

Mordialloc Bypass (Freeway)

Incorporated Document

March 2019~~October 2018~~

[Draft dated: 14 March 2019~~15 October 2018~~]

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1.0 INTRODUCTION

This document is an incorporated document in the Kingston and Greater Dandenong Planning Schemes (planning schemes) pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific control in Clause 4.0 of this document.

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

2.0 PURPOSE

The purpose of the control in Clause 4.0 is to permit and facilitate the use and development of land described in Clause 3.0 for the purposes of Mordialloc Bypass (Freeway) (the project).

3.0 LAND

The control contained in Clause 4.0 of this document applies to the land shown on planning scheme map number 7SCO of the Greater Dandenong Planning Scheme and map numbers 3SCO, 6SCO and 8SCO of the Kingston Planning Scheme (project land).

4.0 CONTROL

4.1 Exemption from planning scheme requirements

Despite any provision to the contrary, or any inconsistent provision, in the planning schemes, no planning permit is required for, and no provision in the planning schemes operates to prohibit, restrict or regulate the use or development of the project land for the purposes of, or related to, constructing, maintaining or operating the project.

The use and development of the project land for the purposes of, or related to, the project includes, but is not limited to:

- a) A freeway standard road connecting the Dingley Bypass with Mornington Peninsula Freeway.
- b) On and off ramps to connect the freeway with arterial and local roads.
- c) At grade, signalised intersection at Dingley Bypass.
- d) Grade separated interchange at Centre Dandenong Road, Lower Dandenong Road, Governor Road, Springvale Road and Thames Promenade (adding north-oriented ramps to an existing half-diamond) and an overpass at Old Dandenong Road.
- e) Elevated roads and road infrastructure including at The Waterways and Mordialloc Creek.
- f) Utility installation and relocation and associated services.
- g) Earthworks and related structures, kerbs, channels, water and soil transfer facilities and works, water quality facilities, retaining walls, noise and screen barriers, cuttings, batters and fill associated with the project.
- h) Developing and using land for walking and cycling infrastructure and facilities, including shared use paths.

- i) Any buildings and works or associated infrastructure and activities for the project.
- j) Ancillary activities to the use and development of the project land for the purposes of, or related to, the project including, but not limited to:
 - a) Undertaking any preparatory works as defined in Clause 4.3(a)
 - b) Developing and using lay down areas for construction purposes
 - c) Stockpiling of excavation material
 - d) Constructing and using temporary site workshops and storage, administration and amenities buildings
 - e) Removing, destroying and lopping trees and vegetation, including native vegetation
 - f) Demolishing and removing buildings, fixtures, structures and infrastructure
 - g) Constructing and carrying out works to install, upgrade, alter or relocate services and utilities
 - h) Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas
 - i) Constructing or carrying out works for bridges, ramps, excavation, access roads, bunds, mounds, fences, temporary barriers, noise attenuation barriers, stabilisation, landscaping, water treatment, water storage, flood mitigation, drainage modification, and the salvage of artefacts
 - j) Creating and altering access to a road in a Road Zone Category 1 or land in a Public Acquisition Overlay if the purpose of the acquisition is for a Category 1 road
 - k) Earthworks including cutting and spoil removal, and formation of drainage works
 - l) Displaying construction, directional and business identification signs
 - m) Storage and assembly of materials required for the project
 - n) Restoration and reinstatement works
 - o) Subdividing and consolidating land

4.2 Conditions

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

Environmental Management Framework

4.2.1 Prior to the commencement of any development (excluding preparatory buildings and works under Clause 4.3), an Environmental Management Framework (EMF) must be approved by the Minister for Planning. The EMF must include Environmental Performance Requirements addressing the following areas and any other relevant matters:

- a) Acid sulfate soil / contaminated land
- b) Air quality
- c) Biodiversity and habitat/ wetlands and waterways

- d) Cultural heritage (Aboriginal heritage and historic heritage)
- e) Economic
- f) Environmental Management
- g) Greenhouse gas / sustainability
- h) Landscape, [urban design](#) and visual
- i) Noise and vibration
- j) Social
- k) Surface Water and Ground Water
- l) Traffic and transport

4.2.2 The EMF must:

- a) set out the process and timing for development of the Construction Environmental Management Plan, Site Environmental Management Plans and other plans and procedures required by the Environmental Performance Requirements, including the process and timing for consultation with relevant council/s, Heritage Victoria, the Roads Corporation, Melbourne Water, Public Transport Development Authority, and the Environment Protection Authority. and
- b) be accompanied by a statement explaining any difference between it, and the matters set out in the Minister's Assessment under the *Environment Effects Act 1978* dated [insert date].

4.2.3 The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.

4.2.4 The use and development of the project must be carried out in accordance with the approved EMF.

Native Vegetation

4.2.5 To offset the removal of native vegetation associated with the project, an offset that meets the offset requirements described in the *Native vegetation removal report* (Report ID XX) must be secured.

4.2.6 If detailed design results in a revised area of impact, an updated *Native vegetation removal report*, detailing revised offset requirements, with an updated offset statement must be provided to the Deputy Secretary, Planning, Department of Environment, Land, Water and Planning (DELWP) for approval.

4.2.7 Evidence of the secured offset must be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) and be provided to the Deputy Secretary, Planning, DELWP prior to native vegetation removal.

Flood management

4.2.8 Where, but for this incorporated document, a planning permit would be required for buildings and works on land within the Special Building Overlay, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

Other conditions

4.2.9 Unless otherwise stated, the plans and other documents listed in Clause 4.2 must be approved prior to the commencement of works. Plans and other documents may be prepared and approved for

separate components or stages of the project but each plan or other document must be approved before commencement of works for that component or stage.

4.2.10 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or the relevant approving authority. In deciding whether a plan or other document is satisfactory or whether to consent to an amendment to a plan or other document, the Minister for Planning or the relevant approving authority may seek the views of council and any other relevant authority.

4.2.11 The use and development of the land must be undertaken generally in accordance with the approved plans and documents.

Preparatory buildings and works

4.3 The following buildings and works may be undertaken before the EMF is approved:

- a) Preparatory works for the project including, but not limited to:
 - i. Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the planning schemes;
 - ii. Investigating and testing to determine the suitability of land, and property conditions surveys;
 - iii. Creation and use of construction access points and working platforms;
 - iv. Site establishment works including temporary site fencing and hoardings, site offices, and hardstand and laydown areas;
 - v. Construction, protection, modification, removal or relocation of utility services, overhead and associated infrastructure;
 - vi. Establishment of environmental and traffic controls, including designation of “no-go” zones;
 - vii. Establishment of temporary car parking;
 - viii. Demolition to the minimum extent necessary to enable initial works;
 - ix. Salvaging and relocation of artefacts required to be undertaken in accordance with the approved cultural heritage management plan prepared for the project under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; and
- b) The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning. Any native vegetation removed to enable preparatory works forms part of the total extent of native vegetation removal necessary for the construction of the project and native vegetation offsets must be provided in accordance with Clause 4.2.6, except as otherwise agreed by the Secretary to DELWP.

5.0 EXPIRY

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

- a) The development allowed by the control is not started by 1 August ~~2022~~2020;
- b) The development allowed by the control is not completed by 1 August 2025; or
- c) The use allowed by the control is not started by 1 August 2030.

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