

West Gate Tunnel Project

Incorporated Document

May 2017

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

Drafting Note: The planning control contained in this Incorporated Document has been prepared by Western Distributor Authority to govern the further design, development and operation of the West Gate Tunnel Project and has been prepared subject to the outcomes of the EES assessment process.

1.0 INTRODUCTION

This document is an incorporated document in the Melbourne, Port of Melbourne, Hobson Bay, Maribyrnong, Wyndham and Brimbank Planning Schemes (**Planning Schemes**) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

This document gives effect to specific controls for the West Gate Tunnel Project (**Project**) pursuant to clause 52.03 of the Planning Schemes.

The controls in this Incorporated Document prevail over any contrary or inconsistent provision in the Planning Schemes.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit the use and development of land described in clause 3.0 for the purposes of the Project.

3.0 LAND

This Incorporated Document applies to the land described as 'Land for the West Gate Tunnel Project' in Figure 1 of this document (**Project Land**).

4.0 CONTROL

Despite any provision to the contrary, or any inconsistent provision, in the Planning Schemes, no planning permit is required for, and no planning provision in the Planning Schemes operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of, or related to, constructing, maintaining or operating the Project.

The Project includes, but is not limited to:

- A freeway standard road connecting the West Gate Freeway to City Link, the Port of Melbourne and the western edge of the central area of Melbourne.
- Widening of the West Gate Freeway from the M80 interchange to the West Gate Bridge to provide for additional lanes in each direction, and widening of Princes Freeway between M80 interchange and Kororoit Creek Road.
- Elevated roads and road infrastructure, including over the Maribyrnong River, Footscray Road, Moonee Ponds Creek and connections to CityLink.
- Interchanges and grade separations associated with road connections.
- Road connections at Princes Freeway, M80/ Western Ring Road, Old Geelong Road, Grieve Parade, Millers Road, Williamstown Road, Hyde Street, Douglas Parade, Simcock Avenue, West Gate Bridge, City Link, Mackenzie Road, Dynon Road, Appleton Dock Road and Footscray Road, and the extension of Wurundjeri Way to Dynon Road with widening of Wurundjeri Way to Flinders Street.
- Twin road tunnels and associated infrastructure, including ventilation structures.
- A control centre and freeway maintenance facility.
- Utility installation and relocation and associated services, including relocation of the North Yarra Main Sewer, electricity transmission towers, lines, cables and associated sub-stations.

- Construction and relocation of rail infrastructure and associated services.
- Earthworks and related structures, kerbs, channels, water and soil transfer and treatment structures, facilities and works, water quality facilities, retaining walls, noise and screening barriers, cuttings, batters and fill associated with the Project.
- Any buildings or works or associated infrastructure or activities for the Project.
- Ancillary activities to the use and development of the Project Land for the purposes of, or related to, the Project, including, but not limited to:
 - Developing and using lay down areas for construction purposes.
 - Constructing and using temporary site workshops and storage, administration and amenities buildings.
 - Removing, destroying and lopping trees and vegetation, including native vegetation.
 - Demolishing and removing buildings, fixtures, structures and infrastructure.
 - Restoration and reinstatement works.
 - Developing and using land for a shared use path and pedestrian overpasses.
 - Constructing or carrying out works for bridges, ramps, excavation, fences, temporary barriers, noise attenuation walls, stabilisation, creating bunds, mounds, landscaping, the salvage of artefacts, water treatment, water storage, flood mitigation and to alter drainage.
 - Creating or altering access to a road in a Road Zone Category 1 or land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.
 - Storage and assembly of materials required for the Project.
 - Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.
 - Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
 - Displaying construction, directional and business identification signs.
 - Stockpiling of excavation material.
 - Subdividing and consolidating land in accordance with plan/s approved by the Minister for Planning.

This control is subject to the conditions in clause 5 of this Incorporated Document.

5.0 CONDITIONS

Development and Urban Design Plans

- 5.1 Development of the Project must be carried out generally in accordance with the document titled "West Gate Tunnel Project Development and Urban Design Plans" dated May 2017, including Attachments 1, 2 and 3, which includes and in accordance with the Environmental Performance Requirements set out at included in Appendix A of the document those plans (collectively referred to as West Gate Tunnel Project Development and Urban Design Plans and EPRs).

Environmental Management Strategy

- 5.2 Prior to the commencement of any buildings or works associated with the Project, an Environmental Management Strategy (**EMS**) for the Project must be approved by the Minister for Planning. The EMS must be prepared in consultation with Melbourne City Council, Hobsons Bay City Council, Wyndham City Council, Brimbank City Council and Maribyrnong City Council. The EMS must:
- 5.2.1 respond to the Environmental Performance Requirements by outlining how they will be implemented;
 - 5.2.2 set out the process and timing for development of the Construction Environmental Management Plan, Work Site Environmental Management Plans 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 the Environment Protection Authority as relevant; and
 - 5.2.3 be prepared consistent with the Environmental Management Framework as contained in the Environment Effects Statement (EES) and the Environmental Performance Requirements.
- 5.3 The EMS may be prepared and approved in stages (including separately for construction and operation) and may be amended from time to time to the satisfaction of the Minister for Planning.
- 5.4 The use and development of the Project Land must be carried out in accordance with the approved EMS.

Amendment to the West Gate Tunnel Project Development and Urban Design Plans and EPRs

- 5.5 The West Gate Tunnel Project Development and Urban Design Plans and EPRs may be amended to the satisfaction of the Minister for Planning.
- 5.6 An amendment to the West Gate Tunnel Project Development and Urban Design Plans and EPRs must be accompanied by the following information:
- 5.6.1 amended West Gate Tunnel Project Development and Urban Design Plans and EPRs; and
 - 5.6.2 a statement from Western Distributor Authority explaining and supporting the proposed changes.
- 5.7 If the Minister for Planning approves an amendment to the West Gate Tunnel Project Development and Urban Design Plans and EPRs, the development must be carried out generally in accordance with the West Gate Tunnel Project Development and Urban Design Plans and EPRs, as amended.

Native vegetation

- 5.8 Details of the proposed removal, destruction or lopping of native vegetation necessary for the construction of the Project must be prepared in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013), to the satisfaction of the Secretary to the Department of Environment, Land, Water & Planning (**DELWP**), except as otherwise agreed by the Secretary to DELWP.
- 5.9 Native vegetation offsets must be provided in accordance with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) except as otherwise agreed by the Secretary to DELWP.

Preparatory and Other Works

5.10 The following buildings and works may commence before the EMS is approved:

- Preparatory works for the Project including, but not limited to:
 - Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the Planning Schemes.
 - Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - Creation of construction access points and working platforms.
 - Site establishment works, including temporary site fencing and hoarding, site offices, hardstands and laydown areas.
 - Establishing temporary car parking sites.
 - Construction, protection, modification, removal or relocation of existing utility services.
 - Establishment of environment and traffic controls.
 - Demolition to the minimum extent necessary to enable preparatory works.
 - Salvaging and relocating of artefacts and other preparatory works required to be undertaken in accordance with the approved cultural heritage management plan prepared for the Project under the Aboriginal Heritage Act 2006.

- The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning. Any native vegetation removal to enable preparatory works forms part of the total extent of native vegetation removal necessary for the construction of the Project and native vegetation offsets must be provided in accordance with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) except as otherwise agreed by the Secretary to DELWP.

Availability of EMS and Other Documents

- 5.11 The current version of the following documents must be available on a clearly identifiable project website until commencement of operation of all components of the Project:
- the West Gate Tunnel Project Development and Urban Design Plans and EPRs; and
 - the EMS approved under clause 5.2.

6.0 EXPIRY

The controls in this document expire if any of the following circumstances apply:

- The development allowed by the controls is not started by 1 December 2020.
- The development allowed by the controls is not completed by 1 December 2026.
- The use allowed by the controls is not started by 1 December 2026.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.