

Bell and Moreland Level Crossing Removal Project

Incorporated Document

October 2019

1. INTRODUCTION

- 1.1. This document is an incorporated document in the Moreland Planning Scheme (planning scheme) 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 or developed in accordance with the specific control in Clause 4 of this document.
- 1.3. The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE

- 2.1. The purpose of this document is to allow the use and development of land described in Clause 3 for the purposes of the Bell and Moreland Level Crossing Removal Project (project), in accordance with Clause 4.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1. This document applies to the land shown as SCO3 on the planning scheme maps forming part of the Moreland 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 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, the project.
- 4.2. The use and development of the project land for the purposes of, or related to, the project includes, but is not limited to:
 - a) Demolition, buildings and works for the removal of the level crossings at Bell, Munro and Reynard Streets in Coburg and at Moreland Road in Brunswick on the Upfield Railway Line.
 - b) Buildings, works and partial demolition to existing railway stations, including to platforms, canopies, station buildings, entry and egress infrastructure, car parking, bicycle facilities, loading and unloading facilities and facilities for the selling of food, drinks and other convenience goods and services.
 - c) Buildings and works, demolition, subdivision and relocation of existing rail and non-rail infrastructure within the rail corridor, including but not limited to, overpasses, underpasses, signal boxes, signals and overhead infrastructure.
 - d) Road and railway works, including but not limited to, works to facilitate the grade separation of rail and road infrastructure, including rail bridge and provision of new road and rail infrastructure, relocation of utilities and installation of new utility infrastructure (including signals), earthworks, replacement of track infrastructure (including signals), access tracks, landscaping, vegetation removal and bicycle and pedestrian paths.

- e) Use and development of land for a railway and railway stations, including railway tracks and associated communications, signalling, station buildings and platforms, and other rail related infrastructure.
- f) Use and development of land for informal outdoor recreation and retail premises associated with the railway stations.
- 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) Relocation of telecommunications infrastructure.
- i) Creation and alteration of access to roads.
- j) Associated rail infrastructure, including power upgrades, new and upgraded substations and tie stations, cabling, signalling and overhead infrastructure.
- k) Modification, removal and/or installation of bus stops, car parking, bicycle facilities and landscaping.
- l) Ancillary activities, preparatory and enabling works, including, but not limited to:
 - i) Creating and using lay down areas and depots for construction purposes.
 - ii) Stockpiling of excavation material.
 - iii) Constructing and using temporary site workshops and storage, 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, 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) Creating or altering access to a road in a Road Zone, Category 1 or land in a Public Acquisition Overlay if the purpose of the acquisition is for a Category 1 road.
 - xi) Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.

- xii) Displaying construction, directional and identification signs.
- xiii) Subdividing and consolidating land.

Conditions

4.3. The use and development permitted by this 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 Moreland City Council (council).

4.4.2. 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 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 council, the community and other stakeholders during construction of the project including enquiries and complaints management. The summary must set out the engagement activities to be undertaken in relation to any impacts to the places of heritage significance identified in Clause 4.6.1.
- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects 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 4.14), 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 4.14.

4.5.2. Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.14), 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. Heritage management

- 4.6.1. Prior to the commencement of development to a place listed below, a report that addresses the impact of that development on the heritage significance of the place and plans and elevations showing the extent of that development, must be prepared to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning):
- a) Tinning Street railway gates;
 - b) rail sidings on Colebrook Street;
 - c) Munro Street signal box;
 - d) trees affected by Heritage Overlay (HO115) – Moreland Station Precinct;
 - e) Coburg substation, Munro Street; and
 - f) roads within a Heritage Overlay where roadworks would change the appearance of the place.
- 4.6.2. The plans and elevations must be prepared in consultation with council.
- 4.6.3. Prior to the commencement of development approved under Clause 4.6.1, a comprehensive photographic survey of that place must be undertaken in accordance with Heritage Victoria's Technical Note *Photographic Recording for Heritage Places and Objects*, to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning) and a copy of the approved survey must be provided to council.
- 4.6.4. The requirements of Clause 4.6 do not apply to development of a place which is included in the Victorian Heritage Register.

4.7. Flood management

- 4.7.1. Buildings and works on project land in the Special Building Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

4.8. Creating or altering access to roads

- 4.8.1. Where, but for this document, an application to create or alter access to a road in a Road Zone, Category 1 or to land in a Public Acquisition Overlay for which the Roads Corporation is the acquiring authority, would be referred to the Roads Corporation, the creation or alteration of access must be undertaken to the satisfaction of the Roads Corporation.
- 4.8.2. 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*, 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.

- 4.8.3. The use or development of project land in the Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority if the use or development would require a permit under that overlay were it not for this document.

4.9. Urban design

- 4.9.1. Prior to the commencement of permanent above-ground development, an urban design and heritage statement must be prepared in consultation with council and to the satisfaction of the Minister for Planning. The statement must:

- a) Demonstrate how the final design responds to the principles, objectives, measures and qualitative benchmarks of the Level Crossing Removal Project Urban Design Framework and the location-specific urban design guidelines for Bell Street and Moreland Road.
- b) Include measures to mitigate the visual impact of the elevated railway and railway stations.
- c) Include measures to interpret the heritage significance of the Upfield Railway Line.

4.10. Development of open space areas

- 4.10.1. Prior to the commencement of development of open space areas (including Gandolfo Gardens):

- a) plans of the open space areas must be prepared in consultation with council and the Level Crossing Removal Project Urban Design Advisory Panel; and
- b) an environmental assessment (or similar) must be undertaken to demonstrate that the environmental conditions of the land are suitable for use as open space.

- 4.10.2. The requirements of Clause 4.10 do not apply to works ancillary to a railway station, minor landscaping works, or pedestrian or cycling paths.

4.11. Substations and tie stations

- 4.11.1. Where, but for this document, a permit would be required for buildings and works associated with a new or upgraded substation or tie station designed to operate at more than 66,000 volts, site plans and elevations must be prepared to the satisfaction of the Minister for Planning.

4.12. Engineering or foundation works to enable future transit-oriented development

- 4.12.1. Prior to the commencement of any engineering or foundation works (except

below ground works) required to enable future transit-oriented development, plans of the works must be prepared to the satisfaction of the Minister for Planning.

4.13. Other conditions

- 4.13.1. Unless otherwise stated, the conditions in Clause 4 must be satisfied prior to the commencement of development. The conditions may be satisfied in separate components or stages of the project but each condition must be satisfied before commencement of development for that component or stage.
- 4.13.2. The plans and 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 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 council or any other relevant authority.
- 4.13.3. The use and development of the project land must be undertaken generally in accordance with the approved plans and documents.

4.14. Preparatory use and development

- 4.14.1. Preparatory use and development may commence on the land described in Clause 3 before the plans and documents in Clause 4 are approved.
- 4.14.2. A preparatory use or development is a use or development required to prepare for the construction of a project and includes:
 - a) Works, including vegetation removal, where but for this document, a 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 construction access points, accessways 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 signalling, 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 or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
 - i) Removal, destruction or lopping of vegetation (other than a tree in a Heritage Overlay specified below) to the minimum extent necessary to

enable another preparatory use or development.

- j) 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.

4.14.3. Prior to the removal of native vegetation under Clause 4.14, 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.

4.14.4. The biodiversity impacts from the removal of native vegetation under Clause 4.14 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.5.2.

4.14.5. For the purposes of Clause 4.14, preparatory development does not include:

- a) Demolition or removal of a building in a Heritage Overlay.
- b) Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

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 1 December 2021.
- b) 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.