

# **Inland Rail - Beveridge to Albury**

**Incorporated Document**  
**December 2021**

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## 1.0 INTRODUCTION

This document is an Incorporated Document in the Whittlesea, Mitchell, Strathbogie, Benalla, Wangaratta and Wodonga Planning Schemes (**the Planning Schemes**) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

This Incorporated Document facilitates the delivery of the Inland Rail - Beveridge to Albury Project (**the Project**)

The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Schemes.

## 2.0 PURPOSE

The purpose of the control in Clause 4.0 is to permit and facilitate the use and development of the land described in Clause 3.0 for the purposes of the Project, in accordance with the requirements specified in Clause 4.0.

## 3.0 LAND

The control in Clause 4 applies to the land shown as SCO18 on the planning scheme maps forming part of the Planning Schemes (**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 Planning Schemes, 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) Road and railway works, including but not limited to, works to facilitate the provision of new rail and road infrastructure, relocation of pedestrian infrastructure and installation of new pedestrian infrastructure, relocation of utilities and installation of new utility infrastructure, earthworks, piling, replacement of track infrastructure, access tracks, environmental mitigation measures, landscaping, vegetation removal and bicycle and pedestrian shared use paths.
- b) Use and development of land for a railway or railway station, including railway tracks and associated communications, signaling, service roads and other rail related infrastructure.
- c) Use and development of land for a road, including associated communications, signaling, and other road related infrastructure.
- d) 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.
- e) Creation and alteration of access to roads.
- f) Alteration and upgrades to existing intersections and development of new intersections.

- 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, landscaping and loading and unloading facilities.
- j) Ancillary activities, preparatory and enabling works, including but not limited to:
  - i) Developing and using lay down areas and depots 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, protecting 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, 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) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.
  - xi) Displaying signs in relation to the Project.
  - xii) Subdividing and consolidating land.
  - xiii) Carrying out works to alter watercourses.

## **4.2 CONDITIONS**

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

### Environmental Management Framework

- 4.2.1 Prior to the commencement of works, excluding preparatory works listed in Clause 4.3.1, an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be informed by the findings and conclusions of the project's Environment Report, submissions on the Environment Report and the proponent's responses and the recommendations of the Minister's assessment. It must be prepared in consultation with Head, Transport for Victoria, Environment Protection Authority Victoria, Whittlesea City Council, Mitchell Shire Council, Strathbogie Shire Council, Benalla Rural City Council, Wangaratta Rural City Council, Wodonga City Council and the Department of Environment, Land Water and Planning.
- 4.2.2 The EMF must include:

- a. Environmental Performance Requirements (EPRs) which set the environmental outcomes that must be achieved during the design, construction and operation of the Project, informed by the findings and conclusions of the Project's environment report and the environmental risk assessment.
  - b. The process and timing for the preparation of Construction Environment Management Plans and other plans required by the EPRs.
  - c. Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed in accordance with the EPRs during construction of the Project.
  - d. A statement of all environmental commitments for the Project.
- 4.2.3 The EMF must be submitted to and approved by the Minister for Planning and may be prepared and approved in stages or parts and may be amended from time to time with the approval of the Minister for Planning.
- 4.2.4 The use and development for the Project must be carried out in accordance with the approved EMF and the approved Environmental Performance Requirements.

#### Urban Design Framework

- 4.2.5 Prior to the commencement of works, excluding preparatory works listed in Clause 4.3, an Urban Design Framework (UDF) must be prepared to the satisfaction of the Minister for Planning in consultation with the Head, Transport for Victoria, Whittlesea City Council, Mitchell Shire Council, Strathbogie Shire Council, Benalla Rural City Council, Wangaratta Rural City Council and Wodonga City Council. The UDF must outline the urban design vision, principles and site-specific objectives for the Project and commentary on the public consultation comments at the following enhancement site locations:
- a. Wandong (Broadford-Wandong Road)
  - b. Broadford (Hamilton Street and Short Street)
  - c. Euroa (Euroa Station precinct)
  - d. Benalla (Benalla Station precinct)
  - e. Glenrowan (Beaconsfield Parade)
  - f. Wangaratta (Wangaratta Station precinct).

#### Concept Plans

- 4.2.6 Prior to the commencement of works at the following enhancement sites, excluding preparatory works listed in Clause 4.3, Concept Plans for the following enhancement sites must be prepared to the satisfaction of the Minister for Planning:
- a. Broadford (Short Street)
  - b. Euroa (Euroa Station precinct)
  - c. Benalla (Benalla Station precinct)
- 4.2.7 The Concept Plans must show the general built form for each enhancement site and include where relevant:
- a. A site layout plan that shows site boundaries and the location of permanent buildings and structures, excluding underground utilities.
  - b. Plans, including sections and elevations.

- 4.2.8 A Concept Plan must be accompanied by the following, where relevant:
- a. Commentary on the options considered.
  - b. An explanation demonstrating how the Concept Plan is in accordance with the approved Urban Design Framework (UDF).
  - c. An explanation demonstrating how the Concept Plan would comply with the relevant EPRs included in the approved EMF.
- 4.2.9 Prior to submitting plans to the Minister for Planning for approval under Clause 4.2.6, the Concept Plan must be:
- a. Provided to the relevant council(s) for consultation.
  - b. Provided to the Head, Transport for Victoria for consultation.
  - c. Made available for public inspection and comment on a clearly identifiable Project website. The website must set out details about the entity and contact details to which written comments can be directed during that time and specify the time and manner for the making of written comments. The minimum period for public inspection must be 28 days.
- Consultation in accordance with (a) & (b) can occur prior to, during and after the public inspection and comment period in (c).
- 4.2.10 A Concept Plan submitted to the Minister for Planning for approval under Clause 4.2.6 must be accompanied by a summary of the consultation undertaken, key themes raised in written comments, consideration and responses to key issues.

#### Native Vegetation

For the purposes of this incorporated document:

**Guidelines** means the *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, December 2017).

**Secretary** means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

**Remove native vegetation** means to remove, destroy and/or lop native vegetation.

- 4.2.11 Before the removal of native vegetation, details of the proposed removal of native vegetation necessary for the construction of the Project must be prepared in accordance with the application requirements in the Guidelines to the satisfaction of the Secretary.
- 4.2.12 Before the removal of native vegetation, excluding native vegetation removed under Clause 4.3, the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the Guidelines. The offset must include any native vegetation removed under Clause 4.3. Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.
- 4.2.13 In exceptional circumstances, the Secretary to DELWP may vary the timing of the offset requirement.
- 4.2.14 The offset(s) secured for the Project may be reconciled in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (DELWP, October 2018).
- 4.2.15 The requirements of this clause may be satisfied in separate components or

stages of a development, but each requirement must be satisfied before the removal of native vegetation for that component or stage.

#### Flood Management

- 4.2.16 Where, but for this Incorporated Document, a planning permit would be required for buildings and works within the Floodway Overlay, Land Subject to Inundation Overlay or Urban Floodway Zone, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

#### Heritage Management

- 4.2.17 Where, but for this Incorporated Document, a planning permit would be required for buildings, works, demolition, alteration or removal of a heritage place within a Heritage Overlay (excluding preparatory buildings and works under Clause 4.3), a heritage impact assessment including demolition and concept plans must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning.
- 4.2.18 Where, but for this Incorporated Document, a planning permit would be required to remove, destroy or lop a tree within a Heritage Overlay where tree controls apply, (excluding preparatory buildings and works under Clause 4.3) a report or plan showing the trees to be removed, and measures taken to reduce tree removal must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning.

#### Creating and altering access to roads

- 4.2.19 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 Head, Transport for Victoria, the creation or alteration of access must be undertaken in consultation with the Head, Transport for Victoria.
- 4.2.20 Before a plan of subdivision is certified under the Subdivision Act 1988, the consent of the Head, Transport for Victoria must be obtained to subdivide land adjacent to a road declared as a freeway or arterial road under the Road Management Act 2004 or land owned by the Head, Transport for Victoria for the purpose of a road.

#### Construction works within the Seymour Hospital emergency service flight path

- 4.2.21 Where, but for this Incorporated Document, a planning permit would be required for buildings and works within Schedule 9 of the Design and Development Overlay under the Mitchell Planning Scheme, the buildings and works must be undertaken to the satisfaction of the Secretary to the Department of Health and Human Services.

#### Other conditions

- 4.2.22 Unless otherwise stated, the plans and other documents listed in Clause 4.2 must be to the satisfaction of the Minister for Planning or other relevant approving authority prior to the commencement of works.
- 4.2.23 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, excluding preparatory buildings and works listed in Clause 4.3.
- 4.2.24 The plans and documentation required under Clause 4.2 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority, except as otherwise agreed by the Minister or the relevant approving

authority.

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

### **4.3 PREPARATORY BUILDINGS AND WORKS**

- 4.3.1 The following preparatory buildings and works may be undertaken, and the Project Land may be used in the following manner before the requirements specified in Clause 4.2 are satisfied. Preparatory buildings and works for the Project include, but are not limited to:
- i) Buildings and works, including vegetation removal, where but for this Incorporated Document, a planning permit would not be required under the provisions of the planning schemes.
  - ii) Development of track slews.
  - iii) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
  - iv) Creation and use of construction access points and working platforms.
  - v) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
  - vi) Construction, protection, modification, removal or relocation of utility services, rail signaling, overhead and associated infrastructure.
  - vii) Establishment of environment and traffic controls, including designation of 'no-go' zones.
  - viii) Establishment of temporary car parking.
  - ix) Demolition to the minimum extent necessary, to enable preparatory works.
- 4.3.2 Removal of vegetation associated with preparatory buildings and works may be undertaken before the requirements specified in Clause 4.2 (excluding the EMF in condition 4.2.1-4.2.4) are satisfied, limited to the following:
- i) The removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
  - ii) The removal of vegetation within an Environmental Significance Overlay and Vegetation Protection Overlay to the minimum extent necessary to enable preparatory buildings and works.
- 4.3.3 Before the removal of native vegetation under Clause 4.3.2 associated with preparatory buildings and works, information about the native vegetation to be removed must be provided to the satisfaction of the Secretary to DELWP in accordance with the application requirements in the Guidelines.
- 4.3.4 The biodiversity impacts from the removal of native vegetation under Clause 4.3 must be included in the total biodiversity impacts when determining offset(s) in accordance with Clause 4.2.12.

## **5.0 EXPIRY**

The controls in this document expire if any of the following circumstances apply:

- The development allowed by the control, including preparatory buildings and works, is not started by 1 March 2024.
- The development allowed by the control is not completed by 1 March 2031.
- The use allowed by the control is not started by 1 March 2031.

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