

# **Maidstone Tram Maintenance and Stabling Facility Project**

**Incorporated Document**

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**October 2023**

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

**OFFICIAL**

## 1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the Maribyrnong Planning Scheme (**Planning Scheme**) 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 document may be used or developed in accordance with the specific control in Clause 4 of this document.
- 1.3. The control in Clause 4 prevails over any contrary or inconsistent provision in the Planning Scheme.

## 2. PURPOSE

- 2.1. The purpose of the control in Clause 4 is to permit and facilitate the subdivision, use and development of land described in Clause 3 for the purposes of delivering and operating the Maidstone Tram Maintenance and Stabling Facility (the **Project**). In order to construct community infrastructure, the control creates a Melbourne Water reservation and a lot for Ambulance Victoria.

## 3. LAND

- 3.1. The control in Clause 4 applies to the land shown as SCO5 on the planning scheme maps forming part of the Planning Scheme (**Project Land**).

## 4. CONTROL

### Exemption from Planning Scheme requirements

- 4.1. Despite any provision to the contrary, or any inconsistent provision in the Planning Scheme, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, restrict or regulate the subdivision, reservation, use or development of the Project Land in accordance with the purpose of this incorporated document.
- 4.2. The use and development of the Project Land for the purposes of, or related to, constructing, maintaining, or operating the Project includes, but is not limited to:
  - (a) A new tram maintenance facility including stabling yard, tramway, tram wash facilities, storage facilities (including gas storage and battery storage), sanding facility, maintenance facilities, tram paint booth and workshops.
  - (b) Associated staff offices and amenities building, training facilities, bicycle facilities, staff and visitor parking and trucking parking.
  - (c) Gate house, hard stand areas, bulk oil storage and recovery facility, test track and testing areas, fences, retaining walls, noise walls and associated infrastructure.
  - (d) Utility installation, relocation, alteration and associated infrastructure including electrical power supply, electrical traction systems, installation and upgrading substations, tie stations and telecommunications infrastructure.
  - (e) Earthworks and related structures, drainage and stormwater retention and treatment works, access tracks, vegetation removal and landscaping.
  - (f) Installation and operation of signalling systems, rolling stock control systems, communications systems, monitoring systems and data management systems.
  - (g) Road construction, roadworks and associated works, traffic management infrastructure, access ways, car parking, shared user pathways and pedestrian crossings.
  - (h) Operation of the Project 24 hours a day, 7 days a week.

- (i) Subdivision and consolidation of land in accordance with the concept plan of subdivision approved by the Minister for Planning in condition 4.6 of this document.
- (j) Ancillary activities including, but not limited to:
  - (i) Developing and using laydown areas for construction purposes.
  - (ii) Constructing and using temporary site workshops and storage, administration and amenities buildings.
  - (iii) Removing, destroying and lopping trees and vegetation, including dead vegetation.
  - (iv) Demolishing, relocating and removing existing buildings, fixtures, structures and infrastructure.
  - (v) Installation and operation of lighting.
  - (vi) Displaying construction, directional, wayfinding and business identification signage.
  - (vii) Restoration and reinstatement works.
  - (viii) Storage and assembly of materials and equipment.
  - (ix) Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.
  - (x) Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.

### **Conditions**

- 4.3. The use and development permitted by this Incorporated Document is subject to the following conditions. In these conditions, a reference to 'a stage' includes any stage or part of the Project, whether for construction or operation or both.
- 4.4. Prior to the commencement of development (excluding preparatory use and development), a site plan must be submitted and endorsed to the satisfaction of the Minister for Planning. The site plan must show urban design and landscaping measures agreed to with the Office of the Victorian Government Architect and be consistent with the submitted Urban Design Guidelines and the plans approved by Heritage Victoria. The site plan must demonstrate spatial allocation for a noise wall west of Gorenkos Drive if needed in the future, for example, to enable a change of use of adjoining land. The development must proceed generally in accordance with the endorsed site plan.
- 4.5. The endorsed site plan can be amended as required, to the satisfaction of the Minister for Planning.
- 4.6. Prior to the commencement of development (excluding preparatory use and development), a concept plan of subdivision must be submitted and endorsed to the satisfaction of the Minister for Planning. This plan must show a subdivision of the site into three lots and a reservation comprising the Maidstone Tram Maintenance Facility, the Ambulance Victoria site, the balance of site, a drainage reserve and any road reserves. The subdivision of the land allowed by this incorporated document must proceed generally in accordance with the endorsed concept plan of subdivision.

### Environmental Management Framework

- 4.7. Prior to the commencement of development (excluding preparatory use and development under Clause 4.13), an Environmental Management Framework (**EMF**) must be prepared to the

satisfaction of the Minister for Planning. The EMF must be prepared in consultation with the Maribyrnong City Council, Environment Protection Authority, and Melbourne Water.

4.8. The EMF must include:

- (a) A summary of key construction methodologies;
- (b) An overarching framework for site or work specific measures to reduce and manage environmental and amenity effects during construction and operation of the Project, including with respect of:
  - (i) Aboriginal heritage.
  - (ii) Air quality (including odours).
  - (iii) Flora and fauna (including arboriculture).
  - (iv) Groundwater.
  - (v) Historic heritage.
  - (vi) Lighting.
  - (vii) Noise and vibration.
  - (viii) Sustainability.
  - (ix) Traffic and transport.
  - (x) Waste and contamination.
  - (xi) Water quality.
- (c) A summary of the consultation that informed the preparation of the EMF and a summary of the proposed ongoing engagement activities with the Maribyrnong City Council, the community and other stakeholders during construction and operation of the Project including enquiries and complaints management.
- (d) A summary of performance monitoring and reporting processes, including auditing to ensure environmental and amenity impacts are reduced and managed during construction of the Project.
- (e) The EMF must include a requirement to maintain the noise levels to the satisfaction of the Environment Protection Authority calculated in accordance with the Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues) as amended from time to time.
- (f) The EMF must also include a requirement to review the Detailed Design Acoustic Assessment and the Operations Environmental Management Plan if a change of use on adjoining land occurs and determine if additional mitigation or management measures are required. If noise walls are required to be constructed West of Gorenkos Drive to facilitate development of adjoining land the tram maintenance facility operator must provide access to the developer of the adjoining land to build and maintain the noise walls in the location shown on the approved site plan.

4.9. The EMF may be amended from time to time, to the satisfaction of the Minister for Planning. An application for approval of an amendment must be accompanied by:

- (a) Amended EMF and a schedule explaining the proposed amendments.
  - (b) Except for minor amendments, a written statement explaining and supporting the proposed amendment, including a description of the form and extent of any consultation undertaken with the Maribyrnong City Council, and any other stakeholder concerning the proposed amendment, all written comments received, and a response to the comments made.
  - (c) For the purposes of Clause 4.9(b), minor amendments include, but are not limited to, drafting edits and corrections and amendments which would not in the opinion of the Minister for Planning directly result in any material adverse environmental and amenity effects.
- 4.10. The approved EMF, as amended from time to time, must be made available on a clearly identifiable Project website from the date of approval and must remain available for a period of at least 5 years after the commencement of operation of the Project.
- 4.11. The use and development of the Project must be carried out in accordance with the approved EMF.

#### Drainage and surface water management

- 4.12. The buildings and works relevant to drainage and surface water management, including stormwater retention and treatment, must be undertaken to the satisfaction of Melbourne Water.

#### Subdivision

- 4.13. Any subdivision of the Project Land in accordance with this incorporated document is exempt from any public open space requirement under the Planning Scheme.
- 4.14. Any subdivision of the Project Land in accordance with this incorporated document is a class of subdivision exempt from a public open space requirement for the purposes of section 18(8)(a) of the *Subdivision Act 1988*.

#### Preparatory use and development

- 4.15. The following buildings and works may be commenced before the requirements specified in Clause 4.7 – 4.127 are satisfied:
- (a) Preparatory buildings and works for the Project, including but not limited to:
    - (i) Works, including vegetation removal, where, but for this incorporated document, a planning permit would not be required under the provisions of the Planning Scheme.
    - (ii) Utility alteration, relocation and protection works.
    - (iii) Demolition of buildings and structures to the minimum extent necessary to enable preparatory works.
    - (iv) Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
    - (v) Creation and use of construction access points and working platforms.
    - (vi) Establishment of temporary construction site/s including site fencing and hoarding, site offices, amenities, hardstand, temporary car parking and laydown areas.
    - (vii) Construction, protection, modification, removal or relocation of minor utility installations, tram signalling, overhead and associated infrastructure.

- (viii) Establishment of environment and traffic controls.
- (ix) Construction and use of temporary car parking.
- (x) Salvaging and relocating artefacts and other management actions required to be undertaken in compliance with the relevant cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or other compliance with that Act.
- (xi) Salvaging and relocating artefacts and other preparatory works required to be undertaken in accordance with any heritage permit or consent issued under the *Heritage Act 2017*.

## **5. EXPIRY**

- 5.1. The control in this document expires if any of the following circumstances apply:
  - (a) The development allowed by the control is not started by 1 January 2026.
  - (b) The development allowed by the control is not completed by 1 January 2031.
- 5.2. The Minister for Planning may extend the periods referred to if a request is made in writing before the approval expires or within three months afterwards.