1. INTRODUCTION

This document is an incorporated document in the Whitehorse Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

The land identified in this document may be used and developed in accordance with the control in this document.

The control in this document prevails over any contrary or inconsistent provision in the Whitehorse Planning Scheme.

2. PURPOSE

The purpose of the control in this document is to allow the use and development of land for the purposes of the Level Crossing Removal Project – Blackburn Road, Blackburn and Heatherdale Road, Mitcham (the project).

3. LAND

The control in this document applies to the land required for the Level Crossing Removal Project – Blackburn Road, Blackburn and Heatherdale Road, Mitcham (the project area) as shown in Figures 1, 2 and 3 of this document.

4. CONTROL

Despite any provision to the contrary or any inconsistent provision in the Whitehorse Planning Scheme, no planning permit is required for, and no planning provision in the Whitehorse Planning Scheme operates to prohibit or restrict, the use or development of the land in the project area for the construction and operation of the project.

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

- Construction of a railway under Blackburn Road, Blackburn and Heatherdale Road, Mitcham including, but not limited to, railway tracks and associated signalling, communications and electrical infrastructure.
- Construction of a road over the railway at Blackburn Road, Blackburn and Heatherdale Road, Mitcham.
- Construction of station forecourts at Blackburn Railway Station, including bicycle parking facilities on the South Parade side of the railway station.
- Construction of ramp access to Blackburn Railway Station.
- Reconfiguration of commuter car parking facilities.
- Construction of pedestrian overpass bridges at Cottage Street, Blackburn; King Street/Oliver Avenue, Blackburn; Purches Street, Mitcham and Cochrane Street, Mitcham.
- Construction of retaining structures and systems for railway, road and civil works.
- Construction of a shared use path between Main Street, Blackburn and Springvale Road, Nunawading (including a new underpass under Blackburn Road), and between Brunswick Park Mitcham and Molan Street, Ringwood.
- Construction of drainage infrastructure and other utility and services infrastructure.
- Re-alignment of the pedestrian operated signals on Heatherdale Road, Mitcham.
- Demolition of Heatherdale Railway Station.
- Road works.
• Use of a portion of Morton Park for construction access, diversion of the sewer, associated works and reinstatement of the land (post-construction).

• Use of the Seventh-day Adventist Church site at 131 – 171 Central Road, Nunawading for construction access, site compound, car parking (during construction), associated works and reinstatement of the land (post-construction).

• Removal, destruction and lopping of vegetation, including native vegetation, growing in the project area.

• Lopping vegetation overhanging the project area.

• Works to upgrade the sub-station in Alfred Street, Blackburn.

Ancillary activities including, but not limited to:

• Constructing and using permanent and temporary access roads and vehicle parking, loading and unloading areas and pedestrian walkways.

• Establishing and using lay down areas for construction purposes.

• Constructing and using temporary site workshops and storage, administration and amenities buildings.

• Displaying direction, construction and business identification signs.

• Demolishing buildings, structures and works.

• Constructing fences, temporary site barriers and access points, and site security.

• Constructing or carrying out works to roads, car parks, bunds, mounds, landscaping, excavate land and salvage artefacts.

• Creating or altering access to a road in a Road Zone, Category 1 to the satisfaction of the relevant road authority.

• Subdividing and consolidating land.

• Creating, varying and removing easements resulting from works required for the project.

5. CONDITIONS

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

Construction Environmental Management Plan

5.1 A Construction Environmental Management Plan (CEMP) for the project must be prepared to the satisfaction of the Minister for Planning. The CEMP must be prepared in consultation with Whitehorse City Council (council) and include:

a. A summary of key construction methodologies.

b. Measures to minimise and manage environmental and amenity effects during construction of the project in relation to:

   - vegetation, including vegetation on land adjoining the project area.
   - fauna
   - erosion, sedimentation and water quality
   - groundwater
   - contaminated land
   - weeds
   - site reinstatement (post-construction)
- hazardous substances
- waste
- mud and dirt on roads
- noise
- dust
- vibrations
- light spill
- transport and traffic impacts associated with the project, including measures to consult with council in regards to traffic management.

c. A summary of community and stakeholder consultation processes to inform and engage with council, residents, traders and other stakeholders during the construction of the project.

d. A summary of performance monitoring and reporting processes to ensure environmental and amenity impacts are minimised and managed during the construction of the project.

Environmental Management Plan for the Seventh-day Adventist Church site

5.2 An Environmental Management Plan (EMP) for the Seventh-day Adventist Church site at 131-173 Central Road, Nunawading must be prepared to the satisfaction of the Minister for Planning. The EMP must be prepared in consultation with council and include:

a. Measures to minimise impacts on remnant native vegetation, non-native mature vegetation, fauna habitats and areas of ecological and environmental significance.

b. Protective fencing for areas of environmental significance.

c. Measures to treat and control any environmental weeds.

Native Vegetation

5.3 Details of the proposed removal, destruction or lopping of native vegetation necessary for the construction of the project must be prepared in accordance with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) to the satisfaction of the Secretary to the Department of Environment, Land, Water & Planning (DELWP).

5.4 Native vegetation offsets must be provided in accordance with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013).

5.5 Prior to the commencement of works in relevant areas, appropriate fencing must be installed around all remnant patches of native vegetation to be retained. The fencing must be maintained until the completion of works. Prior to the installation of fencing, the alignment must be marked on-site to ensure construction will not impact on native vegetation.

Floodplain Management

5.6 Buildings and works on land in the project area affected by the Special Building Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.
Other Conditions

5.7 Unless otherwise stated, the plans and other matters listed in Clause 5 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 document must be approved before commencement of works for that component or stage.

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

5.9 The use and development of land in the project area must be undertaken generally in accordance with all approved plans and documents.

6. PREPARATORY WORKS

The following works may commence in the project area before the plans and other matters listed in Clause 5 are approved:

- Preparatory works for the project including, but not limited to:
  - Works, including vegetation removal, not requiring a permit under the provisions of the Whitehorse Planning Scheme.
  - Investigating, testing and preparatory works to determine the suitability of land.
  - Creation and use of construction access points.
  - Site establishment works including temporary site fencing, site offices and laydown areas.
  - Construction, protection, modification, removal or relocation of utility services.
  - Rail corridor enabling works including piling and relocation of signaling and overheads.
  - Establishment of environment and traffic controls.
  - Demolition to the minimum extent necessary.

- 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 *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013).

7. EXPIRY

The control in this document expires if any of the following circumstances applies:

- The development allowed by the control is not started by 1 July 2016.
- The development allowed by the control is not completed by 1 July 2020.
- The use allowed by the control is not started by 1 July 2020.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.
Figure 1. Blackburn Road, Blackburn level crossing removal project area (Plan 1)
Figure 2. Blackburn Road, Blackburn level crossing removal project area (Plan 2)
Figure 3. Heatherdale Road, Mitcham level crossing removal project area