

Gippsland Line Upgrade – Corridor Works

Incorporated Document

July 2019

DRAFT

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Baw Baw, Cardinia and Latrobe planning schemes (planning schemes) 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 prevail over any contrary or inconsistent provision in the planning schemes.

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 Gippsland Line Upgrade - Corridor Works (the project).
- 2.2 The project includes but is not limited to:
 - i. Duplicating of track between Bunyip and Longwarry, and a section immediately east and west of Morwell station.
 - ii. Additional platforms and railway station upgrades at Bunyip, Longwarry, Morwell and Traralgon.
 - iii. Signalling upgrades along the whole corridor.
 - iv. Level crossing upgrades between Pakenham and Traralgon.
 - v. Drainage structure upgrades at Morwell River.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The controls and conditions in this document apply to the land shown as SCO1 in Baw Baw Planning Scheme Maps, SCO2 Cardinia Planning Scheme Maps and SCO1 in Latrobe Planning Scheme Maps on the planning scheme maps forming part of the planning schemes (the project land).

4. CONTROL

Exemption from planning schemes requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning schemes, no planning permit is required for, and no provision in the planning schemes 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 upgrades.
 - 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 dead 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 Baw Baw Shire Council, Cardinia Shire Council and Latrobe City Council.
- 4.4.2 The EMF must include:
- a) A set of Environmental Management Requirements that must be achieved during the design and construction of the project to reduce environmental and amenity effects.
 - b) The process and timing for the 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 relevant 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 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 Floodway, inundation 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 Baw Baw Shire Council, Cardinia Shire Council and Latrobe City Council, or any other relevant authority.

4.9.3 Buildings and works, including vegetation removal, that would not require a permit under the provisions of the relevant planning schemes may be undertaken on the Project Land without reference to this incorporated document. The use and development of the project must be undertaken in accordance with this document and the approved 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 incorporated document, a planning permit would not be required under the provisions of the planning schemes.
- b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- c) Creation and use of construction access points and working platforms.
- d) Site establishment works including site fencing and hoarding, site offices, amenities, hardstand and laydown areas.
- e) Construction, protection, modification, removal or relocation of utility services, overhead and associated infrastructure.
- f) Establishment of environment and traffic controls, including designated 'No Go Zones' and 'Areas of Constraint'.
- g) Establishment of temporary car parking.

- h) Bus stop relocation.
 - i) Demolition to the minimum extent necessary to enable preparatory buildings and works.
 - j) Salvage of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with the cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or other compliance with that Act.
- 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 2021.
 - b) The development allowed by the control is not completed by 31 December 2026.
- 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.