Planning and Environment Act 1987

FRANKSTON PLANNING SCHEME

AMENDMENT C147FRAN

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 the Lathams Road Upgrade Project (the project) between Oliphant Way, Seaford and Dandenong-Frankston Road, Carrum Downs. An indicative map of the overall project is provided below.

The amendment seeks to include four (4) additional parcels of land within the Specific Controls Overlay for the project area and apply a Public Acquisition Overlay to the additional land. The land will be used as part of the duplication of Lathams Road.



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 5 (SCO5) to include the following four (4) additional parcels of land within the SCO area and applies a Public Acquisition Overlay (PAO1) to the additional land being:

- 43R Lathams Road, Carrum Downs - RES3\LP217343
- 45R Lathams Road, Carrum Downs - RES2\LP217343
- 57R Lathams Road, Carrum Downs - RES1/PS400128
- 1 Hall Road, Carrum Downs (identified as R1 on proposed Plan of Subdivision PS837611C – land area 230sqm)

The inclusion of land at 1 Hall Road Carrum Downs within the amendment will also facilitate a process for the removal of one (1) scattered native tree on that land, subject to conditions within the existing *Lathams Road (Oliphant Way to Dandenong-Frankston Road) Upgrade Project Incorporated Document, April 2019.*

The amendment:

- Applies Clause 45.12 Specific Controls Overlay – Schedule 5 (SCO5) to additional land required for the project and amend Planning Scheme Map No. SCO2
- Applies Clause 45.01 Public Acquisition Overlay – Schedule 1 (PAO1) to land associated with the project and amend Planning Scheme Map No. PAO2.

Strategic assessment of the amendment

Why is the amendment required?

The Lathams Road Upgrade Project (the project) duplicates 2.5km of Lathams Road between Oliphant Way, Seaford and Frankston-Dandenong Road, Carrum Downs. Works include a new bridge, service roads, shared use path, signalised intersections and dedicated U-turn locations.

On 21 November 2019, Amendment C134 to the Frankston Planning Scheme (Amendment C134fran) was gazetted, which reserved land for the project and inserted the *Lathams Road (Oliphant Way to Dandenong-Frankston Road) Upgrade Project Incorporated Document, April 2019* (incorporated document) into the Frankston Planning Scheme. The incorporated document exempts the project from the need for a planning permit, subject to conditions.

Detailed design development has identified the need for four (4) additional parcels of land to be included within the project area subject to the Incorporated Document, as identified by SCO5. Of these four parcels, three (3) were excluded due to cadastral boundary errors. The fourth parcel, at 1 Hall Road Carrum Downs has been included to allow the removal of one (1) scattered native tree under the conditions within the incorporated document, rather than through a separate planning permit application to council. This tree needs to be removed to reinstate the left turn access lane into the site following construction of the project.

This amendment therefore is required to facilitate the timely and coordinated delivery of the project by amending SCO5 to include all required land within the SCO5 boundary, and therefore subject to the provisions of the existing Incorporated Document. The application of the PAO1 to the four extra parcels will facilitate acquisition of the land in a coordinated manner.

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 development of this key piece of transport infrastructure will support the continued industry investments and planned population growth in the south-east growth region.

The Carrum Downs Industrial Precinct (CDIP) is a major contributor to economic activity in the south-east region, generating more than half of the City of Frankston's Gross Regional Product and employing 16% of the municipality's workforce (greater than the Frankston City Centre). Lathams Road is a key arterial connection that links businesses and the community to the freeway and arterial road network, and its upgrade will improve access for freight from the CDIP to ports and other

industrial precincts and activity centres. It will also improve the community's access to goods and services located in the CDIP and nearby activity centres and improve sustainable transport options through a shared user path and improved bus access. This investment in road infrastructure will be regionally significant and a major contributor to the liveability, productivity and economic competitiveness of Melbourne's south-east growth area.

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 Melbourne's 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 C134fran which was gazetted in November 2019. These are summarised below.

Environmental effects

A number of technical assessments were undertaken as part of Amendment C134fran including flora and fauna, surface and groundwater, environmental site investigations, air quality screening, noise assessment and Aboriginal cultural heritage. The incorporated document requires consistency with an Environmental Management Strategy that includes specific measures to reduce or manage environmental and amenity effects and a summary of performance monitoring and reporting processes.

An ecological assessment and offset statement has also been prepared and will be modified to reflect the removal of one (1) scattered native tree (*Eucalyptus viminalis subspecies pryoriana*) at 1 Hall Road as part of this amendment. This tree was previously assessed as having a major encroachment from the project. However, it will now require removal following ongoing design development.

Social effects

Prior to consideration of Amendment C134fran consultation was undertaken to understand the views of the community and other key stakeholders. The broader community will benefit from improved access to jobs, schools and shops in the area as well as providing quicker, easier and safer access to EastLink, Mornington Peninsula Freeway, Peninsula Link, Frankston-Dandenong Road and metropolitan Melbourne for the surrounding community. Amenity and safety of surrounding areas will be improved by encouraging heavy vehicle traffic to use Lathams Road instead of other local roads. The project enhances the amenity, coverage and continuity of pedestrian and cycle networks, facilitates opportunities for walking and cycling, and provides improved access to public transport and open space.

Economic effects

The project will deliver increased capacity in the local and regional transport network. This will facilitate greater access to employment, key services and facilities located in the CDIP, Frankston Activity Centre and Carrum Downs Regional Shopping Centre from existing urban areas and the emerging urban growth areas in Casey and Cardinia. The benefits for road users and freight are significant due to reduced travel times, lower vehicle operating costs and improved reliability.

Land acquisition

This amendment proposes to apply SCO5 and PAO1 to four (4) additional parcels of land. Three of these parcels are owned by Frankston City Council (council). Council supports the amendment.

The land shown as "R1" on 1 Hall Road is already proposed to be vested with Roads Corporation and demarcated as a 'road' on the proposed Plan of Subdivision for that site. The vesting of that land was a condition from Department of Transport (formerly VicRoads) for the planning permit approval for the service station which is currently under construction. The private landowners support the amendment.

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. The amendment does not directly affect bushfire risk and the upgrade may improve emergency access to bushfire prone areas.

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.

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 C134fran. 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 congestion on a key arterial road in Melbourne's south-east, thereby improving access to jobs and services in the south-eastern suburbs and growth areas.

- Clause 12 (Environmental and Landscape Values) - by seeking to avoid and minimise potential impacts on native vegetation. For the tree at 1 Hall Road, 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.

- Clause 15 (Built Environment and Heritage) - by supporting healthy and sustainable neighbourhoods through provision of a new shared user path. A Cultural Heritage Management Plan has also been prepared (CHMP No. 16084) and landscape strategies are being considered for planting following construction.

- Clause 17 (Economic Development) – by supporting the economic prosperity of existing industrial and commercial precincts in Melbourne's south-eastern suburbs through increased access and reduced travel times.

- Clause 18 (Transport) – by improving connectivity, freight links and access from residential to employment areas via private vehicles, public transport, walking and cycling.

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) and specifically the Municipal Strategic Statement (MSS) as follows:

- Clause 21.01 (Introduction) – by supporting existing and future industry, businesses and residents of the City of Frankston through provision of an efficient transport network, reduced travel times and improved access to jobs and services.

- Clause 21.02 (Key Issues) – by delivering a key transport project that is highly regarded by the local business community and council and supporting the planned growth of the CDIP and residential population in the existing and emerging areas of the south-east region.

- Clause 21.03 (Vision and Strategic Framework) - by delivering a key project that will support ongoing investment and job creation within the CDIP.

- Clause 21.04 (Settlement) – by supporting projected population growth through improvements to the existing road network.

- Clause 21.05 (Environmental Risk) - 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.

- Clause 21.06 (Environmental and Landscape Values) - by seeking to avoid and minimise potential impacts on native vegetation. For the tree at 1 Hall Road, native vegetation offsets will be obtained in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP, December 2017).

- Clause 21.08 (Economic Development) – by delivering a key transport project that will support investment and job creation through improved access.

- Clause 21.11 (Transport) – by reducing travel times for the delivery of goods and services, and providing improved access for walking, cycling and public transport, to ensure the ongoing prosperity of the south-eastern sub-region.

- Clause 21.12 (Infrastructure) – by providing infrastructure to support improved access and connectivity for the community and businesses in Carrum Downs and Seaford.

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

This strategic consideration does not apply.

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 and PAO. The amendment modifies the boundary of the existing SCO5 and applies a PAO to

land proposed to be acquired for the project 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 views of relevant agencies were sought and considered by MRPV during the planning of the project and preparation of Amendment C134fran which introduced the incorporated document into the Frankston Planning Scheme. Council has been a key stakeholder involved throughout the design and planning process. They have provided information to the project team to facilitate the planning and design process and have been kept informed of the design and development approvals process as it progresses.

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 south-eastern growth areas.

- *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.

- *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 south-eastern growth areas.

- *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 south-eastern 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, Frankston City Council 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 south-eastern suburbs of Melbourne and will cater for the needs of existing and future communities.

- *S18 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 have a significant impact on the resources and administrative costs of the responsible authority. The amendment will reduce the regulatory burden for council by maintaining planning permit exemptions for the project and extending these to the additional parcels to be included within the project area.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Frankston City Council website at:

https://www.frankston.vic.gov.au

The amendment is available for public inspection, free of charge, during office hours at the following places:

Frankston City Council - Frankston Civic Centre

30 Davey Street

Frankston

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

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Carrum Downs	75R Lathams Road - RES1/PS400128	Frankston C147fran 001scoMap02 Exhibition
Carrum Downs	43R Lathams Road - RES3\LP217343 45R Lathams Road - RES2\LP217343	Frankston C147fran 002scoMap02 Exhibition
Carrum Downs	1 Hall Road - identified as R1 on proposed Plan of Subdivision PS837611C	Frankston C147fran 003scoMap02 Exhibition
Carrum Downs	1 Hall Road - identified as R1 on proposed Plan of Subdivision PS837611C	Frankston C147fran 004paoMap02 Exhibition
Carrum Downs	75R Lathams Road - RES1/PS400128	Frankston C147fran 005paoMap02 Exhibition
Carrum Downs	43R Lathams Road - RES3\LP217343 45R Lathams Road - RES2\LP217343	Frankston C147fran 006paoMap02 Exhibition