



9 Land use and planning

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9.1 OVERVIEW

This chapter assesses the land use and planning aspects of the construction and operation of the project. The information is based on the impact assessment prepared by WSP and presented in Appendix B: *Land use and planning impact assessment*.

The project is consistent with the relevant state and local planning policies. It will contribute to the direction and strategies of Plan Melbourne by improving transport in one of greater Melbourne's fastest growing areas. A key outcome of the Plan is that "Melbourne has an integrated transport system that connects people to jobs and services and goods to market" (Outcome 3). The project contributes to this outcome by delivering improved transport and connectivity in Melbourne's outer suburbs and allowing for the integration with other transport projects in the Southern Region.

In addition, the land reserved for the bypass between the Dingley Bypass and Thames Promenade is detailed in the Greater Dandenong and Kingston Planning Schemes and its Public Acquisition Overlay (PAO). The Greater Dandenong and Kingston Planning Schemes seek to create a safe, convenient and efficient road network which integrate land use and transport. The project addresses capacity problems identified along the southern movement corridor, will improve productivity, liveability, and economic development in the south east as well as the wider metropolitan area. The accordance with planning policy is discussed in Section 9.3 and Section 9.6.1 of this chapter and in Appendix B: *Land use and planning impact assessment*. The benefits of the project are outlined further in Chapter 2: *Project rationale and benefits*.

Five land use typologies have been identified surrounding the project:

- residential
- industrial and commercial
- residential and wetland frontage
- recreation reserves and wetlands
- green wedge zone.

Changes to land use associated with the project are considered acceptable. While the informal open space within the proposed corridor will no longer be available to the public, this has been earmarked for road development since 1969 and formalised since 1981. Consequently, development within the vicinity of the project has had regard to its future delivery providing for appropriate setbacks and careful siting away from the anticipated development of the road. It is acknowledged that land uses adjacent to the project may also experience amenity impacts related to noise, dust, visual and social amenity which are discussed further in Section 7.2 of Appendix B: *Land use and planning impact assessment* and relevant chapters of this Environment Effects Statement (EES) (Chapter 11: *Landscape and visual effects*, Chapter 12: *Noise and vibration effects*, Chapter 13: *Air quality and greenhouse gas*, and Chapter 19: *Social effects*).

Land within the project area is predominantly under the control and management of VicRoads and much of the proposed alignment follows an existing PAO. Only four land parcels not included under the existing PAO require acquisition and trigger a Planning Scheme Amendment (PSA). Of these, three parcels are within private ownership and one parcel is within public ownership.

The Environmental Risk Assessment (ERA) identified compulsory land acquisition as the only impact pathway with a residual risk for land use and planning which is examined in Section 9.7 of this chapter and Section 6.0 of the technical report. The only residual risk identified is the potential for the project to require the procurement of land outside of the PAO. This was identified as a Medium initial and residual risk given the potential for delay to the project and further due diligence and environmental assessments required to determine environmental impacts. The acquisition of these parcels and the application of the PAO is required as part of the amendment process. In addition, the PSA amends Map 06HO of the Kingston Planning Scheme to amend the boundary of Heritage Overlay HO104 (Braeside Park Precinct) to accurately reflect the location of the heritage asset. A draft PSA is included as part of this EES, which, if made in its current form following completion of the EES assessment process, will apply a PAO to those parcels of land needing to be acquired for the project. Aggregate and cumulative risks have also been identified and are discussed in Chapter 21: *Cumulative impacts*.

9.2 EES OBJECTIVES AND REQUIREMENTS

The draft evaluation objectives relevant for land use and planning are defined in the *Scoping Requirements for Mordialloc Bypass Environment Effects Statement* (scoping requirements) (DELWP 2018).

The planning and land use assessment has identified that there is significant overlap in the scope of the objectives that apply to the potential effects on the amenity and environment along the Mordialloc Bypass (Freeway) corridor. These objectives have therefore been considered in relation to planning and land use as well as with other relevant technical assessments such as noise, air quality, social and landscape and visual impact.

DRAFT EVALUATION OBJECTIVES

Amenity and environmental quality: *To protect the health and wellbeing of residents and local communities, and minimise effects on air quality, noise and the social amenity of the area, having regard to relevant limits, targets or standards.*

Social, land use and infrastructure: *To minimise potential adverse social and land use effects, including impacts on existing infrastructure and open space.*

Table 9.1 summarises key issues for land use and planning considerations as identified in the scoping requirements that are addressed within this EES.

Table 9.1 EES key issues — land use and planning

Key issues
Potential for dust emissions resulting from construction works and activities, including dust from potentially contaminated soil.
Potential for increases in noise and vibration levels during the project construction to significantly affect amenity in adjacent residential and parkland areas.
Potential for increases in noise levels from the project's operation to affect amenity significantly in adjacent residential and parkland areas.
Potential for increased vehicle traffic to affect local air quality adversely due to exposure to vehicle emissions.
Potential for increased emissions of greenhouse gases to result from the project.
The potential for dislocation due to severance causing reduced access to social networks and community facilities.
Temporary restrictions to access to regionally significant open spaces, including Braeside Park.
Potential for effects on the landscape and recreational values of neighbouring open space and residential areas, including the Mordialloc Creek, Waterways and Braeside Park environs from the project, in particular from elevated structures, such as bridges over the Mordialloc Creek, new Freeway interchanges, new ancillary structures such as noise barriers, and new lighting associated with the project.
Potential for overshadowing, overlooking and/or other privacy or security impacts on nearby residential properties, especially in connection with new elevated stretches of road.
Potential for changes to the existing infrastructure in the project area and in its vicinity.

9.3 LEGISLATION AND POLICY

Key legislation and policies relevant to the land use and planning consideration are outlined in Table 9.2. Full details are provided in Appendix B: *Land use and planning impact assessment*. The report confirms that the assessment has been undertaken in consideration of, and is consistent with, the relevant legislation, policy and guidance.

Table 9.2 Legislation and policies — land use and planning

Legislation/policy	Description
State:	
<i>Planning and Environment Act 1987</i> (Vic) (P&E Act)	Establishes the legislative framework for the use and development of land in Victoria. The Act is the primary mechanism by which land use and development is permitted, controlled or prohibited and it sets out the structure and administration of the planning system in Victoria. This is the key legislation for planning and land use to address the relevant EES objectives outlined in the scoping requirements. Further detail is provided in Chapter 3: <i>Legislative framework and approval requirements</i> . The land in the project area is subject to the requirements of the Greater Dandenong and Kingston Planning Schemes. They include policies that are directly relevant to this project and are examined further in Section 9.6.1.
<i>Crown Land (Reserves) Act 1978</i> (Vic)	Provides for the reservation and management of Crown land in Victoria. Reserved Crown land supports a wide range of uses such as sports grounds and parks, which are managed by a range of organisations including Councils and Parks Victoria. The project affects six parcels of public land, including one reserved Crown land.
<i>Land Acquisition and Compensation Act 1986</i> (Vic)	Outlines the process for the compulsory acquisition of freehold land by State Government for a public purpose, which can be either compulsory or by negotiation. The Act also provides procedures for acquisition and determining compensation. All land to be acquired for the proposed Mordialloc Bypass (Freeway) will be acquired in accordance with this Act. The procurement of land is detailed further in Section 9.6.2.
<i>Plan Melbourne 2017–2050 — Metropolitan Planning Strategy</i> (Plan Melbourne)	Sets out the Victorian Government’s vision for greater Melbourne to 2050. Contains policies and strategies that direct transport, housing, economic development, and the environment across Melbourne. Consideration must be given to the strategies contained in Plan Melbourne when assessing the project’s development. A key outcome of the Plan is that “Melbourne has an integrated transport system that connects people to jobs and services and goods to market” (DELWP 2017, p.38). To achieve this outcome, the Plan includes the following directions: <ul style="list-style-type: none"> • transform Melbourne’s transport system to support a productive city • improve transport in Melbourne’s outer suburbs • improve freight efficiency and increase the capacity of gateways while protecting urban amenity. The project is included in Plan Melbourne's Southern Region. A key focus of this region is providing “better transport links to the city along the Dandenong Rail Corridor and planning for future road and rail connections to the Port of Hastings.” (Ibid p.53). The project would contribute to the direction and strategies of Plan Melbourne by delivering improved transport in Melbourne’s outer suburbs and allowing for the integration with other transport projects in the Southern Region. Further benefits are highlighted in Appendix B: <i>Land use and planning impact assessment</i> and Chapter 2: <i>Project rationale and benefits</i> .

Legislation/policy	Description
<i>Planning Policy Framework (PPF)</i>	Sets the overall context for spatial planning and decision making for Victoria. As verified in Table 3.1 of Appendix B: <i>Land use and planning impact assessment</i> , the project is consistent with the requirements of the PPF as set out in the Victorian Planning Provisions.
Local:	
<i>Greater Dandenong Planning Scheme</i>	Contains several policy statements and objectives relevant to the project's land use and planning assessment. Relevant clauses of the Planning Scheme for the project include: <ul style="list-style-type: none"> • 21.03: Council's vision for Greater Dandenong includes a "state-of-the-art intermodal transport interchange for south-eastern Victoria" • 21.06 seeks to identify and protect areas of ecological value in Greater Dandenong • 21.07: includes objectives relating to the efficient movement of freight within the municipality, with an emphasis on avoiding freight transport on local roads • 22.03: identifies the Sandbelt Open Space Project, which provides a regional strategy for the development of a series of linked parks extending across the Heatherton and Dingley areas.
<i>Kingston Planning Scheme</i>	Contains several policy statements and objectives relevant to the project's land use and planning assessment. Relevant clauses of the Planning Scheme for the project include: <ul style="list-style-type: none"> • 21.10: aims to support and maintain the Green Wedge concept while ensuring activities in the Green Wedge are consistent with, and contribute to, optimal long-term planning solutions for the whole of the south-east metropolitan Green Wedge • 21.12-3: advocates for major road infrastructure construction in key priority areas to assist regional movements in a north-south direction • 21.03: identifies transport as a key issue for the municipality, with deficiencies in key arterial routes, which has consequences for the local road network • 21.09: aims to protect and improve the functions of existing floodplains and waterways, and to consolidate their habitat and recreational importance • 21.12: seeks to improve key freight networks, address deficiencies and conflicts between arterial traffic and abutting land use, and manage high volumes of industrial traffic on roads that are operating at or near capacity.
<i>Kingston Green Wedge Plan 2012</i>	Identifies the values and features of the Green Wedge, the preferred land uses, environmental and natural resources that should be protected, and the needs of the local community. The vision of the strategic plan identifies that the Green Wedge would "have a semi-rural feel and appearance; and contain activities that interface well with one another". The project is required to respect this vision. The need to manage interfaces with existing uses is particularly relevant for project land adjacent to Braeside Park, the Dingley Village residential precinct, and the Waterways residential development.
<i>Sand Belt Open Space Development Plan 1994</i>	Outlines Council strategy for the transition away from extraction industries in the Heatherton, Clayton South and Dingley areas, with the intent of developing a series of linked open spaces. This plan, which is now over 20 years old, reinforces the importance of the parkland areas which are near the project.

Legislation/policy	Description
<i>Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc, 2004</i>	As per the Project Brief (2000), the purpose of the Mordialloc Structure Plan is to: “guide the future development of the Mordialloc precinct and to provide guidance on its future planning and enhancement”. Although the Mordialloc Centre is not in the project alignment, its improvement would be facilitated by region-wide traffic management initiatives.
<i>Kingston Biodiversity Strategy 2018 -2023</i>	The <i>Kingston Biodiversity Strategy 2018-2023</i> sets out goals and strategic objectives for protecting, preserving and improving our biodiversity within Councils Natural Resource Areas (NRA). It also takes the next step, by incorporating an action plan to be implemented over time to ensure these goals and objectives are met. Within the Strategy Mordialloc Creek Reserve is designated as a site of high conservation significance. These initiatives should be considered as part of any landscape treatments which accompany the proposed Mordialloc Bypass (Freeway) project.

In addition to the documents in Table 9.2, the following Incorporated Documents are included in the Kingston Planning Scheme and are relevant to the Mordialloc Bypass (Freeway):

- Hawthorn Football Club — Function Centre and Signage Controls, Tootal Road, Dingley Village, May 2016
- Wells Road, Aspendale Gardens Landscape Concept Plan for Outline Development Plan, September 1999
- Kingston Lodge Concept Plan 2006
- Aspendale Gardens Incorporated Plan, 1 November 1999.

In particular, Schedule 2 to the Kingston Lodge Concept Plan requires that the owner must enter into an agreement under Section 173 of the Act. Most notably, Clause 6.3 of the Section 173 Agreement requires that *(d) the provision by VicRoads of suitable acoustic treatment located within the Mornington Peninsula Freeway Reserve to protect the urban areas from the effects of the Mornington Peninsula Freeway Traffic*. The Kingston Lodge Concept Plan applies to the area now occupied by the Waterways Estate.

The following local plans, guidelines and strategies also provide guidance around identifying land use and planning impacts. Further information on these documents can be found in Appendix B: *Land use and planning impact assessment*:

- Kingston Foreshore Strategy 1999
- Victorian Coastal Strategy (Victorian Coastal Council 2014)
- Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1998)
- Moorabbin Airport Aviation Obstacle Referral Height Plan
- Council Plan 2017–2021.

9.4 METHODOLOGY

The overall aim of the assessment was to describe the existing and planned land uses inside or adjacent to the project area, and assess the potential effects of the project on these land uses.

To meet this aim, the land use and planning assessment included the following key tasks:

- A review of the legislative and PPF for the study area, including the Kingston and Greater Dandenong Planning Schemes; the PPF and Local PPFs, zones, overlays and other provisions and recent PSAs.
- Identifying built and landscape features located within and adjacent to the project corridor using criteria shown in Table 9.3.
- Identification of current and future land uses within and adjacent to the project corridor using aerial and site photography and planning scheme data.
- Description of the current land use types based on the current built form, land use, activities and setting.
- Identifying land use and planning related environmental risks, including the risk of cumulative impact, that may result from the development of the project.
- Undertaking a risk assessment process is described in detail in Chapter 4: *EES assessment framework and approach*.
- Recommending mitigation measures to minimise or avoid impacts to existing and planned land uses in the study area, where required.

Table 9.3 Relevant criteria in the assessment of land use composition

Existing condition criteria	Composition of criteria
Site context	This is largely the composition of existing conditions within the wider area along the bypass boundary.
Allotment size	There will be a range of allotment sizes bordering the bypass corridor. Larger industrial sites and small-scale residential properties are examples of this variation.
Built form	A range of building purposes from domestic residential structures to large-scale industrial premises. This includes outbuildings and horticultural structures.
Landscape composition	There are areas of wetland, native vegetation and introduced gardens. There are also patches of remnant vegetation within the bypass corridor that currently screen the views towards this area.
Orientation	Whether the built form has an orientation towards the bypass corridor.
Boundary setback	The distance between existing development and the boundary of the bypass corridor. This includes allotments that are currently vacant.
Site perimeter treatment	The form of the fencing currently between properties adjacent to the bypass.

9.5 STUDY AREA

The study area used for land use and planning investigation includes the project area as defined in Chapter 6: *Project description* with a 1km buffer zone.

9.6 EXISTING CONDITIONS

9.6.1 Planning schemes

A planning scheme is a statutory document that sets out objectives, policies and provisions relating to the use, development, protection and conservation of land in the area to which it applies. They are prepared, approved and implemented under the P&E Act.

Two planning schemes apply to this project: the Greater Dandenong Planning Scheme and the Kingston Planning Scheme. A breakdown of the planning scheme controls, including all affected zones, overlays and provisions, is provided in further detail in Appendix B: *Land use and planning impact assessment*.

Zoning

The project is located within several zones across the two planning schemes, as shown on the zoning plan in Figure 9.1. Table 9.4 summarises where there are planning permit triggers applicable to the project (classified as a 'road') in each zone. It is confirmed that the proposed project can meet the requirements of the planning scheme zones, subject to the requirement for a planning permit where the proposed bypass is affected pursuant to Clause 37.03 (UFZ), and Clause 36.01 (PUZ1 and PUZ7) of the Kingston Planning Scheme. A full assessment of the zoning is provided in Appendix B: *Land use and planning impact assessment*.



Figure 9.1 Zoning plan

Table 9.4 Summary of zoning permit triggers

Planning zone	Purpose and relevance	Permit required
Kingston Planning Scheme		
Public Use Zone: Schedule 1 (PUZ1) and Schedule 7 (PUZ7)	Recognises public land used for public utility, community services and facilities and to provide for associated uses that are consistent with the intent of the public land reservation or purpose. Pursuant to the provisions of Clause 62.01, a planning permit is required for the use of land for a 'road' in PUZ1 and PUZ7 as MRPA is not the relevant land manager.	Yes
Urban Floodway Zone (UFZ)	Identifies areas in urban areas that have the greatest risk and frequency of being affected by flooding. Under the provisions of the UFZ, the use of a 'road' is listed within Section 2 (Permit Required) and pursuant to Clause 37.03-2 of the UFZ a permit is also required for roadworks, if the water flow path is redirected or obstructed.	Yes

Overlays

Overlays map different features that need to be considered when developing land. They typically relate to environmental constraints such as flooding, vegetation or heritage.

The project is affected by several planning overlays as shown in Figure 9.2. Table 9.5 summarises where a planning permit is triggered for the project (classified as a 'road') associated with the applicable overlays. It is confirmed that the project is not prohibited and that the requirements of the planning schemes can be met, subject to the granting of a planning permit where the proposed bypass is affected by Clause 42.02 (VPO1) of the Greater Dandenong Planning Scheme and Clause 44.05 (SBO) and Clause 44.04 (LSIO) of the Kingston Planning Scheme and. A full assessment of overlays associated with the project is provided in Appendix B: *Land use and planning impact assessment*.

Table 9.5 Summary of overlay planning permit triggers

Planning overlay	Purpose and relevance	Permit required
Greater Dandenong Planning Scheme		
Vegetation Protection Overlay — Schedule 1 (VPO1)	Identifies areas of significant vegetation and recognises vegetation protection areas as locations of special significance, natural beauty, interest and importance. A planning permit is required to remove any native vegetation within VPO1.	Yes
Kingston Planning Scheme		
Land Subject to Inundation Overlay (LSIO)	Identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The LSIO specifically states that a planning permit is required for roadworks in land subject to the overlay, if the water flow path is redirected or obstructed, and the exemption under Clause 62.02-1 does not apply.	Yes
Special Building Overlay (SBO)	Identifies land in urban areas that is liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority and ensures that any development allows the free passage and temporary storage of floodwaters. A planning permit is required for roadworks within the SBO if the water flow path is redirected or obstructed, and the exemption under Clause 62.02-1 does not apply.	Yes

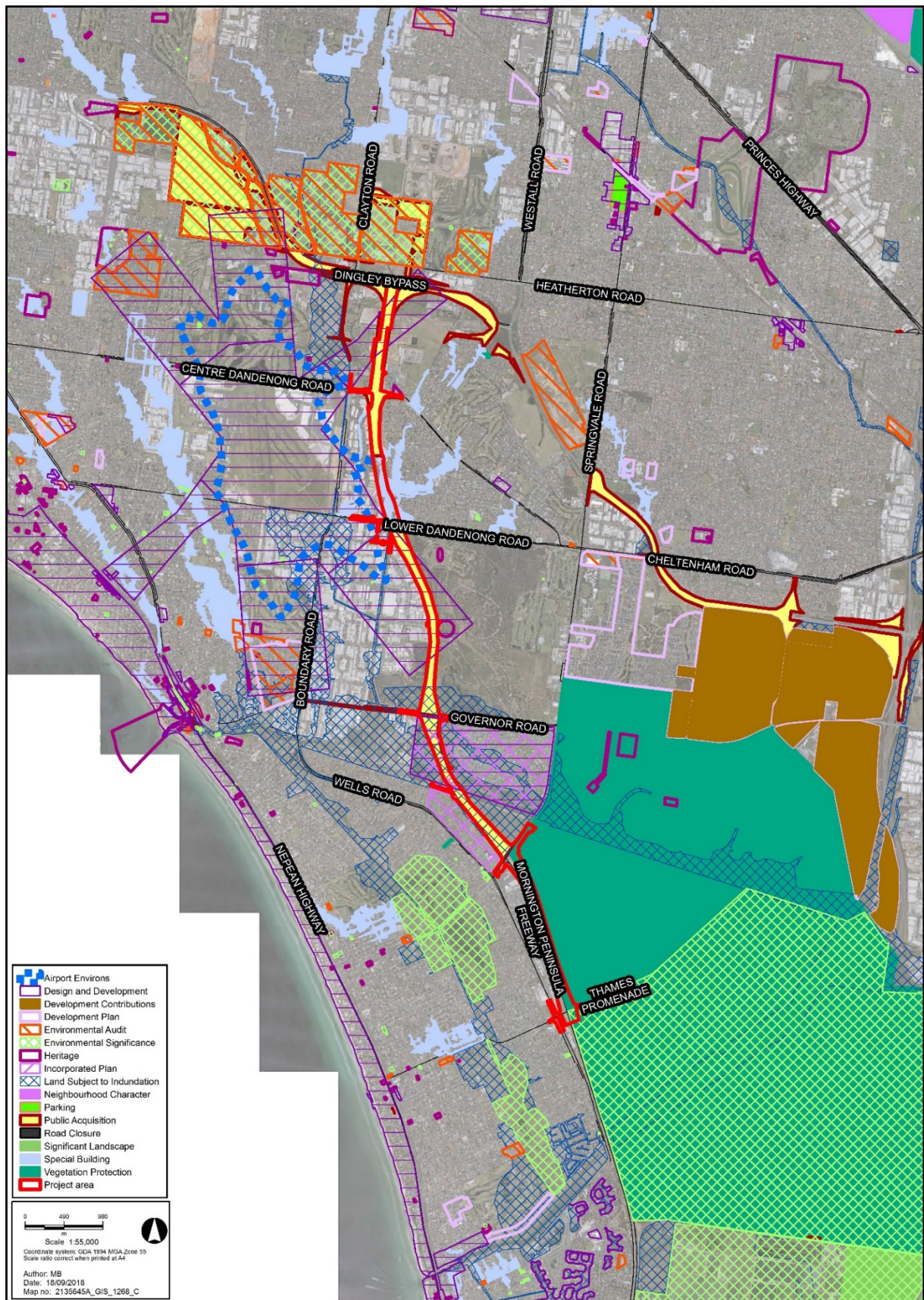


Figure 9.2 Planning overlays

Particular and general provisions

Particular provisions apply in addition to the requirements of a zone or overlay and are prerequisites for a range of particular uses and developments. This project requires a planning permit under the following provisions:

- Clause 52.17 Native Vegetation
- Clause 52.29 Land Adjacent to a Road Zone Category 1 or Public Acquisition Overlay for Category 1 Road.

Within the General Provisions, the project has a general exemption from permit requirements as follows:

- Clause 62.01 (uses not requiring a permit) – the use of land for a road (except within the UFZ and a Public Conservation and Resource Zone) does not require a permit.
- Clause 62.02 (buildings and works) – any requirement in the planning scheme relating to the construction of a building or the construction or carrying out of works (other than a requirement in the Public Conservation and Resource Zone), does not apply to roadworks.
- Clause 62.02-3 (Vegetation Removal) – any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation. This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.

Proposed Planning Scheme Amendment (PSA)

The required planning approvals for the project would be achieved through a PSA to Greater Dandenong and the Kingston Planning Schemes. The amendment is required to provide for a PAO for four land parcels within the project area. In addition, the PSA amends Map 06HO of the Kingston Planning Scheme to amend the boundary of Heritage Overlay HO104 (Braeside Park Precinct) to accurately reflect the location of the heritage asset. Further details regarding HO104 are provided in Chapter 15: *Historical cultural heritage*.

This PSA is to insert the new Incorporated Document into the Schedule to Clause 45.12 (Specific Controls Overlay) and the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) and amend the maps to apply Clause 45.12 (Specific Controls Overlay) to all land associated with the use and development of the road, to exempt all use and development associated with the project from the need for a planning permit, subject to conditions.

The specific controls and conditions for the project are set out in Clause 4.0 of the incorporated document. These conditions specify that the project must be carried out in accordance with the environmental management framework (EMF) and the identified Environmental Performance Requirements (EPRs). The incorporated document is therefore the mechanism by which the EMF and EPRs are secured. The EPRs are discussed further in Section 9.9.

The PSA would also exempt the project from all planning permit requirements of the planning schemes. Whether the project is given exemption would depend on whether it meets the recommendations made by the Minister for Planning's assessment of this EES.

The PSA would enable VicRoads to acquire land for the construction of the project and associated works. This would be in addition to the land VicRoads already owns and land already covered by an existing PAO. The draft PSA is included as Attachment II: *Draft planning scheme amendment*.

Further information on the PSA approval process is provided in Chapter 3: *Legislative framework and approval requirements*.

9.6.2 Land tenure

The project area includes six public land parcels (crown land, DELWP land or Melbourne Water land) and 58 freehold land parcels. While a PAO exists for much of the project, not all parcels to be acquired fall within this overlay. The intersections of land parcels with the existing PAO are shown in Figure 9.3. The proposed PSA subsequently seeks to apply a PAO to include the parcels of land to be acquired which fall outside of this existing PAO. This is discussed in further detail in Section 9.8.1.

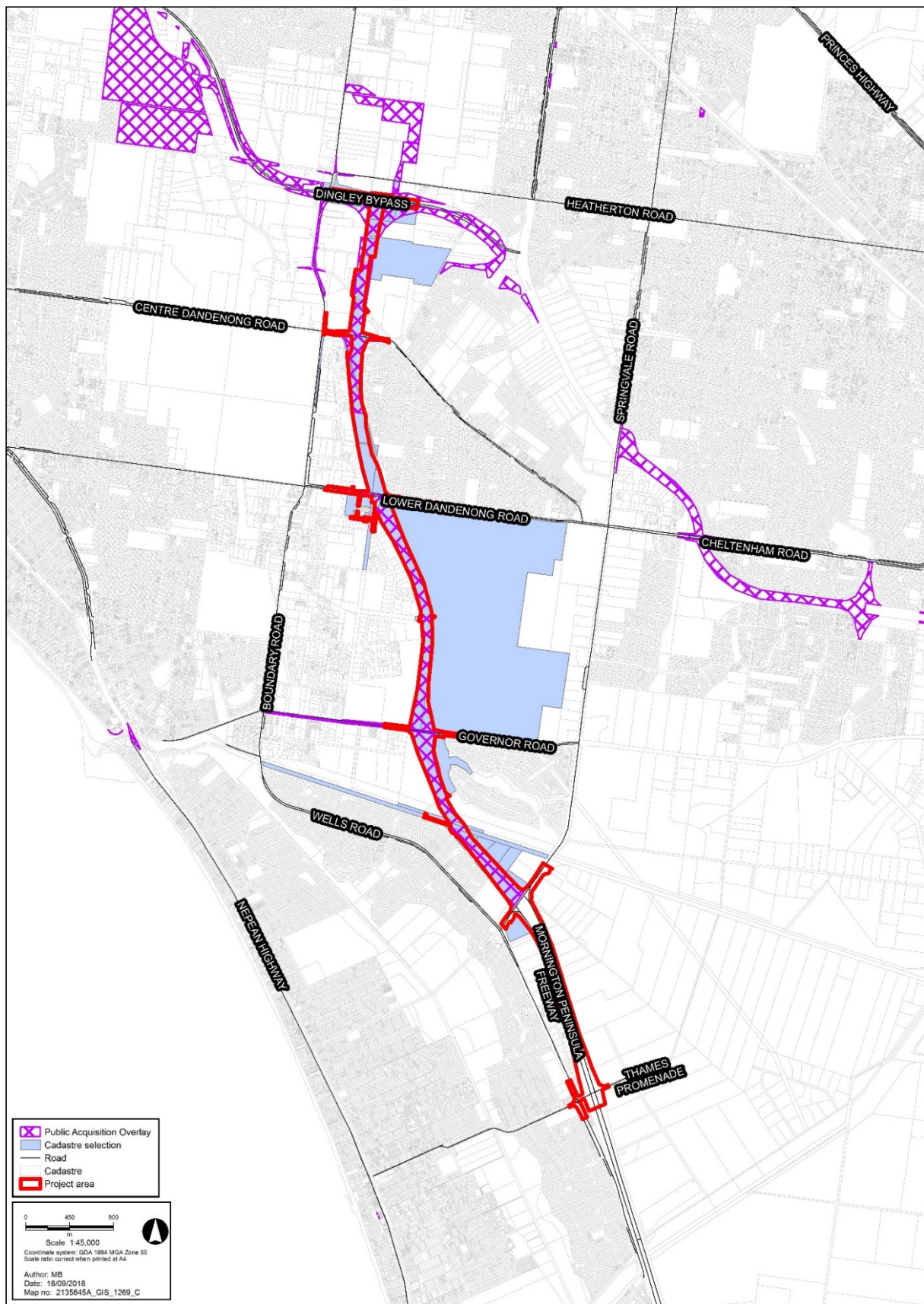


Figure 9.3 Intersection of land parcels with PAO

9.6.3 Land use

The area within and adjacent to the project is made up of several different land use types: residential, industrial, special use, recreation and green wedge zones.

Within the project alignment

At the northern end, the project alignment meets the Dingley Bypass east of Boundary Road. This area is designated as 'Road Zone 1' and comprises the road itself and road reserve. South of the Dingley Bypass, the project alignment is occupied by a large horticultural site that extends to the east of the project corridor. This horticultural site is designated as a Green Wedge Zone (Schedule 2) and includes scattered built development and informal roads. Remnant industrial properties are located on the north side of Old Dandenong Road.

South of Old Dandenong Road, the project corridor is occupied by a similar large horticultural site. This site also extends to the east and west and encompasses a single and two-storey development. South of Centre Dandenong Road there are several industrial premises. The external storage facilities and parking areas of these premises extend into the project corridor. It has been assumed that leases were obtained for this occupation. This section of the corridor is designated as General Residential Zone (GRZ), however, part of the land within is subject to a Special Building Overlay.

Further south, the project alignment is mainly within the Industrial 1 Zone before being categorised as Road Zone 1. There are no buildings in this section of the alignment except for a single small building (use unknown) immediately north of Lower Dandenong Road.

From Lower Dandenong Road south to Governor Road the alignment is designated as Industrial Zone 1 but its use remains as open green space.

There are no buildings or other development in the project area south of Governor Road. The land within this section is designated as GRZ (Schedule 3), UFZ, PUZ, Green Wedge Zone (Schedule 1) and Road Zone 1.

Adjacent to the project alignment

At the most northern end, the project is bordered by Dingley Village to the east and industrial sites to the west. Moorabbin Airport is adjacent to these industrial sites.

Between Lower Dandenong Road and Governor Road, the corridor is bounded by Woodlands Industrial Estate and Braeside Park.

At Springvale Road and Wells Road the alignment passes a small area of commercial development and accommodation for the aged.

South of Governor Road, the project passes west of Waterways Estate and then east of the residential areas of Aspendale Gardens and Chelsea Heights, before joining the existing Mornington Peninsula Freeway.

Assessment of land uses identified five land use typologies adjacent to the project:

- Type 1: Residential
- Type 2: Commercial and industrial
- Type 3: Green Wedge
- Type 4: Recreation reserves and wetland
- Type 5: Residential and wetlands frontage.

Figure 9.4 outlines the location of these land uses in relation to the project alignment. Each land use type is discussed in the following sections.

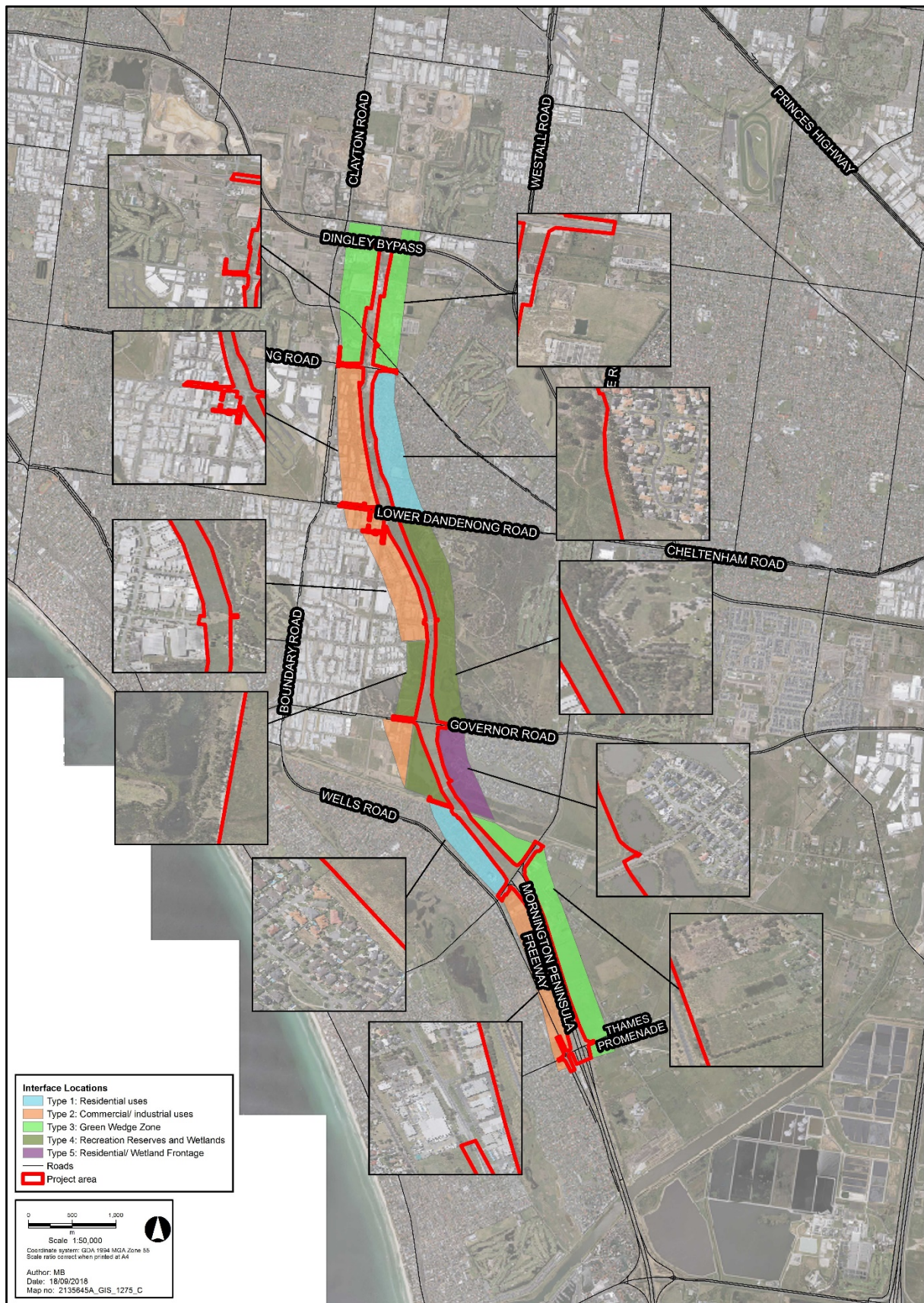


Figure 9.4 Land use types adjacent to the project

Residential

Substantial areas of established residential development are adjacent to the project alignment. These residential areas were built after the bypass land was earmarked in the 1969 Melbourne Transportation Plan and formalised in Metropolitan Strategy Implementation 1981. Most homes adjacent to the project area are detached houses on conventional lots (Figure 9.5).

Residential areas are located next to the project in the following locations:

- to the east (Dingley Village)
- to the south-east (Waterways residential development)
- to the south-west (Aspendale Gardens and a retirement village development in Chelsea Heights).

Land adjacent to the southern section of the project in Bangholme is rural residential land. Where there is residential development up to the boundary of the project corridor, homes are mostly facing away from the project area, towards the internal road system of the developments. In some sections there is a setback, or space left, between the project boundary and the rear boundary of the residential properties. The project area is adjacent to the eastern periphery of Aspendale Gardens and a retirement village development in Chelsea Heights backing onto the existing Mornington Peninsula Freeway.



Figure 9.5 Examples of residential land use next to the project

Commercial and industrial

There are commercial nurseries and a materials recycling and composting facility in the northern part of the project area around Dingley Village. Commercial activities are also adjacent to Moorabbin Airport, west of the project area (e.g. DFO, The Good Guys, Costco). The edges of the commercial sites are mainly used for utility purposes such as parking, loading/unloading and perimeter landscape treatment (Figure 9.6).

The City of Kingston has one of the largest and most concentrated manufacturing bases in metropolitan Melbourne. Large industrial areas are located to the west of the project area in Dingley Village and Braeside (Figure 9.6). These developments comprise factory units that range in size and scale. Pockets of industrial land use are also in Chelsea Heights adjacent to the Mornington Peninsula Freeway.



Figure 9.6 Examples of commercial (left) and industrial (right) land use next to the project

Green Wedge Zone

The Green Wedge Zone is adjacent to the northern and southern section of the project alignment (Figure 9.7). Within the Green Wedge Zone there is a variety of development that does not match the area's purpose as defined in the planning scheme. For example, on the north side of the Dingley Bypass is an industrial site, while land to the west (south of the Dingley Bypass) is used for transport industry. On the eastern side of the corridor is a paintball facility.

South of the project area near Springvale Road, the Green Wedge Zone (Figure 9.7) is mainly rural and properties are accessed from Soden Road. They are used for agricultural and horticultural purposes including grazing and a Christmas tree farm. There is substantial planting at the boundary of these allotments within the project area.



Figure 9.7 Land use within the Green Wedge Zone

Recreation reserves and wetlands

There are several recreational and wetland reserves next to the project area (Figure 9.8). These include; Braeside Park, Woodlands Industrial Estate, Waterways Estate, Chadwick Reserve and Bardoe Park. The largest is Braeside Park, a 295ha park offering a variety of educational and recreational opportunities. The park contains grassy woodlands, heathland and wetlands. Braeside Park is part of a drainage system that includes the Mordialloc Creek, Aspendale Gardens, Edithvale-Seaford Wetlands and the Patterson River.

There are also several private golf courses close to the project area, including Capital Golf Course, Peninsula Kingswood Golf Course, Southern Golf Course and Keysborough Golf Course.

Residential and wetlands frontage

The wetlands between the Waterways Estate and the project area act as a buffer zone for residents (Figure 9.9). Some dwellings are orientated towards the wetlands. Within the wetlands, there are passive recreation features such as pedestrian pathways and seating areas.



Figure 9.8 An example of recreational and wetlands next to the project



Figure 9.9 Waterways estate and wetlands buffer

9.6.4 Future land use and development

There are three recent or pending amendments to the Kingston Planning Scheme that are relevant to the project. Details of these amendments are provided in Table 9.6.

Table 9.6 Current PSAs to Kingston Planning Scheme

Planning Scheme Amendment (PSA)	Comment
Amendment C132 — Implementation of part of the recommendations of the Kingston Planning Scheme Review 2012	<p>Approval has been sought from the Minister for Planning for this amendment. It proposes to:</p> <ul style="list-style-type: none">• replace the existing Municipal Strategic Statement (MSS — Clause 21 of the Kingston Planning Scheme) with a new format MSS• amend Clause 22 of the LPPF in line with part of the recommendations of the Kingston Planning Scheme Review 2012• other minor, inconsequential changes. <p>It is relevant to the project as it provides a strategic context for this key infrastructure project.</p>

Planning Scheme Amendment (PSA)	Comment
Amendment C161 - Hawthorn Football Club, Tootal Road, Dingley	The Amendment inserts a new Incorporated Document titled ' <i>Hawthorn Football Club – Function Centre and Signage Controls</i> ' into the Schedule to Clauses 51.01 and Clause 72.04 (formerly Clause 52.03 and Clause 81.01) of the Kingston Planning Scheme. Amendment C161 was approved by the Minister for Planning on 31 August 2016. This amendment is relevant to the proposed Mordialloc Bypass (Freeway) because it indicates a change in the future use of the site to a recreation function with supporting social facilities. In addition, construction of this development may occur during the construction period of the project increasing general congestion in the area.
Amendment C151 - Peninsula Kingswood Country Golf Course, 79-217 Centre Dandenong Road, Dingley Village.	Amendment C151 was placed on exhibition on 26 July 2018. It proposes to rezone 79-217 Centre Dandenong Road, Dingley Village, to GRZ 2 concurrently with planning permit application KP16/134 as part of a Section 96A combined amendment and permit process. This would facilitate the redevelopment of the land from part Special Use Zone (Schedule 1) and part GRZ (Schedule 3) to GRZ (Schedule 2). The associated planning permit seeks to deliver the subdivision of the land into 508 lots and six super lots. This amendment covers an area to the north east of the project alignment. A residential development of this scale is considered likely to increase traffic and congestion. As such, the proposed Mordialloc Bypass (Freeway) would support the associated population growth and deliver much needed upgraded road networks in the region.

9.6.5 Infrastructure

Utility assets identified within the project area are summarised in Table 9.7.

Table 9.7 Utility assets in project area

Infrastructure	Description
Reticulated water	There are key water supply assets owned by South East Water and private owners that run parallel and adjacent to most of the roads that intersect the project. These assets range in size from 63mm to 600mm diameter pipes, and are located beneath where intersections are planned as part of the project.
Reticulated gas	The gas assets within the project corridor are owned and operated by Multinet Gas. They run parallel to and on either side of the roads that intersect the project. Pipe diameters range in size from 50mm to 323.9mm.
Reticulated sewer	Sewerage pipes run parallel and close to the roads that intersect with the project and within the centre medians of some of these intersections. The sewer assets are the responsibility of Melbourne Water and South East Water, and pipe sizes range from 300mm to 3500mm trunk sewer.
Telecommunications	There are extensive telecommunication service conduits along the roads and at the intersections with the project. They range from smaller single cables of 35mm to multiple core fibre optic cables. Providers of these services include Telstra, Optus, NBN, and TPG.
Overhead electricity	Electricity assets run parallel to and on either side of the key roads that intersect the project. The utility provider in the project area is United Energy.
Underground electricity and lighting	The underground electricity and lighting assets are located parallel to and along each side of the key roads that intersect the project, and within the centre median of some of those intersections.

Where possible impacts on existing infrastructure have been designed to ensure there will be no impact on these assets. However, where modifications are required, these are located within the project area. The assets affected by the proposed project are the overhead transmission lines. In most cases, these will be replaced by underground lines, improving the existing situation. Easements will be created with required vegetation clearances and the continued use of overhead power transmission lines in a small number of situations will also maintain the requirement for effective clearance of vegetation.

9.7 RISK ASSESSMENT

An environmental risk assessment (ERA) was undertaken to identify environmental risks associated with the construction and operation of the project. Where initial risks were rated as 'medium' or higher (with standard controls in place) these issues were further assessed and investigated in the Land Use and Planning Impact Assessment Report. Where necessary, additional controls were identified as part of the Impact Assessment to reduce the identified risks to acceptable levels. These controls have been incorporated into the environmental performance requirements (EPRs) for the project. The initial risks were then re-assessed following application of the environmental performance requirements to derive the residual risk ratings. The methodology for the risk assessment has been described in Chapter 4: *EES assessment framework and approach*.

Compulsory land acquisition was identified as the only impact pathway with a residual risk during the risk assessment process. The procurement of land not included in a PAO was identified as a primary land use and planning residual risk with a rating of Medium. The impact of this risk is discussed below in Section 9.8.1. Aggregate and cumulative risks have also been identified and are discussed in Chapter 21: *Cumulative impacts*.

During construction, the project would require the use of temporary construction and laydown areas. While no sites have yet been identified, construction and laydown areas will be located within the project area, rather than adjacent open space and parkland areas. The risk of project laydown areas directly impacting on the use of adjacent open space or recreational facilities is therefore negligible.

No significant primary land use and planning risks were identified for the operation phase.

A full list of land use and planning-related primary environmental risks and further information on potential impacts determined to be negligible risk, are contained in Appendix B: *Land use and planning impact assessment* and Attachment I: *Environmental risk assessment report*.

Table 9.8 Land use and planning risk

Risk	Impact pathway	Primary impact	Project phase	Initial risk rating	EPR ref.	Residual risk rating
R-PLU1	Compulsory land acquisition	The project requires the procurement of land not included in a PAO, which could present a potential delay to the project, and require additional due diligence and environmental assessments. These may include additional contaminated land, waste management, ecology and native vegetation removal, and cultural heritage impact assessments.	D	Medium	S1	Medium

9.8 IMPACT ASSESSMENT AND MITIGATION

9.8.1 Initial phase and construction

Land acquisition (Risk R-PLU1)

Where the project requires the procurement of land not included in a PAO, planning approval would require MRPA to undertake an assessment of the potential effects on the identified site, and consultation with potentially affected parties including key stakeholders, landowners, and neighbouring land users. A Community and Stakeholder Engagement Plan must be prepared to ensure the identification of key stakeholders and methods of engaging with the community are established. The plan is proposed in Chapter 19: *Social effects* (EPR S1).

Land within the project area is predominantly under the control and management of VicRoads and much of the proposed alignment follows an existing PAO. There are 64 land parcels wholly or partly within the project area. Fifty-eight of these parcels are within freehold ownership and three of these are not included in a PAO and require a PSA. In addition, six parcels are within public ownership with one of these parcels not included within a PAO and requiring a PSA. Therefore, only four land parcels not included under the existing PAO require acquisition and trigger a PSA. This is detailed in Table 9.9 and shown in Figure 9.10.

Table 9.9 Land to be acquired not included within the existing PAO

Parcel SPI	Address	Area to be acquired (sqm)	Public/private land
CP106278	1–7 Bell Grove Braeside 3195	281.13	Private
CP161872	63–67 Tarnard Drive Braeside 3195	483.12	Private
CP101726	414–426 Lower Dandenong Road Braeside 3195	149.94	Private
RES1\PS327478	47 Mills Road Braeside 3195	1254.43	Public

Amenity

The amenity of properties surrounding the project corridor may be impacted by construction, for example by increased noise and vibrations, as well as a change in visual amenity. Residential properties (including accommodation for the aged) are expected to have the highest level of sensitivity to these impacts, namely those bounded by: Centre Dandenong Road and Lower Dandenong Road, Governor Road and Springvale Road; and Wells Road and Springvale Road. The potential of overlooking and overshadowing of residential properties associated with new elevated structures has been assessed. The inclusion of acoustic barriers to achieve the project objective noise level (PONL) also ensures that no overlooking can occur (refer to Chapter 12: *Noise and vibration effects*). In addition, the distance of the project from residential uses has ensured that there is no adverse impact in terms of overshadowing on any residential property. Commercial and industrial land uses are anticipated to be less sensitive as they generally operate during daylight hours and have their own noise-generating activities.

Amenity impacts and associated mitigation measures such as: landscaping; acoustic barriers; dust monitoring; and community engagement are addressed in detail in other chapters of this EES (Chapter 11: *Landscape and visual effects*, Chapter 12: *Noise and vibration effects*, Chapter 13: *Air quality and greenhouse gas*, and Chapter 19: *Social effects*) and Table 7.7 of Appendix B: *Land use and planning impact assessment*. No specific land use mitigation measures are considered necessary for these impacts or recommended as part of the chapter.

9.8.2 Operation

During operation, the project would provide a new freeway connecting the Dingley Bypass with the Mornington Peninsula in greater Melbourne's south-eastern suburbs. It will provide a much-needed additional route, easing congestion and improving safety on nearby roads, as well as improving access to the Dandenong South Employment and Innovation Cluster, the industrial areas in Braeside and Moorabbin, and residential, recreation and other nearby shopping and entertainment precincts.

No significant primary land use and planning impacts were identified for the operation phase.

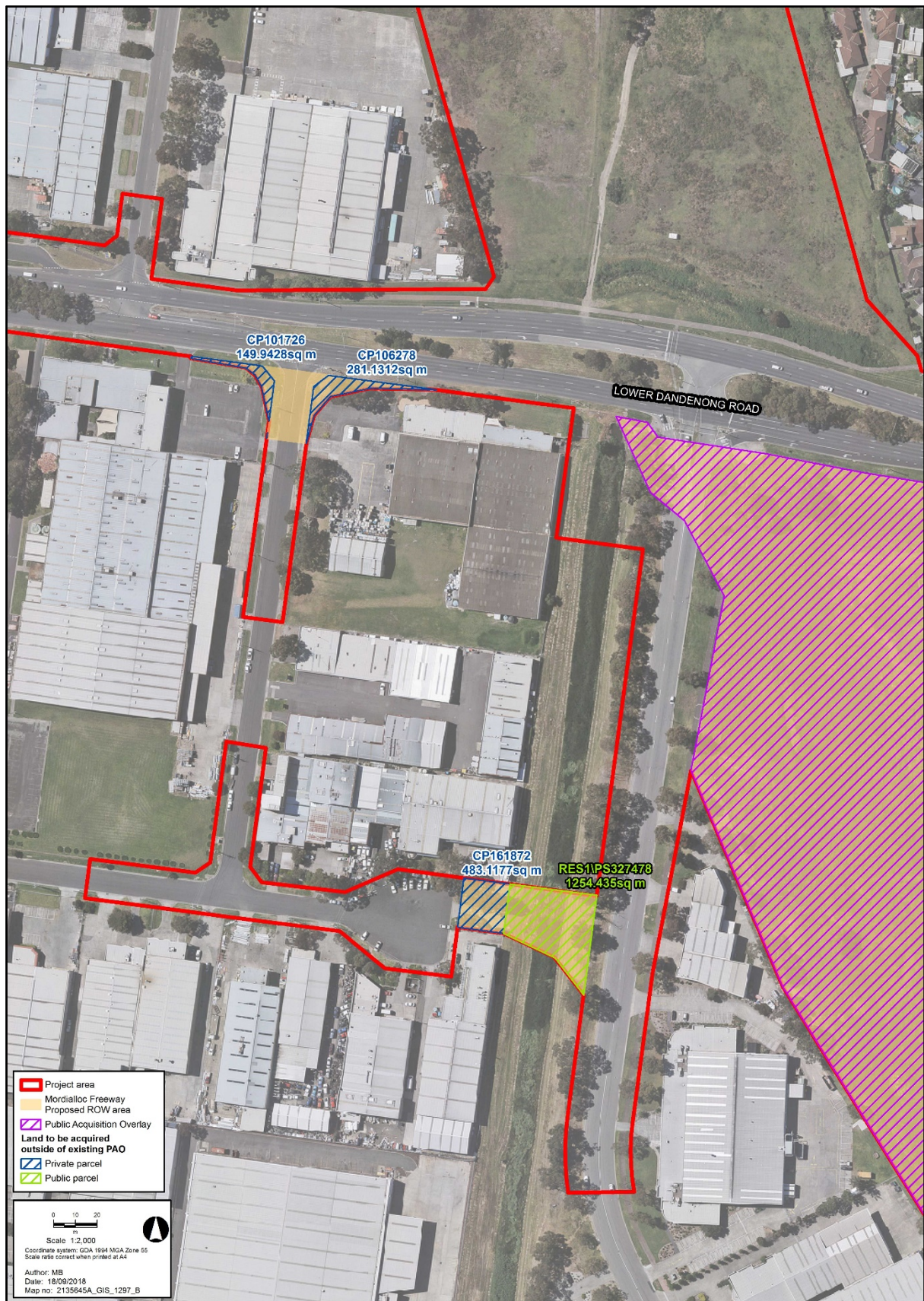


Figure 9.10 Location of land to be acquired not included within the existing public acquisition

9.9 ENVIRONMENTAL PERFORMANCE REQUIREMENTS (EPRs)

EPRs have been outlined across disciplines and set out the relevant desired environmental outcomes for the project. The EPRs are applicable to all project phases and provide certainty regarding the project's environmental performance.

Planning and land use does not have an independent EPR. Risk R-PLU1 concerns the procurement of land not included in a PAO. This could present a potential delay to the project, for example where additional due diligence and environmental assessments may be required to determine environmental impacts; such as contaminated land risk, native vegetation removal leading to offsets, or cultural heritage impacts.

The planning and land use risk is intrinsically linked to other discipline risks in the EES and is therefore considered that an independent Planning and Land Use EPR is not required and is dealt with by existing EPRs for applicable disciplines.

The Incorporated Document comprising part of the PSA for the project outlines the specific controls and conditions for the project. Clause 4.0 of the Incorporated Document requires the project to be carried out in accordance with the EMF and identified EPRs. The Incorporated Document is thus the mechanism by which the EMF and EPRs are secured by condition.

9.10 CONCLUSIONS

Existing land use surrounding the project can be generally characterised as: residential, industrial and commercial, residential and wetland frontage, recreation reserves and wetlands and green wedge areas.

Strategically, the project would contribute to the direction and strategies of Plan Melbourne by delivering improved transport in one of greater Melbourne's fastest growing areas. At a local level, the reservation for the bypass between the Dingley Bypass and Thames Promenade is detailed in the Greater Dandenong Planning Scheme and the Kingston Planning Scheme.

Land within the project areas is predominantly under the control and management of VicRoads. This reflects the long held expectation that the Mordialloc Bypass (Freeway) will be delivered.

The following four parcels of land will need to be acquired through a PSA and included in the PAO (see risk R-PLU1):

- RES1\PS327478
- CP106278
- CP161872
- CP101726.

The acquisition of these parcels and the application of the PAO is required as part of the amendment process, which is to occur alongside the preparation of this EES. Stakeholder engagement will be important during the PSA to ensure all land owners and associated parties are fully involved and informed of the process.

The potential for the project to require the procurement of land not included in a PAO was identified as a medium risk. This risk is intrinsically linked to other discipline risks in the EES and it is therefore considered that an independent Planning and Land Use EPR is not required and is dealt with by existing EPRs for applicable disciplines. However, the residual risk remains medium.