

Inland Rail - Beveridge to Albury

Incorporated Document
April 2021

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 Clause 4 is to allow the use and development of land described in Clause 3.0 for the purposes of the Project.

3.0 LAND

The control in Clause 4 applies to the land shown as [SCO number] 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, 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 document must be undertaken in accordance with the following conditions:

Environment Report

- 4.2.2 Prior to the commencement of works, including preparatory works described in Clause 4.3 (a)x, an Environment Report must be prepared to the satisfaction of the Minister for Planning that satisfies the conditions (a)(i)-(v) of the Inland Rail - Beveridge to Albury Environment Effects Statement Referral No 2020-07, dated 23 August 2020. The Environment Report must be prepared in consultation with the Department of Agriculture, Water and the Environment (Cwth).

Environmental Management Framework

- 4.2.3 Prior to the commencement of works, excluding preparatory works listed in Clause 4.3, an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be informed by the findings of the Environment Report and prepared in consultation with City of Whittlesea, Mitchell Shire Council, Strathbogie Shire Council, Benalla Rural City Council, Rural City of Wangaratta and Wodonga Council.

- 4.2.4 The EMF must include:

- a. A set of Environmental Performance Requirements to define the environmental outcomes that must be achieved during the design and construction of the Project.
- b. The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required by the Environmental Performance Requirements.
- c. Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the project.
- d. A statement of all environmental commitments for the Project

Native Vegetation

- 4.2.5 Prior to the removal of native vegetation, excluding native vegetation removed under Clause 4.3, details of the proposed removal of native vegetation necessary for the construction of the Project must be prepared in accordance with Application Requirements 1, 5, 9, 10 and 11 in Tables 4 and 5 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, December 2017) 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 4.3.
- 4.2.6 Prior to the removal of native vegetation, excluding native vegetation removed under Clause 4.3, native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, December 2017), except as otherwise agreed by the Secretary to DELWP.
- 4.2.7 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.2.5.
- 4.2.8 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).
- 4.2.9 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

Flood Management

- 4.2.10 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

- 4.2.11 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, a heritage assessment must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning (excluding preparatory buildings and works under Clause 4.3).
- 4.2.12 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, 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 (excluding preparatory buildings and works under Clause 4.3).

Creating and altering access to roads

- 4.2.13 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 Roads Corporation, the creation or alteration of access must be undertaken in consultation with the Roads Corporation.
- 4.2.14 Before a plan of subdivision is certified under the *Subdivision Act 1988*, the consent of the Roads Corporation 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 Roads Corporation for the purpose of a road.

Construction works within the Seymour Hospital emergency service flight path

- 4.2.15 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.

Urban Design Framework

- 4.2.16 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. The UDF must outline the urban design vision, principles and site-specific objectives for the Project 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. Wangratta (Wangaratta Station precinct)

Other conditions

- 4.2.17 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.
- 4.2.18 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.
- 4.2.19 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.

- 4.2.20 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

The following buildings and works may be undertaken, and the Project Land may be used in the following manner before the plans and other documents listed in Clause 4.2 are approved:

- a) Preparatory buildings and works for the Project including, but 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.
 - x) The removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
 - xi) The removal of vegetation within an Environmental Significance Overlay and Vegetation Protection Overlay to the minimum extent necessary to enable preparatory buildings and works.
- b) Prior to the removal of native vegetation under Clause 4.3 associated with preparatory buildings and works, information about the native vegetation to be removed must be provided to the to the satisfaction of the Secretary to DELWP. The information must be in accordance with Application Requirements 1, 5, 9, 10 and 11 in Tables 4 and 5 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, December 2017).
- c) 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 4.2.5.

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 31 December 2023.

- The development allowed by the control is not completed by 31 December 2030.

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

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