



# ATTACHMENT V DRAFT PLANNING SCHEME AMENDMENTS

## SECTION

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*Planning and Environment Act 1987*  
Kingston Planning Scheme Amendment C155

Explanatory report

Instruction sheet

Schedule to Clause 52.03 Specific sites and exclusions

Schedule to Clause 81.01 Table of Documents

Incorporated in this scheme

Incorporated document

## SECTION

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*Planning and Environment Act 1987*  
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## **KINGSTON PLANNING SCHEME**

### **AMENDMENT C155**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of the Level Crossing Removal Authority (**LXRA**), an administrative office established under the *Public Administration Act 2004* in the Department of Economic Development, Jobs, Transport and Resources (**DEDJTR**).

##### **Land affected by the amendment**

The amendment applies to the land (**Land**) required for the Edithvale Road, Edithvale Level Crossing Removal Project (**Project**), as shown on the maps in the *Edithvale Road, Edithvale Level Crossing Removal Project Incorporated Document, January 2018*.

The Land is generally located in the vicinity of the Edithvale Railway Station, Edithvale and extends north to Aspendale Railway Station and south towards Chelsea Road, Chelsea.

The Land includes the existing rail corridor and surrounding road reserves.

##### **What the amendment does**

The amendment inserts the *Edithvale Road, Edithvale Level Crossing Removal Project Incorporated Document, January 2018* (**Incorporated Document**) into the schedules to Clause 52.03 (Specific sites and exclusions) and Clause 81.01 (Documents incorporated in the scheme) of the Kingston Planning Scheme.

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The amendment is required to facilitate the timely, coordinated and consistent delivery of the Project. The Project is part of the Victorian Government's commitment to remove 50 level crossings on the metropolitan rail network which will increase road, freight and passenger rail and pedestrian safety and improve public transport facilities and efficiency.

Edithvale Road is a major east-west arterial road which forms part of the arterial road network connecting the Nepean Highway, the Mornington Peninsula Freeway, Wells Road and Springvale Road. Edithvale Road is an important thoroughfare within Edithvale, servicing local education, community and recreation facilities, as well as the Edithvale/Seaford Wetlands. It provides an important connection from Edithvale and surrounding suburbs to the nationally significant Dandenong and Monash National Employment and Innovation Clusters, and to locally and regionally significant activity and employment nodes such as the Dandenong Metropolitan Activity Centre, the Springvale Major Activity Centre and the locally important Braeside, Carrum Downs and Seaford Industrial Precincts.

Approximately 12,000 vehicles per day currently use the Edithvale Road level crossing. These volumes are expected to increase. To allow trains to pass the boom gates must

operate which causes lengthy delays to vehicles, pedestrians, cyclists and bus services attempting to cross the rail line, particularly during morning and evening peak periods.

The Project will facilitate a range of positive social effects including reduced congestion on the local and arterial road networks, increased reliability of the rail network, increased safety on the rail and road network, improved connectivity in the local area and improved access to jobs and services.

The Project will improve local and regional connectivity to and from Edithvale by improving east-west access across the rail corridor in the area, and enhance access to important local areas such as the Edithvale foreshore. The new Edithvale Railway Station will provide for improved access to parking, local shops and public transport for local residents and visitors, with quality architectural, landscaping and urban design outcomes.

The removal of this level crossing will improve safety by eliminating conflict between trains, vehicles, cyclists and pedestrians. Construction of new bicycle and pedestrian shared use paths and pedestrian bridges over the rail line will provide for safer walking and cycling connections in the local area.

The Project will also improve business and regional freight efficiency by reducing congestion and delay for business and road and rail freight travel.

The amendment will allow the use and development of the Land for the purposes of the Project in accordance with the Incorporated Document.

The Project includes the following key components:

- Removal of the level crossing at Edithvale Road, Edithvale where it crosses the Frankston rail line.
- Railway construction and associated works to lower the existing Frankston rail line under Edithvale Road, including, but not limited to, bulk excavation, relocation of existing utilities and installation of new utility infrastructure, earthworks, installation of drainage and retaining walls, replacement of track infrastructure, access tracks, landscaping, vegetation removal and construction of bicycle and pedestrian shared use paths.
- Road construction and associated works including construction of a road bridge over the Frankston rail line at Edithvale Road and associated works including alterations to road access arrangements.
- Development of a new train station, including the provision for the sale of food, drink and other convenience goods and services, decking over the trench, car parking, bicycle facilities and loading and unloading facilities.
- Provision of pedestrian access and shared bicycle use paths, including the construction of pedestrian bridges over the railway line.
- Associated rail infrastructure, including a new substation and tie stations, power upgrades and overhead infrastructure, cabling and signalling.
- Creation and alteration of access to roads.
- Ancillary activities, preparatory and enabling works.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987 (PE Act)* in the following ways:

#### **a) To provide for the fair, orderly, economic and sustainable use, and development of land**

The amendment facilitates a Project that will reduce congestion, contribute to a more reliable road and rail system and improve safety and local connectivity for road users, pedestrians and cyclists.

**b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.**

The Incorporated Document requires that the Project be designed and delivered in accordance with the *Edithvale and Bonbeach Level Crossing Removal Project EES Environmental Management Framework (EMF)*. The EMF is a framework to ensure that the Project will comply with relevant statutory requirements and minimise environmental risks. The EMF sets out the environmental outcomes to be achieved during the design and construction of the Project and will encourage innovation. The EMF sets out accountabilities for managing and monitoring environmental effects and hazards associated with the design and construction of the Project. The EMF will reflect the outcome of the Environment Effects Statement (**EES**) required by the Minister for Planning.

The EMF has been informed by detailed technical studies which have considered environmental risks associated with the design and construction of the Project.

The Project will impact native vegetation on the Land. The design and construction of the Project will minimise impacts to native vegetation and offsets will be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017), except as otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning (**DELWP**).

**c) To ensure pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria**

The amendment will facilitate a project that will contribute to the more efficient use of existing infrastructure by improving the reliability and capacity of the passenger and freight rail network, as well as improving the safety and efficiency of the road and rail network.

The Project will eliminate conflict between trains, vehicles, cyclists and pedestrians by lowering the Frankston rail line beneath Edithvale Road to create a grade separated crossing, providing enhanced safety, functionality and usability for all users.

The design of the Project will respond to the local social and built form context and will enhance the living and working environment for nearby communities by improving connectivity between surrounding areas across the rail line.

**d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value**

There are no sites, or places identified on the National Heritage List, Commonwealth Heritage List, Victorian Heritage Register or the Victorian Heritage Inventory within or immediately adjoining the Land.

The Land also includes land within a Heritage Overlay. The Chelsea Clock Tower, located on Nepean Highway, Chelsea is recognised as locally significant within the Kingston Planning Scheme (HO28). Where works within the overlay would normally require a planning permit, site plans, elevations and other relevant documentation will be prepared to the satisfaction of the Minister of Planning to ensure that the identified heritage values have been appropriately considered and managed.

Aboriginal cultural heritage will be managed in accordance with the approved Cultural Heritage Management Plan (**CHMP**) in accordance with the *Aboriginal Heritage Act 2006 (AH Act)*.

**e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community**

The Incorporated Document provides for a single approval that will ensure orderly and coordinated provision of public transport infrastructure and facilities for the benefit of the community.

The Project will result in improvements to road and rail infrastructure and will ensure that existing utilities are adequately protected, relocated and upgraded where necessary.

**f) To balance the present and future interests of all Victorians**

The Victorian Government has committed to the removal of 50 level crossings on the metropolitan rail network. Eleven of these level crossings are located along the Frankston rail corridor.

The amendment will facilitate a project that will benefit present and future users of public transport and road infrastructure. The removal of this level crossing will improve road, rail, bicycle and pedestrian links for Victorians living, working and travelling in the vicinity of Edithvale Railway Station and will improve the safety and operational efficiency of the road and rail networks.

The delivery of the Project will be carefully managed to minimise disruption for rail users, local communities and businesses and provides a net positive improvement to the local area, the Frankston rail corridor and the public transport system.

### **How does the amendment address any environmental, social and economic effects?**

The amendment facilitates the Project which has been assessed under the *Environment Effects Act 1978*. As part of this process, the Project and its potential environmental, social and economic effects have been considered. The amendment addresses environmental, social and economic impacts in the following way:

#### Environmental Management Framework

The Incorporated Document requires the design and construction of the Project to be in accordance with the EMF. The EMF is a framework to ensure that the Project will comply with relevant statutory requirements and minimise environmental risks. The EMF sets out the environmental outcomes to be achieved during the design and construction of the Project and will encourage innovation. The EMF sets out accountabilities for managing and monitoring environmental, social and economic impacts associated with the design and construction of the Project. The EMF will reflect the outcome of the EES required by the Minister for Planning.

The EMF has been informed by detailed technical studies that have considered the following environmental, social and economic impacts:

- Groundwater
- Ecology
- Contamination and Acid Sulfate Soils
- Surface water
- Land Use
- Traffic
- Noise and vibration
- Air quality
- Landscape and visual
- Business
- Social
- Cultural heritage
- Historic heritage

The EMF contains a suite of Environmental Performance Requirements (**EPRs**) that respond to the technical analysis and identified risks and set out the manner in which the impacts will be managed.

#### Native Vegetation

The Incorporated Document requires details of the removal, destruction or lopping of native vegetation to be prepared, and appropriately offset in accordance with the *Guidelines for*



*the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP. This requirement is in addition to the relevant EPRs that address vegetation.

#### Heritage

The Incorporated Document requires that:

- Where a planning permit would normally be required for buildings and works or subdivision within a Heritage Overlay, site plans and elevations 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.
- Where a planning permit would normally be required for the demolition, alteration, or removal of a building within a Heritage Overlay, a full photographic survey of the buildings, 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.

The preparation and approval of a CHMP is required for the Project in accordance with the AH Act. Works will be undertaken in accordance with the AH Act and the approved CHMP for the Project.

These requirements are in addition to the relevant EPRs that address heritage.

#### Road Access

The Incorporated Document requires that any creation or alteration of access to the arterial road network, or subdivision of land adjacent to the arterial road network, be to the satisfaction of the Roads Corporation (VicRoads). These requirements are in addition to the relevant EPRs that address traffic.

#### Flooding Controls

The Incorporated Document requires that any building and works on the Land affected by the Special Building Overlay be undertaken to the satisfaction of the relevant floodplain management authority.

### **Does the amendment address relevant bushfire risk?**

The Land is not affected by a Bushfire Management Overlay or located within a bushfire prone area.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Section 12(2) (a) of the PE Act requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this amendment:

#### Ministerial Direction - The Form and Content of Planning Schemes

The amendment is consistent with the *Ministerial Direction - The Form and Content of Planning Schemes* under section 7(5) of the PE Act.

#### Direction No.1 Potentially Contaminated Land

The Incorporated Document requires the design and construction of the Project in accordance with an EMF. The EMF contains EPRs to manage contamination, and to ensure the environmental condition of the Land is suitable for the future intended use. The Project does not propose any sensitive uses for the purpose of Direction No.1.

#### Direction No. 9 Metropolitan Strategy

The amendment is consistent with *Direction No. 9 Metropolitan Strategy* by:

- Delivering jobs and investment in the local area.

- Facilitating transport improvements to make jobs and community services more accessible.
- Improving local travel options which will increase social and economic participation.
- Facilitating a more efficient and safe road network which benefits all road users.
- Improving the operation of the existing transport network with faster, more reliable and efficient on-road traffic movement and public transport.
- Ensuring the environmental and construction impacts are managed and minimised through the EMF.

In particular, the amendment delivers on *Plan Melbourne 2017-2050* Outcome 3: *Melbourne has an integrated transport system that connects people to jobs and services and goods to market* by specifically delivering on: Policy 3.1.1: *Create a metro-style rail system with 'turn up and go' frequency and reliability*, which includes the delivery of separated road and rail crossings, Policy 3.1.2: *Provide high-quality public transport access to job-rich areas* by enhancing access to activity centres along the Frankston rail corridor, the Dandenong NEIC, locally and regionally important employment nodes, and to wider metropolitan Melbourne, and Policy 3.1.3 *Improve arterial road connections across Melbourne for all road users* by removal of level crossings.

#### Direction No. 11 Strategic Assessment of Amendments

The amendment has been prepared having regard to *Direction No. 11 Strategic Assessment of Amendments* and *Planning Practice Note 46: Strategic Assessment Guidelines for Planning Scheme Amendments*.

### **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

This amendment supports or implements the following clauses of the State Planning Policy Framework:

#### Settlement

Clause 11 (Settlement) recognises the role of planning to anticipate and respond to the needs of existing and future communities and, as far as practicable, contribute towards accessibility, economic viability and the integration of land use and transport. Planning should also facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport.

The amendment is consistent with this policy and implements the clause in the following manner:

- The Project supports the activity centre hierarchy through improved transport choices and is consistent with the policy of orderly development of urban areas. The Project will improve access to local, regional and metropolitan centres via public transport, walking and cycling.
- The Project will improve access to jobs to and within the locality, key employment nodes in Melbourne's southern subregion and throughout metropolitan Melbourne, the Dandenong and Monash National Employment and Innovation Clusters and Melbourne's central city.

#### Metropolitan Melbourne

Clause 11.06 (Metropolitan Melbourne) recognises that when considering policy objectives for metropolitan Melbourne, planning must consider as relevant: *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (DELWP, 2017).

The amendment supports and implements the clause in the following manner:

- The Project will improve access to jobs locally and across metropolitan Melbourne and will facilitate high-quality public transport access to job rich areas and enable improved arterial road connections across Melbourne.



- The Project will improve access to public transport, the service and reliability of the public transport system, local travel options for walking and cycling to support 20 minute neighbourhoods and provides for an integrated transport system.
- The Project will support the establishment of a metro-style rail system by delivering a separated road and rail crossing.

#### Environmental and Landscape Values

Clause 12 (Environmental and Landscape Values) seeks to assist the protection and conservation of Victoria's biodiversity and the health of ecological systems.

The amendment supports and implements the clause in the following manner:

- The Project will be designed and constructed in accordance with the EMF which will include measures to reduce and manage environmental impacts.
- The Incorporated Document requires that the removal, destruction or lopping of native vegetation be detailed in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP.
- The Incorporated Document requires native vegetation offsets to be provided in accordance with the guidelines except as otherwise agreed by the Secretary to DELWP.

#### Environmental Risks

Clause 13 (Environmental Risks) recognises that planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards.

The amendment supports and implements the clause in the following manner:

- The Project will be designed and constructed in accordance with an EMF which will include measures to reduce and manage environmental impacts of the Project.
- The Incorporated Document requires that buildings and works on land covered by the Special Building Overlay be undertaken to the satisfaction of the relevant floodplain management authority.
- The Project has undertaken due-diligence specialist reports to consider a variety of environmental matters.

#### Built Environment and Heritage

Clause 15 (Built Environment and Heritage) requires that planning should ensure all new land use and development appropriate responds to its landscape, valued built form and cultural context, and protect places and sites with significant value.

The amendment supports and implements the clause in the following manner:

- The Project will be designed and delivered with reference to the LXRA Urban Design Framework: *Principals and Objectives, Measures and Qualitative Benchmarks, 2016* and site specific Urban Design Guidelines. The Framework and Guidelines outlines the principles, objective, measures and benchmarks that will be considered during the development of the design of the Project, and seek to ensure that the resulting built form responds to and is cognisant of the local landscape, built form, urban fabric and cultural context.
- The Chelsea Clock Tower (HO28) is recognised as being of local heritage significance within the Kingston Planning Scheme. The Incorporated Document requires that the Project respond to the identified heritage values of the site.
- The Project will be undertaken in accordance with the approved CHMP for the project area and the requirements of the AH Act.

#### Transport

Clause 18 (Transport) recognises that planning should facilitate greater use of public transport and ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

The amendment supports and implements the clause in the following manner:

- The Project will enable improved public transport infrastructure and services on the Principal Public Transport Network, improved accessibility to local, regional and metropolitan activity centres, locally, regionally and nationally significant employment corridors and precincts and will contribute to economic development by delivering a more efficient road and rail system.
- This level crossing removal will improve safety by reducing conflicts between vehicles, trains, pedestrians and cyclists.
- The Project provides new shared use paths that will encourage the use of sustainable personal transport, support the development of 20-minute neighbourhoods and improve access to the public transport system.
- The Project will enable safer and more efficient movement of freight to meet local needs and service markets throughout Victoria by removing constraints on the current road network.
- The Project will provide opportunities for a reduction in greenhouse gas emissions through reduced road congestion and the increased facilitation of sustainable transport options.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the following clauses of the Kingston Local Planning Policy Framework (LPPF):

- Clause 21.01 Municipal Strategic Statement
- Clause 21.03 Land Use Challenges for the New Millennium
- Clause 21.04 Vision
- Clause 21.06 Retail and Commercial Land Use
- Clause 21.09 Environment, Wetlands and Waterways
- Clause 21.12 Transport, Movement and Access
- Clause 21.13 Heritage

The amendment supports and implements these clauses in the Kingston Planning Scheme as follows:

- The Project will support Edithvale's role as a Neighbourhood Activity Centre within the City of Kingston by improving connectivity to and from the activity centre and to local education, recreation and community facilities through the provision of improved transport infrastructure and services.
- The Project will strengthen the role of public transport, walking and cycling as a means of accessing the activity centre and improve connectivity between Edithvale and surrounding suburbs to important activity and employment nodes in Melbourne's southern subregions.
- The Project will improve reliability on the Frankston rail line, reduce congestion on the road network, increase safety on the rail, road, bicycle and pedestrian network and improve access to jobs and services.

- The Incorporated Document requires that the design and construction of the Project be in accordance with the EMF which will provide an overarching framework and specific measures to manage environmental, social and economic impacts.
- The Incorporated Document forming part of the amendment includes conditions requiring site plans and elevations, and/or a full photographic survey, be submitted to the satisfaction of the Minister for Planning where a planning permit would normally be required under a Heritage Overlay.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions, specifically Clause 52.03 and Clause 81.01 of the Kingston Planning Scheme to facilitate the Project.

The purpose of Clause 52.03 is to provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

The use of this provision in this case is appropriate because the Project is of genuine State significance and the Incorporated Document proposed by the amendment will allow the Project to be developed and delivered in a coordinated, consistent and timely manner under a single planning control and will remove the need for the Project to seek multiple and separate planning permits. The site specific controls in this amendment are set out in the Incorporated Document and allow the use and development of the Land for the purposes of the Project in accordance with the conditions set out in the Incorporated Document.

### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies and stakeholders have been considered through an extensive consultation framework as part of the EES process. The views of the following agencies and authorities have been considered:

- Aboriginal Victoria
- DEDJTR
- DELWP
- Department of the Environment and Energy (Commonwealth)
- Environment Protection Agency
- Frankston City Council
- Heritage Victoria
- Kingston City Council
- Melbourne Water
- Metro Trains Melbourne
- Office of the Victorian Government Architect
- Public Transport Victoria
- Southern Rural Water
- Transport for Victoria
- VicRoads
- VicTrack

### **Does the amendment address relevant requirements of the *Transport Integration Act 2010*?**

The amendment facilitates a project that is consistent with the vision statement in the *Transport Integration Act 2010 (TI Act)* and addresses the key transport system objectives and decision-making principles in the TI Act, in the following ways:

## ***Division 2 – System objectives***

- *Social and economic inclusion:* The Project will support social and economic inclusion by improving the reliability of the rail network and increasing capacity of the road network in a key location, thereby expanding opportunities for access to social and economic opportunities, particularly in the surrounding key employment areas.
- *Economic prosperity:* The Project will support economic prosperity by creating jobs and facilitating easier access to employment opportunities in Melbourne's southern subregion and beyond. The Project will modernise and improve existing transport infrastructure which will achieve greater operational efficiencies for Victoria's rail and road networks.
- *Environmental sustainability:* The Project will improve the operational efficiency of the road network which will reduce environmental impacts caused by traffic congestion. Additionally, improvements in transport infrastructure will promote the efficient use of public transport in the overall transport system and it will support the development of the rail network as a sustainable transport option for all Victorians. The Project will be designed and constructed to achieve a design and as-built 'Excellent' 4 Star Green Star rating for the new station and a minimum 'Excellent' (65) Infrastructure Sustainability (IS) rating.
- *Integration of transport and land use:* The Project will be delivered within the existing rail corridor and nearby road reserves and maximizes integration with the existing road network while minimizing impacts to proximate land uses. The Project is part of a wider program expected to contribute to a more efficient and reliable transport system which will encourage increased use of a sustainable mode of transport and facilitate better access to, and greater mobility within, local communities. The amendment will ensure the Project is delivered in a timely manner to support current and future requirements of the transport system and demands of the southern subregion of metropolitan Melbourne.
- *Efficiency, coordination and reliability:* The Project is part of a wider level crossing removal program that will facilitate network-wide efficient, coordinated and reliable movements of persons and vehicles.
- *Safety and health and wellbeing:* The Project will minimise conflict between trains, vehicles, cyclists and pedestrians and will improve road, rail and pedestrian safety. The new Edithvale Railway Station will be designed and constructed to enhance safety, functionality and usability.

## ***Division 3 – Decision-making principles***

- *Principle of integration decision making:* The Project has been the subject of a coordinated and public process that has incorporated the views of relevant agencies, statutory authorities, and local government.
- *Principle of triple bottom line assessment:* The economic, environmental and social costs and benefits of the Project have been considered. The investigations and assessments undertaken for the Project satisfy the principles of triple bottom-line assessment.
- *Principle of equity:* The Project will improve the overall operation of the transport system in Melbourne, including access to and from key activity and employment nodes within Melbourne's southern subregion, and will cater for the needs of existing and future businesses and communities. These rail services are available to all persons, and they provide transport opportunities to those who may not have alternative options such as ownership of a private vehicle.
- *Principle of the transport system user perspective:* The Project will facilitate improvements to the transport system which will improve the public transport experience for users.
- *Precautionary principle:* The precautionary principle was adopted during the development of the Project through specialist investigations due diligence evaluations to avoid serious or irreversible damage to the environment.

- *Principle of stakeholder engagement and community participation:* The Project is supported by a communications strategy which included consultation with local communities, transport system users and other key stakeholders.
- *Principle of transparency:* The Project is supported by a communications strategy which included consultation with local communities, transport system users and relevant agencies during the preparation of the amendment. Consultation will continue throughout the lifetime of the Project to provide transparency.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The implementation of the new planning provisions will have minimal impact on the resource and administrative costs of the responsible authority.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the DELWP website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).



*Planning and Environment Act 1987*

**KINGSTON PLANNING SCHEME**

**AMENDMENT C155**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

**The Kingston Planning Scheme is amended as follows:**

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.
2. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document





07/12/2017  
GC71  
Proposed C156

## SCHEDULE TO CLAUSE 52.03 SPECIFIC SITES AND EXCLUSIONS

### 1.0

### Specific sites and exclusions

07/12/2017  
GC71  
Proposed C156

Address of land	Title of incorporated document
North - west corner of Main Road and McMillan Street, Oakleigh South described in Certificates of Title: Volume 8069 Folio 008 Volume 8952 Folio 684 Volume 8952 Folio 685 Volume 8952 Folio 686 Volume 8952 Folio 687 Volume 8952 Folio 688 Volume 8795 Folio 387	Existing Provision Document 1
477 - 481 Warrigal Road, Moorabbin (part) Certificate of Title Volume 9630 Folio 075 (part) Plan of Subdivision 305551M (part) and associated storage units, 21 32, 41, 46, 48, 49, 52, 63 - 67 fronting Warrigal Road Title Volume 10059 Folios 563 – 574	Existing Provision Document 2
88 Beach Road, Mentone	Existing Provision Document 3
South east corner of Centre Dandenong Road and Boundary Roads, Braeside, known as part of Redwood Gardens Industrial Estate	Existing Provision Document 4
No. 1 Rhode Island, Patterson Lakes	Existing Provision Document 5
No. 2 Rhode Island, Patterson Lakes	Existing Provision Document 6
Capital Golf Course – Centre Dandenong Road, Old Dandenong Road, Madden Road and Ross Street, Heatherton. Part Crown Allotments 1,2 and 3, Section 15 Parish of Mordialloc	Existing Provision Document 7
Kingston Heath Golf Course - Kingston Road, Heatherton, Lot 2 on LP. 92000, Parish of Mordialloc	Existing Provision Document 8
462-508 Heatherton Road, Springvale South Certificate of Title Volume 9249 Folio 658	Existing Provision Document 9
The Caulfield Dandenong Rail Upgrade Project land as shown on the maps in the incorporated document.	Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016
Tootal Road, Dingley (known as Lot 1 Grange Road, and 370-440 Old Dandenong Road, Dingley Village) as described in the following certificates of title: <ul style="list-style-type: none"> <li>Volume 8077, Folio 174 (Lot 1 of PS 29928).</li> <li>Volume 8163 Folio 419 (Lot 1 of PS33174).</li> <li>Volume 8523 Folio 416 (Lot 1 of</li> </ul>	Hawthorn Football Club – Function Centre and Signage Controls, Tootal Road, Dingley Village, May 2016

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PS 65354).

- Volume 8523 Folio 416 (Lot 2 of PS 65354).
- Volume 2983 Folio 481 (Lot 1 of TP 561896E).
- Volume 8248 Folio 226 (Lot 1 of PS 46359).
- Northern portion of Volume 8713 Folio 097 (Lot 1 PS 79066).
- Northern portion of Volume 10316 Folio 734 (Lot 4 of PS 404673U).
- Northern portion of Volume 8452 Folio 805 (Lot 1 of PS 61906).

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Land required for the Cheltenham Level Crossing Removal Project as shown on the project area maps in the incorporated document.

Cheltenham Level Crossing Removal Project Incorporated Document, July 2017

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Land required for the Carrum Level Crossing Removal Project as shown on the project area maps in the incorporated document.

Carrum Level Crossing Removal Project Incorporated Document, December 2017

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[Land required for the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project as shown on the project area maps in in the Incorporated Document.](#)

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[Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018](#)

07/12/2017  
GC74  
Proposed C156

## SCHEDULE TO CLAUSE 81.01 TABLE OF DOCUMENTS INCORPORATED IN THIS SCHEME

### 1.0 Incorporated documents

07/12/2017  
GC74  
Proposed C156

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Aspendale Gardens Incorporated Plan, 1 November 1999	NPS1
Carrum Level Crossing Removal Project Incorporated Document, December 2017	GC71
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Cheltenham Level Crossing Removal Project Incorporated Document, July 2017	GC70
Clayton South Medium Density Housing Development Guidelines, May 2003	C10
Documents Incorporated Under Clause 52.03 – Specific Sites and Exclusions	
▪ Existing Provision Document 1	NPS1
▪ Existing Provision Document 2	NPS1
▪ Existing Provision Document 3	NPS1
▪ Existing Provision Document 4	NPS1
▪ Existing Provision Document 5	NPS1
▪ Existing Provision Document 6	NPS1
▪ Existing Provision Document 7	NPS1
▪ Existing Provision Document 8	NPS1
▪ Existing Provision Document 9	NPS1
Draft Guidelines for the assessment of heritage planning applications, August 2000	C46(Part 2)
Endeavour Cove Comprehensive Development Plan, December 1999	NPS1
Hawthorn Football Club – Function Centre and Signage Controls, Tootal Road, Dingley Village, May 2016	C161
Heatherton Christian College, Master Plan, June 2007	C94
Kingston Lodge Concept Plan, 2006	C71
Kingston Lodge Precinct Development Plan, 2 December 1997	NPS1
Kingston Neighbourhood Character Guidelines, August 2007	C77
Siting and Design Guidelines for Structures on the Victorian Coast, May 1998	C2
<a href="#">Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018</a>	<a href="#">C156</a>
Wells Road, Aspendale Gardens Landscape Concept Plan for Outline Development Plan, September 1999	NPS1
Westfield Shoppingtown Southland Concept Plan, November 1994	NPS1



# **Edithvale Road, Edithvale Level Crossing Removal Project**

**Incorporated Document**

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**January 2018**

## **1.0 INTRODUCTION**

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*.

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

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

## **2.0 PURPOSE**

The purpose of this incorporated document is to allow the use and development of land for the purposes of the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project, including a railway, railway station, and associated upgrades to the road and rail network (**Project**).

## **3.0 LAND**

The control in this document applies to the land required for the Project as shown in the Project Area Maps forming part of this document (**Land**).

## **4.0 CONTROL**

### **4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS**

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, or restrict or regulate the use or development of the Land for the purposes of the Project.

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

- a) Removal of the level crossing at Station Street/Bondi Road, Bonbeach where it crosses the Frankston rail line.
- b) Railway construction and associated works to lower the existing Frankston rail line under Station Street/Bondi Road, including, but not limited to, bulk excavation, relocation of existing utilities and installation of new utility infrastructure, earthworks, installation of drainage and retaining walls, replacement of track infrastructure, access tracks, landscaping, vegetation removal and construction of bicycle and pedestrian shared use paths.
- c) Road construction and associated works including construction of a road bridge over the Frankston rail line at Station Street/Bondi Road and associated works including alterations to road access arrangements.
- d) Development of a new railway station, including provision for the sale of food, drink and other convenience goods and services, decking over the trench, car parking, bicycle facilities and loading and unloading facilities.
- e) Provision of pedestrian access and shared bicycle use paths, including the



construction of pedestrian bridges over the railway line.

- f) Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.
- g) Creation and alteration of access to roads.
- h) Ancillary activities, preparatory and enabling works, including, but not limited to:
  - i) Use and development of lay down areas for construction purposes.
  - ii) Stockpiling of excavation material.
  - iii) Use and development of temporary site workshops and storage, administration and amenities buildings, access and vehicle parking.
  - iv) Removal, destruction or lopping of trees and vegetation, including native vegetation and dead native vegetation.
  - v) Demolition and removal of buildings, structures and works.
  - vi) Relocation, modification and upgrade of services and utilities.
  - vii) Construction of fences, temporary site barriers and site security.
  - viii) Construction or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage.
  - ix) Earthworks including cutting, stockpiling and removal of spoil, and the formation of drainage works.
  - x) Display of construction, directional or identification signs.
  - xi) Subdivision and consolidation of land.

## **4.2 CONDITIONS**

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

### Environmental Management Framework

- 4.2.1 The Project must be designed and constructed in accordance with the Edithvale and Bonbeach Level Crossing Removal Project EES Environmental Management Framework (**EMF**).
- 4.2.2 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.

### Native Vegetation

- 4.2.2 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 *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (**DELWP**), except as otherwise agreed by the Secretary to DELWP.
- 4.2.3 Native vegetation offsets must be provided in accordance with the *Guidelines*

- 4.2.4 Where, but for this incorporated document, a planning permit would be required for buildings and works or subdivision within a Heritage Overlay, site plans and elevations 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.
- 4.2.5 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 buildings, 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.

#### Flood Management

- 4.2.6 Where, but for this incorporated document, a planning permit would be required for buildings and works on land within the Special Building Overlay, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

#### Road Access

- 4.2.7 The creation and alteration of access to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.
- 4.2.8 Subdivision of land adjacent to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.

#### Other Conditions

- 4.2.9 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.
- 4.2.10 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or the 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 the relevant approving authority may seek the views of council and any other relevant authority.
- 4.2.11 The use and development of the Land must be undertaken generally in accordance with the approved plans and documents.

### **4.3 PREPARATORY AND OTHER WORKS**

The following buildings and works and uses may commence on the Land prior to the approval of the plans and other documents listed in Clause 4.2:

- a) Preparatory works for the Project 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) Investigation, testing and preparatory works to determine the suitability of land, and property condition surveys.
  - iii) 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 signaling, 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 in accordance with the relevant 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* (DELWP, 2017) except as otherwise agreed by the Secretary to DELWP.

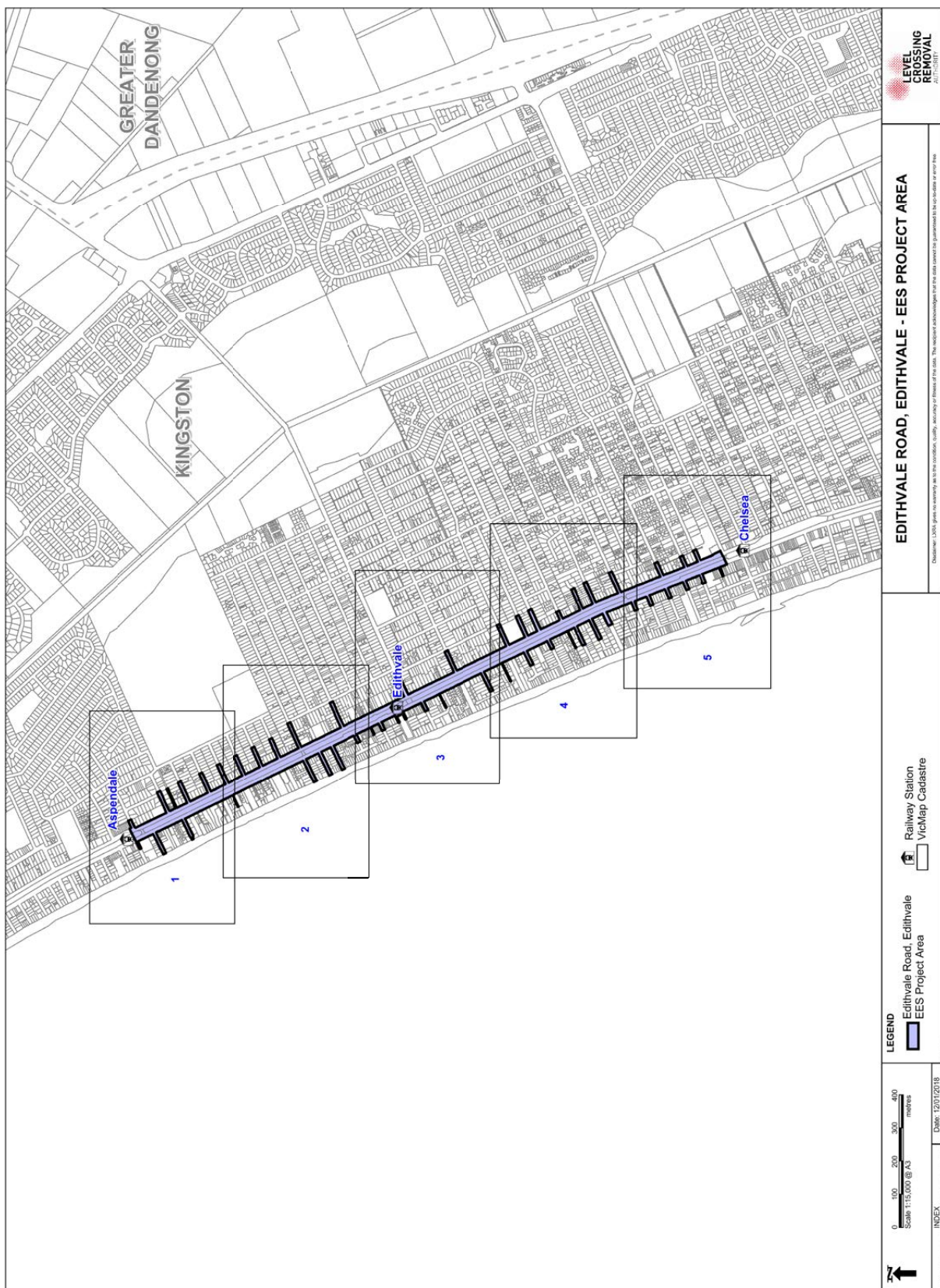
## **5.0 EXPIRY**

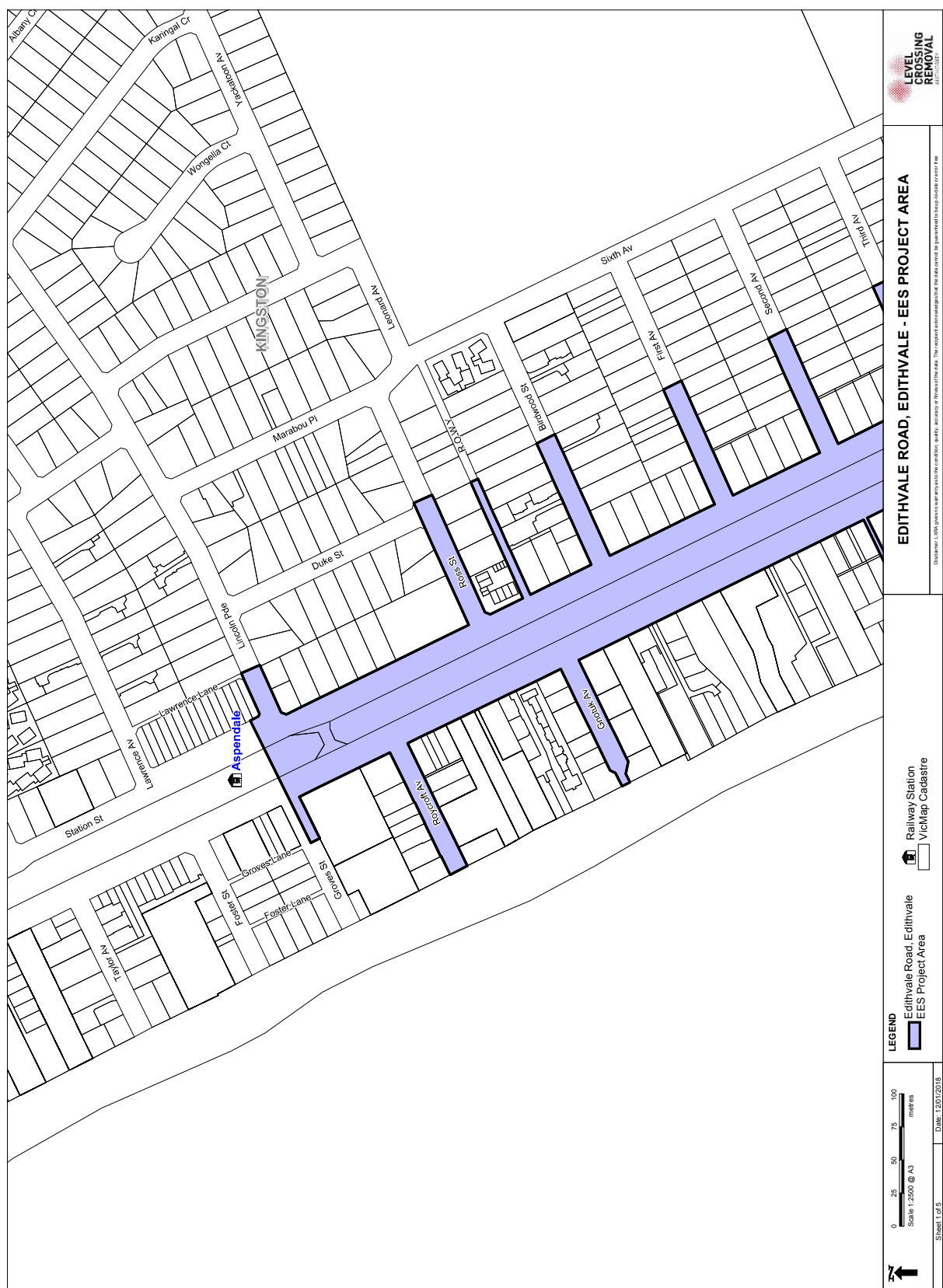
The controls in this document expire if any of the following circumstances apply:

- The development allowed by the controls, including preparatory works, is not started by 1 December 2020.
- The development allowed by the controls is not completed by 1 December 2025.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.











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metres  
Scale 1:2500 @ A3

Sheet 2 of 5  
Date: 12/01/2018

Edithvale Road, Edithvale  
EES Project Area

 Railway Station  
 VicMap Cadastre


LEVEL CROSSING  
RENEWAL  
A3 12/1/18

EDITHVALE ROAD, EDITHVALE - EES PROJECT AREA

Disclaimer: LDR graphics are analysed to the condition, accuracy of the data. The recipient acknowledges that the data cannot be guaranteed to be 100% accurate or correct.









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
Sheet 3 of 5  
Date: 12/01/2018  
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Edithvale Road, Edithvale  
EES Project Area



Railway Station



VicMap Cadastre



LEVEL  
CROSSING  
REMOVAL  
L12-17-18

EDITHVALE ROAD, EDITHVALE - EES PROJECT AREA

Disclaimer: VicMap Cadastre is not responsible for the accuracy, reliability, or completeness of the data provided. The data is provided for general information only and should not be used for any other purpose.





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Sheet 4 of 5

**LEGEND**  
Edithvale Road, Edithvale  
EES Project Area


 Railway Station  
VicMap Cadastre

**EDITHVALE ROAD, EDITHVALE - EES PROJECT AREA**

**LEVEL CROSSING  
RENAL**  
A3 1:2500

Disclaimer: LDR graphics are analysed to the condition, accuracy of VicMap data. The content is not intended to be used as a legal document.








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metres

Sheet 5 of 5  
Date: 12/01/2018  
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**LEGEND**  
Edithvale Road, Edithvale  
EES Project Area

 Railway Station  
 VicMap Cadastre

**LEVEL CROSSING REMOVAL**  
2017-2021

**EDITHVALE ROAD, EDITHVALE - EES PROJECT AREA**  
Disclaimer: VicMap Cadastre and VicMap Rail are not to be used for navigation or other purposes. The data is provided for information only and is not to be used for navigation or other purposes.

## **KINGSTON PLANNING SCHEME**

### **AMENDMENT C156**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of the Level Crossing Removal Authority (**LXRA**), an administrative office established under the *Public Administration Act 2004* in the Department of Economic Development, Jobs, Transport and Resources (**DEDJTR**).

##### **Land affected by the amendment**

The amendment applies to the land (**Land**) required for the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project (**Project**), as shown on the maps in the *Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018*.

The Land is generally located in the vicinity of the Bonbeach Railway Station, Bonbeach and extends north to Chelsea Road, Chelsea and south towards the north bank of the Patterson River, Bonbeach.

The Land includes the existing rail corridor, surrounding road reserves and public land.

##### **What the amendment does**

The amendment inserts the *Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018* (**Incorporated Document**) into the schedules to Clause 52.03 (Specific sites and exclusions) and Clause 81.01 (Documents incorporated in the scheme) of the Kingston Planning Scheme.

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The amendment is required to facilitate the timely, coordinated and consistent delivery of the Project. The Project is part of the Victorian Government's commitment to remove 50 level crossings on the metropolitan rail network which will increase road, freight and passenger rail and pedestrian safety and improve public transport facilities and efficiency.

Bondi Road is an important local road which connects the predominately residential areas of Bonbeach to Station Street and the Nepean Highway. In particular, the Nepean Highway is an arterial road that provides north-south connectivity to the locally and regionally significant Frankston Metropolitan Activity Centre, the Chelsea Major Activity Centre and the Edithvale and Carrum Neighbourhood Activity Centres. These arterial and local roads also provide connection to important employment nodes in Melbourne's southern subregion, including the Dandenong and Monash National Employment and Innovation Clusters, the Dandenong Metropolitan Activity Centre, the Springvale Major Activity Centre and the locally important Braeside, Carrum Downs and Seaford Industrial Precincts.

Approximately 4,400 vehicles per day currently use the Bondi Road level crossing. These volumes are expected to increase. To allow trains to pass the boom gates must operate

which causes lengthy delays to vehicles, pedestrians, cyclists and bus services attempting to cross the rail line, particularly during morning and evening peak periods.

The Project will facilitate a range of positive social effects, including reduced congestion on the local and arterial road networks, increased reliability of the rail network, increased safety on the rail and road network, improved connectivity in the local area and improved access to jobs and services.

The Project will improve local connectivity within Bonbeach by improving east-west access across the rail corridor in this area, and enhance access to important local areas such as the Bonbeach foreshore. The new Bonbeach Railway Station will provide for improved access to parking, local shops and public transport for local residents and visitors, with quality architectural, landscaping and urban design outcomes.

The removal of this level crossing will improve safety by eliminating conflict between trains, vehicles, cyclists and pedestrians. Construction of new bicycle and pedestrian shared use paths and pedestrian bridges over the rail line will provide for safer walking and cycling connections in the local area.

The Project will also improve business and regional freight efficiency by reducing congestion and delay for business and road and rail freight travel.

The amendment will allow the use and development of the Land for the purposes of the Project in accordance with the Incorporated Document.

The Project includes the following key components:

- Removal of the level crossing at Station Street/Bondi Road, Bonbeach where it crosses the Frankston rail line.
- Railway construction and associated works to lower the existing Frankston rail line under Station Street/Bondi Road, including, but not limited to, bulk excavation, relocation of existing utilities and installation of new utility infrastructure, earthworks, installation of drainage and retaining walls, replacement of track infrastructure, access tracks, landscaping, vegetation removal and construction of bicycle and pedestrian shared use paths.
- Road construction and associated works, including construction of a road bridge over the Frankston rail line at Station Street/Bondi Road and associated works including alterations to road access arrangements.
- Development of a new train station, including the provision for the sale of food, drink and other convenience goods and services, decking over the trench, car parking, bicycle facilities and loading and unloading facilities.
- Provision of pedestrian access and shared bicycle use paths, including the construction of pedestrian bridges over the railway line.
- Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signalling.
- Creation and alteration of access to roads.
- Ancillary activities, preparatory and enabling works.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987* (**PE Act**) in the following ways:

- a) To provide for the fair, orderly, economic and sustainable use, and development of land**

The amendment facilitates a Project that will reduce congestion, contribute to a more reliable road and rail system and improve safety and local connectivity for road users, pedestrians and cyclists.

**b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.**

The Incorporated Document requires that the Project be designed and delivered in accordance with the *Edithvale and Bonbeach Level Crossing Removal Project EES Environmental Management Framework (EMF)*. The EMF establishes a framework to ensure that the Project will comply with relevant statutory requirements and minimise environmental risks. The EMF will set out the environmental outcomes to be achieved during the design and construction of the Project and will encourage innovation. The EMF sets out accountabilities for managing and monitoring environmental effects and hazards associated with the design and construction of the Project. The EMF will reflect the outcome of the Environment Effects Statement (**EES**) required by the Minister for Planning.

The EMF has been informed by detailed technical studies which have considered environmental risks associated with the design and construction of the Project.

The Project will impact native vegetation on the Land. The design and construction of the Project will minimise impacts to native vegetation and offsets will be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017), except as otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning (**DELWP**).

**c) To ensure pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria**

The amendment will facilitate a Project that will contribute to the more efficient use of existing infrastructure by improving the reliability and capacity of the passenger and freight rail network, as well as improving the safety and efficiency of the road and rail network.

The Project will eliminate conflict between trains, vehicles, cyclists and pedestrians by lowering the Frankston rail line beneath Station Street/Bondi Road, Bonbeach to create a grade separated crossing, providing enhanced safety, functionality and usability for all users.

The design of the Project works will respond to the local surrounds and natural assets and will enhance the living and working environment for nearby communities by improving connectivity between surrounding areas across the rail line.

**d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value**

There are no sites, or places identified on the National Heritage List, Commonwealth Heritage List, Victorian Heritage Register or the Victorian Heritage Inventory within or immediately adjoining the Land.

The Land also includes land within a Heritage Overlay. The Chelsea Station and Signal Box, Chelsea is recognised as locally significant within the Kingston Planning Scheme (HO31). Where works within the overlay would normally require a planning permit, site plans, elevations and other documentation will be prepared to the satisfaction of the Minister of Planning to ensure that the identified heritage values have been appropriately considered and managed.

Aboriginal cultural heritage will be managed in accordance with the approved Cultural Heritage Management Plan (**CHMP**) in accordance with the *Aboriginal Heritage Act 2006* (**AH Act**).

**e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community**

The Incorporated Document provides for a single approval that will ensure orderly and coordinated provision of public transport infrastructure and facilities for the benefit of the community.

The Project will result in improvements to road and rail infrastructure and will ensure that existing utilities are adequately protected, relocated and upgraded where necessary.

**f) To balance the present and future interests of all Victorians**

The Victorian Government has committed to the removal of 50 level crossings on the metropolitan rail network. Eleven of these level crossings are located along the Frankston rail corridor.

The amendment will facilitate a project that will benefit present and future users of public transport and road infrastructure. The removal of this level crossing will improve road, rail, bicycle and pedestrian links for Victorians living, working and travelling in the vicinity of the Project and will improve the safety and operational efficiency of the road and rail networks.

The delivery of the Project will be carefully managed to minimise disruption for rail users, local communities and businesses and provides a net positive improvement to the local area, the Frankston rail corridor and the public transport system.

**How does the amendment address any environmental, social and economic effects?**

The amendment facilitates the Project which has been assessed under the *Environment Effects Act 1978*. As part of this process, the potential environmental, social and economic effects of the Project have been considered. The amendment addresses environmental, social and economic impacts in the following way:

Environmental Management Framework

The Incorporated Document requires the design and construction of the Project to be in accordance with the EMF. The EMF is a framework to ensure that the Project will comply with relevant statutory requirements and minimise environmental risks. The EMF sets out the environmental outcomes to be achieved during the design and construction of the Project and will encourage innovation. The EMF sets out accountabilities for managing and monitoring environmental effects and hazards associated with the design and construction of the Project. The EMF will reflect the outcome of the EES required by the Minister for Planning.

The EMF has been informed by detailed technical studies that have considered the following environmental, social and economic impacts:

- Groundwater
- Ecology
- Contamination and Acid Sulfate Soils
- Surface water
- Land Use
- Traffic
- Noise and vibration
- Air quality
- Landscape and visual
- Business
- Social
- Cultural heritage
- Historic heritage

The EMF contains a suite of Environmental Performance Requirements (**EPRs**) that respond to the technical analysis and identified risks and set out the manner in which the impacts will be managed.

#### Native Vegetation

The Incorporated Document requires details of the removal, destruction or lopping of native vegetation to be prepared, and appropriately offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP. This requirement is in addition to the relevant EPRs that address vegetation.

#### Heritage

The Incorporated Document requires that:

- Where a planning permit would normally be required for buildings and works or subdivision within a Heritage Overlay, site plans and elevations 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.
- Where a planning permit would normally be required for the demolition, alteration, or removal of a building within a Heritage Overlay, a full photographic survey of the buildings, 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.

The preparation and approval of a CHMP is required for the Project in accordance with the AH Act. Works will be undertaken in accordance with the AH Act and the approved CHMP for the Project.

These requirements are in addition to the relevant EPRs that address heritage.

#### Road Access

The Incorporated Document requires that any creation or alteration of access to the arterial road network, or subdivision of land adjacent to the arterial road network, be to the satisfaction of the Roads Corporation (VicRoads). These requirements are in addition to the relevant EPRs that address traffic.

### **Does the amendment address relevant bushfire risk?**

The Project Area is not affected by a Bushfire Management Overlay or located within a bushfire prone area.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Section 12(2) (a) of the PE Act requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this amendment:

#### Ministerial Direction - The Form and Content of Planning Schemes

The amendment is consistent with the *Ministerial Direction - The Form and Content of Planning Schemes* under section 7(5) of the PE Act.

#### Direction No.1 Potentially Contaminated Land

The Incorporated Document requires the design and construction of the Project in accordance with an EMF. The EMF contains EPRs to manage contamination, and to ensure the environmental condition of the Land is suitable for the future intended use. The Project does not propose any sensitive uses for the purpose of Direction No.1.

#### Direction No. 9 Metropolitan Strategy



The amendment is consistent with *Direction No. 9 Metropolitan Strategy* by:

- Delivering jobs and investment in the local area.
- Facilitating transport improvements to make jobs and community services more accessible.
- Improving local travel options which will increase social and economic participation.
- Facilitating a more efficient and safe road network which benefits all road users.
- Improving the operation of the existing transport network with faster, more reliable and efficient on-road traffic movement and public transport.
- Ensuring the environmental and construction impacts are managed and minimised through the EMF.

In particular, the amendment delivers on *Plan Melbourne 2017-2050* Outcome 3: *Melbourne has an integrated transport system that connects people to jobs and services and goods to market* by specifically delivering on: Policy 3.1.1: *Create a metro-style rail system with 'turn up and go' frequency and reliability*, which includes the delivery of separated road and rail crossings, Policy 3.1.2: *Provide high-quality public transport access to job-rich areas* by enhancing access to activity centres along the Frankston rail corridor, locally and regionally important employment nodes and to wider metropolitan Melbourne, and Policy 3.1.3 *Improve arterial road connections across Melbourne for all road users* by removal of level crossings.

#### Direction No. 11 Strategic Assessment of Amendments

The amendment has been prepared having regard to *Direction No. 11 Strategic Assessment of Amendments* and *Planning Practice Note 46: Strategic Assessment Guidelines for Planning Scheme Amendments*.

### **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

This amendment supports or implements the following clauses of the State Planning Policy Framework:

#### Settlement

Clause 11 (Settlement) recognises the role of planning to anticipate and respond to the needs of existing and future communities and, as far as practicable, contribute towards accessibility, economic viability and the integration of land use and transport. Planning should also facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport.

The amendment is consistent with this policy and implements the clause in the following manner:

- The Project supports the activity centre hierarchy through improved transport choices and is consistent with the policy of orderly development of urban areas. The Project will improve access to local, regional and metropolitan centres via public transport, walking and cycling.
- The Project will improve access to jobs to and within the locality, key employment nodes in Melbourne's southern subregion and throughout metropolitan Melbourne, the Dandenong and Monash National Employment and Innovation Clusters and the Central City.

#### Metropolitan Melbourne

Clause 11.06 (Metropolitan Melbourne) recognises that when considering policy objectives for metropolitan Melbourne, planning must consider as relevant: *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (DELWP, 2017).

The amendment supports and implements the clause in the following manner:

- The Project will improve access to jobs locally and across metropolitan Melbourne and facilitate high-quality public transport access to job rich areas.
- The Project will improve access to public transport, the service and reliability of the public transport system, local travel options for walking and cycling to support 20 minute neighbourhoods and provides for an integrated transport system.
- The Project will support the establishment of a metro-style rail system by delivering a separated road and rail crossing.

#### Environmental and Landscape Values

Clause 12 (Environmental and Landscape Values) seeks to assist the protection and conservation of Victoria's biodiversity and the health of ecological systems.

The amendment supports and implements the clause in the following manner:

- The design and construction of the Project will be in accordance with the EMF which will include measures to manage environmental impacts.
- The Incorporated Document requires that the removal, destruction or lopping of native vegetation be detailed in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP.
- The Incorporated Document requires native vegetation offsets to be provided in accordance with the guidelines except as otherwise agreed by the Secretary to DELWP.

#### Environmental Risks

Clause 13 (Environmental Risks) recognises that planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards.

The amendment supports and implements the clause in the following manner:

- The Project will be designed and constructed in accordance with an EMF which will include measures to reduce and manage environmental impacts of the Project.
- The Project has undertaken due-diligence specialist reports to consider a variety of environmental matters.

#### Built Environment and Heritage

Clause 15 (Build Environment and Heritage) requires that planning should ensure all new land use and development appropriate responds to its landscape, valued built form and cultural context, and protect places and sites with significant value.

The amendment supports and implements the clause in the following manner:

- The Project will be designed and delivered with reference to the *LXRA Urban Design Framework: Principals and Objectives, Measures and Qualitative Benchmarks, 2016* and site specific Urban Design Guidelines. The Framework and Guidelines outline the principles, objective, measures and benchmarks that will be considered during the development of the design of the Project, and seek to ensure that the resulting built form responds to and is cognisant of the local landscape, built form, urban fabric and cultural context.
- The Chelsea Station and Signal Box (HO31) is recognised as being of local heritage significance within the Kingston Planning Scheme. The Incorporated Document requires that the Project respond to the identified heritage values of the site.
- The Project will be undertaken in accordance with the approved CHMP for the Project area and the requirements of the AH Act.

## Transport

Clause 18 (Transport) recognises that planning should facilitate greater use of public transport and ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

The amendment supports and implements the clause in the following manner:

- The Project will enable improved public transport infrastructure and services on the Principal Public Transport Network, improved accessibility to local, regional and metropolitan activity centres, locally, regionally and nationally significant employment corridors and precincts, and will contribute to economic development by delivering a more efficient road and rail system.
- This level crossing removal will improve safety by reducing conflicts between vehicles, trains, pedestrians and cyclists.
- The Project provides new shared use paths that will encourage the use of sustainable personal transport, support the development of 20-minute neighbourhoods and improve access to the public transport system.
- The Project will enable safer and more efficient movement of freight to meet local needs and service markets throughout Victoria by removing constraints on the current road network.
- The Project will provide opportunities for a reduction in greenhouse gas emissions through reduced road congestion and the increased facilitation of sustainable transport options.

## **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the following clauses of the Local Planning Policy Framework (LPPF):

### ***Kingston Planning Scheme***

The amendment supports and implements the following clauses of the LPPF:

- Clause 21.01 Municipal Strategic Statement
- Clause 21.03 Land Use Challenges for the New Millennium
- Clause 21.04 Vision
- Clause 21.06 Retail and Commercial Land Use
- Clause 21.09 Environment, Wetlands and Waterways
- Clause 21.12 Transport, Movement and Access
- Clause 21.13 Heritage

The amendment supports and implements these clauses in the Kingston Planning Scheme as follows:

- The Project will improve reliability on the Frankston rail line, reduce congestion on the road network, increase safety on the rail, road, bicycle and pedestrian network and improve access to jobs and services.
- The Project will improve connectivity between Bonbeach to important local, regional and national activity and employment nodes in Melbourne's southern subregion.
- The Project will provide equitable and safe vehicular, pedestrian and cyclist movement and access for the community.

- The Incorporated Document requires that the design and construction of the Project be in accordance with the EMF which will provide an overarching framework and specific measures to manage environmental, social and economic impacts.
- The Incorporated Document forming part of the amendment includes conditions requiring site plans and elevations, and/or a full photographic survey, be submitted to the satisfaction of the Minister for Planning where a planning permit would normally be required under a Heritage Overlay.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions, specifically Clause 52.03 and Clause 81.01 of the Kingston Planning Scheme to facilitate the Project.

The purpose of Clause 52.03 is to provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

The use of this provision in this case is appropriate because the Project is of genuine State significance and the Incorporated Document proposed by the amendment will allow the Project to be developed and delivered in a coordinated, consistent and timely manner under a single planning control and will remove the need for the Project to seek multiple and separate planning permits. The site specific controls in this amendment are set out in the Incorporated Document and allow the use and development of the land in the project area for the purposes of the Project in accordance with the conditions set out in the Incorporated Document.

### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies and stakeholders have been considered through an extensive consultation framework as part of the EES process. The views of the following agencies and authorities have been considered:

- Aboriginal Victoria
- DEDJTR
- DELWP
- Department of the Environment and Energy (Commonwealth)
- Environment Protection Agency
- Frankston City Council
- Heritage Victoria
- Kingston City Council
- Melbourne Water
- Metro Trains Melbourne
- Office of the Victorian Government Architect
- Public Transport Victoria
- Southern Rural Water
- Transport for Victoria
- VicRoads
- VicTrack

### **Does the amendment address relevant requirements of the *Transport Integration Act 2010*?**

The amendment facilitates a project that is consistent with the vision statement in the *Transport Integration Act 2010 (TI Act)* and addresses the key transport system objectives and decision-making principles in the TI Act, in the following ways:

### ***Division 2 – System objectives***

- *Social and economic inclusion*: The Project will support social and economic inclusion by improving the reliability of the rail network and increasing capacity of the road network in a key location, thereby expanding opportunities for access to social and economic opportunities, particularly in the surrounding key employment areas.
- *Economic prosperity*: The Project will support economic prosperity by creating jobs and facilitating easier access to employment opportunities in Melbourne's southern subregion and beyond. The Project will modernise and improve existing transport infrastructure which will achieve greater operational efficiencies for Victoria's rail and road networks.
- *Environmental sustainability*: The Project will improve the operational efficiency of the road network which will reduce environmental impacts caused by traffic congestion. Additionally, improvements in transport infrastructure will promote the efficient use of public transport in the overall transport system and it will support the development of the rail network as a sustainable transport option for all Victorians. The Project will be designed and constructed to achieve a design and as-built 'Excellent' 4 Star Green Star rating for the new station and a minimum 'Excellent' (65) Infrastructure Sustainability (IS) rating.
- *Integration of transport and land use*: The Project will be delivered within the existing rail corridor and nearby road reserves and maximizes integrations with the existing road network while minimizing impacts to proximate land uses. The Project is part of a wider program expected to contribute to a more efficient and reliable transport system which will encourage increased use of a sustainable mode of transport and facilitate better access to, and greater mobility within, local communities. The amendment will ensure the Project is delivered in a timely manner to support current and future requirements of the transport system and demands of the southern subregion of metropolitan Melbourne.
- *Efficiency, coordination and reliability*: The Project is part of a wider level crossing removal program that will facilitate network-wide efficient, coordinated and reliable movements of persons and vehicles.
- *Safety and health and wellbeing*: The Project will minimise conflict between trains, vehicles, cyclists and pedestrians and will improve road, rail and pedestrian safety, while the new Bonbeach Railway Station will be designed and constructed to enhance safety, functionality and usability.

### ***Division 3 – Decision-making principles***

- *Principle of integration decision making*: The Project has been the subject of a coordinated process that has incorporated the views of relevant agencies, statutory authorities, and local government.
- *Principle of triple bottom line assessment*: The economic, environmental and social costs and benefits of the Project have been considered. The investigations and assessments undertaken for the Project satisfy the principles of triple bottom-line assessment.
- *Principle of equity*: The Project will improve the overall operation of the transport system in Melbourne, including access to and from key activity and employment nodes within Melbourne's southern subregion, and will cater for the needs of existing and future businesses and communities. These rail services are available to all persons, and they provide transport opportunities to those who may not have alternative options such as ownership of a private vehicle.
- *Principle of the transport system user perspective*: The Project will facilitate improvements to the transport system which will improve the public transport experience for users.

- *Precautionary principle:* The precautionary principle was adopted during the development of the Project through specialist investigations due diligence evaluations to avoid serious or irreversible damage to the environment.
- *Principle of stakeholder engagement and community participation:* The Project is supported by a communications strategy which included consultation with local communities, transport system users and other key stakeholders.
- *Principle of transparency:* The Project is supported by a communications strategy which included consultation with local communities, transport system users and relevant agencies during the preparation of the amendment. Consultation will continue throughout the lifetime of the Project to provide transparency.

## **Resource and administrative costs**

### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The implementation of the new planning provisions will have minimal impact on the resource and administrative costs of the responsible authority.

### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the DELWP website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).



*Planning and Environment Act 1987*

**KINGSTON PLANNING SCHEME**

**AMENDMENT C156**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

**The Kingston Planning Scheme is amended as follows:**

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.
2. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document





07/12/2017  
GC74  
Proposed C156

## SCHEDULE TO CLAUSE 52.03 SPECIFIC SITES AND EXCLUSIONS

### 1.0

### Specific sites and exclusions

07/12/2017  
GC74  
Proposed C156

Address of land	Title of incorporated document
North - west corner of Main Road and McMillan Street, Oakleigh South described in Certificates of Title: Volume 8069 Folio 008 Volume 8952 Folio 684 Volume 8952 Folio 685 Volume 8952 Folio 686 Volume 8952 Folio 687 Volume 8952 Folio 688 Volume 8795 Folio 387	Existing Provision Document 1
477 - 481 Warrigal Road, Moorabbin (part) Certificate of Title Volume 9630 Folio 075 (part) Plan of Subdivision 305551M (part) and associated storage units, 21 32, 41, 46, 48, 49, 52, 63 - 67 fronting Warrigal Road Title Volume 10059 Folios 563 – 574	Existing Provision Document 2
88 Beach Road, Mentone	Existing Provision Document 3
South east corner of Centre Dandenong Road and Boundary Roads, Braeside, known as part of Redwood Gardens Industrial Estate	Existing Provision Document 4
No. 1 Rhode Island, Patterson Lakes	Existing Provision Document 5
No. 2 Rhode Island, Patterson Lakes	Existing Provision Document 6
Capital Golf Course – Centre Dandenong Road, Old Dandenong Road, Madden Road and Ross Street, Heatherton. Part Crown Allotments 1,2 and 3, Section 15 Parish of Mordialloc	Existing Provision Document 7
Kingston Heath Golf Course - Kingston Road, Heatherton, Lot 2 on LP. 92000, Parish of Mordialloc	Existing Provision Document 8
462-508 Heatherton Road, Springvale South Certificate of Title Volume 9249 Folio 658	Existing Provision Document 9
The Caulfield Dandenong Rail Upgrade Project land as shown on the maps in the incorporated document.	Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016
Tootal Road, Dingley (known as Lot 1 Grange Road, and 370-440 Old Dandenong Road, Dingley Village) as described in the following certificates of title: <ul style="list-style-type: none"> <li>Volume 8077, Folio 174 (Lot 1 of PS 29928).</li> <li>Volume 8163 Folio 419 (Lot 1 of PS33174).</li> <li>Volume 8523 Folio 416 (Lot 1 of</li> </ul>	Hawthorn Football Club – Function Centre and Signage Controls, Tootal Road, Dingley Village, May 2016

<hr/> <p>PS 65354).</p> <ul style="list-style-type: none"> <li>▪ Volume 8523 Folio 416 (Lot 2 of PS 65354).</li> <li>▪ Volume 2983 Folio 481 (Lot 1 of TP 561896E).</li> <li>▪ Volume 8248 Folio 226 (Lot 1 of PS 46359).</li> <li>▪ Northern portion of Volume 8713 Folio 097 (Lot 1 PS 79066).</li> <li>▪ Northern portion of Volume 10316 Folio 734 (Lot 4 of PS 404673U).</li> <li>▪ Northern portion of Volume 8452 Folio 805 (Lot 1 of PS 61906).</li> </ul> <hr/>	
Land required for the Cheltenham Level Crossing Removal Project as shown on the project area maps in the incorporated document.	Cheltenham Level Crossing Removal Project Incorporated Document, July 2017
Land required for the Carrum Level Crossing Removal Project as shown on the project area maps in the incorporated document.	Carrum Level Crossing Removal Project Incorporated Document, December 2017
<a href="#"><u>Land required for the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project as shown on the project area maps in in the Incorporated Document.</u></a>	<a href="#"><u>Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018</u></a>

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07/12/2017  
GC71  
Proposed C156

## SCHEDULE TO CLAUSE 81.01 TABLE OF DOCUMENTS INCORPORATED IN THIS SCHEME

### 1.0 Incorporated documents

07/12/2017  
GC71  
Proposed C156

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Aspendale Gardens Incorporated Plan, 1 November 1999	NPS1
Carrum Level Crossing Removal Project Incorporated Document, December 2017	GC71
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Cheltenham Level Crossing Removal Project Incorporated Document, July 2017	GC70
Clayton South Medium Density Housing Development Guidelines, May 2003	C10
Documents Incorporated Under Clause 52.03 – Specific Sites and Exclusions	
▪ Existing Provision Document 1	NPS1
▪ Existing Provision Document 2	NPS1
▪ Existing Provision Document 3	NPS1
▪ Existing Provision Document 4	NPS1
▪ Existing Provision Document 5	NPS1
▪ Existing Provision Document 6	NPS1
▪ Existing Provision Document 7	NPS1
▪ Existing Provision Document 8	NPS1
▪ Existing Provision Document 9	NPS1
Draft Guidelines for the assessment of heritage planning applications, August 2000	C46(Part 2)
Endeavour Cove Comprehensive Development Plan, December 1999	NPS1
Hawthorn Football Club – Function Centre and Signage Controls, Tootal Road, Dingley Village, May 2016	C161
Heatherton Christian College, Master Plan, June 2007	C94
Kingston Lodge Concept Plan, 2006	C71
Kingston Lodge Precinct Development Plan, 2 December 1997	NPS1
Kingston Neighbourhood Character Guidelines, August 2007	C77
Siting and Design Guidelines for Structures on the Victorian Coast, May 1998	C2
<u>Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document, January 2018</u>	<u>C156</u>
Wells Road, Aspendale Gardens Landscape Concept Plan for Outline Development Plan, September 1999	NPS1
Westfield Shoppingtown Southland Concept Plan, November 1994	NPS1



# **Station Street/Bondi Road, Bonbeach Level Crossing Removal Project**

**Incorporated Document**

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**January 2018**

## **1.0 INTRODUCTION**

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*.

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

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

## **2.0 PURPOSE**

The purpose of this incorporated document is to allow the use and development of land for the purposes of the Station Street/Bondi Road, Bonbeach Level Crossing Removal Project, including a railway, railway station, and associated upgrades to the road and rail network (**Project**).

## **3.0 LAND**

The control in this document applies to the land required for the Project as shown in the Project Area Maps forming part of this document (**Land**).

## **4.0 CONTROL**

### **4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS**

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, or restrict or regulate the use or development of the Land for the purposes of the Project.

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

- a) Removal of the level crossing at Station Street/Bondi Road, Bonbeach where it crosses the Frankston rail line.
- b) Railway construction and associated works to lower the existing Frankston rail line under Station Street/Bondi Road, including, but not limited to, bulk excavation, relocation of existing utilities and installation of new utility infrastructure, earthworks, installation of drainage and retaining walls, replacement of track infrastructure, access tracks, landscaping, vegetation removal and construction of bicycle and pedestrian shared use paths.
- c) Road construction and associated works including construction of a road bridge over the Frankston rail line at Station Street/Bondi Road and associated works including alterations to road access arrangements.
- d) Development of a new railway station, including provision for the sale of food, drink and other convenience goods and services, decking over the trench, car parking, bicycle facilities and loading and unloading facilities.
- e) Provision of pedestrian access and shared bicycle use paths, including the

- construction of pedestrian bridges over the railway line.
- f) Associated rail infrastructure, including power upgrades and overhead infrastructure, cabling and signaling.
  - g) Creation and alteration of access to roads.
  - h) Ancillary activities, preparatory and enabling works, including, but not limited to:
    - i) Use and development of lay down areas for construction purposes.
    - ii) Stockpiling of excavation material.
    - iii) Use and development of temporary site workshops and storage, administration and amenities buildings, access and vehicle parking.
    - iv) Removal, destruction or lopping of trees and vegetation, including native vegetation and dead native vegetation.
    - v) Demolition and removal of buildings, structures and works.
    - vi) Relocation, modification and upgrade of services and utilities.
    - vii) Construction of fences, temporary site barriers and site security.
    - viii) Construction or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts and alter drainage.
    - ix) Earthworks including cutting, stockpiling and removal of spoil, and the formation of drainage works.
    - x) Display of construction, directional or identification signs.
    - xi) Subdivision and consolidation of land.

## 4.2 CONDITIONS

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

### Environmental Management Framework

- 4.2.1 The Project must be designed and constructed in accordance with the Edithvale and Bonbeach Level Crossing Removal Project EES Environmental Management Framework (**EMF**).
- 4.2.2 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.

### Native Vegetation

- 4.2.2 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 *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (**DELWP**), except as otherwise agreed by the Secretary to DELWP.
- 4.2.3 Native vegetation offsets must be provided in accordance with the *Guidelines*



*for the removal, destruction or lopping of native vegetation* (DELWP, 2017), except as otherwise agreed by the Secretary to DELWP.

#### Heritage Management

- 4.2.4 Where, but for this incorporated document, a planning permit would be required for buildings and works or subdivision within a Heritage Overlay, site plans and elevations 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.
- 4.2.5 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 buildings, 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.

#### Road Access

- 4.2.6 The creation and alteration of access to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.
- 4.2.7 Subdivision of land adjacent to a road in a Road Zone Category 1 must be to the satisfaction of the Roads Corporation.

#### Other Conditions

- 4.2.8 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.
- 4.2.9 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or the 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 the relevant approving authority may seek the views of council and any other relevant authority.
- 4.2.10 The use and development of the Land must be undertaken generally in accordance with the approved plans and documents.

### **4.3 PREPARATORY AND OTHER WORKS**

The following buildings and works and uses may commence on the Land prior to the approval of the plans and other documents listed in Clause 4.2:

- a) Preparatory works for the Project 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) Investigation, testing and preparatory works to determine the suitability of land, and property condition surveys.
  - iii) 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 signaling, 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 in accordance with the relevant 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* (DELWP, 2017) except as otherwise agreed by the Secretary to DELWP.

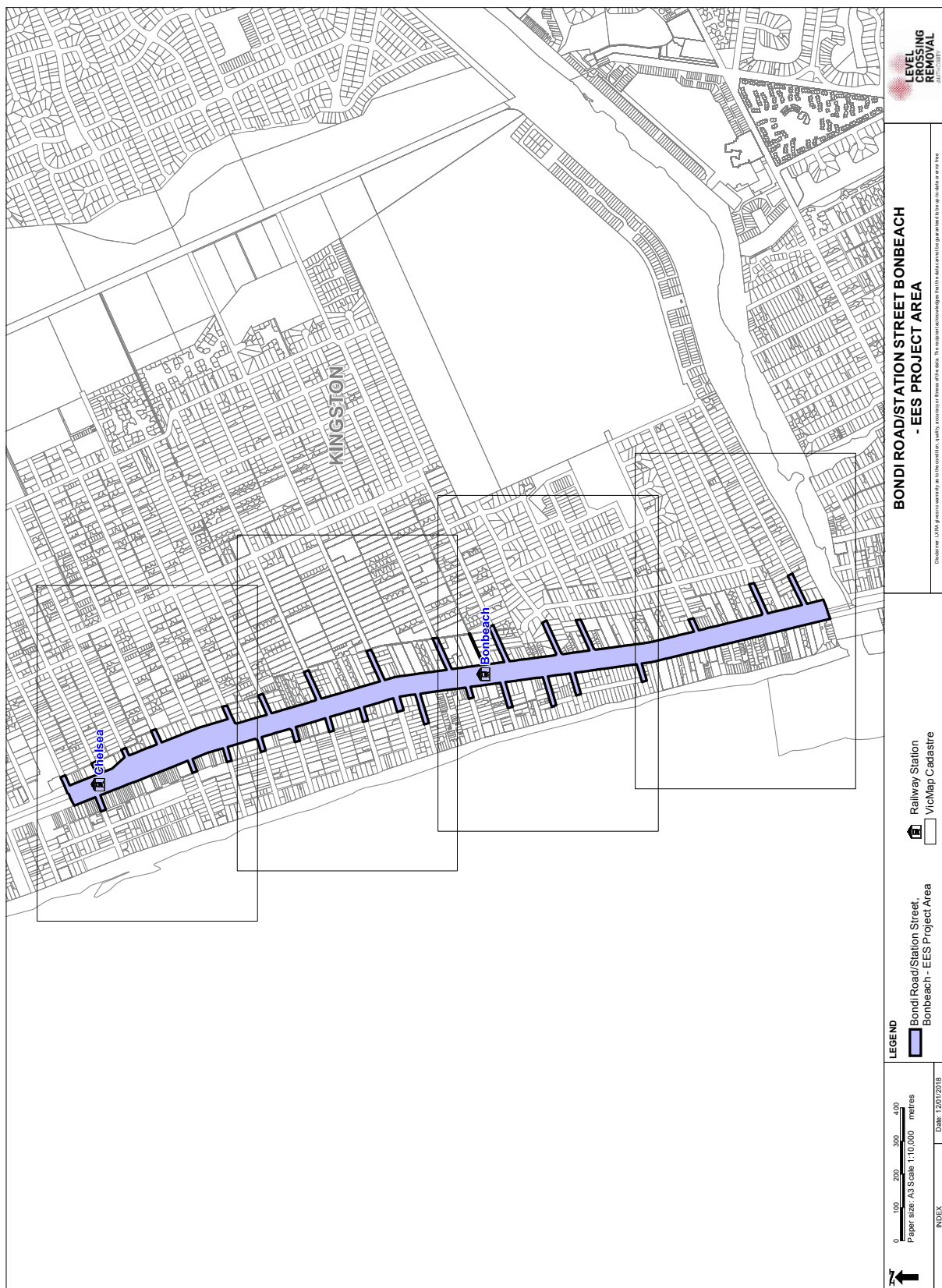
## **5.0 EXPIRY**

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

- The development allowed by the controls, including preparatory works, are not started by 1 December 2020.
- The development allowed by the controls are not completed by 1 December 2025.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.











Scale 1:2500 @ A3

**LEGEND**

-  Bondi Road/Station Street, Bonbeach - EES Project Area

**BOND ROAD/STATION STREET BONBEACH - EES PROJECT AREA**

 Railway Station  
 VicMap Cadastre

**LEVEL CROSSING REMOVAL**  
A3 12/2018

Disclaimer: LARs are generated as a guide only. The accuracy of the data is not guaranteed. The user is responsible for the use of the data. The user is responsible for the use of the data.









0 25 50 75 100 metres

Scale 1:2500 @ A3

LEGEND

 Bondi Road/Station Street, Bonbeach - EES Project Area

 Railway Station

 VicMap Cadastre

 LEVEL CROSSING RENEWAL  
A3 12/2018

BONDI ROAD/STATION STREET BONBEACH - EES PROJECT AREA

Disclaimer: LARs are generated as a guide only. The accuracy of the data is not guaranteed. The user is responsible for the accuracy of the data.

Sheet 4 of 4 Date: 12/20/2018



