

Environment Effects Act 1978
Planning and Environment Act 1987

Environment Effects Statement Inquiry and Panel Report Palmers Road Corridor

23 December 2015

Environment Effects Act 1978

Inquiry pursuant to Section 9 of the Act

Planning and Environment Act 1987

Melton Planning Scheme Amendment C143

Brimbank Planning Scheme Amendment C157

23 December 2015



Con Tsotsoros, Chair



John Hartigan, Member



Ian Harris, Member

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List of Abbreviations

BPEMG	<i>Urban Stormwater - Best Practice Environmental Management Guidelines (CSIRO, 1999)</i>
CEMP	Contractor Environmental Management Plan
CHMP	Cultural Heritage Management Plan
CPMC	Calder Park Motor Sports Centre
DELWP	Department of Environment, Land, Water and Planning
EE Act	<i>Environment Effects Act 1978</i>
EES	Environment Effects Statement
EPA	Environment Protection Authority
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
GCP	Growth Corridor Plan
km/h	Kilometres each hour
OAAV	Office of Aboriginal Affairs Victoria
PAO	Public Acquisition Overlay
PPTN	Principal Public Transport Network
RAP	Registered Aboriginal Party
SEPP	State Environment Protection Policy
WoV	Waters of Victoria
WSRD	Water Sensitive Road Design

Overview

Project																																			
The Project	Palmers Road Corridor																																		
The Proponent	VicRoads																																		
Project area	The Project area is shown at Figure 1																																		
Victorian Statutory Approvals	See Chapter 4																																		
Commonwealth Statutory Approval	The Project is a 'controlled action' however the Victorian Environment Effects Statement process is not accredited as the required assessment process through the existing Commonwealth-Victorian Bilateral Agreement.																																		
Exhibition	The Environment Effects Statement, Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157 were exhibited concurrently from 28 July to 31 August 2015.																																		
Submissions	<p>33 submissions were received from:</p> <table border="0"> <tr> <td>1. Robert Pelly</td> <td>18. Melbourne Water</td> </tr> <tr> <td>2. Melbourne Airport</td> <td>19. Lloyd Mouat</td> </tr> <tr> <td>3. Wyndham City Council</td> <td>20. Burnside Retirement Village</td> </tr> <tr> <td>4. Dragica and Janko Beus</td> <td>21. Brimbank City Council</td> </tr> <tr> <td>5. Tony and Doris Mizzi</td> <td>22. Ami Takacs</td> </tr> <tr> <td>6. Tallan Hawskworth</td> <td>23. Joseph Nasr</td> </tr> <tr> <td>7. Carmen and Paul Galea</td> <td>24. Ranfurlie Developments Pty Ltd</td> </tr> <tr> <td>8. Elvira Dzomba</td> <td>25. Calder Park Raceway</td> </tr> <tr> <td>9. Hanaa Hurmiz</td> <td>26. Jaycie Caguiat</td> </tr> <tr> <td>10. Stanley Kotula</td> <td>27. Michem Pty Ltd</td> </tr> <tr> <td>11. Gloria Kotula</td> <td>28. Calder Action Group Inc *</td> </tr> <tr> <td>12. Imaan Chawk</td> <td>29. Vladimir Markovic *</td> </tr> <tr> <td>13. Department of Environment, Land, Water and Planning</td> <td>30. Environment Protection Authority Victoria *</td> </tr> <tr> <td>14. Belinda Milos</td> <td>31. Public Transport Victoria *</td> </tr> <tr> <td>15. Karina Seylim</td> <td>32. Melton City Council *</td> </tr> <tr> <td>16. Aaron Grech</td> <td>33. A and R Nu'man *</td> </tr> <tr> <td>17. Calder Highway Improvement Committee</td> <td></td> </tr> </table> <p>* Received late</p>	1. Robert Pelly	18. Melbourne Water	2. Melbourne Airport	19. Lloyd Mouat	3. Wyndham City Council	20. Burnside Retirement Village	4. Dragica and Janko Beus	21. Brimbank City Council	5. Tony and Doris Mizzi	22. Ami Takacs	6. Tallan Hawskworth	23. Joseph Nasr	7. Carmen and Paul Galea	24. Ranfurlie Developments Pty Ltd	8. Elvira Dzomba	25. Calder Park Raceway	9. Hanaa Hurmiz	26. Jaycie Caguiat	10. Stanley Kotula	27. Michem Pty Ltd	11. Gloria Kotula	28. Calder Action Group Inc *	12. Imaan Chawk	29. Vladimir Markovic *	13. Department of Environment, Land, Water and Planning	30. Environment Protection Authority Victoria *	14. Belinda Milos	31. Public Transport Victoria *	15. Karina Seylim	32. Melton City Council *	16. Aaron Grech	33. A and R Nu'man *	17. Calder Highway Improvement Committee	
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Inquiry Process

The Inquiry	A joint Inquiry appointed under section 9(1) of the <i>Environment Effects Act 1978</i> and a Panel appointed under sections 153 and 155 of the <i>Planning and Environment Act 1987</i> .
Members	Con Tsotsoros (Chair), John Hartigan, Ian Harris
Directions Hearing	22 September 2015
Public Hearing	20, 21, 22, 23 and 29 October 2015, Planning Panels Victoria
Site Inspections	Accompanied, 13 October 2015
Appearances	<ul style="list-style-type: none"> • VicRoads represented by Mr Andrew Sherman of Russell Kennedy Lawyers with Mr Paul Bormann of VicRoads and calling the following expert witnesses: <ul style="list-style-type: none"> - Ms Francine Stacey of Spiire on landscape visual impact - Mr Chad Browning of Ecology and Heritage Partners on flora and fauna - Mr Stephen Hunt of Cardno on traffic - Mr George Ward of George Ward Consulting on planning - Mr Phil West of Aecom on acoustics • Melton City Council represented by Mr Matthew Milbourne • Department of Environment, Land, Water and Planning represented by Ms Margo Kozicki • Calder Action Group Inc represented by Mr Ian Sutherland • Calder Park Raceway represented by Mr Jeremy Gobbo QC, and calling the following expert witnesses: <ul style="list-style-type: none"> - Mr Brian Haratsis of MacroPlan Dimasi on planning - Mr Henry Turnbull of Traffix Group on traffic • Ranfurlie Developments Pty Ltd represented by Andrew Caspar of Tract Consultants and calling the following expert witness: <ul style="list-style-type: none"> - Mr Reece Humphreys of GTA Consultants on traffic • Burnside Retirement Village represented by Ms Marlene Gorman • Elvira Dzomba represented by Ms Janja Dzomba
Date of this Report	23 December 2015

Executive Summary

The Environment Effects Statement Inquiry, Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157 relate to part of the Palmers Road Corridor. The relevant part of the Corridor is located in Melbourne's rapidly growing western region and will provide an important major north-south link that will span approximately 16 kilometres from the Calder Freeway through to the Western Freeway in Derrimut. The Palmers Road Corridor Project is designed to be ultimately a six-lane road with an 80 kilometres an hour speed limit.

The Environmental Effects Statement explains that alternative routes south of the Western Freeway were not investigated because a previous process examined alternatives. The Inquiry Panel (Panel) accepts this approach. North of the Western Freeway, three corridors were examined and a high level assessment provided in the Environmental Effects Statement. That assessment found that two options, the Gourlay Road and Kings Road corridors, were inadequate compared to the preferred Palmers Road Corridor. The Environmental Effects Statement notes that virtually all of the land along the Palmers Road corridor has been reserved for the Project for considerable time.

The Environment Effects Statement was prepared based on scoping requirements that include nine environmental aspects and associated objectives. Theme based technical reports were prepared and each included a detailed assessment and rating against the relevant objectives on a scale of 'very poor' to 'very well'. The Project received an overall rating of 'well'.

The Environment Effects Statement and Amendments were exhibited concurrently from 28 July to 31 August 2015 and received 33 submissions. Ten submissions were from residents in the Sydenham area. Issues raised in submissions include noise levels; property access; landscaping; safety; air pollution; road capacity; consultation before construction; shared paths; incorporated document; land acquisition; Kororoit Creek bridge design; flora and fauna; and public transport.

The Panel considers that the themes and objectives are appropriate for assessing the Project's impacts and agrees that it rates 'well'. The Project will impact directly and indirectly on property owners and tenants, but these impacts can be mitigated to an acceptable level through measures outlined in the Environment Effects Statement and proposed management plans.

Overall, the Project will result in a net community benefit resulting from improved traffic capacity and road performance; improved safety; and better access to community facilities, retail and commercial land uses. Calder Park Motor Sports Centre is of regional significance and the Project will result in improved access at Calder Park Drive. There may be opportunities for other future access points to this Centre but their consideration is outside the Project scope. To ensure safety and traffic efficiency, the Project proposes to restrict existing vehicle turns along the Corridor. The Panel supports adding u-turn points where such restrictions are considered unreasonable.

The Panel is, to some extent, concerned with the potential of road safety and capacity measures to result in a relatively wide asphalted road with limited landscape opportunities. This is particularly important in areas such as Sydenham where there are dwellings oriented

towards the Corridor. The Panel believes that there are visual and landscape measures that can be implemented without compromising road safety and capacity.

The proposed Kororoit Creek crossing will result in the most significant environmental impact, relative to other parts of the Corridor. The Panel is satisfied that specific measures, including those recommended by the Panel, can minimise this impact to an acceptable level.

Having reviewed relevant documents and considered all submissions, the Panel recommends that the Project be approved subject to changes recommended in this report. The Panel's findings and recommendations are summarised below and detailed throughout the report.

1.1 Findings

The Panel finds that the environmental effects of the Palmers Road Corridor Project can be managed and potential adverse effects on surrounding properties can be minimised through mitigation measures proposed by VicRoads and recommendations in Part B of this report.

1.2 Recommendations

Based on the reasons set out in this Report, the Panel recommends that the Palmers Road Corridor Project be approved subject to the following changes:

- 1. Amend the Project design and Incorporated Document, where appropriate, to:**
 - a) Add the requirement for acoustic fencing combined with appropriate landscaping along the section of Calder Park Drive abutting Albert Road to achieve at least existing noise levels.**
 - b) Add the requirement to design the acoustic fencing along the section of Calder Park Drive abutting Albert Road in consultation with the owners of affected properties in Albert Road.**
 - c) Add a u-turn point on Calder Park Drive (turning from north to south) approximately 200 metres north of Erskine Way.**
 - d) Add a u-turn point on Westwood Drive near Kelly Avenue, approximately 400 metres north of Nichol Avenue.**
 - e) Remove the south-bound left slip lane from Calder Park Drive to Hume Drive in Taylors Hill, as shown in Design Drawings Sheet 30, unless further analysis demonstrates that it is required for satisfactory operation of the intersection.**
 - f) Create areas of wider road verges by reducing the width of the centre median subject to minimum requirements to provide turning lanes at intersections.**
 - g) Require canopy trees to be planted on the road verges subject to safety considerations.**
 - h) Require landscaping treatment on the wider road reserve near the northern end of Albert Road to be maximised through canopy trees and other planting.**
 - i) Implement mitigating measures that reduce the visual impact on the Kororoit Creek corridor including:**
 - creating a light well between the two bridges**
 - designing the bridges so that they are sympathetic to their environment**
 - planting indigenous vegetation on the embankments.**

- j) **Require a comprehensive Project-wide landscape plan to be prepared at the detailed design stage of the Project in consultation with the surrounding community.**
2. **Amend the Incorporated Document to:**
- a) **Require the Contractor Environmental Management Plan to include measures for protecting the ecological values of the Project area and surrounding landscape.**
 - b) **Require that the catchment related content to be included in the Contractor Environment Management Plan is prepared to the satisfaction of Melbourne Water.**
 - c) **Add the following requirement:**
Prior to the commencement of any works, the views of Australia Pacific Airports (Melbourne) Pty Ltd or its successor, must be sought and considered in respect of the detailed design [north of Melton Highway], including in relation to:
 - *potential to impact airspace;*
 - *avoiding protrusion of bridges and other structures into prescribed airspace;*
 - *air emissions;*
 - *landscaping; and*
 - *lighting.*
3. **Delete Public Acquisition Overlay Schedule 1 from the proposed Calder Park Drive and Hume Drive, Taylors Hill left slip lane if this slip lane is no longer required.**
4. **Translate and incorporate the scope and intent of all the Panel's recommendations into the VicRoads Project Environment Protection Strategy and all contracts, the Environment Management System and the various Contractor Environmental Management Plans.**

The Panel also recommends:

5. **Melton Planning Scheme Amendment C143 be adopted subject to recommendations 1, 2 and 3.**
6. **Brimbank Planning Scheme Amendment C157 be adopted subject to recommendations 1 and 2.**

PART A: BACKGROUND AND INQUIRY PROCESS



1 Introduction

1.1 The Inquiry

On 13 November 2009, the Minister for Planning determined that an Environment Effects Statement (EES) is required for the Palmers Road Corridor Project (the Project) under the *Environment Effects Act 1978*. Reasons for his decision were:

- There is potential for significant adverse effects associated with the northern section of the Corridor (stages two and three), in relation to residential amenity and well-being, landscape values and Aboriginal cultural heritage.
- The opportunity to avoid or minimise potentially significant effects associated with the northern section of the Corridor, through route, design or mitigation measures is uncertain.
- An integrated assessment of the potential environmental effects of the proposal and alternatives is needed to facilitate sound decision-making for stages two and three of this new arterial Corridor.
- An EES would provide an effective and integrated basis for assessing potential environmental effects of the northern section (stages two and three).

The potential effects associated with the southern section of the Corridor (stage one) are relatively minor and can be effectively addressed through a planning scheme amendment process.

Section 9 of the *Environment Effects Act 1978* states that:

The Minister may, with the approval of the Governor in Council, appoint one or more persons to hold an inquiry (whether in public or in private as he sees fit) into the environmental effects of any works or proposed works to which this Act applies.

An Inquiry Panel (the Panel) was appointed on 9 August 2015 to consider the Project's Environment Effects Statement in accordance with the Terms of Reference approved by the Minister for Planning on 2 August 2015. The Terms of Reference are provided at Appendix A.

The Inquiry Panel is referred to as the 'Panel' throughout this report.

1.2 Planning Scheme Amendments

Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157 (the Amendments) seek to facilitate the Palmers Road Corridor Project by:

- Acquiring private land
- Exempting the Project from needing any planning permit if it complies with the Incorporated Document.

Table 1 Planning Scheme Amendment changes

Melton PSA C143	Brimbank PSA C157
<p>The Amendment:</p> <ul style="list-style-type: none"> - Applies the Public Acquisition Overlay (PAO1) to land required for the Project 	<p>The Amendment:</p> <ul style="list-style-type: none"> - Applies the Public Acquisition Overlay (PAO5) to land required for the Project - Deletes the Public Acquisition Overlay (PAO5) from land no longer required for the Project
<ul style="list-style-type: none"> - Amends the Schedules to Clause 52.03 and Clause 81.01 to insert the <i>Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document</i>, July 2015 to allow the land identified in the Incorporated Document to be used and developed for the Project subject to conditions 	
<ul style="list-style-type: none"> - Amends the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority for administering and enforcing the <i>Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document</i>, July 2015. 	

The Amendments are included in the EES Volume 2 document.

To assist in assessing the Project, on 9 August 2015 the Minister for Planning appointed the Inquiry members as the Planning Panel under sections 153 and 155 of the *Planning and Environment Act 1987* to consider the Amendments.

1.3 Purpose of this report

The Terms of Reference require the Panel to produce a report for the Minister for Planning presenting the Panel’s findings, conclusions and recommendations on the matters listed in the Terms of Reference. This report will inform the Minister for Planning’s assessment of the environmental effects (Assessment) under the *Environment Effects Act 1978* for the Project.

As the Panel is jointly appointed as a Panel, this report advises on the suitability of the Amendments in response to issues raised in submissions.

1.4 Procedural matters

In its original submission, Calder Park Raceway Pty Ltd stated that the proposed October 2015 timing for the Hearing provided insufficient preparation time given the complexity of the Calder Park site. This was not raised as an issue at the Directions Hearing or pursued any further.

At the Directions Hearing, VicRoads questioned the status of Ranfurlie Developments Pty Ltd’s original submission because the submission did not include substantive issues and Ranfurlie Developments reserved the right to change its position on Melton Planning Scheme C143. VicRoads did not oppose the content of the submission at the Hearing. Ranfurlie Developments’ submission at the Hearing included information that was available when it prepared its original submission. When asked by the Panel at the Hearing, Mr Casper on behalf of Ranfurlie Developments, was unable to explain why the original submission did not include this information.

At the Directions Hearing, VicRoads informed the Panel of a number of administrative errors in the Term of Reference. An example includes reference to the Project proposing four lanes

in one section and six lanes throughout the rest of the document. When taking into account the nature of the errors, the Panel does not consider that a reasonable person could have been misled or confusion about the Project. There was no evidence of confusion found in any submission.

1.5 Site inspection

The Panel conducted an accompanied inspection of sites throughout the Corridor on 13 October 2015. Parties to the Hearing were invited to attend and Melton City Council organised a mini bus. The inspection was attended by the Panel members, VicRoads officers, Mr Sherman and Mr Milbourne of Melton City Council. Mr Sutherland of Calder Action Group attended the inspection between Hume Drive in Taylors Hill and the Organ Pipes National Park. Mr Gobbo QC and a Calder Park Raceway employee attended the inspection of Calder Park Raceway.

1.6 Structure of this report

The Panel considered the exhibited EES and Amendments, all submission and evidence provided at the Hearing by parties listed in the Overview table and all written submissions. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This report has three parts:

Part A: Background and Inquiry process

Introduces the Palmers Road Corridor Project, the EES and inquiry process and legislative and policy framework.

Part B: Environmental effects of the project

Examines the environmental effects in detail under the themes of:

- Road safety and capacity
- Amenity and environmental quality
- Social, land use and infrastructure
- Visual and landscape values
- Biodiversity and habitat
- Catchment values
- Cultural heritage
- Environmental management framework
- Matters of Commonwealth interest
- Integrated assessment

The EES evaluation objective for each chapter is set out at the start of each chapter.

Part C: Planning Scheme Amendments

Considers issues raised with Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157 (the Amendments). The Amendments include changes that support the Project.

2 The Proposal

2.1 The project area and surrounds

The Palmers Road Corridor (the Corridor) is approximately 16 kilometres long between the Western Freeway at Derrimut and the Calder Freeway at Calder Park across two municipalities: the Cities of Melton and Brimbank. The Corridor currently comprises Robinsons Road, Westwood Drive and Calder Park Drive with significant setbacks to property boundaries, where land was planned and reserved for a future arterial road link. These roads currently vary between two lanes and four lanes and between divided and undivided sections. There is a missing section of the existing north-south road link between Westwood Drive near Commercial Road at Caroline Springs and just south of Kororoit Creek. Currently, vehicles are required to detour along Rockbank Middle Road, Caroline Springs Boulevard through the Caroline Springs Activity Centre and along Commercial Road.



Figure 1 Palmers Road Corridor Project Area

2.2 The project

The ultimate project is proposed to be constructed in a 16 kilometre long and 40 to 60 metre wide corridor and include:

- A six-lane divided road
- A shared bicycle and pedestrian path on each side of the road
- A raised multi-directional interchange where Calder Park Drive meets the Calder Freeway
- Two three lane bridges over Kororoit Creek; one to be constructed by the City of Melton and the other by VicRoads
- Removal of two railway crossings (Melbourne-Bendigo line with Calder Freeway and Ballarat line with Robinson Road).

The Project will be constructed in stages and is expected to be completed by 2046.

2.3 Relevant alternatives

In determining that an EES was required for the upgrade of the Palmers Road Corridor, the Minister for Planning required that VicRoads provided a preliminary report on potential alternatives for developing the arterial route capacity either generally along the Corridor or along an alternative north-south route.

VicRoads stated in the EES that:

The upgrade of the Palmers Road Corridor has been identified as a long term project to be implemented in stages, with the section of the corridor south of the Western Freeway planned to occur in the medium term. A Planning Scheme Amendment for that section has been completed, and the approvals necessary to reserve the land are in place.

As such, alternative corridors south of the Western Freeway have not been considered as this would make redundant the work completed to date, in particular, the design interaction with the Williams Landing Station, and direct connectivity between the Calder Freeway and the Point Cook area.

North of the Western Highway, three corridor options were considered:

- Palmers Road Corridor
- Gourlay Road Corridor to the west
- Kings Road Corridor to the east.

The EES provided a high level summary of the land use, traffic and social considerations and concluded that:

The Palmers Road Corridor is a core element of the GCP for Melbourne's west. The land use pattern in the Melton East area has been designed to accommodate a 6 lane primary north-south arterial along the Palmers Road Corridor, including fewer intersections with feeder roads into the residential areas, almost no direct property access, and no community facilities or activity centres on the corridor.

The Kings Road and Gourlay Road Corridors are not considered to be potentially suitable alternatives. This is due to constraints such as the width of the existing road reserve, the number of 'friction points' at intersections with

local streets, the location of activity centres, existing levels of local traffic and designation as part of the PPTN. Furthermore, Palmers Road Corridor as the primary arterial underpins the road network as set out in the GCP for Melbourne's west, which is designed to create an efficient transport network to facilitate the sustainable economic development within the growth corridor.

Modelling shows a road connection across Kororoit Creek is critical to the arterial road network. Modelling also shows at two and four lanes the Palmers Road Corridor is over capacity and the six lane option provides a level of service with significantly less congestion in the peak period. With six lanes the Palmers Road Corridor will become the major north south route located between the OMR and the Western Ring Road.

The Panel accepts that planning for works south of the Western Highway has been completed and it would make no sense to make that work redundant by considering alternative corridors for that section.

The assessment of alternative corridors north of the Western Highway demonstrates to the Panel that the Palmers Road Corridor is superior to the two other options outlined in the EES.

The Gourlay Road corridor and Kings Road corridor options are not considered any further in this report.

3 Inquiry approach to assessment of effects

3.1 Draft evaluation objectives

Chapter 7 of the EES sets out draft evaluation objectives as shown in Table 2.

Table 2 Draft evaluation objectives

Draft evaluation objective	
Road safety and capacity	To improve the road-based transport capacity and connectivity in western Melbourne, by developing a six-lane dual carriageway arterial road along the Palmers Road Corridor between Western Freeway and Calder Freeway, while maintaining the connectivity of the existing local transport routes
Amenity and environmental quality	To minimise adverse noise and other amenity effects on nearby residents and land uses, to the extent practicable
Social, land use and infrastructure	To minimise adverse social and land use effects, including impacts on existing infrastructure
Visual and landscape values	To avoid adverse effects on the landscape and recreational values of the Organ Pipes National park and minimise visual effects on open space areas
Biodiversity and habitat	To avoid or minimise adverse effects on native vegetation and listed flora and fauna species and ecological communities, and address opportunities for offsetting potential losses consistent with relevant policy
Catchment values	To maintain the functions and values of surface water and floodplain environments
Cultural heritage	To avoid or minimise effects on Aboriginal and historic cultural heritage values
Integrated and sustainable transport	Overall, to demonstrate that the project would achieve a balance of economic, social and environmental outcomes that contribute to ecologically sustainable development and provide a net community benefit over the short and long-term
Environmental management framework	To provide a transparent framework with clear accountabilities for managing environmental effects and hazards associated with construction, operation, decommissioning and rehabilitation phases of the projects, in order to achieve acceptable environmental outcomes

3.2 Evaluation framework

The draft evaluation objectives were assessed by VicRoads in the EES and rated using the scale shown in Table 3.

Table 3 Summary of rating scale

Rating	Description
Very well	Negligible adverse effects; Applicable standards met; Strong policy compliance; Best practice (including mitigation measures)
Well	Minor adverse effects; Minor exceedances at small number of locations; Good policy compliance; Improved practice (including mitigation measures)
Neutral	Moderate adverse effects; Minor exceedances at large number of locations; Partial policy compliance; Standard practice (including mitigation measures)
Poor	Moderate-Major adverse effects; Major exceedances at small number of locations; Policy non-compliance; Poor practice (including mitigation measures)
Very poor	Major adverse effects; Major exceedances at large number of locations; Major policy non-compliance; Very poor practice (including mitigation measures)

3.3 Discussion

The Panel has examined each of the objectives under the headings used by VicRoads in the EES and has made findings on the adequacy of work completed to date, commented on submissions made to the Panel and, in some cases, made recommendations for further work.

The Panel considers that the evaluation objectives adopted by VicRoads in the EES are complete and do not need further refinement or additional items.

4 Legislative and Policy Framework

4.1 Legislation

Page 5 of the EES refers to legislation that is relevant to the Project, as shown in Table 4. The Panel made the following variations:

- Recognised the *National Parks Act 1975* as State; not Commonwealth legislation.
- Made the *National Parks Act 1975* relevant to the Biodiversity and habitat evaluation objective.

Table 4 Relevant legislation

Legislation	Relevant to:
Commonwealth	Evaluation objective
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	- Biodiversity and habitat
State	Evaluation objective
<i>Aboriginal Heritage Act 2006</i>	- Cultural heritage - Environmental management framework
<i>Environment Effects Act 1978</i>	- Integrated and sustainable transport
<i>Environment Protection Act 1970</i>	- Amenity and environmental quality - Biodiversity and habitat - Environmental management framework - Integrated and sustainable transport
<i>Flora and Fauna Guarantee Act 1988</i>	- Biodiversity and habitat
<i>Heritage Act 1995</i>	- Cultural heritage
<i>Land Acquisition and Compensation Act 1986</i>	- Social, land use and infrastructure
<i>National Parks Act 1975</i>	- Biodiversity and habitat - Visual and landscape values
<i>Planning and Environment Act 1987</i>	- Road safety and capacity - Amenity and environmental quality - Social, land use and infrastructure - Visual and landscape values - Biodiversity and habitat - Catchment values - Cultural heritage - Environmental management framework - Integrated and sustainable transport
<i>Road Management Act 2004</i>	- Road safety and capacity
<i>Transport Integration Act 2010</i>	- Integrated and sustainable transport
<i>Water Act 1989</i>	- Catchment values
<i>Wildlife Act 1975</i>	- Biodiversity and habitat

Source: EES

4.2 Project approvals

Section 3 of the EES outlines the relevant approvals needed in order for the Project to proceed. Victorian statutory approvals required for the Project include:

- Under the *Planning and Environment Act 1987*, Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157. The Amendments will exempt planning permit requirements for the Project.
- Under the *Aboriginal Heritage Act 2006*, a Cultural Heritage Management Plan.
- Under the *Flora and Fauna Guarantee Act 1988*, a permit to:
 - remove any areas of listed ecological community or protected/listed plants
 - remove or temporarily hold any listed fish species.
- Under the *Water Act 1989*, a permit from Melbourne Water before works over Koroit Creek and near waterways commence.
- Under the *Heritage Act 1995*, consent to disturb historical archaeological sites and a permit to carry out works to a heritage place.
- Under the *Wildlife Act 1975*, a permit for any wildlife research.

The Minister for Planning assessment under the *Environment Effects Act 1978* will inform these approvals. Impacts on matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999* are addressed separately in Chapter 13.

4.3 State and Local Planning Policy

The Project area is included in the Brimbank and Melton Planning Schemes. VicRoads stated in EES Volume 2 and its Hearing submission that the Project addresses the clauses in the State and Local Planning Policy Frameworks for both Planning Schemes as shown in Figure 2.

The Panel agrees with VicRoads that the project addresses the identified clauses in the State and Local Planning Frameworks. The Panel concludes that the Amendments are supported by, and implement, the relevant sections of these Frameworks and should be adopted subject to the changes recommended in this report.

Figure 2 Relevant Planning Policy

State Planning Policy Framework - Melton and Brimbank Planning Schemes	
Clauses	
11	Settlement
11.04	Metropolitan Melbourne
11.02-2	Planning for growth areas To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.
11.02-3	Structure planning To facilitate the orderly development of urban areas.
11.02-4	Sequencing of development To manage the sequence of development in growth areas so that services are available from early in the life of new communities.
11.04	Metropolitan Melbourne
11.04-3	A more connected Melbourne

To provide an integrated transport system connecting people to jobs and services, and goods to market.

12 Environmental and landscape values

12.01 Biodiversity

12.01-1 Protection of biodiversity

To assist the protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites.

12.01-2 Native vegetation management

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity.

12.04 Significant environments and landscapes

12.04-1 Environmentally sensitive areas

To protect and conserve environmentally sensitive areas.

12.04-2 Landscapes

To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

13 Environmental risk

13.04 Noise and air

13.04-1 Noise abatement

To assist the control of noise effects on sensitive land uses.

13.04-2 Air quality

To assist the protection and improvement of air quality.

15 Built environment and heritage

15.03 Heritage

15.03-1 Heritage conservation

To ensure the conservation of places of heritage significance.

15.03-2 Aboriginal cultural heritage

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

18 Transport

18.01 Integrated transport

18.01-1 Land use and transport planning

To create a safe and sustainable transport system by integrating land-use and transport.

18.01-2 Transport system

To coordinate development of all transport modes to provide a comprehensive transport system.

18.02 Movement networks

18.02-1 Sustainable personal transport

To promote the use of sustainable personal transport.

18.02-2 Cycling

To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

18.02-4 Management of the road system

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.

18.05 Freight

18.05-1 Develop freight links

To further develop the key transport gateways and freight links and maintain Victoria's position as the nation's premier logistics centre.

Local Planning Policy Framework - Melton

Clauses

21 Municipal Strategic Statement

21.03 Planning visions and objectives for Melton

21.03-2 Planning objectives

To develop an efficient and integrated transport infrastructure that allows people choice about how they move within and through the City.

21.04 Housing with the established residential areas

21.04-2 Key issues

The provision of infrastructure, facilities, services and transport options are key factors that need to be considered when planning for residential areas. In addition, other important factors include the existing residential character and the capacity of areas to accommodate increased residential densities.

22 Local planning policies

22.04 Urban development policy

Ensure that Melton East is developed in an orderly manner gradually proceeding from the northern to the central seam and from the southern to the central seam as infrastructure such as roads and drainage is provided and connected in accordance with the model outlined in the Melton East Strategy Plan Review (1997).

22.07 Transport and movement policy

To support the integration of transport systems with land use planning, community and economic development.

To provide a road network that meets the needs of users at a minimal cost to Council, the community and the environment.

Local Planning Policy Framework - Brimbank

Clauses

21 Municipal Strategic Statement

21.04 Strategic land use vision

Transport and Infrastructure: develop strong connections to an integrated, sustainable transport network and provide a safe and efficient cycling and walking network that links neighbourhoods to services and facilities.

21.10 Transport and infrastructure

21.10-1 Sustainable transport

To improve access to sustainable transport options.

21.10-2 Road network

To develop safe, efficient and convenient road network that provides for the movement of pedestrians, cyclists, freight and vehicles within and through the municipality.

PART B: ENVIRONMENTAL EFFECTS OF THE PROJECT



5 Road safety and capacity

5.1 The issues

Road safety and capacity issues identified in the EES are:

- *Exacerbation of congestion on the existing road network in the absence of an arterial route.*
- *Inefficient linkages with the road network exacerbate congestion at key nodes.*
- *Disruption to pedestrian movements, bicycle connectivity, public transport, motor vehicle traffic during the project construction.*

These issues relate to how well the following EES draft evaluation objective has been met:

To improve the road-based transport capacity and connectivity in western Melbourne, by developing a six-lane dual carriageway arterial road along the Palmers Road corridor between Western Freeway and Calder Freeway, while maintaining the connectivity of the existing local transport routes

5.2 EES documentation

The two technical reports and their overall ratings against the draft evaluation objective are provided in Table 5.

Table 5 Road safety and capacity: Overall assessment rating

Key technical investigation	Rating
Transport Modelling – Palmers Road Corridor EES (AECOM, 2015)	Very well
Access Management – Palmers Road Corridor EES (AECOM, 2015)	

The Panel accepts the EES road safety and capacity findings.

Four scenarios reflecting different road configurations of the Palmers Road Corridor in 2046 were modelled and assessed against the EES objectives. The four scenarios were:

- Two lanes (one lane each way) with no bridge across Kororoit Creek – the base case or ‘no project’
- Two lanes (one lane each way) with bridge
- Four lanes (two lanes each way)
- Six lanes (three lanes each way)

The EES noted that:

There will be some disruption to pedestrian movements, bicycle connectivity, public transport and motor vehicle traffic during the project construction phase. ... During the detailed design phase, a construction staging plan and methodology will be developed, with a view to minimising disruption as far as practicable.

EES Tables 8-12 and 8-14 provide a summary assessment of the four scenarios against the objectives of traffic volumes and travel times and accessibility and safety for users (vehicles, pedestrians and cyclists) respectively. EES Table 8-15 provides an overall assessment against the EES Evaluation Objective of Road Safety and Capacity.

Based on these assessments, the EES concluded that:

The project demonstrates a strong level of compliance with planning policy and Austroads Guidelines, while maintaining appropriate access into the local road and street network. Traffic modelling indicates that introducing the bridge over Kororoit Creek will increase traffic on the Palmers Road Corridor, as it completes the corridor to provide a north-south arterial that will draw traffic from the surrounding road network and improve traffic flow along the corridor itself and in the surrounding road network.

Upgrading the road from two lanes to four lanes improves the network performance and allows for an increase in traffic volumes on the road. Upgrading from four to six lanes provides a further increase in network performance while allowing even greater volumes of traffic.

The evaluation objective for road safety and capacity is 'to improve the road-based transport capacity and connectivity in western Melbourne, by developing a six-lane dual carriageway arterial road along the Palmers Road Corridor between Western Freeway and Calder Freeway, while maintaining the connectivity of the existing local transport routes'.

Overall, the six lane scenario results in a rating of "Very Well" against the draft evaluation criteria. The four lane scenario rates 'Well'. The two lane connected scenario is rated "Neutral", while the base case is rated as "Poor".

5.3 Overall Assessment

(i) Evidence and submissions

At the Hearing, Mr Sherman for VicRoads stated that:

The Project is justified on the basis that it will provide for longer term traffic demands in this region, which will reduce oversaturated conditions and reduce travel times and will deliver important improvements to road safety by eliminating road safety risks, and providing a higher safety standard than what currently exists.

He identified expected key improvements to increase safety including separating opposing traffic lanes, wide medians, additional signalised intersections, removal of roundabouts, restricting parking to service lanes, and restricting access to abutting properties to left in/left out turns only.

Mr Sherman noted that:

The EES concludes that the Project rates "Very Well" when assessed against the road safety and capacity objective.

In his written statement, Mr Hunt argued that based on his review of the traffic modelling, the Project is strategically justified. In his view, the Corridor needs to be upgraded to provide an alternative north-south capacity and relieve traffic concentration on Caroline Springs Boulevard and, ultimately, to provide a high capacity regional corridor. He added that a bridge over Kororoit Creek was essential to meet the objectives of the route.

Mr Hunt concluded that:

The initial construction of the route a 4 lane divided road can be expected to provide appropriate levels of capacity to cater for existing traffic and future growth in the short to medium term. Ultimately, to cater for regional requirements consistent with overall strategies for the Western Growth Corridor, upgrading to a six lane cross section would be required.

The concept design and identified land acquisition requirements to allow for the ultimate upgrade of the route to a 6 lane road is considered appropriate and sound road management planning.

(ii) Discussion

There were no submissions or evidence that questioned the overall assessment of the Project. The Panel considers the technical assessment on road safety and capacity to be comprehensive and sound. The assessment establishes the strategic justification for the Project and, as noted by Mr Sherman, the EES concludes that the six-lane scenario rates “Very Well” against the road safety and capacity objective. Based on the evidence, it is clear that the ultimate six-lane option with a bridge over the Kororoit Creek is essential to meet the longer term demands in the Corridor. It meets the objective to improve the road-based transport capacity and connectivity in western Melbourne while maintaining the connectivity of the existing local transport routes.

The concept design and application of the Public Acquisition Overlay in limited areas will help facilitate the ultimate upgrading of the road to six lanes over the entire Corridor and, as concluded by Mr Hunt, represents sound road management planning.

5.4 Road category and speed limit

(i) Evidence and submissions

The Austroads Guide¹ provides recommended management strategies for different road classifications or categories with appropriate speed limits, cross sections, intersection spacing, and restrictions on turning movement, site access and parking. The EES stated that Austroads Category 2 is:

...considered the most relevant category to consider for any future works to the Palmers Road Corridor, given the land use, purpose of the road and that the Palmers Road Corridor has the capacity to accommodate a category 2A and 2B arterial which accommodates higher traffic volumes with less congestion.

EES Table 8-1 sets out the access management tools for Category 2A and 2B roads. The key item is the speed limit, being 80 km/h and above for Category 2A and 70-80 km/h for Category 2B.

Mr Hunt stated that he considered the proposed management strategy to be in accordance with the Austroads Guidelines for a Category 2A standard (except in the southern, Robinson Road section where existing intersection spacing would require a Category 2B designation)

¹ Austroads Guide to Traffic Management: Part 5: Road Management (Document 8)

and consistent with management as a primary arterial road and designated traffic route as proposed for the Palmers Road Corridor.

Some submitters questioned the need for an 80 km/h speed limit.

Mr Caspar for Ranfurlie Developments Pty Ltd submitted that the road design should be revised “to ensure that where the road passes through the Burnside Activity Centre, it better complies with the objectives of the Activity Centre Design Guidelines.” He argued that:

It is inappropriate, under the objectives of the Activity Centre Design Guidelines and otherwise, to have an arterial road with an 80 kilometre per hour speed limit forming the boundary of an activity centre and separating it from an important part of its residential catchment immediately to the east. The level of pedestrian activity, including particularly to the road reserves, means that such speeds may raise safety issues.

He referred to Mr Humphreys’ evidence who questioned, along with other design aspects, the 80 km/h design speed along the Westwood Drive section of the road adjacent to the existing Burnside Shopping Centre. Mr Humphreys suggested a 60 km/h speed limit at this location because of weaving manoeuvres by vehicles accessing the shopping centre and pedestrian safety. He stated that a reduced design speed could have implications for the road design including the length of queueing lanes and the radii of turning lanes which could result in a reduction to the Public Acquisition Overlay areas.

In closing, Mr Sherman submitted that the boundary of the activity centre area, as suggested by Mr Caspar, bears no resemblance to reality. He noted that the activity centre is limited to the area covered by Development Plan Overlay Schedule 17 and does not extend across Westwood Drive.

(ii) Discussion

The road safety and capacity objective is to improve capacity and connectivity in western Melbourne by developing a six-lane dual carriageway arterial road along the Corridor between Western Freeway and Calder Freeway. It is evident that managing the upgraded road as Category 2 under the Austroads guidelines would be appropriate to accommodate the forecast traffic volumes with less congestion while meeting road safety objectives. In the Panel’s view, road Category 2A (or 2B over the southern section) including a design 80 km/h speed limit should apply over the length of the entire Corridor.

The Panel does not agree with the suggestion made by Mr Caspar on behalf of Ranfurlie to reduce the proposed speed limit along the Corridor adjacent to Burnside Hub Activity Centre from 80 km/h to 60 km/h. The concept map presented by Mr Caspar in his evidence purports to show the Burnside Hub Activity Centre extending across Westwood Drive but in reality, the activity centre is the area covered by Development Plan Overlay Schedule 17 in the Melton Planning Scheme, west of Westwood Drive.

Burnside Hub has been designed as a car dependent centre where a major car park separates pedestrians on the street from the shops. It can be assumed that most visitors will drive to the centre and park their car before accessing the shops. For those opting to walk, shared pathways will be provided on both sides of Westwood Drive and the proposed controlled intersection will provide a safe pedestrian crossing. Chadstone Shopping Centre

is an example where pedestrians cross an 80 km/h speed limit road, the Princes Highway, at a controlled intersection.

5.5 Six lanes in Calder Park Drive section

(i) Evidence and submissions

Some submitters questioned the need for six lanes in the northern (Calder Park Drive) section of the Corridor. They argued that the traffic assessment in the EES showed that other sections of the Corridor are projected to carry three times the daily traffic volume with the same number of lanes proposed, and there would be no average AM peak period speed improvement with an increase from four to six lanes. Expanding Calder Park Drive to four lanes rather than six would enable the landscaped mound adjacent to the Albert Road to be retained and more landscaping added to the design.

In response to submissions on this issue, Mr Sherman submitted that:

There is no evidence to support the assertion that 4 lanes have the capacity to accommodate forecast traffic demand in 2046. To the contrary, the Traffic Modelling Report dated 5 March 2014 by AECOM at page 34 observes: "Analysis of travel in the AM peak indicates that at four lanes, the Palmers Road corridor is operating over capacity". This report has not (to date) been challenged and has been peer reviewed by Mr Hunt.

In his statement, Mr Turnbull noted that the traffic volumes predicted for Calder Park Drive in 2046 were ‘... unlikely to warrant three lanes in each direction mid-block based on my experience.’ Mr Hunt pointed out, however, modelling used in the traffic assessment did not include potential future development of the industrial zoned site on the east side of Calder Park Drive or potential expansion or alternative use of the Calder Park Motorsports Complex. He added that the modelled volumes for Calder Park Drive therefore significantly underestimate potential longer-term volumes. Mr Hunt stated at the Hearing that development of the industrial land would lead to the need for six lanes.

In closing, Mr Sherman agreed that predicted traffic volumes on the northern section of the Corridor are less than other parts of the Corridor but pointed out that expanding Calder Park Drive to six lanes would provide capacity for, and arguably encourage, development of the industrial site.

(ii) Discussion

Reducing the cross section from six to four lanes would enable the existing landscape mound along Albert Street to be retained and provide space for more landscaping along this section. The possible retention of the mound is discussed further in Chapters 6 and 8.

The traffic assessment shows lower traffic volumes on the northern section of the Corridor and consequently lower savings in travel times as noted by some submitters. However, as pointed out by Mr Hunt, the modelling that accompanied the assessment did not include future development of the industrially zoned land bounded by the Calder Highway, Calder Park Drive and the railway line or any future expansion of the Calder Park Motorsports Complex or potential other uses of that site. Future volumes on the Calder Park Drive section are therefore likely to be higher than those predicted in the modelling. The Panel is satisfied that six lanes is warranted for this section of the Corridor to provide capacity for

future development of the industrially zoned land and, indeed, to facilitate and encourage development of that land. VicRoads has proposed that the primary access point at the Motorsports Complex be through a signalised intersection on Calder Park Drive between the new Calder Freeway interchange and the railway line. It is likely that six lanes would be needed to ensure that this intersection operates at a satisfactory standard. The future widening of Calder Park Drive to six lanes would also improve access to the Calder Park Motorsports Complex to allow for more intensive use of that facility.

5.6 Shared path on both sides in Calder Park Drive section

(i) Evidence and submissions

One submitter questioned the need for a shared pedestrian/bike path on both sides of an upgraded Calder Park Drive. She considered it unnecessary to have a shared path on each side using a further six metres of the Corridor width when there was already a footpath along Albert Road. She added that pedestrian and cyclist activity was exceptionally low in the area and submitted:

While walking and cycling should be facilitated and encouraged, this level of pathway provision is excessive and is unlikely to ever reach levels that would justify that extent of provision. Why introduce more pavement area, when it would be cheaper and more beneficial to maintain green space?

She preferred a shared path only on the east side connected to the existing shared path to allow for *'the preservation of the landscape mound and some nature strips'*.

Mr Sherman stated:

The proposed shared pedestrian/cyclist pathway simply implements the Principle Bicycle Network depicted on figure 2 (page 8) Access Management Report AECOM which is consistent with the City of Brimbank's "Walking and Cycling Strategy" and Melton City Council's Walking and Cycling maps.

(ii) Discussion

While pedestrian and bicycle activity may be low currently in this area, the intention is to provide a connected pedestrian/shared path network along the Corridor with linkages to other paths in the area. This will assist in meeting the objective of encouraging walking and cycling in and around the Corridor.

The intended management of the Corridor as a Category 2 road with a design speed of 80 km/h also raises the need to consider design solutions to improve the safety of cyclists and pedestrians. Off-road bike paths constructed on both sides of the road provide the best outcome in terms of cyclist and pedestrian safety.

Deleting the shared path on the west side of Calder Park Drive would free up space for additional landscaping. Although this may be desirable to improve landscape outcomes, the Panel does not consider that such a change to the cross section design is warranted and would result in a poorer outcome in meeting the road safety objectives of the Project.

5.7 Findings

The Panel finds:

- The Project meets the objective in the EES to improve the road-based transport capacity and connectivity in western Melbourne while maintaining the connectivity of the existing local transport routes.
- The ultimate design cross section of six lanes for the Project including the Calder Park Drive section is justified.
- The inclusion of shared paths on both sides including the Calder Park Drive section is supported.
- A reduction in the speed limit from 80 km/h to 60 km/h along Westwood Drive adjacent to the Burnside Hub Activity Centre is not warranted.
- Austroads Category 2A (or 2B over the southern section) including a design 80 km/h speed limit should apply over the length of the entire Corridor.

5.8 Recommendation

There is no recommendation for road safety and capacity issues.

6 Amenity and environmental quality

6.1 The issue

Amenity and environmental quality issues identified in the EES are:

- *The potential for increases in noise levels from the project’s operation to significantly affect amenity in adjacent residential and parkland areas.*
- *The potential for increased vehicle traffic to adversely affect local air quality, relative to State Environmental Protection Policy.*

These issues relate to how well the following EES draft evaluation objective has been met:

To minimise adverse noise and other amenity effects on nearby residents and land uses, to the extent practicable

6.2 EES documentation

The two technical reports and their overall rating against the draft evaluation objective are provided in Table 6.

Table 6 Amenity and environmental quality: Overall assessment rating

Key technical investigation	Rating
Traffic Noise Assessment – Palmers Road Corridor EES (AECOM, 2015)	Neutral
Air Quality Assessments – Palmers Road Corridor EES (VicRoads, 2013)	

The EES provides a technical report with modelling that assesses traffic noise impacts on surrounding noise sensitive buildings in the Corridor based on three traffic scenarios. These scenarios were:

- *Scenario 1 – The potential increase in traffic noise on 44 noise sensitive properties along the missing Westwood Drive Connection (Kororoit Creek) from the existing conditions to the upgraded 2 lane road in 2015.*
- *Scenario 2 – The potential increase in traffic noise on 752 noise sensitive properties along the corridor from the existing conditions (without Westwood Drive connection) to the upgraded 6 lane road in 2046.*
- *Scenario 3 – The potential increase in traffic noise on 752 noise sensitive properties along the corridor from the upgraded 2 lane road (with Westwood Drive connection) to the 6 lane upgraded road in 2046.*

EES Table 9-7 provides an assessment rating against the extent of changes in noise levels at properties for these three scenarios and during construction of the roads. This notes that Scenario 3 was identified as the most appropriate for assessment of operational noise.

Air quality was assessed using the VicRoads AQST model against two ‘worst case’ locations in the Corridor using the ultimate traffic volumes for 2046 for four and six-lane configurations. EES Table 9-8 provides a summary of the modelling results.

The EES concludes that:

Based on the evaluation undertaken using the scenario of upgrading the corridor from a 2 lane road to the 6 lane upgraded road in 2046, which was identified as the most appropriate for operation noise assessment, the project

has been rated 'Neutral' for operational noise and 'Well' for construction noise. The project meets the requirements of the air quality screening tool and therefore there is no need to undertake a detailed air impact assessment.

6.3 Noise impacts

(i) Evidence and submissions

Nine submitters in Albert Road, Sydenham raised amenity and noise concerns and objected specifically to removing the landscaped mound between Calder Park Drive and Albert Road along the length of Albert Road. Another six submitters along the Corridor raised concerns over noise and air quality impacts and requested that the road be narrowed to four lanes, the median width reduced and noise attenuation measures and landscaping be put in place to reduce noise impacts.

Mr Sherman acknowledged that properties along the Corridor will experience increased noise levels from increased traffic volumes regardless of whether the Project proceeds or not. He summarised the EES findings as to the number of affected properties under the three assessment scenarios (see above) and noted in particular that while there would be a significant increase in noise levels for a significant number of properties, these properties are located near the proposed bridge over Kororoit Creek. He suggested that these significant increases are expected due to the low levels of existing road noise in that area in the absence of a bridge and through route.

Mr Sherman noted that the EES rated scenario 3 as 'neutral' and had identified that scenario as the most appropriate to assess noise when the upgraded road (from two to six lanes with the Westwood Drive connection through the Kororoit Creek bridge) is operational in 2046. He added that applying the VicRoads traffic reduction noise policy and associated planning provisions reinforce why scenario 3 is the most appropriate scenario to assess operation noise impacts for the Project.

Mr Sherman argued that the significant increases in noise for properties near Kororoit Creek would be due primarily to the construction of the first bridge over the creek which will be constructed by the Melton Shire Council. Noise levels after the first bridge and road link is operational should therefore be the baseline for measuring the noise impact of the duplication of the bridge. Accepting this new baseline would mean that the increase in traffic noise attributable to the bridge duplication by VicRoads would be minimal and the impact below the level requiring the installation of noise attenuation measures.

Mr Sherman explained at some length the applicability of the VicRoads Traffic Noise Reduction Policy and why under that policy, noise attenuation measures were not applicable in this case. He argued that notwithstanding the Minister for Planning's assessment of the Princes Highway Duplication Project (which noted that the VicRoads Traffic Noise Reduction Policy did not form part of the planning policy framework or related planning provisions and as such was not binding on the Panel for that project), the policy guidelines at Clause 13.04-1 Noise Abatement of the State Planning Policy Framework state that the VicRoads 2003 'A Guide to the Reduction of Traffic Noise' must be considered as relevant. This Guideline is in effect a summary of the VicRoads Traffic Noise Reduction Policy and therefore he argued that the State Planning Policy Framework requires the Panel to have regard to the Guideline which includes thresholds identical to those in the VicRoads Traffic Noise Reduction Policy.

He submitted that this validates VicRoads' policy position that it will not provide noise attenuation in the present circumstances.

In response to one submission on this matter, Mr Sherman stated that:

Noise attenuation for this site is not supported by VicRoads Noise Reduction Policy. Noise levels will increase because of increased traffic levels regardless of the Project proceeding. The evidence of Mr West is that the increase in noise levels attributable to the Project when superimposed on expected noise increases along most of the Project area is acceptable.

In his evidence and at the Hearing, Mr West stated that the current VicRoads policy would not apply to the Project because no building will be removed to facilitate the construction of the additional traffic lanes. He added that the Westwood Drive connection (bridge over Kororoit Creek) is not covered because it is not being constructed by VicRoads and would not qualify under the policy in the future after the bridge has been built when VicRoads adds lanes to the connection because at that time no buildings will be removed for the upgrade.

In summarising the noise impact assessment, Mr West noted in his evidence that:

- Constructing the Westwood Drive connection will result in a potential increase in noise levels from 4 dB(A) to greater than 15 dB(A) in the vicinity of the connection
- Upgrading the Corridor from two to six lanes will result in a relatively small noise impact on most residences which is why this scenario was rated 'neutral'.

(ii) Discussion

The proposed Project and, in particular, the construction of the Westwood Drive connection over Kororoit Creek will undoubtedly increase traffic noise levels to properties in close proximity. The EES assessment and Mr West's evidence confirm this. Given the EES assessment and the number of residences likely to experience an increase in perceptible traffic noise levels, it is surprising that there were only a relatively few submissions on this issue.

The relatively low number of submissions could be explained by the fact that the Corridor upgrade has been identified for some time and was incorporated in relevant planning strategies well before most of the housing was built adjacent to the Corridor. In particular, the affected properties in the Kororoit Creek area were subdivided and constructed after the Melton East Strategy Plan, which clearly identified the future Corridor upgrade, was incorporated in the Melton Planning Scheme in 1999.

The Panel agrees that information was available to inform prospective purchasers of a future six-lane road. However, it would have been reasonable for them to assume that the relevant authority would undertake the necessary measures to address noise issues associated with that road.

Setting aside the VicRoads policy, a case could be made based on the data set in the EES for noise attenuation measures to reduce noise impacts for at least properties directly affected by the Kororoit Creek bridge. Mr West indicated at the Hearing that effective noise attenuation measures could be placed on the bridge but he added that such measures would most likely add to the visual intrusion of the bridge on the Kororoit Creek area and may not be desirable from that perspective.

VicRoads Traffic Noise Reduction Policy sets out how VicRoads generally responds to projects of this scale. It is not a legally binding document. The State Planning Policy Framework states that the Guide to the Reduction of Traffic Noise 2003 must be considered. Having considered this document, the Panel believes that noise attenuation measures should not be precluded from the bridge design if they are necessary to address direct noise impacts.

The reality is that residents will be impacted by noise from initially a three lane bridge and road link and ultimately a six-lane bridge. The Panel considers that a decision as to whether noise attenuation measures are warranted should be based on the noise impacts irrespective of which authority constructs the first bridge. There will be a bridge constructed over Kororoit Creek; residents will not be concerned with who builds the bridge. They will be concerned over the noise impacts on them.

Residents should not be unreasonably impacted because of what appears to be a policy 'loop hole'.

6.4 Landscaped mound adjacent to Albert Road

The mound area is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheets 36 and 37.

(i) Evidence and submissions

Mr Sherman acknowledged that the landscaped mound adjoining Albert Road is proposed to be removed but argued that the mound is not a building and, therefore, under the VicRoads policy, noise attenuation measures are not required. Despite this, Mr Sherman submitted:

Removal of the buffer mound may expose Albert Road residents to increasing noise levels. VicRoads is prepared to provide noise attenuations equivalent to the dirt mound being removed in accordance with VicRoads' Noise Reduction policy which is to attenuate noise levels to the level that would have prevailed if the earth mound had not been removed, or 63dB(A), L10 18hr) measured between 6.00am and midnight, whichever is the greater.

VicRoads informed residents that it is prepared to retain part of the mound subject to detailed design and that it would consider replacing noise attenuation measures in sections where it is not feasible to retain the mound. This was confirmed by VicRoads at the Hearing. Mr Sherman agreed with the Panel members that VicRoads had agreed to consider retaining the mound based on a generous interpretation of its policy.

He explained at the Hearing that the actual attenuation measures, which could include retaining part of the mound, would be determined at the detailed design stage.

Mr West conducted traffic noise modelling for properties in Albert Road to determine noise level changes if the mound were removed. In his evidence, he stated that there would be approximately 1 dB(A) increase in noise levels in both 2015 and 2046 if the mound were removed. He explained that the mound has little acoustic reduction because of its relatively low height compared to the height of the noise source on the carriageway and the height of the receiver at the residences. He added that the relatively flat terrain also means the mound provides little acoustic reduction. To be effective, noise barriers on flat terrain need to be substantially higher than both the noise source and the receiver.

Mr West stated that, while his modelling may have marginally underestimated the mound's acoustic benefits, the mound does not reduce traffic noise to any great degree under existing conditions. He added that residents' perceptions of the mound's ability to reduce noise were greater than actual benefits and that it may be worth retaining it to address these perceptions. Mr West stated that a continuous acoustic fence of about two metres in height would be more effective than a mound. He considered that the footprint of such an acoustic fence would be small and would allow plantings to provide visual screening.

(ii) Discussion

Submitters along Albert Road clearly perceive that the existing landscaped mound provides them with some screening from traffic noise and the visual intrusion of Calder Park Drive.

The Panel commends VicRoads on its willingness to partly retain the mound or replace it with an alternative, subject to detailed design of the road profile in this section of the Project. The Panel notes Mr West's advice that acoustic fencing would be more effective in attenuating traffic noise. The Panel suggests that VicRoads consider acoustic fencing at least in part to replace the mound at the detailed design stage in consultation with affected residents in Albert Road.

See Chapter 8 for further discussion about the visual and landscape impacts of removing the mound.

6.5 Air Quality

(i) Evidence and submissions

Mr Sherman noted in his submission that:

The EES predicts that air quality effects from the Project's operational phase will be very minor. VicRoads' Air Quality Screening Tool was used to assess motor vehicle emissions which indicated that the predicted concentration of emissions are well within the criteria specified in SEPP (Air Quality Management) intervention levels and, as a result, no further detailed air quality impact assessment was required.

Air quality impacts as a result of the Project are largely confined to construction dust and will be temporary. Dust management controls and procedures will be mandated in the Environmental Management Framework.

(ii) Discussion

Some submitters raised concerns over the possible impact on air quality from the Project but the evidence on this matter is clear cut. As noted by Mr Sherman, based on modelling reported in the EES, the air quality effects from the Project's operational phase will be very minor and well within the criteria specified in State Environment Protection Policy (Air Quality Management) intervention levels. During its construction phase, dust management controls and procedures will be mandated in the Environmental Management Framework.

The Panel concurs with the conclusion stated in the EES that no further detailed air quality impact assessment was required.

6.6 Findings

The Panels finds:

- Some properties in the near vicinity of the proposed Kororoit Creek bridges will be subject to increased traffic noise when these bridges are constructed.
- The VicRoads Traffic Noise Reduction Policy is the only traffic noise policy currently available to apply to the Project.
- The current practice of assessing the VicRoads Traffic Noise Reduction Policy against only works undertaken by VicRoads where initial works are done initially by another road authority should be reviewed.
- Acoustic fencing adjacent to Albert Road will provide greater traffic noise attenuation for residents in Albert Road than the existing landscaped mound.
- Consulting with owners of affected properties in Albert Road about the acoustic fence and associated landscaping at the detailed design stage will provide VicRoads with a better understanding of their expectations.
- Air quality impacts of the Project during its operational phase will be within the criteria specified in State Environment Protection Policy (Air Quality Management) intervention levels and will be managed during its construction phase through the mandated dust management controls and procedures in the Environmental Management Framework.
- No further detailed air quality impact assessment is required.

6.7 Recommendation

The Panel recommends:

Amend the Project design and Incorporated Document, where appropriate, to:

- a) Add the requirement for acoustic fencing combined with appropriate landscaping along the section of Calder Park Drive abutting Albert Road to achieve at least existing noise levels.**
- b) Add the requirement to design the acoustic fencing along the section of Calder Park Drive abutting Albert Road in consultation with the owners of affected properties in Albert Road.**

7 Social, land use and infrastructure

7.1 The issue

The social, land use and infrastructure issue identified in the EES is:

The potential for dislocation and diminished social wellbeing due to severance causing reduced access to social networks or community facilities.

This issue relates to how well the following EES draft evaluation objective has been met:

To improve the road-based transport capacity and connectivity in western Melbourne, by developing a six-lane dual carriageway arterial road along the Palmers Road corridor between Western Freeway and Calder Freeway, while maintaining the connectivity of the existing local transport routes

Issues raised in evidence and submissions include:

- Land acquisition
- Reduced property access
- Reduced amenity
- Reduced ability for pedestrians to cross the Corridor.

7.2 EES documentation

The two technical reports and their overall rating against the draft evaluation objective are provided in Table 7.

Table 7 Social, landscape and infrastructure: Overall assessment rating

Key technical investigation	Rating
Social Impact Assessment – Palmers Road Corridor EES (AECOM, 2014)	Well
Land Use Planning – Palmers Road Corridor EES (AECOM, 2014)	Very well

The Panel accepts the EES social, land use and infrastructure findings.

EES Tables 10-3 and 10-4 provide an assessment summary of social impacts and land use impacts respectively. Based on the assessments found in the Social Impact Assessment and Land Use Planning reports, the EES drew an overall conclusion:

From a social and land use perspective, the Project achieves industry accepted practice through the application of mitigation measures, a strong level of planning policy compliance and minor residual impacts when considering the positive and negatives of the Project. In addition, several design changes (realignment and redesign) have occurred during project development as a result of community and stakeholder consultation.

7.2.1 General matters

VicRoads submitted that it owns most of the Project land but seeks to acquire parts of up to 26 properties. It added that typically only a small proportion of each property, including three residential properties will be acquired. VicRoads submitted that the proposed land acquisition:

- Is unlikely to affect business viability or operations because access issues can be addressed
- Will not affect retail and community facilities which are distributed equally on both sides of the Corridor
- Would have minimal change for most residences because suburbs along the Corridor contemplated the Project when being designed.

VicRoads considered that replacing roundabouts with signalised intersections would result in improved safety for pedestrians. At the Hearing, VicRoads submitted:

The EES concludes that the small extent of land acquisition required for the proposed road reservation, and the associated social and economic impacts are of local significance and acceptable in the wider context. There are no aspects associated with severance, acquisition or compensation that would lead to abandoning the Amendment or suggesting that the road proposal is inappropriately located to require modification.

7.3 Calder Park Motor Sports Centre and Calder Park industrial site

The Calder Park Motor Sports Centre and Calder Park industrial site are shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheets 39 to 45.

(i) Evidence and submissions

Issues regarding safety and capacity issues related to the Calder Park Motor Sports Centre (Motor Sports Centre) and Calder Park industrial site, east of Calder Park Drive, are discussed in Chapter 5.

With land acquisition, VicRoads submitted that the Public Acquisition Overlay (PAO) is being applied over Calder Park Drive because Calder Park Raceway currently owns the land required for the proposed road alignment. In relation to access, VicRoads submitted that, regardless of the Project, it is likely to restrict access through gate 1 to the Motor Sports Centre from the Calder Freeway through a separate statutory process under the *Roads Management Act 2004*.

VicRoads submitted that, as a matter outside of the Project scope, it proposed to close the Motor Sports Centre's direct access to the Calder Freeway for events of less than 10,000 patrons. VicRoads added that it did not object to including recommendations that the Project design allow for left-turn slip lane in and out of the Motor Sports Centre at Calder Park Drive at a future date and at the cost of the relevant land owner or developer. VicRoads concluded:

The evidence is that in terms of capacity the new entrance from Calder Park Drive will have a greater capacity from the current entry (and exit) to and from the Calder Freeway.

The reality is that for some events the new access arrangements will be better, for some events they will be different and potentially less convenient and for major events, if Calder Freeway is open and under traffic control, also better.

Mr Hunt stated:

The proposed construction of a high capacity signalised intersection to Calder Park Drive will suitably provide access to events held at CPMC attended by less than 10,000 patrons.

For events attracting greater than 10,000 patrons, police controlled access via left in / left out at Gate 1 from Calder Freeway, augmenting access from Calder Park Drive will cater for potential additional parking which could be accommodated on the CPMC site.

Calder Park Raceway Pty Ltd opposed the Project in its exhibited form because it was unclear how access changes to the Motor Sports Centre will impact its operation and affect approximately 100 hectares of industrial zoned land east of Calder Park Drive. It was particularly concerned with losing direct access to the Calder Freeway for events with under 10,000 patrons. At the Hearing, Mr Jeremy Gobbo QC representing Calder Park Raceway submitted that having a single access at Calder Park Drive would adversely impact the raceway's operation because it could take up to five hours for vehicles to exit. Mr Gobbo noted that the existing access arrangement allows vehicles from large events to exit in an hour. Mr Turnbull suggested a dedicated new road branching off the Calder Freeway off-ramp that tunnels under Calder Park Drive and into the Motor Sports Centre. In the absence of this dedicated tunnel, he stated that the fully directional access at Calder Freeway should remain.

Mr Gobbo called Mr Rodney Jane, owner of the Motor Sports Centre to provide further information about its management and future aspirations for its site. Mr Jane submitted that the Motor Sports Centre has three race tracks which can accommodate multiple events at the one time. He added that there is a traffic management program for the Motor Sports Centre's seven entry points and 10 exit points which are managed by VicRoads and the Victoria Police during certain events.

In his evidence, Mr Ward noted that the Motor Sports Centre owner has the opportunity in a future master plan to define proposed long term land use and confirm access arrangements to meet short and long term requirements and the special needs of major events. He recommended that the proposed road alignment and PAO be adopted.

With the Calder Park industrial site, Mr Gobbo called Mr Brian Haratsis to provide expert evidence on planning and economics. Mr Haratsis considered that VicRoads modelling did not factor in the highest and best land uses and capacity and therefore its proposed road works are inappropriate. Mr Haratsis stated:

An assumption that the vacant land south of Calder Park Drive should remain industrially zoned is incorrect and underplays the potential of this site for alternative and expanded uses. Given this land adjoins an established residential area, it is not suited to industrial zoning and development, which creates major potential amenity conflicts.

Mr Haratsis added that the Motor Sports Centre and adjacent industrial site had a higher and better use given its scale, strategic location at Melbourne's 'northern gateway' and access to the Calder Highway.

To address any access concerns, VicRoads agreed, in principle, to the concept of one additional left in and left out access on either side of the northern approach batters to the proposed Bendigo Rail overpass. This would provide additional future access into the industrial site, if needed, by using a road constructed next to the rail line in the extra space proposed under the rail overpass. VicRoads noted that this would be outside the scope of the Project and subject to the landowner's cost.

Some submitters made reference to a possible future train station and associated car park on the Calder Park industrial site.

(ii) Discussion

The Panel accepts that the Calder Motor Sports Centre serves a regional recreational function and that the industrial site could accommodate a relatively large industrial/business park. The Panel's task is to consider access issues within the scope of the Project and the Amendments.

The potential closure of the Calder Park Motor Sports Centre's direct Calder Freeway access responds to VicRoads' intentions to increase the speed limit from 80 km/h to 100 km/h along this stretch of the freeway. The Panel understands VicRoads' safety concerns about providing direct access onto a 100 km/h freeway and notes the advice of VicRoads that with or without the Project, it would most likely restrict direct access through gate 1 to the Motor Sports Centre from the Calder Freeway under the *Road Management Act 2004*. With the construction of the Calder Freeway/Calder Park Drive interchange, the widening of Calder Park Drive and the significantly improved and safer access from Calder Park Drive to the Motorsports Centre, the Project will provide an opportunity to raise the speed limit on the Calder Freeway. Gate 1 access is not within the Project area and the Panel considers that any issue associated with this access way is outside the Project scope.

The Panel has considered proposed access changes in the Project area assuming that access to the Calder Freeway will be restricted to events with over 10,000 patrons. The proposed signalised intersection at Calder Park Drive with four exit lanes and three entry lanes will provide significant capacity for safe entry and egress to and from the Motor Sports Centre and superior traffic management arrangements to the existing unsealed access. Having considered the evidence of Mr Turnbull and Mr Hunt, the Panel agrees with Mr Hunt that the proposed access arrangements and capacity, including the controlled use for left entry/exit through gate 1 on the Calder Freeway during events with more than 10,000 spectators, will cater for future demand for the Motor Sports Centre.

With the Calder Park industrial site, the Panel took into account its existing zoning and possible future land use. Mr Haratsis' evidence shows that the site could be used for a higher order development that may require a different planning zone. However, such a scenario is dependent on several factors including council support. There was no written evidence to confirm that Brimbank City Council was seriously considering this site for anything other than what it is zoned for. In either case, the existing Industrial 3 Zone does not specify any capacity limits on land uses such as industrial, office or restricted retail premises. The Panel is satisfied that the proposed controlled intersection on Calder Park

Drive could be mirrored to adequately manage traffic from any future development on the site based on its existing planning provisions.

The Panel considers that the proposed Calder Park Drive intersection will provide the Motor Sports Centre with improved access to meet its foreseeable needs. VicRoads' in-principle agreement for further access immediately north of the railway line should satisfy any unforeseeable future traffic volume levels. This is outside the scope of the Project and no formal recommendation is made. Access issues raised by Calder Park Raceway Pty Ltd could be addressed by realigning the Motor Sports Centre's internal traffic circulation with the proposed Calder Park Drive access.

Ultimately, the Project will provide the Motor Sports Centre and industrial site with greater exposure and significantly improved access along Calder Park Drive. This will be enhanced by the proposed Calder Freeway interchange that will provide employees and visitors of both sites with multi-directional access.

VicRoads should carefully manage the construction of the new interchange, railway overpass and lane duplication so that there is minimal disruption to the Motor Sports Centre.

The Panel notes that any proposal for a train station and associated car park is outside the scope of the Project and the Amendments. The Project is unlikely to impact on the ability to develop a future train station and car park. This matter is not discussed any further in this report.

7.4 Sydenham area

The Sydenham area is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheets 36 to 49.

(i) Evidence and submissions

Ten submissions (or 30 per cent of all submissions) were from property owners in the Albert Road, Sydenham area. Aside from safety discussed in Chapter 6, submitters were concerned with the inconvenience that would result from removing the right-turn lane from Calder Park Drive into Albert Road and Erskine Way. Mr Kotula submitted that removing this right-turn could potentially isolate this community because it is bound by major highways and a railway line. The submission of residents in Beaumont Court outlined the complexity that would be involved in driving to their property if the right turn were removed. Mr Hunt stated that a u-turn point approximately 500 metres north would suitably address issues raised in submissions. However, submitters considered a u-turn point at the proposed Manchester Drive intersection to be inconvenient because they would have to travel a further one kilometre (500 metres further north then back south again).

In his evidence, Mr Ward suggested that VicRoads, in consultation with Brimbank City Council, allow landscaping in the area between Albert Road and the future carriageways to better protect the amenity of the residents on Albert Road. He also suggested that u-turn point between Erskine Way and Manchester Drive be considered.

In response to submissions, VicRoads proposed a u-turn point approximately 200 metres north of Erskine Way. This would allow north bound Calder Park Drive traffic to return south and turn left into Erskine Way to access Albert Road and other connecting streets in this area.

(ii) Discussion

The Panel acknowledges that aspects of the Project design that seek to address road safety and capacity may impact on social, land use and infrastructure issues. In this instance, Erskine Way is less than 200 metres from a proposed six-lane controlled cross intersection which requires considerable land from the median for right turn lanes. This leaves no room for a safe right turn lane under the new road design.

However, the Panel agrees with Mr Ward that a u-turn opportunity is needed mid block between Erskine Way and Manchester Drive. A u-turn approximately 200 metres north of Erskine Way, as proposed by VicRoads, meets this need.

7.5 Intersection design at Calder Park Drive/Hume Drive

The Calder Park Drive/Hume Drive intersection design is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheet 30.

(i) Evidence and submissions

There are two properties in Lynette Court, Taylors Hill affected by a PAO at this intersection. One submitter requested that the design of this intersection be reviewed to avoid a portion of his property being subject to a PAO as shown on Map 10 PAO of Amendment C143 to the Melton Planning Scheme. The property in question backs onto Calder Park Drive on the north east corner of the Calder Park Drive/Hume Drive intersection. The adjoining property is also affected by this PAO.

The proposed intersection design includes a left-turn slip lane on the north east corner for vehicles to turn left from Calder Park Drive into Hume Drive. To accommodate this left-turn slip lane, a small section of land from the rear of two properties would need to be acquired.

Mr Sherman for VicRoads stated that:

The amount of land to be acquired from the rear of the submitter's land is minimal and will have little impact on the utility of the backyard (see map PAO 10) and is required to facilitate the upgrade of Calder Park Drive, Hume Drive intersection. The submitter will be compensated under the provisions of the Land Acquisition and Compensation Act 1986.

In his evidence, Mr Ward stated that this acquisition will not reduce the setback distance between the dwelling and its rear boundary with the arterial road reserve. Mr Hunt said in his evidence at the Hearing that he thought that the proposed left-turn slip lane on the north east corner could be dropped without unduly impacting on the operation of the intersection, but this would need to be confirmed by further intersection design and analysis by VicRoads.

(ii) Discussion

As noted by Mr Sherman, the amount of land that would be acquired is minimal and in his view would have little impact on the backyard of the submitter's property. That may be so but the Panel notes the evidence of Mr Hunt that the left-turn slip lane may not be required and hence the need for the PAO is open to question.

The Panel notes that the intersection design does not include a left-turn slip lane on the south west corner of the intersection and understands that is because provision of a slip lane on that corner would require the acquisition and demolition of at least one house which was

not justified in terms of the satisfactory operation of the intersection. On the evidence of Mr Hunt, the same could be said for the slip turn lane on the north east corner subject to further analysis by VicRoads. While the extent of the PAO and consequent property acquisition on the north east corner of the intersection is small, the Panel considers that property acquisition should be avoided whenever possible.

The Panel considers that VicRoads should review the design of Calder Park Drive/Hume Drive intersection with the view to removing the slip lane on the north east corner, if feasible. Removing the slip lane would mean that the PAO affecting two properties could be removed from Melton Planning Scheme Amendment C143.

7.6 Deer Park service station site

The Deer Park service station is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheet 12.

(i) Evidence and submissions

Michem Pty Ltd (Michem) owns land comprising a service station at the south-west corner of the Western Highway and Westwood Drive. The site has two vehicle access points to Westwood Drive and two to the Western Highway service lane. Michem submitted that traffic can currently enter and leave the service station at Westwood Drive in either direction and added that the Project will:

- Remove the northern Westwood Drive access
- Restrict southbound traffic from entering the site
- Restrict patrons from turning right into Westwood Drive.

Michem submitted that the Project should be designed to avoid these circumstances. Michem was also concerned that acquiring the landscaped area to the east will compromise manoeuvring, affect the ability to use the vacuum bays and require a sign to be moved.

Mr Hunt found the Project design to be efficient and required for a safe intersection. He stated that closing the northern access and just using the southern access would not impact on internal circulation or the car wash operation. Mr Ward stated that it is unlikely that the proposed changes would significantly affect the viability of the existing use.

(ii) Discussion

The Panel accepts Mr Hunt's evidence on this matter. The extent of land to be acquired from the Deer Park service station is required for a safe slip lane. No alternative design was presented to demonstrate that an alternative safe slip lane could be designed with less land. The proposed slip lane interfaces with the existing northern Westwood Drive access.

The Panel supports the Project's proposed closure of this access because it would be unsafe to have vehicles exiting into the slip lane within a six-lane road intersection. It is noted that the southern Westwood Drive access will allow vehicles to exit about 25 metres from the northern access. This cannot be considered an inconvenience to patrons seeking to exit onto Westwood Drive.

No party offered a safe alternative solution for traffic turning right from the service station across three lanes of oncoming traffic travelling at 80 km/h in an uncontrolled environment and within close proximity of an intersection. The Panel does not consider it safe for traffic to turn right into, or from, Westwood Road to access the service station and believes that it

would conflict with the Project's road safety and capacity draft evaluation objective. The ultimate 80 km/h six-lane road depends on good safety for service station patrons and other users of the road.

7.7 Burnside Retirement Village

The Burnside Retirement Village is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheet 15.

(i) Evidence and submissions

Burnside Retirement Village submitted that currently vehicles can turn right into Westwood Drive. At the Hearing, Ms Gorman noted that a majority of the residents have their own vehicles and only a few use the bus stop opposite the retirement village. She added that the proposed road widening includes a median that will require drivers to u-turn at the Rockbank Middle Road intersection over one kilometre north to access Burnside Shopping Centre which is immediately to the south and the Western Highway.

Mr Hunt suggested a u-turn point at the Westwood Drive and Kellys Avenue intersection to allow movements from the northbound carriageway to the southbound carriageway to improve access at Burnside Retirement Village. Mr Ward's evidence included a similar suggestion.

In its closing submission, VicRoads acknowledged the need to improve access at this location and, in line with Mr Hunt's advice, proposed a u-turn point on Westwood Drive near Kellys Avenue, approximately 400 metres north of Nichol Avenue. This would allow north bound traffic to return south. Taking that into account, Ms Gorman conceded to the proposed left in and left out arrangement at the retirement village.

At the Hearing, Ms Gorman raised a new issue about access to a bus stop located across Westwood Drive and opposite the retirement village. She submitted that if direct access to the bus stop is removed as a result of the Project, residents would have to walk a considerable distance to Burnside Hub Shopping Centre to catch a bus. Ms Gorman preferred good pedestrian access across Westwood Drive between Nicol Avenue and Kellys Avenue so that they can access the bus stop opposite the retirement village.

(ii) Discussion

The Panel agrees with VicRoads' proposal for a u-turn point on Westwood Drive near Kellys Avenue, approximately 400 metres north of Nichol Avenue because it will provide more convenient vehicle access for Burnside Retirement Village residents.

The proposed pedestrian/bicycle lane on both sides of Westwood Drive will provide safe pedestrian access to a signalised pedestrian crossing sought by Ms Gorman, even though it is not directly opposite the bus stop near the retirement village. The Panel considers that, based on relatively low likely pedestrian volumes, it is difficult to justify adding a further set of pedestrian activated lights between two existing pedestrian crossings, north and south of the retirement village. Additional traffic signals, unless justified on pedestrian safety and volumes, would also conflict with the road safety and capacity objective for the Project.

7.8 Burnside Hub Activity Centre

The Burnside Hub Activity Centre is shown at EES Volume 2 – Palmers Road Corridor Preliminary Alignment Plan Sheet 13.

(i) Evidence and submissions

Ranfurlie Developments, owners of Burnside Hub Activity Centre (Burnside Hub), submission to the exhibited documentation stated it was premature for it to comment on Melton Amendment C143. It stated that the primary reason for providing a submission with no substantive issue was its negotiations with Melton City Council on a development plan. Ranfurlie Developments add:

Accordingly, we reserve the right to amend our position in relation to Amendment C143 following the resolution of the Development Plan for the Burnside Hub.

Mr Casper, representing Ranfurlie Developments Pty Ltd, provided a more substantive submission at the Hearing. Mr Casper submitted that the Amendment should be reviewed to reflect Ranfurlie's aspiration for a 52,000 square metre centre.

Ranfurlie called expert evidence from Mr Humphreys on traffic. Mr Humphreys stated that he was asked to assess the impact of the Project on an assumed 52,000 square metre centre instead of the actual 7,000 square metre centre. Mr Sherman, while cross examining Mr Humphreys, referred to Melton Planning Scheme Amendment C112 that proposed retail and office space of up to 36,000 square metres and 50,000 square metres respectively without a permit at Burnside Hub. With regard to Mr Humphrey's evidence, the C112 panel report states:

The evidence indicated an ability of the Amendment site to accommodate substantially increased traffic movements associated with intensive retail uses. Mr Humphreys highlighted the strategic location of the site at the intersection of future major north-south and east-west arterial road corridors.

Under cross examination, Mr Humphreys stated that there has been no change to the access anticipated by Melton Amendment C112 and he acknowledged that the centre will continue to have two access points at Westwood Drive when the northern roundabout is replaced with a controlled T intersection and the other is replaced with a left in/left out arrangement. Mr Humphreys added that he was surprised that there was only one right turn lane into the centre proposed for cars travelling south along Westwood Drive but was pleased to know that there was room for a second lane if required in the future.

(ii) Discussion

Ranfurlie Developments' submission was based on its aspiration for a 52,000 square metre activity centre. Mr Humphreys used the same floor area to base his evidence. However, there was no evidence provided to demonstrate that any such proposal is currently being considered by Melton City Council. Melton Planning Scheme Amendment C143 simply seeks to acquire land to support the Project. The Panel does not accept the indicative Activity Centre boundary in Figure 1 of the Ranfurlie Developments submission to the Hearing because, again, it is not supported by the relevant planning scheme or any strategy.

The evidence of Mr Humphreys is based on an assumption that a 52,000 square metre centre will be supported and ultimately introduced into the Planning Scheme. The Panel cannot understand how Mr Humphreys could find access issues associated with a 52,000 square metre centre when he supported an 86,000 square metre centre at the C112 Panel Hearing. The Panel does not comment on the merits of a centre of this scale but notes that his evidence is based on a hypothetical scenario that may or may not proceed.

The Panel considers that proposed access arrangements for Burnside Hub Activity Centre are adequate, and is satisfied that there is capacity in the Corridor to increase Burnside Hub's access in the future. For example, there is room in the Westwood Drive median to allow an additional right turn lane for southbound traffic seeking to enter the centre should traffic volumes reach that level. Additional access points to Western Highway, pending VicRoads approval, would also help manage access issues and traffic flow. The latter is outside the scope of the Project.

The Panel also considers that the ultimate six-lane road is likely to attract users from a broader catchment, thereby providing greater exposure to Burnside Hub.

7.9 Findings

The Panel finds:

- The proposed Calder Park Drive access for Calder Park Motor Sports Centre including the controlled intersection with seven access lanes in and out of the Motor Sports Centre can adequately cater for future traffic demand.
- The proposed Calder Park Drive intersection can be mirrored to adequately cater for future traffic demand at the Calder Park industrial site.
- Construction of the new Calder Freeway interchange, Bendigo railway overpass and lane duplication could cause disruption to the Calder Park Motor Sports Centre if they are not carefully managed.
- The left-turn slip lane on the north east corner of the Calder Park Drive/Hume Drive intersection is considered unnecessary unless further analysis by VicRoads demonstrates otherwise.
- The Public Acquisition Overlay and access changes proposed for the Deer Park service station are appropriate and are unlikely to adversely impact on its operation.
- The Public Acquisition Overlay proposed adjacent to the Burnside Hub Activity Centre adequately responds to the centre's access and has the capacity to accommodate further measures to respond to increased traffic numbers.

7.10 Recommendations

The Panel recommends:

Amend the Project design and Incorporated Document, where appropriate, to:

- a) Add a u-turn point on Calder Park Drive (turning from north to south) approximately 200 metres north of Erskine Way.**
- b) Add a u-turn point on Westwood Drive near Kelly Avenue, approximately 400 metres north of Nichol Avenue.**
- c) Remove the south-bound left slip lane from Calder Park Drive to Hume Drive in Taylors Hill, as shown in Design Drawings Sheet 30, unless further analysis demonstrates that it is required for satisfactory operation of the intersection.**

Delete Public Acquisition Overlay Schedule 1 from the proposed Calder Park Drive and Hume Drive intersection, Taylors Hill left slip lane if this slip lane is no longer required.

8 Visual and landscape values

8.1 The issue

The visual and landscape values issue identified in the EES is:

The potential for effects on the landscape and recreational values of the Organ Pipes National Park from the Project, in particular the proposed raised interchange at Calder Freeway.

This issue relates to how well the following EES draft evaluation objective has been met:

To avoid adverse effects on the landscape and recreational values of the Organ Pipes National park and minimise visual effects on open space areas

Other issues raised in evidence and submissions include:

- *The impact on other open space areas including the Kororoit Creek corridor*
- *The impact on adjacent properties, including in the Albert Road area.*

8.2 EES documentation

The technical report and its overall assessment rating against the draft evaluation objective are provided in Table 8.

Table 8 Visual and landscape values: Overall assessment rating

Key technical investigation	Rating
Landscape and Visual Impact Assessment – Palmers Road Corridor EES (Spiire, 2014)	Well

The Visual and Landscape Assessment (Chapter 11 and Technical Appendix H of the EES) indicated that the proposed road would be constructed mainly through a built landscape comprising almost entirely of residential developments with low scenic quality.

The EES indicated that natural landscape areas would be impacted, including the Organ Pipes National Park which has a high scenic quality. Medium scenic quality areas are the Kororoit Creek corridor, the Banchory Grove Nature Conservation Reserve and the Ravenhall East Grassland Nature Conservation Reserve. A number of local amenity reserves with trees and a low scenic quality would also be impacted.

The EES indicated that the proposed Calder Freeway interchange would visually impact on part of the adjacent Organ Pipes National Park and other areas on the south side of Jacksons Creek. However, there will not be a significant impact key visitor destinations in the park, including the visitor centre and the geological features due to screening provided by the extensive vegetation. Additional mitigation could be achieved by further planting in the park and screen planting near the proposed Calder Freeway interchange.

The EES indicated that the Project would have a moderate impact on the Kororoit Creek corridor resulting from the construction of the proposed bridges and associated road infrastructure in the predominantly natural landscape. The EES indicated that these impacts could be mitigated to some extent by creating a light well between the two proposed bridge structures and planting indigenous vegetation on the proposed embankments. The bridges and any retaining walls should be designed to be sympathetic with their settings and surroundings.

The EES indicated that other project-wide mitigation measures could include planting trees wherever possible, or where not possible, planting tall shrubs. Indigenous plant species should be used wherever possible, particularly in areas adjacent to the Organ Pipes National Park and Ravenhall East Nature Conservation Reserve, and in the Kororoit Creek corridor area. To minimise weed infestation of the conservation reserves (especially the Banchory Grove Nature Conservation Reserve), crushed rock could be used at the interface of the reserves with the road.

Although the assessment rating in the EES for the impact on the Kororoit Creek corridor was rated as 'poor', assuming mitigation measures were applied, the Project overall has been rated as 'neutral' against the landscape and visual evaluation objective.

8.3 Evidence and submissions

The Department of Environment, Land, Water and Planning (DELWP) stated in its submission that in relation to the Organ Pipes National Park and other conservation reserves managed by Parks Victoria (such as the Banchory Grove Nature Conservation and the Ravenhall East Nature Conservation Reserve), Parks Victoria was satisfied that the EES adequately addressed all its concerns arising from the Project.

Eleven submissions raised concern about the visual impact of the Project and the limited landscaping proposed in the EES. One of these submissions was concerned that the Project would create a harsh looking environment with limited green space while other submissions, as well the presentation by Ms Dzomba, raised concerns with the Project's potential visual impact in the Albert Road area. In this area, there is an existing mound planted with trees aged up to 20 years old between the existing two-lane Calder Park Drive and the parallel Albert Road. This mound provides Albert Road residents with a green outlook, landscape buffer and, to some extent, an acoustic buffer, as discussed in Chapter 6. Submitters, including Ms Dzomba, were concerned that the Project would lead to the loss of the mound and trees and there would be insufficient space in the new road profile to reinstate the mound or to satisfactorily replace planting adjacent to Albert Road. Ms Dzomba suggested that one of the proposed shared paths could be removed from one side of the new road to create more space for landscaping.

In her evidence, Ms Stacey stated that the Project would have a low negative visual impact on the Organ Pipes National Park, minor visual impact on the other conservation reserves, minimal visual impact on the Jacksons Creek valley, and low visual impact on other open space reserves. However, she stated the Project would have a moderate impact on the Kororoit Creek corridor but this impact could be mitigated somewhat by creating a light well between the proposed bridges and planting indigenous vegetation on the embankments.

Ms Stacey stated that the Project would require the removal of existing planted trees along much of the project length and unless new trees were planted to shade and shelter the new shared pathways, their amenity values would be low. She stated that consideration should be given to creating more space for planting trees (as distinct from shrubs) on the outer edges of the road reserve by reducing the proposed width of the centre median and the distance between the road edge and the shared path. She added that improved landscaping could be achieved by reducing clear zone requirements (such as allowing some non-conformance with standards) and using protective barriers in some locations.

Mr Sherman submitted that the centre medians were generally planned to be six to seven metres wide, although in some locations they would be expanded to eight to nine metres wide to allow for proposed right hand turning lanes and especially proposed dual right hand turning lanes. Mr Sherman added that narrowing any of the proposed median alignments would impact on road function and safety, and the smooth road alignment through the Corridor.

Mr Sherman stated that the centre median width on the proposed road north of Melton Highway could not be reduced to increase the verge area for landscaping near the southern end of Albert Road because space was needed for dual right hand turn lanes from Calder Park Drive North into Melton Highway West. However, he indicated that as the distance between the proposed alignment of the new road and Albert Road was greater at the northern end of Albert Road, there were opportunities for enhanced landscaping in this area.

8.4 Discussion

The Panel notes that Parks Victoria, as manager of the Organ Pipes National Park, Banchory Grove Nature Conservation and Ravenhall East Nature Conservation Reserve is satisfied that all its concerns have been addressed. The Panel also notes that no issues relating to these areas were raised in any of the submissions or presentations. The Panel is therefore satisfied that no significant adverse visual or landscape impacts will occur in these areas as a result of this Project.

The Panel appreciates concerns expressed in relation to the loss of existing green space and planted trees and the impact on the visual amenity that would result from the Project. There is little information on landscaping included in the EES.

The Panel agrees with Ms Stacey's concern that unless sufficient trees (as distinct from shrubs) are planted along the new road to provide shade and shelter, the amenity values of the new shared pathways (and the overall Corridor) would be less than desirable. The Panel notes Ms Stacey's statement that further consideration should be given to creating more space for tree planting on the outer edges of the road reserve by reducing the proposed width of the centre median and distance between the road edge and the shared path. Although the Panel notes Mr Sherman's statement about VicRoads position on median widths, the Panel is not convinced that some narrowing of the centre median or some reducing of the distance between the road pavement and one of the shared pathways is not possible.

The Panel agrees with Ms Stacey's view that improved landscaping may be able to be achieved by exploring reduced clear zone requirements with or without protective barriers in some locations.

The Panel appreciates the concerns of the residence of Albert Road that their visual amenity (see also Chapter 6 for related noise issues) will be reduced by removing the existing mound, trees and other plants that have been planted on it. The Panel accepts that the proposed centre median of the new road cannot be reduced immediately north of Melton Highway due to the need for dual right turn lanes (from the north into Melton Highway). However, further consideration should be given to narrowing the proposed centre median north of the start of these two lanes sooner than proposed, to provide a wider area available for landscaping between the new road and Albert Road. The Panel supports VicRoads proposal

to enhance the landscaping in the wider area between the new road and Albert Road towards the northern end of Albert Road.

The Panel does not support Ms Dzomba's suggestion to remove a proposed shared pathway from one side of the new road because it would make it difficult to cross the road to gain access to the shared path on the other side of the road. This would disadvantage some residents.

8.5 Findings

The Panel finds:

- VicRoads could have given a higher priority to landscaping issues in the EES.
- The overall Project, and especially the share paths, could be visual unattractive and uninviting unless substantial tree planting (including of canopy trees) is undertaken.
- Sufficient space for planting canopy and other trees, and shrubs in some areas of the outer edges of the Corridor can be achieved through opportunities such as using protective barriers and selectively narrowing the centre median.
- The Project will have an adverse visual impact on many residences in Albert Road and options for maximising the landscaping in this area should be explored at the design stage to reduce the impact.
- The Project will not cause significant adverse visual impacts on the Organ Pipes National Park, the Banchory Grove Nature Conservation or the Ravenhall East Nature Conservation Reserve.
- The Project will have a significant adverse visual impact on the Kororoit Creek corridor unless substantial mitigation measures are implemented.

8.6 Recommendations

The Panel recommends:

Amend the Project design and Incorporated Document, where appropriate, to:

- a) Require a comprehensive Project-wide landscape plan to be prepared at the detailed design stage of the Project in consultation with the surrounding community.**
- b) Create areas of wider road verges by reducing the width of the centre median subject to minimum requirements to provide turning lanes at intersections.**
- c) Require canopy trees to be planted on the road verges subject to safety considerations.**
- d) Require landscaping treatment on the wider road reserve near the northern end of Albert Road to be maximised through canopy trees and other planting.**
- e) Implement mitigating measures that reduce the visual impact on the Kororoit Creek corridor including:**
 - **creating a light well between the two bridges**
 - **designing the bridges so that they are sympathetic to their environment**
 - **planting indigenous vegetation on the embankments.**

9 Biodiversity and habitat

9.1 The issue

The biodiversity and habitat issue identified in the EES is:

Loss of or degradation to significant habitat for listed protected flora and fauna species and communities, such as those associated with the remnant grasslands and Kororoit Creek environs.

This issue relates to how well the following EES draft evaluation objective has been met:

To avoid or minimise adverse effects on native vegetation and listed flora and fauna species and ecological communities, and address opportunities for offsetting potential losses consistent with relevant policy

9.2 EES documentation

The technical report and its overall rating against the draft evaluation objective are provided in Table 9.

Table 9 Biodiversity and habitat: Overall assessment rating

Key technical investigation	Rating
Flora and Fauna Assessment, and Biodiversity Offset Analysis – Palmers Road Corridor EES (Ecology and Heritage Partners, 2014)	Well

The biodiversity and habitat assessment (Chapter 12 and Technical Appendix I) indicates that while much of the Project area² has been modified by the effects of urbanisation, a number of important ecological values still existed. In order to assess the impact of the Project on native vegetation, terrestrial and aquatic habitat and any significant wildlife corridors, a number of desktop reviews and field surveys were undertaken.

The EES indicated the species and communities likely to be affected by the Project.

Communities and species of national significance protected under the Commonwealth Environment Protection and Biological Conservation Act (1999) (EPBC Act)³:

- Two vegetation communities, namely Natural Temperate Grasslands of the Victorian Volcanic Plains (3.27 hectares) and Seasonal Herbaceous Wetland (0.03 hectares). Offsets were likely to be required under the EPBC Act.
- One flora species, the Spiny Rice-flower. Although not recorded in the most recent surveys (in 2009 and 2013), the Project had been designed to avoid the areas where it was recorded in the past.
- The potential habitat for five fauna species:
 - Grey-headed flying fox. Although this species is likely to fly over the Project area and potentially forage along the Kororoit Creek corridor and planted trees, there is no suitable roosting habitat in the Project area.

² The project area in this Chapter is defined as the functional design footprint nominated by VicRoads plus additional areas surveyed by Ecology and Heritage Partners Pty Ltd in 2009.

³ The Commonwealth approval process is ongoing and offsetting arrangements under the EPBC Act will be made separately from the state EES process. See also Chapter 13.

- Swift parrot. Although this species is likely to fly over the Project area, the area provides limited forage potential.
- Striped Legless Lizard and Golden Sun Moth. Although these species were not detected in the targeted surveys in 2009 and 2013, they cannot be confirmed as being absent from the Project area.
- Growing Grass Frog - Although this species was not detected in the targeted surveys in 2009 and 2013, the Kororoit Creek corridor contains high quality breeding habitat.

Flora species of state significance protected under the Victorian *Flora and Fauna Guarantee Act 1988*:

- Spiny Rice-flower – see above.
- Tough Scurf-pea. Specimens were only recorded in the surveys in the Kororoit Creek corridor (although it is possible this species may occur elsewhere in the corridor). Melton City Council when preparing to build the first bridge across the creek in 2013, translocated the population of these plants to a site 100m east of the Project design footprint.
- Basalt Podolepis. The plants recorded in the earlier surveys were not found in the 2013 survey as the area previously supporting this species had been disturbed by residential development. However it still may occur elsewhere in the Project area.
- Fragrant Saltbush. This species was recorded in both native and non-native grasslands throughout the Project area.

Fauna species of state significance protected under the *Flora and Fauna Guarantee Act 1988*:

- Although 15 significant fauna species were assessed to occur in the Project area, none are likely to be directly affected by the Project. However, construction noise, vehicle movements and works within the Kororoit Creek corridor may indirectly affect some individuals.

Native vegetation communities:

- Up to 11.19ha of remnant vegetation within two Ecological Vegetation Communities such as the Heavier-soils plains Grasslands (which corresponds to the *Flora and Fauna Guarantee Act 1988* listed Western (Basalt) Plains Grasslands) and the Plains Grassy Wetland. The Project could also result in the removal of two large scattered trees in the riparian zone of Kororoit Creek. The *Permitted clearing of native vegetation – Biological Assessment Guidelines* (DEPI 2013a), require offsets for removing remnant vegetation.

The EES stated that the Project would have no physical impact on the Organ Pipes National Park but would require the acquisition of a small area of the Banchory Grove Nature Conservation Reserve, which would be offset in accordance with the Guidelines.

A small area of the Ravenhall Grasslands Nature Conservation Reserve would also be acquired. As this latter area is located within the area covered by *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (DEPI 2013b) and *Precinct Structure Plan 1084*, an offset payment would be required in accordance with this strategy, whether or not native vegetation occurs in this area.

Overall, based on the evaluation undertaken in the EES, the Project has been rated as 'well' in relation to the biodiversity land habitat evaluation objective.

9.3 Evidence and submissions

DELWP submitted that the EES adequately addressed biodiversity matters associated with the Project. DELWP added that, in relation to the Organ Pipes National Park and other conservation reserves managed by Parks Victoria (such as Banchory Grove Nature Conservation and Ravenhall East Nature Conservation Reserve), Parks Victoria was satisfied that the EES adequately addressed all of its concerns arising from the Project. DELWP stated that the EES had considered and met the requirements for native vegetation removal provisions.

The only other submissions relating to flora and fauna were from Mr Grech who raised concern with the proposed removal of the existing flora and fauna, and Ms Takas who raised concern with the impact on kangaroos, snakes, rabbits and birds along the Kororoit Creek corridor.

In his evidence, Mr Browning stated that a separate ecological assessment and approvals process was completed for Melton City Council for the construction of the first bridge across Kororoit Creek. However, following the decision that this bridge should be considered as part of the EES, the associated ecological investigations were incorporated into the EES documentation. Mr Browning added that changes to the 'Modified Treeless Vegetation' classification since preparing the EES documentation had resulted in some vegetation area now being considered as a 'Remnant Patch' and therefore attributed a habitat hectare score with an offset requirement. Mr Browning stated that, in addition to the other areas, native vegetation had been recorded in the Sydenham Rail Reserve.

Mr Browning stated that in the absence of mitigating measures, the Project had the potential to impact on ecological values in the Project area and surrounding landscape. It is therefore important that a Contractor Environmental Management Plan (CEMP) or similar document relating to the construction phase of the Project be developed. This plan needs to include procedures for mitigation measures, staff and contractor inductions on environment values, pre-clearing surveys and fauna salvage, vegetation clearing and rehabilitation and restoration.

Mr Browning stated that the Guidelines require that offsets must be provided in the Port Phillip and Westernport Catchment Management Authority area using BushBroker, the Trust for Nature, local councils or over-the-counter offset schemes, and that all offsets must be finalised before any physical disturbance occurs on the ground.

Mr Sherman stated that before commencing any work on public land, VicRoads would need to obtain a Protected Flora Permit under *Flora and Fauna Guarantee Act 1988*, which provided another level of protection for listed flora and fauna.

Mr Milbourne stated in his presentation that Melton City Council proposed to build the first bridge as soon as possible. He said that this bridge would be built in such a way as not to affect the two Red Gum trees located in the Kororoit Creek corridor.

9.4 Discussion

The Panel considers that the comprehensive flora and fauna surveys outlined in the EES provide adequate information to assess the impact of the Project on the biodiversity and habitat values of the area. As most of the Project will be constructed in a well developed residential area, the overall impact on native flora and fauna will be relatively limited, and

mainly affecting the adjacent conservation reserves and the Kororoit Creek corridor. The Panel appreciates concerns expressed in relation to the amount of vegetation that will be lost along the road corridor, and that it cannot all be replaced because of the constrained nature of the road reserve (see Chapter 8 – Visual and Landscape). In relation to Ms Takacs concern, the Panel does not consider that the Project will significantly impact on relatively common species such as kangaroos.

The Panel accepts DELWP's advice that the EES adequately addresses biodiversity matters associated with the Project and that in relation to the Organ Pipes National Park and other conservation reserves managed by Parks Victoria, Parks Victoria was satisfied that the EES adequately addresses all of its concerns arising from the Project.

The Panel accepts the information provided in the EES that a number of species/communities listed under the Commonwealth EPBC Act may be impacted by the Project and these impacts will be assessed under a separate process managed by the Commonwealth Government (see Chapter 14).

The Panel accepts the information provided in the EES that four flora species of state significance and listed under the *Flora and Fauna Guarantee Act 1988* could be affected by the Project: the Spiny Rice-flower and Basalt Podolepis (not recorded in recent surveys), Tough Scurf-pea (specimens translocated by Melton City Council) and Fragrant Saltbush (impact could be managed through a CEMP). The Panel considers that any impact on these species would not be significant and notes that such impacts were not raised as an issue by DELWP.

The Panel accepts that up to 15 species of fauna could occur in the Project area and notes the evidence in the EES that it is unlikely that any of these species will be directly affected by the Project.

The Panel accepts the information provided in the EES that the Project is likely to affect some areas of remnant vegetation and could result in the removal of two large scattered trees in the riparian zone of Kororoit Creek. However, the Panel does not consider that these impacts would be significant. As DELWP is satisfied that the EES meets the requirements with the loss of native vegetation and any required offsets, the Panel considers that this matter is best resolved directly between VicRoads and DELWP in accordance with the appropriate guidelines.

The Panel understands that the Project would require the acquisition of a small area of the Banchory Grove Nature Conservation Reserve and Ravenhall Grasslands Nature Conservation Reserve, but considers the impact of such acquisitions would be relatively minor. The Panel notes that these acquisitions would be offset in accordance with the appropriate guidelines.

The Panel accepts Mr Browning's advice that a CEMP or similar document needs to be developed to ensure that satisfactory mitigating measures would be in place during construction to protect as far as possible the ecological values of the Project area and surrounding landscape. The Panel considers that this plan needs to include requirements for mitigation measures, staff and contractor inductions on environment values, pre-clearing surveys and fauna salvage, vegetation clearing and rehabilitation and restoration.

9.5 Findings

The Panel finds:

- The overall impact on native flora and fauna will be relatively limited.
- The impact on the flora and fauna values of the Organ Pipes National Park and other conservation reserves will not be significant.
- Flora and fauna species listed under the *Flora and Fauna Guarantee Act 1988* are not likely to be significantly affected by the Project.
- The Project is likely to affect some areas of remnant vegetation including the possible removal of two large scattered trees in the riparian zone of Kororoit Creek, however, the impact will not be significant.
- Any loss of native vegetation would need to be offset in accordance with the appropriate guidelines and as agreed by DELWP.
- The proposed acquisition of a small area of the Banchory Grove Nature Conservation Reserve and Ravenhall Grasslands Nature Conservation Reserve would not significantly affect these reserves and would need to be offset in accordance with the appropriate guidelines.
- A number of species/communities listed under the Commonwealth EPBC Act may be impacted by the Project (see Chapter 13 for details).
- A CEMP or similar document needs to be developed to ensure that satisfactory mitigating measures are in place during construction to protect as far as possible, the ecological values in the Project area and surrounding area including any areas of Fragrant Saltbush.

9.6 Recommendation

The Panel recommends:

Amend the Incorporated Document to:

- a) Require the Contractor Environmental Management Plan to include measures for protecting the ecological values of the Project area and surrounding landscape.**

10 Catchment values

10.1 The issue

The catchment values issue identified in the EES is:

The potential for adverse effects on the functions and values of adjacent water environments (primarily Kororoit Creek and its floodplain).

This issue relates to how well the following EES draft evaluation objective has been met:

To maintain the functions and values of surface water and floodplain environments.

No issues were raised in submissions on this matter.

10.2 EES documentation

The technical report and its overall rating against the draft evaluation objective are provided in Table 10.

Table 10 Catchment values: Overall assessment rating

Key technical investigation	Rating
Surface Water Memorandum – Palmers Road Corridor EES (AECOM, 2013)	Neutral

The EES Table 13-2 provides an evaluation against the catchment values, namely the extent of increased flooding risk and extent of increased risk to water quality, both of which are rated as ‘neutral’. The overall evaluation rating was ‘neutral’.

The EES concludes that:

The Project Area intersects five watercourses; all of these are of diminished quality due to urbanisation and development. The key waterway in the Project Area is Kororoit Creek.

A number of potential impacts on catchment values were identified during construction and operation phases of the Project, including the reduction of floodplain hydraulic capacity and increase of contaminants and pollutants to stormwater. A range of best practice measures are proposed to be implemented through the guidance provided by the SEPP WoV, and by adhering to the BPEMG and adopting WSRD measures where practicable given the existing space constraints within the road corridor.

Adoption of these measures in design and a CEMP would achieve policy compliance and therefore the project rates ‘Neutral’ in terms of the potential impact to water quality during construction and ‘Neutral’ during operation.

Given that a staged development is proposed for the Project; from an existing 2-lane unconnected corridor, ultimately a 6-lane configuration over time; any implications as a result of changes to surface water and floodplain environments would be managed through best practice measures determined during detailed design.

Overall, based on the evaluation undertaken using the criteria adopted for the assessment and assuming the mitigation measures are applied, the Project has been rated 'Neutral' (refer to Table 13-2) in relation to the following evaluation objective 'to maintain the functions and values of surface water and floodplain environments'.

10.3 Evidence and submissions

No submitters raised issues regarding the potential impact of the Project on catchment values.

Melbourne Water was represented on the Technical Reference Group, it has reviewed the EES and Planning Scheme Amendments and has no further comment to make as part of the public exhibition process. Melbourne Water indicated that the Project will need to engage with Melbourne Water in the earliest design phases to ensure potential impacts are identified early and managed through the life of the Project.

Mr Sherman stated:

Potential impacts of the Project include the reduction of floodplain hydraulic capacity of Kororoit Creek, and increase of contaminants and pollutants from vehicles into stormwater.

The Project will result in some impacts on in-stream and riparian vegetation during the construction of the Kororoit Creek crossing. These include removal or disturbance of instream or riparian habitat, as well as potential changes to stream morphology.

He noted that Melbourne Water had consented to a permit for the initial 3 lane bridge and that mitigation of the impacts caused by the bridge construction will be managed by adherence to VicRoads procedures and the development and implementation of a Contractor Environment Management Plan.

Mr Sherman added:

In addition to the requirements imposed by this EES process, approval of works affecting Kororoit Creek will be required under the Water Act 1989.

10.4 Discussion

The Panel heard no evidence which questioned the validity of the assessment set out in the EES. This assessment concluded that while some potential impacts on catchment values were identified, the adoption of best practice measures in project design and a Contractor Environment Management Plan would achieve policy compliance.

The responsible Catchment Management Authority, Melbourne Water, has been involved on the relevant Technical Reference Group during the preparation of the EES and will be involved in the subsequent detailed design of the Project when that work proceeds.

The point made by Mr Sherman that further approvals under the *Water Act 1989* will be required is noted by the Panel.

The Panel is satisfied that appropriate procedures and practices have been identified and will be in place to mitigate any potential adverse impacts on catchment values. The Panel

concludes that the draft evaluation objective can be met by the Project provided that there is adherence to these procedures and practices.

10.5 Findings

The Panel finds:

- Any in-stream impact resulting from the removal of two river red gums during construction can be satisfactorily managed.
- A Contractor Environment Management Plan needs to be prepared based on best practice measures to protect catchment values in Kororoit Creek and its floodplain.

10.6 Recommendation

The Panel recommends:

Amend the Incorporated Document to:

- a) **Require that the catchment related content to be included in the Contractor Environment Management Plan is prepared to the satisfaction of Melbourne Water.**

11 Cultural heritage

11.1 The issue

Cultural heritage issues identified in the EES are:

- *The potential for adverse effects on Aboriginal cultural heritage.*
- *The potential for the loss of significant historic heritage values.*

These issues relate to how well the following EES draft evaluation objective has been met:

To avoid or minimise effects on Aboriginal and historic cultural heritage values

11.2 EES documentation

The two technical reports and their overall rating against the draft evaluation objective are provided in Table 11.

Table 11 Cultural heritage: Overall assessment rating

Key technical investigation	Rating
Historic Archaeology and Cultural Heritage (Dr Vincent Clark & Associates, 2014)	Well
Draft Cultural Heritage Management Plan (Number 12662) (Dr Vincent Clark & Associates, 2014)	Neutral

The cultural heritage assessment (Chapter 14 and Technical Appendices K and L) addressed issues relating to Aboriginal cultural heritage and historic cultural heritage.

With Aboriginal cultural heritage, the EES indicated that a draft Cultural Heritage Management Plan (CHMP) has been prepared (the Executive Summary of the CHMP was included in Appendix K) as required by the *Aboriginal Heritage Act 2006*. Under this Act, Registered Aboriginal Parties (RAPs) are the cultural decision-makers for designated areas, which for the area north of the Bendigo railway, is the Wurundjeri Tribe Land Cultural Heritage Council (Wurundjeri RAP). As there is no RAP for the area south of the Bendigo railway the Office of Aboriginal Affairs Victoria (OAAV) is responsible for this area. The EES indicated that approval for the CHMP will be sought from the Wurundjeri RAP and the OAAV.

The EES confirmed that most of the Project area was heavily disturbed but there were some areas of undisturbed ground where Aboriginal cultural material was present. Land north of the Calder Freeway near the Jacksons Creek valley and near Kororoit Creek is an example of such areas. Twelve sites would potentially be affected by the Project. Only one site (located north of the Calder Freeway) was rated ‘moderate-high’ significance and about one-third of the site would be affected. Two sites were rated ‘moderate’ significance and about 19 per cent and less than 5 per cent of each site would be affected. The other nine potentially affected sites were rated either ‘low’ or ‘very low’ significance.

Overall, based on the evaluation undertaken, the Project has been rated in the EES as ‘neutral’ in relation to the Aboriginal cultural heritage evaluation objective.

In relation to historic cultural heritage, the EES indicated that there are no sites of state cultural significant listed on the Victorian Heritage Register located within the Project area.

The EES indicated that three sites listed on the Victorian Heritage Inventory were identified in the Project area. These were:

- The Ravenhall 2 Magazine and Storage Facility (located east of Robinsons Road and south of Riding Boundary Road) - The northeast corner of this site will be affected by the Project and consent from Heritage Victoria would be required for any works in this area.
- Cobbled Road (formerly located along Rockbank Middle Road) – The section of cobble road east of Westwood Drive appeared to have been completely destroyed as the present Rockbank Middle Road has been constructed over it. Although there does not appear to be any part of the road remaining within the Project area, consent would still be required from Heritage Victoria before works could commence in this area.
- Drover’s Hut site (located immediately north of Kororoit Creek) - This site will be affected by the Project and consent would be required from Heritage Victoria before commencement of works in this area (updated information on this site was provided by Melton City Council – see below).

Overall the EES, based on the evaluation undertaken, rated the Project ‘well’ in relation to the historic cultural heritage evaluation objective.

11.3 Evidence and submissions

There was no concern relating to the impact of the Project on cultural heritage matters raised in any submission.

Mr Sherman stated that the Project could not avoid impacting on Aboriginal cultural sites due to the nature of the proposed road and bridge construction. He advised that proposed mitigation measures mainly involved collecting and recording artefacts and, in particular, surface and sub surface lithic deposits on the Jacksons Creek escarpment will be collected and stored in conjunction with the Wurundjeri RAP.

At the Hearing, Mr Milbourne stated that Melton City Council had applied in 2009 for a planning permit to construct a bridge across Kororoit Creek in the location of one the bridges proposed in the EES. Mr Milbourne stated that as part of the planning permit application, Melton City Council was advised by an OAAV endorsed cultural heritage advisor that it was exempt from needing approval to harm Aboriginal cultural heritage. This was because previous approvals had been granted for residential development and service infrastructure in the area.

The planning permit was granted for the bridge in 2011 and construction work had commenced in early 2013 but in April 2013, OAAV served a stop work notice on Melton City Council for ‘*carrying out an activity which was harming, or likely to harm, Aboriginal cultural heritage*’. Melton City Council was further advised by OAAV that a CHMP would need to be prepared for the Project. Mr Milbourne stated that three CHMPs were prepared and all were rejected by OAAV, the last one being rejected because OAAV considered that it would be inappropriate to approve a CHMP while the EES was being prepared for the overall Project. Mr Milbourne submitted that VicRoads indicated bridge construction could commence as soon as possible pending EES approval and an extension to the planning permit.

In relation to historic cultural heritage, Melton City Council in its submission indicated that Council had already received consent from Heritage Victoria on 15 August 2013 to disturb the Drover's Hut and Council had already undertaken the excavation in accordance with the consent permit.

Mr Sherman stated that it appeared that works recently undertaken by a water authority had damaged the area of the Ravenhall 2 Magazine and Storage Facility site within the Project area. This was observed by the Panel during its inspection of the Ravenhall 2 Magazine and Storage Facility site and Dover's hut site during the accompanied site inspection.

11.4 Discussion

The Panel accepts Mr Sherman's evidence that the Project cannot avoid impacting of Aboriginal cultural heritage sites due to the nature of the proposed road and bridge construction. The Panel notes that the proposed mitigation measures mainly involve collection and recording of artefacts, rather than protection of the sites. The Panel understands that prior to work commencing, the final CHMP will need to be approved by the traditional owners, the Wurundjeri RAP, for the Project area north of the Bendigo railway, and the OAAV for the Project area south of the Bendigo railway. The Panel considers that this requirement provides the highest level of mitigation measures possible for the Aboriginal cultural heritage sites in the Project area.

Although not directly relevant to the EES process, the Panel is concerned with the complications outlined by Mr Milbourne that Melton City Council encountered in relation to Aboriginal cultural heritage sites when it sought to obtain approval to build the first bridge across Kororoit Creek. It appears to the Panel that the delays and unnecessary expenses incurred were not caused directly by concern over substantive 'on the ground' issues, but rather a lack of satisfactory lines of communication between the OAAV and Melton City Council.

The Panel accepts that the Project will impact on the Ravenhall 2 Magazine and Storage Facility site, although it appears that this site may have been recently been damaged. Regardless of this damage, the Panel does not consider that the impact on this site will be significant. In light of the information provided in the EES that the Cobble Road no longer exists in the Project area, the Panel considers that this issue has been resolved.

In relation to the Drover's Hut, as Council has already undertaken the excavation in accordance with the Heritage Victoria consent permit, the Panel agrees with Council that the need to obtain a permit for these works prior to works commencing should be deleted from the EES.

11.5 Findings

The Panel finds:

- The Project will impact on Aboriginal cultural heritage sites, but the impact and mitigation measures will be independently assessed through the approval process for the CHMP involving the Wurundjeri RAP, the traditional owners of the land north of the Bendigo railway, and in the absence of a RAP, the OAAV for the area south of the Bendigo railway.
- The Project may impact on the Ravenhall 2 Magazine and Storage Facility site but this impact would be minor.

- There are no issues with the Cobbled Road or Drover's Hut sites.
- The OAAV should review the processes involved in developing CHMPs so that the series of events that occurred in this case relating to the Kororoit Creek bridge proposed to be constructed by Melton City Council do not happen again in the future.

11.6 Recommendation

There is no recommendation for cultural heritage issues.

12 Environmental Management Framework

12.1 Introduction

The Environmental Management Framework is discussed at Chapter 16 of the EES and the relevant technical appendices. The framework outlines the process and procedures for managing the environment during the detailed design, construction and operational stages of the Project. VicRoads has prepared an environmental risk management guideline to help implement its Environmental Management System, as shown in Figure 3.

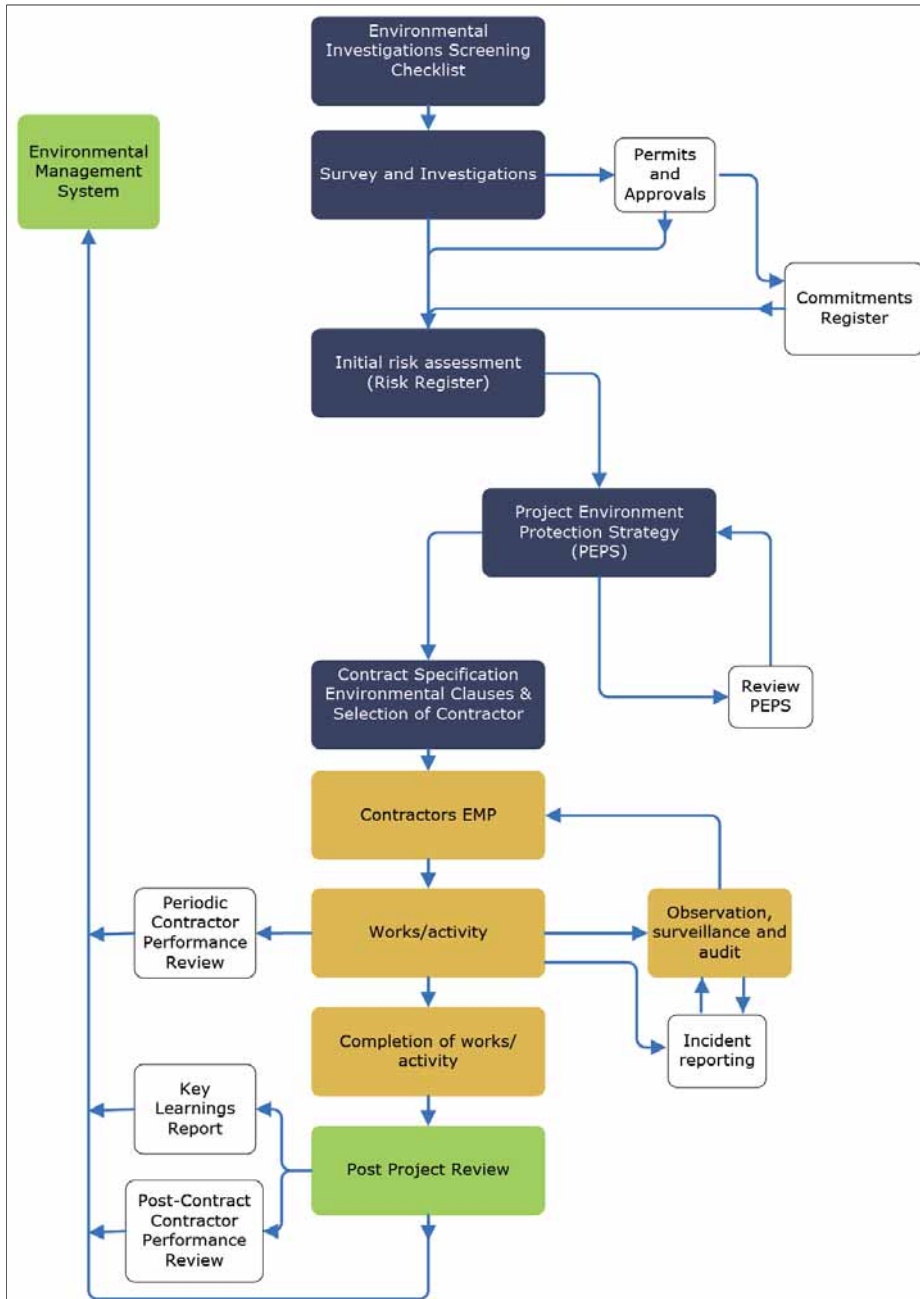


Figure 3 VicRoads Environmental Risk Management System

The guideline includes a Project environment protection strategy and contract specifications so that VicRoads can guide environmental management and track the implementation of overall environmental commitments and approval conditions.

12.2 The issue

The issue with the Environmental Management Framework for the Project considered by the Panel relates to how well the following EES draft evaluation objective been met:

To provide a transparent framework with clear accountabilities for managing environmental effects and hazards associated with construction, operation, decommissioning and rehabilitation phases of the projects, in order to achieve acceptable environmental outcomes.

12.3 Discussion

The Panel considers that the Environmental Management Framework, including the components shown in Figure 3, is reasonable. It will provide a transparent framework with clear accountabilities for managing environmental matters associated with each issue and phase. The framework clearly specifies that management measure for achieving acceptable environmental outcomes.

12.4 Findings

The Panel finds that the environmental management framework is acceptable and responds to the relevant objective. The Panel's recommendations will need to be incorporated in the documentation that supports this framework.

12.5 Recommendation

The Panel recommends:

Translate and incorporate the scope and intent of all the Panel's recommendations into the VicRoads Project Environment Protection Strategy and all contracts, the Environment Management System and the various Contractor Environmental Management Plans.

13 Matters of Commonwealth interest

On 22 May 2009, the Project was determined to be a 'controlled action' and therefore required assessment and approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Terms of Reference state that the Victorian EES process was not accredited as the required assessment process through the existing Commonwealth-Victorian Bilateral Agreement. This chapter is therefore for information purposes only.

The Environment Protection and Biodiversity Conservation Act 1999:

- Provides the framework to protect and manage matters of national environmental significance⁴.
- Sets out assessment and approval process in relation to matters of national environmental significance.

13.1 The issue

The issue relating to matters of Commonwealth interest identified in the EES is:

The potential for adverse impacts on ecological values of national significance protected under the EPBC Act.

13.2 EES documentation

The Biodiversity and habitat Assessment (Chapter 12 and Technical Appendix I) indicated that while much of the Project area⁵ has been modified by the effects of urbanisation, a number of important ecological values still existed. In order to assess the impact of the Project on native vegetation, terrestrial and aquatic habitat and any significant wildlife corridors, a number of desktop reviews and field surveys were undertaken.

The EES indicated the following communities and species (or species habitat) of national significance protected under the EPBC Act could be affected by the Project:

- Two vegetation communities, namely Natural Temperate Grasslands of the Victorian Volcanic Plains (3.27 hectares) and Seasonal Herbaceous Wetland (0.03 hectares). Offsets were likely to be required under the EPBC Act.
- One flora species, the Spiny Rice-flower. Although not recorded in the most recent surveys (in 2009 and 2013), the Project had been designed to avoid the areas where it has been recorded in the past.
- Two fauna species that are likely to fly over the Project area:
 - Grey-headed flying fox – This species could potentially forage along the Kororoit Creek corridor and in planted trees but there is no suitable roosting habitat in the Project area.
 - Swift parrot – The Project area provides limited forage potential.
- The potential habitat for three fauna species as follows:

⁴ Specifically world heritage properties, national heritage places, wetlands of international importance (often called 'Ramsar' wetlands), nationally threatened species and ecological communities, migratory species, a water resource in relation to coal seam gas development and large coal mining development.

⁵ The project area in this Chapter is defined as the functional design footprint nominated by VicRoads plus additional areas surveyed by Ecology and Heritage Partners Pty Ltd in 2009.

- Striped Legless Lizard – Although this species was not detected in the targeted surveys in 2009 and 2013, it cannot be confirmed as being absent from the Project area.
- Golden Sun Moth – same as for Striped Legless Lizard.
- Growing Grass Frog – Although this species was not detected in the targeted surveys in 2009 and 2013, the Kororoit Creek corridor contains high quality breeding habitat.

13.3 Submissions and evidence

DELWP stated in its submission that the EES adequately addressed biodiversity matters associated with the Project.

In his evidence, Mr Browning stated that in the absence of mitigating measures, the Project had the potential to impact on ecological values in the Project area and surrounding landscape. It was therefore important that a CEMP or similar document relating to the construction phase of the Project be developed. This plan needed to include procedures for mitigation measures, staff and contractor inductions on environment values, pre-clearing surveys and fauna salvage, vegetation clearing and rehabilitation and restoration.

There were no other submissions or presentations that addressed issues of national significance.

13.4 Discussion

The Panel notes the comprehensive nature of the flora and fauna surveys and considers that they provide adequate information to assess the impact of the Project on the biodiversity and habitat values of the area. The Panel notes that as most of the Project will be constructed in a well developed residential area, the impact on native flora and fauna will be relatively limited. The Panel also accepts DELWP's advice that the EES adequately addressed all biodiversity matters associated with the Project.

The two vegetation communities of national significance are likely to be affected, namely Natural Temperate Grasslands of the Victorian Volcanic Plains (3.27 hectares) and Seasonal Herbaceous Wetland (0.03 hectares) and would need to be offset under the EPBC Act

One flora species of national significance, the Spiny Rice-flower, may be affected and although not recorded in the most recent surveys (in 2009 and 2013), the Project had been designed to avoid the areas where it has been recorded in the past.

The Project area contains potential habitat for three fauna species of national significance, namely Striped Legless Lizard and Golden Sun Moth (both of which were not detected in the targeted surveys in 2009 and 2013) and Growing Grass Frog (also not detected in the targeted surveys in 2009 and 2013), but the latter may occur in good habitat areas along the Kororoit Creek corridor.

The Panel notes that two other fauna species of national significance, Grey-headed flying fox and Swift parrot, may fly over the Project area, but are unlikely to be affected by the Project.

The Panel supports Mr Browning's view that a CEMP should be developed so that the ecological values of the Project area and surrounding landscape are protected as far as possible during construction. This plan needs to include procedures for mitigation measures, pre-clearing surveys and fauna salvage, vegetation clearing and rehabilitation. It

also needs to specifically address measures to mitigate the impact on areas where the Spiny Rice-flower has been recorded in the past, on areas of potential habitat of the Legless Lizard and Golden Sun Moth and on the potential Growling Grass Frog habitat along the Kororoit Creek corridor.

13.5 Findings

The Panel finds that:

- Two vegetation communities of national significance are likely to be affected ie Natural Temperate Grasslands of the Victorian Volcanic Plains (3.27 hectares) and Seasonal Herbaceous Wetland (0.03 hectares) and would need to be offset under the EPBC Act.
- No species of flora or fauna of national significance are likely to be significantly affected directly by the Project.
- A CEMP should be developed to ensure that the ecological values of the Project area and surrounding landscape are protected as far as possible during construction, and in particular the areas where Spiny Rice-flower has been recorded in the past and areas of potential habitat of Legless Lizard, Golden Sun Moth and Growling Grass Frog.

13.6 Recommendation

There is no recommendation for this matter because the EES process has not been accredited as the required assessment process through the existing Commonwealth-Victorian Bilateral Agreement.

14 Integrated assessment

This part of the report provides the Panel’s integrated assessment of the Project. The Panel’s findings and recommendations for each aspect of the EES are set out in Chapters 5 to 12.

14.1 Introduction

The *Transport Integration Act 2010* states:

The purpose of this Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria consistent with the vision statement.

The issue with integrated and sustainable transport for the Project considered by the Panel relates to how well the following EES draft evaluation objective has been met:

Overall, to demonstrate that the project would achieve a balance of economic, social and environmental outcomes that contribute to ecologically sustainable development and provide a net community benefit over the short and long-term.

The Panel’s Terms of Reference include the following purpose:

The purpose of the Inquiry is to investigate and provide an integrated assessment of the potential effects of the Palmers Road Corridor (Western Freeway to Calder Freeway) Project (the project) on the environment.

14.2 Environment Effects Statement

Table 12 shows a summary of the overall ratings assessed against each draft evaluation objective.

Table 12 Summary of draft evaluation objectives and assessment

Evaluation objective	Rating
Road safety and capacity	Very well
Amenity and environmental quality	Neutral
Social	Well
Land use	Very well
Visual and landscape	Well
Biodiversity and habitat	Well
Catchment values	Neutral
Cultural heritage	Neutral
Overall evaluation	Well

The EES rates the Project ‘well’ and states:

The Project directly supports and delivers, a key feature of planning policies including the Melton East Strategy Plan (GHD, 1997), which underpins the layout and development of the land in and around the Palmers Road Corridor.

The Project considers and addresses the objectives and decision making principles in the Transport Integration Act 2010.

The Project would deliver a safe and efficient arterial road that would improve connectivity through the west of Melbourne. The improved connectivity would benefit residents and businesses alike, attracting investment and improving the safety and amenity of activity centres.

No specific evaluation objective rated below 'neutral'.

14.3 Panel assessment

The Panel accepts the overall evaluation rating which acknowledges a high road safety and capacity and Land use rating. It would have been difficult to achieve Catchment values and Cultural heritage rating of greater than 'neutral' when constructing a bridge over the Kororoit Creek and over land of cultural heritage significance. However the environmental impacts are manageable within the context of the entire Project.

The Panel finds:

- The Project can be managed to achieve acceptable environmental outcomes in the context of applicable legislation, related policy, relevant best practice, and the principles and objectives of ecologically sustainable development, subject to recommendations in Part B of this report.
- The Project will result in significant net community benefit that far outweighs its potential environmental effects.
- The proposed application of the Public Acquisition Overlay is strategically justified and appropriate for its intended purpose, subject to changes recommended in Part B of this report.

14.4 Recommendation

The Panel recommends that the Palmers Road Corridor Project be approved subject to changes recommended in this report.

PART C: PLANNING SCHEME AMENDMENTS



15 Planning Scheme Amendments

Melton Planning Scheme Amendment C143 and Brimbank Planning Scheme Amendment C157 (the Amendments) seek to facilitate the Project by compulsorily acquiring private land and exempting the Project from needing a planning permit. This Chapter does not duplicate issues considered in previous chapters; especially Chapter 7 which includes land acquisition. This Chapter considers any changes required for the Amendments in response to relevant findings throughout this report.

As noted in Chapter 7, the proportion of land sought to be acquired is relatively minor compared to the overall Corridor that has already been reserved for the Project.

The Amendments are included in the EES Volume 2 document.

15.1 The issue

The issue is what changes are required to the Amendments.

15.2 Evidence and submissions

(i) Melbourne Airport environs

In its submission, Melbourne Airport sought to:

- Change the explanatory report to acknowledge the need to safeguard the airport and reference the National Airport Safeguarding Framework and Melbourne Airport Master Plan 2013
- Change Clause 18.08-1 of the State Planning Policy Framework to reference the same documents
- Change the incorporated document to:
 - note the potential need for approval under federal legislation
 - add new conditions related to lighting, air space, air emissions and landscaping.

VicRoads submitted that it did not consider a change to the explanatory report was necessary but was content with adding the following:

The incorporated document makes provision for consultation with the Melbourne Airport Corporation to ensure that the proposal safeguards the Melbourne Airport.

In relation to the proposed conditions, Mr Ward stated in his evidence:

Control over the intrusion of structures or building activity into “prescribed airspace” is subject to approval of Melbourne Airport under the Airports Act 1996 and the Regulations. Specific inclusion in the conditions of the Inc Doc is therefore unnecessary.

VicRoads added that it preferred a more consultative approach to conditions suggested by Melbourne Airport and proposed that the following requirement be included in the incorporated document:

Prior to the commencement of any works, the views of Australia Pacific Airports (Melbourne) Pty Ltd or its successor, must be sought and considered in respect of the detailed design [north of Melton Highway], including in relation to:

- *potential to impact airspace;*
- *avoiding protrusion of bridges and other structures into prescribed airspace;*
- *air emissions;*
- *landscaping; and*
- *lighting.*

VicRoads noted that the Panel report on Hume C190 Planning Scheme Amendment supported this condition because it makes consultation with the Airport owners explicit and provides an appropriate level of clarity. VicRoads did not support the suggested change to the State Planning Policy Framework because, among other reasons, it submitted:

...it is appropriate that the Incorporated Document be limited to relevant planning matters and not stray to duplicate Commonwealth regulation.

(ii) Other matters

Melton City Council and Brimbank City Council submitted that following exhibition, each council resolved to support their respective amendment. Brimbank City Council asked that VicRoads consider applying the Incorporated Plan Overlay to facilitate the Project and submitted:

This would not require any changes to the Incorporated Document but would make it easier for Council planners and the community to identify its presence.

Mr Ward stated that Brimbank City Council’s comment about the non-transparent nature of incorporated documents was valid. However, he considered overlays such as the Incorporated Plan Overlay or Development Plan Overlay are inappropriate for simply identifying that an incorporated document exists.

15.3 Discussion

There were relatively few issues raised in submissions about the Amendments.

The Panel agrees with VicRoads that a change to the explanatory report is not necessary. It also agrees that the incorporated document should include VicRoads’ modified version of Melbourne Airport’s suggested changes for the same reasons provided by the Hume C190 Panel. The Panel notes that the State Planning Policy Framework in all planning schemes was amended on 8 October 2015 to include the *National Airports Safeguarding Framework* as a policy guideline and to make associated changes (Amendment VC101). The Panel therefore does not recommend any change to the State Planning Policy Framework.

The Panel agrees with Brimbank City Council that an Incorporated Plan Overlay would make it easier for planners and the community to know that the incorporated plan existed. However, this should not be the sole determinant for deciding whether to use the overlay. Planning Practice Note 23 (Applying the Incorporated Plan and Development Plan Overlays), August 2015 provides guidance for when it is appropriate to apply the overlay. Based on this guidance and its own assessment, the Panel does not consider the Incorporated Plan Overlay to be appropriate in this circumstance. This aligns with Mr Ward’s view that such an overlay is inappropriate for simply identifying that an incorporated document exists.

The Panel is satisfied with the planning tools selected for the Amendments.

15.4 Recommendations

The Panel recommends:

Amend the Incorporated Document to:

a) Add the following requirement:

Prior to the commencement of any works, the views of Australia Pacific Airports (Melbourne) Pty Ltd or its successor, must be sought and considered in respect of the detailed design [north of Melton Highway], including in relation to:

- *potential to impact airspace;*
- *avoiding protrusion of bridges and other structures into prescribed airspace;*
- *air emissions;*
- *landscaping; and*
- *lighting.*

Melton Planning Scheme Amendment C143 be adopted subject to relevant changes recommended in this report.

Brimbank Planning Scheme Amendment C157 be adopted subject to relevant changes recommended in this report.

16 Response to Terms of Reference

The Terms of Reference state that the Panel must produce a written report for the Minister for Planning presenting findings, conclusions and recommendations. The Panel's response to this requirement is shown below.

Table 13 Response to the Terms of Reference

Terms of Reference requirement	Section of report that addresses this requirement
28a The Inquiry's findings regarding the likelihood, magnitude and significance of the potential environmental effects (impacts), and associated risks, of the project.	Part B: Chapters 5 to 11 and summarised in Chapter 14
28b Advice regarding feasible mitigation measures or procedures to avoid, minimise, offset or compensate environmental effects, including those proposed by VicRoads or raised in submissions, and likely effectiveness of such measures.	Consolidated recommendations in Executive Summary based on recommendations in Chapters 5 to 12
28c Advice on the draft framework for environmental management for the Project described in the EES.	Chapter 12
28d Advice on whether the Project will substantially meet evaluation objectives and deliver an appropriate balance of environmental, economic and social outcomes, having regard to the conclusions on the effects of the Project, submissions and the rationale for the Palmers Road Corridor documented in the EES.	Chapter 14
28e Recommendations on any feasible modifications to the Project, including in relation to the design, and/or other specific measures necessary to avoid, minimise or offset likely adverse effects.	Consolidated recommendations in Executive Summary based on recommendations in Chapters 5 to 11
28f Recommendations on appropriate conditions under Victorian law, such as in the proposed Incorporated Document, necessary to achieve acceptable environmental outcomes in the context of applicable legislation, policy, relevant best practice, and the principles and objectives of ecologically sustainable development.	Consolidated recommendations in Executive Summary based on recommendations in Chapters 5 to 11
28g Relevant information and analysis in support of the Inquiry's conclusions and recommendations.	Chapters 5 to 13 with Integrated assessment presented in Chapter 15
28h A description of the proceedings conducted by the Inquiry and a list of those consulted and heard by the Inquiry.	Overview

Appendix A Terms of Reference

An Inquiry appointed under section 9(1) of the *Environment Effects Act 1978* to report on the Palmers Roads Corridor (Western Freeway to Calder Freeway) Project.

Name

1. The Inquiry is to be known as the 'Palmers Road Corridor (Western Freeway to Calder Freeway) Project Inquiry (the Inquiry)⁶.
2. The Inquiry is to have members with the following skills :
 - a. Land use planning (including noise, landscape and visual, and social impacts);
 - b. Traffic and transport;
 - c. Biodiversity and habitat.

The Inquiry may seek additional specialist expert advice if required.

Purpose

3. The purpose of the Inquiry is to investigate and provide an integrated assessment of the potential effects of the Palmers Road Corridor (Western Freeway to Calder Freeway) Project (the project) on the environment⁷.
4. The Inquiry is to produce a report to inform the Minister for Planning's Assessment of the project under the *Environment Effects Act 1978* (the EE Act), which will then assist the Minister to make decisions about the proposed amendments to the Melton and Brimbank Planning Schemes to facilitate the project.

Background

5. VicRoads proposes to develop a major north-south arterial road in the west of Melbourne between the Calder Freeway and Western Freeway (Deer Park Bypass). This is a long term project, which is expected to be fully constructed by 2046, subject to availability of funds.
6. In the short term, the project involves reserving in the Melton and Brimbank Planning Schemes a 16 kilometre long and 40-60 metre wide corridor for the future arterial road, generally along the existing local roads: Robinsons Road, Westwood Drive and Calder Park Drive.
7. VicRoads was responsible for the preparation of the Environment Effects Statement (EES).
8. Prior to commencing the EES, VicRoads prepared a report on availability of potentially suitable alternatives for the proposed arterial route, in response to requirements of the Minister for Planning's EES decision (see **Attachment 1**). This report was to primarily demonstrate the basis for selecting the Palmers Road Corridor as the preferred alignment taking into consideration suitable alternative alignments and designs.
9. The project involves connecting and upgrading the existing roads to create a new north-south arterial route, which will link the Western Freeway with Calder Freeway and provide access to the expanding areas of western Melbourne in the Cities of Wyndham and Brimbank and the Shire of Melton. Palmers Road would include a six-lane divided road, with off-road shared bicycle and pedestrian facilities on both sides of the road, removal of two existing railway crossings and construction of two bridges over Kororoit Creek and a raised interchange at the Calder Freeway.

⁶ The members may also be appointed as a Panel under sections 96, 153 and 155 of the *Planning and Environment Act 1987* (P&E) Act to consider submissions regarding the planning scheme amendments and associated planning permit application, if required. If this occurs, a single consolidated report meeting the requirements of both the EE Act and the P&E Act is to be prepared.

⁷ In this context, 'environment' is to include the physical, biological, heritage, cultural, social, health, safety and economic aspects of human surroundings, including the wider ecological and physical systems within which humans live.

10. VicRoads proposes to construct an initial alignment of a single lane in each direction to a rural highway standard with a design speed of 80 kilometres per hour. Sufficient land would be reserved to enable the construction of a four lane road (two lanes in each direction). VicRoads advises that the timing of the ultimate duplication to four lanes is not known and would be dependent on future traffic needs and funding.
11. The Palmers Road Corridor requires limited reservation of land given that the long term planning for the area has ensured that land is available for the project. No residential dwellings or commercial buildings would need to be acquired, but some small parts of vacant residential land and sections of a few commercial properties would be needed for the project.

EES decision

12. On 13 November 2009, the former Minister for Planning decided that an EES was required for the project under the EE Act. The decision was issued with procedures and requirements for the preparation of the EES under section 8B(5) of the EE Act (**Attachment 1**).
13. The EES has been prepared by the proponents in response to the Minister's decision and the Scoping Requirements issued for the project in July 2013.
14. The EES was placed on public exhibition, together with the amendments to the Melton and Brimbank Planning Schemes and draft Cultural Heritage Management Plan from 30 July to 31 August 2015.

Commonwealth decision

15. The project was referred to the Australian Government for a decision on the need for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
16. On 22 May 2009, the project was determined to be a controlled action that requires assessment and approval under the EPBC Act because of its potential impacts on matters of national environmental significance (MNES). The Commonwealth has determined that the project's impacts on MNES will be assessed via Preliminary Documentation.
17. The Victorian EES process was not accredited as the required assessment process through the existing Commonwealth-Victorian Bilateral Agreement⁸.

Planning approval process

18. VicRoads has been authorised by the Minister for Planning to prepare two amendments for the project, known as Amendment C143 to the Melton Planning Scheme and Amendment C157 to the Brimbank Planning Scheme. The amendments propose to:
 - a. Apply a Public Acquisition Overlay to land required for the upgraded road;
 - b. Delete a Public Acquisition Overlay from land no longer required for the proposed Calder Park Drive and Calder Freeway interchange;
 - c. Insert an incorporated document titled the *Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document, July 2014* into the Brimbank and Melton Planning Schemes to allow the land identified in the incorporated document to be used and developed for the Palmers Road Corridor Upgrade subject to conditions; and
 - d. Make the Minister for Planning the planning authority for administering and enforcing the *Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document, July 2014*.

⁸ The bilateral agreement under section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* was in place since 20 June 2009 and a new bilateral agreement came into operation on 26 December 2014. Both agreements provide for the accreditation of specified Victorian statutory processes to ensure an integrated and coordinated assessment

Other approvals

19. Under Victorian law, the project requires a number of other approvals and consents, as outlined in the EES, including an approved Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006* and a consent under the *Heritage Act 1995* to manage works in areas of cultural sensitivity.

Method

20. The Inquiry may apply in writing to vary these Terms of Reference in any way it sees fit prior to submission of its report.
21. The Inquiry may inform itself in any way it sees fit, but must consider all relevant matters, including but not limited to:
 - a. The exhibited EES and supporting technical reports and information;
 - b. Any submissions and evidence provided by VicRoads, State agencies, Melton City Council and Brimbank City Council and the public;
 - c. Information provided by the VicRoads, which addresses, to the extent practicable, the submissions provided by the public; and
 - d. Any other relevant information provided to, or obtained by, the Inquiry, having regard to relevant statutory provisions, policies and plans.
22. The Inquiry must consider all relevant submissions.
23. The Inquiry must conduct a public hearing and may make other such enquiries as are relevant to its consideration of the potential environmental effects of the project.
24. The Inquiry must conduct hearings in accordance with the following principles:
 - a. The hearing will be conducted in an open, orderly and equitable manner, in accordance with the rules of natural justice, with a minimum of formality and without the necessity for legal representation.
 - b. The Inquiry process will aim to be exploratory and constructive and adversarial behaviour should be minimised.
 - c. Parties without legal representation will not be disadvantaged. Cross examination will be strictly controlled and prohibited where deemed not to be relevant by the Inquiry Chair.
25. The Inquiry will meet and conduct its hearing when there is a quorum of at least two of its members present, including the Inquiry Chair.

Submissions are public documents

26. The Inquiry must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
27. Any written submissions or other supporting documentation provided to the Inquiry must be available for public inspection until the submission of its report, unless the Inquiry specifically directs that the material is to remain 'in camera'.

Outcomes

28. The Inquiry must produce a written report for the Minister for Planning addressing the following:
 - a. The Inquiry's findings regarding the likelihood, magnitude and significance of the potential environmental effects (impacts), and associated risks, of the project.
 - b. Advice regarding feasible mitigation measures or procedures to avoid, minimise, offset or compensate environmental effects, including those proposed by VicRoads or raised in submissions, and likely effectiveness of such measures.

- c. Advice on the draft framework for environmental management for the project described in the EES.
- d. Advice on whether the project will substantially meet evaluation objectives and deliver an appropriate balance of environmental, economic and social outcomes, having regard to the conclusions on the effects of the project, submissions and the rationale for the Palmers Road Corridor documented in the EES.
- e. Recommendations on any feasible modifications to the project, including in relation to the design, and/or other specific measures necessary to avoid, minimise or offset likely adverse effects.
- f. Recommendations on appropriate conditions under Victorian law, such as in the proposed Incorporated Document, necessary to achieve acceptable environmental outcomes in the context of applicable legislation, policy, relevant best practice, and the principles and objectives of ecologically sustainable development.
- g. Relevant information and analysis in support of the Inquiry's conclusions and recommendations.
- h. A description of the proceedings conducted by the Inquiry and a list of those consulted and heard by the Inquiry.

Timing

- 29. The Inquiry is required to submit its report in writing as soon as practicable but no later than 40 business days from the completion of its hearings.

Fee

- 30. The fee for the Inquiry will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.
- 31. The costs of the Inquiry will be met by VicRoads.

Project Manager

- 32. Day to day liaison for this Inquiry process will be through Greta Grivas, Senior Project Officer, Planning Panels Victoria, on ph. (03) 8392 6393 or by email at greta.grivas@delwp.vic.gov.au.
- 33. Any queries about the EES process should be directed to Margo Kozicki, Senior Impact Assessor, Department of Environment, Land, Water & Planning on ph. (03) 9223 5319 or by email at margo.kozicki@delwp.vic.gov.au.

Hon Richard Wynne MP
Minister for Planning

Date:

Appendix B Document list

No	Description	Presented by
22 September 2015		
1	Melton Planning Scheme PAO1 Map	P Bormann
2	Calder Park Motorsports Complex Access report	P Bormann
20 October 2015		
3	VicRoads Submission - Part A	A Sherman
4	Planning Scheme Zone Maps	A Sherman
5	Planning Scheme Overlays Map	A Sherman
6	Planning Scheme Amendment VC128	A Sherman
7	Updated Incorporated Document	A Sherman
21 October 2015		
8	Guide to Traffic Management - Part 5	A Sherman
9	Melton East Strategy Plan	A Sherman
10	Calder Park Drive/Site Access	A Sherman
11	Aerial photographs (3 sheets)	A Sherman
12	West Corridor Growth Plan (map)	G Ward
13	Smart Roads Policy	G Ward
14	Calder Highway Strategy	G Ward
15	Melbourne-Mildura Corridor Strategy	G Ward
16	Melton Planning Scheme - Clause 21.04	G Ward
17	Melton Planning Scheme - Clause 22.04	G Ward
18	Melton Integrated Transport Strategy	G Ward
19	Melton Planning Scheme - Comprehensive Development Zone Schedule 1	G Ward
20	Brimbank Integrated Transport Strategy	G Ward
21	Brimbank - Unlock the opportunity	G Ward
22	Brimbank Industrial Land Strategy	G Ward
23	Planning Permit - Calder Park Raceway Complex	G Ward
24	Section 173 Agreement	G Ward
25	Presentation	P West
22 October 2015		
26	Photographs	I Sutherland
28	Planning Permit PA2009/2392 – Bridge over Kororoit Creek	M Milbourne

No	Description	Presented by
29	Submission on behalf of Ranfurly Developments Pty Ltd	A Caspar
30	Extract – Panel Report C112 – Traffic issues	A Sherman
31	Responding Submissions of VicRoads	A Sherman
32	Photograph with road interchange overlay and comments	A Sherman
33	Intersection Concept Plan Layout	A Sherman
34	Expert Evidence – Traffic and Transport (Cardno) – 21 October 2015	A Sherman