



PART 5 ATTACHMENTS

Attachment II Legislation and Policy

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List of abbreviations

Abbreviation	Definition
EE Act	<i>Environment Effects Act 1978</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
CaLP Act	<i>Catchment and Land Protection Act 1994</i>
LA&C Act	<i>Land Acquisition and Compensation Act 1986</i>
PPF	Planning Policy Framework
LPPF	Local Planning Policy Framework
MTPFA	<i>Major Transport Projects Facilitation Act 2009</i>
P&E Act	<i>Planning and Environment Act 1987</i>
SEPP	State Environment Protection Policy
TI Act	<i>Transport Integration Act 2010</i>

Introduction

Section 3.5 of the Scoping Requirements for the Yan Yean Road Upgrade – Stage 2 (the Project), issued by the Minister for Planning in June 2019, requires the Environment Effects Statement (EES) to identify the relevant legislation, policies, guidelines and standards, and assess their specific requirements or implications for the Project, particularly in relation to required approvals.

The approvals likely to be required for the Project include:

- Approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- Amendment to the Whittlesea and Nillumbik Planning Schemes under the *Planning and Environment Act 1987*
- Approval of a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

This attachment summarises the legislation, policies, guidelines and standards which are relevant to the Project and assesses specific requirements or implications for the Project in a series of tables. Overarching key legislation, policies and guidelines relevant to the Project are addressed in Table 1. The legislation, policies and guidelines relevant to the key subject matters to be investigated for the Project have been grouped into three main themes consistent with the approach adopted in Section 4 of the Scoping Requirements, as follows:

- **Transport capacity and connectivity:** Table 2 identifies legislation, policies, guidelines and standards related to travel efficiency, road safety and capacity.
- **Biodiversity:** Table 3 identifies legislation, policies, guidelines and standards related to native vegetation, listed migratory and protected species/ecological communities and offset requirements.
- **Social and cultural values:** Table 4 identifies legislation, policies, guidelines and standards related to social and cultural values, landscape values, Aboriginal and historical cultural heritage values, and remnant, planted and regenerated vegetation.

Each table separates the legislation, policies, guidelines and standards at Commonwealth, State and local levels. Subordinate instruments are addressed under policies, guidelines and standards with the relevant State or Commonwealth sections of the table.

Additional legislation, policies, guidelines and standards may be relevant to discrete components or specific environmental impacts or effects of the Project, particularly in respect of highly technical matters. Where applicable, these are discussed in the relevant technical report or study appended to the EES, which should be read in conjunction with this attachment.

Key overarching legislation, policies and strategies

Table 1 Key legislation, policies, guidelines and standards relevant to the Project

Document	Description	Requirements / Implications
Commonwealth (legislation)		
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	<p>This Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation.</p> <p>It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects that are considered to be among the nine Matters of National Environmental Significance, including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally listed threatened species and ecological communities and listed migratory species.</p> <p>The Act states that 'controlled' actions, e.g. actions that are determined as likely to have a significant impact on a Matter of National Environmental Significance are subject to assessment and approval under the Act.</p>	<p>A referral under the EPBC Act was lodged on 30 January 2019 (2018/8371). On 2 April 2019, the delegate for the Commonwealth Minister for Environment determined that the Project is a controlled action, to be assessed under the Commonwealth and Victorian EPBC Act bilateral agreement. This decision was made on the basis that the proposed action would likely have a significant impact on listed threatened species and communities (sections 18 & 18A), protected by the EPBC Act.</p> <p>The EES is an accredited EPBC assessment process under the bilateral agreement. EPBC matters would be assessed through the EES process and forwarded to the Commonwealth Minister for assessment following the Victorian Planning Minister's assessment of the EES.</p> <p>Matters relevant to the EPBC Act are discussed in Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i>.</p>
Victorian (legislation)		
<i>Environment Effects Act 1978</i> (EE Act)	<p>This Act contains a framework by which projects with the potential to have significant effects on the environment may require the preparation of an EES for assessment by the Minister for Planning. The assessment process under the <i>Environment Effects Act 1978</i> is not an approval process in itself, however it allows an assessment of potentially significant effects and their acceptability to inform key decision-makers.</p> <p>Where an EES is required, scoping requirements are issued by the Minister for Planning to guide the preparation of the EES. Once prepared the EES is placed on exhibition for public review and submission.</p>	<p>The Project was referred to the Minister in August 2018 and on 14 October 2018 the Minister determined that an EES was required.</p> <p>In June 2019, the Minister issued finalised Scoping Requirements for the Project. MRPV is preparing the EES in accordance with the Scoping Requirements which forms the basis of this assessment and requires the assessment of a range of specific environmental effects in relation to:</p> <ul style="list-style-type: none"> • Transport capacity and connectivity • Biodiversity • Social and cultural values

Document	Description	Requirements / Implications
Continued: <i>Environment Effects Act 1978</i> (EE Act)	<p>Public submissions can be considered in a number of ways including by an inquiry panel appointed by the Minister who may also be required to conduct a formal hearing.</p> <p>After considering all relevant submissions and conducting any necessary hearing, the inquiry panel's report is provided to the Minister for Planning to assess the environmental effects of the Project and issue an Assessment Report.</p> <p>The Minister's Assessment Report is provided to relevant statutory decision makers to inform their decision on whether or not to approve the Project and, if so, on what conditions.</p>	<p>Legislation, policies, guidelines and standards relevant to the above-mentioned subject matters are discussed in this attachment.</p> <p>The EES will be placed on public exhibition, and an inquiry will be appointed to consider the environmental effects of the Project.</p> <p>At the conclusion of the EES assessment process the Minister for Planning's Assessment Report will be provided to statutory decision makers to inform their decision on whether to grant relevant approvals for the Project.</p>
<i>Major Transport Projects Facilitation Act 2009</i> (MTPFA)	<p>This Act facilitates the development of major transport projects and aims to streamline the assessment, approvals and delivery of major transport projects in Victoria.</p> <p>Planning and delivery under section 10(1)(a), enables the Premier to declare the entire project a 'declared' project. The planning and delivery regimes in the MTPFA framework will be available to the Project.</p> <p>For delivery only, the Premier may declare the Project a 'declared' project under section 10(1)(b) but excluding the operations of Parts 3 and 8 of the MTPFA. This means that only the delivery regimes in the MTPFA framework will be available to the Project.</p>	<p>The Project is seeking declaration under Section 10(1)(b) of the MTPF Act from the Premier of Victoria for delivery, and that the Project be declared (except for parts 3 and 8) under the Act.</p> <p>In addition, MRPV will seek approval to designate the project area in accordance with Section 95 of the MTPFA Act. This can be done following the approval of the project declaration and Planning Scheme Amendment.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more details.</p>

Document	Description	Requirements / Implications
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>This Act establishes a framework for planning the use, development and protection of land in Victoria. It provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions, and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.</p> <p>For linear projects traversing more than one municipality, planning approval is sometimes obtained by way of a project specific planning control contained in an Incorporated Document included in the relevant planning schemes through a Planning Scheme Amendment.</p> <p>A Planning Scheme Amendment may also apply the Public Acquisition Overlay (PAO) to facilitate the acquisition of land required for the Project.</p> <p>Where a draft planning scheme amendment for a project is exhibited with an EES it is not uncommon for the Minister for Planning to make the relevant Planning Scheme Amendment at the conclusion of the EES assessment process under section 20(4) of the Act without further notice or exhibition of the amendment.</p>	<p>A Planning Scheme Amendment for the Project will seek to insert an Incorporated Document into the relevant planning schemes and apply a Specific Control Overlay over the proposed land required for the Project.</p> <p>The Draft Planning Scheme Amendment will be exhibited as part of this EES and to provide the community and stakeholders with the opportunity to comment on the draft Planning Scheme Amendment during the EES submission process.</p> <p>Refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more details about the draft Planning Scheme Amendment for the Project.</p>
<i>Transport Integration Act 2010 (TI Act)</i>	<p>This Act establishes a framework for an integrated and sustainable transport system in Victoria that is consistent with the vision statement:</p> <p><i>"for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State".</i></p> <p>It contains transport system objectives and decision-making principles. Such objectives and principles must be considered by transport bodies and interface bodies being authorities who may make decisions under interface legislation. Those decisions can affect the transport system and the achievement of an integrated and sustainable transport system</p>	<p>The transport system objectives have been considered in the development of the Project.</p> <p>The Project is expected to improve safety and travel efficiency for road users and active users (e.g. pedestrians) as well as improve amenity for public transport (i.e. buses).</p> <p>The Project aligns with the transport system objectives. Transport bodies and interface bodies including the Minister for Planning (responsible for the administration of the P&E Act and the EE Act) would need to have regard to the transport system objectives and the decision-making principles when making decisions in respect of the Project. The weight to be given to each objective and decision-making principle is a matter for the relevant decision maker.</p>

Document	Description	Requirements / Implications
Continued: <i>Transport Integration Act 2010 (TI Act)</i>	<p>The transport system objectives address matters relevant to:</p> <ul style="list-style-type: none"> • Social and economic inclusion • Economic prosperity • Environmental sustainability • Integration of transport and land use • Efficiency, coordination and reliability • Safety, health and wellbeing. <p>The decision-making principles address:</p> <ul style="list-style-type: none"> • Integrated decision-making • Triple bottom line assessment • Equity between persons and generations • Transport system from the user's perspective • The precautionary principle • Stakeholder engagement and community participation • Transparency in decision making 	<p>See Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i> for discussion on how the Project aligns with the transport system objectives.</p>
<i>Land Acquisition and Compensation Act 1986 (LA&C Act)</i>	<p>This Act outlines the process for the acquisition of land by State Government for public purposes, either compulsorily or by negotiation. The Act also provides procedures for the determination of compensation.</p>	<p>The Project will require acquisition of public and private land. Section 5 of the Act states that an authority cannot commence to acquire the land “<i>unless the land has been first reserved by or under a planning instrument for a public purpose</i>”.</p> <p>If the Project is declared under section 10(1)(b) of the MTPFA (as discussed above under the MTPFA), there is a requirement to comply with the provisions of the LA&C Act, as modified by the MTPFA, to the extent that any interest in land needs to be compulsorily acquired for the Project.</p> <p>A Public Acquisition Overlay (PAO) will be applied over land required for acquisition via the Planning Scheme Amendment.</p> <p>Also, refer to Chapter 10 <i>Effects on Land Uses, Businesses and Social Assets</i> and Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Climate Change Act 2017	<p>The <i>Climate Change Act 2017</i> (Vic) sets the legislative foundation to manage climate change risks, and drive Victoria's transition to net zero emissions by 2050.</p> <p>The Act embeds the 2050 net zero emissions target and provides for the setting of 5-yearly interim greenhouse gas emissions reduction targets, climate change strategies, and adaptation action plans to ensure the 2050 target is achieved and vulnerabilities to climate change impacts are reduced while potential opportunities are realised.</p> <p>Adaptation action plans will cover systems including the built environment and transport. This Act:</p> <ul style="list-style-type: none"> • establishes a long-term emissions reduction target of net zero by 2050 • requires five yearly interim targets, to keep Victoria on track to meet this long-term target • introduces a new set of policy objectives and an updated set of guiding principles to embed climate change in government decision making • requires the government to develop a Climate Change Strategy every five years, which will set out how Victoria will meet its targets and adapt to the impacts of climate change (from 2020) • requires Adaptation Action Plans for key systems that are either vulnerable to the impacts of climate change or essential to ensure Victoria is prepared (from 2021) • establishes a pledging model to reduce emissions from government's own operations and from across the economy (from 2020) • establishes a system of periodic reporting to provide transparency, accountability and ensure the community remains informed. 	<p>The Project will contribute to improving the traffic congestion in Yan Yean Road by increasing the road capacity through the proposed duplication. This will assist with reducing the release of emissions from vehicles and contribute to achieving the objectives of the <i>Climate Change Act 2017</i>.</p>
Victorian (policy / guidelines / standards)		
Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978	<p>These Ministerial Guidelines are made under section 10 of the EE Act, and supplement the requirements of the EE Act by providing further detail about the EES assessment process.</p>	<p>The EES Scoping Requirements for the Project were issued in June 2019, are consistent with the Ministerial Guidelines pursuant to which the EES is being prepared.</p>

Document	Description	Requirements / Implications
Movement and Place in Victoria (Department of Transport 2019)	<p>The Movement and Place Framework provides an overview of movement and place thinking and steps through the four modules in the framework. It brings to life the strategic objectives of both transport and land use planning in Victoria to achieve movement and place goals in the context of road safety and environmental outcomes.</p> <p>It provides a tool to translate the broad transport outcomes outlined in the <i>Transport Integration Act 2010</i>, into priority changes to improve link and place performance for communities.</p> <p>Movement and Place assessments evaluate how closely a proposed transport project aligns with the Movement and Place framework. The assessment considers existing conditions, the road's Movement and Place classifications, relationship with current issues and likely changes following the project.</p> <p>Under the Movement and Place framework, Yan Yean Road is classified as an M3 road for "Moderate movement of people and/or goods within a municipality".</p>	<p>The outcome of the Movement and Place rapid assessment for the Project indicated:</p> <ul style="list-style-type: none"> • The upgrade of Yan Yean Road between Bridge Inn Road and Kurrak Road will reduce congestion along the route by increasing capacity and improve road safety through the provision of road safety infrastructure and changes to access arrangements. It will also improve active transport connectivity by providing continuous footpaths and shared use paths along the road • This section of Yan Yean Road primarily serves users within its immediate vicinity rather than the broader Melbourne road network, and its upgrade should be targeted to meet the needs of these users • The proposed project design strongly addresses the following issues: <ul style="list-style-type: none"> – Traffic congestion along Yan Yean Road results in delays to all road users including general traffic, buses and freight – Poor road safety outcomes on Yan Yean Road – Lack of cycling infrastructure along Yan Yean Road does not support the use of active transport along the corridor • It is noted that the proposed design reduces access to residential land uses by making typical access left in left out, on balance this is still seen to align with access requirements as regular provision of U-turn locations results in road users not being significantly inconvenienced • The reference design assessed does not include landscaping and urban design. The finalised design must comply with the landscape and urban design guidelines in order to ensure that it aligns with the character of the area. <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>

Transport capacity and connectivity

Table 2 **Legislation, policies, guidelines and standards relevant to transport capacity and connectivity**

Document	Description	Requirements / Implications
Victorian (legislation)		
<i>Transport Integration Act 2010</i> (TI Act)	As discussed in Table 1, this Act establishes a framework for an integrated and sustainable transport system in Victoria and requires transport and interface bodies to consider the transport system objectives and decision making principles under the Act when making decisions relevant to the transport system or which may affect the transport system.	<p>The Project integrates road, public and active transport provisions in responding to the growing transport demand of the area due to recent and ongoing land development.</p> <p>The transport system objectives have been considered in the development of the Project and in the preparation of the draft Planning Scheme Amendment for the Project.</p> <p>See Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i> for more information.</p>
<i>Major Transport Projects Facilitation Act 2009</i> (MTPFA)	As discussed in Table 1, this Act facilitates the development of major transport projects and aims to streamline the assessment, approvals and delivery of major transport projects in Victoria.	<p>As mentioned in Table 1, the Project is seeking declaration under Section 10(1) (b) of the MTPF Act from the Premier of Victoria for delivery, and that the Project be declared (except for parts 3 and 8) under the Act. In addition, MRPV will seek approval to designate the project area in accordance with Section 95 of the MTPFA Act. This can be done following the approval of the Planning Scheme Amendment.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more details.</p>
<i>Road Management Act 2004</i>	<p>This Act provides a statutory framework for road management authorities to manage the road network in Victoria that facilitates the coordination of the various uses of road reserves for roadways, pathways, infrastructure and similar purposes. The Act also provides for the role, functions and powers of road authorities, depending on the type of road concerned.</p> <p>Road Management (works and infrastructure) regulations 2015 gives effect to the <i>Road Management Act 2004</i>.</p>	<p>Codes of practice set out under this Act will be implemented during the Project's construction and operation to ensure the requirements of road authorities are met.</p> <p>The Project is considered to be in line with the relevant requirements of this Act.</p> <p>See Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i> for more information.</p>

Document	Description	Requirements / Implications
<i>Planning and Environment Act 1987</i> (P&E Act)	<p>As discussed in Section 1.2, this Act provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions, and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.</p> <p>Specific policies and provisions for planning of transport infrastructure enabled by this Act are discussed below under the state and local policies.</p>	<p>As discussed in Table 1, a ministerial Planning Scheme Amendment to the Nillumbik and Whittlesea Planning Schemes as the preferred option to fulfil planning approval requirements. This Planning Scheme Amendment will apply a Public Acquisition Overlay for road purposes.</p> <p>Refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i> and Attachment I <i>Draft Planning Scheme Amendment</i> for more details about the draft Planning Scheme Amendment for the Project.</p>
Victorian (policies / guidelines)		
Towards Zero – Victoria's Road Safety Strategy and Plan 2016–2020	<p>This strategy is to reduce fatalities and serious injuries by 15 per cent, with the ultimate aim of bringing the annual road toll under 200 per year by 2020.</p> <p>The Strategy takes a collaborative approach in improvements to road and roadside infrastructure and encourages community engagement on speed limits and uptake of safer vehicles.</p>	<p>The Project would contribute to achieving the objectives of this strategy by improving safety and travel efficiency in the wider area. Of specific relevance to the Project, the Strategy includes reference to reducing heavy vehicle conflict and crashes, redirecting heavy traffic away from local streets, and creating local street environments with speeds that are more appropriate for pedestrians and cyclists.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>
Victorian Cycling Strategy 2018–28 (Transport for Victoria 2017)	<p>This strategy will increase the number, frequency and diversity of Victorians cycling for transport by:</p> <ul style="list-style-type: none"> Investing in a safer, lower-stress, better-connected network, prioritising strategic cycling corridors Making cycling a more inclusive experience. 	<p>The Project proposes a new walking and cycling path on the west side of Yan Yean Road which is expected to promote active transport through the corridor for commuting and recreational activities and provide safer access for younger users travelling to school.</p> <p>Yan Yean Road, between Bridge Inn Road and Jorgensen Avenue, is part of the Principal Bicycle Network. It provides connectivity north to Arthurs Creek and Yan Yean Reservoir and connects to the east-west running Principal Bicycle Network along Bridge Inn Road with access to Mernda Station. The proposed walking and cycling path will fill in the existing gap in the Principal Bicycle Network.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Plan Melbourne 2017–2050 — Metropolitan Planning Strategy (DELWP 2017)	<p>Plan Melbourne is the metropolitan planning strategy to manage Melbourne's growth and development through integrating long-term land use, infrastructure and transport planning.</p> <p>A key outcome of Plan Melbourne is that <i>"Melbourne has an integrated transport system that connects people to jobs and services and goods to market"</i>.</p>	<p>Of particular relevance to the Project, Plan Melbourne seeks improvements to arterial road connections and improved efficiency of the motorway network as well as better transport infrastructure in newer suburbs.</p> <p>The Project provides improved connectivity for cyclists and pedestrians with a new walking and cycling path in addition to the capacity improvement it provides for road traffic. The Project directly serves the rapidly expanding suburbs of Doreen, Plenty and Yarrambat areas as well as the wider City of Whittlesea which is one of the fastest growing municipalities in Melbourne.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>
Victorian Infrastructure Plan (Department of Premier and Cabinet 2017)	<p>This Plan responds to Infrastructure Victoria's <i>30-year Infrastructure Strategy</i> and prioritises the future directions in nine critical sectors where infrastructure policy and delivery will be fundamental to Victoria's future prosperity.</p> <p>Transport is one of the nine sectors discussed in the plan which specifically requires the Victorian transport system to develop and adapt to the changing needs of the Victorian population and economy.</p>	<p>The Project would contribute to addressing the high demand for north south travel from Doreen and surrounding towns to established northern suburbs for employment and services.</p> <p>In addition, The Plan outlines the State Government's funding commitment for completion of Stage 1 and 2 of the Yan Yean Road Upgrade as part of a suite of projects under Priority 1. More broadly, the Plan conveys the Government's in-principle support for longer term investment in improving walking and cycling links and upgrades to the arterial road network of the outer suburbs.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>
North Growth Corridor Plan (Growth Areas Authority 2012)	<p>The Growth Corridor Plans are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth in four metropolitan growth corridors. Of relevance to the Project is the <i>North Growth Corridor Plan</i> which identifies the Yan Yean Road as a Principal Public Transport Network.</p>	<p>The Project would contribute to addressing the high demand for north south travel from Doreen and surrounding towns to established northern suburbs for employment and services. The Project would also assist in increasing the public transport capacity on the Principal Public Transport Network.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Planning Policy Framework (PPF)	<p>The PPF is contained in all Victorian planning schemes and applies to all lands in Victoria. It seeks to ensure that the objectives of planning in Victoria as set out in the P&E Act are fostered through appropriate land use and development policies and practices integrating relevant environmental, social and economic factors in the interests of net community benefit and sustainable use and development.</p> <p>The PPF contains policies in state and regional levels which have been grouped into different themes. Of particular relevance to transport is Clause 18 Transport.</p> <p>Clause 18 seeks to integrate land use and transport planning (18.01-1S Land Use and Transport Planning), the transport system (18.01-2S Transport system), sustainable personal transport within inner and outer Melbourne (18.02-1S Sustainable Personal Transport, 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne), principal public transport network (18.02-2S Public Transport, 18.02-2R Principal Public Transport Network), ensuring an adequate supply of car parking that is appropriately designed and located (Clause 18.02-4S Car Parking), and developing the road system to include freight links in inner and outer Melbourne (18.02-3S Road System, 18.05-1S Freight Links, 18.05-1R Freight Links – Metropolitan Melbourne).</p>	<p>Consideration of the PPF is relevant to the Planning Scheme Amendment which is being prepared for the Project.</p> <p>The Project will better integrate multiple modes of transport that use arterial roads. It will also deliver a transport system that provides a realistic choice in mode, elevates sustainable transport modes, and ensures equitable access to social and economic opportunities.</p> <p>It will further enable healthy lifestyles through the construction of improved connections to the existing walking and cycling paths and public transport (18.02-1). This will support the delivery of improved public transport services, better connect communities together, and support employment and access to goods and services (18.01-1S).</p> <p>The Project will support the rapid growth of Mernda/Doreen in the North Growth Corridor and improve regional arterial road network capacity and connectivity to the M80, La Trobe National Employment and Innovation Cluster (NEIC), Melbourne Airport and the Northern Industrial Precinct. The Project will contribute to an improved outer suburbs arterial road network, leading to greater efficiencies, improved productivity, and greater access to jobs, services and markets.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>
Local (policies / strategies / guidelines)		
City of Whittlesea Road and Public Transport Plan 2017	<p>The City of Whittlesea developed a Road and Public Transport Plan in 2017 aimed at guiding Council's approach to advocacy for future investment in roads and public transport. The Plan provides an outline of key issues, actions and potential solutions to address the transport issues experienced in the municipality now and into the future.</p>	<p>The duplication of Yan Yean Road between Kurrak Road and Bridge Inn Road (and urbanisation to Arthurs Creek Road) is described in the Plan as a 'very high' priority for Council, providing Doreen and Mernda residents with improved access to employment and transport opportunities at Greensborough and Eltham.</p>

Document	Description	Requirements / Implications
Continued: City of Whittlesea Road and Public Transport Plan 2017	<p>Yan Yean Road is described in the Plan as one of three north-south corridors (along with Plenty Valley Corridor and Epping Road-High Street corridor) for which capacity currently falls short of accommodating Whittlesea's existing traffic demands during peak travel periods.</p> <p>Transport modelling provided in the Plan identified that projected population growth and changes to land use would result in significantly more traffic congestion on these routes.</p>	<p>Upgrading the intersection of Yan Yean Road and Bridge Inn Road is also separately identified as a 'very high' priority to ease traffic congestion and provide for pedestrian crossing opportunities.</p> <p>The Project will deliver duplication between Kurrak Road and Bridge Inn Road and the upgrade of the Yan Yean Road/Bridge Inn Road intersection, supporting two of City of Whittlesea's highest road network priorities.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>
Whittlesea Integrated Transport Strategy 2015	<p>This strategy responds to the significant transport challenges facing the City of Whittlesea. In particular, this strategy develops a policy for a safe and efficient road network that meets the demands of a growing population and the travel needs of all road users.</p>	<p>The Project is consistent with this strategy as it would improve safety and travel efficiency of the road network through creating a designated walking and cycling path and increasing the movement capacity.</p> <p>Also, as discussed above in the Principal Bicycle Network, Victorian Cycling Strategy 2018–28, the proposed walking and cycling path will fill in the existing gap in the Principal Bicycle Network between Bridge Inn Road and Jorgensen Avenue.</p> <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>
City of Whittlesea Mernda Strategy Plan 2004 (amended 2008)	<p>Mernda Strategy Plan is an Incorporated Document in the Whittlesea Planning Scheme. It includes a number of key objectives and associated strategic actions to achieve those objectives.</p> <p>One key objective is to put in place an efficient, equitable and environmentally sustainable transportation system.</p> <p>As outlined in the Plan, the Mernda Town Centre located near the intersection of Bridge Inn Road and Plenty Road will include a range of local business and employment opportunities and the recently-opened Mernda Railway Station.</p> <p>Bridge Inn Road between Yan Yean Road and Plenty Road will form the key east-west transport route for those commuting from east of Plenty Road to Mernda Town Centre.</p>	<p>As one of two north-south corridors servicing the area covered by the Plan the development of the area is expected to increase traffic demands on Yan Yean Road. The Mernda Strategy Plan outlined the following upgrade needs for Yan Yean Road which the Project will deliver:</p> <ul style="list-style-type: none"> • On Plenty Road, Bridge Inn Road, the E6 and Yan Yean Road, a dedicated off pavement cycle lane should be provided • Widen roadway to provide auxiliary turning and passing lanes. <p>Also, refer to Chapter 7 <i>Effects on Transport Capacity and Connectivity</i> and Technical Report A – <i>Transport Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Nillumbik Trails Strategy 2011	<p>This Strategy was prepared by Shire of Nillumbik in consultation with the Recreation Trails Advisory Committee (RTAC), Parks Victoria and Melbourne Water.</p> <p>The Strategy guides the planning and decision making in the provision of recreation trails. It outlines Council's key priorities for the expansion of the trail network and the proposed actions to achieve these objectives over the period of ten years.</p> <p>Whilst the document focuses on regional trails including the Aqueduct Trail and Diamond Creek Trail to the east of the project area, the Strategy outlines a vision that Shire of Nillumbik <i>"will be recognised for the quality and diversity of its trail network. The network will be developed and managed sustainably while ensuring economic, health and wellbeing benefits are provided to the community"</i>.</p>	<p>The Project intersects with the Plenty Gorge Park Reserve and Yarrambat Park which is a popular horse riding trail in Shire of Nillumbik area.</p> <p>The Project will incorporate a walking and cycling path and a footpath along the length of the Project as well as consider appropriate crossings for pedestrians, cyclists, horses and riders to enhance the existing trail network in line with the Strategy.</p> <p>The recommendations of this strategy must be considered in the evaluation of the Project.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>
Nillumbik Green Wedge Management Plan 2010-2015	<p>The Green Wedge Management Plan 2010 is a support document to the Municipal Strategic Statement and identifies rural land use and capability and provides guidance in developing a sustainable direction for the non-urban areas of the municipality.</p> <p>The Plan highlights that car dependency in the area will continue as a result of the dispersed population, large quantity of people travelling outside the municipality for employment and services, and relative lack of public transport.</p>	<p>The Project is in line with the Plan and will ensure that there is the appropriate transport infrastructure with sufficient capacity to support existing and planned growth of residential employment and supporting land uses in existing and urban and green wedge areas including Yarrambat and Doreen.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Local Planning Policy Framework (LPPF) – Whittlesea Planning Scheme	<p>Each Planning Scheme in Victoria contains a Local Planning Policy Framework (LPPF) that sets out the municipal strategic statement and local planning policies that apply to the planning schemes, in addition to the state and regional policies.</p> <p>Whittlesea Planning Scheme contains local policies in different themes. Of particular relevance to project are:</p> <ul style="list-style-type: none"> • Clause 21.02 Municipal profile and Clause 21.03 Council vision and strategic framework – The lack of north-south road capacity has been identified as a significant constraint for the future growth and development of this municipality. • Clause 21.11 Transport – A key objective of Clause 21.11-1 is “to establish an efficient, interconnected multi-modal transportation system which increases the level of accessibility and choice within and beyond the City of Whittlesea”. Roads are part of this integrated transport framework and it is acknowledged that existing and future activity centres should be serviced by high capacity rail and have good access to the arterial road network. A key strategy (1.2) of Clause 21.11-1 Integrated Transport is “to provide new and improved arterial roads to enable the provision of trunk public transport services between activity areas, railway stations and public transport interchanges”. 	<p>The Project will make a significant contribution to the improvement of the capacity of the arterial road network which is essential to provide existing and planned communities with better access to services and critical areas of employment. In particular, Yan Yean Road links residents to the suburbs of Mernda, South Morang, Diamond Creek and Greensborough which provide regional employment and services and access to the metropolitan rail network.</p> <p>The Project will support the rapid growth of Mernda/Doreen in the North Growth Corridor and improve regional arterial road network capacity and connectivity to critical employment clusters in the broader North Growth Corridor including Thomastown, Somerton and the La Trobe National Employment and Innovation Cluster.</p> <p>The Project will also help to improve connectivity and safety for pedestrians and cyclists through the provision of a new, separated walking and cycling path on the western side, and a footpath on the eastern side of Yan Yean Road.</p> <p>These paths will provide pedestrian and cyclist links from Diamond Creek to Doreen, with future connections to Bridge Inn Road, Mernda Railway Station, Yarrambat Park and Plenty Gorge Parkland Reserve.</p> <p>Relevant objectives and strategies of Clause 21.11 must be considered in the evaluation of the Project.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Local Planning Policy Framework (LPPF) – Nillumbik Planning Scheme	<p>Relevant to transport in the LPPF of Nillumbik Planning Scheme are:</p> <ul style="list-style-type: none"> • Clause 21.03 Municipal profile and key influences, Clause 21.04 Vision and Clause 21.05 (Objectives – Strategies – Implementation) – Strategic framework which include a key objective to improve the connectivity and access between key centres and urban and non-urban areas, while considering rural amenity and local environmental values. • Clause 21.05 Infrastructure outlines the importance of providing appropriate infrastructure services, including transport networks, with a key objective <i>“to provide safe and efficient roads and road links within the municipality and to the wider region.”</i> This Clause acknowledges the increase in traffic levels along Yan Yean Road resulting from residential development within the Whittlesea Growth Corridor and seeks to <i>“ensure that land use adjacent to Yan Yean Road is compatible with the long term arterial road transport function of the road and that direct access to properties from Yan Yean Road is minimised.”</i> Clause 21.05-5 also identifies the need for Yan Yean Road to be duplicated from Diamond Creek Road to Kurrak Road and encourages setbacks for development and use on properties with road frontage along this section of road. 	<p>The Yan Yean Road upgrades will complete the duplication of this important north-south connection and improve public and active transport links to the future Mernda Town Centre and existing station.</p> <p>Yan Yean Road is currently at, or very close to capacity, with no spare intersection capacity at Ironbark Road. The full duplication will support the increase travel demand to be generated from population growth within the North Growth Corridor, Yarrambat and Plenty.</p> <p>Planning has long identified the need for Yan Yean Road to provide “an arterial road transport function” The Project is entirely consistent with the objectives and strategies under Clause 21.05-5.</p> <p>The Project will complete the duplication of this important north-south connection and improve public and active transport links to the future Mernda Town Centre and existing station.</p> <p>Relevant objectives and strategies of Clause 21.11 must be considered in the evaluation of the Project.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>

Biodiversity

Table 3 **Legislation, policies, guidelines and standards relevant to biodiversity**

Document	Description	Requirements / Implications
Commonwealth (legislation)		
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	<p>As discussed in Table 1, this Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation.</p> <p>To assess whether an impact is significant or not, the following policy documents and guidelines are used:</p> <ul style="list-style-type: none"> • Significant Impact Guidelines 1.1 – Matters of National Environmental Significance for EPBC Act listed biodiversity (Department of the Environment 2013b) (the 'significant impact guidelines') • Referral guidelines for individual species listed under the EPBC Act, if available. 	<p>The EES is an accredited EPBC assessment process under bilateral agreement. EPBC matters would be assessed through the EES process and forwarded to the Commonwealth Minister for assessment following the Victorian Planning Minister's assessment of the EES.</p> <p>An assessment of the Matters of National Environmental Significance relevant to the Project is included in the Technical Report B2 – <i>Biodiversity impact assessment</i>. The following survey guidelines have been used in assessing the Project:</p> <ul style="list-style-type: none"> • Survey guidelines for Australia's threatened orchids – Guidelines for detecting orchids listed as threatened under the EPBC Act 1999 (Department of Environment 2013) • Survey Guidelines for Australia's threatened birds: Guidelines for detecting birds listed as threatened under the EPBC Act (DEWHA 2010b) • Survey guidelines for Australia's threatened frogs: Guidelines for detecting frogs listed as threatened under the EPBC Act (DEWHA 2010). <p>Significant Impact Criteria Assessment has been undertaken for Matted Flax-lily, Swift Parrot and Grey-headed Flying-fox and mitigation measures have been proposed accordingly.</p> <p>Refer to Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Victorian (legislation)		
<i>Flora and Fauna Guarantee Act 1988</i> (FFG Act)	<p>This Act is the primary legislation dealing with biodiversity conservation and sustainable use of native ecology in Victoria. It provides a legal framework to enable and promote conservation of Victoria's native flora and fauna, and to enable management of potentially threatening processes.</p> <p>Threatened species and communities of flora and fauna, as well as threatening processes, are listed under this Act. Section 48 provides that the Secretary may issue a permit to take, keep, move or process protected flora.</p>	<p>The Technical Report B2 – <i>Biodiversity Impact Assessment</i> has identified that the Project would have impacts on the species listed under the FFG Act. A permit to take would be obtained prior to removing any FFG listed species.</p>
<i>Planning and Environment Act 1987</i> (P&E Act)	<p>As discussed in Table 1, this Act establishes a framework for planning the use, development and protection of land in Victoria and provides for the preparation of planning schemes based on the Victoria Planning Provisions.</p> <p>Planning provisions regulate the removal of native vegetation, which may require planning approval from the responsible authority.</p>	<p>Some native vegetation would need to be removed as part of the Project. The proposed removal of native vegetation will be approved through the Planning Scheme Amendment for the Project. This would require the native vegetation to be identified, assessed and offset (as required) in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation 2017 (DELWP 2017).</p> <p>Refer to Chapter 8 <i>Effects on biodiversity</i> and Technical Report B2 – <i>Biodiversity impact assessment</i> for more information.</p>
<i>Wildlife Act 1975</i>	<p>This Act includes procedures to protect and conserve wildlife and to protect species from extinction. It prohibits and regulates the conduct of persons engaged in activities concerning or relating to wildlife.</p> <p>All fauna species indigenous to Victoria are listed as protected under this Act.</p>	<p>Authorisation for habitat removal must be obtained under the <i>Wildlife Act 1975</i> through a licence granted by the DELWP. No wildlife is anticipated to be lost as part of the Project and as such no permits under the <i>Wildlife Act 1975</i> would be required by the Project for the loss of wildlife. Wildlife habitat removal will be completed via the primary approvals process and a permit under this Act will not be required.</p> <p>Any persons involved in fauna removal, salvage, capture or relocation of fauna for the Project must hold a current Management Authorisation under the Act. The contractor for the Project would be required to obtain and comply with management authorisation that may be required.</p> <p>Refer to Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i> for more information.</p>

Document	Description	Requirements / Implications
<i>Catchment and Land Protection Act 1994</i> (CaLP Act)	<p>This Act is the principal legislation relating to the management of pest plants and animals in Victoria and establishes a framework for the management and protection of catchments through the management of land and water resources.</p> <p>Under the Act, landowners have a responsibility to avoid causing or contributing to land degradation, including taking all reasonable steps to conserve soil, protect water resources, eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and, where possible, eradicate established pest animals declared under the Act.</p> <p>The Act categorises weeds and their respective management requirements into:</p> <ul style="list-style-type: none"> • State prohibited weeds • Regionally prohibited weeds • Regionally controlled weeds • Restricted weeds. 	<p>Restricted and regionally controlled weeds were recorded within the project area and immediate surrounds. The responsibilities for overall response management, on-site management, and funding for the weed categories have been detailed in Technical Report B2 – <i>Biodiversity Impact Assessment</i>.</p> <p>Any potential for the spreading of noxious weeds will need to be avoided or appropriately managed. For weed species listed under the Act present within the project alignment, the proponent will need to take all reasonable steps to prevent the growth and spread of regionally controlled weeds.</p>
Planning Policy Framework (PPF)	<p>As discussed in Section 1.3 above, the PPF contains policies in state and regional levels which have been grouped into different themes. Of particular relevance to biodiversity is Clause 12 Environmental and landscape values.</p>	<p>The Project has sought to avoid and minimise native vegetation removal and habitat impacts to as far as practicably possible. Where impacts are unavoidable offsets will be secured in accordance with the Guidelines for the removal, destruction and lopping of native vegetation (DELWP 2017).</p> <p>Direction to retain native vegetation is to be provided to contractors in the form of maps identifying 'Areas of sensitive vegetation' (ASV) (Clause 12.01-1S). A detailed assessment is provided within Technical Report B2 – <i>Biodiversity Impact Assessment</i>.</p> <p>Melbourne Water's 2018 Healthy Waterways Strategy locates the Project in the Yarra catchment and the Plenty River Lower Sub-catchment. The Project does not intersect with any named waterways, although a number of tributaries of the Plenty River either traverse the road alignment or are in close proximity.</p>

Document	Description	Requirements / Implications
Continued: Planning Policy Framework (PPF)	This clause seeks to protect and conserve Victoria's biodiversity (12.01-1S Protection of Biodiversity), ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (12.01-2S Native Vegetation Management) and to protect and enhance river Corridors, waterways, lakes and wetlands (12.03-1S River Corridors, Waterways, Lakes and Wetlands).	<p>Stormwater runoff will be managed using Water Sensitive Road Design (WSRD) elements to maintain the integrity of the waterways (Clause 12.03-1S). Consultation has been ongoing with Melbourne Water, Whittlesea City Council and Nillumbik Shire Council in relation to Project's impacts. Refer to Technical Report L – <i>Surface Water Impact Assessment</i> for more information.</p> <p>Consideration of the PPF is relevant to the evaluation of the Project, and the Planning Scheme Amendment which would be prepared for the Project.</p> <p>Also, refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>
Victorian (policies and guidelines)		
Guidelines for the Removal, Destruction or Lopping of Native Vegetation 2017 (DELWP 2017) (the Guidelines)	<p>The Guidelines are incorporated into the Victoria Planning Provisions and all planning schemes in Victoria.</p> <p>The purpose of the Guidelines is to set out and describe the application of Victoria's state-wide policy in relation to assessing and compensating for the removal of native vegetation which includes the assessment of impacts from removing native vegetation and how offset calculation.</p>	<p>Some native vegetation would need to be removed as part of the Project. This would need to be identified, assessed and offset (as required) in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation 2017 (DELWP 2017).</p> <p>Refer to Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i> for more information.</p>
Protecting Victoria's Environment – Biodiversity 2037 (DELWP 2017)	Protecting Victoria's Environment – Biodiversity 2037 is the Victorian Government's plan to stop the decline of biodiversity and achieve overall biodiversity improvement over the next 20 years. The Plan sets state-wide targets and contributing targets for both goals.	The potential impacts of the Project on biodiversity have been identified and assessed in the biodiversity assessment in Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i> . The Project has been designed to avoid and minimise impacts on biodiversity values and mitigation measures would be adopted and native vegetation impacts would be offset as part of the delivery of the Project.

Document	Description	Requirements / Implications
Victorian Threatened Species Advisory Lists	<p>In addition to the FFG Act threatened list, the Victorian Department of Environment, Land, Water and Planning maintains non-statutory lists, called the Victorian Threatened Species Advisory Lists (Advisory Lists).</p> <p>Unlike the FFG Act Threatened Lists, which rely on public nomination of items for listing, the advisory lists contain a comprehensive record of threatened species in Victoria based on technical information and scientific advice obtained from a range of experts.</p>	<p>Threatened species in the advisory lists have been identified in relation to the Project. The Project's impacts to those species have been assessed as part of the flora and fauna assessment.</p> <p>Please refer to Chapter 8 <i>Effects on Biodiversity</i> and Technical Report B2 – <i>Biodiversity Impact Assessment</i> for more information.</p>
MRPV Fauna Sensitive Road Design Guideline (2020)	<p>This Guideline has been developed by MRPV aiming to ensuring that new road developments employ best practice strategies to mitigate biodiversity impacts. This will be done through 4 steps:</p> <ul style="list-style-type: none"> • Step 1: Determine the impacts • Step 2: Determine the objectives • Step 3: Implement mitigation • Step 4: Monitor and evaluate efficacy. 	<p>The Guideline has been considered in the development of the Project. Specific design requirements have been incorporated into the design of the Project to ensure that biodiversity values are protected during different phases of the Project.</p>
Local (policies / strategies / guidelines)		
Nillumbik Biodiversity Strategy 2012	<p>This Biodiversity Strategy provides the strategic direction for biodiversity management across Nillumbik to inform programs, standards and targets for the Shire. It also seeks to develop further a coordinated approach to ensure that ecosystems are healthy, resilient, productive and connected across the landscape for future generations</p>	<p>Protection of the biodiversity has been an important consideration throughout the different stages of the Project. This included minimising the Project's footprint to the minimum practicable extent.</p> <p>In addition, relevant studies and investigations have been undertaken to identify the Project's impacts to the biodiversity so that appropriate mitigation measures can be developed.</p> <p>Relevant actions of this strategy would need to be considered in the evaluation of the Project, including the level of consistency with the strategy.</p>

Document	Description	Requirements / Implications
City of Whittlesea Biodiversity Strategy 2019-2029	<p>The City of Whittlesea Biodiversity Strategy (2019-2029) provides directions to improve the management and protection of biodiversity across the Municipality into the future.</p> <p>The Biodiversity strategy sets out six objectives to achieve its goal of protecting and improving local biodiversity:</p> <ul style="list-style-type: none"> • Improve our knowledge and understanding of local biodiversity • Strengthen the Planning Scheme to achieve better biodiversity outcomes • Support our rural landowners to protect biodiversity on their land • Encourage awareness and participation in urban biodiversity and improvement • Manage Council land to reduce threats and improve habitat quality • Collaborate with other land management agencies. 	<p>The Project has undertaken the required steps to preserve the biodiversity values that exist within the area. This includes identifying those values through appropriate investigations and developing measures to protect them.</p> <p>Relevant provisions of this policy must be considered in the evaluation of the Project, including the relevant objectives and actions.</p>
Nillumbik Green Wedge Management Plan 2010-2025	<p>As discussed earlier in Table 2, the Nillumbik Green Wedge Management Plan (GWMP) contains a long-term vision for the Nillumbik Green Wedge and a range of existing and new initiatives that work towards delivering that vision. The Plan will direct Council policy and planning decisions relating to the Nillumbik Green Wedge.</p> <p>Conservation and enhancement of biodiversity and natural values within the green wedge area have been mentioned as an important principle in this Management Plan.</p>	<p>The Project has aimed to conserve the biodiversity and natural values within the green wedge area to the maximum practicable extent. As part of the project development, different alternatives were developed to ensure that impacts to the biodiversity and natural values are avoided or otherwise minimised.</p> <p>Relevant strategies and actions of this policy must be considered in the evaluation of the Project.</p>
City of Whittlesea Environmental Sustainability Strategy 2012-2022	<p>This strategy explores the current and emerging sustainability issues facing the City of Whittlesea. It sets the environmental goals for the future and proposes actions that will help to reach these goals.</p> <p>This strategy addresses seven main themes that promote the development of a sustainable community and reduce our impact on the environment including water, biodiversity, land management, climate change, urban development and the built environment, waste management and behaviour change strategies.</p>	<p>In evaluation of the Project, relevant threats and opportunities of this strategy must be considered such as '<i>Ensuring native vegetation offsets are located within close proximity to the land where vegetation has been removed</i>'.</p>

Document	Description	Requirements / Implications
Whittlesea Green Wedge Management Plan 2011-2021	<p>The Whittlesea Green Wedge Management Plan (Management Plan) is a ten-year framework plan for the sustainable management of the land, biodiversity, water and people living within the non-urban areas of municipality. The Management Plan helps to achieve Council's long-term Community Plan vision for 2025 of connecting people, environment and economy.</p> <p>The key biodiversity goal for the Whittlesea Green Wedge is <i>"Healthy and enduring ecosystems with a variety of habitats and native species."</i></p>	<p>The Project will contribute to the biodiversity-related objective of this Management Plan by undertaking the steps to avoid and minimise impacts to the biodiversity values.</p> <p>Relevant objectives and actions of the Management Plan must be considered in the evaluation of the Project. Of particular relevance to the Project are the biodiversity objectives and actions.</p>
Local Planning Policy Framework (LPPF) – Whittlesea Planning Scheme	<p>As discussed in Section 1.3, each planning scheme contains specific LPPF.</p> <p>Of particular relevance to biodiversity is Clause 21.05 Environmental and landscape value. A key objective to this Clause is <i>"To protect environmental assets and landscape values"</i>.</p>	<p>The Project has endeavoured to protect and enhance the environmental assets and landscape values within and beyond the project area through appropriate measures. This included avoid, minimise and offset strategies.</p> <p>Relevant objectives and strategies of LPPF must be considered in the evaluation of the Project.</p>
Local Planning Policy Framework (LPPF) – Nillumbik Planning Scheme	<p>As discussed in Section 1.3, each planning scheme contains specific LPPF.</p> <p>The LPPF in the Nillumbik Planning Scheme contains a number of policies in different themes. Relevant to biodiversity are Clause 21.05-3 Environment, conservation and landscape and Clause 22.06 Roadside Management Policy.</p> <p>Clause 21.05-3 seeks "to protect and enhance sites of environmental significance" within the municipality through the management of threatening processes that cause environmental degradation. Measures to achieve this include restricting development and land uses that may impact native flora and fauna, implementing the Nillumbik Shire Council Roadside Management Plan 2012 and using indigenous vegetation in roadside reservations.</p>	<p>Major environmental features within proximity of Yan Yean Road are the Plenty River and roadside vegetation. The Project will enhance vehicle and active transport links to the Plenty Gorge Parkland Reserve.</p> <p>Where road upgrades and widening are proposed it is the policy of the Nillumbik Roadside Management Plan <i>"to avoid and minimise environmental damage and negative impacts on vegetation, wildlife habitat and existing pathway infrastructure as a result of construction or maintenance works, while preserving a safe and efficient road system"</i>.</p>

Document	Description	Requirements / Implications
Continued: Local Planning Policy Framework (LPPF) – Nillumbik Planning Scheme	<p>Clause 22.06 applies to all roadsides throughout the Shire and aims to maintain biodiversity and vegetation on roadsides. Roadsides are an integral part of maintaining biodiversity and provide wildlife with corridors for movement between larger areas of habitat.</p> <p>The objective of this policy is “to maintain and enhance the environmental, historical and landscape values of the roadsides in the Shire”, through the implementation of the Nillumbik Roadside Management Plan 2012, which is a reference document within the Nillumbik Planning Scheme.</p>	<p>The Nillumbik Roadside Management Plan provides design guidance and environmental management protocols. Where possible, vegetation has been avoided and a landscape strategy will be prepared to demonstrate that significant landscaping and revegetation will occur to replace the loss of vegetation along the corridor. Construction will be undertaken in accordance with the Nillumbik Roadside Management Plan, where relevant.</p> <p>Relevant objectives and strategies of LPPF must be considered in the evaluation of the Project.</p>

Social and cultural values

Table 4 Legislation, policies, guidelines and standards relevant to social and cultural values

Document	Description	Requirements / Implications
Commonwealth (legislation)		
<i>Disability Discrimination Act 1992</i>	The Federal <i>Disability Discrimination Act 1992</i> (DDA) provides protection for everyone in Australia against discrimination based on disability. This Act covers different aspects in which discrimination could occur against people. Of particular relevance to the Project is when people want to use an area for recreational purposes.	<p>The Landscape Strategy for the Project has recognised the importance of this Act in designing the proposed walking and cycling path.</p> <p>Please refer to Technical Report G – <i>Landscape Strategy</i> for more information.</p>
Victorian (legislation)		
<i>Planning and Environment Act 1987</i> (P&E Act)	This Act establishes the framework for planning the use, development and protection of land in Victoria and provides for the preparation of planning schemes based on the Victoria Planning Provisions.	Specific measures relevant to social and cultural values under the Nillumbik and Whittlesea Planning Scheme in relation to the Project are discussed below (see PPF and LPPF sections).
<i>Heritage Act 2017</i>	This Act identifies and protects heritage places and objects that are of significance to Victoria and establishes Victoria Heritage Register (VHR), Heritage Inventory and Heritage Council of Victoria. The Heritage Act requires consent to carry out works or activities to a VHI site, and a permit to carry out works or activities to a heritage place or heritage object listed on the VHR.	<p>There are presently no places listed on the VHR or VHI within the project area. Refer to Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> for more details.</p> <p>Refer to Chapter 9 <i>Effects on Social and Cultural Values</i> and Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> for more information.</p>

Document	Description	Requirements / Implications
<i>Aboriginal Heritage Act 2006</i> (amended 2016)	<p>This Act provides a framework for the protection of Aboriginal cultural heritage in Victoria.</p> <p>Section 49 of this Act states that a Cultural Heritage Management Plan (CHMP) is required to be prepared where an EES under the EE Act is required in respect of any works. This plan must be prepared prior to the commencement of works.</p>	<p>As the Project requires an EES, a CHMP must also be prepared and approved prior to the commencement of works.</p> <p>Section 52(3) of the AH Act provides that no statutory authorisation can be given before a CHMP is approved.</p> <p>A mandatory CHMP (15169) has been prepared for the Project and will need to be approved prior to construction.</p> <p>Refer to Chapter 9 <i>Effects on Social and Cultural Values</i> and Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> for more information.</p>
Aboriginal Heritage Regulations 2018	<p>These Regulations give effect to the <i>Aboriginal Heritage Act 2006</i> and set standards and fees for the preparation of a CHMP. The Regulations should be read in conjunction with the Act.</p>	<p>Considerations have been given to these Regulations during the preparation of the CHMP for the Project.</p> <p>Refer to Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> for more information.</p>
<i>Crown Land (Reserves) Act 1978</i>	<p>This Act provides for the reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes key governance arrangements for committees of management appointed to manage reserved land.</p>	<p>Land to the south of Jorgensen Avenue, Doreen (807 Yan Yean Road) is reserved for the Plenty Gorge Parkland Reserve which is managed by Parks Victoria. It contains the Yarrambat Picnic Area. The balance of the recreation land fronting the west of Yan Yean Road is Yarrambat Park which is owned and managed by Shire of Nillumbik as district open space.</p> <p>As mentioned in Table 1, the Project is seeking declaration under Section 10(1)(b) of the MTPF Act from the Premier of Victoria for delivery. If the Project is declared under section 10(1)(b) of the MTPFA for delivery, then the land will be subject to orders under the MTPFA reserving the land for the purposes of this Project. Otherwise, approval from the Minister for Energy, Environment and Climate Change is required.</p> <p>Also, refer to Chapter 10 <i>Effects on Land Uses, Businesses and Social Assets</i> and Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more details regarding acquisition.</p>

Document	Description	Requirements / Implications
<p><i>Environment Protection Act 1970</i> (EP Act)</p> <p>&</p> <p><i>Environment Protection Amendment Act 2018</i></p>	<p>The EP Act is the primary legislation regulating the protection of Victoria's environment. The Act establishes the Environment Protection Authority (EPA) to administer the Act and regulations and Orders made under the EP Act including Orders declaring State Environment Protection Policies (SEPPs).</p> <p>State Environmental Protection Policies (SEPPs) are subordinate legislation made under the provisions of the EP Act. They provide more detailed requirements and guidance for the application of the Act to Victoria.</p> <p>The <i>Environment Protection Amendment Act 2018</i> includes a new approach to environmental issues, focusing on preventing waste and pollution impacts rather than managing those impacts after they have occurred.</p> <p>This Act is due to come into effect on 1 July 2021 (or earlier). The Environment Reference Standard is an instrument under this Act that will supersede some subordinate legislation under the EP Act (e.g. SEPPs) once come into effects. The new Standard is considered to be the applicable regulation during the construction of the Project.</p>	<p>The amenity impacts associated with the Project and consequent effects to the community have been assessed for the following aspects of the physical environment:</p> <ul style="list-style-type: none"> • Noise and vibration • Groundwater • Contamination • Surface water • Air quality <p>The impact assessment has concluded that the Project is unlikely to result in a major adverse impact to the physical environment during different phases of construction, operation and maintenance.</p> <p>For more information, please refer to Chapter 11 <i>Effects on Physical Environment</i>, Technical Report I – <i>Noise and Vibration Impact Assessment</i>, Technical Report J – <i>Groundwater Impact Assessment</i>, Technical Report K – <i>Contaminated Land Impact Assessment</i>, Technical Report L – <i>Surface Water Impact Assessment</i> and Technical Report M – <i>Air Quality Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Commonwealth (policies and guidelines)		
The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013	<p>The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places). It sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.</p> <p>Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.</p>	<p>The landscape strategy for the Project has used Burra Charter's five definition criteria to assess the value of landscape components within the project area including social, aesthetic, scientific, historic and spiritual.</p> <p>Please refer to Technical Report G – <i>Landscape Strategy</i> for more details regarding the assessment.</p>
Victorian (policies and guidelines)		
Plan Melbourne 2017–2050 — Metropolitan Planning Strategy (DELWP 2017)	<p>As discussed in Section 1.3, Plan Melbourne is the metropolitan planning strategy to manage Melbourne's through integrating long-term land use, infrastructure and land use planning. It is referenced in the PPF.</p> <p>One of the key outcomes of Plan Melbourne is that Melbourne is a productive city that attracts investment, supports innovation and creates jobs. Plan Melbourne recognises the importance of creating jobs close to where people live. Policy 1.2.1 seeks to "support the development of a network of activity centres, linked by transport".</p>	<p>Yan Yean Road is part of the arterial road network which provides access to Mernda, Diamond Creek and Greensborough Major Activity Centres and La Trobe national employment and innovation cluster. The Project will improve north-south connectivity and capacity to these important economic areas. The future Mernda Town Centre and integrated public transport hub will serve as a regional hub to 50,000 people in the wider catchment.</p> <p>An assessment of the Project against the relevant strategies and directions of Plan Melbourne is provided in Chapter 10 <i>Effects on Land Uses, Businesses and Social Assets</i> and Technical Report H – <i>Planning and Land Use Impact Assessment</i>.</p>

Document	Description	Requirements / Implications
Planning Policy Framework (PPF)	<p>As discussed in Section 1.3 above, the PPF contains policies in state and regional levels which have been grouped into different themes. Of particular relevance to social and cultural values are the following:</p> <ul style="list-style-type: none"> • Clause 11 Settlement that aims to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services • Clause 12 Environment and landscape values that aims to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values • Clause 13 Environmental risks and amenity that seeks to strengthen the resilience of communities by seeking to ensure that settlements and land uses appropriately respond to risks and environmental constraints • Clause 14 Natural resource management seeks to protect the state's agricultural base by preserving productive farmland (14.01-1S Protection of agricultural land, 14.01-1R Protection of agricultural land – Metropolitan Melbourne), to assist in protection and restoration of catchments, water bodies, ground water and the marine environment (14.02-1S Catchment planning and management) and to protect water quality (14.02-2S Water quality). • Clause 15 Built environment and heritage that aims to support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design • Clause 19 Infrastructure seeks to plan for the development of social and physical infrastructure and facilitate the timely provision of planned infrastructure to communities through the preparation of development contribution plans (19.03-1S Development and infrastructure contribution plans). 	<p>In response to Clause 11 Settlement, the Project will ensure that there is appropriate transport infrastructure to support existing and planned growth of residential, employment and supporting land uses in existing and urban and green wedge areas including Yarrambat and Doreen.</p> <p>In relation to Clause 12 Environment and landscape values, as discussed in Table 3, the Project has sought to avoid and minimise native vegetation removal and habitat impacts to as far as practicably possible. Where impacts are unavoidable offsets will be secured in accordance with the relevant State legislation.</p> <p>In response to Clause 12 Environmental risks and amenity, relevant investigations have been undertaken to understand the Project's amenity impacts in relation to noise and vibration, air quality, contamination, groundwater and surface water. In general, the Project is not expected to result in a high risk in any of the mentioned key aspects.</p> <p>The Project has identified areas of environmental and cultural heritage significance and has sought to avoid impacts where possible, and otherwise minimise impacts to the extent practicable. Appropriate management and mitigation measures will be implemented via the Project's Construction Environmental Management Plan.</p> <p>The project is located in a predominantly low density residential zone and rural conservation zone. Given that the road is existing, there will be no land fragmentation or impact on regional agricultural outputs.</p> <p>In response to Clause 19 Infrastructure, the Project is generally consistent with strategic planning for the area. Future growth will be concentrated in existing urban areas in the south and the developing areas of Mernda-Doreen in the north.</p> <p>Consideration of the PPF is relevant to the evaluation of the Project, and the Planning Scheme Amendment which will be prepared for the Project.</p> <p>Refer to Chapter 9 <i>Effects on Social and Cultural Values</i>, Technical Report B2 – <i>Biodiversity Impact Assessment</i>, Technical Report D – <i>Social Impact Assessment</i> and Technical Report G – <i>Landscape Strategy</i>.</p>

Document	Description	Requirements / Implications
Local (policies / strategies / guidelines)		
Nillumbik Green Wedge Management Plan 2010	As discussed in Section 1.3, Nillumbik Green Wedge Management Plan (GWMP) contains a long-term vision for the Nillumbik Green Wedge and a range of existing and new initiatives that work towards delivering that vision. In particular, the Nillumbik GWMP contains an aim to conserve and enhance the natural values, landscapes and cultural heritage of the Nillumbik Green Wedge.	<p>As discussed in Table 3, the Project has aimed to conserve the existing values of the green wedge area.</p> <p>The relevant objectives and strategies of this Plan must be considered when evaluating the Project.</p>
Nillumbik Heritage Strategy 2011	<p>The Nillumbik Heritage Strategy 2011 is a support document to the Municipal Strategic Statement and seeks to provide for the identification of sites of Aboriginal cultural significance and the appropriate level of management in consultation with the local Aboriginal community.</p> <p>This strategy sets out a vision that <i>"The Shire of Nillumbik's cultural heritage will be conserved, enjoyed and appreciated by generations of residents and visitors."</i></p>	<p>The Project has aimed to protect the identified heritage values of this Strategy within the project area. A Cultural Heritage Management Plan has been prepared that sets out conditions for different phases of the Project to ensure that potential impacts are avoided and minimised.</p> <p>Heritage Overlay (H0191) applies to two Doreen River Red Gum trees located on north-east corner of Yan Yean Road and Bridge Inn Road Intersection. The Project has been designed to avoid impacts to those two trees.</p> <p>Relevant objectives and actions of this strategy must be considered in the evaluation of the Project.</p> <p>Refer to Chapter 9 <i>Effects on Social and Cultural Values</i>, Technical Report B2 – <i>Biodiversity Impact Assessment</i>, Technical Report D – <i>Social Impact Assessment</i> and Technical Report G – <i>Landscape Strategy</i>.</p>

Document	Description	Requirements / Implications
City of Whittlesea Mernda Strategy Plan 2004	<p>As discussed in Section 1.3, this strategy is an Incorporated Document in the Whittlesea Planning Scheme which includes a number of key objectives and associated strategic actions to achieve those objectives.</p> <p>The growth area subject to this Strategy covers approximately 1,700 hectares and is projected to support around 14,000 dwellings and associated community infrastructure. Over 50 hectares of land has been identified for the Mernda Town Centre supporting retail, commercial and an employment park.</p> <p>The Comprehensive Development Zone (CDZ) has been applied to this land to enable a range of employment-generating land-uses that are compatible with nearby residential and commercial development.</p> <p>Within the Mernda Strategy Plan, Yan Yean Road is identified as an important north-south secondary arterial road to support the growth of Mernda/Doreen and the introduction of high capacity rail to this area through the Mernda Rail Extension Project. The Strategy also includes the proposed cross section for Yan Yean Road.</p>	<p>The Project is generally considered to be consistent with the Mernda Strategy Plan. In particular, this Strategy has encouraged the duplication of Yan Yean Road. As part of the delivery of the Mernda Rail Extension Project, a bus interchange will be built at Mernda Station to service surrounding area.</p> <p>In order to allow reliable and regular bus services, the Mernda Strategy Plan recommends that Yan Yean Road needs to be duplicated. Bus routes are encouraged to follow arterial roads and link key destinations such as activity centres and the Mernda Rail Extension Project to residential areas.</p> <p>Relevant objectives and actions of this strategy must be considered in the evaluation of the Project.</p> <p>Refer to Chapter 10 <i>Effects on Land Uses, Businesses and Social Assets</i> and Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more information.</p>
Whittlesea Open Space Strategy 2016	<p>This strategy sets out the future planning, design and management of its open spaces. It includes key aims in different aspects. Specifically relevant to the Project, this Plan encourages the provision of areas for sport and exercise as well as protection and celebration of Indigenous and non-indigenous cultural values.</p>	<p>The Project is considered to generally support the implementation of this Strategy. In particular, considerations have been given to the projectisation of environmental values. The proposed walking and cycling path will provide exercise opportunities for local residents of the area. The heritage values have been identified through the heritage investigations and will be protected as guided by the Cultural Heritage Management Plan.</p> <p>Relevant recommendations of the strategy must be considered in the evaluation of the Project.</p> <p>Refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i>, Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> and Technical Report G – <i>Landscape Strategy</i>.</p>

Document	Description	Requirements / Implications
Nillumbik Open Space Strategy 2005	<p>This strategy outlines the long term planning and management of Council's open spaces.</p> <p>One of the listed recommendations within the Nillumbik Open Space Strategy 2005 is to <i>"liaise with Parks Victoria and encourage the extension of the trail network along the Plenty River from Greensborough to Yarrambat Park, through the Plenty Gorge Parklands"</i>. It also identifies that <i>"opportunities should be created to provide dedicated bicycle lanes along major roads"</i>, including Yan Yean Road.</p>	<p>The Project is considered to generally support the implementation of this Strategy particularly through the proposed walking and cycling path.</p> <p>Refer to Technical Report H – <i>Planning and Land Use Impact Assessment</i> for more details.</p>
Local Planning Policy Framework (LPPF) – Whittlesea Planning Scheme	<p>As discussed in Section 1.3, each planning scheme contains specific LPPF.</p> <p>The LPPF in the Whittlesea Planning Scheme contains a number of policies in different themes. Relevant to social and cultural values are the following:</p> <ul style="list-style-type: none"> • Clause 21.08 Built environment and heritage which requires the environmental and constructed features of the municipality to be identified, preserved and enhanced in order to retain the character of the municipality in the face of rapid urban development. • Clause 22.03 Bushfire management overlay that aims to avoid and • Clause 22.04 Heritage conservation policy that seeks to identify, protect and maintain the integrity and character of Whittlesea's heritage places, and discourage changes to the shape and position of roads and footpaths if these are contributory elements of a heritage place or precinct. Should dry stone walls be identified during construction a dry-stone wall management plan will be required to be prepared. • Clause 22.10 River Red Gum protection policy seeks to ensure that development of existing and future urban and rural areas takes into account the presence of and plans for the retention, enhancement and long term viability of River Red Gum trees. 	<p>The Project has sought to avoid impacts where possible, and otherwise minimise impacts to the extent practicable and feasible. Should dry stone walls be identified during construction a dry-stone wall management plan will be required to be prepared.</p> <p>There are two River Red Gum trees located on the north-east corner of the Yan Yean and Bridge Inn Road intersection that are protected by a Heritage Overlay (H0191). The Project has been designed to avoid impacting those two trees.</p> <p>The Project will not intensify local wildfire risk and may improve access and movement in the region in line with Clause 22.03.</p> <p>Relevant objectives and strategies of LPPF must be considered in the evaluation of the Project.</p> <p>Refer to Chapter 9 <i>Effects on Social and Cultural Values</i>, Technical Report H – <i>Planning and Land Use Impact Assessment</i>, Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> and Technical Report G – <i>Landscape Strategy</i>.</p>

Document	Description	Requirements / Implications
Local Planning Policy Framework (LPPF) – Nillumbik Planning Scheme	<p>As discussed in Section 1.3, each planning scheme contains specific LPPF.</p> <p>The LPPF in the Nillumbik Planning Scheme contains a number of policies in different themes. Relevant to social and cultural values are the following:</p> <ul style="list-style-type: none"> • Clause 22.05 Aboriginal Cultural Heritage Policy that provides objectives and policy which aims to preserve and protect places and items of Aboriginal cultural heritage importance and sensitivity. The objectives are to provide for the identification of the sites of Aboriginal cultural significance and the appropriate level of management in consultation with the local Aboriginal community, and to ensure new uses, developments and works do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance. • Clause 22.12 Neighbourhood Character Policy that seeks to ensure development follows community and environmental values, and that development is <i>“responsive to the preferred future character of the area”</i> • Clause 22.13 Wildfire management policy which aims to, among others, avoid intensifying local wildfire risks to people and property through inappropriately located, designed or managed uses or developments. 	<p>The Project is located within areas of Aboriginal cultural heritage sensitivity. A mandatory Cultural Heritage Management Plan has been prepared for the Project and will need to be approved prior to construction.</p> <p>In relation to Clause 22.12, the landscape strategy that has been prepared for the Project provides details on appropriate planting consistent with the neighbourhood character of the area.</p> <p>The Project will not increase the risk to life, property, community infrastructure and the natural environment from bushfire, and may improve emergency access to bushfire prone areas. This outcome is consistent with Clause 22.13.</p> <p>Relevant objectives and strategies of LPPF must be considered in the evaluation of the Project.</p> <p>Refer to Chapter 9 <i>Effects on social and cultural values</i>, Technical Report H – <i>Planning and Land Use Impact Assessment</i>, Technical Report F – <i>Aboriginal and Historical Cultural Heritage Impact Assessment</i> and Technical Report G – <i>Landscape Strategy</i>.</p>

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