

Waurn Ponds Train Maintenance and Stabling Facility Project

Incorporated Document

June October 2019

1.0 INTRODUCTION

This document is an incorporated document in the Greater Geelong and Surf Coast Planning Schemes (the planning schemes) and is made 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 controls in this document.

The controls in this document prevail over any contrary or inconsistent provision in the planning schemes.

2.0 PURPOSE

The purpose of this incorporated document is to permit and facilitate the use and development of land, for the purposes of the Waurin Ponds Train Maintenance and Stabling Facility, and associated upgrades to the road and rail network (the project).

The project includes, but is not limited to, use and development of:

- A train maintenance and stabling facility located within the City of Greater Geelong; and
- Associated utilities, road and rail infrastructure, signalisation, and rail crossing upgrades, located within both the City of Greater Geelong and the Surf Coast Shire.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The controls in this document apply to the land shown on the map at Appendix 1 which forms part of this document, and described as:

- The project land (being the area of land immediately required for the train maintenance and stabling facility), shown on the map with hatched black lines; and
- The wider project land (being the land required for associated upgrades to utilities, road and rail infrastructure, signalisation and rail crossings), shown on the map bounded by a red line.

4.0 CONTROLS

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 or restrict, the use and development of the land for the purposes of the project, including any ancillary activities.

4.1 Within the project land, the project includes but is not limited to the following:

- a) Train maintenance and stabling facilities, including loading/unloading facilities, staff amenities and car parking;

- b) Railway infrastructure including stabling tracks, integration with the main line, and associated railway infrastructure including cabling, signalling and power upgrades;
- c) Utilities including substations;
- d) Road construction including a new access road and associated works;
- e) Other works and facilities associated with the use for train maintenance and stabling; and
- f) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

4.2 Ancillary activities within the project land include but are not limited to the following:

- a) Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, excavate land, cuttings and fill;
- b) Temporary and permanent access roads, livestock and vehicle crossings;
- c) Use and development of lay down areas and building facilities for construction purposes;
- d) Stockpiling of excavation material;
- e) Removal, destruction or lopping of vegetation, including native vegetation;
- f) Demolition and removal of buildings and works;
- g) Relocation, modification and upgrade of drainage, services and utilities;
- h) Construction of fences and site security;
- i) Display of construction, directional or business identification signs; and
- j) Subdivision and consolidation of land and creation, variation or removal of easements resulting from works required for the project.

4.3 Within the wider project land, the project includes but is not limited to the following:

- a) Road and railway infrastructure works and upgrades including signalling, cabling, power upgrades, substations and modifications to railway crossings;
- b) Relocation, modification and upgrade of drainage, services and utilities;
- c) Removal, destruction or lopping of vegetation, including native vegetation; and
- d) Associated ancillary activities.

5.0 CONDITIONS

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

5.1 An environmental management framework (EMF) must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The EMF must include:

- a) A summary of key construction methodologies;
- b) An overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the

Project, including Environmental Management Requirements in respect of:

- i. Noise, light spill, and site access during construction;
 - ii. The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required; and
 - iii. Measures to minimise impact to native fauna during removal of native vegetation.
- c) A summary of the consultation that informed the preparation of the EMF and a summary of the proposed ongoing engagement activities with Councils, the community and other stakeholders during the construction of the Project, including enquiries and complaints management; and
- d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the Project.

5.2 A development plan for development within the project land must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The development plan must include:

- a) Site layout plan/s;
- b) Site levels;
- c) Architectural plans including elevations, and a schedule of materials;
- d) On-site landscaping details including a planting schedule, having regard to management of bushfire risk; and
- e) A report that demonstrates that operational off-site amenity impacts will be acceptable to the satisfaction of the Minister for Planning. The report must:
 - i. Identify potential off-site acoustic impacts, light spill and visual amenity impacts of the proposed design at dwellings existing at the date of the approval of this incorporated document during operation of the facility;
 - ii. Identify any traffic and site access impacts during operation of the facility;
 - iii. Identify any design features or mitigation measures proposed to address the potential impacts, including any offers of off-site works or off-site landscaping to be made to the owner of any such dwelling;
 - iv. Set out the outcome of impact assessments, taking into account the proposed design and mitigation measures;
 - v. Specify any management measures that are to be complied with during operations; and
 - vi. A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during operation of the project.

- f) Details of any other works related to replacement or reinstatement of farming infrastructure or related to farming operations on adjoining land, including vehicle access and rail crossings as relevant.

5.3 Native Vegetation

5.3.1 Prior to removal of native vegetation (excluding native vegetation removed under Clause 6.0), 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 (DELWP, December 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 6.0.

5.3.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 6.0), 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.

5.3.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 5.3.2.

5.3.4 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)*.

5.3.5 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

5.4 Where, but for this incorporated document, the relevant floodplain management authority would be a referral authority to the proposed buildings and works, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

5.5 Other Conditions

a) Unless otherwise stated, the conditions set out in Clause 5 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 6). 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.

b) The plans and documentation required under Clause 5 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 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 City of Greater Geelong and Surf Coast Shire Council or any other relevant authority.

- c) The use and development of the project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

6.0 PREPARATORY BUILDINGS AND WORKS

Preparatory buildings and works may commence on the land described in Clause 3.0 before the conditions set out in Clause 5.0 are satisfied:

6.1 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) Construction and use of access points and working platforms.
- d) Site establishment works including temporary site fencing, lighting and hoarding, site buildings, site offices, and hardstand and laydown areas.
- e) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- f) Establishment of environment and traffic controls, including designated 'no-go' zones.
- g) Establishment of temporary car parking.
- h) Demolition to the minimum extent necessary to enable preparatory works.
- i) Site excavation and disposal of spoil off site as required.
- j) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- k) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Cultural Heritage Management Plan prepared for the project as pursuant to the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Party.
- l) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Historic Heritage Management Plan prepared for the project pursuant to the *Heritage Act 2017* and to the satisfaction of the Victorian Heritage Council.
- m) Salvaging and translocating any vegetation, including any preparatory works required to enable salvage and translocation, identified in a Translocation Plan prepared to the satisfaction of the Secretary to DELWP.

6.2 Prior to the removal of native vegetation under Clause 6.0, 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.

6.3 The biodiversity impacts from the removal of native vegetation under Clause 6.0 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.3.2.

7.0 EXPIRY

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

- The development allowed by the controls is not commenced by 31 December 2022.
- The development allowed by the controls is not completed by 31 December 2032.

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

APPENDIX 1 – WAURN PONDS TRAIN MAINTENANCE AND STABLING FACILITY – PROJECT LAND AND WIDER PROJECT LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES (updated 22 October 2019)

