

Prepared for
Yarra Ranges Council
ABN: 21 973 226 012

AECOM

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Planning Report

Planning Scheme Amendment C198yan

29-Sep-2021
Warburton Mountain Bike Destination Project

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Planning Scheme Amendment C198yran

Client: Yarra Ranges Council

ABN: 21 973 226 012

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Executive Summary

This Planning Report (the report) has been prepared by AECOM Australia Pty Ltd to facilitate the proposed Planning Scheme Amendment C198yan (the Amendment) required for the development of the Warburton Mountain Bike Destination Project (the project). The proponent for the project is Yarra Ranges Council (Council).

This report forms part of the draft Amendment prepared for the purposes of review by and consultation with the Environment Effects Statement (EES) Technical Reference Group (TRG) and for public exhibition. The contents of the report and the Amendment will be updated based on the outcomes of consultation and after the Minister for Planning's assessment of the EES is completed.

The project is a proposed world class mountain biking destination centred around Warburton, approximately 70 km east of Melbourne. It consists of approximately 192 km of mountain bike trails that predominantly traverse land within the Yarra Ranges National Park and state forests. The project provides a variety of mountain bike experience to suit all levels of riding.

The key project objectives are to:

- Facilitate tourism growth and associated positive economic and jobs growth in the Yarra Valley region
- Create mountain bike trails eligible for International Mountain Bike Association Gold Ride Centre status
- Create riding experiences that have a competitive advantage over existing mountain bike destinations and leverage Warburton's beautiful township, rural valley and surrounding forested slopes
- Enhance the health and well-being of the community
- Maintain the significant biodiversity and heritage values and provide opportunities for the community to connect with and appreciate their importance.

The report supports the application of the Amendment to the Yarra Ranges Planning Scheme (the Scheme). In summary, the Amendment will:

- Apply the Specific Controls Overlay to allow the use and development of land for the project in accordance with the specific control in the Scheme
- Insert new Planning Scheme Map Nos. 14, 32, 33, 34, and 48 SCO and amend Planning Scheme Map No. 47 SCO
- Amend the schedule to Clause 45.12 Specific Controls Overlay by inserting Incorporated Document '*Warburton Mountain Bike Destination Project Incorporated Document, January 2022*' (the Incorporated Document)
- Amend the schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert Planning Scheme Map No 14, 32, 33, 34 and 48 SCO
- Amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

This report demonstrates that the Amendment will facilitate a project that is significant to the State as it will generate economic benefits for the broader region beyond Warburton township and the Upper Yarra Valley by promoting employment and tourism to support Victoria's post-COVID-19 economic recovery. The project will reasonably consider the relevant issues and the views of affected parties through technical investigations and rigorous public consultation built into the EES process, resulting in an Amendment that will serve the public interest.

Accordingly, Council requests the Minister for Planning to exercise his discretion and approve the Amendment under Section 20(4) of the *Planning and Environment Act 1987* (P&E Act).

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Abbreviation	Term
AECOM	AECOM Australia Pty Ltd
BMO	Bushfire Management Overlay
CA	Crown Allotment
CEMP	Construction Environmental Management Plan
CHMP	Cultural Heritage Management Plan
DELWP	Department of Environment, Land, Water and Planning
EE Act	<i>Environment Effects Act 1978</i>
EES	Environment Effects Statement
EMO	Erosion Management Overlay
EMP	Emergency Management Plan
EPA Victoria	Environment Protection Authority Victoria
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESO	Environmental Significance Overlay
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i>
GWZ	Green Wedge Zone
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation
MNES	Matters of National Environmental Significance
OEMP	Operations Environmental Management Plan
P&E Act	<i>Planning and Environment Act 1987</i>
PCRZ	Public Conservation and Resource Zone
PPF	Planning Policy Framework
the Amendment	Planning Scheme Amendment
PPRZ	Public Park and Recreation Zone
PUZ1	Public Use Zone Schedule 1 - Service and Utility
RCZ	Rural Conservation Zone
RDZ1	Road Zone – Category 1
RDZ2	Road Zone – Category 2
RO	Restructure Overlay
SCO	Specific Controls Overlay
SLO	Significant Landscape Overlay
SUZ2	Special Use Zone Schedule 2 – Major Tourist Facility
TMP	Traffic Management Plan
VPP	Victoria Planning Provisions

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1.0 Project Overview

1.1 Introduction

This Planning Report (the report) has been prepared by AECOM Australia Pty Ltd (AECOM) to facilitate the proposed Planning Scheme Amendment C198yan (the Amendment) required for the development of the Warburton Mountain Bike Destination Project (the project). The proponent for the project is Yarra Ranges Council (Council). The report describes the project and its context, identifies relevant legislation and policy, outlines the relevant specialist investigations that have been undertaken in relation to the project and assesses the project against the relevant planning policies.

This report is structured as follows:

- Section 1.0 describes the project's key components, identifies the project land and provides background on the EES process
- Section 2.0 sets out the legislation and policy context relevant to the Amendment
- Section 3.0 assesses the project against the relevant legislation and policies to justify the Amendment's appropriateness
- Section 4.0 concludes the report.

The report is supported by the following supplementary material:

- Appendix A contains documentation for the Amendment including:
 - Draft Incorporated Document
 - Draft Specific Controls Overlay (SCO) Map
 - Draft Explanatory Report
 - Draft Instruction Sheet
 - Draft Clause 45.12s
 - Draft Clause 72.03s
 - Draft Clause 72.04s
- Appendix B summarises the relevant sections of the Regional Strategy Plan
- Appendix C provides a summary of the planning requirements and the Incorporated Document Interdependencies
- Appendix D contains maps showing relevant planning controls referenced throughout this report including:
 - Zone and Overlay Maps
 - Regional Strategy Plan Maps.

1.2 Project Description

1.2.1 Project overview

approximately 70 kilometres east of Melbourne. A significant informal network of mountain bike trails exists within the region and there is evidence of increasing use of these trails by local and visiting riders. Mountain biking in this locality started around 15 years ago and was concentrated in the Yarra State Forest in the vicinity of Mount Tugwell.

Council has identified mountain biking as an opportunity for tourism growth within the region which would also support the economy of the township and the health and well-being of its residents. The project would create iconic trails eligible for International Mountain Bike Association Gold Level Ride Centre status, which would position Warburton as an internationally significant mountain biking destination.

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The project objectives are to:

- Facilitate tourism growth and associated positive economic and jobs growth in the Yarra Valley region
- Create iconic mountain bike trails eligible for International Mountain Bike Association Gold Ride Centre status
- Create spectacular riding experiences that have a competitive advantage over existing mountain bike destinations and leverage Warburton's beautiful township, rural valley and surrounding forested slopes
- Enhance the health and well-being of the community
- Maintain the significant biodiversity and heritage values within the project area and provide opportunities for the community to connect with and appreciate their importance.

The project consists of approximately 177 kilometres of mountain bike trails providing a range of mountain bike experience to suit all levels of riding. The project also includes a new Visitor's Hub and main trail head at the Warburton Golf Course and other new trail heads at Mt Tugwell, Mt Donna Buang and Wesburn Park.

1.2.2 Main project components

The main project components proposed are as follows:

- Upgrade of existing mountain bike trails – approximately 12 kilometres (seven per cent of project length)
- New mountain bike trails – up to 155 kilometres (87 per cent of project length)
- Existing vehicle roads and tracks to be incorporated into the mountain bike trail network – approximately 10 kilometres (six per cent of project length)
- Construction of a new Visitor's Hub and main trail head at the Warburton Golf Course and new trail head facilities at Mt Tugwell, Mt Donna Buang and Wesburn Park. An additional network access point to the network would be provided at Dee Road.

The network would comprise 61 trails, each with a length of between 100 metres and 22 kilometres. Each trail has a trail difficulty rating assigned, ranging from easy to intermediate, to difficult and extreme. Some of the trails are returning loops, while others are point-to-point trails. All trails have also been categorised into six different styles including, adventure, air flow, downhill, flow country, gravity and wilderness.

The northern trail network (located on the north side of the valley) consists of around 36 percent of the trails. The southern trail network (located on the south side of the valley) consists of around 64 percent of the trails.

The trails will generally have a bench width of approximately 1.2 metres with a ride line of approximately 0.4 – 1.2 metres. The development footprint to be assessed is based on a maximum width of two metres (one metre for the trail corridor with a trail buffer of 0.5 metres on each side). A head-height clearance of 2.5 metres has been assumed.

The grade of individual trail sections would vary according to the local topography. Typically, the maximum trail grade would be less than 15 percent, with most of the trails having grade under 10 percent.

The trail network would include built form elements including platforms, culverts, rock armour, jumps, berms and two bridges.

Minimal signage is proposed throughout the trail and trail heads which would consist of small maps at strategic intersections along with safety and name signage. Some trail sections would include elevated structures and drainage works to avoid and minimise impacts to waterways and associated biodiversity values.

The new Visitor's Hub and main trail head is to be developed to the south of Warburton Golf Course, where the existing carpark would be upgraded and extended to accommodate around 180 cars with

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room for future expansion if required. A new shelter and a bike wash down station would be established for the use of mountain bike riders. Run-off from the wash bays would be captured by a sump and recirculated where practicable. Excess silt and soil would be captured by a silt retention system which would also serve the car park. This system would be designed to meet Melbourne Water requirements. The Visitor's Hub would adjoin the main trail head and would allow direct access to the north and south trail zones.

Three other trail heads are proposed as follows:

- A new trail head would be established on top of Mt Tugwell, off Mt Bride Road and would include a carpark, a bus turnaround bay, a bike wash down station, toilets and picnic area
- The existing trail head at Mt Donna Buang would be upgraded with improvements to the car park, toilets and picnic area and installation of a bike wash down station
- An additional 120 car parks would be established at Wesburn Park to facilitate access to connecting trails.

Drainage would be upgraded at the other trail head locations to meet current Melbourne Water requirements.

1.2.3 Alternative to trail 1

During the project development process which has occurred in preparation of the EES, consideration was given to feasible trail alternatives for key trails where there is potential for significant environmental impact. Through a screening process that focussed on ecological, heritage and socioeconomic factors, the need to investigate alternative trail alignments was identified in order to ensure a network design that minimises the potential for significant environmental impact.

Further information on this work is provided in the EES Chapter 4 – Project development and alternatives, which will be exhibited alongside this Amendment.

The investigations identified Trail 1 a candidate for consideration of alternative alignments.

Trail 1 is approximately 23 kilometres in length and traverses the Yarra Ranges National Park from the summit of Mount Donna Buang travelling in a westerly direction through forested land alongside Road 2 before meandering generally south east through forested land towards the Warburton township, also intersecting Woiwurrung State Forest.

The project identified an alternative to this trail, being the combination of trail 45, trail 46 and trail 47, with a combined length of approximately 15 kilometres, as shown in Figure 2.

Trails 45 and 46 are within the Yarra Ranges National Park and commence at the summit of Mount Donna Buang, following a south easterly direction through forested land towards the Warburton township, before tying into trails 5 and 6. Trail 47 commences at Mount Donna Buang Road and travels east within the National Park to tie into trail 8. The trails are respectively of length 4 kilometres (trail 45), 5.5 kilometres (trail 46) and 5.6 kilometres (trail 47).

1.1.1 Project timing

The timing of the key project phases is proposed as follows:

- Project development and approval: mid 2022
- Project construction, Stage 1 (approximately 110 kilometres): progressively from mid 2022
- Project operations and maintenance: staged opening during 2022 and beyond.

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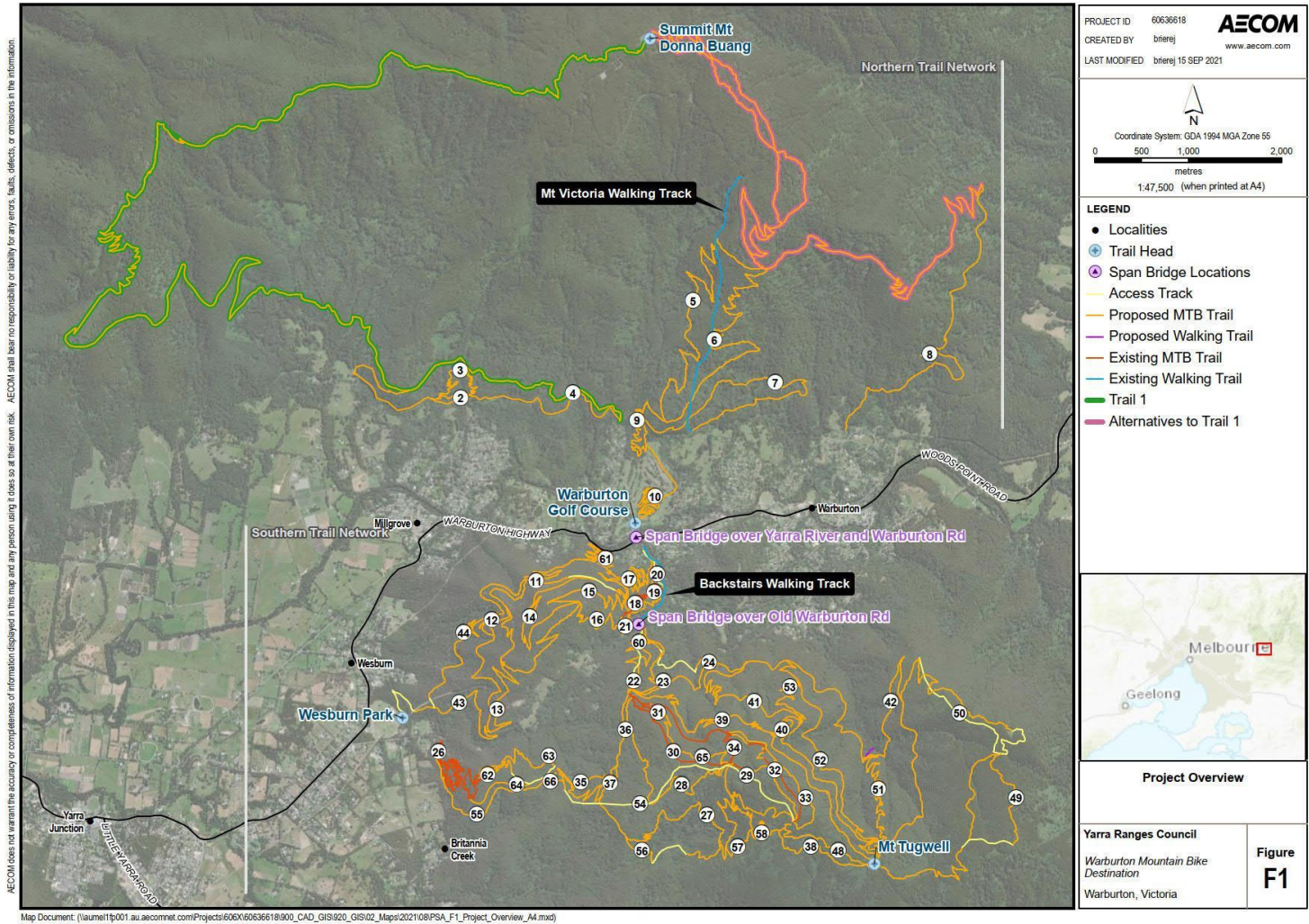


Figure 1 Project overview

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1.3 Project Land

The project land is located entirely within the Shire of Yarra Ranges in an area generally described for the purposes of this report as the Yarra Ranges. The project land forms the basis of the proposed SCO which will be incorporated into the Yarra Ranges Planning Scheme (the Scheme) as part of this Amendment. This area is shown in the SCO Maps at **Appendix A** as SCO16.

The current draft SCO includes all trail options currently under investigation as part of the EES. The draft SCO will be updated when preferred options are confirmed.

The extent of the project land, and by extension the proposed SCO, must balance a need to create an easily legible policy area that allows some flexibility for detailed design amendments while avoiding unnecessary incursions on sensitive receptors. In preparing the project land and SCO extent, the following methodology was adopted to balance these needs:

1. The 20-metre study corridor used in the EES has been used as the basis for the SCO. The 20-metre corridor was deemed appropriate as it allows enough flexibility for cycle trails to be amended during detailed design in response to environmental or construction constraints. It also allows for construction activities to occur proximate to the development areas.
2. Where the project intersects private land, the boundary of the SCO is snapped to the parcel boundaries, to allow for the proposed function of condition 5 of the Incorporated Document.

The above methodology has ensured that the application of the SCO on the project land is limited to only land that has been assessed as part of the EES process. It is noted that any minor amendments to the project alignment would be subject to the conditions set out in the Incorporated Document created by this Amendment.

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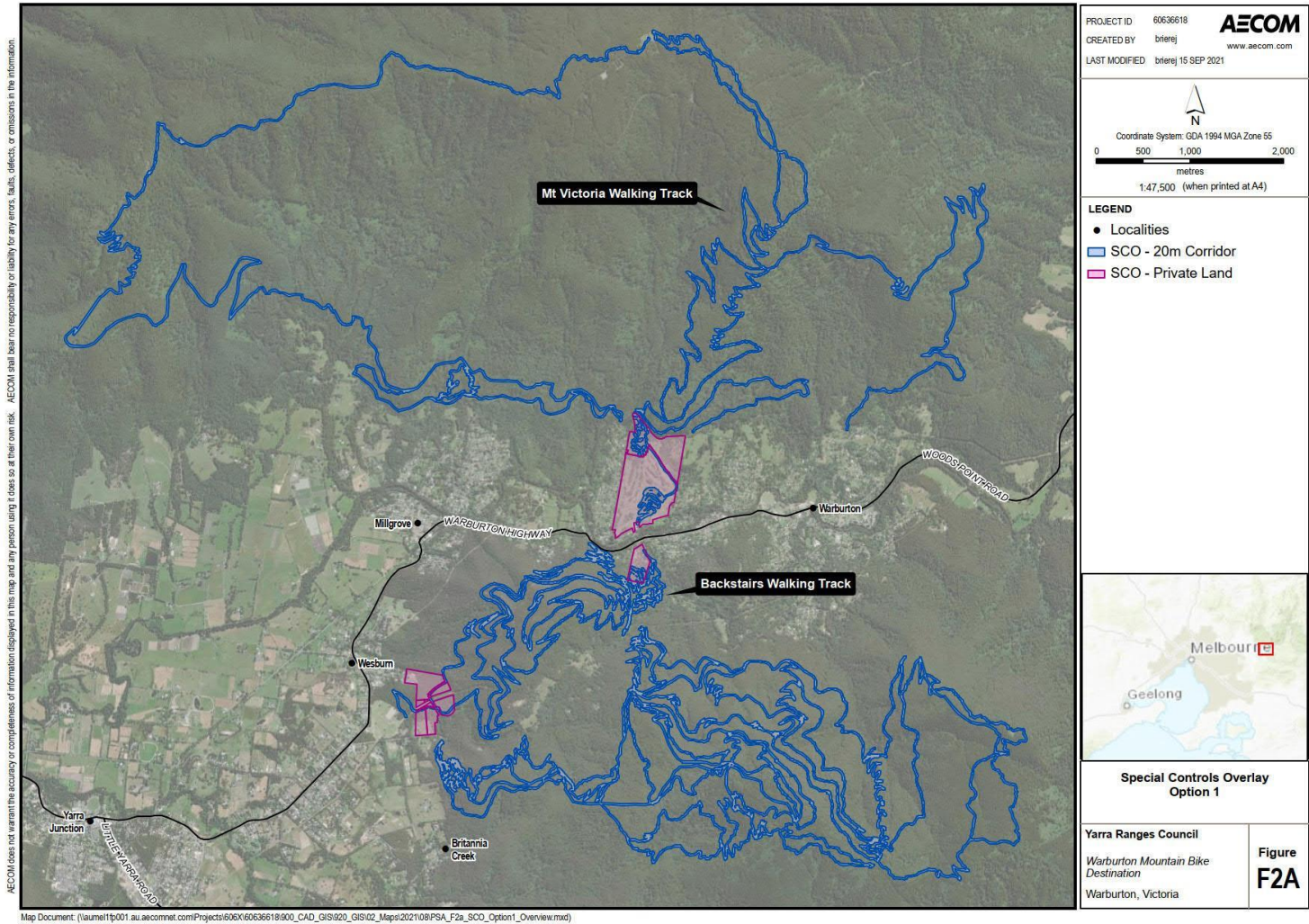


Figure 2 Proposed SCO extent and project land

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1.4 Environment Effects Statement

The project is being assessed under the *Environment Effects Act 1978* (EE Act) which provides for the assessment of proposed projects in Victoria that could have a significant effect on the environment. On 21 May 2020, it was determined that an EES was required for the project due to the potential for a range of significant environmental effects. On 16 June 2020 the Commonwealth Department for Agriculture, Water and Environment issued a decision that the project is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and that the project will be assessed under the assessment bilateral agreement with the State of Victoria.

An EES has been prepared to investigate and document the specific matters set out in the scoping requirements issued by the Minister for Planning for the project. The EES includes environmental assessments which have considered a 20-metre study area around, 10 metres either side of the centreline of all proposed trails. The EES will be publicly exhibited, and any submissions made during the exhibition process will be considered by an advisory committee to help inform the Minister's consideration.

The Minister's Assessment of the EES will be issued which will make recommendations about the appropriateness of environmental effects along with any modifications or further management measures which may be required. The Minister's Assessment will then be considered by the statutory decision-makers responsible for issuing key approvals for the project.

After considering the Minister's Assessment under the EE Act, the Commonwealth Minister for the Environment or their delegate will ultimately decide whether the action is approved, approved with conditions or refused under the EPBC Act.

This report forms part of the draft Amendment prepared for the purposes of review by and consultation with the EES TRG and for public exhibition. The contents of the report and the Amendment will be updated based on the outcomes of consultation and after the Minister for Planning's assessment of the EES is completed.

This Amendment will be exhibited concurrently with the EES, and approval of the request for the Amendment will be subject to a positive assessment of the environmental effects of the project under the EE Act. The Amendment will provide the planning permission for the project required under the *Planning and Environment Act 1987* (P&E Act). It is noted that the Amendment would be updated before it is submitted to reflect the outcomes of the EES and Minister's assessment.

A Construction Environmental Management Plan (CEMP) and Operations Environmental Management Plan (OEMP) will be prepared to manage construction and operational impacts in line with mitigation measures which were recommended in the EES. The mitigation measures address the findings of the EES, ongoing iterations to the project design and stakeholder inputs to ensure that risks associated with the project are managed appropriately in compliance with relevant legislation. The CEMP and OEMP will be subject to approval under the Incorporated Document. These measures are informed by the specialist technical investigations referenced in Section 3.1.2.

The CEMP and OEMP will be designed to accommodate all trails and stages of the project as the specific issues and risks associated with construction and operation are common to the entire project. These documents will be regularly amended in accordance with the requirements of the Incorporated Document so that their conditions are updated as new information becomes available during construction and operation. Through this process, the CEMP and OEMP will facilitate changing conditions over time through continuous improvement. The documents will be subject to audit process built into their conditions to ensure that changing conditions are addressed.

The preparation of this Amendment has been informed by the prior consultation that has already taken place in relation to the project. Ongoing stakeholder engagement will occur as part of the next phases of the EES process to ensure that the views of affected parties are heard and responded to. A Consultation Report will be prepared and exhibited as part of the EES. Community stakeholders will have the opportunity to provide feedback on the EES and associated approvals, and the Amendment, during the EES/Amendment public exhibition period.

It is noted that the Land Use Impact Assessment (LUIA), which forms part of the EES and should be read in conjunction with this report, assesses a broader study area that differs from the project land.

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This is because the purpose of the LUA is to assess the potential land use and planning impacts associated with the project and provide recommendations to inform the preparation of the EES. By contrast, the purpose of this report is to demonstrate that the proposed SCO is an appropriate approval mechanism, that the project is of State significance, and is consistent with the relevant planning policies and legislation.

1.2 The Amendment

An Amendment has been identified as the most appropriate mechanism to provide a consistent and holistic set of controls for the use and development of the project land for the project. Ordinarily, the project would trigger a variety of planning permit requirements that involve a range of authorities. The Amendment will provide a more comprehensive and coordinated approval that will:

- Apply the SCO to allow the use and development of land for the project in accordance with the specific control in the Scheme
- Insert new Planning Scheme Map Nos. 14, 32, 33, 34, and 48 SCO and amend Planning Scheme Map No. 47 SCO
- Amend the schedule to Clause 45.12 Specific Controls Overlay (SCO) by inserting Incorporated Document '*Warburton Mountain Bike Destination Project Incorporated Document, January 2022*' (the Incorporated Document)
- Amend the schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert Planning Scheme Map No 14, 32, 33, 34 and 48 SCO
- Amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

The Amendment holds several benefits and is viewed to be the most appropriate approval mechanism for the project as it will:

- Provide for the ability to create uniform planning controls across multiple land parcels
- Streamline communication of on the ground compliance requirements and approval of relevant environmental plans or other management plans by secondary consent
- Reduce administrative burden on approval authorities by removing the need to address numerous individual planning permit triggers through a typical planning permit application process
- Provide transparency for the community and stakeholders when advertised through the EES exhibition process.

In addition to the above, the Amendment enables appropriate consideration of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (the Regional Strategy Plan) in compliance with Section 46F of the P&E Act.

Section 20(4) of the P&E enables the Minister to amend a planning scheme, with exemption from notice requirements. This report demonstrates that this is an appropriate mechanism as the project will facilitate a project that is significant to the state as it will generate economic benefits for the broader region beyond Warburton township and the Upper Yarra Valley by promoting employment and tourism to support Victoria's post-COVID-19 economic recovery. The EES will reasonably consider the relevant issues and the views of affected parties through technical investigations and rigorous public consultation built into the EES process.

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2.0 Legislation and Policy Context

2.1 Planning and Environment Act 1987

The P&E Act is the primary legislative framework used to guide and regulate land use, planning and development related matters within Victoria. In particular, the P&E Act provides the framework for planning schemes, which contain State and local Government policy, together with a suite of zone, overlay and particular provisions that apply to each municipality in Victoria and which manage land use and development.

Land use and development must have regard to the objectives of planning in Victoria as set out in Section 4(1) of the P&E Act. The relevant objectives are:

- *'To provide for the fair, orderly, economic and sustainable use and development of land*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community*
- *To facilitate development in accordance with the objectives set out above*
- *To balance the present and future interests of all Victorians.'*

Section 46F of the P&E Act requires that the Minister must not approve an amendment to the Scheme which is inconsistent with the Regional Strategy Plan. This mechanism ensures consistency between the Scheme and the Regional Strategy Plan.

Section 46G of the P&E Act requires that no Government Department, Public Authority, or Council may carry out works or undertakings in the area controlled by the Regional Strategy Plan which are not in conformity with its policies. Clause 51.03 of Yarra Ranges Planning Scheme requires permits for works on public land thereby ensuring the policies of the Regional Strategy Plan are met. The role of the Regional Strategy Plan is discussed in detail at Section 2.7 and further in 2.15.

The objectives of planning in Victoria are addressed in the development of the project as set out in the Explanatory Report included in **Appendix A**.

2.2 Ministerial Directions

The following Directions have been prepared by the Minister for Planning under sections 7(5) and 12(2)(a) of the P&E Act and are relevant to the Amendment:

- Ministerial Direction on the Form and Content of Planning Schemes sets out the form and content of planning schemes to which any planning scheme amendment must comply.
- Direction No.9 – Metropolitan Planning Strategy requires that planning scheme amendments have regard to the Metropolitan Planning Strategy (Plan Melbourne 2017-2050).
- Direction No.11 – Strategic Assessment of Amendments requires proposed planning scheme amendments to be comprehensively evaluated including the outcomes they will enable. This includes the consideration of the objectives of planning in Victoria; any environmental, social and economic effects; state and local planning policies; the views of any relevant agency and the requirements of the *Transport Integration Act 2010*.
- Direction No. 15 - The Planning Scheme Amendment Process which sets times for completing steps in the planning scheme amendment process.

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- Direction No. 17 – Localised Planning Statement which applies to the preparation of a planning scheme amendment affecting land identified in an adopted Localised Planning Statement for the Yarra Valley and Dandenong Ranges. In preparing an amendment affecting land identified in an adopted Localised Planning Statement, a planning authority must:
 - Have regard to the relevant adopted Localised Planning Statement
 - Include in the explanatory report a discussion of how the amendment implements the adopted Localised Planning Statement.
- Direction No.19 – on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health requires planning authorities to seek the views of the Environment Protection Authority Victoria (EPA Victoria) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

This Amendment is consistent with the requirements of the Ministerial Directions, as addressed in the Explanatory Report at **Appendix A**.

2.3 Plan Melbourne (2017 – 2050)

Plan Melbourne (2017 – 2050) provides the overarching strategic vision for growth in Metropolitan Melbourne. The Amendment supports the vision set out in Plan Melbourne 2017-2050 for Melbourne and Victoria to maintain its competitive advantages that create a diverse, flexible and resilient economy.

Plan Melbourne highlights the need to facilitate land use and development that supports balanced city growth. This core principle underpins the overarching vision for growth and is specifically oriented towards implementing projects that contribute to Melbourne's sustainability, accessibility and prosperity.

The Amendment supports the vision and outcomes set out in Plan Melbourne by facilitating a project that enhances Melbourne's liveability with the implementation of new tourism and recreational facilities while creating local and regional employment opportunities.

2.4 Protecting Victoria's Environment – Biodiversity 2037

Protecting Victoria's Environment – Biodiversity 2037 (Protecting Victoria's Environment) brings together conservation and social science to achieve the plan's vision which seeks for Victoria's biodiversity to be healthy, valued and actively cared for. The plan promotes collaboration and improved alignment across government, business, communities, Traditional Owners, Aboriginal Victorians and private land managers, to restore biodiversity and strengthen the economy. The plan also encourages community participation in caring for and enjoying the natural environment.

The plan identifies that Victoria's natural environment is our biggest tourist attraction attracting millions of local, domestic and international visitors every year, with Victoria's parks providing benefits to tourism, health, water purification, flood protection, coastal protection and carbon sequestration. Victoria's natural assets must therefore be protected from external impacts such as pollution, overuse and inadequate management of threats.

Good health and wellbeing are highlighted within the plan as fundamental outcomes that can be influenced by access to the natural environment. The plan identifies that time spent in natural spaces is linked to positive long-term health outcomes and provides children with opportunities to develop core skills including observation, problem-solving, reasoning, creativity and imagination, along with emotional and intellectual development and the acquisition of gross motor skills, such as agility, coordination and balance. Furthermore, the plan identifies the importance of natural assets for contributing to liveability and resilience.

Chapter 4 '*A healthy environment for healthy Victorians*' recognises links between Biodiversity 2037 and the government's *Victorian Public Health and Wellbeing Plan 2015-2019* and the importance of providing and promoting access to nature in order to reduce chronic disease risk factors, increase social inclusion and improve community liveability as a whole. Providing and improving natural spaces, facilities and programs in the right places will give people from multiple cultures more opportunities to experience nature.

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Chapter 5 '*Linking our society and economy to the environment*' highlights the need to increase nature-based tourism as nature-based tourism and recreational activities are significant contributors to the Victorian economy and provide opportunities for people to connect with nature. Tourism should be managed to ensure sensitive areas are well managed and impacts to biodiversity loss are minimised.

2.5 Planning Policy Framework

The Planning Policy Framework (PPF) of the Scheme seeks to ensure that land use and development in Victoria meet the objectives of planning as set out in the P&E Act. The PPF is general in nature and is used to guide more specific planning policies within the municipality.

The Amendment supports and/or implements the following clauses of the PPF:

- Clause 11 (Settlement) aims to ensure needs of existing and future communities can be met by providing guidance for housing, employment, recreation, open space and community infrastructure. Planning should recognise and contribute towards health and safety, a high standard of urban design and amenity, and protection of environmentally sensitive areas and natural resources amongst other values.
- Clause 11.01-1R (Green wedges – Metropolitan Melbourne) outlines strategies seeking to balance the need to promote economic growth in green wedge areas without compromising their natural qualities. Green wedge policies are considered in detail at Section 2.10.
- Clause 11.03-5S (Distinctive areas and landscapes) seeks to recognise the significance of geographic and physical features of the area and the important role of these areas as tourist destinations. Key values and activities of these areas should be protected and use and development that enhances the key characteristics should be supported. Use or development that could impact the long-term natural or non-urban use of land in these areas should be avoided. The Yarra Ranges Localised Planning Statement should be considered as relevant.
- Clause 12.01-1S (Protection of biodiversity) aims to assist the protection and conservation of Victoria's biodiversity, with strategies aimed at identifying key habitat and valuable biodiversity sites while strategically planning for the protection and conservation of biodiversity.
- Clause 12.01-2S (Native vegetation management) aims to ensure native vegetation is protected by avoiding the removal, destruction or lopping of native vegetation and minimise impacts from any native vegetation removal that cannot be avoided. Offsets should also be provided to compensate for any biodiversity impacts.
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands) seeks to protect water bodies and wetlands for their environmental, cultural and landscape values while ensuring development responds to and respects significant areas of environmental, conservation, cultural, open space, aesthetic, recreation and tourism assets. The Yarra River should be protected due to its significant economic, environmental and cultural assets.
- Clause 12.03-1R (Yarra River protection) seeks to protect the Yarra River corridor by maintaining and enhancing the natural landscape characteristics. Strategies include to strengthen the natural environment, promote a sense of place and landscape identity, retain and enhance enjoyment of the river, and ensure that development is designed to maintain the river's secluded and natural environment.
- Clause 12.05-1S (Environmentally sensitive areas) aims to protect and conserve environmentally sensitive areas including the Upper Yarra Valley.
- Clause 12.05-2S (Landscapes) aims to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
- Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire by ensuring risk-based planning prioritises the protection of human life.
- Clause 13.03-1S (Floodplain management) aims protect floodplains and waterways including the flood storage function and the flood carrying capacity of rivers, streams and waterways.
- Clause 13.05-1S (Noise abatement) seeks to control noise impacts on sensitive land uses.

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- Clause 13.06-1S (Air quality management) aims to assist the protection and improvement of air quality.
- Clause 15.03-1S (Heritage conservation) aims to ensure places of heritage significance are conserved.
- Clause 15.03-2S (Aboriginal cultural heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- Clause 17.04-1S (Facilitating tourism) encourages tourism development that maximises the economic, social and cultural benefits of developing the state as a competitive tourist destination. Strategies include to promote tourism facilities that preserve and are compatible with assets and qualities of surround attractions.
- Clause 19.02-6S (Open space) aims to establish, manage and improve a diverse public open space network that support the community's needs. Open space networks should be linked through walking and cycling trails and should incorporate links between major parks and activity areas, along waterways, connecting places of natural and cultural interest.

2.6 Local Planning Policy Framework

The Shire of Yarra Ranges Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 of the Planning Scheme cover key matters relating to environment, landscape and heritage, environmental risk, natural resource management, economic development and transport and infrastructure. The project supports and implements the following objectives and strategies from the LPPF:

- Clause 21.04 (Land use) provides policies specific to different land uses within Yarra Ranges Shire. Clause 21.04-2 sets out objectives, strategies, policy and implementation for Commercial land use. Key issues include that tourism contributes significantly to the economy of Yarra Ranges Shire, and the challenge is to achieve a delicate balance between tourism, the environment and protecting the amenity of the existing residents. Objective 4 – Tourism, seeks to recognise and facilitate the development of appropriate tourism opportunities, especially those that integrate with and promote the agricultural, environmental and conservation attributes of the shire. Strategies include to service the needs of people visiting the natural features of the area; promote Warburton township for tourist facilities and attractions for visitors; and reinforce the role of Warburton as a service base for tours to the mountain attractions, Mt Donna Buang snowfields and the Yarra Ranges National Park.
- Clause 21.07 (Landscape – objectives, strategies and implementation) has regard to Yarra Ranges Shire's landscapes of open valleys, rolling foothills and forested land. Key issues include the high environmental and landscape qualities, the scenic features of the non-urban areas and the vegetation that should be protected from poorly designed development and intrusive non-sustainable land uses. The objective is to retain and protect scenic landscapes, rural and green wedge character and special environmental features.
- Clause 21.09 (Environment – objectives, strategies and implementation) seeks to protect and conserve the environmental characteristics, biodiversity and the wider catchment area. Land use and development should consider environmental hazards such as flood, fire and landslip and should seek to ensure the natural environment is not adversely impacted.
- Clause 21.10 (Infrastructure - objectives, strategies and implementation) has regard to the design and standard of infrastructure, ensuring it meets the needs of current and future demands while suiting local characteristics. Physical infrastructure should be upgraded where appropriate in established urban areas. Utilities that maintain the environmental qualities of Yarra Ranges Shire should be provided.
- Clause 21.11 (Community infrastructure – objectives, strategies and implementation) aims to improve access to a range of well-planned community services, and to establish a network of recreational, leisure and cultural facilities and programs which reflect the natural environment.

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- Clause 22.05 (Vegetation protection) seeks to protect and enhance Yarra Ranges Shire's rich biodiversity. Objectives include to protect the long-term viability of all remnant vegetation, sustain natural ecosystems for plants and animals, ensure that clearing of remnant vegetation will not adversely impact landscape values or wildlife habitat, and protect the habitat of native fauna.

2.7 Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan)

The Upper Yarra Valley and Dandenong Ranges Authority (established under the *Upper Yarra Valley and Dandenong Ranges Authority Act 1976*) prepared the Regional Strategy Plan to enable increased protection for the special features and character of the region. The Regional Strategy Plan aims to provide direction for the future allocation of public and private resources within the Yarra Ranges region. At the time of preparation, the area included the former shires of Healesville, Lilydale, Sherbrooke and Upper Yarra.

The Yarra Ranges Planning Scheme was prepared following Council amalgamations. Those requirements of the Regional Strategy Plan that could not be readily implemented under the standard Victoria Planning Provisions were integrated into the Planning Scheme via Clause 51.03. This Clause is unique to the Scheme and provides additional control to that found in the State planning provisions and ensures the Scheme remains consistent with the Regional Strategy Plan.

The Regional Strategy Plan is currently administered under the P&E Act. Section 46F of the P&E Act prohibits the Minister for Planning approving any amendment to the Scheme that is inconsistent with the Regional Strategy Plan and its key policy directions. The relationship of the Regional Strategy Plan to this Amendment is limited to whether the proposed introduction of the SCO to permit the use and development of the mountain bike trail, is consistent with the Regional Strategy Plan policies, in accordance with requirements under Section 46F of the P&E Act.

The requirements of the P&E Act ensure that the policies contained within the Regional Strategy Plan are reflected in the Scheme, in other words the Scheme is consistent with the Regional Strategy Plan. Accordingly, the assessment provided in this report can focus on the relevant provisions of the Scheme and by demonstrating compliance, can also demonstrate that the Amendment is compliant with the Regional Strategy Plan. This assessment does not need to specifically identify and respond to any requirements of the Regional Strategy Plan as these are identified and responded to in the relevant policies in the Scheme.

The contents of the Regional Strategy Plan are summarised at Appendix B. Broadly, the Regional Strategy Plan encourages the following:

- Development be contained to ensure that it does not prejudice the conservation of natural resources and the amenity of those who live there and those who visit the area for recreation
- Natural resources worthy of conservation include significant vegetation (both native and exotic) and wildlife habitats of importance
- Planning that seeks to minimise fire risk
- Planning for recreation that seeks to minimise any adverse effect of tourism and day-tripping on residents, existing land use and the environment, and ensures compatibility with the primary aims of the policy.

These objectives are consistent with the overarching aims of the LPPF.

The Amendment's compliance with the Regional Strategy Plan's policies and objectives is demonstrated throughout the planning assessment at Section 3.0 through a detailed assessment of the Scheme. The policy areas of the Regional Strategy Plan relevant to the project are shown in Figure 3.

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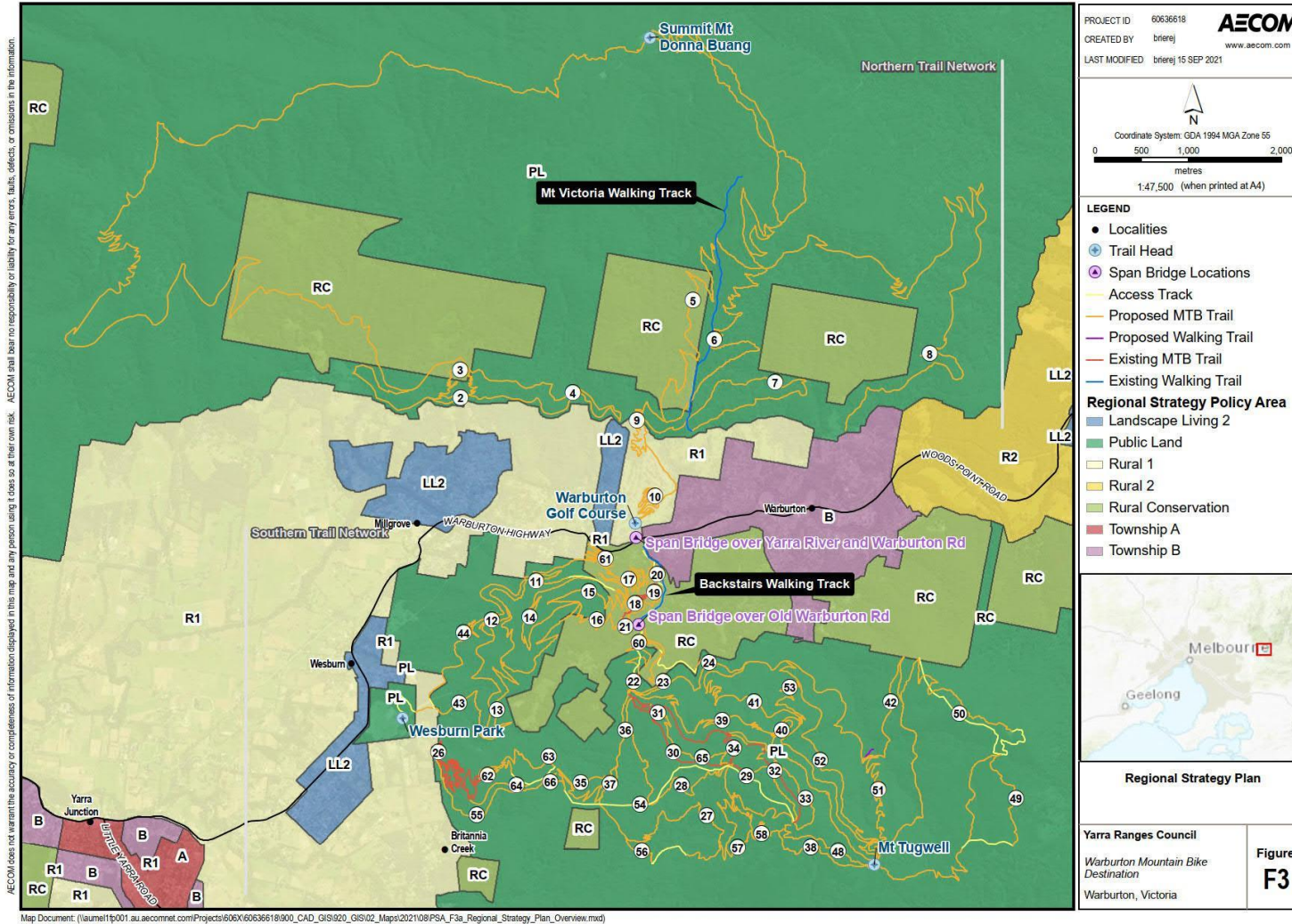


Figure 3 Regional Strategy Plan

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2.8 Yarra Ranges Localised Planning Statement (June 2017)

The *Yarra Ranges Localised Planning Statement* (Localised Planning Statement) identifies the qualities that make the Yarra Ranges unique in Victoria. It is implemented in the Scheme via Clause 11.03-5S (Distinctive areas and landscapes) and by Ministerial Direction 17 as outlined in Section 2.2 of this report.

The Localised Planning Statement identifies Yarra Ranges' natural qualities are its greatest value, and these qualities may be threatened by the pressures of supporting increased tourism and accommodating population growth in the region's towns.

The Localised Planning Statement sets out a vision that the Yarra Ranges will exemplify how the needs of a growing community can be balanced without compromising the quality of its natural assets. The vision also promotes opportunities for new and innovative employment.

The Localised Planning Statement outlines a range of objectives relating to tourism, economic and the environment. Objectives of relevance to this Amendment are listed below:

- *'Ensure areas of landscape sensitivity are protected by discouraging obtrusive development and ensure development uses muted colours*
- *Maintain and enhance visual amenity and the quality of landscape along main roads and other key tourist routes*
- *Recognise the economic role and recreational value of the Yarra Valley and Dandenong Ranges*
- *Provide for a variety of sustainable tourist oriented businesses that reinforce the primary values of the Yarra Ranges' Green Wedge*
- *Promote eco tourism ventures that contribute to the conservation of the area's biodiversity*
- *Encourage tourism uses to locate in rural townships to create flow on business opportunities and broaden the economic base of rural towns.'*

2.9 Yarra Ranges National Park Management Plan (June 2002)

The *Yarra Ranges National Park Management Plan* (the Management Plan) aims to provide directions for the management of the National Park including to preserve and protect significant conservation areas and water resources. The Management Plan is administered by Parks Victoria and facilitates and manages recreational activities within the Park through several management zones and overlays, each with a general management aim.

The Yarra Ranges National Park was reserved under the *National Parks Act 1975* following a Government accepted recommendation of the Land Conservation Council to establish the park for the purpose of protecting the area's significant mature wet forests and Cool Temperate Rainforest.

The area of the Park within which part of this project is located falls within the Conservation and Recreation Zone and the Recreation Development Zone as defined by the Management Plan. The Conservation and Recreation Zone is recognised as having important natural values and scope for recreation activities, and the plan seeks to protect sensitive natural environments and provide for sustainable dispersed recreation activities and small-scale recreation facilities without significant impact on natural processes. The Recreation Development Zone recognises areas with facility development within a natural setting and seeks to provide primarily for high-use visitor nodes with a concentration of recreation and/or interpretation facilities.

Within both of these zones, bicycle riding is identified as a permitted activity subject to appropriate conditions. The plan specifically seeks to provide opportunities for cycling that are consistent with the protection of park values.

The conditions for cycling are as follows:

- Cycling is permitted on roads, tracks and ski trails
- Cycling is not permitted on existing walking tracks

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- Cycling in the park should be monitored and appropriate measures should be undertaken should cycling adversely affect the park or if user conflicts arise.

The Management Plan identifies that amendments may be made to the Management Plan from time to time and that a partial or complete review will be considered in the period from five to ten years after its publication. No review has occurred to date.

It has been identified during consultation with Parks Victoria that an amendment to the Management Plan may be required to resolve a conflict wherein the project proposes cycling on new trails, rather than existing ones. An amendment to the Management Plan is viewed as appropriate, as the project will achieve its aspirations to enhance and regulate tourist activities in the National Park through a process that is carefully managed under the EES. Accordingly, it is recommended that the Management Plan be amended by Parks Victoria as part of its regular review process to mitigate any perceived conflicts with the project.

2.10 Yarra Ranges Council Green Wedge Management Plan (July 2010)

The Yarra Ranges Council Green Wedge Management Plan establishes a vision and objectives for the Yarra Ranges portion of the Yarra Valley and Dandenong Ranges green wedge and to identify a set of policies, programs and actions that support the sustainable management of Yarra Ranges green wedge.

The Yarra Valley and Yarra and Dandenong Ranges Green Wedge, shown at Figure 4, includes all of the project land for which this Amendment applies. The wedge in its entirety comprises non-urban land within Yarra Ranges Shire, the northern hills area of Cardinia Shire, and small portions within the City of Knox and the City of Maroondah. Yarra Ranges Shire Council has developed a Green Wedge Management Plan for Green Wedge land within its municipality, which covers most of the wedge.

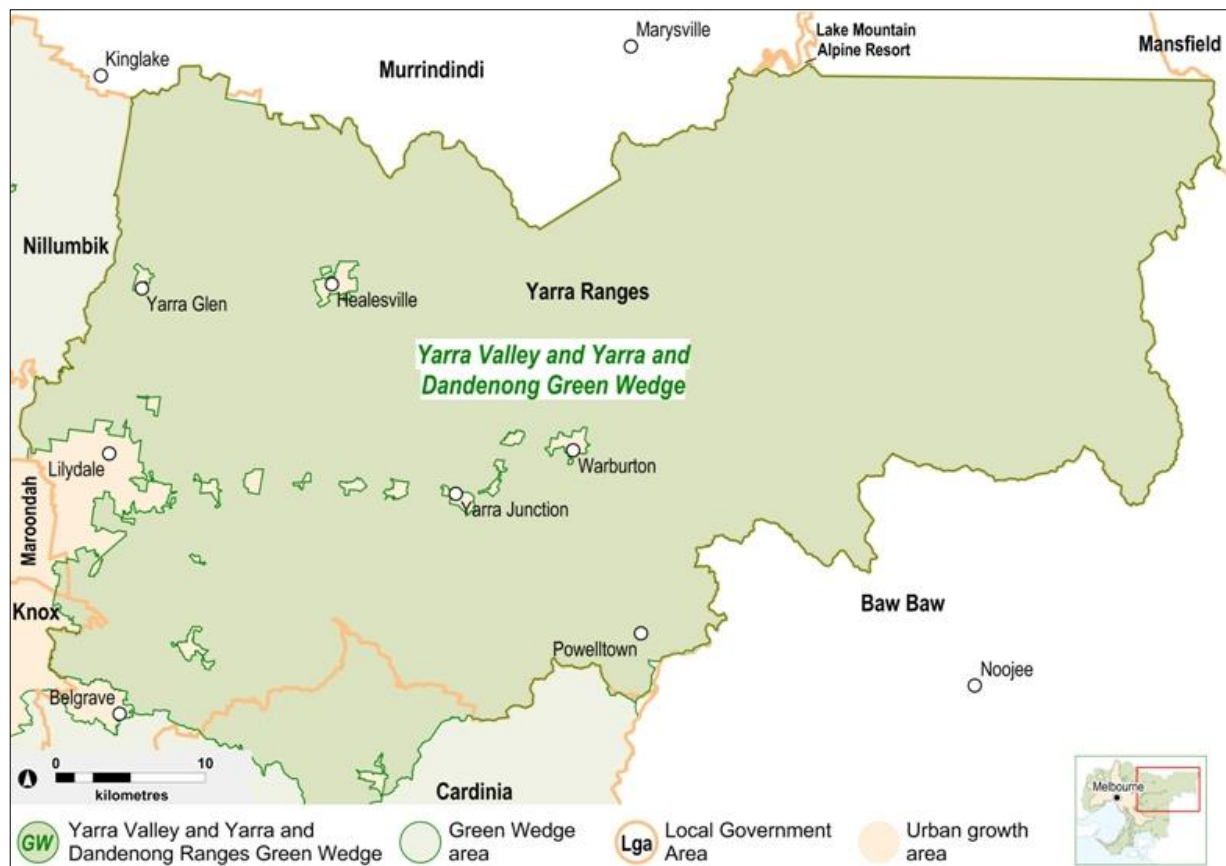


Figure 4 Yarra Valley and Yarra and Dandenong Ranges Green Wedge (<https://www.planning.vic.gov.au/policy-and-strategy/green-wedges>)

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The *Yarra Ranges Council Green Wedge Management Plan 2010* (the Green Wedge Management Plan) establishes a vision and objectives for the Yarra Ranges portion of the Yarra Valley and Dandenong Ranges green wedge and to identify a set of policies, programs and actions that support the sustainable management of the Yarra Ranges green wedge. The vision set out in this plan is as follows:

'The Yarra Ranges community will encourage and support sustainable farming, a healthy biodiversity, and valued landscapes in its Green Wedge. These are the primary green wedge values and are what make it attractive for other activities such as tourism, recreation, and rural living. Council will work with the community and other stakeholders to protect and enhance these primary values. Other activities will only be accommodated if they positively contribute to the primary values.'

The Green Wedge Management Plan sets out high level objectives for the green wedge which are tied to key challenges and threats. The objectives which are relevant to the Amendment are:

- *'To maintain and enhance community safety from bushfire*
- *To protect and enhance indigenous flora and fauna and habitat within the Shire*
- *To protect and enhance the scenic qualities and rural landscapes of the Green Wedge for the benefit of the local and wider community*
- *To ensure tourism, recreation and leisure activities complement the primary values of the green wedge*
- *To promote further development of the Shire's tourism industry in a form that maintains and enhances a healthy environment and nurtures the Shire's rich cultural heritage*
- *To acknowledge and respect our Indigenous Heritage.'*

2.11 Zones

The project land is located within the following zones:

- Green Wedge Zone Schedule 4 (GWZ4)
- Rural Conservation Zone – Schedule 3 (RCZ3)
- Public Use Zone Schedule 1 (PUZ1) – Service and Utility
- Public Park and Recreation Zone (PPRZ)
- Public Conservation and Resource Zone (PCRZ)
- Road Zone – Category 1 (RDZ1) and Category 2 (RDZ2)
- Special Use Zone – Schedule 2 (SUZ2) – Major Tourist Facility

The relevant zones are shown at Figure 5a (Appendix D). Appendix C contains detailed information for each zone including a summary of relevant objectives, the approximate percentages of the project land within each zone broken down into the segments shown in Figure 5, relevant statutory requirements and Incorporated Document interdependency.

2.12 Overlays

The project land is affected by the following overlays:

- Environmental Significance Overlay Schedule 1 (ESO1) – Sites of Botanical Significance and Sites of Zoological Significance
- Land Subject to Inundation Overlay (LSIO)
- Significant Landscape Overlay (SLO)
 - SLO1 – Yarra Ranges Significant Landscapes
 - SLO3 – Donna Buang Range

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- Heritage Overlay (HO):
 - HO214 (Lilydale – Warburton Railway)
 - HO140 (Mount Donna Buang-Bridle Tracks & Road)
 - HO429 (Maroondah Water Supply System (Upper and Central Sections))
- Erosion Management Overlay (EMO)
- Bushfire Management Overlay (BMO)

The relevant overlays are shown at Figure 5b (Appendix D). Appendix C contains detailed information for each overlay including a summary of relevant objectives, the approximate percentages of the project land within each overlay broken down into the segments shown in Figure 5, relevant statutory requirements and Incorporated Document interdependency.

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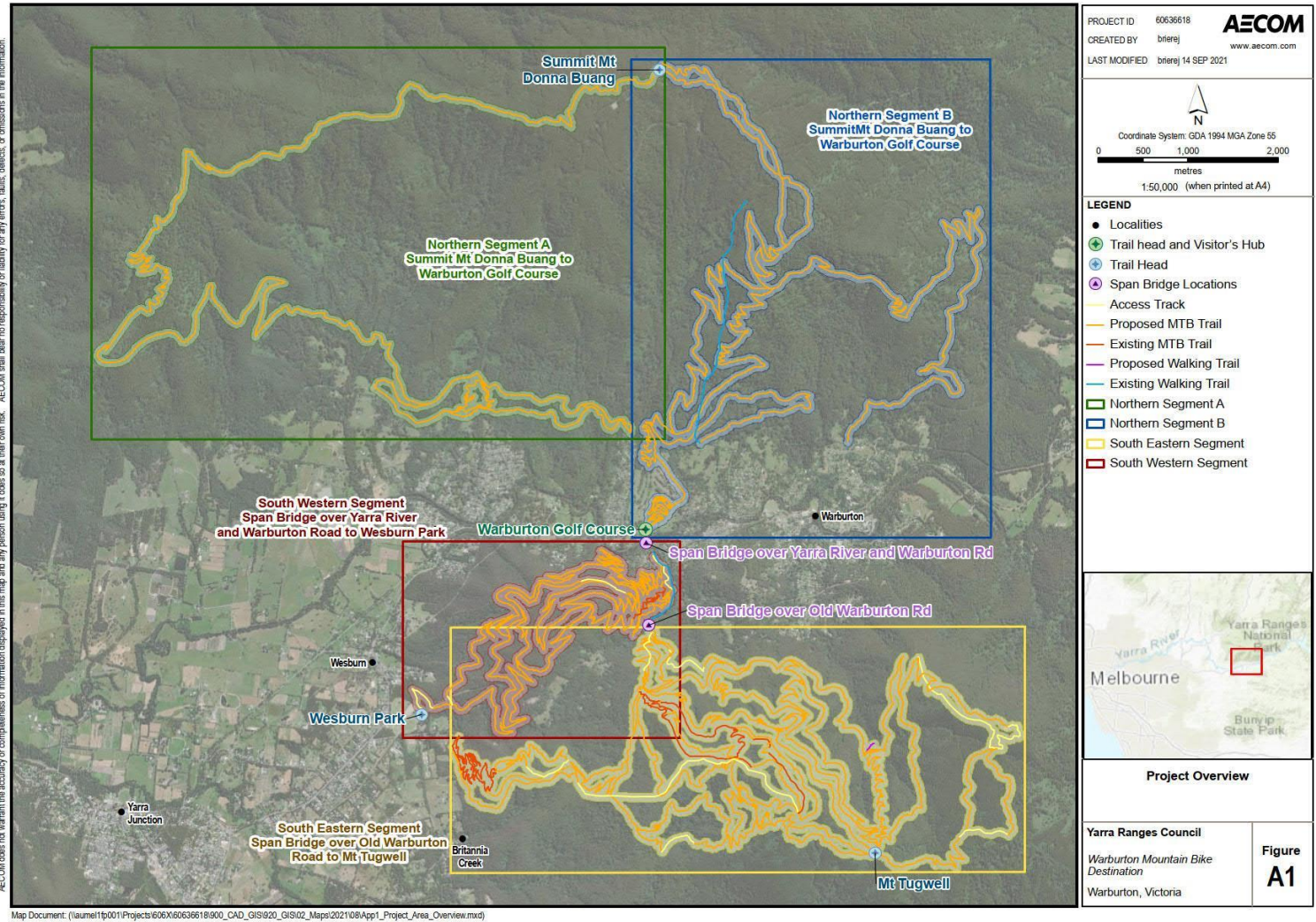


Figure 5 Project segment map

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2.13 Particular Provisions

Particular provisions applying to the proposed project under the Scheme include the following.

- Clause 51.02 – Metropolitan Green Wedge Land - Core planning provisions apply in addition to the provisions of the zones. This is particularly relevant to the private land covered by this Amendment.
- Clause 51.03 Upper Yarra Valley and Dandenong Ranges Strategy Plan seeks to ensure consistency between the Scheme and the Regional Strategy Plan pursuant to Part 3A of the P&E Act.

Clause 51.03-2 states that *'if there is any inconsistency between any provisions of this clause or a schedule to this clause and any other clause or provision of the Yarra Ranges Planning Scheme, the requirements of this clause or a schedule to this clause prevail'*.

The Schedule to Clause 51.03 identifies that the Regional Strategy Plan aims to contain urban development to a level compatible with conservation of the Region's rich environmental features and with its high standards of amenity. The Regional Strategy Plan also aims to achieve a balance between the natural environment and economic and social infrastructure.

Clause 51.03-3 identifies the permit requirements for construction and works, as well as removal or lopping of vegetation and earthworks.

The Incorporated Document is written to prevail over the provisions of Clause 51.03 for the purposes of the Project. This can occur due to the proposed Amendment being consistent with the requirements of Clause 51.03. The Incorporated Document implements the permit requirements of Clause 51.03 as well as other provisions of the Planning Scheme, so there is no inconsistency.

- 52.06 Car Parking aims to facilitate appropriate car parking provisions relevant to land uses by prescribing car parking rates and design requirements. This clause does not set out specific car parking rate requirements for Informal Outdoor Recreation. Pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority.
- Clause 52.12 Bushfire Protection: Exemptions aim to facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.
- Clause 52.17 Native Vegetation seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) (the Guidelines).
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road aims to manage the impacts of proposed land use and development on identified existing and planned roads.
- Clause 53.02 Bushfire Planning seeks to ensure development prioritises the protection of human life, appropriately responds to bushfire hazard, and is only permitted where bushfire risk can be reduced to an acceptable level.

The specific requirements of relevant particular provisions and their Incorporated Document interdependencies are outlined at Appendix C.

2.14 Land Use Terms

The project involves several land use activities which are best characterised together as the Warburton Mountain Bike Destination (innominate land use).

The key land use activities can be broadly characterised as Informal Outdoor Recreation, defined at Clause 73.03 (Land Use Terms) as:

'land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, Informal outdoor recreation park, picnic or barbecue area, playground, plaza, and walking or jogging track'.

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The Amendment will also facilitate use and development for the Visitor's Hub, trail heads and other ancillary elements described in Section 1.2.2.

2.15 Planning Permit Requirements Applicable if not for this Amendment

Appendix C outlines the planning permit requirements which would ordinarily apply to the project if not for this Amendment. This table also indicates the types of development that will occur in each zone and overlay. These are indicative only and subject to confirmation during preparation of the development plans.

These planning permit triggers include (but are not limited to) the following:

- Buildings and works associated with Informal Outdoor Recreation on land affected by the GWZ4, RCZ3, PCRZ, RDZ1, ESO1, SLO1 and SLO3, HO214 and HO140, EMO, MSIO and BMO
- Use of land for Informal Outdoor Recreation in the PUZ1, PCRZ and SUZ
- Removal of vegetation
- Display of signage
- Access to Road Zone Category 1.

As outlined in Section 2.7, Section 46F of the P&E Act requires that the Minister for Planning may not approve any planning scheme amendment that is inconsistent with the Regional Strategy Plan. Section 46G of the P&E Act requires that no Government Department, Public Authority or Council may carry out works or undertakings in the region which are not in conformity with the Regional Strategy Plan.

There are a number of planning permit exemptions found in most other planning schemes ordinarily applying to public agencies such as Parks Victoria which are overridden by the requirements set out in the Regional Strategy Plan, which are captured by Clause 51.03. These matters are identified in Appendix C where appropriate.

2.16 Other Relevant Legislation and Strategies

The project is also subject to the following requirements of other Legislation (among others):

- An EES as required under the EE Act for the broader project
- Assessment as a controlled action under the EPBC Act for the project
- Approval of a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* (Aboriginal Heritage Act).

The requirements of these pieces of legislation will be dealt with separately to this Amendment but are outlined in the following sections.

2.16.1 *Environment Protection and Biodiversity Conservation Act 1999*

The EPBC Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects which are among the nine MNES, including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally listed threatened species and ecological communities and listed migratory species.

The EPBC Act states that 'controlled' actions (i.e. actions that are determined as likely to have a significant impact on a MNES) are subject to assessment and approval under the EPBC Act. The project is a controlled action.

As outlined in Section 1.4, an EES has been prepared to investigate and document the specific matters set out in the scoping requirements issued by the Minister for Planning for the project.

2.16.2 *Environment Effects Act 1978*

The EE Act contains a framework by which projects with the potential to have significant effects on the environment may require the preparation of an EES for assessment by the Minister for Planning. An EES may be required for declared 'public works' or works determined by the Minister for Planning to

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require an EES following referral. Where an EES is required, scoping requirements are issued by the Minister for Planning to guide the preparation of the EES.

Once prepared it is placed on exhibition for public review and submission (typically for a period of 30 days). Public submissions can be considered in several ways by an inquiry panel appointed by the Minister for Planning who may also require a formal hearing. After considering all relevant submissions and conducting any necessary hearings, the inquiry panel's report is provided to the Minister for Planning. The Minister for Planning will consider all relevant information including the EES documents, public submissions and the inquiry report to assess the environmental effects of the project before issuing the Minister's Assessment.

2.16.3 Environment Protection Act 2017

The *Environment Protection Act 2017* (Environment Protection Act) provides a legal framework to protect the environment in Victoria, including the protection of air, land and water from pollution. The Environment Protection Act, the Environment Protection Regulations 2021 and Environment Reference Standard introduced from 1 July 2021 provides a regulatory framework designed to prevent harm by eliminating or minimising risks of harm to human health and the environment.

At the heart of the regulatory framework are the environmental duties; a set of obligations on duty holders. A cornerstone of the Environment Protection Act is the general environmental duty, which requires Victorians to understand and minimise their risks of harm to human health and the environment, from pollution and waste.

EPA Victoria is the state's environmental regulator. As an independent statutory authority under the Environment Protection Act, EPA Victoria's role is to prevent and reduce harm from pollution and waste.

2.16.4 Aboriginal Heritage Act 2006

The Aboriginal Heritage Act provides protection for all Aboriginal cultural heritage places and objects. Under Section 49 of the Aboriginal Heritage Act, a CHMP is mandatory if the preparation of an EES is required.

CHMP No. 15276 is currently being prepared. It will be finalised and approved prior to approval of the EES.

2.16.5 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) provides a framework for the protection of Victorian flora, fauna and associated habitats. Threatened species and communities of flora and fauna, as well as threatening processes, are listed under the FFG Act. Section 47 of the FFG Act states that a permit is required for the removal of any listed protected flora from public land.

Approval requirements under the FFG Act are still being determined as part of the ongoing EES process. If required, a permit would be sought as a secondary consent prior to the removal of any applicable fauna or flora. The need for this permit would likely be confirmed during preparation of the development plans. The CEMP will include conditions requiring that a permit must be secured prior to the commencement of work, if it is determined to be required.

2.16.6 Warburton Place Plan

Council is currently preparing the *Warburton Place Plan* to guide Council's directions and actions for Warburton over the next 20 years. The plan intends to ensure that Warburton's future aligns with the values and culture of the area. Council is currently in the process of preparing the plan based on community feedback received during consultation in 2019.

Feedback received to date has identified the environment and sustainability as key community values. The community have an interest in how increases in tourism can be leveraged to benefit the town, its residents, and businesses, while ensuring that the town keeps its village atmosphere.

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3.0 Planning Assessment

This section assesses the proposed Amendment with regard to the legislative and policy context described in this report. The appropriateness of the Amendment is assessed against the tests for an appropriate use of Section 20(4) of the P&E Act and on the basis of the merits of the Incorporated Document.

The response to current and planned land uses and the objectives of each zone which applies to the project land is also assessed.

The assessment of the Amendment against state and local planning policies, including the Regional Strategy Plan and Management Plan, is organised in terms of key themes relating to land use, settlements, landscape and environment, social, economic, bushfire and transport matters.

3.1 Application of Section 20(4) of the P&E Act

Section 20(4) of the P&E Act enables the Minister to amend a planning scheme, with exemption from notice requirements. The Practice Note, *Ministerial Powers of Intervention in Planning and Heritage Matters* (November 2004), sets out the circumstances in which the Minister will consider exercising this power and the principles that will apply in considering a request for intervention. These include (*inter alia*):

- The matter will be one of genuine state or regional significance (Criteria 1)
- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known (Criteria 2)
- The matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme) (Criteria 3)
- The matter will raise issues of fairness or public interest (Criteria 4), where (*inter alia*):
 - the mechanisms of the planning process have created a situation that is unjust, unreasonably causes hardship or is clearly in error
 - anomalous provisions apply and the valid intent is clearly evident or simple inconsequential correction is required
 - the matter is unlikely to be reasonably resolved by the processes normally available.

This Project is considered appropriate to respond directly to these criteria, as demonstrated below.

3.1.1 Criteria 1 - Significance of the project to the state

The Amendment will streamline the coordinated approval of the project by introducing a single planning control that governs the project in a manner that provides for a net community benefit, good construction outcomes, and is consistent with the objectives of planning in Victoria.

The project is of state and regional significance as it will generate economic benefits for the broader region beyond Warburton township and the Upper Yarra Valley by promoting employment and tourism to support Victoria's post-COVID-19 economic recovery. Additionally, the project will deliver health and recreation outcomes for Victorians and tourists by creating new opportunities for formalised mountain biking in the Upper Yarra Valley.

The aim of the project is to expand Warburton's existing informal mountain biking trail network to promote tourism and economic growth and enhance the region's health and recreation outcomes. The project will establish Warburton as a tourist destination for mountain biking and will generate substantial positive economic benefits for the region during both construction and operation. This initiative is balanced with the robust EES process which will see mitigation measures implemented to protect the area's natural qualities in support of Protecting Victoria's Biodiversity.

The project has been awarded funding by the Federal Government's *Building Better Regions Fund and Regional Growth Fund* and the Victorian Government's *Growing Suburbs Fund*. Yarra Ranges Council and the Warburton and Upper Yarra Community Bank have also contributed funding for the project,

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demonstrating its federal, state and local importance. Funding arrangements accommodate the delivery process and timing set out in the EES.

The project also considers the state and regional implications of habitat loss and impacts to threatened species through preparation of the EES and the required implementation of relevant mitigations to address these matters. From a planning perspective, the Incorporated Document includes the requirement to secure offsets for native vegetation removal, ensuring no net loss to regional habitat. The Incorporated Document also requires preparation of a CEMP and OEMP to be submitted to the Minister for Planning for approval. These will provide the overarching frameworks for the site or work specific measures to reduce and manage environmental impacts during construction and operation of the Project.

Accordingly, the project is supportive of the Victorian planning objectives articulated in Plan Melbourne and the PPF and can justifiably be considered of State significance.

3.1.2 Criteria 2 – Issues have been reasonably considered and the views of affected parties are known

Specialist investigations have been undertaken to inform the EES for the project. Each specialist investigation identified existing conditions, assessed potential impacts and developed mitigation measures to avoid, mitigate and manage the potential impacts. The technical reports for each of the specialist investigations relevant to this Amendment are summarised at Table 2.

Some stakeholder consultation has already been undertaken for the project and stakeholder consultation will continue to form a critical component of the EES. The purpose of this consultation is to hear and respond to the view of affected parties. Stakeholder consultation will be completed, and a report summarising the consultation will be submitted to the Minister for Planning. The amendment will be exhibited along with the EES and submissions will be considered on the amendment.

3.1.3 Criteria 3 – Introduction of an interim provision

This criterion is not viewed to be relevant as this Amendment proposes a permanent control. An interim provision is not required.

3.1.4 Criteria 4 – The matter will raise issues of fairness or public interest

Section 20(4) amendments typically involve a reduced degree of stakeholder participation in the decision-making process as the Minister for Planning is tasked with assessing and deciding the amendment. It is therefore necessary for the Minister for Planning to ensure that amendments serve the public interest despite limited opportunities for public comment during statutory exhibition periods.

This Amendment differs from the situation described above as it forms part of an EES that will undergo rigorous public consultation as part of the EES process. Only after a favourable Minister's Assessment of the EES and once the views of stakeholders have been heard, will this Amendment be requested. Further, following the public exhibition of the EES, all submissions made during the exhibition process will be considered by an advisory committee to help inform the Minister's consideration.

Accordingly, this Amendment allows for ample opportunities for public comment.

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Technical report	Land use and planning interdependency	Incorporated Document interdependency
<p>Appendix C: <i>Landscape and Visual Technical Report</i></p>	<p>The Landscape and Visual Technical Report assesses the project's predicted landscape and visual impacts and recommends mitigations to manage these impacts.</p> <p>The report considers a study area generally comprising land within one kilometre of the project's footprint.</p> <p>It is assessed that this study area includes six landscape character types including township, residential, active recreation, rural valley, forested slopes and Yarra River and floodplain.</p> <p>Eight sensitive visual receptors are identified, which generally comprise key representative viewpoints for visitors to landmarks in the study area or road users on key roads. project elements that may be viewed from key viewpoints include trail heads and proposed bridge structures which will be in vegetation clearings.</p> <p>The report recommends landscape and visual impact mitigations relating to the design of mountain bike trails, the Visitor's Hub, bridges and trail heads. Further detailed assessments relating to landscape and visual impact mitigations are also recommended.</p>	<p>The outcomes of the Landscape and Visual Technical Report will inform the development plans required to be submitted to the Minister for Planning prior to the commencement of use and development for the project. The Minister for Planning will have the opportunity to approve or refuse the development plans based on their response to the existing landscape and visual constraints.</p>
<p>Appendix D: <i>Air Quality Technical Report</i></p>	<p>The Air Quality Technical Report assesses potential air quality impacts associated with the project and identifies mitigations to manage these impacts.</p> <p>Sensitive air quality receptors to the project are assessed to include residential properties on Dammans Road and Warburton Highway and hotel properties on Warburton Highway and Martyr Road.</p> <p>Air quality impacts during the project's operation are assessed to be potentially associated with increased vehicle traffic on key roads during peak weekend travel periods. However, impacts are not expected to be of significance to sensitive receptors and are not predicted to exceed relevant ambient air quality standards.</p> <p>Construction impacts are predicted to be associated with dust generation for construction of the Visitor's Hub.</p> <p>The report recommends mitigations to manage potential impacts associated with air quality changes for sensitive receptors.</p>	<p>Air quality impacts during construction and operation will be managed in accordance with the CEMP and OEMP, which are required to be prepared and submitted to the Minister for Planning for approval prior to the commencement of the relevant project stages.</p>

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Technical report	Land use and planning interdependency	Incorporated Document interdependency
Appendix E: <i>Noise Technical Report</i>	<p>The Noise Technical Report provides a noise assessment and proposes mitigation measures for potential impacts associated with construction and operational noise.</p> <p>Sensitive receptors to the construction and operation of the project are identified as including residential properties proximate to Warburton and the proposed trail head and Visitor's Hub at the Warburton Golf Course.</p> <p>It is recommended that potential noise impacts associated with the project can be avoided, mitigated or managed to required standards through mitigation measures.</p> <p>The mitigations relate to managing noise from construction activities and events and conducting noise monitoring.</p>	<p>Noise impacts during construction and operation will be managed in accordance with the CEMP and OEMP respectively, which are required to be prepared and submitted to the Minister for Planning for approval prior to the commencement of construction or operation as relevant.</p>
Specialist Report A: <i>Biodiversity and Habitats Technical Report</i>	<p>The Biodiversity and Habitats Report assesses the project's biodiversity and habitat impacts associated with construction and operation.</p> <p>It is assessed that construction and operation have the potential to impact on a range of biodiversity values, including Leadbeater's Possum, Cool Temperate Rainforest and Cool Temperate Mixed Forest and Mount Donna Buang Wingless Stonefly.</p> <p>It is noted that avoidance measures have been integrated into project design to mitigate impacts to Commonwealth and state significant species. Micro-siting of trails prior to construction, the use of elevated water crossing and adopting an approach of hand-building trails in sensitive areas would result in significant further impact reductions. A monitoring and maintenance program is put forward for implementation in the OEMP to mitigate operational impacts.</p> <p>Total native vegetation removal is assessed to comprise up to 37.06 hectares of understorey vegetation removal with Trail 1. The trail network including the alternative (Trails 45, 46 and 47) would require up to 35.768 hectares of understorey vegetation removal.</p>	<p>The Incorporated Document requires that native vegetation offsets must be secured prior to native vegetation removal. Broader biodiversity impacts will be managed in accordance with the required CEMP and OEMP.</p>
Specialist Report C: <i>Cultural Heritage Management Plan (CHMP)</i>	<p>The CHMP confirms that the project land does not contain any registered Aboriginal places and has a very low archaeological potential for Aboriginal cultural heritage material due to its erosion profiles, prior land use and landform characteristics.</p>	<p>The Incorporated Document requires that salvage and relocation of aboriginal cultural heritage material and other management actions must be undertaken in compliance with the approved CHMP.</p>

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Technical report	Land use and planning interdependency	Incorporated Document interdependency
	The CHMP recommends mitigations to manage impacts to cultural heritage during the project's construction and operation.	
Specialist Report E: <i>Socio-economic Technical Report</i>	The Socioeconomic Report considers the potential for the project construction and operation to affect business (including tourism) operations or other existing or approved land uses, including private land use. This report considers the potential for the project construction activities to disrupt local residents. This report also considers the potential for the project operations to impact access, safety and enjoyment of other recreation users.	The Incorporated Document requires preparation of a CEMP and OEMP that will include conditions relating to potential socio-economic impacts. Socio Economic impacts during construction will be managed in accordance with the CEMP, which is required to be prepared and submitted to the Minister for Planning for approval prior to the commencement of construction
Specialist Report F: <i>Transport Technical Report</i>	The Transport Report assesses the transport and traffic impacts potentially associated with the project. This report assesses that the project's surrounding road network as a popular location for on-road cyclists, features one currently operating bus route and accommodates low volumes of visitor and local road traffic. Traffic and transport risks are identified, and corresponding mitigations are recommended to appropriately manage these risks during construction and operation of the project.	Traffic and transport details are required by the Incorporated Document to be included within the development plans, CEMP and OEMP to the satisfaction of the Minister for Planning.
Appendix G: <i>Bushfire Assessment Report</i>	This Bushfire Assessment Report provides an overview of the State bushfire planning policy and an analysis of fire behaviour likely to affect the project area, taking into account landscape scale and local conditions. It assesses the bushfire risk, taking into account existing and future communities, the nature of the Project, existing uses in the project area, access arrangements and the views of the relevant fire authority. It identifies the potential ignition sources associated with construction and operation of the project and the implications of increased visitor numbers to areas of relatively high fire risk. It identifies suitable bushfire mitigation measures that could be incorporated into the Project to reduce the risk from bushfire to an acceptable level. An Emergency Management Plan (EMP) will be developed to mitigate bushfire risks for trail users and visitors.	The Incorporated Document requires submission of an EMP to the Minister for Planning. This must be approved prior to the commencement of use and development.
Specialist Report D: <i>Land Use and</i>	The Land use and Planning Impact Assessment assesses potential land use and planning impacts associated with the project, considering	The Incorporated Document allows for a single planning approval for the project, mitigating the need for planning

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Technical report	Land use and planning interdependency	Incorporated Document interdependency
<i>Planning Impact Assessment</i>	<p>the existing conditions within the study area and associated operational and construction activities.</p> <p>This report identifies that the project supports the long-term vision for the conservation and recreational use of the land and supports a variety of state, regional and local land use objectives. The short and long term impacts to land use are able to be appropriately managed and mitigated, such that the project would not result in unacceptable or substantial long-term impacts to the existing composition of land uses within the project area and would not diminish the significance of these areas.</p> <p>It is determined that the relevant supporting EES technical assessments and reports provide sufficient mitigation measures to appropriately reduce the risk of land use impacts caused by the project.</p>	permits or other approvals under the Scheme or the P&E Act.
Specialist Report: <i>Aboriginal and Historic Heritage Report</i>	<p>The Aboriginal and Historic Heritage Report identifies heritage values within the project land and recommends mitigations to minimise potential adverse impacts associated with the project.</p> <p>This report recognises that CHMP 15276 has been prepared to manage impacts to Aboriginal cultural heritage places.</p> <p>With regard to historic heritage, the report identifies five heritage sites that will be impacted by the project. Two are affected by local Heritage Overlays, HO214 and HO140, and three sites are listed on the Victorian Heritage Inventory including:</p> <ul style="list-style-type: none"> • Evans Reward Mine (VHI H8022-0136) • Anderson's / Parbury Sawmill (VHI H8022-0135) • Hermon's sawmill and Tramway (VHI H8022-0137) <p>The report finds that impacts to heritage places can be minimised appropriately through implementation of mitigations including the approval of heritage consents and CHMP 15276 and implementation of any conditions contained within these approvals. It is also recommended that an archaeological management plan should be prepared and implemented to manage historic heritage during construction activities.</p>	<p>Approval requirements associated with the HO214 and HO140 will be facilitated by the Incorporated Document.</p> <p>The Incorporated Document also requires that consents to disturb sites listed on the Victorian Heritage Inventory must be sought from Heritage Victoria prior to any ground disturbance works.</p> <p>The CEMP required by the Incorporated Document is required to include details relating to archaeological management.</p>

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3.2 Incorporated Document

If approved, the planning permission as contained in the proposed Incorporated Document would allow for use and development of the project land for the purposes of the project. A copy of the draft Incorporated Document and Explanatory Report to the Amendment are included in **Appendix A**.

The permission would be subject to a number of conditions which have been drafted on the basis that they are strategic and outcomes focussed, proportional to the permission granted by the control and have a clear nexus between the project and the local planning context. The conditions also respond as appropriate to the findings and the management actions identified by the planning permit requirements outlined in Section 2.14.1 and the outcomes of specialist investigations outlined in Section 3.1.2. In particular, the Incorporated Document requires the preparation of a CEMP and OEMP which will address most mitigation measures recommended for the project. Others will be subject to their own Incorporated Document conditions.

The Incorporated Document lists the Minister for Planning as the approving authority for plans required under the conditions. This is to mitigate conflicts associated with Council's role as the proponent of this Amendment if Council were also the approval authority. It has been agreed during consultation with DELWP that Council can be responsible for approving amendments to plans and administration of plans approved by the Minister for Planning.

The contents of the Incorporated Document and their implications for the project are outlined in Table 3.

Table 3 Summary of Incorporated Document Inclusions

Incorporated Document Section		Implication of Section
1.0	Introduction	Sets out that the controls contained within the Incorporated Document prevail over any contrary or inconsistent provision in the Scheme and that the Minister for Planning is the Responsible Authority for the Incorporated Document.
2.0	Purpose	States that the Incorporated Document facilitates use and development for the project.
3.0	Land to which this incorporated document applies	Identifies that the controls contained within the Incorporated Document apply to land affected by the SCO16.
4.0	Control	Outlines that no planning permit is required for the project despite any contrary parts of the Scheme and that the Incorporated Document does not restrict other lawful activities occurring on the project land. It also outlines the uses and development allowed under the Incorporated Document.
5.0	Use of land intersected by the Mountain Bike Trail	This section allows for the nominated properties to be used in a manner associated with the project which would otherwise be prohibited by clauses 35.04 and 51.02.
6.0	Conditions	Prefaces the range of conditions that must be discharged prior to various stages of the project occurring. It includes a condition requiring that development plans must be submitted to the Minister for Planning for approval prior to the commencement of use and development.
6.7	Environmental management plans	Contains the requirement for an EMP to be prepared prior to use and development of the project which must set out the processes for the preparation and approval of the CEMP and OEMP prior to construction and operation respectively.
6.14	Emergency management	Requires preparation of an EMP prior to the commencement of buildings and works.

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Incorporated Document Section		Implication of Section
6.15-6.18	Native vegetation	Outlines the typical requirements of Clause 52.17 (Native Vegetation) that native vegetation removal must be offset to ensure no net biodiversity loss.
6.19	Flood management	Outlines that if buildings and works are required on land within the LSIO, they must be undertaken to the satisfaction of the relevant floodplain management authority.
6.20	Creating or altering access to roads	Outlines that consultation with the Roads Corporation if creation or alteration of access to a road in a Road Zone is required.
6.21	Historic Heritage	Outlines requirements for VHI sites.
6.22	Aboriginal cultural heritage	Requires that all project works must be undertaken in accordance with CHMP 15276.
7.0	Expiry	This section outlines the Incorporated Document's expiry dates. The controls in the Incorporated Document would expire if: <ul style="list-style-type: none"> the development allowed by the controls are not started within four years from the date of gazettal of Amendment C198yan the development allowed by the control is not completed within six years from the date of gazettal of Amendment C198yan the use allowed by the controls is not commenced within six years from the date of gazettal of Amendment C198yan. The use and development allowed by the controls would expire 20 years from the date project operation commences. These periods may be extended by the Minister for Planning if a request is made in writing before the expiry date or within six months afterwards.

3.2.1 Private Land

Some private land is intersected by the trail (not adjacent to the trail). These properties are listed in the Incorporated Document (at Section 5.0) and are as follows:

- 42 Edward Street, Wesburn (GWZ4) (Allotments 86, 89 and 89A Parish of Warburton)
- 17 Dammans Road, Warburton (GWZ4) (Lot 2 LP110234, Lots 10 and 11 LP132785 and Lot 2 PS402610)
- 660 Old Warburton Road, Wesburn (GWZ4) (Lots 1 and 2 TP11297)
- 670 Old Warburton Road, Wesburn (GWZ4) (Lots 3 and 4 TP11297)
- 3310 Warburton Highway, Warburton (RCZ3) (Allot. 13A and 116 Parish of Warburton)
- 3300 Warburton Highway, (SUZ2) (Lot 2 TP846603)
- 40 Martyr Road, Warburton (SUZ2) (Lot 1 TP552785 and Lot 1 TP854653).

Where this occurs (on private land in the SCO) the mountain bike trail will be classified as an Outdoor Recreation Facility - instead of Informal Outdoor Recreation as defined in Clause 73.03. This classification facilitates any future planning permit applications for land use which must be associated with an Outdoor Recreation Facility as a requirement of the zone or Clause 51.02 – Core Planning Provisions. This might include the following:

- Function centre
- Group accommodation
- Residential building (other than Residential hotel)
- Residential hotel
- Restaurant.

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This is proposed to provide increased opportunities for impacted landowners, to apply for permits for supporting facilities such as visitor accommodation on land directly associated with the trails, and to provide ability to provide direct access from the trails to the broader property in appropriate locations.

The GWZ and RCZ support the above tourism uses as discretionary, provided they are in conjunction with Outdoor Recreation Facility, Agriculture, Winery, Rural Industry or Natural Systems - all key values of green wedge areas. Put another way, the purpose of the 'in conjunction' test is to ensure all tourist development is directly related to one of the key values of the green wedge and provides support for it.

Arguably, the Warburton Mountain Bike Destination is much more than its planning scheme definition of informal outdoor recreation and for this reason associated uses should be considered commensurate with an Outdoor Recreation Facility, which is a more apt description of the scale of the project. The Warburton Mountain Bike trail is an example of outdoor recreation in a setting promoting appreciation of natural systems (biodiversity).

The sites in the SUZ each have specific provisions for major tourism development but despite this are still subject to Clause 51.02 – Metropolitan Green Wedge Land – Core Planning Provisions which mirrors the same conditions as the Green Wedge Zone and Rural Conservation Zone. See Schedule to Clause 51.02. These sites would also benefit from the proposal to identify the project as Outdoor Recreation Facility.

The Planning Scheme at Clause 11.01-1R provides support for tourism development in green wedge areas that promotes the key features and related values of the green wedge and development that has environmental, economic and social benefits.

In this case, tourism development on private sites can directly support and enhance the use of the recreation facility (mountain bike trail) by potentially providing accommodation for overnight stays and restaurant facilities, encouraging longer stays in the Warburton area and the associated economic benefit of additional jobs and spending locally.

Local planning policy at Clause 21.04-2 identifies the growing need for overnight accommodation facilities in the Yarra Valley and encourages tourist development that supports the needs of people visiting the national and State parks.

The private sites provide the opportunity for larger scale tourist accommodation directly linked to the Mountain Bike Facility. While these sites are not located in the centre of Warburton, they can provide a complementary type of development to what can be accommodated within the township, which will need to be in keeping with the scale and character of the town. Four of the sites are immediately adjacent to the western edge of the Warburton township.

The Yarra Ranges Green Wedge Management Plan 2010 will be implemented by Amendment C148, which Council has adopted. It is awaiting approval by the Minister. The vision of the Yarra Ranges Green Wedge Plan, as detailed in the planning permit accompanying Amendment C148, is to accommodate activities (developments) that positively contribute to the primary values (agriculture, landscapes and biodiversity) which are what make green wedge areas attractive for recreation and tourism.

The Schedule to Clause 51.03 requires the use of the land for a restaurant to be associated with a recreation facility, tourist accommodation or established winery. This provision was based on an interpretation of the policy requirements of the Regional Strategy Plan. Subsequent changes to the State standard provisions for green wedge areas have introduced similar requirements to those in Clause 51.03 as per the earlier zone discussion. The only difference being the zones use the term in conjunction with rather than in association with. This difference in terminology is an example of the complexity of having two different planning provisions generally saying the same thing. For this reason, Clause 51.03 will be simplified by removing this provision as part of Amendment C148, clarifying the Planning Scheme without any real effect on the provisions relating to restaurants in green wedges. In summary, Clause 51.03 does not present any prohibitions to the proposal.

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3.3 Key considerations

3.3.1 Land Use and Zones

The project is considered an appropriate response that balances the broader region's natural sensitivities with the need to develop and promote sustainable tourism in support of local and regional and state economies.

This is achieved without limiting future opportunities for agricultural or residential land uses, as the proposed development is generally located in forested or protected areas, which is topographically constrained, and where intense development would not be supported by planning policies.

The Amendment also supports Clause 21.04 (Land Use) of the Scheme by:

- Establishing Warburton as a tourist destination for mountain biking by formalising existing activities within National Park and state forest land
- Enhancing opportunities by extending trails
- Creating nature based recreational activities that provide access to the natural beauty of the Yarra Ranges National Park
- Generating substantial positive economic benefits for the region during both construction and operation
- Promoting Warburton township for tourist facilities while reinforcing links to mountain attractions including Mt Donna Buang through the proposed mountain bike trails.

In doing the above, and particularly by including the development of trail heads and the Visitor's Hub to support new tourists in the area, the Amendment ensures that human services and facilities are provided as part of the project. Other agencies will not be burdened with the need to provide these services.

The Amendment supports the Management Plan by creating purpose-built mountain bike trails in a nature-based visitor setting, therefore further disincentivising people using walking trails for mountain bike riding. The proposed Visitor's Hub and trail heads will encourage year-round use of the park with a focus on day visitors. New signage will assist the park's orientation and information services. These initiatives are supported by the mitigation measures proposed in the EES which will preserve significant conservation areas, protect water resources and mitigate risks associated with wildfire and soil erosion. The Amendment responds to the specific conditions relevant to cycling in the park by providing opportunities for cycling on organised, dedicated trails to dissuade the use of walking trails or illegal paths for cycling.

Whilst there are a small number of private land parcels that are directly affected by the project, the incursion of the project onto the private land does not impact the ability of the land owners to continue the existing use of that land. In addition, the private land parcels will benefit from the ability to establish another land use that operates in association with the project if required. Such a land use would be subject to usual planning approval requirements and is not covered by this project.

Table 4 provides an assessment to demonstrate that the proposal is in accordance with the relevant purposes of each Zone that affects the project land.

Table 4 Response to relevant purposes of the applicable Zones

Planning Zone	Purpose	Assessment
GWZ4	<ul style="list-style-type: none"> • <i>To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources</i> • <i>To encourage use and development that is consistent</i> 	<p>The project will allow use and development of land within the Green Wedge Zone for tourism and recreation. The Amendment is part of a broader EES process that will provide mitigations to manage potential environmental impacts, ensuring that the sensitivities of Victoria's Green Wedge land are balanced with the need to provide recreation and tourism.</p>

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Planning Zone	Purpose	Assessment
	<p><i>with sustainable land management practices</i></p> <ul style="list-style-type: none"> <i>To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses</i> <i>To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes</i> <i>To protect and enhance the biodiversity of the area</i> 	<p>The Incorporated Document requires the preparation of development plans for approval by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the high amenity status attributed to the GWZ4.</p>
RCZ3	<ul style="list-style-type: none"> <i>To conserve the values specified in a schedule to this zone</i> <i>To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values</i> <i>To protect and enhance natural resources and the biodiversity of the area</i> <i>To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality</i> <i>To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes</i> 	<p>The land use enabled under this Amendment would ordinarily be as of right within the RCZ3, as a recreation and tourism use that seeks to leverage rural areas for their environmental qualities rather than diminish them.</p> <p>The Incorporated Document requires the preparation of development plans for approval by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the sensitive area status attributed to the RCZ3.</p> <p>The Incorporated Document also requires preparation of a CEMP and OEMP including overarching frameworks for the site or work specific measures to reduce and manage environmental and amenity impacts during construction and operation of the project.</p>
PUZ1	<ul style="list-style-type: none"> <i>To recognise public land use for public utility and community services and facilities</i> <i>To provide for associated uses that are consistent with the intent of the public land reservation or purpose</i> 	<p>The Amendment will support the use of public land for public benefit in a broader sense by allowing development of a world-class, public cycling facility, without impacting existing utilities.</p> <p>The Incorporated Document requires the preparation of development plans for approval by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the sensitive area status attributed to the PUZ1.</p>
PPRZ	<ul style="list-style-type: none"> <i>To recognise areas for public recreation and open space</i> <i>To protect and conserve areas of significance where appropriate</i> <i>To provide for commercial uses where appropriate</i> 	<p>The project leverages areas in the PPRZ to facilitate public leisure and recreation. More broadly, the Amendment will support and promote tourism to these areas and through a growing tourism sector, support the growth of commercial uses in the broader region.</p> <p>The Incorporated Document requires the preparation of development plans for approval</p>

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Planning Zone	Purpose	Assessment
		by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the sensitive area status attributed to the PPRZ.
PCRZ	<ul style="list-style-type: none"> To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes 	<p>The project includes a new Visitor's Hub and trail head facilities that can play a role in providing public education to enhance conservation and an understanding of the Yarra Range's natural environment. Additionally, the project will embody mitigations raised in the EES to ensure the protection of the natural environment. The Incorporated Document requires the preparation of development plans for approval by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the sensitive area status attributed to the PCRZ.</p>
RDZ1 and RDZ2	<ul style="list-style-type: none"> To identify significant existing roads To identify land which has been acquired for a significant proposed road 	<p>Construction works will be managed in accordance with a Traffic Management Plan (TMP) to mitigate impacts to the area's local road network. The Incorporated Document requires that DoT must be consulted during the preparation of signage plans before they can be approved by the Minister for Planning if animated or electronic signage is proposed within 60 metres of an arterial road.</p>
SUZ2	<ul style="list-style-type: none"> To provide for the use of land for a major tourist facility subject to appropriate controls on any future changes to the use and management of the land 	<p>The project constitutes a land use aimed at supporting and promoting tourism delivering on the SUZ's purpose to provide for the use of land for major tourism facilities. The Incorporated Document requires the preparation of development plans for approval by the Minister for Planning. It is a requirement that these plans include detailed signage plans responding to the high amenity status attributed to the SUZ2.</p>

3.3.2 Settlement

The Amendment responds to the varying priorities raised in the relevant policies by supporting the role of existing settlements without compromising opportunities for new settlement growth.

The project will support existing and future communities by enhancing recreational community infrastructure within the region, while ensuring the natural environment is appropriately protected in accordance with Clause 11 (Settlement). Additionally, the project enhances the open space network by providing links throughout key nodes within the Warburton area and surrounds including key tourist attractions and existing recreational areas such as the Warburton Golf Course and Wesburn Park in accordance with Clause 19.02-6S (Open Space).

The Amendment does not propose any residential development components and accordingly will not result in an increase in total residential development within the Yarra Valley, a key objective in the Regional Strategy Plan. Further aligning with the Regional Strategy Plan, the tracks and structures proposed as part of this Amendment are spatially separated from existing settlements, allowing for the primary leisure and recreation activities to occur without impacting existing residential land uses. The

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proposed activities will draw tourism to Warburton and other nearby townships, promoting the visitor economy and supporting commercial land uses such as hospitality, accommodation and retail. Impacts to the natural environment will be managed in accordance with the CEMP and OEMP, which will include traffic management strategies to mitigate impacts to local road networks.

The Amendment supports the purpose of Section 5 (Rural Policy Areas) of the Regional Strategy Plan by locating project works outside of functioning agricultural land so that these areas may continue to benefit present and future generations. Section 6 (Public Land Policies) is also supported, as the Amendment allows a public land use to occur in public land subject to mitigation measures that will manage impacts to natural features.

3.3.3 Landscape and Environment

Amongst the range of legislation and policies relevant to this Amendment, landscape and environment impacts constitute the most frequently raised matters. While the Amendment provides clear and obvious benefits for tourism and recreation which are supported by a breadth of policies, it is necessary that these positive outcomes are balanced with a positive environmental and landscape response in accordance with the Localised Planning Statement, Regional Strategy Plan, Management Plan and the Scheme.

In broad terms, the project has been specifically designed to locate proposed activities within natural areas. This optimises the use and promotion of the Yarra Ranges' natural environment which in turn attracts tourists and mountain bike trail users to the area.

Environmental impact assessment forms a critical component of the EES process, and the Minister for Planning must be satisfied that environmental and landscape impacts are appropriately managed. These impacts will primarily be managed under the CEMP and OEMP which are required under the Incorporated Document.

Noting the importance of responding to policies relating to landscape and the environment, each relevant Victorian and local planning policy contained within the Scheme is addressed Table 5.

Table 5 Landscape and environmental policy assessment

Policy	Assessment
Clause 11.03-5S (Distinctive areas and landscapes)	The Amendment facilitates a project which seeks to enhance access to the natural environment in support of tourism, while also protecting the natural landscape through careful siting and avoiding and minimising impacts including implementation of a CEMP and OEMP.
Clause 12.01-1S (Protection of biodiversity)	The project seeks to minimise impacts to biodiversity by undertaking comprehensive specialist assessments to ensure habitat and biodiversity values are identified, as can be protected as far as practicable.
Clause 12.01-2S (Native vegetation management)	It is acknowledged that construction activities for the project will result in impacts to biodiversity values as the project land contains native and non-native vegetation and habitat that has not previously been subject to long-term disturbance. Biodiversity impacts have been managed through design and will continue to be managed in accordance with a CEMP and OEMP, required by the Incorporated Document to be approved by the Minister for planning prior to project works commencing.
Clause 12.03-1S (River corridors, waterways, lakes and wetlands)	The project seeks to enhance access to the natural environment through recreation and tourism assets, while ensuring water bodies such as the Yarra River corridor, located within the project land, is protected in accordance with the CEMP and OEMP prepared for the project.
Clause 12.03-1R (Yarra River protection)	The project land is located near the Yarra River corridor. Use of the project as a mountain biking destination will enhance people's enjoyment of the river's broader environs. Impacts to the Yarra River corridor resultant of changes to construction activities and project operation will be managed in accordance with a CEMP and OEMP.

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Policy	Assessment
	Development for the project will not visually intrude on the river's natural environment.
Clause 12.05-1S (Environmentally sensitive areas)	The project responds to the Upper Yarra Valley's environmental sensitivities by proposing a land use that enhances its recreational value while ensuring appropriate measures are implemented to minimise any potential impacts to the environment and the natural landscape through careful siting and avoiding and minimising impacts including implementation of a CEMP and OEMP.
Clause 12.05-2S (Landscapes)	The project has been designed to consider the significant landscape of the Upper Yarra Valley and ensures the development footprint and the construction method will be sensitive to the landscape. The project seeks to minimise impacts to the landscape, while increasing recreational access to the natural environment, enhancing the character and identity of the area.
Clause 13.03-1S (Floodplain management)	The project predominantly proposes mountain bike trails and is not anticipated to significantly impact the flood storage function or the flood carrying capacity of rivers, streams and waterways. Appropriate measures will be implemented to mitigate potential impacts in accordance with a CEMP and OEMP.
Clause 13.06-1S (Air quality management)	An air quality assessment has been undertaken to ensure any potential noise impacts are identified. Appropriate mitigation measures will be implemented in accordance with a CEMP and OEMP to ensure air quality is protected and any impacts from the project are minimised during construction and operation.
Clause 15.03-2S (Aboriginal cultural heritage)	Cultural heritage will be managed in accordance CHMP No. 15276. The CHMP is required as a condition of the Incorporated Document to be approved prior to construction commencing and implemented during construction. The project responds to places of local and state historic heritage significance within the project land by avoiding impacts to their significance through demolition and by allowing their continued enjoyment for Victorians.
Clause 21.07 (Landscape – objectives, strategies and implementation)	The project will generate tourism to areas of natural significance to the Yarra Valley and will allow recreational uses to occur on formalised trails within an established natural environment. The project area's viability as a mountain bike destination is closely tied to its landscape character and it is in the interest of the project to balance recreational activities with positive environmental outcomes.
Clause 21.09 (Environment – objectives, strategies and implementation)	The project will respond to the Upper Yarra Valley's environmental sensitivities by enhancing its recreational value in a contained and managed area. Native vegetation removal will be required to create maintain bike trails but will be limited to the smallest practical extent.
Clause 22.05 (Vegetation protection)	<p>The project proposes to remove native vegetation to accommodate mountain bike trails and associated infrastructure. Native vegetation removal is viewed as being appropriate to facilitate a land use activity that supports leisure and tourism outcomes for the region. Additionally, the project will limit activities during operation to defined mountain bike trails and supporting facilities to avoid the existing informal arrangement where interactions between mountain bikers and native vegetation is not monitored or controlled.</p> <p>The Incorporated Document contains a requirement that offsets must be secured for the removal, destruction or lopping of native vegetation in line with the requirements of the <i>Guidelines for removal, destruction or lopping of native vegetation</i> (DELWP, December 2017).</p>

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The CHMP will satisfy the requirements of Section 8 (Management of Sites of Cultural Significance) of the Regional Strategy Plan by ensuring that the integrity and special values of culturally significant sites is not jeopardised.

The requirements of Section 17 (Water Resources) of the Regional Strategy Plan will also be achieved with the implementation of mitigation measures derived from the findings of the *Biodiversity and Habitats Technical Report*.

3.3.4 Bushfire

Bushfire risk management is a key planning concern raised in the Regional Strategy Plan, Clause 13.02-1S (Bushfire planning) and the applicable BMO. It is also a pervasive theme within the Green Wedge planning controls and strategies which apply to the Amendment. An Assessment has been prepared to support the Environmental Effects Statement which also responds to Clause 13.02-1S of the State Planning Policy Framework.

The project area is within a relatively high risk location of rugged forested area, with steep slopes, vegetation that is likely to carry a fire and has limited access for emergency vehicles. The most likely fire is a landscape fire from the north or north-west of the project area, likely to result in ember attack, direct flame and radiant heat. This level of bushfire risk exists and already impacts on the existing community, including the residents of Warburton, Milgrove and Yarra Junction.

The proposed Amendment facilitates Council building and operating a mountain bike trail which will create additional recreational facilities in the State Forest, National Park and recreational land (Warburton Golf Course and Wesburn Park). The use of the land and construction of the trail is entirely consistent with the objectives of planning for public park and recreational areas. The area is currently used for recreational purposes such as hiking, bike riding, golfing, horse riding and camping, which present an existing risk to human life during seasonal fire danger periods. This risk is balanced against the benefits of people engaging in recreational activities.

The primary impacts identified with the project are:

- the increased visitation to a high risk location
- demand on the existing transport network for existing community and emergency services
- the future construction of new structures.

There are existing emergency management arrangements in place relevant to the land tenure:

- National Park – Parks Victoria
- State Forest – DELWP
- Municipal land – Council.

Despite these provisions, Council will ultimately be responsible for the operation and emergency management of the trail area. This will be implemented by Council integrating its proposed emergency management arrangements and fire prevention activities with pre-existing emergency management arrangements adopted by other land managers. The SCO requires an EMP be prepared for the project which will build on existing management procedures and will be prepared in accordance with the CFA.

The EMP will specifically address:

- All aspects of the network and construction including trail heads, visitor hub and shuttle buses
- Include procedures for:
 - Closure of network on days of fire danger rating
 - Evacuations of the network
 - Shelter in place (last resort)
- Provision for review of the EMP (annually) prior to the commencement of the fire danger period
- Describe roles and responsibilities for implementing emergency procedures – such as when the network will be closed and circumstances that trigger evacuation

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- Communication of the EMP to visitors and staff including pro-active communication to address visitors coming from different parts of Victoria and interstate
- Emergency contacts
- Cancellation policy for major events
- Bushfire monitoring procedures.

Further impacts will be addressed through a TMP for operational phase, Stakeholder communication plan to address impacts on existing communities and an operational parking management plan which will be integrated into the EMP.

3.3.5 Economic

The Amendment supports the vision of the Regional Strategy Plan by allowing a project which will enhance tourism to the area by building its role as a place for leisure and recreation. This aim is balanced with a range of environmental risk mitigations and design considerations which support the conservation of the region's dynamic natural systems and the requirements of its existing communities.

The Regional Strategy Plan acknowledges the role of tourism in supporting local economies in the Upper Yarra Valley and Dandenong Ranges. It is anticipated that the Amendment will facilitate a project which will attract an additional 165,000 visitors to the region, creating approximately 122 permanent jobs associated with operation of the trails and new visitors' hub. The project is also anticipated to result in the creation of approximately 100 additional jobs in the local area's hospitality and tourism sectors and 23 temporary employment opportunities during construction.

These positive economic outcomes are particularly worth pursuing as part of the Upper Yarra Valley's post-pandemic recovery. Yarra Ranges Tourism's recently published *Insights Summary Report on How the Yarra Valley and Dandenong Ranges Region's Visitor Economy is Expected to Recover Post Virus (2020)* predicts significant impacts to local tourism as a result of disruptions to overnight travel, reduced consumption and leave balances and a broader rush for outbound international travel when allowed. As a result, the insights report foresees a best-case scenario where 2,327 tourism jobs are lost in the region between 2020 and 2021. 3,358 jobs are predicted to be lost in the worst-case scenario.

This Amendment presents an opportunity to approve a development that will assist the region's post-pandemic tourism recovery by implementing a world-class mountain bike facility with the appeal to draw local, domestic and international visitors to the region. Accordingly, the Amendment is viewed as supportive of the region's future even given the disruptions and setbacks of COVID-19.

In achieving compliance with the Regional Strategy Plan's economic objectives, as they relate to Section 16 (Recreation and Tourism), the Amendment will also support the objectives of Localised Planning Statement and Clause 17.04-1S (Facilitating tourism) of the Scheme. Additionally, the project's community infrastructure components, including the proposed Visitor's Hub and trail heads, will provide a net increase in local community infrastructure required to support ongoing economic growth. The Amendment is therefore also supportive of Clause 21.11 (Community Infrastructure – Objectives, Strategies and Implementation).

By attracting tourists to Warburton and enhancing the broader region's role as a major tourist destination, the Amendment will support Sections 13 (Commercial Centres) and 16 (Recreation and Tourism) of the Regional Strategy Plan.

3.3.6 Transport

The project will rely upon existing transport corridors for construction and operation. The project has suitable transport connections and does not directly impact any existing major transport corridors. Any disruptions to existing transport networks during project construction will be managed in accordance with a TMP, which is a requirement of the proposed Incorporated Document as part of the CEMP and OEMP requirements.

The car parking requirements of Clause 52.06 (Car Parking) will be satisfied under the Incorporated Document through the submission of development plans to the Minister for Planning for approval. It is a requirement of the Incorporated Document that the development plans must include car parking details.

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The Incorporated Document also requires that the development plans must also include access plans and details of the shuttle bus route and pick up and drop off locations, prepared in consultation with DoT.

Accordingly, the Amendment supports the objectives of Clause 18.01-1S (Land use and transport planning) to preserving safety local transport systems and supports Section 19 (Transport) of the Regional Strategy Plan.

3.4 Summary

By addressing the thematic issues in 3.3, this assessment has demonstrated that the proposal is consistent with the requirements of the Scheme, the Regional Strategy Plan, the Localised Planning Statement and the Management Plan. It is concluded that the Amendment is consistent with the Regional Strategy Plan and that therefore Parliamentary Ratification is not required as no changes are necessary.

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4.0 Conclusion

The Amendment facilitates the use and development of a project of state and regional significance brought forward by the Yarra Ranges Council. The Amendment facilitates a project which will strengthen and enhance the Yarra Ranges region's appeal as a tourist destination while preserving its natural qualities through mitigation measures to support its prosperity in line with the Regional Strategy Plan vision.

The Amendment will:

- Apply the Specific Controls Overlay (SCO) to allow the use and development of land for the project in accordance with the specific control in the Scheme

- Insert new Planning Scheme Map Nos. 14, 32, 33, 34, and 48 SCO and amend Planning Scheme Map No. 47 SCO

- Amend the schedule to Clause 45.12 Specific Controls Overlay (SCO) by inserting Incorporated Document '*Warburton Mountain Bike Destination Project Incorporated Document, January 2022*' (the Incorporated Document)

- Amend the schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert Planning Scheme Map No 14, 32, 33, 34 and 48 SCO

- Amend the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

The Incorporated Document proposed by the Amendment will allow the project to be developed and delivered in a coordinated, consistent and timely manner under a single site-specific planning control.

If not for the Incorporated Document, planning approval would ordinarily be required for the project in accordance with requirements of the P&E Act. The Amendment proposes to create a single planning control to facilitate the timely, coordinated and consistent delivery of the project.

The proposed Amendment will streamline the design and development of the project to ensure delivery of this important piece of infrastructure without undermining or diminishing the planning considerations, concerns or rights of affected stakeholders.

Overall, this report has demonstrated that this state significant project responds appropriately to the relevant legislation and planning policies. The project supports the Regional Strategy Plan and the Amendment is based on the views of affected stakeholders. Accordingly, Council requests the Minister for Planning exercise his discretion and approve the Amendment under Section 20(4) of the P&E Act.

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Appendix A

Planning Scheme Amendment Documentation

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Appendix A Planning Scheme Amendment Documentation

**Refer to Page 100
for the Planning Scheme Amendment**

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Appendix B

Summary of Upper Yarra
Valley and Dandenong
Ranges Regional
Strategy Plan

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Appendix B Summary of Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Summary of Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

The Regional Strategy Plan establishes a hierarchy of policy areas with distinct policies which are embedded in the Yarra Ranges Planning Scheme. The Amendment proposes permanent project elements which will be located in the following Regional Strategy Plan policy areas:

- Rural Conservation Policy Area
- Rural 1 Policy Area
- Public Land.

Section 1. Preface to the Regional Strategy Plan

The preface sets out the Regional Strategy Plan's key vision as follows:

- *'There be no net increase in the total provision for residential development in the Dandenong Ranges, and no significant increase in the Yarra Valley and the southern foothills, beyond that provided for in proposals approved or exhibited at April 1979*
- *Planning and management of resources in the region take account of the interests and views of the community, both within and beyond the region*
- *Development be contained to ensure that it does not prejudice the conservation of natural resources and the amenity of those who live there and those who visit the area for recreation*
- *Natural resources worthy of conservation include significant vegetation (both native and exotic) and wildlife habitats of importance*
- *Planning that seeks to minimise fire risk*
- *Planning for recreation that seeks to minimise any adverse effect of tourism and day-tripping on residents, existing land use and the environment, and ensures compatibility with the primary aims of the Policy*
- *Systems of open space be retained and others developed, where appropriate, along the Yarra River and its main tributaries*
- *Landscapes and scenic features be maintained, enhanced where appropriate, and rehabilitated where necessary*
- *Agricultural land in non-urban zones generally be retained for rural and green wedge pursuits.'*

Section 2. The Region and its Future

This section frames the key challenge that future development in the Yarra Ranges should address. This challenge is the need to balance the requirements of current and future residents and visitors to the region with the requirements of the region's distinct natural environment.

This challenge stems from acknowledgement that the region's appeal is primarily driven by its natural qualities and that tourism is required to support the region's future prosperity. To achieve this future, the region must implement a comprehensive economic and social infrastructure to adequately service the needs of future residents and visitors, while protecting elements of natural significance. These include vegetation types, landforms, land uses, and historic and scenic landscapes.

To support Section 2, future development should assist in balancing these needs.

Section 5. Rural Policy Areas

This section sets out policies, goals and objectives for the Rural Policy Areas. These areas support recreation and tourism alongside intensive and broadscale agricultural activities, forestry, and a variety of 'rural' lifestyles, ranging from isolated farmhouses to rural settlements. Approximately 10% or less of

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the total project land is within Rural 1 Policy Areas, the rest is in Public Land category and Rural Conservation category.

Clause 5.02 outlines that the regional goal for Rural Policy Areas is *'to ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected, maintained and where necessary improved, for the benefit of the present and future generations'*.

The relevant regional objectives which support this goal seek to ensure:

- *'The continuation of rural land uses primarily for farming purposes, and other uses compatible with farming*
- *The use and management of land in a manner that is sustainable and conducive to the maintenance of farming options and opportunities in the future*
- *The protection and conservation of soils as an essential and irreplaceable natural resource*
- *The protection and management of native vegetation for its intrinsic values, as a fauna habitat and a valuable visual component of the rural landscape, and for its value for soil conservation, maintenance of water yields and quality and contribution towards reducing the Greenhouse Effect*
- *That all land use and development are compatible with the maintenance of rural landscapes, character and atmosphere*
- *That all land use and management is carried out in a manner compatible with maintenance and improvement of water quality and yields; and to ensure that the values identified on adjacent public and other land are not degraded by the offsite effects from rural land*
- *The protection, maintenance and enhancement of watercourses, wetlands, floodplains and drainage systems as essential components of water resource management and landscape and faunal corridors as important aquatic habitat*
- *That the built environment, such as houses, buildings, structures, roads and other infrastructure, are sited and designed in a manner that complements the natural environment*
- *The establishment of appropriate buffers between agricultural/rural and urban areas, to enable the exercising without conflict, of the right of farmers to farm their land.'*

The project intersects the Rural 1 Policy Area. This area covers the region's major agricultural resource. The predominant land use in this policy area is grazing. Other agricultural and rural activities include mixed farming and some part time farming, with an increasing presence of more intensive agricultural activities such as fruit and vegetable growing and viticulture.

The Rural 1 Policy Area's primary purposes are to:

- *'Maintain and protect its soil and water resources for agricultural and rural activities*
- *Control land use and land management activities in a manner conducive to the maintenance of landscape character*
- *Protect and enhance the remaining areas of native vegetation, protect the native fauna and maintain and improve water quality.'*

The project also intersects some Rural Conservation Areas. The purpose of this area designation is to *'protect and maintain native vegetation for its intrinsic value and for its value as a wildlife habitat, to protect landscape values and quality and to ensure that any land use is carried out in a manner compatible with the maintenance of water quality'*.

Section 5.05 (Threats to the Primary Purposes of Rural Policy Areas) identifies key threats to Rural Policy Areas. These threats do not strictly identify development for tourism and recreation as a land use conflict in these areas. The following threats are identified:

- *'The demand for rural residential living*
- *The pressures for further subdivision*

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- *Uses and developments not compatible with the protection and maintenance of rural landscapes*
- *The inappropriate removal of native vegetation.'*

Section 5.06 (Land use) outlines that *'land uses must be compatible with the regional goals, the regional objectives for rural land, and with the primary purpose for each Rural Policy Area'*.

Section 5.07 (Construction of buildings) outlines that development may only occur on land within Rural Policy Areas which:

- *'Is not subject to excessive slopes (that is a slope greater than 20%), without proper regard being given to appropriate measures to ensure that soil erosion does not occur*
- *Is not within a floodplain management area (except as allowed under Policy 10.02)*
- *If subject to land instability, can reasonably and safely be used for controlled and limited development*
- *Is not within an area identified as having a high risk from wildfire, unless it has been shown that appropriate measures have been undertaken, to provide an acceptable level of protection to the building from wildfire risk*
- *Is of sufficient size, should there be no reticulated sewerage to which the building can be connected, to enable proper on-site treatment of all wastes generated in the building and the disposal on-site of the effluent from the treatment*
- *Enables all buildings and their waste treatment and effluent disposal means to be located away from watercourses (by at least 30m), such that water quality is not adversely affected and stream and watercourse vegetation is protected from disturbance*
- *Enables proper consideration to be given to the type of construction (external materials in particular) and the location of the buildings and their ancillary works (such as driveways and access roads), in a manner that avoids intrusion into the surrounding landscape, and which provides opportunities for protecting remnant indigenous vegetation and natural habitat*
- *Demonstrates that any house or building requiring utility services are able to be provided with such services in a manner that will not have an adverse impact on the environment or landscape of the area.'*

Section 5.14 (landscape protection) requires that future development must protect, maintain and enhance landscapes and landscape character in Rural Policy Areas. This is to be achieved by ensuring that:

- *'Visual and environmental values of landscapes in Rural Policy Areas are fully recognised, protected and where necessary enhanced*
- *All development is located so that it avoids prominent ridgelines, hill tops and visually exposed valleys*
- *Consideration is given to the use of non reflective surfaces or screen planting, and that the development is adequately set back from road frontages and access ways*
- *All development is designed and sited in a manner complementary to its location, and compatible with maintenance of character of the Rural Policy Areas*
- *All roads and access tracks are located, designed, constructed and landscaped in the manner compatible with maintenance of landscape values and character, and minimisation of soil erosion*
- *All land use and development is managed and controlled to maintain and enhance the visual amenity and the quality along the main roads and other access routes, and that ribbon development along the roads is strictly controlled*
- *All use and development of land within landscapes "Classified" and "Recorded" by the National Trust of Australia (Victoria) will be carried out in a manner that is compatible with protection, maintenance and, where possible, enhancement of the landscape character of these areas.'*

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Section 6. Public Land Policies

This section acknowledges that approximately 70% of the Yarra Ranges is public land. The majority of the project land is located on public land.

Section 6.04 (Regional objectives) outlines the regional objectives for public land, which are that:

- *'Public Land is managed in a manner consistent with decisions of Government*
- *The use, development and management of all Public Land is consistent with the objective of seeking to enable increased protection for the special features and character of the Region*
- *The long term conservation of the natural environment of Public Land is provided for*
- *The renewable resources of Public Lands are managed in a way that provides for their sustainable use, and that non-renewable resources are used wisely, so that essential ecological processes and life support systems are maintained.'*

Pursuant to Section 6.05 (Management of Public Land), public land must be used and managed accordance with the relevant state planning policies.

Section 6.06 (Public works and undertakings) requires that all works and undertakings carried out by Council must conform with the Regional Strategy Plan.

Pursuant to Section 6.12 (Landscape protection) public land managers must ensure that:

- *'All proposed land use changes and activities are carried out in a manner which ensures that the landscape character is maintained or enhanced and special landscape features are protected.*
- *Where the land is within a landscape 'classified' or 'recorded' by the National Trust of Australia (Victoria), regard must be had to any citation applying to those landscapes, in the carrying out of any works or undertakings.*
- *Where such works and undertakings could have a significant landscape impact, advice should be sought from the National Trust prior to commencement of such works or undertakings.'*

Section 6.18 (Recreation and Tourism) is particularly relevant to the Amendment. It states that a wide range of recreation and tourism opportunities must be maintained and provided for on public land.

Section 7. Management of Sites of Natural Significance

The project land includes areas designated as Sites of Natural Significance under the Regional Strategy Plan. These sites are also articulated in the Scheme under the ESO1. Sites of Natural Significance within the project land include:

- B41 – The Cement Creek Catchment
- B43 – Watts River Reference Area
- B44 – Myrtle Gully Scenic Reserve
- B45 – Myrtle Creek (Don River) Public Purpose Reserve
- B46 – The Acheron Way and the Ben Cairn Road
- B47 – O'Shannassy Aqueduct
- B55 – Britannia Creek
- B64 – Wesburn Recreation Reserve
- B65 – Big Pats Creek
- B66 – Upper Yarra River – Warburton to McMahons Creek
- Z2 – Yarra River and Little Yarra River Corridor
- Z17 – Mt Riddell to Mt Monda and Maroondah Catchment
- Z18 – Mt Toole-Be-Wong – Don River

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- Z19 – Black Sands Creek and Yarra State Forest
- Z29 – Intensive hardwood production areas – Upper Yarra Valley
- Z31 – Ben Cairn Scenic Road and adjacent areas
- Z38 – Ythan Creek and Dirty Gully Warburton.

Section 7 (Management of Sites of Natural Significance) requires that the following must be ensured where development and clearing of native vegetation is required:

- *‘The removal of native vegetation is subject to a planning permit*
- *The removal of native vegetation is minimised and that such removal does not adversely affect the integrity of the site*
- *No clearing of native vegetation takes place on slopes greater than 20% within 30 metres of a watercourse.’*

Section 8. Management of Sites of Cultural Significance

Section 8 (Management of Sites of Cultural Significance) requires that development, alteration or demolition of sites of cultural significance may only be allowed where it will be subject to a planning permit and demonstrated that:

- *‘The integrity and the special values of the site or feature will not be jeopardised*
- *Where relevant, advice pursuant to the provisions of the Archaeological and Aboriginal Relics Preservation Act 1972 (as amended) and/or the Historical Buildings Act 1981, has been obtained and had regard to.’*

Section 13. Commercial Centres

Section 13 (Commercial Centres) outlines priorities for the Yarra Ranges’ commercial centres. Warburton is identified within Clause 13.05 (Centres of Regional Significance) as a centre of regional significance, with a specific role as a Neighbourhood Centre, which performs a full weekly shopping role but also provides services and facilities for tourists. It is policy to support land use and development which enhances the economic function of centres of regional significance.

Section 16. Recreation and Tourism

Section 16 (Recreation and Tourism) identifies an expectation for greater interest in outdoor activities such as walking and cycling within ‘natural’ settings, and the Yarra Ranges National Park provides a suitable location for these activities.

The policy recognises that if properly managed, tourism and recreation can have significant economic benefits, particularly if visitors can be encouraged to extend their stays overnight. The policy recognises the challenge in ensuring that gains can be achieved with minimal disruption to the environment, the amenity of the local area and to its community.

The Regional Strategy Plan aims to integrate environmental objectives with economic and social goals by encouraging the tourist industry to develop themes compatible with environmental protection.

The regional goals for recreation and tourism are:

- *‘Facilitate further development of the Region’s recreation and tourist attractions and facilities, whilst protecting the environment, the landscape and the amenity of the Region and its residents*
- *Encourage coordination of the planning, provision and promotion of recreation and tourism facilities in the Region*
- *Encourage a diverse range of tourist activities and facilities in appropriate locations, consistent with identified themes*
- *Optimise employment and economic benefits to the Region’s residents from appropriate recreation and tourism developments*

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- *Improve the Region's competitive strengths in tourism, to encourage and provide for an increased number of local, interstate and international overnight visitors, and to increase their average length of stay in the Region*
- *Encourage positive attitudes amongst the Region's residents, relevant bodies and local councils towards the development of recreation and tourism in the Region, including the provision of associated education and training opportunities and to provide for public consultation*
- *Facilitate resolution of existing problems or deficiencies in tourism and recreation infrastructure, through coordination between Government Departments and other relevant public agencies, Councils and local tourism and recreation bodies.'*

Section 16.08 (Recreation and tourism in Rural Policy Areas) states that a diverse range of recreational and tourism opportunities are to be encouraged in appropriate locations in Rural Policy Areas (other than Intensive Agricultural Policy Areas), provided that they are in keeping with, and enhance, the existing overall character of the area and the maintenance of rural and agricultural pursuits, visual and environmental quality and residential amenity.

Section 16.19 (General use and development policies for tourism and recreation Facilities) requires that use or development which requires a planning permit for recreation or tourism purposes must achieve the following:

- *'Any undesirable effects of the use or development by reason of its appearance, discharge of wastes into the environment, excessive noise or traffic generation, or the like, must be minimised and/or controlled*
- *The site must be both suitable for and capable of supporting the use or development*
- *Adequate car parking for the use or development must be provided on the site*
- *Any advertisements or signs must be located and designed so that they do not detract from the landscape character or unnecessarily distract passing traffic*
- *The intrinsic value of existing native vegetation and its value as habitat for wildlife must be protected*
- *The use or development must, if within a Township Policy Area, be connected to a reticulated sewerage system or, if in any other policy area, be capable of properly treating all wastewaters and disposing of effluent within its site*
- *The proposed use or development must not contribute to an over-development of a particular area.'*

Section 17. Water Resources

Section 17 (Water Resources) recognises the region's role in harvesting water and states the objective to maintain high water quality for domestic use and preserve environmental values related to water quality.

Section 17.09 (Land use management) identifies land use management policies to ensure maintenance and improvement of water quality and yields for potable purposes. These policies include:

- *'Containment of urban growth*
- *Provision of appropriate waste water management facilities to all residential, commercial and industrial development*
- *Provision for special policy areas along significant watercourses, where appropriate, and the protection of all watercourses and their environs against inappropriate use*
- *Promotion of good agricultural resource management techniques on rural lands, in order to protect the soil and water resources, including attention to the responsible use and application of fertilisers and biocides, cultivation techniques and the recycling of waste water*
- *Delineation, where appropriate, of land liable to flooding and specification of suitable land uses*

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- *Maintenance of adequate stream flow to ensure protection of the biota and the aesthetic quality of the Yarra River and stream system*
- *Retention of riparian vegetation and the protection of the aquatic environment, and appropriate revegetation of these areas*
- *Sympathetic design of buildings, roads and other infrastructures, the employment of sensitive development practices to minimise run-off and the prompt revegetation and stabilisation of disturbed surfaces, in order to minimise run-off and erosion*
- *Revegetation with appropriate native species of denuded and degraded stream banks, and enhancement of the existing native vegetation along watercourses.'*

Section 19. Transport

Section 19 (Transport) seeks to ensure that opportunities for increased accessibility to employment and to the Region's services and facilities by both road and public transport are enhanced. Additionally, the road network is managed in accordance with agreed principles for its maintenance, improvement and efficient use, that road management strategies are adopted which minimise adverse social, environmental and landscape impacts, and that road reserves are managed and maintained as scenic and flora/fauna conservation resources.

Section 20. Fire Management

Section 20 (Fire Management) seeks to support the prevention and suppression of wildfire and the provision of effective fire prevention measures. This Section is generally concerned with regulating fire protection works, rather than steering other development towards positive bushfire mitigations.

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Appendix C

Planning Requirements
and Incorporated
Document
Interdependencies

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
GWZ4 Refer to Figure 5a at Appendix D	<ul style="list-style-type: none"> To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources To encourage use and development that is consistent with sustainable land management practices To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes To protect and enhance the biodiversity of the area 	<ul style="list-style-type: none"> >1 percent of Northern Segment A 6 percent of Northern Segment B 3 percent of South Western Segment >1 percent of South Eastern Segment <p>Construction of the visitor's hub and Trail development will occur in this zone</p>	<p>Use A planning permit is not required for the use of land for Informal Outdoor Recreation as it is a Section 1 Use and not subject to conditions.</p> <p>Buildings and Works A planning permit is required for building and works in this zone subject to the extent of earthworks.</p> <p>Signs Category 3 sign requirements apply to this Zone.</p>	<p>Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the GWZ4.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p>
RCZ3 Refer to Figure 5a at Appendix D	<ul style="list-style-type: none"> To conserve the values specified in a schedule to this zone To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values 	<ul style="list-style-type: none"> 17 percent of Northern Segment A 8 percent of Northern Segment B 25 percent of South 	<p>Use A planning permit is not required for the use of land as it is a Section 1 Use and not subject to conditions.</p> <p>Buildings and Works A planning permit is required for building and works in this</p>	<p>Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
	<ul style="list-style-type: none"> To protect and enhance natural resources and the biodiversity of the area To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes 	<p>Western Segment</p> <ul style="list-style-type: none"> 3 percent of South Eastern Segment <p>Trail development will occur in this zone</p>	<p>zone subject to the extent of earthworks.</p> <p>Signs Category 4 sign requirements apply to this Zone.</p>	<p>Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the RCZ3.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p>
<p>PUZ1</p> <p>Refer to Figure 5a at Appendix D</p>	<ul style="list-style-type: none"> To recognise public land use for public utility and community services and facilities To provide for associated uses that are consistent with the intent of the public land reservation or purpose 	<ul style="list-style-type: none"> 32 percent of Northern Segment A 19 percent of Northern Segment B 2 percent of South Western Segment >1 percent of South Eastern Segment <p>Trail development will occur in this zone</p>	<p>Use A planning permit is required for the use and development where land is not leased or licensed from Parks Victoria subject to conditions and where the works are not carried out by or on behalf of the public land manager. A planning permit is therefore required for the use and development of the project.</p> <p>Buildings and Works Clause 2.0 of the Schedule to Clause 51.03 states that a permit is required to construct a building or carry out works in the PUZ, Public Conservation</p>	<p>Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the PUZ1.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
			<p>and Resource Zone (PCRZ) and Public Park and Recreational Zone (PPRZ).</p> <p>Other Any use or development for a public purpose on any land leased or licensed from Parks Victoria must be undertaken by or on behalf of Parks Victoria under the <i>Water Industry Act 1994</i>, the <i>Parks Victoria Act 1998</i>, the <i>Water Act 1989</i>, the <i>Marine Act 1988</i> or the <i>Crown Land (Reserves) Act 1978</i>.</p> <p>Signs Category 4 sign requirements apply to this Zone.</p>	undertaken in accordance with the Guidelines.
<p>PPRZ</p> <p>Refer to Figure 5a at Appendix D</p>	<ul style="list-style-type: none"> To recognise areas for public recreation and open space To protect and conserve areas of significance where appropriate To provide for commercial uses where appropriate 	<ul style="list-style-type: none"> 0 percent of Northern Segment A 0 percent of Northern Segment B 4 percent of South Western Segment 0 percent of South Eastern Segment 	<p>Use A planning permit is not required for the use of land as it is a Section 1 Use and not subject to conditions. A permit is not required for buildings and works for 'pathways and trails'</p> <p>Buildings and Works Clause 2.0 of the Schedule to Clause 51.03 states that a permit is required to construct a building or carry out works in the PUZ, PCRZ and PPRZ.</p> <p>Signs</p>	<p>Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the PPRZ.</p> <p>The Incorporated Document also requires that removal of native</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
		Trail development will occur in this zone	Category 4 sign requirements apply to this Zone.	vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.
PCRZ Refer to Figure 5a at Appendix D	<ul style="list-style-type: none"> To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes. 	<ul style="list-style-type: none"> 43 percent of Northern Segment A 61 percent of Northern Segment B 63 percent of South Western Segment 97 percent of South Eastern Segment Construction of new trail heads and Trail development will occur in this zone.	Use A planning permit is required for the use and development of the project. Buildings and Works Clause 2.0 of the Schedule to Clause 51.03 states that a permit is required to construct a building or carry out works in the PUZ, PCRZ and PPRZ. Signs Category 4 sign requirements apply to this Zone.	Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the PCRZ. The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.
RDZ1 and RDZ2 Refer to Figure 5a at Appendix D	<ul style="list-style-type: none"> To identify significant existing roads To identify land which has been acquired for a significant proposed road. 	<ul style="list-style-type: none"> 8 percent of Northern Segment A 2 percent of Northern Segment B <1 percent of South 	Use A permit is required for the use of land. Buildings and Works A permit is required to construct a building or construct or carry out works for a Section 2 use. Signs	Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document. The Incorporated Document requires that referral to the Head for Transport for Victoria if the project will create or alter access to a road in the RDZ1.

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
		Western Segment <ul style="list-style-type: none"> 0 percent of South Eastern Segment Trail development and vehicle access and movements will occur in this zone.	An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road must be referred to the Department of Transport (DoT).	
SUZ Refer to Figure 5a at Appendix D	<ul style="list-style-type: none"> To provide for the use of land for a major tourist facility subject to appropriate controls on any future changes to the use and management of the land. 	<ul style="list-style-type: none"> 0 percent of Northern Segment A 4 percent of Northern Segment B 3 percent of South Western Segment 0 percent of South Eastern Segment Trail development will occur in this zone.	Use A planning permit is not required for the use as it is a Section 1 Use and not subject to conditions. Buildings and Works A permit is required to construct a building or construct or carry out works. Signs Category 3 sign requirements apply to this Zone.	Use and development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the SUZ. The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.
ESO1	<ul style="list-style-type: none"> To identify areas where the development of land may be 	<ul style="list-style-type: none"> 100 percent of Northern Segment A 	Use Permit requirements are not applicable to the use of land.	Development for the project will be facilitated by the Amendment in accordance with the Incorporated

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
Refer to Figure 5b at Appendix D	<p>affected by environmental constraints</p> <ul style="list-style-type: none"> To ensure that development is compatible with identified environmental values. 	<ul style="list-style-type: none"> 100 percent of Northern Segment B 100 percent of South Western Segment 100 percent of South Eastern Segment <p>All development will occur in this overlay.</p>	<p>Buildings and Works A planning permit is required for buildings and works in these areas.</p> <p>Other Schedule 1 includes sites of botanical significance and zoological significance as these areas hold unique landscape and environmental character. It is noted that these align with the sites identified in the Regional Strategy Plan.</p>	<p>Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the ESO1.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p> <p>Refer to clause 6.15 – 6.18 of the Incorporated Document.</p>
<p>SLO1 and SLO3 Refer to Figure 5b at Appendix D</p> <p>(note that SLO1—SLO21 are shown on planning scheme maps individually, however all controls are outlined in the SLO1 schedule within planning scheme ordinance)</p>	<ul style="list-style-type: none"> To identify significant landscapes To conserve and enhance the character of significant landscapes. 	<ul style="list-style-type: none"> 100 percent of Northern Segment A 100 percent of Northern Segment B 0 percent of South Western Segment <1 percent of South Eastern Segment 	<p>Use Permit requirements are not applicable to the use of land.</p> <p>Buildings and Works A planning permit is required for buildings and works in these areas.</p> <p>Other Before deciding on an application, responsible authority must consider, as appropriate, whether the proposed siting and design of the building or works will:</p>	<p>Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the SLO.</p> <p>The Incorporated Document also requires that removal of native</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
		Most development will occur in this overlay.	<p>Be able to be integrated with the topography and landscape features of the area</p> <p>Be of a form that does not dominate a ridgeline or skyline</p> <p>Require the minimum soil disturbance, excavation and risk of erosion</p> <p>Provide infrastructure and services such as drainage, water, electricity and reticulated sewerage that are unobtrusive and sensitive to the natural environment</p> <p>Retain significant vegetation, including mature exotic vegetation that contributes to the landscape character of the area, with no significant vegetation being removed solely for the purpose of providing a view</p> <p>Use subdued colours and non-reflective materials on external surfaces that complement the surrounding landscape</p> <p>Provide landscaping to minimise the visual impact of buildings, structures and works on the immediate locality and on the area generally as it is viewed from</p>	<p>vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p> <p>The National Trust of Victoria will be consulted during public exhibition of the EES, which include a draft of the Incorporated Document.</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
			a distance, and include vegetation characteristic of the area in any replanting. The views of the National Trust of Victorian are required to be sought if the final alignment is within the SLO3.	
HO214 HO140 HO429 Refer to Figure 7 at Appendix D	<ul style="list-style-type: none"> To conserve and enhance heritage places of natural or cultural significance To conserve and enhance those elements which contribute to the significance of heritage places To ensure that development does not adversely affect the significance of heritage places To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place. 	<ul style="list-style-type: none"> 12 percent of Northern Segment A 9 percent of Northern Segment B 0 percent of South Western Segment <1 percent of South Eastern Segment Construction of new trail heads and trail development will occur in this overlay.	Use Permit requirements are not applicable to the use of land. Buildings and Works A planning permit is required for building and works in these areas.	Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the HO214 and HO140. The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.
EMO Refer to Figure 7 at Appendix D	<ul style="list-style-type: none"> To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. 	<ul style="list-style-type: none"> 18 percent of Northern Segment A 	Use Permit requirements are not applicable to the use of land. Buildings and Works Trail development will occur in this overlay.	Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
		<ul style="list-style-type: none"> 14 percent of Northern Segment B 2 percent of South Western Segment 12 percent of South Eastern Segment 	<p>A planning permit is required for building and works in these areas.</p> <p>Removal of Vegetation The responsible authority must consider whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.</p>	<p>the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the HO214 and HO140.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p>
<p>BMO</p> <p>Refer to Figure 5b at Appendix D</p>	<ul style="list-style-type: none"> To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. 	<ul style="list-style-type: none"> 100 percent of Northern Segment A 100 percent of Northern Segment B 100 percent of South Western Segment 100 percent of South Eastern Segment 	<p>Use Permit requirements are not applicable to the use of land.</p> <p>Buildings and Works All development will occur in this overlay.</p> <p>A planning permit is required for building and works in these areas.</p> <p>Other A planning application must be accompanied by a bushfire management plan.</p>	<p>Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the BMO.</p> <p>The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.</p>

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
				The Incorporated Document requires preparation of an Emergency Management Plan to address bushfire and other emergency and safety risks.
LSIO Refer to Figure 7 at Appendix D	<ul style="list-style-type: none"> To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. To minimise the potential flood risk to life, health and safety associated with development. To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989. To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks 	<ul style="list-style-type: none"> <1 percent of Northern Segment A 0 percent of Northern Segment B 0 percent of South Eastern Segment <1 percent of South Western Segment 	Buildings and Works A permit is required to construct a building or to construct or carry out works, including Bicycle pathways and trails and Public Toilets.	The Incorporated Document requires buildings and works to be undertaken to the satisfaction of the relevant floodplain management authority, and also that the CEMP and OEMP include measures to monitor and control potential effects in respect of sediment, erosion and water quality

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
	<p>to the environmental quality of water and groundwater.</p> <ul style="list-style-type: none"> To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health. 			
Clause 51.03 (Upper Yarra Valley and Dandenong Ranges Strategy Plan)	<ul style="list-style-type: none"> To ensure consistency between this planning scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan pursuant to the requirements of Part 3A of the P&E Act. 	This clause applies to all of the project land as it is subject to the Regional Strategy Plan.	<p>Use A permit is not required for the use of land. The use of land must meet the requirements of the schedule to this clause.</p> <p>Buildings and Works A permit is required to construct a building or construct or carry out works. This does not apply if the schedule to this clause specifically states that a permit is not required.</p> <p>Clause 2.0 of the Schedule to Clause 51.03 states that a permit is required to construct any buildings or works with a height more than 7 metres.</p> <p>Clause 2.0 of the Schedule to Clause 51.03 states a permit is required to construct a fence in a GWZ, unless the fence is a post and large spacing open weave wire fence less than 1.8 metres high.</p>	Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans, a CEMP and an OEMP must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design, construction and operation of the project satisfy the relevant purposes of the Regional Strategy Plan. The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
			<p>Clause 2.0 of the Schedule to Clause 51.03 states that a permit is required to construct a building or carry out works in the PUZ, Public Conservation and Resource Zone (PCRZ) and Public Park and Recreational Zone (PPRZ).</p> <p>Removal of Vegetation Under Clause 51.03 a permit is required to remove, destroy or lop any native vegetation or to remove any exotic species over 5 metres in height, unless the schedule to Clause 51.03 specifically states that a permit is not required due to exemptions that would be confirmed during detailed design.</p>	
Clause 52.05 (Signs)	<ul style="list-style-type: none"> To regulate the development of land for signs and associated structures To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character To ensure signs do not contribute to excessive visual clutter or visual disorder To ensure that signs do not cause loss of amenity or adversely affect 	This clause applies to the development of land of any signs for the project.	<p>Signs A permit is required for most signage types under the applicable Zones as indicated in this table.</p>	Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document, which requires that detailed development plans must be prepared to the satisfaction of the Minister for Planning. This process will provide an opportunity for the Minister for Planning to ensure that the design of the project will satisfy the relevant purposes of Clause 52.05 (Signs).

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
	the natural or built environment or the safety, appearance or efficiency of a road			
Clause 52.12 (Bushfire Protection: Exemptions)	<ul style="list-style-type: none"> To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire. To facilitate the construction and protection of community fire refuges and private bushfire shelters. 	This clause applies to the entirety of the project land.	<p>Use Permit requirements are not applicable to the use of land.</p> <p>Buildings and Works Permit requirements are not applicable for buildings and works. Exemptions do not apply for land used for informal outdoor recreation.</p> <p>Removal of Vegetation Under Clause 4.0 to the schedule of Clause 51.03 a permit is not required to remove, destroy or lop any vegetation if the vegetation is referred to in Clause 52.12.</p>	The Incorporated Document will facilitate land use and development for the project. It also requires preparation of an Emergency Management Plan to address bushfire risks.
Clause 52.17 (Native Vegetation)	<ul style="list-style-type: none"> To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines): Avoid the removal, destruction or lopping of native vegetation. 	This clause applies to the entirety of the project land.	<p>Use Permit requirements are not applicable to the use of land.</p> <p>Buildings and Works A permit is not required for buildings and works.</p> <p>Removal of Vegetation A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required or to</p>	The Incorporated Document requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines.

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
	<ul style="list-style-type: none"> Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation 		<p>the removal, destruction or lopping of native vegetation specified in the schedule to this clause.</p> <p>Clause 1.0 to the schedule to Clause 52.17 states that no permit is required for native vegetation for which no permit is required to remove, destroy or lop under the schedule to Clause 51.03.</p>	
Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road)	<ul style="list-style-type: none"> To ensure appropriate access to identified roads To ensure appropriate subdivision of land adjacent to identified roads 	This clause applies to the entirety of the project land.	<p>Use Permit requirements are not applicable to the use of land.</p> <p>Buildings and Works A permit is required to create or alter access to a road in a Road Zone Category 1.</p>	<p>Development for the project will be facilitated by the Amendment in accordance with the Incorporated Document.</p> <p>The Incorporated Document requires consultation with the Head, Transport for Victoria if the project will result in access alterations to land in an RDZ1.</p>
Clause 53.02 (Bushfire Planning)	<ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. To ensure that the location, design and construction of development appropriately responds to the bushfire hazard. 	This Clause applies to the project as the project land includes areas affected by the BMO.	An Emergency Management Plan is required for the project.	The Incorporated Document requires preparation of an Emergency Management Plan to address bushfire risks.

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Planning control	Relevant purposes	Percentage of segment affected by this	Specific statutory requirements relevant to the Amendment	Incorporated Document interdependency
	<ul style="list-style-type: none"> To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level. To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level. 			

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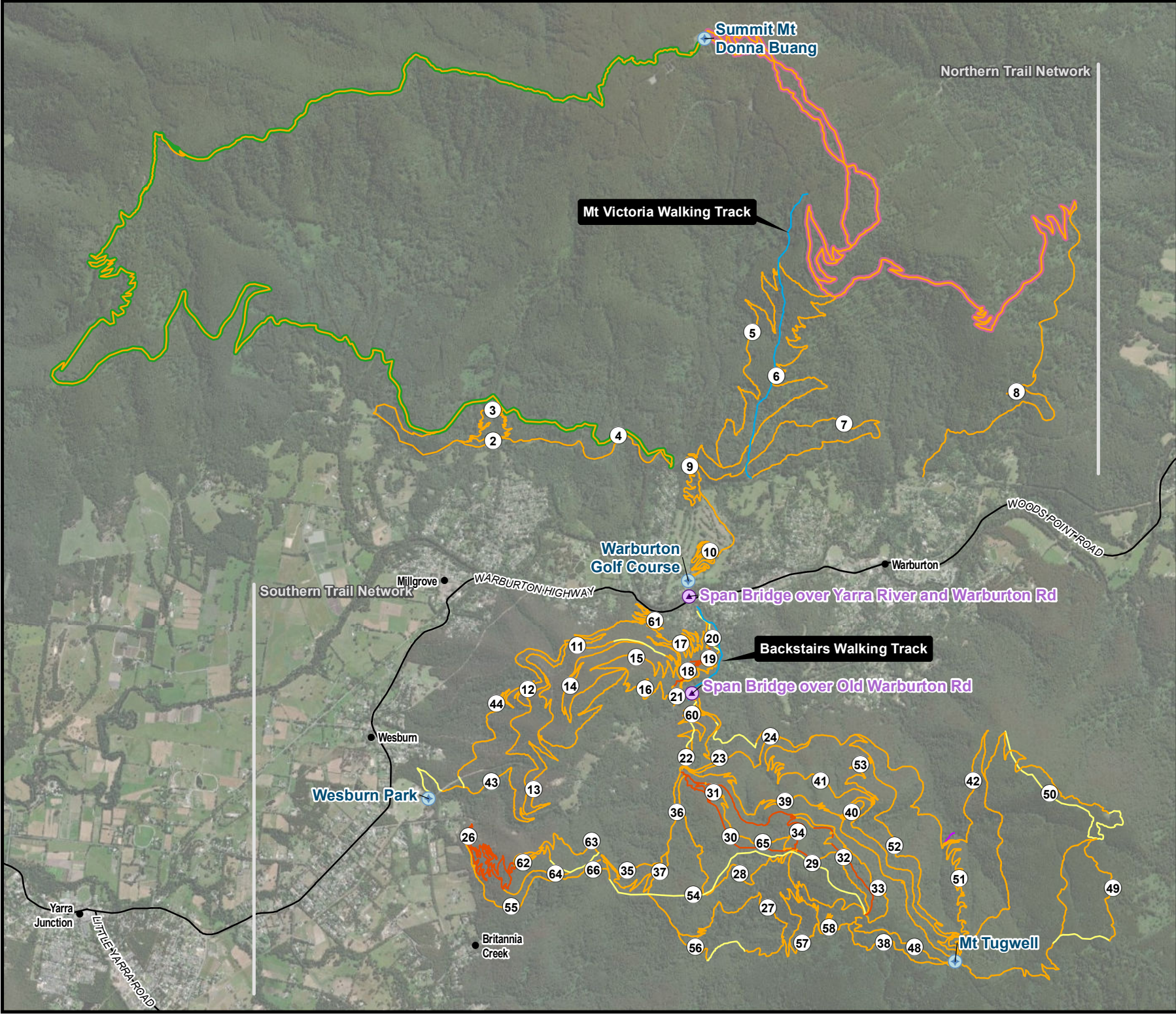
Appendix D

Planning Control Maps

D R A F T

Appendix D Planning Control Maps

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 CREATED BY brierej
 LAST MODIFIED brierej 15 SEP 2021

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 Coordinate System: GDA 1994 MGA Zone 55
 0 500 1,000 2,000
 metres
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LEGEND

- Localities
- ⊕ Trail Head
- ⊕ Span Bridge Locations
- Access Track
- Proposed MTB Trail
- Proposed Walking Trail
- Existing MTB Trail
- Existing Walking Trail
- Trail 1
- Alternatives to Trail 1

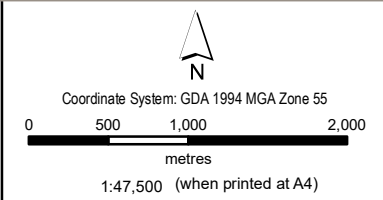


Project Overview

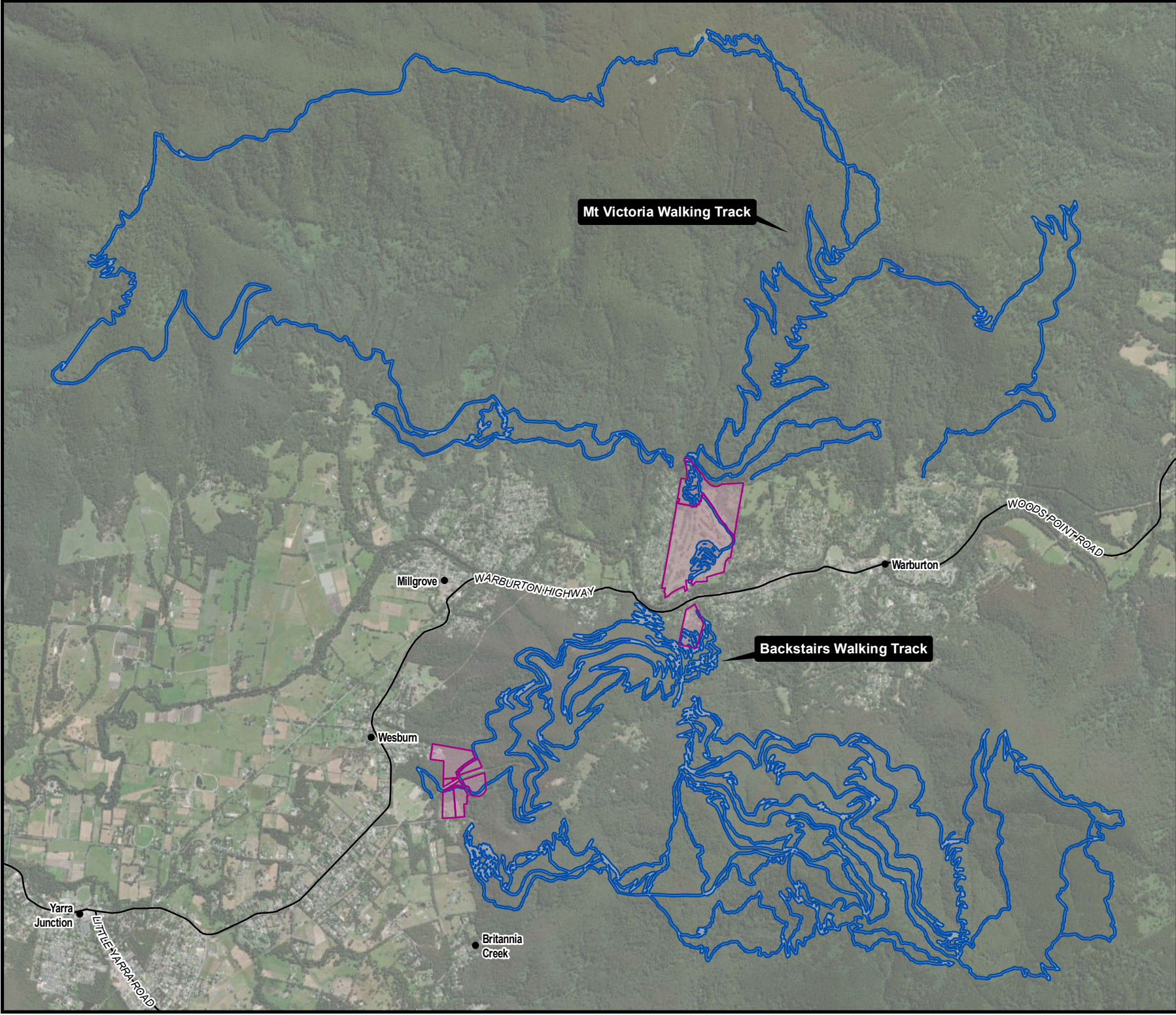
Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure F1

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- LEGEND**
- Localities
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land

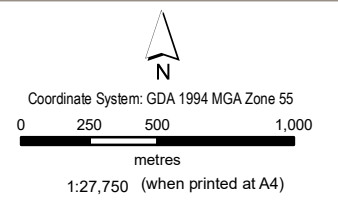


**Special Controls Overlay
Option 1**

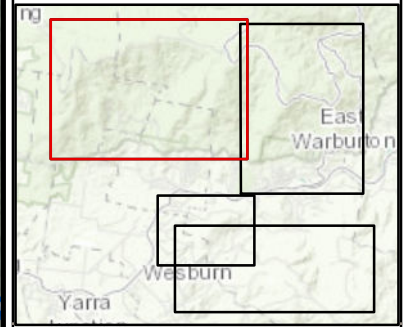
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LEGEND
— Roads
[Blue outline] SCO - 20m Corridor
[Pink outline] SCO - Private Land

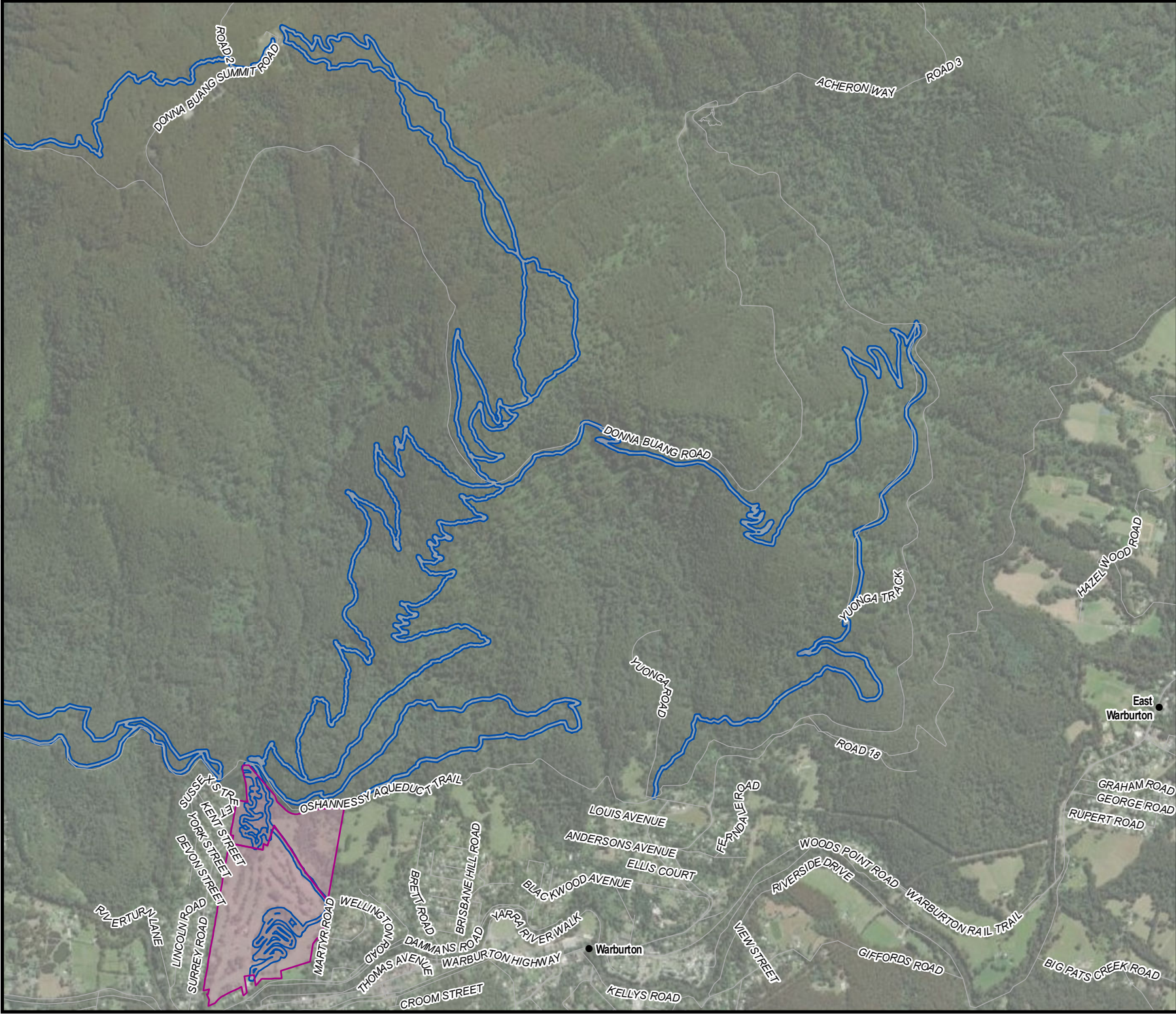


**Special Controls Overlay
Option 1
Northern Segment A**

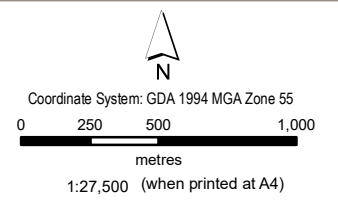
Yarra Ranges Council
Warburton Mountain Bike
Warburton, Victoria

**Figure
F2A-a**

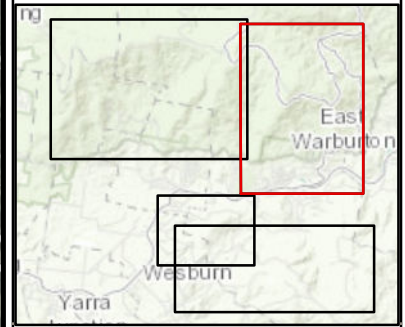
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- LEGEND**
- Localities
 - Roads
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land

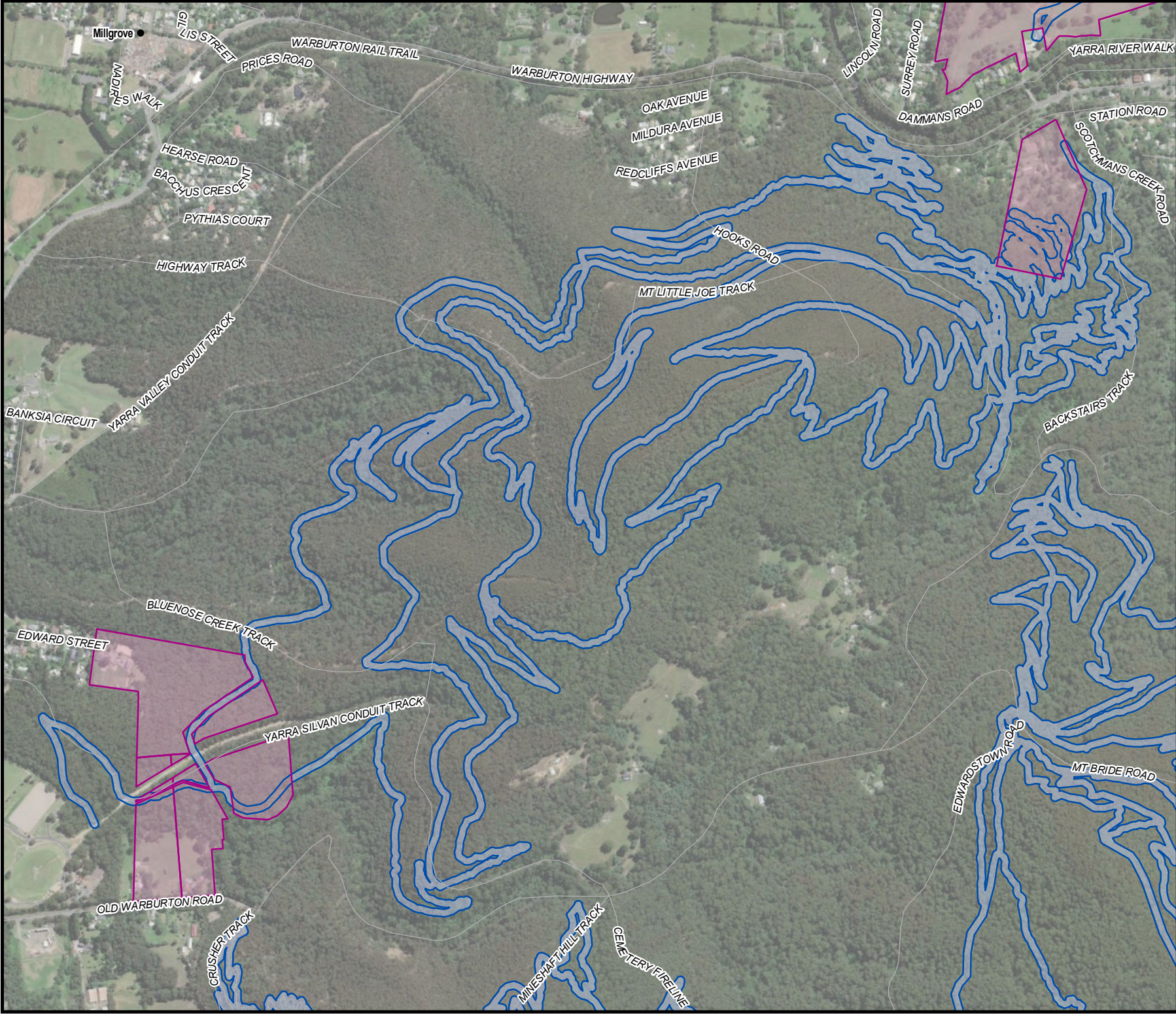


**Special Controls Overlay
Option 1
Northern Segment B**

Yarra Ranges Council
Warburton Mountain Bike
Warburton, Victoria

**Figure
F2A-b**

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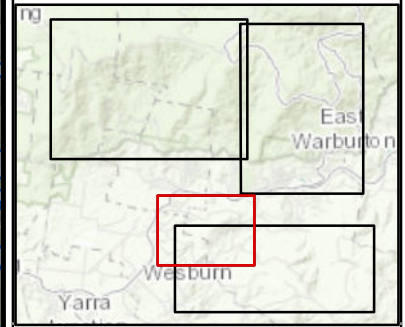
Coordinate System: GDA 1994 MGA Zone 55

0 120 240 480
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1:13,000 (when printed at A4)

LEGEND

- Localities
- Roads
- SCO - 20m Corridor
- SCO - Private Land



**Special Controls Overlay
 Option 1
 South Western Segment**

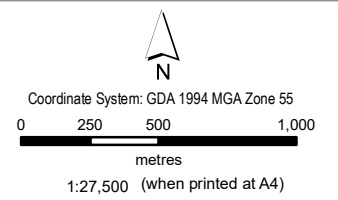
Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F2A-c**

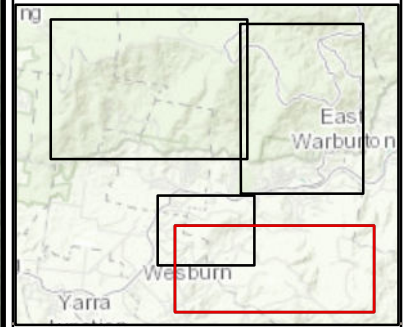
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- LEGEND**
- Localities
 - Roads
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land

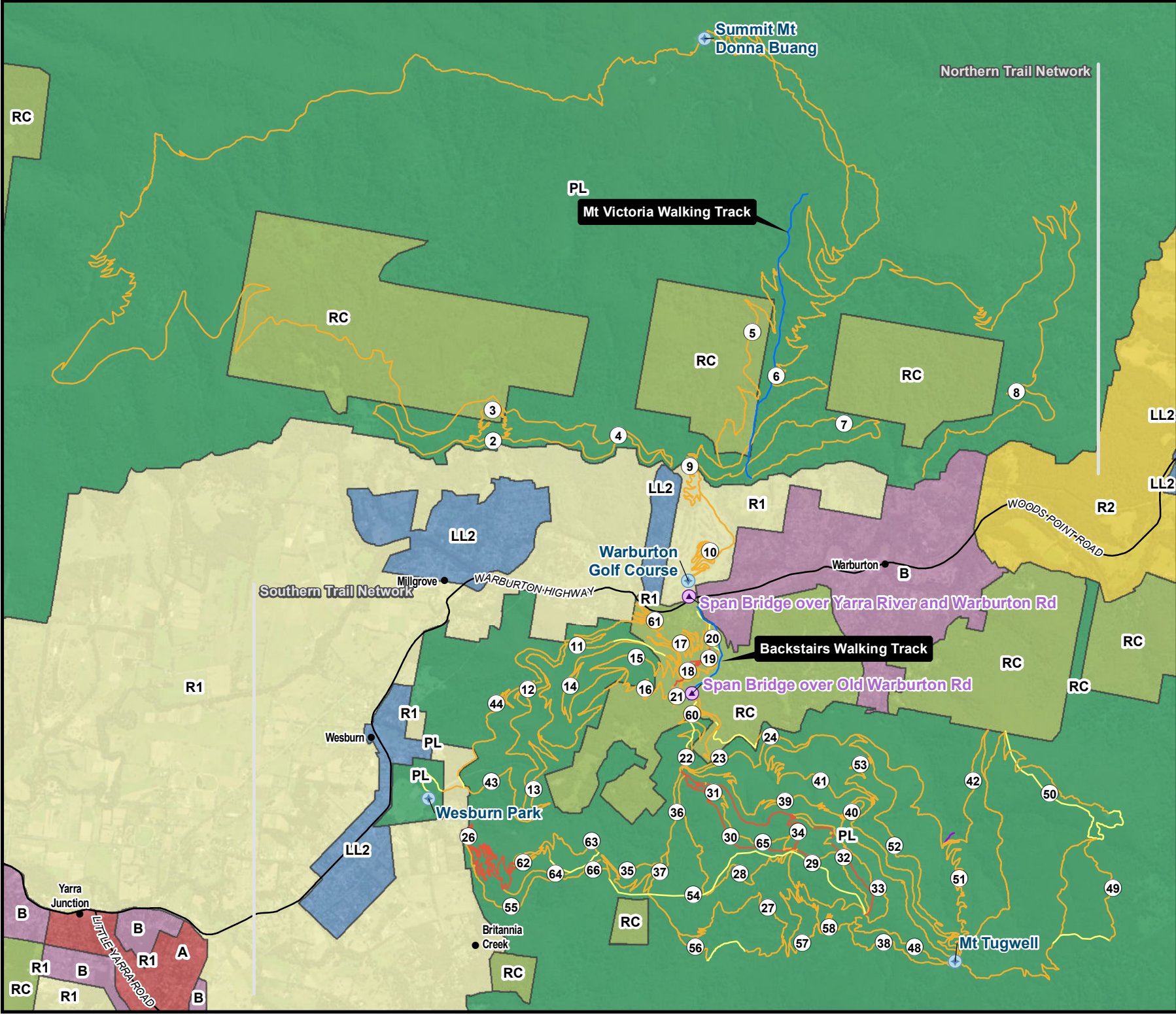


**Special Controls Overlay
 Option 1
 South Eastern Segment**

Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F2A-d**

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N
 Coordinate System: GDA 1994 MGA Zone 55
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 metres
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LEGEND

- Localities
- ⊕ Trail Head
- ⊕ Span Bridge Locations
- Access Track
- Proposed MTB Trail
- Proposed Walking Trail
- Existing MTB Trail
- Existing Walking Trail

Regional Strategy Policy Area

- Landscape Living 2
- Public Land
- Rural 1
- Rural 2
- Rural Conservation
- Township A
- Township B

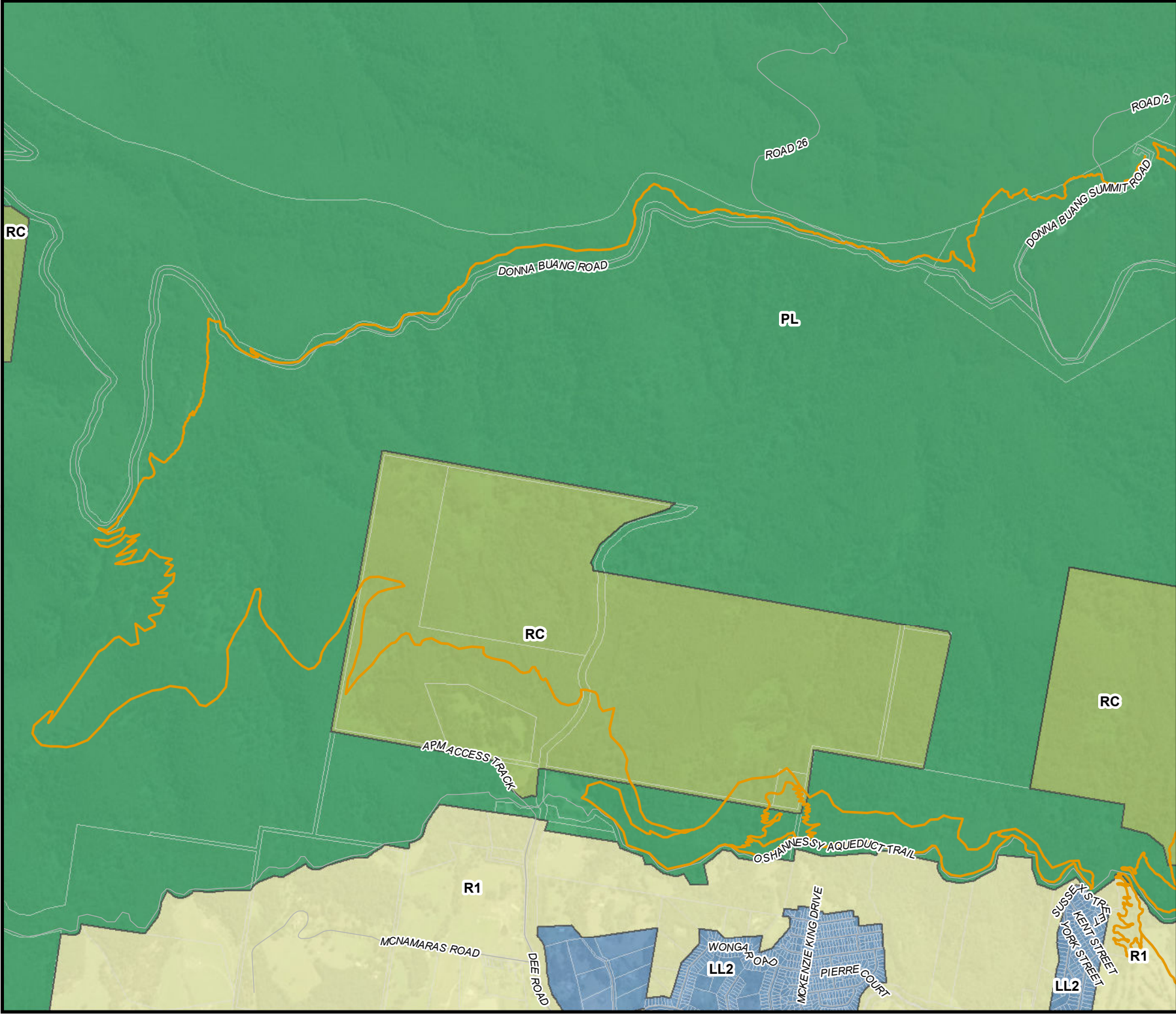


Regional Strategy Plan

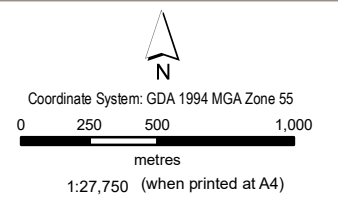
Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure F3

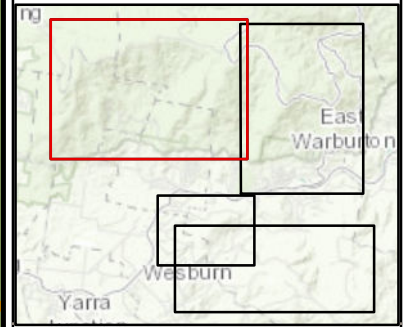
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- LEGEND**
- Roads
 - Proposed MTB Trail
 - Cadastre
- Regional Strategy Policy Area**
- Landscape Living 2
 - Public Land
 - Rural 1
 - Rural Conservation

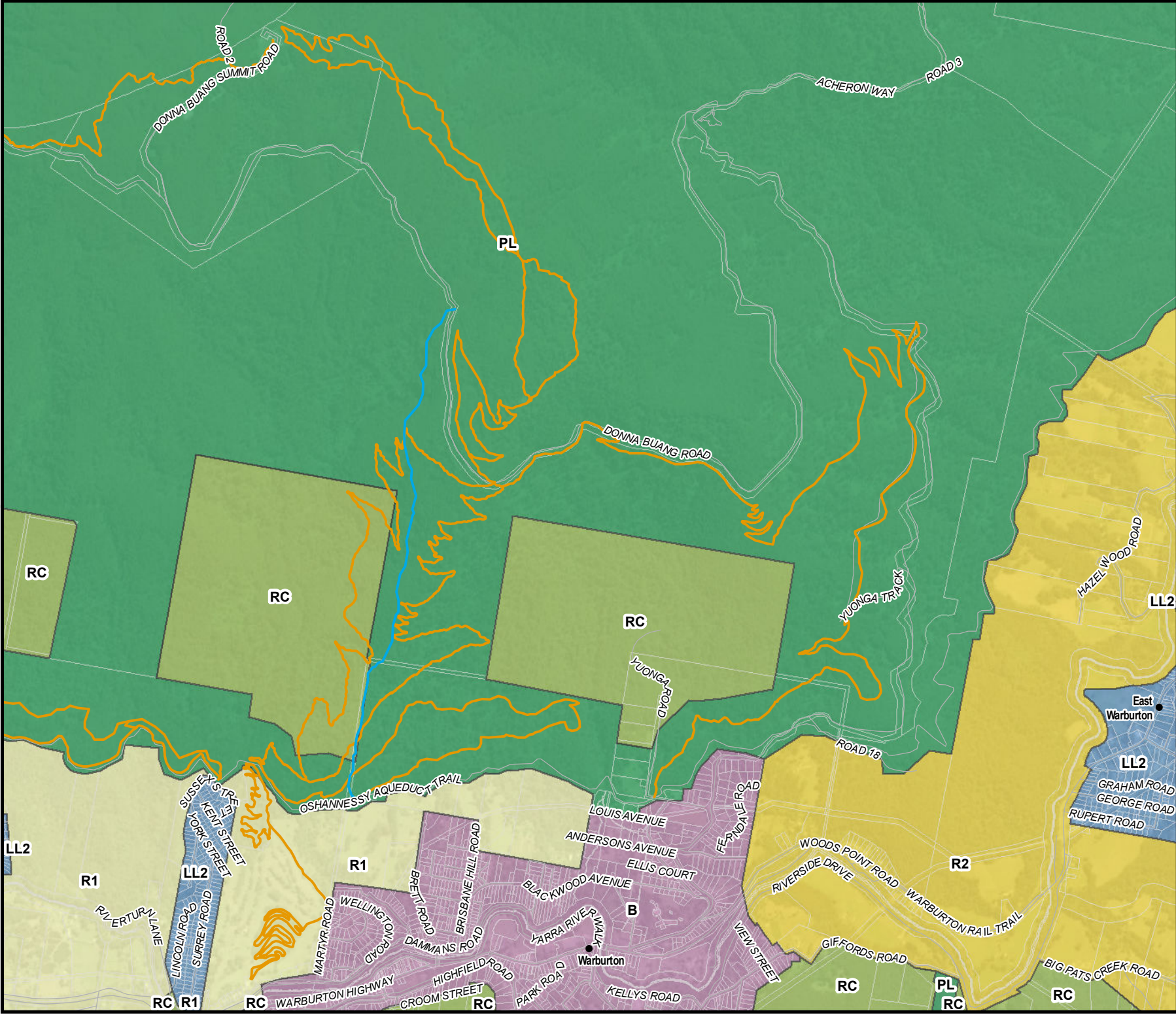


**Regional Strategy Plan
Northern Segment A**

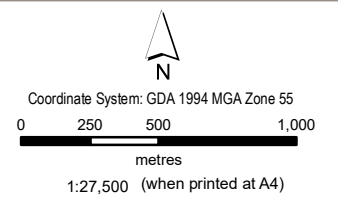
Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
F3a**

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LEGEND

- Localities
- Roads
- Proposed MTB Trail
- Existing Walking Trail
- ▭ Cadastre

Regional Strategy Policy Area

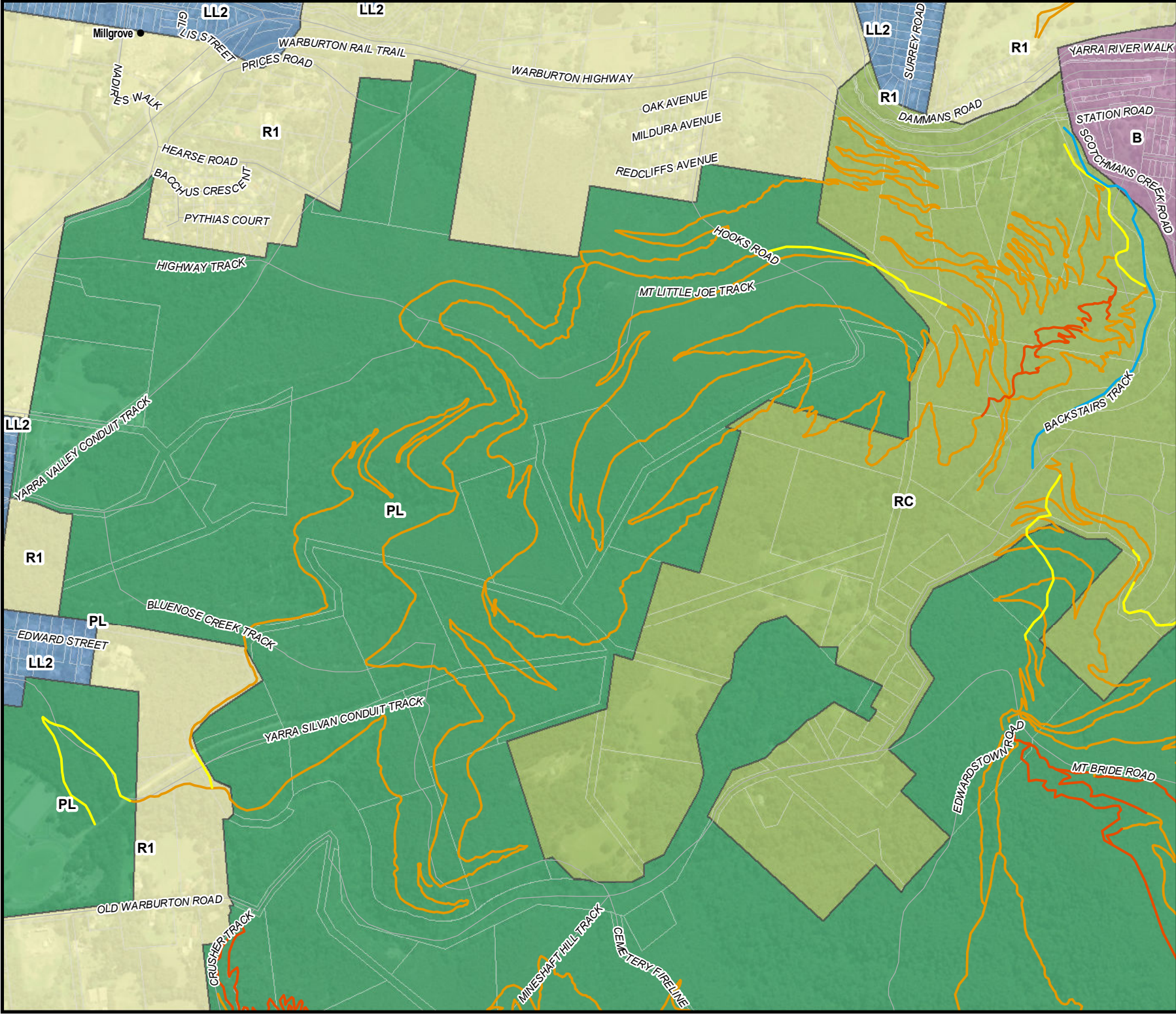
- ▭ Landscape Living 2
- ▭ Public Land
- ▭ Rural 1
- ▭ Rural 2
- ▭ Rural Conservation
- ▭ Township B

**Regional Strategy Plan
Northern Segment B**

Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
F3b**

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Coordinate System: GDA 1994 MGA Zone 55

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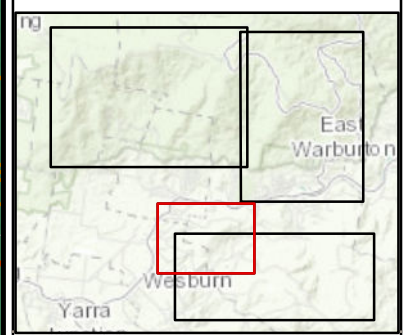
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LEGEND

- Localities
- Roads
- Access Track
- Proposed MTB Trail
- Existing MTB Trail
- Existing Walking Trail
- Cadastre

Regional Strategy Policy Area

- Landscape Living 2
- Public Land
- Rural 1
- Rural Conservation
- Township B

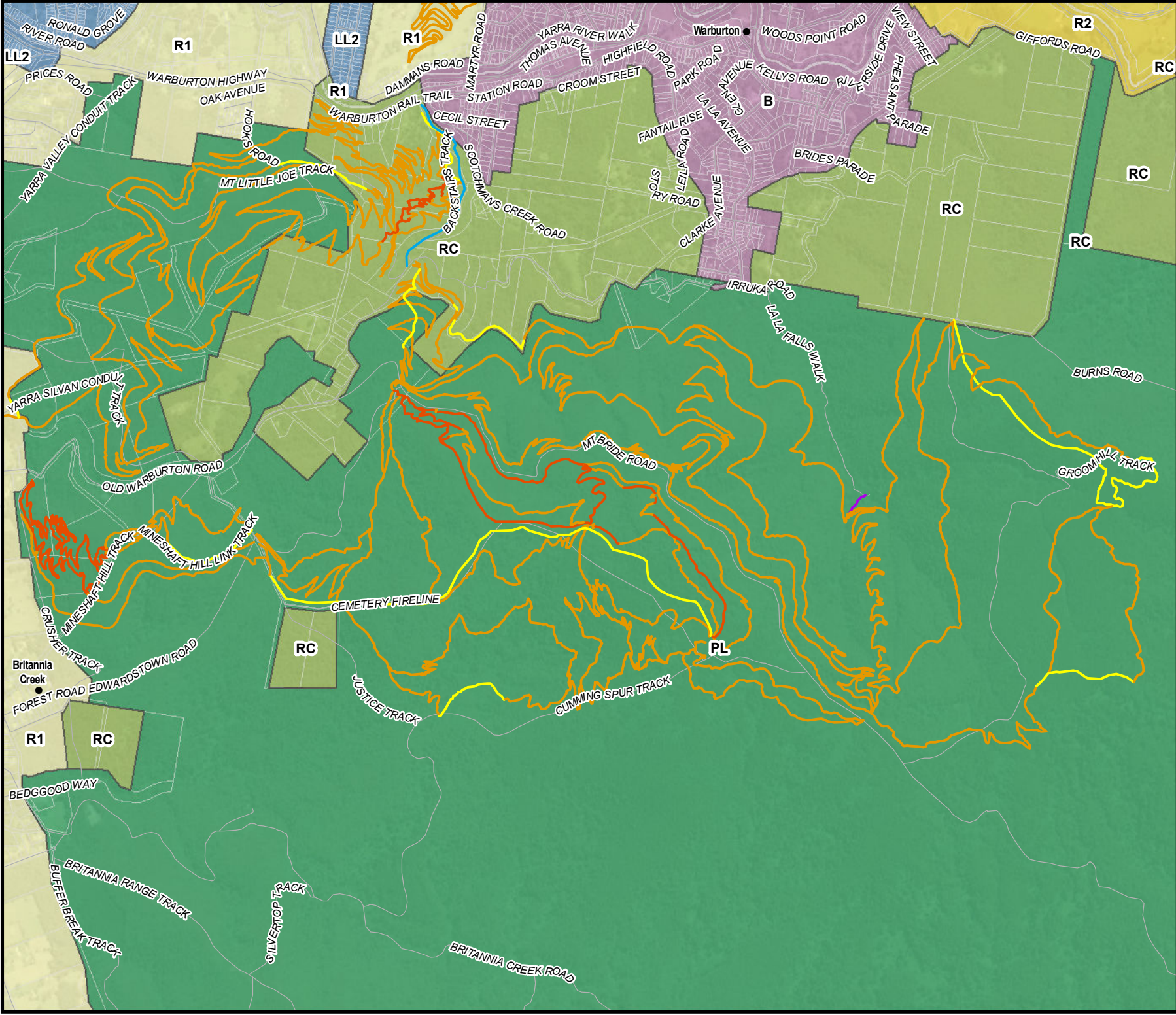


**Regional Strategy Plan
 South Western Segment**

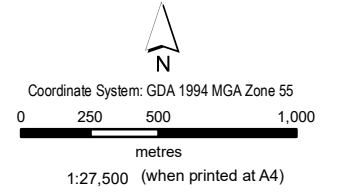
Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F3c**

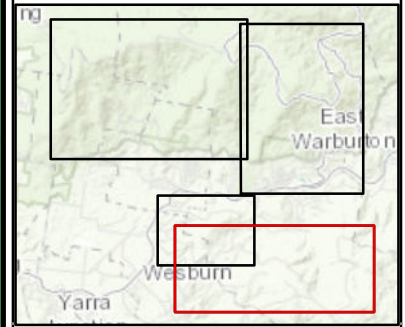
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- LEGEND**
- Localities
 - Roads
 - Access Track
 - Proposed MTB Trail
 - Proposed Walking Trail
 - Existing MTB Trail
 - Existing Walking Trail
 - Cadastre
- Regional Strategy Policy Area**
- Landscape Living 2
 - Public Land
 - Rural 1
 - Rural 2
 - Rural Conservation
 - Township B

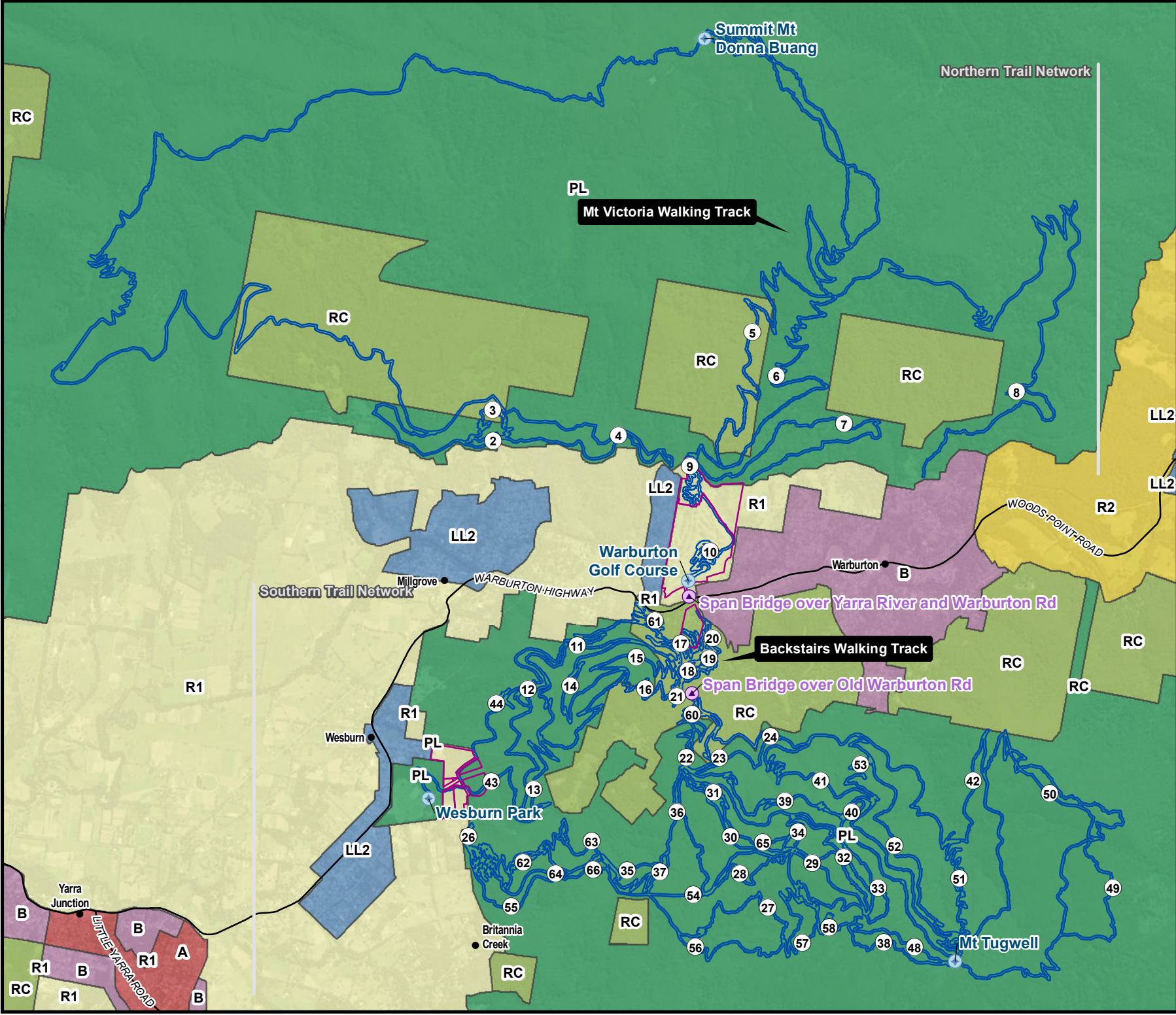


**Regional Strategy Plan
 South Eastern Segment**

Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F3d**

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N
 Coordinate System: GDA 1994 MGA Zone 55
 0 500 1,000 2,000
 metres
 1:47,500 (when printed at A4)

LEGEND

- Localities
- ⊕ Trail Head
- ⊕ Span Bridge Locations
- ▭ SCO - 20m Corridor
- ▭ SCO - Private Land

Regional Strategy Policy Area

- ▭ Landscape Living 2
- ▭ Public Land
- ▭ Rural 1
- ▭ Rural 2
- ▭ Rural Conservation
- ▭ Township A
- ▭ Township B

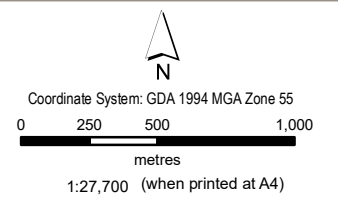


Regional Strategy Plan

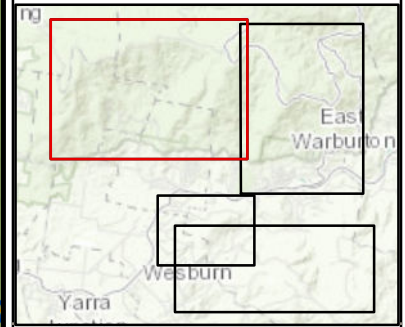
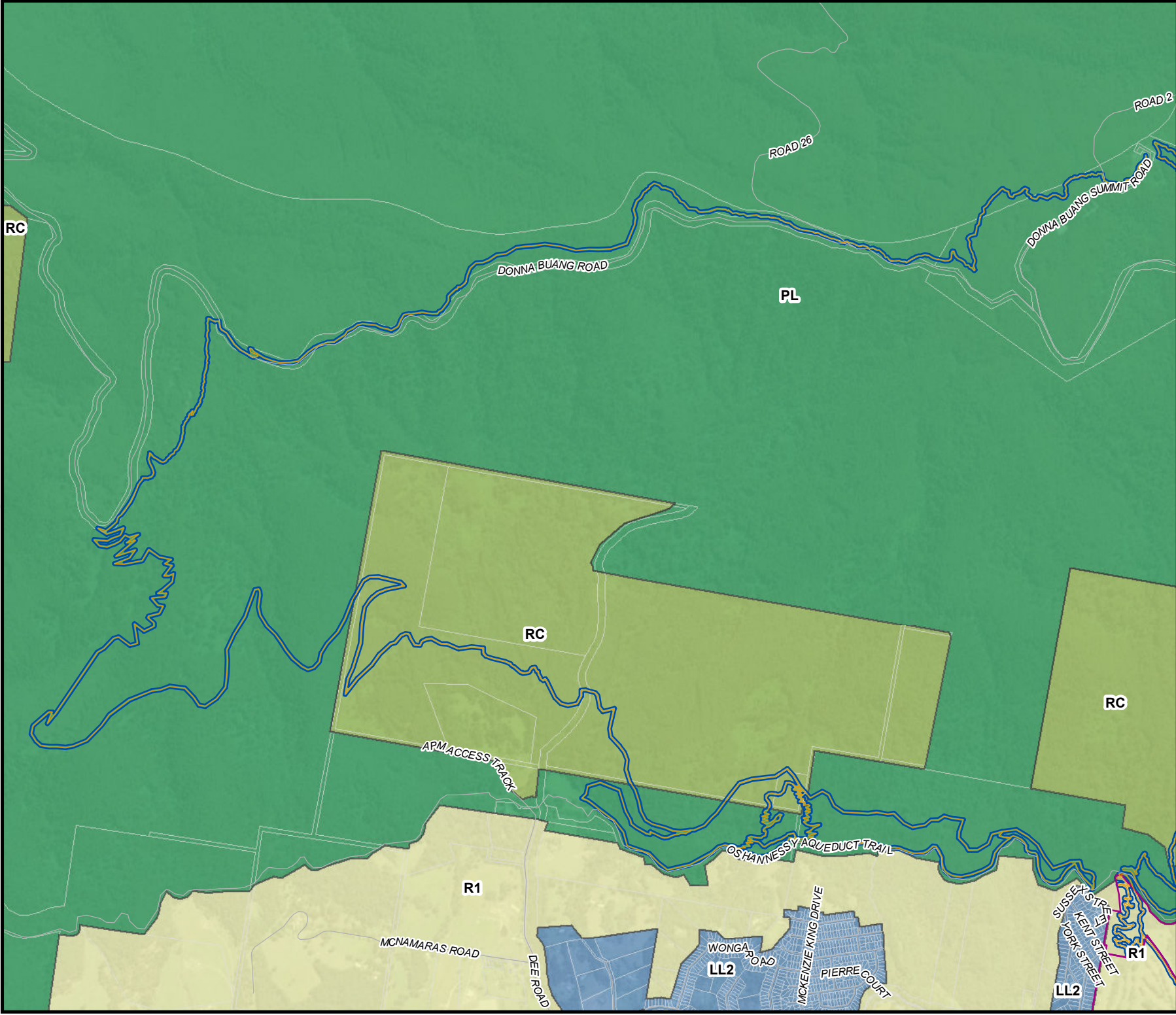
Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure F4

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- LEGEND**
- Roads
 - Proposed MTB Trail
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land
 - ▭ Cadastre
- Regional Strategy Policy Area**
- ▭ Landscape Living 2
 - ▭ Public Land
 - ▭ Rural 1
 - ▭ Rural Conservation

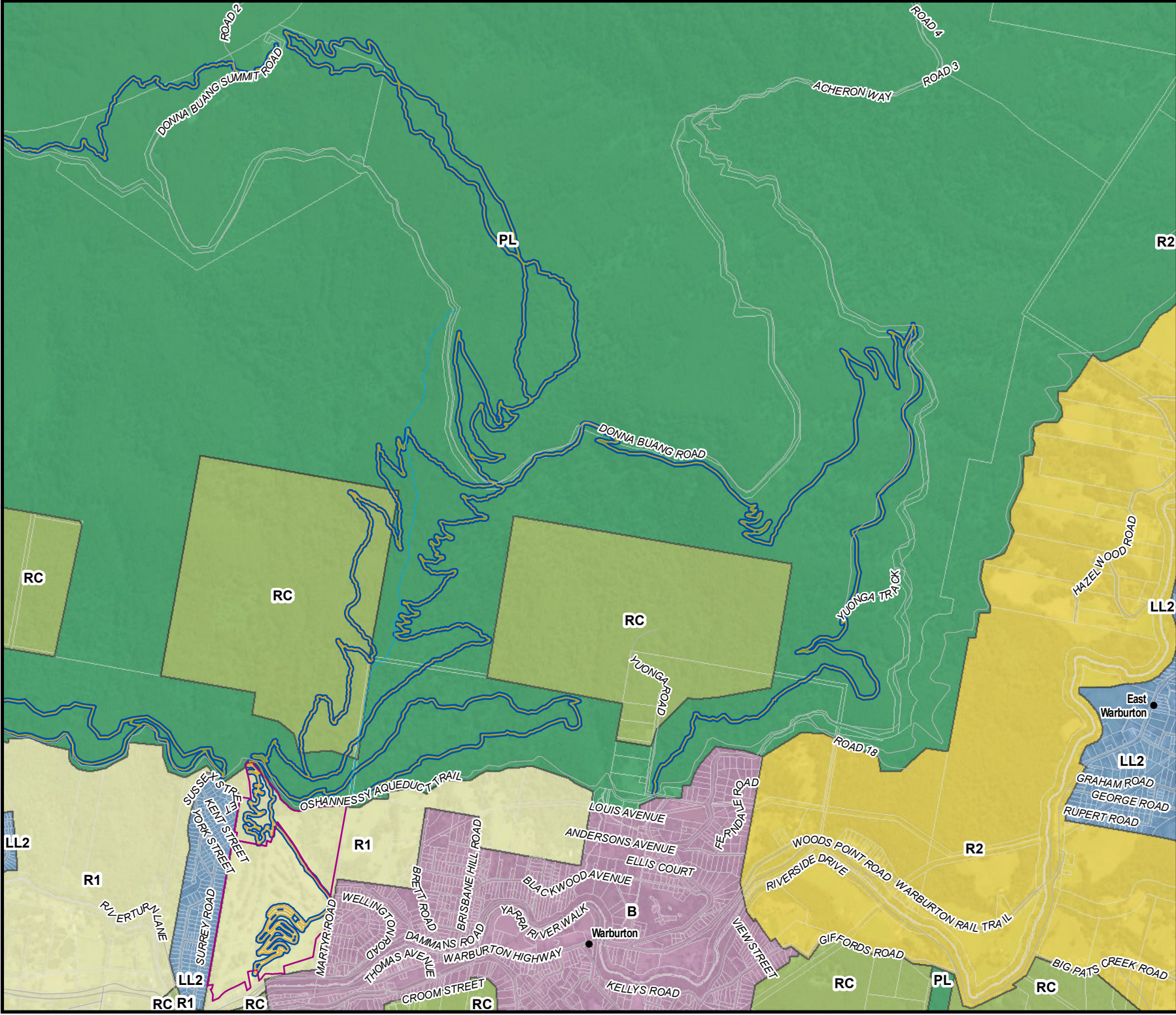


**Regional Strategy Plan
 Northern Segment A**

Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F4a**

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N

Coordinate System: GDA 1994 MGA Zone 55

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 metres

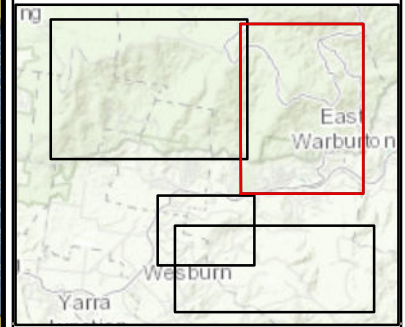
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LEGEND

- Localities
- Roads
- Proposed MTB Trail
- Existing Walking Trail
- ▭ SCO - 20m Corridor
- ▭ SCO - Private Land
- ▭ Cadastre

Regional Strategy Policy Area

- ▭ Landscape Living 2
- ▭ Public Land
- ▭ Rural 1
- ▭ Rural 2
- ▭ Rural Conservation
- ▭ Township B

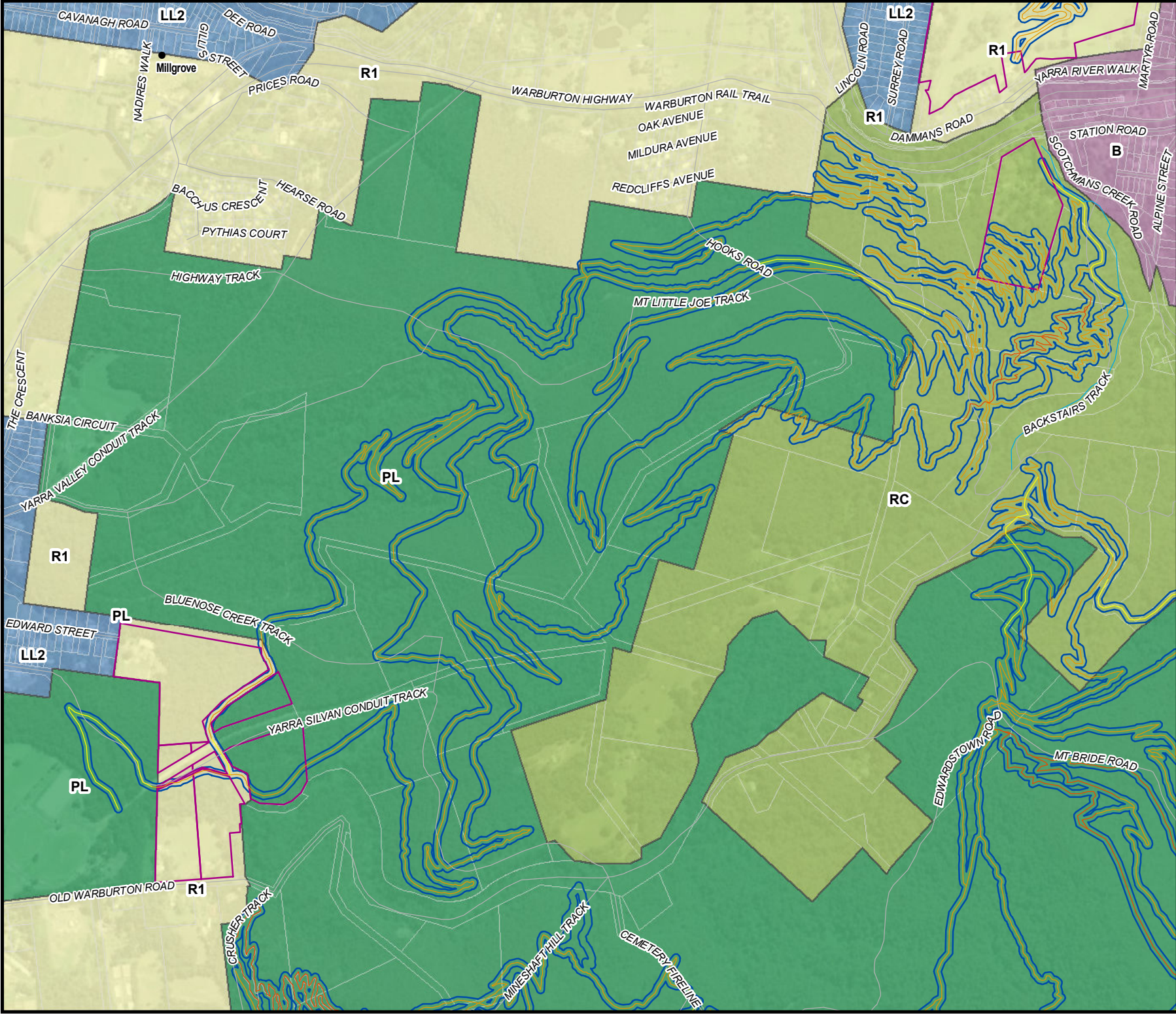


**Regional Strategy Plan
 Northern Segment B**

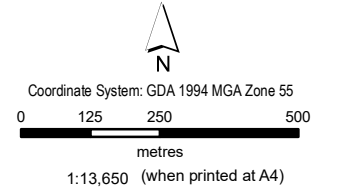
Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F4b**

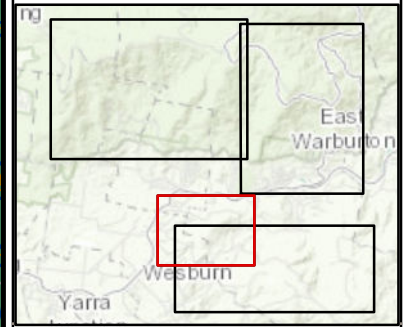
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- LEGEND**
- Localities
 - Roads
 - Access Track
 - Proposed MTB Trail
 - Existing MTB Trail
 - Existing Walking Trail
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land
 - ▭ Cadastre
- Regional Strategy Policy Area**
- ▭ Landscape Living 2
 - ▭ Public Land
 - ▭ Rural 1
 - ▭ Rural Conservation
 - ▭ Township B

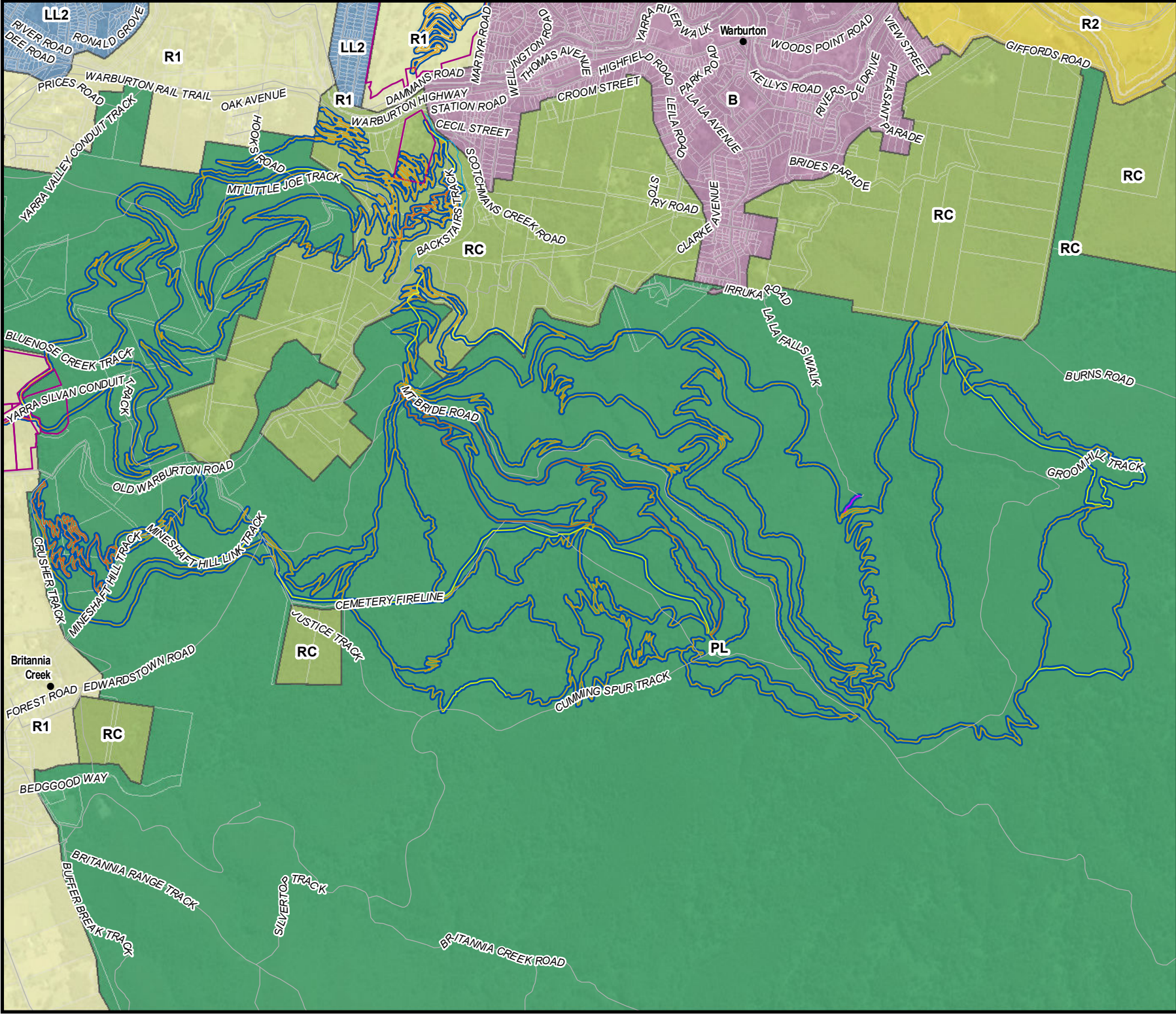


**Regional Strategy Plan
South Western Segment**

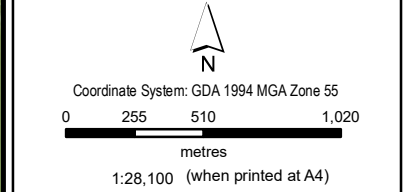
Yarra Ranges Council
Warburton Mountain Bike
Warburton, Victoria

**Figure
F4c**

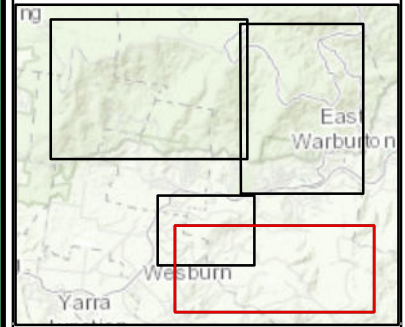
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- LEGEND**
- Localities
 - Roads
 - Access Track
 - Proposed MTB Trail
 - Proposed Walking Trail
 - Existing MTB Trail
 - Existing Walking Trail
 - ▭ SCO - 20m Corridor
 - ▭ SCO - Private Land
 - ▭ Cadastre
- Regional Strategy Policy Area**
- ▭ Landscape Living 2
 - ▭ Public Land
 - ▭ Rural 1
 - ▭ Rural 2
 - ▭ Rural Conservation
 - ▭ Township B

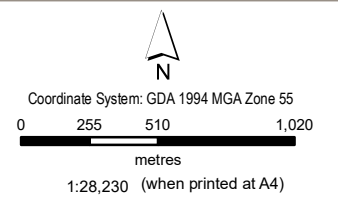


**Regional Strategy Plan
 South Eastern Segment**

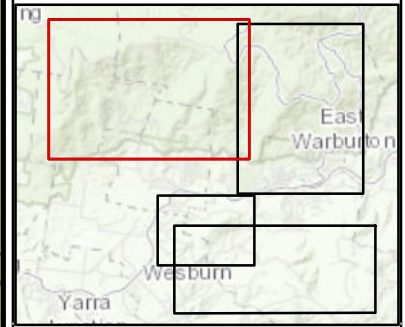
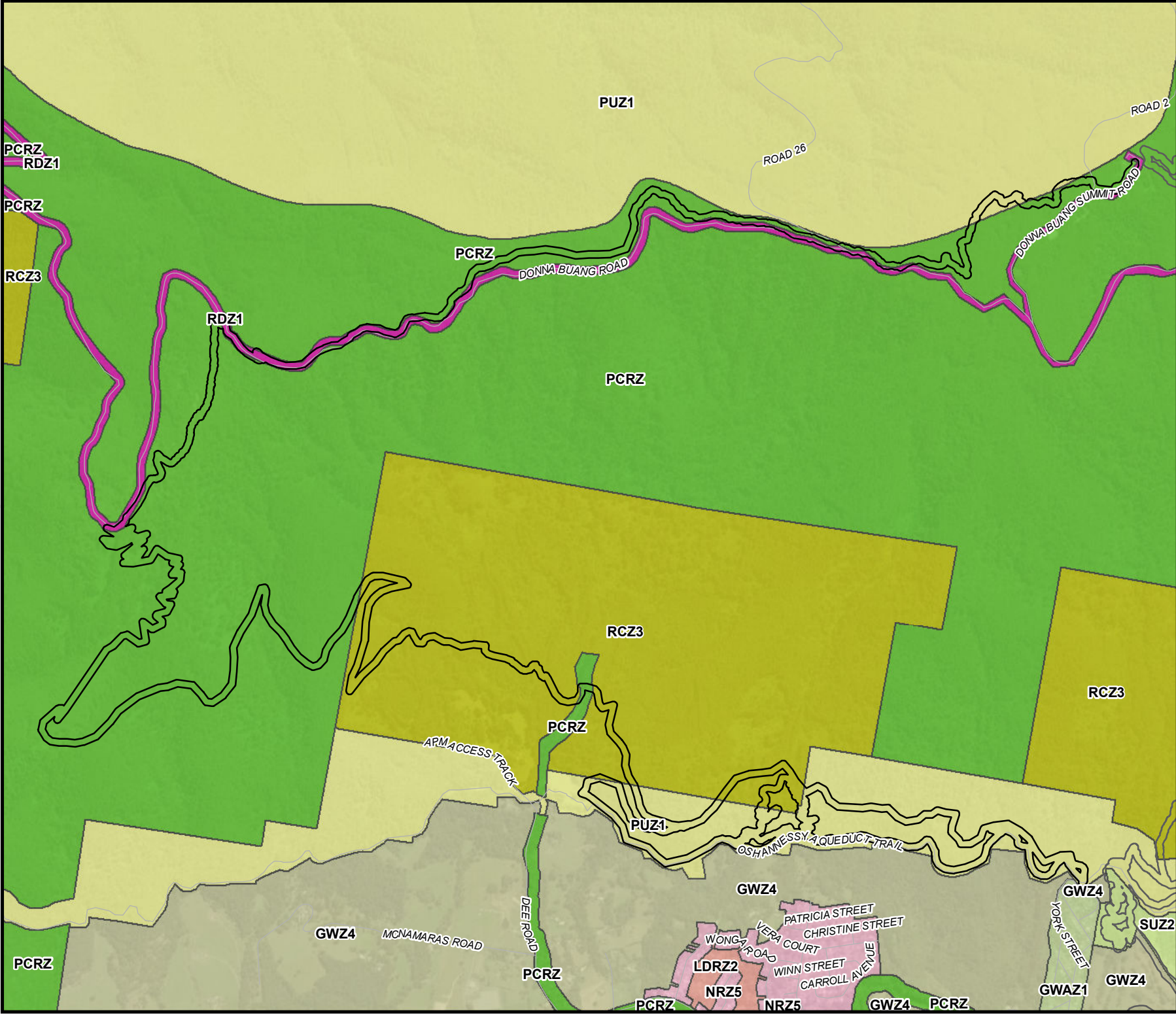
Yarra Ranges Council
 Warburton Mountain Bike
 Warburton, Victoria

**Figure
 F4d**

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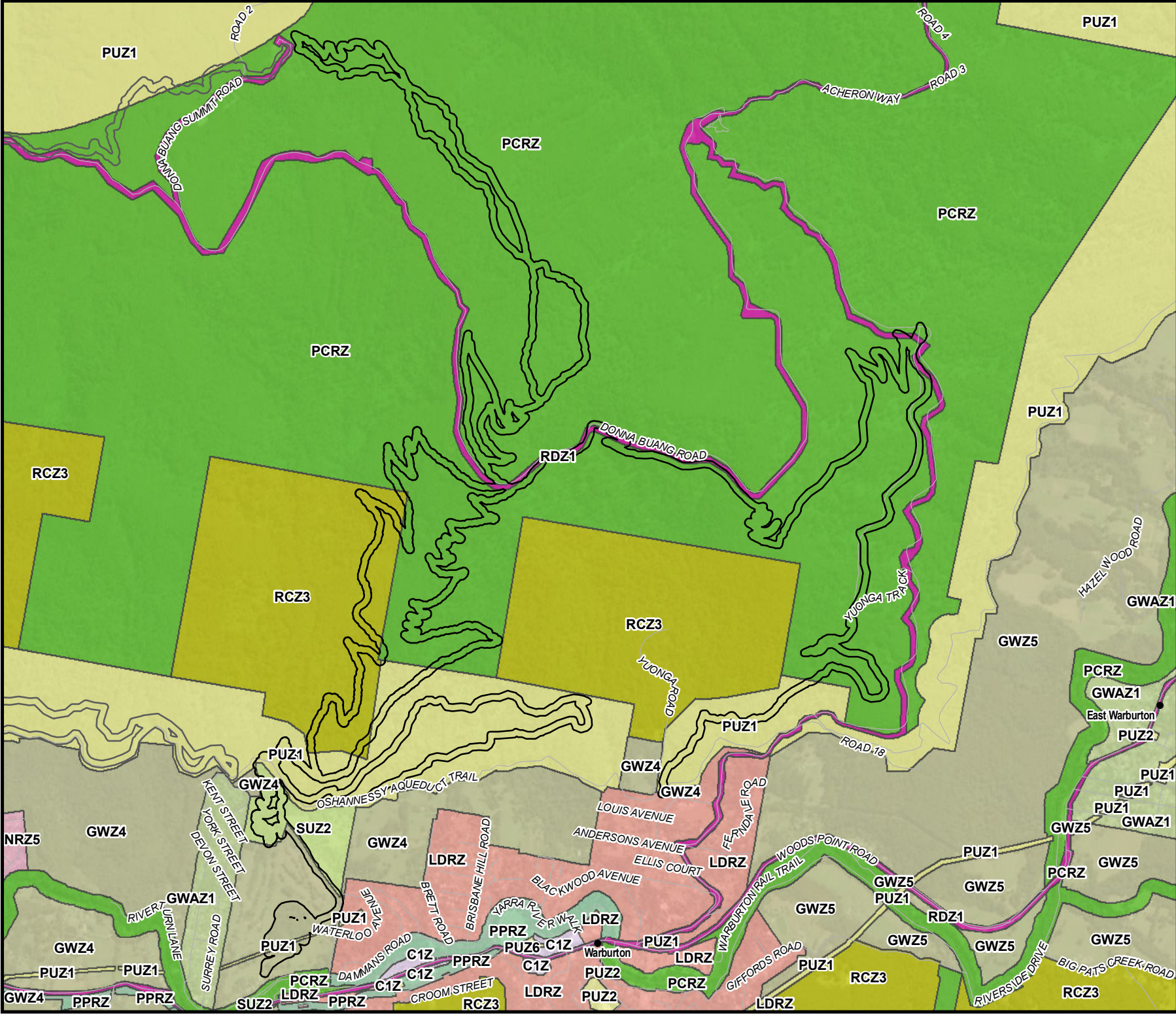


- LEGEND**
- Study Area
 - Roads
- Planning Zones**
- GWAZ - Green Wedge A
 - GWZ - Green Wedge
 - LRDZ - Low Density Residential
 - NRZ - Neighbourhood Residential
 - PCRZ - Public Conservation & Resource
 - PUZ1 - Public Use - Service and Utility
 - RCZ - Rural Conservation
 - RDZ1 - Road - Category 1
 - SUZ - Rural

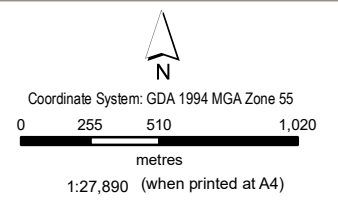


**Planning Zones
 Northern Segment A**

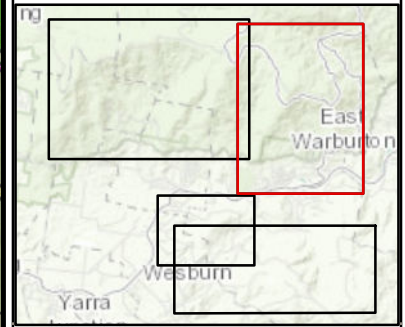
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- LEGEND**
- Study Area
 - Localities
 - Roads
- Planning Zones**
- C1Z - Commercial 1
 - GWAZ - Green Wedge A
 - GWZ - Green Wedge
 - LRDZ - Low Density Residential
 - NRZ - Neighbourhood Residential
 - PCRZ - Public Conservation & Resource
 - PPRZ - Public Park & Recreation
 - PUZ1 - Public Use - Service and Utility
 - PUZ2 - Public Use - Education
 - PUZ3 - Public Use - Health Community
 - PUZ6 - Public Use - Local Government
 - PUZ7 - Public Use - Other Public Use
 - RCZ - Rural Conservation
 - RDZ1 - Road - Category 1
 - SUZ - Rural

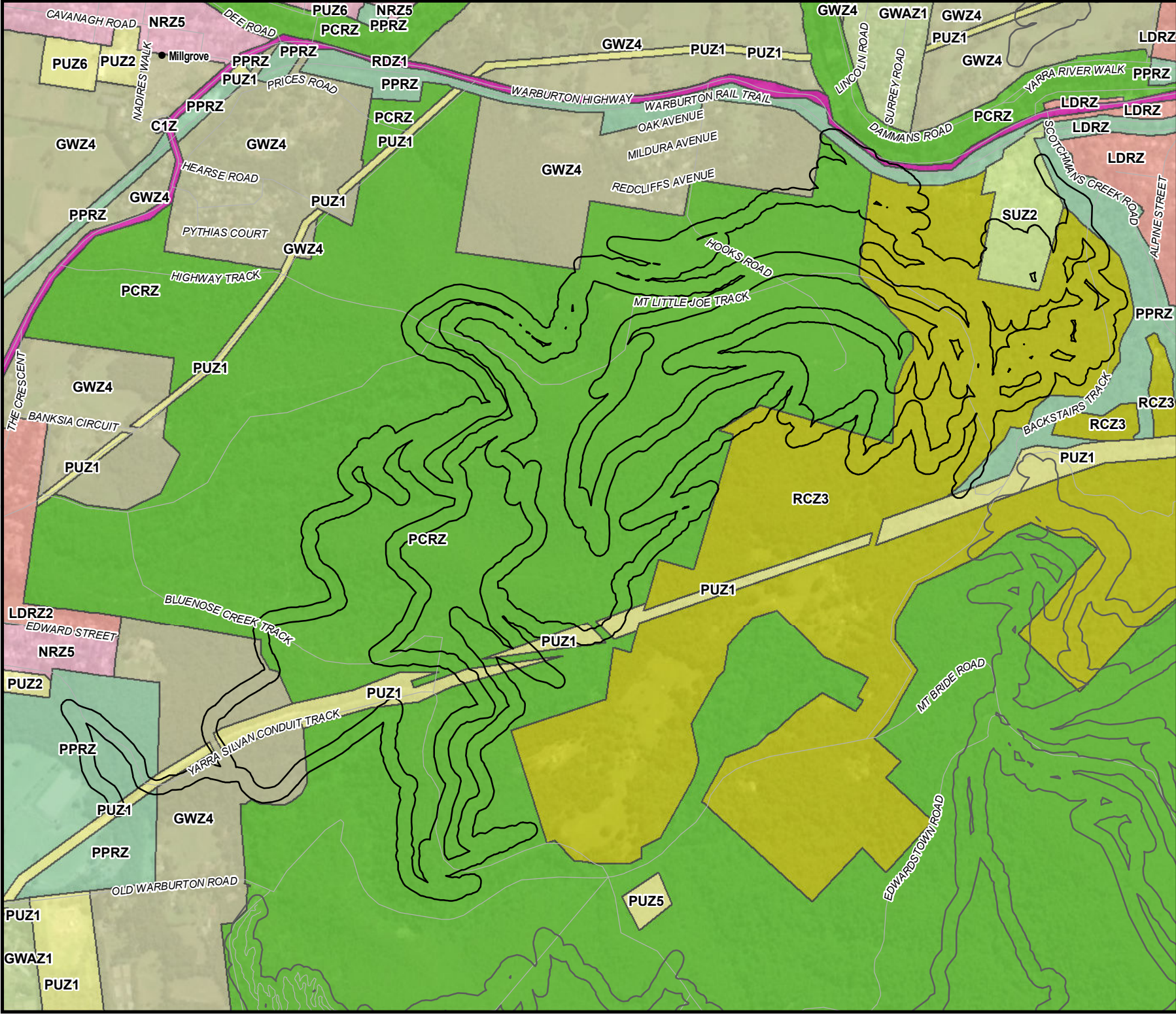


Planning Zones Northern Segment B

Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure A3b

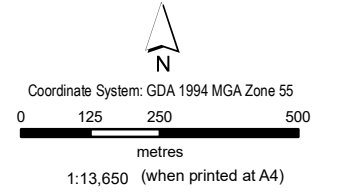
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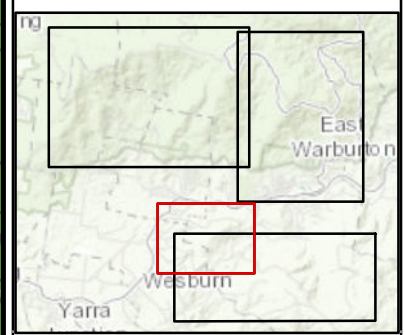
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- LEGEND**
- Study Area
 - Localities
 - Roads
- Planning Zones**
- C1Z - Commercial 1
 - GWAZ - Green Wedge A
 - GWZ - Green Wedge
 - LDRZ - Low Density Residential
 - NRZ - Neighbourhood Residential
 - PCRZ - Public Conservation & Resource
 - PPRZ - Public Park & Recreation
 - PUZ1 - Public Use - Service and Utility
 - PUZ2 - Public Use - Education
 - PUZ5 - Public Use - Cemetery/Crematorium
 - PUZ6 - Public Use - Local Government
 - RCZ - Rural Conservation
 - RDZ1 - Road - Category 1
 - SUZ - Rural

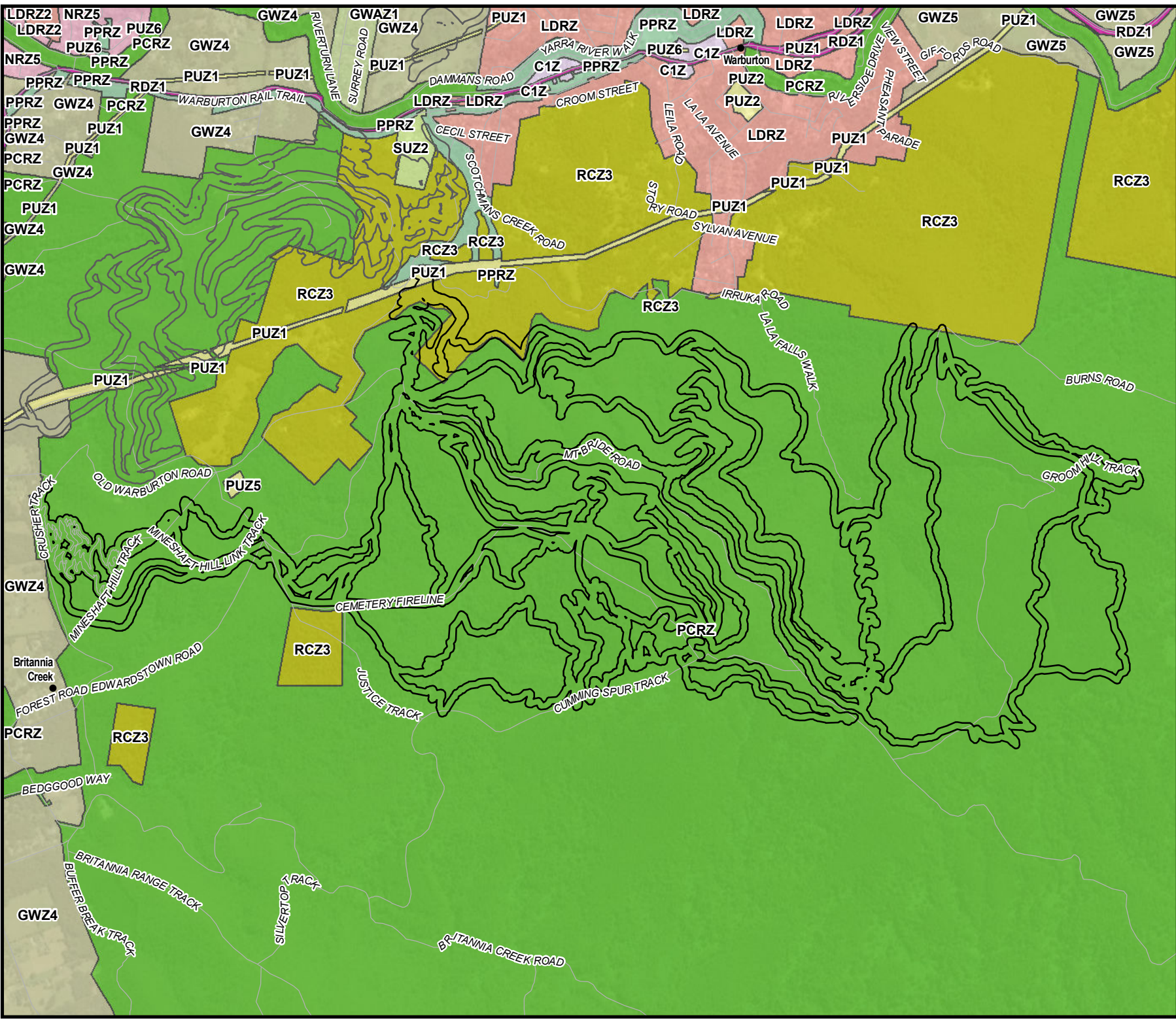


**Planning Zones
South Western Segment**

Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

**Figure
A3c**

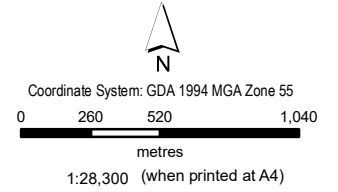
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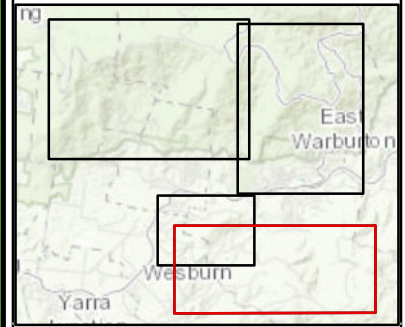
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- LEGEND**
- Study Area
 - Localities
 - Roads
- Planning Zones**
- C1Z - Commercial 1
 - GWAZ - Green Wedge A
 - GWZ - Green Wedge
 - LRDZ - Low Density Residential
 - NRZ - Neighbourhood Residential
 - PCRZ - Public Conservation & Resource
 - PPRZ - Public Park & Recreation
 - PUZ1 - Public Use - Service and Utility
 - PUZ2 - Public Use - Education
 - PUZ5 - Public Use - Cemetery/Crematorium
 - PUZ6 - Public Use - Local Government
 - PUZ7 - Public Use - Other Public Use
 - RCZ - Rural Conservation
 - RDZ1 - Road - Category 1
 - SUZ - Rural

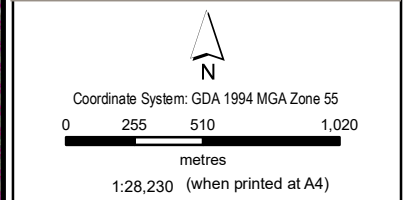
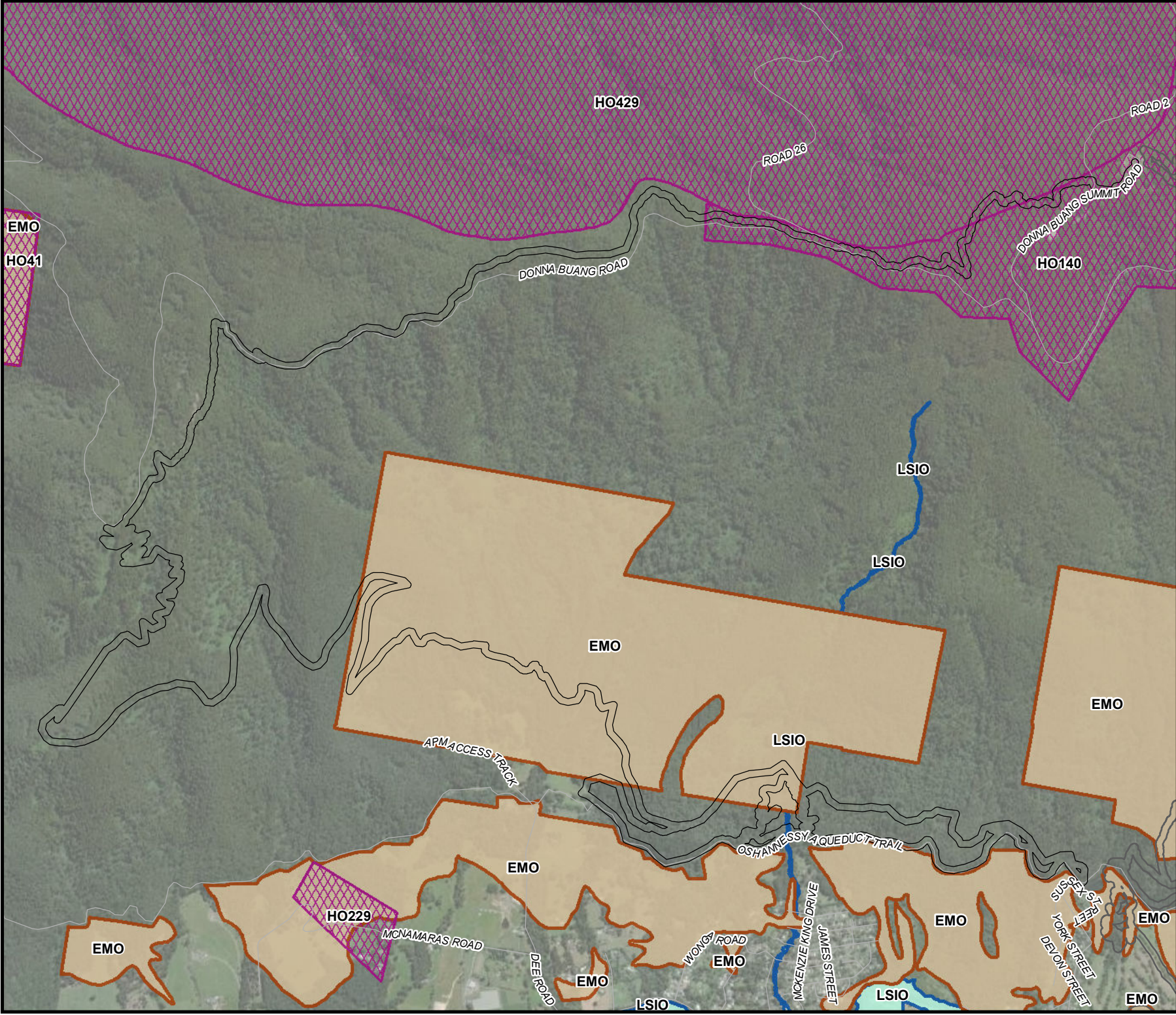


Planning Zones South Eastern Segment

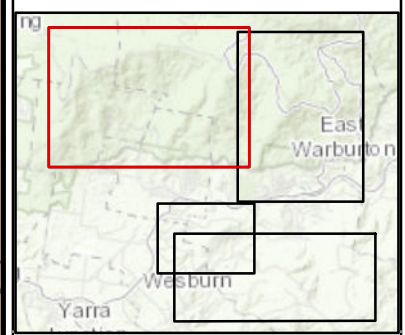
Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure A3d

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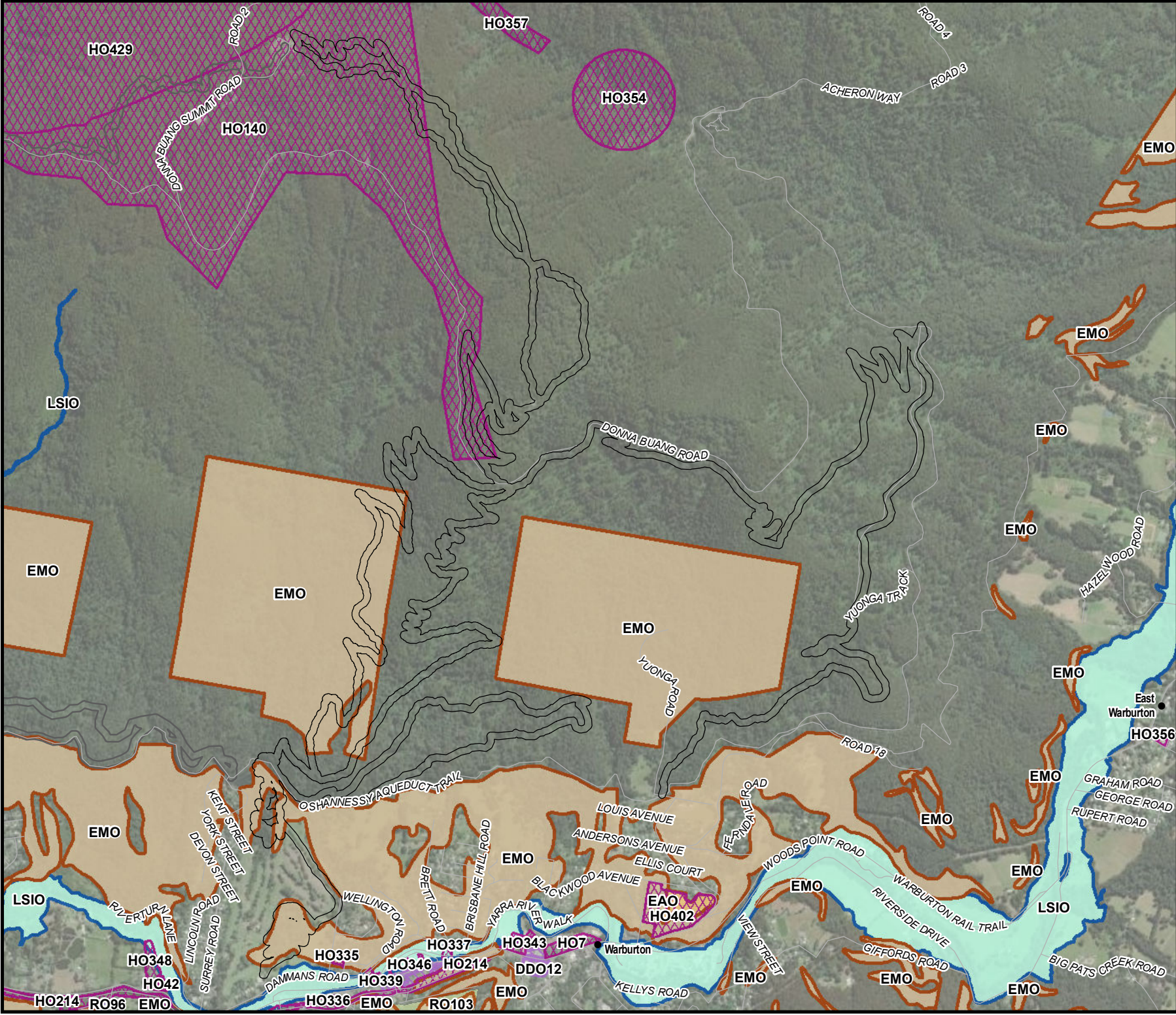


- LEGEND**
- Study Area
 - Roads
 - Planning Overlay**
 - EMO - Erosion Management
 - HO - Heritage Overlay
 - LSIO - Land Subject to Inundation



**Planning Overlays
 Northern Segment A**

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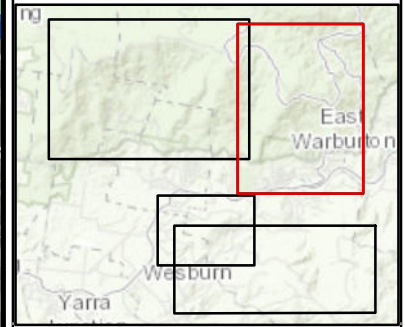
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LEGEND

- Study Area
- Localities
- Roads

Planning Overlay

- DDO - Design & Development
- EAO - Environmental Audit
- EMO - Erosion Management
- HO - Heritage Overlay
- LSIO - Land Subject to Inundation
- Restructure Overlay - Schedule 103
- Restructure Overlay - Schedule 96

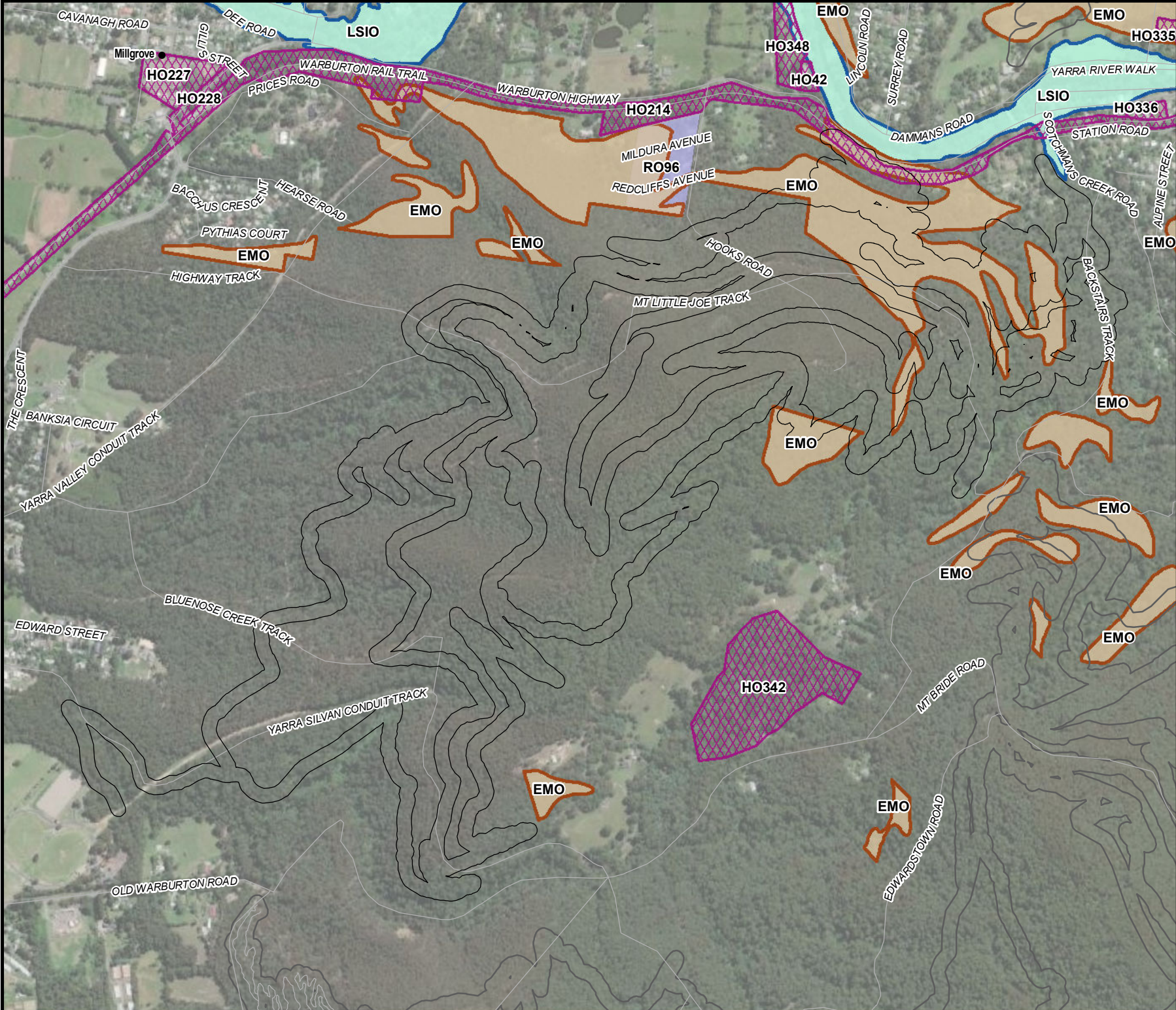


Planning Overlays Northern Segment B

Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

Figure F7b

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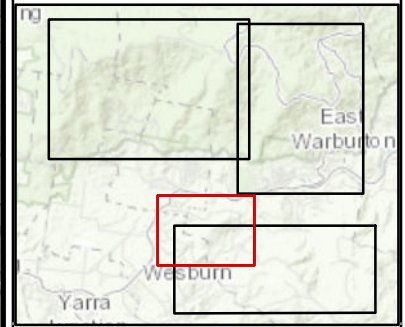
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LEGEND

- Study Area
- Localities
- Roads
- EMO - Erosion Management
- HO - Heritage Overlay
- LSIO - Land Subject to Inundation
- Restructure Overlay - Schedule 96

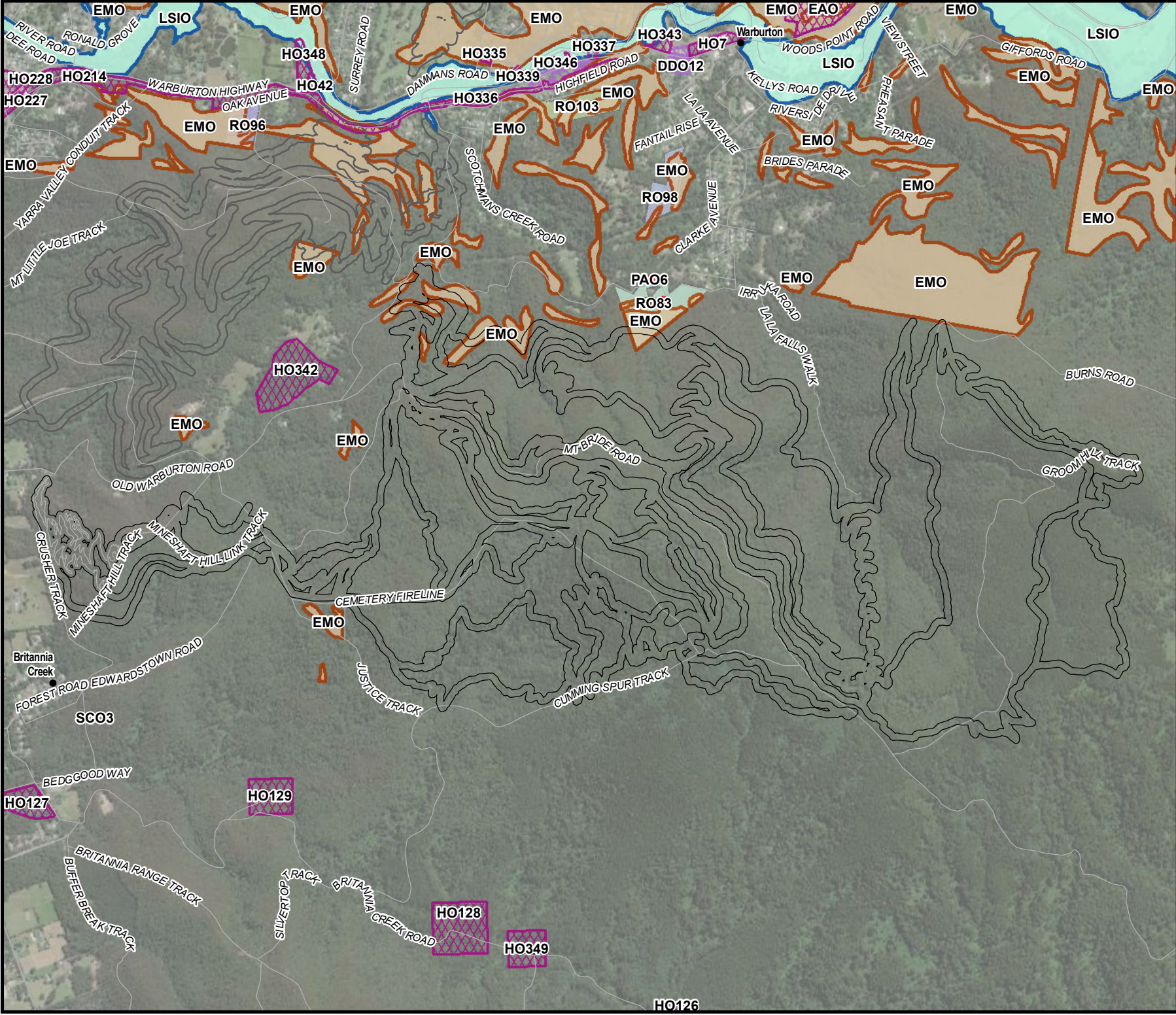


**Planning Overlays
 South Western Segment**

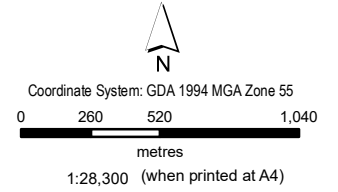
Yarra Ranges Council
 Warburton Mountain Bike Destination
 Warburton, Victoria

**Figure
 F7c**

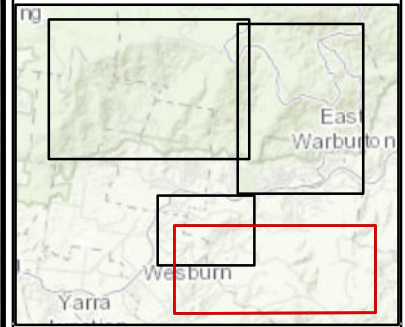
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PROJECT ID 60636618
 CREATED BY brierej
 LAST MODIFIED brierej 13 AUG 2021



- LEGEND**
- Study Area
 - Localities
 - Roads
- Planning Overlay**
- DDO - Design & Development
 - EAO - Environmental Audit
 - EMO - Erosion Management
 - HO - Heritage Overlay
 - LSIO - Land Subject to Inundation
 - PAO - Public Acquisition
 - Restructure Overlay - Schedule 103
 - Restructure Overlay - Schedule 83
 - Restructure Overlay - Schedule 96
 - Restructure Overlay - Schedule 98



**Planning Overlays
 South Eastern Segment**

Yarra Ranges Council
 Warburton Mountain Bike
 Destination
 Warburton, Victoria

**Figure
 F7d**

WARBURTON MOUNTAIN BIKE DESTINATION PROJECT

AMENDMENT C198YRAN

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Minister for Planning who is the planning authority for this Amendment.

The Amendment has been made at the request of Yarra Ranges Council (Council) as the proponent responsible for the Warburton Mountain Bike Destination Project (the Project).

Land affected by the Amendment

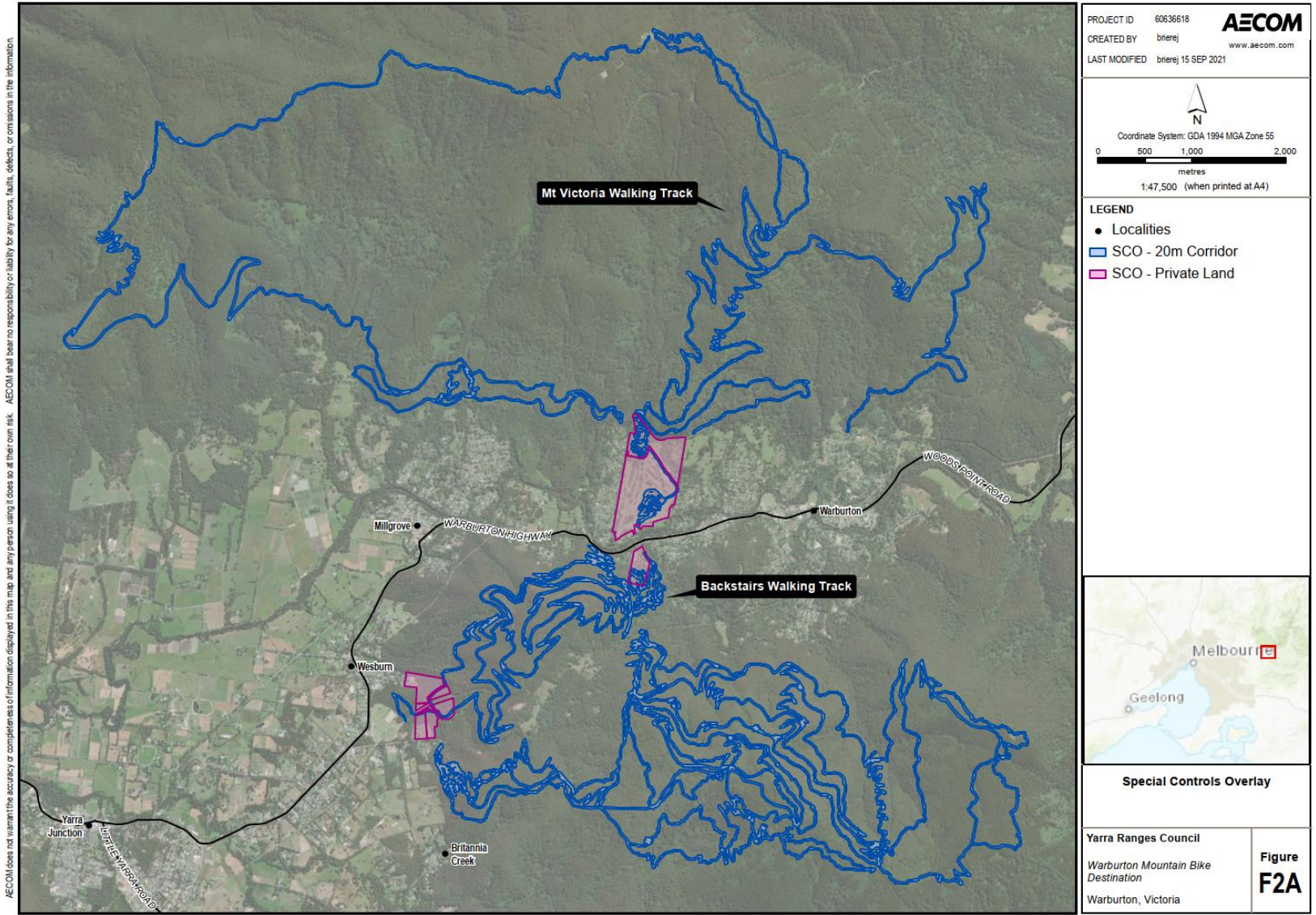
The Amendment applies to the land required for the Project, as shown on the Yarra Ranges Planning Scheme Map Nos. 14, 32, 33, 34, 47 and 48 SCO, as SCO16 (Project Land). The Project Land affected by the Amendment is shown below (Map 1).

What the Amendment does

The Amendment facilitates the use and development of the Project. Specifically, the Amendment:

- Inserts new Planning Scheme Map Nos. 14, 32, 33, 34, and 48 SCO and amends Planning Scheme Map No. 47 SCO.
- Amends the schedule to Clause 45.12 Specific Controls Overlay by inserting Incorporated Document '*Warburton Mountain Bike Destination Project Incorporated Document, January 2022*' (the Incorporated Document).
- Amends the schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert Planning Scheme Map No 14, 32, 33, 34 and 48 SCO.
- Amends the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the Incorporated Document.

Map 1. Project Land and SCO extent



Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to facilitate a project which proposes a world class mountain biking destination centred around Warburton, approximately 70 kilometres east of Melbourne. A significant informal network of mountain bike trails exists within the region and there is evidence of increasing use of these trails by local and visiting riders. Mountain biking in this locality started around 15 years ago and was concentrated in the Yarra State Forest in the vicinity of Mount Tugwell.

Council has identified mountain biking as an opportunity for tourism and economic growth within the region which would also support the health and well-being of its residents. The Project would create iconic trails eligible for International Mountain Bike Association Gold Level Ride Centre status which would position Warburton as an internationally significant mountain biking destination.

The Project objectives are to:

- Facilitate tourism growth and associated positive economic and jobs growth in the Yarra Valley region
- Create mountain bike trails eligible for International Mountain Bike Association Gold Ride Centre status
- Create riding experiences that have a competitive advantage over existing mountain bike destinations and leverage Warburton's beautiful township, rural valley and surrounding forested slopes
- Enhance the health and well-being of the community
- Maintain the significant biodiversity and heritage values within the Project area and provide opportunities for the community to connect with and appreciate their importance.

The Project consists of approximately 192 kilometres of mountain bike trails providing a range of mountain bike experience to suit all levels of riding. The Project also includes a new Visitor's Hub and main trail head at the Warburton Golf Course and other trail heads at Mt Tugwell, Mt Donna Buang and Wesburn Park.

The main project components proposed are as follows:

- Upgrade of existing mountain bike trails - approximately 12 kilometres (seven per cent of project length)
- Construction of new mountain bike trails - approximately 155 kilometres (87 percent of project length)
- Upgrade of existing vehicle tracks - upgrade approximately 10 kilometres (six per cent of project length)
- Construction of a new Visitor's Hub and main trail head at the Warburton Golf Course and new trail head facilities at Mt Tugwell, Mt Donna Buang and Wesburn Park. An additional network access point to the network would be provided at Dee Road.

The network would comprise 66 trails, each with a length of between 100 metres and 22 kilometres. Each trail has a trail difficulty rating assigned, ranging from easy to intermediate, to difficult and extreme. Some of the trails are returning loops, while others are point-to-point trails. All trails have also been categorised into six different styles including, adventure, air flow, downhill, flow country, gravity and wilderness.

The northern trail network (located on the north side of the valley) consists of around 35 per cent of the trails. The southern trail network (located on the south side of the valley) consists of around 65 per cent of the trails.

The trails will generally have a bench width of approximately 1.2 metres with a ride line of approximately 0.4 – 1.2 metres. The development footprint to be assessed is based on a maximum width of two metres (one metre for the trail corridor with a trail buffer of 0.5 metres on each side). A head-height clearance of 2.5 metres has been assumed.

The grade of individual trail sections would vary according to the local topography. Typically, the maximum trail grade would be less than 15 per cent, with most of the trails having grade under 10 per cent.

The trail network would include built form elements such as bridges, platforms, culverts, rock armour, jumps and berms.

Minimal signage is proposed throughout the trail and trail heads which would consist of small maps at strategic intersections along with safety and name signage. Some trail sections would include elevated structures and drainage works to avoid and minimise impacts to waterways and associated biodiversity values.

The new Visitor's Hub and main trail head is to be developed to the south of Warburton Golf Course, where the existing carpark would be upgraded and extended to accommodate around 180 cars with room for future expansion if required. A new shelter and a bike wash down station would be established for the use of mountain bike riders. Run-off from the wash bays would be captured by a sump and recirculated where practicable. Excess silt and soil would be captured by a silt retention system which would also serve the car park. This system would be designed to meet Melbourne Water requirements. The Visitor's Hub would adjoin the main trail head and would allow direct access to the north and south trail zones.

Three other trail heads are proposed as follows:

- A new trail head would be established on top of Mt Tugwell, off Mt Bride Road and would include a carpark, a bus turnaround bay, a bike wash down station, toilets and picnic area
- The existing trail head at Mt Donna Buang would be upgraded with improvements to the car park, toilets and picnic area and installation of a bike wash down station
- An additional 120 car parks would be established at Wesburn Park to facilitate access to connecting trails.

Drainage would be upgraded at the other trail head locations to meet current Melbourne Water requirements.

The Amendment will facilitate the use and development of the land for the purposes of the Project in accordance with the Incorporated Document. The Incorporated Document will provide the planning tool to ensure an appropriate and effective planning outcome by requiring further consideration by the Responsible Authority following development and detailed design of the Project, and approval of a Construction Environment Management Plan (CEMP) and Operation Environment Management Plan (OEMP). The scope of these will be based on the findings and recommendations of the Environmental Effects Statement (EES).

The Project is being assessed under the *Environment Effects Act 1978* which provides for the assessment of proposed projects in Victoria that could have a significant effect on the environment. On 21 May 2020, it was determined that an EES was required for the Project due to the potential for a range of significant environmental effects.

An EES has been prepared to investigate and document the specific matters set out in the scoping requirements issued by the Minister for Planning for the Project. Following the Minister for Planning's assessment of the EES, a written assessment of the Project will be issued, commonly known as the 'Minister's Assessment', which will make recommendations about whether the environmental effects of the Project are acceptable, along with any modifications or further management measures the Minister considers appropriate. The Minister's Assessment will then be considered by the relevant statutory decision-makers responsible for issuing key approvals for the Project.

This Amendment forms part of and will be exhibited with the EES, however the Amendment is a separate approval to the EES. The Amendment will be requested following a positive assessment of the EES.

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

The Amendment implements the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* (P&E Act) as follows:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land

The Amendment supports positive economic, tourism and recreation outcomes by formalising existing activities within state forest land and enhancing opportunities by extending trails; creating nature

based recreational activities that provide access to the natural beauty of the Yarra Ranges National Park; and generating substantial positive economic benefits for the region during both construction and operation.

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity

The Project Land comprises valued natural areas including state forests, reserves and national parks. Some parts of the state forest areas are currently used for informal outdoor recreation by way of informal mountain biking trails in the Yarra Ranges. The Project will expand this land use while implementing mitigation measures and strategies to balance mountain biking activities with the management of the Project Land's natural biodiversity values in accordance with the Incorporated Document.

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria

The Amendment will enable a high-quality and safe recreational environment for the enjoyment of Victorians and visitors to Victoria. Additionally, the Project will provide safe temporary and permanent employment opportunities.

The Amendment facilitates a project that responds to environmental sensitivities and locates land use and development in an appropriate area that can attract tourists to support a mountain biking destination and its associated facilities.

The Amendment requires that potential construction or operation impacts will be managed in accordance with the Incorporated Document.

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

Operational activities associated with the Project will be complementary of the existing environment, including heritage places of local and state heritage significance.

The Project Land includes the following sites which are within Yarra Ranges Heritage Overlays:

- Mount Donna Buang Bridle Tracks and Road at Warburton (HO140)
- Lilydale – Warburton Railway (HO214)

The Project Land also includes three sites are listed on the Victorian Heritage Inventory including:

- Evans Reward Mine (VHI H8022-0136)
- Anderson's / Parbury Sawmill (VHI H8022-0135)
- Hermon's sawmill and Tramway (VHI H8022-0137)

Impacts to heritage places will be minimised appropriately through implementation of mitigations including the approval of heritage consents and Cultural Heritage Management Plan (CHMP) 15276 and implementation of any conditions contained within these approvals.

CHMP 15276 has been prepared based on an activity area including the Project Land. The CHMP provides management measures for any aboriginal heritage artefacts discovered within the construction footprint during works, in consultation with Aboriginal Victoria.

(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The Amendment will enable development of a high-quality public leisure and recreation facility supported with trail head facilities and a new visitor's centre for the Yarra Ranges.

(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).

The Amendment will assist in facilitating the delivery of the Project which requires that potential construction or operation impacts will be managed in accordance with the Incorporated Document.

(g) to balance the present and future interests of all Victorians

The Project will provide Victorians access to high quality outdoor recreation facilities in the Yarra Ranges. The Project will ensure the future enjoyment of Victoria's natural environment while also supporting long-term economic outcomes through new employment opportunities in the construction, leisure, hospitality, accommodation and retail industries.

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

The potential environmental, social and economic effects of the Amendment have been considered through specialist investigations and technical assessments and recommendations that have been taken into account as part of the EES and in preparation of the Incorporated Document. The Incorporated Document includes various conditions to manage the effects of the Amendment including the requirement for Environmental Management Plans to address mitigation measures to avoid, mitigate and manage the potential environmental, social and economic impacts.

The Amendment addresses environmental, social and economic impacts in the following ways:

Environmental Effects

The Project has been assessed during the EES process to potentially result in a range of potential environmental impacts that can be appropriately minimised through the implementation of mitigations.

Landscape and visual impacts have been assessed to potentially include views to project elements from eight sensitive visual receptors. Landscape and visual impacts will be mitigated by the incorporated Document through its requirement for development plans required to be submitted to the Minister for Planning prior to the commencement of use and development for the project. The Minister for Planning will have the opportunity to approve or refuse the development plans based on their response to the existing landscape and visual constraints.

Air quality impacts during the project's operation are assessed to be potentially associated with increased vehicle traffic on key roads during peak weekend travel periods. However, impacts are not expected to be of significance to sensitive receptors and are not predicted to exceed relevant ambient air quality standards. Construction impacts are predicted to be associated with dust generation for construction of the Visitor's Hub. Air quality impacts during construction and operation will be managed in accordance with the CEMP and OEMP, which are required by the Incorporated Document to be prepared and submitted to the Minister for Planning for approval prior to the commencement of the relevant project stages.

Noise impacts are assessed to relate to construction and events held during operation. Sensitive receptors to the construction and operation of the project are identified as including residential properties proximate to Warburton and the proposed trail head and Visitor's Hub at the Warburton Golf Course. Noise impacts during construction and operation will be managed in accordance with the CEMP and OEMP respectively, which are required to be prepared and submitted to the Minister for Planning for approval prior to the commencement of construction or operation as relevant.

With regard to biodiversity, it is assessed that construction and operation have the potential to impact on a range of biodiversity values, including Leadbeater's Possum, Cool Temperate Rainforest and Cool Temperate Mixed Forest and Mount Donna Buang Wingless Stonefly. It is noted that avoidance measures have been integrated into project design to mitigate impacts to Commonwealth and state significant species. Micro-siting of trails prior to construction, the use of elevated water crossing and adopting an approach of hand-building trails in sensitive areas would result in significant further impact reductions. Implementation of a monitoring and maintenance program is included in the OEMP to mitigate operational impacts. Total native vegetation removal is assessed to comprise up to 37.06 hectares of understorey vegetation removal with Trail 1. The trail network including the alternative (Trails 45, 46 and 47) would require up to 35.768 hectares of understorey vegetation removal. The Incorporated Document requires that native vegetation offsets must be secured prior to native vegetation removal. Broader biodiversity impacts will be managed in accordance with the required CEMP and OEMP.

The Project Land does not contain any registered Aboriginal places and has a very low archaeological potential for Aboriginal cultural heritage material due to its erosion profiles, prior land use and landform characteristics. Regardless, CHMP 15276 provides management measures for any aboriginal heritage artefacts discovered within the construction footprint during works.

Transport impacts associated with Project construction and operation may occur, with the road network local to the Project Land being popular for on-road cyclists and currently accommodating low volumes of visitor and local road traffic. Traffic and transport details are required by the Incorporated Document to be included within the development plans, CEMP and OEMP to the satisfaction of the Minister for Planning.

The Project is assessed to impact five heritage sites that will be impacted by the project. Two are affected by local Heritage Overlays, HO214 and HO140, and three sites are listed on the Victorian Heritage Inventory.

Approval requirements associated with the HO214 and HO140 will be facilitated by the Incorporated Document. The Incorporated Document also requires that consents to disturb sites listed on the Victorian Heritage Inventory must be sought from Heritage Victoria prior to any ground disturbance works. The CEMP required by the Incorporated Document is required to include details relating to archaeological management.

Social Effects

The Project will expand leisure and recreation activities in the Yarra Ranges by upgrading informal mountain biking trails and constructing new trails with new supporting facilities.

It has been assessed during the EES process that there is potential for the project construction and operation to affect business (including tourism) operations or other existing or approved land uses, including private land use. There is also potential for the project construction activities to disrupt local residents. The EES also considers the potential for the project operations to impact access, safety and enjoyment of other recreation users.

The Incorporated Document requires preparation of a CEMP and OEMP that will include conditions relating to potential socio-economic impacts. Socio Economic impacts during construction will be managed in accordance with the CEMP, which is required to be prepared and submitted to the Minister for Planning for approval prior to the commencement of construction.

Economic Effects

The Project will have a number of positive economic effects for the region and Victoria whereby:

- Attracting approximately 165,000 annual visitors to the region
- Creating approximately 23 temporary employment opportunities during construction
- Creating approximately 122 jobs in the Warburton area to support the mountain biking destination's operation
- Creating approximately 100 additional permanent employment opportunities for support services such as accommodation, retail and food and beverage.

The Coronavirus 2019 (COVID-19) has presented significant economic challenges both for Victoria and Australia. A state of emergency is currently being enforced in Victoria resulting in impacts to economic growth prospects. The Project will provide full time permanent and temporary employment opportunities as well as the broader economic impacts during project operation to support Victoria's economic recovery.

The inclusion of the private properties in the Incorporated Document allows for direct support and enhancement of the use of the land for recreation (mountain bike trail) by potentially providing accommodation for overnight stays and restaurant facilities, encouraging longer stays in the Warburton area and the associated economic benefit of additional jobs and spending locally.

How does the Amendment address any relevant bushfire risk?

The Project Land is affected by a Bushfire Management Overlay (BMO) and is located in a designated Bushfire Prone Area. The Incorporated Document requires that an Emergency Management Plan must be prepared in consultation with the Country Fire Authority and relevant land managers prior to the commencement of use and development. The Emergency Management plan must include mitigations generally in accordance with the Minister's Assessment of the EES. Future development will comply with the *Building Regulations 2018*.

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

Section 12(2)(a) of the P&E Act requires that in preparing a Planning Scheme Amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this Amendment:

Ministerial Direction on the Form and Content of Planning Schemes

The Amendment is consistent with the relevant parts of the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the P&E Act.

Direction No. 1 Potentially Contaminated Land

The Project Land is not currently, nor has it previously been zoned for industrial land uses or material storage that would potentially result in land contamination. A site visit undertaken for the purposes of inspecting the current land uses confirmed that previous land uses of this nature are unlikely to have occurred. Additionally, the Project Land is not subject to an Environmental Audit Overlay. The Project Land primarily comprises natural areas which have not been developed and are used for outdoor leisure and recreation.

Direction No. 9 Metropolitan Planning Strategy

Plan Melbourne highlights the need to facilitate land use and development that supports balanced city growth. This core principle underpins the overarching vision for growth and is specifically oriented towards implementing projects that contribute to Melbourne's sustainability, accessibility and prosperity.

The Amendment supports the vision and outcomes set out in Plan Melbourne by facilitating a project that enhance Melbourne's liveability with the implementation of new recreational facilities while creating local and regional employment opportunities.

Direction No. 11 Strategic Assessment of Amendments

The Amendment has been prepared having regard to *Direction No. 11 Strategic Assessment of Amendments* and *Planning Practice Note 46: Strategic Assessment Guidelines*. Planning Practice Note 46 has been considered throughout this Explanatory Report.

Direction No. 15 The Planning Scheme Amendment Process

The Amendment follows the appropriate process and timing.

Direction No. 17 Localised Planning Statement

The Amendment has been prepared having regard to *Direction No. 17 Localised Planning Statement* by considering the *Yarra Ranges Localised Planning Statement*. The Amendment will implement a project which supports the Yarra Ranges' economic outcomes by fostering tourism while carefully managing environmental impacts to preserve the Project Land's environmental significance.

Direction No. 19 Preparation and Content of Amendments that may significantly impact the environment, amenity and human health

The Amendment has been prepared having regard to *Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health* and *Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health*.

This Direction requires planning authorities to seek the views of the Environment Protection Agency (EPA) in the preparation of planning scheme reviews and amendments that could result in significant impacts on the environment, amenity and human health due to pollution and waste.

The CEMP and OEMP will manage environmental, amenity and human health impacts in accordance with relevant EPA guidelines. The Incorporated Document requires that the CEMP and OEMP will be the subject of consultation with EPA Victoria.

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

The Amendment supports or implements the following clauses of the Planning Policy Framework (PPF):

- Clause 12.01 (Biodiversity): it is acknowledged that construction activities for the Project will result in impacts to biodiversity values as the Project Land contains native and non-native vegetation and habitat that has not previously been subject to long-term disturbance. Biodiversity impacts will be managed in accordance with the CEMP and OEMP, required by the Incorporated Document to be approved by the Minister for planning prior to project works commencing. The Incorporated Document also requires that removal of native vegetation and exotic vegetation over 5 metres in height must be undertaken in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017), resulting in no net loss of native vegetation.
- Clause 12.03-1R (Yarra River Protection): the Project Land located near the Yarra River corridor. Use of the Project as a mountain biking destination will enhance people's enjoyment of the river's broader environs. Impacts to the Yarra River corridor resultant of changes to construction

activities and project operation will be managed in accordance with the CEMP and OEMP. Development for the Project will not visually intrude on the river's natural environment.

- Clause 12.05-1S (Environmentally Sensitive Areas): the Project responds to the Yarra Ranges' environmental sensitivities by proposing a land use that enhances its recreational value.
- Clause 13.02 (Bushfire): the Project will prioritise the protection of human life with the implementation of a Bushfire Emergency Management Plan required as a condition of the Incorporated Document.
- Clause 15.03 (Heritage): cultural heritage will be managed in accordance with Cultural Heritage Management Plan (CHMP) No.15276. The CHMP is required as a condition of the Incorporated Document to be approved prior to construction commencing and implemented during construction. The Project responds to places of local and state historic heritage significance within the Project Land by avoiding impacts to their significance through demolition and by allowing their continued enjoyment for Victorians.
- Clause 17 (Economic Development): the Project will foster positive economic outcomes for Warburton and its broader region by fostering inter-state and domestic leisure-based tourism. This will result in increased employment opportunities in the surrounding area during construction and operation.

How does the Amendment implement the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?

The *Yarra Ranges and Dandenong Ranges Regional Strategy Plan* (the Regional Strategy Plan) aims to provide direction for the future allocation of public and private resources within the Yarra Ranges region. It is currently administered under Section 46F of the P&E Act, which prohibits the Minister for Planning from approving any amendment to the Yarra Ranges Planning Scheme (the Scheme) that is inconsistent with the Regional Strategy Plan and its key policy directions.

The relationship of the Regional Strategy Plan to this Amendment is limited to whether the proposed introduction of the SCO to permit the use and development of the mountain bike trail is consistent with the Regional Strategy Plan policies, in accordance with the requirements set out under Section 46F of the P&E Act.

The P&E Act requires that the policies contained within the Regional Strategy Plan are reflected in the Scheme. This is to say that the Scheme is to be consistent with the Regional Strategy Plan. Therefore, the Amendment can achieve compliance with the Regional Strategy Plan by demonstrating compliance with the relevant requirements of the Scheme. Compliance with the Scheme, and in effect the Regional Strategy Plan, is demonstrated throughout this Explanatory Report.

In summary, the Amendment supports the Regional Strategy Plan by carefully balancing the need to enhance economic and social outcomes in the Yarra Ranges with the sensitivities associated with its natural environments and significant landscapes.

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

The Amendment supports and implements the following objectives and strategies from the Local Planning Policy Framework (LPPF):

- Clause 21.07 (Landscape – Objectives, Strategies and Implementation): the Project will generate tourism to areas of natural significance to the Yarra Ranges and will allow recreational uses to occur on formalised trails within an established natural environment. In doing so, the Amendment facilitates the continued enjoyment of these areas through a project wherein environmental impacts will be carefully managed in accordance with the CEMP and OEMP. The Project Land's viability as a mountain bike destination is closely tied to its landscape character and it is in the interest of the Project to balance recreational activities with positive environmental outcomes.
- Clause 21.09 (Environment – Objectives, Strategies and Implementation): the Project will respond to the Yarra Ranges' environmental sensitivities by enhancing its recreational value in a contained and managed area. Native vegetation removal will be required to create maintain bike trails but will be limited to the smallest practical extent. The Incorporated Document requires that environmental impacts be managed under the CEMP and OEMP.
- Clause 21.11 (Community Infrastructure – Objectives, Strategies and Implementation): the Project includes new community facilities including a new visitor's centre and trail heads to

service mountain bike activities. These public facilities will be located to minimise environmental impacts and with consideration of bush fire management practices. On the whole, the Project will result in a net increase to the region's community infrastructure.

- Clause 22.05 (Vegetation Protection): this Clause is relevant to the Amendment as the Project proposes to remove native vegetation to accommodate mountain bike trails and associated infrastructure. Native vegetation removal is viewed as being appropriate to facilitate a land use activity that supports leisure and tourism outcomes for the region. Additionally, the Project will limit activities during operation to defined mountain bike trails and supporting facilities to avoid the existing informal arrangement where interactions between mountain bikers and native vegetation is not monitored or controlled. The Incorporated Document requires that native vegetation proposed for removal must be offset in accordance with the requirements of Clause 52.17-5 (Offset requirements) and the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

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

The Amendment makes proper use of the Victoria Planning Provisions, specifically Clause 45.12 and Clause 72.04 of the Scheme to deliver the Project.

The Amendment applies the SCO under Clause 45.12 of the Scheme. The purpose of Clause 45.12 is to provide specific controls designed to achieve a particular land use and development outcome in a manner that would otherwise be restricted under the planning scheme. The SCO also provides flexibility to amend and refine detailed design in accordance with requirements of the Incorporated Document.

The site-specific controls are detailed in the associated Incorporated Document and allow the use and development of Project Land for the purposes of the Project, as of right, provided works are in accordance with the conditions outlined in the Incorporated Document. The Incorporated Document allows for a coordinated, consistent and timely approach under a single planning control.

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

During preparation of the Environment Effects Statement (EES), a wide range of Government agencies were represented on a Technical Reference Group (TRG) convened by the DELWP and had input to the technical studies and content of the EES.

In accordance with Minister's Direction on the Preparation of and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health, the views of the EPA have been sought in the preparation of the EES and the Amendment. These comments have been provided to Yarra Ranges Council and the TRG. The EPA will also be notified about the exhibition of both the EES and the Amendment and invited to make a submission to both.

The Incorporated Document requires that the development plans and other management plans will be the subject of further consultation with relevant authorities prior to approval by the Minister for Planning.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

Council is the responsible authority for administering the Scheme. The Amendment is expected to have some impact on the resources and administrative costs of the responsible authority in relation to the implementation and administration of the Incorporated Document.

Where you may inspect this Amendment

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

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

Yarra Ranges Council Office – Lilydale
61-65 Anderson St
Lilydale VIC 3140

Yarra Ranges Council Office – Yarra Junction
2442-2444 Warburton Hwy
Yarra Junction VIC 3139

Yarra Ranges Council Office – Monbulk
21 Main Road
Monbulk VIC 3796

Yarra Ranges Council Office – Upwey
40 Main Street
Upwey VIC 3158

Yarra Ranges Council Office – Healesville
110 River Street
Healesville VIC 3796

Warburton Mountain Bike Destination Project

Version 2 – Incorporated Document
January 2022

DRAFT

1.0 INTRODUCTION

- 1.1 This document is an Incorporated Document in the Yarra Ranges Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 This Incorporated Document permits the use and development of the Project Land identified in clause 3.0 of this document in accordance with the specific controls identified in clause 4.0 of this document.
- 1.3 The controls in this document prevail over any contrary or inconsistent provision in the planning scheme.
- 1.4 Yarra Ranges Council is the Responsible Authority for the Planning Scheme. This Incorporated Document specifies which approvals must be referred to the Minister for Planning or other relevant approval authorities.

2.0 PURPOSE

- 2.1 The purpose of the control in clause 5.0 is to facilitate the use and development of the land described in clause 5.1 for the purposes that are complementary to the Project.
- 2.2 The purpose of the control in clause 4.0 is to permit and facilitate the use and development of land described in clause 3.0 for the purposes of the Warburton Mountain Bike Destination Project (the Project), in accordance with the requirements specified in clause 6.0.
- 2.3 The Project includes, but is not limited to, use and development for the Warburton Mountain Bike Destination, including upgrades to existing mountain bike trails and vehicle tracks, and construction of new mountain bike trails, a new visitor's hub and new trail head facilities.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in clause 4.0 applies to the land shown as SCO16 on the planning scheme maps in the planning scheme (Project Land).

4.0 CONTROL

- 4.1 Despite any provision to the contrary, or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of, or related to, constructing, maintaining, operating or decommissioning the Project, including any ancillary activities, in accordance with this Incorporated Document.
- 4.2 This Incorporated Document does not restrict or otherwise affect any use or development of the Project Land or any part of it for any purpose that is lawful under the planning scheme, including any lawful pre-existing activities, other than the use or development of the Project Land for the purpose of the Project.

4.3 The use and development of the Project Land for the purposes of, or related to, the Project includes, but is not limited to:

- a) An informal outdoor recreation (bike trail), including:
 - i) upgrade of existing mountain bike trails
 - ii) construction of new mountain bike trails
 - iii) upgrade of existing vehicle tracks
 - iv) construction of a new visitor's hub at Warburton Golf Course
 - v) construction of new trail head facilities at Warburton Golf Course, Mt Tugwell, Mt Donna Buang and Wesburn Park
 - vi) construction of Yarra River Bridge (Shared use) crossing over the Yarra River at Warburton Highway and Dammans Road
 - vii) construction of Old Warburton Road Bridge (Mountain bike use only) crossing over Old Warburton Road
- b) Buildings and works or associated activities for the Project.
- c) Creation and alteration of access to roads.
- d) Ancillary activities to the use and development of the Project Land for the purposes of, or related to, the Project, including but not limited to:
 - i. Creating and using lay down areas for construction purposes
 - ii. Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead native vegetation
 - iii. Demolishing and removing structures and other infrastructure
 - iv. Constructing fences, temporary site barriers and site security
 - v. Constructing or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage
 - vi. Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways
 - vii. Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works
 - viii. Displaying construction, directional and identification signs.

5.0 USE OF LAND INTERSECTED BY THE MOUNTAIN BIKE TRAIL

5.1 This clause of the Incorporated Document has the effect of allowing for matters identified in this clause to be undertaken in conjunction with the Project on the following properties in a manner that would otherwise be prohibited by Clauses 35.04 and 51.02:

- 42 Edward Street, Wesburn (GWZ4) (Allotments 86, 89 and 89A Parish of Warburton)
- 17 Dammans Road, Warburton (GWZ4) (Lot 2 LP110234, Lots 10 and 11 LP132785 and Lot 2 PS402610)

- 660 Old Warburton Road, Wesburn (GWZ4) (Lots 1 and 2 TP11297)
- 670 Old Warburton Road, Wesburn (GWZ4) (Lots 3 and 4 TP11297)
- 3310 Warburton Highway, Warburton (RCZ3) (Allot. 13A and 116 Parish of Warburton)
- 3300 Warburton Highway, (SUZ2) (Lot 2 TP846603)
- 40 Martyr Road, Warburton (SUZ2) (Lot 1 TP552785 and Lot 1 TP854653)

(together, the **Private Properties**)

5.2 The Project is deemed to be an 'Outdoor recreation facility' on the Private Properties for the purposes of the conditions applying to the following Section 2 land uses specified in Clause 35.04-1 of the Green Wedge Zone, and Clause 51.02-2 of the Metropolitan Green Wedge Land:

- 'Function centre';
- 'Group accommodation';
- 'Residential building (other than Residential hotel)';
- 'Residential hotel'; and
- 'Restaurant'.

(together, the **Permitted Uses**)

5.3 For the purposes of the conditions applying to the Permitted Uses in Clause 35.04-1 of the Green Wedge Zone, and Clause 51.02-2 of the Metropolitan Green Wedge Land:

- the use of the Private Properties for any of the Permitted Uses is deemed to be in conjunction with the Project; and
- the Private Properties are deemed to meet the minimum subdivision area.

5.4 For the avoidance of doubt, the Project is deemed to be a 'tourist facility' for the purposes of the land use requirements applying to 'Restaurant' at clause 3.0 of the Schedule to Clause 51.03.

6.0 CONDITIONS

6.1 The use and development of the Project Land for the Project permitted by this document is subject to the following conditions. In these conditions, reference to 'a stage' includes any stage or part of the Project, whether for construction or operation or both.

6.2 The use and development of the project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning and relevant approving authority.

- 6.3 Unless otherwise stated, the plans and other documents listed in clause 6.0 must be approved prior to the commencement of works. Plans and other documents may be prepared and approved for separate components or stages of the Project, but each plan or other document must be approved before commencement of works for that component or stage.
- 6.4 The plans and documentation required under clause 6.0 may be amended from time to time to the satisfaction of the Minister for Planning. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning may seek the views of the Responsible Authority or any relevant authority.

DEVELOPMENT PLANS

- 6.5 Prior to the commencement of use and development of the Project Land for the Project, detailed plans must be prepared in compliance with approved mitigation measures in the Construction Environmental Management Plan (CEMP) and Operations Environmental Management Plan (OEMP) to the satisfaction of the Minister for Planning. These plans must include:
- a) Detailed trail alignment
 - b) Site layout plans showing designated areas where trail heads and visitor's hub will be located and details of these facilities
 - c) Site levels showing the full extent of any proposed cut and fill for the trail alignment and associated trail heads and visitor's hub
 - d) Architectural plans for the trail head facilities, visitor's hub and the two bridges proposed, including elevations, and a schedule of materials
 - e) On-site landscaping details including a planting schedule
 - f) Lighting details for the Project
 - g) Detailed signage plans, including details of any required animated or electronic display signage within 60 metres of an arterial road declared under the *Road Management Act 2004* prepared in consultation with Department of Transport
 - h) Car parking
 - i) Access plans and details of the shuttle bus route and pick up and drop off locations and associated works in the road reserve prepared in consultation with Department of Transport.
- 6.6 Development Plans may be prepared and approved in stages or parts to the satisfaction of the Minister for Planning.

ENVIRONMENTAL MANAGEMENT PLANS

- 6.7 Prior to the commencement of development of the Project Land for the Project construction phase, a CEMP and must be submitted to, and be approved by the Minister for Planning, in consultation with the Responsible Authority and Parks Victoria.
- 6.8 The CEMP must include:

- a) A summary of key construction methodologies.
- b) An overarching framework for site works or specific measures to reduce and manage environmental and amenity effects during construction of the Project, including measures to monitor and control potential effects in respect of:
 - i) Air quality
 - ii) Noise and vibration
 - iii) Sediment, erosion and water quality (including surface water and groundwater)
 - iv) Traffic and transport
 - v) Native vegetation management
 - vi) Heritage values
 - vii) Social and amenity impacts
 - viii) Landscape and Visual impacts
 - ix) Archaeological management
 - x) Rehabilitation.
- c) A summary of the proposed ongoing engagement activities with the community and other stakeholders during construction of the Project and enquiries and complaints management.
- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction of the Project.
- e) Be accompanied by a statement explaining any difference between the mitigation measures included in the CEMP and the mitigation measures set out in the Minister's Assessment dated (insert date) made pursuant to the *Environment Effects Act 1978* (EE Act).

6.9 Prior to the commencement of use of the Project Land for the Project operation phase, an OEMP must be submitted to, and be approved by the Minister for Planning, in consultation with the Responsible Authority and Parks Victoria.

6.10 The OEMP must include:

- a) An overarching framework for managing environmental and amenity effects during operation of the Project, including measures to monitor and control potential effects in respect of:
 - i) Air quality
 - ii) Noise and vibration
 - iii) Sediment, erosion and water quality
 - iv) Native vegetation offset management
 - v) Traffic and transport
 - vi) Heritage values
 - vii) Social and amenity impacts
 - viii) Landscape and Visual impacts

ix) Rehabilitation.

- b) A summary of the proposed ongoing engagement activities with the community and other stakeholders during operation of the Project and enquiries and complaints management.
- c) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during operation of the Project. The summary of performance monitoring and reporting processes will include the monitoring and reporting frequencies and will identify the relevant agencies to which monitoring reports will be provided.
- d) Be accompanied by a statement explaining any difference between the mitigation measures included in the CEMP and the mitigation measures set out in the Minister's Assessment dated (**insert date**) made pursuant to the EE Act.

- 6.11 The CEMP and OEMP may be amended, to the satisfaction of the Minister for Planning. In deciding whether a plan or other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning may seek the views of the Responsible Authority or any other relevant authority.
- 6.12 The CEMP and OEMP must include details of audit processes to ensure that continuous improvement occurs during construction and operation and that conditions contained within the CEMP and OEMP are updated as new information becomes known. Any amendments must be in accordance with the requirements of Clause 6.11.
- 6.13 The use and development of the Project must be carried out in accordance with the approved CEMP and OEMP.

EMERGENCY MANAGEMENT

- 6.14 Prior to the commencement of use and development of the Project Land for the Project, an Emergency Management Plan prepared in consultation with the Country Fire Authority and relevant land managers, and must be submitted to the Minister for Planning and must include mitigation measures generally in accordance with the Minister's Assessment dated [**day month 202X**] made pursuant to the EE Act as applicable to the Project unless otherwise approved by the Minister for Planning.

NATIVE VEGETATION

- 6.15 Prior to the removal, destruction or lopping of native vegetation or vegetation that does not occur naturally in the locality in which is growing and which is greater than 5 metres in height the biodiversity impacts from the removal of that vegetation must be offset in accordance with the *Guidelines for removal, destruction or lopping of native vegetation* (DELWP, December 2017), and evidence that the offset(s) has been secured must be provided to the Secretary to DELWP.
- 6.16 The requirements of Clause 6.15 may be satisfied in stages, however, offsets must be secured prior to the removal, destruction or lopping of native vegetation or vegetation that does not occur naturally in the locality in which is growing and which is greater than 5 metres in height for that stage.

- 6.17 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement of Clauses 6.15 and 6.16.
- 6.18 The secured offset/s for the Project may be reconciled at the completion of the Project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (DELWP, October 2018).

FLOOD MANAGEMENT

- 6.19 Where, but for this document, a planning permit would be required for buildings and works on land within the Land Subject to Inundation Overlay, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

CREATING OR ALTERING ACCESS TO ROADS

- 6.20 Where, but for this document, a planning permit would be required to create or alter access to a road in a Road Zone Category 1, the creation or alteration of access must be undertaken to the satisfaction of the Head, Transport for Victoria.

HISTORIC HERITAGE

- 6.21 Consent must be sought from Heritage Victoria prior to disturbing sites registered on the Victorian Heritage Inventory. The potentially affected sites are:
- a) Evans Reward Mine (VHI H8022-0136)
 - b) Anderson's / Parbury Sawmill (VHI H8022-0135)
 - c) Hermon's sawmill and Tramway (VHI H8022-0137)

ABORIGINAL CULTURAL HERITAGE

- 6.22 Salvage and relocation of aboriginal cultural heritage material and other management actions must be undertaken in compliance with approved CHMP 15276.

7.0 EXPIRY

- 7.1 Notwithstanding other provisions of the planning scheme or these conditions, this Incorporated Document will expire if any of the following circumstances apply:
- a) The development allowed by the Incorporated Document is not commenced within four years from the date of gazettal of Amendment C198yan.
 - b) The development allowed by the Incorporated Document is not completed within six years from the date of gazettal of Amendment C198yan.
 - c) The use allowed by the Incorporated Document is not commenced within six years from the date of gazettal of Amendment C198yan.
- 7.2 This Incorporated Document will expire 20 years from the date of commencement of operation of the Project.
- 7.3 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within six months afterwards. In deciding whether to approve

an extension request, the Minister for Planning may seek the views of the Responsible Authority or any other relevant approval authority.

YARRA RANGES PLANNING SCHEME

AMENDMENT C198yan

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Yarra Ranges Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by 6 attached map sheets.

Overlay Map

1. Insert new Planning Scheme Map Nos. 14, 32, 33, 34, and 48 and amend Planning Scheme Map No. 47 in the manner shown on the 6 attached maps marked “Yarra Ranges Planning Scheme, Amendment C198yan”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
3. In Operational Provisions - Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document
4. In Operational Provisions- Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

14/03/2019
GC123**SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY****1.0****Specific controls**xx/xx/xxxx
C198yran

PS Map Ref	Name of incorporated document
SCO1	Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019
SCO2	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO3	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO5	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO6	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO7	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO8	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO9	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO10	30-32 Melba Highway, Yering - July 2016
SCO11	Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017
SCO12	Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated Document, February 2020
SCO13	Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020
SCO15	13 Green Street, Healesville Incorporated Document December 2020
SCO16	Warburton Mountain Bike Destination Project Incorporated Document, January 2022

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SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

xx/xx/xxxx
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Zoning and Overlay maps:

- 1, 1BMO, 1EMO, 1ESO
- 2, 2BMO, 2EMO, 2ESO, 2HO
- 3, 3RO, 3BMO, 3EMO, 3ESO, 3HO
- 4, 4SLO, 4BMO, 4ESO, 4HO
- 5, 5SLO, 5BMO, 5ESO, 5HO
- 6, 6SLO, 6BMO, 6ESO
- 7, 7SLO, 7HO, 7BMO, 7ESO
- 8, 8SLO, 8DDO, 8BMO, 8ESO, 8EMO, 8HO
- 9, 9SLO, 9DDO, 9HO, 9PAO, 9LSIO, 9BMO, 9EMO, 9ESO
- 10, 10SLO, 10LSIO, 10BMO, 10EMO, 10ESO, 10HO
- 11, 11SLO, 11LSIO, 11RO, 11BMO, 11EMO, 11ESO, 11HO, 11SCO
- 12, 12EAO, 12SLO, 12DDO, 12HO, 12LSIO, 12RO, 12BMO, 12EMO, 12ESO, 12RXO, 12SCO
- 13, 13SLO, 13LSIO, 13BMO, 13EMO, 13ESO, 13HO
- 14, 14SLO, 14BMO, 14ESO, 14HO, 14SCO
- 15, 15SLO, 15BMO, 15EMO, 15ESO, 15HO, 15LSIO
- 16, 16SLO, 16RO, 16BMO, 16ESO, 16HO
- 17, 17SLO, 17LSIO, 17EMO, 17ESO, 17BMO
- 18, 18SLO, 18DDO, 18HO, 18LSIO, 18BMO, 18EMO, 18ESO
- 19, 19SLO, 19DDO, 19HO, 19PAO, 19LSIO, 19RO, 19ESO, 19SCO
- 20, 20SLO, 20HO, 20LSIO, 20EMO, 20ESO, 20BMO
- 21, 21SLO, 21LSIO, 21EMO, 21ESO, 21HO, 21BMO
- 22, 22SLO, 22DDO, 22HO, 22LSIO, 22RO, 22BMO, 22EMO, 22ESO
- 23, 23SLO, 23HO, 23PAO, 23RO, 23BMO, 23EMO, 23ESO, 23LSIO
- 24, 24SLO, 24BMO, 24ESO, 24HO, 24LSIO
- 25, 25SLO, 25LSIO, 25EMO, 25ESO, 25DPO
- 26, 26SLO, 26HO, 26LSIO, 26EMO, 26ESO, 26DPO, 26BMO, 26SBO
- 27, 27SLO, 27DDO, 27HO, 27LSIO, 27RO, 27EMO, 27ESO, 27BMO, 27SBO, 27EAO
- 28, 28SLO, 28BMO, 28EMO, 28ESO, 28LSIO
- 29, 29SLO, 29LSIO, 29BMO, 29EMO, 29ESO
- 30, 30SLO, 30LSIO, 30BMO, 30EMO, 30ESO, 30HO
- 31, 31SLO, 31RO, 31BMO, 31EMO, 31ESO, 31HO, 31LSIO
- 32, 32SLO, 32HO, 32RO, 32BMO, 32EMO, 32ESO, 32SCO
- 33, 33SLO, 33LSIO, 33BMO, 33EMO, 33ESO, 33HO, 33SCO
- 34, 34SLO, 34DDO, 34HO, 34LSIO, 34BMO, 34EMO, 34ESO, 34EAO, 34SCO
- 35, 35SLO, 35LSIO, 35RO, 35BMO, 35EMO, 35ESO, 35HO
- 36, 36SLO, 36RO, 36BMO, 36EMO, 36ESO, 36HO, 36LSIO
- 37, 37SLO, 37PAO, 37RO, 37BMO, 37EMO, 37ESO
- 38, 38SLO, 38BMO, 38ESO

- 39, 39SLO, 39DDO, 39EAO, 39LSIO, 39SBO, 39EMO, 39ESO, 39DPO, 39DCPO, 39SCO
- 40, 40DDO, 40SLO, 40HO, 40PAO, 40LSIO, 40SBO, 40EMO, 40DPO, 40BMO, 40SCO
- 41, 41SLO, 41DDO, 41RO, 41EMO, 41ESO, 41RXO, 41HO, 41BMO, 41LSIO
- 42, 42SLO, 42DDO, 42LSIO, 42EMO, 42ESO, 42HO, 42BMO, 42SBO
- 43, 43SLO, 43DDO, 43LSIO, 43BMO, 43EMO, 43ESO, 43HO
- 44, 44SLO, 44DDO, 44LSIO, 44RO, 44BMO, 44EMO, 44ESO, 44HO
- 45, 45SLO, 45HO, 45LSIO, 45RO, 45BMO, 45EMO, 45ESO
- 46, 46SLO, 46DDO, 46HO, 46LSIO, 46BMO, 46EMO, 46ESO
- 47, 47SLO, 47HO, 47LSIO, 47RO, 47BMO, 47EMO, 47ESO, 47SCO
- 48, 48SLO, 48DDO, 48HO, 48PAO, 48LSIO, 48RO, 48BMO, 48EMO, 48ESO, 48SCO
- 49, 49SLO, 49LSIO, 49RO, 49BMO, 49EMO, 49ESO
- 50, 50BMO, 50ESO, 50HO
- 51, 51SLO, 51DDO, 51PAO, 51SBO, 51ESO, 51HO,
- 52, 52DDO, 52DPO, 52SLO, 52HO, 52LSIO, 52SBO, 52RO, 52BMO, 52EMO, 52ESO, 52RXO, 52SCO
- 53, 53SLO, 53LSIO, 53RO, 53BMO, 53EMO, 53ESO, 53RXO, 53HO
- 54, 54SLO, 54DDO, 54EMO, 54ESO, 54HO, 54BMO, 54 LSIO
- 55, 55SLO, 55EMO, 55ESO, 55BMO, 55LSIO
- 56, 56SLO, 56EMO, 56ESO, 56HO, 56BMO, 56LSIO
- 57, 57SLO, 57EMO, 57ESO, 57BMO
- 58, 58SLO, 58BMO, 58EMO, 58ESO, 58RXO, 58HO, 58LSIO
- 59, 59SLO, 59RO, 59BMO, 59EMO, 59ESO, 59HO, 59LSIO
- 60, 60SLO, 60BMO, 60EMO, 60ESO, 60HO, 60LSIO
- 61, 61SLO, 61BMO, 61EMO, 61ESO, 61HO
- 62, 62BMO, 62ESO, 62HO
- 63, 63BMO, 63ESO, 63HO
- 64, 64SLO, 64BMO, 64ESO, 64HO
- 65, 65SLO, 65DDO, 65BMO, 65ESO, 65RXO, 65HO
- 66, 66SLO, 66HO, 66DDO, 66RO, 66BMO, 66EMO, 66ESO, 66EAO, 66RXO, 66LSIO, 66SCO
- 67, 67SLO, 67HO, 67PAO, 67RO, 67BMO, 67EMO, 67ESO, 67RXO, 67DDO
- 68, 68SLO, 68BMO, 68EMO, 68ESO, 68HO, 68DDO, 68SCO
- 69, 69SLO, 69HO, 68EMO, 69ESO, 69BMO, 69LSIO
- 70, 70SLO, 70HO, 70BMO, 70EMO, 70ESO
- 71, 71SLO, 71RO, 71BMO, 71EMO, 71ESO, 71LSIO
- 72, 72SLO, 72RO, 72BMO, 72EMO, 72ESO, 72HO, 72LSIO
- 73, 73SLO, 73HO, 73RO, 73BMO, 73EMO, 73ESO, 73LSIO
- 74, 74SLO, 74BMO, 74ESO, 74HO
- 75, 75SLO, 75HO, 75PAO, 75LSIO, 75RO, 75BMO, 75EMO, 75ESO, 75RXO
- 76, 76SLO, 76DDO, 76HO, 76LSIO, 76RO, 76BMO, 76EMO, 76ESO, 76RXO, 76DPO, 76SCO
- 77, 77SLO, 77HO, 77RO, 77BMO, 77EMO, 77ESO, 77LSIO
- 78, 78SLO, 78HO, 78RO, 78BMO, 78EMO, 78ESO, 78LSIO

- 79, 79BMO, 79EMO, 79ESO, 79HO
- 80, 80SLO, 80BMO, 80ESO
- 81, 81SLO, 81BMO, 81ESO
- 82, 82EAO, 82SLO, 82LSIO, 82EMO, 82ESO, 82HO, 82BMO
- 83, 83EAO, 83SLO, 83LSIO, 83RO, 83BMO, 83EMO, 83ESO, 83HO, 83DDO
- 84, 84RO, 84BMO, 84EMO, 84ESO

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GC123**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0 Incorporated documents**

xx/xx/xxxx

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Name of document	Introduced by
13 Green Street, Healesville Incorporated Document, December 2020	c187yran
261 Mount Dandenong Tourist Road, Ferny Creek, Development and Use of Land for a Restaurant and a Caretaker's House, November 2013	C129
30-32 Melba Highway, Yering, July 2016	C160
Amendment L145 to the former Lillydale Planning Scheme (Heritage Golf Course, Hughes Road, Chirnside Park)	NPS1
Amendment L3 to the former Healesville Planning Scheme (15 Healesville-Kooweerup Rd and 16 Airley Rd, Healesville)	NPS1
Amendment L33 to the former Upper Yarra Planning Scheme (Warburton Mountain Resort, Martyr Road, Warburton)	NPS1
Amendment L4 to the former Upper Yarra Planning Scheme (Warburton Chalet, Scotchmans Creek Road, Warburton)	NPS1
Billanook College Master Plan October 2011	C123
Chirnside Park Major Activity Centre, Development Contributions Plan, February 2013	C103(Part 2)
Concept Plan – Healesville Mandarin by G Burgess & K Taylor dated February 1989 (Pt CAs 163 & 163A, Maroondah Hwy and Mt Riddell Rd, Healesville)	NPS1
Concept Plan Nos CP-3-5 by Mark Burns, dated June 1996 (140 Yarra Glen Road, Healesville)	NPS1
Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017	C162
Eastern Golf Club Yering, February 2013	C130
Healesville Commercial Precinct – February 2015	C131
Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019	GC123
Lilydale Cemetery Incorporated Management Plan (August 2006)	C16(Part 2)
Lilydale Street Trees Incorporated Management Plan (August 2007)	C63
Little Yarra Steiner School Special Use Zone 8 Master Plan Mar 2009	C82
Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated GC152 Document, February 2020	GC152
Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020	GC152
Overall Development Plan by Fulcrum Town Planners dated October 1996 ("The Country Place", 180 Olinda Creek Road, Kalorama)	NPS1
Permit PS/5416 dated 30 January 1979 and Plan 865AP dated 13 September 1978 by Paul Millar & Associates, modified by Permit PS/8024 and PS/8209 Coldstream Airfield)	NPS1
Plan No C6007 by Plan Printing & Drafting, dated September 1985 (Lilydale Airfield)	NPS1
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57

xx/xx/xxxx

C198yran

Name of document	Introduced by
Proposed 10 Year Development Plan 1991-2001, prepared by Michol Design and dated 25 July 1990 (Life Ministry Centre, Old Melbourne Road, Chirnside Park)	NPS1
Restructure Plan for Old and Inappropriate Subdivisions in the Yarra Ranges Council, April 2021	C177yran
Section 1A of Schedule 2 – Restricted Uses in Chapter 5 (Upper Yarra District) of the former Yarra Ranges Planning Scheme (Little Yarra Road, Gilderoy)	NPS1
St Hubert’s Stables and Wine Cellar (Ruins) Incorporated Plan June 2007	C60
Symons Street Healesville Residential Precinct – February 2015	C131
Warburton Mountain Bike Destination Project Incorporated Document, January 2022	C198yran
Yarra Glen Cemetery Incorporated Management Plan (April 2005)	C51

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YARRA RANGES PLANNING SCHEME - LOCAL PROVISION AMENDMENT C198yran



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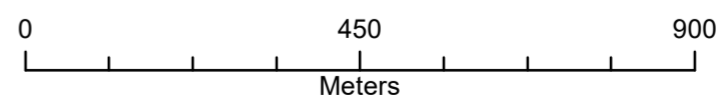


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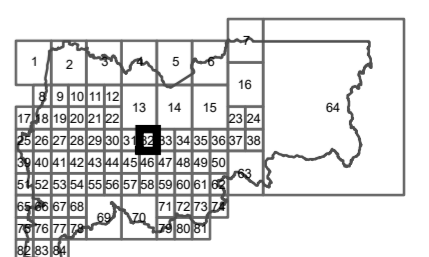


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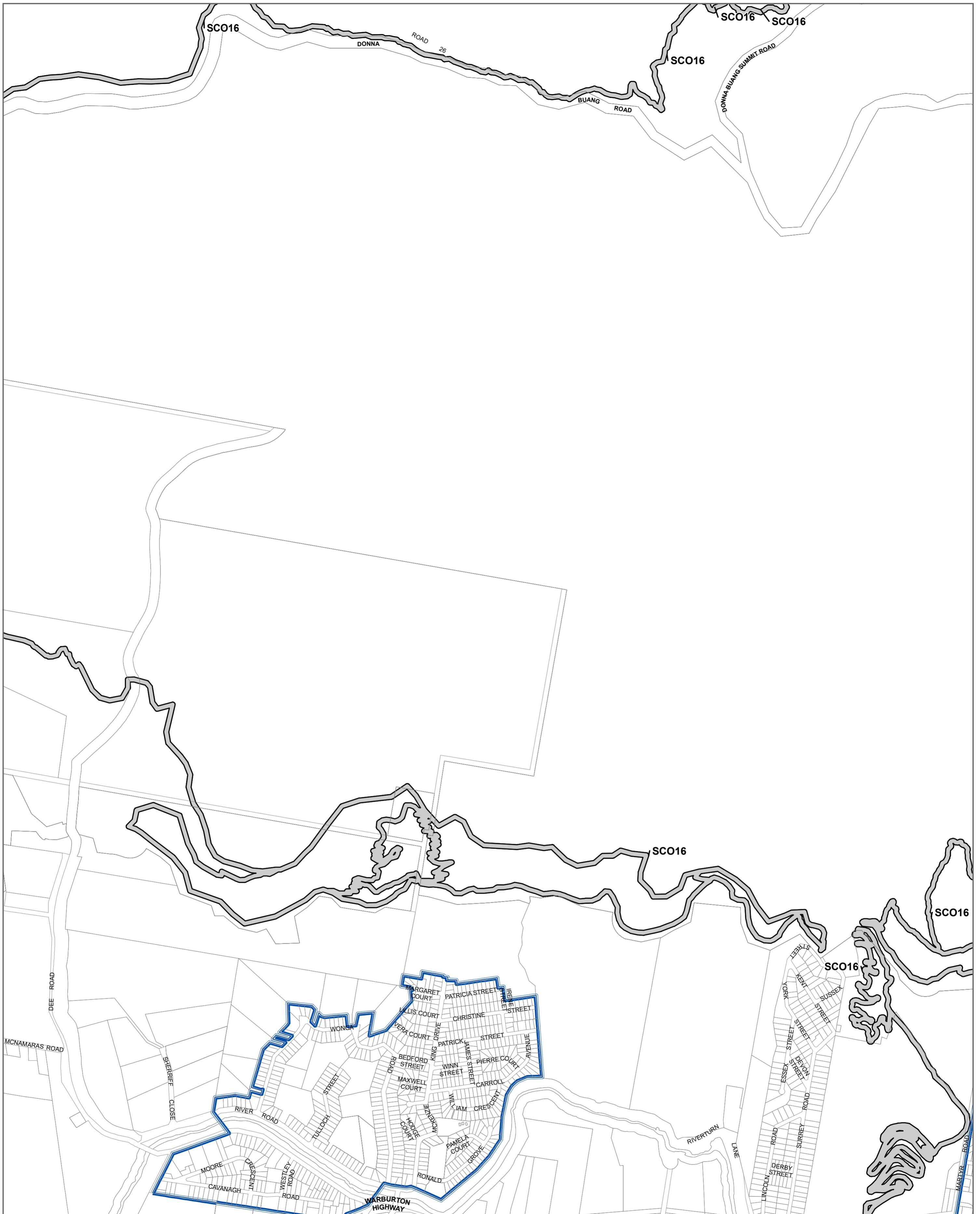


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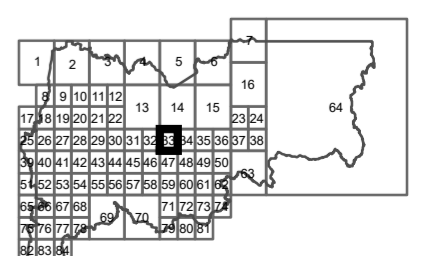


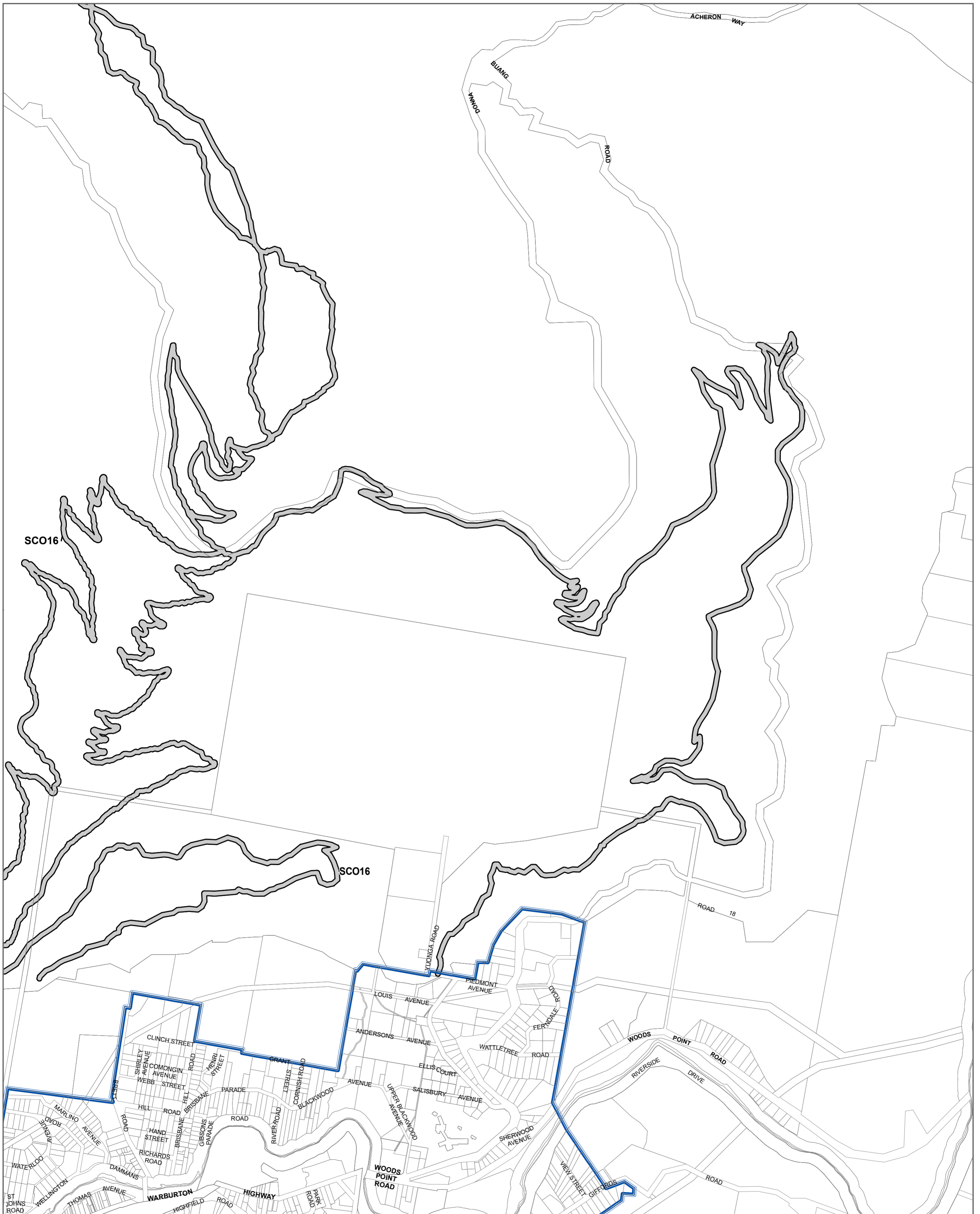
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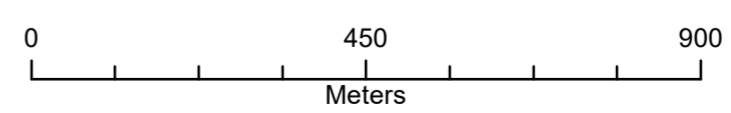


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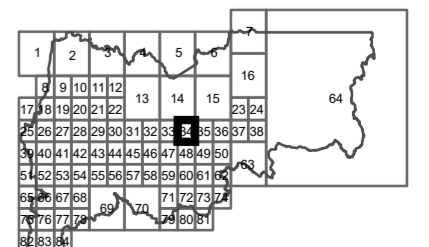


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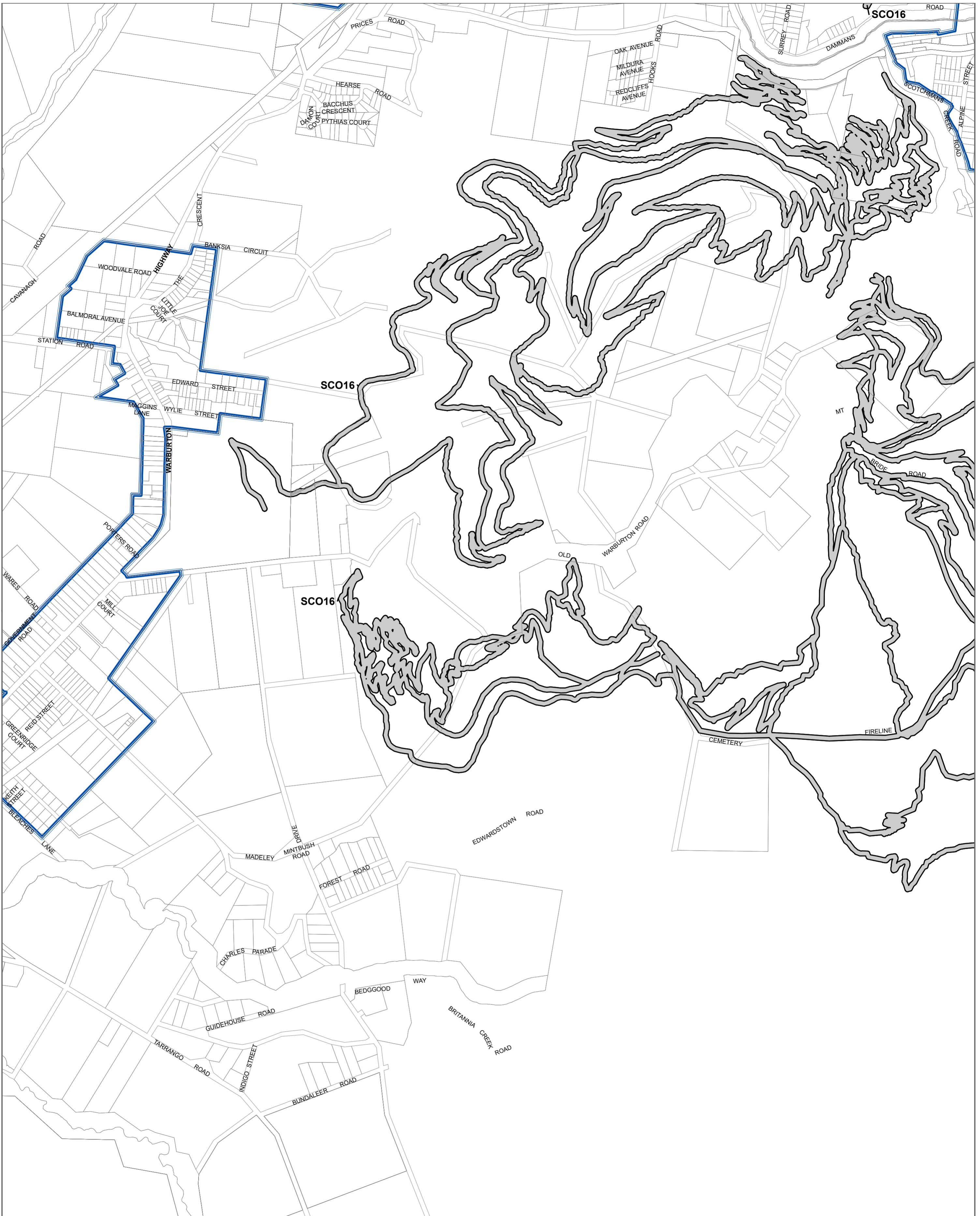


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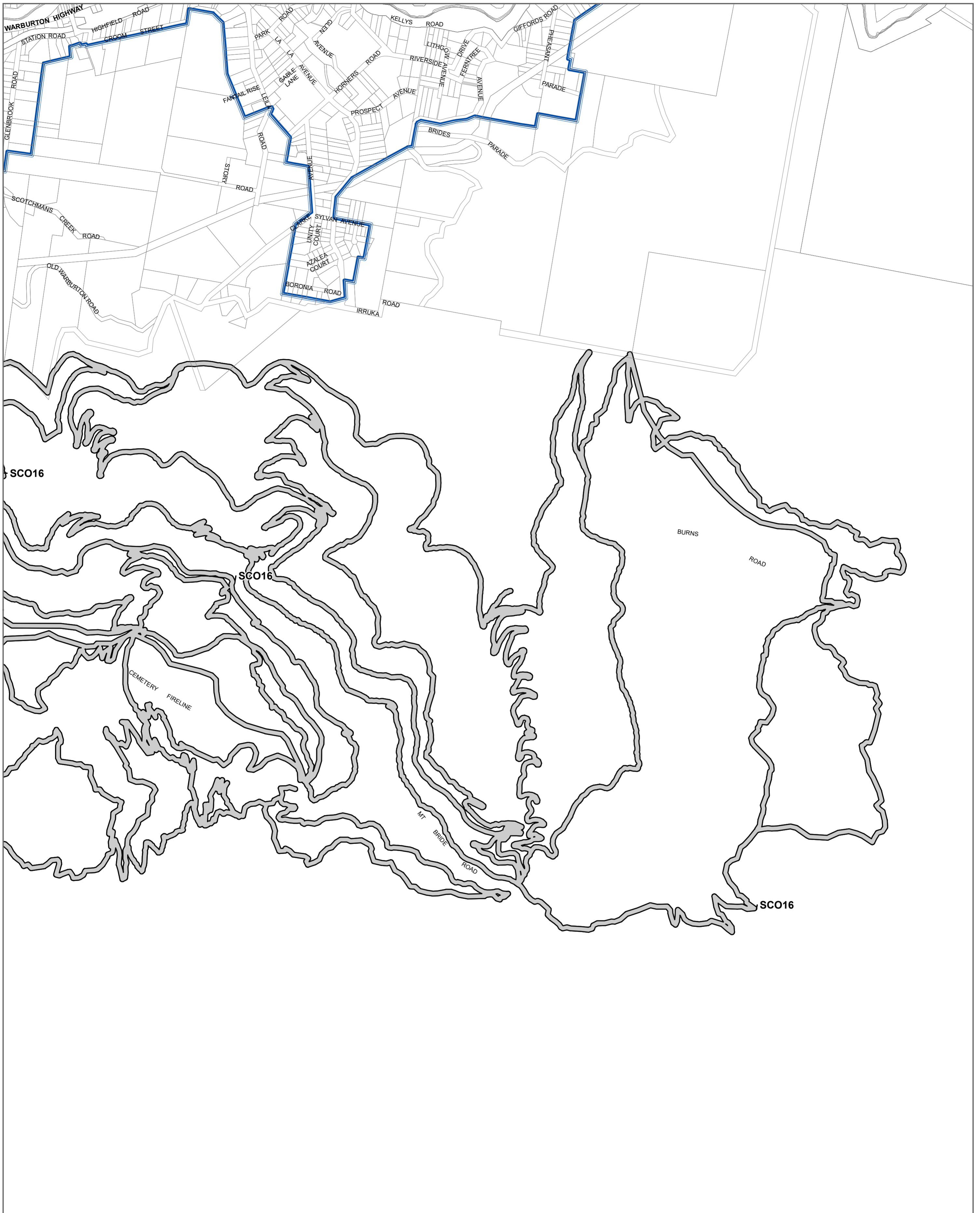
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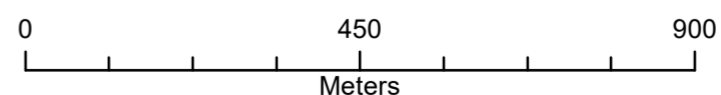


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