

# Edithvale and Bonbeach Level Crossing removal project

## Report of Land Use Impact Assessment

### 1 Introduction

The AECOM GHD Joint Venture prepared the technical report titled **Land Use Impact Assessment** which is included as Technical Report **F** to the Environment Effects Statement (**EES**) for the Edithvale and Bonbeach Level Crossing Removal Project (**Project**)

The role that I had in preparing the Technical Report was Project Director. Other significant contributors to the Technical Report are as follows:

- Phillip Gibbins, Urban Planner
- Daniel Haysom, Principal Environmental Planner

I adopt the Technical Report, in combination with this document, as my written expert evidence for the purposes of the Edithvale and Bonbeach Level Crossing removal project Inquiry and Advisory Committee's review of the EES and draft planning scheme amendment.

### 2 Qualifications and experience

Appendix A contains a statement setting out my qualifications and experience and those of the significant contributors, and the other matters raised by Planning Panels Victoria 'Guide to Expert Evidence'.

A copy of my curriculum vitae is provided in Appendix B.

### 3 Further work since preparation of the Technical Report

Since the Technical Report was finalised, I have not undertaken any further work in relation to the matters addressed in the Technical Report relevant to the Project other than the preparation of this Report.

### 4 Written Submissions

#### 4.1 Submissions Received

I have read the public submissions to the EES and draft planning scheme amendment and identified those that are relevant to the Technical Report and my area of expertise. There are quite a number of submissions which raise elements linked to Land Use Impact. I have not listed individual submissions due to their number and brevity. Themes that appear regularly in the submissions that could be linked to Land Use Impact, such as general amenity, visual impacts, local character and connectivity include:

- *Bonbeach & Edithvale are beautiful, little beachside villages...(47)*
- *I do not want a big hole in the ground creating a big useless area of unusable land. At least if we have rail over road you can put in further parking...(31)*
- *A skyrail will massively impact residents quality of life and our property value. (50)*
- *A Skyrail would... ..dominate the landscape with an ugly, noisy, graffiti laden concrete structure... (126)*

## Summary of Issues Raised

In my opinion, these submissions raise no new matters affecting the conclusions of my report.

The comments made reinforce the considerations undertaken with regard to matters of general amenity, visual impacts, local character and connectivity (i.e. within the community, to the beach and local retail).

### 4.3 Response to Issues Raised

These comments do not change the overall conclusions of my report, and where relevant, are addressed by the proposed EPRs.

## 5 Review of the proposed Planning Scheme Amendments and Incorporated Documents proposed to regulate the Projects

I have also been asked to comment on the proposed draft Planning Scheme Amendments and draft Incorporated Documents exhibited with the EES.

I have reviewed the relevant Explanatory Reports, Instruction Sheets, Clause 52.03 and 81.01 schedules and Incorporated Documents for both the Edithvale Road, Edithvale Level Crossing Removal Project (C155) and the Station Street/Bondi Road Bonbeach Level Crossing Removal Project (C156). I note that in the exhibited document, the Incorporated Document for C156 was incorrectly attached to C155. With this correction, these Amendments:

- but for the identity of the particular project and mapping, appear identical.
- are generally consistent with the relevant Ministerial Directions regarding the Form and Content of Planning Schemes, Potentially Contaminated Land (No. 1), the Metropolitan Strategy (No. 9) and Strategic Assessment of Amendments (No. 11) and with other similar Planning Scheme Amendments Gazetted and in preparation that I am aware of.

I note that the City of Kingston (Submission 225) suggests changes to Clauses 4.2.1 and 4.2.2, and proposes a new Clause 4.2.9.

*4.2.1 The Project must be designed and constructed in accordance with the Edithvale and Bonbeach Level Crossing Removal Project EES Environmental Management Framework (EMF) including its environmental performance requirements and all plans approved or adopted under the EMF.*

*4.2.2 The EMF*

- a) Must be approved by; and*
- b) May be amended, to the satisfaction of the Minister for Planning.*

### *Groundwater Monitoring and Mitigation*

*4.2.9 Plans approved under the EMS in respect of groundwater must include detail of monitoring and maintenance of the monitoring wells and other groundwater infrastructure, together with potential mitigation measures in relation to groundwater impacts, together with:*

- a) a description of necessary agreements in relation to the location, access to and maintenance obligations for groundwater bores on private or other government land; and*
- b) allocation of responsibility for monitoring and mitigation after completion of construction of the Project and expiry of this control.*

Clause 4.2 and Clause 4.2.11 of the draft Incorporated Documents require that the Project must be undertaken in accordance with the specified conditions and in accordance with approved plans and documents.

Clause 4.2.1 requires that the Project is designed and constructed in accordance with the EMF. The draft EMF exhibited with the EES includes draft EPR's, some of which are quite detailed, which provide a finer grain level of instruction as to how this is to be achieved across various matters.

The EPR's form a part of the EMF, and plans and documents required by the EPR's will therefore be regulated by the existing condition.

The matters raised by Council in relation to Clause 4.2.1 and a new 4.2.9 are adequately addressed by Clauses 4.2 and 4.2.11.

The EMF as exhibited in the EES, and the EPRs within it, are likely to be reviewed and potentially refined and amended. A secondary consent within the Incorporated Document which provides for the preparation and approval of the EMF, and any subsequent amendments to it, including its EPR's, by the Minister for Planning is appropriate.

## **6 Review of the proposed EPRs relevant to Land Use Impact**

I have also been asked to comment on the proposed EPR's relevant to Land Use Impact.

The directly relevant EPRs included in my Assessment were EPR\_LP1 and EPR\_UD1.

I have also reviewed EPR's that may be considered related to matters of general amenity, visual general amenity, visual impacts, local character and connectivity. They are:

- Air Quality - AQ1 and AQ2
- Environmental Management - EMF1 and EMF2
- Historic Heritage - HH1 and HH2
- Landscape and Visual Impact - LV1, LV2 and LV3
- Noise/Vibration - NV1, NV2 and NV3
- Social - SC1, SC2 and SC3
- Transport - T1, T2, T3, T5 and T6

Several of these EPRs refer to standards and protocols of other legislation that govern the construction and operation of land uses within accepted industry standards and guidelines (i.e. NV1). Others I consider similar to planning permit conditions (i.e. T1). There are several that do not sit in either category, but proffer to manage the impacts of the project, especially during construction (i.e. SC2).

I consider the proposed EPR's comprehensive and that they address matters normally dealt with in typical planning approvals processes, and in some cases (SC2) go beyond what might normally be required as a part of a planning approval.

**Declaration**

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Inquiry and Advisory Committee.



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**Signed**

**Date: 24 May 2018**

## Appendix A Matters Raised by PPV Guide to Expert Evidence

- (a) the name and address of the expert;

**Noel Matthews**  
**Associate Director**  
**AECOM Australia Pty Ltd**  
**Collins Square, Level 10, Tower Two**  
**727 Collins Street**  
**Docklands VIC 3008**

- (b) the expert's qualifications and experience;

Noel is an Associate Director in the Design + Planning team.

Noel is an experienced town planner with over 30 years' experience in strategic and statutory planning in the public and private sectors. He has a strong background in integrated land use planning and implementation.

Since joining AECOM in 2008, Noel has developed particular expertise around transport and infrastructure projects. Noel brings expertise on matters including policy impact and development, options assessment and impact mitigation, planning approvals strategies, and on the crafting and pursuit of planning approvals.

His qualifications are as follows:

- Bachelor of Applied Science (Planning), RMIT
- Graduate Diploma (Urban and Regional Planning ), RMIT
- Masters of Business Administration, Monash Mt Eliza Business School.

A CV is attached in Appendix B.

- (c) a statement identifying the expert's area of expertise to make the report;

Noel is an urban planner who has provided planning expertise, including options assessments and impact mitigation on a variety of rail infrastructure projects, including:

- High Speed Rail – Stages 1 and 2
- Level Crossing Removal Project (Mernda, Caulfield to Dandenong, Frankston)
- Melbourne Metro Rail Tender
- Tramway Improvement Program
- East Pakenham Train Maintenance Facility

- (d) a statement identifying all other significant contributors to the report and where necessary outlining their expertise;

Phillip Gibbins is an Urban Planner in the Melbourne Design + Planning team. Phillip has over three years' project experience in urban planning matters ranging from residential and commercial development projects, to major infrastructure projects such as the Level Crossings

Removal Program. This includes policy analysis, statutory assessment, impact assessment, due diligence and approvals management.

His qualifications are as follows:

- Bachelor of Arts - Major in History and German language and including courses in economics, University of Sydney
- Master of Urban Planning and Environment (Distinction), RMIT

Daniel Haysom is a Principal Environmental Planner in the Melbourne Impact and Permitting team. Daniel has over 8 years of experience in Environmental and Land Use Planning within both Government (state and local) and the private sector. Daniel has particular experience in Environmental and Land Use Impact Assessments within the transport, water and oil & gas industries.

His qualifications are as follows:

- Bachelor of Applied Science (Planning) (Honours)

- (e) all instructions that define the scope of the report (original and supplementary and whether in writing or oral)

In an email received on 7 July, 2017 the AECOM GHD JOINT VENTURE TA Planning Team received confirmation from LXRA of the proposed scope for the Land Use Impact Assessment for Edithvale and Bonbeach Level Crossing removal project. The Impact Assessment was to:

1. Assess the implications of the projects on the existing legislative framework and relevant policy.
2. Assess the potential implications for existing and likely future land uses, from the construction and operation of the projects, including the land use requirements of the projects and potential constraints on or changes to existing or likely future land use and development.
3. Identify measures to avoid or manage potential impacts on land use and maximise or enhance opportunities for existing or likely future land use, and
4. Be structured around the Draft Scoping Requirements (at that date) which are relevant to land use and planning, and as such, focussed on potential effects on land use in the vicinity of the project, neighbourhood character and compliance with strategic planning policy.

In correspondence dated 29 March 2018 I received Instruction from Clayton Utz to undertake the following tasks:

1. Review the previous report and the EES to the extent relevant to my area of expertise.
2. Review the public submissions referred to me to the extent relevant to my area of expertise.
3. Prepare an expert report that:
  - a. Responds to the public submissions relevant to my area of expertise
  - b. Addresses the previous report and identifies any changes required (if any) arising out of the issues raised in the public submissions; and
  - c. Addresses any other matter that I consider relevant to my area of expertise.
4. Prepare a short PowerPoint presentation for presenting at the hearing.
5. Attend the hearing to give evidence in relation to my report.

In subsequent correspondence dated 17 May 2018 I was instructed to:

1. Provide my opinion in respect of the appropriateness of the proposed planning scheme amendments, which proposes incorporated documents to regulate the projects.
2. Provide my opinion in respect of whether the current EPRs relevant to your area of expertise (including nominating the relevant EPRs) are all appropriate to manage and/or mitigate adverse environmental effects arising from development of the Projects, or whether in my opinion there needs to be any amendments to any of the EPRs.

(f) the identity of the person who carried out any tests or experiments upon which the expert relied in making this report and the qualifications of that person;

Not relevant.

(g) a statement setting out the key assumptions made in preparing the report;

In preparing this report I have made the following assumption:

1. I have reviewed all submissions relevant to Land Use Impact.
2. I have reviewed Attachment V – Draft Planning Scheme Amendments exhibited with the EES
3. I have reviewed the EPRs summarised in Chapter 9 of the EES

In preparing the Technical Report I made the following assumptions:

1. I have relied on project information consistent with that contained in the EES as relevant to assessing Land Use Impact.

(h) a statement setting out any questions falling outside the expert's expertise and also a statement indicating whether the report is incomplete or inaccurate in any respect.

To the extent of my knowledge, this report is complete and does not include inaccurate information.

