

# **Bendigo Signalling Upgrade Project**

## **Incorporated Document**

June 2019

## **1 INTRODUCTION**

- 1.1 This document is an incorporated document in the Greater Bendigo Planning Scheme (planning scheme) and is made pursuant to section (6)(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 The land identified in Clause 3 may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3 The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

## **2 PURPOSE**

- 2.1 The purpose of the control in Clause 4 is to permit and facilitate the use and development of land described in Clause 3 for the purpose of the Bendigo Signalling Upgrade Project (project).
- 2.2 The project includes, but is not limited to, signalling upgrades, including construction of a combined service route (CSR) for signalling and communications and installation of Signal Equipment Room (SER) buildings.

## **3 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES**

- 3.1 The controls in this document applies to the land shown as Specific Controls Overlay (SCO1) on the planning scheme maps forming part of the planning scheme (project land).

## **4 CONTROL**

### **Exemption from planning scheme requirements**

- 4.1 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, restrict or regulate the use and development of the project land for the purpose of the project.
- 4.2 The use and development of the project land for the purposes of includes, but is not limited to:
  - 4.2.1 Use and development of the project land for a railway, including communications, signalling and electrical infrastructure, and all associated structures and roads.
  - 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 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, to alter drainage, services and utilities;
- ix. Temporary stockpiling of excavation material;
- x. Creating or altering access to a road in a Road Zone Category 1; and
- xi. Subdividing and consolidating land

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

## 5 CONDITIONS

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

### Environmental Management Framework

5.3 An Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with City of Greater Bendigo Council (Council).

5.4 The EMF must include:

- a) A set of Environmental Management Requirements that must be achieved during design and construction of the project 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.

### Vegetation clearing

5.5 The following vegetation must not be removed, damaged or lopped (unless otherwise agreed by the Minister, following consultation with Council):

- a) Where located within Heritage Overlay HO7 (Lake Weeroona Precinct);
  - b) Where located within Heritage Overlay HO8 (Market Place Precinct);
  - c) The Moreton Bay Figs (*Ficus macrophylla*), *Jubaea chilensis*, *Phoenix canariensis*, *Washingtonia robusta* and Deodar Cedar (*Cedrus deodara*) that are listed under Heritage Overlay HO189; and
  - d) The lemon scented gums (*Eucalyptus citriodora*) listed under Heritage Overlay HO325.
- 5.6 Vegetation must not be removed or damaged on land within Environmental Significance Overlay – Schedule 1 or the Salinity Management Overlay, unless agreed by the Secretary to the Department of Environment, Land, Water and Planning (DELWP). in consultation with the relevant catchment management authority.
- 5.7 Prior to removal of native vegetation (excluding native vegetation removed under Clause 6), 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 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 6.
- 5.8 Prior to removal of native vegetation (excluding native vegetation removed under Clause 6), 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.
- 5.9 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 5.8.
- 5.10 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).
- 5.11 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

### Watercourse protection

- 5.12 Prior to the commencement of buildings and works (excluding preparatory buildings and works under Clause 6 of this incorporated document) on project land affected by the Environmental Significance Overlay – Schedule 1, documentation must be prepared to the satisfaction of the Secretary to DELWP and in consultation with the relevant catchment management authority (except as otherwise agreed by the Secretary to DELWP). The documentation must include:
- a) Plans showing the location and design of the proposed buildings or works; and
  - b) An assessment of whether the location and design of the proposed buildings or works will adversely affect the environmental values of the relevant watercourses, in accordance with the requirements of Clause 42.01 of the planning scheme.
- 5.13 Condition 5.12 does not apply to buildings or works on existing watercourse crossings, including bridges and embankments.
- 5.14 Where undertaken on project land included in the Environmental Significance Overlay – Schedule 1, any significant earthworks within 100m of a waterway must be undertaken to the satisfaction of Goulburn-Murray Water.

### Floodway and inundation management

- 5.15 Where undertaken on project land included in the Land Subject to Inundation Overlay (LSIO) or Special Building Overlay (SBO), the following buildings and works should be undertaken to the satisfaction of the relevant floodplain management authority.
- i. A new building with a floor area greater than 10sqm;
  - ii. Roadworks, driveways or pathways that result in more than a 50mm change to existing ground levels; and
  - iii. Any linear works (e.g. laying underground cabling) that alter the topography of the land.

### Heritage

- 5.16 The following buildings and works must be undertaken to the satisfaction of the Minister (except as otherwise agreed by the Minister):
- 5.16.1 For all project land affected by a Heritage Overlay (excluding HO5 and HO30):
- i. Demolition or removal of buildings and works that are specifically listed under a Heritage Overlay;
  - ii. Buildings greater than 10sqm; and
  - iii. Works greater than 0.5m above existing ground level; and

5.16.2 In addition, for project land affected by HO186, HO189, HO197, HO237, HO325, HO355, HO457, HO602, HO616, HO617, HO618, HO619, HO620, HO621, HO622 and HO623:

i. Buildings or works on the heritage significant building or structure.

5.17 Prior to the commencement of the buildings and works specified in Condition 5.16, documentation must be prepared in consultation with Council and to the satisfaction of the Minister (except as otherwise agreed by the Minister). The documentation must include:

- Plans showing the location and design of the proposed buildings or works; and
- An assessment of whether the location and design of the proposed buildings or works will adversely affect the significance, character or appearance of the heritage place, in accordance with the requirements of Clause 22.06 of the planning scheme.

5.18 Clause 5.16 does not apply to project land affected by a Heritage Overlay and which is also included on the Victorian Heritage Register.

#### Creating or altering access to roads

5.19 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

5.20 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* or on land owned by the Roads Corporation for the purpose of a road.

#### Other conditions

5.21 Unless otherwise stated, conditions set out in Clause 5 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 6). 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.

5.22 The documentation required under Clause 5 may be amended from time to time to the satisfaction of the Minister or relevant approving authority (unless otherwise agreed by the Minister or the relevant approving authority).

5.23 In deciding whether documentation is satisfactory or whether to consent to an amendment to documentation, the Minister or relevant approving authority may seek the views of Council or any other relevant authority.

5.24 The use and development of the project land must be undertaken in accordance with this document and the approved documentation.

## 6 Preparatory buildings and works

6.1 Preparatory buildings and works may commence on the project land before the conditions set out in Clause 5 are satisfied.

6.2 Preparatory buildings and works include but are not limited to:

- a) Demolition and removal of buildings and works, except where specifically listed under a Heritage Overlay;
- b) Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the planning scheme;
- c) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys;
- d) Construction and use of access points and working platforms;
- e) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas;
- f) Construction, protection, modification, removal or relocation of existing utility services, rail signaling, overhead and associated rail infrastructure;
- g) Establishment of environment and traffic controls, including designated 'no-go' zones;
- h) Establishment of temporary car parking;
- i) Removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory buildings and works;
- j) 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 pursuant to the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Parties;
- k) Site excavation and disposal of soil off site as required;
- l) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with any approved plan prepared for the project as pursuant to the *Heritage Act 2017*;
- m) 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 DELWP; and
- k) Any other buildings or works that the Minister confirms in writing are preparatory buildings or works for the project.

- 6.3 Prior to the removal of native vegetation under Clause 6, 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.
- 6.4 The biodiversity impacts from the removal of native vegetation under Clause 6 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.8.

## **7 EXPIRY**

- 7.1 The control in this document expires if any of the following circumstances apply:
- a) The use and development permitted by this incorporated document, including preparatory buildings and works, is not started by **30 November 2022**; and
  - b) The use and development permitted by this incorporated document is not completed by **30 November 2032**.
- 7.2 The Minister may extend these periods if a request is made in writing before the expiry date or within three months afterwards.