Planning and Environment Act 1987

HUME PLANNING SCHEME

AMENDMENT C248hume

EXPLANATORY REPORT

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 Hi-Quality Quarry Products Pty Ltd (Hi-Quality) to facilitate construction and delivery of the West Gate Tunnel Project (WGT Project) by ensuring planning approvals are in place to accommodate the receipt, processing and storage of spoil prior to disposal.

Land affected by the Amendment

The amendment applies to the Hi-Quality Eco-Hub and adjoining land at 570 – 650 Sunbury Road and part of Sunbury Road road reserve, Bulla, as identified in maps below.

The land comprises the following parcels:

Lot 1 on Plan of Subdivision 645017K;

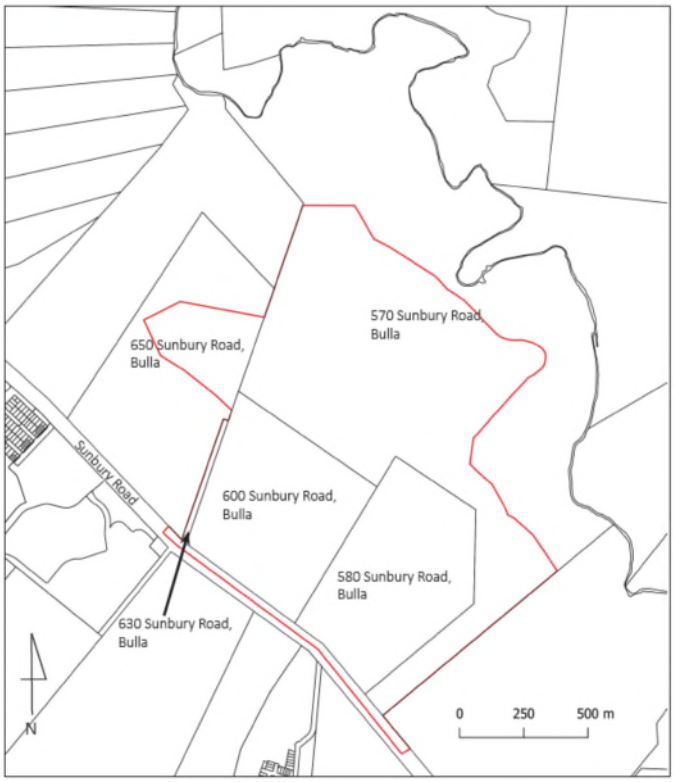
Lot 2 on Plan of Subdivision 645017K;

Lot 3 on Plan of Subdivision 645017K;

Crown Allotment 2A, Section 24, Parish of Bulla Bulla;

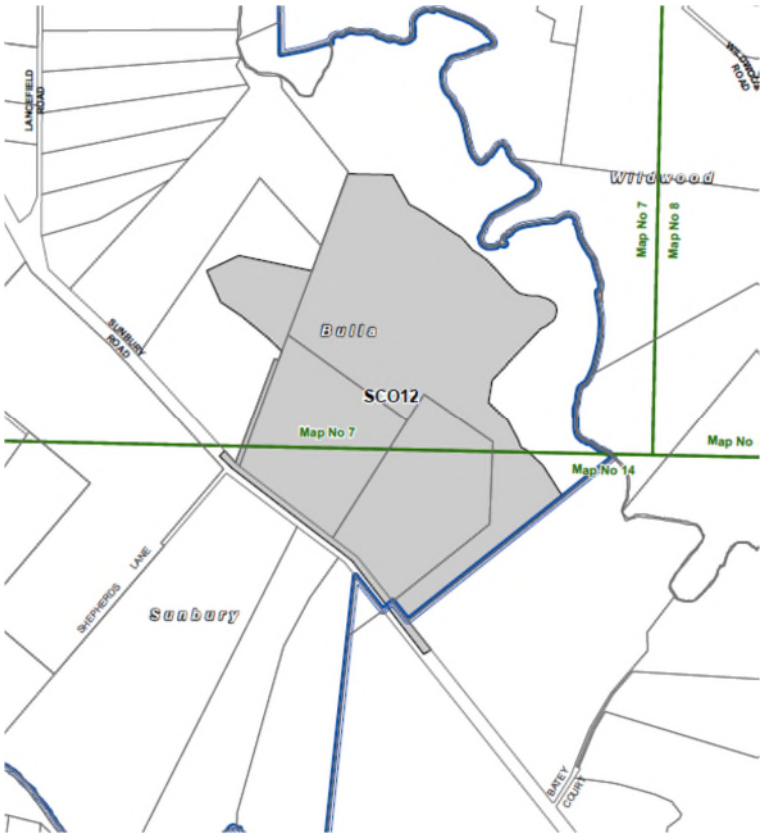
Lot 2 on Plan of Subdivision 203247Y; and

Part of the Sunbury Road road reserve.



The land is identified as SCO12 on the planning scheme maps, is shown generally on the map below.

OFFICIAL



What the amendment does

The amendment introduces and applies the Specific Controls Overlay to the Project Land by inserting the *Bulla Spoil Processing Facility, March 2021* Incorporated Document (Incorporated Document), amends the Schedule 1 to Clause 45.11 Infrastructure Contributions Overlay Sunbury South and Lancefield Road Infrastructure Contributions Plan, November 2019 and makes other related consequential changes to the Hume Planning Scheme.

Specifically, the request:

- Amends Schedule 1 to Clause 45.11 Infrastructure Contributions Overlay Sunbury South and Lancefield Road Infrastructure Contributions Plan, November 2019 to include the Bulla Spoil Processing Facility (BSPF) as a development exempt from payment of an infrastructure contribution.
- Applies the Specific Controls Overlay (SCO12) to the Project Land by inserting the *Bulla Spoil Processing Facility, March 2021* in the Schedule to Clause 45.12 Specific Controls Overlay.
- Amends the Schedule to Clause 72.04 Documents incorporated into the scheme by inserting the *Bulla Spoil Processing Facility, March 2021* Incorporated Document.
- Amends the Schedule to Clause 72.04 Documents incorporated into the scheme by inserting a new Sunbury South and Lancefield Road Infrastructure Contributions Plan, November 2019 (Amended March 2021) Incorporated Document.
- Inserts SCO12 to Planning Scheme Map 7SCO and 14SCO.

The revised Infrastructure Contributions Overlay Sunbury South and Lancefield Road Infrastructure Contributions Plan, November 2019 (Amended March 2021) exempts the BSPF developed in conformity with the *Bulla Spoil Processing Facility, March 2021* Incorporated Document from the payment of the ICO. Payment of the infrastructure contribution is deferred as the BSPF is a temporary use and development of the land and payment of the infrastructure contribution will occur when the use or development of the land occurs in conformity with the Sunbury South Precinct Structure Plan and the relevant provisions of the Hume Planning Scheme.

The *Bulla Spoil Processing Facility, March 2021* Incorporated Document allows the use and development of the land for the BSPF which includes receipt, storage, sampling, handling, testing, analysis and treatment of

spoil generated by construction of the West Gate Tunnel and the reuse, containment or refuse disposal of spoil.

The amendment allows the construction, use and development of the site for the BSPF in line with a Environmental Management Plan and Development Plans for the site to be approved by the Minister for Planning.

The Environmental Management Plan is required to address detailed conditions that are included in the Incorporated Document relating to general environmental management, noise control and site management to address the full range of internal and external amenity impacts associated with the establishment and use of the BSPF where those matters are not already addressed by the requirements of the *Environment Protection Act 1970* and the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020.

The *Environment Protection Act 1970* and the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 will also regulate the environmental management of the site including to protect human health and the environment.

The land at 570 Sunbury Road has been operating as a quarry since 1998 and a landfill since 2001. Part of the site is identified for the development and use of the spoil processing facility and the disposal site. The existing approvals that allow the site to be used as a quarry, landfill and organic waste recycling facility will continue to operate as currently approved.

Why is the Amendment required?

The amendment is required to allow Hi-Quality's BSPF to be available to accept spoil extracted from the WGT Project. The amendment will allow the affected land to be used and developed for spoil processing facility for the receipt, storage, treatment, handling, testing analysis, containment, placement and removal off-site of spoil generated by the construction of the West Gate Tunnel Project, including associated use and development provided for in the Incorporated Document.

The amendment will provide the necessary planning approval to facilitate the use and development of the Project Land for the BSPF. Given one or more appropriate spoil processing facilities are urgently required for the WGT Project, any delays to the approval required may impact on the ability to commence construction of the WGT Project tunnels, disposal of tunnel spoil and achieve WGT Project completion within the expected project timeframes.

The specific control in the Incorporated Document to be applied to the affected land will have the effect of exempting the proposed use and development of the BSPF from the usual requirements of the Hume Planning Scheme.

The Incorporated Document which applies to the specific purpose of the BSPF is identified in the schedule to the Specific Controls Overlay (SCO12) for the land.

Payment of the infrastructure contribution is deferred as the BSPF is a temporary use and development of the land and payment of the infrastructure contribution will occur when the use or development of the land occurs in conformity with the Sunbury South Precinct Structure Plan and the relevant provisions of the Hume Planning Scheme.

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;

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

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

(d) 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;

(e) 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;

(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).

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

The amendment implements these objectives by approving the use and development of the affected land for the storage, testing, reuse, containment, disposal and/or transfer of spoil excavated from the WGT Project.

The Statewide Waste and Resources Recovery Infrastructure Plan 2018 identifies the Veolia Organics Facility and the Hi Quality solid inert landfill at Bulla as a "Hub of State Importance".

The Incorporated Document and SCO12 require the use and development of the affected land to be in accordance with various secondary consents including Development Plans and an Environmental Management Plan. The Incorporated Document will achieve sustainable use and development objectives for land as set out in Section 4(a) and ensure appropriate amenity and environment protection responses associated with the operation of the BSPF.

The amendment will assist in facilitating the delivery of the WGT Project, a state significant project that is considered to be urgently required in order to provide the following benefits:

- 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.
- Improved freight efficiency and catering for predicted growth at the Port of Melbourne by providing direct access from the freeway to the Port of Melbourne.
- Improved safety and amenity by reducing truck traffic from residential areas on many local roads.
- Improved pedestrian and cycling linkages and new open spaces.

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

The potential environmental, social and economic effects of the Amendment have been considered through expert investigations, assessments and recommendations that have been taken into account when preparing the Incorporated Document.

The Incorporated Document includes various conditions to manage the effects of the amendment including conditions that require Environmental Management Plans to cover further detail regarding various environmental effects.

The amendment is considered to have positive environmental, social and economic effects. The conditions imposed by the Incorporated Document and the relevant approvals by the Environment Protection Authority including the Environmental Management Plan approved under the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020* will adequately manage the environmental impacts associated with the use and development of site, and will enable the proposed use and development to proceed in a way that is acceptable, and with the various effects able to be managed in an acceptable way.

Key environment, social and economic impacts

The amendment facilitates a project that will ensure the responsible management of soil and spoil including its reuse, where appropriate, to avoid excessive landfilling. The BSPF is a necessary facility to support the reuse and safe disposal of surplus materials from the construction of the WGT Project.

The amendment minimises environmental impacts associated with the transportation of West Gate Tunnel spoil by proposing a dedicated facility that is in relative proximity to the works areas. The BSPF is designed following comprehensive investigations from a range of specialists, including flora and fauna, cultural heritage, engineering, human health, water and hydrology, landscape, noise and transport.

The design and operation of the BSPF will be guided by the relevant approvals by the Environment Protection Authority including the Environment Management Plan approved by the EPA under the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 which will ensure the safety, health and environmental risks of the project are appropriately assessed and risk mitigation measures are put in place.

The land is also well located to major arterial roads and transport connections which will minimise the number of traffic movements on lower order roads.

The amendment and the approvals under the *Environment Protection Act 1970* will ensure that spoil from the tunnel boring operations is appropriately assessed and classified in order to maximise the potential reuse

options and to ensure any Category A, B or C contaminated soils are disposed of in appropriately licenced facilities.

The BSPF will provide employment opportunities through its construction and for ongoing operations, and through the infrastructure project it supports.

Overall net benefit to the community.

Overall it is considered that the amendment will have a positive net community benefit, economically and socially. The perceived local impacts are recognised and they will be managed via the regulatory frameworks that apply to the site via the *Environment Protection Act 1970 Act* and the *Planning and Environment Act 1987* including the conditions imposed on the use and development by the Incorporated Document. Additionally, the overall advantages to Victoria are considered to be greater, producing a positive net community benefit.

In particular the development of the spoil processing facility will facilitate the construction of the West Gate Tunnel Project. The WGT Project will:

- Deliver direct benefits to the Victorian economy.
- Benefit road users and freight flow from reduced travel times, lower vehicle operating costs, and higher load capacities.
- Provide benefits to the broader community from improved transport network resilience and redundancy, improved liveability, as well as agglomeration benefits and improved accessibility to jobs.
- Boost economy-wide activity, both in Victoria and nationally, induced by improvements to transport productivity and greater infrastructure expenditure in Melbourne. This includes additional jobs and increased GSP.

The amendment and the development with the imposition of appropriate controls under the *Planning and Environment Act 1987* and the *Environment Protection Act 1970* will ensure that any significant environmental impacts will be appropriately managed.

The Incorporated Document requires that the use and development of the BSPF be carried out in accordance with the following:

Development Plans

The development plans prepared for the proposal present a considered and efficient layout of the Project Land having regard to operational requirements, existing vegetation, surrounding uses including sensitive uses and incorporates a range of measures to protect vegetation, Aboriginal cultural heritage sensitive areas, groundwater and surface waters, adjoining road networks, public infrastructure and conservation areas.

Environment Management Plan (EMP)

The EMP submitted with the amendment request, the Sunbury Waste Management Facility, 570-650 Sunbury Road, Bulla Environmental Management Plan, Dominion Property Group, July 2020 identifies a range of measures to ensure appropriate amenity and environment protection responses associated with the operation of the BSPF. The EMP to be approved by the Minister for Planning will address existing vegetation, surrounding uses including sensitive uses and incorporate a range of measures to protect vegetation, Aboriginal cultural heritage sensitive areas, groundwater and surface waters, public infrastructure and conservation areas.

The conditions in the Incorporated Document include management and monitoring procedures are informed by completed expert investigations and assessments including the Sunbury Waste Management Facility, 570-650 Sunbury Road, Bulla Environmental Management Plan, Dominion Property Group, July 2020.

The requirements of the Incorporated Document have been informed by the following:

Bushfire

A Bushfire Hazard Assessment has been prepared which concludes that the risk of fire to human life and assets within the study area is low. The Project Land is not within a Bushfire Management Overlay. However, part of the site is within the designated bushfire prone area.

Groundwater & Surface water

The Project has the potential to impact on groundwater and surface water resulting from de-watering activities.

GHD Pty Ltd prepared a Wastewater Management Plan, (WMP) dated July 2020 for the Project. The purpose of the WMP is to specify the environmental management program for wastewater including treatment, reuse and / or disposal options and monitoring in accordance with relevant legislative requirements and guidelines.

The Incorporated Document requires further consideration of the impact of storm water and waste water on site and of potential impacts on Emu Creek in the planning EMP. The management of waste water will also be addressed by approvals under the *Environment Protection Act 1970* and the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020.

Noise

The Project is located in a semi-rural environment that already experiences noise from the surrounding land uses including traffic noise from arterial roads, the existing air traffic corridor and various rural / industrial land use interfaces.

GHD Pty Ltd prepared a Noise Assessment GHD 2020, Hi Quality Spoil Processing and Management Facility – Noise Assessment, July 2020 to assess the potential noise impact from the Project on surrounding noise sensitive receptors.

Since the consideration of the site for the project commenced the Project has evolved and the surrounding environment has changed. The changes include the location of potentially sensitive receptors. To address these changes the Incorporated Document requires that a new noise assessment report be prepared and approved. This report will ensure that noise emissions comply with state noise policy and appropriate mitigation is undertaken where required.

Air Quality

The Project has the potential to impact on air quality.

The spoil brought to site will be wet when it arrives on-site and when it is emptied into the containment bays. At this point, the excess water will start being removed from the material for treatment. Due to the expected high moisture content of the spoil (50 to 58%), the potential for air blown dust is considered to be very low.

The Incorporated Document requires that further detailed consideration of dust and dust mitigation be addressed in the EMP to be approved by the Minister for Planning.

Biodiversity

Under Clause 52.17 of the Hume Planning Scheme, the permit application requirements, assessment criteria, decision guidelines and conditions relating to the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (the Guidelines) (DELWP 2017) do not apply, as the Guidelines do not apply to areas covered by the Biodiversity Conservation Strategy (DEPI 2013).

There will be no scattered tree removal or works within the Growling Grass Frog conservation corridor located to the north of the project area, based on the location of the proposed works and as the MSA Levy will be paid, a permit under Clause 52.17 is not required as the permit exemption would apply.

The *Flora and Fauna Guarantee Act 1988* has limited, if any relevance, as the majority of the project area is privately owned, with a small section of the project area located within the Sunbury Road road reserve. Proposed works within the road reserve consist of upgraded access and no vegetation is proposed to be impacted within the road reserve.

The Project Land is located within the Melbourne Strategic Assessment (MSA) area, and any development is subject to approval conditions in accordance with the Biodiversity Conservation Strategy (DEPI 2013) and the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Truck Movement

The Project has the potential to impact or cause disruption to road users.

Traffix Group (Traffix) prepared a traffic engineering assessment (Traffix Group 2020, Westgate Tunnel Spoil Disposal & Treatment Facility, 570-600 Sunbury Road, Bulla, July 2020) to assess the access consideration as well as the travel route associated with heavy vehicles accessing the proposed BSPF.

The Traffix report anticipates that 'truck and dog' heavy vehicles (or B-Doubles) will be used for the transport of the spoil, from the WGT Pivot site in Yarraville to the subject site in Sunbury. The preferred route accesses the Tullamarine Freeway/Citylink via Footscray Road from the Pivot Site, continuing onto Sunbury Road to access the Project Land. This route is entirely on the approved B-double network, not subject to any restrictions as it utilises the arterial and freeway network for the entire route. Interactions with residential areas are minimised

with the only affected section of the route when vehicles travel through the Bulla township. In the event that the preferred route is not available, the Traffix report identified alternate routes to be utilised.

Sunbury Road, in the vicinity of the Project Land, is planned for an upgrade as a part of the Suburban Roads Upgrade (SRU) project. The upgrade involves the duplication and widening of Sunbury Road between Powlett Street, Sunbury and Bulla-Diggers Rest Road, Bulla, resulting in two through traffic lanes in each direction along this entire section of Sunbury Road.

Based on the anticipated peak spoil removal from the WGT project, the Traffix Report calculated 429 truckloads per day will need to be transported from the Pivot site to the Project Land. Accordingly, a total of 858 daily truck movements (429 movements from the Pivot site to the Project Land and 429 movement returning to the Pivot site), could be generated during peak periods.

The Traffix report confirms existing access arrangements are not ideal from a safety perspective, with uncontrolled right turn movements in and out of the site on a very busy, high speed section of Sunbury Road. In order to safely manage the additional vehicle movements accessing the Project Land prior to the installation of the signalised arrangement (as proposed by SRU), a pre-interim temporary signalised access arrangement is proposed. The pre-interim solution includes:

- Continuation of the two through traffic lanes in the south-east bound direction past the Hi-Quality Site access (rather than tapering back to a single through lane),
- The existing left-turn lane converted to a shared through and left turn lane, and
- Installation of temporary potted signals.

VicRoads / Department of Transport provided comments for the inclusion in the Incorporated Document on 29 September 2020 in response to the Traffix traffic engineering assessment. The Incorporated Document includes a condition that prior to the commencement of receipt of spoil at the Project Land, a Traffic Management Plan must be prepared in consultation with any relevant land manager and to the satisfaction of the Head, Transport for Victoria. The Traffic Management Plan must address Project traffic impacts from the time of receipt of spoil generated by the West Gate Tunnel Project on the Project Land.

Precinct Structure Plan

The Sunbury South Precinct Structure Plan was approved by the Minister for Planning in December 2018 and gazetted in January 2019 under Amendment C207 to the Hume Planning Scheme.

In November 2019, the Sunbury South Precinct Structure Plan was amended under Amendment C242hume.

The Sunbury South Precinct Structure Plan applies to approximately 1,798 hectares of land generally bounded by Watsons Road and the Jacksons Creek to the south, Gellies Road and the Emu Creek to the north and north-east, the transmission line easement to the east and Vineyard Road to the west. The precinct abuts a number of existing communities within the Sunbury township, including Goonawarra and Jacksons Hill.

The Sunbury South Precinct Structure Plan is a long-term plan for urban development. It describes how the land is expected to be developed, and how and where services are planned to support development.

The Sunbury South Precinct Structure Plan is a high level masterplan for the development of a whole community. The Sunbury South Precinct Structure Plan identified the following existing and proposed uses within the Hi-Quality landholdings:

- Quarry / landfill / organic waste area (existing);
- Industrial (proposed);
- Light Industrial (proposed);
- Restricted retail / trade supplies (proposed);
- Local Convenience centre (proposed);
- Future Investigation area (proposed) for potentially urban purposes including a range of residential and employment uses, subject to rezoning; and
- Utilities easement (existing).

Aviation

The closest airport to the site is Melbourne Airport. The PANS-OPS surface for Melbourne Airport defines the prescribed airspace for the airport over the site.

The lighting of the Project Land must not impact on aircraft as provided for in the *Airspace Act 1996*, the Airports (Protection of Airspace) Regulations 1996, the Civil Aviation Regulations 1988 and referenced in Guideline E of the National Airports Safeguarding Framework.

A condition is included in the Incorporated Document to ensure that the potential impact of lighting from the site meets the requirements of the relevant legislation.

Cultural Heritage and Aboriginal Heritage Act 2006

Cultural heritage obligations under the Aboriginal Heritage Act 2006 have been reviewed

Hi-Quality is undertaking two cultural heritage management plans for the project land under the *Aboriginal Heritage Act 2006* and the Incorporated Document includes a condition that provides no development under the Incorporated Document can commence for any part of the Project Land until a Cultural Heritage Management Plan has been approved for that part of the Project Land.

Heritage Victoria and Heritage Act 2017

The Project Land was assessed by Ecology and Heritage Partners Pty Ltd and in their report dated 29 July 2020:

> *With regard to historic heritage, based on this desktop assessment, there are no known heritage places within the study area. Therefore, there are no implications for the project under the Planning and Environment Act 1987, the Heritage Act 2017 or the Environment Protection and Biodiversity Conservation Act 1999 and no further works are required.*

Heritage Victoria has advised that the Incorporated Document should include a condition that requires Heritage Victoria to be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works on the Project Land.

The condition has been included in the Incorporated Document.

The Project Land is not covered by a Heritage Overlay in the Hume Planning Scheme.

Environment Protection Act 1970 approvals

The site is an operating licensed landfill, an organic waste recycling facility and a sand and stone quarry. Hi-Quality is able to be used for the disposal of clean fill and is licensed for the disposal of Category 2 contaminated waste including the disposal of asbestos. Spoil that has high levels of contamination, such as Category A or B waste, would have to be disposed of or treated at another appropriately licensed facility.

Any disposal of spoil on the site and the transportation of the spoil in trucks either to or from the site will have to be undertaken in conformity with the requirements of the *Environment Protection Act 1970*.

The reuse and disposal of wastewater will be controlled by the EMP approved under the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020* and the *Environment Protection Act 1970*. The Incorporated Document requires that the project must be compliant with the *Environment Protection Act 1970* before spoil is received.

On 2 July 2020 the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020* were gazetted. One of the main objectives of the regulations is:

a) to provide a mechanism for the management and disposal of tunnel boring machine spoil to protect human health and the environment.

The regulations were introduced to allow more flexibility on how spoil from tunnel boring machines, produced in large volumes and containing low levels of contaminants, can be used or disposed of more sustainably rather than taking up landfill space. The regulations ensure that the spoil does not impact the environment or the community. There are already regulations about how contaminated soil must be dealt with. The new regulations put a framework in place to sustainably manage spoil that has low levels of contamination and can be specifically managed so that it is still safe to the community and the environment.

An EMP under the regulations must include various things including:

- a description, map and details of the location of the premises and the processing site receiving the tunnel boring machine (TBM) spoil

- an assessment of the risk of adverse impacts from the receipt, storage, treatment and containment of the spoil
- management arrangements and operating conditions designed to minimise the risk of any adverse impacts from these activities
- ongoing environmental auditor requirements.

Hi-Quality has prepared an EMP with consideration of legislative, regulatory requirements and guidelines and on 5 March 2021 the EPA approved, under the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020, the Hi-Quality Quarry Products Pty Ltd Sunbury Waste Management Facility Environmental Management Plan prepared by GHD Pty Ltd, dated March 2021.

The Incorporated Document requires that any EMP approved under the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020 has precedence over the planning EMP. In addition, if a works approval, license or authorisation is required under the *Environment Protection Act 1970* for disposal of waste water, the development cannot commence until such an approval, license or authorisation is obtained (save for preparatory works.

Does the Amendment address relevant bushfire risk?

The land is not situated within a Bushfire Management Overlay. A Bushfire Management Statement has been prepared that identifies that the area is of low risk for bushfire, with the latent threat being for grassfire within the generally flat surrounding landscape The Bushfire Management Statement concludes that the risk posed by bushfire to the site and its immediate surrounds is low.

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

The Incorporated Document requires the consideration of bushfire and grass fire management in the Environment Management Plan.

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

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

The amendment is consistent with *Ministerial Direction No.9 Metropolitan Planning Strategy*. The metropolitan planning strategy, Plan Melbourne 2017-2050: Metropolitan Planning Strategy (DELWP 2017) (Plan Melbourne), sets out a long-term framework for the future growth and development of Melbourne. The relevant directions of the strategy are:

- *Direction 3.1: Transform Melbourne's transport system to support a productive city*

  The Amendment will provide an appropriately located spoil processing facility to accept, sample, test, store, reuse, contain or dispose of or transfer spoil generated by the construction of the WGT Project.

- *Direction 3.4: Improve freight efficiency and increase capacity of gateways while protecting urban amenity*

  The Incorporated Document requires the use and development of the BSPF to be carried out generally in accordance with the Development Plan and the EMP to ensure operation will be appropriately managed having regard to the surrounding and nearby land uses and Aboriginal cultural heritage sensitive areas.

  On completion of the WGT Project, freight efficiency will be improved via connectivity of arterial roads, widening sections of the West Gate Freeway, Princes Freeway and Wurundjeri Way and the construction and relocation of rail infrastructure and associated services. Urban amenity will be protected with roads elevated over waterways (Maribyrnong River and Moonee Ponds Creek) and noise attenuation walls, landscaping, and temporary barriers forming part of the approved works.

- *Direction 7.2: Improve connections between cities and regions.*

  The amendment will support the construction of the WGT Project and facilitate significant transport infrastructure that will provide a stronger link to the central Melbourne District, making it easier to live and do business in regional areas.

The amendment supports these directions by addressing the pressures associated with population growth, including congestion on road and public transport infrastructure, accessibility and providing adequate

infrastructure and services in a timely and equitable manner. The amendment supports the West Gate Tunnel Project, which is identified in Plan Melbourne 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 WGT 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.
- Improve safety and amenity by reducing truck traffic in residential areas on many local roads.

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

Ministerial Direction No.18 *Victorian Planning Authority Advice on Planning Scheme Amendments*

In relation to Direction No.18 the following details are provided:

Whether any advice was provided by the Victorian Planning Authority.

On 24 August 2020 the Victorian Planning Authority advised the Minister for Planning as Planning Authority in relation to Ministerial Direction No.18 *Victorian Planning Authority Advice on Planning Scheme Amendments.*

> *"….. the Victorian Planning Authority (VPA) has no objection to the proposal on the basis that it is a temporary activity which will not compromise the ability of the area to develop in the manner anticipated by the PSP."*

In relation to the deferral of the Infrastructure Contribution Overlay:

> *"…the PSP is anticipated to be a long-term plan for the precinct and therefore the VPA raises no objection to the deferral of Council revenues."*

The planning authority's response to that advice.

The Planning Authority has noted the advice and the amendment is not in conflict with the Victorian Planning Authority advice.

How the provisions give effect to the intended outcomes sought by the Victorian Planning Authority or any superseded Authority.

The Victorian Planning Authority's advice in relation to the amendment is implemented by the amendment as the amendment only allows the site to be used for a temporary use being the Project and the Infrastructure Contribution is only deferred for the Project.

The amendment has considered *Ministerial Direction No.19 – The preparation and content of amendments that may significantly impact the environment, amenity and human health*. The BSPF will be constructed and operated in accordance with the Incorporated Document which includes conditions to regulate use and development and manage impacts associated with vegetation protection, vehicle movement, noise, dust and air quality management, waterway and groundwater protection and traffic management.

The BSPF requires approval under the *Environment Protection Act 1970* and Regulations and a number of key environmental matters will be considered in detail by Environment Protection Authority Victoria.

The EPA has been consulted extensively by Hi-Quality concerning all operational and site design matters which could impact on the environment, amenity and human health. These include site operations, spoil reuse and containment, wastewater/leachate management, dust, sediment and erosion.

On the 20 August 2020 the EPA advised the Minister for Planning as Planning Authority in relation to Direction 19 that:

"Given the site is an existing Hub of State importance in the Statewide Waste and Resources Recovery Infrastructure Plan 2018, and the proposal is subject to further assessment under the Environment Protection Act 1970 and the TBM Regulations, EPA does not have substantive concerns with the amendment."

"There are also no specific concerns regarding the proposed drafting of the explanatory report, instruction sheet and the planning provisions provided for review."

"Based on the information provided, EPA does not object to the proposed amendment and establishment of the Sunbury Waste Management Facility at this location, given its integration with existing industrial related land uses in the area, and it is subject to further assessment under the Environment Protection Act 1970 and the TBM Regulations."

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

The Victorian Infrastructure Plan (2017) identifies in Catalyst projects that the West Gate Tunnel Project is identified as one of the projects that is a "state-shaping infrastructure projects that will have positive and long-term benefits for all Victorians. These projects will stimulate economic growth, create jobs, ensure we feel safe and secure in our communities and maintain our high standard of living." and "The $5.5 (sic) billion West Gate Tunnel project will provide an alternative to the West Gate Bridge and direct access to the port, generating an $11 billion boost to the Victorian economy. $109 million for bridge upgrades elsewhere in Victoria will help meet freight demand, which is expected to increase by 125% over the next three decades."

The Victorian Infrastructure Policy (2017) at page 44 identifies:

"3. Support the upgrade and roll-out of advanced traffic management systems on key parts of the network to improve the capacity of Melbourne's freeway network. Major projects include the M80 Ring Road upgrade, West Gate Tunnel, Monash Freeway-M1 Corridor and CityLink-Tulla Widening project."

The Victorian Infrastructure Policy (2017) in Transport PRIORITY 2 – BUILDING FOR THE FUTURE it is policy that:

"Continued investment in expanding our transport network will provide foundation for the economic and social growth of the state. Infrastructure Victoria made recommendations for several new road, rail and bus infrastructure and services, including a number of longer term initiatives. Many of these infrastructure initiatives are supported in principle, and will rely on further strategic planning and feasibility studies to identify, prioritise and develop options before implementation to ensure we make the best investments". West Gate Tunnel project is identified as "The government is moving forward with the West Gate Tunnel, which creates a vital second river crossing and delivers improved transport connections between CityLink and the Western Ring Road."

To construct a tunnel the spoil must be disposed of. This amendment assists in the disposal of the West Gate Tunnel spoil and therefore delivers part of the Victorian Infrastructure Plan (2017).

The WGT Project enjoys broad strategic support from state policy including *Plan Melbourne 2017-2050* and the Planning Policy Framework (PPF).

The amendment is supported by the Planning Policy Framework in the VPP including Clause 11 – Settlement, Clause 12 – Environmental and Landscape Values, Clause 13 – Environmental Risks and Amenity, Clause 15 – Built Environment and Heritage, Clause 17 – Economic Development, Clause 18 – Transport, and Clause 19-03-5S – Waste and Resource Recovery.

The West Gate Tunnel Project enjoys broad strategic support from state policy including Plan Melbourne 2017-2050 and the Planning Policy Framework (PPF).

Clause 11 – Settlement

The objectives in Clause 11 are supported by the project by facilitating the delivery of the West Gate Tunnel Project, the Amendment supports the PPF as the West Gate Tunnel 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.
- 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.

The project is supported by Clause 11.02-2S Structure Planning as the development of part of the land for industrial / commercial purposes is consistent with the intent of the Sunbury South Precinct Structure Plan and by Clause 11.03-2S Growth areas through the appropriate development of land assessed as part of a Precinct Structure Plan process.

Clause 12 – Environmental and Landscape Values

The objectives of this clause include to:

- assist the protection and conservation of Victoria's biodiversity;
- ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation;
- protect and enhance river corridors, waterways, lakes and wetlands.

The objectives of clause 12 are addressed by the assessments undertaken and the Incorporated Document which requires that the use and development of the BSPF will be generally in accordance with the approved Development Plan and EMP to ensure the protection of all retained vegetation, the assessment and protection of flora and fauna and the protection of waterways and the removal of habitat and vegetation is managed in conformity with "*Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013*'.

The site is not within an area of identified environmental significance and the proposed use and development will not impact on significant landscapes and open spaces in the long term.

Clause 13 – Environmental Risks and Amenity

Any potential noise, vibration or air quality and water quality effects of the proposal will be managed and mitigated through the conditions of the Incorporated Document, requiring compliance with the Development Plan and EMP. All stormwater will be collected, retained or treated.

Bushfire matters, the requirements of Clause 13.02 – 1S, for the site have been assessed and will be managed through a condition of the Incorporated Document.

Community amenity Clause 13.07-1S Land use compatibility objective to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts is met by minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures is met via the requirements of the Incorporated Document.

Clause 15 – Built Environment and Heritage

The objectives of this clause include to:

- To ensure the conservation of places of heritage significance;
- Provide for the protection of natural heritage sites and man-made resources;
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;
- Encourage appropriate development that respects places with identified heritage values. Retain those elements that contribute to the importance of the heritage place,

The objective:

- to ensure the protection and conservation of places of Aboriginal cultural heritage significance,

  is supported by the assessment of the Project Land as required by the *Aboriginal Heritage Act 2006* and the Incorporated Document requires that compliance with the *Aboriginal Heritage Act 2006* must occur.

Hi-Quality is undertaking two cultural heritage management plans under the *Aboriginal Heritage Act 2006* and Regulations.

Clause 17 – Economic Development

The objective of this clause to:

- strengthen and diversify the economy,

  is supported as the project will provide employment during construction and operation of the BSPF.

More generally, by facilitating the delivery of the West Gate Tunnel Project, the Amendment 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 objective of this clause to:

- manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

  is facilitated by the delivery of the West Gate Tunnel Project.

The Amendment:

- 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.
- Contributes 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.

The amendment also addresses the need to:

Plan for areas around all airfields such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.

The Incorporated Document requires the consideration of the Melbourne, Essendon and other airports aircraft safety in compliance with Commonwealth requirements to maintain the safe operation of the aircraft and airports.

Clause 19-03-5S – Waste and Resource Recovery

The Statewide Waste and Resources Recovery Infrastructure Plan 2018 identifies the Veolia Organics Facility and Hi Quality sold inert landfill at Bulla as a “Hub of State Importance”.

The acceptance of spoil removed from the tunnelling process on a site recognised as part of the hub network for Melbourne provides an opportunity to effectively integrate existing waste and resource recovery infrastructure with land use and transport planning. The Incorporated Document includes requirements for on-going management of the BSPF specific to the spoil accepted from the West Gate Tunnel Project to manage the environment, community amenity and public health.

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 Framework of the Hume Planning Scheme as follows.

Clause 21.01-1 Locality and Regional Context

The Locality and Regional Context identifies that:

Sunbury, along with Diggers Rest (in the City of Melton) forms part of the Sunbury/Diggers Rest Growth Corridor.

Sunbury provides a smaller, but important, role in providing employment and meeting the economic needs of the wider Macedon Region.

Clause 21.01-2 Key Issues and Influences

The Key Issues and Influences identifies that in Population growth and changing demographics:

- Population growth will primarily be driven by greenfield development in the growth areas of Greenvale, Craigieburn, Merrifield, Lockerbie and Sunbury, but also the intensification of established suburbs such as Broadmeadows.

In Growing and diversifying the economy:

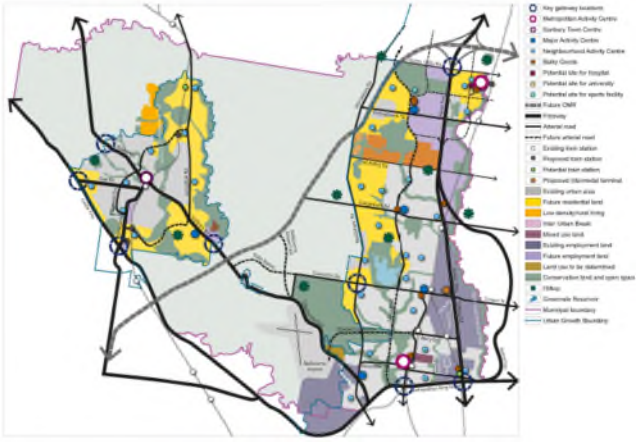
- Lack of diversity and choice of jobs contributes to high levels of unemployment and results in large numbers of residents leaving the municipality to access work every day, especially from Sunbury.
- Economic assessments identify an aspirational but realistic employment target for Hume of 150,000 jobs in the Hume Corridor and 30,000 jobs in Sunbury. Achieving this will require large areas of new employment land,…….

Clause 21.01-3 Vision and Strategic Framework Plan

In Land use and development vision the significance of Sunbury is recognised in the 'Sunbury' Hume Integrated Grown Area Plans which seek to guide and manage growth and change within the municipality to 2040.

> Access to a diverse range of jobs in employment areas along Vineyard Road and Sunbury Road, as well as a diversity of housing, and large and local scale health, education and leisure facilities, enable people to live and work in Sunbury throughout their lives

The Strategic Framework Plan reflects spatially the land use and development visions for Hume.



The Hi- Quality Project Land can be identified on the Strategic Framework Plan as being part open space which would reflect the final use of the landfill and quarry at their end of life, an area of Land to be determined which closely aligns to the spoil disposal area and a future employment land area that fronts to Sunbury Road and is the location of the temporary spoil processing facility.

The strategic direction of the Locality and Regional Context, Key Issues and Influences and Vision and Strategic Framework Plan policies support the proposed use and development.

Clause 21.02 Urban Structure and Settlement

Objective 1

To facilitate large scale change that meets the needs of Hume's growing population and provides choice and equitable access to a range of housing, employment, transport, services and facilities.

Strategies

1.4 Facilitate the delivery of 150,000 jobs in the Hume Corridor and 30,000 jobs in the Sunbury area across a broad range of employment sectors, including new employment areas identified in Figure 2 in Clause 21.01. 1

Is partially achieved by the employment provided by the BSPF and associated employment although it is recognised that the employment is only for the duration of the project, approximately two years.

Clause 21.04 Built Environment and Heritage

Objective 1

To improve the image and appearance of Hume Corridor's established areas and deliver high quality development in new growth areas across Hume.

Strategies

1.1 Ensure development located at key gateways into and within the municipality shown in Figure 2 in Clause 21.01 enhances the visual appearance of that location.

The Project Land is located at the Sunbury Key gateway location on Figure 2. The temporary development of the site with a substantial buffer mound is not in conflict with the policy. The Incorporated Document requires the rehabilitation and remediation of the Project Land and the long term development of the site as envisaged in the Sunbury South Precinct Structure Plan will achieve the strategy.

Objective 2

To enhance the amenity and appearance of industrial and commercial areas.

Strategies

2.2 Ensure that development is designed to carefully manage residential interfaces to minimise the impacts of built form, noise, traffic congestion, safety and pollution.

The substantial buffer mound will assist in achieving this strategy and the Incorporated Document requires that noise, traffic congestion, safety and pollution matters are addressed in the Development Plans and the EMP.

Clause 21.06 Economic Policy

Objective 1

To facilitate economic growth and job diversity through the continued support of existing businesses and the attraction of new businesses.

Strategies

1.2 Support existing employment areas with a large number of businesses in similar sectors.

This strategy is achieved by co locating adjacent to the existing organic waste recovery facility, landfill and quarry.

1.7 Support best practice management of industrial and resource recovery uses to better manage onsite storage and minimise offsite amenity impacts on the community and environment from upset conditions including fires or other emergency management events.

This strategy is achieved by the detailed requirements of the EPA approved Environment Management Plan and will be achieved by the conditions included in the Incorporated Document and the associated Environment Management Plan.

Clause 21.07 Transport connectivity and infrastructure

Objective 1

To improve the connectivity and capacity of the transport network.

Strategies

1.2 Ensure land is identified for the upgrade of existing arterial roads and the delivery of future arterial roads on Figure 1.

The strategy is achieved in the Sunbury South area as the Project is not anticipated to have an impact on the delivery of the Sunbury Road (Powlett Street to Bulla-Diggers Rest Road) Upgrade Project as it is expected that the Project will be completed within two years.

Clause 21.08 Natural Environment and Environmental Risk

Objective 1

To protect, conserve and enhance natural heritage for biodiversity, amenity and landscape character purposes.

Strategies

1.1 Ensure development seeks to preserves the diversity and long term security of terrestrial and aquatic species and their environments.

1.2 Ensure development seeks to retain native vegetation, including scattered indigenous trees.

1.3 Conserve and re-establish areas of natural habitat where appropriate. Protect and enhance existing habitat and open space corridors, including waterways, with significant landscape and/or flora and fauna values.

1.4 Ensure development and the planning of new areas connects areas of native vegetation identified for protection with the wider landscape and open space network.

1.5 Ensure conservation assets in existing and future urban areas are well integrated with the built environment and incorporate opportunities for the public to access and enjoy these spaces.

1.8 Encourage the use of indigenous species in landscaping and planting work.

The strategies are achieved as the Incorporated Document and associated Environment Management Plan requires the consideration of flora and fauna and requires the payment Melbourne Strategic Assessment Levies in accordance with the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Clause 22.01 Industrial Local Policy

The Project Land is mostly in an Applied Zone of Clause 33.01- Industrial 1 Zone or Clause 33.03 – Industrial 3 Zone in the Sunbury South Precinct Structure Plan and policy supports protecting state significant industrial land contains state significant industrial land including waste and resource recovery facilities that are important infrastructure essential to meet the waste and resource recovery needs of the State and Metropolitan Melbourne. Waste and resource recovery facilities include materials recycling, refuse disposal (including operating and closed landfills), transfer stations and other facilities that mange, reprocess and dispose of waste.

The policy does not specifically identify the Hi Quality Bulla Site, given it is identified as a state and metropolitan Melbourne significant waste facility the policy is not compromised by the Project.

Clause 22.19 Industrial stormwater management policy

The policy to improve stormwater quality is a key objective in reducing the environmental impact of industrial development on waterways and receiving water bodies.

The Project achieves the intent of the policy as stormwater and leachate from the Project Land is managed and contained on site. The Sunbury South Precinct Structure Plan also identifies a drainage system that relies on diverting stormwater from the overall site to ensure the long term stability of the site.

Competing PPF objectives

The amendment will facilitate the development of a project that has the potential to create environmental and social impacts. The impacts could be related to:

- Clause 12.01 Biodiversity;
- Clause 12.03-1S River Corridors;
- Clause 12.05-2S Landscapes;
- Clause 13.02-1S Bushfire Planning;
- Clause 13.05-1S Noise; and
- Clause 13.06-001S Air Quality Management.

The Incorporated Document includes conditions to control the potential environmental or social impacts resulting from the Project. The completing PPF objectives are balanced through the planning EMP and the EPA approved EMP for the Project requiring that impacts are minimised where possible.

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

The amendment makes proper use of the Victoria Planning Provisions by updating the schedules to Clause 45.12 and Clause 72.04 to include the Incorporated Document.

The purpose of Clause 45.12 is to provide specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. The site-specific controls are detailed in the Incorporated Document to allow the use and development of the land in line with the approved Environmental Management Plan and approved Development Plans for the site, to facilitate the management of spoil from the West Gate Tunnel Project, a state significant infrastructure project.

The revised Infrastructure Contributions Overlay Sunbury South and Lancefield Road Infrastructure Contributions Plan, November 2019 (Amended November 2020) is an appropriate use of the Infrastructure Contributions Overlay where payment of the infrastructure contribution is deferred as the BSPF is a temporary use and development of the land and payment of the infrastructure contribution will occur when the use or

development of the land occurs in conformity with the Sunbury South Precinct Structure Plan and the relevant provisions of the Hume Planning Scheme.

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

The Hume City Council, the Environmental Protection Authority, the Department of Transport, VicRoads, Victorian Planning Authority, Heritage Victoria and the West Gate Tunnel Project have been engaged with or consulted and their views considered in the preparation of the amendment.

Hume City Council provided advice including as to the requirements that need to be addressed and provided suggested condition changes. The Incorporated Document has been amended in response to the advice from the Council to include revisions to conditions of approval that will ensure that the project land is developed and used in conformity with detailed Environmental Management Plan and Development Plans that are sound and enforceable.

VicRoads / Department of Transport has provided detailed conditions that have been included in the Incorporated Document to ensure the safe operation of the road network with minor agreed alterations.

EPA has approved an Environmental Management Plan under the *Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020*. The use and development must be undertaken in conformity with the approved Environmental Management Plans and Development Plans approved under the Incorporated Document for broader planning matters.

The EPA has provided comments in relation to Ministerial Direction No.19 and the Victorian Planning Authority has provided comments in relation to Ministerial Direction No.18.

Heritage Victoria has requested a condition requiring that Heritage Victoria to be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works on the Project Land.

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 WGT Project was developed having regard to the transport system objectives and decision making principles under the *Transport Integration Act 2010***,** and addresses key transport system objectives and decision making principles set out in Part 2, Divisions 2 and 3 of the *Transport Integration Act 2010*, including the following:

- *Economic prosperity:* The WGT 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 establishment of the BSPF will facilitate the contribute to the delivery of the WGT to improve 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 amendment establishes a framework via the Incorporated Document to manage environmental effects associated with traffic management during both the construction and operational phases of the BSPF.
- *Integration of transport and land use*: The operation and use of the BSPF will be managed to ensure traffic movements to and from the land do not compromise the road network. The BSPF will support the WGT Project will contribute to significant improvements across the freeway network in response to population growth in the western region of Melbourne.
- *Safety, health and wellbeing:* The amendment establishes a traffic management framework to manage environmental effects and road safety impacts associated with both the construction and operational phases of the BSPF.

Resource and administrative costs

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

  Hume City Council is the responsible authority for administering the Hume Planning Scheme. The amendment is expected to have some impact on the resources and administrative costs of the responsible authority in relation to any enforcement matters and the administration of the Incorporated Document.

Where you may inspect this Amendment

The amendment can be inspected free of charge at the Hume City Council website at www.hume.vic.gov.au ; or

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

Hume City Council

Broadmeadows Customer Service Centre

1079 Pascoe Vale Road

Broadmeadows

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.