

IN THE JOINT INQUIRY AND ADVISORY COMMITTEE

WEST GATE TUNNEL PROJECT

Melbourne City Council

Submitter

AND

Minister for Planning

Planning Authority

AND

Western Distributor Authority ('WDA')

Proponent

AND

Others

Submitters

OUTLINE OF MATTERS TO BE ADDRESSED IN SUBMISSION OF MELBOURNE CITY COUNCIL

1. The following provides an outline of the key matters to be addressed in the submissions of Melbourne City Council ("the City") to the Inquiry and Assessment Committee ("IAC") for the West Gate Tunnel Project ("the Project").
2. The City provided a written submission to the IAC on 7 July 2017 ("the City's submission").
3. The City will address and expand upon the matters raised in the City's submission. The submissions will be supported, where appropriate, by independent expert evidence.
4. The City's case is that the EES for the Project is manifestly inadequate, and that it has not been demonstrated that the adverse environmental impacts of the Project in its current form are outweighed by its benefits. On the contrary, the City maintains that the IAC should conclude that this is not a Project in its current form that would deliver a net community benefit.

The Task of the IAC

5. The IAC is required to review and consider the EES, and to determine whether the EES has properly investigated and documented the matters that it is required to address.
6. The matters the EES is required to address are identified, inter alia, in the *Environment Effects Act 1978* (“EE Act”), the *Ministerial Guidelines for Assessment of Environmental Effects* (“the Guidelines”), and the Scoping Requirements, as well as the Terms of Reference of the IAC.
7. The task of the IAC is, in part, to identify whether the EES has done what it is required to do by law, as well as to assess whether it has done so adequately.
8. The IAC needs to consider, and where relevant, **investigate** the magnitude, likelihood and significance of adverse and beneficial environmental effects of the Project.¹
9. This means that the IAC is required to do more than simply accept the information provided to it in the EES, or even submitters. If it emerges that there is material available that might assist in the assessment of the magnitude, likelihood and significance of adverse and beneficial environmental effects of the Project, the IAC both can, and should, ask for that material to be provided to it.
10. The assessment needs to be both independent, and transparent. The IAC, and the community, is entitled to be given, and to be able to assess, all of the material that is reasonably necessary to enable it to undertake the task assigned to it by law.
11. The assessment also needs to be done in a procedurally fair way. The City, and others in the community, are entitled to be able to receive, assess and test all relevant material. What is relevant is, of course, determined by what the law says an EES must contain. It is not determined by what the Proponent thinks it should contain, far less by what it wants to provide.
12. The Proponent’s Part A submission reveals that it has adopted a fundamentally flawed approach to the preparation of the EES, apparently based on a misconception about

¹ Terms of Reference, paragraph 13(d)

what an EES is required to deliver. The consequence is that the EES has not even tried to do everything it is required to do.

The Key Concerns

13. The City is concerned about several shortfalls in the EES and its submissions and evidence will address these matters.
14. The City's case will explore:
 - a. the assumptions adopted by the WDA;
 - b. the claimed justifications for the Project; and
 - c. the asserted benefits of the Project.
15. As to geographic and policy concerns, the City:
 - a. Has concerns relating to the wider metropolis in terms of transport planning implications associated with the WDA's intended outcome;
 - b. Has concerns with particular emphasis upon:
 - i. Impacts in north and western Melbourne;
 - ii. Urban Renewal Areas and in particular, E-Gate, Dynon and Arden Macaulay.
16. It will be submitted that:
 - a. some elements of the Project may have meritorious aspects; but
 - b. there are many significant adverse environmental impacts arising from the Project; and
 - c. overall, the Project would do more harm to the State than good.
17. The City also intends to explore whether sufficient information has been provided to the IAC and the community to allow proper assessment of the Project.

The Bottom Line

18. The EES is not a balanced, comprehensive and transparent assessment of the impacts of the Project, nor does it adequately examine the alternatives.

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