



ATTACHMENT I: LEGISLATION AND POLICY REPORT

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Abbreviations

Term	Definition
AAQ	Ambient Air Quality
AQM	Air Quality Management
ASC	Assessment of Site Contamination
CASS	Coastal Acid Sulfate Soil
CHL	Commonwealth Heritage List
CHMP	Cultural Heritage Management Plan
CM Act	<i>Coastal Management Act 1995</i>
DELWP	Department of Land, Water and Planning
EE Act	<i>Environment Effects Act 1978</i>
EES	Environment Effects Statement
EP Act	<i>Environment Protection Act 1970</i>
EPA Victoria	Environment Protection Authority Victoria
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESO	Environmental Significance Overlay
GoV	Groundwaters of Victoria
HO	Heritage Overlay
IWRG	Industrial Waste Resource Guidelines
LPPF	Local Planning Policy Framework
LXRA	Level Crossing Removal Authority
MSS	Municipal Strategic Statement
MTPFA	<i>Major Transport Projects Facilitation Act 2009</i>
NEPC	National Environmental Protection Council
NEPM	National Environment Protection Measures
NHL	National Heritage List
P&E Act	<i>Planning and Environment Act 1987</i>
PEM	Protocol for Environmental Management
PMCL	Prevention and Management of Contamination of Land

Term	Definition
PRINP	Passenger Rail Infrastructure Noise Policy
SBO	Special Building Overlay
SEPP	State Environment Protection Policy
SPPF	State Planning Policy Framework
VAHR	Victorian Aboriginal Heritage Register
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register

Purpose

Section 3.6 of the Scoping Requirements (released in September 2017) requires the EES to 'identify relevant legislation, policies, guidelines and standards, and assess their specific requirements or implications for the project'.

The approvals likely to be required for the Edithvale and Bonbeach level crossing removal projects (the projects) include:

- approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
- an amendment to the Kingston Planning Scheme under the *Planning and Environment Act 1987*
- an approved cultural heritage management plan under the *Aboriginal Heritage Act 2006*
- permits to take protected flora and/or fauna from public land under the *Flora and Fauna Guarantee Act 1988*
- permits to take wildlife under the *Wildlife Act 1975*
- consent to use and develop coastal Crown land or land within 200 metres of the high-tide mark under the *Coastal Management Act 1995*.

In addition to these, the projects have been declared under the *Major Transport Projects Facilitation Act 2009*.

This report summarises each of the environmental aspects assessed in the EES, presented in a series of tables. Each table describes the legislation, policies, guidelines and standards relevant to the projects, and assesses specific requirements or implications for the projects. Additional legislation, policies, guidelines and standards may apply to specific components or environmental impacts or effects of the projects and the grant of the relevant approvals, particularly in respect of highly technical matters. Where applicable, these are discussed further in the relevant technical report attached to the EES, which should be read in conjunction with these tables.

Where relevant, each table is separated into:

- international standards
- Commonwealth legislation, policies, guidelines and standards
- State legislation, policies, guidelines and standards and local policies

Instruments of legislation, policies, guidelines and standards are addressed under the relevant state or Commonwealth sections of the tables.

Environmental impact assessment

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	<p>The Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects which are considered to be among the nine Matters of National Environmental Significance (MNES), including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally-listed threatened species and ecological communities and listed migratory species.</p> <p>The Act states that 'controlled' actions, i.e. actions that are determined as likely to have a significant impact on a MNES are subject to assessment and approval under the Act.</p>	<p>LXRA (as the project proponent) referred the projects to the Commonwealth Environment Minister (referral number 2017/2906).</p> <p>On 8 May 2017, the delegate for the Commonwealth Minister for the Environment determined that the projects are a 'controlled action' and that further assessment and approval is required under the EPBC Act before the projects can proceed. This decision was made having regard to the potential for the projects to impact the Ramsar-listed Edithvale-Seaford Wetlands and the associated listed flora and fauna.</p>
State		
Legislation		
<i>Environment Effects Act 1978 (EE Act)</i>	<p>The Act contains a framework by which projects with the potential to have significant effects on the environment may require the preparation of an Environment Effects Statement (EES) for assessment by the Minister for Planning. An EES may be required for declared 'public works' or works determined by the minister to require an EES following referral. Where an EES is required, scoping requirements are issued by the Minister for Planning to guide the preparation of the EES.</p> <p>Once prepared it is placed on exhibition for public review and submission (typically for a period of 30 days). Public submissions can be considered in a number of ways by an inquiry panel appointed by the minister who may also be required to conduct a formal hearing. After considering all relevant submissions and conducting any necessary hearings, the inquiry panel's report is provided to the Minister for Planning to assess the environmental effects of the project to relevant statutory decision-makers to inform their decision whether or not to approve the project and, if so, on what conditions.</p>	<p>In September 2017, the minister issued finalised Scoping Requirements for the projects. LXRA is preparing the EES for the projects in accordance with the Scoping Requirements which require the assessment of a range of specific environmental effects including in respect of the following subject matters in this table: groundwater, ecology and acid sulfate soils and contamination.</p> <p>The EES will be placed on public exhibition for a period of 30 business days, and an inquiry panel will be appointed to consider the environmental effects of the projects. At the conclusion of the EES assessment process the Minister for Planning's Assessment Report will be provided to the statutory decision makers to inform their decision whether to grant approvals for the projects.</p>

Document	Description	Implications for the projects
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>This Act establishes a framework for planning the use development and protection of land in Victoria. It provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.</p> <p>Where a draft planning scheme for a project is exhibited with an EES it is not uncommon for the Minister for Planning to make the relevant planning scheme amendment at the conclusion of the EES assessment process under section 20(4) of the Act without further notice or exhibition of the amendment.</p>	A planning scheme amendment for each of the projects would seek to insert an Incorporated Document into the planning scheme. The Incorporated Documents are co-exhibited with this EES. Refer to EES Attachment IV <i>Planning Scheme Amendment</i> .
<i>Major Transport Projects Facilitation Act 2009 (MTPF Act)</i>	The purpose of the <i>Major Transport Project Facilitation Act 2009</i> is to facilitate the development of major transport projects in Victoria. It contains a range of facilitating provisions including in relation to land acquisition and assembly including in respect of private, public, council and Crown land and dealing with utilities.	The projects were separately declared as major transport projects to which the delivery provisions of the Act apply by the Victorian Premier on 21 September 2017; the Minister for Public Transport was appointed as the project minister for each project on 21 September 2017; and the Secretary to the Department of Economic Development, Jobs, Transport and Resources was appointed as the project proponent for each project on 11 October 2017.
Policy / guidelines / standards		
<i>Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978</i>	The Ministerial Guidelines are made under section 10 of the EE Act, and supplement the requirements of the EE Act by providing further detail about the EES Assessment process.	The EES Scoping Requirements for the projects were issued in September 2017 consistent with the Ministerial Guidelines pursuant to which the EES is being prepared.

Groundwater

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>National Environment Protection Council Act 1994 (NEPC Act)</i>	This Act allows the National Environmental Protection Council (NEPC) to issue National Environment Protection Measures (NEPMs). These measures are framework documents containing national environmental protection objectives. They assist in protecting or managing particular aspects of the environment.	See ASC NEPM below.
<i>Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	<p>As discussed in Section 2, the Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects which are considered to be among the nine Matters of National Environmental Significance (MNES), including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally listed threatened species and ecological communities and listed migratory species.</p> <p>The Act states that 'controlled' actions, i.e. actions that are determined as likely to have a significant impact on a MNES subject to assessment and approval under the Act.</p>	The EES Scoping Requirements specifically require that the EES examine the potential effects on other beneficial uses of groundwater due to alterations in the groundwater regime, along with risks to human health, recreation and ecosystems due to changes in water quality from activation and excavation of acid sulphate soils and from interception/movement of existing contaminated soil and groundwater.
Policy / guidelines / standards		
<i>National Water Quality Management Strategy 1994</i>	<p>This strategy is a joint national approach to improving water quality in Australian and New Zealand waterways developed by the Australian and New Zealand Governments in cooperation with state and territory governments.</p> <p>It aims to 'achieve sustainable use of the nation's water resources by protecting and enhancing their quality while maintaining economic and social development'.</p> <p>The strategy includes 21 subsidiary guideline documents with a focus on many aspects of water quality including groundwater quality.</p>	<p>These principles have guided the project's scientific investigations, groundwater impact assessment and strategies to minimise impacts on groundwater.</p> <p>The Strategy implements a number of State Environment Protection Policies for water quality that must be adhered to during the delivery of the projects.</p>

Document	Description	Implications for the projects
<i>National Environment Protection (Assessment of Site Contamination) Measure (NEPC 2013) (ASC NEMP)</i>	<p>The ASC NEPM provides general guidance in relation to investigation levels for soil, soil gas and groundwater in the assessment of site contamination to ensure effective management by the community and to provide adequate protection of human health and the environment where known contamination has occurred. The ASC NEPM is divided into two schedules:</p> <ul style="list-style-type: none"> • Schedule A identifies the recommended process for the assessment of site contamination • Schedule B identifies 10 general guidelines for the assessment of site contamination. 	The assessment of groundwater affected by the projects includes evaluation of potential contaminated groundwater using the guidance recommended by ASC NEPM.
State		
Legislation		
Environment Protection Act 1970 (EP Act)	<p>This Act is the primary legislation regulating the protection of Victoria's environment including protecting water environments from pollution. The Act establishes the Environment Protection Authority (EPA) to administer the Act and regulations and Orders made under the EP Act including Orders declaring State Environment Protection Policies (SEPPs) including the State Environment Policy (Groundwaters of Victoria) discussed below.</p>	<p>The projects are subject to the requirements of the <i>State Environment Protection Policy (Groundwaters of Victoria)</i> in relation to groundwater management and disposal.</p>
Water Act 1989	<p>This Act is the primary legislation for the integrated management of Victoria's water resources. The Act promotes efficient use and allocation of water resources, and provides a formal means for protecting and enhancing waterway flow, water quality and catchment conditions. It applies to the management of groundwater, and imposes licensing requirements in relation to the dewatering of groundwater.</p> <p>The Act establishes the Department of Environment, Land, Water and Planning (DELWP) as the authority responsible for the sustainable, efficient, equitable management and allocation of groundwater. For groundwater in southern Victoria, the DELWP has delegated this responsibility to Southern Rural Water, whose responsibilities include licensing any extraction from and injection to the groundwater system. Groundwater dewatering and recharge through bores requires a licence from Southern Rural Water (for construction of bores and for pumping to/from bores).</p>	<p>LXRA may require the following approvals for the projects under this Act:</p> <ul style="list-style-type: none"> • a licence to construct groundwater monitoring bores (from Southern Rural Water) • a licence to extract groundwater for construction purposes (from Southern Rural Water) <p>If groundwater recharge bores are required, an approval from the Minister for Environment under section 76 of the Act.</p>

Document	Description	Implications for the projects
<i>Climate Change Act 2017</i>	<p>The <i>Climate Change Act 2017</i> establishes a long-term emission reduction target of net zero by 2050. The Act embeds the 2050 net zero emissions target and provides for the setting of 5-yearly interim greenhouse gas emissions reduction targets, climate change strategies, and adaptation action plans to ensure the 2050 target is achieved and vulnerabilities to climate change impacts are reduced while potential opportunities are realised. Adaptation action plans will cover systems including the built environment and transport.</p>	<p>The model for the groundwater impact assessment uses the <i>DELWP Guidelines for Assessing the impact of Climate Change on Water Supplies in Victoria</i> to ensure that the outputs of the model take into account predicted effects of climate change on groundwater resources. The model was calibrated to climate data from the last 20 years (commencing in January 1997) covering a period of extreme climatic conditions including the Millennium Drought and conditions of above average rainfall from 2010 to 2011.</p> <p>The same climate data was used for forward predictions to assess the impact of the projects under a range of climatic conditions including an 800 millimetre increase in sea level, estimated by increasing the coastal and other tidal boundary heads and a reduction in recharge to unconfined aquifers by 52.8% as per the high climate change impact scenario for the catchment by year 2065.</p>
Policy / guidelines / standards		
<i>State Environment Protection Policy (Groundwaters of Victoria) (SEPP (GoV))</i>	<p>SEPPs are subordinate instruments to the <i>Environment Protection Act 1970</i> and set out policies to establish environmental quality objectives, SEPP GoV sets a statutory framework for groundwater protection and the clean-up and management of polluted groundwater. The policy defines the beneficial uses to be protected according to discrete segments of the groundwater environment (bands of total dissolved solids (TDS) concentrations).</p> <p>SEPP Groundwater refers to the SEPP (WoV) where assessing impact of groundwater that might discharge to surface water environments. The SEPP (WoV) includes objectives for the protection of surface water beneficial uses and the maintenance of ecosystems, which includes the point of discharge/interaction of groundwater and surface water.</p>	<p>Compliance with the SEPP (GoV) is required, which is given effect under the <i>Environmental Protection Act 1970</i>.</p> <p>The projects would seek to minimise the potential for adverse impacts on groundwater quality to ensure that existing beneficial uses are protected.</p>

Document	Description	Implications for the projects
<i>SEPP Waters of Victoria 2003 (SEPP (WoV))</i>	<p>SEPPs are subordinate instruments to the <i>Environment Protection Act 1970</i> and set out policies to establish environmental quality objectives. SEPP (WoV) provides the legal framework for the protection and rehabilitation of Victoria's surface waters to protect beneficial uses. It guides and supports the establishment of regional catchment and coastal planning processes, in which the community identifies the regional environmental, social and economic values of surface waters, and after careful consideration of their environmental, social and economic values and needs, sets appropriate goals, priorities and targets.</p> <p>It contains numerous schedules that address special environmental protection measures needed for sensitive segments of the environment.</p> <p>Where a Schedule exists, both SEPP (WoV) and the Schedule may apply, but if specific beneficial uses and objectives are outlined in the Schedule, these have precedence over those in the SEPP (WoV).</p>	Compliance with the SEPP (WoV) and its associated policy impact assessment (PIA) is required, which is given effect under the EP Act. Relevant provisions of this SEPP will need to be considered in the evaluation of the projects, including the environmental water quality standards required to protect beneficial uses.
<i>SEPP Prevention and Management of Contamination of Land 2002 (PMCL)</i>	<p>SEPPs are subordinate instruments to the <i>Environment Protection Act 1970</i>, and set out policies to establish environmental quality objectives. SEPP (PMCL) establishes beneficial use of land in Victoria and provides a mechanism for determining whether these uses are being protected, such as indicators and objectives for use in assessing impacts.</p> <p>Contamination concentrations are set for protection of beneficial uses (maintenance of ecosystems, human health, buildings and structures, aesthetics, production of food, flora and fibre). The SEPP (PMCL) applies to both historically contaminated land and current activities.</p>	Compliance with the SEPP (PMCL) is required, which is given effect under the EP Act. The SEPP Land provides specific reference to beneficial use criteria for potential contaminants which, if exceeded, may indicate that beneficial uses are precluded as well as methodologies for assessing impacts, which will be used for the assessment of the projects' impacts in relation to contaminated land.

Ecology

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environment and Biodiversity Protection Act 1999</i>	<p>As discussed in Section 2 of this table, the Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, particularly those aspects which are considered to be among the nine Matters of National Environmental Significance (MNES), including World Heritage Properties, National Heritage Places, Ramsar wetlands, nationally listed threatened species and ecological communities and listed migratory species.</p> <p>The Act states that 'controlled' actions, i.e. actions that are determined as likely to have a significant impact on a MNES subject to assessment and approval under the Act.</p>	<p>The projects are a controlled action requiring assessment and approval under the Act.</p> <p>The projects will be assessed under the bilateral agreement.</p>
State		
Legislation		
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>As discussed in Section 2, this Act establishes a framework for planning the use, development and protection of land in Victoria. It provides for the preparation of planning schemes based on the Victoria Planning Provisions and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.</p> <p>Planning provisions apply to the removal of native vegetation, which may require planning approval from the responsible authority.</p>	<p>Some native vegetation will need to be removed as part of the delivery of the projects. This will need to be identified assessed and offset (as required) in accordance with the DELWP Permitted clearing of native vegetation – Biodiversity Assessment Guidelines (except as otherwise permitted by the Secretary under the planning scheme amendment for the projects).</p>

Document	Description	Implications for the projects
<i>Flora and Fauna Guarantee Act 1988 (FFG Act)</i>	<p>This Act is the primary legislation dealing with biodiversity conservation and sustainable use of native ecology in Victoria. It provides a legal framework to enable and promote conservation of Victoria's native flora and fauna, and to enable management of potentially threatening processes.</p> <p>Threatened species and communities of flora and fauna, as well as threatening processes, are listed under this Act. Section 47 provides that a permit is required for the removal of any listed protected flora from public land.</p>	<p>The projects must consider impacts to flora and fauna and a formal ecological assessment is occurring as part of the EES process which will identify any ecological assets affected. A permit will be required to remove listed flora from public land.</p>
<i>Wildlife Act 1975</i>	<p>This Act includes procedures to protect and conserve wildlife and to protect species from extinction. It prohibits and regulates the conduct of persons engaged in activities concerning or relating to wildlife. All fauna species indigenous to Victoria are listed as protected under this Act.</p>	<p>Any potential for impact to these species will require authorisation from DELWP.</p>
<i>Catchment and Land Protection Act 1994 (CaLP Act)</i>	<p>This Act is the principal legislation relating to the management of pest plants and animals in Victoria and establishes a framework for the management and protection of catchments through the management of land and water resources.</p> <p>Under the Act, landowners have a responsibility to avoid causing or contributing to land degradation, including taking all reasonable steps to conserve soil, protect water resources, eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and, where possible, eradicate established pest animals declared under the Act.</p> <p>The Act categorises weeds and their respective management requirements into:</p> <ul style="list-style-type: none"> • State prohibited weeds • Regionally prohibited weeds • Regionally controlled weeds • Restricted weeds. 	<p>Any potential for the spreading of noxious weeds will need to be avoided or appropriately managed. CaLP Act listed weed species present within the projects' alignment require that the proponent take all reasonable steps to prevent the growth and spread of regionally controlled weeds.</p>

Document	Description	Implications for the projects
Policy / guidelines / standards		
Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (Department of Environment and Primary Industries 2013)	<p>These Guidelines have been designed to manage the risk to Victoria’s biodiversity associated with the removal of native vegetation, and are relevant to:</p> <ul style="list-style-type: none"> the permit application process site assessment and methodology specific permit conditions such as offsetting. <p>The guidelines are an Incorporated Document in the Kingston Planning Scheme.</p>	Some native vegetation will need to be removed as part of the delivery of the projects. This will need to be identified, assessed and offset (as required) in accordance with the Permitted clearing of native vegetation – Biodiversity Assessment Guidelines (except as otherwise permitted by the Secretary under the planning scheme amendment for the Projects).
DEWLP Victorian Advisory Lists	The DELWP Victorian Advisory Lists are non-statutory lists of species for which conservation management is recommended. The presence, or likely presence, of a species listed on the Advisory List is used to determine whether species-specific habitat is required to be offset.	The project areas will need to be assessed for potential habitats of species listed on the Advisory List.
State Planning Policy Framework (SPPF)	<p>SPPF is common to all Victorian planning schemes, and contains policies in relation to various themes including Clause 12 in relation to Environmental and Landscape Values. This has a series of specific provisions, including those for:</p> <ul style="list-style-type: none"> Biodiversity – Protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites Native vegetation management – prevents loss of biodiversity as a result of clearance of native vegetation. 	Consideration of the SPPF is relevant to the evaluation of the projects, and the planning scheme amendment which is required for the projects.

Document	Description	Implications for the projects
State Planning Policy Framework (SPPF) – Planning Scheme Provisions and Controls	<p>The Kingston planning scheme contains planning controls, provisions and requirements for planning approval under various zones, overlays and particular provisions which (without the planning scheme amendment) would apply to the projects.</p> <p>The Environmental Significance Overlay (ESO) is one such provision in relation to ecological matters which identifies areas where the development of land may be affected by environmental constraints and ensures that development is compatible with identified environmental values.</p> <p>Particular provisions including Clause 52.17 in relation to the removal of native vegetation are also relevant.</p>	The application of Clause 52.17 and the ESO will need to be considered in the evaluation of the projects.
Local Planning Policy Framework (LPPF)	<p>The Kingston planning scheme contains the LPPF setting out the municipal strategic statement and local planning policies that apply to the planning schemes, in addition to the SPPF. Key clauses specific to landscape and visual are:</p> <ul style="list-style-type: none"> • Clause 21.08 (Foreshore) seeks to protect the integrity of the coastal asset for its social, ecological and environmental values underpinned in City of Kingston's, the community and relevant government departments' common management objectives. • Clause 21.09 (Environment, Wetlands and Waterways) addresses issues of potential impact and protection of biodiversity and environmental values including in and around wetlands and waterways and provides guidance (from an environment and landscape perspective) in terms of new development • Clause 21.11 (Open Space) seeks to provide fair and equitable access to high quality open space and to promote a diverse range of social and recreational opportunities. 	The LPPF within each of the relevant planning schemes will need to be considered in the evaluation of the projects, including those provisions relevant to ecological issues.

Acid Sulfate Soils and Contamination

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	As discussed in Section 2, this Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation.	<p>The projects are a controlled action requiring assessment and approval under the Act.</p> <p>The projects will be assessed under the bilateral agreement.</p>
<i>National Environment Protection Council Act 1994 (NEPC Act)</i>	This Act allows the National Environmental Protection Council (NEPC) to issue National Environment Protection Measures (NEPMs). These measures are framework documents containing national environmental protection objectives. They assist in protecting or managing particular aspects of the environment.	See ASC NEPM below.
Policy, Guidelines, Standards		
National Environment Protection (Assessment of Site Contamination) Measure (NEPC 2013) (ASC NEPM)	<p>This provides a national approach to the assessment of potentially contaminated sites to ensure effective management by the community and to provide adequate protection of human health and the environment where known contamination has occurred.</p> <p>See Section 7 for further discussion. The NEPM is referenced under the State Environment Protection Policy (Prevention and Management of Contamination of Land) (see below).</p>	<p>In Victoria, the ASC NEPM is mainly implemented through the State policies and guidelines described below.</p> <p>The NEPM and associated State policies and guidelines are used as the basis for the assessment of contaminated land potentially disturbed by the projects.</p>
Australian Standard AS4482.1-2005 Guide to the investigation and sampling of sites with potentially contaminated soil – non-volatile and semi-volatile compounds Australian Standard AS4482.2-1999 Guide to the sampling and investigation of potentially contaminated soil – volatile substances	<p>AS4482.1-2005 provides guidance for the collection of sufficient and reliable information for the assessment of a site potentially contaminated by non-volatile and semi-volatile compounds. It includes the formulation of data quality objectives and design of a sampling plan to meet the objectives of the investigation.</p> <p>AS4482.2-1999 sets out guidance for collecting sufficient and reliable information for the assessment of a potentially contaminated site.</p>	These standards provide guidance when sampling and investigating potentially contaminated soils (for non-volatile, semi-volatile and volatile compounds).

Document	Description	Implications for the projects
State		
Legislation		
<i>Environment Protection Act 1970 (EP Act)</i>	<p>As discussed in Section 3, the EP Act is the primary legislation regulating the protection of Victoria's environment from pollution and the management of waste. The Act establishes the Environment Protection Authority (EPA) to administer the Act and regulations and Orders made under the EP Act including Orders declaring State Environment Protection Policies (SEPPs).</p> <p>The EP Act protects and manages the impacts to or disposal of contaminated or acid sulfate soils via the implementation of the State Environment Protection Policy (Prevention and Management of Contaminated Land).</p>	Any excavated material that may be potentially contaminated or are acid sulfate soils must be removed, disposed of or reused in accordance with the SEPP (Prevention and Management of Contaminated Land) (see below).
<i>Planning and Environment Act 1987 (P&E Act)</i>	This Act establishes a framework for planning the use, development and protection of land in Victoria. It provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.	Section 12(2) (a) of the PE Act requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions, including Direction 1 Potentially Contaminated Land. The projects will need to incorporate measures ensuring that contamination is appropriately managed, and that the environmental condition of the Land is suitable for the future intended use.
<i>Catchment and Land Protection Act (CALP) 1994</i>	<p>As discussed in Section 4, the Act establishes a framework for management and protection of catchments through the management of land and water resources. The Act is the principle legislation relating to the management of pest plants and animals in Victoria.</p> <p>Under the Act, landowners have a responsibility to avoid causing or contributing to land degradation, including taking all reasonable steps to conserve soil, protect water resources, eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds and where possible, eradicate established pest animals as declared under the Act.</p>	The projects will need to ensure that land degradation is avoided and that steps are taken to conserve soil and protect water resources.

Document	Description	Implications for the projects
<i>Environment Protection (Industrial Waste Resource) Regulations 2009</i>	<p>These regulations:</p> <ul style="list-style-type: none"> include a definition of prescribed waste and prescribed industrial waste sets rules for transporting prescribed industrial waste include provision for exemptions based on beneficial re-use. 	Any prescribed waste generated by the projects must be subject to these regulations.
Policy / guidelines / standards		
State environmental protection policy (SEPP), Prevention and Management of Contamination of Land	<p>SEPPs are subordinate instruments made under the EP Act and set out policies to establish environmental quality objectives. SEPP (Prevention and Management of Contamination of Land) establishes beneficial uses of land in Victoria. It provides a mechanism for determining whether these uses are being protected, such as indicators and objectives for use in assessing impacts.</p> <p>Contamination concentrations are set for protection of beneficial uses (maintenance of ecosystems, human health buildings and structures, aesthetics, production of food, flora and fibre). The SEPP applies to both historically contaminated land and current activities.</p>	The beneficial use criteria for potential contaminants and methodologies for assessing impacts are applicable to the assessment of the projects.
Industrial Waste Resource Guidelines (IWRGs) <ul style="list-style-type: none"> EPA Victoria (2009c) Publication IWRG 621: Industrial Waste Resource Guidelines – Soil Hazard Categorisation and Management EPA Victoria (2009d) Publication IWRG 702: Soil Sampling EPA Victoria (2010) Publication IWRG 600.2: Waste Categorisation EPA Victoria Classification of Wastes (Publication 448, May 2007)	<p>The IWRGs have been developed by EPA Victoria to provide guidance for the management of waste, including waste soil, in Victoria.</p> <p>The guidelines explain how to determine the waste category of excavated material based on site history and testing for contaminants to determine a hazard category and reasonably expected to be present and defining the categories of 'fill material' and 'prescribed industrial waste'.</p> <p>The 2007 Publication provides guidance on EPA requirements for the classification of waste and the suitable re-use, management or offsite disposal of each category of waste.</p>	These guidance documents will be used in the categorisation of waste generated by the projects. In particular, IWRGs will provide guidance on the sampling and categorisation of excavated waste soils to be moved off site for reuse or disposal.

Document	Description	Implications for the projects
Industrial Waste Management Policy (Waste Acid Sulfate Soils) Special Gazette S125 published on 18 August 1999	<p>The Industrial Waste Management were introduced into the EP Act by the <i>Environment Protection (Industrial Waste) Act 1985</i> to improve the management of industrial wastes.</p> <p>This policy aims to protect human health and the environment from acid sulfate soils by providing a management framework and specific requirements for the management of acid sulfate soils in an environmentally responsible manner.</p>	Excavation of potential acid sulfate soils required by the projects will be assessed and managed for acid sulfates according to this policy and the relevant guidelines.
Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soil	The Guidelines provide a guide for landowners, developers and decision makers through a staged risk identification approach that assists to make decisions about the assessment and management of Coastal Acid Sulphate Soils (CASS) to help protect the environment, humans and infrastructure from the adverse impacts associated with CASS disturbance.	The guidelines will be used to manage acid sulfate soils associated with the excavation occurring during the construction period, and their disposal.
<i>Environmental Guidelines for Major Construction Sites – Publication 480 (EPA Victoria, 1996).</i>	The Guidelines provide a framework within which due diligence obligations can be met and environmental damage can be avoided during the commissioning or construction of major developments.	Management and disposal of contaminated or acid sulfate soils for the projects will be undertaken in accordance with these guidelines.

Surface Water

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	As discussed in Section 2, this Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation.	<p>The projects are a controlled action requiring assessment and approval under the Act.</p> <p>The projects will be assessed under the bilateral agreement.</p>
Policy / guidelines / standards		
National Water Quality Management Strategy 1994 (NWQMS)	<p>The policy sets the water quality objectives required to sustain current environmental values for natural or semi-natural water resources in Australia and New Zealand. The document identifies limits to acceptable change in water quality that would continue to protect the associated environmental value.</p> <p>It aims to 'achieve sustainable use of the nation's water resources by protecting and enhancing their quality while maintaining economic and social development'. The NWQMS includes 21 subsidiary guideline documents covering ambient and drinking water quality, monitoring, groundwater, rural land uses and water quality, stormwater, sewerage systems and effluent management for specific industries.</p>	<p>These principles have guided the projects' scientific investigations, surface water impact assessment and strategies to minimise impacts on surface water.</p> <p>The Strategy implements a number of State Environment Protection Policies for water quality that must be adhered to during the delivery of the projects.</p>
Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)	The policy sets the water quality objectives required to sustain current environmental values for natural or semi-natural water resources in Australia and New Zealand. The document identifies limits to acceptable change in water quality that would continue to protect the associated environmental values.	Meeting the guidelines will provide a level of certainty that there would be no significant impact on waterways or beneficial users.
Australian Guidelines for Water Quality Monitoring and Reporting 2000	These Guidelines provide a comprehensive framework and guidance for the monitoring and reporting of fresh and marine waters and groundwater.	These guidelines will be reflected in the water quality monitoring programs within the projects' environmental performance requirements.

Document	Description	Implications for the projects
The Framework for Marine and Estuarine Water Quality Protection 2002	<p>This framework is issued under the NWQMS. The Framework aims to protect the nation's marine environment from the adverse effects from sediment, nutrients, pathogens, heavy metals and other pollutants due to land-based activities such as urban, industrial and agricultural development.</p> <p>This Framework provides a nationally consistent approach to coastal water quality protection including development of Water Quality Improvement Plans (WQIP) for key coastal waterways threatened by pollution.</p>	WQIP for in coastal waterways will be considered in the assessment of the impact of the projects' water quality impacts.
Australian Rainfall and Runoff Guideline Document (Engineers Australia, 1987 and revisions) (ARR)	This ARR is a national guideline for estimating design flood characteristics in Australia, providing guidance on appropriate techniques and methods for determining design flood flows and levels.	Any hydrologic or hydraulic investigation required to assess the projects' impacts, is required to adopt the standards identified in this guideline.
Australian Runoff Quality: A Guide to Water Sensitive Urban Design (Engineers Australia, 2006)	This guideline is an overview of current best practice in the management of stormwater in Australia. It provides information on structural Water Sensitive Urban Design (WSUD) features, as well as stormwater contaminant processes and pollutant characteristics, harvesting and re-use, and targets to protect receiving waters.	This guideline influences the methods adopted for water quality impact assessment of the Projects.
State		
Legislation		
Water Act 1989	<p>As discussed in Section 3, the Act is the primary legislation for the integrated management of Victoria's water resources. It promotes fair and efficient use and distribution of water resources and to ensure water resources are appropriately conserved and properly managed for sustainable use.</p> <p>The Act also governs the entitlement of water authorities. Melbourne Water is the authority responsible for managing Melbourne's waterways and major drainage systems. The powers given to Melbourne Water under this Act are primarily implemented through By-Law No. 2: Waterways, Land and Works Protection and Management (see below).</p> <p>Approval is required from Melbourne Water for any works on, over or under a designated waterway or within a flood overlay such as a Special Building Overlay (SBO).</p>	Consent will be required to undertake works in the SBO prior to commencing construction.

Document	Description	Implications for the projects
<i>Environment Protection Act 1970 (EP Act)</i>	<p>As discussed in Section 3, the Act is the primary legislation regulating the protection of Victoria's environment from pollution and the management of waste. The Act establishes the Environment Protection Authority (EPA) to administer the Act and regulations and Orders made under the EP Act including Orders declaring State Environment Protection Policies (SEPPs).</p> <p>The EP Act protects and manages the impacts to surface water flow and quality via the implementation of the State Environment Protection Policy (Waters of Victoria).</p>	Any discharge into a waterway or groundwater during the construction of the project must be in accordance with the requirements of SEPP (Waters of Victoria) (see below).
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>As discussed in Section 2, the Act regulates the use and development of land in Victoria. The Act sets out the structure and administration of planning in Victoria and authorises the preparation, approval and adoption of planning schemes and planning scheme amendments by planning authorities.</p> <p>The Victorian Planning Provisions provide a legislative framework for the management of surface water by the implementation of planning overlays, particularly the Special Building Overlay (SBO) and the Land Subject to Inundation Overlay (LSIO).</p> <p>The SBO identifies land in urban areas liable to inundation by overland flows from the urban drainage system and ensures that development maintains the free passage and temporary storage of floodwaters, and minimises flooding hazards.</p> <p>The LSIO identifies land in a flood storage area affected by the 1 in 100 year flood events. It also ensures that development maintains the free passage and temporary storage of floodwaters, and minimizes flooding hazards.</p>	The controls associated with the flood-related overlays require approval from Melbourne Water for any works on, over or under a designated waterway or within a SBO and LSIO.
<i>Climate Change Act 2017</i>	The <i>Climate Change Act 2017</i> establishes a long-term emission reduction target of net zero by 2050. The Act embeds the 2050 net zero emissions target and provides for the setting of 5-yearly interim greenhouse gas emissions reduction targets, climate change strategies, and adaptation action plans to ensure the 2050 target is achieved and vulnerabilities to climate change impacts are reduced while potential opportunities are realised. Adaptation action plans will cover systems including the built environment and transport.	The projects' surface water impact assessment considers sea level rise, increases in greenhouse gas emissions leading to an increase in the frequency and intensity of extreme weather events and a 19% increase in rainfall intensity predicted by the Australian Rainfall & Runoff.

Document	Description	Implications for the projects
<i>Catchment and Land Protection (CALP) Act 1994</i>	This Act is the principal legislation relating to the management of pest plants and animals in Victoria. This is discussed further in Section 4.	The projects have the potential to promote the spread of noxious weeds.
<i>Coastal Management Act 1995</i>	<p>This Act enables co-ordinated strategic planning and management for the Victorian coast, management plans for coastal Crown land, and a co-ordinated approach to approvals for the use and development of coastal Crown land. The Act provides for long-term strategic planning and management through the Victorian Coastal Strategy (see below). One of the objectives of the Act is to 'maintain and improve coastal water quality'.</p> <p>Section 37 of this Act requires written consent of the minister to use or develop coastal Crown land.</p>	Consent will be required to use and develop coastal Crown land under this Act. In particular, consent to undertake works within 200 metres of the high-tide mark.
Policy / guidelines / standards		
Victorian Waterway Management Strategy (2013)	The strategy provides the policy direction for managing Victoria's waterways over an eight year period. It involves the development and implementation of regional waterway strategies for 10 catchment management regions across Victoria.	Compliance with the strategy will ensure that the condition of rivers, estuaries and wetlands are improved or maintained to provide environmental, social, cultural and economic value for Victorians.
Healthy Waterways Strategy (2013)	The strategy describes Melbourne Water's role in managing rivers, estuaries and wetlands in Port Phillip Bay and Westernport to improve waterway health.	The projects should not inhibit Melbourne Water's ability to achieve this strategy.



Document	Description	Implications for the projects
State Environment Protection Policy (Waters of Victoria) (2003)	<p>SEPPs are subordinate instruments to the EP Act, and set out policies to establish environmental quality objectives.</p> <p>SEPP (WoV) provides the legal framework for the protection and rehabilitation of Victoria's surface waters. It provides for:</p> <ul style="list-style-type: none"> • Beneficial uses and values of Victoria's fresh and marine water environments • Objectives and indicators for the environmental quality required to protect them • Guidance to authorities for protection and rehabilitation of waterways in order to meet objectives • Measures to be implemented to control the environmental impact of discharges and protect the beneficial uses of water. <p>SEPP (WoV) includes schedules with beneficial uses, environmental quality indicators and objectives for specific watercourses within the different catchments.</p>	<p>Water discharged to waterways must comply with the quality requirements specified in the Policy.</p>



Land Use and Planning

Document	Description	Implications for the Projects
Commonwealth		
Legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	As discussed in Section 2, this Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation.	<p>The projects are a controlled action requiring assessment and approval under the Act.</p> <p>The projects will be assessed under the bilateral agreement.</p>
State		
Legislation		
<i>Environment Effects Act 1978 (EE Act)</i>	<p>As discussed in Section 2, this Act contains a framework by which projects with the potential to have significant effects on the environment may require the preparation of an EES for assessment by the Minister for Planning. At the conclusion of the assessment process, the minister's assessment report is provided to statutory decision-makers to inform their decision on whether or not to grant an approval for the project and, if so, on what conditions.</p> <p>The minister's assessment determines whether the likely environmental effects of a project are acceptable, and whether any modifications or specific mitigation measures are required to achieve acceptable outcomes. Decision-makers are required to consider the minister's assessment and are encouraged to consult with the minister where it is not proposed to adopt the assessment.</p>	An EES is required for the projects, and the minister's assessment will be provided to relevant decision-makers to inform their decision on whether or not to approve the projects and if so on what conditions. This includes the decision to prepare, adopt and approve a planning scheme amendment for the project under the P&E Act.

Document	Description	Implications for the Projects
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>As discussed in Section 2, the Act establishes a framework for planning the use development and protection of land in Victoria. It provides for the preparation of planning schemes in each municipality consistent with the Victoria Planning Provisions and procedures by which planning schemes may be amended and planning permits obtained to govern land use and development.</p> <p>The Act imposes obligations on a planning authority responsible for the preparation of an amendment including the following:</p> <ul style="list-style-type: none"> • The requirement to comply with relevant directions or guidelines issued by the Minister for Planning including the form and content of any planning scheme. For relevant directions or guidelines see discussion under the Policy, Guidelines and Standards below. • The requirement to implement the objectives of planning in Victoria, provide sound, strategic and co-ordinated planning of the use and development of land and prepare an explanatory report in respect of any proposed amendment to a planning scheme. <p>The objectives of planning in Victoria are contained in section 4(1) of the Act and are set out in full below:</p> <ol style="list-style-type: none"> a. To provide for the fair, orderly, economic and sustainable use, and development of land b. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity c. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value e. To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community f. To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e) g. To balance the present and future interests of all Victorians. 	<p>The projects are subject to the requirements of the Kingston Planning Scheme. Under the controls of the Kingston Planning Scheme planning permits are required for buildings and works and the removal of native vegetation associated with the projects.</p> <p>Planning scheme amendments are being prepared pursuant to Section 20(4) of the P&E Act for the projects which would exempt the projects from the requirements to obtain planning permits subject to specific conditions.</p> <p>A draft planning scheme amendment has been prepared for each of the projects and will be co-exhibited with the EES. A copy of the draft planning scheme amendment can be seen in Attachment V <i>Draft Planning Scheme Amendment</i>.</p>

Document	Description	Implications for the Projects
<i>(continued) Planning and Environment Act 1987 (P&E Act)</i>	<p>h. In preparing a planning scheme amendment a planning authority:</p> <ul style="list-style-type: none"> – Must have regard to the minister’s directions – Must have regard to the Victoria Planning Provisions – In the case of an amendment, must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme – Must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment – Must take into account its social effects and economic effects – In respect of an amendment that the Minister for Planning prepares, the minister may exempt himself from the requirements of sections 17, 18 and 19 of the Act and the regulations (in relation to notice and exhibition) “if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate”. 	
<i>Coastal Management Act 1995 (CM Act)</i>	<p>The Act is established to plan for and manage the use of Victoria’s coastal resources on a sustainable basis for a wide range of appropriate uses and to protect and maintain areas of environmental significance on the coast. The act also aims to facilitate development of a range of facilities for improved recreation and tourism, to maintain and improve coastal water quality and to improve public awareness and involvement in coastal planning and management.</p>	<p>Consent to use and develop coastal Crown land or land within 200 metres of the high-tide mark is required under this Act.</p>
<i>Major Transport Projects Facilitation Act 2009 (MTPF Act)</i>	<p>The purpose of this Act is to facilitate the development of major transport projects declared under the Act. It contains a range of facilitating provisions including in relation to:</p> <ul style="list-style-type: none"> • Land acquisition and assembly including in respect of public, private, council and Crown land • Road construction, deviation, closure and management • Dealing with utilities. 	<p>The projects were separately declared by the Victorian Premier on 21 September 2017 granting the projects use of the project delivery provisions for construction.</p>

Document	Description	Implications for the Projects
<i>Transport Integration Act 2010 (TI Act)</i>	<p>The Act provides a legislative framework for transport in Victoria. The Act seeks to integrate land use and transport planning and decision-making by applying the framework to land use agencies whose decisions can significantly impact on transport. The Act requires agencies, including the Department of Transport and Planning Authorities, to consider the potential impact of land use planning proposals on transport.</p> <p>The objectives and principles of this Act include integrated decision making, transparency, the precautionary principle and consideration of the transport system user perspective.</p>	<p>The projects are to be assessed with the triple bottom line framework and should contribute to the efficient and effective movement of people and goods and minimise disruption.</p> <p>The transport system objectives have been considered in the development of the projects.</p>
<i>Crown Land (Reserves) Act 1978 Land Act 1958</i>	<p>This Act provides for the reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes key governance arrangements for committees of management appointed to manage reserved land.</p>	<p>The provisions of Part 6 of the MTPF Act enable Crown land reserved under the Crown Land (Reserves) Act 1978 to be used for the purposes of a declared project. These provisions are likely to be utilised to facilitate development of the projects, to the extent that any reserved Crown land will be impacted by the projects.</p>
<i>Land Acquisition and Compensation Act 1986</i>	<p>This Act sets out the process for the compulsory acquisition of interests in land and the payment of compensation. An acquiring authority must comply with the processes set out under the Act where these powers are relied upon, except to the extent modified by the MTPF Act for any declared project under that Act.</p>	<p>The project authority for the projects will be obliged to comply with the provisions of the Act as modified by the MTPF Act, to the extent that any interest in land needs to be compulsorily acquired for the projects. The provisions of the Act (as modified) may also apply to the extent that any access or temporary occupation of land is required for development of the projects.</p>
<i>Aboriginal Heritage Act 2006</i>	<p>The Act primarily to provide for the protection of Aboriginal cultural heritage in Victoria. Section 49 of this Act states that a Cultural Heritage Management Plan (CHMP) is required to be prepared when an EES under the EE Act is required in respect of any works. This plan must be prepared prior to the commencement of works.</p>	<p>An EES for the projects has been undertaken, LXRA will prepare mandatory CHMPs for works to commence as required by section 49 of the <i>Aboriginal Heritage Act 2006</i>.</p>

Document	Description	Implications for the Projects
<i>Heritage Act 2017</i>	<p>This Act creates a system to protect and conserve places and objects of cultural heritage significance in Victoria. The Act establishes:</p> <ul style="list-style-type: none"> The Victorian Heritage Register (VHR) lists heritage places (buildings, streets, precincts properties etc) and heritage objects (moveable items such as signs, wrecks artefacts) within a defined extent, generally stating why they are significant. The VHR is aimed at preserving listed items and any subdivisions or physical works to a listed item will require a Heritage permit unless there is an exemption or only works with no adverse heritage impact are proposed. <p>The Victorian Heritage Inventory (VHI) lists known historical (non-Aboriginal) archaeological sites of unknown or less than state significance. There is currently no significance threshold for VHI places and recording, excavating and monitoring are the usual methods of assessing and managing the heritage values of a site. Section 129 of the Act provides that any activities that would result in the excavation of or disturbance to an archaeological site or its objects included on the VHI must first obtain the consent of Heritage Victoria.</p>	<p>The impact assessment determined that the project areas do not include or immediately adjoin any heritage sites or places identified on the Victorian Heritage Register or Victorian Heritage Inventory. Permits or consents are not required from Heritage Victoria under the Act. No approvals are required under the Act.</p>
<i>Flora and Fauna Guarantee Act 1988</i>	<p>This Act is the primary legislation dealing with biodiversity conservation and sustainable use of native ecology in Victoria. It provides a legal framework to enable and promote conservation of Victoria's native flora and fauna, and to enable management of potentially threatening processes.</p> <p>Threatened species and communities of flora and fauna, as well as threatening processes, are listed under this Act. Section 47 provides that a permit is required for the removal of any listed protected flora from public land.</p>	<p>The projects must consider impacts to flora and fauna and a formal ecological assessment is occurring as part of the EES process which will identify any ecological assets affected. A permit will be required to remove listed flora from public land.</p>

Document	Description	Implications for the Projects
Policy / guidelines / standards		
Kingston Planning Scheme	<p>The planning scheme contains planning controls, provisions and requirements for planning approval under various zones, overlays and particular provisions which (without the planning scheme amendment) would apply to the projects.</p> <p>The planning scheme contains the SPPF which seeks to ensure that the objectives of planning in Victoria as set out in the P&E Act are fostered through appropriate land use and development policies and practices integrating relevant environmental, social and economic factors in the interests of net community benefit and sustainable use and development.</p> <p>The SPPF contains policies in relation to the following themes, with many policies referring to additional policies, guidelines or reference material which are to be considered as relevant:</p> <ul style="list-style-type: none"> • Settlement • Environmental and landscape values • Environmental risks • Natural resource management • Built environment and heritage • Housing • Economic development • Transport • Infrastructure. <p>A planning authority is required to consider these policies when preparing a planning scheme amendment, and balance competing objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.</p> <p>The planning scheme also contains LPPF that are to be taken into account when preparing a planning scheme amendment.</p>	<p>The provisions of the planning scheme will need to be considered in the evaluation of the projects and in preparation of the planning scheme amendment for the projects.</p>

Document	Description	Implications for the Projects
Plan Melbourne, 2017–2050	Plan Melbourne 2017-2050 is the Victorian Government's long range strategic plan for metropolitan Melbourne, setting out directions, initiatives and actions for land use, transport and infrastructure. It is referenced in the SPPF.	<p>Plan Melbourne 2017–2050 is relevant to the evaluation of the Projects and the planning scheme amendment required for the Projects.</p> <p>In particular, the amendment delivers on Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services and goods to market by specifically delivering on:</p> <p>Policy 3.1.1: Create a metro-style rail system with 'turn up and go' frequency and reliability, which includes the delivery of separated road and rail crossings,</p> <p>Policy 3.1.2: Provide high-quality public transport access to job-rich areas by enhancing access to activity centres along the Frankston rail corridor, the Dandenong NEIC, locally and regionally important employment nodes, and to wider metropolitan Melbourne, and</p> <p>Policy 3.1.3 Improve arterial road connections across Melbourne for all road users by removal of level crossings.</p>

Traffic

Document	Description	Implications for the projects
Commonwealth		
Legislation		
There is no specific Commonwealth legislation applicable to traffic and transport as approval and regulation of transportation is mainly a function of State legislation.		
State		
Legislation		
<i>Road Management Act 2004 (RM Act)</i>	<p>This Act provides a statutory framework for the management of Victorian road networks and the coordination of road reserves for roadways, pathways, infrastructure and similar purposes.</p> <p>While the Minister for Roads and Road Safety is responsible for administering the Act, VicRoads is responsible for the management of roads within a Road Zone, Category 1 (which includes Nepean Highway), while local councils are responsible for all other roads (Kingston City Council for the projects).</p>	The declaration of the projects under the MTPF Act affords the projects access to the road management provisions within Division 8 of Part 6 of the MTPF Act. These would be utilised for the delivery of the projects in lieu of the requirements of the RM Act.
<i>Transport Integration Act 2010 (TI Act)</i>	<p>As discussed in Section 7, the Act provides a legislative framework for transport in Victoria. The Act seeks to integrate land use and transport planning and decision-making by applying the framework to land use agencies whose decisions can significantly impact on transport. The Act requires agencies, including the Department of Transport and Planning Authorities, to consider the potential impact of land use planning proposals on transport.</p> <p>The objectives and principles of this Act include integrated decision making, transparency, the precautionary principle and consideration of the transport system user perspective.</p>	The transport system objectives are considered in the development of the projects and in the preparation of the planning scheme amendment for the projects.

Document	Description	Implications for the projects
Policy / guidelines / standards		
Cycling and Walking Plan 2009-2013 (City of Kingston)	The Kingston Cycling and Walking Plan 2009 – 2013 provides a snapshot of the current status of the Kingston cycling and walking facility network and raises opportunities for further enhancement of the network. It also details strategies and actions that council can examine over the coming five years to ensure that the network is progressing in accordance with State and Federal objectives for cycling and walking facilities, as well as local needs and demand.	<p>The level crossing and associated works (such as the provision of a Shared Use Path and grade separated rail crossings) are aligned with the following objectives of the plan:</p> <ul style="list-style-type: none"> • Objective 1: A quality network of cycling and walking routes which enhance access to local activity hubs • Objective 5: Improved safety for bicycle riders and pedestrians
Community Safety Strategy 2013-2017	The Strategy draws together information about the safety concerns of the community and the actual evidence of crime, injury and hazards affecting Kingston. This information has been used to identify priority areas and objectives for safety issues that have the greatest impact on, or cause the most concern to Kingston residents and visitors.	<p>The level crossing and associated works (such as the provision of a SUP and grade separated rail crossings) are aligned with the following goals and sub-goals of the strategy:</p> <ul style="list-style-type: none"> • Goal 1: To improve the perceptions of safety during the day and night in Kingston <ul style="list-style-type: none"> – Activate public spaces with infrastructure to support community activity.
Kingston Road Safety Strategy 2011-2015	A Road Safety Strategy is a strategic document that assists in determining the actions that are likely to have the greatest impact on reducing the number and severity of road crashes. The Strategy will guide the implementation of road safety activities within Kingston over the five-year life of the Strategy.	<p>The level crossing removal and associated works are aligned with the following goals and sub-goals of the strategy:</p> <ul style="list-style-type: none"> • Objective 4: Reduce the incidence of road trauma in pedestrians within the City of Kingston and the greater community • Objective 6: Reduce the incidents of road trauma in bicyclists and motorcyclists within the City of Kingston and the greater community
VicRoads SmartRoads Framework, 2012	This Framework manages competing interest for limited road space by giving priority use of the road to different transport modes at particular locations and times of the day. It provides operational direction that supports broader strategies around land use and transport.	The Road Use Hierarchy principles within this framework provide guidance during the design phase of the projects.
Road Safety Road Rules, 2017	These Rules provide road rules that are substantially consistent across Australia. They also specify behaviour for all road users.	The projects will facilitate the application of the rules.
Towards Zero 2016-2020 – Victoria's Road Safety Strategy & Action Plan	The strategy references making local and busy places safer, and using roads more safely.	The projects should not inhibit VicRoads' ability to achieve this strategy.

Noise and Vibration

Document	Description	Implications for the projects
International Standards		
British Standard BS 6472-1:2008	<p>This standard provides guidance on vibration levels for different sensitive uses in order to identify where vibration may cause annoyance. For residential uses, compliance with level of perception is typically used where projects should be expected to have no adverse comments, sensations or complaints for the vast majority of persons.</p> <p>Acceptable vibration values are known to be dependent upon social and cultural factors, psychological attitudes and expected interference with privacy. The Standard therefore provides a range of values based upon these expected variations.</p>	This standard has been considered for the projects for the assessment of construction vibration in order to avoid damage to nearby structures. It has been used as a guide to establish human comfort vibration criteria.
German Standard DIN 4150- 3:1999	<p>This standard provides a method for measuring and assessing the effects of vibration on structures. The Standard provides acceptable levels of both short-term and long-term vibration, taking into account any fatigue-related structure failures. The standard is directed towards preventing cosmetic damage such as crack formation in plaster, rather than damage to reinforced concrete structures.</p>	This standard has been considered during the vibration impact assessment for the construction and operation of the projects.
Commonwealth		
Legislation		
There is no specific Commonwealth legislation applicable to noise and vibration.		
State		
Legislation		
<i>Environment Effects Act 1978 (EE Act)</i>	Refer to Table 2.	Refer to Table 2.
<i>Environment Protection Act 1970 (EP Act)</i>	Refer to Table 2.	Refer to Noise Control Guidelines Publication 1254 below.

Document	Description	Implications for the projects
Policy / guidelines / standards		
Noise Control Guidelines, Publication 1254 (EPA Vic, 2008)	While applicable to commercial, industrial and some large-scale residential construction projects, the Noise Control Guidelines provides a basis for determining construction noise targets to reduce noise impacts. The Guidelines are applicable to commercial, industrial and some large-scale residential construction projects. The Noise Control Guidelines provides a basis for determining construction noise targets to reduce noise impacts.	Environmental Performance Requirements proposed for the projects are aligned to the noise targets of EPA Publication 1254.
Passenger Rail Infrastructure Noise Policy (PRINP, Vic, 2013)	The PRINP provides a process that balances the benefits of new passenger rail infrastructure projects with the possible impacts on sensitive receptors. The PRINP sets investigation thresholds for the management of noise impacts for redevelopment of existing rail infrastructure.	As the projects require assessment under the <i>Environment Effects Act 1978</i> , they are required to implement the PRINP.
Environmental Guidelines for Major Construction Sites (EPA Publication 480, Vic, 1996)	These guidelines are provided by EPA for developers, contractors and government agencies involved with infrastructure projects to minimise environmental impacts and eliminate health risks and nuisance to residents near construction sites.	Environmental Performance Requirements implemented for the projects are aligned to the noise objectives of EPA Publication 480.
State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1)	SEPP N-1 aims to protect people from the effects of noise in noise-sensitive areas. The policy is also used as a planning tool and requires new and proposed industries to be designed so as to not exceed the noise limits outlined in the SEPP.	SEPP N-1 applies to the proposed substation for the Edithvale project. The substation is required to operate within the noise limits prescribed in the SEPP.

Air Quality

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>National Environment Protection Council Act 1994</i>	<p>The <i>National Environment Protection Council Act 1994</i> establishes a framework for the preparation of National Environment Protection Measures (NEPMs). The NEPMs are a set of national objectives designed to assist in protecting or managing particular aspects of the environment.</p> <p>The NEPM for ambient air quality sets national standards for the management of air emissions to the environment. It sets intervention levels, indicating levels of which air emissions would begin to be detrimental to human health on a national level.</p>	The projects consider the NEPM for ambient air quality in conjunction with the State legislation (SEPP AQM and SEPP AAQ), described below.
State		
Legislation		
<i>Environment Protection Act 1970</i>	<p>As discussed in Section 3, the EP Act is the primary legislation regulating the protection of Victoria's environment from pollution and the management of waste. The Act establishes the Environment Protection Authority (EPA) to administer the Act and regulations and Orders made under the EP Act including Orders declaring State Environment Protection Policies (SEPPs).</p> <p>The EP Act protects and manages the air environment via the implementation of the SEPP (Ambient Air Quality) and SEPP AQM (described below).</p>	Projects must comply with design criteria and intervention levels for the assessment of impacts associated with emissions to air.
<i>Planning and Environment Act 1987 (P&E Act)</i>	Refer to Table 2.	Refer to Table 2.

Document	Description	Implications for the projects
Policy / guidelines / standards		
<i>State environment protection policy (Ambient Air Quality) (SEPP AAQ)</i>	SEPP AAQ sets air quality objectives and goals for the State of Victoria. It considers the limits set in NEPM (AQM) (refer to the <i>National Environment Protection Council Act 1994</i> above) in the local (state) context. This standard sets goals, monitoring and reporting for six common pollutants.	This policy applies area wide rather than to specific emissions from the projects.
<i>State environment protection policy (Air Quality Management) (SEPP AQM)</i>	SEPP AQM establishes the framework for managing emissions to the air environment in Victoria in order to meet the objectives and goals of SEPP AAQ. SEPP AQM provides design criteria and intervention levels for the assessment of impacts associated with emissions to air. It also sets the Intervention Levels for which monitoring data can be assessed as protecting the beneficial uses of the air environment.	The projects must comply with emissions to the air environment during construction and operation phases against the intervention limits described in SEPP AQM. Where relevant, measures to protect the air environment must be implemented through the EPRs.
<i>Protocol for Environmental Management (PEM): Mining and Extractive Industries (EPA Victoria, 2007)</i>	The Protocol for Environmental Management (PEM): Mining and Extractive Industries is incorporated into SEPP (AQM). The PEM provides guidance in how to assess the potential impacts of emissions arising from mining and extractive industries on the air environment.	For the purposes of this assessment, dust emissions from construction must meet the Mining PEM levels, while operational emissions from ground level line or area sources (such as the existing at-grade rail lines or rail trench) are assessable against the intervention levels detailed in Schedule B of the SEPP AQM. Construction dust expected from the projects can be considered equivalent to a large area source such as that emitted by a mining or extractive industry. The Mining PEM uses the argument that the assessment criteria applicable for the mining and extractive industries are developed based on the protection of human health and for particulate matter the indicators reflect the intervention levels in SEPP AQM. Operational emissions are not required to be assessed against Schedule A of SEPP AQM as the project is not a scheduled premises and in the case of particulate matter are not from a point source.

Document	Description	Implications for the projects
<i>Environmental Guidelines for Major Construction Sites – Publication 480 (EPA Victoria, 1996)</i>	Guidelines are provided by EPA for developers, contractors and government agencies involved with infrastructure projects to minimise environmental impacts, health risks and nuisance to residents near construction sites.	Environmental Performance Requirements implemented for the projects are aligned to the air quality objectives of EPA Publication 480 including dust management and mitigation, and emissions to air from plant.
<i>State Planning Policy Framework (SPPF)</i>	<p>The SPPF within planning schemes provides a framework for integrated policy decision making with regards to how land is used and developed across the state.</p> <p>The framework seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.</p> <p>Clause 13.4-2 aims to assist the protection and improvement of air quality by ensuring that land-use planning and transport infrastructure provision contribute to improved air quality.</p>	Consideration of the SPPF is relevant to the evaluation of the Projects, and the planning scheme amendment which is required for the Projects.

Landscape and visual

Document	Description	Implications for the projects
International Standards		
<i>The Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013), (GLVIA) developed by the Landscape Institute and Institute for Environmental Management (United Kingdom).</i>	Contains a methodology for the assessment of landscape and visual effects.	In the absence of an Australian methodology, these guidelines have informed the landscape and visual impact assessment for the projects.
Commonwealth		
Legislation		
There is no specific Commonwealth legislation applicable to landscape and visual.		
Policy / guidelines / standards		
<i>Creating Places for People: An Urban Protocol for Australian Cities (2011)</i>	This protocol aims to promote high quality urban design outcomes across Australia. It is founded on five pillars: productivity, sustainability, liveability, leadership and design excellence. It establishes 12 principles for quality urban places which can be applied to any project.	The Urban Design Guidelines for the projects and LXRA's Urban Design Framework have been based on this protocol.
State		
Legislation		
<i>Environment Effects Act 1978 (EEA)</i>	This Act contains a framework for the assessment of potential environmental impacts or effects of certain developments, enabling statutory decision-makers to decide whether a project with potentially significant environmental effects should proceed.	An EES is required for the projects, and the minister's assessment will be provided to relevant decision-makers to inform their decision on whether or not to approve the projects and if so, on what conditions.
<i>Heritage Act 2017</i>	<p>The main purpose of the Act is to provide for the protection and conservation of places and objects of cultural heritage significance.</p> <p>Heritage significance, in part, includes where a heritage place is situated in relation to its surroundings. Heritage listings under this act often cover wider areas as well as individual buildings.</p>	Visual connectivity to heritage sites is considered in the assessment of landscape and visual impact, and the Urban Design Guidelines. The Urban Design Guidelines (given effect by the EES by way of an EPRs) mandate project alliances to consider the visual impact to heritage sites in relation to their location and line of site from various locations.

Document	Description	Implications for the projects
Policy / guidelines / standards		
Level Crossing Removal Authority Urban Design Framework	LXRA's Urban Design Framework is a project commitment to achieve urban design excellence and maximise positive impacts through collaborative, multi-disciplinary and integrated design thinking. The framework presents an overarching set of principles and objectives, underpinning the role of urban design in the design development.	Urban Design Guidelines have been prepared for each of the projects to guide and inform the Project Alliance during detailed design. The Guidelines reflect the principles and objectives of the framework.
Plan Melbourne	Plan Melbourne 2017-2050 is the Victorian Government's long range strategic plan for metropolitan Melbourne, setting out directions, initiatives and actions for land use, transport and infrastructure. It is referenced in the SPPF.	Plan Melbourne 2017-2050 is relevant to the evaluation of the projects and the planning scheme amendment required for the projects. In particular, Direction 4.5: Plan for Melbourne's green wedges and peri-urban areas: a desired outcome for landscape and open space is to 'protect significant views, maintain non-urban breaks between non-urban areas, and conserve the cultural significance, tourism appeal and character of scenic rural landscapes'.
Local Government		
State Planning Policy Framework (SPPF)	<p>The SPPF is common to all Victorian planning schemes, and encourages the protection and enhancement of the visual environment. Key clauses specific to landscape and visual are:</p> <ul style="list-style-type: none"> • Clause 12.04-2 Landscapes – Provides guidance to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments. • Clause 15 Built environment and heritage – Planning should achieve high quality urban design and architecture that enhances amenity of the public realm. • Clause 15.01-1 Urban design – Focuses upon the provision of environments that are safe and functional and which reinforce a sense of place and cultural identity. • Clause 15.01-5 Cultural identity/ neighbourhood character – Provides guidance to recognise and protect neighbourhood character and sense of place with specific regard for the built environment and heritage elements. 	<p>The SPPF ensures an integrated decision-making process that must take into account the general principles and specific policies within the SPPF. The landscape and visual impact assessment for the projects take into account aesthetic effects on the liveability of neighbourhoods. The projects consider the SPPF and any visual impacts in the draft planning scheme amendment. The SPPF ensures an integrated decision-making process that must take into account the general principles and specific policies within the MSS and LPPF.</p> <p>Each scheme has distinct priorities for landscape and the visual character of neighbourhoods within them and these are delivered through various zones, overlays and other strategies discussed below. The projects consider the SPPF and any visual impacts in the draft planning scheme amendment.</p> <p>Refer to Table 15.</p>

Document	Description	Implications for the projects
<p>(continued)</p> <p>State Planning Policy Framework (SPPF)</p>	<p>Local Planning Policy Framework (LPPF)</p> <p>The LPPF is specific to each planning scheme. It includes a Municipal Strategic Statement (MSS) and Local Planning Policies used to implement the objectives and strategy of the MSS. Key clauses specific to landscape and visual are:</p> <ul style="list-style-type: none"> • Clause 21.02 Municipal overview (Environment and heritage) – The environmental landscape of the City of Kingston is recognised for its diversity and significance in both a local and regional context. It includes the Port Phillip Bay and foreshore reserve, other natural and man-made waterways, wetland systems, floodplains, heathlands and significant flora and fauna habitats • Clause 21.04 Vision: (Environment and infrastructure) – To protect and enhance the quality and unique character of Kingston’s natural and built environments and infrastructure assets. • Clause 21.05 Residential land use – Protect areas/elements in the built form and natural landscape which have an identified and valued character. • Clause 21.06 Retail and commercial land use – Reinforcing the role the Nepean Highway and Frankston Train Line perform in linking Kingston’s principal and major activity centres. • Clause 21.11 Open space – Ensure that new development adjacent to existing public open space is responsive to the natural landscape features of the open space area. • Clause 21.12 Transport, movement and access – To protect and enhance the amenity of Kingston’s residential areas and other sensitive land uses through appropriate management of transport networks. <p>Overlays</p> <p>The Heritage overlays (as discussed in Table 15) protects significant heritage features, including their appearance and visual context.</p>	

Business

Document	Description	Implications for the projects
Commonwealth		
Legislation		
There is no specific Commonwealth legislation applicable to business.		
State		
Legislation		
<i>Transport Integration Act 2010 (TI Act)</i>	<p>The Act provides a legislative framework for transport in Victoria. The Act seeks to integrate land use and transport planning and decision-making by applying the framework to land use agencies whose decisions can significantly impact on transport. The Act requires agencies, including the Department of Transport and Planning Authorities, to consider the potential impact of land use planning proposals on transport.</p> <p>The objectives and principles of this Act include integrated decision making, transparency, the precautionary principle and consideration of the transport system user perspective. The transport system should facilitate economic prosperity by:</p> <ul style="list-style-type: none"> • enabling efficient and effective access for persons and goods to places of employment, markets and services • increasing efficiency through reducing costs and improving timeliness • fostering competition by providing access to markets • facilitating investment in Victoria • supporting financial sustainability. 	The removal of the Edithvale and Bonbeach level crossings meets all these policy principles, especially enabling the efficient and effective access to businesses.
<i>Planning and Environment Act 1987 (P&E Act)</i>	This Act establishes the framework for planning and managing the use, development and protection of land in Victoria. Its role in project approval and land use planning are discussed in sections 2 and 7. Specific measures for promoting the economy enabled by the Act are discussed below.	See sections 2 and 7.

Document	Description	Implications for the projects
Policy / guidelines / standards		
<i>State Planning Policy Framework (SPPF)</i>	<p>The State Planning Policy Framework (SPPF) is common to all Victorian planning schemes including those which encourage and facilitate sustainable land uses related to business and industrial land uses. See section 3 for further discussion.</p> <p>The key SPPF clauses of relevance to business are:</p> <ul style="list-style-type: none"> • Clause 11 which states that planning is to respond to the needs of existing and future communities through provision of zones and serviced land for, amongst other things, employment, commercial and community facilities and infrastructure • Clause 17.01-1 which aims to meet the community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities • Clause 18 which states that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe. 	<p>To ensure integrated decision-making, planning authorities and responsible authorities must take into account the general principles and the specific policies contained in the SPPF. The projects are likely to deliver improved access and efficiency associated with transport. However, access to jobs and network efficiency may be temporarily interrupted during construction.</p> <p>The projects will meet the objectives of the SPPF, as demonstrated in the draft planning scheme amendment.</p>
<i>Local Planning Policy Framework (LPPF)</i>	<p>The Municipal Strategic Statement (MSS) provides strategic direction for planning, land use and development within City of Kingston.</p>	<p>The projects will meet the objectives of the LPPF and MSS, as demonstrated in the draft planning scheme amendment.</p>

Social

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Disability Discrimination Act 1992</i>	The Act provides protection for everyone in Australia against discrimination based on disabilities in employment, education, publicly available premises, provision of goods and services, accommodation, clubs and associations and other contexts.	The projects are to be designed to facilitate compliant access during construction and operation phases.
State		
Legislation		
<i>Planning and Environment Act 1987 (P&E Act)</i>	<p>This Act establishes the framework for planning the use, development and protection of land in Victoria. Its role in project approval and land use planning are discussed in sections 2 and 7 respectively.</p> <p>The Act includes the following objectives in relation to improving and maintaining social conditions:</p> <ul style="list-style-type: none"> • To secure a pleasant, efficient and safe working, living and recreational environment • To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community • To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land. 	See Sections 2 and 7.
<i>Transport Integration Act 2010 (TI Act)</i>	<p>As discussed in Section 8, the Act sets out six transport system objectives and eight decision-making principles.</p> <p>The objectives include triple bottom line assessment: economic prosperity, social and economic inclusion and environmental sustainability. Other objectives include:</p> <ul style="list-style-type: none"> • integration of transport and land use • efficiency, coordination and reliability • safety health and wellbeing. 	<p>See Section 8.</p> <p>Planning of the transport system should be integrated with that of land use and facilitate access to social and economic opportunities and that social impacts should be part of the 'triple bottom line' assessment used in decision making.</p>

Document	Description	Implications for the projects
Public Health and Wellbeing Act 2008	<p>The Act aims to promote and protect public health and wellbeing in Victoria by:</p> <ul style="list-style-type: none"> • protecting public health and preventing disease, illness, injury, disability or premature death • promoting conditions in which persons can be healthy • where appropriate, the state has a role in assisting in responses to public health concerns of national and international significance. 	<p>While the Minister for Planning has not specified a health impact assessment be completed for the EES, impacts to public health have been considered through the various impact assessments:</p> <ul style="list-style-type: none"> • contamination and acid sulfate soils • traffic • noise and vibration • air quality.
Local Government		
State Planning Policy Framework (SPPF)	<p>The SPPF provides a framework for integrated policy decision making with regards to how land is used and developed across the state.</p> <p>The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.</p>	The projects are to meet the objectives of the SPPF, as demonstrated in the draft planning scheme amendment.
Local Planning Policy Framework (LPPF)	The Municipal Strategic Statement (MSS) provides strategic direction for planning, land use and development within City of Kingston.	The projects are to meet the objectives of the LPPF and MSS, as demonstrated in the draft planning scheme amendment.
Council Plan 2017-2021	<p>The Council Plan features five key goals for the development of Kingston.</p> <ul style="list-style-type: none"> • Our well-planned, liveable city supported by infrastructure to meet future needs • Our sustainable green environment with accessible open spaces • Our connected, inclusive, healthy and learning community • Our free-moving, safe, prosperous and dynamic city • Our well-governed and responsive organisation. <p>The Council Plan also sets responsibilities, and provides responsibilities and a reporting framework to track performance.</p>	The projects have engaged with council and the community during the development of the projects to provide best outcomes.

Aboriginal cultural heritage

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	<p>The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined within the Act as matters of national environmental significance.</p> <p>The National Heritage List (NHL), established under the EPBC Act, is a list of natural, historic and Indigenous places of outstanding significance to the nation. National heritage places are protected under the EPBC Act – any action which is likely to have a significant impact on a National heritage place would require approval under the EPBC Act.</p>	The Aboriginal cultural heritage impact assessment found that no registered Aboriginal heritage places of national significance (i.e. matters of national environmental significance listed on the NHL) are within the vicinity of the project areas.
<i>Native Title Act 1993</i>	The Native Title Act 1993 provides a national system for the recognition and protection of native title for Aboriginal and Torres Strait Islanders and for its coexistence with the national land management system.	There are no native title claims relevant to the project area.
State		
Legislation		
<i>Aboriginal Heritage Act 2006 (AH Act)</i>	The Act is primarily to provide for the protection of Aboriginal cultural heritage in Victoria. Section 49 of this Act states that a Cultural Heritage Management Plan (CHMP) is required to be prepared when an EES under the EE Act is required in respect of any works. This plan must be prepared prior to the commencement of works.	An EES for the projects has been undertaken, LXRA will prepare mandatory CHMPs for works to commence as required by section 49 of the <i>Aboriginal Heritage Act 2006</i> .
<i>Aboriginal Heritage Regulations 2007</i>	These Regulations set standards and fees for the preparation of a CHMP.	Consideration must be had to these Regulations when preparing the CHMP for the projects.
Policy / guidelines / standards		
Victorian Aboriginal Heritage Register (VAHR)	The Register is established under the <i>Aboriginal Heritage Act 2006</i> , and holds the details of all registered Aboriginal cultural heritage places and objects within Victoria.	The impact assessment determined that the project areas do not intersect with any known registered Aboriginal cultural heritage places listed on the VAHR.

Historic heritage

Document	Description	Implications for the projects
Commonwealth		
Legislation		
<i>Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	<p>The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined within the Act as matters of national environmental significance.</p> <p>The National Heritage List (NHL), established under the EPBC Act, is a list of natural, historic and Indigenous places of outstanding significance to the nation. National heritage places are protected under the EPBC Act – any action which is likely to have a significant impact on a National heritage place would require approval under the EPBC Act.</p> <p>The Commonwealth Heritage List (CHL), established under the EPBC Act, is a list of natural, historic and Indigenous places of heritage significance owned or controlled by the Australian Government. Places included on the list have been identified as having heritage values to the Commonwealth and actions which are likely to impact on these values require approval under the EPBC Act.</p>	The historic heritage impact assessment found that no registered historic (post-European settlement) heritage places are of national significance (i.e. matters of national environmental significance listed on the NHL or CHL).
State		
Legislation		
<i>Heritage Act 2017 (Heritage Act)</i>	<p>This Act creates a system to protect and conserve places and objects of cultural heritage significance in Victoria. The Act establishes:</p> <ul style="list-style-type: none"> The Victorian Heritage Register (VHR) lists heritage places (buildings, streets, precincts, properties etc) and heritage objects (moveable items such as signs, wrecks, artefacts) within a defined extent, generally stating why they are significant. The VHR is aimed at preserving listed items and any subdivisions or physical works to a listed item will require a Heritage permit unless there is an exemption or only works with no adverse heritage impact are proposed. The Victorian Heritage Inventory (VHI) lists known historical (non-Aboriginal) archaeological sites of unknown or less than state significance. There is currently no significance threshold for VHI places and recording, excavating and monitoring are the usual methods of assessing and managing the heritage values of a site. Section 129 of the Act provides that any activities that would result in the excavation of or disturbance to an archaeological site or its objects included on the VHI must first obtain the consent of Heritage Victoria. 	The impact assessment determined that the project areas do not include or immediately adjoin any heritage sites or places identified on the Victorian Heritage Register or Victorian Heritage Inventory. Permits or consents are not required from Heritage Victoria under the Act. No approvals are required under the Act.

Document	Description	Implications for the projects
<i>Planning and Environment Act 1987 (P&E Act)</i>	The <i>Planning and Environment Act 1987</i> (P&E Act) regulates the use and development of land in Victoria. The Act sets out the structure and administration of planning in Victoria and authorizes the preparation, approval and adoption of planning schemes and planning scheme amendments by planning authorities. Under the Victorian Planning Provisions set out within the planning scheme, heritage places are protected under heritage overlays (description below)	The projects are subject to the requirements of the Kingston Planning Scheme. Under the controls of the Kingston Planning Scheme planning permits are required for buildings and works within heritage places, no heritage overlays would be impacted by the projects.
Policy / guidelines / standards		
Kingston Planning Scheme	Places of heritage significance to a local municipality are identified in the Heritage Overlay (HO) of the relevant municipal planning scheme, and can include individual places and broader precinct areas. Statutory heritage controls apply to HO places under the <i>Planning and Environment Act 1987</i> and the relevant municipal planning scheme.	There is one HO site included within (H028) and three HO sites which adjoin the Edithvale project area (H047, H048 and H027). There is one HO site included within (H031) and three HO sites which adjoin the Bonbeach project area (H032, H035 and H0110). Construction works must impact on HO sites included within the project area, and measures must be put in place (through EPRs) to protect them.