

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

**AMENDMENT GC174**

**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 relation to the Department of Transport (DoT).

**Land affected by the Amendment**

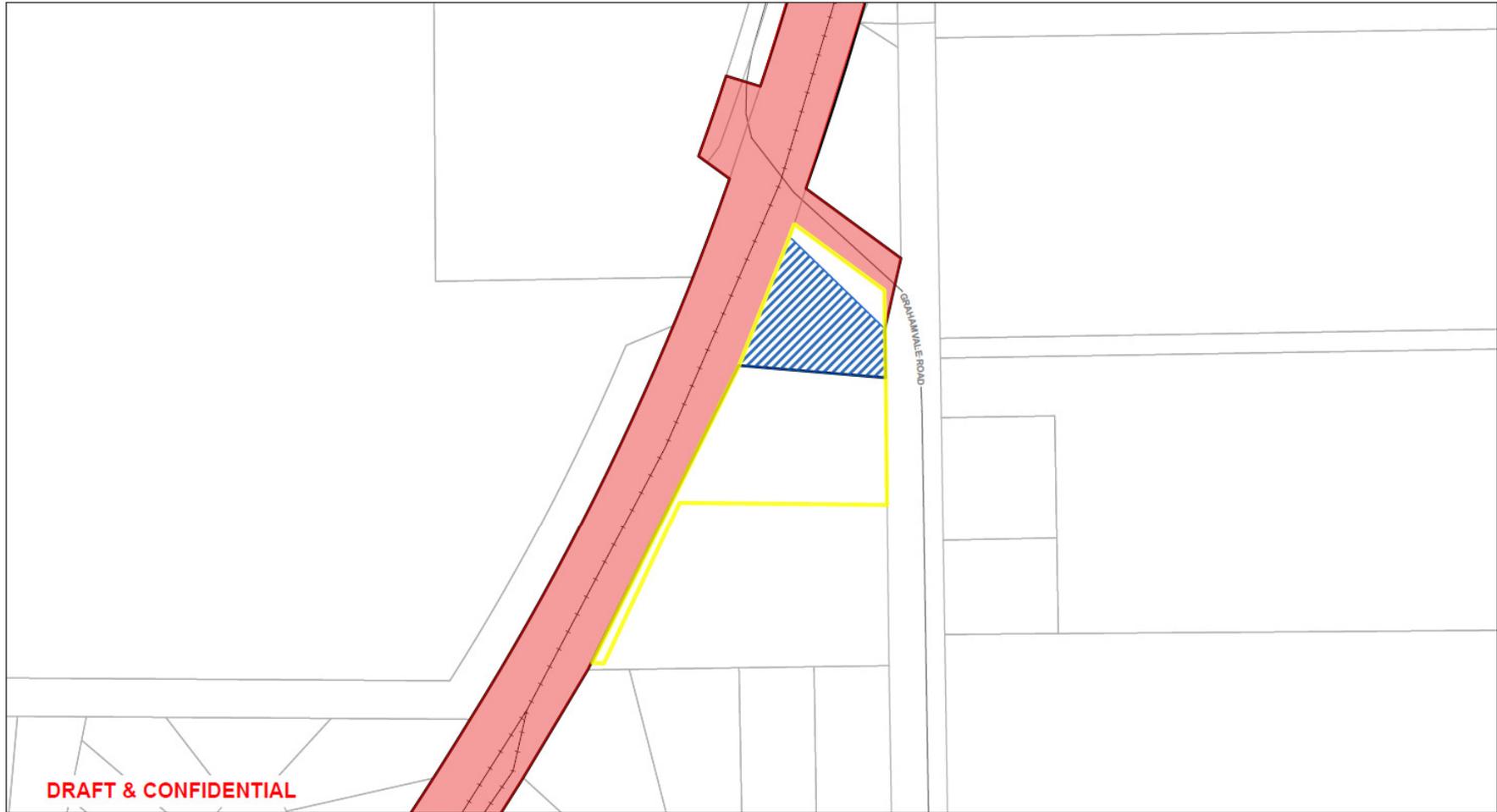
The amendment applies to land in the City of Greater Shepparton, which will be used and developed for the stabling component of the Shepparton Line Upgrade (“the Project”), as shown in Figure 1.

The Project comprises the construction of a new stabling facility to house VLocity trains near the McGill Street industrial precinct in Shepparton, which is required to enable VLocity trains to run to Shepparton. The new secured stabling facility will accommodate two six-car VLocity services. Specifically, the works include:

- Construction of two new stabling roads and associated track works;
- Refurbishment of the existing building on site as a staff amenities building;
- CCTV and lighting;
- Area for staff carparking;
- New maintenance access track;
- Provision for fuelling infrastructure; and
- Fencing and access footpaths.

Part of the adjoining property to the south will be required during construction to allow for laydown and associated construction activities. Vehicle access will temporarily be required to Grahamvale Road during construction.

The amendment also indirectly affects land in the relevant Specific Controls Overlay (SCO) in the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes by replacing the Incorporated Document which applies to that land, as discussed below.



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Figure 1- Project Land

## What the Amendment does?

The amendment replaces the Incorporated Document originally introduced as part of the corridor PSA GC135 (*Shepparton Line Upgrade Incorporated Document, April 2020*) with an updated Incorporated Document, to facilitate the development of land for the purpose of the Project.

Specifically, the amendment will:

- Amend the Schedule to Clause 45.12 Specific Controls Overlay (SCO) in the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes, to replace the Incorporated Document titled *Shepparton Line Upgrade Incorporated Document, April 2020* with *Shepparton Line Upgrade Incorporated Document, xxx 2020*.
- Amend Clause 72.04 (Documents incorporated in this Planning Scheme) in the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes to replace the Incorporated Document titled *Shepparton Line Upgrade Incorporated Document, April 2020* with *Shepparton Line Upgrade Incorporated Document, xxx 2020*.
- In the Greater Shepparton Planning Scheme, apply SCO 14 to the Project Land, by replacing the existing Map 11SCO with new Map 11SCO which includes the stabling land at 45 Grahamvale Road, Shepparton, and part of 35 Grahamvale Road, Shepparton for construction laydown.
- In the Greater Shepparton Planning Scheme, apply a Public Acquisition Overlay (PAO) to privately owned land at 45 Grahamvale Road, Shepparton, required for a new stabling facility to facilitate the acquisition of land.

## 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 public transport rail 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 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 has been developed to address capacity constraints on the Shepparton line. The upgrade comprises of two distinct elements: corridor works and a new stabling facility at Shepparton. The new stabling facility (the Project), which is the focus of this amendment, will deliver a more reliable train service, enabling VLocity trains to run to and from Shepparton for the first time by providing a secured facility for the storage of VLocity rolling stock at Shepparton.

An amendment to the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes is required to allow the development of land for the Project by replacing the Incorporated Document originally introduced as part of the corridor PSA GC135 (*Shepparton Line Upgrade Incorporated Document, April 2020*) with an updated Incorporated Document. Updating the Incorporated Document to include the stabling works means that both corridor and stabling elements of the Shepparton Line Upgrade are contained within one Incorporated Document, ensuring a transparent and streamlined approach.

A planning scheme amendment is required to apply a Public Acquisition Overlay (PAO) to land that is intended to be acquired for the Project. The PAO will designate the land for a public purpose and identify the relevant acquiring Minister or authority and is a requirement before land can be compulsorily acquired under the *Land Acquisition and Compensation Act 1986* (LACA).

It is noted that none of the conditions in the original Shepparton Line Upgrade Incorporated Document would be changed as a result of the proposed PSA GC174. The only substantive changes to the Incorporated Document would be to update Section 2 (Purpose) to include reference to the new stabling facility and to update Section 5 (Expiry) to reflect the later gazettal date of the PSA.

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.

### **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 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; 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 the following:

- Terrestrial and Aquatic Ecology Impact Assessment: No ecological constraints on the Grahamvale Road site (the Project Land).
- Noise Assessment: The Project has been assessed against the applicable requirements (Noise from Industry in Regional Victoria). Any exceedances which may impact nearby Noise Sensitive Areas would be addressed by a comprehensive mitigation program.
- Land Contamination: Site considered suitable for use as a stabling facility.

These specialist assessments informed the project design and preparation of the PSA.

An Environmental Management Framework (EMF) (required via condition 4.4 of the Incorporated Document) with Environmental Management Requirements (EMRs) will govern the management of risks by the delivery partner in a transparent and integrated approach. A single EMF will be used to manage the Shepparton Line Upgrade, covering both the corridor and stabling components. 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, traffic management and water quality).

#### Social

The Project will increase the reliability, accessibility and safety of the Shepparton line. A secured facility for the storage of VLocity rolling stock at Shepparton is required for VLocity trains to run between Melbourne and Shepparton for the first time.

#### 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 a risk of bushfire to the community, infrastructure or the environment. The Project Land is not located within a designated bushfire prone area. 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 to 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 Planning Strategy**

The purpose of this Direction is to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy, which is *Plan Melbourne 2017-2050*.

*Plan Melbourne 2017-2050* supports similar rail infrastructure projects as per the following directions:

- Direction 7.1 supports investment in regional Victoria to support housing and economic growth; and
- 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) has been consulted in the preparation of this amendment, and considers it acceptable.

### **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 transport network connections between regional cities and Melbourne, and support the development of regional cities in the Hume region such as Shepparton and Seymour.
- 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 railway infrastructure through the stabling works will help deliver functional, accessible, and safe public transport along the Shepparton line.
- 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 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.

With regard to the City of Greater Shepparton in particular (where the stabling component of the Shepparton Line Upgrade is to be located), the amendment supports the relevant Local Planning Policy Framework clauses of the Greater Shepparton Planning Scheme as follows:

- Clause 21.05 (Environment): The Project has been designed to minimise impact on the natural and historical environment. Ecological assessments have been undertaken to determine the impact of the Project, and the Project would not cause any impacts on ecologically sensitive areas. An EMF will be utilised to manage environmental outcomes.
- 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 reliability, accessibility and safety of train services 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 Greater Shepparton Planning Scheme. This PSA does not propose 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 Victoria Planning Provisions introduced via Amendment VC148.

The specific controls are detailed in the *Shepparton Line Upgrade Incorporated Document, xxx 2020* which facilitates the development of land for the purposes of the Project in accordance with conditions in the updated Incorporated Document.

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

An engagement program will be undertaken with the following relevant stakeholders and agencies from September 2020 to October 2020:

- The owners of the land to be acquired;
- Surrounding land owners and occupiers;
- City of Greater Shepparton;

- City of Hume;
- City of Whittlesea;
- Mitchell Shire Council;
- Strathbogie Shire Council;
- Department of Transport;
- VicRoads;
- Department of Environment, Land, Water and Planning; and
- Environment Protection Authority Victoria (EPA).

The amendment addresses the views of the relevant key stakeholder and agencies.

A broader consultation program for the Project has been undertaken to capture the views of stakeholders and the community.

### **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 the frequency, 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 providing extra services on the Shepparton line, and improve 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 which 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.
- 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 the local community, local councils and other key stakeholders.
- Principle of transparency: the draft PSA is supported by a community and stakeholder engagement program which included consultation with the local community, local 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 updated incorporated document requires the Minister for Planning to approve any documents required by the conditions, however the councils remain the responsible authorities for administration and enforcement of all planning matters under the Planning Schemes.