

LEGISLATIVE COUNCIL

SUBURBAN RAIL LOOP BILL 2021

(Amendments and New Clauses to be proposed in Committee by Mr DAVIS)

1. Clause 53, page 44, lines 4 to 6, omit all words and expressions on these lines.

NEW CLAUSE

2. Insert the following New Clause to follow clause 64—

"64A Authority must consult certain Councils

- (1) The Authority must consult every Council specified under subsection (2) and all the Councillors of those Councils in relation to—
 - (a) the effect on the use or development of land within the municipal district of the Council of—
 - (i) any Suburban Rail Loop planning area declaration; or
 - (ii) any future Suburban Rail Loop planning area declaration that is reasonably expected to be made, having regard to the Suburban Rail Loop program; and
 - (b) the planning and integration of Suburban Rail Loop projects with activity centres, precincts, non-transport infrastructure, transport infrastructure and other land use planning in the municipal district of the Council.
- (2) For the purposes of subsection (1), the following Councils are specified—
 - (a) Banyule City Council;
 - (b) Brimbank City Council;
 - (c) Darebin City Council;
 - (d) Hume City Council;
 - (e) Kingston City Council;
 - (f) Manningham City Council;
 - (g) Monash City Council;
 - (h) Moreland City Council;
 - (i) Whitehorse City Council;
 - (j) Wyndham City Council.
- (3) After consulting an affected Council and the Councillors of that Council under subsection (1), the Authority must prepare a report (an ***integration and master planning report***) in conjunction with the Council that includes—

- (a) details of any agreement between the Authority and the Council in relation to the planning and integration of the Suburban Rail Loop in the municipal district of the Council; and
 - (b) any statements the Council requests to include in the report in relation to the Suburban Rail Loop.
 - (4) An integration and master planning report must be published by the Authority—
 - (a) within 3 years after the day on which this Act receives the Royal Assent; and
 - (b) on its Internet site."
3. Clause 65, after line 12 insert—
- "(2A) Before making a declaration under subsection (1), the Minister must consult every Council in whose municipal district the area of land that is to be the subject of the declaration is situated and all the Councillors of those Councils.
- (2B) A person specified under subsection (2C) must not require a Council or a Councillor of the Council that the Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation.
- (2C) For the purposes of subsection (2B), the following persons are specified—
- (a) the Minister;
 - (b) the Secretary;
 - (c) the Authority;
 - (d) the chief executive officer;
 - (e) the chairperson;
 - (f) the deputy chairperson;
 - (g) a director or group of directors of the Authority;
 - (h) a member of staff;
 - (i) an employee in the Department;
 - (j) a delegate of the Secretary;
 - (k) a delegate of the Authority."
4. Clause 65, after line 17 insert—
- "(3A) If the Minister declares an area of land to be a Suburban Rail Loop planning area that is outside a radius of 600 metres from a proposed or likely station entrance of a railway station that is to be constructed under a Suburban Rail Loop project, the Minister must publish a statement of reasons for the proposed boundaries of the Suburban Rail Loop planning area—
- (a) in the Government Gazette; and

- (b) on the Department's Internet site."
5. Clause 65, after line 25 insert—
- "(5) A Suburban Rail Loop planning area declaration may be disallowed by either House of Parliament."
6. Clause 72, page 57, after line 3 insert—
- "(4) If the Premier declares a development or proposed development to be a Suburban Rail Loop project on an area of land with land outside a radius of 600 metres from a proposed or likely station entrance of a railway station that is to be constructed under the Suburban Rail Loop project, the Premier must publish a statement of reasons as to why the development or proposed development is required to be on that area of land—
- (a) in the Government Gazette; and
- (b) on the Department's Internet site.
- (5) A Suburban Rail Loop project declaration may be disallowed by either House of Parliament."
7. Clause 78, line 4, omit "Parts 5, 6, 7 and 9 of".
8. Clause 78, line 6, omit "apply" and insert "(other than Part 2 of that Act) applies".
9. Clause 78, after line 30 insert—
- "(fa) a reference to a project proponent under that Act is to be read as a reference to the Authority; and
- (fb) a reference to a project proposal under that Act is to be read as a reference to the Suburban Rail Loop project described in the Suburban Rail Loop project declaration; and".

NEW CLAUSE

10. Insert the following New Clause to follow clause 85—
- "85A Ministerial code of practice relating to ex-gratia payments for, and purchases of, land affected by Suburban Rail Loop program**
- (1) The Minister must prepare a code of practice that sets out the method by which, and the principles under which—
- (a) any ex-gratia payments are made by the State to persons with interests in land the use of which is significantly affected by—
- (i) a Suburban Rail Loop declaration; or
- (ii) an amendment to a planning scheme approved under the **Planning and Environment Act 1987** relating to the Suburban Rail Loop program; or
- (b) the State or the Authority acquires (other than under the **Land Acquisition and Compensation Act 1986**) an interest in land the use of which is significantly affected by—

- (i) a Suburban Rail Loop declaration; or
 - (ii) an amendment to a planning scheme approved under the **Planning and Environment Act 1987** relating to the Suburban Rail Loop program.
 - (2) A code of practice prepared under subsection (1) must be published—
 - (a) in the Government Gazette; and
 - (b) on the Department's Internet site.
 - (3) A code of practice prepared under subsection (1) may be disallowed by either House of Parliament."
11. Clause 123, omit this clause.
 12. Clause 124, omit this clause.
 13. Clause 125, lines 10 to 17, omit all words and expressions on these lines and insert—
 - “(1A) If the amendment or a part of an amendment applies to land to which a Suburban Rail Loop planning area declaration applies, the Minister must consult every municipal council in whose municipal district land subject to the amendment or a part of the amendment is situated, and all the councillors of those councils, before approving or refusing to approve the amendment or part of the amendment.
 - (1AB) A person specified under subsection (1AC) must not require a municipal council or a councillor of the municipal council that the Minister consults under subsection (1A) to enter a confidentiality agreement in relation to the consultation.
 - (1AC) For the purposes of subsection (1AB), the following persons are specified—
 - (a) the Minister;
 - (b) the Secretary to the Department of Transport;
 - (c) the Suburban Rail Loop Authority;
 - (d) the chief executive officer (within the meaning of the **Suburban Rail Loop Act 2021**);
 - (e) the chairperson (within the meaning of the **Suburban Rail Loop Act 2021**);
 - (f) the deputy chairperson (within the meaning of the **Suburban Rail Loop Act 2021**);
 - (g) a director or group of directors of the Suburban Rail Loop Authority;
 - (h) a member of staff (within the meaning of the **Suburban Rail Loop Act 2021**);
 - (i) an employee in the Department of Transport;
 - (j) a delegate of the Secretary to the Department of Transport;

(k) a delegate of the Suburban Rail Loop Authority.'.

14. Clause 126, omit this clause.
15. Clause 143, page 107, line 17, omit "circumstances" and insert 'circumstances.'.
16. Clause 143, page 107, lines 18 to 33, omit all words and expressions on these lines.
17. Clause 145, lines 12 to 19, omit all words and expressions on these lines.
18. Clause 145, line 20, omit "(3)" and insert '(2)'.
19. Clause 151, lines 20 to 25, omit all words and expressions on these lines.
20. Clause 186, after line 24 insert—
 - "(2A) Before the Project Minister makes a recommendation referred to in subsection (2), the Project Minister must consult every Council in whose municipal district the underground land is situated and all the Councillors of those Councils.
 - (2B) The Project Minister must not require a Council or a Councillor of the Council that the Project Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation."
21. Clause 186, page 130, after line 19 insert—
 - "(2A) Before the Project Minister makes a recommendation referred to in subsection (2), the Project Minister must consult every Council in whose municipal district the stratum of land is situated and all the Councillors of that Council.
 - (2B) The Project Minister must not require a Council or Councillor that the Project Minister consults under subsection (2A) to enter a confidentiality agreement in relation to the consultation."
22. Clause 187, lines 17 and 18, omit "for loss of market value in accordance with this section" and insert "in accordance with the **Land Acquisition and Compensation Act 1986**".
23. Clause 187, lines 19 to 34, and page 132, lines 1 to 20, omit all words and expressions on these lines.