

Moorabool Planning Scheme

Maddingley Spoil Processing Facility, October 2020

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 Moorabool 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 Maddingley 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 SCO1 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 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, 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. 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:

- 4.3.6.1. Removing, destroying and lopping trees and vegetation, including native vegetation.
- 4.3.6.2. Developing and using lay down areas for construction purposes.
- 4.3.6.3. Constructing and using temporary site workshops and storage, administration and amenities buildings.
- 4.3.6.4. Demolishing and removing fixtures, structures and infrastructure.
- 4.3.6.5. Installation of lighting and displaying construction, directional and business identification signage.
- 4.3.6.6. Rock crushing, stockpiling, earthworks and excavation of material.
- 4.3.6.7. Constructing drainage and stormwater infrastructure including leachate storage and treatment facilities.
- 4.3.6.8. Storage and assembly of materials required for the Project.
- 4.3.6.9. Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
- 4.3.6.10. Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.
- 4.3.6.11. Constructing and carrying out works to install pipework to pump or drain leachate to or from existing leachate ponds
- 4.3.6.12. Winning clay for a purpose associated with the above uses and activities.
- 4.3.6.13. Works associated with decommissioning Project infrastructure and all other associated Project closure and remediation works.

5. CONDITIONS

- 5.1. The use and development permitted by this document is subject to the following conditions:
 - 5.1.1. The use and development must be undertaken in two stages:
 - 5.1.1.1. Stage 1 is the use and development of the Project Land for the purposes of the Project prior to the receipt of spoil generated by the West Gate Tunnel Project.
 - 5.1.1.2. Stage 2 comprises all use and development of the Project Land for the purposes of the Project from the time of receipt of spoil generated by the West Gate Tunnel Project, on the Project Land.

Approved Plans and Documents for Stage 1

- 5.1.2. The use and development of Stage 1 must be carried out generally in accordance with the Development Plans entitled "Maddingley Spoil Processing Facility Site Development Plan" Figures 1-10 prepared by Mackenzie Environmental dated 3 April 2020 to the satisfaction of the Minister for Planning.
- 5.1.3. The use and development of Stage 1 must be carried out generally in accordance with the Environmental Management Plan prepared by SLR dated 1 April 2020, except as otherwise agreed by the Environment Protection Authority, including by the approval of any different provision within any Environmental Management Plan approved pursuant to the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020*, to the satisfaction of the Minister for Planning. To the extent of any inconsistency between those two Environmental Management Plans, the latter shall take precedence over the former.
- 5.1.4. Prior to the commencement of Stage 1 of the Project, a Traffic Management Plan for Stage 1 must be submitted to and be to the satisfaction of the Head, Transport

for Victoria. The Traffic Management Plan must specify any mitigation works and management measures required for the Stage 1 of Project and the timing of those works and measures as applicable.

- 5.1.5. All mitigation works and management measures specified in the approved Stage 1 Traffic Management Plan, must be implemented to the satisfaction of, and at no cost to the Head, Transport for Victoria.

Approved Plans and Documents for Stage 2

- 5.1.6. Prior to the commencement of Stage 2 of the Project, revised Development Plans must be submitted to and approved by the Minister for Planning. The approved Development Plans must be generally in accordance with the Development Plans entitled "Maddingley Spoil Processing Facility Site Development Plan" Figures 1-10 prepared by Mackenzie Environmental dated 3 April 2020, but modified as necessary to incorporate any revisions required as a result of the revised Environmental Management Plan approved pursuant to the next condition. The use and development must be carried out in accordance with the revised Development Plans as approved by the Minister for Planning to the satisfaction of the Minister for Planning.

- 5.1.7. Prior to the commencement of Stage 2 of the Project, a revised Environmental Management Plan must be submitted to and approved by the Minister for Planning. The use and development must be carried out generally in accordance with the approved revised Environmental Management Plan to the satisfaction of the Minister for Planning. The revised Environmental Management Plan must be generally in accordance with the Environmental Management Plan prepared by SLR dated 1 April 2020, but modified to include the following further matters:

5.1.7.1. 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 of the Environmental Management Plan and the performance outcomes, at regular specified timeframes.

5.1.7.2. In relation to operational matters:

- a. Clarify the intended function of the 'contingency bays' to the west of Guillines Road;
- b. The staging and timing of progressive cap cover for the containment cell;
- c. 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;
- d. In relation to ancillary infrastructure, details of the 'roads, stormwater and erosion control systems' that will be constructed to support the Project;
- e. A Stakeholder Communication Plan;
- f. A Complaints Policy, including a process for receipt of complaints and a process for complaints to be addressed and documented;

- g. An Emergency Response Plan that generally conforms to "AS 3745-2002 *Emergency control organization and procedures for buildings, structures and workplaces*", or any subsequent replacement or amendment.
 - h. An Incident Management Plan.
 - i. A Training Plan and Site Induction Program.
 - j. A Lighting Plan to ensure that adverse impacts of lighting for night-time operation, on visual amenity for nearby residents, the public, and the aerodrome, are avoided;
- 5.1.7.3. An Aftercare Management Plan;
- 5.1.7.4. 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;
- 5.1.7.5. Any updates to the Risk Assessment which result from the extent of any departures from the Environmental Management Plan prepared by SLR dated 1 April 2020;
- 5.1.7.6. 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 unsealed sections of road on sensitive receptors and identification of the mitigation measures that will be implemented if the criteria are not met.
- 5.1.7.7. 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 undertaken to the Minister's satisfaction.
 - b. Identification of key equipment and likely noise emissions during peak operation;
 - c. Expected noise levels during peak operation;
 - d. Consideration of noise generated by trucks using the designated routes;
 - e. Target noise limits, or any other applicable regulatory levels;
 - f. Monitoring requirements;
 - g. An explanation of the mitigation measures that will be implemented if noise limits are exceeded;
 - h. An explanation of how noise in the evening and night time will be managed in particular for residences to the north, including what control and management strategies will be implemented in the event noise emissions do not meet noise limits;

- i. An explanation of how alarms and reversing beepers will be controlled, if necessary.
- 5.1.7.8. In relation to flora and fauna:
- a. The identification of the potential offsite impacts from the Project on Parwan Creek, and details of how these impacts will be appropriately mitigated and managed;
 - b. The identification of potential indirect impacts to native vegetation and fauna habitat and how these will be appropriately mitigated and managed;
 - c. Consideration of the significance of the Swift Parrot habitat within the Project Land and whether all Grey Box trees within Plains Woodland patches have been avoided for removal, with particular emphasis on retention of large trees;
 - d. The identification of vegetation protection zones for retained vegetation;
 - e. Details of erection of temporary, permanent vehicle and stock exclusion fencing as appropriate;
 - f. Confirmation that the vegetation offset detailed in the Credit Trade Agreement, Property ID: VC_CFL-3058_01 Trading Agreement ID: VEGFPT-45 Broker Ref: ESLS-5442 and the Department of Environment, Land, Water and Planning, Native Vegetation Credit Register, Allocated credit extract, Credit ID: 2020-0103 dated 28/2/2020 has been secured;
 - g. Details of how progressive rehabilitation and revegetation will occur;
 - h. Consideration of the potential for impacts upon the habitat of the Growling Grass Frog, and how this will be avoided, mitigated or managed;
 - i. How recommendations to mitigate impacts to vegetation during construction will be implemented, and identification of responsibilities, timeframes and monitoring for the Vegetation Management Plan;
 - j. Implementation details for the control of noxious weed species;
 - k. Details of the site assessment methodology or reference to the source that the identification of weeds, pests and native vegetation is drawn from;
 - l. Implementation details for pest animal management actions.
 - m. Details of any requirement (if any) under the *Wildlife Act 1975*.
- 5.1.7.9. In relation to Aboriginal cultural heritage a requirement to develop an Aboriginal cultural heritage protocol which will include procedures to be followed in the event that Aboriginal cultural heritage sites are discovered during the Project, and the time by which this will be developed.
- 5.1.7.10. An explanation of how bushfire and grass fire risk to the Project Land will be mitigated and managed.
- 5.1.7.11. In relation to air safety, specify the measures that will be implemented to ensure compliance with consent conditions of Airservices Australia and Manual of Standards Part 139—Aerodromes and identify how compliance with these conditions will be maintained.
- 5.1.8. Prior to the commencement of Stage 2 of the Project a Traffic Management Plan for Stage 2 must be submitted to and approved by the Head, Transport for Victoria.

The Stage 2 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:

- 5.1.8.1. Specification of the routes 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.
- 5.1.8.2. 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.
- 5.1.8.3. An assessment by a suitably qualified and experienced civil engineer (Road Maintenance Expert) to undertake a review of the Traffix Group Transport Impact Assessment (March 2020, G27822R-01G) and an inspection of all relevant roads and road infrastructure, to determine what mitigation works may be required, and to prepare an inspection and maintenance program, and to supervise implementation of that program, at the cost of the owner(s) of the Project Land.
- 5.1.8.4. An existing conditions road pavement and road infrastructure survey be undertaken for the roads and road infrastructure to be used by Project traffic.
- 5.1.8.5. The identification of potential traffic impacts and required temporary measures following closures for road works resulting from the Project, and how this will be managed, including
 - a. Tilley's Road
 - Lighting to be installed at Tilley's Road and Geelong – Bacchus Marsh Road intersection.
 - Drainage design to be approved and installed.
 - b. Intersection of Hopkins Road and Griegs Road
 - Advance warning signage along Hopkins Road in the proximity of this intersection to advise traffic about trucks turning in and out.
 - Line marking refresh at the intersection as per the recommendation from road safety audit report.
 - Pavement strengthening of the intersection as the pavement might be damaged by turning trucks.
 - c. Road Safety Audit
 - Management of the cleaning of signs on Geelong - Bacchus Marsh Road, curve alignment marker cleaning and sweeping of the road between Tilley's and Woolpack Roads should be carried out until the end of the cartage movements.
 - d. Speed Signs
 - Electronic speed signs to be installed on Geelong - Bacchus Marsh Road.
 - e. Speed Zones

- Will be required to go through Memorandum of Authorisation process. Exact locations will be finalised at that stage.
- 5.1.8.6. Regular monitoring of the Hopkins Road and Greigs Road intersection and address any safety concerns due to truck movements, which may be temporary speed or any mitigation measures.
- 5.1.8.7. Identification of whether the option of the construction and use of an internal haul road within the existing site, from the existing site access at Tilley's Road to the proposed facility, to enhance safety on the local road network is viable and desirable.
- 5.1.8.8. Functional Layout Plans that must be generally in accordance with the functional layout plans prepared by Traffix Group, Transport Impact Assessment, (March 2020, G27822R-01G).
- 5.1.9. All mitigation works and management measures as recommended by the approved Stage 2 Traffic Management Plan must be implemented to the satisfaction of and at no cost to the Head, Transport for Victoria.
- 5.1.10. The use and development of Stage 2 must be carried out generally in accordance with the approved revised Environmental Management Plan, except as otherwise agreed by the Environment Protection Authority, including by the approval of any different provision within any Environmental Management Plan approved pursuant to the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020*. To the extent of any inconsistency between those two Environmental Management Plans, the latter shall take precedence over the former.

General Conditions

- 5.1.11. The owner(s) of the Project Land must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the Moorabool Shire Council either before or after the commencement of the development and use, of the Project Land in accordance with this Incorporated Document.
- 5.1.12. The section 173 Agreement referred to in condition 5.1.11 must provide for:
 - 5.1.12.1. The assessment of the Werribee River and Parwan Creek Bridges on Woolpack Road to determine the structural adequacy of the bridges based on the expected loading.
 - 5.1.12.2. The compensation of the Moorabool Shire Council for the cost of upgrading, maintaining, and upon completion of the Project, reinstatement works, in relation to council roads and council infrastructure including bridges within the municipal district of Moorabool Shire Council and particularly Woolpack Road, Tilley's Road, East Maddingley Road, Kerrs Road and Gullines Road if the roads are used, or intended to be used for access by trucks in accessing the Project Land.
- 5.1.13. For the purpose of determining the level of compensation under the section 173 agreement referred to in condition 5.1.11 regard must be had to the volume and weight of the trucks used or intended to be used in accessing the Project Land for the purposes of the Project, for the duration of Stages 1 and 2, as compared with the volume and nature of the traffic using those roads for purposes unrelated to the Project.
- 5.1.14. As an alternative to agreeing to pay compensation as referred to in condition 5.1.13 in respect of Woolpack Road, Tilley's Road, East Maddingley Road, Kerrs Road and Gullines Road, the owner(s) of the Project Land may offer to take responsibility

directly for the necessary upgrading, maintenance and reinstatement works which works must be discharged to Moorabool Shire Council's reasonable satisfaction.

- 5.1.15. 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 Stage 2 of the Project with the Department of Transport (or a suitable legal entity) to ensure that:
- 5.1.15.1. 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.
 - 5.1.15.2. 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.
 - 5.1.15.3. 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.
 - 5.1.15.4. Within three months following 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).
- 5.1.16. If an approval is required under the *Heritage Act 2017* for the impact of truck traffic to and from the Project Land on the heritage significance of the Bacchus Marsh Avenue of Honour (VHR H2238) the use of the Bacchus Marsh Avenue of Honour as a spoil truck route to the Project Land must not commence until an approval is granted.
- 5.1.17. The Project Land must be remediated as detailed in the Aftercare Management Plan, Rehabilitation or End Use Plan in the Stage 2 Environmental Management Plan by the date specified in the Stage 2 Environmental Management Plan.
- 5.1.18. 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.
- 5.1.19. 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.