

24/02/2017
GC48**SCHEDULE 15 TO THE SIGNIFICANT LANDSCAPE OVERLAY**Shown on the planning scheme map as **SLO15****Yarra (Birrarung) River Corridor Environs****1.0**24/02/2017
GC48**Statement of nature and key elements of landscape**

The Yarra River has metropolitan significance as an environmental, aesthetic, cultural, recreation and tourism asset. The river corridor links parklands and reserves into a near-continuous vegetated landscape experience that provides a highly valued, secluded natural environment, enjoyed by local and metropolitan communities.

The Yarra River corridor contains some of the most valued flora, fauna, geological and geomorphological assets in metropolitan Melbourne. Indigenous vegetation and remnant riparian vegetation provide habitat and contribute to the protection of water quality and flow regimes.

This segment of the Yarra River flows through the traditional land of the Wurundjeri people. The waterway, its natural landscape and key features have social, cultural and spiritual significance, with areas such as the river flats and billabongs being important gathering spots.

Within Nillumbik, the Yarra River is dominated by a heavily vegetated riparian edge of variable width which gently rises to present a landscape backdrop of dense understory vegetation and mature canopy trees. This setting assists in significantly limiting the visual intrusion of built form from public vantage points within the Yarra River corridor.

A bush residential character of low rise residential dwellings on suburban sized allotments can be found within Eltham and North Warrandyte. Views of Bradley's Lane and Osborne Peninsula can be found from the historic township of Warrandyte on its southern banks. A rural residential character dominates areas of Research and Kangaroo Ground with dwellings located on large allotments within a spacious natural setting, generally well setback from the river.

Land along the river's banks is predominately in public ownership, connecting a number of conservation reserves such as Sweeny's Flats, Laughing Waters State Park and Warrandyte State Park providing a habitat corridor for wildlife movement.

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GC48**Landscape character objectives to be achieved***Landscape, environmental and cultural values*

- To protect and enhance the natural landscape character of the Yarra River corridor where the river, its topography, adjacent public open space and a continuous corridor of vegetation and canopy trees are the dominant features.
- To protect, rehabilitate and expand a continuous corridor of riparian and indigenous vegetation using appropriate indigenous species.
- To protect and enhance both terrestrial and aquatic habitat to allow the movement of wildlife within the Yarra River corridor.
- To protect and conserve areas of known indigenous and non-indigenous cultural or archaeological significance.
- To retain exotic vegetation of heritage or neighbourhood character where it contributes to landscape significance.

Protection of waterway and the riparian zone

- To ensure buildings and works are set back from the banks of the river to protect existing riparian vegetation, habitat and not impede its natural flood and watercourse characteristics.
- To maintain and protect the river’s natural geomorphology, banks stability and reduce the risk of erosion.
- To reduce the rate or quantity of stormwater, sediment or other pollutants directly entering watercourses or wetlands.

Public open space and access

- To maintain and protect linear public open space and provide for secluded areas of public open space with appropriate public access to the river and its public open space.
- To encourage the co-location or clustering of buildings, jetties and mooring facilities on public land.
- To encourage bicycle and shared paths that are well located, avoid unnecessary earthworks and vegetation removal and have good visibility to help increase safety for users.

Siting and design of built form

- To avoid light spill and overshadowing from buildings and works on the banks and water of the Yarra River, adjacent public open space and along bicycle and shared paths.
- To minimise the visual intrusion of buildings and works when viewed from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings.
- To ensure buildings are sited and designed to reduce visual contrast with the natural landscape character setting of the Yarra River corridor.
- To ensure all buildings are subordinate to the existing vegetation with all views of buildings filtered through vegetation.
- To ensure all fencing within close proximity to the Yarra River is low in scale, visually permeable and does not create contrast with its natural landscape character.

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Permit requirement

A permit is required to:

- Remove, destroy or lop vegetation.
- Construct a fence within 30 metres of the banks of the Yarra River or where it abuts public open space unless all of the following requirements are met:
 - the maximum height of the fence does not exceed 1.4 metres at any point above natural ground level; and
 - the fence is of timber post and rail, and timber or metal post and wire construction.

A permit is not required to:

- Construct a building less than 6 metres in height above natural ground level at any point.
- Undertake maintenance works by, or on behalf of, a public land manager, municipality or public authority to:
 - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse, mitigate flooding, or construct stream habitat works;

- control or remove non-native vegetation in preparation for revegetation works by a municipal council or public authority;
- remove, destroy or lop any vegetation that has the capacity to adversely affect stream flow;
- maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; and
- maintain or repair an existing bicycle or shared pathway.
- Remove, destroy or lop non-native vegetation which has all of the following:
 - a trunk circumference of less than 0.35 metre at 1 metre above ground level;
 - a height of less than 6 metres; and
 - a branch spread of less than 4 metres.
- Prune vegetation to maintain or improve its health, appearance or for safety reasons.
- Remove, destroy or lop vegetation is identified as a pest plant in the *Environmental Weed List 2009*, Shire of Nillumbik.
- The vegetation is *Kunzea ericoides* (Burgan) and is being removed for fire prevention purposes.

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Application Requirements

An application must be accompanied by the following information as determined by, and to the satisfaction of the responsible authority:

- A written assessment demonstrating how the proposal meets the objectives and requirements of this overlay.
- A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all proposed buildings and works from the banks of the Yarra River.
- A site plan of all elevations including proposed building heights using Australian Height Datum (AHD) measured from natural ground level at any point including any areas of cut and fill proposed.
- A schedule of proposed materials and finishes.
- Shadow diagrams showing how the proposed buildings and works impact on:
 - the banks and water of the Yarra River between 11:00am and 2:00pm on 22 June; and
 - public open space between 11:00am and 2:00pm on 22 September.
- A visual impact assessment of proposed buildings and works from public viewing points and other locations from the Yarra River.
- A landscaping plan which includes:
 - The location and site area percentage of all existing and proposed hard or impermeable surfaces.
 - The type, location, quantity, height at maturity and botanical names of all proposed plants and details of any proposed tree protection zones.
 - A maintenance/weed/erosion control plan for all proposed revegetated areas for areas immediately adjacent to the banks of the Yarra River.
 - How natural landforms will be protected, including appropriate approaches to vegetation retention and planting, ground preparation and minimising ground disturbance.

- How erosion will be managed and stability maintained or improved using soft landscaping and other techniques.
- How the rate and quantity of stormwater leaving a property will be controlled and pollutants filtered, using soft landscaping techniques.

An application to remove, destroy or lop vegetation must be accompanied by the following information:

- A written explanation justifying the removal of the vegetation supported by a suitably qualified arborist assessing the proposed vegetation removal.
- A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
- Plan details of the location of proposed replanting.

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Decision Guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

Landscape, environmental and cultural values

- The reasons for removing vegetation and whether there are other alternative options which do not require its removal.
- The effect of the removal of vegetation on the natural landscape character, habitat protection, wildlife movement and long term viability of remnant and revegetated areas.
- Whether sufficient vegetation and canopy trees of appropriate species are to be planted to replace the removal of the existing vegetation and mature canopy trees.
- Whether the location and extent of the buildings or works encroaches into the critical root zone of mature canopy trees.
- The ability for proposed vegetation species to be matched to the local plant communities.
- Whether mature, dead and dying native vegetation should be maintained as habitat for native fauna or removed to avoid a risk or safety hazard.

Protection of waterway and the riparian zone

- Whether any proposed earthworks and changes in the topography of the river corridor will detrimentally impact its local natural landscape character and environmental values.
- Whether the proposed fencing allows for the free movement of wildlife minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Whether buildings and works are sufficiently set back from the banks of the Yarra River to ensure that:
 - The river's natural flood and water course characteristics are not impacted.
 - The topography of the river and its banks are maintained as the dominant feature in the public views of the river corridor.
 - The existing riparian vegetation is protected and enhanced.
 - That views of development from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings are minimised.
- The need for litter or gross pollutant traps at entry points to drains that serve large developments known to generate litter and sediment.

Public open space and access

- Whether the location of boating infrastructure is consistent with the *Guidelines for Approval of Jetties 2011* Melbourne Water, any requirements, plans or guidelines prepared by Parks Victoria or other public land manager.
- Whether private development results in the loss of, or creates inappropriate access to the Yarra River and its parklands.
- Whether opportunities exist to co-locate new buildings with existing buildings on public land, particularly at the banks of the Yarra River.

Siting and design of built form

- Whether buildings will protrude above the predominant tree canopy within a given area.
- The impact of any overshadowing by development:
 - on the banks and waterway of the Yarra River between 11:00am and 2:00pm on 22 June; and
 - across any public open space between 11:00am and 2:00pm on 22 September.
- Whether the scale, form, siting and design of new buildings, including materials, colours and finishes, are sensitively integrated with the natural landscape setting of the river corridor.
- Whether the spacing between buildings allows for the planting of appropriate vegetation and canopy trees to filter views of the development.
- Whether the existing and proposed vegetation fronting the Yarra River will filter the majority of views of the proposed development.

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Reference documents

- *Middle Yarra River Study - Recommendations Report 2016* Department of Environment, Land, Water and Planning
- *Shared Pathway Guidelines 2009*, Melbourne Water
- *Environmental Weed List 2009*, Shire of Nillumbik
- *The Middle Yarra Concept Plan – Burke Road to Watsons Creek, 1993* Melbourne Parks and Waterways

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Transitional arrangements

The requirements of this schedule do not apply to:

- Development of land for which a permit under the *Building Act 1993* was issued under the requirements of this planning scheme before 24 February 2017.
- Development of land for which a planning permit was issued before 24 February 2017 under the requirements of this planning scheme.

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Expiry

The requirements of this schedule cease to have effect after 31 January 2021.