

Hume Planning Scheme

Bulla Spoil Processing Facility, March 2021

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

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the Hume Planning Scheme (the Scheme) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (the Act).
- 1.2. This Incorporated Document permits the use and development of the Project Land as the Bulla Spoil Processing Facility for the receipt, storage, treatment, handling, testing analysis, containment, placement and removal off-site of spoil generated by the construction of the West Gate Tunnel Project, including associated use and development provided for in this Incorporated Document (**the Project**).
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.

2. PURPOSE

- 2.1. The purpose of the control in Clause 4 is to allow and facilitate the use and development of the land described in Clause 3 for the purposes of the Project, in accordance with the requirements specified in Clause 5.

3. PROJECT LAND

- 3.1. The control in Clause 4 applies to land shown as SCO12 on the Scheme maps forming part of the Scheme (**the Project Land**).

4. CONTROL

- 4.1. Despite any provision to the contrary, or any inconsistent provision in the Scheme, no planning permit is required for, and no provision in the Scheme 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 in accordance with this Incorporated Document.
- 4.2. This Incorporated Document does not restrict or otherwise affect any use or development of the Project Land or any part of it for any purpose that is lawful under the Scheme, including any lawful pre-existing activities, other than the use or development of the Project Land for the purpose of the Project.
- 4.3. The use and development of the Project Land for the purposes of the Project includes the construction and operation of a facility for the receipt, storage, treatment, handling, testing, analysis, containment, placement and removal off-site of spoil generated by the construction of the West Gate Tunnel Project, including:
 - 4.3.1. The establishment and use of associated offices, laboratory, amenities, car parking, fences, wash bays, vehicle storage, spoil storage/holding bays, spoil drying bays, spoil containment cell, spoil treatment and handling area, leachate sedimentation ponds and associated waste water infrastructure, landscaping, storage, sorting and hardstand areas, earthworks, associated signage and the connection of utilities and services.
 - 4.3.2. Construction and operation of the Project 24 hours a day, 7 days a week.
 - 4.3.3. Utility installation and relocation and associated works and services including establishment of a water treatment plant.
 - 4.3.4. Any buildings or works or associated infrastructure or activities for the Project.
 - 4.3.5. Buildings and works associated with the construction, upgrade, improvement or relocation of roads.
 - 4.3.6. Access to create or alter access to a road in a Road Zone, Category 1.

- 4.3.7. Ancillary activities to the use and development of the Project Land for the purposes of, or related to, the Project, including, but not limited to:
- 4.3.7.1. Removing, destroying and lopping trees and vegetation, including native vegetation.
 - 4.3.7.2. Developing and using lay down areas for construction purposes.
 - 4.3.7.3. Constructing and using temporary site workshops and storage, administration and amenities buildings.
 - 4.3.7.4. Demolishing and removing fixtures, structures and infrastructure.
 - 4.3.7.5. Installation of lighting and displaying construction, directional and business identification signage.
 - 4.3.7.6. Rock crushing, stockpiling, earthworks and excavation of material.
 - 4.3.7.7. Constructing drainage and stormwater infrastructure including leachate storage and treatment facilities.
 - 4.3.7.8. Storage and assembly of materials required for the Project.
 - 4.3.7.9. Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
 - 4.3.7.10. Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.
 - 4.3.7.11. Constructing and carrying out works to install pipework to pump or drain leachate to or from existing leachate ponds.
 - 4.3.7.12. Constructing and carrying out works comprising bunding for visual impact and acoustic mitigation purposes.
 - 4.3.7.13. Winning clay for a purpose associated with the above uses and activities.
 - 4.3.7.14. Works associated with decommissioning Project infrastructure and all other associated Project closure and remediation works.

5. CONDITIONS

- 5.1. The use and development of the Project Land for the Project permitted by this document is subject to the following conditions:

Development plans

- 5.1.1. Prior to the commencement of use and development of the Project Land for the Project, other than preparatory buildings and works for the Project allowed in accordance with Condition 5.1.11, revised Development Plans must be submitted to, and be approved by the Minister for Planning. The approved Development Plans must be generally in accordance with the Development Plans entitled:
- 5.1.1.1. Development Plan Overall Site Plan 30042805E-DEV-100-001 Rev.F.
 - 5.1.1.2. Development Plan Indicative Future Contour Plan 30042805E-DEV-100-002 Rev.B.
 - 5.1.1.3. Development Plan Containment Bays Area Overview 30042805E-DEV-100-003 Rev.B.
 - 5.1.1.4. Development Plan Proposed Processing Area Civil Works 30042805E-DEV-100-004 Rev.B.
 - 5.1.1.5. Development Plan Proposed Processing Area Utility Plan 30042805E-DEV-100-005 Rev.B.
 - 5.1.1.6. Development Plan Site Entry and Exit Plan 30042805E-DEV-200-001 Rev.B.

- 5.1.1.7. Development Plan Administration, Weighbridge and Truck Wash Area Plan 30042805E-DEV-200-002 Rev.B
- 5.1.1.8. Development Plan Contingency Access and Truck Wash Plan 30042805E-DEV-200-003 Rev.B.
- 5.1.1.9. Development Plan Typical Elevations 30042805E-DEV-200-004 Rev.B.
- 5.1.1.10. Development Plan Typical Sections and Details 30042805E-DEV-200-005 Rev.B.

but modified as necessary to

- 5.1.1.11. Clearly describe all components in both plan and section views.
- 5.1.1.12. Provide an outline plan and requirements for rehabilitation of the site after the Project spoil processing and disposal operations are complete.
- 5.1.1.13. Be supported by a clear explanation of the design rationale.
- 5.1.1.14. Incorporate any revisions required as a result of the revised Environmental Management Plan required to be approved pursuant to Condition 5.1.3.

all to the satisfaction of the Minister for Planning.

- 5.1.2. The use and development must be carried out in accordance with the revised Development Plans as approved by the Minister for Planning.

Environmental Management Plan

- 5.1.3. Prior to the commencement of the use and development of the Project Land for the Project, other than preparatory buildings and works for the Project allowed in accordance with Condition 5.1.11, an Environmental Management Plan must be submitted to, and be approved by the Minister for Planning. The Environmental Management Plan must be generally in accordance with the Sunbury Waste Management Facility Environmental Management Plan, 570-650 Sunbury Road, Bulla dated July 2020 prepared by Dominion Property Group but modified to include:

- 5.1.3.1. In relation to overarching governance matters:

- a. Clear performance outcomes;
- b. Clear governance arrangements, which identify who is responsible for identified actions;
- c. Proposed management measures for addressing various effects, if the performance outcomes are not being met;
- d. A transparent framework for monitoring, auditing and reporting on the performance outcomes required by the Environmental Management Plan; and
- e. Provisions for review and regular audit by an independent auditor of the Environmental Management Plan and the performance outcomes, at regular specified timeframes to be at least every six months with the first audit to occur no later than 6 months after the commencement of the receipt of spoil.

- 5.1.3.2. In relation to operational matters:

- a. The staging and timing of progressive cap cover for the containment cell;
- b. The details of what contingency plans will be prepared to address environmental incidents and accidents, and by when, and how these will be implemented, monitored and reviewed;

- c. In relation to ancillary infrastructure, details of the 'roads, stormwater and erosion control systems' that will be constructed to support the Project;
- 5.1.3.3. A Construction Management Plan.
- 5.1.3.4. A Stakeholder Communication Plan;
- 5.1.3.5. A Complaints Policy, including a process for receipt of complaints and a process for complaints to be addressed and documented;
- 5.1.3.6. An Emergency Response Plan that generally conforms to "AS 3745-2002 Emergency control organisation and procedures for buildings, structures and workplaces", or any subsequent replacement or amendment.
- 5.1.3.7. An Incident Management Plan.
- 5.1.3.8. A Training Plan and Site Induction Program.
- 5.1.3.9. A Lighting Plan to ensure that adverse impacts of lighting for night-time operation, on visual amenity for nearby residents and the public and Melbourne Airport (if required) are avoided;
- 5.1.3.10. An Aftercare Management Plan;
- 5.1.3.11. A Rehabilitation or End Use Plan, which must include the details of measures to be taken to mitigate and manage adverse visual impacts of the completed containment cell on nearby residents and the public;
- 5.1.3.12. In relation to dust:
 - a. Details of the monitoring regime that will be implemented, in particular requiring regular inspections to ensure that nearby sensitive receptors are not unreasonably impacted by dust and particulate matter, and including the mitigation measures that will be undertaken in the event that impacts are experienced.
 - b. In relation to dust deposition, the applicable criterion, the monitoring procedure (i.e. dust deposition gauges and their locations which must include locations which capture the impacts of dust from public road haulage on sensitive receptors and identification of the mitigation measures that will be implemented if the criteria are not met.
- 5.1.3.13. In relation to noise:
 - a. Details of the background noise monitoring undertaken and baseline data used to establish the existing background noise levels, and an explanation of why it is representative of the noise environment, and of sensitive receptors most likely to be impacted. If a satisfactory explanation of why it is representative cannot be provided, then a further noise assessment will be required to be done to the Minister's satisfaction.
 - b. Confirmation that the noise assessment is based on the sound power levels of the equipment presented in Section 4.3.1 of the GHD report: '*Sunbury Waste Management Facility Noise Assessment*', dated July 2020 (**GHD report**) or any updated Noise Assessment report prepared by a suitably experienced person and properly dealing with relevant noise impacts associated with the Project. Any changes (higher than that listed by GHD) in the sound power level is likely to increase the predicted noise levels. If the equipment measures is different to that listed by GHD, identification of the equipment assessed and likely noise emissions during peak operation;

- c. Target construction noise criteria set out in Table 3-4 of the GHD Report and SEPP N-1 construction noise criteria set out in Table 3-5 of the GHD, or as set out in any updated Noise Assessment Report prepared to the satisfaction of the Minister for Planning;
- d. A noise assessment report which:
 - i. Updates and validates the noise assessment predictions in the GHD Report, including an assessment of potentially disturbing noise characteristics such as tonality and low frequency.
 - ii. Contains a sleep disturbance assessment for construction activities associated with the Project which may take place between 10pm and 7am on Mondays to Sundays.
- e. A Construction Noise Management Plan (**CNMP**) for the Project. The CNMP must:
 - i. Describe the specific noise mitigation measures that would be implemented to achieve compliance with the construction noise criteria formulated in accordance with Condition 5.1.3.13 c.
 - ii. Contain a requirement for periodic noise monitoring during the construction of the Project to ensure that the Project is complying with the noise criteria formulated in accordance Condition 5.1.3.13 c.
 - iii. Detail the periodic noise monitoring procedure.
 - iv. Describe the measures to be implemented in the event of any noise exceedances and complaints from the construction activities of the Project on the Project Land.

5.1.3.14. In relation to waste water management:

- a. Details of the processes associated with waste water treatment including a life-cycle of all waste water which is generated by the Project.
- b. Details regarding arrangements for ensuring separation of leachate from stormwater.
- c. The process and criteria for determining whether the leachate requires additional treatment for metals or nutrients, in addition to the proposed treatment for PFAS.
- d. The leachate water balance include sensitivity testing to determine the adequacy and robustness of the proposed leachate management system and treated water storage in relation to potential variability in key parameters including the water content of the spoil and seasonal rainfall variations.
- e. The implications of extreme rainfall events (up to 1 in 100 years) for the leachate management system, water storages (pre- and post-treatment), and measures for separating leachate and stormwater.
- f. A risk assessment in accordance with ISO 31000:2018 Risk Management – Principles and Guidelines or other standard agreed to by the Environment Protection Authority to assess the range of potential impacts and mitigation options associated with wastewater management arrangements for the Project.
- g. The consideration of the ecological impact of waste water on Emu Creek.

- h. The details of how drainage and stormwater will be managed in relation to the filling of existing drainage gullies and general site works and how Emu Creek will be protected from contamination and sedimentation.
- 5.1.3.15. In relation to flora and fauna:
- a. The identification of vegetation protection zones for retained vegetation, if any;
 - b. Details of erection of temporary, permanent vehicle and stock exclusion fencing as appropriate;
 - c. Confirmation that the flora and fauna offset detailed in the report Melbourne Strategic Assessment Levies Associated with the Proposed Development at 570-650 Sunbury Road, Bulla, Victoria dated 17th August 2020 prepared by Ecology & Heritage Partners required to be paid under the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020* will be paid in accordance with the requirements of that Act and evidence of payment provided to the Minister for Planning;
 - d. Details of how progressive rehabilitation and revegetation will occur;
 - e. Details of methods to prevent erosion where vegetation is removed.
 - f. Implementation details for the control of noxious weed species;
 - g. Implementation details for pest animal management actions.
- 5.1.3.16. An explanation of how bushfire and grass fire risk to the Project Land will be mitigated and managed all to the satisfaction of the Minister for Planning.
- 5.1.4. The use and development must be carried out generally in accordance with the approved Environmental Management Plan, except as otherwise agreed by the Environment Protection Authority, including by the approval of any different provision within any Environment Management Plan approved pursuant to the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020, or any amending or replacement legislation. To the extent of any inconsistency between those Environmental Management Plans, the latter shall take precedence over the former.

Transport Management

- 5.1.5. Prior to the commencement of the receipt of spoil at the Project Land for the Project, a Traffic Management Plan must be prepared in consultation with any relevant road manager and to the satisfaction of the Head, Transport for Victoria. The Traffic Management Plan must address Project traffic impacts from the time of receipt of spoil generated by the West Gate Tunnel Project on the Project Land, and address the following matters:
- 5.1.5.1. Specification of the routes, in conformity with the Traffix Traffic Engineering Assessment report G27938R-01D dated July 2020 or other report prepared to the satisfaction of the Head, Transport for Victoria, that will be used by trucks using the Project, when, and how any controls in relation to numbers and hours of use on identified roads will be managed. This will include identification of the responsible road authority for each segment of the route.
 - 5.1.5.2. The preparation of a Road Safety Audit (from the relevant Tullamarine Freeway exit and the site) that includes the identification of whether increased Project related traffic increases road safety risk for local residents and other road users on the identified routes, and if so, how this risk will be mitigated and managed.

- 5.1.5.3. The identification of potential traffic impacts and required temporary measures resulting from the Project, and how this will be managed, including:
- Pre-Interim Signalisation of the Hi-Quality access road and Sunbury Road intersection generally in accordance with the Traffix Group Plan (drawing no. G27938-01-01 2020 Appendix V to the Traffix Traffic Engineering Assessment report G27938R-01D dated July 2020).
 - If part of the subject land is required to implement the intersection works required by above conditions, the owner of the subject land must set aside this land as “ROAD” in a plan of subdivision that is submitted to the Responsible Authority.
- 5.1.5.4. The roads and accessways on the Project Land must at all times be in a fit and proper state so as not to compromise the operational efficiency of the Sunbury Road (e.g. by spilling gravel or discarding mud).
- 5.1.5.5. A structural inspection regime for the Deep Creek Bridge for the duration of the use on the Project Land; and
- 5.1.5.6. A maintenance regime for the Deep Creek Bridge surface to prevent water ingress into the structure for the duration of the use of the Project Land.
- 5.1.5.7. Identification of an alternative haulage route for the delivery of the West Gate Tunnel spoil to the Project Land, should a structural inspection required by Condition 5.1.5.5 identify significant change in the structural condition of the Deep Creek bridge, must be approved by the Head, Transport for Victoria.
- 5.1.6. All mitigation works and management measures as recommended by the approved Traffic Management Plan must be implemented to the satisfaction of and at no cost to the Head, Transport for Victoria.

General

- 5.1.7. In relation to any roads or road infrastructure that are the responsibility of the Head, Transport for Victoria, if required by the Department of Transport, the owner(s) of the Project Land must enter into an agreement before the commencement of receipt of spoil from the West Gate Tunnel Project on the Project Land with the Department of Transport (or a suitable legal entity) to ensure that:
- 5.1.7.1. The State will be compensated for any additional costs in relation to such roads and road infrastructure that is associated with the development authorised by this Incorporated Document.
- 5.1.7.2. All road and road infrastructure changes, alterations, additions, repairs and maintenance be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.
- 5.1.7.3. Detailed specifications and works that need to be undertaken to remedy any impact the Project has caused to the road pavement and road infrastructure at the end of the Project.
- 5.1.7.4. Three months before the cessation of receipt of spoil generated by the West Gate Tunnel Project on the Project Land, a Decommissioning Traffic Management Plan is prepared and implemented to ensure that the roads and road infrastructure are returned to pre-existing condition (including specification of any relevant pavement handback criteria).
- 5.1.8. Prior to the commencement of the receipt of spoil at the Project Land for the Project, an updated noise assessment report must be prepared which:

- 5.1.8.1. Updates and validates the construction noise assessment predictions set out in the GHD Report, including the assessment of any potentially disturbing noise characteristics such as tonality and low frequency to the satisfaction of the Minister for Planning.
- 5.1.8.2. Contains a sleep disturbance assessment for operational aspects of the Project which may take place between 10pm and 7am on Mondays to Sundays.
- 5.1.9. Within 30 days of the commencement of the receipt of spoil at the Project Land for the Project, a Noise Assessment report must be prepared to demonstrate that the use of the Project Land for the Project is complying with the noise limits identified in the GHD report or updated Noise Assessment report. If the measured noise levels are found to be lower than predicted, or exceed the SEPP N-1 limits (or limits imposed by any replacement legislation, guideline or protocol) when sources are assessed cumulatively, then the Noise Assessment report must specify additional specific mitigation measures that should be implemented to reduce excess noise levels. Any recommendations for specific mitigation measures must be included in a revised Construction Noise Management Plan or an Operational Noise Management Plan and must be implemented to the satisfaction of the Minister for Planning.
- 5.1.10. Prior to the commencement of the receipt of spoil on the Project Land, an Operational Noise Management Plan (**ONMP**) for the Project must be prepared, submitted to, be to the satisfaction of and be approved by the Minister for Planning. The ONMP must:
 - 5.1.10.1. Describe the specific noise mitigation measures that would be implemented to achieve compliance with the operational noise criteria formulated in accordance with Condition 5.1.3.13 c.
 - 5.1.10.2. Include a requirement for periodic noise monitoring during the operational activities of the Project to ensure that the Project is complying with the noise criteria to be specified by Condition 5.1.3.13 c. The monitoring must occur at least every six months with the first monitoring round to occur no later than 6 months after the commencement of the receipt of spoil and the results provided to the Minister for Planning.
 - 5.1.10.3. Detail the periodic noise monitoring procedure which must include:
 - a. A requirement to investigate the cause of any operational noise criteria exceedances and any recommended mitigation measures to be implemented.
 - b. Periodical sound power level measurement of equipment to manage the noise level of equipment and recommendations regarding replacement of equipment that is operating louder than identified in the updated noise assessment. A requirement that all equipment will be selected to minimise noise emissions and regularly maintained, be fitted with appropriate silencers, be in good working order and that the use of exhaust brakes in vehicles should be eliminated, where practicable.
 - 5.1.10.4. Describe the measures to be implemented in the event of any noise exceedances and complaints arising from the operational activities of the Project on the Project Land.
- 5.1.11. The following preparatory buildings and works may be undertaken for the Project on the Project Land before the plans referred to in Conditions 5.1.1 and 5.1.3 are provided and approved, provided that the preparatory works are generally in accordance with the Development Plans referred to in Conditions 5.1.1.1 to 5.1.1.11 and the Sunbury Waste Management Facility Environmental Management Plan, 570-650 Sunbury Road, Bulla dated July 2020 prepared by Dominion Property Group; and to the satisfaction of the Minister for Planning:

- 5.1.11.1. Removal of the minimum extent as necessary of vegetation, including native vegetation, if vegetation protection zones for any retained vegetation have been identified and established and the erection of temporary, permanent vehicle and stock exclusion fencing has been undertaken.
- 5.1.11.2. Investigating and testing works to determine the suitability of land, and property condition surveys.
- 5.1.11.3. Creation of construction access points and working platforms.
- 5.1.11.4. Necessary drainage works for the site establishment.
- 5.1.11.5. Site establishment works, including temporary site fencing and hoarding, site office, hardstand and laydown areas.
- 5.1.11.6. Establishing temporary car parking and vehicle storage sites.
- 5.1.11.7. Construction, protection, modification, removal or relocation of existing utility services.
- 5.1.11.8. Establishment of environmental controls, being temporary measures to mitigate potential environmental risks or adverse environmental impacts during the construction phase.
- 5.1.11.9. The construction of the Pre-Interim Signalisation of the Hi-Quality access road and Sunbury Road intersection generally in accordance with the Traffix Group Plan (drawing no. G27938-01-01 2020 Appendix V to the Traffix Traffic Engineering Assessment report G27938R-01D dated July 2020) and the contingency access identified in Development Plan Contingency Access and Truck Wash Plan 30042805E-DEV-200-003 Issue B if a Traffic Management Plan has been prepared to the satisfaction of the Head, Transport for Victoria and an agreement with the Department of Transport (or a suitable legal entity) to ensure that:
 - a. The State will be compensated for any additional costs in relation to such roads and road infrastructure that is associated with the development authorised by this Incorporated Document.
 - b. All road and road infrastructure changes, alterations, additions, repairs and maintenance be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.
- 5.1.11.10. The construction of temporary access roads needed to service areas where preparatory works are occurring.
- 5.1.11.11. The construction of noise bunds and other noise control measures.
- 5.1.11.12. The planting of vegetation.
- 5.1.11.13. Demolition and earthworks to the minimum extent necessary to enable preparatory works.
- 5.1.11.14. Salvage and relocation of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with any Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act.
- 5.1.12. No development under this Incorporated Document can commence for any part of the Project Land until a Cultural Heritage Management Plan has been approved under the *Aboriginal Heritage Act 2006* for that part of the Project Land.
- 5.1.13. If a works approval, license or authorisation is required under the *Environment Protection Act 1970* for the disposal of waste water, the development of the Project Land, other than for preparatory buildings and works, must not commence until approval, license or authorisation is obtained.

- 5.1.14. If an approval is required under the *Road Management Act 2004* and Regulations associated with the development of the Project Land the permission must be obtained.
- 5.1.15. The lighting of the Project Land must not impact on aircraft as provided for in the *Airspace Act 1996*, the *Airports (Protection of Airspace) Regulations 1996*, the Civil Aviation Regulations 1988 and referenced in Guideline E of the National Airports Safeguarding Framework.
- 5.1.16. All works must cease and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works on the Project Land.
- 5.1.17. The Project Land must be decommissioned and remediated as detailed in the Aftercare Management Plan, Rehabilitation or End Use Plan in the Environmental Management Plan by the date specified in the Environmental Management Plan to the satisfaction of the Minister for Planning.
- 5.1.18. The approved plans and documents specified in this incorporated document may be amended, to the satisfaction of the Minister for Planning.

6. EXPIRY

- 6.1. Notwithstanding other provisions of the Scheme or these conditions, the specific controls contained in this document will expire if any of the following circumstances applies:
 - The use and development allowed by the controls is not started by 1 June 2021.
 - The use and development allowed by the controls is not completed by 1 April 2024.
- 6.2. The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.