

Shepparton Line Upgrade

Incorporated Document

April ~~xxx~~ 2020

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Schemes (planning schemes) and is made pursuant to section (6)(2)(j) of the Planning and Environment Act 1987.
- 1.2 The land identified in Clause 3 of this document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3 The control in this document prevails over any contrary or inconsistent provision in the planning schemes.
- 1.4 Land uses in italics have the same meaning as in Clause 73.03 (Land Use Terms) of the relevant planning scheme.

2. PURPOSE

- 2.1 The purpose of the controls and conditions in Clause 4 is to permit and facilitate the use and development of the land described in Clause 3 for the Shepparton Line Upgrade (the project).
- 2.2 The project includes but is not limited to:
 - Signalling and associated rail infrastructure;
 - Platform extensions and minor station upgrades;
 - Level crossing upgrades; ~~and~~
 - New crossing loop infrastructure; ~~and~~
 - A new stabling facility at Shepparton.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The controls and conditions in this document apply to the land shown as Specific Controls Overlay (SCO14) in the Hume, Whittlesea, Mitchell, Strathbogie and Greater Shepparton Planning Scheme Maps (the Project Land).

4. CONTROL

Exemption from planning schemes requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning schemes, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate, the use and development of the Project Land for the purposes of the project.
- 4.2 The project includes, but is not limited to the items referred to in clause 2.2 above, as well as:
 - a) Use and development of the Project Land for *railway or railway station*, including railway infrastructure, road and signalling upgrades, level crossing upgrades, associated structures and roads.
 - b) Use and development of the Project Land for ancillary activities to the use and development described in Clause 4.2(a) including but not limited to:
 - i. Use and development of lay down areas for construction purposes.

- ii. Use and development of temporary site workshops, storage, administration and amenities buildings, vehicle parking areas and access roads.
 - iii. Constructing fences, temporary site barriers and site security.
 - iv. Displaying signs.
 - v. Removing, destroying and lopping trees and removing vegetation, including dead vegetation.
 - vi. Demolishing and removing buildings and works.
 - vii. Carrying out works to alter watercourses.
 - viii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, and to alter drainage, services and utilities, and temporary stockpiling of excavation material.
 - ix. Creating or altering access to a road in a Road Zone Category 1.
 - x. Subdividing and consolidating land.
- c) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

Conditions

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

- 4.3 Prior to the commencement of works, or preparatory works described in condition 4.10.2j, an Environment Report must be prepared to the satisfaction of the Minister for Planning that satisfies the conditions (a)(i)-(v) of the Shepparton Line Upgrade Environment Effects Statement Referral No 2019-07 decision, dated 18 January 2020.
- 4.4 Environmental Management Framework
- 4.4.1 An Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with Hume City Council, Whittlesea City Council, Mitchell Shire Council, Strathbogie Shire Council, and Greater Shepparton City Council.
- 4.4.2 The EMF must include:
- a) A set of Environmental Management Requirements that must be achieved during the design and construction of the project works to reduce environmental and amenity effects.
 - b) A statement of all environmental commitments for the project.
 - c) The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required by the Environmental Management Requirements.

- d) Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the project.

4.5 Native vegetation

- 4.5.1 For areas of Project Land within the *Lockerbie Native Vegetation Precinct Plan, May 2012* the removal, destruction or lopping of any native vegetation must meet the conditions and offset requirements of Section 4.0 of that plan.
- 4.5.2 For all other Project Land, prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), 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, 2017) (Guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (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 Clause 4.10.
- 4.5.3 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), 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.
- 4.5.4 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.5.2.
- 4.5.5 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).
- 4.5.6 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

For land inside the Melbourne Strategic Assessment Areas MSA program area which is regulated by the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013), the following condition applies:

- 4.5.7 Prior to the proposed removal, destruction, lopping and offsetting of native vegetation and/or species habitat necessary for the construction of the project, habitat compensation obligations must be satisfied in accordance with the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013) and *Habitat Compensation under the Biodiversity Conservation Strategy* (August 2013), to the satisfaction of the Secretary to DELWP.

4.6 Creating or altering access to roads

- 4.6.1 Any buildings or works to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, or on land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be undertaken to the satisfaction of the Head, Transport for Victoria .
- 4.6.2 Where, but for this document, consent of the Head, Transport for Victoria would be required to subdivide land, that consent must be obtained.

4.7 Heritage management

- 4.7.1 Prior to the commencement of buildings, works or demolition on project land affected by the Heritage Overlay, documentation must be prepared in consultation with the relevant Council and to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning). The documentation must include:
- a) Site plans and elevations showing the proposed development and any tree protection where applicable.
 - b) An assessment of the impact of the proposed development on the heritage place.
- 4.7.2 The requirements of Clause 4.7.1 also apply to the removal, destruction or lopping of vegetation as specified below:
- a) Mitchell Planning Scheme:
 - i. The centenary tree, mature Canary Island Palms, English Oaks and English Elms within Heritage Overlay 308 (Seymour Railway Precinct); and
 - b) Greater Shepparton Planning Scheme:
 - i. The Canary Island Date Palm within Heritage Overlay 59 (Railway Hotel, 4910-4920 Goulburn Valley Highway, Murchison East); and
 - ii. Vegetation within Heritage Overlay 92 (Shepparton Showgrounds, 275-307 High Street, Shepparton) and Heritage Overlay 169 (Victoria Park Lake, Wyndham Street, Shepparton).
- 4.7.3 Subject to any requirement of Clause 4.7.2, Clause 4.7.1 does not apply to any buildings, works or associated with the following:
- a) Combined service routes (CSR trenching), comprising:
 - i. Trenching and pit installation;
 - ii. Connecting combined service routes to existing equipment;
 - iii. Galvanised steel troughing (GST) or underground boring CSR works cross structures (i.e bridges) for areas with environmental constraints; and
 - iv. any other ancillary works required to facilitate the CSR works listed above.
 - b) Signalling works comprising:
 - i. Installing new axle counters;
 - ii. Installation of new signalling masts;
 - iii. Installation of new trackside equipment;

- iv. Installing new double width signalling enclosure boxes and earthing equipment;
 - v. Upgrades to signalling on existing signal masts.
 - vi. Installation of level crossing equipment etc. Boom barriers and flashing lights; and
 - vii. any other ancillary works required to facilitate the signalling works listed above.
- c) Station upgrades at Murchison East and Mooroopna, including platform extensions, car parking and associated infrastructure within Heritage Overlay 54 and 56 (HO54 &HO56).

4.7.4 For the avoidance of doubt, the requirements of Clause 4.7.1 and 4.7.3 do not apply to Project Land affected by a Heritage Overlay and which is also included on the Victorian Heritage Register.

4.8 Floodway, inundation and water discharge management

4.8.1 Where undertaken on Project Land included in the Land Subject to Inundation Overlay (LSIO), Floodway Overlay (FO) or the Urban Flood Zone (UFZ), the following buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority:

- a) Any linear works that permanently alter the topography of the land; ~~and~~
- b) Any earthworks that obstruct natural flow paths or drainage lines on land located within the overlay.

4.9 Other conditions

- 4.9.1 Unless otherwise stated, the conditions set out in Clause 4 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10). The conditions may be satisfied in separate components or stages of the project, however each condition must be satisfied prior to the commencement of development for that component or stage.
- 4.9.2 The plans and documentation required under Clause 4 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority (unless otherwise agreed by the Minister ~~of the~~ for Planning or relevant approving authority).
- 4.9.3 In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the Minister for Planning or relevant approving authority may seek the views of the Hume City Council, Whittlesea City Council, Mitchell Shire Council, Strathbogie Shire Council, or Greater Shepparton City Council, or any other relevant authority.
- 4.9.4 The use and development of the project must be undertaken in accordance with this document and the approved plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

4.10 Preparatory buildings and works

- 4.10.1 Preparatory buildings and works may commence on the land described in Clause 3 before the conditions set out in Clauses 4.4 to 4.9 are satisfied.

- 4.10.2 Preparatory buildings and works, include, but are not limited to:
- a) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
 - b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - c) Creation and use of construction access points and working platforms.
 - d) Site establishment works including site fencing and hoarding, site offices, amenities, hardstand and laydown areas.
 - e) Construction, protection, modification, removal or relocation of utility services, overhead and associated infrastructure.
 - f) Establishment of environment and traffic controls, including designated 'No Go Zones' and 'Areas of Constraint'.
 - g) Establishment of temporary car parking.
 - h) Bus stop relocation.
 - i) Demolition and removal of building and works to the minimum extent necessary to enable preparatory buildings and works (except where specifically listed under a Heritage Overlay).
 - j) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
 - k) Salvage of ~~aboriginal~~-Aboriginal cultural heritage material and other preparatory works or management actions, including the removal of vegetation (with the exception of trees) to the minimum extent necessary, required to be undertaken in preparing or complying with any cultural heritage management plan(s) applicable to the project under the *Aboriginal Heritage Act 2006* or otherwise in accordance with the requirements of the relevant Registered Aboriginal Party for the area.
 - l) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with any approved plan prepared for the project as pursuant to the *Heritage Act 2017*.
- 4.10.3 Prior to the removal of native vegetation under Clause 4.10 associated with 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.
- 4.10.4 The biodiversity impacts from the removal of native vegetation under Clause 4.10 must be included in the total biodiversity impacts when determining offset(s) in accordance with Clause 4.5.2.

5 EXPIRY

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

- The development allowed by the control, including preparatory buildings and works, is not started by ~~1 April 2022~~28 February 2023.
- The development allowed by the control is not completed by ~~1 April 2027~~28 February 2028.

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