
Metro Rail Network Upgrade

Incorporated Document

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAY 2018

1.0 INTRODUCTION

- 1.1. This document is an incorporated document in the Brimbank, Casey, Cardinia, Glen Eira, Greater Dandenong, Hume, Kingston, Maribyrnong, Melbourne, Melton, Monash, Stonnington, Whittlesea and Yarra Planning Schemes (Planning Schemes) and is made pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.
- 1.2. The land identified in Clause 3 of this incorporated document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3. The control in this document prevails over any contrary or inconsistent provision in the Planning Schemes.

2.0 PURPOSE

- 2.1 The purpose of the control in this document is to permit and facilitate the use and development of land described in Clause 3 for the purposes of upgrades to the Melbourne metropolitan rail network (Upgrade Works), in accordance with Clauses 4 and 5.

3.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land required for the Upgrade Works, as shown on the maps at Appendix 1, and described as the Upgrade Land.

4.0 CONTROL

Exemption from Planning Scheme Requirements

- 4.1 Despite any provision to the contrary or any inconsistent provision in the Planning Schemes, no planning permit is required for, and no provision in the Planning Schemes operates to prohibit, control or restrict the use or development of land described in Clause 3 for the purposes of the Upgrade Works.
- 4.2 The subdivision of any part of the Upgrade Land is exempt from a public open space contribution under clause 52.01 of the Planning Schemes and the subdivision of the Upgrade Land is a class that is exempt from any public open space requirement under the *Subdivision Act 1988*.
- 4.3 The use and development of the Upgrade Land for the purposes of, or related to, the Upgrade Works includes, but is not limited to:
 - a) Use and development of the Upgrade Land for a *Railway* or *Railway station*, including the subdivision and consolidation of land, ancillary use and development such as a train stabling facility, roads, cuttings, batters and fill, communications, signalling, electrical infrastructure, and public transport related infrastructure.

- b) Use and development of the Upgrade Land for ancillary activities to the use and development described in Clause 4.3a) including, but not limited to:
 - i. Use and development of lay down areas for construction purposes.
 - ii. Use and development of temporary site workshops, storage, administration and amenities buildings, vehicle parking areas and access roads.
 - iii. Constructing fences, temporary sites barriers and site security.
 - iv. Displaying signs.
 - v. Removing, destroying and lopping trees and removing vegetation, including native vegetation.
 - vi. Demolishing and removing buildings and works.
 - vii. Carrying out works to alter watercourses.
 - viii. Constructing and carrying out works to create bunds, mounds and landscaping, and to alter drainage and utilities.
 - ix. Creating or altering access to a road in a Road Zone
- c) Any use or development that the responsible authority confirms in writing is for the purposes of the project.

4.4 Land uses in italics have the same meaning as in Clause 74 of the Planning Scheme.

Conditions

4.5 The use and development permitted by this document must be undertaken in accordance with the following conditions:

Environmental Management Framework

4.6 Prior to the commencement of any use or buildings or works allowed by this document (excluding buildings and works under Clause 4.14) an Environmental Management Framework (EMF) must be submitted to and approved by the Minister for Planning.

4.7 The EMF must include:

- a) A summary of the project and associated activities.
- b) Environmental Performance Requirements to define the environmental outcomes that must be achieved for the design and construction of the Upgrade Works.

- c) The process and timing for preparation of any plans required by the Environmental Performance Requirements and entity responsible for approval of the plans.
 - d) The monitoring, reporting and auditing processes to ensure compliance with the Environmental Performance Requirements.
- 4.8 The buildings and works allowed by this document must be carried out in accordance with the approved EMF and the approved Environmental Performance Requirements.
- 4.9 The EMF may be prepared and approved in stages or parts and may be amended from time to time with the approval of the Minister for Planning.

Native Vegetation

- 4.10 Where, but for the incorporated document, a planning permit would be required under the relevant planning schemes for the removal, destruction or lopping of native vegetation, details of the proposed removal, destruction or lopping of native vegetation necessary for the construction of the project must be prepared in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 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.

Flood Management

- 4.11 Where, but for this incorporated document, the relevant floodplain management authority would be a referral authority to the proposed buildings and works, the buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

Heritage Management

- 4.12 Prior to the commencement of development (excluding preparatory buildings and works under Clause 4.18) on Upgrade Land affected by the Heritage Overlay, documentation must be prepared to the satisfaction of the responsible authority (except as otherwise agreed by the responsible authority). The documentation must include:
- a) Site plans and elevations showing the proposed development.
 - b) An assessment of the impact of the proposed development on the heritage place.

Creating or altering access to a road in a Road Zone, Category 1

- 4.13 Any buildings or works to create or alter access to a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be undertaken to the satisfaction of the Roads Corporation.

Works where a planning permit would not usually be required under the provisions of the Planning Scheme

- 4.14 Buildings and works, including vegetation removal, that would not require a permit under the provisions of the relevant planning scheme may be undertaken on the Upgrade Land as required.

Other conditions

- 4.15 Plans and other documents listed in Clause 4.0 may be prepared and approved for separate components or stages of the Upgrade Works but, subject to Clause 5.0, each plan or other document must be approved before commencement of works for that component or stage.
- 4.16 The plans and other documents may be amended from time to time to the satisfaction of the responsible authority or relevant approving authority listed in Clause 4.0.
- 4.17 The use and development of land for the project must be undertaken generally in accordance with the approved plans and documents.

Preparatory buildings and works

- 4.18 The following buildings and works may commence in the Upgrade Land before the plans and other documents listed in Clause 4.0 are approved:
- a) Preparatory buildings and works for the Upgrade, including, but not limited to:
 - i. Works, including vegetation removal, where planning approval would not be required under the provisions of the Planning Schemes.
 - ii. Investigating, testing and preparatory works to determine the suitability of land and property condition surveys.
 - iii. Creation and use of construction access points and working platforms.
 - iv. Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.

- v. Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
 - vi. Establishment of environment and traffic controls, including designated 'no-go' zones.
 - vii. Demolition to the minimum extent necessary to enable preparatory works.
 - viii. Establishment of temporary car parking.
 - ix. Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with an approved cultural heritage management plan applicable to project works under the *Aboriginal Heritage Act 2006*.
- b) The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning. Any native vegetation removed to enable preparatory works forms part of the total extent of native vegetation removal necessary for the construction of the project and native vegetation offsets must be provided in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) except as otherwise agreed by the Secretary to DELWP.

5.0 EXPIRY

- 5.1 The control in this Incorporated Document expires if any of the following circumstances applies:
- a) The development allowed by the control is not started by 31 December 2018;
 - b) The development allowed by this control is not completed by 31 December 2028; or
 - c) The use allowed by the control is not started by 31 December 2028.
- 5.2 The Responsible Authority may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

APPENDIX 1 – UPGRADE LAND FOR UPGRADE WORKS

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