



YARRA
RIVERKEEPER

PROTECTING URBAN WATERWAYS A Guide to Victoria's Planning System

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PROTECTING URBAN WATERWAYS
A Guide to Victoria's Planning System

FUNDED BY



ACKNOWLEDGEMENT

We acknowledge the traditional owners of the State of Victoria. We offer our respect to the Elders past, present and future of these traditional lands, and through them to all Aboriginal and Torres Strait Islander People.

DISCLAIMER

This document is intended to provide an overview of the planning and development framework that applies to Urban Waterways. The information contained in the report is of a general nature, and should not be used for the purposes of decision-making.

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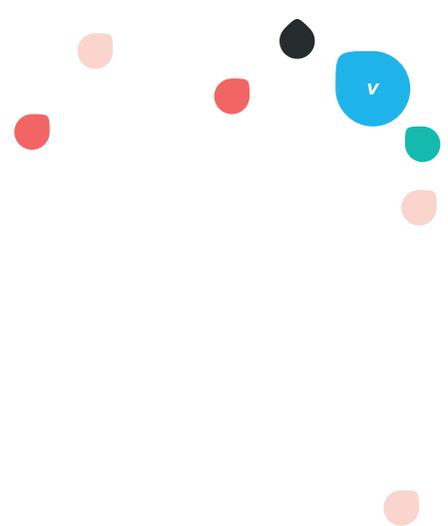
Cover Image: The Maribyrnong River (Jan-Feb 2010) at Essendon West looking south-east towards the high rise of the City of Melbourne, Nick Carson at English Wikipedia, used under Wikimedia Commons license.

Westmeadows, at the top of Moonee Ponds Creek. (Photo Credit: Anna Lanigan)



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Executive Summary

The Greater Melbourne Metropolitan Area and Victoria's other major urban centres are gifted with rivers, creeks, parklands, and green open spaces that follow the meandering paths of our waterways. These waterways are being squeezed by urban development, the result of our ongoing population boom. Once lost, these opportunities for green open space are gone forever. The linear corridors of our waterways are the critical connecting links across our cities, both for wildlife, seed dispersal and, not least of all, for people.

This book, sponsored by the Lord Mayor's Charitable Foundation and commissioned by the Yarra Riverkeeper Association, is designed to help Community Groups speak for their waterways, to advocate for outcomes that benefit our communities.

Now is the time we need to act - while our waterways are still connecting green ribbons through our suburbs. Community has often been the best advocate for their waterways. The 'friends of' groups have often been the ones in the forefront of defending, promoting and even expanding our parklands and reserves as well as continuing the essential work of habitat restoration and of monitoring wildlife. Local Community Groups are the selfless stewards of our environment, and the natural environment is the key factor that makes Australian cities so liveable.

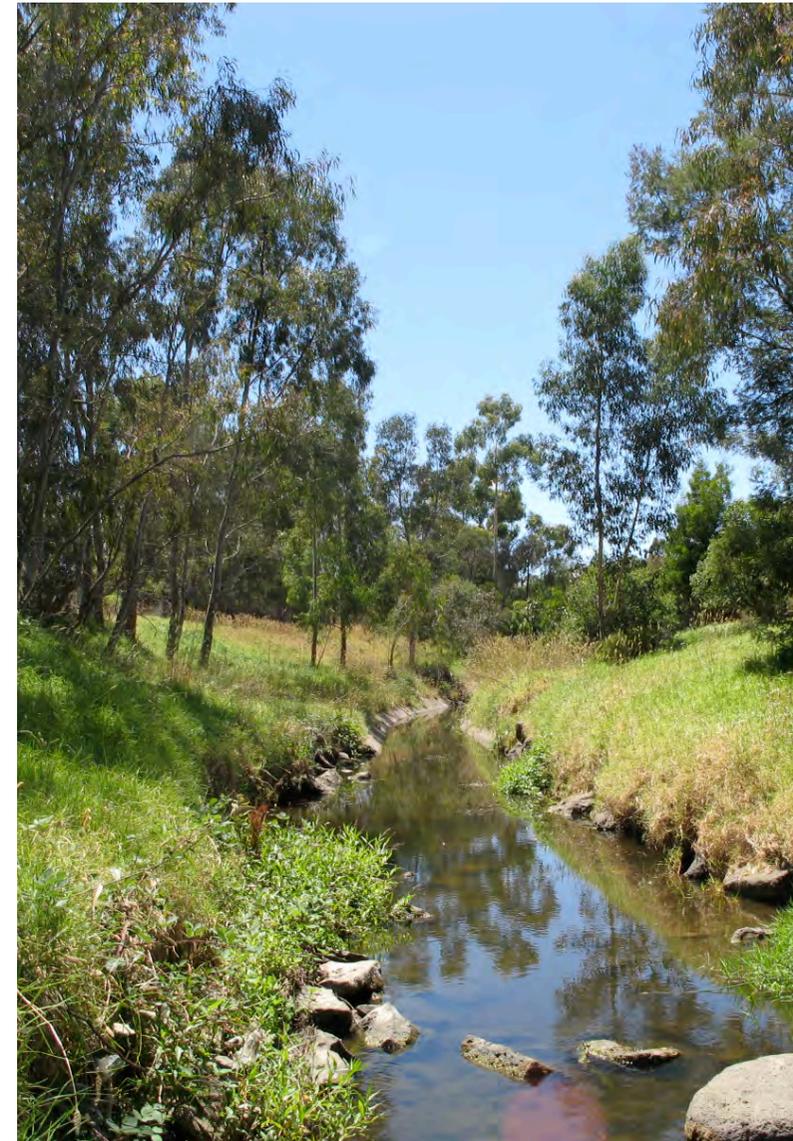
Development is being pushed into our river corridors. House footprints are expanding and what

was once both garden and habitat on a waterway shrinks. Where once a single storey sufficed, additional stories are built or added, overshadowing waterway corridors. More and more roofs, roads, pavements and carparks are expanding the hard impermeable surfaces that increase the run-off into our waterways, runoff that is polluted with the leavings of our car-dominated society. The sense of being in a natural landscape in a valley is punctured when crests are built on to capture the views for private housing, destroying the natural skylines for others. Apartment blocks spring up next to waterways, as developers capitalise on the stewardship of community groups in creating a beautiful creek environ. These developments compromise the beauty of the creek environment at the same time as that beauty is used to promote and sell those developments. Sometimes buildings are even built over creeks. Creeks and drainage lines are still being barrel drained.

The Barwon River, Edgars Creek, Stoney Creek, Plenty River, Kananook Creek, Werribee River, Scotchmans Creek, Maribyrnong River, and Damper Creek are but a few examples of much loved waterways that are being squeezed by excessive urban development.

The value of engaging with nature, being in nature, is now widely accepted. People need a place to go, a place away from the hurly-burly of the built environment, of roads and cars, hurrying pedestrians, and speeding cyclists, a place for quiet reflection and gentle exercise. Our open spaces,

Darebin Creek (Photo Credit: Nick Carson)

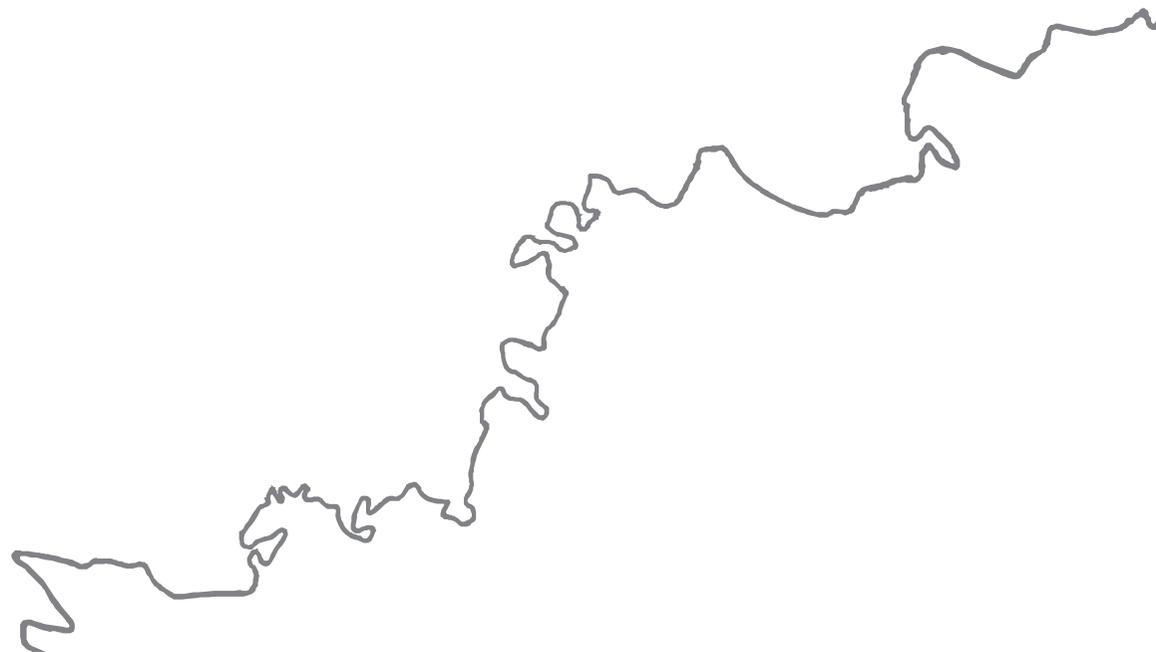


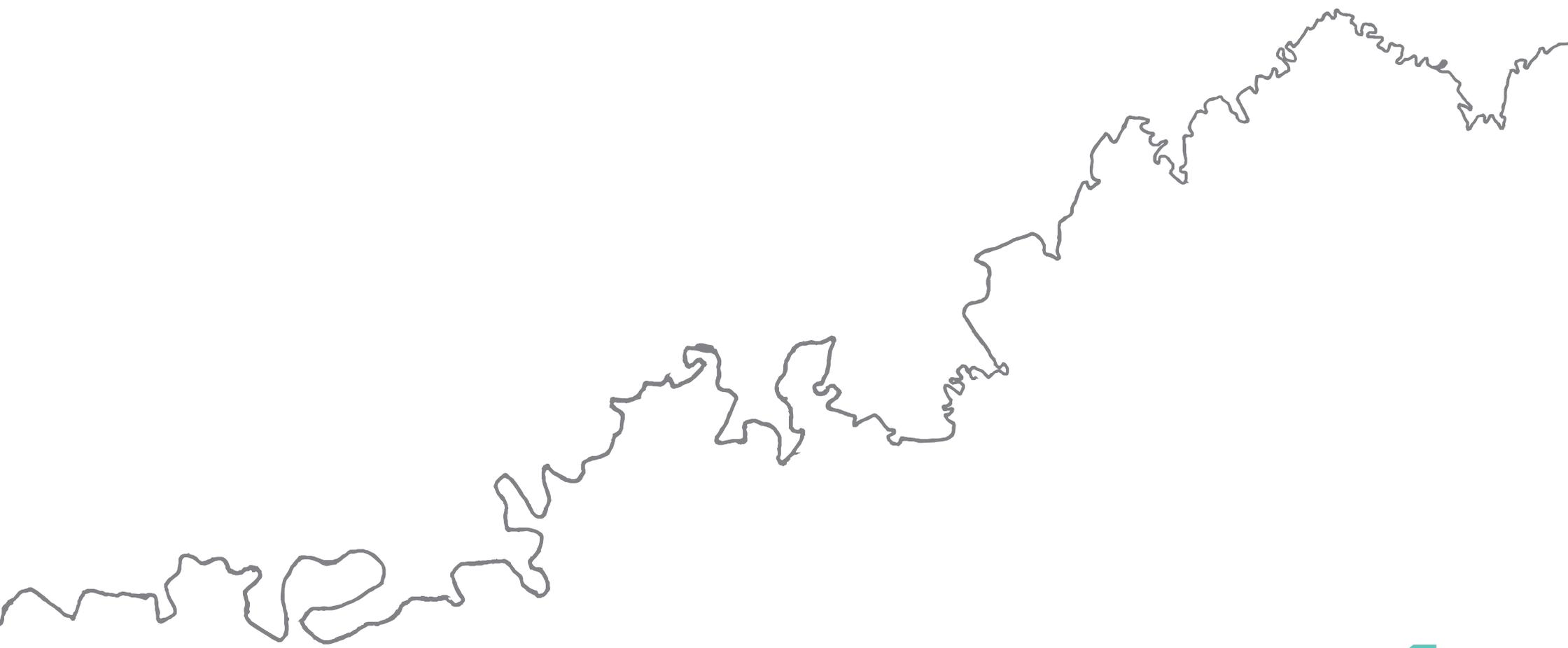


particularly along our waterways, are those places. The waterways, as linear corridors, permit extended experiences in nature through walking and riding along them. With better urban planning, better stewardship, we are bringing people back into nature. We are enabling them to engage with the extraordinary Australian bush, and even to join groups and assist in the work of rehabilitating waterways and restoring their ecological and spiritual functions.

To be an effective advocate for urban waterways, to be an able steward of the environment, to give voice to community concerns that too often go unexpressed, is challenging. The planning system is complex. For the uninitiated it is quite intimidating. The scales are weighted in favour of those who have the resources to employ planning experts, usually developers, authorities and councils. This report is designed to be a simple guide to our planning system as it relates to waterways. (In fact,

it is of use to any group challenged by development in their own area.) The intent of this report is to go some way to balancing the scales.





Background & Context

1

1.1 This Document

Background

This purpose of this project is to assist Community Groups in understanding how planning controls operate; and how they may be utilised to support their vision, aims and objectives.

This will enable Community Groups to be well placed to speak for better design and development outcomes for planning permit applications on private land.

It will also identify gaps in the current planning framework and help to focus advocacy to government and agencies for improved design and development outcomes on both public and private land.

Aims

The aims of this document are to:

- + Provide a baseline assessment of the current planning controls affecting land along urban waterway corridors which clearly outlines the land use and development parameters of each planning zone and overlay.
- + Identify gaps within the planning control framework that may impact on the achievement of the vision, aims and objectives of Community Groups.
- + Provide a guide to responding to planning permit applications, including ways to access specialist expertise and to suggest planning permit conditions.
- + Identify priorities for future policy work to improve the planning control framework.
- + Identify opportunities which lie outside of the planning system for Community Groups to achieve their visions for promoting improved design within the waterways environment, access to waterways and expression of social and cultural values.

This Document

This document is intended to be used by Community Groups as an advocacy tool for:

- + Planning and other policy development at the State and local government level
- + Preparing submissions to planning permit applications, VCAT cases and Planning Scheme Amendments.

Community Groups are key stakeholders in planning for urban waterways.

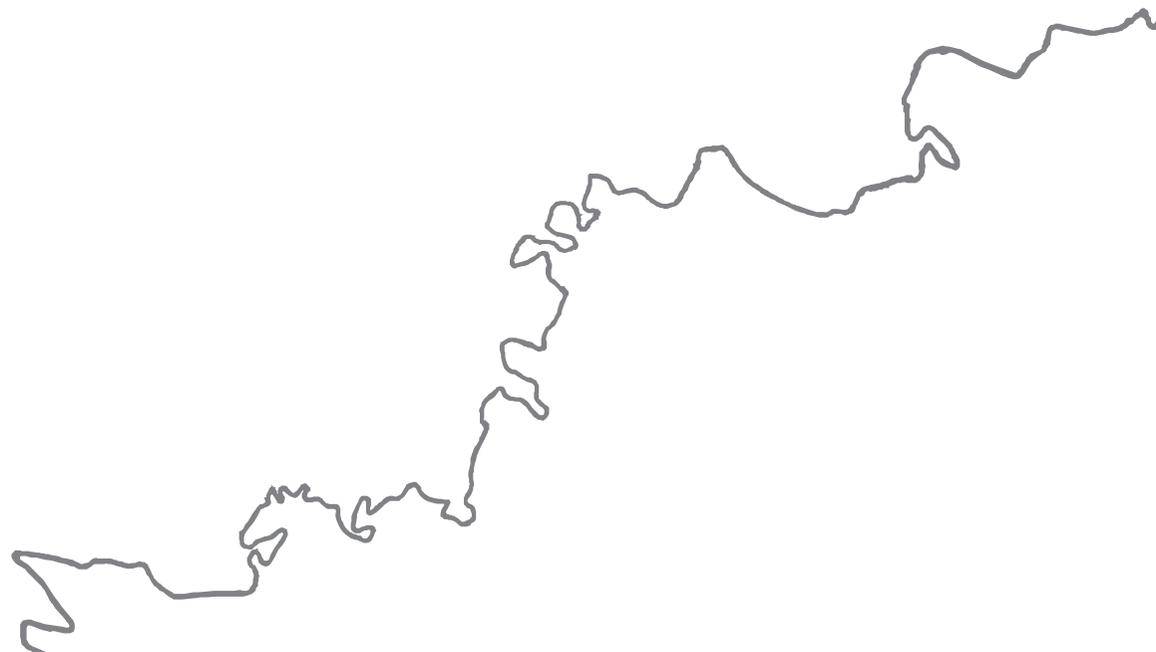
Whenever possible, this document should be used to support the Community Group's advocacy efforts to be part of pre-policy discussions, moving away from reaction to early involvement in policy creation and agenda-setting.

Study Area

Waterways include rivers, streams and creeks and are essential for the liveability of local neighbourhoods, community health and the broader environment. Waterways have special cultural significance for Traditional Owners and Aboriginal Victorians; encompassing spiritual, cultural, social, economic and environment values.

Nankeen Kestrel (Photo Credit: Dennis Hocking)







The Planning & Development Framework

2

2.1 Legislative Framework

Overview of the Waterways of Melbourne

PLANNING & ENVIRONMENT ACT

The *Planning and Environment Act* (1987) (VIC) establishes a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

The Act sets out a number of Objectives for Planning in Victoria, the most relevant of which are:

- + To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- + To secure a pleasant, efficient and safe living, working and recreational environment for all Victorians and visitors to Victoria;
- + To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Land use and development controls contained in each Planning Scheme support the objectives from the Act.

YARRA RIVER PROTECTION ACT

The Yarra River Protection (Willip-gin Birrarung Murrn) Act (2017) (VIC) recognises the intrinsic connection of the traditional owners to the Yarra River and its Country. It recognises them as the custodians of the land and waterway which they call Birrarung.

Part 2 of the Act sets out Yarra “Protection Principles,” including principles about the environment. Among these, Section 9(4) states:

There should be a net gain for the environment in the area of Yarra River land arising from any individual action or policy that has an environmental impact on Yarra River land.

In addition to environmental principles, the Act sets out social, recreational, cultural and management principles for the Yarra River land. These principles include protecting and enhancing:

- + Recreational amenity in the Yarra River lands
- + Community access to the Yarra River lands
- + The natural processes, while also enabling use of the land for recreational and community purposes.

Management principles include that there should be coordination between all levels of government and government agencies when designing policies and programs in relation to the Yarra River land.

Part 5 of the Act establishes the Birrarung Council, which will provide independent advice to the Minister on the protection and improvement of the Yarra River landscape, including the development, operation and effectiveness of the Yarra Strategic Plan.

WATER ACT & MELBOURNE WATER BY-LAWS

The *Water Act* 1989 (Vic) provides the legal framework for managing water resources in Victoria.

The main purposes of the Act are to:

- + Promote the equitable and efficient use of our water resources
- + Make sure our water resources are conserved and properly managed for the benefit of all Victorians
- + Increase community involvement in conserving and managing our water resources.

Melbourne Water has created by-laws under the Act that are relevant to the management and protection of the Yarra River corridor. They are:

- + By-law No. 1: Water Supply Protection (2008)
- + By-law No. 2: Waterways, Land and Works Protection and Management (2009).

SUBDIVISION ACT

The Subdivision Act (1988) (VIC) sets out the

procedure for the subdivision and consolidation of land, including buildings and airspace, and for the creation, variation or removal of easements or restrictions that apply to land.

This Act also regulates the management of and dealings with common property and the constitution and operation of bodies corporate.

The Act empowers a responsible authority to require a portion of land to be set aside as public open space when subdivision occurs. Alternatively, a payment may be made in lieu of public open space.

The Act specifies how public open space contributions are to be calculated and what Council must do with open space, or with contributions collected for the creation of new public open spaces, or improvement of existing public open spaces.

HERITAGE RIVERS ACT

The Yarra River, between Warburton and Warrandyte is listed as a Victorian Heritage River, under the *Heritage Rivers Act 1992* (VIC).

This Act identifies 18 Heritage River Areas in Victoria, in which some activities may be prohibited, including constructing barriers that affect the area's recreational, natural, scenic or cultural heritage values.

The Heritage Rivers Act can restrict diversion of water, some clearing practices, the establishment of timber plantations and domestic animal grazing.

HERITAGE ACT

The *Heritage Act 2017* (VIC) is administered by Heritage Victoria, and is the State government's key non-Indigenous cultural heritage legislation.

The Act identifies and protects heritage places and objects that are of significance to Victoria, including:

- + Historic archaeological sites and artefacts
- + Historic buildings, structures and precincts
- + Gardens, trees and cemeteries
- + Cultural landscapes
- + Shipwrecks and relics
- + Significant objects.

Following a detailed review of the *Heritage Act 1995* (VIC) (including public consultation) in 2015, a Heritage Bill was introduced and passed in the Legislative Assembly in 2016. The updated/revised Heritage Act commenced on 1 November 2017.

CATCHMENT & LAND PROTECTION ACT

The Catchment & Land Protection Act (1994) establishes a catchment management authority (CMA) for each catchment and land protection

region; these are the nine CMAs and Melbourne Water which has been delegated as the authority for the Port Phillip and Westernport region. The Act outlines the main functions, powers, and duties of the CMAs. They are responsible for preparation and implementation of Regional Catchment Strategies and Special Area Plans. The purposes of the Act are the following:

- + To set up a framework for the integrated management and protection of catchments;
- + To encourage community participation in the management of land and water resources;
- + To set up a system of controls on noxious weeds and pest animals;
- + To repeal and amend various Acts concerning catchment and land management.

The Act also states that a CMA must not act inconsistently and must have regard for parts of the Statement of Planning Policy in relation to declared areas. Section 12A has been inserted to state the obligations of the Port Philip and Westernport Catchment Management Authority in relation to Yarra River land.

2.2 Planning Schemes

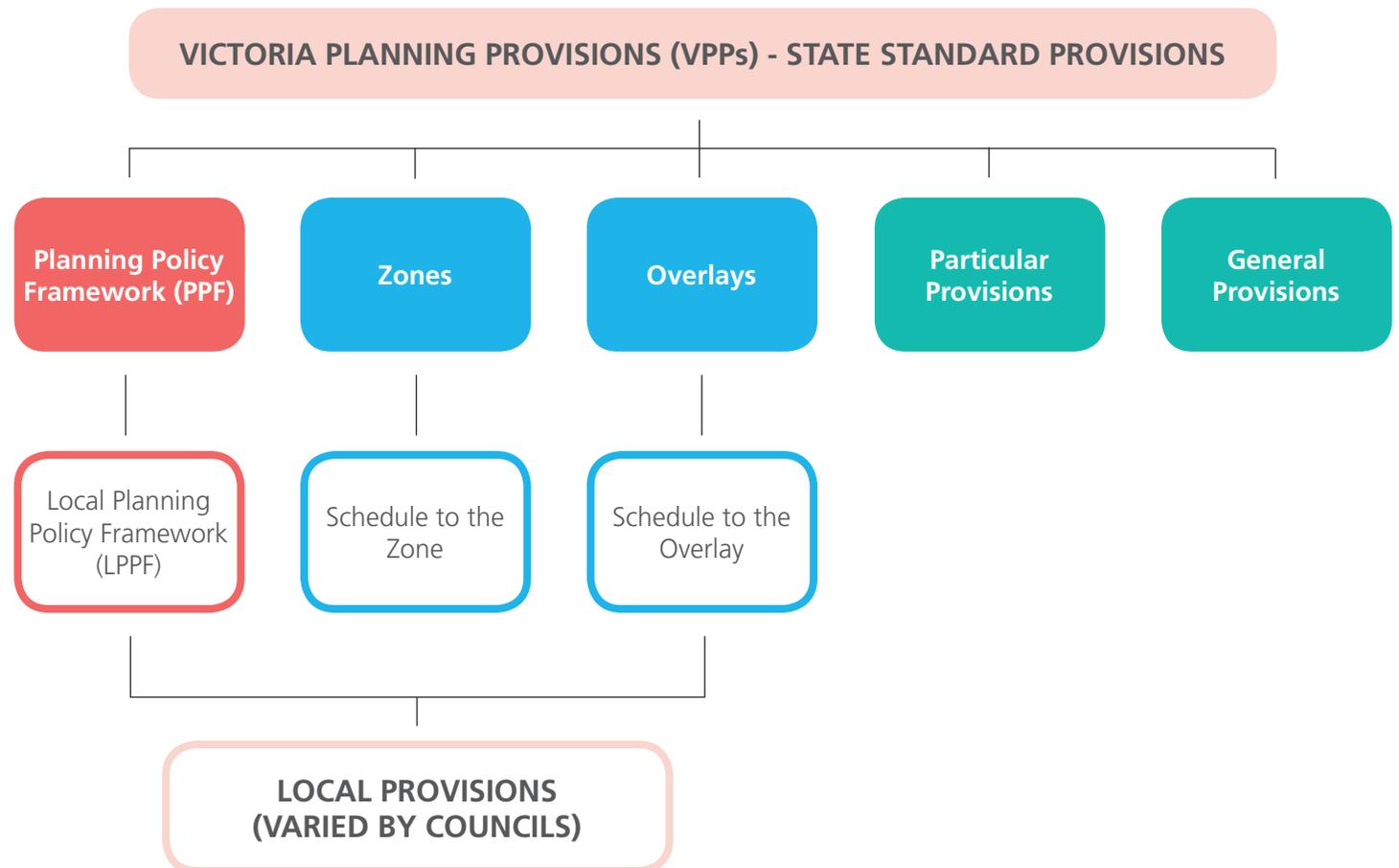
The Structure of Planning Schemes

Every Council in Victoria is required to prepare, maintain and update a planning scheme for its local government area (LGA). The scheme applies zones, overlays and other specific provisions that trigger the need for planning permission for different land use and development activities.

Within each planning scheme, there is a suite of State standard provisions maintained by the State government, and a series of local policies and schedules prepared by each Council based on their context and specific conditions.

The diagram to the right (**Figure 1**) details how the Victoria Planning Provisions (VPPs) or State standards relate to local provisions. The local planning policy framework (LPPF) constitutes local application of State-wide policies. They outline a profile of local conditions, and how a council will make decisions on specific issues based on the context.

Figure 1. Current Structure of Planning Schemes



2.3 Planning Policy Frameworks

Smart Planning

DELWP's Smart Planning program initiated Amendments VC142 and VC148 to all Victorian planning schemes. These restructure the Victorian Planning Provisions (VPP), and support the future translation of Local Planning Policy (LPPFs) into the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).

In the future, the PPF will have a new 3-tier integrated policy structure, new and updated policy themes and integration of regional policy, rather than separate State, Regional and Local sections.

Individual Councils' Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) will remain in the interim, but eventually these will be included in the new Municipal Planning Strategy and PPF. This will be a staggered process with local Councils' undertaking this translation at different times.

Planning Policy Framework

AMENDMENT VC121

On 21 December 2015, the Minister for Planning strengthened the State Planning Policy Framework by introducing a new 'Yarra River protection' policy at Clause 12.05-2 of the State Planning Policy Framework (SPPF), through Amendment VC121.

This Amendment gave statutory effect to the 'statement of significance' for the Yarra River corridor, which had been developed in the preparation of the Middle Yarra River Corridor Study.

The policy objective, reflecting the significance of the Yarra River to the people of Melbourne and Victoria, is to:

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

This objective is supported by strategies to:

- + Strengthen the river's natural environment, heritage and overall health
- + Maintain a sense of place and landscape identity

- + Retain and enhance people's enjoyment of the river and its environment
- + Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment.

Importantly, the policy provides that buildings should be of a height lower than the tree canopy and set back a minimum distance of 30 metres from the river's edge.

The policy also identifies the need to "avoid overshadowing of the river its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year round."

These policy elements have shaped the detailed siting and design controls set out in each of the new DDO controls.

As the highest-level policy in all Planning Schemes, these objectives and strategies should:

- + Underpin any planning decision-making at a strategic or statutory level
- + Inform preparation of planning permit applications
- + Guide authorities' engagement with any environmental, land use or development management policies.

For more information on Smart Planning visit:
<https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/smart-planning-program>

AMENDMENT VC128

On 31 July 2018, Amendment VC148 introduced Clause 12.03-1S within the Planning Policy Framework (PPF), a state-wide policy concerning the protection and enhancement of river corridors, waterways, lakes and wetlands. It is supported by strategies to:

- + Protect the environmental, cultural and landscape values of all water bodies and wetlands.
- + Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
- + Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
- + Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.
- + Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.
- + Facilitate growth in established settlements where water and wastewater can be managed.

As the highest-level policy in the current structure

of Planning Schemes, these objectives and strategies should:

- + Underpin any planning decision-making at a strategic or statutory level
- + Inform preparation of planning permit applications
- + Guide authorities' engagement with any environmental, land use, or development management policies.

It recognises the following policy documents as relevant:

- + Maribyrnong River – Vision or Recreational and Tourism Development (Melbourne Parks and Waterways, 1996)
- + Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
- + Melbourne Water's Guidelines for Approval of Jetties (Melbourne Water, 2011)
- + Healthy Waterways Strategy (Melbourne Water, 2013)

YARRA RIVER PROTECTION POLICY

On 21 December 2015, the Minister for Planning introduced a new 'Yarra River protection' policy at Clause 12.05-2 of what was formerly the State Planning Policy Framework section of the planning scheme through Amendment VC121. This policy was translated into a regional policy and was moved to Clause 12.03-1R, as part of the Planning Policy Framework, after the planning scheme was restructured through Amendment VC148.

This policy gives statutory effect to the 'statement of significance' for the Yarra River corridor, which had been developed in the preparation of the Yarra River Corridor Study.

The policy objective, reflecting the significance of the Yarra River to the people of Melbourne and Victoria, is to: To maintain and enhance the natural landscape character of the Yarra River corridor.

This objective is supported by strategies to:

- + Strengthen the Yarra River's natural environment, heritage, and overall health;
- + Promote a sense of place and landscape identity;
- + Retain and enhance people's enjoyment of the river and its environment;
- + Ensure that development is designed and site to maintain and enhance the river's secluded and natural environment.

Local Planning Policy Framework

Importantly, the policy provides a preferred building height and minimum setback distance from the river's edge. The policy also identifies the need to "avoid overshadowing of the river, its banks, and adjacent public space to ensure that the amenity of the public realm is maintained year-round". These policy elements have shaped the detailed siting and design controls set out in each of the new DDO controls.

The policy recognises the following policy documents as relevant:

- + Middle Yarra River Corridor Study - Recommendations Report (Department of Environment, Land, Water and Planning, 2016)
- + Lower Yarra River Corridor Study - Recommendations Report (Department of Environment, Land, Water and Planning, 2016)

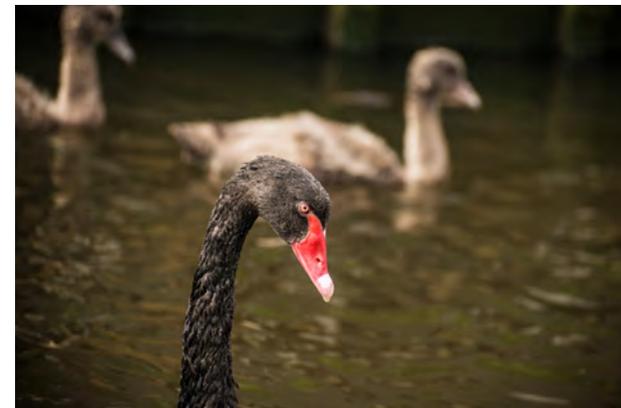
The Municipal Strategic Statements (MSS) sets out the key objectives and strategies that will guide land use and development in each municipality.

Within the MSS, specific waterways can be identified to be key features of a municipality and as important environmental, cultural, and recreational assets with high landscape significance. For each municipality, existing references within the MSS regarding waterways can be strengthened using the context provided in relevant reports and strategies. For example, the Middle and Lower Yarra Corridor Study Recommendations Reports (2016) contain detailed information about recommended changes relevant to each Council that can be used within their strategic statements.

An updated MSS could include:

- + The vision for the waterway; and
- + Key identified values for waterway corridors within a Council's area.

In the future, the MSS will be translated into the Municipal Planning Strategy (MPS) and the local policies within the Planning Policy Framework.



The natural environment and processes of our waterways must be protected and enhanced to support their role as faunal habitats.

(Photo Credit: Dennis Hocking)

2.4 Planning Zones

Introduction



Leigh Creek (Photo Credit: Andrew Kelly)

Planning zones are the primary tool for controlling land use (e.g. residential, commercial, industrial, public park and recreation, mixed use), development, and subdivision.

A broad range of zones apply along Victoria's urban waterways corridors. There are residential and mixed use areas, parklands, commercial and industrial areas, and public use zones. In some cases, a main road also forms part of the waterways corridor; either at a crossing point where key views are afforded, or bordering parkland and following the course of the river itself.

This section provides a summary of the key purpose of each zone within the urban waterways corridor.

Key zones:

- + Residential Growth Zone (RGZ)
- + General Residential Zone (GRZ)
- + Neighbourhood Residential Zone (NRZ)
- + Low Density Residential Zone (LDRZ)
- + Rural Living Zone (RLZ)
- + Mixed Use Zone (MUZ)
- + Commercial Zones (C1Z and C2Z)
- + Industrial Zones (IN1Z and IN3Z)
- + Urban Floodway Zone (UFZ)
- + Public Park and Recreation Zone (PPRZ)
- + Public Conservation and Resource Zone (PCRZ)
- + Rural Conservation Zone (RCZ)

- + Public Use Zone (PUZ)
- + Special Use Zone (SUZ)
- + Road Zone, Category 1 (RDZ1)
- + Road Zone, Category 2 (RDZ2).

Generally, each zoning provision contains the following:

- + Purpose (fundamental focus of the zone in terms of land use and nature of development)
- + Policy objectives
- + Table of uses (permit not required, permit required, or prohibited)
- + Subdivision permit triggers
- + Buildings and works (development) permit triggers
- + Application or assessment requirements
- + Public notification requirements
- + Decision guidelines (what should the responsible authority - e.g. Council - consider when assessing a proposal within the zone?).

A detailed summary of permit triggers and decision guidelines which may be of interest to Community Groups has been included at **Appendix A** of this document.

Zones Summary

RESIDENTIAL ZONES

Residential Growth Zone (RGZ)

Provides for housing at increased densities in buildings up to and including 4 storeys.

Enables new housing growth and diversity.

General Residential Zone (GRZ)

Respects and preserves urban character while enabling modest housing growth and housing diversity in well-serviced areas with good access to public transport.

Allows some educational, recreational, religious, community and a limited range of other non-residential uses in appropriate locations.

Neighbourhood Residential Zone (NRZ)

Restricts housing growth in areas identified for urban preservation.

Ensures development respects identified neighbourhood character, heritage, environmental or landscape characteristics.

Low Density Residential Zone (LDRZ)

Enables low density housing.

In some cases, requires lots to have on-site wastewater treatment.

INDUSTRIAL ZONES

Industrial 1 Zone (IN1Z)

Provides for manufacturing industry, storage and distribution of goods and associated uses while not affecting the safety and amenity of local communities.

Residential uses are prohibited.

Industrial 3 Zone (IN3Z)

Provides for industries and associated uses in areas where special consideration of the impacts of industrial uses is required or to avoid inter-industry conflict.

Provides a buffer between industrial areas with higher emissions and local communities, considering amenity impacts on nearby sensitive uses.

In the IN3Z, residential uses are prohibited.

COMMERCIAL ZONES

Mixed Use Zone (MUZ)

Provides for a range of residential, commercial, industrial and other uses that complement the 'mixed-use' function of a specific locality.

Enables residential development at higher densities than some of the residential zones.

Commercial 1 Zone (C1Z)

Creates vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

Provides for residential uses at densities that complement the role and scale of the commercial centre.

Commercial 2 Zone (C2Z)

Provides for offices, some manufacturing and industries, bulky goods retail, other retail, business and commercial services.

Residential uses are prohibited.

To view an interactive map of zones and overlays in Victoria visit:
<http://mapshare.maps.vic.gov.au/vicplan/>

RURAL ZONES

Rural Living Zone (RLZ)

Provides for residential land uses in a rural environment.

Protects rural and natural environment, resources and biodiversity.

Allows some agricultural uses that won't negatively impact the amenity of surrounding (e.g. residential) uses.

Rural Conservation Zone (RCZ)

Protects and enhance the natural environment and natural processes for their archaeological and scientific interest, landscape, faunal habitat and cultural values.

Encourages development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality

PUBLIC LAND ZONES

Public Use Zone (PUZ)

Recognises public land use for public utility, community services and facilities.

Provides for associated uses that are consistent with the intent of the public land reservation or purpose.

Purposes may be: health, education, transport, service and utility, cemetery/crematorium, local government or other public use.

Public Park and Recreation Zone (PPRZ)

Recognises areas for public recreation and open space.

Protects and conserves areas of significance.

Public Conservation and Resource Zone (PCRZ)

Protects and conserves the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

Provides facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

SPECIAL PURPOSE ZONES

Urban Floodway Zone (UFZ)

Identifies waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.

Protects water quality and waterways as natural resources.

Special Use Zone (SUZ)

Recognises or provides for the use and development of land for specific purposes as identified in a schedule in this zone.

Road Zone (RDZ1 or RDZ2)

Identifies significant (e.g. main/arterial) existing roads and land which has been acquired for a significant proposed road.

2.5 Planning Overlays

Introduction

Planning overlays apply in addition to zones in order to address specific development, land management or environmental issues. They may support particular design or environmental management objectives, address environmental risks, protect heritage or landscape values, identify land for public acquisition or protect land uses such as airfields and wastewater treatment plants. If multiple issues apply to a single location more than one overlay may be applied.

Key overlays:

- + Design and Development Overlay (DDO)
- + Significant Landscape Overlay (SLO)
- + Environmental Significance Overlay (ESO)
- + Vegetation Protection Overlay (VPO)
- + Heritage Overlay (HO)
- + Land Subject to Inundation Overlay (LSIO)
- + Public Acquisition Overlay (PAO)
- + Incorporated Plan Overlay (IPO) & Development Plan Overlay (DPO).

Generally, each overlay provision contains the

following:

- + Purpose
- + Policy objectives - in some cases presented as a statement of significance or outline of design outcomes or landscape character to be achieved
- + Subdivision permit trigger (not included in every overlay)
- + Buildings and works (development) permit triggers
- + Vegetation removal permit triggers (not included in every overlay)
- + Application or assessment requirements
- + Public notification exemptions and requirements
- + Decision guidelines (what should the responsible authority - e.g. Council - consider when assessing a proposal within the overlay?).

Overlays Summary

ENVIRONMENT AND LANDSCAPE OVERLAYS

Environmental Significance Overlay (ESO)

The ESO aims to identify areas where development of land may be affected by environmental constraints and where identified environmental values need to be protected. The ESO is commonly applied along the areas urban waterways with particular environmental significance.

Significant Landscape Overlay (SLO)

The purpose of the SLO is to identify significant landscapes and to conserve and enhance their character. The SLO controls the removal of vegetation and the construction of buildings and works that might affect the riverbank.

A schedule to the SLO, the Yarra (Birrarrung) River Corridor Environs, has been applied as a temporary planning control in areas between 100-400m of the centreline of the Yarra River in areas in the Lower and Middle Yarra River corridor.

Vegetation Protection Overlay (VPO)

The purpose of the VPO is to protect areas of significant vegetation. A key aim is to ensure that development avoids or minimises the loss of vegetation.

A schedule to the overlay (locally applied) must contain a statement of significance that explains the reasons why vegetation is to be protected, and objectives linked to achieving vegetation protection.

To view an interactive map of zones and overlays in Victoria visit:
<http://mapshare.maps.vic.gov.au/vicplan/>

Under the VPO, a permit is required to remove, destroy or lop any vegetation, subject to a number of exemptions.

The type of vegetation protected in the controlled area must also be specified in the overlay schedule.

The VPO decision guidelines provide tests to consider the significance of vegetation to be protected, as well as the effect of the proposed use, buildings and works or subdivision on the nature and type of vegetation to be protected.

Bushfire Management Overlay (BMO)

The BMO is a planning control applied to land with the potential to be affected by extreme bushfires. The control ensures that bushfire hazards, such as vegetation, slope, and site access are assessed, and that bushfire protection measures are in place to manage risk.

Development in areas where the BMO applies usually require vegetation management for bushfire protection, which may include removal of vegetation to create defendable space. Vegetation has an important role in reducing erosion, stabilising soil to minimise the risk of landslip, and provides habitats along riparian corridors. Vegetation removal within waterway corridors may have impacts on its biodiversity, ecology, and landscape qualities.

HERITAGE AND BUILT FORM OVERLAYS

Design and Development Overlay (DDO)

The purpose of the DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. The DDO is applied to all privately owned land immediately adjacent to, or within close proximity of, the Yarra River. It manages built form outcomes by setting mandatory maximum building heights and mandatory minimum building setbacks from the river's edge. It also includes detailed design requirements.

Heritage Overlay (HO)

The HO is used to identify, conserve and enhance places of natural or cultural significance.

It seeks to ensure that development does not adversely affect those elements which contribute to the significance of heritage places.

Planning permission is required for subdivision, buildings and works, demolition, construction of a fence and other minor alterations and additions. A tree or garden may be identified as having heritage significance and covered by the HO, in which case planning permission would be required to remove the tree or alter a garden's design.

The HO decision guidelines relate to the impact proposed changes may have on the significance of a heritage place.

LAND MANAGEMENT OVERLAYS

Land Subject to Inundation Overlay (LSIO)

The LSIO is used to identify land in a flood storage or flood fringe area that is likely to be affected by the 1 in 100 year rainfall event. Its purpose is to:

Ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

Planning permission is required for subdivision, to construct a building or carry out works, including for a fence, roadworks, bicycle trails and paths, public toilets, and some other minor structures, depending on the floor level proposed.

Any planning permit application in the LSIO requires a referral to the catchment/floodplain management authority, such as Melbourne Water.

Decision guidelines relate to the relevant need to ensure safe overland passage of floodwater, and to protect property and human safety in flood-affected areas.

Public Acquisition Overlay (PAO)

The PAO is applied to land identified for acquisition by a Minister, council, or other public authority (e.g. VicRoads).

The PAO seeks to ensure that land use and

development does not prejudice the purpose for which the land is to be acquired. Planning permission is also required for demolition, changes in land use, buildings and works, certain types of vegetation removal and subdivision.

An application must be referred to the acquiring authority, and decision guidelines relate to preservation of the land for its intended future purpose.

INCORPORATED PLAN OVERLAY (IPO) & DEVELOPMENT PLAN OVERLAY (DPO)

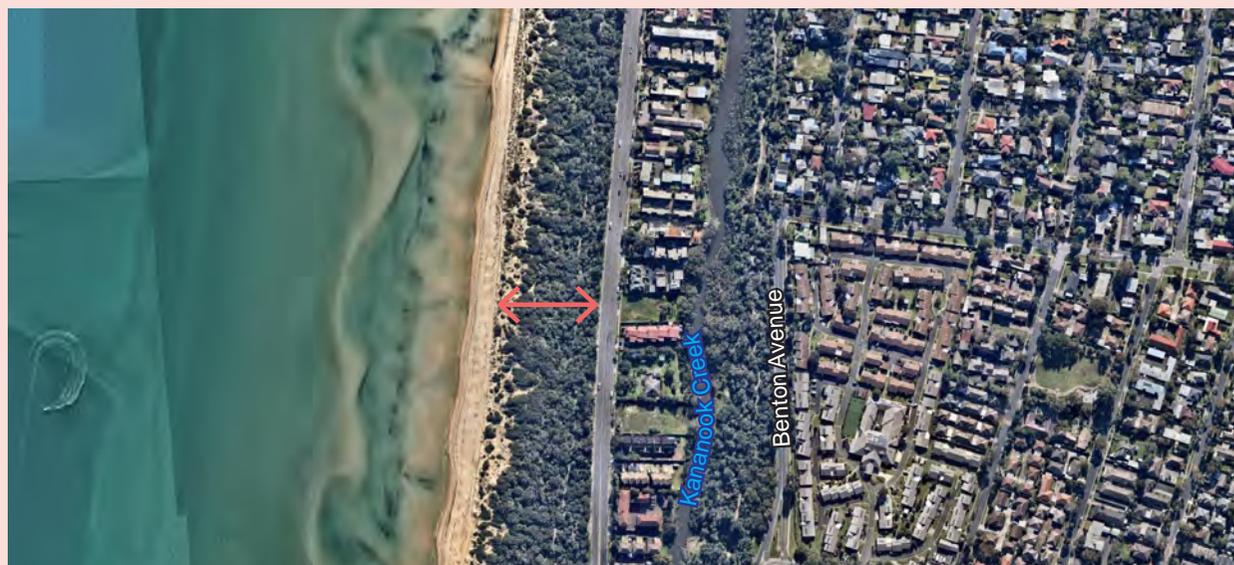
The IPO and DPO are applied to sites where the future land use and development must be shown on a plan before a permit can be granted. They set out specific design and development requirements which must be adhered to. Under an IPO, a proposal must be generally in accordance with the Incorporated Plan, which will be determined at Council's discretion. Under a DPO, a proposal must be prepared to the satisfaction of the responsible authority. Both overlay controls remove third party appeal rights once in operation. However, they are both introduced through a Planning Scheme Amendment, and this process allows for input from the community and stakeholders.

Despite the above, Community Groups often find the community can be less likely to involve itself with planning at the amendment stage, due to its theoretical nature, longer-term implementation pathway and that issues at the time of amendment may not be the same as at the time construction

commences. Past experiences show that the community is more likely to engage with the planning system when development commences, and outcomes can be seen. Often the Community Group's view is that third party appeal rights should

be maintained, particularly on large-scale strategic development sites. This will also ensure new residents, who were not living in the area at the amendment stage, are given opportunities to participate.

CASE STUDY: KANANOOK CREEK



Source: Googlemaps

This aerial view of Seaford shows the broad swathe of land between the Nepean Highway and the beach of some 80 and 100 metres, unlike adjacent suburbs of Frankston and Carrum where housing goes all the way to the beach itself, privatising the public realm of beach and foreshore and interrupting the coast corridor. The considerations behind the Yarra River Planning Controls could be extended to protect linear strips of natural vegetation and open space along all waterbodies.

The Friends of Lower Kororoit Creek can be found at:
<http://www.folkc.com.au/Friends-Of-Lower-Kororoit-Creek>

CASE STUDY: KOROROIT CREEK

Kororoit Creek, is highly valued by residents of the west of Melbourne. The north and west of Melbourne is the site of the city's industries. Creeks such as the Merri in the north and the Kororoit and Steele Creek in the west suffer from a long tradition of the waterways being treated as drains rather than opportunities for vibrant open spaces and active migratory corridors for wildlife. The open spaces of former industrial sites are now being converted into dense urban developments which increase hard surfacing and reduces vegetation and habitat for wildlife. Kororoit Creek flows into Altona Bay, an embayment of Port Phillip Bay.



Photo Credit: Wikimedia Commons

CASE STUDY: KOROROIT CREEK

The creek is protected by the Friends of Lower Kororoit Creek who actively use the Planning Scheme to defend the creek from intrusion. One example of their work is an intrusion into the creek corridor. A site on the Old Geelong Road is closer than 10 metres to the edge of the creek itself. The property owner at one stage took over a section of Federation Trail near the creek, which is gazetted a road and managed by VicRoads. Friends



Materials placed within the Environmental Significance Overlay area adjacent to Kororoit Creek

of Lower Kororoit Creek requested VicRoads to ensure the property owner removed materials from the Federation Trail. Vic Roads proposed legal action and the property owner moved the offending materials from the Federation Trail easement but then placed them within an Environmental Significance Overlay. This exemplifies the sort of planning-scheme challenges community environment groups face.



What we want to preserve in the foreground and what we want to preserve against in the background

2.6 Other Policies & Strategies

Yarra River Action Plan

The Yarra River Action Plan (2017) is a State government document that was released in February 2017. The plan is the government's response to recommendations made by the Yarra River Protection Ministerial Advisory Committee (Yarra MAC), presented to the government in late 2016.

The Action Plan is guided by five objectives:

- + A healthy river
- + The Great Yarra Parklands
- + A culturally diverse riverscape
- + Securing the Yarra footprint
- + Modern governance.

Linked to the five objectives are 30 implementation actions, including a new Yarra Protection Bill. The actions include preparation of a *Yarra Strategic Plan*, which will give effect to the community vision for the Yarra and its landscape, providing an overarching spatial and management context for localised planning along the river.

Actions relevant to urban waterways include:

- + Action 24: Melbourne's Natural Infrastructure Taskforce - Establish a taskforce that brings together the skills of the Department of Environment, Land, Water and Planning (DELWP) with the Traditional Owners, Parks Victoria, Melbourne Water, VicRoads, Environment

Protection Authority, and local governments to:

- Investigate the benefits of combining waterway management, open space, bay and coastal parkland management for greater Melbourne.
- Establish ongoing collaborative governance arrangements between DELWP, Traditional Owners, Parks Victoria, Melbourne Water and local government to:
 - deliver an integrated vision and strategy for Melbourne's natural infrastructure that increases the amount and quality of publicly accessible open spaces (including the bays, waterways and parklands)
 - realise the synergies from coordinated delivery of related projects from the updated Plan Melbourne, Water for Victoria, Port Phillip Bay Environmental Management Plan (EMP) and Yarra River Action Plan
 - establish long-term funding arrangements for developing and maintaining urban natural infrastructure
- Report to the Victorian Government on an improved integrated institutional model for delivery of major natural infrastructure in Melbourne.
- + Action 25: Urban Natural Infrastructure Strategy
 - Develop an integrated vision and strategy for



Kananook Creek (Photo Credit: Andrew Owens)

Yarra Strategic Plan

Melbourne's open spaces, including its waterway corridors and coastal parklands to improve the liveability and ecological health of the growing city.

- + Action 27: Protecting the Maribyrnong - Use the landscape assessment methods applied along the Yarra to establish stronger planning controls to protect the Maribyrnong River and its environs.
- + Action 28: Protect other urban rivers and their parklands - Review the reforms to protect the Yarra River and consider protection of other major Melbourne rivers and their open spaces (such as the Maribyrnong and Werribee rivers).
- + Action 29: River Corridor Footprints - Identify the preferred open space footprint of Melbourne's key waterway corridors and in particular those under sustained growth pressure (e.g. Maribyrnong and Werribee rivers) and develop a plan to secure this.

The Yarra Strategic Plan is currently being prepared by the State government, within the Department of Environment, Land, Water and Planning (DELWP) and with Melbourne Water as the lead agency.

A key outcome of the *Yarra Strategic Plan* will be an updated and consistent governance framework for the river. Currently, a patchwork of planning controls apply along the river corridor, and this has resulted in varied development outcomes, some of which have impacted negatively upon the amenity, environment or landscapes of the river.

The Yarra Strategic Plan will be the first integrated river corridor strategy, driven by a 50 year community vision, which will enable agencies to plan, protect and manage the river corridor as one living, integrated natural entity.

Plan Melbourne 2017-2050

Plan Melbourne is a long-term plan to accommodate Melbourne's future growth in population and employment.

Policy 4.1.4 of the Plan is to 'protect and enhance the metropolitan water's edge parklands.'

Policy 4.5.2 is to 'protect and enhance valued attributes of distinctive areas and landscapes'. It notes the recreational and tourism benefit of the river, its important open space function and its environmental values.

Policy 6.5.2 is to 'protect and enhance the health of urban waterways'. It notes the need to manage stormwater runoff and the impact of climate change.

Waterways of the West

The Waterways of the West (WoW) is a community-led approach announced by the Victorian Government in August 2018 that will ensure the protection of waterways in Melbourne's west.

The WoW Ministerial Advisory Committee (MAC) follows on from the recommendations of the *Yarra River Action Plan* (2017), which recognised the need to reconsider the planning and policy context for other urban waterways.

The MAC will consider the network of waterways within the Maribyrnong and Werribee Catchments, as defined by Melbourne Water's Health Waterways Program. This includes the Maribyrnong River, Werribee River and the Moonee Ponds Creek, their tributaries and other rivers, creeks and wetlands such as Stony Creek, Kororoit Creek and Lollypop Creek.

The WoW MAC will work in partnership with Traditional Owners and communities and report directly to the Minister for Water and the Minister for Planning. It is expected the MAC will advise on how to better protect the waterways and their parklands and promote their amenity and significance. This will include advice on a range of policy and planning mechanisms and a review of institutional, legislative and regulatory arrangements to enhance the waterways for community health and liveability of local neighbourhoods in the west.

The MAC will also investigate additional arrangements to ensure that Traditional Owners and the community participate in management decisions in future.

Barwon River Action Plan

Early in October 2018 the Victorian Government announced a new community led approach to develop an Action Plan that will support the management and protection of the iconic Barwon River for generations to come.

A Ministerial Advisory Committee (MAC) will work in partnership with Traditional Owners and communities and report directly to the Minister for Water. It will:

- + Develop a community vision for the rivers and their landscapes, building on recent community engagement forums
- + Make recommendations for specific actions for the protection of the Barwon River
- + Make recommendations to maintain and enhance community aspirations for the Barwon River.

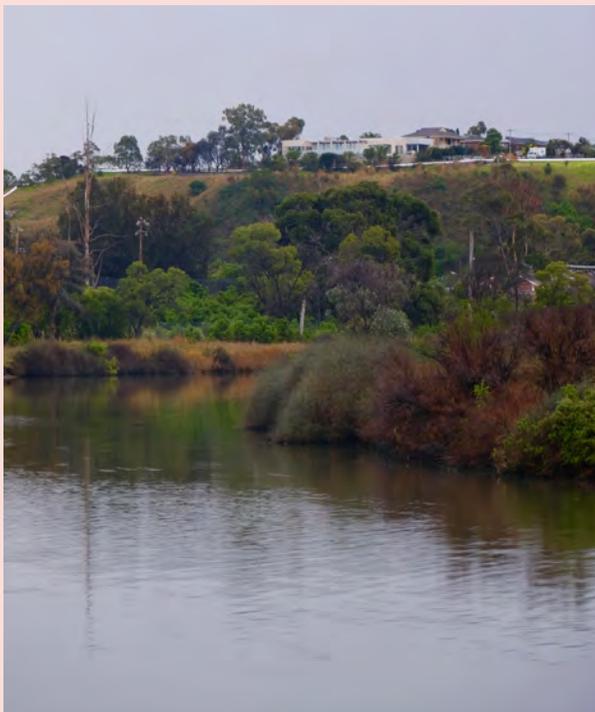
The project will also align with initial investment in on-ground works to support recreational activities on the Barwon in Geelong, while the MAC is working through its deliberations. This focus will be on improving visitor facilities and recreational access to the Barwon River.

In partnership with the Victorian Fisheries Authority and the Corangamite Catchment Management Authority, \$480,000 will fund the building of all-ability platforms for fishing, paddling, pet-swimming and small boat access through various sites of the Geelong section of Barwon River.

Friends of the Maribyrnong Valley can be found at: <http://fmvonline.com>

CASE STUDY: MARIBYRNONG RIVER

In the west of Melbourne, where waterways incise deeply into a flat volcanic plan, there is a particular need for the consideration of appropriate skyline controls. Development of crests needs to be limited and closely controlled. Much of the land along the Maribyrnong has been protected from urban development as Crown land. Those sites are now likely to be coming up for development. This is an opportunity to deliver excellent outcomes for waterways. The Maribyrnong is being advocated for by the Friends of the Maribyrnong Valley, among other groups.



View taken looking upstream in the City of Maribyrnong. (Photo credit: Andrew Kelly)



Planning controls on the waterways ideally need to control for visual clutter and mass in the river corridor. View over the Maribyrnong River, July 2019. (Photo credit: Andrew Kelly)

Friends of the Steele Creek can be found at: <https://www.facebook.com/FriendsOfSteeleCreekInc/>

CASE STUDY: STEELE CREEK

Steele Creek is a tributary of the Maribyrnong in Melbourne's north-west. It is passionately looked after by the Friends of Steele Creek. The creek is being squeezed by road crossings, stormwater from roads and inappropriate development that intrudes on the creek. Factories have been permitted to be built adjacent to the creek, and house blocks penetrate the river corridor. Yet, parts of the creek retain high natural values and have been improved and enhanced by the work of agencies and volunteers to create little oases within industrial zones.

Photo credits: Helen van den Berg, Friends of Steele Creek



Crossing for high pressure pipeline



Units in Goble Street, Niddrie, located in the floodway zone



Example of what we want to preserve at Steele Creek

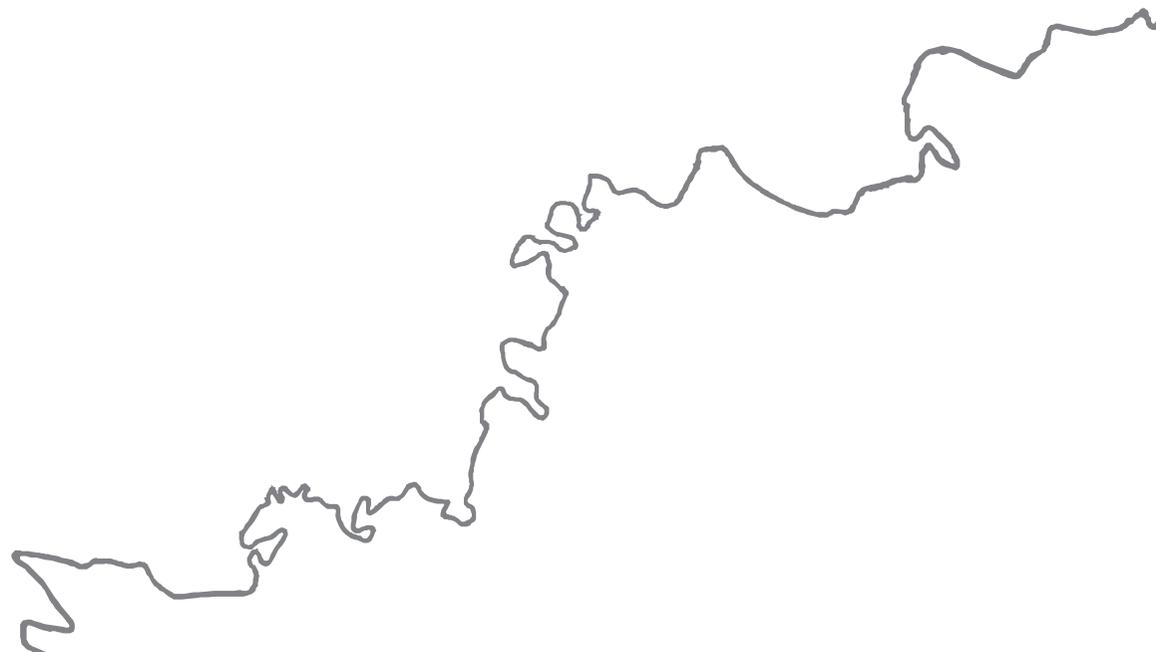
The Werribee River Association can be found at:
<https://werribeeriver.org.au/>

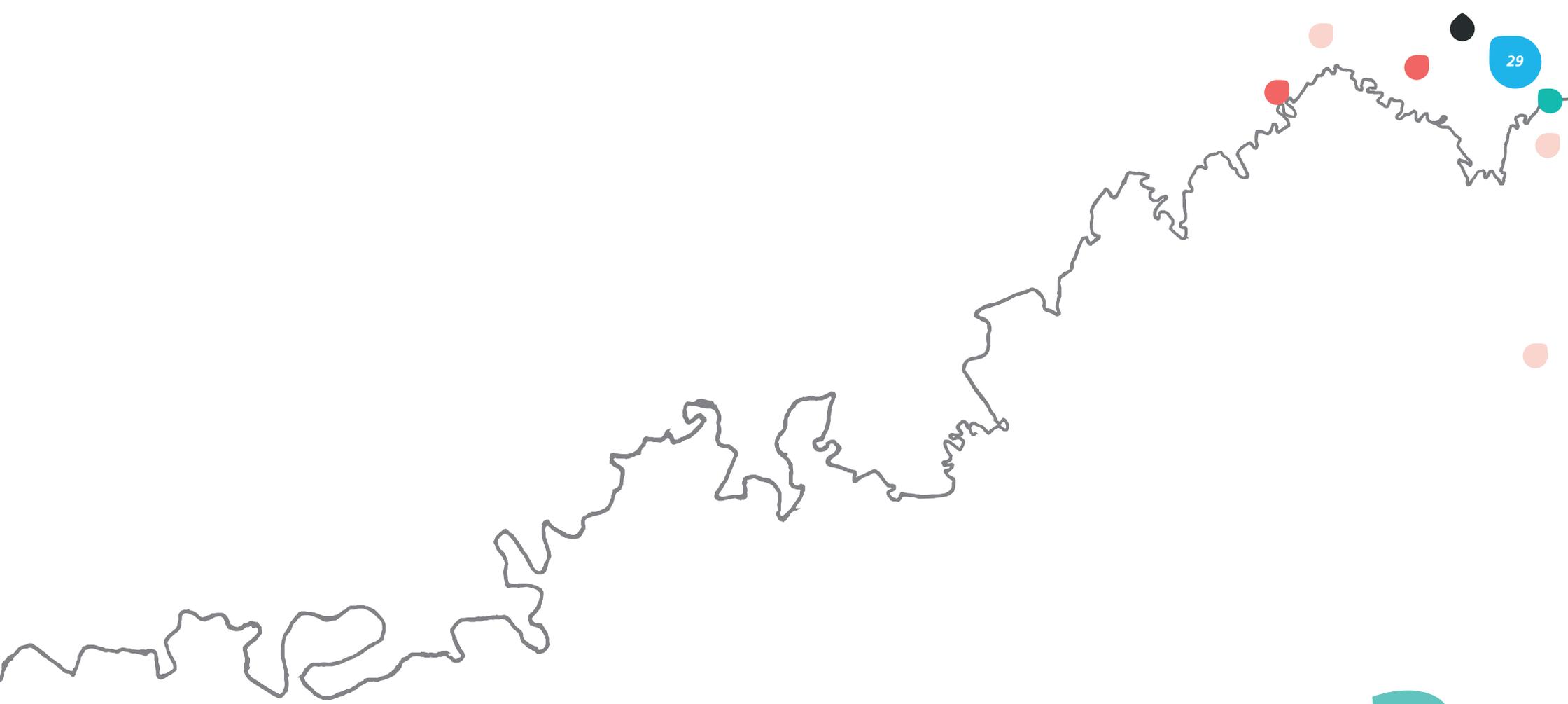
CASE STUDY: WERRIBEE RIVER

The waterways of Melbourne's west are often deeply incised into the volcanic plain. When development is permitted to the edge of the escarpment there is no suitable space for linear trails along the waterway and therefore public access to the waterway. This is an example from the Werribee River near Werribee.



Photo credits: John Forrester, Werribee Riverkeeper





Engaging with the Planning System

3

3.1 Policy Contribution

Overview

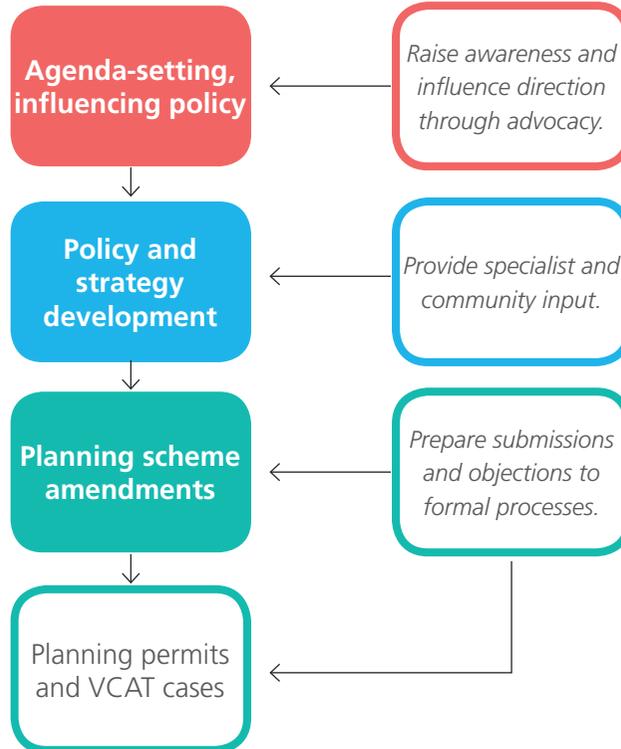
There are several situations when community groups may want to be involved with the planning system and processes.

The key opportunities are (illustrated in the diagram to the right):

- + Ongoing advocacy via agenda-setting at a broad scale, for example engaging with governments at election time
- + Participating in policy and strategy development at the State and local government level, for example seeking membership of key stakeholder working groups that are consulted by Council on a regular basis
- + Writing submissions to Planning Scheme Amendments at the early stages, presenting to Planning Panels or lobbying the State government at later stages
- + Writing submissions to individual planning permit applications and submitting appeals to VCAT.

It is in the best interest of Waterway and Community Groups to contribute to agenda-setting and influence policy, to ensure planning outcomes at later stages occur in line with their core principles and expectations for land use and development within the Urban Waterways lands.

KEY OPPORTUNITIES FOR ENGAGEMENT



This section provides an overview about engaging with Strategic and Statutory Planning Processes. It then examines a series of key issues that community groups may wish to engage with as part of their advocacy program.

For each issue, an explanation of key considerations is followed by some guidelines when seeking to engage with the process or redevelopment, based on:

- + Key issues
- + Outcomes sought
- + Mechanisms to achieve this
- + Key players.

Issues and opportunities for potential outcomes that may be of benefit to the land owner, the community and the river have been discussed.

These key issues could be used to support future advocacy activities when community groups seek involvement in a planning matter.

3.2 Planning Permit Applications

Overview

There are two formal ways a Community Group can engage with planning within the urban waterways corridor:

1. As a submitter to a planning permit application
2. As a submitter to a planning strategy or amendment being prepared by a Council or the State government.

In the case of the former, the Community Group would be responding to a planning permit application lodged by another party.

The latter would relate to high-level strategic planning projects such as preparation of Structure Plans, Master Plans, Development Plans or other rezoning work, a Council or other authority may be undertaking that include part of the waterways corridor. An example would be an industrial lands strategy that may include portions of land zoned for industry that abuts or is in close proximity to the waterway.

This chapter outlines how a Community Group can best engage with the planning system, and how submissions can best be made citing the appropriate information and advocating for the organisation as a key stakeholder.

Objecting to a Planning Permit Application

A planning objection is a submission that opposes a planning permit application. Any person can submit an objection within a certain time frame.

Submissions in support of an application are also accepted. These must be submitted in writing and will be considered alongside any objections as part of the review and approval processes.

WHEN CAN YOU OBJECT?

An objections should identify and address all relevant planning considerations. Caution needs to be exercised as an objection that focusses on irrelevant matters may take emphasis away from important planning considerations.

Importantly, a responsible authority (such as a Council) is obliged to take into account all objections before making a decision.

In an urban or residential context the following are important considerations:

- + Detriment to the amenity of the area, including the features, benefits or advantages of the local environment which people currently enjoy.
- + Effect on views, noise, traffic, general atmosphere of area, and
- + Impact on the preferred or existing character of the neighbourhood.

PLANNING PERMIT TRIGGERS

When making an objection to a planning permit application it is crucial that the objection responds to the planning issues which have triggered the need for a planning permit. These are the issues which the responsible authority will give the most weight when considering an application. A trigger is a clause within the scheme which requires a permit for a particular use or form of development.

There is a variety of planning triggers in the planning scheme and a proposal may have multiple permit triggers.

DECISIONS ON PERMIT APPLICATIONS

What must the responsible authority (RA) take into account:

- + The relevant planning scheme
- + All objections and submissions it has received, if notice of the application was required
- + Any decision and comments of referral authorities
- + Any significant effects the RA considers the use or development may have an effect on the environment or which the responsible authority considers the environment may have on the use or development.

WHAT ELSE CAN BE CONSIDERED?

When deciding on an application the responsible authority must take into account a range of matters, including:

- + Any significant social and economic effects of the use or development
- + Strategic plans, policy statements, codes or guidelines that have been adopted by a Minister, government department, public authority of local council
- + Any amendment to the planning scheme, which has been adopted by a planning authority
- + Any agreements between the RA and the land owner which effect land under S173 of the Planning and Environment Act; and
- + Any other relevant matter.

DECISIONS

The responsible authority (e.g. Council) may decide to:

- + Grant a permit;
- + Grant a permit subject to conditions; or
- + Refuse to grant a permit on any grounds it thinks fit.

APPEALS

An objector is entitled to appeal to VCAT in respect of a decision of a responsible authority to grant a planning permit.

MINISTERIAL 'CALL-IN'

Before a responsible authority has made a decision about a planning permit, the minister for planning may 'call in' the application if it appears to the minister that:

The Planning Applications raises a major issue of policy and determination of the application may have a substantial effect on achievement or development of planning outcomes

The decision on the application has been unreasonably delayed or to the disadvantage of the permit applicant; or

The use or development to which the application relates is required to be considered by the minister under another law.

SUBMISSIONS TO THE MINISTER OF PLANNING

Where an application is to be decided by the minister, s/he generally must appoint an independent planning panel and refer any submissions or objections to the Panel.

The Panel must give anyone who made a submission or raised an objection or any other person affected by the permit application, a reasonable opportunity to be heard, and must consider their objections or submission.

KEY CONSIDERATIONS

Commercial & Industrial Areas

- + The waterway, river banks, riverside parkland and recreational trails are not overshadowed.
- + Retention of the natural topography of the riverbanks
- + Elements of identified industrial heritage are retained
- + New buildings do not overwhelm the width of the waterway
- + Further encroachment of the built form into the waterways corridor is avoided
- + Strong landscaped edge to river and adjoining open space is to screen views to buildings is maintained and strengthened
- + Tree canopy is retained and enhanced as the dominant visual elements along the skyline
- + Wastewater and stormwater are managed to avoid waterway pollution.

Residential Areas

- + Low density character is maintained.
- + Visibility of buildings from the river, adjoining parkland and the opposite bank is minimised or avoided where possible.
- + Strong landscaped edge to river and open spaces to screen views to buildings.
- + Further encroachment of built form into the river corridor is avoided.
- + Tree canopy is retained and enhanced as dominant visual element.

Rural Areas

- + Rural, bush character is maintained.
- + Visibility of buildings from the river, adjoining parkland and the opposite bank is avoided where possible.
- + Strong landscaped edge to the river and conservation areas to screen views to buildings is maintained.
- + Further encroachment of built form into the river corridor is avoided.
- + Tree canopy is retained and enhanced as the dominant visual element in the landscape.

3.3 Planning Strategy

Overview

Engagement with the preparation of planning strategies provides community groups the opportunity to contribute to the preparation of guidelines and plans which regulate and direct development and activity within the waterways corridor.

As community groups speaking on behalf of the urban waterways and its corridor, community groups are well-placed to assert their role as a key stakeholder in planning discussions that relate to waterways at the State and local government level.

This section outlines how a Community Group can best engage with the planning system. It also suggests ways that submissions can best be framed, citing the appropriate information and advocating for the organisation as a key stakeholder in matters relating to land use and development within the waterways corridor.

What is a Planning Strategy?

Examples of planning strategies that may be relevant to community groups include:

- + Housing Strategies
- + Neighbourhood Character Strategies
- + Development Plans and Site Master Plans
- + Structure Plans
- + Transport, walking and cycling strategies
- + Rural Land Use Strategies
- + Open Space and Biodiversity Strategies.

Planning strategies set out a framework that can be used to guide land use, development, environmental considerations and future planning. These strategies play an important role in managing change and identifying particular areas where change may be encouraged or moderated. For example, highlighting residential areas that can accommodate greater housing growth to address population change (a housing strategy), or areas that are culturally and environmentally significant and require protection (e.g. corridor studies).

Strategies may specify types of land use or development that are encouraged, set out a level of appropriate development density, or provide guidelines for the design and appearance of buildings. These types of planning strategy provide the basis of detailed information required to undertake a policy change at the State or local government level.

As an example, a housing strategy generally will identify locations for more intensive apartment

development and areas for more modest incremental housing change. A neighbourhood character study will identify residential areas with unique character values and determine ways to maintain and extend that character.

CHANGING POLICY

In the planning system, most strategies culminate in changes to the Planning Scheme. A strategy's recommendations may set out the requirements that future planning applications for development must adhere to for approval, in other words, the rules that development will be assessed against.

A housing strategy may provide the rationale for implementing new zones and planning controls into a Planning Scheme about what type of residential uses and development are appropriate in a given location. The strategy may also recommend additional objectives and strategies relating to housing, such as encouraging housing diversity, affordable housing or environmentally sensitive design (for example).

Most planning strategies, particularly those prepared by local government, State government or a statutory authority, provide an opportunity for the community and relevant stakeholders to participate in community engagement or consultation.

Planning strategies are generally implemented into their relevant Planning Schemes through a 'planning scheme amendment' process. This process often

includes assessment by an independent Planning Panel, established through the State government.

As part of the scheme amendment process, public exhibition occurs (like a planning application being publicly advertised). At this stage, submissions to the strategy can be made in a similar way that planning permit application objections can be made. If deemed appropriate, a Planning Panel hearing will be called to consider policy changes recommended by the strategy and amendment process, and hear from submitters about changes or concerns made in their statements.

Community Groups as a 'Key Stakeholder'

As highlighted above, the Community Group should play a role in the preparation of planning strategies as a 'key stakeholder'.

A Community Group can be involved in the preparation of planning strategy in a number of ways:

- + Making a written submission to current proposals
- + Completing online surveys or feedback forms relating to current strategic work
- + Attending project-based workshops
- + Advocating to State and local government for the group to sit as a member of a Project Reference Group (PRG) or Stakeholder Reference Group (SRG)
- + Encouraging group members and supporters to make submissions

- + Engaging with planning departments at the State and local government level, as well as other authorities (e.g. Melbourne Water) to request notification of 'projects of interest' to the Community Group.

The Community Group should consider preparing a key statement, based on the group's objectives, that can be used as a lobby document in approaching State government, local councils and other government authorities.

Such a document could communicate the role of the Community Group and its responsibilities. The aim of such engagement with different tiers of government would be to seek involvement in the preparation of planning strategy and contribute to the discussion at an early stage.

The Community Group could make recommendations that certain considerations are included in any project that may engage or have an interface with, the waterways corridor.

KEY ISSUES

- + Community groups are not always included in key stakeholder processes for planning strategies that affect/involve the urban waterway, its corridor and parklands.
- + Without the Community Group's voice, strategic planning processes for the urban waterway may not reflect the principles it stands for, including integrated management of the waterway and all its tributaries.

OUTCOMES SOUGHT

The Community Group should:

- + Speak for enhancing and protecting the waterways corridor 'for all Victorians' through the extension of controls.
- + Speak for equity of access to the waterways corridor and public spaces within the corridor.
- + Speak for new and improved open spaces.
- + Speak for improved integrated water management activities.
- + Speak for the funding and delivery of walking and cycling trails.
- + Speak for the inclusion/exclusion of sites in a study.

MECHANISMS TO ACHIEVE THIS

- + Talk to and build relationships with all tiers of government.
- + Talk to key strategic interests where the Community Group should be involved in government decision-making.
- + Talk to all tiers of government to identify key opportunities for the Community Group to be involved in strategic planning activities, or to sit on reference or stakeholder groups, as relevant.

KEY PLAYERS

- + Relevant Council: Planning and Environment, Assets and Engineers and Community Programs.
- + DELWP and Catchment Management Authority: State government planning policy changes.
- + Parks Victoria: Landowner in many public areas along waterways corridors.

3.4 Key Issues of Interest to Community Groups

New Residential Zones

The Victorian Government adopted reforms to the suite of residential zones in late March 2017 (Amendment VC110). In May 2018, the reforms were updated again (VC143) to provide greater detail around the “garden area” component of the reforms. This section summarises the key changes.

NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)

A limit of two dwellings on a lot in the NRZ has been removed. There is now no longer any limit on the number of dwellings on a lot in the NRZ.

MANDATORY MINIMUM ‘GARDEN AREA’

The biggest change affecting the GRZ and NRZ is the introduction of a mandatory ‘garden area’ requirement based on a percentage of specified lot sizes.

“Garden area” requirement applies to land in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) and must be met when:

- + Constructing or extending a dwelling or residential building; or
- + Subdividing land to create a vacant residential lot less than 400sqm.

When subdividing land to create a vacant lot that can developed for a dwelling in the NRZ or GRZ, 25% of the land must be set aside as a garden area. This applies to each vacant lot created that is less than 400sqm.

When constructing or extending a dwelling in the NRZ or GRZ, the area of the existing lot determines the minimum percentage that must be set aside as garden area, as follows:

LOT SIZE	MIN. PERCENTAGE OF A LOT SET ASIDE AS GARDEN AREA
400 - 500 sqm	25%
501 - 650 sqm	30%
Above 650 sqm	35%

The definition for ‘garden area’ is:

Any area on a lot with a minimum dimension of 1 metre that does not include:

- *A dwelling or residential building, except for: an eave, fascia or gutter that does not exceed a total width of 600mm*
- *A pergola*
- *Unroofed terraces, patios, decks, steps or landings less than 800mm in height;*
- *A basement that does not project above ground level*
- *Any outbuilding that does not exceed a gross floor area of 10 sqm in area; and*
- *Domestic services normal to a dwelling or residential building; a driveway; or an area set aside for car parking.*

If a Council has private open space requirements in a local residential zone schedule, the most restrictive (i.e. the highest requirement) will apply.

All other residential and subdivision policies at Clause 54, 55 and 56 of planning schemes relating to site coverage, permeability and private open space will also still apply.

MAXIMUM BUILDING HEIGHT FOR A DWELLING

Each zone has a maximum building height requirement expressed in metres and a maximum number of storeys. Unless specified within a schedule to the zone, the maximum building height for each residential zone are as follows:

ZONE	MAXIMUM BUILDING HEIGHT
RGZ	Must not exceed 13.5 metres
GRZ	Must not exceed 11 metres and contain no more than 3 storeys at any point
NRZ	Must not exceed 9 metres and contain no more than 2 storeys at any point

Exemptions to the maximum building height apply if the building replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.

These maximum building heights and exemptions may pose a conflict in areas where the residential zones abut river corridors and the building height limit may not be sufficient to meet waterway protection objectives. These objectives could relate to:

- + minimising visual intrusion of development along waterways;
- + ensuring that existing local vegetation and natural landscape character dominates the setting;
- + ensuring sufficient space is provided to maintain views to the waterway; and
- + promotes variety in building elevation heights to avoid visual bulk.

An overlay may need to be in place which will provide a set of building height controls that enact the objectives mentioned above. In certain sections of the Yarra River Corridor, a Design and Development Overlay applies with specific building height requirements to meet these objectives.

OTHER CHANGES TO THE RGZ, GRZ & NRZ

There a number of detailed changes to the residential zones. A summary table showing changes to the RGZ, GRZ and NRZ has been included over the page.

KEY ISSUES.

- + There are residential zones abutting river corridors where the maximum building height may not be sufficient to meet waterway protection objectives.
- + The NRZ is the most restrictive residential zone, introducing a mandatory double-storey height limit in terms of built form, and it applies a garden area requirement.
- + The garden area requirement on GRZ and NRZ may help accomplish the Community Group's aim to establish more vegetation within the waterways lands.

OUTCOMES SOUGHT

Community groups should:

- + Speak for excellent vegetation outcomes on private land, where it abuts the waterway or falls within the waterways lands, and work with Councils to achieve this.
- + Speak for local regulation that requires high quality landscaping as part of all new development where the RGZ abuts the waterways corridor, and work with Councils to achieve this.
- + Speak for local regulation that addresses design and siting issues within residential areas that abut the waterways corridor.

MECHANISMS TO ACHIEVE THIS

- + Talk to and build relationships with the relevant Council.
- + Talk to the relevant Council to identify key opportunities for the Community Group to be involved in strategic planning activities, or to sit on reference or stakeholder groups, as relevant.
- + Talk to the relevant Council regarding the residential zones, encouraging them to require particular landscaping outcomes in new residential development.

KEY PLAYERS

- + Relevant Council: Planning and Environment, Assets and Engineers and Community Programs.

Summary of Zone Changes

The table below outlines the key changes to the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ):

PROVISION	RESIDENTIAL GROWTH ZONE (RGZ)	GENERAL RESIDENTIAL ZONE (GRZ)	NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)
PURPOSE	Include reference to 'town centres' where housing diversity should be offered 'Residential development achieves design objectives specified in a schedule to the zone'	Delete 'implement neighbourhood character policy' Change 'provide a diversity of housing types and housing growth' to 'encourage a diversity...'	Delete reference to 'limit opportunities for increased residential development' Delete 'implement neighbourhood character policy'
DESIGN & NEIGHBOURHOOD CHARACTER OBJECTIVES	Must contain design objectives to be achieved for the area.	May contain neighbourhood character objectives to be achieved for the area	Must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area
SUBDIVISION	N/A	A new vacant lot less than 400sqm must contain a minimum garden area of at least 25% of the lot (unless an approved precinct structure plan or equivalent strategic plan applies)	
MINIMUM GARDEN AREA	Minimum garden area does not apply	Introduce mandatory garden area requirement as above. Provisions apply regardless of whether a planning permit is triggered under the zone (i.e. to a building permit)	
MAXIMUM BUILDING HEIGHT	Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)	Mandatory height of 11m Must contain no more than 3 storeys at any point (excluding basement) Provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit) Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)	Mandatory height of 9m Must contain no more than 2 storeys at any point (excluding basement). Provisions apply regardless of whether a permit is triggered under the zone (i.e. to a building permit) Introduce 'building height if land is subject to inundation' section to allow building height to be measured from finished floor level (FFL)
NUMBER OF DWELLINGS ON A LOT	N/A	N/A	No maximum number of dwellings specified.
TRANSITIONAL PROVISIONS	No transitional provisions. All current applications must comply	Minimum garden requirement, maximum building height and number of storeys do not apply to proposals from before the approval date of VC110, if: + Dwellings/residential buildings are already being constructed + Permit application already lodged for the construction/extension of a dwelling/residential building + A planning permit was not required but a building permit was already issued, a building surveyor already appointed to issue a building permit, or a building surveyor is satisfied and certifies in writing that the construction/extension of a dwelling / residential building has been substantially completed	

Golf Courses and Sports Fields

Increasing pressure is being placed on urban golf courses to be redeveloped from recreation facilities to residential developments. There are a number of examples of golf courses within established urban areas of metropolitan Melbourne (particularly in the eastern and south-eastern suburbs). Existing golf courses within the Urban Growth Boundary are being redeveloped as housing with clubs using funds raised from the sale and development of land to purchase new property outside the Urban Growth Boundary.

A number of factors are driving this change including:

- + Social and demographic change resulting in a decline in golf participation
- + Financial hardship impacting on golf course viability
- + Increasing land values within the Urban Growth Boundary
- + Opportunities for golf course development within the Green Wedge and Rural Locations

There are a number of key golf courses within the Urban Growth Boundary located along urban waterways.

These golf courses are generally located on the low-lying river flats and represent significant tracts of extensive open space. While the LSIO affects these sites and restricts development across most of them, some development opportunities may exist on elevated land further away from the river beyond the

LSIO extent. Redevelopment of these sites may also necessitate earthworks to raise the height of some land within the LSIO to enable greater development yield.

KEY ISSUES

- + Increasing pressure to redevelop golf courses along urban waterways to more intensive residential uses.
- + Developers may seek to undertake earthworks (e.g. changing the ground levels, excavating or adding fill to the site) in order to reduce their flooding risk.
- + The LSIO is a constraint on development but does not prevent development altogether, the LSIO may encourage more intensive earthworks to change the established topography of the site.

OUTCOMES SOUGHT

Community groups should:

- + Advocate that new development avoids floodprone areas.
- + Speak for the inclusion of stormwater management techniques, including water sensitive urban design (WSUD) measures in all new developments.
- + Speak for avoidance of major earthworks within the waterways lands other than to support waterway management and ecological objectives.
- + Speak for setbacks that are of a sufficient distance in new development to provide for safe access along the river bank and landscaping above the floodplain.

MECHANISMS TO ACHIEVE THIS

- + Speak for stronger controls that prevent new development in floodprone areas of urban waterways.
- + Talk to DELWP and the relevant Councils to review how stormwater management is controlled within the waterways floodplain.

KEY PLAYERS

- + DELWP, Catchway Management Authority and the relevant Council.

Redevelopment of Industrial Areas

In well-established urban areas, land surrounding waterways have traditionally been home to intensive industrial and commercial land uses with a number of industrial uses still operate within these areas. The industrial legacy can be seen in the diverse mix of industrial buildings with important aesthetic and heritage qualities.

In recent times redevelopment of formerly industrial buildings and sites in the surrounding area has taken place, consisting of the conversion of industrial buildings and the demolition and construction of new apartment developments.

A number of factors are driving this change including:

- + Increasing land values and demand for living within inner-urban areas
- + De-industrialisation and decline of manufacturing operation in Victoria
- + Existing industrial buildings and road networks becoming unsuitable for modern industrial purposes
- + Establishment of fit-for-purpose industrial and commercial land in middle and outer suburb locations

It is expected that demand to convert land from commercial and industrial uses to more intensive residential and mixed use purposes will continue into the future.

KEY ISSUES

- + Ongoing pressure to convert land from commercial and industrial uses to residential.
- + High land values, the intensive nature of industrial development and potential contamination, create pressure for dense residential typologies with high site coverage.

OUTCOMES SOUGHT

- + Speak for the provision of high quality and extensive landscape and public open space outcomes (including space for large canopy trees) in new development on larger sites.
- + Speak for the avoidance of new development in floodprone areas.
- + Speak for the preservation of industrial heritage through the retention and reuse of significant and contributory places.
- + Speak for the contribution of additional land along urban waterway frontages for public access or additional public open spaces in to the urban waterway corridor by new developments
- + Speak for the inclusion of stormwater management techniques, including water sensitive urban design (WSUD) measures in all new developments.
- + Speak for the avoidance of major earthworks within waterway lands other than to support waterway management and ecological objectives.

- + Speak for setbacks being of a sufficient distance in new development to provide for safe access along the waterway bank and landscaping above the floodplain.

MECHANISMS TO ACHIEVE THIS

- + Speak for the redevelopment of larger sites only when using a Master Plan that sets out design parameters to achieve the desired outcomes above.
- + Speak for stronger controls in these areas that ensure new development in industrial areas to implement strong landscape outcomes
- + Talk to DELWP and the relevant Councils to review how larger scale redevelopments can contribute to the open space network and provide public access to the urban waterway corridor.

KEY PLAYERS

- + Relevant Council: Planning and Environment, Assets and Engineers and Community Programs.
- + For overarching policy and public land acquisition: DELWP, Catchway Management Authority or Parks Victoria.

Public Access, Public Land and PAO

A variety of public access arrangements exist along the waterways corridors.

The unavailability of public access in some locations can be attributed to the following factors:

- + Existing publicly owned land adjacent to the river corridor is too narrow or steep to provide safe and convenient public access.
- + The river frontage possesses high environmental, biodiversity or landscape values, which the construction of a trail or path could undermine
- + Privately owned land for residential, industrial, commercial purposes
- + Privately owned land for private recreation purposes (i.e. golf course or sports field)

A desirable long-term outcome would be to achieve improved public access along waterway corridors.

Increased public access can be achieved in the following ways:

- + Establishing new non-continuous areas of public open space,
- + Establishing linear access parallel to the waterway corridor for the continuation of existing trails
- + Negotiation with landowners to secure access through leases, licence or acquisition
- + Engaging with Parks Victoria, DELWP and Councils in relation to funding, management, maintenance and acquisition of land
- + Engaging with landowners at the Master Planning

and permit application stage of development to provide public access

- + Funding of open space acquisition through development contributions or open space land contribution under Clause 52.01 of the Planning Scheme.

In some locations it is unlikely public access will ever be achieved due to private land being held in multiple ownership and lack of appetite to publicly acquire land to implement public access. However, development should never prejudice establishing continuous public access into the future.

KEY ISSUES

- + Existing gaps in public access in a number of areas across the corridor, including trails that run out and areas that are completely inaccessible.
- + Multiple public (e.g. Council, Melbourne Water, Parks Victoria, Crown land) and private landowners along the waterways corridor mean asset and environmental management can be very poor in some locations.

OUTCOMES SOUGHT

Community groups should:

- + Speak for further investigation to consider options for public ownership/control of missing links in open space and trails, ensuring path access and landscape improvements can be consistently protected and enhanced, seeking partnerships with the relevant authorities.
- + Speak for open space creation and public access links to be part of future open space planning by local and State agencies, with strategic justification and funding part of all future open space planning strategies.

MECHANISMS TO ACHIEVE THIS

- + Conduct research about the multiple landowners and talk to for improved agency-to-agency and private landowner engagement with exemplary land management practices.
- + Speak for streamlined management of land within waterways corridors
- + Speak for raising awareness about opportunities to create better public access and improvement to open space through education work, particularly with other agency partners of the River and in the media.

KEY PLAYERS

- + Public and private landowners, committees of management and the relevant local Council.
- + Catchway Management Authority, Parks Victoria and DELWP.

CASE STUDY: KANANOOK CREEK

Kananook Creek is much loved by local communities. It is protected and defended and maintained by the active Kananook Creek Association and its volunteers, among other groups. It is a very pretty creek in its upper reaches as it is lined with reeds and melaleucas.

The South East Water building was opened in December 2015. It raises a number of questions about appropriateness of the style and scale of the building for the location.

The building is a major eight-storey building constructed next to the narrow creek and immediately across from the Frankston Beach foreshore (the creek runs parallel to the foreshore). It is directly adjacent to the creek without sufficient setbacks and can also be seen prominently from the foreshore. The scale, hard edges and construction materials are unsympathetic to both the location next to a creek and to one adjacent to the foreshore.

The South East Water headquarters is significantly larger and taller than other buildings along the creek and the foreshore and lacks a sufficient setback from these edges. The building sets an unfortunate precedent in terms of visual mass as seen from both the creek and the foreshore.

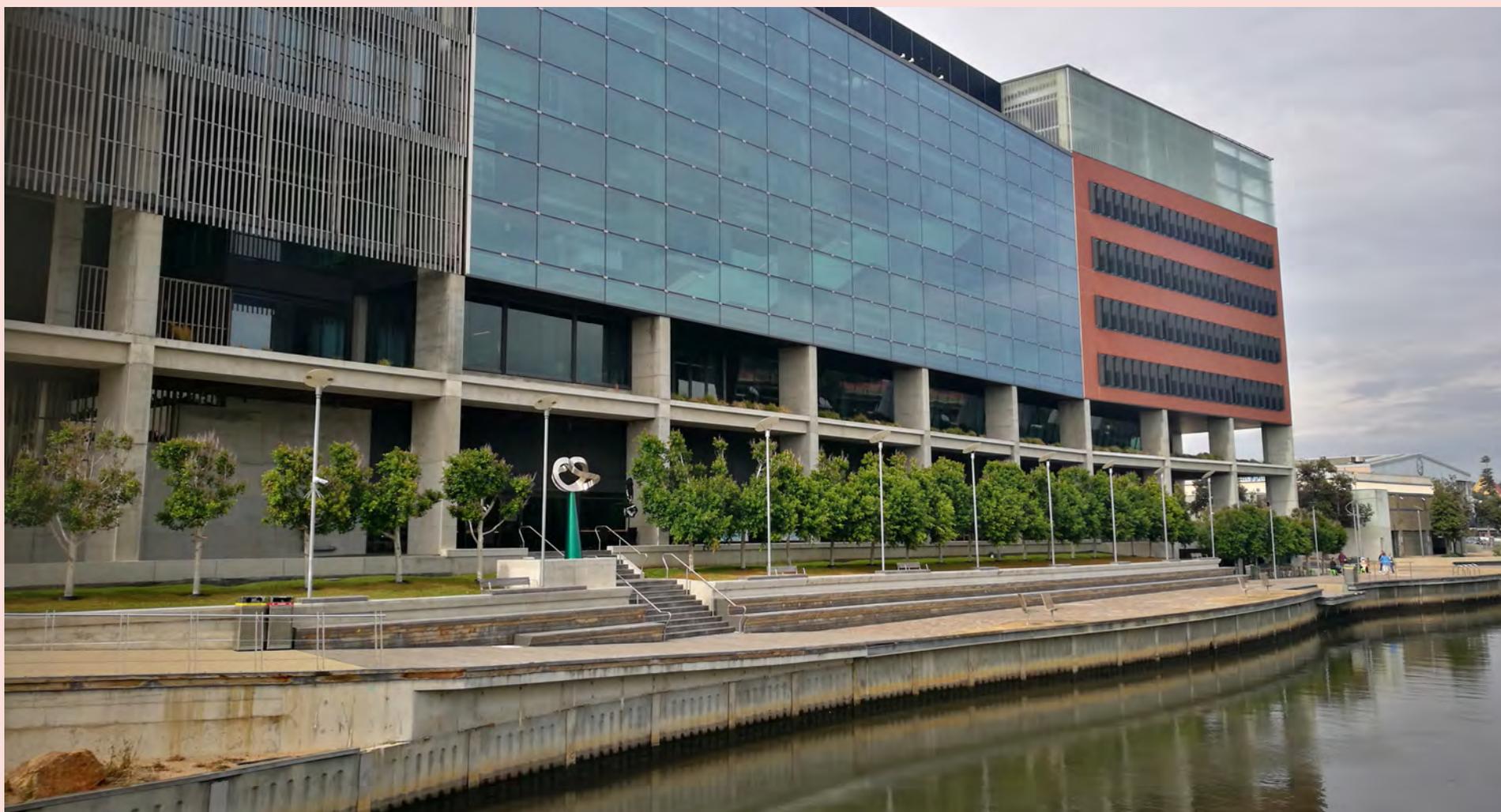
The building is rated as 5 Star Green Star building. The building highlights the need in the Green Star ratings system for buildings to be extended to consider their impact on their surrounds in terms of mass impact, and overshadowing, and community interactions with the building. This could be included in the way that requirements for community acceptability are included in the international mark standards such as Forest Stewardship Council (FSC). The council requires that projects be agreed to by the community before certification is granted. Star ratings would be another way to protect urban waterways from inappropriate development.

The building met strong local protests at the time of construction and it is perhaps surprising that such a controversial building would be constructed by a water utility company.



View of the South East Water building from Frankston Beach

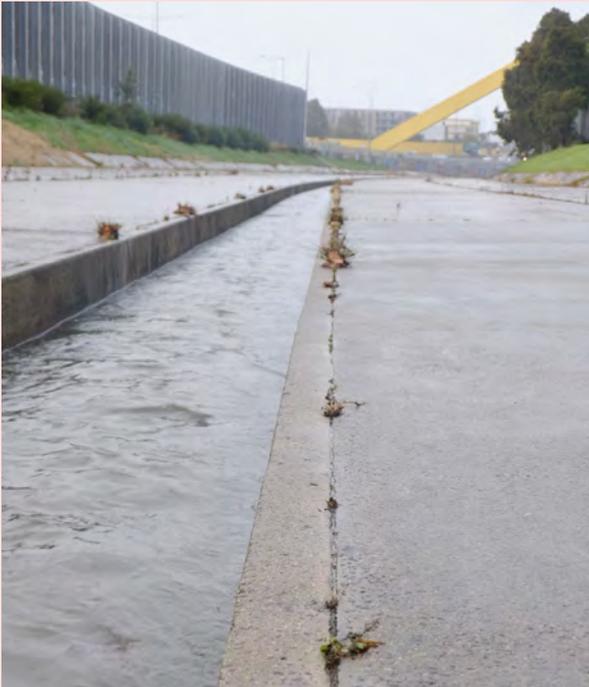
CASE STUDY: KANANOOK CREEK



View of the South East Water building from the creek

The Friends of Moonee Ponds Creek can be found at:
<http://mooneeponds creek.org.au/>

CASE STUDY: MOONEE PONDS CREEKS



An extensive reach of the creek has been canalized robbing the creek entirely of any natural values.
Photo Credit: Andrew Kelly



The lower part of Moonee Ponds Creek, where the creek was artificially widened, is called the Railway Canal. The creek is an exemplar of the pressures that waterways face in the inner west. The Friends of Moonee Ponds Creek actively work to protect the Creek's environment, biodiversity and habitat.

Photo Credit: Wpcpey, 2017

CASE STUDY: BACCHUS MARSH FLOOD PLAIN



Photo Credit: John Forrester, Werribee Riverkeeper

This is an example of development in a flood plain in Bacchus Marsh on what was formerly agricultural land. The population of Melbourne is heading towards 8 million in 2050, effectively doubling. This creates pressure to convert prime agricultural land near the city into housing estates.

3.5 Responding to Planning Issues

Overview

This chapter provides guidance to assist community groups in responding to planning permit applications, as follows:

- + Key questions to ask when assessing a proposal
- + Decision guidelines to determine how to evaluate trade-offs
- + How the Community Group can marshal the specialist expertise required to respond to specific issues raised in different types of development scenarios.

Decision Guidelines

As a starting point, community groups should use the Decision Guidelines set out in the relevant schedules to the zones and/or overlays as well as the policy objectives and strategies of Planning Schemes as the basis for any submission on a planning matter.

The decision guidelines and policy objectives should be used in conjunction with the Group's own vision and principles/ objectives to advocate for the following:

- + The role of the Community Group as a key stakeholder in decision affecting the waterways corridor.
- + Excellent built form outcomes within the waterways corridor
- + Protected (and where possible enhanced) vegetation condition and quality within the waterways corridor
- + Well-managed development and land use that is in keeping with the policy objectives for the waterways protection
- + Visual landscape significance as a primary consideration for activities within the waterways corridor
- + Promoting improved landscape design within the riverside environment on public or private land
- + Equitable access to the waterway and its public spaces for all Victorians

- + Acknowledgement and inclusion of social and cultural values, including Aboriginal and post-contact heritage values, and the river's natural systems.

Permit Conditions

A planning permit comprises written conditions, plans and elevations that show a site boundary and the extent of all works to occur. Permit conditions set out the obligations of the permit holder or land owner regarding implementation of the land use/buildings or works approved.

While most permit conditions are imposed by various Council departments (e.g. traffic engineering, drainage), some will be required by other government authorities such as VicRoads or Melbourne Water.

Permit conditions are enforceable and must be written in a manner that can be implemented and maintained (where relevant) as part of the approved activities.

KEY ISSUES.

- + Building awareness within community groups about the planning scheme, the planning system, and how best to engage to further the groups objectives to speak for the waterway and its tributaries as a unified public voice.

OUTCOMES SOUGHT

Community groups should:

- + Speak for ongoing submissions on planning permit matters and input into permit conditions it considers appropriate to the maintenance of a permit.
- + Speak for the inclusion of planning permit conditions that:
 - Require vegetation selection to be endemic indigenous and drought-tolerant (where appropriate).
 - Seek value uplift opportunities in exchange for actions within a development that enhance the waterway corridor from a 'net community benefit' perspective.

MECHANISMS TO ACHIEVE THIS

- + Talk to local Councils to develop a series of standard permit conditions designed to achieve the key planning outcomes/goals as set out in this document.

KEY PLAYERS

- + Local Councils.

3.6 Future Opportunities

Community groups are key stakeholders regarding matters within the urban waterways, and particularly within the immediate urban waterways corridors.

This document is intended as a capacity building tool for community groups. It can also provide a platform for effective policy involvement through outlining the key issues and outcomes of interest to community groups relating to land use and built form within the urban waterways lands.

The following policy initiatives have been identified:

- + Opportunities to acquire/ protect riverside land as part of major redevelopment and rezoning proposals, to ensure public access to the waterway corridor is protected, improved and added to wherever possible
- + Best practice design, including stormwater management techniques, and exemplary built form outcomes, in all new development
- + Master planning of major urban renewal sites within close proximity of waterways to ensure that the river environment is appropriately addressed early in the design process.

- + New development incorporating public access, connecting trails and adding to the public open space network wherever possible
- + Contributing to the preparation of a Strategic Plan, ensuring that community groups are able to participate in a timely and coordinated manner
- + Strengthening community group's policy initiative activities at the State and local government level for:
 - Inclusion in discussions regarding the preparation of strategic documents and policy concerning urban waterways
 - An ongoing role on internal working groups as a key stakeholder for the waterways
 - Being kept up to date with strategic redevelopment sites and local policies affecting the waterways corridor at the local government level.

BACK CREEK

Back Creek is a tributary of Gardiners Creek. Parts of Back Creek have been sealed over and the creek itself put into a culvert and a pleasant park created on top. This is a common story across Melbourne. How much richer would the park have been if it had included a flowing waterway? Culverting may be seen as something only done in the past but as population pressure increases the practice may expand. The North-East Link Authority is proposing to culvert several currently open waterways. We need active and informed community groups to protect our waterways.

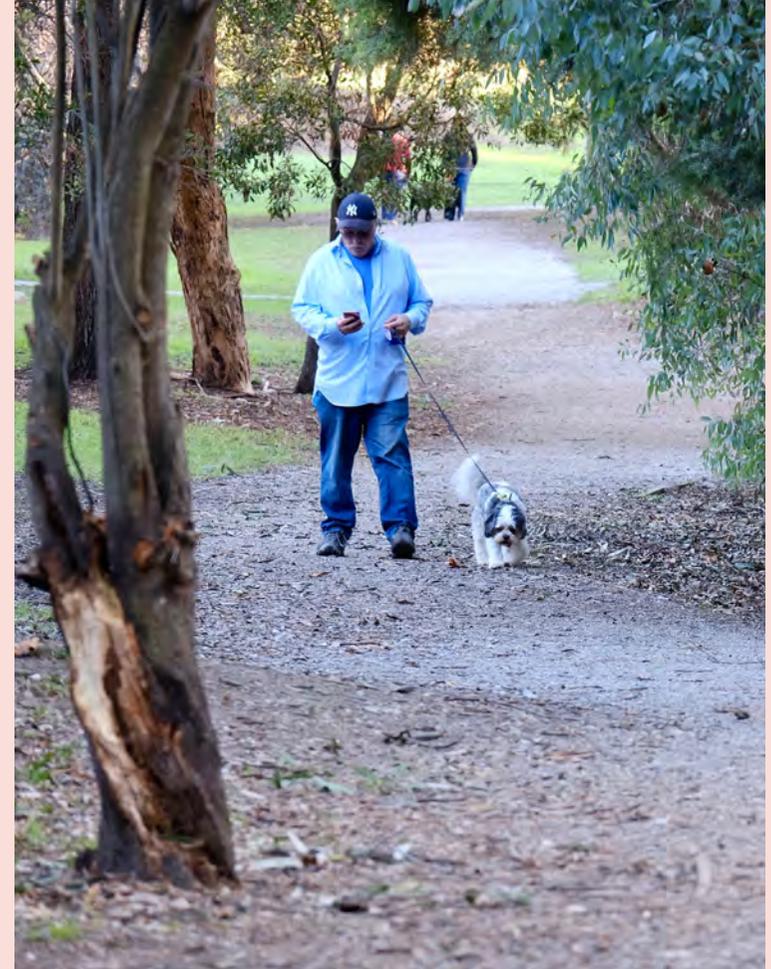
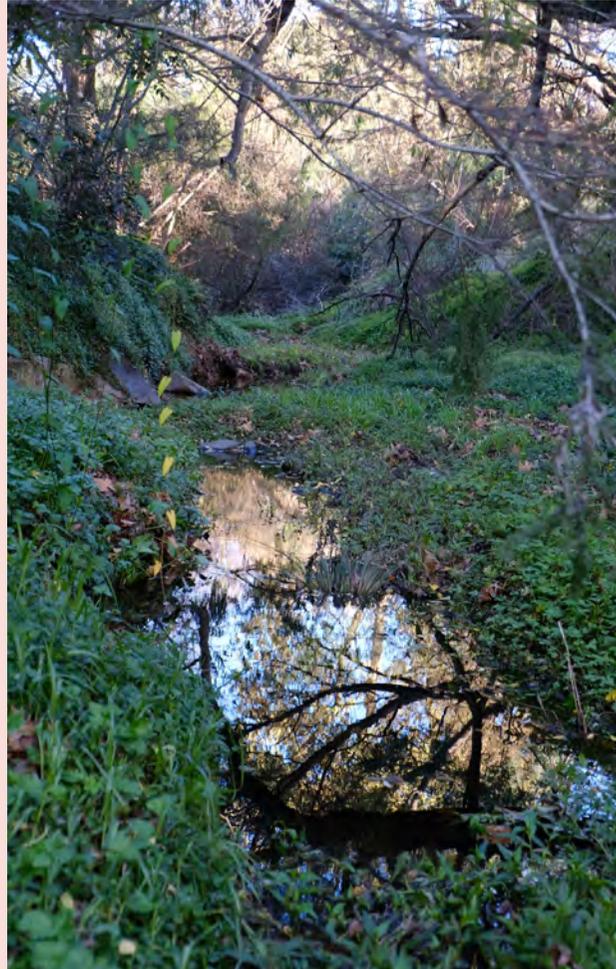


Photo Credits: Andrew Kelly

Friends of Back Creek can be found at:
<http://www.friendsofbackcreek.org/>

Friends of Damper Creek can be found at:
<http://www.friendsofdampercreek.org.au/>

Friends of Stony Creek can be found at:
<http://www.geocities.ws/stonyck/>



Photo Credits: Andrew Kelly

CASE STUDY: DAMPER CREEK

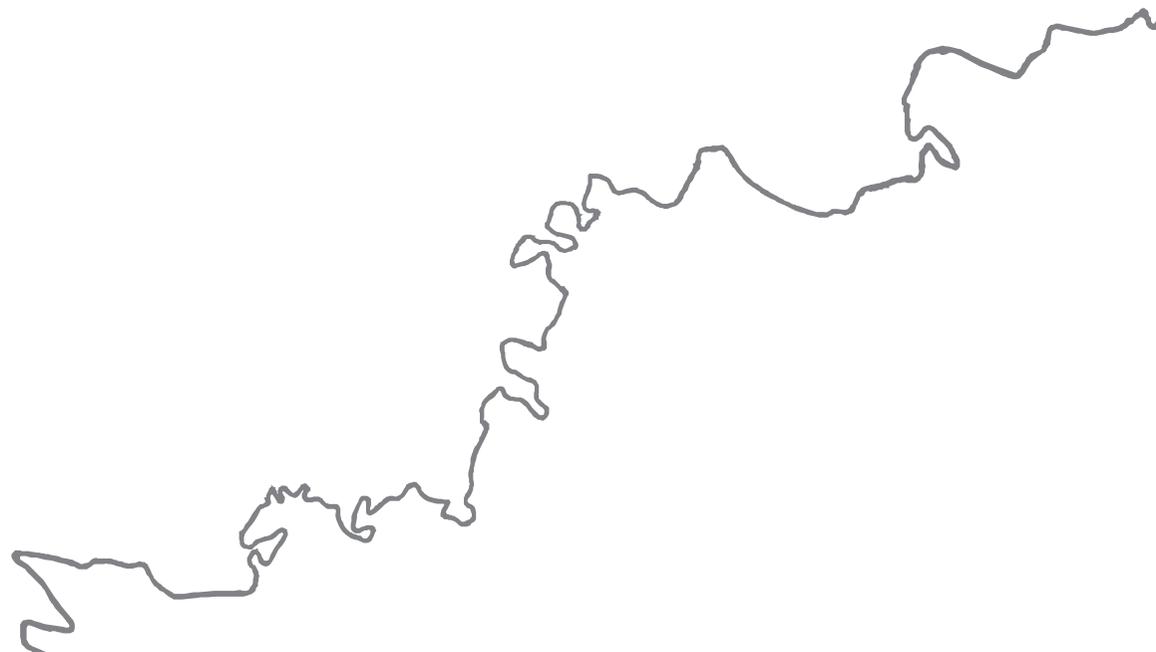
Damper Creek has been preserved, protected and improved by the Friends of Damper Creek for more than 50 years, working with the City of Monash and Melbourne Water. The creek is highly valued by local residents. Houses are now being built closer to the river boundary and with additional storeys. This overshadows the creek environs and interrupts the sense of being in a natural landscape.

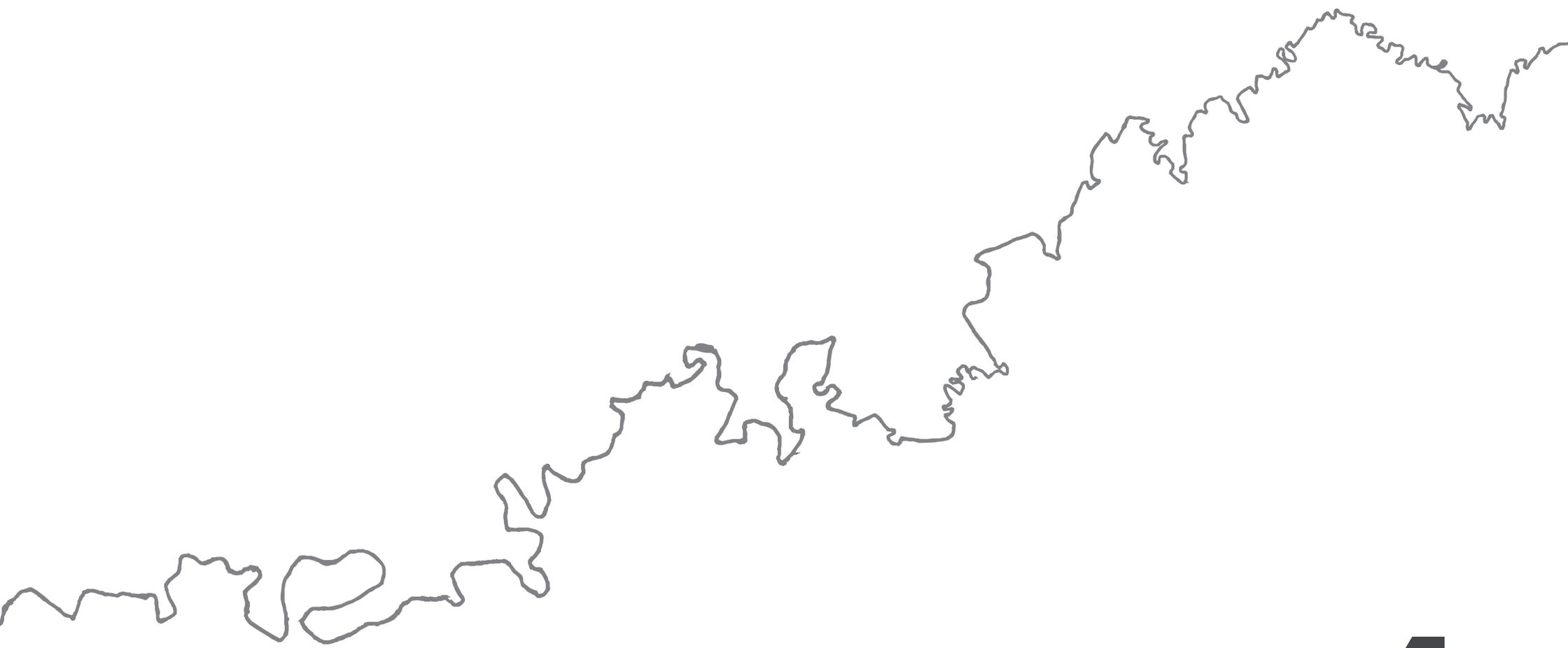
CASE STUDY: STONY CREEK

There are moments of perhaps surprising beauty in the most abused of urban creeks. In September 2018 the runoff from a fire at a warehouse in Brooklyn polluted Stony Creek, leaving a black sludge and the stink of acetone along much of the creek. Frogs and wildlife are now slowly returning to the creek after an extensive cleanup by Melbourne Water and Maribyrnong City Council and community groups. The creek is regaining its intimate charm.



Stony Creek on the evening of Thursday, 11th July 2019. Photo Credits: Andrew Kelly





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4

4.1 Key References and Resources

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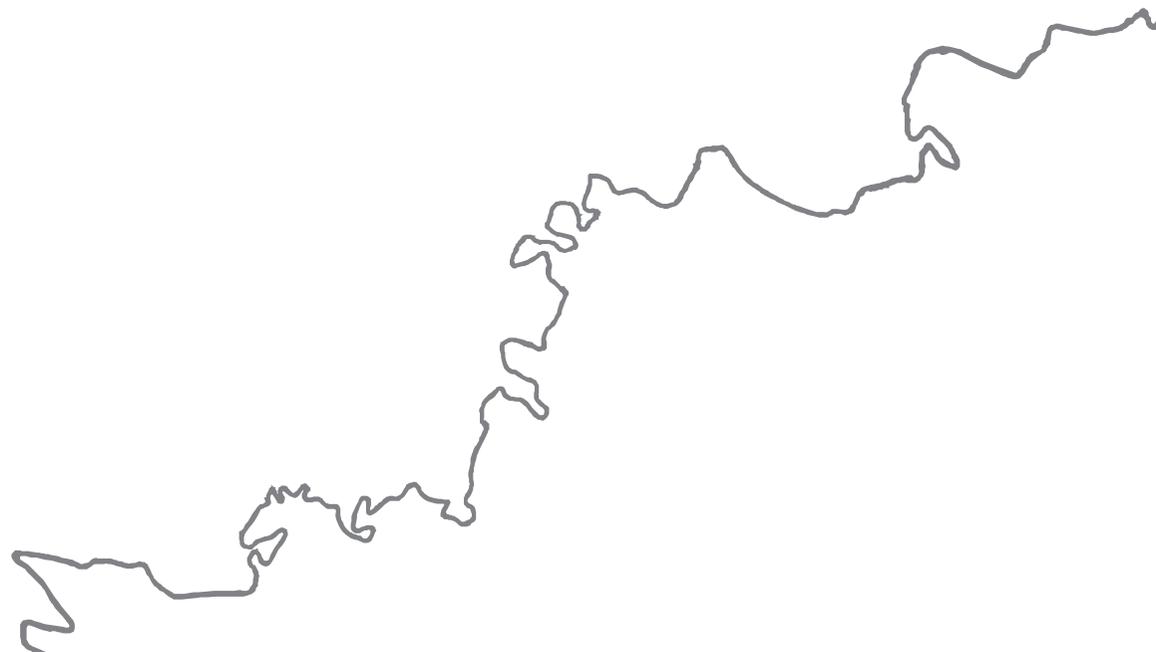
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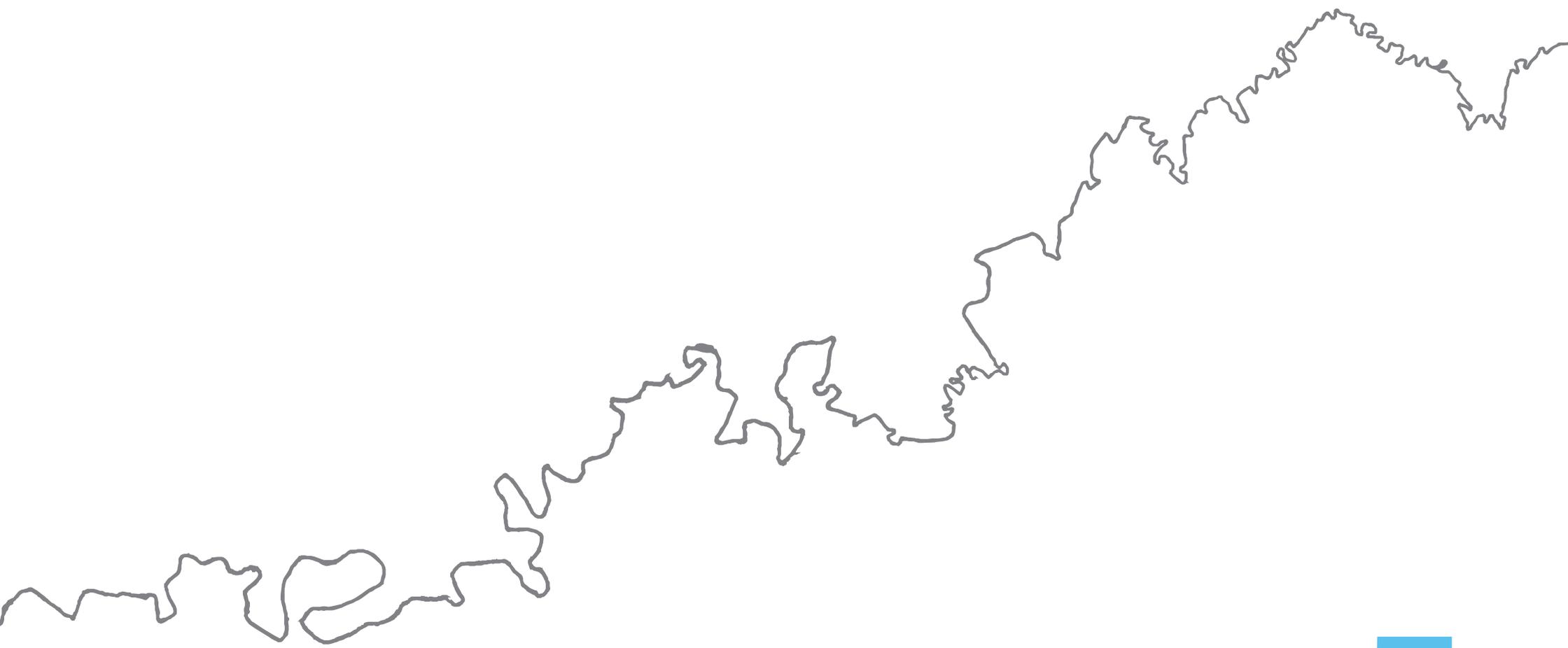
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Glossary

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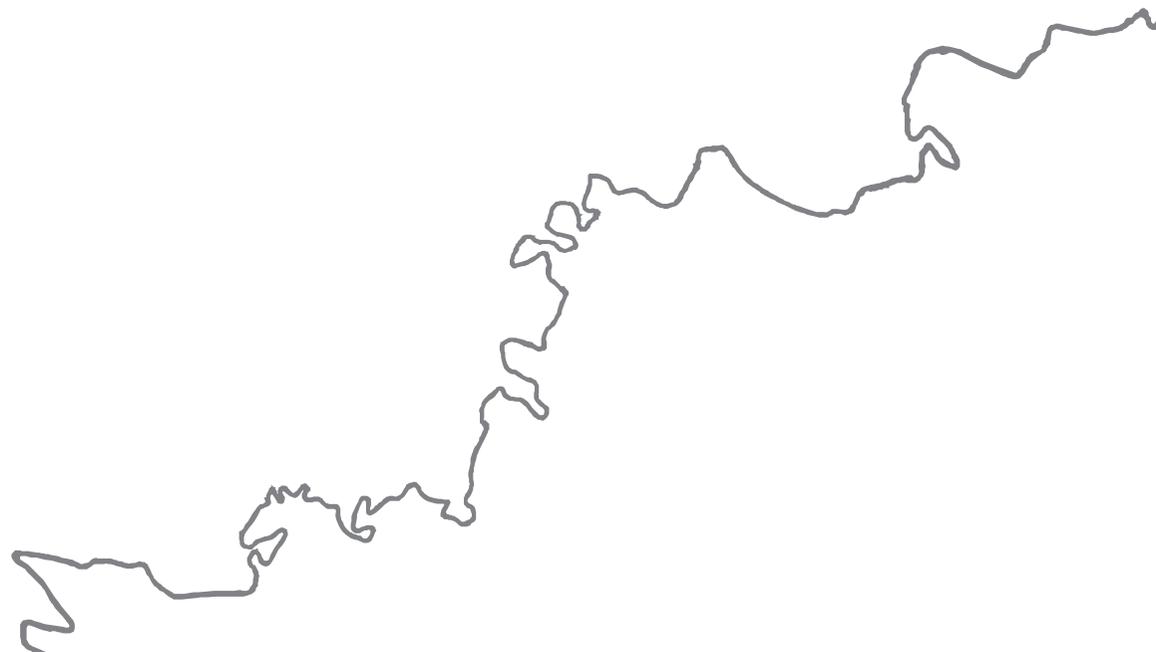
5.1 Key Terms

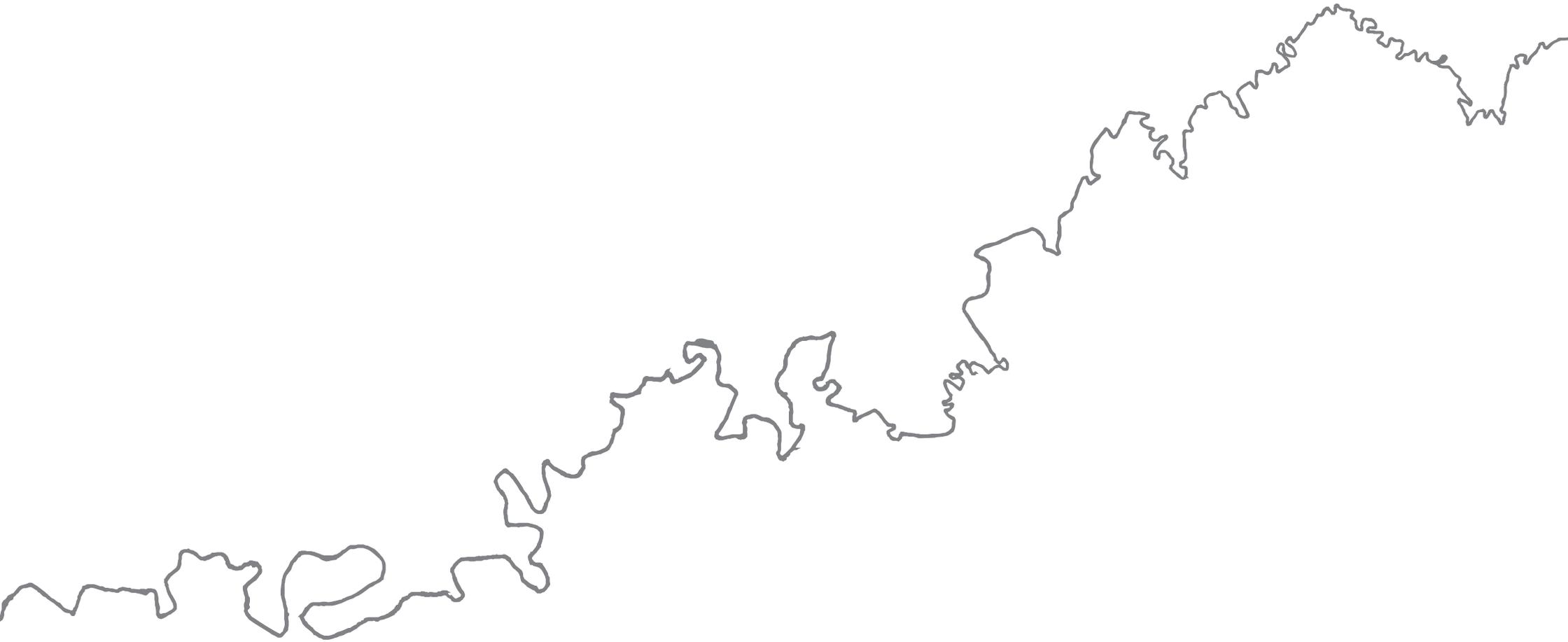
TERM	DEFINITION
AMENITY	A desirable or useful feature or facility of a building or place, or the pleasantness or attractiveness of a place.
BUILDING HEIGHT	The vertical distance from natural ground level to the roof or parapet at any point.
CENTRELINE	A line along the centre of a linear geographic feature (e.g. street or river).
CHARACTER TYPE/AREA	An area defined by common landscape, built form and topographical characteristics.
DESIGN AND DEVELOPMENT OVERLAY (DDO)	A planning control that identifies areas which are affected by specific requirements relating to the design and built form of new development. Schedules can contain a statement of the design objectives to be achieved for the area affected by the overlay.
DESIGN AND SITING	The physical design of built form as influenced by building height, wall height, articulation, massing, window and wall proportions and other elements that make up a building. Siting relates to the location of a building within a lot, and may include how it is located in relation to a specific feature (including slope).
DISCRETIONARY CONTROL	A requirement in the planning scheme that should be met, but can be varied based on guidelines contained within a planning scheme.
EARTHWORKS	Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.
LANDSCAPE CHARACTER	The interplay of geology, topography, vegetation, water bodies and other natural features combined with the effects of land use, built development and cultural influences which makes one landscape different from another.
LANDSCAPE SIGNIFICANCE	The designation of a particular landscape as special or important, arising from its aesthetic values (both visual and non-visual) and taking into account cultural, historic, environmental, scientific, social or other values.

TERM	DEFINITION
LIVEABILITY	An assessment of what a place is like to live in, using particular criteria – e.g. safe, attractive, socially cohesive and inclusive, and environmentally sustainable; with affordable and diverse housing linked to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities; via convenient public transport, walking and cycling infrastructure.
LOCAL PLANNING POLICY (LPP)	Tools used to implement the objectives and strategies of the MSS. A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. The LPP gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area and provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal.
MANDATORY CONTROL	A requirement in the planning scheme that must be met, and cannot be varied.
MINIMUM MANDATORY SETBACK LINE	Either, a: <ul style="list-style-type: none"> + Consistent parallel distance, measured horizontally from the identified setback reference line; and/or + A specific contour level measured to Australia Height Datum standards.
MUNICIPAL STRATEGIC STATEMENT (MSS)	Sets out the vision, objectives and strategies for managing land use change and development within a municipality. It provides the basis for the application of local policies, zones, overlays and other provisions in the Planning Scheme.
NATIVE VEGETATION (WHEN USED IN THE PLANNING SCHEME)	Plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses.

TERM	DEFINITION
<i>NEIGHBOURHOOD CHARACTER</i>	The combination of public and private realms - every property, public place or piece of infrastructure makes a contribution, whether great or small. The cumulative impact of all these contributions establishes neighbourhood character. Key features may be the prevalence of trees, a specific built form era, street width, building scale and setbacks.
<i>PLANNING SCHEME</i>	Planning schemes set out policies for use, development and protection of land. Each local government area in Victoria is covered by a planning scheme.
<i>PREFERRED CHARACTER</i>	If a change in the character of an area is sought, a 'preferred future character statement' is set out in policy using a Local Planning Policy Framework (LPPF) policy to describe the preferred character in concert with zoning provision appropriate for future use and development. The statement is aspirational and outlines how design and planting techniques should be used to achieve a desired outcome.
<i>REFERRAL AUTHORITY</i>	<p>Referral authorities are usually government or private corporations or organisations such as the local catchment management authority, the Country Fire Association, VicRoads or Telstra.</p> <p>Referral authorities are listed in different provisions of a Planning Scheme based on the relevant zone and the authority's area of expertise or control.</p> <p>The authority may be recommending or determining; if determining their advice is binding on the decision-maker. If recommending, the advice should be considered by the decision-maker (e.g. Council).</p>
<i>RESPONSIBLE AUTHORITY</i>	The Planning and Environment Act (1987) identifies the Minister for Planning, local Councils, or any person whom the planning scheme specifies as a responsible authority for that purpose as a responsible authority, in charge of making decisions under a planning scheme (section 13(c)).
<i>SETBACK</i>	The minimum distance from any allotment boundary to a building.
<i>SETBACK REFERENCE LINE</i>	The closest cadastral or property boundary to the river's edge.

TERM	DEFINITION
<i>SIGNIFICANT LANDSCAPE OVERLAY (SLO)</i>	<p>Seeks to identify, conserve and enhance the character or significance of landscapes.</p> <p>Schedules are used to identify specific areas or types of significance.</p> <p>Policies are framed in terms of "landscape character to be achieved"</p>
<i>SITE COVERAGE</i>	The proportion of a site covered by buildings.
<i>STATE PLANNING POLICY FRAMEWORK (SPPF)</i>	<p>Sets the strategic direction for issues of State importance.</p> <p>The policies contained in the SPPF are included in every Planning Scheme across Victoria.</p>
<i>WATERWAY</i>	A river, stream or creek which are essential for the liveability of local neighbourhoods, community health and the broader environment. Waterways have special cultural significance for Traditional Owners and Aboriginal Victorians; encompassing spiritual, cultural, social, economic and environment values.
<i>WORKS</i>	Includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.





Appendix A: Reference - the Planning Zones

Reference of Planning Zones for Urban Waterways

Table 1. Overview of Existing Zones

ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>RESIDENTIAL GROWTH ZONE (RGZ)</i>	<p>Provide housing at increased densities in buildings up to and including 4 storeys.</p> <p>Enables new housing growth and diversity.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Non-residential land uses + Subdivision + Construction and extension of 1 dwelling on a lot less than 300sqm + Construction and extension of 2+ dwellings on a lot, dwellings on common property or residential buildings + Construction of a fence greater than 1.8m <p>Building height limited to 13.5m or 14.5m on a slope. A local council can vary this with strategic justification.</p>	<p>Decision guidelines relate to development of dwellings and residential buildings, as well as non-residential land uses and development.</p> <p>Proposal should demonstrate how it responds to the purpose of the zone.</p> <p>For construction of 1 dwelling, the RGZ asks whether this is an underdevelopment of the lot.</p> <p>For non-residential land uses/development, highlights the need to consider residential amenity, whether the use serves community needs, the design of the building, car parking provision and landscaping.</p> <p>Development must meet the requirements of Clause 54 (one dwelling) or Clause 55 (2+ dwellings) - the residential design standards or 'ResCode'.</p>
<i>GENERAL RESIDENTIAL ZONE (GRZ)</i>	<p>Respect and preserve urban character while enabling modest housing growth and housing diversity in well-served areas with good access to public transport.</p> <p>Allow some educational, recreational, religious, community and a limited range of other non-residential uses in appropriate locations.</p>	<p>As above.</p> <p>Building height limited to 11m; must contain no more than three storeys. A local council can vary this with strategic justification.</p> <p>A new vacant lot less than 400sqm must contain a minimum garden area of at least 25% of the lot (unless an approved structure plan or equivalent plan applies).</p> <p>New development on lots of 400sqm+ must provide the percentage garden area set out in the zone (may be 25-35% depending on lot area).</p>	<p>As above.</p> <p>The GRZ also includes decision guidelines relating to how a proposal responds to the prevailing neighbourhood character in an area.</p> <p>Clause 54 and 55 apply to residential development as outlined above.</p>

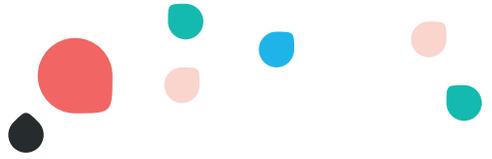
ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)</i>	<p>Restricts housing growth in areas identified for urban preservation.</p> <p>Ensure development respects identified neighbourhood character, heritage, environmental or landscape characteristics.</p>	<p>As above.</p> <p>Mandatory building height of 9m; must contain no more than 2 storeys. This can be varied with Ministerial approval.</p> <p>A new vacant lot less than 400sqm must contain a minimum garden area of at least 25% of the lot (unless an approved structure plan or equivalent plan applies).</p> <p>New development on lots of 400sqm+ must provide the percentage garden area set out in the zone (may be 25-35% depending on lot area).</p>	<p>As above.</p> <p>Key focus for the NRZ is on neighbourhood character and limited change.</p> <p>Clause 54 and 55 apply to residential development as outlined above.</p>
<i>LOW DENSITY RESIDENTIAL ZONE (LDRZ)</i>	<p>Enables low density housing.</p> <p>In some cases lots require on-site wastewater treatment.</p>	<p>As above.</p> <p>Minimum lot size of 2,000sqm where a lot can connect to reticulated sewerage.</p> <p>Minimum lot size of 4,000sqm where a lot requires on-site wastewater treatment.</p>	<p>Clause 54 and 55 apply to residential development as outlined above.</p>
<i>RURAL LIVING ZONE (RLZ)</i>	<p>Residential land uses in a rural environment.</p> <p>Protect rural and natural environment, resources and biodiversity.</p> <p>Allows some agricultural uses that won't negatively impact the amenity of surrounding (e.g. residential) uses.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land uses that are not strictly related to a dwelling or low-impact agriculture + Subdivision + Buildings and works for a use that requires planning permission + Earthworks (if specified by Council) + Buildings within close proximity to boundaries. 	<p>Capacity of the site for agricultural use.</p> <p>The potential for a proposed land use to expand and impact on adjoining uses.</p> <p>Environmental issues, including:</p> <ul style="list-style-type: none"> + The impact on flora, fauna and landscape features of the locality + Location of on-site effluent disposal to minimise impact on waterways and native vegetation <p>Design and siting issues, including impact of height, bulk, colours and materials on the natural environment, vistas and water features.</p>

ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>MIXED USE ZONE (MUZ)</i>	<p>Range of residential, commercial, industrial and other uses that complement the 'mixed-use' function of a specific locality.</p> <p>Enables residential development at higher densities than some of the residential zones.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land uses that may have adverse amenity impacts on the neighbourhood (i.e. some industrial uses) + Subdivision + Buildings and works, including to construct one dwelling on a small lot (300sqm), and to construct 2+ dwellings + Fences with a height above 1.8m + Where a permit is required for the land use, a permit for buildings and works is also triggered. <p>Maximum building height can be specified by Council in a schedule to the zone.</p>	<p>Clause 54 and 55 apply to residential development as outlined above.</p> <p>For industry/warehouse: Likely effects on the neighbourhood, including noise, traffic, air-borne emissions, emissions to land/water, light spill, glare, solar access and hours of operation.</p> <p>For non-residential uses: Hours of operation and any likely off-site amenity impacts.</p>
<i>COMMERCIAL 1 ZONE (C1Z)</i>	<p>Create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>Provide for residential uses at densities that complement the role and scale of the commercial centre.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land uses not directly linked to the purpose of the zone - some agriculture and industry (others prohibited), leisure and recreation facilities, place of assembly, warehouse + Subdivision + Buildings and works (with some exceptions for minor buildings and works). 	<p>An application for residential development must include a neighbourhood and site description and design response.</p> <p>Decision guidelines included for new land uses, subdivision, buildings and works. All proposals on the interface (boundary) of an adjoining zone must consider the impact/relationship with that zone, particularly if it is residential.</p> <p>Development proposals: Car parking, streetscape impacts, building design, active frontages and pedestrian-friendly design, storage and management of rubbish, design for solar access.</p>
<i>COMMERCIAL 2 ZONE (C2Z)</i>	<p>Provides for offices, some manufacturing and industries, bulky goods retail, other retail, business and commercial services.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Certain land uses (e.g. education centre, recreation and leisure, motel, hotel, some types of retail premises, large supermarkets where the floor area is greater than 1800sqm) + Subdivision + Buildings and works (with some exceptions for minor buildings and works). 	<p>Includes the need to consider whether a proposed land use might negatively impact adjoining, more sensitive uses.</p> <p>For a new land use: Traffic and amenity impacts.</p> <p>For subdivision: The likely effect on streetscape character and landscape treatments.</p> <p>For buildings and work: Car parking provision, streetscape interface and design, access from the front street, activation of pedestrian areas, landscaping, solar access, any cultural or natural values on the site or nearby land.</p>

ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>INDUSTRIAL 1 ZONE (IN1Z)</i>	Provide for manufacturing industry, storage and distribution of goods and associated uses while not affecting the safety and amenity of local communities.	A permit is required for: <ul style="list-style-type: none"> + Certain land uses (e.g. education, office, place of assembly, retail premises, convenience shop) + Subdivision + Buildings and works (with some exceptions for minor buildings and works). 	List of built form and amenity/interface impacts to consider: <ul style="list-style-type: none"> + Natural or cultural values on or near the land + Streetscape character, built form, landscape treatment + Interface with non-industrial uses + Parking and site access, loading and service access + Outdoor storage, lighting and stormwater discharge.
<i>INDUSTRIAL 3 ZONE (IN3Z)</i>	Provide for industries and associated uses in areas where special consideration of the impacts of industrial uses is required or to avoid inter-industry conflict. Provide a buffer between industrial areas with higher emissions and local communities, considering amenity impacts on nearby sensitive uses.	A permit is required for: <ul style="list-style-type: none"> + Industrial and warehouse land uses, and selected other non-industrial uses + Subdivision + Buildings and works 	For land use applications, the amenity of the neighbourhood must be considered. Proposed uses must demonstrate how amenity will be protected from the transport of materials/goods/commodities, appearance of stored goods/materials, and emissions (noise, light, vibration, odour, fumes, smoke, etc.). Decision guidelines also contain the list of considerations outlined for the IN1Z related to design and development, and amenity impacts.
<i>URBAN FLOODWAY ZONE (UFZ)</i>	Identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding. Protect water quality and waterways as natural resources.	A permit is required for: <ul style="list-style-type: none"> + Buildings and works, including for a fence, roadworks, public toilets, bicycle pathways/trails and other minor buildings and works that are often exempt + Subdivision. Applications must be accompanied by a flood risk report. Applications must be referred to the relevant floodplain management authority (e.g. Melbourne Water).	Ensure development maintains the free passage and temporary storage of flood water, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting. Decision must have regard to the floodplain development plan or flood risk report, and any comments of the relevant floodplain management authority.

ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>PUBLIC PARK AND RECREATION ZONE (PPRZ)</i>	<p>Recognise areas for public recreation and open space.</p> <p>Protect and conserve areas of significance.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land use: Heliport, office, retail premises and store if not in association with a public land use + Buildings and works: Exemption from permit requirements if development of park furniture, paths, playground or sporting equipment, planting or landscaping, or works carried out by a public land manager + Subdivision. <p>For a proposal is not made by the public land manager, their approval and support must be given.</p>	<p>Comments of any public land manager must be considered.</p> <p>Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines that might apply to the land.</p>
<i>PUBLIC CONSERVATION AND RESOURCE ZONE (PCRZ)</i>	<p>Protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.</p> <p>Provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land use: Energy services facility, renewable energy facility, wind energy facility. + Buildings and works: Exemption from permit trigger if works carried out by public land manager. + Subdivision. <p>Application for emergency services facility must be referred to appropriate body as specified in the scheme.</p>	<p>Comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.</p> <p>Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.</p>
<i>RURAL CONSERVATION ZONE (RCZ)</i>	<p>Protect and enhance the natural environment and natural processes for their archaeological and scientific interest, landscape, faunal habitat and cultural values.</p> <p>Encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Most land uses, including certain agricultural uses, dwelling, primary produce sales, education, restaurant. + Buildings and works + Subdivision. 	<p>Any regional catchment strategy applying to the land.</p> <p>Capability of the land to accommodate the proposed use/development.</p> <p>How the use or development conserves the values identified for the land in a local schedule.</p> <p>Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.</p>

ZONE	KEY PURPOSE	PERMIT TRIGGERS	DECISION GUIDELINES
<i>PUBLIC USE ZONE (PUZ)</i>	<p>Recognise public land use for public utility and community services and facilities.</p> <p>Provide for associated uses that are consistent with the intent of the public land reservation or purpose.</p> <p>Purposes may be: health, education, transport, service and utility, cemetery/crematorium, local government or other public use.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Any use - but it must be a designated public use as outlined in the Clause (list at left) + Buildings and works + Subdivision. 	<p>Comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.</p> <p>Whether the development is appropriately located and designed, including in line with any relevant guidelines.</p>
<i>SPECIAL USE ZONE (SUZ)</i>	<p>Recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Some land uses, depending on the primary function of the SUZ as identified by a Council. + Subdivision + Buildings and works 	<p>Decision guidelines are set out based on the primary designated function of the special use, and what impacts new use or development may have on the purpose of the primary use, and on adjoining sensitive uses (as relevant).</p>
<i>ROAD ZONE (RDZ1 OR RDZ2)</i>	<p>Identify significant (e.g. main/arterial) existing roads and land which has been acquired for a significant proposed road.</p>	<p>A permit is required for:</p> <ul style="list-style-type: none"> + Land use: Utility installation or any other use (other than minor utility installation, railway or tramway) + Subdivision + Buildings and works if associated with a permit-required use. 	<p>Views of the relevant road authority (e.g. VicRoads)</p> <p>Effect of the proposal on the operation of the road and on public safety.</p>



Opposite page: Westmeadows. (Photo credit: Anna Lanigan)



Golden Whistler Jacana Wetlands (Photo credit: Dennis Hocking)



Pink-eared Duck in Jacana Wetlands. (Photo credit: Dennis Hocking)



The report will help you defend your waterway from being squeezed by urban development that compromises waterway values. It is a simple introduction to the complexity of our planning system and planning schemes. This book is an essential item in every environmental community group's library – to be taken down and repeatedly thumbed as each new development threat to a waterway comes over the horizon.

'As the Yarra Riverkeeper I am honoured on behalf of our Association to have commissioned this report. I thank the Lord Mayor's Charitable Foundation for making this possible. Community groups have been the great force defending our waterways and improving our green places. We are eager to equip them better to challenge the wrong sort of development by better understanding the complexities of our planning system, so they can advocate better on behalf of our waterways.' Andrew Kelly, Yarra Riverkeeper



ETHOS
URBAN