

Planning and Environment Act 1987

Government Land Standing Advisory Committee

Tranche 23: Waurn Ponds Train Stabling

Planning Scheme Amendment GC104

14 April 2020

On 7 July 2019, the Minister for Planning referred 255 Reservoir Road, Waurin Ponds to the Government Land Standing Advisory Committee as Tranche 23.

This is the report under section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for Planning Scheme Amendment GC104.

14 April 2020



Lester Townsend, Chair



Annabel Paul, Member

Contents

Executive summary	i
1 Introduction	1
1.1 About the Committee.....	1
1.2 The Project.....	1
1.3 The Amendment.....	3
1.4 Background material	5
1.5 Procedural issues.....	6
1.6 Summary of issues raised in submissions	7
1.7 The Committee’s approach	9
2 Threshold issues	10
2.1 Need	10
2.2 Strategic justification.....	12
2.3 Alternative sites.....	14
3 The Specific Controls Overlay and Incorporated Document	20
3.1 Use of the Specific Controls Overlay	20
3.2 Structure of the Incorporated Document	21
3.3 The detail in the Incorporated Document.....	23
4 Regional impacts	26
4.1 Economic	26
4.2 Agriculture	28
5 Impacts on locality	32
5.1 Ecology.....	32
5.2 Visual	34
5.3 Lighting	41
5.4 Noise.....	44
5.5 Traffic.....	51
5.6 Stormwater.....	53
5.7 Weeds and pests	56
6 Impacts on the landowners	57
Appendix A Submitters to the Amendment	
Appendix B Parties to the Committee Hearing	
Appendix C Documents presented at the Hearing	
Appendix D Post Hearing version of the Incorporated Document	
Appendix E Draft Noise Management Plan, January 2020	
Appendix F Committee preferred version of the Incorporated Document	
Appendix G Committee preferred version of the Noise Management Plan	

List of Tables

	Page
Table 1: Chronology of key events.....	5
Table 2: Issues considered in the site assessment process	15
Table 3: The structure of the proposed Incorporated Document	22
Table 4: Czarny evidence in relation to the views from the specific properties	37

List of Figures

	Page
Figure 1: The project land and wider project land.....	3
Figure 2: Land to be acquired.....	4
Figure 3: Extent of the Specific Controls Overlay in Surf Coast and Greater Geelong Planning Schemes	5
Figure 4: Twelve alternative sites considered for the Project	15
Figure 5: Czarny Place Values plan	36

Glossary and abbreviations

Acronym	Definition
2020 Assessment	<i>Waurm Ponds Train Maintenance and Stabling Facility – Ecological Assessment, February 2020</i>
ABS	Australian Bureau of Statistics
CMP	Construction Management Plan
DELWP	Department of Environment, Land, Water and Planning
DoT	Department of Transport
EMF	Environmental Management Framework
EPA	Environment Protection Authority
FTE	full time equivalent
Geelong	Greater Geelong City Council
LAC Act	<i>Land Acquisition and Compensation Act 1986</i>
LPPF	Local Planning Policy Framework
LVIA	Landscape and Visual Impact Assessment 2019
NIRV	Noise from Industry In Regional Victoria
NMP	Noise Management Plan
PAO	Public Acquisition Overlay
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
RPV	Rail Projects Victoria
SCO	Specific Controls Overlay
SEPP	State Environment Protection Policy
SLO	Significant Landscape Overlay
SMP	Stormwater Management Plan
Surf Coast	Surf Coast Shire Council
SUZ	Special Use Zone
TIA	Transport Impact Assessment
VPP	Victoria Planning Provisions

Overview

Proposal summary

Common name	GLSAC Tranche 23: Waurm Ponds Train Stabling Facility
The Amendment	Planning Scheme Amendment GC104 to the Greater Geelong and Surf Coast Planning Schemes
Brief description	Amendment GC104 (the Amendment) seeks to facilitate the construction of a train stabling and maintenance project at Waurm Ponds, on the outskirts of Geelong
Project land	The proposal distinguishes between: <ul style="list-style-type: none"> - the 'project land' – land required for the Project which extends 350 metres south of the rail corridor between Pettavel Road and Bogans Lane on 255 Reservoir Road, Waurm Ponds - the 'wider project land' – land required for the delivery of ancillary infrastructure and associated construction activity which includes land approximately 50 metres north of the rail corridor between Pettavel Road and Bogans Lane and some surrounding land along the rail corridor and along Pettavel Road and Bogans Lane
The Proponent	Rail Projects Victoria
Referral to the Committee	7 July 2019
Exhibition	An initial six week public exhibition period occurred between 5 August and 24 September 2019 A further six and a half week exhibition period occurred between 16 October and 29 November 2019
Submissions	Number of Submissions: 52 (See Appendix A)

Committee process

The Committee	Lester Townsend and Annabel Paul
Information session	22 August 2019, Geelong Library and Heritage Centre
Directions Hearing	25 September 2019, Geelong West Town Hall, conducted by Lester Townsend and Elissa Bell
Site inspections	Accompanied, 17 February 2020; Unaccompanied 25 March 2020
Committee Hearings	19, 20, 21, 24, 25 and–26 February 2020 at Geelong
Further information after the Hearing	13 March 2020
Appearances	See Appendix B
Citation	GLSAC Tranche 23 Waurm Ponds Stabling Project [2020] PPV
Date of this Report	14 April 2020

Executive summary

Amendment GC104 (the Amendment) seeks to facilitate the construction of a train stabling and maintenance project at Wauron Ponds, on the outskirts of Geelong.

The Melbourne–Geelong railway corridor is the busiest of the five principal corridors that comprise the Regional Rail Network. V/Line stables more trains overnight at Geelong than any other regional centre. The Geelong railway corridor has experienced the highest rate of growth across the network over the past ten years and is anticipated to continue to grow at accelerated rates in both the short and medium terms.

There is no spare capacity available at current maintenance facilities and consequently, the 2015-16 State Budget committed included \$115 million for a new train stabling and maintenance facility, proposed to be located in Wauron Ponds (the Project). This was part of \$257 million allocated for new regional rail carriages and infrastructure to significantly boost capacity across the regional network.

The Amendment applies to land in the City of Greater Geelong and Surf Coast Shire.

In the Greater Geelong Planning Scheme the Amendment specifically proposes to:

- Apply the Public Acquisition Overlay (PAO) to part of 255 Reservoir Road, Wauron Ponds, to allow the land to be acquired by the Secretary to the Department of Transport for the purpose of the Project. The PAO applies to privately owned land, and some land owned by Barwon Water.

In the Greater Geelong Planning Scheme and Surf Coast Planning Scheme the Amendment specifically proposes to:

- Apply the Specific Controls Overlay (SCO) to allow the use and development of land for the purpose of the Project in accordance with the Wauron Ponds Train Maintenance and Stabling Facility Project Incorporated Document.¹
- Amend the Schedule to Clause 72.01 (Responsible Authority for this Planning Scheme) to make the Minister for Planning the responsible authority for the purpose of the Project.

Key issues raised in submissions included:

- the need and strategic justification for the Project and claims that other sites were more suitable
- the use of the Specific Controls Overlay
- regional impacts
- impacts on the locality
- impacts on the affected landowners.

¹ The Amendment documentation also proposes to:

• Amend the Schedule to Clause 51.01 (Specific Sites and Exclusions) to reference the Wauron Ponds Train Maintenance and Stabling Facility Project Incorporated Document.

It is not clear why this is necessary if the Specific Controls Overlay is applied.

Concerns were raised over the need and strategic justification of the Project, but there is a clear need for the Project and the Project is consistent with, if not actively called for by, policy.

In relation to whether other sites are better suited for the facility it is not the role of the Committee through this process to revisit the merits of other possible sites. It is open to the Committee to find that the proposed site is not appropriate, but this is not a conclusion of the Committee.

The Committee finds that the use of the Specific Control Overlay is appropriate for a project such as this. The details of the Project have not been finalised and so the Incorporated Document that is given force by the overlay and replaces other planning control on the site must establish a process for further reports and assessment. In an ideal world more detail would be available, but the broad impacts of a facility such as the Project are reasonably well understood and the Committee concludes that the level of detail in the Incorporated Document is appropriate (subject to the further recommendations of the Committee).

In terms of regional impacts:

- the Project will have significant economic benefits, particularly for the region, and that visual impacts of the Project should be able to be mitigated to reduce any adverse tourism related impacts on the broader landscape
- the Project will have a marginal reduction in the agricultural productivity of the region and a negligible impact on productivity of the state
- in weighing up the competing policies relating to the protection of agricultural land and the need for improvements to regional transport infrastructure, it is clear that the Project will deliver a net community benefit.

The Incorporated Document has undergone significant changes since exhibition – including presenting a concept layout for the project land – and adequately addresses issues relating to:

- the traffic, car parking and access
- stormwater
- weed and pest management.

The Committee considers that further improvements could be made to the Incorporated Document to:

- reorder the provisions to make it easier to understand
- strengthen the provisions of the Incorporated Document to:
 - avoid tree removal along Pettavel Road
 - mitigate lighting to reduce impacts on nocturnal fauna
 - include a detailed visual impact assessment from additional properties at 250 and 300 Reservoir Road
 - set back lighting from the edge of the Project area to allow for trees and other landscaping around the perimeter of the site to mitigate light spill to surrounding areas
 - shield lighting to mitigate obstructive light
 - site the car park areas away from the Project boundary
 - reduce light spill.

Noise issue may require mitigation at the dwellings affected by noise because on-site noise mitigation may not be practical. The Incorporated Document should include a specific reference to Environment Protection Authority (EPA) publication 'Noise From Industry In Regional Victoria' (Publication 1411) in the Noise Management Plan so that the standards that need to be met are clear.

The Project will have an adverse impact on the ability to farm land south of the rail corridor and this is a planning issue independent of any compensation payable to the landowners in respect of that adverse impact. The Incorporated Document should include a provision to include a 'Continuity of Agricultural Production Plan' that addresses the need for farm infrastructure on land south of the railway line to secure its ongoing agricultural use.

Recommendations

The Committee recommends that:

Amendment GC104 to the Greater Geelong and Surf Coast Planning Schemes be approved as exhibited subject to the following:

- A Review whether it is necessary to amend the Schedule to Clause 51.01 as well as apply the Specific Controls Overlay.**
- B. Change the proposed Incorporated Document to include:**
 - 1 The changes proposed by Rail Projects Victoria in Document 30 and included in Appendices D and E**
 - 2 Further changes recommended by the Committee to the versions in Appendices D and E and shown in Appendices F and G, to:**
 - 2.1 Reorder the provisions in the Incorporated Document to make it easier to understand.**
 - 2.2 Strengthen the Incorporated Document to:**
 - a) Avoid tree removal along Pettavel Road.**
 - b) Include a detailed visual impact assessment from:**
 - additional properties at 250 and 300 Reservoir Road and 395 Pettavel Road**
 - land to the east of Bogans Lane having regard to the future use and development of this land.**
 - c) Include a condition that car park areas are located away from the Project boundary.**
 - d) Require the Development Plan include lighting details that:**
 - Require lighting design to consider minimising lighting impacts on nocturnal animals**
 - Set back lighting from the edge of the Project area to allow for trees and other landscaping around the perimeter of the site to mitigate light spill to surrounds**
 - Provide shields on the luminaires to mitigate obtrusive light and specify lens, diffuser or reflectors to mitigate glare from the luminaire**
 - Require all external light fittings to have an Upwards Light Ratio of zero and to point straight down, where possible**

- Program external lighting not used for specific functions or not required for security to switch off during curfew hours to reduce problems with obtrusive light.
- e) Specify that:
- noise is assessed by reference to Environment Protection Authority publication 'Noise from Industry In Regional Victoria' (Publication 1411) in the Noise Management Plan
 - where external Noise from Industry In Regional Victoria targets cannot be reasonably or practically complied with, an internal Leq noise target is set at the higher of the following:
 - a level that accords with the methodology prescribed by State Environment Protection Policy N-1, or
 - the ambient noise level inside the respective dwelling.
- f) Require noise auditing specifying a distinction between measured operations which occur only from the Project and excluding noise emissions from the adjoining rail corridor
- g) Include a condition that the Environmental Management Framework include a 'Continuity of Agricultural Production Plan' that addresses the need for farm infrastructure on land south of the railway line to secure its ongoing agricultural use.

1 Introduction

1.1 About the Committee

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

A revised Terms of Reference for the Committee was approved in April 2018. The Committee's Terms of Reference are available [online](#).

The Committee currently consists of:

- Chair: Lester Townsend
- Deputy Chairs: Dalia Cook, Mandy Elliott, Trevor McCullough and Annabel Paul
- Members: Elissa Bell, Meredith Gibbs, Sophie Handley, Prue Mansfield, Cazz Redding, and Lynn Sweeney.

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

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

Advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government.

Provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

1.2 The Project

(i) What is proposed

The proposal is for a train stabling and maintenance facility on part of 255 Reservoir Road, Waurm Ponds.

The Project includes:

- acquiring about 61 hectares of land
- constructing a train stabling and maintenance facility including stabling tracks², fuelling facilities, bio wash facilities, train wash facilities, a maintenance facility, a substation and entry rail tracks from the eastern and western ends of the site to the existing railway corridor
- ancillary facilities including vehicle access into the project land and internal vehicle access, upgrades to the existing signalling system within the rail corridor, car parking and driver and cleaner amenities.

² Rail terminology refers to a rail track as a 'road'.

The Project is to be delivered in two stages:

- Stage 1: includes six train stabling roads (tracks), refuelling and servicing infrastructure, and amenity buildings.
- Stage 2: expansion into a full maintenance and stabling facility, anticipated to cater for approximately 26 trains. This stage includes the maintenance shed, bio wash facility, tank storage and additional car parking.

Stage 1 is funded and is expected to be delivered by 2022. Stage 2 is subject to further funding.

(ii) The proponent

Rail Projects Victoria (RPV) is responsible for obtaining the applicable statutory approvals for the Project.

RPV is a division of the Major Transport Infrastructure Authority, which is an administrative office of the Department of Transport (DoT) established under the *Public Administration Act 2004* (Vic) on behalf of the State of Victoria.

RPV is responsible for the delivery of Stage 1. Arrangements for the delivery of Stage 2 are subject to Government decision-making. Upon the completion of the construction and commissioning of Stage 1, V/Line will become responsible for the ongoing operation and maintenance of the train services and infrastructure.

(iii) The rationale

The Melbourne–Geelong railway corridor is the busiest of the five principal corridors that comprise the Regional Rail Network and V/Line stables more trains overnight at Geelong than any other regional centre. The Geelong railway corridor has experienced the highest rate of growth across the network over the past ten years and is anticipated to continue to grow at accelerated rates in both the short and medium terms.

RPV submitted:

There is presently a critical shortage of train stabling and maintenance facilities within this part of the network. The existing stabling facilities situated in Geelong and Geelong North operate at capacity. Their physical separation from the termination of the line at Waurm Ponds leads to considerable inefficiencies in the operation of the network. The inability to undertake train maintenance within this part of the network compounds these problems. [Part A 7]

(iv) The project land

The Project will seek to acquire approximately 61 hectares of productive agricultural land situated in the middle of an operating merino sheep farm at 255 Reservoir Road, Waurm Ponds.

The proposal distinguishes between:

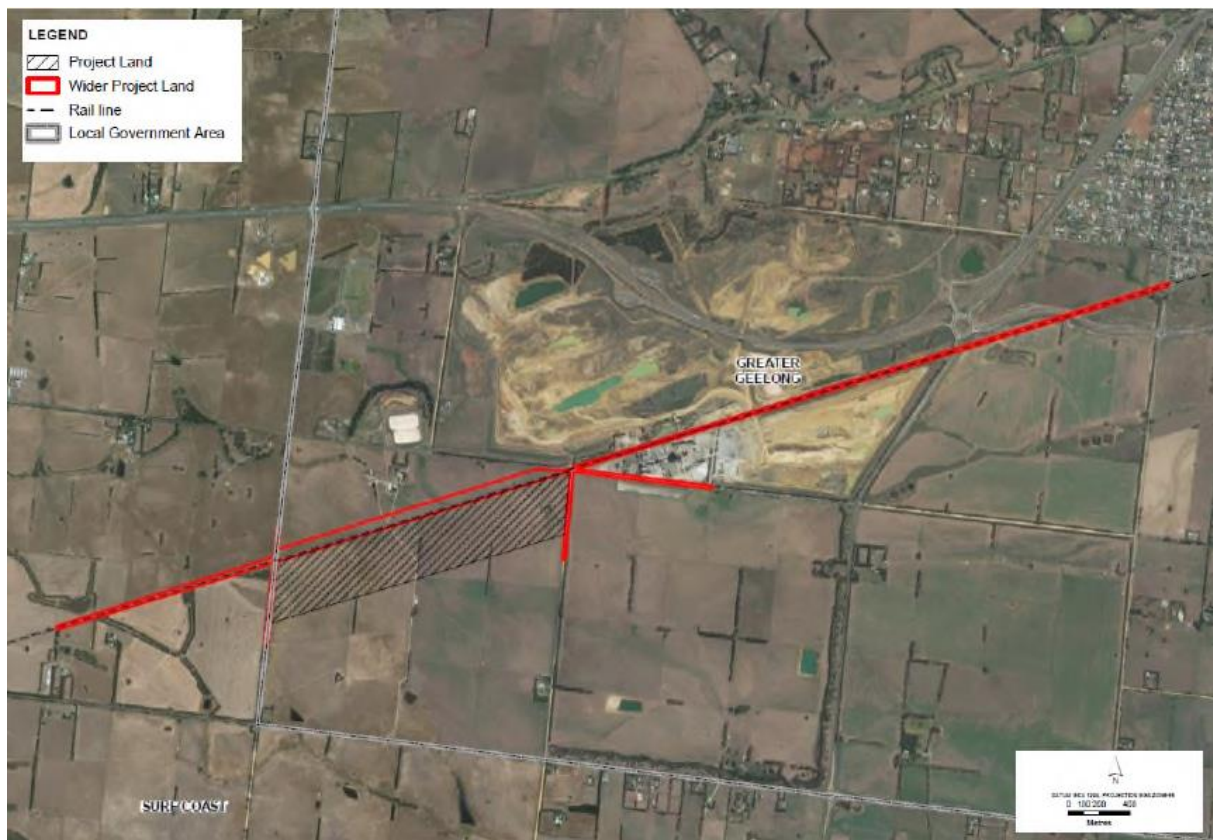
- the project land, being land required for the Project
- the wider project land, being land required for the delivery of ancillary infrastructure and associated construction activity.

The project land extends 350 metres south of the rail corridor between Pettavel Road and Bogans Lane.

The wider project land includes:

- at 255 Reservoir Road – approximately 50 metres north of the rail corridor between Pettavel Road and Reservoir Road–Bogans Lane
- surrounding 255 Reservoir Road:
 - within the existing rail corridor for approximately 3,040 metres west and for 3,550 metres east of Bogans Lane inclusive
 - within the Bogans Lane road reserve, 500 metres south of Reservoir Road
 - within the Pettavel Road reserve, 170 metres north of the rail corridor and 480 metres south of the rail corridor
 - within the Reservoir Road reserve, 800 metres east of, and including its intersection with Bogans Lane.

Figure 1: The project land and wider project land



The project land is situated within a predominantly rural setting that is also characterised by intensive industrial operations and by the existing train line. It is relatively well-removed from established residential areas and sits a short distance beyond the proposed urban expansion of Geelong. RPV submitted:

A key function of the proposed planning controls is accordingly to ensure that impacts are properly assessed and that reasonable and practicable amelioration measures are put in place prior to operation of the Project. [Part A, 11]

1.3 The Amendment

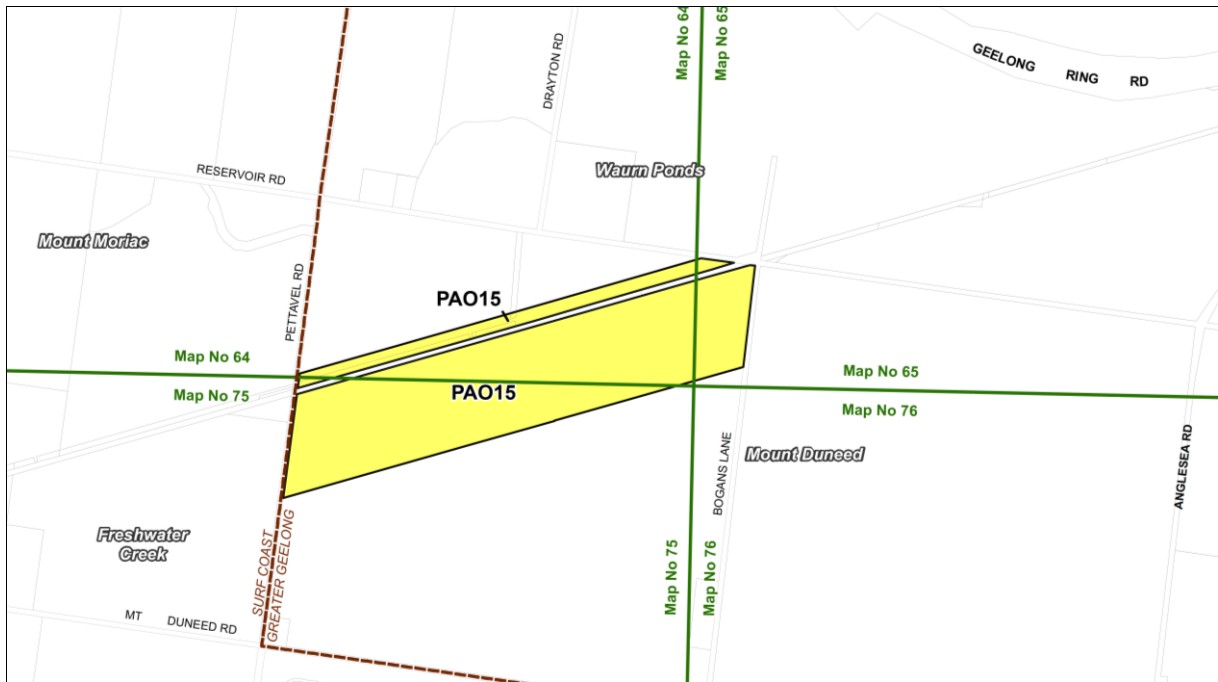
The Amendment applies to land in the City of Greater Geelong and Surf Coast Shire.

In the Greater Geelong Planning Scheme the Amendment specifically proposes to:

- Apply the Public Acquisition Overlay (PAO) to part of 255 Reservoir Road, Waurm Ponds, to allow the land to be acquired by the Secretary to the DoT for the purpose of the Project. The PAO applies to privately owned land, some of which is owned by Barwon Water.

The PAO identifies land that is proposed to be acquired for a public purpose. It has the effect of reserving the land under the *Land Acquisition and Compensation Act 1986* (LAC Act).

Figure 2: Land to be acquired

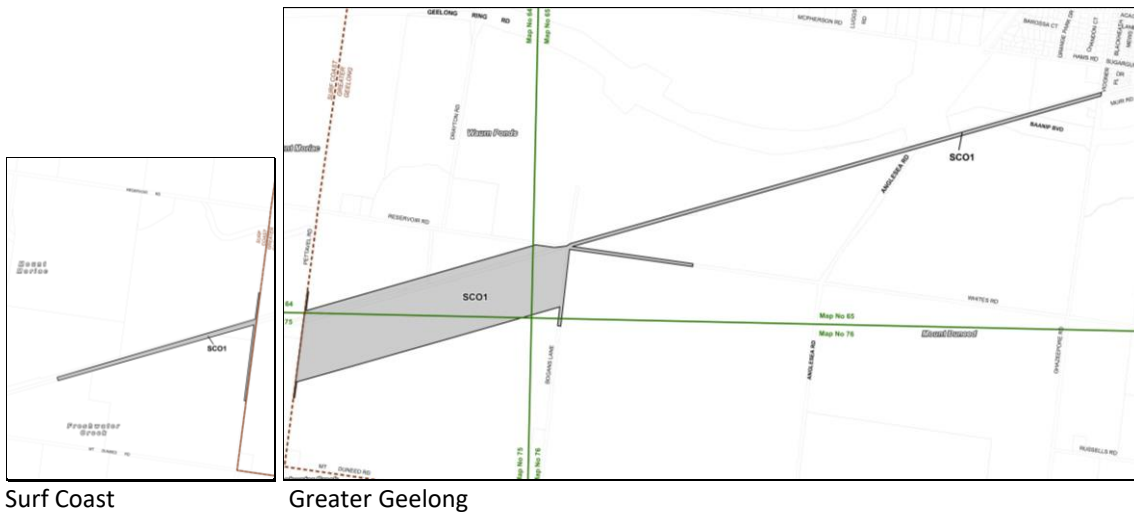


In the Greater Geelong Planning Scheme and Surf Coast Planning Scheme the Amendment specifically proposes to:

- Apply the Specific Controls Overlay (SCO) to allow the use and development of land for the purpose of the Project in accordance with the 'Waurm Ponds Train Maintenance and Stabling Facility Project' Incorporated Document.
- Amend the Schedule to Clause 72.01 (Responsible Authority for this Planning Scheme) to make the Minister for Planning the responsible authority for the purpose of the Project.

The Incorporated Document would exempt the need for planning permission in respect of any component of the use or development of land for the Project (or ancillary activities) under any existing provision of the planning schemes. Development would be undertaken in accordance with the specific conditions in the Incorporated Document, which require the preparation of plans and reports to the satisfaction of the Minister for Planning.

Figure 3: Extent of the Specific Controls Overlay in Surf Coast and Greater Geelong Planning Schemes



1.4 Background material

Over several years, Public Transport Victoria (PTV) and then later RPV, undertook a series of specialist investigations to identify issues and opportunities associated with the Project and recommend possible mitigation for impacts of the Project.

The specialist investigations included the following:

- Agricultural Impact Assessment
- Bushfire Assessment and Development Report
- Cultural and Historic Heritage³
- Ecological Assessment including:
 - Biodiversity Assessment and Ecological Assessment; and
 - Growling Grass Frog Study;
- Geotechnical Investigations
- Landscape and Visual Impact Assessment
- Lighting Planning and Recommendations
- Noise Assessment
- Planning Report
- Social Impact Assessment
- Stormwater Management Plan
- Transport Impact Assessment.

Table 1 provides a chronology of key events in respect of the Amendment:

Table 1: Chronology of key events

Date	Event
2007	Site selection process for Waurm Ponds Facility begins
2015–16	Victorian State Government budget allocation for stabling facility in Waurm Ponds

³ This report was removed from public exhibition as it contained sensitive information relating to Aboriginal Cultural Heritage.

Date	Event
September and October 2017	PTV Stakeholder and community engagement
2017–18	RPV takes over project from PTV
17 Jun 2019	RPV lodges the Amendment and requests approval from the Minister under section 20(4) of the PE Act.
07 Jul 2019	Minister for Planning referred Project to the Committee
05 Aug 2019	Public notification by the Government Land Planning Service to affected owners/occupiers
05 Aug – 24 Sep 2019	Submissions made in response to the Amendment
22 Aug 2019	Committee Information Session
25 Sep 2019	Committee Directions Hearing
16 October 2019	Public notice by the Government land Planning Service to properties within 3 kilometres south of the Project who have not already received notice
16 Oct – 29 Nov 2019	Second round of submissions made in response to the Amendment
28 Jan 2020	Part A submission circulated
03 Feb 2020	Expert evidence circulated
17 Feb – 28 Feb 2020	Committee Hearing
28 Feb – 13 Mar 2020	Further correspondence between RPV and the landowners submitted to the Committee
14 Mar 2020	The Hearing process closed.

1.5 Procedural issues

(i) Directions

At the Directions Hearing on 25 September 2019 the Committee directed, among other things:

- An adjournment until February 2020 to accommodate shearing season and the availability of legal representation. All parties agreed to this.
- That the Proponent upload to the Government Land Planning Service website:
 - the site selection report and if available
 - any additional information regarding the feasibility of the Boral site as an option.

(ii) Consultation

The issue

Submitters 2, 5, 8, 11, 14, 21, 24, 28, 30, 32, 36, 38, 39, 40, 42, 43, and 45-49 raised concerns about lack of community consultation, particularly in relation to Stage 2 of the Project.

Submissions

Concerns were expressed about a lack of consultation. For example, Olivia Nicholls expressed concerns that:

Many neighbours and landowners were not contacted at all about the 35 hectare plan for Stage 1, some were given one week to provide submissions some years ago, some called PTV “*three times and sent an email*” but were never replied to. Any ‘consultation’ by the State Government was in regard to the Project acquiring 35 hectares. When the Project jumped to 61 hectares and the operations expanded to include maintenance and train cleaning, NO consultation took place, even with landowners of alternative site options. There has been a general consensus that in the transition from PTV to RPV, many conversations, communications, intellectual property and processes were completely lost, thrown out or disregarded. This is especially distressing considering City of Greater Geelong’s statement that the State has been planning this since 2007. This means 8 years of no consultation about Stage 1 and 13 years of no consultation about Stage 2. Understandably, as time goes on necessities change, however these timelines are to be frank – excessive and contemptuous.

RPV advised that community consultation in relation to the proposal had been undertaken since 2007, initially by the DoT and PTV, before the Project was transferred to RPV in 2018.

Since 2018, RPV said it has re-engaged with the landowners of the project land (at times through legal representation), local councils, government agencies and other key stakeholders, to ensure concerns are addressed in the design and development of the Project and to provide updated information about the Project.

Discussion and conclusion

At the Directions Hearing on 25 September 2019 the Committee directed, among other things, further notice of the proposal.

The Committee reasoned that further notice could be accommodated without delaying the Project further than the proposed adjournment. The Committee did not form a view that the current extent of notice was inadequate, but directed notice out of an abundance of caution and because further notice would not further delay the Project.

The Committee notes the community concerns about consultation, and RPV’s response.

The Committee has not identified any further concerns with the notice for the Committee’s processes. The scope of the Project has changed over the years, but the scope has not changed since exhibition as part of the Committee’s process.

1.6 Summary of issues raised in submissions

Threshold issues

A number of submitters were concerned about:

- the need for the Project
- consistency with the local planning schemes and local urban development policy
- consistency with policy recommending the protection of agricultural land
- the site selection process with submitters typically indicating a preference for the Project to be developed on other land.

The proposed planning controls

Concerns were raised about the use of the Specific Controls Overlay and that the Incorporated Document excludes third party rights of notice and review. Submissions identified issues where the Incorporated Document was silent or did not provide sufficient detail.

Concerns were also raised that the Incorporated Document defers consideration of design and management measures intended to avoid amenity impacts to a later stage, in lieu of stipulating specific design and management measures in response to identified impacts.

Regional impacts

Economic concerns were raised in relation to tourism and the future growth of the region.

Submitters raised concerns about:

- the loss of important agricultural land
- impact on livestock (including from noise and pollution) and associated risk to workers
- impact on farm operations (of the project land and neighbouring properties), including stock and machinery crossing routes and dams.

Concerns were raised about the impacts on native vegetation and wildlife, including impact on nocturnal species arising from light emissions. Further concerns were raised about the ecosystem management, including wildlife corridors, water catchments, weed management and pollution.

Impacts on the locality

Many submitters were concerned about impacts on the locality including:

- visual impact, including lighting, on surrounding dwellings, as well as from public areas, including roads. Many submitters considered that the Project would cause an unreasonable 'industrial' type visual impact on the attractive rural landscape
- noise impacts, both during the day and at night, especially
 - the uncertainty of noise impacts of Stage 2
 - off-site mitigation for noise including modification to dwellings rather than mitigation within the Project area
- traffic and parking including:
 - lack of adequate parking
 - increased traffic along local roads
 - dust emissions
 - requirements for road upgrades
- the potential for the Project to pollute groundwater and impact environmental flows necessary for farm dams
- the prospect of the Project spreading weeds into nearby farming land.

Impacts on the landowners

Concerns were raised about the impact of the acquisition of the project land on the viability of the farm. The landowners, the Larcombes, sought explicit requirements in the Incorporated Document to deal with these issues. The key issue is whether these impacts are a planning issue or not.

1.7 The Committee's approach

The Committee has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Committee considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Threshold issues
 - Need
 - Strategic justification
 - Alternative sites
- The Specific Controls Overlay and Incorporated Document
 - Use of the Specific Controls Overlay
 - Structure of the Incorporated Document
 - The detail in the Incorporated Document
- Regional impacts
 - Economic
 - Agriculture
- Impacts on locality
 - Ecology
 - Visual
 - Lighting
 - Noise
 - Traffic
 - Stormwater
 - Weeds and pests
- Impacts on the landowners.

The Committee presents its preferred version of the Incorporated Document in Appendices F and G with changes tracked from the final version presented at the Hearing.

2 Threshold issues

2.1 Need

(i) The issue

The issue is whether there is a need for the Project.

(ii) Evidence and submissions

At the Hearing RPV called on Mr McKeown, of V/Line, to explain the need for additional stabling and maintenance facilities on the Geelong line. RPV submitted that the Project was needed now and that need was expected to increase markedly in the future. RPV said that need must be understood in terms of the operation of the network as a whole and the widespread community benefits that the facility would deliver.

Mr McKeown explained:

- the strategic and operational benefits of the facility being situated to the west of the Waurm Ponds Station at the termination of the commuter line
- the extent to which the Project as a whole will enhance the capacity and efficient operation of the Geelong line
- the operational benefits of co-locating maintenance facilities with stabling facilities
- the considerable inefficiencies associated with maintaining trains running on the Geelong line in locations remote from Geelong (be it in Melbourne or in Ballarat East) and in stabling trains in Geelong and Geelong South
- the capacity for this facility to provide for the changing needs of the network over time.

RPV submitted that:

While this explanation informs the process, it is not integral to the advice sought pursuant to the Terms of Reference. The Government's strategies to upgrade the rail network are not under review here. [Part C 6]

The practical need for the Project (though not necessarily at this location) was generally accepted by the parties, particularly for Stage 1.

Some submitters argued that while there was a clear need for Stage 1, the need for Stage 2 was less clear.

RPV submitted that separating Stage 1 from Stage 2, on the premise of need, mischaracterises the evidence before the Committee, the objectives of the *Transport Integration Act*, and the application of need principles as relevant to strategic planning decision-making, on a number of grounds including:

- The opinion of Mr McKeown was that, for the network, there is a need for both components of the Project in the relatively short term, and that the investment decision to proceed with Stage 1, is dependent on controls being in place to facilitate the Project as a whole. This is to avoid redundancy and future inefficiencies.
- The provision of major transport infrastructure within this state should not be reactionary. It should instead be forward-looking and directed toward the provision

of adequate capacity for the network to grow and develop over time in response to the needs of the community.

- That the planning horizon should extend to the provision of the Project as a whole is entirely in keeping with notions of orderly planning and with the need to provide certainty to all affected stakeholders. That the planning control is set to expire by 2032 places a statutory expectation on delivery, premised on the strategic need which supports the introduction of the control into the planning schemes.

Greater Geelong City Council (Greater Geelong) (submission 31), submitted:

The City recognises the need and supports a train stabling and maintenance facility west of the Waurm Ponds Railway Station. As outlined in the documentation supporting the Amendment this will provide the ability for the State Government to improve train services on the Geelong line. Such improvements are needed to meet the growing population of the Geelong region.

Greater Geelong were concerned, however, about the site selection process and the amenity impacts of the Project.

Surf Coast Shire Council (Surf Coast) (submission 51) acknowledged:

... the need for an additional train stabling facility to the west of the Waurm Ponds Railway Station, and the contribution it will make to the improvement of train services on the Geelong line. While Council supports infrastructure improvements in principle, the authority is concerned about the strategic merit of the selected site.

(iii) Discussion

The Committee agrees with submissions that need is to be understood in a practical (project specific) sense and also in a broader strategic sense given the association of the Project to growth planning and infrastructure outcomes for the State.

The Committee accepts that there is need for Stage 1 and Stage 2 works. The need for the Project as a whole is well established within the relevant planning horizon, and it is entirely appropriate that the planning scheme make provision for both Stage 1 and 2.

Limiting the Incorporated Document to Stage 1 only would be short-sighted and would do little to inform future decision making in respect of:

- the future operation of the network
- planning in respect of the locality
- site planning by the affected landowners.

The Committee is satisfied that the nature of the infrastructure to be provided as part of both stages of the Project is settled. Whilst the proposed facility is properly characterised as 'next-generation', stabling and maintenance facilities have existed since the inception of the network, and the components of facilities of this type are well-understood.

The Committee does not consider that it is wise to avoid difficult or unpopular decision-making by projecting the problem onto other communities, landowners or generations.

(iv) Conclusion

The Committee concludes:

- there is a clear need for the Project.

2.2 Strategic justification

(i) The issue

A number of submitters (1-7, 11-22, 24, 26-29, 31-36, 38-46, 48, 49 and 51) were concerned about:

- inconsistency with the local planning schemes, local urban development policy and policy recommending the protection of agricultural land
- use of farming zoned land.

(ii) Relevant policy

At Clause 18.01-1S (Land use and transport planning), the overall objective is *“to create a safe and sustainable transport system by integrating land use and transport.”* Strategies include making jobs and services more accessible by focussing major government investment in regional cities on major transport corridors, particularly railway lines, to maximise access and mobility of communities.

At Clause 18.01-2S (Transport system), strategies include *“reserve land for strategic transport infrastructure”* and *“facilitate infrastructure that connects and improves train services between key regional cities and townships and Melbourne”*. More particularly for the Geelong G21 region (Clause 18.01-2R) strategies are for *“improved transit and access within Geelong and the wider region”*.

Within the Local Planning Policy Framework (LPPF) of the Greater Geelong Planning Scheme, at Clause 21.02 one of the four elements to the City of Greater Geelong’s Sustainable Growth Framework is ‘Building Sustainable Infrastructure’. This includes developing a comprehensive network of accessible public transport and states that Council will *“look to the future when planning for and designing infrastructure”*.

At Clause 21.08 (Development and Community Infrastructure) a key transport objective, is *“to develop a safe, accessible, equitable and efficient traffic, transport and freight network”*.

(iii) Evidence and submissions

RPV engaged AECOM to prepare the exhibited Planning Report which analyses the Project against the Planning Policy Framework (PPF) and relevant planning considerations. The Planning Report states the Project is consistent with key policies identified in key strategic documents.

RPV maintained that the Project was consistent with applicable policy, and that it will deliver a considerable net community benefit. In saying this, RPV acknowledged that the Project will result in a change in the land use and environmental character of the area, and that the impacts of this change will be most evident for those people that live and work on nearby farmland.

RPV engaged Mr McGurn, Urbis, to independently consider the planning impacts of the Project. Mr McGurn concluded that, on balance, *“important and wide reaching net community benefit will be derived from the Project, weighing in favour of its approval, notwithstanding the localised amenity impacts”*.

Mr McGurn responded to concerns raised in public submissions, noting:

- while the Project will affect the rural outlook for adjacent properties and public areas and will result in localised amenity impacts, such impacts are inevitable for a Project of this kind and have been mitigated and reduced where possible
- while the impact to the affected land owner may be unfavourable, the localised impact must be weighed against the strategic outcomes for the region
- in relation to concerns raised about inconsistency with policy seeking to preserve agricultural land, Mr McGurn concludes that *“meeting the infrastructure needs of a designated growth region outweigh the more localised impacts on the agricultural area and the change in character of this locality”*.

Surf Coast recognised the need for the Project and supported infrastructure improvements to public transport and regional rail services in principle, but submitted that it was concerned about the strategic merit of the location.

In particular, Surf Coast raised regional level concerns about the visual impacts to the rural landscape and impacts on the rural economy from the disruption of a large and productive farm operation. Council referred to Clause 21.01-1 Municipal Profile of the Surf Coast Planning Scheme, that states *“the rural areas of the Shire are not only important for agriculture, but are increasingly valued in terms of the environment and landscape, for their contribution to the amenity and liveability of the Shire and their tourism and recreation value”*.

Surf Coast also referred to the ‘Rural Hinterland Futures Strategy’ that recognises the important contribution rural areas make to the local economy, directly through agricultural production and indirectly through its rural landscape character and connection to tourism.

(iv) Discussion

The Committee does not accept the contention that the Amendment lacks strategic justification because the Project is not specifically referenced within policy.

Both planning schemes recognise the need to reserve land for significant infrastructure and to provide for improvements to the rail transport system, particularly between Geelong and surrounding regions. Infrastructure is to be efficient and take account of growth and change occurring in the future. The Committee considers that the Project is consistent with these policies and provides for broad economic benefits in linking people and jobs.

In all policy it is clear that the growth and improvement of the rail network is a fundamental initiative attached to settlement planning for the region.

The Project is consistent with policy directives to:

- ... facilitate infrastructure that connects and improves train services between key regional cities and townships and Melbourne⁴
- ... support improved transit and access within Geelong and the wider region⁵
- ... develop a comprehensive network of accessible public transport.⁶

⁴ Clause 18.01-2S.

⁵ Clause 18.01-2R.

⁶ Clause 21.02.

A broader recognition in the policy framework of the requirement for this facility in the Waurm Ponds region would have been useful, given the Project has been contemplated for some years. However, the absence of such a recognition in the policy framework is not fatal to the Amendment. The Committee agrees that it is not reasonable to expect that each network upgrade would be the subject of its own policy statement. This is too literal an approach and expects a more thorough approach to documenting initiatives in planning schemes than the norm.

The Committee agrees that the Project is consistent with and supported by the strategic priorities specified in the Regional Network Development Plan.

Taking the 'strategic priorities' specified in respect of 'building a better public transport network' as an example,⁷ the proposed facility would:

- respond specifically to the identified 'short', 'medium', and 'long' term needs of 'building new train stabling at key locations on the network'⁸
- facilitate the realisation of a number of other objectives, such as:
 - the ability to 'roll out [the] next generation of regional trains' (identified as both a 'short' and 'medium' term priority)⁹
 - increase the frequency of services on the network.¹⁰

There is need for the Project, and the Project is consistent with policy. That does not mean that an assessment of its impacts is not required. Nor does it mean that the proposed planning controls are automatically assumed to be appropriate.

(v) Conclusion

The Committee concludes:

- the Project is consistent with policy.

2.3 Alternative sites

(i) The issue

Site selection was raised in numerous submissions (1-3, 6, 7, 9-11, 13-22, 24, 26-36, 38-43, 46, 47, and 49-52) and at the Hearing, with submitters typically indicating a preference for the Project to be developed on land owned by Boral (particularly that part of the Boral landholding as identified in the site selection reports as 'Site X').

Concerns were also raised about the lack of public information on the site selection process and reasons why 255 Reservoir Road was ultimately selected.

(ii) Evidence and submissions

RPV submitted that the site selection process had been ongoing for over ten years. As part of this process, 12 alternate sites were assessed against site selection criteria. A desktop analysis was undertaken for each of the 12 sites, and those sites which met the selection

⁷ See RNDP at p. 24.

⁸ *Ibid.* at 25.

⁹ *Ibid.*

¹⁰ *Ibid.*

criteria were subject to a further detailed investigation, including the preparation of concept designs, to determine their suitability and feasibility.

Figure 4: Twelve alternative sites considered for the Project



The Committee was told that the peculiarities of rail track geometry and related facilities require land parcels that are relatively long and narrow, and either roughly rectangular or triangular in shape. Where site length is constrained but ample site width is available, some unusual track configurations become necessary such as semi-circular loops that endeavour to fold the layout into half the normally required length. Such layouts may be feasible in specific cases but create other constraints and are generally more expensive to construct.

Table 2 outlines the issues considered in the site assessment process.

Table 2: Issues considered in the site assessment process

Investigation Matters	Explanation
Design and operational matters	
Distance of site from Waurn Ponds Station	A close proximity to Waurn Ponds Station would minimise the time, cost and timetabling impacts associated with the 'dead-running' of trains.
Land gradient	A relatively flat piece of land is required for train operations.
Size and shape of the site	A site which is large and long enough for the required stabling and maintenance infrastructure and associated facilities, and current and future train length requirements. A site which can be 'future-proofed'; being large enough for future expansion, with flexibility to cater for different types of trains in the future and allowing for impact mitigation (that is, areas for screening vegetation).
Grade of the land where it accesses the main railway line	A relatively even grade is required for where the site accesses the main railway line.
Location of the site	A site parallel to the main railway line is an important consideration; direct train access into the Project is highly desirable. There are often difficulties in gaining rail access to sites which do not directly abut the main railway line.

Investigation Matters	Explanation
Potential rail access points	<p>Having multiple rail access points into the site allows for the Project to operate in the event of degraded operations when normal access/egress routing is unavailable due to point failure, derailment etc.</p> <p>Having rail access in both directions (i.e. toward Melbourne and toward Warrnambool) is important for future flexibility.</p>
Constraints to rail access	Existing roads, bridges and services/utilities may have to be crossed, modified, replaced, removed, or new infrastructure provided, to facilitate rail access into the Project (including grade separations etc).
Operational constraints to rail access	Such as the need to reverse trains, construct tight loop lines (which may result in above normal wheel wear, generate wheel noise and limit train speed) etc.
Allowing for future rail duplication	It is critical that the Project is located on a site that allows for future development of track and facilities, including full or part duplication of the line between Geelong and the Project.
New mainline turnouts	Whether an existing rail turnout from the main railway line can be used, or will a new turnout, and associated signalling, be required.
Site readiness	The amount of work required to prepare land for development of the Project, and associated cost and timeframe considerations based on the procurement of new trains and/or patronage growth.
Road access	Direct road access, and multiple access points for regular and emergency access purposes.
Geographic matters	
Land topography	<p>Undulating land may require significant earthworks to create a relatively flat piece of land required for train operations.</p> <p>Cost, time, risks and uncertainties associated with the rehabilitation and use of previous mining/quarry land.</p> <p>Suitable land compaction may not be able to be guaranteed.</p>
Waterways	Rivers, creeks, dams etc. on the site.
Geotechnics	Suitability of the ground conditions for construction of the Project.
Geology	Presence of important earth resources (for example, limestone).
Flora, fauna and habitat	Existing flora, fauna and habitat on the site.
Dust	Potential for dust impacts from nearby land uses (for, example, quarries).
Existing mitigation	Existing bunding and vegetation which may help mitigate impacts of the Project.

Investigation Matters	Explanation
Land and planning matters	
Existing development and business impacts	<p>Avoiding sites which require the acquisition of residences.</p> <p>Consideration of noise and light impacts on surrounding residences/sensitive receptors due to the 24/7 operation of the proposed Facility.</p> <p>Consideration of impacts on farming business infrastructure and buildings (that is, dams, sheds, access tracks etc).</p> <p>Consideration of impacts on mining business infrastructure and buildings (that is, site offices, plant and equipment, car parking etc).</p>
Aboriginal Cultural Heritage and Post-Contact Heritage	Heritage aspects of the site.
Zoning	<p>Potential Special Use Zones for earth resources which may not be available, suitable or supported for development.</p> <p>Overlays, such as vegetation protection, which would need to be considered and may impact on Project design.</p> <p>Nearby residential or urban growth zones, within which sensitive receptors may be impacted by the Project.</p>
Land ownership	Land acquisition from multiple owners may present difficulties.
Number of stakeholders	Difficulties associated with dealing with multiple stakeholders/landowners to deliver the Project.

The Committee directed RPV to publish additional information about the site selection process and provide background feasibility studies on the technical capability of potential sites.

It was suggested throughout the course of the Hearing that the Project should be located further to the west along the railway line (to accommodate future urban growth) or further to the east (on the Boral land).

RPV submitted that ultimately the site selection process was not a matter for review by the Committee, which must instead focus on the suitability of the project land to house the Project and the adequacy of the proposed planning controls that will govern its use and development. Nonetheless, RPV said that some understanding of the site selection process is informative as further demonstration of the attributes of the project land. It responded to the matters raised during the course of the Hearing as follows:

- Broadly it would be inappropriate to locate the Project further to the east as:
 - the Project is presently situated outside the proposed future settlement boundary of Geelong (as contemplated by Amendment C395) and outside of future potential urban growth that may be accommodated on the Boral land
 - this outcome is consistent with orderly planning and provides adequate assurance that anticipated land use patterns over the short, medium and longer terms are not inconsistent with the Project

- the provision of certainty concerning the preferred location of the Project as a whole will allow urban development (as and when it occurs) to be appropriately designed and configured to respond to the presence of the Project.
- The sites to the west are highly constrained in their capacity to accommodate a facility of this type.

It was also asserted by submitters that the site-selection process was deficient in that it failed to take amenity impacts into account. Mr McGurn gave evidence that:

- alternative sites for the Project would still impact on surrounding largely rural areas as well as potentially urban areas
- if the Boral land (adjacent to the project land) was to be identified for future urban land, then commercial development could provide separation between the rail facility and more residential sensitive uses.

(iii) Discussion

The Committee's Terms of Reference do not include an assessment of alternative sites (notwithstanding the requests made by the landowners, Greater Geelong and many other submitters to this effect). Rather, the Committee's role is to consider the suitability of the land intended to be acquired by the Victorian Government.

The Committee agrees with the Ballarat C185 Panel:

... it is not our task to identify alternative locations (including the upgrade of the existing facility). While panels and the Tribunal do not assess alternative sites (or proposals), they do, when required, assess the strategic logic of a selected site. This is not to determine that the site is the optimum location, or indeed that it is suitable compared to other sites, but rather that there has been some analysis of what makes a suitable site, and the subject site meets those criteria. The benefit of fully informing a panel about site selection is to help inform the assessment of what makes a site suitable. [Page 18]

It is open to the Committee to find that the current site is not appropriate, but it is not the role of the Committee through this process to revisit the relative merits of alternative sites.

The landowners made reference to the Mildura C56 Panel Report. That panel stated:

... The use to which the land would be put must be defined and the strategic site selection process transparent. Neither occurs here. There was no suggestion even that other sites had been considered and ... submission that the uses could be defined after the land would be purchased fails in a fundamental manner to respond to the need for strategic justification.

In summary, having considered this issue, we conclude that there has not been a thorough or adequate strategic planning process that has positively identified the affected land as being required for the purposes nominated by the acquiring authority. [Page 30]

This is clearly not the case here. Other sites have been considered and a comprehensive assessment has informed the State's decision to locate the Project on the project land. In the Committee's view (and with the benefit of hindsight) the process might have benefited from an upfront summary report that presented some sort of assessment matrix that allowed a more ready comparison between sites and better informed the community. But nothing turns on this.

Whilst the first screening of properties properly focussed on engineering and operational considerations (recognising the specific design and functional requirements of facilities of this type), the summary report demonstrates that a range of other factors were also taken into account, that included:

- design and operational issues
- physical site constraints
- impact on waterways
- flora, fauna and habitat
- existing development and business impacts
- Aboriginal cultural heritage and post-contact heritage
- land ownership
- number of stakeholders impacted.

While these assessments were not detailed enough to satisfy many submitters, ultimately the decision making relates to the selected project land.

The Committee notes that RPV demonstrated that there are inherent requirements for the Project to locate along the train line west of Waurm Ponds. It can't be located within the existing urban area or within a dedicated industrial precinct and still achieve the Project outcomes sought.

The Committee also acknowledges the high level operational, engineering and town planning constraints of the various parcels of the Boral land, and the reasons they were discounted in the site selection process. While submitters disagreed with some of the conclusions, again it is not the role of the Committee to scrutinise these alternative sites.

The Committee also notes the proximity of Armstrong Creek urban growth occurring to the east, extending to the interface with the Boral landholding. Given this context, there are a range of interface, and strategic planning issues that will need to be considered in detail before determining the future use and development potential of the Boral land. These considerations are beyond the scope of this Amendment.

The Committee agrees with Mr McGurn that it is unrealistic to suppose that a facility of this type could be sited so as to wholly avoid amenity impacts on surrounding properties. Given the nature of the Project and the function that it will serve, the Committee's assessment must properly focus on whether appropriate measures are put in place to ensure that amenity impacts are ameliorated to the extent that is reasonable and practicable.

(iv) Conclusions

The Committee concludes:

- there is a clear strategic logic underpinning the selection of the project land
- it is not the role of the Committee to revisit the relative merits of alternative sites.

3 The Specific Controls Overlay and Incorporated Document

3.1 Use of the Specific Controls Overlay

(i) The issue

Concerns were raised about the use of the Specific Controls Overlay (SCO) and that the Incorporated Document excludes third party rights of notice and review.

(ii) What is proposed

It is proposed to apply the SCO. The purpose of the SCO is:

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

Notably it does not include the typical purpose:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

Land affected by the overlay may be used or developed in accordance with a specific control contained in an Incorporated Document. The specific control 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.

(iii) Evidence and submissions

RPV submitted that:

The use of the SCO is appropriate to apply site specific controls to streamline the development process for a State and regionally significant transport project of this nature.

Mr McGurn responded to concerns raised in submissions noting that the proposed SCO is an appropriate tool for the implementation of a large scale infrastructure project of this nature, notwithstanding that Stage 2 does not have committed funding.

(iv) Discussion

The Committee agrees that it is appropriate to use the SCO for the Project. The Project is a large scale, State significant infrastructure project, and the existing planning controls relating to the site and surrounds do not readily cater for a project of this nature. Given land is to be acquired for the Project, it is appropriate that there is some certainty that the Project can be constructed.

A key function of the proposed planning controls is to ensure that impacts are properly assessed and that reasonable and practicable amelioration measures are put in place during construction and operation of the Project. The proposed approach to planning controls is fairly common for this type of project.

The Committee notes the concerns about third party rights. The proposed Incorporated Document includes a requirement for:

A summary of the consultation that informed the preparation of the EMF and a summary of the proposed ongoing engagement activities with Councils, the community and other stakeholders during the construction of the Project, including enquiries and complaints management. [Clause 5.2(k)]

Consultation with surrounding residents will be important in progressing the Project in an appropriate way, but the introduction of third party rights would undermine the certainty needed for the Project.

(v) Conclusion

The Committee concludes:

- The use of the Specific Controls Overlay is appropriate.

3.2 Structure of the Incorporated Document

(i) The issue

The structure of the Incorporated Document has been improved since exhibition, but further improvements are possible.

(ii) Changes to the structure of the Incorporated Document

Following exhibition RPV proposed changes to the Incorporated Document to:

- separate out the requirement for the development plan and the requirement for an environmental management framework
- identify separate provisions for construction management.

(iii) Discussion

The Committee believes that the structure of the Incorporated Document could be further improved by:

- reordering the subclauses in Clause 5.0 so that the requirements to meet the conditions in the clause come before the conditions themselves
- setting out under separate headings the requirements for:
 - development plans
 - construction management framework
 - environmental management framework
- reordering provisions and altering the headings and numbering to reduce complex cross referencing.

Table 3 sets out the proposed structure of the Incorporated Document.

Table 3: The structure of the proposed Incorporated Document

Element	Summary
1.0 Introduction	States that controls prevail over any contrary or inconsistent provision in the planning schemes.
2.0 Purpose	<p>States the Project includes, but is not limited to, use and development of:</p> <ul style="list-style-type: none"> - A train maintenance and stabling facility - Associated utilities, road and rail infrastructure, signalisation, and rail crossing upgrades.
3.0 Land to which the Incorporated Document applies	Defines the 'project land' and the 'wider project land'
4.0 Controls	<p>Operational provision to 'turn off' other provisions on the scheme. A provision that where the relevant floodplain management authority would be a referral authority, buildings and works must be to the satisfaction of the floodplain management authority.</p>
5.0 Conditions	<p>Sets out conditions that must be satisfied before development (excluding preparatory buildings and works) starts. The conditions may be satisfied in separate components or stages of the Project.</p> <p>Conditions require:</p> <ul style="list-style-type: none"> - A 'Development Plan' including site layout plans, site levels, architectural plans, and on-site landscaping details - A 'Construction Management Framework' that includes the requirement for a 'Construction Management Plan' - An 'Environmental Management Framework' (EMF) including: <ul style="list-style-type: none"> ▪ A 'Noise Management Plan', generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan dated February 2020 guiding the assessment and management of the acoustic impacts of the Project during operation ▪ An overarching 'Site Management Report' ▪ A summary of performance monitoring and reporting processes ▪ A summary of the consultation that informed the preparation of the EMF <p>The EMF is to be informed by a series of reports (that address impacts, management measures, design features and mitigation measures) covering:</p> <ul style="list-style-type: none"> ▪ Noise ▪ Traffic detailing the traffic, access and car parking aspects of the application ▪ Visual Amenity ▪ Stormwater Management ▪ Bushfire Management ▪ Weed and Pest Management ▪ The handling and storage of fuels and chemicals.

Element	Summary
	Controls the removal of native vegetation.
6.0 Preparatory buildings and works	Preparatory buildings and works that may commence before the conditions are satisfied.
7.0 Expiry	The controls expire, unless the Minister for Planning extends them if: <ul style="list-style-type: none"> - The development allowed by the controls is not commenced by 31 December 2022. - The development allowed by the controls is not completed by 31 December 2032.

(iv) Recommendation

The Committee recommends:

Reorder the provisions in the Incorporated Document to make it easier to understand.

The Committee preferred version of the Incorporated Document in Appendix F includes these changes.

3.3 The detail in the Incorporated Document

(i) The issues

Submissions identified issues where the Incorporated Document was silent or did not provide sufficient detail.

Concerns were raised that the Incorporated Document defers consideration of design and management measures intended to avoid amenity impacts to a later stage, in lieu of stipulating specific design and management measures in response to identified impacts.

(ii) Changes to the conditions in the Incorporated Document

The Incorporated Document has evolved significantly over the course of the Hearing with a number of versions presented. The final RPV preferred version includes the following changes from the exhibited version:

- incorporation of an indicative layout plan
- additional clarity on managing construction impacts
- additional clarity concerning the matters that must be addressed in the Environmental Management Framework (EMF):
 - noise, including reference to a Noise Management Plan, generally in accordance with the draft 'Waurm Ponds Maintenance and Stabling Facility Noise Management Plan' dated February 2020
 - operational traffic
 - visual amenity and lighting
- new matters that must be addressed in the EMF:
 - stormwater
 - bushfire management
 - weed and pest management plan

- the handling and storage of fuels and chemicals in accordance with industry standards
- modified requirements so that reports prepared as part of the EMF must:
 - document the outcome of impact assessments
 - identify management measures to be complied with during operations
 - specify any design features or mitigation measures that are proposed to address the potential impacts of the Project, including any offers of off-site works or off-site landscaping to be made to the owner of any dwelling identified as being affected in the relevant impact assessment
 - contain a summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during the operation of the Project
- inclusion of perimeter landscape treatments as preliminary works.

(iii) Evidence and submissions

A number of submitters were concerned about the lack of certainty for the Project. For example, the landowners submitted that:

We should not be seduced by the appearance of certainty. As the Committee will be well aware, a requirement that development be 'generally in accordance' with a plan can accommodate substantial flexibility. The less precision there is in the primary document/s, the more flexibility is given by the phrase "*generally in accordance with*".¹¹ [18]

RPV proposed changes to the Incorporated Document in response to submissions for consideration as part of the Hearing process (Document 11). Further changes were proposed as part of the Hearing (Document 30). RPV submitted that many matters raised in submissions and in evidence had been addressed by these proposed changes.

The adequacy of these changes as they relate to specific issues is discussed in Chapters 5 and 6.

(iv) Discussion

The degree of specificity of an incorporated document differs depending on the nature of the project in question. At one end of the spectrum are detailed controls that facilitate specific private investment (such as the controls introduced in respect of the Kaufland Stores in Victoria Advisory Committee process). Controls applying to large scale public infrastructure projects are often at the other end of the spectrum.

It is true that there is not currently sufficient detail to assess the precise impacts of the Project, and in particular Stage 2. To address this, the Incorporated Document sets out a range of processes to ensure that those issues are addressed when the detail is known. The background material and expert evidence (as discussed later in this report) were able to assess the broad nature of the impacts. The Committee considers that provided these broad assessments are sufficiently conservative to give confidence that performance requirements can be met, and adequate controls are in place to ensure compliance, there is nothing inherently wrong with the proposed approach.

¹¹ *Fabcot Pty Ltd v Whittlesea CC* [2014] VCAT 600, [34] (DP Gibson, Member Glynn).

The Amendment does not constitute the ultimate planning approval for the Project. It establishes a framework for the future assessment and approval of the Project by the Minister for Planning (acting as responsible authority). Further detailed assessments are required during the detailed design phase of the Project. Including a concept design in the Incorporated Document delivers additional certainty as to the final configuration and layout of the Project and has helped assist understanding and assessment of impacts of the Project.

The Committee generally agrees that the Day 4 working draft (Document 30), subject to the further changes recommended by the Committee, strikes an appropriate balance between providing adequate certainty concerning future development outcomes on the project land, while retaining flexibility on how the Project is configured to:

- meet the needs of the rail network
- ensure those outcomes deliver an appropriate standard of amenity.

(v) Conclusion

The Committee concludes:

- the level of detail in the Incorporated Document is appropriate (subject to the further recommendations of the Committee).

4 Regional impacts

4.1 Economic

(i) The issue

Economic concerns were raised by submitters 3, 6, 31, 32 and 39, in relation to tourism and the future growth of the region. Concerns were also raised regarding agricultural economics, which are addressed in Chapter 4.2 below, and economic impact to the landowner, which is addressed in Chapter 6.

(ii) Relevant policy

Clause 17 of the Greater Geelong and Surf Coast Planning Schemes relates to 'Economic Development', with Clause 17.01-1S (Diversified economy) seeking to strengthen and diversify the economy and Clause 17.01-1R (Diversified economy – Geelong G21) seeking to build on the region's competitive strengths.

In the Greater Geelong Planning Scheme, Clause 21.07 (Economic Development and Employment) identifies the economic role and function of Geelong as the largest regional city in Victoria and the primary service and employment hub for the G21 Geelong Regional Alliance. The major rail connections to metropolitan Melbourne and Victoria's western regions are key parts of the infrastructure base.

In the Surf Coast Planning Scheme, Clause 21.01-1 (Municipal profile) recognises that the Surf Coast economy is increasingly reliant on tourism, and notes that agriculture, once the dominant sector, still makes a significant contribution to the economy but employs only a small proportion of the Shire's workforce.

Clause 21.04 (Tourism) recognises that the tourism industry is underpinned by the coastal location, environmental values and scenic qualities of the Surf Coast. Tourism is an important industry that is sought to be enhanced and expanded.

(iii) Evidence and submissions

Mr Ainsaar of Urban Enterprise gave economic evidence on behalf of RPV. Mr Ainsaar's evidence was that the economic benefits that are expected to be delivered by the Project are significant, particularly for the regional economy.

The economic benefits identified by Mr Ainsaar included:

- a direct investment of approximately \$122 million for the Project
- economic output in the order of \$371.7 million and creation of 997 jobs during construction of the Project
- creation of 120 full time equivalent (FTE) ongoing jobs during operation, with an estimated economic output in the order of \$101.7 million per annum
- a total cost saving to V/Line in the order of \$389,828 per annum from a reduction in running empty trains
- other associated benefits, including increased ticket revenue; increased fleet size; increased number of services; a reduction in train overcrowding and road traffic congestion; and cost savings for commuters.

When asked by the Committee whether he considered that the Project would have any broader economic impacts or restrict future growth of Geelong, Mr Ainsaar noted that Geelong currently had sufficient growth supply for the next 30 years, and that there is capacity for greater intensification of development within existing urban areas. Beyond these timeframes it is unknown. No other broad economic impacts were identified.

Other submitters raised economic concerns including the economic impact on the landowners and the family's livelihood and the negative impact on property values for land within the surrounds.

(iv) Discussion

The Committee accepts that there are clear and significant economic benefits to the state and the region associated with the Project as outlined by Mr Ainsaar in his economic evidence. These economic benefits include both direct investment and ongoing employment benefits, as well as indirect benefits relating to efficiencies of train services and reduced congestion that the Committee consider are also significant.

In relation to impacts on the tourism value of the landscape as raised by Surf Coast, the Committee agrees that the rural landscape is important to the tourism industry, however considers that the visual impacts associated with the Project can be managed. This is addressed in Chapter 5.2.

The Committee notes that while the wider project land forms part of a broader attractive rural landscape, it is not recognised as a significant landscape through any zone, overlay or in planning policy. Rural farming areas are working environments. Unlike many protected significant landscapes (for example national parks, coastlines), farming areas are not pristine environments devoid of buildings.

The Committee is satisfied that there would not be any significant regional economic dis-benefits associated with the Project, having regard to the loss of land for agriculture (discussed in Chapter 4.2 below) or by restricting foreseeable urban growth. The land is approximately 3 kilometres to the west of the Armstrong Creek growth area that is earmarked to provide for 55,000 to 65,000 people (approximately 22,000 homes) as well as employment land and other community infrastructure. This growth area together with the northern growth area and urban consolidation will provide for projected growth within Greater Geelong over the next 30 years.

It was common ground between parties that there would be economic impacts on the landowners' business, and these impacts are discussed in Chapter 6. Individual impacts on property values is not a planning consideration.

(v) Conclusions

The Committee concludes:

- the Project will have significant economic benefits, particularly for the region
- , visual impacts of the Project should be mitigated to reduce any adverse tourism related impacts on the broader landscape.

4.2 Agriculture

(i) The issue

Submissions 2, 4, 6, 7, 12-22, 24, 27, 28, 30-32, 34, 37, 39, 40, 42, 43, 45-47 and 51 all raised concerns with the Project's impact on agriculture. In particular, submitters have raised concerns about:

- the loss of important agricultural land
- inconsistencies with the Farming Zone objectives and agricultural and rural land policies
- impact on livestock (including from noise and pollution) and associated risk to workers
- impact on farm operations (of the project land and neighbouring properties), including stock and machinery crossing routes and dams.

Detailed impacts on the landowners' agricultural operations are addressed in Chapter 6. Noise impacts on livestock are addressed in Chapter 5.4 and stormwater and weeds in Chapters 5.6 and 5.7.

(ii) Relevant policy

The following PPF provisions of the Greater Geelong and Surf Coast Planning Schemes are applicable to Agriculture:

- Clause 14.01-1S (Protection of agricultural land), which seeks to protect productive agricultural land from unplanned loss due to permanent changes in land use and prevent inappropriately dispersed urban activities in rural areas.
- Clause 14.01-2S (Sustainable agricultural land use), which encourages agricultural and productive rural land use activities to maintain the long-term sustainable use and management of natural resources.
- Clause 15.01-6S (Design for rural areas), which has the objective of ensuring development respects valued areas of rural character, including managing siting, scale and appearance of development to protect and enhance rural character.

At the local level, the Greater Geelong Planning Scheme, at Clause 21.07, recognises that agricultural production is modest, but locally important and economically significant for landowners.

Clause 22.05 (Agriculture, Rural Dwellings and Subdivision) recognises that the rural areas of the municipality are highly valued for their contribution to the economy, liveability and amenity. This clause seeks to prevent land use conflicts.

Clause 22.64 (Discretionary Uses in Rural Areas) applies to consideration of use and development applications within the Farming and Rural Conservation Zones. This policy discourages non-agricultural uses that could reasonably be located in an urban zone; seeks to preserve the productive agricultural capacity of the land and maintain the unique rural landscape character.

The Surf Coast Planning Scheme, at Clause 21.01.01-3 (Vision and Strategic Framework Plan), sets an objective to protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values and opportunities.

At Clause 21.05 (Agriculture), the objectives seek to encourage sustainable activities; protect the ability of future generations to productively farm the land; and avoid the loss of agricultural productivity associated with land use conflicts.

Surf Coast's *Rural Hinterland Futures Strategy* applies to all rural land within the municipality and seeks to preserve the productive capacity of agricultural land.

(iii) Evidence and submissions

The Project would remove 61 hectares of agricultural land from agricultural production – assuming that no agriculture uses continue on the acquired land.

RPV submitted that this constitutes a marginal reduction in the agricultural capacity of the Geelong Region, but recognised that the impact of this loss of land would be more profound for the landowners' business.

The Agricultural Impact Assessment prepared by Ag-Challenge Consulting and exhibited with the Amendment, was limited to an assessment of the impact of the Project on the farming property and farm business containing the project land and is discussed in Chapter 6.

Mr McGurn acknowledged the apparent misalignment of the Project with planning policies relating to agriculture, including Clause 14.01-1S (Production of agricultural land), Clause 15.01-6 (Design for rural areas) and Clause 21.07-5 (Rural areas) relating to preservation of agricultural land, maintaining breaks between urban land and the importance of rural character.

Mr McGurn stated that this was in contrast with supporting regional growth policies and providing public infrastructure that keeps pace with anticipated demand as outlined in Clause 11.01 (Settlement – Geelong 21) and Clause 18.01-1S (Land use and transport planning). He stated:

In balancing these competing policy objectives, my conclusion is that meeting the infrastructure needs of a designated growth region outweigh the more localised impacts on the agricultural area and change in character of this locality.

Mr Stephens of Meridan Agriculture provided agricultural expert evidence on behalf of RPV.

He provided evidence from the Australian Bureau of Statistics (ABS) that the Geelong region accounted for 3 per cent (\$495 million) of the total gross value of agricultural production in Victoria in 2017-18 (\$15 billion). In the Geelong region, wool accounted for approximately \$67 million of agricultural production (2017–18). Broken down by industry, of 564 farms in the Geelong region, 149 were specialised sheep farms.

Based on these statistics, Mr Stephens concluded:

The loss of 61 hectares is minor from a regional perspective and relatively minor from a local perspective. The loss of productivity to the region would be under 0.1 per cent.

Submissions from the community raised issues of progressively *“eating away at prime farming land”* and submitted that farming land is a finite resource that should not be impacted by urban infrastructure development.

The Geelong Environment Council Inc. (submission 34) submitted that the Project does not comply with the purpose of the Farming Zone, that in particular encourage the *“retention of productive agricultural land”* and *“to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture”*.

Most submissions from the local community considered that other sites would be more suitable to facilitate the Project. In particular, submitters considered that the Boral land would be more appropriate given that it is contained within the Special Use Zone, rather than impacting on productive farming land, for example:

We say the cost benefit of not using the Farming Zone and securing the future of the agribusiness far outweighs the cost of using the alternate land with its better future proofing sized site.

G21 Agribusiness Forum (submission 13) opposed the rezoning of any productive farmland for anything other than farming. It submitted that the Government document, 'Planning for Melbourne's Green Wedges and Agricultural land', recognises the wider project land as being 'locally significant' and having Class 3 soils. It submitted that the project land can support a range of farming activities and recycled water is readily available.

G21 Agribusiness Forum stated that there is increasing pressure on farming land associated with significant population growth consuming agricultural land and climate change making some farming land redundant. G21 Agribusiness Forum considered that the Boral land should be used for the Project given that it will never have farming value.

While Greater Geelong provided support for the Project to improve train services and service the growing population of the Geelong region, it submitted that the Project would be in conflict with local policies. This included Clause 22.64 (Discretionary Uses in Rural Areas) that discourages non-rural uses in rural areas where they impact on agriculture, and that the impacts on the rural setting and amenity need to be minimised.

Surf Coast submitted that they were concerned that the Project would have a significant and irreversible adverse impact on the contribution farming makes to the economy. They considered this would be contrary to the *Rural Hinterland Futures Strategy* that seeks to preserve the productive capacity of agricultural land and the *Rural Strategy* that informed Clause 21.06 (Rural Landscapes) of the Surf Coast Planning Scheme.

(iv) Discussion

Victoria's planning system including *Plan Melbourne 2017-2050* and state, regional and local planning policies within the Greater Geelong and Surf Coast Planning Schemes recognise the value of agriculture to the economy and seek to protect our agricultural base.

As outlined by many submitters, this includes policies seeking to avoid the loss of agricultural land by permanent changes in land use and protecting agricultural land from incompatible land uses.

When viewed solely through this lens, the Committee agrees with submitters that the Project could be regarded as inconsistent with agricultural policy and the Farming Zone objectives.

However, an assessment of the Amendment is not a simple test of consistency with existing agricultural or rural policy. Rather, the Committee must assess 'new planning provisions' required to deliver priority projects by the Victorian Government.¹² Like any planning assessment, it needs to be balanced with other strategic considerations, such as improving

¹² Government Land Standing Advisory Committee, Terms of Reference – 5a.

transport infrastructure to accommodate the demographic changes that Melbourne and Victoria face over the next 30 years.

These policies need to be balanced to achieve a 'net community benefit'.

On a regional scale, the Committee agrees with RPV and Mr Stephens that the loss of 61 hectares of agricultural land is a marginal reduction in the agricultural capacity of the region, accounting for less than 0.1 per cent productivity. On a state-wide scale, given that the Geelong region contributes 3 per cent to the overall agricultural productivity of the state, the loss is negligible.

This is clearly different to the direct impacts of the Project on the agricultural operations of the directly affected landowners (discussed in Chapter 6). These impacts will be significant, as was broadly acknowledged by parties.

On this basis the Committee agrees with Mr McGurn, that while the Project is not well aligned with agricultural and rural policies, and will have some localised impacts on agricultural activity, in weighing up net community benefit, the regional impacts on agricultural land are acceptable.

The Committee acknowledges that the Project will introduce noise, light and other changes into the rural landscape that may impact livestock. Based on the evidence provided, the Committee accepts that livestock are likely to quickly adapt. The Committee accepts that rural areas can be noisy environments through the use of machinery and other rural industry operations that occur, and cattle and other livestock commonly co-exist with these activities. Furthermore the visual and other mitigation measures proposed primarily to mitigate impacts on people and their homes as discussed elsewhere in this report, will assist in reducing impacts on livestock.

(v) Conclusions

The Committee concludes:

- the Project will have a marginal reduction in agricultural productivity of the region and a negligible impact on productivity of the state
- in weighing up the competing policies relating to the protection of agricultural land and the need for improvements to regional transport infrastructure, the Committee considers that the Project will deliver a net community benefit.

5 Impacts on locality

5.1 Ecology

(i) The issue

Impacts on the ecology of the farm and the surrounding area was raised by submitters 4-6, 31, 32, 34 and 49.

The primary concerns raised by submitters were the impacts on native vegetation and wildlife, including impact on nocturnal species arising from light emissions. Further concerns were raised about the ecosystem management, including wildlife corridors, water catchments, weed management and pollution.

(ii) The Incorporated Document

The Incorporated Document requires:

- biodiversity offsets to be secured prior to the removal of any native vegetation
- the preparation of an EMF which must include Environmental Management Requirements in respect of measures to minimise the impact to native fauna during removal of native vegetation.

(iii) Evidence and submissions

RPV submitted that the ecological impacts arising from the Project will be adequately controlled through the Incorporated Document.

Mr White of AECOM provided expert evidence in relation to the ecological impacts of the Project. His assessment was based on the background report prepared by AECOM titled 'Waurm Ponds Train Maintenance and Stabling Facility – Ecological Assessment, February 2020' (2020 Assessment).

This 2020 Assessment included information from four assessments of the Project Area and surrounding land, being:

- initial biodiversity assessment undertaken by Ecology and Heritage Partners in 2016
- targeted Growling Grass Frog survey undertaken by AECOM in 2017
- Flora and Fauna Assessment undertaken by AECOM in 2018
- ecological survey undertaken by AECOM in 2019 of the project land not previously assessed; data validation; and vegetation along the road reserves.

The 2020 Assessment found:

- 38 patches of remnant vegetation persist in the project land and wider project land
- 3 Ecological Vegetation Classes are present, which support 31 large trees
- 18 scattered trees were recorded, of which four are considered large trees
- Western Basalt Plains Grassland (a threatened community pursuant to the *Flora and Fauna Guarantee Act*) covers 0.034 hectares of the project land
- targeted surveys were undertaken for Growling Grass Frog, however this species is considered unlikely to occur and no impacts pertaining to the Project on the species are anticipated

- no other threatened flora and fauna species were identified as requiring targeted assessments.

Mr White gave evidence that the project land is in a landscape subject to a long term history of agricultural and transport related disturbance. As such, much of the native vegetation that would have once occupied the project land has now been cleared, and therefore the ecological values are minimal.

In response to issues raised in submissions, Mr White noted that while there is the potential for common indigenous species to be impacted by the Project, targeted surveys for threatened species were undertaken, including for Growling Grass Frog. No individuals were reported and it was considered highly unlikely that this species persists on the project land. Mr White noted that the native species that do persist on the project land are typically resilient species, capable of persisting within modified landscapes and the Project is therefore not considered likely to significantly impact their distribution within the local area.

In terms of the land being a wildlife corridor, Mr White's evidence was that given the very limited extent of indigenous vegetation and suitable habitat to encourage wildlife dispersal, the project land has limited value as a wildlife corridor.

Greater Geelong recommended further studies and documents to ensure environmental impacts are minimised. These included a weed management plan; targeted surveys for the Western Burrowing Crayfish; and that the emergency access point on Pettavel Road be located in an area that does not contain native vegetation. Mr White noted that no Western Burrowing Crayfish habitat had been mapped at the site and the most recent record of the species was approximately five kilometres north of the site; he did not consider further studies to be warranted.

Ann and Rob Bullen (submission 32) raised concerns about the impacts of the Project on the Karaaf Wetlands at Breamlea, a critical ecosystem supporting endangered bird species and the Moonah woodlands, located approximately 13 kilometres from the project land. Mr White's response was that the Incorporated Document can require appropriate environmental controls to ensure that provision is made for altered hydrology caused by the Project that may detrimentally impact the values supported by these wetlands.

The Geelong Environment Council Inc (submission 34) raised concerns about the impacts of lighting on nocturnal fauna such as owls and bats. Mr White considered that the Incorporated Document can ensure that sympathetic lighting design could be developed to ensure an acceptable outcome for light-sensitive fauna species. In his experience with projects of a similar nature, he has found fauna sensitive lighting to be a feasible mitigation measure.

(iv) Discussion

The Committee accepts the evidence of Mr White and the various studies that underpin his evidence, that the project land and wider area is largely modified agricultural land that has limited ecological values.

The removal of any native vegetation will need to adhere to the 'Guidelines for removal, destruction or lopping of native vegetation' (DELWP 2017) and biodiversity impacts associated with removed vegetation must be offset in accordance with these guidelines. This is a requirement of the Incorporated Document.

Since exhibition, the environmental controls in the Incorporated Document have been strengthened. This includes that the EMF include:

- weed and pest control during construction
- a Weed and Pest Management Plan
- a Stormwater Management Report.

Mr White agreed that tree removal should be avoided along Pettavel Road.

The Committee notes that land along Pettavel Road is in the Vegetation Protection Overlay, Schedule 1 (VPO1) – relating to ‘Significant Roadsides and Linear Reserves’ that seeks to protect areas of significant indigenous vegetation; to maintain habitat corridors for indigenous flora and fauna; and to ensure that all development and works minimise the loss of indigenous vegetation. The SCO would apply to land on the eastern side of Pettavel Road and would provide an exemption to these requirements. The Committee consider that the Incorporated Document should recognise the importance of vegetation along Pettavel Road and the emergency access should avoid tree removal where possible.

Mr White also recommended that lighting be mitigated to accommodate nocturnal fauna.

Matters relating to stormwater and weed and pest control are discussed in Chapters 5.6 and 5.7 respectively.

Overall the Committee is satisfied that the provisions of the Incorporated Document will ensure that ecological matters will be appropriately addressed both during construction and operation of the Project.

(v) Conclusions and recommendation

The Committee concludes:

- the project land has limited ecological values
- the requirements of the Incorporated Document will appropriately manage the removal of any native vegetation and the requirement for offsets.

The Committee recommends:

Strengthen the Incorporated Document to:

- **Avoid tree removal along Pettavel Road.**
- **Require lighting design to consider minimising lighting impacts on nocturnal animals.**

The Committee preferred version of the Incorporated Document in Appendix F includes these changes.

5.2 Visual

(i) The issue

Submitters 2, 7, 26, 31, 32, 35, 36, 42, 45, and 46 raised concerns about the visual impact of the Project, particularly the Stage 2 proposal. Concerns were raised about the visual impact from surrounding dwellings, as well as from public areas, including roads. Many submitters considered that the Project would cause an unreasonable ‘industrial’ type visual impact on the attractive rural landscape.

(ii) The Incorporated Document

The Incorporated Document requires that the EMF include a Visual Amenity Report addressing visual amenity in the area. This report must include:

- a visual amenity assessment undertaken in respect of the dwelling at 255 Reservoir Road, identifying measures to screen views to the Project and the outcomes of consultation with the owner of 255 Reservoir Road
- site landscaping including the maintenance of batter slopes at appropriate grades
- substantial tree planting to mitigate views to the proposed buildings from key vantage points on public roads
- built form details and materials.

(iii) Evidence and submissions

Greater Geelong noted that on 17 September 2019 parts of the Surf Coast Shire and the City of Greater Geelong were declared a 'Distinctive Area and Landscape' under the PE Act. Geelong confirmed that the wider project land is not within this declared area, but that it was close by.

Surf Coast stated that *"it considers that the [land owner's] property shares many characteristics with land forming part of the Surf Coast Declared Area"*.

RPV engaged AECOM to prepare a 'Landscape and Visual Impact Assessment 2019' (LVIA) which investigated the visual impacts expected to arise from the development of the Project. This LVIA was exhibited as part of the Amendment. The findings of the LVIA were used to inform the conditions of the Incorporated Document and to assist in the design and development of the Project to minimise impacts on surrounding sensitive areas (receptors).

RPV engaged Mr Czarny of Hansen Partnership to provide expert evidence to the Committee, including a peer review of the exhibited LVIA. Mr Czarny considered the exhibited LVIA was:

... a component and adequately detailed evaluation of necessary relevant considerations across scenic, landscape and visual impact issues relevant to the Project as required by the Victorian Planning Provisions.

Landscape impacts

Mr Czarny agreed that the 3 kilometres radius study area outlined in the exhibited LVIA was appropriate having regard to the physical context of the site, and local landforms that prevent views to the site from the Princes Highway to the north; the ridge supporting the Mt Duneed Estate limiting views southward; and another ridge south of Mt Duneed Road and Freshwater Creek containing views northward. These ridgelines generally constrain an aspect towards the development site. These broad conditions of the area are shown on the Place Values plan prepared by Mr Czarny (see Figure 5).

Mr Czarny described the broader setting as:

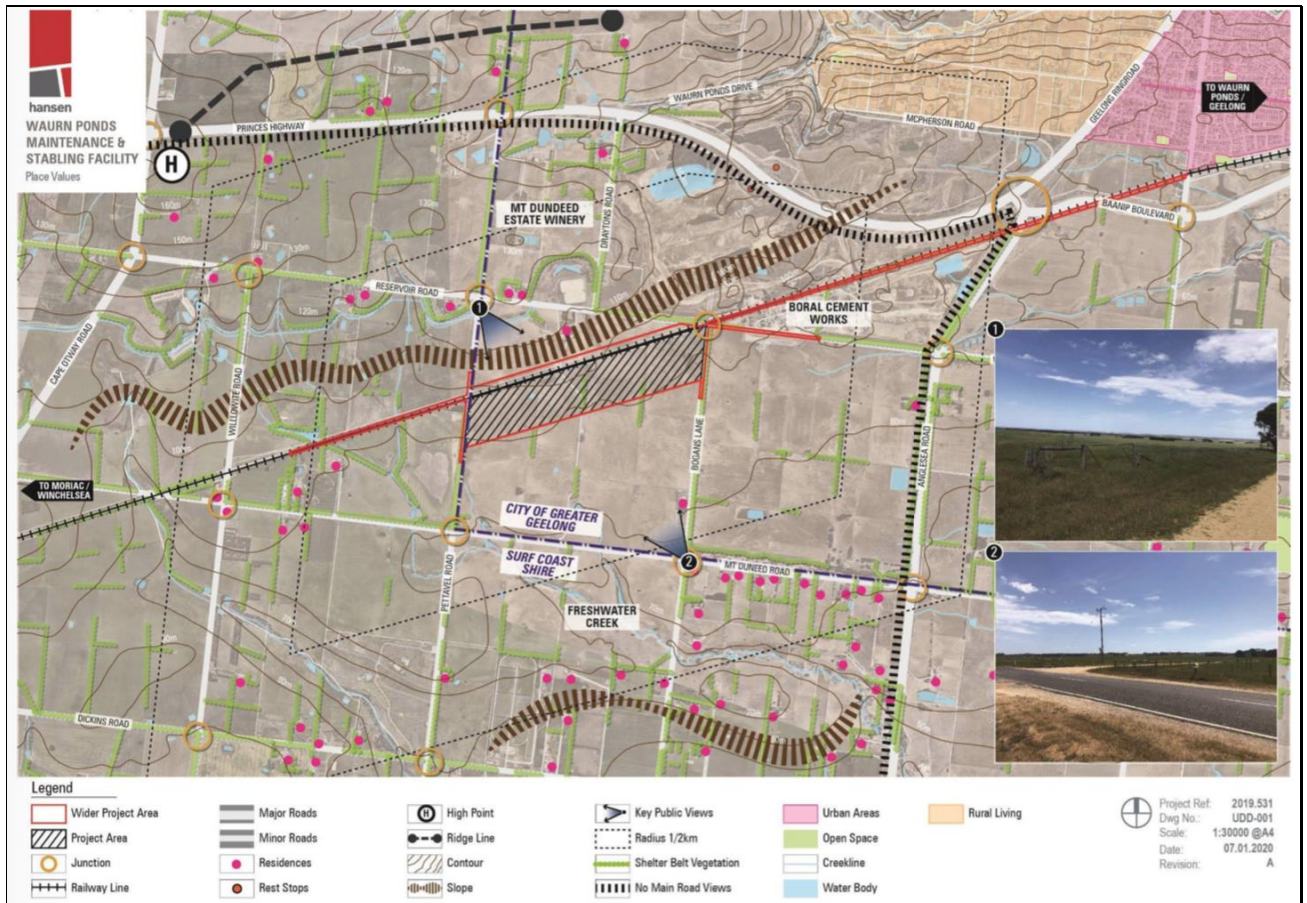
An open flat and undulating rural landscape, comprising scattered buildings (including dwellings sheds and like infrastructure) with scattered vegetation and shelter belt planting arranged around a grid network of rural allotments, sealed and unsealed roads with an array of shallow gullies and rising undulating ridges (my terminology). Importantly, the setting is one that directly abuts the urban condition of Waurm Ponds and Geelong Western edge (albeit largely separated and indistinguishable from within the precinct). The existing landscape is affected by notable intervention of

infrastructure, including the diagonally aligned existing rail line, the decommissioned drainage channel and the silhouette of the notable Boral quarry and its associated facilities to the east.

He went on to state:

While this is an attractive open rural setting – underpinned by open panoramic views, it cannot be claimed to be pristine in nature. I believe that it can absorb some change – and evaluation demonstrates that the proposal will not compromise its key values.

Figure 5: Czarny Place Values plan



Mr Czarny noted that the site is not subject to any Significant Landscape Overlay or related site-specific provisions that require ‘scenic protection’. He concluded that the Project broadly represents an acceptable outcome with respect to landscape and visual impact matters, and that while the proposed development would represent a visual impact on the rural setting, the Project:

- will not undermine inherent scenic values
- has visual impacts on private views to varying degree, most notably the wider project land.

Submissions from the community also highlighted concerns with the visual impact on the experience of the rural setting from main public areas. Ms Bullen (submission 32) considered that the project land is highly valued for its sweeping visual. Ms Bullen noted that Mt Duneed Road is an important route for both domestic and international tourists, being an inland route connecting the Otway and Great Ocean Road regions to Barwon Heads and the Queenscliff ferry. She considered that the Project would look and feel like an industrial site in the midst of a picturesque valley, which is inconsistent with Clause 21.06

seeking to ensure that the rural landscape was protected and uncluttered, including vistas from main road corridors.

In response, Mr Czarny stated:

The experience of the ‘rural setting’ in the open panorama across the plain to rising land on the south side of Freshwater Creek will in my view be maintained when viewed from main public thoroughfares passing through the area.

Mr Czarny gave more weight to the east–west paved roads of Reservoir and Mt Duneed Roads than the unsealed corridors of Bogans Lane and Pettavel Road, noting that while the Project would be visible from these vantage points, its presence will be experienced at speed (travelling in a vehicle) and would not substantially compromise an appreciation of the rural aspect and setting.

Impacts on nearby properties

Many submitters were concerned about the visual impact from their private dwellings, highlighting that these views and aspect were a significant part of the enjoyment of their homes and a key part of the amenity of the rural area in which they lived.

Mr Collins (submission 35), a local resident with a long connection with the Waurm Ponds farming community, submitted that he highly valued the views from his home across the project land to the southeast to Port Phillip Heads, and to the south over to the Otway Ranges and Surf Coast.

Ms Larcombe (submission 42) who lives on the broader family land holding in Pettavel Road had significant concerns about the ‘industrial infrastructure project’ on the farm in a rural setting and the uncertainty of what Stage 2 would involve. She supported the visual experts’ solutions in mitigating the visual impact of the Project and the experts’ recommendations that RPV should make every attempt to mitigate at the source, not off-site.

Ms Polley (submission 45) submitted that the Project would disrupt the view from her property creating an eyesore. She disputed the visual impact assessment that considered the impact to her property to be low, or potentially negligible, given the extent of vegetated screening around the dwelling. She submitted that the mature trees are open at ground level and do not alter much of the view, that covers tens of kilometres.

Mr Czarny prepared photomontages of the Project with a specific focus on the private aspect from sensitive receptors (dwellings) within a 1 kilometre radius of the Project, and within a 3 kilometre radius with an obvious direct outlook towards the proposed development.

From the photomontages prepared by Mr Czarny, his evidence in relation to the views from the specific properties is summarised in Table 4. Table 4:

Table 4: Czarny evidence in relation to the views from the specific properties

Location	Assessment
300 Reservoir Road looking south to the Project.	Stage 1 would be a <u>negligible</u> impact as it is concealed behind existing roadside vegetation. Stage 2 would have a <u>limited</u> impact, with the proposal being visible in the middle ground and being horizontal in emphasis and not substantially compromising the aspect of the open plain or horizon in the background.

Location	Assessment
300 Reservoir Road looking south to the Project.	Stage 1 would be a <u>negligible</u> impact as it is concealed behind existing roadside vegetation. Stage 2 would have a <u>limited</u> impact, with the proposal being visible in the middle ground and being horizontal in emphasis and not substantially compromising the aspect of the open plain or horizon in the background.
250 Reservoir Road looking south to the Project.	Stage 1 would have a <u>negligible</u> impact and Stage 2 would have a <u>limited</u> impact for the same reasons as the views from 300 Reservoir Road described above
255 Reservoir Road (subject site) facing south-east towards the Project in the immediate garden surrounding the dwelling.	Stage 1 would be a <u>moderate</u> impact given that the Project would be exposed above topography and being prominent in the panorama. The works would not project vertically into the skyline. Stage 2 is a <u>substantial</u> impact where mitigation is warranted. For Stage 2, the proposal that includes the large maintenance building, in addition to the stabling roads, fencing, gantries and trains, would result in some parts matching or intervening into the skyline concealing an awareness of landscape behind.
255 Reservoir Road (subject site) facing east towards the Project, being in front of the main entrance to the dwelling.	It forms a 'framed view' with the foreground including the garden; middle ground of open paddocks with scattered vegetation; and background partially intervened by the Boral quarry. Stage 1 would have a <u>limited</u> impact, with visible elements between vegetation, but structures not intervening into the skyline and the size and profile of buildings being not dissimilar to other agricultural structures in the landscape. Stage 2 would have a <u>moderate</u> impact.
395 Pettavel Road, facing north towards the proposed facility	Stage 1 would have a <u>negligible</u> impact being distant if not indistinguishable within the panorama. Stage 2 would have a <u>limited</u> impact with the maintenance facility visible at a distance but representing a very small proportion of the overall panoramic view.

Mr Czarny recommended strengthening the exhibited Incorporated Document with a particular focus on the Development Plan requirements to include further detailed plans, elevations and material specifications. He also recommended a fulsome LVIA from defined points within the site at 255 Reservoir Road enabling the identification of necessary mitigation.

Mr Czarny also recommended that the visual impacts of the Project from land to the east of Bogans Lane (currently owned by Boral) be considered, recognising that the future use and development of this land is uncertain.

Greater Geelong submitted that it considered that the visual impact of Stage 2 had been underestimated. This was having regard to the large amount of cut and fill and terracing over 250 metres wide by 1720 metres long and the Stage 2 'platform' at a height of 8 metres above existing ground level.

Mr Czarny noted that the lack of a detailed understanding of the scope of Stage 2 buildings and works represents an inherent challenge with respect to visual assessment. Therefore, he considered that there is a need for a very clear development plan and review regime to properly assess legitimate and measurable impacts over time.

(iv) Discussion

In weighing up the visual impacts of the Project, the Committee has firstly reviewed the threshold question of whether the landscape is one that can accommodate the changes that would arise from the Project.

Within the Planning Scheme, state policy (Clause 12.05-2S) seeks to protect and enhance significant landscapes, such as forests, the bays and coastlines. At the local level, the Significant Landscape Overlay (SLO) is applied to identified significant landscapes and includes landscapes within the vicinity of the project land, being the Waurm Ponds Valley (SLO3) as well as other areas such as the foothills of the You Yangs (SLO1).

The project land and surrounds are not affected by the SLO, nor identified in policy as being significant.

Both Greater Geelong and Surf Coast referred to the State Government's recent declaration for parts of the municipalities as a 'Distinctive Area and Landscape', however both conceded that it did not apply to the Project area. The Committee does not share the councils' views that being close to the designated area elevates the significance of the project land as a distinctive landscape. As such, it has not given weight to this policy.

As raised by many local community submitters, the project land and surrounding area is an attractive rural setting. The Committee, however, agrees with Mr Czarny that it is not 'pristine' with the presence of the Boral facility, existing train line, as well as other rural infrastructure being part of the overall landscape.

Therefore, on the basis of the land not being recognised as a 'distinctive' or 'significant' landscape within the Planning Schemes, and given the existing conditions of the area, the Committee accepts that the land can accommodate some built form and change.

In accepting that the land can accommodate some built form and change, the Committee acknowledges the long held and special connection to the landscape that many of the residents have, and the highly valued views many residents enjoy from their dwellings or from the area more generally. The visual impact of the Project is clearly a significant concern to many submitters and the Committee considers that mitigation of this visual impact is particularly important.

The Committee also recognises that there are many local policies within both Planning Schemes that recognise the importance of rural landscape vistas and seek to site and design buildings to not detract from the rural setting or natural environment (Clauses 21.07, 22.05, and 22.64 of the Greater Geelong Planning Scheme; and Clause 21.06 of the Surf Coast Planning Scheme).

The Committee agrees with Mr Czarny that the most significant visual impacts will be experienced by surrounding dwellings. The most affected property will be 255 Reservoir Road which contains the project land, with the Incorporated Document requiring a visual impact assessment in respect of this dwelling, identifying measures to screen views to the Project in consultation with the owners.

The Incorporated Document does not require this further assessment for other properties in the area, mainly because their impact is noted as 'moderate' or less, rather than significant. In the absence of the detail for Stage 2 being known, and given the value and importance of these views for the community, the Committee consider that the Incorporated Document

should also require further visual impact assessment for properties at 250 and 300 Reservoir Road and 395 Pettavel Road, and for mitigation to be provided where required.

It was apparent to the Committee on its unaccompanied site inspection, that the use of vegetated bunding around parts of the Boral land is a very effective mitigation measure to screen views in the rural landscape. Mr Larcombe (submission 43) advised the Committee that this bunding had been established prior to much of the Boral works being undertaken and he suggested that a similar approach could be applied here. The Committee agrees.

While the particular details of the mitigation is required as a condition of the Incorporated Document once more detail is known about the Project, and in particular Stage 2, the Committee consider that a combination of bunding and landscape treatment around the perimeter of the Project, or key parts of the perimeter, is likely to be an effective visual mitigation measure, over time. In the Committee's view this should be established early in the Project to allow for landscape growth over time, to mitigate visual impact from the outset of the Project.

Mr Czarny also recommended that adjustments to building height, form, colour and profile may be required subject to the visual impact assessment. He noted that the inclusion of 'off-site' mitigation measures was sometimes appropriate, but the Committee agrees with submitters that mitigation should be provided within the Project area as a first preference.

Longer distant views across the project land are also valued by the community. In areas away from the proposed buildings, such as at the eastern and western ends of the site, consideration should be given to keeping these areas more 'open' having regard to particular views from surrounding dwellings. This should be part of the detailed visual impact assessment for these dwellings.

There were concerns raised about the level of fill required and the increased prominence of the Project. The initial concept plan indicated embankments of up to 8 metres to the south-west, however from further detailed section work undertaken throughout the Hearing (documents 9a, 9b and 9c), it was confirmed that the fill would be substantially less, at approximately 4 to 4.4 metres maximum. This would be on graded batters and Mr Czarny's opinion was that on this basis, they would not be prominent or obtrusive in the rural setting.

The Committee also explored with RPV and various witnesses whether there was opportunity to further cut into the site and reduce fill to mitigate visual impact and possibly noise impact. RPV responded that given the underlying bedrock there were engineering constraints and costs associated with further cut that were likely to be functional issues with the grade of train tracks.¹³ On this basis the Committee accepts that with appropriate grading and landscaping, the proposed fill is acceptable.

Mr Czarny's expert recommendations were addressed in the latest versions of the Incorporated Document.

(v) Conclusion and recommendation

The Committee concludes:

¹³ A cut of say 4 metres (to offset the proposed fill) would also be unlikely to deliver any material noise amelioration.

- the project land and surrounding area is not a 'significant' or 'distinctive' landscape and can accommodate some change, however, the Project should be visually mitigated to reduce impacts on the rural views from surrounding dwellings and the area more broadly.

The Committee recommends

Strengthen the provisions of the Incorporated Document to:

Include a detailed visual impact assessment from:

- additional properties at 250 and 300 Reservoir Road and 395 Pettavel Road
- land to the east of Bogans Lane, having regard to the future use and development of this land.

The Committee preferred version of the Incorporated Document in Appendix F includes these changes.

5.3 Lighting

(i) The issue

Submitters 3, 4, 6, 8, 11, 12, 19, 20, 24, 26, 28, 32, 34, 36, 38, 43-49, and 51 raised concerns with lighting proposed for the Project, and the potential for light pollution impacts on neighbouring residences, animals (both livestock and wildlife) and to the broader community within the surrounding rural area.

(ii) The Incorporated Document

The Incorporated Document includes requirements in respect of light spill during the construction phase and a Visual Amenity Report in relation to the operational phase which addresses external lighting details having regard to specified standards. These requirements were modified to refer to Australian Standards and 'Guidelines for Minimising Sky Glow' during the course of the Hearing at the recommendation of the lighting expert.

(iii) Evidence and submissions

RPV acknowledged that the Project will represent a change to the landscape due to the lighting required to operate the Project and provide for security at night. RPV engaged AECOM to prepare a Lighting Report to identify ways to manage impacts arising from the lighting design for the Project.

The exhibited report, 'Waurm Ponds Train Maintenance and Stabling Facility, Lighting Planning and Recommendations' AECOM June 2019:

- recommended that the lighting design for the Project comply with the relevant standards listed in the report
- identified a number of strategies that could be considered in order to mitigate any light spill that might arise as a result of the Project
- concluded that if the lighting design adhered to the recommendations in the report, it can provide safe and efficient lighting for operation of the Project and reduce the impact of light spill on nearby receptors, particularly on the adjacent farmland.

The report noted that compliance with AS 4282 should be assessed using the following parameters:

- the adjacent land should be assessed as ‘vacant land/lot’
- Environmental Zone A2 (low district brightness) for curfew periods.

In addition to complying with this standard, the AECOM report recommended the following additional control measures to limit light spill:

- if site design and planning allow, moving the areas requiring high levels of illumination (for example, car parks) away from the boundary will assist in reducing potential light spill
- introduction of trees or other objects on the boundary to mitigate light spill to neighbouring properties
- external lighting for areas not used for specific functions or not required for security lighting should be programmed to switch off during curfew hours to reduce problems with obtrusive light
- adherence to guidelines outlined in the Australian Standard for a reduction in light spill at the perimeter of the property
- positioning and selection of fittings for reduction of spill light onto grazing fields
- shields on the luminaires to mitigate obtrusive light and glare
- lens, diffusers or reflectors to mitigate glare from luminaires
- ensuring that the Upwards Light Ratio of all light fittings is zero and tilt angle of external fittings is parallel to the horizon to limit the effect of sky glow.

Mr Cook of AECOM, provided expert evidence in relation to the lighting design. Mr Cook adopted the exhibited Lighting Report, with the qualification that some standards had been revised since the Lighting Report was prepared.

In his statement, Mr Cook responded to concerns raised in submissions, and concluded:

... that there are no current design and project impediments to prevent the detailed design documentation achieving design compliance in accordance with the standards.

Submitters, including Mr Collins, raised concerns about light emissions spoiling the night sky. He stated that light in a rural community such as proposed will be intrusive and considered that the Project would be lit up ‘like a Christmas tree’. Mr Collins provided photos of the star lit night sky and sunrise and sunsets as viewed from his property.

Concerns were raised in relation to light spill as well as reflection from buildings, trains, paving and the like. Some submitters noted that lights can be seen from Torquay and Barwon Heads, some 20 kilometres away.

Mr and Ms Lyons (submission 24) stated that the light emitted from the East Pakenham Train Facility is overwhelmingly excessive and considered the Project would be the same. They raised concerns about the protection for the community from obtrusive light for Stage 2.

Ms Polley (submission 45) stated that the light pollution at night would contribute to poor sleep. She noted that the lighting report included strategies to minimise light pollution however considered that there was no way the overall lighting could remain at A1-A2 zone level – being a low district brightness. She noted:

One of the greatest aspects about living in the country is looking up at the night sky on a clear night and being able to clearly see the stars sparkling in the sky. If this facility is built following the proposed plan this area will lose this feature. We will be robbed of

one of the greatest things that make rural light different from anywhere else. This amazing aspect of rural living is invaluable, and this facility will destroy it.

The Geelong Environment Council Inc (submission 34) raised concerns about night light impacts on nocturnal animals (birds and bats).

In relation to concerns raised by submitters about the loss of overall night time darkness, and the associated ability to clearly see the stars, Mr Cook acknowledged that there will be a change to the brightness appearance in close proximity to the Project. He noted that this would reduce further away from the site. Mr Cook also referred to the 'Guidelines for Minimising Sky Glow' (prepared by the International Commission on Illumination) and recommended that this document be included as a reference in the Incorporated Document to be used in the detailed design of lighting for the Project.

Mr Cook noted that he did not have expertise in relation to impact on nocturnal animals, however Mr White, the ecology expert considered lighting could be designed to minimise impacts on native species by limiting light spill beyond the boundaries of the project land and providing for directional lighting.

In response to questions, Mr Cook advised that fencing and vegetation can be planted around the Project without impacting on the lighting's functional requirements, and that these boundary treatments can contribute to minimising light spill on surrounds.

Mr Cook also recommended that locating car parks away from the site boundary would give more opportunities to screen lighting – car parks tending to be well lit – and that external lighting not used for specific functions or not required for security could be programmed to switch off during when not needed or after a certain time.

(iv) Discussion

The train stabling and maintenance activities will occur at night and will require lighting for operational and security reasons. The Committee understands the community concern, given the marked change it would have on the rural character of the area at night-time, as well as concerns about impacts on sleep and animals.

The Incorporated Document requires adherence to the applicable Australian Standard for Environmental Zone A2, being 'low district brightness' that relates to 'sparsely inhabited rural and semi-rural areas'. It also requires lighting design to have regard to the 'CIE 126 – 1997 Guidelines for Minimising Sky Glow' guidelines. These requirements will ensure that the key qualities of the rural dark sky are considered and lighting is designed having regard to the surrounding context.

As discussed in Chapter 5.2, the Committee recommends that bunding and landscaping is provided around the perimeter of the site, and in particular, where the key buildings and infrastructure is located. While this won't eliminate the light impacts from the site totally, the Committee considers that this will assist in reducing obtrusive light as viewed from surrounds, noting that this was a strategy recommended in the AECOM report.

The Committee also considers that the Incorporated Document should be strengthened to require consideration of the other recommendations of the lighting report and ecological expert noted above.

(v) Recommendation

The Committee recommends:

Strengthen the Incorporated Document to:

Include a condition that car park areas are located away from the Project boundary

Require the Development Plan include lighting details that:

- **Require lighting design to consider minimising lighting impacts on nocturnal animals**
- **Set back lighting from the edge of the Project area to allow for trees and other landscaping around the perimeter of the site to mitigate light spill to surrounds**
- **Provide shields on the luminaires to mitigate obtrusive light and specify lens, diffuser or reflectors to mitigate glare from the luminaire**
- **Require all external light fittings to have an Upwards Light Ratio of zero and to point straight down, where possible, to minimise sky glow**
- **Program external lighting not used for specific functions or not required for security to switch off during curfew hours to minimise obtrusive light.**

The Committee preferred version of the Incorporated Document in Appendix F includes these changes.

5.4 Noise

(i) The issues

Submitters 2-8, 11, 12, 14-20, 23, 24, 26, 28, 31-49, 51 and 52 raised concerns about:

- noise impacts of the Project, both during the day and at night
- the uncertainty of noise impacts of the Stage 2 facility
- off-site mitigation for noise including modification to dwellings rather than mitigation within the Project area.

(ii) The Incorporated Document

Following exhibition, Clause 5.2(c) was added to the Incorporated Document that directs that the EMF specifically address impacts arising from noise emissions during construction and operation.

During construction, it requires an overarching framework for site works or specific measures to reduce and manage environmental and amenity effects, including in respect of noise having regard to EPA Publication 1254 'Noise control guideline' (as amended or replaced).

During operation, it requires the preparation of both:

- a Noise Management Plan (NMP), generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan, guiding the assessment and management of the facility during operation, and
- an Acoustic Assessment Report, prepared in accordance with the Noise Management Plan.

The purpose of the NMP is to provide the framework for the assessment of noise impacts and the implementation of noise mitigation measures. It does this by specifying a number of

guidelines that must be taken into account in the preparation of the more detailed Acoustic Assessment (or assessments) for the Project, which are to be undertaken when the Project design is more advanced and the noise can be better understood. The NMP requires noise emissions from the operations of the Project to be monitored for performance against the design criteria. The proposed approach includes consultation with affected.

(iii) Evidence and submissions

RPV engaged Aurecon Jacobs Mott MacDonald Joint Venture (AJM) to prepare the exhibited Noise Assessment which involved a noise assessment for Stage 1 of the Project (AJM 2019 Report).

Given the implications of noise emissions from the Project and the concerns raised by submitters, RPV undertook a further assessment of noise, and engaged:

- Mr Tardio of Enfield Acoustics to undertake a peer review of the AJM 2019 Report, which recommended further modelling; inclusion of predicted Stage 2 noise impacts; and provide an assessment of noise from horns.
- AJM to prepare an updated preliminary noise assessment dated 21 January 2020, which modelled conservative, worst case, operational scenarios for Stage 1 and Stage 2 of the Project, including a sleep disturbance assessment (AJM Report 2020).
- Mr Tardio to provide expert evidence relying on the AJM Report 2020 report.

What is the standard

The EPA, Mr Tardio and the AJM agreed that the appropriate assessment guideline in this matter is *EPA Publication 1411: Noise from Industry in Regional Victoria* (NIRV). NIRV is a guideline used in areas outside the metropolitan area. It recommends maximum noise levels based on the land use zone and site receptor context.

The AJM report also provided an assessment against recognised sleep disturbance thresholds to assess impacts that are not well addressed by NIRV methodologies. AJM relied on the NSW Policy and Health Council report (2014) which Mr Tardio agreed was appropriate to use.

Mr Tardio stated:

My opinion is that the assessed design criteria, being the combination of NIRV and sleep disturbance thresholds, demonstrate that the Project is meeting best practice.

Who is affected?

The AJM Report indicated the external noise criteria would be exceeded at 35 properties. Exceedances of the sleep disturbance thresholds were considered minor, with the thresholds exceeded at two properties when windows are closed.

Mr Tardio commented on a number of concerns raised in submissions over the noise modelling, stating:

- the effects of wind on noise propagation have been considered in the current noise modelling
- the latest version of the AJM report includes an assessment of train horns
- cumulative impacts have been assessed
- vegetation only really provides a 'perceived' mitigation for noise, unless it is a very densely vegetated forest.

The earlier exhibited noise assessment prepared by AJM did not include an assessment of Stage 2. The latest version of the AJM report included an assessment of Stage 2 operations in line with the most up-to-date information available. While there are aspects of Stage 2 that are unknown, Mr Tardio highlighted that:

... this is standard practice for planning and infrastructure projects, in that reference designs or operational scenarios evolve over time and during the course of construction, meaning that the design criteria is the critical element to ensuring a satisfactory outcome.

AJM applied a +5dB 'tonal' penalty – increasing the estimated noise by 5dB to account for possible annoying tonal qualities in the noise – to their calculations, but there is nothing to indicate that the noise would have these tonal qualities in practice. In effect, this has applied an additional 5dB safety factor to their mitigation modelling, which Mr Tardio expected would otherwise reduce the number of dwellings currently assessed as exceeding the design criteria.

Mr Tardio considered that the *“predicted noise emissions are based on a conservative worst-case scenario, which is unlikely to occur regularly, if at all”*. He stated that in reality, the worst case events – when all the noise sources operate at their loudest at the same time, and the weather conditions favour noise propagation – are likely to occur once a day or less frequently, and would not be an ongoing noise impact.

Can the noise be controlled on-site?

The AJM Report noted that implementation of an acoustic barrier (on the basis of an 8 metre high barrier wall) would be ineffective to control the noise on-site. Mr Tardio agreed that a noise barrier would not be an effective way to control noise for the wider community surrounding the Project. He noted that while barriers can be effective where noise sources and receptors are close, for example freeway barriers, when receptors are further away, such as in this context, the noise rises above the barriers and is still heard at a distance.

According to Mr Tardio, a barrier would achieve a moderate reduction in noise (3–4dB) at two of the closest receptors but Mr Tardio did not consider this to be material in the context of the overall assessment. It would not resolve all exceedances of the assessment criteria, including at those specific properties.

The AJM Report noted that an acoustic shed would not be acceptable in practice due to operational constraints, such as the need to open doors for the trains entering and leaving the maintenance shed.

Mr Tardio considered that while mitigating noise at the site or source is preferable, *“there is limited capacity to do this”* but recommend that mitigation on the site should be investigated further where future designs or modelling indicate that they are feasible.

Effect of moving the Project

Mr Tardio explained that repositioning the Project further to the east would be unlikely to lessen the overall nature or extent of acoustic impacts, as:

- the existing bunding and vegetation situated on the Boral land would not serve to materially reduce noise impacts
- while the relocation of the Project would result in a redistribution of impacts amongst sensitive receivers (in the sense that some receivers would be less

impacted and some more impacted), it would be unlikely to materially reduce overall impact and may, instead, result in a greater number of receivers being impacted.

Off-site control of noise

Given that it was unlikely to be feasible to reduce noise levels within the Project site to acceptable levels, in particular at night, the AJM noise assessment concluded that mitigation would most likely be required at the impacted dwellings.

Mr Tardio explained that NIRV is not a statutory standard and recognises that there are times when it is not practicable or feasible to achieve the recommended maximum noise levels. Where recommended noise levels cannot be met, NIRV provides an alternative approach to noise outcomes. Mr Tardio stated:

I note that a core principle of NIRV is to establish a balanced land use in regional areas where industry and rural living uses often co-exist and I accept NIRV as being pragmatic in this regard. I also note that ... 'normal industry' in regional areas often emits continuous noise 24-hours a day. In my experience, noise emissions from stabling yards is normally transient and less intrusive when compared to a factory for example.

Given that the highest noise emissions from the Project will occur at night when residents can normally be expected to be indoors, Mr Tardio agreed with the AJM report that it is appropriate to consider reasonable noise impacts inside the impacted dwellings rather than externally.

Mr Tardio considered that it would be prudent to set a design target of 20dB(A) for internal spaces where ambient noise levels are already below 25dB(A). This would be more consistent with the assessment methodology prescribed by the SEPP/NIRV, generally being the external noise target minus 15dB. In consideration of the NIRV external targets, this would result in internal targets ranging from 17 to 21dB(A).

Mr Tardio's evidence was that architectural treatments on the affected dwellings was an appropriate way to achieve the internal targets. Such treatments could include laminated glazed windows, which would significantly increase the acoustic performance of the dwellings, given that most dwellings currently have single float glass, typical of domestic construction.

Mr Tardio stated that architectural mitigation measures do not necessarily prohibit windows being opened, and noted that ventilation grills with silencers or noise absorbers can be used to allow for fresh air but also limit external noise. He accepted that with open windows, noise could sometimes be intrusive.

Mr Tardio also noted that at-dwelling treatment is likely to have a benefit of mitigating existing rail corridor noise already experienced within some dwellings.

Mr Tardio concluded that the noise impacts from the Project:

... can be mitigated to acceptable levels.

Potential adverse outcomes of off-site noise mitigation

A number of submitters raised concerns about at-dwelling mitigation. For example, Mr Collins (submission 35) stated:

Cooling of the house is achieved by cool sea breezes flowing through the house via open windows and doors on both sides. These cool sea breezes from the east and south push out the warmer air and lower the thermal mass temperatures which is a key design feature of our passive house. The house is then shut up in the morning to keep the house cool during the hotter parts of the day; achieving zero energy emissions via this cooling method.

Mr Collins was concerned that the Project would stop the use of this efficient zero energy design and operational feature of his home, and potentially involve ongoing running and maintenance costs.

Concerns were raised that pests can often inhabit the type of treatments being suggested to mitigate noise.

Impact on livestock

Ms Polley (submission 45) raised concerns about the noise impacts from the Project on livestock. In particular, concerns were raised about the potential for noise startling cattle, that could then cause danger to staff through being trampled or gouged.

Mr Stephens, the agricultural expert, gave evidence that he didn't consider that noise would be unreasonable on livestock and that livestock quickly adapt to noises in their environment. His experience working with animals in noisy environments was that while they may sometimes react, with proper management he did not consider the noise would cause safety concerns.

Mr Tardio noted that rural areas are frequently noisy, and that noise from machinery operating close to livestock, for example, would be much louder than the noise from the Project. He also noted that livestock in the area were already used to noise from trains.

Recommended changes to the Incorporated Document

Mr Tardio stated that while the NMP requires a noise assessment to be carried out at appropriate times and be approved by the responsible authority, it does not currently provide clarity on the design criteria to be adopted. For transparency, Mr Tardio recommended that either the framework is developed with more explicit reference to the adoption of the design framework in the AJM Report or that the NMP references the design criteria more directly, including:

- Operational noise design criteria to be complied with external to dwellings, being NIRV or equivalent.
- Where external NIRV targets cannot be reasonably or practically complied with, an internal L_{eq} noise target is set being a level that accords with the methodology prescribed by SEPP N-1, or is lower than ambient noise inside the respective dwelling, whichever is higher.
- How compliance will be audited, including distinction between measured operations which occur only from the Project and exclude existing noise emissions from the adjoining rail corridor. He noted that this is important to avoid including existing rail operations in any future assessment, in particular if measured.

(iv) Discussion

Noise emissions from the Project represent a significant concern to the community, which is compounded by the lack of detail in Stage 2 and the results of the noise assessment revealing that it is unlikely that the noise can be mitigated within the Project.

There are essentially three issues before the Committee:

- Is the uncertainty in relation to the potential noise impacts associated with Stage 2 a reason not to proceed with the Project?
- Are the noise impacts to some affected properties, including the risk that some dwellings may not be able to open windows at night or may have cross ventilation curtailed at night, a reason to not proceed with the Project?
- Does the Incorporated Document set out an acceptable regime for managing noise?

While the Committee accepts that the lack of full information about Stage 2 raises concerns, it agrees with Mr Tardio that for large infrastructure projects such as this, the design and operational aspects of the Project resolve over time. The Incorporated Document sets the framework for the future approvals – it does not approve a particular design or operational proposal.

The Project is needed and the noise generated would be the same regardless of what potential site is chosen. If the proposition is that all noise must be mitigated on site; or that all affected properties must be able to continue to open their windows at night without noise disturbance, then it would seem unlikely that the Project could be located anywhere in this part of Geelong.

The Project will generate noise, and the Committee accepts that this will impact the surrounding community. Precisely how significant those impacts will be cannot be assessed at this stage, and the Committee acknowledges that this has resulted in significant uncertainty for the surrounding residents. The Committee acknowledges that the Project may mean that some affected residents may not be able to open windows and ventilate their houses at night in the way they currently do.

However, the impacts of the Project on the surrounding residents must be balanced against the benefits that the Project will deliver to the community. The Committee does not consider that the possible impacts on several surrounding dwellings is a sufficient reason to say the Project should not proceed. It is, however, a reason to mitigate the noise impacts on those surrounding residents in accordance with best practice.

The Committee accepts that NIRV is the appropriate guideline to determine whether noise impacts and mitigation solutions are reasonable, and that sleep disturbance criteria should also be used. The Committee considers that the combined work by AJM and Mr Tardio is robust and based on conservative modelling, and provides a good framework for future work.

The Committee agrees that mitigating noise at the site or source is preferable, but accepts the modelling and the evidence of Mr Tardio that there is limited capacity to do so in this case. It would be unwise to proceed on the basis that it were feasible. AJM's modelling to date indicates that noise barriers will be ineffective in practice and that there is limited scope for other controls on the site.

Notwithstanding this, as recommended by Mr Tardio, mitigation on the site should be investigated further where future designs or modelling indicate that on-site mitigation is feasible. Furthermore, the mounding proposed around the perimeter of the facility to mitigate visual impacts will hopefully also reduce the perception of noise, noting Mr Tardio's evidence that vegetation does little to mitigate actual noise.

The Committee accepts the evidence that architectural treatments on the affected dwellings can to achieve appropriate noise levels at night, but it is not possible to say at this stage precisely what those measures would be for any affected dwelling, or whether the treatments required to manage noise would have other impacts on the liveability of the dwelling.

The Committee notes that a number of smaller stabling yards are located quite close to dwellings, but the Committee does not know what impact those facilities have on those dwellings or how the noise generated by those facilities would compare to this proposed larger facility.

In some cases, improving glazing may be sufficient to ameliorate adverse impacts and acceptable levels might well be obtained with the window partially open for ventilation.

In cases where windows need to remain closed, the Committee accepts the evidence that there are ventilation solutions that reduce noise transmission but allow ventilation.

The Committee notes submitters' concerns that these solutions might harbour pests but thinks that these fears are largely unfounded. These solutions would need to be pest-proof no matter where they are deployed (city or country) and the Committee would think that this is a fundamental consideration in their design and installation.

The Proponent would need to bear the costs associated with any off-site noise mitigation treatments that may be required.

The Committee agrees with Mr Tardio that a more explicit framework is needed and that the Noise Management Plan should confirm the acoustic design criteria and explicitly reference the AJM report. The Committee also considers that the NIRV guidelines should be referenced in the Incorporated Document.

The Committee also agrees that the Noise Management Plan should require auditing and that this should distinguish between operations which occur from the Project and noise emissions from the adjoining rail corridor.

The Committee also agrees with EPA's recommendation that the Project should comply with the recommendations of EPA Publication 1254 – Noise Control Guidelines, 2008 during construction. This standard was included in the revised Incorporated Document, to inform the preparation of the Construction Environment Management Plan.

(v) Conclusion and recommendations

The Committee concludes:

- the updated Incorporated Document sets out an appropriate regime for managing noise.

The Committee recommends:

Strengthen the Incorporated Document to:

Specify that:

- **noise is assessed by reference to Environment Protection Authority publication 'Noise from Industry In Regional Victoria' (Publication 1411) in the Noise Management Plan**
- **where external Noise from Industry In Regional Victoria targets cannot be reasonably or practically complied with, an internal Leq noise target is set at the higher of the following:**
 - **a level that accords with the methodology prescribed by State Environment Protection Policy N-1, or**
 - **the ambient noise level inside the respective dwelling.**

Require auditing specifying a distinction between measured operations which occur only from the Project and excluding noise emissions from the adjoining rail corridor.

The Committee preferred version of the Incorporated Document in Appendix G includes these changes.

5.5 Traffic

(i) The issue

Submissions 4, 7, 31, 36, 45, and 51 raised the following concerns in relation to traffic and parking:

- lack of adequate parking
- increased traffic along local roads
- dust emissions
- requirements for road upgrades.

(ii) The Incorporated Document

The Incorporated Document includes EMF requirements in respect of traffic management during construction including relating to:

- access points
- parking
- restrictions on heavy vehicle routes, parking or loading
- design specifications for any necessary road upgrades
- a program to maintain and repair, where necessary, public roads used by construction traffic.

During operation, the Incorporated Document requires a Traffic Management Plan detailing the traffic, access and car parking aspects of the Project.

(iii) Evidence and submissions

RPV engaged Onemilegrid to prepare a Transport Impact Assessment (TIA) to assess the implications of traffic during both the construction and operation of the Project on the existing road network. The TIA formed part of the advertised material as background to the Amendment.

Mr Gnanakone from Onemilegrid provided expert evidence to the Committee. He adopted the TIA and provided a response to submissions.

His conclusions were:

- the site layout, car parking and access design should be in accordance with relevant standards
- the 74 on-site car parking spaces proposed are expected to accommodate the Stage 1 and Stage 2 demand
- primary access to the site should be from Bogans Lane, not less than 50 metres from the railway crossing
- Bogans Lane should be upgraded from Reservoir Road for 50 metres beyond the site access to the south to accommodate anticipated construction traffic
- the anticipated traffic generated by Stages 1 and 2 is not expected to impact on Bogans Lane or the surrounding road network
- it is anticipated that 1 train every 10 minutes can be accommodated by the existing railway crossing for Stage 1
- for Stage 2, no more than 1 train every 6 minutes should be generated to/from the Project unless further analysis is undertaken to manage traffic impacts resulting from the level crossing
- the overall traffic impacts are expected to be minimal.

Ms Polley (submission 7) raised concerns about the lack of parking. Mr Gnanakone undertook a conservative assessment assuming that:

- all staff would drive to the Project individually
- at shift change staff from each shift were all still on site.

From this, Mr Gnanakone stated that the 24 spaces for Stage 1 and 74 spaces for Stage 2, would more than comfortably accommodate demand.

Greater Geelong (submission 31) provided detailed traffic and car parking comments, and in response Mr Gnanakone concluded that:

- he generally supported the requirement to upgrade part of Bogans Lane, however he did not consider a full depth pavement will be necessary
- an upgrade to Reservoir Road between Bogans Lane and Gate 4 of the Boral site is not necessitated by the Project alone, and if an upgrade is required by Council, only a contribution might be justified, subject to a study by Council to determine a reasonable level of contribution
- the Project does not generate a need to upgrade other sections of Reservoir Road or Anglesea Road
- he did not object to a streetlight being installed at the intersection of Bogans Lane/Reservoir Road, and considered the requirement to install a streetlight at the site access should be assessed in light of the detailed Project design
- he did not object to a requirement to upgrade the intersection of Bogans Lane/Reservoir Road to accommodate B-double trucks
- the other construction requirements noted by Council seem reasonable and could be dealt with in a construction management plan.

Ms Rhonda Polley raised concerns about the impact of dust on the surrounding area and Mr Gnanakone noted that the construction management plan required as part of the Incorporated Document would include requirements to mitigate dust.

Ms Katelyn Polley (submission 45) considered that Pettavel Road should be upgraded as part of the Project. Mr Gnanakone's evidence was that as Pettavel Road does not provide permanent access to the Project an upgrade was necessary.

(iv) Discussion

The Committee is satisfied that the TIA and Mr Gnanakone's evidence have appropriately addressed the traffic management and car parking aspects of the Project. The Committee is also satisfied that the requirements of the Incorporated Document will appropriately address the construction and operational aspects of traffic, access and car parking at the detailed design stage.

In relation to car parking, RPV advised in its closing submission (document 28) that there will be a maximum of:

- four FTE staff on site at any one time for Stage 1 (total 10 staff across the day with morning, afternoon and night shifts)
- 40 FTE staff on site at any one time for Stage 2 (total 120 staff across the day with morning, afternoon and night shifts).

This was more staff for Stage 2 than was assumed for the purposes of the TIA and Mr Gnanakone's evidence. They assumed only 16 FTE staff at any one time for the morning and afternoon shifts and 8 staff overnight. RPV noted that the 40 FTE was a conservative estimate and it is likely that during normal operations there would be fewer than 40 employees on site at any one time.

Despite these greater anticipated staffing numbers for Stage 2, the Committee is satisfied that enough parking can be provided on the project land given the conservative assumptions on which the assessment was based. Adequate car parking will need to be provided, however, excessive car parking should be avoided for other reasons such as lighting impacts.

Other matters such as road upgrades, truck access, and dust can be appropriately dealt with through the conditions of the Incorporated Document.

(v) Conclusion

The Committee concludes:

- the traffic, car parking and access requirements of the Project will be adequately addressed through the requirements of the Incorporated Document.

5.6 Stormwater

(i) The issues

Submissions 8, 19, 24, 25, 31, 32, 34, 46, and 51 raised concerns about the potential for the Project to pollute groundwater and impact environmental flows necessary for farm dams. A submission was also received from Barwon Water supporting the Amendment.

(ii) The Incorporated Document

The Incorporated Document calls for a Stormwater Management Report that must:

- maintain environmental flow paths from the northern part of the land at 255 Reservoir Road to the southern part of that land (south of the project land), having regard to:
 - any alteration to hydrology caused by the removal or relocation of farm dams by reason of the Project
 - any potential erosion impacts downstream of culverts
- implement water quality management measures having regard to the *Urban Stormwater Best Practice Environmental Management Guidelines* (as amended or replaced).

The Incorporated Document also calls for operational measures for the handling and storage of fuels and chemicals in accordance with industry standards.

(iii) Evidence and submissions

The project land is relatively flat and drains to the south. There are several farm dams to the south of the project land that rely on runoff from upstream catchments to provide water for farm activities. It is proposed to pipe runoff under the site from upstream catchments to ensure flows to the farm dams are maintained.

RPV engaged AECOM to prepare the exhibited Stormwater Management Plan (SMP) which includes a flood impact assessment, drainage feasibility report and a stormwater quality impact assessment. As part of preparing the SMP, AECOM undertook hydrological modelling to assess the impact of the Project. The modelling indicates that:

- there are no significant changes to water flows in watercourses potentially affected by the Project
- there is a low risk to public safety as a result of fast flowing water
- changes in water surface levels downstream of the project land boundary are minor for a rural location and could be further mitigated during future design by dispersing the flows.

The SMP suggests:

- wetlands or retarding basins may need to be included on the project land to retard flow rates from the Project
- some works may be required to prevent the rail line from being flooded (such as extending the existing pipeline underneath the Project and capturing flows from the eastern watercourse and conveying them under the Project in a pipe).

RPV submitted that indicative locations for these works are shown on the concept design, and the requirements of the SMP can be addressed during detailed design of the Project to manage any impacts to stormwater and surface water runoff that arise from the Project.

Mr Meyers, the author of the original exhibited SMP, gave evidence adopting his report and responding to concerns raised in submissions.

Mr Meyers concluded that the Project *“can be designed to mitigate stormwater impacts using standard engineering practices in accordance with guidelines and authority*

requirements” and that, based on the concept design, “there is sufficient available space to locate and construct the identified mitigation measures”.

Mr Meyers noted that since the exhibition of the SMP, the Australian Rainfall and Runoff 1987 standard has been updated, with the 2019 version updating rainfall intensities and temporal patterns. Mr Meyers’ view was that the new rainfall intensities should be used for future detailed design, and that it would be possible to comply with the 2019 standard using the stormwater management approach set out in the exhibited SMP.

Submitters were concerned about changes to overland flow and the potential to divert those flows from one dam to another.

In response to public submissions, Mr Meyers noted:

- the proposed layout of the Project aims to maintain existing flow paths and runoff volume
- risks relating to contamination or salinity of stormwater runoff can be managed by well understood engineering practices which will ensure compliance with EPA requirements for stormwater discharge quality
- wetlands, or alternative water sensitive urban design measures, have been identified as an appropriate mitigation measure to reduce sediments and nutrients from stormwater runoff
- retarding basins have also been proposed to attenuate flow to predevelopment levels prior to discharging from the site.

Land owned by Barwon Water

The PAO incorporates part of the land owned by Barwon Water. Further to the consultation undertaken with Barwon Water by PTV in 2017, and by RPV in early 2019, RPV also met with representatives of Barwon Water in September 2019 to discuss the reasons for the PAO including part of their land. As stated in its submission, Barwon Water accepts that the PAO includes part of their land due to the need to potentially relocate the landowners’ occupational crossing (although the final location of this crossing has not been determined). Barwon Water submitted in support of the Amendment.

(iv) Discussion

The proper management of stormwater is a key issue in many development projects including growth area subdivisions and rural road design. As a result there are sophisticated models and techniques routinely used to manage stormwater, including the treating run off to maintain water quality, and keeping water flows at pre-development levels.

The Committee is confident that mechanisms can be put in place to adequately deal with stormwater and that the provisions of the Incorporated Document provide for these.

(v) Conclusion

The Committee concludes:

- stormwater issues will be adequately addressed through the requirements of the Incorporated Document.

5.7 Weeds and pests

(i) The issue

Concerns were raised about the prospect of the Project spreading weeds into nearby farming land.

(ii) The Incorporated Document

The Incorporated Document requires a Weed and Pest Management Plan.

(iii) Evidence and submissions

Mr Austin Swain (submission 1) submitted that rail land near the wider project land:

... is a rubbish dump, weed haven with gorse, serrated tussock, box thorn, and black berries contaminating my property it is also a rabbit breeding ground there is pine trees planted there and have not being attended to why pine trees not natives. The native tree that have grown there have been cut down for fire wood and the remains left as a fire hazard.

Mr Swain contended that any farmer would be ordered to clean up their land and would have a heavy penalty imposed if they left their property in this condition.

RPV responded to this submission by including the requirement for a weed and pest management plan in the Incorporated Document.

(iv) Discussion

It is clear that the VicTrack land near the wider project land is unkempt, and the Committee can understand the submitter's concerns.

Under section 20 of the *Catchment and Land Protection Act 1994*, all land owners, including the Crown, public authorities and licensees of Crown lands, must, in relation to their land, take all reasonable steps to:

- avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner
- eradicate regionally prohibited weeds
- prevent the growth and spread of regionally controlled weeds on their land
- prevent the spread of, and as far as possible, eradicate established pest animals.

The Committee agrees that the control of weeds and pests needs to be explicitly dealt with in the Incorporated Document. Part of the solution may well be to continue to farm that part of the site not needed, or not needed immediately, for rail purposes.

Given the clear obligations under the *Catchment and Land Protection Act 1994* the Committee does not see the need to include specific parameters for the Weed and Pest Management Plan in the Incorporated Document.

(v) Conclusion

The Committee concludes:

- weed and pest management will be adequately addressed through the requirements of the Incorporated Document.

6 Impacts on the landowners

(i) The issues

Submitters 2, 4, 5, 8-10, 13-22, 24, 26-28, 30-35, 37, 38, 40, 42, 43, 45, and 47-51 were concerned with the impact of the acquisition on the viability of the farm, part of which is proposed to be acquired for the Project.

The key impacts result from:

- a loss of farming land
- separation of the main farm infrastructure, which is north of the Project, from the bulk of the farming land, which is to the south.

The landowners, the Larcombes, sought explicit requirements in the Incorporated Document to deal with these issues.

(ii) The Incorporated Document

The Incorporated Document does not deal with the impacts on the viability of the existing farm.

The landowners sought the following addition to the Incorporated Document:

- a) Prior to the commencement of development or carrying out of any preparatory buildings and works under Clause 6.1(a) to (m):
 - i. all farm infrastructure located north of the railway line on 255 Reservoir Road or within the project land must be duplicated like-for-like south of the project land at locations specified by the registered proprietors of 255 Reservoir Road. The farm infrastructure includes, but is not limited to:
 - machinery workshop;
 - feed store and feed silos;
 - equipment and vehicle shed;
 - shearing shed;
 - covered handling yards and associated races, grading gates, handling equipment and loading ramps;
 - services (water and electricity);
 - toilets;
 - all-weather roads providing access to the items set out in sub-paragraphs (1) to (7) above; and
 - fencing and drainage works associated with the items set out in sub-paragraphs (1) to (8) above.
 - ii. existing farm dams within the project land must be relocated to locations specified by the registered proprietors of 255 Reservoir Road;
 - iii. existing fencing within the project land must be relocated to locations specified by the registered proprietors of 255 Reservoir Road;
 - iv. the existing farm road between Mt Duneed Road and the duplicated infrastructure (or nearest new all-weather road constructed in accordance with sub-paragraph (i)(8) above) must be made suitable for all-weather use by transporters and heavy vehicles; and
 - v. the existing farm crossing of Bogans Lane, including the all-weather road from the crossing to the central farm road, must be relocated south of the project land.
- b) No more than 12 months after the commencement of development and every 12 months thereafter:
 - i. an audit of environmental and amenity impacts of the Project must be carried out; and

- ii. the findings and outcomes of the audit must be reported to the Minister for Planning, Greater Geelong City Council and Surf Coast Shire Council.
- c) During the life of this incorporated document, all plans, documents and reports produced in accordance with its requirements (including the requirements of Clauses 5.1, 5.2 and 5.6(d)) must be made continually accessible on the public website of the operator of the facility.

(iii) Evidence and submissions

In terms of agricultural economic impacts, Mr Ainsaar acknowledged the impact on the income generated from the landowners' farm, but relied on the agricultural evidence that the farm could remain viable. He noted that once the PAO is applied to the land, compensation would be addressed through a separate statutory process under the *Land Acquisition and Compensation Act*.

Greater Geelong (submission 31) recognised the overall importance of the Project to support the growing population of the Geelong region but considered that the economic impact on the landowners' business and family to be significant.

Surf Coast (submission 51) were concerned that the Project would have a significant and irreversible adverse impact on the long standing, sustainable and successful farming business.

Submitters considered that it was inappropriate to significantly impact a viable working farm that has been in operation across several generations. They submitted that the Project was inconsistent with Greater Geelong planning policies in relation to agriculture.

RPV recognised that while the acquisition will result in a marginal reduction in the agricultural capacity of the Geelong Region, the impact on the landowner will be more profound.

What is required to keep land south of the rail corridor viable for farming

RPV commissioned Mr Pitt from Ag-Challenge to prepare the exhibited Agricultural Impact Assessment to consider the impacts arising from the acquisition of land and address concerns raised by the community. This report stated:

The area proposed to be acquired separates key farm infrastructure (shearing shed, stockyards, machinery sheds and ancillary area) from the rest of the property. It contains the only farm crossing across the existing rail line. With the loss of ownership of the land that services this crossing there is a significant loss of security in being able to continue to operate this farming business, as the connectivity between the farm infrastructure to the north of the railway corridor and the grazing areas to the south of the railway corridor is fundamental to this farming business. [page 12]

This report stated that without maintaining connectivity for safe movement of stock between the shearing shed and stockyards on the northern side of the rail corridor and the main grazing area to the south, the existing farming business could not continue.

Submissions were made that a new stock crossing adjacent to Pettavel Road would not be safe because of:

- the risk of stock escaping to the road
- reduced sightlines along the rail track inhibiting the ability to safely see approaching trains.

Other impacts of the Project relate to:

- loss of grazing land
- impact on farm water supply, with the Project severing supply lines that deliver water to farm troughs on the south side of the rail easement, and the loss of dams as part of Stage 2
- severing of electrical connection that service fencing circuits
- greater distances to travel due to changes to stock crossings by both vehicles and livestock.

With regard to issues raised in submissions, the Mr Pitt noted in his report that:

- in his experience, livestock quickly adapt to increased and sudden noises and therefore does not consider that the Project will have any impact on nearby stock
- the increased level of noise and light will not in his view detrimentally affect livestock in the area
- the washing of trains and general maintenance activity could generate chemical contaminants as waste and risk to surface waters and groundwaters is a reasonable concern and it is important that all chemical waste be appropriately treated and removed
- there is a low risk of increased rubbish and foreign material that impacts on grazing land – regular cleaning could take place to mitigate this.

Mr Stephens of Meridian Agriculture provided expert evidence on the agricultural impacts of the Project, which included an independent review of the AJ Pitt Agricultural Impact Assessment and a review of the impacts on the ongoing operation of the landowners' farm.

Mr Stephens gave evidence that the loss of 11 hectares for Stage 1 would have a minor impact that would in no way jeopardise the future of the business and would not have a noticeable impact on the productivity of agriculture in the district. However he considered that the loss of 61 hectares of land (being 13 per cent of the farm land and 9 per cent of the overall farm, including leased land) when Stage 2 is developed would have a much greater impact.

Mr Stephens agreed with the Pitt report that the most significant impact of the Project would arise as a consequence of the major infrastructure of the landowners' property being physically separated from the greater part of the farm.

Mr Stephens' evidence was that if the existing railway crossing remains operational during Stage 1, then there will be a manageable impact. There would be restricted vision at the existing railway line when moving sheep to the north and looking east, and to manage this, holding yards may need to be installed on both sides of the railway line. Other Stage 1 impacts would be loss of farming land and associated loss of income; increase in distance the livestock and machinery need to travel from the southern part of the property to the shearing sheds and other infrastructure; permanent interruption to the flow of surface water through the existing network of dams and potential for waste impacts.

Mr Stephens concluded that while the Project will have a negative impact on the farming operation, if a number of suggested measures are implemented, the farm will remain viable and workable. The measures suggested by Mr Stephens were:

- construction of a new 'at grade' level crossing adjacent to the existing crossing on Pettavel Road with warning light triggers at the greatest possible distance from the crossing

- construction of forcing and holding yards on both sides of the new crossing
- replacement of dams and the provision for the uninterrupted flow of piped and surface water
- possibly, the duplication of silos and covered sheep yards to be placed near the hay shed (south of the Project) and the possible relocation of the hay and shearing shed.

Overall Mr Stephens generally concurred with Mr Pitt's conclusions but differed in the assessment of the overall impact. Mr Pitt concluded that there would be "*a very substantial impact on farm productivity and net farm income*". Mr Stephens considered that there would be a reduction in farm productivity as a result of the complete facility, but estimated this to be in the order of 10 per cent. He did not consider that the impact would be so damaging that the farming operations could not successfully continue.

The potential for an agreement

Matters of common ground at the Hearing included:

- the proposed facility will have substantial detrimental impacts on the landowners' farm
- of the various options for the mitigation and management of impacts, the option which is preferable in the view of both RPV (and its witness) and the landowners is the duplication of farm infrastructure south of the project land.

While the parties differed as to whether the Incorporated Document should address the relevant impacts of the Project on the landowners, there was an opportunity for RPV to privately entreat with the landowners to ensure measures for the mitigation and management of impacts are delivered with certainty and in fairness to the landowners.

Following the Hearing, RPV and the landowners exchanged correspondence on whether an agreement could be reached in relation to duplication of farm infrastructure.

In response to duplication of farm infrastructure, RPV advised the landowners that this would be assessed as part of any Stage 2 acquisition and may include consideration of options such as:

- (a) Relocation of the existing farm crossing to the east of Pettavel Road and any accommodation works required to facilitate this alternative crossing point.
- (b) Removal of the existing rail crossing and duplicating farm infrastructure to the south of the rail corridor.
- (c) Any other mitigation measures or infrastructure works that may be appropriate depending on the timing and nature of any acquisition for the Project (for example, works associated with landscaping, power, water / drainage / dams, all weather roads and yards, fencing and gates, handling yards, covered yards, shearing shed, machinery shed, workshops, silos and toilet facilities).

RPV further advised in relation to the duplication of infrastructure:

... after making inquiries of the Transport Property Team within the Department of Transport, ... it is not practical to achieve any in principle agreement at this time on the further matters you have requested. The further commitments sought in your response relate to the land acquisition process, which cannot be commenced until a PAO is in place. We believe that these discussions have therefore been advanced as far as is practical at this time.

In summary, it seems that the Transport Property Team within the Department of Transport is either unable or unwilling to commit to an agreement.

Is it a planning issue?

RPV did not agree that duplication of the farm infrastructure is a matter that is appropriately addressed in the Incorporated Document. There were two main reasons for this.

Firstly, the planning control should be directed toward the use and development of the Project in the sense contemplated by the PE Act. In this respect it should facilitate the use and development of the wider project land for the purposes of the Project and introduce measures to address relevant planning impacts. These impacts include (but are not limited to) noise, traffic, visual amenity, stormwater, and bushfire considerations. The impacts on the operation of the farm, it was submitted, arise not as a consequence of the use and development of the wider project land for the purposes of the Project, but as a consequence of the acquisition of the land (and, as described by the landowners, are in the nature of impacts associated with severance or disturbance attributable to the loss or relocation of the existing rail crossing).

They are accordingly matters that properly fall within the domain of the *Land Acquisition and Compensation Act 1986*, which is a separate statutory process (pursuant to which the landowners have rights of compensation), that should not be predetermined as part of this process.

Secondly, RPV had concerns about the inherent tension of requiring, as part of a control of this type, that works be undertaken on privately owned land as a precondition to the commencement of the Project.

(iv) Discussion

The Project will have three types of agricultural impact:

- impacts on the agricultural output of the region discussed in Chapter 4.2
- impacts on the land south of the rail corridor because it has the practical effect of removing access to farm infrastructure
- impacts on the landowners' business.

The specific financial impacts on the landowners and what the landowners need to continue their business are not a planning matter. However, the Committee thinks that the impact of the Project on the agricultural land south of the railway is a planning matter.

The key planning issue is whether the Project has the practical effect of adversely affecting land used for farming. It seems to the Committee that, in the absence of duplication of farm infrastructure, the practical effect of the Project is that the land south of rail corridor will no longer be able to be effectively farmed. This is an impact contrary to planning policy. Chapter 4.2 address the planning policy in support of agriculture and this is not repeated here, suffice to say there is strong policy support for agriculture and the protection of productive agricultural land.

In Chapter 4.2 the Committee concluded:

- the Project will have a marginal reduction in agricultural productivity of the region and a negligible impact on productivity of the state

- in weighing up the competing policies relating to the protection of agricultural land and the need for improvements to regional transport infrastructure, the Committee considers that the Project will deliver a net community benefit.

The impacts on agriculture of the land required for the Project can rightfully be balanced against the policy support for the Project itself. This is not the case for land south of the rail corridor that is not to be acquired. There is no inherent reason why this land needs to be adversely affected.

A typical response in any planning matter is to adjust the proposal to achieve acceptable outcomes – for example by lowering the height of a building, reducing noise, or including landscaping. Here the impact that needs to be reduced is the impact on farming land. Just because that land is owned by someone who might otherwise be compensated does not alter the planning policy that agriculture uses should be supported.

The effect of the acquisition is to isolate the southern portion of the farm from the farm infrastructure. The Committee is not satisfied that a new crossing at Pettavel Road (or any other location) would be appropriate or safe to maintain access to existing farming infrastructure. This undermines the ability of land south of the Project to be farmed and this is contrary to planning policy. This can be addressed in the Incorporated Document, as is the case for the other impacts of the Project. How precisely these impacts should be addressed cannot be specified with any certainty at this stage – though it is clear the landowners have a clear idea of what is required and there is nothing to suggest that what they seek is wide of the mark.

(v) Conclusion and recommendations

The Committee concludes:

- the adverse impact on the ability to farm land south of the Project is a planning issue independent of any compensation payable to the landowners in respect of that adverse impact
- the Incorporated Document should include requirements to manage this impact.

The Committee recommends:

Strengthen the Incorporated Document to:

- **Include a condition that the Environmental Management Framework include a 'Continuity of Agricultural Production Plan' that addresses the need for farm infrastructure on land south of the railway line to secure its ongoing agricultural use.**

The Committee preferred version of the Incorporated Document in Appendix F includes these changes.

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Austin Swain	27	Rob Bullen
2	Ray Calaby	28	Sarah Olliff
3	Rosemary Patricia Streefkerk	29	Matt Freeman
4	Carrie Vanderpol (Moriac Community Network)	30	Stuart Grimley MP
5	Marisa Shanhun	31	Peter Smith (City of Greater Geelong)
6	Neil Collins	32	Ann Bullen (Quarterford Lodge)
7	Rhonda Polley	33	William Bryan Horniblow
8	Aaron Lange	34	Jan Calaby (Geelong Environment Council Inc.)
9	Sarah Kemp	35	Neil Collins
10	Miranda Laird	36	Joshua Collins
11	David McQuillan	37	Geoffrey Lawrence Polley
12	Murray Wilsher	38	Helen Kreeck
13	John Olliff (G21 Agribusiness Forum)	39	Tim and Nerida Morgan
14	Shelley Johnston	40	Penny Stevens
15	Jan Johnston	41	Keddie Bell-O'Connell
16	Gary Johnston	42	Lisa Larcombe
17	Douglas Johnston	43	Stanley and Gordon Larcombe
18	Anne Huntington	44	Stephen Hafer (Boral)
19	Tom Welsh	45	Katelyn Polley
20	Sally Galbraith	46	Bob, Merle, Narelle and Claire Williams
21	Olivia Nicholls	47	Kaitlin Larcombe-Marsh
22	Michael Meesen	48	Kylie Thomas
23	Kaylee Thompson (Environment Protection Authority Victoria)	49	Mark Thomas (Mount Duneed Pony Club)
24	Cynthia Joy and John Stewart Lyons	50	Peter Shanhun
25	Rhys Bennett (Barwon Water)	51	Michelle Warren (Surf Coast Shire Council)
26	John Welsh	52	Jared Toyne

Appendix B Parties to the Committee Hearing

Submitter	Represented by
Rail Projects Victoria	Chris Townshend QC and Barnaby Chessell of Counsel, instructed by Sophie Osborn and Sophie Westland of Ashurst. With a technical submission from: <ul style="list-style-type: none"> - Mr McKeown of VicTrack and calling evidence in: <ul style="list-style-type: none"> - Planning from Stuart McGurn of Urbis - Traffic from Valentine Gnanakone of Onemilegrid - Economics from Matt Ainsaar of Urban Enterprise - Visual Impact from Craig Czarny of Hansen Partnership - Lighting from Mark Cook of AECOM - Noise from Darren Tardio of Aurecon - Agriculture from Mike Stephens of Meridan Agriculture - Stormwater from Peter Meyers of AECOM - Ecology from Christopher White of AECOM
City of Greater Geelong	Peter Smith
Surf Coast Shire Council	Tim Waller
Stanley and Gordon Larcombe (the landowners)	Robert Forrester of Counsel instructed by David King of Kings Lawyers calling lay evidence from: <ul style="list-style-type: none"> - Stanley Larcombe.
Lisa Larcombe	
Geelong Environment Council Inc	
Austin Swain	
David McQuillan	
G21 Agribusiness Forum	John Olliff
Olivia Nicholls	
John Welsh	
Rob Bullen	
Katelyn Polley	
Neil Collins	

Appendix C Documents presented at the Hearing

No.	Date	Description	Presented by
1	17/2/20	Site Visit Booklet	Rail Projects Victoria
2	19/2/20	Stan Larcombe Statement	— " —
3	— " —	Part B Submissions and Supporting documents	— " —
4	— " —	Comparable Site Facility Booklet	— " —
5	20/2/20	PowerPoint presentation from Matt Ainsaar, Urban Enterprise (Economic)	— " —
6	— " —	PowerPoint presentation from Valentine Gnanakone, Onemilegrid (Traffic)	— " —
7	— " —	PowerPoint presentation from Chris White, AECOM (Ecology)	— " —
8	— " —	PowerPoint presentation from Mark Cook, AECOM (Lighting)	— " —
9a	21/2/20	Cross sections 3 and 4	— " —
9b	24/2/20	Cross sections 2–8 (excluding cross section 7) Superseded earlier	— " —
9c	26/2/20	Cross sections 2–8 corrected (Superseded earlier versions)	— " —
10	21/2/20	PowerPoint presentation from Craig Czarny, Hansen Partnership (Visual amenity)	— " —
11	24/2/20	Day 3 – Incorporated Document (24 February 2020)	— " —
12	— " —	PowerPoint presentation of Peter Meyers, AECOM (Stormwater)	— " —
13a	— " —	List of corrections from Sarah Alper	— " —
13b	— " —	PowerPoint presentation of Darren Tardio, Enfield Acoustics (Noise)	— " —
14	— " —	PowerPoint presentation of Mike Stephens, Meridian Agriculture (Agriculture)	— " —
15	25/2/20	Concept Layout Plan – Draft for Advisory Committee (24 February 2020)	— " —
16	— " —	Submission for the City of Greater Geelong (25 February 2020)	Greater Geelong
17	— " —	Submission for the Surf Coast Shire Council	Surf Coast
18	— " —	Incorporated Document – Larcombe draft 25/02/20	Mr Forrester
19	— " —	Outline of Submissions on behalf of Stanley and Gordon Larcombe	— " —

No.	Date	Description	Presented by
20	26/2/20	Submission by Lisa Larcombe	Lisa Larcombe
21a	— " —	Submission of David McQuillan	David McQuillan
21b	— " —	Power point slides David McQuillan	— " —
22	— " —	Geelong Environment Council Submission	Geelong Environment Council
23	— " —	Photos, Austin Swain	Austin Swain
24	— " —	Submission by Rob Bullen	Rob Bullen
25	— " —	Submission by Katelyn Polley and text message print out	Katelyn Polley
26	— " —	Submission by Neil Collins	Neil Collins
27	— " —	Slide show Neil Collins	— " —
28	— " —	Part C Submission, Rail Projects Victoria	Rail Projects Victoria
29	— " —	Table of response to Submissions RPV	— " —
30	— " —	Day 4 Working Draft, Incorporated Document RPV (marked up against Exhibition Version)	— " —
31	— " —	Day 4 Working Draft, Incorporated Document RPV (marked up against Day 3 Version)	— " —
32	13/3/20	Document 32 – Draft Letter of Intent from Rail Projects Victoria	— " —
33	— " —	Letter from Kings Lawyers (for Stanley and Gordon Larcombe) to the Advisory Committee	— " —
34	— " —	Response from Kings Lawyers to Rail Projects Victoria Draft Letter of Intent	— " —
35	— " —	Email response from Rail Projects Victoria to Kings Lawyers and acknowledgement from Kings Lawyers	— " —

Appendix D Post Hearing version of the Incorporated Document

Waurm Ponds Train Maintenance and Stabling Facility Project

Incorporated Document

February 2020

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

1.0 INTRODUCTION

This document is an Incorporated Document in the Greater Geelong and Surf Coast Planning Schemes (the planning schemes) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls in this document.

The controls in this document prevail over any contrary or inconsistent provision in the planning schemes.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit and facilitate the use and development of land, for the purposes of the Waurm Ponds Train Maintenance and Stabling Facility, and associated upgrades to the road and rail network (the Project).

The Project includes, but is not limited to, use and development of:

- A train maintenance and stabling facility located within the City of Greater Geelong; and
- Associated utilities, road and rail infrastructure, signalisation, and rail crossing upgrades, located within both the City of Greater Geelong and the Surf Coast Shire.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The controls in this document apply to the land shown on the map at Appendix 1 which forms part of this document, and described as:

- The project land (being the area of land immediately required for the train maintenance and stabling facility), shown on the map with hatched black lines; and
- The wider project land (being the land required for associated upgrades to utilities, road and rail infrastructure, signalisation and rail crossings), shown on the map bounded by a red line.

4.0 CONTROLS

Despite any provision to the contrary or any inconsistent provision in the planning schemes, no planning permit is required for, and no provision in the planning schemes operates to prohibit or restrict, the use and development of the land for the purposes of the Project, including any ancillary activities.

- 4.1 Within the project land, the Project includes but is not limited to the following:
- a) Train maintenance and stabling facilities, including loading/unloading facilities, staff amenities and car parking;
 - b) Railway infrastructure including stabling tracks, integration with the main line, and associated railway infrastructure including cabling, signalling and power upgrades;
 - c) Utilities including substations;
 - d) Road construction including a new access road and associated works;
 - e) Other works and facilities associated with the use for train maintenance and stabling; and
 - f) Any use or development that the Minister for Planning confirms in writing is for the purposes of the Project.
- 4.2 Ancillary activities within the project land include but are not limited to the following:
- a) Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, excavate land, cuttings and fill;
 - b) Use and development of temporary and permanent access roads, livestock and vehicle crossings;
 - c) Use and development of lay down areas and building facilities for construction purposes;
 - d) Stockpiling of excavation material;
 - e) Removal, destruction or lopping of vegetation, including native vegetation;
 - f) Demolition and removal of buildings and works;
 - g) Relocation, modification and upgrade of drainage, services and utilities;
 - h) Construction of fences and site security;
 - i) Display of construction, directional or business identification signs; and
 - j) Subdivision and consolidation of land and creation, variation or removal of easements resulting from works required for the Project.
- 4.3 Within the wider project land, the Project includes but is not limited to the following:
- a) Road and railway infrastructure works and upgrades including signalling, cabling, power upgrades, substations and modifications to railway crossings;
 - b) Relocation, modification and upgrade of drainage, services and utilities;
 - c) Removal, destruction or lopping of vegetation, including native vegetation; and
 - d) Associated ancillary activities.

5.0 CONDITIONS

- 5.1 A development plan for development within the project land must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The development plan must have regard to the reports required to be prepared under clause 5.2, and must include the following to the satisfaction of the Minister for Planning:
- a) Site layout plan/s that are generally in accordance with the Waurm Ponds Stabling and Maintenance Facility Concept Layout Plan at Appendix 2;
 - b) Site levels showing the full extent of proposed cut and fill;
 - c) Architectural plans including elevations, and a schedule of materials; and
 - d) On-site landscaping details including a planting schedule, having regard to management of bushfire risk.

- 5.2 An environmental management framework (EMF) must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The EMF must include:

Construction

- a) A summary of key construction methodologies;
- b) An overarching framework for site works or specific measures to reduce and manage environmental and amenity effects during construction of the Project, including Environmental Management Requirements in respect of:
 - i. noise (having regard to EPA Publication 1254 (as amended or replaced));
 - ii. light spill;
 - iii. weed and pest control;
 - iv. traffic management including:
 - location of access to the site for construction vehicle traffic;
 - heavy vehicle routes from the arterial road network to the site;
 - any restrictions on heavy vehicle routes, parking or loading;
 - any timing restrictions;
 - parking arrangements for construction personnel;
 - measures for monitoring the surrounding road network;
 - the identification and design specifications of any necessary road upgrades;
 - a program to inspect, maintain and (where necessary) repair public roads used by construction traffic);
 - v. The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required; and
 - vi. Measures to minimise impact to native fauna during removal of native vegetation;

Noise – Operation

- c) A Noise Management Plan, generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan dated February 2020 guiding the assessment and management of the acoustic impacts of the facility during operation;
- d) An Acoustic Assessment Report prepared in accordance with the Noise Management Plan;

Traffic – Operation

- e) A Traffic Management Plan detailing the traffic, access and car parking aspects of the application, including:
 - i. the location of access to the site;
 - ii. management of deliveries to the site;
 - iii. parking provision and management;
 - iv. a program to inspect, maintain and (where necessary) repair public roads used by construction traffic);

Visual Amenity and Lighting – Operation

- f) A Visual Amenity Report addressing visual amenity in the area and including:
 - i. External lighting details having regard to:
 - Australian Standard AS 4282:2019, assessed for a curfew period, Environmental Zone A2; and
 - CIE 126 - 1997 *Guidelines for Minimising Sky Glow*;
 - ii. A visual impact assessment undertaken in respect of the dwelling at 255 Reservoir Road, identifying measures to screen views to the facility and the outcomes of consultation with the owner of 255 Reservoir Road;
 - iii. Site landscaping, including the maintenance of batter slopes at appropriate grades;
 - iv. Substantial tree planting to mitigate views to proposed buildings from key vantage points on public roads; and
 - v. Built form details and materials;

Stormwater – Operation

- g) A Stormwater Management Report which must demonstrate:

- i. the maintenance of environmental flow paths from the northern part of the land at 255 Reservoir Road to the southern part of that land (south of the project land), having regard to:
 - any alteration to hydrology caused by the removal or relocation of farm dams by reason of the Project; and
 - any potential erosion impacts downstream of culverts;
- ii. the implementation of water quality management measures having regard to the *Urban Stormwater Best Practice Environmental Management Guidelines* (as amended or replaced).

Bushfire Management – Operation

- h) A Bushfire Management Report;

Weed and Pest Management – Operation

- i) A Weed and Pest Management Plan;

Other

- j) Operational measures for the handling and storage of fuels and chemicals in accordance with industry standards;
- k) A summary of the consultation that informed the preparation of the EMF and a summary of the proposed ongoing engagement activities with Councils, the community and other stakeholders during the construction of the Project, including enquiries and complaints management;
- l) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction and operation of the Project;
- m) An overarching Site Management Report that documents the management measures, design features and mitigation measures to be implemented in respect of the facility, as documented within the reports required under Clauses 5.2(d), (e), (f), (g), (h), and (i);

5.3 The reports required under Clauses 5.2(d), (e), (f), (g), (h), (i) must include:

- a) the outcome of impact assessments;
- b) any management measures that are to be complied with during operations;
- c) any design features or mitigation measures proposed to address the potential impacts, including any offers of off-site works or off-site landscaping to be made to the owner of any dwelling identified as being affected in the relevant impact assessment referred to in clause 5.3(a) above; and
- d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during operation of the Project.

5.4 Native Vegetation

- a) Prior to removal of native vegetation (other than native vegetation removed under Clause 6.0), information about that native vegetation in accordance with Application Requirements 1, 5 and 9 of the Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017) (guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP). For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 6.0.
- b) Prior to removal of native vegetation (other than native vegetation removed under Clause 6.0), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP.
- c) In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 5.4(b).
- d) 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).

- e) For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

5.5 Where, but for this incorporated document, the relevant floodplain management authority would be a referral authority to the proposed buildings and works, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

5.6 Other Conditions

- a) Unless otherwise stated, the conditions set out in Clause 5 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 6). The conditions may be satisfied in separate components or stages of the Project, however each condition must be satisfied prior to the commencement of development for that component or stage.
- b) The plans and documentation 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 the City of Greater Geelong and Surf Coast Shire Council or any other relevant authority.
- c) The use and development of the Project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.

6.0 PREPARATORY BUILDINGS AND WORKS

Preparatory buildings and works may commence on the land described in Clause 3.0 before the conditions set out in Clause 5.0 are satisfied:

6.1 Preparatory buildings and works include but are not limited to:

- a) The planting of a perimeter landscape treatment.
- b) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
- c) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- d) Construction and use of access points and working platforms.
- e) Site establishment works including temporary site fencing, lighting and hoarding, site buildings, site offices, and hardstand and laydown areas.
- f) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- g) Establishment of environment and traffic controls, including designated 'no-go' zones.
- h) Establishment of temporary car parking.
- i) Demolition to the minimum extent necessary to enable preparatory works.
- j) Site excavation and disposal of spoil off site as required.
- k) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- l) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Cultural Heritage Management Plan prepared for the Project as pursuant to the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Party.
- m) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Historic Heritage Management Plan prepared for the Project pursuant to the *Heritage Act 2017* and to the satisfaction of the Victorian Heritage Council.
- n) Salvaging and translocating any vegetation, including any preparatory works required to enable salvage and translocation, identified in a Translocation Plan prepared to the satisfaction of the Secretary to DELWP.

- 6.2 Prior to the removal of native vegetation under Clause 6.0, information about the native vegetation to be removed must be provided to the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the guidelines.
- 6.3 The biodiversity impacts from the removal of native vegetation under Clause 6.0 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.4(b).

7.0 EXPIRY

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

- The development allowed by the controls is not commenced by 31 December 2022.
- The development allowed by the controls is not completed by 31 December 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 1 – WAURN PONDS TRAIN MAINTENANCE AND STABLING FACILITY – PROJECT LAND AND WIDER PROJECT LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES (updated 22 October 2019)

[TO BE ADDED]

APPENDIX 2 – WAURN PONDS STABLING AND MAINTENANCE FACILITY CONCEPT LAYOUT PLAN

[TO DE ADDED]

Appendix E Draft Noise Management Plan, January 2020

Waurm Ponds Train Maintenance and Stabling Facility Draft Noise Management Plan, January 2020

Introduction

This Noise Management Plan provides the framework for the assessment of noise impacts and the implementation of noise mitigation measures in association with the ongoing management of operational noise from the Waurm Ponds Train Maintenance and Stabling Facility (**Project**). Detailed acoustic assessments of the Project that are required to be prepared pursuant to the Waurm Ponds Train Maintenance and Stabling Facility Incorporated Document [January 2020] must be prepared in accordance with the guidelines set out in this Plan.

This Plan may be amended to the satisfaction of the Responsible Authority.

Statutory Context

Clause 5.2 of the Waurm Ponds Train Maintenance and Stabling Facility Incorporated Document, January 2020 (the **Incorporated Document**) includes the requirement that an Environment Management Framework (**EMF**) be prepared in respect of the Project. The EMF must relevantly include:

Noise - Operation

- c) A Noise Management Plan, generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan dated January 2020 [this document] guiding the assessment and management of the acoustic impacts of the facility during operation;
- d) An Acoustic Assessment Report prepared in accordance with the Noise Management Plan.

Clause 5.3 of the Incorporated Document provides that the Acoustic Assessment Report (amongst other reports) must relevantly include:

- a) the outcome of impact assessments;
- b) proposed design and mitigation measures;
- c) any management measures that are to be complied with during operations;
- d) any design features or mitigation measures proposed to address the potential impacts, including any offers of off-site works or off-site landscaping to be made to the owner of any dwelling identified as being affected in the relevant impact assessment referred to in clause 5.3(a) above; and
- e) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during operation of the Project.

This Plan is the document referenced in clause 5.2 of the Incorporated Document.

The Project

The Project will provide stabling and maintenance facilities necessary to meet the immediate and longer-term needs of the regional rail network in this region. The facility is critical to the long-term planning of the network and for the future planning of new rail services, new technologies, and increased investment in rolling stock. The facility is planned to be delivered in two stages.

Stage 1 will comprise a train stabling facility with the capacity to stable 6 trains. It will include facilities for toilet extraction and water replenishment and other associated infrastructure. The Stage 1 facility will be located south of the existing railway corridor, directly east of the existing farm laneway at the

centre of the site, and west of Bogans Lane. It will occupy an area of approximately 11 hectares, and will be in the order of 1030 metres long, 150 metres wide at its widest section, and 100 metres wide at its narrowest point.

Stage 2 will be delivered in the longer-term and will introduce critical maintenance support for the network. It will also increase the stabling capacity of the facility to 26 trains and will occupy an area of approximately 46 hectares, being in the order of 1720 metres long, 320 metres wide at its widest section and 160 metres wide at its narrowest point.

Assessment Approach

Because of the anticipated staged delivery of the facility, it is essential that the acoustic impacts of the operation of the Project are assessed according to the best available information as to the operation of the facility. This is readily achievable for Stage 1 but may be subject to further, different and better information over time in respect of Stage 2.

Accordingly, this Noise Management Plan provides an approach that ensures that acoustic impacts are measured and assessed at the appropriate time, and monitored for performance thereafter against the actual operations of the Project. This approach will also ensure that consultation with affected landowners occurs with the best available information and at the appropriate time.

The Noise Management Plan includes a preliminary noise assessment dated 21 January 2020 (Appendix A) that identifies the potential off-site noise impacts for each stage based on current operational expectations. The preliminary noise assessment informs expectations as to the nature and extent of operational noise impacts and identifies potential mitigation measures (including off-reservation works) that would successfully mitigate those impacts.

Guidelines

Prior to the construction of any stage of the facility, an acoustic assessment report must be prepared to the satisfaction of the responsible authority by a suitably qualified acoustic expert. The report must assess the operational noise impacts of the relevant stage of the facility and must be prepared having regard to the following matters:

- (a) The preliminary noise assessment prepared dated 21 January 2020;
- (b) Details of the proposed operation of the facility;
- (c) Details of noise sensitive areas;
- (d) Details of background noise conditions at the time of the assessment;
- (e) An assessment of potential noise impacts associated with the operation of the facility;
- (f) Recommended mitigation measures where appropriate; and
- (g) A report detailing consultation with affected landowners where off-reservation works are proposed, including the outcome of consultation and any agreed implementation programme.

Appendix F Committee preferred version of the Incorporated Document

[Tracked Added](#)

~~Tracked Deleted~~

[original paragraph number] – where the order of conditions has been changed.

Waurm Ponds Train Maintenance and Stabling Facility Project

Incorporated Document

APRIL 2020

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

1.0 INTRODUCTION

This document is an Incorporated Document in the Greater Geelong and Surf Coast Planning Schemes (the planning schemes) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls in this document.

The controls in this document prevail over any contrary or inconsistent provision in the planning schemes.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit and facilitate the use and development of land, for the purposes of the Waurm Ponds Train Maintenance and Stabling Facility, and associated upgrades to the road and rail network (the Project).

The Project includes, but is not limited to, use and development of:

- A train maintenance and stabling facility located within the City of Greater Geelong; and
- Associated utilities, road and rail infrastructure, signalisation, and rail crossing upgrades, located within both the City of Greater Geelong and the Surf Coast Shire.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The controls in this document apply to the land shown on the map at Appendix 1 which forms part of this document, and described as:

- The project land (being the area of land immediately required for the train maintenance and stabling facility), shown on the map with hatched black lines; and
- The wider project land (being the land required for associated upgrades to utilities, road and rail infrastructure, signalisation and rail crossings), shown on the map bounded by a red line.

4.0 CONTROLS

Despite any provision to the contrary or any inconsistent provision in the planning schemes, no planning permit is required for, and no provision in the planning schemes operates to prohibit or restrict, the use and development of the land for the purposes of the Project, including any ancillary activities.

4.1 Within the project land, the Project includes but is not limited to the following:

- a) Train maintenance and stabling facilities, including loading/unloading facilities, staff amenities and car parking;
- b) Railway infrastructure including stabling tracks, integration with the main line, and associated railway infrastructure including cabling, signalling and power upgrades;
- c) Utilities including substations;
- d) Road construction including a new access road and associated works;
- e) Other works and facilities associated with the use for train maintenance and stabling; and
- f) Any use or development that the Minister for ~~Planning~~ Transport confirms in writing is for the purposes of the Project.

4.2 Ancillary activities within the project land include but are not limited to the following:

- a) Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, excavate land, cuttings and fill;
- b) Use and development of temporary and permanent access roads, livestock and vehicle crossings;
- c) Use and development of lay down areas and building facilities for construction purposes;
- d) Stockpiling of excavation material;
- e) Removal, destruction or lopping of vegetation, including native vegetation;
- f) Demolition and removal of buildings and works;
- g) Relocation, modification and upgrade of drainage, services and utilities;
- h) Construction of fences and site security;
- i) Display of construction, directional or business identification signs; and
- j) Subdivision and consolidation of land and creation, variation or removal of easements resulting from works required for the Project.

4.3 Within the wider project land, the Project includes but is not limited to the following:

- a) Road and railway infrastructure works and upgrades including signalling, cabling, power upgrades, substations and modifications to railway crossings;
- b) Relocation, modification and upgrade of drainage, services and utilities;
- c) Removal, destruction or lopping of vegetation, including native vegetation; and
- d) Associated ancillary activities.

5.0 CONDITIONS

~~5.6 Other Conditions~~

5.1 Unless otherwise stated, the conditions set out in Clause 5 must be satisfied ~~prior to the commencement of~~ before development starts (excluding preparatory buildings and works

under Clause 6). The conditions may be satisfied in separate components or stages of the Project, however each condition must be satisfied ~~prior to the commencement of~~ before development starts for that component or stage. [5.6(a)]

- 5.2 The plans and documentation 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 the City of Greater Geelong and Surf Coast Shire Council or any other relevant authority. [5.6(b)]
- 5.3 The use and development of the Project must be undertaken in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority. [5.6(c)]
- 5.4 Where, but for this incorporated document, the relevant floodplain management authority would be a referral authority to the proposed buildings and works, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority. [5.5]

Development plan

- 5.5 A development plan for development within the project land must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The development plan:
- a) must have regard to the reports required to be prepared under clause 5.8, ~~and~~
 - b) must be generally in accordance with the Waurm Ponds Stabling and Maintenance Facility Concept Layout Plan at Appendix 2 and must:
 - i. Avoid tree removal along Pettavel Road;
 - ii. Locate car park areas away from the Project boundary;
 - c) must include the following to the satisfaction of the Minister for Planning: [5.1]
 - a) ~~i. Site layout plan/s that are generally in accordance with the Waurm Ponds Stabling and Maintenance Facility Concept Layout Plan at Appendix 2;~~ [5.1(a)]
 - b) ~~ii. Site levels showing the full extent of proposed cut and fill;~~ [5.1(b)]
 - c) ~~iii. Architectural plans including elevations, and a schedule of materials; and~~ [5.1(c)]
 - d) ~~iv. On-site landscaping details including a planting schedule, having regard to management of bushfire risk.~~ [5.1(d)]
 - vi. Lighting details that:
 - Require lighting design to consider minimising lighting impacts on nocturnal animals;
 - Set back lighting from the edge of the Project area to allow for trees and other landscaping around the perimeter of the site to mitigate light spill to surrounds;
 - Provide shields on the luminaires to mitigate obtrusive light and specify lens, diffuser or reflectors to mitigate glare from the luminaire;
 - Require all external light fittings to have an Upwards Light Ratio of zero and to point straight down, where possible;
 - Program external lighting not used for specific functions or not required for security to switch off during curfew hours to reduce problems with obtrusive light.

Construction management framework

- 5.6 An ~~environmental-construction~~ management framework (~~EMFCMF~~) must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The ~~EMFCMF~~ must include: [5.2]

Construction

- a) A summary of key construction methodologies; [5.2(a)]

- b) An overarching framework for site works or specific measures to reduce and manage environmental and amenity effects during construction of the Project, including Environmental Management Requirements in respect of: [5.2(b)]
- i. noise (having regard to EPA Publication 1254 (as amended or replaced));
 - ii. light spill;
 - iii. weed and pest control;
 - iv. traffic management including:
 - location of access to the site for construction vehicle traffic;
 - heavy vehicle routes from the arterial road network to the site;
 - any restrictions on heavy vehicle routes, parking or loading;
 - any timing restrictions;
 - parking arrangements for construction personnel;
 - measures for monitoring the surrounding road network;
 - the identification and design specifications of any necessary road upgrades;
 - a program to inspect, maintain and (where necessary) repair public roads used by construction traffic);
 - v. The process and timing for the preparation of a Construction Environment Management Plan and any sub-plan that is required; and
 - vi. Measures to minimise impact to native fauna during removal of native vegetation;

Environmental management framework

- 5.7 An environmental management framework (EMF) must be prepared to the satisfaction of the Minister for Planning and in consultation with the City of Greater Geelong and Surf Coast Shire Council. The EMF must include: [5.2]

Off-site management of noise

- a) A Noise Management Plan, generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan dated February 2020 guiding the assessment and management of the acoustic impacts of the facility during operation; [5.2(c)]

Site management plan

- b) An overarching Site Management ~~Report~~ Plan that documents the management measures, design features and mitigation measures to be implemented in respect of the facility, as documented within the reports required under Clause 5.8 s 5.2(d), (e), (f), (g), (h), and (i); [5.2(m)]
- d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction and operation of the Project; [5.2(l)]
- c) Operational measures for the handling and storage of fuels and chemicals in accordance with industry standards; [5.2(j)]

Summary of the consultation

- e) A summary of the consultation that informed the preparation of the EMF and a summary of the proposed ongoing engagement activities with Councils, the community and other stakeholders during the construction of the Project, including enquiries and complaints management; [5.2(k)]

Required reports

- 5.8 The following reports are required

~~Noise~~ ~~Operation~~

- a) An **Acoustic Assessment Report** prepared in accordance with the Noise Management Plan; [5.2(d)]

~~Traffic~~ ~~Operation~~

- b) A **Traffic Management Plan** ~~Report~~ detailing the traffic, access and car parking aspects of the application, including: [5.2(e)]

- i. the location of access to the site;
- ii. management of deliveries to the site;
- iii. parking provision and management;
- iv. a program to inspect, maintain and (where necessary) repair public roads used by construction traffic);

Visual Amenity and Lighting – Operation

- c) A **Visual Amenity Report** addressing visual amenity in the area and including: [5.2(f)]
 - i. External lighting details having regard to:
 - [the measures specified in Clause 5.5](#)
 - Australian Standard AS 4282:2019, assessed for a curfew period, Environmental Zone A2; and
 - CIE 126 - 1997 *Guidelines for Minimising Sky Glow*;
 - ii. A visual impact assessment undertaken in respect of:
 - the dwelling at 255 Reservoir Road, identifying measures to screen views to the facility and the outcomes of consultation with the owner of 255 Reservoir Road;
 - [properties at 250 and 300 Reservoir Road](#);
 - [the property at 395 Pettavel Road](#);
 - [land to the east of Bogans Lane having regard to the future use and development of this land](#);
 - iii. Site landscaping, including the maintenance of batter slopes at appropriate grades;
 - iv. Substantial tree planting to mitigate views to proposed buildings from key vantage points on public roads; and
 - v. Built form details and materials;

Stormwater – Operation

- d) A **Stormwater Management Report** which must demonstrate: [5.2(g)]
 - i. the maintenance of environmental flow paths from the northern part of the land at 255 Reservoir Road to the southern part of that land (south of the project land), having regard to:
 - a. any alteration to hydrology caused by the removal or relocation of farm dams by reason of the Project; and
 - b. any potential erosion impacts downstream of culverts;
 - ii. the implementation of water quality management measures having regard to the *Urban Stormwater Best Practice Environmental Management Guidelines* (as amended or replaced).

Bushfire Management – Operation

- e) A **Bushfire Management Report**; [5.2(h)]

Weed and Pest Management – Operation

- f) A **Weed and Pest Management Plan Report**; [5.2(j)]
- g) [A Continuity of Agricultural Production Report that addresses the need for farm infrastructure on land south of the railway line to secure its ongoing agricultural use.](#)

- 5.8 The reports required under ~~Clauses 5.2(d), (e), (f), (g), (h), (i)~~ [Clause 5.8](#) must include: [5.3]
 - a) the outcome of impact assessments; [5.3(a)]
 - b) any management measures that are to be complied with during operations; [5.3(b)]
 - c) any design features or mitigation measures proposed to address the potential impacts, including any offers of off-site works or off-site landscaping to be made to the owner of any dwelling identified as being affected in the relevant impact assessment referred to in clause 5.38(a) above; and [5.3(c)]
 - d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during operation of the Project. [5.3(d)]

5.9 Native Vegetation

- a) ~~Prior to~~**Before the** removal of native vegetation (other than native vegetation removed under Clause 6.0), information about that native vegetation in accordance with Application Requirements 1, 5 and 9 of the Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017) (guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP). For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 6.0. [5.4(a)]
- b) ~~Prior to~~**Before the** removal of native vegetation (other than native vegetation removed under Clause 6.0), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP. [5.4(b)]
- c) In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 5.94(b). [5.4(c)]
- d) 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)*. [5.4(d)]
- e) For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation. [5.4(e)]

6.0 PREPARATORY BUILDINGS AND WORKS

Preparatory buildings and works may commence on the land described in Clause 3.0 before the conditions set out in Clause 5.0 are satisfied:

6.1 Preparatory buildings and works include but are not limited to:

- a) The planting of a perimeter landscape treatment.
- b) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
- c) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- d) Construction and use of access points and working platforms.
- e) Site establishment works including temporary site fencing, lighting and hoarding, site buildings, site offices, and hardstand and laydown areas.
- f) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- g) Establishment of environment and traffic controls, including designated 'no-go' zones.
- h) Establishment of temporary car parking.
- i) Demolition to the minimum extent necessary to enable preparatory works.
- j) Site excavation and disposal of spoil off site as required.
- k) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- l) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Cultural Heritage Management Plan prepared for the Project as pursuant to the *Aboriginal Heritage Act 2006* and to the satisfaction of the Registered Aboriginal Party.
- m) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved Historic Heritage Management Plan prepared for the Project pursuant to the *Heritage Act 2017* and to the satisfaction of the Victorian Heritage Council.
- n) Salvaging and translocating any vegetation, including any preparatory works required to enable salvage and translocation, identified in a Translocation Plan prepared to the satisfaction of the Secretary to DELWP.

- 6.2 ~~Prior to~~ **Before** the removal of native vegetation under Clause 6.0, information about the native vegetation to be removed must be provided to the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the guidelines.
- 6.3 The biodiversity impacts from the removal of native vegetation under Clause 6.0 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.4(b).

7.0 EXPIRY

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

- The development allowed by the controls is not commenced by 31 December 2022.
- The development allowed by the controls is not completed by 31 December 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 1 – WAURN PONDS TRAIN MAINTENANCE AND STABLING FACILITY – PROJECT LAND AND WIDER PROJECT LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES (updated 22 October 2019)

[TO BE ADDED]

APPENDIX 2 – WAURN PONDS STABLING AND MAINTENANCE FACILITY CONCEPT LAYOUT PLAN

[TO BE ADDED based on Document 15 Concept Layout Plan – Draft for Advisory Committee (24 February 2020) with the specific notation:

- Avoid tree removal along Pettavel Road]

Appendix G Committee preferred version of the Noise Management Plan

Waurm Ponds Train Maintenance and Stabling Facility Draft Noise Management Plan, ~~January~~ [Month] 2020

Introduction

This Noise Management Plan provides the framework for the assessment of noise impacts and the implementation of noise mitigation measures in association with the ongoing management of operational noise from the Waurm Ponds Train Maintenance and Stabling Facility (**Project**). Detailed acoustic assessments of the Project that are required to be prepared pursuant to the Waurm Ponds Train Maintenance and Stabling Facility Incorporated Document [January 2020] must be prepared in accordance with the guidelines set out in this Plan.

This Plan may be amended to the satisfaction of the Responsible Authority.

Statutory Context

Clauses ~~5.2-7~~ and ~~5.8~~ of the Waurm Ponds Train Maintenance and Stabling Facility Incorporated Document, January 2020 (the **Incorporated Document**) includes the requirement that an Environment Management Framework (**EMF**) be prepared in respect of the Project. The EMF must relevantly include:

Off-site management of noise

- 5.7 a) A Noise Management Plan, generally in accordance with the draft Waurm Ponds Maintenance and Stabling Facility Noise Management Plan dated ~~January~~ [Month] 2020 [this document] guiding the assessment and management of the acoustic impacts of the facility during operation;
- 5.8 a) An Acoustic Assessment Report prepared in accordance with the Noise Management Plan.

Clause ~~5.3-8~~ of the Incorporated Document provides that the Acoustic Assessment Report (amongst other reports) must relevantly include:

- a) the outcome of impact assessments;
- b) proposed design and mitigation measures;
- c) any management measures that are to be complied with during operations;
- d) any design features or mitigation measures proposed to address the potential impacts, including any offers of off-site works or off-site landscaping to be made to the owner of any dwelling identified as being affected in the relevant impact assessment referred to in clause ~~5.38~~(a) above; and
- e) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed during operation of the Project.

This Plan is the document referenced in clause ~~5.2-7~~ of the Incorporated Document.

The Project

The Project will provide stabling and maintenance facilities necessary to meet the immediate and longer-term needs of the regional rail network in this region. The facility is critical to the long-term planning of the network and for the future planning of new rail services, new technologies, and increased investment in rolling stock. The facility is planned to be delivered in two stages.

Stage 1 will comprise a train stabling facility with the capacity to stable 6 trains. It will include facilities for toilet extraction and water replenishment and other associated infrastructure. The Stage 1 facility will be located south of the existing railway corridor, directly east of the existing farm laneway at the

centre of the site, and west of Bogans Lane. It will occupy an area of approximately 11 hectares, and will be in the order of 1030 metres long, 150 metres wide at its widest section, and 100 metres wide at its narrowest point.

Stage 2 will be delivered in the longer-term and will introduce critical maintenance support for the network. It will also increase the stabling capacity of the facility to 26 trains and will occupy an area of approximately 46 hectares, being in the order of 1720 metres long, 320 metres wide at its widest section and 160 metres wide at its narrowest point.

Assessment Approach

Because of the anticipated staged delivery of the facility, it is essential that the acoustic impacts of the operation of the Project are assessed according to the best available information as to the operation of the facility. This is readily achievable for Stage 1 but may be subject to further, different and better information over time in respect of Stage 2.

Accordingly, this Noise Management Plan provides an approach that ensures that acoustic impacts are measured and assessed at the appropriate time, and monitored for performance thereafter against the actual operations of the Project. This approach will also ensure that consultation with affected landowners occurs with the best available information and at the appropriate time.

The Noise Management Plan includes a preliminary noise assessment dated 21 January 2020 (Appendix A) that identifies the potential off-site noise impacts for each stage based on current operational expectations. The preliminary noise assessment informs expectations as to the nature and extent of operational noise impacts and identifies potential mitigation measures (including off-reservation works) that would successfully mitigate those impacts.

Guidelines

Prior to the construction of any stage of the facility, an acoustic assessment report must be prepared to the satisfaction of the responsible authority by a suitably qualified acoustic expert. The report must assess the operational noise impacts of the relevant stage of the facility and must be prepared having regard to the following matters:

- (a) [EPA publication 'Noise From Industry In Regional Victoria' \(Publication 1411\), and where external NIRV targets cannot be reasonably or practically complied with, an internal Leg noise target is set which is the higher of:](#)
 - [a level that accords with the methodology prescribed by SEPP N-1, or](#)
 - [ambient noise inside the respective dwelling;](#)
- (b) The preliminary noise assessment prepared dated 21 January 2020;
- (c) Details of the proposed operation of the facility;
- (d) Details of noise sensitive areas;
- (e) Details of background noise conditions at the time of the assessment;
- (f) An assessment of potential noise impacts associated with the operation of the facility;
- (g) Recommended mitigation measures where appropriate; ~~and~~
- (h) [Recommended auditing methodology, specifying a distinction between measured operations which occur only from the Project and excluding noise emissions from the adjoining rail corridor; and](#)
- (i) A report detailing consultation with affected landowners where off-reservation works are proposed, including the outcome of consultation and any agreed implementation programme.