

16 December 2021

Lodged via Submission Portal on Engage Victoria

To

Planning Panels Victoria
SRL East Inquiry and Advisory Committee

Dear Sir/Madam

**SRL East Inquiry and Advisory Committee
Submission on behalf of Manningham City Council**

We act for Manningham City Council (**Council**). Council has instructed us to lodge this submission on its behalf.

Overview

1. Council makes this submission with respect to the Suburban Rail Loop East Environment Effects Statement (**EES**). Although the proposed Suburban Rail Loop East (**Project**) is not proposed to be within Manningham, Council has a direct interest in the Project as the Suburban Rail Loop North (**Stage 2 Project**) will be located within its municipality and will involve the construction of various infrastructure, including a station at Doncaster Hill.
2. Council supports the Project and the Stage 2 Project in principle. Council considers that the Stage 2 Project will deliver significant improvements to public transport accessibility within Doncaster Hill which has been the primary focus for significant development, including housing, within the municipality for the past 20 years. Council has invested considerable resources in strategic work to support Doncaster Hill and to facilitate its implementation.
3. Council is keen to work cooperatively with the Suburban Rail Loop Authority (**SRLA**) and the State Government to deliver the Stage 2 Project in a manner that can maximise the opportunities for Doncaster Hill and minimise the potential negative impacts.
4. Council is very keen to influence the design of the statutory framework and environmental performance requirements (**EPRs**) adopted for the Project. This is because Council expects that the framework adopted for the Project will become the basis for the Stage 2 Project.
5. Council's submission should be read in the above context.

Fixed rail advocacy

1. The delivery of fixed rail to Doncaster Hill has been an ambition of Council for decades. Council has lobbied for many years to have fixed rail servicing Doncaster Hill, particularly given the original design of the Eastern Freeway included fixed rail within its centre median. Fixed rail along the Eastern Freeway would have provided direct access from Doncaster Hill into the CBD. Council understands that the delivery of the North East Link (**NEL**) will now include a Bus Rapid Transit within a busway along the Eastern Freeway as part of the project, which will provide a fast transport connection to the CBD. It is also acknowledged that the NEL project does not preclude rail in the future.
2. Within this context the delivery of the Stage 2 Project will provide fixed rail linkages to nearby Heidelberg and Box Hill. This will improve Doncaster Hill's accessibility to public transport.
3. Despite being just 12 kilometres from the CBD,¹ Manningham is the only metropolitan municipality without a train or tram line. This position will likely remain unchanged for at least another 20 years as construction on the Stage 2 Project is currently not expected to commence for at least a decade, with the current timeframe suggesting a commencement date for the Stage 2 Project sometime during the 2030s.
4. In these circumstances, Council urges the State Government to commence implementing Recommendation 58 of Victoria's Infrastructure Strategy 2021-2051 prepared by Infrastructure Victoria. Recommendation 58 states:

Improve frequencies and modify alignments of some existing bus routes, and introduce new services to connect the proposed train stations along the entire Suburban Rail Loop project, to start building patronage for it. Upon the project's completion, the bus network should be simplified.
5. Council is keen to work with the SRLA, Department of Transport and tertiary education institutions to implement a high frequency express bus service from La Trobe University to Monash University. More specifically, this would involve establishing a new route starting at Monash University and operating to Deakin University, Box Hill Station, Doncaster Hill, Bulleen, Heidelberg and La Trobe University, with minimal intervening stops (express service). This general route would essentially mirror the proposed Project's (and the Stage 2 Project's) alignment and could be delivered in the short term and well before the 20 year time frame required to construct and complete the Stage 2 Project. Specific reference to this outcome should be included in EPR T7 which seeks a review of bus services in areas around SRL stations.

Protecting the strategic advantage of activity centres

6. Activity centres serve a critical strategic role across metropolitan Melbourne. They are focal points for large scale development and community interaction. Further, they are generally expected to deliver a large share of new development and housing within a municipality.

¹ See clause 21.02-1 of the Manningham Planning Scheme.

7. Therefore, while the principle of building stations for the SRL within activity centres such as Doncaster Hill is undoubtedly consistent with planning policy, it is essential that the infrastructure associated with the Project does not constrain or diminish the strategic development potential of these activity centres and other areas where planning policy expressly directs increased housing densities.²
8. Council understands that under proposed Special Controls Overlay – Schedule 15, a planning permit will be required for any building if it is within the Project Infrastructure Protection A and for land outside that area for a building if it is:
 - a. more than three storeys;
 - b. with a basement;
 - c. with a footing founded more than three metres below Surface Level; or
 - d. a building (except Accommodation or Office) that applies a weight above the Surface Level equivalent to an average of greater than 45kpa.
9. Council has assumed that the SRLA has developed these parameters in order to ensure that the infrastructure associated with the Project will not be damaged by development above. Council considers that this is important and appropriate. However, the implication of these permit triggers has led Council to assume that if development exceeds these thresholds, it has the potential to impact on the Project’s infrastructure. Council considers that such low thresholds within an activity centre (and in particular high order activity centres) or even strategic growth areas, gives rise to concern that the design of the Project may not adequately cater for the significant growth that the Scheme currently earmarks for these areas.
10. When the proposed Special Controls Overlay (**SCO**) controls are considered within the Doncaster Hill context, every new building within the SCO would likely require a planning permit. In other words, all buildings would have the potential to impact on the Project.
11. Therefore, it is critical that the Project is designed to ensure that the development potential of this strategic land is not prejudiced or constrained, and any additional structural requirements for new buildings would not become cost prohibitive. Further, Council expects that the need for activity centres to deliver considerable housing and employment opportunities will only increase once the Project is delivered.
12. Accordingly, the design of the Project needs to ensure that the strategic value of land within the SCO is not prejudiced by the Project’s infrastructure. There is insufficient information to provide sufficient certainty that the Project will not be too close to the surface within areas designated for higher density development.
13. A further issue Council is facing is the uncertainty regarding the station location in Doncaster Hill. Council considers that unless the station location at Doncaster Hill is urgently resolved it will:
 - a. frustrate the further strategic planning work for Doncaster Hill; and

² This would include areas within the Residential Growth Zone and other activity centres.

- b. likely lead to further large scale developments within the activity centre, which if built, would likely add considerably to the impacts of the Stage 2 Project.

Consultation – General comments

14. For various reasons, councils have a limited decision making role under the EES process and under the proposed planning controls. Indeed, the proposed amendments to the Scheme will remove councils as being the responsible authority for land within the SCO. In the context that councils will not be the decision maker, it is essential that councils still play a meaningful role in the consideration and approval of the documents that will contain the detailed design of the Project (and the Stage 2 Project).
15. Given the limited fine grain detail provided at this stage of the process, coupled with the vagaries of a reference design, councils need a clearer and more certain role in the preparation of documents after the EES process has been completed, including an actual say regarding the content of these documents.
16. Many councils, including Manningham, find it frustrating that each time a major project is proposed, they need to fight to be consulted through the preparation of key documents that will resolve much of the fine grain detail of a project. A more collaborative approach with councils would include them as an entity to be consulted and that their views will be considered and inform the relevant document, as a default, rather than making this issue a point of conflict during each EES hearing.
17. Further, by involving councils in the preparation of key documents following the approval of a project will assist with improving community confidence that local issues will be considered.
18. Council seeks changes to the EPRs and the SCO so that meaningful consultation occurs with councils when key documents are being prepared. For example, but not limited to:
 - a. The SRL East Surface and Tunnel Plans to be approved under the Project Incorporated Document do not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the SRL East Surface and Tunnel Plans under clause 4.3.2 of Project Incorporated Document.
 - b. The Urban Design Strategy (**UDS**) to be approved under the Project Incorporated Document does not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the UDS approved under clause 4.6.5 of the Project Incorporated Document.
 - c. The Urban Design and Landscape Plans (**UDLPs**) to be approved under the Project Incorporated Document do not require the Minister for Planning to consult with councils or to consider their views before approving this document. The same outcome results with respect to any amendment to the UPLPs approved under clause 4.7.9 of the Project Incorporated Document.
19. Genuine consultation should be a mandatory and integral part of the process to approve these important plans. These documents will provide the fine grain resolution and

regulation of the Project and will be extremely important to the Project's success. Given councils have a key role in the planning for activity centres, which is generally where the proposed stations will be located, it is critical that councils are consulted and inform the preparation of these plans.

Incorporated Document

20. Council acknowledges that the use of an incorporated document and the SCO is a framework that has been adopted by other major infrastructure projects, such as the NEL. Council accepts that the use of the SCO for this purpose is, in principle, appropriate.
21. Council considers that the scope of the SCO needs to be explicit and defined. Council is concerned that clause 4.2(m) of the Suburban Rail Loop East Incorporated Document (**Project Incorporated Document**) to be beyond the power of clause 45.12-2 or is otherwise an inappropriate provision to be included in a planning scheme.
22. Clause 45.12-2 confines the matters in which an incorporated document can include. It does not extend to effectively delegating to the Minister for Planning, who will be the responsible authority, the power to determine whether a certain development or use requires a planning permit by writing a letter.
23. Even if clause 4.2(m) would not be unlawful, the provision should not be included because it is vague and uncertain. A planning scheme should be the only place where a person needs to look to determine if they need a planning permit. A person should not have to enquire with the responsible authority whether it has written a letter exempting a particular use or development from a planning permit. Further, if the Minister for Planning can expand the scope of uses, buildings and works that will be exempt, and in turn form part of the Project, it makes it impossible for the potential environmental impacts to be scoped and to determine what EPRs would be necessary.
24. Council considers clause 4.2(m) of the Project Incorporated Document should be deleted.
25. Council considers that the Project Incorporated Document also needs to clarify whether a council would be stakeholder under the document. The Project Incorporated Document sometimes specifically references councils and other times includes a general reference to 'other stakeholders' but does not identify who are the stakeholders.

Environmental Performance Requirements

26. Council is disappointed that numerous EPRs that were negotiated and approved as part of the NEL Project have not been adopted for the Project. For example, the Business EPRs do not refer to providing employee assistance and only refer to owners and tenants.
27. The EPRs need to be certain and measurable, and any plans required to be prepared need to be informed by consultation undertaken with councils.
28. To illustrate the above concerns, Council notes:
 - a. in LUP2, the interim land use plans 'should' be prepared in consultation with the relevant local council rather than using the word 'must';

- b. in LUP4, while the public open space management plans will be prepared in consultation with councils, it is unclear whether they need to be informed by this consultation: this is to be compared with the role of local user group consultation;
- c. in SC1, the listed elements for the communication and stakeholder engagement management framework should not be discretionary and the word 'must' needs to be used, and a bullet point needs to be included to require that the relevant council is consulted with when preparing the plan;
- d. in SC2, the individual communications and stakeholder engagement plans need to explain how the consultation will be undertaken with councils; and
- e. in SC3, SC4 and SW7, the word 'must' needs to replace the word 'should'.

29. Consultation within the EPRs and the Suburban Rail Loop East Incorporated Document – October 2021 needs to be mandatory, meaningful and robust.

Conclusion

30. Council looks forward to discussing the above matters at the EES hearing and expanding on these matters and commenting, where appropriate, on other submissions that might be received.

If you have any questions, please contact me.

Yours sincerely



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Principal

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