

North Yarra Main Sewer Rehabilitation - Upper Section

Planning Permit Application Report

Prepared by Water4Good on behalf of Melbourne Water

22 June 2023



Contents

1	Introduction	1
1.1	Project overview	1
2	The Application Site	2
2.1	Site details	2
2.2	Aboriginal cultural heritage sensitivity	5
3	The Proposal	7
3.1	Project description	7
3.2	Proposed works	7
3.3	Trees to be lopped	8
3.4	Trees/vegetation to be removed	8
4	Planning Scheme Provisions	10
4.1	General Provisions	10
4.2	Zones	10
4.3	Overlays	12
4.4	Particular Provisions	17
4.5	Summary of permit requirements	17
4.6	Planning Policy Framework	20
4.7	Operational Provisions	23
5	Planning Assessment	24
5.1	Planning policy support	24
5.2	Lopping of trees	25
5.3	Removal of trees and vegetation	25
5.4	Heritage impacts	26
6	Conclusion	27

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Document Acceptance

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1 Introduction

Water4Good acts on behalf of Melbourne Water Corporation in relation to the 'North Yarra Main Sewer Alignment' project. This report has been prepared to accompany a planning permit application associated with the 'Upper Section' of the project. Planning permission is sought for the removal and lopping of vegetation associated with the upgrade of a minor utility instillation along the North Yarra Main.

1.1 Project overview

The North Yarra Main (NYM) sewer transports sewage from Melbourne's north-east to the Western Treatment Plant. The sewer was constructed in the early 1900s, extending 22 kilometres from Heidelberg to Spotswood, where it discharges into the Brooklyn Trunk Sewer and onwards to the Treatment Plant.

Some sections of the sewer have reached the end of their service life. Rehabilitation work is required to reduce the risk of asset failure, while maintaining the required service level to ensure a safe sewerage service for local homes and businesses today, tomorrow and for generations to come.

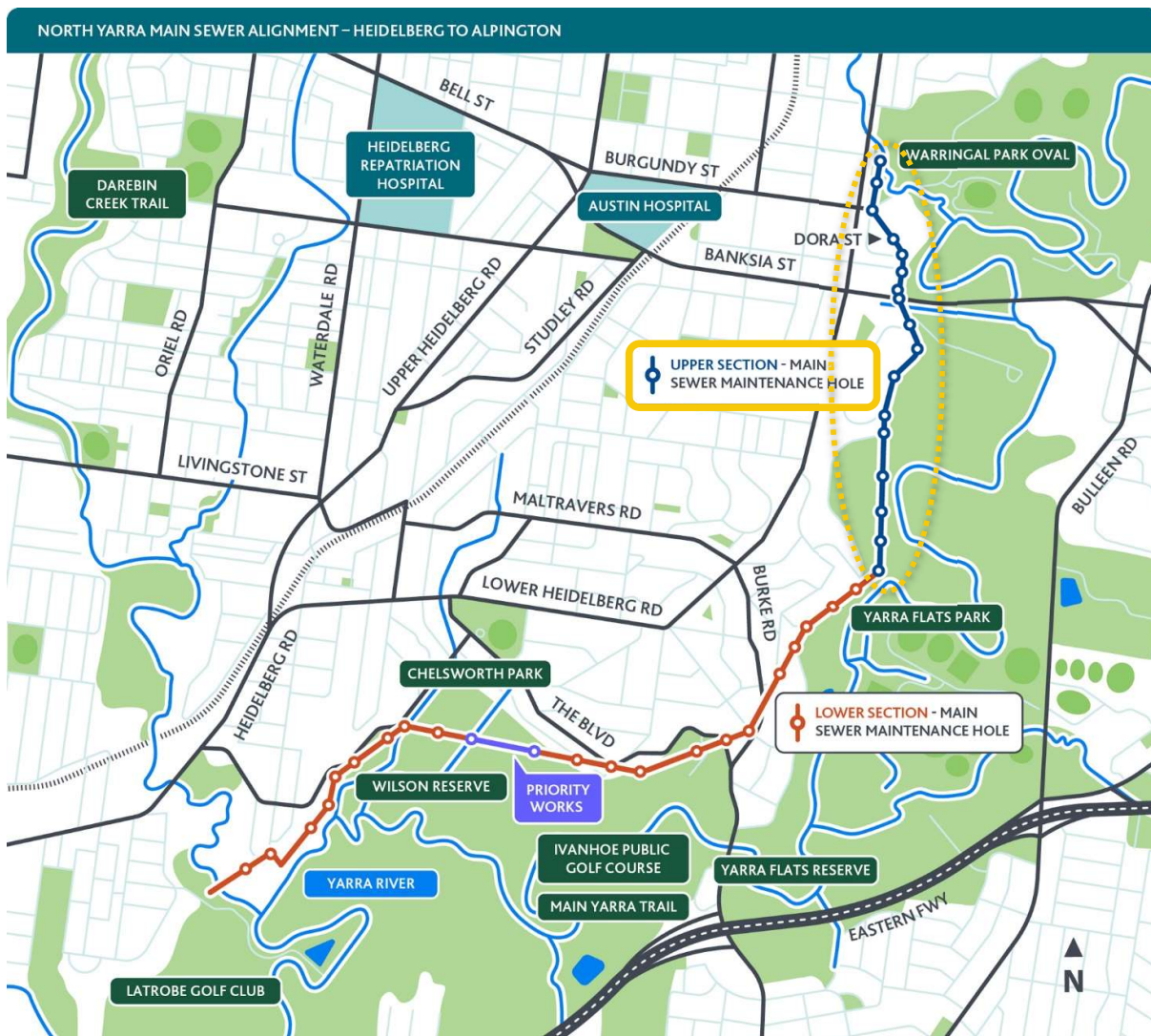


Figure 1 The North Yarra Main Sewer Alignment project overview (Source: Melbourne Water)

2 The Application Site

2.1 Site details

The Upper Section of the North Yarra Main sewer line is appropriately 1.8 kilometres, running across Darebin Street in Heidelberg and The Boulevard in Ivanhoe East on the northern side of Yarra River. The Upper Section contains sewer access manholes located within the following properties:

- Heidelberg Park at 1 Beverley Road, Heidelberg
- Jika Street and Dora Street
- The Boulevard
- Yarra Flats at 340-680 The Boulevard, Ivanhoe East

2.1.1 Heidelberg Park

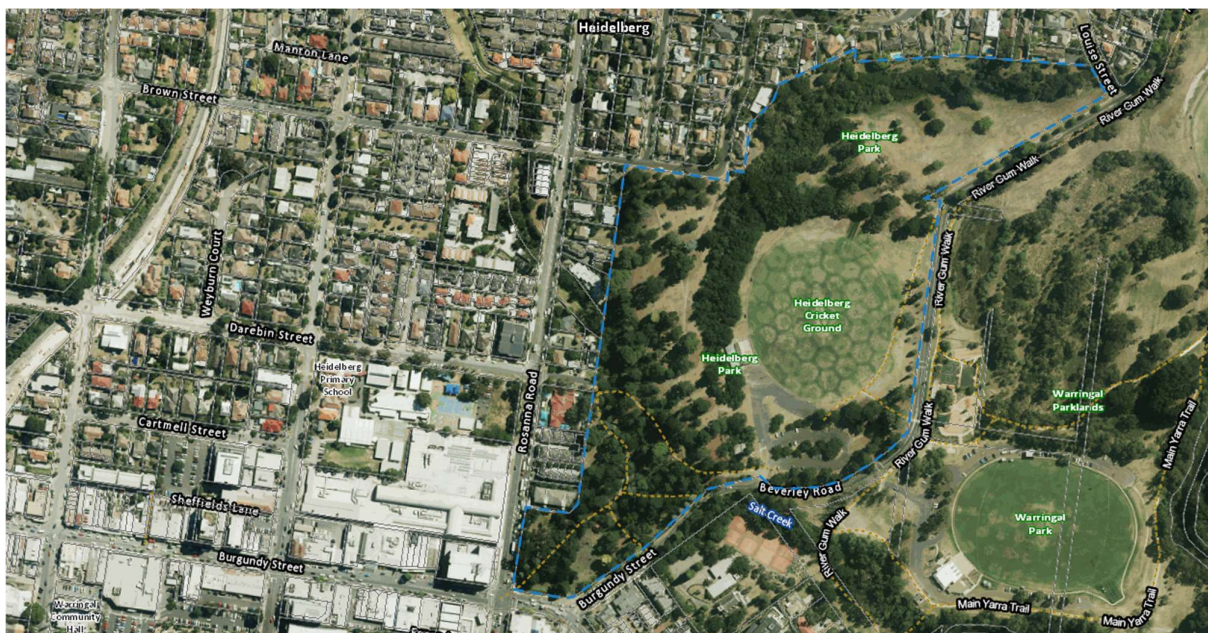


Figure 2 Heidelberg Park (blue dashed outline), to the east of Heidelberg Major Activity Centre

Heidelberg Park (1 Beverley Road, Heidelberg) as shown in the above figure is a public park of approximately 14 hectares in size, managed by the Banyule City Council.

The land is formally described as with the following parcels:

- Lot 1 of TP960853Y
- Lot 1 of TP344689W
- Lot 6 of LP60702
- Lot 1 of TP689415L
- Lot 1 of TP960854W

The land is not burdened by any easements or restrictive covenants.

Heidelberg Park is located on the northern side of Burgundy Street and Beverley Road, to the east of the Heidelberg Major Activity Centre.

The existing sewer of the Upper Section is located between the eastern end of Darebin Street and Burgundy Street. The sewer runs in the south-western part of the park in an established garden setting with existing pedestrian pathways and mature trees and in proximity to Salt Creek.

The existing maintenance holes within Heidelberg Park are identified as:

- NYM128 (adjacent to the eastern end of Darebin Street)
- NYM127A (adjacent to the eastern end of Darebin Street)
- NYM127P (adjacent to the rear of 14-16 Rosanna Road, residential properties)
- NYM127 (adjacent to the rear of 10 Rosanna Road, residential properties)

2.1.2 Jika Street and Dora Street

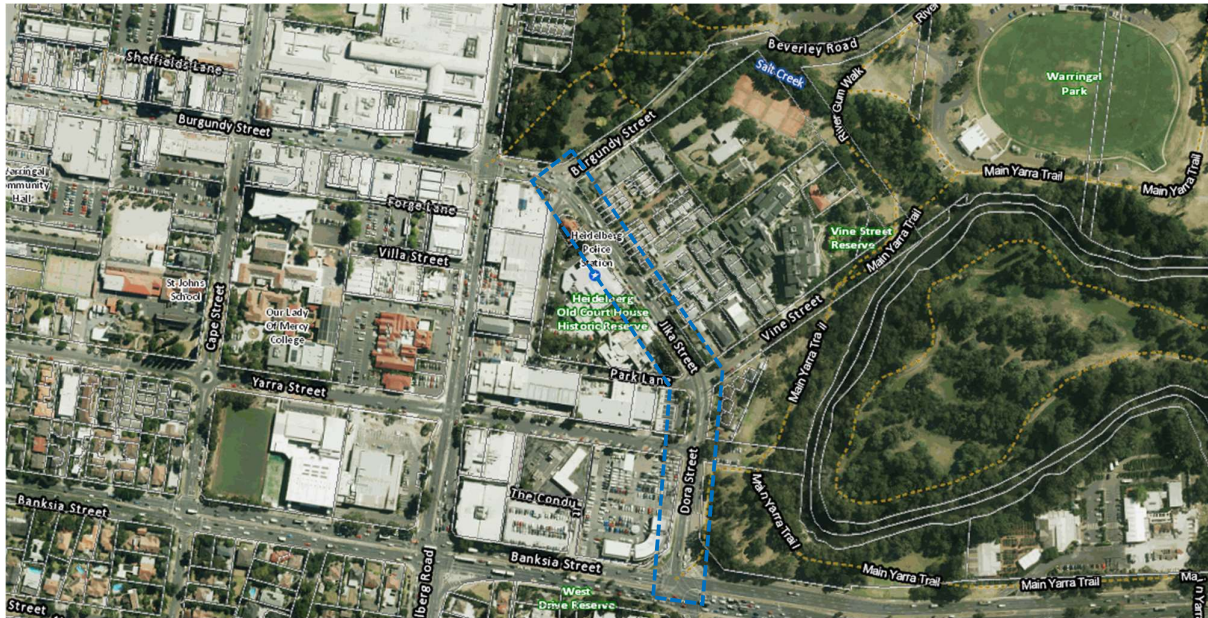


Figure 3 Jika Street and Dora Street (blue dashed outline)

Jika Street and Dora Street as shown in the above figure are local roads managed by Banyule City Council, connecting between Burgundy Street in the north and Banksia Street in the south. Jika Street and Dora Street also intersect with Park Lane and Vine Street, and Yarra Street (all local roads).

The eastern section of Burgundy Street is a local road managed by the Banyule City Council. Banksia Street is an arterial road managed by the Department of Transport (VicRoads).

The existing maintenance holes within Jika Street and Dora Street are identified as:

- NYM126 (intersection of Burgundy Street and Jika Street)
- NYM125 (Jika Street)
- NYM124 (Jika Street)
- NYM123 (intersection of Jika/Dora Street and Park Lane/Vine Street)
- NYM122 (intersection of Dora Street and Yarra Street)
- NYM121 (Dora Street)
- NYM120 (intersection of Dora Street and Banksia Street)

2.1.3 The Boulevard

The Boulevard is a local road managed by the Banyule City Council, connecting between Banksia Street in the north and Burke Road N. in the south. The Boulevard is the road interface between the Yarra Flats parkland and the residential properties in Ivanhoe East.

The existing maintenance holes within The Boulevard road reserve are identified as:

- NYM119 (near the intersection of The Boulevard and Glenard Drive E.)
- NYM118 (opposite to 663 The Boulevard)

- NYM117 (adjacent to 635 and 639 The Boulevard)
- NYM116 (at the intersection of The Boulevard and Mossman Drive)
- NYM115 (opposite to 607 The Boulevard)

2.1.4 Yarra Flats



Figure 4 Yarra Flats (blue dashed outline)

Yarra Flats (340-680 The Boulevard, Ivanhoe East) as shown in the above figure is a public park of approximately 85 hectares in size, managed by Parks Victoria.

The land is formally described as with the following Crown parcels:

- CD048477K
- CD048475P
- CD048476M

The land is not burdened by any easements or restrictive covenants.

Yarra Flats is generally bounded by Banksia Street in the north, Yarra River in the east (extending to the Eastern Freeway to the south), and The Boulevard to the east. Yarra Flats is a vast area of natural bushland and wetlands in a native landscape setting with abundant wildlife.

The existing sewer of the Upper Section is generally located in the horse paddocks area which is leased to a community group known as the Yarraman Riders. The sewer runs in general alignment adjacent to the fence line on the eastern side of the horse paddocks area.

The existing maintenance holes within Yarra Flats are identified as:

- NYM114
- NYM113A
- NYM113
- NYM112
- NYM111A

2.2 Aboriginal cultural heritage sensitivity

The Upper Section of the North Yarra Main is largely within an Aboriginal cultural heritage sensitivity area.

The *Aboriginal Heritage Regulations 2018* define ‘areas of cultural heritage sensitivity’ as landforms and soil types where Aboriginal places are most likely to be located. This includes land within 200 metres of a named waterway. (i.e. Yarra River and Salt Creek in this location).

Activities defined as ‘high impact activities’ are prescribed under the Regulations and may trigger preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

‘Ecology Heritage Partners’ have been engaged as the qualified cultural heritage consultants for the project. The proposed works have been assessed and it is considered that a Cultural Heritage Management Plan (CHMP) is not required for the Upper Section of the project.

An application for certification of a preliminary heritage test (PAHT) has been made to ‘First Peoples – State Relations’ (FPSR). The FPSR and the project team have maintained ongoing engagement, including on-site discussions, for the determination of whether a CHMP is required. A copy of the determination will be supplied to Council in due course.

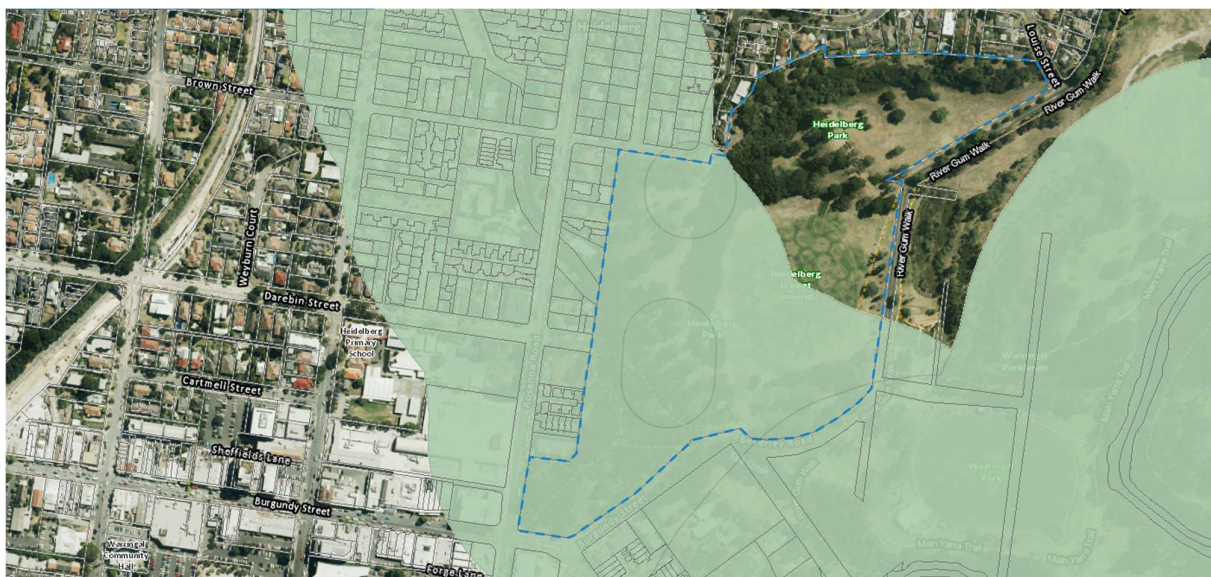


Figure 5 Area of Aboriginal cultural heritage sensitivity surrounding Heidelberg Park



Figure 6 Aboriginal cultural heritage sensitivity surrounding Jika Street and Dora Street

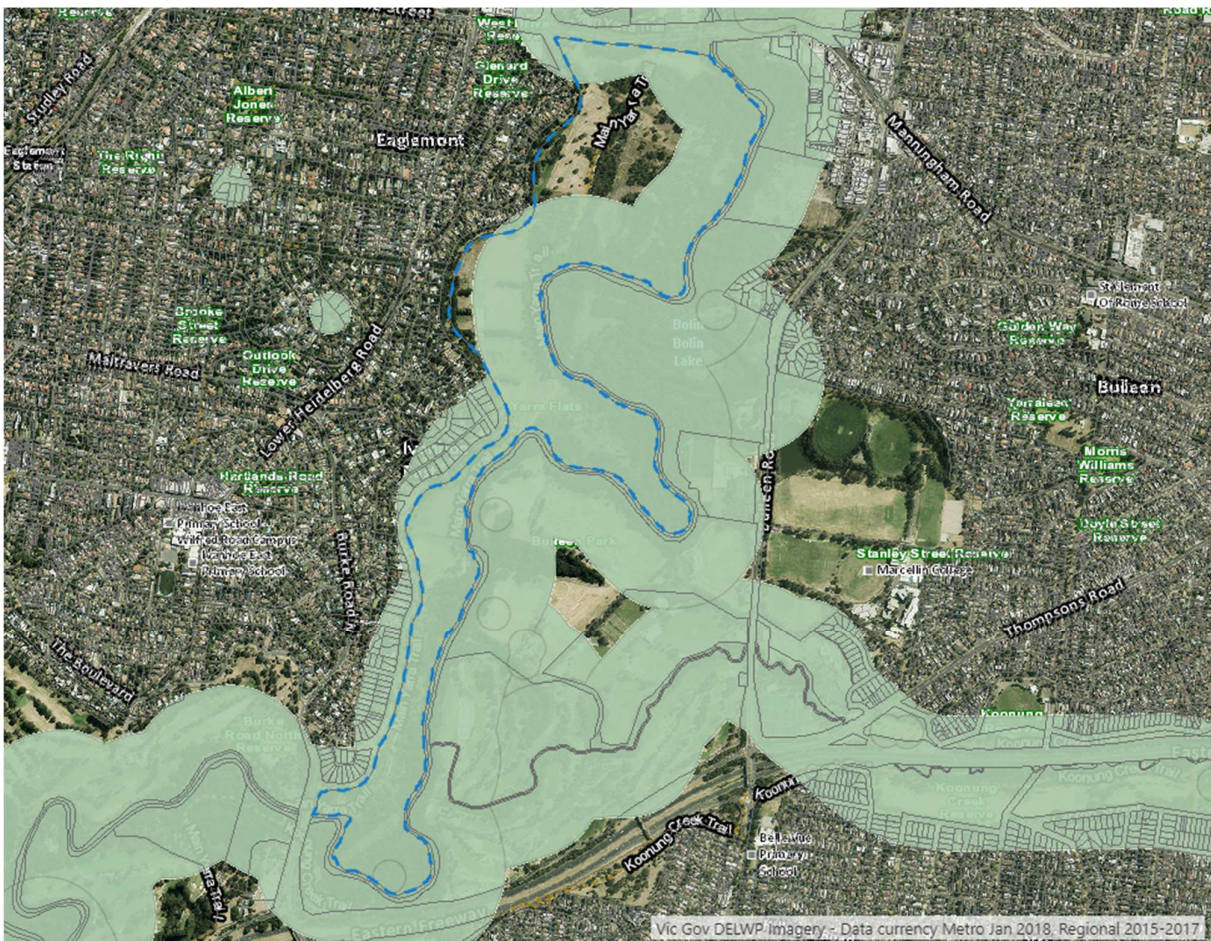


Figure 7 Area of Aboriginal cultural heritage sensitivity surrounding The Boulevard and Yarra Flats

3 The Proposal

3.1 Project description

The North Yarra Main Sewer Alignment project requires rehabilitation works to the existing sewer facilities. The rehabilitation works typically involve:

- Construction of temporary access tracks to maintenance holes for heavy machinery and vehicles.
- Cleaning and relining the sewer by inserting a new plastic sleeve into the existing pipe.
- Filling the gap between the existing pipe and new sewer liner with cement (grouting).
- Rehabilitating ageing and damaged maintenance holes.

The construction of access tracks to existing maintenance holes may require the removal of existing vegetation and trees. All works are associated with upgrading of the existing sewer line and maintenance holes. No new sewer facilities are proposed.

Land use definitions

The proposed works are categorised as ‘**minor utility installation**’ included under ‘**utility installation**’, with the following land use definitions from Clause 73.03 (Land Use Terms) of the Planning Scheme:

Utility installation

Land used: ... e) to collect, treat, or dispose of storm or flood water, sewerage, or sullage.

Minor utility installation

Land used for a utility installation comprising of any of the following: a) sewerage and water mains; ... f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood.

3.2 Proposed works

The proposed minor utility installation works to the Upper Section include:

Heidelberg Park

- Vehicle access to existing maintenance holes via existing footpaths.
- Installation of new temporary access tracks over a small grassed area.
- Construction of work platforms around existing maintenance holes.
- Set down and parking area on Burgundy Street.
- DCP soil testing (Dynamic cone penetration).

Jika Street and Dora Street

- Vehicle access to existing maintenance holes within paved road reserve.

The Boulevard

- Vehicle access to existing maintenance holes via The Boulevard.

Yarra Flats

- Vehicle access to existing maintenance holes.
- Installation of new temporary access tracks over grassed areas within the Yarraman Riders lease areas. For vehicle access, plastic track mats will be laid on ground without removal of existing grass or ground disturbance. Upon the completion of the project, the track mats will be removed, and the covered areas will be reinstated and replenished.
- DCP soil testing (Dynamic cone penetration).

3.3 Trees to be lopped

The following trees are proposed to be lopped in order to create sufficient clearance for vehicles and machinery to access the maintenance holes:

Heidelberg Park

- Removal of four small trees (less than 5 metres in height, in proximity to NYM127)
- Pruning of Tree 44 (*Pinus sp.*, Pine), 20m in height, 73cm in DBH
- Pruning of Tree 45 (*Hesperocyparis lusitanica*, Mexican Cypress), 18m in height, 66cm in DBH

Jika Street and Dora Street

No pruning or lopping of trees proposed in this location.

The Boulevard

- Pruning of Tree 39 (*Populus alba*, White Poplar) – Banyule weed, 9m in height, 16cm in DBH
- Pruning of Tree 40 (*Ligustrum lucidum*, Privet) – Banyule weed, 4m in height, 15cm in DBH
- Pruning of Tree 41 (*Cotoneaster gluacophyllus*, Cotoneaster) - Banyule weed, 6m in height, 15cm in DBH
- Pruning of Tree 36 (*Fraxinus angustifolia*, Narrow-leaved ash) – Banyule weed, 13m in height, 46cm in DBH
- Pruning of Tree 33 (*Fraxinus angustifolia*, Narrow-leaved ash) – Banyule weed, 10m in height, 15cm in DBH
- Pruning of Tree 25 (*Eucalyptus camaldulensis*, River Red Gum), 12m in height, 59cm in DBH
- Pruning of Tree 27 (*Eucalyptus camaldulensis*, River Red Gum), 18m in height, 39cm in DBH

Yarra Flats

- Pruning of Tree 8 (*Eucalyptus camaldulensis*, River Red Gum), 11m in height, 16cm in DBH
- Pruning of Tree 68 (*Acacia dealbata*, Silver Wattle), 10m in height, 35cm in DBH
- Pruning of Tree 4 (*Hesperocyparis macrocarpa*, Monterey Cypress), 18m in height, 116cm in DBH
- Pruning of Tree 5 (*Hesperocyparis macrocarpa*, Monterey Cypress), 19m in height, 113cm in DBH
- Pruning of Tree 15 (*Callistemon citrinus*, Crimson Bottle Brush), 10m in height, 23cm in DBH
- Pruning of Tree 16 (*Casuarina cunninghamiana*, River She-Oak), 6m in height, 10cm in DBH
- Pruning of Tree 17 (*Casuarina cunninghamiana*, River She-Oak), 10m in height, 33cm in DBH
- Pruning of Tree 19 (*Acacia melanoxylon*, Blackwood), 6m in height, 15cm in DBH
- Pruning of Tree 20 (*Eucalyptus camaldulensis*, River Red Gum), 6m in height, 15cm in DBH
- Pruning of Tree 21 (*Eucalyptus camaldulensis*, River Red Gum), 6m in height, 15cm in DBH
- Pruning of Tree 22 (*Eucalyptus camaldulensis*, River Red Gum), 6m in height, 15cm in DBH
- Pruning of Tree 69 (*Acacia mearnsii*, Black Wattle), 12m in height, 24cm in DBH
- Pruning of Tree 70 (*Eucalyptus camaldulensis*, River Red Gum), 14m in height, 157cm in DBH
- Pruning of Tree 71 (*Eucalyptus camaldulensis*, River Red Gum), 23m in height, 251cm in DBH
- Pruning of Tree 72 (*Eucalyptus camaldulensis*, River Red Gum), 14m in height, 110cm in DBH
- Pruning of Tree 73 (*Eucalyptus camaldulensis*, River Red Gum), 13m in height, 69cm in DBH
- Pruning of Tree 75 (*Acacia melanoxylon*), 7m in height, 94cm in DBH

3.4 Trees/vegetation to be removed

The impact of the minor utility installation works to the following trees and vegetation cannot be avoided, and therefore are proposed to be removed:

Heidelberg Park

- Removal of four small trees (less than 5 metres in height, 5cm in diameter at base, in proximity to NYM127)

Jika Street and Dora Street

No removal of trees or vegetation in this location.

The Boulevard

- Removal of Tree 66 (*Melia azedarach*, White Cedar) – non-Victorian native, 4m in height and 5cm in DBH, low retention value.

Yarra Flats

- Removal of Tree 67 (*Acacia melanoxylon*, Blackwood), dead.
- Contingent removal of Tree 19 (*Acacia melanoxylon*, Blackwood) – if the pruning results in the destruction of the tree – Victorian native, 6m in height and 15cm in DBH, low retention value.
- Removal of Tree 75 (*Acacia melanoxylon*, Blackwood) – pruning will likely result in death of the tree due to poor health.

4 Planning Scheme Provisions

The subject sites are subject to the provisions of the Banyule Planning Scheme. The relevant provisions are summarised in this section.

4.1 General Provisions

4.1.1 General Exemptions (Clause 62)

Clause 62.01: Uses Not Requiring a Permit

Pursuant to Clause 62.01, any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to the use of land for a minor utility installation.

Clause 62.02: Buildings and Works Not Requiring a Permit

Pursuant to Clause 62.02-1, any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to buildings and works associated with a minor utility installation; or works associated with geotechnical testing or service proving.

There is no exemption with Clause 62.02 for the removal of vegetation.

4.2 Zones

The Upper Section of the North Yarra Main is located within the following zones – as outlined in the below table:

- Public Park and Recreation Zone (PPRZ)
- Transport Zone 3 (TRZ3)
- Commercial 1 Zone (C1Z)
- Neighbourhood Residential Zone – Schedule 3 (NRZ3)
- Public Conservation and Resource Zone (PCRZ)

Table 1 Summary of applicable zone per maintenance hole

Maintenance Hole	Location	Proposal	Zone
NYM128	Heidelberg Park	No works proposed	PPRZ
NYM127A	Heidelberg Park	No works proposed	PPRZ
NYM127P	Heidelberg Park	No works proposed	PPRZ
NYM127	Heidelberg Park	Construction of a work platform around an existing maintenance hole; Removal of 4 small trees	PPRZ
NYR024	Heidelberg Park	Pruning of two trees	PPRZ
NYM126	Jika/Dora Streets	No works proposed	TRZ3
NYM125	Jika/Dora Streets	No works proposed	TRZ3
NYM124	Jika/Dora Streets	No works proposed	TRZ3

Maintenance Hole	Location	Proposal	Zone
NYM123	Jika/Dora Streets	No works proposed	TRZ3
NYM122	Jika/Dora Streets	No works proposed	TRZ3
NYM121	Jika/Dora Streets	No works proposed	TRZ3
NYM120	Jika/Dora Streets	No works proposed	TRZ3
NYM119	The Boulevard	Removal of three trees of Banyule weed species	C1Z
NYM118	The Boulevard	Pruning of one tree of Banyule weed species	NRZ3
NYM117	The Boulevard	Pruning of one tree of Banyule weed species; Removal of one tree	NRZ3
NYM116	The Boulevard	No works proposed	NRZ3
NYM115	The Boulevard	Pruning of two trees	NRZ3
NYM114	Yarra Flats	New access track; Pruning of two trees; Removal of one dead tree	PCRZ
NYM113A	Yarra Flats	New access track; Pruning of two trees	PCRZ
NYM113	Yarra Flats	No works proposed	PCRZ
NYM112	Yarra Flats	Pruning of 12 trees; Removal of one tree. Contingent pruning of two	PCRZ
NYM111A	Yarra Flats	additional trees and removal of one additional tree	PCRZ

As outlined under Section 4.1, pursuant to Clause 62.02-1 of the Banyule Planning Scheme, a planning permit is not required for the minor utility installation works within the PPRZ, TRZ3, C1Z and NRZ3.

The general exemptions do not apply to land within the **Public Conservation and Resource Zone (PCRZ)**. Pursuant to Clause 36.03-2 of the PCRZ, a permit is required to construct a building or construct or carry out works, other than:

- *A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.*
- *A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.*

The proposed works are to be carried out on behalf of Melbourne Water (public authority), in carrying out functions, powers or duties under the *Water Act 1989*. As such, the proposed minor utility installation works are exempt from the requirement of a planning permit under PCRZ. In summary, the proposed works and trees to be pruned and removed do not require a permit under any zones.

4.3 Overlays

The Upper Section of the North Yarra Main is affected by the following overlay – as outlined in the below tables:

- Environmental Significance Overlay – Schedule 1 (ESO1)
- Environmental Significance Overlay – Schedule 4 (ESO4)
- Significant Landscape Overlay – Schedule 1 (SLO1)
- Heritage Overlay (HO6 and HO134)
- Land Subject to Inundation Overlay (LSIO)
- Design and Development Overlay – Schedule 5 (DDO5)
- Development Contributions Plan Overlay – Schedule 1 (DCPO1)

4.3.1 Environmental Significance Overlay – Schedule 1 (ESO1)

The Environmental Significance Overlay – Schedule 1 (ESO1: Yarra River, Plenty River and Darebin Creek) applies to a large portion of the project area in proximity to Yarra River.

Under the ESO, a permit is typically required for buildings and works and removal and lopping of vegetation.

Under the ESO1, a permit is not required for works undertaken by a public authority to:

- *Lay underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground powerlines of less than 220,000 volts if they do not alter the topography of the land.*

Therefore, a permit is not required of the proposal to carry out works for the purpose of access and maintenance of existing sewer facilities.

A permit required to remove, destroy or lop any vegetation, other than the following:

- ***To the removal, destruction or lopping of native vegetation which has been planted for garden or horticultural purposes and which is less than 5 metres high and has a single trunk circumference of less than 0.5 metres at a height of 1 metre above ground level.***
- ***To the removal, destruction or lopping of exotic vegetation which is less than 5 metres in height and has a trunk circumference of less than 0.5 metres at a height of 1 metre above ground level.***
- ***To the removal, destruction or lopping of vegetation identified as environmental weed species in Banyule Weed Management Strategy 2006.***
- *To the removal or pruning of street trees in accordance with the Banyule Street Tree Strategy.*
- *To the pruning of vegetation to maintain or improve its health or appearance.*
- *To the pruning or removal of vegetation to prevent damage to works when damage to a pipeline, electricity or telephone transmission line, cable or other service has occurred or is likely to occur.*
- ***To the removal, destruction or lopping of dead vegetation, unless the dead vegetation is a habitat tree containing hollows.***
- *To the pruning, removal or destruction of any vegetation where an agreement exists between a railway carrier and the Department of Sustainability and Environment, or where the pruning, removal or destruction of vegetation is the minimum amount necessary to provide for the safe operation of the rail service for the safety of the travelling public.*
- *To the removal, destruction or lopping of vegetation carried out in accordance with a management plan prepared to the satisfaction of the responsible authority.*

Under ESO1, 'lopping' is defined as the practice of cutting branches or stems between branches unions or internodes.

The Environmental Significance Overlay – Schedule 4 (ESO4: Significant Trees and Areas of Vegetation) applies to the entirety of Heidelberg Park and partially to Yarra Flats.

A permit is required:

- To remove, destroy or lop any significant trees or area of vegetation specified in this clause
- Works within the critical root zone (no less than 5m from the dripline) of any significant trees specified in this clause

The following significant trees are specifically protected under the ESO4 schedule:

In Heidelberg Park at 1 Beverley Road, Heidelberg

- Queensland Kauri / *Agathis robusta*, code 264
- Bunya Bunya Pine / *Araucaria bidwillii*, code 274 Tree 47 of project
- Dutch Elm / *Ulmus x hollandica* (2), code 699

In Yarra Flats at 340-680 The Boulevard, Ivanhoe East

- Monterey Cypress *Cupressus macrocarpa* / 'Horizontalis and *C. macrocarpa* 'Horizontalis aurea' (Many), code 273

The proposed trees to be removed are not specifically protected under ESO4. A permit is not required for the removal of trees under ESO4.

4.3.2 Significant Landscape Overlay – Schedule 1 (SLO1)

The Significant Landscape Overlay – Schedule 1 (SLO1: Yarra (Birrarrung) River Corridor Environs) applies to a large portion of the project area in proximity to Yarra River.

Under SLO, a permit is typically required for buildings and works and removal and lopping of vegetation.

Under SLO1, a permit is not required to construct a building or construct or carry out works:

- *With a height not exceeding 6 metres above ground level.*

Therefore, a permit is not required of the proposal to carry out works.

A permit is required to remove, destroy or lop vegetation, other than:

- ***Non-native vegetation that is less than 6 metres in height, has a trunk circumference of less than 0.35 metre measured at 1.4 metres above ground level and a branch spread of less than 4 metres.***
- ***Pruning of dead or broken branches, or branches less than 50 millimetres in diameter at the point of contact with the larger branches or trunk, provided no more than 1/3 of the foliage of each individual plant is removed. This does not apply to the trunk of a tree.***
- *Vegetation maintenance carried out by, or on behalf of, a municipal council or public authority or public land manager.*
- *Non-native vegetation in preparation for revegetation works carried out by, or on behalf of, a municipal council, public authority or public land manager.*
- *Vegetation that could adversely affect stream flow carried out by, or on behalf of, a municipal council, public authority or public land manager.*
- ***Vegetation identified as environmental weed species in the Banyule Weed Management Strategy (Banyule City Council, 2006).***
- *Removal of street trees in accordance with Banyule Urban Forest Strategic Plan (Banyule City Council, 2015).*

4.3.3 Heritage Overlay (HO)

The Heritage Overlay (HO) applies to the entire properties of Heidelberg Park and Yarra Flats as well as Jika Street section of the project area, including:

- HO6 (Warringal Village Precinct) to Heidelberg Park and Jika Street.

- HO134 (Yarra Flats) to Yarra Flats, with tree controls in place.

Under the Heritage Overlay, a permit is required for the following, among others:

- *Construct a building or construct or carry out works, including:*
 - *Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.*
- *Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.*
- *Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:*
 - *To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.*
 - *If the tree presents an immediate risk of personal injury or damage to property.*

As such, a permit is required of the proposal:

- In both the HO6 and HO134 extents, to carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- In the HO134 extent, to remove, destroy or lop a tree.

Table 2 Summary of applicable overlays (ESO, SLO and HO) per maintenance hole

Maintenance Hole	Location	Proposal	ESO1	ESO4	SLO	HO
NYM128	Heidelberg Park	No works proposed	ESO1	ESO4	SLO1	HO6
NYM127A	Heidelberg Park	No works proposed	ESO1	ESO4	SLO1	HO6
NYM127P	Heidelberg Park	No works proposed	ESO1	ESO4	SLO1	HO6
NYM127	Heidelberg Park	Construction of a work platform around an existing maintenance hole; Removal of 4 small trees;	ESO1	ESO4	SLO1	HO6
NYM126	Jika/Dora Streets	No works proposed	/	/	/	/
NYM125	Jika/Dora Streets	No works proposed	/	/	/	HO6
NYM124	Jika/Dora Streets	No works proposed	/	/	/	HO6
NYM123	Jika/Dora Streets	No works proposed	/	/	/	/
NYM122	Jika/Dora Streets	No works proposed	/	/	/	/
NYM121	Jika/Dora Streets	No works proposed	/	/	/	/
NYM120	Jika/Dora Streets	No works proposed	/	/	SLO1	/
NYM119	The Boulevard	Pruning of three trees of Banyule weed species	ESO1	/	SLO1	/

Maintenance Hole	Location	Proposal	ESO1	ESO4	SLO	HO
NYM118	The Boulevard	Pruning of one tree of Banyule weed species (permit not required)	/	/	SLO1	/
NYM117	The Boulevard	Pruning of one tree of Banyule weed species (permit not required); Removal of one tree	/	/	SLO1	/
NYM116	The Boulevard	No works proposed	/	/	SLO1	/
NYM115	The Boulevard	Pruning of two trees	/	/	SLO1	/
NYM114	Yarra Flats	New access track; Pruning of one tree; Removal of one dead tree	ESO1	ESO4	SLO1	HO134
NYM113A	Yarra Flats	New access track; Pruning of two trees	ESO1	ESO4	SLO1	HO134
NYM113	Yarra Flats	No works proposed	ESO1	/	SLO1	HO134
NYM112	Yarra Flats	Pruning of 12 trees; Removal of one tree.	ESO1	/	SLO1	HO134
NYM111A	Yarra Flats	Contingent removal of one tree.	ESO1	/	SLO1	HO134

4.3.4 Land Subject to Inundation Overlay (LSIO)

The Land Subject to Inundation Overlay (LSIO) applies to a large portion of the project area in proximity to Yarra River and Salt Creek. A permit is typically required for buildings and works under the LSIO.

A permit is not required to carry out works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

A permit is not required for roadworks, if the waterflow path is not redirected or obstructed.

Therefore, a permit is not required of the proposal under this overlay, with plans prepared to the satisfaction of the responsible authority.

The preparation of plans may be subject to referral to Melbourne Water Corporation as the floodplain management authority under the provisions of Clause 66.03 (Referral of Permit Applications under Other State Standard Provisions) of the Planning Scheme.

4.3.5 Design and Development Overlay (DDO)

The Design and Development Overlay – Schedule 5 (DDO5: Heidelberg Major Activity Centre) applies to the Jika Street and Dora Street section of the project area. A permit is typically required for buildings and works under the DDO.

The proposal benefits from the general exemptions under Clause 62.02. A permit is not required of the proposal under this overlay.

4.3.6 Development Contributions Plan Overlay (DCPO)

The Development Contributions Plan Overlay – Schedule 1 (DCPO1) applies to the entire municipality of Banyule. The DCPO typically requires the payment of contributions for certain types of developments.

Schedule 1 provides an exemption for development contributions for the construction of and upgrades to existing servicing infrastructure. A permit is not required of the proposal under this overlay.

Table 3 Summary of applicable overlays (LSIO, DDO and DCPO) per maintenance hole

Maintenance Hole	Location	Proposal	LSIO	DDO	DCPO
NYM128	Heidelberg Park	No works proposed	/	/	DCPO1
NYM127A	Heidelberg Park	No works proposed	/	/	DCPO1
NYM127P	Heidelberg Park	No works proposed	/	/	DCPO1
NYM127	Heidelberg Park	Construction of a work platform around an existing maintenance hole; Removal of 4 small trees	LSIO	/	DCPO1
NYM126	Jika/Dora Streets	Pruning of two trees	/	DDO5	DCPO1
NYM125	Jika/Dora Streets	No works proposed	/	DDO5	DCPO1
NYM124	Jika/Dora Streets	No works proposed	/	DDO5	DCPO1
NYM123	Jika/Dora Streets	No works proposed	/	DDO5	DCPO1
NYM122	Jika/Dora Streets	No works proposed	LSIO	DDO5	DCPO1
NYM121	Jika/Dora Streets	No works proposed	LSIO	/	DCPO1
NYM120	Jika/Dora Streets	No works proposed	LSIO	/	DCPO1
NYM119	The Boulevard	Removal of three trees of Banyule weed species	LSIO	/	DCPO1
NYM118	The Boulevard	Pruning of one tree of Banyule weed species	LSIO	/	DCPO1
NYM117	The Boulevard	Pruning of one tree of Banyule weed species; Removal of one tree	LSIO	/	DCPO1
NYM116	The Boulevard	No works proposed	LSIO	/	DCPO1
NYM115	The Boulevard	Pruning of two trees	LSIO	/	DCPO1
NYM114	Yarra Flats	New access track; Pruning of two trees; Removal of one dead tree	LSIO	/	DCPO1
NYM113A	Yarra Flats	New access track; Pruning of two trees	LSIO	/	DCPO1
NYM113	Yarra Flats	No works proposed	LSIO	/	DCPO1
NYM112	Yarra Flats	Pruning of 12 trees; Removal of one tree.	LSIO	/	DCPO1
NYM111A	Yarra Flats	Contingent removal of one tree.	LSIO	/	DCPO1

4.4 Particular Provisions

Clause 52.17: Native Vegetation

The purpose of the clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Clause 52.17-7 specifies an exemption of permit requirement for 'Utility installations':

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:

- **to maintain the safe and efficient function a Minor utility installation; or**
- *by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).*

4.5 Summary of permit requirements

In summary, the proposal involves:

Heidelberg Park (1 Beverley Road, Heidelberg)

- Pruning of 2 trees (Tree #44 Pine and Tree #45 Mexican Cypress), both requiring a planning permit under the ESO1 and the SLO1.
- Removal of 4 small exotic trees not protected by any planning provisions (understood to be English Elm and English Oak of less than 5m in height, to be confirmed by the project arborist).

The proposed pruning and removal of trees within Heidelberg Park can be permitted based on the following permit exemptions in the Banyule Planning Scheme:

- **ESO1:** *The removal, destruction or lopping of vegetation carried out in accordance with a management plan prepared to the satisfaction of the responsible authority.*
- **SLO1:** *Vegetation maintenance carried out by, or on behalf of, a municipal council or public authority or public land manager.*

Yarra Flats (340-680 The Boulevard, Ivanhoe East) and adjoining road reserves

- Pruning of a total of 24 trees, including:
 - 18 trees requiring a planning permit under the ESO1.
 - 2 trees requiring a planning permit under the ESO4.
 - 18 trees requiring a planning permit under the SLO1.
 - 16 trees requiring a planning permit under the HO134.
 - 6 trees not requiring a planning permit for pruning.
- Removal of a total of 3 trees, including:
 - 1 tree requiring a planning permit under ESO1.
 - 2 trees requiring a planning permit under SLO1.
 - 2 trees requiring a planning permit under HO134.
 - 1 tree not requiring a planning permit for removal.
- Contingent removal of 1 tree (Tree #19), in case the proposed pruning is not viable for the retention of that tree, requiring a planning permit under ESO1, SLO1 and HO134.
- Works associated with new access tracks to sewer mains requiring a planning permit the HO134.

The proposed pruning and removal of trees are summarised in Table 4 below.

Table 4 Summary of permit requirements of the proposed pruning and removal of trees

Tree ID	Species	Height	DBH	Proposal	Permit required under ESO1	Permit required under ESO4	Permit required under SLO1	Permit required under HO
-	(4 x small exotic trees near NYM127)	5m	-	Prune	No	No	No	No
44	<i>Pinus sp.</i> , Pine	20m	73cm	Prune	Yes	No	Yes	No
45	<i>Hesperocyparis lusitanica</i> , Mexican Cypress	18m	66cm	Prune	Yes	No	Yes	No
36	<i>Fraxinus angustifolia</i> , Narrow-leaved ash – Banyule weed	13m	46cm	Prune	N/A	N/A	No	N/A
33	<i>Fraxinus angustifolia</i> , Narrow-leaved ash – Banyule weed	10m	15cm	Prune	No	No	No	No
25	<i>Eucalyptus camaldulensis</i> , River Red Gum	12m	59cm	Prune	N/A	N/A	Yes	N/A
27	<i>Eucalyptus camaldulensis</i> , River Red Gum	18m	39cm	Prune	N/A	N/A	Yes	N/A
39	<i>Populus alba</i> , White Poplar – Banyule weed	9m	16cm	Prune	No	N/A	No	N/A
40	<i>Ligustrum lucidum</i> , Privet – Banyule weed	4m	15cm	Prune	No	N/A	No	N/A
41	<i>Cotoneaster glaucophyllus</i> , Cotoneaster - Banyule weed	6m	15cm	Prune	No	N/A	No	N/A
8	<i>Eucalyptus camaldulensis</i> , River Red Gum	11m	16cm	Prune	Yes	No	Yes	Yes
68	<i>Acacia dealbata</i> , Silver Wattle	10m	35cm	Prune	Yes	No	Yes	Yes
4	<i>Hesperocyparis macrocarpa</i> , Monterey Cypress	18m	116cm	Prune	Yes	Yes	Yes	Yes
5	<i>Hesperocyparis macrocarpa</i> , Monterey Cypress	19m	113cm	Prune	Yes	Yes	Yes	Yes
15	<i>Callistemon citrinus</i> , Crimson Bottle Brush	10m	23cm	Prune	Yes	N/A	Yes	Yes

Tree ID	Species	Height	DBH	Proposal	Permit required under ESO1	Permit required under ESO4	Permit required under SLO1	Permit required under HO
16	<i>Casuarina cunninghamiana</i> , River She-Oak	6m	10cm	Prune	Yes	N/A	Yes	Yes
17	<i>Casuarina cunninghamiana</i> , River She-Oak	10m	33cm	Prune	Yes	N/A	Yes	Yes
19	<i>Acacia melanoxylon</i> , Blackwood	6m	15cm	Prune	Yes	N/A	Yes	Yes
20	<i>Eucalyptus camaldulensis</i> , River Red Gum	6m	15cm	Prune	Yes	N/A	Yes	Yes
21	<i>Eucalyptus camaldulensis</i> , River Red Gum	6m	15cm	Prune	Yes	N/A	Yes	Yes
22	<i>Eucalyptus camaldulensis</i> , River Red Gum	6m	15cm	Prune	Yes	N/A	Yes	Yes
69	<i>Acacia mearnsii</i> , Black Wattle	12m	24cm	Prune	Yes	N/A	Yes	Yes
70	<i>Eucalyptus camaldulensis</i> , River Red Gum	14m	157cm	Prune	Yes	N/A	Yes	Yes
71	<i>Eucalyptus camaldulensis</i> , River Red Gum	23m	251cm	Prune	Yes	N/A	Yes	Yes
72	<i>Eucalyptus camaldulensis</i> , River Red Gum	14cm	110cm	Prune	Yes	N/A	Yes	Yes
73	<i>Eucalyptus camaldulensis</i> , River Red Gum	13m	69cm	Prune	Yes	N/A	Yes	Yes
75	<i>Acacia melanoxylon</i> , Blackwood	7m	30cm	Removal	Yes	N/A	Yes	Yes
66	<i>Melia azedarach</i> , White Cedar	4m	5cm	Removal	N/A	N/A	No	N/A
67	<i>Acacia melanoxylon</i> , Blackwood (dead)	8m	40cm	Removal	No	No	Yes	Yes
19	<i>Acacia melanoxylon</i> , Blackwood	6m	15cm	Contingent removal	Yes	No	Yes	Yes

4.6 Planning Policy Framework

4.6.1 Municipal Planning Strategy

Clause 02.02: Vision

Banyule's vision is to:

- *Create a green, sustainable and vibrant place for a healthy, connected and inclusive community.*
- *Invest in, and support, activity centres and employment precincts.*
- *Protect the amenity and character of residential areas.*
- *Support an equitable and sustainable transport network.*
- *Protect and enhance the natural environment.*
- *Provide quality public and open spaces.*
- *Protect and conserve cultural heritage.*
- *Conserve water and improve stormwater management.*
- *Manage flood and bushfire risk.*
- *Plan for, and respond to, climate change.*

Clause 02.03: Strategic Directions

To achieve Banyule's vision, the strategic directions relevant to the proposal include:

Environmental and landscape values

- *Minimise the impacts from development, traffic and pollution that threaten Banyule's unique environmental assets.*
- *Rehabilitate and enhance remnant habitats, particularly of threatened indigenous species.*
- *Promote the survival of threatened indigenous species by linking areas of natural habitat, consistent with the Natural Environment Framework Plan at Clause 02.04.*
- *Rehabilitate the natural habitats along the Yarra River, Plenty River and Darebin Creek to provide adequate buffers from development.*
- *Retain and plant Significant Trees, Substantial Trees and other vegetation to protect and enhance Banyule's landscape character, habitat links and biodiversity, contribute to water-sensitive design, and to manage the urban heat island effect.*

Heritage

- *Conserve and enhance buildings, places and precincts that contribute to Banyule's cultural heritage.*
- *Support and encourage opportunities to improve the environmental performance of heritage buildings.*

Clause 02.04: Strategic framework plan

The Upper Section of the North Yarra Main is within proximity with the following area of natural environmental values as identified under this clause:

- Major Wildlife Corridor – a key focus for the movement of animals
- Local Habitat Link – remnant habitat linking to corridors and other habitat area
- Area of Environmental Significance - areas with identified environmental values

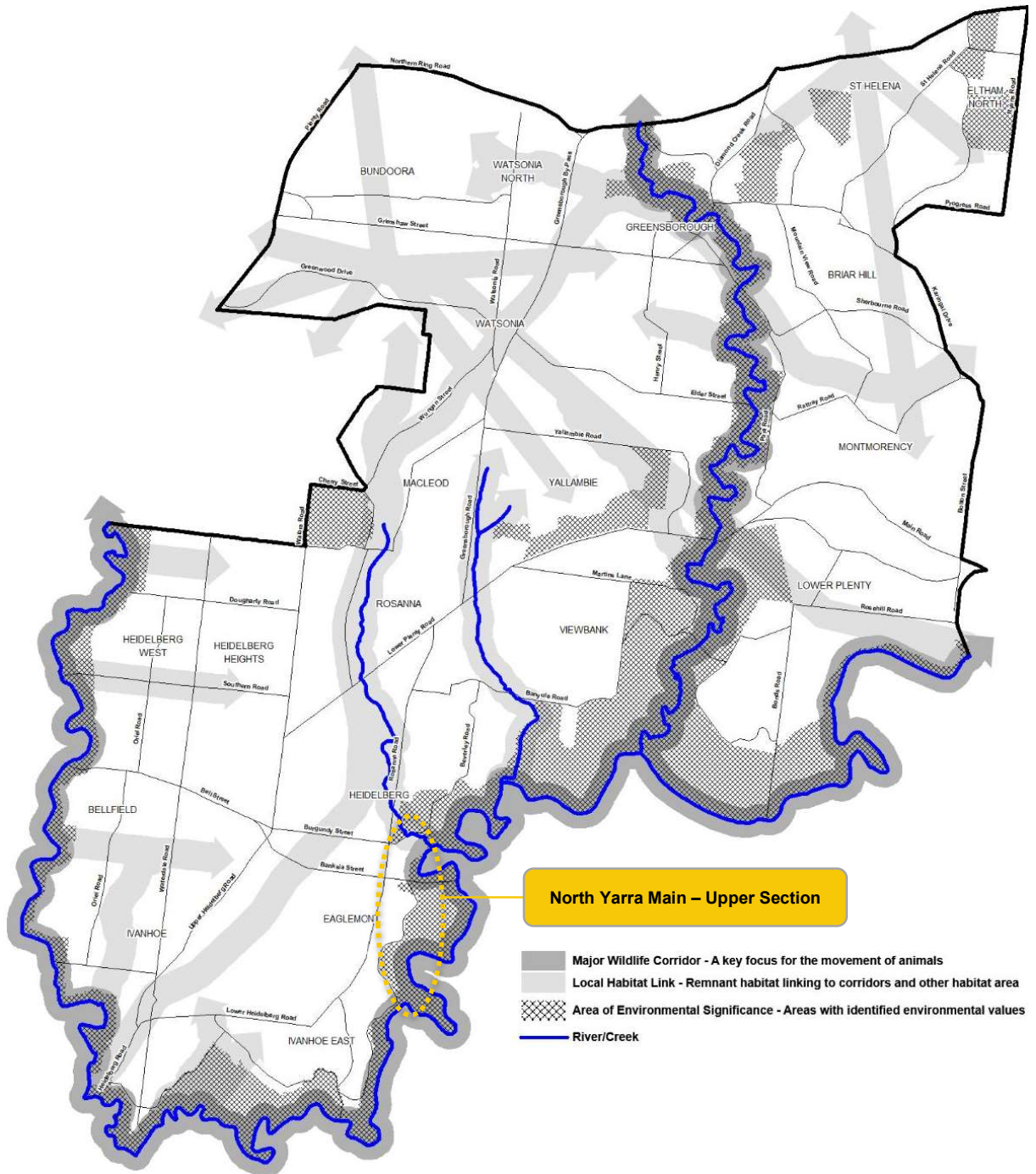


Figure 8 Extract from Banyule’s Natural Environmental Framework Plan at Clause 02.04

4.6.2 Settlement (Clause 11)

Clause 11.01-1S: Settlement

The objective is to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.01-1R: Settlement – Metropolitan Melbourne

The regional strategy is to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.

4.6.3 Environmental and Landscape Values (Clause 12)**Clause 12.01-1S: Protection of biodiversity**

The objective is to protect and enhance Victoria's biodiversity.

Clause 12.01-2S: Native Vegetation Management

The objective is to ensure that there is no net loss to biodiversity as a result of removal, destruction or lopping of native vegetation.

Clause 12.03-1S: River and riparian corridors, waterways, lakes, wetlands and billabongs

The objective is to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Clause 12.03-1R: Yarra River protection

The objective is to maintain and enhance the natural landscape character of the Yarra River corridor.

Clause 12.05-1S: Environmentally sensitive areas

The objective is to protect and conserve environmentally sensitive areas.

Clause 12.05-2S: Landscapes

The objective is to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

4.6.4 Built Environment and Heritage (Clause 15)**Clause 15.01-1S: Urban design**

The objective is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.03-1S: Heritage conservation

The objective is to ensure the conservation of places of heritage significance.

Clause 15.03-1L: Heritage conservation

Local strategies in relation to heritage conservation in particular relevance to the proposal include:

Trees and vegetation strategies

- *Construct or carry out buildings and works in a manner that does not have a detrimental impact on trees and vegetation that are individually significant, or a contributory element to a heritage place.*
- *Replace trees that are individually significant or a contributory element to a heritage place, where their removal is justified, with a comparable species, or with a species more suited to current site conditions.*

Public realm strategies

- *Retain contributory elements of the public realm, including the layout of roads and footpaths.*

4.6.5 Infrastructure (Clause 19)

Clause 19.02-6S: Open space

The objective is to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Clause 19.02-6R: Open space – Metropolitan Melbourne

The objective is to strengthen the integrated metropolitan open space network.

Clause 19.03-2S: Infrastructure design and provision

The objective is to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Clause 19.03-3S: Integrated water management

The objective is to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Decision guidelines

4.7 Operational Provisions

Clause 71.02-3: Integrated decision making

Planning aims to meet the various needs and expectations of Victorians by addressing various aspects of economic, environmental and social wellbeing affected by land use and development. The clause requires responsible authorities to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objective in favour of net community benefit and sustainable development for the benefit of present and future generations.

5 Planning Assessment

The assessment of the application takes into consideration of the following matters:

- Planning policy support
- The proposed lopping of trees in relation to the impacts to the viability of those trees
- The proposed removal of trees in relation to environmental, landscape and heritage impacts
- The proposed minor utility works in relation to heritage impacts

5.1 Planning policy support

The proposal is for the upgrade of the existing sewer facilities to support the current and future population of the north-western part of metropolitan Melbourne. The sewer upgrade is a critical piece of infrastructure delivery consistent with the objectives of Clause 11 (Settlement) and Clause 19 (Infrastructure) of the Planning Scheme. The existing sewer of the North Yarra Main is largely located within the public open space network of both local and regional significance, managed by the Banyule City Council and Parks Victoria. Access to the open space of Heidelberg Park and Yarra Flats is unavoidable. Therefore, the integration of water infrastructure and open space management is an important to the success of the project delivery.

The project area is in proximity to the Yarra River corridor environs, with various environmental, landscape and heritage values of strategic significance to the local community and the broader surrounding. The access methodology has been through a reiterative process among the project team in consultation with Banyule City Council and Parks Victoria as the public land managers as well as Yarraman Riders as the key occupier within Yarra Flats. The access has been modified to avoid the need of pruning or removal of trees where possible, minimising impacts to the environmental, landscape and heritage values of the place. This is consistent with the guiding principles specified under Clause 12 (Environmental and Landscape Values and Clause 15 (Built Environment and Heritage).

The iterative process has resulted in a number of trees which are required to be pruned or removed in order to create sufficient access to the existing maintenance holes for the upgrade of the sewer. In consideration of the proposal, while ESO4 seeks to protect individual trees of significance, ESO1 and SLO1 seek to protect and conserve the environmental and landscape value of the Yarra River corridor environs by retaining trees and vegetation.

The respective objectives of the ESO1 and SLO1 are outlined below:

Table 5 The overlay objectives of ESO1 and SLO1

Overlay	ESO1	SLO1
Overlay objective	<ul style="list-style-type: none"> • To protect areas along watercourses from development and loss of vegetation that may damage the streamside environment as a visual, conservation, ecological and recreation resource. • To enhance and encourage the conservation and maintenance of the streamside environment as a conservation, ecological and recreation resource. • To address the threatening processes associated with widespread habitat loss 	<ul style="list-style-type: none"> • To retain vegetation that contributes to landscape character, heritage values or neighbourhood character. • To maintain and protect linear public open space and provide for secluded areas of public open space with access to the river where appropriate. • To encourage the co-location or clustering of buildings, jetties and mooring facilities on public land. • To encourage bicycle and shared paths that are safe, well located and require

Overlay	ESO1	SLO1
	<p>and degradation that has occurred in North East Melbourne.</p> <ul style="list-style-type: none"> To conserve water quality and watercourse capacity to enable appropriate beneficial land use and water-based activities to be undertaken. To encourage the retention and enhancement of a continuous corridor of indigenous vegetation along river and creek banks in order to provide corridors and habitat for the movement of wildlife. To protect the watercourse and adjoining parkland and its flora and fauna from the effects of polluted waters conveyed by the stormwater system or other means. To protect and enhance sites with archaeological or scientific significance. To encourage development consistent with any approved concept plan for the area. To ensure that development and management of land is compatible with the natural environmental character and landscaped qualities of the watercourse and its surrounds. 	<p>minimal earthworks and vegetation removal.</p> <ul style="list-style-type: none"> To ensure fencing within close proximity to the Yarra River is low in scale, visually permeable and does not contrast with the natural landscape character.

Overall, the minimisation in the pruning and removal of trees as proposed ensures the protection and conservation of the environmental and landscape value of the Yarra River corridor environs is not negatively affected (details below).

5.2 Lopping of trees

The proposed pruning of trees has been minimised where necessary and is considered appropriate for the following reasons:

- The extent of tree pruning has been assessed by the project arborist to ensure consistent with the relevant Australian Standards for pruning of trees.
- The extent of pruning is not expected to affect the long-term viability of the trees.
- The extent of pruning is not expected to detract from the environmental, landscape or heritage value of the setting of both Heidelberg Park and Yarra Flats.
- The pruning of trees will be supervised by a qualified arborist on site.

5.3 Removal of trees and vegetation

The proposed removal of trees has been minimised where necessary and is considered appropriate for the following reasons:

- Tree 67 is a dead tree and does not provide habitat or landscape value to the setting.
- All other trees to be removed are of a low retention value based on the project arborist's assessment.
- The removal of trees is not expected to detract from the environmental, landscape or heritage value of the setting of Yarra Flats.

- Replacement planting can be provided with details on the number, species and locations of planting to be provided at a later stage to the satisfaction of the Council.

5.4 Heritage impacts

In addition to the proposed trees to be pruned or removed, the proposed new access tracks in Yarra Flats requires a planning permit under the Heritage Overlay (HO134). This is due to the creation of access tracks would alter the appearance of the heritage place.

The proposed access tracks within Yarra Flats have been minimised necessary and are considered appropriate for the following reasons:

- The access tracks have been designed in consultation with Parks Victoria as the public land manager and Yarraman Riders as a key occupier of the land.
- Existing access tracks are utilised where possible.
- The new access tracks are solely for temporary construction purposes and can be reinstated after construction has finished.
- The new access tracks are contained within the Yarraman Riders lease area and will be carefully managed.
- Plastic track mats will be utilised without removal of existing grass or ground disturbance. Upon the completion of the project, the track mats will be removed, and the covered areas will be reinstated and replenished.
- The new access tracks will not be accessible by the general public.
- The new access tracks are aligned with existing fence lines to minimise disturbance to grass areas.
- The extent of the access tracks (including the width and the length) are minimised as necessary.
- The new access tracks are not expected to inappropriately affect the appearance, character, or public experience of the heritage place.

6 Conclusion

On balance, the proposal is considered appropriate in creating a net community for the following reasons:

- The proposed sewer upgrade is a critical infrastructure required to support the current and future population and settlement of metropolitan Melbourne.
- The proposed pruning and removal of trees has been minimised as necessary and would not negatively affect the environmental, landscape and heritage values of the setting.
- The proposed works within Yarra Flats is not expected to negatively affect the heritage value of the place.