Planning Scheme Amendment C115 Draft Documents for Authorisation

NILLUMBIK PLANNING SCHEME AMENDMENT C115

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Nillumbik Shire Council.

Land affected by the Amendment

The Amendment applies to the number of properties across the municipality. These are listed in the table below.

What the amendment does

The Amendment corrects errors and anomalies in the Nillumbik Planning Scheme, including mapping and schedule errors and redundant overlay provisions. The Amendment also removes expired or superseded local planning policies.

Victorian Planning Provisions	Property Address or location	Issue	Action
Heritage Overlay (HO) 142	Ellis Cottage, Creek, 10 Nillumbik Square, Diamond Creek	There are two Italian Cypress trees at this property which are included in the Heritage Report for Ellis Cottage. However, in the schedule to the Heritage Overlay (HO142) the tree controls have not been applied.	Update HO schedule CI 43.01 to apply to tree controls
Heritage Overlay (HO) 158	Pin Oak at Garrambi Baan,130 Laughing Waters Road, Eltham	Address and name incorrect on schedule to Heritage Overlay.	Update HO schedule CI 43.01
Heritage Overlay (HO) 90	5 Hurstbridge- Arthurs Creek Road, Hurstbridge	Eucalyptus melliodora (Yellow box) HO90 is incorrectly mapped. The tree is in the RDZ2 not the address property boundary. The schedule also needs to be corrected from "5 Hurstbridge-Arthurs Creek Road' to '5 Arthurs Creek Road'.	Amend PS MAP No 7HO

Victorian Planning Provisions	Property Address or location	Issue	Action
Heritage Overlay (HO) 52	340 Eltham- Yarra Glen Road & 55 Ness Lane, Kangaroo Ground	Hawthorn Hedges HO52 is inaccurately mapped. At 340 E-YG Rd HO follows property boundary but should follow road reserve boundary. At 55 Ness Lane the HO exists but hedges do not.	Amend PS MAP No 11HO
Significant Landscape Overlay (SLO2)	23 and 25 Diamond Street, Eltham	SLO2 only applies to part of the property (original boundary) but should apply to entire property	Amend PS MAP No 13SLO
Heritage Overlay (HO) 213	2 Fineran Court, Plenty	Site of former Plenty Primary School. Building removed off site as part of 183/2013/14P but two English Oaks remain on Lot 12. The address has also changed from 17 Howell Road to 2 Fineran Court.	Amend PS MAP No 9HO Update HO schedule CI 43.01
Heritage Overlay (HO)267	6A Hamish Court	Mapping error. HO267 has been applied to the wrong tree	Amend PS MAP No 8HO
Heritage Overlay (HO)144	30 and 32 Osborne Road, North Warrandyte	These two properties are covered by HO144, along with 28 Osborne Road. The significant site is only at 28 Osborne Road. The original property was subdivided into three lots and new houses built at 32 and 30 in the period between the Overlay being recommended and the amendment coming into effect (to include the house and surrounds at 28 Osborne Road in the Overlay). Therefore, the HO should not apply to 30 and 32 Osborne Road.	Amend PS MAP No 15HO
Heritage Overlay (HO) 248 & 249	Plenty Hall and Gates, Yan Yean Road	The address is incorrect and needs to be changed from 103-107 to 109-115B Yan Yean Road.	Update HO CI 43.01
Environmental Audit Overlay (EAO)	323-325 Yan Yean Road, Plenty	Property covered by EAO. Statement of audit issued. An endorsed report, outlining remedial works undertaken in response to statement of audit, received 22 March 2018 and satisfies Condition 6 of Planning Permit No 80/2016/14P. It is appropriate for the EAO to now be removed.	Amend PS MAP No 9EAO
CI 22.02 – Subdivision in Green Wedge Areas.		This was an interim policy that expired in 2009	Remove from Planning Policy Framework

Victorian Planning Provisions	Property Address or location	Issue	Action
CI 22.03 – Residential Use and Development on small lots in Green Wedge Areas		This was an interim policy that expired in 2009	Remove from Planning Policy Framework
CI 22.05 – Aboriginal Cultural Heritage Policy		Policy is superseded by Aboriginal Heritage Act 2006	Remove from Planning Policy Framework
CI 22.11 – Yanakie Farm Domestic Pet Policy		The policy is now a redundant provision. It originally applied to land, formally known as Yanakie Farm, abutting the Bend of Isles and was in place to prohibit domestic pets being so close to Bend of Isles. This was before the land became part of the Warrandyte-Kinglake Nature Conservation Reserve. It is now part of the Reserve and managed by Parks Victoria.	Remove from Planning Policy Framework
Cl 22.13 – Wildfire Management Policy		Policy is superseded by other State planning provisions: Bushfire Management Overlay Revised BMO mapping in 2017 SPPF CI 13.05	Remove from Planning Policy Framework
Cl22.12-1 – Neighbourhood Character Policy		Refers to "Clause 19 Built Environment and Heritage" it should be Clause 15.	Make correction to CI 22.12-1
Cl42.03s15 – Significant Landscape Overlay		The footer in Schedule 15 to the Significant Landscape Overlay shows "SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 5"	Make correction to CI 42.03s15
CI 21.05 - Objectives- Strategies- Implementation		Delete reference to expired or superseded policies being removed through this Amendment.	Update CI 21.05
CI 21.06 – Future Strategic Work & Education		Delete reference to policies being removed through this Amendment.	Update CI 21.06

Strategic assessment of the Amendment

Why is the Amendment required?

• The Amendment is required to correct a number of errors and anomalies to maps and ordinance, and remove redundant local planning policies. This will ensure that the Nillumbik Planning Scheme is consistent, accurate and current.

• The Amendment will also support the efficiency of the future translation to the new Planning Policy Framework (PPF), introduced by Amendment VC148.

How does the Amendment implement the objectives of planning in Victoria?

- The Amendment provides for the fair, orderly, economic and sustainable use and development of land (section 4(1)(a) of the Act).
- The Amendment implements the objectives of planning in Victoria (section12(1)(a) of the Act), by ensuring an efficient, consistent and accurate local planning scheme that meets its operational and State planning policy responsibilities.

How does the Amendment address any environmental, social and economic effects?

- The Amendment does not have any significant environmental, social or economic effects, as the amendment is correctional in nature.
- The Amendment will have a positive net community benefit by improving the effectiveness and accuracy of the Nillumbik Planning Scheme.

Does the Amendment address relevant bushfire risk?

- The Amendment will not result in any increased bushfire risk.
- The Amendment will ensure consistency with State planning policy for bushfire risk, through its
 proposal to remove local planning policy Cl 22.13 Wildfire Management Policy. This policy has
 been superseded by bushfire planning provisions introduced by Amendment VC83 including Clause
 13.05 Bushfire, the Local Planning Policy Framework.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with:

- requirements of the Ministerial Direction on the Form and Content of Planning Schemes (section 7(5) of the Act)
- requirements of the Ministerial Direction No.9 to have regard to Plan Melbourne 2017-2050:
 Metropolitan Planning Strategy. Specifically, it implements the objectives of Plan Melbourne 2017-2050 by ensuring that the Nillumbik Planning Scheme can accurately and efficiently address Melbourne's key land use challenges and opportunities at the local level.
- requirements of Ministerial Direction No. 1: Potentially Contaminated Land have been considered and addressed. Specifically, this Amendment proposes to remove an Environmental Audit Overlay (EAO) from the property at 323-325 Yan Yean Road, Plenty, where an environmental audit has been completed in response to a condition of planning permit.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

• The Amendment supports Clause 71.02-1 The Planning Policy Framework (PPF) which seeks 'to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development'. It does this by correcting anomalies, errors and removing superseded local policies to support the efficient and consistent operation of the Nillumbik Planning Scheme.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

• The Amendment supports the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) of the Nillumbik Planning Scheme by improving efficiency and accuracy and addressing anomalies across various provisions and maps.

Does the Amendment make proper use of the Victoria Planning Provisions?

• The Amendment is correctional in nature and resolves anomalies in the Nillumbik Planning Scheme. All proposed changes are consistent with proper use of the Victorian Planning Provisions.

How does the Amendment address the views of any relevant agency?

• The views of relevant agencies have been considered through preliminary consultation.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

• There is no significant impact on the transport system or the requirements of the *Transport Integration Act 2010*.

Resource and administrative costs

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?
- The Amendment will have no significant impacts on the resource and administrative costs of Nillumbik Shire Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council

Planning Counter

34 Civic Drive, Greensborough

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C115

INSTRUCTION SHEET

The planning authority for this amendment is the Nillumbik Shire Council.

The Nillumbik Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 12 attached maps sheets.

Overlay Maps

- 1. Insert Planning Scheme Map Nos.11HO, 8HO and 7HO in the manner shown on the 4 attached maps marked "Nillumbik Planning Scheme, Amendment C115".
- 2. Amend Planning Scheme Map No.13SLO in the manner shown on the 1 attached maps marked "Nillumbik Planning Scheme, Amendment C115".
- 3. Delete Planning Scheme Map No. 9EAO in the manner shown on the 1 attached map marked "Nillumbik Planning Scheme, Amendment C115".
- 4. Delete Planning Scheme Map Nos. 15HO, 8HO, 11HO, 9HO and 7HO in the manner shown on the 6 attached maps marked "Nillumbik Planning Scheme, Amendment C115".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

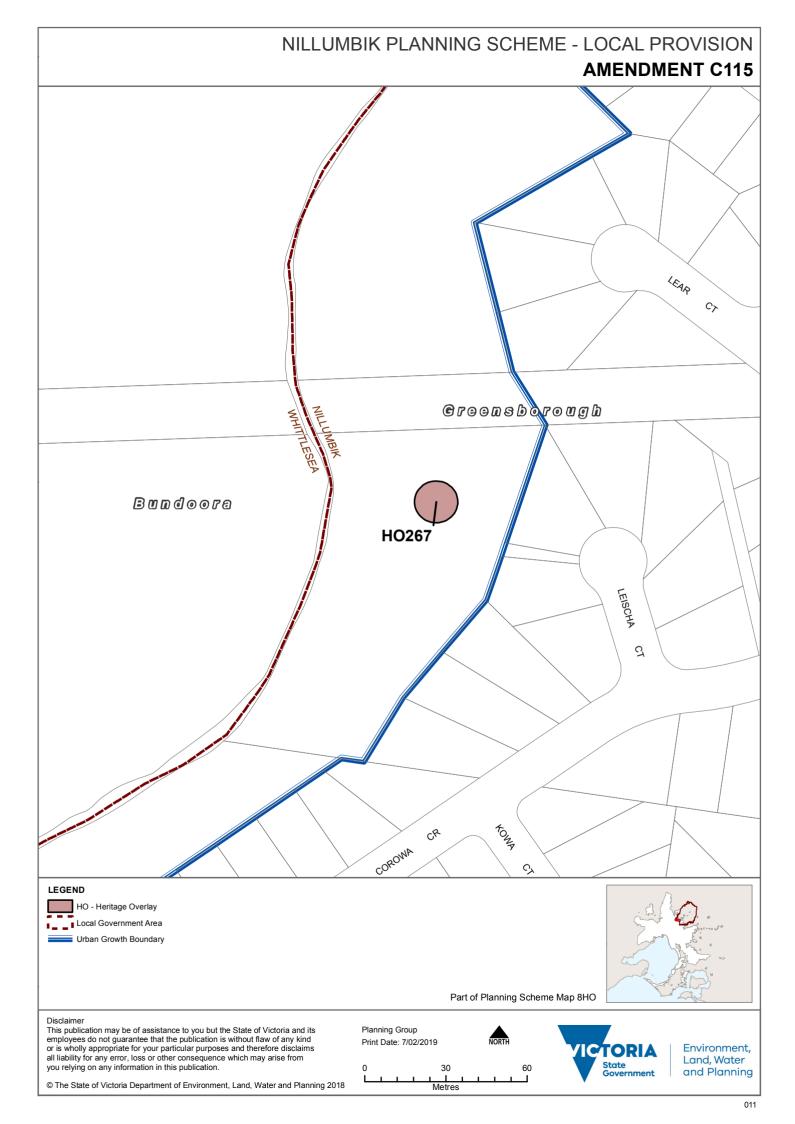
- 5. In **Local Planning Policy Framework** replace Clause 21.05 with a new Clause 21.05 in the form of the attached document.
- 6. In **Local Planning Policy Framework** replace Clause 21.06 with a new Clause 21.06 in the form of the attached document.
- 7. In **Local Planning Policy Framework** replace Clause 22.12 with a new Clause 22.12 in the form of the attached document.
- 8. In **Local Planning Policy Framework** delete Clause 22.02.
- 9. In **Local Planning Policy Framework** delete Clause 22.03.
- 10. In **Local Planning Policy Framework** delete Clause 22.05.
- 11. In Local Planning Policy Framework delete Clause 22.11.
- 12. In **Local Planning Policy Framework** delete Clause 22.13.

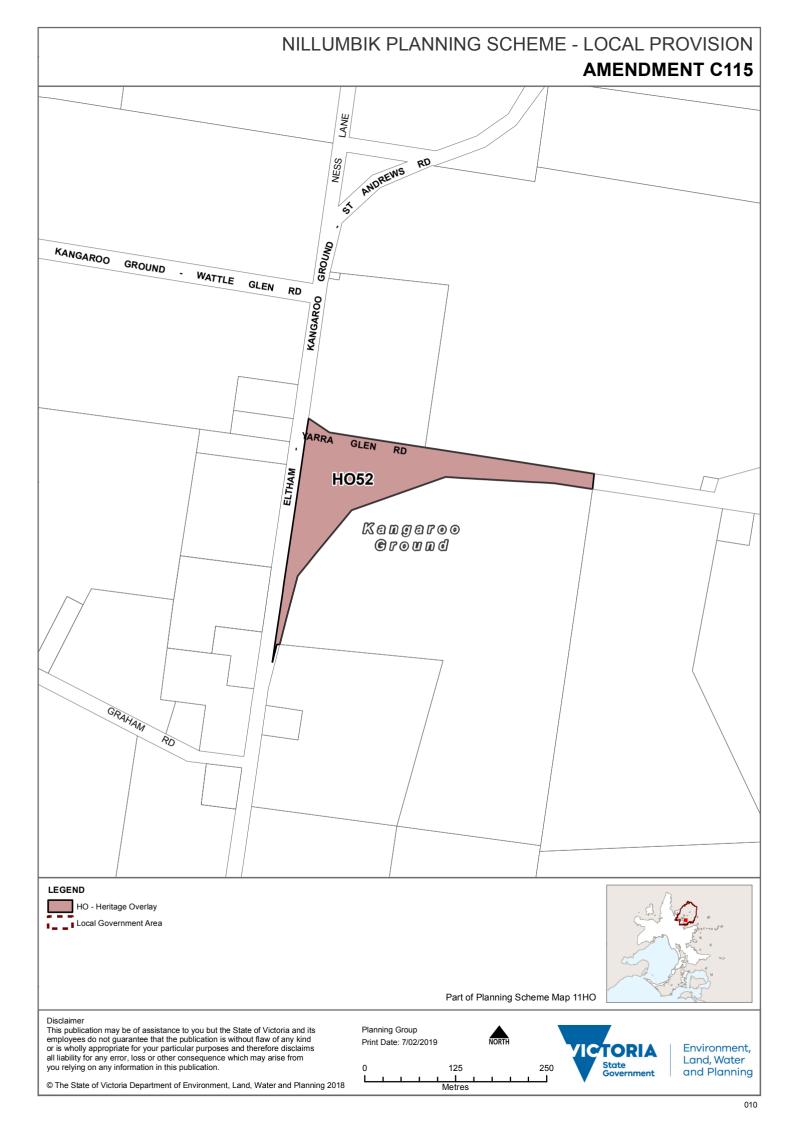
- 13. In **Overlays** Clause 42.03, replace Schedule 15 with a new Schedule 15 in the form of the attached document.
- 14. In **Overlays** Clause 43, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

End of document

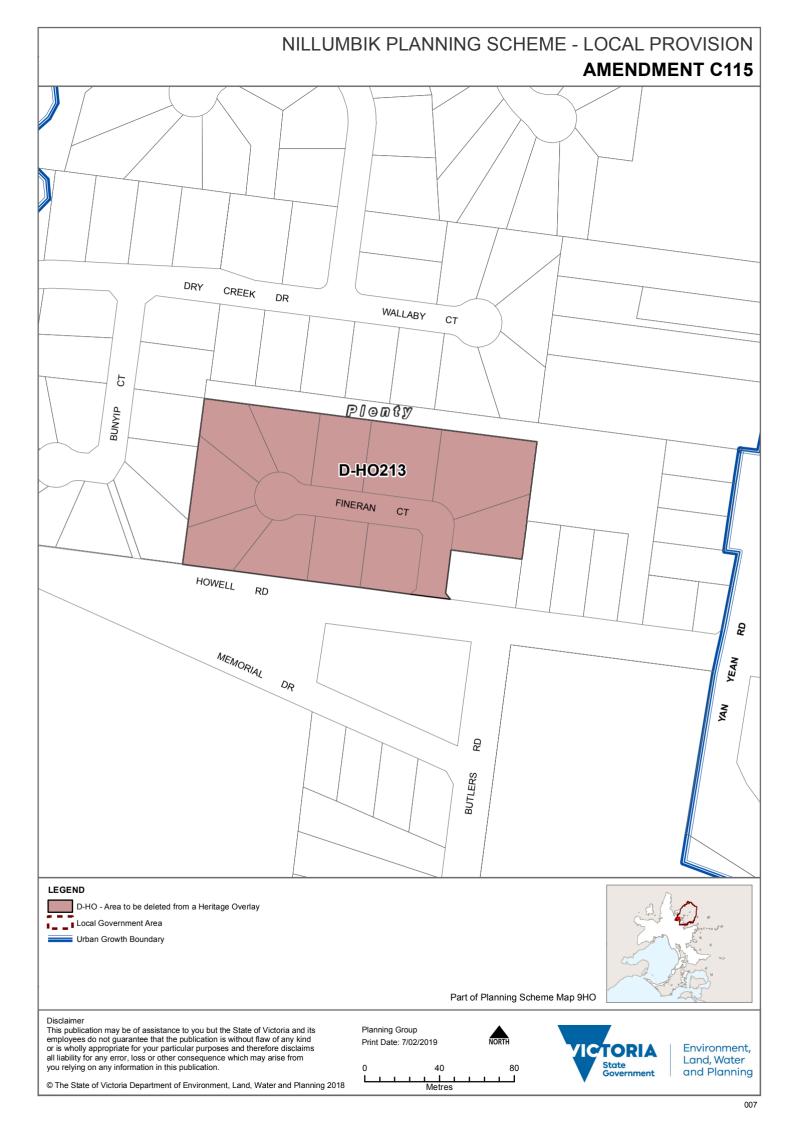
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NILLUMBIK PLANNING SCHEME - LOCAL PROVISION **AMENDMENT C115** ARTHURS CREEK RD ANZAC Hurstbridge Q KWGLAKE Ø gan strages Ø LEGEND HO - Heritage Overlay Local Government Area Urban Growth Boundary Part of Planning Scheme Map 7HO Disclaimer Discarmer This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from Planning Group Print Date: 7/02/2019 Environment, Land, Water State Government you relying on any information in this publication. and Planning © The State of Victoria Department of Environment, Land, Water and Planning 2018 012

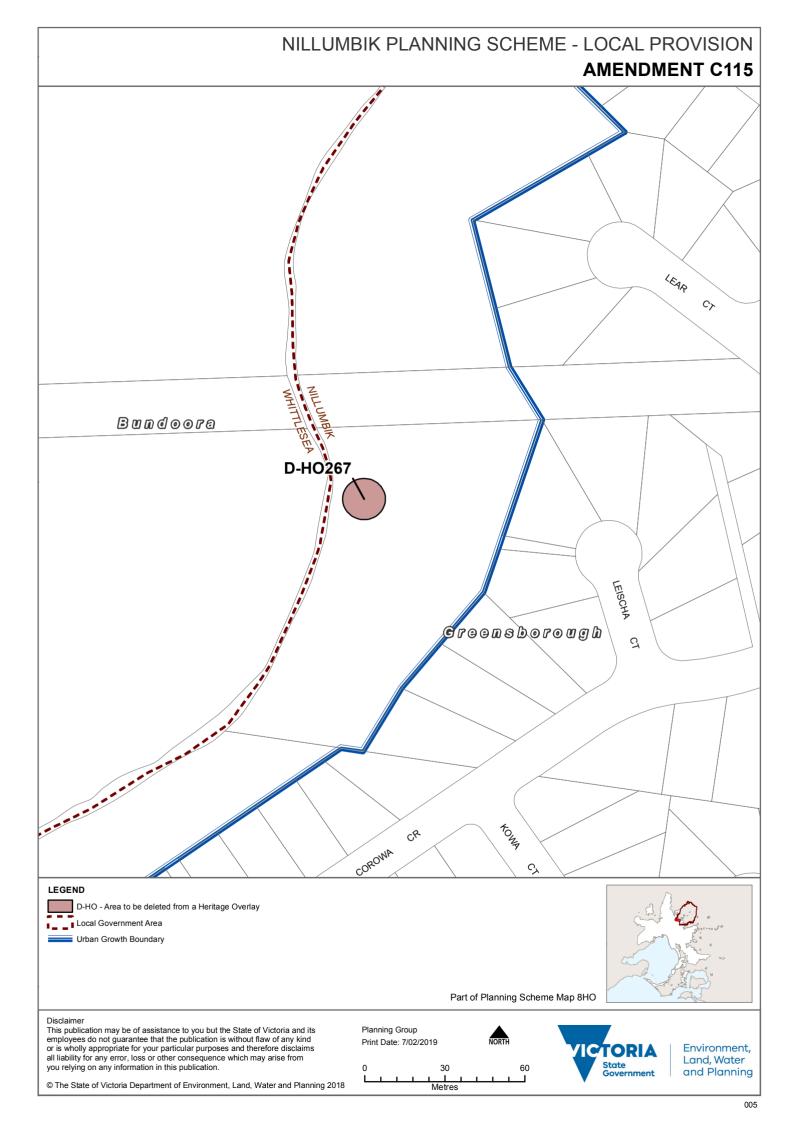


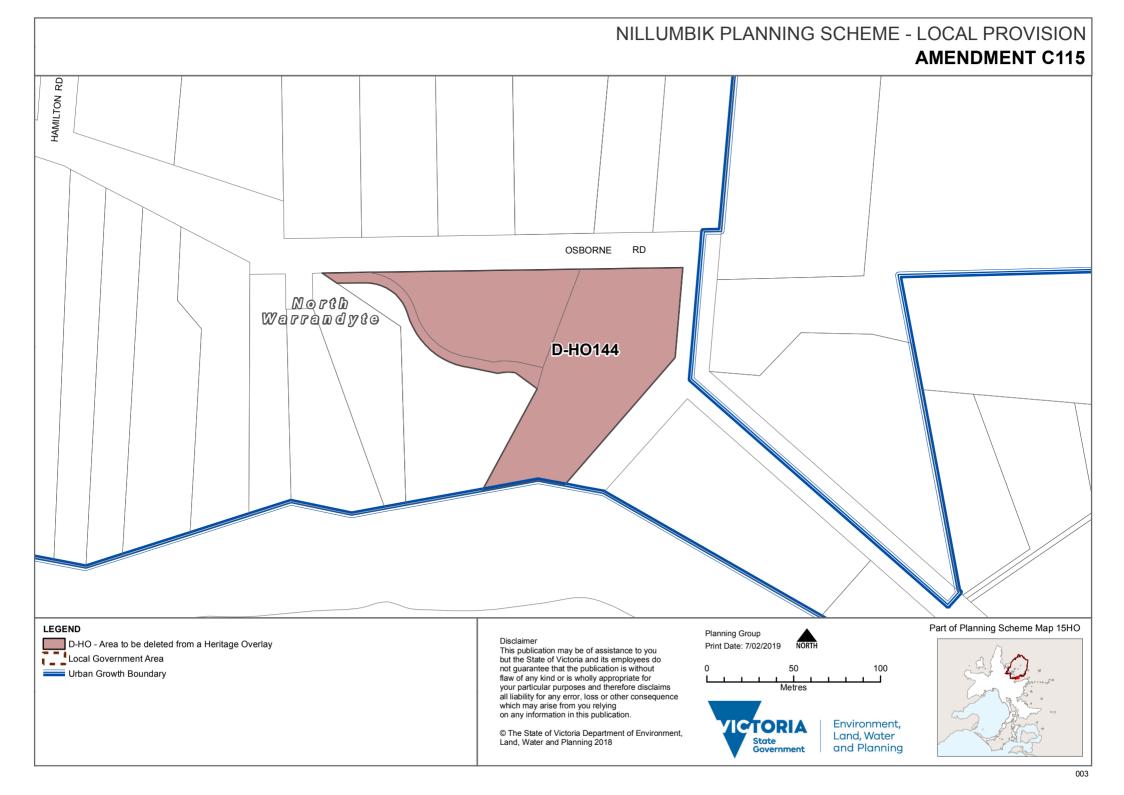


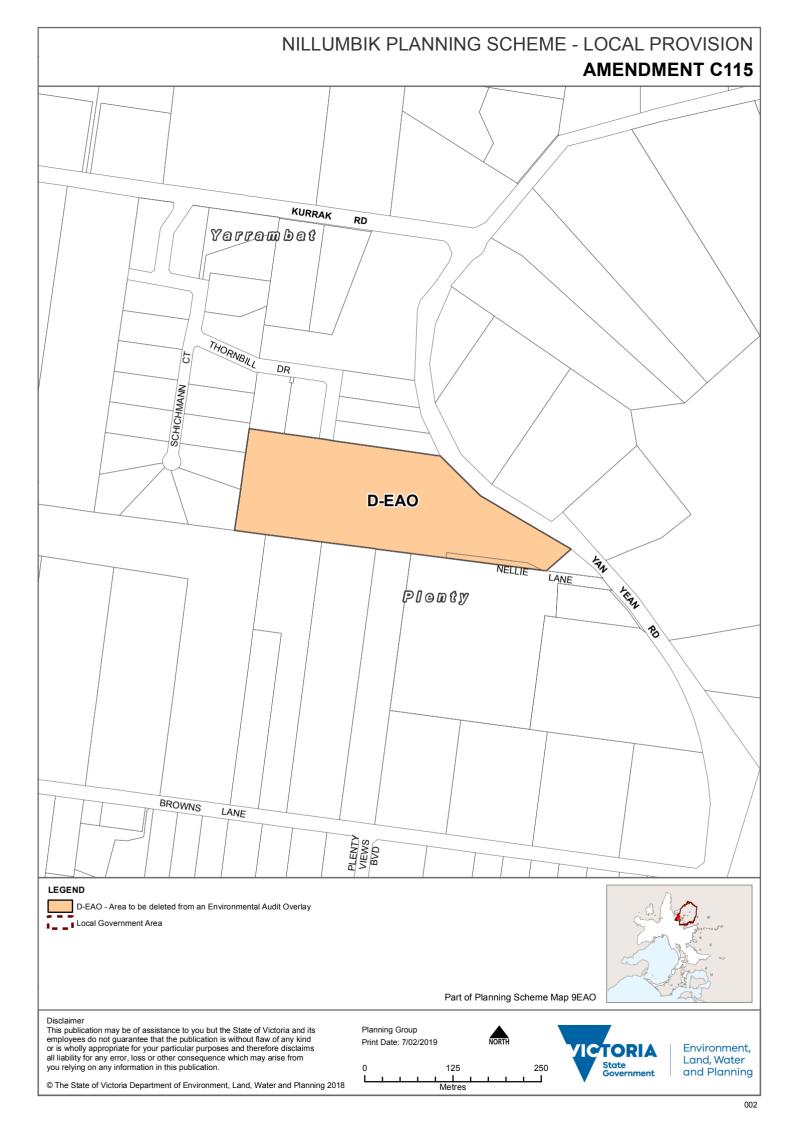
NILLUMBIK PLANNING SCHEME - LOCAL PROVISION **AMENDMENT C115** ARTHURS CREEK RD ANZAC **D-HO90** Hurstbridge Ð KWGLAKE Ø GRATEHARES LEGEND D-HO - Area to be deleted from a Heritage Overlay Local Government Area Urban Growth Boundary Part of Planning Scheme Map 7HO Disclaimer Discarmer This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from Planning Group Print Date: 7/02/2019 Environment, Land, Water State Government you relying on any information in this publication. and Planning © The State of Victoria Department of Environment, Land, Water and Planning 2018 800



NILLUMBIK PLANNING SCHEME - LOCAL PROVISION **AMENDMENT C115 D-HO52** KANGAROO Kangaroo WATTLE eround GLEN RD **D-HO52** ELTHAM YARRA RD GRAHAM LEGEND D-HO - Area to be deleted from a Heritage Overlay Local Government Area Part of Planning Scheme Map 11HO Disclaimer Discarmer This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from Planning Group Print Date: 7/02/2019 Environment, Land, Water State Government you relying on any information in this publication. and Planning © The State of Victoria Department of Environment, Land, Water and Planning 2018 Metres







21.05 23/07/2015 C93 Proposed C115

OBJECTIVES - STRATEGIES - IMPLEMENTATION

21.05-1

23/07/2015 C93 <u>Proposed</u>

Settlement and Housing

The maintenance of the existing settlement pattern consisting of distinct urban areas and clearly defined rural townships surrounded by non-urban areas is critical to the ongoing sustainability of the Shire of Nillumbik as a 'green wedge' municipality. Expansion of townships into surrounding areas is contrary to State Planning Policy and the principles of the 'green wedge'. The Shire of Nillumbik is located on the fringe of metropolitan Melbourne and it does not form part of a designated growth corridor. Outward metropolitan development, therefore, will not be a significant feature of the municipality.

The activity centres have an increased role in providing for a diversity of housing and in particular, medium density housing in accordance with the adopted structure plans. Relevant State Planning Policies in relation to settlement and housing include Activity centres (Clause 11.01), Urban growth (11.02), Melbourne's urban growth (11.04-5), Green wedges (11.04-02) and Residential development (16.01). Environmental and Landscape Values (Clauses 12.01-04) of the SPPF are relevant to residential development, particularly in the more environmentally significant areas of the municipality. Key environmental issues are discussed in more detail in the 'Environment, Conservation & Landscape' section (Clause 21.05-3).

Objective 1

To provide for a range of housing types to meet the projected increase in the number and type of households within the municipality, while respecting the neighbourhood character, and protecting the natural and cultural heritage values of the locality.

Strategies

- Ensure anecdotal demand figures do not drive strategic planning decisions for the Shire, as population growth in the Shire is not predicted to be substantial.
- Actively encourage residential development within existing urban zones in accordance with the framework plan, the Neighbourhood Character Study, the major activity centre structure plans and the township strategy plans.
- Focus new residential subdivision and development in areas that are zoned residential and are currently vacant in Greensborough, Diamond Creek and Plenty, and new low-density subdivision and residential development in areas currently zoned for that purpose in Yarrambat and Plenty and other appropriately zoned areas.
- Focus medium density housing in the designated areas in the major activity centre structure plans and in areas with good access to commercial and community services, public transport, open space and where appropriate infrastructure is available. Strongly discourage medium density housing in areas where such services, facilities and infrastructure are inadequate.
- Require all accommodation, including medium density housing to be site and locality responsive and to respect local neighbourhood character, including the retention of significant vegetation.
- Actively encourage the consideration of a comprehensive range of siting and design issues at the earliest possible stage of development proposals.
- Encourage good architectural design that meets the needs of our ageing population.
- Require development contributions to ensure the timely provision of appropriate infrastructure.

Strategies

- Encourage applicants to refer to the Neighbourhood Character Study and Guidelines to provide direction in relation to new development and in particular, to take into account the characteristics of the local landscape and built form, including the retention of existing vegetation and recognition of housing styles and set-backs.
- Discourage development which would dominate and detract from the streetscape and which does not consider the neighbourhood character.
- Encourage planting of indigenous vegetation.
- Encourage landscape planting which complements and enhances the entrances to urban areas, townships and commercial centres.
- Encourage the provision of tree reserves where the edge of a township or urban area abuts a main or secondary road and maintain existing non-urban breaks between rural townships and between urban and non-urban areas.
- Limit subdivision and buildings in rural areas to maintain vistas. Encourage consolidation of buildings in locations below the ridgeline.
- Maintain and enhance the landscape values of the Eltham Gateway (from Eltham Lower Park to the Main Road shopping centre).
- Ensure that new development reflects the historic and rural character of the Hurstbridge and St Andrews Townships.
- Encourage muted tones for external surfaces and strongly discourage bright or contrasting colours.

Implementation

The Housing and Settlement strategies will be implemented as follows:

Using Local Policies

- Use a local policy to facilitate medium density housing in areas with good access to local services and public transport, and which demonstrates site and area responsive design (Medium Density Housing Policy, Clause 22.01).
- Use a local policy to guide subdivision of lots in Green Wedge areas (Subdivision in Green Wedge Areas, Clause 22.02).
- Use a local policy to guide consideration of permit applications for residential use and development on small lots in Green Wedge Areas (Residential Use and Development on Small Lots in Green Wedge Areas, Clause 22.03).
- Use a local policy to guide the consideration of use and development in the gateway to the Eltham Township (Eltham Gateway Policy, Clause 22.10).
- Use a local policy to guide consideration of permit applications in the General Residential, Residential Growth, Neighbourhood Residential and Township zones (Neighbourhood Character Policy, Clause 22.12).
- Use a local policy to guide the consideration of signage proposals in order to protect the visual quality of the Shire's urban streetscapes and rural landscapes from inappropriate signage (Signage Policy, Clause 22.09).

Applying Zones and Overlays

 Apply the General Residential Zone, Residential Growth Zone, or the Neighbourhood Residential Zone to residential areas.

- Ensure that the siting and design of buildings and works in rural areas avoid ridge-lines and hilltops wherever possible to ensure that they do not form a silhouette on the horizon.
- Discourage the use of reflective building materials such as zincalume in rural areas where a proposed building would be visible from other properties or roads.
- Encourage the use of muted tones on external surfaces while discouraging the use of bright or contrasting colours.
- Restrict subdivision and the development of buildings on lots in rural areas to maintain landscape qualities.
- Consult the Nillumbik Shire Council Roadside Management Plan in the consideration of works on roadsides.
- Encourage the planting of indigenous vegetation and discourage the planting of exotic species.

Implementation

The above strategies will be implemented by:

Using Local Policies

- Use a local policy to guide subdivision on rural land, and require property management plans to demonstrate good land management practices (Subdivision in Green Wedge Areas, Clause 22.02).
- Use a local policy to protect the integrity of landscape values in the Shire from inappropriate siting and design of buildings and works (Siting and Design Policy for Buildings & Works in Non-Urban Areas, Clause 22.04).
- Use a local policy for an area adjoining the Bend of Islands to help protect flora and fauna in the Bend of Islands (Yanakie Farm Domestic Pet Policy, Clause 22.11).

Applying Zones and Overlays

- Apply the Green Wedge Zone to land which provides for sustainable use for extensive animal husbandry and crop raising (land described as Farming in the Framework Plan).
- Apply the Rural Conservation Zone to non-urban land with environmental significance and landscape values.
- Use the schedule to the Rural Conservation and Green Wedge Zones to establish varying subdivision minimums based on land classified in the Framework Plan as Conservation, Conservation Farming, Rural Conservation and Conservation Interface. The schedule specifies the outcomes unique to each of the classifications.
- Apply the Special Use Zone to protect the unique environmental and lifestyle values of the Bend of Islands area.
- Apply the Restructure Overlay to two old and inappropriate subdivisions at Rankin Street in Panton Hill, Fawkner Crescent in Hurstbridge and Smiths Gully Road in Smiths Gully.

Undertaking Further Strategic Work

 Review planning controls including Local Planning Policy Framework (MSS and local policies) and the application of zones and overlays as an outcome of the Green Wedge Management Plan. * Review the Yanakie Farm Domestic Pet Policy, upon implementation of the Warrandyte to Kinglake nature conservation link.

Note:

Many future strategic initiatives for rural areas of the Shire are included in the Environment, Conservation & Landscape section (21.05-3).

21.05-3 Environment, Conservation & Landscape

13/02/2014 C86 Proposed C115

Overview

In order to maintain the high environmental and landscape values that occur within the Shire, threatening processes associated with the loss and degradation of the natural and built environment need to be addressed. The long term protection of native species and ecosystems requires large areas of high quality native vegetation interconnected by a network of habitat corridors. These areas are located on both public and private land. Knowledge and understanding of environmental and culturally significant values within the Shire, and the encouragement of a coordinated catchment approach based on sustainable principles, is critical in achieving sound planning decisions.

State Planning Policy supports improved environmental management that ensures water resources are managed in a sustainable way, that resource use and waste generation is reduced and that native habitat and areas of important biodiversity through appropriate land-use planning is protected.

Relevant State Planning Policies include: Open space planning (Clause 11.03-1), River corridors (11.04-8), Protection of habitat (12.01-1), Native vegetation management (12.01-2), Environmentally sensitive areas (12.04-1), Landscapes (12.04-2), Bushfire planning strategies and principles (13.05-1), Energy and resource efficiency (15.02-1), Heritage conservation (15.03-1) and Aboriginal cultural heritage (15.03-2). Given the unique natural and cultural value of the Shire, Clause 15.-03 is highly relevant and states "to ensure the conservation of places of heritage significance" and "to ensure the protection and conservation of places of Aboriginal cultural heritage significance"

State Planning Policy also states 'to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.' Given the large number of threatened native species and threatening processes occurring in the Shire, this is a particularly relevant consideration in any planning decision.

Objective 1

To protect and enhance sites of environmental significance.

Strategies

- Protect areas of environmental significance, by restricting land uses and development that may adversely impact on native flora and fauna.
- Establish a shire wide network of strategic habitat links and retain high value conservation land in public ownership wherever possible.
- Incorporate the retention and enhancement of strategic habitat links into subdivision plans and site management plans where appropriate.
- Encourage the retention of vegetated areas of sufficient size that maintains the viability of faunal populations and vegetation communities and protects biodiversity and other significant environmental values.
- Identify significant nature conservation values and develop actions to ensure their long term survival.

Objective 6

To promote resource conservation

Strategies

- Encourage retention and planting of indigenous vegetation through planning provision and environmental initiatives, recognising the role that vegetation plays in reducing greenhouse gas emissions.
- Encourage waste minimisation and the use of recycled and plantation-grown timbers in the construction of new buildings.
- Encourage the use of alternative building materials such as mud-brick and rammed earth construction.

Objective 7

To protect and enhance conservation areas and identify opportunities to create and link areas of open space in accordance with the Open Space Strategy.

Strategies

- Encourage large lot rural land use and rural living opportunities that protect the environmental and landscape values of major conservation areas such as the Plenty Gorge Park, Kinglake National Park and the Yarra River Valley.
- Strongly encourage the design of subdivisions to incorporate the potential for open space linkages and the retention of remnant vegetation and drainage lines as parts of open spaces.
- Develop and implement site management plans for conservation areas of high environmental sensitivity owned and managed by Council.
- Retain high value conservation land in public ownership.

Implementation

The Environment, Conservation and Landscape strategies will be implemented by:

Using Local Policies

- Use a local policy to provide guidelines on appropriate and responsive siting and design of buildings in rural areas and to minimise landscape impact, energy usage and fire hazard (Siting and Design Policy for Buildings & Works in Non-urban Areas, Clause 22.04).
- Use a local policy to acknowledge the prior occupation of the Shire by the Wurundjeri people and which requires future development in particular areas to have regard to sites of Aboriginal heritage, (Aboriginal Cultural Heritage Policy, Clause 22.05).
- Use a local policy which acknowledges Nillumbik Shire Council's Roadside Management Plan and provides guidelines for the consideration of proposals within or near roadsides (Roadside Management Policy, Clause 22.06).
- Use a local policy for an area adjoining the Bend of Islands to help protect flora and fauna in the Bend of Islands (Yanakie Farm Domestic Pet Policy, Clause 22.11).

Apply the Development Plan Overlay (for areas expressed in Clause 21.05-1) to ensure consideration of environment and landscape in specifying requirements over the future development of these areas.

Undertaking Further Strategic Work

- Ongoing implementation review of the Environmental Charter and associated statement and strategies to ensure appropriate actions to protect and enhance the natural environment.
- Prepare a catchment management plan for the Watsons Creek catchment based on State of the Environment Reporting.
- Review the Open Space Strategy.
- Review planning controls including Local Planning Policy Framework (MSS and local policies) and the application of zones and overlays as recommended by the Green Wedge Management Plan.
- Review the ESO1 boundaries and schedule to improve mapping and identification of significant environmental sites, threatened vegetation communities and species and identification of habitat links.
- Review the ESO1 schedule to clarify the need for information such as a flora and fauna assessment, proposed revegetation/landscaping, identification and control of weed species and ongoing management of the site.
- Review the coverage of ESO4 waterways to consider inclusion of additional significant waterways such as running creek and Deep Creek in Arthurs Creek, Pigeon Bank Creek and Stony Creek in Kangaroo Ground/North Warrandyte.
- Review the NEROC Report (Beardsell, 1997) as part of a regional project involving adjoining municipalities and DSE.
- Review the LSIO, UFZ and SBO as new information becomes available.
- Review Local Planning Policies Subdivision in Green Wedge Areas (Clause 22.02) and Siting and Design Policy for Building and Works in Non Urban Areas (Clause 22.04) to improve their application as recommended by the Green Wedge Management Plan.
- Review the Local Planning Policy Framework to incorporate bushfire considerations into the Planning Scheme.
- Continue to review the Environmental Audit Overlay in relation to identification of sites of potential contamination.
- Identify and protect significant landscapes and vistas in the rural areas as an outcome of the Green Wedge Management Plan.
- Implement the Biodiversity Assessment Guidelines 2013.

21.05-4 13/02/2014

Economic Development

Overview

Economic development opportunities in the Shire of Nillumbik are likely to be generated by small business enterprises especially home-based businesses involved in leisure services, retailing, rural industry, tourism, information technology, education and training, innovative environmental management and sustainable agriculture. The principal focus with respect to economic development is to strengthen existing enterprises and facilitate new business initiatives which respect the Shire's environmental, social and economic development priorities.

- addressed for existing public places;
- encouraged for existing private meeting places; and
- considered in future use and development proposals.

Strategies

- Improve accessibility to Council facilities and programs for people with disabilities.
- Ensure that disability access issues are addressed in strategic planning initiatives.
- Incorporate physical mobility and access needs of people of all abilities in the design, construction and maintenance of public roads, footpaths, seating, designated parking bays for people with disabilities and other physical infrastructures, providing topography permits.
- Encourage provision of accessibility to private meeting places for people with disabilities.
- Require applications to address accessibility issues for commercial proposals and other proposals where appropriate.
- Actively promote to developers their responsibilities under the *Disability Discrimination Act 1992*, and the economic effects of non-compliance.

Implementation

The above strategies will be implemented by:

Using Local Policies

- Use a local policy for areas having appropriate infrastructure provision and good access to public transport and public open space, which may be proposed for medium density housing (Medium Density Housing Policy, Clause 22.01).
- Use a local policy for land identified in the Framework Plan as 'Farming' to control the creation of small lots in rural areas (Subdivision in Green Wedge Areas, Clause 22.02).

Applying Zones and Overlays

- Apply the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone and the Low Density Residential Zone to contain township areas which can be serviced by an appropriate range of utility services.
- Apply the Public Use Zone to areas of public infrastructure in the Shire.
- Apply the Road Zone Category 1 to proclaimed State highways and the Road Zone Category 2 to other key roads.
- Apply the Public Park and Recreation Zone to areas used as public recreation reserves.
- Apply the Special Use Zone to the Heritage Golf Course at Christmas Hills.
- Apply the Public Acquisition Overlay to land proposed to be acquired by Melbourne Water, VicRoads, Parks Victoria and Nillumbik Shire Council.
- Apply Development Plan Overlays and Design and Development Overlays in areas of Plenty and Yarrambat where they assist in the coordinated provision of services to new residential and low density residential areas.

21.06 FUTURE STRATEGIC WORK & EDUCATION

13/02/2014 C86 Proposed

Progress towards the vision outlined in this Municipal Strategic Statement will only be possible if the Nillumbik Shire Council and the broader community work together. Implementation of this vision will require a range of actions by Council, the resident and business communities and government agencies. These actions will take the form of educational programs, financial and social incentives and guidance through the planning scheme. Existing planning scheme provisions and controls alone will not implement the vision.

• Further strategic planning work that needs to be prepared is listed below with an estimated Timeframe in terms of priority, short term indicating greatest priority and the main related policy area.

Identified Strategic Work	Timeframe	Main Related Policy Areas
Review the medium Density Housing Policy (Clause 22.01)	Short-term	Settlement and Housing
Investigate sub-standard allotments in the rural areas of the Shire (Clause 22.02)	Short-term	Rural land use
Review Siting and Design Policy for Building and Works in Non-urban Areas (Clause 22.04)	Medium-term	Settlement and Housing
Implement the Eltham Major Activity Centre Structure Plan	Short and Medium term	Economic development
Prepare and implement the Diamond Creek Major Activity Centre Structure Plan.	Short and Medium term	Economic development
Identify opportunities for medium density and more diverse housing that meet community needs particularly in the context of an ageing population. This should be undertaken through structure planning in identified activity centres and also as part of a review of Council's Housing Strategy and work coming out of the Regional Housing Working Group.	Short-term	Settlement and Housing
Review the stock of vacant residential land supply and demand.	Medium-term	Settlement and Housing
Implement the Hurstbridge Township Strategy, March 2002.	Medium-term	Settlement and Housing
Implement the Wattle Glen Strategy (Amended 2005).	Medium Term	Rural land use
Undertake further strategic work on township entrances and gateways.	Short term	Settlement and Housing
Revise objectives relating to energy efficiency rating.	Long term	Settlement and Housing
Investigate application of energy rating systems to alternative building materials.	Long term	Settlement and Housing
Prepare and implement a Green Wedge Management Plan.	Short-term	Rural land use

Identified Strategic Work	Timeframe	Main Related Policy Areas
Review planning policies following finalisation of the Green Wedge Management Plan.	Medium-term	Rural land use
Review the Yanakie Farm Domestic Pet Policy.	Long term	Rural land use
Review the Open Space Strategy 2005.	Medium term	Environment, conservation and landscape
Complete the Heritage study review.	Medium term	Environment, conservation and landscape
Consider implementation mechanisms to protect sites for Aboriginal cultural heritage.	Long term	Environment, conservation and landscape
Review the Environmental Significance Overlay Schedule 1	Short term	Environment, conservation and landscape
Review Environmental Significance Overlay Schedule 4 (Waterways) to consider inclusion of additional waterways.	Medium term	Environment, conservation and landscape
Review the NEROC Report as part of a regional project.	Long term	Environment, conservation and landscape
Investigate and respond to the State Government's Biodiversity Assessment Guidelines 2013.	Medium term	Environment, conservation and landscape
Investigate issues associated with bushfire risk as a strategic influence over land use and development.	Medium term	Environment, conservation and landscape
Develop strategies to link subdivision design and the development of activity centres that encourage walking, cycling, public transport and reduce car dependency.	Medium term	Infrastructure
Complete the Industrial Areas Audit (Clause 22.08)	Medium term	Economic Development

22.12 NEIGHBOURHOOD CHARACTER POLICY

24/07/2014 C87 Proposed C115

This policy applies to development (including subdivision) and works in the General Residential, Residential Growth, Neighbourhood Residential, Low Density Residential and Township zones within the Shire of Nillumbik as shown on Maps 1, 2 and 3 forming part of this Clause except where Design and Development Overlay Schedule 1 applies.

22.12-1 Policy basis

06/06/2013 C77 Proposed C115

This policy assists in achieving the objectives of Clause 16 Housing and in applying the objectives of Clause 19-15 Built Environment and Heritage of the State Planning Policy Framework to local circumstances.

The policy responds to the vision contained in the Nillumbik Municipal Strategic Statement and implements the objectives and strategies contained in Clause 21.05 by ensuring that development respects local community and environmental values, and maintains and enhances the character of urban and township areas. The policy implements the findings of the Shire of Nillumbik Neighbourhood Character Study 2000, that identifies the key existing characteristics and preferred future character of the Shire's residential areas. It provides design guidance to ensure that development and, where relevant, works respond to the preferred neighbourhood character of residential areas.

Development in residential areas needs to respond to the particular built form and natural environment elements that make up the neighbourhood character of Nillumbik. The extent of the predominately native and indigenous vegetation cover is a particular characteristic of Nillumbik that makes it distinctive from other areas of Melbourne. However, many other elements contribute to the individual character of different parts of the municipality. These elements include topography, vegetation density, building form, scale, siting, materials and front fencing. The Shire of Nillumbik Neighbourhood Character Study defines residential precincts based on the delineation of areas of similar character elements (as shown on Maps 1,2 and 3 forming part of this Clause). The Nillumbik Residential Guidelines 2000 provide additional design advice.

The Key Characteristics, Statement of Preferred Future Character, Design Objectives and Design Responses for the precincts in this policy are to taken into account when considering any application to develop or subdivide land.

22.12-2 Objectives

19/01/2006

- To ensure that development is responsive to the preferred future character of the area.
- To retain and enhance the identified elements that contribute to the character of the area.
- To implement the recommendations of the Shire of Nillumbik Neighbourhood Character Study 2000 and the Nillumbik Residential Design Guidelines 2000.
- To recognize the potential for change as a result of new social and economic conditions, changing housing preferences and State and local housing policies.

22.12-3 Design Objectives and Design Responses - All Precincts

19/01/2006 VC37

The Desired Future Character is to be achieved by these additional Design Objectives and Design Responses:

Design Objectives	Design Responses
To maintain the existing vegetation including canopy trees.	 Retain existing high canopy trees wherever possible and as appropriate.
<i>3</i> ,,	 Removal of existing trees or development adjacent to existing indigenous canopy trees may require an arboricultural report on the effects on existing vegetation.

28/11/2013 C84 Proposed C115

SCHEDULE TO THE HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

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PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?	
HO1	Canadian poplar 100 Mount Pleasant Road, Eltham	No	No	Yes	No	No	No		No	
HO2	Maroondah Aqueduct Entire Length at various sites from Skyline Road, Christmas Hills to Allendale Road, Diamond Creek		No	No	No	No	No		No	
НО3	Former State School 3939, now Scout Hall, 20 Anzac Avenue, Hurstbridge	No	No	No	No	No	Yes		No	
HO4	Former teacher's residence of State School 3939, 22 Anzac Avenue, Hurstbridge	No	No	No	No	No	Yes		No	
HO5	Jelbart House, barn & gate posts, 93 Arthur Street, Eltham	No	No	No	No	No	Yes	-	No	
НО7	Worlingworth, 10-26 Banoon Road, Eltham	No	No	No	No	No	No	-	No	
H08	Dunmoochin - Clifton Pugh's studio residence and Dunmoochin Black Dam 105 Barreenong Road, Cottlesbridge Barreenong Road Reserve, Cottlesbridge		No	No	No	No	Yes	-	No	
HO9	Alma Shanahan adobe house, 135 Barreenong Road, Cottlesbridge	No	No	No	No	No	No	-	No	

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	bridge Hurstbridge -Arthurs Creek Road, Hurstbridge								
HO87	Hawthorn hedge & post and rail fence remains 235 Hurstbridge -Arthurs Creek Road, Nutfield	No	No	Yes - Hawthorn hedge	Yes - post and rail fence remains	No	No	-	No
HO88	Weatherboard farm house 710 Hurstbridge -Arthurs Creek Road, Arthurs Creek	No	No	No	No	No	Yes	-	No
HO89	Weatherboard farm house & outbuildings 760 Hurstbridge -Arthurs Creek Road, Arthurs Creek	No	No	No	No	No	Yes	-	No
HO90	Eucalyptus melliodora (Yellow box) 5 Hurstbridge-Arthurs Creek Road, Hurstbridge	No	No	Yes	No	No	No	-	No
HO91	Tantoon - Peter Glass abobe residence, 75 John Street, Eltham	No	No	Yes - Eucalyptus cladocalyx, E. maculata, E. citriodora & Casuarina torulosa	No	No	No	-	No
HO92	Weatherboard house 9 John Street, Eltham	No	No	No	No	No	Yes	-	No
HO93	Eucalyptus melliodora (Yellow box) 61 Kalbar Road, Eltham	No	No	Yes	No	No	No	-	No
HO94	Shop	No	No	No	No	No	Yes	-	No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO132	St Johns Church of England, School & Hall 61 Main Street, Diamond Creek	Yes	No	Yes	No	No	No	-	No
HO133	,	No	No	No	No	No	Yes	-	No
HO135	Shoestring, David Clark House 31 Metery Road, Eltham	No	No	No	No	No	Yes	-	No
HO136	Coller House 10 Eucalyptus Road, Eltham	No	No	Yes	No	No	Yes	-	No
HO137	Yarra Vale -Anderson family cottage 188 Mount Pleasant Road, Eltham	No	No	Yes - Canary Island palm	No	No	Yes	-	No
HO138	Huggett Barn 194 Mount Pleasant Road, Eltham	No	No	No	Yes - barn	No	Yes	-	No
HO139	Pittard House 430 Mount Pleasant Road, Research	No	No	No	No	No	Yes	-	No
HO140	Cowin's orchard cool store 93-113 Murray Road, Diamond Creek	No	No	No	Yes – cool store	No	No	-	No
HO141	Smith dam 48 Nerreman Gateway, Eltham	No	No	No	No	No	No	-	No
HO142	Ellis Cottage 10 Nillumbik Square, Diamond Creek	No	No	No Yes	No	No	Yes	-	No
HO143	Cave Cool Store, at Glen Halcyon 145 Ninks Road, St Andrews	No	No	No	Yes – cool store	No	No	-	No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	79 – 83 Pitt Street and 10 John Street, Eltham								
HO155	Brick house 88 Pitt Street, Eltham	No	No	No	No	No	Yes	-	No
HO156	Sloan's Cottage 193 Research - Warrandyte Road, North Warrandyte	No	No	No	No	No	Yes	-	No
HO157	Baker Eltham Style outbuilding & sculptures (2) 108 Research-Warrandyte Road, North Warrandyte	No	No	No	Yes - Baker Eltham style outbuilding	No	Yes	-	No
HO158	Pinoak at KilleveyGarrambi Baan 60 Reynolds Road, Eltham130 Laughing Waters Road	No	No	Yes - Pinoak	No	No	No	-	No
HO159	Bunya bunyas (2) & Monterey cypress 695-697 Ridge Road, Christmas Hills	No	No	Yes	No	No	Yes	-	No
HO161	Weatherboard cottage 15 Silver Street, Eltham	No	No	No	No	No	Yes	-	No
HO162	Busst House 71 Silver Street, Eltham	No	No	No	No	No	No	-	No
HO163	Queenstown Cemetery 70 Smiths Gully Road, Smiths Gully	No	No	Yes – mature planting	No	No	No	-	No
HO164	State Battery remains including concrete dam in Smiths Gully Creek at Peter Franke Reserve 75 Smiths Gully Road, Smiths Gully	No	No	No	No	No	Yes	-	No
HO165	Clay Nuneham - stone & adobe house	No	No	No	No	No	No	-	No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO205	Three Bears Cottage 105 Gongflers Drive, Bend of Islands	Yes	No	Yes – indigenous planting	No	No	No		No
HO206	London Plane Tree 4 -8 Greysharps Road, Hurstbridge	No	No	Yes	No	No	No		No
HO207	Wattle Glen Railway electricity substation 549 – 557 Heidelberg Kinglake Road, Wattle Glen	Yes	No	No	No	No	No		No
HO208	Upper Diamond Creek State School 2059 residence 644 – 646 Heidelberg Kinglake Road, Wattle Glen		No	No	No	No	No		No
HO209	Canary Island Palm and apricot – near St Peter's Church 1053 Heidelberg Kinglake Road, Hurstbridge	No	No	Yes	No	No	No		No
HO210	Stone Pine and Monterey pine row 1640 Heidelberg Kinglake Road, St Andrews	No	No	Yes	No	No	No		No
HO211	Neil Douglas & Helen Heathcote house, later Atunga 512 Henley Road, Bend of Islands	No	No	Yes	No	No	No		No
HO212	Shaws Cool Store 345 Hildebrand Road, Cottlesbridge	No	No	Yes – Monterey Pines at gate	Yes	No	No		No
HO213	Plenty State School 17 Howell Road, Plenty2 Fineran	No	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	Court, Plenty								
HO214	Monterey Cypress at entrance to Ferguson's Paddock 12 Hurstbridge Arthurs Creek Road, Hurstbridge	No	No	Yes	No	No	No		No
HO215	Kinrade farm house, outbuildings and trees 385 Hurstbridge Arthurs Creek Road, Nutfield	No	No	Yes	Yes	No	No		No
HO217	Edwin Peters, later Henry Ryan house 5 Hyde Street, Diamond Creek	No	No	No	No	No	No		No
HO218	Harless orchard house 35 Ingrams Road, Research	No	No	No	No	No	No		No
HO219	St Michael's Anglican Church 469 – 475 Ironbark Road, Yarrambat	Yes	Yes	No	No	No	No		No
HO220	Whippell Farm Complex 85 Kangaroo Ground St Andrews Road, Kangaroo Ground	No	No	Yes	Yes	No	No		No
HO221	Cracknell Orchard house 405 Kangaroo Ground St Andrews Road, Panton Hill	No	No	Yes	No	No	No		No
HO222	Hazeldell, Albert Smith house, later Lenkunya 925 Kangaroo Ground St Andrews Road, Smiths Gully	Yes	No	No	No	No	No		No
HO223	Jones Orchard Complex 205 Kangaroo Ground Wattle Glen Road, Wattle Glen	No	No	No	Yes	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Are there outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	787 Ridge Road, Christmas Hills								
HO244	Wadeson house 9 Risdale Close, Diamond Creek	No	No	No	No	No	No		No
HO245	Ryders Hut (Barton Hill) 75 Running Creek Road, Arthurs Creek	No	No	Yes – Monterey pines, cypress specimens and silky oaks, house yard	Yes	No	No		No
HO246	Fayrefield Hat Factory (former) garden or landscape design 197 Sherbourne Road, Eltham	No	No	Yes – garden and planting	No	No	No		No
HO247	Heffernan farm outbuildings (2) 104 Thompson Crescent, Research	Yes	No	No	Yes	No	No		No
HO248	Plenty Hall 103109-107 115B Yan Yean Road, Plenty	No	No	No	No	No	No		No
HO249	Plenty War Memorial Gates 103109-107 115B Yan Yean Road, Plenty	Yes	No	No	No	No	No		No
HO250	Church 171 Yan Yean Road, Plenty	No	No	No	No	No	No		No
HO251	Pear Tree, 215 Kangaroo Ground Wattle Glen Road, Wattle Glen	No	No	Yes - Pear Tree 'Pyrus communis'	No	No	No	No	No
HO252	Former Blacksmiths Shop 925 Heidelberg-Kinglake Road,	No	No	No	No	No	No		No

01/06/2017 Proposed C115

SCHEDULE 15 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO15**.

YARRA (BIRRARUNG) RIVER CORRIDOR ENVIRONS

1.0 Statement of nature and key elements of landscape

24/02/2017 GC48

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

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

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

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

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

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

2.0 Landscape character objectives to be achieved

24/02/2017 GC48

Landscape, environmental and cultural values

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

Protection of waterway and the riparian zone