

The purpose of this VPP Practice Note is to provide:

- information about the franchise arrangements between the Government and private railway and tram operators
- information on notification procedures for planning permit applications or planning scheme amendments affecting public transport land
- guidance on the development requirements for public transport land, including land used for a railway station.

## Franchise arrangements and notification of proposals

**What are the franchise arrangements between the Government and private operators for public transport land?**

A number of organisations are involved in the provision of public transport services across Victoria. Land and infrastructure required for public transport operations is leased to the franchisees which now operate these businesses, or to other track maintainers. The relevant organisations are:

Victorian Rail Track Corporation (VicTrack)	
Director of Public Transport (DPT)	
Australian Rail Track Corporation (ARTC)	
Suburban train franchises:	Bayside Trains Hillside Trains
Suburban tram franchises:	Swanston Trams Yarra Trams
Intrastate country rail passenger services:	V/Line Passenger Service West Coast Rail Hoys Roadlines
Interstate passenger rail services:	Great Southern Railway CountryLink
Freight operations:	Freight Victoria

Attachment 1 sets out the roles and responsibilities of each of these organisations.

**Who must sign a planning permit application and who should be notified of an application or planning scheme amendment affecting public transport land?**

- The owner of the land must sign the Application for Planning Permit or be notified of the application by the applicant as a requirement of the *Planning and Environment Act 1987*. VicTrack is the owner of all public transport land.
- If public land is within a Public Use Zone, the public land manager must be notified of the application for permit being made and be notified of the application by the applicant as a requirement of the *Planning and Environment Act 1987*. The public land manager will be the operator of transport services on the land affected by the application.
- For planning scheme amendment proposals the Director of Public Transport should also be notified.

**Who should be notified of planning permit applications/planning scheme amendments affecting land surrounding public transport land?**

Where notice is required to be given in relation to a planning permit application or planning scheme amendment affecting public transport land, the notice should be given to the following organisations:

- VicTrack (the land owner)
- the Director of Public Transport
- the lessee of the land (the lessee varies from case to case).

Attachment 1 contains the contact details of the organisations.

Notification of planning permit applications should be undertaken in accordance with Section 52 of the *Planning and Environment Act 1987*, unless the municipal planning scheme specifically requires referral of an application under Section 55.

Development proposals affecting tram services that operate on public roads should be forwarded to both the franchisee and VicTrack as they may have implications for stopping places and cable supports.

## Planning considerations for public transport land

There are potential opportunities for the development of non-transport commercial activities on selected public transport sites across the State, in particular, at railway stations and on sites located in or near commercial centres.

To facilitate the development of public transport sites, various factors should be considered. These include the most appropriate zoning and overlay for the land, as-of-right uses and the rights of public and private operators, air rights and the need to recognise that routine public transport operations should not be unreasonably limited by any new development or change in planning scheme requirements.

When a development is proposed, either through a planning permit application or a planning scheme amendment, the various organisations involved in the franchise arrangements for the particular site should be included in the planning approval process.

To determine the most suitable zoning, overlays and any local planning policy for public transport land, a strategic assessment of public transport sites with development potential should be carried out. The extent of the assessment will depend on the size, location and characteristics of the site and its relationship with the surrounding area.

### How should public transport land be zoned?

Most public transport land is likely to be zoned Public Use Zone –Transport (PUZ4). This zone recognises that the principal function of the land is for public transport activities. It allows these activities to be carried out without the need for a planning permit, provided they are directly associated with the provision of transport services and carried out by or on behalf of the public land manager.

To increase certainty about development potential of particular sites for non-transport related development, the land could be partially or fully rezoned to a more appropriate zone such as the Business 1 Zone or the Industrial 1 Zone.

Development beyond that normal to railway operations should be dealt with on the same basis as development on adjacent land. In many cases, land near public transport development sites will be zoned for business purposes, such as Business 1 Zone. The advantage of the Business 1 Zone is that it offers the broadest range of commercial uses and the use of the land for commercial purposes is normally as of right requiring a planning permit for buildings and works only. This means that any planning approvals should focus on the siting and design of any new development on these sites.

Sites in country and regional areas may be large and abut a number of zones. The strategic implications of rezoning these sites should be considered in terms of the potential impact on existing commercial centres. It may be useful to prepare a development plan that identifies areas within the site that may be suitable for development, taking into account the site context, any future requirements for rail infrastructure and other strategic considerations.

### In the Public Use Zone, what are the as-of-right uses for public transport land?

The planning scheme enables private operators of public transport to have the same development rights as public operators. Railway and Tramway are as-of-right uses in the Public Use Zone regardless of ownership. A railway station in the Public Use Zone can include a kiosk (food and other convenience items) with a total leasable floor area of up to 50 square metres without the need for a planning permit.

Normal existing use rights under the scheme also apply for the continued lawful use of land by a utility service provider or other private body, even when the continuation of the use is no longer for a public purpose.

### What air rights apply to railway land and what effect does this have on zoning?

Under lease arrangements, private operators will be leased land which includes stations and abutting land (such as car parks) to a height of 6.825 metres with VicTrack retaining control over air rights above this. This generally conforms with the height of railway overhead wires and structures. Where existing transport infrastructure exceeds this height, the height of that infrastructure applies.

As a result of these air right provisions, activities conducted by private operators are restricted largely to transport activities and small-scale commercial activity, often in the form of retail facilities on or around railway platforms or small-scale advertising (subject to planning permits in some cases). Generally speaking, the Public Use Zone provides for this type of activity.

VicTrack should be involved in the consideration of any rezoning proposal to facilitate a large scale commercial development proposal adjacent to railway stations given the limited air rights held by private operators.

### How should overlays be applied to public transport land?

Overlays may apply to public transport land to protect historic buildings (Heritage Overlay), protect significant vegetation (Vegetation Protection Overlay), provide guidelines for design (Design and Development Overlay), or for other appropriate reasons.

Development on public transport land should be consistent with the purpose and objectives of the overlay as with any other land and will usually require a planning permit under the overlay. However, the impact of development controls in overlays on the practical day-to-day operation of rail services should be carefully considered when applying overlays in a planning scheme or when preparing schedules to overlays.

Ongoing maintenance of rail infrastructure requires continuous access and works to replace and renew infrastructure. Overlays should not unreasonably interfere with activities that are critical to the operation of a successful transport business. If particular types of development or activities that may be carried out on public transport land are minor or irrelevant to the purpose of the overlay, most schedules to overlays can be designed to exempt those developments or activities. For example, there is an ability to design a Vegetation Protection Overlay schedule to exempt a railway operator from the need for a permit for tree clearing where agreements exist between VicTrack and the Department of Natural Resources and Environment.

Zones and overlays that apply to public transport land should facilitate development that meets the strategic objectives for planning for the area and should be complementary to the continuation of normal public transport operations.

## Attachment 1. Roles and responsibilities of public transport organisations and contact details

ORGANISATION	ROLE/RESPONSIBILITY
<b>Victorian Rail Track Corporation (VicTrack)</b>	<b>Land owner</b> State Government statutory corporation which owns public transport land.
<b>Director of Public Transport (DPT) (Department of Infrastructure)</b>	Oversees privatised rail and tram franchises. Leases land from VicTrack for on-leasing to private operators.
<b>Suburban train franchises</b> Bayside Trains Hillside Trains	<b>Lessees</b> The suburban train operation has been divided into two businesses – Bayside Trains and Hillside Trains. As part of the franchising arrangement, these privatised operators lease public transport land from the DPT. Attachment 2 contains a list of lines operated by each business.
<b>Suburban tram franchises</b> Swanston Trams Yarra Trams	<b>Lessees</b> The suburban tram operation has been divided into two businesses – Swanston Trams and Yarra Trams. As part of the franchising arrangement, these operators lease public transport land from DPT. Trams generally operate on roads owned by other authorities such as councils and VicRoads. The amount of land leased to the tram operators by DPT is limited. Attachment 2 contains a list of routes operated by each business.
<b>Intrastate country rail passenger services</b> V/Line Passenger Service West Coast Rail Hoys Roadlines	<b>Lessees</b> Private companies, West Coast Rail and Hoys Roadlines operate services to Warrnambool and Shepparton respectively. Freight Victoria has leased this track from VicTrack and maintains it. West Coast Rail and Hoys Roadlines lease station buildings and facilities from VicTrack (beyond Geelong for West Coast Rail and beyond Seymour for Hoys Roadlines). The remainder of the V/Line Passenger service has been franchised to a private operator. The franchisee operates on lines leased to Freight Victoria and, in the Melbourne area, Bayside Trains. The operator leases passenger facilities at stations and some depots from DPT. Attachment 2 contains a list of lines operated by V/Line Passenger Service.
<b>Interstate passenger rail services</b> Great Southern Railway CountryLink	<b>Lessees</b> A private company – Great Southern Railway – operates the interstate service to South Australia but the track is leased and maintained by the Australian Rail Track Corporation (ARTC) – see below. CountryLink operates the interstate service to NSW. It is owned by the New South Wales Government. The track is leased by the ARTC – see below.
<b>Freight Victoria</b>	<b>Lessees</b> Private purchaser of the rail freight service in Victoria. Freight Victoria leases the intrastate track from VicTrack but also operates on a track leased to Bayside Trains.
<b>Australian Rail Track Corporation (ARTC)</b>	<b>Lessee</b> Commonwealth Government corporation which leases track used for interstate operations from VicTrack and is responsible for its maintenance.

### Contact details

**Director of Public Transport**  
Department of Infrastructure  
Level 25, Nauru House  
80 Collins Street  
Melbourne 3000

**Victorian Rail Track Corporation**  
PO Box 1681P  
Melbourne 3000

**Australian Rail Track Corporation**  
PO Box 10343  
Gouger Street  
Adelaide  
South Australia 5000

**Yarra Trams**  
Level 15, 589 Collins Street  
Melbourne 3000

**V/Line Passenger Service**  
Ground Floor, 589 Collins Street  
Melbourne 3000

**Hillside Trains**  
Level 13, 589 Collins Street  
Melbourne 3000

**Swanston Trams**  
Level 14, 589 Collins Street  
Melbourne 3000

**Bayside Trains**  
Level 12, 589 Collins Street  
Melbourne 3000

**Freight Victoria**  
Level 1, 589 Collins Street  
Melbourne 3000

**Hoys Roadlines Pty Ltd**  
47 MacKay Street  
Wangaratta 3677

**West Coast Rail**  
Level 3, 75–77 Moorabool Street  
Geelong 3220

## Attachment 2. List of lines and routes by operator

### Yarra Trams' routes

Route 11	West Preston to City
Route 12	Sth Melbourne and St Kilda Beach to City
Routes 23, 24 and 30	La Trobe Street services
Route 35	City Circle
Route 48	North Balwyn to City
Route 70	Wattle Park to City
Route 75	East Burwood to City
Route 86	Bundoora to City
Route 96	St Kilda Beach to East Brunswick via City
Route 109a	Port Melbourne to City
Route 109b	Mont Albert to City

### Swanston Trams' routes

Route 1/22	East Coburg/Moreland to South Melbourne Beach/Arts Centre
Route 3	East Malvern to Melbourne University
Route 5	Malvern to Melbourne University
Route 6	Glen Iris to Melbourne University
Route 8	Toorak to Melbourne University
Route 16	St Kilda Beach to Melbourne University
Route 19	North Coburg to City
Route 55	West Coburg to Domain Road interchange
Route 57	West Maribyrnong to City
Route 59	Airport West to City
Route 64	East Brighton to Melbourne University
Route 67	Carnegie to Melbourne University
Route 69	Kew to St Kilda Beach
Route 72	Camberwell to Melbourne University
Route 78/79	North Richmond to Prahran/St Kilda Beach
Route 82	Moonee Ponds to Footscray

### Bayside Trains' lines

Frankston  
Cranbourne  
Pakenham  
Sandringham  
Upfield  
Broadmeadows  
St Albans (also to include committed extension of suburban service to Sydenham)  
Williamstown  
Werribee  
City of Melbourne – includes track in the underground rail loop and North Melbourne, Parliament, Flagstaff and Melbourne Central Stations.

### Hillside Trains' lines

Belgrave  
Lilydale  
Alamein  
Glen Waverley  
Hurstbridge  
Epping  
Flemington Racecourse line  
City of Melbourne - includes Richmond, Jolimont and Flinders Street stations

### V/Line Passenger services

Geelong  
Ballarat  
Swan Hill (via Bendigo)  
Albury  
Traralgon