

0.0 Planning Application PL17/027226 at Intersection of Kangaroo Ground-Warrandyte Road and Yarra Street Warrandyte for vegetation removal (5 trees) and roadworks associated with the construction of new left turn lane and shared footpath on the bridge.

File Number:	IN17/436
Responsible Director:	Co-ordinator Statutory Planning
Applicant:	Abzeco Pty Ltd on behalf of VicRoads
Planning Controls:	Public Conservation and Resource Zone, Road Zone Category 1, Environmental Significance Overlay Schedules 2 and 3, Significant Landscape Overlay Schedule 2, Heritage Overlay Schedule 191, Land Subject to Inundation Overlay
Ward:	Mullum Mullum
Attachments:	1 Location Map & Plan

EXECUTIVE SUMMARY

Purpose

This report provides Council with an assessment of the planning permit application submitted for the upgrade of the Warrandyte Bridge which includes widening of the Kangaroo Ground – Warrandyte Road and the upgrade of the roundabout intersection with Yarra Street in Warrandyte. The application is being reported to Council due to the sensitive matter.

Proposal

1. The bridge upgrade consists of adding extra road space and pedestrian space by cantilevering bridge decking over the current bridge structure.

The additional road space is required to cater for an additional south-bound traffic lane. The additional pedestrian space will be predominately on the western side of the bridge and will cater for a new 3.0m wide shared path (for pedestrians and bicycles). There is also an upgrade to the footpath on the upstream side of the bridge which will see it widened slightly and maintain a 1.8m width.

The additional southbound traffic lane will require an upgrade at the roundabout in Yarra Street. A new dedicated left turn lane onto the bridge is proposed through the roundabout (for northbound traffic over the bridge).

New guard rails for traffic and pedestrians are proposed as part of the upgrade. Earthworks and new fill, will be controlled through retaining walls.

To facilitate the upgrade works a total of five native trees/shrubs will need to be removed.

Key Issues

2. The environmental and landscape values, associated with the removal of vegetation and earthworks.

Heritage considerations (the site is located in the Warrandyte Township Heritage Precinct).

Objections/submissions

3. There have been 10 objections received.
The issues of concern relate to vegetation removal, the impact of works on the heritage values of Warrandyte township and traffic impacts.

Assessment

4. There are two aspects of the proposal that requires planning permission; the roadworks themselves including the upgrades to the bridge, roundabout and new turn lane, and the associated vegetation removal and earthworks.

The assessment criteria used to assess whether the proposal is appropriate include heritage, environmental and landscape policy in the Manningham Planning Scheme.

Conclusion

5. This report concludes that the proposed development should be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. **Issue a Notice of Decision to Grant a Permit for roadworks and vegetation removal associated with the upgrade of Warrandyte Bridge, including new shared footpaths, an additional lane on Kangaroo Ground-Warrandyte and the upgrade of the roundabout at Yarra Street subject to the following conditions:**

Amended Plan

1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (VicRoads Alignment Plan Sheet 2 Issue B), but modified to show the following:
 - 1.1 The location of bus stops and infrastructure in Yarra Street with minimal change (if any) to the existing bus stops in the vicinity of the roundabout.
 - 1.2 Provision of a semi-mountable kerb outstand on the northern side of Yarra Street just west of the roundabout to manage bus access and egress to a bus parking area.
 - 1.3 A plan notation confirming details for retaining walls including the use of stone which is consistent with the materials used in recently constructed retaining walls located at the western end of the works area in accordance with the *Warrandyte Township Heritage Guidelines*.

- 1.4 A plan notation confirming details of new road kerbs and island pavement to match the stone detail of recent Council streetscape works along Yarra Street and in accordance with the *Warrandyte Township Heritage Guidelines*.
- 1.5 Details and location of a pedestrian connection (potentially steps) providing access from the footpath in the north-west segment of Yarra Street intersection into the Council managed open space, providing a pedestrian connection and an opportunity for pedestrians to continue walking on the northern side of Yarra Street under the bridge.
- 1.6 A plan notation to show that appropriate road signage will be provided to identify the bus parking/layover area.
- 1.7 A plan notation to show that pedestrian signage will be provided to inform pedestrians of the options to cross at Yarra Street and/or use the path under the bridge.

Endorsed Plan

2. All works and vegetation removal as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.

Offsets for Vegetation removal under the ESO2 and ESO3

3. Prior to the removal of any vegetation, an Offset Landscape Plan must be submitted to the satisfaction of the Responsible Authority and must include details of the following:
 - 3.1 Replacement planting consistent with the requirements of the ESO2 and ESO3 to offset the permitted loss of Victorian native vegetation. This must include the number of trees, shrubs and other plants, species mix, and density included in a Schedule of Works.
 - 3.2 The Plan must show a minimum of fourteen (14) replacement indigenous canopy trees (i.e. Eucalypts). The balance (seventy-eight (78) plants) must be indigenous species but can comprise trees, shrubs, grasses, climbers and ground covers. If planting of all elements of this offset are not possible adjacent to the project area, arrangements with Manningham City Council may be made to fund that part of the planting at another secure Council-managed site.
 - 3.3 Methods of interim protection for newly established vegetation.
 - 3.4 Persons responsible for implementing and monitoring the landscape plan.
 - 3.5 Timeframe for implementing the landscape plan.

Offsets for Native Vegetation removal under Clause 52.17 of the Manningham Planning Scheme

4. To offset the removal of 2 scattered native trees the permit holder must prior to removing the trees, secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013)* and *Native vegetation gain scoring manual (DEPI 2013)* as specified below:

A general offset of 0.042 General Biodiversity Equivalence Units with the following attributes:

- 4.1 be located within the Port Phillip and Westernport Catchment Management Authority boundary or Manningham City Council municipal district.

4.2 have a strategic biodiversity score of at least 0.796.

5. Before any native vegetation is removed evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:
 - 5.1 a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
 - 5.2 an allocated credit extract from the Native Vegetation Credit Register.
6. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
7. If a suitable offset site for first-party offsets is not available, the applicant must provide to the Responsible Authority, an Allocated Credit Extract issued by the Department of Sustainability and Environment (DSE) Native Vegetation Credit Register which satisfies the required offset. Annual monitoring and reporting is required for offsets not secured on the Native Vegetation Credit Register.
8. In the event that a security agreement is entered into as per Condition 5 the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Site Management

9. Prior to commencement of works, the works zone must be enclosed by secure and obvious temporary fencing in accordance with the approved Construction and Environmental Management Plan required by Condition 13 of this permit. Fencing must be signposted as 'vegetation protection zone no work permitted'. The work zone fence must remain in place until works are completed. Fill, machinery and building materials must not be placed outside of the works zone
10. All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control (EPA 1991) or updated version.
11. Any construction stockpiles, fill and machinery must be placed away from areas supporting native vegetation and isolated from drainage lines to the satisfaction of the Responsible Authority.
12. Noxious weeds must be controlled. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material used in the construction process must be controlled.

Construction and Environmental Management Plan

13. Before any construction occurs, including permitted clearing of native vegetation starts, two copies of a Construction and Environmental

Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include details of:

- 13.1 Construction activity, including hours, delivery and unloading points, parking for construction workers etc
- 13.2 Methods to contain dust, dirt and mud from the construction activities, and the method and frequency of clean up procedures;
- 13.3 The protection measures such as fencing details for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways);
- 13.4 The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
- 13.5 Environmental protection, including measures to protect native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance.

Aerial Wildlife Movement Pathway

14. Prior to the removal of native vegetation, a detailed design and implementation plan to the satisfaction of the Responsible Authority must be submitted and form part of the endorsed plans for the project. This Plan must include a statement of the species of local wildlife it is designed to assist, a clear justification for elements of the design such as height, materials and placement with respect to retained habitat, as well as a monitoring, adaptive management and reporting procedure for the pathway over 2 years from the implementation of the pathway. A predator management strategy should be considered as part of the Plan.

Signage

15. Clear signage for pedestrians (east-west pedestrian movement on the north side of Yarra Street) must be provided to the satisfaction of the Responsible Authority at the two Yarra Street crossing points, to indicate the options of either crossing Yarra Street either side of the roundabout, or walking along the Yarra River under the road bridge.

Melbourne Water

16. Proposed works must comply with Melbourne Water's design conditions noted in the submitted Hydraulic Assessment Report (Dated: February 2017).
17. Any part of the bank impacted by tree removal must be reinstated in a manner that is aesthetically acceptable and resistant to any flood or flow impacts.
18. A separate application shall be made directly to Melbourne Water's Asset Services Team for approval of any new or modified waterway crossing. Detailed terms and conditions shall be provided upon receipt of a formal application for the crossing of the waterway for construction purposes. Please note fees and bonds will be applicable.

Expiry of Permit

19. This permit will expire if one of the following circumstances applies:
- 19.1 The development and vegetation removal is not started within two (2) years of the date of this permit; and
 - 19.2 The development and vegetation removal is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

Note: Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- Before it expires; or
- Within 6 months of the expiry if the permit has not been acted on; or
- Within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

Note: VicRoads is to liaise with Council and Public Transport Victoria to determine the location and extent of a dedicated bus zone along the north side of Yarra Street outside of 217 Yarra Street (Warrandyte River Reserve).

2. BACKGROUND

Application

- 2.1 The application was received with a comprehensive package of material on 28 March 2017. It proceeded to advertising for 3 weeks in April 2017. Ten letters of objection have been received.
- 2.2 VicRoads met with interested objectors on 23 May 2017 to discuss their concerns. VicRoads have committed to continue this dialog with the community through a design review committee. This continued dialog though does not prevent the consideration of the application and the current set of plans (particularly as Council is outside the statutory timeframe). The approval can always be modified should an alternate design be agreed.
- 2.3 The statutory timeframe for considering a planning application is 60 days, which lapsed on 1 July 2017.

Project

- 2.4 The application was lodged following an announcement by the State Government in March 2016 that \$5.1 million funding had been allocated to the upgrade of the Warrandyte Bridge. The VicRoads media statements indicated:

“The upgrade will allow the bridge to carry more traffic, particularly during an emergency event like a bushfire, over the Yarra River between Warrandyte and North Warrandyte.

During an emergency evacuation in the town of Warrandyte, approximately 2500 vehicles per hour would attempt to cross the bridge southbound from North Warrandyte compared to the 1100 vehicles per hour during a typical morning peak.

The Warrandyte Bridge upgrade will reduce evacuation times for people travelling across the bridge during emergencies, particularly from the North Warrandyte area, by up to 90 minutes; while also providing significant improvements to relieve daily congestion issues.”

- 2.5 Prior to lodging the permit application VicRoads had consulted extensively with the local Councils (Manningham and Nillumbik), the CFA and local residents, including through community information sessions, surveys and an on line consultation forum.

3. THE SITE AND SURROUNDS

- 3.1 The land includes the eastern and western sides of the Warrandyte Bridge, at the intersection of Kangaroo Ground-Warrandyte Road and Yarra Street, Warrandyte. The Warrandyte Bridge operates as two lane, two way road with a shared footpath on either side (approximately 1.8m wide). The southern half of the bridge is over land within Manningham.
- 3.2 On the Manningham side of the bridge, the Kangaroo Ground- Warrandyte Road meets Yarra Street at a roundabout. Yarra Street is also a two lane, two way road with some on street parking and a footpath on both sides. Council is currently improving the footpath on the south side of Yarra Street east of the bridge. The footpath ends on the north side of Yarra Street east of the bridge where a bus stop, car park and public convenience is located.
- 3.3 The area beneath the bridge includes a pedestrian path along the Yarra River. Adjacent to the bridge the land rises steeply to Yarra Street and contains what appears to be scrappy vegetation in various conditions.
- 3.4 Land on the southern side of Yarra Street, opposite the roundabout is developed with the Roundabout café, a dwelling and the Warrandyte RSL.

4. THE PROPOSAL

- 4.1 The proposal includes an upgrade to the Kangaroo Ground- Warrandyte Road over the Warrandyte Bridge. It includes roadworks on the Yarra Street side of the bridge within Manningham (at the roundabout), as well as roadworks on the northern side of the bridge in the Shire of Nillumbik, where traffic signals are being introduced to the intersection of the Kangaroo Ground- Warrandyte Road and Research-Warrandyte Road. Only approximately half of the bridge is within Manningham, the other half is in Nillumbik. A separate town planning application has been made by the applicant to Nillumbik.
- 4.2 The upgrade to the bridge consists of adding extra road space and pedestrian space by cantilevering bridge decking on the current structure.
- 4.3 The additional road space is to cater for an additional south-bound traffic lane. The additional pedestrian space will be predominately on the western side of the bridge and cater for a new 3.0m wide shared path (for pedestrians and bicycles).

There is also an upgrade to the footpath on the eastern side of the bridge which will see it widened slightly and maintain a 1.8m width.

- 4.4 The additional southbound traffic lane will require a new dedicated left turn lane on the bridge and a new left turn lane at the roundabout for northbound traffic over the bridge.
- 4.5 New guard rails for traffic and pedestrians are proposed as part of the upgrade. Earthworks, and new fill, will be control through retaining walls.
- 4.6 To facilitate the upgrade works a total of five native trees/shrubs are to be removed, two from the north western side of the roundabout and three on the north eastern side of the roundabout. The trees are identified as: Trees 102 (Red Box), Tree 103 (Sweet Bursaria) and Tree 104 (Long-leaf Box), Tree 115 (Southern Mahogany) and an unnumbered Tree within Group 4 (identified as a Silver Wattle).
- 4.7 The following reports were submitted in support of the application:
 - Planning Assessment Report by Edge Planning Studio dated March 2017.
 - Development Plans prepared by VicRoads.
 - Arboricultural Assessment and Report by Reynolds Tree Care dated June 2016.
 - Biodiversity Assessment report by Abzeco dated March 2017.
 - Warrandyte Bridge Upgrade Wildlife Connectivity Report by Australian Research Centre for Urban Ecology November 2016.
 - Warrandyte Crossing Works Hydraulic Assessment report by GHD dated February 2017.
 - A Cultural Heritage Management Plan

5. LEGISLATIVE REQUIREMENTS

- 5.1 The area surrounding the bridge is covered by a number of different planning controls, which provide a range of permit trigger for the proposed works.
- 5.2 A planning permit is required for the removal of native vegetation, and roadworks associated with the widening of the Warrandyte Bridge and upgrade of the roundabout. This includes the structural elements (cantilevered section of the bridge, new railing etc.), pavement works to create the additional lane on the bridge and those earthworks associated with the construction of the retaining walls to accommodate the left turn lanes on the land adjacent to the bridge along Yarra Street.
- 5.3 A following table identifies the permit triggers:

Planning Control	Comments	Permit required for roadworks	Permit required for removal of vegetation
Clause 36.03 - Public Conservation and Resource Zone	This zone covers the bridge and the proposed bridge works. No permit is required as	No	No

	the works are being undertaken by an applicable land manager (i.e. VicRoads)		
Clause 36.04 - Road Zone	This zone covers Yarra Street, inclusive of the roundabout and the proposed new left turn lane. No permit is required for a road in a Road Zone	No	No
Clause 42.01 - Environmental Significance Overlay Schedule 2	This overlay applies to land east of the bridge, but not over the bridge itself.	No	Yes
Clause 42.01 - Environmental Significance Overlay Schedule 3	This overlay extends across the bridge to boundary of the municipality (middle of Yarra River) and west of the bridge.	Yes	Yes
Clause 42.03 - Significant Landscape Overlay Schedule 2	This overlay extends across bridge to boundary of municipality (middle of River), and east and west of bridge.	No	Yes
Clause 43.01 - Heritage Overlay Schedule 191	This overlay extends from the top of Yarra River bank and across Yarra Street.	Yes	No
Clause 44.04 - Land Subject to Inundation Overlay	This overlay excludes the bridge alignment and roundabout, but covers land nearby below the 36.5m AHD contour level.	Yes	No
Clause 44.06 - Bushfire Management Overlay	This overlay covers the bridge and the surrounding area.	No	No
Clause 52.17 - Native vegetation	The vegetation is considered under the 'Low Risk Assessment	No	Yes

	Pathway' under the Biodiversity Assessment Guidelines.		
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5.4 A range of planning policies apply to the assessment of the application, although few make specific reference to roadworks or bridge construction. It is rare for roadworks to require planning permission. It is only the Heritage Overlay, Land Subject to Inundation Overlay and the Environmental Significance Overlay - Schedule 3 which trigger the need for a permit for roadworks.

5.5 State planning policies relevant to the application includes:

- Clause 12.01 - Protection of Biodiversity
- Clause 12.04 - Significant environments and landscapes
- Clause 12.05.02 - Yarra River Environs
- Clause 15 - Built Environment and Heritage.

5.6 Local planning policies relevant to the application include:

- Clause 21.07-4 Built form and landscape character (in the Green Wedge)

Objectives include *to encourage building form that responds appropriately to the landscape; to encourage retention of native vegetation; to minimise the extent of earthworks; to encourage the planting of indigenous vegetation; and, to protect and enhance landscape quality, view lines and vistas.*

- Clause 21.07-5 Environmental issues (in the Green Wedge)

Objectives include *to conserve and enhance the significant environmental qualities of the green wedge and Yarra River corridor.*

- Clause 21.12-3 – Roads

Objectives include *to ensure that road construction standards and new vehicle crossings achieve a balance between the role of providing safe and efficient passage of vehicles, bicycles and pedestrians while taking into account the natural and cultural heritage values of roadsides and the area's character.*

- Clause 22.02 - Council's Native Vegetation Policy

The objective of this policy includes *to protect, conserve and enhance habitat corridors.*

It is policy that *the removal or destruction of native vegetation will only be permitted ... where it is unavoidable, is the minimum amount required for the proposed land use, and can be adequately offset by the protection and/or recruitment of indigenous vegetation.*

- Clause 22.03 - Council's Cultural Heritage Policy

To objective of this policy is *to ensure that the significance of cultural heritage places involving the aesthetic, historic, scientific, architectural or social value of a heritage asset to past, present and future generations, is assessed and used to guide planning decisions.*

It is policy that *development adjacent to heritage places and precincts responds positively to the heritage place in terms of its bulk, setbacks, materials, colour scheme and form.*

- Clause 22.08 - Safety Through Urban Design Policy

The objectives of this policy include *to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham; to improve accessibility by creating attractive, vibrant, walkable environments; and, to discourage graffiti and vandalism.*

- Clause 22.09 - Access for Disabled Policy

The objectives of this policy include *to facilitate the integration of people with a disability into the community; and, to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.*

6. REFERRALS

External

6.1 The application was referred to the following authorities pursuant to Clause 66 of the Manningham Planning Scheme:

<p>Melbourne Water pursuant to the Land Subject to Inundation Overlay</p>	<p>Offered no objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. <i>Proposed works must comply with Melbourne Water's design conditions noted in the submitted Hydraulic Assessment Report (Dated: February 2017).</i> 2. <i>Any part of the bank impacted by tree removal must be reinstated in a manner that is aesthetically acceptable and resistant to any flood or flow impacts.</i> 3. <i>A separate application shall be made directly to Melbourne Water's Asset Services Team for approval of any new or modified waterway crossing. Detailed terms and conditions shall be provided upon receipt of a formal application for the crossing of the waterway for construction purposes. Please note fees and bonds will be applicable.</i>
<p>Department of Environment, Land, Water and Planning</p>	<p>Offered no objection and recommended that Council apply the offset requirements in accord with the permitted clearing of native vegetation. Biodiversity Assessment Guidelines pursuant at Clause 52.17 of the Manningham Planning Scheme. This is reflected in permit conditions.</p>

Internal

6.2 The application was referred to a number of Service Units within Council. The following table summarises the responses:

<p>Engineering and Technical Services</p>	<p>Offered no objection subject to conditions that address the following:</p> <ol style="list-style-type: none"> 1. The submission of a Construction and Environmental Management Plan. 2. No change to the existing bus stops in the vicinity of the roundabout. 3. A provision made for a semi mountable kerb outstand on the northern side of Yarra Street just west of the roundabout to manage bus access and egress to a bus parking area. 4. The installation of signage in the bus parking/layover area to prevent general vehicular traffic using this space for potentially illegal manoeuvres. 5. VicRoads to liaise with Council and PTV to determine the location and extent of a dedicated bus zone along the north side of Yarra Street (preferably outside of 217 Yarra Street, Warrandyte River Reserve).
<p>City Strategy (Environment)</p>	<p>Indicated that the Arboricultural, Biodiversity and Wildlife Movement Reports are comprehensive and demonstrate considerable effort has been made in avoiding and minimising impacts on native vegetation, fauna habitat and other environmental aspects of the area that is potentially affected by the project.</p> <p>In relation to the removal of two scattered native trees triggered under Clause 52.17, a general offset condition was recommended that included a general offset of 0.042 General Biodiversity Equivalence Units with the following attributes:</p> <ul style="list-style-type: none"> • Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Manningham City Council municipal district • Have a strategic biodiversity score of at least 0.796. <p>In relation to the removal of five Victorian native trees/shrubs under the ESO 2 and ESO 3, a general offset condition was recommended that requires planting of 92 plants, of which 15% must be indigenous canopy trees (i.e. 14 trees), and the remainder (78 plants) may be indigenous trees, shrubs, climbers, grasses or understorey herbs and ground covers indigenous to Manningham.</p> <p>In relation to construction activities, given the significance of the Yarra River for biodiversity and recreation, conditions were recommended to monitoring water conditions above and below the works site throughout the project, and to adhere to a detailed Construction and Environmental Management Plan.</p> <p>A requirement for an aerial wildlife movement pathway was also</p>

	recommended as a condition of approval.
<p>City Strategy (Heritage)</p>	<p>Council’s heritage advisor provided the following comments:</p> <p><i>“Of particular relevance to this application is the assessment of the aesthetic qualities of the precinct area which recognises that built form is secondary to landscape elements, and that mature vegetation contributes to a distinctive cultural landscape character.</i></p> <p><i>The proposal seeks permission to remove some mature trees and make alterations to built elements including the bridge and areas of the roadside, curbs and footpaths footpath at this location within the precinct.</i></p> <p><i>It is acknowledged that the site is covered by SLO2 and other environmental overlays. It is assumed that protection of significant species and individual trees will be covered under these controls.</i></p> <p><i>In relation to the heritage values associated the area, the removal of some trees has the potential to impact negatively on the appreciation of the distinctive landscape character of this location within the precinct. It is necessary however, to assess the impact of the proposed works on the precinct as a whole. Removal of five trees is not likely to impact significantly on landscape character of the whole of the precinct.</i></p> <p><i>The proposal includes work to areas of the roadside, curbs and footpaths, and a cantilevered addition to either side of the bridge. While there will be some widening of the road surface on the north-western corner of the intersection, it is anticipated the impact of will not impact significantly on the heritage values associated with the site.</i></p> <p><u>Conclusions</u></p> <p><i>This application has been assessed in relation to the impact of the proposed development on the precinct as a whole. Given the extensive nature of the precinct and the amount of mature vegetation that exists within it, it is not anticipated that the proposed works will impact on the distinctive landscape character of the precinct.</i></p> <p><i>It is also noted that there is potential for the proposed works to contribute to the appreciation of heritage values associated with the area by reducing traffic congestion at this key intersection, and by increasing potential for use and enjoyment of the area by pedestrians and cyclists”.</i></p>
<p>City Strategy (Open Space)</p>	<p>Council manages and maintains the land (reserve) underneath and around the bridge.</p> <p>Preliminary agreements are in place with VicRoads in relation to access and a site compound on the land.</p>

	<p>The road widening on the north side of Yarra Street both east and west of the bridge will impact on existing Council infrastructure and broader landscaping of these areas. The submitted plans should address :</p> <ul style="list-style-type: none"> • Location and finish of new retaining walls on north side of footpath and how these walls match into the Council constructed retaining wall at the western end of the works area. • New road kerbs and island pavement to match the stone detail of recent Council streetscape works along Yarra Street and be otherwise generally consistent with the Warrandyte Township Heritage Guidelines - Public Domain Streetscape Infrastructure Guidelines. • A pedestrian connection, potentially steps, to be provided from the footpath in the north-west segment of Yarra Street intersection to provide access into the Council managed open space. This pedestrian connection will also help to provide an opportunity to continue walking of the north side of Yarra Street under the road bridge. • Landscape plans to be prepared and implemented to Council's satisfaction for the roadside/open space immediately north of the works area and any other park areas impacted by construction access. • For ease of east-west pedestrian movement on the north side of Yarra Street provide clear pedestrian signage at the two Yarra Street crossing points to indicate the options of either crossing Yarra Street either side of the roundabout or walking along the Yarra River under the road bridge.
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7. CONSULTATION / NOTIFICATION

7.1 Notification of the application was given for a three week period which concluded on 24 April 2017 by sending letters to adjoining and nearby properties and displaying a large sign on the north-east corner of the land.

7.2 Council has received 10 objections from the following organisations / residents:

- Warrandyte Community Association
- Warrandyte Historical Society
- 252 Research Warrandyte Road Warrandyte North 3113
- 83 Research Road Warrandyte North 3113
- PO Box 449 Warrandyte (resident of Albert Rd North Warrandyte) 3113
- PO Box 449 Warrandyte (resident of Albert Rd North Warrandyte) 3113
- 22-24 Banning Road Warrandyte North 3113
- 366 Ringwood-Warrandyte Road Warrandyte 3113
- 127 Kangaroo Ground Rd Warrandyte 3113
- 99 Research-Warrandyte Rd Warrandyte North 3113

7.3 The following is a summary of the grounds of objection:

7.3.1 Removal of Vegetation

- The removal of vegetation and impact on the streetscape / landscape character of Warrandyte Township.
- A redesign of the cantilevered shared pathway and retaining walls could retain move vegetation (specifically Tree 115 and Tree 104).
- No replanting is outlined to compensate for the vegetation removal.
- Wildlife habitat and corridor links will be interrupted by removal of vegetation.

7.3.2 Heritage

- The works will impact on visual amenity of the historic area.
- The building materials proposed for the bridge works are not sympathetic with the heritage character of the area and should be consistent with the recent landscaping works by Council in Warrandyte (eg use of stone).

7.3.3 Traffic

- There is no evidence to substantiate that the proposed works will reduce congestion, especially during peak times and during fire evacuation.
- The removal of the pedestrian crossing at entrance to bridge impacts on pedestrian safety.
- The closure of the bridge during construction has not been addressed in the application.
- Increased traffic is likely to be generated through Warrandyte and Warrandyte North with the upgrade to the Bridge.
- The addition of a shared pathway to enable three lanes of traffic on bridge will not alleviate traffic problems at peak times and during fire evacuation.

8. ASSESSMENT

- 8.1 There are two aspects of the project that requires planning permission, the roadworks themselves including the upgrades to the bridge, roundabout and new turn lane, and the associated vegetation removal.
- 8.2 In general, Roadworks are exempt from requiring a planning permit by virtue of Clause 62.02-2 of the Manningham Planning Schemes. This is unless a planning control specifically requires that a permit is required. In this instance, a planning permit is specifically required by the Heritage Overlay - Schedule 191, Environmental Significance Overlay - Schedule 3 and Land Subject to Inundation Overlay. Council can only assess these controls when considering the roadworks.
- 8.3 The vegetation removal associated with the roadworks is triggered by the Environmental Significance Overlay – Schedules 2 and 3, Significant Landscape Overlay - Schedule 2 and Clause 52.17 (Native Vegetation). Council can only assess these controls.
- 8.4 Broadly, the upgrade of the road and bridge offers significant community benefit demonstrated by the strategic consideration by the State Government in providing funding to the project, and the extensive consultation that has occurred with Council, the community and service authorities over the past 3 years. This is something that cannot be revisited under the planning assessment. Further, it is noted Council's Engineering Unit, and the advice of the other Units have supported the project. There is broad support for the upgrade of the road and bridge in the community.

- 8.5 Road and bridge extensions are rarely considered under the planning scheme and therefore there is not a lot of specific policy that will guide the assessment of the proposal. Considerations are broader, and the assessment below indicates that there are no substantial matter preventing support of the application.

Heritage Considerations

- 8.6 Warrandyte Township is included in the Heritage Overlay 191 (Warrandyte Township Heritage Precinct). This precinct covers a long narrow area along Yarra Street and adjacent areas, including residential, commercial and community buildings, as well as parkland and open space. It includes the area across and below the Bridge to the top of the Yarra River bank (but not to the middle of the River).
- 8.7 The bridge is a utilitarian structure that has existed within the heritage precinct for a long time and is not recorded as contributing to the precinct.
- 8.8 The decision guidelines of the Heritage Overlay requires Council to consider:
- *whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Council's Heritage Policy seeks:

- *to minimise impacts on heritage places as a result of changes to adjoining land uses and development.*

It also outlines that regard should be given to *The Warrandyte Township Heritage Guidelines, Parts 1 to 7 (July 2007)* when considering an application in Warrandyte.

- 8.9 Council's heritage advisor has provided comment on the application and concluded:

While there will be some widening of the road surface on the north-western corner of the intersection, it is anticipated the impact of will not impact significantly on the heritage values associated with the site.

Given the extensive nature of the precinct and the amount of mature vegetation that exists within it, it is not anticipated that the proposed works will impact on the distinctive landscape character of the precinct.

- 8.10 The advice of the heritage advisor demonstrates that the broad decision criteria of the Heritage Overlay and Council's Policy is met.
- 8.11 The *Warrandyte Township Heritage Guidelines 2007* makes a reference to "Roads and paths" (page 9 "Alterations and Additions to Contributory Properties in Commercial Areas"). The objective is to ensure that retaining walls, pathways and roads are retained and new development contributes to the existing character. In particular it suggests the following:
- Retain important view termination points including the bends in the road, landmark buildings and roadside features like stone walls.
 - If retaining walls are required they should be constructed of stone and should be similar in appearance to existing retaining walls that are characteristic of the area.

- 8.12 It is a recommendation of Council's City Strategy (Open Space) that retaining walls and paths are constructed of materials such as stone to match current works being undertaken west of the roundabout. This will ensure the requirements of the *Warrandyte Township Heritage Guidelines 2007* are achieved. A permit condition will require new retaining walls, road kerbs and island pavement to match the stone detail of recent Council streetscape works already being undertaken in Yarra Street and in the Warrandyte Township Heritage Precinct.

Environmental/Landscape Considerations

- 8.13 The removal of five native trees require consideration under the Environmental Significance Overlay – Schedules 2 and 3 and the Significant Landscape Overlay - Schedule 2.
- 8.14 The environmental objectives to be achieved through the Overlays reference the need to ensure development responds to the area's environmental and landscape characteristics, minimises vegetation removal and earthworks, and achieve an improvement in the extent and quality of Victorian native vegetation and habitat.
- 8.15 The landscape character objectives to be achieved in the Significant Landscape Overlay references the need to protect and enhance the natural landscape character along the Yarra River including vegetation cover and the movement of wildlife.
- 8.16 Council's City Strategy (Environment) have considered the various reports provided with the application and concluded that they are comprehensive and demonstrate that care has been taken to avoid and minimise vegetation loss and impacts on fauna.
- 8.17 Conditions have been recommended to ensure enhancement of the area through replanting and land management practices. This includes management throughout the works period (via a CEMP) and an Offset/Landscape plan using trees, shrubs, grasses and understorey that are indigenous to Manningham.
- 8.18 It is considered that the vegetation removal is the minimum necessary to facilitate the proposed works and will be suitable offset under both the State Planning provisions (Clause 52.17 of the Planning Scheme) and local under the Environmental Significance Overlay Schedules 2 and 3.
- 8.19 In relation to the vegetation removal under Clause 52.17, Council's City Strategy (Environment) have calculated the appropriate offset in accordance with *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and this will be a requirement also.
- 8.20 Finally, a canopy rope bridge is to be provided across the road to assist in protecting wildlife corridors. Further details of the design and implementation will be required as a condition of approval.
- 8.21 Pursuant to the Environmental Significance Overlay Schedule 3, Council must consider the roadworks as well as the vegetation removal. The Overlay requires that built form remains subordinate to the landscape character.

- 8.22 Consistent with this Overlay, the roadworks are proposed in a manner that minimises earthworks and responds appropriately to the landscape character. The use of retaining walls has further reduced the spread of works and minimised the removal of native vegetation. Conditions will ensure stone is used for retaining walls and through kerbs and island pavements to match works recently undertaken by Council in Yarra Street.

Land Subject to Inundation

- 8.23 A hydraulic assessment report prepared by GHD was submitted as part of the application and assessment by Melbourne Water under the provisions of the Land Subject to Inundation Overlay.
- 8.24 Melbourne Water has indicated no objection to the proposal subject to the inclusion of three conditions. This will ensure the objectives of the Land Subject to Inundation Overlay are met, including that flood storage is protected and that water quality and river health is maintained and improved.

Response to Objector concerns

- 8.25 The grounds of objection generally relate to the loss of vegetation, the impact of works on the heritage value of the Warrandyte Township and potential traffic impacts, including the need for the proposed works.
- 8.26 As previously discussed, Council officers consider that the native vegetation removal is the minimum necessary to facilitate the proposed works and will be suitably offset under both the State Planning provisions (Clause 52.17 of the Planning Scheme) and local under the Environmental Significance Overlay Schedules 2 and 3.
- 8.27 Conditions of approval will require an Offset/Landscape plan using indigenous trees, shrubs, grasses or understorey and a native vegetation offset in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013).
- 8.28 Additional information on the canopy rope bridge for the protection of wildlife corridors and the requirement for a Construction and Environmental Management Plan to address site management and vegetation protection will also be conditions of approval.
- 8.29 As previously discussed, Council's heritage advisor has concluded that the proposed works will impact on the distinctive landscape character of the precinct and as such, the broad decision criteria of the Heritage Overlay and Council's Policy is met.
- 8.30 It is considered that the upgrade of the road and bridge offers significant community benefit demonstrated by the strategic consideration by the State Government in providing funding to the project, and the extensive consultation that has occurred with Council, the community and service authorities over the past 3 years. This is something that cannot be revisited under the planning assessment

9. DECLARATION OF CONFLICT OF INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.