

MELBOURNE METRO RAIL PROJECT ENVIRONMENT EFFECTS STATEMENT
INQUIRY AND ADVISORY COMMITTEE

MMRA TECHNICAL NOTE

TECHNICAL NOTE NUMBER: 028
DATE: 19 August 2016
PRECINCT: All Precincts
EES/MAP BOOK REFERENCE: N/A

SUBJECT: Land use and planning
Response to Section 3 of the 'Preliminary Matters and Further Information' Request.

NOTE:

1. This Technical Note responds to the matters identified in Section 3 of the 'Preliminary and Further Information' request made by the IAC on 25 July 2016 (**Request**).
2. For ease of reference, this Technical Note adopts the topic headings set out in the Request and reproduces the relevant 'references' and 'requests' prior to setting out MMRA's response.

3.1 Impact of the Project Area maps in GC45

(i) Reference

The Project Land maps 1 – 16 in the Incorporated Document for Amendment GC45 appear to extend beyond Precinct boundaries.

(ii) Request

The IAC requests advice on:

10. *whether all affected landowners have been informed their properties are within the identified Project Land boundaries. If so, by what form of notice and when?*

3.2 Impact of the Design and Development Overlay

(i) Reference

The Explanatory Report for Amendment GC45 states the Design and Development Overlay (DDO) is to be applied to land above, below, or in close proximity to the Project's tunnels, stations and associated infrastructure to protect them from inappropriate development. Maps in Amendment GC45 identify the areas covered by the DDO.

(ii) Request

The IAC requests advice on:

- 11. whether the landowners of all properties affected by the DDO have been informed that their properties are identified within the boundaries. If so, by what form of notice and when.*

MMRA Response to requests 10 and 11:

3. Between 17 and 25 October 2015 approximately 17,000 letters were sent to owner occupiers, tenants and absentee landowners formally announcing the Melbourne Metro project and informing them that their property was within the vicinity of the project.
4. Letters in this round were broadly categorized as follows:
 - a. to landowners and tenants of properties with potential for acquisition (refer to **Correspondence A**);
 - b. to landowners and tenants of properties with potential for strata acquisition (refer to **Correspondence B**);
 - c. to landowners and tenants of properties with potential to be impacted by construction activities (refer to **Correspondence C**); and
 - d. additional variations on the above categories of letters were also sent to landowners and tenants to provide further information on matters that were specific to their properties.
5. Prior to the public exhibition period of the EES, approximately 20,000 letters were sent to landowners and tenants within the areas covered by the DDO. These letters were sent on 25 May 2016. Letters in this round were broadly categorized as follows:
 - a. to landowners of properties with potential for acquisition (refer to **Correspondence D**);
 - b. to tenants of properties with potential for acquisition (refer to **Correspondence E**);
 - c. to landowners and tenants of properties with potential for strata acquisition, or who reside within the areas covered by the DDO (refer to **Correspondence F**); and

- d. additional variations on the above categories of letters were also sent to landowners and tenants to provide further information on matters that were specific to their properties.

3.3 Property acquisition

(i) Reference

The EES documentation refers to numbers of properties to be acquired across the Precincts, except for Precinct 9, without listing those properties. Some maps disclose properties to be acquired with some landowners making submissions about the proposal. However, there appears to be no consolidated list of properties.

(ii) Request

The IAC requests advice on:

12. *whether the landowners of all properties identified for acquisition been informed their properties are identified for acquisition. If so, by what form of notice and when.*
13. *whether there is a programme for acquisition in each precinct.*
14. *whether properties are to be compulsorily acquired.*

MMRA response to request 12:

6. MMRA has developed a consolidated list of the properties which it seeks to acquire to facilitate the Melbourne Metro project. However, MMRA considered its inclusion in the EES document to be inappropriate for privacy reasons.
7. MMRA developed a Stakeholder Engagement Plan (**Engagement Plan**) in 2015 for all landowners and tenants where properties had been identified as likely to be required for acquisition (surface and strata) or temporary occupation for the Melbourne Metro project. The Engagement Plan outlined a range of engagement channels that would be used to ensure that all potentially affected landowners and tenants would be appropriately notified in a timely manner from early 2015 up to the formal announcement and identification of properties in October 2015. For surface acquisition and temporary occupation this included;
 - a. Door knocking to invite discussion and confirm contact details from owner/occupiers and tenants
 - b. Telephone calls to invite discussion and confirm contact details from absentee landowners
 - c. Letters sent by express post in October 2015 formally notifying affected landowners and tenants that their properties were identified for acquisition or temporary occupation

- d. Follow-up telephone calls and emails in October and November 2015 to ensure that letters had been received.
8. For strata acquisitions, potentially affected landowners and tenants were advised in writing.
9. Following this, property case managers were assigned to all landowners that responded to the October 2015 engagement, to commence discussions and to explain the process under the *Land Acquisition and Compensation Act 1986 (LAC Act)*.
10. As the project progressed, some additional properties were identified as being required for the project while others were identified as no longer being required. Meetings with landowners of additional properties took place in April and May 2016.
11. An EES Stakeholder Communications Plan was developed to notify all affected landowners and tenants (including DDO, construction impacts, surface and strata acquisition) that the EES was about to be released, with an explanation of the EES process and confirming whether properties were still identified as being required.
12. Specifically, from 25 May to 24 June 2016 letters were sent by MMRA to all affected landowners and tenants (surface and strata), including those that had been identified as required after the October 2015 mail out, informing them that their properties were still identified as being required, and explaining the EES process.
13. In some cases where specific issues had been identified and/or there was ongoing engagement with landowners/tenants about specific matters, a decision was made not to send a letter. This included the business tenants in City Square, where there was (and continues to be) ongoing dialogue, and the landowner and tenants of 1-39 Hobsons Road, Kensington, where a meeting was arranged in May 2016.

MMRA response to request 13:

14. Land acquisition is programmed across all stations, portals and tunnels precincts.
15. For stations and portals precincts, the land acquisition process would commence by serving Notices of Intention to Acquire (**NOITA**) under the LAC Act shortly after obtaining planning approval under the *Planning Environment Act 1987* and gazettal of the Project Area designation under the *Major Transport Projects Facilitation Act 2009 (MTPF Act)*.
16. Notices of Acquisition (**NOA**) for stations and portal precincts would generally be progressively published over two to four months after the service of NOITAs.
17. Communications in relation to land acquisition have commenced as set out above, and the formal acquisition process will be staged to provide for

vacant possession of land in time for scheduled works. Property case managers allocated to each relevant property will continue to communicate with owners and tenants, including in relation to timing required for vacant possession.

18. Obtaining vacant possession across all stations and portals precincts is programmed to occur from early 2017 to early 2018.
19. For private land across all tunnel precincts, acquisition would occur in stratum by way of declarations of underground land pursuant to section 162 of the MTPF Act. This is programmed to occur prior to the launching of tunnel boring machines in 2018.

MMRA response to request 14:

20. Privately owned properties across all stations and portals precincts are expected to be compulsorily acquired in accordance with the provisions of the MTPF Act and the LAC Act.
21. The acquisition process under the LAC Act is well-established and commonly used by acquiring authorities.

CORRESPONDENCE:

- A. Letter to landowners and tenants of properties with potential for acquisition (October 2015)
- B. Letter to landowners and tenants of properties with potential for strata acquisition (October 2015)
- C. Letter to landowners and tenants of properties with potential to be impacted by construction activities (October 2015)
- D. Letter to landowners of properties with potential for acquisition (May 2016)
- E. Letter to tenants of properties with potential for acquisition (May 2016)
- F. Letter to landowners and tenants of properties with potential for strata acquisition, or who reside within the areas covered by the DDO (May 2016)

ATTACHMENTS:

No attachments.