

HUME PLANNING SCHEME
WHITTLESEA PLANNING SCHEME
MITCHELL PLANNING SCHEME
STRATHBOGIE PLANNING SCHEME
GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT GC135

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 municipalities of Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton, which will be used and developed for the Shepparton Line Upgrade (“the Project”) as shown in Attachment 1.

Generally, the Project comprises:

City of Hume

- Level crossing upgrades south of Donnybrook

City of Whittlesea

- Level crossing upgrades between Donnybrook and Beveridge

Shire of Mitchell

- Level crossing upgrades between Beveridge and Mangalore

Shire of Strathbogie

- Level crossing upgrades between Mangalore and Warring

- Platform extension and minor station upgrades at Nagambie

City of Greater Shepparton

- Level crossing upgrades between Warring and Shepparton
- New crossing loop at Murchison East
- Platform extensions and minor station upgrades at Murchison East and Mooroopna

What the amendment does?

The amendment introduces an incorporated document to facilitate the use and development of land for the purpose of the Project.

Specifically, the amendment changes the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes (“the Planning Schemes”) to:

- Insert Clause 45.12 Specific Controls Overlay (SCO) into the Mitchell, Strathbogie and Greater Shepparton Planning Schemes.
- Introduce the Schedule to Clause 45.12 SCO into the Mitchell, Strathbogie and Greater Shepparton Planning Schemes, to allow the use and development of land for the Shepparton Line Upgrade in accordance with the specific controls in the ‘*Shepparton Line Upgrade Incorporated Document, October 2019*’ (Incorporated Document).
- Amend the Schedule to Clause 45.12 SCO in the Hume and Whittlesea Planning Schemes to allow the use and development of land for the Shepparton Line Upgrade in accordance with the specific controls in the Incorporated Document.
- Amend the Clause 72.04 (Documents incorporated in this Planning Scheme) in the Planning Schemes to insert an Incorporated Document titled ‘*Shepparton Line Upgrade Incorporated Document, October 2019*’.
- Amend the Schedule to 72.03 (What does the planning scheme consist of?) to insert Planning Scheme Maps of Hume (Mapping reference), Whittlesea (Mapping reference), Mitchell (Mapping reference), Strathbogie (Mapping reference) and Greater Shepparton (Mapping reference) Planning Schemes.

Strategic assessment of the Amendment

Why is the Amendment required?

The Regional Rail Revival (RRR) program is a joint initiative of the Federal and Victorian state governments and will improve the rail public transport services and amenities for regional communities across every regional passenger rail corridor in the state. The upgrades include new platforms, enhancements to station amenities, and will improve rail-based public transport services across the Victorian regional rail network.

The upgrades will provide more frequent and reliable train services that are resilient for future growth of passenger and freight demands. This allows the regional communities to be better connected to other townships and Melbourne, creating improved opportunities for regional Victorians to access jobs, education, healthcare, and affordable housing.

As part of the RRR program, the Shepparton Line Upgrade (the Project) has been developed to address capacity constraints on the Shepparton line. This package will deliver a more reliable train service, enabling VLOCITY trains to run to and from Shepparton for the first time.

An amendment to the Planning Schemes is required to allow the use and development of land for the Project by way of an Incorporated Document.

An amendment will address several planning triggers related to use and development, native vegetation removal and enable development under the Planning Schemes, in a streamlined and coordinated way.

The Project is supported at all levels of government and is seen as a key railway to be upgraded to enable operations with greater reliability and safety that will provide passengers with a VLOCITY train service between Melbourne and Shepparton.

The amendment allows for the use and development of land for the purposes of the Project in accordance with the ‘*Shepparton Line Upgrade Incorporated Document, October 2019*’.

How does the amendment implement the objectives of planning in Victoria and address any environmental, social and economic effects?

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 Melbourne'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 framework and environmental management framework prepared to the satisfaction of the Minister for Planning.

Environmental

The potential environmental effects of the project have been considered through a number of specialist assessments including terrestrial and aquatic ecology, historic and Aboriginal cultural heritage, operational noise and land contamination. These specialist assessments informed the project design and preparation of the amendment.

An Environmental Management Framework (EMF) with Environmental Management Requirements (EMRs) will govern the management of risks by the delivery partner in a transparent and integrated approach. The specific requirements of the EMF will be embedded in the contractual arrangements for construction of the project but the EMF will provide a framework with clear accountabilities for managing environmental effects during the construction phase (such as noise, air quality, traffic management and water quality).

The incorporated document also includes conditions relating to the provision of native vegetation offsets, flood management, heritage management and preparatory buildings and works.

Social

The Project will increase the reliability, accessibility and safety of the Shepparton line. The platform extensions and level crossing upgrades are required in preparation for VLocity trains to run between Melbourne and Shepparton for the first time. The Shepparton line will be safer for passengers and road users with the upgrades to level crossings with new train detection services and boom gates being installed as part of the upgrades. New disabled parking and lighting at train stations along the line will increase accessibility and safety for passengers.

Economic

The Project will allow greater access to jobs, particularly at local towns along the rail corridor, and more efficient movement of goods, improving economic opportunities for the local population and helping to grow local economies. The Project will enable a more reliable train service between Melbourne and Shepparton for passengers.

Does the Amendment address relevant bushfire risk?

The amendment is unlikely to pose risk of bushfire to the community, infrastructure or the environment. The majority of the Project land is located within a designated bushfire prone area, however the proposed buildings and works associated with Railway do not trigger planning approval 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.

RPV has elected to include a Bushfire Management Plan (or equivalent procedure, plan/ sub-plan) in the EMF, which will be submitted for approval by the Minister for Planning.

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
- 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 north-east 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 – Ministerial Direction 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) will be 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 Planning Policy Framework and any adopted State policy?

The planning scheme amendment supports the relevant Planning Policy Framework clauses, which are the following:

- Clause 11.01-1S (Settlement) and Clause 11.01-1R (Settlement- Hume): The Project will support the transport network connections between regional cities and Melbourne and supporting the development of regional cities in Hume such as Shepparton and Seymour.
- Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-2S (Native vegetation management): The Project is consistent with three-step approach to vegetation removal to avoid, minimise and offset as per the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) and other relevant policy documents and guidelines.
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands): Ecology and cultural heritage assessments have been undertaken of the rivers, waterways and wetlands within the Project area to ensure protection of the environmental, cultural and landscape values of all water bodies and wetlands.
- Clause 13 (Environmental Risks and Amenity): The Project will support this clause with the development of an EMF to implement environmental management and risk management approaches. Management plans or assessments are required to be produced prior to works for a range of environmental hazards and potential hazards and changes. These measures address Clause 13.01 (Climate Change Impacts), Clause 13.02 (Bushfire), Clause 13.03 (Floodplain), Clause 13.04 (Soil Degradation), Clause 13.04-1S (Contaminated and Potentially Contaminated Land), and Clause 13.05-1S (Noise abatement).

- Clause 15 (Built Environment and Heritage): The upgrades to station platforms and railway station infrastructure will deliver functional, accessible, and safe public transport interchange points and will increase the safety of level crossings along the Shepparton line.
- Clause 15.03 (Heritage): RPV has assessed and produced mitigation measures to protect places and sites with significant heritage and cultural significance. Clause 15.03-1S (Heritage conservation) and Aboriginal cultural heritage (Clause 15.03-2S) are met as the Project ensures conservation of places of heritage significance and will identify, assess and document places of Aboriginal cultural heritage significance, pursuant to the *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* respectively. Three Cultural Heritage Management Plans (CHMP) are being prepared for the Project in line with the *Aboriginal Heritage Regulations 2018*.
- Clause 18 (Transport), Clause 18.01-1S (Land use and transport planning), Clause 18.01-1S (Public Transport): The Project will contribute to an integrated and sustainable transport system that provides access to social and economic opportunities. The Project will strengthen the public transport connections between Melbourne and the Hume region in order to increase mobility of the community.
- Clause 19 (Infrastructure); Clause 19.03-2S (Infrastructure design and provision): The facilitation of the Project as part of the Regional Rail Revival program by a PSA aims to provide the timely, efficient and cost-effective development infrastructure that meets the needs of local and regional communities.

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 policies, 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 Frameworks, including the Municipal Strategic Statements for each municipality, contain broadly consistent planning frameworks relevant to the Project directed to encouraging improvements in transport infrastructure, increasing public transport options and services, increasing access to jobs and services, and protecting heritage and biodiversity values.

Hume Planning Scheme

Clause 21.07 (Transport Connectivity and Infrastructure): The Project will increase the safety and reliability of the Shepparton line which will have benefits to the health and well-being of the community, the environment and businesses in Hume.

Clause 21.08 (Natural Environment and Environmental Risk): The Project has been designed to minimise impacts to native vegetation where possible. All native vegetation removal will be undertaken in line with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).

Whittlesea Planning Scheme

Clause 21.05 (Environmental and Landscape Values): The Project has been designed to minimise impacts to native vegetation where possible. All native vegetation removal will be undertaken in line with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).

Clause 21.08 (Built Environment and Heritage), 22.04 (Heritage Conservation Policy): The Project ensures that historic and Aboriginal cultural heritage places are recognised, and impacts avoided or minimised appropriately.

Clause 21.11 (Transport): The Project will support the efficient, accessible and safe provision of public transport within the region. The infrastructure has been designed to minimise the impact of rail infrastructure on native vegetation and the natural environment.

Mitchell Planning Scheme

Clause 21.03 (Environmental and Landscape Values): The Project has been designed to minimise impacts to native vegetation where possible. All native vegetation removal will be undertaken in line with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).

Clause 21.06 (Built Environment and Heritage): The Project ensures that historic and aboriginal cultural heritage places are recognised, and impacts avoided or minimised appropriately.

Strathbogie Planning Scheme

Clause 21.04 (Sustainable Environment): The Project has been designed to minimise impact on the natural and historical environment. Ecological and historical assessment have been undertaken to determine the impact of the Project. An EMF will be utilised to provide measures to address identified environmental, heritage and flood risks during construction and operation.

Clause 21.07 (Sustainable Infrastructure): The Project will support the improvement of the public transport network in Strathbogie. The level crossing upgrades and minor station upgrade in the region will make the transport system safer and more accessible. The level crossing upgrades will also improve the punctuality of train services in the Strathbogie region along the Shepparton line.

Greater Shepparton Planning Scheme

Clause 21.05 (Environment): The Project has been designed to minimise impact on the natural and historical environment. Ecological and historical assessment have been undertaken to determine the impact of the Project. An EMF will be utilised to provide measures to address identified environmental, heritage and flood risks during construction and operation.

Clause 21.07 (Infrastructure): The Project will provide infrastructure to create a safer and more accessible transport system within the region. The Project will improve the punctuality of the train service between Melbourne and Shepparton.

How does the amendment support or implement the Municipal Planning Strategy (MPS)?

No Municipal Planning Strategy (MPS) is imbedded within the Hume, Whittlesea, Mitchell, Strathbogie or Greater Shepparton Planning Schemes.

This PSA does not purpose to implement an MPS.

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

The amendment uses 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.

The specific controls are detailed in the *Shepparton Line Upgrade Incorporated Document, October 2019* which facilitates the use and development of land for the purposes of the Project in accordance with conditions in the incorporated document.

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

An engagement program is being undertaken with the following relevant stakeholders and agencies from May 2019 to July 2019:

- City of Hume
- City of Whittlesea
- Shire of Mitchell
- Shire of Strathbogie
- City of Greater Shepparton
- Department of Transport
- VicRoads
- Department of Environment, Land, Water and Planning
- Country Fire Authority
- Goulburn Broken Catchment Management Authority
- Yarra Valley Water
- Environment Protection Authority

The amendment will address the views of the relevant key stakeholder and agencies.

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 these matters as follows:

- Social and economic inclusion: the Project will support social and economic inclusion by improving punctuality and reliability of the Shepparton 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 improving public transport assets, which in turn will increase the reliability and punctuality for rail passengers.
- Environmental sustainability: The Project adheres to biodiversity principles to avoid, minimise and mitigate any environmental impacts. The Project will be designed and constructed in accordance with an EMF that is a requirement of the draft Incorporated Document and will be approved by the Minister for Planning
- 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 Shepparton line.
- 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. Train detection upgrades at level crossings along the line will improve safety for motorists, pedestrians and trains.
- 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, safety, reliability and punctuality of train services on the Shepparton line.

- 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 such as Registered Aboriginal Parties for the relevant areas.
- Principle of transparency: the draft PSA is supported by a community and stakeholder engagement program which included consultation with local communities, councils and other key stakeholders.

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 authorities. The draft incorporated document requires the Minister for Planning to approve any documents required by the conditions, however the councils remain responsible authorities for administration and enforcement of all planning matters under the Planning Schemes.

Where you may inspect this Amendment

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

Hume City Council

1079 Pascoe Vale Road, Broadmeadows VIC 3047

Whittlesea City Council

25 Ferres Boulevard, South Morang VIC 3752

Mitchell Shire Council

113 High Street, Broadford VIC 3658

Strathbogie Shire Council

109A Binney Street, Euroa VIC 3666

Greater Shepparton City Council

90 Welsford Street, Shepparton VIC 3630

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.