



Great Ocean Road Coastal Trail Planning approvals strategy

FINAL REPORT

Prepared for World Trail Pty Ltd & Department of Environment, Land, Water and Planning

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1 Executive Summary

Biosis was commissioned by World Trail Pty Ltd (World Trail) on behalf of the Department of Environment, Land, Water and Planning (DELWP) to undertake a planning approvals strategy report for the Great Ocean Road Coastal Trail (hereafter referred to as the GORCT or 'project').

This approvals strategy has been prepared to confirm the relevant legislative requirements and possible approvals pathways for the GORCT. This strategy will be used to ensure the project's required approvals requirements (including timing and cost implications) can be factored into the planning and design phase of the project.

The findings of this strategy are summarised as follows.

1.1 Requirements under relevant Commonwealth legislation

- Environment Protection Biodiversity Conservation Act 1999 (EPBC Act):
 - The project has the potential to have a significant impact on a number of matters of national environmental significance (MNES), including threatened species and a National Heritage listing (See Section 5.1.1).
 - Targeted surveys are recommended to determine the presence and/ or extent of the species listed in Section 5.1.1 of this report, as well as determining if the current alignment is likely to have a significant impact on MNES.
 - A significant impact self-assessment must be undertaken to determine if development of the GORCT is likely to have a significant impact on the Great Ocean Road and Scenic Environs (NJL – Place ID 105875).
 - Following targeted surveys, it is recommended that DELWP and World Trail conduct further investigations to re-design the trail alignment to avoid and minimise impacts to MNES (as part of the GORCT's planning and design stage).
 - A referral to the Commonwealth Minister for Environment is also recommended.
- Native Title Act 1993 (Native Title Act): The Native Title Act is a law passed by the Australian Parliament that recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and custom. The following information is considered relevant:
 - To date there have been no native title claims determined in the project area. The Eastern Maar People have lodged a native title claim in 2012, however this claim has not yet been determined. Given this claim is over Crown Land in Victoria, the Victorian State government will be the respondent.
 - We have assumed that the DELWP and the Department of Justice and Community Safety are already engaged in this process and have advised Eastern Maar of the project in the context of their native title claim.
 - Ongoing consultation with Eastern Maar is recommended to ensure the project is undertaken in accordance with the 'future act regime' under the Native Title Act. See the project's cultural heritage assessments (Biosis 2022c) and Section 5.1.2 of this report for further information.

1.2 Requirements under relevant State legislation

- Flora and Fauna Guarantee Act 1988 (FFG Act):
 - A number of FFG-listed species were recorded along the route of the GORCT alignment, and the land is classified as public land for the purpose of the FFG Act. Accordingly, a protected flora permit would be required to remove any FFG-protected flora species along the extent of the GORCT's alignment (See Biosis 2022b for more information).
 - It is recommended that DELWP and World Trail conduct further investigations to re-design the trail alignment to avoid or minimise impacts to FFG-listed species and communities as part of the GORCT's planning and design stage.
- Environment Effects Act 1978 (EE Act):
 - The GORCT was assessed against the *Ministerial Guidelines for assessment of environmental effects under the Environment Effects Act 1978* (the Ministerial Guidelines) (DSE 2006).
 - It was found that GTR 1 does not currently meet the referral criteria for a single potential environment effect under the Ministerial Guidelines. However, it is anticipated that future iterations of the trail alignment will lead to additional native vegetation removal which will exceed the 10 hectare native vegetation removal trigger (under the individual potential environmental effects criteria in the Ministerial Guidelines).
 - It is likely that the GORCT will meet two or more of the combination of potential environmental effects, including impacts to landscape and Aboriginal and Historic heritage values (See Section 5.2.1).
 - Therefore, it is considered likely that a referral under the EE Act will be triggered/ required.
- Planning and Environment Act 1978 (PE Act):
 - A planning permit is required for the GORCT under the Surf Coast and Colac Otway Planning Schemes (See Table 2 for the specific permit triggers).
 - Further consultation is required between DELWP, Parks Victoria (PV) and the Great Ocean Road Coast and Parks Authority (GORCAPA) relating to the implications under the Public Conservation and Resource Zone (PCRZ) and Clause 52.17 (Native vegetation), as well as determining whose project it is and who is the public land manager for the trail alignment (Section 5.2.2 of this report).
- Catchment and Land Protection Act 1994 (CaLP Act):
 - A number of weed species and established pest animals were identified along the GORCT as part of the project's flora and fauna assessment (FFA) (Biosis 2022b).
 - It is recommended that a Construction Environmental Management Plan (CEMP) is prepared for the project which specifies mitigation measures relating to weed management.
- Water Act 1989 (Water Act):
 - Consultation with Corangamite Catchment Management Authority (CMA) has identified that the GORCT traverses a number of designated waterways (See Section 5.2.5 of this report).
 - A Works on Waterways permit is required under the Water Act for works (including construction of trails and bridges) and vegetation removal which occurs through, over and in proximity to designated waterways (Figure 7).

- It is recommended that Corangamite CMA is consulted relating to the design of the GORCT in relation to these designated waterways.
- Environment Protection Act 2017 & the Environment Reference Standard:
 - The 'Uplands B' surface water segment under the Environment Reference Standard applies to the GORCT.
 - It is recommended that a CEMP is prepared which outlines the EPA approved sediment/ erosion control measures.
- Marine and Coastal Act 2018 (MC Act):
 - Consent is required under Section 65 of the MC Act to use or develop, or undertake works on, marine and coastal Crown land. It has been found that a planning permit can be used as an application for consent under the MC Act (the application will be sent to DELWP following lodgement) Refer to the DELWP Fact Sheet Use, development and works on marine and coastal Crown land (<https://www.marineandcoasts.vic.gov.au/coastal-management/information-for-coastal-managers>).
 - If a planning permit is not being sought or not required (See Section 6.2), a consent application can be submitted directly to the DELWP Barwon South West Region. It is also noted that Golder & Associates have prepared a Coastal Vulnerability Assessment which will be relevant to an application for consent under the MC Act.
- Great Ocean Road and Environs Protection Act 2020 (GOR&EP Act):
 - The Great Ocean Road strategic framework plan has not yet been prepared, and therefore there are no additional requirements under this plan which DELWP should currently be aware of in relation to the GORCT.
 - It is recommended that GORCAPA is consulted to identify when this plan will be prepared, and whether there are likely to be any implications for the GORCT. There are also a number of principles and obligations under the GOR&EP Act which responsible entities must adhere to (Section 5.2.8 of this report).
- National Parks Act 1975 (NP Act):
 - Consent from PV is required under Section 27 of the NP Act. This can occur prior to lodgement of a planning application, during the referral process, or as part of PV's conditions accompanying an approved planning permit (subject to receiving approval) (See Section 5.2.9 for additional information).
- Crown Land (Reserves) Act 1978 (Crown Land Reserves Act):
 - GORCAPA are the relevant committee responsible for protecting, enhancing and developing coastal Crown land under the Crown Land Reserves Act. It is our understanding that any specific recommendations relating to the protection of Coastal Crown Land (as per the Crown Land Reserves Act) will be discussed between GORCAPA and DELWP.
- Reference Areas Act 1978 (Reference Areas Act):
 - There are three Reference Areas (established under the Reference Areas Act) in proximity to the GORCT, however these areas do not intersect with the current alignment of the GORCT. DELWP will need to ensure that any future iterations of the GORCT continues to avoid these reference areas.

- Heritage Rivers Act 1992 (Heritage Rivers Act):
 - Review of the Heritage Rivers Act indicates there are no heritage rivers or natural catchment areas in proximity to the current alignment of the GORCT.
- Fisheries Act 1995 (Fisheries Act):
 - The GORCT has the potential to impact a number of fish species protected under the Fisheries Act. The project's FFA concluded that the potential for species (protected under the Fisheries Act) to be injured, damaged or destroyed is considered to be negligible, subject to the implementation of mitigation measures outlined in Biosis 2022b. Accordingly, no permit is required from DELWP. See the project's FFA (Biosis 2022b) and Section 5.2.13 of this report for further information.
- Aboriginal Heritage Act 2006 (AH Act):
 - The study area is within an area of cultural heritage sensitivity and the proposed activities are considered high impact activities under the *Aboriginal Heritage Regulations 2018* (the AH Regulations). Therefore, there is a requirement to prepare a mandatory cultural heritage management plan.
- Heritage Act 2017 (Heritage Act):
 - A permit from Heritage Victoria will be required as per the requirements of the *Heritage Act 2017*, as the Great Ocean Road (H2261) will be impacted by the proposed works. A Heritage Impact Statement (HIS) must also be prepared for the proposed works, as it will accompany the permit application to Heritage Victoria. A total of 17 historic heritage places were recorded along the GORCT alignment. Accordingly, a historic heritage assessment is recommended prior to the commencement of works.
- Traditional Owners Settlement Act 2010 (TOSA Act) – The study area is covered by two Traditional Owner groups and the following is considered relevant:
 - Eastern Maar Traditional Owner Group is seeking to negotiate a Recognition and Settlement Agreement under the TOSA Act.
 - Adjacent to the study area (including part of the study area) that is subject to agreement making with Wadawurrung Peoples (includes areas part of Wadawurrung Traditional Owners Aboriginal Corporation, Registered Aboriginal Party boundary).

1.3 Commonwealth approvals pathways

1.3.1 EPBC Act

- The biodiversity and cultural heritage assessments undertaken by Biosis (2022b and c) have found that the GORCT is likely to impact a number of MNES, including listed threatened species and a National Heritage place.
- Further detailed assessments are required to determine the project's level of impact and to confirm the need for a referral, including:
 - Targeted flora and fauna surveys.
 - A historical significant impact self-assessment.
- See Section 7 of this strategy for further information about the above assessments, including time and cost estimates for their preparation.

- It is likely that a referral to the Commonwealth Minister for Environment and Water would be classified as a controlled action and assessment under Part 9 of the EPBC Act will be required.
- There are a number of assessment pathways which may occur (Section 6.1.1 of this report), however we expect that an Environmental Impact Statement (EIS) will be required. Consultation with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) would be required to confirm this.

1.4 State approvals pathway

1.4.1 EE Act

- An EES referral is likely to be required, and the assessment pathway for GORCT is likely to be either an EES or not an EES (subject to conditions). This is discussed further in Section 6.2.1.

1.4.2 PE Act

- There are three main planning approvals pathways under the PE Act applicable to the GORCT including:
 - Ministerial Amendment (Section 20(4) or Section 20(5) of the PE Act).
 - Lodgement of planning permit applications under the Surf Coast and Colac Otway Planning Schemes.
 - Clause 52.30 (State projects) approvals pathway. Note – this pathway will only apply if the GORCT does not trigger the need to prepare an EES.

See Section 5 of this strategy for an extensive list of relevant legislative and approvals requirements.

1.5 Further actions under relevant legislation

Section 7 of this approvals strategy outlines the additional biodiversity and cultural heritage assessments required to accompany the approvals specified under Sections 6 and 6.2 of this report.

Table 4 and Table 5 provide indicative cost and timing implications for preparing these additional assessments.

2 Introduction

2.1 Background

Biosis Pty Ltd was commissioned by World Trail Pty Ltd (World Trail) on behalf of the Department of Environment, Land, Water and Planning (DELWP) to undertake a planning approvals strategy report for the Great Ocean Road Coastal Trail (GORCT) (the 'project').

In early 2022, Biosis completed a planning desktop assessment to identify the GORCT's likely planning permit requirements and exemptions under the Surf Coast and Colac Otway Planning Schemes. In addition, the planning desktop assessment identified other likely environmental approvals requirements under relevant Commonwealth and State legislation. Biosis also concurrently undertook ecology and cultural heritage assessments to identify the biodiversity and cultural heritage values along route alignment of the GORCT.

Following consultation with DELWP, World Trail, Parks Victoria (PV) and Great Ocean Road Coast and Parks Authority (GORCAPA), this planning approvals strategy builds upon the findings of the planning, ecology and cultural heritage assessments by confirming the relevant legislative requirements and possible approvals pathways for the GORCT. This strategy will be used to ensure the project's approvals requirements (including timing and cost implications) can be factored into the planning and design phase of the project.

2.2 Purpose of the document

The purpose of this document is to provide a detailed approvals strategy that confirms the relevant legislation, the associated approvals requirements, and the application requirements for each approval, including an indication of timing and associated costs for each approval.

The aim is to ensure that the required approvals, their timing and implications on the project are known and can be managed appropriately in future stages of the project. The report is structured in the following sections:

- Brief overview of the GORCT (Section 3).
- Summary of the outcomes of the project's technical assessments (Section 4).
- Confirmation of the legislative requirements under relevant Commonwealth and State legislation (Section 5).
- Outline of possible approvals pathways (Section 6).
- Indicative costs and suggested timing of additional assessments and approvals as identified in the approvals pathway (Section 7).

3 Project Overview

3.1 Project description

The Great Ocean Road Coastal Trail is a proposed 90km walking trail between Fairhaven and Skenes Creek (Figure 1).

The trail includes a mixture of new and existing trails (footpaths, management vehicle trails and existing walking trails) as identified in Figures 1 and 2. A range of supporting infrastructure including bridges, lookouts and hiker campgrounds is also proposed as part of the project.

This report provides approvals advice relating to the development of the walking trail and abutments of the three suspension bridges. Once the design of the proposed viewing lookouts, campgrounds and car parks have been prepared, this report can be updated to provide additional approvals advice (if required).

3.2 Trail alignment

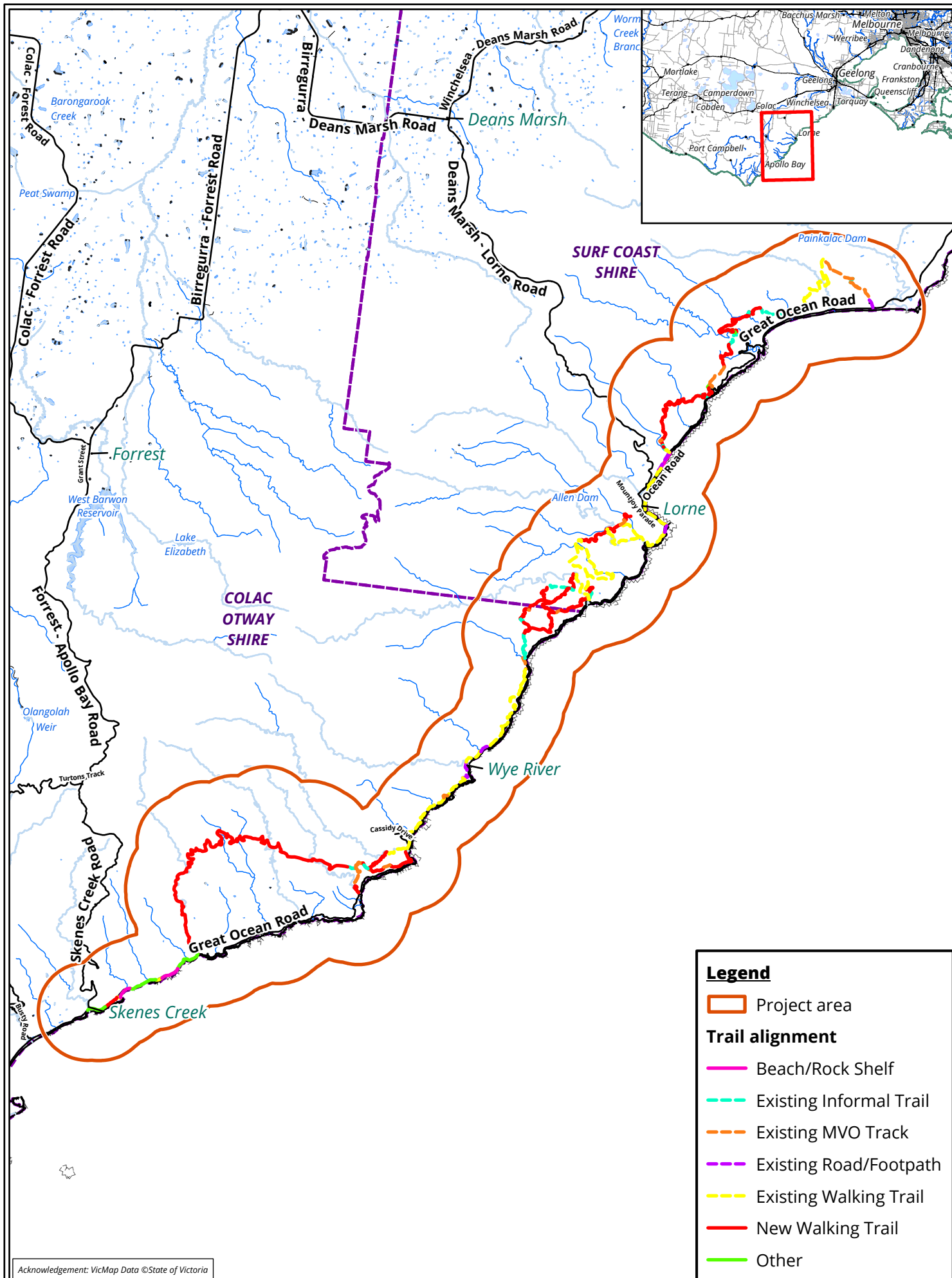
Throughout the planning process, a number of consultation processes and technical reports were undertaken that resulted in changes to the original trail concept alignment. At the Concept Route 3 stage, once there was confidence in the trail alignment, the trail was walked and accurately mapped, or 'ground-truthed'. This route was known as Ground Truthed Route 1 (GTR1) and was the alignment used for the *Great Ocean Road Coastal Trail: Flora and Fauna Assessment* (FFA) (Biosis 2022b).

While the fieldwork for the FFA was being undertaken, a couple of minor revisions were made to the alignment as a result of the geotechnical risk assessment and further feedback from the community. The changes that resulted in the final endorsed trail alignment, or GTR2, were:

- Trail sections 2-8 at the start of the walk were realigned to be entirely on walking track, thereby reducing new trail by 1404 metres.
- Trail section 43 was realigned in its approach to Lily Ponds to avoid a section of geological risk, resulting in a reduction of approximately 421 metres of new trail.

It has been noted that the realigned section of Trail 43 will need to be assessed for flora and fauna values, most likely following the detailed design phase once the vegetation impact of the lookouts, hiker campgrounds and suspension bridges is known. If required, this report can be updated at this stage.

The *Great Ocean Road Coastal Trail: Cultural Heritage Values Desktop Assessment* (Biosis 2022c) was undertaken by desktop and its assessment is at an appropriate level to be consistent with the final GTR2 trail alignment.



4 Related Technical Assessments

This section provides a brief summary of the relevant technical assessments undertaken as part of the planning for the GORCT which inform this approvals strategy.

4.1 Ecology

4.1.1 Ecology desktop assessment

The *Desktop ecological values and constraints assessment: Great Ocean Road Coastal Trail* (GORCT ecology desktop assessment) (Biosis 2022a) was prepared to identify ecological constraints along the GORCT.

The GORCT ecology desktop assessment found that a number of threatened species are likely to occur along the GORCT, including forty flora species, twenty-four fauna species and four threatened ecological communities.

The GORCT ecology desktop assessment provides a number of specific recommendations to reduce native vegetation removal and impacts of the GORCT alignment on threatened species (See Table 12 of Biosis 2022a).

4.1.2 Flora and fauna assessment

The FFA was prepared to assess GTR1, and assist with determining the GORCT's final trail alignment.

The FFA provides further information about threatened flora, fauna and ecological communities along the GORCT, based on on-ground assessments of GTR 1. The FFA also provides information about the ecological impacts likely to occur as a result of the project, including the removal of 9.929 hectares of native vegetation and eight large trees, as well as impacts to a number of listed flora and fauna protected under the *Flora and Fauna Guarantee Act 1988* (FFG Act) and *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) (Biosis 2022b).

A number of strategies and mitigation measures are proposed as part of the FFA, including measures to minimise disturbance to native vegetation and prevent the proliferation of noxious weeds along the GORCT.

4.2 Cultural heritage

The *Great Ocean Road Coastal Trail: Cultural Heritage Values Desktop Assessment* (GORCT cultural heritage assessment) (Biosis 2022c) identifies cultural heritage values (Aboriginal and post-European contact/ Historic) that are likely to be present in proximity to the GORCT's trail alignment. The GORCT cultural heritage assessment also provides advice relating to the requirements under relevant Commonwealth and State legislation relating to cultural heritage.

It was found that the GORCT is likely to intersect with a number of cultural heritage values – both Aboriginal and post-contact European. The legislative requirements identified in the GORCT cultural heritage assessment have been incorporated into Section 5 of this approvals strategy.

4.3 Planning

The *Great Ocean Road Trail: Planning desktop assessment* (GORCT planning desktop assessment) (Biosis 2022d) provides an overview of the likely planning permit and biodiversity requirements/ exemptions associated with the GORCT.

It was found that the GORCT is subject to a number of permit requirements under both the Colac Otway and Surf Coast Planning Schemes (See Section 5.2.2 of this report and the GORCT planning desktop assessment for a description of these permit requirements). There are also a number of exemptions applicable to the GORCT, including exemptions under Clause 62.02-2 (*Bicycle pathways and trails*, and *Repairs and maintenance to an existing buildings or works*) (Biosis 2022d).

Consultation with DELWP, Parks Victoria (PV) and the Great Ocean Road Coast and Parks Authority (GORCAPA) concluded that the Crown land exemption under Clause 52.17 (Native vegetation) is only able to be used by the relevant authorities on land which is under their own management. The relevant authorities include DELWP, PV and GORCAPA.

It is noted that the Crown land exemption only applies when native vegetation is being removed for the purpose of managing Crown land. The exemption can only be used by the relevant authorities listed above in accordance with Clause 52.17 and the *Procedure for the removal, destruction or lopping of native vegetation on Crown land* (the 'Crown land procedure') (DELWP 2018).

Where the exemption does not apply, it was discussed by DELWP, PV and GORCAPA that a planning permit would be required to remove, destroy or lop native vegetation under Clause 52.17 and the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) (DELWP 2017) would apply.

This is discussed further in Section 5.2.2 of this report.

The GORCT planning desktop assessment also outlines the likely requirements under relevant biodiversity and cultural heritage legislation. These requirements have been further informed as part of the GORCT's biodiversity and cultural heritage assessments (Biosis 2022a, b and c) and are discussed in Section 5 of this report.

4.4 Other related assessments

A number of other technical assessments were undertaken for the project at the same time of writing this report, being:

- Geotechnical Risk Assessment.
- Coastal Hazard Vulnerability Assessment: Smythe Creek to Skenes Creek.
- Landscape Visual Impact Assessment.
- Stormwater Management Considerations.

While this report has not considered these technical assessments, it can be updated (as required) following receipt of other related technical assessments.

It is noted that for ground disturbance required as part of these assessments (e.g. geotechnical assessments) in areas of marine and coastal Crown land, consent under the *Marine and Coastal Act 2018* will apply.

5 Legislative Requirements

This section provides information about the requirements applicable to GTR 2 under relevant planning, biodiversity and cultural heritage legislation.

5.1 Commonwealth legislation

5.1.1 *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Flora

Biosis has assessed the likely occurrence of MNES along the GORCT as part of the FFA (Biosis 2022b), and it was found that significant impacts may occur to the following flora species:

- Wrinkled Buttons *Rutidosia leptorrhynchoidea*
- Anglesea Grevillea *Grevillea infecunda*
- Green-striped Greenhood *Pterostylis chlorogramma*
- Spiral Sun-orchid *Thelymitra matthewsii*

Further targeted surveys are required to determine the presence and/ or extent of these populations, as well as determining whether the GORCT is likely to have a significant impact on MNES.

The likely approvals pathway under the EPBC Act is discussed further in Section 6.1 of this report.

Ecological communities

Two ecological communities protected under the EPBC Act are likely to be present in the study area, including:

- Assemblages of species associated with open-coast salt-wedge estuaries of western and central Victoria ecological community.
- Subtropical and Temperate Coastal Saltmarsh.

Notwithstanding the likely presence of the above ecological communities, the project's FFA concluded that the GORCT is not likely to have a significant impact on any ecological communities.

Fauna

A number of fauna species were also found to have a medium or higher likelihood of occurrence along the GORCT. However, the FFA concluded that subject to the strict implementation of the recommended avoidance, minimisation and mitigation measures, a significant impact to the EPBC-listed fauna species is unlikely to occur.

National heritage places

The Great Ocean Road and Scenic Environs is listed as a historic place on the National Heritage List (NHL – Place ID 105875), and is therefore classified as an MNES under the EPBC Act.

A significant impact self-assessment must be undertaken to determine if development of the GORCT is likely to have a significant impact on the Great Ocean Road and Scenic Environs (NJL – Place ID 105875).

5.1.2 **Native Title Act 1993 (Native Title Act)**

Native title describes the rights and interests of Aboriginal and Torres Strait Islander people in land and waters, according to their traditional laws and customs.

The Native Title Act 1993 (Cth) (NT Act) was introduced in response to the historic judgment in the case of *Mabo v the State of Queensland in 1992*.

Native title claim process

Traditional owners can lodge a claim to the Federal Court under the NT Act to have their native title rights determined.

To date there have been no native title claims determined in the project area.

Pending claims

The Eastern Maar People have lodged a native title claim in 2012 (Biosis 2022c). This claim has not yet been determined. Given this claim is over Crown Land in Victoria, the Victorian State government will be the respondent. We have assumed that the DELWP and the Department of Justice and Community Safety are already engaged in this process and have advised Eastern Maar of the project in the context of their native title claim.

See the GORCT cultural heritage assessment (Biosis 2022c) for further information.

5.2 State legislation

5.2.1 **Environment Effects Act 1978 (EE Act)**

The EE Act provides for assessment of proposed projects that are capable of having a significant effect on the environment. The *Ministerial guidelines for assessment of environmental effects under the Environmental Effects Act 1978* (DSE 2006) provide guidance to proponents regarding referral criteria that should be considered when deciding if a project requires assessment under the EE Act.

If a self-assessment of the project's impacts indicate that referral criteria are met, it is recommended that the project is then referred to the Minister for Planning. The Minister for Planning may decide that assessment via the EE Act is required and will produce a set of scoping requirements that the proponent must address in an Environmental Effects Statement (EES). The Minister for Planning may alternatively determine that assessment via the EE Act is not required or not required subject to conditions, and the project would continue to be approved via the planning permit process.

EES Referral Criteria Assessment

An assessment of the project (GTR 1) against the individual and combined potential effects criteria has been undertaken and is specified in Table 1 below. It is considered likely that the project will have a significant environment effect.

It has been found that the GORCT does not meet the referral criteria for a single potential environment effect. At this stage, it is likely that GTR 1 meets two criteria under combined environmental effects, including impacts to landscape and cultural (Aboriginal and Historic) heritage values. Furthermore, it is anticipated that the amount of vegetation required to be removed will increase as trail design variations are updated. Consequently, it is likely that this will exceed the referral criteria, and the likelihood increases that referral under the EE Act will be triggered.

It is noted that the Ministerial guidelines are not binding, and the decision as to whether to refer a project is up to the proponent. It is also the ultimate decision of the Minister for Planning as to whether an EES is required. Based on the self-assessment criteria, it is likely that the assessment pathway under the EE Act will be the preparation of an EES or the Minister for Planning may decide that an EES is not required, subject to conditions. This is discussed further in Section 6.2.1.

Estimated cost and timing implications of preparing an EES are provided in Section 6 of this report.

Table 1 Assessment of project against the individual and combined EES referral criteria

EES referral criteria	Project impact and response
Individual types of effects	
<p>Potential clearing of 10 ha or more of native vegetation from an area that:</p> <ul style="list-style-type: none"> • is of an Ecological Vegetation Class identified as endangered by the Department of Sustainability and Environment (in accordance with Appendix 2 of Victoria's Native Vegetation Management Framework); or • is, or is likely to be, of very high conservation significance (as defined in accordance with Appendix 3 of Victoria's Native Vegetation Management Framework); and • is not authorised under an approved Forest Management Plan or Fire Protection Plan 	<p>This criterion is not triggered as:</p> <ul style="list-style-type: none"> • The 9.929 hectares of understorey native vegetation proposed for removal in a narrow (2.5 m wide) trail construction corridor within National Parks and conservation reserves does not include an endangered EVC. • Reference to 'very high conservation significance' vegetation is not relevant in the current native vegetation policy setting for Victoria, as the Native Vegetation Management Framework has been replaced with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (DELWP 2017). • The project is not part of a forest operation or fire protection planning in Victoria.
<p>Potential long-term loss of a significant proportion (e.g. 1 to 5 percent depending on the conservation status of the species) of known remaining habitat or population of a threatened species within Victoria</p>	<p>This criterion is not triggered by the project.</p> <p>Key threatened species recorded in the project area:</p> <ul style="list-style-type: none"> • Wrinkled Buttons (EPBC and FFG Act listed) • Long-nosed Potoroo (EPBC and FFG Act listed) • Gang-gang Cockatoo (EPBC Act listed) • Yellow-bellied Glider (EPBC Act listed) • Rufous Bristlebird (FFG Act listed) • Otway Black Snail (FFG Act listed) • Brooker's Gum (FFG Act listed) • Southern Blue-gum (FFG Act listed) • Paper flower (FFG Act listed) • Grey Goshawk (FFG Act listed) • Rufous Bristlebird (Otway) (FFG Act listed) • White-bellied Sea-Eagle (FFG Act listed) • Powerful Owl (FFG Act listed) <p>Of the species listed above only Wrinkled buttons is likely to have limited habitat distribution across Victoria. An assessment is made below:</p> <p>Wrinkled Buttons</p> <p>Wrinkle Buttons distribution is restricted to the South East Coastal Plain IBRA Bioregion, preferring EVC 45 – Shrubby Dry</p>

EES referral criteria	Project impact and response
	<p>Forest. The extent of possible habitat can therefore be equated to 1,018.38 ha. The impact from the proposed trail (GTR 1) is 2.9 hectares of EVC 45 – Shrubby Dry Forest which represents 0.28% of potential Wrinkled Buttons habitat.</p> <p>Otway Black Snail Key habitat for this species is Cool Temperate Rainforest and EVC 201 Shrubby Wet Forest within the Otway Ranges. This equates to a potential habitat area of 32,715 ha. The trail (GTR 1) will impact 0.317 ha of EVC 201 which represents 0.001% of available habitat for Otway Black Snail.</p> <p>It may also be necessary to determine the impact on threatened species that are identified during targeted surveys, particularly those with localised distributions or small home ranges. Populations of many threatened species listed under the EPBC and FFG Acts are not yet resolved within the GTR 1 alignment.</p>
<p>Potential long-term change to the ecological character of a wetland listed under the Ramsar Convention or in 'A Directory of Important Wetlands in Australia'</p>	<p>This criterion has very low potential to be triggered as the project area is very remote from listed Ramsar sites and will not directly impact on a DIWA wetland. The nearest DIWA wetland is the Lake Connewarre State Wildlife Reserve, located 38 km north-east of the project area.</p>
<p>Potential extensive or major effects on the health or biodiversity of aquatic, estuarine or marine ecosystems, over the long term</p>	<p>This criterion has very low potential to be triggered as all creek and waterways crossings will be small clear span elevated structures to avoid impacts on the beds and banks of streams (freshwater aquatic habitats). Strict sediment control and trail design responses will be put in place to manage soil erosion and waterway sedimentation risks.</p> <p>Furthermore, where the trail crosses estuaries that have modelled or recorded threatened communities listed under the EPBC Act will utilise existing bridges that are in place. These sites have been heavily disturbed through previous land management and will not be impacted further.</p>
<p>Potential extensive or major effects on the health, safety or well-being of a human community, due to emissions to air or water or chemical hazards or displacement of residences</p>	<p>This criterion is not considered applicable due to the low impact nature of the project (i.e. trail construction).</p>
<p>Potential greenhouse gas emissions exceeding 200,000 tonnes of carbon dioxide equivalent per annum, directly attributable to the operation of the facility.</p>	<p>This criterion is not considered applicable due to the low impact nature of the project (i.e. trail construction with small machinery).</p>
<p>A combination of potential environmental effects</p>	
<p>Potential clearing of 10 ha or more of native vegetation, unless authorised under an</p>	<p>This criterion is unlikely to be triggered as:</p> <ul style="list-style-type: none"> Vegetation removal in the narrow (2.5 m wide) trail construction corridor is for understorey strata only and the

EES referral criteria	Project impact and response
approved Forest Management Plan or Fire Protection Plan	canopy will be retained. Therefore, the 9.929 ha trail footprint is not complete native vegetation loss in relation to the 10 ha trigger for the criterion.
Matters listed under the <i>Flora and Fauna Guarantee Act 1988</i>: <ul style="list-style-type: none"> • potential loss of a significant area of a listed ecological community; or • potential loss of a genetically important population of an endangered or threatened species (listed or nominated for listing), including as a result of loss or fragmentation of habitats; or • potential loss of critical habitat; or • potential significant effects on habitat values of a wetland supporting migratory bird species 	<p>This criterion is unlikely to be triggered as:</p> <ul style="list-style-type: none"> • Vegetation proposed for removal to construct the trail and bridges does not form part of a threatened community that is listed under the FFG Act. • Further assessments are required to determine the impact on FFG Act listed species. • No critical habitat has been declared in the project area. • No wetlands will be impacted by the project.
Potential extensive or major effects on landscape values of regional importance, especially where recognised by a planning scheme overlay or within or adjoining land reserved under the <i>National Parks Act 1975</i>	<p>This criterion is likely to be triggered as:</p> <ul style="list-style-type: none"> • The project occurs within the Great Otway National Park that is reserved under the <i>National Parks Act 1975</i>. The impacts are likely to be considered extensive to the extent over the landscape which they occur.
Potential extensive or major effects on land stability, acid sulphate soils or highly erodible soils over the short or long term	This criterion has not been assessed by Biosis and is out of scope of this assessment. Refer to the project's geotechnical report and coastal vulnerability assessment.
Potential extensive or major effects on beneficial uses of waterbodies over the long term due to changes in water quality, stream flows or regional groundwater levels	This criterion has very low potential to be triggered as the project does not involve surface water or groundwater extraction or use. All creek and waterways crossings will be small clear span elevated structures to avoid impacts on the beds and banks of streams (freshwater aquatic habitats). Strict sediment control and trail design responses will be put in place to manage soil erosion and waterway sedimentation risks.
Potential extensive or major effects on social or economic well-being due to direct or indirect displacement of non-residential land use activities	It is considered unlikely that the GORCT will lead to extensive or major effects on social or economic well-being, as the trail is likely to bring more tourism and increase access to the Great Ocean Road region for a broader range of users. Furthermore, development of the GORCT masterplan (DELWP 2022) has been subject to extensive community engagement, which has resulted in the alteration of the GORCT to reflect the community's concerns.
Potential for extensive displacement of residences or severance of residential access to community resources due to infrastructure development	This criterion has very low potential to be triggered as the project area is all on public land and will not displace residents or restrict access to public land. The project is likely to improve access opportunities for a broader range of public land users.
Potential significant effects on the amenity of a substantial number of residents, due to	This criterion has very low potential to be triggered as the project area is on remote public land with few neighbouring properties. Project construction will be low impact operations restricted to

EES referral criteria	Project impact and response
extensive or major, long-term changes in visual, noise and traffic conditions	public land will involve trail building in forested areas that are well-screened from adjacent residences. Noise, dust and traffic increases are likely to be minimal and may impact a very small number of local residences during construction and operation.
Potential exposure of a human community to severe or chronic health or safety hazards over the short or long term, due to emissions to air or water or noise or chemical hazards or associated transport	This criterion is not considered applicable due to the low impact nature of the project (i.e. trail construction with small machinery).
Potential extensive or major effects on Aboriginal cultural heritage	It is considered likely that the GORCT will have major effects on Aboriginal cultural heritage, and a CHMP will be required. Ongoing consultation with Eastern Maar will also be required to mitigate impacts to Aboriginal heritage.
Potential extensive or major effects on cultural heritage places listed on the Heritage Register or the Archaeological Inventory under the Heritage Act 1995.	It is considered likely that the GORCT will impact heritage places. Further on-ground assessments would be required to determine whether the GORCT would constitute an 'extensive' or 'major' impact.

5.2.2 Planning and Environment Act 1987 (PE Act)

Permit requirements for the GORCT have been identified under the zones, overlays and particular provisions specified in Table 2 below. The zones and overlays along the route of GRT 2 are also provided in Appendix 1 and 2 of this report.

Table 2 Zones, overlays and particular provisions requiring a permit under the Surf Coast and Colac Otway Planning Schemes

Planning controls	Comment
Surf Coast Planning Scheme	
Zones	<ul style="list-style-type: none"> Clause 36.04 – Transport Zone – Schedule 2 (TRZ2).
Overlays	<ul style="list-style-type: none"> Clause 42.01 – Environmental Significance Overlay (ESO). Clause 42.03 – Significant Landscape Overlay (SLO). Clause 44.04 – Land Subject To Inundation Overlay (LSIO). Clause 44.06 – Bushfire Management Overlay (BMO). Note – the project may be exempt under the BMO, subject to the application of the bicycle pathways and trails exemption under Clause 62.02-2 (Biosis 2022d). If this exemption does not apply, the risk of bushfire will need to be assessed and managed in accordance with the application requirements under the BMO.
Particular Provisions	<ul style="list-style-type: none"> Clause 52.05 – Signs (if applicable). Clause 52.17 – Native Vegetation. Clause 52.29 – Land adjacent to the Principal Road Network.

Colac Otway Planning Scheme	
Zones	<ul style="list-style-type: none"> • Clause 36.04 – TRZ2.
Overlays	<ul style="list-style-type: none"> • Clause 42.01 – ESO. • Clause 42.03 – SLO. • Clause 44.01 – Erosion Management Overlay (EMO). • Clause 44.04 – LSIO. • Clause 44.06 – BMO. Note – the project may be exempt under the BMO, subject to the application of the bicycle pathways and trails exemption under Clause 62.02-2 (Biosis 2022d). If this exemption does not apply, the risk of bushfire will need to be assessed and managed in accordance with the application requirements under the BMO.
Particular Provisions	<ul style="list-style-type: none"> • Clause 52.05 – Signs (if applicable). • Clause 52.17 – Native Vegetation. • Clause 52.29 – Land adjacent to the Principal Road Network.

In addition to the above permit requirements, further information from DELWP, PV and GORCAPA is required to confirm the requirements under the Public Conservation and Resource Zone (PCRZ) and Clause 52.17 (Native Vegetation) applicable to the GORCT. This is discussed further in the sections below.

Implications under the PCRZ

Further consultation is required between DELWP, PV and GORCAPA to confirm whether the permit requirements (for land-use and buildings and works) and application requirements under the PCRZ will apply to the GORCT. The following information is considered relevant:

- The PCRZ states that ‘Informal outdoor recreation’ is a Section 1 Use (permit not required), under the condition that it is a *‘use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority’*.
- The PCRZ also states that a permit is required to construct a building or construct or carry out works. One possible exemption relevant to the project relates to buildings or works *‘carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority’*.

We have provided information on two possible scenarios relating to the above conditions, which will have implications for the project’s planning application.

PCRZ Scenario 1 – DELWP project on Crown land managed by PV

If the construction of the GORCT is led by DELWP at the planning permit stage and PV remains the public land manager for land within the PCRZ, a permit will be required under the PCRZ for land-use and buildings and works. The application must also be accompanied by the written consent of PV (acting as the relevant public land manager) indicating PV generally or conditionally consents to the application and proposed use or development.

If the planning application will be lodged as per Scenario 1, it is recommended that DELWP undertakes further consultation with PV prior to lodging the project’s permit application to identify any recommendations or conditions relating to the construction of the GORCT (on land mapped under the PCRZ) in order to obtain the necessary public land manager consent.

PCRZ Scenario 2 – GORCAPA project on Crown land managed by GORCAPA:

It is our understanding that the operation and management of the GORCT will ultimately be the responsibility of GORCAPA acting as the relevant public land manager. If responsibility for constructing the GORCT is also transferred to GORCAPA (and this occurs prior to the lodgement of a planning application) and the trail alignment becomes land managed by GORCAPA, permit requirements for land-use and buildings and works will not be required under the PCRZ as the project will be being undertaken by or on behalf of the public land manager (as per the conditions specified above).

Implications under Clause 52.17

A permit is required under Clause 52.17 to remove, destroy or lop any native vegetation, including dead native vegetation, unless an exemption under Clause 52.17-7 applies. Our assessment identifies that the 'Crown land' exemption is relevant, which is defined as:

'Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land... by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land'.

Previous consultation with DELWP, PV and GORCAPA concluded that the Crown land exemption is only able to be used by the relevant authority for land which is under their own management (Scenario 1 below).

It is noted that GORCAPA is explicitly listed within the Crown land exemption under Clause 52.17-7. Accordingly, it is our understanding that GORCAPA is able to use the Crown land exemption in accordance with the Crown land procedure (DELWP 2018), on land which GORCAPA manages (Scenario 2 below).

We understand the Crown land procedure is being updated to include GORCAPA, with specific amendments to the Crown land procedure currently being determined between DELWP and GORCAPA.

Scenario 1 (Clause 52.17) – DELWP project on Crown land managed by PV

If the planning application for the GORCT is led by DELWP, the Crown land procedure will only apply to Crown land managed by DELWP.

Based on the correspondence with DELWP and PV, native vegetation which is removed on Crown land managed by PV will require a permit under Clause 52.17. The planning application is also required to be accompanied by the project's FFA (Biosis 2022b), which has been prepared in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) (DELWP 2017).

The project's FFA (Biosis 2022b) also found the GORCT will be located in the Detailed Assessment Pathway and therefore must be referred to the Secretary to DELWP as a recommending referral authority under Clause 66.02-2 of the Planning Schemes. Estimated cost and timing implications of preparing a flora and fauna assessment are provided in Section 6 of this report.

Scenario 2 (Clause 52.17) – GORCAPA project utilising the Procedure

In order to allow GORCAPA the ability to exercise the Crown land procedure, GORCAPA would need to be the relevant public land manager at the project's planning permit stage (if a planning permit is being sought/required – See Section 6.2.2).

GORCAPA would also be required to comply with the Crown land procedure. This includes identifying which sections of the GORCT would be classified as 'new removal of vegetation' or 'maintenance' and complying with

the pathways associated with these classifications (See the GORCT planning desktop assessment and DELWP 2018 for further information).

The Crown land procedure states that any works requiring the 'new removal of native vegetation' would require a detailed flora and fauna assessment which:

- Considers if the native vegetation removal impacts on important biodiversity values.
- Ensures native vegetation is removed to the minimum extent necessary to construct the GORCT (to avoid and minimise impacts).
- Records and documents the extent of native vegetation removal.
- Native vegetation removal must also be counterbalanced with the corresponding actions specified under the Crown land procedure.

The assessment undertaken as part of the project's FFA (Biosis 2022b) meets the above requirements, and can be used to accompany an application under the Crown land procedure should it apply.

For further information, refer to the GORCT planning desktop assessment (Biosis 2022d) and the Crown land procedure document for further information.

5.2.3 Flora and Fauna Guarantee Act 1988 (FFG Act)

The following FFG Act listed species were recorded within the assessment corridor:

- Brooker's Gum *Eucalyptus brookeriana*.
- Southern Blue-gum *Eucalyptus globulus* subsp. *globulus*.
- Paper Flower *Thomasia petalocalyx*.
- Grey Goshawk *Accipiter novaehollandiae*, Powerful Owl *Ninox strenua*, Rufous Bristlebird *Dasyornis broadbenti caryochrous* and White-bellied Sea Eagle *Haliaeetus leucogaster*.

See the project's FFA (Biosis 2022b) for further information about these species, including where they were observed.

The project area is on Crown Land or land owned by or vested in a public authority and is therefore public land for the purposes of the FFG Act. The project's FFA (Biosis 2022b) also identified that the alignment intersects with protected flora species listed under the FFG Act, and therefore a protected flora permit is required.

Further investigations to avoid and minimise impacts to FFG-listed species and communities are recommended as part of the GORCT's planning and design stage, which would likely result in small amendments to the trail alignment.

In addition to the requirement for a protected flora permit, it is a requirement of the FFG Act that a public authority, in performing its functions, must consider the objectives of the FFG Act and the impact on biodiversity. Public authorities are also required to consider the Biodiversity 2037 targets (DELWP 2017b), action statements, critical habitat determinations and management plans made under the FFG Act.

Further information about obtaining a protected flora permit is provided below.

Obtaining a permit to remove native vegetation protected under the FFG Act

The GORCT will require the removal of the FFG-listed species specified in the project's FFA (Biosis 2022b), and therefore a protected flora permit under the FFG Act will be required.

Further investigations to avoid and minimise impacts on FFG-listed species and communities are recommended, which would likely result in small amendments to the trail alignment. If impacts to FFG-listed species along the route of alignment are not able to be avoided, a protected flora permit will remain a requirement as per the FFG Act.

The following information is considered relevant for obtaining a protected flora permit:

- An approved planning permit is usually obtained prior to obtaining a protected flora permit. It is possible to submit a protected flora permit while you are awaiting a decision on a planning permit application, however it is unlikely that protected flora permit would be assessed or approved until an approved planning permit is received.
- To obtain a protected flora permit under the FFG Act, an '*Application for a Permit to Take Protected Flora*' (FFG permit application) must be filled out and emailed to DELWP's Environmental Research Team at environmental.research@delwp.vic.gov.au.
- It typically takes six weeks for DELWP to assess the application and provide a decision on whether an FFG Permit has been issued.
- There are no fees associated with submitting an FFG permit application.
- The protected flora permit application form is found here:
https://www.environment.vic.gov.au/_data/assets/pdf_file/0020/50438/Application-for-Permit-to-Take-Protected-Flora.pdf.

5.2.4 Catchment and Land Protection Act 1994 (CaLP Act)

A number of weed species (Appendix 1 of Biosis 2022b) and established pest animals (Appendix 2 of Biosis 2022b) were identified along the current alignment during the FFA's site investigations.

DELWP, GORCAPA and Parks Victoria will be responsible for eradicating these declared weed species and pest animals on land along the GORCT alignment.

It is recommended that weed management is incorporated into the GORCT's Construction Environmental Management Plan (CEMP) and Trail Maintenance Plan. This will ensure that weeds do not proliferate during and after the construction of the GORCT.

5.2.5 Water Act 1989 (Water Act)

Under the Water Act, approval from Corangamite CMA is required through a Works on Waterways Permit for any works and activities, including vegetation removal, which will occur within the bed and/or on banks of designated waterways along the GORCT.

Consultation with Corangamite CMA has identified the following designated waterways along the GTR 2 (Figure 7) (Appendix 3):

- | | | |
|---------------------|-------------------|----------------------|
| • Anderson Creek | • Erskine River | • Moggs Creek |
| • Brown Creek | • Grassy Creek | • Monash Gully |
| • Carisbrook Creek | • Grey River | • Nettle Creek |
| • Cherry Tree Creek | • Hitchcock Gully | • Petticoat Creek |
| • Coalmine Creek | • Jamieson Creek | • Reedy Creek |
| • Cumberland River | • Kennett River | • Saint George River |

- Separation Creek
- Sheoak Creek
- Skenes Creek
- Smythe Creek
- Spout Creek
- Stony Creek
- Sugarloaf Creek
- Von Mueller Creek
- Wye River

Corangamite CMA's data identified an additional 47 waterways in the study area which were either not labelled (within the data), or which are unnamed waterways. Corangamite CMA specified that the data is indicative only, and they have the authority to declare any waterway which may be impacted by works as a 'designated waterway'.

Corangamite CMA recommended that DELWP undertakes consultation with representatives from the CMA during the detailed design stages of the GORCT to determine which waterways are likely to be impacted by proposed works or vegetation removal. This would enable the effective incorporation of any relevant recommendations made by Corangamite CMA into the design stages of the GORCT.

5.2.6 Environment Protection Act 2017 & the Environment Reference Standard

DELWP is responsible for ensuring no impacts to surface water quality occur resulting in changes that exceed background levels and/or the water quality objectives for the following surface water segments specified under the Environment Reference Standard:

- Uplands B

To ensure that direct and indirect (e.g. runoff) impacts to surface water quality do not exceed the background levels and/or water quality objectives, it is recommended that a site-specific Constructional Environmental Management Plan (CEMP) is prepared and implemented for the GORCT, which includes all Environment Protection Authority (EPA) approved erosion control measures.

The temporary control measures should be inspected during rainfall events to ensure controls are able to prevent/minimise offsite discharges and longer-term impacts. Sediment control measures selected should also reflect the level of protection required to protect the ecological values within the creeks downstream of the project area.

5.2.7 Marine and Coastal Act 2018 (MC Act)

Under Section 65 of the MC Act, a person must obtain consent to use or develop, or undertake works on, marine and coastal Crown land. For the purposes of Section 65 and the wider MC Act, marine and coastal Crown land is defined as:

- *Crown land between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea including:*
 - *Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land;*
 - *Any water covering the land referred to in paragraph (a) from time to time.*
- *In addition to the above, marine and coastal Crown land includes Crown land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land and that is:*
 - *More than 200 metres inland of the high-water mark of the sea; and*
 - *Reserved under the Crown Land (Reserves) Act 1978 for the purposes of the protection of the coastline.*

The *Use, development and works on marine and coastal Crown land – Fact sheet* (DELWP 2018b) specifies that a planning permit application can also be used as an application for consent under the MC Act. Following

lodgement of a planning permit, the applications will be directed to DELWP for consideration. If a planning permit is not being sought or not required (See Section 6.2), a consent application can be submitted directly to the DELWP Barwon South West Region. It is also noted that Golder & Associates have prepared a Coastal Vulnerability Assessment which will be relevant to an application for consent under the MC Act.

Under Section 61(3) of the PE Act, the responsible authority cannot issue a planning permit on marine and coastal Crown land unless consent under the MC Act has been issued. If the Minister for Environment (or their delegates) refuses to issue the MC consent, the responsible authority must also refuse to issue a planning permit.

The following matters will be considered by the Minister for Environment and Climate Action when an application for coastal consent is assessed:

- The objectives and guiding principles set out in Part 2 of the MC Act.
- The *Marine and Coastal Strategy 2022* (DELWP 2022b).
- Plans prepared under a regional and strategic partnership that applies to the land.
- Any environmental management applying to that land.
- Any coastal or marine management plan applying to that land.
- Any relevant coastal recommendation.
- *Siting and design guidelines for structures on the Victorian Coast* (DELWP 2020a).
- *Marine and Coastal Policy* (DELWP 2020b).

Once an application is accepted as valid, the Minister (or delegate) must make a decision within 60 business days. DELWP may request additional information in writing depending on the nature of the works and the information provided. It is noted that under Section 70(7) of the MC Act, if the Minister does not make a decision within 60 business days, the application is deemed to be refused.

5.2.8 Great Ocean Road and Environs Protection Act 2020 (GOR&EP Act)

A key requirement of the GOR&EP Act is the preparation of the Great Ocean Road strategic framework plan to provide clear direction, consistent decision making and streamline planning approvals for the Great Ocean Road region from Torquay to Allansford.

The Great Ocean Road strategic framework plan has not yet been prepared, and therefore there are no additional requirements under this plan which DELWP should currently be aware of in relation to the GORCT. It is recommended that GORCAPA is consulted to identify when this plan will be prepared, and whether there are likely to be any implications for the GORCT.

The GOR&EP also outlines specific principles and obligations which responsible entities (performing a function or duty or exercising a power in relation to the Great Ocean Road coast and parks) must adhere to, as specified in Table 3 below.

Table 3 Great Ocean Road coast and parks protection principles under the GOR&EP Act

Type of principle	Principle (as per GOR&EP Act)
General and economic	<ul style="list-style-type: none"> • (1) The amenity and visitor experience of the Great Ocean Road coast and parks, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.

Type of principle	Principle (as per GOR&EP Act)
	<ul style="list-style-type: none"> (2) A holistic approach to the management of the Great Ocean Road coast and parks should be adopted with integrated planning, aligned decision-making and coordinated implementation of planning across all responsible entities. (3) Decision-making should be based on the effective integration of environmental, cultural, social and economic considerations. (4) Protecting the environment and attracting sustainable investment should be a responsibility shared by all levels of government, industry, business and communities. (5) Each generation should ensure that the environmental, social, cultural and economic benefits that have been acquired are maintained or enhanced for the benefit of future generations.
Aboriginal inclusion	<ul style="list-style-type: none"> (1) Aboriginal cultural values, practices, heritage and knowledge should be acknowledged, respected, protected and promoted. (2) The intrinsic connection of the traditional owners to Country should be acknowledged through partnership and involvement in policy development, planning, and decision-making for public land management. (3) Traditional owners should be involved in the integration of their ecological knowledge and land management practices into the management of the Great Ocean Road coast and parks.
Environmental	<ul style="list-style-type: none"> (1) Natural, cultural and ecological values should be protected, and cumulative impacts on the environment should be considered in decision-making. (2) Decision makers should take into account evidence about climate change risks to avoid, so far as possible, serious or irreversible damage resulting from climate change. (3) If there are threats of serious or irreversible damage to the environment, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise those threats. (4) There should be a net gain for the environment arising out of any individual change in land use.
Social	<ul style="list-style-type: none"> (1) The heritage of the Great Ocean Road and post-European settlement communities should be recognised, protected and promoted. (2) Management and development of the Great Ocean Road coast and parks should protect and improve community access, use and enjoyment, and allow for multiple compatible uses of public open spaces that are within the environmental carrying capacity of those spaces. (3) Community consultation and participation should play an essential and effective role in the protection, improvement and promotion of the Great Ocean Road coast and parks.

5.2.9 National Parks Act 1975 (NP Act)

The Planning desktop assessment (Biosis 2022d) concluded that the development of the GORCT within the Great Otway National Park requires consent from PV subject to Section 27 of the NP Act. Public authorities proposing works within an area reserved under the NP Act require consent pursuant to Section 27 of the NP Act. For PV to grant Section 27 Consent, the Minister for Energy, Environment and Climate Change must also consider that the works or activities do not substantially affect the park.

It was also recommended that DELWP undertakes additional consultation with PV to identify any specific conditions associated with PV's consent under Section 27 of the NP Act (Biosis 2022d). It is not known whether further consultation has yet occurred.

Consent under Section 27 of the NP Act

Land associated with the Great Otway National Park is managed by PV, acting as the public land manager. If PV remains the relevant public land manager (See Section 5.2.2 of this report), a planning permit application is required to be accompanied by the written consent of PV, indicating that it consents either to:

- The application for permit being made.
- The application for permit being made and to the proposed use or development.

The Section 27 Consent should generally consider the following information:

1. Demonstrate the need for the proposal to be within the park, including off-park alternatives considered and how impacts have been minimised.
2. Site location including coordinates and maps showing proposed work sites and access routes.
3. Description of the proposed works and methodology, including ancillary services.
4. Installation plans, including consent area dimensions.
5. An assessment of possible impacts and risks to natural values including flora and fauna, native vegetation, threatened species and how these risks may be mitigated. Note – this has been considered as part of the project's FFA (Biosis 2022b).
6. An assessment of possible impacts on Aboriginal cultural heritage and how these impacts may be mitigated. This includes meeting all obligations under the *Aboriginal Heritage Act 2006*. To confirm these obligations written advice is to be obtained from Aboriginal Victoria or a Heritage Advisor. Note – this will include preparing a CHMP for the GORCT as per the advice in the GORCT cultural heritage assessment (Biosis 2022c).
7. An assessment of possible impacts and risks to non-indigenous heritage and how these risks may be mitigated. Note – this will include consideration of heritage places protected under the EPBC Act (Section 5.1.1 of this report) and the *Heritage Act 2017* (Section 5.2.15 of this report).
8. Proposed maintenance requirements.
9. Consideration of other statutory processes and approvals which may apply (including all legislative requirements specified in Section 5 of this report).

Approvals pathway for Section 27 Consent

Consent can be obtained under Section 27 of the NP Act at various stages of the approvals process, including prior to lodgement of a planning application, during the referral of a planning application, or as part of PV's conditions accompanying an approved planning permit (subject to receiving planning approval). The most effective pathway to obtain consent under Section 27 of the NP Act should be further discussed between DELWP, GORCAPA and PV.

The following steps are considered relevant for obtaining a Section 27 Consent:

- Pre-planning discussions are recommended to discuss the project in its design stages (It is noted that DELWP already undertakes consultation with PV to discuss the GORCT).
- PV will review the GORCT's proposal to determine if legislation and government policy can permit the proposal, the risks of the proposal and the potential impacts to park values. Issues raised by PV may require further consideration or information from DELWP.
- If PV's assessment indicates endorsement of the proposal, PV will seek the views of the Minister for Environment.

- If consent is granted, standard and special conditions will be applied to minimise the impacts on the park and values.

Fees and Charges will be levied to cover costs. Market rental, as determined by the Office of the Valuer General, will be charged for sites occupied by works.

It is noted that Consent under Section 27 of the NP Act will not be granted until it has been confirmed that all other statutory approvals (as specified in this approvals strategy) have been obtained.

5.2.10 Crown Land (Reserves) Act 1978 (Crown Land Reserves Act)

The planning desktop assessment (Biosis 2022d) concluded that GORCAPA are the relevant committee responsible for protecting, enhancing and developing coastal Crown land under the Crown Land Reserves Act (Biosis 2022d).

It is our understanding that any specific recommendations relating to the protection of Coastal Crown Land (as per the Crown Land Reserves Act) will be discussed between GORCAPA and DELWP.

5.2.11 Reference Areas Act 1978 (Reference Areas Act)

The following Reference Areas were located in proximity to the GORCT:

- Olangolah Creek Reference Area – Tanybryn, Victoria
- Aquila Creek Reference Area – Benwerrin, Victoria
- Painkalac Creek Reference Area – Boonah, Victoria

Review of the GORCT's current alignment indicates that the trail does not intersect with these reference areas. DELWP will need to ensure that any new iterations of the GORCT continues to avoid these reference areas.

5.2.12 Heritage Rivers Act 1992 (Heritage Rivers Act)

Review of the Heritage Rivers Act indicates there are no heritage rivers or natural catchment areas in proximity to the current alignment of the GORCT.

5.2.13 Fisheries Act 1995 (Fisheries Act)

A person must not take, injure, damage, destroy or release any protected aquatic biota. Protected aquatic biota includes all species of the family Syngnathidae (seahorses, sea dragons and pipefish), and any fish or aquatic invertebrate or community that is listed under the FFG Act.

Protected aquatic biota that may be impacted upon by the development include:

- Australian Grayling
- Australian Mudfish
- Otway Bush Yabby
- Otway Burrowing Crayfish

The project's FFA (Biosis 2022b) concluded that the potential for the species listed above to be injured, damaged or destroyed is considered to be negligible and no permit is required from DELWP.

5.2.14 Aboriginal Heritage Act 2006 (AH Act)

The study area is within an area of cultural heritage sensitivity and the proposed activities are considered high impact activities under the Regulations. Therefore, there is a requirement to prepare a mandatory cultural heritage management plan.

5.2.15 Heritage Act 2017

A permit from Heritage Victoria will be required as per the requirements of the *Heritage Act 2017*, as the Great Ocean Road (H2261) will be impacted by the proposed works. A Heritage Impact Statement (HIS) must also be prepared for the proposed works, as it will accompany the permit application to Heritage Victoria.

A total of 17 historic heritage places were recorded along the GORCT alignment. Accordingly, a historic heritage assessment is recommended to support a permit application under the Heritage Act.

5.2.16 Traditional Owners Settlement Act 2010 (TOS Act)

The *Traditional Owner Settlement Act 2010* (Vic) (TOS Act) aims to provide an out-of-court settlement of native title and delivery of justice.

The study area is covered by two Traditional Owner groups:

- Eastern Maar Traditional Owner Group is seeking to negotiate a Recognition and Settlement Agreement under the TOSA Act.
- Adjacent to the study area (including part of the study area) that is subject to agreement making with Wadawurrung Peoples (includes areas part of Wadawurrung Traditional Owners Aboriginal Corporation, Registered Aboriginal Party boundary).

Once any agreement is made under the TOS Act, the State will need to comply with any requirements in the agreement.

See the GORCT cultural heritage assessment (Biosis 2022c) for further information.

6 Approvals Pathways

This section provides a breakdown of the GORCT's likely approvals pathways under relevant Commonwealth and State legislation relating to biodiversity and cultural heritage. Table 4 and Table 5 in Section 7 of this report also provide cost and timing estimates for the additional actions required to assess the project under relevant legislation specified here.

6.1 Commonwealth approvals pathways

6.1.1 *Environment Protection Biodiversity Conservation Act 1999*

Threatened species

Based on findings of the project's FFA (Biosis 2022b) it is considered possible that the GORCT is likely to have a significant impact on the following MNES:

- Wrinkled Buttons
- Anglesea Grevillea
- Green-striped Greenhood
- Spiral Sun-orchid

Further targeted surveys are required to determine the presence and/ or extent of these populations.

National Heritage list

The GORCT heritage assessment found that the GORCT has the potential to impact the Great Ocean Road and Scenic Environs (EPBC National Heritage List - Place ID 105875), which is a MNES protected under the EPBC Act.

A significant impact self-assessment must be undertaken to determine if development of the GORCT is likely to have a significant impact on the Great Ocean Road and Scenic Environs (NJL – Place ID 105875).

EPBC approvals pathway

The project's FFA found that the GORCT may have a significant impact on a number of MNES listed in Section 5.1.1 of this strategy. Accordingly, a referral to the Commonwealth Minister for the Environment and Water is recommended.

Where it is found that the trail alignment is likely to impact MNES, World Trail and DELWP will attempt to avoid these impacts in the first instance, and then minimise impacts which cannot be avoided. However, due to the scale and publicity experienced by the GORCT, it remains our recommendation that the project is referred to the Commonwealth Minister for Environment and Water under Part 7 of the EPBC Act.

Referral and assessment of the GORCT under the EPBC Act would likely follow the steps outlined below.

Pre-lodgement

1. Determine whether the GORCT is likely to have an impact on MNES:
 - Biodiversity: Targeted surveys to be undertaken (to determine whether the EPBC-listed threatened species identified in the FFA are likely to be present). A Significant Impact Criteria (SIC)

Assessment would also be required to determine whether the GORCT (or the 'action') is likely to be a significant impact on any MNES identified through targeted surveys.

- Cultural heritage: A significant impact self-assessment is recommended to confirm whether the GORCT will impact the Great Ocean Road and Scenic Environs (EPBC National Heritage List - Place ID 105875) (Biosis 2022c).

Lodgement

- If it is found that a significant impact to MNES (biodiversity and/ or cultural heritage) is likely to occur, a referral (under Part 7 of the EPBC Act) would be required to be prepared and submitted to the Commonwealth Minister for Environment and Water. As specified above, World Tail and DELWP will attempt to avoid and minimise impacts to MNES. If the GORCT is modified to avoid and minimise impacts to MNES, there may be grounds to request that the project is declared 'not a controlled action' or 'not a controlled particular manner' as part of the referral process. However, this would be subject to the residual impacts of the GORCT on all MNES.
2. Based on the information provided in the referral, the Minister would then decide whether the action is either:
 - A controlled action.
 - Not a controlled action.
 - Not a controlled action 'particular manner' (i.e. specific conditions).
 - Clearly unacceptable (for which the applicant can withdraw the referral, modify and re-submit the referral, or request that the Minister re-considers their decision).
 3. It is likely that the GORCT will be considered a **controlled action** and further assessment (under Part 9 of the EPBC Act) will be required. There are a number of assessment pathways under Part 9, including:
 - Accredited assessment (case by case) – The action is assessed by an accredited state/ territory or Australian Government process.
 - Assessment on referral information – the Department of Climate Change, Energy, the Environment and Water (DCCEEW) prepares a recommendation report (including public comment).
 - Assessment on preliminary documentation (including further information about the project and public comment).
 - Assessment by Environmental Impact Statement (EIS) or Public Environment Report (PER).
 - Assessment by public inquiry.

Prior to the submission of a referral for the GORCT, it is recommended that DCCEEW is consulted to detail the likely environment impacts of the trail and identify whether there is any aspect of the proposed GORCT which should be modified (enabling a more streamlined assessment pathway).

Post-lodgement

Once the referral has been lodged, it will take between 20 to 40 business days to receive a response from DCCEEW (depending on the assessment pathway).

Given the scale and size of the proposed GORCT, we expect that it would be assessed as an EIS, which is assessed by DCCEEW within 40 business days of lodgement. Consultation with DCCEEW would be required to confirm whether an EIS would be the appropriate assessment pathway under the EPBC Act.

For further information on the referral and assessment pathways under the EPBC Act, refer to:

https://www.agriculture.gov.au/sites/default/files/documents/assessment-process_1.pdf

6.2 State approvals pathways

6.2.1 Environment Effects Act 1978

The overarching objective of the EES process is to *'provide for the transparent, integrated and timely assessment of the environmental effects of projects capable of having a significant effect on the environment'* (DSE 2006).

The likely approvals pathway under the EE Act can be summarised as follows:

1. Referral documentation would be prepared and submitted to the Minister for Planning.
2. The Minister would then assess the referral documentation, making a decision whether the project is capable of having a significant effect on the environment. This typically takes 20 business days and the Minister would decide that either:
 - An EES is required.
 - An EES is not required if specific conditions are met.
 - An EES is not required.

Based on the self-assessment undertaken in Section 5.2.1 of this report, two scenarios are considered likely:

- An EES is not required subject to specific conditions. The Minister can apply conditions to a decision that an EES is not required for a particular proposal. This establishes an alternative to an EES and provides additional safeguards when an EES has not been required. The conditions might relate to a particular form, scale and location of development, with specific impact mitigation measures. Another form of condition could be to require that a particular process or specific investigations and/or consultations be carried out before a project is able to commence. Further advice can be provided if the Minister decides that an EES is not required, subject to specific conditions.
 - An EES is required. DELWP (or the 'Proponent') would be required to follow Steps 3 to 6 below.
3. Preparation of an EES would include the following overarching actions:
 - Elaboration on the information included in the referral documentation.
 - Consideration of the environmental, economic, cumulative and indirect effects of the GORCT.
 - Consultation with the public and relevant stakeholders.
 4. The EES would then undergo public review for between 20 to 30 business days. The Minister will determine the form and extent of the public review for an EES. This will also enable the public to provide a submission in response to the EES.
 5. As part of the public review process, the Minister may appoint an inquiry to evaluate the effects of the project, having regard to the EES studies and public submissions. The inquiry may take one of three forms, depending on how complex the issues are:
 - A desktop review of written submissions
 - A conference of submitters and review of submissions
 - A formal hearing, where the proponent and submitters can speak and present expert witnesses.
 6. Finally, the Minister will make an assessment on the EES (known as the 'Minister's assessment'). The Minister's assessments provides consideration of all relevant information including the EES

documents, public submissions, the proponent's response and the inquiry report. The Minister's Assessment is normally provided within 25 business days of the inquiry report being finalised.

The EES process is visualised in Figure 2 below. It is recommended that the Minister for Planning is consulted to discuss whether an EES is likely to be required for the GORCT.

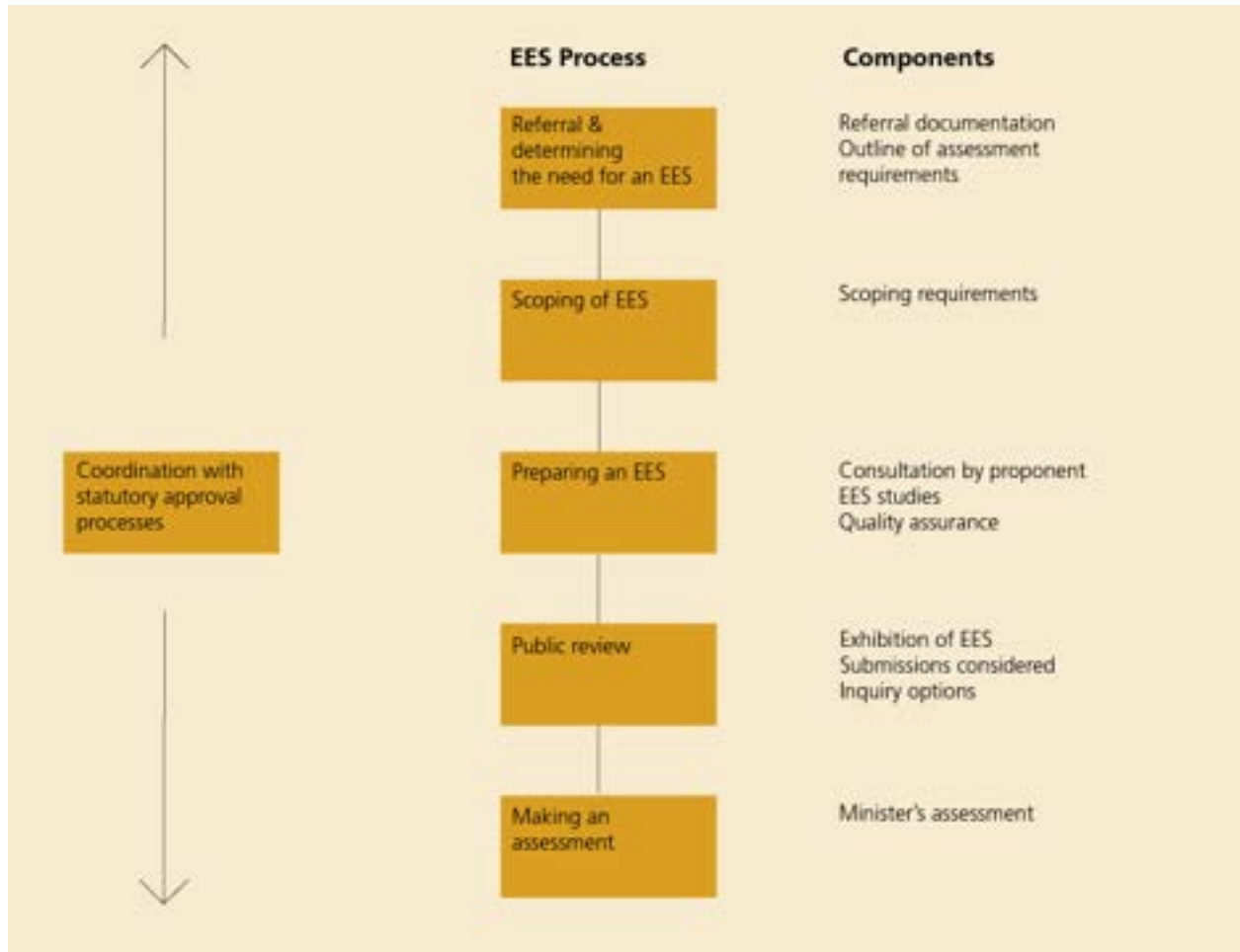


Figure 2 EES process (DSE 2006)

6.2.2 Planning and Environment Act 1987

The PE Act provides several pathways for achieving planning approval for the GORCT. This section identifies three possible pathways deemed suitable for the GORCT, including:

- Assessment under Clause 52.30 (State projects) of the Victoria Planning Provisions (VPPs).
- Ministerial Amendment (Section 20(4) and (5) of the PE Act).
- Lodgement of planning permits under the Surf Coast and Colac Otway planning Schemes.

If an EES is required for the project and Clause 52.30 of the VPPs is not available to use, it is our opinion that the Ministerial amendment process would be the preferred pathway, given that it is not subject to the determination of multiple Responsible Authorities (e.g. obtaining separate planning permits from Councils) and it has the ability to fast-track the approvals process. However, this would be subject to DELWP (Planning)

and the Minister for Planning agreeing that exercising Section 20(4) is a suitable pathway for the GORCT's planning approval. These options are discussed below.

All pathways will require additional biodiversity and cultural heritage assessments to support the GORCT. These assessments are listed in Section 7 of this report, along with timing and cost estimates for preparing these assessments.

Clause 52.30 (State project)

Clause 52.30 applies to the use or development of land declared by the Minister for Planning to be a state project. The GORCT could be considered a 'State project' if it were to meet the classifications under Clause 52.30-2 of the Planning Scheme (See Clause 52.30 of the VPPs and Biosis 2022d for further information).

Clause 52.30-2 provides specifications which must be met in order to exercise the 'State projects' exemption. Of particular relevance to the GORCT are the requirements under Clause 52.30, which specify that a proposed project will be classified as a 'State project' if it:

- *'Is consistent with any Great Ocean Road strategic framework plan, Statement of Planning Policy or Yarra Strategic Plan that applies to the land'.*
- *'Does not require an environmental effect statement under the Environmental Effects Act 1978'.*

It is noted that the Great Ocean Road strategic framework plan has not yet been prepared. However, this requirement will apply if the Great Ocean Road strategic framework plan is prepared prior to an application under Clause 52.30. It is recommended that GORCAPA is consulted to identify when this plan will be prepared, and whether there are likely to be any implications for the GORCT.

Based on the outcomes of the EES self-assessment undertaken in Section 5.2.1 of this report, an EES referral is likely to be required. As discussed in Section 6.2.1, the two likely outcomes of an EES referral is that an EES is not required subject to conditions, or an EES is required (See Section 6.2.1). If an EES is required, the GORCT would not meet the criteria to be considered a state project under Clause 52.30, and this approval pathway would not apply.

In a scenario where it was determined that an EES was not required and the project was classified as a 'State project' under Clause 52.30, the GORCT would be exempt from the requirements under the Planning Schemes (pursuant to Clause 52.30-3) and the requirements under Clause 52.30-4 to 52.30-7 would apply instead. These requirements must also be addressed to the satisfaction of the Minister for Planning prior to the commencement of the project.

Notwithstanding the fact that an EES may be required, the approvals pathway under Clause 52.30 is considered suitable for the project, as the GORCT addresses a number of Clause 52.30's overarching purposes, which are:

- *'To facilitate the development and delivery of projects by or on behalf of, or jointly or in partnership with, or funded by the State of Victoria or a public authority, or on Crown land.'*
- *'To prioritise the planning and assessment of those state projects to support Victoria's economic recovery from the coronavirus (COVID-19) pandemic.'*

The benefit of the Clause 52.30 approvals pathway is that it is likely to be a fast-tracked process. Furthermore, the Minister for Planning also becomes the Responsible Authority under Clause 52.30, which would enable consistency across the entirety of the project and also provides efficiencies in the planning approvals process. Accordingly, if an EES is not required for the GORCT, it is recommended that DELWP considers the approvals pathway under Clause 52.30.

Further consultation should be undertaken with the Minister for Planning discuss whether an EES is likely to be required for the project, and the suitability of Clause 52.30 for the GORCT's approvals pathway

Ministerial amendment (Sections 20(4) and (5) of the PE Act)

The Minister for Planning has the ability under the PE Act to prepare, adopt and approve a planning scheme amendment, and exempt themselves from the notice requirements under Sections 17, 18 and 18 of the PE Act.

This type of planning scheme amendment is typically called a Section 20(4) Amendment and is often used to expedite planning scheme amendments for significant projects that may otherwise be delayed through the normal planning process. The Minister for Planning is the Planning Authority for a 20(4) Amendment.

The *Practice Note – Ministerial Powers of Intervention in Planning and Heritage Matters* (Ministerial practice note) (Prepared by the Department of Sustainability and Environment (DSE), dated November 2004), sets out criteria for the use of Ministerial powers by the Minister for Planning. Not all criteria within the Ministerial practice note are relevant to the GORCT. The relevant criteria include:

- The matter will be of genuine State or regional significance.
- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.
- The matter requires co-ordination to facilitate decision-making by more than one agency.

Any request to the Minister for Planning for a 20(4) Amendment would need to satisfy one or all of the above criteria and there is no prescribed time period for a decision to be made by the Minister for Planning. The above criteria may be satisfied through the following actions:

- Obtaining evidence that PV, GORCAPA and the general public have been consulted.
- Obtaining support from both Councils relating to the 20(4) Amendment request.
- If a 20(4) Amendment is requested by DELWP or GORCAPA.

In addition to the approvals pathway described above, Section 20(5) of the PE Act also enables the Minister for Planning to undertake targeted consultation with either the relevant Responsible Authority (e.g. Councils) or any other person before exercising their powers under Section 20(4). Accordingly, the Minister for Planning may choose to undertake consultation with some of the regulatory bodies involved in the GORCT's early consultation processes, as well as local residents along the route of the alignment. As mentioned above, targeted consultation can be undertaken by the Minister for Planning with any person or group.

Further consultation will be required with PV and both Councils to determine the level of support for a 20(4) Amendment. These discussions should proceed once it is known which authority will be responsible for managing the project's amendment process (i.e. DELWP or GORCAPA).

If a Ministerial Amendment is chosen as the planning approvals pathway, it is likely that the GORCT trail alignment would be mapped under a Specific Controls Overlay, and an Incorporated Document (outlining specific conditions for the GORCT) would be introduced to the Surf Coast and Colac Otway Planning Schemes. The requirements of the Incorporated Document would then apply to the project, rather than in a planning permit/s.

Planning permits under the Surf Coast and Colac Otway Planning Schemes

DELWP or GORCAPA (acting as the permit applicant) are able to obtain planning approval by lodging separate planning permit applications with Surf Coast and Colac Otway Shire Councils.

The permit applicant would be required to consult with both Councils and lodge separate planning permits, which would be subject to separate applications processes (including individual assessments, requests for further information, advertising and referrals). Each planning application would also be required to address the individual requirements of the associated planning scheme.

It is expected that obtaining planning permits would be a lengthier and possibly more complex process than the Ministerial Amendment option. This is because two regulatory authorities would be acting as the Responsible Authorities, and the permits would be subject to separate application processes.

If DELWP or GORCAPA intend to lodge planning permits, it is recommended that consultation with both Councils is undertaken simultaneously prior to lodgement. This would allow both Councils to raise any concerns about the GORCT, and hear the opinion of the other Responsible Authority, which may align the application processes more effectively.

7 Further actions under relevant biodiversity and cultural heritage legislation

This section outlines the additional biodiversity and cultural heritage assessments required to accompany the approvals specified under Sections 6 and 6.2 of this report.

Table 4 and Table 5 provide indicative cost and timing implications for preparing these additional assessments.

7.1 Ecology and environmental approvals

Table 4 Estimated timing and cost implications of ecology and environmental approvals

Item	Estimated cost (Exc. GST)	Estimated timeframe	Approvals staging
EPBC Act			
Targeted surveys for Wrinkled Buttons	<ul style="list-style-type: none"> \$20,000 - \$25,000 	<ul style="list-style-type: none"> 5 days surveys within EVC 45 – Dry Shrubby Forest (Between December – April) 	<ul style="list-style-type: none"> Pre-lodgement
Targeted surveys for Anglesea Grevillea	<ul style="list-style-type: none"> \$8,000 - \$10,000 	<ul style="list-style-type: none"> Overnight trip to survey within EVC 48 – Heathy Woodland (Between October – December). Note – there is potential to combine with survey for Wrinkled Buttons as a cost saver. 	<ul style="list-style-type: none"> Pre-lodgement
Targeted surveys for Green-striped Greenhood and Spiral Sun-orchid	<ul style="list-style-type: none"> \$8,000 - \$10,000 	<ul style="list-style-type: none"> Overnight trip to survey within EVC 48 – Heathy Woodland & EVC 16 – Lowland Forest. These two species can be combined in the one survey. Green-striped Greenhood (July – September) Spiral Sun-orchid (August – September) 	<ul style="list-style-type: none"> Pre-lodgement

Targeted surveys for Swamp Atechinus	<ul style="list-style-type: none"> Remote camera trap survey: \$49,000 Elliot trapping: \$28,000 	<ul style="list-style-type: none"> 4 weeks in total (from installation to final collection) (All year round) 	<ul style="list-style-type: none"> Pre-lodgement
Targeted surveys for Broad-toothed rat	<ul style="list-style-type: none"> Scat surveys and remote camera surveys: \$18,000 (Note – Remote camera surveys can be combined with Swamp Atechinus). 	<ul style="list-style-type: none"> 2 days active searching (October – March) 	<ul style="list-style-type: none"> Pre-lodgement
Targeted surveys for Otway Burrowing Crayfish	<ul style="list-style-type: none"> Burrow tube traps or burrow excavation in areas of suitable habitat: \$12,000 	<ul style="list-style-type: none"> 2 – 4 days active searching (September – November (recommended) or all year round) 	<ul style="list-style-type: none"> Pre-lodgement
Preparation of report following targeted surveys	<ul style="list-style-type: none"> \$10,000 	<ul style="list-style-type: none"> Up to 6 weeks following final targeted survey. 	<ul style="list-style-type: none"> Pre-lodgement
Preparation and review of Referral Documentation (if required)	<ul style="list-style-type: none"> Preparation of Referral: \$25,000 + 	<ul style="list-style-type: none"> Preparation of Referral: 4 weeks Review of Referral (by DCCEEW): 4 weeks + 	<ul style="list-style-type: none"> Pre-lodgement
Preparation and review of EIS or Preliminary Documentation (if required)	<ul style="list-style-type: none"> Preparation of EIS/ Preliminary Documentation: \$20,000 + 	<ul style="list-style-type: none"> Preparation of EIS/ Preliminary Documentation: 4 weeks Review (by DCEEW); 4 weeks 	<ul style="list-style-type: none"> Pre-lodgement
EE Act			
Preparation of EES Referral	<ul style="list-style-type: none"> \$20,000 - \$50,000 	<ul style="list-style-type: none"> Preparation of the referral assuming (all relevant studies already undertaken): 1 month DELWP consideration of the referral: 2 – 4 months 	<ul style="list-style-type: none"> Pre-lodgement (Note – this can be undertaken at the same time as an EPBC Referral)
PE Act			
Approvals option 1: Ministerial amendment Preparation of planning permit application	<ul style="list-style-type: none"> \$10,000 - \$60,000 (subject to the level of information required by DELWP and what is prepared internally and externally). 	<ul style="list-style-type: none"> 1 – 12 months 	<ul style="list-style-type: none"> Lodgement

	<ul style="list-style-type: none"> Note – this cost does not involve preparation of other technical assessments to support the planning scheme amendment. 		
Approvals option 2: Preparation and lodgement 2 x planning permit assessment	<ul style="list-style-type: none"> Preparation of 2 x PPAs: \$30,000 - \$50,000 (total) (assuming existing assessments don't need to be varied or updated). Note – this cost does not involve preparation of other technical assessments to support the planning permit application. Preparation of bushfire assessment (if exemption doesn't apply) \$20,000 to \$60,000 	<ul style="list-style-type: none"> Preparation of 2 x PPAs: 6 weeks (total) Obtaining 2 x planning permits: approx. 12 months 	<ul style="list-style-type: none"> Preparation of 2 x PPAs: Pre-lodgement Review of PPAs: Lodgement
Approvals option 3: Preparation and lodgement of Clause 52.30 application	<ul style="list-style-type: none"> Preparation of planning assessment (responding to Clause 52.30): \$5,000 - \$10,000 Note – the background technical assessments required under Clause 52.30 have already been costed in Tables 4 and 5. 	<ul style="list-style-type: none"> Up to 6 weeks 	<ul style="list-style-type: none"> Lodgement
Preparation of a CEMP	<ul style="list-style-type: none"> \$15,000 - \$25,000 	<ul style="list-style-type: none"> 6 weeks 	<ul style="list-style-type: none"> Post-lodgement (It is recommended that this is prepared following receipt of an approved planning permit or planning scheme amendment).
FFG Act			
Protected Flora Permit	<ul style="list-style-type: none"> \$5,000 	<ul style="list-style-type: none"> 6 weeks 	<ul style="list-style-type: none"> Post-lodgement (Following receipt of approved planning permit)
Water Act			
Works on Waterway Permit	<ul style="list-style-type: none"> \$10,000 - \$20,000 	<ul style="list-style-type: none"> Up to 6 weeks 	<ul style="list-style-type: none"> Post-lodgement

Marine and Coastal Act			
Marine and Coastal Consent Application (MACCA)	<ul style="list-style-type: none"> \$5,000 - \$10,000 (Note – this is not required if a planning permit application is being prepared). 	<ul style="list-style-type: none"> Up to 6 weeks (Note – this is not required if a planning permit application is being prepared). 	<ul style="list-style-type: none"> Note – a planning permit application can be used as a MACCA.
National Parks Act 1975			
Section 27 Consent	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Consent under S.27 of the NP Act can occur prior to lodgement of a planning application, during the referral process, or as part of PV's conditions accompanying an approved planning permit (this should be discussed further with PV).

7.2 Cultural heritage approvals

Table 5 Estimate timing and cost implications of cultural heritage approvals

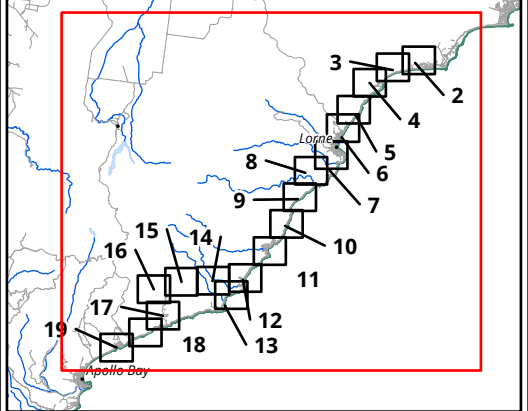
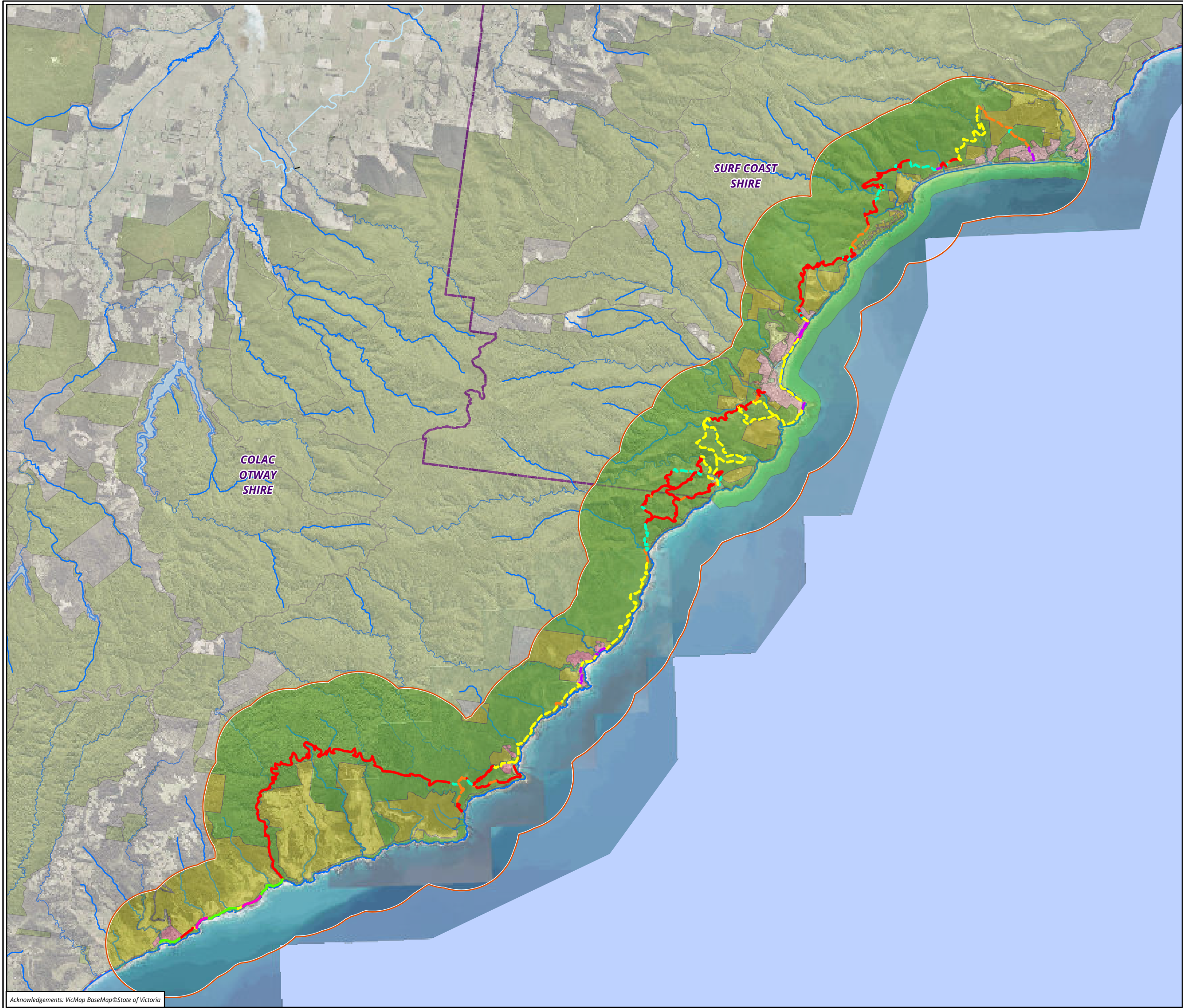
Item	Estimated cost (Exc. GST)	Estimated timeframe	Project staging
EPBC Act			
Significant impact self-assessment (required under EPBC Act)	<ul style="list-style-type: none"> \$20,000 to 30,000 Note – this figure is only indicative and would be required to be confirmed through on-ground assessment. 	<ul style="list-style-type: none"> 8 – 10 weeks Note – Bios would currently not be able to commence a Significant impacts self-assessment until April 2023. This will be subject to change over time. 	<ul style="list-style-type: none"> Pre-lodgement
AH Act			
Preparation of Cultural Heritage Management Plan	<ul style="list-style-type: none"> \$150,000 +/- Note – this is a high-level estimate based on other similar projects Biosis has undertaken, and includes preparation of the CHMP and Traditional Owner (TO) fees. More accurate estimates can be provided for preparing a CHMP, following on-ground assessments of the study area. 	<ul style="list-style-type: none"> 6 - 18 months Note – this estimate is based on other similar projects Biosis has undertaken. More accurate estimates can be provided for preparing a CHMP, following on-ground assessments of the study area. 	<ul style="list-style-type: none"> Pre-lodgement
Heritage Act			
Preparation of detailed heritage assessment	<ul style="list-style-type: none"> \$30,000 to 40,000 	<ul style="list-style-type: none"> \$30,000 to 40,000 	<ul style="list-style-type: none"> Pre-lodgement

8 References

- Biosis 2022a. *Desktop ecological values and constraints assessment: Great Ocean Road Coastal Trail*. Report prepared for World Trail Pty Ltd. Trollope, S. & Baldwin, E. Biosis Pty Ltd, Melbourne, Vic. Project no. 35990.
- Biosis 2022b. *Great Ocean Road Coastal Trail: Flora and Fauna assessment*. Report for World Trail. S Trollope, E Baldwin, Z Payne & S Bodycomb. Biosis Pty Ltd, Melbourne. Project no. 35990.
- Biosis 2022c. *Great Ocean Road Trail: Cultural Heritage Values Desktop Assessment*. Report prepared for World Trail Pty Ltd. A. van der Walt, K. White, J. Dunn, N. Simmons, N. Haysom, A. Squires, L. Gunton, Z. Carter, L. Wilson. Biosis Pty Ltd. Port Melbourne, VIC. Project No. 35991.
- Biosis 2022d. *Great Ocean Road Trail: Planning desktop assessment*. Report prepared for World Trail Pty Ltd & DELWP. McLennan, J., Biosis Pty Ltd, Melbourne, VIC. 35871.
- Commonwealth of Australia 2013. Matters of National Environmental Significance: Significant impact guidelines 1.1. Environment Protection and Biodiversity Conservation Act 1999.
- DELWP 2017. Guidelines for the removal, destruction or lopping of native vegetation.
https://www.environment.vic.gov.au/_data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf
- DELWP 2018. *Procedure for the removal, destruction or lopping of native vegetation on Crown land*.
https://www.environment.vic.gov.au/_data/assets/pdf_file/0033/408489/CrownLandProcedure.pdf
- DELWP 2018b. *Use, development and works on marine and coastal Crown land – Fact Sheet*.
https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0024/405249/Fact-sheet-Use-and-development-on-marine-and-coastal-Crown-land_v3.pdf
- DELWP 2020a. Siting and design guidelines for structures on the Victorian Coast. May.
https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0027/478413/Siting-and-Design-Guidelines_May2020_WEB.pdf
- DELWP 2022b. Marine and Coastal Policy. March.
https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0027/456534/Marine-and-Coastal-Policy_Full.pdf
- Reference to 'very high conservation significance' DELWP 2022. *Final Draft Masterplan for the Great Ocean Road Trail*. <https://engage.vic.gov.au/download/document/28154>
- DELWP 2022b. *Marine and Coastal Strategy*. May.
https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0029/571817/Marine-and-Coastal-Strategy_May-2022.pdf
- Department of Sustainability and Environment (DSE) 2004. *Ministerial Powers of Intervention in Planning and Heritage Matters*. November. https://www.planning.vic.gov.au/_data/assets/pdf_file/0025/97162/PPN29-Ministerial-Powers-of-Intervention.pdf
- DSE 2006. *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978*. Seventh edition. https://www.planning.vic.gov.au/_data/assets/pdf_file/0026/95237/DSE097_EES_FA.pdf

9 Appendices

Appendix 1 – Zoning mapping



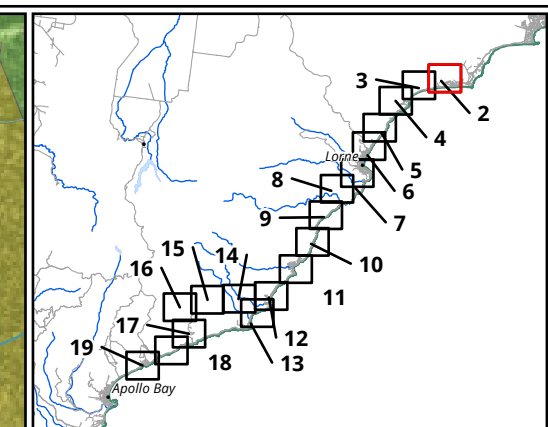
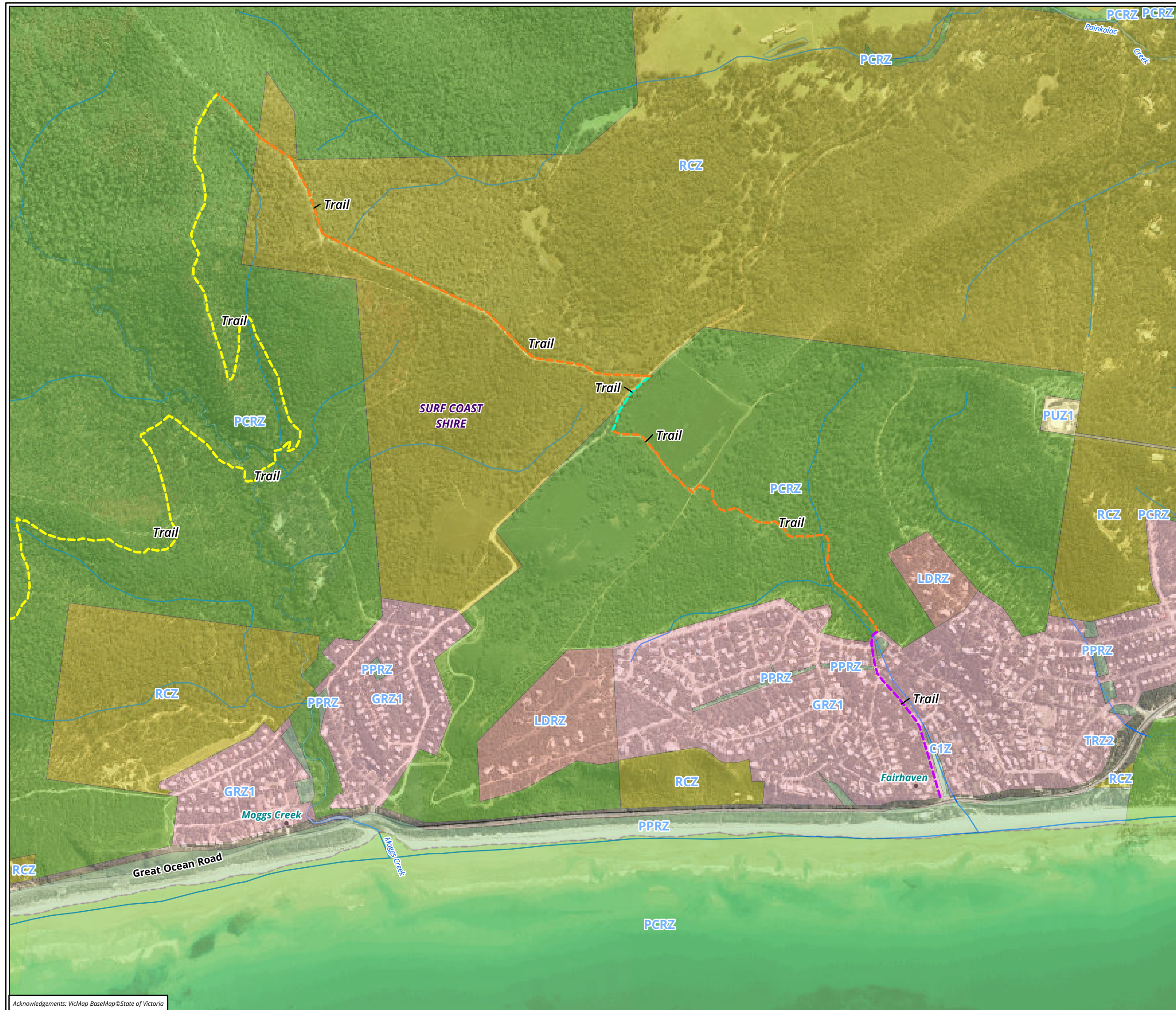
- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Commercial**
 - C1Z - Commercial 1 Zone
 - Industrial**
 - IN3Z - Industrial 3 Zone
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ1 - Public Use Zone-Service and Utility
 - PUZ3 - Public Use Zone-Health & Community
 - PUZ5 - Public Use Zone-Cemetery/ Crematorium
 - PUZ6 - Public Use Zone-Local Government
 - PUZ7 - Public Use Zone-Other Public Use
 - Residential**
 - GRZ - General Residential Zone
 - LDRZ - Low Density Residential Zone
 - TZ - Township Zone
 - Rural**
 - RCZ - Rural Conservation Zone
 - Special Purpose**
 - SUZ - Special Use Zone
 - Commonwealth Land**
 - CA - Commonwealth land (Not in scheme)

Figure 3.1 Planning zones within the vicinity of the study area

0 1,000 2,000 3,000 4,000 5,000
Metres
Scale: 1:130,000 @ A3
Coordinate System: GDA 1994 VICGRID94

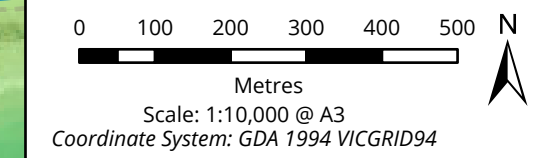


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Date: 13 October 2022 ,
Prepared for: JM, Prepared by: MK, Last edited by: mknudsen
Layout: 35871_F2_PlanningZones
Project: P:\35800s\35871\Mapping\
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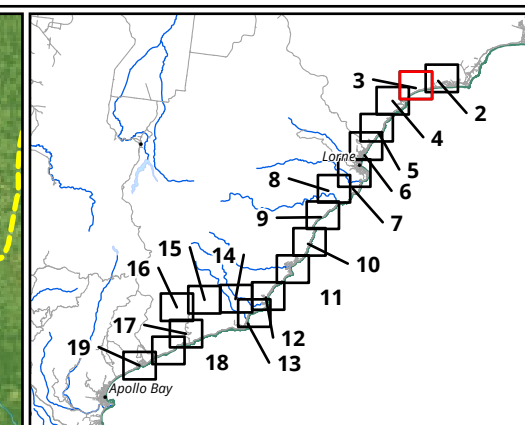


- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Commercial**
 - C1Z - Commercial 1 Zone
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ1 - Public Use Zone-Service and Utility
 - Residential**
 - GRZ - General Residential Zone
 - LDRZ - Low Density Residential Zone
 - Rural**
 - RCZ - Rural Conservation Zone

Figure 3.2 Planning zones within the vicinity of the study area



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Layout: 35871_F2_PlanningZones
Project: P:\35800s\35871\Mapping\
35871_GORT_WT_Planning_Figures.aprx



Legend

Project area

Trail alignment

Beach/Rock Shelf

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

New Walking Trail

Other

Public Land

PCRZ - Public Conservation and Resource Zone

PPRZ - Public Park and Recreation Zone

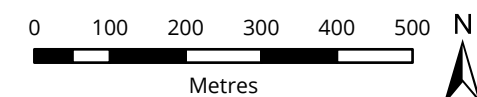
Residential

GRZ - General Residential Zone

Rural

RCZ - Rural Conservation Zone

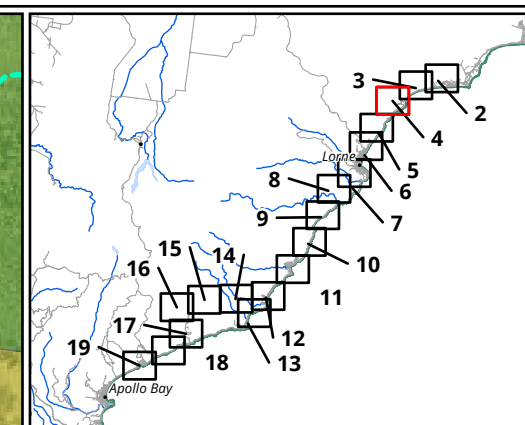
Figure 3.3 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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Date: 13 October 2022 ,
Prepared for: JM, Prepared by: MK, Last edited by: mknudsen
Layout: 35871_F2_PlanningZones
Project: P:\35800s\35871\Mapping\
35871_GORT_WT_Planning_Figures.aprx



Legend

Project area

Trail alignment

Beach/Rock Shelf

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

New Walking Trail

Other

Public Land

PCRZ - Public Conservation and Resource Zone

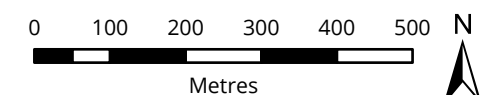
PPRZ - Public Park and Recreation Zone

PUZ1 - Public Use Zone-Service and Utility

Rural

RCZ - Rural Conservation Zone

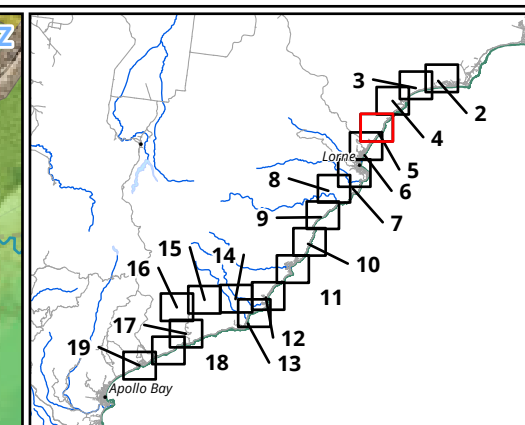
Figure 3.4 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



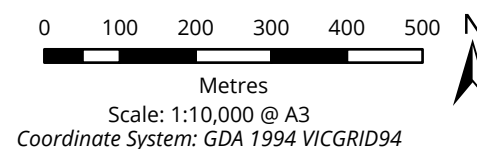
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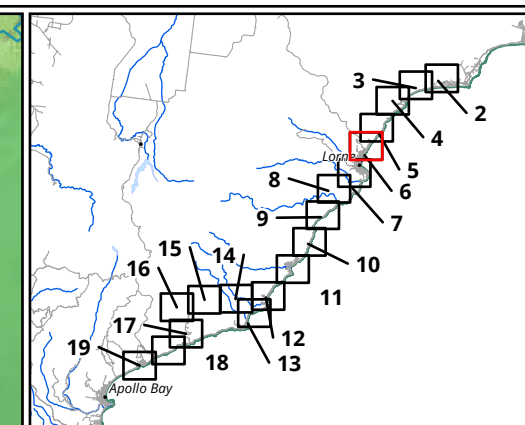
Legend

- Project area
- Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
- Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ1 - Public Use Zone-Service and Utility
- Residential**
 - GRZ - General Residential Zone
- Rural**
 - RCZ - Rural Conservation Zone

Figure 3.5 Planning zones within the vicinity of the study area



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 Layout: 35871_F2_PlanningZones
 Project: P:\35800s\35871\Mapping\
 35871_GORT_WT_Planning_Figures.aprx



Legend

Project area

Trail alignment

- Beach/Rock Shelf
- Existing Informal Trail
- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail
- Other

Commercial

C1Z - Commercial 1 Zone

Public Land

- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- PUZ1 - Public Use Zone-Service and Utility
- PUZ5 - Public Use Zone-Cemetery/Crematorium

Residential

GRZ - General Residential Zone

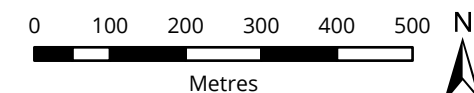
Rural

RCZ - Rural Conservation Zone

Special Purpose

SUZ - Special Use Zone

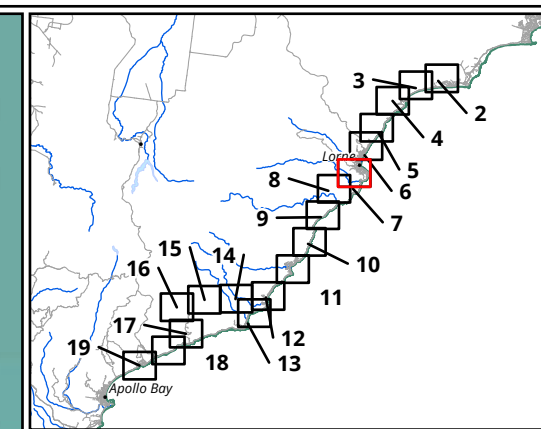
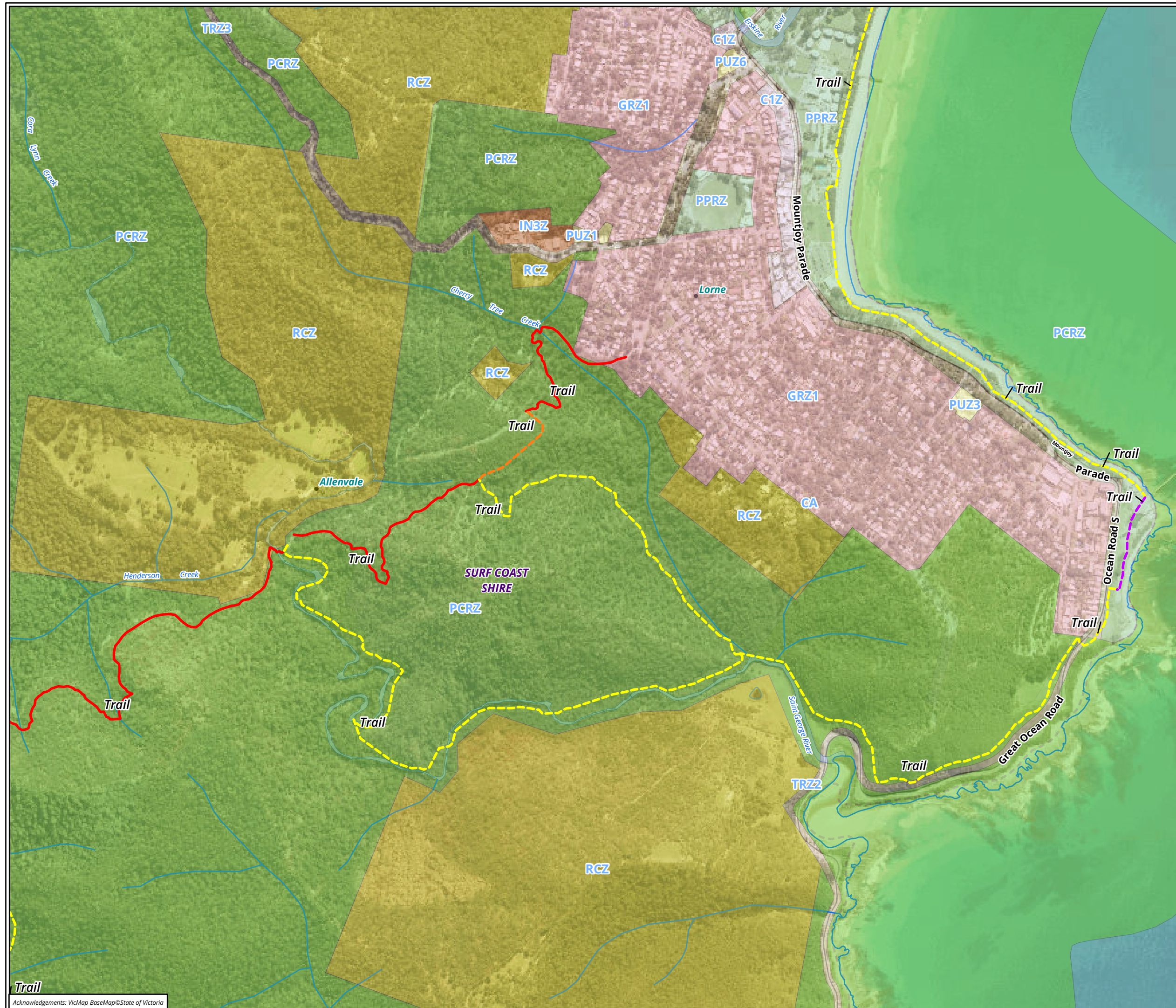
Figure 3.6 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



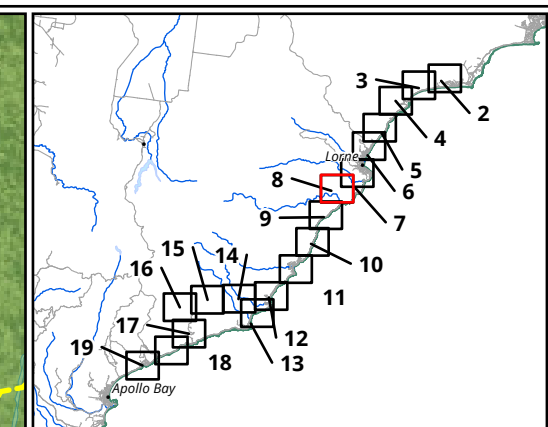
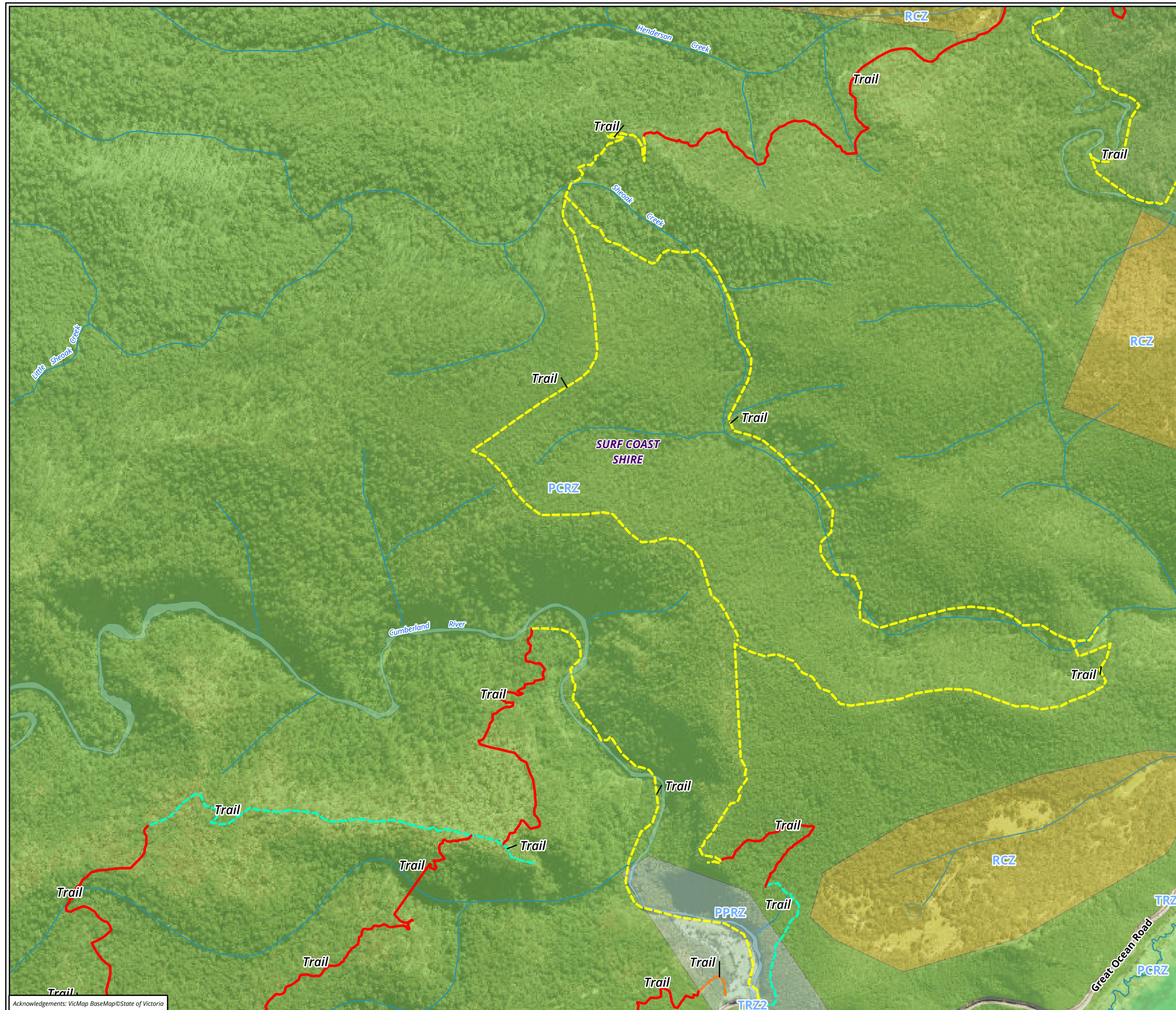
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- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Commercial**
 - C1Z - Commercial 1 Zone
 - Industrial**
 - IN3Z - Industrial 3 Zone
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ1 - Public Use Zone-Service and Utility
 - PUZ3 - Public Use Zone-Health & Community
 - PUZ6 - Public Use Zone-Local Government
 - Residential**
 - GRZ - General Residential Zone
 - Rural**
 - RCZ - Rural Conservation Zone
 - Commonwealth Land**
 - CA - Commonwealth land (Not in scheme)

Figure 3.7 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N
Metres
Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



Legend

Project area

Trail alignment

- Beach/Rock Shelf
- Existing Informal Trail
- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail
- Other

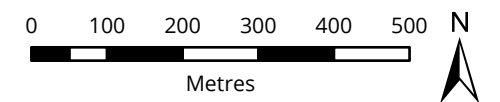
Public Land

- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone

Rural

- RCZ - Rural Conservation Zone

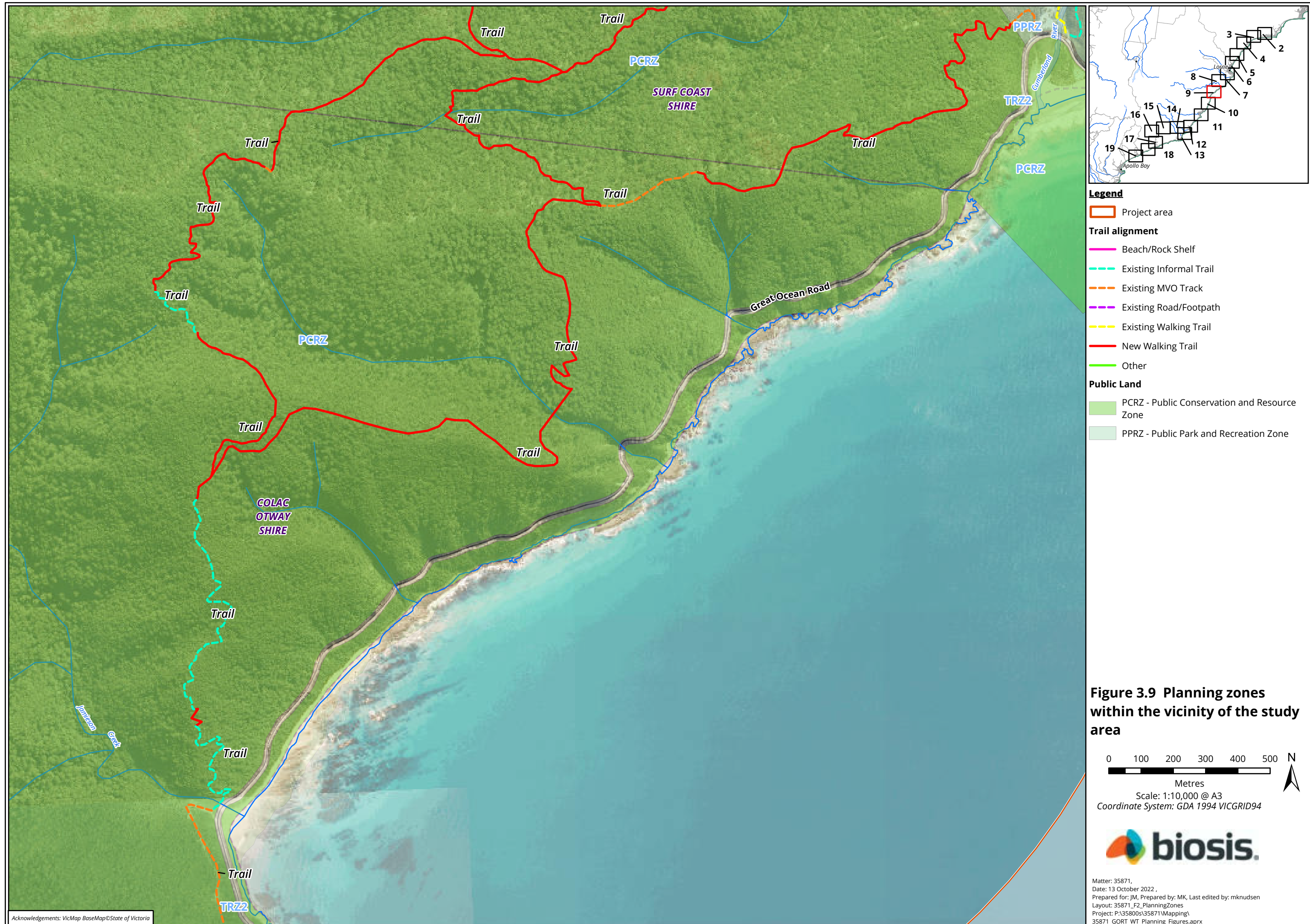
Figure 3.8 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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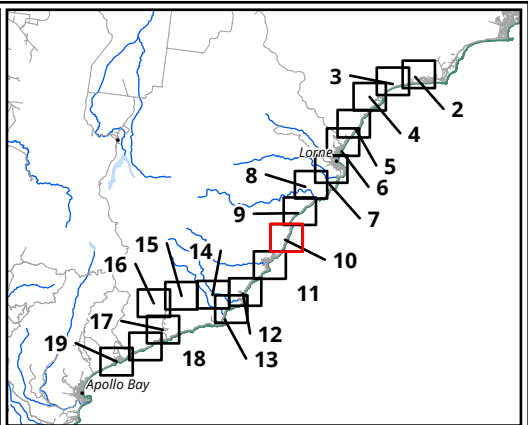
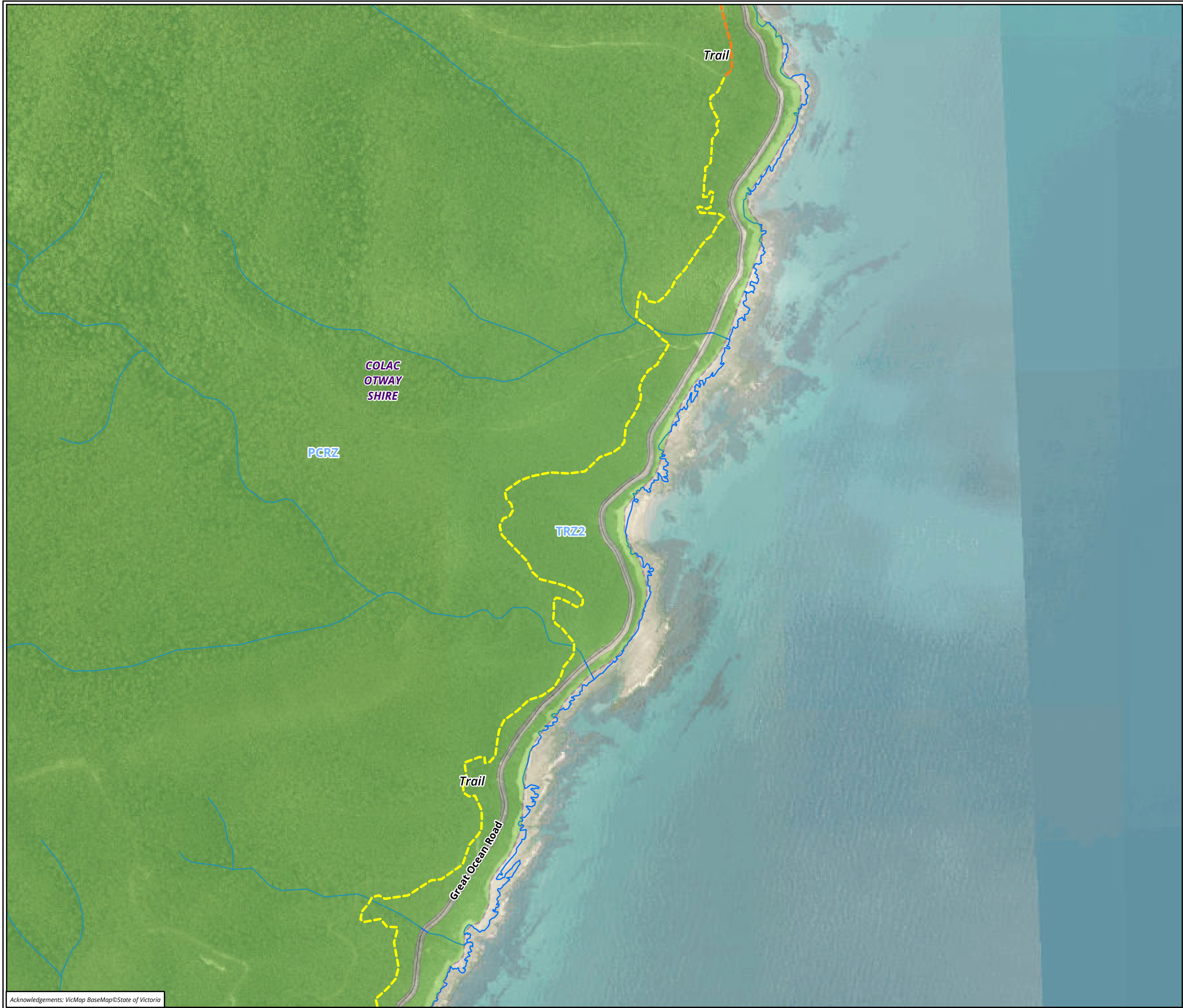
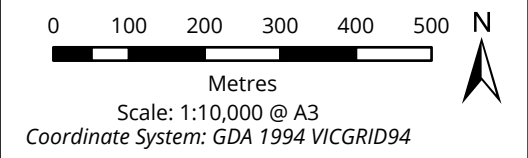
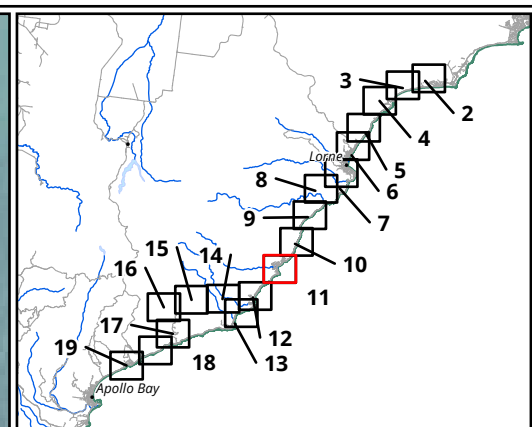
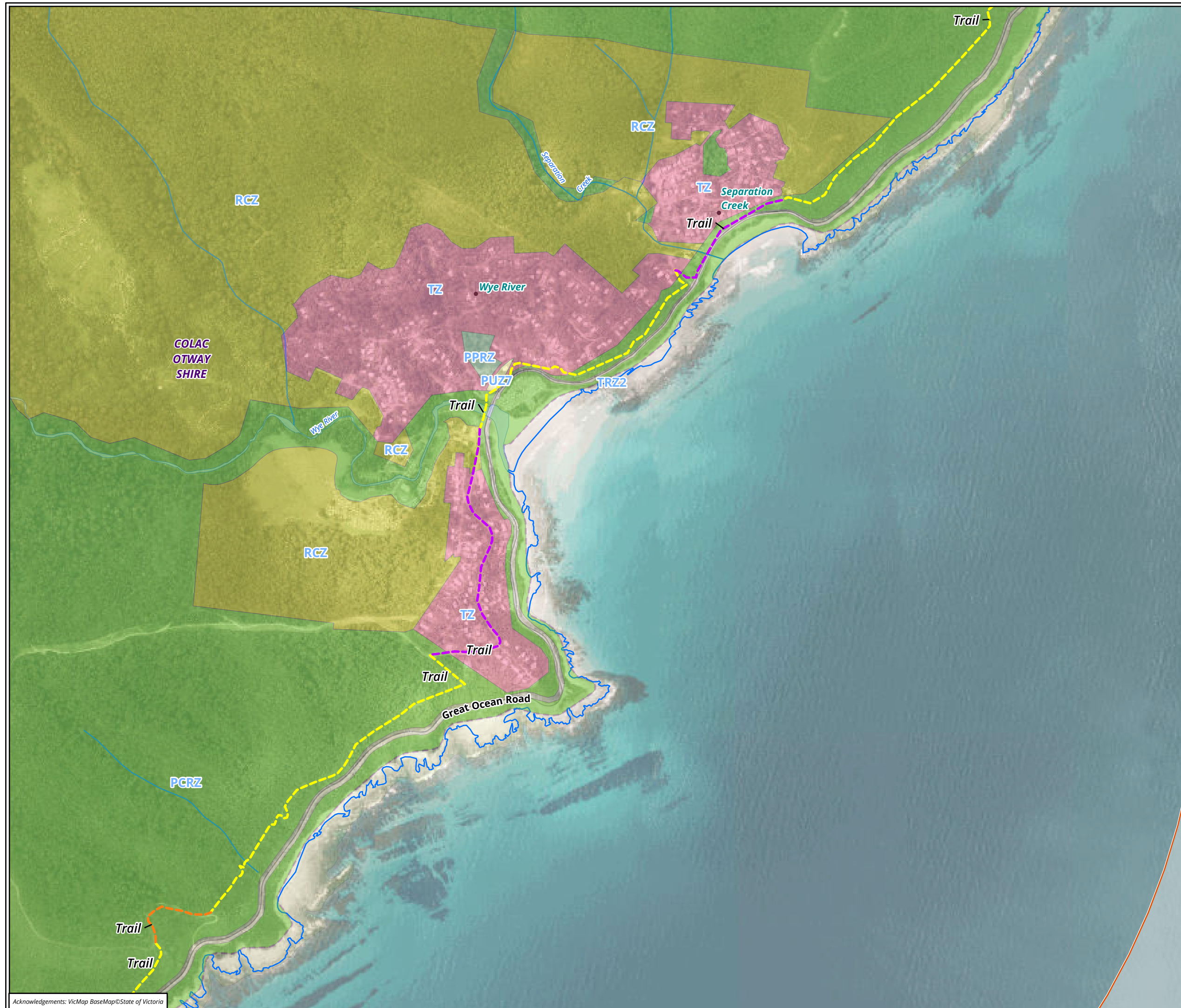


Figure 3.10 Planning zones within the vicinity of the study area





Legend

Project area

Trail alignment

Beach/Rock Shelf

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

New Walking Trail

Other

Public Land

PCRZ - Public Conservation and Resource Zone

PPRZ - Public Park and Recreation Zone

PUZ7 - Public Use Zone-Other Public Use

Residential

TZ - Township Zone

Rural

RCZ - Rural Conservation Zone

Figure 3.11 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N

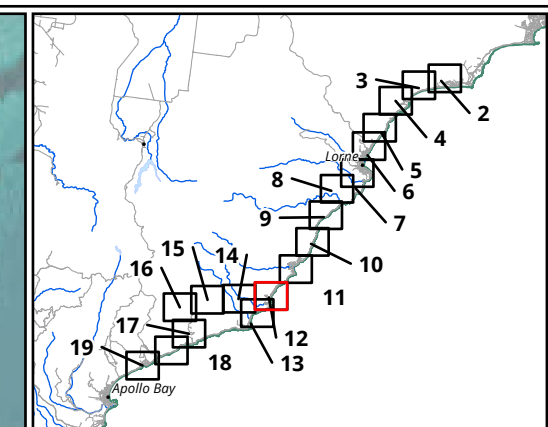
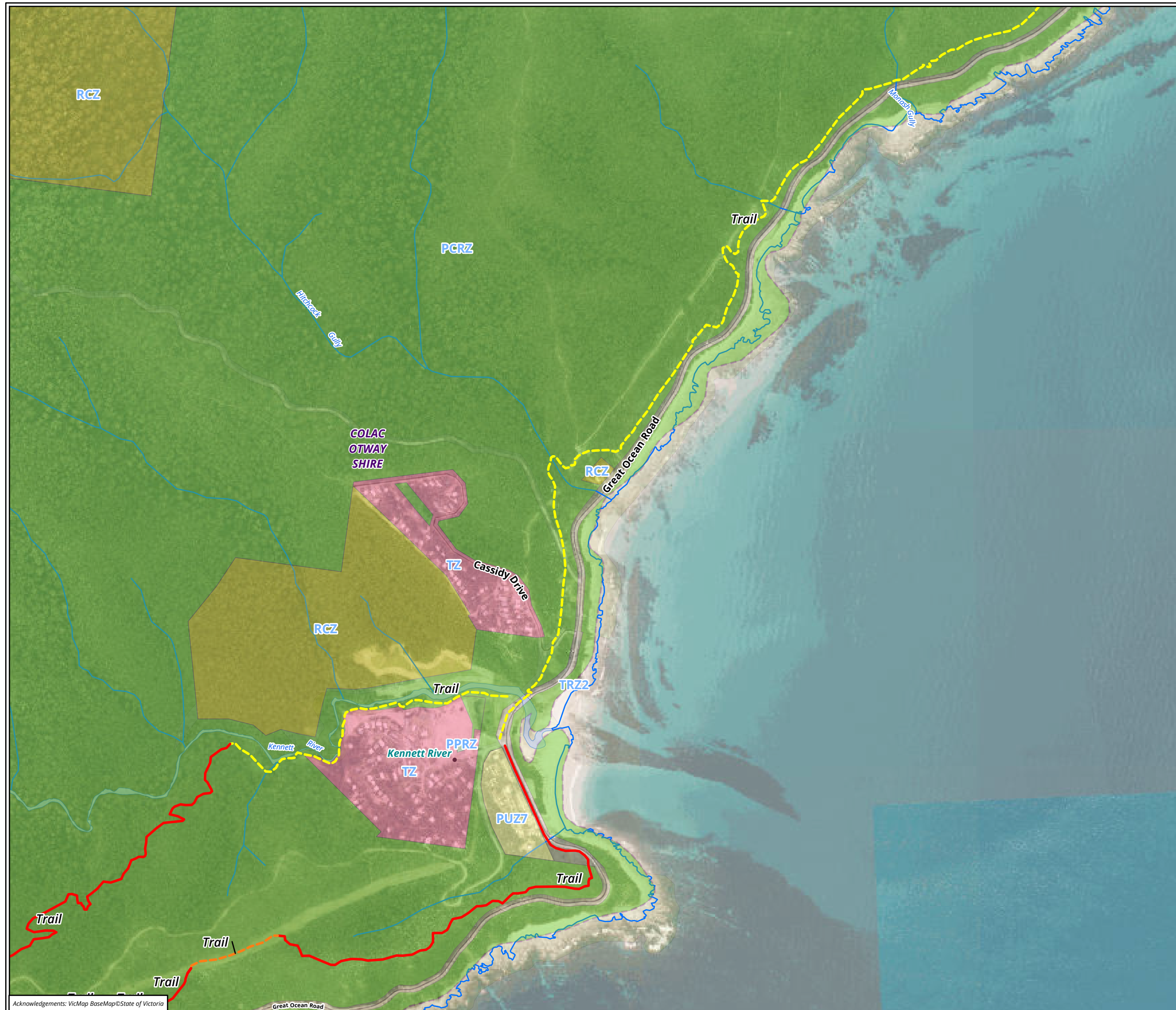
Metres

Scale: 1:10,000 @ A3

Coordinate System: GDA 1994 VICGRID94



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Prepared for: JM, Prepared by: MK, Last edited by: mknudsen
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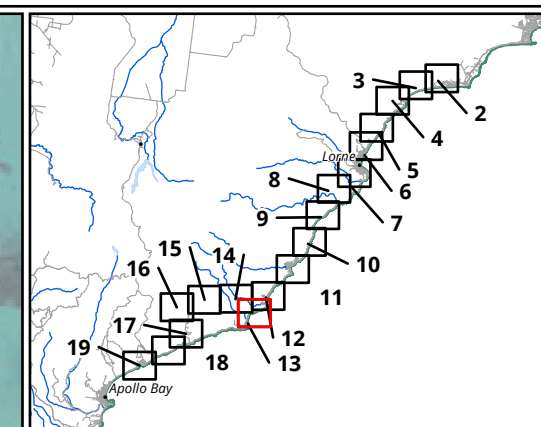
- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ7 - Public Use Zone-Other Public Use
 - Residential**
 - TZ - Township Zone
 - Rural**
 - RCZ - Rural Conservation Zone

Figure 3.12 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N
Metres
Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94

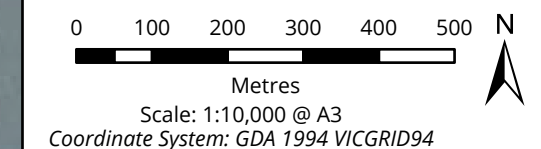


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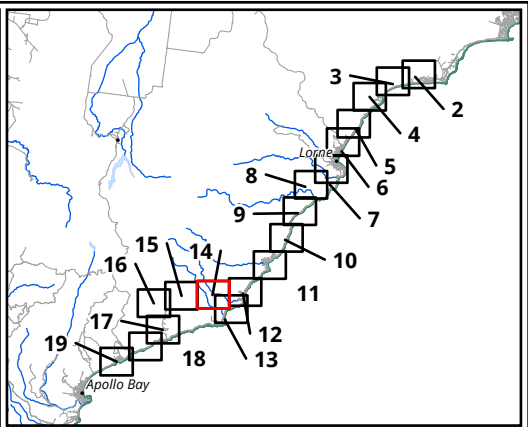


- Legend**
- Project area
- Trail alignment**
- Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
- Public Land**
- PCRZ - Public Conservation and Resource Zone
 - PPRZ - Public Park and Recreation Zone
 - PUZ7 - Public Use Zone-Other Public Use
- Residential**
- TZ - Township Zone
- Rural**
- RCZ - Rural Conservation Zone

Figure 3.13 Planning zones within the vicinity of the study area



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Layout: 35871_F2_PlanningZones
Project: P:\35800s\35871\Mapping\
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Legend

Project area

Trail alignment

Beach/Rock Shelf

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

New Walking Trail

Other

Public Land

PCRZ - Public Conservation and Resource Zone

Rural

RCZ - Rural Conservation Zone

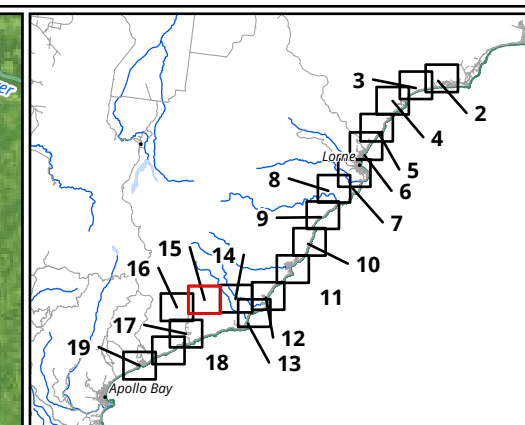
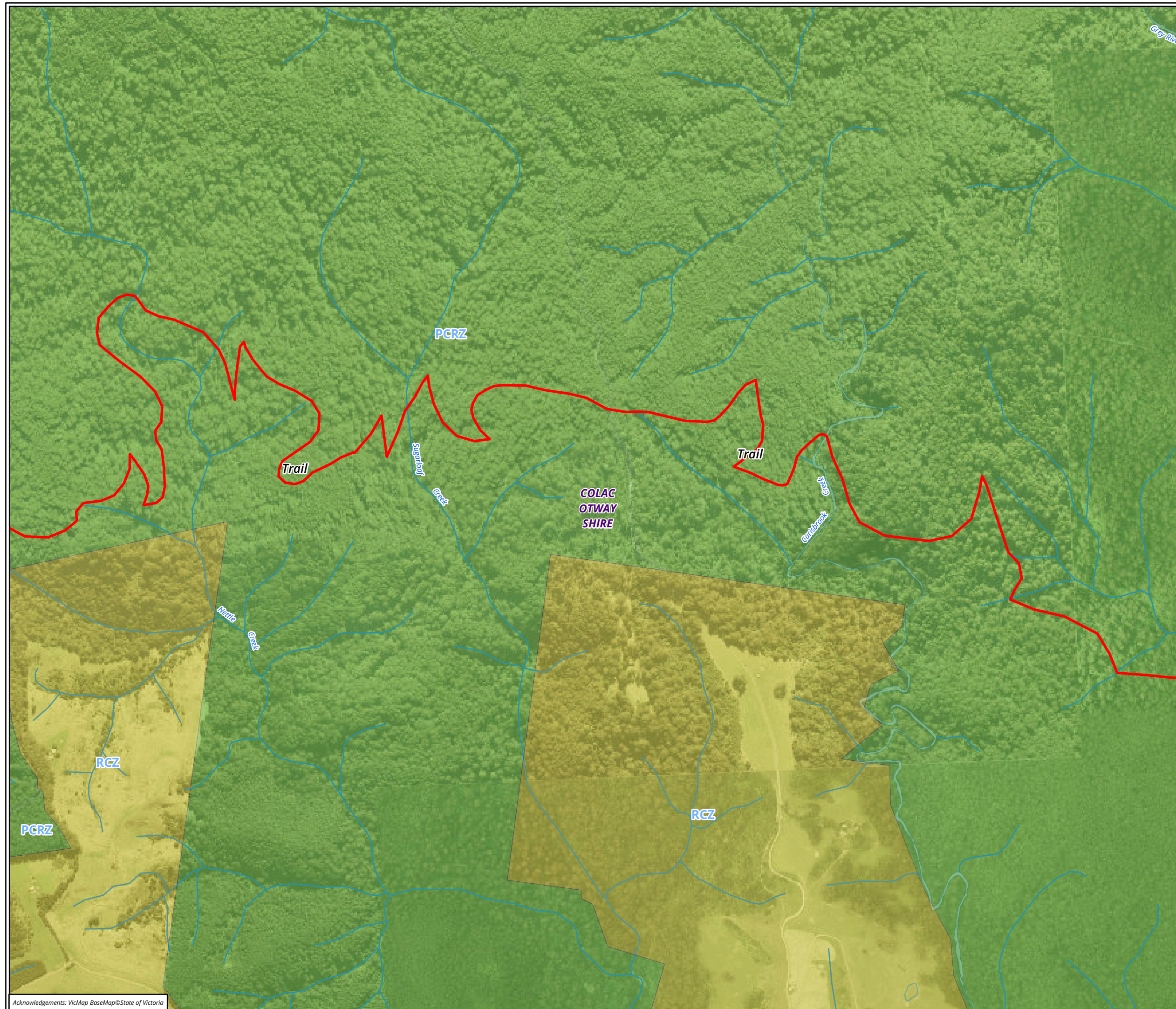
Figure 3.14 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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Legend

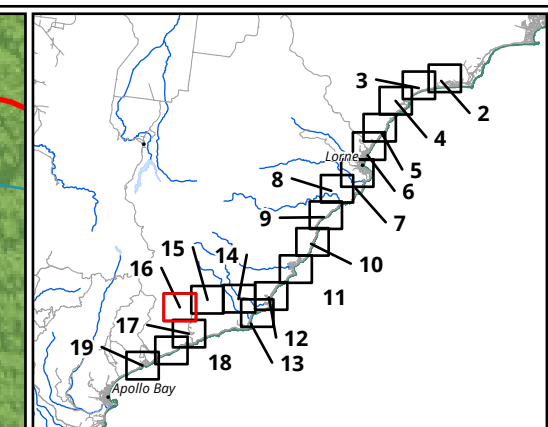
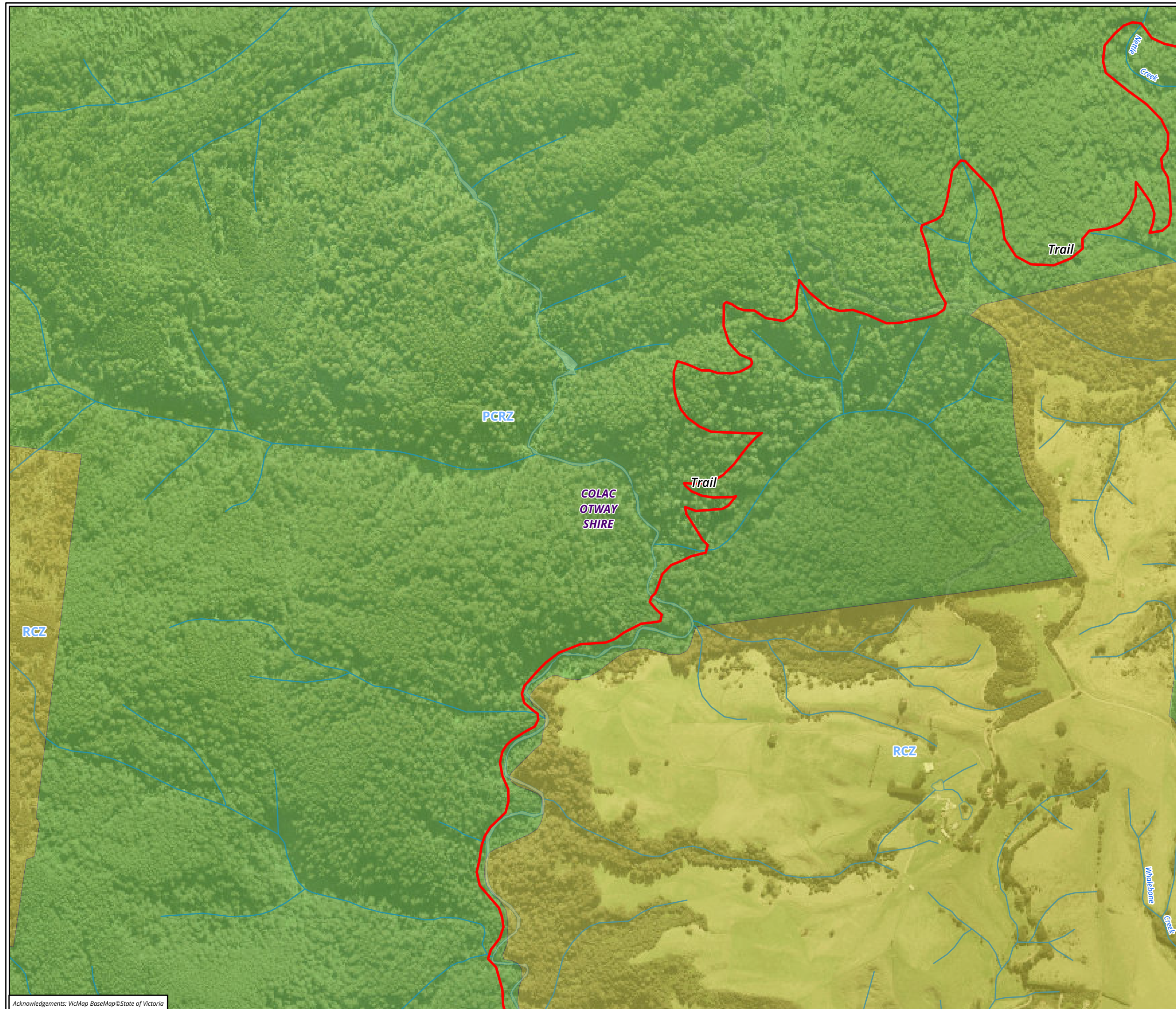
- Project area
- Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
- Public Land**
 - PCRZ - Public Conservation and Resource Zone
- Rural**
 - RCZ - Rural Conservation Zone

Figure 3.15 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N
Metres
Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94

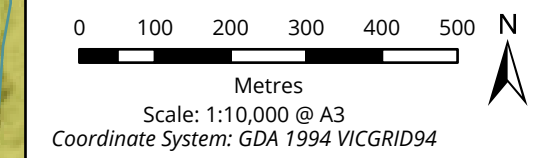


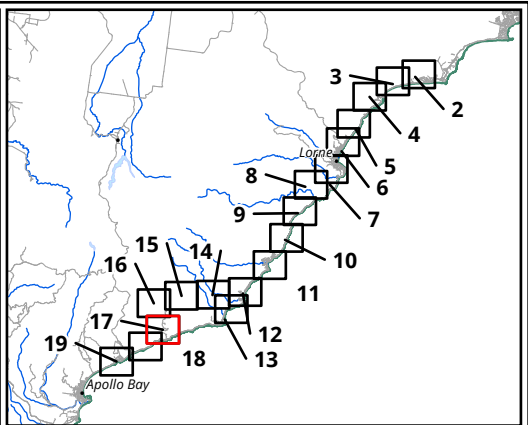
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- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - Rural**
 - RCZ - Rural Conservation Zone

Figure 3.16 Planning zones within the vicinity of the study area





Legend

Project area

Trail alignment

Beach/Rock Shelf

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

New Walking Trail

Other

Public Land

PCRZ - Public Conservation and Resource Zone

Rural

RCZ - Rural Conservation Zone

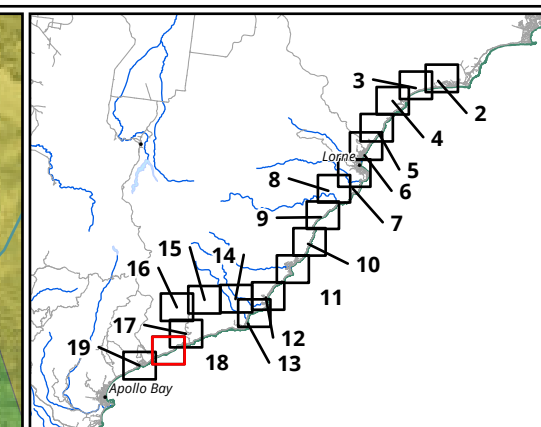
Figure 3.17 Planning zones within the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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35871_GORT_WT_Planning_Figures.aprx



Legend

Project area

Trail alignment

- Beach/Rock Shelf
- Existing Informal Trail
- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail
- Other

Public Land

- PCRZ - Public Conservation and Resource Zone

Rural

- RCZ - Rural Conservation Zone

Figure 3.18 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N

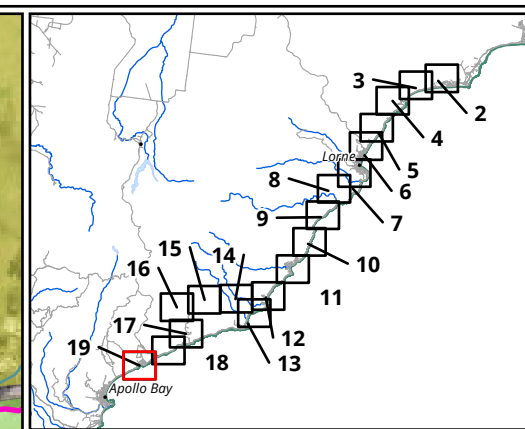
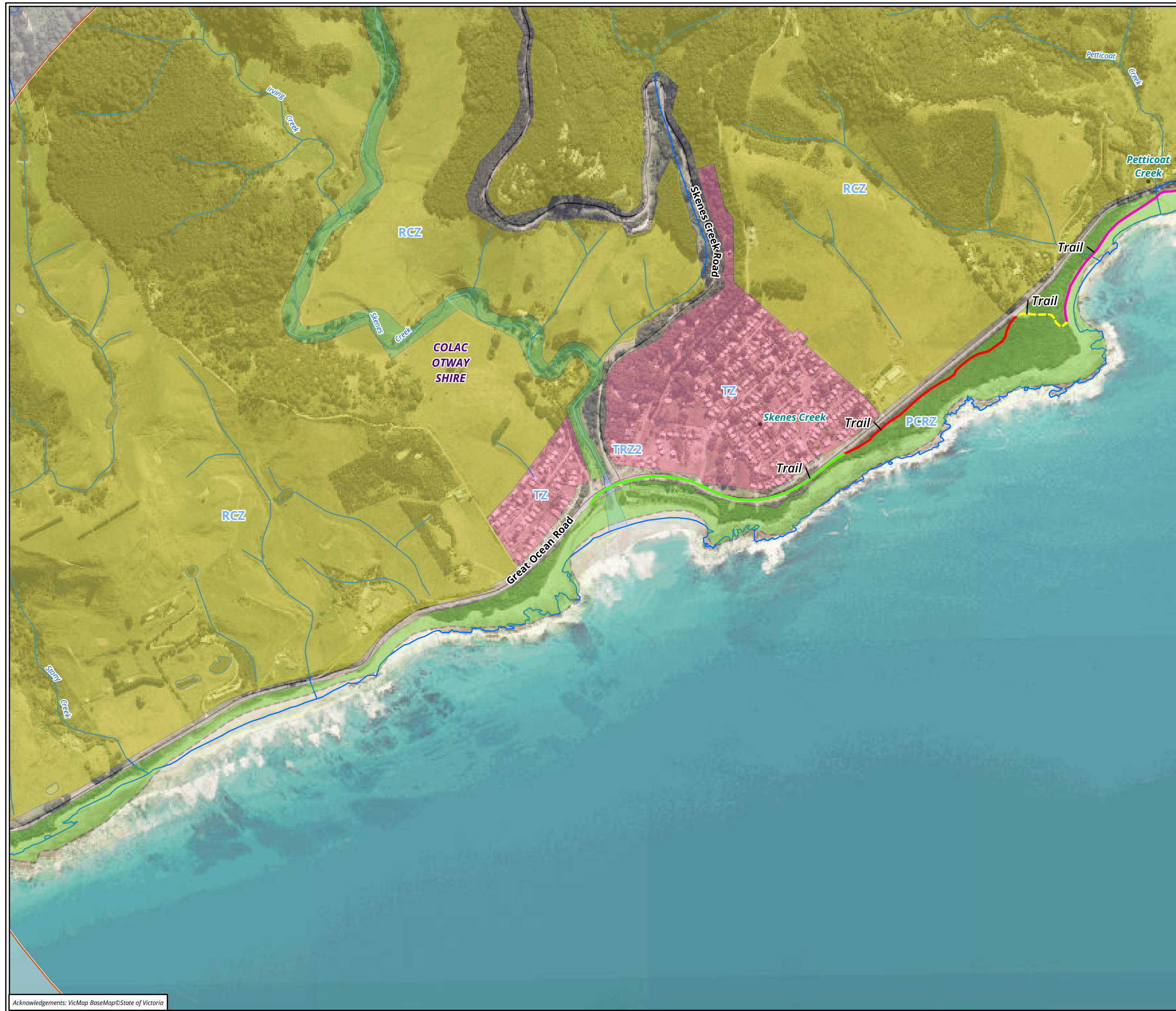
Metres

Scale: 1:10,000 @ A3

Coordinate System: GDA 1994 VICGRID94

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Matter: 35871,
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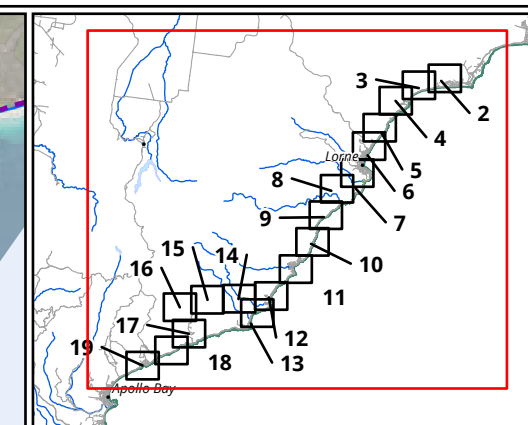
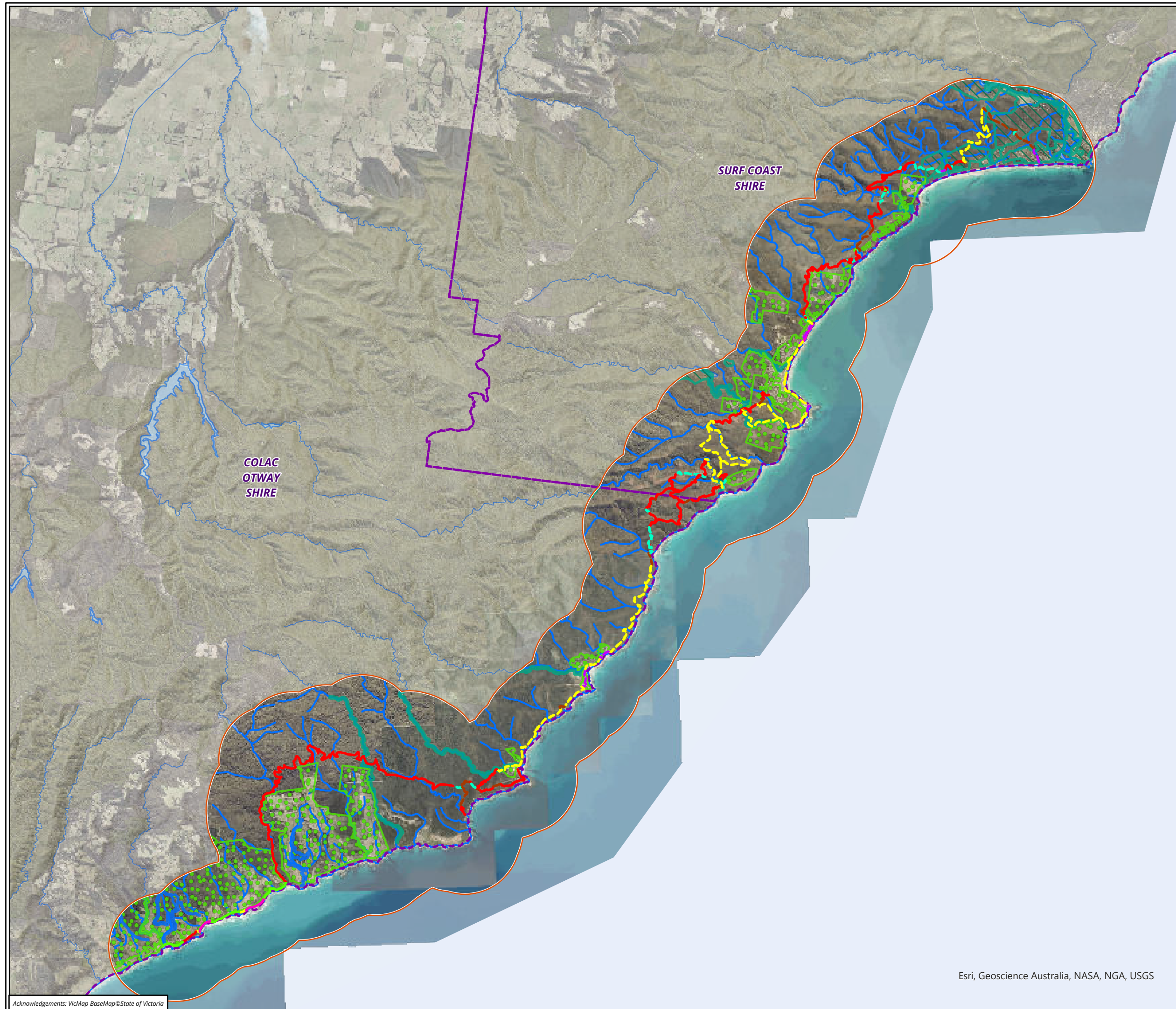


- Legend**
- Project area
 - Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
 - Other
 - Public Land**
 - PCRZ - Public Conservation and Resource Zone
 - Residential**
 - TZ - Township Zone
 - Rural**
 - RCZ - Rural Conservation Zone

Figure 3.19 Planning zones within the vicinity of the study area

0 100 200 300 400 500 N
Metres
Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94

Appendix 2 – Overlay mapping



Legend

- Project area
- Local government area

Trail alignment

- Beach/Rock Shelf
- Existing Informal Trail
- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail
- Other

Planning Overlay

- Environmental Significance Overlay (ESO)
- Significant Landscape Overlay (SLO)
- Vegetation Protection Overlay (VPO)

Figure 4.1 Environment and landscape overlays in the vicinity of the study area

0 1,000 2,000 3,000 4,000 5,000

Metres

Scale: 1:130,000 @ A3

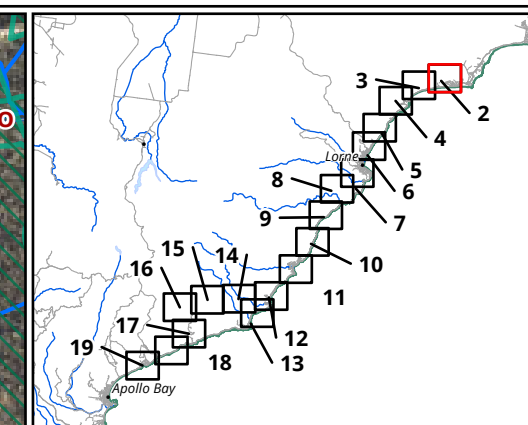
Coordinate System: GDA 1994 VICGRID94



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Date: 13 October 2022 ,
Prepared for: JM, Prepared by: MK, Last edited by: mknudsen
Layout: 35871_F3_Overlay
Project: P:\35800s\35871\Mapping\
35871_GORT_WT_Planning_Figures.aprx

Esri, Geoscience Australia, NASA, NGA, USGS

Acknowledgements: VicMap BaseMap ©State of Victoria



Legend

Project area

Trail alignment

Existing Informal Trail

Existing MVO Track

Existing Road/Footpath

Existing Walking Trail

Planning Overlay

Environmental Significance Overlay (ESO)

Figure 4.2 Environment and landscape overlays in the vicinity of the study area

0 100 200 300 400 500

Metres

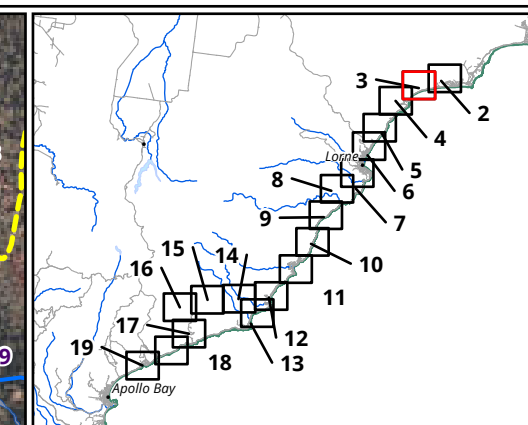
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Coordinate System: GDA 1994 VICGRID94



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Project: P:\35800s\35871\Mapping\
35871_GORT_WT_Planning_Figures.aprx

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Legend

Project area

Trail alignment

- Existing Informal Trail
- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail

Planning Overlay

- Environmental Significance Overlay (ESO)
- Significant Landscape Overlay (SLO)

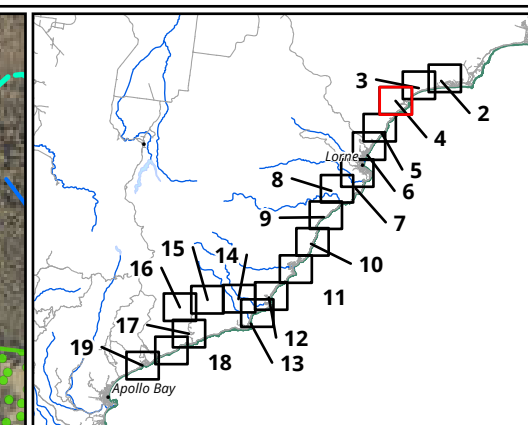
Figure 4.3 Environment and landscape overlays in the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Legend

Project area

Trail alignment

--- Existing Informal Trail

--- Existing MVO Track

--- New Walking Trail

--- Other

Planning Overlay

Environmental Significance Overlay (ESO)

Significant Landscape Overlay (SLO)

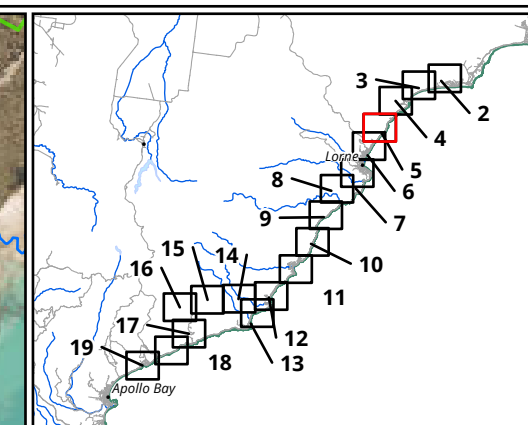
Figure 4.4 Environment and landscape overlays in the vicinity of the study area

0 100 200 300 400 500
Metres

Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



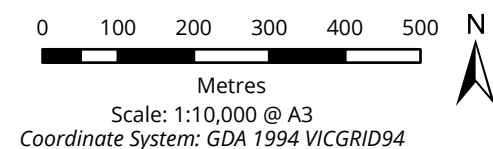
Matter: 35871,
Date: 13 October 2022,
Prepared for: JM, Prepared by: MK, Last edited by: mknudsen
Layout: 35871_F3_Overlay
Project: P:\35800s\35871\Mapping\35871_GORT_WT_Planning_Figures.aprx



Legend

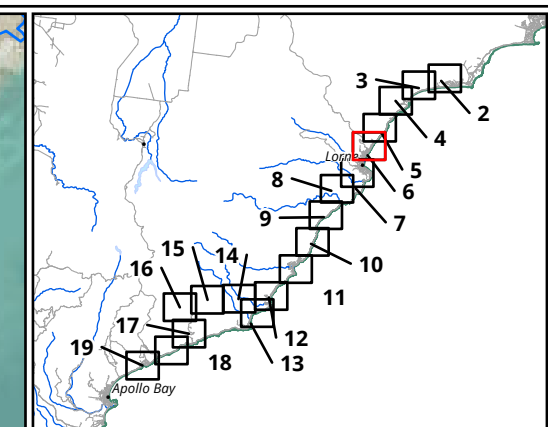
- Project area
- Trail alignment**
 - Existing Informal Trail
 - Existing MVO Track
 - New Walking Trail
 - Other
- Planning Overlay**
 - Environmental Significance Overlay (ESO)
 - Significant Landscape Overlay (SLO)

Figure 4.5 Environment and landscape overlays in the vicinity of the study area



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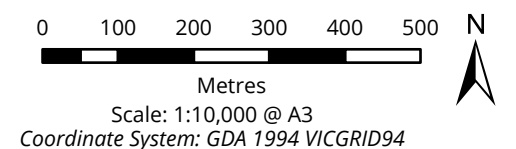
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Legend

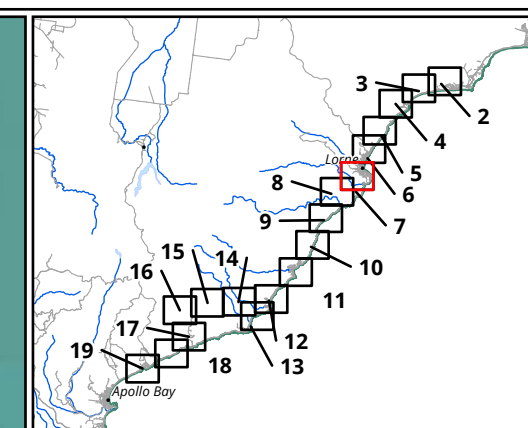
- Project area
- Trail alignment**
 - Beach/Rock Shelf
 - Existing Informal Trail
 - Existing MVO Track
 - Existing Road/Footpath
 - Existing Walking Trail
 - New Walking Trail
- Planning Overlay**
 - Environmental Significance Overlay (ESO)
 - Significant Landscape Overlay (SLO)

Figure 4.6 Environment and landscape overlays in the vicinity of the study area



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35871_GORT_WT_Planning_Figures.aprx

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Legend

Project area

Trail alignment

- Existing MVO Track
- Existing Road/Footpath
- Existing Walking Trail
- New Walking Trail

Planning Overlay

- Environmental Significance Overlay (ESO)
- Significant Landscape Overlay (SLO)

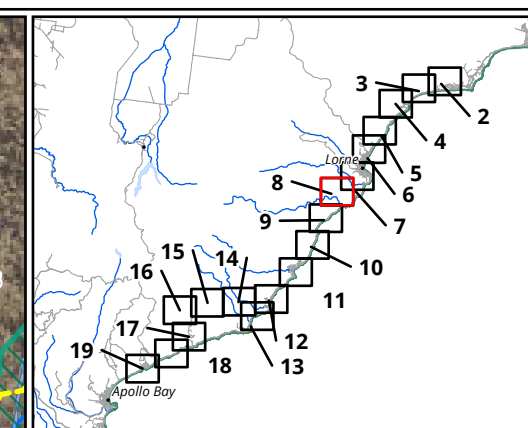
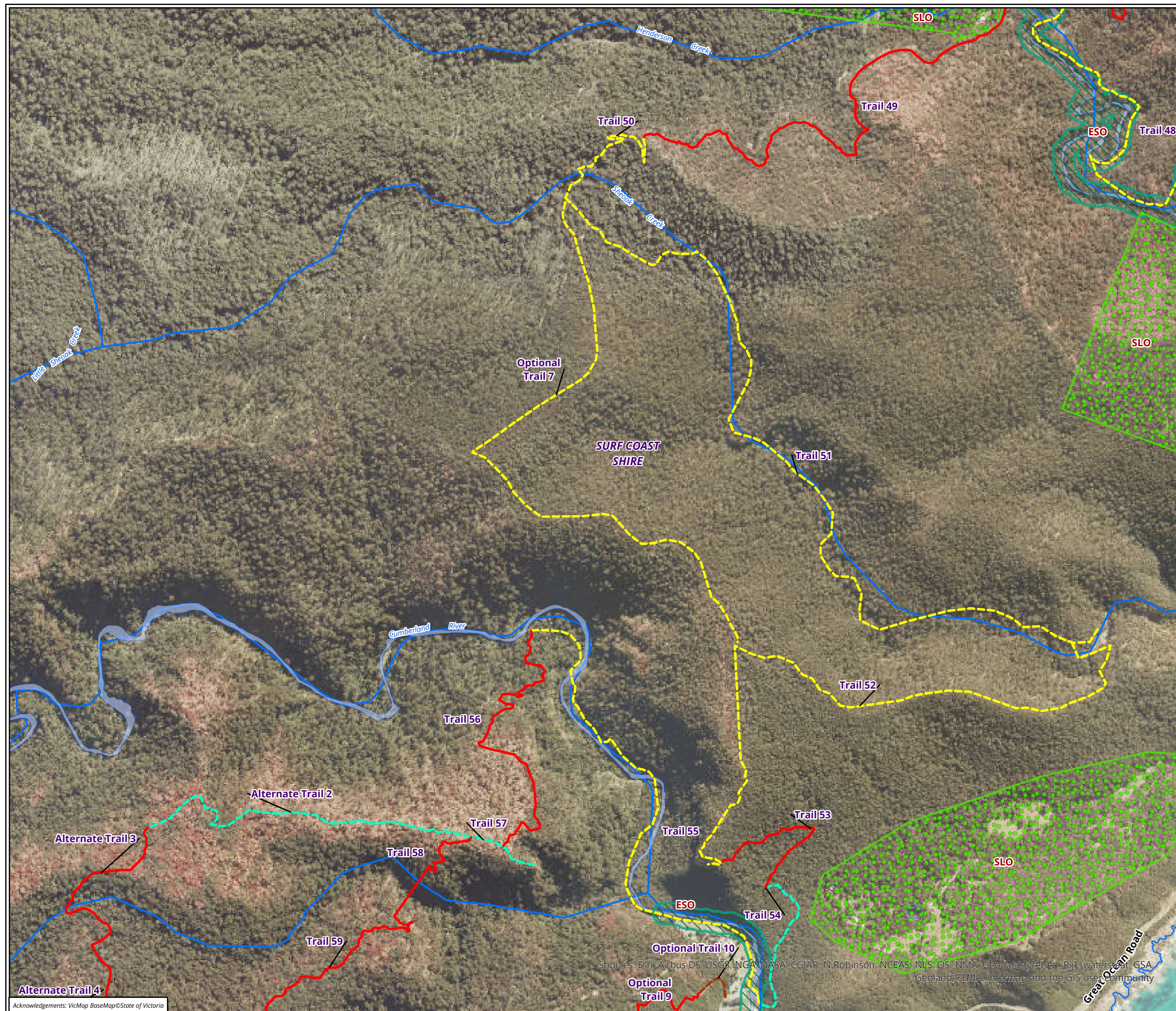
Figure 4.7 Environment and landscape overlays in the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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Legend

Project area

Trail alignment

--- Existing Informal Trail

--- Existing MVO Track

--- Existing Walking Trail

--- New Walking Trail

Planning Overlay

/ / / Environmental Significance Overlay (ESO)

• • • Significant Landscape Overlay (SLO)

Figure 4.8 Environment and landscape overlays in the vicinity of the study area



Scale: 1:10,000 @ A3
Coordinate System: GDA 1994 VICGRID94



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Sources: Esri, Airbus DS, USGS, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

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