

Station Street/Bondi Road, Bonbeach Level Crossing Removal Project

Incorporated Document

September 2018

1.0 INTRODUCTION

This document is an incorporated document in the Kingston Planning Scheme (planning scheme) 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 Clause 4.0 of this document.

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of the control of this document is to permit and facilitate the use and development of land described in Clause 3.0 for the purposes of the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project (project).

3.0 LAND

This document applies to the land marked as SCO2 on Kingston Planning Scheme Map 09SCO.

4.0 CONTROL

4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary, or any inconsistent provision, in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use or development of the land described in Clause 3.0 for the purposes of the project.

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

- a) Removal of the level crossing at Station Street/Bondi Road, Bonbeach where it crosses the Frankston rail line.
- b) Railway construction and associated works to lower the existing Frankston rail line under Station Street/Bondi Road, including, but not limited to, bulk excavation, relocation of existing utilities and installation of new utility infrastructure, earthworks, installation of drainage and retaining walls, replacement of track infrastructure, access tracks, landscaping, vegetation removal and construction and use of bicycle and pedestrian shared use paths.
- c) Road construction and associated works including construction of a road bridge over the Frankston rail line at Station Street/Bondi Road and associated works including alterations to road access arrangements.
- d) Demolition of the existing railway station and development of a new railway station, including decking over the trench, car parking, bicycle facilities and loading and unloading facilities.
- e) Provision of pedestrian access and shared bicycle use paths, including the construction of pedestrian bridges over the railway line.
- f) Associated rail infrastructure, including power upgrades and overhead

infrastructure, cabling and signaling.

- g) Creation and alteration of access to roads in a Road Zone Category 1.
- h) Ancillary activities, preparatory and enabling works, including, but not limited to:
 - i) Use and development of lay down areas for construction purposes.
 - ii) Stockpiling of excavation material.
 - iii) Use and development of temporary site workshops and storage, administration and amenities buildings, access and vehicle parking.
 - iv) Removal, destruction or lopping of trees and vegetation, including native vegetation and dead native vegetation.
 - v) Demolition and removal of buildings, structures and works.
 - vi) Relocation, modification and upgrade of services and utilities.
 - vii) Construction of fences, temporary site barriers and site security.
 - viii) Construction or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage.
 - ix) Earthworks including cutting, stockpiling and removal of spoil, and the formation of drainage works.
 - x) Display of construction, directional or identification signs.
 - xi) Subdivision and consolidation of land.

4.2 CONDITIONS

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

Environmental Management Framework

- 4.2.1 Prior to the commencement of development (excluding preparatory buildings and works under clause 4.3), an Environmental Management Framework (EMF) must be approved by the Minister for Planning. The EMF must:
 - a) include the Environmental Performance Requirements applicable to the design, development and operation of the project;
 - b) be accompanied by a statement explaining any difference between it, and the matters set out in the Minister's Assessment under the Environment Effects Act 1978 dated 31 August 2018.
- 4.2.2 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.
- 4.2.3 The use and development of the project must be carried out in accordance with the approved EMF.

Native Vegetation

- 4.2.4 Details of the proposed removal, destruction or lopping of native vegetation necessary for the construction of the Project must be prepared in accordance

with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP), except as otherwise agreed by the Secretary to DELWP.

- 4.2.5 Native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP.

Heritage Management

- 4.2.6 Where, but for this incorporated document, a planning permit would be required for buildings and works or subdivision within a Heritage Overlay, site plans and elevations showing the extent of buildings and works must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning.
- 4.2.7 Where, but for this incorporated document, a planning permit would be required for the demolition, alteration, or removal of a building within a Heritage Overlay, a full photographic survey of the buildings, 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.

Road Access

- 4.2.8 The creation and alteration of access to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.
- 4.2.9 Subdivision of land adjacent to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.

Other Conditions

- 4.2.10 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.
- 4.2.11 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or the 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 or the relevant approving authority may seek the views of council and any other relevant authority.
- 4.2.12 The use and development of the land must be undertaken generally in accordance with the approved plans and documents.

4.3 PREPARATORY AND OTHER WORKS

The following buildings and works and uses may commence on the land prior to the approval of the plans and other documents listed in Clause 4.2:

- 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) Investigation, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - iii) 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 signaling, 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 in accordance with the relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that 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* (DELWP, 2017) except as otherwise agreed by the Secretary to DELWP.

5.0 EXPIRY

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

- The use and development allowed by the controls, including preparatory works, is not started by 1 December 2020.
- The development allowed by the controls is not completed by 1 December 2025.