

Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project

Incorporated Document

October 2020

1 INTRODUCTION

- 1.1 This document is an Incorporated Document in the Greater Geelong Planning Scheme (**Planning Scheme**) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 This Incorporated Document facilitates the delivery of the Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project (**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 permit and facilitate the use and development of the land described in Clause 3 for the purposes of:
 - (a) the duplication of Barwon Heads Road between Settlement Road Belmont and Reserve Road Marshall; and
 - (b) the grade separation of Melbourne-Warrnambool rail line where it intersects with Barwon Heads Road, Marshall.in accordance with the requirements specified in Clause 4.

3 LAND

- 3.1 The control in this Incorporated Document applies to the land shown as SCO8 on Planning Scheme Map Nos. 53SCO, 54SCO and 67SCO in the Planning Scheme (**Project Land**).

4 CONTROL

Exemption from Planning Scheme requirements

- 4.1 Despite any provision to the contrary, or any inconsistent provision in the Planning Scheme, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of, or related to, the Project.
- 4.2 The project includes, but is not limited to, the following use and development of:
 - (a) Road and roadworks including the upgrade and duplication of Barwon Heads Road, intersection upgrades, a new road bridge and shared off-road pedestrian and cycle paths.
 - (b) Railway works including grade separation of rail and road infrastructure, replacement and relocation of utilities, installation of new utility infrastructure, earthworks, replacement of railway tracks and associated infrastructure including cabling and signals.
 - (c) Vegetation removal for the construction of the Project.
 - (d) Buildings and works for the removal of the level crossing at Barwon Heads Road, Marshall on the Warrnambool Railway Line.

- (e) Creating or altering access to roads, including roads in a Road Zone, Category 1 or land in a Public Acquisition Overlay if the purpose of the acquisition is for a Category 1 road.
- (f) Use and development of land for a road, including associated communications, signaling and other related infrastructure.
- (g) Buildings and works for park furniture, landscaped areas and the installation of bicycle and pedestrian shared use paths and infrastructure.
- (h) Ancillary activities including, but not limited to:
 - (i) Developing and using laydown areas for construction purposes.
 - (ii) Earthworks, including cutting and excavation, spoil stockpiling and removal, and the formation of drainage works.
 - (iii) Constructing and using temporary site workshops and storage, car parking, administration and amenities buildings.
 - (iv) Removing, destroying and lopping trees and vegetation, including native vegetation and dead vegetation.
 - (v) Construction of scaffolding, working platforms and provision of access to construction and maintenance sites.
 - (vi) Demolishing, removing and/or relocating buildings and works.
 - (vii) Storage and assembly of materials and equipment.
 - (viii) Relocating, modifying, upgrading and installing services and utilities, including drainage infrastructure, telecommunications infrastructure, high voltage transmission lines and gas pipelines.
 - (ix) Constructing or carrying out works to create or alter roads, bridges, ramps, fences, temporary barriers and site security, noise attenuation walls, retaining walls, car parking areas, bunds, mounds, landscaping, piles, foundations, drainage infrastructure, water treatment and storage, and flood mitigation.
 - (x) Constructing and using access roads, diversion roads, access paths, loading and unloading areas, vehicle parking areas and pedestrian walkways.
 - (xi) Construction and display of signs related to the project.
 - (xii) Subdividing and consolidating land.
 - (xiii) Restoration and reinstatement works.
 - (xiv) Modification, removal or installation of bus stops, car parking, bicycle facilities, and loading and unloading facilities.
 - (xv) Constructing or carrying out works to excavate land and salvage artefacts.
 - (xvi) Utility installations.

Conditions

- 4.3 The use and development permitted by this Incorporated Document must be undertaken in accordance with the following conditions.
- 4.4 Environmental Management Framework
- 4.4.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.12), an Environmental Management Framework (**EMF**) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with the City of Greater Geelong. The EMF must include:
- (i) A set of environmental performance 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 other sub-plans and procedures required by the EMF.
 - (iii) 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.
- 4.5 Jerringot Wetlands, Belmont Common and Waurm Ponds Creek
- 4.5.1 Prior to the commencement of any works within Jerringot Wetlands, Belmont Common or Waurm Ponds Creek, a design statement which outlines measures to mitigate impacts must be prepared to the satisfaction of the Minister for Planning. The design statement must include an assessment of the nature and extent of proposed works, including any vegetation removal works, consideration of Environmental Significance Overlay (ESO2) where applicable and proposed restoration works or other measures to mitigate impacts.
- 4.6 Native Vegetation
- 4.6.1 Prior to removal of native vegetation (excluding native vegetation removed under the Clause 4.12), 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* (Department of Environment, Land, Water and Planning (**DELWP**), December 2017) (**Guidelines**) must be provided to the satisfaction of the Secretary to the 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 4.12.
- 4.6.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.12), 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.
- 4.6.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.6.2.

- 4.6.4 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).
- 4.6.5 For the purposes of this document, the conditions detailed under Clause 4.6 supersede obligations outlined under a Native Vegetation Precinct Plan.
- 4.6.6 For the purpose of this Incorporated Document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

4.7 Vegetation Protection Overlay (VPO1)

- 4.7.1 Where, but for this Incorporated Document, a planning permit would be required under the Planning Scheme for the removal of vegetation within Vegetation Protection Overlay (VPO 1), Significant Roadsides and Linear Reserves, a report or plan showing the vegetation to be removed, and measures taken to reduce vegetation removal must be prepared to the satisfaction of the Minister for Planning.

4.8 Heritage management

- 4.8.1 Where, but for this Incorporated Document, a planning permit would be required under the Planning Scheme to demolish or remove a building or carry out works within a Heritage Overlay, a report describing the proposal and its impact on the significance of the heritage place must be prepared to the satisfaction of the Minister for Planning.
- 4.8.2 Where it is proposed to demolish or remove a building or structure subject to the Heritage Overlay a photographic record must be prepared to the satisfaction of the Minister for Planning, with a copy of the approved record to be provided to Greater Geelong City Council.

4.9 Flood management

- 4.9.1 Buildings and works on the land within the Urban Floodway Zone, Special Building Overlay, Floodway Overlay or Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.
- 4.9.2 If the Project will result in a reduction of catchment flood storage and the relevant floodplain management authority requires replacement flood storage to be provided, replacement flood storage must be provided to the satisfaction of the relevant floodplain management authority prior to completion of development, unless with the further consent of the floodplain management authority.

4.10 Utility installation

- 4.10.1 Where, but for this Incorporated Document, a planning permit would be required under the Planning Scheme for buildings and works associated with an above-ground utility installation, site plans and elevations must be prepared to the satisfaction of the Minister for Planning.

4.11 Other conditions

- 4.11.1 Unless otherwise stated, the plans and other documents required by Clauses 4.4 to 4.10 must be approved prior to the commencement of the development (excluding preparatory buildings and works under Clause 4.12). The plans and other documents may be prepared and approved for separate components or stages of the Project but each plan or other document relevant to a component or stage must be approved prior to the commencement of development for that component or stage.
- 4.11.2 The plans and other documents required under Clauses 4.4 to 4.10 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 Greater Geelong City Council, or any other relevant authority.
- 4.11.3 The use and development of the Project Land must be undertaken generally in accordance with the plans and documentation approved under this Incorporated Document.

4.12 Preparatory buildings and works

- 4.12.1 The following buildings and works may be undertaken for the Project before the plans and other documents required by Clauses 4.4 to 4.10 are approved:
- (i) Works, including vegetation removal, where but for this Incorporated Document, a planning permit 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, construction and use of access points, accessways 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 designation of 'no-go' zones.
 - (vii) Establishment of temporary car parking.
 - (viii) Demolition to the minimum extent necessary to enable preparatory works.
 - (ix) Removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory buildings and works.

- (x) Salvage and relocation of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act.

4.12.2 Prior to the removal of native vegetation under Clause 4.12.1, 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.

4.12.3 The biodiversity impacts from the removal of native vegetation under Clause 4.12.1 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.6.

5 EXPIRY

5.1 The control in this document expires if any of the following circumstances apply:

- (a) The development allowed by the control is not started by 1 October 2023.
- (b) The development allowed by the control is not completed by 1 October 2028.
- (c) The use allowed by the controls is not started by 1 October 2028.

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