

# Werribee Street, Werribee Level Crossing Removal

**Incorporated Document**

---

**October 2019**

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## 1.0 INTRODUCTION

This document is an incorporated document in the City of Wyndham pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific control in Clause 4.0 of this document.

The control in this Incorporated Document prevails over any contrary or inconsistent provision in the planning scheme.

## 2.0 PURPOSE

The purpose of this Incorporated Document is to allow the use and development of land described in Clause 3.0 for the purposes of the Werribee Street, Werribee Level Crossing Removal (the **Project**).

## 3.0 LAND

This document applies to the land shown on the planning scheme maps as SCO3 in the Wyndham Planning Scheme (the **Project Land**).

## 4.0 CONTROL

### 4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary, or any inconsistent provision, in the Wyndham Planning Scheme (Planning Scheme), no planning permit is required for, and no provision in the planning schemes operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of, or related to, constructing, maintaining or operating the Project.

The use and development of the Project Land for the purposes of, or related to, the Project includes, but is not limited to, the following:

- a) Demolition, buildings and works for the removal of the level crossing at Werribee Street, Werribee where it crosses the Werribee rail line.
- b) Road and railway works, including but not limited to, works to facilitate the grade separation of rail and road infrastructure and provision of new rail and road infrastructure, relocation of utilities and installation of new utility infrastructure, earthworks, replacement of track infrastructure, access tracks, landscaping, vegetation removal and bicycle and pedestrian shared use paths
- c) Use of land for a railway, including railway tracks and associated communications, signaling and other rail related infrastructure.
- d) Use and development of the land for informal outdoor recreation
- e) Buildings and works to facilitate the development of new publicly accessible spaces and public realm improvements including, but not limited to, streetscape and landscape works and associated infrastructure.
- f) Creation and alteration of access to roads.
- g) Relocation of telecommunications infrastructure.
- h) Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.

- i) Bus stops, car parking, bicycle facilities, and loading and unloading facilities.
- j) Ancillary activities, preparatory and enabling works, including, but not limited to:
  - i) Creating and using lay down areas for construction purposes.
  - ii) Temporary stockpiling of excavation material for construction purposes.
  - iii) Constructing and using temporary site workshops and storage, staff car parking, administration and amenities buildings.
  - iv) Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead native vegetation.
  - v) Demolishing and removing buildings, structures, infrastructure and works.
  - vi) Relocating, modifying and upgrading services and utilities.
  - vii) Constructing fences, temporary site barriers and site security.
  - viii) Constructing or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, or drainage, or to excavate land salvage artefacts and alter drainage.
  - ix) Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways.
  - x) Creating or altering access to a road in a Road Zone, Category 1 or land in a Public Acquisition Overlay if the purpose of the acquisition is for a Category 1 road.
  - xi) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.
  - xii) Displaying construction, directional and identification signs.
  - xiii) Subdivision of land.

This control is subject to the conditions in section 4.2 of this Incorporated Document

## **4.2 CONDITIONS**

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

### Environmental Management Strategy

- 4.2.1 An Environmental Management Strategy (EMS) for the project must be prepared to the satisfaction of the Minister for Planning. The EMS must be prepared in consultation with Wyndham City Council. The EMS must include:
- a) A summary of key construction methodologies.
  - b) An overarching framework for site or work specific measures to reduce and manage environmental and amenity impacts and during construction of the Project.
  - c) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with Wyndham City Council, the community and other stakeholders during construction of the Project including enquiries and complaints management.

- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity impacts are reduced and managed during construction of the Project.

### Native Vegetation

- 4.2.2 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), 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 (Department of Environment, Land, Water and Planning (DELWP), December 2017) (Guidelines)* must be provided to the satisfaction of the Secretary to the 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 the clause below relating to preparatory buildings and works.
- 4.2.3 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), 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.
- 4.2.4 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in the clause above.
- 4.2.5 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)*.
- 4.2.6 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

### Creating and altering access to roads

- 4.2.7 Where, but for this Incorporated Document, an application to create or alter access to a road in a Road Zone, Category 1 would be referred to the Roads Corporation, the creation or alteration of access must be undertaken to the satisfaction of the Roads Corporation.

### Other conditions

- 4.2.8 Unless otherwise stated, the plans and other documents listed in Clause 4.2 must be approved prior to the commencement of works. Plans and other documents may be prepared and approved for separate components or stages of the Project, but each plan or other document must be approved before commencement of works for that component or stage.
- 4.2.9 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning may seek the views of the councils or any other relevant authority.

4.2.10 The use and development of the Project Land must be undertaken generally in accordance with the approved plans and documents.

## 5.0 PREPARATORY AND OTHER WORKS

The following buildings and works and uses may be undertaken before the plans and other documents listed in Clause 4.2 are approved:

- a) Preparatory buildings and works for the Project including, but not limited to:
- i) Works, including vegetation removal, where but for this incorporated document, a planning permit would not be required under the provisions of the Planning Scheme.
  - ii) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
  - iii) Creation and use of construction access points, accessways and working platforms.
  - iv) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
  - v) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
  - vi) Establishment of environment and traffic controls, including designation of 'no-go' zones.
  - vii) Establishment of temporary car parking.
  - viii) Demolition to the minimum extent necessary to enable preparatory works.
  - ix) Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with
    - (1) a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with the Act; or
    - (2) the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with the Act.
- b) The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works. Prior to the removal of native vegetation relating to preparatory buildings and works 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. The biodiversity impacts from the removal of native vegetation relating to preparatory buildings and works must be included in the total biodiversity impacts when determining the offset(s) in accordance with the 'native vegetation' clauses of this incorporated document.

## 6.0 EXPIRY

The control in this document expires if any of the following circumstances apply:

- The development allowed by the control is not started by 1 December 2023

- The development allowed by the control is not completed by 1 December 2026
- The use allowed by the controls is not started by 1 December 2026

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.