

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C250

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 Transport (DoT).

Land affected by the Amendment

The amendment applies to land in the municipality of Greater Bendigo, which will be used and developed for the Bendigo Signalling Upgrade Project (“the project”). The project is located on the Bendigo railway corridor between Bendigo and Eaglehawk and Bendigo and Epsom, as shown in Attachment 1 to this Explanatory Report. The project land is generally located within the existing VicTrack rail reserve and other land used for railway purposes.

Generally, the project comprises signalling upgrades, including construction of a combined service route (CSR) for signalling and communications and installation of Signal Equipment Room (SER) buildings.

What the amendment does

The amendment changes the Greater Bendigo Planning Scheme (the Planning Scheme) to:

- Apply the Specific Controls Overlay (SCO) by inserting Clause 45.12 and an associated Schedule to allow the use and development of land for the purpose of the project in accordance with the *Bendigo Signalling Upgrade Project Incorporated Document, June 2019*.
- Amend the Schedule to Clause 72.03 (What does this Planning Scheme Consist of?) to insert the Specific Controls Overlay map.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert an incorporated document titled *Bendigo Signalling Upgrade Project Incorporated Document, June 2019*.

Strategic assessment of the Amendment

Why is the Amendment required?

The \$1.75 billion Regional Rail Revival (RRR) program is a joint initiative of the Australian and Victorian governments and will upgrade stations, signalling and track across Victoria.

The works this amendment relates to are a package of signalling works forming part of the RRR, and being delivered by RPV, known as the Bendigo Signalling Upgrade Project. The Project will allow more services to run between Epsom, Eaglehawk and Bendigo, delivering Bendigo Metro Stage 2, to provide passengers with a metro-style train service.

The Project is part of a broader program of works known as the Bendigo and Echuca Line Upgrade.

An amendment to the Planning Scheme is required to allow the use and development of land required for the project by way of an incorporated document. The incorporated document addresses multiple permit triggers related to use and development and native vegetation removal, in a streamlined and coordinated way

The project is supported at all levels of government and has been declared under the *Major Transport Projects Facilitation Act 2009*.

The amendment allows for the use and development of land for the purposes of the project in accordance with the *Bendigo Signalling Upgrade Project Incorporated Document, June 2019*.

How does the Amendment implement the objectives of planning in Victoria?

The amendment supports the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*. The following objectives are particularly relevant to the amendment:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise special cultural values;
- To protect utilities and other assets and enable the orderly provision and co-origination of public utilities and other facilities for the benefit of the community; and
- To balance the present and future interests of all Victorians.

The amendment facilitates the delivery of a project that will increase the capacity, reliability and efficiency of Victoria's regional transport network and provide a critical foundation for future expansions to the network in response to regional population growth.

The amendment ensures that any environmental, social and economic effects of the project are appropriately managed and mitigated in accordance with a planning and environmental management framework prepared to the satisfaction of the Minister for Planning.

How does the Amendment address any environmental, social and economic effects?

One of the key drivers in the operation of the Planning Policy Framework is the need for integrated decision making. Clause 71.02-3 states that, "*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*".

On balance, the amendment results in a net community benefit and adequately addresses any environmental, social and economic effects. The particular effects of the project that is being facilitated by the amendment are discussed below.

Environmental

The amendment will facilitate improvements to the Bendigo and Echuca lines that will enable operations with greater frequency across passenger and freight services. These improvements will enhance the sustainability of the region through reduced fossil fuel usage.

The environmental values of the project area will be maintained by locating most of the development primarily within the existing rail reserve or other developed rail land. Existing native vegetation will be avoided as much as possible and there will be minimal impacts to natural processes and ecological systems.

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

Environmental management for the project will be addressed through environmental management conditions included in an Environmental Management Framework or similar.

It has been determined that a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is not required to be submitted to the Federal Minister for the Environment as the project does not impact matters of national environmental significance.

The project will have insignificant effect on sites with significant historic values. Any heritage places that are located within the project area will be conserved and new buildings and works will respect the identified heritage values.

Social

The amendment will facilitate improvements to the Bendigo and Echuca lines that will enable operations with greater frequency, reliability and safety across passenger services, as supported by State Government's *Plan Melbourne 2017-2050* and the Department of Transport's *Regional Network Development Plan*. These improvements will have a positive impact on public transport movement and usage. As a result, residents and visitors of Bendigo and the Loddon Mallee South region will have greater accessibility to jobs and services and to social opportunities, including to metropolitan Melbourne.

Economic

As a result of the project, the Bendigo and Echuca lines will be able to operate with greater frequency across passenger and freight services. This will allow greater access to jobs and more efficient movement of goods, improving economic opportunities for the local population and helping to grow local economies.

Does the Amendment address relevant bushfire risk?

The amendment is unlikely to pose risk of bushfire to the community, infrastructure or the environment.

The project is partially located within a designated bushfire prone area, however the proposed buildings and works associated with the Railway use are not subject to the bushfire protection measures under Clause 44.06. In accordance with Clause 13.02, RPV has consulted with the Country Fire Authority (CFA) in the preparation of this planning scheme amendment.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing an amendment, a planning authority must have regard to the Minister's Directions. The following Ministerial Directions are relevant to this amendment:

Ministerial Direction on the Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction No.9 – Metropolitan Strategy

The purpose of this Direction is to ensure that planning scheme amendments have regard to Metropolitan Strategy which is *Plan Melbourne 2017-2050*.

Plan Melbourne 2017-2050 supports similar rail infrastructure projects:

- Direction 7.1 supports investment in regional Victoria to support housing and economic growth; and
- Direction 7.2 seeks to improve transport connections for regional Victoria.

The project supports these directions and will bring significant social and economic benefits to the south-western region, including better access to higher-income jobs and improved lifestyles through reliable commuter travel times.

Ministerial Direction No.11 – Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and its outcomes as detailed in this draft amendment.

Ministerial Direction No. 19 on the preparation and content of amendments that may significantly impact the environment, amenity and human health

The amendment is unlikely to result in any negative impacts to human health and does not introduce sensitive land use development on contaminated land. The Environment Protection Authority (EPA) has been consulted in the preparation of this amendment to ensure that any impacts resulting from potential contaminated land waste disposal are managed accordingly.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports or implements the State Planning Policy Framework and relevant adopted State policies. The amendment will contribute towards “*adaptation in response to changing technology*” and “*land use and transport integration*” (Clause 11). The project that is being facilitated by the amendment:

- Will facilitate sustainable development to take full advantage of existing settlement patterns and this investment in transport infrastructure and services (Clause 11 – Settlement). Bendigo is a major regional city and place of state significance, where investment and growth is to be focussed (Clause 11.01-1S – Settlement);
- Will support Bendigo as the regional city and the major population and economic growth hub for the Loddon Mallee South region (Clause 11.01-1R), as well as support the sustainable growth and expansion of smaller centres in proximity to Bendigo. Convenient access to jobs, services, infrastructure and community facilities will be improved for existing and future communities, within Bendigo and between smaller centres along the Bendigo and Echuca lines, as well as to Melbourne (Clause 11.01-1S – Settlement);
- Will help achieve the future transport directions on the Loddon Mallee South Regional Growth Plan (2014), particularly by strategically renewing and developing transport infrastructure to maximise opportunities to meet anticipated demand (Section 14.2);
- Will help to protect the health of ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values (Clause 12 – Environmental and Landscape Values) by locating the majority of development primarily within the existing rail reserve or other developed rail land. Existing native vegetation will be avoided as much as possible. Where impacts on native vegetation are unavoidable, these will be minimised and offsets will be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (Clause 12.01-2S);
- Will avoid or minimise environmental hazards, environmental degradation and amenity conflicts (Clause 13 – Environmental Risks and Amenity). This will be achieved by not detrimentally interfering with important natural processes and through relevant conditions in the incorporated document. The project will also be undertaken in accordance with environmental management conditions included in an Environmental Management Framework or similar;
- Will ensure minimum impact on downstream water quality or flow volumes where development will occur in areas subject to flooding, severe soil degradation, ground water salinity or geotechnical hazards (Clause 14.02-2S – Water quality). This will be achieved through relevant conditions in the incorporated document;
- Will ensure the conservation of any places of heritage significance that are located within the project area by retaining any elements that contribute to the importance of the heritage place and ensuring that new buildings and works respect places with identified heritage values (Clause 15.03-1S – Heritage conservation). This will be achieved through relevant conditions in the incorporated document. Approval will be obtained from Heritage Victoria if needed for any development within the site on the Victoria Heritage Register;
- Places of potential Aboriginal cultural heritage significance have been identified as part of the cultural heritage assessment undertaken in preparation of this amendment. The amendment does not negate the requirement to prepare a Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006 (Clause 15.03-2S – Aboriginal cultural heritage);
- Will help integrate new housing developments in Bendigo and other towns along the Bendigo and Echuca rail corridors are integrated with infrastructure and services (Clause 16.01-1S – Integrated housing);
- Will contribute to the economic wellbeing of the Bendigo and the Loddon Mallee South region and foster economic growth by facilitating decisions, so that the region may build on its strengths and achieve its economic potential (Clause 17 – Economic Development); and

- Will help provide an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe (Clause 18 – Transport). The project will improve connections of people to jobs and services and goods to market and will strengthen the connections of Bendigo and the Loddon Mallee South region to Melbourne (Clause 18.01-1S). The improved rail infrastructure will facilitate greater use of public transport and promote increased development close to high-quality public transport routes (Clause 18.02-2S); and
- Will enable the provision of this rail infrastructure to be efficient, equitable, accessible and timely (Clause 19 – Infrastructure). The project will assist in the efficient planning of the growth and redevelopment of Bendigo and the Loddon Mallee South region.

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

The amendment will facilitate the delivery of a project of significance to regional Victoria. In that context, the project will also support local planning policy, both through the delivery of improved public transport services and infrastructure at the completion of the project, and in the manner of its construction.

The Local Planning Policy Framework of the Greater Bendigo Planning Scheme identifies that the integration of land use and transport planning is a critical issue for Greater Bendigo (Clause 21.02-1). As such, Council will continue to advocate for improvements in public transport, including more frequent services, new stations and improved connections, enabling more people to easily access and use public transport (Clause 21.09-3).

More specifically, Council recognises that “*enhancements to the Bendigo line as part of the Regional Fast Rail Project will improve user safety and increase the accessibility of the Melbourne employment market for residents and have flow-on impacts for other parts of the economy such as tourism, industry and recreation*” (Clause 21.02-4).

Accordingly, one of the strategies in Clause 21.09-3 is to “*continue to implement the expansion of Bendigo Metro Rail, to improve services within Greater Bendigo*”.

The amendment is consistent with other relevant local policies, as the development that is facilitated by the amendment will be primarily located within the existing rail reserve or other developed rail land to:

- Avoid existing native vegetation as much as possible. Where impacts on native vegetation are unavoidable, design refinement processes have been undertaken to minimise impacts on these values (Clause 21.08-1);
- Avoid or minimise disturbance in areas susceptible to erosion. Works will be undertaken to minimise impacts on water quality (Clause 21.08-1);
- Preserve the natural function of floodplains and minimise disruption to flood water flows and the flood storage capacity of waterways (Clause 21.08-5); and
- Prevent impacts on any contributory heritage buildings and places. Any buildings and works in heritage areas will be sympathetic to the character and heritage values (Clause 21.08-4). Any identified Aboriginal cultural heritage values will be protected.

If the planning scheme includes a Municipal Planning Strategy, how does the amendment support or implement the Municipal Planning Strategy?

The Greater Bendigo Planning Scheme does not include a Municipal Planning Strategy.

Does the Amendment make proper use of the Victoria Planning Provisions?

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

- Using the provisions of Clause 45.12 Specific Controls Overlay and Clause 72.04 Documents Incorporated in this Planning Scheme to provide specific controls for the project, in accordance with the new Victoria Planning Provisions introduced via Amendment VC148; and

- Detailing the specific controls in the *Bendigo Signalling Upgrade Project Incorporated Document, June 2019*, which facilitates the use and development of land for the purposes of the project in accordance with certain conditions.

How does the Amendment address the views of any relevant agencies?

The views of the following agencies have been addressed by the amendment:

- Greater Bendigo City Council;
- Department of Environment, Land, Water and Planning;
- Transport for Victoria;
- Environment Protection Authority
- Country Fire Authority; and
- VicRoads.

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

The *Transport Integration Act 2010* requires interface bodies to have regard to the transport system objectives, the decision-making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

The amendment is necessary to facilitate the project which will provide a significant benefit to the transport system.

The transport objectives are set out in Part 2, Division 2 of the *Transport Integration Act 2010* and include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing.

The decision-making principles are set out in Part 2, Division 3 of the *Transport Integration Act 2010* and include the principles of integrated decision making, triple bottom line assessment, equity, transport system user perspective, precautionary principle, stakeholder engagement and community participation and transparency.

The amendment was prepared having regard to the transport system objectives and decision-making principles under the *Transport Integration Act 2010*. Regard has been given to the policy principles as follows:

- Social and economic inclusion: the project will support social and economic inclusion by improving frequency, punctuality and reliability of the Bendigo and Echuca lines, 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 Bendigo and Echuca lines, and improve public transport assets, which in turn will increase the reliability and punctuality for rail passengers and freight;
- Environmental sustainability: the project adheres to biodiversity principles to avoid, minimise and mitigate any environmental impacts. The project will be undertaken in accordance with environmental management conditions included in a Construction Management Plan or similar;
- Integration of transport and land use: the project is one of a number of major projects intended to transform Victoria's regional rail network. The draft 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 of regional Victoria;
- Efficiency, coordination and reliability: the draft amendment will facilitate efficient and effective delivery of the improved services on the Bendigo and Echuca lines;
- Safety and health and wellbeing: the project will be aligned with the principles of safety, performance of transport infrastructure, and promotion of safe user behaviour;
- Principle of integrated decision making: the project is the result of a coordinated process between RPV, local councils, landowners and other relevant agencies. The project is consistent with State

policy including the Regional Network Development Plan, *Plan Melbourne 2017-2050* and local policies;

- Principle of triple bottom line assessment: the economic, environmental and social costs and benefits of the project have been considered. The investigations undertaken for the project satisfy the principles of triple bottom line assessment;
- Principle of equity: the project will improve the operation of the transport system in regional Victoria and will cater for the needs of existing and future communities;
- Principle of the transport system user perspective: the project will improve accessibility, comfort and safety on the Bendigo and Echuca lines;
- Precautionary principle: the precautionary principle was implemented during the development of the project through technical investigations to avoid serious or irreversible damage to the environment;
- Principle of stakeholder engagement and community participation: the draft amendment is supported by a community and stakeholder engagement program which included consultation with local communities, councils and other key stakeholders; and
- Principle of transparency: the draft amendment is supported by a community and stakeholder engagement program which included consultation with local communities, councils and other key stakeholders.

Resource and administrative costs

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

The new planning provisions introduced by the amendment will not have a significant impact on the resources and administrative costs of the responsible authority. The draft Incorporated Document proposes that the Minister for Planning and/or the Secretary, Department of Environment, Land, Water and Planning, will approve any documents required by the conditions, however, Greater Bendigo City Council will remain the responsible authority for administration and enforcement of all planning matters under the Planning Scheme.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at City of Greater Bendigo Council – 15 Hopetoun Street, Bendigo.

The Amendment can also be inspected free of charge at the DELWP website at www.delwp.vic.gov.au/public-inspection.