

Healesville-Koo Wee Rup Road Upgrade (Princes Freeway and Bald Hill Road)

Incorporated Document
September 2018

DRAFT

1.0 INTRODUCTION

This document is an Incorporated Document in the Cardinia Planning Scheme (the planning scheme) 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 or developed in accordance with the specific control in Clause 4.0 of this document

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

2.0 PURPOSE

The purpose of the control in this Incorporated Document is to allow the use and development of land described in Clause 3 of this document for the purposes of upgrading Healesville – Koo Wee Rup Road Upgrade, between Princes Freeway and Bald Hill Road, Pakenham.

3.0 LAND

The control in this document applies to land shown on the planning scheme map No. SC0XX affected by Clause 45.12 Specific Controls Overlay and the Schedule to Clause 45.12 Specific Controls Overlay (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 scheme operates to prohibit, restrict or regulate the use and development of the project land for the purposes of constructing, maintaining or operating the project.

The project may proceed in stages. Each stage must comply with the conditions of this document.

The project includes, but is not limited to, the following uses and development:

- a) Roadworks include upgrading Roadworks including the widening of the existing Princes Freeway ramp roundabouts as part of Healesville–Koo Wee Rup Road – Stage1A project (Amendment C150 of the Cardinia Planning Scheme)
- b) Creating or altering access to roads, including roads in a Road Zone Category 1 & 2 or land in a Public Acquisition Overlay if the purposes of acquisition is for a Category 1 Road.
- c) 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:
 - i) creating and using lay down areas for construction purposes.
 - ii) stockpiling of excavation materials.
 - iii) constructing and using temporary site workshops and storage administration and amenities buildings.
 - iv) removing, destroying or lopping trees and vegetation, including dead vegetation.
 - v) constructing scaffolding, working platforms and provided of pedestrian access to construction or maintenance sites.
 - vi) demolishing and removing buildings, structures and works.

- vii) relocating, modifying and upgrading and installing services and utilities.
- viii) constructing and using temporary access roads, diversion roads and vehicle parking areas.
- ix) constructing fences, temporary site barriers and site security.
- x) construction or carrying out works to create or alter roads, carparking areas, bunds, mounds, shared use paths, landscaping, excavate land, salvage artefacts and alter drainage.
- xi) earthworks including cutting and spoil removal, and formation of drainage works.
- xii) displaying construction, directional and temporary business identification signs.
- xiii) subdividing and consolidating land.
- xiv) storage and assembly of materials required for the project.
- xv) creating, varying and removing easements resulting from works required for the project.
- xvi) restoration and reinstatement works.

4.2 Conditions

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

Environmental Management

- 4.2.1 An Environmental Management Strategy (EMS) must be prepared to the satisfaction of the Minister for Planning. The EMS must be prepared in consultation with the Cardinia Shire Council (the Council). The EMS must include:
- a) A summary of key construction methodologies.
 - b) An overarching framework for site or works specific measures to reduce and manage environmental and amenity effects during construction of the project.
 - c) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with the Council, the community and other stakeholders during construction of the project, including enquiries and complaints management.
 - d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are reduced and managed during construction of the project.

Native Vegetation

- 4.2.2 Details of the proposed removal, destruction or lopping, of native vegetation necessary for the construction of the project must be prepared in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP), except as otherwise agreed by the Secretary to DELWP.
- 4.2.3 Native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017) in consultation with the Council, except as otherwise agreed by the Secretary to DELWP.

Utility Installation

- 4.2.4 Buildings and works associated with a utility installation (excluding a minor utility installation or any telecommunications facility that is either located within a Road Zone or proposed road zone or, were it not for this incorporated document, would be exempt under Clause 52.19-1 of the planning scheme) must be undertaken in accordance with site plans and elevations prepared to the satisfaction of the Minister for Planning.

Flood Management Flood Management

- 4.2.5 Buildings and works on land within the Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority

Create or Alter Access to a Category 1 Road

- 4.2.6 Any change to the use or development of land that may create or alter access to a road in a Road Zone, Category 1 or land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 Road.

Other conditions

- 4.2.7 Unless otherwise stated, the plans and other documents listed in Clause 4.2 must be approved prior to the commencement of works. The 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.
- 4.2.8 The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning or relevant 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 relevant approving authority, may seek the views of Council, or any other relevant authority.
- 4.2.9 The use and development of land or the creation, variation or removal of easements must be undertaken generally in accordance with the approved plans and documents.

4.3 Preparatory Buildings and Works

The following buildings and works and uses may be undertaken before the plans and other documents listed in Clause 4.2 are approved:

- a) Preparatory works for the project include, but are not limited to:
- i) Works, including vegetation removal, where, but for this Incorporated Document, a planning permit would be required under the provisions of the planning scheme.
 - ii) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - iii) Creation and use of construction access points and working platforms.
 - iv) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
 - v) Construction, protection, modification, removal or relocation of utility services, rail signaling, overhead and associated infrastructure.
 - vi) Establishment of environment and traffic controls, including designation of “no-go” zones.

- vii) Establishment of temporary car parking.
 - viii) Demolition to the minimum extent necessary to enable preparatory works.
 - ix) Salvage of aboriginal cultural heritage material and other management actions required to be undertaken in compliance with a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act.
- b) Any native vegetation removed to enable preparatory works under Clause 4.3 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 4.2.3, except as otherwise agreed by the Secretary to DELWP.

5.0 EXPIRY

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

- The development allowed by the control, including preparatory works, is not started by 1 October 2023.
- The development allowed by the control is not completed by 1 October 2029.

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