STATE PROJECTS

Purpose
To facilitate the development and delivery of projects by or on behalf of, or jointly or in partnership with, or funded by the State of Victoria or a public authority, or on Crown land.
To prioritise the planning and assessment of those state projects to support Victoria’s economic recovery from the coronavirus (COVID-19) pandemic.

Application
This clause applies to the use or development of land declared by the Minister for Planning under clause 52.30-2 to be a state project.

In this clause:

- **Director of Housing** means ‘Director of Housing’ as defined in the *Housing Act 1993* and the body corporate established under the *Housing Act 1993*;

- **green wedge land** has the same meaning as in Division 1 of Part 3AA of the Act;

- **Guidelines** means the *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, December 2017);

- **levy area** has the same meaning as in the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*;

- **Secretary** means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

State project decision
The exemption in clause 52.30-3 applies if the Minister is satisfied that a proposed use or development is a state project which:

- will be:
  - carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
  - funded, or partly funded by, the State of Victoria or a public authority; or
  - carried out on Crown land;

- will support Victoria’s economic recovery from the impact of the coronavirus (COVID-19) pandemic;

- is consistent with any Great Ocean Road strategic framework plan, Statement of Planning Policy or Yarra Strategic Plan that applies to the land;

- will not subdivide green wedge land into more lots or into smaller lots than allowed for by this planning scheme;

- is consistent with any approved regional strategy plan under Part 3A of the Act and any approved strategy plan under Part 3C or Part 3D of the Act; and

- does not form part of public works declared under section 3, or works subject to a notice under section 8B(4)(a)(i), or does not require an environment effects statement under the *Environment Effects Act 1978*.

In deciding whether a proposed use or development of land is a state project, the Minister for Planning may, where relevant:

- Consider the objectives of planning in Victoria.
- Have regard to any relevant Minister's directions.
- Have regard to the *Victoria Planning Provisions*.
- Take into account any significant effects which the Minister considers the proposed use or development may have on the environment or which the Minister considers the environment may have on the proposed use or development.
- Take into account any significant social effects and economic effects which the Minister considers the proposed use or development may have.
- Consider any existing specific control under clause 45.12 or 51.01 that applies to the proposed use or development.

The Minister for Planning's decision under this clause that a proposed use or development of land is state project must not be made after 30 June 2025.

### Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use or development of land determined by the Minister for Planning under clause 52.30-2 to be a state project if the requirements of clause 52.30 are met.

This exemption does not apply to the following:

- The subdivision of green wedge land into more lots or into smaller lots than allowed for by this planning scheme.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.
- A use or development carried out by or on behalf of, or jointly or in partnership with, the Director of Housing.
- A use or development to which clause 52.03 applies.
- A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

### Consultation requirements

Before the use or development commences:

- Public consultation, including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed use or development will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and the feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

### Other pre-commencement requirements

Before the use or development commences, the following plans, documents and information must be prepared and submitted to the satisfaction of the Minister for Planning:
- A plan that shows the boundary of the land on which the use or development will be carried out.

- A site and context description that accurately describes and analyses the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the land and surrounding area, including any existing use and development.

- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the land, and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.

- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.

- A report that addresses how the proposed use or development responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development but for the exemption in clause 52.30-3.

- A schedule of works and development including staging and the expected commencement and completion times.

- If the Minister for Planning has decided that an assessment under the Environment Effects Act 1978 is not required for the proposed development and the Minister’s decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.

- A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.

- If the proposed use or development would require a permit but for the exemption in clause 52.30-3 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.

- A report that demonstrates that the environmental conditions of the land are or will be suitable for the proposed use or development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.

- Any other plan, document or information the Minister for Planning considers necessary to assist the Minister’s assessment of the proposed use or development or the plans and documents required to be prepared under this clause.

The requirements of this clause may be:

- Satisfied in separate components or stages of a use or development, but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

- May be varied or waived by the Minister for Planning.

The plans and other documents required by this clause may be amended during the use or development to the satisfaction of the Minister for Planning.
Native vegetation requirements

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with application requirements in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.
- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The Secretary may vary the timing of the offset requirement.

The secured offset for a state project to which this clause applies may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with application requirements in Tables 4 and 5 (other than requirement 9) of the Guidelines must be prepared to the satisfaction of the Secretary.

The information requirements of this clause may be varied or waived by the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.