

Compliance Code for Victoria's Big Build Projects

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Preface

Victoria is undergoing a significant period of transport infrastructure construction, known as "Victoria's Big Build". The Major Transport Infrastructure Authority (**MTIA**) is currently in the process of delivering eight major transport infrastructure projects (**Projects**).

Persons involved in the design and construction of the Projects will have duties and obligations under the *Environment Protection Act 2017* (Vic) (**Act**).

This document is a compliance code (**Code**) made pursuant to section 100 of the Act for the purposes of providing practical guidance to persons who, in the course of their involvement in the design and construction of a Project, must:

- (a) perform the section 25 general environmental duty, which obliges a person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste to minimise those risks, so far as reasonably practicable;
- (b) perform the section 39 duty to manage contaminated land, which obliges a person in management or control of contaminated land to minimise risks of harm to human health and the environment from the contaminated land so far as reasonably practicable; and/or
- (c) satisfy the section 166 obligation to not emit an unreasonable noise, or permit an unreasonable noise to be emitted, from a place or premises that are not residential premises.

Each of the Projects was subject to an Environment Effects Statement (**EES**) assessment process under the *Environment Effects Act 1978* (**EE Act**). Each EES process:

- enabled a comprehensive and integrated consideration of environmental and human health risks associated with each Project, on the basis of scoping requirements produced pursuant to the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Department of Sustainability and Environment, 7th ed., 2006);
- provided a significant opportunity for public and other stakeholder involvement, including by the use of Technical Reference Groups in the preparation of the EES, and the conduct of Inquiries pursuant to section 9 of the EE Act and associated Advisory Committees pursuant to section 151 of the *Planning and Environment Act 1987*;
- afforded the Environment Protection Authority (**EPA**) the ability to have input into the assessment, elimination and minimisation of risks of harm to human health and the environment from each Project;

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- included an assessment by the relevant Minister that the Project would have an acceptable level of environmental effects, having regard to the overall outcomes of the Project and environmental management measures needed to address likely adverse effects or environmental risks; and
- ultimately informed statutory approvals which incorporated those environmental management measures.

This Code guides persons involved in the design or construction of a Project to have regard to the relevant approvals in understanding the risks of harm to human health and the environment which may arise in respect of the Project, and how those risks can be minimised consistently with the requirements of the Act. In the context of the section 166 obligations in respect of unreasonable noise, the relevant approvals enable an understanding of the circumstances in which noise (other than noise which is prescribed to be unreasonable noise) will not be unreasonable having regard to the matters set out in paragraph (a) of the definition of "unreasonable noise" in section 3 of the Act.

This Code does not give rise to any independent legal obligations. Failure to comply with it does not give rise to any civil or criminal penalty under the Act.

Approval of the Code may be varied or revoked by the Governor in Council. To confirm the Code is current and in force, go to epa.vic.gov.au.

Purpose

1. The purpose of this Code is to provide practical guidance to persons undertaking a Design or Construction Activity about how to perform duties under sections 25(1) and 39(1) of the Act and satisfy obligations under section 166 of the Act.

Definitions and interpretation

2. In this Code, words and phrases have the same meaning as in the Act or Regulations and—

Act means the *Environment Protection Act 2017*;

Code means this compliance code, including its Schedules;

Design or Construction Activity means an activity that is related to the design or construction of a Project but does not include any activity solely associated with the operation of a Project following practical completion;

EE Act means the *Environment Effects Act 1978*;

EES means an environment effects statement for a Project;

EMF means an environmental management framework (or equivalent document) for a Project that has been approved by the Minister for Planning, as amended from time to time;

EPA means the Environment Protection Authority Victoria continued under section 356 of the Act;

EPRs means the environmental performance requirements which are set out in an EMF or otherwise approved by the Minister for Planning, as amended from time to time;

MTIA means the Major Transport Infrastructure Authority and includes any relevant successor;

Non-Prescribed Unreasonable Noise means noise that is unreasonable pursuant to paragraph (a) of the definition of unreasonable noise in section 3(1) of the Act;

Prescribed Unreasonable Noise means noise that is prescribed to be unreasonable pursuant to paragraph (b) of the definition of unreasonable noise in section 3(1) of the Act;

Project means one of the following projects:

(a) North East Link Project;

(b) Melbourne Metro Rail Project, known as the Metro Tunnel Project;

(c) West Gate Tunnel Project;

- (d) Mordialloc Freeway (also referred to as the Mordialloc Bypass Project);
- (e) Western Highway Project – Section 2B – Buangor to Ararat;
- (f) Echuca-Moama Bridge Project (Stage 3);
- (g) Edithvale and Bonbeach Level Crossing Removal Projects;
- (h) Princes Highway East Duplication Project (Stage 3);

Project Land means the land to which a Project Incorporated Document applies and land within the designated project area for the Project under the *Major Transport Projects Facilitation Act 2009*;

Project Incorporated Document means a document incorporated into a Victorian planning scheme that is introduced to facilitate the use and development of a Project on Project Land, as amended from time to time;

Regulations means the *Environment Protection Regulations 2021*;

Schedule means the schedule to this Code that relates to the Project; and

Schedule Requirements means the requirements set out in a Schedule to the Code.

3. In interpreting this Code and in understanding its effect, regard should be had to relevant provisions of the Act and Regulations.

Scope and application

4. This Code is made for the purpose of providing practical guidance to persons undertaking a Design or Construction Activity.
5. This Code does not provide guidance to persons engaged in an activity other than a Design or Construction Activity.
6. This Code relates only (and subject to clause 7 below) to —
 - (a) the duty under **section 25(1): General environmental duty**

A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.

- (b) the duty under **section 39(1): Duty to manage contaminated land**

A person in management or control of contaminated land must minimise risks of harm to human health and the environment from the contaminated land so far as reasonably practicable.

(c) in part, the obligation under **section 166: Obligation not to emit unreasonable noise**

A person must not, from a place or premises that are not residential premises, emit an unreasonable noise or permit an unreasonable noise to be emitted.

7. The definition of "unreasonable noise" in section 3(1) of the Act provides that noise may be unreasonable:
 - (a) having regard to the factors identified in paragraph (a) of the definition (**Non-Prescribed Unreasonable Noise**); or
 - (b) if prescribed by the Regulations to be unreasonable, pursuant to paragraph (b) of the definition (**Prescribed Unreasonable Noise**).

This Code does not address any obligation under section 166 of the Act in respect of Prescribed Unreasonable Noise. The extent to which this Code provides for satisfying the obligations under section 166 relates only to Non-Prescribed Unreasonable Noise.

8. This Code does not provide for the performance of any duty or satisfaction of any obligation other than those expressly set out in clause 6 above, subject to clause 7 above.
9. The preface to this Code does not provide practical guidance in relation to the performance of any duty or satisfaction of any obligation.

Practical guidance for holders of duties and obligations

10. A person undertaking a Design or Construction Activity may:
 - (a) minimise risks of harm to human health or the environment from pollution or waste which may arise from the Design or Construction Activity so far as reasonably practicable, and therefore perform their duty under section 25(1) of the Act;
 - (b) minimise risks of harm to human health and the environment from contaminated land in their management or control so far as reasonably practicable, and therefore perform their duty under section 39(1) of the Act; and
 - (c) ensure that no Non-Prescribed Unreasonable Noise is emitted or permitted to be emitted, and therefore satisfy their obligations under section 166 of the Act in respect of Non-Prescribed Unreasonable Noise--

if they comply with the relevant Schedule Requirements for that Project.

Operation of the Code

11. This Code takes effect on 1 July 2021.

Schedule 1 – Metro Tunnel Project

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Metro Tunnel Project?

2. The Project Incorporated Documents for the Melbourne Metro Rail Project (now known as the **Metro Tunnel Project**) are the:
 - (a) Melbourne Metro Rail Project Incorporated Document dated May 2018, as amended from time to time (**First Metro Tunnel Project Incorporated Document**); and
 - (b) Melbourne Metro Rail Project: Compensatory Flood Storage Incorporated Document dated August 2018, as amended from time to time (**Second Metro Tunnel Project Incorporated Document**),(together, the **Metro Tunnel Project Incorporated Documents**).
3. The Metro Tunnel Project is being carried out on the Project Land.
4. The Metro Tunnel Project is the use and development of the Project Land for the Project in accordance with the Metro Tunnel Project Incorporated Documents, which includes the construction of:
 - (a) twin nine kilometre rail tunnels from Kensington to South Yarra, connecting the Sunbury and Cranbourne/Pakenham railway lines to form a new Sunshine – Dandenong line;
 - (b) rail tunnel portals (entrances) at South Kensington and South Yarra;
 - (c) new underground stations at Arden, Parkville, State Library (CBD North), Town Hall (CBD South) and ANZAC (Domain). The stations at State Library and Town Hall feature direct interchanges with the existing Melbourne Central station and Flinders Street Station respectively;
 - (d) a train/tram interchange at ANZAC station;

- (e) a Turnback at West Footscray to enable trains using the Sunbury Line to turn around before reaching Sunbury and head back through the Melbourne Metro tunnels; and
- (f) high capacity signalling and services.

B. How were the potential environmental impacts of the Metro Tunnel Project assessed?

5. Prior to the First Metro Tunnel Project Incorporated Document being approved, the potential environmental impacts of the Metro Tunnel Project were assessed in the:
 - (a) EES for the Melbourne Metro Rail Project, dated May 2016;
 - (b) Inquiry and Advisory Committee Report, dated 21 November 2016; and
 - (c) the Minister for Planning's assessment under the EE Act, dated 20 December 2016.
6. Pursuant to clause 4.8 of the First Metro Tunnel Project Incorporated Document for the Metro Tunnel Project:
 - (a) prior to the commencement of any buildings or works associated with the Metro Tunnel Project, an EMF, which includes EPRs, must be approved by the Minister for Planning; and
 - (b) the use and development of land for the Metro Tunnel Project must be carried out in accordance with the approved EMF and the approved EPRs.

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the Metro Tunnel Project will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) Environmental Management Framework dated December 2019, as amended from time to time (**Metro Tunnel EMF**); and
 - (b) Environmental Performance Requirements at Table 7 of the Metro Tunnel EMF, as amended from time to time (**Metro Tunnel EPRs**).

8. A person that is undertaking a Design or Construction Activity in relation to the Metro Tunnel Project will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) Metro Tunnel EMF; and
 - (b) Metro Tunnel EPRs.

9. A person that is undertaking a Design or Construction Activity in relation to the Metro Tunnel Project will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the obligation:
 - (a) Metro Tunnel EMF; and
 - (b) Metro Tunnel EPRs.

Schedule 2 – West Gate Tunnel Project

1. This Schedule contains:
 - a. At Section A, a description of the Project;
 - b. At Section B, a description of the assessment of potential environmental impacts of the Project;
 - c. At Section C, the Schedule Requirements for the Project.

A. What is the West Gate Tunnel Project?

2. The Project Incorporated Document for the West Gate Tunnel Project is the West Gate Tunnel Project Incorporated Document, December 2017, as amended from time to time (**West Gate Tunnel Project Incorporated Document**).
3. The West Gate Tunnel Project is being carried out on the Project Land.
4. The West Gate Tunnel Project is the use and development of the Project Land for the purposes of the West Gate Tunnel Project in accordance with the West Gate Tunnel Project Incorporated Document. This includes:
 - a. the 'West Gate Freeway component' which includes the upgrade and widening of the West Gate Freeway from eight to 12 lanes between the M80 Ring Road interchange and Williamstown Road, and widening of the Princes Freeway between Kororoit Creek Road and the M80 Ring Road interchange;
 - b. the 'tunnels component' which includes two tunnels extending from two separate southern portals on the West Gate Freeway to a northern portal near the Maribyrnong River and the Port of Melbourne;
 - c. the 'port, CityLink and city connections component' which includes bridge crossing of the Maribyrnong River, connections to the Port of Melbourne, CityLink, Footscray Road and Dynon Road, and an extended Wurundjeri Way; and
 - d. relocation of existing utilities, including high voltage electricity lines along the West Gate Freeway and the North Yarra Main Sewer along Whitehall Street, the provision of new shared use paths, upgrade of existing shared use paths, a new elevated veloway for cyclists, and pedestrian connections.

B. How were the potential environmental impacts of the West Gate Tunnel Project assessed?

5. Prior to the West Gate Tunnel Project Incorporated Document being approved, the potential environmental impacts of the West Gate Tunnel Project were assessed in the:
 - a. EES for the West Gate Tunnel Project, dated May 2017;
 - b. Inquiry and Advisory Committee Report, dated 23 October 2017; and
 - c. the Minister for Planning's assessment under the EE Act, dated 27 November 2017.
6. Pursuant to clauses 4.5 and 4.6 of the West Gate Tunnel Project Incorporated Document for the West Gate Tunnel Project:
 - a. the use and development of land must be carried out in accordance with the 'West Gate Tunnel Project Environmental Performance Requirements, December 2017', as amended from time to time (**West Gate Tunnel EPRs**);
 - b. prior to the commencement of development (excluding preparatory buildings and works under clause 4.8), an Environmental Management Strategy (**EMS**) must be approved by the Minister for Planning; and
 - c. the use and development of land for the West Gate Tunnel Project must be carried out in accordance with the EMS and the EPRs.

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the West Gate Tunnel Project will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - a. Environmental Management Strategy – West Gate Tunnel Project dated 31 January 2018, as amended from time to time (**West Gate Tunnel EMS**); and
 - b. the West Gate Tunnel EPRs.
8. A person that is undertaking a Design or Construction Activity in relation to the West Gate Tunnel Project will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - a. West Gate Tunnel EMS; and
 - b. West Gate Tunnel EPRs.

9. A person that is undertaking a Design or Construction Activity in relation to the West Gate Tunnel Project will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the obligation:
- a. West Gate Tunnel EMS; and
 - b. West Gate Tunnel EPRs.

Schedule 3 – Edithvale and Bonbeach Level Crossing Removal Project

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Edithvale and Bonbeach Level Crossing Removal Project?

2. The Project Incorporated Documents for the Edithvale and Bonbeach Level Crossing Removal Project (**Edithvale-Bonbeach LXR**P) are the:
 - (a) Edithvale Road, Edithvale Level Crossing Removal Project Incorporated Document dated September 2018, as amended from time to time; and
 - (b) Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document dated September 2018, as amended from time to time,(together, the **Edithvale-Bonbeach LXR**P Project Incorporated Documents).
3. The Edithvale-Bonbeach LXRP is being carried out on the Project Land.
4. The Edithvale-Bonbeach LXRP is the use and development of the Project Land in accordance with the Edithvale-Bonbeach LXRP Project Incorporated Documents. This includes but is not limited to the:
 - (a) removal of the level crossing at Edithvale Road, Edithvale where it crosses the Frankston rail line; and
 - (b) removal of the level crossing at Station Street/Bondi Road, Bonbeach where it crosses the Frankston rail line.

B. How were the potential environmental impacts of the Edithvale-Bonbeach LXRP assessed?

5. Prior to the Edithvale-Bonbeach LXRP Project Incorporated Documents being approved, the potential environmental impacts of the Edithvale-Bonbeach LXRP were assessed in the:
 - (a) EES for the Edithvale-Bonbeach LXRP, dated March 2018;
 - (b) Inquiry and Advisory Committee Report, dated 30 July 2018; and

- (c) the Minister for Planning's assessment under the EE Act, dated August 2018.
6. Pursuant to clause 4.2 of the Edithvale-Bonbeach LXP Project Incorporated Documents for the Edithvale-Bonbeach LXP:
- (a) prior to the commencement of development (excluding preparatory buildings and works under clause 4.3 of the Edithvale-Bonbeach LXP Project Incorporated Documents), an EMF, which includes EPRs, must be approved by the Minister for Planning; and
 - (b) the use and development of land for the Edithvale-Bonbeach LXP must be carried out in accordance with the approved EMF and the approved EPRs.

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the Edithvale-Bonbeach LXP will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
- (a) Edithvale and Bonbeach Level Crossing Removal Projects Environmental Management Framework, dated December 2018, as amended from time to time (**Edithvale-Bonbeach LXP EMF**); and
 - (b) Environmental Performance Requirements at Table 6 of the Edithvale-Bonbeach LXP EMF, as amended from time to time (**Edithvale-Bonbeach LXP EPRs**).
8. A person that is undertaking a Design or Construction Activity in relation to the Edithvale-Bonbeach LXP will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
- (a) Edithvale-Bonbeach LXP EMF; and
 - (b) Edithvale-Bonbeach LXP EPRs.
9. A person that is undertaking a Design or Construction Activity in relation to the Edithvale-Bonbeach LXP will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the obligation:
- (a) Edithvale-Bonbeach LXP EMF; and
 - (b) Edithvale-Bonbeach LXP EPRs.

Schedule 4 – Mordialloc Freeway Project

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Mordialloc Freeway Project?

2. The Project Incorporated Document for the Mordialloc Freeway Project is the Mordialloc Bypass (Freeway) Incorporated Document dated July 2019, as amended from time to time (**Mordialloc Freeway Project Incorporated Document**).
3. The Mordialloc Freeway Project is being carried out on the Project Land.
4. The Mordialloc Freeway Project is the use and development of the Project Land in accordance with the Mordialloc Freeway Project Incorporated Document. This includes the construction of a dual carriageway four-lane freeway divided by a centre median to connect the Mornington Peninsula Freeway's current terminus at Springvale Road with the Dingley Bypass east of Boundary Road.

B. How were the potential environmental impacts of the Mordialloc Freeway Project assessed?

5. Prior to the Mordialloc Freeway Project Incorporated Document being approved, the potential environmental impacts of the Mordialloc Freeway Project were assessed in the:
 - (a) EES for the Mordialloc Bypass Project, dated October 2018;
 - (b) Inquiry and Advisory Committee Report, dated 2 May 2019; and
 - (c) the Minister for Planning's assessment under the EE Act, dated 17 June 2019.
6. Pursuant to clause 4.5 of the Mordialloc Freeway Project Incorporated Document for the Mordialloc Freeway Project:
 - (a) prior to the commencement of development (excluding preparatory buildings and works under clause 4.9 of the Mordialloc Freeway Project Incorporated Document), an EMF, which includes EPRs, must be approved by the Minister for Planning; and

- (b) the use and development of land for the Mordialloc Bypass Project must be carried out in accordance with the approved EMF and the approved EPRs.

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the Mordialloc Bypass Project will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) Mordialloc Bypass Environmental Management Framework dated August 2019, as amended from time to time (**Mordialloc Bypass Project EMF**); and
 - (b) Environmental Performance Requirements at Table 6 of the Mordialloc Bypass Project EMF, as amended from time to time (**Mordialloc Bypass Project EPRs**).
8. A person that is undertaking a Design or Construction Activity in relation to the Mordialloc Bypass Project will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) Mordialloc Bypass Project EMF; and
 - (b) Mordialloc Bypass Project EPRs.
9. A person that is undertaking a Design or Construction Activity in relation to the Mordialloc Bypass Project will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the obligation:
 - (a) Mordialloc Bypass Project EMF; and
 - (b) Mordialloc Bypass Project EPRs.

Schedule 5 – North East Link Project

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the North East Link Project?

2. The Project Incorporated Document for the North East Link Project is the North East Link Project Incorporated Document dated December 2019, as amended from time to time (**North East Link Project Incorporated Document**).
3. The North East Link Project is being carried out on the Project Land.
4. The North East Link Project is the use and development of the Project Land in accordance with the North East Link Project Incorporated Document. This includes:
 - (a) construction of a freeway standard road connecting the Metropolitan Ring Road (M80) to the Eastern Freeway. This includes twin road tunnels and associated infrastructure, ventilation structures, interchanges, grade separated roads, road infrastructure, a control centre and maintenance facilities;
 - (b) improvements to and widening of the Metropolitan Ring Road (M80) and the Eastern Freeway to provide for additional lanes in each direction;
 - (c) a dedicated busway in each direction along the Eastern Freeway together with associated infrastructure including multi-level car parking;
 - (d) construction of rail infrastructure and associated services including multi-level car parking;
 - (e) related structures such as, kerbs, channels, water and soil transfer and treatment structures, facilities and works, water quality facilities, retaining walls, flood walls, noise walls and screening barriers, cuttings, batters and fill associated with the Project; and
 - (f) relocation of utilities and services, earth works, preparatory works and ancillary activities.

B. How were the potential environmental impacts of the North East Link Project assessed?

5. Prior to the North East Link Project Incorporated Document being approved, the potential environmental impacts of the North East Link Project were assessed in the:
 - (a) EES for the North East Link Project, dated April 2019;
 - (b) Inquiry and Advisory Committee Report, dated 22 October 2019; and
 - (c) the Minister for Planning's assessment under the EE Act, dated 3 December 2019.
6. Pursuant to clause 4.5 of the North East Link Project Incorporated Document for the North East Link Project:
 - (a) prior to the commencement of development (excluding preparatory buildings and works under clause 4.13.1 of the North East Link Project Incorporated Document), an EMF, which includes EPRs, must be approved by the Minister for Planning; and
 - (b) the use and development of land for the North East Link Project must be carried out in accordance with the approved EMF and the approved EPRs.

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the North East Link Project will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) North East Link Project Environmental Management Framework dated January 2020, as amended from time to time (**North East Link Project EMF**); and
 - (b) Environmental Performance Requirements at Table 8-1 of the North East Link Project EMF, as amended from time to time (**North East Link Project EPRs**).
8. A person that is undertaking a Design or Construction Activity in relation to the North East Link Project will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the duty:
 - (a) North East Link Project EMF; and
 - (b) North East Link Project EPRs.

9. A person that is undertaking a Design or Construction Activity in relation to the North East Link Project will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the documents listed below, insofar as the requirements of these documents are relevant to the obligation:
- (a) North East Link Project EMF; and
 - (b) North East Link Project EPRs.

Schedule 6 – Western Highway Project – Section 2B – Buangor to Ararat

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Western Highway Project – Section 2B – Buangor to Ararat?

2. The Project Incorporated Document for the Western Highway Project – Section 2B – Buangor to Ararat (**Western Highway Project Section 2B**) is the Western Highway Project: Section 2B (Buangor to Ararat) Incorporated Document dated June 2017, as amended from time to time (**Western Highway Project Section 2B Incorporated Document**).
3. The Western Highway Project Section 2B is being carried out on the Project Land.
4. The Western Highway Project Section 2B is the use and development of the Project Land in accordance with the Western Highway Project Section 2B Incorporated Document. This includes upgrading the Western Highway between Buangor and Ararat to a 'divided highway standard' with two lanes in each direction separated by a central median, along with intersection upgrades.

B. How were the potential environmental impacts of the Western Highway Section Project Section 2B assessed?

5. Prior to the Western Highway Project Section 2B Incorporated Document being approved, the potential environmental impacts of the Western Highway Project Section 2B were assessed in the:
 - (a) EES for the Western Highway Section 2 Project, dated August 2012;
 - (b) Inquiry and Advisory Committee Report, dated 11 February 2013; and
 - (c) the Minister for Planning's assessment under the EE Act, dated May 2013.
6. Pursuant to clause 4.2.1 of the Western Highway Project Section 2B Incorporated Document for the Western Highway Project Section 2B, the project must be carried out in accordance with an approved EMF or equivalent document. The EMF must be prepared to the satisfaction of the Minister for Planning (or delegate).

C. Schedule Requirements

7. A person that is undertaking a Design or Construction Activity in relation to the Western Highway Project Section 2B will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
- (a) the Project Environmental Protection Strategy – Western Highway Project, Section 2B: Buangor to Ararat, dated November 2019, as amended from time to time (**Western Highway Project Section 2B PEPS**); and
 - (b) the following parts of the Western Highway Project Section 2B Contract (Contract No. 9088) awarded on 19 January 2018:
 - (i) sections 1200 and 2060 of the Specification,

(Relevant Western Highway Project Section 2B Contractual Clauses).
8. A person that is undertaking a Design or Construction Activity in relation to the Western Highway Project Section 2B will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
- (a) Western Highway Project Section 2B PEPS; and
 - (b) Relevant Western Highway Project Section 2B Contractual Clauses.
9. A person that is undertaking a Design or Construction Activity in relation to the Western Highway Project Section 2B will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the obligation:
- (a) Western Highway Project Section 2B PEPS; and
 - (b) Relevant Western Highway Project Section 2B Contractual Clauses.

Schedule 7 – Echuca-Moama Bridge Project (Stage 3)

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Echuca-Moama Bridge Project?

2. The Project Incorporated Document for the Echuca-Moama Bridge Project is the Echuca-Moama Bridge Project Incorporated Document dated February 2020, as amended from time to time (**Echuca-Moama Bridge Project Incorporated Document**).
3. The Echuca-Moama Bridge Project is being carried out on the Project Land.
4. The Echuca-Moama Bridge Project is the use and development of the Project Land in accordance with the Echuca-Moama Bridge Project Incorporated Document. This includes the construction of a single lane in each direction to a rural highway standard with a design speed of 80 kilometres per hour to connect the Murray Valley Highway in Echuca with the Cobb Highway in Moama.
5. The following parts of the Echuca-Moama Bridge Project have already been completed:
 - (a) the upgrade of the Murray Valley Highway/Warren Street intersection, which was funded as part of Stage 1 of the Echuca-Moama Bridge Project and completed in 2018; and
 - (b) the upgrade of Warren Street between the Murray Valley Highway and the existing Campaspe River bridge, which was funded as part of Stage 2 of the Echuca-Moama Bridge Project and completed in 2019.
6. Stage 3 of the Echuca-Moama Bridge Project, which includes the construction of the link road between Warren Street, Echuca and Boundary Road, Moama (**Echuca-Moama Bridge Project – Stage 3**), is the portion of the Echuca-Moama Bridge Project to which this Code applies – noting the Code will only apply to the portion of the Project which occurs within Victoria (i.e. between Warren Street and the Victorian border at the Murray River).

B. How were the potential environmental impacts of the Echuca-Moama Bridge Project assessed?

7. Prior to the Echuca-Moama Bridge Project Incorporated Document being approved, the potential environmental impacts of the Echuca-Moama Bridge Project were assessed in the:
 - (a) EES for the Echuca-Moama Bridge Project, dated August 2015;
 - (b) Inquiry and Advisory Committee Report, dated 20 January 2016; and
 - (c) the Minister for Planning's assessment under the EE Act, dated March 2016.
8. Pursuant to clause 5.3 of the Echuca-Moama Bridge Project Incorporated Document for the Echuca-Moama Bridge Project, prior to the commencement of works, an EMF must be approved by the Minister for Planning.

C. Schedule Requirements

9. A person that is undertaking a Design or Construction Activity in relation to the Echuca-Moama Bridge Project – Stage 3 will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
 - (a) Echuca-Moama Bridge Project – Project Environment Protection Strategy dated March 2019, as amended from time to time (**Echuca-Moama Bridge Project PEPS**); and
 - (b) the following parts of the Echuca-Moama Bridge Project Contract (Contract No. 9674) dated 2 October 2019:
 - (i) sections 1200, 2060 and 2065 of the Specification,
(Relevant Echuca-Moama Bridge Project Contract Clauses).
10. A person that is undertaking a Design or Construction Activity in relation to the Echuca-Moama Bridge Project – Stage 3 will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
 - (a) Echuca-Moama Bridge Project PEPS; and
 - (b) Relevant Echuca-Moama Bridge Project Contract Clauses.

11. A person that is undertaking a Design or Construction Activity in relation to the Echuca-Moama Bridge Project – Stage 3 will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the obligation:
 - (a) Echuca-Moama Bridge Project PEPS; and
 - (b) Relevant Echuca-Moama Bridge Project Contract Clauses.

Schedule 8 – Princes Highway East Duplication Project (Stage 3)

1. This Schedule contains:
 - (a) At Section A, a description of the Project;
 - (b) At Section B, a description of the assessment of potential environmental impacts of the Project;
 - (c) At Section C, the Schedule Requirements for the Project.

A. What is the Princes Highway East Duplication Project?

2. The Princes Highway East Duplication Project duplicates the Princes Highway between Traralgon East and Sale. It is comprised of two main sections in terms of approvals:
 - (a) Princes Highway between Traralgon East and Kilmany; and
 - (b) Princes Highway between Kilmany and Sale.
3. The Project Incorporated Document for the section of the Princes Highway East Duplication Project between Traralgon East and Kilmany is the Princes Highway Duplication: Traralgon East to Kilmany Incorporated Document dated November 2012, as amended from time to time (**Princes Highway East Duplication Project Incorporated Document**).
4. There is no Project Incorporated Document for the section of the Princes Highway East Duplication Project between Kilmany and Sale. Planning approval was obtained through two planning scheme amendments, being:
 - (a) Wellington Planning Scheme Amendment C54, which was approved and published in the Government Gazette on 21 January 2010 (**Amendment C54**); and
 - (b) Wellington Planning Scheme Amendment C111, which was approved and published in the Government Gazette on 15 April 2021.
5. The Princes Highway East Duplication Project is being carried out on:
 - (a) for the section of the Princes Highway East Duplication Project between Traralgon East and Kilmany, the Project Land; and
 - (b) for the section of the Princes Highway East Duplication Project between Kilmany and Sale, the land associated with the construction of the Princes Highway duplication between Sale and Templeton Road, Kilmany as shown in the map of the Public Acquisition Overlay Schedule 1 or Road Zone Category 1, as described in the Schedule to Clause 52.17 of the Wellington Planning Scheme.

6. The Princes Highway East Duplication Project is:
 - (a) the use and development of the Project Land in accordance with the Princes Highway East Duplication Project Incorporated Document; and
 - (b) works associated with the construction of a dual carriageway of Princes Highway between Sale and Templeton Road, Kilmany, for the land described in 5(b).
7. The following parts of the Princes Highway East Duplication Project have already been completed:
 - (c) the duplication of the Princes Highway at Traralgon East 1, Traralgon East 2, Flynn to Rosedale, Nambrok 1, Fulham 1, and Wurruk to Sale, which was funded as part of Stage 1 of the Princes Highway East Duplication Project and completed in December 2016; and
 - (d) the duplication of the Princes Highway at Traralgon East 3, Nambrok 2, and Fulham 2, which was funded as part of Stage 2 of the Princes Highway East Duplication Project and completed in December 2018.
8. Stage 3 of the Princes Highway East Duplication Project, which is the duplication of the Princes Highway East at Flynn, Kilmany and Kilmany East (**Princes Highway East Duplication Project – Stage 3**), is the portion of the Princes Highway East Duplication Project to which this Code applies.

B. How were the potential environmental impacts of the Princes Highway East Duplication Project assessed?

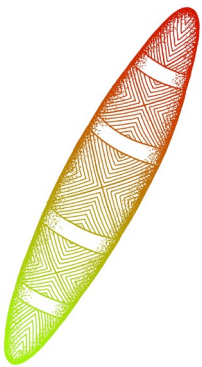
9. For the section of the Princes Highway East Duplication Project between Traralgon East and Kilmany, prior to the Princes Highway East Duplication Project Incorporated Document being approved, the potential environmental impacts of the Princes Highway East Duplication Project were assessed in the:
 - (a) EES for the Princes Highway East Project, dated January 2012;
 - (b) Inquiry and Advisory Committee Report, dated 15 June 2012; and
 - (c) the Minister for Planning's assessment under the EE Act, dated September 2012.
10. Pursuant to clause 5.2 of the Princes Highway East Duplication Project Incorporated Document for the Princes Highway East Duplication Project, prior to the commencement of any buildings or works associated with the project, an EMF must be endorsed by the Secretary of the Department of Planning and Community Development [now Department of Sustainability and Environment] (or delegate).

11. For the section of the Princes Highway East Duplication Project between Kilmany and Sale, prior to approval and gazettal of Amendment C54, the potential environmental impacts of the Princes Highway East Duplication Project were assessed via a planning scheme amendment process.

C. Schedule Requirements

12. A person that is undertaking a Design or Construction Activity in relation to the Princes Highway East Duplication Project – Stage 3 will be taken to have discharged their duty under section 25(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
 - (a) Project Environment Protection Strategy – Princes Highway East Duplication – Traralgon East to Wurruk dated 16 September 2020, as amended from time to time (**Princes Highway East Duplication Project PEPS**); and
 - (b) for the portion of the Princes Highway East Duplication Project at:
 - (i) Flynn, the following parts of the Princes Highway East Duplication - Traralgon to Sale (Stage 3) - Flynn Section Contract (Contract No. 1142) dated 22 April 2021:
 1. section 1200 of the Project Specific Specification; and
 2. section 1200 of the General Specification,**(Relevant PHED Flynn Contract Clauses);**
 - (ii) Kilmany East, the following parts of the Princes Highway East Duplication - Traralgon to Sale (Stage 3) - Kilmany East Section Contract (Contract No. 1141) dated 22 April 2021:
 1. section 1200 of the Project Specific Specification; and
 2. section 1200 of the General Specification,**(Relevant PHED Kilmany East Contract Clauses); or**
 - (iii) Kilmany, the following parts of the Princes Highway East Duplication - Traralgon to Sale (Stage 3) - Kilmany Section Contract (Contract No. 1140) dated 21 May 2021:
 1. section 1200 of the Project Specific Specification; and
 2. section 1200 of the General Specification,**(Relevant PHED Kilmany Contract Clauses).**

13. A person that is undertaking a Design or Construction Activity in relation to the Princes Highway East Duplication Project – Stage 3 will be taken to have discharged their duty under section 39(1) of the Act in undertaking the Design or Construction Activity if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the duty:
- (a) Princes Highway East Duplication Project PEPS; and
 - (b) for the portion of the Princes Highway East Duplication Project at:
 - (i) Flynn, the Relevant PHED Flynn Contract Clauses;
 - (ii) Kilmany East, the Relevant PHED Kilmany East Contract Clauses; or
 - (iii) Kilmany, the Relevant PHED Kilmany Contract Clauses.
14. A person that is undertaking a Design or Construction Activity in relation to the Princes Highway East Duplication Project – Stage 3 will be taken to have complied with their obligation under section 166 not to emit Non-Prescribed Unreasonable Noise and not to permit Non-Prescribed Unreasonable Noise to be emitted if they comply with the requirements of the following documents, insofar as the requirements of these documents are relevant to the obligation:
- (a) Princes Highway East Duplication Project PEPS; and
 - (b) for the portion of the Princes Highway East Duplication Project at:
 - (i) Flynn, the Relevant PHED Flynn Contract Clauses;
 - (ii) Kilmany East, the Relevant PHED Kilmany East Contract Clauses; or
 - (iii) Kilmany, the Relevant PHED Kilmany Contract Clauses.



EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders, past and present.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.



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