Full Name: Andrew Mellor
Organisation: Melbourne Water Corporation

Affected property:
Attachment 1: Bulleen_Precinct_Advisory_Committee_MWC_Submissions_V5_06062019.pdf
Attachment 2:
Attachment 3:
Comments: This submission is made by Melbourne Water Corporation (MWC) in relation to the draft Yarra River – Bulleen Precinct Land Use Framework Plan (LUFP), and two associated draft Amendments to the Manningham Planning Scheme prepared in relation to the Yarra Valley Country Club (Amendment C125 or YVCC amendment) and the former Bulleen Drive-In site (Amendment C128 or BDI amendment). The submission is intended to assist the Advisory Committee in understanding MWC’s roles and responsibilities in relation to the Yarra River, and its role in the overall legislative and policy setting for the Bulleen Precinct. It also aims to ensure the LUFP and the proposed Planning Scheme amendments are consistent with the legislative and policy setting and MWC’s requirements. MWC is generally supportive of the draft LUFP but recommends some changes to align the document more fully with the aims and visions intended to be achieved for this area and in the context of the broader Yarra catchment. MWC has some concerns regarding the YVCC amendment and proposal which centre around flooding and modifying the floodplain, but also include Yarra River interface, amenity and built form issues as well as a failure to address key policy intentions for the site. MWC has concerns regarding the BDI amendment and proposal as the site presents difficulties in terms of built form, earthworks and changes to the floodplain, as well as a failure to address key policy intentions for the site. Please see attached our written submissions to the Committee and welcomes the opportunity to make oral submissions at the public hearing.
SUBMISSIONS OF MELBOURNE WATER CORPORATION

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INTRODUCTION

1. This submission is made by Melbourne Water Corporation (MWC) in relation to the draft Yarra River – Bulleen Precinct Land Use Framework Plan (LUFP), and two associated draft Amendments to the Manningham Planning Scheme prepared in relation to the Yarra Valley Country Club (Amendment C125 or YVCC amendment) and the former Bulleen Drive-In site (Amendment C128 or BDI amendment).

2. The submission is intended to assist the Advisory Committee in understanding MWC’s roles and responsibilities in relation to the Yarra River, and its role in the overall legislative and policy setting for the Bulleen Precinct. It also aims to ensure the LUFP and the proposed Planning Scheme amendments are consistent with the legislative and policy setting and MWC’s requirements.

3. MWC is generally supportive of the draft LUFP but recommends some changes to align the document more fully with the aims and visions intended to be achieved for this area and in the context of the broader Yarra catchment.

4. MWC has some concerns regarding the YVCC amendment and proposal which centre around flooding and modifying the floodplain, but also include Yarra River interface, amenity and built form issues as well as a failure to address key policy intentions for the site.

5. MWC has concerns regarding the BDI amendment and proposal as the site presents difficulties in terms of built form, earthworks and changes to the floodplain, as well as a failure to address key policy intentions for the site.

THE YARRA RIVER - BULEEN PRECINCT

6. The Yarra River is one of Victoria’s most iconic waterways and is integral to Melbourne’s identity and the liveability of the city. Consistent with the Yarra River Protection (Willip-gin Birrarung murrong) Act 2017, the Victorian Government is dedicated to protecting the health and amenity of the Yarra River and its landscapes as one living and integrated natural entity for the enjoyment of future generations. The Bulleen Precinct of the Yarra River is one part of this broader entity.

7. The Bulleen Precinct of the Yarra River holds special significance to Melburnians for its extensive parklands and distinctive natural and cultural places, including remnant networks of billabongs and riparian woodlands. It is of special importance to Traditional Owners who are helping to contribute to the future direction for the area. Other cultural
and heritage values make up the story of the area and will inform future directions as noted in the draft plan.

8. Some aspects of the proposed North East Link Project (NELP) to connect the M80 with the Eastern Freeway fall within the area covered by the LUPF. This will have an impact on the Bulleen Precinct, but the NELP also provides opportunities for the future direction of the area. An Advisory Committee process for the NELP is underway and is due to commence public hearings on 25 July 2019. MWC will be making a separate submission to the NELP Advisory Committee.

9. It is proposed that the NELP bypass the Bulleen Precinct and the Yarra River through the use of proposed tunnels. This level of investment reflects how highly this area is valued as a natural asset and represents a commitment to maintaining strong community and environmental outcomes consistent with state government objectives.

10. The area covered by the draft LUPF is the subject of transitioning land uses brought about by development, population growth and infrastructure pressures. As a planning document which recommends future land uses and connections for this part of the Yarra River, the LUPF should set a course towards stated policy objectives and achieve a holistic approach to waterway management.

MELBOURNE WATER CORPORATION

11. MWC is a statutory authority established under s 85 of the Water Act 1989 (Vic). Its role is to manage and protect Melbourne’s major water resources on behalf of the community. MWC makes a vital contribution to Melbourne by supplying high-quality drinking water, providing reliable sewerage services, integrating drainage systems, building resilience to flooding, and enhancing our waterways and land for greater community outcomes.

12. The Water Act 1989 provides the legal framework for managing Victoria’s water resources and mandates and sets down guiding principles for MWC’s powers, duties and functions, this includes outlining the functions and powers of MWC as the waterway manager for the Port Phillip and Westernport region.

13. MWC undertakes a broad range of functions as regional waterway manager, including:
   - facilitating the 2018 Healthy Waterways Strategy;
   - improving the environmental values and health of water ecosystems, including their biodiversity, ecological functions, quality of water and other uses that depend on environmental condition;
• developing and implementing schemes for the use, protection and enhancement of land and waterways.

14. Although MWC is known for its role in managing with flooding and flood impacts, its role is far broader. The Water Act 1989 and other legislative provisions provide that MWC is to consider the conservation of biological and ecological integrity, flora and fauna impacts, and the effect of development on waterways including visual amenity and the retention of spaces to provide opportunities to escape from the surrounding urban setting.¹

15. MWC is committed to ‘Enhancing Life and Liveability’ for the community of Melbourne and works toward achieving this by helping to create healthy people, healthy places and a healthy environment, now and into the future.

16. Melbourne’s waterways provide valued recreation and amenity for people and important refuges for the environment. In recognition of this important role, MWC manages the health of Melbourne’s rivers, creeks and wetlands and urban lakes across the Port Philip and Westernport regions. In terms of land use planning, MWC seeks to ensure new developments protect and enhance waterways within their environs.

17. It is from this basis that MWC provides its comments on the draft LUFP to ensure the plan responds appropriately to the legislative and policy context, and the broader physical context of the Yarra River catchment.

LEGISLATIVE AND POLICY CONTEXT

18. A range of policy documents are relevant to the Advisory Committee’s consideration of the draft LUFP, including Plan Melbourne 2017-2050, State and Local Planning Policy, the Middle Yarra Corridor Study 2016², and the Yarra Flats Park Concept Plan 2013.

19. Following the Yarra River Protection Ministerial Advisory Committee’s recommendations in 2016, the Victorian Government’s Yarra River Action Plan was released in early 2017. Later in 2017, new legislation was enacted in the form of the Yarra River Protection (Wilib-gin Birrarung murrin) Act 2017 (Yarra Protection Act). This legislation provides for the development of the Yarra Strategic Plan.

¹ See for example, Water Act 1989, s93 and s189; Flora and Fauna Guarantee Act 1988, s4(2); Statement of Obligations issued by the Minister under s4(2) of the Water Industry Act 1994, clause 1-6; 2018 Healthy Waterways Strategy.

20. Without diminishing the importance of other policy documents, the focus of this submission will be on the Yarra River Protection Policy and the associated framework created by the Yarra River Action Plan 2017 and the Yarra Protection Act.

Yarra River Action Plan

21. The Yarra River Action Plan was approved in 2017 by the Minister for Planning, the Minister for Water and the Minister for Energy, Environment and Climate Change. The action plan was the government’s response to recommendations made by the Yarra River Protection Ministerial Advisory Committee in its final report.

22. The Yarra River Action Plan details 30 actions to ensure the long-term protection of the Yarra River and its parklands. Five actions are of particular relevance to the Advisory Committee’s consideration of the draft LUFP.

23. Action 1 designates MWC as the lead agency to develop the initial Yarra Strategic Plan and coordinate its delivery. In carrying out this function, MWC is to work in partnership with Traditional Owners and public entities with delivery responsibilities along the Yarra.

24. Action 11 states that there is to be a moratorium on the reduction of Public Acquisition Overlays (PAOs) or sale of public land along the Yarra River corridor until the Yarra Strategic Plan is finalised. Public land reservations and PAOs are to be aligned with the Yarra Strategic Plan.

25. Action 14 provides for development of the Yarra Strategic Plan, an overarching river corridor strategic framework plan that gives effect to the community vision for the river and, amongst other things, provides future direction to land use and development in the Yarra corridor.

26. Action 21 provides for the development of the Cultural River Precinct Structure Plan to provide direction to the future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats. The Action Plan recognizes that this precinct has the opportunity to become an internationally-significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage. The Action Plan also notes that the precinct has a number of public acquisition overlays and land use opportunities that should be reviewed as a whole to provide certainty to land owners and developers.

27. The Cultural River Precinct Structure Plan project is now known as the Yarra River – Bulleen Precinct project and has resulted in the draft LUFP which is now before the Advisory Committee.
28. **Action 22** calls for the restoration of natural water inflow regimes and rehabilitation of the surrounding environs of the Bolin Bolin Billabong which is located adjacent to Bulleen Park. The Action Plan notes that the billabong is an important ceremonial meeting place for the Traditional Owners and neighbouring tribes, and that the billabong’s biodiversity has suffered from significant land-use changes in its catchment and marked changes to wetting and drying cycles.

**Yarra River Protection (Wilip-gin Birrarung murrun) Act 2017**

29. The Yarra Protection Act identifies the Yarra River and its corridor as ‘one living, integrated natural entity for protection and improvement’ and recognises Traditional Owners’ custodianship and intrinsic connection to the river, Birrarung.

30. The preamble to the Act states, in part:

   *The Yarra River is of great importance to Melbourne and Victoria. It is the intention of the Parliament that the Yarra River is kept alive and healthy for the benefit of future generations.*

31. Section 1 sets out the main purposes of the Act including:

   (a) to provide for the declaration of the Yarra River and certain public land in its vicinity for the purpose of protecting it as one living and integrated natural entity; and

   (b) to provide for the development and implementation of a Yarra Strategic Plan as an overarching policy and planning framework in relation to the Yarra River and certain land in its vicinity; and

   (c) to establish the Birrarung Council to provide advice to the Minister in relation to Yarra River land and other land, the use or development of which may affect Yarra River land, and other matters, and to report annually to the Minister on the implementation of a Yarra Strategic Plan by responsible public entities; and

   (d) to set out principles to which responsible public entities must have regard when performing functions or duties or exercising powers in relation to Yarra River land or other land mentioned in paragraph (c); and

   (e) to provide for the declaration of an area of land as a state significant urban natural entity to be known as the Greater Yarra Urban Parklands …

32. The objects of the Act include:

   (a) to recognize the importance of the Yarra River, and its parklands and associated public places, to the economic prosperity, vitality and liveability of Melbourne and the Yarra Valley, including –
(i) the ecological health, and the cultural, social, environmental and amenity values of the Yarra River and the landscape in which the Yarra River is situated; and

(ii) the environmental significance of the biodiversity corridor along the Yarra River ...

(c) to establish an overarching policy and planning framework to coordinate and harmonise planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity ...

33. Part 2 of the Act sets out the Yarra Protection Principles which comprise principles grouped under the headings general, environmental, social, recreational, cultural and management. The principles require an integrated approach to decision making. Selected principles are as follows:

Section 9(2) Environmental practices and procedures should ensure that biodiversity and ecological integrity is maintained or enhanced in ways that are proportionate to the significance of the environmental risks and consequences being addressed.

Section 9 (4) There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.

Section 10(1) The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.

Section 11(1) Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced through the design and management of public open space for compatible multiple uses that optimise community benefit.

Section 11(2) Public open space should be used for recreational and community purposes that are within the capacity of that space, in order to sustain natural processes and not diminish the potential of that open space to meet the long-term aspirations of the community.

Section 12(1) Aboriginal cultural values, heritage and knowledge of Yarra River land should be acknowledged, reflected, protected and promoted.

Section 12(3) The cultural diversity and heritage of post-European settlement communities should be recognised and protected as a valued contribution to the identity, amenity and use of Yarra River land.
Section 13(1) There should be coordination between all levels of government and government agencies when designing policies and programs and making decisions in relation to Yarra River land.

Section 13(2) When designing policies and programs, the best practicable measures available at the time should be used.

Section 13(3) Implementation of natural resource management should aim for continuous improvement and extend beyond compliance with relevant laws and requirements.

34. On 1 February 2018, an area of Yarra River land and Greater Yarra Urban Parklands was declared under ss 14(1) and 59(1) of the Act.³

35. Part 4 of the Act sets out the provisions relating to the development of the Yarra Strategic Plan. The purpose of the Plan is stated in s 16 as to:

(a) guide the future use and development of the Yarra Strategic Plan area and

(b) identify areas for protection within the Yarra Strategic Plan.

36. Section 20 gives some detail as to the scope of the Plan which, amongst other things, must contain:

(2)(c) performance objectives for waterway health, river parklands amenity, landscape amenity and environmental, cultural and heritage values to be achieved over a specified period.

... (2)(g) set out a decision-making framework against which individual projects and proposals may be assessed or evaluated.

37. The Yarra Strategic Plan is also referenced in the Water Act. Section 1711(1)(a) places an obligation on MWC not to “act inconsistently with any part of a Yarra Strategic Plan” that is expressed to be binding when performing a function or duty or exercising a power in relation to Yarra River land.

38. By s 1711(1)(b), MWC must have regard to the Yarra protection principles, and those parts of a Yarra Strategic Plan not expressed to be binding when performing a function or duty or exercising a power under any Act in relation to the Yarra Strategic Plan area that may affect Yarra River land.

39. The Yarra Protection Act describes the Yarra Strategic Plan as the “overarching policy and planning framework” for the Yarra River. The development of the Yarra Strategic

Plan as one of the main objectives of the Yarra Protection Act, and the obligations on public entities exercising powers in relation to Yarra River land provides a strong indication of the important position of the Yarra Strategic Plan in the overall policy context for the Yarra River.

40. Within this context, it is evident that the Yarra Strategic Plan is of particular relevance to any consideration of the draft LUFP by the Advisory Committee. In lieu of the Yarra Strategic Plan being finalised to inform the draft LUFP, the LUFP must instead be consistent with the aims and objectives of the Yarra Strategic Plan set out by the Yarra Protection Act.

41. This Advisory Committee process provides an opportunity to ensure the outcomes sought at the local level in the LUFP are aligned with the overarching vision and objectives of the Yarra Strategic Plan.

Yarra Strategic Plan

42. The Yarra Strategic Plan is a key state government initiative currently being drafted as part of the Yarra River protection program. MWC is leading the development of the Yarra Strategic Plan which will give effect to the community’s long-term vision for the Yarra and support collaborative management of the river.

43. The Yarra Strategic Plan is the first integrated corridor plan developed collaboratively by all 15 state and local government agencies involved in managing the river as well as senior representatives from the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation.

44. The Yarra Strategic Plan is a ten year overarching policy and planning framework covering the length of the Yarra River from the Upper Yarra Reservoir to inner city Melbourne. The study area for the Plan includes Yarra River land (public and State Government owned land within 500 metres of the river bank) and land of any kind that is located within one kilometer of a bank of the Yarra River.

45. The foundation of the Yarra Strategic Plan is the 50 Year Community Vision for the river, endorsed in May 2018 by the Minister for Planning, Minister for Water and the Minister for Energy, Environment and Climate Change. The 50 Year Community Vision includes an overarching vision for the whole of the river, as well as visions for each of the four river reaches designated by the Yarra Strategic Plan. The four river reaches are as follows:

- Inner City Reach – Port Phillip Bay to Dights Falls
- Suburban Reach – Dights Falls to Warrandyte
- Lower Rural Reach – Warrandyte to Healesville
- Upper Rural Reach – Healesville to Upper Yarra Dam

46. The area covered by the draft LUFP forms part of the Suburban Reach for the purposes of the Yarra Strategic Plan.

47. The overarching vision for the whole of the river is:

   Our Yarra River, Birrarung, is recognised around the world as an iconic example of a nurturing relationship between a river and its community.

   Flowing from source to sea, it is the resilient lifeblood of past, present and future generations of Victorians. It connects and enriches our flourishing city, suburbs, regions and beyond.

   Our Yarra River, Birrarung, its essential role in our lives and its rich history, are respected, understood and protected. It has cared for us for thousands of years and will for thousands to come.

   The vital and continued role of Traditional Owners as custodians of the River, and its role in their culture, is recognised and celebrated.

   Our Yarra River, Birrarung and its diverse surrounding landscapes provide a place of refuge, recreation, learning and livelihood. It brings communities together and supports sustainable local economies.

   Its clean waters and connected network of thriving green spaces nurture biodiversity, and deepen the relationship between people and nature.

   Our Yarra River, Birrarung is respected as a sacred natural living entity and everyone takes responsibility for its care. Its health and integrity are paramount and uncompromised.

   What is good for the Yarra is good for all.

48. The vision for the suburban reach is:

   Our Yarra River, Birrarung provides a continuous network of protected parklands, providing inclusive access to all.

   A covenant of custodianship is adopted by private landowners along the reach, embedding a culture of respect and responsibility for river values.

   The river corridor provides a healthy natural environment, enabling swimming, relaxation and other recreational activities. Importantly, it also supports a flourishing natural ecosystem, including networks of billabongs and wetlands, for indigenous plants and animals to thrive.

   This is a valued place of connection to Wurundjeri culture and community, with a network of hubs of learning, play and celebration. It benefits from a united and integrated approach.
to governance and land management, guided by the wisdom and practices of Traditional Owners, keeping culture not just in the past but alive into the future.

49. As a ten year strategy, the Yarra Strategic Plan sets the directions to achieve the Yarra River 50 Year Community Vision and deliver on the aspirations contained in the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation's water policy.

50. Most parcels of public land within the area covered by the draft LUFP are designated under the Act as ‘Yarra River land’.

51. Parcels of Yarra River land used for open space are further designated as being part of the ‘Greater Yarra Urban Parklands’. The declaration recognises the network of parklands along the Yarra as one of Melbourne’s greatest open space assets. The declaration ensures a continuous network of protected parklands and promotes their role as the interconnected network of parklands which provide community access to and enjoyment of the river through the metropolitan area. This profile and importance of parklands throughout the corridor is also supported by the Yarra River 50 Year Community Vision.

52. It is intended that the Yarra Strategic Plan will reference the LUFP which is to provide a deeper level of detail for this key section of the river.

Yarra Strategic Plan Map Book

53. As part of the development of the Yarra Strategic Plan, MWC has created a series of maps which encapsulate the spatial data from all 15 responsible public entities. The Map Book combines existing data in new ways to understand current land use trends and future pressures across the entire Yarra River corridor.

54. The data included in the maps covers access points, walking trails, heritage protections, environmental overlays, important views of the river, as well as priority areas for protection defined by other strategies.

55. The Map Book will inform the development of the Land Use Framework for the Yarra Strategic Plan. The Map Book can be found at imaginetheyarra.com.au.

2018 Healthy Waterways Strategy

56. The 2018 Healthy Waterways Strategy is a reference document to Victorian Planning Provisions at Clause 12.03-1S – River corridors, waterways, lakes and wetlands. The Strategy has a ‘whole of catchment’ view of waterways (including wetlands, estuaries, rivers and creeks) (rather than focusing on the Yarra River Corridor as the Yarra Strategic Plan does). Five catchments are considered in the Healthy Waterways Strategy, the Yarra Catchment being one of them. It prioritises management activities
based on catchment knowledge, experience, scientific and social research, extensive stakeholder and community consultation and expert advice.

57. The Strategy is shared across state and local governments, water corporations and the community. It provides a single framework for addressing community expectations and the obligations for waterway management set out in relevant State, national and international legislation, policy and agreements. It builds on a long-term regional vision for waterway health and provides a strategic direction towards a regional vision for the health of rivers, estuaries and wetlands in the Port Phillip and Westernport region.

58. The Strategy is founded on the collaboration between waterway managers, Traditional Owners, government agencies, scientific teams, communities and interest groups, and MWC has the lead role in facilitating co-delivery of the strategy with all partners.

59. In 2018, following a process of collaboration and co-design conducted over many months, the Strategy was updated and approved by the Minister for Water.

60. Goals for the Yarra catchment are as follows: 4

- The environmental values and significant ecological processes of all of the Yarra Catchment waterways are protected and improved.

- Riparian and instream habitats provide landscape connectivity, allowing the movement of native species and promoting resilient native flora and fauna populations.

- Cultural and heritage values are recognised, protected, maintained and enhanced.

- Communities and individuals connect with and appreciate the values of waterways. Waterway corridors are used appropriately for places of solitude, enjoyment of nature, and active and passive recreation that support mental and physical wellbeing.

- An engaged and knowledgeable community in the Yarra catchment acts to protect and promote sustained waterway values. Our waterways are a place of continuous learning.

- The waterways of the Yarra Catchment support natural system maintenance, potable and agricultural water supply, commerce and tourism in a balanced and environmentally sustainable manner.

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• The Yarra waterways are managed in a transparent and collaborative governance framework that allows for strategic, innovative and integrated ways to protect waterways across public and private land.

• The cultural, historical, amenity values and landscape settings of all modified waterways are protected and improved.

ANALYSIS OF THE BULLEEN PRECINCT LAND USE FRAMEWORK PLAN

61. Action 21 of the Yarra River Action Plan contains two key points for delivery in committing to the preparation of a LUFP for the precinct. First, it recognizes that the area has the potential “to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional owner heritage.” Secondly, it calls for a review of the public acquisition overlays and land use opportunities in the precinct. The Action Plan provides for the LUFP as the mechanism to achieve these two objectives.

62. Two key issues for assessment of the draft LUFP are:

a) Whether the LUFP is in keeping with the overarching policy framework including the broader Yarra Strategic Plan and Yarra River Action Plan; and

b) The extent to which the LUFP will set the future strategic direction for the precinct to achieve delivery of the relevant priorities for the area.

The relationship between the LUFP and the Yarra Strategic Plan

63. It is important to understand how the LUFP works with the land use plan in the Yarra Strategic Plan.

64. Both the Yarra Strategic Plan and the LUFP will be key documents for protecting the Yarra River. The Yarra Strategic Plan will provide the overarching strategy and the LUFP will provide a more detailed approach. The introduction to the LUFP should include an explanation of how these two documents work together, so that the place of the LUFP within the broader Yarra framework is apparent.

The broader physical context

65. The initial proposal was for the preparation of a Cultural River Precinct Structure Plan, which would encompass the river corridor from Lower Plenty to Kew and take in Westerfolds Park to the east. With the narrowing of scope to the Yarra River- Bulleen Precinct, the project now focuses on the Bulleen side of the river.

66. It is recommended that consideration be given to sites on the western and northern side of the river to ensure a holistic approach to planning for both sides of the river. Specifically, it is recommended that the draft LUFP include consideration of:

- Key sites on the other side of the river in Heidelberg and the relationship to the Heidelberg Activity Centre.
- Other sites of cultural significance, including billabong systems and riparian conservation zones which need to be connected.
- Other key projects planned for the precinct.
- The existing Heidelberg School Artist Trail within the surrounding parklands.

67. The cultural precinct goal set by the Action Plan should be strengthened. For example, directions on how the wide range of cultural sites could be improved or better integrated could be included in the draft LUFP. There are several important cultural sites that should be included in the plan to develop a broader strategic direction for the precinct in cultural terms.

68. Objective 1.1 to create a continuous vegetation buffer along the eastern side of the river as a “conservation area” is supported as being a strong initiative and consistent with the Yarra River 50 Year Community Vision. It would be valuable to include more information around the potential to improve existing parkland in the future, in addition to securing new parkland. This should include parkland on the northern and western side of the river.

69. More information about the depth of the conservation area on the eastern side of the river and how it could be rehabilitated as an ecological corridor would also be of assistance, or a note that further work is to be done. The ecological corridors need to have significant land areas and buffer widths set aside to ensure the maximum benefit for habitat, conservation, and ecology.

Yarra River Action Plan— an internationally significant cultural place

70. The vision for the precinct under the draft LUFP should be based on recognition in the Yarra River Action Plan that the area has the potential to be an internationally significant cultural place. A focus on this aspect of the intended outcomes for the area needs to be strengthened in the draft LUFP. This is the document tasked with delivering the vision recognized in the Yarra River Action Plan and promoted by the Yarra River Protection Ministerial Advisory Committee.
71. Opportunities for the community and for tourism in relation to the creation of a “World Class Cultural Precinct” need to be emphasized in the draft LUFP. Further, more specific detail of how the vision for how an internationally significant cultural place is to be achieved need to be incorporated into the LUFP. A “cultural gateway” and “cultural core” are referenced, as is a proposed expansion of Heide but some clear direction as to exactly what is to be achieved would be helpful. For example, what will attract international people to this area and what facilities and services will be available to accommodate these people.

72. The former Bulleen Drive-In site is in the heart of the cultural precinct and its future use must be considered in that context. Future use of the Bulleen Industrial Precinct also has a role to play. The intended change of use for the Bulleen Industrial Precinct to “employment / community” is supported as an opportunity for more appropriate land uses to be introduced to this sensitive location in close proximity to the river.

73. For both of these sites, more information should be included on the required outcomes for future land use and development in an internationally significant cultural place. The need to create a positive interface with the river and parklands, including the provision of visually sensitive interfaces that don’t hinder public access or detract from local amenity should be referenced, as should a desire for sustainable outcomes, such as integrated water management and creative urban design and architecture.

**Land for recreation**

74. Land for sports recreation in the precinct is an important aspect of the use of the floodplain but there is a tension between the need for sporting facilities and the strong community views and values around the ecological improvement of the Yarra River and preservation of the “natural feel” of the area.

75. MWC has a particular concern that the right balance must be struck between these goals. Whilst sporting fields are considered a complementary use and provide some buffering between urban settings and natural settings, they can also detract from the aesthetics and environmental ambiance of a natural place. This is because organized sports will invariably be accompanied by hard surfaces, large areas without tree cover, pipe and irrigation works, significant light spill, formal and informal car parking, sewers, toilets and other assets associated with built facilities used to service participants and spectators at sporting events.

76. The potential threat of development associated with recreational use is recognised in the Middle Yarra River Corridor Study in relation to River Interface Character Type 5 -
Parklands and Recreation and River Interface Character Type 6 – Yarra River Conservation.⁶

77. MWC recommends the draft LUFP provides greater areas set aside purely for future conservation, ecological and passive recreation use. Active open space and sports recreation opportunities in the precinct are important and can be accommodated in some areas. But it is important to strike the right balance in the extent and location of these sites. In particular, the location of sporting facilities in central areas of the proposed internationally significant cultural hub is of concern. This is not adequately addressed in the draft LUFP. It is recommended that active open space and sports recreation may be best placed to the eastern end of the precinct along Templestowe Road.

78. Further, consideration needs to be given to the extent of flooding and associated flood risks within the precinct. Map 5A shows some active recreation areas within the floodplain. These areas are unsuitable for development associated with most active recreation uses (for example, buildings and other facilities – change rooms, club rooms, car parking etc). Sporting ovals will also be unsuitable in some locations due to the depth of flooding and associated risk.

Yarra River Action Plan – Public Acquisition Overlays

79. Action 11 of the Yarra Action Plan refers to an intention to align public land reservations and PAOs with the Yarra Strategic Plan. Action 21, which requires the development of the LUFP, also refers to the need to review PAOs.

80. Various PAOs cover parts of the draft LUFP area and have existed since around 1975. The LUFP represents a once in a generation opportunity to secure a consolidated river corridor by acquiring those parcels of land for their original intended use – public parkland.

81. It is acknowledged that the NELP will require, and is likely to acquire, several PAO locations for the duration of that project. The question of how to best return the land back to parkland once the NELP is complete needs to be addressed. Mechanisms to achieve an ultimate vision for these parcels needs to be considered in the LUFP and the NELP process.

⁶ Middle Yarra River Corridor Study Recommendation Report, October 2016, pages 38 to 39.
Access

82. Improvements to connections and bridge crossings are supported and these are consistent with overall goals for the precinct.

83. It is suggested that the location and design of new accesses is established with Traditional Owner input to ensure a culturally sensitive response. It would also be useful to see on the maps how river crossings and pathways connect to the local access network.

84. Flood considerations should also be taken into account when designing proposed paths and bridge crossings.

85. These considerations should be taken into account in the preparation of Map 5B, or at the very least noted on the map or elsewhere in the draft LUFP in relation to the suggested new routes.

86. Of particular concern is the new path proposed along the Yarra River at the Heide site, Yarra Valley Country Club and Bulleen Golf Driving Range. An alternative or additional route located on higher ground needs to be considered as an option to mitigate risks associated with flooding.

Other recommendations

87. Annulus Billabong and Banksia Street Billabong in the Yarra Flats Parklands should be marked on all of the LUFP maps. These billabongs are currently not marked at all yet they form an important part of the billabong and waterway network for the precinct.

88. The Greenery Nursery site is identified in the LUFP as an area for expansion of parklands and conservation. This is supported. However, the site is not identified in the Framework Plan Table on page 53 as a key site and therefore does not clearly propose any future use.

89. Stormwater is highlighted as the most significant threat to the Yarra River but the LUFP does not identify any objectives or land areas to build constructed wetlands or stormwater treatment. Main drains and other drainage lines need to be looked at to determine stormwater treatment options, including areas for constructed wetlands.

90. Map 5A should include the 1 in 100 year flood extent and should identify potential future regional wetlands. For example, at Banksia Street in Yarra Flats Park, at the former Bulleen Drive-In site, at the Yarra Valley Country Club site and potentially at 165 Templestowe Road.

91. The Bulleen Precinct Plan Stormwater Report prepared by Inctus provides an overview that “the existing reports have not adequately discussed the existing flood modelling
and depths, and the implications of these on the Precinct Plan. This report highlights the limitations on the precinct due to existing planning provisions and flooding and that these limitations need to be considered as well as the potential impacts on the precinct likely to occur due to climate change.

92. The additional context provided for by Planning Scheme overlays should be included in the draft LUFP. Reference to the Land Subject to Inundation Overlay, Significant Landscape Overlay, Environmental Significance Overlay and the Design and Development Overlays should be provided for on page 18. These overlays provide specific direction for the protection and improvement of the Yarra River and the floodplain.

93. Minimum setbacks should be referenced in the mapping or the body of the report. This is an important consideration for open space and the ecological connectivity of the parklands. For example, on page 35, the existing DDO2 mandatory setbacks should be noted as appropriate and to be maintained as a future planning control in their current form.

94. Other projects such as the Banyule Flats Conservation Project, Yarra Flats Restoration project and the Cultural Values Mapping project should be referenced on page 20 to provide context for the LUFP.

95. The Land and Water section on page 39 should identify MWC as the relevant Floodplain Management Authority for the Yarra River floodplain and refer to the need for MWC to assess and approve appropriate land uses within the floodplain.

96. Car parking presents a challenge for the area and a threat to the future aesthetics and ambience of the Yarra River corridor. The need to control car parking “sprawl” should be referenced in the LUFP.

PROPOSED PLANNING SCHEME AMENDMENTS

97. As a general proposition, MWC is concerned at the departure of both the YCVV and BDI proposed planning scheme amendments from the community vision which underpins the Yarra Strategic Plan and the Yarra River Action Plan.

98. Changes to the interim DDOs and SLOs that were introduced through Amendment GC48 in February 2017 on a site by site basis are not supported prior to a proposed review of interim controls by DELWP.

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7 2019 Incitus, Bulleen Precinct Plan Stormwater Report, page 5
ANALYSIS OF THE YVCC AMENDMENT

99. MWC’s concerns regarding the YVCC proposal centre on flooding and cutting and filling of the floodplain, but also include river interface, amenity and built form issues.

100. The proposed changes to the Design and Development Overlay, Schedule 2 are also problematic. Although the amendment does not seek to change the minimum setback line of 18m AHD, there is a proposal to place a significant amount of fill within the floodplain to achieve a larger development footprint at 18m AHD. This does not meet the design objectives of the overlay, nor the outcomes sought for the floodplain. It is not supported. Further, the proposed changes to height requirements are not supported, including the change to measurement of height from natural surface level to “finished surface level” is not supported.

101. The development will not comply with the intention of the Significant Landscape Overlay – Schedule 2 which sets objectives for protection of landscape, environmental and cultural values and does not demonstrate appropriate siting and design of built form for the Yarra River corridor. The proposal is not accompanied by information on the design or siting of the proposed development.

102. The development will not comply with the intention of the Yarra Strategic Plan, or the recommendations of the Middle Yarra River Corridor Study, as the basis for DDO2, for the following reasons:

   a) Proposed changes to local policy to identify the site as a residential consolidation opportunity precedes the completion of Plan Melbourne and Yarra Strategic Plan land use framework plans, both of which include a comprehensive strategic assessment of the site within its regional context.

   b) Extensive earthworks proposing to elevate the southern portion of the site, coupled with the creation of a wetland on the northern portion of the site will dramatically alter the geomorphology and topography of the site.

   c) The proposed building heights of up to 4-5 storeys (16.5m, 17.5m sloping land), set upon elevated ground, will present an unacceptable visual intrusion into the landscape setting of the river corridor. It will exceed the mandatory maximum height of DDO2 of 8m, 9m sloping land.

   d) The planning report, at page 44, refers to the proposal creating ‘an expectation that increased development and built form within the Yarra River environs is an acceptable outcome’. This does not accord with the intention of DDO2 which seeks to reasonably limit the visual, environmental and social impact of built form within this part of the river corridor which enjoys a largely undeveloped
nature. Nor does it respond to the extensive policy work and community consultation on expectations for the Yarra Corridor that has been completed in recent years. The desire among the community to retain this character of the suburban reach is clearly stated in the suburban reach vision.

103. To accommodate development, the YVCC amendment proposes a number of changes throughout the existing Manningham Planning Scheme (for example, Clause 21.13 and Clause 22.02). These changes are not supported.

104. The introduction of a new Schedule to the Development Plan Overlay for the Yarra Valley Country Club Redevelopment Site does not discuss the importance of the Yarra River corridor and its protection. There should be provision for the need to create a positive interface with the river and parklands, including the provision of visually sensitive interfaces that don’t hinder public access or detract from local amenity. This should be referenced. Along with more detail around sustainable outcomes, such as integrated water management and creative urban design and sensitive architecture.

**ANALYSIS OF THE BDI AMENDMENT**

105. The proposed amendment C128 for the former Bulleen Drive-In site presents difficulties in terms of built form, earthworks and changes to the floodplain, and a failure to address policy intentions for the site.

106. The urban design report does not include any rationale on the design approach and how it has responded to the site and river context. This needs to be considered at an early stage.

107. The development will not comply with the intention of the Yarra Strategic Plan, or the recommendations of the Middle Yarra River Corridor Study, as the basis for DDO2:

   a) Extensive earthworks proposing to elevate the eastern portion of the site, coupled with the creation of a wetland on the western portion of the site will dramatically alter the geomorphology and topography of the site.

   b) The proposed four storey building height, set upon elevated ground, will present an unacceptable visual intrusion into the landscape setting of the river corridor. It will exceed the mandatory maximum height of DDO2 of 8m.

   c) The proposed design does not present an appropriate interface with the river and parklands in terms of detailed design, colour and bulk.
d) The landscaping response as can be determined from the plans proposes an inappropriate interface to the parklands, comprising of a bitumen carpark edge to the site.

e) No allowance seems to have been made for pedestrian links through the site to the river.

f) No consideration appears to have been given to linking to adjoining open spaces, or improving the interface with these spaces.

108. The site is listed as a key site in the draft LUDP with a future proposed use of “open space/recreation/conservation”. This intention is not achieved by this proposal.

109. The site is currently zoned Urban Floodway Zone. The zoning should not change until the land goes into public ownership because of the flood risks that are present on the site.

110. There are sensitivities around any proposal for earth works on the site due to the cultural and spiritual significance of the site and broader area. These need to be borne in mind for any development on the site.

CONCLUSION

111. Melbourne Water will continue to work collaboratively with the Yarra River – Bulleen Precinct Advisory Committee to ensure positive outcomes for the community and environment.

112. Melbourne Water commends these submissions to the Committee and welcomes the opportunity to make oral submissions at the public hearing.