

Environment Effects Act 1978

Planning and Environment Act 1987

Inquiry and Advisory Committee Report

Melbourne Metro Rail Project

21 November 2016

The Committee is mindful that its recommended version of the EPR builds upon the issues raised by various submitters, and has attempted to achieve the appropriate balance between too much prescription and too much flexibility in preparing the Committee's recommended version at Appendix F.

21.4.5 Other matters relating to the Incorporated Document

In the main, the Committee considers that the public submission and hearing process for this EES is the key opportunity for interested stakeholders to provide its views on any aspect relating to the Project. The 379 submissions received and the 33 Hearing days ensured that all relevant matters were able to be raised and considered. The contributions made by many parties has ensured a better and more robust outcome for all aspects of the Project. This is acknowledged by the Committee and was acknowledged by the MMRA in its closing.

However, as the Project is at Concept Design stage, and as there is much more to be done to reach the final design stage, the Committee considers some additional input by relevant stakeholders is warranted. This is not to say that all aspects of the Project should or could be opened up for further review or hearing. The Committee notes the submissions of some parties, including RMIT and the Cities of Stonnington and Port Phillip that sought an Advisory Committee type process to ensure an independent review on further matters. It is a matter for the Minister for Planning to consider at a later date if he wishes to implement a further process in the form of a Standing Advisory Committee or similar.

It does however support the Incorporated Document providing the opportunity for further input and review of the Development Plans for each precinct and the Early Works Plans through the opportunity to provide written comments to the Minister for Planning on each of these. Further, in the light of submissions made about the timeframes, the Committee endorses a timeframe for all aspects of 15 business days from the time of notice on the Project website and through a daily newspaper.

It goes without saying that such notices and the Project website must be carefully managed to ensure that interested parties can access these in a timely manner. In this regard, the Committee recommends that EPR SC3 be modified whereby interested stakeholders can register their details so that they are automatically advised of any matter affecting the Precinct or any matter Project wide, including opportunities to comment on the Development Plan or Early Works Plan.

21.5 Findings

With regard to the EMF, the Committee accepts Version 4 tabled by the MMRA (D360) as it reflects the changes made to the Incorporated Document (D358), the EPR (D365) and the advice within TN41, TN68 and TN69. The Committee agrees that the EMF is a sound and robust framework for managing the environmental effects of the Project during its construction and operational stages.

The Committee finds that the MMRA has responded to a numerous requests for changes to the EPR during the course of the Hearings, and is commended for doing so. The Technical Notes provided by the MMRA greatly assisted the Committee in its understanding of a number of matters, and provided clarity around roles, responsibilities and implementation of the EMF and EPR.

In response to the questions about EPR posed by the MMRA, the Committee provides the following in response:

Do the EPRs properly respond to the environmental impact that is to be managed?

The EPR adequately respond to the environmental, social and economic impacts that have been identified in the EES, and provide appropriate actions and controls to minimise impacts from the Project during construction and operation.

Do the EPRs establish an appropriate benchmark in respect of delivery of the Project?

The Committee agrees with the MMRA that the EPR need to be focused on describing the environmental outcomes to be achieved rather than prescribing the manner in which they should be achieved. The EPR need to provide an adequate level of assurance that appropriate environmental standards will be achieved without unnecessarily limiting innovation in design or implementation, and in this regard the Committee finds that the EPR as modified in Appendix F establish an appropriate benchmark in respect of Project delivery.

Do the EPRs properly provide for the preparation and implementation of appropriate management plans where necessary?

The Committee finds there are a number of relevant plans that are required under various EPR that help to identify mitigation measures as the detailed design of the Project becomes available. Importantly, construction of the Project cannot commence until such plans are prepared and approved and in some instances, reviewed by the Independent Environmental Auditor.

Do the EPRs properly provide for (or sit within a framework which properly provides for) consultation with stakeholders and affected persons?

There are provisions in the Incorporated Document and in the EPR, including SC3 and EM04, that provide for adequate stakeholder and community consultation. The EPR make provision for significant stakeholder engagement including relevant agencies and councils as well as having purpose-built reference groups for transport (the TTWG) and Parkville institutions (the PPRG) that the Committee has recommended have independent chairs. The invitation to provide written comments within 15 business days provides sufficient opportunity for ongoing third party engagement.

Are the EPRs sufficiently robust to account for changes from the Concept Design and within the Project Boundary?

The EMF and the EPR include strong checks and balances including reporting requirements, various management plans, independent environmental auditing, independent review and monitoring. The EPR apply to the approved Project and are approved by the Minister for Planning as part of the EMF.

Do the EPR properly acknowledge their relationship with other EPR?

The Committee finds that the EPR properly acknowledge their relationship with other EPR and that the Committee's recommended version makes it clear up front that the EPR are not to be read in isolation.

The amended Committee version of the EPR is found in Appendix F and should be applied to the Project and incorporated into the EMF.