SUPPLEMENTARY INFORMATION NOTE

SIN NUMBER: 14
DATE: 7 May 2018
PRECINCT: All CCZ precincts
FRAMEWORK REFERENCE: N/A
SUBJECT: Planning approval processes for recent major projects in Victoria
PURPOSE: To provide the Panel with further information regarding the planning approval processes for recent major projects in Victoria

RESPONSE:

Introduction

1. The Panel has requested further information regarding the relevant approvals for a number of recent major projects in Victoria, namely:
   a. East West Link (Eastern Section) (EWL);
   b. Melbourne Metro; and
   c. West Gate Tunnel.

2. None of these projects were declared to be projects of ‘state significance’ under the Planning and Environment Act 1987 (P & E Act), in contrast to the designation of Fishermans Bend Urban Renewal Area, which was declared to be a development of state significance under s 201F of the P & E Act by notice published in the Victorian Government Gazette on 5 July 2012.

3. EWL, Melbourne Metro and West Gate Tunnel were all declared projects under the Major Transport Projects Facilitation Act (MTPF Act) which commenced operation on 1 November 2009.

4. The MTPF Act provides a ‘one stop shop’ for assessment, approvals and delivery of declared transport projects in Victoria. The MTPF Act streamlines approvals and project delivery powers for declared projects.

5. A project must be a declared transport project under s 10 to access the powers in the MTPF Act. The project declaration is made by the Governor in Council on the recommendation of the Premier. The Premier must not make a recommendation
under s 10 unless the Premier has assessed the transport project as a project that is of "economic, social or environmental significance to: the State; or a region of the State."

Relevant planning approvals

6. Each of the projects was facilitated by a Planning Scheme Amendment to the relevant schemes. None of the relevant planning scheme amendments included the imposition of a Public Acquisition Overlay on the land required for the project and all of the Planning Scheme Amendments were introduced pursuant to section 20(4) following a public hearing process in relation to a draft version of the Amendment.

7. See the relevant information for each of the amendments attached:
   a. **East West Link**: Amendment GC2 to the Melbourne, Moreland, Moonee Valley and Yarra Planning Schemes, gazetted 30 June 2014: Instruction Sheet for relevant schemes [Attachment 1];
   b. **Melbourne Metro**: Amendment GC45 to the Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes, gazetted 5 January 2017, [Attachment 2];
   c. **WestGate Tunnel**: Amendment GC93 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes gazetted 8 March 2018, [Attachment 3].

8. Each of the relevant planning scheme amendments included an Incorporated Document which effectively 'switched off' the requirement to obtain planning permits under the relevant scheme, provided that the project complied with the conditions imposed in the incorporated document (including a requirement to comply with approved Environmental Performance Requirements). Copies of these documents can be provided to the Panel should they wish to review them.

Project Delivery Powers under the MTPF Act

9. The MTPF Act provides project authorities with a broadened range of project delivery powers.

10. Project delivery powers under the Act may be exercised in relation to the 'project area' for a declared project being the area of land designated by Order published in the Government Gazette under section 95. Copies of the declarations of the Project Area for each of the projects are attached
    a. **Attachment 4**: declaration of the East West Link as a declared transport project gazette 19 December 2012;

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1 Amendment GC 36 to the Melbourne, Moreland, Moonee Valley and Yarra Planning Schemes removed the Incorporated Document from those schemes and was gazetted 3 September 2015.

2 Note that Amendment GC65 was revoked by the Parliament of Victoria on 7 March 2018 and its provisions removed from the planning schemes. On 8 March 2018, PSA GC93, was gazetted to reinstate planning approval to enable construction works to continue and the project to be operated.
b. **Attachment 5:** declaration of the project area for EWL, gazetted 30 July 2014;

c. **Attachment 6:** declaration of the Melbourne Metro Rail project on 4 September 2015 by the Governor in Council. The project was declared for the purpose of applying the delivery powers under the MTPF Act (i.e. excluding Parts 3 and 8 of the Act);

d. **Attachment 7:** declaration of the project area for Metro Rail Tunnel, gazetted 13 January 2017;

e. **Attachment 8:** declaration of the West Gate Tunnel (formerly the Western Distributor) as a declared project for the purpose of applying the delivery powers under the MTPF Act (i.e. excluding Parts 3 and 8 of the Act) dated 15 September 2016;

f. **Attachment 9:** declaration of the West Gate Tunnel project area dated 10 January 2017.

11. The project authority’s powers in relation to the project area include:

   a. a process for acquiring all interests in land (ss 112,113 and 116) including native title interests (s 162) within the designated project area, and including land underground (s 127);

   b. a streamlined process for the surrender of public land by public authorities and municipal councils (ss 134 and 135);

   c. the power for authorities to restrict access to project areas and to areas they have temporarily occupied (s 196); and

   d. a power for the Governor-in-Council to revoke temporary and permanent reservations over Crown Land within the project area (ss 139 and 140)

12. While many of these powers are available under existing legislation, the Act modifies the operation of some of these powers. In particular, the MTPF Act modifies the operation of the *Land Acquisition and Compensation Act 1986* (the LACA) in relation to declared project areas. A declared project is not exempt from the operation of Part 5 of the P & E Act 1987 (s 120A MTPF Act).

13. Modifications to the LACA’s application include the following:

   a. deeming land in the project area to have been reserved for a public purpose under a planning instrument therefore enabling the LACA to apply even where no such reservation for a public purpose has been imposed (s 118(2));

   b. where a project authority intends to acquire land by agreement, it must serve a notice on the owner stating that they will not compulsorily acquire the land within three months (rather than the 12-month limitation that applies under the LACA) (s 118(3));

   c. expanding the powers of entry onto land, to include entry for flora and fauna surveys and archaeological investigations (and before that land has been acquired) s 118(5));

   d. modifying the LACA’s compensation provisions, to state that the special suitability of the land for the transport project cannot be taken into account when calculating compensation for the acquisition (s 118(6)); and
e. allowing temporary occupation of any land, including land used primarily for residential purposes and clarifying the powers of a project authority that has temporarily occupied land, stating that they can enter any land (even if it has not been acquired) and that they have the power to demolish structures (other than places of residence or business) and to carry out permanent drainage or waterway works (s 119).

**Conclusion**

14. The powers under the MTPF Act in respect of a declared project are similar to the powers outlined in SIN 9: Application of the Public Acquisition Overlay and the relationship with s 201I of the Planning and Environment Act 1987 in Fishermans Bend (Document 151).

15. The MTPF Act, in a similar way to a declaration under s 201F of the P & E Act removes the need for reservation of land ordinarily a precursor to acquisition and required by s 5 of the LACA. The capacity to streamline acquisition procedures is a feature of legislation which seek to facilitate projects of state significance.

**Attachments:**

a. **Attachment 1: East West Link:** Amendment GC2 to the Melbourne, Moreland, Moonee Valley and Yarra Planning Schemes, gazetted 30 June 2014: Instruction Sheet for relevant schemes

b. **Attachment 2: Melbourne Metro:** Amendment GC45 to the Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes, gazetted 5 January 2017;

c. **Attachment 3: WestGate Tunnel:** Amendment GC93 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes gazetted 8 March 2018;

d. **Attachment 4:** declaration of the East West Link as a declared transport project gazette 19 December 2012;

e. **Attachment 5:** declaration of the project area for EWL, gazetted 30 July 2014;

f. **Attachment 6:** declaration of the Melbourne Metro Rail project on 4 September 2015 by the Governor in Council. The project was declared for the purpose of applying the delivery powers under the MTPF Act (i.e. excluding Parts 3 and 8 of the Act);

g. **Attachment 7:** declaration of the project area for Metro Rail Tunnel, gazetted 13 January 2017;

h. **Attachment 8:** declaration of the West Gate Tunnel (formerly the Western Distributor) as a declared project for the purpose of applying the delivery powers under the MTPF Act (i.e. excluding Parts 3 and 8 of the Act) dated 15 September 2016;

i. **Attachment 9:** declaration of the West Gate Tunnel project area 10 January 2017.
The planning authority for this amendment is the Minister for Planning.

The Melbourne Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.

2. In General Provisions – Clause 61.01, replace the Schedule with a new Schedule in the form of the attached document.

3. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

The Moonee Valley Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.

2. In General Provisions – Clause 61.01, replace the Schedule with a new Schedule in the form of the attached document.

3. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

The Moreland Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.
2. In **General Provisions** – Clause 61.01, replace the Schedule with a new Schedule in the form of the attached document.

3. In **Incorporated Documents** – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

**The Yarra Planning Scheme is amended as follows:**

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In **Particular Provisions** – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.

2. In **General Provisions** – Clause 61.01, replace the Schedule with a new Schedule in the form of the attached document.

3. In **Incorporated Documents** – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

END OF DOCUMENT
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 Melbourne Metro Rail Authority (MMRA), an administrative office in the Department of Economic Development, Jobs, Transport and Resources.

Land affected by the amendment

The amendment applies to land in the Cities of Maribyrnong, Melbourne, Port Phillip and Stonnington which will be used and developed for the Melbourne Metro Rail Project (Project), as shown on the map below:

Generally, the Project comprises:

- Twin nine-kilometre rail tunnels from Kensington to South Yarra, travelling underneath Swanston Street in Melbourne’s Central Business District (CBD), connecting the Sunbury and Cranbourne/Pakenham railway lines
- New underground stations at Arden, Parkville, CBD North, CBD South and Domain. CBD North and CBD South will feature a direct interchange with the existing Melbourne Central and Flinders Street stations respectively
- Train/tram interchanges at Parkville and Domain stations
• Rail tunnel portals at Kensington and South Yarra
• A rail turnback at West Footscray

What the amendment does

The amendment changes the Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes to:

• Amend the Schedule to Clause 52.03 – Specific Sites and Exclusions to facilitate planning approval for the Melbourne Metro Rail Project in accordance with the specific control in the “Melbourne Metro Rail Project Incorporated Document, December 2016”.

• Amend the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority for the provisions which apply to the use and development of land for the purposes of the Project.

• Amend the Schedule to Clause 81.01 to insert an incorporated document titled “Melbourne Metro Rail Project Incorporated Document, December 2016”.

The amendment also changes the Melbourne Planning Scheme to:

• Introduce a new Schedule 70 to Clause 43.02 – Design and Development Overlay and amend Planning Scheme Maps 4DDO1, 5DDO1, 8DDO1, 11DDO1 to apply the Design and Development Overlay to land above, below or in close proximity to the Project’s tunnels, stations and associated infrastructure.

• Amend the Schedule to Clause 52.03 – Specific Sites and Exclusions to identify land affected by Design and Development Overlay – Schedule 70 as being subject to the specific controls in the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

• Amend the Schedule to Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and VicTrack from 31 December 2026) the determining referral authority for applications under Design and Development Overlay – Schedule 70 and the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

• Amend the Schedule to Clause 81.01 to insert an incorporated document titled “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

The amendment also changes the Port Phillip Planning Scheme to:

• Introduce a new Schedule 31 to Clause 43.02 – Design and Development Overlay and amend Planning Scheme Map 4DDO to apply the Design and Development Overlay to land above, below or in close proximity to the Project’s tunnels, stations and associated infrastructure.

• Amend the Schedule to Clause 52.03 – Specific Sites and Exclusions to identify land affected by Design and Development Overlay – Schedule 31 as being subject to the specific controls in the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

• Amend the Schedule to Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and VicTrack from 31 December 2026) the determining referral authority for applications under Design and Development Overlay – Schedule 31 and the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

• Amend the Schedule to Clause 81.01 to insert an incorporated document titled “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.
The amendment also changes the Stonnington Planning Scheme to:

- Introduce a new Schedule 20 to Clause 43.02 – Design and Development Overlay and amend Planning Scheme Map 1DDO to apply the Design and Development Overlay to land above, below or in close proximity to the Project’s tunnels, stations and associated infrastructure.

- Amend the Schedule to Clause 52.03 – Specific Sites and Exclusions to identify land affected by Design and Development Overlay – Schedule 20 as being subject to the specific controls in the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

- Amend the Schedule to Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and VicTrack from 31 December 2026) the determining referral authority for applications under Design and Development Overlay – Schedule 20 and the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

- Amend the Schedule to Clause 81.01 to insert an incorporated document titled “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

Strategic assessment of the amendment

Why is the amendment required?

Melbourne’s public transport network is approaching capacity as a consequence of a number of factors including population growth, record public transport patronage, and increased demand for access to the CBD.

The Project will transform Melbourne’s public transport network by increasing the capacity, reliability and efficiency of Melbourne’s busiest train lines, allowing more passengers to travel by train in the morning and evening peak periods, improving accessibility and connectivity, and acting as a catalyst for urban renewal opportunities in Melbourne’s inner areas.

The amendment is required to:

- Facilitate the delivery of the Project in a timely, coordinated and consistent manner;
- Establish a transparent framework to manage environmental effects of the Project; and
- Protect the Project infrastructure from new development, including demolition, that may compromise the structural integrity of that infrastructure or adversely affect the operation of that infrastructure.

The amendment allows the use and development of land in the Project area for the purposes of the Project in accordance with the Melbourne Metro Rail Project Incorporated Document, December 2016. The Melbourne Metro Rail Project Incorporated Document, December 2016 requires a number of documents, including an environmental management framework, urban design strategy, early works plan and development plans, to be prepared to the satisfaction of the Minister for Planning before relevant project works (other than preparatory works) may commence.

The amendment also:

- Establishes the Minister for Planning as the responsible authority for administering and enforcing the provisions of the relevant planning schemes as they relate to the use and development of land for the purposes of the Project.
- Applies a Design and Development Overlay and an associated incorporated document, Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document,
December 2016, to land above and adjacent to the Project infrastructure to ensure new development, including demolition, does not compromise that infrastructure.

- Makes the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and VicTrack from 31 December 2026) the determining referral authority for applications under the Design and Development Overlay and the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

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

The amendment supports the objectives of planning in Victoria as set out in section 4 of the Planning and Environment Act 1987. The following objectives are particularly relevant to the amendment:

- to provide for the fair, orderly, economic and sustainable use, and development of land
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- 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
- 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
- to balance the present and future interests of all Victorians.

The amendment facilitates the delivery of a project that will increase the capacity, reliability and efficiency of the rail network and provide a critical foundation for future expansions to the rail network in response to Melbourne’s growing population. The Project will improve access to the CBD and Melbourne’s inner areas including retail and commercial precincts, university and medical precincts and public spaces.

The amendment introduces a planning framework to ensure that any environmental, social and economic effects of the project are appropriately managed and mitigated.

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

The amendment facilitates the use and development of a project which has been assessed under the Environment Effects Act 1978, and its potential environmental, social and economic effects have been considered in that process. The Melbourne Metro Rail Project Incorporated Document, December 2016 provides for a number of documents that must be prepared to the satisfaction of the Minister for Planning before relevant Project works (other than preparatory works) may commence:

- An environmental management framework (EMF). The EMF will provide a transparent framework with clear accountabilities for managing environmental effects and hazards associated with construction and operation phases of the Project, in order to achieve acceptable environmental outcomes;
- An urban design strategy (UDS);
- An early works plan. Early works may not commence until an early works plan has been prepared to the satisfaction of the Minister for Planning. The early works plan must be in accordance with the approved EMF and UDS; and
- Precinct-based development plans to address detailed Project design. Relevant works may not commence until a development plan has been prepared to the satisfaction of the Minister for Planning. The development plans must be in accordance with the approved EMF and UDS.

The EMF will contain Environmental Performance Requirements (EPRs) which will be key in ensuring that any environmental, social and economic effects are appropriately managed
and mitigated. The EPRs define the project-wide environmental and social outcomes, as well as business disruption mitigation measures that must be achieved during design, construction and operation of Melbourne Metro.

The performance-based approach of the EPRs aims to achieve outcomes that provide a net community benefit, while allowing for sufficient flexibility to encourage innovation in determining how the recommended EPRs will be achieved. The EMF outlines clear accountabilities for the delivery and monitoring of the achievement of the EPR so that the environmental, social and economic effects of the project will be managed in a robust manner.

**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?**

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing an amendment, a planning authority must have regard to the Minister’s Directions.

**Ministerial Direction on the Form and Content of Planning Schemes**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987.*

**Ministerial Direction No. 9 Metropolitan Strategy**

The metropolitan strategy sets out a long-term framework for the future growth and development of Melbourne. The relevant directions of the strategy are:

- **Direction 1.6** – Enable an investment pipeline of transit-oriented development and urban renewal.
- **Direction 3.1** – Transport the transport system to support a more productive central city.
- **Direction 3.2** – Improve access to job-rich areas across Melbourne and strengthen transport networks in existing suburbs.

The amendment facilitates the delivery of a project that supports these directions:

- The Project supports growing areas of the CBD by unlocking areas of strategic value such as the urban renewal precinct in Arden.
- The Project will increase the capacity, reliability and efficiency of the rail network to and around central Melbourne which will support the growth and expansion of central Melbourne particularly from an economic and employment perspective.

**Ministerial Direction No. 11 Strategic Assessment of Amendments**

The amendment has been prepared in accordance with Ministerial Direction No. 11 Strategic Assessment of Amendments.

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

The amendment supports and implements the State Planning Policy Framework as follows:

- It encourages the build-up of activity centres, where appropriate, around stations and a concentration of activities which provide a variety of land uses and are highly accessible to the community (Clause 11.01 – Activity Centres).
- The alignment and siting of the stations support the definition of a new city structure which will provide for an expanded central city and enable an investment pipeline for transit oriented development and urban renewal. It will also improve access to jobs, improve
travel options which increase social and economic participation and create more public places in inner Melbourne. The Project will drive sustainable outcomes for growth whilst protecting significant water assets including the Yarra River (Clause 11.04 – Metropolitan Melbourne).

- The controls in the amendment will require the Project to be designed to maintain biodiversity where practicable (Clause 12.01 – Biodiversity) as well as protect environmentally sensitive areas including the Yarra and Maribyrnong Rivers (Clause 12.04 – Environmentally Sensitive Areas, Clause 12.05 – Rivers).

- The controls in the amendment will require the Project to be designed in response to floodplain management issues particularly in areas such as Arden and the Maribyrnong River. Potentially contaminated land will be managed in accordance with the EMF and EPRs required under the “Melbourne Metro Rail Project Incorporated Document, December 2016”. Baseline noise and air conditions within the Project area have been defined to ensure that appropriate management and mitigation measures are established during construction and considered as part of the final design of the Project (Clause 13.02 – Floodplains, Clause 13.03 – Soil Degradation, Clause 13.04 – Noise and Air).

- The controls in the amendment will require the Project to be designed to ensure that works near waterways are undertaken to minimise impacts on the catchment and on the quality of water (Clause 14.02 – Water).

- The controls in the amendment will require the Project to be designed to create an environment that is safe and functional while providing a quality environment that creates sense of place at each station. Achieving architectural excellence will be a key driver of the Project’s design, as has the need to conserve and respect identified places of heritage significance (both state and local) as well as aboriginal heritage (Clause 15.01 – Urban Environment, Clause 15.02 – Sustainable Development, Clause 15.03 – Heritage).

- The Project will support the use of more sustainable personal transport by increasing the capacity and reliability of the public transport system. Recognition of road layouts in areas around stations such as Parkville and Domain will support cycling along key routes into the CBD. Changes to the road system in places will also enhance the on-road (tram and bus) aspects of the Principal Public Transport Network (Clause 18.01 – Integrated Transport, Clause 18.02 – Movement Networks).

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

The amendment will facilitate the delivery of a Project of significance to the whole of Melbourne. In that context, the Project will also facilitate delivery of local planning policy objectives, both through the creation of the new public transport infrastructure following completion of the Project, and in the manner of its construction.

The Local Planning Policies, including the MSSs for each of the municipalities contain a broadly consistent planning framework relevant to the Project directed to encouraging improvements in infrastructure, protecting heritage, increasing public transport options and services, improving connectivity to employment centres and sustainable travel options. The amendment supports and implements the intent of those policies.

The controls in the amendment will require the Project to be designed to ensure the character of each locality, including heritage and landscape values, are protected as far as practicable, while at the same time facilitating the Project.

The Local Planning policies in each scheme include:

**Melbourne**

- Clause 21.03 (Vision)
- Clause 21.05 (Environment and Landscape Values)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Infrastructure)
- Clause 22.04 (Heritage Places within the Capital City Zone)

**Maribyrnong**
- Clause 21.03 (Council Vision)
- Clause 21.05 (Environment and Landscape Values)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Community and Development Infrastructure)
- Clause 22.02 (Potentially Contaminated Land)

**Port Phillip**
- Clause 21.03 (Eco-logically Sustainable Development)
- Clause 21.04 (Land Use)
- Clause 21.05 (Built Form)
- Clause 21.06 (Neighbourhoods)

**Stonnington**
- Clause 21.04 (Economic Development)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.07 (Open Space and Environment)
- Clause 21.08 (Infrastructure)

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) as follows:

- The amendment uses the provisions of Clause 52.03 to provide specific controls for the Project. The specific controls are detailed in the ‘Melbourne Metro Rail Project Incorporated Document, December 2016’ which facilitates the use and development of land for the purposes of the Project in accordance with conditions in that incorporated document.

- The amendment introduces a Design and Development Overlay and an incorporated document, ‘Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016’, to protect the Project infrastructure from new development, including demolition, that may compromise the structural integrity of that infrastructure or adversely affect the operation of that infrastructure.

- The amendment uses the provisions of Clause 61.01 to make the Minister for Planning the responsible authority for administering and enforcing the provisions which apply to the use and development of land for the purposes of the Project.

- The amendment uses the provisions of Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and VicTrack from 31 December 2026) the determining referral authority for applications under the
Design and Development Overlay and the "Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016”.

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

The views of relevant agencies were obtained through extensive consultation as part of the planning of the assessment of the Project under the *Environment Effects Act 1978*.

A Technical Reference Group (TRG) was established as part of the assessment of the Project under the *Environment Effects Act 1978*. The TRG was managed by the Department of Environment, Land, Water and Planning and comprised representatives from state and local government agencies including Melbourne, Port Phillip and Stonnington City Councils, Environment Protection Authority, Heritage Victoria, Aboriginal Victoria, VicRoads and Melbourne Water.

Maribyrnong City Council was also consulted during the preparation of the amendment.

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

The *Transport Integration Act 2010* requires interface bodies to have regard to the transport system objectives, the decision making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

The amendment is necessary to facilitate the Project which will provide a significant benefit to the transport system.

The transport system objectives are set out in Part 2, Division 2 of the *Transport Integration Act 2010* and include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing.

The decision making principles are set out in Part 2, Division 3 of the *Transport Integration Act 2010* and include the principles of integrated decision making, triple bottom line assessment, equity, transport system user perspective, precautionary principle, stakeholder engagement and community participation and transparency.

The amendment was prepared having regard to the transport system objectives and decision making principles under the *Transport Integration Act 2010*.

The amendment facilitates the delivery of a project that will increase the capacity, reliability and efficiency of the rail network thereby providing improved access to social, economic and employment opportunities via a sustainable mode of transport. The amendment introduces a planning framework to, among other things, ensure the Project is appropriately designed to enhance safety, functionality and usability.

The Project has been assessed under the *Environment Effects Act 1978*, and its potential environmental, social and economic effects have been considered in that process. This process included consultation with key stakeholders.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

These provisions are not expected to have a significant impact on the resource and administrative costs of the Minister for Planning as responsible authority.

The Minister, Melbourne, Port Phillip and Stonnington City Councils are the responsible authorities for administering and enforcing the provisions to protect the Project infrastructure with a determining referral authority considering applications made under these provisions.
The administration and enforcement of these provisions is not expected to have a significant impact on the resource and administrative costs of the responsible authorities.

**Where you may inspect this Amendment**

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

- **City of Melbourne**
  Melbourne Town Hall
  90-120 Swanston Street, Melbourne

- **City of Stonnington**
  Prahran Town Hall
  180 Greville Street, Prahran

- **City of Port Phillip**
  St Kilda Town Hall
  99a Carlisle Street, St Kilda

- **City of Maribyrnong**
  Municipal Offices
  61 Napier Street, Footscray

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 Western Distributor Authority (WDA), an administrative office within the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), to facilitate the delivery of the West Gate Tunnel Project (project).

Land affected by the amendment

The amendment applies to land affected by the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham planning schemes (planning schemes) which will be used and developed for the project, as shown on the map below:

The land affected by the amendment is described as the 'project land' and is defined in the West Gate Tunnel Project Incorporated Document, December 2017.
The project includes the following key components:

- Upgrade and widening of the West Gate Freeway from eight to 12 lanes between the M80 Ring Road interchange and Williamstown Road, and widening of the Princes Freeway between Kororoit Creek Road and the M80 Ring Road interchange.

- Two tunnels extending from two separate southern portals on the West Gate Freeway to a northern portal near the Maribyrnong River and the Port of Melbourne.

- A bridge crossing of the Maribyrnong River, connections to the Port of Melbourne, CityLink, Footscray Road and Dynon Road, and an extended Wurundjeri Way.

The project also includes relocation of existing utilities, including high voltage electricity lines along the West Gate Freeway and the North Yarra Main Sewer along Whitehall Street, the provision of new shared use paths, upgrade of existing shared use paths, a new elevated veloway for cyclists, and pedestrian connections.

**What the amendment does**

The amendment changes the planning schemes to:

- Amend the schedules to Clause 52.03 and Clause 81.01 to insert a new incorporated document titled *West Gate Tunnel Project Incorporated Document, December 2017* (incorporated document) into the planning schemes.

The incorporated document requires the project to be carried out generally in accordance with the *West Gate Tunnel Project Development and Urban Design Plans, December 2017* and in accordance with the *West Gate Tunnel Project Environmental Performance Requirements, December 2017*.

**The amendment changes the Brimbank, Hobsons Bay, Maribyrnong, Melbourne and Wyndham planning schemes to:**

- Amend the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority for the administration and enforcement of provisions of the planning schemes as they apply to the use and development of land for the project.

**The amendment changes the Hobsons Bay Planning Scheme to:**

- Apply the Design and Development Overlay to land in Hobsons Bay that is above and adjacent to project infrastructure to ensure new development does not compromise the structural integrity or operation of that infrastructure.

- Insert Schedule 15 to the Design and Development Overlay (DDO15) and Schedule 16 to the Design and Development Overlay (DDO16).

- Amend the Schedule to Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and the Roads Corporation from 31 December 2026) the determining referral authority for applications under DDO15 and DDO16.

**The amendment changes the Maribyrnong Planning Scheme to:**

- Apply the Design and Development Overlay to land in Maribyrnong that is above and adjacent to project infrastructure to ensure new development does not compromise the structural integrity or operation of that infrastructure.
• Insert Schedule 13 to the Design and Development Overlay (DDO13) and Schedule 14 to the Design and Development Overlay (DDO14).

• Amend the Schedule to Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and the Roads Corporation from 31 December 2026) the determining referral authority for applications under DDO13 and DDO14.

• Amend the Schedule to Clause 61.03 to include reference to DDO13 and DDO14.

**Strategic assessment of the amendment**

**Why is the amendment required?**

For the year ending 30 June 2016, Melbourne grew by 107,800 people, with much of the growth occurring in Melbourne’s western suburbs. The western region of Melbourne continues to be one of the fastest growing regions of Melbourne due to a combination of urban renewal in the inner suburbs and greenfield residential development in the outer suburbs.

The project will:

• Contribute to significant improvements across the freeway network by delivering an alternative to the West Gate Bridge, providing a much needed second river crossing, increasing capacity and reducing travel times and congestion.

• Improve freight efficiency and cater for predicted growth at the Port of Melbourne by providing direct access from the freeway to the Port of Melbourne.

• Improve safety and amenity by reducing truck traffic from residential areas on many local roads.

• Improve pedestrian and cycling linkages and provide several new open spaces.

The amendment will:

• Facilitate the delivery of the project in a timely, coordinated and consistent manner.

• Establish a transparent framework to manage environmental effects associated with both the construction and operational phases of the project.

• Protect project infrastructure from new development that may compromise the structural integrity of that infrastructure or adversely affect the operation of that infrastructure.

• Ensure the main works for the project can be planned with certainty and commence without delay.

A GC amendment is considered the most appropriate mechanism to facilitate the delivery of the project under the planning schemes. The incorporated document has the effect of exempting the project from the usual requirements of the planning schemes, and permitting the use and development of the project land for the project in accordance with the conditions in the incorporated document.

The significance, complexity, duration and geographic extent of the project warrants the Minister for Planning acting as the decision maker on matters related to the use and development of land for the project.
The application of the Design and Development Overlay to land in Hobsons Bay and Maribyrnong, and the associated referral requirements, triggers the assessment of new development that could potentially compromise the structural integrity or operation of project infrastructure.

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

The following objectives of planning in Victoria, as set out in section 4 of the *Planning and Environment Act 1987*, are relevant to the amendment:

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

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

(e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

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

The amendment implements these objectives by facilitating the delivery of a project that will:

- Contribute to significant improvements across the freeway network by delivering an alternative to the West Gate Bridge, providing a much needed second river crossing, increasing capacity and reducing travel times and congestion.

- Improve freight efficiency and cater for predicted growth at the Port of Melbourne by providing direct access from the freeway to the Port of Melbourne.

- Improve safety and amenity by reducing truck traffic from residential areas on many local roads.

- Improve pedestrian and cycling linkages and provide several new open spaces.

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

The potential environmental, social and economic effects of the project were considered through the Environment Effects Statement (EES) process under the *Environment Effects Act 1978*, including the Minister’s Assessment. This included input from a broad range of specialist disciplines which informed the design of the project and preparation of the EES.

The incorporated document:

- Requires the project to be carried out generally in accordance with the *West Gate Tunnel Project Development and Urban Design Plans, December 2017* and in accordance with the *West Gate Tunnel Project Environmental Performance Requirements, December 2017*.

- Includes a condition requiring an environmental management strategy to be approved by the Minister for Planning prior to the commencement of main works.

- Includes conditions relating to the provision of native vegetation offsets, preparatory buildings and works, and the public availability of approved plans.
The Environmental Performance Requirements (EPR) set out the environmental standards that the project is required to achieve during construction and operation. The EPR include standards for acceptable environmental performance, either by reference to statutory obligations or by establishing project-specific benchmarks, as well as obligations to prepare a range of subordinate plans to manage specific issues.

The environmental management strategy, which must be approved by the Minister for Planning prior to the commencement of main works, must:

- Outline how the Environmental Performance Requirements will be implemented.
- Set out the process and timing for development of the Construction Environmental Management Plan, Work Site Environmental Management Plans, Operations Environmental Management Plan, Communications and Community Engagement Plan and other plans and procedures required by the Environmental Performance Requirements, including the process and timing for consultation with councils, Roads Corporation, Melbourne Water and Environment Protection Authority as relevant; and
- Be prepared consistent with the Environmental Management Framework contained in the Environment Effects Statement and the Environmental Performance Requirements.

Post-EES changes to project land

Following the release of the Minister’s assessment of the project under the Environment Effects Act 1978, WDA requested changes to the project land within the incorporated document to reflect ongoing detailed design work. The changes to the project land are minor and do not result in any greater impacts than those already considered through the EES process, and the effects can be managed via the EPR.

Does the amendment address relevant bushfire risk?

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

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

Section 12(2) of the Planning and Environment Act 1987 requires that in preparing an amendment, a planning authority must have regard to the Minister’s directions.

Ministerial Direction on the Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.

Direction No. 9 Metropolitan Planning Strategy

The Metropolitan Strategy, Plan Melbourne 2017 – 2050, seeks to integrate long-term land use, infrastructure and transport planning to meet the city’s future environmental, population, housing and employment needs.

Plan Melbourne 2017-2050 identifies the project as a committed transport infrastructure project (subject to government approval) and identifies the project’s potential alignment, including the key city connections and extension of Wurundjeri Way.
Outcome 3 of the *Plan Melbourne 2017-2050* five year implementation plan is that ‘Melbourne has an integrated transport system that connects people to jobs and services and goods to market’. The project is identified in the plan as an initiative that will deliver a vital second river crossing, offering an alternative to the West Gate Bridge, and improved connections to the Port of Melbourne.

On completion, the project is expected to:

- Provide accessibility to expanding employment nodes in the west of Melbourne and to the increasingly significant knowledge economy job centre of central Melbourne.
- Provide an upgraded freight route from the west and north of metropolitan Melbourne to the Port of Melbourne, and enhance the efficiency of the freight network
- Improve transport and freight connections to central Melbourne and the western region of Victoria.
- Deliver a second river crossing as an alternative to the West Gate Bridge.
- Increase capacity on the M1 corridor.
- Improve cycling and pedestrian options for the western region of Melbourne.
- Promote a high standard of urban design and increased areas of open space and landscaping.

In this context, the project is consistent with the following directions of *Plan Melbourne 2017-2050*:

- **Direction 3.1**: Transform Melbourne’s transport system to support a productive city
- **Direction 3.3**: Improve local travel options to support 20 minute neighbourhoods
- **Direction 3.4**: Improve freight efficiency and increase capacity of gateways while protecting urban amenity
- **Direction 4.3**: Achieve and promote design excellence
- **Direction 7.2**: Improve connections between cities and regions.

**Direction No. 11 Strategic Assessment of Amendments**

The purpose of this direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The amendment has been prepared having regard to this direction as set out in this explanatory report.

**Direction No. 14 Ports Environments**

The purpose of this direction is to ensure that any planning scheme amendment in the environs of a commercial trading port has regard to protecting the operations and development of the port from the encroachment or intensification of sensitive uses.

The amendment supports this direction as the project will not introduce any new sensitive uses in the environs of the Port of Melbourne.
How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The project enjoys broad strategic support from state policy including Plan Melbourne 2017-2050 and the State Planning Policy Framework (SPPF).

The amendment facilitates the delivery of the project and supports the SPPF as follows:

Clause 11.06 – Metropolitan Melbourne

The project will enhance the efficiency of the freight network, improve transport and freight connections to central Melbourne and the western region of Victoria, and support the continued growth of the Port of Melbourne by providing direct access from the freeway to the port (Clause 11.06-1 Jobs and investment).

The amendment facilitates a lowered Wurundjeri Way extension that will result in less impact on the future development potential of the E-Gate urban renewal precinct than the alignment assessed in the EES prepared in respect of the project, and will allow for future connectivity between E-Gate and North and West Melbourne (Clause 11.06-1 Jobs and investment).

The project will provide improved arterial road connections across Melbourne resulting in better access and reduced travel times to jobs and services in the western region of Melbourne and the central city (Clause 11.06-3 Integrated transport).

The project will provide new and upgraded shared use paths for walking and cycling to support 20 minutes neighbourhoods (Clause 11.06-3 Integrated transport).

Clause 12 – Environmental and Landscape Values

The potential environmental, social and economic effects of the project were considered through the EES process under the Environment Effects Act 1978. The EPR approved as part of this amendment set out the environmental standards that the project is required to achieve during construction and operation.

The incorporated document also sets out requirements for the removal, destruction or lopping of native vegetation, and offsetting of native vegetation, necessary for the construction of the project. These requirements are based on the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) rather than the more recent Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) which were implemented on 12 December 2017 as part of Amendment VC138. This is on the basis that the EES process was finalised prior to the implementation of Amendment VC138.

Clause 13 – Environmental Risks

The protection of the natural flood carrying capacity of rivers, streams and floodways, and the flood storage function of floodplains and waterways, including the Maribyrnong River and Moonee Ponds Creek, were considered during the design process and will be further considered through the implementation of the EPR (Clause 13.02-1 Floodplain management).

Any potential noise, vibration or air quality effects of the project will be managed and/or mitigated through the implementation of the EPR (Clause 13.04-1 Noise abatement, Clause 13.04-2 Air quality).
Clause 15 - Built Environment and Heritage

The EES process under the Environment Effects Act 1978 assessed the landscape, built form, urban design and heritage effects of the project.

A cultural heritage management plan (CHMP) is required for the project in accordance with the Aboriginal Heritage Act 2006. The CHMP sets out measures to manage and protect Aboriginal cultural heritage within the project land (Clause 15.03-2 Aboriginal cultural heritage).

Clause 17 – Economic Development

The project will support economic growth by:

- Enhancing the efficiency of the freight network, improving transport and freight connections to central Melbourne and the western region of Victoria, and supporting the continued growth of the Port of Melbourne by providing direct access from the freeway to the port.

- The project will provide improved arterial road connections across Melbourne resulting in better access and reduced travel times to jobs and services in the western region of Melbourne and the central city.

Clause 18 - Transport

The project recognises the transport and logistics role of the Port of Melbourne and supports its ongoing effective and competitive operation by enhancing the efficiency of the freight network and providing direct access from the freeway to the port (Clause 18.03 Ports).

The project will contribute to significant improvements across the freeway network by delivering an alternative to the West Gate Bridge, providing a much needed second river crossing, increasing capacity, and reducing travel times and congestion (Clause 18.02-4 Management of the road system).

The project will provide new and upgraded shared use paths for walking and cycling as well as a new elevated veloway for cycling as means of encouraging alternative modes of travel (Clause 18.02 Movement networks).

The amendment facilitates a lowered Wurundjeri Way extension that will result in less impact on the future development potential of the E-Gate urban renewal precinct than the alignment assessed in the EES prepared in respect of the project, and will allow for future connectivity between E-Gate and North and West Melbourne (Clause 18.01 Integrated transport).

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

The amendment supports the intent of the Local Planning Policy Frameworks for each planning scheme to the extent that it establishes a framework to manage the environmental, social and economic effects of the project, such as landscape, urban design, ecology and heritage effects, as far as practicable, while at the same time facilitating the project.

In the above context, the amendment is consistent with the relevant Local Planning Policy Frameworks, and specifically the Municipal Strategic Statements as follows:

Brimbank Planning Scheme

The project will upgrade existing shared use paths and extend a small section of the Federation
Trail which will support the promotion of sustainable transport options (Clause 21.10 Transport and Infrastructure).

**Hobsons Bay Planning Scheme**

The EPR approved as part of this amendment include requirements relating to fauna management, works on waterways, heritage, urban design, noise, air quality and landscaping (Clause 21.05 Environment, Clause 21.06 Built Environment and Heritage, Clause 21.09 Transport and Mobility).

The incorporated document also sets out requirements for the removal, destruction or lopping of native vegetation, and offsetting of native vegetation, necessary for the construction of the project (Clause 21.05 Environment).

The project will improve transport and freight connections and enhance the efficiency of the freight network which will support the ongoing economic development of industrial areas throughout the municipality (Clause 21.08 Economic Development).

**Maribyrnong Planning Scheme**

The EPR approved as part of this amendment include requirements relating to heritage, flora, fauna, landscaping, floodplain management and works on waterways (Clause 21.05 Environment and Landscape Values, Clause 21.06 Built Form and Heritage).

The project includes the provision of new shared use paths, upgrade of existing shared use paths and a new elevated veloway which will contribute to improvements to the municipality’s cycling and pedestrian infrastructure (Clause 21.09 Transport).

The project will support the ongoing operation of the Port of Melbourne enhancing the efficiency of the freight network and providing direct access from the freeway to the Port of Melbourne, while at the same time improving safety and amenity by removing trucks from residential areas in Yarraville (Clause 21.09 Transport).

**Melbourne Planning Scheme**

The project will support the ongoing operation of the Port of Melbourne and associated industrial areas enhancing the efficiency of the freight network and providing direct access from the freeway to the Port of Melbourne (Clause 21.08: Economic development).

The project includes the provision of new shared use paths and the upgrade of existing shared use paths which will improve the municipality’s cycling and pedestrian networks (Clause 21.09 Transport).

The amendment facilitates a lowered Wurundjeri Way extension that will result in less impact on the future development potential of the E-Gate urban renewal precinct than the alignment assessed in the EES prepared in respect of the project, and will allow for future connectivity between E-Gate and North and West Melbourne (Clause 21.14 Proposed Urban Renewal Areas).

**Port of Melbourne Planning Scheme**

The project will enhance the efficiency of the freight network and provide direct access from the freeway to the Port of Melbourne to cater for predicted growth at the port (Clause 21.04 Objectives – Strategies - Implementation).
Wyndham Planning Scheme

The EPR approved as part of this amendment include requirements relating to flora, fauna and works on waterways (Clause 21.03 Environment and Landscape Values).

The incorporated document also sets out requirements for the removal, destruction or lopping of native vegetation, and offsetting of native vegetation, necessary for the construction of the project (Clause 21.03 Environment and Landscape Values).

The project will contribute to significant improvements across the freeway network by delivering an alternative to the West Gate Bridge and providing direct access from the freeway to the Port of Melbourne (Clause 21.09 Transport).

The project will upgrade existing shared use paths and extend a small section of the Federation Trail which will support the promotion of sustainable transport options (Clause 21.10 Transport and Infrastructure).

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

The planning framework to facilitate the delivery of the project makes proper use of the Victoria Planning Provisions, as follows:

- The amendment uses the provisions of Clause 52.03 to insert a single, project-specific control – West Gate Tunnel Project Incorporated Document, December 2017 – into the planning schemes. The incorporated document operates to exempt the project from the permit requirements of the planning schemes and, instead, requires the use and development of land for the project to be carried out in accordance with the conditions in that incorporated document. The incorporated document allows for a coordinated and consistent approach to the use and development of land for a major transport infrastructure project that is affected by six different planning schemes.

- The amendment applies the Design and Development Overlay to land in Hobsons Bay and Maribyrnong that is above and adjacent to project infrastructure to ensure new development does not compromise the structural integrity or operation of that infrastructure. The Design and Development Overlay triggers the assessment of new development that could potentially compromise the structural integrity or operation of project infrastructure.

- The amendment uses the provisions of Clause 61.01 to make the Minister for Planning the responsible authority for administering and enforcing the provisions of the planning schemes as they relate to the use and development of land for the project.

- The amendment uses the provisions of Clause 66.04 to make the Secretary to the Department of Economic Development, Jobs, Transport and Resources (and the Roads Corporation from 31 December 2026) the determining referral authority for applications under the Design and Development Overlay.

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

The views of relevant agencies were obtained during the EES process under the Environment Effects Act 1978.

A Technical Reference Group (TRG) was established as part of the assessment of the project under the Environment Effects Act 1978. The TRG was convened by the Department of Environment, Land, Water and Planning (DELWP) and comprised representatives of departments and authorities with statutory interests or specialised expertise relevant to the project, including
Aboriginal Victoria, DELWP, EPA, Heritage Victoria, Melbourne Water, Parks Victoria, Port of Melbourne, VicRoads, Victorian Planning Authority, VicTrack and Melbourne, Maribyrnong and Hobsons Bay city councils.

These departments and authorities were provided with the opportunity to make a submission and be heard at the public hearing as part of the Inquiry and Advisory Committee (IAC) through the EES process. Submissions and other evidence from these departments and authorities were considered by the IAC, and this, together with the IAC report and the Minister’s assessment, informed the preparation of the amendment.

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

The Transport Integration Act 2010 requires interface bodies (including a planning authority) to have regard to the transport system objectives, the decision making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

There are no applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010.

The amendment facilitates a project that was developed having regard to the transport system objectives and decision making principles under the Transport Integration Act 2010. As described below, the amendment addresses the key transport system objectives and decision making principles set out in Part 2, Divisions 2 and 3 of the Transport Integration Act 2010 as follows:

Division 2 – Transport system objectives

- Social and economic inclusion: The project will support social and economic inclusion by improving accessibility to employment opportunities, increasing capacity, and reducing travel times and congestion. The project has been designed to make it easy to access and navigate and structures will comply with the Disability Discrimination Act 1992.

- Economic prosperity: The project will support economic growth by enhancing the efficiency of the freight network, improving transport and freight connections to central Melbourne and the western region of Victoria, and supporting the continued growth of the Port of Melbourne by providing direct access from the freeway to the port. The project will also provide improved arterial road connections across Melbourne resulting in better access and reduced travel times to jobs and services in the western region of Melbourne and the central city.

- Environmental sustainability: The project includes the provision of new shared use paths, upgrade of existing shared use paths, a new elevated veloway and pedestrian connections which will support the promotion of sustainable transport options. The amendment establishes a framework to manage environmental effects associated with both the construction and operational phases of the project.

- Integration of transport and land use: The project will contribute to significant improvements across the freeway network in response to population growth in the western region of Melbourne. The amendment establishes a framework to manage environmental effects associated with both the construction and operational phases of the project, including any effects on adjoining land uses. The amendment facilitates a lowered Wurundjeri Way extension that will result in less impact on the future development potential of the E-Gate urban renewal precinct, and will allow for future connectivity between E-Gate and North and West Melbourne.
• Efficiency, coordination and reliability: The project is one of three inter-related transport infrastructure projects being delivered by the Victorian Government to streamline traffic from Geelong to Pakenham. The other two projects are the Monash Freeway Upgrade and Webb Dock Access Improvements. The project is expected to include a freeway management system to support the efficient and reliable operation of the project, including integrating with VicRoads’ freeway management and the surrounding major road network.

• Safety, health and wellbeing: The amendment establishes a framework to manage environmental effects associated with both the construction and operational phases of the project. The EPR approved as part of this amendment include requirements relating to air quality, noise, social and business impacts.

Division 3 – Decision making principles

The potential environmental, social and economic effects of the project were considered through the EES process under the Environment Effects Act 1978. This included input from a broad range of specialist disciplines which informed the design of the project and preparation of the EES. The EES was also informed by a Technical Reference Group (TRG) that was convened by DELWP and comprised representatives of departments and authorities with statutory interests or specialised expertise relevant to the project. The project was also subject to an exhibition and public hearing process undertaken as part of the IAC through the EES process. The IAC report and the subsequent Minister’s assessment informed the preparation of this amendment.

The project enjoys broad strategic support from state policy including Plan Melbourne 2017-2050 and the State Planning Policy Framework (SPPF).

The project will contribute to significant improvements across the freeway network and cater for the needs of existing and future communities in the western region of Melbourne.

Resource and administrative costs

• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Minister for Planning will be the responsible authority for administering and enforcing the provisions of the planning schemes as they relate to use and development of land for the project. The new planning provisions are not expected to have a significant impact on the resource and administrative costs of the Minister for Planning as responsible authority.

Hobsons Bay and Maribyrnong city councils will be the responsible authorities for administering and enforcing the Design and Development Overlay to protect the project infrastructure with a determining referral authority considering applications made under these provisions. There is likely to be an increase in applications as a consequence of the Design and Development Overlay, however, Department of Economic Development, Jobs, Transport and Resources (and later the Roads Corporation) will provide assistance with the assessment of these applications. On this basis, the administration and enforcement of these provisions is not expected to have a significant impact on the resource and administrative costs of the responsible authorities.
Where you may inspect this amendment

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

Brimbank City Council
301 Hampshire Road
Sunshine

Hobsons Bay City Council
115 Civic Parade
Altona

Maribyrnong City Council
Corner of Hyde and Napier Streets
Footscray

Melbourne City Council
Melbourne Town Hall
120 Swanston Street
Melbourne

Wyndham City Council
45 Princes Highway
Werribee

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
VALUATION, COMPENSATION AND PLANNING LIST

No. SC 1

BETWEEN

MORELAND CITY COUNCIL
and others according to the schedule attached

and

THE MINISTER FOR PLANNING
and others according to the schedule attached

Plaintiffs

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date affirmed: 21 July 2014  
Solicitor's Code: 13654
Filed on behalf of: The Plaintiff
DX: 22019
Prepared by:
Tel: 03 5225 5225
Harwood Andrews
Fax: 03 5225 5222
70 Gheringhap Street
Ref: 4MNH:21404541
Geelong 3220
Attention: Monique Hutchinson
Email: mhutchinson@harwoodandrews.com.au

This is the exhibit marked "MNH1" now produced and shown to Monique Natalie

Hutchinson at the time of affirming her affidavit on 21 July 2014.

Before me:

Signature of person taking affidavit

MATTISON MITELMAN
Level 5, 707 Collins St, Melbourne
An Australian Legal Practitioner (within the
meaning of the Legal Profession (Voluntary)
Harwood Andrews

Exhibit "MNH1"
Copy Declaration of Transport Project
as it appeared in Government Gazette
S446, dated 20 December 2012
Major Transport Projects Facilitation Act 2009
DECLARATION OF A TRANSPORT PROJECT
(Section 10)
Order in Council

The Governor in Council, under section 10(1)(a) of the Major Transport Projects Facilitation Act 2009 ("the Act"), declares the transport project known as the East West Link Project (Eastern Section), being the proposed freeway-standard link between the Eastern Freeway and the Tullamarine Freeway generally along the Alexandra Parade corridor, with a further southerly connection to the Port of Melbourne area, to be a declared project to which the Act applies.

Dated 19 December 2012
Responsible Minister:
TED BAILLIEU MLA
Premier

MATTHEW McBEATH
Clerk of the Executive Council
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IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
VALUATION, COMPENSATION AND PLANNING LIST

BETWEEN

MORELAND CITY COUNCIL
and anor according to the schedule attached

-and-

THE MINISTER FOR PLANNING
and others according to the schedule attached.

Plaintiff

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date sworn: 24 October 2014
Filed on behalf of: The Plaintiffs
Prepared by:
Harwood Andrews
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Geelong 3220

Solicitor's Code: 13654
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Ref: 4MNH:21404541
Attention: Greg Tobin
Email: gtobin@harwoodandrews.com.au

This is the exhibit marked “GFT18” now produced and shown to Gregory Francis Tobin at the time of swearing his affidavit on 24 October 2014.

Signature of person taking affidavit

ROHAN WILLIAM KUX
Level 5, 707 Collins St, Melbourne
An Australian Legal Practitioner (within the meaning of the Legal Profession Act 2004.)
Harwood Andrews

Exhibit "GFT18"
Victoria Government Gazette

No. S 257 Wednesday 30 July 2014
By Authority of Victorian Government Printer

Major Transport Projects Facilitation Act 2009
DESIGNATION OF THE PROJECT AREA FOR THE PROJECT DECLARED AS THE
EAST WEST LINK PROJECT (EASTERN SECTION)

Order

I, Matthew Guy, Minister for Planning, pursuant to section 95(2) of the Major Transport Projects Facilitation Act 2009 (the Act), designate the area of land shown on the plans with reference LEOGL/14-030 signed by the Surveyor-General and lodged at the Central Plan Office on 11 July 2014, and as generally indicated on the map in the Schedule index to LEOGL/14-030, for the East West Link Project (Eastern Section) to which my approval decision made under section 77 of the Act relates. Notice of my approval decision was published in the Government Gazette on 30 June 2014.

This Order takes effect on the day that it is published in the Government Gazette.

MATTHEW GUY MP
Minister for Planning

SCHEDULE

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SPECIAL
Major Transport Projects Facilitation Act 2009
(Section 10)

REVOCATION OF DECLARATION OF A TRANSPORT PROJECT


This revocation comes into effect on the date it is published in the Government Gazette.

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

REVOCATION OF APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of Victoria, under section 14 of the Major Transport Projects Facilitation Act 2009 (the Act) and section 41A of the Interpretation of Legislation Act 1984, revoke the appointment of the Minister for Public Transport to be the Project Minister for the Melbourne Metro Rail Tunnel Project made under section 14 of the Act on 30 August 2012 and published in the Government Gazette No. S 308 on 7 September 2012.

This revocation comes into effect on the date it is published in the Government Gazette.

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A TRANSPORT PROJECT

I, Daniel Andrews, Premier of Victoria, under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009 (the Act) declare the transport project known as the Melbourne Metro Rail Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

This declaration comes into effect on the date it is published in the Government Gazette.

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of Victoria, in accordance with section 14 of the Major Transport Projects Facilitation Act 2009, appoint the Minister for Public Transport to be the Project Minister for the declared project known as the Melbourne Metro Rail Project.

This notice comes into effect on the date it is published in the Government Gazette.

THE HON. DANIEL ANDREWS MP
Premier of Victoria

SPECIAL
Major Transport Projects Facilitation Act 2009
(Section 95(2)(a))
ORDER
DESIGNATION OF THE PROJECT AREA FOR A DECLARED PROJECT
Melbourne Metro Rail Project

I, Lisa Neville, Acting Minister for Planning, pursuant to section 95(2)(a) of the Major Transport Projects Facilitation Act 2009 (the Act), designate the area of land shown on the plans signed by the Surveyor General with references LEGL./16-236 Sheets 1 to 20 (inclusive) lodged at the Central Plan Office on 20 December 2016 and as generally indicated on the map in the Schedule, for the Melbourne Metro Rail Project declared by the Premier to be a declared project pursuant to section 10(1)(b) of the Act and published in the Government Gazette on 4 September 2015.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 10 January 2017

THE HON. LISA NEVILLE MP
Acting Minister for Planning
Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A TRANSPORT PROJECT

I, Daniel Andrews, Premier of Victoria, under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009 (the Act), declare the transport project known as the Western Distributor Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

This declaration comes into effect on the date it is published in the Government Gazette.

Dated 5 September 2016

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of Victoria, in accordance with section 14 of the Major Transport Projects Facilitation Act 2009, appoint the Minister for Roads and Road Safety to be the Project Minister for the declared project known as the Western Distributor Project.

This notice comes into effect on the date it is published in the Government Gazette.

Dated 5 September 2016

THE HON. DANIEL ANDREWS MP
Premier of Victoria
Major Transport Projects Facilitation Act 2009
(Section 95(2)(a))

DESIGNATION OF THE PROJECT AREA FOR A DECLARED PROJECT

West Gate Tunnel Project

I, Richard Wynne, Minister for Planning, pursuant to section 95(2)(a) of the Major Transport Projects Facilitation Act 2009 (the Act), designate the area of land shown on the plans signed by the Surveyor General with references LEGL/17-407 Sheets 1 to 46 (inclusive) lodged at the Central Plan Office on 5 December 2017, and as generally indicated on the map in the Schedule, for the West Gate Tunnel Project, being the project formerly known as the Western Distributor Project declared by the Premier to be a declared project pursuant to section 10(1)(b) of the Act and published in the Government Gazette on 15 September 2016.

This order comes into effect from the date it is published in the Government Gazette.

Dated 8 December 2017

THE HON. RICHARD WYNNE MP
Minister for Planning
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