



Warburton Mountain Bike Destination Project

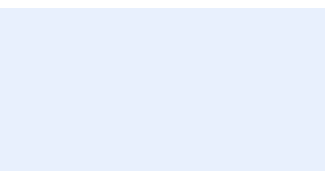
Yarra Ranges Shire Council, March 2023



YARRA RANGES PLANNING SCHEME

Incorporated Document

**This document is an incorporated document in the
Yarra Ranges Planning Scheme pursuant to section
6(2)(j) of the Planning and Environment Act 1987**



[OPTIONAL - Insert Author Logo]

OFFICIAL

1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 Specific Controls Overlay (SCO) and Clause 72.04 - Incorporated Documents of the Yarra Ranges Planning Scheme (the scheme).

The land identified in Clause 2.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 6.0 and 7.0 of this document.

The Minister for Planning is the Responsible Authority in relation to the Specific Controls Overlay (SCO16) in the Planning Scheme and this Incorporated Document.

2.0 LAND DESCRIPTION

This document applies to land known as 'the project land' being all the land within SCO16.

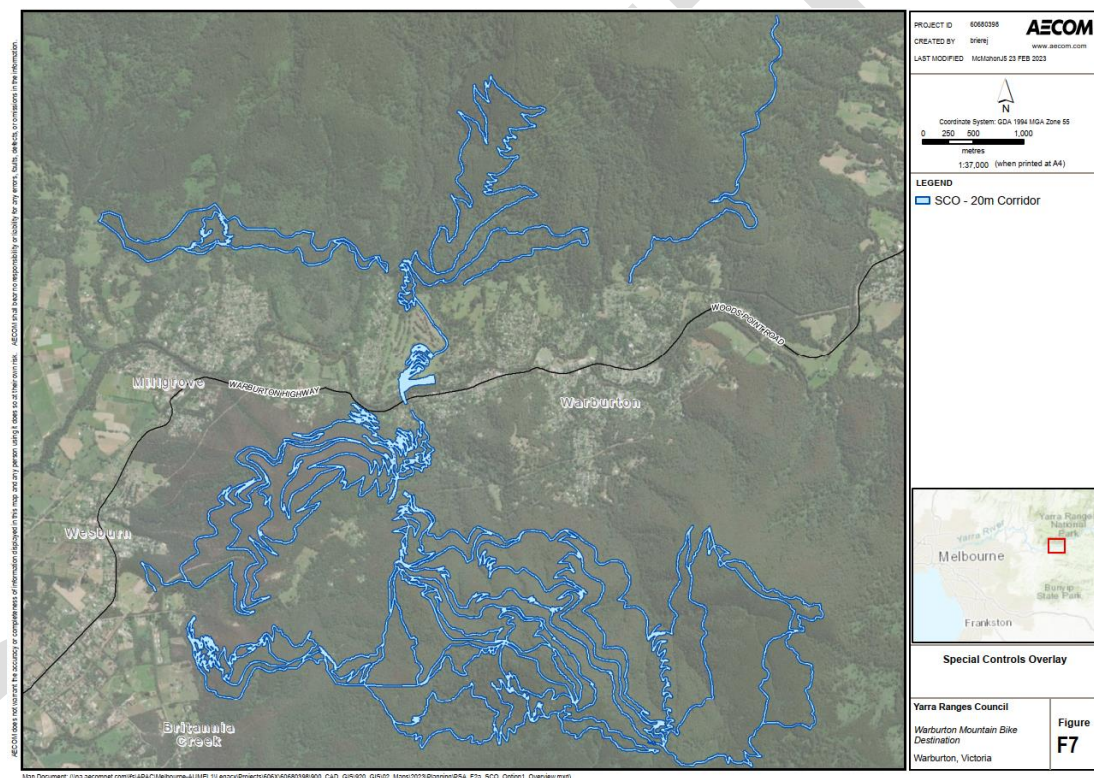


Figure 1 – Map of the land subject to this Incorporated Document, outlined in blue

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

The development of the land permitted under this Incorporated Document must:

- Commence within four years of the gazettal date of Amendment C198 to this scheme.
- Be completed within six years of the gazettal date of Amendment C198 to this scheme.

The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.

The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.

This Incorporated Document will expire 20 years from the date of commencement of operation of the Project.

5.0 PURPOSE

The purpose of this incorporated document is to permit the use and development of the land for Warburton Mountain Bike Destination Project (the Project), including upgrades to existing mountain bike trails and vehicle tracks, and construction of new mountain bike trails, two new bridges a new visitor's hub and new trail head facilities generally in accordance with the plans approved in Clause 6.0 of this document and subject to the Clause 7.0 conditions of this document.

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

- An informal outdoor recreation (bike trail), including:
 - a) upgrade of existing mountain bike trails;
 - b) construction of new mountain bike trails;
 - c) upgrade of existing vehicle tracks;
 - d) construction of a new visitor's hub at Warburton Golf Course;
 - e) construction of new trail head facilities at Warburton Golf Course, Mt Tugwell and Wesburn Park;
 - f) construction of Yarra River Bridge (shared use) crossing over the Yarra River at Warburton Highway and Dammans Road; and
 - g) construction of Old Warburton Road Bridge (mountain bike use only) crossing over Old Warburton Road.
- Buildings and works or associated activities for the Project.
- Creation and alteration of access to roads.
- 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:
 - a) Creating and using lay down areas for construction purposes;
 - b) Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead native vegetation;
 - c) Demolishing and removing structures and other infrastructure;
 - d) Constructing fences, temporary site barriers and site security;
 - e) Constructing or carrying out works to create or alter roads, car parking areas,

- bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage;
- f) Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways;
- g) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works; and
- h) Displaying construction, directional and identification signs.

6.0 DETAILED DEVELOPMENT PLANS:

This document allows the use and development of the land for the purposes of the project set out in the detailed development plans endorsed under the conditions of this incorporated document. Detailed development plans must be prepared as per Condition 7.1 Development plans below.

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 or the Council as specified in this document.

The plans and documentation required 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 Council or any relevant authority.

7.0 CONDITIONS

The following conditions apply to the use and development allowed by this incorporated document:

Development plans

7.1 Prior to the commencement of 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) Bridge plans which must include a visual impact assessment;
- f) On-site landscaping details including a planting schedule;
- g) Lighting details ;
- h) 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 the Department of Transport and Planning (DTP);
- i) Car parking plans;

- j) Access plans and details of the shuttle bus route and pick up and drop off locations (including a location in the town centre to be provided in Stage 1) and associated works in the road reserve prepared in consultation with Department of Transport;
 - k) For Stage 2 trails only, if a golf course fence is required, details of the fence, including potential for effects on fauna or visual amenity; and
 - l) Details of how the Warburton Golf Course trail head will achieve a Bushfire Attack Level (BAL) rating of LOW with radiant heat exposure of no greater than 12.5 kilowatts per square metre.
- 7.2 The detailed trail alignment on the approved trail alignment plans may be altered within the area of the Specific Controls Overlay without further approval if, as a result of the pre-construction micro-siting process undertaken in accordance with the approved Construction Environmental Management Plan (CEMP), there is a need to alter the alignment.

Environmental management plans

- 7.3 Prior to the commencement of development of the Project Land for the Project, a CEMP must be prepared to the satisfaction of the Minister for Planning, in consultation with the Council, DTP, DEECA - Port Phillip Region, Parks Victoria and Melbourne Water.
- 7.4 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;
 - vi) Heritage values;
 - vii) Social and amenity impacts;
 - viii) Landscape and visual impacts; and
 - ix) Archaeological management.
 - 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 (ongoing engagement activities must be consistent with the requirements of Table 16-20 and Section 16.6 of the Environmental Management Framework set out in the Minister's Assessment dated October 2022 made pursuant to the *Environment Effects Act 1978*);
 - 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; and

- e) 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 October 2022 made pursuant to the *Environment Effects Act 1978*.
- 7.5 Prior to the commencement of use of the Project Land for the Project, an Operational Environmental Management Plan (OEMP) must be prepared to the satisfaction of the Minister for Planning, in consultation with the Council, DTP, DEECA-Port Phillip Region, Parks Victoria and Melbourne Water.
- 7.6 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; and
 - viii) Landscape and visual impacts.
 - 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 (ongoing engagement activities must be consistent with the requirements of Table 16-29 and Section 16.6 of the Environmental Management Framework set out in the Minister's Assessment dated October 2022 made pursuant to the *Environment Effects Act 1978*);
 - 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; and
 - d) A statement explaining any difference between the mitigation measures included in the OEMP and the mitigation measures set out in the Minister's Assessment dated October 2022 made pursuant to the *Environment Effects Act 1978*.
- 7.7 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 Council or any other relevant authority.
- 7.8 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.
- 7.9 The use and development of the Project must be carried out generally in accordance with the approved CEMP and OEMP.

Parking and shuttle bus service

- 7.10 Prior to the commencement of the use of the Project Land for the Project or any stage of the Project:
- a) Car parks at the relevant trail heads must be completed to the satisfaction of the Responsible Authority; and
 - b) Relevant shuttle bus pick up and drop off locations must be fully constructed to the satisfaction of the Responsible Authority, and the shuttle bus service must be fully operational.

Emergency management

- 7.11 An Emergency Management Plan for the Project including Bushfire Management Strategy must be prepared in consultation with the Country Fire Authority, Victoria Police, Ambulance Victoria, SES, DEECA, DTP, the Council, relevant land managers and local emergency volunteer organisations including the Warburton Emergency Planning Group. The Plan must be submitted to and approved by the Minister for Planning prior to the commencement of use and development of the Project Land for the Project. The Plan must:
- a) Include mitigation measures generally in accordance with the Minister's Assessment dated October 2022 made pursuant to the *Environment Effects Act 1978* (including, without limitation, mitigation measure BEM01 requiring a Bushfire Management and Emergency Management Plan and mitigation measure TP7 requiring an Emergency Access Plan);
 - b) Be tested prior to the commencement of the use of the Project Land for the Project; and
 - c) Be periodically reviewed and updated over the life of the Project unless otherwise agreed by the satisfaction of the Minister for Planning.

Native vegetation

- 7.12 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 (DELWP, December 2017), and evidence that the offsets have been secured must be provided to the Secretary to DEECA.
- 7.13 The requirements may be satisfied in stages, however, offsets must be secured prior to the removal, destruction or lopping of native vegetation for that stage.
- 7.14 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 for the removal, destruction or lopping of native vegetation* (DELWP, 2017) to the satisfaction of the Secretary to DELWP.
- 7.15 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).

Hazardous tree assessment

- 7.16 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. The assessment must:

- a) Details of any hazardous tree treatments required for the final alignment following pre-construction surveys;
 - b) An assessment of whether any hazardous tree treatment required would amount to excessive lopping for the purpose of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017);
 - c) An assessment of the frequency of tree lopping or removal of trees likely to be required during operations, based on available information from other trail operators (walking or cycling) in similar vegetation types
 - d) Be prepared for each progressive stage of the project to the satisfaction of the DEECA Regional Director Port Phillip Region (or delegate) for trails outside the Yarra Ranges National Park, and to the satisfaction of Parks Victoria for trails within Yarra Ranges National Park.
- 7.17 The results of the hazardous tree assessment must inform any required adjustments to the offsets provided under mitigation measure BM19A set out in the Minister's Assessment dated October 2022 made pursuant to the *Environment Effects Act 1978*.

Other vegetation

- 7.18 Prior to the removal, destruction or lopping of any vegetation that does not occur naturally in the locality and is more than 5m 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.

Flood management

- 7.19 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 a road

- 7.20 Where, but for this document, a planning permit would be required to create or alter access to a road in a Transport Zone 2, the creation or alteration of access must be undertaken to the satisfaction of the Head, Transport for Victoria.

Event management

- 7.21 Prior to any event involving up to 300 participants, a Small Event Management Plan must be prepared and approved by Council. This Plan must detail:
- a) Traffic and car parking management (including the reduction of exhaust emissions related to queuing and congestion);
 - b) Fire risk management;
 - c) Security arrangements;
 - d) Waste management;
 - e) Signage;
 - f) Noise mitigation measures;
 - g) Spectator management controls; and
 - h) Any temporary structures proposed to be erected.

- 7.22 All small events (up to 300 participants) must be carried out in accordance with the approved Small Event Management Plan for that event.
- 7.23 Prior to any event involving over 300 participants, a Major Event Management Plan must be prepared and approved by the Council. This Plan must detail specific management arrangements tailored for the event.
- 7.24 All major events (over 300 participants) must be carried out in accordance with the approved Major Event Management Plan for that event.
- 7.25 Preparation of a Small Event Management Plan or a Major Event Management Plan should be in consultation with the relevant authorities.

END OF DOCUMENT

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