

Suburban Rail Loop East

Incorporated Document

August 2022

1.0 INTRODUCTION

- 1.1 This document is an incorporated document in the Bayside, Kingston, Monash and Whitehorse planning schemes (planning schemes) and is made pursuant to section (6)(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 This incorporated document facilitates the delivery of the rail and associated infrastructure components of Suburban Rail Loop East (the Project).
- 1.3 The land identified in Clause 3.1 of this document may be used and developed for the purposes of the Project in accordance with the specific control in Clause 4 of this document.
- 1.4 The control in this document prevails over any contrary or inconsistent provision in the planning schemes.
- 1.5 The control in this document does not apply to:
 - a) works described as excluded works (known as Initial Works) in Schedule 1 of the public works order and published in Victoria Government Gazette No. S 682 (22 December 2020) and as amended on 5 August 2021 that are being delivered under the requirements of the Initial Works Management Plan as endorsed by the Minister for Planning on 19 December 2021.
 - b) use and development of land shown as sites subject to future precinct planning process, including possible additions to the public realm, community facilities and pick up/drop off spaces, on the SRL East Surface and Tunnel Plans approved under this document other than in accordance with Clause 4.2.
 - c) use and development in the airspace over the above ground station buildings shown on the SRL East Surface and Tunnel Plans approved under this document other than in accordance with Clause 4.2.
- 1.6 Land uses in italics have the same meaning as in Clause 73.03 (Land Use Terms) of the relevant planning scheme.

2.0 PURPOSE

- 2.1 The purpose of the controls and conditions in Clause 4 is to permit and facilitate the use and development of the land described in Clause 3 for the purposes of the Project, in accordance with Clause 4 and 5.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in Clause 4 applies to the land shown as SCO14 on the planning scheme maps forming part of the planning schemes (Project Land).

4.0 CONTROL

Exemption from planning schemes requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the planning schemes, no planning permit is required for, and no provision in the planning scheme operates to prohibit, restrict or regulate, the use and development of the Project Land for the purposes of the Project.
- 4.2 The use and development of the Project Land for the purposes of, or related to, the Project, includes, but is not limited to:
- a) *Railways*, including approximately 26 km of twin-bore rail tunnels between Cheltenham and the stabling facility in Heatherton, and from the stabling facility to Box Hill.
 - b) *Railway stations* including six new stations constructed at Cheltenham, Clayton, Monash, Glen Waverley, Burwood and Box Hill.
 - c) Transport interchanges to support the *Railway Stations*, this will include *transport terminals, bus terminals* and *tramways*.
 - d) Rail tunnel portals at either side of the stabling facility which comprise dive structures and a tunnel portal at the interface with the rail tunnels.
 - e) The stabling facility (*Railway*), including tracks between the west and east portals, an operational control centre, stabling and maintenance and associated facilities.
 - f) Emergency support facility between Glen Waverley and Burwood stations.
 - g) Permanent electrical substations between Burwood station and the stabling facility.
 - h) Utility installations and services (including traction energy, communication and rail operating systems).
 - i) Relocation of utility installation and associated services including electricity transmission towers, telecommunication towers, lines, cables and associated substations, and relocation of water mains, water stations and sewers.
 - j) Earthworks and related structures, kerbs, channels, water and soil transfer and treatment structures, facilities and works, water quality facilities, retaining walls, flood walls, noise walls and screening barriers, cuttings, batters and fill associated with the Project.
 - k) Any buildings or works or associated infrastructure or activities for the Project.
 - l) Any interim use or development in accordance with the SRL East Interim Land Use Guideline dated October 2021
 - m) Any use or development that the Minister for Planning confirms in writing is for the purposes of the Project.

- n) Ancillary activities to the use and development of Project Land for the purposes of, or related to, the Project, including, but not limited to:
- i) Use and development of lay down areas for construction purposes.
 - ii) Use and development of temporary site workshops, storage, administration and amenities buildings.
 - iii) Removing, destroying and lopping trees and vegetation, including native vegetation and dead vegetation.
 - iv) Demolishing and removing buildings including fixtures, structures and infrastructure.
 - v) Restoration and reinstatement works.
 - vi) Constructing or carrying out works for bridges, ramps, excavation, fences, temporary barriers, noise attenuation walls, stabilisation, creating bunds, mounds, landscaping, the salvage of artefacts, water treatment, water storage, flood mitigation and to alter drainage.
 - vii) Creating or altering access to a road in a Road Zone Category 1.
 - viii) Creating or altering access to land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.
 - ix) Storage, manufacturing and assembly of materials and equipment required for the Project, including concrete batching plants where required.
 - x) Constructing and carrying out works to install, alter or relocate drainage infrastructure, utility installations and services.
 - xi) Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
 - xii) Relocating *tramways, bus terminals and transport terminals*.
 - xiii) Displaying construction, directional and business identification signs.
 - xiv) Temporary stockpiling of excavation material.

Conditions

4.3 Surface and Tunnel Plans

- 4.3.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.13.2), SRL East Surface and Tunnel Plans must be prepared to the satisfaction of the Minister for Planning.
- 4.3.2 The SRL East Surface and Tunnel Plans submitted to the Minister for Planning under Clause 4.3.1 for approval must be accompanied by:
- a) A statement explaining any differences between the *SRL East Surface and Tunnel Plans October 2021* exhibited with the EES and the SRL East Surface and Tunnel Plans submitted to the Minister for Planning under Clause 4.3.1, and how the SRL East Surface and Tunnel Plans submitted to the Minister for Planning under Clause 4.3.1 address all relevant matters set out in the Minister's Assessment dated 5 August 2022 under the *Environment Effects Act 1978* (EE Act); and
 - b) A written statement from the Suburban Rail Loop Authority (SRLA) addressing the extent to which the SRL East Surface and Tunnel Plans submitted to the Minister for Planning under Clause 4.3.1 are consistent with all relevant matters set out in the Minister's Assessment dated 5 August 2022 made pursuant to the EE Act.
- 4.3.3 The Surface and Tunnel Plans may be amended with the approval of the Minister for Planning.
- 4.3.4 An application to the Minister for Planning for approval of an amendment to the Surface and Tunnel Plans must be accompanied by:
- a) Amended Surface and Tunnel Plans and a schedule explaining the proposed amendments.
 - b) A written statement from the SRLA explaining and supporting the proposed amendment, including:
 - i. A description of the form and extent of any consultation undertaken with relevant councils, relevant government agencies and other stakeholders concerning the proposed amendment.
 - ii. any written comments from relevant councils, relevant government agencies and other stakeholders; and
 - iii. a written response to comments from relevant councils, relevant government agencies and other stakeholders.

- 4.3.5 Prior to the submission of an amendment to the Minister for Planning for approval, amended Surface and Tunnel Plans must be provided to the relevant Council/s for review and comment. The minimum period for Council comment is 28 days.
- 4.3.6 The use and development of the Project Land for the purposes of the Project must be undertaken generally in accordance with the approved SRL East Surface and Tunnel Plans.

4.4 Environmental Management Framework

- 4.4.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.13.2), an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be accompanied by a statement explaining any difference between it, and the matters set out in the Minister's Assessment under the *Environment Effects Act 1978* dated 5 August 2022.
- 4.4.2 The EMF must include Environmental Performance Requirements (EPRs) that are applicable to the design, construction and operation of the Project and address the following areas and any other relevant matters:
- a) Environmental management framework
 - b) Aboriginal cultural heritage
 - c) Air quality
 - d) Arboriculture
 - e) Business and Retail
 - f) Contaminated land
 - g) Ecology
 - h) Electromagnetic interference
 - i) Ground movement
 - j) Groundwater
 - k) Historical heritage
 - l) Land use planning
 - m) Landscape and visual
 - n) Noise (airborne and ground borne) and vibration
 - o) Social and community
 - p) Surface water
 - q) Sustainability and climate change (including greenhouse gas)
 - r) Traffic and transport

- 4.4.3 The EMF must set out the process and timing for development of:
- a) a Construction Environmental Management Plan
 - b) a Worksite Environmental Management Plan
 - c) an Operation Environmental Management Plan
 - d) other plans and procedures required by the EPRs as relevant to any stage of the Project; and
 - e) an overview of the process and timing for consultation with relevant councils, the Department of Transport, Heritage Victoria, Melbourne Water, the Department of Environment, Land, Water and Planning, Environment Protection Authority and any other stakeholders as relevant.
- 4.4.4 The EMF may be prepared and approved in stages (including separately for construction and operation) but the EMF for any stage must be approved before the commencement of development, excluding preparatory buildings and works under Clause 4.13.2, for that stage.
- 4.4.5 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning. An application for approval of an amendment to the EMF must be accompanied by:
- a) A description of the form and extent of any consultation undertaken concerning the proposed amendment/s with the stakeholders identified in Clause 4.4.3 as relevant.
 - b) Any written comments from other stakeholders as relevant.
- 4.4.6 The use and development of the Project must be carried out in accordance with the approved EMF including the EPRs and all plans and procedures required by them.

4.5 Urban Design Advisory Panel

- 4.5.1 An Urban Design Advisory Panel (UDAP) must be established for the Project. The UDAP must include one representative from each of the following organisations:
- a) Office of the Victorian Government Architect
 - b) Department of Transport
 - c) Suburban Rail Loop Authority
 - d) Kingston City Council in relation to land within the Kingston local government area
 - e) Monash City Council in relation to land within the Monash local government area

- f) Whitehorse City Council in relation to land within the Whitehorse local government area.

4.5.2 The membership of UDAP must also include two independent design experts with exceptional design review skills, demonstrated expertise in urban design and experience in design delivery or design review of similar 'city shaping' infrastructure projects.

4.6 Urban Design Strategy

4.6.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.13.2) An Urban Design Strategy must be prepared to the satisfaction of the Minister for Planning.

4.6.2 The Urban Design Strategy must include:

- a) An urban design vision
- b) Urban Design principles and objectives
- c) Place specific requirements.

4.6.3 The Urban Design Strategy submitted to the Minister for Planning under Clause 4.6.1 must be accompanied by:

- a) A statement explaining any differences between the Urban Design Strategy and the draft SRL East Urban Design Strategy (September 2021) exhibited with the EES and how it addresses all relevant matters set out in the Minister's Assessment dated 5 August 2022 under the *Environment Effects Act 1978* (EE Act).
- b) Written advice from the UDAP addressing the extent to which the Urban Design Strategy is consistent with all relevant matters set out in the Minister's Assessment dated 5 August 2022 made pursuant to the EE Act.
- c) A summary of any consultation carried out in preparing the Urban Design Strategy, including all written comments received and a response to issues.

4.6.4 The Urban Design Strategy may be prepared and approved in stages but the Urban Design Strategy for any stage must be approved prior to the commencement of development (excluding preparatory buildings and works under Clause 4.13.2) for that stage.

4.6.5 The Urban Design Strategy or parts may be amended from time to time, to the satisfaction of the Minister for Planning. Any request to amend the Urban Design Strategy must be accompanied by:

- a) Supporting documentation which outlines the result of UDAP's consideration of the proposed amendment/s.

- b) A description of the form and extent of any consultation undertaken concerning the proposed amendment/s with the stakeholders identified in Clause 4.6.3 as relevant and all written comments received and a response to issues raised as relevant.
- c) Any written comments from other stakeholders and a response to issues raised as relevant.

4.6.6 The use and development for the Project must be carried out in accordance with the approved Urban Design Strategy.

4.7 Urban Design and Landscape Plans

4.7.1 Prior to the development of the permanent above ground components of buildings (excluding preparatory buildings and works under Clause 4.13.2) Urban Design and Landscape Plans (UDLPs) must be prepared to the satisfaction of the Minister for Planning.

4.7.2 UDLPs must be prepared to the satisfaction of the Minister for Planning for each of the following precincts, including substations:

- a) Cheltenham Station
- b) Clayton Station
- c) Monash Station
- d) Glen Waverley Station
- e) Burwood Station
- f) Box Hill Station
- g) The stabling facility
- h) Emergency support facility between Glen Waverley and Burwood stations

4.7.3 The UDLPs must show the final built form design of the permanent above ground components of buildings, permanent roads, permanent public realm, permanent primary pedestrian and bicycle routes, permanent bus and tram interchanges and include, where relevant:

- a) A site layout plan that shows the location of permanent above-ground buildings (including but not limited to stations, ventilation structures, ancillary infrastructure and public realm improvements).

- b) Architectural plans, including sections and elevations, with an approach to materials and finishes.
- c) Landscape plans, including sections and elevations, with an approach to plantings.

4.7.4 An UDLP must be accompanied by the following, where relevant:

- a) An explanation demonstrating how the UDLP is in accordance with the approved UDS.
- b) An explanation demonstrating how the UDLP would comply with the relevant EPRs as identified in the approved EMF.
- c) A plan which shows the extent of the UDLP area in relation to any publicly available or approved UDLP/s for the Project.
- d) An explanation of how the UDLP is generally in accordance with the approved Surface and Tunnel Plans.
- e) An explanation demonstrating why the location of the bus interchange and pick up and drop off locations in the UDLP are appropriate and including the detailed design transport and traffic justification following consultation with the relevant stakeholders.
- f) An explanation, only in the relevant UDLP, demonstrating the retention or closure of Carinish Road, Clayton or Coleman Parade, Glen Waverley is appropriate and including the detailed design transport and traffic justification following consultation with the relevant stakeholders.

4.7.5 Prior to the submission of an UDLP to the Minister for Planning for approval, an UDLP must be:

- a) Provided to the UDAP and relevant council/s for consultation. The minimum period for council consultation must be 28 days.
- b) Provided to the Department of Transport, Melbourne Water, Heritage Victoria, the Department of Environment, Land, Water and Planning (DELWP), Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Bunurong Land Council Aboriginal Corporation, the Head, Transport for Victoria and other stakeholders for consultation where relevant.
- c) Made available for public inspection and comment on a clearly identifiable Project website. The website must set out details about the entity and contact details to which written comments can be directed during that time and specify the time and manner for the making of written comments. The minimum period for public comment must be 28 days.

- d) For the avoidance of doubt, consultation in accordance with (a) and (b) can occur prior to, during and after the public inspection and comment period in (c).
- 4.7.6 Before, or on the same day as an UDLP is made available in accordance with Clause 4.7.5 (c), a notice must be:
- a) Published in a newspaper generally circulating in the area to which an UDLP applies informing the community of the matters set out in Clause 4.7.5(c).
 - b) Provided to owners and occupiers, of land adjacent to the area/s to which an UDLP applies, informing them of the matters set out in Clause 4.7.5(c). The minimum period for comment must be 28 days.
- 4.7.7 An UDLP submitted to the Minister for Planning for approval under Clause 4.7.1 must be accompanied by:
- a) A summary of the consultation carried out under Clause 4.7.5 and Clause 4.7.6, all written comments received and a response to issues raised.
 - b) Written advice from the UDAP addressing the extent to which the UDLP is consistent with all relevant matters set out in the Minister's Assessment 5 August 2022 made pursuant to the EE Act and the approved UDS.
- 4.7.8 An UDLP may be prepared and approved in stages but an UDLP for any stage must be approved before commencement of development (excluding preparatory buildings and works under Clause 4.13.2) for that stage.
- 4.7.9 An UDLP may be amended from time to time, to the satisfaction of the Minister for Planning. The Minister for Planning must require an application for approval of an amendment to an UDLP to comply with the requirements of Clause 4.7.3, Clause 4.7.4, Clause 4.7.5 and Clause 4.7.6 unless, in the opinion of the Minister the proposed amendment:
- a) would not result in a material detriment to any person; or a person who may suffer a material detriment as a result of the Minister's approval of the amendment has already been consulted in respect of the proposed amendment; and
 - b) any proposed amendment does not involve any change to an approved EPR.
- 4.7.10 The use and development of the Project must be carried out generally in accordance with the approved UDLPs.

4.8 Public Open Space Framework

- 4.8.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.13.2) a Public Open Space Framework must be prepared to the satisfaction of the Minister for Planning.
- 4.8.2 The purpose of the Public Open Space Framework is to guide the process of managing the effects of the rail and infrastructure components of the SRL East Project on public open space through:
- a) The identification of principles and actions for the Project to mitigate effects on public open space.
 - b) A process to ensure that potential effects and mitigations are considered by the Public Open Space Advisory Panel.
 - c) The preparation of specific Public Open Space Management Plans.
- 4.8.3 The Public Open Space Framework submitted to the Minister for Planning under Clause 4.8.1 must be accompanied by:
- a) A statement explaining any differences between the Public Open Space Framework and the draft Public Open Space Framework exhibited with the EES and how it addresses all relevant matters set out in the Minister's Assessment dated 5 August 2022 under the Environment Effects Act 1978 (EE Act).
 - b) Written advice from the Public Open Space Advisory Panel addressing the extent to which the Public Open Space Framework is consistent with all relevant matters set out in the Ministers Assessment dated 5 August 2022 made pursuant to the EE Act.
 - c) A summary of any consultation carried out in preparing the Public Open Space Framework, including all written comments received and a response to issues.
- 4.8.4 The Public Open Space Framework may be amended from time to time, to the satisfaction of the Minister for Planning. Any request to amend the Public Open Space Framework must be accompanied by:
- a) Supporting documentation which outlines the result of the Public Open Space Advisory Panel's consideration of the proposed amendment/s.
 - b) A description of the form and extent of any consultation undertaken concerning the proposed amendment/s with the relevant stakeholders.
 - c) Any written comments from relevant stakeholders and a response to issues raised as relevant.

4.8.5 The use and development for the Project must be carried out in accordance with the approved Public Open Space Framework.

4.9 Heatherton (Stabling Facility) Public Open Space Management Plan

- 4.9.1 Within five years of the date of this Incorporated Document, the Heatherton (Stabling Facility) Public Open Space Management Plan must be prepared to the satisfaction of the Minister for Planning.
- 4.9.2 The Heatherton (Stabling Facility) Public Open Space Management Plan must be prepared in accordance with the Public Open Space Framework approved under Clause 4.8 and having regard to the advice of the Public Open Space Advisory Panel established under Clause 4.10 and engagement with relevant community and user groups, the Department of Environment, Land, Water and Planning, Kingston City Council and other stakeholders.
- 4.9.3 The Heatherton (Stabling Facility) Public Open Space Management Plan submitted to the Minister for Planning under Clause 4.9.1 must be accompanied by the following, where relevant:
- a) A summary of the consultation carried out under Clause 4.9.2, all written comments received and a response to issues raised.
 - b) Written advice from the Public Open Space Advisory Panel addressing the extent to which the Heatherton (Stabling Facility) Public Open Space Management Plan is consistent with all relevant matters set out in the Minister's Assessment dated 5 August 2022 made pursuant to the EE Act and the Public Open Space Framework approved under Clause 4.8.
 - c) An explanation demonstrating how the Heatherton (Stabling Facility) Public Open Space Management Plan is in accordance with the Public Open Space Framework approved under Clause 4.8.
- 4.9.4 The Heatherton (Stabling Facility) Public Open Space Management Plan may be amended from time to time, to the satisfaction of the Minister for Planning. The Minister for Planning must require an application for approval of an amendment to the Heatherton (Stabling Facility) Public Open Space Management Plan to comply with the requirements of Clause 4.9.2 and Clause 4.9.3, unless, in the opinion of the Minister, the proposed amendment would not result in a material detriment to any person; or a person who may suffer a material detriment as a result of the Minister's approval of the amendment has already been consulted in respect of the proposed amendment.
- 4.9.5 Clause 4.9 does not apply to any other Public Open Space Management Plans prepared pursuant to any EPRs included in the EMF approved under Clause 4.4.

4.10 Public Open Space Advisory Panel

4.10.1 A Public Open Space Advisory Panel must be established for the Project. The Public Open Space Advisory Panel must comprise independent experts with specialist expertise in open space, urban design, community consultation and landscape architecture, and one representative each from:

- a) Kingston City Council in relation to land within the Kingston local government area
- b) Monash City Council in relation to land within the Monash local government area
- c) Whitehorse City Council in relation to land within the Whitehorse local government area.

4.11 Native Vegetation

4.11.1 Prior to the removal of native vegetation:

- a) information about that native vegetation in accordance with the relevant Application Requirements of the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (Guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP).

For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 4.13.

- b) the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary to DELWP.
- c) evidence that the required offset(s) has been secured must be provided to the satisfaction of the Secretary to DELWP.

- 4.11.2 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.11.1.
- 4.11.3 The secured offset(s) for the Project may be reconciled at the completion of the Project in accordance with the Assessor's handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018).
- 4.11.4 For the purpose of this document, the term 'removal of native vegetation' includes to destroy and/or lop native vegetation.

4.12 Creating or altering access to roads

- 4.12.1 Any buildings or works to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, or on land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be undertaken to the satisfaction of the Head, Transport for Victoria.

4.13 Preparatory buildings and works

- 4.13.1 Preparatory buildings and works may commence on the Project Land described in Clause 3 before the conditions set out in Clause 4 are satisfied.
- 4.13.2 Preparatory buildings and works for the Project, include, but are not limited to:
- a) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
 - b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - c) Creation and use of construction access points and working platforms.
 - d) Establishment of temporary construction sites including site fencing and hoarding, site offices, amenities, hardstand, temporary car parking and laydown areas.
 - e) Construction, protection, modification, removal or relocation of minor utility installations.
 - f) Establishment of environment and traffic controls
 - g) Demolition to the minimum extent necessary to enable preparatory buildings and works (this does not apply to demolition works that impact on land within the Heritage Overlay).
 - h) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.

- i) Salvage of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with the relevant cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or other compliance with that Act and to the satisfaction of the relevant Registered Aboriginal Party for the area.
- j) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with any approved plan prepared for the Project as pursuant to the *Heritage Act 2017*.

4.13.3 Prior to the removal of native vegetation under Clause 4.13.2 associated with preparatory buildings and works, information about the native vegetation to be removed must be provided to the satisfaction of the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the Guidelines.

4.13.4 The biodiversity impacts from the removal of native vegetation under Clause 4.13.2 must be included in the total biodiversity impacts when determining offset(s) in accordance with Clause 4.11.

4.14 Availability of approved plans and documents

4.14.1 The current version of the following plans and documents must be available on a clearly identifiable Project website from the date of approval and must remain available on such website for at least five years after the commencement of operation of the Project:

- a) Surface and Tunnel Plans approved under Clause 4.3
- b) Environmental Management Framework approved under Clause 4.4
- c) Urban Design Strategy approved under Clause 4.6
- d) Urban Design and Landscape Plans approved under Clause 4.7
- e) Public Open Space Framework approved under Clause 4.8
- f) Heatherton Public Open Space Management Plan approved under Clause 4.9

5.0 EXPIRY

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

- 5.1.1 The development allowed by the control, including preparatory buildings and works, is not started by 31 December 2024.
- 5.1.2 The development allowed by the control is not completed by 31 December 2037.
- 5.1.3 The use allowed by the control is not started by 31 December 2037.

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