Maroondah Highway, Lilydale Level Crossing Removal Project

Incorporated Document

February 2020

Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987
1.0 INTRODUCTION

1.1 This is an Incorporated Document in the Yarra Ranges Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

1.2 The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific control in Clause 4.0 of this document.

1.3 The control in this Incorporated Document prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

2.1 The purpose of this Incorporated Document is to allow the use and development of land described in Clause 3.0 for the purposes of the Maroondah Highway, Lilydale Level Crossing Removal Project (the Project).

3.0 LAND

3.1 This document applies to the land shown on the planning scheme maps as SCO13 in the Yarra Ranges Planning Scheme (the Project Land).

4.0 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 planning provision in the planning scheme operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of the Project.

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

a) Demolition and works for the removal of the level crossing at Maroondah Highway, Lilydale where it crosses the Lilydale rail line.

b) Construction of a new Lilydale train station, including car parking, bicycle facilities, loading and unloading facilities and associated works and may include the selling of food, drinks and other convenience goods and services.

c) Road and railway works, including but not limited to, works to facilitate the grade separation of rail and road infrastructure through construction of a new rail bridge over Maroondah Highway including but not limited to provision of new rail and road infrastructure, relocation of utilities and installation of new utility infrastructure, earthworks, replacement of track infrastructure, access tracks, landscaping, vegetation removal and bicycle and pedestrian shared use paths.

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

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

f) 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.

g) Creation and alteration of access to roads.
h) Relocation of telecommunications infrastructure.

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

j) Modification, removal and/or installation of bus stops, car parking, bicycle facilities, landscaping, publicly accessible spaces and loading and unloading facilities.

k) Ancillary activities to the use and development of the Project Land for the purposes of or related to, the Project, but not limited to:
   i) Developing and using lay down areas for construction purposes.
   ii) Stockpiling of excavation material.
   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, infrastructures 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, or drainage, or 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 business identification signs.
   xii) Subdividing and consolidating land.

This control is subject to the conditions in Clauses 4.2 and 4.3 of this Incorporated Document.

CONDITIONS

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

   Environmental Management Strategy

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

   a) A summary of key construction methodologies.
b) An overarching framework for site or works specific measures to reduce and manage environmental and amenity effects 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 the councils, the community and other stakeholders during construction of the Project and 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.

Native Vegetation

4.2.2 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), 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 the clause below relating to preparatory buildings and works.

4.2.3 Prior to removal of native vegetation (excluding native vegetation removed under the clause below relating to preparatory buildings and works), 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.

4.2.4 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in the clause above.

4.2.5 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).

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

Heritage management

4.2.7 Where, but for this Incorporated Document, a planning permit would be required under the planning scheme for buildings and works within a Heritage Overlay (including removal, destruction or lopping of a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply), a report that addresses the impact of the buildings and works on the heritage significance of the place and site plan and elevations (or other documentation as agreed by the Minister for Planning) 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.
4.2.8 Where, but for this Incorporated Document, a planning permit would be required under the planning scheme 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, except as otherwise agreed by the Minister for Planning.

Urban design

4.2.9 Prior to the commencement of permanent above-ground development associated with the viaduct and new railway station (including ground level forecourts) but excluding below ground structural works and piers, an urban design statement must be prepared to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning. The statement must demonstrate integration with the landscape character and public realm.

Flood management

4.2.10 Where, but for this Incorporated Document, a planning permit would be required for buildings and works on the land within the Land Subject to Inundation Overlay, the building and works must be undertaken to the satisfaction of the relevant floodplain management authority.

Creating and altering access to roads, or works within a PAO (Road)

4.2.11 Where, but for this Incorporated Document, an application to create or alter access to a road in a Road Zone, Category 1 and adjacent to a Public Acquisition Overlay (roads authority) would be referred to the Roads Corporation, the creation or alteration of access must be undertaken to the satisfaction of the Roads Corporation.

4.2.12 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, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land.

4.2.13 Where, but for this Incorporated Document, buildings and works and/or removal of vegetation within a Public Acquisition Overlay (roads authority) would require planning approval, works are to be undertaken to the satisfaction of the acquiring authority.

Other conditions

4.2.14 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.
4.2.15 The plans and other documents 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 may seek the views of the relevant Councils or any other relevant authority.

4.2.16 The use and development of the Project Land must be undertaken generally in accordance with the approved plans and documents.

PREPARATORY BUILDINGS AND WORKS AND ASSOCIATED USES

4.3 The following buildings and works may be undertaken and the Project Land may be used in the following manner before the plans and other documents listed in Clause 4.2 are approved:

a) Preparatory works for the Project and associated uses, 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) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
   iii) Creation and use of 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 signalling, 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 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.

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 (Department of Environment, Land, water and Planning, December 2017) except as otherwise agreed by the Secretary of DELWP.
c) The removal, destruction or lopping of any tree within a Heritage Overlay where the schedule to the overlay specifies the heritage place as one where tree controls apply, to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning.

5.0 EXPIRY

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

- The development allowed by the control is not started by 1 February 2022.
- The development allowed by the control is not completed by 1 February 2026.
- The use allowed by the controls is not started by 1 February 2026.

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.