Mordialloc Bypass (Freeway)

Incorporated Document
July 2019
1. INTRODUCTION

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

1.2 The land identified in Clause 3 of this document may be used and developed in accordance with the specific control in Clause 4 of this document.

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

2. PURPOSE

2.1 The purpose of the control in Clause 4 is to permit and facilitate the use and development of land described in Clause 3 for the purposes of the Mordialloc Bypass (Freeway) (project).

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

3.1 The control in this document applies to the land shown as SCO3 on the planning scheme maps forming part of the planning schemes (project land).

4. CONTROL

Exemption from planning scheme requirements

4.1 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 and development of the project land for the purposes of, or related to, constructing, maintaining or operating the project.

4.2 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 four lane freeway standard road connecting the Dingley Bypass with Mornington Peninsula Freeway.

   b) Mornington Peninsula Freeway to be augmented by an auxiliary merging lane in each direction between Springvale Road and Thames Promenade.

   c) On and off ramps to connect the freeway with arterial and local roads.

   d) At grade, signalised intersection at Dingley Bypass.

   e) 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.

   f) Elevated roads and road infrastructure including at The Waterways and Mordialloc Creek.

   g) Utility installation and relocation and associated services.
h) 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.

i) Walking and cycling infrastructure and facilities, including shared use paths.

j) Any buildings and works or associated infrastructure and activities for the project.

k) 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. Undertaking any preparatory works as defined in Clause 4.9.

ii. Developing and using lay down areas for construction purposes.

iii. Stockpiling of excavation material.

iv. Constructing and using temporary site workshops and storage, administration and amenities buildings.

v. Removing, destroying and lopping trees and vegetation, including native vegetation.

vi. Demolishing and removing buildings, fixtures, structures and infrastructure.

vii. Constructing and carrying out works to install, upgrade, alter or relocate services and utilities.

viii. Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.

ix. 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.

x. 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.

xi. Earthworks including cutting and spoil removal, and formation of drainage works.

xii. Displaying construction, directional and business identification signs.

xiii. Storage and assembly of materials required for the project.

xiv. Restoration and reinstatement works.

xv. Subdividing and consolidating land inside the Urban Growth Boundary.

4.3 For the avoidance of doubt, the control in Clause 4 does not permit or facilitate the subdivision of any ‘Green Wedge Land’ as defined in the Planning and Environment Act 1987.
Conditions

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

4.5 Environmental Management Framework

4.5.1 Prior to the commencement of any development (excluding preparatory buildings and works under Clause 4.9), 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 sulphate 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.

4.5.2 The EMF must 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 Environment Protection Authority.

4.5.3 The EMF submitted to the Minister for Planning for approval under Clause 4.5.1 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 June 2019.

4.5.4 The EMF may be amended from time to time with the approval of the Minister for Planning.

4.5.5 The use and development of the project must be carried out in accordance with the approved EMF.
4.6 Native vegetation

4.6.1 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.9), information about that native vegetation in accordance with Application Requirements 1, 5 and 9 of the Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017) (Guidelines) must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP). For the avoidance of doubt, the information provided to the Secretary to DELWP must include information about any native vegetation that has been, or is to be, removed under Clause 4.9.

4.6.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.9), the biodiversity impacts from the removal of that native vegetation must be offset in accordance with the Guidelines, and evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP.

4.6.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.6.2.

4.6.4 The secured offset(s) for the project may be reconciled at the completion of the Project in accordance with the Assessor’s handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018).

4.6.5 For the purpose of this document, the term ‘remove native vegetation’ includes to destroy and/or lop native vegetation.

4.7 Flood management

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

4.8 Other conditions

4.8.1 Unless otherwise stated, the conditions set out in Clauses 4.4, 4.5, 4.6 and 4.7 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 4.9). The conditions may be satisfied in separate components or stages of the project however each condition must be satisfied prior to the commencement of development for that component or stage.

4.8.2 The plans and documentation required under Clause 4 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 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 Greater Dandenong or Kingston city councils or any other relevant authority.

4.8.3 The use and development of the land for the project must be undertaken generally in accordance with this document and the plans and documentation prepared to the satisfaction of the Minister for Planning or relevant approving authority.
4.9 Preparatory buildings and works

4.9.1 Preparatory buildings and works for the project may commence on the land described in Clause 3 before the EMF required under Clause 4.4 is approved.

4.9.2 Preparatory buildings and works for the project include but are not limited to:

   a) Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning schemes.

   b) Investigating and testing to determine the suitability of land, and property conditions surveys.

   c) Creation and use of construction access points and working platforms.

   d) Site establishment works including temporary site fencing and hoardings, site offices, and hardstand and laydown areas.

   e) Construction, protection, modification, removal or relocation of utility services, overhead and associated infrastructure.

   f) Establishment of environmental and traffic controls, including designation of “no-go” zones.

   g) Establishment of temporary car parking.

   h) Demolition to the minimum extent necessary to enable preparatory buildings and works.

   i) 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.

   j) Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.

4.9.3 Prior to the removal of native vegetation under Clause 4.9, information about the native vegetation to be removed must be provided to the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the Guidelines.

4.9.4 The biodiversity impacts from the removal of native vegetation under Clause 4.9 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.6.2.

5. EXPIRY

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

   a) The development allowed by the control, including preparatory buildings and works, is not started by 1 August 2022.

   b) The development allowed by the control is not completed by 1 August 2025.