

*Planning and Environment Act 1987*

**YARRA RANGES PLANNING SCHEME**

**AMENDMENT CXXX**

**EXPLANATORY REPORT**

**Who is the planning authority?**

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

The Amendment has been made at the request of the Level Crossing Removal Project (LXRP), as part of the Major Transport Infrastructure Authority, which is an administrative office established under the *Public Administration Act 2004*, in the Department of Transport (DOT).

**Land affected by the Amendment**

This Amendment applies to the land required for the Maroondah Highway, Lilydale Level Crossing Removal Project (the **Project**), as shown on the Yarra Ranges Planning Scheme Map number 40SCO as SCO3 (**Project Land**).

The Project Land is generally located within the Lilydale rail corridor, nearby roads and reserves and several properties adjacent to the rail reserve. The primary project area generally extends along the railway reserve between Beresford Road in the north and Mooroolbark Rd in the south. The Project Land also generally extends along Maroondah Highway from Clyde Street in the west to Berwick Street in the east as well as including several other roads in the locality that may be temporarily impacted to facilitate site access. Several public and private properties are included for permanent and temporary construction purposes and offset car parking, however no acquisition of private land is required.

**What the Amendment does**

The Amendment inserts the *Maroondah Highway, Lilydale Level Crossing Removal Project, Incorporated Document, August 2019* (the Incorporated Document) into the Yarra Ranges Planning Scheme by inserting Clause 45.12 Specific Controls Overlay (**SCO**).

The Amendment also inserts new Planning Scheme Map No. 40SCO to the Yarra Ranges Planning Scheme.

The effect of this will be to allow the use and development of the Project Land for the purposes of the Project in accordance with the controls contained in the Incorporated Document, without the need for planning permits to be obtained under the Yarra Ranges Planning Scheme.

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

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

The Project is part of the Victorian Government's commitment to remove 75 dangerous and congested level crossings across Metropolitan Melbourne by 2025 which will increase road, rail and pedestrian safety and improve public transport facilities and efficiency.

Maroondah Highway, Lilydale is a declared arterial highway and is a major east-west link in the eastern suburbs of Melbourne. Maroondah Highway carries approximately 26,000 vehicles per day. The operation of the boom gates at this intersection causes lengthy delays to vehicles, cyclists and

pedestrians, particularly during the weekday peak periods when the level crossing is closed for 17 per cent of the time between 7am and 9am.

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

- a) Demolition and works for the removal of the level crossing at Maroondah Highway, Lilydale where it crosses the Lilydale railway line.
- b) Construction of a new Lilydale 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.
- c) 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.
- d) Use and development of land for a railway, including railway tracks and associated communications, signalling and other rail related infrastructure.
- e) Use and development of land for a road, including associated communications, signalling, and other road related infrastructure.
- f) Buildings and works to facilitate the development of new publicly accessible spaces and public realm improvements including, but not limited to, streetscape and landscape works and associated infrastructure.
- g) Creation and alteration of access to roads.
- h) Relocation of telecommunications infrastructure.
- i) Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.
- j) Bus stops, car parking, bicycle facilities, landscaping, publicly accessible spaces and loading and unloading facilities.
- k) 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) Temporary stockpiling of excavation material for construction purposes.
  - 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.

By upgrading the rail track infrastructure, the project will help to achieve the objectives for transport infrastructure envisaged in the metropolitan strategy *Plan Melbourne (2017)*, the *Network Development Plan- Metropolitan Rail (2012)* and *Trains, Trams, Jobs 2015-2025*, *The Victoria Rolling Stock Strategy (2015)*.

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

The Amendment implements the objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987* as follows:

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

The Amendment facilitates a project that will assist in easing road congestion and reducing travel times by removing the level crossing on one of Melbourne's major arterial roads. The Project will contribute to a more efficient use of existing infrastructure by improving reliability of the rail network as well as improving the safety and efficiency of the road network.

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

The Project is mainly in the rail corridor, road reserves and public open space reserves with a modified landform and ecology. Vegetation in the Project Land generally consists of introduced grass species with patches of mostly planted native and introduced trees surrounded by an urban environment.

The Project will only impact limited areas of native vegetation. The design of Project works will minimise these impacts and the Incorporated Document includes a number of measures to manage impacts on native vegetation, including:

- An Environmental Management Strategy (EMS) must be prepared to provide an overarching framework for site or work specific measures to reduce and manage environmental and amenity impacts during construction of the project, including minimising impacts on vegetation and habitat values. The EMS must be prepared to the satisfaction of the Minister for Planning in consultation with Yarra Ranges Shire Council and Maroondah City Council.
- Prior to removal of native vegetation, 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).
- Prior to removal of native vegetation, 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) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria**

The Amendment facilitates a project that will contribute to a more efficient use of existing infrastructure by improving the reliability of the rail network as well as improving the safety and efficiency of the road network.

Removing the Maroondah Highway, Lilydale level crossing will eliminate the conflict between trains, vehicles, cyclists and pedestrians. The final design will facilitate safe and efficient movement of all modes of transport through the major transport crossing. The new Lilydale station will be designed and constructed to enhance safety, functionality and usability and will enhance connectivity within the Lilydale Activity Centre.

The Project will improve amenity for the local community by improving safety through the separation of trains, vehicular and active transport, landscape and urban design improvements, reducing traffic congestion associated with the level crossing and by improving cycling and pedestrian connectivity at the neighbourhood level.

Most of the works will be contained in the existing rail corridor and all works will be designed to respect the local environment.

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

The project area contains one place on the Victorian Heritage Register (VHR), this being the Lilydale Railway Station Refreshment Rooms (VHR H2044). It is not proposed to demolish the Refreshment Rooms or make significant changes to the existing railway station building. Any changes to the heritage place will be minimised and any works within the registered place will be undertaken with any necessary approvals required under the *Heritage Act 2017*.

The Project Land also includes a number of sites within the Heritage Overlay (HO) in the Yarra Ranges Planning Scheme in addition to the VHR site. These sites include all or parts of HO77, HO214, HO215 and HO401. The project design will recognise and consider these local heritage values. Where works within the Heritage Overlay would normally require a planning permit, site plans, elevations and other documentation will be prepared to the satisfaction of the Minister for Planning to ensure that the identified heritage values have been appropriately considered and managed.

Aboriginal cultural heritage will be managed in accordance with an approved Cultural Heritage Management Plan (CHMP) in accordance with the *Aboriginal Heritage Act 2006*.

**e) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community***

The Incorporated Document creates a single integrated planning approval that will ensure orderly and coordinated provision of this upgraded public infrastructure and facilities for the benefit of the community. The works will result in improvements to road and rail infrastructure while also ensuring utilities such as water pipes, gas and electricity are adequately protected, relocated and upgraded where necessary.

**g) *To balance the present and future needs of all Victorians***

This project proposes to remove one of the level crossings within the Victorian Government's level crossing removal program commitment to remove 75 level crossings on the metropolitan rail network by 2025.

The project will benefit present and future users of public transport and Victorians living, working and travelling in the vicinity of the level crossings.

The delivery of the Project will be carefully managed to minimise disruption for rail and road users, local communities and businesses and will provide positive improvements to the local area, the Lilydale rail corridor and the broader public transport system.

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

The design of the Project has been informed by a range of specialist studies and has considered the potential environmental, social and economic effects of the construction and operation of the Project.

***Environmental Effects***

**Environmental Management Strategy (EMS)**

The Incorporated Document requires that an EMS be prepared for the project to manage and minimise impacts on the environment. The EMS must include key construction methodologies and a framework for site and work specific measures to reduce and manage environmental and amenity

effects during construction. The EMS must also include details of engagement activities with stakeholders and 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

The Incorporated Document requires that details of the removal, destruction or lopping of native vegetation necessary for construction of the Project must be prepared in accordance with Application Requirements 1, 5 and 9 of the *Guidelines for removal, destruction or lopping of native vegetation* (DELWP, December 2017). Prior to removal of native vegetation, 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.

### Heritage

The project area contains one place on the VHR, this being the Lilydale Railway Station Refreshment Rooms (VHR H2044 and HO399 in Planning Scheme). The extent of registration of this heritage place includes the entire platform area. It is not proposed to demolish the Refreshment Rooms or make significant changes to the existing railway station building. Any changes to the heritage place will be minimised and any works within the registered place will be undertaken with any necessary approvals required under the *Heritage Act 2017*.

The Project Land also includes areas subject to the following Heritage Overlays of the Yarra Ranges Planning Scheme in addition to the VHR site noted above:

- Heritage Overlay – Schedule 77 (HO77) – Queen Victoria Jubilee Avenue, Maroondah Highway, Lilydale;
- Heritage Overlay – Schedule 214 (HO214) – Lilydale – Warburton Railway (commences north of Lilydale Station);
- Heritage Overlay – Schedule 215 (HO215) – Olive Tree (Olive Tree Shopping Centre), John Street, Lilydale; and
- Heritage Overlay – Schedule 401 (HO401) – Lilydale Historic Street Trees and historic trees along western boundary of Lilydale recreation reserve. Includes street trees in Anderson Street, Castella Street, Cave Hill Road and Clarke Street.

Project works may require some tree removal within these overlays. The overlay schedule includes tree controls for HO77, HO214, HO215 and HO401.

Project works within HO77, HO214, HO215 and HO401 may involve roadworks, and service and utilities relocation. These works may involve alteration of existing footpaths or kerb and channel typically requiring a planning permit.

The Incorporated Document requires that:

- Where a planning permit would normally be required for buildings and works within a Heritage Overlay (including removal, destruction or lopping of a tree if the schedule to the overlay specifies the heritage place as one where tree controls apply), site plans and elevations (or other documentation as agreed by the Minister for Planning) showing the extent of buildings and works must be prepared to the satisfaction of the Minister for Planning.
- Where a planning permit would normally be required for the demolition, alteration or removal of a building within a Heritage Overlay, a full photographic survey of the building/s, comprising photographs of both the exterior and interiors of the buildings and contextual images of the buildings' environs and their settings, must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning.

As the some of the works are located in an area of cultural heritage sensitivity, a Cultural Heritage Management Plan (CHMP) will be completed for the works under the *Aboriginal Heritage Act 2006*.

### Flood Management

The Incorporated Document requires that any buildings and works on Project Land affected by the Special Building Overlay or Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

### Potentially contaminated land

An area of rail line will be removed and new open space (informal outdoor recreation) created and made fit for purpose in relation to potentially contaminated land. The project will address potentially contaminated land through the application of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPM). This process involves an assessment of site contamination that will be undertaken (in accordance with NEPM) to determine the risks to human health and the environment associated with site contamination. If an unacceptable level of contamination is found LXR has processes in place to treat this and transport it via approvals from the Environment Protection Authority (EPA). This approach is consistent with other LXR projects.

### Air quality

Potential air quality impacts from the project will primarily be associated with the construction phase, particularly the emission of dust. The EMS will include an overarching framework for site or work specific measures to reduce and manage environmental and amenity effects during construction in accordance with the relevant policies and guidelines of the EPA.

The project must have regard to the *Environmental Guidelines for Major Construction Sites* (EPA, February 1996) to minimise impacts on air quality during construction and the relevant provisions of the *Environment Protection Act 1970* and the *State Environment Protection Policy (Air Quality Management)*.

Removal of the level crossing will assist in reducing traffic congestion and associated vehicle emissions so is therefore expected to contribute to improved air quality in the local community.

### Noise

Construction activities may result in potential noise within the Project Land. The EMS will include an overarching framework for site or work specific measures to reduce and manage environmental and amenity effects during construction in accordance with the relevant EPA policies and guidelines.

The Project must have regard to the *Environmental Guidelines for Major Construction Sites* (EPA, February 1996) to minimise noise-related impacts during construction and the relevant provisions for the *Environment Protection Act 1970*.

Noise associated with operational use of the rail line must comply with the Victorian Government's *Passenger Rail Infrastructure Noise Policy April 2013* (PRINP).

### **Social Effects**

The project is expected to generate a range of positive social effects including:

- Reduced congestion and improved travel times for road users by removing the level crossing to facilitate continuous traffic flow to improve operational efficiency.
- Improved safety in the vicinity of the level crossing by reducing the potential for conflicts between vehicles, trains, pedestrians and cyclists and reducing delays that contribute to risk taking behaviour.
- Better neighbourhood connectivity by reducing travel times for road and rail users and providing enhanced pedestrian and cyclist connections along and across the rail corridor.
- Improved amenity in residential and commercial areas currently affected by congestion attributable to the level crossing.

- Improved local amenity through creation of new publicly accessible areas and upgrades to the existing public realm in conjunction with construction of a new Lilydale station.
- Providing commuters with a more reliable service through increased efficiency through the reduction of conflict points on the Lilydale rail line.

### **Economic Effects**

The Project will have a number of positive effects such as supporting the prosperity and competitiveness of Victoria by easing congestion and reducing travel delays, which will contribute to increased productivity and greater efficiency in road-based freight movement.

At a local level, removing the level crossing will reduce congestion and improve accessibility to employment precincts in the area such as the Lilydale major activity centre, as well as further afield.

As part of the broader Level Crossing Removal Program, the project is expected to generate up to 300 jobs during the construction peak. The Project will also stimulate economic growth by creating employment opportunities during the construction period.

### **How does the Amendment address any relevant bushfire risk?**

The Project Land is not affected by a Bushfire Management Overlay or located within a bushfire prone area. The Amendment will not therefore increase the risk to life, property, community infrastructure or the natural environment from bushfire.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing a Planning Scheme Amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this Amendment:

#### ***Ministerial Direction on the Form and Content of the Planning Schemes***

The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

#### ***Direction No. 1 Potentially Contaminated Land***

The Amendment is consistent with *Direction No. 1 Potentially Contaminated Land* in that:

- The Incorporated Document requires the preparation of an EMS, which will include measures to manage contaminated land within the Project Land and ensure the environmental condition of the land is suitable for the future intended use.

#### ***Direction No. 9 Metropolitan Planning Strategy***

The most relevant principles / outcome / directions of *Plan Melbourne 2017-2050* to the Project are:

- Principle 8 – Infrastructure investment that supports balanced city growth
- Outcome 3 – Melbourne has an integrated transport system that connects people to jobs and services and goods to market.
- Direction 3.1 – Transform Melbourne's transport system to support a productive city.
- Direction 3.2 – Improve access to job-rich areas across Melbourne and strengthen transport networks in existing suburbs.
- Direction 3.3 - Improve local travel options to support 20-minute neighbourhoods.
- Direction 4.4 – Respect Melbourne's heritage as we build for the future.

The Amendment is consistent with *Direction No. 9 Metropolitan Planning Strategy and Plan Melbourne 2017-2050* in that it:

- Facilitates a more reliable and efficient transport system, for motorists and public transport, to support a more productive city.
- Facilitates transport projects that improve accessibility to jobs and community services.
- Facilitates the improvement of local travel options, which will increase social and economic participation.
- Facilitates improvement in the safe and efficient operation of the existing transport network.
- Ensures the environmental and construction impacts are managed and minimised through the preparation and approval of the EMS.

#### ***Direction No.11 Strategic Assessment of Amendments***

The Amendment has been prepared having regard to the *Direction No.11 Strategic Assessment of Amendments* and *Planning Practice Note 46: Strategic Assessment Guidelines*.

#### ***Direction No. 19 Preparation and Content of Amendments that may significantly impact the environment, amenity and human health***

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

It is not considered that the Amendment will result in the use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution or waste.

However, the EPA are consistently involved with the level crossing removal program and will be regularly consulted as detailed design of the project progresses.

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

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

##### ***Settlement***

The Amendment is consistent with Clause 11 (Settlement) of the PPF in that it facilitates a project that will:

- Improve access by walking, cycling and public transport to services and facilities for local and regional populations, by contributing to the public transport system, and improving safety and connectivity for pedestrians and cyclists in the vicinity of the level crossing
- Support the establishment of a metro-style rail system by delivering separated road and rail crossings
- Improve the safety and efficiency of a major arterial road connection by delivering grade separation

##### ***Environmental and Landscape Values***

The Amendment is consistent with Clause 12 (Environmental and Landscape Values) of the PPF in that:

- The Project has undertaken due diligence studies to identify environmental and landscape values, including flora and fauna, post-contact and Aboriginal cultural heritage

- The Incorporated Document requires the preparation and approval of an EMS that will include an overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the project, including noise and air quality.
- The Incorporated Document requires that the removal, destruction and lopping of native vegetation be detailed in accordance with *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 to DELWP.
- the Incorporated Document requires native vegetation offsets to 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 to DELWP.

### ***Environmental Risks and Amenity***

The Amendment is consistent with Clause 13 (Environmental Risks and Amenity) of the PPF in that:

- The Project has undertaken due diligence studies to identify environmental risks, including consideration of flooding and geotechnical risks, noise and air quality.
- The Incorporated Document requires that buildings and works on land covered by the Land Subject to Inundation Overlay or Special Building Overlay be undertaken to the satisfaction of the relevant floodplain management authority.
- The Incorporated Document requires the preparation and approval of an EMS that will include an overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the project, including noise and air quality.

### ***Natural Resource Management***

The Amendment is consistent with Clause 14 (Natural Resource Management) of the PPF in that:

- The Project has undertaken due diligence studies to identify requirements and opportunities to manage natural resources, including water mains and local storage facilities from potential contamination, measures to manage stormwater runoff, erosion and sediment control.
- The Incorporated Document requires that buildings and works on land covered by the Land Subject to Inundation Overlay or Special Building Overlay be undertaken to the satisfaction of the relevant floodplain management authority.
- The Incorporated Document requires the preparation and approval of an EMS that will include an overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the project, including protection of water quality, resources use and waste management.

### ***Built Environment and Heritage***

The Amendment is consistent with Clause 15 (Built Environment and Heritage) of the PPF in that:

- The role of urban design and building design is recognised by LXR through the development of an Urban Design Framework, with the direct involvement of the Office of the Victorian Government Architect, which outlines principles, objectives, measures and qualitative benchmarks to be taken into consideration during the detailed design phase for the wider Level Crossing Removal Project. Site-specific urban design guidelines for the Project have been developed in accordance with the principles and objectives set out in the Urban Design Framework, and in consultation with stakeholders. The LXR's Urban Design Panel will continue to be involved in the detailed design of the Project.
- The Project will improve safety by reducing conflict between trains, vehicles, cyclists and pedestrians.

- The Incorporated Document requires that for demolition and buildings and works at locations of local heritage significance, as reflected in the planning scheme, plans and elevations (or other documentation as agreed by the Minister for Planning) are to be provided to the satisfaction of the Minister for Planning. Impacts to places listed on the VHR and the Victorian Heritage Inventory will be carried out in accordance with all the necessary approvals under the *Heritage Act 2017*.
- A CHMP provides management measures for any aboriginal heritage artefacts discovered within the construction footprint during works in consultation with Aboriginal Victoria.

### **Transport**

The Amendment supports and implements Clause 18 (Transport) of the PPF as follows:

- The Project facilitates development of a metro-style system through providing grade separation between vehicles, trains, pedestrians and cyclists.
- The Project will provide or reinstate shared user paths and pedestrian links that will encourage the use of sustainable personal transport and improve access to the public transport system.
- The Project will facilitate safer and more efficient movement of freight to meet local needs and service markets throughout Victoria by removing constraints on the current road network.
- The removal of the level crossing and associated construction of a new Lilydale station will facilitate coordinated improvements to public transport, walking and cycling networks to assist in activating investment and employment growth in the Lilydale Activity Centre.
- The Incorporated Document requires the preparation and approval of an EMS that will include an overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the Project.
- The Project will facilitate the reduction of greenhouse gas emissions through reduced road congestion and increased facilitation of sustainable transport options.

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

The Amendment supports and implements the Local Planning Policy Framework (LPPF) of the Yarra Ranges Planning Scheme in that it will support the following clauses:

#### **Yarra Ranges**

Specifically, the Amendment supports and implements the following clauses of the LPPF under the Yarra Ranges Planning Scheme:

- Clause 21.03 (Vision)
- Clause 21.06 (Built Form)
- Clause 21.09 (Environment)
- Clause 21.10 (Infrastructure)
- Clause 22.05 (Vegetation Protection)
- Clause 22.07 (Lilydale Activity Centre)

The Amendment supports and implements these Clauses because:

- The Project will support Clause 21.03 (Vision) and the Shire's *Vision 2020 – Community Plan* by providing enhanced rail, road, cycling and pedestrian movement and connectivity within the Shire's major activity centre.

- The Project will be designed and delivered with reference to the LXP Urban Design Framework and site specific Urban Design Guidelines. The framework and guidelines outline the principles, objectives, measures and benchmarks that will be considered during development of the project design and seek to ensure that the resulting built form recognises and responds to the local landscape, built form, urban fabric and cultural context consistent with Clause 21.06 (Built Form). In particular, the Project will implement the Town Centre objectives by providing safer and more efficient transport links whilst retaining significant heritage places, in particular the current Lilydale Station building and the Queen Victoria Jubilee Avenue.
- The Incorporated Document requires the preparation and approval of an EMS that will include an overarching framework for site and works specific measures to reduce and manage environmental and amenity effects during construction of the project consistent with Clause 21.09 (Environment)
- The Project upgrades the existing level crossing between the Lilydale rail line and Maroondah Highway, Lilydale by delivering the grade separation consistent with Clause 21.10 (Infrastructure)
- In accordance with Clause 22.05 (Vegetation Protection), the Project design and construction methodology has attempted to minimise impacts on native vegetation and significant exotic vegetation. The project will retain and protect the Queen Victoria Jubilee Avenue to the extent practicable. Offsets for native vegetation removal will be provided in accordance with the Guidelines.
- The Project implements the objectives of Clause 22.07 (Lilydale Activity Centre), in particular Transport and Access, by relocating the Lilydale railway station and transport interchange south of Maroondah Highway whilst also providing a grade-separated pedestrian connection, including disabled access, between the new station and the car parking areas on the north side of the highway. This thereby improves the connection between the transport interchange at Lilydale railway station and the rest of the activity centre. The Project also enhances the shared user path connections, including with the Warburton Rail Trail. This reinforces Lilydale's role as the Shire of Yarra Ranges' major activity centre by improving accessibility and convenience and giving priority to people with disability, pedestrians, cyclists and public transport users.

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

The Amendment uses the Specific Controls Overlay, a new schedule to Clause 45.12 and schedule to Clauses 72.03 (What does this Planning Scheme Consist of?) and 72.04 (Documents incorporated into the scheme) of the relevant Planning Schemes to facilitate the Project. The purpose of Clause 45.12 is to provide specific controls designed to achieve a particular land use and development outcome in a manner that would otherwise be restricted under the Planning Scheme.

The site-specific controls are detailed in the associated Incorporated Document, and allow the use and development of Project Land for the purposes of the Project, as of right, in accordance with the conditions in the Incorporated Document.

The Amendment will allow the Project to be developed in a coordinated, consistent and timely manner under a single planning control.

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

The views of the following agencies will be sought and considered by the LXP prior to the preparation of the Amendment:

- Aboriginal Victoria
- Department of Environment, Land, Water and Planning
- Environment Protection Authority

- Heritage Victoria
- Yarra Ranges Shire Council
- Melbourne Water
- Metro Trains Melbourne
- Office of the Victorian Government Architect
- Public Transport Victoria
- Transport for Victoria
- VicRoads
- VicTrack

### **Does the Amendment address the requirements of the *Transport Integration Act 2010*?**

The *Transport Integration Act 2010* requires interface bodies (i.e. planning authorities) to have regard to the transport system objectives, the decision-making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

In particular, the Amendment was drafted in consultation with key stakeholders and facilitates a project that will:

- Contribute to a program of network wide improvements
- Improve reliability, capacity and travel time
- Improve safety for road and rail users and pedestrians.

In doing so, the Amendment has addressed the following key transport system objectives and decision- making principles in the *Transport Integration Act 2010*:

#### ***Division 2- Transport system objectives***

- ***S8 Social and economic inclusion:*** The Project will support social and economic inclusion by improving road congestion, thereby expanding opportunities for access to social and economic opportunities for metropolitan and eastern suburban communities.
- ***S9 Economic prosperity:*** The Project will support economic prosperity in the metropolitan area and the region by creating jobs and facilitating easier access to employment opportunities. The project will improve existing transport infrastructure, achieving greater operational efficiencies for Victoria.
- ***Environmental sustainability:*** The Project will promote the efficient use of public transport in the overall transport system and will support the development of the rail network as a sustainable transport option for all Victorians.
- ***S11 Integration of transport and land use:*** The Project will incorporate high quality urban design outcomes in accordance with LXRP's Urban Design Framework. The project area generally utilises the existing rail reserve and adjacent road reserves, thereby maximising integration with existing road operations and minimising impacts on non-transport infrastructure related land uses.
- ***S12 Efficiency, coordination and reliability:*** The Project is a part of a wider level crossing removal program that will facilitate network-wide efficient, coordinated and reliable movements of people and vehicles.
- ***S13 Safety and health and wellbeing:*** Removal of the level crossing will eliminate conflict between trains, vehicles and pedestrians whilst the new Lilydale station and the overall corridor improvements will be designed and constructed to enhance safety, functionality and usability.

### **Division 3- Decision- making principles**

- *S15 Principle of integrated decision-making:* The Project has been the subject of a coordinated process between different levels of government and relevant agencies. The Amendment will ensure the project is delivered in a timely manner to support the current and future requirements of the transport system and the demands of metropolitan Melbourne.
- *S16 Principle of triple bottom line assessment:* Economic, environmental and social factors have been considered. The investigations and assessments undertaken for the Project satisfy the principle of triple bottom line assessment.
- *S17 Principle of equity:* Improvements to transport infrastructure will increase train and network efficiencies. These rail services are available to all persons and provide transport opportunities to those who may not have alternative options such as ownership of a private vehicle.
- *S18 Principle of the transport system user perspective:* The transport system upgrades facilitated by the project will improve the public transport experience for users of the rail network.
- *S19 Precautionary principle:* The precautionary principle has been followed in the development of the project through careful specialist investigation and evaluation to avoid serious or irreversible damage to the environment.
- *S20 Principle of stakeholder engagement and community participation:* The Project is supported by a consultation strategy by the LXP, which included consultation with nearby residents, commuters, local communities, their representatives and relevant agencies.
- *S21 Principle of transparency:* A stakeholder consultation process has taken place and will continue to ensure transparency in the development of the project.

### **Resource and administration costs**

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

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

#### **Where you may inspect this Amendment**

The Amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

The Amendment is also available for public inspection, free of charge, during office hours at:

Yarra Ranges City Council  
15 Anderson Street  
Lilydale, VIC 3140