
**Gippsland Line Upgrade –
Avon River Bridge Upgrade
Incorporated Document**

November 2018

DRAFT

1.0 INTRODUCTION

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*.

The land identified in Clause 3.0 of this document may be used or developed in accordance with the specific controls in Clause 4.0 of this document.

The control in this document prevails over any contrary or inconsistent provision in the Planning Scheme.

2.0 PURPOSE

The purpose of the control in Clause 4.0 is to permit and facilitate the use and development of land described in Clause 3.0 for the Avon River Bridge Upgrade (project).

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The control in this document applies to the land marked as SCO1 in Wellington Planning Scheme Maps 59SCO, 61SCO and 75SCO.

4.0 CONTROL

4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

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 or restrict, the use and development of the project land for the purposes of the project.

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 4.1a), 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 construction, directional and temporary business identification 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. Subdivision and consolidation of land and creation, variation or removal of easements resulting from works required for the project.
- c) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

Note: Land uses in italics have the same meaning as in Clause 73 of the planning scheme.

4.2 CONDITIONS

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

Environmental Management Framework

- 4.2.1 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 . The EMF must include:
- a) A set of Environmental Management Requirements that must be achieved during design and construction of the works 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.

Native Vegetation

- 4.2.2 An offset statement in accordance with the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017) must be approved by the Deputy Secretary, Planning, Department of Environment, Land, Water and Planning (DELWP) before any native vegetation is removed. The offset statement must identify any project stages, detail how the offset requirements will be met and

require that offsets will be secured at the start of each stage before native vegetation is removed.

- 4.2.3 In exceptional circumstances, the timing of offset security may be varied as specified in the approved offset statement or reviewed on application to the Deputy Secretary, Planning, DELWP.

Creating or altering access to roads

- 4.2.4 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.

Heritage Management

- 4.2.5 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.3) on project land affected by the Heritage Overlay, documentation must be prepared 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.

Flood and water discharge management

- 4.2.6 Where, but for this incorporated document, the relevant floodplain management authority would be a referral authority to the proposed buildings and works, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

Other conditions

- 4.2.7 Unless otherwise stated, the plans and documentation listed in Clause 4.2, must be approved prior to the commencement of works (excluding preparatory buildings and works under Clause 4.3). The plans and documentation may be prepared and approved for separate components or stages of the project, however each plan or document must be approved before the commencement of works for that component or stage.
- 4.2.8 The plans and documentation 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.

- 4.2.9 The use and development of the project must be undertaken in accordance with this incorporated document and the approved plans and documentation.

4.3 PREPARATORY BUILDINGS AND WORKS

The following buildings and works may commence in the project land before the plans and documentation listed in Clause 4.2 are approved:

- a) Preparatory buildings and works for the project, including, but not limited to:
- i. Works, including vegetation removal, where planning approval would not be required under the provisions of the planning scheme.
 - ii. Investigating, testing and preparatory works to determine the suitability of land and property condition surveys.
 - iii. Creation and use of construction access points and working platforms.
 - iv. Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
 - v. Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
 - vi. Establishment of environment and traffic controls, including designated 'no-go' zones.
 - vii. Demolition to the minimum extent necessary to enable preparatory works.
 - viii. Establishment of temporary car parking.
 - ix. 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.
 - x. 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.
 - xi. 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 of the DELWP.

- b) The removal, destruction or lopping of any vegetation to the minimum extent necessary to enable preparatory works, where, but for this incorporated document, a planning permit would be required under the Planning Scheme.
- c) Any native vegetation removed to enable preparatory works under Clause 4.3 forms part of the total extent of native vegetation removal necessary for the construction of the project and native vegetation offsets must be provided in accordance with the offset statement required under Clause 4.2.2, except as otherwise agreed by the Deputy Secretary, Planning, DELWP.

5.0 EXPIRY

- 5.1 The control in this incorporated 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.