

---

# **Warrnambool Line Upgrade Incorporated Document**

---

**[December 2019]**

## **1. INTRODUCTION**

- 1.1. This document is an incorporated document in the Warrnambool, Moyne, Corangamite, Colac Otway, Surf Coast and Greater Geelong 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 incorporated document may be used or developed in accordance with the specific control in this document.
- 1.3. The control in this document prevails over any contrary or inconsistent provision in the planning schemes.

## **2. PURPOSE**

- 2.1. The purpose of the control in this document is to permit and facilitate the use and development of land described in Clause 3.0 of this document for the purpose of the Warrnambool Line Upgrade (the project).
- 2.2. The project includes, but is not limited to:
  - Construction of a second platform and pedestrian overpass, station and track upgrades, and additional carparking at Wauran Ponds station
  - Construction of a crossing loop at Boorcan
  - Construction of a stabling yard at Warrnambool
  - Associated utilities, road and rail infrastructure, signalisation, and level crossing upgrades and any associated ancillary infrastructure and works
  - Signalling works in discrete locations between Wauran Ponds and Warrnambool

## **3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES**

- 3.1. The control in this document applies to the land (project land) required for the project marked as SCO on the following maps:
  - Map SCO2 in the Colac Otway Planning Scheme
  - Map SCO2 in the Corangamite Planning Scheme
  - Map SCO6 in the Greater Geelong Planning Scheme
  - Map SCO2 in the Moyne Planning Scheme
  - Map SCO2 in the Surf Coast Planning Scheme
  - Map SCO5 in the Warrnambool Planning Scheme

## 4. CONTROL

### Exemption from Planning Scheme 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 schemes operates to prohibit, restrict or regulate the use and development of the project land for the purpose of the project, including the ancillary activities.
- 4.2. The project includes, but is not limited to:
  - 4.2.1 Use and development of the project land for *Railway or Railway station*, including train stabling facilities, ancillary use and development, and all associated railway infrastructure such as structures, roads, car parking, cuttings, batters and fill, communications, signalling, electrical infrastructure, utilities including substations and public transport related infrastructure.
  - 4.2.2 Use and development of the project land for ancillary activities to the use and development described in Clause 4.2.1, including but not limited to:
    - i. Use and development of lay down areas and building facilities 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 native vegetation.
    - vi. Demolishing and removing buildings and works.
    - vii. Carrying out works to alter waterways.
    - viii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, excavate land, cuttings and fill and stockpiling of excavation material.
    - ix. Creating or altering access to a road in a Road Zone.
    - x. Subdividing and consolidating land.
    - xi. Relocating, modifying and upgrading drainage, services and utilities.
- 4.3. Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

- 4.4. Land uses in italics have the same meaning as in Clause 73.03 (Land Use Terms) of the planning scheme.

## 5. Conditions

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

### Environmental Management Framework

- 5.2. An Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with Warrnambool City Council, Moyne Shire Council, Corangamite Shire Council, Colac Otway Shire Council, Surf Coast Shire Council, Greater Geelong City Council and the Environment Protection Authority Victoria. The EMF must include:
- i. 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.
  - ii. 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.
  - iii. Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the project.

### Native vegetation

- 5.3. Prior to removal of native vegetation (excluding native vegetation removed under Clause 6), 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.
- 5.4. Prior to removal of native vegetation (excluding native vegetation removed under Clause 6), 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.
- 5.5. In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 5.4.
- 5.6. 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)*.

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

#### Creating or altering access to roads

- 5.8. 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*, land owned by the roads corporation for the purpose of a road, or land in a Public Acquisition Overlay if the roads corporation is the acquiring authority for the land, must be undertaken to the satisfaction of the roads corporation.
- 5.9. Where, but for this document, consent of the roads corporation would be required to subdivide land, that consent must be obtained.

#### Heritage management

- 5.10. Where, but for this document, a planning permit would be required under the Heritage Overlay, documentation must be prepared in consultation with the responsible authority and to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning). The documentation must include:
- Site plans and elevations showing the proposed development.
  - An assessment of the impact of the proposed development on the heritage place.
- 5.11. The documentation in Clause 5.10 must be provided to the satisfaction of the Minister for Planning prior to the commencement of buildings, works or demolition on project land affected by the Heritage Overlay.
- 5.12. Should any dry stone walls and post boxes be discovered during works, the requirements of clause 52.33 – Post Boxes and Dry Stone Walls of the relevant planning scheme must be met.

#### Floodway and inundation management

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

#### Other conditions

- 5.14. Unless otherwise stated, the plans and other documents listed in Clause 5 must be approved 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.
- 5.15. The plans and other 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 other document is satisfactory or whether to consent to an

amendment to a plan or other document, the Minister for Planning or relevant approving authority may seek the views of the relevant councils, or any other relevant authority.

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

## **6. Preparatory buildings and works**

- 6.1. The following buildings and works may commence on the project land before the conditions and set out in Clause 5 are satisfied.

- i. Preparatory buildings and works for the project, including, but not limited to:
  - i. Works, including vegetation removal, where but for this document, planning approval would not be required under the provisions of the planning scheme.
  - ii. Investigating, testing and preparatory works to determine the suitability of land and property condition surveys.
  - iii. Creation and use of construction access points and working platforms.
  - iv. Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
  - v. Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
  - vi. Establishment of environment and traffic controls, including designated 'no-go' zones.
  - vii. Demolition to the minimum extent necessary to enable preparatory works.
  - viii. Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
  - ix. Establishment of temporary car parking.
  - x. Salvaging and relocating of artefacts and other preparatory works required to be undertaken in accordance with an approved cultural heritage management plan prepared for the project under the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Parties.
  - xi. Salvaging and relocating of artefacts and other preparatory works required to be undertaken in accordance with an approved historic heritage management plan prepared for the project as pursuant to the

*Heritage Act 2017* and to the satisfaction of the Victorian Heritage Council.

- xii. 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 Department of Environment, Land, Water and Planning.

6.2. Prior to the removal of native vegetation under Clause 6, 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 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.4.

## **7. EXPIRY**

7.1. The control in this incorporated 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 December 2021.
- The development allowed by the control is not completed by 1 December 2026.

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