

Planning and Environment Act 1987

Government Land Standing Advisory Committee

Tranche 29 Report

Wallan Area Network Improvements Project

26 April 2021

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List of Abbreviations

Council	Mitchell Shire Council
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DoT	Department of Transport
DSS	Development Services Scheme
GLSAC	Government Land Standing Advisory Committee
PAO	Public Acquisition Overlay
PPF	Planning Policy Framework
SCO	Specific Controls Overlay
VPP	Victoria Planning Provisions
WANI	Wallan Area improvement Networks

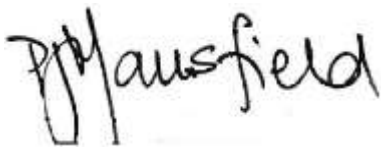
About this report

On 7 July 2020, the Minister for Planning referred Planning Scheme Amendment C129 (the Amendment) to the Government Land Standing Advisory Committee as Tranche 29. The Amendment proposes to facilitate the Wallan Area Network Improvements Project.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for the Wallan Area Network Improvements Project.



Trevor McCullough, Chair



Prue Mansfield, Member

26 April 2021

1 Summary and recommendation

1.1 Context

(i) The site

The Amendment relates to the Wallan Area Network Improvement (WANI) project that proposes road network improvements to better connect the Hume Freeway to the Wallan township on the southern and eastern approaches to the town.

Figure 1: Site location



(ii) The Wallan Area Network Improvement Project

The WANI has 3 stages as shown in Figure 1:

- Stage 1: The construction of south-facing ramps from Watson Street (Wallan-Whittlesea Road) to the Hume Freeway and the duplication of the existing overpass
- Stage 2: The duplication of Watson Street between the Hume Freeway and the Northern Highway including a new median, and shared paths

- Stage 3: Duplication of the Northern Highway, from Watson Street south to the interchange with the Hume Freeway, including shared paths and intersection upgrades.

(iii) The Amendment

Amendment C129mth to the Mitchell Planning Scheme (the Amendment) seeks to establish the planning controls that will enable the completion of all three stages of the WANI. Funding has been allocated for the completion of Stage 1. The detailed design and construction of Stages 2 and 3 are subject to further funding allocations.

The Amendment proposes to enable the WANI by:

- Combining the planning controls on the project land into one control, namely the Specific Controls Overlay 3 (SCO3)
- Incorporating the Wallan Area Network Improvements Incorporated Document September 2020 into the Mitchell Planning Scheme
- Applying the Public Acquisition Overlay 5 (PAO5) to the land to be acquired for the project
- Making the Minister for Planning the Responsible Authority for future approvals.

1.2 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

Issues raised in submissions related to:

- Use of Wallan Community Park as a layover area
- Landscaping on the south side of Watson Street
- Extent of overlays on the land required for the shared paths
- Approvals framework for the landscaping and public art
- Impact on DET land at Wallan Community College
- Access for emergency services, during construction and when completed
- Road design, in particular the impact on Hadfield Lane, and the extent of shared paths along Watson Street
- Drainage issues, in particular the relocation of Wallan Creek, and the subsequent extent of the PAO required on 156 Queen Street, Wallan
- Support for the need for the project
- Requests for additional works
- Requests for changes to the Incorporated Document.

1.3 Committee conclusion

The proposed planning provisions make proper use of the Victoria Planning Provisions (VPP) and are prepared and presented in accordance with the *Ministerial Direction on The Form and Content of Planning Schemes*.

Table 1: Existing and proposed controls

Current planning scheme controls	Exhibited planning scheme	Advisory Committee recommendation
Nil	Specific Controls Overlay 3 (SCO3)	Specific Controls Overlay 3 (SCO3) with minor changes
Nil	Public Acquisition Overlay 5 (PAO5)	Public Acquisition Overlay 5 (PAO5) with minor changes
	WANI Incorporated Document	WANI Incorporated Document as amended

In response to submissions DoT proposed a number of changes to the SCO and PAO schedules. The Committee endorses the proposed changes as detailed in this report.

The main unresolved issue related to provision for drainage in Stage 2 of the Project – the duplication of Watson Street. After further advice and consideration, DoT proposed a revised Incorporated Document that commits DoT to further definition of drainage requirements and a further planning scheme amendment to define land required for drainage via a future PAO. While it would have been preferable for this work to have been done in the planning stages so that land could have been set aside (via a PAO) as part of this Amendment, the Committee accepts that the modified Incorporated Document provides an acceptable way forward.

1.4 Recommendation

The Committee recommends that Mitchell Planning Scheme Amendment C129mith be approved as exhibited subject to the following changes:

- 1. Adopt the changes to the Specific Controls Overlay Schedule 3, the Public Acquisition Overlay Schedule 5 and the Incorporated Document as shown in Appendices E, F and G of this report.**
- 2. Adopt the minor changes to the Amendment documents as summarised in Table 6 of this report.**

2 Process issues for this site

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	29
Common name	Wallan Area Network Improvements Project
The Amendment	Planning Scheme Amendment C129mth to the Mitchell Planning Scheme
Brief description	Amendment C129mth seeks to facilitate the coordinated and staged development of the Wallan Area Network Improvements Project in accordance with the <i>Wallan Area Network Improvements, Incorporated Document, February 2021</i>
Project land	Land required for the project as shown in Figure 1
The Proponent	Department of Transport
Referral to the Committee	7 July 2020
Exhibition	12 October to 4 December 2020
Submissions	27 (see Appendix B)

Table 3: Exhibited planning scheme changes

Existing controls	Exhibited changes
Nil	Specific Controls Overlay 3 (SCO3)
Nil	Public Acquisition Overlay 5 (PAO5)

Table 4: Committee process

Committee process	
Members	Trevor McCullough (Chair), Prue Mansfield
Directions Hearing	9 February 2021
Hearing	9 March 2021
Further information after the Hearing	30 March 2021
Site inspections	3 February 2021
Appearances	See Appendix C
Citation	GLSAC Tranche 29 Wallan Area Network Improvements Project [2021] PPV
Date of this Report	26 April 2021

3 Issues resolved before and during the course of the Hearing

3.1 Introduction

The Committee encouraged DoT to continue to work with Council and other submitters to resolve outstanding issues. As a result, the majority of issues raised in submissions were resolved prior to or during the course of the Hearing. This Chapter records the changes agreed to.

3.2 Use of Wallan Community Park as a layover area

The original Amendment exhibited included provision for the use of Wallan park for materials and storage during construction. Many submissions (10, 13-17, 19, 21, 24-26) were opposed to this, detailing the extensive community efforts over many years to develop this parkland. Some submissions suggested alternate sites. In response, DoT has abandoned the proposal to use this site for this purpose, and removed that area of the SCO that would have permitted it. Figure 2 shows the resultant proposed reduction in the SCO. The revised SCO shown in Appendix E reflects this change.

Figure 2: Proposed SCO reduction



3.3 Landscaping on the south side of Watson Street

The landscape plans as originally exhibited made no allowance for landscaping on the south side of Watson Street (Figure 3). Council, in its submission, argued that once constructed, the southerly oriented Watson Street ramps would become Wallan's main township entrance and exit. Improving the amenity of this entry and exit would provide significant social benefits, in reflecting the important role of this key gateway to the township. Achieving this level of amenity, and the scale required to have an impact in a 4 lane traffic environment would require planting of sizeable trees, rather than lowing growing grasses and shrubs. Sizeable trees would provide both entrance identity, and by providing canopy shade encourage both walking and cycling.

After discussions between Council and DoT, agreement was reached to reduce the width of the shared path on the southern side of Watson Street from a 4.5 metre separated shared path to a 3 metre wide conventional shared path, between McCarthy Court and Windham Street (Figure 4). Council agreed that while not ideal, this was a sensible compromise solution in this situation. The 3 metres will provide a 1.2 metre planting strip that allows sufficient space for sizeable trees, without encroaching further into the Community Park.

Figure 3: Exhibited Landscape Concept Plan, a 4.5 metre separated shared path and no street tree planting is shown on the south side of Watson Street, west of McCarthy Court



Figure 4: Revised Landscape Concept Plan, showing a conventional 3 metre wide shared path and street tree planting on the south side of Watson Street



Mr Robinson (Submission 25) did not agree with this proposal, arguing that maintaining the same width path for its entire length was more likely to encourage people to use active transport.

The Committee supports the compromise reached by Council and DoT in this particular location, given the site constraints and the impact on the Wallan Community park if a 4.5 metre wide path width was retained.

At the Hearing, Council made a further submission in relation to the location of the path, requesting that the street tree planting be located between the shared path and Watson Street, instead of along the fence line. Council submitted that the vegetated buffer between people using the path and the 4 lane road would encourage active transport choices through improving the environment and sense of safety. DoT supported this change, which has been included in the revised Incorporated Document at Section 4.2.9(B). The Committee supports this further change.

3.4 Extent of the overlays on the shared paths

After the Directions Hearing, the Committee issued Direction 11C, requiring DoT to explain why the Specific Controls Overlay (SCO) is proposed to be applied to pathways on Council land in Wallan Community Park and Hadfield Path.

A planning permit is not required to construct these paths, and therefore the SCO arguably has no role. Council was satisfied that the Indicative Layout Plan clearly shows the upgraded paths through both parks, and Council and DoT have agreed to remove the SCO entirely from both parks, including the proposed upgraded paths.

3.5 The approvals framework for the landscaping and public art

Council submitted that, when constructed, the intersection of the Hume Freeway and Watson Street will become the main entrance and exit for the Wallan township. Council submitted that a well-designed approach is required for the key gateway and Council should therefore be involved in the design. Since exhibition and after further discussion with Council, DoT have changed the Incorporated Document to specify that there must be consultation with Council on the designs for the landscaping and public art at this entrance. Council agreed with this change.

3.6 Impact on DET land at Wallan Community College

The Amendment as exhibited included an indented bus stop in front of the Wallan Secondary College on Watson Street. DET submitted that this indentation would have taken land required for the safe operation of the recently upgraded shared use football oval, and impinged on the underground supporting infrastructure. Discussions between DoT, DET and Council have resulted in agreement to revise the PAO, SCO and Indicative Layout Plan to remove the indented bus stop.

DET asked for the Construction Management Plan, landscaping plan, and fencing plan, which all set out design details to also include timelines for construction and completion of the works. DoT agreed these issues will be included as requirements in the EMP/CEMP required to be completed as set out in the Incorporated Document.

3.7 Access for emergency services vehicles

Both Ambulance Victoria and the Country Fire Authority (CFA) made submissions. The submissions covered similar issues, seeking 24 hour unimpeded access to their sites during set up and construction; and seeking the ability for the emergency services to over-ride the traffic lights so as not to be delayed. The CFA also sought confirmation that any noise barriers and street tree planting would not impinge on the ability of the emergency service to respond. In addition, Ambulance Victoria sought the exit crossover to have a minimum width of 4.5 metres. DoT responded that these details will be included as requirements in the EMP/CEMP set out in the Incorporated Document.

3.8 Recommendation

The Committee supports the resolution of issues as proposed by DoT as set out above. The Committee recommends:

- 1. Adopt the changes to the Specific Controls Overlay Schedule 3, the Public Acquisition Overlay Schedule 5 and the Incorporated Document as shown in Appendices E, F and G of this report.**

4 Unresolved issues

4.1 Drainage design impacts on the proposed Amendment

(i) The issue

Wallan Creek runs just north of Watson Street between Wallan Community Park and the Hume Freeway (see Figure 5). The duplication of Watson Street proposed in Stage 2 of the WANI will affect the flow of the Creek and will be required to be addressed as part of the Project.

The issue is whether the Amendment should address the drainage issues now or whether a process can satisfactorily be put in place to address the issues when Stage 2 proceeds.

Figure 5: Plan showing the location of the Wallan Creek (blue dashed line adjacent to Watson Street)



(ii) Evidence and submissions

Simon Merrigan of Millar Merrigan represented Evne Properties at the Hearing. Evne own land to the north of Watson Street known as 156 Queen Street (see Figure 5). Evne plan to develop the land largely for residential use in accordance with the King and Queen Streets (Wallan) Structure Plan. Approximately one third of the land will accommodate the Mittagong Creek and future stormwater treatment developments (retarding basin/wetlands) subject to the finalisation of a Melbourne Water Development Services Scheme (DSS).

Evne submitted that the proposed PAO5 does not adequately provide for the provision of drainage and in particular the relocation or accommodation of the Wallan Creek stormwater flows.

Evne submitted that the ‘Typical Cross Sections’ of Watson Street¹ of the Stage 2 Concept Plan show the profile of the existing drain (Wallan Creek) within the road reserve but does not indicate how the drain will be replaced.

Evne referred to an email from DoT (copy provided to the Committee) which stated:

Melbourne Water are supportive of Department of Transport's proposal to relocate Wallan TS Drain north to cater for Watson Street road widening. There are no plans to pipe Wallan TS Drain. The costs of relocating Wallan TS Drain (to a like for like standard including any upgrades required to cater the additional loading from the road project only) will be sourced from the construction funding for Wallan Area Network Improvement project – Stage 2 Providence Estate – Queen Street, Wallan which has not yet been funded nor do we have an indication of when construction funding will be received for Stage 2.

The PAO and SCO shown in the updated amendment documents have not been extended to cater for the footprint of the relocated drain as Melbourne Water are responsible for ongoing management of the drain. Department of Transport are only responsible for the ongoing management of road infrastructure as such will not be acquiring land for another authorities infrastructure.

Evne submitted that the response from the Department of Transport is inadequate. It submitted that there will need to be additional land acquired for the relocation of the Wallan Creek and that land required to accommodate the relocation ought to be included in the PAO.

Evne provided information about its future development plans for 156 Queen Street and advised the Committee that *“Council planning officers have advised that the Mitchell Council will not support the finalisation of the Development Plan in the vicinity of Watson Street until there is clarity on the duplication and the need for any acquisition of land”*.

Evne referred to the requirements of Melbourne Water:

Prior to the commencement of works, the realignment of Wallan Creek required to facilitate the Watson Street upgrade must be agreed to by Melbourne Water and all other affected stakeholders. An appropriately sized drainage reserve must be created over the agreed alignment of the waterway.

Council supported the submission of Evne in its submission to the Committee:

The waterway adjacent the northbound Hume Freeway on-ramp (commonly referred to as Wallan Creek) will require relocation out of the road reserve and onto private land within the GRZ1 at 156 Queen Street as part of the WANI upgrade works. This would appear to make DoT the agent for change under the Water Act 1989 and the upgrade works the nexus for moving the creek.

The WANI project represents the opportunity to apply the PAO at 156 Queen Street for to ensure the safe integration of the Wallan Creek with the on-ramp. This will ensure certainty for the landowner of 156 Queen Street and Council regarding the future developable area of a key residential infill development site. Council requests that the relocation and acquisition of the waterway is resolved via the Amendment C129 process and the PAO and SCO is applied to land necessary for the hydraulic width of the waterway.

In support of its position, Evne called Mr Chris Beardshaw to provide expert evidence on stormwater management. Mr Beardshaw gave evidence that the drainage and flooding impacts arising from the widening of Watson Street should be viewed as separate to the DSS and any costs should not be part of the DSS. Mr Beardshaw's evidence was not disputed.

¹ CH980 on page 6, sheet 3 of the typical cross sections for Stage 2

In response to the submissions of Evne and Council, DoT advised that it proposes to continue discussions with Melbourne Water in relation to the DSS within the structure plan area, to design a suitable drainage solution along the northern side of Watson Street.

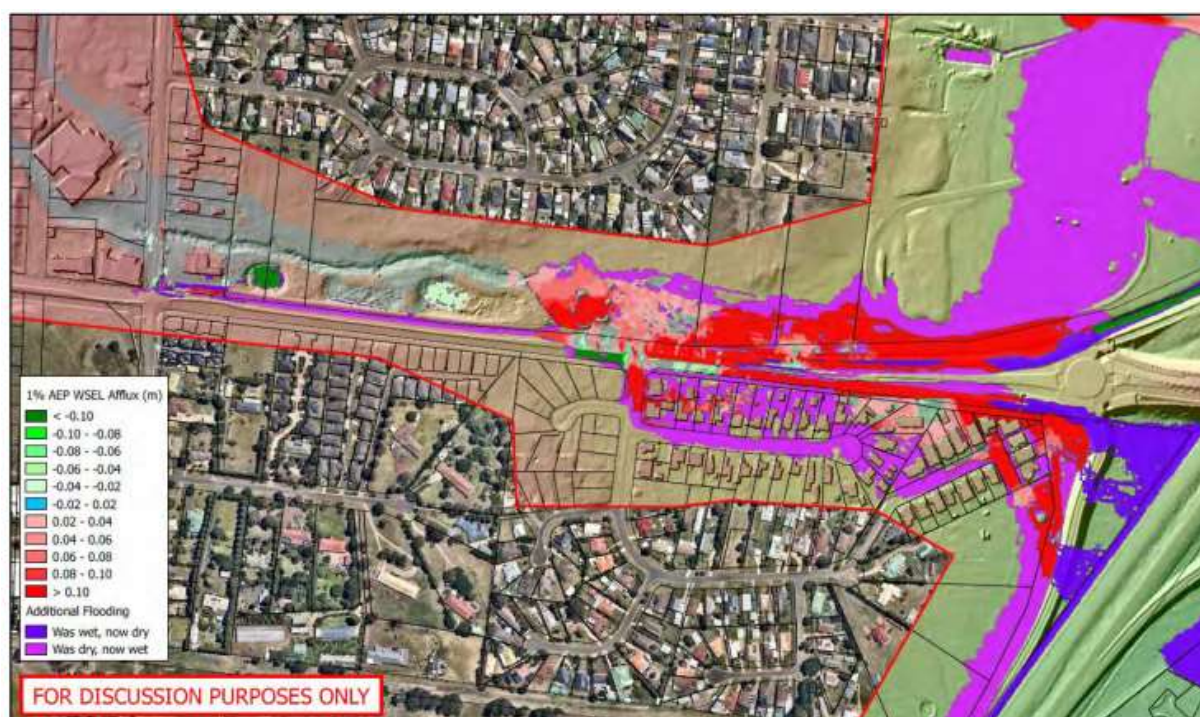
DoT submitted that the proposed PAO would not affect the location of the retarding basin on Mittagong Creek as the existing road reserve contains sufficient space and no works are proposed to the northbound on-ramp.

In its submission to the Committee, DoT confirmed earlier advice to Evne that Melbourne Water are supportive of its proposal to relocate Wallan Creek north to cater for Watson Street road widening and noted that there are no plans to pipe Wallan Creek.

DoT advised that, at this stage, the only conceptual drawings of the relocated drain are those created by Dalton Engineering Consultants on behalf of DoT as part of their hydraulic investigations. At the Committee's request, DoT provided a copy of the Stormwater management strategy and hydraulic impact assessment report prepared by Dalton Consulting Engineers in December 2019.

The Report noted that, if the upgrade is undertaken independently of works associated with the Mittagong Creek DSS, there is a significant amount of additional flooding to private property south of Watson Street. In addition, there is an increase in peak flood levels (afflux) north of Wallan Creek. The increase in flood extents and afflux are both shown in Figure 6.

Figure 6: Impact of Watson Street upgrade without additional works²



The Dalton report included the following conclusions:

Department of Transport recognises the importance of coordinating the proposed upgrade of Watson Street with Melbourne Water and collaborating as to the works associated with Wallan Creek as part of the Mittagong Creek DSS. As part of the planning response process, Department of Transport expects that Melbourne Water will impose conditions on the Watson Street upgrade that require an integrated stormwater

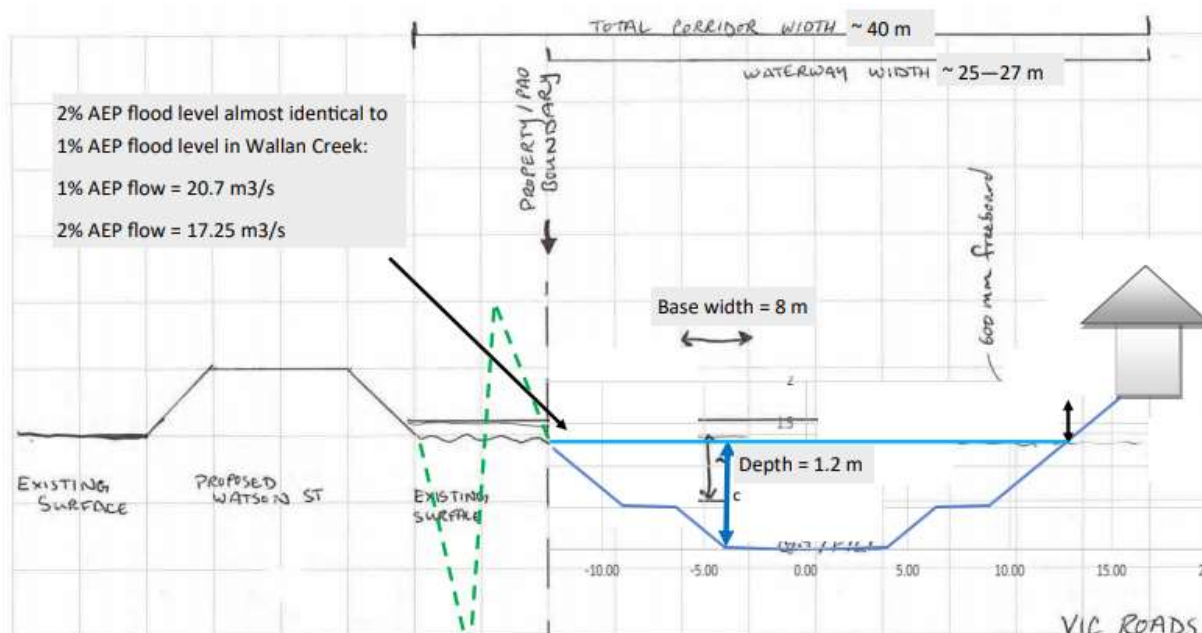
² Reproduced from Figure 5 in the Dalton report

solution to be adopted. This report reinforces the need for collaboration between the authorities and is provided with Department of Transport's submission to inform Melbourne Water as conditions are developed.

This assessment associated with this report indicates that approximately 4,000 m³ of storage within the Wallan Creek floodplain will be removed by the proposed Watson Street upgrade. In addition, a retention storage volume of approximately 945 m³ would be required to reduce peak 1% AEP flow to that experienced in the existing condition. It is suggested that flood storage volume, perhaps combined with retention storage volume, may provide a metric for allocating responsibility for provision of the ultimate solution for Wallan Creek.

In an accompanying memo to DoT, Dalton Consulting Engineers recommended a workable option for a future waterway of total width of approximately 40 metres that would extend approximately 25 to 27 metres into the privately owned land to the north of Watson Street (see Figure 7). Although acknowledged as a concept plan only, 'concept option 6' shows how water from the Wallan Creek might be safely conveyed to avoid flooding of land both to the south and north of Watson Street post construction of Stage 2 of WANI.

Figure 7: Concept option 6 sketch from Dalton Report



In its submission to the Committee DoT submitted that *“the Amendment allows for the Department of Transport to acquire land for road construction and widening purposes. DoT can’t acquire land specifically for drainage purposes.”*

DoT submitted that the final drainage solution within the Mittagong Creek DSS will be determined by Melbourne Water and that DoT is *“committed to ongoing liaison with Melbourne Water in determining the final location of the Wallan TS Drain”*.

DoT acknowledged that *“whilst Wallan Creek will be relocated north as part of the WANI project, the flow of the creek will not be intensified”*.

(iii) Discussion

It seems clear that Stage 2 works (Watson Street duplication) will require the relocation of the Wallan Creek to the north. The Dalton Consulting Engineers Report provided by DoT makes it clear that without any drainage works the duplication of the road would result in substantial

flooding of the existing residential area to south and the Evne site to the north of Watson Street.

DoT has acknowledged that relocation of the Wallan Creek to the north is a necessary consequence of the proposed road widening in Stage 2 (The Committee understands that Stage 1 works do not have any substantial impact on Wallan Creek flows).

The Committee finds it perplexing that DoT made the statement that “*DoT can’t acquire land specifically for drainage purposes.*” This is clearly not the case. If drainage works are required it is sound planning to allow for the purchase of land to accommodate that part of the design. The Committee can only assume that DoT meant that acquiring land for the drainage works is not part of the current Amendment.

In an effort to clarify how this issue might be taken forward the Committee directed³ DoT following the Hearing to further discuss the issue with Council, Melbourne Water and DELWP and advise its preferred approach.

(iv) Post-hearing Direction and response

In response to the Committee’s Direction, DoT sought advice from Norton Rose Fulbright lawyers in relation to developing an appropriate resolution to the drainage impacts. Norton Rose Fulbright advised that drainage considerations can be appropriately controlled in the Incorporated Document forming part of the Amendment.

A copy of Norton Rose Fulbright’s advice was provided to the Committee⁴. The advice from Norton Rose Fulbright included the following:

... as the extent and location of the land required for the Wallan Creek realignment is not yet known (and cannot be determined until the detailed design of the WANI Project is complete), it would not be appropriate for the land needed for the Wallan Creek realignment to be identified in the Planning Scheme as reserved for a public purpose at this time.

The advice went on to say:

To require the Department to undertake detailed design of the WANI Project (which we understand would be a necessary step) before applying a Public Acquisition Overlay (PAO) over any of the land required to be reserved for the purpose of the WANI Project would undermine the purpose of the PAO and be inconsistent with the principle of orderly planning.

In order to provide relevant parties with certainty regarding future drainage impact assessments and costs attributable to DoT associated with the relocation of Wallan Creek (Stage 2 of the WANI), Norton, Rose Fulbright advised and DoT subsequently proposed that additional conditions be inserted into the Incorporated Document.

The updated version of the Incorporated Document was circulated by DoT to the following agencies for comment:

- DELWP Hume Region
- DELWP Government Land Planning Service
- Mitchell Shire Council and
- Melbourne Water.

³ Document 14

⁴ Included in Document 15

DoT requested the Committee to recommend the final version of the Incorporated Document that includes comments from each of these agencies. The final version is shown as Appendix G to this report.

The key clauses in the document relevant to this issue are shown in Table 5 (changes highlighted in *italics*):

Table 5: Stage 2 drainage related clauses in the Incorporated Document

Clause	Exhibited changes
4.2.12 g)	<i>All costs associated with the realignment of Wallan Creek required to facilitate the Watson Street upgrade must be borne by the proponent.</i>
4.2.23	<p>Prior to the commencement of the works associated with each stage of the project:</p> <p>a) an assessment of the drainage impacts attributable to that stage of the project must be prepared to the satisfaction of Melbourne Water (Drainage Impact Assessment);</p> <p>b) where the Drainage Impact Assessment identifies drainage impacts to land other than the project land, a Drainage Management Plan for that stage of the project must be prepared in consultation with affected stakeholders and Mitchell Shire Council and be to the satisfaction of Melbourne Water, Mitchell Shire Council and other affected stakeholders; and</p> <p>c) the Drainage Management Plan must:</p> <ol style="list-style-type: none"> i. address how drainage impacts attributable to that stage of the project will be managed; and ii. be informed by the Drainage Impact Assessment.
4.2.14	<p>Prior to the commencement of works associated with the duplication of Watson Street:</p> <p>a) the land required to realign the Wallan Creek as a result of the project must be:</p> <ol style="list-style-type: none"> i. <i>appropriately</i> identified within the Mitchell Planning Scheme to ensure that an appropriately sized drainage reserve is created over the agreed alignment of Wallan Creek.; or ii. <i>Melbourne Water must have acquired an interest in the land required to realign the Wallan Creek as a result of the project;</i> and <p>b) <i>the Department of Transport must have entered into an agreement with Melbourne Water to reimburse Melbourne Water for the reasonable costs associated with:</i></p> <ol style="list-style-type: none"> i. <i>the realignment of Wallan Creek (where the need for the realignment is directly attributable to the project); and</i> ii. <i>upgrades works required to Wallan Creek (where the need for the upgrades are directly attributable to the project).</i>

The Committee provided an opportunity for all parties to the Hearing to comment on the proposed revised Incorporated Document.

A response was received from Millar Merrigan on behalf of Evne. Evne disputed the assumptions in the legal advice that drainage requirements for Stage 2 are not able to be defined. It submitted that the work done by Dalton Consulting Engineers is sufficient to define the area required for drainage and further detailed design is not required. It submitted that

it would be orderly planning for a known constraint and a known technical solution to be incorporated into a PAO as part of this Amendment.

(v) Discussion and conclusions

The issue is one of timing and the funding that has been allocated for each stage of the WANI Project. The Committee understands that only funding for Stage 1 has been made available. The problem arises in that the Amendment seeks to apply planning controls for all three stages of the Project. The Committee understands that DoT does not have funding to progress the design of Stage 2 at this time.

It would be preferable for the design work for all three stages of the Project to have been sufficiently advanced for land requirements to be more accurately defined. It is normal practice in PAO amendments that the design would at least be advanced to a stage to identify land requirements.

The Committee nevertheless accepts the reality that sufficient design work has not yet been done for Stage 2 to accurately define land required for drainage and therefore a PAO. The work done by Dalton Consulting Engineers is useful in informing possible solutions and in the opinion of the Committee would not require extensive further work to be able to adequately define drainage land requirements.

The Committee agrees with Evne that the drainage requirements for Stage 2 of the WANI Project should not be confused with the Mittagong Creek DSS. There is a clear obligation on DoT to resolve the drainage issues arising from the WANI Project.

Having said that, the Committee understands the funding and staging difficulties associated with the Project and accepts that the revised Incorporated Document does provide an acceptable way forward. As proposed, the Incorporated Document enables Stage 1 to proceed but makes it clear that DoT has obligations in relation to drainage for Stage 2 and requires a further planning scheme amendment to reserve land as and when required. The Incorporated Document also commits DoT to funding the works, including any land acquisition.

The Committee does not support delaying the commencement of Stage 1 works until Stage 2 drainage requirements are defined.

To be fair to Evne however, DoT should endeavour to undertake further design work on the drainage requirements for Stage 2 as soon as possible so that the finalisation of the Mittagong Creek DSS and development of the land north of Watson Street can proceed without unreasonable delay.

(vi) Recommendation

The Committee recommends the adoption of the modified Incorporated Document as shown in Appendix G of this report.

4.2 Connectivity of path and road network to the east

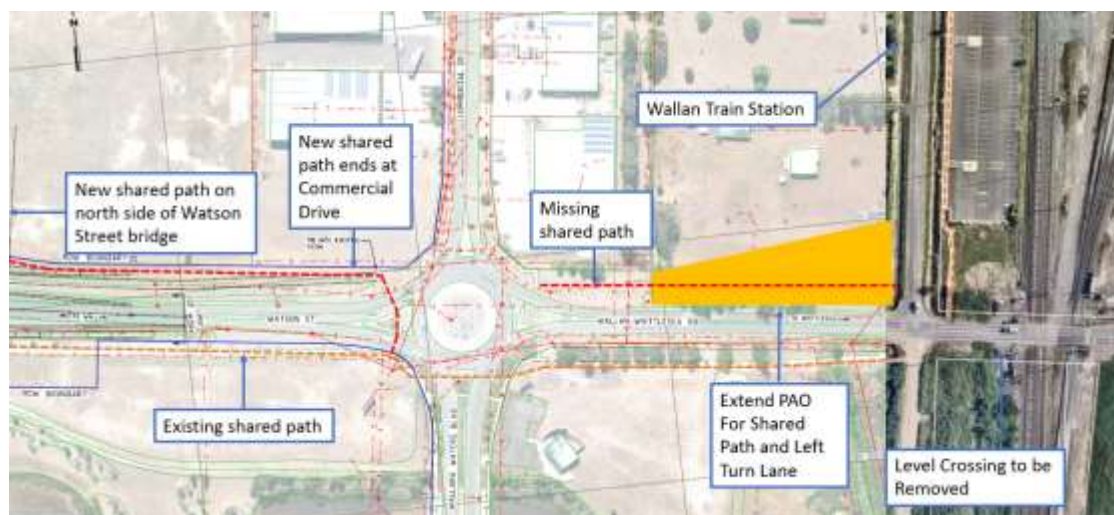
(i) The issue

Should the SCO and PAO be expanded to include a shared path to the Wallan Station and future left turn lane from Wallan-Whittlesea Road to Station Street?

(ii) Submissions

Council submitted that the outcome of the WANI would be suboptimal if the separated path ended where indicated in the exhibited plans, at Commercial Drive, and did not continue to the Railway Station. Council submitted that the shared path ought to be extended to the Wallan Station and that provision should be made for a future left turn lane from Wallan-Whittlesea Road to Station Street (see Figure 8).

Figure 8: Council proposed extension to shared path



Council argued that this area of the town is undergoing rapid growth, with 3 precincts, immediately adjacent currently being actively planned, resulting in a planned population increase of 12,000 (Figure 9).

Figure 9: Future growth areas in Wallan



Council submitted that if the WANI is limited to the current plan, when Watson Street is duplicated and more heavily trafficked everyone wanting to walk or cycle to the station will still have to cross Watson Street twice. It submitted that this is a severe impediment to maximising active travel choices and minimising road congestion. Council pointed out that the inclusion of this link is well supported by State and local planning policies. Council and Mr Robinson also submitted that a dedicated left turn lane will be required when the level crossing is removed, as is inevitable when both train and road traffic increases with the projected growth in this area.

Council submitted that this Amendment is the sound and logical vehicle to make provision for these requirements, by extending the PAO and SCO to cover part of the property at 258 Queen Street.

(iii) Discussion

The Committee accepts the sound analysis in Council’s submission, and the sensible proposition to the evidence of both growth, and how to establish travel patterns in new communities. There is no doubt that land will ultimately need to be acquired for the construction of the shared path to the station. Land will also be needed to enable a separate left turn lane, which will be required in the foreseeable future.

The Committee, however, has no power to recommend a change to the extent of the Amendment in this way. The proposed shared path extension and left turn lane are outside the WANI Project boundary and the extent of the PAO and SCO has not been included in the exhibited Amendment. The landowners have not been accorded due process as they have not been involved in the process, and their views on this proposal are not known. Therefore this submission is not able to be supported.

(iv) Conclusion

The Committee concludes that, while the Council proposal to reserve land to extend the shared path to the Wallan Station and provide for a future left turn land have merit, changes to the proposed PAO to enable this work cannot be included in this Amendment.

4.3 Hadfield Road/Northern Highway intersection

(i) The issue

How should the Amendment depict any future intersection of the Northern Highway with Hadfield Road?

(ii) Submissions

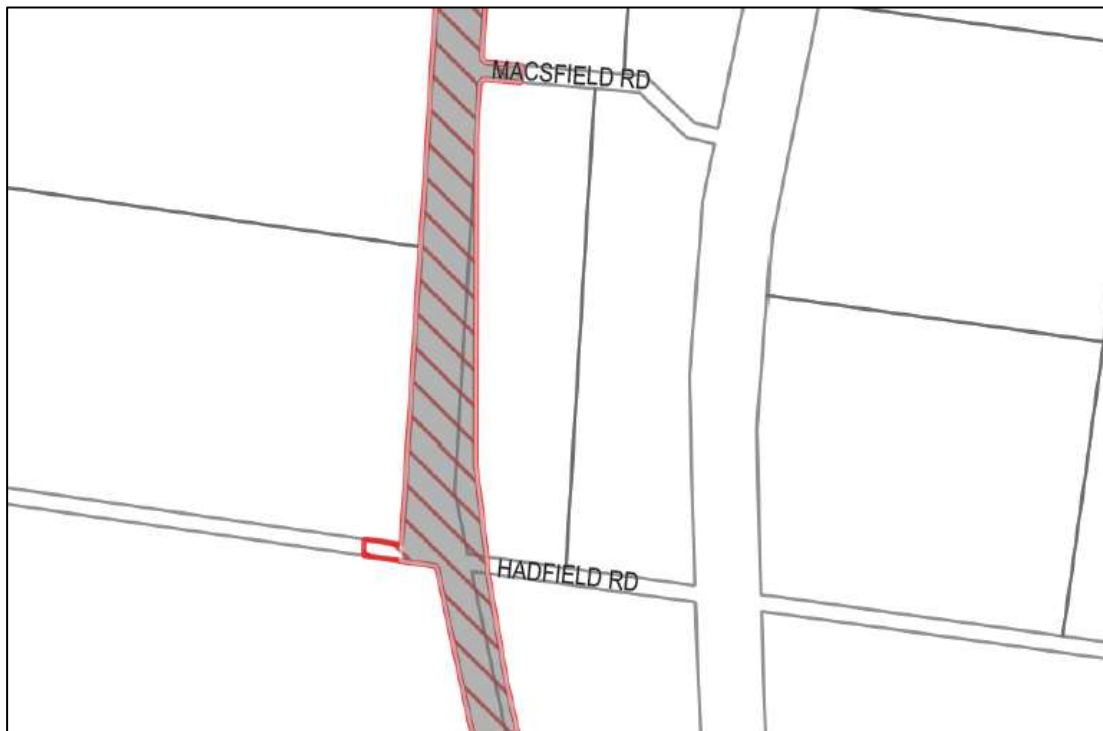
Deloraine Properties own land between the Northern Highway and Hume Freeway south of Hadfield Road in Wallan South. Deloraine submitted that the Amendment ought to be modified to show Hadfield Road retained to the east of the Northern Highway (and west) with provision for an ultimate four way signalised intersection. Mr Harvey represented Deloraine Properties at the Hearing. He submitted that there were multiple precinct structure plans that overlapped in the vicinity of the Deloraine land and that the Amendment provided an opportunity to clarify the future intentions for access at Hadfield Road. In particular, Deloraine was concerned about conflicting access to a proposed quarry to the north of Hadfield Road.

Tract Consultants made a submission on behalf of Conundrum Holdings who has submitted a planning permit application for a quarry at 175 Northern Highway, Wallan. The application includes a proposal for a temporary access to the Northern Highway approximately 200 metres north of Hadfield Road. Conundrum submitted that the permit application proposal did not conflict with the proposed Amendment as any quarry access would be via the temporary intersection until such time as an intersection at Hadfield Road is constructed. Once the intersection of Hadfield Road and the Northern Highway is constructed, access to

the quarry would be via Hadfield Road and the temporary intersection would be decommissioned.

DoT submitted that it did not intend to infer any preference for future access to Hadfield Road. It noted that the SCO extent at the intersection of the Northern Highway and Hadfield Road shown in the exhibited Amendment was not required for this project, but rather, included to acknowledge anticipated future works as part of the precinct structure plan. DoT acknowledged that this had created confusion as to whether this intersection was being constructed as part of WANI Project. DoT subsequently proposed to reduce the SCO on the west leg of Hadfield Rd/Northern Hwy intersection as shown in Figure 10.

Figure 10: Proposed SCO reduction on the Northern Highway



Council supported the proposed change to the SCO and noted that this aligned with Council's ongoing opposition to the proposed quarry at 175 Northern Highway, Wallan.

(iii) Discussion and conclusion

The Committee understands Deloraine's frustration at not being able to get certainty about access to its' land. That is, however, not a matter for this Amendment and is more appropriately resolved through the precinct structure planning processes.

The Committee supports the minor change to the SCO as proposed by DoT. The minor change is included in the recommended final form of the SCO as shown in Appendix E.

5 The final form of the Amendment

5.1 Proposed changes to exhibited Amendment

Proposed changes to the SCO, PAO and Incorporated Document are discussed in the previous Chapters. The Committee’s recommended versions of those documents are shown in Appendices E, F and G respectively.

The DoT submission to the Hearing provided the following useful summary of other proposed minor changes to exhibited documents.

Table 6: Minor changes to exhibited Amendment documents

Clause No.	Clause Name.	Changes Made since exhibition	Explanation
N/A	Explanatory Report	Land Affected by the Amendment: Update has been made to include reference to land “identified as SCO3” on planning Scheme Maps 22SCO, 25SCO and 26SCO	Update to provide reference to SCO3 for the WANI Project as there is already SCO14 on Map No. 22SCO
		What the amendment does Update the date of the Incorporated Document from “September 2020” to “February 2021”	Provides an update to reflect the updated Incorporated Document.
		Updates the changes to the amendment maps associated with the SCO to reflect the update to Map No. 22SCO and insertion of new Maps Nos. 25SCO and 26SCO	Map No. 22SCO was introduced into the Mitchell Planning Scheme maps after the amendment was drafted. The reference in the explanatory report has been updated to reflect the need to amend the existing Map No. 22SCO and insert new Maps Nos. 25SCO and 26SCO
		Amends the Panel hearing date from Late February 2021 to early March 2021	Updated date to reflect new hearing date allocated for the Amendment.
N/A	Instruction Sheet	Update reference in Overlay Map 1 to include changes to Map No 22SCO and remove new Map No 22SCO	Updates to reflect 22SCO is already in the Mitchell Planning Scheme and an amendment to the existing map is required rather than the introduction of a new map.

Clause No.	Clause Name.	Changes Made since exhibition	Explanation
	Incorporated Document	Updates to Native Vegetation conditions 4.2.3 – 4.2.7	Updates made to reflect changes requested by DELWP as a result of exhibition of C129mith
		Insertion of new Landscape Plan conditions (4.2.9)	Updates made to reflect changes requested by Council as a result of exhibition of C129mith
		Insertion of a new Public Art condition (4.2.10)	Updates made to reflect changes requested by Council as a result of exhibition of C129mith
		Re-numbering of subsequent conditions in Section 2.4	Updates to condition numbers required following amendments to Native Vegetation and insertion of new Landscape Plan and Public Art conditions.
		Change to the date of the Incorporated Document from September 2020 to February 2021	Date changes to reflect updates have been made since exhibition of the Amendment.
Clause 45.12s	Schedule to Clause 45.12 Specific Controls Overlay	The “Name of incorporated document” has been updated to reflect the date change for the Incorporated Document from “September 2020” to “February 2021”	Provides an update to reflect the updated Incorporated Document.
Clause 72.04s	Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme	The “Name of document” has been updated to reflect the date change for the Incorporated Document from “September 2020” to “February 2021”	Provides an update to reflect the updated Incorporated Document.

5.2 Recommendation

The Committee endorses these minor changes and recommends:

- 2. Adopt the minor changes to the Amendment documents as summarised in Table 6 of this report.**

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was initially appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in May 2020.

The Committee currently consists of:

- Chair: Lester Townsend
- Deputy Chairs: Lisa Kendal, Mandy Elliott, Trevor McCullough and Annabel Paul
- Members: Elissa Bell, Meredith Gibbs, Jonathan Halaliku, Prue Mansfield, Elizabeth McIntosh, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Chris Brennan, Project Officer in Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

The Advisory Committee must produce a written report for the Minister for Planning providing:

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B: List of Submitters

No.	Submitter
1	Andrew South
2	Beau Knowles
3	Lynda Whitaker
4	Nexus Primary Health
5	Andrew Fisher
6	Ambulance Victoria
7	EPA Victoria
8	AusNet Electricity Services Pty Ltd
9	Melbourne Water
10	Merri Creek Management Committee Inc
11	Department of Environment, Land, Water and Planning - Planning & Approvals - Hume Region
12	CFA
13	Wallan Environment Group
14	Michael Raymond Phillips
15	Mr. James (Jim) Coustley
16	Terry Banks
17	Christine Banks
18	Wallan Public Hall
19	Matthew Delaney
20	Evne Properties Pty Ltd
21	BEAM Mitchell Environment Group Inc.
22	Deloraine Rural Pty Ltd
23	Conundrum Holdings
24	William John Martin
25	John Robinson
26	Mitchell Shire Council
27	Department of Education and Training

Appendix C: Parties to the Committee Hearing

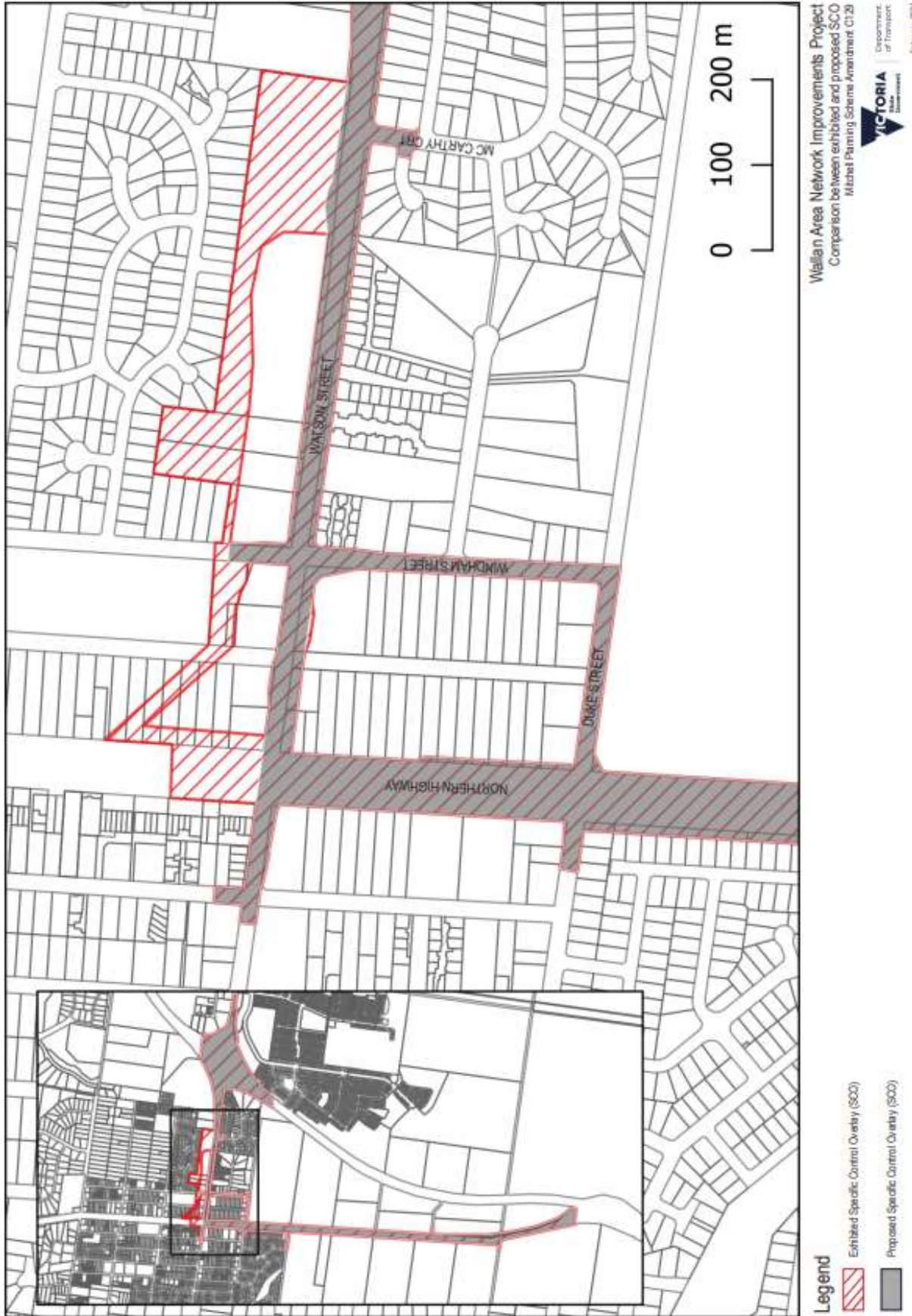
Party	Represented by
Department of Transport	Lisa Driscoll of Dominion Property Group
Mitchell Shire Council	Justin Harding
Evne Properties Pty Ltd	Simon Merrigan of Millar Merrigan and calling evidence in hydraulics from Chris Beardshaw of Afflux Consulting
Deloraine Rural Pty Ltd	Andrew Harvey
John Robinson	

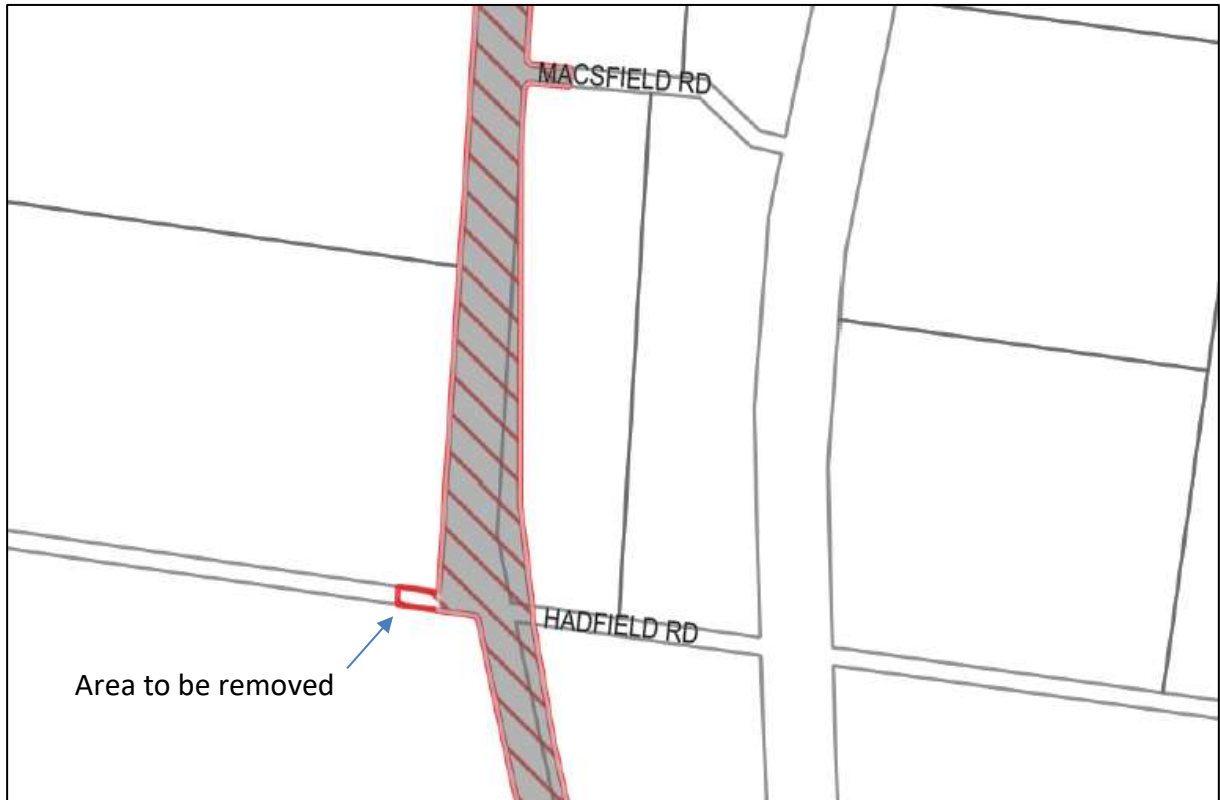
Appendix D: Document list

No.	Date	Description	Presented by
1	12/10/20	Information Pack incorporating originally exhibited Amendment C129mth documents	Department of Transport
2	12/02/21	Committee Directions	Planning Panels Victoria
3	17/02/21	Email from Department of Transport summarising post exhibition changes to the Amendment and enclosing: <ul style="list-style-type: none"> a) SCO & Cadastre Plan 15-2-21 b) SCO (Blue) & PAO Aerial 15-2-21 c) SCO (GREY) Aerial 15-2-21 d) SCO Comparisons Post Exhibition e) PAO & Cadastre Plan 5-2-21 f) PAO Aerial 5-2-21 g) Updated Stage 2 Concept Design h) Updated Indicative Layout Plan i) Updated Planning Report j) Updated Planning Report (Tracked Changes) k) Updated Incorporated Document l) Updated Incorporated Document (Tracked Changes) m) Updated Explanatory Report n) Updated Explanatory Report (Tracked Changes) o) Updated Instruction Sheet p) Updated Instruction Sheet (Tracked Changes) q) Updated Clause 45.12 – Specific Controls Overlay r) Updated Clause 72.04 – Documents Incorporated in this Scheme s) Updated Schedule to Clause 72.03 t) Updated Schedule to Clause 72.03 (Tracked Changes) 	Department of Transport
4	24/02/21	Supplementary written submission on behalf of Conundrum Holdings in response to original written submission from Deloraine Rural	Tract
5	02/03/21	Email from Department of Transport summarising further post exhibition changes to the Amendment and enclosing: <ul style="list-style-type: none"> a) SCO – PAO Cadastre Plan 2-3-21 b) SCO & Cadastre Plan 2-3-21 c) SCO Aerial 2-3-21 d) SCO Comparison 2-3-21 	Department of Transport
6	02/03/21	Expert Witness Statement of Chris Beardshaw filed on behalf of Evne Properties Pty Ltd	Millar Merrigan

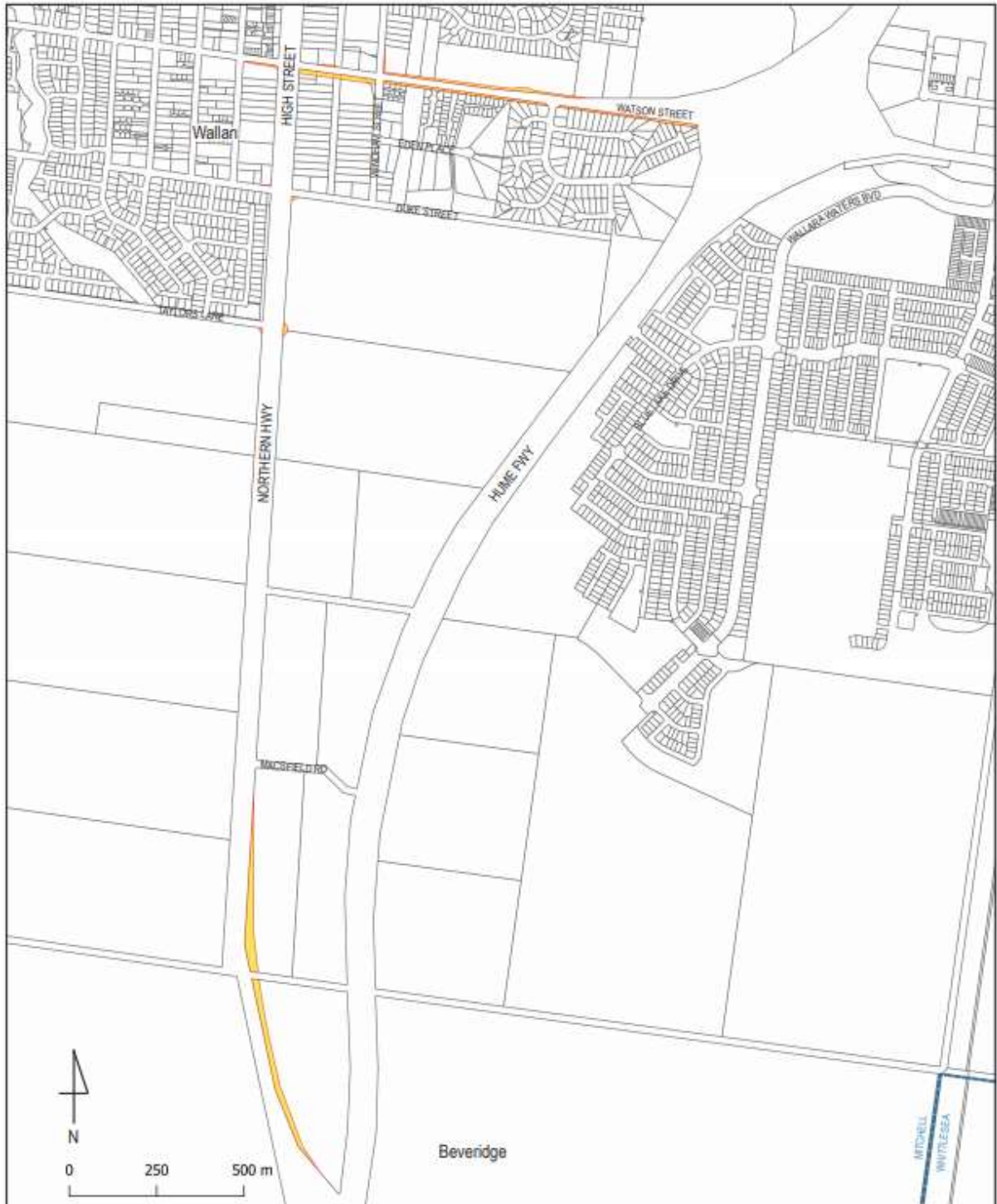
No.	Date	Description	Presented by
7	02/03/21	Queen Street, Wallan – Stormwater Management Plan	Millar Merrigan
8	05/03/21	Supplementary written submission	Department of Education and Training
9	05/03/21	Submission from Department of Transport and attachments including: <ul style="list-style-type: none"> a) Stage 1 drawings b) Stage 2 drawings c) Stage 3 drawings d) Notification letters e) C129mth documents as exhibited f) Map of notification area g) Table of submissions and responses h) Updated planning scheme amendment documents 	Department of Transport
10	09/03/21	Submission from Mitchell Shire Council	Mitchell Shire Council
11	09/03/21	Notification Report	Department of Environment, Land, Water and Planning
12	09/03/21	Submission on behalf of Evne Properties Pty Ltd and attachments: <ul style="list-style-type: none"> a) Development Plan report b) DoT response on drain c) Afflux submission 	Millar Merrigan
13	09/03/21	Dalton Consulting Engineers reports including: <ul style="list-style-type: none"> a) Memorandum b) Stormwater management strategy and hydraulic impact assessment report 	Department of Transport
14	10/03/21	Committee further directions	Committee Chair
15	30/03/21	Response to Committee directions	Dominion Property Group for DoT
16	8/04/21	Response to DoT proposed Incorporated Document	Millar Merrigan for Evne

Appendix E: Committee recommended changes to SCO3





Appendix F: Committee recommended PA05



Legend

-  Proposed Public Acquisition Overlay (PAO)
-  Municipal Boundary

Wallan Area Network Improvements Project
Proposed Public Acquisition Overlay
Mitchell Planning Scheme Amendment C129



Department of Transport

February 2021

Appendix G: Committee recommended Incorporated Document

Wallan Area Network Improvements Project

Incorporated Document

March 2021

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

1. INTRODUCTION

This document is an Incorporated Document in the Mitchell Planning Scheme (planning scheme) pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

The land identified in Clause 3 of this document may be used and developed in accordance with the specific control in Clause 4 of this document.

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE

The purpose of the control in this document is to allow the use and development of land described in Clause 3 for the Wallan Area Network Improvements Project (**the project**).

3. LAND

The control contained in Clause 4 of this incorporated document applies to the land shown as SCO3 on the planning scheme maps forming part of the Mitchell Planning Scheme (**project land**).

4. CONTROL

4.1 Exemption from planning scheme requirements

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict, or regulate the use or development of the land for the purposes of, or related to, constructing, maintaining or operating the project.

The project includes, but is not limited to the following uses and development:

- a) Construction of new south facing ramps from Watson Street onto the Hume Freeway;
- b) Construction of a new bridge at Watson Street, over the Hume Freeway including;
 - i. New roundabouts
 - ii. New linemarking
- c) Roadworks to duplicate Watson Street and the Northern Highway, including:
 - i. Constructing or carrying out works to create roads, car parking areas, driveways, bunds, mounds, batters, noise attenuation walls, fencing, stabilisation, landscaping, excavate land, salvage artefacts, water treatment, flood mitigation, wetlands and alter drainage.
 - ii. Creating or altering access to roads, including roads in a Road Zone Category 1.
 - iii. Provision for overhead lighting.
 - iv. Removal of vegetation, including native vegetation
 - v. Installation of new traffic lights
- d) Earthworks and related structures, kerb and channels, water and soil transfer facilities and works, noise barriers, and batters.
- e) Developing and using lane for walking and cycling infrastructure, including shared user paths

- f) Ancillary activities including, but not limited to:
- i. Construction and use of temporary site workshops and storage, administration and amenity buildings.
 - ii. Construction and use of laydown areas.
 - iii. Construction of fences, temporary site barriers and site security.
 - iv. Construction of overhead and/or underground structures to facilitate the passage of wildlife.
 - v. Creation, variation and removal of easements for the purposes of the project.
 - vi. Demolishing and removal of buildings, structures and works.
 - vii. Displaying construction, directional and business identification signs.
 - viii. Relocating, modifying, upgrading and installing services and utilities.
 - ix. Remediation works.
 - x. Storage and assembly of materials required for the project.
 - xi. Subdividing and consolidating land.
 - xii. Temporary works necessary for the diversion of traffic.

The project may proceed in stages. Each stage must comply with Conditions in Clause 4.2 of this document.

4.2 Conditions

The use and development and other activities permitted by this document must be undertaken in accordance with the following conditions:

Environmental Management Framework (EMF)

- 4.2.1 An EMF must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with Mitchell Shire Council (council). The EMF must include:
- a) A summary of key construction methodologies.
 - b) An overarching framework for approvals, consents and related statutory instruments that will underpin environmental management for the project.
 - c) The applicable environmental management system including the organizational accountabilities and responsibilities for the project.
 - d) The environmental management measures required to address key environmental risks and issues and amenity impacts.
 - e) The environmental performance requirements for guiding management actions.
 - f) Consideration of potentially contaminated land and soil categorization in accordance with the Soil Hazard Categorisation and Management Guidelines (IWRG 612, 2009) for any soil to be removed during construction.
 - g) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during the construction of the project.
- 4.2.2 The EMF must set out the process and timing for development of the Construction Environmental Management Plan, Site Environmental Management Plan(s) and any other plans and procedures required by the Environmental Performance Requirement, including the timing and process for consultation with the Mitchell Shire Council, the

Roads Corporation, Melbourne Water, Public Transport Development Authority, the Environment Protection Authority and the Victorian Planning Authority.

Native Vegetation

For land outside the Melbourne Strategic Assessment (MSA) program area which is regulated by the Victorian Government's Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017), the following conditions apply:

- 4.2.3 Native vegetation identified in DELWP *Native Vegetation Removal Report EHP_2019_076* is permitted to be removed (excluding native vegetation removed under Clause 4.3). For the avoidance of doubt, further 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 for preparatory buildings and works.
- 4.2.4 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.3), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with Guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP as follows:
 - a) A general offset of 0.033 general habitat units as detailed in *Biodiversity Investigation and Habitat Hectares Assessment: Wallan Area Network Improvement, Wallan, Victoria, prepared by Ecology and Heritage Partners, dated February 2020*;
 - b) Located within the Port Phillip and Westernport Catchment Management Authority (CMA) or Mitchell Shire Council;
 - c) With a minimum strategic biodiversity value of at least 0.096.
- 4.2.5 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.3), 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.
- 4.2.6 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.2.3.

For land inside the MSA program area which is regulated by the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013), the following condition applies:

- 4.2.7 Prior to the proposed removal, destruction, lopping and offsetting of native vegetation and/or species habitat necessary for the construction of the project, habitat compensation obligations must be satisfied (excluding native vegetation or habitat removed under Clause 4.3), in accordance with the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (DEPI, June 2013) and Habitat Compensation under the Biodiversity Conservation Strategy (August 2013), to the satisfaction of the Secretary to DELWP as follows:
 - a) 2.115 hectares of Growing Grass Frog Habitat; and
 - b) 1.997 hectares of Golden Sun Moth Habitat as detailed in *Targeted surveys for Golden Sun Moth and Growing Grass Frog: Wallan Area Network Improvement, Wallan, Victoria, prepared by Ecology and Heritage Partners, Dated December 2019*.

For the avoidance of doubt, further information provided to the Secretary to DELWP must include information about any Growing Grass Frog or Golden Sun Moth habitat that has been, or is to be, removed under Clause 4.3 for preparatory buildings and works.

Fauna Management

- 4.2.8 A Fauna Management Plan must be prepared to the satisfaction of the Secretary to DELWP. The plan must address the following requirements:
- a) Minimum design standards for the fauna infrastructure.
 - b) A monitoring plan outlining the annual monitoring and implementation requirements for a minimum of 10 years post construction.

Landscape Plan

- 4.2.9 Prior to the commencement of works in each stage, a Landscape Plan must be prepared and implemented to the satisfaction of the Minister for Planning. The Landscape Plan must be prepared by the Department of Transport in consultation with the Mitchell Shire Council and address the following:
- a) Principles for the management of local landscape and the incorporation of existing landscape characteristics into the final landscape design;
 - b) Street tree planting on the south side of Watson Street, between the Hume Freeway and the Northern Highway.

Public Art

- 4.2.10 Prior to commencement of works in each stage, DOT must consult with Council, the relevant Registered Aboriginal Party and the community to inform the provision of public art, to the satisfaction of the Minister for Planning. Public art must be of an appropriate quality and scale to acknowledge Watson Street's role as the nearest exist from the Hume Freeway to the northernmost extent of the Urban Growth Boundary and as a gateway to Melbourne from the north.

Heritage Management

- 4.2.11 Prior to the commencement of works on the land affected by Heritage Overlay Schedule 210 (HO210) - World War 1 Memorial and Avenue of Honour, a report that addresses the impact of works and development on the heritage significance of the place and plans showing the extent of the works and development, must be prepared in consultation with the relevant Council and to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning).

Flood Mitigation

- 4.2.12 Where, but for this Incorporated Document, a planning permit would be required for buildings and works, including impacts to native vegetation, on land within a Floodway Overlay (or Land Subject to Inundation Overlay), the buildings and works must be undertaken in accordance with the following conditions:
- a) The works must comply with Melbourne Water's 'Melbourne Water standards for infrastructure projects in flood-prone areas', to the satisfaction of Melbourne Water.
 - b) The works must comply with Melbourne Water's 'Performance Criteria for Protection of and Modifications to MW Waterway Assets', to the satisfaction of Melbourne Water.
 - c) Any proposed works to Melbourne Water's drains, waterways and floodplains, including 20 metres beyond the top of the bank of the waterways must maintain the free passage and temporary storage of flood water, minimise flood damage and be compatible with flood hazards, local drainage conditions and minimise soil erosion, sedimentation and silting, to the satisfaction of Melbourne Water.
 - d) Any proposed works to Melbourne Water's drains, waterways and floodplains

including 20 metres beyond the top of the bank of the waterways must maintain or improve river and wetland health, waterway protection and floodplain health, to the satisfaction of Melbourne Water.

- e) Any proposed alterations to the water flow path must obtain Melbourne Water's approval, and be delivered to the satisfaction of Melbourne Water.
- f) Any buildings and works must be undertaken in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017).
- g) All costs associated with the realignment of Wallan Creek required to facilitate the Watson Street upgrade must be borne by the proponent.

4.2.13 Prior to the commencement of the works associated with each stage of the project:

- a) an assessment of the drainage impacts attributable to that stage of the project must be prepared to the satisfaction of Melbourne Water (**Drainage Impact Assessment**);
- b) where the Drainage Impact Assessment identifies drainage impacts to land other than the project land, a Drainage Management Plan for that stage of the project must be prepared in consultation with affected stakeholders and Mitchell Shire Council and be to the satisfaction of Melbourne Water, Mitchell Shire Council and other affected stakeholders; and
- c) the Drainage Management Plan must:
 - i. address how drainage impacts attributable to that stage of the project will be managed; and
 - ii. be informed by the Drainage Impact Assessment.

4.2.14 Prior to the commencement of works associated with the duplication of Watson Street, the land required to realign the Wallan Creek as a result of the project must be identified within the Mitchell Planning Scheme to ensure that an appropriately sized drainage reserve is created over the agreed alignment of Wallan Creek.

Salinity Management

4.2.15 Prior to the commencement of works, including the removal of vegetation, on land affected by the Salinity Management Overlay, a site capability report must be prepared in consultation with and then submitted to and approved by the Secretary to the Department of Environment, Land, Water and Planning.

Other conditions

- 4.2.16 Unless otherwise stated, the conditions set out in Conditions 4.2.1 to 4.2.15 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Condition 4.3). The conditions may be satisfied in separate components or stages of the project, however each condition must be satisfied prior to the commencement of development for that component or stage.
- 4.2.17 The plans and documentation required under Condition 4.2.1 to 4.2.15 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority (unless otherwise agreed by the Minister of the relevant approving authority).
- 4.2.18 The use and development of land in the project area must be undertaken generally in accordance with the approved plans and documents.
- 4.2.19 In deciding whether a plan or document is satisfactory or whether to consent to an

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

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

4.3 PREPARATORY BUILDINGS AND WORKS

The following buildings and works may commence in the project area before the conditions set out in Condition 4.2 are satisfied:

- 4.3.1 Preparatory buildings and works include, but are not limited to:
- a) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
 - b) Works associated with the following provided the works do not require the removal, destruction or lopping of native vegetation or trees in a Heritage Overlay:
 - i. Investigating, testing and preparatory works to determine the suitability of land and property condition surveys.
 - ii. Fencing along alignment boundaries.
 - iii. Creation and use of construction access points, temporary parking and working platforms.
 - iv. Construction, protection, modification, removal or relocation of utility services and associated infrastructure.
 - v. Establishment of environment and traffic controls, including designation of 'no-go' zones.
 - vi. Demolition to the minimum extent necessary to enable preparatory works other than a building or trees in a Heritage Overlay.
 - vii. Ground disturbance and testing required to undertake a complex assessment for a Cultural Heritage Management Plan.
 - viii. Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Cultural Heritage Management Plan prepared for the project under the Aboriginal Heritage Act 2006.

For land outside the Melbourne Strategic Assessment (MSA) program area that is regulated by the Victorian Government's *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017), the following conditions apply:

- 4.3.2 Prior to the removal, destruction or lopping of native vegetation to the minimum extent necessary to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary to the Department of Environment, Land, Water and Planning. The information must include a description of, and maps showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- 4.3.3 The biodiversity impacts from the removal of native vegetation under Condition 4.3 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Conditions 4.2.3 to 4.2.7.
- 4.3.4 For the purposes of Clause 4.3.1, preparatory development does not include:
- a) Demolition or removal of a building in a Heritage Overlay.

- b) Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

5. EXPIRY

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

- The development allowed by the control, including preparatory works, is not started by 31 December 2025.
- The development allowed by the control is not completed by 31 December 2031.

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