

West Gate Tunnel Project

Incorporated Document

December 2017

1. INTRODUCTION

- 1.1 This document is an incorporated document in the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham planning schemes (**planning schemes**) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2 This incorporated document facilitates the delivery of the West Gate Tunnel Project (**project**).
- 1.3 The control in clause 4 prevails over any contrary or inconsistent provision in the planning schemes.

2. PURPOSE

- 2.1 The purpose of the control in clause 4 is to permit and facilitate the use and development of land described in clause 3 for the purposes of the project, in accordance with clause 4.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 This incorporated document applies to the land described as “Land for the West Gate Tunnel Project” (**project land**) as shown on Sheets 1 to 31 at Appendix 1.

4. CONTROL

Exemption from planning scheme requirements

- 4.1 Despite any provision to the contrary, or any inconsistent provision, in the planning schemes, no planning permit is required for, and no 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.
- 4.2 The use and development of the project land for the purposes of, or related to, the project includes, but is not limited to:
 - a) 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.
 - b) 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.
 - c) Elevated roads and road infrastructure, including over the Maribyrnong River, Footscray Road, Moonee Ponds Creek and connections to CityLink.
 - d) Interchanges and grade separations associated with road connections.
 - e) 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.

- f) Twin road tunnels and associated infrastructure, including ventilation structures.
- g) A control centre and freeway maintenance facility.
- h) Utility installation and relocation and associated services, including relocation of the North Yarra Main Sewer, electricity transmission towers, lines, cables and associated sub-stations.
- i) Construction and relocation of rail infrastructure and associated services.
- j) 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.
- k) Any buildings or works or associated infrastructure or activities for the project.
- l) Toll gantries between Millers Road and Williamstown Road and at Hyde Street ramp, Simcock Avenue ramp, West Gate Tunnel, and Footscray Road viaduct (east of CityLink city connections diverge).
- m) 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:
 - i. Developing and using lay down areas for construction purposes.
 - ii. Constructing and using temporary site workshops and storage, administration and amenities buildings.
 - iii. Removing, destroying and lopping trees and vegetation, including native vegetation.
 - iv. Demolishing and removing buildings, fixtures, structures and infrastructure.
 - v. Restoration and reinstatement works.
 - vi. Developing and using land for a shared use path and pedestrian overpasses.
 - vii. 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.
 - viii. 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.

- ix. Storage and assembly of materials required for the project.
- x. Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.
- xi. Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
- xii. Displaying construction, directional and business identification signs.
- xiii. Stockpiling of excavation material.
- xiv. Subdividing and consolidating land in accordance with plan/s approved by the Minister for Planning.

Conditions

4.3 The use and development permitted by this document is subject to the following conditions:

4.4 Development and Urban Design Plans

- 4.4.1 The use and development must be carried out generally in accordance with *West Gate Tunnel Project Development and Urban Design Plans, December 2017* or amended Development and Urban Design Plans approved by the Minister for Planning under clause 4.4.2.
- 4.4.2 The Development and Urban Design Plans may be amended with the approval of the Minister for Planning.
- 4.4.3 An application for approval of an amendment to the Development and Urban Design Plans must be accompanied by:
 - a) Amended Development and Urban Design Plans and a schedule explaining the proposed amendments.
 - b) A written statement from the Independent Reviewer and Environmental Auditor (**IREA**) with their view on the proposed amendment.
 - c) A written statement from Western Distributor Authority (WDA) explaining and supporting the proposed amendment, including:
 - i. a description of the form and extent of any consultation undertaken with relevant councils, relevant government agencies and other stakeholders concerning the proposed amendment;
 - ii. any written comments from relevant councils, relevant government agencies and other stakeholders; and
 - iii. a written response to comments from relevant councils, relevant government agencies and other stakeholders.

4.5 Environmental Performance Requirements

- 4.5.1 The use and development must be carried out in accordance with *West Gate Tunnel Project Environmental Performance Requirements, December 2017* or amended Environmental Performance Requirements approved by the Minister for Planning under clause 4.5.2.
- 4.5.2 The Environmental Performance Requirements may be amended with the approval of the Minister for Planning.
- 4.5.3 An application for approval of an amendment to the Environmental Performance Requirements must be accompanied by:
 - a) Amended Environmental Performance Requirements and a schedule explaining the proposed amendments.
 - b) A written statement from the Independent Reviewer and Environmental Auditor (**IREA**) with their view on the proposed amendment.
 - c) A written statement from Western Distributor Authority (WDA) explaining and supporting the proposed amendment, including:
 - i. a description of the form and extent of any consultation undertaken with relevant councils, relevant government agencies and other stakeholders concerning the proposed amendment;
 - ii. any written comments from relevant councils, relevant government agencies and other stakeholders; and
 - iii. a written response to comments from relevant councils, relevant government agencies and other stakeholders.

4.6 Environmental Management Strategy

- 4.6.1 Prior to the commencement of development (excluding preparatory buildings and works under clause 4.8), an Environmental Management Strategy must be approved by the Minister for Planning. The Environmental Management Strategy must be prepared in consultation with Brimbank City Council, Hobsons Bay City Council, Maribyrnong City Council, Melbourne City Council and Wyndham City Council (**councils**).
- 4.6.2 The Environmental Management Strategy must:
 - a) Outline how the Environmental Performance Requirements will be implemented.
 - b) 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

- c) Be prepared consistent with the Environmental Management Framework contained in the Environment Effects Statement and the Environmental Performance Requirements.
- 4.6.3 The Environmental Management Strategy must be reviewed by the IREA prior to submission to the Minister for Planning for approval under clause 4.6.1.
- 4.6.4 The Environmental Management Strategy submitted to the Minister for Planning for approval under clause 4.6.1 must be accompanied by:
- a) a description of the form and extent of consultation undertaken with councils;
 - b) any written comments from councils and the IREA.
 - c) a written response to comments from councils and the IREA.
- 4.6.5 The Environmental Management Strategy may be prepared and approved in stages (including separately for construction and operation) but the Environmental Management Strategy must be approved before the commencement of development (excluding preparatory buildings and works under clause 4.8) for that stage.
- 4.6.6 The Environmental Management Strategy may be amended with the approval of the Minister for Planning.
- 4.6.7 The use and development must be carried out in accordance with the approved Environmental Management Strategy.
- 4.6.8 The Environmental Management Strategy must be audited by the IREA on a six monthly basis (or more frequently as required) and audit reports provided to the Minister for Planning.

4.7 Native vegetation

- 4.7.1 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 and Planning (**DELWP**), except as otherwise agreed by the Secretary to DELWP.
- 4.7.2 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.

4.8 Preparatory buildings and works

4.8.1 The following buildings and works may be undertaken before the Environmental Management Strategy is approved:

- a) Preparatory buildings and works for the project, including, but not limited to:
 - i. Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the planning schemes.
 - ii. Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - iii. Creation of construction access points and working platforms.
 - iv. Site establishment works, including temporary site fencing and hoarding, site offices, hardstands and laydown areas.
 - v. Establishing temporary car parking areas.
 - vi. Construction, protection, modification, removal or relocation of existing utility services.
 - vii. Establishment of environment and traffic controls.
 - viii. Demolition to the minimum extent necessary to enable preparatory works.
 - ix. 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*.
- b) 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 clause 4.7.2, except as otherwise agreed by the Secretary to DELWP.

4.9 Availability of approved plans and documents

4.9.1 The current version of the following plans and documents must be available on a clearly identifiable website for at least five years after the commencement of operation of the project:

- a) Development and Urban Design Plans approved under clause 4.4;

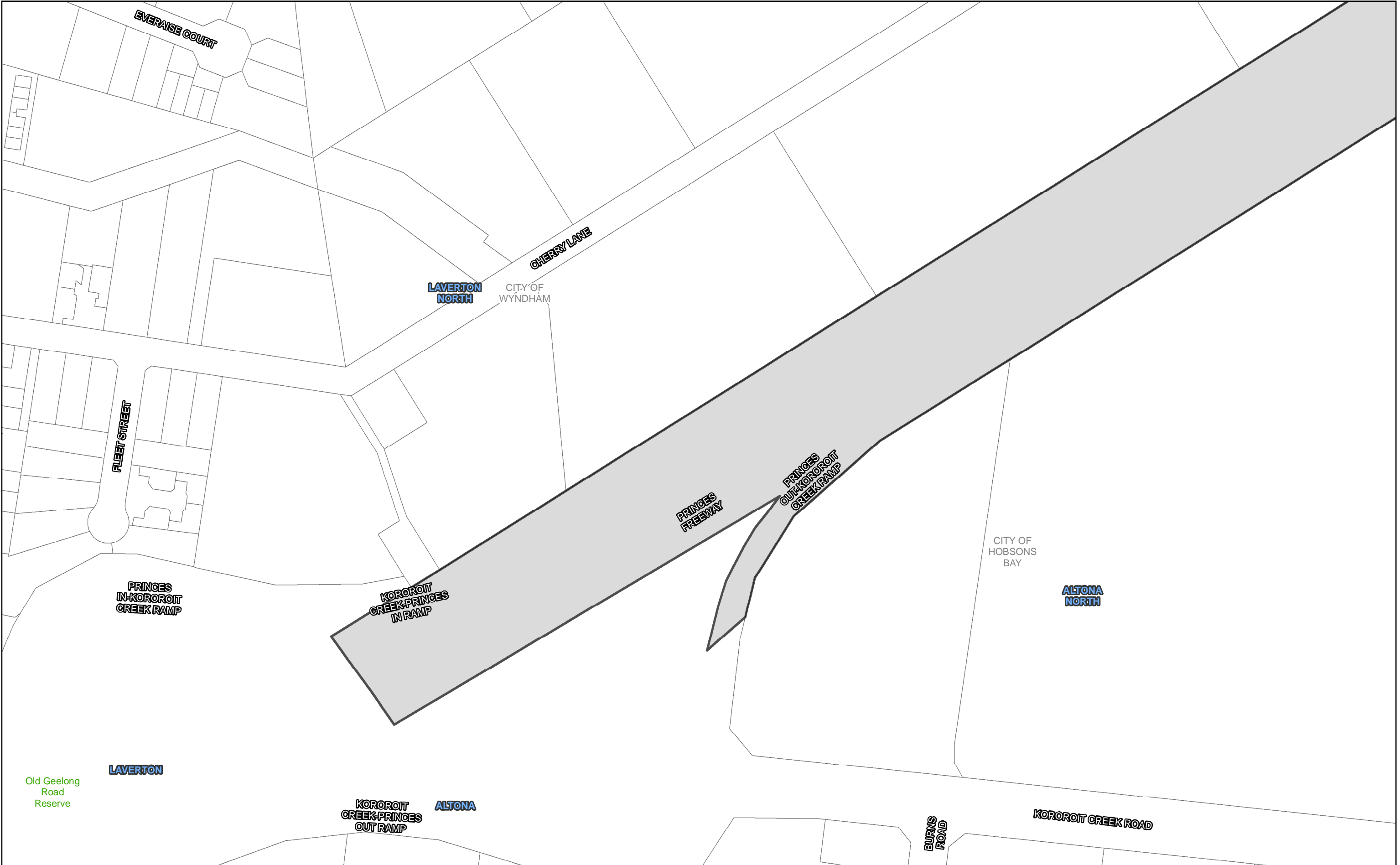
- b) Environmental Performance Requirements approved under clause 4.5;
- c) Environmental Management Strategy approved under clause 4.6; and
- d) Audit reports under clause 4.6.8.

5. EXPIRY

- 5.1 The control in this incorporated document expires if any of the following circumstances applies:
- a) The development allowed by the control is not started by 1 December 2020.
 - b) The development allowed by the control is not completed by 1 December 2026.
 - c) The use allowed by the control is not started by 1 December 2026.
- 5.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

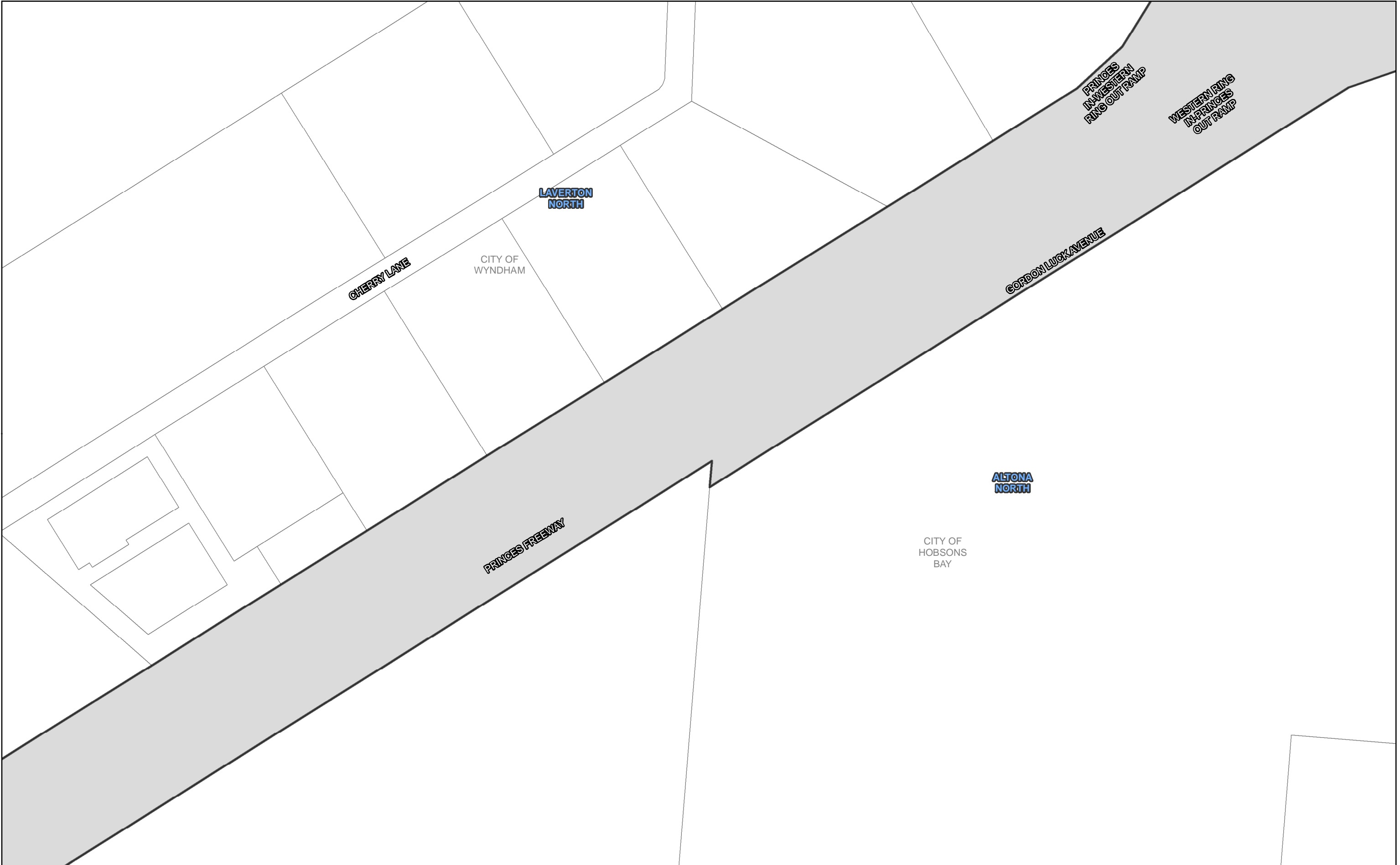
Appendix 1 – Land for the West Gate Tunnel Project

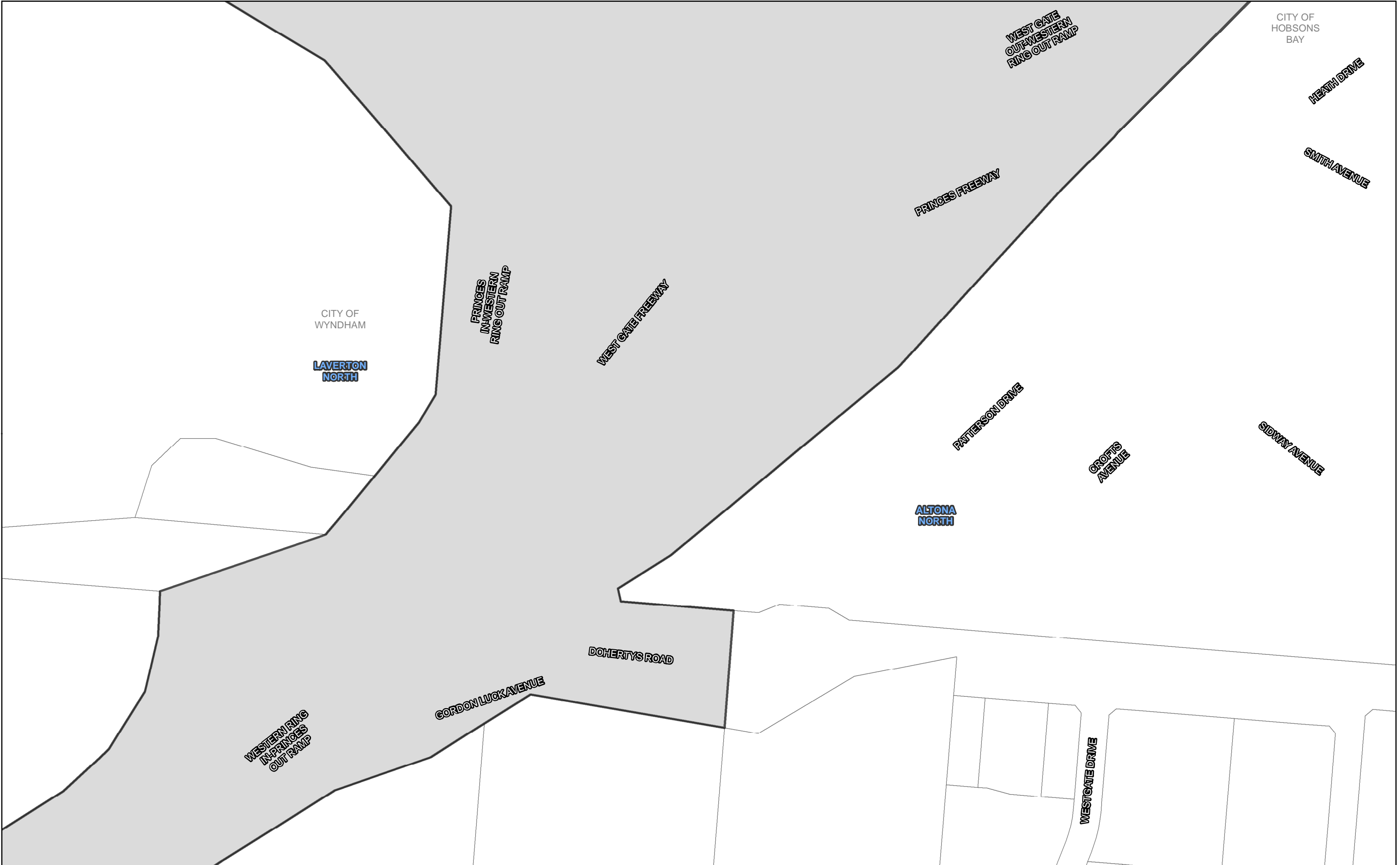
[Sheets 1 to 31]



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			Sheet 1 of 31	WDA-WDP-LFWD-001	

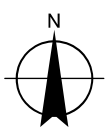


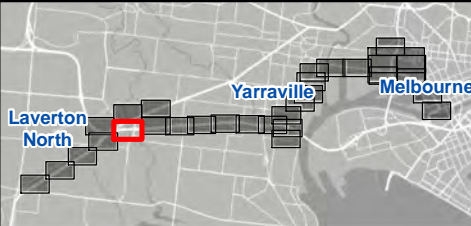



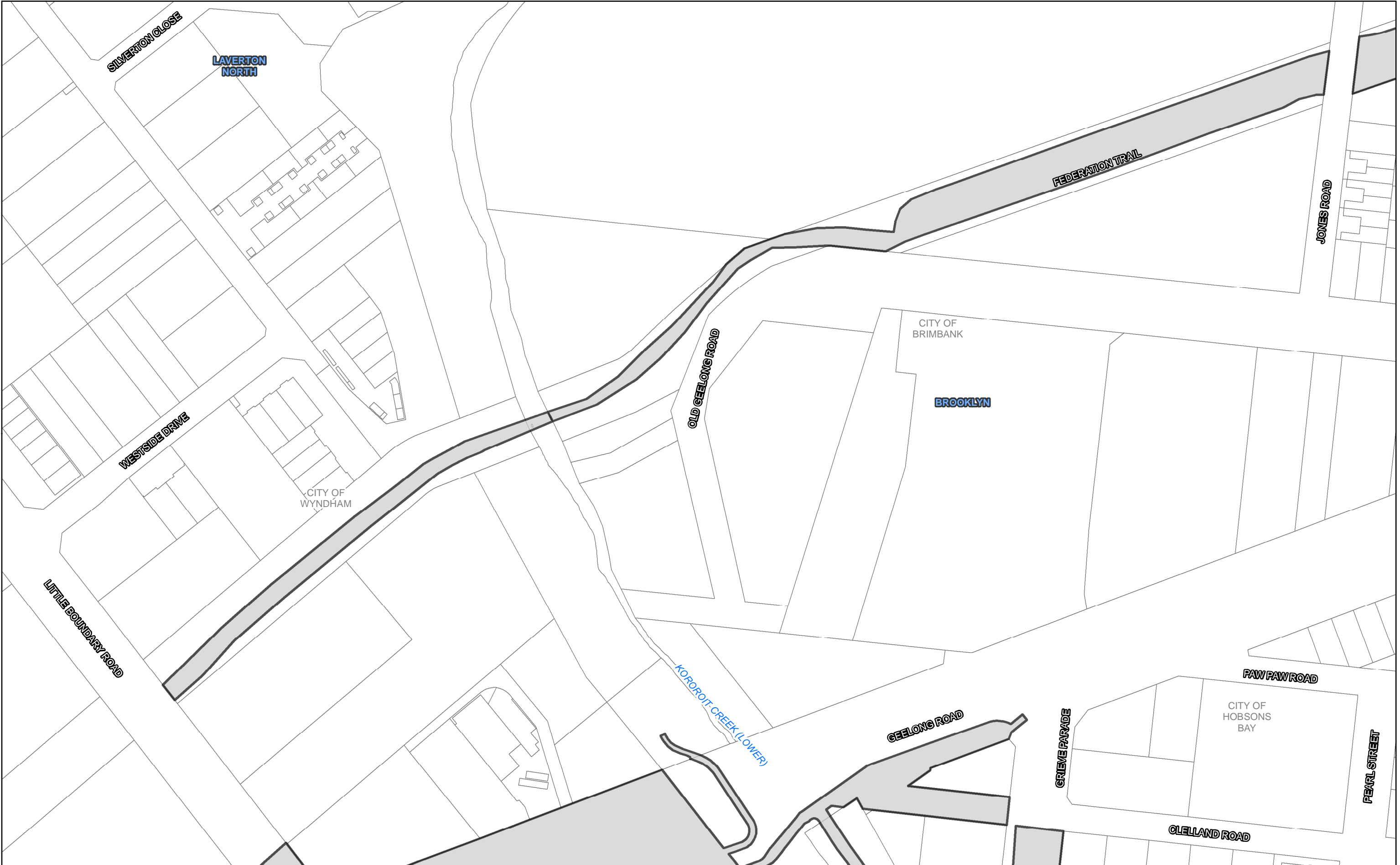












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			Sheet 6 of 31	WDA-WDP-LFWD-006	



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Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 29/11/2017

Legend

-  Project Boundary
-  Property Boundary



WEST GATE TUNNEL PROJECT

Figure 1: Land for the West Gate Tunnel Project


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WDA-WDP-LFWD-0010



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Metres

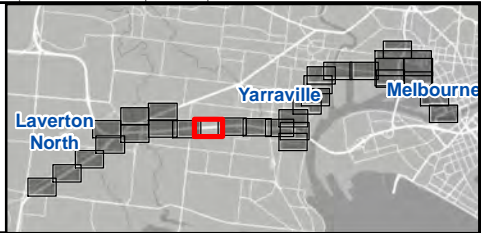
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Data Source:

Date: 15/05/2017

Legend

-  Project Boundary
-  Property Boundary



WEST GATE TUNNEL PROJECT

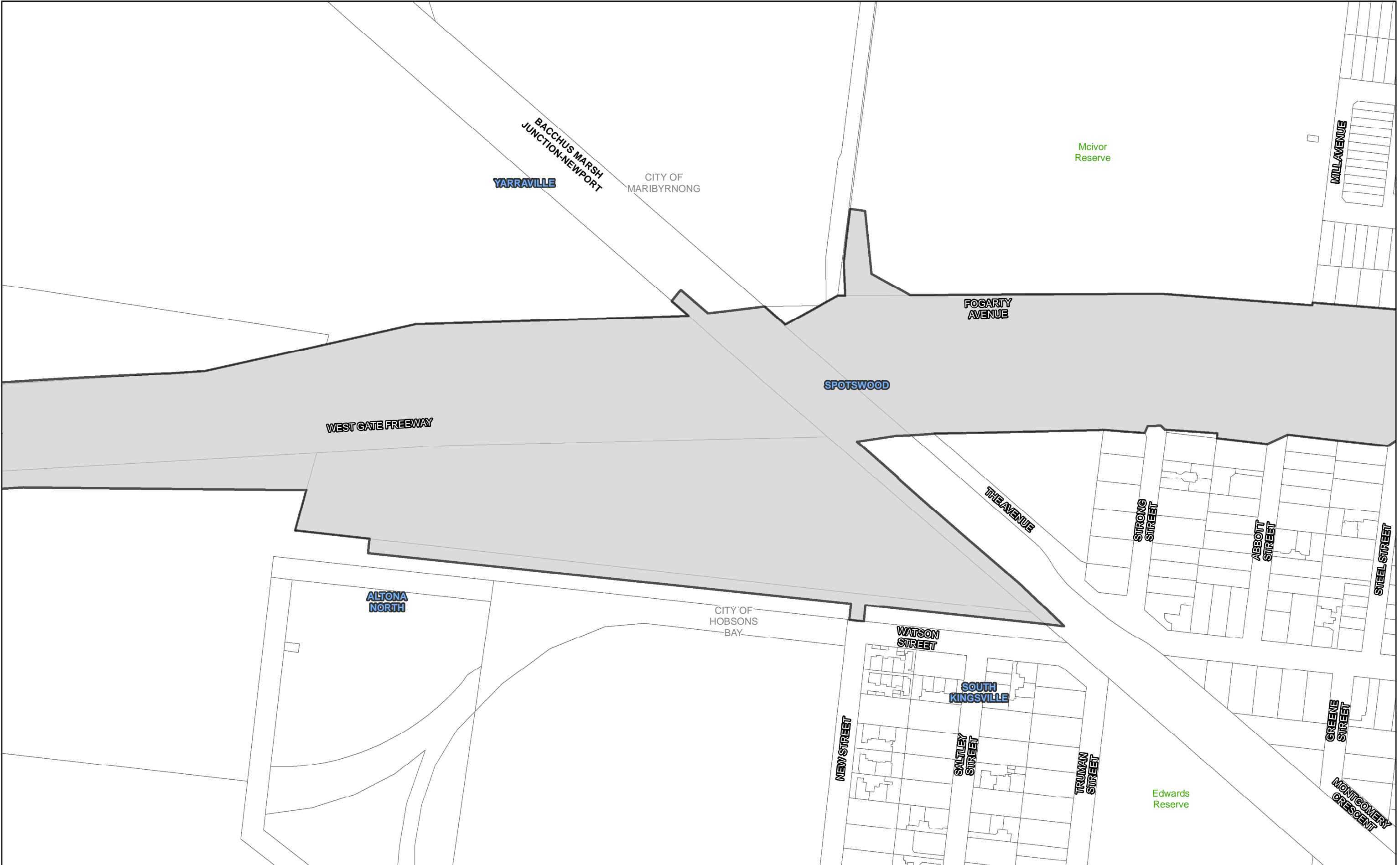
**Figure 1: Land for the
West Gate Tunnel Project**




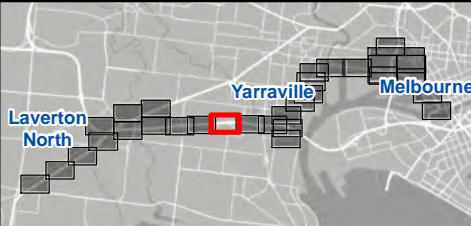

Sheet 11 of 31

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

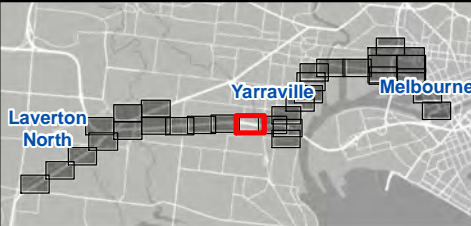



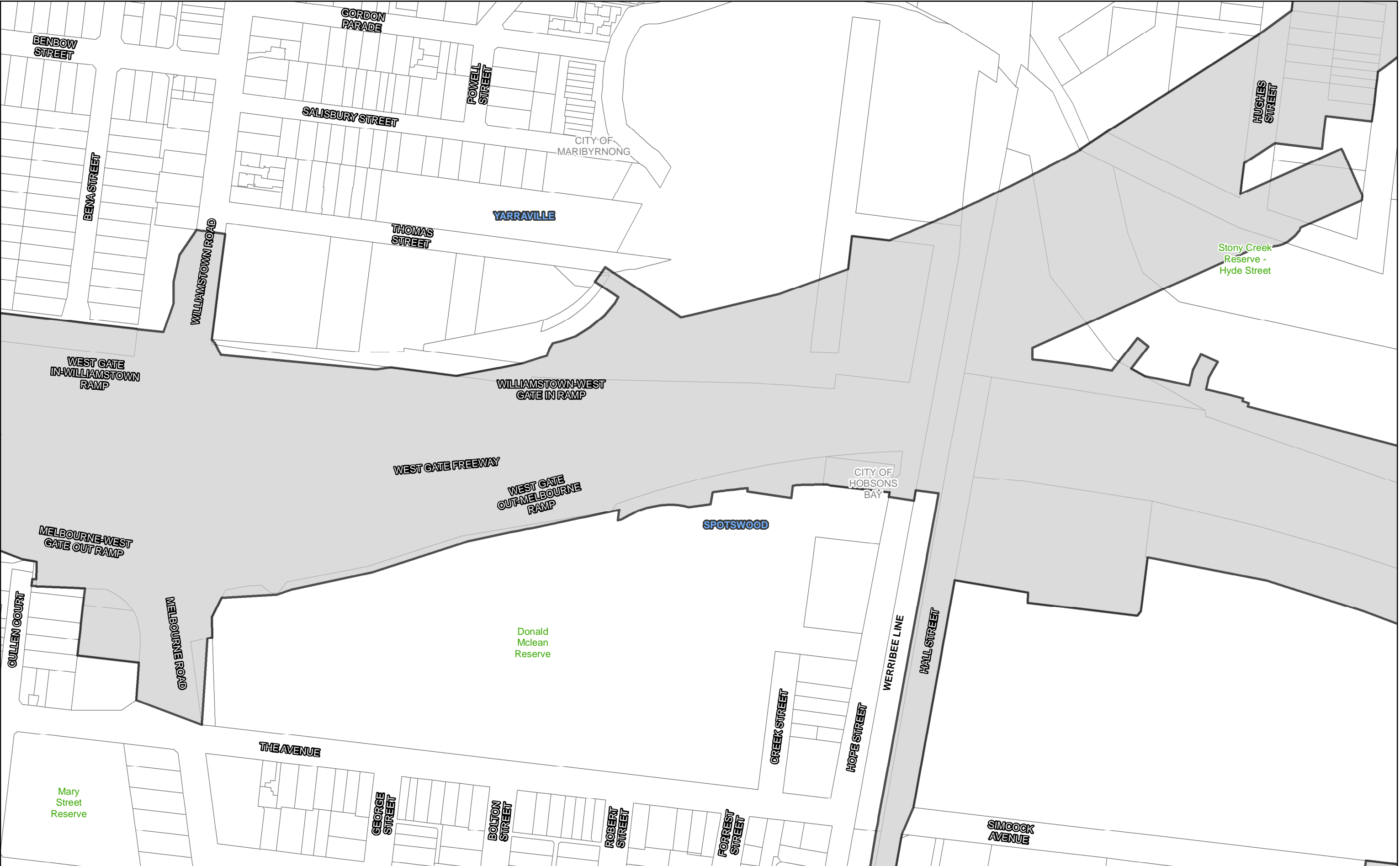
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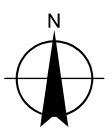
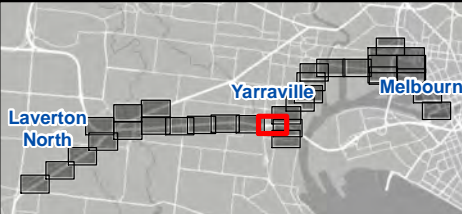



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			Sheet 12 of 31	WDA-WDP-LFWD-0012	
Data Source:	Date: 15/05/2017				



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Data Source:	Date: 15/05/2017				



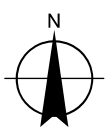
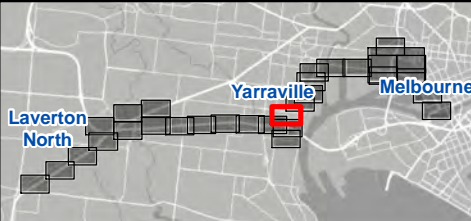

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			Data Source:	Date: 15/05/2017	




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Data Source:	Date: 15/05/2017				






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Map Projection: Transverse Mercator
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Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 15/05/2017

Legend

-  Project Boundary
-  Property Boundary



WEST GATE TUNNEL PROJECT

Figure 1: Land for the West Gate Tunnel Project


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WDA-WDP-LFWD-0018



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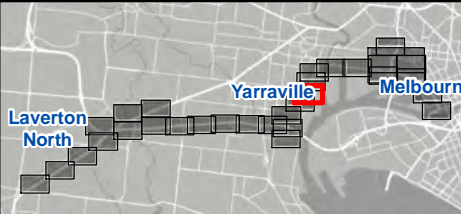
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Data Source:

Date: 15/05/2017

Legend

- Project Boundary
- Property Boundary



WEST GATE TUNNEL PROJECT

Figure 1: Land for the West Gate Tunnel Project


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WDA-WDP-LFWD-0019



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0 12.5 25 50 75 100
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 15/05/2017

Legend

-  Project Boundary
-  Property Boundary



WEST GATE TUNNEL PROJECT

Figure 1: Land for the West Gate Tunnel Project

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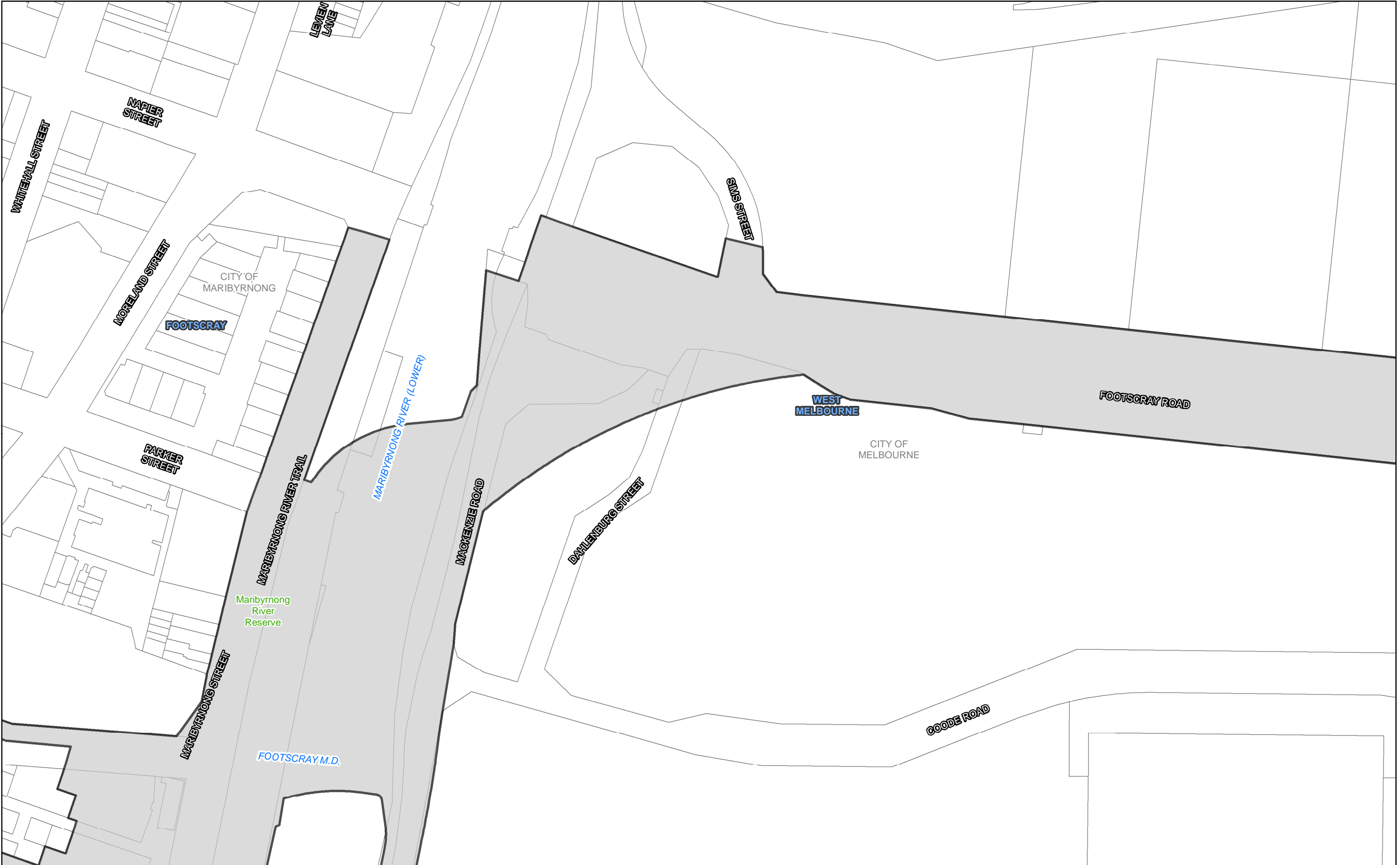
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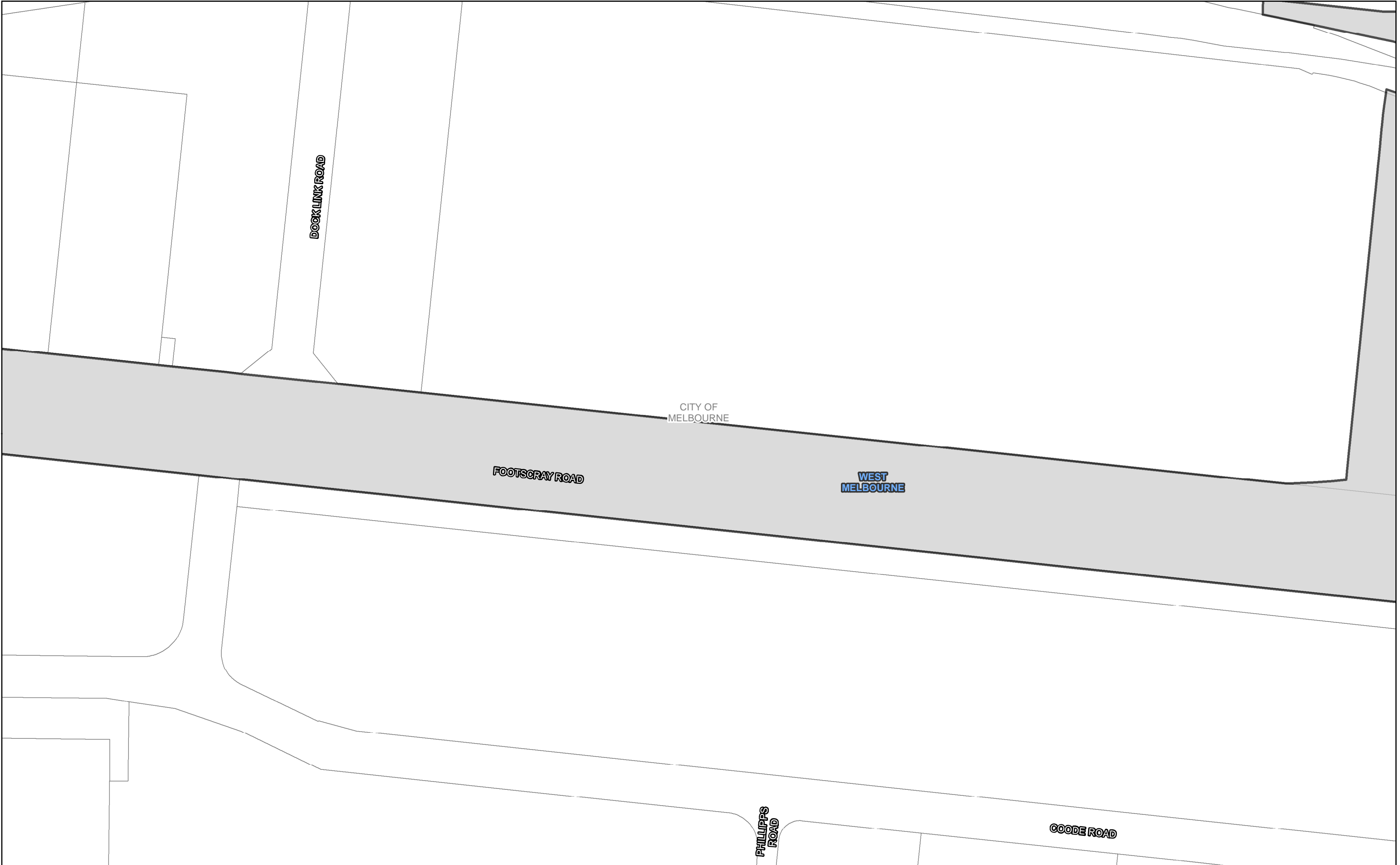


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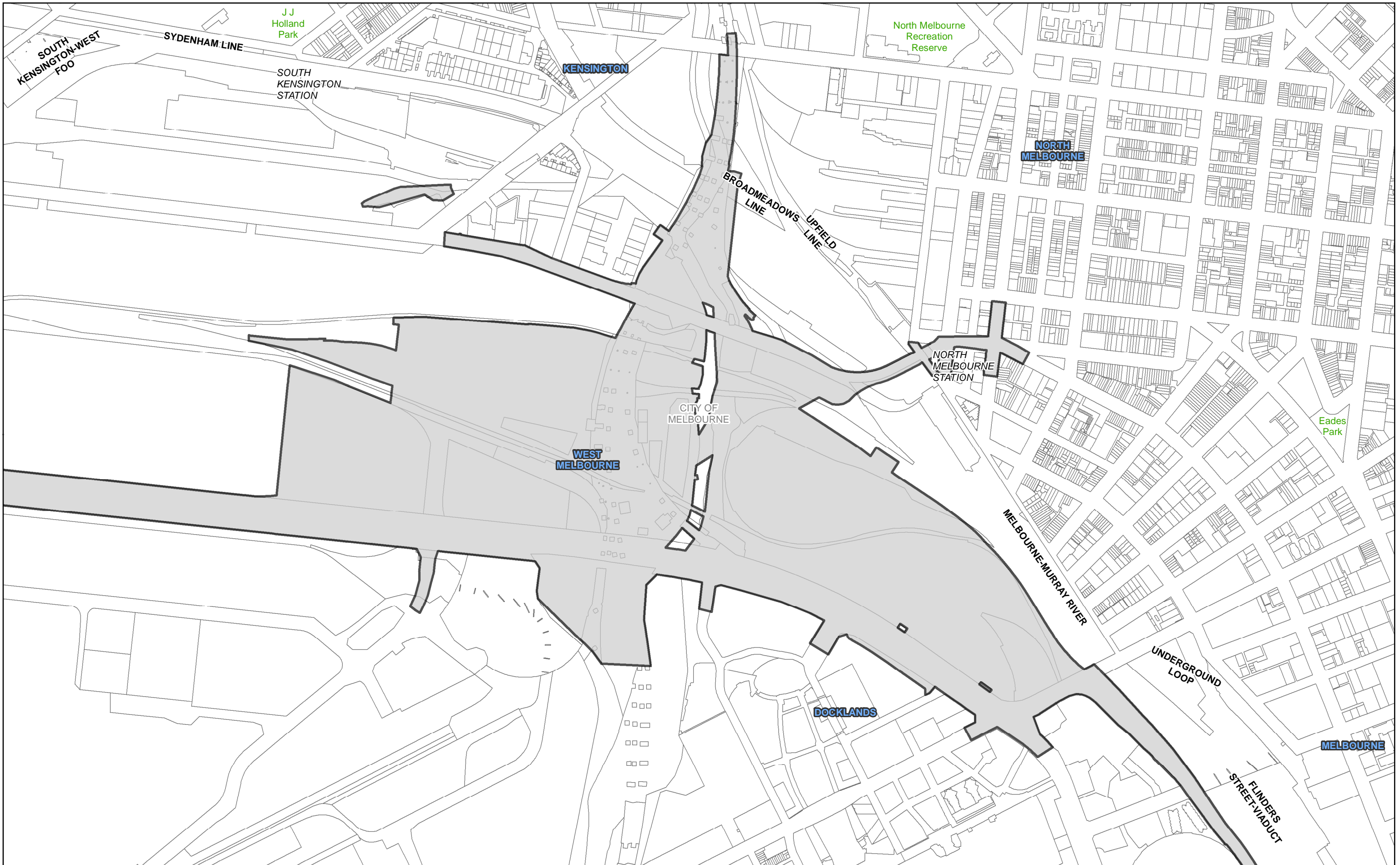



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0 35 70 140 210 280
Metres

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Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 15/05/2017

Legend

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-  Property Boundary



WEST GATE TUNNEL PROJECT

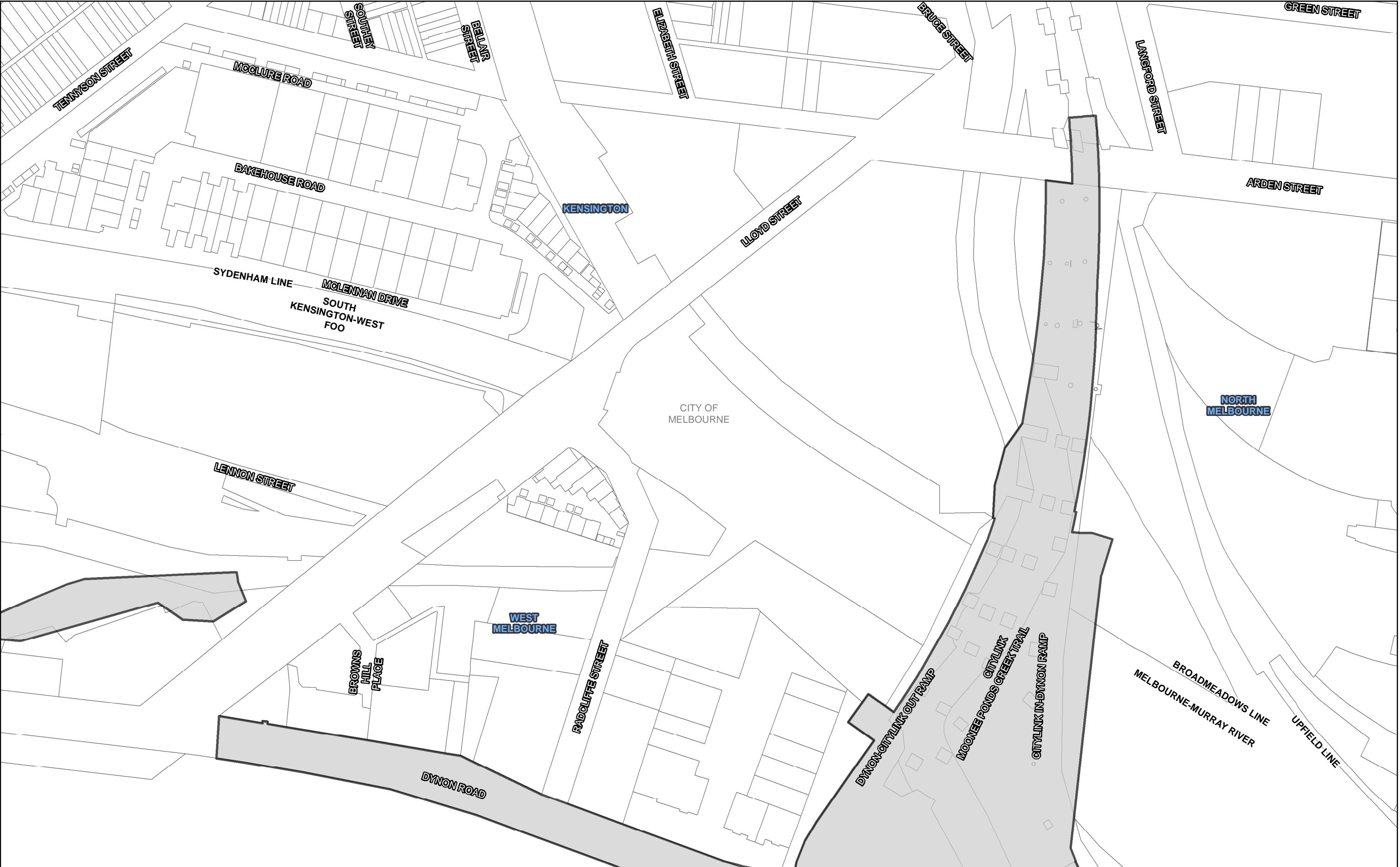
Figure 1: Land for the West Gate Tunnel Project

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WDA-WDP-LFWD-0024




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0 12.5 25 50 75 100
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 15/05/2017

Legend

-  Project Boundary
-  Property Boundary



WEST GATE TUNNEL PROJECT

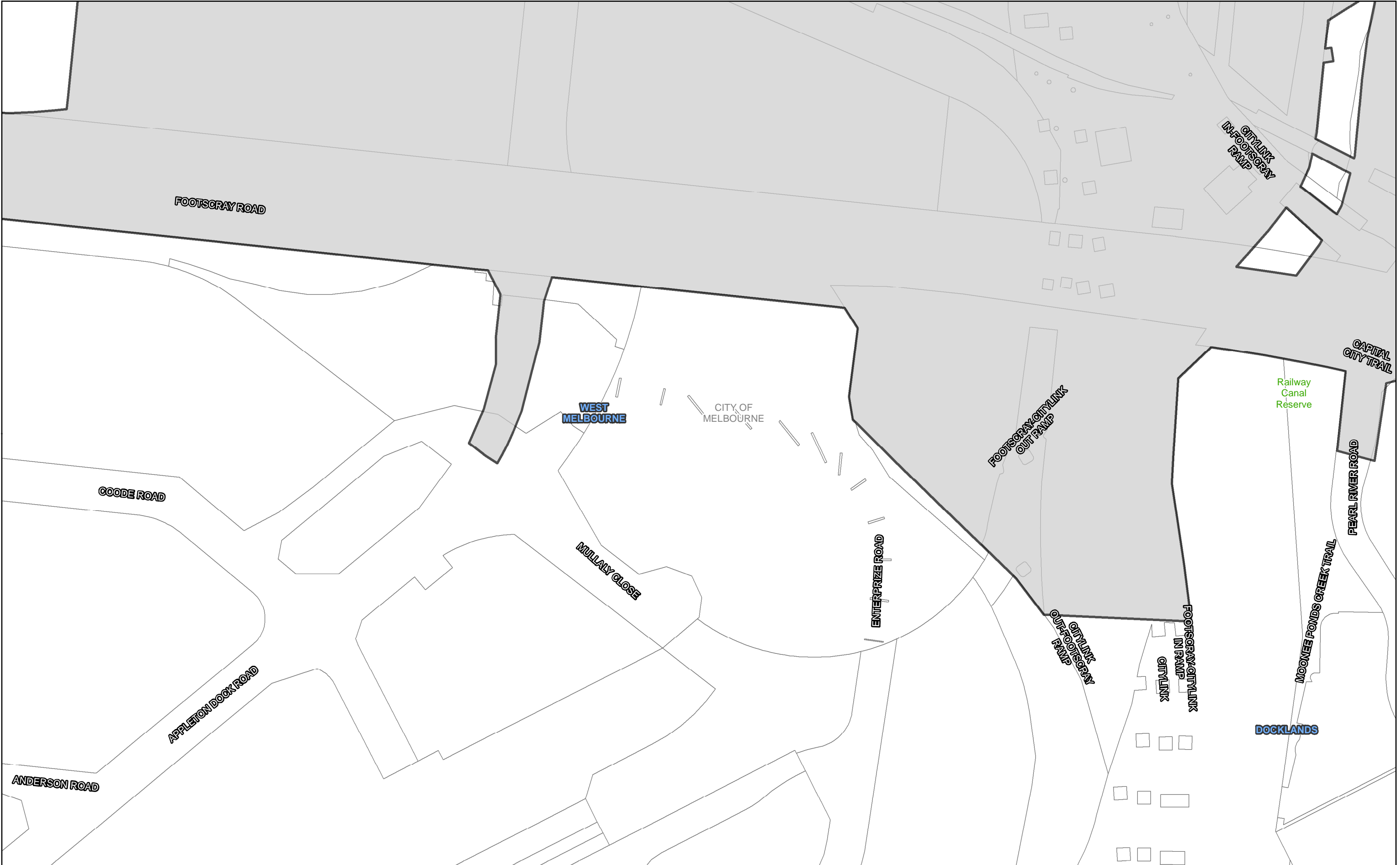
Figure 1: Land for the West Gate Tunnel Project

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WDA-WDP-LFWD-0026



**WESTERN
DISTRIBUTOR
AUTHORITY**





0 12.5 25 50 75 100

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Data Source:

Date: 29/11/2017

Legend

- Project Boundary
- Property Boundary

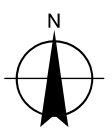


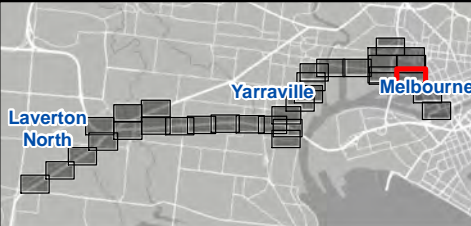

WEST GATE TUNNEL PROJECT

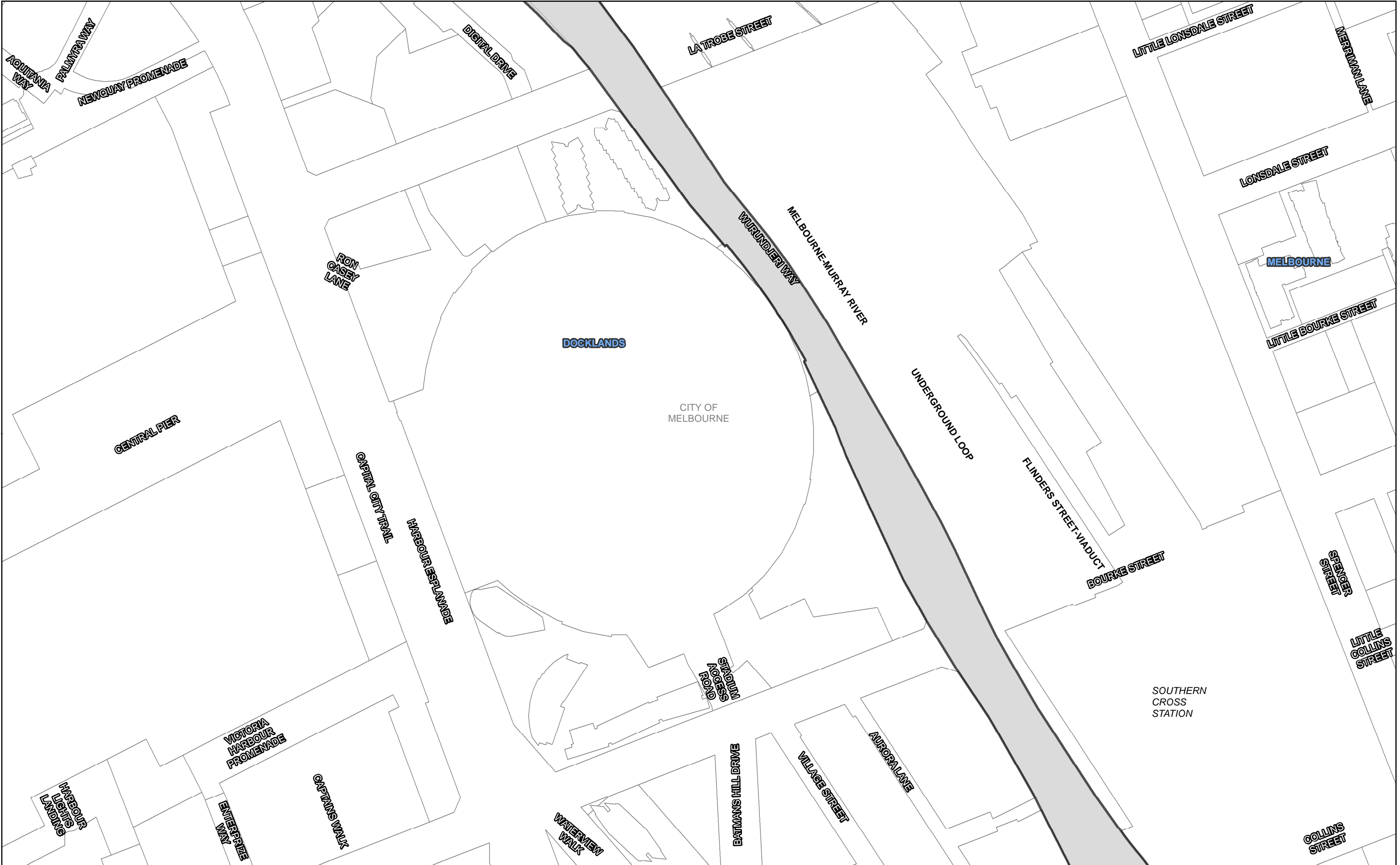
Figure 1: Land for the West Gate Tunnel Project

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WDA-WDP-LFWD-0028



 0 12.5 25 50 75 100 Metres Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 55	Legend  Project Boundary  Property Boundary		WEST GATE TUNNEL PROJECT Figure 1: Land for the West Gate Tunnel Project		
			Sheet 29 of 31	WDA-WDP-LFWD-0029	
Data Source:	Date: 15/05/2017				



<div data-bbox="74 1843 172 1957"></div> <div data-bbox="210 1843 507 1902"><p>0 12.5 25 50 75 100 Metres</p></div> <div data-bbox="240 1913 486 1967"><p>Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 55</p></div> <div data-bbox="56 1980 546 2018"><div data-bbox="56 1980 314 2018">Data Source:</div><div data-bbox="376 1997 492 2018">Date: 15/05/2017</div></div>	<div data-bbox="557 1837 655 1864">Legend</div> <div data-bbox="557 1879 822 1946"><div data-bbox="557 1879 608 1906"></div> Project Boundary <div data-bbox="557 1917 608 1944"></div> Property Boundary</div>	<div data-bbox="1457 1829 1884 2034"></div>	<div data-bbox="1955 1833 2490 1953">WEST GATE TUNNEL PROJECT Figure 1: Land for the West Gate Tunnel Project</div> <div data-bbox="1961 1980 2490 2009"><div data-bbox="1961 1980 2178 2009">Sheet 30 of 31</div><div data-bbox="2246 1980 2490 2009">WDA-WDP-LFWD-0030</div></div>		<div data-bbox="2570 1879 2896 1988"></div>
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