

# **Lathams Road (Oliphant Way to Frankston-Dandenong Road) Upgrade Project**

**Incorporated Document**

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**April 2019**

## **1.0 INTRODUCTION**

This document is an incorporated document in the Frankston 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 3.0 of this document for the purposes of upgrading Lathams Road between Oliphant Way, Seaford and Dandenong-Frankston Road, Carrum Downs (the project).

## **3.0 LAND**

The control in this document applies to land shown as SCO5 on the planning scheme maps forming part of the 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 scheme, 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 the project.

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

- a) Buildings, works and roadworks including the duplication of Lathams Road between Oliphant Way and Frankston-Dandenong Road, the installation of new traffic lights at the Stephensons Road and Colemans Road intersections, the delivery of a new bridge over the Peninsula Link, installation of safety barriers along the road, and installation of a walking and cycling path.
- b) Creating or altering access to roads, including roads in a Road Zone Category 1 or land in a Public Acquisition Overlay.
- c) Ancillary activities 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 provision of pedestrian access to construction or maintenance sites.
  - vi) demolishing and removing buildings 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) constructing 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 signs

- xiii) subdividing and consolidating land inside the Urban Growth Boundary
- xiv) storage and assembly of materials required for the project
- xv) 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 Frankston City 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 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.3), 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 4.3.
- 4.2.3 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.3), 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.
- 4.2.4 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.2.3.
- 4.2.5 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).
- 4.2.6 For the purpose of this document, the term 'remove native vegetation' includes to destroy and/or lop native vegetation.

### Utility Installation

- 4.2.7 Where, but for this incorporated document, a planning permit would be required under the Frankston Planning Scheme for buildings and works associated with an above-ground utility installation, site plans and elevations must be prepared to the satisfaction of the Minister for Planning.

### Flood Management

- 4.2.8 Buildings and works on land within the Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

### Other Conditions

- 4.2.9 Unless otherwise stated, the conditions in Clause 4.2 must be satisfied prior to the commencement of development. The conditions may be satisfied for separate components or stages of the project but each condition must be satisfied prior to the commencement of development for that component or stage.
- 4.2.10 The plans and documents required under Clause 4.2 may be amended from time to time to the satisfaction of the Minister for Planning or relevant approving authority. In deciding whether a plan or document is satisfactory or whether to consent to an amendment to a plan or document, the Minister for Planning or relevant approving authority, may seek the views of the Council, or any other relevant approving authority.
- 4.2.11 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**

Preparatory buildings and works may be undertaken on the land described in Clause 3 before the conditions in Clause 4.2 are satisfied.

- 4.3.1 Preparatory works for the project include, but are not limited to:
- a) Works, including vegetation removal, where but for this incorporated document a planning permit would not be required under the provisions of the planning scheme.
  - b) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
  - c) Construction access points and working platforms.
  - d) Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
  - e) Construction, protection, modification, removal or relocation of utility services.
  - f) Establishment of environment 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 works.
  - i) Removal of native vegetation to the minimum extent necessary to enable preparatory building and works.
  - j) 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.

- 4.3.2 Prior to the removal of native vegetation under Clause 4.3, 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.
- 4.3.3 The biodiversity impacts from the removal of native vegetation under Clause 4.3 must be included in the total biodiversity impacts when determining the offset in accordance with Clause 4.2.3.

## **5.0 EXPIRY**

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

- The development allowed by the control is not started by 1 October 2023.
- The development allowed by the control is not completed by 31 December 2027.

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