

Planning Panels Victoria

Beaufort Bypass

Inquiry and Advisory Committee Report No. 2

Appendices

Environment Effects Act 1978

Planning and Environment Act 1987

7 October 2022

Environment Effects Act 1978

Inquiry Report pursuant to section 9(1)

Planning and Environment Act 1987

Advisory Committee report pursuant to section 151

Beaufort Bypass – Report No. 2

7 October 2022

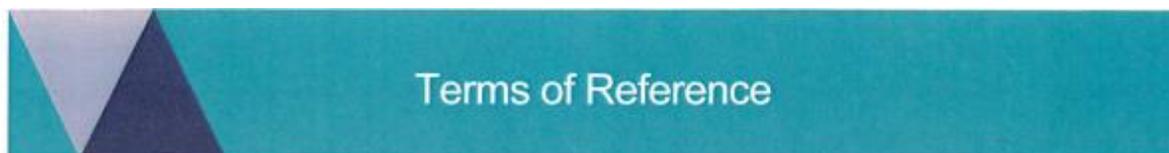
Contents

Appendix A	Terms of Reference	4
Appendix B	List of submitters.....	10
Appendix C	List of parties	11
Appendix D	Document List	12
Appendix E	Legislative and policy context and key principles.....	18
1.1	Environment Protection and Biodiversity Conservation Act	18
1.2	Environment Effects Act.....	19
1.3	Flora and Fauna Guarantee Act	20
1.4	Wildlife Act 1975.....	20
1.5	Aboriginal Heritage Act	20
1.6	Heritage Act 2017	21
1.7	Planning and Environment Act.....	21
1.8	Catchment and Land Protection Act 1994.....	22
1.9	Environment Protection Act 2017	22
1.10	Transport Integration Act 2010.....	22
1.11	Road Management Act 2004.....	23
1.12	Water Act 1989	23
1.13	Land Acquisition and Compensation Act 1986.....	23
1.15	VicRoads Western Highway M8/A8 Corridor Strategy – Deer Park to South Australian Border	24
1.16	Pyrenees Planning Scheme.....	24
1.17	Key decision-making principles	32
Appendix F	IAC recommended Environmental Management Framework changes.....	34
Appendix G	IAC Recommended Incorporated Document	50
Appendix H	RRV proposed changes to EES documents	56

Glossary and abbreviations

Terms are defined in the Glossary and abbreviations section in Report No. 1

Appendix A Terms of Reference



Beaufort Bypass Inquiry and Advisory Committee

Version: June 2021

The Beaufort Bypass Inquiry and Advisory Committee (the IAC) is appointed to inquire into, and report on, the proposed Beaufort Bypass Project (the project) and its environmental effects in accordance with these terms of reference.

The IAC is appointed pursuant to:

- section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry; and
- part 7, section 151 of the *Planning and Environment Act 1987* (P&E Act) as an advisory committee.

Name

1. The IAC is to be known as the 'Beaufort Bypass Inquiry and Advisory Committee'

Skills

2. The IAC members should have the following skills:
 - a. Biodiversity/ecology, including habitat connectivity;
 - b. hydrology;
 - c. land use planning; and
 - d. transport modelling and road design.
3. The IAC may seek additional specialist expert advice to assist it in undertaking its role.
4. The IAC will comprise of appointed Chair (IAC Chair) and other members.

Purpose of the IAC

5. The IAC is appointed by the Minister for Planning under section 9(1) of the EE Act to hold an inquiry into and provide an integrated assessment of the environmental effects of the project. The inquiry is to:
 - a. review and consider the environment effects statement (EES), submissions received in relation to the project, the predicted environmental effects, and the other exhibited documents;
 - b. consider and report on the potential environmental effects of the project (i.e. the proposed alignment and alternatives), their significance and acceptability, having regard to the draft evaluation objectives in the EES scoping requirements and relevant policy and legislation;
 - c. identify any measures it considers necessary and effective to avoid, mitigate or manage the environmental effects of the project within acceptable limits, including any necessary project modifications; and
 - d. advise on how this relates to relevant conditions, controls and requirements that could form part of the necessary approvals and consent for the project.
6. The IAC is also appointed as an advisory committee under section 151 of the P&E Act to:
 - a. review draft planning scheme amendment (PSA) C50pyrn and incorporated document, which has been prepared to apply a public acquisition overlay and establish planning approval for the project, along with any public submissions received in relation to the draft PSA;
 - b. provide a report to the Minister for Planning as to whether the proposed PSA contains provisions and controls that are appropriate for the project; and
 - c. recommend any changes to the draft PSA that it considers necessary.

7. The IAC is to produce a report of its findings and recommendations to the Minister for Planning to inform his assessment under the EE Act and to assist the Minister to make a decision about the draft PSA.

Background

Project outline

8. The project comprises 11 kilometres of dual carriageway that bypasses Beaufort and connects two recently duplicated sections of the Western Highway to the east and west of the Beaufort township. The project includes:
 - a. half diamond interchanges on either side of the Beaufort township at the eastern and western tie ins to the Western Highway;
 - b. full diamond interchange at Beaufort-Lexton Road;
 - c. one road over rail bridge across the Melbourne-Ararat line;
 - d. overpass structures which will bridge across the existing road network;
 - e. culverts and 2 small bridges over waterways; and
 - f. ten watercourse realignments.
9. The project proponent is Regional Roads Victoria (RRV), a division of the Department of Transport. RRV is responsible for preparing technical studies, consulting with the public and stakeholders, and preparing the EES and PSA.
10. RRV examined options resulting in the shortlisting of four potential alignments (C2, C0, A2 and A0) for further examination and consultation during the EES process. RRV has identified C2 as their preferred alignment for the project.
11. RRV assessed the four potential alignment in the EES and technical studies, but focused detailed impact assessment in the EES on the preferred alignment for the project.
12. RRV has prepared a reference design for their preferred alignment for the Project, to apply for and obtain primary planning approvals.
13. Major Roads Projects Victoria, a division of the Department of Transport, may be assigned to construct the project in the future, should funding become available for the project.
14. The EES needed to assess the environmental effects of the project from construction to operation.

EES assessment process

15. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 22 July 2015 that an EES is required for the project and issued his decision with procedures and requirements for the preparation of the EES as specified in **Attachment 1**.
16. The EES was prepared by the proponent in response to EES scoping requirements issued by the Minister for Planning in January 2017.
17. The EES will be placed on public exhibition for thirty (30) business days, together with the draft PSA. The proponent (RRV) is responsible for giving notice.
18. DELWP's impact assessment unit must liaise with the office of Planning Panels Victoria (PPV) to agree on the Directions Hearing and Hearing dates, which are to be included on all public notices.

Commonwealth assessment process

19. Because of its potential impacts on matters of national environmental significance, the project was determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) on 21 February 2020. The relevant controlling provision under the EPBC Act is 'listed threatened species and communities' (sections 18 and 18A).
20. The Victorian EES process is serving as the accredited assessment process for this controlled action under the EPBC Act. The assessment of environmental effects to be made by the Victorian Minister

Beaufort Bypass Inquiry and Advisory Committee: Terms of Reference

for Planning will be provided to the Commonwealth Minister for the Environment to inform the approvals decision under the EPBC Act. To assist the Minister for Planning in making his assessment, the inquiry should specifically identify its advice relevant to impacts on specific matters of national environmental significance examined in the EES.

Planning approval process

21. The IAC is to consider and provide advice on draft PSA C50pyrn that proposes planning controls and provisions for various works and activities associated with construction and operation of the project. The PSA is proposed to apply a PAO to the project area and regulate the use and development of the project in accordance with an incorporated document proposed to be included in the Pyrenees Planning Scheme.

Other approvals

22. The project may require several other statutory approvals and/or consents, as outlined in the EES, including:
- a. an approved Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*;
 - b. a permit to remove listed flora under the *Flora and Fauna Guarantee Act 1988*;
 - c. an authority to take or disturb wildlife under the *Wildlife Act 1975*; and
 - d. approvals under the *Water Act 1989* for works on waterways.

Stage 1 – Submissions

23. Submissions on the EES and draft PSA are to be provided in writing on or before the close of submissions. Submissions will be collected by the office of PPV in accordance with the 'Guide to Privacy at PPV' through the Engage Victoria Website. All submissions must state the name and address of the person making the submission.
24. Petitions and Pro-forma responses will be treated as a single submission, and only the first name to appear on the first page of the submission should receive correspondence in relation to the IAC.
25. All written submissions and other supporting documentation / material or evidence received through the course of the inquiry may be published online, unless the IAC specifically directs that the submission or other material, or part of it, is to remain confidential.
26. Electronic copies of each submission on the EES and draft PSA are to be provided to the proponent, DELWP Impact Assessment, DELWP Regional Planning Services, Pyrenees Shire council and the Wadawurrung Traditional Owners Aboriginal Corporation.
27. PPV will retain any written submissions and other documentation provided to the IAC for a period of five years after the time of its appointment.

Stage 2 – Public hearing

28. Prior to the commencement of the public hearing, the IAC must hold a Directions Hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing.
29. The IAC must hold a public hearing and may make other such enquiries as are relevant to undertaking its role.
30. When it conducts a public hearing, the IAC has all the powers of an advisory committee that are specified in section 152(2) of the P&E Act.
31. The IAC may inform itself in any way it sees fit, but must review and consider:
- a. the exhibited EES and draft PSA;
 - b. all submissions and evidence provided to the IAC by the proponent, state agencies, local councils and submitters;

Beaufort Bypass Inquiry and Advisory Committee: Terms of Reference

- c. any information provided by the proponent and parties that responds to submissions or directions of the IAC; and
 - d. any other relevant information that is provided to, or obtained by, the IAC.
32. The IAC must conduct its process in accordance with the following principles:
- a. The public hearing will be conducted in an open, orderly and equitable manner, in accordance with the principles of natural justice.
 - b. The public hearing will be conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants.
 - c. The IAC process is to be exploratory and constructive, with adversarial behaviour discouraged and with cross-examination / questioning regulated by the Inquiry Chair.
33. The IAC may limit the time of parties appearing before it.
34. The IAC Chair may direct that a submission or evidence is confidential in nature and the hearing be closed to the public for the purposes of receiving that submission or evidence.
35. The IAC may conduct a public hearing when there is a quorum of at least two of its members present or participating through electronic means, one of whom must be the IAC Chair.
36. Recording of the hearing must be undertaken by the proponent, if directed by the IAC Chair. If recorded, the audio recording will be provided to PPV as a weblink and would be made publicly available as soon as practicable after the conclusion of each day of the hearing, or otherwise as directed by the IAC Chair.
37. Any other audio or video recording of the hearing by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC Chair.

Stage 3 – Report

38. The IAC must produce a written report for the Minister for Planning containing its:
- a. analysis and conclusions with respect to the environmental effects of the project and their significance and acceptability;
 - b. advice on the suitability of the proposed alignment (C2) for the project on balance, compared to alternative alignments (C0, A0 and A1) examined within the EES, based on the EES documents and public submissions, as well as documentation and evidence presented to the IAC;
 - c. recommendations for any feasible modifications to the project necessary to achieve appropriate environmental outcomes, including in relation to the selection of an alignment, refinement of the preferred alignment, alternate configuration of mitigation measure(s), variations to the proposed design and/or environmental monitoring and management measures;
 - d. recommendation on whether the proposed C2 alignment should progress to planning approval stage or if a relevant alternate alignment (e.g. C0, A0, A1) should be pursued in place of C2;
 - e. findings on whether acceptable environmental outcomes can be achieved, having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
 - f. recommendations on specific measures appropriate to prevent, mitigate or offset adverse environmental effects to achieve acceptable environmental outcomes, having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
 - g. recommendations for any appropriate conditions that may be lawfully imposed on any approval for the project, or changes that should be made to the draft PSA in order to ensure that the environmental effects of the project are acceptable having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;

Beaufort Bypass Inquiry and Advisory Committee: Terms of Reference

- h. recommendations about the structure and content of the proposed environmental management framework, including with respect to mitigation and monitoring of environmental effects, contingency plans and site rehabilitation;
- i. recommendations for any changes to the proposed environmental commitments and performance requirements to be included in the environmental management framework;
- j. recommendations with respect to the structure and content of the draft PSA, including consideration of time horizons in which the project may be constructed; and
- k. specific findings and recommendations about the predicted impacts on matters of national environmental significance and their acceptability, including appropriate controls and environmental management.

39. The report should include:

- a. information and analysis in support of the IAC's findings and recommendations;
- b. a list of all recommendations, including cross-references to relevant discussions in the report;
- c. a description of the public hearing conducted by the IAC, and a list of those persons consulted with or heard;
- d. a list of all submitters in response to the exhibited EES and the draft PSA; and
- e. a list of the documents tabled during the proceedings.

Timing

- 40. The IAC should hold a directions hearing no later than 15 business days from the final date of the exhibition period.
- 41. The IAC should commence its public hearing no later than 40 business days from the final date of the exhibition period.
- 42. The IAC must submit its report in writing to the Minister for Planning within 40 business days from the last day of its proceedings.

Minister's assessment

- 43. The Minister for Planning will make his assessment of the environmental effects of the project after considering the IAC's report as well as the EES, submissions and any other relevant matters.
- 44. PPV will notify all submitters of the release of the Minister for Planning's assessment and IAC report.

Fee

- 45. The fees for the members of the IAC will be set at the current rate for a panel appointed under part 8 of the P&E Act.
- 46. All costs of the IAC, including the costs of obtaining any expert advice, technical administration and legal support, venue hire, accommodation, recording proceedings and other costs must be met by the proponent.

Beaufort Bypass Inquiry and Advisory Committee: Terms of Reference

Miscellaneous

47. The IAC may apply to the Minister for Planning to vary these terms of reference in writing, at any time prior to submission of its report.
48. The IAC may retain legal counsel to assist if necessary.
49. PPV is to provide any necessary administrative support to the IAC.



Hon Richard Wynne MP

Minister for Planning

Date: 30 16 21

Appendix B List of submitters

No.	Submitter
1	Michael Blyth
2	John Dennis
3	Rosalind Byass
4	Anne Parkhill
5	Sharon Roxburgh
6	Cyril Callister Foundation
7	Western Highway Conservation Group
8	Steve Binos
9	Steven Goodwin
10	Christopher and Daleena Lee
11	Peter Cowie
12	Rae and Hossein Mohammad-Asl
13	Perry Michail
14	Department of Environment, Land, Water and Planning (Planning and Approvals)
15	Central Highlands Water
16	Pyrenees Shire Council
17	Western Highway Action Group
18	Gina Angus
19	Old Beaufort Primary School 60 Committee
20	Glenelg Hopkins Catchment Management Authority
21	Scott and Helen Swadling
22	Wadawurrung Traditional Owners Aboriginal Corporation
23	Samantha Harrigan
24	Kahn and Lauren Jantzen
25	James and Tristen Irving

Appendix C List of parties

Submitter	Represented by
Regional Roads Victoria	<p>Greg Tobin of Harwood Andrews, who called evidence from:</p> <ul style="list-style-type: none"> • Colleen Peterson of Ratio on planning • John Noronha of Ethos on regional economy impacts • Nic McCaffrey on environmental impacts • Brett Lane of Nature Advisory on fauna and flora impacts Rodney van der Ree of WSP on road fauna mitigation (not called to provide Evidence in Chief) • Peter Kelly of WSP on traffic and transport • Hilary Marshall of Ratio on traffic and transport • Tim Ryan on noise and vibration impacts • Darren Tardio of Enfield Acoustics on noise and vibration impacts • Ian Wallis of Centre for Environmental Education on air quality impacts • Rob Leslie of WSP on surface water impacts • Kirsten Bauer of ASPECT Studios on visual and landscape impacts <p>Somma Sourivong Project Officer of Regional Roads Victoria provided a project overview</p>
Pyrenees Shire Council	Katie Gleisner and Douglas Gowans
Wadawurrung Traditional Owners Aboriginal Corporation	Dr David Jones
Department of Environment, Land, Water and Planning (Planning and Approvals) Grampians Region	Liz Regent
Central Highlands Water Authority	Mark Bartly of HWL Ebsworth
Western Highway Conservation Group	Helen Lewers. Tim D’Ombraim, Gavin Jamieson and Rodger Thomas represented the Group at the accompanied site inspection
Old Beaufort Primary School 60 Committee	Philippa Hedges
Perry Michail	
Rae and Hossein Mohammadi Asl	Mel Sekunda
Scott and Helen Swadling	
Gina and Warren Angus	Andrew Gunter of Hunt and Hunt Lawyers
Christopher and Dalena Lee	
John and Linda Dennis	

Appendix D Document List

No.	Date	Description	Provided by
1	24 May 2022	Directions Hearing Notification Letter	Inquiry and Advisory Committee (IAC)
2	25 May 2022	Letter to Wadawurrung Traditional Owners Corporation inviting participation	IAC
3	30 May 2022	Late Submission - Wadawurrung Traditional Owners Corporation	Mr D Jones on behalf of Wadawurrung Traditional Owners Corporation
4	14 June 2022	Addendum to Submission - Wadawurrung Traditional Owners Corporation	"
5	16 June 2022	Draft Directions – Regional Roads Victoria	Ms A Tansley of Harwood Andrews on behalf of Regional Roads Victoria (RRV)
6	"	Late Submission – Samantha Harrigan	Ms S Harrigan
7	22 June 2022	Directions and Timetable (Version 1)	IAC
8	24 June 2022	Letter – List of experts – Regional Roads Victoria	RRV
9	29 June 2022	Letter – Response to Direction 6 and 12 including attachments: <ul style="list-style-type: none"> a) Option C2 and locations of property based submissions b) Beaufort Bypass EES Site Visit Map Accompany Table c) Suggested Site Inspection Route map d) Beaufort Bypass Key Infrastructure Descriptor e) Examples of Fauna crossing types f) Proposed PAO, SCO & Construction Footprint Map g) Schedule of Submitter Requested Changes Template - 29 June 2022 	"
10	30 June 2022	Timetable (Version 2)	IAC
10a	8 July 2022	Late Submission – Kahn & Lauren Jantzen	Mr K Jantzen

No.	Date	Description	Provided by
11	13 July 2022	Letter – Notification Issues a) Attachment to letter b) Public Exhibition Notice c) Public Exhibition Fact Sheet	RRV
12	14 July 2022	Letter – Further Information Request	IAC
13	“	Late Submission – James & Tristen Irving	Mr J Irving
14	15 July 2022	Proponent – Part A Submission	RRV
15	“	Letter – Accompanied Site Inspection	IAC
16	“	Expert Statement – Colleen Peterson on Planning	RRV
17	“	Expert Statement – Peter Kelly on Traffic and Transport	“
18	“	Expert Statement – Hilary Marshall on Traffic and Transport	“
19	“	Expert Statement – Darren Tardio on Noise and Vibration	“
20	“	Expert Statement – John Noronha on Regional Economy	“
21	“	Expert Statement – Rob Leslie on Surface Water	“
22	“	Expert Statement – Nic McCaffrey on Flora and Fauna	“
23	“	Expert Statement – Brett Lane on Flora and Fauna	“
24	“	Expert Statement – Rodney van der Ree on Fauna Mitigation	“
25	18 July 2022	Expert Statement – Tim Ryan on Noise and Vibration	“
26	“	Expert Statement – Ian Wallis on Air Quality	“
27	“	Letter – Notification	IAC
28	20 July 2022	Letter – Request to amend Incorporated Document	Mr M Bartley and Ms S Warner of HWL Ebsworth Lawyers on behalf of Central Highlands Water (CHW)
29	“	Email – Seeking leave for late supply of Expert Witness Statement of Mr T D’Ombra	Ms H Lewers on behalf of Western Highway Conservation Group (WHCG)
30	21 July 2022	Email – Response to request for late supply of Expert Witness Statement	RRV

No.	Date	Description	Provided by
31	“	Response to request for Further Information a) Amended copy of Figure 1 Beaufort Bypass Alignment Option C2 Proposed Public Acquisition b) Revised copy of Figure 9.23 Proposed wildlife crossing locations c) Alternative to an amended Figure 1 identifying EVCs and trees from Figures 9a to 9e d) Copy of the VicRoads document Section 720 – Landscape Works	RRV
32	“	Updated response to Direction 12 to show new submitters including: a) Option C2 and Locations of property-based submissions (amended to include late submissions) b) Suggested Site Inspection Route map (updated to include late submissions) c) Proposed PAO SCO construction footprint map (updated to include late submissions) d) Beaufort Bypass EES Site Visit Map Accompany Table (updated to include late submitters) e) Detailed map showing Option C2 (updated to include late submissions)	“
33	“	Proponent – Day 1 version documents including a) Email – Response to Direction 24 Day 1 Documents b) Summary of Day 1 proposed changes to the PSA and EES documents c) C50 Pyrenees - Draft Incorporated Document - 'Day 1' version	“
34	22 July 2022	Letter – IAC response to late supply of Expert Witness Statement of Mr T D’Ombrain	IAC
35	“	Email – WHCG response to IAC in relation to late supply of Expert Witness Statement of Mr T D’Ombrain	RRV
36	24 July 2022	Expert Statement – Kirsten Bauer on Landscape and Visual Impact	RRV
37	25 July 2022	Hearing Submission – Impact Assessment Unit – Department of Environment, Land, Water and Planning	Ms T Schlen, IAC DELWP
38	“	Hearing Presentation – Regional Roads Victoria	RRV
39	“	Distribution List and Timetable (Version 3)	IAC
40	“	Expert Witness Presentation - Peter Kelly on Traffic and Transport	RRV
41	26 July 2022	Corrected Figure 6.32 in Appendix C of the EES	“
42	“	Expert Witness Presentation - Brett Lane on Flora and Fauna	“

No.	Date	Description	Provided by
43	“	Expert Witness Presentation -Nic McCaffrey on Flora and Fauna	“
44	27 July 2022	EES Appendix C Appendices – Updated Figures	“
45	“	EES Appendix C – Updated Figures	“
46	“	Expert Witness Presentation - Tim Ryan on Noise and Vibration	“
47	“	Expert Witness Presentation - Darren Tardio on Noise and Vibration	“
48	28 July 2022	Expert Witness Presentation - Kirsten Bauer on Landscape and Visual Impact	“
49	29 July 2022	Timetable (Version 4)	IAC
50	1 Aug 2022	Part B submission <ul style="list-style-type: none"> a) Ballarat C128-Pyrenees C29 Panel report b) EES Scoping Requirements c) Restructure Plans with maps d) Harcourt After the Bypass press release e) Scoping Study Final Harcourt Mountain Bike Park f) EPBC Bilateral Agreement 2014 g) VicRoads Fauna Sensitive Road Design Guidelines h) Harcourt celebrates Calder Freeway bypass 10 years on – article i) Ministerial guidelines for assessment of environmental effects under the EE Act j) GHCMA email confirming position on RRV’s proposed changes 	RRV
51	2 Aug 2022	Hearing Submission – Pyrenees Shire Council	Ms K Gleisner, Pyrenees Shire Council
52	“	Hearing Submission – Western Highway Conservation Group	Ms H Lewers, Western Highway Conservation Group
53	“	Hearing Submission – Old Beaufort Primary School 60 Committee	Ms P Hedges, Old Beaufort Primary School 60 Committee
54	3 Aug 2022	Hearing Submission – Helen and Scott Swadling	Mr S and Mrs H Swadling
55	“	Hearing Submission – Christopher and Dalena Lee	Mr C and Mrs D Lee

No.	Date	Description	Provided by
56	“	Hearing Submission – Wadawurrung Traditional Owners Corporation	Dr D Jones
57	“	Hearing Submission – Gina and Warren Angus	Mr A Gunter, Hunt & Hunt Lawyers on behalf of Mr A and Mrs G Angus
57a	“	Confidential attachment to Hearing Submission	“
58	4 Aug 2022	Beaufort Bypass Cultural Values Assessment	Dr D Jones
59	“	Wadawurrung Traditional Owners Corporation - Review of the Wildlife Act 1974	“
60	“	Wadawurrung Traditional Owners Corporation - Native Vegetation Offsets	“
61	“	DELWP Grampians Region - Response to Document 33b	Ms L Regent, DELWP Grampians Region
62	8 Aug 2022	Response to questions on Day 5 - DELWP Grampians Region	“
63	“	Proponent – Closing Submission including attachments: <ul style="list-style-type: none"> a) Koo Wee Rup Road Environment Factsheet b) Draft Incorporated Documents c) GC107 Mordialloc Bypass Freeway Incorporated Document – July 2019 – Approval gazetted d) GC158 Healesville Koo Wee Rup Rd Princes Freeway and Manks Road Upgrade Project Incorporated Document – December 2019 e) GC181 – Hall Road McCormicks Road to Cranbourne Frankston Road Incorporated Document – August 2021 f) GC182 – Western Port Highway Upgrade Project Incorporated Document – August 2021 g) Summary of Day 1 proposed changes to the PSA and EES documents 	RRV
64	“	Email – Response to request for confidential appendix to submission	IAC
65	“	Letter – Final Directions	“
66	“	Plan depicting the Restructure Plan Overlay and the PAO area	RRV
67	“	A schedule of affected parcel areas	“
68	9 Aug 2022	Post Hearing Version – Draft Incorporated Document	“

No.	Date	Description	Provided by
69	“	RRV changes to the EES and related materials	“
70	15 Aug 2022	Pyrenees Shire Council comments on summary of changes to the Incorporated Document	Ms K Gleisner
71	“	Pyrenees Shire Council comments on proposed changes to the PSA and EES document	“
72	“	DEWLP Grampians Region comments on summary of changes to the EMF and Incorporated Document	Ms L Regent
73	19 Aug 2022	Final Incorporated Document	RRV
74	“	Final tables in format requested by IAC	“

Appendix E Legislative and policy context and key principles

Legislative context

1.1 Environment Protection and Biodiversity Conservation Act

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Commonwealth Government's principal environmental protection and biodiversity conservation legislation. It provides the legal framework for the protection of MNES, Ramsar wetlands, listed nationally threatened species and listed migratory species.

The Project was referred to the Commonwealth under the EPBC Act and was deemed to be a controlled action based on the potential for significant impacts on listed threatened species and communities (sections 18 and 18A), and therefore required assessment and approval. Following the EES process and the assessment by the Victorian Minister for Planning, the Commonwealth Minister for the Environment (or delegate) will decide whether the action is approved, approved with conditions or refused under the Act.

Significant impact guidelines

Significant impact guidelines under the EPBC Act provide overarching guidelines on determining whether an action is likely to have a significant impact on a matter protected under national environmental law. The relevant guidelines for this Project are *Matters of National Environmental Significance: Significant impact guidelines 1.1* (Department of Environment, 2013).

The guidelines define a 'significant impact' as "*an impact which is important, notable, or of consequence, having regard to its context or intensity*". To be considered 'likely' it is "*sufficient if a significant impact on the environment is a real or not remote chance or possibility*".

The guidelines embody the precautionary principle:

If there is a scientific uncertainty about the impacts of your action and potential impacts are serious or irreversible, the precautionary principle is applicable. Accordingly, a lack of scientific certainty about the potential impacts of an action will not itself justify a decision that the action is not likely to have a significant impact on the environment.

Significant impact criteria are provided to assist in determining whether potential impacts of an activity are likely to be significant on a matter of national environmental significance. The criteria are different according to the conservation category of the MNES (for example, critically endangered or vulnerable).

For vulnerable species:

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

- Lead to a long-term decrease in the size of an important population of a species
- Reduce the area of occupancy of an important population
- Fragment an existing important population into two or more populations
- Adversely affect habitat critical to the survival of a species
- Disrupt the breeding cycle of an important population
- Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

- Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat
- Introduce disease that may cause the species to decline, or
- Interfere substantially with the recovery of the species.

In relation to an 'important population', these guidelines provide:

An 'important population' is a population that is necessary for a species' long-term survival and recovery. This may include populations identified as such in recovery plans, and/or that are:

- Key source populations either for breeding or dispersal
- Populations that are necessary for maintaining genetic diversity, and/or
- Populations that are near the limit of the species range.

1.2 Environment Effects Act

The *Environment Effects Act 1978* (EE Act) provides for the integrated assessment of projects with the potential for significant environmental effects. In response to a referral made by Council, the Minister for Planning determined that an EES was required and an Inquiry appointed to consider the environmental effects of the Project. The EES was prepared in response to the EES Scoping Requirements Report issued by the Minister for Planning.

The Minister's Assessment is not an approval as such, but is an assessment of the environmental effects of the Project that must be considered by decision makers in determining whether to grant approvals required for the Project under other legislation, and any conditions to be imposed.

EE Act Guidelines

These Ministerial Guidelines are made under section 10 of EE Act and define the general objective of the EES process:

To provide for the transparent, integrated and timely assessment of the environmental effects of projects capable of having a significant effect on the environment.

The EE Act Guidelines incorporate specific principles of best practise ensuring a systems and risk-based approach to the assessment of potential effects, an integrated perspective of the relationship of different effects to inform decision-making and the need to ensure consistency with principles and objectives of ecologically sustainable development.

The EE Act Guidelines indicate potential for significant effects will reflect the following factors:

- *Significance* of the environmental assets affected, in relation to:
 - *Character* of the potentially affected environmental assets.
 - *Geographic occurrence* of the environmental assets.
 - *Values or importance* of the environmental assets, based on expert knowledge, relevant policy and evidence of social values.
- *Potential magnitude, extent and duration* of adverse effects on environmental assets in the short, medium and longer term, as a result of the development, operation and where relevant, decommissioning of a project.
- *Potential for more extended adverse effects in space and time*, as a result of interactions of different effects and environmental processes affecting environmental assets.

The EE Act Guidelines include referral criteria – potential environmental effects which individually or together, warrant the referral of a project for assessment as to whether an EES ought to be undertaken. These criteria are often used as a touchstone for defining potentially significant effects.

1.3 Flora and Fauna Guarantee Act

The *Flora and Fauna Guarantee Act 1988* (FFG Act) provides for the conservation of Victoria's native flora and fauna. It includes objectives at section 4 to:

- guarantee that native flora and fauna can persist and improve in the wild, retaining the ability to adapt to environmental change
- prevent species and communities from becoming threatened and to recover threatened species and communities
- protect, conserve, restore and enhance biodiversity including flora, fauna and their habitats, genetic diversity, ecological communities and processes
- identify and mitigate the impacts of potentially threatening processes to address underlying causes of biodiversity decline
- ensure use of biodiversity is ecologically sustainable
- identify and conserve areas of critical habitat.

A permit is required from DELWP to remove protected flora and fauna from public land.

For the preferred C2 alignment, a permit under the FFG Act will be required for the removal of one Matted Flax-lily plant which occurs on public land (Back Raglan Road). In addition, the removal of any non-threatened flora on the Protected Flora list or any plant members of the FFG Act-listed community Victorian Temperate Woodland Bird Community which occur on public land will require a permit under the FFG Act. The only plant found in the Victorian Temperate Woodland Bird Community which occurs in the study area is River Red-gum.

Characteristics of Threatened Communities

To help field recognition of various threatened communities under the FFG Act, the FFG Scientific Advisory Committee has provided a description of distinguishing characteristics of each community based on the attributes used to define them when added to the FFG Threatened list.

The Victorian Temperate Woodland Bird Community is defined as a suite of 24 bird species, mainly associated with drier woodlands on the slopes and plains north of the Great Dividing Range. Numbers of these bird species have declined markedly since records began.

1.4 Wildlife Act

The *Wildlife Act 1975* is the primary legislation in Victoria for the protection of wildlife. The Act requires that wildlife research (including fauna salvage and translocation) is regulated through a permit system, which is managed by DELWP. Permits are required under the Act to remove trees containing habitat or any other fauna habitat areas, or for fauna salvage and translocation. Section 42 of the Wildlife Regulations 2013 state that a person must not damage, disturb or destroy any wildlife habitat unless that person is authorised to damage, disturb or destroy wildlife habitat under any Act. The destruction of wildlife habitat for this Project will be approved through the PE Act exempting the project from section 42.

1.5 Aboriginal Heritage Act

The *Aboriginal Heritage Act 2006* provides for the protection of Aboriginal cultural heritage in Victoria. Section 49 requires that a Cultural Heritage Management Plan (CHMP) be prepared and approved for an area where an EES is required prior to any works commencing. Part 4 of the Act describes the processes associated with the preparation and approval of a CHMP.

A draft CHMP has been prepared by the Proponent (no. 13830) but not exhibited with the EES because of cultural sensitivity reasons. A final CHMP is to be prepared following the Minister's assessment of the EES consultation with the Wadawurrung Traditional Owners Aboriginal Corporation.

1.6 Heritage Act

The *Heritage Act 2017* provides for the protection and conservation of post-contact heritage by establishing the Victorian Heritage Register and Victorian Heritage Inventory for places, objects and archaeological sites of heritage value. The Act provides for permits to be acquired prior to the removal or damage of registered places.

There are three sites within the study area which are currently registered on the Victorian Heritage Inventory.

1.7 Planning and Environment Act

The *Planning and Environment Act 1987* (PE Act) provides the framework for planning the use, development and protection of land in Victoria in the interests of current and future generations.

Section 4 of the PE Act sets out the Victorian planning objectives, which include:

- provide for the fair, orderly, economic and sustainable use, and development of the land
- provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- secure a pleasant, efficient and safe working, living and recreating environment for all Victorians and visitors
- conserve and enhance places of scientific, aesthetic, architectural or historic interest or otherwise of special cultural values
- facilitate development in accordance with other objectives
- facilitate the provision of affordable housing
- balance the present and future interests of all Victorians.

The objectives of the planning framework established under the Act are, relevantly, to:

- ensure sound, strategic planning coordinated at all levels of government
- enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies
- ensure environmental, social and economic effects are considered when decisions are made about the use and development of land
- facilitate development which achieves the Victorian planning objectives
- provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements.

The PE Act establishes the framework for preparing and amending planning schemes. All planning scheme amendments must be prepared having regard to the Victorian planning objectives.

Draft Pyrenees Planning Scheme Amendment (the PSA) has been proposed as the preferred approval pathway for the Project. The relevant Planning Policy Framework and particular provisions of the Pyrenees Planning Scheme are outlined in Chapter 1.15 below.

1.8 Catchment and Land Protection Act

The *Catchment and Land Protection Act* sets out the natural resource management functions for Catchment Management Authorities in this case the Glenelg Hopkins Catchment management Authority. Under the Act the Water Minister has issued a Statement of Obligations under the Catchment and Land Protection Act setting out CMA responsibilities including salinity and pest and weed management and for developing Regional Catchment Strategies.

Permits are required under the Act to transport noxious weeds to or from works sites. RRV and contractors undertaking construction works for the bypass will need to take all reasonable steps to eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and prevent the spread of and as far as possible eradicate established pest animals.

1.9 Environment Protection Act

The *Environment Protection Act 2017* (EP Act) came into effect on 1 July 2021, replacing the former Act of 1970. The centrepiece of the new laws is the ‘general environmental duty’ (GED) which applies to all Victorians. When undertaking any activity which may pose a risk of harm to human health or the environment, there is a general obligation to take all reasonably practicable steps to eliminate or minimise the risk of those harms arising (with elimination being the clear preference).

The GED is an ongoing duty and requires continuous consideration of the evolving ‘state of knowledge’.

The EP Act is supported by the Environment Protection Regulations 2021 and the Environment Reference Standard. The Environmental Reference Standard is made up of many ‘reference standards’ which contain environmental values, indicators and objectives for different components of the environment. The Environmental Reference Standard forms part of the state of knowledge, which also includes information from manuals, safety data, industry body guidance, guidance notes and outcomes from decisions the EPA has made. This means the state of knowledge will evolve with the Project as time goes on.

1.10 Transport Integration Act

The *Transport Integration Act 2010* establishes a common policy framework for decision making about the transport system. The Act is triggered by the Project and must meet the key transport system objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the Act including:

- Transport system objectives:
 - social and economic inclusion
 - economic prosperity
 - environmental sustainability:
 - integration of transport and land use
 - efficiency, coordination and reliability
 - safety and health and wellbeing
- Decision-making principles:
 - integrated decision-making
 - transport system user perspective
 - precautionary principle

- transparency.

EES Appendix G sets out how the Project addresses these objectives and decision-making principles.

1.11 Road Management Act

The *Road Management Act 2004* sets out the regulations and requirements regarding arterial roads and working within the road reserve. Code of practices are set out under the Act to provide guidance for road authorities, works and infrastructure managers. RRV will be operating under delegated authority under the Act.

1.12 Water Act

The *Water Act 1989*:

- provides for the integrated management of all elements of the terrestrial water cycle
- promotes the equitable and efficient use of water resources
- ensures appropriate conservation and management of water resources for the benefit of present and future Victorians.

In relation to water supply, the Water Act provides Central Highlands Water with functions to manage and protect water supply, water storages and facilities.

The Water Act requires licences for works on waterways under section 67.

1.13 Land Acquisition and Compensation Act

The *Land Acquisition and Compensation Act 1986* (LAC Act) outlines the process for the acquisition of land by State Government for public purposes, either compulsorily or by negotiation. The Act also provides procedures for the determination of compensation. Section 5 of the LAC Act states that an authority cannot commence to acquire the land “*unless the land has been first reserved by or under a planning instrument for a public purpose*”. As the Project requires land acquisition, a Public Acquisition Overlay (PAO) is proposed to be applied to the affected land. The procedure for acquisition and compensation must comply with the LAC Act and once the PAO has been applied.

1.14 VicRoads Traffic Noise Reduction Policy

This VicRoads’ policy outlines VicRoads’ approach to limiting the effect of traffic noise on nearby residents when new or improved roads are opened to traffic. It achieves this by:

- reducing noise emissions at the source, including through quieter pavement surfaces and promoting measures to reduce engine brakes.
- encouraging compatible land use next to major roads.
- limiting noise next to arterial roads or freeways built on new alignments or where existing roads are widened by two or more lanes resulting in the removal of buildings that previously shielded buildings behind from traffic noise.

Noise level objectives for sensitive uses are generally 63 dB(A) L10 (12 hour) or, where the existing noise level is less than 50 dB(A) L10 (18 hour), consideration is to be had to limiting any noise increase to 12 dB(A).

The approach to limiting noise includes on and off-reservation attenuation measures. In addition, traffic management measures will be implemented to ensure night time levels are not excessively high.

1.15 VicRoads Western Highway M8/A8 Corridor Strategy – Deer Park to South Australian Border

The objective of this 1999 strategy is to:

Provide a plan for the management and development of the Western Highway in a manner that promotes Victoria's overall development, facilitates interstate trade, business, tourism and community activities in the west of the State and urban development in the western region of Melbourne.

The Strategy highlights the importance of the Western Highway as the principal transport link between Melbourne and Adelaide and the second busiest national highway link in Australia in terms of interstate freight movements.

Ultimately the strategy aims to develop the Western Highway Corridor to:

- full freeway standard ('M' road) between the Western Ring Road, Melbourne and the Sunraysia Highway, Ballarat
- divided carriageways ('M' road) between Ballarat and Stawell
- a single carriageway highway with overtaking lanes ('A' road) from Stawell to South Australian border.

'M' roads provide a consistent high standard of driving conditions with divided carriageways, minimum four traffic lanes, sealed shoulders, and with delineation and line marking that is easily visible in all weather conditions.

1.16 Pyrenees Planning Scheme

(i) Policy

The Pyrenees Planning Scheme includes both state, regional and local planning policies within the Planning Policy Framework.

The key policies relevant to the Project are set out below.

Clause 11 (Settlement)

This policy aims to respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure, and facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. This is achieved through the following objectives, strategies and policy documents:

- **Clause 11.01-1S (Settlement)** by promoting the sustainable growth and development and delivering choice and opportunity through a network of settlements including through:
 - Settlements planned in accordance with regional growth plans (*Central Highlands Regional Growth Plan*)
 - providing for growth in population and development of facilities and services across a regional or sub-regional network.

- Planning for development and investment opportunities along existing and planned transport infrastructure.
- promoting transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans
- strengthening transport links on national networks for the movement of commodities.
- **Clause 11.01-1R (Settlement - Central Highlands)** directs growth to well serviced settlements such as Beaufort (identified for sustainable change in the Central Highlands Regional Growth Plan) with good access to Ballarat.

Clause 12 (Environment and Landscape Values)

This policy aims to protect the health of ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values. Planning is to implement environmental principles for ecologically sustainable development and should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value. This is achieved through the following objectives, strategies and policy documents:

- **Clause 12.01-1S (Protection of biodiversity)** which aims to assist the protection and conservation of Victoria's biodiversity. Key strategies include avoiding impacting important areas of biodiversity, ensuring no net loss of native vegetation as a result of clearing, considering cumulative impacts, habitat fragmentation and the spread of pest plants, animals and pathogens into the environment.

Relevant policy documents include:

- Protecting Victoria's Environment – Biodiversity 2037 (DELWP 2017)
- Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)
- **Clause 12.01-1L (Biodiversity)** which aims to protect significant and sensitive areas from the effects of vegetation clearance and modification, retain remnant understorey vegetation with policy including retaining trees over 5 metres in height and requiring revegetation
- **Clause 12.01-2S (Native vegetation management)** which aims to ensure no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The key strategy is to ensure relevant decisions apply the three-step approach being:
 - avoid the removal of native vegetation
 - minimise impacts that cannot be avoided
 - provide offsets to compensate for unavoidable impacts.

These steps are outlined in the *Guidelines for the removal, destruction or lopping of native vegetation*, DELWP 2017 (Native Vegetation Guidelines) which are supported by the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (DELWP 2018)

- **Clause 12.03-1S (River corridors, waterways, lakes and wetlands)** aims to protect and enhance river corridors, waterways, lakes and wetlands through the following objectives, strategies and policy documents:
 - protecting the environmental, cultural and landscape values of all water bodies and wetlands
 - ensuring development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways.

- **Clause 12.03-1L (Waterways)** which aims to discourage removal of native vegetation in gullies and along streams and drainage lines
- **Clause 12.05-2S (Landscapes)** which aims to protect and enhance landscapes and open spaces that contribute to character, identity and sustainable developments

Clause 13 (Environmental risks and amenity)

This policy aims for planning to strengthen community resilience and community safety by adopting best practice environmental and risk management approaches. This policy identifies that planning should prepare for and respond to the impacts of climate change. Relevant strategies include:

- **Clause 13.01-1S (Natural hazards and climate change)** aims to minimise impacts of natural hazards and to adapt to the impacts of climate change through risk-based planning. Key strategies include to consider risks associated with climate change in planning and management decision-making processes and to site and design development to minimise risks from natural hazards
- **Clause 13.02-1S (Bushfire planning)** applies to all decision-making relating to land within a designated bushfire prone area, subject to a Bushfire Management Overlay or proposed to be used in a manner that creates a bushfire hazard
- **Clause 13.03-1S (Floodplain management)** which aims to assist the protection of floodplain environmental health and retain flood storage function and carrying capacity, with strategies including transport facilities above maximum flood levels
- **Clause 13.04 (Soil Degradation)** which includes strategies to reduce potential for erosion on waterways
- **Clause 13.07-1S (Land use compatibility)** which aims to protect community amenity, health and safety while facilitating appropriate infrastructure with potential adverse off-site impacts.

Clause 14 (Natural Resource Management)

This policy aims to ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production by protecting productive farmland that is of strategic significance in the local or regional context, protect productive agricultural land from unplanned loss due to permanent changes in land use and protecting strategically important agricultural and primary production land from incompatible uses. Relevant strategies include:

- **Clause 14.02-1S (Catchment planning and management)** to protect of catchments and waterbodies and groundwater.

Clause 15 (Built Environment and Heritage)

This policy aims to ensure use and development responds to its surrounding landscape and character, valued built form and cultural context and to protect places and sites of significant heritage and cultural value. Relevant strategies include:

- **Clause 15.03-1S (Heritage conservation)** to conserve heritage significance
- **Clause 15.03-1L (Heritage conservation in Pyrenees Shire)** which encourages the retention of physical evidence of the Shire's gold history in mining sites, mullock heaps and related workings
- **Clause 15.03-2S (Aboriginal cultural heritage)** to protect and conserve places of Aboriginal cultural heritage significance.

Clause 17 (Economic Development)

This policy aims to provide for a strong and innovative economy. Relevant strategies include:

- **Clause 17.02** which aims to support rural economies including commercial and tourism) by improving access and supporting infrastructure investment.

Clause 18 (Transport)

This policy aims to ensure integrated and sustainable transport that provides access to social and economic opportunities, facilitates economic prosperity, safe and reliable movement and contributes to environmental sustainability. Relevant strategies include:

- **Clause 18.01-1S (Land use and transport integration)** providing for the development of a transport system that facilitates social and economic inclusion, reduce distances to access jobs and services, provide better access to and mobility within local communities and provides for network-wide efficiency and coordinated operation. Ensuring transport networks are planned to minimise disruption on residential communities and their amenity, reserving land for strategic transport infrastructure to meet changing transport demands
- **Clause 18.01-2S (Transport system)** which seeks to provide an integrated transport system that improves connectivity between regional cities and metropolitan Melbourne, improves connectivity and facilitates growth and development in regional Victoria, improves the movement of goods and maximises access to employment, markets and services and supports the Principal Freight Network (which includes the Western Highway)
- **Clause 18.01-2R (Transport System – Central Highlands)** which supports improvements to transport infrastructure to enhance access to Ballarat and other major centres
- **Clause 18.02-4S (Roads)** which facilitates an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure

Relevant policy documents include:

- *Victorian Road Safety Strategy 2021-2030* (Department of Transport, 2021)
- *Movement and Place in Victoria* (Department of Transport, February 2019)
- *Delivering the Goods, Creating Victorian Jobs: Victorian Freight Plan* (Department of Economic Development, Jobs, Transport and Resources, July 2018) which predicts freight volume increases in regional Victoria from 40 million tonnes per year in 2014 to 70 million tonnes per year in 2051.

Clause 19 (Infrastructure)

This policy aims to plan for the provision of efficient, equitable, accessible and timely infrastructure. Relevant strategies include:

- **Clause 19.03-2S (Infrastructure design and provision)** which seeks to provide infrastructure in a timely, efficient and cost effective manner that meets the needs of the community
- **Clause 19.03-3S (Integrated water management)** which seeks to ensure development protects and improves the health of waterways and water quality through an integrated approach to water management.

Municipal Planning Strategy

- **Clause 02.03-1 (Settlement)** identifies Beaufort as the Shire's principal town for urban development and states that this role should be supported through:

- retaining Beaufort's character and sense of place
- retaining the rural character and the amenity of areas adjacent to the Western Highway on the eastern approach to the township
- accommodating further community facilities within the existing commercial precinct
- managing and mitigating the impacts of flooding and drainage problems in low-lying sections of the town.
- **Clause 02.03-2 (Environmental risks and amenity)** provides strategic direction for Pyrenees Shire's management of bushfire, floodplains and Native Vegetation to:
 - discourage use and development that causes pollution of water resources
 - minimise use and development that causes land degradation, fire hazards or other adverse environmental impacts
 - protect existing native vegetation and encouraging further planting of native vegetation, particularly on land in areas with erosion and salinity problems
 - discourage development on land demonstrated to have serious environmental management constraints
 - discourage development on floodplains including the floodplains of Yam Holes, Ding Dong, Cemetery and Cumberland Creeks at Beaufort.
- **Clause 02.03-3 (Natural resource management)** outlines strategies to manage impacts on land systems, rural subdivision, agriculture, viticulture and water by:
 - Protecting agricultural land from fragmentation
 - encouraging sustainable and diverse agriculture
 - discouraging rural-residential development where it impacts on agricultural land
 - facilitating the further development of viticultural operations
 - protecting land of high suitability for viticulture from incompatible development
 - conserving water resources and minimising possible contamination of water supplies from urban, industrial and agricultural land use
- **Clause 02.03-4 (Built Environment and Heritage)** which provides strategic direction for protecting the Pyrenees Shire's heritage and built environment by:
 - conserving cultural and heritage assets, including buildings, streetscapes, places, landscapes, mining-related areas and infrastructure that contribute to Shire's identity
 - protecting known Aboriginal heritage places from development
 - retaining the established character of existing townships.

(ii) Zones and Overlays

The proposed Bypass corridor is located in the following zones:

- Farming Zone, the predominant zone (253.92 hectares)
- Transport Use Zone – Category 1 and Category 2 (14.03 hectares), including the Western Highway, Beaufort-Lexton Road and Main Lead Road
- Public Conservation and Resource Zone (4.12 hectares) including the southern portion of Camp Hill State Forest
- Rural Living Zone (3.8 hectares) at the eastern edge fronting Western Highway
- Rural Conservation Zone (2.05 hectares), east of Main Lead Road
- Low Density Residential Zone (0.4 hectares) to the north-west of Beaufort.

The purposes of the Farming Zone include:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed Bypass corridor is subject to the following overlays (relevant purposes are listed):

- Bushfire Management Overlay (117.55 hectares):
 - To ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire
 - To identify areas where bushfire hazards warrant the implementation of protection measures
 - To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.
- Land Subject to Inundation Overlay (9.07 hectares):
 - To identify flood prone land in riverine or coastal area and ensure development maintains free passage of flood waters and minimises risk to life, health and safety associated with development.
- Vegetation Protection Overlay (VPO) extending over 1.33 hectares:
 - To identify areas where land development may be affected by environmental constraints
 - To ensure that development is compatible with identified environmental values.
 - Schedule 1 to the VPO identifies areas of 'Roadside Grassland Protection and Conservation'
- Restructure Overlay (RO) extending over 233.56 hectares:
 - To identify old and inappropriate subdivisions to be restructured.
 - RO27 applies to 'Land generally to the north of the Western Highway at Beaufort and to the south of Raglan and Waterloo Restructure Areas'
- Public Acquisition Overlay extending over 20.10 hectares:
 - To identify land which is proposed to be acquired by a Minister, public authority or municipal council.
 - To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.
 - To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.
 - the PAO Schedule identifies PAO1 as required for 'Road construction or road widening' with Roads Corporation (VicRoads) the Acquiring Authority.
- Floodway Overlay (5.81 hectares):
 - To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
 - To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
 - To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
 - To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The Project would trigger a permit requirement in most or all of these zones and overlays.

The Amendment proposes to apply the PAO to parts of the Project corridor and apply the Special Controls Overlay (SCO) the purpose of which is:

To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

The SCO requires land to be used or developed in accordance with an incorporated document and which may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

Permit requirements under the zone, overlay and particular provisions would be exempt under the proposed SCO.

(iii) Particular provisions

Clause 52.17 Native Vegetation

The purpose of this clause is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, including dead native vegetation. This is achieved by applying the three-step approach of avoid, minimise and offset in accordance with the Native Vegetation Guidelines and requiring a permit for any removal. Clause 52.17-7 provides an exemption for removing dead native vegetation with a trunk diameter of less than 40 centimetres or a height of less than 1.3 metres above ground level.

Decision guidelines for permit applications are provided in the Guidelines which are supported by the Native Vegetation Handbook.

Native Vegetation Guidelines

The Native Vegetation Guidelines provide for the assessment of impacts and describe how offsets are calculated to compensate for loss. The Guidelines are an incorporated document in all planning schemes and are to be considered when preparing an amendment.

The Native Vegetation Guidelines recognise the importance of large trees as often the oldest part of an ecosystem and difficult to replace in the short term. To address this, where large trees are to be removed, large trees must be part of the offset to be secured.

Whether a tree is a 'large tree' depends on the attributes of the EVC. Large trees are defined as "*a native canopy tree with a DBH greater than or equal to the large tree benchmark for the relevant bioregional EVC*". Canopy trees are defined as "*A mature tree (that is, it is able to flower) that is greater than 3 metres in height and is normally found in the upper layer of the relevant vegetation type*".

The biodiversity value of native vegetation is determined using both site-based and landscape scale information.

Application requirements provided in Tables 4 and 5 of the Native Vegetation Guidelines are summarised in the Table below.

Number	Requirement
1	Information about the vegetation to be removed, including the offset requirement
2	Topographic and land information
3	Recent, dated photographs
4	Details of any other native vegetation to be removed, or previously removed within 5 years of the permit application
5	An avoid and minimise statement
6	A copy of any Property Vegetation Plan applicable (NA)
7	Where removal is required for defensible space, a statement explaining why it is necessary (NA)
8	If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations (NA)
9	An offset statement providing evidence suitable offsets have been identified and can be secured
10	A site assessment report of the native vegetation
11	Information about impacts on rare or threatened species habitat

The Native Vegetation Guidelines provide:

A site assessment report must be current, as detailed in the Assessor's handbook.

Decision guidelines for applications are set out in Table 6 of the Native Vegetation Guidelines and include whether an offset has been identified and can be secured.

There are two types of offsets provided for under the Native Vegetation Guidelines:

- Species offset – required when the removal of native vegetation has a significant impact on habitat for a rare or threatened species. Species offsets must compensate for the removal of that particular habitat.
- General offset – required when the removal does not have a significant impact on any habitat for rare or threatened species.

Assessor's Handbook

The Assessor's Handbook provides further detail for assessing an application to remove native vegetation and includes multiple decision points where the assessor should consider either advising how the proposal could be amended to further avoid and minimise vegetation loss and make the application acceptable, or refuse the application.

The Assessor's Handbook provides in relation to the currency of a site assessment report:

The site assessment report must be current

This generally means the site assessment must have been completed within the last three years for grassy, heathland, shrubland ecosystems including grassy woodlands and five years for forest ecosystems. If the assessment is older than this, an accredited native vegetation assessor must verify the condition, and if the score is no longer accurate, complete a new assessment.

The Assessor's Handbook provides that "a species offset is required when the proportion of habitat value to be removed is greater than 0.005 per cent of the habitat value in the Habitat importance map for that species".

(iv) Incorporated and background documents

Relevant incorporated documents identified in Clause 72.04 include:

- *Beaufort Local Floodplain Development Plan*, Pyrenees Shire Council, 2021
- *Restructure Plans for Areas Specified in the Schedule to Clause 45.05 of the Pyrenees Planning Scheme, October 2007 (Revised March 2013):*
 - *Restructure Plan No 27 (Beaufort Environs Sheet A & B), October 2007.*

The draft Amendment proposes to include the Beaufort Bypass Project Incorporated Document as an incorporated document under Clause 72.04.

Relevant background documents identified at Clause 72.08 include:

- *Beaufort Flood Study* (Water Technology Pty Ltd, 2008)
- *Beaufort Floodplain Management Plan* (Water Technology Pty Ltd, 2011)
- *Beaufort Township Structure Plan* (Network Planning Consultants Pty Ltd, 2005). This document is not identified in the Planning Policy Framework or Municipal Planning Strategy and appears to have no currency.

1.17 Key decision-making principles

(i) The precautionary principle

The precautionary principle states that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle is given legislative force through a number of the Acts discussed above.

(ii) Integrated decision-making

Clause 71.02-3 (Integrated decision-making) of the Pyrenees Planning Scheme (which is repeated in all other Victorian planning schemes) guides all planning decisions. It states (IAC's emphasis):

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

(iii) Ecologically sustainable development

The Terms of Reference require the IAC to have regard to the principles and objectives of ecologically sustainable development. Ecologically sustainable development is defined in section 4

of the *Commissioner for Environmental Sustainability Act 2003* and adopted in the EE Act Guidelines:

What is ecologically sustainable development?

- (1) Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.
- (2) The objectives of ecological sustainable development are –
 - (a) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
 - (b) to provide for equity within and between generations;
 - (c) to protect biological diversity and maintain essential ecological processes and life-support systems.
- (3) The following are to be considered as guiding principles of ecologically sustainable development –
 - (a) that decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;
 - (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
 - (c) the need to consider the global dimension of environmental impacts of actions and policies;
 - (d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environment protection;
 - (e) the need to maintain and enhance international competitiveness in an environmentally sound manner;
 - (f) the need to adopt cost effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms;
 - (g) the need to facilitate community involvement in decisions and actions on issues that affect the community.

Appendix F IAC recommended Environmental Management Framework changes

No.	RRV's Final proposed changes	IAC Recommendations
Table 17.3 Roles and responsibilities for environmental management		
1.	Amend Table 17.3 to add to the list of MRPV responsibilities: <ul style="list-style-type: none"> • <i>have regard to the recommendations of the Beaufort Bypass Cultural Values Assessment.</i> 	Amend Table 17.3 to require MRPV to have regard to the CVA consistent with RRV's Final changes
17.5 Environmental management plans and documentation - Table 17.5 Environmental management documentation		
2.	Yarra Gum added to list of species to be covered in the Threatened Species Management Plan	Add Yarra Gum to list of species to be covered in the Threatened Species Management Plan (MD09 and BH12)
3.	Add the following mitigation measures to the Threatened Species Management Plan in relation to the Yarra Gum: <ul style="list-style-type: none"> • avoid or minimize impacts on the Yarra Gum tree within the construction footprint and the tree, wherever possible • pre-clearing survey for threatened flora • if any Yarra Gum removals cannot be avoided, collect seed from trees to be removed to propagate to use in restoration and landscaping works post construction • No-go Zone identification/mapping, fencing and signage to retained individuals including the Tree Protection Zone • dust controls • weed and disease controls 	Amend the description of Threatened Species Management Plan (MD09) consistent with RRV's proposed changes. <i>Note: This change should be reviewed to determine if it is limited to the description in Table 17.5 or should also be captured in Table 17.8</i>
4.	Amend the Native Vegetation Offset Strategy (MD07) to require: <ul style="list-style-type: none"> • <i>a further search of the DELWP Native Vegetation Credit Register</i> • <i>send an additional Request for Information to DELWP accredited offset brokers to determine if there are any unregistered sites and/or landholders with all or some of the three required specific units</i> • <i>undertake an analysis of landholdings with combined species units to determine where potential offset sites may occur for further investigation if the steps above are unsuccessful</i> 	Amend the Native Vegetation Offset Strategy (MD07) as proposed in RRV's Final changes with a further change that considers offset sites which may offset impacts to the Victorian Temperate Woodland Bird Community

No.	RRV's Final proposed changes	IAC Recommendations
	<p>Ensure where offsets are not practical within the relevant geographic area then other locations can be considered:</p> <ul style="list-style-type: none"> • <i>consider as practicable the recommendations of the Wadawurrung Traditional Owners Aboriginal Corporation.</i> 	
5.	<p>Amend the description of the Community and Stakeholder Engagement Plan (MD12) to read as follows:</p> <p><i>A Community and Stakeholder Engagement Plan will be developed and implemented by the construction contractor to set out the specific actions, requirements and processes to engage with the community and other stakeholders (such as local businesses and special interest groups). It will be prepared in line with relevant guidelines and the Victorian Auditor General Office: Better Practice Guide: Public Participation in Government Decision Making.</i></p> <p><i>The Community and Stakeholder Engagement Plan will set out processes and measures <u>to provide the community and special interest groups with information on project design, proposed construction timeframes and staging and progress/performance prior to and during the life of the project.</u></i></p> <p><i>This will include sufficient prior notice <u>to the community</u>, key stakeholders and other potentially affected stakeholders of construction activities (including any staged works, early works, main works, or out of hours works), significant milestones, changed traffic conditions, interruptions to utility services, changed access and parking conditions, and periods of predicted high noise and vibration activities.</i></p>	<p>Amend the description of the Community and Stakeholder Engagement Plan (MD12) as proposed in RRV's Final changes with the addition of further changes (or an additional mitigation measure) to continue engagement with the community regarding impacts to biodiversity and mitigation measures and opportunities for involvement in rehabilitation/ reinstatement</p>
6.	<p>Include in the description of the CHMP (MD10) the following words:</p> <p><i>A Cultural Values Assessment has been completed in partnership with the Wadawurrung Traditional Owners Aboriginal Corporation. The Assessment offers recommendations as to:</i></p> <ul style="list-style-type: none"> • <i>Wadawurrung design, planning and Language engagements during the design and construction phases</i> 	<p>Amend the description of the Cultural Heritage Management Plan (MD10) as proposed in RRV's Final changes</p>

No.	RRV's Final proposed changes	IAC Recommendations
	<ul style="list-style-type: none"> <i>design, planning, revegetation and wildlife management recommendations aligned to Paleert Tjaara Dja: Wadawurrung Healthy Country Plan (2020)</i> 	
7.	Correct spelling of Grevillea in Threatened Species Management Plan (MD09)	Correct the spelling of grevillea in the description of the Threatened Species Management Plan (MD09)
8.	<p>Amend the description of the Native Vegetation Offset Strategy (MD07) to ensure where offsets are not practical within the relevant geographic area then other locations can be considered:</p> <ul style="list-style-type: none"> <i>consider as practicable the recommendations of the Wadawurrung Traditional Owners Aboriginal Corporation.</i> 	Amend the description of the Native Vegetation Offset Strategy (MD07) consistent with RRV's Final changes with a further additional change to provide for an additional requirement to consider offset sites which support the Victorian Temperate Woodland Bird Community
9.	Where applicable, MRPV standards will be referenced in the CEMP	Amend the description of the Construction Environment Management Plan (MD04) to refer to applicable Major Road Projects Victoria standards
10.	<p>Update requirement for the Operations and Maintenance Plan (MD21) to include a reference that:</p> <p><i>The Operations and Management Plan is to include a description of any assets to be handed over to the Pyrenees Shire Council (including landscaping) to be prepared in conjunction with the council.</i></p>	Amend the description of the Operations and Maintenance Plan (MD21) consistent with RRV's Final changes
11.		<p><u>Additional IAC recommendation:</u></p> <p>Amend the Construction Environment Management Plan to:</p> <ul style="list-style-type: none"> reference the identify the Paleert Tjaara Dja: Wadawurrung Country Plan and the associated video as references for contractors refer to relevant mitigation measures include detail about the Beaufort Bypass Cultural Values Assessment and its recommendations

No.	RRV's Final proposed changes	IAC Recommendations
12.		<ul style="list-style-type: none"> ● Include a requirement to prepare a design management document that provides overarching guidance to the detailed design stage including: <ul style="list-style-type: none"> - key design objectives and considerations - a process for design development and finalisation that includes expert ecological, cultural heritage, soil and geology, landscape, dust and acoustic specialist inputs - identification of the relevant Management Documents and mitigation measures and inputs to be integrated into the detailed design process - identification of the approach to the following design considerations: <ul style="list-style-type: none"> - minimising the impact on native vegetation associated with the Project including for alternative property access - the alignment of the western tie-in treatment to avoid impacts on existing native vegetation patches and minimise intrusion into the golden sun moth confirmed and high quality potential habitat areas - provide a land bridge linking the bisected Camp Hill areas - opportunities to reduce to one lane the eastern tie in on ramp from the 'old' Western Highway - appropriate design of the slope for the Camp Hill area, balancing any erosion risks with the desire to reduce land take and native vegetation impacts - the potential staging of early works to implement habitat, fauna crossing, landscaping and amenity outcomes - the Beaufort Bypass Cultural Values Assessment actions. ● Amend Table 17.5 under 'Design and construction contractor' to insert the design management document and description. ● Amend Table 17.6 to identify the design management document to be prepared by the Construction contractor and for review and approval of Major Road Projects Victoria (MRPV). ● Amend all other Tables to refer to the design management document as relevant

No.	RRV's Final proposed changes	IAC Recommendations
17.6.1 Traffic - Table 17.7 Details of mitigation measures – Traffic		
13.	Amend exhibited mitigation measure T02 to add a third bullet point: <i>“Consideration of speed zones of RRV controlled roads”</i>	Amend mitigation measure T02 consistent with RRV's Final changes and with a further change which requires: <ul style="list-style-type: none"> • an assessment of any native vegetation required to be cleared for providing new access (which has not previously been assessed) • a statement outlining how the removal of such vegetation has been avoided and minimised • include any such native vegetation in the Native Vegetation Management Plan. Amend the Access Management Strategy (MD06) in the same way
17.6.2 Biodiversity and Habitat - Table 17.8 Details of mitigation measures – Biodiversity and habitat		
14.	Update EMF to include specific mitigation measures to minimise impacts on the Ben Major Grevillea were stated in Section 10.3.2 of Technical Appendix C (Flora and Fauna Impact Statement) and should be included as a new mitigation measure	Include a new mitigation measure to minimise impacts on the Ben Major grevillea, including through the management of dust associated with the construction of the fire track in Camp Hill using Section 10.3.2 of Technical Appendix C as a starting point
15.	Update EMF consistent with DELWP submission to identify - implementation details of the Tree Re-use Program, specifically how cleared trees will be reused and the number and type of replacement logs and hollows to be installed to compensate for the loss of hollows, as described in Section 10.4.1.2 of Appendix C	Provide implementation details of the Tree Re-use program and consistent with Section 10.4.1.2 of Technical Appendix C
16.	Update EMF consistent with DELWP submission to include a requirement for clearing to be undertaken in accordance with the project's Protected Flora Permit	Provide a requirement for clearing to be undertaken in accordance with the Project's Protected Flora Permit

No.	RRV's Final proposed changes	IAC Recommendations
17.	Update EMF consistent with DELWP submission to identify the party responsible for obtaining a permit to take flora listed as protected under the FFG Act and a permit under the Wildlife Act 1975 to remove, salvage, capture, or relocate fauna as required by the project mitigation measures, and specific reference to these permit requirements in the ERA	Amend the EMF consistent with the changes sought by DELWP relating to permit responsibilities under the FFG and Wildlife Acts
18.	Update EMF consistent with DELWP submission for targeted surveys pre-construction for a range of threatened flora and fauna species, not just those identified by DELWP	Require further surveys be undertaken for little eagle, tussock skink and brown toadlet prior to detailed design. <i>Note: A protocol be developed to resolve the species and timings (refer item 29)</i>
19.	Update EMF consistent with DELWP submission for habitat restoration to be identified around culverts for Growling Grass Frog and River Swamp Wallaby-grass to Agree	Provide for habitat restoration around culverts for growling grass frog and river swamp wallaby-grass
20.	Add the following text to BH17: <i>In the event that additional threatened flora species listed under the FFG act and/or EPBC Act are detected during the pre-construction surveys, which cannot be avoided, these must be included in the translocation and/or restoration plan</i>	Amend mitigation measure BH17 consistent with RRV's changes
21.	Update EMF consistent with DELWP submission to provide for a mitigation measure specific to blackberry	Include a new mitigation measure for Blackberry
22.	Update EMF consistent with DELWP submission to include a mitigation measure that the design of wildlife crossing infrastructure needs to consider predation of wildlife	Amend an existing mitigation measure or include a new mitigation measure for wildlife crossing infrastructure to consider predation of wildlife

No.	RRV's Final proposed changes	IAC Recommendations
23.	<p>Update EMF to respond to DELWP submission:</p> <p><i>Wetland loss and degradation as a result of change in a water regime, dredging, draining, filling and grazing is partially addressed in EMF and risk register, however filling, dredging, or grazing impacts need to be addressed. Appendix C recommends revegetating drainage swales, channel realignments and other water infrastructure with wetland plants to recreate habitat for waterbirds and fish, which could help mitigate the impact of filling and altering watering regimes of wetlands</i></p>	<p>Amend an existing mitigation measure or include a new mitigation measure that considers:</p> <ul style="list-style-type: none"> • the impacts on wetland loss and degradation from filling, dredging, or grazing impacts • revegetating drainage swales, channel realignments and other water infrastructure with wetland plants to recreate habitat for waterbirds and fish
24.	<p>Update EMF to respond to DELWP submission:</p> <p><i>The spread of Phytophthora cinnamomi from infected sites into parks and reserves, including roadsides, under the control of a state or local government authority: Mitigation measures are not stated in EMF; however, the risk register has identified that general controls for managing the spread of diseases including Chytrid and Phytophthora will be detailed in CEMP</i></p>	<p>Amend an existing mitigation measure or include a new mitigation measure to manage the spread of Phytophthora cinnamomi</p>
25.	<p>Update EMF to respond to DELWP submission:</p> <p><i>Use of Phytophthora-infected gravel in construction of roads, bridges and reservoirs: The mitigation of risks of Phytopthera should be addressed</i></p>	<p>Amend an existing mitigation measure or include a new mitigation measure to manage the risks of Phytopthera</p>
26.	<p>Update EMF to respond to DELWP submission to add Yarra Gum to list of species to be covered in the Threatened Species Management Plan in BH12</p>	<p>Amend mitigation measure BH12 to:</p> <ul style="list-style-type: none"> • include Yarra Gum as a species to be covered in the Threatened Species Management Plan • include the golden sun moth as a species to be covered in the Threatened Species Management Plan • include a cross-reference to mitigation measures provided in EES Section 10.3 of Technical Appendix C

No.	RRV's Final proposed changes	IAC Recommendations
27.	<p>Amend exhibited mitigation measure BH01:</p> <p><i>Detailed refinement of design/construction footprint (for example the tie ins and intersections) to avoid and minimise vegetation to be removed and further development of no-go zones, defined in EES Chapter 9: Biodiversity and habitat. Incentives to contractors to further minimise vegetation and habitat loss.</i></p>	<p>Amend mitigation measure BH01 consistent with RRV's Final changes with a further amendment to avoid native vegetation and known and potential habitat loss for native fauna species (including golden sun moth which can favour non-native vegetation)</p>
28.		<p><u>Additional IAC recommendation:</u></p> <p>Amend mitigation measure BH02 to include:</p> <ul style="list-style-type: none"> • a requirement for an ongoing monitoring program of crossing structures and their effectiveness (usage by targeted species as well as potential use by predators) and adaptive management measures. • cross-reference the crossing structure design guidelines in Section 10.4.2.4 of EES Technical Appendix C Flora and Fauna Impact Assessment • the involvement of a qualified ecologist
29.		<p><u>Additional IAC recommendation:</u></p> <p>Include a new mitigation measure which provides for a protocol for the development of further seasonally appropriate targeted surveys to the satisfaction of DEWLP and outlines proposed survey effort and timing (pre-detailed design or pre-construction), and considers as a minimum:</p> <ul style="list-style-type: none"> • Pre-detailed design: basalt sun-orchid, dwarf boronia, emerald-lip orchid, purple blow-grass, rough wattle, small milkwort, spiney rice-flower, spiral sun-orchid, Yarra gum • Pre-construction: candy spider-orchid, golden cowslips, swamp everlasting and swamp fireweed
30.		<p><u>Additional IAC recommendation:</u></p> <p>Amend mitigation measure BH06 to require a hollow replacement strategy with a minimum replacement ration of 1: 1</p>

No.	RRV's Final proposed changes	IAC Recommendations
31.		<p><u>Additional IAC recommendation:</u></p> <p>Amend mitigation measure BH29 to</p> <ul style="list-style-type: none"> • include specific reference to habitat creation for species including: brolga, brown toadlet, brush-tailed phascogale, growling grass frog, and golden sun moth • cross-reference Section 10.4.1.2 of EES Technical Appendix C Flora and Fauna Impact Assessment, including specific reference to revegetation using local provenance species as provided in sections 10.3.8, 10.4.1.2 and 10.4.2
32.		<p><u>Additional IAC recommendation:</u></p> <p>Insert a new mitigation measure to require a feature survey and an arborist assessment to assess all trees above 10 centimetres diameter at breast height (not just large trees in patches and scattered trees) in close proximity (15 metre buffer) to the construction footprint</p>
33.		<p><u>Additional IAC recommendation:</u></p> <p>Insert a new mitigation measure to require the Threatened Species Management Plan for golden sun moth to include consideration of the need for further survey work (audit of previous surveys or detailed surveys) of known and potential habitat to inform final detailed design and offset requirements. Consider the potential for indirect impacts on golden sun moth habitat from haulage and construction vehicles and feasibility of avoiding use of transport routes (such as Racecourse Road) for haulage or construction vehicles</p>
34.		<p><u>Additional IAC recommendation:</u></p> <p>Insert a new mitigation measure to ensure the Threatened Species Management Plan for the Victorian Temperate Woodland Bird Community captures mitigation measures outlined in Section 10.3.11 of EES Technical Appendix C Flora and Fauna Impact Assessment</p>

No.	RRV's Final proposed changes	IAC Recommendations
35.		<p><u>Additional IAC recommendation:</u> Insert a new mitigation measure to consider implementing any proven practicable measures to reduce risk of invasion by noisy miners</p>
36.		<p><u>Additional IAC recommendation:</u> Insert a new mitigation measure to consider opportunities to provide strategic revegetation to strengthen habitat corridors outside the PAO and SCO and within the broader study area</p>
17.6.3 Cultural heritage and Table 17.9 Details of mitigation measures – Cultural heritage		
37.	<p>Amend the first sentence of the paragraph below the list of standards at 17.6.3 as follows:</p> <p><i>All impacts on Aboriginal cultural heritage will be managed appropriately by MRPV and the construction contractor within the framework of the Cultural Heritage Management Plan, once approved by the Wadawurrung Traditional Owners Aboriginal Corporation and the Beaufort Bypass Cultural Values Assessment.</i></p>	Amend the introductory content to Section 17.6.3 as proposed by RRV's Final changes
38.	<p>Amend exhibited mitigation measure AH01 to read:</p> <p><i>During detailed design consider the Beaufort Bypass Cultural Values Assessment dated 11 August 2021 in consultation with the Registered Aboriginal Party, to ensure that the design will be optimised to, where possible, avoid harm to Aboriginal cultural heritage (tangible and intangible).</i></p>	Amend mitigation measure AH01 as proposed by RRV's Final changes with an additional provision that identifies the opportunity for detailed design to implement <i>Beaufort Bypass Cultural Values Assessment</i> recommendations and opportunities to enhance cultural values
39.	Reference to Cultural Values Assessment in AH01, AH03, AH04 and AH05	Amend mitigation measures AH01, AH03, AH04 and AH05 and LV03 to refer to the Beaufort Bypass Cultural Values Assessment
17.6.4 Catchment values and hydrology - Table 17.10 Details of mitigation measures – Catchment values and hydrology		
40.	<p>Agree to GHCMA proposed wording change to mitigation measure SW03:</p> <p><i>state that wherever afflux criteria cannot be met on private land:</i></p>	Amend mitigation measure SW03 to identify that wherever afflux criteria cannot be met on private land: <i>“provide for further mitigation through detailed design or landholder agreement”</i> .

No.	RRV's Final proposed changes	IAC Recommendations
	<i>provide for further mitigation through detailed design or landholder agreement.</i>	
41.	<p>Include specific reference within mitigation measures SW01, SW02, SW03, SW04 to include the following words at the end of each description:</p> <p><i>Design management measures to be implemented in conjunction with relevant expert ecological input.</i></p>	Amend mitigation measures SW01, SW02, SW03, SW04 consistent with RRV's Final changes
17.6.5 Social - Table 17.11 Details of mitigation measures – Social		
42.	<p>Amend exhibited mitigation measure S05 (LV03) to conclude with the following additional words:</p> <p><i>The preparation of Landscape design plans should consider comments of the Pyrenees Shire Council on issues of connectivity including recreation, pedestrian and cyclist networks.</i></p>	Amend mitigation measure S05/LV03 consistent with RRV's Final changes
17.6.6 Land use and economics - Table 17.12 details of mitigation measures – Land use and economics		
43.	<p>Amend mitigation measure LU01:</p> <p><i>Continue consultation with Central Highlands Water to determine the impact to Central Highland Water's utility assets and manage any impact.</i></p> <p><i>Implementation of approved plans must be undertaken so as to minimise disruption to waste water treatment and disposal associated with the BWWTP, including by ensuring that alternative waste disposal arrangements are in place prior to decommissioning any affected assets or irrigation areas.</i></p> <p><i>All works will be generally in accordance with the approved plans to achieve an appropriate balance between waste water treatment outcomes and disturbance and clearing of existing land and native vegetation as described in BH01</i></p>	Amend mitigation measure LU01 consistent with RRV's Final changes
44.	Amend mitigation measures S07 and RE05 as follows (changes	Amend mitigation measures S07 and RE05 consistent with RRV's Final changes

No.	RRV's Final proposed changes	IAC Recommendations
	<p>underlined):</p> <p><i>During pre-construction stages, RRV in partnership with Council will identify <u>a governance structure</u>, potential resourcing, capacity building and funding options to support Council with implementation of transitional initiatives to reposition Beaufort from a highway town to a bypassed town to assist its economic and social recovery post bypass. Transitional initiatives identified for Beaufort will be aligned with the Pyrenees Economic Development Strategy – February 2020 <u>or its successor</u> and include, but not limited to:</i></p> <ul style="list-style-type: none"> • <i>attracting new and diverse businesses and employment opportunities to Beaufort</i> • <i>planning and design projects to be implemented in support of new and existing business and employment opportunities and population growth within the township</i> • <i>identifying the critical population mass required to enhance the social and economic sustainability of Beaufort</i> • <i>branding and promotion including appropriate signage</i> • <i>public realm and amenity improvements</i> • <i>identify infrastructure improvements that support tourism, investment and the liveability of Beaufort</i> • <i><u>any planning projects to update the Pyrenees planning scheme controls as necessitated by the final land acquisition footprint.</u></i> <p><i><u>Once transitional initiatives have been identified, RRV and Council will agree on how identified transitional initiatives are to be implemented during the preconstruction, construction and post-construction phases of the project.</u></i></p>	<p>with the addition that the governance structure provide for community representation or input</p>
45.		<p><u>Additional IAC recommendation:</u></p> <p>Amend mitigation measure RE03 to amend the first dot point to add: <i>“and reduce land fragmentation.”</i></p>

No.	RRV's Final proposed changes	IAC Recommendations
17.6.7 Amenity - Table 17.13 Details of mitigation measures – Amenity		
46.	<ul style="list-style-type: none"> Add reference to first flush diverters under AQ01 under the second bullet point: <i>education or instalment of first flush divertors on proximate dwellings.</i> After the term “portable dust monitoring stations” in AQ01, add the words: “(real time)” 	Amend mitigation measure AQ01 consistent with RRV's Final changes
47.	<p>Amend mitigation measure NV01 to add: <i>consider as relevant the NSW Construction Noise and Vibration Strategy or other relevant policy documents available at the time of construction</i></p>	Amend NV01 consistent with RRV's Final changes
48.	Amend NV02 to reference an appropriate standard, such as DIN 4150	Amend NV02 consistent with RRV's Final changes
49.	<p>Amend NV03 to:</p> <ul style="list-style-type: none"> reference the VicRoads Traffic Noise Reduction Policy and Policy Interpretation documents refer to the design in reference to 10-years after project opening require measurement of operational traffic noise impacts 6-months after opening to confirm compliance with the respective PONL's (external or internal) so that residual impacts can be rectified contractor carrying out additional baseline monitoring, if required. 	<p>Amend NV03 consistent with RRV's Final changes with the following additional dot points:</p> <ul style="list-style-type: none"> ensure operational monitoring should be for a minimum of 6 months after the bypass opens implement any practicable measures to reduce sleep disturbance.
17.6.8 Landscape and visual amenity - Table 17.14 Details of mitigation measures – Landscape and visual amenity		
50.	<p>Update EMF to include DELWP's changes that: <i>Landscape planting should recreate habitat for species/communities, e.g., Victoria Temperate Woodland Bird Community woodland birds</i></p>	Amend mitigation measures LV01 and LV03 or include a new mitigation measure to ensure landscape planting recreates habitat for species/communities, e.g., Victoria Temperate Woodland Bird Community woodland birds.

No.	RRV's Final proposed changes	IAC Recommendations
51.	<p>Amend exhibited mitigation measure LV03 to add the following final sentence:</p> <p><i>Landscape plans should be prepared in conjunction with ecological expertise as appropriate and seek to achieve revegetation and habitat creation in accordance with BH29</i></p>	Amend mitigation measure LV03 consistent with RRV's Final changes
52.	<p>Include additional bullet in LV03 to refer to the Cultural Values Assessment</p>	Amend mitigation measure LV03 to refer to the <i>Beaufort Bypass Cultural Values Assessment</i>
53.	<p>Amend LV01 to include an additional bullet point:</p> <p><i>The identification of any opportunities for early delivery of landscaping having regard to the staging of the Project, the management of visual impacts and the maintenance of habitat connectivity.</i></p>	<p>Amend LV01 consistent with RRV's proposed changes and with the following additional provisions:</p> <ul style="list-style-type: none"> • the Landscape Management Strategy to be prepared in conjunction with ecological expertise as appropriate • consider opportunities for the rehabilitation of existing native vegetation habitat within the Project area • Identify the role and detail of the Landscape Management Strategy and responsibility for its preparation
17.6.9 Soils, geology and contamination - Table 17.15 Details of mitigation measures – Soils, geology and contamination		
54.		<p><u>Additional IAC recommendation:</u></p> <p>Amend mitigation measure SG02 to require further geotechnical investigations:</p> <ul style="list-style-type: none"> • need for intrusive soil assessment and analysis relating to relevant contaminants of potential concern as per Section 10.2 of Technical Appendix K • extent and location of soils unsuitable for reuse in construction to inform earthworks design and to either treat or contain such soils within zoned embankments • need to inform the appropriate design of the slope for the Camp Hill area, balancing any erosion risks with the desire to reduce land take and vegetation impacts • confirm the duration and extent of ground settlement

No.	RRV's Final proposed changes	IAC Recommendations
55.		<u>Additional IAC recommendation:</u> Amend mitigation measure SG04 to include a requirement for the Spoil Management Plan to include contingencies for unexpectedly encountering contaminated, unsuitable or acid sulfate soils during construction
General		
56.	Correct reference to Registered Aboriginal Party to Wadawurrung Traditional Owners Aboriginal Corporation	Replace references to Registered Aboriginal Party with Wadawurrung Traditional Owners Aboriginal Corporation where appropriate

Appendix G IAC Recommended Incorporated Document

Beaufort Bypass Project

Incorporated Document

[\[Insert amended date\]](#)

1. INTRODUCTION

This document is an incorporated document in the Pyrenees Planning Scheme (the 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 or developed in accordance with the specific control in Clause 4 of this document.

The control in Clause 4 prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE

The purpose of the specific control is to allow the use and development of land described in Clause 3 for the purposes of constructing the Beaufort Bypass Project (the Project).

3. LAND

The control in Clause 4 applies to the land affected by Specific Controls Overlay - Schedule 1 (Project Land) as shown on Planning Scheme Maps 19SCO and 20SCO.

4. CONTROL

EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the Project Land for the purposes of the Project in accordance with this Incorporated Document.
- 4.2 The use and development of the Project Land for the purposes of, or related to, the Project includes, but is not limited to:
- a) Construction of a freeway standard road, two (2) tie-in interchanges, one (1) diamond interchange, one (1) road over rail bridge and four (4) overpass bridge structures.
 - b) Creating or altering access to roads, including roads in a Transport Zone Category 2 or land in a Public Acquisition Overlay, and land in private ownership.
 - c) Ancillary activities including, but not limited to:
 - i) Creating and using lay down areas for construction purposes.
 - ii) Temporary stockpiling of excavation materials.
 - iii) Constructing and using temporary site workshops and storage administration and amenities buildings.
 - iv) Removing, destroying or lopping trees and vegetation, including dead vegetation, to the extent necessary for the construction of the Project.
 - v) Constructing scaffolding, working platforms and provision of pedestrian access to construction or maintenance sites.
 - vi) Demolishing and removing buildings, structures and works.
 - vii) Installing and Relocating Utilities and associated services.
 - viii) Installing lighting at interchanges
 - ix) Constructing and using temporary access roads, diversion roads and vehicle parking areas.
 - x) Constructing fences, temporary site barriers and lighting and site security.
 - xi) Constructing or carrying out works to create or alter roads, carparking areas, bunds, mounds, shared use paths, landscaping, excavate land, salvage artefacts and alter drainage.
 - xii) Earthworks including cutting and spoil removal, and formation of drainage works.
 - xiii) Displaying signs.
 - xiv) Subdividing and consolidating land.
 - xv) Storage and assembly of materials required for the Project.

- xvi) Creating, varying and removing easements resulting from works required for the Project.
- xvii) Restoration and reinstatement works.

5. CONDITIONS

- 5.1 The use and development permitted by this incorporated document must be undertaken in accordance with the following conditions:

ENVIRONMENTAL MANAGEMENT FRAMEWORK

- 5.1.1. Prior to the commencement of any development (excluding preparatory buildings and works under clause 5.2), an Environmental Management Framework (EMF) must be prepared, to the satisfaction of the Minister for Planning. The EMF must include:

- a) the approvals, consents and related statutory instruments that will underpin environmental management for the Project.
- b) the relevant requirements as set out in the Minister for Planning's Assessment under the *Environment Effects Act 1978* and the relevant aspects of the Environmental Effects Statement (EES) prepared for the Project [including Technical Appendices](#).
- c) the process and timing for development and implementation (including relevant staging) of the:
 - i) Construction Environmental Management Plan; and
 - ii) other plans and procedures required to be prepared under the EMF. Plans under the EMF must be prepared in consultation with and/or to the satisfaction of parties identified in the EMF including the Department of Environment, Land, Water and Planning (DELWP), Pyrenees Shire Council (Council), Heritage Victoria, Wadawurrung Traditional Owners Aboriginal Corporation, the Roads Corporation, Central Highlands Water, Southern Rural Water, Glenelg Hopkins Catchment Management Authority, Major Transport Infrastructure Authority, Fire Rescue Victoria and the Environment Protection Authority, as defined in the EMF.
- d) the processes for monitoring, reporting, auditing and evaluating performance and environmental outcomes, as well as revising management measures and must be accompanied by a statement explaining any difference between it, and the matters set out in the Minister's Assessment under the *Environment Effects Act 1978* dated [insert date].
- e) the process for identifying and implementing initiatives to support Council to reposition Beaufort from a highway town to a bypassed town to assist its economic and social recovery post construction.
- f) the process for undertaking additional flora and fauna surveys ([including approval by DELWP](#)) to inform the completion of detailed design, and for undertaking pre-construction assessments including for [fauna](#):
 - i) to inform detailed design, surveys of ~~Yarra Gum~~, Brown Toadlet, Tussock Skink and Little Eagle.
 - ii) ~~Pre-construction, surveys of Spiral Sun orchid, Candy Spider orchid, Swamp Everlasting, Emerald Lip Orchid, Rough Wattle, Golden Cowslips, Small Milkwort and Spiny Rice flower.~~
- g) a requirement to prepare and implement a Tree and Timber Re-use and Repurposing Strategy in consultation with community groups
- h) a requirement to prepare and implement an access strategy to the satisfaction of the Department of Transport, DELWP and Council. The plan must:
 - i) identify the access routes to private properties;
 - ii) include detailed designs of new or altered access to properties in private ownership affected by the Project; and
 - iii) [include assessment of any native vegetation required to be cleared for vehicular access to properties which has not previously been assessed and detail how the removal of such vegetation has been avoided and minimised;](#)
 - iv) include a consultation process for engaging with affected private land owners.

- 5.1.2. The EMF may be amended from time to time, to the satisfaction of the Minister for Planning. An

application for approval of an amendment to the EMF must be accompanied by:

- a) a 'track changes' version with a schedule explaining the proposed amendment/s and how it would be consistent with Project objectives in the EES prepared for the Project.
- b) a description of the form and extent of any consultation undertaken concerning the proposed amendment/s with relevant councils, relevant government agencies and other stakeholders.
- c) any written comments from relevant councils, relevant government agencies and other stakeholders.

NATIVE VEGETATION

5.1.3. Prior to the removal of native vegetation (excluding native vegetation removed under Clause 5.2 of this document), a Native Vegetation Management Plan must be prepared in consultation with the department administering the *Conservation, Forests and Lands Act 1987*, to the satisfaction of the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*. To avoid doubt, the information provided to the Secretary must include information about any native vegetation that has been, or is to be, removed under Clause 5.2.

The Native Vegetation Management Plan must [include an assessment of](#) ~~consider~~ all native vegetation to be removed (~~determined in compliance with the Assessors Handbook Assessor's handbook, Applications to remove, destroy or lop native vegetation 2018 or its successor~~), lopped or destroyed for the Project in accordance with the [Application](#) requirements of the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* (Guidelines) or its successor.

5.1.4. Prior to removal of native vegetation (excluding native vegetation removed under Clause 5.2), an Offset Statement must be prepared in accordance with the Guidelines or its successor. The Offset Statement must demonstrate how offsets can be achieved and be prepared in consultation with and then submitted to and approved by the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*.

5.1.5. Prior to removal of native vegetation (excluding native vegetation removed under Clause 5.2), the Project must secure native vegetation offsets in accordance with the Guidelines or its successor and provide evidence that the required offsets are secured to the satisfaction of the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*. An Offset Management Plan may be prepared to identify how offsets have been achieved. The secured offset(s) for the Project may be reconciled at the completion of the Project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018)*.

FAUNA AND FLORA MANAGEMENT PLANS

5.1.6. Prior to the commencement of works, a Threatened Species Management Plan and a Wildlife Management Plan must be prepared for the Project in consultation with the department administering the *Conservation, Forests and Lands Act 1987* and the department administering the *Environment Protection and Biodiversity Conservation Act 1999*, which must then be submitted to and approved by the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*.

5.1.7. The Threatened Species Management Plan must:

- (a) describe the actions and management strategies to be implemented to protect and minimise potential impacts of the Project to threatened species and communities, and habitat that are discovered within the Project area during design, construction or delivery of the Project (including a description of Commonwealth offsets);
- (b) include any additional or amended mitigation measures required as a result of further surveys undertaken before the completion of detailed construction designs, and commencement of works.

5.1.8. The Wildlife Management Plan must:

- (a) [include](#) a detailed assessment of the location and design of features that will improve wildlife connectivity and provide safe passage for wildlife across the road

- (b) [include a monitoring program of the effectiveness of crossing structures \(usage by targeted species as well as potential use by predators\) and adaptive management measures](#)
- (c) identify wildlife management measures to be applied during the construction phase, specifically how all interactions with wildlife during construction are to be managed in a safe, humane and legal manner with the appropriate permits in place under the Wildlife Act 1975.

UTILITY INSTALLATION

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

LANDSCAPE STRATEGY

5.1.10. Prior to the commencement of development (excluding preparatory buildings and works under Clause 5.2), a landscape strategy for the Project must be prepared in consultation with the Pyrenees Shire Council [and](#) to the satisfaction of the Minister for Planning.

The landscape strategy may be developed and approved in stages or in parts and may be amended from time to time with the approval of the Minister for Planning.

FLOOD MANAGEMENT

5.1.11. Buildings and works on land within the Land Subject to Inundation Overlay, Floodway Overlay and identified floodplain areas must be undertaken to the satisfaction of Pyrenees Shire [Council](#) and the Glenelg Hopkins Catchment Management Authority.

CENTRAL HIGHLANDS WATER'S (CHW) BEAUFORT TRUNK WATER MAIN (BTWM) AND BEAUFORT WASTE WATER TREATMENT PLANT (BWWTP)

5.1.12. Prior to the commencement of any development affecting the assets of the BTWM along Main Lead Road, plans must be prepared in consultation with and to the satisfaction of CHW for the management, protection or replacement of the BTWM assets. The plans must show the impact upon the BTWM assets and any relocation, replacement or reconnection that will be required in relation to the BTWM assets affected by the approved alignment for the Project.

5.1.13. Prior to the commencement of any development affecting the assets of the BWWTP and associated infrastructure, DoT and CHW in accordance with the executed Memorandum of Understanding (MOU) will determine:

- (a) any impacts to BWWTP and associated infrastructure; and
- (b) the potential management of any impacts to the BWWTP and associated infrastructure.

The Project plans must be consistent with any proposed management of any impacts to the BWWTP.

OTHER CONDITIONS

5.1.14. Unless otherwise stated, the conditions in Clause 5 must be satisfied prior to the commencement of development. The conditions may be satisfied for separate components or stages of the Project, but each condition must be satisfied prior to the commencement of development for that component or stage.

5.1.15. The plans and documents required under Clause 5 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or 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 Pyrenees Shire Council, or any other relevant approving authority.

5.1.16. The use and development of land for the Project must be undertaken generally in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

5.2 PREPARATORY BUILDINGS AND WORKS

Preparatory buildings and works may be undertaken on the land described in Clause 3 before the conditions in Clause 5 are satisfied.

5.2.1 Preparatory works for the Project include, but are not limited to:

- a) Works associated with the Project, including vegetation removal, where but for this incorporated document a planning permit would not be required under the provisions of the Pyrenees Planning Scheme.
- b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- c) Construction, protection, modification, removal or relocation of utility services, rail signaling, overhead and associated infrastructure.
- d) Establishment of environment and traffic controls, including designation of “no-go” zones.
- e) Establishment of temporary car parking.
- f) Demolition to the minimum extent necessary to enable preparatory works.
- g) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- h) Salvage of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act.

5.2.2 Prior to the removal of native vegetation under Clause 5.2.1, information about the native vegetation to be removed must be provided to the Secretary to the department administering the *Conservation, Forests and Lands Act 1987*. The information provided to the Secretary must include a description of, and maps showing, the native vegetation to be removed [and an offset statement](#) in accordance with Application Requirements [1 and 9](#) of the Guidelines.

5.2.3 The biodiversity impacts from the removal of native vegetation under Clause 5.2 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.1.4.

6. EXPIRY

The controls in this document expire if any of the following circumstances apply:

The development allowed by the control is not started by 1 September 2030.

The development allowed by the control is not completed by 30 September 2032.

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

Appendix H RRV proposed changes to EES documents

Document	Proposed administrative change
Chapter 4 – Project descriptions	<ul style="list-style-type: none"> • Figure 4.3f - Reduce extent of PAO impacting on 4126 Western Highway • Figure 4.3a - Correct extent of SCO on Box Cutting Rise and Drivers Lane • Figure 4.7 – Correct the extent of PAO at the Western Interchange • Figure 4.9 – Correct the extent of PAO at the Eastern Interchange
Chapter 8 - Traffic	Table 8.10 – Last row – Update East of Beaufort-Lexton Road Interchange - westbound traffic figure from 6,293 to 3,276
Appendix C Flora and Fauna Report	<ul style="list-style-type: none"> • Figure 4.1 - Correct extent of SCO on Box Cutting Rise and Drivers Lane • Map 1 of 2 Waterways and wetland Mitigation - correct extent of SCO on Box Cutting Rise and Drivers Lane
Appendix C Flora and Fauna Report – Appendix K-3	Map 1 of 5 - Correct extent of SCO on Box Cutting Rise and Drivers Lane
Appendix C Flora and Fauna Report – Appendix K-5	<ul style="list-style-type: none"> • Map 1 - Correct extent of SCO on Box Cutting Rise and Drivers Lane • Map 2270290A_gis_223_A3 - Reduce extent of PAO on 4126 Western Highway
Appendix C Flora and Fauna Report – Appendix Q	<p>Correct extent of SCO on Box Cutting Rise and Drivers Lane on the following maps:</p> <ul style="list-style-type: none"> • Map Q1.3 Habitat and Impact Maps (Map 1) • Map Q2.3 (Map 1) • Map Q3.3 (Map 1) • Map Q12 (Map 1)
Appendix G Planning and Land use	<ul style="list-style-type: none"> • Appendix B – Land Acquisition – Figure 1 - Correct the extent of PAO at the Western Interchange • Appendix B – Land Acquisition – Figure 6 - Correct the extent of PAO at the Eastern Interchange
Appendix M Traffic and Transport	Table 9.4 – 2031 Thursday (vehicle) column and last row - Update East of Beaufort-Lexton Road Interchange - westbound traffic figure from 6,293 to 3,276
Attachment iii – Functional design	<ul style="list-style-type: none"> • Update numbering on functional design plans • Amend sheet 40 to show eastbound ramp having no impact on westbound through lane
Attachment V - PAO Map 19	Correct (reduce) extent of PAO affecting 4126 Western Highway at the Eastern Interchange
Attachment V – Incorporated document	<ul style="list-style-type: none"> • Correct numbering in the document • Capitalise terms defined in the document
Figure 6.32 in Appendix C	Substitute with Hearing Document 41

Document	Proposed administrative change
EES Appendix L – Surface Water Impact Assessment, 6.7 – Water quality	Amend section 6.7 to correct: <ul style="list-style-type: none"> • references to water monitoring sites as Victorian water monitoring sites not GHCMA water monitoring sites • statement that there are no Victorian water monitoring sites in the Yam Holes Creek Catchment and that other sources of stream water quality data, such as Pyrenees Shire Council water quality sampling (refer to Section 6.7.2) and the Index of Stream Condition Report ISC3 (refer to Section 6.7.3) were used to provide an indication of the existing catchment water quality conditions
Appendix C - EES Flora and Fauna Impact Assessment	<ul style="list-style-type: none"> • As recorded in Slide 30 of Document 43 • Amend native vegetation scores under FFIA to update litter scores • Amend native vegetation scores under FFIA to includes area described by Brett Lane Peer Review as NA1, NA2 and NA3
EES	Amend Environmental Risk Assessment as identified by RRV in Appendix G