

The Hon. Daniel Andrews
Premier of Victoria
Level 1, 1 Treasury Place
East Melbourne VIC 3002
Via email: daniel.andrews@parliament.vic.gov.au

8 April, 2020

Dear Premier,

Re: West Gate Tunnel Project [REDACTED]

It has been brought to our attention that the management of the West Gate Tunnel Project has been reallocated to your office. We would like to take this opportunity to ensure you are across the level of complexity and community concern that surrounds the proposal for [REDACTED] to accept, store, and potentially dispose of uncategorised contaminated soil from the West Gate Tunnel Project.

No Project Transparency

It is understood that [REDACTED] intend on submitting, if they have not already, an application to the Minister for Planning for a Planning Scheme amendment under section 20(4) of the *Planning and Environment Act 1987* for the proposal. As such, we have written eight letters to the Minister for Planning since 1 November, 2019 (Attachment 1 Table 1, Attachment 2) attempting to initiate discussions on sensitive matters that require careful consideration by his office.

The urgency attendant to these requests soon turned to concern once Council realised that [REDACTED] have no intention of providing any technical information pertaining to this proposal, including non-commercially sensitive information about the potential impacts to our community, assets and road infrastructure.

Council requires the draft technical reports to be afforded the chance for proper consultation and to make comment on these documents before they are finalised and before any decision is made on the basis of them.

In addition to the letters sent to the Minister for Planning, the Mayor of Moorabool Shire has also written to the Minister for Transport Infrastructure (Attachment 2). While this did result in a meeting with the Minister Transport Infrastructure, Council received no further information in relation to the technical aspects of proposal, the potential impacts to the community and socio-economic impacts, or any proposed Net Community Benefits.

No Proper Consultation

During this time, [REDACTED] were carrying out joint high-level “briefings” with Council and the community. One such “briefing” was provided to Council officers and one to Councillors. Table 2 of Attachment 1 lists the limited opportunities for the community to obtain information about the proposal. This included a small group of selected targeted landowners, groups and farmers, a stall at a market and one at a local festival.



The other two opportunities were a maximum of 40 people in a room with posters and project representatives, offered over four one-hour sessions. If the full capacity of people went to each session, a maximum of 320 people were able to attend the sessions. It was also noted that these were held predominately in working hours, further restricting the cohort of community that could attend.

Council does not consider these “briefings” are adequate community consultation for such a controversial project, in particular as there was little opportunity for the community to provide informed comment on the proposal. Furthermore, the “briefing” to Council officers and Councillors are not considered consultation as there was insufficient information provided prior to the meeting to prepare a consolidated response to the proposal. More detail is in the letter address to the Planning Minister dated 14 February, 2020 (Attachment 2).

In order to satisfy himself that it is appropriate to proceed under section 20(4) of the *Planning and Environment Act 1987*, the Minister for Planning must first be satisfied that no further consultation is required and that adequate consultation has occurred. Unnecessary duplication of process can then be avoided.

This presupposed consultation on the project has been undertaken with potentially affected parties, that their views are well understood, and have been taken into account during the preparation of the amendment. In such circumstances, further consultation would be unlikely to identify any new issues, or to result in changes to the amendment.¹

This is clearly not the case here.

Council has in-depth local knowledge of the state of the roads, the potential impacts to the local environment and the community. Without an understanding of these local conditions, an adequate assessment of the impacts is impossible.

Council has also confirmed that other agencies pertinent to this proposal have not been consulted. Examples include Heritage Victoria, Southern Rural Water, Melbourne Water and the Country Fire Authority. All of these agencies would be considered Section 55 referral authorities if this proposal was assessed by Council.

Cumulative Impacts

Moorabool Shire prides itself in being the local food bowl for Melbourne. In these increasingly uncertain times, this role will assume an even greater importance.

The Shire also has scenic country and uniquely individual places to live and visit, offering popular attractions including landscapes, national parks, forests, gorges and mineral springs. However, these qualities are under constant threat through Melbourne focussed State significant projects with impacts to the landfill to the south, State significant quarries to the north, three wind farms to the west, and the western high voltage powerlines dissecting through the middle.

These cumulative impacts are taking their toll on the community, through damaged liveability and reputation of the Shire. Long-term members of the community have expressed grave concerns to Council and are preparing an exit strategy.

¹ Reasons for intervention at 27 in the *Lower Our Tracks Inc. v Minister for Planning (2016) VSC 803 (20 December 2016)* case

Council expect the concerns for our community to be a priority for the State Government and to be kept informed in an open and transparent manner. I appreciate your time on this matter and I look forward to hearing from you.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Derek Madden', written over a light blue grid background.

Derek Madden
Chief Executive Officer

Attachment 1: Timeline of correspondence and community briefings
Attachment 2: Letters to Ministers and West Gate Tunnel Authority