
Donnybrook Car Park Upgrade Incorporated Document

December 2018

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1.0 INTRODUCTION

- 1.1 This document is an incorporated document in the Whittlesea Planning Scheme (Planning Scheme) and is made pursuant to section (6)(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 The land identified in Clause 3 of this incorporated document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3 The control in this document prevails over any contrary or inconsistent provision in the Planning Scheme.

2.0 PURPOSE

- 2.1 The purpose of the control in this document is to permit and facilitate the use and development of land described in Clause 3.0 of this document for the purpose of the Donnybrook Car Park Upgrade (the project).

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land marked as SCO in the Whittlesea Planning Scheme Map 4 SCO.

4.0 CONTROL

Exemption from Planning Scheme Requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the Planning Scheme, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit or restrict the use and development of the Project Land for the purposes of the project.
- 4.2 The project includes, but is not limited to:
 - a) Upgrade and expansion of the existing Donnybrook station car park, including bus bays and associated transport interchange facilities, and widening and alteration to Springs Road, Donnybrook.
 - b) Use and development of the Project Land for *Transport terminal*, including the subdivision and consolidation of land, associated structures and development of roads, cuttings, batters and fill, communications, electrical infrastructure and public transport related infrastructure.
 - c) Use and development of the Project Land for ancillary activities to the use and development described in Clause 4.2(a), 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, vehicle parking areas and access roads.
 - iii. Constructing fences, temporary site barriers and site security.
 - iv. Displaying signs.
 - v. Removing, destroying and lopping trees and removing vegetation, including native vegetation.
 - vi. Demolishing and removing buildings and works.
 - vii. Constructing and carrying out earthworks and works to create bunds, mounds and landscaping, salvage artefacts, and to alter drainage, services and utilities, and temporary stockpiling of excavation material.
 - viii. Subdividing and consolidating land and creating, varying or removing easements resulting from works required for the project.
 - ix. Creating or altering access to a road in a Road Zone.
- d) Any use or development that the Minister for Planning confirms in writing is for the purposes of the project.

4.3 Land uses in italics have the same meaning as in Clause 73.03 (Land Use Terms) of the Planning Scheme.

Conditions

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

4.5 Urban Design Principles

4.5.1 Prior to the commencement of any buildings or works (excluding preparatory buildings and works under Clause 4.13), a development plan must be prepared in consultation with Whittlesea City Council that achieves the following urban design principles:

- a) Provide safe and direct pedestrian and cyclist linkages with clear sightlines to Donnybrook station, the future pedestrian overpass and adjacent residential developments.
- b) Ensure the design treatment at car park edges addresses safety and amenity for existing properties.
- c) Car and bus access to the car park must consider the relationship with key access points of the adjacent residential development.

- d) Ensure the car park does not preclude the future provision of a sleeved development and the car park edge treatments do not prejudice future development opportunities on adjoining land (as identified in the *Lockerbie Precinct Structure Plan, May 2012*).

4.6 Native vegetation

- 4.6.1 The removal, destruction or lopping of any native vegetation must meet the conditions and offset requirements of Section 4.0 of the *Lockerbie Native Vegetation Precinct Plan May 2012* (or as amended).

4.7 Creating or altering access to roads

- 4.7.1 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 land owned by the Roads Corporation for the purpose of a road, must be undertaken to the satisfaction of the Roads Corporation in consultation with Whittlesea City Council, following the preparation of a traffic impact assessment, except as otherwise agreed by the Roads Corporation.

- 4.7.2 Before a plan of subdivision is certified under the *Subdivision Act 1988*, the consent of the Roads Corporation must be obtained to subdivide:

- a) land adjacent to a road declared as a freeway or arterial road under the *Road Management Act 2004*;
- b) land owned by the Roads Corporation for the purpose of a road; or
- c) land affected by a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land.

4.8 Heritage management

- 4.8.1 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.11) on the Project Land affected by a Heritage Overlay, documentation must be prepared to the satisfaction of the Minister for Planning (except as otherwise agreed by the Minister for Planning). The documentation must include:

- a) Site plans and elevations showing the proposed development.
- b) An assessment of the impact of the proposed development on the heritage place and whether there is a need for a conservation management plan.

Other conditions

- 4.9 Unless otherwise stated, the plans and other documents listed in Clauses 4.5 to 4.8 must be approved prior to the commencement of works. The 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.

- 4.10 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority.
- 4.11 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 relevant approving authority may seek the views of the relevant councils, or any other relevant authority.
- 4.12 The use and development of the Project Land must be undertaken in accordance with this incorporated document and the approved plans and documentation.

Preparatory buildings and works

- 4.13 The following buildings and works may commence in the Project Land before the plans and documentation listed in Clause 4 are approved:
- a) Preparatory buildings and works for the project, including, but not limited to:
 - i. Works, including vegetation removal, where planning approval would not be required under the provisions of the Planning Scheme.
 - ii. Investigating, testing and preparatory works to determine the suitability of land and property condition surveys.
 - iii. Creation and use of 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 signalling, overhead and associated infrastructure.
 - vi. Establishment of environment and traffic controls, including designated 'no-go' zones.
 - vii. Demolition to the minimum extent necessary to enable preparatory works.
 - viii. Establishment of temporary car parking.

5.0 EXPIRY

- 5.1 The control in this incorporated document expires if any of the following circumstances apply:
- a) The development allowed by the control, including preparatory buildings and works, is not started by 31 March 2022.

b) The development allowed by the control is not completed by 31 March 2025.

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

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