cent of all residential dwellings on the site should be reserved for affordable housing. This is consistent with what Manningham Council would generally seek from developments outside of Doncaster Hill.¹² There was little strategic basis to support a greater proportion of affordable housing.

Conversely, YVCCP's proposed 2 per cent baseline for affordable housing would equate to potentially 10 to 13 dwellings, depending on the total number of dwellings enabled on the site. The Committee considers this to be notably deficient.

The Committee has reservations about trading off affordable housing in return for increased building height for similar reasons raised by Mr Milner, MICH and REAL Inc – uncertainty and unrelated objectives.

DELWP's proposal for a least 5 per cent affordable housing and an additional one per cent for an additional storey is more practical because it assures the proportion sought by Manningham Council. However, it is uncertain whether four storeys can achieve an acceptable visual impact. This highlights the disconnect between objectives associated with built form provisions such as building height to the very different objectives sought for affordable housing.

There would be greater certainty if maximum building heights and affordable housing had separate provisions seeking their own outcomes.

While the Committee is confident that 5 per cent of all dwellings should be affordable housing, it is not confident to determine, based on available information, the type of affordable housing that should be provided. This may evolve over time as relevant policies and strategies provide more direction in the future. The permit applicant should consider voluntarily exploring this further with the responsible authority and affordable housing providers.

(v) Conclusions

The Committee concludes:

- Any future development on the Yarra Valley Country Club site should provide five per cent of its total dwellings as affordable housing.
- A specific percentage should be specified to ensure certainty rather than applying varying rates in return for increased building height.
- The type of affordable housing to be provided should be negotiated between the permit applicant and responsible authority.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require five per cent of all dwellings to be affordable housing.

¹² Manningham Residential Strategy (2012), p17

10.11 Transport, traffic and access

(i) The issue

The issue is whether the exhibited DPO5 provisions appropriately respond to transport, traffic and access.

(ii) Background

The LUPF sets out transport, traffic and access objectives and strategies that provide context and guidance for the Amendment. Chapter 5 of this report considers transport, traffic and access issues relevant to the LUPF.

The exhibited DPO5 and subsequent versions require the Development Plan to provide for or demonstrate:

Traffic and Access

- Suitable provision for vehicle, pedestrian, and bicycle access networks throughout the site.
- Integration of pedestrian and bicycle networks with neighbouring land, including the Yarra Trail access along the river edge.
- Road networks with design and layout which provides for efficient neighbourhood level traffic.
- Primary vehicle access to the site from Templestowe Road.

They require an application seeking to approve a development plan to be accompanied by:

- A Traffic Management Plan that includes an assessment of the likely traffic impacts which will be generated by the proposal upon the existing road operation of Templestowe Road and the surrounding network, to the satisfaction of the Responsible Authority.

(iii) Evidence and submissions

YVCCP referred to the Yarra Valley Country Club Development Plan Traffic Report prepared by CMA in March 2020 (CMA Traffic Report). The report:

- adopted the concept development plan figures which included between 255 and 309 dwellings, 134 three and four storey townhouses and 156 one, two and three bedroom apartments
- included an updated version of the exhibited layout plan for a proposed signalised intersection to the YVCC Site (see Figure 5)
- concluded that all traffic and access matters, external and internal, can be adequately addressed by the proposed development.

After the Amendment was exhibited, YVCCP no longer pursued the concept development plan which was exhibited with the Amendment. On 24 December 2020, it proposed to revise DPO5 to replace the traffic and access provisions with:

Integrated Transport and Traffic Management Plan

An Integrated Transport and Traffic Management Plan must be provided that addresses, but is not limited to:

- The expected maximum number and size of dwellings.
- Daily and peak hour traffic generation rates and volumes.

- Designation of sole access to the site via the access to Templestowe Road as endorsed by the Department of Transport, and triggers for the provision of signalisation of the intersection.
- Analysis as to the operation of the signalised access to demonstrate satisfactory operation of the access point.
- Assessment as to any additional traffic management works required both within the site and in adjacent local areas in association with the development of the site.
- An indicative layout of internal streets to:
 - Make suitable provision for vehicle, pedestrian and bicycle access.
 - Integrate pedestrian and bicycle networks with neighbouring land, including the future public open space and the Yarra Trail.
 - Provide a high level of amenity and connectivity.
- Provide for a high-quality streetscape environment.
- Proposed future ownership and management responsibilities of all roads and footpaths within the site.
- A Green Travel Plan to be prepared to the satisfaction of the responsible authority, identifying initiatives to reduce private vehicle usage, including new resident awareness and education program, opportunities for a car share program and other means of promotion of non-vehicular transport modes.

Mr Hunt considered the Integrated Transport and Traffic Management Plan requirements to be appropriate. He considered they would ensure that safe and efficient access is provided to the YVCC site and endorsed by the responsible authority and DoT in conjunction with the approved Development Plan.

At the traffic expert conference, experts agreed that:

- the YVCC site should have signalised access
- the proposed loop connection from the YVCC site to the Golf Driving Range should be for walking and cycling rather than vehicles
- the intersection layout in its ultimate form needs to identify land beyond the existing PAO4 area to include areas such as the left turn deceleration lane.

In his evidence, Mr Hunt considered that developing the YVCC site for between 260 and 300 dwellings with a single signalised access at Templestowe Road would comfortably accommodate future traffic generation. He reached this conclusion having regard to:

- SIDRA modelling
- increased traffic volumes on Templestowe Road from NEL and future development envisaged in the YRB Precinct.

Mr Hunt noted:

- DoT supported the proposed signalised intersection in the CMA Traffic Report.
- revised plans terminated the internal access street at the northern boundary rather than forming part of a loop road.
- the internal access street would have a 6.5-metre-wide pavement within a 16-20 metre road reserve.

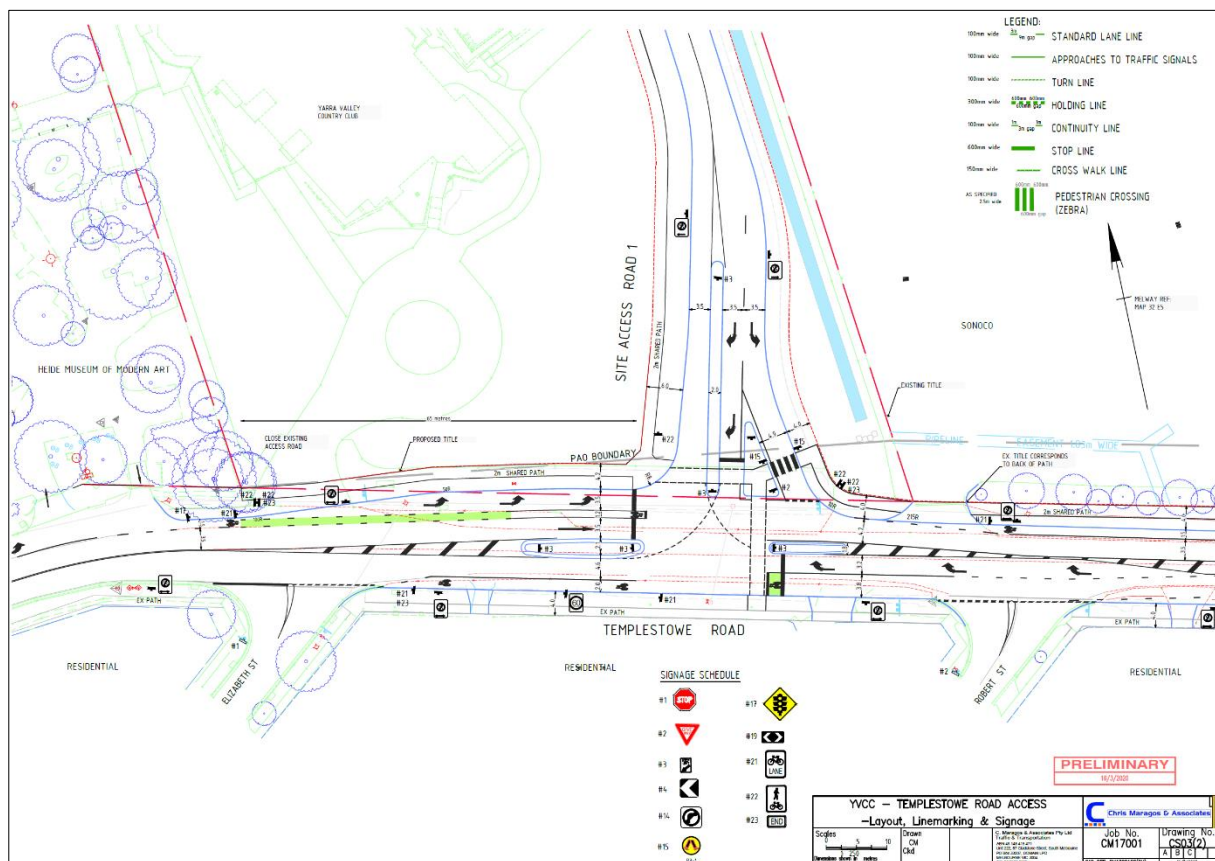
Mr Hunt considered the DPO5 section 173 agreement requires flexibility to account for a smaller development which may reduce vehicle movements below the threshold that may negate the need for signalisation. He suggested the following words be included:

Unless otherwise approved in writing by the responsible authority and Department of Transport, before a permit is granted.

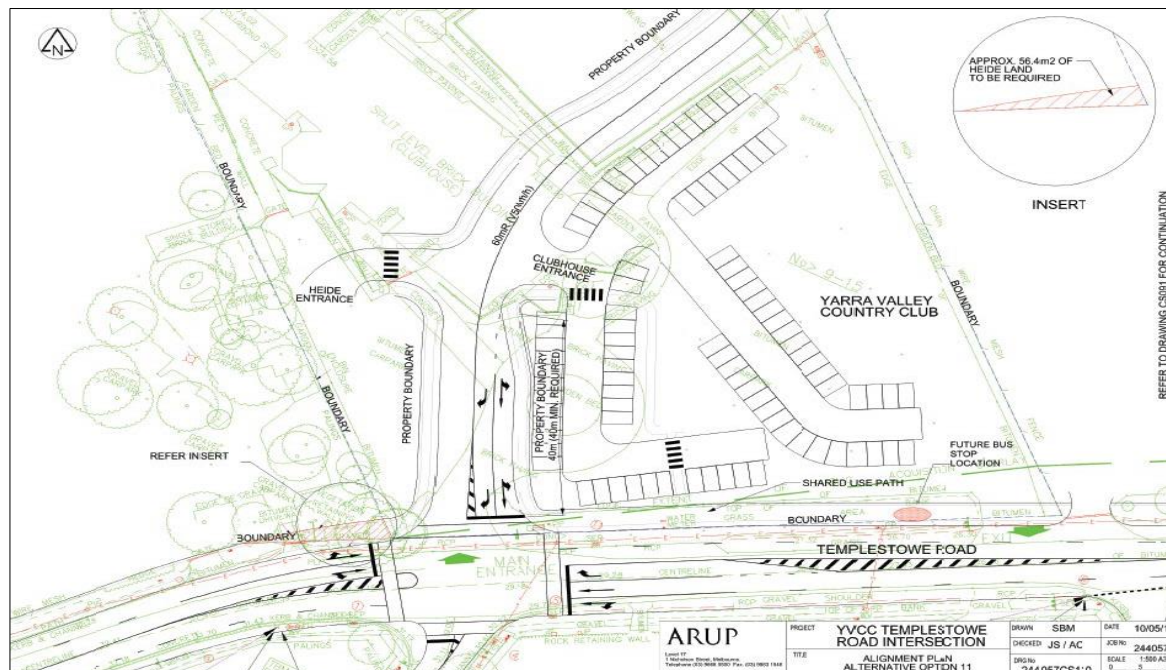
DoT explained that it provided in-principle approval to a CMA layout plan option 1 on the 11 October 2017, however the plans contained in CMA's traffic Report for the YVCC site (Figure 5) are consistent with a different option, which were not supported at the time. DoT was unaware of the LUFP being prepared when it considered different layout options in October 2017. DoT submitted that it had previously given in-principle approval to a joint signalised access for Heide and the YVCC sites (Figure 6):

The Department considers the difference between shared access with Heide and the proposed access adjacent to the Sunoco boundary, in terms of consistency with optimal spacing to other signalised intersections at Bridge Street and the soccer fields site, is insignificant and reiterates that the Department had previously given in-principle approval to shared access with Heide.... The problem with shared access with Heide is the lack of land to construct a suitable intersection, not the location of the intersection relative to adjacent intersections

Figure 5 YVCC exhibited signalised access layout plan - updated version



Source: CMA Traffic Report

Figure 6 DoT 'approved in-principle' functional layout, joint access Heide MoMA and YVCC sites

Source: CMA Traffic Report

DoT requested that DPO5:

- include a clarification of the PAO4 boundary and the 15 metre landscape setback on the ODP to ensure there is no uncertainty that the setback applies to the future road boundary
- require the owner to meet all reasonable costs of the DoT for preparing, negotiating, and registering the Section 173 Agreement (Clause 2.5)
- require the Integrated Transport and Management Plan to address:

Consideration of long-term vehicular access from the site to the Heide Museum of Modern Art and any future residential development undertaken at 25 Templestowe Road, Bulleen including any additional land requirements and implementation triggers for any upgrading of the access road and signalised access that may result from long term vehicular access.

- require the Integrated Transport and Management Plan to be prepared to the satisfaction of DoT.

Mr Gnanakone considered the internal access street appropriately allows for:

- clear traffic lanes and indented parking on both sides of a 16 to 20 metre wide road reservation
- about 34 car spaces and 64 visitor car spaces
- waste collection vehicles can be accommodated, subject to further design at the functional design stage.

He explained the access lanes are shown as between 4.5 to 5.5 metre and that a minimum of 5.5 metres should be adopted midblock.

The YVCCP DPO5 wpd:

- addressed DoT's concern regarding the 15-metre landscape setback being confused with PAO4
- substituted the term Head, Transport for Victoria for DoT, as advised by DoT

- added to the Section 173 Agreement for transferring land:

Agree to transfer any part of the site required for the construction of a signalised intersection which provides access to the site not otherwise affected by the Public Acquisition Overlay Schedule 4 to the Head, Transport for Victoria at no cost.

DPO5 included an ODP Figure 1 which showed:

- the YVCC access road terminating at the northern edge of the development and near the high voltage electricity easement
- a shared pathway running east/west along the easement and connecting the Heide MoMA and Bulleen Golf Driving Range sites
- several smaller pathways running north/south across the pathway to provide access to the proposed open space area to the north of the development.

Most submitters and experts agreed that this was an appropriate response. Mr Gnanakone highlighted the need to consider the possibility of the open space being designated for active use. This would require extending the YVCC access road across the electricity easement and require further car parking on or near the YVCC site.

(iv) Discussion

The following LUPF strategies provide guidance for the Amendment:

- Improving and further developing the walking and cycling networks, linking major destinations, and to the Main Yarra River Trail (2.1)
- Establish clear visual and physical connections to the Yarra River and its environs - from Templestowe Road, including through the YVCC site (2.4)
- Identify opportunities to improve access to parklands through signalised intersections at Templestowe Road adjacent to the YVCC site (2.5)
- Investigate the duplication of Templestowe Road and deliver an off-road walking and cycling connection on the northern side of Templestowe Road. Investigate the opportunity for an interim 3-metre shared pathway (2.9)
- Investigate new public transport bus connections for the precinct (2.10)
- Provide a new signalised intersection to consolidate vehicle access to and integrate circulation to the Heide MoMA, YVCC and Sonoco sites (2.11).
- Establish a walking and cycling connection between Heide MoMA and the Bulleen Golf Driving Range sites through the YVCC site (2.12).
- The development of the YVCC site must facilitate a consolidated signalised access road to Heide MoMA and a public access to new parklands (4.1).

The Committee has considered DPO5 within the context of these strategies.

The Committee accepts the traffic expert conference agreed position that traffic volumes generated by the proposed development will require signalised access at Templestowe Road. It notes that DoT has provided in-principle approval for two layout options to service the YVCC site.

The Committee is satisfied that the YVCC site can accommodate sufficient on-site resident and visitor car parking. Any future car parking requirements will be subject the car parking rates set out in the Manningham Planning Scheme when the development plan is approved to the satisfaction of the responsible authority.

The Committee agrees with the proposed:

- cross section width of between 16 to 20 metres for the access street, which is consistent with the relevant standards
- minimum 5.5-metre width at midblock for the internal access lanes.

Aligning a shared pathway along the northern boundary of the development appropriately responds to the LUFP strategies. It provides an opportunity to connect the Heide MoMA and Bulleen Golf Driving Range sites and access to the northern public open space and to the Yarra River. The ODP generally reflects these access arrangements appropriately.

To ensure consistency with the LUFP, the Committee considers the exhibited ODP Figure 1 should be revised to:

- delete the 'Potential secondary vehicular circulation' notation and replace with reference to pedestrian and bicycle access
- identify PAO4 more clearly
- incorporate potential vehicle access "*down to*" the future public open space
- modify reference to the Templestowe Road access to allow flexibility as to final location
- add a maximum 3 metre pathway on the northern side Templestowe Road.

The Integrated Transport and Traffic Management Plan requirements in the DELWP DPO5 wpd provide a more comprehensive suite of provisions than the exhibition version.

(v) Conclusion and recommendations

The Committee concludes that the Development Plan Overlay Schedule 5 provisions, with changes proposed since exhibition, appropriately respond to transport, traffic and access issues.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to:

- a) **replace the traffic related provisions with Integrated Transport and Traffic Management Plan requirements, which includes:**
 - allowing for long term vehicle access with abutting sites
 - having the Head, Transport for Victoria endorse access to Templestowe Road rather than Department of Transport
- b) **revise the Outline Development Plan to:**
 - replace the 'Potential secondary vehicular circulation' notation with reference to pedestrian and bicycle access
 - incorporate potential vehicle access 'down to' the future public open space
 - revise reference to the Templestowe Road access to refer to shared access with the Heide Museum of Modern Art
 - add a maximum 3 metre pathway along Templestowe Road
- c) **require a section 173 agreement to construct a signalised intersection**
- d) **require the Site Master Plan to resolve the location of the Templestowe Road access to the land.**

10.12 Community infrastructure and site services

(i) The issue

The issue is whether the site and servicing related DPO5 provisions are appropriate.

(ii) Background

The exhibited DPO5 required the development plan to respond to site servicing by confirming the provision of reticulated services.

(iii) Submissions

The Conisbee Family submitted that future development on the YVCC site would increase pressure on existing infrastructure. YVCCP referred to the CJ Arms report which initially reviewed services available to the site and has assumed that all services can be accommodated off all existing infrastructures.

Manningham Council requested that DPO5 require a community infrastructure and services report to be submitted to the responsible authority with the Development Plan. It added the report should identify:

- the impact of the YVCC site on:
 - existing and planned services in the surrounding area and whether new or additional services will be needed to support the development
 - existing and planned community facilities in the local area and whether new or upgraded facilities will be needed to support the development
- new or additional services or new or upgraded facilities are needed to support the development, details of funding for and delivery of the same.

YVCCP subsequently revised DPO5 to separate the site service provisions from the drainage/hydrology provisions. DPO5 required the Development Plan to include:

Site Servicing Report

A Site Servicing Report in consultation with Melbourne Water, that addresses, but is not limited to:

- An assessment of the existing infrastructure servicing the site and its capacity to service the proposed development based on the estimated number of dwellings.
- A description of the proposed provision of all appropriate utility services to each development parcel or superlot.

This requirement remained in the without prejudice versions from YVCCP, Manningham Council and DELWP.

(iv) Discussion

There are available sewerage, gas, water and electricity services to support future residential development on the site. The degree to which these services can support the future development can be resolved during the development plan stage when design and development details will be known. DPO5 and other provisions in the Manningham Planning Scheme are appropriate for assessing any future permit application.

(v) Conclusion and recommendation

The Committee concludes that it is appropriate to include the post-exhibition Site and Servicing Report requirements in Development Plan Overlay Schedule 5.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require the Development Plan to include a Site Servicing Report.

10.13 Ecologically sustainable development

(i) The issue

The issue is whether the Amendment has appropriately responded to ecologically sustainable development (ESD) through DPO5.

(ii) Background

A common purpose of zones and overlays in the Manningham Planning Scheme is to *“implement the Municipal Planning Strategy and the Planning Policy Framework”*. Planning Policy Framework Clause 12 states that:

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements.

The exhibited DPO5 included:

Ecologically Sustainable Development

Details of all sustainability measures, accompanied by relevant assessments/ supporting evidence are to be provided for all future development/permit applications on the land. These details must encompass energy and water efficiency, passive solar design, and details of stormwater reduction and management measures in accordance with any applicable WSUD requirements.

(iii) Evidence and submissions

Manningham Council support the intent of the DPO5 ESD requirement. It requested that it be supported by an initial requirement for an ESD strategy to be submitted as part of the Development Plan which addresses:

- energy efficient orientation of buildings
- water conservation and reuse
- water recycling
- sustainable building materials and construction
- demolition and construction waste management.

YVCCP subsequently revised DPO5 version 1 to read:

An Ecologically Sustainable Design Strategy (ESD Strategy) must be prepared which considers and responds to the major components of the proposed residential development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice;
- Demonstrates how compliance with all relevant statutory obligations in environmental sustainability is to be achieved;
- Identifies and nominates the level of sustainability performance standards to be adopted;

- Assesses options by which the agreed level of sustainable performance standards will be achieved.

The ESD Strategy should be based upon the following principles:

- Energy conservation with the objective of contributing to industry standards of national and international efforts to reduce energy usage and greenhouse gas emissions;
- Water conservation, ensuring that water resources are managed in a sustainable way;
- Water sensitive urban design and options ensuring the reduction of the impacts of stormwater on bays and catchments;
- Transport planning with the aim of encouraging walking, cycling and use of public transport;
- Land use and transport planning and infrastructure provision to contribute where practical to improved air quality;
- Options to reduce the amount of waste generated and encourage increased reuse and recycling of waste materials;
- Building materials conservation;
- Sustainability options in demolition and construction practices;
- Landscaping considering the provision of habitat, green spaces, and climate control as appropriate; and
- Indoor environmental quality.

Manningham Council supported the YVCCP DPO5 v1 changes, while DELWP supported the additional detail except for the principles.

(iv) Discussion

The Committee considers the exhibited DPO5 ESD requirements for the Development Plan to be appropriate. It is similar to the ESD requirement in the Manningham DPO3 for the Eastern Golf Course. DPO5 does not have to specify principles because they are likely to be included in the strategy itself.

(v) Conclusion and recommendation

The Committee concludes that Development Plan Overlay Schedule 5 should include additional detail which provides further guidance on ecologically sustainable development.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to add further details about what an Ecologically Sustainable Development Strategy should include.

10.14 Industrial interface

(i) The issue

The issue is whether the Amendment appropriately responds to the abutting industry on the Industrial 1 Zone land at 17 Templestowe Road.

(ii) Background

The YVCCP DPO5 v2 introduced the following provisions:

Acoustic Report

An acoustic report prepared by a suitably qualified acoustic consultant must be provided that:

- undertakes an assessment of the noise emitted from 25 Templestowe Road, Bulleen (Sonoco); and
- identifies possible sensitive land uses / noise receptors adjacent to Sonoco; and
- identifies parameters for future acoustic mitigation works, including reference to any relevant State Environment Protection Policies, Environment Reference Standards, regulations or guidelines.

Relevant EPA publications:

- *Recommended separation guideline distances for industrial residual air emissions*, Publication 1518, EPA March 2013 (EPA Air Emissions Guidelines)
- State Environment Protection Policy (Control of noise from commerce, industry and trade), No. N-1 (SEPP-N1)

(iii) Evidence and submissions

EPA submitted that there is limited understanding of Sonoco's operations, so it is difficult to identify which industry category it falls into. At the Hearing, EPA explained that if future residents on the YVCC site complained about industrial noise from 17 – 25 Templestowe Road, SEPP-N1 would require Sonoco to resolve the noise issue. It explained that the EPA Air Emissions Guidelines referred to the agent of change resolving conflicts with air emissions.

EPA recommended that YVCCP assess Sonoco's potential impacts on the proposed residential precinct.

YVCCP DPO5 required an acoustic assessment in relation to the Sonoco site. EPA supported this requirement and recommended that odour and dust impacts also be assessed due to the proposed residential precinct being near the Sonoco site boundary.

The EPA advised it had not received any complaint regarding the Sonoco site. Manningham Council submitted that it had receive five complaints in the last two years relating to smoke and fumes and older complaints regarding dust and noise.

YVCCP stated that if its site is rezoned for development, the Sonoco site would become a prime site for the same purpose. YVCCP accepted that an assessment of air emissions from the Sonoco site would better inform development on the site.

(iv) Discussion

The Committee has had to consider the Sonoco interface issue based on best available information because Sonoco was not a submitter to the Committee process. It is not clear whether Sonoco understands the potential impact the future residential precinct may have on its operations.

The Committee considers residential uses to be potentially incompatible with the Industrial 1 Zone. Previous complaints from surrounding residents about noise and air emissions from Sonoco confirm this. The Committee is concerned that surrounding residents live further away than the residential precinct proposed on the YVCC site.

The interface between the two uses needs to be carefully understood to determine existing circumstances and noise and air emission issues and to recommend any mitigation

measures. The Committee therefore supports requirements for air and noise emissions assessments which support any future development plan. It has formed this view on the basis that the industrial use will continue to operate when the first residents commence living on the YVCC site.

(v) Conclusions and recommendation

The Committee concludes:

- Any future development on the YVCC site should respond to the existing Industrial 1 Zone interface at the Sonoco site (17 - 25 Templestowe Road).
- The interface response should be informed by acoustic and air emissions reports which measure and identify existing circumstances, and if required, recommend mitigation measures.

The Committee recommends:

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to require acoustic and air emissions reports.

11 General Residential Zone Schedule 4 and Design and Development Overlay Schedule 2

The exhibited Amendment proposed to apply the Residential Growth Zone to the southern portion of YVCC site. Since then, YVCCP has proposed to apply the General Residential Zone.

11.1 General Residential Zone suitability

(i) The issue

The issue is whether it is appropriate and justified to apply the General Residential Zone (GRZ) rather than the exhibited Residential Growth Zone to the southern portion of YVCC site.

(ii) Background

Planning Practice Note 91, which guides on applying the residential zones, advises:

- the Residential Growth Zone and GRZ are suitable in incremental and substantial change areas
- for maximum building heights:
 - the Residential Growth Zone is the best zone for 13.5 metres (4 storeys) or more
 - the GRZ is the best zone for 11 metres (3 storeys) or more.

The Manningham Residential Strategy categorises the YVCC site as ‘Low Density Residential Zone and non residential zones’. Figures 2 and 3 in Manningham Planning Scheme Clause 21.05 exclude the subject land from the residential precincts and do not categorise it as an area of change.

The exhibited Amendment proposes to apply the Residential Growth Zone to the southern portion of the subject land. The Amendment’s explanatory report states the proposed Residential Growth Zone:

- is consistent with Manningham’s application of the zone along main roads near services
- has a purpose which reflects the density sought to be achieved through the DPO
- is considered to be the most appropriate zone in the Victoria Planning Provisions.

(iii) Evidence and submissions

Manningham Council questioned whether the GRZ was more suitable for the subject land than the Residential Growth Zone. It noted the GRZ enables its schedule to:

- specify a height greater than the default 11 metres (3 storeys)
- exempt the garden area requirement for medium density housing.

Since exhibiting the Amendment, YVCC Property notified parties of its proposal to apply the GRZ rather than the exhibited Residential Growth Zone.

Ms Jordan, Mr Sheppard and Mr Czarny supported the GRZ rather than the Residential Growth Zone.

(iv) Discussion

There appears to be general agreement to apply the GRZ to the subject land rather than the Residential Growth Zone.

(v) Conclusions and recommendation

The Committee concludes:

- The General Residential Zone is more suitable for the Yarra Valley Country Club site than the Residential Growth Zone.
- It is appropriate and justified to apply the General Residential Zone to the Yarra Valley Country Club site.

The Committee recommends:

Apply the General Residential Zone to land not subject to the Land Subject to Inundation Overlay rather than the Residential Growth Zone.

11.2 GRZ4 Garden area requirement

(i) The issue

The issue is whether it is appropriate and justified to exempt the construction or extension of a dwelling or residential building from the minimum garden area requirement specified in the GRZ.

(ii) Evidence and submissions

For reasons set out in Chapter 10.6 of this report, Mr Sheppard did not support varying ResCode standards through GRZ4. The urban design expert conference did not specifically address the garden area requirement.

Manningham Council referred to Planning Practice Note 84 which explains the garden area requirement seeks to protect an open garden character. It submitted that such character objectives do not have less relevance on the YVCC site than the average suburban property. Manningham Council added that YVCCP's expert witnesses consistently emphasised the importance of development having an open and vegetated character, and:

advanced that objective through the 'green fingers' of canopy trees in the Outline Development Plan and all of the matters which subclause 3.1 of the proposed DPO schedule requires to be addressed in a Landscape Master Plan.

Ms Jordan considered that GRZ4 should exempt the garden area requirement in Clause 32.08 of the GRZ because it would unnecessarily constrain development opportunities. She stated that DPO5 would require the YVCC site to undertake a detailed application.

(iii) Discussion

Amendment VC110 introduced the garden area requirement into planning schemes. Its explanatory report describes its purpose as being *'to protect the garden suburban character of existing urban areas'* and *'to ensure development outcomes that do not compromise neighbourhood character including predominant landscape values.'*

The Committee considers the YVCC site is in a unique river corridor setting with existing high value landscape features of vegetation and topography. The north, west and east edges of

the development will benefit from a direct interface to this river corridor. Dwellings with internal pedestrian and vehicle connections would not achieve the same character.

An important element of the LUFP is the increased pedestrian and cyclist paths between Templestowe Road and the Yarra River corridor. This would directly expose building elevations to the public seeking to access the parklands. These are buildings which would have a wider and taller form than in the surrounding residential area.

The garden area requirement would ensure that all dwellings, irrespective of their location, would achieve the urban form, design and neighbourhood character sought for the surrounding area. It is particularly more important to the YVCC site which is the interface between the sensitive low rise residential area east of Templestowe Road and the Yarra River corridor.

The Committee does not support the YVCC site being exempt from the garden area requirement.

(iv) Conclusion and recommendation

The Committee concludes it is appropriate and justified to require the construction or extension of a dwelling or residential building to apply the minimum garden area requirement specified in the GRZ.

The Committee recommends:

Apply the garden area requirement to the Yarra Valley Country Club site by not exempting it in General Residential Zone Schedule 4.

11.3 Maximum building height

(i) The issue

The issue is what mandatory maximum building height should be specified in GRZ4.

(ii) Evidence and submissions

Chapter 10.6 outlines evidence and submissions regarding mandatory maximum building heights for the subject land and are not repeated here.

YVCCP also proposed a maximum building height of 19.5 metres (4 storeys) through a new GRZ4¹³ in response to Ms Jordan's advice.

Ms Jordan recommended that the maximum building height permitted by DPO5 be consistent with other proposed planning provisions, including GRZ4.

(iii) Discussion

The Committee has determined what maximum building heights should be specified in DPO5 and further investigated. The question is what metric should be specified in GRZ4. Heights in DPO5 apply to all built form whereas the height specified in GRZ4 is limited to a dwelling or residential building.

¹³ Document 21

The Committee is satisfied that applying a maximum building height of 11 metres (3 storeys) through the GRZ would enable the heights supported in Chapter 10.6. This is the default height specified in the parent GRZ provisions therefore no metric needs to be specified in GRZ4. Ministerial Direction 7(5) requires a GRZ schedule with no specified maximum building height to state 'None specified'.

Should the Committee's recommendation in Chapter 10.6 for a maximum height of 3 storeys not be adopted, GRZ4 should specify a maximum building height of 14.5 metres (4 storeys) if a LVIA finds that four storeys on a small part of the site it would result in an acceptable visual impact.

(iv) Conclusions and recommendations

The Committee concludes:

- General Residential Zone Schedule 4 and Design and Development Overlay Schedule 2 should specify maximum building heights no greater than what is recommended for Development Plan Overlay Schedule 5.
- General Residential Zone Schedule 4 should specify no height so that the default maximum building height¹⁴ of 11 metres (3 storeys) and an extra metre on sloped land applies.
- Table 1 in Design and Development Overlay Schedule 2 should specify a maximum building height of 11 metres (12 metres for sloped land) for land which complies with Map 3.

The Committee recommends:

Add 'None specified' to the maximum building height requirement in General Residential Zone Schedule 4 to enable the default maximum building height of 11 metres (3 storeys) in the General Residential Zone specified in Clause 32.08-10.

Amend Design and Development Overlay Schedule 2 to increase the maximum building height for 7-15 Templestowe Road, Bulleen from 8 metres to 11 metres (12 metres on sloping land).

¹⁴ General Residential Zone Clause 32.08-10

12 Other issues

12.1 Property title easement and restrictions

(i) The issue

The issue is how existing property title restrictions affect the Amendment.

(ii) Background

Section 61(4) of the PE Act requires the responsible authority to refuse to grant a permit which would authorise anything that breaches a registered restrictive covenant on a property title. An exception is where a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.

(iii) Evidence and submissions

On 24 February 2021, DELWP provided¹⁵ parties with YVCC property title information and submitted that when land was transferred to the YVCC:

- an Inundation Easement was created in favour of the (then) Melbourne Metropolitan Board of Works (MMBW) – now Melbourne Water
- a restrictive covenant was registered in favour of the owner of the Balance Lot B land, namely the property owners that followed MMBW.

The Inundation Easement requires land marked E-1 and E-2 on property title to be reserved to enable water to flow over, flood, submerge or soak through.

The restrictive covenant states:

... and the said Yarra Valley Country Club Limited for itself and its transferees DOTH HEREBY and as separate covenants COVENANT with the said Melbourne and Metropolitan Board of Works and its successors and transferees, the registered proprietor or proprietors for the time being of the land in the said Certificate of Title (other than the land hereby transferred) not to erect on any part of the land hereby transferred any buildings or other structure including filling and fencing or placed thereon or thereover any obstruction without the previous consent in writing of the said Melbourne and Metropolitan Board of Works its successors and transferees, the registered proprietor or proprietors for the time being of the land comprised in the said Certificate of Title (other than the land hereby transferred) and it is intended that the said Covenant shall appear as an encumbrance on the Certificate of Title to issue in respect of the land hereby transferred and shall run with the land hereby transferred.

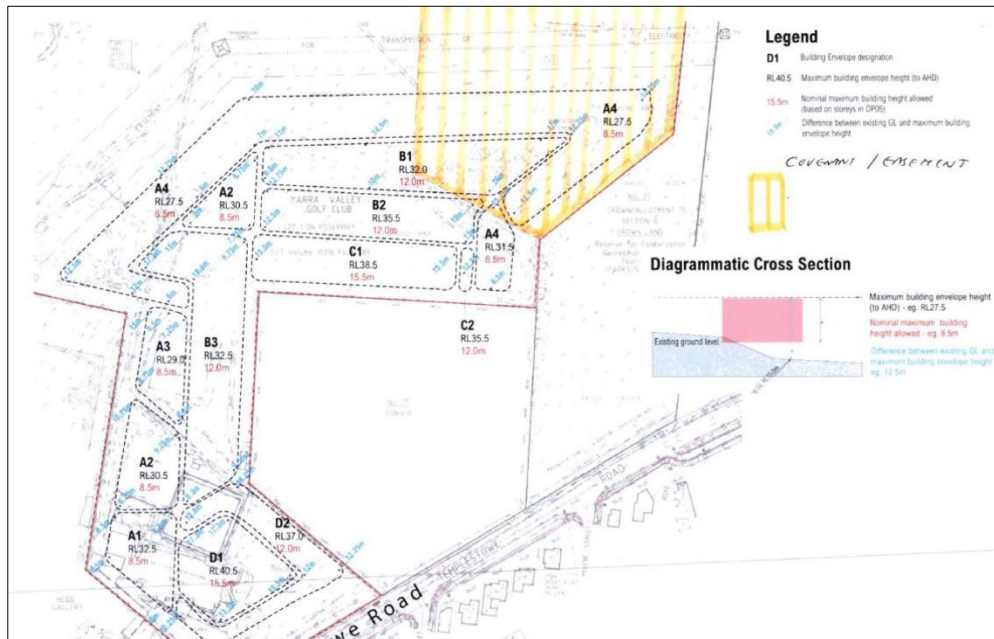
DELWP overlayed the easement and covenant area over the proposed development area of the YVCC site, as shown in Figure 7. It submitted:

- it is not known whether the current beneficiaries, Melbourne Water, DELWP or Parks Victoria will consent to filling land subject to the easement and covenant
- this land area should not be filled unless relevant consents are obtained
- the Amendment could progress however:
 - the DPO5 ODP which will result in a permit application proposing that fill

¹⁵ Document 128

- relevant consents should be obtained before the Amendment is adopted in its current form.

Figure 7 YVCC property title easement and restrictions overlayed on the proposed development area



Source: DELWP Closing submission, Document 128

YVCCP submitted that the property restrictions do not raise any legal impediment to progressing or adopting the Amendment. It found it difficult to foresee any problem when considering that YVCCP will be consulting with the relevant State agencies when preparing the development plan and technical reports. It added that:

- there is a process to apply to vary or remove easements and restrictive covenants which may be exercised, if and when required
- restrictions only become relevant to planning approvals during the permit application stage under section 60(5) of the PE Act.

(iv) Discussion

The Committee notes that the property valuation report provided by YVCCP on 20 January 2021 appended the YVCC site Certificate of Title and Plan of Survey which showed the identified property restrictions.

The Amendment proposes to establish a decision framework in the Planning Scheme to guide future permit applications and development plan related approvals. The PE Act requires consistency between the covenant and future planning permits.

However, strategic planning should reflect current aspirations for the YVCC site, consistent with the Planning Policy Framework. Like other planning scheme provisions throughout Victoria, the provisions for the YVCC site may not, and do not have to, align with the restrictive covenants. This is a matter between YVCCP, Council and the covenant beneficiaries at a later stage.

(v) Conclusions

The Committee concludes:

- The Amendment can progress irrespective of the restrictive covenant on the Yarra Country Club site property title.
- The restrictive covenant is a matter for any future permit application.

12.2 Local planning policies

The exhibited Amendment proposes to change Clauses 21.05 and 21.07 and introduce a new site-specific Clause 22.20 policy for the subject land.

Manningham Council requested that YVCCP consider how the proposed planning policy might be incorporated into other planning provisions the Local Planning Policy Framework translation.

Mr Milner did not support changes to Clauses 21.05 and 21.07 or a new Clause 22.10 because the YVCC site should not be differentiated or elevated above the few other housing opportunities in the non-urban areas.

Mr Sheppard questioned why the policy was required because it appeared to duplicate existing policy or the proposed DPO5.

At the Hearing, YVCCP advised that it no longer sought to change Clauses 21.05 and 21.07 or to introduce a new site-specific Clause 22.10 policy for the subject land.

(i) Conclusion and recommendation

The Committee concludes that the Amendment should not change any clauses in the Planning Policy Framework, as they are no longer being pursued by YVCC Property.

The Committee recommends:

Abandon changes to clauses in the Planning Policy Framework, including the introduction of a site-specific Clause 22 policy.

13 Form and content of the Amendment

There were ‘without prejudice’ submissions on drafting related changes to the Amendment.

13.1 Building height expression

(i) Background

The following direction and guides exist on how to express building heights:

- Ministerial Direction 7(5) for a GRZ schedule:
Where a height and number of storeys is specified insert “A building used as a dwelling or a residential building must not exceed a height of [insert number] metres and [insert number] storeys.”
- The Practitioners Guide considers a format such as the one sought for a GRZ schedule to be unclear and suggests the following example:
Building height should not exceed 21 metres or six storeys (not including a basement), whichever is the lesser.

(ii) Evidence and submissions

There were submissions and discussion at the Hearing on how building heights should be expressed in GRZ4 and DPO5.

YVCCP sought to:

- express maximum building heights in DPO5 as Reduced Levels using AHD
- specify in GRZ4, as advised by Ms Jordan:
A building used as a dwelling or a residential building must not exceed a height of 19.5 metres above ground level and no more than four storeys above the modified ground level. A lift overrun, domestic services normal to a dwelling (including photovoltaic [sic] panels) and plant may exceed the mandatory height requirement by no more than 1.2 metres.

(iii) Committee response

The Committee considers the building heights expression in GRZ4 and DPO5 to be unnecessarily complicated. GRZ4 can simply express and maximum height in metres and number of storeys, consistent with Ministerial Direction 7(5). DPO5 can express maximum building height in the same format for each development envelope. Specifying the combination of metres and number of storeys would ensure that any additional land needed for slope would not result in additional floors beyond what is appropriate.

13.2 Development Plan Overlay Schedule 5

(i) Background

Planning Practice No 23, A Practitioner's Guide to Victorian Planning Schemes v1.4 (DELWP, April 2020) advises on how to draft local planning provisions.

Development Plan Overlay Clause 43.04-1 enables a schedule to specify objectives to be achieved for the area affected by the overlay.

Ministerial Direction 7(5) requires a Development Plan Overlay schedule to include the Clause 1.0 (Objectives) heading and enables either:

- a maximum of five objectives, or
- “None specified” where there are no objectives to be met.

The Development Plan Overlay and Ministerial Direction 7(5) do not enable decision guidelines to be included.

(ii) Evidence and submissions

DELWP submitted that after reviewing advice in Planning Practice Note 23, it revised DPO5 to:

- move the 14 objectives at DPO Clause 5.0 to Clause 1.0 and rationalise them into five objectives
- delete the decision guidelines
- delete duplicated, redundant, or unnecessary provisions
- move the ODP to the end of DPO5.

YVCCP did not agree with moving the objectives to Clause 1.0 and reducing them to five objectives. At the drafting discussion, YVCCP stated that:

- objectives should address what needs to be addressed
- reducing the objectives to five is an exercise of “*form over substance*”
- “*artificially cramming*” the objectives can potentially underemphasise something.

YVCCP considered the decision guidelines would assist the process but found no issue in removing them.

(iii) Discussion

The Committee notes YVCCP’s thorough draft revisions which made DPO5 consistent with Ministerial Direction 7(5), the DELWP Practitioner’s Guide drafting guides and with content within the schedule itself. These changes improve its clarity and will support its implementation. The Committee has adopted YVCCP drafting changes which fit into this criteria.

The location and number of objectives does not comply with Ministerial Direction 7(5). Requiring a maximum of five objectives in DPO5 compels the planning authority to explain clearly and succinctly what needs to be achieved without unnecessary detail.

Having reviewed all final draft versions of DPO5, the Committee considers that DELWP’s proposed five objectives appropriately capture what needs to be achieved for the YVCC site. It does not appear to put form ahead of substance or potentially underemphasise anything. No party commented on the first objective in the DELWP and YVCCP versions which appears to be four objectives combined into one.

13.3 Explanatory Report

The Amendment’s Explanatory Report should be revised to include changes recommended throughout this report. This includes including a response to Ministerial Direction 21 to explain, among other things, how the Amendment meets net community benefit.

The State policy response should be redrafted at a lower hierarchy of clauses to provide a better understanding as to how the Amendment supports or implements policy.

13.4 Conclusions and recommendations

The Committee concludes that the Amendment would benefit from drafting changes that:

General Residential Zone Schedule 4

- express the maximum building height in metres and the number of storeys, consistent with Ministerial Direction 7(5).

Development Plan Overlay Schedule 5

- structure the headings consistent with Ministerial Direction 7(5)
- move the objectives to Clause 1.0 (Objectives) and rationalise them to five objectives
- express maximum building heights in actual metres from the existing ground and the number of storeys
- move the ODP to the end of Development Plan Overlay Schedule 5
- delete the decision guidelines
- make drafting changes which clarify its provisions and improve its operation, such as deleting duplicated, redundant, or unnecessary provisions.

The Explanatory Report

- respond to lower hierarchy clauses of the Planning Policy Framework to provide a more specific understanding how of the Amendment supports or implements policy
- explain how the Amendment addresses the Golf Course Guidelines
- reflect changes recommended in earlier chapters of this report.

The Committee recommends that the Amendment progress with the following drafting related changes:

Amend General Residential Zone Schedule 4, as shown in Appendix F, to make drafting changes which improve its clarity and operation.

Amend Development Plan Overlay Schedule 5, as shown in Appendix G, to make drafting changes which improve its clarity and operation.

Appendix A Terms of Reference

Yarra River - Bulleen Precinct Advisory Committee

An Advisory Committee has been appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice about the draft Yarra River - Bulleen Precinct Land Use Framework Plan (Framework Plan).

Name

1. The Advisory Committee is to be known as the 'Yarra River - Bulleen Precinct Advisory Committee'.
2. The Advisory Committee is to have members with the following skills:
 - a) strategic and statutory planning;
 - b) urban design;
 - c) environment, including flooding; and
 - d) traffic/transport planning.

Purpose

3. The purpose of the Advisory Committee is to provide strategic and statutory planning advice to the Minister for Planning on the future of the Yarra River - Bulleen Precinct.
4. The Advisory Committee is expected to make recommendations to the Minister for Planning about the draft Framework Plan and draft planning scheme amendments in the precinct and options for implementation.

Background

Cultural River Precinct Structure Plan

5. DELWP is undertaking strategic work to implement Action 26 of the *Yarra River Action Plan, 2017* which seeks to work with Traditional Owners to map cultural values along the Yarra River.
6. A report on the core area of the precinct has been received by DELWP. This report outlines possibilities that may in turn inform the preparation of the draft Framework Plan.
7. A draft Framework Plan is planned for completion by the end of 2018.
8. Draft Planning Scheme Amendments have been prepared by the landowners of the Yarra Valley Country Club and the former Bulleen Drive-In.

Method

General

9. The Minister for Planning may seek additional advice from the Advisory Committee consistent with the Terms of Reference.
10. The Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
11. The Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two members.

Scope

12. The Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including but not limited to:

- a) relevant provisions of the *Planning and Environment Act 1987*, the Victoria Planning Provisions and *Plan Melbourne 2017 - 2050: Metropolitan Planning Strategy*;
- b) the relevant Planning Schemes, including any adopted plans or strategies;
- c) strategic work by government in the Yarra River-Bulleen Precinct, including the draft Framework Plan;
- d) relevant reports made public by the North-East Link Authority and relevant local councils regarding land use in the precinct;
- e) all relevant material submitted on behalf of landowners of the Yarra Valley Country Club and the Former Bulleen Drive-In;
- f) all submissions and evidence received; and
- g) any additional matters as directed by the Minister for Planning.

Process

Stage 1: Public Exhibition

- 13. DELWP must liaise with the Advisory Committee to agree:
 - a) the public exhibition dates;
 - b) the public briefing date;
 - c) a Directions Hearing date;
 - d) the Public Hearing dates.
- 14. The agreed dates are to be included on all exhibition notices.
- 15. DELWP will provide direct notice (by letter) inviting written submissions within a 20 business-day exhibition period, at a minimum, to:
 - a) Manningham City Council;
 - b) Boroondara City Council;
 - c) Banyule City Council;
 - d) North East Link Authority;
 - e) Melbourne Water;
 - f) Creative Victoria;
 - g) Birrarung Council;
 - h) Wurundjeri Tribe Council;
 - i) Parks Victoria;
 - j) VicRoads;
 - k) Relevant public land committees of management; and
 - l) any landowners and occupiers affected by government's strategic work in the Yarra River - Bulleen Precinct.
- 16. DELWP will place a notice in a local newspaper (where available) during the exhibition period.
- 17. The Advisory Committee is not expected to carry out any additional public notification or referral but may do so if it considers it to be appropriate.

Stage 2: Public Briefing and Submissions

- 18. The Advisory Committee will convene a public briefing session no less than two weeks after the commencement of the consultation period. The briefing will contain at least:

- a) An overview of the Advisory Committee process provided by the Advisory Committee; and
 - b) An overview of the Framework Plan provided by DELWP.
 - c) An overview of the draft planning scheme amendments provided by the land owners of the Yarra Valley Country Club and the Former Bulleen Drive-In.
19. Submitters will have 20 business days from the start of the exhibition period to lodge written submissions with the Advisory Committee.
20. Submissions will be collected at the office of PPV in accordance with the *Guide to Privacy at PPV*. Electronic copies of the submissions will be provided to each relevant council and DELWP. Electronic copies may also be provided to other submitters upon request.
21. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Advisory Committee matters.
22. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a Ministerial decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that material is to remain 'in camera'.
24. The Advisory Committee must consider all relevant submissions.

Stage 3: Public Hearing

25. The Advisory Committee will conduct a Directions Hearing as it sees fit.
26. The Advisory Committee is expected to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Submitters are not required to have professional representation at the hearing.
27. The Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.
28. Parties identified at Clause 14 are invited to present to the Advisory Committee.
29. The Advisory Committee may limit the time of parties appearing before it.
30. The Advisory Committee will manage and regulate any cross-examination to ensure it is directly relevant to its considerations and deliberations.

Stage 4: Outcomes

31. The Advisory Committee must produce a written report for the Minister for Planning providing the following:
- a) an assessment on the appropriateness of the draft Framework Plan and draft planning scheme amendments, considering relevant planning schemes and State and Local Planning Policy Frameworks;
 - b) whether the draft Framework Plan provides a sound basis for the preparation of a planning scheme amendment;
 - c) whether the draft planning scheme amendments should proceed;
 - d) whether there are any technical investigations that ought to be carried out before a planning scheme amendment is prepared ;
 - e) an assessment of submissions to the Advisory Committee;
 - f) any other relevant matters raised in the course of the Advisory Committee hearing;
 - g) a list of persons who made submissions considered by the Advisory Committee; and
 - h) a list of persons consulted or heard.

32. Following the completion of the report the Advisory Committee may deliver an oral briefing to Department staff, or the Minister for Planning.

Timing

33. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion hearings.

Fee

34. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
35. The costs of the Advisory Committee will be met by DELWP.

Hon Richard Wynne MP

Minister for Planning

Date: 17 October 2018

Addendum 1 to the Yarra River – Bulleen Precinct Advisory Committee Terms of Reference

(Version 1 signed by Minister for Planning 17 October 2018)

The Terms of Reference for the Yarra River – Bulleen Precinct Advisory Committee are amended as follows:

- A** After considering the advice of the Department of Environment, Land, Water and Planning and to provide for procedural clarity, I have decided to replace clause 33 of the Terms of Reference with:
33. (a) The Advisory Committee will conduct a Directions Hearing and a Public Hearing only after the issuing of a 'Minister's assessment' on the North East Link Project is made under the Environment Effects Act 1978.
- (b) The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion of hearings.
- B** After considering a request made by representatives of the Greek Orthodox Community of Melbourne and Victoria to withdraw a draft planning scheme amendment for land at 49 Greenaway Street Bulleen (the former Bulleen Drive-In), I have decided to replace clause 8 of the Terms of Reference with:
8. A draft planning scheme amendment has been prepared by the landowners of the Yarra Valley Country Club.
- C** After considering the same request made by representatives of the Greek Orthodox Community of Melbourne and Victoria I have also decided to replace clause 12(e) of the Terms of Reference with:
12. (e) all relevant material submitted on behalf of landowners of the Yarra Valley Country Club.
- D** After considering the same request made by representatives of the Greek Orthodox Community of Melbourne and Victoria I have also decided to replace clause 18(c) of the Terms of Reference with:
18. (c) An overview of the draft planning scheme amendments provided by the land owners of the Yarra Valley Country Club.

HON RICHARD WYNNE MP
Minister for Planning
23 / 06 / 2019

Addendum 2 to the Yarra River – Bulleen Precinct Advisory Committee Terms of Reference

(Version 1 signed by Minister for Planning 17 October 2018)

(Addendum 1 signed by Minister for Planning 23 June 2019)

The Terms of Reference for the Yarra River – Bulleen Precincts Advisory Committee are amended as follows:

- A** After considering a request made by representatives of the Yarra Valley Country Club and the advice of the Department of Environment, Land, Water and Planning, I have decided to replace Clause 4 of the Terms of Reference with:

Clause 4. The Advisory Committee is expected to make recommendations to the Minister for Planning about the draft Framework Plan and draft planning scheme amendment and development plan for the Yarra Valley Country Club in the precinct and options for implementation.

- B** After considering the same request made by representatives of the Yarra Valley Country Club, I have decided to replace Clause 8 of the Terms of Reference with:

Clause 8. A draft planning scheme amendment and development plan have been prepared by the landowners of the Yarra Valley Country Club.

- C** After considering the same request made by representatives of the Yarra Valley Country Club, I have decided to replace Clause 31a) of the Terms of Reference with:

Clause 31a). an assessment on the appropriateness of the draft Framework Plan, draft planning scheme amendment and development plan, considering the relevant planning schemes and State and Local Planning Policy Frameworks.

- D** To correct a drafting anomaly, replace Clause 31c) of the Terms of Reference with:

Clause 31c). whether the draft planning scheme amendment should proceed;

- E** To correct a drafting anomaly, replace Clause 28 of the Terms of Reference with:

Clause 28. Parties identified at Clause 15 are invited to present to the Advisory Committee.

HON RICHARD WYNNE MP

Minister for Planning

26 / 08 / 2020

Appendix B Submitters to the Land Use Framework Plan and the Amendment

No	Submitter	No	Submitter	No	Submitter
1	Sina Moshirvaziri	24*	Heide Museum of Modern Art	47	Neil Harvey
2	Con Sarantopoulos	25	Nicola Rooks	47	MAKE GSB Pty Ltd
3	Carole Dunn	26	Jonathan Wong	48	Tina Lyndon
4*	Janice, George and Simon Conisbee (Conisbee Family)	27	Vivian Simonelli	49	Jordan Weddle
5	Helen Boak	28	Birrarung Council	50	Manningham Inclusive Community Housing Inc
6	Judith Madeleine Delaney	29*	North East Link Project	51	Robert Morgan
7*	Colin Atkin	30	Roxene Carroll	52	Daryl Baker
8	Michelle Giovas	31	Matt Maguire	53	Riverland Conservation Society of Heidelberg Inc
9	Bernard Anthony Carolan	32*	Rosalie Jones	54	Templestowe United Football Club
10	Michael Anthony Connor	33*	Maudie Palmer AO and Eugene Howard*	55	Veneto Club
11	Members of Yarra Valley Country Club	34	Yarraleen Cricket Club	56	Yarra Valley Water
12	Barry Teese	35*	Parks Victoria	57	Grollo Industries Pty Ltd
13	Manningham City Council	36	Department of Transport	58	Canoes Plus Kayak Club / Canoes Plus Racing Team
14*	James Deane	37*	Yarra Riverkeeper Association	59	Gianna Romano
15	Warringal Conservation Society	38	Theo Eversteyn	60	Environment Protection Authority Victoria
16	Bulleen Industrial Zone Group	39	Valerie Bourke	61	Bicycle Network
17	Lyn Easton	40	Stefan Postles	62	Ted Kieca
18*	Melbourne Water Corporation	41	Natasha Reifschneider	63	Sanctum Studio, Bulleen Art & Garden
19	Delta Lucille Freedman	42	Wild Stride Fitness	64	Douglas Fullarton
20	YVCC Property Group Pty Ltd*	43	Chris Schultz	65	REAL Inc
21	Bulleen Art and Garden*	44	Sandra Webster	66	Michael Brooks
22*	Creative Victoria	45	James Baumgartner	67	HM Clause Pacific Pty Ltd
23	Sandra Willers	46	Neil Martins		

Notes: Manningham City Council provided two submissions to the original exhibition

* Submitter to the original exhibition provided a further submission to the re-exhibited documents

Submissions 39 and above were in response to re-exhibited documents

Appendix C Parties to the Hearing

Party	Represented by
Department of Land, Environment, Water and Planning	<p>Andrew Sherman of Russell Kennedy Lawyers, calling expert evidence on:</p> <ul style="list-style-type: none"> - stormwater engineering from Nina Barich of Incitus - traffic from Will de Waard of Traffix - urban design from Mark Sheppard of Kinetica
YVCC Property Group Pty Ltd	<p>Marita Foley SC and Jordan Wright of Counsel, instructed by Amanda Johns of Minter Ellison, calling expert evidence on:</p> <ul style="list-style-type: none"> - biodiversity from Steve Mueck of Biosis - cultural heritage from Gary Vines of Biosis - drainage and waterway from Valerie Mag of Stormy Water Solutions - economics from Rhys Quick of Urbis - geotechnical from Trevor O'Shannessy of Golder Associates - landscape from Barry Murphy of Barry Murphy Consulting - planning from Sophie Jordan of Sophie Jordan Consulting - social planning from Colleen Peterson of Ratio - traffic and car parking from Steve Hunt of Ratio - urban design from Tim Biles of Ratio - visual amenity from Christopher Goss of Orbit Solutions
Manningham City Council	<p>Daniel Robinson of Counsel instructed by Natalie Luketic of Harwood Andrews Lawyers, calling expert evidence on:</p> <ul style="list-style-type: none"> - hydrology from Scott Dunn of Engeny - planning from Robert Milner of Kinetica - terrestrial ecology from Dr Graeme Lorimer of Biosphere - traffic from Valentine Gnanakone of onemilegrid - urban design from Craig Czarny of Hansen Partnership
Ausnet	Tim Baumgarten and Denis Andrews
Banyule City Council	Fae Ballingall
Birrarung Council	Chris Chesterfield
Bulleen Art and Garden	Darren Wong of Planology and Meredith Plain
Department of Transport	Michael Freeman
Environment Protection Authority Victoria	Kaylee Thompson
Heide Museum of Modern Art	Timothy Sligo
HM Clause Pacific Pty Ltd represented	Andrew Gunter of Hunt and Hunt Lawyers and Eamon McEwan

James Deane	
Janice, George and Simon Conisbee	
Manningham Inclusive Community Housing Inc	Grant Purdy
Maudie Palmer AO and Eugene Howard	
North East Link Project	Chris Wiseman of Clayton Utz
REAL Inc	Carolyn Vimpani OAM
Sanctum Studio, Bulleen Art and Garden	Lachlan Plain
Ted Kieca	
Valerie Bourke	
Vitabeau	John Wong
Yarra Riverkeeper Association	Andrew Kelly

Appendix D Document list

No	Date	Description	Provided by
2018			
1	17 Oct	Advisory Committee Terms of Reference	Minister for Planning
2019			
2	23 Jun	Letter – Minister for Planning deferring the process, addendum 1 to Terms of Reference and removing Amendment C128mann	Minister for Planning
3	23 Jun	Advisory Committee Terms of Reference Addendum 1	Minister for Planning
2020			
4	26 Aug	Advisory Committee Terms of Reference Addendum 2	Minister for Planning
5	30 Sep	Letter – Directions Hearing notice	Ms Selvaraj
6	8 Oct	Letter – Manningham City Council to Advisory Committee: proposed hearing dates and Councils case	Ms Morris, Harwood Andrews
7	12 Oct	email – YVCC Property Pty Ltd (YVCCP) supporting Manningham City Council adjournment application	Ms Johns, Minter Ellison
8	13 Oct	Letter – DELWP to Advisory Committee: proposed adjournment of hearing	Mr Sherman, Russell Kennedy
9	16 Oct	Advisory Committee Directions and Hearing Timetable letter	Ms Selvaraj
10	18 Nov	Hearing Timetable (version 2)	Ms Selvaraj
11	27 Nov	Hearing Timetable (version 3) and distribution list (version 2)	Ms Selvaraj
12	7 Dec	Letter – Manningham City Council to Advisory Committee: its Part A Submission	Ms Morris
13	7 Dec	Letter – DELWP to Advisory Committee: response to Document 12	Mr Sherman
14	11 Dec	Letter – DELWP to Advisory Committee: guidance statement for draft Amendment C125mann	Mr Sherman
15	14 Dec	Letter – DELWP to Parties: seeking contact details of experts	Mr Sherman
16	15 Dec	Advisory Committee Directions (version 2), Hearing Timetable (version 4) and Distribution List (version 3)	Ms Selvaraj
17	14 Dec	email – Department of Transport confirming expert witness conference attendees	Mr Freeman, DoT
18	15 Dec	email – YVCCP update on expert witnesses	Ms Mann, Minter Ellison
19	24 Dec	Letter – YVCCP to Advisory Committee: proposed changes to the exhibited Development Plan Overlay Schedule 5 (DPO5)	Ms Mann
20	24 Dec	YVCC preferred DPO5 – version 1	Ms Mann
21	24 Dec	YVCCP preferred GRZ Schedule – version 1	Ms Mann

No	Date	Description	Provided by
2021			
22	4 Jan	Letter – YVCCP: differences between 2019 and 2020 exhibited Amendment	Ms Mann
23	11 Jan	Letter – YVCCP: Expert evidence	Ms Mann
24	11 Jan	Expert Evidence - Colleen Peterson (Social and economic impact)	Ms Mann
25	11 Jan	Expert Evidence – Stephen Hunt (Traffic)	Ms Mann
26	11 Jan	Expert Evidence – Valerie Mag (Drainage and hydrology)	Ms Mann
27	11 Jan	Expert Evidence – Stephen Mueck (Biodiversity)	Ms Mann
28	11 Jan	Expert Evidence – Gary Vines (Cultural heritage)	Ms Mann
29	11 Jan	Expert Evidence – Benjamin Taylor (Contamination)	Ms Mann
30	11 Jan	Expert Evidence – Rhys Quick (Economics)	Ms Mann
31	11 Jan	email – DELWP: Part A Submission and Expert evidence	Mr Meachem, Russell Kennedy
32	11 Jan	DELWP – Part A Submission	Mr Meachem
33	11 Jan	Expert Evidence – Will de Waard (Traffic)	Mr Meachem
34	11 Jan	Expert Evidence – Mark Sheppard (Urban design)	Mr Meachem
35	11 Jan	Expert Evidence – Nina Barich - Stormwater Management	Mr Meachem
36	11 Jan	Letter – Manningham City Council to Advisory Committee: Expert evidence	Ms Morris
37	11 Jan	Expert Evidence – Valentine Gnanakone (Traffic and transport)	Ms Morris
38	11 Jan	Expert Evidence – Rob Milner (Planning)	Ms Morris
39	11 Jan	Expert Evidence – Scott Dunn (Surface water hydrology)	Ms Morris
40	11 Jan	Expert Evidence – Graeme Lorimer (Terrestrial ecology)	Ms Morris
41	11 Jan	Expert Evidence – Craig Czarny (Urban design and landscape)	Ms Morris
42	11 Jan	Letter – YVCCP: request extension for late evidence	Ms Mann
43	11 Jan	email – PPV to Parties: YVCCP late evidence	Ms Selvaraj, PPV
44	12 Jan	email – DELWP to Advisory Committee: Request to defer Visual Urban Design expert witness conference and report	Mr Sherman
45	12 Jan	email – YVCCP: TuFlow Modelling and Biodiversity Assessment Report	Ms Mann
46	12 Jan	Biodiversity Assessment Report 2020 (Biosis)	Ms Mann
47	12 Jan	TuFlow modelling	Ms Mann
48	12 Jan	Email correspondence: summary of submission	Mr Sherman and Mr Purdy, MICH

No	Date	Description	Provided by
49	12 Jan	Letter – YVCCP: Late expert evidence	Ms Mann
50	12 Jan	Expert evidence – Sophie Jordan (Planning)	Ms Mann
51	12 Jan	Expert evidence – Tim Biles (Urban design)	Ms Mann
52	12 Jan	Expert evidence – Barry Murphy (Landscape and visual amenity)	Ms Mann
53	12 Jan	Expert evidence – Christopher Goss (Visual impact)	Ms Mann
54	12 Jan	Expert evidence – Christopher Goss (Visual impact): Annexure 1	Ms Mann
55	12 Jan	Expert evidence – Christopher Goss (Visual impact): Visual amenity document	Ms Mann
56	12 Jan	Expert evidence – Trevor O'Shannessy (Geotechnical)	Ms Mann
57	13 Jan	email – Advisory Committee response to request to defer visual urban design issues conclave and report	Ms Selvaraj
58	13 Jan	Committee Directions (version 2), Hearing Timetable (version 5) and Distribution List (version 4)	Ms Selvaraj
59	15 Jan	Committee Directions (version 2), Hearing Timetable (version 6) and Distribution List (version 5)	Ms Selvaraj
60	18 Jan	Draft YRB Precinct LUFP (Jan 2021) printed mark up	Mr Meachem
61	18 Jan	Expert evidence presentation – Nina Barich	Mr Meachem
62	18 Jan	Further submission – YVCCP: clarifying material	Ms Mann
62a	18 Jan	Expert evidence (addendum 1) – Mr Goss	Ms Mann
62b	18 Jan	Expert evidence – Mr Goss: Visual amenity document (addendum 1)	Ms Mann
63	18 Jan	Report – Traffic expert witness conference	Mr Meachem
64	18 Jan	Report – Stormwater expert witness conference	Mr Meachem
65	18 Jan	DELWP Part B submission	Mr Meachem
66	18 Jan	emails – between Ausnet and Mushan Architects, 19 October 2020	Ms Mann
67	18 Jan	email – between Ausnet and Ratio, October to November 2020	Ms Mann
68	18 Jan	YVCCP opening submission for 19 January 2021	Ms Mann
69	19 Jan	Victorian Government Gazette G23, 6 June 2019	Mr Meachem
70	19 Jan	YVCCP draft submission schedule	Ms Mann
71	20 Jan	Report – Yarra Valley Country Club Outline Development Plan, CMA, 4 December 2020 with four attachments	Ms Mann
72	20 Jan	Maps – North East Link certified project area	Ms Mann
73	20 Jan	Report – Yarra Valley Country Club Valuation, M3 Property, 12 October 2020	Ms Mann

No	Date	Description	Provided by
74	27 Jan	Report – Urban design expert witness conference	Mr Sherman
75	27 Jan	Expert evidence presentation – Mr Sheppard	Mr Sherman
76	27 Jan	Letter – Advisory Committee to Ausnet	Ms Selvaraj
77	27 Jan	Letter – Minter Ellison to Advisory Committee: Explaining YVCCP management structure	Ms Mann
78	27 Jan	Response to Advisory Committee question – from Mr Quick dated 21 January 21	Ms Mann
79	27 Jan	Committee Directions (version 3), Hearing Timetable (version 7) and Distribution List (version 5)	Ms Selvaraj
80	28 Jan	Letter – YVCCP: Development Plan provided to Ausnet Services	Ms Mann
81	29 Jan	Expert evidence (supplementary) – Dr Graeme Lorimer	Ms Garreffa
82	30 Jan	email – from Environment Protection Authority, 29 January 2021	Ms Thompson
83a	1 Feb	email – from Minter Ellison, 1 February 2021	Ms Mann
83b	1 Feb	Sections: Proposed northern batter: 9-15 Templestowe Road, Mr Murphy	Ms Mann
83c	1 Feb	Plan – Indicative grading: 9-15 Templestowe Road, Mr Murphy	Ms Mann
83d	1 Feb	Plans – Civil catchment: 9-15 Templestowe Road, CJ Arms	Ms Mann
83e	1 Feb	Plans – Civic (14265 2B revE): 9-15 Templestowe Road, CJ Arms	Ms Mann
83f	1 Feb	Report – Landscape architecture: 9-15 Templestowe Road, CJ Arms, 2 December 2020	Ms Mann
83g	1 Feb	Plan – Stormwater management (Rev 11): 9-15 Templestowe Road, CJ Arms	Ms Mann
83h	1 Feb	Tuflow Memo – Appendix: 9-15 Templestowe Road, CJ Arms	Ms Mann
83i	1 Feb	Tuflow modelling summary (draft): 9-15 Templestowe Road, CJ Arms, 9 December 2020	Ms Mann
84	3 Feb	email – From Harwood Andrews: Engeny Flood Modelling	Ms Garreffa
85	3 Feb	Report – DELWP Draft Urban Design Review, David Lock Associates, 12 April 2019	Mr Meachem
86	3 Feb	Expert evidence – Mr Goss: Visual amenity document (addendum 2)	Ms Mann
87	3 Feb	Expert evidence (addendum 2) – Mr Goss	Ms Mann
88	4 Feb	Building height details: response to Committee	Ms Mann
89	4 Feb	Hearing presentation – Manningham Inclusive Community Housing Inc (MICH Inc)	Mr Purdy
90	4 Feb	Hearing submission – MICH Inc	Mr Purdy
91	5 Feb	Letter – YVCCP: Earthworks Contour Plan (Revision D Plan)	Ms Mann

No	Date	Description	Provided by
92	5 Feb	Plan – Earthwork Contour Plan (14265 2B revD) 9-15 Templestowe Road, CJ Arms - Barry Murphy mark up	Ms Mann
93	5 Feb	email – From Minter Ellison: Order of witnesses and expert evidence presentations, 5 February 2021	Ms Mann
94	5 Feb	Expert evidence presentation – Mr Murphy	Ms Mann
95	5 Feb	Expert evidence presentation – Mr Biles	Ms Mann
96a	5 Feb	email – DELWP request to extend time for circulating revised LUPF Section 5 objectives	Mr Meachem
96b	5 Feb	Advisory Committee response to Document 96a	Ms Selvaraj
97	8 Feb	DELWP revised LUPF Section 5 objectives (clean)	Mr Meachem
97b	8 Feb	DELWP revised LUPF Section 5 objectives (tracked changes)	Mr Meachem
98a	8 Feb	Land title certificates: - Vol 10316 Fol 589, Lot 1 on Plan of Subdivision 349396Y - Vol 10316 Fol 590, Reserve 1 on Plan of Subdivision 349396Y - Vol 11721 Fol 217, Crown Allotment 15 Section A	Mr Meachem
98b	8 Feb	Banyule Flats Cultural Study Overview Document, Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, DELWP	Mr Meachem
99a	9 Feb	YVCCP preferred DPO5 – version 2 (clean)	Ms Mann
99b	9 Feb	YVCCP preferred DPO5 – version 2 (tracked changes since version 1 [Document 20])	Ms Mann
100	9 Feb	Hearing submission – YVCC Property	Ms Mann
101	12 Feb	Advisory Committee Directions (version 3), Hearing Timetable (version 8) and Distribution List (version 5)	Ms Selvaraj
102	12 Feb	Hearing submission – NELP	Mr Wiseman
103	12 Feb	Templestowe Road soccer facilities (27-59 Templestowe Road) Master Plan NEL Project, October 2020 (Approved)	Mr Wiseman
104	14 Feb	Manningham Affordable Housing policy action plan 2010-2020	Mr Purdy
105	14 Feb	Manningham Residential Strategy 2012	Mr Purdy
106	14 Feb	Hearing submission – Sanctum Studio, Bulleen Art and Garden	Mr Plain
107	14 Feb	Hearing presentation – Sanctum Studio, Bulleen Art and Garden	Mr Plain
108	14 Feb	Hearing submission – James Deane	Mr Deane
109	15 Feb	Hearing submission – Friends of Banyule	Ms Giovas
110	15 Feb	Hearing presentation – Friends of Banyule	Ms Giovas
111	15 Feb	Hearing presentation – HM Clause Pty Ltd	Mr Gunter
112	15 Feb	Hearing submission – Vitabeau Pty Ltd	Mr Wong

No	Date	Description	Provided by
113	15 Feb	Hearing presentation – James Deane	Mr Deane
114	16 Feb	email – Advisory Committee to YVCC Property requesting maximum building heights for DPO5 Figure 2 and Table 1	Ms Selvaraj
115	17 Feb	Plan – Building Heights above existing ground level	Ms Mann
116	18 Feb	Hearing submission – Parks Victoria	Mr Hatwal, Parks Victoria
117	18 Feb	Advisory Committee notice of ‘without prejudice’ drafting process	Ms Selvaraj
118	19 Feb	Hearing submission – EPA Victoria	Ms Thompson
119	19 Feb	NELP response to Advisory Committee questions	Mr Wiseman
120a	19 Feb	Email – from YVCC Property explaining attachments	Ms Mann
120b	19 Feb	Plan – Building Heights above the existing ground (revised)	Ms Mann
120c	19 Feb	DPO5 Table 1 showing building heights above the ground	Ms Mann
121	19 Feb	Hearing submission – REAL Inc	Ms Vimpani
122	19 Feb	Hearing presentation – REAL Inc	Ms Vimpani
123	19 Feb	Advisory Committee Directions (version 4), Hearing Timetable (version 9) and Distribution List (version 5)	Ms Selvaraj
124	24 Feb	Hearing submission – Manningham City Council	Ms Luketic
125	24 Feb	email – DELWP: regarding DDO and SLO	Mr Meachem
126	24 Feb	email – Advisory Committee Direction 33	Ms Selvaraj
127a	24 Feb	Without prejudice draft LUFPP objectives (tracked) – MICH Inc	Mr Purdy
127b	24 Feb	Without prejudice draft DPO5 (tracked) – MICH Inc	Mr Purdy
128	24 Feb	Closing submission – DELWP (extract): YVCC property details	Mr Meachem
129a	24 Feb	Hearing submission – Department of Transport with appendices:	Mr Freeman
129b	24 Feb	A: Movement and Place in Victoria, Department of Transport, February 2019	Mr Freeman
129c	24 Feb	B: YVCC intersection and access proposals, 10 May 2016	Mr Freeman
130	25 Feb	Hearing submission – Yarra Riverkeeper Association	Mr Kelly
131	25 Feb	Hearing presentation – Yarra Riverkeeper Association	Mr Kelly
132	25 Feb	Hearing presentation – Bulleen Art and Garden Centre Pty Ltd	Ms Lee
133	26 Feb	email – Advisory Committee Directions 37 and 38	Ms Selvaraj
134	26 Feb	Without prejudice draft LUFPP objectives (tracked) – NELP	Mr Wiseman
135a	26 Feb	Without prejudice draft DPO5 (clean) – YVCCP	Ms Mann
135b	26 Feb	Without prejudice draft DPO5 (tracked) – YVCCP	Ms Mann

No	Date	Description	Provided by
136	26 Feb	Closing submission – HM Clause Pty Ltd	Mr Gunter
137a	26 Feb	Closing submission – DELWP with annexures:	Mr Meachem
137b	26 Feb	A: Without prejudice draft LUFP objectives (clean) – DELWP	Mr Meachem
137c	26 Feb	A: Without prejudice draft LUFP objectives (tracked) – DELWP	Mr Meachem
137d	26 Feb	B: Without prejudice draft DPO5 (tracked) – DELWP	Mr Meachem
137e	26 Feb	C: Cultural precinct overview and map	Mr Meachem
137f	26 Feb	D: Consultation overview	Mr Meachem
138a	26 Feb	email – from Manningham Council with drafting response	Ms Luketic
138b	26 Feb	Without prejudice draft DPO5 (tracked) – Manningham Council	Ms Luketic
138c	26 Feb	Without prejudice draft LUFP objectives (tracked) – Manningham Council	Ms Luketic
139	26 Feb	Hearing submission – Bulleen Art and Garden Centre Pty Ltd	Ms Plain
140a	28 Feb	Closing submission – YVCCP	Ms Mann
140b	28 Feb	Letter – Manningham Council to DELWP, 7 July 2020	Ms Mann
141	1 Mar	Information regarding three properties near Bridge Street and Templestowe Road	Ms Luketic
142	1 Mar	Complaints received by Manningham Council about Sonoco	Ms Luketic
143	1 Mar	Birrarung Park upgrade changes proposal	Mr Kieca
144	1 Mar	NELP updated changes to draft LUFP Objective 3.2	Mr Wiseman

Appendix E Committee recommended Land Use Framework Plan content

Shown without tracked changes for legibility.

ABORIGINAL ACKNOWLEDGEMENT

The Wurundjeri Woi Wurrung people are Traditional Owners of the lands of the *Birrarung* – the Yarra River.

We recognise and respect Traditional Owners rights and responsibilities in Caring for Country.

Aboriginal people have lived on the land now called Melbourne for tens of thousands of years.

We acknowledge Aboriginal people as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we rely.

We recognise and value the ongoing contribution of Aboriginal people and communities to Victoria and how this enriches us.

We embrace the spirit of reconciliation.

We're committed to self-determination, working closely with Aboriginal communities to drive action and improve outcomes.

1.0 INTRODUCTION

1.1 OVERVIEW

The Yarra River (Birrarung) plays a central role in the liveability of Melbourne. The river not only provides water to the city, but also supports the social, cultural, economic and recreational needs of communities along its 242-kilometre length. The riparian zone – the riverbanks and the land adjacent to the river – is also a significant biodiversity corridor. Indigenous plants and animals thrive here, providing Melburnians unique opportunities to connect with nature.

Of special importance is the stretch downstream from the confluence with the Plenty River, where the Yarra River bends its way south-westward through Lower Templestowe, Heidelberg and Bulleen. This suburban segment of the river is home to extensive parklands and distinctive natural and cultural places. It contains the last significant remnants of the network of billabongs and riparian woodlands, featuring centuries-old River Red Gums, that were once a common feature of the river throughout our city. It has inspired generations of artists associated with the Heidelberg School and modernist art movements.

The critical need to plan for the future of the Yarra River – Bulleen Precinct (the study area) was identified by the Yarra River Protection Ministerial Advisory Committee, which recommended the development of an integrated plan to provide direction to future land use changes for the area.

Action 21 of the Victorian Government's *Yarra River Action Plan (2017)* committed to the preparation of a framework plan. The potential for the study area to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage, was recognised.

The study area contains important Crown parklands that are part of the Greater Yarra Urban Parklands – declared under the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017*

– identifying them as part of an urban natural entity of state significant parklands stretching from Melbourne’s urban growth boundary to the heart of the city. Together with the Yarra River itself, these parklands are recognised as a magnificent natural asset that is key to Melbourne’s liveability and vitality.

The Yarra River - Bulleen Precinct is also subject to transitioning land uses brought about by development and infrastructure pressures. It is critical that changes in land use are managed carefully and deliver the best environmental and community outcomes.

This draft Yarra River – Bulleen Precinct Land Use Framework Plan has been developed to translate the values and ambitions of the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017*, aiming to ‘keep the Yarra (Birrarung) alive’. The draft Framework Plan outlines a vision and principles to guide land use and connections in the study area over the long term. Detailed objectives for the study area set out a road map for achieving this vision. In summary, the draft Framework Plan proposes:

- Reconnected parklands and ecological landscapes, increasing the open space footprint and filling in the gaps of the Greater Yarra Urban Parklands.
- Improved walking and cycling routes that ‘knit’ together key places within the study area and beyond, including to public transport routes and activity centres. This will result in better community access and connection to the Yarra River and reinforce the study area’s role as a cultural and recreational destination.
- An internationally significant cultural place, centred on the relationship between the arts, nature and Traditional Owner heritage, with Heide Museum of Modern Art to be expanded and two potential new cultural hubs established.
- A complementary mix of uses, where public and private uses are better connected and add value to each other.

The Framework Plan provides certainty to local communities, landowners and developers by prioritising the amenity and character of the Yarra River and balancing the need for change in the study area with the protection of the river for the benefit of current and future generations.

1.2 YARRA RIVER – BULLEEN PRECINCT ADVISORY COMMITTEE

In October 2018, the Minister for Planning appointed an advisory committee under section 151 of the *Planning and Environment Act 1987* to provide advice about the Yarra River – Bulleen Precinct.

The purpose of the advisory committee was to provide the Minister for Planning with strategic and statutory planning advice on the future of the study area, including by making recommendations about the draft Framework Plan.

At Hearings in January – March 2021 the advisory committee considered submissions and expert evidence on the 2019 and 2020 Consultation Drafts of the *Yarra River – Bulleen Precinct Land Use Framework Plan* as well as a draft planning scheme amendment for the Yarra Valley Country Club (YVCC) site.

The advisory committee made their recommendations to the Minister for Planning in April 2021.

Recommendations of the advisory committee have informed the finalisation of the *Yarra River – Bulleen Precinct Land Use Framework Plan*.

1.3 STRATEGIC SUMMARY

The strategic summary, overleaf, summarises consultation findings and the vision, principles and objectives of this Framework Plan.

Detailed information is included in the body of the report.

‘The precinct has the opportunity to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage’

Yarra River Action Plan (2017)

STRATEGIC SUMMARY –
Update to reflect recommended content elsewhere in this document

MAP 1: STUDY AREA – with changes recommended elsewhere in this document

2.0 SETTING AND CONTEXT

2.1 POLICY AND STRATEGIC CONTEXT

The study area covers an area of the Yarra River corridor through the suburbs of Lower Templestowe, Heidelberg and Bulleen, shown in Map 1.

This Framework Plan has been developed with recognition of the existing legislative, policy and strategic framework aimed at protecting the Yarra River, and with the goal of balancing the impacts of development with the waterway’s intrinsic values. The following sections provide an overview of this policy and strategic context.

Plan Melbourne 2017-2050

Plan Melbourne 2017–2050, the city’s metropolitan strategy, recognises the contribution that the Yarra River and its parklands have made in shaping the city’s development. Plan Melbourne directs that these parklands should be protected, enhanced, and supported by a network of green spaces to encourage biodiversity conservation and the restoration of natural habitats. Key Plan Melbourne policies relevant to the Framework Plan include:

- **Policy 4.1.4: Protect and enhance the metropolitan water’s edge parklands:** The first step in protecting parklands on the edge of the Yarra River is the establishment of the Great(er) Yarra (Urban) Parklands stretching from Warrandyte to Port Phillip Bay.
- **Policy 4.2.2: Support the growth and development of Melbourne’s cultural precincts and creative industries:** Ensure spaces and facilities are created that

encourage cultural innovation and new forms of artistic expression throughout the metropolitan area.

- **Policy 6.5.1: Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature:** Melbourne's network of green spaces is made up of a range of both public and private spaces to connect people with nature and retain habitat areas for biodiversity conservation. Existing green spaces will need to be protected while new spaces are created to increase and improve landscape connectivity.
- **Policy 6.5.2: Protect and enhance the health of urban waterways:** There are a range of challenges for the health of Melbourne's waterways, such as climate change and population growth. This policy notes that water-sensitive urban design and stormwater harvesting allow for the retention of stormwater in the landscape – necessary to secure the health of the city's waterways and bays.

Plan Melbourne 2017–2050 also calls for the protection and management of sites of Aboriginal and post-European settlement cultural heritage. Protection of these sites will ensure they are available for present and future generations.

Yarra River protection

Through a comprehensive suite of reforms as part of the Yarra River protection program, the Victorian Government is working to secure the future of the river as an integral part of Melbourne's liveability and vitality. The reforms reflect the Yarra River's social, environmental and economic importance to Victoria.

Central to the program is the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* (the Yarra River Protection Act). This provides for the management and protection of the Yarra River and its public lands as one living and integrated natural entity through the development and implementation of a Yarra Strategic Plan and establishes the Birrarung Council to act as the 'voice of the Yarra River'.

As part of the Yarra River corridor, public land in the study area is subject to the provisions of the Yarra River Protection Act, including:

- **Social principle:** The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.
- **Recreational principle:** Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced in designing and managing public open space for compatible multiple uses that optimise community benefit.
- **Environmental principle:** There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.
- The Framework Plan has been informed by the requirement in the Yarra River Protection Act for to consider 'net gain for the environment in the area of Yarra River land (public land) from any individual action or policy that has an environmental impact'. The Framework Plan will provide significant net gain by, over time, bringing into public ownership more than 35.7 hectares of land which has been subject to the Public Acquisition Overlay for proposed open space since

the 1970s. This includes land where habitat restoration, revegetation initiatives and revival the precinct's billabong network can take place.

Yarra River Action Plan

The Victorian Government's *Yarra River Action Plan* (2017) identifies a suite of strategic, legislative and policy actions to ensure the long-term health of the waterway and its lands. These actions are aimed at better connecting Victorians with the environment, protecting the health of waterways and parklands, and understanding that creating a greener, healthier city is not just good for the community but good for our economy.

The *Yarra River Action Plan* recognises that the Yarra River is more than a waterway; it is about the parklands and green open spaces that line its banks, the communities that live along its path and the sporting and recreational clubs that use its waters and lands.

This Framework Plan has been developed in direct response to Action 21 in the *Yarra River Action Plan*, which calls for development in the short-term of:

'a precinct structure plan to provide direction to the future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats. This precinct has the opportunity to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage. The precinct has a number of public acquisition overlays and land use opportunities that should be reviewed as a whole to provide certainty to landowners and developers.'

Yarra Strategic Plan

A key feature of the Yarra River Protection Act is the requirement to develop and implement an overarching plan for the length of the river to be known as the Yarra Strategic Plan. The landmark plan, currently in draft, is an integrated river corridor strategy driven by a 50-year community vision. The vision was established in 2018 through a community and stakeholder engagement process led by Melbourne Water.

The Yarra Strategic Plan will enable agencies to plan, protect and manage the Yarra River corridor as one living, integrated natural entity. It will act as an overarching strategy to integrate the many plans, regulations and investment programs of the various agencies and organisations that help manage the Yarra River. The Yarra Strategic Plan will also enable collaborative management of the river with Traditional Owners.

In accordance with provisions in the Yarra River Protection Act, the Yarra Strategic Plan will include a framework plan that:

- creates a spatial structure for the future use and development of the Yarra River corridor
- identifies areas for protection.

To ensure a unified approach to the study area, this Framework Plan aligns with and is complementary to the broader regional framework set out in the Yarra Strategic Plan. The Yarra Strategic Plan will be finalised consistent with the endorsement and approval process outlined in the Yarra River Protection Act.

In keeping with the 50-year community vision established as part of the Yarra Strategic Plan process, this Framework Plan includes an aligned community vision that reflects the

significant values attached to the study area and its important cultural and recreational role in the Yarra River corridor and in Melbourne more broadly.

Bulleen-Banyule Flats Cultural Values Study

The Bulleen-Banyule Flats Cultural Values Study, undertaken by the Wurundjeri Woi Wurrung, documents the tangible and intangible Traditional Owner values associated with the study area. Identified values relate to beliefs, customs, historic figures, specific places, the history of frontier relations, traditional utilisation of the landscape and the archaeological record.

A significant finding of the study is that Wurundjeri Woi Wurrung people understand the study area as an integrated cultural landscape. The study also emphasises the importance of cultural renewal – including maintaining cultural activities on Country and protecting and enhancing both tangible and intangible place-based values.

This Framework Plan aims to further the specific Wurundjeri Woi Wurrung aspirations for the study area, building on the Wurundjeri Woi Wurrung Water Policy, *'Nhanbu narrun ba ngargunin twarn Birrarung – Ancient Spirit and Lore of the Yarra'* developed in 2017. Learnings from the Bulleen-Banyule Flats Cultural Values Study have been integrated with this Framework Plan, including:

- support for retuning parkland and ecological connections
- the need to avoid impacts to identified cultural values and to not disturb areas of cultural significance
- the desire to establish a cultural place for Wurundjeri Woi Wurrung people at the Plenty River confluence.

For further information on the *Yarra Strategic Plan* and its 50-year community vision, visit: imaginetheyarra.com.au

State planning policy

State planning policy stresses the importance of protecting the vegetation and landscape along the Yarra River to ensure that development preserves the local landscape setting. Notably:

- Clause 12.03-1S identifies the strategic need to protect the Yarra (and other major waterways) as a significant economic, environmental and cultural asset as well as ensuring that development along these waterways responds to and respects the significant assets of these spaces.
- Clause 12.03-1R relates to the protection of the Yarra River, and the sole objective is to maintain and enhance the natural landscape character of the Yarra River corridor.
- Clause 19.02-6S aims to ensure that open space networks are linked through the provision of walking and cycling trails.
- Clause 19.02-6R seeks to ensure that continuous open space links and trails are created along the Yarra River parklands, extending from Warrandyte to the Port Phillip Bay.

Stronger planning controls

In 2017 the Victorian Government introduced stronger, consistent planning controls to protect the Yarra River from inappropriate development. The controls introduce mandatory height limits, establish minimum setbacks from the river's edge, help protect vegetation and address overshadowing of the river. Introduced on an interim basis, the controls are due to be finalised on a permanent basis in 2021.

In June 2020, the Minister for Planning announced his intention to implement the controls on a permanent basis following a review of their effectiveness to date.

For further information visit: planning.vic.gov.au.

Local planning policy

The study area incorporates parts of two local government areas: Manningham and Banyule. The planning schemes for these two municipalities include both state and local policy content that seeks to protect and enhance the natural environment.

Both planning schemes focus on linking natural environments along the Yarra River and require that developments protect and enhance the natural environment. Notable local policies within these schemes are outlined below.

Banyule Planning Scheme

- Clause 21.03 (Cultural Heritage) sets out key issues relating to cultural heritage, noting 'cultural heritage places, including buildings and structures, areas or groups of buildings (heritage precincts), archaeological sites, trees, landscapes, and Aboriginal sites, places and objects require improved understanding, protection and conservation'.
- Clause 21.05 (Natural Environment) outlines objectives and strategies aimed at addressing key natural environment issues, with a key objective being the need to '*protect, conserve and enhance areas of floral, faunal and habitat significance*'. Strategies to achieve this include the linking of open spaces and discouraging land uses or developments that will detrimentally affect the municipality's environmental and conservation values.

Manningham Planning Scheme

- Clause 21.13 (Open Space and Tourism) seeks to develop local tourism facilities that enhance local environmental features, landscape qualities, local character and cultural heritage. Historic and modern arts, heritage and cultural assets, natural assets and Aboriginal culture are identified areas of focus alongside the objective of promoting "*Manningham's competitive strengths including the attraction of investment capital in tourism.*"
- Clause 21.07 (Green Wedge and Yarra River Corridor) notes that there are few opportunities for development within the Yarra River corridor (and green wedge). The clause notes that:

- *'the challenge for the municipality is to provide for sustainable land use and development in these areas while achieving a net gain of native vegetation'*
- *'development should protect and enhance the natural environment, including the Yarra River and other waterways, topography, open space, habitat and fauna links within the green wedge and Yarra River corridor'.*
- Clause 22.11 (Heritage) identifies a range of objectives and strategies in the protection of cultural heritage assets, key objectives for which include:
 - *'to enhance cultural heritage through the retention and protection of significant buildings, precincts, trees and landscapes'*
 - *to protect sites of archaeological significance'.*

Key strategies include the need to:

- *'identify and assess the cultural significance of heritage places and sites of archaeological significance'*
- *'encourage initiatives that preserve and enhance Manningham's cultural heritage'.*

Public Acquisition Overlay

The Public Acquisition Overlay (PAO) is applied to several private land parcels within the study area. The majority of these were put in place in 1975 for the purposes of conservation, recognition of landscape value, protection of the Yarra River frontage and provision of parkland linkages to north side of the river.

The PAO is preserving long-term opportunities for the Victorian Government to deliver better social, environmental and economic outcomes for communities through the strategic acquisition of land.

Currently, private property holdings create major gaps in the public land footprint of the Yarra River and represent barriers to access and connectivity.

Planning Scheme Amendment C132mann was approved in December 2020, enabling private land at 37-59 Templestowe Road Bulleen, which is subject to a PAO as future public open space, to be acquired on behalf of the Victorian Government for an expansion of parklands for recreation and conservation purposes.

The PAO has also been applied to facilitate road improvements, including the widening of Templestowe Road.

Management of land

Land within the study area is managed by a range of public and private entities, including Parks Victoria, local government, the Heide Museum of Modern Art and private landholders.

Some areas are managed in partnership with others, such as friends' groups, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and Melbourne Water.

Map 2 shows the status of land ownership and management and identifies land subject to the PAO.

MAP 2: LAND STATUS – include associated recommended changes

2.2 OTHER PROJECTS

A number of important projects focusing on the study area are currently underway. The following projects have been considered in the development of the Framework Plan.

Project	Agencies	Detail
Banyule Flats Conservation Project	Banyule Council	Development and enhancement of existing connectivity corridors, particularly along drainage lines at ground level and above. Restoration of wetlands and Banyule Swamp.
Bolin-Bolin Billabong Rehabilitation Project	Melbourne Water, Parks Victoria, Manningham Council, Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation	Major rehabilitation works at Bolin Bolin Billabong. The project aims to restore natural water inflow regimes and rehabilitate the surrounding environment. This will improve habitat for local wildlife as well as amenity for people using the area.
Duplication of Templestowe Road	Department of Transport	Preparation of a business case, design work and staging options for the duplication and upgrade of Templestowe Road.
Heide Masterplan	Heide, Creative Victoria	Masterplan for the expansion of Heide Museum of Modern Art, including a new gallery building, enhanced circulation and landscaping and additional carparking. The project includes exploring opportunities with the Wurundjeri Woi Wurrung to showcase the pre-contact landscape in Heide's riparian zone, restore the cultural and ecological integrity of the area, and to advance visitor understanding of traditional ownership.
Heidelberg Activity Centre Structure Plan	Banyule City Council	A new structure plan being developed for the Heidelberg Activity Centre. This aims to build on Heidelberg's unique features and produce a new community focused plan which delivers more jobs, attracts vibrant businesses, supports diverse and well-designed housing, is better connected and has inviting public open spaces
Koonung Creek Linear Park Pathway Connection	Manningham Council, Boroondara Council	Investigation (as part of the Koonung Creek Linear Trail Management Plan) of a pedestrian link to create a circuit at the southern end of the Bolin-Bolin Cultural Heritage Trail Site.
Banksia Park Bridge	Manningham City Council	Planning for a new pedestrian bridge connection over the Yarra River at Banksia Park, connecting to the Main Yarra Trail through Yarra Street, Heidelberg and to the Heidelberg Activity Centre and train station.
North East Link	Major Transport Infrastructure Authority	New road link to connect the Eastern Freeway and the M80 Ring Road in Melbourne's north-east. Tunnelling along a north-south alignment through the precinct, the link will

		include a significant interchange at Manningham Road.
Templestowe Road Soccer Facilities	North East Link	Planning Scheme Amendment C132 to the Manningham Planning Scheme was approved in December 2020 enabling land at 27- 59 Templestowe Road, Bulleen to be redeveloped including for three new soccer pitches, a sports pavilion, carparking and an upgraded Yarra River frontage.
Yarra Flats Park Restoration	Melbourne Water	Planning to improve the quality of the stormwater runoff from the adjacent residential areas. The proposal is part of Melbourne Water's overall plan to improve the health of the Yarra River.
Yarra Strategic Plan	Melbourne Water	This landmark plan will be a single, integrated river corridor plan to give effect to the Yarra River 50-Year Community Vision (2018), enable collaborative management of the river with Traditional Owners, guide localised planning and ensure management of the Yarra River as one living and integrated natural entity.

2.3 COMMUNITY VIEWS AND VALUES

In 2018 the Victorian Government consulted with the community on the future directions for land use and development within the study area. Through a range of face-to-face and online engagement activities, the following priorities were identified:

The health of the Yarra River is of paramount importance

- Environmental health is integral to the sense of connection to the Yarra River and the study area.
- The natural 'bushland' feel of the study area needs to be preserved and enhanced.

Celebrate cultural and heritage values

- The intrinsic link between the natural landscape and Aboriginal culture and practices should be recognised.
- Work with the Wurundjeri Woi Wurrung People to share and celebrate culture and heritage.

Protect the visual landscape through land use planning

- Protect natural spaces and ensure any future developments in the study area complement – and are sensitive to – the natural environment.
- Any development should be low key and responsive to the Yarra River corridor setting.

Community use and access needs to be improved

- Improve connections between pedestrian and cycling paths, including new river crossings.
- Create additional connections to the Yarra River, to parklands and natural areas.
- There should be more, well-designed sporting and recreation opportunities in the study area, accessible to an increasingly diverse community.

- We need to carefully balance community use and access with protecting the environment.
- As part of any development at the Yarra Valley Country Club, it would be good if it could be returned to public, including for new wetlands.
- Land at the former Bulleen Drive-in site could be used for rehabilitation and the restoration of indigenous vegetation.

Create a 'world class cultural precinct'

- Create a hub that attracts visitors and builds on existing cultural places, Traditional Owners' history and culture, and features educational opportunities and community spaces that complement the existing landscape.
- Expand the Heide Museum of Modern Art to grow the arts focus of the study area.
- Ensure strong governance is in place to deliver on the community's vision for the study area.

2.4 WHAT IS SPECIAL?

NEW MAP ON WATER:

Show features such as hydrological features, floodplain, billabongs

The study area is a unique part of the Yarra River that encompasses significant sections of the Greater Yarra Urban Parklands. Over time, with Melbourne's projected population growth and the impacts of climate change, this impressive cultural landscape will become even more important.

This study area is defined by some remarkable features:

- Evolution of the landscape: A high concentration of remnant landscapes, including a network of billabongs and riparian woodlands, that continue to play an important ecological and cultural role and provide uniquely immersive experiences close to Melbourne's central city area.
- Traditional Owner connection to Country: A integrated cultural landscape at a confluence of songlines, including several highly significant cultural places and associated meanings for the Wurundjeri Woi Wurrung people.
- Colonial and modern art practice: The inspiration and founding place for Australia's early artists, the Heidelberg School and the nexus of Australia's modern art movement, the Heide Museum of Modern Art.
- Melbourne's environmentalist lineage: A significant site of environmental activism and stewardship over time.
- Melbourne's great parklands: A diverse and extensive urban open space network, offering a range of landscape experiences and uses, accessible to the communities of Melbourne.

Overall, the cultural and environmental values embodied in the study area tell important stories of Melbourne's continuing relationship to the Yarra River.

Making the right decisions to protect and enhance these values will set an important precedent for the long-term protection and enjoyment of the river into the future.

Evolution of the landscape

For generations the Yarra River landscape has been managed and cultivated by its Traditional Owners – the Wurundjeri Woi Wurrung – through the changing seasons of the year.

The greater Yarra River is an important ecosystem – one that has been largely spared by development due to its topography, geomorphology and flood-prone nature. It is an important ecological corridor, linking habitats along its length and across a broader network of tributaries.

The study area has been shaped by long-term geomorphological processes, resulting in a unique landscape characterised by expansive, flat areas punctuated by steep and rocky escarpments. The area includes diverse natural and modified landscapes ranging from bushland, open pastoral land, rivers, billabongs, tributaries, floodplains and open grassy parklands resulting of generations of indigenous fire management. The landscape has retained much of its pre-contact conditions and character through the past two centuries, in turn shaping the study area's ecological characteristics, cultural history and identity.

The study area contains large areas of remnant indigenous vegetation – mainly floodplain riparian woodland containing River Red Gums, Silver Wattles, Currant Bush Tea Tree, River Bottle Brush and Sword and Common Tussock Grasses. The vegetation comprises of 16 ecological vegetation classes, including eight that are endangered. In total, there are around 600 species of flora. Further upstream, the landscape transitions to riparian forest and woodland, characterised by Manna Gum, Silver Wattle and Blackwood.

Across this landscape are a network of wetlands and billabongs that flood intermittently and provide important habitat to threatened plant species, threatened and migratory bird species, and native fish and frog species. Flooding is a key attribute of the landscape, essential to the health of indigenous habitats and ecosystems. Changes to water flows resulting from climate change and upstream extractions have decreased the frequency of flooding and in course altered the landscape.

Around 230 fauna species call the parklands home, with the presence of powerful owls and platypus in the precinct being especially valued.

Various threats impact and change the landscape character, such as pest plant and animal species, changes in burning regimes, soil erosion and changes to flooding regimes and waterway flow levels as well as broader climate change impacts. In parallel various ecological and revegetation initiatives are helping to protect, conserve and enhance parts of the landscape.

'The requirement to touch the land and waterways lightly, respecting that which provides life, is implicit here. Since our beginning it has been understood that a harm to any aspect of biik, to Country, is a harm to all things and ourselves'

Wurundjeri Council foreword, Yarra River Action Plan (2017)

Traditional Owner connection to Country

'The Wurundjeri's connection to land is underpinned by cultural and spiritual values vastly different to those of the Europeans. The Wurundjeri did not 'own' the land in the European

sense of the word, but belonged to, or were owned by the land' (Yarra City Council in partnership with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation).

The study area is culturally significant to its Traditional Owners, the Wurundjeri Woi Wurrung people. The Wurundjeri Woi Wurrung understand this place as an integrated cultural landscape invested with meaning. It is to them a spiritual place, a meeting place, a conduit for movement, a cultivated landscape and a place remembered for negotiating Indigenous-settler relations.

The Yarra River (Birrarung) is the dwelling place of creation ancestors and supernatural beings. Many songlines – journeys of the creation ancestors who made the landscape and the law - are woven into the cultural landscape. Stories are told of Lohan cooking eels on the Yarra Flats and of Waa the raven stealing fire on the Yarra Flats, resulting in humankind obtaining the knowledge of making fire.

The study area contains a remnant network of billabongs that were once important for harvesting and hunting food and other material resources. These billabongs were places of meeting and camping during the summer and autumn fish and eel harvest. Accounts of large gatherings in this area were observed by early colonial settler William Thomas, the Assistant Protector of Aborigines in the Port Phillip District, in 1854.

Today, the near-intact pre-contact remnant landscape conditions and character of the floodplain are unique in Melbourne.

European colonisation catalysed a process of dispossession. Wurundjeri Woi Wurrung ancestors were displaced from their Country and prohibited from sharing history, knowledge and language. Non-Indigenous urbanisation modified the landscape, land uses and water systems. Although European colonisation disrupted the relationship between Aboriginal culture and the natural environment, connection to Country and bonds within the community have been continuous.

Of particular significance to the Wurundjeri Woi Wurrung in the study area is the Bolin Bolin Billabong, a key feature of the Birrarung riverscape and an impressive place of natural and cultural of significance in its own right.

'We belong to this Country. This Country and the Birrarung are part of us. The Birrarung is alive, has heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung. Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy – for all generations to come'

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017

Colonial and modern art practice

The landscape of the study area is closely linked to Australian artistic practice. From the 1840s, European painters were inspired by the Yarra River landscape around Heidelberg. This was first perceived as a bush wilderness and later as a semi-rural Europeanised landscape. Artists included Arthur Streeton, Tom Roberts, Frederick McCubbin and Charles Conder. Inspired by contemporary European practice, they worked outside *'en plein air'* to capture the light and shadow of the idyllic Australian landscape.

A new railway from Melbourne to Heidelberg in 1888 made this reach of the Yarra River accessible to Melbourne's urban population as a destination for day-trippers. Walking routes linked significant sites on both sides of the river, including to connect painters from the Heidelberg School with places within the broader social sphere, such as the Banyule and Clarendon Eyre estates, the Old England Hotel and the Impressionists Retreat.

In the twentieth century, Heide – a former dairy farm purchased in 1934 by John and Sunday Reed – became the 'hub or crucible for the avant-garde' of Melbourne. The Reeds hosted and supported artists such as Albert Tucker, Joy Hester, John Perceval, Danila Vasillieff and Sidney Nolan. As philanthropists the Reeds made a lasting contribution to avant-garde art practice and international modernism.

Heide II, a modernist house, was designed by David McGlashan and Neil Everist in 1963. The Reed's brief to the architects was for 'a gallery to be lived in' and anticipated the home's future use as a museum. Gifted by the Reeds to the public in 1981, today Heide is a well-loved museum, events and education space, with a sizeable public sculpture garden and an estimated 120,000 visitors per year. It is described as having a 'mythology', its identity 'rooted in the story of site and in the initiatives of artistic people'.

Today, the Heidelberg Artists Trail in the study area links visitors with the landscapes the artists experienced in an earlier era. The trail comprises of explanatory signs and boards featuring paintings by artists of the Heidelberg School across a variety of locations.

In more recent decades Bulleen Art and Garden (BAAG) has become part of the arts narrative in the precinct. BAAG is a local arts, gardening and environmental business. Alongside selling art and garden goods, BAAG provides exhibition space for local artists and craftspeople and hosts community and educational activities. BAAG has become highly valued by the local community in its 50 year history in Bulleen.

The rich heritage of the study area is highlighted in Map 3, and in the cultural heritage timeline on page 23.

'An effect is only momentary: so an impressionist tries to find his place. Two half-hours are never alike, and he who tries to paint a sunset on two successive evenings, must be more or less painting from memory. So, in these works, it has been the object of the artists to render faithfully, and thus obtain first records of effects widely differing, and often of very fleeting character'

Heidelberg School Artists' Exhibition Statement, 1889

MAP 3: CULTURAL HERITAGE – accurately
show current walking and cycling connections
at Banyule Flats

CULTURAL HERITAGE TIMELINE

Melbourne's environmentalist lineage

The study area's high ecological values and their proximity to urban development have made this area a place of environmental activism since the mid-20th century. Melbourne experienced its second population boom post-war. This increased pollution and erosion of the Yarra River, and expanded sand mining operations (for construction) and residential subdivision along the waterway.

The first of these river-based environmentalist groups, the Save the Yarra League (originally the River Protection League), was ambitious and visionary. Their aim was to 'ultimately ... have the State Government acquire the land on both sides of the Yarra (from Studley Park, Kew, to Pound Bend, Warrandyte) ... and develop it as a national park.'

In the decades since, a range of river advocacy groups have formed to promote and restore the health of the Yarra, including the Warringal Conservation Society (1970), numerous 'friends' groups, and, in recent years, the Yarra Riverkeeper Association (2006). These groups have also launched significant campaigns to secure the public open space footprint of the Yarra River corridor against residential development, such as Banyule Flats (1970) and Westerfolds Park (1970s).

The environmentalist lineage, including community advocacy and tireless volunteer hours, has played a key role in the protection and revitalisation of the impressive public parklands we have today.

Melbourne's great parklands

The Yarra River and its lands form one of Melbourne's most significant public open space corridors. Its extensive bush, pastoral and parkland landscapes have played an important social, economic, recreational and ecological role for the city through time.

The Yarra River's parklands have largely retained their bushland qualities, partly reflecting a historical desire for metropolitan parks to remain a 'fair representation of the Australian forest land' (Clement Hodgkinson, Inspector-General of Gardens, Parks and Reserves, Melbourne, 1873).

Although the scale, topography and flood-prone nature of the Yarra River's lands makes much of the riverscape inappropriate for development, the study area reflects the history of varied land uses along the Yarra River corridor. These include agricultural, industrial, recreational, conservation and other community uses. The Crown parklands of the study area are now part of the 'Greater Yarra Urban Parklands', declared under the Yarra River Protection Act, which identifies them as part of urban natural entity of state significant parklands stretching from Melbourne's urban growth boundary to the heart of the city. The

Yarra River Protection Act recognises these public parklands, together with the river itself, as a magnificent natural asset and key to Melbourne's liveability and vitality.

The study area is an important stretch of this metropolitan-scale system of parklands supporting a range of land and water-based recreation activities. Scouting, orienteering, bird watching, cycling, walking, soccer, golf, disc golf, rowing, kayaking and canoeing are included amongst the many recreational activities in the area. Formal sports fields, playgrounds, river access points and trails facilitate active uses, while naturalistic, bushland, and open shared spaces support passive recreation.

The Heide Park, Banksia Park, Birrarung Park, Sills Bend Warringal Parkland, Banyule Flats, Yarra Flats Park, and the area around Bolin Bolin Billabong are key passive recreational spaces. Possum Hollow Playground, sporting ovals in Heidelberg Park, the Banyule Tennis Club, and the Yarra Valley Country Club site support active recreational uses.

Cycling is the most common activity within the study area. The Main Yarra Trail – a shared track that runs continuously from the Docklands to Warrandyte – is a key recreational route linking the study area to the city and outer suburbs beyond.

Map 4 shows the network of parks and open space in the precinct.

MAP 4: PARKS AND OPEN SPACE --
with changes recommended elsewhere
in this document

3.0 ISSUES AND OPPORTUNITIES

The study area presents a number of challenges that the Framework Plan seeks to address. These challenges include physical and legacy factors impacting the environment and connectivity, as well as emerging issues including the North East Link and development pressure related to the growth of Melbourne.

It is important to recognise that many of these issues also create opportunities. For example, growth and investment also bring chances for renewal and reconnection. This section places these issues and opportunities into context.

3.1 NORTH EAST LINK PROJECT

New twin tunnels will be constructed as part of the North East Link, generally along a north-south alignment beneath the precinct. The North East Link will connect Melbourne's M80 Ring Road with an upgraded Eastern Freeway, providing improved vehicular links between the study area and Greater Melbourne, and northern and south-eastern growth areas. The top of the tunnels will be approximately 15 metres under residential properties and at least 20 metres under the Yarra Riverbed. The project will also deliver new walking and cycling paths in the study area.

The most significant physical impact of the North East Link in the study area will be a major interchange with Manningham Road, expected to include ramps between Manningham Road and the new tunnels. Infrastructure associated with the tunnels, including a substation

and emergency smoke exhaust, are proposed to be constructed above ground near Manningham Road.

Construction of the North East Link will have a range of short- and long-term impacts on land uses in the study area. The project will result in some permanent land acquisition, the temporary occupation of parts of the study area, and impacts on the ongoing use of land after completion. Early works for the North East Link have commenced and plans are progressed for the relocation and replacement of sporting and recreation areas to be impacted by the project. This includes Amendment C132man, approved in December 2020. The amendment provides for new soccer field facilities to be delivered on land at 27-59 Templestowe Road, Bulleen.

Following the Minister for Planning's assessment of the environmental effects of the North East Link in 2019 and approval of Planning Scheme Amendment GC98 for the project in January 2020, this Framework Plan recognises that sites including the Bulleen Industrial Precinct and the former Bulleen Drive-in site will have disrupted usage in the short to medium term but will present opportunities for land use change and renewal over the longer term.

The design intent of the approved Urban Design Framework Plan for Manningham, contained in the North East Link Urban Design Strategy, is to ensure an integrated design approach which supports viable future land uses and existing cultural places and provide appropriate access and connections to the Yarra Valley Parklands, land at Manningham interchange and adjoining land uses.

3.2 POPULATION GROWTH AND LAND USE CHANGE

Melbourne's population growth and the trend towards smaller household sizes is reflected in urban consolidation and renewal within the middle-ring suburbs of Bulleen and Banyule. The study area's proximity to these established residential neighbourhoods and planned new infrastructure will continue to place redevelopment pressure on private land holdings. Population growth will also increase demand for higher-quality, and better access to, open space and recreation facilities.

Currently, there are a number of private land holdings in the Manningham side of the study area where future change in land use is anticipated over the medium term. These include the Bulleen Industrial Precinct, the former Bulleen Drive-in site, the Yarra Valley Country Club site and the Bulleen Golf Driving Range site.

There are also other private land holdings in the study area that represent opportunities for renewal and change over the longer-term. These sites include the Sonoco industrial site at 17-25 Templestowe Road and private properties located at 199-209 and 211-219 Templestowe Road.

Planning controls and future development

Any development in the study area will bring challenges and opportunities that need to be carefully balanced. Currently proposed within the study area is a development proposal for the Yarra Valley Country Club site. The Minister for Planning has referred this application to the Yarra River – Bulleen Precinct Advisory Committee.

Key considerations for any future development in the study area will be how it responds to the high-level policy and objectives for Yarra River protection and the existing planning controls in the Manningham Planning Scheme.

Furthermore, as outlined in Section 2, the Public Acquisition Overlay is preserving the long-term opportunity for the Victorian Government to deliver better social, environmental and economic outcomes for communities by facilitating the strategic acquisition of land. Any decision on future development will be considered within this strategic context.

Of the suite of existing planning controls in place, most relevant to the Framework Plan is the Design and Development Overlay Schedule 2 (DDO2), which stipulates mandatory minimum setback lines from the Yarra River and mandatory maximum building heights.

The Design and Development Overlay (DDO), along with a Significant Landscape Overlay (SLO), was introduced on an interim basis in 2017 as part of streamlined and consistent planning controls for the Yarra River corridor from Richmond to Warrandyte. The controls were developed with reference to the *Middle Yarra River Corridor Study* (DELWP and Planisphere, 2016) and are a key component of the Victorian Government's Yarra River protection program. These controls will be reviewed and finalised by 2021.

The DDO2 outlines a range of design objectives, covering landscape protection, siting and design, and site coverage and permeability. The DDO was chosen as the most appropriate tool to manage built form outcomes, while the SLO and an Environmental Significance Overlay provide protection for the Yarra River landscape and its vegetation.

Use of the DDO is supported by *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, which indicates that the DDO is the most appropriate tool for the expression of mandatory built form requirements.

A review of existing planning controls undertaken to inform this draft Framework Plan confirms that the existing setback requirements in DDO2 are appropriately placed to protect environmental and social values of the river. Preventing any future development inside the minimum setback line avoids further loss of open space and will allow the integrity of the Yarra River's natural topography to be maintained. This is consistent with the objectives of state and local policy for development in the Yarra River corridor.

Any future development must also demonstrate how it responds to key aspects of the final approved version of the Framework Plan.

Bulleen Industrial Precinct

The Bulleen Industrial Precinct is located south of the intersection of Bridge Street and Bulleen Road in Bulleen. As outlined in Section 3, the North East Link and a new interchange at Manningham Road will fundamentally change the long-term land use potential of this industrial area, ultimately resulting in the removal of the industrial precinct. However, the final design of the North East Link also presents opportunities for its renewal.

Current policy within the Manningham Planning Scheme calls for the retention of industrial uses within existing employment areas, particularly those that do not adversely affect the amenity of the local area and the natural environment.

Recognising the role that the Bulleen Industrial Precinct has played in providing local employment and services, this Framework Plan recommends a renewal of community and

employment uses in the precinct, subject to North East Link requirements, following the construction of the link (see Section 5).

3.3 ECOLOGICAL AND CULTURAL CONNECTIONS

Over time, as the study area has been urbanised and reshaped by infrastructure and development, connection has been lost between landscape and water, and between people, their stories and the environment.

Patterns of land use and interventions upstream have disrupted natural inflows into billabongs and lagoons, while some continuing land uses limit ecological and habitat connections.

As outlined in Section 2, the study area is highly significant for the Wurundjeri Woi Wurrung people and is rich in historic heritage sites and stories. However, the study area has no dedicated place where Wurundjeri Woi Wurrung culture and connection to landscape is acknowledged, celebrated and shared.

The initial brief for the Yarra River – Bulleen Precinct Land Use Framework Plan, as set out in the *Yarra River Action Plan*, recognised the need to rebuild these connections by creating an internationally-significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage.

This need for ecological and cultural recognition and connection has formed a foundational component of the vision and principles of this Framework Plan (see Section 4). The Yarra River itself is the key to reconnecting this fragmented reach of the waterway.

A future 'cultural core'

There is an opportunity to strengthen the 'cultural core' of the study area, with a focus on cultural and heritage places. Generally located in the in the centre of the study area, the core encompasses places of Aboriginal cultural significance, and Heide, with its grounds and sculpture park, landmark trees and vegetation of heritage significance, as well as places where members of the Heidelberg School artists movement worked.

In the future, the core could be reinforced by new cultural places, with a strong gateway feature linking further south to the Bolin Bolin Billabong.

Critical to the success of the study area as a flourishing cultural precinct will be how we can strengthen and connect *living culture* – including Traditional Owners' connection to Country and a thriving creative industries ecosystem that builds on a significant artistic heritage. Most importantly, the 'cultural core' concept could reinforce physical and cultural connections to the Yarra River (Birrarung) and to existing heritage-listed places.

This idea is further explored in Section 5.

3.4 PHYSICAL CONNECTIONS

The study area has ineffective internal and external connections. Key destinations are poorly linked to each other and there are limited connections to places further afield. In particular, there is poor physical connectivity with Heidelberg Major Activity Centre.

The North East Link will improve regional vehicular access and provide some new or upgraded shared user paths. Local and internal access (particularly for pedestrians and cyclists) need to be addressed through this Framework Plan and subsequent projects.

Currently the internal movement network includes walking and cycling tracks, notably the Main Yarra Trail on Banyule side of the Yarra River. Beyond the Main Yarra Trail, circulation is uncoordinated and missing several key connections, particularly for cyclists, pedestrians and public transport users. Conflicts occur between various types of users – pedestrians, slow cyclists, fast cyclists and mountain bikers.

Improving physical connectivity and ‘knitting’ together key destinations is of critical importance. At the same time, community access demands must be balanced with protection of cultural values, natural vegetation and riparian environment.

Flooding is of primary consideration in the design of the new trail network. Where possible trails should be located on higher ground less impacted by flood events. Alternate routes on high ground will be required elsewhere, as well as frequent points of access and egress between the floodplain trails and surrounding urban areas.

At present there is only one river crossing through the study area. The bridge at Banksia Street is car-dominated and poorly designed for pedestrians and cyclists, inhibiting access to the key destinations within the study area, including the Yarra River itself.

Existing places of cultural significance, including the Heide Museum of Modern Art and the Bolin Bolin Billabong, are difficult to access except by private vehicle, while large, private land holdings fragment the public park network and community access to the Yarra River.

The fragmentation of public open space surrounding the Yarra River limits opportunities to fully address environmental needs (revegetation and conservation) and recreational needs (for more open space, trails and sports fields) within the river corridor.

Similarly, high voltage transmission lines that run generally north-south through the precinct constrain vegetation links and pose some limitations on future land use. They also have considerable visual impact on the corridor. The *Middle Yarra Concept Plan* (1993) noted that the transmission lines ‘detract from the integrity of the Middle Yarra Valley and ideally should be relocated’, citing changing community attitudes to the use of river valleys as utility easements. Any undergrounding of the powerlines would have significant archaeological and cost impacts, as noted in the *Yarra Valley Parklands Management Plan* (2008).

Securing the Yarra footprint

In response to the recommendations of the Yarra River Protection Ministerial Advisory Committee, the *Yarra River Action Plan* outlines five objectives, including securing the open space footprint of the Yarra River.

This objective aims to:

- protect iconic and naturalistic river landscapes from inappropriate development
- connect communities and places along the river with trails and cycling corridors
- recognise the importance of the river to the economic prosperity and vitality of Melbourne and the Yarra Valley.

3.5 LAND AND WATER

The study area includes a network of ecologically and culturally valuable remnant floodplain landscapes, including large areas of intact indigenous vegetation and billabongs. Many of these valuable landscapes are disconnected, from both the larger Yarra River corridor and the water flows integral to their health.

As a riparian landscape, the relationship between land and water is intrinsic. Flow regulation, water extraction and urban development have reduced flows by about 38 per cent in this stretch of the river, which affects the frequency of flooding.

Historically, river floods would have inundated low-lying billabongs in the study area on an annual basis. For higher positioned billabongs this would have been about every 3 years. Flooding of the low-lying billabongs now occurs only every 3 - 4 years. The higher billabongs - only every 30 or so years.

This change in flood regime has serious implications for ecological health and water quality. It also impacts the wellbeing the Wurundjeri Woi Wurrung people, for whom the billabongs have traditionally been places where large groups have gathered to hunt and to collect resources.

The billabongs, if restored and rehabilitated, could play a major hydrological role in stormwater management. Altered flood regimes and the ensuing sedimentation also affect the distribution of vegetation in these landscapes, promoting colonisation by other vegetation types, both indigenous and weeds.

Urban stormwater is the most significant source of pollution to the Yarra River. The study area is surrounded predominantly by suburban subdivisions, affecting water quality across the catchment.

Despite decreased frequency of flooding over the years, the study area remains subject to inundation. The Land Subject to Inundation Overlay (LSIO) applies to most of the study area. This planning control requires development to maintain the free passage and temporary storage of floodwaters in order to reduce flood hazard.

A significant portion of the study area is subject to inundation in a one per cent annual exceedance probability storm event. This means that there is a one per cent chance of such a flood event occurring in any given year. In such an event, much of the floodplain would be flooded by water more than two metres deep.

Protecting the river's riparian vegetation, natural riverbank topography and flood management capacity are critical factors for any new development in the study area. Any new development will need to ensure floodplain storage is maintained and enough land is available to service environmental needs. Where development does occur permeable ground surfaces, rainwater harvesting and provision of wetland systems and bioretention systems provide solutions to minimise floodplain impacts.

These issues and opportunities, together with the special features of the area, highlight the need for a coordinated plan for the study area to guide decision making and deliver on the commitment of the *Yarra River Action Plan*.

4.0 VISION AND PRINCIPLES

4.1 VISION

A vision for the study area has been developed that captures the intent of *Yarra River Action Plan* and translates the values and ambitions of the Yarra River Protection Act:

This environment – the land and water – is a healthy living entity where indigenous plants and animals thrive.

This is a place of spiritual connection where layered stories – Wurundjeri Woi Wurrung, colonial and modern – are celebrated and kept alive.

This is where people and places connect - to a destination of international significance.

There is a legacy and value here for future generations.

The vision for the study area responds to the Yarra Strategic Plan community vision for the Suburban Reach of the Yarra River (Kew to Warrandyte) established in 2018:

Our Yarra River, Birrarung, provides a continuous network of protected parklands, providing inclusive access to all. A covenant of custodianship is adopted by private landowners along the reach, embedding a culture of respect and responsibility for river values. The river corridor provides a healthy natural environment, enabling swimming, relaxation and other recreational activities. Importantly, it also supports a flourishing natural ecosystem, including networks of billabongs and wetlands, for indigenous plants and animals to thrive.

This is a valued place of connection to Wurundjeri Woi Wurrung culture and community, with a network of hubs of learning, play and celebration. It benefits from a united and integrated approach to governance and land management, guided by the wisdom and practices of Traditional Owners, keeping culture not just in the past but alive into the future.'

‘Suburban Reach Vision’ (Kew to Warrandyte) in Yarra River 50-year Community Vision (May 2018)

4.2 PRINCIPLES

The principles for this Framework Plan, set out below, have guided the development of the plan. They are organised under four key pillars that align with the vision.

Healthy environment – land and water	Build on the legacy of high-quality parklands
	Reclaim and rehabilitate riparian corridors
	Protect and restore habitats and biodiversity, reconnecting the floodplain and billabongs
Culture, the arts, and storytelling	Keep culture alive, strengthening existing cultural places
	Develop new cultural hubs, drawing together the key threads of culture
	Tell the stories of people who have lived and worked here over many generations
Connected people and places	Rebuild connections within and between landscapes, land, water, stories, people and communities.
	Reaffirm the Yarra River (Birrarung) as the heart of the study area.
	Create a walking and cycling network that links to the river, key destinations and the rest of Melbourne
Delivering public value	Use urban form to restore visual and physical links to the Yarra River and parklands
	Ensure future development and change leaves a lasting positive legacy
	Introduce a compatible mix of uses to improve the quality and amenity of parklands and open space
	Improve the environmental, social and cultural values of the study area for future generations

5.0 FRAMEWORK PLAN

The Framework Plan is the spatial representation of the vision and principles outlined in Section 4. The Framework Plan is expressed in Maps 5A and 5B and in four interrelated objectives:

- OBJECTIVE 1: Ecological and parkland connections
- OBJECTIVE 2: Access for the future
- OBJECTIVE 3: An internationally significant cultural place
- OBJECTIVE 4: A complementary mix of uses.

These objectives, like the vision, have been distilled from the outcomes of community and stakeholder consultation, our strategic analysis and other policy drivers set out in this report.

This section outlines the objectives in further detail.

FRAMEWORK MAP 5A – Exhibited
version with changes recommended
elsewhere in this document

FRAMEWORK MAP 5B – Exhibited version
with changes recommended elsewhere in
this document

1. Objective 1: Ecological and parkland connections

At the heart of the Framework Plan is the need to reconnect the study area's network of ecologically and culturally valuable remnant floodplain landscapes, including intact indigenous vegetation and billabongs. This is closely linked to the need to fill in the gaps of the Greater Yarra Urban Parklands, which is interrupted by the large, mostly inaccessible private land holdings fronting the river, particularly on the east side.

Through the development of the North East Link, there is the potential for impact on the billabong network through groundwater drawdown. This must be managed consistent with the environmental performance requirements outlined in the Minister for Planning's assessment of the environmental impacts of the project.

This objective will be achieved through the following strategies:

1.1. Create a contiguous, open space connection on the east side of the river that expands and links together the Greater Yarra Urban Parklands. This will be achieved by converting at least part of the private land holdings and leased Crown land on the eastern side of the Yarra River to open space, at the following locations:

- The former Bulleen Drive-in site
- 201 and 203 Bulleen Road (subject to North East Link requirements)
- The Yarra Valley Country Club site
- The Bulleen Golf Driving Range site and Crown land 27-33 Templestowe Road (consistent with approval plans for Templestowe Road Soccer Facilities)

- 165 Templestowe Road
 - 199-209 and 211-219 Templestowe Road
- 1.2. Any development (e.g. pavilions) must conform with DDO2 of the Manningham Planning Scheme.
 - 1.3. Strengthen the natural interface between the Yarra River and Banksia Street by bringing land at 4 Banksia Street Heidelberg (Greenery Nursery site) into public ownership, consistent with the public acquisition overlay in place in the Banyule Planning Scheme. This land should become fully integrated with the surrounding open space network and expand of the Greater Yarra Urban Parklands. Development should be limited to the construction of new walking and cycling connections.
 - 1.4. Balance the provision of new open space for active and passive recreation with areas of new riparian parklands primarily for ecological rehabilitation and conservation purposes. Revegetation of Yarra River frontages should link remnant indigenous landscapes, be undertaken at a depth sufficient to achieve minimum ecological outcomes and include species identified as culturally important to the Wurundjeri Woi Wurrung people. This may also include a program of cultural burning.
 - 1.5. Revive the study area's billabong network and develop coordinated water management approaches in partnership with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and Melbourne Water.

2. Objective 2: Access for the future

Improving physical connectivity and 'knitting' together key places will be critical to the success of the study area's future role as a cultural and recreational destination. Access for all modes needs significant improvement and will be particularly important for walkers and cyclists.

This objective will be achieved through the following strategies:

- 2.1. Improve and further develop the walking and cycling network on both sides of the Yarra River, linking key destinations to each other and to the Main Yarra Trail, surrounding neighbourhoods and Heidelberg Station prioritise walking and cycling access for areas of new open space (see Strategy 1.1). Ensure sensitive siting of new connections, with consideration given to landscape, flooding and vegetated buffers to the river.
- 2.2. Structure the future pedestrian and cyclist network to accommodate (and where necessary, separate) different types of users. Accessibility requirements need to be considered at regional, subregional and local scales. Plans for future trail network must be balanced with protection of cultural values, natural vegetation and riparian environment. Trails should deter people from moving off the formal track and disturbing the surrounding environment.
- 2.3. Deliver three new bridges across the Yarra River to improve regional pedestrian and cycling connectivity and to link existing and proposed new (see Strategy 1.1) open space on both sides of the river. New crossings should create linkages at:
 - the Main Yarra Trail near McCubbin Street and Bulleen Park
 - the Main Yarra Trail near Yarra Street and Banksia Park

- the Main Yarra Trail downstream of Plenty River and Birrarung Park.
- 2.4.** Ensure new crossings are sensitively sited and designed with consideration given to landscape, flooding and vegetation impacts.
- 2.5.** Establish clear visual and physical connections to the Yarra River and its environs, subject to the NEL requirements:
- from Bulleen Road (through 203 Bulleen Road and the former Bulleen Drive-in site)
 - from the future Manningham Road interchange with the North East Link (subject to NEL requirements)
 - from Templestowe Road at various locations within the study area (including through the YVCC site, the Gold Driving Range site and the Henderson Seeds site).
- 2.6.** Delivery of new open space on the east side of the river (consistent with Strategy 1.1) will support this outcome.
- 2.7.** Identify opportunities to improve access to parklands through signalised pedestrian crossings at:
- Bulleen Road and Avon Street
 - Bulleen Road and Manningham Road
 - Templestowe Road and Bridge Street
 - Templestowe Road adjacent to the YVCC site
 - Templestowe Road and Rosemont Drive
 - Templestowe Road and Rose Avenue
 - Templestowe Road and Gordons Road.
- 2.8.** Investigations should occur in conjunction with the Department of Transport, Manningham City Council and the North East Link, and in concurrence with planning for the duplication of Templestowe Road.
- 2.9.** Investigate with the Department of Transport and Banyule City Council new signalised crossings at the intersections of Lower Heidelberg Road and Yarra Street and Dora Street and Yarra Street, or at other locations which connect pedestrians and cyclists between the Heidelberg Activity Centre and train station and the proposed new bridge across the river at the Main Yarra Trail near Yarra Street (see Strategy 2.3).
- 2.10.** Realign the Main Yarra Trail at the Banksia Street Bridge and the Greenery site to provide safer access for pedestrians and cyclists. Ensure sensitive siting of new connections, with consideration given to landscape, flooding and vegetated buffers to the river.
- 2.11.** Deliver a new cultural trail connecting Bolin Bolin in the south to the Plenty River confluence with the Yarra River in the north, via Heide Museum of Modern Art, the cultural gateway and the new cultural place at the Bulleen Industrial Precinct (see Strategies 3.1 and 3.3). Supported by new river crossings (see strategy 2.3), the cultural trail provides an opportunity to integrate with the Heidelberg School Artists Trail while connecting people with natural and cultural features of the landscape, such as the precinct's billabongs. Ensure sensitive siting of the new connection, with consideration given to landscape, flooding and vegetated buffers to the river.

2.12. Investigate the duplication of Templestowe Road, which an analysis of current and projected traffic volumes suggests is warranted. Deliver an off-road walking and cycling connection on the northern side of the duplicated road. This should be led by the Department of Transport as the coordinating roads authority in consultation with the North East Link and Manningham City Council.

2.13. Investigate:

- new public transport bus connections in and around the cultural precinct, which prioritise linkages west to Heidelberg Station, east to Templestowe Village and south to proposed Bulleen Park and Ride, in consultation with the Department of Transport
- parking needs and indicative provisions within the precinct.

2.14. Provide a new signalised intersection (see Strategy 2.5) to consolidate vehicle access to and integrate circulation between the Heide, YVCC and Sonoco sites from Templestowe Road. This should occur in concurrence with investigations into the upgrading of Templestowe Road (see Strategy 2.9).

2.15. Establish a walking and cycling connection between the Heide Museum of Modern Art and the Bulleen Golf Driving Range site, through the Yarra Valley Country Club site. This should be integrated with the broader network of pedestrian and cycling paths (see Strategy 2.1).

3. Objective 3: An internationally significant cultural place

This objective highlights the opportunity to create an internationally significant cultural place, centred on the relationship between the arts, nature and Traditional Owner heritage.

This Framework Plan identifies and seeks to protect future opportunities to develop cultural infrastructure, without prescribing the possible use or function at each opportunity. This should occur in the implementation phase.

Consultation revealed strong community support for the development of new cultural facilities, building on existing cultural places that are treasured for their historical, cultural and environmental values. Consultation findings indicate that new cultural places should be connected to Aboriginal and art histories and be inclusive and accessible to the wider community.

Cultural and heritage places are dispersed throughout the Yarra River – Bulleen Precinct (see Map 3). Many cultural places are clustered at a central ‘core’, which includes significant Aboriginal places, Heide and its grounds and sculpture park, heritage significant trees and vegetation and places associate with the Heidelberg School artists. This ‘core’ is the logical place for expanded cultural infrastructure.

Objective 3 seeks to reinforce the cultural core by facilitating the planned expansion of Heide Museum of Modern Art. It also seeks to facilitate a new cultural gateway focused on the Bulleen Industrial Precinct. This will create a sense of entry to the cultural core, improve the visibility of the precinct and provide a point of recognition. The proposed gateway should be both functional and sculptural, and could incorporate North East Link infrastructure (portals, stacks, control buildings), a new cultural place and other

development opportunities. It provides an opportunity to screen views towards elevated roads from the street and from the Yarra River.

The concept of a cultural gateway has synergies with the ideas in the North East Link's approved Urban Design Strategy which includes the opportunity for a gateway feature as part of the Manningham Road interchange. The Urban Design Strategy includes a comprehensive list of place-based outcomes, including to:

- create a high quality navigational feature at the Manningham Road interchange that complements and respects the role of the existing Manningham Gateway 'Helmet' sculpture in Banksia Park and signifies the entry into this important cultural and heritage precinct which includes the Heide Museum of Modern Art and the Yarra River Parklands.
- consider all practical design alternatives to retain the existing significant River Red Gum should be explored. If removal cannot be avoided, provide legacy actions in consultation with key stakeholders.
- provide roadside planting with large canopy trees along Bulleen Road to enhance the area's 'green' character and role as a gateway to Melbourne's north-east.

The various threads within the cultural core – existing heritage places, existing new and expanded cultural destinations, and the cultural gateway – should be drawn together by a storytelling strategy. This could include signs, monuments, markers, sculpture, interpretative facilities and other infrastructure that both tells the layered stories of this place and draws together the key threads of culture and history that are present here.

3.1. This objective will be achieved through the following strategies:

3.2. Deliver an expanded cultural precinct centred on the relationship between the arts, nature and Traditional Owner heritage and anchored by Heide Museum of Modern Art.

3.3. Provide for:

- continued development of Heide Museum of Modern Art at its current location with strengthened links to surrounding parklands and other cultural destinations
- a proposed new cultural place to be delivered through renewal of the Bulleen Industrial Precinct (subject to the requirements of the North East Link)
- a new cultural place for the Wurundjeri Woi Wurrung in a location to be self-determined by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

3.4. Develop a Creative Placemaking Strategy in partnership with Creative Victoria to activate and interpret heritage and living culture in the precinct, centred around connections to Country, artistic legacy and modern art practice. This should include a shared storytelling strategy that brings together the multi-layered histories and values of the precinct. Opportunities to reinforce Wurundjeri Woi Wurrung custodianship through interpretive signage and naming of places – paths, bridges and destinations – in Woi Wurrung language should be explored.

3.5. Develop a new cultural gateway focused on the Bulleen Industrial Precinct and the future Manningham Road interchange (subject to North East Link requirements). This

should be delivered in partnership with North East Link, the Department of Transport and local government, and should:

- create a sense of arrival to the cultural precinct
- have regard to and, where possible, be integrated with North East Link infrastructure and other built form elements
- screen infrastructure from the Yarra River and other land use
- become the nexus of a cultural trail connection between the Bolin Bolin Billabong and the confluence of the Yarra and Plenty rivers (see Strategy 2.8).

- 3.6.** Provide ongoing protection for Aboriginal cultural heritage places by ensuring that new trails and other development across the precinct minimise potential impacts to heritage sites and to Wurundjeri Woi Wurrung cultural values identified in the Bulleen-Banyule Flats Cultural Values Study. The precinct should be considered holistically as an integrated cultural landscape. Identification of options and strategies to develop new and enhance existing Aboriginal places should be self-determined by the Wurundjeri Woi Wurrung Cultural Heritage Corporation.

Critical to the success of this concept will be how it can strengthen and connect living culture – including Traditional Owners' connection to Country and a thriving creative industries ecosystem that builds on the significant artistic heritage of the study area.

4. Objective 4: A complementary mix of uses

As Melbourne grows, land in the established area becomes increasingly contested. This reality is impacting places of renewal across Melbourne that are close to waterways and major infrastructure projects including Arden, on the Moonee Ponds Creek, and Footscray on the Maribyrnong River. In these places, a complementary mix of uses will need to be supported, where public and private are more closely connected and add value to each other.

Within the study area there is the opportunity for residential, commercial and cultural uses to 'activate' open space and the public realm. Increased pedestrian activity from these land uses can benefit passive surveillance throughout the day and into the evening. There is also an opportunity to leverage private investment in the public realm, through development contributions and other mechanisms.

Given the study area's rich parkland setting and ecological and cultural values, it will be important to consider how future buildings can respond to and reflect their environment. Where future development is contemplated, *buildings should be appropriately spaced to provide for landscaping and pervious surfaces, create and reinforce clear visual and physical connection with riverside environs* and should provide improved public access through street connections and laneways.

This objective will be achieved through the following strategies:

- 4.1.** Facilitate development (fronting Templestowe Road) at the Yarra Valley Country Club site. The inclusion of residential uses will provide activation and passive surveillance of open space areas. Development must:
- provide new public open space (see Strategy 1.1)
 - facilitate a consolidated, signalised entry to Heide and a public access road to new parklands (see Strategy 2.11)
 - conform with provisions set out in DDO2 of the Manningham Planning Scheme
 - be responsive to the Yarra River Corridor setting
 - sensitively interface with the Heide Museum of Modern Art and open space areas
 - avoid gated or privatised spaces.
- 4.2.** Provide for future redevelopment of the Sonoco site at 17-25 Templestowe Road which transitions away from its existing industrial use. Development must:
- conform with DDO2 of the Manningham Planning Scheme
 - respond to the Yarra River Corridor landscape setting
 - provide sensitive interfaces to adjacent land uses
 - integrate access and circulation with surrounding sites
 - avoid unnecessary gated and privatised spaces.
- 4.3.** Facilitate renewal of the balance of land within the Bulleen Industrial Precinct for cultural and community uses and for complementary employment uses. This should be coordinated with the development of a proposed new cultural place (see Strategy 3.1) and cultural gateway (see Strategy 3.3). Subject to North East Link requirements, new development should:
- foster sense of place and screen infrastructure from the Yarra River and other land uses through high quality urban design and landscaping
 - create a strong built form edge with uniform setbacks to Banksia Street, Manningham Road West and Bulleen Road
 - conform with DDO2 of the Manningham Planning Scheme
 - provide for public access to the Yarra River and parklands
 - support a cultural trail connection (Strategy 2.8)

FRAMEWORK PLAN SUMMARY: KEY SITES

The follow table summarises the proposed long-term future land uses for key sites identified in the preceding objectives and shown in Maps 5A and 5B.

Key site	Existing use	Proposed future use
41-49 Greenaway Street (Former Bulleen Drive-in site) *	Vacant (Urban Floodway Zone, Residential Growth Zone)	Open space / recreation / conservation
Bulleen Industrial Precinct*	Manufacturing industry, storage and distribution (Industrial 1 Zone)	Employment / community
201 Bulleen Road* 203 Bulleen Road*	Commercial restaurant Vacant (Residential Grown Zone 2)	Open space / recreation / conservation
6 Manningham Road (Bulleen Art and Garden)*	Commercial art and garden supplies (Public Conservation Resource Zone)	(No change)
4 Banksia Street The Greenery Garden Centre	Commercial nursery (Urban Floodway Zone)	Open space / recreation / conservation
1 Templestowe Road 22-40 Bridge Street 42 Bridge Street	Residential, community (Rural Conservation Zone)	(No change)
7 Templestowe Road (Heide Museum of Modern Art)	Gallery, open space (Public Park and Recreation Zone)	(No change)
9-15 Templestowe Road (Yarra Valley Country Club site)	Golf course (Special Use Zone)	Open space / recreation / conservation Community / residential
17-25 Templestowe Road (Sonoco site)	Manufacturing industry, storage and distribution (Industrial 1 Zone)	Community / residential / employment
27-33 Templestowe Road (Crown land)	Open space (Public Park and Recreation zone)	Open space / recreation / conservation
37-59 Templestowe Road (Bulleen Golf Driving Range site)	Golf driving range (Rural Conservation Zone, Urban Floodway Zone)	Open space / recreation / conservation
165 Templestowe Road (Crown land under lease, HM. Clause)	Agriculture (Public Park and Recreation Zone)	Open space / recreation / conservation
199-209 Templestowe Road 211-219 Templestowe Road	Residential (Rural Conservation Zone, Urban Floodway Zone)	Open space / recreation / conservation

* Future use is also subject to North East Link requirements

6.0 Next steps

YARRA RIVER – BULLEEN PRECINCT ADVISORY COMMITTEE

In October 2018, the Minister for Planning appointed an advisory committee under section 151 of the *Planning and Environment Act 1987* to provide advice about the Yarra River – Bulleen Precinct.

The purpose of the advisory committee is to provide the Minister for Planning with strategic and statutory planning advice on the future of the Yarra River – Bulleen Precinct and make recommendations about the Framework Plan, development applications in the study area and options for implementation.

In May – June 2019 the advisory committee exhibited the Framework Plan and two associated planning scheme amendments. The advisory committee was subsequently deferred. The Framework Plan has now been revised, with the advisory committee exhibiting an updated version of the plan, and resubmitted plans for private development at the Yarra Valley Country Club site (draft Planning Scheme Amendment C125mann).

After public exhibition, the advisory committee will carry out a public hearing and provide all submitters, including key stakeholders such as the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Birrarung Council, the North East Link Project and relevant councils, with an opportunity to be heard.

FINALISATION AND IMPLEMENTATION OF THE FRAMEWORK PLAN

To enable the Framework Plan to be finalised and implemented, the following work will be required:

- Implementation and staging plan that has regard to the timing and delivery of the North East Link Project.
- Built form modelling to inform final development controls.
- Planning scheme amendments to give statutory effect to the plan.
- Land acquisition and assembly strategy to enable proposed development and open space outcomes.
- Access and movement strategy to resolve the initiatives in this plan and identify any further requirements arising from the final proposed form of the North East Link.
- Creative Placemaking Strategy that defines a creative vision for the precinct and sets the scope and requirements for the expansion of cultural infrastructure.
- Master planning for the Bulleen Industrial Precinct site.

Appendix F Committee recommended General Residential Zone Schedule 4

SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ4 or R1Z or R2Z or R3Z**

Bulleen Gateway Residential Precinct

1.0 Neighbourhood character objectives

None specified

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

Yes

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified

Front fence height	A20 and B32	None specified
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5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

None specified.

7.0 Decision guidelines

None specified.

Appendix G Committee recommended Development Plan Overlay Schedule 5

Shown without tracked changes for legibility.

SCHEDULE 5 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO5**.

YARRA VALLEY COUNTRY CLUB REDEVELOPMENT SITE – 9-15 TEMPLESTOWE ROAD, BULLEEN

1.0 Objectives

To ensure that the redevelopment of the site achieves a net community benefit, takes advantage of its location near valued natural environments and resources, contributes to the public open space network along the Yarra River and makes a significant contribution to local housing needs.

To provide a variety of open space areas which contribute to meeting the projected recreational needs of future residents of the site, residents of surrounding established communities, and respond to the vision for the wider Yarra River corridor area, including by the creation of communal open space accessible to the public and residents.

To address the principles of the Yarra River – Bulleen Land Use Framework Plan, including:

- To ensure development assists with protecting and enhancing Aboriginal cultural heritage.
- To provide built form and landscape outcomes that a transition between the subject site and the abutting public open space, Heide Museum of Modern Art and Yarra River corridor.
- To provide pedestrian and bicycle access within the site and between key destination points and nearby community facilities.

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved to the satisfaction of the responsible authority for the following:

- The subdivision of the site into superlots, including by subdividing the site into the proposed residential precinct and the future public open space as shown on the Outline Development Plan at Figure 1.
- Any buildings and works and on-going maintenance as required for the operation of the Yarra Valley Country Club facilities.
- Minor buildings and works.
- Any buildings and works associated with investigating the land in accordance with or for the purpose of undertaking an environmental investigation or environmental audit under the *Environmental Protection Act 2017*.

Before granting a permit the responsible authority must be satisfied that the granting of a permit will not prejudice the future use and development of the site as envisaged by the Outline Development Plan.

The site may be developed in stages.

3.0 Conditions and requirements for permits

The following conditions and requirements apply to permits:

3.1 Conditions and requirement for permits in relation to the proposed residential precinct

Except for a permit issued as provided for under Clause 2.0, the following conditions and requirements apply to permits issued in relation to the proposed residential precinct shown on the Outline Development Plan.

Requirements of a planning permit application

Except with the written agreement of the responsible authority, any permit issued in respect of the proposed residential precinct must authorise (except for the last stage):

- For subdivision, each stage must contain at least 20 lots, excluding super lots, balance lots or similar.
- For the construction of a dwelling, at least 20 dwellings.

Any application for a permit to subdivide, use or develop land within the proposed residential precinct must include, where relevant, the following:

- Details of any fencing proposed between private properties and existing or future open space (public and private) to provide allotment privacy and security whilst respecting the landscape setting offered by those open space areas. This should incorporate the use of visually permeable fencing (or similar), and the use of limited height retaining walls generally in accordance with the approved development plan.
- Details regarding the management and staging of the development proposed.
- Details regarding landscaping including the identification of all trees to be retained.
- Details regarding the proposed ownership and maintenance arrangements relating to any stormwater treatment, detention and / or drainage assets proposed to be constructed.

Conditions to be included in a planning permit

Any permit to subdivide use or develop the proposed residential land must include, where relevant, conditions requiring, before commencement, the following:

- The submission of and then compliance with a Construction Management Plan prepared to the satisfaction of the responsible authority.
- The preparation of and then compliance with a Sustainable Design Statement (or similar) to the satisfaction of the responsible authority. This statement should address the key initiatives and intent of the approved development plan and respond to the sustainability objectives of the development plan.
- The submission of and then compliance with, an Environmental Management Plan (or similar) to the satisfaction of the responsible authority. This plan should:
 - address the management of any potential contaminants, details of any fill and movement of soil/materials, and any associated land management requirements
 - address the management of surface water.
- Maintain any stormwater treatment, detention and drainage assets developed in the proposed residential precinct for a period of 24 months before those assets are transferred to the relevant authority, to ensure those assets are successfully established and handed over in a functioning state.

3.2 Conditions and requirement for permits in relation to the future public open space

Requirements of a planning permit application

Any application for a permit to subdivide, use or develop land within the future public open space should include, where relevant, the following information:

- Details of any fencing proposed to adjacent land which should respect the landscape setting offered by the open space area. This may incorporate the use of visually permeable fencing (or similar).
- Details of the location of any Aboriginal Cultural Heritage sites.

Conditions to be included in a planning permit

Any permit to subdivide, use or develop land within the future public open space should include, where relevant, conditions requiring, prior to commencement, the following:

- The submission and then compliance with a Tree Management Plan prepared to the satisfaction of the responsible authority.
- The submission and then compliance with a Construction Management Plan prepared to the satisfaction of the responsible authority.
- The preparation of and then compliance with, a Sustainable Design Statement (or similar) to the satisfaction of the responsible authority. This statement should address the key initiatives

and intent of the approved development plan and respond to the sustainability objectives of the development plan.

- The submission and then compliance with an Environmental Management Plan (or similar) to the satisfaction of the responsible authority. This plan should:
 - address the management of any potential contaminants, details of any fill and movement of soil/materials, and any associated land management requirements
 - address the management of surface water.
- Details regarding landscaping including the identification of all trees to be retained.
- Details regarding the proposed ownership and maintenance arrangements relating to any stormwater treatment, detention and / or drainage assets proposed to be constructed.

3.3 Section 173 Agreement - open space and road widening

Before a permit is granted in accordance with an approved development plan in respect of the proposed residential precinct, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* which requires that the owner must:

- Subject to no other public open space contribution being required, vest or transfer to the relevant public authority or acquiring authority:
 - the future public open space land
 - any land designated with a public acquisition overlay
 - any additional land (that is additional to the existing Public Acquisition Overlay) required to ensure a dedicated bicycle pathway, of not less than three (3) metre width, on the northern side of Templestowe Road.
- Vest or transfer the relevant land:
 - at no cost to the relevant public authority or acquiring authority; and
 - as a precondition to the issue of the first statement of compliance for the subdivision of the residential precinct.
- Where the vesting or transfer of the future public open space occurs before the completion of any necessary works on such land, enter into a licence to carry out such works with the then owner of that land.
- Agree to transfer any part of the site required for the construction of a signalised intersection which provides access to the site not otherwise affected by the Public Acquisition Overlay Schedule 4 to the Head, Transport for Victoria at no cost.
- Meet the reasonable costs of the responsible authority, or any other party, in respect of the preparation, negotiation or registration of the agreement, including the reasonable costs borne by the responsible authority, the Council or statutory body who will take ownership of the future public open space, and the relevant acquiring authorities for purposes of the site affected by the Public Acquisition Overlay, Schedule 2 and Schedule 4.

3.4 Section 173 Agreement to provide for affordable housing

Before a permit is granted to allow the development of the site in accordance with an approved development plan, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* which requires that the owner must procure the provision of affordable housing, as defined in Section 3AA of the *Planning and Environment Act 1987*, in accordance with the following:

- A minimum of 5% percent of the total number of dwellings permitted on the site under all stages of development must be affordable housing.
- The arrangements for the provision of the affordable housing component, including the dwelling types and the model for delivery and management of the affordable housing is to be to the satisfaction of the responsible authority.

- The owner, or other person in anticipation of becoming the owner, must meet the reasonable costs of the responsible authority of the preparation, negotiation and registration of the agreement.

3.5 Section 173 Agreement to construct a signalised intersection

Unless otherwise approved in writing by the responsible authority and the Head, Transport for Victoria, before a permit is granted in accordance with an approved development plan in respect of the proposed residential precinct, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* which requires:

- that the owner must construct a signalised access to the site from Templestowe Road in accordance with functional layout plans to be approved by the responsible authority and the Head, Transport for Victoria.
- the location of the intersection on the frontage of the site is to be determined in consultation with the responsible authority and the Department of Transport.
- the owner, or other person in anticipation of becoming the owner, must meet the reasonable costs of the responsible authority and the Department of Transport for preparing, negotiating and registering the agreement.

4.0 Requirements for development plan

A development plan must be prepared generally in accordance with the Outline Development Plan at Figure 1 and must include the following requirements, to the extent that those plans and reports are relevant to the part of the site or the stage of the development to which the development plan applies, all to the satisfaction of the responsible authority.

Planning Report

A planning report that examines the strategic planning context of the site and the response to this context, including how the recommendations of the other reports required by this schedule have been incorporated into the proposed Site Master Plan and Landscape Master Plan. The planning report may also consider the approach to the relevant planning framework for the future public open space areas across the site and staging of development.

Site and Context Analysis Report

A Site and Context Analysis Report that includes, but is not limited to:

- Relevant details of the site, including boundaries and dimensions, existing conditions, existing features to be retained, levels information (in the form of contours over the site at 0.25 metre intervals), roadway/access information, and the location of any services, easements, or encumbrances on the site.
- Details of any applicable interfaces and surrounding context, including existing and proposed uses on adjoining land, key environmental features on land adjoining the site, and neighbourhood features such as public transport networks, neighbourhood centres, walking and cycling connections and the pattern of development within the immediate area.
- Important views to and from the site that are to be protected and enhanced.
- Vegetation across the site.
- Areas of publicly accessible land both within the site and along the Yarra River interface.
- Areas of any known contamination.
- Areas of known Aboriginal cultural sensitivity.

Housing Diversity Report

A Housing Diversity Report that explains the mix of housing on the site including how it is proposed to provide the applicable percentage of the overall housing stock as affordable housing. The report must also include criteria for determining affordable housing stock.

Site Master Plan

A Site Master Plan that includes, but is not limited to:

- The location of subdivision stages and residential densities.
- The proposed use and development of each part or stage of development across the site, including estimated dwelling numbers.
- The open space network, including identified bio-sites, and other relevant areas incorporated as open space.
- Resolving the location of the Templestowe Road shared access to the site and the Heide Museum of Modern Art.
- The location of internal road, cycle and pedestrian path networks, including connections between the proposed residential precinct and the future public open space, and the location of a pedestrian/bicycle link to the opposite side of the Yarra River.
- All ingress and egress points to the site for vehicles and pedestrians.
- The alignment and cross section of internal access street and any internal access lanes which may be required to provide access to each dwelling.
- The arrangement of buildings or groups of buildings generally aligned with the contours and separated by landscaping.
- The arrangement of buildings and car parking that ensures car parking does not dominate the edges of streets, paths and open spaces (except rear access lanes with no pedestrian function).
- Built form guidance that:
 - Promotes the creation of a mix of dwelling types to meet present and future housing demand, whilst responding to identified character requirements.
 - Provides for setbacks as identified in the Outline Development Plan.
 - Encourages an appropriate built form, scale, and arrangement of landscaping which addresses the natural character of the surrounding land and ensures that the built form is subordinate to the Yarra Valley landscape character. This should be illustrated through detailed cross-sections at each key interface, including:
 - A southern public interface with Templestowe Road that responds to its presentation as the site address and main road frontage, including the future road boundary after duplication of Templestowe Road and the construction of the signalised access for the land.
 - A southern common interface with 25 Templestowe Road, Bulleen (Sonoco) which enables continued operations and future integrated and equitable redevelopment.
 - A western public interface with Heide Museum of Modern Art that transitions down with slope and landscape treatments to limit visual intervention from Heide Park.
 - An eastern public interface with future active recreation facilities that ensures address and activation in transition to the north.
 - A northern Yarra River floodplain interface that integrates the landscape of the park with low profile fragmented building groups above graded landform behind deep layered landscape.
 - Encourages an appropriate built form, scale and landscape treatment to address the character of Templestowe Road.
 - Provides for an arrangement of dwelling siting and setbacks that respond to the Outline Development Plan, and respond to the internal road network hierarchy.
 - Encourages articulation of the built form which provides for green breaks between building masses that can accommodate large canopy trees, at a minimum width of 12 metres or alternatively, comprising in total a minimum of 18% of the length of any interface between the proposed residential precinct and the public open space or the Heide Museum of Modern Art.

- Provides guidance on interface requirements with surrounding public open space areas, including avoidance of service areas and facilities at ground level adjacent to these interfaces.
- Provides guidance on approaches to address level changes in a manner which responds to the wider site character, topography and protects amenity.
- Provides appropriate setbacks between buildings to respect internal amenity of future residents, provide for areas of communal or public open space, and suitable transitions to public open space areas.
- Provides guidance on lighting design at the interface with areas of open space, including the future public open space, to reduce light spill towards areas of retained habitat.
- Indicative concept plans which include:
 - Proposed cross sections to demonstrate the transition of built form across the proposed residential precinct.
 - Assessment of visual impacts of the proposed built form from key interfaces and view lines identified in the Site Context and Analysis Report.
 - 3D building envelopes and indicative scale of each building type.
 - Architectural intent and proposed materials and finishes schedule.
 - Shadow diagrams.

Landscape and Visual Impact Assessment (LVIA) Report

A LVIA Report which assesses the proposed development within the Yarra River corridor environs. The LVIA Report must include, but not be limited to:

- A statement of the existing landscape setting and relevant character values of the site and its surrounding context, informed by the Significant Landscape Overlay – Schedule 2, the Middle Yarra River Study – *Recommendations Report* (Department of Environment, Land, Water and Planning, 2016) and any other investigations.
- A viewshed examination of potential future development of the proposed residential precinct within the broader setting, and the identification of key public receptor locations.
- The preparation of technically accurate photomontage images from identified public receptor locations (agreed to by the responsible authority) representing the existing and proposed conditions (with and without landscaping).
- An evaluation of photomontage collateral determining the nature of impacts (if any) on landscape values, and any required actions or modifications to ensure the protection of key landscape values.

Native Vegetation and Biodiversity Report

A Native Vegetation and Biodiversity Report that addresses, but is not limited to:

- A detailed flora and fauna survey, which identifies existing vegetation and faunal habitats to be protected and enhanced, and those proposed to be removed.
- Compliance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) or other requirements associated with Clause 52.17.
- Retention of trees and habitat areas in the future public open space and residential precinct as appropriate.
- Appropriate management and conservation practices for all native vegetation and biodiversity areas to be retained.

Tree Management Plan

A Tree Management Plan that addresses, but is not limited to:

- Assessment by a suitably qualified arborist of existing vegetation on or adjacent to the site, including retention value.
- Identifying which trees are to be retained and protected and those that are to be removed.

- Detailing the methodology for protecting trees identified for retention, including the provision of high visibility tree protection fences at least 1.8 metres tall before construction commences, and measures to protect the trees, including their canopies, during construction.
- Recommendations for the protection of trees to be retained to conform to *Australian Standard AS 4970-2009 Protection of Trees on Development Sites* to ensure long-term health, including designation of tree protection zones and structural root zones.
- Recommendations for trees to replace any trees of moderate or high retention value required to be removed where replacement trees provide equivalent amenity to the residents and the public realm.

Landscape Master Plan

A Landscape Master Plan that addresses, but is not limited to:

- The development area of the proposed residential precinct (including any parts of the future public open space which contain or surround works relating to flood offset or drainage works are undertaken).
- The creation of a landscape (including in relation to works in the flood plain) that is respectful of and in harmony with the Yarra River landscape character and ensures that the built form is subordinate to that landscape character.
- The interfaces with adjacent land (both within and outside the development area of the proposed residential precinct) including:
 - Western interface to Heide Museum of Modern Art, including:
 - ensuring the retention of existing vegetation near the boundary
 - softening and filtering of views from Heide with large canopy trees
 - The north-western and northern interface to the future public open space area, including:
 - ensuring sufficient space between the powerline easement and the built form to accommodate large canopy trees (outside the easement)
 - providing for the provision of large canopy trees, softening and filtering of views to the development site
 - proposing a range of landscape treatments for any batter slopes that visually integrates the development area into the future public open space
 - providing for public access along the interface, linking to any proposed pathways in the future public open space area.
 - The eastern interface to the future public open space area, including:
 - ensuring any changes of level are designed to be respectful of the Yarra Valley landscape character and avoid retaining walls greater than 1m in height
 - providing for the installation of large canopy trees, softening and filtering of views to the development site.
 - The eastern and southern interfaces to the Industrial 1 Zoned land, including the planting of canopy trees and vegetation to screen views to the adjacent non-residential land use.
 - The southern interface to Templestowe Road, including by providing a well-vegetated front setback from the future road boundary after duplication of Templestowe Road and the construction of the signalised access for the land comprising large canopy trees, screening shrubs and under-storey species that allow only filtered views of the development.
 - Generally minimising the visual intrusion of the built form from surrounding land and ensuring it is subordinate to the existing and proposed vegetation and natural landscape character.
- Provision of the following, as relevant:
 - Publicly accessible useable open space, particularly along pedestrian and/or cycle access routes between Templestowe Road and the future public open space.

- Communal open space within the proposed residential precinct that is not publicly accessible but will contribute to residential amenity.
- Design that supports the integration of the proposed residential precinct with the proposed network of streets and access points to Templestowe Road, and which provides for:
 - Suitable distribution of open space and public landscaping.
 - Logical and practical connection points with the network of public and private spaces that provide access for all.
 - Means of landscaping to address topography changes and interfaces with adjoining open space areas.
- Open space that is designed to:
 - Protect and enhance amenity, including by receiving good levels of sunlight.
 - Be resilient and enhance the sense of place, sustainability and liveability of the proposed residential precinct and local area.
 - Contribute to the diversity of recreation and leisure options for residents that are available to the community.
- Design that incorporates the relevant elements of the Ecologically Sustainable Development Strategy.
- Design that integrates the interpretation opportunities identified in the Cultural Heritage Interpretation Plan.
- A range of soft and hard landscape materials that:
 - Respects and responds to the natural landscape character of the Yarra River.
 - Adopts indigenous species in its interfaces to the future public open space and indigenous, native and limited exotic species within the development area.
 - Reflects the natural character of the area in the treatment of retaining walls, pavements and landscape structures.
 - Ensures that materials and finishes do not contrast with the natural character of the area.
- Fencing that is visually recessive in the landscape and reflects the natural character of the area.
- Provision of suitable areas and spaces for informal recreation.
- Proposed future ownership and management responsibilities of all landscaped areas.
- Provision of a works sequencing program that ensures all planting in the interface canopy tree zones shown in the Outline Development Plan is implemented within 6 months of completion of the earthworks for that stage of the works and is suitably protected from damage from adjacent works.

Earthworks Strategy Plan

An Earthworks Strategy Plan that addresses, but is not limited to:

- An overview of the geotechnical investigation scope and test types used to assess the type and suitability of local soils for fill reuse.
- Geotechnical assessment of any design cut, and/or fill batters, and founding soils to confirm adequate bearing capacity and landform stability are present.
- Assessment of possible geotechnical impacts on third-party assets, including but not limited to, the proposed North East Link tunnel structures and existing high voltage power transmission towers.
- The approach to cut and fill across the site, prepared in consultation with Melbourne Water, including:
 - A clear depiction of existing and proposed contours.
 - A summary depiction of cut and fill denoting the various levels of cut and fill in 1 metre increments.

- A summary depiction of any batter slopes, which must achieve the appearance of a natural landform, generally defining the grades on each, with no vegetated slopes steeper than 1:6.
- Providing for cut and fill that does not result in any increase in existing 1% AEP flood levels to other properties.
- Design that ensures no fill on land subject to the Land Subject to Inundation Overlay.
- Design that ensures no earthworks within the tree protection zones of any trees to be retained.
- Design that ensures earthworks do not create abrupt level changes within external interface areas.
- Geotechnical compliance testing for placement and compaction of fill soils during construction.

Integrated Transport and Traffic Management Plan

An Integrated Transport and Traffic Management Plan that addresses, but is not limited to:

- The expected maximum number and size of dwellings.
- Daily and peak hour traffic generation rates and volumes.
- Designation of access to the site through the shared access with Heide Museum of Modern Art to Templestowe Road as endorsed by Head, Transport for Victoria, and triggers for the provision of signalisation of the intersection.
- The appropriateness of the proposed alignment of the primary vehicular circulation to be set out in the Outline Development Plan.
- Allowance for long term vehicular access from the site to the Heide Museum of Modern Art and any future residential development undertaken at 25 Templestowe Road, Bulleen.
- Analysis as to the operation of the signalised access to demonstrate satisfactory operation of the access point.
- Assessment as to any additional traffic management works required both within the site and in adjacent local areas in association with the development of the site.
- An indicative layout of internal streets to:
 - Make suitable provision for vehicle, pedestrian and bicycle access.
 - Provide a direct and clearly public pedestrian and bicycle route along a clear visual link between Templestowe Road and the Future Public Open Space identified in the Outline Development Plan.
 - Integrate pedestrian and bicycle networks with neighbouring land, including the future public open space and the Yarra Trail.
 - Provide a high level of amenity and connectivity.
 - Provide for a high-quality streetscape environment.
- Proposed future ownership and management responsibilities of all roads and footpaths within the site.
- A Green Travel Plan to be prepared to the satisfaction of the responsible authority, identifying initiatives to reduce private vehicle usage, including new resident awareness and education program, opportunities for a car share program and other means of promotion of non-vehicular transport modes.

Site Servicing Report

A Site Servicing Report, in consultation with the relevant servicing authorities, that addresses, but is not limited to:

- An assessment of the existing infrastructure servicing the site and its capacity to service the proposed development based on the estimated number of dwellings; and
- A description of the proposed provision of all appropriate utility services to each development parcel or superlot.

Drainage and Hydrology Stormwater Management Strategy Report

A Drainage and Hydrology Stormwater Management Strategy Report, in consultation with Melbourne Water, that addresses, but is not limited to:

- Details of water drainage and treatment measures to meet the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 2006 (or as amended), and to ensure appropriate protection of the Yarra River.
- The identification of the size and location of any proposed water sensitive urban design initiatives, sediment ponds, wetlands, channels and flood plain storage provisions within the development and within the flood plain of the Yarra River.
- Details of asset ownership, of short and long term maintenance requirements and responsibilities for the stormwater treatment, detention and drainage assets.
- Where works are proposed, detailed flood modelling and flood plain storage offset calculations must be undertaken to demonstrate that the proposed works will not result in any adverse impacts to surrounding properties including afflux with respect to depth, level, velocity and hazard. Modelling must also consider climate change impacts and blockage.
- Confirmation of the provision of reticulated services.
- Details of any proposed water treatment and reuse measures (including an assessment to confirm the volume of water proposed to be reused), such as stormwater filtration and use for irrigation purposes.
- A drainage and hydrology assessment which:
 - does not allow water and drainage treatment on land subject to the Land Subject to Inundation Overlay
 - demonstrates the measures taken to achieve appropriate water and drainage treatments within the development area, within the context of the surrounding site.
- The management of stormwater during the construction phase, particularly sediment control, and details of contingency measures for floodwater treatment where any flooding occurs prior to the connection of all infrastructure. This includes the development and implementation, in consultation with the Environment Protection Authority, of a Surface Water Management Plan for construction that sets out requirements and methods for best practice sediments and erosion control and monitoring in general accordance with *Construction techniques for sediment pollution control*, Environment Protection Authority, 1991.
- The provision of safe overflow paths in public land within the proposed residential precinct for the critical 1% annual exceedance probability (AEP) event and considers the impact of the >1% AEP event.
- An investigation to examine the feasibility of integrated water management techniques as advocated by *Designing for a cool city: Guidelines for passively irrigated landscape*, 2020, Cooperative Research Centre for Water Sensitive Cities, 2020 and *Infill Typologies Catalogue*, Cooperative Research Centre for Water Sensitive Cities, 2020, including through discussions with Yarra Valley Water.
- Modelling of the turnover frequency and inundation frequency of any proposed assets.

Ecologically Sustainable Design Strategy

An Ecologically Sustainable Design Strategy (ESD Strategy) that considers and responds to the major components of the proposed residential development and construction processes and:

- Demonstrates the incorporation of recognised technologies and best practice.
- Demonstrates how compliance with all relevant statutory obligations in environmental sustainability is to be achieved.
- Identifies and nominates the level of sustainability performance standards to be adopted.
- Assesses options by which the agreed level of sustainable performance standards will be achieved.

Acoustic Report

An acoustic report prepared by a suitably qualified acoustic consultant must be provided that:

- Assesses the noise emitted from 25 Templestowe Road, Bulleen (Sonoco).
- Identifies possible sensitive land uses and noise receptors adjacent to Sonoco.
- Identifies requirements for future acoustic mitigation works within the development, to achieve compliance within the residential precinct with relevant State Environment Protection Policies, Environment Reference Standards, regulation or guidelines.

Air Emissions Report

An air emissions report prepared by a suitably qualified acoustic consultant must be provided that:

- Assesses the air emissions from 25 Templestowe Road, Bulleen (Sonoco).
- Identifies requirements for future air emission mitigation works within the development, to achieve compliance within the residential precinct with relevant State Environment Protection Policies, Environment Reference Standards, regulation or guidelines.

Cultural Heritage Interpretation Plan

A Cultural Heritage Interpretation Plan that addresses:

- Aboriginal cultural heritage values and how they are to be represented, protected and incorporated into the development, including by addressing the recommendations made in any Culture Heritage Management Plan prepared in respect of the site.
- The interface of the development with the Yarra River.
- The interface of the development with the Heide Museum of Modern Art.

Staging Plan

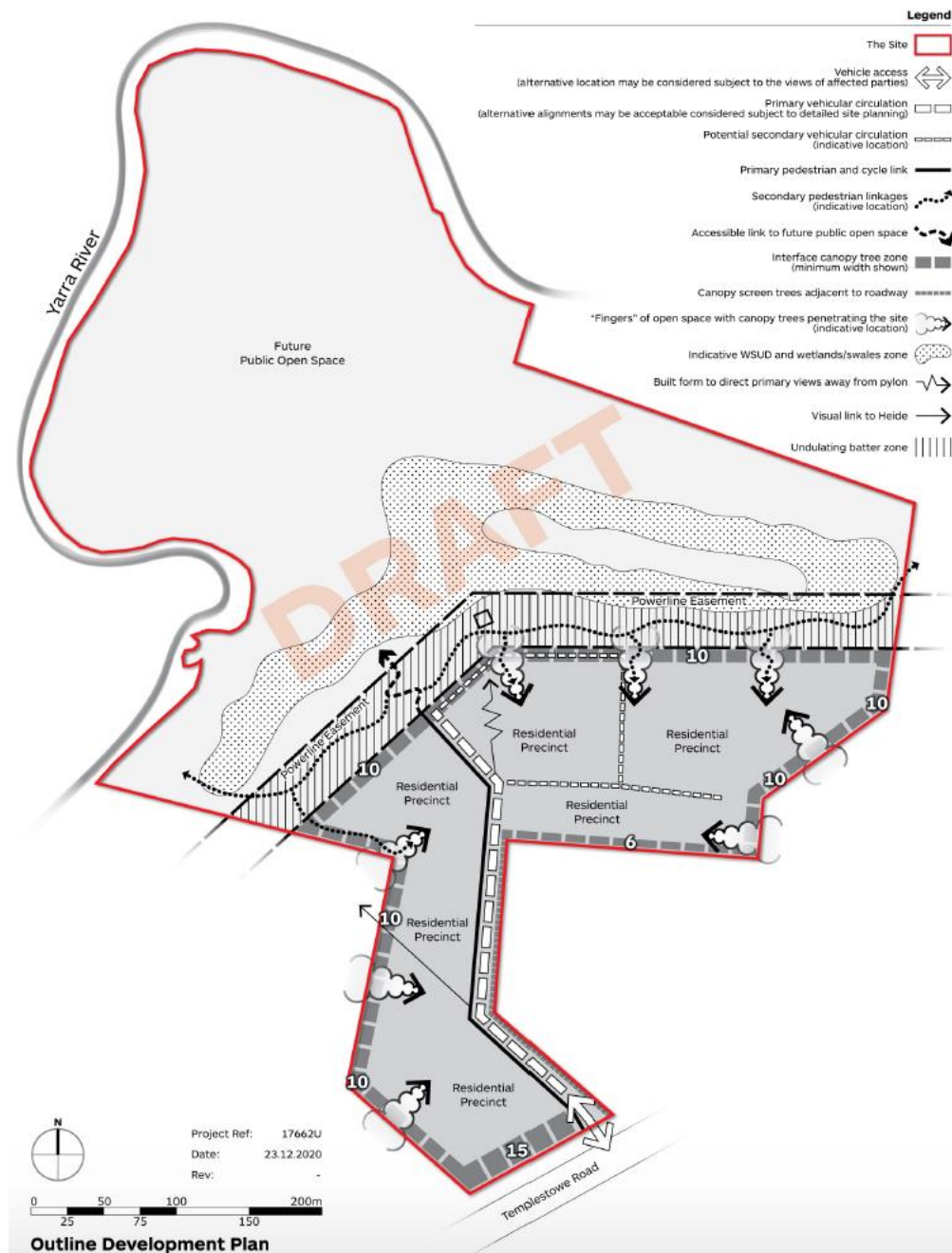
A Staging Plan that addresses the likely staging and anticipated timing of the development of the site, specifically:

- The proposed sequencing of development of the proposed residential precinct, including details of earthworks sequencing and the establishment of perimeter canopy tree zones as required in the Landscape Master Plan.
- Construction of any water drainage and treatment measures.
- Rezoning and transfer of the future public open space.
- Vehicle access points, road infrastructure works and traffic management for each stage of development.

Community Engagement Strategy

A Community Engagement Strategy which establishes the mechanisms by which the community will be provided with information and opportunities for feedback in relation to the prepared development plan.

Figure 1 Outline Development Plan (to be replaced)



ODP to be amended to:

- increase text size in the legend, add existing ground levels at multiple locations across the land (for reference purposes)
- to delete the "Potential secondary vehicular circulation" notation and replace with reference to pedestrian and bicycle access.
- incorporate ground levels and max building height and number of storeys
- set back the proposed land fill footprint from the electricity easement, to north eastern and western extensions of the footprint
- modify reference to the Templestowe Road access to show an indicative shared access with Heide Museum of Modern Art, with flexibility as to final location
- add a minimum three (3) metre pathway on Templestowe Road.