

**BRIMBANK PLANNING SCHEME**  
**CASEY PLANNING SCHEME**  
**CARDINIA PLANNING SCHEME**  
**GLEN EIRA PLANNING SCHEME**  
**GREATER DANDENONG PLANNING SCHEME**  
**HUME PLANNING SCHEME**  
**KINGSTON PLANNING SCHEME**  
**MARIBYRNONG PLANNING SCHEME**  
**MELBOURNE PLANNING SCHEME**  
**MELTON PLANNING SCHEME**  
**MONASH PLANNING SCHEME**  
**STONNINGTON PLANNING SCHEME**  
**WHITTLESEA PLANNING SCHEME**  
**YARRA PLANNING SCHEME**  
**AMENDMENT GC96**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Melbourne Metro Rail Authority (MMRA), an administrative office in the Department of Economic Development, Jobs, Transport and Resources.

**Land affected by the amendment**

The amendment applies to land in the municipalities of Brimbank, Casey, Cardinia, Glen Eira, Greater Dandenong, Hume, Kingston, Maribyrnong, Melbourne, Melton, Monash, Stonnington, Whittlesea and Yarra, which will be used and developed for the Metro Rail Network Upgrade (the Upgrade Works), as shown on the maps in the *Metro Rail Network Upgrade Incorporated Document, May 2018* (Upgrade Land).

**What the amendment does**

The amendment changes the Brimbank, Casey, Cardinia, Glen Eira, Greater Dandenong, Hume, Kingston, Maribyrnong, Melbourne, Melton, Monash, Stonnington, Whittlesea and Yarra planning schemes to:

- Amend the Schedule to Clause 52.03 – Specific Sites and Exclusions to facilitate planning approval for the Metro Rail Network Upgrade in accordance with the specific control in the *Metro Rail Network Upgrade Incorporated Document, May 2018*.
- Amend the Schedule to Clause 61.01 – Administration and Enforcement of this Scheme to make the Minister for Planning the responsible authority for the provisions which apply to the use and development of land for the purposes of the Upgrade Works.
- Amend the Schedule to Clause 81.01 – Documents Incorporated in the Scheme to insert an incorporated document *Metro Rail Network Upgrade Incorporated Document, May 2018*.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

This amendment is required to facilitate the timely, coordinated and consistent delivery of the Upgrade Works.

The Metro Tunnel Project (MTP) is an \$11b investment delivering twin nine-kilometre rail tunnels from the west of the city to the south-east as part of a new Sunbury to Cranbourne/Pakenham line. The MTP will create additional capacity in the inner core of the metropolitan rail network, allowing more trains from the broader network to access inner Melbourne. It is supported by:

- five new underground stations at North Melbourne, Parkville, State Library (at the northern end of Swanston Street), Town Hall (at the southern end of Swanston Street) and Anzac (on St Kilda Road)
- High Capacity Signalling (HCS) to maximise the efficiency of the new fleet of the new High Capacity Metro Trains (HCMTs); and
- a train/tram interchange between Anzac Station and the Domain Interchange.

Further network enhancements are required to capitalise on the additional capacity afforded by the MTP and are considered essential for day one operations of the MTP. These network enhancements are generally located along the Sunbury – Dandenong line and parts of the Sandringham and South Morang lines and will be delivered under the following categories of works:

- Rail infrastructure: general track, civil, combined services route, signalling and overhead wiring works along the corridor, to support the uplift in service levels enabled by the MTP; platform extension and stabling works on the Sunbury line to accommodate the operation of the new HCMTs, which are longer than the trains currently operating across the network; and traction power upgrades. These works will be located along the Sunbury – Dandenong line and part of the Sandringham line.
- Rail systems:
  - design and installation of new HCS signalling infrastructure along the Sunbury – Dandenong line, including the provision of a new Control Centre at Sunshine
  - design and installation of temporary signalling infrastructure along the South Morang line, from Epping to South Morang to enable initial testing of the HCS

The amendment is necessary to facilitate the Upgrade Works, which will provide a significant benefit to Melbourne’s transport system, by bringing all the approval requirements related to the Upgrade Works into one framework under the various planning schemes. The amendment will allow the use and development of land for the purposes of the Upgrade Works in accordance with the *Metro Rail*

*Network Upgrade Incorporated Document, May 2018*, obviating the need for individual permits from 14 councils.

The *Metro Rail Network Upgrade Incorporated Document, May 2018* provides conditions, including an environmental management framework, to be prepared to the satisfaction of the Minister for Planning before relevant works (other than preparatory works) may commence.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment supports the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*. The following objectives are particularly relevant to the amendment:

- to provide for the fair, orderly, economic and sustainable use, and development of land.
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- to balance the present and future interests of all Victorians.

The amendment ensures that the benefits of the MTP will be delivered through a series of crucial rail network enhancements. The MTP will increase the capacity, reliability and efficiency of the rail network and provide a critical foundation for future expansions to the rail network in response to Melbourne's growing population.

The amendment introduces a planning framework to ensure that any environmental, social and economic effects of the Upgrade Works are appropriately managed and mitigated.

### **How does the Amendment address any environmental, social and economic effects?**

A number of technical assessments have been undertaken to assess the potential environmental, social and economic effects of the Upgrade Works. These studies included flora and fauna, water, soil contamination, noise, historical heritage and cultural heritage. These technical assessments informed a self-assessment undertaken by MMRA of the criteria under the *Environment Effects Act 1978*, which determined that a written referral to the Minister for Planning, requesting a decision on whether an Environment Effects Statement was not required.

The assessments have informed the requirement for a number of documents that must be prepared to the satisfaction of the Minister for Planning before relevant works (other than preparatory works) may commence:

- Environmental Management Framework (EMF): The EMF provides a transparent framework with clear accountabilities for managing environmental effects and hazards associated with construction and operation phases of the Upgrade Works, to achieve acceptable environmental outcomes.
- Native Vegetation: Details of native vegetation removal must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, December 2017) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning (DELWP), except as otherwise agreed by the Secretary to DELWP.

- Heritage management: Conditions have been included in the incorporated document to reflect where a planning permit would be required under the relevant planning schemes for buildings and works or demolition or removal of a building within a Heritage Overlay.

Noise: A noise assessment was undertaken for all the planned rail infrastructure works associated with the project outside of the already approved project boundary for the MTP (as per *Melbourne Metro Rail Project Incorporated Document, May 2017*). The assessment predicts that noise mitigation measures are not needed for operational rail noise to comply with the relevant noise policies. For some of the rail infrastructure work compliance with State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1 (SEPP N-1) is required. Any noise measures required will be covered by the environmental performance requirements in the proposed EMF and no additional condition is required as part of the incorporated document.

- Flood management: To ensure the determining referral requirements for applications to the relevant authority under the Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay remain, a condition is contained within the incorporated document to ensure works within these zones and overlays are undertaken to the satisfaction of relevant authority.

The preparation and approval of a Cultural Heritage Management Plan (CHMP) is also required for the Upgrade Works in accordance with the *Aboriginal Heritage Act 2006*. Works will be undertaken in accordance with the *Aboriginal Heritage Act 2006* and the conditions and contingencies set out in the CHMP.

The Upgrade Works have been designed in line with principles and social and environmental equity. In supporting the delivery of the benefits of the MTP, it will also deliver an uplift in services between Sunbury and Cranbourne and Pakenham, connecting people and jobs to the city centre and across the city.

#### **Does the Amendment address relevant bushfire risk?**

The amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions. The following Minister's Directions are relevant to this amendment:

##### Ministerial Direction on the Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

##### Ministerial Direction No. 1 – Potentially Contaminated Land

The incorporated document requires the preparation of an EMF which will include measures to manage potentially contaminated land within the Upgrade Land, and ensure the environmental condition of the land is suitable for the future intended use. The amendment does not contemplate the rezoning of any land or the enablement of sensitive uses on potentially contaminated land.

##### Ministerial Direction No. 9 Metropolitan Planning Strategy

The metropolitan planning strategy, *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (DELWP 2017) (Plan Melbourne), sets out a long-term framework for the future growth and development of Melbourne. The relevant directions of the strategy are:

- Direction 1.6 – Enable an investment pipeline of transit-oriented development and urban renewal.

- Direction 3.1 – Transform Melbourne’s transport system to support a more productive central city.
- Direction 3.2 – Improve access to job-rich areas across Melbourne and strengthen transport networks in existing suburbs.

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* as it supports these key concepts by addressing the pressures associated with population growth, including congestion on road and public transport infrastructure, accessibility and providing adequate infrastructure and services in a timely and equitable manner.

Plan Melbourne acknowledges the need for Melbourne’s train network to grow so that it can continue to support the productivity of Melbourne and service the needs of a growing population. The amendment supports the MTP, which is identified as a ‘*critical step towards evolving the train network into a metro-style system*’ (Policy 3.1.1). The metro-style rail system has many benefits including a higher frequency of trains, easy interchange with other forms of public transport and other rail lines, stand-alone, end-to-end lines that prevent service disruptions across lines. The amendment improves public transport to provide access to job-rich areas and increases local travel options which will increase social and economic participation.

#### Ministerial Direction No. 11 Strategic Assessment of Amendments

The amendment has been prepared in accordance with *Ministerial Direction No. 11 Strategic Assessment of Amendments*.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment supports and implements the State Planning Policy Framework as follows:

##### Settlement

Clause 11 (Settlement) recognises the role of planning to anticipate and respond to the needs of existing and future communities through provision of infrastructure that would support accessibility, land use and transport integration and economic viability.

The Upgrade Works supports the operation of the MTP, which encourages the build-up of activity centres, and concentration of activities that provide a variety of land uses and are highly accessible to the community (Clause 11.03 Activity centres). The Upgrade Works will help to connect activity centres and build them up as a focus for high-quality development, activity and living for the whole community.

Clause 11.06-3 (Integrated Transport) seeks to provide an integrated transport system connecting people to jobs and services, and goods to market. This clause supports the establishment of the MTP as it will encourage the use of sustainable transport modes through providing better connectivity and improved economic viability.

##### Environment and Landscape Values

The Upgrade Works is mostly confined to the existing rail corridor where land is highly modified. However, conditions in the incorporated document are designed to protect biodiversity where practicable (Clause 12.01 Biodiversity) as well as protect environmentally sensitive areas including the Yarra and Maribyrnong Rivers (Clause 12.04-1 Environmentally Sensitive Areas, Clause 12.05 Rivers).

The incorporated document includes a condition that requires any vegetation removal to have regard to the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, December 2017) except as otherwise agreed by the Secretary to DELWP.

The EMF outlines how the Upgrade Works will manage risk to reduce and manage environmental effects during construction (Clause 13 Environmental Risk). The conditions in the incorporated document will ensure any impact on the Maribyrnong River floodplain and potentially contaminated land are addressed in the EMF (Clause 13.02 Floodplains, Clause 13.03 Soil Degradation). Baseline noise and air conditions (Clause 13.04 Noise and Air) will be addressed where required as part of the EMF.

## Water

The Upgrade Works has been designed to ensure works near waterways are undertaken to minimise impacts on the catchment and on the quality of water (Clause 14.02 Water).

## Built Environment and Heritage

This Upgrade Works will support the ongoing implementation of the MTP and the positive outcomes of that Upgrade Works, including the integration of land use and transport (Clause 15.02 Sustainable Development).

Places of heritage significance, both state and local, as well as Aboriginal heritage have been conserved and respected as part of the Upgrade Works and any necessary approvals sought under the relevant legislation (Clause 15.03 Heritage).

## Transport

The Upgrade Works will support the use of more sustainable personal transport by increasing the capacity and reliability of the public transport system (Clause 18.01 Integrated Transport, Clause 18.02 Movement Networks).

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment will support the delivery of the MTP, a project of significance to the whole of Melbourne. In that context, the Upgrade Works will also facilitate delivery of local planning policy objectives, both through the creation of the new public transport infrastructure following completion of the Upgrade Works, and in the manner of its construction.

The Local Planning Policies, including the MSSs for each of the municipalities, contain a broadly consistent planning framework relevant to the Upgrade Works directed to encouraging improvements in infrastructure, protecting heritage, increasing public transport options and services, improving connectivity to employment centres and sustainable travel options. The amendment supports and implements the intent of those policies.

The controls in the amendment will require the Upgrade Works to be designed to ensure the character of each locality, including heritage and landscape values, are protected as far as practicable, while at the same time facilitating the Upgrade Works.

The relevant Local Planning policies in each scheme include:

#### Brimbank City Council

- 21.03 (Strategic Land Use Vision)
- 21.10 (Transport and Infrastructure)

#### Cardinia Shire Council

- Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision)
- Clause 21.02 (Environment)
- Clause 21.04 (Economic Development)
- Clause 21.05 (Infrastructure)

#### Casey City Council

- Clause 21.03 (Vision – Strategic Framework)
- Clause 21.05 (The Built-up Area)

- Clause 21.11 (Employment)
- Clause 21.13 (Accessibility)

Glen Eira City Council

- Clause 21.03 (Vision – Strategic Framework)
- Clause 21.10 (Heritage)
- Clause 21.12 (Transport)
- Clause 22.01 (Heritage Policy)

Greater Dandenong City Council:

- Clause 21.03 (A Vision for Greater Dandenong)
- Clause 21.07 (Infrastructure and Transportation)
- Clause 22.07 (Central Dandenong Local Policy)

Hume City Council

- Clause 21.06 (Economic Development)
- Clause 21.07 (Transport Connectivity and Infrastructure)

Kingston City Council

- Clause 21.04 (Vision)
- Clause 21.12 (Transport, Movement and Access)

Maribyrnong City Council

- Clause 21.03 (Council Vision)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)

Melbourne City Council

- Clause 21.03 (Vision)
- Clause 21.05 (Environment and Landscape Values)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Infrastructure)
- Clause 22.04 (Heritage Places within the Capital City Zone)

Melton City Council

- Clause 22.04 (Urban Development Policy)
- Clause 22.07 (Transport and Movement Policy)

Monash City Council

- Clause 21.03 (A Vision for Monash)

- Clause 21.05 (Economic Development)
- Clause 21.06 (Activity Centres)
- Clause 21.08 (Transport and Traffic)
- Clause 21.11 (Physical Infrastructure)
- Clause 21.12 (Heritage)
- Clause 21.13 (Sustainability and Environment)
- Clause 22.07 (Heritage Policy)

Stonnington City Council:

- Clause 21.03 (Vision)
- Clause 21.04 (Economic Development)
- Clause 21.06 (Built Environment and Heritage)
- Clause 21.07 (Open Space and Environment)
- Clause 21.08 (Infrastructure)
- Clause 22.04 (Heritage Policy)

Whittlesea City Council:

- Clause 21.03 (Council Vision and Strategic Framework)
- Clause 21.05 (Environment and Landscape Values)
- Clause 21.11 (Transport)

Yarra City Council

- Clause 21.03 (Vision)
- Clause 21.05 (Built Form)
- Clause 21.06 (Transport)
- Clause 21.07 (Environmental Sustainability)
- Clause 22.08 (Protection of Biodiversity)

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment uses the schedule to Clause 52.03 and Clause 81.01 of the relevant planning schemes to facilitate the project. The purpose of Clause 52.03 is to provide specific controls designed to achieve a particular land use and development outcome in a manner that would otherwise be restricted under the planning scheme. The site-specific controls are detailed in the associated incorporated document and allow the use and development of the land in the project area for the purposes of the project, as of right, in accordance with the conditions in incorporated document.

### **How does the Amendment address the views of any relevant agency?**

MMRA has undertaken consultation with all municipalities, State agencies and other stakeholders affected by Amendment GC96 as follows:

- Brimbank City Council



- Cardinia Shire Council
- Casey City Council
- Glen Eira City Council
- Greater Dandenong City Council
- Hume City Council
- Kingston City Council
- Maribyrnong City Council
- Melbourne City Council
- Melton City Council
- Monash City Council
- Stonnington City Council
- Whittlesea City Council
- Yarra City Council
- Department of Environment, Land, Water and Planning
- Melbourne Water
- Aboriginal Victoria
- Transport for Victoria
- VicTrack
- Level Crossing Removal Authority
- Western Distributor Authority

**Does the Amendment address relevant requirements of the *Transport Integration Act 2010*?**

The *Transport Integration Act 2010* requires interface bodies to have regard to the transport system objectives, the decision-making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

The amendment is necessary to facilitate the Upgrade Works which will provide a significant benefit to the transport system.

The transport system objectives are set out in Part 2, Division 2 of the *Transport Integration Act 2010* and include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing.

The decision-making principles are set out in Part 2, Division 3 of the *Transport Integration Act 2010* and include the principles of integrated decision making, triple bottom line assessment, equity, transport system user perspective, precautionary principle, stakeholder engagement and community participation and transparency.

The amendment was prepared having regard to the transport system objectives and decision-making principles under the *Transport Integration Act 2010*.

The amendment facilitates the delivery of infrastructure that will increase the capacity, reliability and efficiency of the rail network thereby providing improved access to social, economic and employment

opportunities via a sustainable mode of transport. The amendment introduces a planning framework to, among other things, ensure the Upgrade Works is appropriately designed to enhance safety, functionality and usability.

#### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

These provisions are not expected to have a significant impact on the resource and administrative costs of the Minister for Planning as responsible authority.

#### **Where you may inspect this Amendment**

The Amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).