

Donnybrook Car Park Upgrade

Incorporated Document

March 2019

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Whittlesea Planning Scheme (planning scheme) and is made pursuant to section (6)(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 The land identified in Clause 3 of this document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3 The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE

- 2.1 The purpose of the control in Clause 4 is to permit and facilitate the use and development of the land described in Clause 3 for the Donnybrook Car Park Upgrade (project).

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land shown as SCO6 on the planning scheme maps forming part of the Whittlesea Planning Scheme.

4. CONTROL

Exemption from planning scheme requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate, the use and development of the project land for the purposes of the project.
- 4.2 The project includes but is not limited to:
 - a) Use of land and buildings and works for a car park, including bus bays and associated transport interchange facilities, and widening and alteration to Springs Road, Donnybrook.
 - b) Use of land and buildings and works for *Railway station* and *Bus terminal*, including associated structures and development of roads, cuttings, batters and fill, communications, electrical infrastructure and public transport related infrastructure.
 - c) Use and development of the project land for ancillary activities to the use and development described in Clause 4.2(a) and (b), including but not limited to:
 - i. Use and development of lay down areas for construction purposes.
 - ii. Use and development of temporary site workshops, storage, administration and amenities buildings, vehicle parking areas and access roads.
 - iii. Constructing fences, temporary site barriers and site security.
 - iv. Displaying construction, directional or identification signage.
 - v. Removing, destroying and lopping trees and removing vegetation, including native vegetation.
 - vi. Demolishing and removing buildings and works.
 - vii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, and to alter drainage, services and utilities, and temporary stockpiling of excavation material.

- viii. Subdividing and consolidating land resulting from works required for the project.
- ix. Creating or altering access to a road in a Road Zone.
- d) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.
- e) Land uses in italics have the same meanings as in Clause 73.03 (Land Use Terms) of the planning scheme.

Conditions

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

4.4 Urban Design Principles

4.4.1 Prior to the commencement of any buildings or works (excluding preparatory buildings and works in Clause 4.10), a development plan must be prepared to the satisfaction of Whittlesea City Council that achieves the following urban design principles:

- a) Provide safe and direct pedestrian and cyclist linkages with clear sightlines to Donnybrook station, the future pedestrian overpass and adjacent residential developments.
- b) Ensure the design treatment at car park edges addresses safety and amenity for existing properties.
- c) Car and bus access to the car park must consider the relationship with key access points of the adjacent residential development.
- d) Ensure the car park does not preclude the future provision of a sleeved development and the car park edge treatments do not prejudice future development opportunities on adjoining land (as identified in the *Lockerbie Precinct Structure Plan, May 2012*).

4.5 Native vegetation

4.5.1 The removal, destruction or lopping of any native vegetation must meet the conditions and offset requirements of Section 4.0 of the *Lockerbie Native Vegetation Precinct Plan, May 2012*.

4.6 Heritage management

4.6.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10.2) on project land affected by the Heritage Overlay, documentation must be prepared to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning). The documentation must include:

- a) Site plans and elevations showing the proposed development.
- b) An assessment of the impact of the proposed development on the heritage place.

4.7 Traffic management

4.7.1 Prior to the commencement of any buildings or works, a Traffic Management and Pedestrian Plan must be prepared to the satisfaction of Whittlesea City Council that addresses traffic and pedestrian management. The plan must:

- a) Consider any disruption to affected stakeholders, adjacent landowners and occupiers, commuters and the community in developing the timing and methodology for any building or works.
- b) Consider Council's and other stakeholders' operational requirements, plans and events during planning for construction activities and consider these constraints in construction plans and program.
- c) Identify and assess the traffic impacts of the buildings or works.
- d) Detail the traffic and vehicular management measures to be used, both on site and outside of the direct works area, which will mitigate the impacts of the buildings or works.
- e) Assess the effect of proposed traffic and pedestrian management measures on traffic and pedestrian movements in adjoining streets.

4.8 Creating or altering access to roads

- 4.8.1 Any buildings or works to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, or on land owned by the Roads Corporation for the purpose of a road, must be undertaken to the satisfaction of the Roads Corporation in consultation with Whittlesea City Council, following the preparation of a traffic impact assessment, except as otherwise agreed by the Roads Corporation.
- 4.8.2 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*, or on land owned by the Roads Corporation for the purpose of a road.

4.9 Other conditions

- 4.9.1 Unless otherwise stated, the conditions set out in Clause 4 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 4.10). The conditions may be satisfied in separate components or stages of the project, however each condition must be satisfied prior to the commencement of development for that component or stage.
- 4.9.2 The plans and documentation required under Clause 4 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 Whittlesea City Council or any other relevant authority.
- 4.9.3 The use and development of the project must be undertaken in accordance with this document and the approved plans and documentation.

4.10 Preparatory buildings and works

- 4.10.1 Preparatory buildings and works may commence on the land described in Clause 3 before the conditions set out in Clause 4 are satisfied.
- 4.10.2 Preparatory buildings and works include but are not limited to:
 - a) Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the planning scheme.

- b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- c) Construction and use of access points and working platforms.
- d) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- e) Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- f) Establishment of environment and traffic controls, including designated 'no-go' zones.
- g) Establishment of temporary car parking.
- h) Demolition to the minimum extent necessary to enable preparatory works.
- i) Removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- j) 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.

5. EXPIRY

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

- a) The development allowed by the control, including preparatory buildings and works, is not started by 31 March 2022.
- b) The development allowed by the control is not completed by 31 March 2025.

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