Planning and Environment Act 1987

WHITTLESEA PLANNING SCHEME

AMENDMENT C260WSEA

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

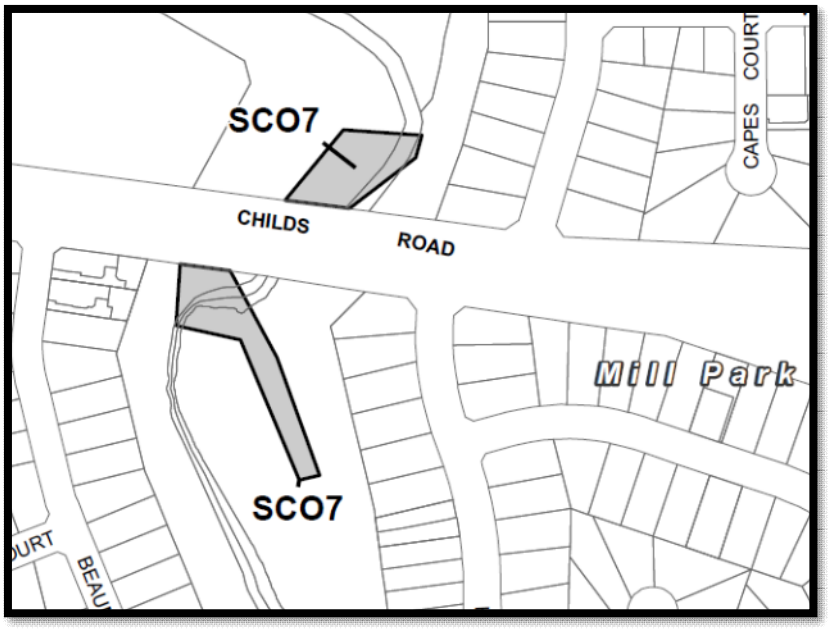
The amendment has been made at the request of Major Road Projects Victoria (MRPV).

Land affected by the amendment

The amendment applies to land required for flood mitigation works along Darebin Creek being undertaken as part of the Childs Road Upgrade Project (the project). The works are required for MRPV to satisfy the relevant floodplain management authority (Melbourne Water).

The amendment seeks to include additional land along Darebin Creek within the Specific Controls Overlay – Schedule 7 (SCO7) for the project to facilitate the works. Maps showing the project area and the additional land area are provided below.





A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment updates the boundary of Specific Controls Overlay – Schedule 7 (SCO7) to include additional land along Darebin Creek, north and south of Childs Road, within SCO7. The additional land is owned by Melbourne Water and Whittlesea City Council and no land acquisition is required. The boundary of SCO7 will also be amended to remove land no longer required for the project adjacent to Darebin Creek, south of Childs Road.

The amendment seeks to amend SCO7 so that all required land is within the SCO7 boundary, and therefore subject to the provisions of the existing *Childs Road (Midway Crescent to Prince of Wales Avenue) Upgrade Project Incorporated Document, February 2019* (Incorporated Document) .

The amendment seeks to:

- Apply Clause 45.12 Specific Controls Overlay – Schedule 7 (SCO7) to additional land required for the project by amending Planning Scheme Map No. 21SCO.
- Remove Clause 45.12 Specific Controls Overlay – Schedule 7 (SCO7) from residential land no longer required for the project by amending Planning Scheme Map No. 21SCO.

Strategic assessment of the amendment

Why is the amendment required?

The Childs Road Upgrade Project (the project) proposes to upgrade the existing section of Childs Road between Midway Crescent and Prince of Wales Avenue, Mill Park. Works include an extra lane in each direction between Beaumont Crescent and Prince of Wales Avenue, an upgraded and new bridge over Darebin Creek, new traffic lights and safety barriers, and new shared walking and cycling paths.

On 15 August 2019, Amendment C232wsea to the Whittlesea Planning Scheme (Amendment C232wsea) was gazetted which included the incorporated document into the Whittlesea Planning Scheme. The Incorporated Document exempts the project, as defined by SCO7, from the need for a planning permit, subject to conditions.

Pursuant to the Urban Floodway Zone, MRPV is required to carry out its works to the satisfaction of the relevant floodplain management authority, being Melbourne Water. Consultation with Melbourne Water about the detailed design of bridgeworks over Darebin Creek has identified a requirement for additional flood mitigation measures. Works include installing rock beaching along the banks of and within Darebin Creek to the north and south of the Childs Road bridge. These works are required to

protect the banks of the creek from scouring caused by rapid water flows through the creek. The rock beaching will minimise the scouring of the creek bed and banks which in turn protects the bridge foundations and structure. Detailed modelling has found that the extent of rock beaching required is larger than originally estimated during the early stages of the design.

Ancillary works in the additional area, including native vegetation removal, will also utilise the planning controls within the Incorporated Document. Of note, the amendment will facilitate the removal of 0.129ha of native vegetation subject to conditions within the existing *Childs Road (Midway Crescent to Prince of Wales Avenue) Upgrade Project Incorporated Document, February 2019.*

Amendment C260wsea will also correct a mapping error with SCO7, which includes a portion of several private properties adjacent to the Project.

Amendment C260wsea is required to facilitate the timely and coordinated delivery of the project, and to ensure that the project can continue without delay.

Delivery of the project is an important priority and is particularly time critical as investment in transport infrastructure is needed to support the significant growth being experienced in the outer suburbs. The project will provide a critical upgrade to Childs Road resulting in reduced congestion, improved safety and improvements to active and public transport links.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*:

1.(a) To provide for the fair, orderly, economic and sustainable use, and development of land

1.(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity

1.(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria

1.(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

1.(e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

1.(g) To balance the present and future interests of all Victorians.

The amendment facilitates the delivery of a project that will increase the capacity, reliability, efficiency and safety of Melbourne's transport network and addresses critical gaps in infrastructure provision required to support the growing population and economic activity in Melbourne's outer suburbs. The Incorporated Document ensures that any environmental, social and economic effects of the project are appropriately managed and mitigated.

How does the amendment address any environmental, social and economic effects?

The environmental, social and economic effects of the project were considered as part of Amendment C232wsea which was gazetted in August 2019. These are summarised below.

Environmental effects

A number of technical assessments were undertaken as part of Amendment C232wsea including flora and fauna, surface and groundwater, environmental site investigations, air quality screening, noise assessment and Aboriginal cultural heritage. The existing Incorporated Document requires the preparation and approval of an Environmental Management Strategy (EMS) that includes specific measures to reduce or manage environmental and amenity effects and a summary of performance monitoring and reporting processes. The EMS for the project was approved by the Minister for Planning in December 2020 and will apply to land affected by C260wsea.

To supplement the existing flora and fauna impact assessment for the project, a native vegetation and offset requirement assessment was completed for the additional land area subject to this amendment. Native vegetation requiring a planning permit for removal was identified; specifically, 0.129ha will be

impacted. Additional offsets will be secured in accordance with *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP December 2017).

Pursuant to the Urban Floodway Zone, MRPV is required to carry out its works to the satisfaction of the relevant floodplain management authority, being Melbourne Water. Melbourne Water have requested the flood mitigation works to reduce the risk of scouring caused by rapid flowing water through Darebin Creek. These works will therefore assist with mitigating environmental effects to the creek.

Social effects

Prior to approval of Amendment C232wsea consultation was undertaken to understand the views of the community and directly affected landowners and feedback was considered. The broader community will benefit from improved access to jobs and conveniences in the area and greater coverage and continuity of pedestrian and cycle networks.

Economic effects

The benefits for road users and freight are significant due to reduced travel times, lower vehicle operating costs and improved reliability. The broader community will benefit from improved transport network resilience, safety and liveability. In addition, the project will generate wider economic benefits such as improved accessibility to jobs and services.

Does the amendment address relevant bushfire risk?

The amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* and addresses the requirements of *Minister's Direction No. 11 Strategic Assessment of Amendments.*

The amendment is consistent with *Minister's Direction No. 9 Metropolitan Planning Strategy* by facilitating a project which will deliver key benefits including increased road safety, improved road infrastructure, greater connectivity and travel options and reduced congestion. The additional land will allow for flood mitigation measures that support the bridge structure and protect the creek bed.

Minister's Direction No. 19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health was addressed as part of Amendment C232wsea. This amendment which seeks to make minor mapping adjustments is not anticipated to have a significant impact on Victoria's environment, amenity and/or human health.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports and assists in the implementation of the State Planning Policy Framework (SPPF) as follows:

- Clause 11 (Settlement) – by providing infrastructure which will improve travel times and connectivity on a key arterial road in Melbourne's north, thereby improving access to jobs and services in the northern suburbs and growth areas.
- Clause 12 (Environmental and Landscape Values) - by seeking to avoid and minimise potential impacts on native vegetation. Native vegetation offsets will be obtained in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP, December 2017).
- Clause 13 (Environmental Risks) – by minimising environmental risks through the preparation and approval of an Environmental Management Strategy that will include an overarching

management framework and specific measures to manage environmental and amenity impacts during design, construction and maintenance phase activities. Works within the Urban Floodway Zone are to be undertaken to the satisfaction of Melbourne Water, with the collaborative design development process identifying that additional land is required for implementation of flood mitigation works along Darebin Creek.

- Clause 14 (Natural Resource Management) – by supporting the health of Darebin Creek through Water Sensitive Road Design, implementation of an Environmental Management Plan and consultation with Melbourne Water about detailed flood mitigation design.
- Clause 15 (Built Environment and Heritage) - by supporting healthy and sustainable neighbourhoods through alternative modes of transport including walking and cycling. The project supports the integration of the transport network and improves safety and movement of goods and people to meet local and regional needs. A Cultural Heritage Management Plan has also been prepared.
- Clause 17 (Economic Development) – by supporting the economic prosperity of existing and future industrial and commercial precincts in Melbourne's outer northern suburbs through increased access and reduced travel times.
- Clause 18 (Transport) – by improving connectivity, movement and safety through an upgraded road connection and increased connections to the Darebin Creek Trail and Epping Central.
- Clause 19 (Infrastructure) – by implementing a project which is consistent with strategic planning for the northern sub-region.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports and assists in the implementation of the following clauses of the Local Planning Policy Framework (LPPF) as follows:

- Clause 11.03-1L (Activity Centres) – by facilitating transport services between Epping Central and its trade area through an upgraded Childs Road, which is an important east-west arterial.
- Clause 12.01-1L (River Red Gum Protection and Protection of Biodiversity) – by avoiding and minimising impacts on native vegetation and habitat to the greatest extent possible.
- Clause 15.01-4L (Healthy Neighbourhoods) – by improving pedestrian and cycling facilities between destinations.
- Clause 18-01-1L (Land Use and Transport Planning) – by supporting improvements to a major east-west road within Whittlesea and establishing a high level of connectivity and accessibility for all forms of transport along Childs Road.

There is no longer a Municipal Strategic Statement within the Whittlesea Planning Scheme.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports and assists in the implementation Clause 02.03 (Strategic Directions) of the Municipal Planning Strategy by improving transport capacity on a key east-west arterial road and strengthening local and regional connections. These improvements will support the growth and development of existing and future businesses and activity centres, and improve community mobility, connectivity and alternative transport opportunities.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions through the application of the SCO. The amendment modifies the boundary of the existing SCO7 to facilitate the timely and coordinated delivery of the project. The specific controls are detailed in the associated Incorporated Document and allow the use and development of land for the purposes of a road and associated infrastructure, in accordance with the conditions in the Incorporated Document.

How does the amendment address the views of any relevant agency?

The additional flood mitigation measures within Darebin Creek are required by Melbourne Water. Detailed modelling has found that the extent of rock beaching required is larger than originally estimated during the early stages of the design. As the Urban Floodway Zone applies to the creek, MRPV is required to carry out its works to the satisfaction of the relevant floodplain management authority (Melbourne Water), and have consulted with Melbourne Water as referral authority and owner of land to the south-west of Childs Road. Melbourne Water is supportive of the amendment as it facilitates its requirements.

City of Whittlesea is a key stakeholder involved throughout the project's design and planning process. As part of the subject land is owned by Council (land to the north and south-east of Childs Road), MRPV has sought the views of City of Whittlesea regarding use of the land as well as the use of Section 20(4) of the *Planning and Environment Act 1987* to facilitate inclusion of the land within SCO7. Council continues to be involved in the project's design and planning process and is supportive of the project.

Broader community and agency engagement occurred during the planning of the project and preparation of Amendment C232wsea which introduced the Incorporated Document into the Whittlesea Planning Scheme.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment facilitates a project which will have a positive impact on the transport system as defined in Section 3 of the *Transport Integration Act 2010.* As described below, the amendment addresses key transport system objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the *Transport Integration Act 2010.*

Division 2 – System objectives

- *S8 Social and economic inclusion* - the project will improve the efficiency of the road network and thereby expand opportunities for access to social and economic opportunities, particularly in the northern growth area.
- *S9 Economic prosperity* - the project will facilitate the efficient and effective access to places of employment through an improved transport connection.
- *S10 Environmental sustainability* - the road upgrade and Incorporated Document include a requirement to reduce impacts on remnant native vegetation, fauna habitats and adjacent areas of ecological, environmental or landscape significance designated as 'no-go' zones. The inclusion of additional land within SCO7 will allow for flood mitigation measures that both support the bridge structure and protect the creek bed.
- *S11 Integration of transport and land use* - the project area follows the existing road corridor and surrounding road reserves. It maximises access to existing users and seeks to minimise access changes. The amendment will ensure the project is delivered in a timely manner to support the current and future requirements of the transport system and the demands of those communities in the northern growth area.
- *S12 Efficiency, coordination and reliability* - the project will facilitate efficient, coordinated and reliable movements of persons and vehicles.
- *S13 Safety and health and wellbeing* - the project will reduce congestion and hence improve road user safety within the northern road network.

Division 3 – Decision-making principles

- *S15 Principle of integrated decision-making* - the project has been the subject of a coordinated process between MRPV, City of Whittlesea, Melbourne Water and other relevant agencies.
- *S16 Principle of triple bottom line assessment* - the economic, environmental and social costs and benefits of the project have been considered and have been found to satisfy the principles of triple bottom-line assessment.
- *S17 Principle of equity* - the project will improve the overall operation of the transport system in the northern suburbs of Melbourne and will cater for the needs of existing and future communities.

- *18 Principle of the transport system user perspective* - the project will facilitate improvements to the transport system which will improve the road network experience for users.
- *S19 Precautionary principle* - the precautionary principle was adopted during the development of the project through technical investigations and evaluations to avoid serious or irreversible damage to the environment.
- *S20 Principle of stakeholder engagement and community participation* - the project is supported by a communications strategy which includes consultation with local communities, transport system users, landowners and other key stakeholders.
- *S21 Principle of transparency* - the project is supported by a communications strategy which includes consultation with local communities, transport system users, landowners and relevant agencies.

Resource and administrative costs

The amendment will not impact on the resources and administrative costs of the responsible authority. The amendment will reduce the regulatory burden for City of Whittlesea by maintaining planning permit exemptions for the project and extending these to further land.

Where you may inspect this amendment

The amendment can be inspected, free of charge, during office hours at the following places:

City of Whittlesea

25 Ferres Boulevard

South Morang VIC 3752

City of Whittlesea website at https://www.whittlesea.vic.gov.au/

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Epping and Mill Park	Darebin Creek at the intersection with Childs Road	Whittlesea C260wsea 001d-scoMap21 Exhibition Whittlesea C260wsea 002scoMap21 Exhibition