

Melbourne Metro Rail Project

Incorporated Document

May [5 September](#) 2016

1. INTRODUCTION

- 1.1 This document is an Incorporated Document in the Schedule to ~~Clause~~[clause](#) 81 of each of the Melbourne, Port Phillip, Stonnington and Maribyrnong Planning Schemes (**Planning Schemes**) and is made pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (Vic).
- 1.2 This document gives effect to specific controls for the Melbourne Metro Rail Project (**Project**) pursuant to ~~Clause~~[clause](#) 52.03 in the Planning Schemes.
- 1.3 The controls in this Incorporated Document prevail over any contrary or inconsistent provisions in the Planning Schemes.

2. PURPOSE

The purpose of this Incorporated Document is to permit and facilitate the use and development of the Project Land described in ~~Clause~~[clause](#) 3 below for the purposes of the Project, in accordance with the controls in clauses 4, 5 and 6 of this Incorporated Document.

3. LAND DESCRIPTION

This Incorporated Document applies to the land described as Project Land for the Melbourne Metro Rail Project on Maps 1 to 16 (**Project Land**).

4. CONTROL

- 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:
 - a) the use or development of the Project Land, including any ancillary activities described below; and
 - b) the creation, variation or removal of an easement or covenant within or over the Project Land,

for the purposes of, or related to, constructing or maintaining the Project and using any aspect of the Project infrastructure to operate passengers train and tram services.
- 4.2 The Project infrastructure to which this control applies includes, but is not limited to:
 - a) Railway, including twin railway tunnels, about 9km long, between South Kensington and South Yarra, and tunnel portals at those locations
 - b) Underground and above ground railway lines between and adjacent to the tunnel portals
 - c) Underground *railway stations*, retail premises and support structures at Arden, Parkville, CBD North, CBD South and Domain
 - d) Above ground *railway station* works and modifications at West Footscray railway station
 - e) Ventilation structures and systems
 - f) *Utility installation* and services to construct and operate any aspect of the Project, including any Project infrastructure and the operation of passenger trains or trams. Such services include traction energy, communications and rail operating systems
 - g) *Tramway*

- h) Emergency and maintenance access shafts and infrastructure
- i) Bridges, transport interchanges and road works
- j) Earthworks and related structures, kerbs, channels, water quality and soil treatment structures or works, retaining walls, noise and screening barriers, cuttings, batters and fill associated with the Project
- k) Any works or Project infrastructure described in the Environment Effects Statement for the Project.

4.3 Ancillary activities to the use and development of the Project Land for the purpose of, or related to, the Project include, but are not limited to:

- a) Development and use of construction laydown areas for construction purposes
- b) Removing, destroying and lopping trees and vegetation
- c) Demolishing and removing buildings, fixtures, structures and infrastructure
- d) Constructing or carrying out works for excavation, fences, temporary barriers, noise attenuation walls, stabilisation, creating bunds or mounds, landscaping, shared use paths, wetlands or ground treatment
- e) Creating or altering access to a road in a Road Zone, Category 1 to the satisfaction of the relevant road authority
- f) Constructing and using temporary site workshops and storage, administration and amenities buildings
- g) Manufacturing any materials required for the Project within the Arden precinct
- h) Constructing and using temporary access roads, diversion roads and vehicle parking areas
- i) Displaying construction, directional and business identification signage
- j) Carrying out of preparatory works including, but not limited to, those set out in clause 5.6 of this Incorporated Document
- k) Subdividing and consolidating land
- l) Altering or relocating rail lines, tram lines and *Utility installations*
- m) Any activity which the Minister for Planning confirms in writing is ancillary for the purposes of the Project or use of Project infrastructure.

4.4 Land uses in italics have the same meaning as in ~~Clause~~ [clause](#) 74 of the Planning Schemes.

4.5 This control is subject to the conditions in clause 5 of this Incorporated Document.

5. CONDITIONS

The use and development of the Project Land permitted by this Incorporated Document must be undertaken in accordance with the following conditions:

5.1 Development Plans

- 5.1.1 Subject to clause 5.6, a Development Plan must be prepared to the satisfaction of the Minister for Planning for development relating to each of:

- a) Western tunnel portal
- b) Eastern tunnel portal
- c) Arden Station
- d) Parkville Station
- e) CBD North Station
- f) CBD South Station
- g) Domain Station
- h) Rail turnback at West Footscray Station
- i) Any other above-ground tunnel access and / or ventilation structures

5.1.2 A Development Plan must address surface works of each item listed above. A Development Plan for a station must address underground areas from the station entrance to the ticket gate.

5.1.3 A Development Plan must include:

- a) A site layout plan/s
- b) Architectural, landscape and public realm plans and elevations including lighting, signage, pedestrian access, bicycle access and other ancillary facilities
- c) An explanation as to how the Development Plan demonstrates use and development will be in accordance with response to the Urban Design Strategy as required by clause 5.3.3 of this Incorporated Document;

5.1.4 A draft Development Plan must be accompanied by a summary of consultation undertaken provided to with the Office of the Victorian Government Architect and; relevant Council/s for consultation, and where relevant, to the Roads Corporation, Public Transport Development Authority, Melbourne Water and Heritage Victoria.

5.1.5 A draft Development Plan must be made available for public inspection on a clearly identifiable Project website for 14 days prior to its consideration by the Minister for Planning under clause 5.1.7, and details must be provided of the entity and contact details to which comments can be directed during that time

5.1.6 A Development Plan submitted to the Minister for Planning for approval under clause 5.1.7 must be accompanied by aThe summary of consultation and response to issues raised in the consultation under clause 5.1.4 and 5.1.5.
~~must show the issues raised during the consultation.~~

~~5.1.45.~~5.1.7 A Development Plan must be approved by the Minister for Planning prior to the commencement of any development to which that Development Plan relates.

~~5.1.55.~~5.1.8 Approval may be granted by the Minister for Planning to demolish, construct a building or construct or carry out works associated with the Project before a Development Plan or other requirement is approved.

~~5.1.65.~~5.1.9 For land to which a Development Plan applies, development must be carried out generally in accordance with an approved Development Plan.

~~5.1.75.~~5.1.10 A Development Plan may be prepared and approved in stages or parts, and may be amended from time to time to the satisfaction of the Minister for Planning. The Minister may require an application for approval of a material amendment to a

[Development Plan to comply with the requirements of any or all of clauses 5.1.3c\), 5.1.4, 5.1.5 and 5.1.6.](#)

5.2 Environmental Management Framework

5.2.1 Prior to the commencement of any buildings or works associated with the Project, an Environmental Management Framework (EMF) must be prepared for the Project or any stage or part of the Project. The EMF must include Environmental Performance Requirements addressing the following areas and any other relevant matters:

- a) Transport
- b) Land use and planning
- c) Social and community
- d) Business
- e) Air quality
- f) Noise and vibration
- g) Historical cultural heritage
- h) Aboriginal heritage
- i) Surface water
- j) Ground water
- k) Ground movement
- l) Contaminated land and spoil management
- m) Biodiversity
- n) Greenhouse gas

5.2.2 The EMF must set out the process and timing for development of a Construction Environment Management Plan/s, Site Environment Implementation Plan/s and ~~Traffic~~ [Transport](#) Management Plan/s as relevant to any stage or part of the Project, including process and timing for consultation with relevant Council/s, Heritage Victoria, the Roads Corporation, Melbourne Water, Public Transport Development Authority, and the Environment Protection Authority as relevant.

5.2.3 [The EMF must identify the entity responsible for approval of each plan required under this Incorporated Document or the Environmental Performance Requirements, generally in accordance with the table in Appendix 1 to this Incorporated Document.](#)

[5.2.4 The EMF must identify requirements for monitoring, reporting and auditing of compliance with the Environmental Performance Requirements, this Incorporated Document, and each plan set out in the table in Appendix 1 to this Incorporated Document.](#)

~~5.2.4~~ [5.2.5 The EMF submitted to the Minister for Planning for approval under clause 5.2.6 must be accompanied by a statement identifying any differences between that submitted EMF and the **\[Note: reference to be updated following Ministerial assessment\]** EMF including Environmental Performance Requirements proposed in the Melbourne Metro Rail Project Environmental Effect Statement \(2016\) as refined through the Inquiry and Advisory Committee process and Minister for Planning's assessment of the Environment Effects Statement.](#)

~~5.2.5~~ [5.2.6 The EMF must be submitted to and ~~endorsed~~ **approved** by the Minister for Planning and may be prepared and ~~endorsed~~ **approved** in stages or parts and may be amended from time to time to the satisfaction of the Minister for Planning.](#)

~~5.2.6~~ [5.2.7 The use and development for the Project must be carried out ~~generally in accordance~~ **in a manner consistent** with the ~~endorsed~~ **approved** EMF and ~~the~~ Environmental Performance Requirements.](#)

5.3 Urban Design Strategy

5.3.1 Prior to the submission of Development Plans, an Urban Design Strategy must be submitted to and ~~endorsed~~approved by the Minister for Planning. The Urban Design Strategy may be prepared and ~~endorsed~~approved in stages or parts and may be amended from time to time to the satisfaction of the Minister for Planning.

~~5.3.15.3.2~~ 5.3.2 An Urban Design Strategy submitted to the Minister for Planning for approval under clause 5.3.1 must be accompanied by a statement identifying any differences between that submitted Urban Design Strategy and the [Note – reference to be updated following Ministerial assessment] Urban Design Strategy proposed in the Melbourne Metro Rail Project Environmental Effect Statement (2016) as refined through the Inquiry and Advisory Committee process and Minister for Planning's assessment of the Environment Effects Statement.

5.3.3 The use and development for the Project must be carried out ~~generally~~ in accordance with the ~~endorsed~~approved Urban Design Strategy.

5.4 Early Works Plans

5.4.1 Early Works identified in the Environment Effects Statement for the Project as Early Works may be carried out before a Development Plan is approved, provided that the Minister for Planning has ~~endorsed~~approved an Early Works Plan for such works.

5.4.2 Early works for the Project identified in the Environment Effect Statement include:

- a) Utility service relocation and protection of utility assets;
- b) Site preparation works, including demolition works, removal or relocation of trees and monuments, minor road / transport network changes; and
- c) Works for construction of shafts at CBD North and CBD South station precincts.

5.4.3 An Early Works Plan must be ~~endorsed~~approved by the Minister for Planning prior to the commencement of works to which that Early Works Plan relates. It must include site layout plan/s.

5.4.4 A draft Early Works Plan must be provided to relevant Council/s for consultation and, where relevant, to the Roads Corporation, Public Transport Development Authority, Melbourne Water, Heritage Victoria and affected utility service providers.

5.4.5 An Early Works Plan submitted to the Minister for Planning for approval under clause 5.4.3 must be accompanied by a summary of consultation and response to issues raised in the consultation under clause 5.4.4.

~~5.4.35.4.6~~ 5.4.6 An Early Works Plan may be prepared and approved in stages or parts and may be amended from time to time to the satisfaction of the Minister for Planning. The Minister may require an application for approval of a material amendment to an Early Works Plan to comply with the requirements of either or both of clauses 5.4.4 and 5.4.5.

~~5.4.45.4.7~~ 5.4.7 For land to which an Early Works Plan applies, development must be carried out generally in accordance with an approved Early Works Plan.

~~5.4.5~~ An Early Works Plan must be accompanied by a summary of consultation undertaken with relevant Council/s and where relevant, the Roads Corporation, Public Transport Development Authority, Melbourne Water, Heritage Victoria and affected utility service providers. It must also show how issues have been addressed.

5.5 Native Vegetation

5.5.1 Native vegetation offsets for the removal of native vegetation to construct the Project must be provided in accordance with the Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines (Department of Environment and Primary Industries, September 2013).

5.6 Preparatory Works

5.6.1 Preparatory works for the Project may commence before the plans and other matters listed in sub-clauses 5.1 - 5.5 are approved.

5.6.2 The preparatory works permissible under this sub-clause for the Project include, but are not limited to:

- a) Works, including vegetation removal, not requiring a permit under the provisions of the relevant Planning Scheme
- b) Investigations, surveys, testing and preparatory works to determine the suitability of land
- c) Construction, protection, modification, removal or relocation of existing utility services and infrastructure
- d) Creation of construction access points
- e) The removal or relocation of road, railway or tramway services and infrastructure
- f) The removal or relocation of vegetation (including native vegetation) to the minimum extent necessary to enable such preparatory works.

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 Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines (Department of Environment and Primary Industries, September 2013)

- g) Establishment of environmental and traffic controls
- h) Fencing and temporary barriers to enable preparatory works

5.7 Availability of approved plans

5.7.1 A current version of each of the following approved plans must be available on a clearly identifiable Project website until commencement of public train operations through the tunnels:

- a) Each Development Plan approved under clause 5.1;
- b) Environmental Management Framework approved under clause 5.2;
- c) Urban Design Strategy approved under clause 5.3; and
- a)d) Each Early Works Plan approved under clause 5.4.

6. EXPIRY

6.1 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
- c) The use allowed by the control is not started by 31 December 2028.

6.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

PROJECT LAND

MAPS 1 TO 16



Appendix 1 – Approval of plans

<u>Document</u>	<u>Approved by</u>	<u>Relevant provision</u>
<u>Strategic framework and Development Plans</u>		
<u>Environmental Management Framework, including Environmental Performance Requirements.</u> <u>Prepared by MMRA.</u>	<u>Minister for Planning</u>	<u>Incorporated Document clause 5.2.</u>
<u>Urban Design Strategy</u> <u>Prepared by MMRA.</u>	<u>Minister for Planning</u>	<u>Incorporated Document clause 5.3.</u>
<u>Early Works Plans</u> <u>Prepared by Early Works Contractor for works contemplated by clause 5.4 of the Incorporated Document.</u>	<u>Minister for Planning</u>	<u>Incorporated Document clause 5.4.</u>
<u>Development Plans</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>Minister for Planning</u>	<u>Incorporated Document clause 5.1.</u>
<u>Management of broad impacts</u>		
<u>Construction Environmental Management Plan</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>Incorporated Document clause 5.2.</u> <u>Also referenced in EPR EM2 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process.</u>
<u>Site Environment Implementation Plan</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>Incorporated Document clause 5.2.</u> <u>Also referenced in EPR EM2 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process.</u>
<u>Transport Management Plan/s (T1) as required by the Incorporated Document.</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>Incorporated Document clause 5.2 in respect of Transport Management Plan/s.</u> <u>EPR T1 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process requires Transport</u>

<u>Document</u>	<u>Approved by</u>	<u>Relevant provision</u>
		<u>Management Plan/s which would address management of broader scale potential transport impacts.</u>
<u>Operations Environmental Management Plan.</u> <u>Prepared by PPP Contractor.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>See EPR EM1 and EM2 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process.</u>
<u>Business Disruption Plan.</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>See EPR B2 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process.</u>
<u>Community and Stakeholder Engagement Management Plan.</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>See EPR SC3 proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process. To set out requirements and process for community and stakeholder engagement including to implement the Business Disruption Plan.</u>
<u>Construction Noise and Vibration Management Plan.</u> <u>Prepared by each Contractor to the extent relevant to their works.</u>	<u>State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority)</u> <u>For PPP, also reviewed by Independent Reviewer</u>	<u>See EPR NVB proposed in the Melbourne Metro Rail Project Environment Effects Statement (2016) as refined through the Inquiry and Advisory Committee process.</u>
<u>Technical plans</u>		
<u>Plans required by the Environmental Performance Requirements, other than the plans specifically listed above, will be approved as follows:</u> <ul style="list-style-type: none"> • <u>For Early Works, Rail Infrastructure Alliance (Eastern and Western Portals and Western Turnback) and Rail Systems Alliance (the high capacity signaling, rail systems integration and commissioning) these plans would be approved by the State of Victoria as party to the relevant contract (Melbourne Metro Rail Authority); and</u> • <u>Where prepared by the PPP Contractor (Tunnels and Stations package), these plans would be accepted by the Independent Reviewer under the PPP review procedures following review and comment by the State of Victoria (Melbourne Metro Rail Authority) and confirmation that the plan complies with all statutory approvals, the Incorporated Document and the Environmental Performance Requirements.</u> 		