

## WELLINGTON PLANNING SCHEME

### AMENDMENT C105

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Rail Projects Victoria (RPV) an administrative office in the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

##### Land affected by the amendment

The amendment applies to land in the Shire of Wellington which will be used and developed for the Gippsland Line Upgrade Avon River Bridge Upgrade (the project), as shown in Figure 1 below and the map in Attachment 1 to this Explanatory Report. The project is located on the Gippsland railway corridor in Stratford, Victoria, including approximately one kilometre of land to the south of the Avon River crossing through farmland, and approximately one kilometre of land to the north of Avon River within the Stratford township. The project land is generally within the rail corridor, however some private land will be required to facilitate the project. The project comprises:

- Construction of a new rail bridge at Avon River, upstream of the existing railway bridge.
- Decommissioning of the existing railway bridge (disconnecting from the rail network).
- Upgrade of the McAlister Street Level Crossing to pedestrian crossing and boom barriers.

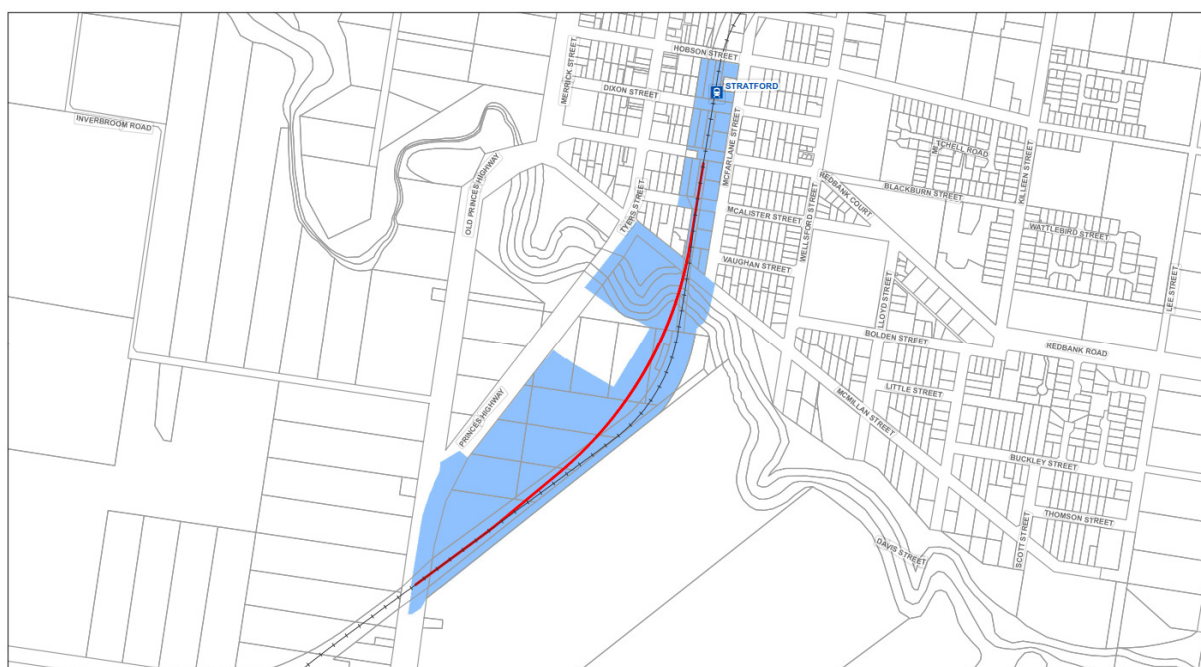


Figure 1. Gippsland Line Upgrade – Avon River Bridge Upgrade Project Land

## What the amendment does

The amendment changes the Wellington Planning Scheme to:

- Insert Clause 45.12 Specific Controls Overlay (SCO) into the scheme.
- Introduce the schedule to Clause 45.12 SCO to allow the use and development of land for the Gippsland Line Upgrade Avon River Bridge Upgrade in accordance with the specific control in the *Gippsland Line Upgrade – Avon River Bridge Upgrade Incorporated Document, November 2018* (incorporated document).
- Amend Clause 72.04 (Documents incorporated in this Planning Scheme) insert an incorporated document titled *Gippsland Line Upgrade – Avon River Bridge Upgrade Incorporated Document, November 2018*.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to enable the delivery and upgrade of a new railway bridge at Avon River in Stratford.

The \$1.75 billion Regional Rail Revival program is a joint initiative of the Australian and Victorian governments and will upgrade stations, signalling and track across Victoria. The \$530 million Gippsland Line Upgrade is a package of works included in the Regional Rail Revival and will deliver improved train services to the growing communities of Gippsland and create hundreds of jobs in the region. RPV is responsible for the planning and implementation of the program on behalf of the State Government of Victoria.

Gippsland Line Upgrade will be delivered in two work packages:

- Gippsland Line Upgrade Corridor Works (Corridor Works), and the
- Avon River Bridge Upgrade.

The \$95 million replacement of the Avon River Bridge will lift the 10 km/h speed limit currently imposed on trains in this section, improving reliability and overall journey times for passengers.

The upgrade of Avon River Bridge rail crossing will increase line speed and service reliability, improve passenger comfort, reduce maintenance costs, and increase the ability to operate heavy freight, boosting regional industries.

The amendment allows the use and development of land in the project area for the purposes of the project in accordance with the *Gippsland Line Upgrade – Avon River Bridge Upgrade Incorporated Document, November 2018* (incorporated document). The incorporated document includes conditions requiring matters to be done to the satisfaction of the responsible authority before buildings and works (other than preparatory buildings and works) can commence, as required.

A number of documents will be prepared to the satisfaction of the Minister for Planning under the incorporated document. Wellington Shire Council will be responsible for the enforcement of the provisions of the Wellington Planning Scheme for the purposes of the project under Clause 72.01 (Responsible authority for this Planning Scheme).

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

This amendment meets and will assist with the implementation of the following objectives of section 4(1) of the Act:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;

- (b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (g) to balance the present and future interests of all Victorians.

The project will allow more passenger and freight trains to reach the eastern section of the Gippsland line in faster time. The improved rail infrastructure of the Avon River Bridge Upgrade will increase comfort for commuters and provide greater economic opportunity in the region through freight connectivity.

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

#### **Environmental**

The potential environmental effects of the project have been considered through specialist assessments for terrestrial and aquatic ecology, historic and Aboriginal cultural heritage, hydrology, acoustics, arboriculture and land contamination. The specialist assessments informed the project design and preparation of the amendment.

Environmental management for the project will be addressed through the preparation of an Environmental Management Framework (EMF). The EMF will be prepared in consultation with the Shire of Wellington and will be approved by Minister for Planning. The specific requirements of the EMF will be embedded in the contractual arrangements for the future construction of the project. The EMF will provide a framework with clear accountabilities for managing environmental and amenity effects associated with the construction phase of the project. It is considered that this approach to environmental management is commensurate with the extent and complexity of the environmental issues likely to be faced by this project.

A referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will be submitted to the Federal Minister for the Environment and Energy to determine whether or not the project will need formal assessment and approval under the EPBC Act. The purpose of the referral is to assess whether the project is likely to have a significant impact on a matter of national environmental significance.

#### **Social and economic**

Utilising several approaches, engagement is underway on the project with regulatory stakeholders, local councils, Registered Aboriginal Parties, key institutions, community groups and local residents.

Information will continue to be provided in various ways including letters, fact sheets, brochures, animations and videos. Engagement will be sought via a range of channels including phone, online surveys, face-to-face meetings, information sessions and pop-up displays.

Ongoing engagement is occurring with the traditional owners, the Gunaikurnai Land and Waters Aboriginal Corporation. This engagement has informed the preparation of a Cultural Heritage Management Plan (CHMP) in order to manage and protect Aboriginal cultural heritage in the project area.

RPV has nominated the Avon River Rail Bridge to be listed on the Victorian Heritage Register as an asset of State significance, to preserve the historic amenity enjoyed by the community, rail commuters and regional tourists. The Avon River Rail Bridge is not currently heritage listed. The project proposes to decommission the bridge from the current railway network.

As a result of the project, the Avon River Bridge will have an increased capacity to be able to accommodate a greater operational frequency of passenger and freight trains, and result in greater passenger comfort on services. The Avon River Bridge Upgrade will support regional industries in the Gippsland region through more reliable and faster freight movements.

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

The project is not within a Bushfire Management Overlay, however it is recognised that the area has been prone to bushfires, or carries risk that bushfires have the potential to occur. A Bushfire Risk Management Plan will be prepared as a sub-plan to the EMF with the objective that the project will not contribute to an increased bush fire risk to property, community infrastructure, natural environment, or life.

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

The amendment complies with the requirements of the Ministerial Directions as pursuant to the *Planning and Environment Act 1987*. The amendment is consistent with the following:

- Ministerial Direction on the Form and Content of Planning Schemes, as per section 7(5) of the *Planning and Environment Act 1987*.
- Ministerial Directions of the duties and powers of planning authorities in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions, as per section 12(2)(a) of the *Planning and Environment Act 1987*.
- Ministerial Direction No. 11 – Strategic Assessment of Amendments ensuring that the amendment ensure a comprehensive strategic evaluation of the amendment and the outcome of the amendment as detailed in this amendment.

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

The amendment supports the Planning Policy Framework as follows:

- Settlement (Clause 11) is regarded in the amendment through the futureproofing of the Avon River bridge rail infrastructure, responding to the existing and future needs of the Gippsland region and wider rail networks. The amendment facilitates improvements of transport and related technological advances, supporting investment in existing settlement patterns of regional Victoria.
- Victoria – Settlement (Clause 11.01-1S) is supported by the amendment through the strengthening of the Gippsland railway line, which improves transport connections in regional Victoria and within Gippsland.
- Settlement – Gippsland (Clause 11.01-1R) is supported by the amendment as the Avon River Bridge Upgrade will strengthen linkages with Victoria's east to Bairnsdale and metropolitan Melbourne. The amendment complements Principle 4: Delivering timely and accessible infrastructure to meet regional needs for transport, utilities and community facilities to achieve the Vision of the *Gippsland Regional Growth Plan 2014*.
- Environmental and Landscape Values (Clause 12) will be protected from the impact of works as described in the EMF of this amendment.
- Biodiversity (Clause 12.01) protection has been incorporated in the amendment through compliance with the avoid, minimise and offset principles as pursuant to the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning 2017).
- Environmental Risks (Clause 13) are being mitigated through best practice project design and delivery by RPV. Part of this process includes environmental management and risk management steps as contained within the proposed EMF.
- Bushfire (13.02) objective to prevent adverse impacts to the environment, property and the community from the ignition or spread of bushfires is addressed by the amendment as part of

the EMF; which requires the preparation of a Bushfire Management Plan, as a sub-plan the EMF, or as a stand-alone Bushfire Management Plan.

- Floodplains (Clause 13.03) has been incorporated into the design of the proposed bridge structure, including to not adversely impact the natural flood carrying capacity of the Avon River, and the floodplain area as a place of environmental significance to the Avon River and connected watercourses and wetlands. Consultation with regional catchment strategies and the regional catchment authority will continue to occur as part of the project.
- Soil Degradation (13.04) has been addressed in the amendment as adequate information on potential contamination and or adverse effects on the future use of land has been detailed as a part of the EMF. The project design has considered relevant information of erosion and sediment movement, particularly in with consideration to the flooding characteristics of the Avon River.
- Water (Clause 14.02) as considered by the amendment, within Natural Resource Management (Clause 14) ensures works occurring in and around Avon River provide protection of the surrounding environment qualities, including the appropriate measures set out in the EMF that restrict sediment discharges from the project site construction. Consultation and coordination of the project has been undertaken with the West Gippsland Catchment Management Authority's strategic plan, the *West Gippsland Regional Catchment Strategy 2013-2019*.
- Built Environment and Heritage (Clause 15) will enhance the Heritage (Clause 15.03) and existing functionality of the railway corridor while transitioning the old bridge to a historic feature, conserving much of the structure in the process, which will contribute to the history and amenity of Stratford. The project and amendment abides by the findings and recommendations as provided by the Victorian Heritage Council.
- Transport (Clause 18) will be improved, in parallel with industry by providing access to social and economic opportunities, increasing the safe movement of people and goods, as well support Freight (Clause 18.05) by improving rail freight networks in regional areas, minimising the current restriction of rail freight over the existing Avon River rail bridge.
- Transport system – Gippsland (Clause 18.01-2R) is supported by the amendment by facilitating the improvement to the transport network in the Gippsland region through the upgrade of the Avon River Bridge.
- Infrastructure (Clause 19) will provide greater accessibility and timely railway movement, utilising existing railway infrastructure, increasing the lifetime of the rail operation on the Gippsland line.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Wellington Shire Council's Municipal Strategic Statement is detailed in Clause 21 of the Planning Scheme. The relevant Local Planning Policy Framework clauses as they apply to the project are as follows:

- Special Water Supply Catchment Areas Policy (Clause 22.01) will be undertaken in line with the EMF, in order to minimise adverse effects to the waterways and wetlands that are fed from the Avon River.
- Heritage Policy (Clause 22.03) is supported by the amendment for the conservation of local heritage places. This is demonstrated as the existing rail bridge has been nominated by RPV under the *Heritage Act 2017*, seeking to be recognised of State significance, and therefore locally significant.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) as follows:

- The amendment uses the provisions of Clause 72.04 Documents incorporated in this Planning Scheme to provide specific controls for the project. The specific controls are detailed in the *Gippsland Line Upgrade – Avon River Bridge Upgrade Incorporated Document, November 2018* which facilitates the use and development of land for the purposes of the Avon River Bridge Upgrade in accordance with conditions in the incorporated document.

The amendment requires the use of Crown land surrounding the Avon River. This parkland is zoned Public Conservation Resource Zone (PCRZ). Pursuant to Clause 36.03 PCRZ, *Railway* is a prohibited use, and as such, a planning permit cannot be obtained for *Railway* use within this area. The incorporated document will allow for the prohibited use of a *Railway* to occur in this zone.

The purposes of Clause 36.03 (PCRZ) are not undermined in the amendment. The purpose to 'protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values' is upheld through the proactive registering of the old railway bridge into the Victorian Heritage Register for conservation efforts, and to maintain the historic amenity of Stratford.

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

The views of the following relevant agencies, as described in their policy strategies and sought out by Rail Projects Victoria, have been addressed by the amendment:

- Aboriginal Victoria
- Department of Economic Development, Jobs, Transport and Resources
- Department of Environment and Energy
- Department of Environment, Land, Water and Planning
- Department of Justice and Regulation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Heritage Victoria
- VicRoads
- V/Line
- VicTrack
- Wellington Shire Council
- West Gippsland Regional Catchment Management Authority.

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

The amendment supports the objectives of the *Transport Integration Act 2010* as required by RPV as a transport authority. The planning scheme amendment process is designed to ensure the Design Principals within the Division 3 of the *Transport Integration Act 2010* is achieved by a project. Additionally, the EMF will ensure the project maintains the precautionary principle. Stakeholder and community engagement is being undertaken by RPV to ensure the decision principle of stakeholder engagement and community participation is achieved in the project. The following are the policy principles the project upholds as set out in Part 2, Division 2 and 3 of the *Transport Integration Act 2010*:

- **Social and economic inclusion:** The project will support social and economic inclusion by improving frequency, punctuality and reliability on the Gippsland rail line, thereby expanding opportunities for access to social and economic opportunities.
- **Economic prosperity:** The project will create local jobs during construction, increase access to employment and economic opportunities by providing extra services on the Gippsland line, and improve public transport assets, which in turn increases the reliability and punctuality for rail passengers and tourists.
- **Environmental sustainability:** The project future proofs the rail infrastructure of the Avon River Bridge Upgrade railway crossing and reduces expensive and ongoing maintenance issues associated with the existing rail bridge structure. The amendment adheres to the biodiversity principles to avoid, minimise and mitigate any environmental impacts, and the project will be designed and constructed in accordance with an EMF.
- **Integration of transport and land use:** The project is part of one of a number of major projects intended to transform Victoria's regional rail network. The amendment will ensure the project is delivered in a timely manner to support the current and future requirements of the transport system and the growing population from metropolitan Melbourne to regional Victoria.
- **Efficiency, coordination and reliability:** The Avon River Bridge will significantly improve the rail infrastructure in Stratford, which will assist in improving the Gippsland Line Upgrade corridor works and will support the efficient delivery of services on the Gippsland line.
- **Safety and health and wellbeing:** The project will be aligned with the principles of safety performance of transport infrastructure, transport and promotion of safe user behaviour.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not likely that the amendment's new planning provisions are to have a significant impact on the resources and administrative costs of the Minister for Planning as responsible authority.

### **Where you may inspect this amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Wellington Shire Council

18 Desailley Street, Sale

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