Fitzroy Former Gasworks Site

Incorporated Document

February 2018

Incorporated Document pursuant to section 6(2)(j) of the Planning and Environment Act 1987
1.0 INTRODUCTION

This document is an incorporated document at Clauses 52.03 and 81.01 of the Yarra Planning Scheme (the planning scheme) pursuant to section 6(2)(j) of the Planning and Environment Act 1987.

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

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

2.0 PURPOSE

The purpose of the control in this document is to facilitate the remediation of the land at 111-139 Queens Parade and 433 Smith Street, Fitzroy North in order to support a future mixed use development.

3.0 LAND

The control in this document applies to the Fitzroy former Gasworks site at 433 Smith Street, Fitzroy North and the adjoining Council depot site at 111-139 Queens Parade, Fitzroy North as shown in the project area map which forms part of this document.

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 provision in the planning scheme operates to prohibit or restrict, the use or development of land for the purposes of the project.

The project includes, but is not limited to, the following works relating to the remediation of land including;

a) Removal of soil to allow for remediation purposes.
b) Demolition or removal of a building.
c) Removal, destruction or lopping of native vegetation.

4.2 CONDITIONS

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

Environmental Management Strategy

4.2.1 An Environmental Management Strategy (EMS) must be prepared to the satisfaction of the Minister for Planning. The EMS must be prepared in consultation with Yarra City Council (council). The EMS must include:

a) An overarching framework for site or work specific measures to reduce and manage environmental and amenity effects resulting from the remediation of the land including measures to:

i. reduce impacts on remnant native vegetation, fauna habitats and adjacent areas of ecological, environmental or landscape significance by the use of fencing or screening.
b) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with council, the community, community reference group and other stakeholders prior to and during project works including enquiries and complaints management.

c) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during the project works.

Native Vegetation

4.2.2 Details of the proposed removal, destruction, lopping and offsetting of native vegetation necessary for the works to undertake the Project, must be prepared in accordance with the:

- Permitted clearing of native vegetation - Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013); and
- Native vegetation offsets must 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 DELWP.

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.

Site Remediation

4.2.3 A Site Remediation Plan (SRP) must be prepared to the satisfaction of the Minister for Planning on the recommendation of the advice of an Environmental Protection Authority (EPA) appointed Environmental Auditor conducting the audit of the land. The SRP should address:

- Options and a preferred approach to the remediation of soil and groundwater.
- The conditions specified by the relevant Environmental Auditor to support future land use outcomes.
- Locations across the site of proposed clean-up work.
- Options for remediation technologies taking into account logistics, technology, availability, estimated cost, and likely effectiveness.
- A schedule of remediation activities.
- Expected pattern/staging and indicative timeframes for signed certificates and Statements of Environmental Audit across the site following the clean-up of the site.
- Indicative site management and monitoring controls that will be necessary following each clean up activity.
- Identifying the parties responsible for key activities and for subsequent site management and monitoring.
Heritage Management

4.2.4 Where, but for this incorporated document, a planning permit would be required for buildings and works 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 for the Minister of Planning, except as otherwise agreed by the Minister for Planning.

4.2.6 Prior to any remediation or excavation works, a historical archaeological survey must be undertaken by a qualified historical archaeologist to establish if there is potential for subsurface archaeological features and deposits. Should any archaeological sites be discovered during a survey, a site card must be submitted to Heritage Victoria in accordance with the Heritage Act 2017. If previously unknown or unexpected historical archaeological features and deposits are uncovered during works, works in that area must cease and Heritage Victoria be contacted.

Other Conditions

4.2.7 All development must be carried out in accordance with the EMS and SRP as detailed within this document.

5.0 EXPIRY

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

a) The works allowed in the controls have not started by 28 February 2019.

b) The works allowed by the controls are not completed by 28 February 2023.

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