

VOLUNTARY PURCHASE SCHEME: **GUIDING PRINCIPLES**



Level Crossing Removal Project
Caulfield to Dandenong

June 2016

Voluntary Purchase Scheme: Guiding Principles

The Caulfield to Dandenong level crossing removal project (Project) is part of the Victorian Government's project to remove 50 dangerous and congested level crossings across Melbourne. This Project involves removing nine level crossings on the Cranbourne-Pakenham line between Caulfield and Dandenong and building five new stations at Carnegie, Murrumbeena, Hughesdale, Clayton and Noble Park. The proposed design to remove the nine level crossings is an elevated rail-over-road solution.

The Level Crossing Removal Authority (LXRA) identified the following principles to guide the selection of properties for inclusion in the Voluntary Purchase Scheme (VPS), **namely whether the property directly abuts the rail corridor (or is separated from the rail corridor only by a disused right of way or common property) and will be materially impacted by an elevated structure proposed to be developed as part of the Project.**

A property is not considered to abut the rail corridor in circumstances where it is separated from the rail corridor by an operating road.

Adopting the above principles, objective criteria were developed to determine those properties to be included in the VPS. These criteria have been developed having regard to the residential development standards in clauses 54 and 55 of the Victoria Planning Provisions (VPPs).

The VPPs are available at planningschemes.dpcd.vic.gov.au/schemes/vpps

The criteria consists of both **primary** criteria and **secondary** criteria.

To be eligible for inclusion in the VPS, a property **must** satisfy all primary criteria and **at least one** secondary criterion. Failure to satisfy all primary criteria and at least one secondary criterion, means that a property is not eligible for inclusion in the VPS (subject to the paragraph below).

The LXRA may determine to include a property in the VPS, that does not otherwise satisfy the criteria for eligibility set out in this document, where the LXRA is satisfied (in its absolute discretion) that there is a compelling reason to do so.

It is intended that the VPS will be available in respect of those properties that are eligible for inclusion in the VPS in accordance with this document, until **30 June 2017**.

For further information about the VPS guiding principles, please contact the Level Crossing Removal Authority on 1800 762 667.

Primary Criteria

Primary criteria are criteria that **must be met to be eligible for inclusion in the VPS. If a property fails to satisfy all primary criteria, it will not be considered for inclusion in the VPS.**

If all primary criteria are met, secondary criteria will be then applied to determine whether a property is included in the VPS.

The 4 primary criteria that must be satisfied are based on the purchase date of the property, proximity, property type and height of the elevated structure or embankment relative to its setback, in the section of the corridor abutting the property:

1. Property must have been purchased prior to introduction of the VPS

Was the property purchased before the 29 March 2016?

Residential properties for which a contract of sale is entered into after 29 March 2016 - being the date on which the VPS was announced - are not eligible to participate in the VPS, unless the land owner can demonstrate that he/she had no knowledge of the Project and its potential for impact.

2. Proximity

Does any boundary of the property directly abut the rail corridor, or is it separated from the rail corridor only by a disused right of way or common property?

Figures 1 to 3 set out below, illustrate the application of this criterion.

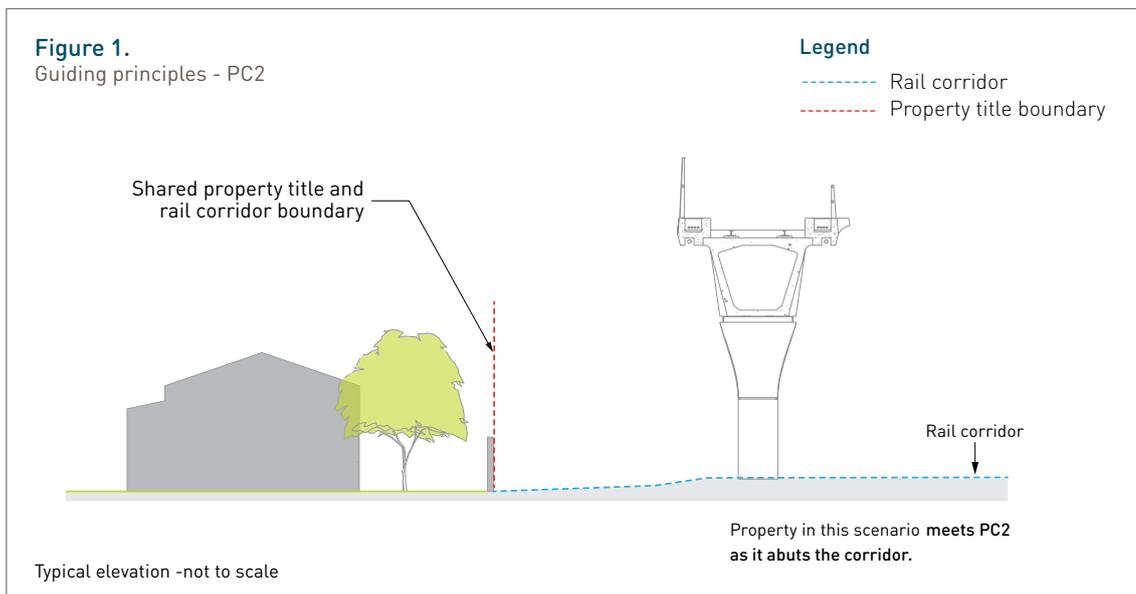
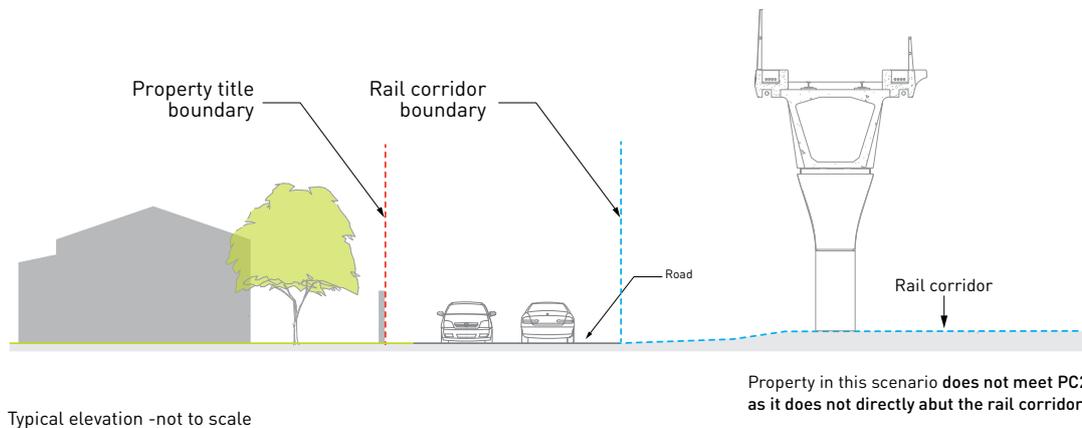


Figure 2.
Guiding principles - PC2

Legend

- - - - - Rail corridor
- - - - - Property title boundary



3. Property type

Is the property currently being used or substantially developed for residential purposes, and is this the primary purpose for which the property is being used or substantially developed?

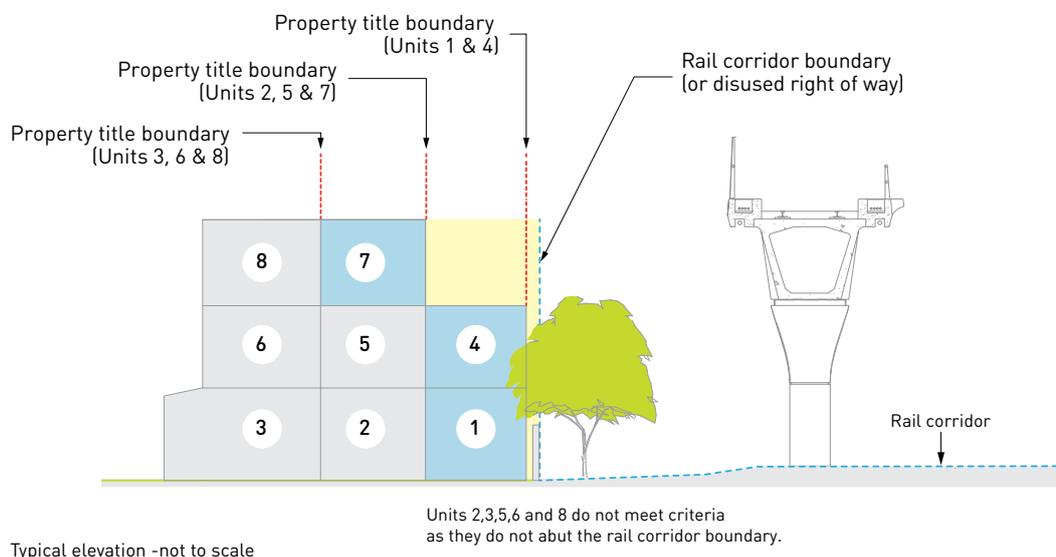
This criterion requires the current use of the property to be for residential purposes and for the residential use to be the primary purpose for which the land is used. It will apply to single and multiple dwelling premises, but it will not apply to commercial premises with a residential component attached such as a dwelling above a shop.

Also, properties capable of being used but not currently used for residential purposes are not eligible for inclusion in the VPS. This exclusion extends to vacant parcels of land, and land which has a planning permit for development for residential purposes but the residential development has not substantially commenced at the time of introduction of the VPS.

Figure 3.
Guiding principles - PC2

Legend

- - - - - Rail corridor
- - - - - Property title boundary
- Property common area



4. Height

Is the height of the elevated structure or embankment at this location (where measured from the top of the structure including any (visual or noise) screen but excluding any overhead structures such as gantries, overhead wires or similar) greater than the following:

- (a) the height calculated under the following formula having regard to the setback of the elevated structure or embankment from any part of the boundary with the property:

Where the height is between 3.2 and 3.6 metres

$$\text{Requisite setback} = 0.2\text{m} + [2.0 \times (h - 3.2\text{m})]$$

h= height

Where the height is between 3.6 and 6.9 metres

$$\text{Requisite setback} = 1\text{m} + [0.3 \times (h - 3.6\text{m})]$$

h= height

As the actual setback (1.5m) is less than that required for the height under the formula (1.87m), the height is greater than that permitted under the formula.

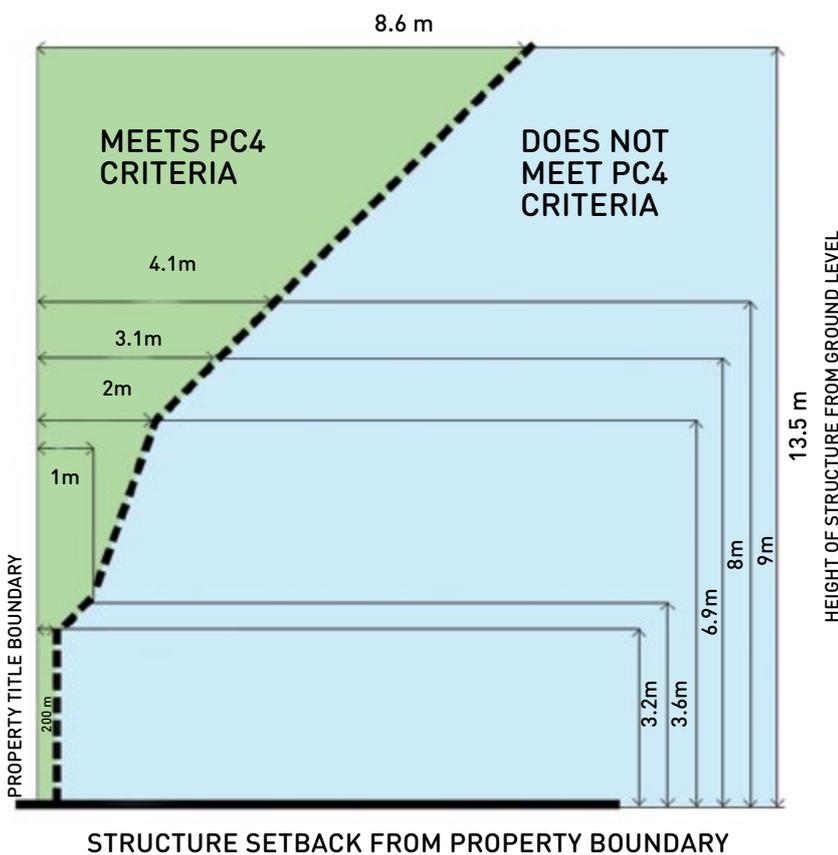
Where the height is greater than 6.9 metres

$$\text{Requisite setback} = 1.99\text{m} + [1 \times (h - 6.9\text{m})]$$

h= height

- (b) 3.2 metres above existing natural ground level directly below, where the elevated structure or embankment is 200mm or less from any part of the boundary.

The following diagram and table illustrate the maximum heights relative to setback distances **before** this criterion is met:



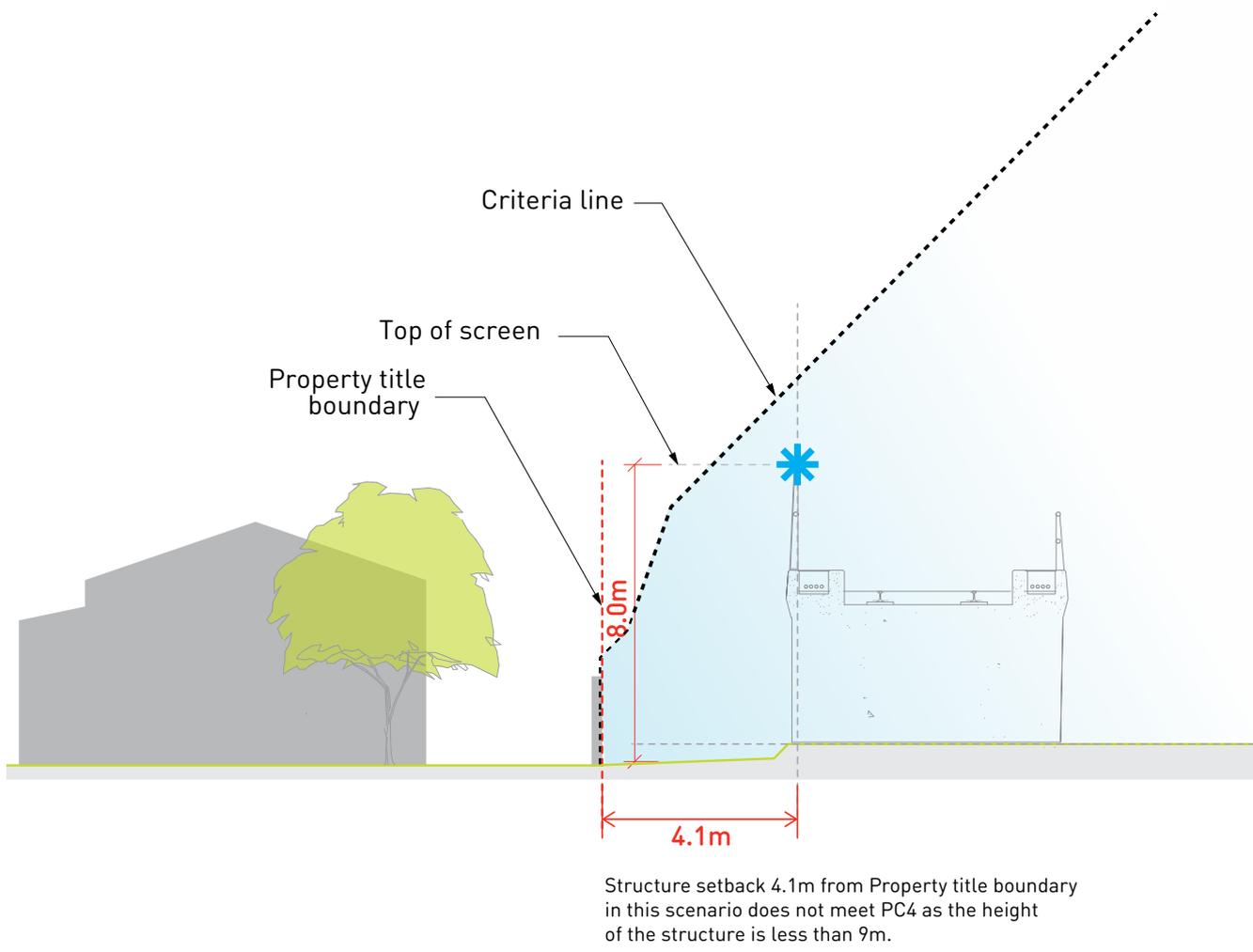
How to apply

1. The height and setback criteria is shown in the diagram.
2. For some heights the setback criteria are given in the table below.
3. For other heights apply the formulae.

Height (m)	Setback Criteria (m)
13.5	8.6
12	7.1
10	5.1
8	3.1
6.9	2.0
3.6	1.0
3.2	0.2

Figures 4, 5 and 6 set out below also illustrate the application of this criterion.

Figure 4.
Guiding principles - PC4

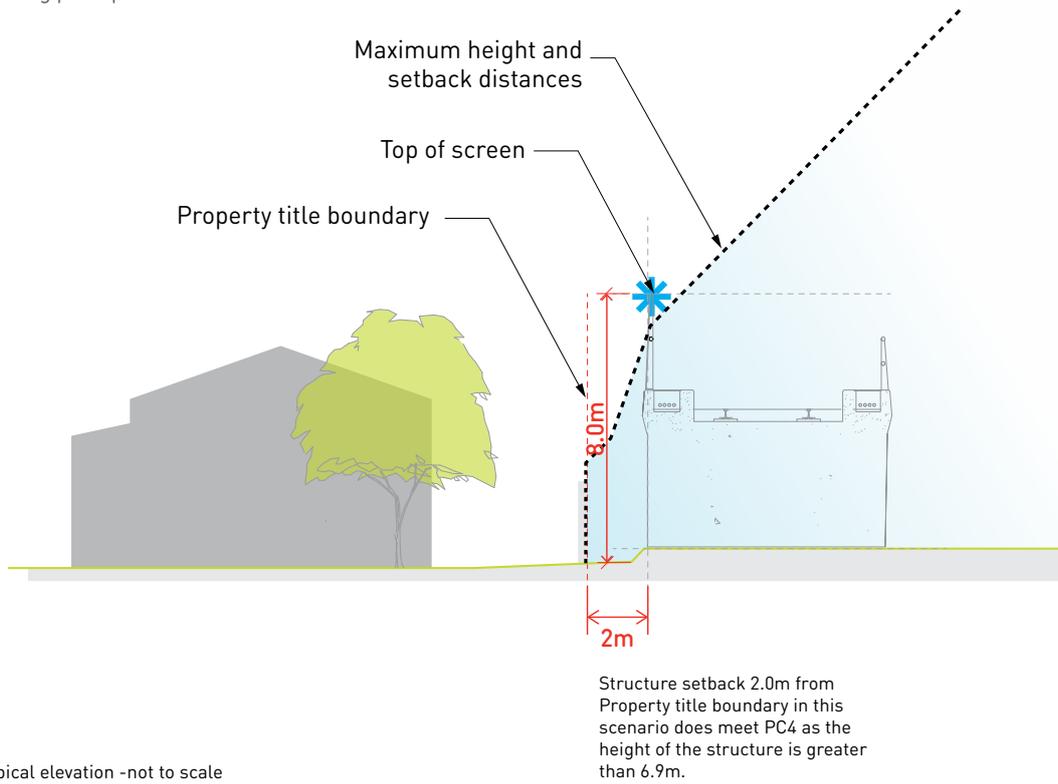


Typical elevation -not to scale

Legend

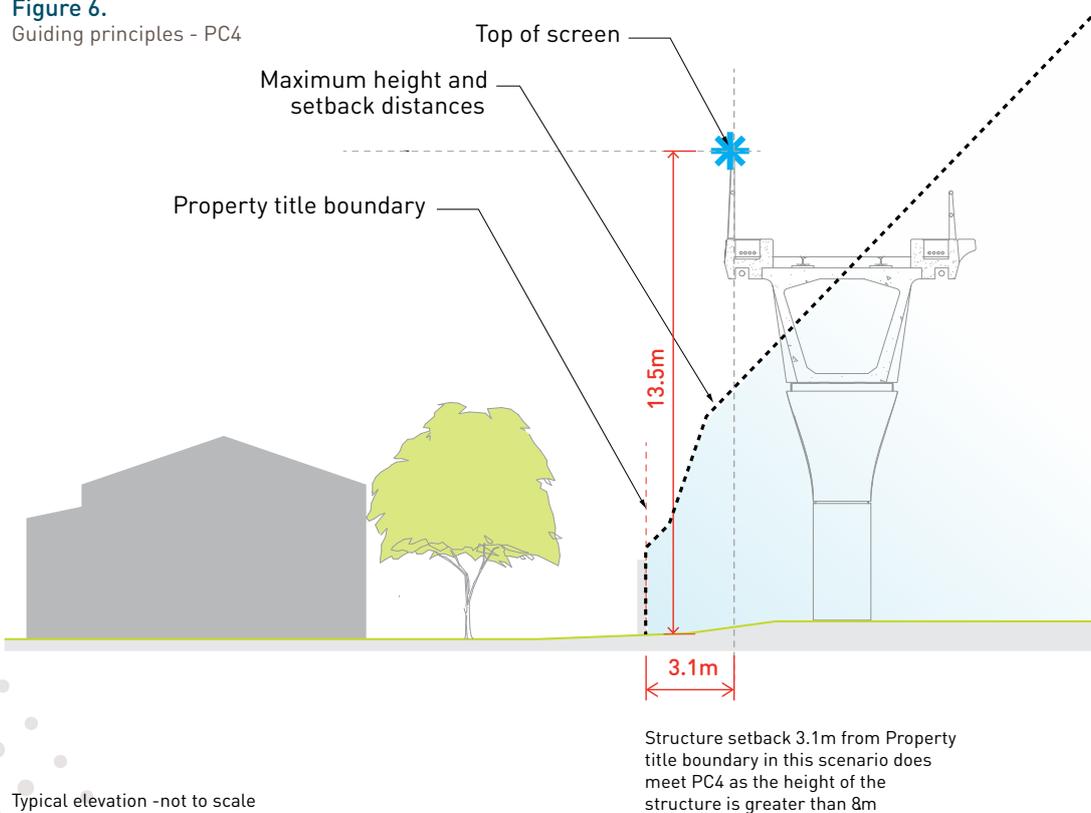
- PC4 dimension (height and setback)
- Property title boundary
- Maximum height and setback distances for scenario PC4
- * Scenario structure setback and height

Figure 5.
Guiding principles - PC4



Typical elevation - not to scale

Figure 6.
Guiding principles - PC4



Typical elevation - not to scale

Secondary criteria

Secondary criteria are the criteria used for determining whether a property satisfying the primary criteria will be materially impacted by an elevated structure proposed to be developed by the Project.

Only one of these criteria need to be met in addition to meeting all the primary criteria, to be eligible for inclusion in the VPS.

There are secondary criteria based on **overshadowing and visual intrusion.**

1. Visual intrusion

Will the elevated structure be visually intrusive to a significant extent either from a habitable room window or secluded private open space of the property.

A habitable room window includes the windows of living rooms, kitchens, bedrooms, dining and entertainment rooms but does not include the windows of bathrooms, toilets, hallways, storage areas, stairways or laundries.

Even where a property does not have a habitable room window from which the elevated structure will be visually intrusive, if the elevated structure will be visually intrusive to a significant extent from secluded private open space, this criterion will be met.

2. Overshadowing

Will the elevated structure result in overshadowing the secluded private open space of the property in a manner that fails to meet the standards in A14 and B21 of clauses 54 and 55 of the VPPs?

Standards A14 and B21 require at least 75% or 40 square metres with a minimum dimension of 3 metres (whichever is the lesser area) of secluded private open space to receive a minimum of 5 hours

sunlight between 9 am and 3 pm on 22 September. If this cannot be **maintained** by the Project then the criterion will be met.

However, if the existing sunlight is **already** less than this, then the amount of sunlight should not be further reduced during the period between 9am and 3 pm on 22 September. If further reduced by the Project during this period, then this criterion will be met.

For the purposes of applying this criterion, "elevated structure" means the elevated structure to be constructed as part of the Project (including new station buildings and canopies) or embankment, but does not include any overhead structures such as gantries, overhead wires or similar.

Definitions

The following definitions apply for the purposes of the primary and secondary criteria.

"Property"

means land comprising a lot (consisting of one or more pieces) on a registered plan (including a registered cluster plan or a registered plan of strata subdivision) which can be disposed of separately and includes an accessory lot to that lot which is set aside as either a swimming pool or a garden, but (for the avoidance of doubt) does not include a car parking lot or common property.

"Common property"

means land shown as common property on a registered plan (including a registered cluster plan or a registered plan of strata subdivision).

"Secluded private open space"

means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

"Private open space"

means an outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.