

# Charting the Yarra

**A REVIEW OF 40 YEARS OF REPORTS AND PLANS FOR  
THE YARRA RIVER CORRIDOR**



## ABOUT THE YARRA RIVERKEEPER ASSOCIATION

The Yarra Riverkeeper Association is the voice of the river. Over the past 10 years we have established ourselves as the credible community advocate for the Yarra. We tell the river's story, highlighting its wonders and its challenges. We monitor its health and activities affecting it. We run educational events and river tours, and give informative presentations to schools, community groups, the authorities and businesses. We work closely with numerous government bodies and NGOs and advocate directly and through the news media for river care.



You can join the Yarra Riverkeeper Association at [yarrariver.org.au](http://yarrariver.org.au)

For links to the reports (and other relevant reports) referred to in *Charting the Yarra* that are available online, visit our websites. [actfortheyarra.org.au](http://actfortheyarra.org.au) and [yarrariver.org.au](http://yarrariver.org.au).

## ABOUT ENVIRONMENTAL JUSTICE AUSTRALIA

Environmental Justice Australia is the environment's legal team. We use the law to protect our environment, and we work to change our laws to make sure they protect the right of all Australians to clean air, clean water and healthy ecosystems. [envirojustice.org](http://envirojustice.org).



## ACKNOWLEDGEMENTS

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All photographs by Andrew Kelly, except for p. 4 Ursula Chandler and p. 34 Ian Penrose, or as otherwise acknowledged in the caption.

## FRONT COVER:

Melbourne and the Yarra had come a long way when this isometric drawing was made in 1866. And together the city and its river have come a lot further since. To view the drawing online — and zoom into see the extraordinary detail — go to [www.yarrariver.org.au/1866Melbourne](http://www.yarrariver.org.au/1866Melbourne).  
*Courtesy: State Library of Victoria*

## BACK COVER:

The Yarra River at Richmond with Herring Island, 1933, taken by Airspy. The island and riverbank has been transformed by indigenous planting — and the addition of a freeway along the north bank of the river. If you stand in the middle of Herring Island, you could be deep in the bush — apart from the hum of the freeway in the background.  
*Courtesy: State Library of Victoria*

The Yarra River — Melbourne's greatest natural asset — suffers from fragmented management and from inconsistent planning.

Our river is under intense and increasing pressure from population growth. The green and natural river corridor is squeezed and invaded.

We need to give the river strong and coordinated management from the mountains to the bay.

ANDREW KELLY, YARRA RIVERKEEPER

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The traffic shuttles across the Johnston Street Bridge between Abbotsford and Kew. Beneath the bridge, there is this surprisingly still and beautiful green space — the river's corridor.

## THREE KEY POINTS FROM THIS REVIEW

In this review, over 40 years of reports on the Yarra corridor have been analyzed and, while many good reports have been written and many good recommendations made, many of those recommendations have not been implemented, to the river's and Melbourne's detriment. Three key issues facing the river have surfaced in this review.

### 1. Fragmentation

The management of the Yarra is fragmented. Management and planning responsibility is fragmented by division into local council areas, and the borders of council areas often fall on the waterway itself. Without clear authority on both banks, councils are hesitant to manage for the river itself. Often the development that most effects the appreciation of the river from one bank is what exists on the other bank. Functional responsibilities are fragmented, which makes effective and concerted action difficult. Divided responsibilities lead to an enervation of decision making as authorities narrowly define their responsibilities.

### 2. Inconsistencies

The fragmentation leads different authorities to make different decisions along the River. Planning on one side of the river does not reflect planning decisions on the other side, and decisions upstream do not reflect those being made downstream.

### 3. Continuity

The river has suffered from a lack of continuity in decision making. Good reports are written, good recommendations are made, but a change in government emphasis or a change in government means these recommendations are often never implemented.



Andrew Kelly, the Yarra Riverkeeper. Andrew patrols the river in the Yarra Riverkeeper Association's boat, taking all sorts of people who study, or are concerned about, the river on trips that help give them a unique insight into the river and the challenges it faces. The Association is the credible and authoritative voice for the River. Founded in 2005, it is an independent community of citizen-advocates that works solely in the interest of the river.

## INTRODUCTION

Many plans have been written for the Yarra River corridor since the first one almost 50 years ago – *State Planning Policy No. 4 'Yarra River'*, which was published in 1971. Of the many plans produced, those that focus on urban planning are but the smaller part of the many reports on the river and its catchment – from reviews of migratory pathways to biodiversity plans aiming to better connect green spaces on the river's tributaries.

This ongoing, substantial planning effort reflects the passion Melburnians and those living in the Yarra Valley feel for their river. It also reflects the vital role of the river in the founding and growth of the City of Melbourne and the State of Victoria.

This study reviews the urban planning reports that explicitly focus on the river corridor, its parklands, and its naturally vegetated banks. This study finds strikingly common themes in those reports and it provides an overview of the collective effectiveness of those reports.

The planning reports focus on the river's corridor from Princes Bridge upstream to Warrandyte (although one plan did extend as far downstream as Spencer Street Bridge). Above Warrandyte, the planning for the river becomes part of the broader planning for the Green Wedges, and the focus moves away from the river corridor.

Downstream from Princes Bridge (Swanston Street) to Bolte Bridge, the river's banks are no longer a vegetated corridor. Instead, they are an almost entirely built environment. Planning for this river reach is written in the context of other planning documents for the City of Melbourne. And downstream from the Bolte Bridge, the river is predominantly the province of the Port of Melbourne Corporation.

Today, Melbourne and its river are under immense pressure from an exploding population. Melbourne is the fastest growing capital city in Australia – by 2050 the greater Melbourne area is predicted to hold 9 million people. This growth pressure generates plans to grow the inner city, where there is already adequate infrastructure. So the gaps and interstices of the city are being filled in with urban renewal and with 'brownfield' development. Many low-rise, former industrial sites with open areas of habitat – sometimes actual river frontage – are being replaced by high-rise apartments.

A key selling point for developments on the rivers and creeks of inner Melbourne is the natural environment – even when the construction itself reduces the sense of that environment. For example, at 'Sanctuary' a development upstream of the Victoria Street Bridge, on the former Honeywell site, low-rise buildings occupying part of the site have been replaced by 586 apartments in three towers, the tallest of which is 11 storeys high. Almost the entire site is covered in buildings and hard surfaces. Yet Sanctuary's marketing focuses significantly on the riverside setting. The 'Sanctuary' development (Hamton, 2015) is sold under the banners 'Naturally sanctuary', 'absolute Yarra River frontage', 'an exquisite riverland location' and 'a beautiful bushland setting, as well as simply extraordinary views of the river, treetops and city'.

Certainly, many of the apartments must have a delightful outlook, but have they helped degrade what they enjoy? Are they in line with the recommendations of the planning reports for the river corridor?

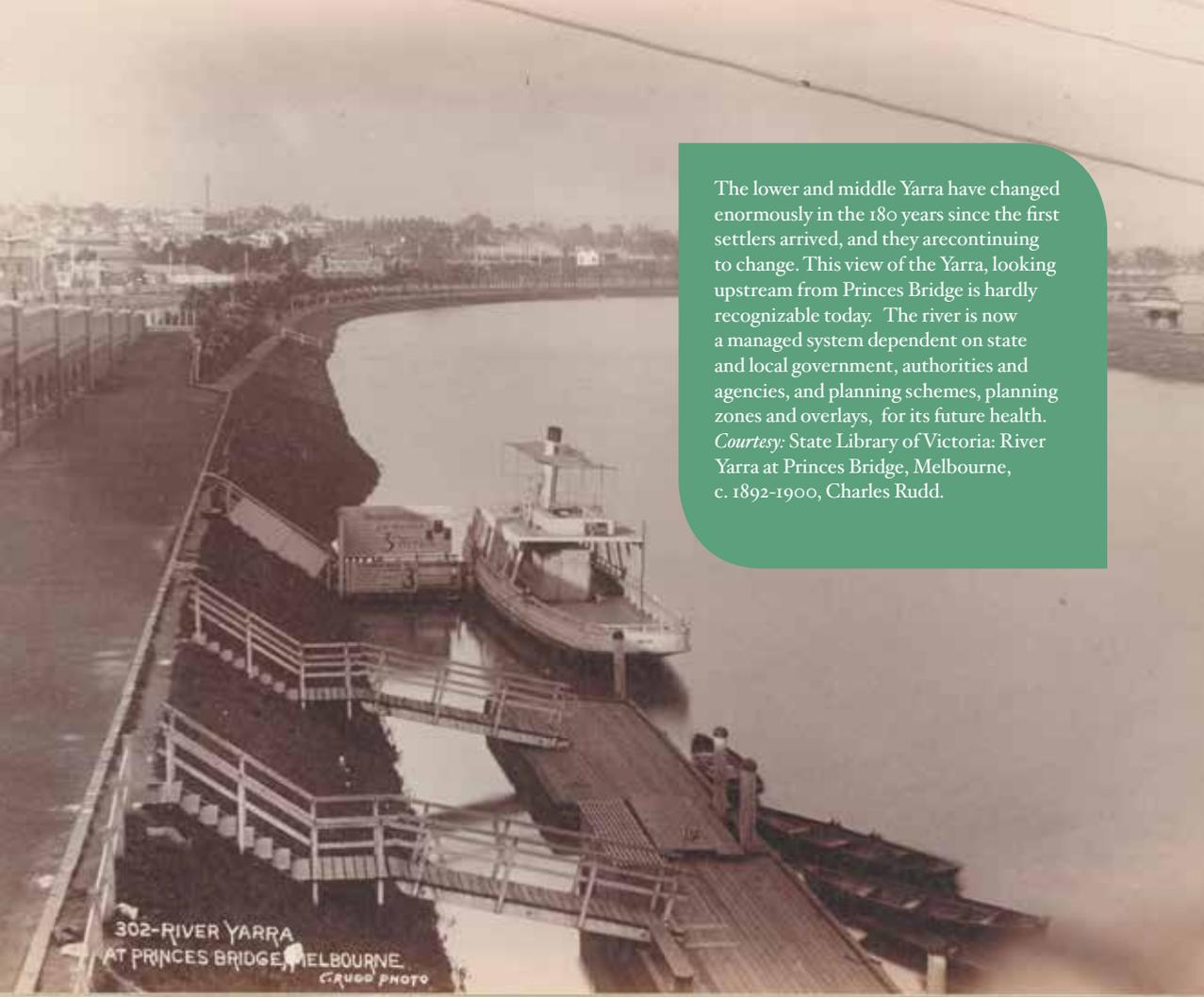
A key 2005 report, *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road – Consultant's Report*, was never implemented. Now in 2015, ten years later, the value of that *Review* is being

recognised and it is being included as a reference document in the State Planning Policies.

Although many good plans have been written and much effort has been expended on riverside planning, the implementation of the planning has proceeded in fits and starts – with long gaps between reports, and between the initiation of a report and the final launch of the approved report. Also, reports and recommendations have simply become stuck in the planning process, and have never been finalized.

Similarly, much of the planning happens as a form of crisis management in response to a threat to the river corridor. Too much of the planning is reactive instead of proactive. Although there have been many excellent recommendations in reports, many of the recommendations have not been implemented. Yet, the need for stronger planning controls and for coordinated management stand out as consistent and repeated themes over the years and across the reports. And still, there is an ongoing need for coordination: both between the many authorities that govern the river, and along the length of the river.

A considered reading of the reports shows a clear need for a single proactive authority that is able to commission reports and implement them; an authority that can take an overview of the river and coordinate the many agencies to deliver the long-term vision heralded in that first plan back in 1971; an authority that can protect the parklands of the river, improve the ecology of the riverine corridor and deliver the open spaces – the 'natural sanctuaries' – that a growing Melbourne needs and will soon need even more; an authority that can help ensure the river is able to deliver the ecosystem services it has managed to deliver so well: providing drinking water from the Upper



The lower and middle Yarra have changed enormously in the 180 years since the first settlers arrived, and they are continuing to change. This view of the Yarra, looking upstream from Princes Bridge is hardly recognizable today. The river is now a managed system dependent on state and local government, authorities and agencies, and planning schemes, planning zones and overlays, for its future health. *Courtesy: State Library of Victoria: River Yarra at Princes Bridge, Melbourne, c. 1892-1900, Charles Rudd.*

Yarra; removing storm water from all along the catchment; and cooling the city and its suburbs in hot weather. The need for this sort of river authority has been clear since the first report in 1971 and has been articulated in almost every report since 1978. Time passes – all too quickly.

But good things are happening. The current state government is developing a Yarra River Protection Act including a Yarra Trust, with \$1million allocated to it in the 2015 budget. The Yarra Riverkeeper Association has long advocated for a one-river authority, and for a model like the one being developed.

The proposed Trust and Act need to provide strong, co-ordinated planning for the River.

Recent advances in water sensitive urban design (known as WSUD) mean that the issues of planning and water are much more integrated. The proposed Trust will be able to take a catchment-wide view of planning and be able to integrate water and planning issues for the benefit of the River, its tributaries, and the bay.

There are other Acts and Trusts that help manage rivers around the world. The Yarra Riverkeeper Association is now preparing a report that will review these international models and seek to identify key features to be included in the Yarra River's Act and Trust so as to best meet the needs of the River's corridor.

## SCOPE

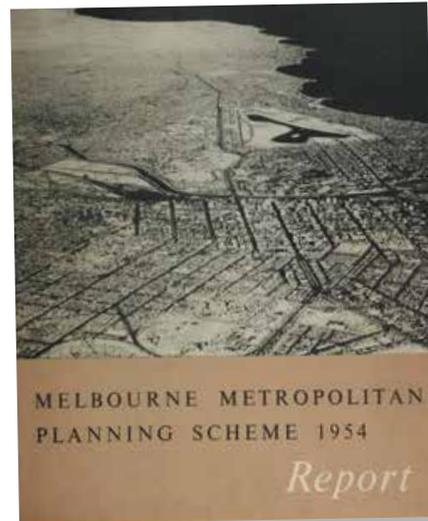
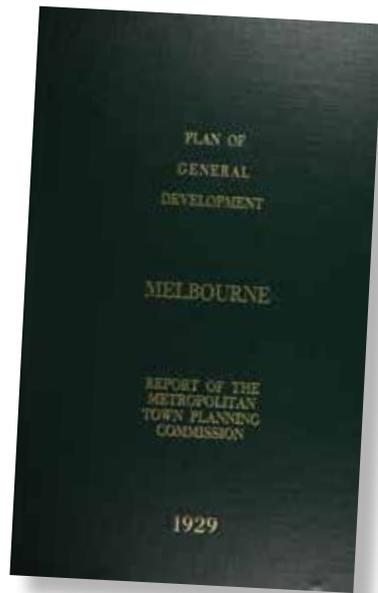
This report is a review of the many planning reports that focus on the Yarra River corridor – that is, the green spaces through which the river flows. (This report does not review reports on topics other than planning.)

The core planning work on the Yarra consists of a series of reports from the 1970s through to the 1990s, with a few following on since then. All the key reports have been found and read. However, some of the studies and interim reports could not be found. For links to the reports available online, see our websites [actfortheyarra.org.au](http://actfortheyarra.org.au) and [yarrariver.org.au](http://yarrariver.org.au).

The reports reviewed focused explicitly on the Yarra River corridor. They focused on different sections of the river, beginning in the CBD and rolling out progressively upstream. This planning work was triggered by increasing development in the Yarra corridor, including urban renewal and facility development. That development triggered the realisation that there was an opportunity to create and preserve vital open space.

The Yarra River is an iconic part of Melbourne's identity, here it is one winter morning in Kew. The city is where it is because of the river and its geography. The founders of Melbourne erected their tents where they there was a constant supply of fresh water – above the rocks and rapids that once lay where Queens Bridge now crosses the river.





## PLANNING – THE MELBOURNE CONTEXT

The first plan for Melbourne was the *Report of the Metropolitan Town Planning Commission*, published in 1929. The plan recognized the importance of open space in the city and the value of Melbourne’s waterways as an open space network. The plan was never implemented due to the 1930s depression and the war that followed. In 1949, the Melbourne Metropolitan Board of Works (since 1992, Melbourne Water) was placed in charge of planning for Melbourne. In 1954, it released the *Melbourne Metropolitan Planning Scheme*. This was the first significant over-arching plan for Melbourne. The plan focused on the issues in inner city slums and

on the lack of infrastructure in the outer suburbs. The plan – like every plan that followed – acknowledged the importance of open space in a growing city (1954, p. 77):

It is now universally recognised that facilities for relaxation and exercise outdoors are an essential part of urban living, and that the provision of these facilities is a responsibility of civic administration. The love of the outdoors is an inherent characteristic of the Australian people. The reservation of space sufficient to permit all sections of the community, whatever their age and inclination, to indulge in such healthy pastimes is therefore a very important function of a planning scheme.

The plan – also like every plan that followed – acknowledged the importance of the Yarra to Melbourne’s open spaces. It recommended (1954, p. 78):

A series of radial parks, mostly along the valleys of the River Yarra and the various creeks and watercourses, joining the larger park areas and thus affording the opportunity not only for field sports, but also a place for walking, riding and cycling within easy distance of the home.

This plan was updated in 1971, with *Planning Policies for the Melbourne Metropolitan Region* in which the concepts of ‘green wedges’ and ‘growth corridors’ were developed. The plan’s (1971, p 1) introduction made particular mention of the Yarra:

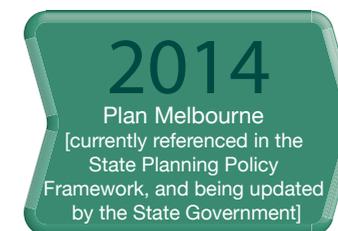
Already this significant physical feature of Melbourne has warranted the special attention of the Government in that a ‘Statement of Planning Policy’ has been promulgated to secure its conservation and improvement.

The plan (1971, p. 5) noted the contemporary problems of the River:

Because of its particular geography and variation in local topography, problems of flooding and pollution through waste disposal into its waters are increasing, as urban growth in its environs accelerates. These problems mean that special management measures are imperative if the river is to be maintained as a social and recreational attribute and the waters that flow into it from its extensive catchment

are to be kept within manageable bounds. Incidence of flooding will tend to increase as run-off of stormwater is accelerated by urban development, and pollution from such development will, unless properly controlled at source, create serious problems to the environmental character of the river. Already evidence of these manifestations of urban growth is apparent, and strict measures and controls will be necessary in the future to avoid these problems.

Many of these problems remain problems today.



A timeline of key plans for Melbourne

## PLANNING – THE RIVER CORRIDOR

### *The Statement of Planning Policy No. 4 River Yarra and the Lower Yarra Advisory Committee*

The first planning policy specifically for the river was the *Statement of Planning Policy No. 4 River Yarra* published in 1971 by the Victorian Government. This report set the stage for future planning on the River: ‘the River Yarra and its immediate environs shall be planned primarily as an open space system for nature conservation and recreation’.

From the river’s source to Warrandyte, the report applied to the entire catchment while from Warrandyte to Port Phillip Bay, it applied to the river corridor (1971, p. 2). The report set the tone of future documents stating the river had ‘long been taken for granted and has suffered accordingly’.

Importantly, in the context of this report, it said (1971, p. 21):

... the control and management of the River Yarra must be all embracing and properly co-ordinated... If control is divided without co-ordination, the inappropriate activities in one part of the system will adversely affect activities in other parts.

One of the key threats perceived at that time was ‘public utility mains and installations and service facilities such as rubbish dumps’ (197a, p. 13). The river corridor was yet to be seen as attractive enough for residential development. Rather it was seen more as a location of convenient open space in which to put unattractive infrastructure. This was also the first time the term ‘green wedge’ was used and it was used in relation to the Yarra River and Valley. The formal statement of the policy’s ambition (1971, p. 24) was:



A timeline of Yarra river corridor plans.

Crystal clear and clean as can be, this is the water in the Upper Yarra. In 1888, in an inspiring piece of long-term planning, the land at the headwaters of the Yarra River was locked up to ensure a sustainable and clean supply of drinking water. Thanks to that decision, the river and its tributaries still provide 70% of Melbourne’s drinking water. We need to take similarly long-term views when deciding how the river and its green spaces are protected for Melburnians to come.



**2.1** The River Yarra and its environs shall be identified through appropriate planning measures as one of the most significant features in the Melbourne metropolis.

Also, the policy (1971, p. 24) cautioned:

**3.2** The intensification and expansion of urban development in the metropolitan area are likely, without adequate safeguards, to cause further deterioration in conditions which have resulted from ill-considered, adverse or excessive exploitation of the River and its environs.

In the section on implementation of planning policies the statement said that special attention must be given to (1971, p. 24):

**4.1** An efficient system of management designed to ensure co-ordination of land use planning and all forms of development on private and public land.

The report’s call for coordinated management to protect a river under threat from overdevelopment is a theme that comes up repeatedly in the planning reports over the next nearly 40 years.

A number of strong government initiatives came out of this 1971 policy. They reflect the importance the government of the day placed on the Yarra River’s role in the life of the city. The initiatives included the formation of a Steering Committee for the Lower Yarra drawn from state and local governments and local interest groups. From that committee, a Lower Yarra Advisory Committee was created with a delegation of powers and responsibilities from the MMBW. The committee drafted a concept plan for the Yarra. The government formed a Cabinet Subcommittee to ensure the ‘implementation of the proposed concept plan’ and to review the progress the

various authorities made in implementing their relevant programs.

### The 1978 Lower Yarra Assessment

In 1978, the MMBW published a report the *Lower Yarra Study: An Assessment of Environmental Opportunities*.

As a step toward preparing a concept plan, the Advisory Committee after reviewing the *Lower Yarra Study*, issued an interim report in October 1980 for public comment. In the report, the Port Phillip Bay zone and the Port of Melbourne zone below Spencer Bridge were separated from the concept plan. Those zones were recognised as being the responsibility of the Port of Melbourne Authority. (The Authority wrote a *Landscape and Public Access Strategy*, which was released in 1980.)

The advisory committee noted that the previous report had divided the lower Yarra into zones based on landscape character. This has become an increasingly sophisticated feature of planning on the Yarra. The committee reported that: notable views should be preserved; there should be more open space, especially where the surrounding suburbs lack open space; and wildlife should be encouraged. The report mentioned the need for a continuous pathway along the river's banks. On the question of management, the committee noted that 'The present situation is a complex one in which many statutory authorities impinge on the river and its environs' and emphasized the need 'to co-ordinate projects'. (1980, p. 24)

### The Lower Yarra Concept Plans

The Cabinet subcommittee, formed in response to *Planning Statement No. 4*, directed the MMBW to prepare a concept plan for the river between Spencer Street Bridge and Punt Road. The MMBW's brief to the consultants included the need

'to secure a coordinated approach to the implementation of the concept plan proposals by the various bodies'. Again the need for coordination of the various authorities comes to the fore.

The first of the lower Yarra concept plans was finally released in 1982; it covered the area from Spencer Street Bridge to Punt Road. The concept plan formalized the work of the Lower Yarra Study (MMBW 1978) and made them planning objectives. The plan emphasised the need for unused and neglected land to be transformed into landscaped open space, and the need to connect the hinterland to the river.

The concept plan developed the idea of a series of zones for the Yarra as a way of defining landscape character. The idea of zones would be developed and refined over the next 50 or so years in following reports. There was an emphasis on the visual landscape of the river on 'views and prospects' as a key virtue of the river that needed protection. The Concept Plan noted Governor La Trobe's exceptional planning in setting aside land on both sides of the river above Princes Bridge as parkland, which would normally have been used for commercial purposes in the 'early days of a growing city'. The concept plan provided a detailed list of recommendations ordered into a list of priorities.

The concept plans were rolled out upstream over the next 15 years.

The second part of the *Lower Yarra Concept Plan* was published in 1986 and covered from Punt Road to Dights Falls. This was a focused report with the fundamental objective of developing a 'linear parkland that will connect with existing and proposed parkland' (1986, p. 2). This report achieved many of its aims: conservation; enhancing the visual quality of the River; and increasing water-based recreation.



Imagine if Australian fur seals from the colony in Port Phillip Bay were regular visitors to the Yarra River. In 2014, this one came upstream as far as Hawthorn, where it caught an eel. With better planning, we can protect and even improve the river's water quality to encourage native animals to return.

But a key (perhaps the key) objective of the plan was to 'provide cycle and pedestrian access along one or both banks ... all the way from Punt Road to Dights Falls'. This work was undertaken by the MMBW and has been one of the outstanding successes of planning in Melbourne. Bicycle Victoria has actively and successfully lobbied for the path's extension. Dual use pathways along the river are now challenged by their own popularity, with large numbers of commuter cyclists sometimes reluctant to share with pedestrians, as they compete with themselves and others using various fitness apps.

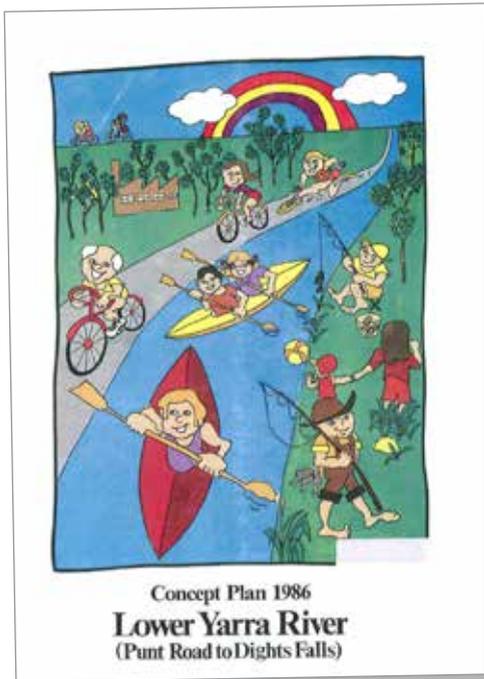
### The Middle Yarra Concept Plans

The *Middle Yarra Concept Plan: Dights Falls to Burke Road* followed in August 1990 and then in December 1993 the last of the 'Concept Plans' was published: the *Middle Yarra Concept Plan: Burke Road to Watsons Creek*. In a qualified tone, (1990, p. 5 – emphasis added) it described itself 'as a vision for the future of the Middle Yarra':

*Eventually, concept plans will co-ordinate the planning and development of continuous parkland all away along the Yarra River ... The Middle Yarra Concept Plan describes how the area **should be** planned and managed ... Planning controls have also been **prepared** ...*

In between these two plans in 1992, the MMBW was combined with a number of smaller water authorities and rebranded as Melbourne Water. In 1994, Melbourne Parks and Waterways, which had responsibility for the Yarra River, was separated from Melbourne Water. In 1996, it became part of Parks Victoria.

The *Middle Yarra Concept Plan: Dights Falls to Burke Road* (1990, Foreword) emphasised the significance of appropriate planning along the Yarra in the context of growing pressures for access to open space and unplanned growth and development:



As the city's population grows and leisure takes on greater significance, the number of people coming to the middle Yarra will increase. Most of us take for granted that it will always be a beautiful place to visit. However in recent years the Middle Yarra has become so popular that unplanned growth and development could threaten the very thing that makes this area so special.

This reiterated the themes of earlier reports that population growth along with green and brownfield development was squeezing the river and the city's open spaces – which, perhaps ironically, were more in demand in the areas of growth.

The objective of the plan were summarised in the Foreword as:

The plan is part of the Government's wider commitment to making a linear open space system along the Yarra from Mt Lofty to the central city by connecting parklands along the river.

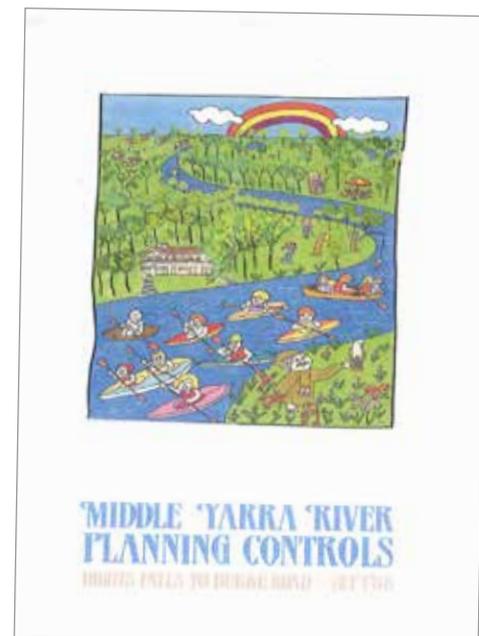
The plan was placed on exhibition in September 1988 and the concept plan was reviewed and changed following a public hearing at which submissions were considered. The 'Summary' stated (1990, p. 5):

The controls have now been gazetted as amendments to the relevant planning schemes.

The plan noted that (1990, p. 7):

Management of open space elsewhere in the concept plan area should be co-ordinated between agencies to prevent excessive duplication and to ensure compatible development between public and private facilities.

The plan looked at four objectives: conservation, recreation, landscape and floodplain management.



The plan made a strong statement that 'Every effort should made to purchase river frontage land whenever and wherever practicable' (1990, p. 24). And it went on to say (1990, p. 29):

It is essential that the management of open space throughout the concept plan is co-ordinated ... It is also essential that developments both up and downstream of the concept plan area are co-ordinated.

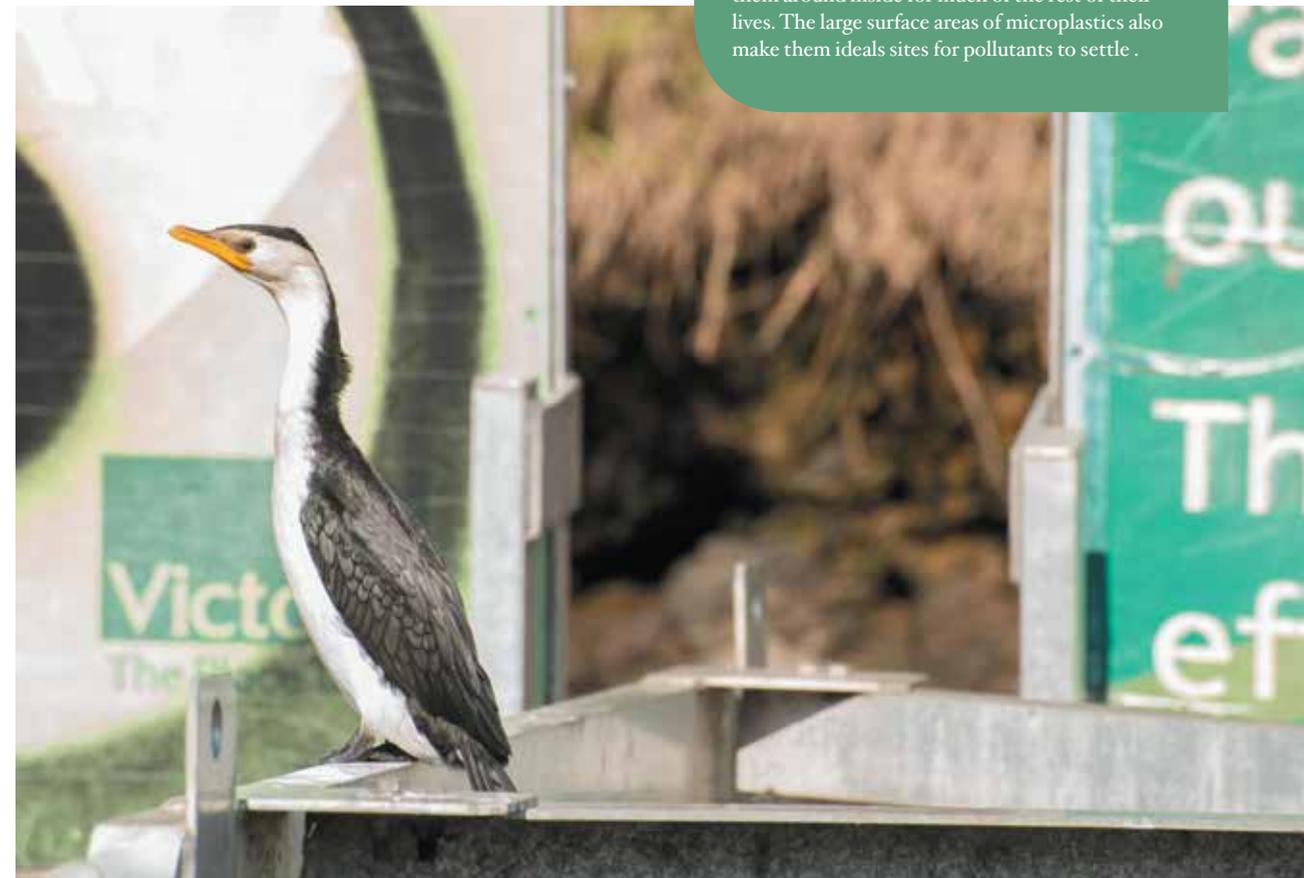
The Foreword noted (in a rather qualified way) that:

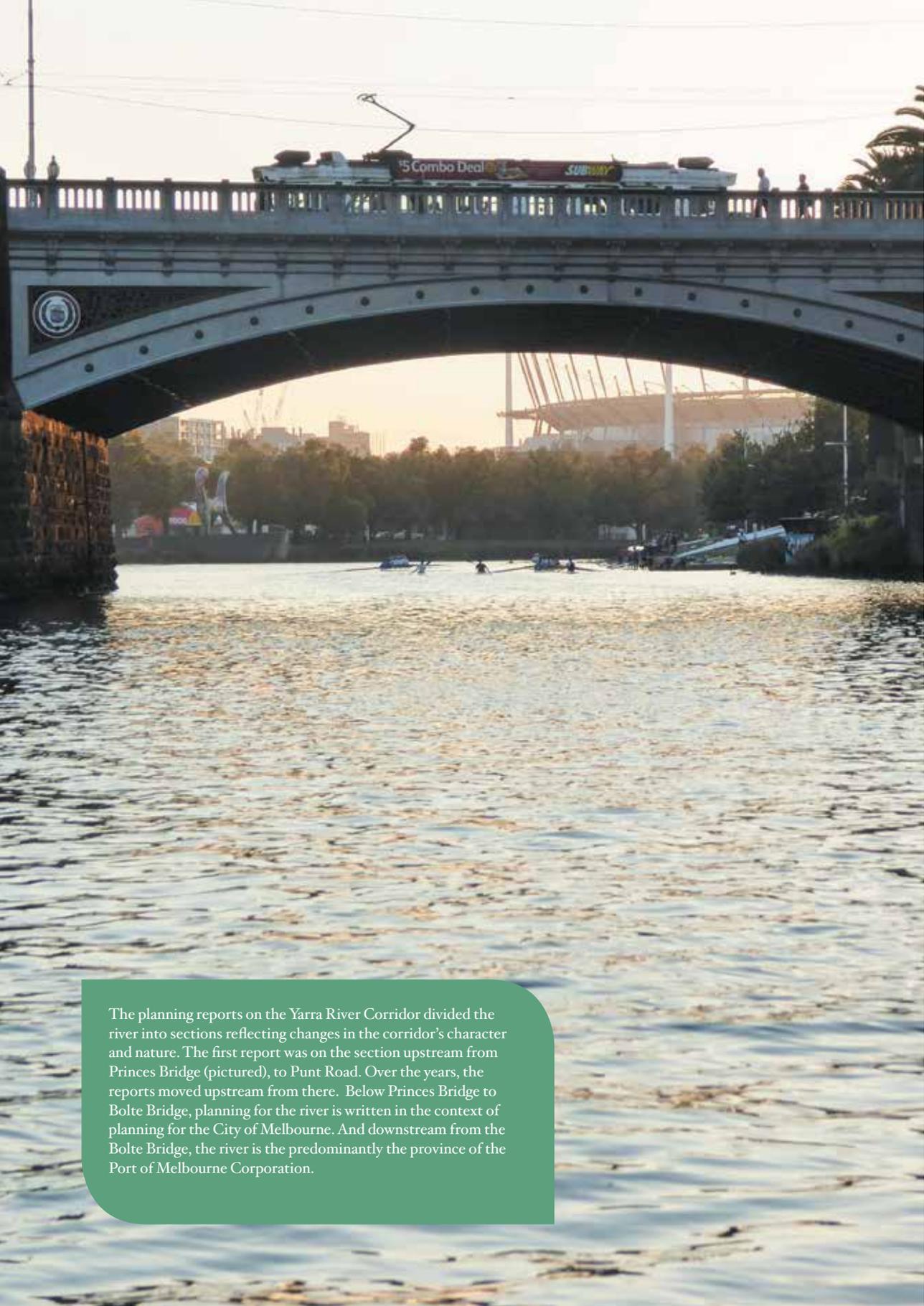
Some of the recommendations contained in the plan have already been implemented or are being implemented now. A management plan is being prepared for Yarra Bend Park, improvements have been undertaken at Fairfield Park in Northcote and at Merri Park in Collingwood and the Main Yarra Trail is nearing completion. This section

of the trail will enable cyclists to ride from the city to the metropolitan park and to connect with the Merri Creek Trail.

*The Middle Yarra Concept Plan – Burke Road to Watsons Creek*, published in 1993 followed, using the same themes as the 1990 report. Interestingly, as a mark of the changing planning context, it was not published by the MMBW but by Melbourne Parks and Waterways, an enterprise of the Melbourne Water Corporation. The report reiterated the same general aim of a continuous system of open space along the river for recreation and conservation, and itemised similar

This little pied cormorant takes a break on one of the Parks Victoria's litter traps. The traps help Parks Victoria remove tonnes of litter from the river each year. Even so, more litter gets through. One of the main risks to birds and animals is the tiny pieces of plastic – microplastics – formed as large plastic items break apart. The trouble with microplastics is that many animals eat them and then can carry them around inside for much of the rest of their lives. The large surface areas of microplastics also make them ideal sites for pollutants to settle.





The planning reports on the Yarra River Corridor divided the river into sections reflecting changes in the corridor's character and nature. The first report was on the section upstream from Princes Bridge (pictured), to Punt Road. Over the years, the reports moved upstream from there. Below Princes Bridge to Bolte Bridge, planning for the river is written in the context of planning for the City of Melbourne. And downstream from the Bolte Bridge, the river is the predominantly the province of the Port of Melbourne Corporation.

specific objectives. However, for the first time, wetlands were a particular focus of the report as there are key billabong systems along this section of the river.

The report highlights issues that are currently still being ineffectively dealt with – for example: the runoff of clay and silt from subdivision and building operations. Specific recommendations on a site-by-site basis form a sizeable part of the report (1993, Foreword).

New planning controls have been introduced into the Local Planning Schemes to regulate the use and development of the Middle Yarra Valley region. The concept plan is also incorporated into the local planning schemes. These kind of controls have previously been introduced for areas downstream of Burke Road ...

The report said the cost of implementation would be up to \$25 million and 'it is clear the works need to be staged over many years so this amount of money can be budgeted' (1993, p. 56). However, it is not clear how many of the recommendations were implemented. Nor is it clear how many of those that were implemented were a result of the concept plan. The plan did not spell out how such a budget would be managed over a period of time. The Plan identified the large number of entities with management responsibilities and noted that 'While the Department of Planning and Urban Growth and the Department of Conservation and Environment have responsibility for strategic planning of the area they do not have management responsibilities.' (1993, p. 56) And then added, 'However is it essential that planning be co-ordinated closely with management.'

The report examined the effectiveness of the special conservation zone and is worth quoting at length and to remember in the context of developments since 1993 (p. 56):

The future of the special conservation zone was reviewed during the preparation of this concept plan. The zone was put in place in 1975 as a holding mechanism to prevent further subdivision and inappropriate development that would have had a detrimental visual impact on the Park.

This zone has been reasonably successful in achieving this purpose, in contrast to some nearby residential zones where recent development has had negative effect on the park environment. The new Yarra Valley Environs zone is a replacement for the special conservation zone as a permanent, semi-rural type of classification. This zone will no longer be a temporary holding mechanism ...

This was the last of the 'concept plans' and the reports that followed included the phrase 'river corridor' in their titles and were written largely in the context of urban renewal on brownfield sites – especially in the City of Yarra.



### Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road - June 2005

From 1993, there was a pause of over 10 years before the next substantial planning document on the Yarra was released: *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road*. This review was commissioned in response to the release by the Bracks government of a new plan for Melbourne, *Melbourne 2030*. One of the priority initiatives of this report (1993, p. 107) was to:

5.7.4 Strengthen current policies and review the adequacy of planning controls relating to the Yarra and Maribyrnong Rivers to ensure the long-term protection of open space, conservation values – with the first priority being the Yarra River corridor between Punt Road and Burke Road.

This was the first of the reports conducted by Planisphere for the state government, although the consultants had already produced important reports on the river corridor for the City of Yarra. For many years, the City of Yarra has been under

particular pressure from ‘urban renewal’ or ‘brownfield development’ as the city contains many of the industrial, former industrial, and commercial sites on the river.

In 2003, community concern about the development of the NHP site in River Street, Richmond led to the City of Yarra reviewing developments beside the river. The first of these council-commissioned reports was *Yarra Built Form Review* and its follow-on report *Yarra Built Form Controls*, both of which were published in 2003. These reports were accepted by council and established the policy basis for requiring buildings to be setback from the river. Amendment C66 successfully embedded the proposed controls in the schemes, but as guidelines only – as, at the time, mandatory controls were not generally acceptable in planning schemes. In 2005 the City of Yarra published an *Urban Design Framework for Victoria Street East Precinct, Richmond* which reviewed what was happening along the city’s Yarra corridor and reiterated the importance of planning controls on the corridor, which was now under intensifying pressure from rapid development.

The report (2005, p. 5) was comprehensive with a large number of precise recommendations. The report noted:

... some of the present planning controls for the Yarra River corridor date back to the 1980s following the adoption of Concept Plans for the lower and middle Yarra River and the introduction of a number of overlays which sought to manage the development of land adjacent to the river. The original vision expressed in the concept plans is no longer clearly articulated and as a result, is now inconsistently represented in different local schemes.

The report also noted the need to “strengthen planning controls to ensure the ongoing protection and enhancement of the

valued qualities of the river corridor’. Again the importance of planning controls forms part of the planning process.

Four strategic directions were proposed in the review (2005, p. 38):

- strengthened planning controls;
- undertaking further detailed design and development planning of key sub-areas adjoining the Yarra River;
- ongoing management and enhancement of open space; and
- securing open space and access opportunities.

The *Review* (2005, p. 2) stated in the executive summary that ‘substantial emphasis has been placed on strengthening local planning schemes through the use of overlays.

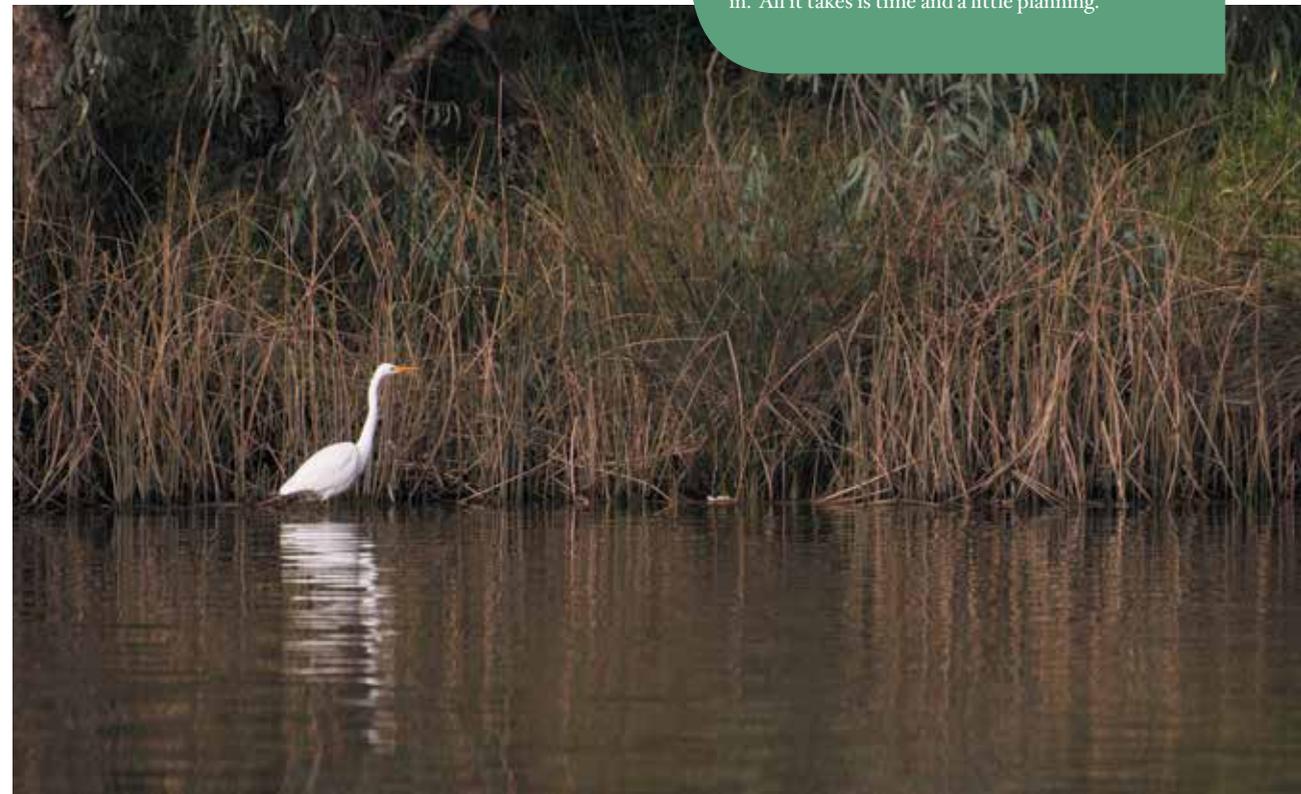
This review grappled with a key area of urban and development pressure on the river corridor. This corridor includes areas within the municipalities of Yarra,

Banyule, Boroondara and Stonnington. The review proposed – taking into account past studies and plans, and priority objectives (2005, p. 1) – for urban and landscape design:

- Protecting and enhancing landscape qualities of the Yarra River Open Space Corridor as a vegetation-dominated corridor;
- Managing the siting and design of built form in accordance with the distinctive landscape character... and the urban and suburban qualities of its private land interfaces;
- Conserving sites of cultural significance.

The Planisphere report conceived of a series of ‘interface’ or urban character types along this part of the river corridor (2005, p.6):

If we can soften the edge of harbours, wharves and developments, then the native reeds and other plants will grow. And birds – like this large egret – and other animals will visit, and maybe even move in. All it takes is time and a little planning.



**TABLE 1: SUMMARY OF CHARACTER TYPES, RECOMMENDED OBJECTIVES AND TOOLS**

Locations or urban character types	Issues, priorities and objectives	Summary of planning tools recommendations
<b>Leafy suburban</b>	Lots and development extending to the river or riverside spaces; protecting native vegetation, minimising visual intrusion, maintaining sense of seclusion, compatibility with floodplain management, minimising stormwater impacts.	Principally more consistent, revised and strengthened use of overlays, especially ESOs and SLOs. Permit triggers for all developments where private lots extend to the river. Setbacks and height limits. Permit triggers for removal of large trees. Flood zone management through LSIOs.
<b>Urban industrial</b>	Lots extending to the river, abutting open space, and lots in proximity to the river; desired outcomes include protecting and enhancing amenity. Areas usually separated from river by open space or roads. In general, second-order priority.	Design and development overlays (DDO) are preferred tools, especially as applicable to particular large development sites.
<b>Urban residential</b>	Protecting neighbourhood character, managing open space, maintaining and enhancing amenity. Areas usually separated from river by open space or roads. In general, second-order priority.	DDOs where appropriate.

Adapted from *Planisphere Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road* (2005)

- ‘leafy suburban’,
- ‘urban industrial/ex-industrial’,
- ‘urban residential’-.

(such as from industrial to residential or commercial uses).

A summary of character types and key objectives and planning tools identified with them in the Planisphere report are outlined in Table 1.

Overlays are considered to be primary planning tools in this section of the river corridor, especially those concerned with environmental significance, landscape planning, vegetation protection and flooding. The Planisphere report advocates reorganization and greater consistency of planning controls across the study area, with particular focus on those areas:

- of ‘leafy suburban’ interface where private ownership extends to the river; and
- in the urban industrial/ex-industrial interface where there are changing development and land use or priorities

The Planisphere report also proposes detailed planning programs for each identified landscape ‘character type’. The ‘leafy suburban’ proposals may be the most contentious. These would apply to those parts of the river corridor in which environmental, landscape and development conflicts are acute or potentially so. These areas are ‘predominantly suburban residential development with large setbacks and gardens that are heavily vegetated in most locations’ (2005, p. 39). They are established, wealthier neighbourhoods. Planisphere proposes rationalisation of overlays in this corridor, specifically through greater use and consistency of environmental and landscape controls (2005, p. 40). They propose permit triggers for all building and works in areas near the river edge, given that private land often extends to the river.

Additional ‘performance standards’ are proposed for ‘high priority areas adjacent to the river’. (2005, pp. 41–42)

There remains presently a mix of environmental, development design, landscape and flooding overlays along these urban sections of the river. The Planisphere report has been used as a policy basis for some, but not all, environmental and landscape overlays: see Table 2.

The types of characterisation adopted by Planisphere and the focus on landscape sensitivity have been pronounced in studies of suburban parts of the Yarra since the 1970s and reiterated in earlier concept plans. (2005, pp. 28–29). However, this process has been incremental and halting. (For example, the Significant Landscape Overlay applying to the Yarra corridor in Boroondara is informed by the earlier 1980s and 1990s corridor plans, not any later study: see Boroondara Planning Scheme, cl 42.03 Schedule 2 Yarra Valley Significant Landscape Area.) The process has had to negotiate the patchwork of Council and planning authorities, even to the extent different authorities face each other across the river or alongside different parcels of land.

Despite its thoroughness and detail, the plan was not made readily available and languished for several years without apparent sufficient support from the state government to implement its recommendations. Responsibility for its implementation was unclear – some was the domain of different councils, some state government, some statutory authorities and there was insufficient oversight or incentive provided by the state government for councils and agencies to act. Further work was done by the Department of Planning and Community Development in 2010 (Planisphere 2015, p. 12). which included follow up work with councils and draft planning scheme changes for several municipalities. The 2005 report was, in fact, never finalised and remained only as a draft for consultation, which is another symptom of the need for a body to ensure such planning is carried through effectively. However, the study is now a state-level reference document and was used in 2012 as a basis for the controls introduced in Boroondara in response to a proposal at 12 Coppin Grove, Hawthorn.

**TABLE 2: SAMPLE OF KEY OVERLAYS IN ‘LEAFY SUBURBAN’ MUNICIPALITIES AND POLICY BASIS**

Municipality	Planning tool	2005 review used as policy basis
<b>Yarra</b>	ESO1 Yarra River Environs	No
	DDO1 Yarra River corridor inclusive of Merri and Darebin Creeks	No
<b>Banyule</b>	ESO1 – Yarra River, Plenty River and Darebin Creek	No
<b>Stonnington</b>	ESO1 – Yarra Valley and streamside Environment Area	Yes
	DDO3 – Yarra River Skyline Area	Yes
<b>Boroondara</b>	DDO31 Yarra River Corridor Protection	Yes (by reference to ESO1)
	ESO1 Yarra River Corridor Protection	Yes

## CURRENT DEVELOPMENT PRESSURES IN THE YARRA CORRIDOR

### 2004: Melbourne Fire Brigade site. Amendment C75, City of Yarra, (Victoria Street East Precinct, 627 Victoria Street, Abbotsford )

The City of Yarra made this amendment for the Victoria Street East Precinct, 627 Victoria Street, Abbotsford, which is now being developed as 'Green Square' by Salta Properties. The proposed development would have been higher than the building on the site at the time – even though Yarra Council's Urban Design Framework specified that any current building's height was the maximum for the site. The eventual outcomes of appeals to the Planning Minister and VCAT was that the Minister declared the zone a Priority Development Zone. An online article 'Sustainability Soap Box' (Condon & Lovell, 2010) provides a summary of how events unfolded up to 2010. The article notes that emphasis in the Planning Schemes has been on discretionary planning and that the statutory controls have been very flexible and open to interpretation.

### 2010: Honeywell (Carba Dry Ice) site

In 2010, there was strong opposition from both sides of the river to a development of three towers of apartments by Hamton JV. The towers range from nine to eleven stories, next to the Yarra River immediately upstream of Victoria Street. The development includes when completed: 586 apartments, two restaurants, a cafe, office suites, medical centre, yoga studio, bike hire shop, and convenience shop,. In 2010, VCAT considered objections by Boroondara City Council, the Yarra River Action Alliance, the Protectors of Public Lands Victoria and Kew residents, who all opposed various aspects of the development and sought lower

tower heights. The development had been approved by the City of Yarra, despite 1,260 public objections. At council, it was passed 5 to 3, with the Greens objecting. Even though the development breached discretionary height limits from an interim DDO, VCAT approved the proposal. The development, as is typical with the conversion of industrial sites, resulted in a substantial loss of river habitat. (Dobbin and Cooke, *The Age*, 2010).

### 2012: 12 Coppin Grove and VC96

In 2012, intense development threatened to spread from the former industrial flats of old Richmond and Abbotsford to the leafy eastern suburbs across the river. When the City of Boroondara rejected a proposed development of three townhouses in Coppin Grove, Hawthorn, the developer took the proposal to VCAT. The development was opposed by the City of Boroondara, Melbourne Water, and the Yarra Riverkeeper Association and others. Even so, the developer was expected to win at VCAT. Before the VCAT hearing concluded, the Minister for Planning – partly in response to the vigorous Yarra Riverkeeper's campaign – requested a change to the State Planning Policies framework to set an interim mandatory height limit on building in the Yarra corridor in Boroondara. This stopped the development in the form proposed. A year later, a modified proposal was submitted for the site, but it too was opposed. Yet again the developer took the proposal to VCAT where it was rejected. The proposed developments in Coppin Grove were seen by many as the thin edge of the wedge, and that once the precedent of town houses was established on the left bank, intensification would spread. Boroondara Council later made the interim mandatory height limit permanent.

Significantly, the height limit amendment led to statewide policy amendment that

included making the *2005 Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road* a reference document in the State Planning Policy Framework. At the time of the amendment, the Planning Minister, Mr Matthew Guy, announced that he had established (Press release, Department of Planning, 2012):

... a staged approach that will see the corridors [of the Yarra and Maribyrnong Rivers] further protected across a number of municipalities and clearly outline what can be built in areas that abut the river corridors. The Yarra and Maribyrnong rivers are Melbourne's two iconic rivers and they deserve protection from inappropriate development. Protection of the river corridors will be a lasting civic legacy for future generations of all Victorians. These planning reforms will provide the strongest ever level of planning protection for Melbourne's two major river corridors by any state government. These reforms are the most significant set of environmental protections within the state planning policy framework since the introduction of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* in 1982.

Of this staged approach, only the Amendment VC96 introducing the interim controls was completed before the next election.

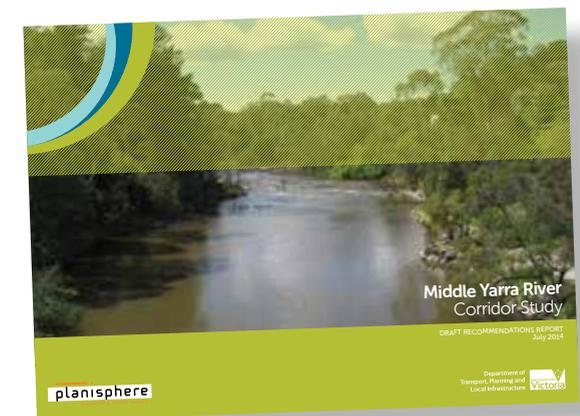
### 2012: Pending Stonnington Amendment C166

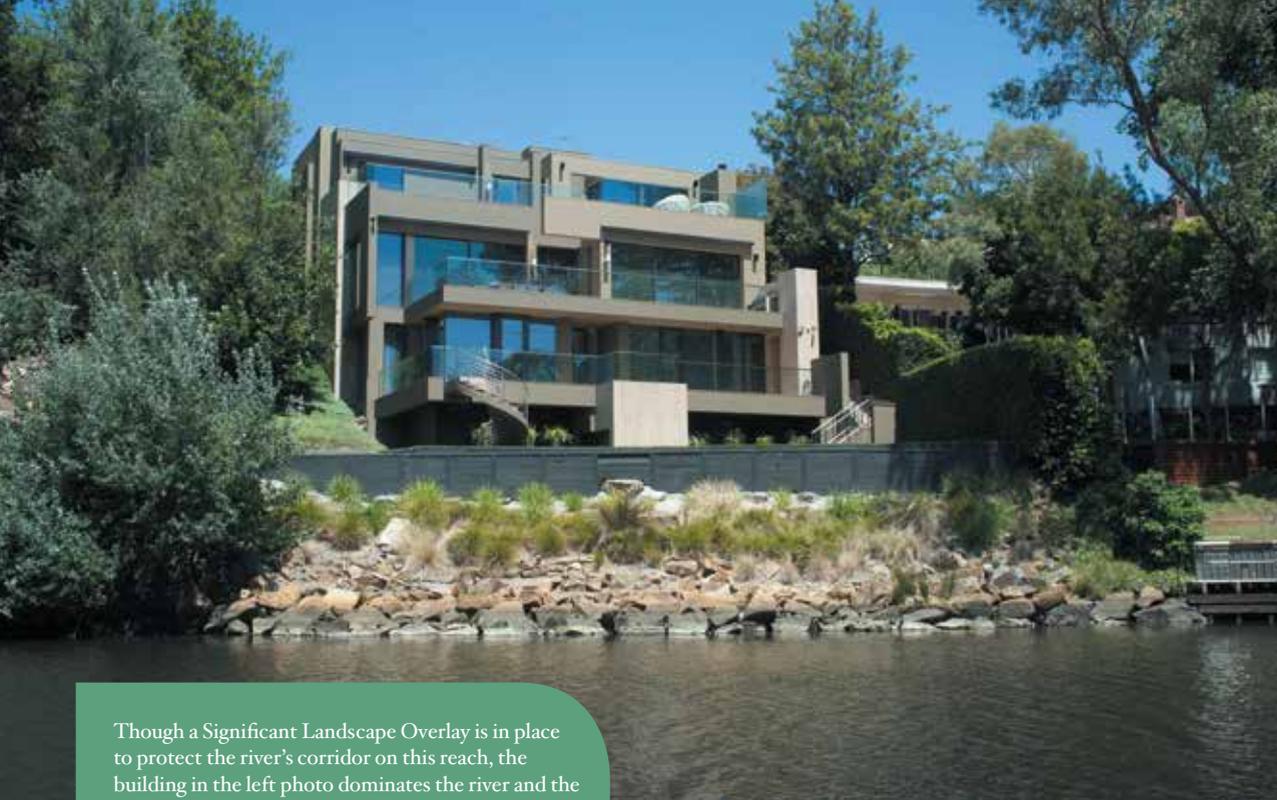
This amendment is still pending at the date of publication, though a number of years have passed since it was first mooted. The amendment concerns the skyline west of the Grange Road Bridge along Alexandra Boulevard to Punt Road. It updates the Stonnington Design and Development Overlay 3 (DDO3) which was first put in place to implement the *Lower Yarra Concept Plan* (1986) and the review by council of the DDO3 references the *Review of Policies*

*and Controls for the Yarra River Corridor* by Planisphere in 2005. The amendment is significant in terms of planning for the Yarra, as it proposed a mandatory height control along the river corridor. The amendment was first put on exhibition in September 2012. It was referred to a planning panel, which in its report of August 2013 did not support mandatory height controls. However, the panel did support extending DDO3 to include the Melbourne High School site, which is exempt from the Planning Scheme controls as it is under the jurisdiction of the state government. The Panel found that the council should provide guidance for development on public land. That extension is significant as many sites in the corridor are under public control.

### 2014: Middle Yarra Corridor Study

In July 2014, *The Middle Yarra River Corridor Study Draft Recommendations Report* was released. This was prepared by Planisphere for the Department of Transport, Planning and Local Infrastructure, and conducted as a continuation and a refinement of the work done in 2005 for the *Review of Policies and Controls for the Yarra River Corridor*. It extended the understanding of design principles required by the particular nature of the river corridor and refined the concept of urban interfaces.





Though a Significant Landscape Overlay is in place to protect the river's corridor on this reach, the building in the left photo dominates the river and the surrounding vegetation. The right-hand photo shows the landscape, below Coppin Grove in Hawthorn, that was protected from the development of three townhouses by the introduction of an interim mandatory height limit on the Boronnara section of the river corridor, which was subsequently made permanent.

The terms of the study were defined as (2014, p. 13):

The Study applied the principles of landscape protection to the lower Yarra River by assessing the river's values, distinguishing river interface types and identifying planning objectives that are relevant to this section of the river. Recommendations to protect and enhance the valued qualities of the corridor were made. This included non-statutory recommendations such as public land management and improved access, as well as a range of overlay controls in specific locations, including the Design and Development Overlay, Environmental Significance Overlay and the Significant Landscape Overlay.

The report included a summary of where river planning had been taken to by previous reports and the testing of recommendations in the appeal tribunal hearings. The report placed planning in a context of what had been happening downstream in the last 50 years. The report says, the early idea of zones from the Concept Plans has been refined and there is a much more detailed understanding of the varying topography of the River. It notes that from many of the places that most Melburnians see the river, it is a river of treetops and vegetation. The report acknowledged that the vegetation needed protection. There is a recognition that the beauty of the Yarra is subtle and the relative size of the elements are small – so the magic can easily be destroyed by the mass of comparatively small intrusive development. It is worth quoting what the report says at length (2014, p. 10):

The following design principles, which have been applied in previous studies

for the Yarra River and successfully tested in appeals tribunal hearings, have underpinned the approach to this study:

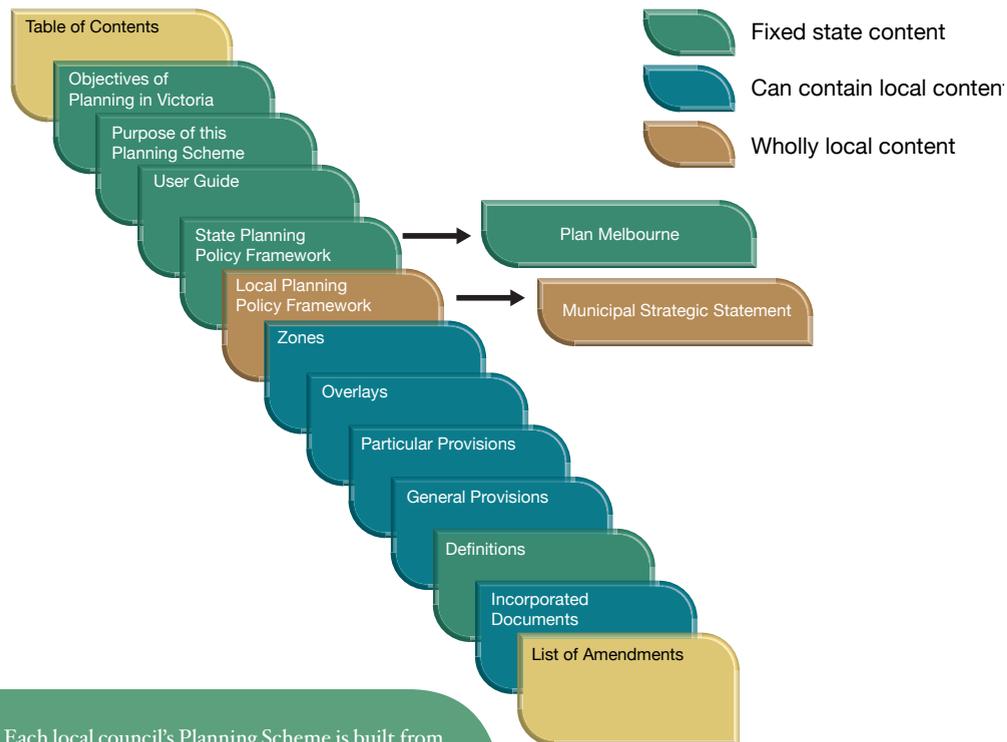
- The Yarra River is valued and appreciated as much for the vegetation and parkland that dominate its corridor as for the presence of the waterbody itself
- The topographical character of the Yarra River is easily diminished by larger scale development sited too close to its banks
- There are a number of distinct river interface character types, i.e. areas of varying topographical, landscape and built form character, through which the Yarra River passes, each of which warrants a tailored policy approach
- Strong built form controls are likely to be necessary for sections of the river corridor, in order to maintain and enhance its valued qualities. Analysis of existing built form controls shows where these may need to be strengthened in some locations.

Threats to the river were identified as listed below – it is interesting to see how consistent these issues and pressures are with those in earlier reports (2014, p. 12).

#### Issues and pressures

- Development close to the river edge and dominant built form
- Over-development near the river spoiling views and ambiance of the river corridor
- Litter and pollution
- Water quality reduction
- Pest plants (weeds) and animals (rabbits and foxes)
- Inadequate funding for parks management

The report emphasised the key planning tools that could be used to protect the environment of the Yarra were the overlays: the Environmental Significance Overlay (ESO), the Vegetation Protection Overlay (VPO) and the Significant Landscape Overlay (SLO). It went on to say (2014, p. 55):



Each local council's Planning Scheme is built from suites of zoning and overlay tools in the Victorian Planning Provisions. Zones allocate land uses, e.g. residential or industrial. The overlays provide further protection, such as an environmental significance overlay. Amending a Planning Scheme involves a council adopting an amendment, which the Planning Minister then has to approve before it is included in the Planning Scheme.

The Design and Development Overlay (DDO) is the preferred control to apply to manage development along the river corridor as it is the most flexible design tool. The DDO is applied to the Yarra River downstream of the study area in the City of Yarra (DDO1), City of Boroondara (DDO31) and City of Stonnington (DDO3). There are no DDO controls currently applied in the Study Area that relate specifically to the river.

One of the key ongoing issues for the Yarra was highlighted in the report – mandatory controls. The issue with the corridor is that developments that are relatively small

compared to developments elsewhere can irreversibly destroy the ambiance of the river corridor (while at the same time exploiting that ambiance). Development in other urban contexts can rely on guidelines where one aspect of a project can be balanced off against another aspect. But in the Yarra River corridor, certain values – especially those relating to landscape character and visual beauty – are immutable and cannot be traded. It is worth quoting the report at some length (2014, p 55):

It is considered that there is a strong argument for mandatory controls within the Middle Yarra River study area. The Yarra River corridor is an environment of significance to all of Melbourne, and of high sensitivity. The adverse impact of breaches to built form controls is clearly evident within the Lower Yarra section, and the recent introduction of mandatory controls through Amendment VC96 aims to prevent further inappropriate development

occurring. While there are limited instances of inappropriate development within the Middle Yarra section, it remains a potential future threat. The introduction of mandatory controls would ensure that this highly valued environment is retained for the benefit of all Melbournians now and into the future by providing greater clarity and certainty regarding built form outcomes.

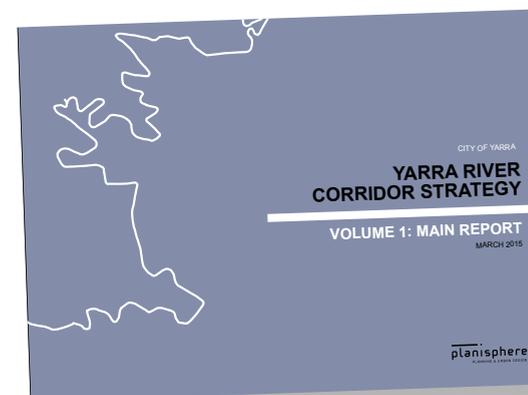
Planisphere astutely observed in the note on *River Corridor Development Guidelines* on their website (undated) that the landscape character of the Yarra and Melbourne's other waterways is:

... subtle and easily despoiled by development that is inappropriately sited or massed. The waterways themselves are deceptively narrow, and an apparently dramatic river bank may in reality be overwhelmed by a building only a few storeys high.

The 2014 study, in line with the work done in the 2005, provides detailed recommendations for amendments to the state planning policies.

### 2015: Yarra Corridor Strategy

In 2015, the City of Yarra commissioned a study from Planisphere to continue the work from Planisphere's 2005 study and its Middle Yarra Corridor Study. This 2015 study also followed on from the Ministerial Amendment VC96, which was the first to



introduce mandatory controls in the Yarra Corridor. The 2015 study's intent was to provide a strategic justification for height and setback controls within the Yarra Planning Scheme. It followed on from the Ministerial Amendment VC96, which was the first to introduce mandatory controls in the Yarra Corridor and which built on the work done in the 2005 study. It noted that due to the narrowness of the river and the relative scale of the River landscape.

... the topographical character of the Yarra River is easily diminished by larger scale development sited too close to its banks.

New features in the study included (p. 15):

- Mandatory controls in most areas
- Minimum ground level river frontage setbacks
- Height and river setback controls that apply to public land

The study adopted the use of DDOs and ESOs the main river corridor controls (as well as adopting the four river interface character-types from the 2005 report). In the leafy suburban character type, the 9 metre height limit was reduced to 8 metres to match the limit proposed in the new Neighbourhood Residential Zone.

Significantly, the study extended up parts of the Merri and Darebin Creeks. The proposed amendment to the Planning Policies was put to council and it was unanimously agreed to request ministerial authorisation to proceed with the public exhibition process, 'to prepare a Planning Scheme amendment to implement the draft Strategy' and to request the Minister to 'introduce interim planning scheme provisions by way of a Ministerial amendment ... to ensure adequate protection while the full Planning Scheme amendment is considered through the normal process' (City of Yarra website, 2015).

WATER ●  
 PLANNING ●  
 BIODIVERSITY ●

**MELBOURNE WATER**  
 KEY FUNCTIONS: Water management, planning referrals, catchment management  
 KEY LEGISLATION/POLICY: Water Act, Catchment and Land Protection Act, Water Plan, Drainage Strategy, Stormwater Strategy, Healthy Waterways Strategy, Yarra River Bulk Entitlement, streamflow management plans

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
 KEY FUNCTIONS: Water quality, environmental health  
 KEY LEGISLATION/POLICY: Safe Drinking Water Act, Environment Protection Act

**ENVIRONMENT PROTECTION AUTHORITY**  
 KEY FUNCTIONS: Environment protection  
 KEY LEGISLATION/POLICY: Environment Protection Act, Pollution of Waters by Oil and Noxious Substances Act, SEPP (Waters of Vic), Neighborhood Environment Improvement Plans

**PARKS VICTORIA**  
 KEY FUNCTIONS: Public lands management, biodiversity management  
 KEY LEGISLATION/POLICY: National Parks Act, Crown Land (Reserves) Act, park and reserve management plans

**PLACES VICTORIA**  
 KEY FUNCTIONS: Urban development  
 KEY LEGISLATION/POLICY: Docklands Act

**TRANSPORT SAFETY VICTORIA**  
 KEY FUNCTIONS: transport safety including marine safety  
 KEY LEGISLATION/POLICY: Marine Safety Act

**VICTORIAN ENVIRONMENTAL WATER HOLDER**  
 KEY FUNCTIONS: Environmental flows management  
 KEY LEGISLATION/POLICY: Water Act, Seasonal Watering Plan, Yarra Environmental Entitlement

**WATER CORPORATIONS**  
 KEY FUNCTIONS: Water supply  
 KEY LEGISLATION/POLICY: Water Act

**SHIRE OF YARRA RANGES**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Yarra Ranges Planning Scheme

**DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING**  
 KEY FUNCTIONS: Planning, water, biodiversity, catchment management policy  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Heritage Rivers Act, Flora and Fauna Guarantee Act, Conservation, Forests and Lands Act, Yarra River Action Plans

**PORT PHILLIP AND WESTERNPORT CATCHMENT MANAGEMENT AUTHORITY**  
 KEY FUNCTIONS: Catchment management  
 KEY LEGISLATION/POLICY: Catchment and Land Protection Act, Regional Catchment Strategy

**CITY OF STONNINGTON**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Stonnington Planning Scheme

**CITY OF BANYULE**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Banyule Planning Scheme

**CITY OF BOROONDARA**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Boroondara Planning Scheme

**PORT OF MELBOURNE CORPORATION**  
 KEY FUNCTIONS: Port operations, planning  
 KEY LEGISLATION/POLICY: Port Management Act, Port of Melbourne Planning Scheme

**OFFICE OF ABORIGINAL AFFAIRS VICTORIA**  
 Indigenous cultural heritage  
 KEY LEGISLATION/POLICY: Aboriginal Heritage Act 2006

**CITY OF MELBOURNE**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, City of Melbourne Act, Crown Land (Reserves) Act, Melbourne Planning Scheme

**CITY OF MANNINGHAM**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Manningham Planning Scheme

**CITY OF YARRA**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION, REGULATION AND POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Yarra Planning Scheme

**SHIRE OF NILLUMBIK**  
 KEY FUNCTIONS: Planning  
 KEY LEGISLATION/POLICY: Planning and Environment Act, Crown Land (Reserves) Act, Nillumbik Planning Scheme

## A COMPLEX WEB OF REGULATION

The governance of the Yarra River is fragmented and lacks a coherent framework. Responsibility for the river is dispersed across state government agencies, local councils and statutory authorities. They cover a range of interests, functions and purposes such as public land and water management, land use planning, environmental protection, catchment management, marine safety, Aboriginal heritage management, and managing large-scale infrastructure. From the source of the Yarra to the sea, 11 municipalities lie along the river corridor, each with their own planning scheme, and their own focus on their part of the river. Hence, planning decisions made by councils tend to have a narrow focus, considering impacts only in the immediate vicinity. The current arrangements are not optimal for the best environmental, social, economic and heritage outcomes for the Yarra as a whole. These problems have been recognised for many years by government agencies and the community, and many plans and reports have been made to try to address the problem. But no overarching and lasting solution has yet been put in place.

Map from *Let's Act for the Yarra* report, Yarra Riverkeeper Association/Environmental Justice Australia, 2015, Melbourne.

## YARRA ACT AND TRUST

The issue of fragmented management of the Yarra has been a recurring theme since at least the early 1971, when a group of Melbourne University Law students surveyed pollution control problems on the Yarra in the City of Melbourne. (Lanteri 1972, p. 685) A central point of their critique was the complex and fragmented regulatory arrangements for the River, as well as the inadequate and ineffectual policing and enforcement regime. (Lanteri 1972, p. 692).

The 1978 assessment of the Lower Yarra remarked: 'The complexity of the management problem along the Lower Yarra is illustrated by the range of opportunities for change and the number of authorities already having jurisdiction and exercising powers in the river and environs.' (Llewelyn-Davies Kinhill 1978, p. 87)

The Yarra is a managed urban river system that has experienced fragmentation and complex governance arrangements. This has occurred through the establishment of various water and catchment management authorities, each with some vested interest in the Yarra. Collaboration and systems of coordination across public agencies and regulators have been important to achieving gains – for example: by the establishing 'lead agencies' in programs and collaborative approaches across functional and geographic areas of responsibility. Even so, there is ongoing need for collaboration and coordination to minimise both geographical and jurisdictional fragmentation.

Tackling geographic fragmentation would not necessarily mean abandoning zoning of management. Indeed, this type of approach has been central to proposal for reform of river management since the 1970s. The 1978

assessment of the Yarra proposed a scheme of management zones for the lower Yarra and a single special purpose authority to administer the river corridor as one means of strengthening management. (Llewelyn-Davies Kinhill 1978, p. 87)

A single planning and legal entity responsible for the Yarra River is an important response and solution to some of these issues of fragmented governance – although one should be cautious in viewing it as a solution to all the problems of the Yarra. Governance of urban river systems is a complex task. The point is that the time has come for revision and reform of the current situation to facilitate positive strategic and practical outcomes.

Before the 2014 Victorian election, the Yarra Riverkeeper Association lobbied for various policies but especially for a one-river authority for the River. In response, the ALP opposition promised in *Keeping it Liveable: Labor's Plan for Your Community* (2014, p. 3):

Labor will introduce a Yarra River Protection Act to guard the river corridor from inappropriate development. A new Trust will develop standardized planning controls for the Yarra, and work with agencies to promote the river's amenity and significance.

The ALP won the election and formed government. In the May 2015 state budget, the government committed \$1 million to the Ministry of Planning to draft a Yarra River Protection Bill and to establish a Yarra Trust to protect the whole river and to focus on the river's long term needs. The extent to which the Bill and the trust will include the water issues on the Yarra is among the many issues to be resolved.

In parallel with the Ministry's work on the proposed Act and trust, it also conducted, in August 2015, a ministerial roundtable of the councils in the corridor, Melbourne Water, and Parks Victoria. The roundtable was called *Protecting the Yarra River: establishing consistent policy and planning controls*. This followed the City of Yarra's initiative to introduce amendments to the Planning Scheme on the river corridor to make height limits and setbacks mandatory. Minister for Planning Richard Wynne was quoted in the *Herald Sun* as saying 'Unless we act, death by a thousand cuts remains a very real prospect and we will be condemned by future generations for not having the foresight to do something (Masanauskas, *Herald Sun*, 2015). The roundtable focused on: establishing consistent set-back and height limits along the river corridor; finalising the *Middle Yarra River Study*; and finalising and implementing planning amendments with the City of Yarra and the City of Stonnington. The Opposition planning spokesperson was quoted by the *Herald Sun* newspaper saying that the Coalition supported an authority to oversee stronger controls for the Yarra. The work at the roundtable will set the floor for the work on the Trust.

A white faced heron struts its stuff at Southbank.



## PLANNING ABOVE WARRANTYTE: GREEN WEDGES ABOVE WARRANTYTE

The original concepts plans that came out of the 1971 *Planning Policy No. 4* were intended to be rolled out to Warrandyte. Upstream from there, broader landscape and catchment planning takes over. The most important of these broader planning documents are the Green Wedges plans for Nilumbik, Manningham, and most importantly – in terms of the area of the catchment covered – that of the Yarra Ranges. The Green Wedges are the inverse of the Growth Corridors, and the two need to be simultaneously kept in mind.

A major study of the whole upper Yarra Valley region is the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (1982). Key issues in the Upper Yarra are block size and subdivision, which echo the current issues of height and setback in the lower and middle Yarra.

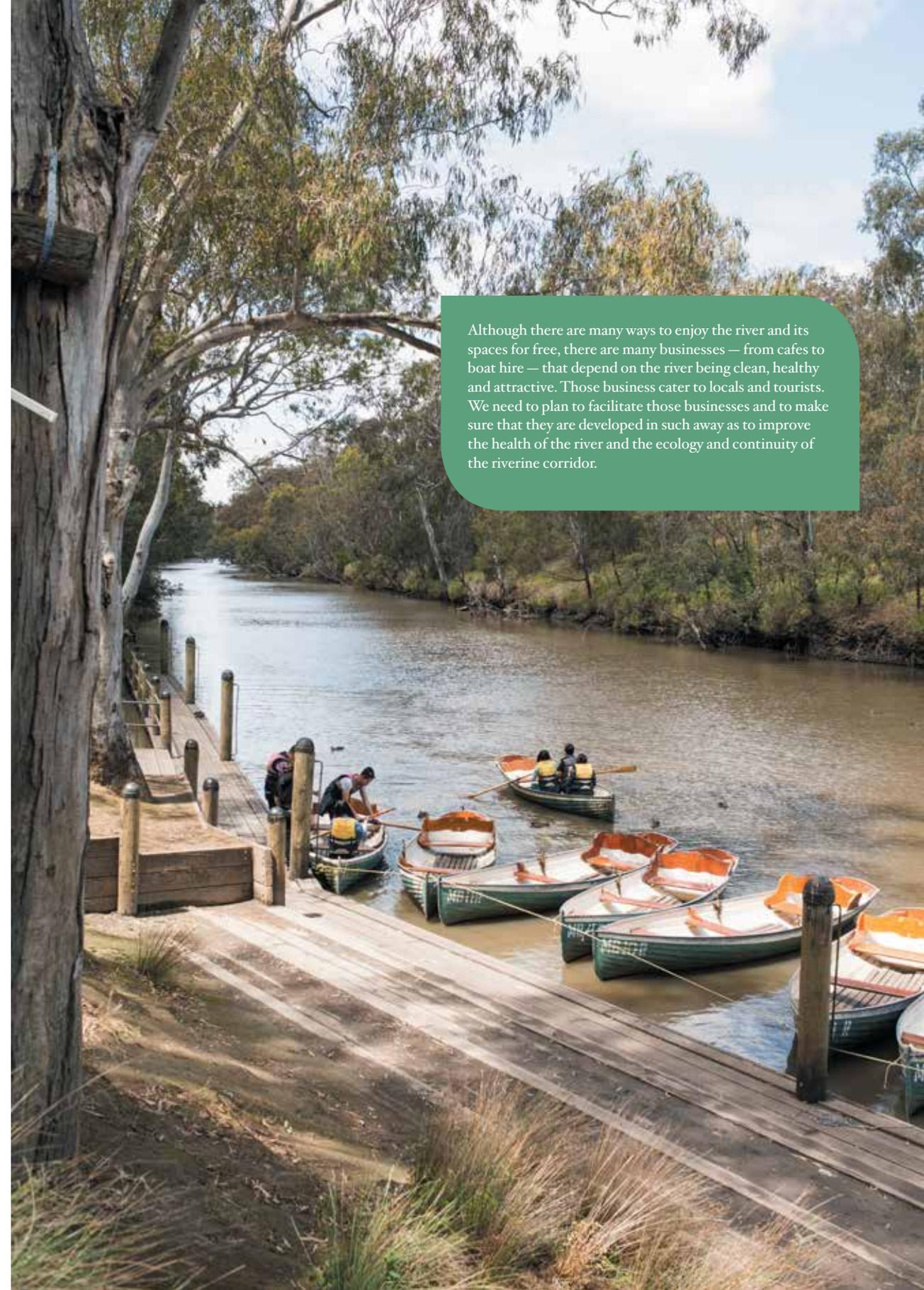
## PLANNING BELOW THE CITY: THE PORT

Below the Bolte Bridge, the river is the responsibility of the Port of Melbourne Corporation, a public entity established under the *Transport Integration Act 2010*. To enable port operations, the shape of the river has been radically altered and re-worked. It began with work on the Coode Canal, which cut off Fishermens Bend to shorten the River. Over the years, dredging and construction has created a series of docks including Victoria and Webb Docks. In response to the Lower Yarra Study (MMBW, 1978) the Port of Melbourne Authority published a *Landscape and Public Access Strategy* (1980, p. 2) which:

... Identified new areas for public access and open space, policies for landscape improvements throughout the port area and five landscape improvement projects for immediate implementation.

The focus of the Port of Melbourne Corporation is on developing port facilities. There is little in the legislation establishing the Corporation that concerns open space, parkland or the river as an ecological entity linking the Bay to the mountains. The emphasis in the *Port Development Plan 2006-2035 (Consultation Draft)*, in terms of the sort of planning conducted elsewhere on the river, is on managing the 'expectations of the community in terms of amenity, environment, recreation, open space and safety and security' (2006, p. 2).

Although there are many ways to enjoy the river and its spaces for free, there are many businesses — from cafes to boat hire — that depend on the river being clean, healthy and attractive. Those businesses cater to locals and tourists. We need to plan to facilitate those businesses and to make sure that they are developed in such a way as to improve the health of the river and the ecology and continuity of the riverine corridor.



Countless people, like these children, visit the river and the spaces surrounding it to relax, to exercise, to escape the built environment and to engage with nature. They do that on picnic rugs and in comfortable shoes, runners, boots, bare feet, and wheelchairs. They engage with the river with fishing rods, binoculars, field guides, bikes, canoes, kayaks, and rowing boats. They connect with the river by themselves and with families and friends. They do it when they are young and they do it with their grandchildren. And they do all that in the longest, largest, and most connected linear space in Melbourne. Much of this linear space is National Park. We need to plan so that all these people can enjoy and benefit from the river and its corridor.

## CONCLUSION

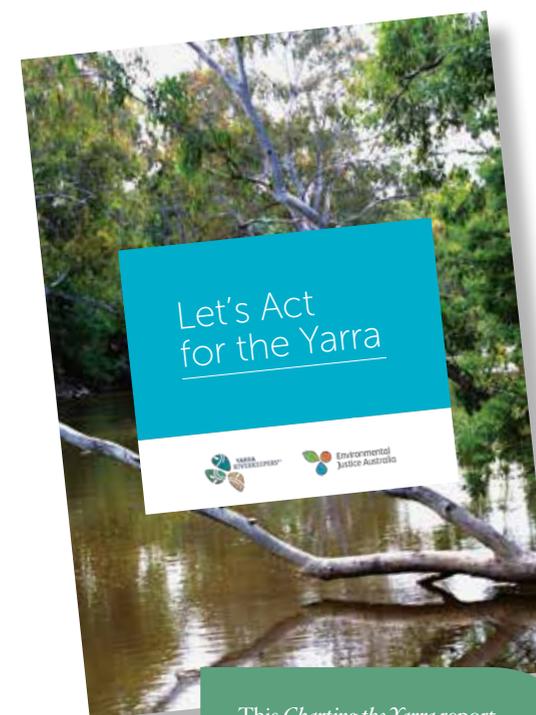
Planning on the Yarra River from the City to Warrandyte has proceeded in fits and starts with considerable gaps between the publication of plans as they were developed. There have also been considerable gaps between plans and the implementation of those plans, and while some effective recommendations have been implemented, many others have fallen by the wayside, only to be repeated in later plans. Many of the problems – such as erosion and siltation within the catchment – that were identified in the early plans remain as issues today.

The plans over the last 40 years have highlighted the need for stronger and more consistent planning along the river and better co-ordination upstream and downstream, and across the River.

Since the first plan, there has been an increasing refinement of the planning tools with the development of zones and character and landscape overlays. Even so, the planning regime and outcomes are notably inconsistent from one section and side of the river to another.

There is now a shared recognition that the subtle beauty of the Yarra corridor can easily be ruined by an overbearing mass of development – even if it is only a few storeys high – that is sited too close to the Yarra corridor. And from this recognition flows the need for mandatory controls along the river corridor. These controls were mooted in a Stonnington amendment and then introduced, first as interim controls and now as permanent, in Boroondara.

There is increasing recognition that management of the Yarra Corridor is fragmented between many authorities and key aspects of river planning fall on the edges of responsibilities, or even in the gaps between responsibilities.



This *Charting the Yarra* report follows the *Let's Act for the Yarra* report released at a successful community forum in March 2015. These reports are two in a series on managing the Yarra.

Therefore, there is a need for a one-river coordinating 'Trust' to ensure that work on the river is effective.

The Yarra Riverkeeper Association and Environmental Justice Australia is pleased that the Andrews government – with in-principle support from the Coalition (*Herald Sun*, 2015) – is beginning the work of drafting the Yarra River Protection Bill and establishing the Yarra Trust. This is exciting long-term thinking that the river needs and that reflects the themes identified here in the planning reports that have been written over the past 40 years.

This report is one of several reports we are preparing to support these initiatives.

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For links to the reports (and other relevant reports) referred to in *Charting the Yarra* that are available online, see our websites [actfortheyarra.org.au](http://actfortheyarra.org.au) and [yarrariver.org.au](http://yarrariver.org.au).

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