

Bridge Inn Road (Plenty Road to Yan Yean Road) Upgrade Project

Incorporated Document

October 2019

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Whittlesea Planning Scheme (planning scheme) 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 or 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 scheme.

2. PURPOSE

- 2.1 The purpose of the control in Clause 4 is to allow the use and development of land described in Clause 3 of this document for the purposes of upgrading Bridge Inn Road between Plenty Road, Mernda and Yan Yean Road, Doreen (project).

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land shown as SCO9 on the planning scheme maps forming part of the planning scheme (project land).

4. CONTROL

Exemption from planning scheme requirements

- 4.1 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.
- 4.2 The project includes, but is not limited to, the following use and development:
 - a. Roadworks including the upgrade and duplication of Bridge Inn Road, intersection and bridge upgrades, a new road bridge, 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 material.
 - 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 pedestrian access to construction or maintenance areas.
 - vi. Demolishing and removing buildings and works.
 - vii. Relocating, modifying, 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, car parking 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.

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

4.4.1 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 (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 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.

4.5 Native vegetation

4.5.1 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.12), 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 4.12.

4.5.2 Prior to removal of native vegetation (excluding native vegetation removed under Clause 4.12), 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.

- 4.5.3 In exceptional circumstances, the Secretary to DELWP may vary the timing requirement in Clause 4.5.2.
- 4.5.4 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).
- 4.5.5 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:

- 4.5.6 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.

4.6 Heritage

- 4.6.1 Where, but for this document, a planning permit would be required under the planning scheme for development within a Heritage Overlay, a Heritage Impact Statement must be prepared in consultation with council and to the satisfaction of the Minister for Planning. The Heritage Impact Statement must be consistent with the requirements of Clause 22.04 (Heritage Conservation Policy) of the planning scheme.

4.7 Landscaping and urban design

- 4.7.1 An urban design statement must be prepared in consultation with council and the project's Urban Design Advisory Panel and submitted to the Minister for Planning. The statement must demonstrate how the final design responds to the objectives of the Northern Road Upgrade – Landscaping and Urban Design Strategy.

4.8 Utility installation

- 4.8.1 Where, but for this document, a planning permit would be required under the 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.

4.9 Flood management

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

4.10 Dry stone walls

- 4.10.1 Where, but for this document, a planning permit would be required under the planning scheme to demolish, remove or alter a dry stone wall, a Dry Stone Wall Management Plan must be prepared in consultation with council and to the satisfaction of the Minister for Planning. The Dry Stone Wall Management Plan must be consistent with the requirements of Clause 22.04 (Heritage Conservation Policy) of the planning scheme.

4.11 Other conditions

- 4.11.1 Unless otherwise stated, the conditions set out in Clause 4 must be satisfied prior to the commencement of development (excluding preparatory buildings and works under Clause 4.12). The conditions may be satisfied in separate components or stages of the project, however each condition must be satisfied prior to commencement of development for that component or stage.
- 4.11.2 The plans and documents required under Clause 4 may be amended from time to time to the satisfaction of the Minister for Planning or 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 council or any other relevant authority.
- 4.11.3 The use and development of the land for the project must be undertaken generally in accordance with this document and the plans and documents prepared to the satisfaction of the Minister for Planning or relevant approving authority.

4.12 Preparatory buildings and works

- 4.12.1 Preparatory buildings and works for the project may commence on the land described in Clause 3 before the conditions set out in Clause 4 are satisfied.
- 4.12.2 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 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.
- 4.12.3 Prior to the removal of native vegetation under Clause 4.12, 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.

4.12.4 The biodiversity impacts from the removal of native vegetation under Clause 4.12 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 4.5.2.

5. EXPIRY

- 5.1 The control in this document expires if any of the following circumstances apply:
- The development allowed by the control is not started by 31 October 2023.
 - The development allowed by the control is not completed by 31 October 2027.
- 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.