

DAREBIN PLANNING SCHEME
Incorporated Document

La Trobe Sports Park Stage 3 – September 2021

This document is an Incorporated Document in the Darebin Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

This document is an Incorporated Document identified in the Schedule to Clause 45.12 'Specific Controls Overlay' and the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' of the Darebin Planning Scheme (planning scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and clauses contained in Clauses 5.0, 6.0 and 7.0 of this document.

This document permits the use and development of the La Trobe University Sports Park (Stage 3) (the project).

The provisions in this document prevail over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit the use and development of the land described in Clause 3.0 of this document for the purposes of the project, generally in accordance with the specific controls and clauses contained in Clauses 5.0, 6.0 and 7.0 of this document.

The project is for the use and development of the land for a major sports and recreation facility; the removal of vegetation and native vegetation; the erection and display of signs; the creation or alteration of access to a road in a Road Zone Category 1; and associated buildings and works. This includes:

- indoor and outdoor sports and training fields
- two grandstands of approximately 500 to 1,000 seat capacity with a maximum height no greater than 21 metres and six storeys
- ancillary office and administration, function centre, medical centre, strength, conditioning and rehabilitation, sports science, media centre, café, and community engagement facilities
- ancillary activities including vegetation and native vegetation removal, demolition and clearing, earthworks and retaining, construction activities including the temporary buildings and the storage of materials, restoration and reinstatement works, and the installation or alteration of services
- creating or altering access to a road in a Road Zone, Category 1 with associated roadworks
- car parking, floodlighting, fencing and revegetation,
- erection and display of signs
- improvements to the public realm and pedestrian and shared use paths
- stormwater treatment and flood management

3.0 ADDRESS OF THE LAND

This document applies to the land at 906 Plenty Road, Bundoora (Lot 1 on Plan of Subdivision 444016H and Crown Allotment 10D Parish of Keelbundora) that is affected by SCO5 in the planning scheme (as shown on Planning Scheme Maps 7SCO and 8SCO), as below.



4.0 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 and development of the land for the purposes of the development permitted by this document, with the exception of the provisions of Clause 45.06 Development Contributions Plan Overlay Schedule 1, Clause 52.27 'Licensed Premises', Clause 52.28 'Gaming', which continue to apply.

5.0 ABORIGINAL CULTURAL HERITAGE

Before any high-impact activities (as defined by the Aboriginal Heritage Regulations 2018 or successor documents) commence, a Cultural Heritage Management Plan must be prepared and approved in accordance with the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018* (or successor documents), as required, for land within an area of cultural heritage sensitivity, unless an exemption applies.

The use and development permitted by this Incorporated Document must be consistent with any approved Cultural Heritage Management Plan.

6.0 THIS DOCUMENT ALLOWS

This document allows the use and development of the land for a major sports and recreation facility, indoor recreation facility and open sports ground; the removal of vegetation and native vegetation; the erection of signage; the creation or alteration of access to a road in a Road Zone Category 1; and associated buildings and works; generally in accordance with the La Trobe University Sports Park Stage 3 Master Plan Report, dated December 2020, by Cox Architecture, any plans or reports required to be endorsed or approved by Clause 7.0 of this document and any amendment of the plans that may be approved from time to time under the clauses of this document.

7.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:

Use and development

7.1 Prior to the commencement of the use and / or development, except for the preparatory buildings and works provided for at Clause 7.7 of this document, a detailed site layout plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. The detailed site layout plan must be drawn to scale with dimensions and three copies must be provided. The detailed site layout plan must be generally in accordance with the plan titled 'Master Plan Option 2 – Technical' (drawing no. ASK-0004, dated 4 December 2020 and prepared by Cox Architecture) but amended to show:

- a) The location of all buildings, fields, vehicle accessways, vegetation to be retained and works including the proposed use and heights of buildings.

The detailed site layout plan approved under this provision must not be altered or modified without the prior written consent of the Minister for Planning.

Staging

- 7.2 The use, development and corresponding requirements arising under this document may be completed in stages.

Construction Environmental Management Plan

- 7.3 Prior to the commencement of development or a stage of development, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Minister for Planning, in consultation with the Darebin City Council, the Department of Transport, the Department of Environment, Land, Water and Planning (DELWP) Environment Group, the Environment Protection Authority, and Melbourne Water, to the satisfaction of the Minister for Planning. The CEMP must outline how the environmental impacts associated with construction of the development or a stage of the development will be identified and managed, including any means to avoid, remedy, or mitigate these impacts. The CEMP must address:

- (a) The recommendations of the report titled 'Preliminary Site Investigation', ref. 36667, dated October 2020, by Prensa, including:
 - i) The development of a soil management plan to assist contractors in managing soil during the construction stage by providing procedures and contingencies to manage non-friable asbestos-containing material that may be encountered during soil disturbance works as well as procedures and contingencies to manage unexpected contamination or point sources of contamination that may be identified following the clearing of vegetation or disturbance to material currently stockpiled on the site.
 - ii) The establishment of two groundwater wells and one round of groundwater monitoring, including to target the presence of total recoverable hydrocarbons (TRHs) and benzene, ethylbenzene, toluene and three isomers of xylene (the BTEX group of contaminants).
- (b) How risks to the surrounding environment, including receiving waterways, will be generally identified and managed, and who will be responsible for implementing the requirements of the CEMP.
- (c) A high level outline of the anticipated construction program, including key events and the timeframes involved with various activities.
- (d) Information on the various demolition and construction activities to occur, including earthworks, clearing, and restoration.
- (e) The hours of operation.
- (f) Noise and vibration management measures.
- (g) Traffic and parking management, including works necessary to protect road and other infrastructure, the remediation of any damage to road and other infrastructure, the preferred arrangements for trucks entering and exiting the land (including expected numbers and frequency), and parking for construction workers.
- (h) Measures to minimise soiling of roadways, including facilities for vehicle washing to be located on the land.
- (i) Measures to contain dust, dirt and mud within the land and avoid, mitigate, or remedy it spreading beyond the land, including the method and frequency of clean up procedures to prevent the accumulation of dust, dirt, and mud outside the land.

- (j) Surface water management, including stormwater, sediment, and silt control (particularly in relation to the Darebin Creek); maintaining flow paths and floodplain storage; and asset protection.
- (k) The locations for material stockpiling (including any spoil, cut, fill or other) and how these stockpiles will be managed.
- (l) The locations of any other construction related items or equipment, including buildings and plant/machinery.
- (m) Vegetation and wildlife protection measures (including exclusion fencing around native vegetation and habitat).
- (n) Management measures for any environmental hazards or dangerous substances, including contaminated material, stormwater contamination, and response plans to handle fuel and chemical spills as well as litter control.
- (o) Identify all construction 'no go' zones for the protection of retained native vegetation, conservation areas, waterways and offset sites.
- (p) Site security, including an emergency contact that is available for 24 hours per day in the event of relevant queries or problems experienced.
- (q) Procedures and contingencies to manage unexpected contamination or point sources of contamination which may be identified following the clearing of vegetation or disturbance to material currently stockpiled on site.
- (r) Specification that vegetation to be removed must be examined by a suitably qualified zoologist for the presence of fauna in hollows or external nests prior to felling or destruction. Whenever possible vegetation removal should be avoided during spring and early summer to avoid disturbing active nests. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation, in consultation with DELWP and the Responsible Authority.
- (s) Details of measures to ensure no animals are harmed during land excavation/soil scalping by ensuring a qualified zoologist undertakes a pre-clearance check (under rock, logs, timber, dumped rubbish etc.) must be undertaken, particularly in the vicinity of the creek line or surrounding waterbodies.
- (t) Measures that will be implemented to identify and protect native vegetation to be retained (including trees deemed lost but not removed), and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site.

7.4 The endorsed CEMP must be implemented and complied with to the satisfaction of the Responsible Authority and must not be altered or modified without the prior written consent of the Minister for Planning.

Construction Times

7.5 Except with the prior written consent of the Darebin City Council, demolition or construction works must be carried out in accordance with *Darebin City Council's General Local Law 2015*.

Native Vegetation

7.6 Requirements for the removal of any native vegetation:

- (a) Prior to removal of native vegetation, information about that native vegetation in accordance with Application Requirements 1, 5 and 9, 10 and 11 in Tables 4 and 5 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), must be provided to the satisfaction of the Secretary to the DELWP.

- (b) Prior to removal of native vegetation, the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), 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 the clause above.
- (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 2018).
- (e) For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.
- (f) The requirements of Clause 7.6 (a) and (b) may be satisfied in stages, however, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that stage.

Preparatory buildings and works

- 7.7 The following preparatory buildings and works may be commenced before the requirements specified in Clauses 7.8, 7.9 and 7.19 are satisfied:
- (a) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - (b) Construction, protection, modification, removal or relocation of utility installations.
 - (c) Establishment of environment and traffic controls.
 - (d) Basic civil works associated with site infrastructure and site benching.

Environmental Audit

- 7.8 In the event below ground structures (including basements or lift shafts) are proposed, prior to the commencement of development of these structures (excluding preparatory buildings and works under Clause 7.7, provided they do not inhibit the ability to undertake the environmental audit, or any works required to comply with this clause), the owner of the land must, to the satisfaction of the responsible authority:
- (a) engage an environmental auditor appointed under Part 8.3 of the Environment Protection Act, 2017 to prepare and submit to the satisfaction of the responsible authority a scope of the proposed audit related to the potential risk posed by landfill gas associated with the off-site landfills to the west of the site.
 - (b) have the environmental auditor conduct an audit under Part 8.3 of the Environment Protection Act, 2017 in accordance with the agreed scope.
 - (c) implement any recommendations of the audit report.

If the audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority requiring the implementation of any ongoing requirements. The owner/operator under this approval must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Traffic Impact Assessment

- 7.9 Prior to the commencement of development (excluding preparatory buildings and works under Clause 7.7), a Traffic Impact Assessment (TIA) that is to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Minister for Planning. When approved, the TIA will be endorsed. The TIA must address all traffic, access and parking issues arising from

the development and must also identify any mitigation works required. The TIA must include the following:

- (b) Anticipated patronage numbers and the frequency of events, including spectator events, at the facility.
- (c) SIDRA analysis of the traffic generation and distribution by the development at all access points with due consideration of future network traffic.
- (d) An assessment of all modes of access to and from the site including but not limited to:
 - i) An analysis/details of the Plenty Road 'left in left out' access and how the bus stop, tram stop and pedestrian signals will be designed and function.
 - ii) An analysis of tram and bus stop facilities at Browning Street & Plenty Road (both directions) and any upgrades necessary.
 - iii) A wayfinding strategy for all modes of access to the precinct including links to key destinations and pedestrian/cycle paths linking to Macleod Station.
 - iv) End of trip facilities.
- (e) Plenty Road Access Strategy:
 - i) Consideration of access requirements, types of movements and design vehicles to be allowed on Plenty Road for interim and future scenario.
 - ii) Conceptual layout plans for intersection treatments.
- (f) Kingsbury Drive Access Strategy:
 - i) Consideration of access requirements on Kingsbury Drive, including the form of access, design vehicles to be catered for and geometric and environmental factors.
 - ii) Conceptual layout plans for intersection treatments.
- (g) A car parking assessment analysing on and off-site car parking to justify the parking provision and associated infrastructure including possible dynamic guidance system.

7.10 Prior to the commencement of the use, the following documents must be prepared to the satisfaction of the Head, Transport for Victoria and submitted to and approved by the Minister for Planning. When approved, these documents will be endorsed:

- (a) Road Safety and Safety Systems Audit for all modes of transport, including coach/bus route access for events, that must analyse issues within the precinct as well as interactions with the arterial roads, such as the tram stop on Plenty Road and use by patrons of the facility.
- (b) A Green Travel Plan, including a description of the existing active private and public transport context and initiatives to encourage use of active and public transport modes and measures for reducing use of private vehicles for events.
- (c) A Traffic Management Plan that caters for large events.

7.11 The documents endorsed under clauses 7.9 and 7.10 must be implemented and complied with to the satisfaction of the Responsible Authority and must not be altered or modified without the prior written consent of the Minister for Planning.

Grandstand plans

7.12 Prior to the commencement of development specifically for a grandstand or spectator stand, detailed plans must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed and must not be altered or modified without the prior written consent of the Minister for Planning. The plans must be fully dimensioned, drawn to scale, and show:

- (a) Site layout.
- (b) Floor plans of every level.
- (c) Elevations indicating that buildings do not exceed 21 metres and six storeys in height and including a description of the treatment of external surfaces with details of any noise attenuation measures.
- (d) Detailed elevations at an appropriate scale illustrating key features such as entries and ground floor interface with the public realm.
- (e) Details of any signs.

Spectator Management Plan

- 7.13 Prior to the commencement of the spectator use, a Spectator Management Plan must be submitted to and approved by the Minister for Planning, in consultation with the Darebin City Council, to the satisfaction of the Minister for Planning. When approved, the Spectator Management Plan will be endorsed. The Spectator Management Plan must address:
- (a) Types and frequency of spectator events, hours of operation, and the anticipated number of spectators.
 - (b) Ongoing measures for spectators entering and leaving the site to ensure there is no unreasonable amenity impact to persons beyond the land.
 - (c) The keeping of a complaint register.
 - (d) Site security and general management arrangements.
- 7.14 The endorsed Spectator Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be altered or modified without the prior written consent of the Minister for Planning.

Noise

- 7.15 Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the *Environment Protection Regulation 2021*, or other equivalent policy to the satisfaction of the Responsible Authority.

Lighting Plan

- 7.16 Prior to the commencement of the use, a Lighting Plan must be submitted to and approved by the Minister for Planning, in consultation with the Darebin City Council. When approved, the Lighting Plan will be endorsed. The Lighting Plan must address:
- (a) The location, direction, and intensity of the lighting.
 - (b) Any shielding, baffling, or other similar measure.
 - (c) Any lighting that is required to meet the particular needs of any use of the land (such as for elite sports and training).
 - (d) Any lighting that is required to meet the requirements of any relevant Australian Standard.
- 7.17 The endorsed Lighting Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be altered or modified without the prior written consent of the Minister for Planning.

Signs

- 7.18 Prior to the erection of any signs (excluding business identification and directional signs less than 8 square metres, and any temporary signs for construction or road management purposes), a set of sign plans, fully dimensioned and drawn to scale, must be submitted to and

approved by the Minister for Planning. When approved, the plans will be endorsed and must not be altered or modified without the prior written consent of the Minister for Planning.

Melbourne Water requirements

- 7.19 Prior to the commencement of development (excluding preparatory buildings and works under Clause 7.7), a Stormwater Strategy that is to the satisfaction of Melbourne Water must be submitted to and approved by the Minister for Planning. When approved, the Stormwater Strategy will be endorsed. The Stormwater Strategy must address the following:
- (a) Best practice stormwater quality management and water sensitive urban design must be integrated into the project, to ensure best practice stormwater quality targets are achieved and potential impacts on receiving waterways are mitigated.
 - (b) The 1% AEP overland flow path must be maintained or diverted appropriately. There must be a controlled release point into the Darebin Creek to ensure creek bank and land stability during a major wet-weather event.
 - (c) Post-development flows leaving the site must be constrained to predeveloped flows, which may include “deepening of the existing basin” and “new stormwater detention basins”.
- 7.20 Any new or upgrades to existing stormwater connections into the Darebin Creek, or other modifications to the creek banks, must be approved by Melbourne Water. An application can be made via: <https://www.melbournewater.com.au/building-and-works/work-or-buildnear-our-assets-or-easements>.
- 7.21 If additional flows are to be directed to an existing stormwater outlet, the asset capacity must be assessed by a suitably qualified professional to confirm that predicted discharge flow rates at the outlet (into the creek) are within acceptable standards and no unacceptable risks or impacts are posed to the waterway.
- 7.22 Any assets proposed to be built above drainage or sewer easements vested in Melbourne Water must be approved by Melbourne Water. An application can be made via: <https://www.melbournewater.com.au/building-and-works/work-or-buildnear-our-assets-or-easements>.
- 7.23 Wet weather surface flows down the proposed link path (between the project site and Darebin Creek trail) must be considered and managed, to ensure that flows are not inadvertently directed into the creek at an uncontrolled point that, over time, could trigger bank erosion processes.
- 7.24 No large buildings, solid fences or other significant structures are to be installed in vicinity of the boundary of the project site interfacing with the Darebin Creek corridor, where there is a risk of increasing the visual bulk of built form when viewed from the waterway corridor.
- 7.25 Artificial lighting spill into the Darebin Creek corridor, and the subsequent potential to interfere with nearby fauna, must be considered and mitigated appropriately to the satisfaction of Melbourne Water.
- 7.26 Prior to the commencement of works, the ownership and maintenance responsibilities of new drainage and stormwater assets must be confirmed. Any assets proposed to be owned or managed by Melbourne Water must be submitted to Melbourne Water for review.

8.0 EXPIRY OF INCORPORATED DOCUMENT

- 8.1 This Incorporated Document will expire if the following circumstance applies:
- (a) The development is not started within one year of the date of the gazettal of Amendment C201 to the Darebin Planning Scheme.

- (b) The development is not completed within five years of the date of the gazettal of Amendment C201 to the Darebin Planning Scheme.
- (c) The use has not commenced within three years of the date of the gazettal of Amendment C201 to the Darebin Planning Scheme.

The responsible authority may extend the period referred to if a request is made in writing before this Incorporated Document expires or within 6 months afterwards.

End of Document