

WARBURTON MOUNTAIN BIKE DESTINATION PLANNING SCHEME AMENDMENT C198 - REQUEST FOR A MINISTERIAL AMENDMENT

Report Author: Executive Officer Strategic Planning
Responsible Officer: Director Planning & Sustainable Futures
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The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The Warburton Mountain Bike Destination Project (the Project) will provide a world-class mountain bike trail development that will promote an active and healthy community and an economic boost to the visitor economy.

The draft planning scheme Amendment C198 documentation was advertised as part of the formal exhibition process of the Warburton Mountain Bike Destination Environment Effects Statement (EES). As part of this formal process submissions were invited on both the EES and the planning scheme amendment.

On 28 October 2022, the Minister for Planning completed an assessment of the Project's effects under the *Environment Effects Act 1978*, following the release of the report from the Inquiry and Advisory Committee (IAC) that conducted a public hearing from 15 March 2022 to 7 April 2022, to consider the 2707 submissions received on the project following its public exhibition. Of those approximately 2400 were submissions in support of the project.

The next step in the statutory approval process required to facilitate the construction of the project is the finalisation of a planning scheme amendment (Amendment C198).

Amendment C198 proposes to:

- Apply a Specific Controls Overlay (SCO16) to the Warburton Mountain Bike Destination Project Land to provide a comprehensive statutory planning control to facilitate the construction and operation of the Project. The SCO is a planning scheme provision that can be used rather than multiple separate planning permits that would be otherwise required under various provisions of the Yarra Ranges Planning Scheme;

- Amend the schedule to Clause 45.12 (Specific Controls Overlay) to insert a new Schedule 16 and a new Incorporated Document titled “*Warburton Mountain Bike Destination Project Incorporated Document, March 2022*”, that sets out various conditions and plans that must be provided and met before the construction phase; and
- As the amendment is one of Regional significance and has been considered through an exhibition and hearing process, it is proposed to request the Minister for Planning to use their powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve the amendment to the Yarra Ranges Planning Scheme.

RECOMMENDATION

That Council

Request the Minister for Planning to prepare, adopt and approve Amendment C198 to the Yarra Ranges Planning Scheme under Section 20(4) of the Planning and Environment Act 1987 to:

- (a) Apply Specific Controls Overlay 16 to the Warburton Mountain Bike Destination Project Land, to facilitate the development of the project generally in accordance with the attached documents;***
- (b) Amend the schedule to Clause 45.12 (Specific Controls Overlay) to insert a new Schedule 16 and a new Incorporated Document titled “Warburton Mountain Bike Destination Project Incorporated Document, March 2023, generally in accordance with the attached documents” to facilitate the development of the project;***
- (c) Make changes to the Schedule to Clause 72.03 (What Does this Scheme Consist of?) and the Schedule to Clause 72.04 (Table of Documents Incorporated into this Scheme); to facilitate the development project; and***
- (d) Notify relevant stakeholders and authorities of Council’s decision to request a Ministerial amendment.***

RELATED COUNCIL DECISIONS

Warburton Mountain Bike Feasibility Study, May 26 2015 - Council meeting seeking the endorsement of the feasibility Study. Council adopted the funding towards planning, design and construction.

Proposed Warburton Bike Project, November 24 2015 - Council meeting seeking the endorsement of project funding. Council approved funding for \$300,000 for the design and planning of the Project from the Capital Expenditure Program - Future Community Projects Fund.

Warburton Mountain Bike Budget Allocation, August 28 2018 - Council meeting seeking approval of the project budget. Council approved the allocation of \$2.7 million from the Capital Expenditure Program - Future Community Projects Implementation program.

Warburton Mountain Bike Project Award of Contract, March 26 2019 - Council meeting seeking the endorsement of a contractor to deliver the Project. Council approved the contract award to World Trail for an estimated total lump sum price of \$3,928,085 (exclusive of GST).

Warburton Mountain Bike Destination Project Update, March 23, 2021 - Council meeting seeking approval for a variation of CT6150 (Development of the Environment Effects Statement) to increase the contract budget from \$980,000 to \$1,500,000.

DISCUSSION

Purpose

The purpose of this report is to discuss a request to the Minister for Planning to prepare, adopt and approve Amendment C198 to the Yarra Ranges Planning Scheme. A planning scheme amendment is the first statutory approval required to facilitate the development of the Warburton Mountain Bike Destination Project (the Project).

Background

Engagement on the Warburton Mountain Bike Destination project initially commenced in 2016 and continued up until the formal exhibition of the EES and planning scheme amendment in 2021.

The EES and draft planning scheme Amendment C198 were placed on exhibition by the Minister for Planning between Friday 26 November 2021 to Tuesday 25 January 2022. There were several technical documents that supported the main EES document that formed part of the formal notification process which included Biodiversity, Surface water, groundwater and geotechnical hazards, Cultural heritage, land use planning, Socio- Economic and Transport. In response to the exhibition process 2707 submissions were received, with approximately 2400 submissions being in support.

An independent Inquiry and Advisory Committee (IAC) was appointed by the Minister for Planning to consider the merits of the proposal and hear submissions to the proposal. Between the 15 March 2022 to the 7 April 2022 the IAC heard from submitters both for and against the proposal. All submitters had the opportunity to present their views at the hearing. Throughout the hearing the panel considered the legislative requirements, biodiversity and conservation implication, surface water, traffic and parking, bushfire and emergency management, heritage, land use planning, social and economic issues and submitters concerns.

In response to the hearing the IAC produced a comprehensive and integrated assessment of the proposal and submissions and provided that to the Minister for

Planning for their assessment. On 28 October 2022, the Minister for Planning completed an assessment of the WMBD project's effects under the *Environment Effects Act 1978*, following the release of the report from the IAC that conducted a public hearing from 15 March 2022 to 7 April 2022.

Council and statutory decision-makers received the Minister's assessment to inform decisions on the project and its approvals, including the proposed planning scheme amendment, on 1 November 2022.

The Commonwealth Minister for the Environment and Water received the assessment to inform their decision about the project under the *Environment Protection and Biodiversity Conservation Act 1999* at the same time.

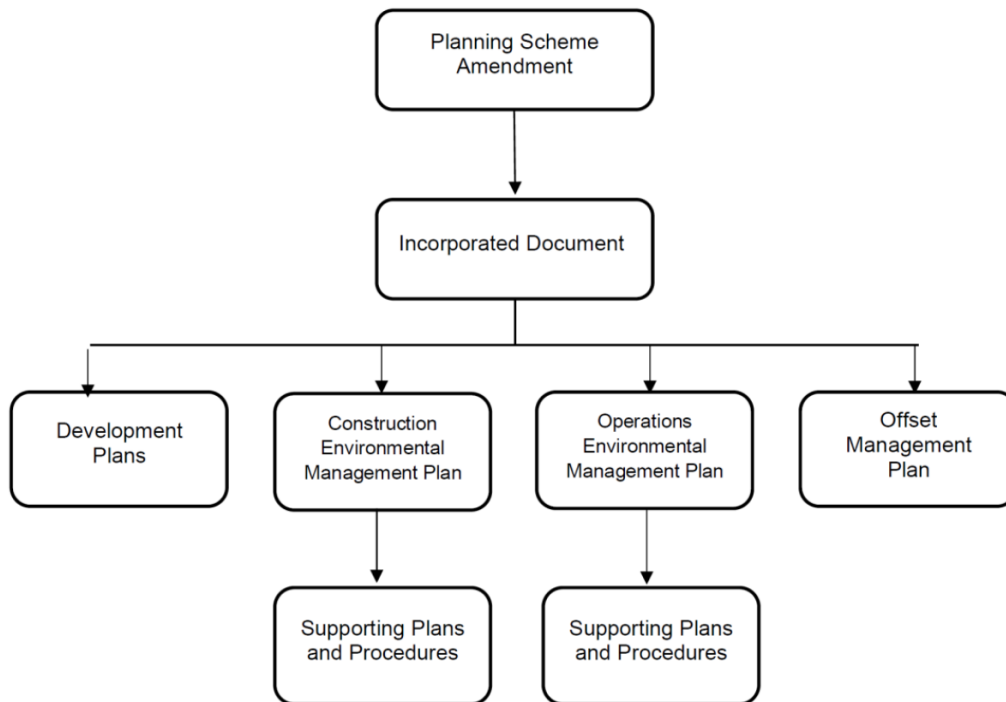
The Minister for Planning's Assessment concluded that the majority of the project has acceptable environmental effects, subject to some specific project modifications and an amended environmental management regime.

The Minister for Planning's Assessment considers the recommendations of the IAC report and provides a response position to inform decisions on the Project and its future statutory approvals and consents required under the *Planning and Environment Act 1987*, *Aboriginal Heritage Act 2006*, *Water Act 1989*, *National Parks Act 1975* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, including the proposed planning scheme amendment. The summary of the Ministers response to the IAC's recommendations and Council's response is at Attachment 1.

Key Issues

Approval Process

The approval of the planning scheme amendment is the first of several statutory approvals (as shown below) required to be undertaken before construction works can commence. The diagram below shows that once the planning scheme amendment is approved, the other plans required to facilitate the project will be submitted to the Minister for Planning for approval



A future report will be provided to Council on the environmental approvals required and discussion of Council’s response to these specific IAC recommendations.

Amendment C198 Process

A draft planning scheme amendment was placed on public exhibition along with the EES. A planning scheme amendment was determined to provide a comprehensive statutory planning control to facilitate the construction and operation of the Project, rather than multiple separate planning permits that would be otherwise required under various provisions of the Yarra Ranges Planning Scheme.

Throughout the preparation of the EES documentation there has been ongoing discussions with Council and the Department on preparing the final amendment using a Ministerial amendment process under section 20(4) of the *Planning and Environment Act 1987*.

A Ministerial Amendment process enables the Minister for Planning to exempt themselves from the notice requirements of the Act and the amendment is prepared, adopted and approved without any public notice.

The effect of this exemption is that third parties will not receive notice of the amendment and will not have the opportunity to make a submission or be heard by an independent planning panel.

In this case, the draft amendment documentation was exhibited with the EES, and all parties have been provided with an opportunity to have their views considered through the IAC hearing.

A Ministerial amendment request is considered appropriate to facilitate the Project in a timely manner and meets the following criteria from the *Ministerial Powers of Intervention in Planning and Heritage Matters General Note* (DELWP):

The matter will be one of genuine State or regional significance.

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 matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.

The EES reasonably considered the relevant issues and the views of affected parties through technical investigations and public consultation built into the EES process and consideration of submissions through the IAC hearing.

Amendment C198 Ministers Assessment Response

The Minister's Assessment considered the IAC's recommendations and provided a response. Council's recommended response to all of the Minister's Assessment responses is provided in Attachment 1.

The response to the Minister's Assessment of the Planning Scheme Amendment recommendations is discussed in Table 1. It is proposed that all recommendations be accepted, and the Incorporated Document (Attachment 2) has been amended to reflect the changes.

Table 1

IAC Recommendation	Ministers Response	Recommended Response
<p>Amend draft Yarra Ranges Planning Scheme Amendment C198/ran as follows:</p> <p>Amend the text of the Incorporated Document Shown in Appendix G.</p> <p>Amend the exhibited Special Controls Overlay mapping to:</p> <ul style="list-style-type: none">Remove Trails 1, 45, 46 and 47.Include the whole of the Warburton Golf Course site at 17 Dammans Road, Warburton.Include the land required for the trail heads at Wesburn Park and Mount Tugwell and the two bridges proposed to be constructed as part of the Project.Amend the Incorporated Document to replace references to the Road Zone Category 1 with references to the Transport Zone.	<p>Generally supported, subject to the inclusion of the additional amendments I have recommended in Table 3.</p> <p>For recommendation 3b I do not support extending the SCO to include the whole of the Warburton Golf Course. The SCO should only be applied to the section of land on the golf course that is to be constructed and used for the Project.</p>	<p>Accept Ministers response.</p> <p>In line with the Ministers response the SCO at Warburton Golf course will be adjusted to cover only the section of land on the golf course that is to be constructed and used for the project.</p>

IAC Recommendation	Ministers Response	Recommended Response
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> To remove Clause 9.3 	<p>Supported. I also recommend adding to the Native Vegetation section of the incorporated document the following requirement: "Before the removal of native vegetation, details of the proposed removal of native vegetation necessary for the construction of the Project must be prepared in accordance with the application requirements in the Guidelines to the satisfaction of the Secretary."</p>	<p>Accept Ministers response</p>
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> To insert a new Clause 11 to require a Hazardous Tree Assessment. 	<p>The IAC's recommendation that the hazardous tree assessment include an assessment of the frequency of tree lopping or removal of trees likely to be required during operations is not supported.</p> <p>However, hazardous tree assessment reports should be prepared for each progressive stage of the Project to the satisfaction of the DELWP for trails outside the Yarra Ranges National Park, and to the satisfaction of Parks Victoria for trails within Yarra Ranges National Park.</p>	<p>Accept Ministers response</p>
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> To insert a new sub-Clause 6.1(j). 	<p>Supported</p>	<p>Accept Ministers response</p>
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> Add "and Melbourne Water" to the end of Clause 7.1 and 7.3. 	<p>Supported. Clauses 7.1 and 7.3 should also refer to consultation with DELWP Port Phillip Region.</p>	<p>Accept Ministers response</p>
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> Amend Clause 6.1(i). Insert a new Clause 8 (parking and shuttle bus service). 	<p>Supported</p>	<p>Accept Ministers response</p>
<p>Amend the Incorporated Document as Shown in Appendix G:</p> <ul style="list-style-type: none"> To replace Clause 13 Event Management. 	<p>Supported. In addition, noise mitigation should be included as a matter to be considered for Event Management Plans in Clause 16.1 of the Incorporated Document.</p>	<p>Accept Ministers response</p>

IAC Recommendation	Ministers Response	Recommended Response
Amend the Incorporated Document as Shown in Appendix G: <ul style="list-style-type: none"> • Insert a new sub-clause 6.1(k). • Amend Clause 9 (Emergency management). • Amend Clauses 7.2(c) and 7.4(b). 	Supported	Accept Ministers response

Amendment C198 Provisions

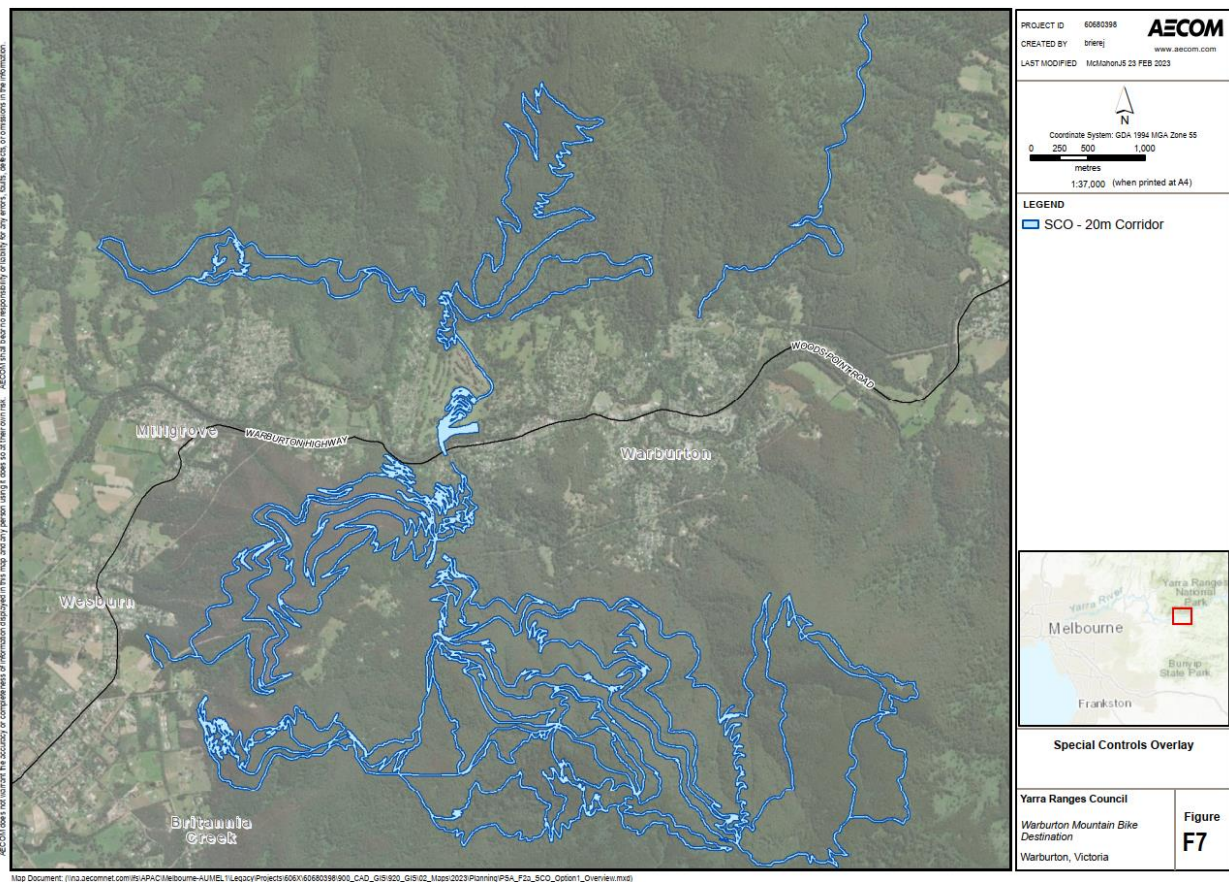
The amendment proposes to make the following changes to the Yarra Ranges Planning Scheme to facilitate the use and development of the project.

Apply the Specific Controls Overlay (SCO) to the Project area.

A SCO is an overlay that applies specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Land affected by this overlay may be used or developed in accordance with a specific control contained in an incorporated document corresponding to the notation on the planning scheme maps. In this case SCO16 is proposed to be applied to the land affected by the Project as shown on Map 1 below, and in more detail on the Planning Scheme Maps at Attachments 6-9.

Map 1



An SCO may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply; and
- Exclude any other control in the scheme.

The use of an SCO has several benefits and is considered to be the most appropriate planning scheme 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 a secondary consent mechanism; and
- Reduce administrative burden on approval authorities by removing the need to address numerous individual planning permit triggers through a standard planning permit application process.

These would have included separate approvals for vegetation removal, display of signage and buildings and works associated with an Outdoor Recreation Facility on land affected by the: Green Wedge Zone, Rural Conservation Zone, Public Conservation and Resource Zone, Transport Zone, Significant Landscape Overlay 1, Heritage Overlay, Erosion Management Overlay, Land Subject to Inundation Overlay and Bushfire Management Overlay.

Insert a new Incorporated Document 'Warburton Mountain Bike Destination Project Incorporated Document, March 2023 into the Planning Scheme

The draft Incorporated Document at Attachment 2, proposes to contain a number of controls that prevail over any contrary or inconsistent provision in the planning scheme to specifically facilitate:

- The use and development of the project land for the bike trail which includes upgrades to existing trails and vehicle tracks, construction of new trails, two new bridges a new visitors hub and new trail head facilities;
- Construction, maintaining, operating or decommissioning phases of the project; and
- Use and development of ancillary activities such as construction areas, vegetation removal, road works and vehicle parking, earthworks and signage.

The Incorporated Document proposes to require a series of plans to be submitted to the Minister for Planning for approval before construction of the Project can commence. The plans to be submitted include:

Construction Environmental Management Plan (CEMP) and Operations Environmental Management Plan (OEMP)

Both plans will provide an overarching framework for site works or specific measures to reduce and manage environmental and amenity effects during construction of the Project including:

- Air quality;
- Noise and vibration;
- Sediment, erosion and water quality;
- Native vegetation offset management;
- Traffic and transport;
- Heritage values;
- Social and amenity impacts;
- Archaeological management; and
- Landscape and Visual impacts.

The Plans also require the preparation of:

- A summary of engagement activities;
- A summary of performance monitoring and reporting processes; and
- A statement of mitigation measures.

Emergency Management Plan (EMP)

The EMP requires the preparation of a Bushfire Management Strategy in consultation with the Country Fire Authority (CFA), Victoria Police, Ambulance Victoria, State Emergency Services (SES), Department of Energy, Environment and Climate Action (DEECA), Department Transport and Planning (DTP) and any other relevant land managers and local emergency volunteer organisations including the Warburton Emergency Planning Group. The plan must include mitigation measures and be periodically updated.

Native Vegetation Offset Plan

Prior to the removal, destruction or lopping of native vegetation 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*, former DELWP (Department Environment, Land, Water and Planning), December 2017, and evidence that the offset(s) has been secured must be provided to the Secretary of DTP.

Hazardous Tree Assessment

Prior to the removal, destruction or lopping of any vegetation, a hazardous tree assessment must be completed based on advice from a suitably qualified arborist, and to the satisfaction of DTP and DEECA.

Vegetation Management Plan

Prior to the removal, destruction or lopping of any vegetation that does not occur naturally in the locality and is more than five (5) metres in height, a vegetation management plan detailing that vegetation and its management must be submitted to the satisfaction of the Minister for Planning. This plan should also deal with any necessary protection of trees in the vicinity of such vegetation, including management of any tree root zones which require protection.

Event Management Plans

Prior to any event involving up to 300 participants, a Small Events Management Plan must be prepared and approved by Council to address matters such as:

- fire risk management;
- security arrangements;
- waste management;
- signage;
- noise mitigation measures;
- spectator management controls; and
- any temporary structures proposed to be erected.

Prior to any event involving over 300 participants, a specific Major Event Management Plan must be prepared and approved by the Council covering the same matters as for the small events management plan and detailing specific arrangements for each tailored event.

Flood Management

Buildings and works on land within the Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

Road Access Management

Any creation or alteration to access to a road in a Road Transport Zone 2 Category 1, must be undertaken to the satisfaction of the Head of DTP.

Further reports will be provided to Council on each of the required plans as they are prepared following approval of Amendment C198.

Expiry Conditions

The Incorporated Document will expire if any of the following circumstances apply:

- The development allowed by the Incorporated Document is not commenced within four years from the date of gazettal of Amendment C198;
- The development allowed by the Incorporated Document is not completed within six years from the date of gazettal of Amendment C198;
- The use allowed by the Incorporated Document is not commenced within six years from the date of gazettal of Amendment C198; and/or
- In 20 years from the date of commencement of operation of the Project.

Further details on the proposed amendment are included in the Planning Report at Attachment 3 and draft Explanatory Report at Attachment 4.

Options considered

Option 1

Seek the preparation, adoption and approval of a Ministerial Amendment for the Warburton Mountain Bike Destination Project as detailed in this report through utilising section 20(4) of the *Planning and Environment Act 1987*.

This process enables the Minister for Planning to exempt themselves from the notice requirements of the Act and the amendment would be prepared, adopted and approved by the Minister without any further public notice. The Minister in approving the amendment may make further changes to the amendment documents Council submits as part of its request.

Option 2

Council prepares the amendment and resolves to seek authorisation from the Minister for Planning to prepare and exhibit the amendment. This would repeat an exhibition process that has already occurred, would significantly delay the Project that has Government funding, and along with requiring significant officer time would incur associated expenses for exhibition and costs associated with a Planning Panel.

Recommended option and justification

It is recommended Option 1 be pursued to ensure the timely delivery of the WMBD Project.

The proposed changes to the planning scheme were exhibited as part of the EES process and all parties have had an opportunity to provide comments and have their concerns considered by the IAC Advisory Committee.

The use of a Ministerial Amendment is consistent with the criteria in the Ministerial *Powers of Intervention in Planning and Heritage Matters General Note*, former DELWP and is supported by DTP, who have worked with Council in preparing the amendment documents. If the amendment was readvertised it would duplicate the EES engagement process and be an inefficient use of Council resources.

The Incorporated Document as discussed above, requires the preparation of a number of plans that requires consultation with various authorities and must be approved by the Minister for Planning.

FINANCIAL ANALYSIS

The Warburton Mountain Bike Destination is funded for delivery of Stage 1 with a budget of \$11,300,000. Current expenditure for the Project is in the vicinity of \$5,000,000, including the design and significant EES costs.

The impact of the EES has significantly reduced the project construction budget for stage 1, with further implications on the budget, including:

- Implications of the EES and the construction environment management plan, including an increased number of bridge crossings and construction methodology (hand-built trails) in sensitive areas;
- Minister's assessment recommendations. Including an independent project ecologist during construction and further work to complete the Emergency Management Framework, traffic and parking plan and PSA; and
- Increases in construction costs – significant material and labour costs have occurred since the Project was funded in 2019, which will impact on the cost of construction.

Council is advocating to State Government to recoup the EES costs, without which the Project may be unable to deliver the entirety of stage 1.

Stage 1 is currently proposed to deliver 113km of trails. Under current funding agreements, Council has committed to providing 100km of trails in Stage 1. Hey Hey My My trail in Wesburn is part of the proposed network and was professionally rebuilt in 2021, and approximately 12km of Trails are existing informal trails that only require upgrade. Project staff will maximise opportunities to reduce trail construction costs, while still meeting funding obligations, by including these trails in Stage 1.

Officers will provide a future Council update once final designs and costs have been determined for the Project.

The costs associated with the preparation of Ministerial Amendment C198 can be accommodated from the project funding.

APPLICABLE PLANS AND POLICIES

This report contributes to the following Council strategies and plans:

Council Plan 2021-25. The Warburton Mountain Bike Destination has significant strategic links across Yarra Ranges. The Project delivers on Council's aspirations for Connected and Healthy Communities, Quality Infrastructure and Liveable Places, Protected and Enhanced Natural Environment and Vibrant Economic, Agriculture and Tourism.

With the significant investment in the outdoor, open and accessible activity, the Project promotes increased tourism, health & wellbeing, sustainable economic growth and job creation.

Yarra Ranges Planning Scheme. The amendment and Project are consistent with the following policies:

- Clause 12.01 Biodiversity;
- Clause 12.01-2 Native Vegetation Management;
- Clause 12.03-1R Yarra River Protection;
- Clause 12.05-1S Environmentally Sensitive Areas;
- Clause 12.05-2L: Rural Landscapes;
- Clause 13.02 Bushfire;
- Clause 15.03 Heritage; and
- Clause 17 Economic Development.

Other Council Strategies. The amendment and Project are consistent with the following plans:

- Recreation and Open Space Strategy 2013-2023;
- Creative Communities Strategy 2019-2029;
- Reconciliation Framework for Action 2013-2023;
- Equity Access and Inclusion Strategy 2013-2023;
- Integrated Transportation Strategy, 2020 -2040; Health and Wellbeing Strategy 2017-2021;
- Environment Strategy 2015-2025; and
- Economic Development Strategy 2012-2022.

RELEVANT LAW

The planning scheme amendment has been prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

A Gender impact Assessment is being completed for the Project. The training involved is being completed by broader members of the Recreation & Active Living team and learnings from this will help inform other projects.

Tendering for the works associated with the projects has and will occur in accordance with requirements of Council's Procurement Policy, which is a requirement of the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

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 process and in preparation of the Incorporated Document.

The Incorporated Document includes various conditions and further approvals to manage the effects of the amendment including the requirement for Environmental Management Plans to address mitigation measures to avoid, and manage the potential environmental, social and economic impacts.

Economic Implications

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

- Attracting 154,000 visitors to the region;
- Creating approximately 84 temporary employment opportunities during construction;
- Creating approximately 100 jobs in the Warburton area to support the mountain biking destination's operation; and
- Creating additional permanent employment opportunities for support services such as accommodation, retail and food and beverage.

Social Implications

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 considered

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 for Ministerial to the Minister for Planning for approval prior to the commencement of construction.

Environmental Implications

The Minister's assessment concluded that the majority of the Project, including trails and supporting infrastructure can proceed as they have an acceptable level of environmental impact, subject to some project modifications and an environmental management regime being implemented.

COMMUNITY ENGAGEMENT

The Project has involved significant engagement with the community over the life design of the Project and the EES process has involved some of the most thorough community engagement ever completed for a recreation project, with multiple stages of consultation through the preparation of the EES and the public inquiry which received in excess of 2,700 submissions during the process, the majority of which were supportive of the project.

Public Exhibition of Amendment C198

Draft Planning Scheme Amendment C198 was exhibited with the EES at Attachment 7. The EES documents consisted of:

- A main report (Chapters 1 to 19);
- Six Technical Appendices; and
- Seven Attachments.

The *Planning Report – Planning Scheme Amendment C198, AECOM, September 2021* (Attachment 7 to the EES) discussed the proposed planning scheme amendment and provisions and use of a Ministerial Amendment through 20(4) of the *Planning and Environment Act 1987* as the appropriate pathway to facilitate the amendment approval.

A copy of the EES and all its attachments were included on Council's dedicated Warburton Mountain Bike Destination webpage "Ride Yarra Ranges" and the planning report was also included on Council's Planning Scheme Amendments webpage.

As the delivery phase is reached, more localised consultation is occurring for those residents and communities more directly related to aspects of the Project.

The *Environmental Effects Statement Consultation Report, October 2021* provides a detailed overview of the consultation undertaken during the EES process (Attachment 5).

As noted above, if Council resolves to seek a Ministerial Amendment under section 20(4) of the *Planning and Environment Act 1987*, the amendment would be prepared, adopted and approved by the Minister without any further public notice. Given the extensive engagement on the project it is considered that this is the most appropriate pathway forward.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The Project has involved significant collaboration with internal Council stakeholders including Strategic Planning, Planning and Building, Parks & Bushlands, Finance and Economic Development.

Externally, the Project has involved significant collaboration with government agencies including Wurundjeri, Parks Victoria, Department of Land, Water and Planning and Department of Transport (now combined Department of Transport and Planning), Melbourne Water, SES and the CFA, many of whom are represented on individual Project Control and Project Working Groups.

Council has also liaised with the State Project Facilitation team of the Department of Transport and Planning to prepare the draft planning scheme amendment documentation and is having ongoing discussions in relation to the various plans required to be submitted under the Incorporated Document.

RISK ASSESSMENT

Risks have been identified in previous project update reports to Council.

All risks are being managed at present within constraints of the Project, these are:

- Delays in securing approvals required for construction, that relate to potential delays in the Minister for Planning approving Amendment C198 and approving various plans required by the Incorporated Document; and
- EES cost recovery.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Ministers Response to the IAC Recommendations
2. Amendment C198 Draft Incorporated Document
3. Warburton Mountain Bike Destination Project Planning Report
4. Amendment C198 Draft Explanatory Report
5. EES Consultation Report
6. Amendment C198 Planning Scheme Map 33
7. Amendment C198 Planning Scheme Map 34
8. Amendment C198 Planning Scheme Map 47
9. Amendment C198 Planning Scheme Map 48
10. Attachment EES and C198 Exhibition Notice