

**MELBOURNE METRO RAIL PROJECT ENVIRONMENT EFFECTS STATEMENT**  
**INQUIRY AND ADVISORY COMMITTEE**

**MMRA TECHNICAL NOTE**

**TECHNICAL NOTE NUMBER:** 068  
**DATE:** 5 October 2016  
**PRECINCT:** All Precincts  
**EES/MAP BOOK REFERENCE:** N/A

**SUBJECT:** Response to the 'Matters for further consideration and/or clarification' request dated 12 September 2016  
  
(xii) Planning

**NOTE:**

1. This Technical Note has been prepared to respond to issues raised by the Inquiry and Advisory Committee ("IAC") in the 'Matters for further consideration and/or clarification' request dated 12 September 2016.
2. For ease of reference, this Technical Note sets out each relevant request made by the IAC followed by a response from MMRA.

**Request:**

3. The IAC has requested:  
  
*Further information about the form and content of the Incorporated Document, including substantiation about the various approval processes to apply.*

**Response:**

4. By way of context, relevant background information to the responses in this Technical Note can be found in:
  - a. Technical Note 041, which responded to earlier IAC questions about governance and oversight of the environmental management framework ("EMF") and approval of plans, strategies and guidelines; and

- b. Technical Note 056, which appended the revised draft Incorporated Document dated 5 September 2016; and
    - c. the updated version of the Incorporated Document tabled on 26 September 2016 as Documents 207 (marked version) and 208 (unmarked version).
5. The response in this Technical Note to the IAC's questions is based on the version of the draft Incorporated Document tabled on 26 September 2016.
6. The Incorporated Document includes as Appendix 1 a table titled 'Approval of Plans'. That table is divided into three sections and it identifies:
  - a. The relevant plan;
  - b. The entity responsible for approving the relevant plan; and
  - c. The relevant provision that calls up the requirement for the plan.
7. The first level of the plan hierarchy identified in Appendix 1 is "Strategic framework and Development Plans." These plans and strategies are key documents for the Project, and comprise the Urban Design Strategy, the Development Plans, the Early Works Plans and the Environmental Management Framework ("EMF"). The approval of these plans will be key decisions which set the framework and direction for the overall Project. The MMRA has taken the view that it is appropriate for the Minister for Planning to have the ultimate decision-making power in respect of these documents as it is appropriate under applicable planning legislation. In line with other planning approvals for major projects, it is appropriate for the Minister to approve these documents if the Minister is satisfied with them, whilst leaving the detailed implementation of those documents to project proponents and their contractors.
8. Given that any Development Plans and Early Works Plans must demonstrate compliance with the EMF (including the Environmental Performance Requirements), it follows that the EMF must be approved first by the Minister for Planning. Further, the Development Plans must also demonstrate compliance with the Urban Design Strategy, meaning that document must also be approved prior to any Development Plans.
9. The next level of plan in the hierarchy of Appendix 1 is "Management of broad impacts." The plans falling into this category will set out the contractor's actual means and methods of constructing the Project in accordance with the approved Development Plans/Early Works Plans (and, by necessary implication, the approved Urban Design Strategy) in a manner that complies with the approved EMF.
10. In developing many of the documents, contractors will be required by various EPRs to consult with affected stakeholders and the community, prior to their approval. An appropriate level of consultation with stakeholders, including councils, will therefore be incorporated into the

development of these plans. It is appropriate that MMRA as the authority charged with delivering the Project on behalf of the State of Victoria approve these plans, especially as it has expertise in rail systems and rail project construction. A number of these plans will be the subject of review and approval by the Independent Reviewer (who will have the required level of expertise for this role) under the PPP contract.

11. The final level of the hierarchy is “Technical plans,” which contain plans of covering a specific topic(s) or location(s). Approval by MMRA of these plans is appropriate because these documents typically reflect instances where contractors are implementing the EPRs on technical matters (for instance the plan addressing dust management called up by EPR AQ1), and/or the plan is focused on a particular location (for instance the contingency plan addressing stop work measures for Class 1 emergencies within the Parkville Station Precinct). Prior to MMRA approval and commencement of work, the Independent Environmental Auditor would verify that the contractor has complied with the relevant Environmental Performance Requirements. The role of the Independent Environmental Auditor is discussed in Technical Note 069.
12. MMRA considers that this three-tiered approach provides the appropriate prominence in the planning scheme to those matters which:
  - a. Are of sufficient significance and importance to be dealt with by the Minister for Planning; and
  - b. Those that are appropriately the subject of consideration of, and approval by, MMRA, and subsequent review by the Independent Reviewer.
13. In all cases, by virtue of the requirement to comply with the EPRs and the provisions of the Incorporated Document, contractors performing works under the plans are both accountable for meeting their requirements and subject to enforcement measures to ensure compliance.
14. To assist the IAC’s consideration of draft Planning Scheme Amendment GC45, MMRA has prepared a table which summarises the issues raised by submitters to the IAC that have been considered in the drafting of the updated draft Incorporated Document. That table was tabled on 26 September 2016 as Document 209.

**Request:**

15. The IAC has requested:

*Further submissions regarding the operation of the DDO and why it is the preferred mechanism to protect the project asset in the long term.*

**Response:**

16. The further submissions requested will be provided in the MMRA’s final submissions to the IAC.

**CORRESPONDENCE:**

No correspondence.

**ATTACHMENTS:**

No attachments.