

Childs Road (Midway Crescent to Prince of Wales Avenue) Upgrade Project

Incorporated Document

February 2019

1.0 INTRODUCTION

This document is an incorporated document in the Whittlesea 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 Childs Road between Midway Crescent, Lalor and Prince of Wales Avenue, Mill Park (the project).

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The control in this document applies to land shown as SCO7 on the planning scheme maps forming part of the Whittlesea 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) Roadworks including the upgrading and duplication of Childs Road, new bridge works, intersection and bridge upgrades along the route and shared off-road pedestrian and cycle paths.
- 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, 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) 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
 - 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 the Whittlesea 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

For land outside the Melbourne Strategic Assessment (MSA) program area which is regulated by the Victorian Government's Guidelines for the removal, destruction or lopping of native vegetation (*Department of Environment, Land, Water and Planning, 2017*), the following conditions apply:

- 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.

For land inside the MSA program area which is regulated by the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (*Department of Environment and Primary Industries, June 2013*), the following condition applies:

- 4.2.7 Prior to the proposed removal, destruction, lopping and offsetting of native vegetation and/or species habitat necessary for the construction of the project, habitat compensation obligations must be satisfied in accordance with the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, June 2013)* and *Habitat Compensation under the Biodiversity Conservation Strategy (August 2013)*, to the satisfaction of the Secretary to DELWP.

Utility Installation

- 4.2.8 Where, but for this incorporated document, a planning permit would be required under the Whittlesea 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

- 4.2.9 Buildings and works on land within the Urban Floodway Zone and Land Subject to Inundation Overlay must be undertaken to the satisfaction of the relevant floodplain management authority.

Dry Stone Walls

- 4.2.10 Where, but for this incorporated document, a planning permit would be required to demolish, remove or alter a dry stone wall, a dry stone wall management plan must be prepared in consultation with Whittlesea City Council and be consistent with the requirements of Clause 22.04 (Heritage Conservation Policy) of the planning scheme, to the satisfaction of the Minister for Planning.

Other conditions

- 4.2.11 Unless otherwise stated, the conditions set out in Clause 4.2 must be satisfied prior to the commencement of development. 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.

- 4.2.12 The plans and documentation 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 Whittlesea City Council or any other relevant authority.
- 4.2.13 The use and development of land 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.

4.3 Preparatory Buildings and Works

Preparatory buildings and works may commence on the land described in Clause 3 before the conditions set out in Clause 4.2 are satisfied.

- 4.3.1 Preparatory buildings and works 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 and use of 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 buildings 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.

For land outside the Melbourne Strategic Assessment (MSA) program area that is regulated by the Victorian Government’s *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*, the following conditions apply:

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

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