Attachment V
Draft Planning Scheme Amendment
Contents

Attachment V Strategic assessment report ................................................................. V–1
Draft Planning Scheme Amendment GC98 ................................................................. V–1

1 Introduction ........................................................................................................... V–1
2 Project background .............................................................................................. V–3
3 Strategic rationale for the project ........................................................................ V–5
4 Alignment with policy and legislation ................................................................. V–8
   4.1 Australian Government policy and legislation ............................................ V–9
   4.2 Victorian Government policies and legislation ........................................... V–10
   4.3 Planning Policy Framework ......................................................................... V–14
5 Strategic considerations ....................................................................................... V–16
6 Community Engagement ...................................................................................... V–19
7 What are the planning requirements and approval mechanisms available to
   permit the project? ............................................................................................... V–20
   7.1 What are the current planning approval requirements for the project? ........ V–20
   7.2 What are the available planning approval (exemption) mechanisms? ......... V–21
8 Planning scheme amendment options ................................................................. V–23
   8.1 Incorporated documents .............................................................................. V–23
   8.2 North East Link Incorporated Document .................................................... V–23
   8.3 Protection of tunnel infrastructure ............................................................. V–25
9 What would a planning scheme amendment do? ................................................ V–29
   9.1 Who should administer the planning scheme amendment? ....................... V–30
10 Planning scheme amendment approval pathway .............................................. V–31
11 Conclusion .......................................................................................................... V–32
12 Appendices ........................................................................................................ V–33
Tables

<table>
<thead>
<tr>
<th>Table V-1</th>
<th>Strategic considerations ............................................................................................................ V–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table V-2</td>
<td>List of Zones, Overlays and Particular Provisions affected by North East Link ........................................ V–20</td>
</tr>
</tbody>
</table>

Figures

<table>
<thead>
<tr>
<th>Figure V-1</th>
<th>Project overview ......................................................................................................................... V–5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure V-2</td>
<td>Melbourne 2050 Plan .................................................................................................................. V–7</td>
</tr>
</tbody>
</table>
1 Introduction

The Major Transport Infrastructure Authority (MTIA), an administrative office within the Department of Transport, is responsible for overseeing major transport projects.

MTIA is the proponent for the North East Link Environment Effects Statement (EES) prepared under the Environment Effects Act 1978 (EE Act). It is also the proponent for draft planning scheme amendment GC98.

North East Link Project (NELP) is an organisation within MTIA that is responsible for developing and delivering North East Link on behalf of the Victorian Government.

The Planning and Environment Act 1987 (PE Act) empowers the Minister for Planning to prepare, adopt and approve planning scheme amendments. Subject to the outcome of the EES assessment process, NELP would request that the Minister for Planning prepare, adopt and approve draft planning scheme amendment GC98 to the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes.

This report is prepared in support of draft planning scheme amendment GC98 to facilitate the use and development of North East Link (as described in Section 2 of this report).

This report provides the rationale for the selection of the proposed planning controls to facilitate the delivery of North East Link and to ensure the structural integrity of the tunnels and associated infrastructure is maintained.

The proposed planning controls will ensure that the environmental impacts anticipated through the construction and operation of North East Link will be acceptably managed. Section 7 of this report considers the planning requirements and approval mechanisms available to facilitate the project.

NELP has prepared draft planning scheme amendment GC98 using the statutory planning controls currently available in the Victoria Planning Provisions (VPP). Section 7 of this report considers alternative approval mechanisms, planning controls and case studies or legislative amendments.
The draft amendment has been informed by the comprehensive technical studies and investigations that have been undertaken for the EES, including environmental, social and economic impact assessment reports.

Section 7.2.2 of this report sets out the proposed changes to the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes under draft planning scheme amendment GC98.

In summary, the amendment seeks to make the following changes:

**Design and Development Overlay (DDO)**

- Introduce two new schedules to clause 43.02 ‘DDO’ of the Banyule and Manningham Planning Schemes to protect the structural integrity of the North East Link tunnels and portal infrastructure and require the referral of applications under local provisions. This includes amending or inserting new Planning Scheme Maps.
- Amend the schedule to clause 66.04 ‘Schedule to clause 66 Referral of permit applications under local provisions’ in the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes to update the referral authority for permit applications under the new schedule to be the Secretary of Department of Transport until 31 December 2030 and then the Roads Corporation.
- Amend the schedule to clause 72.03 to insert Planning Scheme Map XDDO and XDDO to the maps comprising part of the planning schemes.

**Specific Controls Overlay (SCO)**

- Introduce clause 45.12 Specific Controls Overlay and new schedules to that overlay in the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik planning schemes to give effect to the specific control contained in the incorporated document for the project.
- Introduce a new schedule to clause 45.12 ‘SCO’ of the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes to enable specific controls contained in the incorporated document for North East Link to override other requirements of the planning scheme.
- Amend the schedule to clause 72.03 to insert Planning Scheme Map XSCO, XSCO, XSCO to the maps comprising part of the planning schemes.
Incorporated Document

- Amend the schedule to clause 72.01 ‘Responsible Authority For This Planning Scheme’ of the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes to make the Minister for Planning the Responsible Authority for the administration and enforcement of the incorporated document and planning schemes relevant to the use and development of land for North East Link.

- Amend the schedule to clause 72.04 ‘Documents Incorporated Into This Planning Scheme’ of the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes to insert a new incorporated document for North East Link.

This report is supported by the following appendices:

- Appendix A – includes the draft Explanatory Report addressing Ministerial Direction 11 Strategic Assessment of Amendments.

- Appendix B – includes the planning scheme amendment documents required to submit a planning scheme amendment to the Minister for Planning. This appendix includes the draft incorporated document and schedules to the Specific Controls Overlay (affecting the entire Project Land) and schedules to the Design and Development Overlay (affecting the Banyule and Manningham Planning Schemes) drafted to protect the tunnel infrastructure.

- Appendix C – provides background technical analysis as part of the draft schedules to the Design and Development Overlay.

2 Project background

North East Link is a proposed new freeway standard road connection that would complete the missing link in Melbourne’s metropolitan ring road, giving the city a fully completed orbital connection for the first time. North East Link would connect the M80 Ring Road (otherwise known as the Metropolitan Ring Road) to the Eastern Freeway, and include upgrades to the Eastern Freeway. The project would also support the provision of a range of complementary and associated works, separate from the project.

The following section describes the North East Link alignment and the project elements:

- **M80 Ring Road to the northern portal** – from the M80 Ring Road at Plenty Road, and the Greensborough Bypass at Plenty River Drive, North East Link would extend to the northern portal near Blamey Road utilising a mixture of above, below and at surface road sections. This would include new road interchanges at M80 Ring Road and Grimshaw Street.

- **Northern portal to southern portal** – from the northern portal the road would transition into twin three lane tunnels that would connect to Lower Plenty Road via a new interchange, before travelling under residential areas in Viewbank, Banyule Flats, and the Yarra River to a new interchange at Manningham Road. The tunnels would then continue under residential areas in Bulleen to the southern portal located south of the Veneto Club.
• **Eastern Freeway** – from around Hoddle Street in the west through to Springvale Road in the east, modifications to the Eastern Freeway would include widening to accommodate future traffic volumes and provision of new dedicated bus lanes for the Doncaster Busway. There would also be provision of a new interchange at Bulleen Road to connect North East Link to the Eastern Freeway.

The project would also include improvements to pedestrian connections and the bicycle network through connected cycling and walking paths.

The North East Link Business Case (May, 2018) was prepared to test the merits of investment in the project, based on a broader assessment of Melbourne’s transport needs, changing travel patterns and the evolving structure of the city.

Key findings from the Business Case were that the project would deliver significant and tangible benefits to households and businesses in north east Melbourne and across the city more widely, by increasing the productivity of businesses and freight users, resulting in significant productivity gains throughout the economy and helping to stimulate economic activity and additional job growth.

The Business Case analysis assisted in establishing high-level project objectives for the broad strategic direction of the project and to guide the development of North East Link, as follows:

• Improve business access and growth in Melbourne’s north, east and south-east.
• Improve household access to employment and education in Melbourne’s north, east and south-east.
• Improve freight and supply chain efficiency and industrial growth across the north, east and south-east.
• Improve access, amenity and safety for communities in the north-east.

On 2 February 2018, the Minister for Planning declared the works proposed for North East Link to be ‘public works’ under section 3 of the EE Act requiring preparation of an EES for the project.

The project is located in the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik municipalities and is subject to the provisions of the respective planning schemes.

With major construction scheduled to start in 2020, it is expected that North East Link would be completed by 2027.

The figure overleaf illustrates the Project Land in the context of municipal boundaries.
3 Strategic rationale for the project

Australia’s fastest growing capital city, Melbourne is expected to become a city of eight million people by 2051, and it is projected that around 65 per cent of all new dwellings will be in Melbourne’s established areas (as per Plan Melbourne). This population growth is driving consumer demand and economic growth, but is also increasing demands on housing, transport, infrastructure, the environment and energy supply and would continue over the coming decades.

The changes in population growth, economic structure and built environment over the last 50 years has also seen Melbourne undergo an economic transition, away from manufacturing-based industries towards information and service provision. These changes in population and economic structure have led to an evolving spatial reorganisation of the city, with people increasingly being unable to live close to key business centres.

Over time, these changes have and would continue to place increasing pressure on Melbourne’s infrastructure and services, increasing the pressure on the city’s transport networks.
Underpinning these critical drivers of change are three key problems associated with transport connectivity in the north east, with broader implications for Melbourne and the state.

The lack of a freeway standard connection for cross-city orbital movements between the eastern terminal of the M80 Ring Road, the Eastern Freeway and the northern end of East Link results in poor connectivity in the north east, with arterial and local roads currently being used to accommodate local and cross-city orbital movements. As a consequence of poor cross-city orbital connectivity, businesses located in employment and activity centres in Melbourne’s major population areas in the north, east and south-east lack access to the large labour markets that underpin productivity and competitiveness.

The lack of efficient cross-city movements and a road network that is not suitable for High Productivity Freight Vehicles (HPFV) through the north east means that higher travel times lead to inefficient freight movements between Melbourne’s north and south east. With no fully connected freeway link, freight flows across Melbourne from the north to the east and south-east currently rely heavily on arterial roads through the north-east to travel between the M80 Ring Road and the Eastern Freeway. These roads are struggling to cater for growing and competing travel demands which constrains cross-city access for freight and contributes to increased transaction costs.

Congestion on the north-east arterial road network, along with a lack of safe and appropriate walking and cycling facilities, results in longer and less predictable travel times for residents and reduced access to local services, schools, recreation facilities and valued community places such as parks. With Melbourne’s population forecast to reach eight million by 2051, suburbs in the north and north-east would need to accommodate a significant proportion of the city’s growth between 2016 and 2046. The ability of these parts of the city to support this growth is being put at risk by an unconnected freeway network and an already congested arterial road network that are unable to meet current and future transport needs.

Planning for and addressing the changes and issues identified above will be essential to maintaining Melbourne’s productivity, competitiveness and liveability.

It is anticipated that North East Link would address a number of these pressures by improving the orbital freeway network, better connecting activity centres and NEICs, increasing the economic opportunities for households. Local amenity and safety would be improved by moving non-local traffic out of residential areas and many businesses would be better connected with suppliers and gain efficiencies in the transportation and delivery of goods. Furthermore, North East Link will provide improved public transport connections through the Doncaster Busway, and improving local travel options for walking and cycling (ie active transport) to support 20-minute neighbourhoods. These factors, along with reduced congestion and improved travel times are expected to benefit the wider economy, making Victoria more competitive.

The figure from Plan Melbourne 2017–2050 below refers to the long term spatial need identified within State planning policy for North East Link, in terms of addressing the missing link in the north east and facilitating cross-city orbital connectivity.
Map 2

Melbourne 2050 Plan

Central city
National employment and innovation cluster
Metropolitan activity centre
State significant industrial precinct
State significant road corridor
Rail network
Possible transport infrastructure project
Outer Metropolitan Ring (E19 north)
Local Park
Airport Rail Link
Avalon Rail Link
Western Port highway upgrade (Rail link to Hastings)
Interstate freight terminal (industrial)
Airport gateway – possible airport (indicated)
Transport gateway – possible airport (indicated)
Water’s edge parks
Green wedge land
Urban growth boundary
Urban area
Waterway
Waterbody
Metropolitan Melbourne region

Source: Department of Environment, Land, Water and Planning

NOTE: POTENTIAL INFRASTRUCTURE PROJECTS AND GATEWAYS ARE SUBJECT TO INFRASTRUCTURE VICTORIA ADVICE AND VICTORIAN GOVERNMENT APPROVAL. THIS FRAMEWORK WILL BE UPDATED AT THE END OF 2017, FOLLOWING THE GOVERNMENT RESPONSE TO INFRASTRUCTURE VICTORIA’S 30 YEAR PLAN.

Figure V-2 Melbourne 2050 Plan
As examined in the North East Link Business Case (May, 2018), the project is anticipated to bring benefits to Victorian businesses, communities and the wider economy by:

- Connecting key employment and activity centres
- Lowering transport costs and enhancing the efficiency of supply chains
- Reducing congestion and enhancing connectivity, particularly for residents in Melbourne’s north, east and south-east
- Increasing job choices with a greater ability to work closer to home
- Providing more efficient links between the north, east and south-east, reducing the reliance on local and arterial roads and reducing the number of private and heavy vehicles moving through some residential areas
- Improving air quality and safety on local roads, reducing noise pollution and enhancing the ability for residents to connect with local facilities through minimising congestion
- Upgrading the existing walking and cycling network in order to create continuous and integrated off-road paths between the M80 Ring Road and the Eastern Freeway as well as improvements to routes along the Eastern Freeway
- Developing the Doncaster Busway providing new, dedicated bus lanes along the Eastern Freeway between Doncaster Road and Hoddle Street.

Chapter 2 – Project Rationale of the EES provides further detail on the strategic rationale for North East Link.

4 Alignment with policy and legislation

Strategic planning policies and legislation relevant to North East Link are outlined below.

Further details of legislation and policies relevant to North East Link are provided in Chapter 2 – Project Rationale and Chapter 3 – Legislative Framework of the EES and in the draft Explanatory Report forming part of Appendix A of this Strategic Assessment report.
4.1 Australian Government policy and legislation

4.1.1 Infrastructure Australia – Infrastructure Priority List

Established in 2008, Infrastructure Australia is an independent Commonwealth body with a mandate to prioritise and progress nationally significant infrastructure. Infrastructure Australia provides independent research to identify significant infrastructure investment priorities over a rolling 5, 10 and 15-year timeframe.

Infrastructure Australia’s Infrastructure Priority List details the significant projects that can improve the nation’s liveability, productivity and sustainability and has been developed to guide government decision making on future infrastructure spending priorities. The List classifies each nationally significant project within the following categories:

1. High priority project
2. Priority project
3. High priority initiative
4. Priority initiative

The November 2018 update of the Infrastructure Priority List has added North East Link as a High Priority project. The Project Evaluation Summary recognises North East Link as a critical transport link in Melbourne’s north eastern suburbs to complete the orbital road network between the M80 Ring Road and the M3 Eastern Freeway and improve transport connectivity.

Key issues in relation to transport connectivity in the north east corridor are identified as:

‘Melbourne’s poor orbital connectivity is constraining the economic potential of the city and Victoria’

‘Inefficient freight movement between Melbourne’s north and south east is limiting supply chain competitiveness and hindering the growth of high value industries’

‘Congestion and heavy vehicles on neighbourhood roads is harming liveability and community wellbeing’

Contributing towards a strong strategic case for the project, North East Link will move traffic away from arterial roads, providing faster and more reliable journey times for cross city trips and improve amenity and quality of life for residents in the north east by reducing traffic on local roads.
4.1.2  Department of Prime Minister and Cabinet  
   - Smart Cities Plan

The Australian Government’s Department of Prime Minister and Cabinet in April 2016 published its Smart Cities Plan to position the nation’s cities for the 21st century economic and environmental challenges. The Smart Cities Plan sets out the Australian Government’s vision for the nation’s metropolitan and regional cities and its commitment to smart investment, smart policy and smart technology to deliver better outcomes for the people who live in them. This is prescribed within the plan’s ‘pillars’, being:

- **Smart Investment** – *We will become smarter investors in our cities’ infrastructure*
- **Smart Policy** – *We will coordinate and drive smarter city policy*
- **Smart Technology** – *We will drive the take up of smart technology, to improve the sustainability of our cities and drive innovation.*

The Smart Cities Plan acknowledges that the movement of freight is critical to the operation of metropolitan and regional economy and that there is a need to carefully plan and manage transport networks to prevent congestion that affects freight, passenger transport and private vehicles. The Plan also acknowledges, that at the same time, careful management of potential adverse impacts on the surrounding communities’ urban realm and environment is required.

Advocacy for a combination of demand management and investment in public transport, roads and active transport, including walking and cycling to reduce congestion in Australia’s cities is also seen as a key focus of the Plan.

North East Link is consistent with the objectives of the Smart Cities Plan, as it aims to improve connections and access for residents, improve connections and access for business, improve freight efficiency and industrial growth and improve safety and reduce local congestion for communities.

4.2  Victorian Government policies and legislation

4.2.1  Planning and Environment Act 1987

The PE Act establishes a legislative framework for planning the use, development and protection of land in Victoria. The PE Act is interface legislation within the meaning of the Transport Integration Act 2010. North East Link has been planned in a manner consistent with the objectives of planning in Victoria, which are (taken from section 4(1), Objectives):

(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 coordination of public utilities and other facilities for the benefit of the community.

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

4.2.2 Transport Integration Act 2010

The Transport Integration Act 2010 (TI Act) is Victoria's principal transport statute and provides the framework for the provision of an integrated transport system in Victoria. This ensures that all proposed transport infrastructure projects meet Victoria’s strategic objectives.

North East Link project meets the vision statement, objectives and transport system objectives, which include:

- Objective 8 – Social and economic inclusion – The transport system should provide a means by which persons can access social and economic opportunities to support individual and community wellbeing.

- Objective 9 – Economic prosperity – (1) The transport system should facilitate economic prosperity by: (a) enabling efficient and effective access for persons and goods to places of employment, markets and services; (b) increasing efficiency through reducing costs and improving timeliness; (c) fostering competition by providing access to markets; (d) facilitating investment in Victoria; (e) supporting financial sustainability.

- Objective 10 – Environmental sustainability – The transport system should actively contribute to environmental sustainability by: (a) protecting, conserving and improving the natural environment; (b) avoiding, minimising and offsetting harm to the local and global environment, including through transport-related emissions and pollutants and the loss of biodiversity; (c) promoting forms of transport and the use of forms of energy and transport technologies which have the least impact on the natural environment and reduce the overall contribution of transport-related greenhouse gas emissions; (d) improving the environmental performance of all forms of transport and the forms of energy used in transport; (e) preparing for and adapting to the challenges presented by climate change.

- Objective 11 – Integration of transport and land use – The transport system should provide for the effective integration of transport and land use and facilitate access to social and economic opportunities.

- Objective 12 – Efficiency, coordination and reliability – (1) The transport system should facilitate network wide efficient, coordinated and reliable movements of persons and goods at all times.
Objective 13 – Safety and health and wellbeing – The transport system should be safe and support health and wellbeing.

North East Link has been planned in a manner consistent with the principles of the TI Act, including the following (taken from Division 3, Decision making principles):

- **Principle 15** – The principle of integrated decision making means seeking to achieve Government policy objectives through coordination between all levels of government and government agencies and with the private sector.

- **Principle 16** – The principle of triple bottom-line assessment means an assessment of all the economic, social and environmental costs and benefits taking into account externalities and value for money.

- **Principle 17** – Principle of equity means: (a) equity between persons irrespective of their—(i) personal attributes, including age, physical ability, ethnicity, culture, gender and financial situation; or (ii) location, including whether in a growth, urban, regional, rural or remote area; (b) equity between generations by not compromising the ability of future generations to meet their needs.

- **Principle 18** – Principle of the transport system user perspective means: (a) understanding the requirements of transport system users, including their information needs; (b) enhancing the useability of the transport system and the quality of experiences of the transport system.

- **Principle 19** – The precautionary principle means that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

- **Principle 20** – The principle of stakeholder engagement and community participation means (a) taking into account the interests of stakeholders, including transport system users and members of the local community; (b) adopting appropriate processes for stakeholder engagement.

- **Principle 21** – The principle of transparency means members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding of transport issues and the process by which decisions in relation to the transport system are made.

### 4.2.3 Plan Melbourne 2017–2050

Plan Melbourne 2017–2050 (Plan Melbourne) provides guidance on the development and growth of Melbourne over the next 35 years and is the key strategy for supporting jobs, housing and transport. The Plan seeks to integrate long-term land use, infrastructure and transport planning.

North East Link is recognised in Plan Melbourne as a project that would contribute to an integrated transport system connecting people to jobs and services. Plan Melbourne notes that for Melbourne to create an integrated transport system, there would need to be improvements in the arterial road connections and road upgrades to support the freight network.
The strategic need for North East Link is recognised in Plan Melbourne with specific references including:

- Map 2 of the Melbourne 2050 plan includes North East Link (alignment subject to investigation) as a potential transport corridor project.

- Policy 3.1.5 – Improve the efficiency of the motorway network. Specific reference to North East Link notes that ‘Optimisation of the existing motorway network will be achieved through the use of technology and new and upgraded connections, including consideration of how to fill the missing North East Link on the Metropolitan Ring Road’.

- Policy 3.4.1 – Support sufficient gateway capacity with efficient landside access. This policy notes that ‘Continuous improvement of the freight network is critical to the maintenance of an efficient and effective network. Projects such as the completion of the Dingley Road corridor, supporting the growing industrial area of Dandenong South, and the national employment and innovation cluster are important ongoing improvements. Long-term future projects, such as North East Link and the Outer Metropolitan Ring Road, may form part of the expanse of the freight network’.

Key strategic directions identified in Plan Melbourne of relevance to the project are centred around improving connectivity, maintaining neighbourhood amenity, supporting employment and economic development, facilitating urban consolidation to maintain the UGB and the ‘20 minute neighbourhood concept’ and consideration of locally and regionally significant environmental and heritage values.

The project would implement key directions identified in Plan Melbourne by provision of an integrated transport network, general use of existing alignments for above ground infrastructure in already urbanised areas, access and connectivity to centres of employment and investment (eg the LaTrobe NEIC and activity centres within proximity to the project) and designing for extensive underground components located in the vicinity of the Yarra River and surrounding regionally significant open space.

4.2.4 Infrastructure Victoria 30 Year Strategy

Victoria’s 30-Year Infrastructure Strategy, released in December 2016 by Infrastructure Victoria, is Victoria’s first ever infrastructure strategy and sets out a pipeline of projects to be delivered over the next three decades. The strategy sets out a number of objectives, needs and recommendations to help create the best possible future for all Victorians.

North East Link is identified in the strategy, with specific references including:

- Need 11.5 – Build new transport links to enhance the accessibility of the major employment centres
- Need 13.5 – Increase the capacity and connectivity of Victoria’s freight network.
- Need 11.5.6 – Construct North East Link within 10-15 years. As a first step, there needs to be a detailed assessment of alternative alignments. This link would enhance access to major employment centres, particularly the Latrobe NEC and the Epping, Ringwood and Broadmeadows MACs, through improved orbital road connectivity and improve the capacity of the freight network, particularly from the southeast and Gippsland.
North East Link provides accessibility through some of the most congested parts of the road network and improves access to major employment centres, as well as improved cross-town travel. It makes sense to proceed in the medium term, largely supporting existing land uses (P.147).

Examples of projects that could potentially be brought forward if required as part of a more finely-tuned pipeline are Melton electrification and North East Link (P.216).

The Strategy recognises that North East Link would play a key role in linking people to jobs across the city and improving freight reliability and travel times.

4.2.5 Victorian Freight Plan – Delivering the Goods 2018

Delivering the Goods sets out key priorities to support the Victorian freight and logistics network as demand for freight services increase in a rapidly changing environment over the next five years. To achieve the overarching objectives of the Plan, a number of initiatives and investment planning guidance are set out to further strengthen the State’s freight system in the long term.

The Plan specifically references North East Link, where the project is identified as a key major investment to boost freight efficiency and support the freight network. Completion of North East Link is also identified as a medium term (5-10 year) action in the expansion of the High Productivity Freight Vehicles (HPFV) network, which is seen as key in the management of existing and proposed freight corridors and places in conjunction with urban form changes.

North East Link provides strong support for the objectives of the Plan, through increased connectivity, reduced congestion in Melbourne’s north east and more efficient freight movements across the city.

4.3 Planning Policy Framework

The Planning Policy Framework (PPF) provides a context for strategic and statutory planning decisions made by responsible authorities. As discussed below, North East Link is broadly aligned with the integrated connectivity, transport, road and freight planning scheme objectives at a State and local level.

4.3.1 Integrated transport

The PPF objective relating to integrated transport is to create a safe and sustainable transport system by integrating land use and transport. The project aligns with strategies of relevance, in particular the strategy relating to the development of integrated and accessible transport networks to connect people to jobs and services and goods to market.

Similarly, the project aligns with the PPF objective in relation to the transport system, which seeks to coordinate development of all transport modes to provide a comprehensive transport system. North East Link would support the relevant strategies to support this objective, as follows:
• Incorporate the provision of public transport, cycling and walking infrastructure in all major new state and local government road projects
• Locate transport routes to achieve the greatest overall benefit to the community to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity
• Locate and design new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity
• Ensure that pedestrian and cyclist access to public transport is facilitated and safeguarded
• Ensure the design, construction and management of all transport modes reduces environmental impacts.

4.3.2 Movement networks

The PPF objective relating to sustainable personal transport seeks to promote the use of this mode of transport via a range of strategies. Strategies of relevance to the project are include the need to:

• Encourage the use of walking and cycling by creating environments that are safe and attractive
• Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles
• Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

Facilitating greater use of public transport is also an objective of the PPF of relevance to the project, with relevant strategies focussing on the need to maintain and strengthen passenger transport networks and strategies supporting the regionally significant Principal Public Transport Network.

4.3.3 Management of the road system

The PPF objective seeks 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. It sets out a number of strategies that are relevant to the project, including:

• Plan and regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and resting places
• Make better use of roads for all road uses through such techniques as the provision of wider footpaths, bicycle lanes, transit lanes (for buses and taxis) and specific freight routes
• Selectively expand and upgrade the road network to provide for:
  – High-quality connections between Metropolitan Melbourne and regional cities, and between regional cities
  – Upgrading of key freight routes
  – Ongoing development in outer suburban areas
  – Higher standards of on-road public transport
  – Improved key cross-town arterial links in the outer suburbs including circumferential and radial movement
• Improve the management of key freight routes to make freight operations more efficient while reducing their external impacts
• Ensure that road space complements land use and is managed to meet community and business needs.

4.3.4 Freight

The PPF objective in relation to freight seeks to further develop key transport gateways and freight links and maintain Victoria’s position as the nation’s premier freight logistics centre.

Strategies of relevance to the project include minimising negative impacts of freight movements on urban amenity and improving the freight and logistics network to optimise freight handling and maintain the efficiency and effectiveness of the network.

5 Strategic considerations

In preparing the draft planning scheme amendment GC98, consideration has been given to how the amendment addresses the strategic considerations of the Ministers Direction No.11 Strategic Assessment of Amendments. The purpose of this direction is to ensure a comprehensive and strategic evaluation of a planning scheme amendment and the outcomes it produces.

The following table outlines how draft planning scheme amendment GC98 responds to the requirements of Ministers Direction No.11 Strategic Assessment of Amendments.
Table V-1 | Strategic considerations

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Scoping requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why is an amendment required?</td>
<td>A planning scheme amendment is considered the most appropriate mechanism by which North East Link could be approved under the PE Act, given:</td>
</tr>
<tr>
<td></td>
<td>• The extent of planning permit triggers across seven municipalities</td>
</tr>
<tr>
<td></td>
<td>• The broad number of stakeholders (in addition to the Councils) with an interest in North East Link</td>
</tr>
<tr>
<td></td>
<td>• The consultation and planning and environmental assessments undertaken as part of the EES process</td>
</tr>
<tr>
<td></td>
<td>• The benefit to stakeholders (especially Councils) from a consistent and coordinated approach to planning approvals</td>
</tr>
<tr>
<td></td>
<td>• The need to provide an integrated approval for the project</td>
</tr>
<tr>
<td></td>
<td>• The need to provide ongoing protection of the project infrastructure that is visible within the planning system.</td>
</tr>
</tbody>
</table>
| How does the amendment implement the objectives of planning in Victoria | North East Link would complete the ‘missing link’ in Melbourne’s cross city road network, linking the M80 Ring Road (M80) and the Eastern Freeway/Eastlink enhancing access to major suburban business and employment centres and boosting the capacity of Melbourne’s freight network.  
North East Link would support the objectives of planning in Victoria by increasing the city’s freeway network capacity, easing traffic congestion and reducing travel times and would improve linkages to the State significant employment precincts and growth corridors, creating opportunities for jobs and investment. Furthermore, North East Link will provide improved public transport connections via a new busway and improved local travel options for walking and cycling to support 20-minute neighbourhoods. |
<p>| How does the amendment address any environmental, social and economic effects? | The potential environmental, social and economic effects of the construction and operation of North East Link have been considered through the EES process under the EE Act and in accordance with the scoping requirements published by the Minister for Planning.                                                                                          |
| Does the amendment address any relevant bushfire risk? | The amendment will not increase the risk to life, property, community infrastructure or the natural environment from bushfire                                                                                                                                                                                                                      |</p>
<table>
<thead>
<tr>
<th>Aspect</th>
<th>Scoping requirement</th>
</tr>
</thead>
</table>
| Does the amendment comply with the requirements of any other Minister’s Directions applicable to the amendment? | The amendment complies with all the relevant Minister’s Directions including:  
- Form and Content of Planning Schemes  
- No. 9 Metropolitan Planning Strategy  
- No. 11 Strategic Assessment of Amendments  
- No. 19 Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health and Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health.  
See also the Draft Explanatory Report in Appendix A for more information for how the amendment complies with relevant Minister’s Directions |
| How does the amendment support or implement the Planning Policy Framework and any adopted State policy? | This amendment supports is consistent with the PPF, particularly Clause 11.01-1R "Settlement – Metropolitan Melbourne" which recognises North East Link as a potential transport project of regional importance as per both Plan Melbourne and Infrastructure Victoria’s 30 Year Plan. With the tunnel component of the project avoiding the Yarra River, the project aligns with Clause 12.03-1R "Yarra River protection" which seeks to maintain and enhance the natural landscape character of the Yarra River corridor. |
| If the planning scheme includes a Local Planning Policy Framework, how does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement? | For more detail, see the Explanatory Report and EES Technical Report E – Land Use Planning. |
| Does the amendment make proper use of the Victoria Planning Provisions | The use of an incorporated document and SCO as the primary control to manage the use and development of the land, together with a DDO to protect tunnel infrastructure makes proper use of the VPP.  
For more detail refer to Section 7.2.4 and Section 8. |
| How does the amendment address the views of any relevant agency? | The amendment has been developed in consultation with the Department of Environment, Land, Water and Planning (DELWP), Department of Health and Human Services, Aboriginal Victoria, EPA Victoria, Heritage Victoria, Melbourne Water, Parks Victoria, Public Transport Victoria, Transport for Victoria, VicRoads, Victorian Planning Authority, VicTrack, the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, the Cities of Banyule, Boroondara, Manningham, Whitehorse, Whittlesea, Yarra and the Shire of Nillumbik. |
| Does the amendment address the requirements of the Transport Integration Act 2010? | North East Link has been developed with regard to the transport system, objectives and decision making principles under the TI Act as outlined in Part 2 of Divisions 2 and 3 of the Act (see Draft Explanatory Report in Appendix A and Chapter 3 Legislative Framework). |
## 6 Community Engagement

Extensive consultation has been undertaken as part of the EES with both the community and agency stakeholders. A community and stakeholder engagement plan was prepared as part of the EES and is found at EES Chapter 6 Communications and Engagement.

The process for preparing the North East Link EES included the establishment of a Technical Reference Group (TRG) in line with typical process for an EES. The TRG includes: the following councils, Banyule, Boroondara, Manningham, Nillumbik, Yarra, and Whitehorse, DELWP, EPA Victoria, Aboriginal Victoria, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC), Heritage Victoria, Parks Victoria, Melbourne Water, Department of Human Health and Human Services, Public Transport Victoria, Transport for Victoria, VicRoads, VicTrack and the Victorian Planning Authority.

The TRG was established in February 2018 and has met 14 times during the preparation of the EES. The draft planning scheme amendment was reviewed by the TRG during this process. NELP has also undertaken consultation on the draft planning scheme amendment with relevant councils (including Whittlesea) and DELWP.

The public exhibition phase of the EES would allow the community to provide submissions and feedback on the draft amendment, which would be considered by the Advisory Committee and ultimately by the Minister for Planning.
7 What are the planning requirements and approval mechanisms available to permit the project?

Draft planning scheme amendment GC98 seeks to facilitate the planning approval for the development of North East Link in an integrated and consistent manner across all relevant planning schemes. It also seeks to protect the tunnel infrastructure from development that may compromise the structural integrity or adversely affect its operation or maintenance.

This section identifies the current planning approval requirements for the project and considers the most appropriate approval mechanism for the administration of a State significant linear infrastructure project.

7.1 What are the current planning approval requirements for the project?

North East Link intersects seven planning schemes and accordingly, numerous zones and overlays controls (including schedules), providing an estimated 58 planning permit triggers.

These are summarised in the table below.

<table>
<thead>
<tr>
<th>Planning scheme</th>
<th>No. of zones</th>
<th>No. of overlays (including schedules)</th>
<th>No. of Particular Provisions</th>
<th>No. of individual permit triggers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banyule</td>
<td>15</td>
<td>11</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Manningham</td>
<td>13</td>
<td>18</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>Boroondara</td>
<td>7</td>
<td>6</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Yarra</td>
<td>2</td>
<td>6</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Whitehorse</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Whittlesea</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Nillumbik</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>
7.2 What are the available planning approval (exemption) mechanisms?

The PE Act contains a number of pathways which could be used to facilitate and approve the use and development of North East Link.

These pathways include:

1. An Order published in the Government Gazette under Section 16 of the PE Act
2. A planning scheme amendment under Part 3 of the PE Act
3. A planning permit/s issued under Part 4 of the PE Act (or a combination of a planning scheme amendment and planning permits under Division 5 of Part 4 of the PE Act).

7.2.1 Section 16 order

An Order under section 16 of the PE Act is capable of exempting the application of a planning scheme on a Minister, government department, public authority or municipal council either generally or in respect of a specific project being undertaken by or on behalf of such entity.

7.2.2 Planning scheme amendment process

A planning scheme amendment can serve a broad range of purposes, from the introduction of new policy, rezoning land (for a new land use objective) or applying an overlay to protect a specific feature or attribute of a particular area either affecting single or multiple planning schemes. The planning scheme amendment process can also be used to facilitate major infrastructure projects by introducing a new planning control for a specific project through the introduction of an incorporated document.

The planning scheme amendment process can be used to facilitate major transport infrastructure projects which affect a large number of properties across one or more municipalities. In this regard, the amendment process can appropriately provide for a coordinated and integrated approval mechanism for complex or State significant projects.

An amendment can be prepared by a municipal council, the Minister for Planning or other Ministers or public authorities authorised by the Minister for Planning.
7.2.3  Planning permit process

The planning permit process is one pathway used to obtain planning approval for the use and development of land.

In established urban areas, the majority of planning permits (for use and development) are limited to a single parcel of land, or small number of adjoining land parcels in common ownership. Most planning permit applications cover a small number of zones and overlays and are generally contained within a single municipality.

The planning permit process is administered and determined by the responsible authority, subject to any right of review and determination by the Victorian Civil and Administrative Tribunal (VCAT) on appeal. Responsible authorities are either the municipal council for land within their municipal district or the Minister for Planning.

7.2.4  Preferred planning mechanism

It is considered that the most appropriate approval mechanism to facilitate development of North East Link is by way of a planning scheme amendment. The reasons for this are as follows.

A planning scheme amendment will:

- Introduce a new project specific planning control to govern the use and development of land for the purposes of North East Link in an integrated and consistent manner across all relevant planning schemes
- Introduce new planning controls to ensure the protection of the North East Link tunnels and associated infrastructure as well as a referral requirement to reduce the administration and processing burden on responsible authorities
- Remove the need to obtain individual permits in each municipality for specific components or aspects of the project, and thereby reduce the administrative burden on councils
- Make the Minister for Planning the responsible authority for the administration and enforcement of the planning controls governing the use and development of North East Link, ensuring consistency in their administration
- Make tailored changes to specific planning schemes affected by North East Link via the ‘GC’ Amendment process.
8 Planning scheme amendment options

8.1 Incorporated documents

Incorporated documents are given effect pursuant to section 6(2)(j) of the PE Act.

Clause 45.12 ‘Specific Controls Overlay’ applies specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Land affected by this overlay may be used or developed in accordance with a specific control contained in the corresponding incorporated document. The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in [the planning schemes].

8.2 North East Link Incorporated Document

The ‘North East Link Incorporated Document, [April 2019]’ has been prepared for North East Link and is a key component of draft planning scheme amendment GC98 (see Appendix B).

It is a project specific planning control informed by:

- The various technical studies, investigations and impact assessments undertaken as part of the North East Link EES
- Consultation with each of the municipal councils affected by the project and relevant government departments and stakeholders with representation on the TRG for the EES.

The Incorporated Document has been prepared specifically for North East Link, having regard to its level of design development, and would govern further design, construction and operational phases of the project in a transparent and holistic manner.

The use of the provisions at Clause 45.12 ‘Specific Control Overlay’ and the ‘North East Link Incorporated Document, [April 2019]’ is appropriate and provides the ability to:

- Tailor conditions, including secondary consents, to ensure that the further design, use and development of North East Link achieves specified outcomes
- Create a uniform control across the North East Link Project Land which a single set of approval conditions
• Reduce the administrative burden on individual Councils, by removing the need to assess and issue individual planning permits for each planning scheme

• Reduce complexity and provides consistency in planning approval outcomes increasing transparency for the community and stakeholders

• Reduce time delays and increase consistency in the coordination, management and approval of secondary consent conditions

• Achieve consistent and holistic environmental outcomes for the entire North East Link Project Land.

The proposed Specific Controls Overlay (SCO) boundary largely follows the Project Boundary, except for some minor increases and decreases which are categorised into one of the following:

• Change within a road reserve, to adopt a logical road reserve boundary

• Simplification (straighten boundary), rather than an arbitrary curve

• Align to a property boundary, to use as an existing property as the boundary

• Logical inclusion, as to not dissect infrastructure

• Logical exclusion, to avoid an area where no works are proposed

Where the SCO affects land where the project will be below ground (ie in tunnel), the land will be shown in an appendix to the Incorporated Document, to only allow buildings and works below 15 metres (except where necessary to provide for the relocation of infrastructure associated with utility installations).

The draft Incorporated Document requires that prior to the commencement of works, the Minister for Planning must approve the Environmental Management Framework (EMF), which includes the Environmental Performance Requirements (EPRs).

The design has been developed to meet the project objectives and the EPRs as set out in the EMF. The EPRs (as finalised) will apply throughout the detailed design, construction and operational phases of the project.

The ‘North East Link Incorporated Document [April 2019]’ also requires preparation of an Urban Design Strategy and Urban Design and Landscape Plans for approval by the Minister. The Urban Design Strategy and Urban Design and Landscape Plans guide the design of the final built form of the project including public realm, infrastructure and landscape outcomes.
8.3 Protection of tunnel infrastructure

A key component of the built infrastructure for North East Link is the development of new twin tunnels. The majority of the proposed tunnels are within the Banyule municipality, with the northbound portal located in the City of Banyule and southbound portal in the City of Manningham.

The tunnel alignment is comprised of the following key aspects:

- Twin tunnels catering for up to four traffic lanes in both directions, constructed using tunnel boring machine, mined tunnel and cut and cover methods
- Each tunnel would include ventilation structures which would be located in close proximity to the Northern and Southern portals.

While the purpose of the Incorporated Document is to regulate the use and development of land for North East Link under the planning schemes, an additional planning control would be necessary to protect the tunnel infrastructure and associated assets from inconsistent development during the planning, construction and operation of the project.

The design objectives to be addressed by the additional planning control include:

- To avoid direct contact with and to provide a safe working clearance around North East Link infrastructure
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link infrastructure
- To avoid loading onto North East Link infrastructure that could lead to structural damage or impact, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of North East Link infrastructure to the detriment of freeway operations
- To avoid excavations or other unloading of the ground that could lead to structural, serviceability, or operational damage to North East Link infrastructure
- To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link infrastructure
- To ensure that development of land does not rely upon direct structural support from North East Link infrastructure unless specifically envisaged in North East Link’s design
- To ensure that the potential effects of development on North East Link infrastructure, and the consequences of those effects on the wider Melbourne transport network are appropriately managed or mitigated.
8.3.1 Options analyses

A number of legislative mechanisms have been considered which could provide for the protection of the North East Link tunnels. These options are not in all cases mutually exclusive.

Preparation of project specific legislation

The Melbourne Underground Rail Loop Act 1970 was specifically developed for the protection of the original City Loop. While successful in protecting the project alignment and assets, a key limitation of the mechanism is a lack of general visibility or awareness of land affected by the legislation.

The lack of this public visibility or awareness of specific legislation presents a risk to those seeking to develop land within close proximity to the alignment who may not be aware of the legislation and its requirements. Without visible legislation and development parameters within proximity to North East Link, there is a risk that future development may compromise the structural integrity or adversely affect the operation of the tunnels.

Due to the lack of general public visibility of project specific legislation it is not considered an appropriate solution to protect the tunnel asset.

Amend the Victoria Planning Provisions

The Victoria Planning Provisions could be amended by introducing a new Particular Provision or project specific overlay.

Particular Provisions

A new Particular Provision could define the location to which the additional planning control for the protection of the North East Link tunnels applies by reference to a set of project specific plans. The particular provision could include controls on future development of land that would have the potential to adversely impact tunnel infrastructure.

A specific Particular Provision for North East Link could prohibit land use and development that may unreasonably compromise the structural integrity or adversely affect the operation of the tunnel infrastructure. It could also introduce a referral requirement for certain types of planning permit applications.

However, similar to the limitation associated with project specific legislation, one of the key limitations with introducing a new Particular Provision into the planning scheme is its lack of public visibility or awareness of land affected by the planning control. For example, Particular Provisions are not identified in a standard planning certificate or on a planning scheme map.

This limitation does not satisfy the need for general public visibility and transparency in ensuring the protection of the North East Link tunnels.
Introducing a project-specific overlay

Another alternative would be to introduce a new project specific or tunnel protection overlay into the VPP.

A project specific overlay can remove third party review rights at VCAT by prohibiting particular forms of development, or prohibit development that, in the Secretary’s opinion, would or may compromise the structural integrity or operational capacity of the North East Link tunnels. This avenue would provide the Secretary of Department of Transport with the power to determine whether a permit application could affect the operation of North East Link.

Precedent for a project specific overlay includes the City Link Project Overlay. This overlay permits the use and development of land within the City Link Project Area for the purposes of the Melbourne City Link and Exhibition Street Extension Projects, and was amended to permit the CityLink Tulla Widening Project.

This form of overlay would be used differently for North East Link, which seeks to use an Incorporated Document to permit the use and development of land for the purposes of the project. Instead, a project specific overlay could be used to protect the tunnels within Banyule and Manningham planning schemes. However, this is not an efficient use of the Victoria Planning Provisions as the overlay would be available for use within all Planning Schemes across Victoria, but only appropriate for use within Banyule and Manningham due to the specific nature of the control.

Introducing a Design and Development Overlay

A further option is to amend the Banyule and Manningham Planning Schemes by applying a new schedule to the Design and Development Overlay (DDO) to defined areas where future development could compromise the structural integrity or adversely affect the operation of the North East Link tunnel infrastructure.

The purpose of a DDO is to ‘Identify areas which are affected by specific requirements relating to the design and built form of new development’.

A DDO provides planning permit triggers for the development of land and is typically used to achieve a set of design objectives (heights, setbacks etc) rather than control a particular form or type of building. A planning permit is not required if a schedule to the DDO specifically states that a permit is not required. However, a DDO is not able to prohibit or control the use of land.

While the DDO is typically used to meet design objectives, it could also be used effectively to consider the design and loading of future developments and their implications for the North East Link tunnels. This could be achieved by creating a project specific schedule to the DDO and identified exemptions to a planning permit requirement where design and loading objectives would be achieved. The land affected by the schedule to the DDO could be shown on the planning scheme maps.
The schedule to the DDO can also identify local exclusion zones where no exemptions from a permit requirement for buildings and works are provided. This is particularly relevant to the areas where the tunnels transition to the surface portals where there is greater potential for buildings and works to impact on the twin tunnel’s integrity and operation.

A Planning Certificate (included in a Vendor Statement under the Sale of Land Act 1962) would specify the existence of the new schedule to the DDO for affected land.

A DDO would also provide permit applicants with the right of review at the VCAT. As such, it is important that the DDO would highlight the importance of safety and that any review at VCAT considers the engineering aspects of the proposal.

It is also noted that the Minister for Planning retains the power to ‘call in’ and determine planning or review applications.

The Melbourne Metro Rail Project and West Gate Tunnel Project are recent examples of major infrastructure projects utilising a DDO associated with tunnel infrastructure within gazetted planning scheme amendments.

**8.3.2 Preferred approach to tunnel protection**

Based on the above analyses, the preferred approach to protect the North East Link tunnels from future development is the introduction of a new schedule to the DDO for the following reasons.

The DDO:

- Is identified on future planning certificates and included in a Vendor’s Statement under the Sale of Land Act 1962 making the existence of the statutory control readily available to existing and future land owners
- Provides clear design objectives to be achieved to ensure that future development would not compromise the structural integrity or adversely affect the operation of the North East Link tunnel infrastructure
- Enables planning approval triggers to be limited to future development with the potential to compromise the structural integrity or adversely affect the operation of the North East Link tunnel infrastructure
- Provides clear guidance on planning permit application requirements to assist the preparation and administration of any application
- Includes a referral requirement to the Secretary of Department of Transport minimising the burden and costs on Banyule and Manningham councils in administering and assessing planning permit applications triggered under the overlay.
8.3.3 Technical analysis for tunnel protection

Technical analysis undertaken and reported in the DDO Planning Controls for underground structures assessment (GHD, December 2018) confirms the extent of tunnel infrastructure protections zones (ie vertical and lateral protection) required.

This information has informed the extent and content of the draft DDO.

9 What would a planning scheme amendment do?

To provide planning approval for the development of North East Link and protect the tunnel infrastructure from development that may compromise the structural integrity or adversely affects its operation or maintenance, the draft planning scheme amendment GC98 would make the following changes to the Banyule, Manningham, Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik Planning Schemes as follows:

- Insert the ‘North East Link Project Incorporated Document, [April 2019]’ (incorporated document) as an incorporated document in the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes (planning schemes) by inserting clause 45.12 Specific Controls Overlay (SCO) and schedules to the SCO in the planning schemes and amending the schedules to clause 72.04 (Documents incorporated in the scheme) of the planning schemes.

- Amend the schedules to clause 72.03 of the planning schemes and insert Planning Scheme Maps 2SCO, 6SCO, 11SCO, 16SCO into the Banyule Planning Scheme, insert Planning Scheme Maps 1SCO, 2SCO, 3SCO, 4SCO, 5SCO into the Boroondara Planning Scheme, insert Planning Scheme Maps 1SCO, 6SCO, 7SCO, 8SCO into the Manningham Planning Scheme, insert Planning Scheme Map BSCO into the Nillumbik Planning Scheme, insert Planning Scheme Maps 1SCO, 2SCO, 3SCO into the Whitehorse Planning Scheme, insert Planning Scheme Map 22SCO into the Whittlesea Planning Scheme and insert Planning Scheme Maps 2SCO and 3SCO into the Yarra Planning Scheme to apply the SCO to the project area.

- Amend the schedules to clause 72.01 of the planning schemes to make the Minister for Planning the responsible authority for administering and enforcing the incorporated document, and any other provision of the scheme which applies to the project.

The amendment also changes the Banyule Planning Scheme to:

- Introduce new Schedules 13 and 14 to clause 43.02 – Design and Development Overlay and amend Planning Scheme Maps 6DDO and 16DDO and insert new Planning Scheme Map 11DDO to apply the Design and Development Overlay to land above and immediately adjoining relevant North East Link infrastructure to protect the structural integrity of the tunnels and associated infrastructure.
- Amend the schedule to clause 66.04 to make the Secretary of Department of Transport (and the Roads Corporation after 31 December 2030) a determining referral authority for permit applications triggered under the proposed schedules 13 and 14 to clause 43.02.

- Amend the schedule to clause 72.03 to insert Planning Scheme Map 11 DDO to the maps comprising part of the planning scheme.

The amendment also changes the Manningham Planning Scheme to:

- Introduce new Schedules 14 and 15 to clause 43.02 – Design and Development Overlay and amend Planning Scheme Maps 1DDO and 6DDO to apply the Design and Development Overlay to land above and immediately adjoining relevant North East Link infrastructure to protect the structural integrity of the tunnels and associated infrastructure.

- Amend the schedule to clause 66.04 to make the Secretary of Department of Transport (and the Roads Corporation after 31 December 2030) a determining referral authority for permit applications triggered under the proposed schedules 14 and 15 to clause 43.02.

The proposed DDO is not required in Boroondara, Yarra, Whitehorse, Whittlesea and Nillumbik as all infrastructure that requires protection is above ground in these municipalities.

### 9.1 Who should administer the planning scheme amendment?

For projects of State significance like North East Link, it is appropriate that the Minister for Planning is the Responsible Authority for the administration of the planning control applicable to the development of the project.

It is considered appropriate that the Minister for Planning be the Responsible Authority for draft planning scheme amendment GC98 as:

- The project is of State and regional significance due its size and the potential economic, social and environmental impacts

- The project works and alignment crosses seven municipalities and it is desirable to have consistency across the affected planning schemes in how North East Link is assessed and how delivery is regulated under a single planning control

- Consultation on the North East Link EES, including with councils, has shown support for the use of an integrated planning approval mechanism for North East Link.
10 Planning scheme amendment approval pathway

This Strategic Assessment Report identifies that the preferred planning mechanism to deliver North East Link is via a planning scheme amendment.

Draft planning scheme amendment GC98 including the draft Incorporated Document and schedule to the SCO, draft Explanatory Report and schedules to the DDO to protect the tunnels and associated infrastructure has been made available for public submission by being exhibited with the North East Link EES.

While a planning scheme amendment can be made by a municipal council or the Minister for Planning, it is appropriate for this project that the amendment be made by the Minister for Planning, under section 20(4) of the P&E Act. This section enables the Minister for Planning to exempt him/her from the notice and exhibition requirements of the Act and regulations, in respect of an amendment which the Minister prepares, if the Minister considers that compliance with those requirements is not warranted or that the interests of Victoria make such an exemption appropriate.

As outlined at Section 6, the public exhibition phase of the EES allows the community to provide submissions and feedback on the draft amendment, which would be considered by the Inquiry and Advisory Committee and ultimately by the Minister for Planning as part of the planning scheme amendment process.

Relevant matters in support of the Minister for Planning exercising his discretion under section 20(4) of the P&E Act include the following:

- North East Link is a project of genuine State and regional significance
- Draft planning scheme amendment GC98 has been placed on exhibition with the EES and made available for public comment and scrutiny through the inquiry process into the environmental effects of the project
- The views of affected persons on the amendment would be made known and considered as part of that process
- It avoids duplication of process
- It enables a project specific integrated planning approval to apply to the further design, use and development of the project
- It would facilitate the timely delivery of the project following a comprehensive impact assessment process with high levels of community and stakeholder engagement.

The process for approval of draft planning scheme amendment GC98 is reflective of the importance of North East Link and its existence in current planning policy and metropolitan strategy.
Given the number of planning permit triggers across the seven municipalities, the number of stakeholders (in addition to the Councils) with an interest in the project, the consultation and planning and environmental assessments undertaken as part of the EES process and the need to provide an integrated approval, it is considered appropriate that the project is facilitated by the Minister for Planning.

A planning scheme amendment process approved via section 20(4) of the PE Act would ensure delivery of this State and regionally significant project, which provides consistent planning controls across the seven planning schemes.

## Conclusion

North East Link would deliver important long-term benefits for Melbourne and Victoria by completing the orbital freeway network, better connecting activity centres and NEICs and providing better connections to jobs, services and education and increasing the economic opportunities for businesses and households in the north, north-west, west and south-east.

A reduction in congestion and improved travel times would improve the local amenity and safety of residential areas and businesses would benefit from better connections with suppliers and improved efficiency of transportation and delivery of goods.

Analysis of the planning controls that would apply to the project without a planning scheme amendment have indicated a number of planning permits would be required across the seven affected planning schemes. The assessment also considered various planning controls that could be applied to protect North East Link infrastructure and alignment.

Given the scale and importance of North East Link, it is recommended that the project is delivered via an Incorporated Document providing a project specific planning control. It is also recommended a DDO is applied to the tunnel alignment to protect the construction and operation of the asset from incompatible development.

Given the significance to the State of North East Link, it is necessary to ensure consistency across the seven affected planning schemes in how the project is implemented. It is appropriate therefore that the Minister for Planning be the responsible authority for the administration and enforcement of the planning controls governing further design, development and use.

It is therefore recommended that the Minister for Planning prepare, adopt and approve draft planning scheme amendment GC98 under sections 20(4), 29 and 35 of the PE Act following conclusion (and subject to the outcomes) of the EES assessment process.
12 Appendices

Appendix A  Draft Explanatory Report
Appendix B  Draft planning scheme amendment documents
Appendix C  Technical analysis for infrastructure protection
Appendix A  Draft Explanatory Report
Planning and Environment Act 1987

BANYULE PLANNING SCHEME
BOROONDARA PLANNING SCHEME
MANNINGHAM PLANNING SCHEME
NILLUMBIK PLANNING SCHEME
WHITEHORSE PLANNING SCHEME
WHITTLESEA PLANNING SCHEME
YARRA PLANNING SCHEME

DRAFT AMENDMENT GC98
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 the Major Transport Infrastructure Authority (MTIA), an administrative office within the Department of Transport (DOT), to facilitate the delivery of the North East Link Project (project).

Land affected by the Amendment

The amendment applies to land required for the project affected by a SCO, as shown on planning scheme map numbers 2SCO, 6SCO, 11SCO, 16SCO of the Banyule Planning Scheme, 1SCO, 2SCO, 3SCO, 4SCO, 5SCO of the Boroondara Planning Scheme, 1SCO, 6SCO, 7SCO, 8SCO of the Manningham Planning Scheme, 8SCO of the Nillumbik Planning Scheme, 1SCO, 2SCO, 3SCO of the
Whitehorse Planning Scheme, 22SCO of the Whittlesea Planning Scheme and 2SCO and 3SCO of the Yarra Planning Scheme.

What the amendment does

The amendment changes the planning schemes to:

- Insert the 'North East Link Project Incorporated Document, [MONTH 2019]' (incorporated document) as an incorporated document in the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes (planning schemes) by inserting clause 45.12 Specific Controls Overlay (SCO) and schedules to the SCO in the planning schemes and amending the schedules to clause 72.04 (Documents incorporated in the scheme) of the planning schemes.

- Amend the schedules to clause 72.03 of the planning schemes and insert Planning Scheme Maps 2SCO, 6SCO, 11SCO, 16SCO into the Banyule Planning Scheme, insert Planning Scheme Maps 1SCO, 2SCO, 3SCO, 4SCO, 5SCO into the Boroondara Planning Scheme, insert Planning Scheme Maps 1SCO, 6SCO, 7SCO, 8SCO into the Manningham Planning Scheme, insert Planning Scheme Map 8SCO into the Nillumbik Planning Scheme, insert Planning Scheme Maps 1SCO, 2SCO, 3SCO into the Whitehorse Planning Scheme, insert Planning Scheme Map 22SCO into the Whittlesea Planning Scheme and insert Planning Scheme Maps 2SCO and 3SCO into the Yarra Planning Scheme to apply the SCO to the project area.

- Amend the schedules to clause 72.01 of the planning schemes to make the Minister for Planning the responsible authority for administering and enforcing the incorporated document for the project.

The amendment changes the Banyule planning scheme to:

- Introduce new Schedules 13 and 14 to clause 43.02 - Design and Development Overlay and amend Planning Scheme Maps 6DDO and 16DDO and insert new Planning Scheme Map 11DDO to apply the Design and Development Overlay to land above and immediately adjoining relevant North East Link infrastructure to protect the structural integrity of the tunnels and associated infrastructure.

- Amend the schedule to clause 66.04 to make the Secretary of DOT (and the Roads Corporation after 31 December 2030) a determining referral authority for permit applications triggered under the proposed schedules 13 and 14 to clause 43.02.

- Amend the schedule to clause 72.03 to insert Planning Scheme Map 11DDO to the maps comprising part of the planning scheme.

The amendment changes the Manningham planning scheme to:

- Introduce new Schedules 14 and 15 to clause 43.02 - Design and Development Overlay and amend Planning Scheme Maps 1DDO and 6DDO to apply the Design and Development Overlay to land above and immediately adjoining relevant North East Link infrastructure to protect the structural integrity of the tunnels and associated infrastructure.

- Amend the schedule to clause 66.04 to make the Secretary of DOT (and the Roads Corporation after 31 December 2030) a determining referral authority for permit applications triggered under the proposed schedules 14 and 15 to clause 43.02.

Strategic assessment of the Amendment

Why is the Amendment required?

North East Link is required to complete the missing link in Melbourne's freeway network and improve cross-city connectivity. North East Link would better connect households to jobs, services and education, increasing economic opportunity for households. Non-local traffic would be moved out of residential areas, improving local amenity and safety. Many businesses would be better connected with suppliers and gain efficiencies in the delivery of goods, achieved by reduction in congestion and improved travel time reliability. These factors are expected to contribute benefits to the wider economy, making Victoria more competitive. Furthermore, the North East Link will provide improved public transport connections via a new busway and improved local travel options for walking and cycling to support 20-minute neighbourhoods.
A GC amendment is the most appropriate mechanism to facilitate the delivery of the project under the planning schemes. The incorporated document has the effect of exempting the project from the usual requirements of the planning schemes, and permitting the use and development of the project land for the project in accordance with the control in the incorporated document.

It is appropriate that the Minister for Planning is the responsible authority and decision maker in respect of the use and development of the land for the project.

The application of the Design and Development Overlay to land in Banyule and Manningham, and the associated referral requirements, will trigger the assessment of new development that could potentially compromise the structural integrity or operation of project infrastructure.

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

The following objectives of planning in Victoria, as set out in section 4(1) of the *Planning and Environment Act 1987*, are particularly 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 coordination of public utilities and other facilities for the benefit of the community.

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

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

- Improve cross-city movements;
- Improve freight movement between Melbourne’s north and south-east;
- Reduce congestion and reduce heavy vehicles on local and arterial roads in the north-east;
- Improve access, amenity and safety for the communities in the north-east;
- Improve local travel options for walking and cycling as well as improved public transport connections via a new busway.

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

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

**Does the Amendment address relevant bushfire risk?**

The amendment will not increase the risk to life, property, community infrastructure or the natural environment from bushfire.
Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

Section 12(2)(a) of the Planning Environment Act 1987 requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister’s Directions. The following Minister’s Directions are relevant to this amendment:

Ministerial Direction - The Form and Content of Planning Schemes

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

Ministerial Direction No. 1 - Potentially Contaminated Land

The incorporated document requires the use and development of the project to be in accordance with the Environmental Management Framework, including the Environmental Performance Requirements (EPRs) for the project. The EPRs relevant to contaminated land will ensure the acceptable management of contaminated land impacted by the project and ensure the environmental condition of the land is suitable for future use.

Ministerial Direction No. 9 – Metropolitan Planning Strategy

The amendment is consistent with Ministerial Direction No. 9 – Metropolitan Planning Strategy and provides the following key benefits:

- Strengthening the connection to regional Victoria by improving movements between the Eastern Freeway and the M80 Ring Road
- Improving the connection between business precincts and residential areas, supporting connecting workers to employment
- Diverting traffic from local and arterial roads to North East Link, improving amenity and safety for residents, local businesses and pedestrians and cyclists using the areas
- Reducing congestion and enhancing the resilience of the road network to reduce business and personal costs of travel
- Enhancing the network for freight and vehicles involved in delivery of goods, creating benefits for businesses, consumers and the wider Victorian economy
- Providing enhanced pedestrian and cycling paths through neighbourhoods and along strategic cycling corridors to facilitate direct active transport links across metropolitan Melbourne
- Improving public transport through the provision of the Doncaster Busway.

Ministerial Direction No. 11 Strategic Assessment of Amendments

The amendment complies with the requirements of Ministerial Direction No. 11 Strategic Assessment of Amendments and Planning Practice Note 46: Strategic Assessment Guidelines for Planning Scheme Amendments. This explanatory report explains how the amendment addresses the relevant strategic considerations.

Ministerial Direction 19 - Formalising the role of EPA Victoria in Planning Scheme Amendments

This amendment is consistent with Ministerial Direction 19, which requires the views of the EPA be sought early during the preparation of a planning scheme amendment. Through the Technical Reference Group process, the EPA has provided written feedback regarding the planning scheme amendment. Such written feedback has been considered in the preparation of this draft planning scheme amendment.
How does the Amendment support or implement the Planning Policy Framework (PPF) and any adopted State policy?

The amendment supports or implements the following clauses of the Planning Policy Framework:

Clause 11 Settlement

Key strategies of relevance at Clause 11.01-1S ‘Settlement’ relate to connecting communities and provision of access to jobs, services, infrastructure and community facilities to promote investment and growth. In particular, the North East Link is recognised as a potential transport project of regional importance in the ‘Melbourne 2050 plan’ at Clause 11.01-1R ‘Metropolitan Melbourne’.

Clause 12 Environmental and Landscape Values

The clause acknowledges the importance of protecting the health of ecological systems, biodiversity and conservation areas with identified environmental value. There is specific reference to regional Yarra River Protection under Clause 12.03 – 1R ‘Yarra River protection’, which details ways to improve the river by way of strategies that aim to manage development in the vicinity of the River’s environmental and landscape context.

Clause 18 Transport

The clause seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability and coordinates reliable movements of people and goods.

- Clause 18.01-1S Land use and transport planning: The clause seeks to create a safe and sustainable transport system by integrating land-use and transport via the development of integrated transport networks to connect people to jobs and services and goods to market and improving transport connections to Melbourne and adjoining regions.

- Clause 18.01-2S Transport System: The PPF details strategies to coordinate development of all transport modes by requiring transport management plans for key transport corridors and the incorporation of public transport and cycling infrastructure in all major new State and local government road projects. A relevant strategy is to ‘locate and design new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity’.

- Clause 18.02-2S Public Transport: The objective is to facilitate greater use of public transport via improved access to a robust and efficient public transport network.

- Clause 18.02-2R Principal Public Transport Network: relevant strategies seek to connect public transport users to jobs, ensure comprehensive networks of local public transport and planning for local bus services to meet local and wider public transport network connections.

- Clause 18.02-3S Road System: The clause acknowledges the importance of developing an efficient and safe transport network, making the most of existing infrastructure by providing high quality connections and upgrading of freight routes and on road public transport.

- Clause 18.05-1S Freight links: The clause identifies the need to develop key Transport Gateways and freight links and maintain Victoria’s position as the nation’s premier logistics centre. Key strategies include improving the freight and logistic network to improve freight efficiency whilst protecting urban amenity.
How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports or implements the following policy directions of the Local Planning Policy Framework of the Planning Schemes:

**Banyule Planning Scheme**

Clause 21.07 refers to Transport and Infrastructure and identifies the following relevant key issues for transport:

- Many arterial roads that perform a regional function are congested. Future changes that affect Banyule’s road networks need to be monitored and assessed.
- Residents have a high dependency on private vehicles.
- Expected population growth will increase travel demand within and across Banyule.
- Adverse impacts resulting from increasing freight movements across the Banyule road network.

Overall, the operation of the project is predicted to reduce congestion across Banyule’s local road network and reduce the adverse impacts from existing freight related travel across the Municipality.

Consistent with *Banyule Open Space Plan (2016 – 2031)*, the project can also assist in providing benefits and opportunities for open space strategic policy objectives in the municipality, including the provision of new land bridges between Grimshaw Street and Lower Plenty Road, creating new open space and enhance pedestrian connectivity in the municipality.

**Boroondara Planning Scheme**

Clause 21.06–3 refers to the *Road system* and relevant to the project identifies that:

- The Yarra River creates pinch points, with east-west traffic movements funnelled into several crossing points.
- Boroondara’s local road network can create traffic issues. Long straight, roads can encourage motorists to seek alternative routes to more congested arterial roads. Some local streets also suffer from high traffic speeds.

Relevant key issues include:

- Traffic congestion and capacity issues on key arterial roads, particularly in the morning peak
- Road safety on the arterial and local road networks

The project aligns with the general intent of the road planning policy by assisting to reduce traffic congestion, including reduced traffic volumes at existing Yarra River crossings and improving safety of the arterial and local road network.

**Manningham Planning Scheme**

The *Manningham Activity Centre Strategy (2005)* sets out the future planning needs for the municipality’s activity centres. The project could fulfil some of the public transport actions that are chronicled in the strategy via the proposed Doncaster Area Rapid Transit, which could improve the connectivity and accessibility of Manningham’s Major Activity Centres and Neighbourhood Activity Centres and enhance the ‘level of comfort for public transport users’.

In terms of industrial land use, the following clauses are relevant:

- Clause 21.02–10 *Industry*
- Clause 21.08 *Industrial land use*
- Clause 22.10 *Bulleen Gateway Policy*
- Clause 22.16 *Industrial Areas Policy*
The project would require land in the Bulleen Industrial Precinct for cut and cover construction of tunnel infrastructure. Through the acquisition of land for project purposes, the project would adversely impact vision and intent of the Bulleen Industrial Precinct to provide future opportunity for industrial development within the City of Manningham. However, relevant EPRs will assist to manage this impact, including providing pre-construction business support and working with Council to identify alternative location options for displaced businesses.

**Nillumbik Planning Scheme**

Clause 21.05–5 refers to *Infrastructure* with relevant objectives including the need to:

- Provide safe and efficient roads and road links within the municipality and to the wider region.

The operation of the project would progress this objective by improving road links to the wider region.

**Whitehorse Planning Scheme**

Clause 21.08 refers to *Infrastructure* and notes that:

- Whitehorse is committed to providing a safe and high quality transport network for the benefit of all users, including drivers of freight transport, motorists traversing the City, motorists on local trips, pedestrians, cyclists, public transport users, and those in the community with limited mobility. This requires an arterial road network designed to operate at capacity and not beyond, but also a road network that makes safety a priority. The local road network also needs to be protected from traffic that is not generated from the immediate neighbourhood.

- Several arterial roads serve the City, with freeways located to the north and south and to the east. Completion of the freeway network has had some impact upon the main arterials that traverse the City by reducing traffic on other main roads. With the completion of EastLink it is hoped that there will be a long term reduction in freight traffic and to an extent some private vehicle traffic. This will enable the arterial roads in Whitehorse to operate more efficiently and possibly enable greater consideration of local issues in the operation of the network.

The project would improve the arterial road network in the Municipality and appropriate EPRs would be implemented to minimise off-site amenity impacts on abutting land uses, particularly residential uses.

The *Whitehorse Industrial Strategy (2011)* provides actions to enhance economic health and success of Whitehorse’s industrial estates. The Joseph Street Industrial Estate is located directly south of the reference project on the Eastern Freeway. Whilst not one of the largest estates within the municipality, the strategy acknowledges the important economic and employment role it plays within Whitehorse. The Strategy acknowledges the importance that ‘freight transport and logistics have access to, and are able to operate on, a sustainable and efficient freight network’ to ensure that timely and cost effective access to goods and services. As such, the project has the potential to enhance connectivity and access of the key industrial areas within Whitehorse, but especially the Joseph Street Estate. It is noted that these improvements would be most beneficial to logistics and transport enterprises.

**Yarra Planning Scheme**

Clause 21.06 refers to *Transport* and identifies that:

- Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and referable alternatives. This is also a key message of Melbourne 2030 and fundamental to the health and wellbeing of the community.

Relevant objectives include:

- Objective 32 – To reduce the reliance on the private motor car.
- Objective 33 – To reduce the impact of traffic.

The project aims to reduce the impact of traffic congestion. The project would also provide opportunities for improved cycling and walking infrastructure would be created.
Whittlesea Planning Scheme

Clause 21.11-1 Integrated transport

Relevant objectives include:

• Objective 2: To facilitate the safe and efficient movement of freight in a manner that minimises the impact on sensitive land uses.

The operation of the project would facilitate the safe and efficient movement of freight by directing it away from local roads therefore reducing the impact on sensitive land uses.

Clause 21.11-2 Sustainable modes of Transport

Relevant objectives include:

• Objective 1: To improve transport options and accessibility outcomes for residents.

The project includes provision of walking and cycling infrastructure to improve active transport options and accessibility for residents.

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

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

• The amendment uses the provisions of clause 45.12 and clause 72.04 of the Planning Schemes to deliver the project.

  The purpose of clause 45.12 is to provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome. The use of this provision is appropriate because the project is of State significance and the incorporated document proposed by the amendment will allow the project to be delivered in a coordinated, consistent and timely manner under a single planning control and will remove the need for the project to seek multiple and separate planning permits.

  The site specific controls in this amendment are set out in clause 4.0 of the incorporated document and allow the use and development of the land for the purposes of the project in accordance with the conditions set out in the incorporated document.

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

• The amendment uses the provisions of clause 66.04 to make the Secretary to the Department of Transport (and the Roads Corporation after 31 December 2030) the determining referral authority for applications under the Design and Development Overlay.

• The amendment uses the provisions of clause 72.01 to make the Minister for Planning the responsible authority for administering and enforcing the incorporated document for the project.

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

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

A Technical Reference Group (TRG) was established as part of the assessment of the project under the Environment Effects Act 1978. The TRG was convened by the Department of Environment, Land, Water and Planning (DELWP) and comprised representatives of departments and authorities with statutory interests or specialised expertise relevant to the project, including the Department of Health and Human Services, Aboriginal Victoria, EPA Victoria, Heritage Victoria, Melbourne Water, Parks Victoria, Public Transport Victoria, Transport for Victoria, VicRoads, Victorian Planning Authority,
VicTrack, the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, the Cities of Banyule, Boroondara, Manningham, Whitehorse, Yarra and the Shire of Nillumbik. The City of Whittlesea was also consulted regarding this amendment.

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

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

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

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

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

**Division 2 – Transport system objectives**

- Social and economic inclusion: The project will support social and economic inclusion by improving accessibility to employment opportunities, increasing capacity, and reducing travel times and congestion. The project has been designed to make it easy to access and navigate and structures will comply with the Disability Discrimination Act 1992.
- Economic prosperity: By linking Melbourne’s north, east and south-east, North East Link would better connect households to employment and educational precincts (such as the Latrobe National Employment and Innovation Cluster), reduce congestion, improve travel time reliability and enhance network resilience. North East Link would also divert through traffic from local roads, allowing local traffic to better connect to local facilities such as schools and businesses.
- Environmental sustainability: The project includes the provision of new shared use paths, upgrade of existing shared use paths and pedestrian connections which will support the promotion of sustainable transport options. The amendment establishes a framework to manage environmental effects associated with both the construction and operational phases of the project.
- Integration of transport and land use: The project will contribute to significant improvements across the freeway network in response to population growth. The amendment establishes a framework to manage environmental effects associated with both the construction and operational phases of the project, including any effects on adjoining land uses.
- Efficiency, coordination and reliability: The project will facilitate network-wide efficient, coordinated and reliable movements of persons and vehicles.
- Safety and health and wellbeing: The program of works will reduce congestion and improve road safety for all users and will provide new and upgraded shared cycling and pedestrian paths as part of the works.

**Division 3 – Decision making principles**

- Principle of integrated decision-making: The project has been the subject of a coordinated process between MTIA, statutory authorities, local government and other relevant agencies.
- Principle of triple bottom line assessment: The economic, environmental and social costs and benefits of the Project have been considered and the investigations and assessments undertaken for the project have achieved the principles of triple bottom-line assessment.
- Principle of equity: The project will improve the overall operation of the transport system within the vicinity and will cater for the needs of existing and future communities.
• Principle of the transport system user perspective: The project will facilitate improvements to the transport system improving the road network experience for users. It further encourages alternative modes of travel such as cycling through provision of new and upgraded shared cycling and pedestrian paths as part of the works.

• Precautionary principle: The precautionary principle was adopted during the development of the project design and through the inclusion of specialist investigations and evaluations to avoid serious or irreversible damage to the environment.

• Principle of stakeholder engagement and community participation: The amendment is supported by a communications strategy which includes consultation with local communities, local businesses, transport system users, landowners and other key stakeholders.

• Principle of transparency: as above, the amendment is supported by a communications strategy which included consultation with local communities, transport system users, landowners and relevant agencies.

Resource and administrative costs

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

The proposed planning provisions are not expected to have a material impact on the resource and administrative costs of the responsible authority (Minister for Planning).

The proposed incorporated document allows the use and development of North East Link land for the purposes of the project without the need to obtain planning permits or to otherwise comply with the planning schemes.

There is likely to be a minor increase in permit applications required under the Banyule and Manningham Planning Schemes associated with the proposed schedules to the DDO, however the Secretary to DOT as the determining referral authority would provide Councils (as responsible authorities) with assistance with applications triggered by the overlays, reducing the additional resource and administrative costs to process these applications.

Overall, the new planning provisions are not expected to have a material impact on the resource and administrative costs of the responsible authorities.

Where you may inspect this Amendment

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

• Banyule City Council
  Level 3, 1 Flintoff Street, Greensborough

• Boroondara City Council
  8 Inglesby Road, Camberwell

• Manningham City Council
  699 Doncaster Road, Doncaster

• Nillumbik Shire Council
  Civic Drive, Greensborough

• Whitehorse City Council
  379-397 Whitehorse Road, Nunawading

• Whittlesea City Council
  25 Ferres Boulevard, South Morang

• Yarra City Council
  333 Bridge Road, Richmond

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.
Appendix B  Draft planning scheme amendment documents
North East Link Project

Incorporated Document

April 2019

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

1.1. This document is an incorporated document in the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra 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 North East Link 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 the land described in clause 3 for the purposes of the Project, in accordance with clause 4.

3. LAND

3.1. The control contained in clause 4 applies to land affected by Specific Controls Overlay – Schedule 1 (SCO1) as shown on planning scheme maps in the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes (Project Land).

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 Metropolitan Ring Road (M80) to the Eastern Freeway

(b) Twin road tunnels and associated infrastructure, including ventilation structures

(c) Improvements to and widening of the Western Ring Road and the Eastern Freeway to provide for additional lanes in each direction

(d) Elevated roads and road infrastructure, including gantries

(e) Interchanges and grade separations associated with road connections

(f) A dedicated busway in each direction along the Eastern Freeway together with associated infrastructure,

(g) A control centre and freeway maintenance facility

(h) Utility installation, relocation and associated services including relocation of electricity transmission towers, telecommunication towers, lines, cables and associated substations, relocation of water mains, water stations and sewers

(i) Construction and relocation of rail infrastructure and associated services

(j) Construction of at-grade or multi-level car parking facilities

(k) Earthworks and related structures, kerbs, channels, water and soil transfer and treatment structures, facilities and works, water quality facilities, retaining walls, noise walls and screening barriers, cuttings, batters and fill associated with the Project

(l) Any buildings or works or associated infrastructure or activities for the Project
Ancillary activities to the use and development of 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 and dead vegetation
(iv) Demolishing and removing buildings, fixtures, structures and infrastructure
(v) Restoration and reinstatement works
(vi) Developing and using land for walking and cycling infrastructure and facilities, including shared use paths, pedestrian and cycling overpasses and bridges
(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
(ix) Creating or altering access to land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road
(x) Storage and assembly of materials and equipment required for the Project
(xi) Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services
(xii) Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas
(xiii) Displaying construction, directional and business identification signs
(xiv) Stockpiling of excavation material
(xv) Subdividing and consolidating land in accordance with plan/s approved by the Minister for Planning.

Tunnel Land

4.3. Except where necessary to provide for infrastructure associated with minor utility installations, all buildings and works within the area shown as ‘Tunnel’ on the attached plan titled "Appendix 1 - Tunnel Plan" (Tunnel Plan) must be carried out at a depth greater than 15 metres below surface level.

Conditions

4.4. The use and development permitted by this incorporated document is subject to the following conditions:

In these conditions, reference to ‘a stage’ includes any stage or part of the Project, whether for construction or operation or both.

4.5. Environmental Management Framework

4.5.1. Prior to the commencement of development (excluding preparatory buildings and works under clause 4.9), an Environmental Management Framework (EMF) must be prepared to the satisfaction of the Minister for Planning. The EMF must include Environmental Performance Requirements (EPRs) addressing the following areas and any other relevant matters:

(a) Aboriginal cultural heritage;
(b) Air quality;
4.5.2. The EMF must:

(a) set out the process and timing for development of a Construction Environmental Management Plan, Site Environmental Implementation Plan, Operations Environmental Management Plan and other plans and procedures required by the EPRs as relevant to any stage of the Project, including the process and timing for consultation with relevant councils, Heritage Victoria, the Roads Corporation, Melbourne Water, Public Transport Development Authority, the Environment Protection Authority and the Head, Transport for Victoria, as relevant; and

(b) be accompanied by a statement explaining any difference between it (including the EPRs), and the matters set out in the Minister's Assessment dated [insert date] made pursuant to the EE Act.

4.5.3. The EMF may be prepared and approved in stages (including separately for construction and operation) but the EMF for any stage must be approved before the commencement of development (excluding preparatory buildings and works under clause 4.9) for that stage.

4.5.4. The EMF may be amended from time to time, to the satisfaction of the Minister for Planning.

4.5.5. The use and development of the Project must be carried out in accordance with the approved EMF.

4.6. Urban Design Strategy

4.6.1. Prior to commencement of development (excluding preparatory buildings and works under clause 4.9), an Urban Design Strategy (UDS) must be prepared to the satisfaction of the Minister for Planning.

4.6.2. The UDS must include:

(a) An urban design vision;

(b) Urban design principles and objectives;

(c) Location-specific design directions or themes, including design guidelines.
4.6.3. The UDS must be accompanied with a statement explaining any differences between it, and relevant matters set out in the Minister’s Assessment dated [insert date] under the Environment Effects Act 1978.

4.6.4. The UDS may be prepared and approved in stages but the UDS for any stage must be approved before the commencement of development (excluding preparatory buildings and works under clause 4.9) for that stage.

4.6.5. The UDS may be amended from time to time, to the satisfaction of the Minister for Planning.

4.6.6. The use and development for the Project must be carried out in accordance with the approved UDS.

4.7. Urban Design and Landscape Plans

4.7.1. Prior to the commencement of development of permanent above-ground buildings or structures (excluding preparatory buildings and works under clause 4.9), Urban Design and Landscape Plans (UDLP) must be prepared to the satisfaction of the Minister for Planning.

4.7.2. The UDLPs must show the final built form design for the Project and include where relevant:

(a) A site layout plan that shows the location of permanent above-ground buildings and structures (including but not limited to proposed bridges, elevated roads, tunnel portals, ventilation structures, public transport infrastructure, and walking and cycling facilities);

(b) Architectural plans, including sections and elevations, with materials and finishes;

(c) Landscape plans, including sections and elevations, with plant species;

4.7.3. An UDLP must be accompanied by the following where relevant:

(a) An explanation demonstrating how the UDLP is in accordance with the approved UDS;

(b) An outline of the approach to compliance with the approved EPRs included in the EMF;

(c) A plan which shows the extent of the UDLP area in relation to any publicly available or approved UDLP(s);

(d) A plan which shows the boundary of the Project Land and location of areas to be used for construction compounds.

4.7.4. Prior to the submission of an UDLP to the Minister for Planning for approval, an UDLP

(a) Provided to the Urban Design Advisory Panel and relevant council/s for consultation.

(b) Where relevant, provided to the Roads Corporation, Public Transport Development Authority, Melbourne Water, Heritage Victoria and the Head, Transport for Victoria for consultation.

(c) Made available for public inspection and comment on a clearly identifiable Project website for 15 business days. The website must set out details about the entity and contact details to which written comments can be directed during that time and specify the time and manner for the making of written comments.

For the avoidance of doubt, consultation in accordance with (a) and (b) can occur prior to, during and after the public inspection and comment period in (c).

Before, or on the same day as an UDLP is made available in accordance with clause 4.7.3(c), a notice must be published in a newspaper generally circulating in the area to which an UDLP applies informing the community of the matters set out in clause 4.7.3(c).
4.7.5. An UDLP submitted to the Minister for Planning for approval under clause 4.7.1 must be accompanied by a summary of the consultation carried out under clause 4.7.3, all written comments received and a response to issues raised.

4.7.6. An UDLP may be prepared and approved in stages but a UDLP for any stage must be approved before the commencement of development (excluding any or all preparatory buildings and works under clause 4.9) for that stage.

4.7.7. An UDLP may be amended from time to time, to the satisfaction of the Minister for Planning. The Minister must require an application for approval of an amendment to an UDLP to comply with the requirements of clauses 4.7.2, 4.7.3 and 4.7.5 unless, in the opinion of the Minister:

(a) the proposed amendment:
   (i) would not result in a material detriment to any person; or
   (ii) a person who may suffer a material detriment as a result of the Minister’s approval of the amendment has already been consulted in respect of the proposed amendment; and
(b) any proposed amendment does not involve any change to an approved Environmental Performance Requirement.

4.7.8. The use and development for the Project must be carried out generally in accordance with the approved UDLPs.

4.8. Native vegetation

4.8.1. Native vegetation offsets for the removal of native vegetation to construct the Project must be provided in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017), except as otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning.

4.9. Preparatory buildings and works

4.9.1. The following buildings and works may commence before approval of the documents

(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 sites.
   (vi) Temporary relocation of walking and bicycle pathways and trails.
   (vii) Construction, protection, modification, removal or relocation of minor utility installations, rail signalling, and overhead and associated infrastructure.
   (viii) Establishment of environment and traffic controls.
   (ix) Demolition to the minimum extent necessary to enable preparatory works.
   (x) Salvaging and relocating of artefacts and other preparatory works required to be undertaken in accordance with the approved Cultural Heritage Management Plan (CHMP) prepared for the project under the Aboriginal Heritage Act 2006.
Salvaging Matted Flax-lily (Dianella amoena) and other preparatory works required to translocate Matted Flax-lily (Dianella amoena) in accordance with a Translocation Plan approved for the Project under the Environment Protection and Biodiversity Conservation Act 1999.

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 removed 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 4.8, except as otherwise agreed by the Secretary to DELWP.

4.10. Availability of approved plans and documents

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

(a) Environmental Management Framework approved under clause 4.5;
(b) Urban Design Strategy approved under clause 4.6; and
(c) Urban Design and Landscape Plans approved under clause 4.7.

5. EXPIRY

5.1. The control in this document expires if any of the following circumstances apply:

(a) The development allowed by the control is not started by 31 December 2021.
(b) The development allowed by the control is not completed by 31 December 2030.
(c) The use allowed by the control is not started by 1 January 2031.
SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

NORTH EAST LINK PROJECT – TUNNEL PROTECTION AREA 1

1.0 Design objectives

- To avoid direct contact with and to provide a safe working clearance around the North East Link Infrastructure.
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link Infrastructure.
- To avoid Loading onto North East Link Infrastructure that could lead to structural damage or impact, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of North East Link Infrastructure to the detriment of freeway operations.
- To avoid excavations or other unloading of the ground that could lead to structural, serviceability, or operational damage to North East Link Infrastructure.
- To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link Infrastructure.
- To ensure that development of land does not rely upon direct structural support from North East Link Infrastructure unless specifically envisaged in the North East Link design.
- To ensure that the potential effects of future developments (including cumulative effects) on the North East Link Infrastructure, and the consequences of those effects on the wider Melbourne transport network are appropriately managed or mitigated.

In this schedule:

- **Project** means the use and development of land the subject of the North East Link Project Incorporated Document, [MONTH] 2019.
- **North East Link Infrastructure** includes the tunnels to be developed as part of the Project together with associated infrastructure and equipment.
- **Loading** (and unloading) means the increase (or decrease) in force and/or stress to a structure or asset.
- **Surface Level** means the level of the land at any point to Australian Height Datum (AHD) on [X] [MONTH] 2019 as supplied by the relevant referral authority.

2.0 Buildings and works

A permit is not required under this schedule for:

- A new building (or extension to an existing building) five or less storeys in height without a basement provided any footing is founded no more than 2.5 metres below Surface Level. A temporary structure of no more than five storeys.
- Excavation works (including swimming pools) where the depth of excavation is not more than 2.5 metres below Surface Level.
- A pole, sign or retaining wall provided any footing is founded no more than 2.5 metres below Surface Level.
- An underground utility provided any trench is no more than 2.5 metres below Surface Level.
Fill or earthworks that do not build up the ground level by more than three metres above Surface Level.

Buildings and works associated with the construction, operation, maintenance or repair of North East Link Infrastructure.

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Note: An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.

3.0 Subdivision

A permit is not required to subdivide land

4.0 Signs

None specified.

5.0 Application requirements

The following requirements apply to an application for a permit under Clause 43.02:

- Site and layout plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads and infrastructure (including underground services and utilities).
  - Relevant ground levels and Surface Levels to AHD.
  - The layout and dimensions of existing and proposed buildings and works, including foundation details, loadings/unloadings and proposed levels of excavation or filling.
  - The location and use of all existing and proposed buildings.

- Sections and elevations drawn to scale which show:
  - The boundaries and dimensions of the site.
  - The depth of any existing or proposed basements.
  - The proposed foundations, including their form, founding levels and loads.
  - The details of any proposed drainage system, including any discharge outlet.

- Details relating to the staging of development and the likely timing of each stage, including an assessment of cumulative unloading/loading effects at each stage of the development.

- Either of the following:
  - Details of any consultation undertaken with the person or body specified as the referral authority in the Schedule to Clause 66.04 prior to the date the application is lodged with the responsible authority; or
  - The written approval of the person or body specified as the referral authority in the Schedule to Clause 66.04 dated no more than three months prior to the date the application is lodged with the responsible authority.
6.0 **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of the relevant referral authority.
- Any technical guidelines prepared by the relevant referral authority.
- The design objectives of this schedule.
SCHEDULE 14 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO14.

NORTH EAST LINK PROJECT – TUNNEL PROTECTION AREA 2

1.0 Design objectives

- To avoid direct contact with and to provide a safe working clearance around the North East Link Infrastructure.
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link Infrastructure.
- To avoid Loading onto North East Link Infrastructure that could lead to structural damage or impact, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of North East Link Infrastructure to the detriment of freeway operations.
- To avoid excavations or other unloading of the ground that could lead to structural, serviceability, or operational damage to North East Link Infrastructure.
- To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link Infrastructure.
- To ensure that development of land does not rely upon direct structural support from North East Link Infrastructure unless specifically envisaged in the North East Link design
- To ensure that the potential effects of future developments (including cumulative effects) on the North East Link Infrastructure, and the consequences of those effects on the wider Melbourne transport network are appropriately managed or mitigated.

In this schedule:

- **Project** means the use and development of land the subject of the North East Link Project Incorporated Document, [MONTH] 2019.
- **North East Link Infrastructure** includes the tunnels to be developed as part of the Project together with associated infrastructure and equipment.
- **Loading** (and unloading) means the increase (or decrease) in force and/or stress to a structure or asset.
- **Surface Level** means the level of the land at any point to Australian Height Datum (AHD) on [X] [MONTH] 2019 as supplied by the relevant referral authority.

2.0 Buildings and works

A permit is not required under this schedule for buildings and works associated with the construction, operation, maintenance or repair of North East Link Infrastructure.

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Note:** An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.
3.0 **Subdivision**

A permit is not required to subdivide land.

4.0 **Signs**

None specified.

5.0 **Application requirements**

The following application requirements apply to an application for a permit under Clause 43.02:

- Site and layout plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads and infrastructure (including underground services and utilities).
  - Relevant ground levels and Surface Levels to AHD.
  - The layout and dimensions of existing and proposed buildings and works, including foundation details, loadings/unloadings and proposed levels of bulk excavation or filling.
  - The location and use of all existing and proposed buildings.

- Sections and elevations drawn to scale which show:
  - The boundaries and dimensions of the site.
  - The depth of any existing or proposed basements.
  - The proposed foundations, including their form, founding levels and loads.
  - The details of any proposed drainage system, including any discharge outlet.

- Details relating to the staging of development and the likely timing of each stage, including an assessment of cumulative unloading/loading effects at each stage of the development.

- Either of the following:
  - Details of any consultation undertaken with the person or body specified as the referral authority in the Schedule to Clause 66.04 prior to the date the application is lodged with the responsible authority; or
  - The written approval of the person or body specified as the referral authority in the Schedule to Clause 66.04 dated no more than three months prior to the date the application is lodged with the responsible authority.

6.0 **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of the relevant referral authority.
- Any technical guidelines prepared by the relevant referral authority.
- The design objectives of this schedule.
## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

### Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>2SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
<tr>
<td>6SCO</td>
<td></td>
</tr>
<tr>
<td>11SCO</td>
<td></td>
</tr>
<tr>
<td>16SCO</td>
<td></td>
</tr>
</tbody>
</table>
**SCHEDULE TO CLAUSE 66.04**

**Referral of permit applications under local provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 4.0 of Schedule 2 to Clause 43.02 (DDO)</td>
<td>To assess the impact of an application for buildings or works on the environmental and waterway values of the Yarra River within 100 metres of its banks.</td>
<td>Melbourne Water</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedules 13 and 14 to Clause 43.02 (DDO)</td>
<td>An application for buildings and works</td>
<td>Secretary to the Department of Transport until 31 December 2030, and thereafter the Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:

The Banyule City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for:

- The land at Lot 1 TP852037, Lots 1-8 LP68437 and Lots 441-442 LP33334 on Bardia Street, Bell Street and Liberty Parade, Heidelberg West (known as ‘BellBardia estate’) and shown on the map below:

- The land at Lot 23 LP30050 on the corner of Tarakan and Altona Streets, Heidelberg West (known as ‘Tarakan estate’) and shown on the map below:

- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”.

- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.
3.0 Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0 Responsible authority for VicSmart applications:

The Chief Executive Officer of the Banyule City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
1.0 Maps comprising part of this planning scheme:

- 1, 1ESO, 1SBO, 1VPO
- 2, 2DDO, 2ESO, 2HO, 2LSIO, 2SBO, 2SCO, 2VPO
- 3, 3ESO, 3DDO, 3HO, 3LSIO, 3PAO, 3PO, 3SBO, 3VPO
- 4, 4DDO 4ESO, 4HO, 4PAO, 4SBO, 4VPO
- 5, 5ESO, 5HO, 5SBO, 5VPO
- 6, 6DDO, 6ESO, 6HO, 6PAO, 6SBO, 6SCO, 6VPO
- 7, 7DDO, 7EAO, 7ESO, 7HO, 7LSIO, 7PAO, 7PO, 7SBO, 7VPO
- 8, 8DDO, 8ESO, 8HO, 8LSIO, 8SBO, 8VPO
- 9, 9ESO, 9HO, 9PO, 9LSIO, 9SBO, 9VPO
- 10, 10ESO, 10HO, 10LSIO, 10SBO, 10VPO
- 11, 11DDO, 11ESO, 11HO, 11LSIO, 11PAO, 11SBO, 11SCO, 11SLO, 11VPO
- 12, 12BMO, 12DDO, 12ESO, 12HO, 12PO, 12LSIO, 12PAO, 12SBO, 12SLO, 12VPO
- 13, 13BMO, 13DDO, 13ESO, 13HO, 13PAO, 13LSIO, 13SBO, 13SLO, 13VPO
- 14, 14DDO, 14DPO, 14ESO, 14HO, 14LSIO, 14PAO, 14PO, 14RXO, 14SBO, 14VPO
- 15, 15DDO, 15DPO, 15EAO, 15ESO, 15HO, 15LSIO, 15PAO, 15SBO, 15SLO, 15VPO
- 16, 16DDO, 16EAO, 16ESO, 16HO, 16LSIO, 16PAO, 16PO, 16SBO, 16SCO, 16SLO, 16VPO
- 17, 17BMO, 17DDO, 17ESO, 17HO, 17LSIO, 17PAO, 17SLO, 17VPO
- 18, 18BMO, 18DDO, 18ESO, 18HO, 18LSIO, 18PAO, 18SBO, 18VPO
- 19, 19ESO, 19DDO, 19DPO, 19HO, 19LSIO, 19PAO, 19RXO, 19SBO, 19SLO, 19VPO
- 20, 20ESO, 20HO, 20LSIO, 20SBO, 20SLO, 20VPO
# SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

## Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>166 Weidlich Road, Eltham North – Specific Sites and Exclusions, September 2011</td>
<td>C81</td>
</tr>
<tr>
<td>Bundoora Offices 1 – Specific Sites and Exclusions</td>
<td>NPS1</td>
</tr>
<tr>
<td>Bundoora Offices 2 – Specific Sites and Exclusions</td>
<td>NPS1</td>
</tr>
<tr>
<td>Control of Erosion on Construction Sites, Soil Conservation Authority</td>
<td>NPS1</td>
</tr>
<tr>
<td>Darebin Yarra Trail Link – Sparks Reserve and Napier Waller Reserve</td>
<td>C102</td>
</tr>
<tr>
<td>Grimmshaw Street Car Sales – Specific Sites and Exclusions</td>
<td>NPS1</td>
</tr>
<tr>
<td>Horseshoe Bend Management Plan – Development of an alternative roosting site for the Grey-headed Flying-fox at Ivanhoe, Victoria, May 2002</td>
<td>C27</td>
</tr>
<tr>
<td>Hurstbridge Line Upgrade Project 2010</td>
<td>C95</td>
</tr>
<tr>
<td>Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017</td>
<td>GC98</td>
</tr>
<tr>
<td>Ivanhoe Offices – Specific Sites and Exclusions</td>
<td>NPS1</td>
</tr>
<tr>
<td>Lower Plenty Purification Plant Landscape Concept Plan Amended Endorsed Plan dated 28 September 1994</td>
<td>NPS1</td>
</tr>
<tr>
<td>Lower Plenty Road Level Crossing Removal – Temporary Site Compound Incorporated Document, September 2017</td>
<td>C113</td>
</tr>
<tr>
<td>Loyola Seminary and Environs Heritage Plan 1994</td>
<td>NPS1</td>
</tr>
<tr>
<td>North East Link Project Incorporated Document_ (MONTH)_2019</td>
<td>GC98</td>
</tr>
<tr>
<td>Olympic Village Local Structure Plan dated 5 October 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Plan No.1 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Warringal Cemetery) 9 October 2000</td>
<td>C1</td>
</tr>
<tr>
<td>Plan No.2 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Greensborough Cemetery) August 2003</td>
<td>C37</td>
</tr>
<tr>
<td>Plan No.3 Incorporated Under Clause 43.01-2 of the Banyule Planning Scheme (Hawdon Street Cemetery) August 2003</td>
<td>C37</td>
</tr>
</tbody>
</table>
**Specific controls**

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
<tr>
<td>2SCO</td>
<td></td>
</tr>
<tr>
<td>3SCO</td>
<td></td>
</tr>
<tr>
<td>4SCO</td>
<td></td>
</tr>
<tr>
<td>5SCO</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:

The Boroondara City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for:

- land known as the Kew Residential Services site and more particularly described as Crown Allotment 59Q and Crown Allotment 59R, Parish of Boroondara, County of Bourke;
- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”;
- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0 Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0 Responsible authority for VicSmart applications:

The Chief Executive Officer of the Boroondara City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

Zoning and overlay maps:

- 1, 1SCO, 1SLO, 1LSIO
- 2, 2VPO, 2SLO, 2HO, 2DDO, 2DPO, 2LSIO, 2SBO, 2PAO, 2SCO
- 3, 3SLO, 3HO, 3LSIO, 3SBO, 3PAO, 3DDO, 3PO, 3SCO
- 4, 4SLO, 4HO, 4DPO, 4LSIO, 4SBO, 4DDO, 4PO, 4SCO
- 5, 5DPO, 5DDO, 5SBO, 5SCO
- 6, 6SLO, 6HO, 6DPO, 6LSIO, 6PAO, 6DDO
- 7, 7VPO, 7SLO, 7HO, 7DDO, 7DPO, 7LSIO, 7SBO, 7PAO, 7EAO, 7PO
- 8, 8HO, 8DPO, 8LSIO, 8SBO, 8PAO, 8EAO, 8DDO, 8PO
- 9, 9HO, 9DPO, 9SBO, 9EAO, 9DDO, 9PO
- 10, 10ESO, 10HO, 10DPO, 10SBO, 10DDO, 10PO
- 11, 11SLO, 11HO, 11DDO, 11DPO, 11LSIO, 11SBO, 11PAO, 11EAO, 11CLPO, 11PO
- 12, 12HO, 12CLPO, 12DDO, 12LSIO, 12SBO, 12PAO, 12EAO, 12PO
- 13, 13HO, 13DDO, 13DPO, 13SBO, 13PAO, 13EAO, 13PO
- 14, 14HO, 14DPO, 14SBO, 14PAO, 14EAO, 14DDO, 14PO
- 15, 15HO, 15DPO, 15LSIO, 15SBO, 15PAO, 15EAO, 15DDO, 15PO
- 16, 16HO, 16DPO, 16LSIO, 16SBO, 16PAO, 16EAO, 16DDO, 16PO
- 17, 17HO, 17SBO, 17EAO, 17DDO, 17PO
- 18, 18HO, 18LSIO, 18SBO, 18DDO, 18PO
- 19, 19HO, 19DPO, 19LSIO, 19PAO, 19DDO, 19PO
## SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

### 1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>800 Toorak Road Comprehensive Development Plan, October 2015</td>
<td>C239</td>
</tr>
<tr>
<td>Camberwell Railway Station Incorporated Plan 2007</td>
<td>C55</td>
</tr>
<tr>
<td>Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)</td>
<td>GC80</td>
</tr>
<tr>
<td>Flying Fox Campsite, Yarra Bend Park, December 2004</td>
<td>C60</td>
</tr>
<tr>
<td>Kew Residential Services Urban Design Framework, October 2003</td>
<td>C53</td>
</tr>
<tr>
<td>M1 Redevelopment Project, October 2006</td>
<td>C62</td>
</tr>
<tr>
<td>Melbourne City Link Project – Advertising Sign Locations, November 2003</td>
<td>VC20</td>
</tr>
<tr>
<td>Monash Freeway Upgrade Project Incorporated Document, March 2016</td>
<td>GC47</td>
</tr>
<tr>
<td>&quot;Mountfield&quot; Estate Incorporated Plan March 2005 (updated September 2011)</td>
<td>C144</td>
</tr>
<tr>
<td>Planning permit exemptions, May 2018</td>
<td>C299</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 1 Whitehorse Road, Deepdene, June 2015</td>
<td>C220</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 20 Delany Close, Canterbury, October 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 29, 31, 33 Allambee Avenue, Camberwell, October 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 308 High Street, Kew, June 2015</td>
<td>C220</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 83 Charles Street, Kew, October 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, 240 Camberwell Road, Camberwell, October 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule To Clause 51.01 of the City of Boroondara Planning Scheme, Nos. 217 - 219 Cotham Road, Kew, March 2012</td>
<td>C143</td>
</tr>
<tr>
<td>Site Specific Control Under Schedule to Clause 51.01 of the Boroondara Planning Scheme, 347 and 347A Riversdale Rd, Hawthorn East, April 2012</td>
<td>C91</td>
</tr>
<tr>
<td>Tooronga Village Incorporated Plan, 2013</td>
<td>C188</td>
</tr>
<tr>
<td>Walker Development Plan – Kew, Building Height Envelope Plan, March 2006</td>
<td>C65</td>
</tr>
<tr>
<td>Willsmere Park Shared Path Project June 2013</td>
<td>C142</td>
</tr>
</tbody>
</table>
SCHEDULE 14 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO14.

NORTH EAST LINK PROJECT – TUNNEL PROTECTION AREA 1

1.0 Design objectives

- To avoid direct contact with and to provide a safe working clearance around the North East Link Infrastructure.
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link Infrastructure.
- To avoid Loading onto North East Link Infrastructure that could lead to structural damage or impact, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of North East Link Infrastructure to the detriment of freeway operations.
- To avoid excavations or other unloading of the ground that could lead to structural, serviceability, or operational damage to North East Link Infrastructure.
- To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link Infrastructure.
- To ensure that development of land does not rely upon direct structural support from North East Link Infrastructure unless specifically envisaged in the North East Link design.
- To ensure that the potential effects of future developments (including cumulative effects) on the North East Link Infrastructure, and the consequences of those effects on the wider Melbourne transport network are appropriately managed or mitigated.

In this schedule:

- **Project** means the use and development of land the subject of the North East Link Project Incorporated Document, [MONTH] 2019.
- **North East Link Infrastructure** includes the tunnels to be developed as part of the Project together with associated infrastructure and equipment.
- **Loading** (and unloading) means the increase (or decrease) in force and/or stress to a structure or asset.
- **Surface Level** means the level of the land at any point to Australian Height Datum (AHD) on [X] [MONTH] 2019 as supplied by the relevant referral authority.

2.0 Buildings and works

A permit is not required under this schedule for:

- A new building (or extension to an existing building) five or less storeys in height without a basement provided any footing is founded no more than 2.5 metres below Surface Level. A temporary structure of no more than five storeys.
- Excavation works (including swimming pools) where the depth of excavation is not more than 2.5 metres below Surface Level.
- A pole, sign or retaining wall provided any footing is founded no more than 2.5 metres below Surface Level.
- An underground utility provided any trench is no more than 2.5 metres below Surface Level.
Fill or earthworks that do not build up the ground level by more than three metres above Surface Level.

Buildings and works associated with the construction, operation, maintenance or repair of North East Link Infrastructure.

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Note: An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.

3.0 Subdivision

A permit is not required to subdivide land

4.0 Signs

None specified.

5.0 Application requirements

The following requirements apply to an application for a permit under Clause 43.02:

- Site and layout plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads and infrastructure (including underground services and utilities).
  - Relevant ground levels and Surface Levels to AHD.
  - The layout and dimensions of existing and proposed buildings and works, including foundation details, loadings/unloadings and proposed levels of excavation or filling.
  - The location and use of all existing and proposed buildings.

- Sections and elevations drawn to scale which show:
  - The boundaries and dimensions of the site.
  - The depth of any existing or proposed basements.
  - The proposed foundations, including their form, founding levels and loads.
  - The details of any proposed drainage system, including any discharge outlet.

- Details relating to the staging of development and the likely timing of each stage, including an assessment of cumulative unloading/loading effects at each stage of the development.

- Either of the following:
  - Details of any consultation undertaken with the person or body specified as the referral authority in the Schedule to Clause 66.04 prior to the date the application is lodged with the responsible authority; or
  - The written approval of the person or body specified as the referral authority in the Schedule to Clause 66.04 dated no more than three months prior to the date the application is lodged with the responsible authority.
6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of the relevant referral authority.
- Any technical guidelines prepared by the relevant referral authority.
- The design objectives of this schedule.
SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

NORTH EAST LINK PROJECT – TUNNEL PROTECTION AREA 2

1.0 Design objectives

- To avoid direct contact with and to provide a safe working clearance around the North East Link Infrastructure.
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link Infrastructure.
- To avoid Loading onto North East Link Infrastructure that could lead to structural damage or impact, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of North East Link Infrastructure to the detriment of freeway operations.
- To avoid excavations or other unloading of the ground that could lead to structural, serviceability, or operational damage to North East Link Infrastructure.
- To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link Infrastructure.
- To ensure that development of land does not rely upon direct structural support from North East Link Infrastructure unless specifically envisaged in the North East Link design.
- To ensure that the potential effects of future developments (including cumulative effects) on the North East Link Infrastructure, and the consequences of those effects on the wider Melbourne transport network are appropriately managed or mitigated.

In this schedule:

- **Project** means the use and development of land the subject of the *North East Link Project Incorporated Document, [MONTH] 2019*.
- **North East Link Infrastructure** includes the tunnels to be developed as part of the Project together with associated infrastructure and equipment.
- **Loading** (and unloading) means the increase (or decrease) in force and/or stress to a structure or asset.
- **Surface Level** means the level of the land at any point to Australian Height Datum (AHD) on [X] [MONTH] 2019 as supplied by the relevant referral authority.

2.0 Buildings and works

A permit is not required under this schedule for buildings and works associated with the construction, operation, maintenance or repair of North East Link Infrastructure.

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

*Note:* An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.
3.0 Subdivision

A permit is not required to subdivide land

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02:

- Site and layout plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads and infrastructure (including underground services and utilities).
  - Relevant ground levels and Surface Levels to AHD
  - The layout and dimensions of existing and proposed buildings and works, including foundation details, loadings/unloadings and proposed levels of bulk excavation or filling.
  - The location and use of all existing and proposed buildings.

- Sections and elevations drawn to scale which show:
  - The boundaries and dimensions of the site.
  - The depth of any existing or proposed basements.
  - The proposed foundations, including their form, founding levels and loads.
  - The details of any proposed drainage system, including any discharge outlet.

- Details relating to the staging of development and the likely timing of each stage, including an assessment of cumulative unloading/loading effects at each stage of the development.

- Either of the following:
  - Details of any consultation undertaken with the person or body specified as the referral authority in the Schedule to Clause 66.04 prior to the date the application is lodged with the responsible authority; or
  - The written approval of the person or body specified as the referral authority in the Schedule to Clause 66.04 dated no more than three months prior to the date the application is lodged with the responsible authority.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of the relevant referral authority.
- Any technical guidelines prepared by the relevant referral authority.
- The design objectives of this schedule.
## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

### Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
<tr>
<td>6SCO</td>
<td></td>
</tr>
<tr>
<td>7SCO</td>
<td></td>
</tr>
<tr>
<td>8SCO</td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 66.04

### Referral of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 5.0 of Schedule 2 to Clause 42.01 (ESO)</td>
<td>An application to subdivide land or remove, destroy or lop vegetation.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 5 to Clause 42.03 (SLO)</td>
<td>An application to construct or carry out a building or works.</td>
<td>Relevant floodplain management authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 4.0 of Schedule 2 to Clause 43.02 (DDO)</td>
<td>To assess the impact of an application for buildings or works on the environmental and waterway values of the Yarra River within 100 metres of its banks.</td>
<td>Melbourne Water</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedules 14 and 15 to Clause 43.02 (DDO)</td>
<td>An application for buildings and works</td>
<td>Secretary to the Department of Transport until 31 December 2030, and thereafter the Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:

The Manningham City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for Crown Allotment 5, Section 14, Township and Parish of Warrandyte, known as 93 Yarra Street, Warrandyte.

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for:

- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”;

- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0 Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0 Responsible authority for VicSmart applications:

The Chief Executive Officer of the Manningham City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
SCHEDULE TO CLAUSE 72.03 - WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- 1, 1DDO, 1ESO, 1HO, 1LSIO, 1PAO, 1SBO, 1SCO, 1SLO2, 1VPO
- 2, 2DDO, 2EAO, 2ESO, 2HO, 2LSIO, 2PAO, 2SBO, 2SLO1, 2SLO2, 2SLO5, 2SLO6, 2VPO, 2BMO
- 3, 3DDO, 3ESO, 3HO, 3LSIO, 3PAO, 3SBO, 3BMO, 3SLO1, 3SLO2, 3SLO3, 3SLO6
- 4, 4DDO, 4EAO, 4ESO, 4HO, 4LSIO, 4BMO, 4PAO, 4SLO2
- 5, 5DDO, 5EMO, 5ESO, 5HO, 5LSIO, 5BMO, 5SLO1, 5SLO2, 5VPO
- 6, 6DDO, 6DPO, 6EAO, 6ESO, 6HO, 6LSIO, 6BMO, 6SCO, 6SLO2, 6SLO5, 6VPO
- 7, 7DCPO, 7DDO, 7ESO, 7DPO, 7EAO, 7HO, 7IPO, 7LSIO, 7PAO, 7SBO, 7SCO, 7SLO5, 7SLO7, 7VPO, 7PO
- 8, 8BMO, 8DDO, 8EAO, 8ESO, 8HO, 8LSIO, 8PAO, 8SBO, 8SCO, 8SLO1, 8SLO5, 8SLO6, 8SLO7, 8SLO8, 8VPO
- 9, 9DDO, 9EMO, 9ESO1, 9ESO, 9HO, 9LSIO, 9BMO, 9PAO, 9SBO, 9SLO1, 9SLO6, 9VPO
- 10, 10EMO, 10ESO, 10HO, 10LSIO, 10BMO
- 11, 11DDO, 11ESO, 11HO, 11LSIO, 11SBO, 11SLO1, 11SLO5, 11SLO6, 11BMO
# SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

## 1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Manningham – Statements of Tree &amp; Garden Significance (2006)</td>
<td>C61</td>
</tr>
<tr>
<td>Development in Areas of Possible Slope Instability Resident Information Guide, Shire of Lillydale, November 1993</td>
<td>NPS1</td>
</tr>
<tr>
<td>Doncaster Activity Centre Development Strategy – Final Report, October 1990</td>
<td>NPS1</td>
</tr>
<tr>
<td>Doncaster Activity Centre Town Centre Project, April 1994</td>
<td>NPS1</td>
</tr>
<tr>
<td>Doncaster Hill Development Contributions Plan, Manningham City Council, February 2005</td>
<td>C30</td>
</tr>
<tr>
<td>Donvale Christian College, Master Plan, September 2013</td>
<td>C103</td>
</tr>
<tr>
<td>Extension of the Eastern Freeway and Completion of the Ringwood Bypass, June 2001</td>
<td>C17</td>
</tr>
<tr>
<td>Incorporated Document No. 1 under the Schedule to Clause 51.01, 127a Tindals Road, Donvale, November 2008</td>
<td>C74</td>
</tr>
<tr>
<td>Incorporated Document No. 2 under the Schedule to Clause 51.01, 75 Alexander Road, Warrandyte, November 2008</td>
<td>C74</td>
</tr>
<tr>
<td>Incorporated Document No. 3: 3-9 and 11 Mitchell Street, Doncaster East – June 2015</td>
<td>C106</td>
</tr>
<tr>
<td>Manningham Centre Structure Plan, December 1996</td>
<td>NPS1</td>
</tr>
<tr>
<td>North East Link Project Incorporated Document_ (MONTH)_ 2019</td>
<td>GC98</td>
</tr>
<tr>
<td>‘On Luck’ Chinese Nursing Home, January 2010</td>
<td>C88</td>
</tr>
<tr>
<td>Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008</td>
<td>C74</td>
</tr>
<tr>
<td>Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016</td>
<td>GC57</td>
</tr>
<tr>
<td>Proposed Ring Road Landscape Concept, Chris Dance Land Design Pty Ltd, Ref Nos LA1 &amp; LA2, June 1996</td>
<td>NPS1</td>
</tr>
<tr>
<td>Warrandyte Township Heritage Guidelines, Parts 1 to 7, July 2007</td>
<td>C60</td>
</tr>
<tr>
<td>Westfield Shoppingtown Doncaster Concept Plan, September 1996</td>
<td>NPS1</td>
</tr>
</tbody>
</table>
**Name of document** | **Introduced by:**
--- | ---
City of Manningham – Statements of Tree & Garden Significance (2006) | C61
Development in Areas of Possible Slope Instability Resident Information Guide, Shire of Lillydale, November 1993 | NPS1
Doncaster Activity Centre Development Strategy – Final Report, October 1990 | NPS1
Doncaster Activity Centre Town Centre Project, April 1994 | NPS1
Doncaster Hill Development Contributions Plan, Manningham City Council, February 2005 | C30
Donvale Christian College, Master Plan, September 2013 | C103
Extension of the Eastern Freeway and Completion of the Ringwood Bypass, June 2001 | C17
Incorporated Document No. 1 under the Schedule to Clause 51.01, 127a Tindals Road, Donvale, November 2008 | C74
Incorporated Document No. 2 under the Schedule to Clause 51.01, 75 Alexander Road, Warrandyte, November 2008 | C74
Incorporated Document No. 3: 3-9 and 11 Mitchell Street, Doncaster East – June 2015 | C106
Manningham Centre Structure Plan, December 1996 | NPS1
‘On Luck’ Chinese Nursing Home, January 2010 | C88
Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008 | C74
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016 | GC57
Proposed Ring Road Landscape Concept, Chris Dance Land Design Pty Ltd, Ref Nos LA1 & LA2, June 1996 | NPS1
Warrandyte Township Heritage Guidelines, Parts 1 to 7, July 2007 | C60
Westfield Shoppingtown Doncaster Concept Plan, September 1996 | NPS1
SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>8SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0

Responsible authority for administering and enforcing this planning scheme:

The Nillumbik Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0

Responsible authority for administering and enforcing a provision of this planning scheme:

None specified.

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for:

- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”.
- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0

Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0

Responsible authority for VicSmart applications:

The Chief Executive Officer of Nillumbik Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- 1, 1ESO1, 1ESO4, 1BMO
- 2, 2EAO, 2ESO1, 2ESO4, 2HO, 2BMO
- 3, 3DDO, 3EAO, 3ESO1, 3ESO4, 3HO, 3SLO, 3BMO
- 4, 4ESO1, 4ESO4, 4HO, 4BMO
- 5, 5DDO, 5DPO, 5ESO1, 5ESO3, 5LSIO, 5PAO, 5BMO
- 6, 6DCPO, 6DDO, 6DPO, 6EAO, 6ESO1, 6ESO3, 6HO, 6LSIO, 6PAO, 6BMO
- 7, 7DDO, 7DPO, 7ESO1, 7ESO4, 7HO, 7LSIO, 7PAO, 7RO, 7SBO, 7SLO, 7BMO
- 8, 8DCPO, 8DPO, 8ESO1, 8ESO3, 8HO, 8LSIO, 8PAO, 8BMO, 8SCO
- 9, 9DCPO, 9DDO, 9DPO, 9EAO, 9ESO1, 9ESO4, 9HO, 9LSIO, 9PAO, 9PO, 9SBO, 9SLO, 9BMO
- 10, 10DCPO, 10DPO, 10EAO, 10ESO1, 10ESO4, 10HO, 10LSIO, 10PAO, 10PO, 10SBO, 10SLO, 10BMO
- 11, 11DPO, 11EAO, 11ESO1, 11ESO4, 11HO, 11LSIO, 11PAO, 11RO, 11SLO, 11BMO
- 12, 12ESO1, 12ESO4, 12HO, 12LSIO, 12PAO, 12RO, 12BMO
- 13, 13DDO, 13ESO1, 13ESO4, 13HO, 13LSIO, 13PAO, 13PO, 13SBO, 13SLO, 13BMO
- 14, 14DDO, 14ESO1, 14HO, 14LSIO, 14PAO, 14SBO, 14SLO, 14BMO
- 15, 15DDO, 15ESO1, 15HO, 15LSIO, 15SLO, 15BMO
- 16, 16DDO, 16ESO1, 16ESO4, 16HO, 16LSIO, 16SLO, 16BMO
- 17, 17ESO1, 17LSIO, 17BMO
## SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

### 1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area B: Diamond Creek North Development Contributions Plan – Area 2, February 2012</td>
<td>C63</td>
</tr>
<tr>
<td>Belle Vue 17-21 Livingstone Road, Eltham Heritage Management Guidelines, August 2011</td>
<td>C72</td>
</tr>
<tr>
<td>Development Contributions Plan, Development Plan Overlay Area A (DPO 1) August 2003</td>
<td>C22 (Part 1)</td>
</tr>
<tr>
<td>Diamond Creek Trail Extension (Diamond Creek to Hurstbridge) Incorporated Document (November 2017)</td>
<td>C108</td>
</tr>
<tr>
<td>Eltham College Master Plan April 2011</td>
<td>C65</td>
</tr>
<tr>
<td>Hurstbridge Line Upgrade Project 2010</td>
<td>C69</td>
</tr>
<tr>
<td>Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017</td>
<td>GC60</td>
</tr>
<tr>
<td>Kangaroo Ground Postal Agency Incorporated Document</td>
<td>C29</td>
</tr>
<tr>
<td>Plenty Low Density Area Development Contributions Plan – Area 4, December 2012</td>
<td>C63</td>
</tr>
<tr>
<td>Plenty Valley Christian College Master Plan March 2008</td>
<td>C48</td>
</tr>
<tr>
<td>Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016</td>
<td>GC57</td>
</tr>
<tr>
<td>Shire of Nillumbik Environmental Weed List 2009</td>
<td>C62</td>
</tr>
<tr>
<td>Shire of Nillumbik Site Specific Provisions (January 2000)</td>
<td>NPS1</td>
</tr>
<tr>
<td>Site Specific Control: Specified public land within the Nillumbik Planning Scheme (January 2013)</td>
<td>C82</td>
</tr>
<tr>
<td>St Vincent’s Care Services - Incorporated Document September 2016</td>
<td>C110</td>
</tr>
<tr>
<td>Strathewen Hall Master Plan November 2010</td>
<td>C68</td>
</tr>
<tr>
<td>Yan Yean Road Duplication (Diamond Creek Road to north of Kurra Road) May 2012</td>
<td>C67</td>
</tr>
<tr>
<td>Yarrambat Extension Area Local Structure Plan September 1996 (Revised June 2000)</td>
<td>C8</td>
</tr>
<tr>
<td>Yarrambat Local Structure Plan May 1993 (Revised June 2000)</td>
<td>C8</td>
</tr>
</tbody>
</table>
# SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

## Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
<tr>
<td>2SCO</td>
<td></td>
</tr>
<tr>
<td>3SCO</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0

Responsible authority for administering and enforcing this planning scheme:

The Whitehorse City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0

Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for considering and determining applications, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Planning and Environment Act 1987 and for approving associated matters required by the planning scheme to be done to the satisfaction of the responsible authority in relation to the area known as the ‘Deakin University Burwood Link Project’ as it applies to the land described as ‘Gardiners Creek to the rear of 3 Cropley Court & 213-243 Burwood Highway, Burwood’, and as shown in and implemented by the ‘Deakin University Burwood Link Project, November 2015’ Incorporated Document pursuant to Clause 72.04 of the planning scheme. This provision ceases to have effect upon completion of the development authorised by ‘Deakin University Burwood Link Project, November 2015’ Incorporated Document.

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for:

- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”.
- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0

Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0

Responsible authority for VicSmart applications:

The Chief Executive Officer of Whitehorse City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- 1, 1HO, 1SBO, 1PAO, 1PO, 1EAO, 1NCO, 1VPO, 1DDO, 1SLO, 1SCO
- 2, 2DDO, 2SLO, 2LSIO, 2SBO, 2PAO, 2PO, 2EAO, 2HO, 2NCO, 2VPO, 2ESO, 2SCO
- 3, 3HO, 3LSIO, 3SBO, 3PAO, 3EAO, 3SLO, 3DDO, 3VPO, 3DPO, 3BMO, 3SCO
- 4, 4HO, 4LSIO, 4SBO, 4DDO, 4DPO, 4VPO, 4EAO, 4SLO
- 5, 5SLO, 5DPO, 5HO, 5LSIO, 5SBO, 5PAO, 5EAO, 5VPO, 5DDO
- 6, 6DPO, 6HO, 6LSIO, 6SBO, 6PAO, 6SLO, 6VPO, 6DDO, 6EAO
1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>517 and 519-521 Station Street, Box Hill, December 2016</td>
<td>C194</td>
</tr>
<tr>
<td>Deakin University Burwood Link Project, Incorporated Document, November 2015</td>
<td>C210</td>
</tr>
<tr>
<td>Extension of the Eastern Freeway and Completion of the Ringwood Bypass, June 2001</td>
<td>C32</td>
</tr>
<tr>
<td>Former Brickworks Site Building Height Plan, 13 July 2005</td>
<td>C63</td>
</tr>
<tr>
<td>Former Brickworks Site Framework Plan, 13 July 2005</td>
<td>C63</td>
</tr>
<tr>
<td>Incorporated Document No. 10 - City of Whitehorse - Statements of Tree Significance-2005 (updated September 2016)</td>
<td>C189</td>
</tr>
<tr>
<td>Incorporated Document No. 11 - City of Whitehorse - Statements of Tree Significance-2006 (updated September 2016)</td>
<td>C189</td>
</tr>
<tr>
<td>Incorporated Document No. 2 - 690 Elgar Road, Box Hill North, August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Incorporated Document No. 3 - 172-176 Middleborough Road, South Blackburn, August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Incorporated Document No. 4 - 237-243 Whitehorse Road, Blackburn, August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Incorporated Document No. 7 - 5 Delany Avenue, Burwood, August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Incorporated Document No. 9, 300-340 Elgar Road, Box Hill South, August 2002</td>
<td>C42</td>
</tr>
<tr>
<td>Incorporated Document No.12 - 114 - 126 Burwood Highway and 3-5 Evans Street, Burwood (Reece) July 2009</td>
<td>C120</td>
</tr>
<tr>
<td>Incorporated Document No.6 – 286 Whitehorse Road, Nunawading, August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Incorporated Document No.13 City of Whitehorse Significant Tree Study 22 April 2016</td>
<td>C181</td>
</tr>
<tr>
<td>Level Crossing Removal Project – Blackburn Road, Blackburn and Heatherdale Road, Mitcham Incorporated Document, December 2015</td>
<td>C183</td>
</tr>
<tr>
<td>Mitcham Road and Rooks Road Rail Separation Project Incorporated Document, November 2012</td>
<td>C150</td>
</tr>
<tr>
<td>Springvale Road Rail Separation Project Incorporated Document, September 2009</td>
<td>C121</td>
</tr>
<tr>
<td>The City of Whitehorse Environmental Weed List 2007</td>
<td>C73</td>
</tr>
<tr>
<td>Vermont South Tram Extension, Blackburn Road to Vermont South, City of Whitehorse, October 2003</td>
<td>C49</td>
</tr>
<tr>
<td>Whitehorse Road/Maroondah Highway Tram Line Extension to Station Street, Box Hill, December 2001</td>
<td>C39</td>
</tr>
</tbody>
</table>
### SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

**Specific controls**

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>22SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:

The Whittlesea City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for considering and determining applications, in accordance with Divisions 1, 1A, 2, and 3 of Part 4 of the Planning and Environment Act 1987 and for approving matters required by the planning scheme to be done to the satisfaction of the responsible authority in relation to land known as the Melbourne Wholesale Market Precinct, Epping and shown on the Planning Scheme maps as being in the Priority Development Zone.

The Minister for Planning is the responsible authority for administering and enforcing:

- Clause 51.01 of the scheme in respect of the “Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018”.
- Any other provision of the scheme as it applies to the use or development of land for the Melbourne Metro Rail Project: Upgrades to the Rail Network.
- Clause 45.12 of the scheme in respect of the “North East Link Project Incorporated Document, [MONTH] 2019”.
- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0 Person or responsible authority for issuing planning certificates:

Minister for Planning.

4.0 Responsible authority for VicSmart applications:

The Chief Executive Officer of Whittlesea City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- 1, 1BMO, 1DCPO, 1ESO, 1HO, 1PAO, 1RFO
- 2, 2BMO, 2HO
- 3, 3BMO, 3HO
- 4, 4DCPO, 4ESO, 4HO, 4ICO, 4LSIO, 4PAO, 4RFO
- 5, 5BMO, 5ESO, 5HO, 5ICO, 5PAO, 5RFO, 5RO, 5SLO
- 6, 6BMO, 6DPO, 6HO, 6LSIO, 6RFO, 6RO, 6SLO
- 7, 7BMO, 7DPO, 7HO, 7LSIO, 7RO
- 8, 8BMO, 8DPO, 8HO, 8RO, 8RFO, 8SLO
- 9, 9BMO, 9HO
- 10, 10DCPO, 10DDO, 10DPO, 10ESO, 10HO, 10IPO, 10PAO, 10RFO, 10VPO
- 11, 11DCPO, 11DDO, 11DPO, 11ESO, 11HO, 11IPO, 11LSIO, 11PAO, 11RFO, 11RXO, 11VPO
- 12, 12DCPO, 12DPO, 12ESO, 12HO, 12IPO, 12LSIO, 12PAO, 12RFO, 12SLO, 12VPO
- 13, 13DCPO, 13DPO, 13ESO, 13HO, 13IPO, 13PAO, 13RFO, 13SLO, 13VPO
- 14, 14BMO, 14DCPO, 14DDO, 14DPO, 14HO, 14IPO, 14RFO, 14VPO
- 15, 15DDO, 15DPO, 15ESO, 15LSIO, 15PAO, 15RFO
- 16, 16DCPO, 16DDO, 16DPO, 16EA0, 16ESO, 16HO, 16LSIO, 16PAO, 16RFO, 16RXO, 16VPO
- 17, 17DCPO, 17DDO, 17DPO, 17ESO, 17HO, 17IPO, 17LSIO, 17PAO, 17PO, 17RFO, 17RXO, 17SBO, 17SLO, 17VPO
- 18, 18BMO, 18DCPO, 18DPO, 18HO, 18IPO, 18LSIO, 18PAO, 18RFO, 18SLO, 18VPO
- 19, 19BMO, 19DCPO, 19DPO, 19IPO, 19RFO, 19VPO
- 20, 20DCPO, 20DDO, 20DPO, 20EA0, 20ESO, 20HO, 20LSIO, 20MAEO, 20PAO, 20PO, 20RXO, 20SBO
- 21, 21DCPO, 21DDO, 21EA0, 21DPO, 21HO, 21LSIO, 21PAO, 21PO, 21SBO, 21VPO
- 22, 22BMO, 22DCPO, 22DPO, 22HO, 22LSIO, 22RFO, 22RXO, 22SBO, 22SCO, 22VPO
### SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

#### 1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amaroo and Lockerbie Main Sewer Project, October 2014.</td>
<td>GC21</td>
</tr>
<tr>
<td>Aurora Comprehensive Development Plan, October 2007</td>
<td>C41(PART 1)</td>
</tr>
<tr>
<td>Consent Notice No. 2 – Bicycle Shop Development at No. 500-510 High Street, Epping</td>
<td>C40</td>
</tr>
<tr>
<td>Cooper Street Employment Area Comprehensive Development Plan, March 2018</td>
<td>C212</td>
</tr>
<tr>
<td>Cooper Street Employment Area Design Guidelines, March 2018</td>
<td>C212</td>
</tr>
<tr>
<td>Cooper Street Employment Area Development Contributions Plan</td>
<td>C100</td>
</tr>
<tr>
<td>Costa Exchange Mushroom Farm Master Plan 2012</td>
<td>C133</td>
</tr>
<tr>
<td>Donnybrook-Woodstock Infrastructure Contributions Plan, July 2018 (Amended September 2018)</td>
<td>GC108</td>
</tr>
<tr>
<td>Donnybrook-Woodstock Precinct Structure Plan, October 2017</td>
<td>GC28</td>
</tr>
<tr>
<td>Eden Park Estate Restructured Allotment Plan</td>
<td>NPS1</td>
</tr>
<tr>
<td>English Street Precinct Structure Plan, November 2015</td>
<td>C183</td>
</tr>
<tr>
<td>English Street Development Contributions Plan, November 2015 (Amended June 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Epping Central Development Contributions Plan (Amended June 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Epping North East Local Structure Plan Development Contributions Plan, May 2008</td>
<td>C81(PART 1)</td>
</tr>
<tr>
<td>Epping North East Local Structure Plan, May 2008</td>
<td>C81(PART 1)</td>
</tr>
<tr>
<td>Epping North Local Structure Plan, September 2002</td>
<td>C12</td>
</tr>
<tr>
<td>Epping North Strategic Plan, September 2002</td>
<td>C12</td>
</tr>
<tr>
<td>Grants Road Restructure Allotment Plan</td>
<td>NPS1</td>
</tr>
<tr>
<td>Harvest Home Local Structure Plan, February 2002</td>
<td>C12</td>
</tr>
<tr>
<td>Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017</td>
<td>GC60</td>
</tr>
<tr>
<td>Laurimar Town Centre Comprehensive Development Plan</td>
<td>C80</td>
</tr>
<tr>
<td>Lockerbie Development Contributions Plan, May 2012 (Amended June 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Lockerbie Native Vegetation Precinct Plan, May 2012</td>
<td>C161</td>
</tr>
<tr>
<td>Lockerbie North Development Contributions Plan, March 2012 (Amended August 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Lockerbie North Native Vegetation Precinct Plan, March 2012</td>
<td>C162</td>
</tr>
<tr>
<td>Lockerbie North Precinct Structure Plan, March 2012</td>
<td>C162</td>
</tr>
<tr>
<td>Lockerbie Precinct Structure Plan, May 2012</td>
<td>C161</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by:</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Lyndarum Neighbourhood Activity Centre Comprehensive Development Plan</td>
<td>C108</td>
</tr>
<tr>
<td>Macedonian Orthodox Church, 130 Springs Road, Donnybrook, June 2013</td>
<td>C172</td>
</tr>
<tr>
<td>Melbourne Wholesale Market Precinct Incorporated Plan, July 2008</td>
<td>C20</td>
</tr>
<tr>
<td>Mernda Local Structure Plan Part 1 (Mernda Incorporated Plan)</td>
<td>NPS1</td>
</tr>
<tr>
<td>Mernda Rail Extension Project – Additional Project Areas, Incorporated Document, September 2017</td>
<td>C211</td>
</tr>
<tr>
<td>Mernda Strategy Plan (Amended December 2016)</td>
<td>C123</td>
</tr>
<tr>
<td>Mernda Strategy Plan Development Contributions Plan (Amended 2008)</td>
<td>C39</td>
</tr>
<tr>
<td>Mernda Town Centre Comprehensive Development Plan</td>
<td>C45</td>
</tr>
<tr>
<td>Mernda Villages Neighbourhood Centre Comprehensive Development Plan</td>
<td>C95</td>
</tr>
<tr>
<td>Peter Lalor Housing Cooperative Precinct Permit Exemptions, May 2014</td>
<td>C189</td>
</tr>
<tr>
<td>Plenty Road Upgrade (Bush Boulevard to Bridge Inn Road) Incorporated Document, February 2018</td>
<td>C220</td>
</tr>
<tr>
<td>Plenty Valley Strategic Plan</td>
<td>NPS1</td>
</tr>
<tr>
<td>Quarry Hills Precinct Structure Plan, June 2016</td>
<td>C188</td>
</tr>
<tr>
<td>Quarry Hills Development Contributions Plan, June 2016 (Amended June 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Site Specific Control – 1435 Plenty Road, Mernda, August 2014</td>
<td>C193</td>
</tr>
<tr>
<td>Site Specific Control – Plenty Gorge Parklands, January 2009</td>
<td>C72</td>
</tr>
<tr>
<td>Site specific control – Pump and associated works for the establishment and maintenance of Growling Grass Frog habitat, August 2009</td>
<td>C132</td>
</tr>
<tr>
<td>Small Lot Housing Code, August 2014</td>
<td>GC22</td>
</tr>
<tr>
<td>South Morang Local Structure Plan</td>
<td>NPS1</td>
</tr>
<tr>
<td>Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor, July 2010 (updated May 2012)</td>
<td>C167</td>
</tr>
<tr>
<td>Whittlesea Township Local Structure Plan</td>
<td>NPS1</td>
</tr>
<tr>
<td>Wollert Precinct Structure Plan, June 2017</td>
<td>C210</td>
</tr>
<tr>
<td>Wollert Development Contributions Plan, June 2017</td>
<td>C210</td>
</tr>
<tr>
<td>Woolworths Oxygen, South Morang, February 2011</td>
<td>C155</td>
</tr>
</tbody>
</table>
# Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>2SCO</td>
<td>North East Link Project Incorporated Document, [MONTH] 2019</td>
</tr>
<tr>
<td>3SCO</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:

The Yarra City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:

The Minister for Planning is the responsible authority for administering and enforcing the planning scheme for land at:

- Yarra Bend Road, Fairfield - occupied by the Victorian Institute of Forensic Psychiatry;
- 214 Heidelberg Road, Fairfield (south-west corner of Heidelberg and Yarra Bend Roads);
- St Heliers Street Northern Precinct, Abbotsford (the area designated in the planning scheme maps as DPO10);
- 572-576 Swan Street and Crown Allotments 16 T1 and 16 T3, Burnley (the area designates in the planning scheme maps as DPO3);
- Land as shown on the ‘Extent of Proposed Site’ on the ‘Civil Siteworks Site Locality Plan’ reference 104140/C/45 issue P5 prepared by Grogan Richards Consulting Engineers dated 1 April 2005 in the incorporated document Swan Street Works, Burnley, June 2005, which is generally north of 572-576 Swan Street, Burnley (Botanicca Corporate Park) and extending approximately 250 metres west and 150 metres east of Central Drive and in part extending to the northern kerb of Yarra Boulevard;
- Land as shown on the ‘Plan of Extent of Works’ on the ‘Crown Allotment 2273 Parish of Jika Jika’ reference 9341 M11 Version 3 prepared by Millar Merrigan dated 7 September 2005 which is generally west of Kevin Bartlett Reserve, Burnley and comprising Crown Allotment 2273 and generally extending 6m north, 19m east, 2m south and 10m west of Crown Allotment 2273;
- 111 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks); and

The Minister for Planning is the responsible authority for land known as 8 Farm Road, Alphington (La Trobe Golf Club, Lot 2 TP891543 and lot 2 TP868884) and 12-18 Old Heidelberg Road, Alphington (Alphington Grammar School, Lot 1 TP516931 and Plan CP154346) for the purposes of exercising the power set out in section 171 of the Planning and Environment Act 1987 relating to the Darebin-Yarra Trail Link project.

The Minister for Planning is the responsible authority for amending and approving the Master Plan required under Schedule 4 to the Special Use Zone.

The Minister for Planning is the responsible authority for considering and determining applications, in accordance with Divisions 1, 1A, 2, and 3 of Part 4 and exercising the powers set out in Section 171 and under Division 2 of Part 9 of the Planning and Environment Act 1987 and for approving matters required by the planning scheme or a condition of a permit to be done to the satisfaction of the responsible authority, in relation to the use and development of land within the Fitzroy Housing Precinct and the Richmond Housing Precinct, more particularly being the areas affected by Schedule 10 to the Development Plan Overlay.

The Minister for Planning is the responsible authority for administering and enforcing:

- Clause 51.01 of the scheme in respect of the “Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018”.

YARRA PLANNING SCHEME

OPERATIONAL PROVISIONS – CLAUSE 72.01 – SCHEDULE
- Any other provision of the scheme as it applies to the use or development of land for the Melbourne Metro Rail Project: Upgrades to the Rail Network.
- Clause 45.12 of the scheme in respect of the "North East Link Project Incorporated Document, [MONTH] 2019".
- Any other provision of the scheme as it applies to the use or development of land for the North East Link Project.

3.0 **Person or responsible authority for issuing planning certificates:**

Minister for Planning

4.0 **Responsible authority for VicSmart applications:**

The Chief Executive Officer of Yarra City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- Maps No. 1, 1HO, 1DDO, 1SBO, 1PAO, 1EAO
- Maps No. 2, 2SLO, 2ESO, 2HO, 2DDO, 2DPO, 2SLIO, 2SBO, 2PAO, 2EAO, 2SCO
- Maps No. 3, 3SLO, 3ESO, 3HO, 3DPO, 3DDO, 3LSIO, 3SBO, 3PAO, 3EAO, 3SCO
- Maps No. 4, 4SLO, 4ESO, 4HO, 4DPO, 4DDO, 4LSIO, 4PAO, 4EAO
- Maps No. 5, 5HO, 5DPO, 5DDO, 5EAO
- Maps No. 6, 6SLO, 6HO, 6DPO, 6DDO, 6IPO, 6LSIO, 6SBO, 6PAO, 6EAO, 6PO
- Maps No. 7, 7SLO, 7DPO, 7DDO, 7LSIO, 7SBO, 7PAO, 7HO, 7EAO
- Maps No. 8, 8SLO, 8HO, 8DDO, 8LSIO, 8SBO, 8EAO, 8CLPO
- Maps No. 9, 9SLO9, 9HO, 9DPO, 9DDO, 9LSIO, 9PAO, 9EAO, 9CLPO
### SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0 Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018</td>
<td>C188</td>
</tr>
<tr>
<td>10 Bromham Place, Richmond Incorporated Document, February 2013</td>
<td>C171</td>
</tr>
<tr>
<td>18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)</td>
<td>C218</td>
</tr>
<tr>
<td>32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013</td>
<td>C170</td>
</tr>
<tr>
<td>520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012</td>
<td>C150</td>
</tr>
<tr>
<td>Amcor Alphington Paper Mill Site Preparation – Incorporated Document, September 2012</td>
<td>C161</td>
</tr>
<tr>
<td>Atherton Gardens – Fitzroy, September 2010</td>
<td>C136</td>
</tr>
<tr>
<td>Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016</td>
<td>GC37</td>
</tr>
<tr>
<td>Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)</td>
<td>GC80</td>
</tr>
<tr>
<td>City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised September 2018</td>
<td>C236</td>
</tr>
<tr>
<td>Cremorne Balmain Dover Street Project</td>
<td>NPS1</td>
</tr>
<tr>
<td>Crown Land Car Park Works, Burnley, August 2005</td>
<td>C92</td>
</tr>
<tr>
<td>Fitzroy Former Gasworks Site, Incorporated Document, February 2018</td>
<td>C242</td>
</tr>
<tr>
<td>Flying Fox Campsite, Yarra Bend Park, December 2004</td>
<td>C90</td>
</tr>
<tr>
<td>Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017</td>
<td>GC60</td>
</tr>
<tr>
<td>Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</td>
<td>C178</td>
</tr>
<tr>
<td>Local Policy “Protection of Biodiversity” Sites of Remnant Vegetation (Biosis 2001)</td>
<td>C49</td>
</tr>
<tr>
<td>M1 Redevelopment Project, October 2006</td>
<td>C86</td>
</tr>
<tr>
<td>Melbourne City Link Project – Advertising Sign Locations, November 2003</td>
<td>VC20</td>
</tr>
<tr>
<td>Planning and Design Principles for the Richmond Mallings Site, Cremorne – November 2007</td>
<td>C101</td>
</tr>
<tr>
<td>Richmond Walk Up Estate Redevelopment, September 2010</td>
<td>C136</td>
</tr>
<tr>
<td>Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010</td>
<td>C135</td>
</tr>
<tr>
<td>Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford)</td>
<td>C56</td>
</tr>
<tr>
<td>Swan Street Works, Burnley, June 2005</td>
<td>C91</td>
</tr>
<tr>
<td>Tramway Infrastructure Upgrades Incorporated Document, May 2017</td>
<td>GC68</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area</td>
<td>C7</td>
</tr>
<tr>
<td>Victoria Gardens Urban Design Guidelines</td>
<td>NPS1</td>
</tr>
<tr>
<td>Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)</td>
<td>NPS1</td>
</tr>
<tr>
<td>Yarra Gardens Precinct Plan, December 2009</td>
<td>C128</td>
</tr>
</tbody>
</table>
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2018
Disclaimer
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purpose and therefore assumes all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
Disclaimer
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2018
Disclaimer
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore assume all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2018
Appendix C  Technical analysis for infrastructure protection
North East Link Project
North East Link
DDO Planning Controls for underground structures
April 2019
This publication is prepared to inform the public about the North East Link. This publication may be of assistance to you but the North East Link Project (a division of the Major Transport Infrastructure Authority) and its employees, contractors or consultants (including the issuer of this report) do not guarantee that the publication is without any defect, error or omission of any kind or is appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
Table of contents

Abbreviations ........................................................................................................ iv

Executive Summary ............................................................................................... 1

1 Introduction ...................................................................................................... 2
  1.1 Background.................................................................................................. 2
  1.2 Scope of this report .................................................................................. 2
  1.3 Approach ................................................................................................. 3

2 The reference project ....................................................................................... 4
  2.1 Project Overview...................................................................................... 4
  2.2 M80 Ring Road to the northern portal ..................................................... 4
  2.3 Northern portal to southern portal ............................................................ 5
  2.4 Bulleen Road to Eastern Freeway ........................................................... 6

3 Protection areas ............................................................................................... 7
  3.1 Project design requirements .................................................................... 7
  3.2 Protection area limits (deep tunnels and underground structures) ......... 8
  3.3 Protection area limits (shallow tunnels and cut-and-cover tunnels) ....... 9
  3.4 Protection area limits (retained trench excavations) .............................. 10
  3.5 Cumulative load considerations ............................................................. 11

4 Conclusions .................................................................................................... 12

5 References ..................................................................................................... 15

Figure index

Figure 1-1 Overview of North East Link................................................................. 2
Figure 3-1 Simplified schematic of load spread below a surface development .... 8
Figure 4-1 Proposed DDO control limits around tunnels ................................. 13
Figure 4-2 Proposed DDO control limits adjacent to retained structures ......... 13
Figure 4-3 Proposed DDO control limits adjacent to cut-and-cover tunnel structures .......................................................... 14
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO</td>
<td>Design and Development Overlay</td>
</tr>
<tr>
<td>kPa</td>
<td>Kilo-Pascals, a measure of stress (load in Newtons, divided by the area over which it is applied). For example, the stress applied by one cubic metre of water on a 1 m² area is approx. 10 kPa.</td>
</tr>
<tr>
<td>NELP</td>
<td>North East Link Project</td>
</tr>
<tr>
<td>SAR</td>
<td>Strategic Assessment Report</td>
</tr>
<tr>
<td>SEM</td>
<td>Sequential Excavation Method (mined tunnelling)</td>
</tr>
<tr>
<td>TBM</td>
<td>Tunnel boring machine</td>
</tr>
<tr>
<td>Tunnel crown</td>
<td>The highest point of a tunnel excavation.</td>
</tr>
<tr>
<td>Underground structures</td>
<td>For the purpose of this report, underground structures is used in reference to the retained excavations, tunnels and associated underground structures.</td>
</tr>
</tbody>
</table>
Executive Summary

For infrastructure projects such as the North East Link, that include significant sections of underground structure (e.g. open retained trench excavations, cut-and-cover tunnels and bored tunnels), it is important to ensure that future construction projects do not adversely affect the integrity of North East Link structures. To that end, recent precedent (e.g. Westgate Tunnel Project, Melbourne Metro) has been to include a Design and Development Overlay (DDO) within the local Planning Schemes.

The DDO defines the plan extents of an overall “protection area” around the North East Link underground structures. Subject to a number of exemptions for works with minimal potential for adverse effects, a development proposed within the protection area will require referral to the Secretary of the Department of Transport, those powers will then be delegated to the North East Link Project (NELP) for review, acting on behalf of the Victorian State Government. Proposed developments outside the DDO “protection area” limits are exempt from the need for referral.

This report briefly describes the technical investigations undertaken to determine appropriate spatial extents for the “protection areas”, with reference to project-specific design requirements and classical methods of analysis. Based on the reference project alignment and geometry of the underground structures, as well as assumptions regarding the construction methodologies, the following spatial extents of “protection areas” are proposed for the DDO:

- **For all underground structures** (i.e. bored tunnel, cut-and-cover tunnel and retained trench) a 40 metre lateral limit in plan from the outside of the North East Link structures should be applied to determine the spatial extent of the protection areas. Depending on the type of underground structure, referral of the proposed development will not be required if it falls within ‘permitted developments’ as defined in the DDO schedule exemptions.

- **Deep tunnels and underground structures**: for areas where competent ground cover is in excess of approx. 20 metres, developments within the protection area will not trigger a permit or be subject to referral, provided that they impose vertical loads on the structures less than or equivalent to those arising from a 2.5 metre deep excavation, a 5-storey building or a 3 metre high embankment. This infrastructure will be protected by DDO (Tunnel Protection Area 1).

- **Open retained ‘trench’ excavations**: developments within the protection area will not trigger a permit or be subject to referral, provided that they impose horizontal loads on the structures less than or equivalent to those arising from a 2.5 metre deep excavation, a 5-storey building or a 3 metre high embankment. As it has similar requirements, this infrastructure will also be protected by DDO (Tunnel Protection Area 1).

- **Shallow tunnels and cut-and-cover tunnels**: where competent ground cover is less than approx. 20 metres above the tunnels (e.g. near tunnel portals, above cut-and-cover tunnels), all developments will trigger a planning permit and will be subject to referral (as there are no exemptions). This infrastructure will be protected by DDO (Tunnel Protection Area 2).
1 Introduction

1.1 Background

North East Link is a proposed new freeway standard road connection that would connect the M80 Ring Road (otherwise known as the Metropolitan Ring Road) to the Eastern Freeway and include works along the Eastern Freeway from near Hoddle Street to Springvale Road (Figure 1-1).

Figure 1-1 Overview of North East Link

1.2 Scope of this report

For infrastructure projects such as North East Link, that include significant sections of underground structure (e.g. retained cuttings, cut-and-cover tunnels and bored tunnels), it is important to ensure that future construction projects do not adversely affect the integrity of the North East Link structures.

A number of alternative mechanisms have been considered which could provide for the protection of North East Link as discussed in the Strategic Assessment Report. The preferred approach to protect the North East Link tunnel infrastructure from future development is to apply a new Design Development Overlay (DDO) within the local Planning Schemes affected by the project\(^1\). Recent precedent (e.g. Westgate Tunnel, Melbourne Metro) has also adopted this approach.

---

\(^1\) As discussed in the Strategic Assessment Report (Attachment V).
A DDO defines the plan extents of an overall “protection area” around the North East Link underground structures. Subject to a number of exclusions for works with minimal potential for adverse effects, a development proposed within the protection area will require referral to the Secretary of the Department of Transport, those powers will then be delegated to the North East Link Project (NELP) for review, acting on behalf of the Victorian State Government. Proposed developments outside the DDO limits are exempt from the need for referral.

This report briefly describes the technical investigations undertaken to determine appropriate spatial extents for the “protection areas”, based on project-specific design requirements, the reference project alignment and geometry of the underground structures, as well as assumptions regarding the construction methodologies.

1.3 Approach

The designers of North East Link are required to allow for the effects of possible future development by ensuring that the design is capable of supporting additional loads over and above normal design loads; the project design requirements established by the North East Link Project (NELP) define the additional loads to be considered.

The approach adopted in this report has thus been to use the required future development load cases as the basis for establishing the scale and proximity of future developments that could give rise to these loads. For example, the project requirements specify that underground tunnel structures must be able to accommodate a 50 kPa increase or decrease in stress close to the tunnels. By considering this as a limiting permissible change, it is then possible to determine the permissible proximity of a future development with an assumed foundation stress and thus suitable limits for the DDO protection areas.

Due to uncertainty in the types of future developments that may be proposed within the design life of North East Link, the DDO limits have been determined by taking conservative assumptions. However, it is recognised that the DDO should not impose unreasonable restrictions on future developments close to the project alignment, or unnecessarily “blight” existing properties. That is, minor property renovations such as the addition of a basement level, extension or extra storey should not trigger an evaluation process for the owner and local authority under the DDO if it presents little or no risk to the tunnels and adjoining structures.
2 The reference project

2.1 Project Overview

North East Link includes the following design elements (refer Figure 1-1):

- **M80 Ring Road to northern portal** – from the M80 Ring Road at Plenty Road, and the Greensborough Bypass at Plenty River Drive, North East Link would extend to the northern portal near Blamey Road utilising a mixture of above ground, below ground and at grade road sections. This would include new road interchanges at M80 Ring Road and Grimshaw Street.

- **Northern portal to southern portal** – from the northern portal the road would transition into twin tunnels that would connect to Lower Plenty Road via a new interchange, before travelling under residential areas, Banyule Flats and the Yarra River to a new interchange at Manningham Road. The tunnels would then continue to the southern portal located south of the Veneto Club.

- **Eastern Freeway** – from around Hoddle Street in the west through to Springvale Road in the east, modifications to the Eastern Freeway would include widening to accommodate future traffic volumes and provision of new dedicated bus lanes. There would also be provision of a new interchange at Bulleen Road to connect North East Link to the Eastern Freeway.

The project would also include improvements to existing bus services from Doncaster Road to Hoddle Street through the Doncaster Busway and pedestrian connections and the bicycle network through connected cycling and walking paths from the M80 Ring Road to the Eastern Freeway.

Only the section of the North East Link alignment running from approximately Watsonia Station in the north (M80 Ring Road to the northern portal element) to approximately the interchange of Bullen Road with the Eastern Freeway in the south has been considered for the purposes of establishing the extents of the DDO.

2.2 M80 Ring Road to the northern portal

A new interchange would connect the M80 Ring Road and Greensborough Bypass to North East Link. This would include modification of the M80 Ring Road from Plenty Road to provide two three-lane carriageways connecting to North East Link. These carriageways would widen between the western end of Worcester Crescent and Waterford Place to accommodate four lanes for westbound traffic and five lanes for eastbound traffic. A separate two-lane ramp would accommodate westbound traffic to Plenty Road.

The North East Link carriageways would begin to descend in elevation adjacent to the Watsonia Railway Station car park in a retained trench supported by bored pile or diaphragm walls (D-walls)² and props. The reference project does not envisage alternative support

---

² Diaphragm walls are constructed as a contiguous series of rectangular reinforced concrete panels in the ground, prior to excavation.
elements such as permanent ground anchors and the use of these is explicitly excluded in the project requirements.

Five new land bridges 60 metres in length would be constructed between Watsonia Road and Blamey Road, with the northern-most providing a road connection for Watsonia Road.

The North East Link carriageways would continue to remain in a retained trench until Blamey Road where there is a transition to cut and cover tunnel. This section of work includes modification of Lower Plenty Road to allow connections to Greensborough Road and to the North East Link inner north and southbound carriageways.

### 2.3 Northern portal to southern portal

The tunnelled section commences approximately 1.3 kilometres north of Lower Plenty Road at a northern portal formed where the trench structure become a cut-and-cover structure at Blamey Road; a southern portal is located approx. 400 metres south of the Veneto Club on Bulleen Road, where the cut-and-cover structures emerges in a retained trench opposite Bulleen oval.

Within this element, twin tunnels, to be formed using large diameter tunnel boring machines (TBM), extend from Lower Plenty Road to Bridge Street at the Manningham Road interchange. The tunnels would be designed and built to operate with three traffic lanes in each direction. The excavated diameter of the TBM tunnels would be approximately 16 metres each. The length of TBM tunnelling will be approximately 3.1 kilometres between Lower Plenty Road and the Manningham Road interchange.

The Manningham Road interchange is a combination of underground and surface road construction extending from Bridge Street, Bulleen to Golden Way, Bulleen. The design consists of cut and cover tunnels that provide three lanes for traffic in both the north and south directions and modification of Manningham Road to maintain access to Bridge Street and provide new ramp access to North East Link. The interchange excavations are envisaged to be supported by bored pile or D-walls and props.

Twin tunnels, providing three lanes of traffic (four where merges and demerges are required) in each direction, would continue from the Manningham Road interchange near Avon Street, Bulleen, to Rocklea Road, Bulleen. However, the reference project envisages that these tunnels would be constructed as sequentially excavated mined (SEM) tunnels. The length of mined tunnelling will be approximately 450 metres.

From Rocklea Road, the tunnels continue in cut and cover to the surface at a southern portal on the west side of Bulleen Road adjacent to Bulleen Oval. The road then ascends on ramps providing entry and exit for traffic to the Eastern Freeway in both directions.

---

3 Tunnels formed using the sequential excavation method (SEM) are often supported using sprayed concrete linings, as will be the case for the NELP. The SEM approach means that each advance of the tunnel is achieved by excavating and supporting smaller sub-sections of the overall profile. This is done to ensure a stable excavation and tight control of ground movements.
2.4 Bulleen Road to Eastern Freeway

Bulleen Road would be modified as part of the works to construct new surface grade and viaduct structures adjacent to the Veneto Club, continuing to the Eastern Freeway.

Eastern Freeway upgrades would occur from Hoddle Street, Abbotsford in the west to Springvale Road, Nunawading in the east including widening of the freeway and provision of new dedicated bus lanes between Doncaster Road and Hoddle Street (the ‘Doncaster Busway’).
3 Protection areas

3.1 Project design requirements

Investigations were conducted to determine the required spatial extent of a “protection area” for the proposed DDO planning control. It is assumed that any future development within the defined “protection area” has the potential to adversely impact the retained excavations, tunnels or associated underground structures. Such effects may include excess ground loading (stresses) that result in displacements (strains) within the tunnel structure that exceed the ‘serviceability’ capacity of the structure.

The designers of North East Link are required to allow for the effects of possible future development by ensuring that the design is capable of supporting additional loads over and above normal design loads; the additional loads to be considered are defined as follows:

- A 50 kPa increase in load acting on a plane 1 metre above the Tunnel crown (due for example to the construction of a high rise building)

- A 20 kPa surface surcharge increase (due for example to the construction of a wide embankment above the tunnels)

- A 50 kPa decrease in load due to excavation at ground level, applied on a plane 1 metre above the Tunnel crown (due for example to deep surface excavation)

- The cut and cover structures are to be designed to support a uniform surface surcharge of 25 kPa, with a load factor of 1.5 (applied at the top of the tunnel).

These design requirements are relevant to the determination of an appropriate “protection area” around the North East Link underground structures because the proximity of any future development directly controls the magnitude of stress changes on the existing underground structures. Thus, by considering the range of potential stress changes with proximity to the North East Link structures (dependent on the scale and size of the development), an acceptable width of the protection area can be assessed.

It is also recognised that the depth of the North East Link structures with respect to future loading has an important influence on the magnitude of stress changes on the existing underground structures. When the ground cover is small above the tunnels, there is also an increased risk of unexpectedly high loads. Additional protections for the North East Link structures in “low cover protection areas” will be required.
3.2 Protection area limits (deep tunnels and underground structures)

3.2.1 Lateral limits

Elasticity theory shows that the stress applied at the base of a foundation decreases with distance and depth from the foundation. Equations are available that enable the change to be calculated, as a proportion of the applied foundation stress, with distance and depth. This is termed the “stress bulb” beneath the foundation.

Because the details of a future development are unknown, an appropriately conservative approach was adopted whereby the future loading case was assumed to be equivalent to a multi-storey building on a long linear foundation at ground surface (increase in loading), or a deep basement excavation (reduction in loading). The building was assumed to lie parallel to the North East Link structures. Loading or unloading associated with long linear foundations generally provides a conservative assessment of stress changes laterally, and with depth (Figure 3-1).

Figure 3-1  Simplified schematic of load spread below a surface development
By taking the project design requirement to allow for a ±50 kPa stress change 1 metre above the tunnel crown, it was then possible to back-calculate the proximity and magnitude of a future development for an assumed width and height of the development. For buildings, a rule-of-thumb can be assumed where the loading is equivalent to approx. 10 kPa per storey.

By considering a reasonable range of future building loads, it was possible to determine that a 40 metre lateral “protection area” applied between the outside edge of the North East Link structures and the nearest edge of the future building foundation, would provide a safe assessment of the protection zone.

### 3.2.2 Exemptions

For future developments that fall within the general protection area defined above, the DDO would require the proposal to be referred to NELP for review. However, in order to avoid excessive referrals, or undue restrictions on modest developments that present little risk to the North East Link structures (such as small-scale residential developments), the project requirements may again be used to determine what proposals should be exempt from the referral process.

It is considered that a sufficiently conservative approach to permissible exemptions may be adopted as listed below:

- A depth of excavation that does not exceed 2.5 metres, on the basis that the density of the ground (soil or weathered rock) is typically around 18 to 22 kPa per metre depth.
- A height of development that does not exceed 5 storeys, on the basis that the rule of thumb foundation loading of a building is approximately 10 kPa per storey.
- Fill or earthworks that do not build the ground level by more than 3 metres, on the basis that a rule of thumb embankment loading is approximately 15 to 18 kPa per metre depth.
- A utility trench or pole, gantry or retaining wall footing not exceeding 2.5 metres deep.

### 3.3 Protection area limits (shallow tunnels and cut-and-cover tunnels)

#### 3.3.1 Vertical limits

When the ground cover above the North East Link structures is low, the use of simple elasticity equations may not reflect the potential for unexpected loading should the ground be disturbed by the new development above. In these circumstances, classical “arching theory” can be used to assess a minimum level of ground required to protect the North East Link structures.

Similar to the way in which a masonry arch bridge supports itself, the arching effect can support the ground above a tunnel excavation. In the case of a masonry arch, removing the “key block” could lead to instability. This effect is analogous with the ground arch, where any disturbance in the ground (e.g. by surface excavation) could result in destabilisation of the arch, leading to unexpected changes in the load on the tunnel lining.
Conversely, the ground arching effect prevents part of the surface load from being transferred directly to the tunnel lining depending on the depth of the tunnel and the “competence” of the ground. Thus, by calculating the depth at which arching can be expected, it is possible to determine when the tunnel can be considered deep enough for the simple elasticity approach to apply.

Our analysis, based on a classical solution published by Terzaghi (1943) and referenced against other established guidelines, suggests that for an excavated tunnel diameter of approximately 16 metres, a depth of approximately 20 metres or more (above the crown of the tunnels) can be considered “deep”. At shallower depth, it is considered that the beneficial effects of ground arching may be significantly reduced.

It is thus proposed that separate protection areas for shallow cover conditions should be defined within the DDO.

3.3.2 Exemptions

It is proposed that where the North East Link structures have approx. 20 metres of ground cover or less, a separate “shallow cover protection area” be defined. This will apply near the tunnel portals, above cut-and-cover tunnels, and also at a number of locations where the vertical tunnel alignment has less ground cover.

No exemptions (as listed in Section 3.2.2) will be permitted. Whilst apparently an onerous requirement, there are relatively few existing properties directly affected.

3.4 Protection area limits (retained trench excavations)

3.4.1 Lateral limits

Approximately 1.4 kilometres of the project will comprise bored pile or diaphragm wall open retained trench excavations. Future developments situated adjacent to the North East Link trench structures have the potential to induce horizontal stress changes on those retaining wall structures.

Following the same methodology presented in Section 3.2, elastic analysis indicates that for structures located adjacent to the retained trench excavations a lateral “protection area” limit of 40 metres either side of the structures will ensure that lateral load changes will not exceed a nominal value of ± 25 kPa so that the retaining structures are not adversely affected. This offset is also equivalent to that proposed for vertical loading on the bored tunnels so provides for a simple, convenient definition of project-wide DDO limits.

3.4.2 Exemptions

Whilst the potential for lateral stress change effects are less onerous than vertical stress changes, the same exemptions as set out in Section 3.2.2 are proposed for the areas adjacent to the trenched sections of the project.
3.5 Cumulative load considerations

For a development where several individual structures lie in close proximity to each other, it is feasible that the combination of each load case leads to a wider/deeper “stress bulb” than when individual developments are viewed in isolation. This effect should be taken into account when determining the impact of a proposed development.

For a subsequent development, which applies new ground loads in addition to those imposed by a previous development, consideration will need to be given to the combined (cumulative) effects when determining if the new development exceed the exemptions set out in Section 3.2.2.
4 Conclusions

Technical investigations have been conducted based on classical elasticity and “arching” theory to determine suitable “protection area” spatial extents for the proposed DDO planning controls applicable to North East Link. The required extents were derived with reference to the project design requirements, which require designers to allow for nominal loadings from future developments. That is, the DDO limits were proposed so that it was considered unlikely that future developments would result in loadings in excess of the project design requirements.

The investigations concluded that the following proposed criteria be included in the DDO:

- For all underground structures (i.e. bored tunnel, cut-and-cover tunnel and retained trench) a 40 metre lateral limit in plan from the outside of the North East Link structures should be applied to determine the spatial extent of the protection areas. Depending on the type of underground structure, referral of the proposed development will not be required if it falls within ‘permitted developments’ as defined in the DDO schedule exemptions.

- **Deep tunnels and underground structures**: for areas where competent ground cover is in excess of approx. 20 metres, developments within the protection area will not trigger a permit or be subject to referral provided that they impose vertical loads on the structures less than or equivalent to those arising from a 2.5 metre deep excavation, a 5-storey building or a 3 metre high embankment. This infrastructure will be protected by DDO (Tunnel Protection Area 1).

- **Open retained ‘trench’ excavations**: developments within the protection area will not trigger a permit or be subject to referral, provided that they impose horizontal loads on the structures less than or equivalent to those arising from a 2.5 metre deep excavation, a 5-storey building or a 3 metre high embankment. As it has similar requirements, this infrastructure will also be protected by DDO (Tunnel Protection Area 1).

- **Shallow tunnels and cut-and-cover tunnels**: where competent ground cover is less than approx. 20 metres above the tunnels (e.g. near tunnel portals, above cut-and-cover tunnels), all developments will trigger a planning permit and be subject to referral (as there are no exemptions). This infrastructure will be protected by DDO (Tunnel Protection Area 2).

Figure 4-1 to Figure 4-3 illustrate the proposed geometry of the protection areas in cross section. The DDO maps appended to the Strategic Assessment Report illustrate the lateral extents of the protection zones in plan view.
Figure 4-1  Proposed DDO control limits around tunnels

Figure 4-2  Proposed DDO control limits adjacent to retained structures
Figure 4-3  Proposed DDO control limits adjacent to cut-and-cover tunnel structures
5 References


www.ghd.com