

BAW BAW PLANNING SCHEME

CARDINIA PLANNING SCHEME

LATROBE PLANNING SCHEME

AMENDMENT GC124

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.

Land affected by the amendment

The amendment applies to land in the municipalities of Baw Baw, Cardinia and Latrobe, which will be used and developed for the Gippsland Line Upgrade Corridor Works (the project), as shown in Figure 1 (see below).



Figure 1. Scope Summary of the Gippsland Line Upgrade – Corridor Works

The project includes but is not limited to:

- Duplicating track between Bunyip and Longwarry, and a section immediately east and west of Morwell station.
- Additional platforms and railway station upgrades at Bunyip, Longwarry, Morwell and Traralgon.
- Signalling upgrades along the corridor.

- Level crossing upgrades between Pakenham and Traralgon.
- Drainage structure upgrades at Morwell River.
- Ancillary activities associated with the primary construction including the relocation or installation of utilities and road and rail infrastructure and the establishment of Secondary Construction Areas for temporary construction purposes and to store materials and vehicles.

What the amendment does

The amendment makes changes to:

- Insert Clause 45.12 (Specific Controls Overlay (SCO) into the Baw Baw and Latrobe Planning Schemes.
- Introduce the Schedule to Clause 45.12 (SCO) into the Baw Baw and Latrobe Planning Schemes, to allow the use and development of land for the Gippsland Line Upgrade Corridor Works in accordance with the specific controls in the *Gippsland Line Upgrade – Corridor Works Incorporated Document, July 2019* (incorporated document).
- Amend the Schedule to Clause 45.12 (SCO) in the Cardinia Planning Scheme to allow the use and development of land for the Gippsland Line Upgrade Corridor Works in accordance with the specific controls in the incorporated document.
- Amend the Schedule to Clause 72.03, to insert Planning Scheme Maps of Baw Baw (SCO1), Cardinia (SCO2) and Latrobe (SCO1) Planning Schemes.
- Amend Clause 72.04 (Documents incorporated in this Planning Scheme) in the Baw Baw, Cardinia and Latrobe Planning Schemes to insert an incorporated document titled *Gippsland Line Upgrade – Corridor Works Incorporated Document, July 2019*.

Strategic assessment of the amendment

Why is the amendment required?

This amendment is required to facilitate the timely, coordinated and consistent delivery of the Gippsland Line Upgrade Corridor Works (the project).

The Gippsland Line Upgrade is being delivered in stages, generally defined as:

- Gippsland Line Upgrade Corridor Works (the project), and the
- Avon River Bridge Upgrade (planning scheme amendment C105well to the Wellington Planning Scheme) (C105well).

The \$1.75 billion Regional Rail Revival program is a joint initiative of the Australian and Victorian governments and will upgrade stations, signalling and track state wide. The \$530 million Gippsland Line Upgrade is a package of works included in the Regional Rail Revival and will deliver improved train services to the growing communities of Gippsland. RPV is responsible for the planning and implementation of the program on behalf of the State Government of Victoria.

An amendment to the relevant Planning Schemes is required to allow the use and development of land in the Project Land for the purposes of the project in accordance with the *Gippsland Line Upgrade – Corridor Works Incorporated Document, July 2019*. An amendment will address several planning triggers related to use and development, native vegetation removal and enable development where it would be otherwise prohibited under the Planning Scheme, in a streamlined and coordinated way.

The Gippsland Line Upgrade has been declared and the Minister for Transport appointed as the Project Minister under the *Major Transport Projects Facilitation Act 2009* (MTPF Act) (other than under Parts 3 and 8). The delivery powers of the MTPF Act will allow access and works on roads,

land acquisition and temporary occupation for the project. Declaration of the project under the MTPF Act further supports the significance of the project and the case for planning approval to be provided through a specific incorporated document.

The incorporated document '*Gippsland Line Upgrade – Corridor Works Incorporated Document, July 2019*' identifies a number of documents within the conditions that are required to be prepared to the satisfaction of the Minister for Planning or relevant agency prior to the commencement of project use and development.

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

This amendment meets and will assist with the implementation of the following relevant objectives set out in section 4(1) of the *Planning and Environment Act 1987* (Vic):

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

The amendment facilitates the delivery of a project that will ensure much needed extra services are provided on the Gippsland line and improve the capacity, reliability and efficiency of Victoria's regional transport network.

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.

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

Environment

Site specific investigations and targeted ecological surveys have been undertaken to understand the potential environmental impacts of the project. Impact assessments have outlined the minimum management standards to be achieved during design and construction. An Environmental Management Framework (EMF) with Environmental Management Requirements (EMRs) will manage risks in a transparent and integrated approach. This includes the planning, environmental and heritage aspects of design and construction. The preparation of the EMF is a requirement of the incorporated document, introducing a framework to manage and mitigate impacts of the project.

Social

Gippsland railway line will allow for a train to operate at least every 40 minutes between the morning and afternoon peaks on weekdays. Therefore, the Gippsland line will be able to operate with greater frequency across passenger and freight services. Upgrades will also allow for more reliable services, as well as services to recover more quickly from unexpected delays. VLocity trains will be able to operate from Melbourne to Bairnsdale. There will be better stations, and improved train detection at level crossings increasing safety for motorists and train 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 increased frequency of passenger services will allow for greater connectivity of regional towns to city and rural city centre, such as Melbourne and Latrobe cities.

Does the amendment address relevant bushfire risk?

Bushfire Management Overlays (BMO) apply to the project in a number of locations within the Project Land across all four municipalities. The project does not trigger approval under the BMO planning controls however, the project is located in areas that are prone to bushfires, or areas that have the potential for bushfires to occur. Because of this potential risk, a Bushfire Management Plan (or equivalent, procedure, plan/ sub-plan) will be prepared as prescribed in the EMF, under a specific EMR for 'Bushfire'. The objective of this plan is to identify that the project will not contribute to an increased bushfire risk to property, community infrastructure, natural environment, or life. The plan is to be developed in consultation with the Country Fire Authority.

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

The amendment complies with the requirements of the Ministerial Directions as pursuant to the *Planning and Environment Act 1987*. The amendment is consistent with the following:

- Ministerial Direction on the Form and Content of Planning Schemes, as per section 7(5) of the *Planning and Environment Act 1987*.
- Ministerial Directions of the duties and powers of planning authorities in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions, as per section 12(2)(a) of the *Planning and Environment Act 1987*.
- Ministerial Direction No. 11 – Strategic Assessment of Amendments ensuring that the amendment ensure a comprehensive strategic evaluation of the amendment and the outcome of the amendment as detailed in this amendment.

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

The amendment supports the Planning Policy Framework as follows:

- Settlement (Clause 11.01) and Settlement – Gippsland (Clause 11.01-1R): The project will provide better access and increased services of rail public transport on the Gippsland line for existing and future communities. Many regional centres, including Latrobe City will benefit from this project, while supporting growth opportunities within regional townships by responding to increased demand on services.
- Biodiversity (Clause 12.01), Protection of biodiversity (Clause 12.01-1S): The project is consistent with vegetation removal principles 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.
- Water bodies and Wetlands (Clause 12.03), River corridors, waterways, lakes and wetlands (Clause 12.03-1S): Cultural heritage and ecological assessments of water bodies and wetlands have been undertaken and identified environmental mitigation measures that have been included within the EMF. This will ensure the protection and enhancement of the environmental, cultural and landscape values of watercourses.
- Significant Environments and Landscapes (Clause 12.05), Environmentally sensitive areas (Clause 12.05-1S): The project has mitigation measures to ensure there will be no impacts to either the Gippsland Lakes or Western Port Bay.
- Environmental Risks and Amenity (Clause 13) is upheld by the project with the development of an Environmental Management Framework 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 Climate Change Impacts (Clause 13.01), Bushfire (Clause 13.02),

Floodplain (Clause 13.03), Soil Degradation (Clause 13.04), Contaminated and Potentially Contaminated Land (Clause 13.04-1S), and Noise abatement (Clause 13.05-1S).

- Built Environment and Heritage (Clause 15): The upgrades to station platforms and railway station infrastructure will deliver functional, accessible, and safe public transport interchange points.
- Energy and resource efficiency (Clause 15.02-1S) is a consideration for built form upgrades, such as at stations to incorporate sustainable initiatives, including energy efficient LED lighting.
- Heritage (Clause 15.03): The project has assessed and produced mitigation measures to protect places and sites with significant heritage and cultural significance. Heritage conservation (Clause 15.03-1S) 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* retrospectively.
- Transport (Clause 18): Land use and transport planning (Clause 18.01-1S), Transport system – Gippsland (Clause 18-01-2R), Public Transport (Clause 18.02-2S), Car parking (Clause 18.02-4S) and Freight links – Gippsland (Clause 18.05-1R): The project will contribute to an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and coordinates reliable movement of people and goods. The project considers transport connectivity in Gippsland between both rail and road at growing towns and cities of the region. Carparking is being upgraded at stations to accommodate commuter needs. The project will improve rail freight connections to logistic precincts (Morwell and Bairnsdale).
- Infrastructure (Clause 19); Infrastructure design and provision (Clause 19.03-2S): The facilitation of the project as part of the Regional Rail Revival program by a planning scheme amendment aims to provide the timely, efficient and cost-effective development infrastructure that meets the needs of the community.

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

The amendment is consistent with the Local Planning Policy Framework within the Baw Baw, Cardinia and Latrobe Planning Schemes. The amendment supports the Planning Policy Frameworks as follows:

Baw Baw Planning Scheme:

- Natural Environment and Resource Management (Clause 21.06) has been addressed through ecological impact assessments and mitigation measures for state and federally protected biodiversity, water catchments, and soil quality that will or has the potential to be impacted.
- Transport and Infrastructure (Clause 21.08) vision is upheld by the project and the planning scheme amendment process as it improves the quality of residential and rural lifestyles and support economic development through the timely provision of infrastructure.
- Heritage (Clause 21.09) places, precincts or features that intersect with the Project Land (where temporary works will occur) will meet the objectives outlined within the planning scheme to conserve the distinctive and often unique heritage characteristics that contribute to the identity of communities within Baw Baw Shire and to the identity of the municipality as a whole.

Cardinia Planning Scheme:

- Environment (Clause 21.02) biodiversity objective are met by the project through the management and mitigation of environmental impacts as a result of the project through the EMF and relevant environmental approval requirements.
- Infrastructure (Clause 21.05) is supported by the project as it seeks to deliver the timely provision of infrastructure, and to maximise the opportunity for public transport services to be provided in a coordinated manner to meet the needs of existing and future residents.

- Particular Uses and Development (Clause 21.06) design and built form Objectives 1 and 2 to provides for a functional built environment, and promotes community and personal safety, to provide equity of access for people with disabilities to publicly accessible premises.

Latrobe Planning Scheme:

- Environmental and Landscape Values (Clause 21.03) is considered in this amendment by upgrades to provide more effective public transport, increasing access to services, social connections, recreation opportunities, education and employment. This is to be undertaken while maintaining natural ecosystems and biodiversity values. Sustainable aspects of the works are evident in the energy saving station upgrades within the project design to reduce energy consumption, in turn reducing operational energy consumption.
- Environmental Risk (Clause 21.04) seeks to address any environmental risk through the management and mitigation of environmental impacts within the EMF and relevant environmental approval requirements.
- Built Environment and Heritage (Clause 21.06) is supported by the project as it ensures that any historic and aboriginal cultural heritage places are recognised and impacts avoided or minimised appropriately.
- Economic Development (Clause 21.07) industry objective to promote increased rail use as a model for economic viability and sustainability as the project benefits will allow for increased movement of freight into Victoria's far east and Melbourne.
- Transport and Infrastructure (Clause 21.08) integrated transport network provides support for major rail infrastructure upgrades, which the project supports by allowing for major rail infrastructure upgrades between Latrobe Valley and Melbourne.

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

The use of an incorporated document for the delivery of State-significant rail infrastructure is considered to make proper use of the Victoria Planning Provisions.

This will be incorporated into the planning scheme through a Specific Control Overlay (introduced as part of Amendment VC148) to ensure these specific controls for the Gippsland Line Upgrade Corridor Works are readily identifiable.

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

The views of the following relevant agencies have been sought by Rail Projects Victoria. A program of engagement with stakeholders, local communities and train users commenced in early 2018. Since then, RPV has engaged with a range of stakeholders about the Gippsland Line Upgrade Corridor Works including:

- Aboriginal Victoria
- Baw Baw Shire Council
- Bunurong Land Council Aboriginal Corporation
- Cardinia Shire Council
- East and West Gippsland Catchment Management Authorities.
- DELWP
- Department of Transport
- Latrobe Valley Authority
- Regional Development Victoria
- Transport for Victoria

- V/Line
- VicTrack
- Gunaikurnai Land and Waters Aboriginal Corporation
- Heritage Victoria.

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 Gippsland 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 providing extra services on the Gippsland line, 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 designed and constructed in accordance with an Environmental Management Framework, which requires the preparation of a Construction Environmental Management Plan.
- 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 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 amendment will facilitate efficient and effective delivery of the improved services on the Gippsland 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.
- 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 Gippsland 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 amendment is supported by a community and stakeholder engagement program which included consultation with local communities, councils and other key stakeholders.
- Principle of transparency: the 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 authorities. The 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:

- Baw Baw Shire Council: Annex Building, 90 Smith Street, Warragul 3820
- Cardinia Shire Council: 20 Siding Avenue, Officer 3809
- Latrobe City Council: 141 Commercial Rd, Morwell 3840

The amendment can also be inspected free of charge at the DELWP website at <https://www.planning.vic.gov.au/public-inspection>