

The Hon Richard Wynne
Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

14 February, 2020

Via email: Richard.Wynne@parliament.vic.gov.au

Dear Minister,

Re: West Gate Tunnel Project and [REDACTED]

We refer to our letters dated 1 November 2019, 13 November 2019, 4 February 2020 and 12 February 2020, and to the meetings held on 4 December 2019 and 10 February 2020.

To date, Council has not been afforded proper consultation.

As we stated in our letter of 12 February 2020 re the meeting on 10 February:

“ . . .it was not considered consultation as there was insufficient information provided prior to the meeting for Council to prepare a consolidated response to the proposal.”

Council first became aware of the proposal when the landowners of [REDACTED] informed Council. The information on the public record indicates that there is presently no landfill site capable of receiving and testing the soil in the quantity and speed required.¹

Despite our letters and the two meetings, details regarding the approval process including a draft incorporated document, technical reports and appropriate details of mitigation are yet to be forthcoming.

Council has not been given:

- Information about what is proposed;
- A reasonably ample and sufficient opportunity to express its views or to point to problems or difficulties;
- A meaningful opportunity to present its views and make submissions;
- A genuine opportunity to persuade;
- An opportunity to make ineffective representations; or
- An opportunity to be heard at a formative stage of the proposal, before the mind of the executive becomes unduly fixed.

This failure to properly consult with Council and community is not reasonable.

¹ The Age 11 February 2020 C



What has occurred to date, including the EES process, can in no way justify any Ministerial decision to intervene and use the Minister's s20(4) powers. For example, how can it be said that one of the grounds for such an intervention is that any further consultation would be a duplication when there is nothing to duplicate?

Further, neither can it be said that the previous EES process was adequate and comprehensive, so that any further consideration of these issues might be deemed a duplication.

As we pointed out in our letter of 4 February 2020:

*"The potential risk for contaminated soil was highlighted in the Contaminated Soil and Spoil Management Technical Report prepared by Golder and Associates as part of the Environment Effects Statement (EES) process in 2017. It was also acknowledged in this report that there are no landfills that can accept Category A Prescribed Industrial Waste, and the management of PFAS contamination will need to be in consultation with the Environment Protection Agency (EPA). **The potential offsite impacts due to the disposal of spoil was not acknowledged or considered in the EES for the project.**"*

We understand that there is an aggressive timetable contemplated for next steps.

We require that you properly consult with Council and the community before any such decision is made.

As part of that consultation, it is imperative that Council be provided with all technical reports and materials in draft so that Council might be afforded the opportunity to make comment on these documents before they are finalised and before any decision is made on the basis of them.

Council reserves its rights should it not be provided with the consultation required.

Yours sincerely,



Derek Madden
Chief Executive Officer

cc The Hon Jacinta Allan, Minister for Transport Infrastructure
 Dr Kathy Wilkinson, EPA
 The Hon Jaclyn Symes, Minister for Agriculture