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1. **INTRODUCTION**

1.1. **INTRODUCTION**

1. I have been engaged on behalf of the Major Road Projects Victoria (MRPV) in my capacity as an expert in the field of urban planning.

2. I have been asked to review the Environmental Effects Statement (EES) and draft Planning Scheme Amendment prepared for the Mordialloc Bypass Project (Project) to the extent relevant to my area of expertise.

3. I have also been instructed to review and respond to the public submissions in respect of the EES and draft Planning Scheme Amendment relevant to my area of expertise.

4. A draft Planning Scheme Amendment GC107 (the PSA) has been prepared by the Minister for Planning who is the planning authority. The draft PSA proposes:
   - The introduction of the *Mordialloc Bypass (Freeway) Project Incorporated Document, October 2018* into the two planning schemes that will permit the use and development of the Project subject to certain conditions and subsidiary approvals (Schedules to Clauses 45.12 and 72.04).
   - Inserting Planning Scheme Map 7SCO of the Greater Dandenong Planning Scheme and Planning Scheme Maps 3SCO, 6SCO and 8SCO of the Kingston Planning Scheme to apply the Specific Controls Overlay (SCO) to the project area.
   - Amending map 6PAO of the Kingston Planning Scheme to apply the Public Acquisition Overlay (PAO) to the following parcels of land:
     - Parcel CP106278, 1-7 Bell Grove Braeside
     - Parcel CP161872, 63-67 Tarnard Drive, Braeside
     - Parcel CP101726, 414-426 Lower Dandenong Road Braeside
     - Parcel Res 1 PS327478, 47 Mills Road, Braeside
   - The amendment also amends Map 06HO of the Kingston Planning Scheme to amend the boundary of Heritage Overlay HO104, Braeside Park Precinct, to accurately reflect the location of the heritage asset.

5. The various EES assessment reports and the draft planning scheme amendment provide a comprehensive assessment of the relevant government planning policies and requirements. This report will not seek to replicate these assessments. The report will:
   - Provide an overall assessment of the strategic planning context for the Project.
   - Assess the impact of the Project on key sites raised in public submissions.
   - Assess the appropriateness of the proposed draft planning controls.

1.2. **PROJECT DESCRIPTION**

6. The Project is the proposed construction of a new freeway connecting the Dingley Bypass with the Mornington Peninsula Freeway and is predominantly to be constructed within an existing road reservation. The Project seeks to provide an additional north-south connection to increase accessibility in the southern corridor of metropolitan Melbourne.

7. The Project passes between the western boundary of Braeside Park and the eastern boundary of the Woodlands Industrial Estate (constructed) wetlands, traverses the boundary of the (constructed) wetlands at Waterways estate and approaches to within one kilometre of the Ramsar listed Edithvale-Seaford Wetlands. The northern and southern ends of the Project pass through or border the South East Green Wedge.

8. The Project corridor is approximately 9.7 kilometres in length, comprising two, two-lane 7.5 kilometre long carriageways (with a dual-use path) along the current undeveloped reservation, and
2.2 kilometres of roadworks required to integrate the Project with the Mornington Peninsula Freeway.

9. The Project has been designed to generally accommodate two 3.5 metre wide lanes, with a 3 metre wide outside shoulder and 1 metre wide inside shoulder.

10. The Mordialloc Bypass will also provide connections from the freeway onto the Dingley Bypass, Centre Dandenong Road, Lower Dandenong Road, Governor Road, Springvale Road and new north facing ramps at Thames Promenade. An overpass at Old Dandenong Road will also be provided. Mordialloc Creek and the associated Waterways wetlands will be spanned by twin 400 metre long bridges.

11. The proposed alignment allows for a potential future upgrade of the freeway to a six-lane freeway standard road within the reserve.
Figure 1 - Project area
2. QUALIFICATIONS AND EXPERIENCE

12. Appendix A contains a statement setting out my qualifications and experience, and the other matters in accordance with Planning Panels Victoria’s ‘Guide to Expert Evidence’.

13. A copy of my curriculum vitae is provided at Appendix B.
3. SUMMARY OF OPINION

14. The Mordialloc Bypass (Freeway) will provide an important north-south freeway connection between the Dingley Bypass and the Mornington Peninsula Freeway, in the outer south-eastern suburbs of greater Melbourne. The Project alignment traverses an extensive area featuring a variety of land uses including established low-density residential areas, industrial precincts, public open space and wetlands.

15. The concept of an additional north south link through the Mordialloc/Braeside area has been considered since the 1960s. While a number of different alignments were mooted, the current alignment was formalised and reserved in the Planning Scheme by 1981.

16. Aerial photography demonstrates that the majority of existing development adjacent to the freeway corridor post-dates the reservation, and as such, could reasonably be expected to have been cognisant of the future development of the freeway in developing and investing in such land.

17. The EES and public submissions raise a range of matters that are considered to be relevant to land use and planning, generally encompassing strategic justification for the project and potential impacts on amenity. Road design, traffic, ecology and stormwater management, although they may have impacts on land use and amenity, are addressed more appropriately by other subject matter experts.

18. In considering the strategic justification for the project, I have examined the history of the development of both planning and transport strategies applying to the southern corridor that have ultimately determined the alignment of the freeway corridor and the development of the surrounding areas.

19. It is apparent that this project is grounded in numerous iterations of strategic land use and transport planning that have guided the development of the Dingley/Braeside locality for the past 40 years. The earlier planning strategies of 1971 and 1981 culminated in the formal reservation of the alignment in the Melbourne Planning Scheme and the reservation of the land for this purpose in the decades since.

20. There has been a long-term plan to provide a ‘direct’ connection of the existing Mornington Peninsula Freeway to the arterial road network to the north and provide for the more efficient distribution of traffic flows with the connecting east-west roads. While traffic and transportation planning may have changed since the early conception of this Project, its intended purpose – to redirect through traffic including private vehicles and freight, away from local roads in established areas – remains relevant today.

21. Given the established nature of existing development in the southeast corridor, opportunities to increase supply of road infrastructure to accommodate increasing demand – whether that be expanding existing roads or building new roads – are limited.

22. The project will immediately benefit the existing industrial areas in the broader locality and the Moorabbin Airport permitting these areas to further develop and intensify activities into the future. Further, the additional capacity of the freeway will enable a ‘sharing’ of the demand across three north-south links (Boundary and Springvale Roads and the freeway).

23. From a strategic land use assessment, the Project will achieve the following important outcomes:
   - Provide enhanced accessibility to the Moorabbin Airport which is nominated as a Transport Gateway in Plan Melbourne.
   - Enhance accessibility for freight movements throughout the southern corridor and support the intensification of employment activities in key locations in the southern corridor.
   - Provide enhanced access to employment opportunities for the surrounding region.

24. Further, the project will support active transport by providing an attractive off-road cycling and pedestrian pathway, connecting into existing networks, for the length of the Project alignment.

25. A number of concerns regarding amenity impacts have been raised by residents of neighbouring residential developments, particularly with respect to noise impact. In most circumstances, it is evident that the residential development having occurred since the designation of the freeway
reserve, the form, siting and orientation of the development has responded to the future development of the Project.

26. It is noted that, with the proposed mitigation measures (noise walls), project noise volumes at all existing residential development adjacent to the Project will achieve the Project Objective Noise Levels (PONL) as specified in Environment Performance Requirement NV1 being:

- 63 dBA L10,18Hr for the new bypass alignment, and
- 68 dBA L10,18Hr for the existing Mornington Peninsula Freeway.

27. I have identified three locations where it is considered that a further review of the proposed noise attenuation measures needs to be investigated being:

- The proposed noise attenuation option for eastern, northern and southern boundary of the Lifestyle Chelsea Heights retirement village. The reference design suggests the provision of a 2.8 metre solid barrier wall on these boundaries. This barrier may impact on the amenity of residents as it will be visually imposing and limit access to natural light to the dwellings and their private outdoor spaces (assuming the barrier is non-transparent). The courtyards serving the dwellings adjoining the eastern and northern boundaries currently benefit from access to northern sunlight throughout most of the year.

- It is recommended that the potential means of providing noise attenuation to achieve the requirements of the EPR should be further investigated to maintain current levels of visual amenity and access to natural light, while mitigating acoustic impacts.

- The impact of the future freeway operations on the existing Kingston Community Church (and associated children’s playground) located in the Redwood Garden Estate (west of the freeway) where it is not proposed to provide any noise mitigation measures (given that the area is principally used for commercial and industrial activities).

- The impact of the future freeway operations on the tenancy at 8 Holly Drive located directly adjacent to the west side of the freeway reserve in the Redwood Garden Estate that serves people with disabilities and currently has an outdoor area that appears to be used as a children’s play area.

28. With respect to visual impact, it is evident that the elevated section of the Project adjacent to the Waterways Estate will have a visual impact. It is considered that the separation distance between the Project and the closest dwelling and the proposed landscaping will assist in ameliorating this impact over time.

29. I have considered the opportunity to provide a pedestrian link across the freeway route between Chadwick Park and the Redwood Garden Estate at Dingley Village. It is acknowledged that there is an existing informal link across the open freeway reserve which is used by the community. However, there does not appear to be a clear origin / destination relationship on either side of the reserve that would suggest that there is high demand for the crossing in this location.

30. It is considered that an overpass would preclude easy access and would require very lengthy ramps on either side of the freeway. An underpass would also likely require long ramps and could be difficult to design to meet Crime Prevention Through Environmental Design (CPTED) principles, given the lack of natural surveillance in the tunnel entrances and along the route and potential ‘blind’ corners at either end.

31. In summary, it is my opinion that a balanced approach has been taken towards the achievement of improved transport outcomes and mitigation of the potential impacts on the amenity of adjacent residential areas and other land users.
4. STRATEGIC PLANNING ASSESSMENT

4.1. STRATEGIC BACKGROUND

4.1.1. Background to the Development of the Southern Corridor Area

32. Since the development of metropolitan planning strategies for Melbourne in the 1960s there has been a strong policy imperative to direct Melbourne’s outward growth along a number of corridors served by existing transport and infrastructure services. These corridors were to be separated by ‘green wedges’ comprising either rural/farming land or public reserves and open spaces.

33. The report Planning Policies for the Metropolitan Melbourne Region (November 1971) created a Melbourne Region – Framework Plan that continues to form the basis for today’s development corridors and green wedges (albeit with changed boundaries in some instances).

34. At the time of this report it was the intention of the strategy to direct additional urban growth along the Dandenong-Berwick Corridor and the Frankston Corridor adjacent to Port Philip Bay. It was also planned that the Dingley Area, including the Moorabbin Airport and other nearby landholdings would form part of the Springvale Non-Urban Area (see Figure 2).

35. The 1971 Strategy noted several factors that influenced the creation of non-urban area including the substantial proved deposits of high quality coarse concrete sands; the existing airport; the desirability of retaining some of the existing intensive market garden area and the desire to maintain the extensive separation between the two urban corridors. The report goes on to note1 that:

The Mines Department has expressed the firm view that the coarse sand deposits should not be prejudiced and this coupled with the fact that virtually the whole of the same area is subject to high noise levels from the airport provide the main reasons why urban development should not take place beyond the present urban settlements. In addition this retains the non-urban wedge between the Frankston and Dandenong corridors.

Accordingly, it is proposed that the general area north of Lower Dandenong Road, now included in the rural zone in the metropolitan scheme, should be set aside for sand extraction in accordance with an acceptable programme for working and after-use of the land.

The present area reserved for a metropolitan park east of Warrigal Road has some problems as it is likely to be affected by freeway proposals in the Transportation Plan and also contains good quality sand. Accordingly it is proposed to make this available for sand extraction and replace the park from the eastern side of Braeside Purification Plant. The eastern side has tree cover and is attractive, the western side is flat and without character and this will be placed in industrial zoning compatible with adjoining use.

In the general area south of Cheltenham Road, southerly to the boundary of the proposed freeway, the land is zoned for possible future urban development.

Southwards from this freeway, it is intended that market gardens should be retained, at least until the significance of sand deposits in this area have been determined.

…

The Dingley settlement, should generally not be extended. However, in view of a decision made by the Appeals Tribunal to permit housing adjoining the northern section of Howard Road, residential zoning has been extended to include this land.

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1 MMBW - Planning Policies for the Metropolitan Melbourne Region, November 1971 - pages 63 and 64
Figure 2 - Melbourne Region Framework Plan, Planning Policies for the Melbourne Metropolitan Region 1971
36. The freeway reservation referred to above was proposed as part of the recommended Transportation Plan\(^2\) flowing from the Melbourne Transportation Study undertaken in the late 1960s. The Transportation Plan proposed the development of metropolitan roads as a single integrated system comprising:\(^3\):

- A network of new freeways.
- A network of improved and extended arterial roads some having access control
- A network of local roads

37. The route of the freeway (annotated as F6 in the Transport Plan) ran south from the route of the now Monash Freeway at a location near the Burke Road alignment and then through the established urban area to a point near to the Nepean Highway at Mordialloc before running toward the intersection of Springvale Road and the now Mornington Peninsula Freeway. It is noteworthy that this route was to the west of the Moorabbin Airport as it passed through the Mordialloc locality.

38. The Transport Plan\(^4\) commented that the locations of the freeway routes... are based on preliminary feasibility studies and it will not be until the detailed design stage that recommendations for precise locations of each route will be made.

39. In the 1970s urban growth continued around the Dingley Village location with expansion of residential estates to the west of Howard Road and south to Lower Dandenong Road. During this time the large industrial area generally located to the west of Boundary Road was also establishing. Further detailed reviews of the preferred road network and areas of growth continued, resulting in the 1981 Metropolitan Implementation Plan.

40. The 1981 Plan shows the Mordialloc Freeway reservation in its current location linking to the Dingley By-Pass Route (also a proposed reservation) rather than linking to the northern part of the F6 freeway alignment. Whilst there is no direct documentary explanation of this move it appears that a number of factors have influenced this decision including:

- The change in the character of the immediate locality from one of rural purposes to that of urban purposes and in particular large scale industrial activities. The earlier transportation and planning strategies envisaged that the broader locality would remain low intensity. Whilst this is true for the southern part of the Springvale Green Wedge the area around Dingley was significantly changing.
- The opportunity to bring a major new road link south through the established areas of Malvern, Ormond, Bentleigh, Oakleigh etc. would result in significant destruction of existing urban areas and would be excessively costly.
- The proposed new route was on land that had not yet been developed and provided the desired north-south connection from the Mornington Peninsula Freeway to the modified route of the Dingley By-Pass (that connected to South Road rather than a new freeway as proposed in 1969).

41. The then Melbourne Metropolitan Planning Scheme placed a 'Proposed Main Road' reservation over the alignment in order to protect the alignment from urban development - see Figure 3. A review of the historical aerial photos included in the EES assessment clearly show that ongoing urban development was fully cognisant of the proposed road and its reservation.

42. Since this time the broader locality has significantly grown in terms of population and jobs with the urban area generally developed with few opportunities for new development excepting those involving renewal and intensification of major properties and key locations. Equally so there are limited opportunities to provide for significant additional transport capacity across the metropolis, with many of the arterial roads now at their maximum physical capacity in terms of road widths, without requiring additional land.

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\(^2\) The Melbourne Transportation Committee - Melbourne Transportation Study - Volume 3: The Transportation Plan, Dec. 1969
\(^3\) Ibid 2 – page 47
\(^4\) Ibid 2 – page 48
Figure 3 - Current Planning Scheme Road Reservations, Metropolitan Strategy Implementation 1981
Figure 4 - Planning Scheme Zoning, 1985
4.1.2. The Growth of Metropolitan Melbourne

43. Metropolitan Melbourne has previously experienced two ‘waves’ of significant population growth being first in the 1850-1880s with the gold rush era, the second being the post-World War II boom. In both of these instances Melbourne grew rapidly and was transformed by that growth.

44. Currently, metropolitan Melbourne is again growing very rapidly and is experiencing its third wave of rapid growth. The city has been growing by an average 80,000 people per annum over the last 15 years and in excess of 110,000 people over the past 5 years.

45. In 2001, metropolitan Melbourne had a population of approximately 3.5 million people. By 2016 the population had grown by a third to 4.725 million and is estimated to have surpassed 5 million in late 2018.

46. Melbourne has experienced higher growth rates in the past (due to a lower population base), however, this is the largest addition of people to the existing population in numerical terms in its history. The scale of this growth is matched or bettered by very few first-world cities – in other words Melbourne’s growth is very significant.

47. The overall quantum and rapid rate of population growth is manifesting itself in a number of ways, including:
   - Greater economic demand and activity, generated by that population growth, that increases the overall demand for trips (e.g. accessing jobs, increased freight traffic associated with increased trade and development).
   - Increased demand for land to accommodate housing, industry, services and infrastructure.
   - Increasing congestion within the metropolitan transport system, be it roads or public transport. The rate of supply of transport infrastructure (e.g. increased rail services, widened or new roads) has not matched the population growth and the economic activity associated with that population.

48. As this pattern of growth continues, the metropolis will be adding approximately 80 – 100,000 people per year with the ever-present need for the existing city to be able to operate. A key component of the ongoing response to Melbourne’s growth is to continue to improve and increase its transport infrastructure, including the enhancement of the road network.

49. Although the city's transport system has sound foundations, it is coming under increased pressure from growth. By 2050, Melbourne’s transport network will need to handle an extra 10.4 million trips per day. Congestion and overcrowding are already affecting parts of the network, and continuing investment is required to increase capacity.

4.1.3. The Southern Region

50. While each of the strategic plans for Melbourne anticipated that the metropolis would need to expand in all directions to accommodate the city's escalating population, the southern region continues to accommodate a substantial proportion of Melbourne’s residential and employment growth. In 2016 the population stood at approx. 1 million people. By 2031 it is estimated that the region will be home to 1.3 million people with 183,000 people in the City of Kingston. The adjoining City of Greater Dandenong will have a population of approx. 193,000 people.

51. By 2051 the population for the region could be nearing 1.7 million people - a 70% increase in 35 years. By 2051, an additional 310,000 new dwellings will be added to the southern region.

52. Plan Melbourne 2017-2051 anticipates that the overall employment in the southern region will grow from 357,000 jobs in 2015 to over 460,000 jobs in 2031. Key focuses for this employment growth include the Dandenong National Employment and Innovation Cluster (NEIC), the Dandenong South Industrial Precinct, transport gateways, metropolitan and major activity centres and large-scale industrial estates.

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5 ABS - Estimated Resident Population June 2016
6 Victorian Integrated Survey of Travel and Activity 2016 and Victoria in Future 2016 population projections
7 Victoria in Future 2016
53. The City of Kingston has approximately 74,000 jobs\(^8\) with the Braeside Industrial area and Moorabbin Airport (a designated Transport gateway) home to approximately 19,500 jobs in 2016 (with the airport accounting for over 3,500 of these jobs). It is anticipated that the existing industrial area and the airport could add another 3-5,000 plus jobs during the period up to 2031. The wider area of the City of Kingston is estimated to have the potential to increase employment by approx. 26,000 jobs in the same period.

54. A key demand for additional road capacity is the anticipated significant increase in freight transport over the next 30-plus years. The recently released Victorian Freight Plan 2018-2050 notes that the State’s freight forecast will continue to grow rapidly for the foreseeable future. The freight task in metropolitan Melbourne is forecast\(^9\) to increase from 224 million tonnes in 2014 to 597 million tonnes in 2051 – a rate of increase significantly greater than that of the city’s population.

55. Areas where this increase is likely to be most pronounced includes the large industrial precincts and estates such as Braeside and the Moorabbin Airport precinct as it expands its ‘land-side’ areas with new industrial and related activities. Indeed, the traffic assessment of the EES anticipates that the new freeway connection to Centre Dandenong Road will support and enhance the realisation of the 2015 Moorabbin Airport Master Plan.

4.2. SUMMARY

56. Given the established nature of existing development in the southeast corridor, opportunities to increase supply of road infrastructure to accommodate increasing demand – whether that be expanding existing roads or building new roads – are limited.

57. There has been a long-term plan to provide a ‘direct’ connection of the existing Mornington Peninsula Freeway to the arterial road network to the north and provide for the more efficient distribution of traffic flows with the connecting east-west roads. While traffic and transportation planning may have changed since the early conception of this Project, its intended purpose – to redirect through traffic including private vehicles and freight, away from local roads in established areas – remains relevant today.

58. This will immediately benefit the existing industrial areas in the broader locality and the Moorabbin Airport permitting these areas to further develop and intensify activities into the future. Further, the additional capacity of the freeway will enable a ‘sharing’ of the demand across three north-south links (Boundary and Springvale Roads and the freeway).

59. From a strategic land use assessment, the Project will achieve the following important strategic outcomes:

- Provide enhanced accessibility to the Moorabbin Airport which is nominated as a Transport Gateway in Plan Melbourne.
- Enhance accessibility for freight movements throughout the southern corridor and support the intensification of employment activities in key locations in the southern corridor.
- Provide enhanced access to employment opportunities for the surrounding region.

60. The project accords with the relevant strategic directions of Plan Melbourne 2017-2050 including:

- A key outcome (No. 3) that Melbourne has an integrated transport system that connects people to jobs and services and goods to market and its associated Directions being:
  - Direction 3.1 - Transform Melbourne’s transport system to support a productive city
  - Direction 3.2 - Improve transport in Melbourne’s outer suburbs
  - Direction 3.3 - Improve local travel options to support 20-minute neighbourhoods
  - Direction 3.4 - Improve freight efficiency and increase capacity of gateways while protecting urban amenity
- Focusing investment on places of state significance such as Transport Gateways\(^{10}\) (Moorabbin Airport) to secure adequate gateway capacity for moving passengers and freight

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\(^8\) ABS – Census of Population and Housing 2016 – Place of Work Kingston LGA
\(^{10}\) State of Victoria – Plan Melbourne 2017-2050, March 2017 – page 15
into and out of Victoria and support future employment and economic development opportunities at major ports, airports and interstate terminals.

61. In summary, the proposed construction of the freeway will provide a direct link for through traffic between the Mornington Peninsula and areas north of Mordialloc/Braeside. The existing arterial road network within this area will continue to provide the ‘last kilometre’ of access to the industrial and employment areas whilst being partly relieved of the through traffic function. Most importantly the project will enhance and support future growth in this important employment precinct.
5. ASSESSMENT OF LAND USE IMPACTS

5.1. INTRODUCTION

62. I have undertaken an assessment of the land use impacts of the Project on key sites identified through public submissions. In conducting this analysis, I have had regard to:

- The analysis of Land Use planning contained in the EES documents.
- Submissions relevant to the particular location or site.
- The planning controls and policies as they pertain to the location or site (if relevant).

63. In undertaking this assessment, I have also understood the need to balance the consideration of issues. In a project of the extent and scale found with the Mordialloc Bypass Project the issues at hand range from regional and local policy matters to the potential temporary or long-term impact at a specific location. When balancing these issues consideration must be given to a number of factors including:

- What is the benefit and who benefits? In the case of a regional benefit (e.g. improved safety or accessibility) clearly many will benefit.
- What is the impact and is it broad or confined? Is it a significant impact? Is the impact temporary or capable of a simple amelioration?
- Is it incapable of amelioration and hence will cause ongoing unacceptable impacts?
- Is it necessary to completely obviate the impact? In many cases, it will not be necessary to do so given that the impact is short term or is a product of the continual evolution of the city (e.g. a larger building next door).

64. The matter of visual impact is one example where nearly every new object or structure may be seen to as an adverse impact. Sometimes this is true but often it is more a reality of being simply a changed view – as happens nearly every day in a city as dynamic as Greater Melbourne. Another example is the potential for social impacts where every change is seen as a potential adverse consequence.

65. This is not to suggest that adverse visual and social impacts do not occur or can be ignored rather that the balance of the great and small impacts need to be understood in the overall context of the project.

66. I have read the public submissions in respect of the EES and draft Planning Scheme Amendment for the Project and identified those that are relevant to the Report and my area of expertise.

67. A total of 112 written submissions were received during consultation. Submitters voiced a range of views including opposition to the project generally, support for the proposal and many who raised either support subject to modification or opposition to a minor aspect or in relation to a specific site.

5.2. ENVIRONMENTAL EFFECTS STATEMENT

68. I note that the Scoping Requirements for Mordialloc Bypass EES (DELWP May 2018a) set out the two key evaluation objectives for the assessment of potential land use and planning impacts as a result of the Project as follows:

- **Amenity and Environmental Quality** – To protect the health and wellbeing of residents and local communities, and minimise effects on air quality, noise and the social amenity of the area, having regard to relevant limits, targets or standards.
- **Social, Land Use and Infrastructure** – To minimise potential adverse social and land use effects, including impacts on existing infrastructure and open space.

69. The planning and land use assessment of the EES was undertaken in response to the scoping requirements and to address the matters raised in Ministerial Direction: Reasons for Decision. The findings of this assessment were documented in the Mordialloc Bypass Land Use and Planning
Impact Assessment (WSP, September 2018). The following section of the report briefly summarises the key findings of the EES assessment.

70. The Land Use and Planning Impact Assessment considered matters relating to the subject including:
   - Access and connectivity;
   - Landscape and visual impact;
   - Acoustic amenity; and
   - Other amenity impacts.

71. Generally, the assessment identified that sensitive land uses could be protected against adverse amenity impacts by a combination of mitigation mechanisms (e.g. acoustic barriers and landscaping buffers), and adherence to standards and management plans.

5.2.1. Existing Context

72. Between the Dingley Bypass and Mornington Peninsula Freeway, geographically the Project passes between the western boundary of Braeside Park and the eastern boundary of the Woodlands Industrial Estate (constructed) wetlands, traverses the boundary of the (constructed) wetlands at Waterways estate and approaches to within one kilometre of the Ramsar-listed Edithvale-Seaford Wetlands. The northern and southern ends of the Project pass through or border the South East Green Wedge.

73. The surrounding land use environment is well covered in the Land Use and Planning Assessment. Given the scale of Project, adjoining areas have been categorised into five general land use ‘typologies’ which synthesise the existing uses, namely:
   - Type 1: Residential Uses
   - Type 2: Commercial/Industrial Uses
   - Type 3: Green Wedge Zone
   - Type 4: Recreation Reserves and Wetlands
   - Type 5: Residential/Wetland Frontage

74. I consider that the approach to the definition of the broad land use typologies is appropriate and has enabled the proper consideration of the different contexts and potential impacts arising from the proposed freeway.

5.2.2. Access and Connectivity

75. The assessment notes that the effect of the proposed Mordialloc Bypass alignment on current access will not reduce the opportunities for pedestrian and vehicle connections. Given that the reservation pre-dated the majority of neighbouring development, it has influenced the design, siting and indeed access arrangements of neighbouring sites. As such, development has generally ‘turned its back’ on the reservation, taking access from away from project.

76. The proposed freeway will therefore have little to no impact on existing access arrangements. The exception to this is two informal paths which traverse the reservation: between Park Way and Braeside Park and between Garden Boulevard/Elm Tree Drive and Chadwick Reserve. The Land Use and Planning Assessment considers that these two informal crossings are not well utilised. I address this matter further in Section 5.6 of this report.

77. The Social Impact Assessment has identified a need for improved access across and along the Mordialloc Bypass alignment to more effectively link the Braeside Park and open space/wetlands to nearby residential areas. The Land Use and Planning Assessment notes that there is potential for the proposed bypass to incorporate pedestrian routes along the reservation (north-south) and to utilise the existing intersecting roads more effectively for pedestrian/cycle access.

78. With regard to connectivity the Land Use and Planning Assessment concludes that, while the routes at Park Way and Garden Boulevard may be disrupted, the improved and additional links to be delivered as a result of the project, offer a betterment to the community in terms of connectivity.
79. Its further notes that no additional east-west vehicular connections are proposed, which is appropriate as areas of commercial-industrial land use are currently separated from residential land use by the project reservation, and the movement of industrial vehicles into these residential areas is not considered desirable.

80. The reference design proposes that an existing cul-de-sac which terminates Tarnard Drive and provides a truck turning area will be extended to connect to Woodlands Drive as Woodlands Drive will be cut off from Lower Dandenong Road. I note that several submitters have expressed concern that the proposed new access arrangements will interfere with current access arrangements to nearby properties.

81. I further assess and comment on the accessibility issues in Section 5.4 and 5.6 of the report.

5.2.3. Landscape and Visual Impact

82. The Land Use and Planning Assessment notes that the introduction of the Mordialloc bypass and associated overpasses and noise walls are anticipated to have “high impacts” upon existing views of adjacent residences, activity nodes, open spaces and trails.

83. The highest landscape and visual impacts are predominantly caused by overpasses at the Waterways wetlands, Governor Road and Lower Dandenong Road and on the surrounding residents.

84. The Landscape and Visual Impact Assessment Report (Aspect Studios 2018) proposes non-standard mitigation measures and strategic guidelines which have potential to minimise these impacts, encourage high quality urban design and landscape outcomes and enhancement of public realm outcomes for the surrounding community.

85. This document outlines the method to be used for the Landscape impact assessment, based on the identification of landscape character types, landscape values, visual absorption capability, and landscape character impact rating. Visual analysis of the potential impact of the Mordialloc Bypass has also been completed using vantage point and view-shed analysis, that accounts for the proximity of view and visual impact rating.

86. I comment on the impact of landscaping in my assessment of several key properties along the route of the freeway in Section 5.

5.2.4. Acoustic Impact and Attenuation

87. The introduction of the freeway will result in a significant change in the overall acoustic environment for those properties adjacent to the freeway route.

88. The Noise and Vibration Impact Assessment (WSP, 2018) identified that predicted noise levels for the project confirm exceedance of the Project Objective Noise Level (PONL), thereby requiring noise mitigation. Noise barriers were chosen as the most appropriate mitigation measure to achieve the target of 63 dBA L10,18Hr to all sensitive receivers for the new bypass alignment and 68 dBA L10,18Hr to all sensitive receivers for the new bypass alignment and the existing Mornington Peninsula Freeway.

89. The Land Use and Planning Assessment identified that the proposed noise/acoustic barriers are not continuous for the project alignment but are strategically placed and of varying heights to ensure sensitive uses are adequately protected. Details of the acoustic barriers along the alignment are provided in the Noise and Vibration report.

90. The Land Use and Planning Assessment also notes that separate to noise during operation of the freeway, significant levels of noise may occur from construction activities. A Construction Noise and Vibration Management Plan (CNVMP) has been developed to ensure that the impacts of construction noise are managed and minimised as far as practicable.

91. I address the issue of potential amenity impacts by reason of noise in Section 5 of the report.

5.2.5. Other Amenity Impacts

92. The potential for overshadowing, overlooking and/or other privacy or security impacts on nearby residential properties, have been identified as key issues in the Final Scoping Requirements. This is particularly in connection with new elevated stretches of road.
93. As identified above, where the project has an interface with residential uses, noise barriers are proposed to achieve the PONL. The noise barriers vary in height but are approximately 4-6 metres where the project passes the residential areas of Dingley Village and Aspendale Gardens.

94. The potential for overshadowing from new elevated structures has been examined in the Land Use and Planning Assessment in relation to the ecological impact within the Ecology Assessment prepared by WSP (2018). The assessment concludes that the design of the alignment, including the associated noise barriers, has also been developed to minimise the impact of overshadowing from structures on residential properties. The Land Use and Planning Assessment concludes that the distance of the project from residential uses has ensured that there is no adverse impact in terms of overshadowing on any residential property.

95. I address this issue further when assessing the potential impacts of the freeway on the amenity of some residences in the Lifestyle Chelsea Heights see Section 5.3.
6. WRITTEN SUBMISSIONS

6.1. SUBMISSIONS RECEIVED

96. I have read the public submissions in respect of the EES and draft Planning Scheme Amendment for the Project and identified those that are relevant to the Report and my area of expertise. These include the following submissions:

- Nos. 1, 12, 14, 17, 21, 22, 25, 28, 29, 32, 35, 37, 38, 44, 49, 52, 53, 54, 58, 59, 60, 61, 63, 70, 71, 72, 76, 79, 81, 84, 87, 88, 90, 91, 92, 93, 98, 100, 102, 106, 108, 109, 110, 112.

97. I note that many of the submissions cover multiple issues. In particular many of the abovementioned submissions are principally concerned with the potential ecological impact of the Project but also touch on land use issues.

6.2. SUMMARY OF ISSUES RAISED

98. The submissions have raised the following issues relevant to my area of expertise:

i. Perceived lack of strategic support for the Project, compared to alternative road infrastructure proposals and/or public and active transport projects.

ii. Amenity impacts, especially noise, including concerns that the proposed noise walls are not high enough.

99. The following key issues were also raised in the public submission, but are considered better addressed by other subject matter experts:

iii. Increased traffic congestion on roads connecting to the proposed freeway.

iv. That the freeway width should be increased to three lanes in each direction.

v. Impacts on biodiversity and ecology from noise and light pollution and impacts on bird flight paths.

vi. Potential flooding impacts, for example, to Aspendale Gardens.

vii. Impacts on groundwater quality and potential for contamination.

100. In addition, a number of submissions were received relating to specific sites, including:

- Neighbouring wetlands;
- Waterways residential estate;
- Braeside Park;
- Woodlands Industrial Estate.

6.3. ASSESSMENT OF POTENTIAL IMPACTS ON KEY SITES

101. I have identified several sites or uses that may be affected by the development and operation of the new freeway link having regard to the submissions received during the exhibition of the EES and my inspections of the route of the freeway and the surrounding area.

102. Having regard to the submissions I have identified several precincts and that collectively encapsulate the critical issues raised with respect to potential impacts on amenity, being:

- Waterways residential estate
- Richfield Retirement Village
- Lifestyle Chelsea Heights retirement village
- Woodlands Industrial Estate
- Braeside Park
- The informal connection between Chadwick Reserve and Elm Tree Drive
103. On my inspection of the area I also identified two potentially sensitive uses located in the Redwood Industrial Estate being:

- The outdoor children’s play area associated with the Salvation Army Kingston Gardens Community Church facilities at the corner of Elm Tree Drive and Garden Boulevard, Dingley Village forming part of the Redwood Gardens Estate.
- The offices of the Autism Plus at 8 Holly Drive, Dingley Village (in the Redwood Gardens Estate) that has an ‘informal’ outdoor play area immediately adjacent to the freeway reserve

104. I have considered potential amenity impacts, including acoustic, visual, overshadowing and overlooking, on these localities in the following assessment.

6.4. WATERWAYS ESTATE

105. Waterways estate is a residential development with constructed wetlands and associated open space areas, developed in the period c. 2000-2015, adjacent to the southern end of the Project Area.

106. As noted above, the freeway alignment pre-dates the majority of development adjacent to it. As such, the development of the Waterways estate has been designed to respond to the potential future development of the freeway. Waterways residential estate has been designed and laid out with clear cognisance to the future freeway, including the design of the (constructed) wetlands, which are located either side of the freeway reserve, and in particular on the eastern side of the reserve that provides a significant setback of approximately 100 metres between the reservation and the nearest dwellings.

107. As a result of the separation distance and the proposed acoustic attenuation measures, noise is projected to reach a maximum of 62 dBA L_{10,18h} at the closest dwelling, which is below the threshold (63 dBA L_{10,18h}) prescribed under the VicRoads’ Traffic Noise Reduction Policy.

108. Notwithstanding the separation distance between the existing dwellings and the reserve, in this location the roadway will be elevated between bridges which span the wetlands south of Bowen
Parkway, and as such will have a visual impact. The elevated design of the freeway at this point arises due to:

- The need to retain existing access arrangements to the Waterways estate, including Bowen Parkway which connects through to Wells Road under the proposed bridge spanning the wetlands.
- The relatively short distance between the overpass required for Governor Road to the north and the overpass for Bowen Parkway which restricts any proposal to bring the roadway to existing ground level between these points.
- The need to bridge the constructed wetlands and Mordialloc Creek

109. This outcome could have reasonably been anticipated at the time of the development, given the location of the Bowen Parkway and the wetlands that traverse the freeway alignment.

110. While the elevated freeway will have a visual impact on the outlook from some dwellings and the public realm, the Landscape Concept Plans demonstrate the use of planting at depth (i.e. more than one line of trees) will reduce the visual impact of the elevated roadway. The visual impact of the elevated bridge structure can be ameliorated by the planting of screening vegetation at points across the existing ‘high ground’ that run through the wetland areas.

111. It is recognised that in the first years of the freeway’s operation the landscaping will not fully intervene into views towards the freeway from the nearest residences or public walking tracks.

6.5. **RICHFIELD RETIREMENT VILLAGE**

112. Richfield Retirement Village is located adjacent to the southern end of the Project area, bound by Wells Road, Springvale Road and the freeway reserve to the north of the site, near where the bypass is to connect with the Mornington Peninsula Freeway.
113. The Richfield Retirement Village has been designed to respond to the future freeway, with a caravan parking area (approximately 10 metres wide) separating the majority of the closest dwellings from the reserve. I note that approx. 6 dwellings at the north-western extent of the development do not have the benefit of this separation. Currently, a fence of approximately 2 metres in height is located at the boundary of the Richfield Village site.

114. The proposed freeway alignment is setback approx. 60 metres from the boundary with the reference design proposing that a 4.0 – 4.5 metre high acoustic barrier be erected adjacent to the freeway and 3.0 metre wall adjacent to the Springvale Road overpass. The noise walls are separated by a generous landscaped setback and as such will have minimal visual impact on the nearby residential dwellings.

115. The Noise and Vibration Impact Assessment measured the existing noise level at a site within Richfield Village at 50 dBA L10,18H. Noise is projected to reach a maximum of 62 dBA L10,18H at the closest dwelling, which is below the threshold prescribed under the VicRoads’ Traffic Noise Reduction Policy.

6.6. LIFESTYLE CHELSEA HEIGHTS

116. Lifestyle Chelsea Heights retirement village is located on the southern side of the existing Mornington Peninsula Freeway, on Wells Road.

117. The eastern boundary of the development adjoining the existing freeway reservation features an existing timber acoustic barrier wall of approximately 1.8 metres in height (estimated). The Noise and Vibration Impact Assessment measured the existing noise level at a site within Chelsea Heights at 57 dBA L10,18H.

118. The predicted 2031 noise levels with mitigation measures estimate that noise will reach up to 65 dBA L10,18H in the rear courtyards of several dwellings abutting the eastern boundary of the retirement village. It is not readily apparent whether the increased noise level arises from the
proposed elevation of the freeway as it approaches Springvale Road or increased traffic levels on the off ramp, or both.

119. I note that as these dwellings are located adjacent to an existing freeway, the Noise assessment of the EES concludes that the predicted noise levels are below the maximum permitted ($68 \text{ dBA}_{L,10,18}$) under the proposed Environmental Performance Requirement NV1. The EES Noise Assessment suggests that this outcome can be achieved through the construction of a noise barrier of 2.8 metres height on the eastern boundary of the site adjacent to the freeway and returning down the side boundaries (see Map 6 – Predicted 2031 noise levels with mitigation measures).

120. I am concerned with the proposed introduction of a 2.8 metre solid barrier wall on the eastern boundary may impact on the amenity of residents as it will be visually imposing and limit access to natural light to the dwellings and their private outdoor spaces (assuming that the barrier is non-transparent). These areas currently benefit from access to northern sunlight throughout most of the year.

121. It is recommended that the potential means of providing noise attenuation to achieve the requirements of the EPR should be further investigated to maintain current levels of visual amenity and access to natural light, while mitigating acoustic impacts.

6.7. WOODLANDS INDUSTRIAL ESTATE

122. Woodlands Industrial Estate is located in Braeside, primarily between Lower Dandenong Road, Boundary Road, Governor Road and the freeway alignment.

123. A number of submitters raised a specific concern regarding the proposed extension of Tarnard Drive, which runs parallel to Lower Dandenong Road, between Boundary Road and currently terminates in a cul-de-sac at the Woodlands Industrial Estate Linear Reserve.
124. The construction of the freeway will sever Woodlands Drive at the northern end, where it currently connects to Lower Dandenong Road.

125. In order to provide a northern ingress to and egress from Woodlands Drive, the current freeway plans propose an extension of Tarnard Drive over the linear reserve to connect with Woodlands Drive, thereby allowing vehicles from Woodlands drive to access Lower Dandenong Road via Bell Grove or Boundary Road.

126. Currently, it is understood that tenants of Tarnard Drive use the cul-de-sac as a truck turning circle, and it appears to have been constructed for this purpose due to its generous proportions. Aerial imagery also suggests it is used for car parking around the circumference of the cul-de-sac.

127. Tenants of Tarnard Road raise concerns over potential conflict between through traffic and the truck turning movements.

128. I am aware of a proposed alternative to the reference design that proposes to link the north bound off ramp from the freeway (at Lower Dandenong Road) to Woodland Drive enabling Tanard Road to remain a cul-de-sac. The design alternative also enables Woodland Drive to maintain direct access to Lower Dandenong Road.

129. It is considered that the proposed alternative is an improvement on the exhibited reference design as it provides for a more direct access to and from the freeway for those businesses utilising Woodland Drive and better leverages the improved accessibility offered by the freeway.

6.8. BRAESIDE PARK

130. Braeside Park, managed by Parks Victoria, is located immediately east of the project area between Lower Dandenong Road and Governor Road. Extensive revegetation and improvement works of the former farmland and water treatment area have resulted in a large parkland of rehabilitated woodland and some areas of rehabilitated, constructed wetlands.
131. The park serves general amenity and recreation functions, as well as supporting habitat for wildlife.

132. A number of submissions raised concerns relating to potential impacts on the amenity for user of the park, as well as potential impacts on wildlife. I defer to others to comment on matters relating to potential impacts of the project on flora, fauna and habitat.

133. With respect to amenity, the impact of increased noise on the enjoyment of the park is understood to be the primary concern. The Noise and Vibration Impact Assessment measured existing noise levels at three locations in the park denoted ‘A’, ‘B’ and ‘D’ at 53, 49 and 53 dBA L10,18Hr, respectively.

134. I note that under the VicRoads’ Traffic Noise Reduction Policy public open space is not considered to be a ‘sensitive use’. There are clearly differing views on this point with a number of submitters positively commenting on the character of the park, including its current acoustic environment. On my inspection of the park and its environs (during a working day) it was apparent that the western edge of the park, including the westernmost pathway, are subject to a variety of noise impacts from the industrial area on the west side of the freeway reserve. Additionally, noise from aircraft using Moorabbin Airport was quite evident. The level of noise from the industrial area decreased as one moved towards the centre of the park.

135. The predicted 2031 noise levels with mitigation measures identify that parts of the existing path network in the park will be subject to noise levels in excess of 68 dBA L10,18Hr.

136. It is noted that while the western portion of the park adjacent to the corridor will be affected by increased noise levels, the eastern part of the park will achieve a noise environment similar to or less than the those applied for sensitive uses. The park is of a scale that it can cater to a range of visitor expectations.

6.9. **DINGLEY VILLAGE RESIDENTIAL AREA**
137. The residential area of Dingley Village relevant to the Project is located on the eastern side of the freeway reserve, between Centre Dandenong Road and Lower Dandenong Road.

138. As noted in my analysis of the history of planning policy and development within the southern corridor the eastern precinct of Dingley Village generally developed between the late 1960s to the early 1970s. The western precinct (west of Howard Road) that abuts the freeway reserve was subdivided and developed in the 1980s and 1990s (after the reserve was designated in the planning scheme).

139. The residential area includes a number of retirement villages that directly border the freeway reserve. Part of that boundary abuttal features a line of mature trees running north from Chadwick reserve to the rear boundaries of the dwellings on Oploo Court. The northernmost portion of the tree line falls within the freeway reserve. The remainder of the freeway abuttal is generally open featuring a few scattered trees. The landscape concept plans (see Sheets 2 and 3 of 7) show these existing trees being retained and supplemented with new planting.

140. The reference design proposed that the roadway will be located generally in the middle of the reservation with noise barriers located at the edges of the roadway. This arrangement provides for setbacks between the rear fences of the dwellings and the barriers ranging from approx. 10-15 metres (adjacent to the freeway onramp running south from Centre Dandenong Road) to approximately 60 metres (adjacent to the dwellings near Chadwick Park).

141. Most properties in this part of Dingley Village will be separated from the roadway and noise barriers by a distance of 30 metres or more (as measured to the boundary fence). The existing dwellings are further set back between 3.5 to 5 metres from their western boundary.

142. The scale and location of the noise barriers included in the reference design propose:

- A noise barrier between 3-4.5 metres in height near the dwellings from Oploo Court to Chadwick Reserve are proposed to be protected by, which will generally be shielded by the existing trees.
- North of Oploo Court, the noise barrier increases in height to 6 metres adjacent to the dwellings accessed from Lauren Court, and reduces again to 4 metres adjacent to the on-ramp from Centre Dandenong Road.
- South of Chadwick Reserve, the noise barriers are 2 - 3 metres in height adjacent to the off-ramp to Lower Dandenong Road and 3 metres adjacent to the freeway carriageway.

143. I note that the Noise and Vibration Impact Assessment measured the existing noise levels within Dingley Village residential area at between 49-51 dBA L_{10,18Hr}. With the proposed acoustic barriers, noise is projected to reach a maximum of 62 dBA L_{10,18Hr} at the closest dwelling, which is below the threshold achieve the Project Objective Noise Levels (PONL) as specified in Environment Performance Requirement NV1 (63 dBA L_{10,18Hr}) for the new bypass alignment. The significant majority of the dwellings near the freeway alignment will experience lower noise levels in the range of 56-59 dBA L_{10,18Hr}.

144. Overall, I consider that the impact of the proposed freeway and its associated noise walls on the residential precinct of Dingley Village to be acceptable for the following reasons:

- The freeway and its associated noise walls will be well set back from the nearest dwellings that ensures that the structures will not overshadow the rear yards of the dwellings or be visually intrusive.
- Where the noise barriers are closest to the dwellings (on ramp from Centre Dandenong Road) the noise barrier is 6 metres (the height of a two-storey dwelling) the separation distance is at least 10 metres and is capable of being landscaped with trees (notwithstanding the concept plan does not include this).
- The setback area is sufficient large to enable many of the existing established trees outside the residential properties in to be retained.
- The setback area will be developed with a pedestrian/cycling path that will provide links to the north and south and Chadwick Reserve.
6.10. **THE INFORMAL CONNECTION BETWEEN CHADWICK RESERVE AND ELM TREE DRIVE**

145. The project proposes to introduce a series of pedestrian and cycle pathways along the route of the freeway as shown in the Landscape Concept Plans. The pathway will be located on the eastern side of the freeway and run from the Dingley By-Pass to Bowen Park (in the Waterways Estate) and link with the existing pedestrian path network. This additional link will greatly enhance the active transport options for the existing community and connect a number of ‘stand-alone’ paths (e.g. Waterways paths with link through Woodlands Estate).

146. Concern has been expressed in several submissions that the pathway network should be extended to the west side of the freeway and that pedestrian links should be provided across the freeway route in ‘mid-block’ locations (i.e. in addition to the pedestrian links at each of the east-west road intersections). I note that it is proposed to provide one pedestrian underpass at the eastern end of Park Way in the Woodlands Industrial Estate linking to the new path and then to Braeside Park (see Landscape Concept Plan - Sheet 4 of 7). No other links are currently proposed.

147. The Kingston Green Wedge Management Plan 2012 specifically comments on the freeway route in the Executive Summary on Access and Transport\(^\text{11}\) stating that the desired outcomes include:

- *Resolution of the Mornington Freeway route and determination of surplus land and temporary land uses.*
- *Frequent pedestrian, cycle and habitat underpasses across new roads and freeways in accordance with current design and safety standards.*

\(^\text{11}\) City of Kingston – Kingston Green Wedge Management Plan, April 2012 – page 12
148. I note that Submission 83 specifically raises the option to create a pedestrian link connecting between Chadwick Reserve and Elm Tree Drive, Dingley Village across the freeway reserve – which sits outside the Green Wedge area. An existing informal pedestrian pathway is evident from aerial photography and my site inspection confirmed that it is used by members of the community.

149. The eastern side of the freeway reserve in this location is characterised by low density residential development forming part of Dingley Village. Chadwick reserve, a public open space with a cricket pitch and basketball ring, is directly adjacent. The western side of the reserve in this location is characterised by general industrial development.

150. There does not appear to be a clear origin / destination relationship on either side of the reserve that would suggest that there is high demand for the crossing in this location. That is the Industrial Estate has limited facilities that would be likely to be regularly used by the residents on the east. I note that the locality includes a community church, cafe and a restaurant.

151. If a pedestrian crossing was to be provided in this location, there are two options: an overpass or an underpass. The low grading required for disability access compliance would likely make an overpass impractical given the need to provide clearance for freight traffic, leaving the option of an underpass.

152. An accessway running under the freeway at the existing alignment would require an overall length of approximately 150 - 200 metres – including the ramps down to the actual underpass. This assumes that the path generally would follow the current desire line to provide a direct link from Chadwick Reserve to Elm Tree Drive.

153. It is considered that this length of accessway and tunnel could be difficult to design to meet Crime Prevention Through Environmental Design (CPTED) principles, given the lack of natural surveillance in the tunnel entrances and along the route and potential ‘blind’ corners at either end.

154. Consequently, an underpass in this location is not likely to be a desirable thoroughfare and as such may likely be seldom used.

6.11. COMMUNITY CHURCH AND ASSOCIATED CHILDRENS PLAY AREA
155. The Salvation Army Kingston Community Church located at the corner of Garden Boulevard and Elm Tree Drive provides a range of services to the local community including the provision of a large outdoor children’s playground (located on the south side of Elm Tree Drive). The centre operates on the following hours:

- Tuesday 8.30 am - 4.30 pm
- Wednesday 8.30 am - 4.30 pm
- Friday 8.30 am - 4.30 pm

156. I have been unable to ascertain the hours of operation of the children’s play area.

157. Operations would likely be described as a noise sensitive community building which falls within Category B of the VicRoads’ Traffic Noise Reduction Policy requiring achievement of a 63 dBA L_{10,12hr} noise level objective. The predicted 2031 noise levels for this locality indicate that noise levels of up to 71 dBA L_{10,18hr} may fall across the open children’s play area and levels of 59-68 dBA L_{10,18hr} may affect the building containing the Community Church. It is noted that the surrounding industrial estate is principally comprised of office/warehouse style operations resulting in a relatively quiet environment.

158. The activities of the church and community centre are uses for which a permit may be granted for land located within an Industrial 1 zone – that is the use is a conforming use. It is considered that further analysis of the existing operations of the church, community operations and children’s playground and the potential noise impacts is required to ascertain what acoustic protection is required and if so, how that may be provided.

159. A second use in this locality that may have some sensitivity to the operations of the freeway and its associated noise levels is the office of Nextt, a disability care provider (previously known as Autism Plus) located at 8 Holly Drive, Dingley Village. This property directly abuts the western edge of the freeway reservation and currently features a fenced outdoor area including a children’s trampoline.

160. I understand that the principal use of the property is as an office. The current use of the outdoor area is unknown. It is recommended that the operations of the premises and use of the open area be further investigation to ascertain if there are potential impacts that may need to be mitigated.
7. ASSESSMENT OF PROPOSED PLANNING SCHEME AMENDMENT GC107

7.1. OVERVIEW

161. It is proposed to amend the provisions of Kingston and Dandenong Planning Schemes to facilitate the development and operation of the Mordialloc Bypass (Freeway) Project.

162. The components of the proposed amendment are fully described in Attached II to the EES documentation and include the statutory documentation together with an explanation of the amendment and why the form of planning within the Amendment have been proposed. The principal components of the Amendment are:

- The introduction of the Mordialloc Bypass (Freeway) Project Incorporated Document, October 2018 into the two planning schemes that will permit the use and development of the Project subject to certain conditions and subsidiary approvals (Schedules to Clause 45.12 and 72.04).

- Inserting Planning Scheme Map 7SCO of the Greater Dandenong Planning Scheme and Planning Scheme Maps 3SCO, 6SCO and 8SCO of the Kingston Planning Scheme to apply the Specific Control Overlay (SCO) to the project area.

- Amending map 6PAO of the Kingston Planning Scheme to apply the Public Acquisition Overlay (PAO) to the following parcels of land:
  - Parcel CP106278, 1-7 Bell Grove Braeside
  - Parcel CP161872, 63-67 Tarnard Drive, Braeside
  - Parcel CP101726, 414-426 Lower Dandenong Road Braeside
  - Parcel Res 1 PS327478, 47 Mills Road, Braeside

- The amendment also amends Map 06HO of the Kingston Planning Scheme to amend the boundary of Heritage Overlay HO104, Braeside Park Precinct, to accurately reflect the location of the heritage asset.

163. My assessment of the detailed investigation of the appropriate form the planning controls required for the Project and the proposed controls concludes that:

- The use of a GC amendment is appropriate given that the project will cross two municipalities and the fact that the Project is a detailed interlinked infrastructure project that is not readily capable of being disaggregated into components that are aligned with the municipal or planning control boundaries.

- The Incorporated Document form of control is most appropriate as it enables a single reference point for the approval (rather than multiple approvals) and ensures consistency of approach and decision making within the approval process.

- The Incorporated Document in this instance can be a concise document as it requires the preparation of an Environmental Management Plan that specifies the Environmental Performance Requirements (EPRs), Construction Environmental Management Plan, Site Environmental Management Plan and other plans prior to development. The EPRs provide a performance-based approach to the project that will ensure that agreed outcomes are achieved. The final design for the freeway must conform with the EPRs.

- This approach provides reasonable assurance that the project will generally follow the design approach posited and tested as part of the EES process - acknowledging that there will be minor variations arising through the detailed design process.

- The Public Acquisition Overlay is required in order to progress the acquisition of the last remaining parcels not in public ownership.

164. In summary, I consider the proposed approach to the form and content of the planning controls to be appropriate to the nature and scale of the Project.
8. **DECLARATION**

165. I declare that in preparing the material contained in this report I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant, have, to my knowledge, been withheld from the Panel.

Michael Barlow  
Director of Planning – Urbis Pty Ltd
APPENDIX A  GUIDE TO EXPERT EVIDENCE RESPONSE
Name and Address
Michael Bruce Barlow
Urbis Pty Ltd
Level 12, 120 Collins Street,
Melbourne, VIC 3000

Qualifications
I am a Director of Urbis Pty Ltd. I am a qualified town planner and have practised as a town planner for over 35 years (including 34 as a consultant planner) and hold a Diploma of Applied Science (Town Planning) from Royal Melbourne Institute of Technology for which I qualified in 1981.

Experience
My experience includes:
- 2011 to present: Director of Planning, Urbis Pty Ltd
- 2002 to 2010: Managing Director, Urbis Pty Ltd
- 1990 – 2001: Director of Urbis Pty Ltd (and its predecessors including A.T. Cocks Consulting)
- 1982 – 1985: Planning Officer and Appeals Officer, City of Melbourne

I advise on the development of cities, their principal activities and land uses and have extensive experience in strategic and development planning. I have been engaged on a wide range of projects throughout Australia, China and the Middle East. I have particular project experience involving major urban development projects across a range of localities and activities including:
- The analysis of drivers of change in cities and their impacts and influence on industry, employment and economic development, retail and activity centres, residential development strategies and policy, metropolitan growth and urban management.
- The preparation of master plans for institutional and educational establishments, airports and new urban development.
- A wide range of international urban development projects including the planning of the new port city serving Shanghai and major city and new town strategies for a number of cities within the Yangtze River corridor, China.
- Leadership of the development of a comprehensive Framework Plan for the Emirate of Dubai. This project created a Vision to guide the economic development of the Emirate, an Urban Framework Plan and an Urban Management System for the government of Dubai.
- Advice on new and specialist land uses and development concepts including the ongoing development of major Australian airports, the introduction and impacts of new retail concepts and standalone megaplex cinemas and the introduction of the casino into central Melbourne.
- Major retail developments comprising central city centres, super-regional centres and mixed use developments.
- Major commercial and residential developments in the Melbourne central city area including the CBD, Docklands and Southbank and throughout metropolitan Melbourne.

I provide expert evidence at various forums including the Supreme Court of Victoria, Federal Court of Australia, Land and Environment Court (NSW), the Victorian Civil and Administrative Tribunal and independent planning panels regarding the planning implications and impacts of development.
• **Expertise to make the report**

I have advised on and assessed the introduction of new planning controls across Victoria ranging from the introduction of the new format schemes, new urban area development controls to site-specific development controls over the past 30 years.

• **Instructions**

I have been requested by Clayton Utz, on behalf of the Major Roads Project Victoria (MRPV) to review the Environmental Effects Statement (EES) and draft Planning Scheme Amendment prepared for the Mordialloc Bypass Project (Project) to the extent relevant to my area of expertise concerning Planning and Land Use.

I confirm that I am the author of this report I have been assisted by Ms Sian Morgan and Mr Nick Andrews in undertaking background research of the EES and the history of the development of the area.

• **The Facts, Matters and Assumptions on which the Opinions are expressed in this Report**

In undertaking my assessment, I have familiarised myself with the project area and surrounding environs as relevant and have had regard to the following documents:

- Plan Melbourne 2017-2050 and other relevant documents supporting the metropolitan planning strategy.
- The Planning Schemes for Kingston and the Greater Dandenong.
- The draft Planning Scheme Amendment GC107 for the Project.
- The draft ‘Mordialloc By-Pass (Freeway) Incorporated Document, 15 October 2018’
- The Exhibited Documents, in particular:
  - The EES Report (as relevant);
  - Technical Reports A, B, D, E, I, M and N (as relevant);
  - Attachment 1 Environmental Risk Assessment
  - Attachment III – EES Map Book
  - Attachment IV Mordialloc By-Pass Engagement Report;
- Submissions made by Councils, authorities and others regarding the Environmental Effect Statement and the draft planning scheme amendment (PSA) relevant to my planning expertise.

The matters addressed within this report fall within my planning expertise. I note in the body of my report where I have specifically relied on the detailed technical assessments and supporting documentation prepared by others to assist my assessment of a particular matter.

• **Declaration**

I declare that in preparing the material contained in this report I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

• **Findings**

My findings are set out in the body of this report.
MICHAEL BARLOW
DIRECTOR

"I greatly enjoy working with people who are equally passionate about making cities work."

SERVICES
Strategic Urban Planning

SECTORS
Commercial
Education
Government
Health and Aged Care
Industrial
Mixed Use
Residential
Retail

QUALIFICATIONS
Diploma of Applied Science - Town Planning, RMIT

AFFILIATIONS
Urban Land Institute
Property Council of Australia (Victoria)

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Michael is one of Australia’s foremost planning and property advisors with expertise in urban strategy, city development and large project delivery. Michael brings a strong knowledge of the property market to any project to create optimum development and high quality design solutions.

Michael’s career spans over 35 years. He has become a trusted advisor on projects, changing the landscape of Melbourne and elsewhere.

His expertise also extends to international projects involving major city project developments and metropolitan strategies in Dubai, Shanghai and other cities throughout China.

PROJECTS
Dubai Urban Development Framework | Emirate of Dubai 2007-2008 | Project Director
Leadership of the development of a comprehensive Framework Plan for the Emirate of Dubai. This project created a Vision to guide the economic development of the Emirate, an Urban Framework Plan and an Urban Management System for the Government of Dubai.

Work included a comprehensive assessment of Dubai’s future growth and land use needs.

New City | Yangshan, China 2005 | Project Director
Advice on planning of the new city servicing the Yangshan port (Shanghai deep water port).

Melbourne Metro Rail Project | Australia 2015 | Director
Led the project team responsible for assessing the urban growth potential associated with a $10 billion underground rail project for central Melbourne, Australia.