Darebin Yarra Trail Link – Sparks Reserve and Napier Waller Reserve
Incorporated Document

March 2014
Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987
1.0  Preamble

This document is incorporated in the Banyule Planning Scheme, pursuant to Clause 81.01 of the Banyule Planning Scheme, as Darebin Yarra Trail Link – Sparks Reserve and Napier Waller Reserve Incorporated Document, March 2014.

2.0  Statement of key issues for the specific sites and exclusions that apply under Schedule to Clause 52.03

The Schedule to Clause 52.03 of the Banyule Planning Scheme provides that requirements relating to use and development of specific sites may be included in an incorporated document.

This incorporated document sets out the use and development requirements which apply under the Banyule Planning Scheme to the land within the Municipality of Banyule at 10 The Boulevard, Ivanhoe, more commonly known as Sparks Reserve, and 9A Crown Road, Ivanhoe, more commonly known as Napier Waller Reserve, Ivanhoe.

3.0  Permitted use, development and related matters

Despite any provision to the contrary or any inconsistent provision in the Banyule Planning Scheme, no planning permit is required for the use and development of the Subject Land for the Darebin – Yarra Trail Link. This includes any vegetation removal and lopping or other works associated with the project.

This use and development is subject to the following conditions:

Plans

1.  Before the use and development (including vegetation removal and lopping) starts, plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will form part of this Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:

   (a)  Detailed design and construction plans of the bicycle trail including boardwalks and Darebin Creek bridge crossings. The plans must show how the proposal meets the requirements of conditions 15 - 25 (Melbourne Water conditions);

   (b)  Details of vegetation removal and revegetation planting.

Landscaping/revegetation plan

2.  Before the development (including vegetation removal and lopping) starts, a landscape plan including vegetation removal and revegetation (including reinstatement of disturbed areas) must be submitted to and approved by the Minister for Planning. When approved, the plan will form part of this Incorporated Document. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must include:

   (a)  The location of planting;

   (b)  A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, and quantities of each;

   (c)  Planting intended to satisfy the requirement for a native vegetation offset Planting to revegetate disturbed areas at the completion of trail and bridge construction;

   (d)  Dates of planting;
(e) Maintenance requirements for revegetation works during the course of the contract maintenance period, excluding the native vegetation for offset requirements;

(f) Arrangements for ongoing maintenance of planting.

(g) All species selected must be to the satisfaction of the Minister for Planning.

3 The landscaping works shown on the plan must be carried out and completed to the satisfaction of the Minister for Planning.

Native vegetation offset management plan

4 Before the vegetation removal starts, an offset management plan showing appropriate offsets to compensate for the removal of native vegetation must be submitted to and approved by the Department of Environment and Primary Industries. Three copies of the plan must be provided. The plan must include:

(a) The gain to be achieved by the offset actions;

(b) The location of where offsets will be provided;

(c) Type of offsets to be provided in each location;

(d) Details of the revegetation including number of trees, shrubs and other plants, species mix, and density;

(e) Activities that will be forgone within the offset area;

(f) Methods of managing and restoring the vegetation, such as fencing, weed control, enhancement of planting and other habitat management actions;

(g) Methods of permanent protection for established offsets;

(h) Persons responsible for implementing and monitoring the offset plan;

(i) A timeframe for implementing the offset plan.

5 The native vegetation offset works shown on the approved plan must be carried out and completed to the satisfaction of the Department of Environment and Primary Industries.

Tree protection plan

6 Before the development (including vegetation removal and lopping) starts, a tree protection plan must be submitted to and approved by the Minister for Planning. The plan is to be prepared for those trees located directly adjacent to the proposed works. The plan must be prepared for those trees located directly adjacent to the proposed works. The plan must be based on the assessment and written recommendations of an approved qualified arborist, and the arborist report is to be included with the submitted documentation. The plan must be drawn to scale with dimensions and three copies must be provided. The plan and arborist report must include, but is not limited to, the following:

(a) Identification of root protection zones and the measures required to avoid construction impacts in these areas;

(b) Necessary pruning works for construction;

(c) Designation of tree protection zones, based on the above;

(d) Permitted and prohibited activities in the tree protection zones;

(e) Fencing of tree protection zones, with fencing type to the satisfaction of Melbourne Water (as relevant) and the Minister for Planning;

(f) Signage governing access and prohibited activities;

(g) Ongoing maintenance requirements of trees in the protection zones;

(h) Arrangements for ongoing maintenance requirements.

7 The tree protection works shown on the approved plan must be carried out and completed to the satisfaction of the Minister for Planning.
Vegetation protection plan

8 Before the development (including vegetation removal and lopping) starts, a vegetation protection plan must be submitted to and approved by the Minister for Planning. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must address protection of vegetation adjacent to trail and bridge construction. The plan must include, but is not limited to, the following:

(a) Designation of vegetation protection zones;
(b) Permitted and prohibited activities in the vegetation protection zones;
(c) Fencing of vegetation protection zones to the satisfaction of Melbourne Water (as relevant) and the Minister for Planning;
(d) Signage governing access and prohibited activities;
(e) Ongoing maintenance requirements of vegetation in the protection zones;
(f) Arrangements for ongoing maintenance requirements.

9 The vegetation protection works shown on the approved plan must be carried out and completed to the satisfaction of the Minister for Planning.

Construction zone

10 Before the development starts (including any demolition, excavations, vegetation removal, delivery of building/construction materials and/or temporary buildings), a plan showing construction zone/s must be submitted to and approved by the Minister for Planning. The plan must be drawn to scale with dimensions and three copies must be provided. Access, storage of materials and machinery, site facilities, and construction activities during the construction period are to be confined to the zone/s.

11 Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a fence to the satisfaction of Melbourne Water (as relevant) and the Minister for Planning must be erected around agreed areas. The fence must be maintained in a good condition until the completion of the construction works on the site.

12 Areas outside of the construction zone/s must be marked and signed as ‘no access’ areas for machinery, equipment, materials and construction activity.

Construction management plan

13 Before the development (including vegetation removal and lopping) starts, a construction management plan must be submitted to and approved by the Minister for Planning. Three copies must be provided. The plan must include, but is not limited to, the following:

(a) A survey of the existing condition of Council infrastructure adjacent to trail and bridge construction. A pre-construction site meeting must be arranged with the designated Council officer before finalising the survey;
(b) The overall construction program;
(c) Site security;
(d) A liaison officer for contact by residents and council in the event of relevant queries or problems experienced;
(e) A 24 hour emergency contact number;
(f) Protection measures to minimise environmental impacts, including soil disturbance, soil erosion and damage to and removal of vegetation. This must include the measures required by conditions 6, 8, 10, 11, 12 and 25;
(g) Protection measures for other site features to be retained (eg. pathways, other structures, etc.);
(h) Contractor hygiene measures to prevent weed and diseases entering the site;
(i) Measures to prevent the spread of noxious weeds by machinery;
(j) Selection of construction machinery and measures to protect sensitive areas such as creeks and river banks;
(k) Hours of construction and works. These must be in accordance with any local law governing acceptable hours for construction works;
(l) Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures (eg. onsite wheel wash procedures);
(m) Delivery and unloading points and expected frequency;
(n) Access points to the construction site;
(o) Measures to regulate the movement of construction vehicles to, from and around the site to ensure that no traffic hazards are created in and around the site;
(p) Traffic management measures for works on roads in accordance with relevant Australian Standards and Council requirements;
(q) Measures to minimise the impact of construction vehicles arriving at and departing from the land;
(r) Parking facilities for construction workers;
(s) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
(t) Measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means;
(u) Measures to minimise the amount of waste construction materials; the provision for the recycling of waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
(v) Measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours or in the breeding season for local waterbirds;
(w) Provision of adequate environmental awareness training for all onsite contractors and sub contractors.

14 The construction management measures shown on the approved plan must be carried out and completed.

Melbourne Water

15 Before the commencement of any works allowed by the Incorporated Document, the applicant must seek approval from Melbourne Water.

16 No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

17 Prior to commencement of works, detailed design plans including levels of the bridge deck and underside, fencing, and all safety features such as drown out approaches, signage and hand rails, must be submitted to Melbourne Water for approval.

18 The proposed trail must be designed to incorporate safety features which may include drown out sections, flood gates, signage, flood depth markers, alternate access routes etc. to minimise any hazards to users during flood levels based on design plans that must be submitted to Melbourne Water for approval.

19 Prior to commencement of works, design plans of the proposed safety features, prepared and approved by an appropriately qualified risk management professional, must be submitted to Melbourne Water for approval.

20 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified creek crossing or alteration to Melbourne Water's drainage system.

21 Landscaping plans must be submitted to Melbourne Water for approval and must include tree species.
A Legal Crossing Agreement shall be entered into with Melbourne Water.

Prior to undertaking any works on or near a Melbourne Water asset (including waterways), the contractor must be in receipt of a Melbourne Water Permit to Work. A Permit to Work can only be issued subject to the contractor performing Melbourne Water’s recipient training. Please contact Melbourne Water’s Asset Services (with the details of the contractor) to arrange training, providing at least 28 days notice.

Prior to commencement of construction, a Work Method Statement and a Risk Task Assessment must be submitted outlining the general construction technique to be adopted. The statement must address the following:

(a) Process for machinery to access the creek.
(b) Diversion of flows for low and high flows.
(c) Evacuation procedure during times of high flows.

Prior to the commencement of works a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying pollution and sediment control measures. The SEMP must include a site map detailing the location and design of all measures including the following:

(a) Silt fencing.
(b) Access tracks.
(c) Spoil stockpiling.
(d) Trenching locations.
(e) Machinery/Plant locations.

Tree pruning

Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Expiry of this control

This incorporated document will expire if one of the following circumstances applies:

(a) The development (including vegetation removal and lopping) is not started within five years of the date of this document.
(b) The development is not completed within ten years of the date of this document.

The Minister for Planning may extend the periods referred to if a request is made in writing before the incorporated document expires, or within three months afterwards.

Note

This incorporated document does not exempt the project from the requirements of the Aboriginal Heritage Act 2006 or the Aboriginal Heritage Regulations 2007.

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