

Metro Tunnel Project

150-170 Old Dandenong Road, Clarinda

Incorporated Document

June 2020

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the Kingston Planning Scheme (planning scheme) 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.

2. PURPOSE

- 2.1. The purpose of document is to permit the use and development of land described in Clause 3 for the purpose described in Clause 4 for the facilitation of spoil management from the Metro Tunnel Project (project).

3. LAND

- 3.1. The control in this document applies to the land affected by Specific Controls Overlay 10 as shown on Planning Scheme Map 02SCO in the planning scheme. Specifically, the land is known as:
- 150 - 170 Old Dandenong Road, Clarinda 3169 as described in certificates of title:
Volume 08561 Folio 704 (Lot 2 of PS 727726)
Volume 09297 Folio 504 (Part Lot 3 of PS 727726)
Volume 09022 Folio 345 (Lot 4 of PS 727726)
Volume 08035 Folio 156 (Part Lot 5 of PS 727726)
Volume 09231 Folio 008 (Part Lot 6 of PS 727726)
 - 218 - 224 Clarinda Road, Heatherton 3202 as described in certificate of title
Volume 08598 Folio 015 (Lot 1 of TP 447037)

4. CONTROL

- 4.1. This document is to allow for the use and development of the land for the purpose of vehicle ingress and egress and delivery and disposal of spoil from the Metro Tunnel Project, 24 hours a day, 7 days a week for a period of 18 months, up to the final landform specified in the approved rehabilitation plan for Work Authority 383 (as may be amended), and generally in accordance with the Geotechnical Methodology Assessment dated 27 May 2020.

5. CONDITIONS

- 5.1. The use and development permitted by this incorporated document must be undertaken subject to the following conditions:

Geotechnical Methodology

- (1) A comprehensive Geotechnical Methodology Report must be submitted within 60 days of commencement of the control permitted in this document, to the satisfaction of responsible authority. The Geotechnical Methodology Assessment must be generally consistent with the 27 May 2020 version, but address the following additional matters:
- a) integration of all the relevant geotechnical methodology assessment and supporting documentation into a single, structured technical report that clearly articulates its findings and recommendations;

- b) provision of a clear and sequential presentation of all the calculations used to determine the revised available airspace figures
- c) clarification of how the estimates for the base of slimes in the north east and south east pits have been established
- d) reconciliation of the capacity of the south east pit with estimates of the total of displaced, dried slimes that is intended to be accommodated in this location
- e) an indication of the time required for the remaining slimes to be surcharged before excess surcharge material (estimated at 60% in the document *Supplementary Material to Methodology*) can be removed off site.
- f) preparation and sign-off by an appropriately qualified and experienced geotechnical engineer or similar.
- g) Stormwater management.

Truck / Vehicle Movements

- (2) Vehicle movements ingressing and egressing the project land between the hours of 6.00pm and 7.00am (the following day) must only be via the Metro Tunnel Project Traffic Routes detailed in the Traffic Management Plan prepared by Lantrak dated 4 June 2020 and Figure 1, Figure 2 and Figure 3 in this document (as amended from time to time), to the satisfaction of the responsible authority .

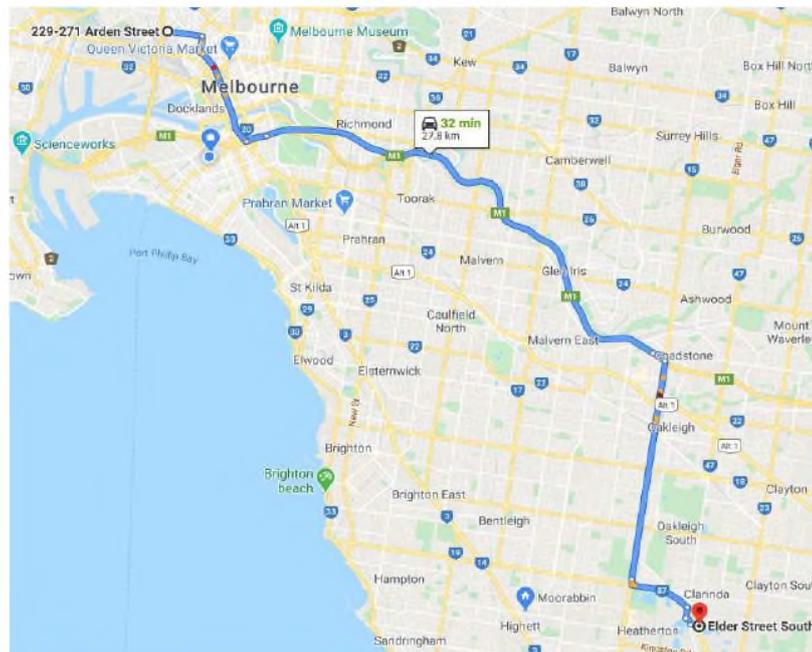


Figure 1 - Metro Tunnel Project Traffic Route (Arden Street)

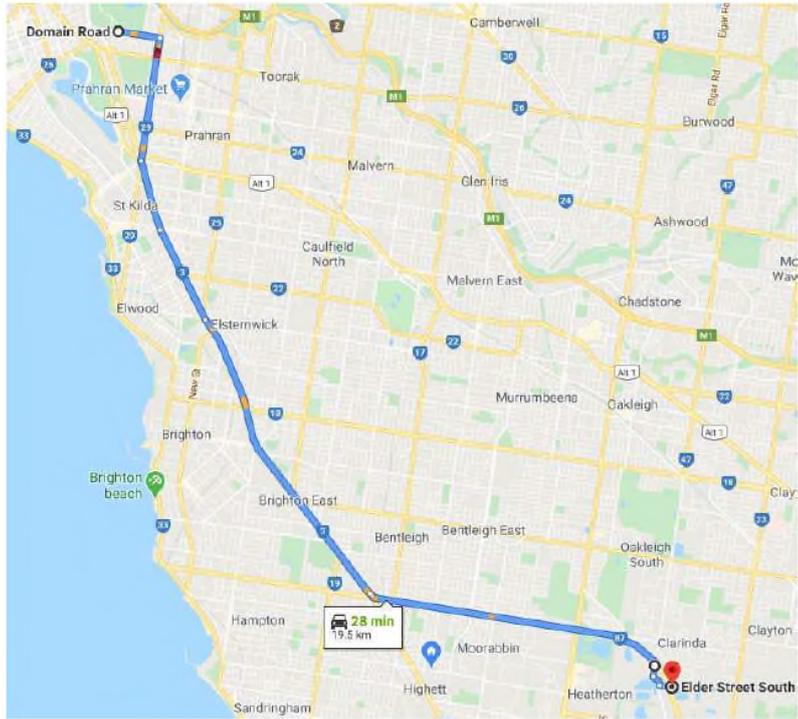


Figure 2 - Metro Tunnel Project Traffic Route (Domain Road)

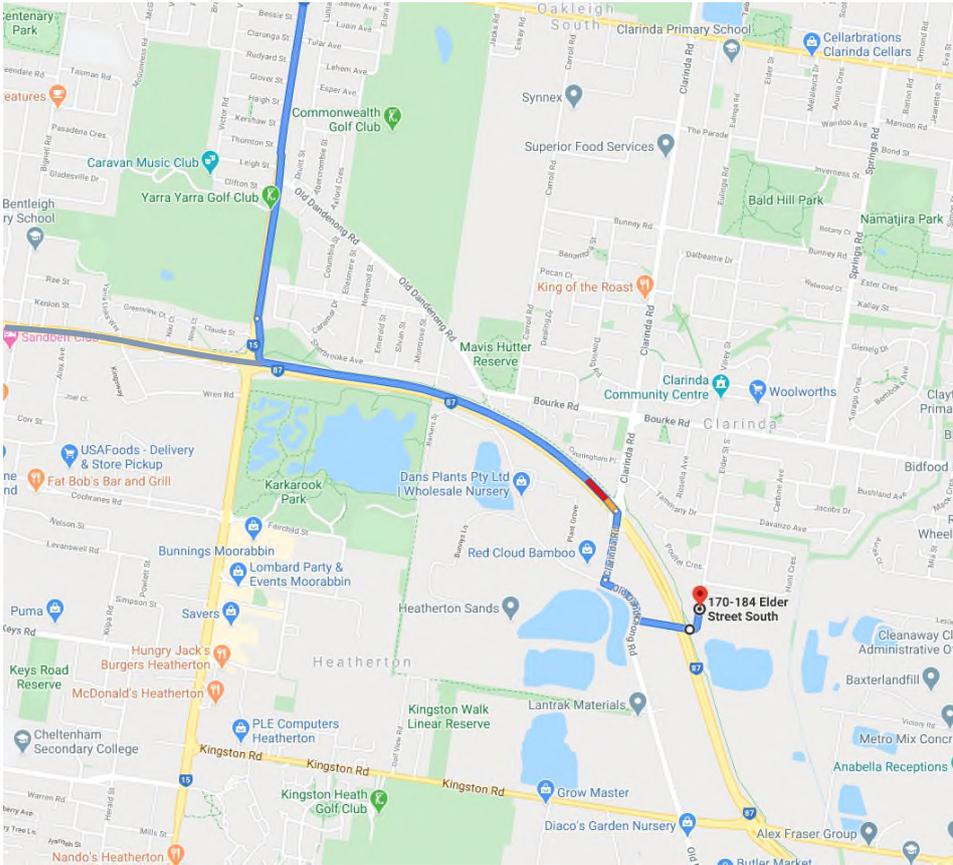


Figure 3 - Route to Project Land by way of Dingley Bypass

- (3) Prior to the commencement of the control permitted in this document, the land owner must notify the Department of Transport and municipalities traversed by the proposed route to / from the project land for the Metro Tunnel Project during the extended hours period.
- (4) All activities on the project land between 6.00pm and 7.00am (the following day) must be conducted generally in accordance with the Traffic Management Plan prepared by Lantrak dated 4 June 2020 and Figure 4 in this document (as amended from time to time) to the satisfaction the responsible authority.

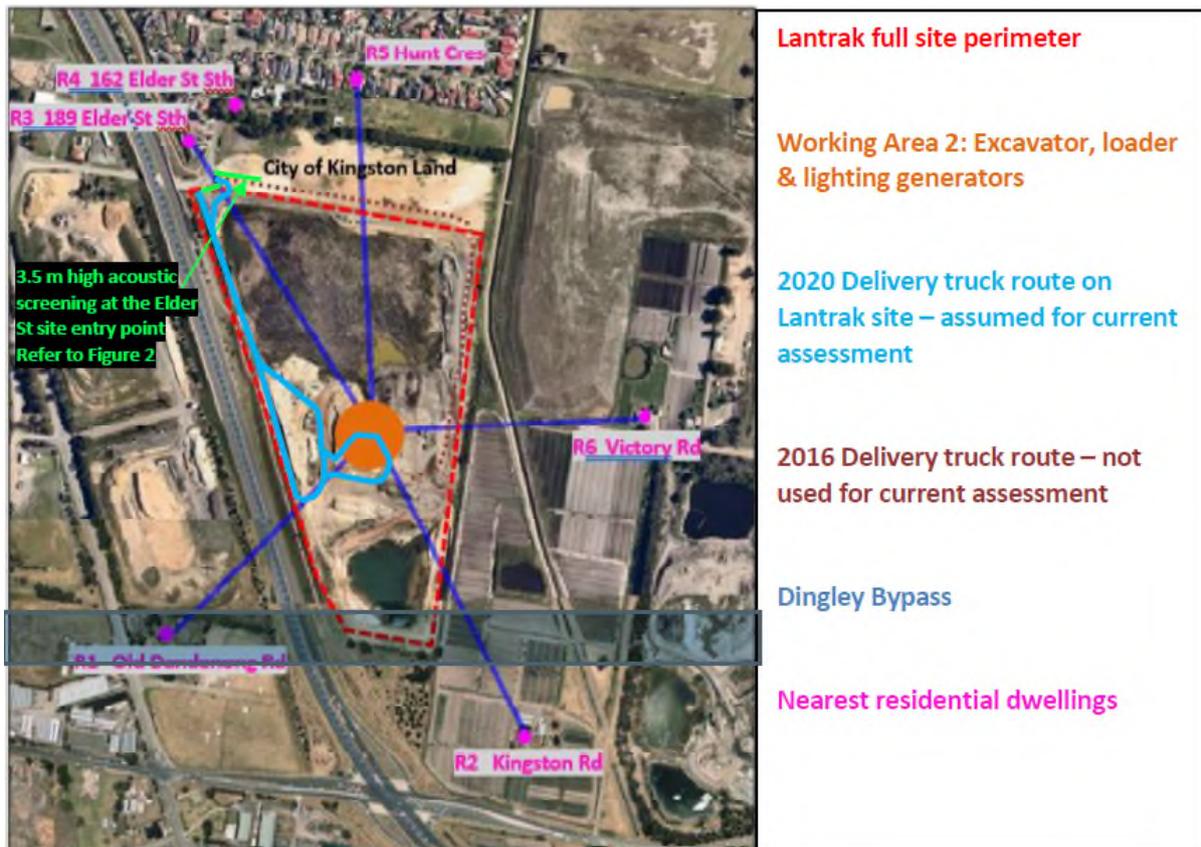


Figure 4 - Activities on Project Land during extended hours period

- (5) Prior to the commencement of the control permitted in this document, the land owner must undertake an existing conditions (dilapidation) survey of all Kingston City Council's assets (roads, nature strips, street trees, drainage and other infrastructure) forming the Off-site Traffic Route detailed in the Traffic Management Plan prepared by Lantrak dated 4 June 2020 (as amended from time to time), to the satisfaction of the responsible authority.
- (6) At the conclusion of the control permitted in this incorporated document or during the extended hours period if requested by Kingston City Council, the land owner must survey and make good any damage and dilapidation to all Kingston City Council assets (roads, nature strips, street trees, drainage and other infrastructure) forming the Off-site Traffic Route detailed in the Traffic Management Plan prepared by Lantrak dated 4 June 2020 (as amended from time to time), to the satisfaction of the responsible authority.

- (7) The land owner must keep the local roads (including affected sections of Elder Street, Old Dandenong Road and Clarinda Road) forming the Off-Site Traffic Route, free of mud, rubble and/or dust associated with the extended hours operation by way of daily street sweeping to the satisfaction of Kingston City Council and must provide for street sweeping within 30 minutes of a request from Kingston City Council, generally in accordance with the Traffic Management Plan prepared by Lantrak dated 4 June 2020 (as amended from time to time).

Noise control

- (8) Prior to the commencement of the control permitted in this document, the acoustic measures detailed in the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381) must be peer reviewed by an independent qualified expert, to the satisfaction of the responsible authority. All future amendments to the Noise Assessment must be to the satisfaction of the responsible authority.
- (9) Prior to the commencement of the control permitted in this document the acoustic measures detailed in the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381) must be undertaken to the satisfaction of the responsible authority.
- (10) Prior to the commencement of the control permitted in this document the land owner must provide the Environment Protection Authority with the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381). The land owner must satisfy any subsequent recommendations made by the Environment Protection Authority in relation to the acoustic measures detailed in the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381).
- (11) Prior to the commencement of the control permitted in this document an acoustic fence must be constructed in accordance with the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381) as shown in the:
- Drawing titled 'Site Plan – Proposed Dunewall, 176 Elder St S, Heatherton, Victoria' prepared by Wallmark (sheet 1 of 2) dated 20 May 2020;
 - Drawing titled 'Overall Plan, Elevation A and B – Proposed Dunewall, 176 Elder St S, Heatherton, Victoria' prepared by Wallmark (sheet 2 of 2) dated 20 May 2020; and
 - Specification for Dunewall and guide for construction.
- to the satisfaction of the responsible authority.
- (12) Within 60 days of commencement of the control permitted in this document a noise assessment must be completed including noise logging for a minimum 7 days at or proximate to each of the sensitive receptors identified in the report titled 'Lantrak Heatherton – Metro Tunnel Project – 24 Hours Operations: Noise Assessment' prepared by Marshall Day Acoustics, document Rp 001 R02 20200381 dated 20 May 2020 and an evaluation of compliance with the noise limits detailed in Table 6 of the report on page 12 of the report determined,

recorded and reported and a copy of the report provided to Kingston City Council, the Department of Jobs, Precincts and Regions and the Environment Protection Authority.

- (13) In the event that noise emissions from the project land do not comply with the noise limits, further mitigation measures must be implemented within 30 days of the date of the assessment to bring the noise emissions into compliance with the noise limits. This may include extension and modification of the acoustic barrier subject to the consent of the responsible authority.
- (14) All activities on the project land between 6.00pm and 7.00am (the following day) must be conducted generally in accordance with the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381) to the satisfaction of the responsible authority.
- (15) Noise emitted from activities, including the operation of vehicles and machinery, on the project land must comply with the noise limits specified in the Noise Assessment prepared by Marshall Day Acoustics dated 20 May 2020 (Rp 001 R02 20200381) and the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade – N1) to the satisfaction of the responsible authority.
- (16) The use and development of the project land must not interfere with the use and occupation of the adjoining land to the north unless such interruption or disturbance is agreed in writing by the Kingston City Council on an incident by incident basis.
- (17) Between 6.00pm and 7.00am (the following day), no external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Site management

- (18) The land owner must provide details of a person ('the manager') over the age of 18 years who is contactable 24 hours a day, 7 days a week to the responsible authority and residents. The manager is responsible for ensuring that the activities on the project land do not have a detrimental impact on the amenity of the locality. The manager must be authorised by the land owner / operator to make statements at any time to any officer from Kingston City Council and/or to take actions in accordance with a direction by such officer, to remedy any resident and/or responsible officer complaints.
- (19) A log of community complaints must be maintained on the project land and made available for inspections.
- (20) Prior to the commencement of the control permitted in this document the land owner must liaise with the Environment Protection Authority in relation to any groundwater impact on the project land.
- (21) Unless with the prior written approval of the Department of Jobs, Precincts and Regions, all materials received on the project land from the Metro Tunnel Project must be generally in accordance with:

- a) the Soil Waste Classification Report For Western Tunnels - Natural Soil;
- b) the Soil Waste Classification Report For Eastern Tunnels - Natural Soil;
- c) the Geotechnical Methodology Assessment dated 27 May 2020;
- d) the criteria for fill material specified in the Industrial Waste Guideline (9 August 2009, Victorian Government Gazette S271);
- e) the reuse criteria in the PFAS National Environment Management Plan (Version 2.0 – January 2020); and
- f) the excluded spoil identified in the Soil Waste Classification West impacted by per and poly fluoroalkyl substances (PFAS) irrespective of any classification issued by the Environment Protection Authority, including specifically spoil from the Arden Precinct (section 7.2);

to the satisfaction of the responsible authority.

(22) Unless with the prior written approval of the Department of Jobs, Precincts and Regions, the land owner must not accept more than the final landform specified in the approved rehabilitation plan for Work Authority 383 (as may be amended) from the Metro Tunnel Project.

(23) The volume and tonnage of spoil accepted on the project land must be logged for each truck with daily and monthly totals calculated and recorded in a log maintained on the project land and made available for inspection on request. On receipt of every 100,000m³ a land surface survey must be completed within 30 days and maintained on the project land available for inspection and notification provided to the Department of Jobs, Precincts and Regions and the Kingston City Council.

Lighting

(24) Between 6.00pm and 7.00am (the following day), any lighting used on the project land must be designed, baffled and located generally in accordance with the Traffic Management Plan prepared by Lantrak dated 4 June 2020 and Figure 4 in this document (as amended from time to time), to the satisfaction the responsible authority, so as to prevent any adverse effect on adjoining land and surrounding residents.

Dust Management

(25) The following dust management measures will be employed during the period of extended hours operation:

- a) Dampening of cleared areas including access roads and work areas using a water cart;
- b) Restricting vehicle movements to designated roads;
- c) Site clearing and earthworks will be restricted to that which is absolutely necessary;
- d) Dampening down of working areas, haul roads and other hardstand areas by water spraying when visual surveillance indicates excessive dust generation from point of mobile sources on site;

- e) Enforcing a 20km/h maximum speed limit in haul and access roads to minimise dust generation;
- f) Directing exhaust emissions from mobile plant away from the ground; and
- g) Restricting mobile machinery movements to designated routes and standing areas.

6. EXPIRY

- 6.1 The control in this document expires on 31 December 2021 or earlier if the final landform specified in the approved rehabilitation plan for Work Authority 383 (as may be amended) is reached, unless with the prior written approval of the Department of Jobs, Precincts and Regions and the Minister for Planning.
- 6.2 The responsible authority may extend the operation of this incorporated document if a request is made in writing before the expiry date or within three months afterwards.