

Gippsland Line Upgrade – Avon River Bridge Upgrade

Incorporated Document

March 2019

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Wellington Planning Scheme (planning scheme) and is made pursuant to section (6)(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 The land identified in Clause 3 of this document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3 The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE

- 2.1 The purpose of the control in Clause 4 is to permit and facilitate the use and development of the land described in Clause 3 for the Avon River Bridge Upgrade (project).
- 2.2 The project includes but is not limited to:
 - Construction of a new railway bridge.
 - Decommissioning of the existing railway bridge.
 - An upgrade of the McAlister Street level crossing.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land shown as SCO1 on the planning scheme maps forming part of the Wellington Planning Scheme.

4. CONTROL

Exemption from planning scheme requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate, the use and development of the project land for the purposes of the project.
- 4.2 The project includes but is not limited to:
 - a) Use and development of the project land for railway, including railway infrastructure, road and signalling upgrades and level crossing upgrade.
 - b) Use and development of the project land for ancillary activities to the use and development described in Clause 4.2a including but not limited to:
 - i. Use and development of lay down areas for construction purposes.
 - ii. Use and development of temporary site workshops, storage, administration and amenities buildings, vehicle parking areas and access roads.
 - iii. Constructing fences, temporary site barriers and site security.
 - iv. Displaying signs.
 - v. Removing, destroying and lopping trees and removing vegetation, including native vegetation.
 - vi. Demolishing and removing buildings and works.

- vii. Carrying out works to alter watercourses.
 - viii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, and to alter drainage, services and utilities, and temporary stockpiling of excavation material.
 - ix. Creating or altering access to a road in a Road Zone Category 1.
 - x. Subdividing and consolidating land.
- c) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

Conditions

- 4.3 The use and development permitted by this document must be undertaken in accordance with the following conditions:
- 4.4 Environmental Management Framework
- 4.4.1 An Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with Wellington Shire Council.
- 4.4.2 The EMF must include:
- a) A set of Environmental Management Requirements that must be achieved during design and construction of the project to reduce environmental and amenity effects.
 - b) The process and timing for preparation of a Construction Environment Management Plan and any sub-plan that is required by the Environmental Management Requirements.
 - c) Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the project.
- 4.5 Native vegetation
- 4.5.1 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), information about that native vegetation in accordance with Application Requirements 1, 5 and 9 of the *Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017)* (Guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP). For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 4.10.
- 4.5.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the Guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP.
- 4.5.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.5.2.

- 4.5.4 The secured offset(s) for the project may be reconciled at the completion of the project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018)*.
- 4.5.5 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.
- 4.6 Creating or altering access to roads
- 4.6.1 Any buildings or works to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, or on land owned by the Roads Corporation for the purpose of a road, must be undertaken to the satisfaction of the Roads Corporation.
- 4.6.2 Where, but for this document, consent of the Roads Corporation would be required to subdivide land, that consent must be obtained.
- 4.7 Heritage management
- 4.7.1 Where, but for this document, a planning permit would be required under the Heritage Overlay, documentation must be prepared in consultation with the Wellington Shire Council and to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning). The documentation must include:
- a) Site plans and elevations showing the proposed development.
 - b) An assessment of the impact of the proposed development on the heritage place.
- 4.7.2 The documentation in Clause 4.7.1 must be provided to the satisfaction of the Minister for Planning prior to the commencement of buildings, works or demolition on project land affected by the Heritage Overlay.
- 4.8 Flood and water discharge management
- 4.8.1 Where, but for this document, the relevant floodplain management authority would be a referral authority for buildings and works for the project, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.
- 4.9 Other conditions
- 4.9.1 Unless otherwise stated, the conditions set out in Clause 4 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10). The conditions may be satisfied in separate components or stages of the project, however each condition must be satisfied prior to the commencement of development for that component or stage.
- 4.9.2 The plans and documentation required under Clause 4 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the Minister for Planning or relevant approving authority may seek the views of the Wellington Shire Council or any other relevant authority.
- 4.9.3 The use and development of the project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

4.10 Preparatory buildings and works

- 4.10.1 Preparatory buildings and works may commence on the land described in Clause 3 before the conditions set out in Clause 4 are satisfied.
- 4.10.2 Preparatory buildings and works include but are not limited to:
- a) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
 - b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - c) Construction and use of access points and working platforms.
 - d) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
 - e) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
 - f) Establishment of environment and traffic controls, including designated 'no-go' zones.
 - g) Establishment of temporary car parking.
 - h) Demolition to the minimum extent necessary to enable preparatory works.
 - i) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
 - j) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Cultural Heritage Management Plan prepared for the project as pursuant to the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Party.
 - k) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Historic Heritage Management Plan prepared for the project as pursuant to the *Heritage Act 2017* and to the satisfaction of the Victorian Heritage Council.
 - l) Salvaging and translocating any vegetation, including any preparatory works required to enable salvage and translocation, identified in a Translocation Plan prepared to the satisfaction of the Secretary to DELWP.
- 4.10.3 Prior to the removal of native vegetation under Clause 4.10, information about the native vegetation to be removed must be provided to the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the Guidelines.
- 4.10.4 The biodiversity impacts from the removal of native vegetation under Clause 4.10 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.5.2.

5. EXPIRY

- 5.1 The control in this document expires if any of the following circumstances apply:
- a) The development allowed by the control, including preparatory buildings and works, is not started by 31 December 2020.
 - b) The development allowed by the control is not completed by 31 December 2025.
- 5.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.