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MORDIALLOC BY-PASS PROJECT

INQUIRY AND ADVISORY COMMITTEE

**AMENDMENT CG107 TO KINGSTON
PLANNING SCHEME**

**RESPONDING AND CLOSING SUBMISSION
OF KINGSTON CITY COUNCIL**

15 March 2019

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1 INTRODUCTION

- 1.1 These submissions represent Council responses to matters arising during the course of the hearing, final matters the Council wishes to emphasise and comments on EPRs.

2 DESIGN

- 2.1 The Council reiterates its concerns in relation to design and emphasises its request for incorporation of more detailed design principles or objectives as suggested within the Council draft EPRs.
- 2.2 Further the Council reiterates its request for a design review process which is preferably the Office of the Victorian Government Architect (**OVGA**) or, as a less preferred option (provided it is properly established that utilising the OVGA will actually create delay with a genuine impact), an independent design panel including an architect, urban design expert and landscape design expert (see Council proposed LV9).
- 2.3 There have been signals from MRPV about a reluctance to accept design input and review and this combines with concerns about shifting design responsibility to contractors who will be seeking to achieve a “best” price.
- 2.4 The “day one” EPRs provided by MRPV, incorporated a design element was in the nature of a “bolt on”. The reference to plans within the EES proposed by MRPV, whilst an improvement, is insufficient because the documents referred to are high level and do not include adequate detail in relation to particular design principles and elements. Those principles and elements are contained within the Council’s suggested EPRs.
- 2.5 Finally in Council’s suggested new EPR LV2, the opportunity to incorporate individual items which are required for inclusion, has been provided. Some such specific items require additional comment made below.

3 WATERWAYS WETLAND

- 3.1 MRPV have now helpfully provided a high level description (including some practical schematics) as to how construction will be achieved through the wetlands.
- 3.2 Patently this approach will cause significant damage and in part the destruction of, wetland and habitat areas at Waterways.
- 3.3 The Council wishes to highlight as a particularly important item the need for an EPR which requires careful planning and the adoption of a relevant “rehabilitation plan” (proposed changes to EPR W1) which in turn is subject to third party review (under proposed EPR EV3).

4 DINGLEY BYPASS CONNECTION

- 4.1 A deficiency in Council’s submissions to date has been the level of emphasis that the Council wishes to see placed upon the request for an adequate connection at Dingley Bypass.
- 4.2 Council resolutions in relation to this include:

“That Council engage a suitably qualified consultant to develop detailed plans for the Sandbelt Parklands (Chain of Parks) including a Chain of Parks Trail to provide for pedestrian, cycling and equestrian uses and wildlife corridors and undertake community consultation in accordance with the project brief (Appendix 5) attached to this report, subject to further refinements to be added to the project brief by officers,

including considering retention of the waterbody on the plan of the Delta land (appendix 7); AND

Council reiterates its position to ensure that an overpass/underpass is constructed at or close to Dingley Bypass to allow continuity for passage of cyclists, pedestrians and equestrians along the Chain of Parks trail."

- 4.3 The "Chain of Parks" has been significant metropolitan policy over many years and is genuinely coming to fruition in coming years due to, particularly, end of life of various and outdated uses such as landfill. One relevant reference document includes the Kingston Green Wedge Plan. See the downloaded pdf from <https://protect-au.mimecast.com/s/oL9oC81VoZfXIRGlnCzrZ?domain=kingston.vic.gov.au> (see plan extract on page 94, as one example).
- 4.4 Without doubt the best and most appropriate outcome would be road works on Dingley Bypass which allow future and existing connections from the north, to the SUP and further linkages, via an at grade underpass. That is, a raising up of the Dingley Bypass to allow pedestrians, cyclists, horses and wildlife to move at grade, without risk.
- 4.5 Frankly an at grade improvement of pedestrian and cyclist crossing is an inadequate outcome and it would effectively preclude equestrian and wildlife access.
- 4.6 Similarly although better than an at grade connection the construction now, or in the future, of an overpass structure is still inadequate.
- 4.7 Unfortunately propositions that:
- at the time of the construction of the Dingley Bypass a future overpass or underpass connection could be dealt with later (including potentially as part of a Mordialloc Bypass); or
 - an overpass could be retro fitted later (ie after the Project is completed).

are simply ways to defer a proper crossing outcome into the "never never".

- 4.8 The Council suggests an alternative EPR, as follows:

At LV 2:

Reconstruction of the relevant components of the Dingley By-Pass as an overpass to allow an at grade crossing of pedestrians, cyclists, horses and wildlife, to connect with the "Chain of Parks" proposal.

5 CONNECTIONS

Braeside Park Connection

Council reiterates its desire for a minimum width (6 metres) together with the incorporation of design requirements, in relation to the connection at Park Way and Braeside Park.

Chadwick Reserve

- 5.1 Proponent responses to the issue of a proposed connection at Chadwick Reserve concentrate upon concerns that:
- it may be practically difficult to implement; or
 - those seeking it have not carried out any form of cost/benefit assessment; or

- there is limited current use of the crossing.
- 5.2 In this context the Proponent, despite recommendations it has received (including from OGVA) has not undertaken any preliminary design assessment for an underpass or overpass (or if they have they have not shared it) and as the party which possesses the information necessary to undertake a cost benefit assessment, that has not occurred.
- 5.3 The prospect that an EPR might be added which “only” directs the further assessment of this option rather than its actual implementation remains a concern as there is a real prospect this would be driven out of the project purely on a cost basis.
- 5.4 Sometimes things are just “right”. The strategic planning documentation, independent experts retained by the Proponent or its predecessor VicRoads and, third party advice, all strongly endorse the need for such a connection and the Council’s position remains that this should be a requirement specified in the EPRs.

6 BRAESIDE PARK – EASTERN BOUNDARY

- 6.1 We incorporate in this part Council’s response in relation to:
- proposed acoustic treatments for birdlife;
 - proposed acoustic treatments for human users of Braeside Park and the SUP;
 - proposed response in relation to visual barriers; and
 - proposed response in relation to fauna barriers.
- 6.2 Council proposed a blunt but pragmatic suggestion of a 3 metre barrier along the entire eastern boundary. Such a solution immediately provides:
- a total solution in relation to the visual impact issue;
 - a total solution in relation to the acoustic issue for park and SUP users;
 - a total solution in relation to ground movement of fauna; and
 - a close to total solution in relation to the acoustic issue impacting birds at Braeside Park Wetlands;
 - a close to total solution in relation to airborne bird movement.
- 6.3 MRPV, subsequent to Council’s “3 metre” solution have provided information that the height of the acoustic barrier at Braeside Park Wetlands (for the benefit of birds and to achieve 60dB) would increase to 4 metres, thus providing an adequate solution for the acoustic issue in relation to birdlife.
- 6.4 An EPR suggesting further work to establish the optimal height of the fauna (bird) barrier is suggested.
- 6.5 MRPV’s own expert suggests a solid fauna barrier along the northern half of Braeside Park. If that solid barrier is implemented the net additional expense or impost on the Project is likely to be limited to an “extra” 2 metres on the barrier from the proposed Parks Victoria 3 metre barrier to the acoustic barrier already proposed at the northern end of Braeside Park.

- 6.6 In response to the raising of aircraft noise in Braeside Park we note:
- the estimates of future flight movements are precisely that, estimates; and
 - Council understands flight movements (both prior, current and future) continue to be overestimated.
- 6.7 More significantly, such noise is intermittent, distant, less noisy and totally different to the constant impact of traffic noise at close quarters, particularly for the SUP and closer park areas.

7 HERITAGE OVERLAY

- 7.1 The fix suggested for the inaccurately located Heritage Overlay proposes the removal of the Heritage Overlay from all areas of curtilage, vegetation and sewerage infrastructure, leave only two of the three buildings. Review of the heritage assessment within the EES does not indicate that outcome as either directly recommended or implied.
- 7.2 The original citation for the Heritage Overlay, provided to the Committee suggests that the sewerage infrastructure, a stand of trees and the buildings deserve protection.
- 7.3 An alternative has been suggested by MRPV that in addition to the designation of the two heritage buildings (the third building not being of heritage value) specific items of sewerage infrastructure, adjacent the south building, could be individually designated.
- 7.4 The overarching issue with all of this is that there has been no updated assessment which suggests decisions about leaving out any particular elements are based on a new assessment.
- 7.5 Notably if the Incorporated Document is adopted then regardless of the Heritage Overlay (even if it was totally picked up and moved to the south east, including on the freeway reserve) the Incorporated Document would overrule that Heritage Overlay.
- 7.6 The suggested EPR of Council (amended in Council's version 2 of its EPR) deleted the suggested added reference to sewerage infrastructure, to ensure MRPV could get on with the project in the freeway reserve, except for the protection of two buildings. *Note the additional better description in KCC – EPR's Version 2, of the northern building incorporating its attached structures.*
- 7.7 Council maintains its request that the Committee recommend an urgent further assessment which includes consultation with Parks Victoria as the current owner and manager of the relevant heritage assets and buildings, to establish a modified boundary for the proposed relocated Heritage Overlay.
- 7.8 It is plausible that that may well end up with designation of the two buildings and a semi-circle component providing protection to the relevant trees and some curtilage around and between the building and the sewerage infrastructure. That however does not need to be decided now.
- 7.9 More than adequate time exists between now and the adoption of any new H.O. plan to be incorporated into the Planning Scheme and this part of the amendment could even be separated from the principle amendment (relating to the Incorporated Document) if there is a delay concern.

8 OTHER MATTERS

Council wishes to make comment or confirm its position in relation to a number of items given the near completion of these Committee Hearings.

Specific Design Inclusions

Council maintains its request for incorporation of specific elements, namely:

- a connection at Chadwick Reserve;
- the minimum width and design requirements for the connection at Braeside Park;
- Construction of the SUP, as a “boardwalk” south of Bower Parkway, crossing under the freeway carriageway to the western SUP alignment;
- a modified requirement (as discussed above) in relation to a Dingley Bypass connection;
- provision in design to allow the contemporaneous or later construction of the proposed recycled water pipeline;
- provision within the design to allow the incorporation of a future western (and secondary) shared user path;
- a solid acoustic/visual/fauna barrier of not less than 3 metres height along the entire eastern boundary of Braeside Park.

9 PEDESTRIAN AND BIKE CONNECTIONS LOCALLY

- 9.1 The Committee sought some guidance regarding existing and proposed bicycle connections and pedestrian connections through the locality.
- 9.2 Council has a long-term commitment to the provision of a western shared user path (albeit secondary in nature to the freeway SUP) along the western parts of the freeway.
- 9.3 These western alignments will provide access to and from the freeway reserve from the west and along the freeway reserve travelling north and south.
- 9.4 In particular, it is intended there be a western SUP between Centre Dandenong Road and Lower Dandenong Road. The Committee sought confirmation of that desire having regard to a proposition that if a Chadwick Reserve connection was not provided, what would the relevant distances and convenience levels to travel from east to west and west to east by foot or bicycle be. The western SUP combined with the freeway (Eastern) SUP would provide access up and down the freeway reservation.
- 9.5 In terms of other localised connections, there is an existing bicycle path marked on Garden Boulevard however, that disappears at Redwood Drive and does not provide connection (by a marked path) through to Lower Dandenong Road. Similarly, there is no marked bike connection through to the north to Centre Dandenong Road and the road network.
- 9.6 There are other connections envisaged from the north relating to the Chain of Parks proposals otherwise referred to. Council has already provided copies of future connection aspirations for the locality surrounding the freeway reserve in its submissions and attachments.

10 WOODLANDS DRIVE CHANGES

- 10.1 Council responds to what is now described as Alternative 2, namely moving the connection from the freeway (travelling north) into Woodlands Drive slightly to the north to miss the property at 321 Woodlands Drive.
- 10.2 Council supports this Alternative 2 as a substantially preferred option to the exhibited EES through Tarnard Drive and Bell Grove, also now minimising the impacts on 321 Woodlands Drive.

11 CONCLUSION

- 11.1 If this Committee is minded, in an overall sense, to recommend the Project proceeds the Council respectfully requests:
 - minor amendments to the Incorporated Document as already described in Council's submissions; and
 - new or modified EPRs consistent with Council's final version 3 attached to this closing submission.
- 11.2 Council thanks to the Committee and other participants in the Committee hearing and the EES process.

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for and on behalf of Kingston City Council