1. INTRODUCTION

1.1 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.

1.2 The land identified in Clause 3 of this document may be used and developed in accordance with the specific control in Clause 4 of this document.

1.3 The control in this incorporated 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 allow the use and development of land described in Clause 3 of this document for the purposes of the Chelsea Level Crossing Removal Project (project).

3. LAND

3.1 The control in this document applies to the land shown as SCO5 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 project.

4.2 The project includes, but is not limited to, the following use and development:

a. Removal of the level crossings at Swanpool Avenue, Chelsea Road and Argyle Avenue Chelsea, where these roads cross the Frankston rail line.

b. Road and railway works, including but not limited to, works to facilitate the grade separation of rail and road infrastructure, including but not limited to the provision of new rail and road infrastructure, relocation of utilities and installation of new utility infrastructure, relocation of non-rail infrastructure, bulk excavation, earthworks, replacement of track infrastructure, access tracks, landscaping, vegetation removal and bicycle and pedestrian shared use paths.

c. Demolition of the existing railway station and development of a new railway station including decking over the trench, car parking, bicycle facilities, loading and unloading facilities and facilities for the selling of food, drinks and other convenience goods and services.

d. Use and development of land for a railway, including railway tracks and associated communications, signaling, overhead infrastructure and other rail related infrastructure.

e. Use and development of land for a road, including associated communications, signaling, and other road related infrastructure.

f. Use and development of land for informal outdoor recreation.

g. 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.

h. Creation and alteration of access to roads in Road Zone, Category 1 and Road Zone, Category 2
i. Relocation of telecommunications infrastructure.

j. Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.

k. Modification, removal and/or installation of bus stops, car parking, bicycle facilities, landscaping and loading and unloading facilities.

l. Ancillary activities, preparatory and enabling works, including but not limited to:
   i) Developing and using lay down areas and depots for construction purposes.
   ii) Temporary stockpiling of excavation material for construction purposes.
   iii) Constructing and using temporary site workshops, storage of materials and equipment, 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, infrastructure 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, drainage infrastructure, 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.

Conditions

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

4.4 Environmental Management Strategy

4.4.1 An Environmental Management Strategy (EMS) must be prepared to the satisfaction of the Minister for Planning. The EMS must be prepared in consultation with the Kingston City Council (council). The EMS must include:

   a) A summary of key construction methodologies.
   b) An overarching framework for site or work specific measures to reduce and manage environmental and amenity impacts during construction of the project.
   c) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with council, the community and other stakeholders during construction of the project, including enquiries and complaints management.
   d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity impacts are reduced and managed during construction of the project.
4.5 Native vegetation

4.5.1 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), 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). For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 4.10.

4.5.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.10), 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.

4.5.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.5.2.

4.5.4 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).

4.5.5 For the purpose of this document, the term ‘remove native vegetation’ includes to destroy and/or lop native vegetation.

4.6 Flood management

4.6.1 Buildings and works on land within the Special Building Overlay or Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

4.7 Heritage management

4.7.1 Where, but for this incorporated document, a planning permit would be required for buildings and works within a Heritage Overlay, documentation 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). 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.

4.7.2 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 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.

4.7.3 Prior to the commencement of permanent buildings and works for the relocation of a heritage place, details of that relocation must be prepared in consultation with Kingston City Council and to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning).
4.8 Creating and altering access to roads

4.8.1 Where, but for this incorporated document, an application to create or alter access to a road in a Road Zone, Category 1 would be referred to the Roads Corporation, the creation or alteration of access must be to the satisfaction of 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 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 before commencement of development for that component or stage.

4.9.2 The plans and other documents 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 other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning or relevant approving authority may seek the views of the council or any other relevant authority.

4.9.3 The use and development of the project land for the project must be undertaken generally in accordance with the approved plans and documents prepared to the satisfaction of the Minister for Planning or relevant approving authority.

4.10 Preparatory buildings and works and associated uses

4.10.1 The following buildings and works for the project 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 for the project include but 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. Creation 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 signaling, overhead and associated infrastructure.

   f. Establishment of environment and traffic controls, including designation of "no-go" zones.

   g. Establishment of temporary car parking.

   h. Demolition to the minimum extent necessary, to enable preparatory works.

   i. Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.

   j. Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
• a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or

• the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.

4.10.3 Prior to the removal of native vegetation under Clause 4.10, information about the native vegetation to be removed must be provided to the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the Guidelines.

4.10.4 The biodiversity impacts from the removal of native vegetation under Clause 4.10 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.5.2.

5.  **EXPIRY**

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

- The development allowed by the control is not started by 1 June 2022.
- The development allowed by the control is not completed by 1 June 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.