

# **Manchester Road, Mooroolbark Level Crossing Removal Project**

**Incorporated Document**

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**August 2019**

DRAFT FOR CONSULTATION

## 1.0 INTRODUCTION

This is an Incorporated Document in the Yarra Ranges and Maroondah Planning Schemes (the planning schemes) 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 Clause 4.0 of this document.

The control in this Incorporated Document prevails over any contrary or inconsistent provision in the planning schemes.

## 2.0 PURPOSE

The purpose of this Incorporated Document is to allow the use and development of land described in Clause 3.0 for the purposes of the Manchester Road, Mooroolbark Level Crossing Removal Project (the **Project**).

## 3.0 LAND

This document applies to the land shown on the planning scheme maps as SCO2 in the Yarra Ranges Planning Scheme and SCO1 in the Maroondah Planning Scheme (the **Project Land**).

## 4.0 CONTROL

### 4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the Planning Schemes, no planning permit is required for, and no planning provision in the Planning Schemes operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of the Project.

The Project includes, but is not limited to, the following:

- a) Demolition and works for the removal of the level crossing at the level crossing at Manchester Road, Mooroolbark, where it crosses the Lilydale railway line.
- b) Demolition of the Mooroolbark train station and related works.
- c) Construction of a new Mooroolbark train station, including car parking, bicycle facilities, loading and unloading facilities and associated works and may include the selling of food, drinks and other convenience goods and services.
- d) Road and railway works, including but not limited to, works to facilitate the grade separation of rail and road infrastructure and provision of new rail and road infrastructure, relocation of utilities and installation of new utility infrastructure, earthworks, replacement of track infrastructure, access tracks, landscaping, vegetation removal and bicycle and pedestrian shared use paths.
- e) Use and development of land for a railway, including railway tracks and associated communications, signalling and other rail related infrastructure.
- f) Use and development of land for a road, including associated communications, signalling, and other road related infrastructure.

- g) Buildings and works to facilitate the development of new publically accessible spaces and public realm improvements including, but not limited to, streetscape and landscape works and associated infrastructure.
- h) Creation and alteration of access to roads.
- i) Relocation of telecommunications infrastructure.
- j) Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.
- k) Bus stops, car parking, bicycle facilities, landscaping, publically accessible spaces and loading and unloading facilities.
- l) Ancillary activities to the use and development of the Project Land for the purposes of or related to, the Project, but not limited to:
  - i) Creating and using lay down areas for construction purposes.
  - ii) Stockpiling of excavation material.
  - iii) Constructing and using temporary site workshops and storage, staff car parking, administration and amenities buildings.
  - iv) Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead native vegetation.
  - v) Demolishing and removing buildings, structures, infrastructures and works.
  - vi) Relocating, modifying and upgrading services and utilities.
  - vii) Constructing fences, temporary site barriers and site security.
  - viii) Constructing or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, or drainage, or to excavate land salvage artefacts and alter drainage.
  - ix) Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways.
  - x) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.
  - xi) Displaying construction, directional and identification signs.
  - xii) Subdividing and consolidating land.

This control is subject to the conditions in section 4.2 of this Incorporated Document.

## **4.2 CONDITIONS**

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

### Environmental Management Strategy

- 4.2.1 An Environmental Management Strategy (EMS) must be prepared to the satisfaction of the Minister for Planning. The EMS must be prepared in consultation with Yarra

Ranges Shire Council and Maroondah City Council (the councils). The EMS must include:

- a) A summary of key construction methodologies.
- b) An overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the Project.
- c) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with the councils, the community and other stakeholders during construction of the Project and enquiries and complaints management.
- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction of the Project.

#### Native Vegetation

- 4.2.2 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), 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 the clause below relating to preparatory buildings and works.
- 4.2.3 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the Guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP.
- 4.2.4 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in the clause above.
- 4.2.5 The secured offset(s) for the project may be reconciled at the completion of the project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (DELWP, October 2018).
- 4.2.6 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

#### Flood management

- 4.2.7 Buildings and works on the land within the Special Building Overlay or Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

#### Creating and altering access to roads, or works within a PAO (Road)

- 4.2.8 Where, but for this Incorporated Document, an application to create or alter access to a road in a Road Zone, Category 1 and adjacent to a Public Acquisition Overlay

(roads authority) would be referred to the Roads Corporation, the creation or alteration of access must be undertaken in consultation with the Roads Corporation.

- 4.2.9 Before a plan of subdivision is certified under the *Subdivision Act 1988*, the consent of the Roads Corporation must be obtained to subdivide land adjacent to a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land.
- 4.2.10 Where, but for this Incorporated Document, an application to undertake buildings and works and/or remove vegetation from within a Public Acquisition Overlay (roads authority) would require planning approval, works are to be undertaken in consultation with the acquiring authority.

#### Substations and tie stations

- 4.2.11 Where, but for this Incorporated Document, a planning permit would be required under the planning scheme for buildings and works associated with a new or upgraded substation or tie station designed to operate more than 66,000 volts, site plans and elevations must be prepared to the satisfaction of the Minister for Planning prior to the commencement of those buildings and works.

#### Other conditions

- 4.2.12 Unless otherwise stated, the plans and other documents listed in Clause 4.2 must be approved prior to the commencement of works. Plans and other documents may be prepared and approved for separate components or stages of the Project but each plan or other document must be approved before commencement of works for that component or stage.
- 4.2.13 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning may seek the views of the relevant Councils or any other relevant authority.
- 4.2.14 The use and development of the Project Land must be undertaken generally in accordance with the approved plans and documents.

### **5.0 PREPARATORY BUILDINGS AND WORKS AND LAND USES**

The following buildings and works and uses may commence before the plans and other documents listed in Clause 4.2 are approved:

- a) Preparatory works for the Project including, but not limited to:
- i) Works, including vegetation removal, where but for this Incorporated Document, a planning permit would not be required under the provisions of the planning scheme.
  - ii) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.

- iii) Creation and use of construction access points and working platforms.
  - iv) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
  - v) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
  - vi) Establishment of environment and traffic controls, including designation of 'no-go' zones.
  - vii) Establishment of temporary car parking
  - viii) Demolition to the minimum extent necessary, to enable preparatory works.
  - ix) Salvage and relocation of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with the Act.
- b) The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning. Any native vegetation removed to enable preparatory works forms part of the total extent of native vegetation removal necessary for the construction of the Project and native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, water and Planning, December 2017) except as otherwise agreed by the Secretary of DELWP.

## 6.0 EXPIRY

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

- The development allowed by the control is not started by 1 December 2021.
- The development allowed by the control is not completed by 1 December 2025.
- The use allowed by the controls is not started by 1 December 2025.

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