

## BANYULE PLANNING SCHEME

### AMENDMENT C107bany

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the Banyule City Council which is the planning authority for this amendment.

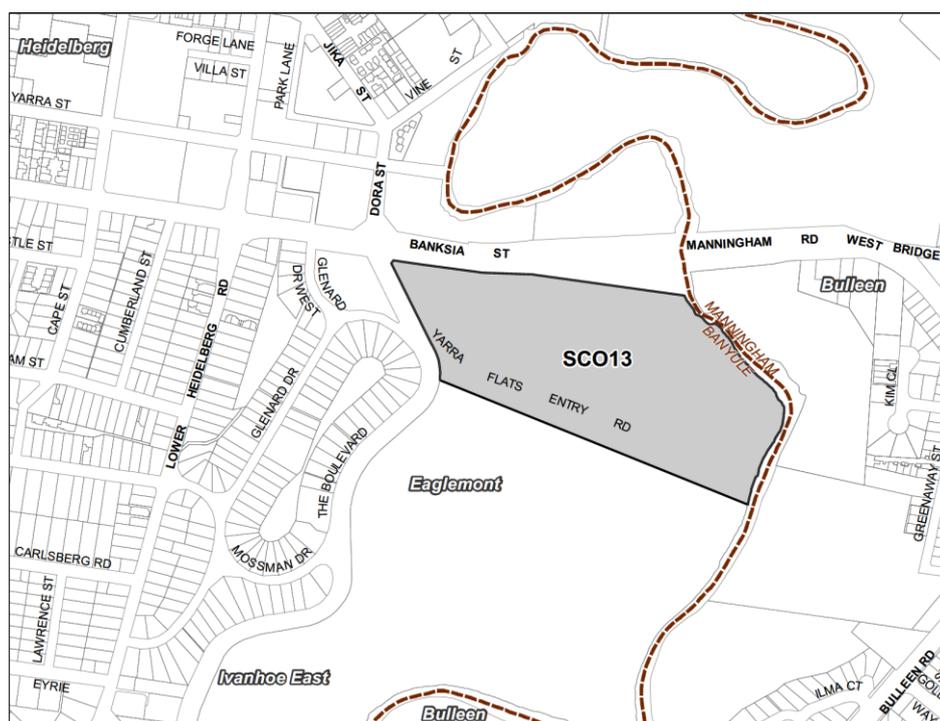
The amendment has been made at the request of Perry Town Planning on behalf of Ecoline Pty Ltd.

##### Land affected by the amendment

The amendment applies to land in the north-eastern corner of Yarra Flats Park, 340 to 680 The Boulevard, Ivanhoe East.

The land is more particularly described as:

- The eastern portion of Crown Allotment 2E within the Parish of Keelbundora, created by instrument MI121222X, as shown in Crown Diagram CD048476M; and
- The north-eastern portion of Crown Allotment 2H within the Parish of Keelbundora, created by instrument MI121225R, as shown in Crown Diagram CD048477K.



##### What the amendment does

The amendment seeks to apply a Specific Controls Overlay (SCO) to the land and introduces an Incorporated Document into the scheme titled 'Treetop Adventure Park, 340-680 The Boulevard, Ivanhoe East, September 2020'. This will seek to facilitate the use and development of the land at 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (treetop adventure park), removal of native vegetation and display of advertising signage.

Specifically, the amendment proposes to:

- Apply the Specific Controls Overlay 13 (SCO13) to the site.

- Insert the Incorporated Document 'Treetop Adventure Park, 340-680 The Boulevard, Ivanhoe East, September 2020' in the:
  - Schedule to Clause 45.12 Specific Controls Overlay
  - Schedule to Clause 72.04 Incorporated Documents
- Amend Planning Scheme Map 16SCO to apply SCO13 to the site.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The planning scheme amendment has been requested by Ecoline Pty Ltd, who have been granted a lease from Parks Victoria to develop and operate a treetop-based adventure facility on the site.

The facility, which seeks to operate on a commercial basis, offers a self-guided high ropes course within the established tree canopy. It will consist of eight courses of differing difficulties. The ropes course and administration office are designed to be temporary and will leave no footprint once removed.

As the treetop adventure park will be managed by a private operator under lease from Parks Victoria and not directly by Parks Victoria itself (the public land manager), this makes the use prohibited under the Public Conservation and Resource Zone that applies to the site. Therefore, a SCO is required in the Banyule Planning Scheme to allow the proposal to occur. The proposal will be subject to the controls contained in the Incorporated Document.

The SCO is preferred over other strategic adjustments, such as rezoning, as it will allow the use to occur, and in time to cease, without affecting the surrounds while having operated in a manner in keeping with the purpose of the zone.

The proposed use is consistent with the purposes of the zone including: *"to protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values"* and *"to provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes"*.

The tree-based adventure course was proposed in the Yarra Flats Park Concept Plan 2013 that was prepared by Parks Victoria in association with Banyule City Council and Melbourne Water. The preparation of Yarra Flats Concept Plan involved extensive consultation with stakeholders, including members of the community and surrounding residents.

### **How does the amendment implement the objectives of planning in Victoria?**

The proposed amendment is in accordance with the objectives of planning in Victoria as set out in the section 4(1) of the Planning and Environment Act 1987 and their implementation as required by section 12(1)(a).

The amendment, that will facilitate the proposed outdoor recreation facility, implements the following objectives:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (g) to balance the present and future interests of all Victorians.

The Amendment addresses these objectives by:

- providing for the protection of the environmental values of the site by maintaining, supporting and protecting the natural environment
- providing for a tourism use of the land that provides positive economic and social benefits to the area
- providing for a recreational use for the residents and visitors of the broader area

### **How does the amendment address any environmental, social and economic effects?**

Overall the nature of the use, which is designed to sit within the existing natural landscape, and its scale present few significant negative effects. The use will be controlled through the proposed incorporated

document that will establish conditions to ensure that environmental, social and economic considerations are balanced.

**Environmental:** The proposed use is designed to integrate with the existing environmental assets. The nature of the use will rest lightly in the existing environment in a manner that will present no permanent effect in the event that the use ceases and is removed. The course structures have been specifically designed in a manner that rests lightly on the chosen trees without restriction on growth. The selected trees have been chosen based on arboricultural assessments to determine suitability for the task.

A flora and fauna assessment and no net loss analysis leading to the development of a land management plan have been prepared to accompany the amendment. Measures which will be adopted by the proponent include the removal of noxious weeds ensuring that the host environment is maintained and improved from commencement.

**Social:** The proposal will establish a tourism facility that will draw visitors to the area in line with the aims of the Yarra Flats Concept Plan. It will encourage greater public enjoyment of the public space. This will be achieved without presenting an amenity effect on nearby residential properties as these are set remote from the proposed location.

**Economic:** The establishment of a tourism operation will be complementary to existing tourism and leisure facilities in metropolitan Melbourne and will generate significant growth for the visitor economy in Victoria. It will not present a constraint on investment or economic activity in the surrounding area. The proposed use will not create undue demand on public infrastructure or the road network where capacity exists to meet expected demand.

#### **Does the amendment address relevant bushfire risk?**

The land is within a Bushfire Prone Area. Consideration of defendable space has been included in the siting of the administration office and the facility will be closed on Extreme and Code Red fire danger days. Standard AS3959 does not apply in this instance as the proposal does not include any buildings that require its application under the Victorian Building Regulations.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes as the amendment documents are in the correct form. The amendment complies with Ministerial Direction 9 *Metropolitan Strategy* and is consistent with the outcomes of *Plan Melbourne 2017-2050: Metropolitan Planning Strategy*. It supports the outcomes 'Melbourne is a city of inclusive, vibrant and healthy neighbourhoods' and 'Melbourne is a sustainable and resilient city', by providing a nature-based tourism use that is consistent with protecting the environment and providing for sustainable land management. The amendment also complies with and Ministerial Direction 11 *Strategic Assessment of Amendments*.

#### **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment supports the State Planning policy Framework as follows:

Clause 12 01-2S Native Vegetation Management. The amendment allows for a use that is dependent on a healthy treed environment. No trees will be removed, and limited native vegetation removal is required to accommodate the proposal. This loss will be offset as required by this policy.

Clause 12.05 Significant Environments and Landscapes. The amendment provides for the protection of the landscape and the significant features of the environment, including the treed character of the site.

Clause 17.04-1S Facilitating Tourism. The amendment will establish a well-designed and sited tourism facility that is close to suitable transport, and is compatible with and will build upon the assets and qualities of surrounding urban activities and cultural and natural attractions.

Clause 19.02 Open Space. The amendment does not restrict public access to the land ensuring the public open space continues to meet the needs of the community.

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

The amendment is consistent with Clause 21.04-4 Community Facilities as it provides recreational, cultural and leisure facilities and activities, that meets the community's needs and expectations, without causing detriment to the natural environment.

It will fulfill stated strategies to achieve this objective by:

- Encourage a linked system of high-quality, accessible public open spaces to maximize leisure and recreational opportunities.
- Encourage environmentally sensitive tourism which delivers economic benefits to the community and maximises the natural advantages of the Yarra Valley and Banyule's heritage.
- Encourage a range of tourism infrastructure and facilities to encourage tourism activity and optimise access to tourist facilities.

The amendment is consistent with Clause 21.05 Natural Environment as the facility will rest lightly on the land with minimal environmental impact and utilising existing trees. The proposal will improve the health of the local native vegetation including the riverbank environment by the pruning and maintenance of trees and undergrowth and removal of weeds currently infesting the site.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The use of the SCO is considered the most appropriate provision. The land does not warrant rezoning. The purposes of the Public Conservation and Resource Zone remain relevant, particularly as the amendment seeks to have the least amount of impact upon the natural environment. The use of the SCO allows the use to occur that is highly consistent with planning policy and under lease from the public land manager which the current zoning of the land otherwise prohibits.

### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies have already been considered through the development of the Yarra Flats Concept Plan, which was approved by the Victorian Environment Minister in 2013.

Parks Victoria, which conducted the tender process to establish the proposed use, remains supportive of the proposal. Melbourne Water does not object to the proposal and has provided conditions for its use and development.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

There are no relevant requirements of the Transport Integration Act 2010 as the proposal is not expected to have a significant impact on the transport system.

### **Resource and administrative costs**

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

The amendment will present limited demand on resources. The scale of the amendment is expected to be confined allowing the process to be effectively managed by existing staff resources. The amendment relates to a specific use and as such will not result in ongoing resources (e.g. increased planning permit applications).

### **Where you may inspect this amendment**

- The amendment can be inspected free of charge at the Shaping Banyule page of Banyule City Council's website at [shaping.banyule.vic.gov.au/C107](http://shaping.banyule.vic.gov.au/C107)
- Council's offices will be closed due to restrictions imposed in response to the COVID-19 pandemic. If you require a hard copy, please contact the Strategic Planning team on 9457 9835.
- The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 10 December 2020.

A submission may be lodged online at [shaping.banyule.vic.gov.au/C107](http://shaping.banyule.vic.gov.au/C107) or sent to Strategic Planning, Banyule City Council, PO Box 94, Greensborough, Victoria, 3088.

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 8 March 2021
- panel hearing: week commencing 12 April 2021