



RAIL NETWORK ALLIANCE

Western Portal Stage 3

Planning Application Report

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1 Introduction

This report has been prepared by the Rail Network Alliance (RNA) to support a planning permit application for buildings and works associated with the rail network upgrade works for the Metro Tunnel Project Western Portal Stage 3 (works). The works are to be undertaken within the rail corridor at Kensington, between the Metro Tunnel Western Portal and the Moonee Ponds Creek rail junction and comprise a 'tidy-up' of the rail corridor in this area to remove and upgrade infrastructure made redundant by the Metro Tunnel.

This report describes the site and the proposed works, and outlines how the project responds to, and complies with, the objectives of all relevant planning controls that are applicable under the Melbourne Planning Scheme and relevant legislation.

1.1 Background

The Rail Network Alliance, on behalf of Rail Projects Victoria (RPV), is delivering a part of the Metro Tunnel Project including a series of rail corridor enhancements along the Sunbury, Cranbourne and Pakenham lines.

A section of these proposed works are located outside of the identified Project Land associated with the Metro Tunnel Project (Figure 1), as defined within the *Metro Tunnel Rail Project Incorporated Document May 2018* (the GC82 Incorporated Document), and will therefore require a planning permit prior to construction.

An assessment of the works against the controls of the Melbourne Planning Scheme (the Scheme) and relevant legislation has found that the works will require a planning permit for the following:

- Buildings and works, including footings, that are greater than two metres in depth on land that is affected by the Design and Development Overlay – Schedule 70 (DDO70) and *Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016* (the GC45 Incorporated Document)
- Construct a building or construct or carry out works within Heritage Overlay (HO1092)
- Construct a building or construct or carry out works within the Land Subject to the Land Subject to Inundation Overlay (LSIO1)
- To use or develop land affected by the City Link Project Overlay (CLPO).

The planning permit application is summarised in Table 1 below.

Table 1: Application Details

Requirements	Details
Responsible Authority	The Minister for Planning – in accordance with the Schedule to Clause 72.01
Address	Bellair Street, Kensington; Radcliffe Street, West Melbourne
Formal Property Description	Lot 2 LP219046V Lot 1 TP954253K Lot 2, 3 and 4 TP962951N
Proposal	Construction of railway infrastructure including overhead line equipment, signalling equipment, track works and associate surface works.

Planning Permit Triggers	Building and works of more than 2 metres below surface level in accordance with Schedule 70, Section 2.0 of Clause 43.02 Building and works in accordance with Clause 43.01-12 Building and works in accordance with Clause 44.04-2 Use and development in accordance with Clause 45.07-1
Zone	Transport Zone - State transport infrastructure (TRZ1)
Overlays	Design and Development Overlay - Schedule 70 (DDO70) Heritage Overlay 1092 (HO1092) Land Subject to Inundation - Schedule 1 (LSIO1) CityLink Project Overlay (CLPO)
Areas of Cultural Heritage Sensitivity	Yes
Bushfire Prone Area	N/A

1.2 Pre-Application Meeting

A pre-application meeting was held with Grant Logan of the Development Approvals and Design team at the Department of Environment, Land, Water and Planning (DELWP) on 20 October 2021. DELWP confirmed that the proposed works appear to be appropriate for the area and no issues were raised.

1.3 Report Structure and Supporting Documents

The report is presented as follows:

- Section 1.0 provides an introduction of the Project, overview of the proposal and structure of this report
- Section 2.0 defines the subject site, surrounds, existing conditions and land ownership
- Section 3.0 outlines the details of the proposed works
- Section 4.0 provides a discussion of the proposed works against the relevant State and Local planning policies and controls
- Section 5.0 provides a summary of potential impacts and outlines specific considerations of the proposal
- Section 6.0 provides an assessment against the decision guidelines of the relevant planning controls
- Section 7.0 provides a summary of the findings of this report.

This report should be read in conjunction with the following supporting documents:

- Certificate of Title and Title Plans (Appendix A)
- Site Plans and Section Drawings (Appendix B)
- Ecological Assessment Memorandum (Appendix C)
- Stakeholder Responses (Appendix D)
- Rail Projects Victoria Review Letter (Appendix E)

2 Subject Site and Surrounds

2.1 Subject Site and Land Use

The works are to be undertaken within the rail corridor at Kensington, between the Metro Tunnel Western Portal and the Moonee Ponds Creek rail junction as shown in Figure 1 (the Site) and Appendix B. The Site area of works is located outside of the GC82 Project Land for the Metro Tunnel Project and located within the City of Melbourne local government area.

The rail corridor in which the Site is located is owned by VicTrack and currently contains a variety of rail infrastructure including railway tracks, overhead structures, signalling and electrical equipment.

The use of land is considered to be 'Railway' and all elements of the works fall under this land use term as they are ancillary to the operation of the Sunbury Line and the Metro Tunnel Project. Railway is not defined in **Clause 73.03** Land Use Terms of the Melbourne Planning Scheme and is considered by its ordinary meaning: *'a network of tracks with the trains, organisation and personnel required for its working'*.

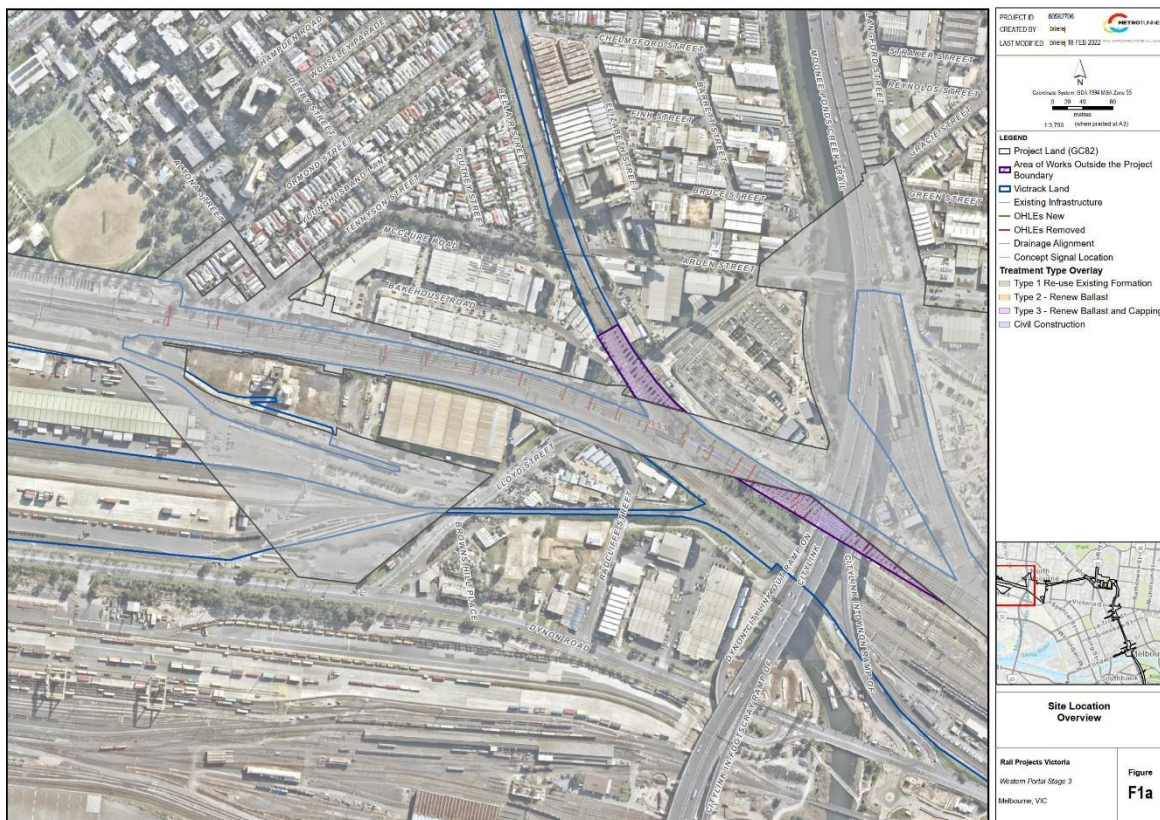


Figure 1: Extent of works

2.2 Site Surrounds and Context

The land surrounding the Site includes additional rail infrastructure to the east and west, industrial to the south and a combination of commercial and industrial land to the north. Land uses are further detailed below:

- North: Land directly north of the Site is predominantly occupied by a combination of industrial and commercial land uses. The National Electricity Substation is located directly north of the

southern area of works, with the nearest residential properties located to the north-west of the northern area of works.

- East: Directly east of the northern area of works is the National Electricity Substation, with the Moonee Ponds Creek further east. Industrial and railway land is located to the East of the southern area of works.
- South: The south of the Site consists of large parcels of industrial and railway land. This includes a railway stabling and maintenance yard, as well as a shipping yard.
- West: The Lloyd Street Business Park is located directly west of the Site, with multiple industrial and commercial occupancies residing at this location. Further to the west is JJ Holland Park and the Metro Tunnel Western Portal.

The works form part of the Metro Tunnel Project and are located directly adjacent to the Western Portal precinct of the Metro Tunnel Project. The Western Portal precinct includes the existing rail and road reserve in Kensington and is defined by the GC82 Project Land (Figure 1).

2.3 Existing Conditions

The Site is entirely within the rail corridor and surrounded by vegetation at the edge of the corridor as shown in Figure 2.



Figure 2: The Site viewed from the rail corridor looking south-east.

The southern parcel of the Site is located at the interface between the rail corridor, the CityLink Freeway above it, and the Moonee Ponds Creek below as shown in Figure 3.



Figure 3: The Site in the context of the CityLink Freeway and Moonee Ponds Creek, viewed from the rail corridor looking south-east.

2.4 Land ownership

All rail corridor enhancement works are located within the VicTrack rail corridor on land covered by a Metro Trains Melbourne (MTM) lease (Figure 4).



Figure 4: Extent of VicTrack boundary and lease areas

No easements or restrictions apply to this land (Figure 5).



Figure 5: Easements Map (WebGIS 2021) – Easements shown in RED

2.5 Planning Permit History

The following Planning Permits of relevance have been approved in the last 2 years within the area surrounding the proposed works. There are no currently advertised Planning Permits relevant to the Project. No planning permits for works within the rail corridor have been applied for in the last 2 years.

City of Melbourne referral number	TPM-2019-23
Referral received	1/08/2019
Address	3 Lloyd Street KENSINGTON
Proposal	Buildings and works associated with the construction of an underground minor utility installation trenching greater than 2m below surface level
Minister's reference number	PA1900624
Council's decision	Completed 20/09/2019
Application status	Completed

Application number	TP-2020-87
Date received	5/02/2020
Address	50-60 Lloyd Street Kensington 3031
Proposal	Use of the land as a place of assembly, together with a reduction in car parking pursuant to Clause 52.06
Objections received	8
Decision	Notice of decision to grant a permit issued by a delegate of the Responsible Authority on 14/08/2020 Permit issued at the direction of VCAT on 1/07/2021
Public notice (advertising)	Commenced on 16/04/2020
Application status	Permit issued

Application number	TP-2020-150
Date received	21/02/2020
Address	350-354 Arden Street Kensington 3031
Proposal	Use of the land for a Take Away Food Premises; buildings and works associated with external alteration and an increase in gross floor area of the existing building; display of internally illuminated sign.
Objections received	2
Decision	Notice of decision to grant a permit issued by a delegate of the Responsible Authority on 3/07/2020 Permit issued by a delegate of the Responsible Authority on 3/08/2020
Public notice (advertising)	Commenced on 14/04/2020
Application status	Permit issued

3 Proposal Details

The following sections provide a summary of the works proposed and should be read in conjunction with the accompanying appendices.

3.1 Scope of Works

This planning permit application seeks to gain approval for buildings and works to be undertaken within the rail corridor. The works include:

- the removal of redundant Sunbury Line infrastructure
- track and civil infrastructure upgrade works
- overhead wiring and structure upgrade works
- drainage upgrade works.

The proposed scope of works will provide for an improved rail network along the Sunbury Line and facilitate the operation of the Metro Tunnel.

The proposal does not seek to change the existing use of the land or alter the alignment of any existing boundaries or easements.

For more information on the proposed building and works, refer to plans enclosed at Appendix B.

3.2 Built Form

The built elements of the works consist of twelve new Overhead Line Equipment (OHLE) structures and one signalling structure to replace the redundant rail infrastructure at the Site (Appendix B pages 4-6 & 11-22). The structures vary in size and width with the largest structure standing at 10.9 metres high and the widest at 29.03 metres (Appendix B pages 22 & 13 respectively).

3.3 Track and Civil Infrastructure

The works include a variety of railway track and ground works, all of which contribute to the upgrade of the railway line. These works include, tamping and slewing of existing track for realignment, the replacement of tracks, new ballast where required and new subgrade foundation to support the tracks where required (Appendix B pages 23-25).

3.4 Drainage

Minor drainage works are also required as part of the works ((Appendix B pages 4, 6, & 23-24). This drainage component includes the replacement of existing pipes to upgrade the existing drainage at the Site that is now inadequate.

3.5 Incorporated Document Policy Context

The proposed works have been assessed against the requirements of relevant incorporated document legislation and an overview of this policy context is provided below.

GC82 Incorporated Document

The purpose of the GC82 Incorporated Document is to permit and facilitate the use and development of land for the purposes of the Metro Tunnel Project.

Although the proposed works are associated with the Metro Tunnel Project and would typically be delivered under the relevant clauses and conditions of the GC82 Incorporated Document, the works are located outside of the identified Project Land as defined within the GC82 Incorporated Document. These works will therefore require a planning permit prior to construction.

4 Legislation and Planning Policy Assessment

An assessment of the proposal against the relevant State and Local Planning Policy has been undertaken and the works are considered to be consistent with the following controls and requirements. This includes the relevant sections of the Planning Policy Framework, including the Municipal Strategic Statement and the Local Planning Policy Framework, as well as the Zone, Overlay and Particular Provisions of the Melbourne Planning Scheme that relate to the subject site.

4.1 State Policy and Guidelines

4.1.1 Plan Melbourne 2017 – 2050 (Department of Environment, Land, Water and Planning (DELWP), 2017)

Plan Melbourne 2017-2050 (Plan Melbourne) is a long-term metropolitan planning strategy to accommodate Melbourne's future growth in population and employment over a 35-year period. The aim of Plan Melbourne is to integrate long-term land use, infrastructure and transport planning setting out the strategy for supporting jobs and growth while building on Melbourne's legacy of distinctiveness, liveability and sustainability.

Plan Melbourne includes principles underpinning the long-term vision for Melbourne, outcomes and directions to drive Melbourne as a competitive, liveable sustainable city and policies outlining how each outcome will be delivered and achieved. Nine principles underpin a long-term vision for Melbourne, to guide policies and actions, including (inter alia):

Principle 2: A globally connected and competitive city

Melbourne will develop and deliver infrastructure to support its competitive advantages in sectors such as business services, health, education, manufacturing and tourism. Employment, research, retail, cultural and sporting precincts will also be supported to ensure Melbourne remains attractive and liveable.

Principle 8: Infrastructure investment that supports balanced city growth

Smart infrastructure investment and better utilisation of existing infrastructure is the key to creating new jobs and driving population growth in the right places. It is also vital for the social, economic and environmental wellbeing of the city. That's why there needs to be a pipeline of projects and initiatives that make Melbourne more sustainable, accessible and prosperous.

Plan Melbourne also sets out directions and policies as relevant below:

Direction 3.1: Transform Melbourne's transport system to support a productive city

- Policy 3.1.2: Provide high-quality public transport access to job-rich areas. Plan Melbourne identifies that efficiency, simplicity of the network and the quality of connection between transport modes can make a major difference to people's willingness to use public transport, in turn expanding the range of jobs and services they access.

The *Plan Melbourne Implementation Plan* (2019) includes an action to plan for future improvements to the rail system and identifies the following actions of relevance:

- Metro-style rail system: Plan for future improvements that continue the transition to a metro-style rail system, such as identifying lines for high-capacity signalling upgrades, simpler timetables with 'turn up and go' frequency, comfortable and efficient interchange opportunities and adding further capacity across the network.
- Integrated transport planning: Undertake integrated planning in significant metropolitan transport corridors, places and interchanges to deliver improved transport and land-use outcomes.

In particular for the Inner Metro Region a key focus will be accommodating future growth and maintaining access to jobs and services. Highlighted transport projects include the CityLink-Tullamarine widening, the Western Distributor, and the Metro Tunnel. **Error! Reference source not found.** shows the Plan Melbourne Implementation Plan map for the Inner Metro Region.

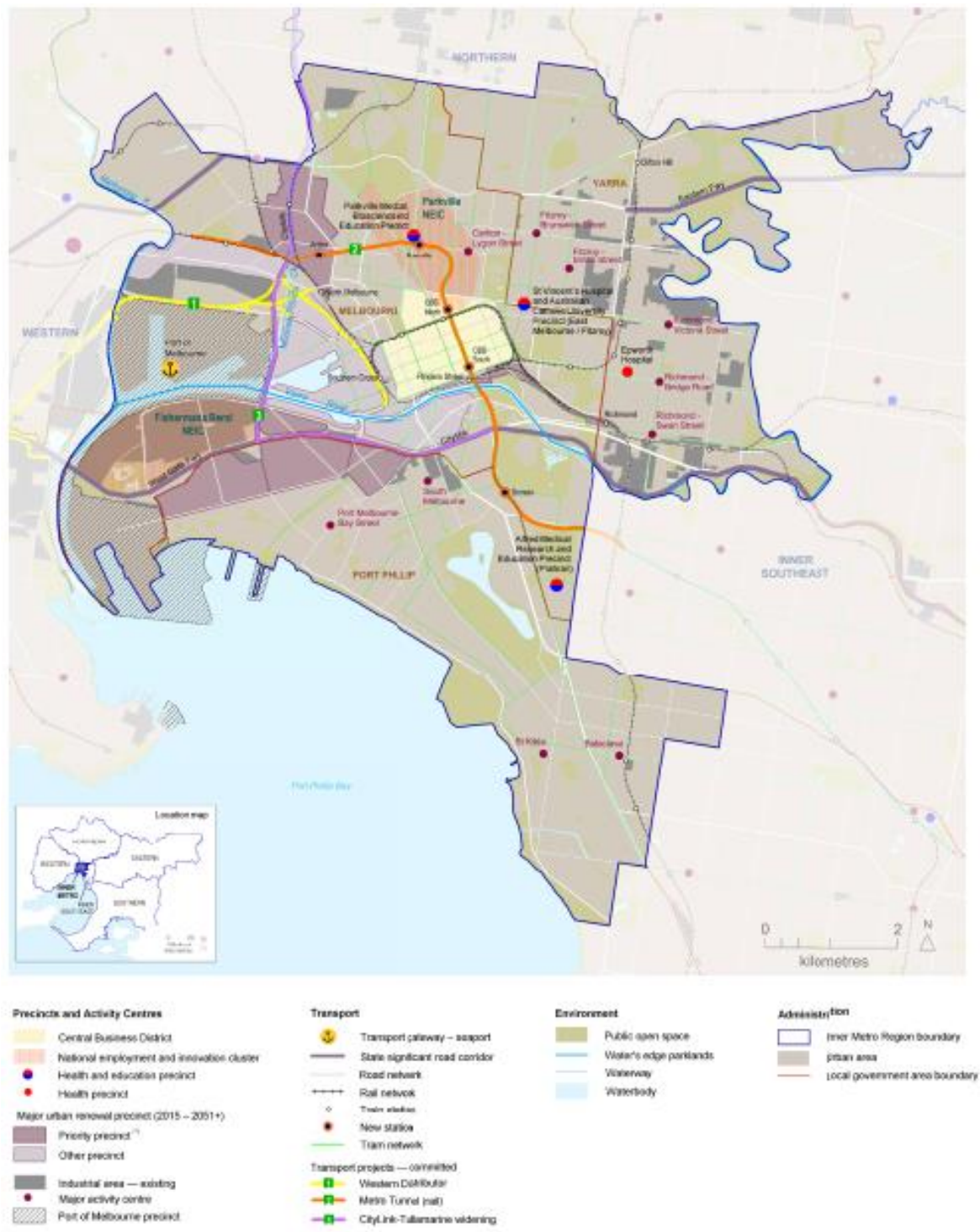


Figure 6: Plan Melbourne Implementation Plan map for the Inner Metro Region

4.1.2 Victoria's Infrastructure Strategy 2021-2051 (Infrastructure Victoria 2021)

Victoria's infrastructure strategy 2021-2051 (the infrastructure strategy), prepared by the independent statutory authority, Infrastructure Victoria, builds on the first cross-sectoral infrastructure strategy delivered in 2016, and presents a vision for a thriving, inclusive and sustainable Victoria over the next 30 years. The infrastructure strategy has 94 recommendations spanning policy, reform and projects which represent a capital cost of around \$100 billion over 30 years. Recommendations of relevance include:

- **Shape the transport network for better access**

Increase off-peak service frequencies and suburban rail corridor capacity by delivering a prioritised 15-year network service upgrade program for suburban train corridors, including track and signalling improvements, higher capacity trains, carriage retrofits and an upgraded train control centre.

4.1.3 Victorian Infrastructure Plan (Department of Premier and Cabinet, 2017)

The *Victorian Infrastructure Plan* sets out Victoria's infrastructure priorities. The Plan aims to provide certainty about Victoria's infrastructure priorities, now and in the future and is founded in Victoria's 30-year Infrastructure Strategy. The *Victorian Infrastructure Plan Projects Pipeline 2019* highlights the progress that has been made on delivering the long term infrastructure agenda, and identifies new major projects and initiatives the state requires. Projects of relevance include:

- The \$11 billion Metro Tunnel that will transform Melbourne's public transport system. Regional rail investment of \$1.3 billion and \$1.5 billion over the last two budgets will ensure all Victorians have access to high quality public transport.

4.1.4 Growing Our Rail Network 2018-2025 (DoT, 2018)

Growing Our Rail Network 2018-2025 is the Victorian rail network plan for when the Metro Tunnel opens in 2025. The plan includes an updated network map outlining how the rail network across the state will function when current major projects – including the Metro Tunnel, High-Capacity Signalling, High Capacity Metro Trains and the Level Crossing Removal Program – are completed.

4.1.5 Planning Policy Framework

The Planning Policy Framework (PPF) seeks to ensure that land use and development in Victoria meets the objectives of planning as set out in the P&E Act. The PPF sets out Victorian state policy which needs to be considered by all planning authorities and provides a context for spatial planning and decision making in Victoria. The PPF clauses that are most relevant to this application include:

- **Clause 15.03-1S (Heritage Conservation)** aims to ensure the conservation of places of heritage significance by providing '*for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance*'.
- **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to protect and conserve places of Aboriginal cultural heritage significance by providing '*for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places*'.
- **Clause 18 (Transport)** recognises that planning '*should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable and efficient movements of people and goods, and is safe.*'
- **Clause 18.01-2S (Transport System)** seeks to '*coordinate development of all transport modes to provide a comprehensive transport system*' with specific objectives to reserve land for strategic transport infrastructure and ensure careful selection of sites for freight generating facilities to minimise associated operational and transport impacts to other urban development and transport networks.

- **Clause 18.02-2S (Public Transport)** aims to facilitate greater use of public transport and promote increased development close to high-quality public transport routes. Strategies to achieve this include to *‘connect activity centres, job rich areas and outer suburban areas through high-quality public transport’*.
- **Clause 18.02-2R (Principle Public Transport Network)** seeks to *‘facilitate high-quality public transport access to job-rich areas’* and to *‘maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect’*.

4.2 Local Policy and Guidelines

The works area is located within the City of Melbourne and is subject to the requirements of the Melbourne Planning Scheme. A number of local policies support and direct development in and around the works area, including:

- Future Melbourne 2026
- Transport Strategy 2030
- Moonee Ponds Creek Strategic Opportunities Plan

These policies and their Project implications are detailed below.

4.2.1 Future Melbourne 2026

Future Melbourne 2026 sets out the community’s aspirations for the city. It provides a framework to work towards common goals and priorities by building on the strengths and attributes that make Melbourne the world’s most liveable city now and for future generations. Of relevance to the proposed works, Goal 6 (A Connected City), includes the following priorities:

- **Priority 6.3:** Provide effective and integrated public transport.
Public transport will be an efficient and attractive way to travel within the municipality and throughout metropolitan Melbourne. The integrated system of rail, tram and bus services will be affordable, responsive to customer needs and fully coordinated with the municipality’s cycling and walking paths. These services will be frequent, regular and reliable.
- **Priority 6.6:** Connect regionally and globally.
Melbourne will have fast and direct connections to Australia’s network of major cities and to global cities in the Asia-Pacific region and around the world. High-speed passenger transport will connect Melbourne to the eastern seaboard’s major cities and airports. Melbourne will have rail links to its airports. This connectivity will be essential for the prosperity and global competitiveness of Melbourne, Victoria and Australia.

4.2.2 Transport Strategy 2030

The Transport Strategy 2030 has been developed to address growth in population, jobs and access to the City of Melbourne. To meet these changing needs, the city needs an efficient and reliable public transport network which meets the requirements of a fast-growing population and the business community.

Improved public transport capacity, usability and user experience is key to achieving these outcomes as discussed in Outcome 8:

- **8.1 Advocate for investment to increase inner-city rail capacity**
City of Melbourne support the Victorian Government’s investment in the Metro Tunnel project (Metro 1). However, additional investment will be required, as the rail network is forecast to be at capacity again soon after the tunnel opens in 2025.
- **8.8 Support improvements to boost public transport capacity during peak times**

Support increasing the capacity of public transport infrastructure to move more people during peak times.

4.2.3 Moonee Ponds Creek Strategic Opportunities Plan

The proposed works area crosses the Moonee Ponds Creek north of Dynon Road underneath the elevated CityLink roadway. The Moonee Ponds Creek Strategic Opportunities Plan has been developed to investigate opportunities to work in partnership with the Victorian Government, neighbouring councils, community groups and other partners to revitalise the Moonee Ponds Creek corridor.

The primary outcome of the plan is for the renewal of the creek corridor to support a new inner city of existing and developing neighbourhoods – as well as creating urgently needed public spaces for the inner city's rapidly growing population. Works taking place in this area need to consider impacts to the existing and future ecosystem of the Moonee Ponds Creek.

Although the proposed works area does traverse the Moonee Ponds Creek, the works are located entirely within the existing rail corridor and pose no impacts relevant to the strategic vision of the plan.

4.2.4 Local Planning Policy

The works area is located within land subject to the Melbourne Planning Scheme. The Planning Scheme outlines strategies and objectives to be achieved by development within the municipality. Local Planning Policy (LPP) is specific to each planning scheme and consists of the Municipal Strategic Statement (MSS) and individual LPPs.

Clauses most relevant to the project include:

- **Clause 21.02** (Municipal Profile) predicts continued intensive growth in the municipality for residents, workers, students, and visitors. To meet the demands of this growth, effective and efficient mobility is essential for the metropolitan region and the municipality.
- **Clause 21.03** (Vision) states that a priority for the City is maximising the use of sustainable modes of transport, in particular public transport, and supporting improved cycling and walking connections.
- **Clause 21.09** (Transport) lists public transport as the most economic and efficient mode for mass travel to and from the City and states that an efficient transport system is therefore vital for the economic, cultural and social operation of the City

4.3 Zone and Overlays

An assessment against the relevant provisions of the Melbourne Planning Scheme has been undertaken to determine planning permit requirements. This assessment concludes that a planning permit is required as the works are greater than two metres in depth within the Design and Development Overlay and will also be located within the Heritage Overlay., Land Subject to Inundation Overlay and City Link Project Overlay areas.

A planning assessment is provided below.

4.3.1 Zone

Transport Zone – State transport infrastructure (TRZ1)

All proposed works are located within the TRZ1 (Figure 7). In accordance with Clause 36.04-1, a **planning permit is not required** for the use of land for *Railway* purposes and associated construction or carrying out of works.

Pursuant to the requirements of Clause 36.04-3 (Application requirements), the Major Transport Infrastructure Authority (MTIA) is an administrative office under the Public Administration Act 2004, and RPV is a division of MTIA. Consequently, RPV is considered to be the relevant transport manager and the works do not require the written consent of the Head, Transport for Victoria (TfV).

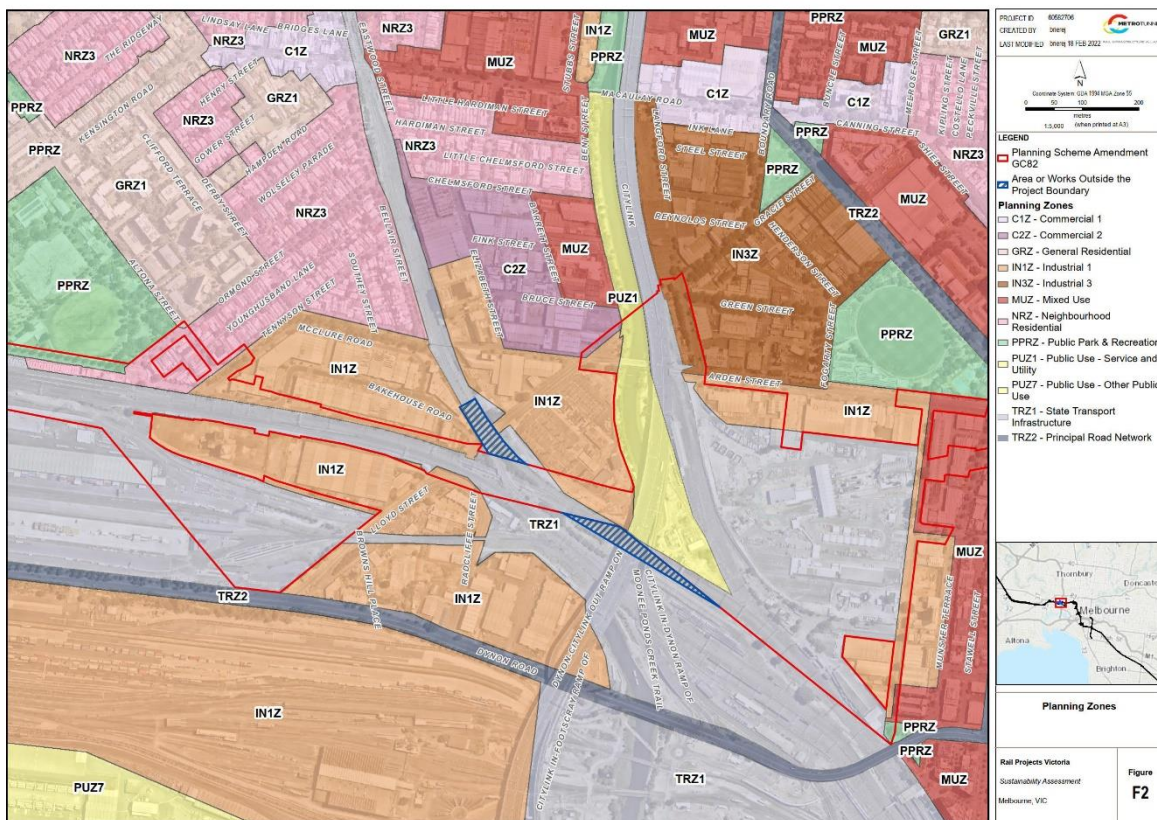


Figure 7: Zoning Map

4.3.2 Overlays

Design and Development Overlay – Schedule 70 (DDO70)

A **planning permit is required** for buildings and works which are more than two metres below Surface Level.

The site is located within the Design and Development Overlay – Schedule 70 (DDO70) as shown in Figure 8 and applies to land identified for the Melbourne Metro Rail Project – Infrastructure Protection Areas.

The objective of the DDO70 is to ensure that development does not adversely affect or put at risk the construction, integrity or operation of the Melbourne Metro infrastructure and avoid excavation or other unloading of ground that could lead to structural, serviceability or operational damage.

In accordance with **Section 2.0** of DDO70, a planning permit is required for the proposed OHLE and signalling structure works that require foundations that are greater than two metres in depth.

In addition, pursuant to **Section 2.0** of DDO70, the application requirements will apply and a referral to Rail Projects Victoria is required.

An application made pursuant to **Section 2.0** of DDO70 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Assessment against the decision guidelines **Clause 43.02-6** is provided in Section 6.

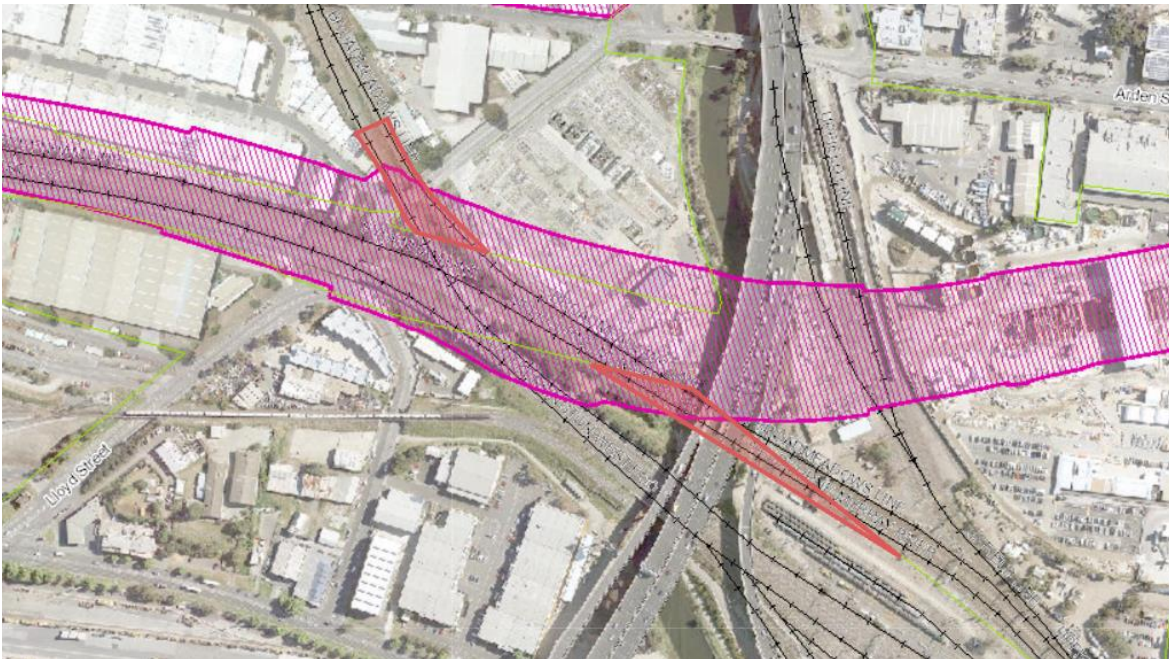


Figure 8: Design and Development Overlay Map

Heritage Overlay (HO1092)

A **planning permit is required** for track and formation works that take place within HO1092.

The site is located within Heritage Overlay 1092 (HO1092) as shown in Figure 9 and applies to land identified as the Moonee Ponds Creek and Infrastructure Precinct.

The purpose of the Heritage Overlay is to conserve and enhance heritage places of natural or cultural significance and ensure that development does not adversely affect the significance of heritage places.

In accordance with **Clause 43.01-1**, works located within the HO1092 area require a planning permit to construct a building or construct or carry out works including buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.

Pursuant to **Clause 43.01-4**, an application under this overlay for the carrying out of works, repairs or routine maintenance is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Assessment against the decision guidelines **Clause 43.01-8** is provided in Section 6.

No sites on the VHR or VHI traverse the alignment proposed in the reference design.

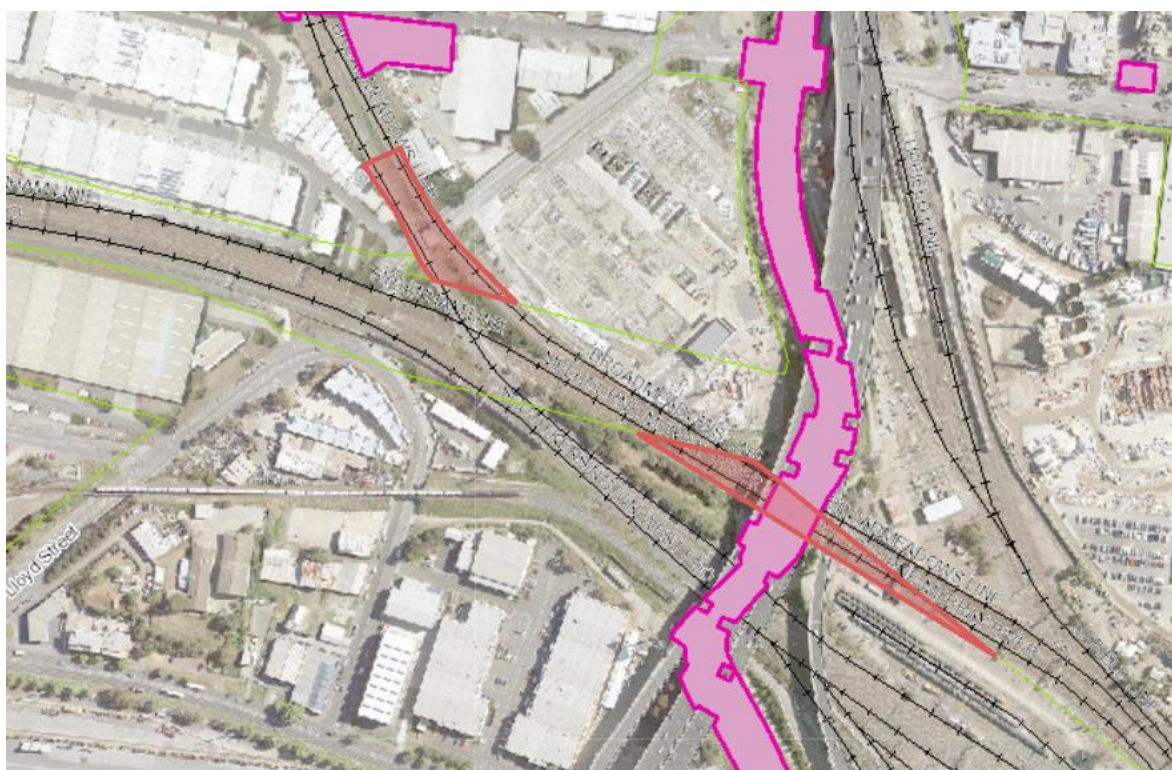


Figure 9: Heritage Overlay Map

Land Subject to Inundation Overlay – Schedule 1 (LSIO1)

A **planning permit is required** to construct a building or to construct or carry out works within the LSIO1.

In accordance with **Clause 44.04-2**, works that are located on land within an LSIO1 area (Figure 10) require a planning permit for buildings and works.

Permit applications under the LSIO1 will require a referral under Section 55 of the Planning and Environment Act to the relevant floodplain authority, which in this instance is Melbourne Water.

Assessment against the decision guidelines **Clause 44.04-8** is provided in Section 6.

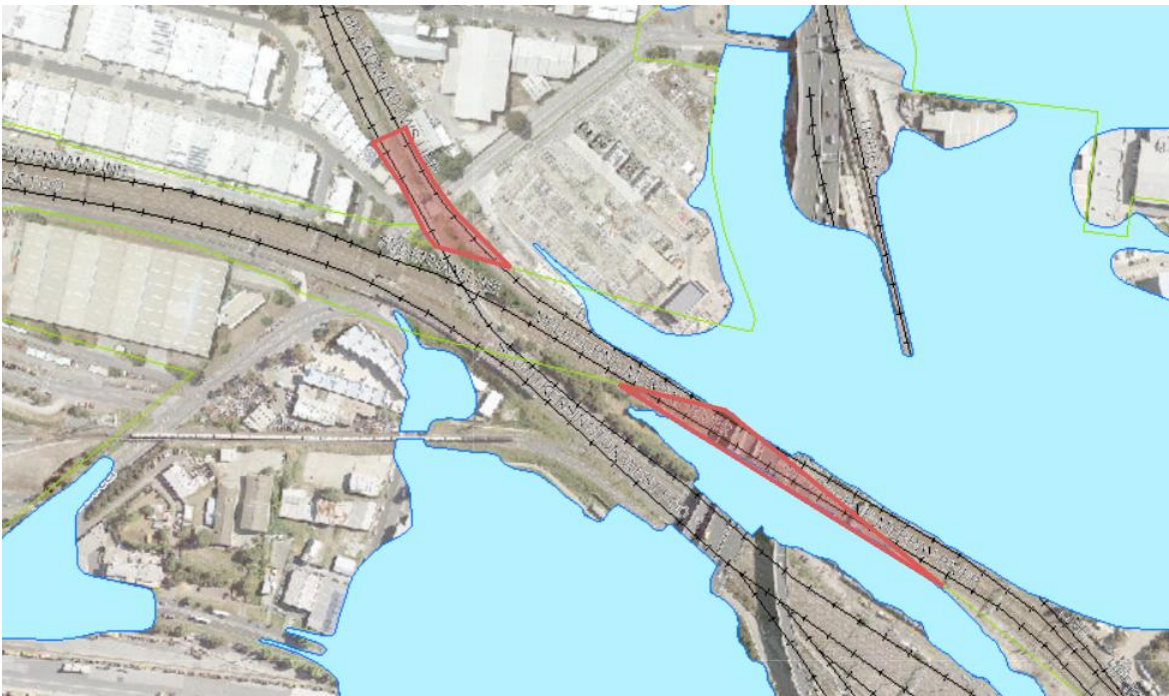


Figure 10: Land subject to Inundation Overlay Map

City Link Project Overlay (CLPO)

A **planning permit is required** to use or develop the land if not associated with the Melbourne City Link Project, the Exhibition Street Extension Project or the CityLink Tulla Widening Project (Figure 11).

In accordance with **Clause 45.07-6**, works that are located within the CLPO area and not for the purposes of the Melbourne City Link Project, the Exhibition Street Extension Project or City Link Tulla Widening Project require referral under Section 55 of the Planning and Environment Act to the relevant referral authority. In this instance, the application would require referral to the Department of Transport.

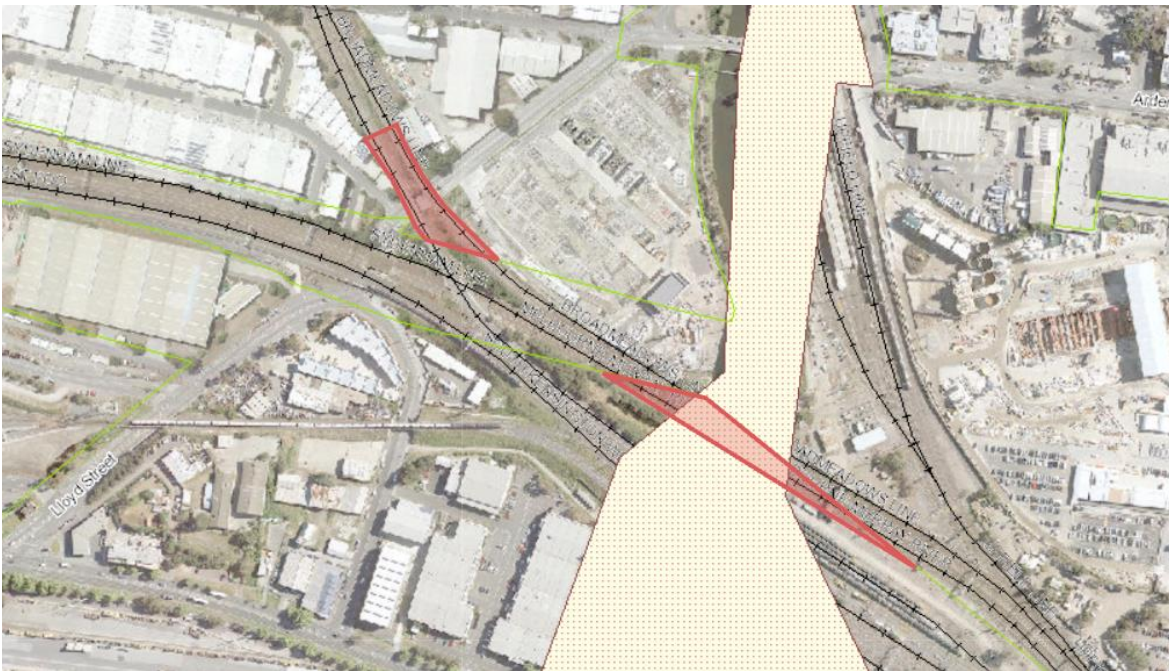


Figure 11: CityLink Project Overlay Map

4.3.3 Particular Provisions

Particular provisions are planning controls that apply only to certain uses and developments or to particular aspects of certain uses and developments. The following particular provisions are relevant to this analysis:

- **Clause 52.02** (Easements, Restrictions and Reserves) seeks to ensure that easements and restrictions are applied appropriately so as to facilitate development that is consistent with the provisions and directions of the planning scheme, while balancing the interests of affected parties.
- **Clause 52.17** (Native Vegetation) ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- **Clause 52.29** (Land Adjacent to the Principal Road Network) aims to manage the impacts of proposed land use and development on existing and planned roads.

4.3.4 Other Requirements

Clauses 66 identifies the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act.

Clause 70 provides general provisions that include operational requirements and are consistent across the state. The Schedule to **Clause 72.01** outlines that the Minister for Planning is the responsible authority for administering and enforcing the Melbourne Planning Scheme with respect to the use or development of land for the purposes of the Melbourne Metro Rail Project.

5 Specific Considerations

An assessment of the planning framework with a focus on the key planning considerations is provided below.

5.1 Ecological Assessment

An ecological assessment was conducted to determine the presence of native vegetation within the works area.

The ecological site assessment was completed by an ecologist on 30 March 2021. The assessment included a review site walkover to identify and map ecological values and an on-ground validation survey to confirm the presence of any species or ecological communities.

No native vegetation was identified within the extent of the works area.

The works area consisted primarily of a mixture of exotic grassy and herbaceous weed species. Further detail can be found in the Ecological Assessment memorandum provided at Appendix C.

Table 2 below provides a summary of the legislative requirements for the works.

Table 2: Summary of legislative requirements.

Federal	Relevance	Legislative Requirement
<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	No EPBC Act-listed species or communities were identified within the proposed location of the vehicle turnaround.	No requirements.
State	Relevance	Legislative Requirements
<i>Flora and Fauna Guarantee Act 1988</i> (FFG Act)	No FFG Act-listed species or communities were identified within the proposed location of the vehicle turnaround.	No requirements.
<i>Guidelines for the removal, destruction or lopping of native vegetation</i> (DELWP 2017) (Guidelines) And <i>Planning and Environment Act 1987</i> (P&E Act)	No patches of vegetation or scattered trees were recorded in the proposed turnaround location.	No requirements.

5.2 Cultural Heritage Assessment

The proposed reference design affects land that was previously disturbed. Much of the works include the removal of tracks and signalling equipment and the subsequent replacing some of these elements.

Part 2, Div. 1, Reg. 7 of the Aboriginal Heritage Regulations 2018 specifies that a cultural heritage management plan is required for an activity if –

- a. All or part of the activity area for the activity is an area of cultural heritage sensitivity; and*
- b. All or part of the activity is a high impact activity.*

Although a section of the proposed works is located within an area of Cultural Heritage Sensitivity (Figure 12), RNA consider that the entirety of the works area has undergone previous significant ground disturbance as supported by discussions with Heritage Victoria who raised no concerns with the proposed design and acknowledged that the rail corridor where the works are occurring is a highly disturbed site (Appendix D). This assessment of the site area was further confirmed using Nearmap data (Figure 13) and a review of CHMP 11173 (24/03/2011) that was undertaken for the Regional Rail Project located within the same area.

It is therefore considered that this area would not constitute an area of cultural heritage sensitivity.



Figure 12: Cultural Heritage Area (VicPlan 2020)

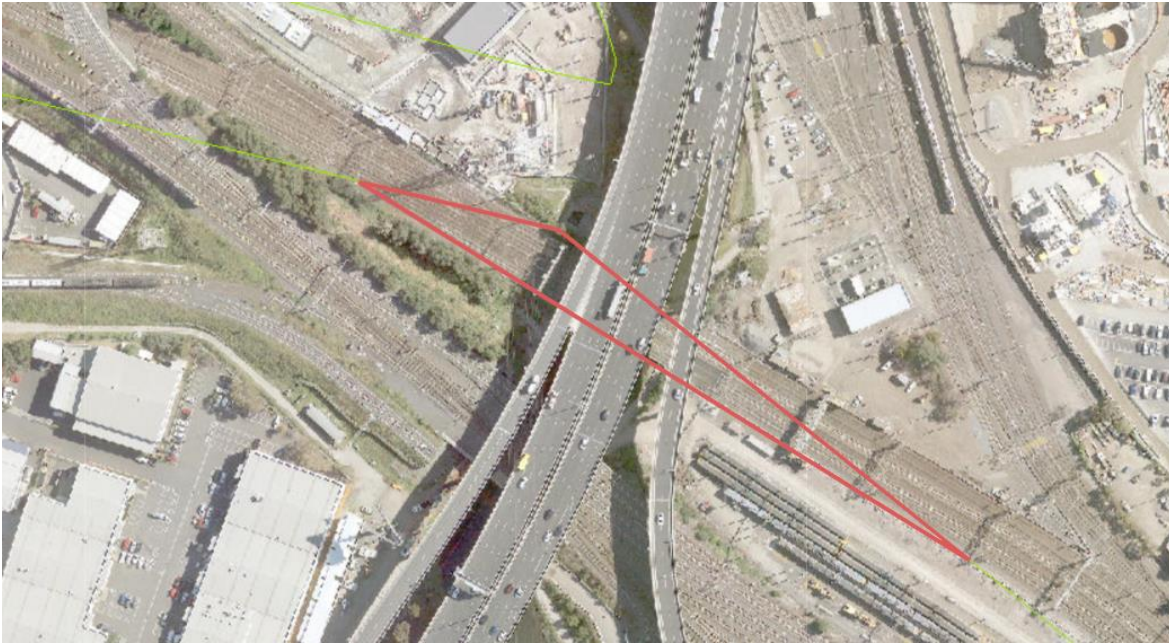


Figure 13: Significant Ground Disturbance (Nearmap 2020)

Provided works are restricted to areas subject to previous ground disturbance, no CHMP is required to conduct these works.

Where works deviate from areas of previous ground disturbance, works would need to be assessed on a case-by-case basis. It is not anticipated that these scopes of works would trigger the requirement for a mandatory CHMP.

5.3 Construction

In order to manage local amenity during the construction process, RNA has prepared and implemented an Environmental Management System (EMS) that is certified to AS/NZS ISO14001:2015 Environmental Management System which will be used during construction. The EMS includes a Construction Environmental Management Plan (CEMP) along with subsequent aspect-specific management plans.

5.4 Administration/Considerations

5.4.1 Construction Commencement

The proposed works are planned to begin once the Metro Tunnel Project is operational. The Metro Tunnel is planned to be complete and operation by 2025. As such, these works are not anticipated to being until 2025.

It is requested that any expiry condition be extended until 2026 to allow for adequate time for construction following the opening of the Metro Tunnel.

5.4.2 Stakeholder Feedback

Transurban

RNA engaged with Transurban regarding the interface of the works with the CityLink Freeway on 27 May 2021. Transurban raised no issues with the proposed design of the works and their key concern related to the potential construction methodology.

Given the proposed works are not planned to begin until 2025, a specific construction methodology has yet to be established. RNA will implement the EMS and CEMP prepared for the Metro Tunnel during the construction of the works. However, site specific construction detail is not yet available, and RNA will ensure that Transurban are consulted with prior to the beginning of buildings and works.

Melbourne Water

RNA met with Melbourne Water regarding the works in proximity to the Moonee Ponds Creek and within the LSIO1 area on the 22 September 2021. Melbourne Water raised no issues with the proposed design of the works and their only concern related to the anticipated access to the rail corridor for the works.

Given that the works are not anticipated to begin until 2025, Melbourne Water raised the possibility that future works in the area may limit RNA's ability to access the rail corridor. RNA noted this potential issue and will monitor the area for any planned works by other agencies and ensure safe access is maintained.

City of Melbourne

RNA met with the City of Melbourne on 11 October 2021 to discuss the proposed scope of works. The City of Melbourne raised no concerns with the proposed design.

Heritage Victoria

RNA met with Heritage Victoria on the 5 October 2021 in order to discuss the works in proximity to the Moonee Ponds Creek. Although the Moonee Ponds Creek is not listed as state significant and is only protected by a local heritage overlay, RNA nevertheless sought advice from Heritage Victoria relating to these matters.

Heritage Victoria raised no concerns with the proposed design and provided RNA with additional guidance on unexpected cultural heritage finds. Although this advice was provided, Heritage Victoria acknowledged that the rail corridor where the works are occurring is a highly disturbed site and works would be unlikely to uncover any finds.

6 Assessment

The following tables provide an assessment against the decision guidelines considered relevant to the works for each associated permit trigger.

Table 3: Decision Guideline Assessment

Planning Overlay	Permit Trigger	Relevant Decision Guidelines	Assessment
DDO70	Yes	Schedule 70 - Section 4 <i>Before deciding on an application, the responsible authority must consider, as appropriate:</i> <i>The views of the relevant referral authority.</i> <i>Any technical guidelines prepared by the relevant referral authority.</i> <i>The design objectives of this schedule.</i>	<p>Pursuant to Section 2 of Schedule 70, referral to Rail Project Victoria (RPV) is required. The following documentation was provided to RPV for review:</p> <ul style="list-style-type: none"> • Application Report (this report) • Certificate of Title and Title Plans • Site plans and section drawings • Ecological assessment • Stakeholder responses <p>RPV are supportive of the proposed development and have no objections to the grant of a planning permit (Appendix E).</p> <p>Safety and design objectives associated with the Melbourne Metro Rail Project have been considered throughout the design process.</p>
		Clause 43.02-6 <i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	<p>The MPS and PPF seek to deliver an integrated and sustainable transport system for the reliable and efficient movement of people and goods. This approach to the development of transportation networks is backed up through local policy which states that an efficient transport system is vital for the economic, cultural and social operation of the City.</p> <p>The MPS and PPF have been considered within this assessment under sections 4.1.5 and 4.2.4 and these policy directions align with the overall purpose of the Project.</p>
		Clause 43.02-6 (continued) <i>Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</i> <i>Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.</i> <i>Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of</i>	<p>All proposed works are associated with rail infrastructure and located within the rail corridor in areas of existing similar rail infrastructure and services.</p> <p>All works are considered to be appropriate in bulk, location, appearance and design.</p> <p>No adverse impacts to character or heritage within the surrounding area are anticipated as a result of the works and consultation with Heritage Victoria was undertaken on the 5 October 2021 to confirm this as shown in Section 5.4.2 and Appendix D.</p>

Planning Overlay	Permit Trigger	Relevant Decision Guidelines	Assessment
		<i>adjacent buildings, the streetscape or the area.</i>	An ecological assessment has been undertaken to mitigate impacts to vegetation and is provided in Appendix C.
HO1092	Yes	<p>Clause 43.01-8</p> <p><i>The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.</i></p> <p><i>Any applicable heritage design guideline specified in the schedule to this overlay</i></p> <p><i>Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.</i></p> <p><i>Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.</i></p>	<p>Consultation with Heritage Victoria was undertaken on 5 October 2021 to review the project design and clarify heritage impacts.</p> <p>Heritage Victoria had no concerns with the proposed design, and this is detailed in Section 5.4.2 and Appendix D.</p>
LSIO1	Yes	<p>Clause 44.04-8</p> <p><i>Any comments from the relevant floodplain management authority.</i></p> <p><i>The existing use and development of the land.</i></p> <p><i>Alternative design or flood proofing responses. The susceptibility of the development to flooding and flood damage.</i></p> <p><i>The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities</i></p>	<p>Pursuant to Clause 44.04-7, consultation was undertaken with Melbourne Water on the 22 September 2021. Melbourne Water raised no issues with the proposed design of the works as shown in Section 5.4.2 and Appendix D.</p> <p>Flood impacts have been considered throughout the design process.</p> <p>The existing rail corridor throughout the works area is elevated and works taking place in this area are not anticipated to impact the overland flow of water.</p>
CLPO	Yes	N/A – The CLPO contains no decision guidelines.	Although there are no decision guidelines within the CLPO, proactive consultation was undertaken with Transurban on 27 May 2021. Transurban raised no issues with the proposed design of the works as detailed in Section 5.4.2 and Appendix D.

Table 4: Particular Provisions Assessment

Clause	Permit Trigger	Permit Requirements	Assessment
<p>Clause 52.02</p> <p>Easements, Restrictions and Reserves</p>	No	<p><i>A permit is required before a person proceeds:</i></p> <p><i>Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement</i></p>	<p>N/A</p> <p>There are no easements, restrictions or reserves located with the works</p>

Clause	Permit Trigger	Permit Requirements	Assessment
		<p><i>or restriction or vary or remove a condition in the nature of an easement in a Crown grant.</i></p> <p><i>Under Section 24A of the Subdivision Act 1988.</i></p> <p><i>Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way</i></p>	area as shown in Figure 5.
Clause 52.17 Native Vegetation	No	<p><i>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:</i></p> <p><i>If the table to Clause 52.17-7 specifically states that a permit is not required.</i></p> <p><i>If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.</i></p> <p><i>To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.</i></p>	<p>N/A</p> <p>An ecological site assessment found that no native vegetation was identified within the extent of the works area as discussed in Section 5.1.</p>
Clause 52.29 Land Adjacent to the Principal Road Network	No	<p><i>A permit is required to:</i></p> <p><i>Create or alter access to:</i></p> <p><i>A road in a Transport Zone 2.</i></p> <p><i>Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.</i></p> <p><i>Subdivide land adjacent to:</i></p> <p><i>A road in a Transport Zone 2.</i></p> <p><i>Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.</i></p>	<p>N/A</p> <p>The proposed works do not seek to create or alter access or subdivide land.</p> <p>Extent of works shown in Appendix B.</p>

7 Conclusion

This application seeks permit approval to allow for buildings and works associated with the Western Portal Stage 3.

This planning report and accompanying documentation demonstrates that the proposal remains consistent with the Planning Policy Framework and accords with the local planning policy objectives of the Melbourne Planning Scheme.

The proposal is consistent with the existing use of the site and no further amenity detriment will be caused as a result of this proposal.

The proposal addresses key policy objectives of the state and local planning framework and will likely provide valuable benefits to the local community and wider municipality.

It is therefore requested that the proposal be supported by the Department of Environment, Land, Water and Planning, and the application be approved.

APPENDIX A CERTIFICATE OF TITLE AND
TITLE PLANS

APPENDIX B DRAWINGS

SITE PLANS AND SECTION

APPENDIX C ECOLOGICAL ASSESSMENT MEMORANDUM

APPENDIX D STAKEHOLDER RESPONSES

APPENDIX E REVIEW LETTER

RAIL PROJECTS VICTORIA