

# Clause 52.03 Frequently asked questions



A train passing through the level crossing at Watsons Road, Diggers Rest.

## What are planning approvals?

Planning approvals are required to conduct project works associated with the level crossing removal at Old Calder Highway and Watsons Road, Diggers Rest. This process is commonly used for infrastructure projects and has been used for previous level crossing removal projects across Victoria.

Planning approval for the project will be sought under Clause 52.03 (Level Crossing Removal Project) of the Victoria Planning Provisions.

## What is Clause 52.03?

In January 2020, the Minister for Planning approved the introduction of a new particular provision – Clause 52.03 (‘Level Crossing Removal Project’) – to the Victoria Planning Provisions and all planning schemes across Victoria. Planning approval for

the Old Calder Highway and Watsons Road, Diggers Rest (the Project) will proceed under this new provision.

## What are the advantages of Clause 52.03?

Clause 52.03 removed the need for separate Planning Scheme Amendments or planning permits for each Level Crossing Removal Project (LXRP) project in the future.

It established a standardised and more efficient planning approval process for the LXRP.

Clause 52.03 supports the efficient delivery of the Victorian Government’s commitment to remove 110 dangerous and congested level crossings, and upgrade rail corridors, across metropolitan Melbourne to support growth in capacity and improve the efficiency and safety of the road, rail and pedestrian network.



## How to make a submission

You can submit feedback, make a submission and view the project boundary map at [engage.vic.gov.au/lxrp-diggers-rest](https://engage.vic.gov.au/lxrp-diggers-rest)

Submissions close at **11.59pm Sunday 1 October 2023.**

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## What does this mean for the planning approvals process?

### LXRP is required to:

- undertake community consultation and allow community and stakeholders to make submissions in relation to the project via a survey;
- prepare a public consultation summary report explaining how feedback was considered and responded to;
- prepare an Environmental Management Framework (EMF); and
- create a plan showing the boundary of the area where works will occur (project boundary map).

LXRP is not required to request a Planning Scheme Amendment to enable this project, an Incorporated Document will not be prepared.

### Where does the proposed planning approval apply?

The proposed approval will apply to land necessary for the project as well as any adjacent land required for construction, temporary car parking, or access to the rail corridor.

It allows the project to progress without the need for a series of individual planning permits.

You can find the project boundary map on the planning approvals survey page at [engage.vic.gov.au/lxrp-diggers-rest](https://engage.vic.gov.au/lxrp-diggers-rest)

### Does this mean Council has less input into the Project?

No. While the planning approvals process has changed, Melton City Council and Hume City Council will continue to provide input into the Project. It is a requirement of LXRP to consult with councils and to include their feedback into a consultation summary report submitted to the Minister for Planning. We will also seek Council input into the Environmental Management Framework, which is required as part of the new provision.

### Does this mean the community has less input into the Project?

No. The provision requires LXRP to consult with communities in a similar manner to what has taken place on other level crossing removal projects.

All community feedback received by LXRP during the planning consultation process remains valid and will be included in the consultation summary report to be submitted to the Minister for Planning.

You can make a submission to the planning survey at [engage.vic.gov.au/lxrp-diggers-rest](https://engage.vic.gov.au/lxrp-diggers-rest)

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### Will LXRP projects still require an Environment Management Framework? And will Council have input into this?

Yes. Clause 52.03 retains appropriate requirements for the management of potential environmental, amenity and other impacts of project construction.

LXRP will be required to prepare an Environment Management Framework in consultation with Melton City Council and Hume City Council that includes an overarching framework of measures to reduce and manage environmental and amenity effects during construction of a project.

### Will LXRP still have native vegetation requirements?

Yes. Clause 52.03 requires all native vegetation removed, destroyed or lopped for a project to be reported and offset in accordance with the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017).

### How will impacts to heritage places be managed?

Clause 52.03 requires that where construction of a project in a local Heritage Overlay would normally require a planning permit, a heritage impact report, site photographs and site plans and elevations must be prepared to the satisfaction of the Minister for Planning. State heritage-listed places are exempt from this requirement and are instead subject to a separate process under the Heritage Act 2017.

### Where can I find more information?

If you have any queries about this new planning process or the Project in general, please **email [contact@levelcrossings.vic.gov.au](mailto:contact@levelcrossings.vic.gov.au)** or call us on **1800 105 105**.

**To make a planning approvals submission, please visit [engage.vic.gov.au/lxrp-diggers-rest](https://engage.vic.gov.au/lxrp-diggers-rest)**



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1800 105 105 (call anytime) 

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