

Hall Road (McCormicks Road to Cranbourne-Frankston Road) Upgrade Project

Incorporated Document

August 2021

1 INTRODUCTION

- 1.1 This document is an incorporated document in the Frankston Planning Scheme and the Casey Planning Scheme (Planning Schemes) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (Incorporated Document).
- 1.2 This Incorporated Document facilitates the delivery of the Hall Road (McCormicks Road to Cranbourne-Frankston Road) Upgrade Project (Project).
- 1.3 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.
- 1.4 The control in this Incorporated 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 the land described in Clause 3 for the purposes of the Project.

3 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this Incorporated Document applies to the land shown as SCO11 on the planning scheme maps forming part of the Casey Planning Scheme (Project Land) and the land shown as SCO7 on the planning scheme maps forming part of the Frankston Planning Scheme (Project Land).

4 CONTROL

Exemption from Planning Scheme requirements

- 4.1 Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits or restricts the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use or 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) Road and roadworks including the upgrade, widening and duplication of Hall Road between McCormicks Road and Atlas Drive and associated turning lanes;
 - b) New or upgraded signalised intersections, including removal of roundabouts, at the intersection of Hall Road and McCormicks Road, Rangeview Drive, Edinburgh Drive, Taylors Road, Western Port Highway, Evans Road and Cranbourne-Frankston Road;
 - c) Walking and cycling infrastructure and facilities including shared user and walking paths;
 - d) Upgrade and provision of road infrastructure, including new bus bays and road safety barriers;
 - e) Utility installation and relocation and associated services;

- f) Earthworks and related structures, kerbs, channels, water and soil transfer facilities and works, water quality facilities, retaining walls, cuttings, batters and fill associated with the Project;
- g) Creating or altering access to roads, including roads 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;
- h) Use and development of land for a road, including associated communications, signaling and other related infrastructure;
- i) Ancillary activities including, but not limited to:
 - i. Developing and using laydown areas for construction purposes;
 - ii. Altering watercourses;
 - iii. Constructing and using temporary site workshops and storage, car parking, administration and amenities buildings;
 - iv. Removing, destroying and lopping trees and vegetation, including native vegetation and dead vegetation;
 - v. Construction of scaffolding, working platforms and provision of access to construction and maintenance sites;
 - vi. Demolishing, removing and/or relocating buildings and works;
 - vii. Storage and assembly of materials and equipment;
 - viii. Relocating, modifying, protecting, upgrading and installing services and utilities, including drainage infrastructure, telecommunications infrastructure, high voltage transmission lines and gas pipelines;
 - ix. Constructing or carrying out works to create or alter roads, shared use paths, bridges, ramps, fences, temporary barriers and site security, noise attenuation walls, retaining walls, car parking areas, bunds, mounds, landscaping, piles, foundations, monitoring stations, drainage infrastructure, water treatment and storage, and flood mitigation;
 - x. Constructing and using access roads, diversion roads, access paths, loading and unloading areas, vehicle parking areas and pedestrian walkways;
 - xi. Displaying construction, directional and business identification signs;
 - xii. Subdividing and consolidating land;
 - xiii. Restoration and reinstatement works;
 - xiv. Modification, removal or installation of bus stops, car parking, bicycle facilities, and loading and unloading facilities; and
 - xv. Constructing or carrying out works to excavate land and salvage artefacts.

Conditions

- 4.3 The use and development permitted by this Incorporated Document must be undertaken in accordance with the following conditions.

4.4 Environmental Management Framework

4.4.1 Prior to the commencement of development (excluding preparatory use and development under Clause 4.11), an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must be prepared in consultation with Casey City Council and Frankston City Council. The EMF must include:

- a) A summary of key construction methodologies.
- b) An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
- c) A summary of performance monitoring and reporting processes, including any auditing, to ensure environmental and amenity impacts are reduced and managed during construction.
- d) A plan for engagement with each relevant municipal council, the community and other stakeholders during construction, including enquiries and complaints management.

The EMF must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the EMF.

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

4.4.3 The use and development of the Project Land for the purposes of the Project must be carried out in accordance with the approved EMF.

4.5 Native Vegetation

In this clause:

- **Guidelines** means the *Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017)*;
- **Secretary** means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

4.5.1 Before the removal destruction or lopping of native vegetation to enable a preparatory use or development under Clause 4.10, information about that native vegetation in accordance with application requirements 1, 5, 9, 10 and 11 in Tables 4 and 5 to the Guidelines must be prepared to the satisfaction of the Secretary.

4.5.2 Before the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- a) Information about the native vegetation in accordance with the application requirements 1, 5, 9, 10, and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.
- b) The biodiversity impacts from the removal, destruction or lopping of that native

vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary. The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset to the satisfaction of the Secretary.

c) Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

4.5.3 The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

4.5.4 The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

4.6 Environmental Overlays

4.6.1 If the land is in an Environmental Significance Overlay or Significant Landscape Overlay and the proposed development (including vegetation removal) would require a permit under the overlay but for this incorporated document, an explanation of how the proposed development responds to any statement of significance, objective or decision guideline specified in a schedule to the overlay must be provided to the satisfaction of the Minister for Planning prior to the commencement of that development (excluding a preparatory use or development under Clause 4.11).

4.7 Flood management

4.7.1 Where, but for this Incorporated Document, a planning permit would be required under a Planning Scheme for buildings and works on the land within the Special Building Overlay, buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

4.8 Green Wedge Land

4.8.1 Green Wedge Land must not be subdivided into more lots or into smaller lots, unless the subdivision would not be prohibited under the Planning Scheme controls that would apply but for this Incorporated Document.

4.9 Utility installation

4.9.1 Where, but for this Incorporated Document, a planning permit would be required under a 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 prior to the commencement of such buildings and works.

4.10 Other conditions

4.10.1 Unless otherwise stated, the conditions set out in Clause 4 must be satisfied prior to the commencement of development (excluding the development of preparatory use and development under Clause 4.11). The conditions may be satisfied for separate components or stages of the project, however each condition must be satisfied to the extent it applies to the relevant component or stage prior to the commencement of development for that component or stage.

4.10.2 The plans and documents 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 document, the Minister for Planning or the relevant approving authority may seek the views of Casey City Council, Frankston City Council or any other relevant authority.

4.10.3 The use and development of the Project must be undertaken generally in accordance with this Incorporated Document and the plans and documents prepared to the satisfaction of the Minister for Planning or relevant approving authority.

4.11 Preparatory use and development

4.11.1 Preparatory buildings and works may be undertaken for the Project before the conditions in Clauses 4.4 to 4.10 are satisfied.

4.11.2 Despite Clause 4.11.1, the removal, destruction or lopping of native vegetation may not be undertaken to enable a preparatory use or development until the requirement of Clause 4.5.1 has been satisfied.

4.11.3 Preparatory use and development for the Project includes:

- 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. Undertaking investigations, testing, property condition surveys, establishing and operating monitoring stations, and undertaking works to determine the suitability of land;
- iii. Creation, construction and use of access points, access ways 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 minor or below-ground utility services, 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 the activities and works to enable another preparatory use or development specified in Clause 4.11.3;
- ix. Removal, destruction or lopping of native vegetation to the minimum extent necessary to enable another preparatory use or development specified in Clause 4.11.3; and
- x. Salvage and relocation 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.

5 EXPIRY

- 5.1 The control in this document expires if any of the following circumstances apply:
- a) The development allowed by the control is not started by 1 December 2024; or
 - b) The development allowed by the control is not completed by 1 December 2028.
- 5.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.