

### 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
Leafy suburban	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.
Urban industrial	Lots extending to the river, abutting open space, and lots in proximity to the river; desired outcomes include protecting and enhancing amenity, relating built form to landscape and topography.	Design and development overlays (DDO) are preferred tools, especially as applicable to particular large development sites.
Urban residential	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’-.

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

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

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
Yarra	ESO1 Yarra River Environs	No
	DDO1 Yarra River corridor inclusive of Merri and Darebin Creeks	No
Banyule	ESO1 – Yarra River, Plenty River and Darebin Creek	No
Stonnington	ESO1 – Yarra Valley and streamside Environment Area	Yes
	DDO3 – Yarra River Skyline Area	Yes
Boroondara	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:

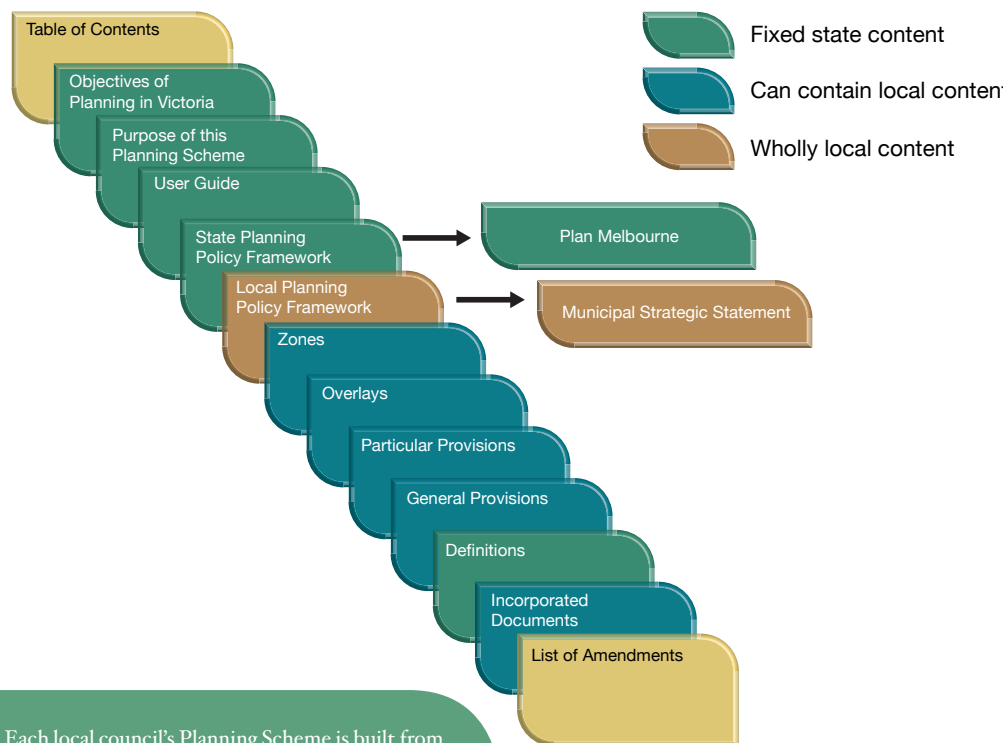
- The Yarra River is valued and appreciated as much for the vegetation and parkland that dominate its corridor as for the presence of the waterbody itself
- The topographical character of the Yarra River is easily diminished by larger scale development sited too close to its banks
- There are a number 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.

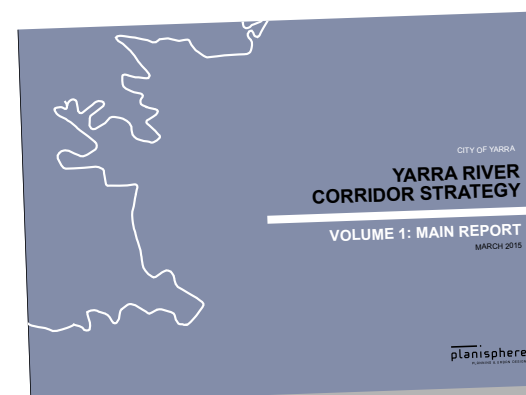
... the topographical character of the Yarra River is easily diminished by larger scale development sited too close to its banks.

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).



### 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



WATER



PLANNING



BIODIVERSITY



### 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



### CITY OF BANYULE

**KEY FUNCTIONS:** Planning

**KEY LEGISLATION/POLICY:** Planning and Environment Act, Crown Land (Reserves) Act, Banyule 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



### 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 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.

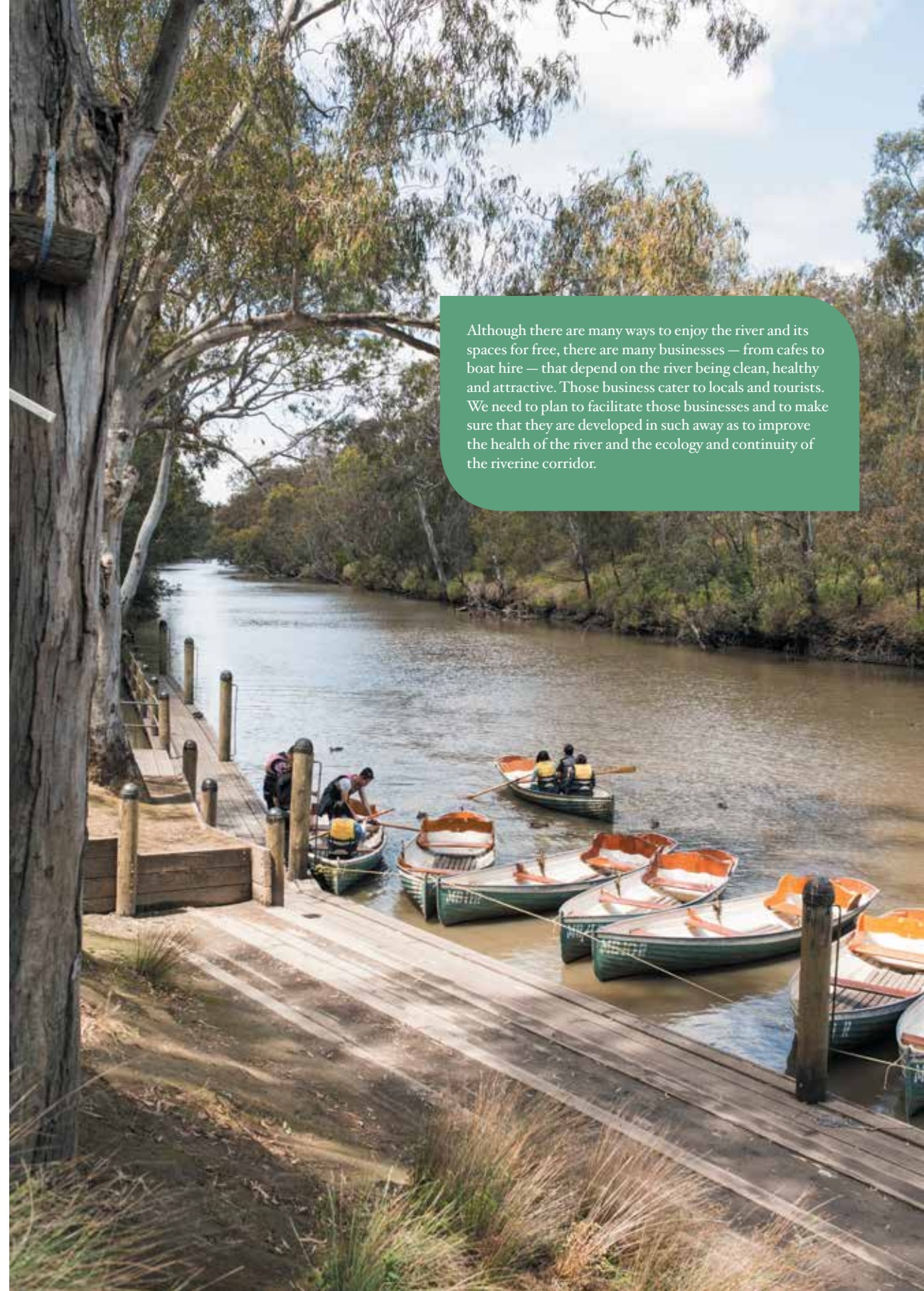
## PLANNING BELOW THE CITY: THE PORT

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.

## REFERENCES

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).

- City of Yarra 2015, *Yarra River Policies and Planning: Yarra River Corridor Strategy (2015)* [www.yarracity.vic.gov.au/Planning--Building/Studies-Strategies-and-Guidelines/Yarra-River-Policies-and-Planning](http://www.yarracity.vic.gov.au/Planning--Building/Studies-Strategies-and-Guidelines/Yarra-River-Policies-and-Planning) viewed 11 October 2015.
- City of Yarra (with MGS and Jones & Whitehead) 2005, *Victoria St East Precinct, Richmond Urban Design Framework* City of Yarra.
- Condon, L & Lovell, L, 2010 'Student Paper 3: Zones, Overlays, Specific Clauses; A Strategic Pattern? An Analysis Of Reality.' *Sustainability Soapbox* [www.moominlu.wordpress.com/planning-in-melbourne](http://www.moominlu.wordpress.com/planning-in-melbourne) viewed 10 October 2015.
- Department of Infrastructure (Victoria) 2002, *Melbourne 2030* Department of Infrastructure (Victoria), Melbourne.
- Department of Planning and Urban Growth, Department of Conservation and Environment 1990, *Middle Yarra River Concept Plan: Dights Falls to Burke Road* State Government of Victoria, Melbourne.
- Department of Planning and the Environment (Victoria) 1986, *Concept Plan Lower Yarra River (Punt Road to Dights Falls)* Department of Planning and the Environment (Victoria).
- Department of Transport, Planning and Local Infrastructure (Victoria) 2014, *Plan Melbourne: Metropolitan Planning Strategy* Department of Transport, Planning and Local Infrastructure (Victoria), Melbourne.
- Dobbin, M and Cooke, D 2010 (16 April), 'Development hots up river rivalry' *The Age* [www.theage.com.au/victoria/development-hots-up-river-rivalry-20100415-shm1.html](http://www.theage.com.au/victoria/development-hots-up-river-rivalry-20100415-shm1.html) viewed 10 October 2015.
- Hamton (n.d), *Sanctuary on the River: Overview* [www.sanctuaryontheriver.com.au/cms-overview/index.php](http://www.sanctuaryontheriver.com.au/cms-overview/index.php) viewed 14 September 2015.
- Kinhill Pty Ltd, 1981, *Lower Yarra Concept Plan Punt Road to Dights Falls* Melbourne Metropolitan Board of Works, Melbourne.
- Kirsch, M 2013, *Panel Report Stonnington Planning Scheme Amendment C155* Department of Planning, Melbourne.
- Lanteri A. 1972, 'Student survey of problems of pollution control over the Yarra River in the City of Melbourne, 1971' *Melbourne University Law Review* Vol 8
- Llewelyn-Davies Kinhill Pty Ltd 1978, *Lower Yarra Study: An Assessment of Environmental Opportunities*. Melbourne
- Lower Yarra Advisory Committee 1980, *Interim Report to the Board*, Lower Yarra Advisory Committee, Melbourne.
- Lower Yarra Advisory Committee 1983, *Planning Opportunities along the Lower Yarra from Punt Road to Dights Falls*, Lower Yarra Advisory Committee for the Melbourne Metropolitan Board of Works, Melbourne.
- Masanauskas, J 2015 (15 August), 'Councils Back State Government Push to Protect the Yarra River from Overdevelopment' *Herald Sun*, News Ltd, Melbourne.
- Melbourne Metropolitan Board of Works 1954, *Melbourne Metropolitan Planning Scheme*. Melbourne Metropolitan Board of Works, Melbourne.
- Melbourne Metropolitan Board of Works, 1982, *The Lower Yarra Concept Plan: Spencer Street Bridge to Punt Road Planning Scheme*. Melbourne Metropolitan Board of Works, Melbourne.
- Melbourne Parks and Waterways 1993, *The Middle Yarra Concept Plan: Burke Road to Watsons Creek*, Melbourne Parks and Waterways, Melbourne
- Town and Country Planning Board 1971, *Statement of Planning Policy No. 4 River Yarra* Town and Country Planning Board. Melbourne.
- Metropolitan Town Planning Commission. 1929, *Plan for General Development: Report of the Metropolitan Town Planning Commission* Metropolitan Town Planning Commission, Melbourne.
- Planisphere Urban Strategy Planners 2005, 2005 *Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road* (Consultant Report) Department of Sustainability and Environment, Melbourne.
- Planisphere 2014, *Middle Yarra Corridor Study Draft Recommendations*, Department of Transport, Planning and Local Infrastructure, Melbourne.
- Planisphere 2015 *Yarra River Corridor Strategy*, City of Yarra, Melbourne.
- Upper Yarra Valley and Dandenong Ranges Authority 1982, *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (1982) Upper Yarra Valley and Dandenong Ranges Authority, Melbourne..
- Australian Labor Party 2014, *Keeping it Liveable: Labor's Plan for Your Community*. Australian Labor Party, Melbourne.
- Port of Melbourne, 2006, *Port Development Plan 2006-2035 (Consultation Draft)* Port of Melbourne, Melbourne.

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