

*Planning and Environment Act 1987*

## **MURRINDINDI PLANNING SCHEME**

### **AMENDMENT C71**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Murrindindi Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of the Toolangi Forest Discovery Centre Committee.

##### **Land affected by the amendment**

The amendment applies to Crown land at the Toolangi Forest Discovery Centre (T FDC), described as:

- 1683 Healesville-Kinglake Road, Toolangi.
- Crown Allotment 42 and part Crown Allotment 2002, Parish of Tarrawarra North.

The TDFC is located on crown land of approximately 13 hectares in area to the south east of the Toolangi township. Developments on the land comprise the TDFC building, associated carpark, existing sculpture and walking trails and picnic facilities, all surrounded by mature eucalypt forest. The land is adjacent to the CFA fire station and the Department of Environment, Land, Water and Planning depot.



## What the amendment does

The amendment:

- Rezones the land from Public Conservation and Resource to Public Park and Recreation (Planning scheme map 31zn).
- Introduces the *Toolangi Forest Discovery Centre* as an incorporated document to the Murrindindi Planning Scheme.
- Amends the Schedule to Clause 36.02 (Public Park and Recreation Zone) to reference the incorporated document *Toolangi Forest Discovery Centre* being introduced under this amendment.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to reference the incorporated document *Toolangi Forest Discovery Centre* being introduced under this amendment.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to:

- Best reflect the long term land use purposes for the *Toolangi Forest Discovery Centre* by rezoning the land from Public Conservation and Resource to Public Park and Recreation.
- Widen the scope of potential land uses and developments for the centre, in particular allowing uses and developments on the land that are not associated with a public land use or conducted by or on behalf of a public land manager.

The widened scope of land uses and developments will be facilitated through the introduction of an incorporated document that facilitates the following purposes for the centre / land:

- Ensure the Toolangi Forest Discovery Centre is a viable and vibrant community based enterprise providing a wide range of community based activities.
- Provide for an expansion of uses and developments on the land, including a wide range of recreational, educational, environmental, tourism, cultural and community uses and developments.
- Provide opportunity for both public and private uses and developments of land in accordance with land manager directions.

As the land is permanent Crown land in public ownership and community management, rezoning of the land to Public Park and Recreation best reflects the intended long term use of the centre and land. The following purposes of the Public Park and Recreation Zone directly reflect the current and proposed enhanced use of the land for public recreation and open space, conservation and limited commercial use compatible with the site.

- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The proposed Public Park and Recreation Zone provides a limited number of uses and developments, either without or requiring a planning permit, but must be associated with a public land use or be conducted by or on behalf of a public land manager. This restriction of

any proposal being a public land use or being conducted by or on behalf of a public land manager may be varied through the use of an incorporated document. The proposed incorporated document proposes to provide this expanded range of uses and developments on the land by providing without the need for a planning permit that:

- Any Section 1 or 2 use of land that is not associated with a public land use or conducted by or on behalf of a public land manager.
- Any development (buildings and works) on the land, whether or not it is associated with a public land use or conducted by or on behalf of a public land manager.

The Committee would still be required to get the consent of the public land manager and the owner of the land for any proposed use or development on the land. Any use or development would also be required to comply with the intent of the public land reservation applying to the land under the *Crown Land (Reserves) Act 1978*.

The enhanced usage of the Toolangi Forest Discovery Centre will complement the existing recreational and environmental assets on the land. These assets include a sculpture trail, walking tracks and picnic facilities, all surrounded by a natural forest environment.

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

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land.
- Providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Conserving and enhancing those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- Protecting public utilities and other assets and enabling the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Balancing the present and future interests of all Victorians.
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels.
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.

This amendment supports these overall objectives of planning by:

- Protecting natural and man-made resources on the land, enhancing the existing Toolangi Forest Discovery Centre building and associated recreational / educational trails.
- Securing and enhancing a quality living and recreational space for residents and visitors to Toolangi.

- Protecting and enhancing public spaces and infrastructure in the centre and associated facilities.
- Protecting and enhancing public infrastructure.
- Providing for appropriate development of community and tourism amenities.
- Facilitating business opportunities that complement the public use of the land for the benefit of the community.

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

#### *Environmental effects:*

The amendment will have positive environmental impacts, protecting and enhancing both the man-made and natural environment on the land. The centre and land already offer an important environmental asset, providing environmental education and recreation opportunities. These positive environmental effects will be enhanced under the amendment through the ability to expand environmental uses and developments and operators.

#### *Social effects:*

The amendment provides a range of significant positive social and net community benefits through the enhancement of an existing cultural and community centre and provision of additional and expanded community activities and providers, such as the operation of food premises, functions and events.

#### *Economic effects:*

The amendment will create positive economic and employment benefits through facilitating additional and complementary business and tourism opportunities in the land, stimulating economic activity and attracting future investment and economic opportunities. The amendment will improve the economic potential of the centre and land by allowing uses that complement the public and recreation uses on the land to be conducted by private and community operators.

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

The amendment meets relevant bushfire risk.

While the Bushfire Management Overlay applies to the land affected by the amendment, bushfire risk will not be increased by either the proposed rezoning of the land or introduction of an incorporated document to be used in conjunction with the proposed Public Park and Recreation Zone.

The amendment complies with the guidance for bushfire risk under Planning Practice Note 64, *Local planning for bushfire protection*, September 2015.

Bushfire risk measures already apply to the land through the approved management plan for the centre and land, with the Department of Environment, Land, Water and Planning having responsibility as fire authority. Both the Department of Environment, Land, Water and Planning and Country Fire Authority will be notified of the amendment.

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

The amendment complies with all Minister's Directions under Section 12 of the *Planning and Environment Act 1987*. Specifically, the amendment has considered and complies with the following Ministerial Directions:

- Ministerial Direction 11, Strategic Assessment of Amendments: The amendment has been strategically assessed and justified in accordance with this direction. The application of the Public Park and Recreation Zone to this public land is strategically justified in terms of its primary use, alignment with the Murrindindi Planning Scheme and public land reservations applying to the land under the *Crown Land (Reserves) Act 1978*.
- Ministerial Direction No. 15, The Planning Scheme Amendment Process: All process requirements to be met under the direction have been considered and met in the preparation of the amendment.
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

No other Minister's Direction is directly affected by the amendment.

The proposed introduction of the *Toolangi Forest Discovery Centre* as an incorporated document to the Murrindindi Planning Scheme complies with the guidance for incorporated documents under Planning Practice Note 23, *Applying the Incorporated Plan and Development Plan Overlays*, November 2018.

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

The amendment is consistent with and implements the whole of the Planning Policy Framework of the Murrindindi Planning Scheme, in particular:

#### 17.04, Tourism:

17.04-1S, Facilitating tourism:

Objective:

- *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

Strategies include:

- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

#### 19.02, Community infrastructure:

19.02-2S, Education facilities:

Objective:

- *To assist the integration of education and early childhood facilities with local and regional communities.*

19.02-3S, Cultural facilities:

Objective:

*To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment is consistent with and implements the Municipal Planning Strategy of the Murrindindi Planning Scheme, in particular:

02.02, Vision:

Vision includes:

- *Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.*

02.03, Strategic directions:

Include:

Settlement:

*Council seeks to develop its established townships and settlements by:*

- *Supporting each township as the focus of residential, commercial, community and service hub for its surrounding area.*

Built environment and heritage:

*In protecting heritage assets and promoting built form improvements, Council will:*

- *Protect sites, places and features of natural, archaeological and cultural heritage significance.*
- *Protect the cultural heritage of the municipality.*

Economic development:

*In promoting economic development, Council supports:*

- *Encouraging business expansion, investment and employment.*
- *Strengthening the role and identity of townships.*
- *Facilitating commercial activities in smaller townships.*
- *Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions.*
- *Supporting the development of education opportunities, including outdoor education.*

Infrastructure:

Community infrastructure:

*In planning and delivering community infrastructure, Council will:*

- *Support each township as the focus of a residential, commercial, community and service hub for its surrounding area.*
- *Encourage the development of and access to community infrastructure and services to cater for the current and potential future needs of all age demographics.*
- *Encourage improved accessibility for the general population and those with special needs.*
- *Encourage the development of the education industry, particularly the post-secondary, outdoor and environmental education sectors.*
- *Encourage local 'place-based' initiatives that will provide community benefit to individual towns and communities.*

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

The amendment makes proper use of the Victorian Planning Provisions by rezoning the land and introducing an incorporated document into the planning scheme for the land, to be used in conjunction with the Public Park and Recreation Zone proposed for the land.

The approach to use an incorporated document in conjunction with an applicable zone is the most appropriate tool available under the Victorian Planning Provisions to widen the scope of uses and developments available for the land. The Public Park and Recreation Zone allows the use of an incorporated document to provide additional guidance and control for uses and developments on the land.

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

Department of Environment, Land, Water and Planning (DELWP), as owner of the land have been consulted and will be further notified as part of the amendment notification process.. The Toolangi Forest Discovery Centre Committee have requested the amendment.

The amendment is consistent with the reservations applying to the land under the *Crown Lands (Reserves) Act 1978*, *Conservation of an area of natural interest* and *Tourism and education*.

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

*Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?*

The amendment is not considered to have a significant impact on the transport system. Although Healesville – Kinglake Road is a main road, zoned Road 1, under the control of Regional Roads Victoria, the rezoning of the land and proposed incorporated document for the land would not affect the operation of the road or general transport system.

*Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?*

There are no statements of policy principles applicable under section 22 of the *Transport Integration Act 2010*.

### **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 have no impact on the resources and administrative costs of Murrindindi Shire.

The amendment provides that uses and developments may be undertaken on the land without the need for planning permit, removing any resource or administrative costs.

## Where you may inspect this amendment

The amendment can be inspected free of charge at the Murrindindi Shire Council website at [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au)

The Amendment and planning permit are available for public inspection, free of charge, during office hours at the following places:

Murrindindi Shire Council Library  
Grant Street  
Alexandra 3714

Murrindindi Shire Council  
19 Whittlesea-Kinglake Road  
Kinglake 3763

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

## Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Murrindindi Shire Council  
PO Box 138  
ALEXANDRA, VIC, 3714

## Panel hearing dates

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

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**



# MURRINDINDI PLANNING SCHEME

## INCORPORATED DOCUMENT

### Toolangi Forest Discovery Centre

2021

This document is an incorporated document in the Murrindindi Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.

## 1. INTRODUCTION:

The Toolangi Forest Discovery Centre Committee has identified options to reopen and reinvigorate the centre as a financially sustainable building that can meet the needs of the local community.

This document is an incorporated document to the Murrindindi Planning Scheme (made under Clause 36.02, Public Park and Recreation Zone and listed under the Schedule to Clause 72.04) to widen the scope of land uses and developments for the centre to address Committee directions.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Murrindindi Planning Scheme, the specific controls in this document will prevail.

## 2. ADDRESS OF THE LAND:

This incorporated document applies to the Toolangi Forest Discovery Centre land parcel, described as:

- 1683 Healesville-Kinglake Road, Toolangi.
- Crown Allotment 42 and part Crown Allotment 2002, Parish of Tarrawarra North.

The land is referred to in this document as 'the land'. The land is approximately 13 hectares in area. The existing Toolangi Forest Discovery Centre, associated car park and existing sculpture and walking trails are located on the land, with remnant bushland on the remainder of the land.



The Toolangi Forest Discovery Centre land parcel to which this incorporated document applies

### **3. PURPOSES:**

Clauses 36.02-6 & 7 of the Public Park and Recreation Zone provide for the use of an incorporated document to outline specific provisions as to how land may otherwise be used and developed. This incorporated document provides for uses and developments on the land that are not associated with a public land use or conducted by or on behalf of a public land manager.

The widened scope of land uses and developments under this incorporated document facilitates the following purposes for the land:

- Ensure the Toolangi Forest Discovery Centre is a viable and vibrant community based enterprise providing a wide range of community based activities.
- Provide for an expansion of uses and developments on the land, including a wide range of recreational, educational, environmental, tourism, cultural and community uses and developments.
- Provide opportunity for both public and private uses and developments of land in accordance with land manager directions.

### **4. APPLICATION OF PLANNING SCHEME PROVISIONS:**

The following provisions apply to how the land to which this Incorporated Document applies is to be used and developed under the Public Park and Recreation Zone in the Murrindindi Planning Scheme.

The following uses and developments may be conducted and undertaken on the land to which this incorporated document applies to, subject to the following conditions:

Uses and developments:

- Any Section 1 or 2 use of land that is not associated with a public land use or conducted by or on behalf of a public land manager.
- Any development (buildings and works) on the land, whether or not it is associated with a public land use or conducted by or on behalf of a public land manager.

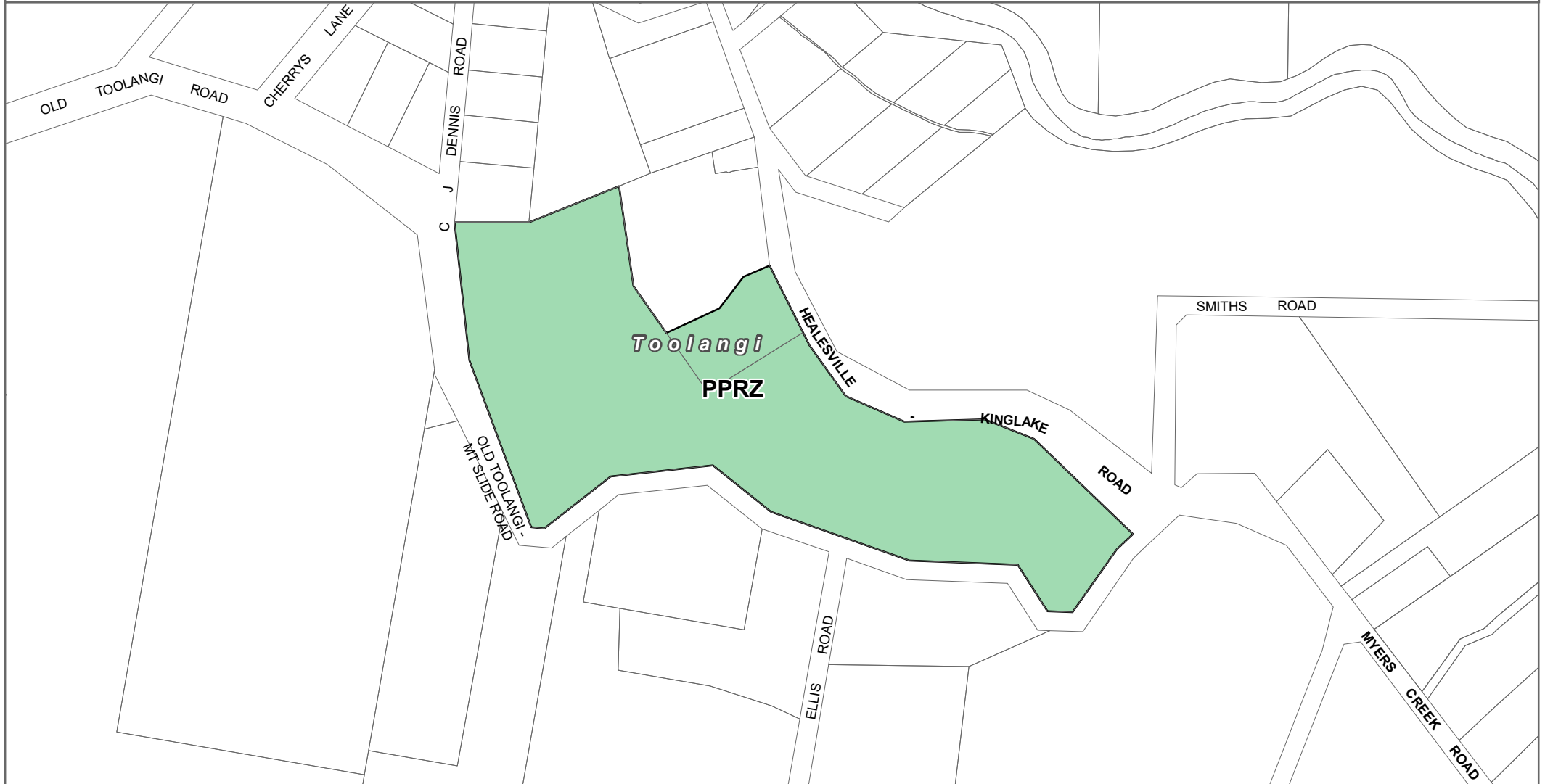
Conditions:

- Consent for the proposal of the public land manager of the land.
- Consent for the proposal of the Department of Environment, Land, Water and Planning, as owner of the land.
- Compliance with the intent of the public land reservation applying to the land under the *Crown Land (Reserves) Act 1978*.

### **5. EXEMPTION FROM PLANNING SCHEME PROVISIONS:**

No other planning provision in the Murrindindi Planning Scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the use or development outlined in this incorporated document.

**END OF DOCUMENT**



- LEGEND**
- PPRZ - Public Park and Recreation Zone
  - Local Government Area

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Metres



Part of Planning Scheme Map 31

