

Templestowe Road Soccer Facilities

Incorporated Document

October 2020

1. INTRODUCTION

- 1.1. This document is an incorporated document in the Manningham Planning Scheme (**Planning Scheme**) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2. This incorporated document facilitates the delivery of the Templestowe Road Soccer Facilities (**Project**). The Project comprises works and activities that are associated with the North East Link project, a declared project under the *Major Transport Projects Facilitation Act 2009*.
- 1.3. The control in Clause 4 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 purposes of the Project, in accordance with the requirements specified in Clause 4.

3. LAND

- 3.1. The control in Clause 4 applies to the land shown as SCO6 on the planning scheme maps forming part of the Planning Scheme (**Project Land**).

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 or development of the Project Land for the purposes of, or related to, constructing, maintaining or operating the Project.
- 4.2. The use and development of the Project Land for the purpose of, or related to, the Project includes, but is not limited to:
 - (a) Soccer fields, a pavilion, sport and recreation facilities including passive and active recreation, associated car parking, flood lighting, fencing, tree planting and revegetation
 - (b) Improvements to the public realm and pedestrian and shared use paths
 - (c) Stormwater treatment and flood management
 - (d) Ancillary activities including but not limited to:
 - (i) Developing and using lay down areas for construction purposes
 - (ii) Constructing and using temporary site workshops and storage, administration and amenities buildings
 - (iii) Removing, destroying and lopping trees and vegetation, including native vegetation and dead vegetation
 - (iv) Demolishing and removing buildings, fixtures, structures and infrastructure
 - (v) Earthworks and related structures including retaining walls
 - (vi) Restoration and reinstatement works
 - (vii) Creating or altering access to a road in a Road Zone, Category 1
 - (viii) Creating or altering access to land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road
 - (ix) Storage and assembly of materials and equipment

- (x) Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services
- (xi) Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas
- (xii) Displaying construction signs, directional signs or signs associated with the use of the land for an Open sports ground or Informal Outdoor Recreation
- (xiii) Subdividing and consolidating land

Conditions

4.3. The use and development permitted by this Incorporated Document is subject to the following conditions. In these conditions, a reference to 'a stage' includes any stage or part of the Project, whether for construction or operation or both. For the purposes of conditions 4.7, 4.8 and 4.9, a reference to 'the IEA' is a reference to the Independent Environmental Auditor referred to in the Environmental Management Framework approved by the Minister for Planning under the 'North East Link Project Incorporated Document, December 2019' as amended from time to time.

4.4. Site Assessment

4.4.1. Prior to the commencement of use or development of land (excluding preparatory buildings and works under Clause 4.12) a **Preliminary Site Investigation** must:

- (a) Be prepared by an environmental professional with qualifications to the satisfaction of the responsible authority.
- (b) Be compliant with the provisions for a Preliminary Site Investigations in the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amendment 2013).
- (c) Make an unequivocal statement that either:
 - (i) The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health under the proposed use/development scenario. No further assessment is required, or,
 - (ii) The site is potentially contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. There is enough information to classify the site as potentially contaminated and to derive a risk-based remediation or management strategy, or,
 - (iii) The site is potentially contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. There is enough information to classify the site as potentially contaminated, an environmental audit is required.

4.5. Master Plan

4.5.1. Prior to commencement of use or development or any stage of development (excluding preparatory buildings and works under Clause 4.12), a master plan (**Master Plan**) must be approved by the Minister for Planning. The Master Plan must be generally in accordance with the *Templestowe Road Soccer Facilities Master Plan, July 2020* prepared by North East Link Project.

4.5.2. The Master Plan may be amended with the approval of the Minister for Planning.

4.5.3. An application for approval of the Master Plan or an amendment to the Master Plan must be accompanied by:

- (a) Amended Master Plan and a schedule explaining the amendment where relevant;
- (b) A written report explaining and supporting the approval or amendment which includes a description of the form and extent of any consultation carried out with Manningham City Council, the Head, Transport for Victoria, Melbourne Water, Parks Victoria and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and any other stakeholders concerning the approval or amendment, all written comments received, and a response to the comments made.

4.6. Development Plans

- 4.6.1. Prior to the commencement of development or any stage of development (excluding preparatory buildings and works under Clause 4.12), a detailed development plan (**Development Plan**) for that development or stage must be prepared to the satisfaction of the Minister for Planning. The Development Plan must be generally in accordance with the approved Master Plan.
- 4.6.2. The Development Plan must include the following information, where relevant:
 - (a) An Existing Conditions Plan
 - (b) Site Layout Plan showing the location of all proposed buildings and works including fencing, earthworks, the level of cut and fill, and the location of car parking
 - (c) Floor plans, sections, use area schedule, elevations, details of external materials and finishes and a roof plan for all new buildings
 - (d) Location and details of all vehicle entry/exit points from the road network
 - (e) Details of proposed landscaping and a plant and establishment schedule with priority for local indigenous species
 - (f) A Site Access Plan for pedestrians and cyclists, which considers connection with adjoining sites
 - (g) A Lighting Plan which demonstrates that light glare and other light impacts on nearby residents, adjoining land and the Yarra River corridor will be minimised.
 - (h) A Waste Management Plan which identifies storage and collection points away from parklands and shared user paths.
- 4.6.3. An application for approval of the Development Plan, or an amendment to the Development Plan, must be accompanied by:
 - (a) An explanation demonstrating how the Development Plan, or an amendment to the Development Plan, are generally in accordance with the approved Master Plan.
 - (b) A written report explaining and supporting the Development Plan, or an amendment to the Development Plan, which includes a description of the form and extent of any consultation carried out with Manningham City Council, the Head, Transport for Victoria, Melbourne Water, Parks Victoria, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and any other stakeholders concerning the proposed Development Plan, or an amendment to the Development Plan, all written comments received, and a response to the comments made.
- 4.6.4. The Development Plan may be amended with the approval of the Minister for Planning.

4.6.5. The use and development must be carried out generally in accordance with an approved Development Plan as amended from time to time.

4.7. Construction Environmental Management Plan

4.7.1. Prior to the commencement of development or a stage of development (excluding preparatory buildings and works under Clause 4.12), a Construction Environmental Management Plan (CEMP) must be prepared in consultation with Manningham City Council, Melbourne Water and the Head, Transport for Victoria.

4.7.2. The CEMP must outline how the environmental impacts associated with construction of the development or stage will be managed.

4.7.3. The Construction Environmental Management Plan must address:

- (a) Demolition of buildings and works
- (b) Land disturbance
- (c) Hours of operation
- (d) Noise management measures
- (e) Dust avoidance and mitigation measures
- (f) Traffic and parking management
- (g) Measures to minimise soiling of roadways
- (h) Surface water management, including stormwater and sediment control, maintaining flow paths and floodplain storage, and asset protection
- (i) Vegetation and wildlife protection 'including no-go zones, kangaroo management and light spill management'
- (j) Measures to manage spoil generated by site works
- (k) Management measures for any dangerous substances, including response plans to handle fuel and chemical spills.

4.7.4. The CEMP must be verified by the IEA as adequate and compliant with this clause 4.7 and accepted by the North East Link Project, Major Transport Infrastructure Authority (NELP MTIA).

4.7.5. The CEMP may be amended with the acceptance of NELP MTIA after consulting (as relevant) with Manningham City Council, Melbourne Water and the Head, Transport for Victoria on the amendment.

4.7.6. All development must be undertaken in accordance with the approved CEMP.

4.8. Traffic Management Plan

4.8.1. Prior to the commencement of development or a stage of development that alters or creates access to a road in a Road Zone or creates additional car parking spaces, a Traffic Management Plan must be prepared in consultation with the Head, Transport for Victoria and Manningham City Council.

4.8.2. The Traffic Management Plan must address, as appropriate:

- (a) The number of car parking spaces provided
- (b) Details of all changes to vehicle entry/exit points, including supporting analysis such as but not limited to a Traffic and Transport Impact Assessment Report and SIDRA modelling.
- (c) Any recommended traffic management measures
- (d) Disabled parking requirements
- (e) Bicycle parking
- (f) Emergency vehicle access

4.8.3. The Traffic Management Plan must be verified by the IEA as adequate and compliant with this clause 4.8 and accepted by NELP MTIA

4.8.4. The Traffic Management Plan may be amended with the acceptance of NELP MTIA after consulting (as relevant) with the Head, Transport for Victoria and Manningham City Council on the amendment.

4.8.5. Use and development must be undertaken in accordance with the approved Traffic Management Plan.

4.9. Flood Management Plan

4.9.1. Prior to the commencement of development or a stage of development (excluding preparatory buildings and works under Clause 4.12, a Flood Management Plan must be prepared in consultation with Manningham City Council and accepted by Melbourne Water.

4.9.2. The Flood Management Plan must demonstrate that there will be no significant impact upon the Yarra River waterway health, floodplain, floodwaters, adjoining land, wetland condition, water quality, run-off and soil erosion.

4.9.3. The Flood Management Plan must include flood modelling and mapping work that is generally in accordance with Melbourne Water's 'Standards for infrastructure in flood-prone areas'.

4.9.4. The Flood Management Plan must be verified by the IEA as adequate and compliant with this clause 4.9 and accepted by NELP MTIA.

4.9.5. All development and works must be undertaken in accordance with the approved Flood Management Plan.

4.10. Subdivision and consolidation

4.10.1. Before a plan is certified under the *Subdivision Act 1988*, a plan of the proposed subdivision or consolidation must be prepared to the satisfaction of the Minister for Planning.

4.11. Native Vegetation

4.11.1. Prior to the removal, destruction or lopping of native vegetation (excluding native vegetation removed, destroyed or lopped under Clause 4.12):

- (a) Information about that native vegetation, including an avoid and minimise statement, 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). The information provided to the Secretary of DELWP must include information about native vegetation that has been, or is to be, removed under Clause 4.12.

- (b) The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines. The biodiversity impacts from the removal, destruction or lopping of native vegetation under Clause 4.12 must be included in the total biodiversity impacts when determining the offset.
- (c) Evidence that the required offset(s) has been secured must be provided to the satisfaction of the Secretary to DELWP.

4.11.2. The Secretary to DELWP may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances that warrant the variation.

4.11.3. The requirements of clause 4.11.1 may be satisfied in stages, however, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that stage.

4.11.4. 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).

4.12. Preparatory buildings and works

4.12.1. The following buildings and works may be commenced before the requirements specified in Clauses 4.6 to 4.11 are satisfied:

- (a) Preparatory buildings and works for the Project, limited to:
 - (iv) Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the Planning Scheme.
 - (v) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - (vi) Construction, protection, modification, removal or relocation of minor utility installations.
 - (vii) Establishment of environment and traffic controls.
 - (viii) Demolition to the minimum extent necessary to enable preparatory works.
 - (ix) Salvaging and relocating artefacts and other preparatory works that may be required to be undertaken under the *Aboriginal Heritage Act 2006*.
- (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, if required, native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, December 2017) except as otherwise agreed by the Secretary of DELWP.

5. EXPIRY

- 5.1. The control in this document expires if any of the following circumstances apply:
 - (a) The development allowed by the control is not started by 31 December 2023.
 - (b) The development allowed by the control is not completed by 31 December 2027.
- 5.2. The Minister for Planning may extend the periods referred to if a request is made in writing before the approval expires or within three months afterwards.