

5.4 340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION FACILITY

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Ward: Griffin

EXECUTIVE SUMMARY

The purpose of Amendment C107 is to allow for a combined Planning Scheme amendment and Planning Permit for the use and development of land at 340-680 The Boulevard, Ivanhoe East as outdoor recreation facility, pursuant to S96A of the *Planning and Environment Act 1987* by:

1. Amending the Schedule to Clause 36.03 'Public Conservation and Resource Zone' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
2. Amending the Schedule to Clause 51.01 'Specific Sites and Exclusions' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
3. Amending the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';

The proposal will be considered under Section 96A of the *Planning and Environment Act 1987* (the Act) and the purpose of this report is for Council approval to seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

A draft planning permit has also been prepared as required for public exhibition. The draft permit considers implications for vegetation protection and removal, habitat implications, construction details, landscaping, paths, heritage, building envelopes and signage. A full set of proposed conditions are attached to this report and have been produced by Council's Development Planning Team.

Following public exhibition of the proposed rezoning and draft planning permit, future consideration of submissions will inform a further report to Council.

RECOMMENDATION

That Council:

1. Supports the preparation and exhibition of Amendment C107 to the Banyule Planning Scheme to insert an Incorporated Plan into the Schedules at Clauses 36.03, 51.01 and 72.04 of the Banyule Planning Scheme to allow the 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018' as a site

**340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED
S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION
FACILITY cont'd**

specific exemption for the use and development of the land as an outdoor recreation facility.

2. Supports the Draft Planning Permit to allow the use and development of the land for an outdoor recreation facility, display of advertising signage, removal of native vegetation and heritage considerations in accordance with the Incorporated Document.
3. Requests the Minister for Planning to authorize the preparation and exhibition of Amendment C107 to the Banyule Planning Scheme to allow for a combined Planning Scheme amendment and Planning Permit for the use and development of land at 340-680 The Boulevard, Ivanhoe East as outdoor recreation facility, pursuant to S96A of the *Planning and Environment Act 1987* by:
 - a) Amending the Schedule to Clause 36.03 'Public Conservation and Resource Zone' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
 - b) Amending the Schedule to Clause 51.01 'Specific Sites and Exclusions' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
 - c) Amending the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';

COUNCIL PLAN

This report is in line with Council's City Plan key direction to *"Preserve and improve Banyule as a great place to live, work and play"*.

BACKGROUND

The specific parcels of land are:

1. East portion of Crown Allotment 2E within the Parish of Keelbundora, created by instrument MI121222X, as shown in Crown Diagram CD048476M; and
2. North-east portion of Crown Allotment 2H within Parish of Keelbundora, created by instrument MI121225R as shown in Crown Diagram CD048477K)

**340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED
S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION
FACILITY cont'd**



Subject site showing ropes activity area to the east near the Yarra River

PROPOSAL

The proposal involves providing a series of tree-based adventure park eco-tourism experiences including suspension bridges and flying foxes across the site of varying difficulty within a parkland environment.

Existing amenities will be upgraded and 127 car parking spaces will be provided via the existing car parks. An administration office will be constructed on site consisting of shipping containers – Council's Development Planning Services have been provided with plans for all structures and referrals have been made to relevant statutory authorities including Aboriginal Affairs Victoria, Melbourne Water, Parks Victoria (who will be managing the eco-tourism adventure use) and power companies. All assessments have been made with reference to native vegetation removal with separate reports submitted by ecology consultants.

Assessments have been made against the Planning Policy Framework including the Public Conservation and Resource Zone (and the proposed effect of Parks Victoria as land manager), Environmental Significance Overlay Schedules 1 & 4, (this includes a separate biodiversity impact report on flora and fauna) Heritage Overlay HO134, Land Subject to Inundation Overlay (Melbourne Water has been included in discussions around technical and construction details) and the Significant Landscape Overlay Schedule 1. Signage will also be considered.

Parking surveys indicate car parking provision is generous on site with existing numbers easily accommodating current usage patterns. No trees will be permanently marked and the whole structure can be removed with minimal impact.

LEGAL CONSIDERATION

Authorisation is sought to prepare and exhibit Planning Scheme Amendment C107 to the Banyule Planning Scheme. A site specific exemption subject to Clauses 36.03, 51.01 and 72.04 of the Banyule Planning Scheme is considered the best course of policy action to allow the use and development on the land with minimal implications

**340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED
S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION
FACILITY cont'd**

should it be terminated and maximising the options provided by the Banyule Planning Scheme.

HUMAN RIGHTS CHARTER

Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with Charter and to consider relevant Charter rights when they make decisions.

In developing this report, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. It is considered that the subject matter does not raise any human rights issues.

CONSULTATION

Exhibition of Planning Scheme Amendment C107 will start following authorisation from DELWP and involve the following measures:

- Letters to surrounding landowners and occupiers.
- Letters to prescribed Ministers.
- Letters to relevant State government departments affected – Parks Victoria, Aboriginal Affairs Victoria, Powernet, Melbourne Water.
- Advertising in local Leader Newspapers and the Government Gazette.
- Information on Council's website.
- Opportunities for meetings with interested parties.
- Updates in the Banyule Banner.

TECHNICAL CONSIDERATION

A variety of technical and other circumstances provide support for this application:

- The proposed use and development is consistent with the Public Conservation and Resource Zone in providing appropriate use, encouraging public education and interpretation of the natural environment.
- Low visibility, low impact, low footprint.
- The land manager - Parks Victoria has the proposal endorsed in its policy structure and as part of a plan for the Yarra Flats area.
- The proposal is specifically named in the Yarra Flats Park Concept Plan 2013 and has multi-faceted pre-endorsement also with Banyule City Council and Melbourne Water.
- The proponent was chosen to manage the eco-tourism enterprise having had previous experience with similar enterprises.
- The 'Healthy Parks, Healthy People' initiative is central to the use and development of the land.
- The site specific exclusion allows the use and development to cease without significant policy implications such as rezoning land or construction footprint.
- The establishment of this eco-tourism facility has economic benefits for the local economy and provides a learning focus.
- The property is not located in a bushfire prone area.
- The proposed use and development links in with other uses on the Yarra Flats area such as walking and cycling. It also provides a place for passive recreation.

340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION FACILITY cont'd

POLICY IMPLICATIONS

This project has its origins in discussions between the proponent, Banyule City Council, Melbourne Water, Parks Victoria and DELWP. The most appropriate course of action with respect to providing a Planning Permit for the use and development of land as an eco-tourism facility is via a site specific exclusion at Clauses 36.03, 51.01 and 72.04 of the Banyule Planning Scheme. The question of management of a commercial operation on land managed by Parks Victoria technically makes the use prohibited under the Public Conservation and Resource Zone. Hence, the application of a site specific exclusion provides a commercial agreement option in managing the use and development without prohibition affecting the permit process.

DISCUSSION

Having been endorsed by Parks Victoria, Melbourne Water and Banyule City Council in its 'Healthy Parks, Healthy People' philosophy (after community consultation in 2012/2013 as part of the Yarra Flats Park Concept Plan) a tree-based eco-tourism adventure course provides sound planning for the subject site.

It doesn't compromise the purpose of the Public Conservation and Resource Zone, particularly with respect to public education opportunities and interpretation of natural environment with minimum impact:

'Parks Victoria and Ecoline are planning a tree-based eco adventure course within the northern part of the park near the existing picnic shelter and toilet. The course will be suspended in the tree canopy and will provide a new perspective on the Yarra River and its vegetation, appealing to a broad range of ages. The course will be developed and managed by a private operator, Ecoline under a lease from Parks Victoria'.

(Yarra Flats Park, Revised Concept Plan, 2013).

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

The proposed Planning Scheme amendment and Planning Permit provides a platform for the use and development of land at 340-680 The Boulevard, Ivanhoe East and has strategic endorsement at State and Local policy level.

Internal and external stakeholders have met to discuss the proposal, determine the best policy outcomes and provide impetus to a combined S96A Planning Scheme amendment and Planning Permit as an appropriate outcome. The proposal sits within strategic frameworks proposed by Parks Victoria and has many benefits, both economic and social.

**340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED
S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION
FACILITY cont'd**

It is considered that the proposal be supported under Section 96A of the *Planning and Environment Act 1987* and Council should seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

ATTACHMENTS

No.	Title	Page
1	C107 Draft Explanatory Report	
2	Draft Clause 51.01	
3	Draft Clause 72.04	
4	Tree Top Adventure Facility Incorporated Document, 340-680 The Boulevard, Ivanhoe East, May 2018	
5	Draft Planning Permit P520/2018 - Outdoor Recreation Facility (Tree Top Adventure Facility)	

Planning and Environment Act 1987

BANYULE PLANNING SCHEME

AMENDMENT C107

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.

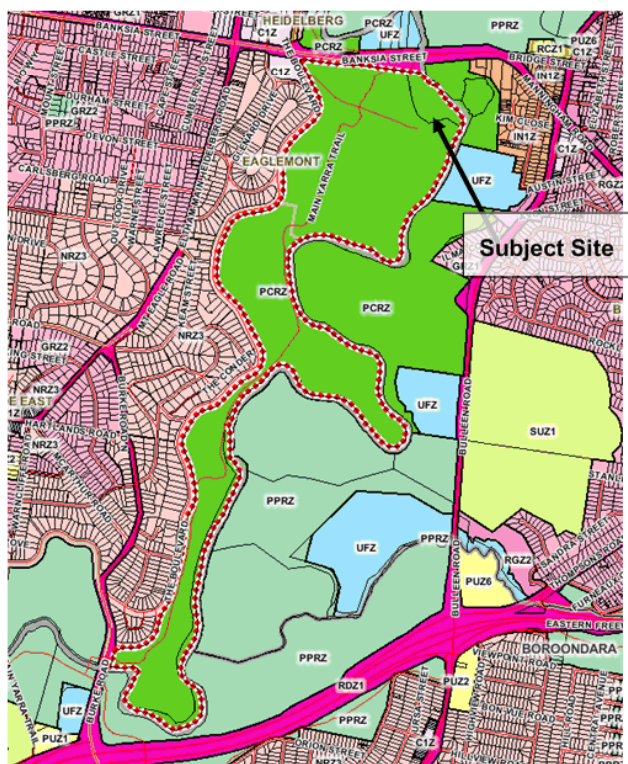
The amendment has been made at the request of Perry Town Planning on behalf of Ecoline Pty Ltd.

Land affected by the amendment

The amendment applies to the subject site which is a portion of the north-eastern corner of the Yarra Flats Park at 340-680 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 M1121222X, as shown in Crown Diagram CD048476M; and
- The north-eastern portion of Crown Allotment 2H within the Parish of Keelbundora, created by instrument M1121225R, as shown in Crown Diagram CD048477K.



What the amendment does

The amendment will:

- Insert an Incorporated Plan (*'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018'*) on the Schedules to the Public and Conservation Resource Zone, Clause 36.03, Clause 51.01 and Clause 72.04 of the Banyule Planning Scheme including a site specific exemption to allow for the use as an Outdoor recreation facility.

Strategic assessment of the amendment**Why is the amendment required?**

Ecoline Pty Ltd was the successful bidder in an Expression of Interest process conducted by Parks Victoria in 2009. The company was provided with the opportunity to investigate the establishment of a Tree-based Adventure Facility in the Yarra Flats Park. Ecoline operate similar facilities in New South Wales.

The facility, to be operated on a commercial basis, allows participants to slide down flying foxes and move from tree to tree on suspension bridges. It will consist of eight courses of differing difficulties.

The proposed use was proposed in the Yarra Flats Park Concept Plan that was prepared by Parks Victoria in association with Banyule City Council and Melbourne Water. The final plan was approved by the Victorian Environment Minister in 2013. The preparation of this plan involved extensive consultation with stakeholders, including members of the community and surrounding residents. The plan was twice released for public submissions – in original form and the revised version that was subsequently approved.

However, the proposed use – an Outdoor recreation facility, defined in the Banyule Planning Scheme (Clause 73.03) as *"Land used for outdoor leisure, recreation, or sport"* – is prohibited in the Public Conservation and Resource Zone as a Use not in Section 2 or 3 and has been deemed to be not being conducted by or on behalf of the public land manager under the relevant legislation.

The proposed amendment would provide a site specific exemption to allow the use to be conducted subject to the approved controls established in the Incorporated Plan.

This is favoured over other strategic adjustments, such as rezoning, as it will allow the use to occur and, with consideration of the proposed minimal impact of its nature, 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"*.

Further studies to fully detail this accordance have been completed as part of the preparation of the amendment.

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 establish the proposed Outdoor recreation facility, implements the following objectives:

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

(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.

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

Environmental: The proposed use is to be 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 long lasting 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 property is not located within a designated bushfire prone area.

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 also complies with Ministerial Direction 9 *Metropolitan Strategy* 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 is consistent with Clause 17.04-1S – Facilitating Tourism of the State Planning Policy Framework. It 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 or rural activities and cultural and natural attractions.

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.

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

The planning provisions used in this amendment are appropriate for establishing a use that will provide a tourism facility that will rest lightly within the sensitive environmental and social location.

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 Park 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 and Banyule City Council were also involved in the preparation of the Yarra Flats Park Concept Plan.

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).

BANYULE PLANNING SCHEME

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Proposed
C10723

SCHEDULE TO CLAUSE 51.012.03 SPECIFIC SITES AND EXCLUSIONS

1.0 Specific sites and exclusions

--/--/20198
C10723

Address of land	Title of incorporated document
16-18 Ivanhoe Parade, Ivanhoe	Ivanhoe Offices
18A-24 Ivanhoe Parade, Ivanhoe	
1326-1346 Plenty Road, Bundoora	Bundoora Offices 1
1314-1320 Plenty Road, Bundoora	Bundoora Offices 2
420 Grimshaw Street, Bundoora	Grimshaw Street Car Sales
The existing rail corridor for the Hurstbridge rail line shown on the project area maps for the 'Hurstbridge Line Upgrade Project 2010'.	Hurstbridge Line Upgrade Project 2010
166 Weidlich Road, Eltham North	166 Weidlich Road, Eltham North – Specific Sites and Exclusions, September 2011
10 The Boulevard, Ivanhoe (commonly known as Sparks Reserve) and 9A Crown Road, Ivanhoe (commonly known as Napier Waller Reserve)	Darebin Yarra Trail Link – Sparks Reserve and Napier Waller Reserve Incorporated Document, March 2014
The existing rail corridor for the Hurstbridge rail line, and additional land shown on the project area maps for the Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017. Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017.	Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017
Lot RES1 and Lot 1 PS546469, which form part of land commonly known as 11-29 Borlase Street, Yallambie and additional land as shown in the project area map for the Lower Plenty Road Level Crossing Removal – Temporary Site Compound Incorporated Document, September 2017 Lower Plenty Road Level Crossing Removal – Temporary Site Compound Incorporated Document, September 2017	Lower Plenty Road Level Crossing Removal – Temporary Site Compound Incorporated Document, September 2017
<u>340-680 The Boulevard, Ivanhoe East</u>	<u>Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018</u>

BANYULE PLANNING SCHEME

Proposed
C10723

**SCHEDULE TO CLAUSE ~~72.0481.01~~ TABLE OF DOCUMENTS
INCORPORATED IN THIS SCHEME**

Name of document	Introduced by:
166 Weidlich Road, Eltham North – Specific Sites and Exclusions, September 2011	C81
Bundoora Offices 1 – Specific Sites and Exclusions	NPS1
Bundoora Offices 2 – Specific Sites and Exclusions	NPS1
Control of Erosion on Construction Sites, Soil Conservation Authority	NPS1
Darebin Yarra Trail Link – Sparks Reserve and Napier Waller Reserve Incorporated Document, March 2014	C102
Grimshaw Street Car Sales – Specific Sites and Exclusions	NPS1
Horseshoe Bend Management Plan – Development of an alternative roosting site for the Grey-headed Flying-fox at Ivanhoe, Victoria, May 2002)	C27
Hurstbridge Line Upgrade Project 2010	C95
Ivanhoe Offices – Specific Sites and Exclusions	NPS1
Lower Plenty Purification Plant Landscape Concept Plan Amended Endorsed Plan dated 28 September 1994	NPS1
Loyola Seminary and Environs Heritage Plan 1994	NPS1
Olympic Village Local Structure Plan dated 5 October 1995	NPS1
Plan No.1 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Warringal Cemetery) 9 October 2000	C1
Plan No.2 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Greensborough Cemetery) August 2003	C37
Plan No.3 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Hawdon Street Cemetery) August 2003	C37
Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018	C10723

Tree Top Adventure Facility
340- 680 The Boulevard, Ivanhoe East
May 2018

1.0 INTRODUCTION

This document is an Incorporated Document in the Banyule Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be developed in accordance with the controls set out in Clause 4.0 of this document.

The controls in this document prevail over any contrary or inconsistent provision in the Banyule Planning Scheme.

2.0 PURPOSE

The purpose of the controls in this document is to allow the use and development of the land for an Outdoor Recreation Facility and display of Advertising signage.

3.0 ADDRESS OF THE LAND

The control in Clause 4.0 of this document applies to land within the Yarra Flats Park (known as 340 to 680 The Boulevard, Ivanhoe East), and more particularly described as:

- The eastern portion of Crown Allotment 2E within the Parish of Keelbundora, created by instrument M1121222X, as shown in Crown Diagram CD048476M; and
- The north-eastern portion of Crown Allotment 2H within the Parish of Keelbundora, created by instrument M1121225R, as shown in Crown Diagram CD048477K.

The land is shown as 'Project Area' in Figure 1 of this document.

4.0 CONTROL

Despite any provision to the contrary or any inconsistent provision in the Banyule Planning Scheme, a permit may be considered for the use and development of the land for an Outdoor Recreation Facility and associated advertising signage.

All other provisions of these Clauses continue to apply aside from those mentioned within this incorporated document.

5.0 CONDITIONS

The use and development permitted by this document must be undertaken in accordance with the following conditions:

Advertising Sign Master Plan

5.1 An Advertising Sign Master Plan for the project must be prepared to the satisfaction of the Responsible Authority, must describe the type and size of signs, the preferred location for signs and must meet the following objectives:

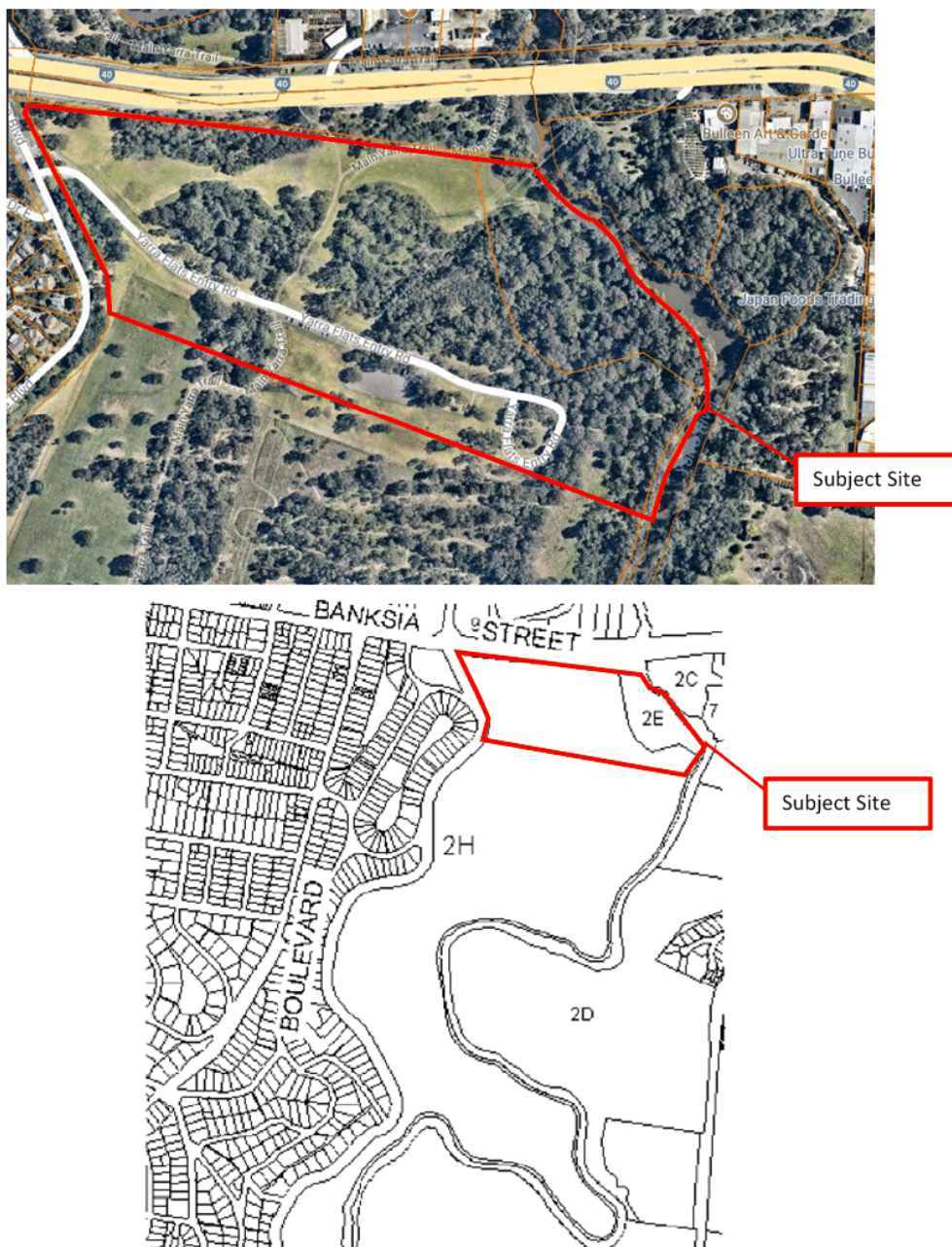
- Ensure signs do not create visual clutter and are not intrusive;
- Allow for identification of facilities and activities;
- Ensure that no major promotional signage is established along The Boulevard or Banksia Street, Ivanhoe
- Ensure that minimal advertising signage (aside from Business Identification Signage) is to be visible from outside the site.

EXPIRY OF PROVISIONS

The control in this document expires if any of the following circumstances apply:

- The use and development allowed by the control is not started by 30 September 2020.
- The use and development allowed by this control is not completed by 30 September 2022.
- The use may continue for 10 years from the commencement date.
- The expiry dates indicated above may be extended by consent of the Council.

Figure 1- Project Area



PLANNING PERMIT

P520/2018

Planning and Environment Regulations 2015 Form 9

PLANNING SCHEME:

BANYULE

RESPONSIBLE AUTHORITY:

BANYULE CITY COUNCIL

ADDRESS OF THE LAND:

340-640 The Boulevard IVANHOE EAST

THE PERMIT ALLOWS:

Use and development of the land for an outdoor recreation facility (tree top adventure park) subject to the Land Subject to Inundation Overlay, the Heritage Overlay and the Environmental Significance Overlay, display of advertising signage and removal of native vegetation subject to Clause 52.17, the Environmental Significance Overlay in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Plans

1 Amended Plans Required (use/development)

Before the use and development permitted by this planning permit (*refer Incorporated Plan "Tree Top Adventure Facility, 340- 680 The Boulevard, Ivanhoe East, May 2018"*) starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:

- (a) Site layout including details of each constructed recreational activity not already documented on the plans, including start and landing platforms and any supporting structures;
- (b) A detailed plan of the car parking spaces, accessways and site access point, including dimensions of all car parking spaces and adjacent aisle widths in accordance with Clause 52.06-8 of the Banyule Planning Scheme and/or Australian Standard AS2890.1-2004, or otherwise alternate appropriate dimensions, to the satisfaction of the responsible authority;
- (c) Defined tracks to the landings and platforms, which may either be regularly slashed tracks or more formally constructed pathways.
- (d) Landscaping as required by Condition 2 of this permit;
- (e) Engineering plans showing a properly prepared design with computations for the internal drainage and method for disposal of stormwater from all roofed areas and sealed areas including:
 - (i) The Tree Protection Zones and Structural Root Zones of Trees to be impacted by the proposed use and as identified in the submitted Arboricultural Report shown to be retained;
 - (ii) The use of an On-site Stormwater Detention (OSD) system;
 - (iii) The connection to the approved, nominated legal point of discharge;
 - (iv) The outfall drainage works necessary to connect the approved nominated Legal Point of Discharge;
 - (v) The specified flood level for the property.

All drainage plans must show all retained trees within the subject development site: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Russell Kingdom 31/08/2018. Every effort must be made to locate services away from the canopy drip line of trees and where unavoidable, details of hand work or trenchless installation must be provided.

- (f) The Tree Preservation Fencing in accordance with Condition 10 of this permit;
- (g) A schedule of external building materials and colours, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples.
- (h) The provision of any rainwater storage tanks for the development including location, sizing and a notation of the connections and end use.
- (i) The location and sizing of any photovoltaic power generation systems proposed to be installed.

2. Landscape Plan

The development permitted by this permit must not be commenced until a satisfactory detailed landscaping plan is submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must be generally in accordance with the tree protection measures recommended in the Tree Health and Hazard Arboriculturist's Report and Tree Management Plan prepared by Advanced Treescape Consulting, dated 28 October 2013 and with the Flora and Fauna Assessment, No Net Loss Analysis and Land Management Plan prepared by Practical Ecology, dated August 2016 and include:

- (a) Details of planting within the approved development area;
- (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
- (c) The location of all buildings, stations, ropes courses, zip lines, pedestrian pathways, accessways and car parking spaces
- (e) An indigenous and/or drought tolerant planting theme;
- (f) The identification of a range of zones across the site that are managed according to defined purposes – comprising conservation areas, revegetation areas, firebreaks, pedestrian tracks, defendable space, and Tree Protection Zones;
- (g) A detailed schedule of all proposed trees, shrubs and ground covers, which includes the location, size at maturity and total quantity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (h) Details of any fencing proposed along property and internal boundaries. Any fencing must be visually permeable (e.g. post and wire) and enable the movement of small native fauna;
- (i) Location and construction details of proposed paving, steps, retaining walls, water tanks and buildings, fence design details and other landscape works including cut and fill. Pathways must be permeable or elevated where sited within the Structural Root Zone of trees or regularly slashed tracks and must be constructed in accordance with all arborist recommendations.
- (j) Measures for the protection and ongoing management of all trees impacted by the use and development permitted by this permit, including trees used for the ropes courses and zip lines, and trees within and adjacent to areas set aside for vehicle access, car parking, pedestrian pathways/tracks, buildings, water tank and solar panels (this may be by reference to the aforementioned Arboricultural assessment reports). All species and construction materials selected must be to the satisfaction of the responsible authority.

General

3. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
4. Unless otherwise agreed in writing by the responsible authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the responsible authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering, replacement of street trees).

Tree Management & Protection Plan

5. A Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of all retained trees within the subject site.
6. The Tree Management & Protection Plan must include (but not be limited to):
 - (a) The design modifications and particular construction/assembly techniques set out in the Arborist Report authored by Russell Kingdom 31/08/2018;
 - (b) A tree protection plan drawn to scale;
 - (c) All tree protection zones and structural root zones to be indicated on the plan;
 - (d) The types of footings used within tree protection zones. Which must also be indicated on the plans;
 - (e) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the project Arborist;
 - (f) The project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans. All initial remedial pruning works that are required to be performed, in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements). Details of the pruning must reference Australian Standard AS4373:2007 Pruning of amenity trees and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
 - (g) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;
 - (h) All TPZ areas and areas where ground protection systems will be used;
 - (i) All services to be located within the tree protection zones and a notation to state that all services will either be located outside the tree protection zone or bored under the tree protection zone;
 - (j) A management regime, for all trees during the preparation, construction and post-construction phases of the development. Matters to be addressed, as appropriate
 - (i) the location/design of tree protection fencing
 - (ii) mulching/ watering requirements
 - (iii) requirements regarding any suitable excavation
 - (iv) weed removal/control measures
 - (v) ongoing maintenance regime of apparatus attached to trees
 - (vi) Emergency works/response procedure



7. The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority. Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

Works

8. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land

Tree Protection / Landscaping

No additional tree removal

9. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Tree Protection Zone

10. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works (including demolition) on the site Tree Preservation Zones must be established around all trees outlined in the endorsed Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018 and Tree Management and Protection Plan. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' (from a suitably qualified Project Arborist) which must include photographic evidence of the below requirements. This correspondence must be sent to enquiries@banyule.vic.gov.au. Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

Tree Preservation Zones shall be provided in all locations as shown on the endorsed arborist report to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject site.

Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.

(b) Management of works

- (i) A qualified arborist must supervise any activity within the calculated TPZ of a retained tree on the subject site. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability of Trees #1 to #58.
- (ii) A qualified arborist must be present during the excavation works where within the TPZ of Tree #25. Any exposed roots must be carefully and cleanly cut (pruned) with tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.
- (iii) The project Arborist must ensure that any root severance or buildings and works within the TPZs or SRZs of retained trees does not adversely impact the health and or stability of the trees now or into the future.
- (iv) Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

(c) Weed control

Any weeds located within the Tree Preservation Zone are to be removed and the area mulched with 100mm of composted coarse grade woodchips.

(d) Fencing

- (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*.
- (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- (iii) Canopy and Limb protection must be provided in accordance with the guidelines detailed in AS4970-2009 *Protection of Trees on Development Sites*.

(e) Signage

Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from the City of Banyule".

(f) Ground Protection

Ground protection in the form of rumble boards strapped over mulch or aggregate must be utilised where the tree protection zone of trees adjoining the subject site occurs outside the fenced area detailed in Condition (a)(ii).

(g) Access to Tree Preservation Zone

- (i) No persons, vehicles or machinery are to enter the Vegetation Protection Zone except with the consent of the Responsible Authority;
- (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the Vegetation Preservation Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
- (iii) No storage of material, equipment or temporary building is to take place within the Vegetation Preservation Zone;
- (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

NOTE:

Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within Tree Protection Zones, where granted, may be subject to conditions. Such conditions may include a requirement that:

- Any underground service installations within the Tree Protection Zone be bored to a depth of 1.5 metres;
- All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;
- Roots required to be cut are to be severed by saw cutting and undertaken by a qualified arborist.

Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.

Replacement landscaping (landscape plan)

11. Within three (3) months of the removal of the tree(s) allowed by this permit replacement planting and landscaping works as shown on the endorsed plan(s) must be provided to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.

Pruning to Australian Standards

12. All tree pruning is to be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373 *Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of individual trees.

Extent of Pruning

13. Pruning of trees is to be restricted to the removal of deadwood and minor weight reduction over the dwelling.

Use and Maintenance/Replacement of landscaping

14. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Amenity

15. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, or otherwise.
16. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
17. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
18. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
19. All rubbish bins must have self-closing lids and/or be designed to withstand the effects of wind and access by birds, vermin and foxes.
20. In respect of commerce, industry and trade development and/or use, noise emissions from the subject land must comply with State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1. In all other cases noise emissions from the subject land must comply with Environmental Protection (Residential Noise) Regulations 1997 and/or Environmental Protection Authority Noise Control Guidelines TG 302/92, which ever is deemed to be appropriate by the Responsible Authority.
21. Sound amplification equipment or loud speakers must not be used in outside areas. Any music noise must comply with SEPP No. N-2 (Control of Music Noise from Public Premises) to the satisfaction of the responsible authority.

Hours of Operation

22. Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:
- (a) Between the 1st November and the day preceding the 1st March inclusive, except Christmas Day: 9.00am – 6.00pm daily;
 - (b) On any other day, except Christmas day: 9.00am – 4.30pm daily, or until sunset whichever comes first;
 - (c) Notwithstanding parts a) and b) the use must be closed to the public on days of declared Extreme and Code Red fire danger;
 - (d) The use must be closed on Christmas Day.
 - (e) The hours of operation shall be clearly displayed at the entrance to the site to the satisfaction of the responsible authority.

- (f) Emergency maintenance may be undertaken at any time.

Stormwater Management

23. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

NOTE:

Any connection to Council's drainage system

- (a) within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority

Car Parking / Access

- 24. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
- 25. On site car parking shall be lined marked and signed appropriately clearly indicated parking available for the proposed use and parking available for the adjoining use, which shares the common access. This should be done at the applicant's expense.
- 26. A minimum of 37 car parking spaces shall be provided for within close proximity to the entrance area, indicating 'quick drop off pick up zone' 10 minutes car parking stay only. These car parking spaces shall be signed and line marked appropriately to the satisfaction of the relevant Authority.
- 27. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Advertising Signs

- 28. The location and details of the sign(s) and sign structure(s) shown on the endorsed plan(s), including the actual advertisement and colours, must not be altered except with the written consent of the Responsible Authority.
- 29. Flashing or intermittent lighting must not be used in the sign(s) permitted by this permit.
- 30. The sign(s) permitted by this permit must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.
- 31. The sign(s) permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.

Stormwater Management Plan

- 32. Before the development starts a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:
 - (a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land

development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained;

- (b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques to reduce pollutant export and peak discharge from the site to pre-development levels.

Construction Management Plan

33. Before the development starts, a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:

- (a) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
- (b) measures to accommodate the private vehicles of workers/ tradespersons;
- (c) a prohibition of non-native animals such as dogs on the site;
- (d) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
- (e) measures to minimise the generation and dispersal of dust;
- (f) measures to avoid or minimise impacts to native vegetation and fauna habitat;
- (g) measures to avoid or minimise soil disturbance;
- (h) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
- (i) arrangements for waste collection and other services to be provided during construction;
- (j) measures to ensure that during construction, vehicles, machinery and equipment, and construction materials including fill brought to the site are free of weeds and pathogens to prevent the introduction and spread of weeds and pathogens, in particular Cinnamon Fungus (*Phytophthora cinnamomi*).

34. Before any road and drainage works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. All works constructed or carried out must be in accordance with those plans.

Barbeques and fireplaces

35. No barbeques or fireplaces are to be installed and used at the land in association with the outdoor recreation facility.

Environmental Weeds

36. No environmental weeds as identified in "Banyule Weed Management Strategy 2006" and the "Yarra River Frontage Weed Action Plan 2007" shall be planted on the site or allowed to invade the site and the site managed and maintained to exclude weeds.

Completion of Landscaping

37. Before the use starts, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Completion of External Ropes Course

38. Before the use starts, or by such later date as is approved by the responsible authority in writing, the external ropes course, including all stations and ancillary structures and connecting pathways, as shown on the endorsed plans, must be completed to the satisfaction of the responsible authority.

Melbourne Water Conditions

39. Prior to the endorsement of plans, a flood management plan must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. The plan must be submitted with the assumption that the proposed outdoor recreation facility will be located indefinitely or unless otherwise required to be removed or abandoned.
40. The two new shipping containers must be anchored to the ground to avoid being washed away by flood water in large storm event.
41. Prior to the commencement of works, a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. Contact Melbourne Water's Customer Service Centre on 131 722 for Melbourne Water's connection requirements, including payment of appropriate fees.
42. Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling (i.e. Balance cut and fill). Prior to the commencement of works, all reports, computations and assessments required by Melbourne Water must be submitted to the satisfaction of Melbourne Water for approval.
43. Any new fencing or gates within the flood-affected area must be open style (50%) of construction up to 600mm above the flood level or timber paling, to allow for the conveyance of overland flow.
44. Any external decking or stairs within the flood-affected area must be constructed with unenclosed foundations (i.e. treads and stringers only, no risers on the stairs), and remain open underneath into the future, to allow for the passage of overland flows.

Time Limits

45. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The use is not commenced within two years of the date of this permit;
- The development is not completed within four years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing:

- (a) Before the permit expires, or
- (b) Within six months afterwards, or
- (c) Within 12 months afterwards if the development started lawfully before the permit expired.

Permit Notes

A. Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

B. Building Permit Required

A Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

C. Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

D. Building Site Code of Practice

All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

5.4 PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME

Author: Anthony Calthorpe - City Futures Coordinator, City Development

Ward: Griffin

Previous Items

Council on 07 Oct 2019 7.00pm (Item 5.4 - 340-680 The Boulevard, Ivanhoe East - Amendment C107 combined S96a amendment and planning permit - Outdoor recreation facility)

SUMMARY

1. Proposed Banyule Planning Scheme Amendment C107bany (**C107**) seeks to allow the use and development of State Government land in Yarra Flats Park, 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (treetop adventure park).
2. Parks Victoria proposed the tree-based adventure facility for the site and sought expressions of interest from commercial operators to develop and operate the facility in 2009.
3. With the support of Parks Victoria, C107 was requested by the intended operator, Ecoline as a 'proponent-led' amendment.
4. Council resolved to support the amendment and request authorisation from the Minister for Planning to prepare and exhibit C107 on 7 October 2019. Following delayed authorisation by the Minister, exhibition of Amendment C107 occurred from 29 October 2020 to 10 December 2020. Council received a total of 213 submissions, 13 in support, 8 that may support if changes are made and 192 opposing the amendment.
5. In line with the *Planning and Environment Act 1987* Council is required to review submissions and decide to:
 - a. make changes to the amendment to resolve submissions,
 - b. refer submissions to a planning panel, or
 - c. abandon the amendment.
6. Council cannot practicably resolve this number of submissions through mutual agreement or by making changes to the amendment. Referral to an independent Planning Panel (Panel) is considered a fair and transparent outcome to all parties.
7. A Panel would allow for an independent examination of the issues and evidence. This would result in Council, the Minister for Planning and all submitters receiving a clear set of recommendations about the merits of the proposed amendment and how it should be progressed.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

8. Council would then have a further opportunity to consider the amendment and decide to adopt or abandon it based on the recommendations of the Panel.

RECOMMENDATION

That Council:

1. Note the submissions to Amendment C107bany to the Banyule Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987* (Attachment 2).
2. Request that the Minister for Planning appoint a Planning Panel to consider unresolved submissions to Amendment C107bany in accordance with Section 23 of the *Planning and Environment Act 1987*.
3. Notes the receipt of two late submissions and that:
 - a. Council acknowledge the issues raised as similar to those of other submissions during exhibition of C107.
 - b. Late submissions will not be referred to any Planning Panel, subject to the outcome of Recommendation 2.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

- The concept for the treetop adventure park dates to 2009 when Parks Victoria issued an Expression of Interest for the proposal. Ecoline Pty Ltd were the successful applicant in this process.
- The Treetop Adventure Park was part of the Yarra Flats Concept Plan 2013 developed by Parks Victoria, in conjunction with Banyule Council and Melbourne Water. Community consultation on the plan occurred in 2012, however, it was not formally adopted by Council.
- With the support of Parks Victoria, C107 was requested by the intended operator, Ecoline as a 'proponent-led' amendment.
- At its meeting on 7 October 2019 Council resolved to support the exhibition of a combined planning permit and planning scheme amendment which seeks to allow the use and development of the State Government land at 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (a treetop adventure park).

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- The land is part of Yarra Flats Park and is shown in Figure 1 below



Figure 1: Subject site outlined in blue, treetop activity area shown dotted red

- The request to the Minister for Planning to authorise Council to prepare and exhibit the combined amendment and permit was made in November 2019.
- Authorisation from the Minister for Planning was received after eight months on 20 July 2020. It was subject to conditions to remove the planning permit from the amendment and include all the relevant draft permit conditions into the *Incorporated Document* - which formed part of the exhibited planning scheme amendment. This did not alter the purpose or intent of the amendment. Instead, it uses an alternative planning mechanism to achieve the same outcome.
- Due to the Council caretaker period and the changes needed to the amendment documentation, the amendment was placed on exhibition after Council elections in October 2020.

KEY ISSUES

- This is a relatively unique amendment because there are, effectively, three parties behind C107: Parks Victoria (representing State as landowner and public land manager), Ecoline (proponent) and Council (facilitating the amendment process). Council is considering changes to the planning scheme on State Government land because State planning provisions, at best, are unclear. In practice they do not appear to allow a third-party operator to achieve State objectives, such as those set out in 'Healthy Parks Healthy People'. On several issues, Council retains the right to defer to the State (Parks Victoria) in relation to questions of land management and policy intent for using its own land. The role of the proponent is to provide the technical supporting information and justification for C107. Council is facilitating this amendment process.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- Parks Victoria could have reasonably pursued a State-led planning process to address the limitations of the planning scheme. The land ownership and policy issues raised by the amendment could, for example, have seen the amendment progressed by the Government Land Planning Service (GLPS) as an alternative. Parks Victoria has advised Council it wanted to pursue a local process that allowed for greater public participation.
- Every individual submission has been reviewed with the key issues from each submission included into one or more 'themes' for the purposes of reporting and providing a legible initial response. Attachment 1 sets out the key submission themes and initial officer response. Council would have to develop these responses more formally for any planning panel – which would then be subject to any further peer review and expert evidence (as required).
- While the number of submissions is large, the issues raised by those opposing C107 in its current form:
 - Raise a broad number of valid land use planning considerations.
 - Make it improbable that Council could ever expect to resolve this number of submissions.
 - Do not present overwhelming evidence to indicate C107 (and supporting technical reports) is unsound or should simply be abandoned at this time.
 - Indicate that a Planning Panel would provide the best opportunity for all parties (proponent and submitters) to present submissions and additional expert evidence (and have it cross examined) in a fair and transparent manner.
- The majority of issues raised relating to wildlife, vegetation, traffic, parking, tree safety, amenity and retaining parkland are principally addressed by the technical planning reports submitted with the planning scheme amendment application. Attachment 1 indicates an initial officer response to each theme.
- Commercial use of public land was a frequent issue raised in submissions. As above, this is a policy matter for the State and Parks Victoria, as the public land manager. Parks Victoria proposed the treetop adventure park for Yarra Flats Park and sought a partnership with a competent, experienced and suitably resourced operator. This is consistent with other operations where private operators are more experienced in the development and management of visitor experience offers in parks and appears to be consistent with Parks Victoria's operating framework 'Healthy Parks Healthy People'. Further discussion is provided on this in Attachment 1 (see opposing submissions review – Theme #1).
- Overall, the extent and nature of submissions indicate that they cannot be resolved by Council. It is considered that the fairest approach to all parties is to have them considered by an independent planning panel. The Panel would, at the end of its hearing process, prepare a report for the Minister for Planning (publicly released) outlining its recommendations about the merits or otherwise of the amendment and how to proceed. Council would need to then respond to the Panel report as its next step.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Council must make a decision about submissions in accordance with section 23 of the *Planning and Environment Act 1987* (Act).
- *After considering a submission which requests a change to the amendment, the planning authority must:*
 - (a) *change the amendment in the manner requested; or*
 - (b) *refer the submission to a panel appointed under Part 8; or*
 - (c) *abandon the amendment or part of the amendment.*

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implication arising from the recommendation contained in this report.

Community Engagement

- **Formal exhibition** of Amendment C107 occurred over six weeks from 29 October 2020 to 10 December 2020 and included:
 - Letters to 125 adjoining property owners (generally between Banksia Street and Bourke Road fronting The Boulevard)
 - Letters to public authorities and prescribed Ministers
 - Notice in the Herald Sun and Government Gazette on 29 October 2020
 - Shaping Banyule website page with an online submission form & links to Department of Environment, Land, Water and Planning amendments website.
 - Two signs placed on site, one at the entrance and one next to Main Yarra Trail
 - Emails to local environment groups associated with Yarra Flats Park

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- Council received a total of 213 submissions to the amendment, 13 in support, 8 may support if changes are made and 192 opposed. The key matters raised in submissions included:
 - In support:
 - It is a healthy outdoor activity with low impact on the environment
 - It will activate the area, offering a different form of exercise
 - It will benefit local businesses and provide employment opportunities
 - Opposed and seeking changes:
 - Opposed to commercial use on public land, concern it sets a precedent
 - Concerned with impact on habitat and wildlife in the area
 - Concerned with impact on trees, vegetation, billabongs and biodiversity
 - Desire for the park to remain unchanged
 - Concerned with increase in traffic and parking
 - Concern with amenity impacts of the proposal
 - Concern Parks Victoria are failing to protect and preserve the park
- A full summary of the issues raised, grouped into themes with a response provided is at Attachment 1. A summary of each individual submission is provided at Attachment 2.
- Under section 22 of the *Planning and Environment Act 1987*, Council may consider accepting a late submission.
- It is noted a letter of support was received by Blue Light Victoria on 7 January 2021 and an objection from a local resident was received on 8 February 2021. These were received considerably after the closing date for submissions on the 10 December 2020. The contents of the submissions are noted and are generally consistent with the range of issues already highlighted by submissions. Subject to any Council resolution, they would not be referred to Planning Panel.

Key Considerations

- Council resolved in October 2019 to support the preparation and exhibition of C107. This was based on initial consideration of the amendment package, including background technical reports, prepared by the proponent. Reports and the proposal were considered internally by Council on a peer review basis.
- It is important to highlight that all reports provided by the proponent are provided by specialist consultants who are obliged, ethically and professionally, to present true and accurate advice on the subject matter so that they can be relied upon by any person.
- Council has not been provided any reason to believe the supporting reports that address matters such as traffic, flora and fauna or tree safety for example are unsound and should not be relied upon for the purposes of progressing C107. Submitters have raised concerns about matters addressed in technical reports and that is a fair and acceptable outcome of the exhibition process.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- In line with the *Planning and Environment Act 1987*, Council is required to review submissions and consider its response to those which request a change to the amendment.
- Initial consideration of issues raised in submissions has revealed some opportunities to refine the proposed Incorporated Document. This includes changes as requested by Melbourne Water, mapping changes and consideration of additional conditions as indicated in the Themes Summary response at Attachment 1. These can be addressed if the matter progresses to a Planning Panel.
- The majority of submissions however cannot be resolved by Council through mutual agreement or changes to the amendment. Therefore, referral to an independent Planning Panel is considered appropriate in this instance. The Panel would receive all submissions and facilitate a hearing, where submitters will have an opportunity to present their submission and have evidence considered in an open and transparent manner. The Panel would then prepare a report and make a series of recommendation on a way forward for the amendment.
- Council would receive the report and is then required to consider the Panel report and recommendations at a future meeting before deciding on the amendment. If, after considering the Panel's recommendations, Council decides to adopt the amendment it is then submitted to the Minister for Planning who has the final decision on the amendment. Council could also decide at that point to abandon the amendment.
- Council has, to date, agreed to support and administer a proponent-led planning scheme amendment that is also backed by Parks Victoria (the public land manager). This means there are effectively three parties to the amendment. Given some of the issues relating to State land and its future use – Council will be within its right to defer to Parks Victoria on a range of policy matters that it is seeking to implement through its partnership with Ecoline. The proponent would also be expected to support its technical assessments at any planning panel. Council's role in this instance might be considered more administrative than technical to ensure the amendment is robust and sound.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Attachment 1 - Submissions Theme Summary and initial officer response.	
2	Attachment 2 - Summary of individual submissions made to proposed Amendment C107	

Resolution (CO2021/38)

That Council adopt the Were Street Project Concept Plan (Attachment 1) and the Were Street Reserve Concept Plan (Attachment 2) for the purpose of developing a detailed and costed final design and construction.

Moved: Cr Alison Champion
Seconded: Cr Elizabeth Nealy

CARRIED

5.4 PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME

Pre-recorded video and audio were played of David Gentle, Sandrine Gaymard and Alicia Curry speaking on the item and a written statement was read on behalf of John D'Aloia.

SUMMARY

1. Proposed Banyule Planning Scheme Amendment C107 (C107) seeks to allow the use and development of State Government land in Yarra Flats Park, 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (treetop adventure park).
2. Parks Victoria proposed the tree-based adventure facility for the site and sought expressions of interest from commercial operators to develop and operate the facility in 2009.
3. With the support of Parks Victoria, C107 was requested by the intended operator, Ecoline as a 'proponent-led' amendment.
4. Council resolved to support the amendment and request authorisation from the Minister for Planning to prepare and exhibit C107 on 7 October 2019. Following delayed authorisation by the Minister, exhibition of Amendment C107 occurred from 29 October 2020 to 10 December 2020. Council received a total of 213 submissions, 13 in support, 8 that may support if changes are made and 192 opposing the amendment.
5. In line with the *Planning and Environment Act 1987* Council is required to review submissions and decide to:
 - a. make changes to the amendment to resolve submissions,
 - b. refer submissions to a planning panel, or
 - c. abandon the amendment.
6. Council cannot practicably resolve this number of submissions through mutual agreement or by making changes to the amendment. Referral to an independent Planning Panel (Panel) is considered a fair and transparent outcome to all parties.
7. A Panel would allow for an independent examination of the issues and evidence. This would result in Council, the Minister for Planning and all submitters receiving a clear set of recommendations about the merits of the proposed amendment and how it should be progressed.

8. Council would then have a further opportunity to consider the amendment and decide to adopt or abandon it based on the recommendations of the Panel.

Resolution (CO2021/39)

That Council:

1. Note the submissions to Amendment C107bany to the Banyule Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987* (Attachment 2).
2. Request that the Minister for Planning appoint a Planning Panel to consider unresolved submissions to Amendment C107bany in accordance with Section 23 of the *Planning and Environment Act 1987*.
3. Notes the receipt of two late submissions and that:
 - a. Council acknowledge the issues raised as similar to those of other submissions during exhibition of C107.
 - b. All late submissions received by 1 March 2021 will be referred to any Planning Panel.
4. Explores further key issues in relation to the Amendment through the Planning Panel particularly in relation to:
 - a. The aboricultural assessment undertaken including the age and type of vegetation, vegetation to be removed and tree safety.
 - b. The opportunity to limit the footprint of the ropes course and minimise the extent of any vegetation removal through the final approval so that the proponent does not have the ability to remove up to 50% of vegetation.
 - c. Ensuring that replacement planting and new landscaping is undertaken with indigenous vegetation which is suitable for the local environment.
 - d. Reviewing the aboriginal heritage issues and important cultural heritage considerations.

Moved: Cr Peter Castaldo

Seconded: Cr Alison Champion

CARRIED

Cr Alida McKern called for a division:

FOR: Cr Mark Di Pasquale, Cr Rick Garotti, Cr Tom Melican, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Elizabeth Nealy, Cr Fiona Mitsinikos

AGAINST: Cr Alida McKern

The Chairperson declared the motion

CARRIED

Amendment C107 Submission Themes Summary**Attachment 1 to Council Report, 1 March 2021****Support (13 submissions)**

Key themes and response – in order of most responses occurring across all submissions.

Theme	Summary	Initial Officer Response
1. Good activity <i>9 mentions</i>	<ul style="list-style-type: none"> It provides a healthy active outdoor activity and a positive relationship with nature The activity is good for building resilience and confidence. Currently drive to Lilydale for this experience, would be great to have one in the neighbourhood 	Noted
Low impact on the environment <i>5 mentions</i>	<ul style="list-style-type: none"> The proposal is sensitive to the environment with minimal impact on the land It is complimentary to local area and is a low impact measure which can be removed at the end of its use 	Noted
Activate area <i>5 mentions</i>	<ul style="list-style-type: none"> The area is currently underutilised, people walk through but don't stop and play The proposal will bring the unused bit of parkland back to life and is a more engaging use of the environment The proposal will activate an area which currently has a lowered perception of safety It may help to reduce existing anti-social activity in the area It will open up the park to more than walkers and bike riders, it offers different form of exercise to the public 	Noted
Community use <i>2 mentions</i>	<ul style="list-style-type: none"> Support from Victoria Police indicating the facility would likely be used by many community agencies 	Noted
Available land <i>2 mentions</i>	<ul style="list-style-type: none"> This is a great use of the land There are still large amounts of the Yarra trail area available for use away from the facility, there is ample river land around 	Noted
Economic/employment <i>2 mentions</i>	<ul style="list-style-type: none"> Benefit to local businesses of increased tourism It will provide employment opportunities, particularly for younger people 	Noted
Conditions <i>2 mentions</i>	<ul style="list-style-type: none"> Submissions from Melbourne Water and AusNet were supportive/had no objection to the proposal subject to conditions which can be included in the Incorporated Document 	Noted
Educational <i>1 mention</i>	<ul style="list-style-type: none"> Potential for educational signage to illustrate the flora and fauna found locally 	Noted
Good location <i>1 mention</i>	<ul style="list-style-type: none"> The proposal is well located near good public transport compared to somewhere more remote 	Noted

Support if changes made (8 submissions)

The issues raised by submitters who ticked the 'I may support the amendment if changes are made' were also raised by submitters who opposed the amendment. These issues and any changes suggested have therefore been incorporated in the opposed section. The issues/changes related to:

- Size of project area
- Impact on wildlife
- Alternate location
- Traffic, car and bicycle parking
- Potential to expand (commercial use)
- Access, safety & security

Opposed (192 submissions)

Key themes and response – in order of most responses

Note: Many opposing submissions included statements about what they value about the park or how it's used without clearly stating what their concerns are with the proposal. In particular the following two statements were frequently made:

- The area is unique being a semi-rural natural parkland so close to the city
- The park was important during Covid 19 restrictions for physical and mental health

Theme	Summary	Initial Officer Response
1. Commercial use <i>99 mentions</i>	<ul style="list-style-type: none"> • Opposed to commercialisation of the park • Public land should remain public, parks are for everyone, public space would be lost forever • Concern the proposal would set a precedent for further commercial ventures • Lack of transparency of the commercial arrangements, the terms and conditions of the lease are not publicly available • If the proposal is successful there will be pressure to expand with increased facilities/infrastructure • The upgrade of the toilet block does not justify commercial use of the park 	<ul style="list-style-type: none"> • This is State Government land. • There is no loss of public land. The land will always remain publicly accessible during times the Yarra Flats park is open. It is not to be fenced and the public will retain full access through and under the ropes course as they do today. • The proposal will provide an additional opportunity for a sensitive nature-based recreation facility in addition to rather than instead of reduced public access. • Parks Victoria and the State Government themselves are better placed to determine how they are to implement the State's Biodiversity 2037 Plan or the Healthy Parks Healthy People Framework 2020 (Parks Victoria). Priority 8 in the Biodiversity 2037 Plan relates to nature-based tourism and the balance between economic development (e.g. tourism) and the natural environment. It recognises that tourism and recreation and the natural environment are not mutually exclusive – it is a question of balanced and sensitive outcomes. • Council notes that <i>Healthy Parks Healthy People</i> details five key 'Strategic priorities - Activating parks for health and wellbeing benefits' – and this includes delivery of these through 'mutually beneficial program partnerships'. • Under the priority: <i>Healthy Places and Settings</i>, <i>Healthy Parks Healthy People</i> states the following deliverables: <ul style="list-style-type: none"> a. <i>Sustainable natural settings and all abilities facilities that encourage and support nature play, outdoor learning, physical exercise, physical activity and recreation and social connection</i> b. <i>Trails and other tailored infrastructure that promote fitness and challenge</i> c. <i>Inspiring, reflective settings to promote positive mental health and spiritual connection.</i>

		<ul style="list-style-type: none"> • It further states that these are to be applied through: <i>Nature play, outdoor learning and adventure. Innovative settings and program partnerships (e.g. Bush Kinder and Nature Play Groups, Outdoor education, Nature-based playscapes, and building youth resilience through adventure)</i> • Healthy Parks Healthy People appears to anticipate and promote greater diversity of use and activities within State Parks (such as that in the C107 Amendment) and because Parks Victoria's core business does not extend to operating and running cafes, specialist leisure or recreational facilities or other programs – the State framework highlights that 'mutually beneficial program partnerships', such as corporate partners, will help to deliver these priorities on its behalf. • As the public land manager – Parks Victoria has a duty to ensure its partnerships are sensitive to their environment and enhance, rather than preclude public access. • Council recognises that there are a range of examples of commercial activities operated on State Government land throughout Victoria, including local example Studley Boathouse. • Council requested Parks Victoria, as the public land manager, to provide its response to these issues and its response is provided below: <p><i>Parks Victoria sought a partnership with a competent, experienced and suitably resourced operator via an EOI process. This is consistent with other operations where private operators are more experienced in the development and operations of visitor experience offers in parks.</i></p> <p><i>The lease area will not be fenced, and public access will remain to the area.</i></p> <p><i>The lease will permit only the proposed facility, and require compliance with the Incorporated Document, which will include a range of specific and considered conditions.</i></p>
2. Habitat/ Wildlife <i>92 mentions</i>	<ul style="list-style-type: none"> • Concern with the proposal's impact on habitat and wildlife • The activity and noise would have a negative impact on native animals including kangaroos, wallaby, echidna and ground nesting birds • It would impact nocturnal animals that sleep during day 	<p>The proponent has prepared the '<i>Flora and Fauna Assessment, Native Vegetation Impact Assessment and Land Management Plan, Yarra Flats TreeTop Adventure Park, Ivanhoe East</i>' prepared by consultant Practical Ecology (the Practical Ecology Report). It describes the vegetation on the site as follows:</p> <p><i>The native vegetation on the site is Flood Plain Riparian Woodland but is significantly disturbed in the groundstorey and dominated by exotic weeds while the shrub layer is mixed and the tree layer is predominantly indigenous.</i></p> <p>Further, the Practical Ecology Report (p. 33) finds that the proposal will :</p>

	<ul style="list-style-type: none"> • Concern that birds and bats could potentially get trapped in nets • The impact on flora and fauna is unknown, e.g. rare or endangered species such as gliders. • The potential effects on habitat, particularly with respect to the Powerful Owl, are not properly considered, the report does not consider the birds move and may nest there in future, Powerful Owls currently use the area as a food source. • The Practical Ecology report describes the habitat made up of many layers, hollows, understory, leaf litter etc, this diverse environment will be compromised by the work required to set up the ropes course. • The proposal will negatively impact the local ecology of the area and the ability for the Yarra to be a connecting habitat corridor 	<p><i>Due to the nature of the development and limited clearing of native vegetation within the construction zone it is unlikely that the site will have adverse effects on landscape values, wildlife habitat or corridors or lead to land degradation through soil erosion or loss of water quality. Furthermore, as although some areas of vegetation will require some remedial work such as crown cleanup and deadwooding, this will be minor and will not have any adverse effects on significant natural habitat and environmental qualities.</i></p> <p>Council's Biodiversity Officer has reviewed the Practical Ecology Report and, in principle, supports its findings. Generally, it is considered that Practical Ecology has covered concerns raised during exhibition, but would like to add:</p> <ul style="list-style-type: none"> - Flora surveys noted timing was not the most preferred in terms of obtaining the most accurate samples for flora but also found that significant species were unlikely to occur due to the highly modified nature of the site. - Would like to note that if significant species are found at any stage, that they be managed according to their specific requirements. - DELWP's Bioregional Conservation status of Ecological Vegetation Class (EVC's) notes the EVC for the area as being Endangered. The Practical Ecology Report's Land Management Plan states that any work on site should minimise disturbance to existing indigenous vegetation. - Practical Ecology's Revegetation Plan notes that revegetation will replace weed species present on the site and add to existing bare patches with desired vegetation from the local EVC, so the overall net benefit to local vegetation will increase. - There are concerns as to the impact to local fauna that use the area for refuge and feeding. It was noted that Powerful Owls may use the area for food sources and activity in the area may displace these. Practical Ecology note that: <i>Given this there are no known breeding or roosting sites that occur within the study site and at most the Powerful Owl is likely to only use the site as a connecting corridor to fly through at night (Garry French Pers. Comm.) or to hunt in occasionally.</i> - Council's Biodiversity Officer suggests that it is important to consider the use of nesting boxes in surrounding areas to allow for any species displacement. In particular Possum and Sugar Glider boxes, but also for local bird and micro bat communities. It would also be important to consider habitat enhancement for
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		<p>smaller bird species and kangaroo populations in surrounding patches to accommodate for any displacement.</p> <ul style="list-style-type: none"> - Council should request the incorporation of species listed under the local EVC when using plants for landscaping. Also, opportunities to work with the public land manager should be sought as part of the Incorporated Document to increase canopy cover outside of the project site to accommodate for species displacement. <p>Overall, the submissions and the review by Council's biodiversity officer indicate that some additional conditions, as part of the Incorporated Document, will likely be capable of providing even better mitigation measures. This can be addressed if the matter progresses to a planning panel through suggested changes to the Amendment documentation.</p> <p>A watching brief (i.e. monitoring for unforeseen outcomes) during any future installation would also be standard practice in any environment of this nature, be it around biodiversity or heritage matters, and Council will ensure that it is part of the future land management plan that accompanies the proposal.</p>
<p>3. Retain Parkland</p> <p><i>77 mentions</i></p>	<ul style="list-style-type: none"> • The area should not be changed, it should remain for passive recreation and conservation of the natural environment • The park should be protected and preserved for future generations • With increasing urban density Council needs to be safeguarding these areas • Children benefit more from just being in nature rather than on a structured commercial play activity 	<p>The area will remain parkland. Trees will not be removed, and the site will remain open and publicly accessible during times the Yarra Flats park is open. No fencing is proposed and the public will retain full access through and under the ropes course as they do today.</p> <p>Yarra Flats Park comprises 85 hectares of woodland, wetland and riparian habitats. The area for the proposed treetops adventure park is confined to 3.6 hectares of dense vegetation in the north eastern section of the park and, as noted, remains open to the public. Yarra Flats Park remains available for passive recreation and conservation of the natural environment in both the area proposed for the treetops adventure park and the rest of the extensive parklands.</p> <p>As discussed in theme #4 the proposal has minimal impact on the environment. Trees are not being removed, they will remain and be looked after for the benefit of present and future generations.</p> <p>The proposal offers an additional experience for people of all ages within the natural environment. This does not preclude children experiencing the benefits of nature in other ways in the rest of the park.</p>

<p>4. Vegetation/ Environment</p> <p><i>45 mentions</i></p>	<ul style="list-style-type: none"> Concerned with the proposal's impact on trees and removal of native vegetation We need to protect and preserve the vegetation, biodiversity and ecosystem of the area The constant use of this section of native forest will apply pressure to an already challenged eco-system at the site In the context of substantial prior loss of native vegetation, it will lead to further loss of wildlife habitat and degrade vegetation quality The impact on the ecosystem, even if marginal all adds up, we need to 'rewild' not 'dewild' An Environmental Impact Statement has not been prepared It will devalue the work done by the local community for over 40 years to revegetate, protect and conserve the park The increase in planted area to offset (by quantity) what will be lost in quality should be precursor to any approval 	<p>The Practical Ecology Report on fauna and flora indicates the extent of native vegetation loss will be limited. The report includes the Native Vegetation Impact Assessment which has examined the ropes course area (excluding the administration office) where some understorey will be impacted as well as dead-wooding of canopy trees. For this a score of 50% loss of habitat was applied. Importantly, it is noted in the assessment that this score is <i>'probably well above the actual impact but this is the only partial clearing allowed by DELWP'</i> (p.44). There is not a smaller option than 50% that can be applied in this instance according to the DELWP guidelines.</p> <p>Ecoline has advised that it has not cleared anything more than 2% of vegetation at any of their sites, <i>'the forest is the star of the attraction'</i>. Ecoline only remove vegetation if it presents a risk to injury as identified by a professional arborist, is part of the bush regeneration program or as required for bushfire management. Their expectation for this site is that less than 1% of native vegetation will be removed due to the installation of the office and the courses.</p> <p>It is acknowledged there will be some impact on vegetation and biodiversity, however it is considered limited. Council's Planning Arborist has noted that whilst the River Red Gums remain the dominant upper canopy, the understorey is a mix of non-indigenous and predominantly exotic weed species. This is also consistent with the Practical Ecology Report. The removal of weed species and replanting of indigenous vegetation will improve biodiversity in the long term.</p> <p>In Victoria, environment assessment of the potential environmental impacts or effects of a proposed development may be required under the <i>Environment Effects Act 1978</i>. This project is not of a scale or impact that would trigger an Environmental Effects Statement.</p> <p>Native vegetation offsets for the proposal have been provided for in accordance with the Planning Scheme (clause 52.17).</p>
<p>5. Traffic & parking</p> <p><i>43 mentions</i></p>	<ul style="list-style-type: none"> Concern the proposal will increase traffic along The Boulevard in the surrounding streets. Concern people will cut through local streets to get to the facility. 	<p>Council's Traffic and Transport Team have reviewed the Traffic Impact Assessment Report prepared by OneMileGrid and can conclude that:</p> <ul style="list-style-type: none"> All traffic to and from the site is likely to approach from the north and utilise the signalised intersection between The Boulevard and Banksia Street. Banksia Street is a


	<ul style="list-style-type: none"> • The increased traffic will negatively impact the environment and the amenity of the area. • The traffic report is four years old and outdated, it doesn't account for slow moving traffic at peak hour. • Car park usage is underestimated and fails to account for increased use due to Covid 19. • The parking area will be crowded with many vehicles including buses, overwhelming its use for the general public • Concerned trees will be cleared to allow for more parking. • Car parking will spill out onto The Boulevard. • Queries if there any plans to restrict parking in surrounding areas. • It's suggested at a minimum, there should be a requirement for bicycle parking (at least 10 spaces) and end of trip facilities for cyclists in the locality of the land. 	<p>major regional arterial road directly abutting the site and is readily capable of accommodating the modest increase in traffic anticipated from the facility without contributing to any meaningful increase in queues or delays within the intersection.</p> <ul style="list-style-type: none"> – The proposal represents only a moderate increase to traffic volumes along the northern section of The Boulevard only. Noting the wide road provided in this location, it is not expected that that the proposal will have any considerable impact on the operation of local road network. – The existing car parks will be used and the closed area re-opened which provides 127 car spaces. The supply of parking is considered to be more than sufficient to accommodate demand generated by the use, estimated at a peak of 37 spaces. Trees will not be removed as no new parking is required. – It is noted the 41 spaces currently closed for public use will be refurbished by Ecoline and will be the primary parking available for the TreeTops visitors and team members. – Whilst parking is not anticipated to overspill into the surrounding residential network, in the instance that this does occur, parking on residential streets can be managed through Council's On-Street Parking Management Framework. If warrants are met, parking restrictions can be installed with residents receiving parking permits in line with Council's Residential Parking Permit Policy. – In accordance to the Planning Scheme, there is no requirement for the installation of bicycle parking for Outdoor Recreational Facilities, however giving consideration to the shared community use area, the proposal has indicated the installation of 5 bicycle parking spaces. These should be installed in close vicinity of the proposal. – A Green Travel Plan should be prepared by the development which demonstrates how the business will encourage the use of sustainable transport by visitors and staff. This should include the use of Public Transport and cycling routes to and from the site. <p>Whilst the report by One Mile Grid was prepared four years ago, the general traffic along the arterial road network is not expected to have changed significantly.</p>
6. Amenity <i>35 mentions</i>	<ul style="list-style-type: none"> • Concerned increased traffic, noise, signage, lights and litter will impact the ambience of the park's natural 	<p>The proposal will, by its nature, bring additional visitors to the park. The planning and technical reports demonstrate the park has capacity to accommodate the increase in traffic and parking.</p>

	<p>environment and its semi-rural character.</p> <ul style="list-style-type: none"> • The proposal will compromise the tranquil nature of the area. • Concern the intrusive structure will be detrimental to the park. • Amendment will negatively affect the value of the park and property values along The Boulevard 	<p>The facility will be located in a secluded area of the park and partly concealed by trees and other vegetation. The structure is designed to integrate with the surrounding vegetation. Any impact on the surrounding parkland is likely to be in the form of increased activity in the area. This is in line with Parks Victoria's <i>Healthy Parks Healthy People</i> philosophy, which aims to encourage more people to enjoy the park more often and to have more active and healthy lifestyles. The ability of people to walk and cycle is supported by close proximity to the main Yarra Trail.</p> <p>Amenity impacts are considered in the Incorporated Document and conditions include:</p> <ul style="list-style-type: none"> • Sound amplification equipment or loud speakers must not be used in outside areas • Rubbish bins must have self-closing lids • Signage must be generally in accordance with the Preliminary Signage Strategy and must not have flashing or intermittent lighting <p>There is no lighting proposed. The facility will only be open during daylight hours.</p>
<p>7. Parks Victoria</p> <p><i>34 mentions</i></p>	<p>The following concerns were made in relation to Parks Victoria (PV):</p> <ul style="list-style-type: none"> • PV is abrogating its responsibility to protect and preserve the park • The research used by PV to justify the proposal is limited and outdated • Queries what statistical evidence there is that proposal is wanted or needed • The proposal does not suit the demographics of residents in the area, it appeals more to the younger generation. • PV revised the Concept plan in 2013 to accommodate the proposal for the Treetops adventure park which is not consistent with the original concepts for the Park 	<p>Broader discussion of the operating framework for Parks Victoria (Healthy Parks Healthy People) has been addressed in Theme # 1. The framework itself provides much more guidance around the approach to the State's parks.</p> <p>The business model of the operator will, no doubt, have determined the suitability of the location in terms of users and appeal.</p> <p>Council requested Parks Victoria, as the public land manager, to provide its response to these issues and its response is provided below:</p> <p><i>Yarra Flats Park was selected as a location based on its natural features and existing amenities (toilets and car parking)</i></p> <p><i>The Revised Yarra Flats Park Concept Plan 2013, prepared by Parks Victoria, Banyule City Council and Melbourne Water specifically includes the Ecoline Tree Based Adventure and included community consultation.</i></p> <p><i>The Tree Based Adventure Facility is aimed at a range of user groups, not just local residents.</i></p>

	<ul style="list-style-type: none"> PV have failed to maintain facilities such as toilets and are seeking to off-load the costs. <p>It was suggested any amendment should be contingent on agreement that PV adequately maintain the Yarra Flats Park going forward.</p>	<p><i>The toilets have been closed due to ongoing vandalism, and the most eastern extent of the park is a well-known beat. As a result, it is generally not frequented by members of the public seeking passive recreation.</i></p> <p><i>The public toilet block will be refreshed and re-opened when the Tree Adventure commences operations.</i></p> <p><i>Parks Victoria seeks to achieve improvements to public facilities through commercial lease arrangements where feasible to enable resources to be assigned to other projects.</i></p>
<p>8. Banyule Council</p> <p><i>22 mentions</i></p>	<ul style="list-style-type: none"> Submissions stated that Banyule Council should oppose the alienation of valuable inner city semi-natural parkland. Concerns the proposal is contrary to the aims of the Banyule Bush Crew which is working to protect fauna in the wider area. Suggests the Council wants income and commercial interests are given priority over environmental issues. Concern Council has not been impartial 	<p>The land is not owned by Council and Council will not receive any income from the proposed facility. It is State Government land. If it proceeds the facility will operate under lease from Parks Victoria, the public land manager for the park. Any money will be reinvested into public parks.</p> <p>The area will remain parkland as discussed in Theme #3 above. The area in which the rope climbing facility is proposed would continue to be accessible to the public as it is today. The facility largely operates above ground and in addition to, not instead of public parkland. It presents more opportunity for people to appreciate and interact with nature pursuant to the <i>Healthy Parks Healthy People</i> framework.</p> <p>For concerns about the Banyule Bush Crew aims - more detailed consideration is given to Habitat in theme #2.</p> <p>Council has supported exhibition of the planning scheme amendment. Refer to the consultation theme #19 regarding consultation material. Council's role in the planning process has been to facilitate a planning scheme amendment process at the request of the proponent Ecoline (which is supported by Parks Victoria as the public land manager). It makes this a relatively unique amendment in terms of there being, effectively, three parties involved. Given the range of submissions received and the State policy questions it raises, it is considered that these are best examined at an independent planning panel as this would enable Parks Victoria, the proponent (Ecoline) and submitters the opportunity to present their evidence to the Panel and to receive the findings and recommendations on the key issues. This would ensure transparency and impartiality.</p>

<p>9. Location</p> <p><i>19 mentions</i></p>	<p>A number of submissions suggested the proposal should be located elsewhere including:</p> <ul style="list-style-type: none"> • on private land • in regional areas away from the suburbs • in areas of low conservation value 	<p>Theme # 1 provides an outline of the operating framework Healthy Parks Healthy People, including creating more diverse opportunities and access to parks and nature through a range of approaches. Healthy Parks Healthy People anticipates this type of use in State Parks. In terms of location, suggestion that they should be in regional areas is ok, however, it typically makes such activities more inaccessible and costly to a greater number of people (given our population centres) and fosters greater private vehicle use. Schools, specialist groups and community groups would also find it harder to access more remote locations. The Yarra Trail provides significant opportunity to encourage greater walking and cycling and provide health and well-being opportunities in a sensitive and more diverse way.</p> <p>Council requested Parks Victoria, as the public land manager, to provide its response to these issues, which is provided below:</p> <p><i>The Revised Yarra Flats Park Concept Plan 2013, prepared by Parks Victoria, Banyule City Council and Melbourne Water specifically includes the Ecoline Tree Based Adventure and included community consultation.</i></p> <p><i>Ecoline have submitted technical reports which address any potential impacts on Flora and Fauna.</i></p> <p><i>The proposal is consistent with the Healthy Parks Healthy People Framework principles around:</i></p> <ul style="list-style-type: none"> • <i>Contact with nature is essential for improving emotional, physical and spiritual health and wellbeing, and;</i> • <i>Parks are fundamental to economic growth and to vibrant and healthy communities</i>
<p>10. Billabong</p> <p><i>15 mentions</i></p>	<ul style="list-style-type: none"> • Concern with the impact of the proposal on Melbourne Water's plans to re-water the Banksia Billabong • Re-watering of the billabong is not harmonious with the Treetops proposal, and the activity will scare away resulting birdlife. 	<p>Melbourne Water (MW) is aware of, and supportive of the proposal. MW has provided a submission noting overall support and recommended further conditions in the Incorporated Document that address matters arising from the proximity of the Banksia Billabong and the treetop adventure park. It is recommended the Incorporated Document be amended as requested by MW.</p>

11. Other park users, public access, paths <i>15 mentions</i>	<ul style="list-style-type: none"> Concern the proposal will negatively impact other park users. It will disrupt the passive recreation and enjoyment of the park by other users, it will impede walkers and cyclists, impact the trail crossing and deter people from walking in the ropes course area. The public need ready access and use of open space, river flats and roads and bike-paths. 	<p>The treetop climbing facility is limited to a specific area of the park. It is largely all operated above ground. It is not fenced and will retain all public access below it, as exists today. Due to the size and location of the proposed site in relation to the rest of the park, existing park users will not be impacted other than from an overall increase in activity in the park.</p> <p>The proposal will also see refurbished toilets provided for the public and will regenerate this area of parkland through a planting scheme. It will be better managed, safer and more activated than it is presently.</p> <p>Furthermore, Parks Victoria advise that the area for the proposed facility is currently rarely visited due to the anti-social activity known to occur there. A benefit of the proposal is to activate this area and deter the anti-social activity.</p> <p>The proposal is 100-200 metres away from the Main Yarra Trail and will not impede it in any way.</p>
12. North East Link <i>9 mentions</i>	<ul style="list-style-type: none"> The loss of trees, habitat and green space due to the NEL makes the area even more valuable and needs to be protected. Concerns that due to the NEL the area will be polluted and unsuitable for the proposed activity. 	<p>Comment noted however the proposal involves no loss of trees, green space or access to open space.</p> <p>Comment noted, the environmental effects of the NEL have been considered through an Environmental Effects Statement process and the project approved by the State Government.</p>
13. Size of project area <i>9 mentions</i>	<ul style="list-style-type: none"> Concerned the size of the site exceeds size of the adventure park and questions motive for doing so, queries what will occur in the remaining area? 	<p>The climbing facility is restricted to a small area shown in red on the consultation plans and this would be limited by the planning scheme. The plans used for public consultation included a larger area (in blue) that includes the existing access road, car parking and toilets while the treetop activity area is confined to a smaller area (in red) as shown below.</p>

		 <p>The Incorporated Document clearly identifies these areas and the controls proposed to be introduced into the planning scheme limit the climbing facility to within the red line area. The amendment is specific to Ecoline's application and will not allow for any other proposal or development to occur.</p> <p>Notwithstanding the above, to ensure the area pertaining to the controls is clear, there may be an opportunity to further clarify the specific area through changes to mapping in the planning scheme amendment. These can be addressed if the planning scheme amendment progresses to a planning panel.</p>
14. Safety Risk Liability Security Anti-social Activity <i>9 mentions</i>	<ul style="list-style-type: none"> Concerned with safety during construction and daily operations, and site security. Concern with liability and risk for Banyule Council and ratepayers. Safety concerns regarding snakes and steep banks and concerns for young children as the location is close to the river. The area is subject to flooding and not safe for structures. 	<p>It is important to note that the land is State Government land and ongoing land management and safety was and will continue to be responsibility of Parks Victoria.</p> <p>Liability for the proposal rests with Ecoline and Parks Victoria, the public land manager.</p> <p>Construction occurs in accordance with a Construction Management Plan that must be approved before the development starts as specified in the Incorporated Document.</p> <p>Melbourne Water have provided advice and recommendations to address issues of flooding. These are included in the Incorporated Document as exhibited with further conditions recommended to be added.</p>

	<ul style="list-style-type: none"> The potential benefit of addressing the anti-social behaviour may be negated by it moving into other areas of the park 	The local crime prevention officer from Victoria Police has noted that 'currently the proposed area is somewhat "deadlands" without guardianship which creates a feeling of isolation to the area and a lowered perception of safety'. Increased activity in the park will help to deter anti-social activity currently occurring.
15. River Red Gums <i>8 mentions</i>	<ul style="list-style-type: none"> Concerns that river red gums cannot support a treetop adventure park It is suggested that River Red Gums are unsuitable as they are prone to dropping large branches at any time without warning and are not tall and straight, like trees used by similar facilities in other locations. 	<p>The trees have all been assessed by a qualified Arboriculturist (Arboricultural Tree Health & Hazard Assessment, 2018) and deemed suitable for the proposed use. The assessment included consideration of the age and species of trees.</p> <p>Council's Planning Arborist has reviewed and assessed the Arboricultural Tree Health & Hazard Assessment report and determined the proposal can be supported from an arboricultural perspective. It's noted the risk assessment was conducted correctly, using a recognised method.</p> <p>It is further noted that there is a common belief that River Red Gums drop branches with a greater propensity than other species and that the rate and type of branch drop is unpredictable. This statement does not appear to be based on research or documented evidence but rather on anecdotal evidence.</p> <p>Ecoline have advised they rely on a suitably qualified arborist to inspect all trees involved in the courses and the vicinity on an annual basis, and the management team inspect all aspects of the courses on a daily basis with a more thorough inspection 1-2 times per week. After any extreme weather event, the arborist is called in to inspect the site before the courses reopen.</p>
16. Planning controls & policy <i>8 mentions</i>	<p>Various concerns that the proposal is not consistent with the following planning controls and policy:</p> <ul style="list-style-type: none"> The <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i> <ul style="list-style-type: none"> net gain for environment is not achieved with this proposal, it is about people not environment does not provide long term benefit to community of Yarra River Environs 	<p>It is highlighted that the exhibited planning scheme amendment is supported by a planning report prepared by Perry Town Planning on behalf of Ecoline. It provides an overview of planning scheme policy context. Overall, officers concur with its findings and the policy questions raised by submitters are considered to have been addressed by the proponent. Notwithstanding, further comments are provided below.</p> <p>Parks Victoria provided the following comment in relation to state policy.</p> <p>The proposal is consistent with:</p> <ul style="list-style-type: none"> The principles of the Yarra River Protection Act (2017)

	<ul style="list-style-type: none"> • Yarra River Action Plan – queries how the intended outcomes of proposal align with the YRAP • Middle Yarra River Concept Plan - supports passive recreational use and does not envision a tourism park • Middle Yarra River Corridor Study Recommendations Report October 2016 – proposal is not in spirit of this policy • Banyule Biodiversity Plan 2019-2022 <ul style="list-style-type: none"> – not in spirit of policy – not in keeping with – vegetation condition and biodiversity will decline • Banyule’s Strategic Planning Framework – inconsistent with 21.02 ‘to protect and enhance our natural environment’ • Environmental Significance Overlay 1 (ESO1) – proposal does not conform objectives • Vegetation Protection Overlay 1 (VPO1) - retaining a buffer strip of vegetation within specified distances of watercourses • Significant Landscape Overlay 1 (SLO1)- inadequate assessment as part of broader landscape • Banyule’s Wildlife Corridor Program <ul style="list-style-type: none"> – Yarra River as a ‘Major Wildlife Corridor’ • Banyule’s declared climate emergency <ul style="list-style-type: none"> – contradictory to allow commercialisation of a green 	<ul style="list-style-type: none"> • The Yarra River 50-year Community Vision for the Suburban Reach Section to “Collaborate to provide innovative immersive experiences with nature by expanding natural river tracks and creating environmental playgrounds along the corridor” • The Draft Yarra Strategic Plan action to “Ensure park infrastructure and services are contemporary, inclusive, and provide multiple benefits” <p>Council also notes the following with regard to the Middle Yarra River reports:</p> <p>Middle Yarra River Corridor Study Recommendations Report October 2016 <i>The objective of this study is to achieve consistent development outcomes along the Middle Yarra River to ensure that further development does not encroach on the river’s landscape, environmental, aesthetic, cultural and recreational values. Importantly, the study focusses on management of the interface between public and private land along the corridor.</i></p> <p>The proposal is consistent with the objectives of the report as does not restrict public access to the Yarra and has no significant impact on the river’s landscape, environmental, aesthetic, cultural and recreational values. Note should be given to the support of Melbourne Water – see Theme #10 also.</p> <p>Middle Yarra River Concept Plan 1993 The plan does not mention tourism specifically for Yarra Flats but does in general support recreation and tourism with the following:</p> <ul style="list-style-type: none"> • <i>Ensure that the construction of trails, buildings and other facilities associated with recreational activities does not damage streamside vegetation, the river banks, or areas of flora significance.</i> • <i>Provide and maintain a range of outdoor settings for recreation, ranging from quiet, relatively natural areas to intensively developed recreation areas. Conflicts between recreation activities should be minimised.</i> • <i>Investigate and promote opportunities for tourism that are consistent with park management objectives</i> • <i>Investigate opportunities for providing adventure play facilities for all age groups and particularly older children and teenagers. (p.39)</i> <p>More recently the Yarra Flats Concept Plan 2013 specifically includes a tree-based adventure course for the site which confirms the intention of park management objectives for the park.</p>
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	<p>space, which may endanger wildlife habitat.</p> <ul style="list-style-type: none"> – Inconsistent with implicit environmental protection. 	<p><u>Local policy/controls</u></p> <p>The primary issues with the proposal as they relate to Banyule's Wildlife Corridor Program and Biodiversity Plan 2019-2022 are displacement of species and interruption to the existing Wildlife Corridor. See Habitat/wildlife theme #2 for comments relating to this.</p> <p>Themes #1 - 4 address comments relating to consistency with Banyule's declared climate emergency.</p> <p>The proposal is considered to be acceptable when assessed against the Strategic Planning framework (clause 21.02) as it seeks to minimize impact on natural environment. There is limited native vegetation removal and no removal of any trees, revegetation has been recommended to replace weed species present on the site which will improve vegetation in the long term.</p> <p>The area is not covered by a VPO.</p> <p>The Practical Ecology Report has found the proposal meets the objectives of ESO1 and SLO1, this has been reviewed by Council who support the findings.</p> <p>ESO1 - <i>The objectives of the Overlay have been met, as although there will be some native vegetation removal, it will be limited and complete loss has been minimised. Due to the nature of the development and limited clearing of native vegetation within the construction zone it is unlikely that the site will have adverse effects on landscape values, wildlife habitat or corridors or lead to land degradation through soil erosion or loss of water quality. Furthermore, as although some areas of vegetation will require some remedial work such as crown cleanup and deadwooding, this will be minor and will not have any adverse effects on significant natural habitat and environmental qualities</i></p> <p>SLO1 - <i>The objectives of the Overlay have been met, as although there will be some native vegetation removal, it will be limited and complete loss has been minimised. No canopy trees will be removed. Some areas of vegetation will require some remedial work such as crown cleanup and deadwooding however this will be minor and will not have any adverse effects on any Landscape or Environmental Values. Furthermore revegetation and supplementary planting has been recommended to rehabilitate the area to assist with</i></p>
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		<i>expanding a continuous corridor of riparian and indigenous vegetation using appropriate indigenous species</i>
17. Aboriginal Heritage <i>4 mentions</i>	<ul style="list-style-type: none"> Concern with the proposal's impact on Aboriginal heritage and queries whether the traditional custodians have been consulted. Concerns with Due Diligence report finding of significant ground disturbance being present across the whole area is incorrect. 	<p>Parks Victoria have advised the Wurundjeri have been involved in consultation on this project dating back to the 2012. The Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) were formally notified of the Amendment on 29 October 2020 and there has been ongoing communication between WWCHAC, Council and Parks Victoria.</p> <p>The Aboriginal Heritage Due Diligence Report provided by the proponent has been prepared by a suitably qualified Archaeologist. Council reviews the report and relies on the professional opinion contained in the report. Any submitter issues can be examined fully at an independent Planning Panel.</p>
18. Heritage <i>4 mentions</i>	<ul style="list-style-type: none"> Heritage value of the park will be compromised Proposal is not respectful of the significance of the area to the Heidelberg School Artists 	<p>Council's heritage advisor has assessed the proposal and concluded there are no concerns on heritage grounds. It is noted:</p> <ul style="list-style-type: none"> The proposal does not involve the removal of any natural trees which contribute to the character of the area The proposal is located in a secluded section of the park and will be substantially obscured by trees and concealed from the access road All structures, including the administration office, can be removed leaving no permanent impact on the landscape <p>There is an opportunity to include heritage interpretation in the proposed development and to ensure the facility blends in with the colours of the surrounding natural landscape.</p>
19. Consultation <i>3 mentions</i>	<p>Concern that public consultation of the amendment has been inadequate, that:</p> <ul style="list-style-type: none"> notice of the amendment was not wide enough the Shaping Banyule website (including the photo) is misleading and documents difficult to find 	<p>Exhibition of the amendment was more extensive than the requirements in the <i>Planning and Environment Act 1987</i> and is considered to have been both adequate and proportional to the nature and scale of the amendment. Exhibition ran for six weeks, two weeks longer than required and was advertised more broadly than normal, including notice in a metropolitan paper, direct notice to residents of The Boulevard interfacing the parkland between Banskia Street and Bourke Road, environment groups associated with Yarra Flats Park and two signs placed on site.</p>

	<ul style="list-style-type: none"> Council did not organise any public meetings only allowing for such a meeting via request <p>There were also concerns that the reports commissioned by Ecoline are not independent.</p>	<p>The Shaping Banyule website was used to help provide more information in a readily accessible format. All written information was factual or procedural. Any images used were intended to provide quick visual confirmation that people were on the right page rather than needing to read through written text i.e., a picture of a generic treetop facility was used to highlight that people were reading about a treetop facility.</p> <p>Shaping Banyule highlighted that online meetings were available to public for more information. Only one enquiry regarding a meeting was received during the last week of exhibition and very few phone calls in general were received during exhibition. People relied upon community led flyers, Shaping Banyule or possibly social media/ private e-mail campaigns for information.</p> <p>All supporting documentation was prepared by the proponent (Ecoline) and reviewed by Council officers. All reports are written by appropriately qualified experts who are required to provide their best independent professional opinion. Any false or misleading information is typically contrary to professional ethics and any association to their professional bodies. This ultimately voids any professional indemnity insurance and result in a consultant being potentially liable for professional negligence. Council is confident, therefore, that all reports were prepared fairly and were undertaken independently. Additional information has been sought throughout the planning process to date.</p>
20. Public Conservation & Resource Zone <i>3 mentions</i>	<ul style="list-style-type: none"> Concern that land zoned PCRZ is proposed for commercial use - the zoning is not arbitrary and should not be weakened. The current zoning is appropriate and, in this location, should be focused on protecting the natural environment. The proposal is contrary to the purpose of the PCRZ Conservation zones should be protected from developments 	<p><i>Parks Victoria sought a partnership with a competent, experienced and suitably resourced operator via an EOI process. This is consistent with other operations where private operators are more experienced in the development and operations of visitor experience offers in parks.</i></p> <p>The reason for the planning scheme amendment in this instance is not the use per se but the fact that a third party operator would be running it. Parks Victoria – if it were so inclined, could actually install and operate the facility itself ‘as of right’ under the current zone without any need to amend the planning scheme. The operation of a use by a third party, under a lease agreement to Parks Victoria, however remains a grey area in planning.</p> <p>It is considered the proposed facility is consistent with the purposes of the Public Conservation and Resource Zone (PCRZ) in providing an appropriate use of public open space in enhancing the public education and interpretation of the natural environment.</p>

		<p>The proposal seeks to have the least amount of impact upon the natural environment.</p> <p>Parks Victoria's Healthy Parks, Healthy People framework and the Victorian Health and Wellbeing Plan, is to encourage people to be more active, experience nature in different ways through a range of different methods. This is to be delivered through a range of partnerships. The use appears to be consistent with the purposes of these key Plans and Frameworks and the PCRZ, in particular: "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> <p>See also further discussion about Parks Victoria's Healthy Parks Health People Framework under theme # 1.</p> <p>The park will remain zoned as PCRZ. There is no rezoning proposed. As noted, the amendment is required to allow the use (proposal) to be delivered by a private operator.</p>
21. Other <i>2 mentions</i>	<ul style="list-style-type: none"> Concern drainage has not been considered Concerned State Government and Council do not have a mandate to proceed with the proposal, should be put to the people. 	<p>Drainage and storm water are addressed in the Incorporated Document. Melbourne Water have provided conditions given its proximity to the river that are addressed in the Incorporated Document.</p> <p>Planning Scheme Amendments are the decision of local Councils and the Minister for Planning, both are elected representatives. The amendment process includes public consultation.</p>

Summary of Submissions**Banyule Planning Scheme Amendment C107 – Treetop Adventure Park at Yarra Flats Park**

Note: In the interests of privacy the names and address of submitters have been withheld from this table to prevent misuse of information. Submissions can be viewed at Council's customer service desk at 1 Flintoff Street, Greensborough upon request.

No.	Support/ Oppose	Theme	Summary of Submission
1	Opposed	Retain parkland Commercial use	We need to retain more parkland in its natural state and not succumb to commercial interests.
2	Support	Good activity	Currently drive to Lilydale for this experience, would love to have one in the neighbourhood.
3	Support	Good activity Low impact	Supports the proposal as: <ul style="list-style-type: none"> it provides a healthy outdoor activity is sensitive to the environment and provides a positive relationship with nature
4	Support	Good activity Activate area Low impact Educational opportunity	Supportive for the following reasons: <ul style="list-style-type: none"> the adventure park will be a good activity to have locally available the area is currently underutilised, people walk through but don't stop and play the proposal is complimentary to the local area and has minimal change/damage to the environment there is an education opportunity for signage to illustrate the flora and fauna found locally, the submission encourages the use of the conservation model applied by Rotorua Canopy Tours (https://www.canopytours.co.nz/our-story/)
5	Opposed	Retain parkland Commercial use	Concern commercial use will degrade public amenity. Open park space must be protected.
6	Opposed	Billabong Retain parkland Location	<ul style="list-style-type: none"> The proposal is not within the scope of this public space Suggests proposal better suited to land left unused after NEL complete Concern with impact of proposal on plans to rewater the billabong

No.	Support/ Oppose	Theme	Summary of Submission
7	Support	Good activity Activate area Traffic	Supportive as: <ul style="list-style-type: none"> • adventure park will be great for kids and families and bring the unused bit of parkland back to life • it will open up the park to more than walkers and bike riders • it may reduce existing anti-social activity in the area • concerned about how the traffic will be managed, especially along The Boulevard, suggest the proposal needs a separate address that make car GPS units naturally use Banksia St as the main entry
8	Opposed	Retain parkland Commercial use Other users	<ul style="list-style-type: none"> • Would like parkland to be retained in its natural state • Concerned with commercialisation of park • Concerned development will impact the informal walking/cycling tracks that exist near the river
9	Opposed	Commercial use	Public land should remain public
10	Opposed	River Red Gums Habitat Commercial use Billabong	Concerns: <ul style="list-style-type: none"> • river redgums cannot support a treetops adventure park • the proposal's impact on native habitat • commercialisation of public open space • the proposal's impact on plans to re water Banksia Billabong Includes a version of the Riverland Conservation Society submission.
11	Opposed	Habitat & wildlife	Concerned location is inappropriate due to impact on native habitat and wildlife.
12	Opposed	Commercial use	Public land should remain in public hands and a commercial enterprise should be run on private land.
13	Opposed	Retain parkland Vegetation	<ul style="list-style-type: none"> • Considers the land should be preserved for passive recreation use • Concerned the increased number of people and cars in the park will have a negative effect on the on the vegetation • Notes the beauty of the park is its peaceful, bush setting
14	Opposed	Commercial use	Parks are for everyone; a private enterprise will lock people out of the area.

No.	Support/ Oppose	Theme	Summary of Submission
15	Opposed	Retain parkland Commercial use PCRZ	<ul style="list-style-type: none"> Considers the park is an area for passive recreation Concerned with commercial activities in a public park and that it would set a precedent for more active, commercial activities in the park. The current controls in the PCRZ are appropriate and should not be varied.
16	Support	Activate area Good activity	Supportive as it's a great activity for kids and a more engaging use of the environment.
17	Opposed	Amenity Commercial use Planning controls Retain parkland	<p>Concerns:</p> <ul style="list-style-type: none"> impact on semi-rural natural character of the area gradual erosion of public spaces that are used for conservation of the natural environment and passive recreation commercial use of public land not satisfied that the proposed amendment provides sufficient protections for the park <p>Includes a version of the Riverland Conservation Society submission</p>
18	May support if changes made	Other users	Stop closing MTB (<i>mountain bike?</i>) trails. The proposal has a big impact on the area and limits who can use it.
19	Opposed	Traffic Planning control River red gums Car parking Retain Parkland	<p>Concerns:</p> <ul style="list-style-type: none"> proposal does not conform to Environmental Significance Overlay (ESO1) objectives the proposal will increase traffic densities in the park area car park usage is underestimated and fails to account for increased use due to Covid. River Red Gums are unsuitable as they are prone to dropping large branches at any time without warning the heavily vegetated area of park should be preserved undisturbed
20	Opposed	Retain Parkland PCRZ Other users Commercial use	<p>Notes the value of the park is the preservation of its natural bushland state</p> <p>Concerns:</p> <ul style="list-style-type: none"> commercial activity is not consistent with PCRZ additional people will significantly affect the public who currently use the area lack of information on how the project was awarded and details of the lease.

No.	Support/ Oppose	Theme	Summary of Submission
21	Opposed	Wildlife	Concerned greater traffic would negatively impact the kangaroos that roam around the area.
22	Opposed	Commercial use Amenity Environment Traffic	Concerns: <ul style="list-style-type: none"> commercial use of the park proposal would bring unwanted disturbance to a quiet area proposal would threaten ecology of the area and bring an increase in traffic.
23	Opposed	Commercial use Planning control	<ul style="list-style-type: none"> Concerned with commercial use of the park Considers proposal is not grounds to amend planning scheme
24	Opposed	Commercial use Retain parkland Traffic Trees, habitat and wildlife Amenity	Concerns: <ul style="list-style-type: none"> commercial use of the park increased traffic in Glenard Drive and The Boulevard increased traffic will impact ambience of natural environment and its semi-rural character impact on trees, habitat and fauna parkland should be retained in natural state it will lead to other areas of public land being commercialised
25	Opposed	Retain parkland Trees, habitat and wildlife Amenity	Concerns: <ul style="list-style-type: none"> the park should be used mostly for passive recreation and for conservation of the natural environment reduction of habitat and risk of damage to mature River Gums increased traffic in the park and nearby streets will compromise the tranquil nature of the area
26	Opposed	Commercial use Trees, habitat and wildlife Retain parkland Car parking	Concerns: <ul style="list-style-type: none"> loss of unique, natural rural space due to impact of up to 240 visitors per day commercial use in parklands and potential to set precedent for other developments trees will be damaged and proposal will affect habitat and local wildlife trees will be cleared to allow for more parking queries where is an independent Environmental Impact Statement
27	Opposed	Commercial use Retain parklands	Would prefer park to remain as is, it's important to keep public land public, not for private, pay-to-use ventures.

No.	Support/ Oppose	Theme	Summary of Submission
28	Opposed	Commercial use NEL Retain Parkland	Concerns: <ul style="list-style-type: none"> commercial use in park green spaces are already under threat from North East Link, the area should be preserved notes importance of open spaces for public amenity and enjoyment.
29	Support	Good activity Low impact Employment opportunities Available land	Supportive of the amendment as: <ul style="list-style-type: none"> it's an opportunity to improve the amenity and use of the park it will encourage outdoor physical activity and enjoyment of the natural environment it is a low impact measure which can be removed at the end of its use it will have low impact on those already living/working in the area it will provide employment opportunities, particularly for younger people there will still be large amounts of the Yarra trail area available for use away from the facility
30	Opposed	Commercial use Trees Car park Retain parklands	Concerns: <ul style="list-style-type: none"> commercial use in the park need to retain natural parklands damage to trees on site it will be an eyesore and attract more cars and car parks
31	Opposed	Risk Environment & wildlife Commercial use Aboriginal heritage	Concerns: <ul style="list-style-type: none"> litigation arising from accidents and cost being passed onto ratepayers an Environmental Impact Statement has not been prepared there will be increased traffic it is a commercial use that will not improve appreciation of the natural environment impact on aboriginal heritage and queries whether the traditional custodians have been consulted impact on wildlife appears to be a commercial operation for Council to use to raise funds
32	May support if changes made	Size of project area	Concerned the size of the site exceeds size of adventure park and queries what will occur in remaining area.

No.	Support/ Oppose	Theme	Summary of Submission
33	Opposed	Precedent Amenity	<ul style="list-style-type: none"> Concerned amendment will set a precedent for other proposals Considers the proposal will be detrimental to the quiet peaceful nature of the park and people's enjoyment of it
34	Opposed	Commercial use Retain parkland (restore)	<p>Concerns:</p> <ul style="list-style-type: none"> commercial use in the park, public land should remain accessible to all public the area should be restored with native vegetation and low impact pathways negative impact of proposal on adjacent paddocks and remnant woodlands
35	May support if changes made	Wildlife Alternate location	<ul style="list-style-type: none"> Concerned with the proposals impact on kangaroos and that this has not been considered in the planning documents Suggests ropes course is more appropriate in rural setting
36	May support if changes made	Size of project area	Concerned the size of the site exceeds size of the adventure park and questions motive for doing so.
37	May support if changes made	Car parking	Concerned with lack of car parking and potential to spill over into The Boulevard. Suggest no parking signs and proper parking bays along the Boulevard, and a review of how the road is being used for parking.
38	Opposed	Location Trees, habitat and wildlife Traffic Path	<p>Concerns:</p> <ul style="list-style-type: none"> the Banksia/Lower Heidelberg Road junction is already congested and not a suitable location damage to habitat and wildlife increase in traffic safety concerns for trail crossing due to increased traffic damage to trees, especially river red gums
39	Opposed	Commercial use Traffic	<p>Concerns:</p> <ul style="list-style-type: none"> commercial use in the park increased traffic and pollution <p>Supports Yarra Protection Association submission.</p>

No.	Support/ Oppose	Theme	Summary of Submission
40	Opposed	Access Amenity Vegetation and wildlife Traffic	Concerns: <ul style="list-style-type: none"> • whether local residents will still be able to access the area • impact on semi-rural natural character of the park • impact on vegetation and wildlife • increase in traffic
41	Opposed	Commercial use Retain parkland Security	Concerns: <ul style="list-style-type: none"> • commercial use in public space • area should remain a natural reserve for birds and animals • security and policing at night
42	Opposed	Retain parkland Trees & wildlife Traffic Amenity Security Aboriginal heritage Location	Concerns: <ul style="list-style-type: none"> • the park should remain a reserve not a tourist destination • disruption to native animals including kangaroos • damage to young trees • increase in traffic • the proposal will disrupt the peace and quiet of the area • proposal would attract undesirable attention to the area, eg. parties that create disturbances requiring police attention • impact on indigenous values of the area • increased noise • combination of proposed freeway and proposal will disturb parks tranquillity • suggests locations outside of Melbourne are more suitable
43	Opposed	Amenity Rubbish Wildlife	Concerns: <ul style="list-style-type: none"> • impact of traffic, crowds and noise on amenity of park • an increase in people will create more rubbish that could make its way into the Yarra • impact on birds and other wildlife • notes the mediative benefits of walking in the park

No.	Support/ Oppose	Theme	Summary of Submission
44	Opposed	Commercial use Amenity Size of project area Trees, habitat and wildlife Retain parkland PV BCC	Concerns: <ul style="list-style-type: none"> commercialisation of the park and pressure to expand if the adventure park becomes popular the intrusive structure will be detrimental to the park Banyule Council should assist Parks Victoria to enhance and preserve natural state of the park the size of proposed area is great than required, opens up for further commercial use impact on kangaroos, powerful owls and other wildlife Parks Victoria is abrogating its responsibility to protect and preserve the park Parks Victoria have ignored input from pervious consultation the adventure park is not consistent with original concepts for the park
45	Opposed	Commercial use Size of project area Planning policy Amenity Trees, environment & wildlife River red gums Billabong Other users Anti-social activity Aboriginal heritage Location PV	Concerns: <ul style="list-style-type: none"> commercialisation of park size of the project area is larger than adventure park amendment is not consistent with <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i>, it does not provide long term benefit to community of Yarra River Environs amendment is not consistent with the State Government Middle River Yarra Concept Plan which supports passive recreational use and does not envision a tourism park impact on semi-rural/natural character of the park notes importance of open green spaces for physical and mental heath impact on old river red gums and safety concerns safety risk due to dropping branches no environmental impact statement has been prepared impact on rewatering of Banksia Billabong impact on kangaroos, powerful owls and other wildlife increase traffic no mention of indigenous consultation impact on walkers and bike riders with less parking and peaceful environment the potential benefit of addressing the anti-social behaviour may be negated by it moving into other areas of the park upgrading of toilet block is not justification for commercial use of public space suggest more appropriate location could be found the research used by Parks Victoria to support the proposal is outdated and community perceptions and appreciation of public parkland have changed

No.	Support/ Oppose	Theme	Summary of Submission
46	Opposed	Commercial use PCRZ Amenity	Concerns: <ul style="list-style-type: none"> commercialisation of park and impact on semi-rural character of the area the amendment sets a precedent for ignoring the PPRZ impact on unique character and value of the area notes public appreciation of park during Covid 19 restrictions
47	Opposed	Commercial use Retain parkland Location	Concerns: <ul style="list-style-type: none"> commercialisation of public space natural parklands should be preserved, green space is in increasing demand due to nearby residential development suggests other areas would be more appropriate
48	May support if changes made	PV Bicycle parking	<ul style="list-style-type: none"> Any amendment should be contingent on agreement that Parks Victoria adequately maintain the Yarra Flats Park going forward. The Transport Impact Assessment is outdated and inadequate. At a minimum, there should be a requirement for bicycle parking (at least 10 spaces) and end of trip facilities for cyclists in the locality of the land.
49	Opposed	PV Habitat & wildlife Retain parklands Billabong River red gums	Concerns: <ul style="list-style-type: none"> Parks Victoria is abrogating its responsibility to protect and preserve the park impact on habitat and wildlife gradual threat to retain parklands impact on rewatering of Banksia Billabong safety concerns with river red gums dropping branches
50	Opposed	Traffic River red gums Retain parkland Commercial use	Concerns: <ul style="list-style-type: none"> increase in traffic safety concerns with river red gums important to retain and protect parkland commercial use of green areas
51	Opposed	Habitat and wildlife Retain parklands	<ul style="list-style-type: none"> Concern for loss of habitat and impact on wildlife It is a rare area of wilderness in inner Melbourne should be retained

No.	Support/ Oppose	Theme	Summary of Submission
52	Opposed	Commercial use Retain parkland	<ul style="list-style-type: none"> Concern with commercial use of the park The environmentally important area should be protected
53	Opposed	Retain parkland Habitat & wildlife	<p>Concerns:</p> <ul style="list-style-type: none"> need to protect and retain parkland impact on habitat and wildlife
54	Opposed	Commercial use Environment	Concerned with commercialisation of public land and impact on natural environment.
55	Opposed	Wildlife Retain parkland Traffic	<ul style="list-style-type: none"> Concerned wildlife will be adversely impacted Notes the park is a natural environment extensively used for passive recreation Concerns about increased vehicle traffic
56	Opposed	Commercial use Other users NEL Location	<p>Concerns:</p> <ul style="list-style-type: none"> commercialisation of public land the proposal will impact the usability of the present parkland it will add to the development of infrastructure in the valley, especially the impact of the North East Link suggests the proposal would be better located out of suburban areas
57	Opposed	Habitat and wildlife Other users Location	<p>Concerns:</p> <ul style="list-style-type: none"> impact on habitat and wildlife the increase in visitors will impact those using park for peaceful walk suggests Ecoline find an alternative location.
58	Opposed	Trees, habitat and wildlife Location Traffic	<p>Concerns:</p> <ul style="list-style-type: none"> impact on ecosystem, native wildlife and biodiversity suggest Ecoline find an alternative location increase of traffic along The Boulevard
59	Opposed	Commercial use Retain parkland	<ul style="list-style-type: none"> Concerned with commercialisation of park Would like the parkland retained in its natural state, people enjoy nature as is, it shouldn't be exploited Notes public appreciation of the park as is

No.	Support/ Oppose	Theme	Summary of Submission
60	Opposed	Retain parkland Location	<ul style="list-style-type: none"> • Would like parkland to be retained in its peaceful current state • Does not believe the location is suitable
61	Opposed	PV	Concerned Parks Victoria is abrogating its responsibility for this public space. Suggests they have failed to maintain facilities such as toilets and are seeking to off-load the costs.
62	Opposed	Commercial use Environment Retain parkland	<ul style="list-style-type: none"> • Concerned with commercial use in the park • The park is a unique natural environment used for recreation and is an area of biodiversity, it should be protected for future generations.
63	Opposed	Trees, habitat and wildlife Rubbish	<p>Concerns:</p> <ul style="list-style-type: none"> • impact of increased pedestrian and vehicle traffic to native plants and animals • increase in rubbish from extra visitors
64	Opposed	Commercial use Trees, habitat and wildlife Traffic	<p>Concerns:</p> <ul style="list-style-type: none"> • commercial use of the park • impact on vegetation and wildlife • increase in traffic will negatively impact surrounding streets and homes
65	Opposed	Commercial use	The park is an important part of the community and should not be commercialised.
66	Opposed	Vegetation Public access Retain parkland Commercial use	<p>Concerns:</p> <ul style="list-style-type: none"> • damage to the environment and removal of vegetation • it will prevent public access to the area • parkland should be preserved and not commercialised
67	Opposed	Commercial use Environment	<ul style="list-style-type: none"> • Considers the commercial activity will not provide benefits to the park • Suggests a condition for weed and pest control if the proposal proceeds

No.	Support/ Oppose	Theme	Summary of Submission
68	Opposed	Commercial use Habitat and wildlife Traffic PV BCC	Concerns: <ul style="list-style-type: none"> commercial use of the park, public space will be lost forever impact on native fauna including kangaroos, wallaby, echidna and ground nesting birds increased traffic in the area and on The Boulevard local community groups have worked to preserve the park for future generations not for commercial ventures Parks Victoria is abrogating its responsibility to preserve the nature and culture of park Council should oppose alienation of valuable inner city semi-rural parkland
69	Opposed	Commercial use	Concerned with commercial use of natural environment.
70	Opposed	Safety	Concerned about the safety risk of the project in the area
71	Opposed	Trees, habitat and wildlife Amenity Location	Concerns: <ul style="list-style-type: none"> trees will be removed and undergrowth cleared impact on native animals and bird life impact of increased traffic and ambiance of the park suggest Ivanhoe is not the suitable for an adventure park
72	Opposed	Commercial use Amenity Traffic and car parking Wildlife Location PV BCC	Concerns: <ul style="list-style-type: none"> commercialisation of the park regardless of 'lightly resting' it will still be an intrusive structure in natural environment increased traffic and use of car parks impact on wildlife suggests location is not suitable Parks Vic is abrogating its responsibility to preserve nature and culture of park Council should oppose alienation of valuable inner city semi-rural parkland

No.	Support/ Oppose	Theme	Summary of Submission
73	Opposed	Size of project area Trees Amenity Other users PV BCC Location	Concerns: <ul style="list-style-type: none"> proposal involves re-zoning a large area of parkland size of project area is larger than required and would be used for other commercial activities damage to trees from use and ground compaction trees should be valued (submission includes an article on how various Councils are valuing trees) increased traffic will impact peaceful character of the area proposal will impact other parks users Parks Vic is abrogating its responsibility to preserve nature and culture of park Council should oppose alienation of valuable inner city semi-rural parkland Location unsuited to rare remnant woodland in middle suburb
74	Opposed	Other users Habitat & wildlife Retain parkland	Concerns: <ul style="list-style-type: none"> proposal will impact other park users and restrict walking underneath the ropes course impact on wildlife habitat would like natural state of the park preserved
75	Opposed	Retain parkland Wildlife Location	Concerns: <ul style="list-style-type: none"> area is unique being a natural parkland so close to the city, it needs to be protected cars, people and noise will impact the local wildlife an adventure park looks like a worthy endeavour but the place that is proposed is inappropriate
76	Opposed	Habitat	Concerned with need to preserve and protect our very limited urban habitat.
77	Opposed	Commercial use PPRZ Environment, habitat and wildlife NEL BCC	Concerns: <ul style="list-style-type: none"> allowing commercial profit at the expense of habitat is against the principles of conservation conservation zones should be protected from developments the commercial activity would exclude the non-fee-paying public from parts of the site the stand of trees the adventure park would be built around are some of the largest in the area and they are valuable habitat the loss of trees due to the North East Link makes the area even more significant when the habitat loss due to the road is taken into consideration the proposal is contrary to the aims of the Banyule Bush Crew which is working to protect fauna in the wider area

No.	Support/ Oppose	Theme	Summary of Submission
78	Opposed	Retain parkland	Yarra flats should be preserved in its natural state.
79	Opposed	Retain parkland Commercial use	Concerns: <ul style="list-style-type: none"> • impact on natural environment which should be protected • commercial use of the park
80	Opposed	Retain parkland Billabong	Concerns: <ul style="list-style-type: none"> • the park should be protected, it is valuable as a semi-rural natural environment close to CBD • notes benefit of park for physical and mental health and increased use during Covid restrictions • suggest the Banksia Billabong could be regenerated, and notes is importance to traditional owners
81	Opposed	Trees, habitat, wildlife Retain parklands	<ul style="list-style-type: none"> • Concerned about impact on native fauna and flora in the park • The park is an extraordinary asset and should be preserved for future generations • The trees are contributing to carbon capture which is important for climate change.
82	Opposed	Commercial use Amenity Traffic vegetation, habitat and wildlife PV BCC	Concerns: <ul style="list-style-type: none"> • commercialisation of the park. • erecting an intrusive structure will be detrimental to the natural environment • increased vehicle traffic • native fauna and flora will be adversely impacted • Parks Vic is abrogating its responsibility to preserve nature and culture of park • Banyule should oppose the alienation of valuable inner city semi natural parkland • FAQ's on Shaping Banyule use qualifying statements on environmental impacts that do not inspire confidence
83	Opposed	Commercial use Traffic Wildlife	Concerns: <ul style="list-style-type: none"> • the natural environmental will be spoiled by commercial greed • the wildlife will suffer from the extra noise and activity • there would be more unwelcome traffic

No.	Support/ Oppose	Theme	Summary of Submission
84	Opposed	Planning control Commercial use Amenity Traffic Vegetation, habitat and wildlife PV BCC Aboriginal heritage	Concerns: <ul style="list-style-type: none"> the development proposal is illegal, questions where in the Act it allows for a commercial operator to carve up and develop for commercial gain any Parks Victoria park the park should not be commercialised erecting an intrusive structure will be detrimental to the natural environment increased vehicle traffic native fauna and flora will be adversely impacted Parks Victoria is abrogating its responsibility to preserve nature and culture of park Council should oppose alienation of valuable inner city semi-rural parkland FAQ's on Shaping Banyule use qualifying statements on environmental impacts that do not inspire confidence queries what consultation has occurred with traditional owners as required by Parks Victoria Act
85	Opposed	Retain parklands Commercial use Environment & habitat Other users PV	Concerns: <ul style="list-style-type: none"> the amendment allows for the gradual erosion of natural parklands commercial use of the park concerned with proposals impact on conservation elements of the area and introducing human activity into a natural wildlife habitat there is no Environmental Impact Statement other park users would be deterred from walking near the tree top structures, limiting the use of the area Parks Victoria are failing in their duty to protect and preserve parks
86	Opposed	Commercial use Retain Parkland BCC	<ul style="list-style-type: none"> Concern with commercial use of the park and setting of precedent Notes benefit and enjoyment of open green spaces and importance of maintaining the natural environment Suggests the Council wants income and commercial interests are given priority over environmental issues

No.	Support/ Oppose	Theme	Summary of Submission
87	Opposed	Commercial use Traffic Wildlife Amenity	Concerns: <ul style="list-style-type: none"> commercialisation of the park increased traffic impact on wildlife impact on tranquillity of the park, rare to find in Melbourne
88	Opposed	Commercial use Wildlife Traffic Amenity Location	Concerns: <ul style="list-style-type: none"> commercial use on public land and potential to set a precedent wildlife will be adversely affected, including kangaroos and native birds increased traffic, litter and infrastructure will reduce the amenity of this area suggest proposal is of no community benefit suggest proponents purchase own land
89	Opposed	Environment & wildlife Traffic	Concerns: <ul style="list-style-type: none"> impact on nature and wildlife in the area, including kangaroos and birds about traffic and people pollution
90	Opposed	Commercial use Wildlife	Concerns: <ul style="list-style-type: none"> commercialisation of the park increased traffic will adversely impact wildlife
91	Opposed	Commercial use PV NEL Wildlife Billabong Location Aboriginal heritage Planning reports River Red Gums Size of project area Traffic	Concerns: <ul style="list-style-type: none"> opposed to the park being used for commercial development research used by Parks Vic to justify proposal is limited and outdated. North East Link will already reduce green passive space in Banyule proposal will disturb Kangaroos and Powerful Owls that use the area rewatering of Banksia Billabong is not harmonious with the Treetops, the activity will scare away resulting birdlife queries whether other sites have been examined suggests indigenous use of the site needs further examination suggest Ecoline reports are not independent, a full environmental assessment is required with River Red Gums dropping branches query why size of project area is large in relation to treetop site with traffic impacts on The Boulevard

No.	Support/ Oppose	Theme	Summary of Submission
92	Opposed	Commercial use	Opposed to commercial use of public land
93	Opposed	Commercial use Retain parkland	<ul style="list-style-type: none"> Area should be preserved as a community resource and not commercialised Natural green spaces are important and should be retained.
94	Opposed	Vegetation, habitat and wildlife Billabongs Location Red Gums Size of project area NEL	<p>Concerns:</p> <ul style="list-style-type: none"> conservation value of the area, including billabong and wetlands habitat value of area, powerful owls use area for food source it is contrary to protecting our natural environment and being Environmental Stewards the habitat value will be disturbed by activity, noise and pruning of trees proposal should be located in an area of low conservation value Red Gums are not appropriate for use as they drop limbs the Project area is large and includes land which needs care and regeneration Banyule will suffer due to tree loss with NEL, highlights importance of preserving all conservation areas highlights the proposal as a local example of destruction of diversity of species driven by human need
95	Opposed	Traffic	<ul style="list-style-type: none"> Concerned about impact of traffic on surrounding streets Queries if any plans to restrict parking in surrounding areas.
96	Opposed	Habitat and wildlife Retain parkland PV	<p>Concerns:</p> <ul style="list-style-type: none"> impact on native animals and habitat notes importance of being in nature suggest children benefit more from just being in nature rather than on a structured commercial play activity that Parks Victoria have approved the proposal as their role is to preserve and protect our parks.
97	Opposed	Vegetation, habitat and wildlife	Concerned with impact on trees, vegetation, habitat and wildlife.
98	Opposed	Wildlife Amenity Retain parkland	<p>Concerns:</p> <ul style="list-style-type: none"> impact on flora and fauna is unknown, e.g. rare or endangered species such as gliders increase in foot traffic result in more rubbish loss of existing rural amenity being a rare example of a large area close to the city

No.	Support/ Oppose	Theme	Summary of Submission
99	Opposed	Traffic Commercial use	Concerned with additional traffic in the area and use of unique, natural environment for commercial purposes.
100	Support	Good activity Available land	Supportive as: <ul style="list-style-type: none"> • it would be a good activity for kids, keeping them active and outdoors • there is ample river land around • the land is subject to flooding and is creepy to walk around, this is a great use of the land
101	Opposed	Retain parkland Traffic Wildlife	<ul style="list-style-type: none"> • Opposed as do not want the area changed or upgraded to facilitate a private venture • Concerned with extra traffic • Concern wildlife will be disturbed
102	Opposed	Wildlife and habitat	<ul style="list-style-type: none"> • Opposed as although the adventure would be a great opportunity for kids the impact of putting it in an environmentally sensitive area are too high • Concerned the influx of people will frighten the fauna and impact their habitat
103	Opposed	Vegetation, trees, habitat and wildlife	Concerns: <ul style="list-style-type: none"> • the activity is close to the Yarra River and will affect local birds and animals • need to preserve and protect the remnant vegetation and river red gums
104	Opposed	Traffic Commercial use Wildlife	Concerns: <ul style="list-style-type: none"> • with traffic in already congested Bourke Road • opposed commercialisation of the park • impact on local wildlife
105	Opposed	Traffic Vegetation, habitat & wildlife Commercial use	Concerns: <ul style="list-style-type: none"> • increased traffic • negative impact on local fauna and flora • opens up the park to commercial interests

No.	Support/ Oppose	Theme	Summary of Submission
106	Opposed	Commercial use Habitat and wildlife Retain parkland	Concerns: <ul style="list-style-type: none"> public parks should not be used for private commercial use commercial enterprise will change the amenity of the park allowing commercial use of public park sets a precedence for further commercial use impact on habitat, birds and native animals recent Covid restrictions and isolation have proven the need for large public area
107	Opposed	Retain parkland	<ul style="list-style-type: none"> Concerned loss of parkland to commercial development Notes the value of the parkland and its use during Covid restrictions
108	Opposed	PCRZ Retain parklands Traffic & noise	Concerns: <ul style="list-style-type: none"> the PCRZ should not be overridden for profit need to protect and retain the parklands, it is a unique green belt impact on neighbouring suburbs from traffic and noise
109	Opposed	Commercial use Wildlife PV	Concerns: <ul style="list-style-type: none"> commercialisation of the park increase in traffic will have detrimental impact on environment impact on Kangaroos and wildlife in the area Parks Victoria is abrogating its responsibility to 'protect and preserve' the Yarra Flats Park.
110	Opposed	Commercial use Retain parkland	Concerns: <ul style="list-style-type: none"> commercial use of public land important to protect and maintain our natural assets parks are important for mental health as seen during Covid restrictions
111	Opposed	Habitat & wildlife Commercial use Retain parkland PV	Concerns: <ul style="list-style-type: none"> wildlife and habitat will be adversely affected by the proposal oppose commercialisation of the section of park the unique natural environment should be preserved and maintained Parks Victoria is abrogating its responsibility to protect and preserve the park for future generations

No.	Support/ Oppose	Theme	Summary of Submission
112	Opposed	Vegetation, ecosystem, trees, habitat & wildlife Retain parkland PV NEL Billabong Traffic & parking	<p>Opposed to the amendment for the following reasons:</p> <ul style="list-style-type: none"> Impact on the ecosystem, even if marginal all impacts add up, we need to 'rewild' not 'dewild' Yarra Flats Park (YFP) is rare example of natural forest close to the CBD, the site is a treasure and should be restored rather than exploited Parks Vic are using YFP to boost their revenue stream, the State Govt. should fund them appropriately The proposal is counter to Parks Victoria's vision to 'conserve Victoria's special places and make them accessible to all' North East Link is destroying thousands of trees, we need to save what little remaining forest we have in Banyule Concerned with impact on nesting birds, wombats, platypus, the billabong and all species that make up wetland environment and ecosystem Report on powerful owl does not consider the birds move and may nest there in future Proposal will be open 364 days with up to 100 people, it will be crowded, busy and noisy with detrimental impact to ecosystem Concerned branches being removed when 'dangerous to public' Concerned proposal will prevent rewatering of Banksia Billabong Concern with traffic and parking problems spilling into neighbouring streets
113	Opposed	Commercial use Location Habitat and wildlife	<ul style="list-style-type: none"> Opposes using PCRZ land for commercial use Suggest proposal better suited to outer Melbourne Concerned impact on habitat and wildlife
114	Opposed	PRCZ Vegetation, habitat and wildlife NEL	<ul style="list-style-type: none"> Opposes using PCRZ land for commercial use - the zoning is not arbitrary and should not be weakened Disagrees with notion of light foot print, concerned impact on flora and fauna Proposal is unnecessary, people enjoy the park and can appreciate the trees at ground level North East Link is already putting pressure on the local environment
115	Opposed	Commercial use Traffic Retain parkland Planning controls	<ul style="list-style-type: none"> The land should not be commercialised allowing rif raf and increased vehicle traffic Concerned the parkland should remain as is, a unique natural environment only 10km from CBD Queries how the proposal can be considered with the vegetation overlays in the area

No.	Support/ Oppose	Theme	Summary of Submission
116	Opposed	BCC Traffic Retain parkland	Concerns: <ul style="list-style-type: none"> • inappropriate use of rates, would prefer money spent on conservation of the area • increased traffic in The Boulevard • notes the park is one of the last areas to go for passive recreation
117	Opposed	Retain parkland Commercial use Amenity Traffic Wildlife PV BCC	Concerns: <ul style="list-style-type: none"> • the park is a unique, natural environment that is extensively used for passive recreation • the park should not be commercialised, this will create a precedent for other commercial proposals • no matter how “lightly resting” the proposal may be, erecting an intrusive structure in this natural environment will be detrimental to the park • increased vehicle traffic in my area • wildlife that populate the park will be adversely impacted • Parks Victoria is abrogating its responsibility to “protect and preserve” the park • Banyule Council should oppose the alienation of valuable inner city semi-natural parkland
118	Opposed	Commercial use Wildlife Other users	<ul style="list-style-type: none"> • Opposed to commercialisation of park • Concerned impact on bellbird grove and walking tracks
119	Opposed	Commercial use Heritage Paths Retain parklands NEL Risk BCC policy Wildlife	Concerns: <ul style="list-style-type: none"> • alienation of Banyule public land and potential to set a precedent • the area is sacred to the memory of the famed Heidelberg Impressionist School • the proposal violates the Eltham to Melbourne CBD walking track • many people enjoy peaceful walking that does not impact others, notes physical and mental benefits • adds to the huge NEL environmental vandalism • with the NEL this spot will be highly polluted and unsuitable for vigorous activity • concern with liability and risk for Banyule Council and ratepayers • Banyule Council should reject proposal in line with declared climate emergency • impact on all species and ecosystem which cannot be replaced • threat to endangered species, e.g. Studley Park hybrid gum, Powerful Owl and swift parrot
120	Opposed	Commercial use	Concerned with commercialisation of the park

No.	Support/ Oppose	Theme	Summary of Submission
121	Opposed	Retain parkland Commercial use Traffic Wildlife PV	Concerns: <ul style="list-style-type: none"> the park is a unique, natural environment that is rare in inner city area commercialisation of the park increased vehicle traffic in my area wildlife that populate the park will be adversely impacted Parks Victoria is abrogating its responsibility to “protect and preserve” the park Banyule Council should oppose the alienation of valuable inner city semi-natural parkland
122	Opposed	Other users	Concerned it will adversely affect value of the parks use
123	Opposed	Commercial use Vegetation and wildlife	Concerns: <ul style="list-style-type: none"> the proposal is unnecessary as Ivanhoe East park has been renovated and serves the needs of families with the environmental impact the proposal only benefits a few individuals while this area is used for casual recreation by many with commercialisation of a public space, amendment is about profit rather than community queries statistical evidence that proposal is wanted or needed
124	Opposed	Commercial use	Concerned with use of public land for commercial purpose.
125	Opposed	Retain parkland	<ul style="list-style-type: none"> Concerned the amendment will take valuable green space away from the local community Notes parks are important for physical and mental health as evident during the Covid restrictions
126	Opposed	Vegetation, trees, habitat and wildlife	Concerns: <ul style="list-style-type: none"> the amendment will have significant negative consequences on the existing trees, flora and fauna of the area it does not provide sufficient protection for the park nor protect the ecological values of the area which must be maintained and enhanced into perpetuity the Practical Ecology report describes the habitat made up of many layers, hollows, understorey, leaf litter etc., this diverse environment will be compromised by the work required to set up the ropes course while Ecoline has advised that no trees will be removed it is obvious, due to the density of the tree canopy that vegetation in this zone will be modified to allow for the obstacle course facilities in trees and for the safety of participants

No.	Support/ Oppose	Theme	Summary of Submission
127	Opposed	Vegetation and habitat	Concerns: <ul style="list-style-type: none"> the constant use of this section of native forest will apply pressure into an already challenged eco-system at the site the capacity of the space to provide quality habitat will be impaired the increase in planted area to offset (by quantity) what will be lost in quality should be a precursor to any approval
128	Support	Good activity Community use	Supportive as: <ul style="list-style-type: none"> have firsthand experience of the dynamic benefits of a high ropes course in challenging individuals, to grow and learn and develop resilience (experience gained as member of Victoria Police, 12 years coordinator of a young offender high ropes program through Heidelberg children's court) allows for the development of a fantastic community facility
129	Opposed	Amenity Vegetation & trees	Concerns: <ul style="list-style-type: none"> increases in people and cars will have detrimental effect on enjoyment of the park appreciates the park for its peaceful bush setting impact on the vegetation and the beautiful old trees in this precinct.
130	Opposed	Retain parkland Commercial use Amenity Wildlife PV BCC	same as #117
131	Opposed	Commercial use Mandate	<ul style="list-style-type: none"> Concerned State Government and Council do not have a mandate to proceed with the proposal, should be put to the people Considers the proposal has no educational or ecological merit Concerned the proposal is about raising revenue from public land

No.	Support/ Oppose	Theme	Summary of Submission
132	Opposed	Commercial use Vegetation, habitat & wildlife Billabong Size of project area	Concerns: <ul style="list-style-type: none"> commercial venture operating on public land, open space belongs to the public, not commercial interests impact on habitat and wildlife by daily visitors, the billabong where the adventure park will be located has not been compromised by infill and contains important trees and habitat proposal is not in keeping with Banyule Council's Biodiversity Plan 2019-2022 that any branch could be deemed hazardous and removed for public safety reasons that fences will be required in the future to limit access for insurance purposes the project area extends to the Banksia/Boulevard corner allowing the previously proposed gallery to proceed without proper community consultation commercialisation sets a precedent for the area, if the project is successful there will be pressure for increased car parking, better access for buses, cafe facilities etc. Banyule Council should resist commercialisation of the Yarra River within its municipal boundaries
133	Opposed	Commercial use Retain parkland Public access Tree and vegetation	Concerns: <ul style="list-style-type: none"> privatisation and commercialisation of the park sets a precedent further demands for privatisation of public space the River Flats needs to be one continuous semi-natural bushland corridor not only for wildlife, but also for the people of Banyule public safety concerns will trump all other considerations, and trees and branches which might possibly constitute public risk will be lopped for insurance reasons
134	Opposed	Banyule policy Vegetation, wildlife and habitat PCRZ	<ul style="list-style-type: none"> The proposal's location in a remnant River Red Gum forest is incompatible with Banyule's Strategic Planning Framework (inconsistent with 21.02 'to protect and enhance our natural environment'), Banyule's Biodiversity Plan (vegetation condition and biodiversity will decline), Wildlife Corridor Program (Yarra River is a 'Major Wildlife Corridor') and VPO1 (retaining a buffer strip of vegetation within specified distances of watercourses) In the context of substantial prior loss of native vegetation, it will lead to further loss of wildlife habitat and degrade vegetation quality The current zoning is appropriate and, in this location, should be focussed on protecting the natural environment, there is nothing unique and in the public interest about a treetop adventure activity which requires it to be placed in the proposed location and to change the current zoning

No.	Support/ Oppose	Theme	Summary of Submission
135	Support	Activate area Good activity Community use	Supportive of the amendment as: <ul style="list-style-type: none"> the proposal will activate an area which currently has a lowered perception of safety (knowledge gained as the local police Crime Prevention Officer) the recreational activity will provide community engagement and cohesion the facility would be useful for early intervention programs in building resilience and confidence its likely external agencies will use the proposed Treetops adventure park including the Department of Education, Scouts Victoria, Victoria Police, Berry Street agencies and more
136	Opposed	Commercial use Location Habitat and wildlife PV	Concerns: <ul style="list-style-type: none"> creeping commercialisation will lead to more intrusive interventions concealed by 'commercial in confidence' queries transparency of commercial arrangements children will not appreciate the bush as is, only as commercialised suggests proposal would be better in regional areas impact on habitat and local wildlife Parks Victoria is not fulfilling its responsibility to protect and preserve the park
137	Opposed	Retain parkland Commercial use	<ul style="list-style-type: none"> We should preserve the natural environment for all to enjoy passive recreation. Opposes park being commercialised Parks Victoria is abrogating its responsibility to “protect and preserve” the park
138	Opposed	Commercial use Retain parkland Wildlife	<ul style="list-style-type: none"> Concerned with commercialisation of the park Notes the park is a unique natural environment used for recreation Concern the wildlife that live in the park would be adversely affected
139	Opposed	Commercial use Retain parkland Other users Environment	<ul style="list-style-type: none"> Does not support privatisation of the area Notes the site is used for passive recreation by the public The proposal will disrupt both passive recreation and disturb sensitive environmental areas

No.	Support/ Oppose	Theme	Summary of Submission
140	Opposed	Demographics Wildlife Retain parkland Commercial use	Concerns: <ul style="list-style-type: none"> the proposal will just cater for a minority of people at a particular stage in their lives to the detriment of all others it will have a major impact on the local wildlife this is a natural area suitable for passive recreation and creating a sense of well-being it is natural treasure as it is the proposal is just a commercial venture
141	Opposed	Commercial use Retain parkland Wildlife	<ul style="list-style-type: none"> Concerned with commercialisation of the park Notes the park is a unique natural environment used for recreation Concern the wildlife that live in the park would be adversely affected
142	Opposed	Commercial use Retain parkland	<ul style="list-style-type: none"> Opposed to commercialisation of park The park is a wonderful natural environment and the entire area should remain that way for future generations to enjoy Concerned it will lead to other uses, e.g. coffee shop
143	Opposed	Commercial use	Concerned with commercialisation of park.
144	Opposed	Commercial use Retain parkland Wildlife PV	Concerns: <ul style="list-style-type: none"> commercialisation of park would like the parkland retained in its natural state notes public appreciation of the park as is impact on wildlife Parks Victoria should be preserving the park
145	Opposed	Amenity Commercial use	Concerns: <ul style="list-style-type: none"> visual intrusion of the proposal from the main entrance if the proposal is successful the commercial intrusion will continue to cafes, shops and admin areas opposes commercialisation of the park

No.	Support/ Oppose	Theme	Summary of Submission
146	Opposed	Commercial use Flooding Retain parkland	<ul style="list-style-type: none"> • Opposes commercial use within the park • Area should be kept as open space • Concerned area is subject to flooding and not safe for structures
147	Opposed	Commercial use Amenity NEL	<ul style="list-style-type: none"> • Opposed to commercialisation of public land • Amendment will negatively affect the value of the park and residents paid a lot of money to live in the area • Impact of North East Link is not known and should wait until it's been completed
148	Opposed	Commercial use Wildlife	Concerned of commercialisation of the park and the impact on wildlife
149	Opposed	Retain parkland Commercial use Amenity Traffic Wildlife PV BCC	same as #117
150	Opposed	Retain parkland Commercial use	<ul style="list-style-type: none"> • Yarra Flats Park is a significant area of relatively undisturbed natural parkland, providing beauty, physical recreation & mental respite, this was highlighted during the recent lockdown • With increasing urban density Councils need to be safeguarding these areas, not opening them up to private commercial enterprises • We want our children and grandchildren to have some appreciation of the natural world close to home, without commercial signs, additional crowding, more parking etc.

No.	Support/ Oppose	Theme	Summary of Submission
151	Opposed	Retain parkland Commercial use Amenity Traffic Wildlife PV BCC	Concerns: <ul style="list-style-type: none"> the park is a unique, natural environment that is extensively used for passive recreation the park should not be commercialised no matter how “lightly resting” the proposal may be, erecting an intrusive structure in this natural environment will be detrimental to the park increased vehicle traffic in my area wildlife that populate the park will be adversely impacted Parks Victoria is abrogating its responsibility to “protect and preserve” the park Banyule Council should oppose the alienation of valuable inner city semi-natural parkland
152	Opposed	Wildlife Retain parkland	<ul style="list-style-type: none"> Concerned impact on kangaroos Area should be retained for passive recreation
153	Opposed	Retain parkland Commercial use Amenity Traffic Wildlife PV BCC	same as #117
154	Opposed	Commercial use Retain parkland	Opposed to commercial uses in the park, would like the open space retained
155	Opposed	Public access	<ul style="list-style-type: none"> Concerned overhead structures will limit current activities on the ground e.g. bike path, walking area Concerned OHS issue will result in area being closed off
156	Opposed	Retain parkland Commercial use Intrusive structure Traffic Wildlife	Concerns: <ul style="list-style-type: none"> the park is a unique, natural environment that is extensively used for passive recreation the park should not be commercialised erecting an intrusive structure in this natural environment will be detrimental to the park increased vehicle traffic in my area vegetation & wildlife will be adversely impacted the prized land should not be alienated or changed

No.	Support/ Oppose	Theme	Summary of Submission
157	Opposed	Commercial use Public access Amenity PV BCC	Concerns: <ul style="list-style-type: none"> the park should not be commercialised the entire envelope will eventually be restricted to public access no matter how “lightly resting” the proposal is said to be, this is just a statement not a commitment; and Council cannot be trusted to ensure this need to safeguard the bike and walking access to the Main Yarra Trail and the current safe crossing for the 6 lanes of Banksia St Parks Victoria is abrogating its responsibility to “protect and preserve” the Yarra Flats Banyule Council should oppose the encroachment of valuable inner-city natural parkland the amendment will adversely affect the amenity if the area and property values along The Boulevard
158	May support if changes made	Commercial use Demographics Traffic	Concerns: <ul style="list-style-type: none"> that once this proposal is allowed it could expand in the future with additional equipment/structures queries what the terms and conditions of the lease are the proposal does not suit the demographics of residents in the area, would appeal more to younger folk additional traffic and use of surrounding residential roads
159	Opposed	Commercial use Retain parkland Traffic	<ul style="list-style-type: none"> Concerned commercial use of the park Area should be retained as a natural environment used for passive recreation Concerned impact of increased traffic
160	Opposed	Retain parkland Commercial use Amenity Traffic Wildlife PV BCC	same as #117

No.	Support/ Oppose	Theme	Summary of Submission
161	Opposed	Retain parkland Trees & wildlife	<ul style="list-style-type: none"> The park should be protected and preserved in its natural state for today and future generations Concerned impact on trees, wildlife, whole ecosystem Concerned at gradual loss of peaceful green space in neighbourhood
162	Opposed	Retain parkland Environment, habitat & wildlife PV	<ul style="list-style-type: none"> It is a valuable passive recreation area used by all and should not be restricted to a small number of paying clients Open space is under increasing pressure due to residential development and smaller backyards, do not want to see more public green space surrendered to commercial usage for the benefit of a few Land adjacent to waterways needs to be set aside for native flora and fauna, not less Notes parklands are beneficial to mental wellbeing and conservation of environment Parks Victoria is abrogating its responsibility by allowing this natural habitat to be used for commercial gain
163	Opposed	Retain parkland Commercial use Vegetation and wildlife	<ul style="list-style-type: none"> Public parks and recreation areas should be preserved and improved, rather than commercialised for a short-term profit The wildlife and tree canopy will be adversely affected
164	Opposed	Commercial use Vegetation & wildlife Amenity	<p>Concerns:</p> <ul style="list-style-type: none"> commercialisation of parkland negative impact on local wildlife and its connectivity increased car traffic in the park will have a negative impact on wildlife impact of this proposal on flora, particularly established indigenous trees on the proposed site increase in noise resulting from the proposal negative impact on the natural aesthetics negative impact on the tranquil boulevard character - one of the few areas in suburban Melbourne that has a rural feel
165	Opposed	Retain parkland Trees & wildlife	<ul style="list-style-type: none"> Park should be protected and preserved in its natural state for today and future generations Concerned impact on trees, wildlife, whole ecosystem Concerned at gradual loss of peaceful green space in neighbourhood
166	Opposed	Commercial use	Opposes providing open space to private owners

No.	Support/ Oppose	Theme	Summary of Submission
167	Opposed	Commercial use	Opposes commercialisation of natural parklands
168	May support if changes made	Access, safety and security	Concerned about public access to open space, river flats and bike paths; safety during construction and daily operations; and site security.
169	Opposed	Environment Vegetation, habitat & wildlife River Red Gums Billabong Amenity Traffic & parking Commercial use Safety Aboriginal heritage	<p>Concerns:</p> <ul style="list-style-type: none"> • it will devalue the work done by the local community for over 40 years to revegetate, protect and conserve the park • impact on environmental values of the site; the small area of remnant River Red Gum forest is a significant feature of the park • damage to the health of the trees including compaction of soil • the risks associated with River Red Gums and limb shedding, queries compliance with AS4970 • detrimental effects on wildlife including countering the positive effects of re watering the Banksia billabong • negative impact on the amenity of the park which is valued for relaxation and passive recreation • parking estimate are out dated and will now be inadequate • increased traffic on surrounding streets • alienation of public land for commercial facility • safety issues with trees, snakes and steep banks • lack of indigenous heritage study or consultation with local indigenous peoples • concerns with Due Diligence report finding of significant ground disturbance being present across the whole area is incorrect.
170	Opposed	Retain parkland Commercial use Vegetation and wildlife PV	<ul style="list-style-type: none"> • The park is a natural environment used for passive recreation and should not be commercialised • Concerned plants and trees would be adversely affected • Concerned birds and animals would be driven from the area due to increased human activity • Parks Victoria is abrogating its responsibility to 'protect and preserve' the park

No.	Support/ Oppose	Theme	Summary of Submission
171	Opposed	Commercial use Vegetation, habitat and wildlife	<ul style="list-style-type: none"> • Opposed to commercialisation of public land • Concerned with negative impact on the native flora and fauna and poor assessment of such • Urban areas with remnant vegetation and well-established wildlife habitat are scarce and highly valuable, they ought to be respected • Permitting the amendment would create a precedent
172	Opposed	Environment Vegetation, habitat & wildlife River Red Gums Billabong Amenity Traffic Commercial use Safety Aboriginal heritage	<p>Concerns:</p> <ul style="list-style-type: none"> • it will devalue the work done by the local community for over 40 years to revegetate, protect and conserve the park • impact on environmental values of the site; the small area of remnant River Red Gum forest is a significant feature of the park • damage to the health of the trees • the risks associated with River Red Gums and limb shedding • detrimental effects on wildlife including countering the positive effects of re watering the Banksia billabong • negative impact on the amenity of the park which is valued for relaxation and passive recreation • parking estimate are out dated due to Covid 19 and increased usage • increased traffic on surrounding streets • alienation of public land for commercial facility • safety issues with trees, snakes and steep banks • lack of indigenous heritage study or consultation with local indigenous peoples
173	Opposed	Commercial use Retain parklands Billabongs Vegetation	<ul style="list-style-type: none"> • Concerned with commercialisation of the park • Notes park is valuable as enjoyed for passive recreation by all ages • Concerned with impact on billabongs, grasslands and river red gums • Need to preserve the park for future generations

No.	Support/ Oppose	Theme	Summary of Submission
174	Opposed	Retain parkland Commercial use Amenity Traffic Vegetation & wildlife PV BCC	Concerns: <ul style="list-style-type: none"> the park is a unique, natural environment that is extensively used for passive recreation the park should not be commercialised, this will create a precedent for other commercial proposals no matter how “lightly resting” the proposal may be, erecting an intrusive structure in this natural environment will be detrimental to the park increased vehicle traffic in my area vegetation and wildlife will be adversely impacted Parks Victoria is abrogating its responsibility to “protect and preserve” the park Banyule Council should oppose the alienation of valuable inner city semi-natural parkland
175	Opposed	Environment & wildlife Access Amenity	<ul style="list-style-type: none"> Concerned with loss of public access and amenity Concerned impact on local environment including local swamp wallaby's
176	Opposed	Commercial use Environment Amenity	Concerns: <ul style="list-style-type: none"> sets a precedent for commercialisation impact on environment and amenity the benefit is profit over wellbeing of park users
177	Opposed	Retain parklands Commercial use Safety	<ul style="list-style-type: none"> Notes the area is appreciated for its natural, peaceful qualities Concerned with commercialisation of the park Concerned issues of compliance will become expensive for Council
178	Opposed	Retain parklands Commercial use Wildlife	<ul style="list-style-type: none"> The park is an area for passive recreation that's important as demonstrated during Covid 19 restrictions Commercialisation of public land will change the nature of the area Increase in cars and people will inevitably impact the wild life in the area
179	Opposed	Vegetation, habitat & wildlife Billabong Size of project area	Concerns: <ul style="list-style-type: none"> loss of River Red-Gum canopy in Banksia Billabong loss and disturbance of wildlife habitat in Banksia Billabong the excessive area of parkland affected by the amendment

No.	Support/ Oppose	Theme	Summary of Submission
180	Opposed	Billabong Vegetation, trees, habitat & wildlife	Concerns: <ul style="list-style-type: none"> • impact on environmental values of the Banksia Billabong • the supporting information indicates pruning of River Redgum is inevitable and the tree removal is a likely outcome in the future • the potential effects on habitat, particularly with respect to the Powerful Owl, are not properly considered
181	Opposed	Vegetation and trees Red Gums Billabong Planning controls	Concerns: <ul style="list-style-type: none"> • intrusion on tree canopy • river red gums are not suitable due to dropping limbs • contradicts the Yarra River Protection Act • intrudes on Annulus Billabong and is close to Bolin Bolin Billabong • change in planning controls is not justified
182	Opposed	Retain Parkland Commercial use Amenity PV	Concerns: <ul style="list-style-type: none"> • the park is a unique, natural environment that is extensively used for passive recreation and should be preserved • the park should not be commercialised • with higher density housing open space should be increased not privatised • an intrusive structure in this natural environment will be detrimental to the park and visual amenity of the area • Parks Victoria is abrogating its responsibility to “protect and preserve” the park • Banyule Council should oppose the alienation of valuable inner city semi-natural parkland • the area will be negatively impacted by signage, parking, increased traffic and noise
183	Opposed	Retain Parkland Commercial use Amenity PV	same as #182
184	Opposed	Amenity Location	<ul style="list-style-type: none"> • Intrusive structure would impact tranquil environment • Proposal would be better suited in outer areas where there is more space.

No.	Support/ Oppose	Theme	Summary of Submission
185	Opposed	Vegetation & habitat Planning policy and controls River Red Gums Location	<p>Concerns:</p> <ul style="list-style-type: none"> the proposal will negatively impact the local ecology of the area and the ability for the Yarra to be a connecting habitat corridor further information is required on intended outcomes of proposal and how they align with Yarra River Action Plan how net gain for environment will be achieved (Yarra River Protection Act s9(4)) dead wooding impacts the ability of area to support biodiversity River red gums are not appropriate for a ropes course as they drop branches inadequate assessment as part of broader landscape (SLO) <p>Makes the following recommendations:</p> <ul style="list-style-type: none"> to relocate this project away from the river into a forested area where it will not interrupt habitat and disrupt the continuity of the Yarra Corridor as a migratory pathway for wildlife not to use mature river red gums on which to construct an aerial canopy not to establish the precedent of canopy intrusion in the Yarra River corridor on Yarra River Land if a connection to nature is the desired outcome, evaluate other alternatives that are more accessible and inclusive to the general public clearly state how the proposal will establish a net gain for the environment
186	Opposed	Consultation Commercial use Retain parkland	<ul style="list-style-type: none"> There has been inadequate public consultation Open passive recreational space is declining, we need more not less Concern with commercialisation of public land

No.	Support/ Oppose	Theme	Summary of Submission
187	Opposed	Wildlife & biodiversity Planning controls & policy Traffic Retain parklands Commercial use	Concerns: <ul style="list-style-type: none"> • impact on wildlife and biodiversity, including powerful owls • increased narrowing of the wildlife corridor along the Yarra River • inadequate protection of the park from future development, changes can be made by application to the 'responsible authority' • increased traffic down The Boulevard and Glenard Drive, iPhone maps will direct traffic down Glenard Drive to Yarra Flats Entry Road • it is not in accordance and spirit of "Middle Yarra River Corridor Study Recommendations Report October 2016 and Banyule 2019-2022 Biodiversity plan • area should be preserved for future generations and not commercialised
188	Opposed	Retain parkland Commercial use BCC	<ul style="list-style-type: none"> • Park should remain as unique natural environment used by passive recreation • Opposed to commercial use of public land • Council should oppose alienation of inner city semi-natural parkland
189	Opposed	Commercial use Paths & access Vegetation & wildlife	Concerns: <ul style="list-style-type: none"> • commercialisation of an area that has been revegetated by community groups over years • if the ground cover will be replaced by stones for paths • public access to the area once it is "owned" by a private company • sets precedent for more commercial activities in this area • impact on wildlife corridor by excessive human activity
190	Support	Low impact	Supportive as is good recreational use of space with minimal effect on the environment
191	Opposed	Retain parkland Commercial use Wildlife	Concerns: <ul style="list-style-type: none"> • need to preserve the natural environment • commercial interests are not compatible with the natural environment • wildlife will be affected
192	Opposed	Amenity Retain parkland	Concerned the amenity and serenity of the area will be degraded, don't spoil the last reminisces of natural beauty in Banyule
193	Opposed	Retain parkland Commercial use	Open space should be available to all not for private operators to profit from Parks should be left alone for all citizens

No.	Support/ Oppose	Theme	Summary of Submission
194	Opposed	Retain parkland Commercial use Traffic Wildlife Amenity	Concerns: <ul style="list-style-type: none"> • loss of unique, natural environment the area provides • commercialisation of area • increase in traffic to the area • wildlife may be adversely affected • preservation rather than development of such a natural site for passive recreation • with large structure to be erected in natural environment
195	Support	Low impact Good location Economic benefit Activate area	Supportive as: <ul style="list-style-type: none"> • the proposal appears to protect the area and reinforce its value • has some concerns about possible disruption to wildlife e.g. Powerful Owls, however it is better such developments happen where there is good public transport vs somewhere more remote • the intention is to have minimal permanent impact on the site • offers a different form of exercise available to the public as well as the benefit to local businesses of increased tourism
196	Opposed	Commercial use Retain parkland Wildlife Traffic PV Council	Concerns: <ul style="list-style-type: none"> • commercialisation of the park, it is a unique, natural environment that is extensively used for passive recreation, notably so during lockdown this year and should continue in its present state • wildlife will be adversely impacted by the such an intrusive structure • increased vehicle traffic in an area that is already heavily congested at the nearby access to the park • Parks Victoria is abrogating its responsibility to “protect and preserve” the park • Banyule Council should oppose the alienation of valuable inner city semi-natural parkland
197	Opposed	Commercial use Retain parkland Demographics	Concerns: <ul style="list-style-type: none"> • commercialisation of the park at the expense of preserving the natural environment • preservation of the park is becoming increasingly important due to the ongoing development and increase in population in Banyule • the amendment only caters for a minority of people at a particular stage of their lives to the detriment of all others for their whole life times

No.	Support/ Oppose	Theme	Summary of Submission
198	Opposed	Commercial use Retain parkland Trees, habitat & wildlife Heritage value	<p>Opposed for the following reasons:</p> <ul style="list-style-type: none"> • parkland should not be used for commercial advantage • it is a unique natural environment used for passive recreation • notes benefit of park for physical and mental health, evident during Covid lockdown • structure will cause adverse impacts on trees, habitat and wildlife • heritage value of park will be compromised • concern trend to commercialise Yarra parklands
199	Opposed	Commercial use Safety Habitat Location	<ul style="list-style-type: none"> • Opposed to commercialisation of important area of natural habitat • Safety concerns for young children with location close to river • Mature trees provide important habitat in dead limbs and hollows, will be impacted by ropes course • Suggests Darebin Parklands is good for bouldering opportunities as an alternative adventure activity
200	Opposed	Commercial use Retain parkland Wildlife Amenity	<p>Concerns:</p> <ul style="list-style-type: none"> • commercialisation of the park • disruption to serenity and tranquillity of the area will be lost • impact on local wildlife • increase in parking, foot traffic, litter and noise • public space should be available to all not just those who can afford to pay
201	Opposed	Retain parkland Commercial use Amenity Trees & wildlife NEL PV BCC	same as #117

No.	Support/ Oppose	Theme	Summary of Submission
202	Opposed	Retain parkland Size of project area Commercial use NEL Trees, habitat, wildlife, biodiversity Location	Concerns: <ul style="list-style-type: none"> this is a unique, natural environment that is used for passive recreation queries why the amendment covers a large area of the park public parkland should not be commercialised erecting these structures will be detrimental to the park impact on the parkland when across the Yarra, Bulleen & Templestowe will be devastated by the North East Link trees and wildlife will be adversely impacted, e.g. River Red-Gum canopy and wildlife & habitat disturbance in Banksia Billabong, impact on Powerful Owls treetops activities are great, but this is an incompatible use in the middle of suburbia treetop users will be impacted by the NEL Construction queries why it isn't built where trees grow straight
203	Opposed	Amenity Retain parkland Heritage Location Council	<ul style="list-style-type: none"> Opposes a proposal that subjugates nature for entertainment Concerned negative impact on amenity for users and residents due to traffic, signs, lights, bins, offices, carparks, noise, flying foxes etc. Area is highly valued and enjoyed for its natural beauty Proposal is not respectful of the significance of the area to the Heidelberg School Artists Suggests Ecoline should find land elsewhere Council should act in interest of residents and preserving nature rather than allowing alienation of public land for commercial interest
204	Opposed	Commercial use Size of project area Vegetation, trees, habitat and wildlife Billabong	Concerns: <ul style="list-style-type: none"> use of public open space for financial gain, concerned will set a precedent the excessive area of parkland affected by the amendment, concerned Art Gallery project is next the encroachment of the facility on native vegetation, particularly the Banksia Billabong loss/disturbance of wildlife habitat due to human activity, including impact on powerful Owl inevitable loss of River Red Gum tree canopy and wildlife habitat in the affected area

No.	Support/ Oppose	Theme	Summary of Submission
205	Opposed	Retain parkland Commercial use Amenity Traffic Trees & wildlife PV BCC Heritage	Concerns: <ul style="list-style-type: none"> the park is a unique, natural environment that is extensively used for passive recreation the park should not be commercialised no matter how “lightly resting” the proposal may be, erecting an intrusive structure in this natural environment will be detrimental to the park increased traffic trees and wildlife will be adversely impacted Parks Victoria is abrogating its responsibility to “protect and preserve” the park Banyule Council should oppose the alienation of valuable inner city semi-natural parkland notes appreciation of the open vista and re-imagining our aboriginal and artistic heritage
206	Opposed	Retain parkland Billabong Environment, habitat & wildlife	<ul style="list-style-type: none"> The area is a wild and special asset that should be protected from commercial interests Concerned with the impact on the hunting area of Powerful Owls, scare away prey Proposal is counterproductive to the work of Melbourne Water in rehabilitating natural systems Weeds need attending but won't be improved by a commercial venture Area is a worthwhile ecosystem that should be retained
207	Opposed	PCRZ Retain parklands Other Users Environment, habitat and wildlife Traffic & carparks Consultation PV	Concerns: <ul style="list-style-type: none"> allowing the proposal to proceed will destroy the point and purpose of the Public Conservation and Resource Zone impact on public enjoyment of green space, highlighted during lockdown with many people using the space for walking, exercise, cycling and relaxation impact on habitat and fauna, birds use the trees for nesting and feeding no independent Environmental Impact Statement has been done, planning reports are by private consultants impact on traffic in The Boulevard impact on existing carparks Banyule Council has not been impartial and has advocated for the proposal granting a lease by Parks Victoria to Ecoline is pre-emptive, queries public process to review or object to lease public consultation on plan for Yarra Flats Parks was carried out nearly a decade ago in 2012, support for treetops was 50% of the 227 responses

No.	Support/ Oppose	Theme	Summary of Submission
208	Opposed	Commercial use PV BCC Retain parkland Amenity Vegetation, habitat & wildlife Location	Concerns: <ul style="list-style-type: none"> commercialisation of public parkland, concerned it sets a precedent failure of Council and Parks Victoria to preserve the area for nature infrastructure, office and ropes course will degrade peaceful treed area natural parkland is in scarce supply in Melbourne and should be protected, parks vital during lockdown increasing population increases need for public natural areas to be retained adverse effect on habitat and wildlife, nocturnal animals that sleep during day, potential for birds and bats to get trapped in nets notes if an adventure park is desirable it should be on private land
209	Opposed	Traffic & parking Size of project area Commercial use Flooding Vegetation and habitat Drainage and flooding Demographics	Concerns: <ul style="list-style-type: none"> the traffic report is four years old and doesn't account for slow moving traffic at peak hour the project area is greater than required proposal will prioritise people outside of Banyule over locals Banyule does not appear to gain from the amendment likely further amenities will be sought, cafes, pop ups, gift shops potential for flooding on site ground compaction around walking tracks, paths may need to be widened potential for dangerous trees to be removed resulting in loss of habitat drainage has not been considered, query what is a dispersive trench area will not be able to accommodate school buses use is aimed mostly at children and young adults

No.	Support/ Oppose	Theme	Summary of Submission
210	Opposed	Commercial use Environment, vegetation & habitat Billabong PV Location River Red gums	Concerns: <ul style="list-style-type: none"> • public land should be protected and not commercialised • concerned with the detrimental impacts of the ropes course on the wild dense vegetation • the proposal is not compatible with plan to rewild and rewater the area • 2012 consultation not relevant in 2020, people increasingly seeking benefits of nature • proposal better located elsewhere • betrays trust of conservation groups that have worked to regenerate area • need for safety measures poses threats to future of the forest • red gums drop limbs and are not suitable
211	Opposed	Size of project area Consultation River red Gums Vegetation & wildlife Retain parklands Billabong Location Amenity Traffic PV BCC	Concerns: <ul style="list-style-type: none"> • the project area is larger than small section required • notice of the Amendment was not wide enough • the Shaping Banyule website is misleading and documents difficult to find • no examples are provided of activity using same types of trees or over a billabong and close to a river • many statements in the proponent's materials are without foundation • Council did not organise any public meetings only allowing for such a meeting via request • the advertising sign was plain text and would not capture public interest • Red gum trees are not suitable for proposal • the degree of branch clearing is not made clear • notes appreciation of the open vista and re-imagining our aboriginal and artistic heritage • park is a unique natural environment and should not be commercialised • impact on billabong has not been considered • ropes course more suitable for Melbourne outskirts in tall forests on private land • intrusive structure will be detrimental to the park • increased traffic in the area • vegetation & wildlife will be adversely affected • parking, fencing, toilets will increase over time and area will lose quiet rural heritage • Parks Victoria is abrogating its responsibility to "protect and preserve" the park • Banyule Council should oppose the alienation of valuable inner city semi-natural parkland

No.	Support/ Oppose	Theme	Summary of Submission
212	Support	No objection with condition	<p>AusNet Transmission Group has no objections to the Planning Scheme Amendment.</p> <p>AusNet Transmission Group has a transmission line adjacent to and partly within the subject land. Any proposed development of the Tree Tops Adventure Park (including roads, earthworks or landscaping) within 60 metres of the Transmission line must be referred to AusNet Transmission Group for approval prior to the commencement of any works on site.</p>
213	Support	Support with condition	<p>Overall, Melbourne Water is supportive of the proposal for an outdoor recreation facility (treetop adventure park) subject to advice and recommendations.</p> <p>Melbourne Water recommends the incorporated document be amended as follows:</p> <ul style="list-style-type: none"> • The addition of the following requirements under Condition 6.2: <ul style="list-style-type: none"> – A flood management plan must be submitted and approved as per Condition 6.31. – A cut and fill plan must be submitted and approved as per Condition 6.34. – An agreement must be entered into as per the condition below. • The addition of new conditions as follows: <ul style="list-style-type: none"> – Prior to the commencement of works, an agreement must be entered into with Melbourne Water and Parks Victoria to provide for the following: <ul style="list-style-type: none"> – Disclosure of the likely future inundation to the ropes course area. – Agreement on the management regime of the ropes course/billabong area including the timing, frequency and notice period regarding Melbourne Water's release of flow into the billabongs. – Agreement on access arrangements for the billabong areas. – The shipping containers must only be used for the temporary storage of equipment necessary for the functioning of the ropes course, noting that they will be subject to frequent and significant inundation from the Yarra River.

**BANYULE PLANNING SCHEME
Incorporated Document**

Day 1 Hearing version

**Treetop Adventure Park
340-680 The Boulevard, Ivanhoe East
September 2020**

This document is an Incorporated Document in the Banyule Planning Scheme pursuant to
Section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

This document is an Incorporated Document in the Schedules to 45.12 and 72.04 of the Banyule Planning Scheme (the scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 5.0 and 6.0 of this Document.

The provisions of this document prevail over any contrary or inconsistent provision in the scheme.

2.0 PURPOSE

The purpose of this document is to allow the use and development of the land described in Clause 3.0 of this document for an outdoor recreation facility (treetop adventure park), removal of native vegetation and display of advertising signage, generally in accordance with the plans approved under Clause 5.0 of this document and subject to Clause 6.0 of this document.

3.0 ADDRESS OF THE LAND

This document applies to part of the land within the Yarra Flats Park, 340 to 680 The Boulevard, Ivanhoe East, which is affected by Specific Controls Overlay 13 (SCO13) as shown on Planning Scheme Map 16SCO and which is more particularly identified as Subject Site in Figure 1 below.

The land is described as:

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



Figure 1: Land subject to this incorporated document outlined in blue

4.0 EXEMPTION FROM PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, no planning permit is required for, and no planning provision in the scheme operates to prohibit, restrict or regulate the use and development for the purposes of the development allowed by this document.

5.0 WHAT THIS DOCUMENT ALLOWS

This incorporated document allows for the area identified as Treetop Activity Area to be used and developed for development of an outdoor recreation facility (treetop adventure park), removal of native vegetation and display of advertising signage and for access, car parking and signage associated with the permitted use and development to occur within the broader area identified as Subject Site, generally in accordance with the following 'Incorporated Plans' and Clause 6.0 of this document.

The 'Incorporated Plans' include any matter identified in Clause 6.0 as Incorporated Plans and includes the following:

- Treetop Adventure Park Site Plan dated 15 June 2021 Version 10 as shown in Figure 2
- Site Plan -and Administration Offices Office Plans, prepared by Josh Clarke Ecoline Pty Ltd dated 15 June 2021 (Amendment C Revision 2) September 2020
- Elevations prepared by Josh Clarke dated 15 June 2021 (Amendment C Revision 2). ##Accurate Plan References to be provided and confirmed.
- Flora and Fauna Assessment, Native Vegetation Impact Assessment No-Net Loss Analysis and Land Management Plan, Yarra Flats TreeTop Adventure Park prepared by Practical Ecology, dated December 2018.
- Arboricultural Tree Health and Hazard Assessment, TreeTop Adventure Park, Yarra Flats Arboriculturist's Report and Tree Management Plan prepared by Advanced Treescape Consulting, dated 31 August 2018 with addendum dated 25 February 2019
- TreeTop Adventure Park Ivanhoe, Transport Impact Assessment by One Mile Grid dated 31 May 2016
- Preliminary Signage Strategy TreeTops at Yarra Flats by Treetops dated June 2017

and including any amendment of the plans that may be approved from time to time under the clauses of this document. Once approved, these plans will be the endorsed plans.

Banyule City Council – Day 1 Hearing Version



2



2

Figure 2: Treetop Adventure Park Site Plan

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

General

- 6.1 The development as shown on the 'Incorporated Plans' must not be altered or modified except with the written consent of the Public Land Manager and the Responsible Authority.
- 6.2 Unless otherwise agreed in writing by the Responsible Authority, the use and development allowed by this document must not commence until:
- (a) The Tree Management & Protection Plan as required by Condition 6. ~~76~~ is approved by the Responsible Authority.
 - (b) The tree protection measures required by Condition 6. ~~1140~~ are installed to the satisfaction of the Public Land Manager and the Responsible Authority.
 - (c) The Construction Management Plan as required by Condition 6. ~~2926~~ is approved by the Responsible Authority.
 - (d) A separate application, direct to Melbourne Water, is made for any new or modified storm water connection to Melbourne Water's drains or watercourses as required by Condition 6.3 ~~7~~.
 - (e) A flood management plan for the Treetop Activity Area has been prepared to the satisfaction of Melbourne Water as required by Condition 6.35
 - (f) A cut and fill plan must be submitted and approved as per Condition 6.38
 - (g) An agreement entered into with Melbourne Water and Parks Victoria as per condition 6.41
 - (h) A Fauna Management Plan has been prepared to the satisfaction of the responsible authority as required by condition 6.6
 - (i) A Green Travel Plan has been prepared to the satisfaction of the responsible authority as required by condition 6.24
 - (j) A Site Specific Safety Management Plan for operation of the Treetop Activity Area to address risk management, customer training and team member training for safety, environmental impact minimization, and emergency management to the satisfaction of the responsible authority and Parks Victoria.

Landscaping

- 6.3 Any revegetation and supplementary planting must be with the written consent of the publicland manager and be generally in accordance with the Flora and Fauna Assessment, Native Vegetation Impact Assessment~~No Net Loss Analysis~~ and Land Management Plan, Yarra Flats TreeTop Adventure Park prepared by Practical Ecology, dated December 2018.
- 6.4 All landscaping must be generally in accordance with measures recommended in the Arboricultural Tree Health and Hazard Assessment, TreeTop Adventure Park, Yarra Flats~~Arboriculturist's Report and Tree Management Plan~~ prepared by

Banyule City Council – Day 1 Hearing Version

Advanced Treescape Consulting, dated 25 February 2019 and with the Flora and Fauna Assessment, Native Vegetation Impact Assessment ~~No Net Loss Analysis~~ and Land Management Plan, Yarra Flats TreeTop Adventure Park prepared by Practical Ecology, dated December 2018.

- 6.5 Landscaping must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Fauna Management Plan

- ~~6.6~~ 6.7 A Fauna Management Plan (FMP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The FMP must address the requirement for ongoing monitoring of the site by both significant and locally occurring fauna, as well as measures to mitigate impacts to individuals/populations should these species occur

Tree Management & Protection Plan

- ~~6.6~~ 6.7 A Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced arborist in relation to the management and maintenance of all retained trees within the subject site. When approved, the plan will be endorsed and will form part of the incorporated plans for this document.

- ~~6.7~~ 6.8 The TMPP must include (but not be limited to):

- (a) The design modifications and particular construction/assembly techniques set out in the Arborist Report authored by Russell Kingdom 31/08/2018;
- (b) A tree protection plan drawn to scale;
- (c) All tree protection zones (TPZ) and structural root zones (SRZ) to be indicated on the plan;
- (d) The types of footings used within TPZs.
- (e) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the suitably qualified project arborist;
- (f) Canopy impacts to trees on or adjoining the subject site must be determined.
- (g) All initial remedial pruning works that are required to be performed, to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements).
- (h) Details of the pruning must reference Australian Standard AS4373:2007 Pruning of Amenity Trees, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the suitably qualified project arborist to the satisfaction of the responsible authority;
- (j) All TPZ areas and areas where ground protection systems will be used;

- (k) All services to be located within the TPZs and a notation to state that all services will either be located outside the TPZ or bored under the TPZ;
- (l) A management regime for all trees during the preparation, construction and post-construction phases of the development. Matters to be addressed, as appropriate
 - (i) the location/design of tree protection fencing
 - (ii) mulching/ watering requirements
 - (iii) requirements regarding any suitable excavation
 - (iv) weed removal/control measures
 - (v) ongoing maintenance regime of apparatus attached to trees
 - (vi) Emergency works/response procedure

~~6.8~~**6.9** The approved TMPP must be implemented to the satisfaction of the responsible authority. Written confirmation from a suitably qualified project arborist that the tree management works undertaken are satisfactory and are in accordance with the approved TMPP must be submitted to the responsible authority, to its satisfaction.

Works

~~6.9~~**6.10** All buildings and works for the construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land.

Tree Protection / Landscaping

Tree Protection Zone

~~6.10~~**6.11** Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works (including demolition) on the site TPZ must be established around all trees outlined in the endorsed Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018 and TMPP. At least 14 days prior to the commencement of works a 'Statement of Compliance' (from a suitably qualified project arborist) which must include photographic evidence of requirements 6.10(d). This correspondence must be sent to enquiries@banyule.vic.gov.au. Once installed to the satisfaction below the TPZ must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

Field Code C

(a) Extent

TPZs shall be provided in all locations as shown on the endorsed arborist report to the extent of the calculated TPZ where it occurs within the subject site.

Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

(b) Management of works

- (i) A suitably qualified project arborist must supervise any activity within the calculated TPZ of a retained tree on the subject site. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability of trees #1 to #58 as

identified in the Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018.

- (ii) A suitably qualified project arborist must be present during the excavation works within the TPZ of Tree #25 as identified in the Tree Health and Hazard Arboricultural Report prepared by Advanced Treescape Consulting, dated 31 August 2018. Any exposed roots must be carefully and cleanly cut (pruned) with tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.
 - (iii) A suitably qualified project arborist must ensure that any root severance or buildings and works within the TPZs or SRZs of retained trees does not adversely impact the health and or stability of the trees now or into the future.
- (c) Weed control

Any weeds located within the TPZ are to be removed and the area mulched with 100mm of composted coarse grade woodchips.
- (d) Fencing
 - (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*.
 - (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
 - (iii) Canopy and limb protection must be provided in accordance with the guidelines detailed in AS4970-2009 *Protection of Trees on Development Sites*.
- (e) Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fencing, stating "Tree Protection Zone – No entry without permission from Banyule City Council".
- (f) Ground Protection

Ground protection in the form of rumble boards strapped over mulch or aggregate must be utilised where the TPZ of trees adjoining the subject site occurs outside the fenced area detailed in Condition (a)(ii).
- (g) Access to TPZ
 - (i) No persons, vehicles or machinery are to enter the TPZ except with the consent of the Responsible Authority;
 - (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the TPZ and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
 - (iii) No storage of material, equipment or temporary building is to take place within the TPZ;
 - (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

NOTE:

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Requests for consent of the Responsible Authority (Banyule City Council) pursuant to this condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within TPZs, where granted, may be subject to conditions to ensure the ongoing health and stability of the subject tree/s.

Vegetation removal

~~6.11~~6.12 Any vegetation removal approved by this document must be in accordance with the Flora and Fauna Assessment, Native Vegetation Impact Assessment~~No Net Loss Analysis~~ and Land Management Plan, Yarra Flats TreeTop Adventure Park prepared by Practical Ecology, dated December 2018.

~~6.12~~6.13 No additional vegetation (other than that approved by this document or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped without the further written consent of the Responsible Authority.

Pruning to Australian Standards

~~6.13~~6.14 All tree pruning is to be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373 *Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of each individual tree.

Extent of Pruning

6.15 Pruning of trees is to be restricted to the removal of deadwood and minor weight reduction.

Amenity

~~6.14~~6.16 The use or development allowed by this document must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, or otherwise.

~~6.15~~6.17 The Subject Site~~subject land~~ must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

~~6.16~~6.18 Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority~~Responsible Authority~~ such that no direct light is emitted outside the boundaries of the subject land.

~~6.17~~6.19 All rubbish bins must have self-closing lids and/or be designed to withstand the effects of wind and access by birds, vermin and foxes.

~~6.18~~6.20 In respect of commerce, industry and trade development and/or use, noise emissions from the subject land must comply with State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1. In all other cases noise emissions from the subject land must comply with Environmental Protection (Residential Noise) Regulations 1997 and/or

Banyule City Council – Day 1 Hearing Version

Environmental Protection Authority Noise Control Guidelines TG 302/92, whichever is deemed to be appropriate by the Responsible Authority.

~~6.19~~**6.21** Sound amplification equipment or loud speakers must not be used in outside areas. Any music noise must comply with SEPP No. N-2 (Control of Music Noise from Public Premises) to the satisfaction of the responsible authority.

Hours of Operation

~~6.20~~**6.22** Except with the prior written consent of the Responsible Authority, the use allowed by this document may only operate between the following times:

- a) Between the 25 September and 26 April inclusive, except Christmas Day until 6.00pm;
- b) On any other day, except Christmas day: 9.00am – 4.30pm daily
- c) Notwithstanding parts a) and b) the use must be closed to the public on days of declared Extreme and Code Red fire danger;
- d) The use must not operate on Christmas Day.
- e) The hours of operation shall be clearly displayed at the entrance to the site to the satisfaction of the responsible authority –

except that Emergency maintenance may be undertaken at any time.

Car Parking / Access

~~6.21~~**6.23** Areas set aside for the parking and movement of vehicles must be line marked, sealed and used in accordance with the TreeTop Adventure Park Ivanhoe, Transport Impact Assessment prepared by One Mile Grid dated 31 May 2016 and must be made available for such use and not be used for any other purpose during hours of operation.

6.24 A Green Travel Plan to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The Green Travel Plan must demonstrate how the business will encourage the use of sustainable transport by visitors and staff. This should include the use of Public Transport and cycling routes to and from the Subject Site.

Signage

~~6.22~~**6.25** The location and details of the sign(s) and sign structure(s) must be generally in accordance with the signage shown on the Preliminary Signage Strategy TreeTops at Yarra Flats by Treetops dated June 2017.

~~6.23~~**6.26** Flashing or intermittent lighting must not be used in the sign(s) permitted by this document.

~~6.24~~**6.27** The sign(s) permitted by this document must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.

~~6.25~~**6.28** The sign(s) permitted by this document must be maintained in good condition to the satisfaction of the Responsible Authority.

Construction Management Plan

~~6.26~~**6.29** Unless otherwise approved in writing by the Responsible Authority, before the development starts, a construction management plan (three copies), to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the incorporated plans for this document. The plan must address the following matters:

- a) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
- b) measures to accommodate the private vehicles of workers/tradespersons;
- c) a prohibition of non-native animals such as dogs on the site;
- d) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
- e) measures to minimise the generation and dispersal of dust;
- f) measures to avoid or minimise impacts to native vegetation and fauna habitat;
- g) measures to avoid or minimise soil disturbance;
- h) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
- i) arrangements for waste collection and other services to be provided during construction;
- j) measures to ensure that during construction, vehicles, machinery and equipment, and construction materials including fill brought to the site are free of weeds and pathogens to prevent the introduction and spread of weeds and pathogens, in particular Cinnamon Fungus (*Phytophthora cinnamomi*).

~~6.27~~**6.30** Before any road and drainage works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the document. The plans must be drawn to scale with dimensions and three copies must be provided. All works constructed or carried out must be in accordance with those plans.

Barbeques and fireplaces

~~6.28~~**6.31** No barbeques or fireplaces are to be installed and used ~~at the land~~ in association with the permitted outdoor recreation facility.

Environmental Weeds

~~6.29~~**6.32** No environmental weeds as identified in "Banyule Weed Management Strategy 2006" and the "Yarra River Frontage Weed Action Plan 2007" shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.

Transmission Line

6.33 Any proposed development including roads, earthworks or landscaping within 60 metres of the Transmission line must be referred to AusNet Transmission Group for approval prior to the commencement of any works on site.

Completion of External Ropes Course

~~6.30~~**6.34** Before the use starts, or by such later date as is approved by the responsible authority in writing, the external ropes course, including all stations and ancillary structures and connecting pathways, as shown on the endorsed plans, must be completed to the satisfaction of the responsible authority.

Melbourne Water Conditions

~~6.34~~**6.35** Prior to the endorsement of plans, a flood management plan must be submitted to the responsible authority and Melbourne Water addressing Melbourne Water's conditions. The plan must be submitted with the assumption that the proposed outdoor recreation facility will be located indefinitely or unless otherwise required to be removed or abandoned.

~~6.32~~**6.36** The two new shipping containers used for administration must be anchored to the ground to the satisfaction of the Responsible Authority and Melbourne Water so as to avoid being washed away by flood water in large storm event. The shipping containers must only be used for the temporary storage of equipment necessary for the functioning of the ropes course, noting that they will be subject to frequent and significant inundation from the Yarra River.

~~6.33~~**6.37** Prior to the commencement of works, a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that the responsible authority considers that it is not feasible to connect to the local drainage system.

~~6.34~~**6.38** Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling (i.e. balance cut and fill). Prior to the commencement of works, all reports, computations and assessments required by Melbourne Water must be submitted to the satisfaction of Melbourne Water for approval.

~~6.35~~**6.39** Any new fencing or gates within the flood-affected area must be open style (50%) of construction up to 600mm above the flood level or timber paling, to allow for the conveyance of overland flow.

~~6.36~~**6.40** Any external decking or stairs within the flood-affected area must be constructed with unenclosed foundations (i.e. treads and stringers only, no risers on the stairs), and remain open underneath into the future, to allow for the passage of overland flows.

6.41 Prior to the commencement of works, an agreement must be entered into with Melbourne Water and Parks Victoria to provide for the following:

- a) Disclosure of the likely future inundation to the ropes course area. Agreement on the management regime of the ropes course/billabong area including the timing, frequency and notice period regarding Melbourne Water's release of flow into the billabongs;**

- b) Agreement on access arrangements for the billabong areas; and
- c) The shipping containers must only be used for the temporary storage of equipment and administration as reasonably necessary for the functioning of the ropes course.

7.0 EXPIRY OF PROVISIONS

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

- a) The development is not started within two years of the date of gazettal of the approval of Amendment C107bany.
- b) The development is not completed within four years of the date of gazettal of the approval of Amendment C107bany.
- c) The lease agreement with the public land manager, Parks Victoria ceases.
- d) The expiry dates may be extended by consent of the Responsible Authority if a request is made in writing before these controls expire, or within 6 months afterwards.

8.0 NOTES

8.1 Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

8.2 Building Permit Required

A Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

8.3 Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

8.4 Building Site Code of Practice

All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

End of Document



Department of Environment, Land, Water & Planning

Port Phillip Region
609 Burwood Hwy, Knoxfield 3180
Private Bag 15, Ferntree Gully Delivery Centre 3156
DX212005
envioplan.portphillip@delwp.vic.gov.au
www.delwp.vic.gov.au

Our Ref: File Ref SP473736
Your Ref: Amendment C107

18th January 2021

Nicola Rooks
Strategic Planner
Banyule City Council

Email: Nicola.Rooks@banyule.vic.gov.au

Dear Nicola,

PLANNING PERMIT APPLICATION: Amendment C107
REFERRAL AUTHORITY TYPE: Notification of an Amendment
PROPOSAL: Yarra Flats Tree Top Adventure Park
ADDRESS: 340 – 680 The Boulevard, Ivanhoe East, Yarra Flats Reserve
Eastern portion of CA 2E, Parish of Keelbundora and north-eastern portion of CA 2H, Parish of Keelbundora

Thank you for your referral of Amendment C107, received October 2020 referring the above Planning Scheme Amendment to the Department of Environment, Land, Water and Planning (the Department).

The amendment proposes to facilitate the use and development of the land for an outdoor recreation facility (treetop adventure park) by applying the Specific Controls Overlay and introducing an Incorporated Document.

The proposed facility will be run by Ecoline Pty Ltd under lease from DELWP's agency partner Parks Victoria.

More information required (s55(2))

The Department has reviewed the information provided for consideration and requests the following information:

RECOMMENDATIONS

The Department of Environment, Land, Water and Planning (DELWP) requests the following further information to fully consider the application to remove, lop or destroy native vegetation.

1. Information about the native vegetation to be removed, including:
 - a) The defensible space requirements around the proposed administration building, as described in the *'Flora and Fauna Assessment, Native Vegetation Impact Assessment, Land Management Plan, Yarra Flats Tree Top Adventure Park Ivanhoe East'* (Practical Ecology, December 2018) must be fully accounted for in the Native vegetation removal report (NVR) for the Fuel Modified Zone (FMZ), including requirements for tree canopy

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

separation and vegetation management within 10 metres of a building. The FMZ is currently accounted for as 50% loss (understorey only).

- b) A description of the proposed access for the shipping container onto the site and any associated vegetation impacts. Any native vegetation impacts for the access must be accounted for in the NVR.

2. Offset targets in section 6.3 of the report '*Flora and Fauna Assessment, Native Vegetation Impact Assessment, Land Management Plan, Yarra Flats Tree Top Adventure Park Ivanhoe East*' (Practical Ecology, December 2018) describes and provides supporting evidence of an error with the modelled habitat on site for Pink Mountain-Correa, *Correa lawrenceana* var. *cordifolia*.

A proposal to remove a rare or threatened species from the assessment process, that includes the information specified in Appendix 5, section A1 of the 'Assessor's Handbook, Applications to remove destroy or lop native vegetation' Version 1.1 (DELWP, 2018) must be compiled and emailed with the subject 'species habitat review – removal site' to nativevegetation.support@delwp.vic.gov.au.

Native vegetation support team will review the proposal and consult with relevant DELWP experts including regional officers. The outcome will be provided within 20 working days. If the proposal is not supported, the native vegetation will be considered habitat as depicted in the *Habitat importance map*.

If the proposal is supported, an amended NVR report excluding the relevant species from the assessment will be provided and must be included in the final application.

More information about meeting the information requirements to support an application to remove, destroy or lop native vegetation is available on the DELWP website at: <http://environment.vic.gov.au/native-vegetation>.

COMMENTS

Clause 52.17 Native vegetation

The application proposes to remove native vegetation to develop the Yarra Flats TreeTop Adventure Park at Yarra Flats Reserve on Crown land managed by Parks Victoria.

The total area of native vegetation proposed to be removed totals 0.498 hectares of Flood Plain Riparian Woodland (EVC 56), with a conservation status of Endangered within the Bioregion, and is within location category 3. This is comprised of:

- Patches of native vegetation with a total area of 0.498 hectares
- 0 large scattered trees
- 0 small scattered trees

Offset requirements are:

- 0.184 species units of habitat for Grey-headed Flying-fox, *Pteropus poliocephalus*
- 0.204 species units of habitat for Pink Mountain-correa, *Correa lawrenceana* var. *cordifolia*

DELWP requests the listed further information to ensure that the full extent of native vegetation has been considered in the application and that offset requirements are able to be met.

CONTEXT

The Planning Scheme Amendment application C107 seeks to amend Clause 45.12 Specific Controls Overlay and amend the Schedule to Clause 72.04 of the Banyule planning scheme. The Draft Incorporated Document 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018' will allow for use and development of the facility including native vegetation removal.

The subject land is within the Public Conservation and Resource Zone (PCRZ) and Road Zone (RZ1), and subject to the Environmental Significance Overlay (ESO1 and ESO4), Heritage Overlay (HO134), Land Subject to Inundation Overlay (LSIO) and Significant Landscape Overlay (SLO1).

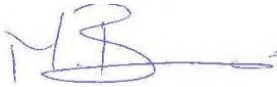
The Clause DELWP has considered that apply to this application are:

- Clause 52.17 *Native vegetation*

The subject land is within a designated Bushfire Prone Area.

If you have any further questions in relation to this matter, I can be contacted directly on ppr.planning@delwp.vic.gov.au

Yours Sincerely,



MARC BOXER

A/Program Manager, Planning and Approvals
Land and Built Environment
Port Phillip Region

DATE: 18th January 2021

Nicola Rooks

From: Ezaz M Sheikh (DELWP) <ezaz.sheikh@delwp.vic.gov.au> on behalf of Ppr Planning (DELWP) <ppr.planning@delwp.vic.gov.au>
Sent: Wednesday, 12 May 2021 2:25 PM
To: Nicola Rooks
Subject: RE: OFFICIAL: SP473736_Amendment C107_MIR.pdf

Dear Nicola,

As discussed I confirm that the review of *Flora and Fauna Assessment, Native Vegetation Impact Assessment and Land Management Plan - Yarra Flats Tree Top Adventure Park, Ivanhoe East* (Practical Ecology, 2018) and *Native Vegetation Removal Report* needs not to meet our requirement referred in item 1(a) of our request. However, the remaining item 1 (b) and 2 should be considered in accounting loss of native vegetation and offset requirement.

Kind regards

Ezaz Sheikh | Planning Approvals Program Officer (Senior Statutory Planner)
Land and Built Environment Programs, Port Phillip Region
Forest, Fire and Regions | Department of Environment, Land, Water and Planning
123 Brown Street Heidelberg, Victoria 3084 | DX 211902
M: 0409 135 603 email: ezaz.sheikh@delwp.vic.gov.au

OFFICIAL

From: Nicola Rooks <Nicola.Rooks@banyule.vic.gov.au>
Sent: Wednesday, 12 May 2021 12:21 PM
To: Ppr Planning (DELWP) <ppr.planning@delwp.vic.gov.au>
Cc: Justine Thompson <justine@ecoline.com.au>
Subject: FW: OFFICIAL: SP473736_Amendment C107_MIR.pdf

To DELWP Planning Approvals

On further review of the attached request for more information I'm seeking some clarification on whether the first point regarding defendable space is applicable in this situation.

Advice from our building team indicates that only residential building are required to provide the level of Bushfire protection in a bushfire prone area. This advice is included below.

I have extract the page of BCA vol.1 which explains the BAL protection only applies to Class 2, 3 and 10a (class 1 building are covered in vol.2), which is residential properties. I also attached a copy of the first page of the BAL assessment which outline the Bushfire prone area only applies to Class 1, 2, 3 and 10a buildings. Under the Building Regulation, only residential building requires to provide Bushfire protection.

Part G5 Construction in bushfire prone areas

Performance Requirements

NSW GP5.1

Qld GP5.1

GP5.1 Bushfire resistance

A building that is constructed in a *designated bushfire prone area* must, to the degree necessary, be designed a constructed to reduce the risk of ignition from a bushfire, appropriate to the—

- (a) potential for ignition caused by burning embers, radiant heat or flame generated by a bushfire; and
- (b) intensity of the bushfire attack on the building.

Application

GP5.1 only applies to—

- (a) a Class 2 or 3 building; or
- (b) a Class 10a building or deck associated with a Class 2 or 3 building, located in a *designated bushfire prone area*.

Can you please clarify whether this addresses the first point or if the information is still required. I have cc'd the applicant in this email.

Kind regards

Nicola Rooks

Strategic Planner

Banyule City Council

T (03) 9457 9835 Work Days (Monday- Thursday)

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Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as Traditional Custodians of the land and we pay respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

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