

WELLINGTON PLANNING SCHEME

AMENDMENT C105WELL

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, a project team within Major Transport Infrastructure Authority (MTIA), which is an administrative office in relation to the Department of Transport.

Land affected by the amendment

The amendment affects land in the Stratford township within the Shire of Wellington as shown on the map at Figure 1. The project land is required for construction and operation of the Gippsland Line Upgrade - Avon River Bridge Upgrade (project). The project land includes land within the existing Gippsland Line railway corridor, Crown land and some privately-owned land to the south of the Avon River. It extends approximately one kilometre to the south of the river and approximately one kilometre to the north of the river. The project land is required on either a temporary (i.e. construction area) or permanent basis (i.e. permanent infrastructure).

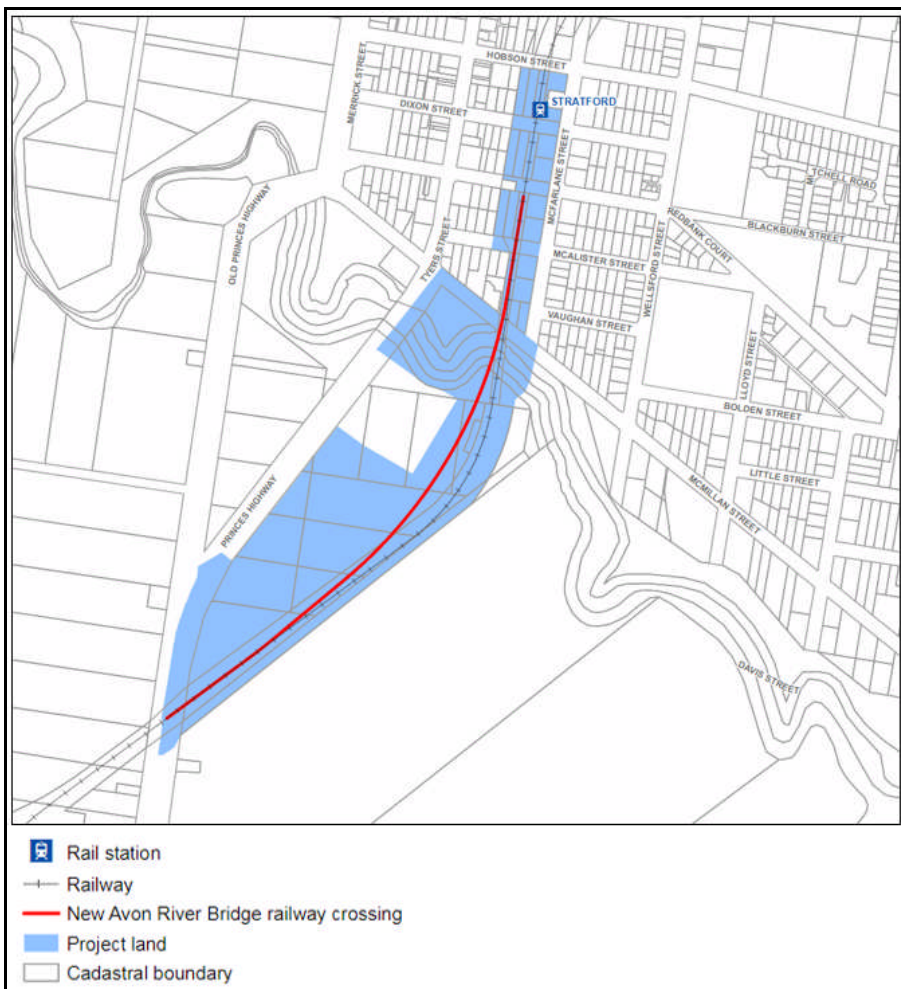


Figure 1. Gippsland Line Upgrade – Avon River Bridge Upgrade Project Land

The project includes:

- Construction of a new railway bridge at Avon River in Stratford, upstream of the existing railway bridge.
- Decommissioning of the existing railway bridge (disconnecting from the rail network).
- An upgrade of the McAlister Street level crossing to provide a pedestrian crossing and boom barriers.

What the amendment does

The amendment facilitates the delivery of the project. Specifically, the amendment:

- Inserts Clause 45.12 – Specific Controls Overlay (SCO) and the Schedule to Clause 45.12 into the Wellington Planning Scheme.
- Applies the Specific Controls Overlay (SCO1) to the project land to allow the use and development of the land for the project in accordance with the specific control in the *Gippsland Line Upgrade – Avon River Bridge Upgrade Incorporated Document, March 2019* (incorporated document).
- Inserts new planning scheme maps 59SCO, 61SCO and 75SCO into the Wellington Planning Scheme and amends the Schedule to Clause 72.03 (What does this planning scheme consist of?) accordingly.
- Amends the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to insert the incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The \$1.75 billion Regional Rail Revival program is a joint initiative of the Australian and Victorian governments which will deliver major upgrades to every regional passenger rail line in Victoria, including station, signalling and track upgrades.

The \$530 million Gippsland Line Upgrade is a key component of the Regional Rail Revival program which will deliver improved train services to the growing communities of Gippsland. The Gippsland Line Upgrade will be delivered in two stages:

- Avon River Bridge Upgrade (this amendment); and
- Gippsland Line Upgrade Corridor Works (corridor works).

The \$95 million Avon River Bridge Upgrade is the first stage of the Gippsland Line Upgrade. The new railway bridge will remove the current 10km/hr speed restriction affecting the existing bridge and allow trains to travel at a speed of up to 90km/hr, improve service reliability and overall journey times on the Gippsland line, improve passenger comfort, reduce maintenance costs, and increase opportunities for heavy freight to use the new railway bridge. The project will also improve safety at the McAlister Street level crossing.

The project land includes multiple parcels of land in different ownership and the planning controls affecting each parcel are varied. The amendment is required to:

- Facilitate the delivery of the project in a timely, coordinated and consistent manner.
- Facilitate a better environmental and planning outcome having regard to the project.
- Ensure the project can be planned with certainty and commence without delay.

The amendment allows the use and development of land for the project in accordance with the specific control in the incorporated document. The incorporated document includes conditions requiring matters to be done to the satisfaction of the Minister for Planning or other approving authority before development (other than preparatory buildings and works) can commence.

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:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) ...
- (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;*
- (f) ...
- (g) *To balance the present and future interests of all Victorians.*

The amendment facilitates the delivery of a project that will improve service reliability and overall journey times on the Gippsland line, improve passenger comfort, reduce maintenance costs, and increase opportunities for heavy freight to use the new railway bridge. The project will also improve safety at the McAlister Street level crossing. In facilitating the project, the amendment introduces a framework to ensure that environmental effects associated with the design and construction of the project are appropriately managed.

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

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, hydrology, operational noise, arboriculture and land contamination. These specialist assessments informed the project design and preparation of the amendment.

Environmental management for the project will be addressed through the preparation of an Environmental Management Framework (EMF). The EMF is a requirement of the incorporated document and will be prepared in consultation with the Wellington Shire Council and approved by the Minister for Planning. 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.

The project was referred to the Federal Minister for the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of the referral was to assess whether the project is likely to have a significant impact on a matter of national environmental significance. On 8 January 2019, it was determined that the proposal is not a controlled action and does not require further assessment and approval under the EPBC Act.

Social and economic

The project has been the subject of engagement with regulatory stakeholders, Wellington Shire Council, Registered Aboriginal Parties, community groups and the local community.

The project is expected to generate a range of positive social and economic effects including improved service reliability and overall journey times on the Gippsland line, improved passenger comfort, reduced maintenance costs and increased opportunities for heavy freight to use the new railway bridge. The project will also improve safety at the McAlister Street level crossing.

Does the amendment address relevant bushfire risk?

The project land is not affected by the Bushfire Management Overlay however parts of the project land are within a designated bushfire prone area. While the amendment is unlikely to result in an increased risk to life, property or the environment from bushfire, a Bushfire Risk Management Plan will be prepared as a sub-plan to the EMF to address any bushfire risks associated with the project. This plan (or similar) will be prepared in consultation with the Country Fire Authority.

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 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*.
- The amendment has been prepared having regard to Ministerial Direction No. 11 Strategic Assessment of Amendments as set out in this explanatory report.

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

The amendment supports or implements the Planning Policy Framework:

- The project future-proofs the rail infrastructure in Stratford and will contribute to improved transport services and connections in response to the existing and future needs of established settlements in the Gippsland region (Clause 11 – Settlement and Clause 11.01-1S – Settlement).
- The project delivers timely and accessible infrastructure to meet regional needs for transport consistent with Principle 4 of the Gippsland Regional Growth Plan (Clause 11.01-1R – Settlement – Gippsland).
- The incorporated document requires the preparation and approval of an EMF for the project that will provide a transparent and integrated framework with clear accountabilities for the management of environmental effects associated with the project. The EMF will include measures to manage environmental effects associated with biodiversity (Clause 12.01 – Biodiversity); water quality (Clause 12.03-1S – River corridors, waterways, lakes and wetlands); bushfire risk (Clause 13.02 – Bushfire); soil degradation (Clause 13.04 – Soil degradation); noise (Clause 13.05 – Noise); air quality (Clause 13.06 – Air quality); catchment management and water quality (Clause 14.02 – Water).
- The incorporated document includes conditions to ensure the project has regard to the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) (Clause 12.01-2S – Native vegetation management).
- The new railway bridge has been designed having regard to the natural flood carrying capacity of the Avon River and its environmental significance (Clause 13.03 – Floodplains and Clause 13.03-1S – Floodplain management). The proponent has engaged with the regional catchment management authority and the incorporated document includes a condition requiring buildings and works on land subject to flooding to be undertaken to the satisfaction of the relevant floodplain management authority.
- The existing Avon River Bridge has been included in the Victorian Heritage Register (VHR) based on its historical and architectural significance to the State of Victoria (Clause 15.03-1S – Heritage conservation). This decision means that any works within the registered extent of the place on the VHR will require consultation with Heritage Victoria and permits (or exemptions from permits) from Heritage Victoria in accordance with the *Heritage Act 1995*. Where, but for the incorporated document, a planning permit would be required under the planning scheme for development within a Heritage Overlay, site plans and elevations showing the extent of buildings and works must be prepared to the satisfaction of the Minister for Planning.
- The Avon River is identified as a place of Aboriginal cultural heritage significance (Clause 15.03-2S – Aboriginal cultural heritage). A Cultural Heritage Management Plan for the project was approved by the

Gunaikurnai Land and Waters Aboriginal Corporation on 15 January 2019 in accordance with the *Aboriginal Heritage Act 2006*.

- The project will contribute to improved access to social and economic opportunities, improved reliability and capacity for both passenger and freight services, and an improved transport system between Melbourne and the Gippsland region (Clause 18 – Transport).

The amendment also implements key priorities of the Victorian Government as set out in the Regional Network Development Plan and the Victorian Freight Plan.

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

The Local Planning Policy Framework, including the Municipal Strategic Statement, contains a broadly consistent planning framework relevant to the project that is directed to improving transport infrastructure and services; protecting heritage, environmental and landscape values; and managing flooding and water quality.

The relevant clauses of the Wellington Planning Scheme are:

- Clause 21.13 – Environment and landscape values
- Clause 21.14 – Environmental risk
- Clause 21.15 – Natural resource management
- Clause 21.16 – Built environment and heritage
- Clause 21.18 – Transport
- Clause 21.19 – Infrastructure
- Clause 22.01 – Special water supply catchment areas policy
- Clause 22.03 – Heritage policy

The amendment supports this planning framework through both the delivery of improved transport infrastructure at the completion of the project, and in the manner of its construction. More specifically, the incorporated document requires the preparation and approval of an Environmental Management Framework to manage the environmental effects of the project as far as practicable, while at the same time facilitating the project.

In addition, the Avon River is identified as a place of Aboriginal cultural heritage significance. A Cultural Heritage Management Plan for the project was approved by the Gunaikurnai Land and Waters Aboriginal Corporation on 15 January 2019 in accordance with the *Aboriginal Heritage Act 2006*.

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

The amendment makes proper use of the Victoria Planning Provisions.

The project is subject to multiple and uncoordinated requirements under various provisions of the Wellington Planning Scheme. The amendment will operate to exempt the project from the requirements of the planning scheme, and instead, incorporate a single, project-specific control into the planning scheme to facilitate the project.

Clause 45.12 (Specific Controls Overlay) allows land to be used or developed in accordance with a specific control contained in an incorporated document corresponding to that land. This includes allowing an otherwise prohibited use (Railway) within the Public Conservation and Resource Zone (PCRZ), which is considered acceptable as the railway already operates in the PCRZ (albeit to the south of the proposed new bridge).

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

The views of the following agencies were considered by RPV during the preparation of the amendment:

- Aboriginal Victoria
- Commonwealth Department of the Environment and Energy
- Department of Economic Development, Jobs, Transport and Resources
- Department of Environment, Land, Water and Planning
- Department of Justice and Regulation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Heritage Victoria
- Transport for Victoria
- VicRoads
- V/Line
- VicTrack
- Wellington Shire Council
- West Gippsland Regional Catchment Management Authority

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

The amendment facilitates a project that supports the objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the *Transport Integration Act 2010* as described below:

- **Social and economic inclusion:** The project will support social and economic inclusion by improving frequency, punctuality and reliability on the Gippsland rail line, thereby expanding opportunities for access to social and economic opportunities.
- **Economic prosperity:** The project will create jobs during construction, increase access to employment and economic opportunities by improving services on the Gippsland line, and improve rail infrastructure, which in turn increases reliability and capacity for passenger and freight services.
- **Environmental sustainability:** The project future-proofs rail infrastructure in Stratford and reduces expensive and ongoing maintenance issues associated with the existing railway bridge. The project will be designed and constructed in accordance with an Environmental Management Framework.
- **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 in the Gippsland region.
- **Efficiency, coordination and reliability:** The new railway bridge will improve rail infrastructure in Stratford, thereby, reducing maintenance costs, and improving service reliability and overall journey times on the Gippsland line.
- **Safety and health and wellbeing:** The new railway bridge and upgrade of the McAlister Street level crossing will contribute to improving the safety performance of the transport system.

The project has been the subject of a coordinated decision-making process between RPV, local council and other relevant agencies. It is consistent with State policy, including the Regional Network Development Plan and the Victorian Freight Plan, and the economic, environmental and social costs and benefits of the project have been considered in line with the principles of triple bottom-line assessment. The precautionary principle has been applied to the project through technical investigations to avoid, minimise and mitigate the environmental effects of the project.

The project will improve the operation of the transport system in this part of regional Victorian which will contribute to a better public transport experience for users particularly in terms of service reliability and overall journey times on the Gippsland line.

The amendment is supported by a community and stakeholder engagement program which includes consultation with the local community, council 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 are not expected to have a significant impact on the resource and administrative costs of the Minister for Planning or the responsible authority.

Where you may inspect this amendment

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

Wellington Shire Council
18 Desailly Street
Sale

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.