

INLAND RAIL – BEVERIDGE TO ALBURY AMENDMENT GC157 EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Minister for Planning, who is the planning authority for the Amendment.

The Amendment has been made at the request of the Australian Rail Track Corporation Ltd (**ARTC**) as the proponent responsible for the Inland Rail-Beveridge to Albury Project (**the Project**) which forms the Victorian portion of the broader Inland Rail Program.

Land affected by the Amendment

The Amendment applies to the land (**Project Land**) required for the Project shown as Specific Controls Overlay (**SCO**) on the Planning Scheme Maps forming part of the Whittlesea, Mitchell, Strathbogie, Benalla, Wangaratta and Wodonga Planning Schemes (**the Planning Schemes**).

The Project Land includes a series of isolated work areas extending from Beveridge to Albury along the North East Rail Line, which runs largely parallel to the Hume Highway from the Murray River at Albury to the outskirts of Melbourne. The Project Land does not include the entire North East Rail Line and the total Project Land is less than 10% of the North East Rail Line.

The Project Land affected by the Amendment is shown in Attachment A.

Generally, the Project comprises:

City of Whittlesea

- Gantry and signalling upgrades

Mitchell Shire Council

- Adjustment of alignment of existing rail track (track slews), Wallan
- Bridge replacement over the rail line at Broadford-Wandong Road, Wandong
- Bridge replacement over the rail line at Hamilton Street, Broadford
- Track lowering and/or bridge replacement at Short Street, Broadford
- Bridge replacement over the rail line at Marchbanks Road, Broadford
- Track lowering under the road at Hume Highway, Tallarook
- Track slews, Seymour-Goulburn River
- Track slews, Seymour
- Track slews, Seymour-Mangalore
- Bridge replacement over the rail line at Seymour-Avenel Road, Seymour
- Track lowering under the road at Hume Highway, Seymour
- Gantry and signalling upgrades

Strathbogie Shire Council

- Bridge replacement or vehicle underpass at Anderson Street, Euroa
- New platform, track realignment and upgraded pedestrian access at Euroa Station
- Gantry and signalling upgrades

Benalla Rural City Council

- Bridge replacement over the rail line at Benalla Station or new platform, track realignment and upgraded pedestrian access at Benalla Station
- Gantry and signalling upgrades

Rural City of Wangaratta

- Bridge replacement over the rail line at Beaconsfield Parade, Glenrowan
- Bridge upgrade over the rail line at Green Street, Wangaratta
- Track lowering, new platform and upgraded pedestrian access at Wangaratta Station
- Gantry and signalling upgrades

Wodonga Council

- Track lowering under the road at Murray Valley Highway, Barnawartha North
- Gantry and signalling upgrades

What the Amendment does

The Amendment introduces '*Inland Rail-Beveridge to Albury April 2021*' (**Incorporated Document**) into the Planning Schemes to facilitate the use and development of the Project Land for the purpose of the Project.

Specifically, the Amendment changes the Planning Schemes to:

- Amend the Schedules to Clause 45.12 (Specific Controls Overlay) in the Whittlesea, Mitchell and Strathbogie Planning Schemes to insert the Incorporated Document.
- Insert Clause 45.12 (Specific Controls Overlay), Schedule to Clause 45.12 (SCO) and the Incorporated Document into the Benalla, Wangaratta and Wodonga Planning Schemes.
- Amend the Schedule to Clause 72.03 *What Does this Scheme Consist of?* to insert:
 - Whittlesea Planning Scheme Maps: SCO
 - Mitchell Planning Scheme Maps: SCO
 - Strathbogie Planning Scheme Maps: SCO
 - Benalla Planning Scheme Maps: SCO
 - Wangaratta Planning Scheme Maps: SCO
 - Wodonga Planning Scheme Maps: SCO
- Amend the Schedule to Clause 72.04 *Documents Incorporated in this Planning Scheme* to the Planning Schemes to insert the Incorporated Document.

The Amendment may seek to apply a Public Acquisition Overlay (**PAO**) to acquire designated land necessary for the timely delivery of the Project. The method of acquisition is yet to be confirmed and is dependent on the Project accessing the powers under the *Major Transport Projects Facilitation Act 2009* (Vic) for the delivery of Project works.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to facilitate the timely and coordinated delivery of the Project.

The Project comprises of upgrade works along the existing North East Rail Line corridor from Beveridge to Albury. The Project will utilise the existing corridor and modify or replace existing infrastructure at discrete locations where there is not adequate clearance for double-stacked freight trains. The main components of the Project include 12 discrete project areas (also referred to as 'enhancement sites') from Beveridge to Albury where road and rail interfaces do not provide the required horizontal and vertical clearance for double-stacked freight trains.

In addition to the enhancement sites, the Project includes works to signal gantries, adjustment and alignment of existing rail track (track slews) and overhead powerline works to ensure that appropriate horizontal and vertical clearances are achieved for double-stacked freight trains along the alignment from Beveridge to Albury.

The Project is the Victorian component of the Inland Rail Program and is of national, state and regional significance. Australia's unique geographic and demographic characteristics places a greater emphasis on the need for an efficient internal freight network. Freight transport services between major population centres, particularly in capital cities, deliver millions of tonnes of freight each year. The Project will assist to enhance this supply chain and complete the backbone of the national freight network between Melbourne and Brisbane via regional Victoria, New South Wales and Queensland. It will transform the way freight is moved around the country, connect regional Australia to markets more efficiently, drive substantial cost savings for producers and consumers, and deliver significant economic benefits.

Better infrastructure and an effective national freight operation are key to delivering efficient supply chains, improving Australia's global competitiveness and lifting the nation's wealth and prosperity. The objectives of the Project align with the Victorian State Governments Freight Plan "*Delivering the Goods*". Better freight connections will support Victorian businesses and primary producers and assist to create jobs across all parts of the economy. To build on Victoria's advantage as the freight and logistics capital of Australia, freight networks need to be upgraded and safeguarded into the future.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* (Victoria (Vic)) (**P&E Act**) as follows:

a) To provide for the fair, orderly, economic and sustainable use, and development of land.

The Amendment facilitates a Project that will improve the efficiency and capacity of the Victorian freight network. Accordingly, the Project will help achieve an integrated and sustainable transport system that facilitates economic prosperity and coordinates the reliable movements of goods. The Amendment is also expected to improve the safety of road users by reducing the number of trucks on the Victorian road network.

b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

The Project Land is predominantly located within an existing rail infrastructure corridor and the Project is not likely to have any significant adverse impacts on any natural or man-made resources. Parts of the Project Land have been significantly modified and disturbed both physically and ecologically, and the surrounding areas are also highly developed. Environmental management will be integrated within the detailed design, construction and operation of the Project and measures will be included to ensure Project impacts are monitored, avoided, controlled and mitigated as required.

The Project was referred to the Minister for Planning in April 2020 to determine if an Environmental Effects Statement (**EES**) was required under the *Environment Effects Act 1978* (Vic) (EES referral number 2020-07). The Minister for Planning determined that an EES was not required for the Project subject to conditions requiring the preparation of an Environment Report and Environmental Management Framework (**EMF**). The EMF will be developed in consultation with the Department of Environment, Land, Water and Planning (**DELWP**) and to the satisfaction of the Minister for Planning. The EMF will be informed by the findings and conclusions of the Environment Report and will include a statement of environmental commitments for the Project to provide an overarching framework to manage environmental and amenity impacts during construction.

c) To ensure a pleasant, efficient and safe working, living and recreational environment for all Victorians, and visitors to Victoria.

The Amendment facilitates the Project, which will improve the reliability, capacity and efficiency of Victoria's freight network. The Project will provide for improved infrastructure and strengthened links to Melbourne and regional areas. Most permanent works will be contained within existing rail and road corridors. All works will be designed to respond to the local environment and the local social and built form context, to enhance the living and working environment for nearby communities by improving the movement of goods. The Project will reduce Victoria's reliance on road transport and remove a significant number of trucks from the road network. This is expected to result in fewer fatal and serious injury crashes between trucks and cars.

d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The Project Land includes the following heritage places listed on the National Heritage List (**NHL**), Victorian Heritage Register (**VHR**), Victorian Heritage Inventory (**VHI**) or local Heritage Overlays (**HO**):

- Glenrowan Heritage Precinct (NHL:105729, VHR:H2000, VHI:H8125-0015, HO170 – Wangaratta Planning Scheme)
- Kelly Gang Siege Precinct and Environs (HO171 – Wangaratta Planning Scheme)
- Seymour Railway Station (VHR:H1591, HO150 – Mitchell Planning Scheme)
- Wangaratta Railway Station Complex (VHR:H1597, HO139 – Mitchell Planning Scheme)
- The Railway Station and Associated Items-Precinct (HO11 – Wangaratta Planning Scheme)
- Docker Street West-Precinct (HO9 – Wangaratta Planning Scheme)
- Docker Street East-Precinct (HO8 – Wangaratta Planning Scheme)
- Wallan Station Complex (VHI:H7923-0045, HO221 – Mitchell Planning Scheme)
- Benalla Railway Station (HO60 – Benalla Planning Scheme)
- Benalla Central Urban Conservation Area (HO26 – Benalla Planning Scheme)
- Rail Bridge over Broken River, Ackerly Avenue, Benalla (HO1- Benalla Planning Scheme)
- Signal Boxes A and B (HO63 – Benalla Planning Scheme)
- Seymour Railway Station (HO308 – Mitchell Planning Scheme)
- House and garden, 770 Wandong Road (HO294 – Mitchell Planning Scheme)
- Former Beveridge Station Complex (VHI:H14320-Whittlesea Planning Scheme)

Works within the registered extent of the above places listed on the VHI or VHR will require consultation with Heritage Victoria and permits or consents (or exemptions from permits or consents) under the *Heritage Act 2017* (Vic). The Incorporated Document also includes conditions to manage the impact of the Project on heritage places included under a Heritage Overlay. This includes a requirement for a report or plans detailing the extent of development to be prepared to the satisfaction of the Minister for Planning where, but for the Incorporated Document, a planning permit would be required for buildings, works, demolition, alteration or removal of a heritage place within a Heritage Overlay.

Aboriginal cultural heritage will be managed in accordance with the requirements of the *Aboriginal Heritage Act 2006* (Vic). At the time of writing, four Cultural Heritage Management Plans (**CHMP**) are under development for the Project.

e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

The Incorporated Document will provide a single approval that will ensure orderly and coordinated provision of rail freight transport infrastructure and associated facilities for the benefit of the community. The Project will result in improvements to rail and road infrastructure and will ensure that existing utilities are adequately protected, relocated and upgraded where necessary.

f) To balance the present and future interests of all Victorians.

The Project is expected to significantly improve the freight network in Victoria and strengthen links to Melbourne and regional areas. The Amendment will facilitate the Project, which will benefit present and future Victorians by delivering significant economic benefits and driving cost savings for producers and consumers. The Project will also address the forecasted demand that expects to see freight volumes in Victoria triple. The delivery of the Project will be carefully managed to minimise disruption for rail users, local communities and businesses.

How does the Amendment address any environmental, social and economic effects?

The Project that will be facilitated by the Amendment has been informed by a range of specialist studies. It has considered potential environmental, social and economic effects of construction and operation as follows.

Environmental effects

Environment Report

The Project was referred to the Minister for Planning in April 2020 to determine if an EES was required under the *Environment Effects Act 1978 (Vic)* (referral number 2020-07).

The Minister for Planning determined that an EES was not required for the Project subject to conditions, including a condition requiring the preparation of an Environment Report to the satisfaction of the Minister for Planning. The Environment Report for the Project will examine and document:

- The predicted impacts (direct and indirect) on biodiversity values, particularly associated with
 - listed species (under the *Flora and Fauna Guarantee Act 1988 (Vic)* (**FFG Act**) and *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (**EPBC Act**).
 - disruption to habitat connectivity for listed fauna (under the FFG Act and EPBC Act) including Brush-tailed Phascogale, Squirrel Glider, Barking Owl, Swift Parrot and Regent Honeyeater.
 - listed communities (under the FFG Act and EPBC Act), including the FFG Act-listed Victorian Temperate Woodland Bird Community and EPBC Act-listed Grey Box Grassy Woodlands.
 - native vegetation, including impacts to large trees and large hollow-bearing trees.
- Potential cumulative impacts of nearby and coinciding infrastructure projects (such as the Shepparton Line Upgrade and the North East Rail Line Upgrade) on native vegetation and biodiversity values particularly in relation to values mentioned above.
- Assessment of project design alternatives and construction techniques to avoid and minimise adverse environmental effects, including exploration of alternate proposed measures to avoid, minimise and mitigate potential impacts on native vegetation and biodiversity values examined in the report, such as no-go zones.
- Mapping that clarifies the potential locations of proposed project infrastructure, works and construction, as well as predicted environmental impacts and key environmental assets and values to be avoided (e.g. environmental control points and no-go zones); and

- Targeted surveys and ecological investigations undertaken by suitably qualified persons in accordance with relevant survey guidelines in consultation with DELWP, to inform the prediction of potential environmental impacts of the project on native vegetation and biodiversity values.

Environmental Management Framework

The second condition of the Minister's no-EES decision on the referral (referral number 2020-07) requires the preparation of an Environmental Management Framework (**EMF**). The EMF must be informed by the findings and conclusions of the Environment Report and be developed in consultation with DELWP and to the satisfaction of the Minister for Planning. It will provide a statement of all environmental commitments for the Project and provide an overarching framework to manage environmental and amenity impacts during construction.

Native vegetation

The Project Land generally occurs within a highly modified environment, dominated by road and rail infrastructure, in addition to land cleared for agricultural purposes or rural town centres. Interspersed amongst this are areas of remnant native vegetation that occur on both public and private land. As the Project is currently within the reference design phase the total amount of native vegetation removal required to facilitate the project is still being established. However, as the design progresses and the final construction footprint is refined, the predicted impacts (direct and indirect) on biodiversity values, particularly associated with native vegetation removal, will be detailed in the Environment Report for the Project, which will be placed on public exhibition for comment.

In addition, the Incorporated Document requires details of the proposed removal, destruction or lopping of native vegetation necessary for the construction of the Project to 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 and lopping of native vegetation* (DELWP 2017) (**the Guidelines**), to the satisfaction of the Secretary to DELWP. The Incorporated Document also requires native vegetation offsets to be provided in accordance with the Guidelines, except as otherwise agreed by the Secretary to DELWP.

Environmental Overlays

The Project Land intersects several Environmental Overlays including Environmental Significance Overlays (ESO) and Vegetation Protection Overlays (VPO).

The Incorporated Document requires an EMF be prepared to the satisfaction of the Minister for Planning and in consultation with the Whittlesea, Mitchell, Strathbogje, Benalla, Wangaratta and Wodonga Councils. This will include consultation on the objectives of the Environmental Overlays and the outcomes will be incorporated into the Project's EMF.

Heritage

The Project Land includes several heritage places listed on the NHL, VHR, VHI or local HO.

Works within the registered extent of places listed on the VHI or VHR will require consultation with Heritage Victoria and permits or consents (or exemptions from permits or consents) under the *Heritage Act 2017* (Vic) This includes any item subject to an Interim Protection Order under the *Heritage Act 2017* (Vic).

The Incorporated Document includes conditions to manage the impact of the Project on specified heritage places listed on local Heritage Overlay. This includes a requirement for a report or plans detailing the extent of development to be prepared to the satisfaction of the Minister for Planning where, but for the Incorporated Document, a planning permit would be required for buildings, works, demolition, alteration or removal of a heritage place within a Heritage Overlay.

The preparation and approval of a CHMP is required for the Project in accordance with the *Aboriginal Heritage Act 2006* (Vic). At the time of writing, four CHMPs are under development for the Project.

Flooding

The Incorporated Document requires that where, but for the Incorporated Document, a planning permit would be required any buildings and works on a part of the Project Land affected by the Floodway Overlay, Land Subject to Inundation Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

Potentially contaminated land

The EMF will include measures to manage contaminated land within the Project Land to the satisfaction of the Minister for Planning.

Air quality

- Operation

Emissions from the operation of double-stacked freight trains are not expected to increase significantly over the existing emissions primarily due to the use of the same number of locomotives per service and only a slight increase in train frequency. Calculations of PM_{2.5}, PM₁₀ and NO_x emissions indicate that emissions as a result of the Project would have a very minor contribution.

- Construction

Air quality impacts from the Project associated with the construction phase will primarily be in relation to the emission of dust. The Incorporated Document requires the preparation and approval of an EMF, which alongside the Construction Environmental Management Plan (**CEMP**) will include measures to manage air quality impacts during construction to the satisfaction of the Minister for Planning.

Noise

- Operation

Preliminary assessments indicate there will be limited noise impacts associated with the operation of the Project. The Wangaratta Station Precinct is the only area that may experience a noticeable increase in noise levels at sensitive receptors with predicted rail noise levels likely be above the assessment criteria without mitigation. However, an initial review of noise mitigation options identified that at-property treatments may be feasible. The final mitigation strategy will be confirmed during detail design. To ensure that Project noise impacts are appropriately mitigated, noise monitoring will be undertaken once the Project is operational.

If initial noise mitigation measurements are unsuccessful, further mitigation measures will be considered to ensure compliance with applicable industry standards. This will likely include a process of further railway noise modelling, analysis of engineering and environmental constraints, and consultation with directly affected landowners and sensitive receptors.

- Construction

Construction activities may result in potential noise impacts near the Project Land. However, noise impacts during construction will be short-term, in discrete locations and will be managed to acceptable levels. The EMF will include an overarching framework for site or work specific measures to reduce and manage environmental and amenity effects of noise during construction and the Project will be delivered in accordance with the relevant EPA Victoria policies and guidelines. The Project must have regard to the Environmental Guidelines for Major Construction

Sites (EPA Victoria, February 1996) to minimise noise-related impacts during construction and the relevant provisions for the *Environment Protection Act 1970* (Vic).

Social effects

The Project will facilitate a range of positive social effects, including increased employment opportunities arising from the construction of the Project and improved freight connections for Victorian businesses and primary producers.

The Project will connect regional Victoria to markets more effectively and in turn, drive substantial cost savings for producers and consumers. Upgrades to road and pedestrian foot bridges will provide for improved urban design outcomes, lighting, visibility, and accessibility that complies with the Australian Government's *Disability Discrimination Act 1992* (Commonwealth (Cth)).

It is anticipated that Project's construction works will impact the people who live, work and operate businesses near the Project Land. However, these impacts will mostly be temporary in duration. Impacts would include restrictions on access to the Project Land including areas of open space, disruption to local access routes, amenity impacts such as traffic, noise and dust and potential disruption to utilities. The EMF for the Project will provide a framework to ensure that these localised construction activities are appropriately managed. Ongoing consultation with the community, stakeholders and businesses will be undertaken to understand how the Project can enhance opportunities and manage potential social impacts.

Temporary occupation and permanent acquisition

To enable the construction of new road and rail infrastructure at some locations, and to facilitate access to construction sites, a limited number of properties will be required for temporary occupation or permanent acquisition. Conversations with landowners who are likely to be affected have already taken place, and consultation with these landowners will continue as the project design progresses.

Economic effects

The Project is expected to have a positive economic effect by enhancing supply chains and completing the 'backbone' of the freight network between Melbourne and Brisbane via regional Victoria. Positive economic effects are expected to include (but are not limited to):

- An improved investment landscape with the Project expected to be a catalyst for complementary private sector investments, such as fleet upgrades, new terminals and integrated freight precincts.
- An increase in access to national markets and decreased logistics costs for local Victorian businesses.
- More effective connections for regional Victoria to national markets which will drive substantial cost savings for producers and consumers.
- Increased employment opportunities arising from the construction of the Project including a predicted 2,800 Victorian jobs during construction.

It is anticipated that the construction of the Project may impact local businesses operating within close proximity to the Project. These impacts will mostly be temporary in duration and the EMF for the Project will provide a framework to ensure localised construction activities are appropriately managed.

Does the Amendment address relevant bushfire risk?

A large portion of the Project Land is located within a bushfire prone area. In addition, the Bushfire Management Overlay (**BMO**) applies to land in Broadford, Tallarook and Seymour. Works in these areas are limited to rail and road infrastructure, utilities, and associated infrastructure and works,

which in accordance with the BMO does not require a planning permit. As such, the Amendment is unlikely to pose risk of bushfire to the community, infrastructure or the environment.

ARTC has consulted with the Country Fire Authority (CFA) in the preparation of this Amendment and will continue to consult with the CFA as the Project design progresses.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

Section 12(2)(a) of the P&E Act requires that in preparing a Planning Scheme Amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this amendment.

Ministerial Direction – The Form and Content of Planning Schemes

The Amendment is consistent with the *Ministerial Direction – The Form and Content of Planning Schemes* under Section 7(5) of the P&E Act.

Direction No. 1 Potentially Contaminated Land

The Amendment is consistent with *Direction No. 1 Potentially Contaminated Land*. The Amendment does not propose a sensitive use, agriculture or public open space and design and construction of the Project will be in accordance with an EMF. The EMF will contain measures to manage contamination in accordance with industry standards, and to ensure the environmental condition of the land is suitable for the future intended use.

Direction No. 9 Metropolitan Planning Strategy

The Amendment is consistent with *Direction No. 9 Metropolitan Planning Strategy and Plan Melbourne 2017-2050*. The Project will deliver on the relevant principles, outcomes and directions by:

- Delivering jobs and investment opportunities.
- Facilitating transport improvements to make jobs and community services more accessible.
- Improving freight operations which will increase social and economic participation.
- Improving the operation of the existing freight network with more efficient freight transport.
- Ensuring the environmental and construction impacts are managed and minimised through implementation of the EMF.

In particular, the Amendment delivers on Plan Melbourne 2017-2050 Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services and goods to market by specifically delivering on:

- Policy 3.4: Improve freight efficiency and increase capacity of gateways while protecting urban amenity
- Policy 3.4.2 Increase the volume of freight carried on rail
- Policy 3.4.3 Avoid negative impacts of freight movements on urban amenity

Direction No. 11 Strategic Assessment of Amendments

The Amendment has been prepared having regard to *Direction No. 11 Strategic Assessment of Amendments*.

Direction No. 19 Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The Amendment has been prepared having regard to *Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health* and *Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health*.

This Direction requires planning authorities to seek the views of the EPA Victoria in the preparation of Planning Scheme Amendment reviews and amendments that could result in significant impacts on the environment, amenity and human health due to pollution and waste.

It is not considered that the Amendment will result in the use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution or waste. The EPA Victoria has been consulted on the Amendment and the consideration of potential impacts to the environment, amenity and human health will be addressed by the EMF. ARTC will continue to engage with the EPA Victoria as detailed design of the Project progresses, and throughout the construction of the Project.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports or implements the following clauses of the Planning Policy Framework (PPF).

- **Clause 11 (Settlement):** The Project facilitates investment in Victoria's freight network and will ensure the needs of future communities are met by enhancing supply chains.
 - The Project is consistent with **Clause 11.01-1S (Settlement)** as it will strengthen transport links on national networks for the movement of commodities.
 - In accordance with **Clause 11.03-6S (Regional and local places)**, the Project proponent has undertaken extensive consultation with key stakeholders to ensure the distinctive characteristics and needs of regional and local places have been considered in the development of the Project.
- **Clause 12 (Environment and Landscape Values):** The Project seeks to protect any areas of environmental value through seeking to avoid, mitigate and/or manage any potential impacts from construction and operation. The Project will adopt context sensitive construction methods where possible to mitigate inappropriate impacts to natural areas and reserves. The Project will leverage the existing rail infrastructure corridors to the maximum extent possible to avoid and minimise native vegetation removal.
 - Consistent with **Clause 12.01-2S (Native vegetation management)** the unavoidable removal of native vegetation would be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017). It is anticipated the Project will be able to satisfy all offset requirements.
 - Pursuant to **Clause 12.03-1S (River corridors, waterways, lakes and wetlands)**, the Project seeks to protect and enhance river corridors, waterways and lakes. The Project has been developed to maintain environmental assets and protect any environmental values of these assets where possible.
- **Clause 13 (Environmental Risks and Amenity):** Construction and operation of the Project will be undertaken in accordance with an EMF to ensure that best practice environmental and risk management approaches are adopted.
 - The Project supports planning for bushfire resilience by utilising areas that are generally cleared of hazardous vegetation consistent with **Clause 13.02-1S (Bushfire Planning)**.
 - As part of the Project, supporting technical specialist studies have been undertaken. Of relevance to this Clause, disciplines included surface water, groundwater,

contamination, air quality and noise. In doing so, the objectives and strategies contained under the following clauses are supported and/or implemented as part of the Project where applicable.

- **Clause 13.03 (Floodplains)**
- **Clause 13.04 (Soil Degradation)**
- **Clause 13.05 (Noise)**
- **Clause 13.06 (Air Quality)**
- **Clause 13.07 (Amenity and Safety)**

The specialist technical studies (listed above) identified mitigation measures to avoid, mitigate and/or manage any potential impacts. These measures will be included in the Project's EMF to the satisfaction of the Minister for Planning.

- **Clause 14 (Natural Resource Management):** In accordance with **Clause 14 (Natural Resource Management)** the Project supports environmental quality and sustainable development in Victoria.
 - The Project supports the objective of **Clause 14.01-1S (Protection of agricultural land)** by using the existing rail corridor and road reserves to the maximum extent practicable and limiting the permanent occupation of farming land.
- **Clause 15 (Built Environment and Heritage):**
 - Pursuant to **Clause 15.01-1S (Urban design)**, the Project will promote good urban design. An Urban Design Framework has been developed to support the development and use of the Project.
 - In accordance with **Clause 15.01-6S (Design for rural areas)**, the development and use of the Project seeks to respect valued areas of rural character of the towns the Project Land affects.
 - The Project supports the objective of **Clause 15.02-1S (Energy and resource efficiency)** by supporting low energy forms of transport by reducing the size and number of trucks on Victorian highways, which therefore, will result in lower carbon emissions. It is estimated that the national Inland Rail Program will reduce carbon emissions by 750,000 tonnes.
 - The Project will protect places and sites with significant heritage and cultural value in accordance with **Clause 15.03-1S (Heritage conservation)**. The Project Land intersects with one place on the NHL, three places on the VHR, three places on the VHI and several places listed on local heritage overlays. The heritage places in the Project Land are most commonly associated with Station Precincts and the Glenrowan Heritage Precinct recognising the site of the 'Kelly Gang' siege. In accordance with **Clause 15.03-1S (Heritage Conservation)** mitigation measures will be developed as part of the Project to ensure the protection and appropriate treatment of heritage sites. Compliance with any heritage permit conditions will be incorporated into the EMF to the satisfaction of the Minister for Planning.
 - Pursuant with **Clause 15.03-2S (Aboriginal cultural heritage)**, Aboriginal cultural heritage will be managed accordance with the requirements of the *Aboriginal Heritage Act 2006* (Vic). At the time of writing, four CHMPs are under development for the Project and are being prepared in consultation with Aboriginal Victoria, the Yorta Yorta Nation Aboriginal Corporation and the Taungurung Land and Waters Council Aboriginal Corporation. The Project's CHMPs will provide management conditions for any Aboriginal heritage within the Project Land.
- **Clause 17 (Economic Development):** The Project will enhance Victoria's economic prosperity by significantly improving the efficiency of Victoria's rail freight capacity. The efficiency of supply chains is directly reflected in the price consumers pay for goods and an efficient internal freight

network will help ensure the competitiveness of exports. The Project will maximise returns to the economy and provide a source of taxable revenue to support the provision of public services.

- On a local scale, the Project will lead to enhanced economic outcomes by providing local employment opportunities during construction in accordance with **Clause 17.01-1S (Diversified Economy)**.
- In accordance with **Clause 17.01-2 (Innovation and Research)** the Project will expand the development of logistics infrastructure in Victoria.
- **Clause 18 (Transport):** The Project will help deliver an integrated and sustainable transport system that facilitates economic prosperity and coordinates the reliable movements of goods.
 - Pursuant to **Clause 18.01-1S (Land use and transport planning)**, the Project will contribute to developing an integrated transport network to connect goods to market.
 - In accordance with **Clause 18.01-2S (Transport Systems)** the Project is addressing the forecasted demand that expects to see freight volumes in Victoria triple.
 - The Project is expected to significantly improve the freight network in Victoria and strengthen links to Melbourne and regional areas in accordance with **Clause 18.05-1S (Freight Links)**. The Project will improve freight efficiency and increase capacity whilst protecting urban amenity at and adjacent to the Project Land located along the existing railway corridor. The Project will also minimise negative impacts of freight movements on urban amenity by reducing the size and number of trucks on Victorian highways, which as a consequence, will reduce road congestion, lower carbon emissions, reduce road noise and likely reduce deaths and injuries from road accidents.
- **Clause 19 (Infrastructure):** The Project will facilitate the efficient use of existing infrastructure by upgrading and increasing the efficacy and capacity of the North East Rail line.
 - The facilitation of the Project by this Amendment supports the objective of **Clause 19.03-2S (Infrastructure design and provision)** by providing timely, efficient and cost-effective development infrastructure that meet the needs of the community.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Local Planning Policy Frameworks (**LPPF**) of each municipality, including the Municipal Strategic Statements (**MSS**), contains a broadly consistent planning framework relevant to the Project that is directed to improving transport infrastructure and services while also protecting heritage, environmental and landscape values.

Specifically, the Project supports and implements the following objectives and strategies from the LPPF:

Whittlesea Planning Scheme

- Clause 11.03 (Planning for Places)
- Clause 13.01 (Climate Change Impacts)
- Clause 15.01 (Built Environment)
- Clause 15.01 (Sustainable Development)
- Clause 15.03 (Heritage)
- Clause 17.01 (Employment)
- Clause 17.02 (Commercial)
- Clause 17.03 (Industry)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Movement Networks)
- Clause 18.05 (Freight)
- Clause 19.03 (Development Infrastructure)

Mitchell Planning Scheme

- Clause 21.01 (Municipal Profile)
- Clause 21.02 (Settlement)
- Clause 21.03 (Environmental and Landscape Values)
- Clause 21.04 (Environmental Risks)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Infrastructure)
- Clause 21.11 (Local Areas)
- Clause 22.02 (Heritage Policy)

Strathbogie Planning Scheme

- Clause 21.01 (Municipal Profile)
- Clause 21.02 (Sustainable Settlement)
- Clause 21.03 (Local Area Plans)
- Clause 21.04 (Sustainable Environment)
- Clause 21.05 (Sustainable Communities)
- Clause 21.06 (Sustainable Economic Growth)
- Clause 21.07 (Sustainable Infrastructure)
- Clause 22.03 (Hume Freeway, Goulbourn Valley Highway Environs)

Benalla Planning Scheme

- Clause 21.01 (Benalla Rural City)
- Clause 21.02 (Settlement, Housing and Character)
- Clause 21.03 (Environmental, Landscape and Heritage Values)
- Clause 21.04 (Environmental Risks)
- Clause 21.06 (Economic Development)
- Clause 21.07 (Transport and Infrastructure)
- Clause 21.08 (Local Areas)

Wangaratta Planning Scheme

- Clause 21.01 (Introduction)
- Clause 21.02 (Settlement)
- Clause 21.03 (Environmental and Landscape Values)
- Clause 21.04 (Environmental Risks)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Infrastructure)
- Clause 21.11 (Local Areas)
- Clause 22.01 (Rural Land Use and Agriculture)
- Clause 22.03 (Glenrowan Township)
- Clause 22.06 (Heritage Places and Precincts)
- Clause 22.07 (Hume Freeway Environs)

Wodonga Planning Scheme

- Clause 21.01 (Municipal Profile)
- Clause 21.02 (Vision and Strategic Framework)
- Clause 21.03 (Settlement)

- Clause 21.04 (Environmental and Landscape Values)
- Clause 21.05 (Environmental Risk)
- Clause 21.07 (Built Environment and Heritage)
- Clause 21.09 (Economic Development)
- Clause 21.10 (Transport)
- Clause 21.11 (Infrastructure)
- Clause 21.13 (Local Areas)
- Clause 22.02 (Urban Design along Main Roads)
- Clause 22.05 (Cultural Heritage Policy)

The Amendment provides support and implements these clauses, as follows:

- The Project will facilitate investment in Victoria's freight network and will ensure the needs of future communities are met by enhancing supply chains. It will help deliver an integrated and sustainable transport system that facilitates economic prosperity and coordinates the reliable movements of goods.
- Construction and operation of the Project will be undertaken in accordance with an EMF, which will ensure that best practice environmental and risk management approaches are adopted.
- Places and sites of significant heritage and cultural value will be protected and respectfully managed as far as practicable.
- The Project has been designed to ensure the protection of significant environmental and landscape values through the avoidance, mitigation and/or management of any potential impacts from construction and operation. The Project will adopt context sensitive construction methods where possible to mitigate impacts to natural areas and reserves. The Project will leverage the existing rail infrastructure corridors to the maximum extent possible to avoid and minimise native vegetation removal.
- The Project will enhance Victoria's economic prosperity by significantly improving freight capacity. This will connect regional Victoria to markets more efficiently and drive substantial cost savings for producers and consumers.
- The Project will create an efficient rail network which will reduce the nation's reliance on road transport, and as a consequence, reduce road congestion, lower carbon emissions, reduce road noise, likely reduce deaths and injuries from road accident and improve amenity in urban and regional centres.
- The Project will not preclude the levels of service, safety and visual amenity of the Hume Freeway which runs largely parallel to the Project Land.
- The Project has ensured that adequate fire protection measures have been considered particularly where parts of the Project Land are affected by the BMO at Broadford, Tallarook and Seymour. The Amendment is not expected to increase the risk to life, property, community infrastructure or the natural environment from bushfire.
- The Project will add significant value to existing and future primary production industries. It will renew aging infrastructure which will provide an improved connection to regional markets.
- The Project will respect the valued areas of rural character of the towns the Project Land affects and promote good urban design along and abutting the existing railway corridor.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions, specifically **Clause 45.12** and **Clause 72.04** of the Planning Schemes to facilitate the Project.

The Amendment applies an Incorporated Document to the SCO under Clause 45.12 of the Planning Schemes. The purpose of Clause 45.12 is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. The use of this provision for the Project is appropriate because the Project is of genuine State significance and the Incorporated Document will allow the Project Land to be used and developed in a coordinated, consistent and timely manner under a single planning control. It will remove the need for the Project to seek multiple and separate planning permits.

The site-specific controls in the Amendment are set out in the Incorporated Document and allow the use and development of the Project Land for the purposes of the Project subject to the conditions set out in the Incorporated Document.

How does the Amendment address the views of any relevant agency?

ARTC has consulted the following agencies, authorities and stakeholders in the process of development of the Project and preparation of this Amendment:

- Aboriginal Victoria
- Benalla Rural City Council
- Country Fire Authority
- City of Whittlesea
- DELWP
- Department of Agriculture, Water and the Environment (**DAWE**)
- Department of Transport / VicRoads
- EPA Victoria
- Goulburn Broken Catchment Management Authority
- Heritage Victoria
- Mitchell Shire Council
- North East Catchment Management Authority
- Office of the Victorian Government Architect
- Strathbogie Shire Council
- Taungurung Land and Waters Council Aboriginal Corporation
- VicTrack
- V/Line
- Rural City of Wangaratta Council
- Wodonga Council
- Yorta Yorta Nation Aboriginal Corporation
- Emergency services

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment facilitates a Project that is consistent with the vision statement in the *Transport Integration Act 2010 (Vic)* (**TI Act**) and addresses the key transport system objectives and decision-making principles in the TI Act, in the following ways:

Division 2 – Transport system objectives

- **Section 8 (Social and economic inclusion):** The Project will support social and economic inclusion by improving the capacity of the freight network, thereby expanding opportunities for access to social and economic opportunities, particularly for primary producers.
- **Section 9 (Economic prosperity):** The Project will support economic prosperity by creating jobs and facilitating better freight connections in Victoria. The Project will modernise and improve existing transport infrastructure which will achieve greater operational efficiencies for Victoria's rail and road networks, creating jobs in all parts of the economy.

- **Section 10 (Environmental sustainability):** Improved freight services along the North East Rail line from Beveridge to Albury will support the development of the rail network as a sustainable transport option for the movement of goods throughout Victoria. An efficient rail network and competitive rail services will reduce the nation's reliance on road transport, and as a consequence, reduce road congestion and lower carbon emissions. It is estimated that the national Inland Rail Program will reduce carbon emissions by 750,000 tonnes. The Project will be designed and constructed to achieve an 'excellent' Infrastructure Sustainability (IS) Rating from the Infrastructure Sustainability Council of Australia (ISCA).
- **Section 11 (Integration of transport and land use):** The Project will generally be delivered within the existing rail corridor and maximises integrations with the existing railway network while minimising impacts to proximate land uses.
- **Section 12 (Efficiency, coordination and reliability):** The Amendment will ensure the Project is delivered in a timely manner to support the current and future requirements of the transport system and the demands of the Victorian freight network.
- **Section 13 (Safety and health and wellbeing):** Currently 74 percent of all inter-capital freight between Brisbane and Melbourne is carried by road. The Project will reduce the size and number of trucks on Victorian highways and deliver significant safety, environmental and community benefits. It is estimated that the national Inland Rail Program could remove 200,000 truck movements from the road between Melbourne and Brisbane each year.

Division 3 – Decision-making principles

- **Section 15 (Principle of integration decision making):** The Project has been the subject of a coordinated and public process that has incorporated the views of relevant agencies, statutory authorities, and local governments.
- **Section 16 (Principle of triple bottom line assessment):** The economic, environmental and social costs and benefits of the Project have been considered. The investigations and assessments undertaken for the Project satisfy the principles of triple bottom-line assessment.
- **Section 17 (Principle of equity):** The Project will improve the overall operation of the transport system in Victoria and will cater for the needs of existing and future businesses and communities. The rail services are available to all persons and businesses including those in rural areas.
- **Section 18 (Principle of transport system user perspective):** The rail corridor in the Project Land is shared with V/Line's passenger operations, the Sydney-Melbourne XPT. The delivery of the Project will be managed and programmed so as to not inhibit the user experience of this transport system.
- **Section 19 (Precautionary principle):** The precautionary principle was adopted during the development of the Project through specialist investigations and due-diligence evaluations to avoid serious or irreversible damage to the environment.
- **Section 20 (Principle of stakeholder engagement and community participation):** The Project is supported by a communications strategy which includes consultation with local communities, transport system users and other key stakeholders.
- **Section 21 (Principle of transparency):** The Project is supported by a communications strategy which includes consultation with local communities, transport system users and relevant agencies during the preparation of the Amendment. Consultation will continue throughout the lifetime of the Project to provide transparency and appropriate information sharing with stakeholders and communities.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The implementation of the new planning provisions will have minimal impact on the resource and administrative costs of the relevant responsible authorities.

ATTACHMENT A
PROJECT LAND AFFECTED BY THE AMENDMENT

DRAFT