
Warrnambool Line Upgrade Incorporated Document

[August 2019]

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1. INTRODUCTION

- 1.1. This document is an incorporated document in the Warrnambool, Moyne, Corangamite, Colac Otway, Surf Coast and Greater Geelong 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 incorporated document may be used or developed in accordance with the specific controls in this document.
- 1.3. The controls in this document prevails over any contrary or inconsistent provision in the Planning Schemes.

2. PURPOSE

- 2.1. The purpose of the control in this document is to permit and facilitate the use and development of land described in Clause 3.0 of this document for the purpose of the Warrnambool Line Upgrade (the project).
- 2.2. The project includes, but is not limited to:
 - construction of a second platform and pedestrian overpass, station upgrades and additional carparking at Waurn Ponds station
 - Construction of a new 2.5km crossing loop at Boorcan, , duplication of Oswells Road level crossing and associated drainage
 - Construction of a stabling yard at Warrnambool
 - Associated utilities, road and rail infrastructure, signalisation, and level crossing upgrades and any associated ancillary infrastructure and works

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1. The control in this document applies to the land (project land) required for the project as shown on the maps at Appendix 1 and marked as SCO in the following maps:
 - Map SCO2 in the Warrnambool Planning Scheme
 - MAP SCO1 in the Moyne Planning Scheme
 - Map SCO1 in the Corangamite Planning Scheme
 - Map SCO1 in the Colac Otway Planning Scheme
 - Map SCO1 in the Surf Coast Planning Scheme
 - Map SCO1 in the Greater Geelong Planning Scheme

4. CONTROL

Exemption from Planning Scheme 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 operate to

prohibit or restrict the use and development of the Project Land for the purpose of the project, including the ancillary activities.

4.2. The use and development of the Project Land for the purposes of, or related to the Project includes, but is not limited to:

4.2.1. Use and development of the Project Land for *Railway or Railway station*, including train stabling facilities, ancillary use and development, and all associated railway infrastructure such as structures, roads, car parking, cuttings, batters and fill, communications, signalling, electrical infrastructure, utilities including substations and public transport related infrastructure.

4.2.2. Use and development of the Project Land for ancillary activities to the use and development described in Clause 4.2.1, including but not limited to:

- i. Use and development of lay down areas and building facilities 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 waterways.
- viii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, excavate land, cuttings and fill and stockpiling of excavation material.
- ix. Creating or altering access to a road in a Road Zone.
- x. Subdividing and consolidating land and creating, varying or removing easements resulting from works required for the project.
- xi. Relocating, modifying and upgrading drainage, services and utilities

4.3. Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

4.4. Land uses in italics have the same meaning as in Clause 73.03 (Land Use Terms) of the Planning Scheme.

5. Conditions

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

Environmental Management Framework

- 5.2. Prior to the commencement of any buildings or works (excluding preparatory buildings and works under Clause 6), an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must include:

5.2.1. Environmental Performance Requirements to define the environmental outcomes that must be achieved for the design and construction of the project, including;

5.2.2. The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required by the Environmental Performance Requirements.

5.2.3. The monitoring, reporting and auditing processes to ensure compliance with the Environmental Performance Requirements.

5.2.4. Details of the entity responsible for the approval of each plan required by this document or the Environmental Performance Requirements.

Native vegetation

- 5.3. 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 requirements will be met and require that offsets will be secured at the start of each stage before native vegetation is removed.

- 5.4. 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

- 5.5. 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 land owned by the Roads Corporation for the purpose of a road.

- 5.6. Before a plan of subdivision is certified under the *Subdivision Act 1988*, the consent of the Roads Corporation must be obtained to subdivide land adjacent to a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Roads Corporation for the purpose of a road, or land in a Public acquisition Overlay if the Roads Corporation is the acquiring authority for the land.

Heritage management

- 5.7. Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10) on the Project Land affected by a 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:
- i. Site plans and elevations showing the proposed development.
 - ii. An assessment of the impact of the proposed development on the heritage place and whether there is a need for a conservation management plan.

5.7.1. Should any dry stone walls and post boxes be discovered during works, the requirements under clause 52.33 of the Moyne and Warrnambool Planning Schemes must be met.

Floodway and inundation management

- 5.8. 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

- 5.9. Unless otherwise stated, the plans and other documents listed in Clauses 5.2 to 5.6 must be approved prior to the commencement of works. The plans and other documents may be prepared and approved for separate components or stages of the project, but each plan or other document must be approved before commencement of works for that component or stage.
- 5.10. The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority.
- 5.11. In deciding whether a plan or other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning or relevant approving authority may seek the views of the relevant councils, or any other relevant authority.
- 5.12. The use and development of the project land must be undertaken in accordance with this incorporated document and the approved plans and documentation.
- 5.13. Buildings and works, including vegetation removal, that would not require a permit under the provisions of the relevant planning scheme may be undertaken on the land without reference to this incorporated document.

6. Preparatory buildings and works

6.1. The following buildings and works may commence in the project land before the plans and documentation listed in Clause 5 are approved:

6.1.1. 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 of artefacts and other preparatory works required to be undertaken in accordance with an approved cultural heritage management plan prepared for the project under the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Parties.
- x. Salvaging and relocating of 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 to Department of Environment, Land, Water and Planning.

6.1.2. The removal, destruction or lopping of vegetation (excluding native 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 Schemes.

6.1.3. The removal, destruction or lopping of native vegetation (excluding salvaging and translocating any native vegetation under Clause 6, Clause 5.3 and clause 5.4) to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning. Any native vegetation removed to enable preparatory works 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 *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) except as otherwise agreed by the Secretary to DELWP.

7. EXPIRY

7.1. The control in this incorporated document expires if any of the following circumstances apply:

- The development allowed by the control, including preparatory buildings and works, is not started by **TBC**.
- The development allowed by the control is not completed by **TBC**.

7.2. The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

**APPENDIX 1 – LAND TO WHICH THE WARRNAMBOOL LINE UPGRADE INCORPORATED
DOCUMENT APPLIES**

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