
Planning and Environment Act 1987

PORTS AND ENVIRONS ADVISORY COMMITTEE

**Report of the Advisory Committee
pursuant to Section 151 of the Act**

Advisory Committee:

Mark Marsden, Chair

Des Grogan, Member

Helen Weston, Member

David Whitney, Member

29 October 2010

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REPORT STRUCTURE

In accordance with the Terms of Reference (ToR), the Port and Environs Advisory Committee pursued a two stage consultative process. This report forms Stage 2 of the process and should be read in conjunction with the Ports and Environs Advisory Committee Discussion Paper, March 2010.

Stage 1 – Discussion Paper

The Discussion Paper was released on 31 March 2010. The Discussion Paper was divided into five parts:

- Part A: Background (Chapters 2, 3, and 4)
- Part B: Overview of Victoria's Ports (Chapter 5)
- Part C: Port Environs (Chapters 6 and 7)
- Part D: Planning Framework (Chapters 8, 9, 10, 11, 12 and 13)
- Part E: Conclusions

Stage 2 – Final Report

This final report is also divided into five parts:

- Part A: Background (Chapter 1 and 2)
- Part B: Port environs (Chapter 3, 4, 5, 6 and 7)
- Part C: Planning framework for Victoria's Ports (Chapter 9, 10, 11, 12 and 14)
- Part D: Additional matters (Chapter 15)
- Part E: Recommendations (Chapter 16)

ABBREVIATIONS

AEO	Airport Environs Overlay
BCNA	Beacon Cove Neighbourhood Association
CAD	Central Activities District
CEO	Chief Executive Officer
COAG	Council of Australian Government
DIIRD	Department of Innovation, Industry and Regional Development
DPCD	Department of Planning and Community Development
DSE	Department of Sustainability and Environment
DoT	Department of Transport
DDO	Design and Development Overlay
EES	Environment Effects Statement
EPA	Environment Protection Authority
GCFGL	Geelong Community for Good Life Inc
GEC	Geelong Environment Council
MHF	Major Hazard Facilities
MoU	Memorandum of Understanding
MSS	Municipal Strategic Statement
NPV	Nelson Place Village Pty Ltd
NSRG	North Shore Residents Group
PDS	Port Development Strategy
PEO	Port Environs Overlay
PEPF	Port Environs Planning Framework
PoHC	Port of Hastings Corporation
PLUS	Port Land Use Strategies
PoMC	Port of Melbourne Corporation
SEMP	Safety and Environment Management Plan
SUZ	Special Use Zones
SPPF	State Planning Policy Framework
TEU	Twenty-foot equivalent unit
ToR	Terms of Reference
VPP	Victoria Planning Provisions
VTP	Victorian Transport Plan 2008

SUMMARY

Terms of Reference

1. The Port and Environs Advisory Committee was appointed by the Minister for Planning in September 2009 to, amongst other matters:
 - determine whether the existing and proposed planning controls applying to the Ports of Hastings, Geelong and Portland are adequate to ensure the protection of the ports from the encroachment of sensitive uses;
 - review the issues raised in the draft Port of Melbourne *Port Environs Planning Framework* and provide recommendations on how the framework can be implemented; and
 - advise on appropriate and streamlined planning controls that could apply to the use and development of land and waters to the Ports of Hastings, Geelong and Portland.

The Discussion Paper

2. The Committee produced a Discussion Paper in March 2010. The Discussion Paper provided background on the nature of the existing role and future development of each port; the State legislative and policy framework as well as the State and local planning policy framework applying to the ports; and identified the range of approaches to interface planning in the port environs.
3. The main focus of the Discussion Paper was to identify potential port environs for each port and to identify opportunities to strengthen the statutory planning framework relating to ports. In relation to the planning approaches in the port environs, the Committee concluded there was a need for a two-way approach that protected the ports from the encroachment of sensitive uses and inappropriate developments and that also provided protection for new uses and developments in surrounding areas from adverse impacts of port operations.
4. In terms of the planning tools to address planning issues in the port environs, the Discussion Paper identified a number of alternative approaches and discussed the range of options under the Victoria Planning Provisions (VPP). One of the main suggestions was that a purpose-specific Port Environs Overlay (PEO) be prepared. A draft PEO was included in the Discussion Paper for consideration by submitters.
5. In relation to the statutory planning framework, the Committee identified opportunities to strengthen State and relevant local policy and prepared a purpose-specific Port Zone to improve consistency between the planning controls of the ports as well as enhance transparency for planning in the ports.

It also addressed other issues such as whether there was a need to introduce a definition of *Port* into the planning framework and how the Port Land Use Strategies (PLUSs) prepared for each port as required under the *Port Management Act* 1995 could be included in the planning framework.

6. While not specified in the ToR, the Discussion Paper also commented on whether the Minister for Planning should be the Responsible Authority for considering applications to use and develop land in the ports of Hastings, Geelong and Portland.

Submissions on the Discussion Paper

7. Sixty submissions were received in response to the Discussion Paper. Submissions were received from port managers/operators, government departments and agencies, local councils, community groups, businesses and individuals. The Committee categorised the nature of submissions as follows:

- submissions that were mainly concerned with individual ports;
- submissions that provided comments on the proposed planning framework;
- submissions made by government departments and agencies; and
- submissions that addressed matters that were beyond the Committee's ToR.

There was general support in the submissions on the Discussion Paper for the Committee's proposals to introduce a Port Environs Overlay and a Port Zone, to strengthen State and relevant local planning policy, and to improve the integration between the Port Land Use Strategies and Planning Schemes.

8. The Committee wishes to acknowledge the comprehensive and thought-provoking submissions it received on the Discussion Paper. The submissions have been of great assistance to the Committee in preparing its final report and making recommendations to the Minister for Planning.

The Hearing process

9. The Committee conducted public hearings in Melbourne and Geelong over a three week period in September 2010. The public hearings were an opportunity for submitters to elaborate on their submissions and for the Committee to explore the issues raised in submissions. As part of the public hearings, the Committee conducted a series of roundtable discussions on the identification of the port environs associated with the ports. The purpose of the roundtable discussions was to provide a constructive forum in which to explore the issues in a less formal manner. While consensus was not achieved on all the issues in the roundtable discussions, the dialogue provided an opportunity for

participants to better understand the different opinions various submitters held and work towards mutually agreeable outcomes. The roundtable process also assisted the Committee's understanding of the issues and the development of its recommendations relating to the port environs.

The Port Environs Overlay

10. The proposal for the PEO was supported by the port managers, most government departments and businesses with an interest in the ports. The Port of Melbourne Corporation (PoMC) further developed the PEO and proposed two schedules with differing levels of requirements. Most councils were not necessarily opposed to the concept of the PEO, however, in the case of the Port of Melbourne in particular, questioned whether there was sufficient justification to introduce the PEO in the identified port environs.
11. In relation to the PEO, the Committee recommends that:
 - the PEO should be introduced into the Victorian Planning Provisions (VPP) and applied to the port environs identified in this report; and
 - the PEO should be introduced by the Minister for Planning pursuant to Section 20(4) of the *Planning and Environment Act* 1987 subject to a two year sunset clause to allow a review of the Overlay.
12. In making its recommendations to apply the PEO to the identified port environs, the Committee carefully considered the information provided by submitters as well as made its own observations as to whether the PEO was justified. As will be seen in Chapters 4 to 7, the Committee concludes that the PEO should not apply to a number of potential port environs because it was not convinced that the PEO was required to protect the port or the surrounding areas did not require protection from the port.

The Port Zone

13. In relation to the Port Zone, there was broad consensus that the Zone should be a 'parent zone' containing few requirements and with detailed schedules prepared which would apply to the various precincts within each port.
14. In relation to the Port Zone, the Committee recommends that a 'parent' Port Zone be introduced into the VPP. However, it also recommends the Port Zone not be introduced into the relevant Planning Schemes until schedules are prepared that could apply to the various precincts in the ports. The precincts identified in the PLUSs may provide some guidance as the identification of the schedules, however they should not be seen as the only consideration because in some cases insufficient detail is provided. The preparation of the schedules to the Port Zone should be a priority project and involve the port managers, councils and other relevant stakeholders. While the ToR did not require the

Committee to review the planning controls in the Port of Melbourne, it considers the Port Zone with appropriate schedules could also apply to this port.

15. The Committee recommends that the SPPF be strengthened to recognise the significance of Melbourne Port and the other ports to Victoria's economy and lifestyle, to appropriately manage the interface between the ports and nearby land uses, especially sensitive land uses, and to recognise the importance of environmental management and protection within and near ports. While noting there have been a number of recent amendments by councils relating to the Port of Melbourne, the Committee identifies further opportunities where local policies of relevant schemes could be enhanced to recognise the significance of the port and to ensure the interface between ports and surrounding areas are appropriately managed.
16. In addition, the Committee recommends that the WorkSafe Advisory Notes, which have been prepared for the Major Hazard Facilities (MHF) for Coode Island, Mobil's Yarraville refinery and Mobil's Point Gellibrand tank farm, should be included in the SPPF as a policy guideline.

The Responsible Authority

17. There was mixed views whether the Minister for Planning should be made Responsible Authority to consider applications for use and development in the ports of Hastings, Geelong and Portland. The port managers and businesses with an interest in ports supported the proposition, however councils, community groups and some individuals were strongly opposed.
18. The Committee was not convinced that the Minister for Planning should be established as Responsible Authority for considering applications in the ports of Hastings, Geelong and Portland. In the Committee's view, its recommendations to improve the statutory planning framework should result in a more effective and efficient system for the consideration of applications in the ports. The Committee also notes that the Minister for Planning is able to 'call-in' applications in the ports identified as being of State significance.

Caretaker's house

19. The Committee accepts that the Particular Provision prepared for Caretaker's house prepared by PoMC has merit and should be included in the VPP subject to one relatively minor change.

Definition of 'port'

20. The Committee has not been convinced there is a need to introduce a definition of *Port* into the VPP, and notes that none of the port managers and few councils considered such a change was necessary given that ports are complex systems

accommodating a number of uses and infrastructure.

Submissions beyond ToR scope

21. There were a number of submissions received that were beyond the scope of the Committee's ToR. These submissions were mainly concerned with the strategic planning of the Victoria' four ports, environmental, health and safety risks and the future development of Webb Dock. The Committee has briefly summarised these submissions in the report and consider they are worthy of the Government's attention.

PART A – BACKGROUND

1. INTRODUCTION

1.1 Challenges for port planning

Victoria's four commercial trading ports of Melbourne, Hastings, Geelong and Portland have experienced significant growth in the past decade largely due to increased international trade and strong domestic economic growth. The Port of Melbourne is the busiest container port in Australia and is recognised as one of the top 50 ports in the world.

With the increased trade through Victoria's ports, there are significant challenges for the ports to be able to operate effectively and efficiently while managing risk and mitigating amenity impacts to people in surrounding areas and impacts on the environment (terrestrial and marine).

The ports of Melbourne, Geelong and Portland are located in existing urban areas where there are competing land uses all taking advantage of the benefits of highly valued and highly sought-after locations for industry, business, residential and other purposes. With the need for these ports to be able to operate 24 hours a day seven days a week, it is important that there is a planning framework that recognises the ports' needs as well as the needs of other stakeholders potentially adversely impacted by the ports' operations.

While the Port of Hastings is located outside an existing urban area, it faces significant challenges during development as Melbourne's second port to ensure potential adverse risk and amenity impacts are contained within land set aside for port or port related uses any adverse impacts on the sensitive marine environment of Western Port are appropriately mitigated.

One of the most significant challenges for each of Victoria's four ports is to secure access to an efficient freight networks, both road and rail. This issue has been identified as being critical for the ports' efficiency and effectiveness by each of the port managers.

Traffic impacts of the ports are also a major concern for residents living near the ports. High volumes of heavy vehicle traffic through or near residential areas can have significant noise, vibration and safety impacts.

Victoria's four ports have made, and continue to make, a significant contribution to Victoria's economic growth and prosperity. In one sense, this creates a degree of mutual dependence between the ports and Victoria as a whole. In other words, the efficient operation of the ports is important to Victoria and the prosperity of Victoria is important to the ports. In the Committee's view, this mutual dependence should underpin the future planning for the ports and their environs.

1.2 State and National policy context

In recognition of the growth of trade through the ports, the State Government has developed a strategic framework to provide a stronger policy framework to guide the future development of the ports. The *Victorian Ports Strategic Framework* (2004) identified that the key challenges facing the ports were rapid growth in trade, the need for increased competition, the benefits of new technology to increase efficiency, the prospect of further inter-modalism, urban encroachment on port boundaries and safety, security and environmental pressures.

Other significant policies relating to the ports prepared by the State Government include the *Victorian Transport Plan* (VTP) (2008), *Freight Futures* (2008) and *Port Futures* (2009).

The VTP is a long term investment strategy that incorporates road, rail, public transport, airport and port initiatives.

Freight Futures is a long term freight strategy for Victoria, designed to support the VTP and give clear directions to provide an efficient, capable and sustainable freight network. It seeks to increase the freight-carrying capability of the State's road, rail and sea-freight networks by identifying where those networks are and committing resources to expand them.

Port Futures identifies the distinctive role of each port as part of Victoria's port network, and contains strategies that essentially recommend that each port should focus on developing their existing core roles.

At the national level, the Commonwealth Government is preparing a National Ports Strategy for consideration by Council of Australian Government (COAG) in 2010. It is proposed that the strategy will provide a nationally coordinated approach to the future development of Australia's port and freight infrastructure.

1.3 Victoria's four commercial trading ports

As stated above, *Port Futures* recommends that each of Victoria's four ports should focus on developing their existing trade roles.

The Port of Melbourne will continue to develop its specialised capacity to handle containerised cargo and the Port of Hastings has been identified to act as an overflow container port for the Port of Melbourne.

For many years, the Port of Melbourne has planned to accommodate increased container trade/throughput by developing Webb Dock. However, the Minister for Roads and Transport has required the Port of Melbourne Corporation (PoMC) to undertake market soundings for increasing capacity at Swanson Dock prior to developing Webb Dock.

The PoMC became the port manager for Port of Hastings on 1 September 2010 as a

result of the approval of the Transport Legislation Amendment (Ports Integration) Bill on 12 August 2010.

The ports of Hastings, Geelong and Portland will continue to focus on bulk trades and break bulk cargoes.

The *Port Management Act* 1995 sets out the statutory requirements for Victoria's four commercial trading ports. This Act requires the port managers to prepare a PLUS and to review those strategies at least every four years in accordance with guidelines to be issued by the Minister for Roads and Transport. The Minister approved the PLUS for each port in 2009. Section 4.4 of the Committee's Discussion Paper provides an overview of each PLUS.

In addition, the Act requires the port managers to prepare Safety and Environment Management Plans (SEMPs). These plans require the following:

- (a) identify by a description, map or plan the area or areas of the port lands and waters to which it applies;*
- (b) identify the nature and extent of the hazards and risks associated with the operation of the port;*
- (c) assess the likely impact of those hazards and risks on the port and the surrounding area;*
- (d) specify the measures and strategies to be implemented to prevent or reduce those hazards or risks;*
- (e) nominate the person who is to be responsible for implementing those measures and strategies;*
- (f) set out the processes to be followed to involve tenants, licensees and service providers in the port with the implementation of the management plan;*
- (g) set out the procedures to be followed for implementing, reviewing and revising the management plan.*

The Committee's Discussion Paper provided a summary of each port in Chapter 5 in terms of:

- location and context;
- governance arrangements;
- nature of trade throughput;
- current infrastructure;
- road and transport issues; and
- future development plans.

Other than the integration of the operations and management of the Ports of Melbourne and Hastings, the Committee understands that there are no substantive changes to the characteristics of the ports.

1.4 The Advisory Committee

The Ports and Environs Advisory Committee was appointed under section 151 of the *Planning and Environment Act 1987* by the Minister for Planning in September 2009 and comprises Mark Marsden (Chair), Des Grogan, Helen Weston and David Whitney. Biographies of the Committee members are found in Appendix B of the Discussion Paper.

1.5 Terms of reference

The Port and Environs Advisory Committee Terms of Reference (ToR) require the Committee to, amongst other matters:

- determine whether the existing and proposed planning controls applying to the Ports of Hastings, Geelong and Portland are adequate to ensure the protection of the ports from the encroachment of sensitive uses;
- review the issues raised in the draft Port of Melbourne Port Environs Planning Framework (PEPF) and provide recommendations on how the framework can be implemented; and
- advise on appropriate and streamlined planning controls that could apply to the use and development of land and waters to the Ports of Hastings, Geelong and Portland.

The ToR are included in **Appendix A**.

1.6 Committee Process

In accordance with the ToR, the Advisory Committee pursued a two stage consultative process.

Stage 1 – Preparation of the Discussion Paper

During this stage, the Committee conducted discussions with port managers, Council officers, government departments and agencies and some community groups, to assist it gain an understanding of the major issues concerning the ports and the port environs.

The Discussion Paper was released on 31 March 2010.

In response to the Committee's ToR, key elements of the Discussion Paper were to:

- Identify the potential port environs for each of the four ports; and
- Provide suggestions to the statutory planning framework, including State and local policy frameworks, zoning and overlay controls, definitions, particular provisions and integrating the port land use strategies with the planning framework.

Two significant suggestions included in the Discussion Paper were:

- Consideration of a draft Port Environs Overlay (PEO) to address potential impacts of port activities in identified port environs; and
- Consideration of a draft Port Zone to provide a more streamlined and logical framework to planning control applying to ports.

In addition, the Discussion Paper addressed comments as to whether the Minister for Planning should be the Responsible Authority for the ports of Hastings, Geelong and Portland. The Minister for Planning is the Responsible Authority for the Port of Melbourne.

The purpose of the Discussion Paper was to encourage feedback on the Committee's suggestions regarding the various planning tools (as well as any other tools submitters considered appropriate).

Notices inviting submissions on the Discussion Paper were placed in The Herald Sun and local newspapers with circulation in port areas. These newspapers included the Geelong Advertiser, Portland Observer and the Leader newspapers circulating in Bayside, Frankston, Hobsons Bay, Maribyrnong, Mornington and Caulfield. A copy of the Discussion Paper was also sent to port managers, councils and stakeholders that met with the Committee or who requested a copy of the report. The Discussion Paper was also made available on the Department of Planning and Community Development (DPCD) web site.

Some submitters expressed concern that the community had not been made aware of this review. However, the Committee is satisfied that it has met its obligations under the ToR to give appropriate notice of the Discussion Paper and to consult with stakeholders.

Stage 2 – Development of Final report

During this stage, the Advisory Committee conducted formal public hearings on the submissions responding to the Discussion Paper. Sixty submissions were received. A list of submitters is provided in **Appendix B**. The hearings were held between 9 and 23 September 2010. Hearings were held in Melbourne and Geelong. The Committee members conducted inspections of the four ports and their surrounds. The final report has been prepared following the completion of the public hearings. Submitters who addressed the Committee are included in **Appendix C**.

As part of the public hearing process, the Committee conducted roundtable discussions with interested submitters on the port environs for each of the ports. The purpose of the roundtable discussions was to conduct less formal consultations with submitters on key issues, including:

- What area of land should constitute the 'port environs'?

- What is the nature of issues that potentially impact on port activities and the nature of port activities that impact on the amenity of surrounding areas?
- If there are issues to be addressed, what type of planning mechanisms would assist in addressing the issues?

The Committee considers the roundtable discussions were successful in terms of providing a constructive dialogue for examining the issues for each interface area. While consensus was not achieved on all the issues in the roundtable discussions, the dialogue provided an opportunity for participants to better understand the different opinions various submitters held and work towards mutually agreeable outcomes. The roundtable process also assisted the Committee's understanding of the issues and the development of its recommendations relating to the port environs.

2. SUBMISSIONS

2.1 Introduction

Sixty submissions were received in response to the Discussion Paper. Submissions were received from:

- port managers/operators;
- government departments and agencies;
- local councils;
- community groups;
- businesses; and
- individuals.

A list of submitters is provided in **Appendix B**.

Submissions have been categorised as follows:

- submissions that were mainly concerned with individual ports;
- submissions that provided comments on the proposed planning framework;
- submissions made by government departments and agencies; and
- submissions that addressed matters that were beyond the Committee's ToR

The submissions that provided detailed comments on the identification of the port environs and the application of the PEO are considered in chapters 5 to 8.

The submissions that commented on the proposed policy framework are summarised in the relevant chapters (Chapters 9 to 14).

A summary of the remaining three categories of submissions is provided in the following sections.

This Chapter identifies both the written submissions to the Discussion Paper as well as the issues discussed by submitters during the public hearings.

2.2 Summary of submissions on individual ports

2.2.1. Port of Melbourne

Submissions were received from PoMC, councils that have an interface with the port, VicUrban, businesses that rely on the port for their operations, local resident community groups, and local businesses and residents affected by the port's operations.

The PoMC considered protecting the port from the effects of encroachment of

sensitive uses was critical to protecting the Port of Melbourne's future.

The PoMC's comprehensive submission identified the port environs adjacent to the port's boundaries which should be subject to additional planning controls. These areas had been largely identified in the draft *Port Environs Planning Framework* (November 2009) and considered by the Committee in the Discussion Paper.

In addition, the PoMC tabled the following background reports:

- *Economic Impact of the Port of Melbourne* (Price Waterhouse Cooper), August 2010;
- *Port of Melbourne Environmental Noise and Vibration Review* (Marshall Day Acoustics);
- *Port of Melbourne Corporation Advisory Committee: Review of Planning Controls Port Environs* (GHD), August 2010.

The PoMC submitted that all the identified port environs should be subject to the proposed PEO. The PEO was put forward as one planning tool in the Discussion Paper to manage planning issues at the ports' interfaces. However, the PoMC further developed the Committee's draft PEO and submitted that the PEO should have two schedules. Further explanation of the PoMC's proposal is in Chapter 3.

The PoMC's submission also contained suggestions to enhance the planning framework relating to ports, including reviewing the provision on ports in the State Planning Policy Framework (SPPF) and reviewing the local policies in relevant Planning Schemes.

The Department of Transport (DoT) supported the proposals to identify the port environs and to introduce a PEO to protect the Port of Melbourne. It considered such proposals were an appropriate response to the Government's commitments in *Port Futures* to protect the ports from the encroachment of residential and other sensitive uses.

Submissions were also received from each of the councils that have an interface with the Port of Melbourne, namely City of Melbourne, City of Maribyrnong, City of Port Phillip and City of Hobson's Bay. In addition, a submission was received from VicUrban, which has responsibility for developing Docklands.

The City of Maribyrnong also tabled three expert witness statements, though did not call any of the experts to give evidence. The three experts witness statements tabled included:

- potential risk exposures from existing by existing MHF's by Brian Cooper of R4Risk;
- economic impact of rezoning the existing Business 3 Zone to the Industrial 3 Zone in the Yarraville Port Precinct, by Robert Buckmaster of AEC Group;

and

- town planning evidence regarding the preferred planning framework for the Yarraville port environs, by Robert Milner of 10 Consulting Group.

In broad terms, while the councils acknowledged the importance of the Port of Melbourne in contributing to the State's economy, they emphasised the need to ensure that its operations did not have unreasonable impacts on the amenity of surrounding areas or present an unacceptable risk to people or the environment.

However, the councils questioned whether there was a need to formally identify port environs and to introduce additional planning controls over such areas. One of the major concerns of the councils was that the PoMC had not provided sufficient evidence to justify the need for additional controls to protect the port environs.

Submissions were also received from some businesses which rely on the port for their operations as well as local businesses and local residents who are affected by the ports' operations. The businesses that rely on the port generally supported the proposals in the Discussion Paper to protect the Port of Melbourne by strengthening State and local policy and introducing the PEO to the identified port environs.

A number of the businesses and local residents affected by the port's operations made suggestions about changing the ports activities to reduce potential amenity and risk impacts. In addition, a number of submissions were made opposing the future development of Webb Dock as a container dock. While these matters are important, they are outside the Committee's ToR. However, in recognition of their importance, the Committee provides brief commentary on these matters so that they may be taken up by the State Government in other forums (See Section 2.3).

2.2.2. Port of Hastings

Few submissions were received in relation to the Port of Hastings. It is the Advisory Committee's view that this response reflects the fact that this port is not faced with the same interface issues as the other three commercial trading ports.

Submissions were received from the Port of Hastings Corporation (PoHC)¹, the Mornington Peninsula Shire, City of Casey, Bluescope Steel and Phillip Island Conservation Society.

With the PoMC taking responsibility for the Port of Hastings on 1 September 2010, the former CEO of the PoHC addressed the Committee as part of the PoMC's presentation.

¹ With the PoMC taking responsibility for the Port of Hastings on 1 September 2010, the former CEO of the PoHC addressed the Committee as part of the PoMC's presentation.

The PoMC consider that the significant issues for the Port of Hastings relate to the future planning and development of the port as Melbourne's second container port. Future planning will require ensuring there is sufficient land available for port and port related uses so that potential amenity impacts are contained within port and port related land, identifying and protecting transport corridors to provide access to the port and protecting the sensitive coastal environment of Western Port.

The PoMC also considered the proposal for a Port Zone applying to the Port of Hastings had merit but considered that the draft Port Zone presented by the Committee was too prescriptive and potentially too restrictive. It considered the Port Zone should be a parent zone with schedules applying more specific requirements relating to use and built form to various port precincts.

The Mornington Peninsula Shire agreed the major issues for the Port of Hastings related to future planning challenges rather than to any immediate need to identify port environs and introduce a PEO.

Council officers initially questioned the need to introduce a new Port Zone because it was considered the existing Special Use Zone (SUZ) was working reasonably well. However, Council officers considered the approach of a parent Port Zone with detailed schedules based on the precincts would be acceptable subject to further discussion on the detail of the schedule.

Council expressed strong opposition to nominating the Minister for Planning as Responsible Authority for permit applications in the Port of Hastings. Council considered it has a good track record in recognising the importance of the port and balancing the needs of stakeholders and ensuring the protection of the sensitive coastal environment.

Bluescope Steel owns has a major land holding at Port of Hastings (800 hectares land and 400 hectares water). It generally supported the proposals in the Discussion Paper to strengthen the State and local policy framework relating to the port and to introduce a Port Zone. It also identified eleven principles that the policy framework for the Port of Hastings should embody.

The Phillip Island Conservation Society expressed concern about the environmental impacts of developing the Port of Hastings particularly if there is a major oil spill or explosion.

2.2.3. Port of Geelong

Submissions concerning the Port of Geelong were received from GeelongPort (the port manager), City of Greater Geelong, Geelong Chamber of Commerce, Geelong Grammar School and several local community groups including the Geelong Community for Good Life Inc (GCFGL) and North Shore Residents Group.

GeelongPort expressed strong concern about the nature of the planning controls

applying to the Port of Geelong and submitted that the current planning controls had contributed to a significant delay and cost in gaining approval to develop a recent major infrastructure project at Wharf. It also made strong submissions about the need to establish the Minister for Planning as the Responsible Authority for the port.

GeelongPort supported the proposal for a new Port Zone and during the Hearing tabled a proposal for a 'parent' Port Zone and three schedules that could apply to the different precincts in the port area of interest land and waters along the foreshore.

GeelongPort supported the proposal for a PEO but considered it should only apply to the North Shore residential area.

The City of Greater Geelong has prepared a draft Structure Plan for the port which seeks to provide guidance to future decision-making in relation to planning applications in the port and surrounding areas. Council has also prepared a Planning Scheme Amendment which seeks to introduce the draft Structure Plan into the Greater Geelong Planning Scheme. The Amendment also proposed other changes to the Scheme including introducing overlay controls to specific sites in the port area of interest land. However, the Minister for Planning has refused to authorise the Amendment pending the outcomes of this inquiry. Council requested that the Committee provide a clear direction as to whether the draft Structure Plan and Amendment should be pursued.

Council generally supported the concept of a Port Zone and PEO. However, it identified a number of concerns with the schedules prepared by GeelongPort and considered further discussion was required before it could support the schedules.

In addition, Council supported the proposal for a PEO but agreed with GeelongPort that it should only apply to the North Shore residential area. Council's submissions regarding the identification of the port environs around the Port of Geelong are considered in Chapter 7.

Council strongly opposes any proposal to nominate the Minister for Planning as the Responsible Authority for permit applications in the Port of Geelong and considered it has clearly recognised the importance of the port to the Geelong region in its decision-making processes.

The GCFGL submission addressed issues specifically relating to the Port of Geelong and environs as well as issues regarding the health, environmental and safety impacts of the storage and transportation of hazardous material respectively within and through the port and nearby areas.

In response to GeelongPort's submission that the current planning controls contributed to the significant delay and cost of the recent development at Corio Quay Wharf, GCFGL contended that the delay was largely due to failure by Council to require all the necessary approvals and the permit applicant to provide all the

necessary information.

The GCFGL also expressed concern about any changes to the planning framework that could remove third party participation rights and was opposed to the Minister for Planning being established as the Responsible Authority to consider permit applications in the Port of Geelong.

In addition, the GCFGL expressed major concern with the performance of the Environment Protection Authority (EPA) and City of Greater Geelong in monitoring compliance with relevant EPA standards and conditions of planning permits. However, the GCFGL clearly stated that it is not opposed to the existence of the port nor to the potential for its future growth.

The other submissions received in relation to the Port of Geelong were mainly concerned with general issues about the future of the port and to the identification of the port environs and possible application of the PEO. These matters are addressed in the relevant sections of this report.

2.2.4. Port of Portland

Submissions were received from the Port of Portland, Shire of Glenelg and Western Coastal Board.

The Port of Portland generally supported the Discussion Paper's proposals to strengthen the State and local policy framework relating to ports, the Port Zone and the identification of the port environs in order to provide better protection to the port as well as ensure a reasonable level of amenity for nearby residents.

In addition, the Port of Portland considered the identification and protection of transport corridors is critical to the future growth of the port and that more needs to be done to secure transport corridors to the port. The Port of Portland also submitted that the Minister for Planning should be the Responsible Authority to consider permit applications in the port provided there was opportunity for the views of the Council and local community to be considered.

The Shire of Glenelg largely supported the Discussion Paper's proposal relating to the planning framework and port environs. However, it sought further clarity in relation to the identification of the port environs boundaries.

The Western Coastal Board submitted that further investigation is required to identify the port environs and that the views of local residents need to be taken into account in developing any planning controls that may apply in the port environs. Further, it submitted that any proposals to introduce zoning controls should not occur until stakeholders had an opportunity to comment.

2.3 Summary of submissions made by government departments and agencies

Most of the submissions lodged by government departments and agencies addressed issues that were relevant to Victoria's four commercial ports in general. A summary of these submissions follows:

Department of Planning and Community Development (DPCD)

This submission supported the Discussion Paper's proposals to strengthen State policy to recognise the significance of Victoria's four commercial ports and considered there was merit in the Port Zone. However, it considered the Committee should prepare schedules to the zone based on the precincts identified in the PLUS. DPCD did not support the PEO and considered the Design and Development Overlay (DDO) would be appropriate to apply in the port environs. DPCD also considered DoT should be a referral authority in assessing proposals that could affect port operations.

Department of Transport (DoT)

This submission provided a general overview of the State and National policy framework applying to ports, identified the relevant legislation that may impact on port activities, provided an overview of the PLUS that had been prepared for each port and provided brief comments on the Discussions Paper's proposals on the planning framework and port environs.

In broad terms, DoT supports the proposals for a Port Zone and PEO and generally agreed with many of PoMC's conclusions identifying the port environs around the Port of Melbourne. It also supported applying the PEO to the port environs. In addition, DoT submitted that it would welcome the Committee adopting a firm recommendation that the Minister for Planning should be the Responsible Authority for making planning decisions in respect of the ports of Hastings, Geelong and Portland.

Department of Innovation, Industry and Regional Development (DIIRD)

This submission highlighted the importance of Victoria's ports to the State's economic infrastructure and supported the need to identify port environs to address the planning issues between the ports and surrounding areas. It supported applying the PEO to the port environs. It noted that it may be more consistent to have the Minister for Planning as Responsible Authority for all ports, but stated it was important not to put at risk the relationships between the port managers and councils.

Department of Sustainability and Environment (DSE)

This submission identified key legislation and policy relevant to the ports, including

the *Coastal Management Act 1995*, *Victorian Coastal Strategy 2008* and *Corio Bay Action Plan*. In broad terms, DSE considered that the profile of the coastal and marine environments should be considered when discussing ports and their environs and that the Committee should be aware of the environmental significance of specific coastal locations near the ports. Further, it noted that environmental considerations were not included in the decision guidelines for most of the draft planning documents prepared by the Committee.

Environment Protection Authority (EPA)

The EPA noted that internationally there was a growing body of evidence that air pollution arising from port activities can have a significant impact on the health of surrounding communities. It submitted that in identifying the port environs the Committee should

- assess all of the environmental risks that are posed by the ports, including impacts on human health and overall environmental quality;
- consider the tools (including the regulatory tools) that might be required to address the requirements (such as the Environment Protection Act 1970 and State Environmental Protection Policies (SEPPs)); and
- ensure that when defining relevant sensitive uses for planning controls, the definitions in the regulatory tools are considered and recognise the ports' SEMP as they may provide relevant information to determine environmental impacts.

In response to the Committee's request for additional information, the EPA submitted a document after the completion of the public hearing. In this document, the EPA confirmed it had not been involved in the development of the individual SEMP, provided web links on air pollution impacts associated with the ports, provided information on how noise from rail sidings and depots are assessed, stated that it licenses a minority of premises in ports, advised that any complaints received regarding emissions are not a reliable tool for planning for the port environs, and provided a brief report on the nature of the complaints it has received in relation to each port.

The Committee was frustrated by the fact it wasn't until after the hearing that the authority provided information alleging the receipt of complaints about emissions attributed to port operations without providing any details about and nature, number and origin of these complaints. This is despite the Committee requesting such information prior to the public hearings.

VicRoads

VicRoads made a number of general comments about the proposals regarding the policy framework. In relation to applying a DDO along transport corridors to protect

adjacent areas from traffic noise, VicRoads identified a number of administrative problems that could result in increased costs to VicRoads. It submitted that the Traffic Noise Reduction Policy (2005) was adequate to address noise problems associated with traffic noise from major roads. VicRoads also submitted that there should be consistent requirements and decision guidelines for both use and buildings and works for traffic related matters.

WorkSafe Victoria

WorkSafe tabled a powerpoint presentation at the public hearing which provided some background to the development of the Advisory Note it has prepared for the MHF at Coode Island, Yarraville Mobil Fuel Terminal and Point Gellibrand Mobil Tank Farm. This submission is considered in more detail in Chapter 5.

2.4 Summary of submissions beyond the Committee's ToR

There were three major issues identified by submitters that, in the Committee's view, are beyond the ToR issued by the Minister for Planning. These three issues are:

- Strategic planning issues concerning the future development of Victoria's four commercial ports as a port system;
- Environmental, health and safety risks; and
- The future development of Webb Dock.

While these matters are beyond the Committee's ToR, a brief summary of the issues raised follows should there be other forums in which the issues can be appropriately explored.

2.4.1 Strategic planning issues

Submissions that addressed broader strategic planning issues were made by Blue Wedges Inc. and Asciano.

Blue Wedges Inc. is a community group that seeks to protect the State's waterways. It submitted that an integrated approach to the planning of Victoria's four commercial ports is not possible given that each port is managed by a separate entity, with two that are privately owned and operated, as well as being in competition with each other. It also submitted that the future planning of the ports is predicated on flawed assumptions and which fail to address the potential impact of significant issues, such as peak oil, climate change, a carbon free economy and the prospect of another global financial crisis. In short, Blue Wedges submitted that port planning is based on financial considerations and not environmental considerations.

The Committee notes that the GCFGL made similar comments believing that the Committee had been "captured" by the ports and governments interests.

Asciano is a large company that manages significant port operations at both

Swanson Dock and Webb Dock in the Port of Melbourne. In its view, the Port of Melbourne Port Development Strategy (PDS) should not be promoting the development of Webb Dock and that the preferred future for handling container trades for Victoria should be to expand Swanson Dock (2013), develop Port of Geelong (2016) and move this port function to Hastings (by 2035).

While these strategic planning issues are beyond the Committee's scope, it is important to note that the Committee has undertaken its task to review the statutory planning framework in relation to Victoria's four commercial trading ports having regard to the existing strategic framework. However the Committee believes that the matters raised by Blue Wedges and Asciano should be addressed as appropriate, in future reviews of the strategic framework for the ports.

2.4.2 Environmental, health and safety risks

Submissions relating to environmental, health and safety risks were received from the EPA, GCFGL and Geelong Environment Council (GEC).

Blue Wedges also made some comments about the environmental impact on port activities and emissions from shipping.

As noted in Section 2.3, the EPA's submission recommended that to identify the port environs the Committee should assess all the environmental risks that are posed by the ports and go beyond the current amenity focus and consider the impacts on human health and overall environmental quality. Further, the EPA considered the Committee should consider all the tools that might be required to address all such risks.

The GCFGL's submission was principally concerned with the environmental, health and safety risks associated with the storage, handling and transport of hazardous materials at Victoria's ports, particularly Port of Geelong.

It also raised concerns about the performance of the companies in terms of meeting their statutory requirements under various planning and environmental approvals. The GCFGL was also critical of the EPA's and the City of Greater Geelong's performance in monitoring compliance with the relevant regulations and requirements.

Further, the GCFGL contended the Committee had scope to consider environmental and health impacts because such impacts could be included as requirements in planning control decision guidelines, such as overlay controls. Ms McLean also referred to an Inter-Governmental Agreement on SEPPs and submitted that there was an obligation on councils to meet their SEPP responsibilities under the planning arena and that councils also have clear responsibilities under the Health Act to ensure the protection of public health.

The GEC addressed the Committee on the environmental and health risk associated

the storage of chemicals, particularly butadiene. Mr Linaker, on behalf of the GEC, also provided the Committee with information about a number of incidents including the Shell gas odour in 2005 caused by a fuel flare off.

While the Committee notes the importance of environmental, health and risk issues and accepts there are some linkages between the planning regulatory framework and the environmental protection regulatory framework, such as Clause 52.10 of the Victoria Planning Provisions (VPP). However, it is not the role of this Committee to review the adequacy of the environmental, health and safety requirements nor the performance of the relevant agencies in ensuring operators meet their statutory environmental obligations.

The Committee also notes that the port managers have a statutory responsibility to prepare SEMP's and this should provide the framework to assess the environmental performance of the ports. The Committee was surprised to learn that the EPA does not play a role in assisting the port managers prepare the SEMP's nor does it have a role in reviewing or approving the SEMP's. In the Committee's opinion, this is an issue that should require further discussion between the EPA and the ports, particularly given the EPA's submission that an environmental risk assessment for each port should be undertaken.

2.4.3 Future development of Webb Dock

The Port of Melbourne PDS states that by 2035 Webb Dock could handle a similar number of containers currently handled by Swanson Dock.

PoMC advised that, while the market sounding for the expansion of Swanson Dock must be first undertaken, it is expected that Webb Dock will be developed as a container berth in the future. It further advised that the development of Webb Dock is subject to the requirements of the Environment Effects Statement (EES) that was approved in 1999.

There were a number of submissions concerning the future development of Webb Dock from community groups and residents. Submissions on this matter were received from Geoff Forsyth, Port to Port Community Group, Port People Inc., Beacon Cove Neighbourhood Association, Wade Noonan MP, Asciano, Rosalie and Angelo Durso, City of Port Phillip, Port Phillip Greens and Laura Sheridan.

In essence, the concern is that the development Webb Dock could have a significant adverse impact to surrounding areas in terms of noise, light spill, increased heavy vehicle traffic and loss of views to the city from Williamstown.

Asciano and others submitted that it was relevant for the Committee to acknowledge that there is a distinct difference between protecting an existing port operation from encroaching sensitive land uses and imposing a new or substantially higher intensity port use on an existing sensitive land use.

Ms Ann Birrell, representing the Port Phillip Greens, contended that the ToR provides the Committee with scope to address the Webb Dock development because under 'Matters to be considered' it states:

Any other documents or matters the Advisory Committee considers relevant.

In the Committee's view, this provision is not an open invitation to the Committee to consider any matter raised by submitters but provides scope for the Committee to consider any other matter it believes relevant to its main tasks in the ToR.

As stated in the Discussion Paper, the Committee does not have a role in addressing whether it is appropriate to develop Webb Dock nor does it have a role in assessing the potential environmental, amenity and traffic impacts of any future development. Indeed, the Committee notes that there is no current proposal for development of Webb Dock that is even able to be assessed.

However, the Committee considers that at the appropriate time the proposals for the future development of Webb Dock should undergo a proper planning process. In this way local communities will be properly informed as to the potential implications on the local environment and amenity and have the ability to participate in the process. The Committee questions the relevance of the 1999 EES to guide the environmental standards for the future Webb Dock development given it is over 10 years old.

PART B – PORT ENVIRONS

3. PORT ENVIRONS FOR VICTORIA'S PORTS

3.1 Introduction

The ToR includes the following task:

Make recommendations on appropriate boundaries for the land that would constitute 'port environs' for all of the four commercial ports.

In Chapter 7 of the Discussion Paper, the Committee identified potential port environs for each port. These areas were identified having regard to the port development strategies, State and local planning policies, discussions with relevant stakeholders and the Committee's inspections and observations of the ports and surrounds.

In the case of the Port of Melbourne, the Committee also had regard to the *Draft Port and Environs Planning Framework* (Port of Melbourne Corporation – September 2009).

As part of its consideration of identifying the potential port environs for each port, the Committee suggested that there were a number of possible planning approaches that could be applied in the potential port environs in order to address interface management (see Chapter 6 of the Discussion Paper).

These approaches included:

- creating buffer areas;
- applying planning controls to create 'reverse buffers';
- extending the range of sensitive uses;
- improving environmental and/or operational performance (of the ports);
- reviewing the site design and layout of ports;
- relocating nuisance or hazardous activities;
- entering into legal agreements;
- giving notice of potential detriment under section 32(2) of the *Sale of Land Act 1962*;
- acquiring land and change land use; and
- entering into a memorandum of understanding between affected parties.

In addition, the Committee identified the current tools in the VPP that seek to achieve compatibility between potentially conflicting land uses, such as Clause 17.03-2 of the SPPF, the Industrial 3 Zone (IN3Z) and Clause 52.10 - Uses with Adverse Amenity Potential.

The Committee suggested other tools could be considered to address planning issues within the port environs, including the use of a DDO (Appendix H of the Discussion

Paper), a purpose-specific PEO (Appendix G) and a particular provision (Appendix J). The Committee's March 2010 draft of the PEO is also included in **Appendix D** of this report.

3.2 Submissions

The Committee invited submissions on which planning tools could be appropriate to apply in the potential port environs. Submissions were received from port managers, government departments, councils, businesses, community groups and individuals on the various tools that may be considered appropriate.

With the exception of DPCD, there was, in broad terms, a large degree of support for the concept of applying the PEO in the port environs.

The main advantages of the PEO are that it would improve transparency so that land purchasers in the port environs would be made aware of the existence of the nearby port and it would provide a framework for the impacts of port operations to be considered in the decision-making process for permits in port environs.

In its submission to the Discussion Paper, the PoMC proposed that the PEO be divided into two schedules:

- Schedule 1 (PEO1) - the 'higher order' schedule that controls land use and development, requires referral of applications to PoMC under section 55 of the *Planning and Environment Act 1987* and requires applications to be assessed against a number of decision guidelines; and
- Schedule 2 (PEO2) - the 'lower order' (less onerous) schedule that requires notice of application for certain land uses to the PoMC and consideration of these applications against a smaller number of decision guidelines.

During the course of the hearing and the roundtable discussions, Mr Morris QC, on behalf of PoMC, amended the PEO in response to comments made by the Advisory Committee and some submitters. The PoMC's final version of the PEO and schedules is included in **Appendix E**.

While there was a large degree of support for the PEO, there was considerable debate during the public hearings and roundtable discussions in relation to the PoMC's proposed PEO and its recommendations to the Committee to apply it extensively in areas surrounding the port. In particular, a number of councils with an interface with the Port of Melbourne as well as VicUrban considered PEO1 would be too onerous and that PoMC had not provided the necessary evidence to justify the PEO.

The submissions concerning these matters are considered in more detail in the chapters that address the port environs identified for each port.

3.3 Discussion

The purpose of the PEO is to provide a two way approach to management of use and development in the port environs by protecting the ports from the encroachment of sensitive uses and inappropriate development and to provide a framework so that the impacts of port operations are considered when assessing applications for use and development of land in the port environs.

The Committee considers that the potential benefits of a purpose-specific PEO include:

- it would provide transparency through the identification of port environs on planning certificates when a property is being purchased, which would not be readily with a DDO;
- it is a simple tool that would ensure that the impacts of port activities would be considered when applications for permits are required;
- it provides scope for mitigation measures to be considered when assessing applications for use and development of land; and
- the relevant port manager would be notified of applications that could potentially affect a port's operations and have the opportunity to comment.

In addition, and despite the concerns of DPCD, the Committee notes that the VPP already include a similar two-way approach with the Airport Environs Overlay (AEO). The purpose of this Overlay is to protect airports from restrictions such as night-time curfews and to ensure that land use and development are compatible with the operation of airports. In other words, the PEO is not a precedent in the VPP.

However, the Committee considers that the two-tiered version of the PEO prepared by the PoMC has a number of short-comings. In terms of PEO1 in particular, the Committee is concerned that:

- insufficient evidence was provided to the Committee to justified the need for a permit for the type of uses listed in Clause 1;
- insufficient information was provided in terms of the building standards that may need to be considered to address concerns with potential amenity impacts, such as vibration, noise, light spill and glare and air-borne emissions; and
- it is inappropriate for the PoMC, given its commercial objectives, be made a referral authority under section 55 of the Planning and Environment Act.

Further, the Committee considers the PoMC's recommendations to the Committee that the PEO (including PEO1 and PEO2) apply extensively in industrially zoned land in the port environs is inappropriate as the industrial zones themselves place restrictions on the nature of sensitive uses permissible within these zones.

In relation to the matter of lack of evidence, the Committee did not receive any details from the PoMC in terms of the nature of the port operations that are causing concerns in nearby areas, a complaints register that identified the number and nature of complaints or any details of any future proposals where potential impacts beyond the port boundaries that may required the PEO. PoMC tabled a report by Marshall Day Acoustics on *Environmental Noise and Vibration Review* (August 2010), however this report only described the nature of noise sources at the port and did not provide any information about actual noise levels.

Following the hearing, the EPA provided the Committee with a brief report on the nature of complaints it had received in relation to each port. Despite acknowledging there had been complaints relating to noise, dust and odour, the EPA stated that the *"assessment of current uses and complaints is a particularly inappropriate method for determining port environs...."*²

In response to a question from the Committee, Mr Morris amended his position and stated that it was not the identification of the port environs and application of the PEO that required evidence-based decision making, but it was the introduction of the PEO into the planning framework that provides the opportunity for evidence-based decision-making on applications for the use and development of land.

Despite the Committee's concerns with PEO1, it considers there is still strong merit in applying a PEO over identified port environs. Accordingly, it has prepared a further version of a PEO that is similar to PEO2 developed by PoMC. Some key features of the Committee's final version of the PEO include:

- permits will only be triggered when there is a requirement for a permit under the relevant zone;
- the application requirements will require applicants to provide information about the site's location in relation to the port and how potential impacts from ports are addressed;
- a requirement to prepare an Emergency Evacuation Management Plan for sites within 300 metres of a MHF; and
- a requirement that the views of the relevant port operator are obtained before deciding on an application.

In addition, the Committee considers it would be appropriate to include the WorkSafe Advisory Note in the ports section of the SPPF as a policy guideline given the proposal in the PEO that an Emergency Management Evacuation Plan must be prepared to the satisfaction of WorkSafe.

The Committee considers where the PEO should apply in the port environs

² EPA additional information, October 2010, page 6.

associated with each port in chapters 5 to 8.

3.4 Conclusion

In the Committee's view, the PEO it has prepared is an appropriate response to the nature of the issues identified at the various port environs associated with each port. It seeks to achieve a balance between ensuring that the use and development of land in the port environs takes into account the potential impact of port operations while not unduly restricting use and development of land and undermining other planning objectives that may apply.

In addition, the Committee considers the PEO will not be onerous to applicants or to responsible authorities because it will only apply to areas where sensitive uses are permissible under the relevant zone permits and it is only triggered when a permit is required under the relevant zone. Further, it is proposed that it will only apply to those industrial zoned areas that are within 300 metres of an MHF within a port.

The Committee also notes that with the inclusion of the PEO in the VPP there would be scope for the port managers and planning authorities to consider applying it to other port environs should a case be made that the PEO is required to address specific interface issues. The preparation of a VPP practice note would provide guidance to planning authorities as to when the PEO may be appropriate.

3.5 Recommendations

The Committee recommends:

- **The PEO prepared by the Committee (Appendix F) be introduced in the identified port environs by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987*; and**
- **DPCD prepare a VPP Practice Note on the role and implementation of the PEO.**

4. PORT OF MELBOURNE

4.1 Introduction

The Discussion Paper identified the following areas as port environs for the Port of Melbourne as shown in Table 1.

Table 1 Port of Melbourne Port Environs

Municipality	Port Environs
City of Melbourne	<ul style="list-style-type: none">– Swanson Dock and Dynon precinct with South Kensington– Appleton Dock and Dynon precinct with e-Gate– Appleton Dock, Victoria Dock and South Wharf with Lorimer Street and Fishermans Bend– Victoria Dock with Docklands (VicUrban)³
City of Maribyrnong	<ul style="list-style-type: none">– Swanson Dock (Coode Island) with Yarraville precinct– Holden Dock with Francis Street Yarraville
City of Port Phillip	<ul style="list-style-type: none">– Webb Dock with Garden City– Station Pier with Beacon Cove
City of Hobsons Bay	<ul style="list-style-type: none">– Ann Street Pier, Gellibrand Pier and Breakwater Pier with the former Port Phillip Woollen Mills site– The Strand– In addition, the PoMC in its submission to the Discussion Paper considered that the Webb Dock port environs should be extended to include the industrial areas east of Drake and Bernard Streets in Spotswood⁴, the area bounded by Todd Road, Williamstown Road, Batman Road and The Boulevard, the Melbourne Grammar sports fields and Westgate Park.

Appendix G shows the Port of Melbourne port environs as initially proposed by PoMC.

Each area is discussed in the following sections

4.2 City of Melbourne

4.2.1 Swanson Dock and Dynon precinct with South Kensington and Appleton Dock and Dynon precinct with e-Gate

Area

The Swanson Dock precinct includes the Swanson Dock international container terminals, the Coode Island MHF as well as road and rail transport connections to

³ VicUrban is responsible for the development of Docklands under the *Victorian Urban Development Authority Act (VicUrban) Act 2003*

⁴ The City of Hobsons Bay *Industrial Land Management Strategy June 2008* identified that a potential scenario for this area included commercial, retail and residential development.

the Dynon precinct and beyond.

South Kensington is a residential area to the north of the Dynon precinct. This precinct is identified in Figure 5 of the Discussion Paper.

The Appleton Dock and Dynon precinct is located to the south east and east of the e-Gate site. Appleton Dock is currently used for general cargo and the Dynon precinct includes the vegetable market and railway yards. This precinct is identified in Figure 6 of the Discussion Paper.

Summary of submissions

PoMC submitted that, given the distance between the port and the South Kensington residential area, there is no need to consider applying the PEO over this area.

Both DoT and City of Melbourne agreed that there is little justification for including South Kensington in the port environs.

However, the EPA submitted in its post hearing information that it was aware of a long history of noise impacts on the South Kensington area. As a result, EPA submitted that *“it is essential for planning measures to better understand the noise-generating activities of Dynon Road and manage residential development in South Kensington and e-Gate”*.⁵

While the PoMC was concerned with potential impacts in South Kensington, PoMC proposed that PEO2 should apply generally north of Footscray Road, east of the Maribyrnong River, south of Dynon Road and include the e-Gate site east of City Link (see **Figure 1 and 2**).

PoMC submitted that, as this area has been identified by the State Government as a major urban renewal area, it is likely to experience significant mixed use development, including residential development. Accordingly, PEO2 was considered necessary so PoMC could comment on applications for permits and the Responsible Authority would be required to assess the impacts of port activities.

The City of Melbourne did not support the proposal for a PEO in this precinct. It noted that the significant strategic planning will occur for this precinct in the next few years which would provide an opportunity for the interface with the port to be managed in the design and planning processes. It also noted that most of the land in this precinct was in public ownership.

Discussion

The Committee considers the application of the PEO is not justified for either the Dynon precinct or e-Gate. As stated by the City of Melbourne, this precinct will be subject to comprehensive strategic planning as part of the State Government's urban

⁵ EPA Additional Information, October 2010, page 6

renewal project and this exercise will provide an opportunity for all impacts to be considered, including potential port impacts.

The Committee also agrees with the City of Melbourne that the extensive area of land in public ownership reduces the relevance of a PEO.

The Committee notes the precinct is currently zoned industrial which reduces the prospect for incompatible land use and development which may affect port operations, whether the land is in public or private ownership.

In response to the EPA's submission, it would appear its concern was in relation to Dynon Road and not the port activities. Noise from roads is an issue beyond the Committee's ToR.

Conclusions

The Committee concludes that:

- the planning for the State Government's urban renewal project in the Dynon and e-Gate precincts will provide an opportunity for potential impacts on the Port of Melbourne to be considered; and
- the PEO not be applied in South Kensington, Dynon and e-Gate precincts.

Figure 1 Dynon Precinct - Proposed PEO2 (PoMC)



Source: Port of Melbourne Corporation

Figure 2 e-Gate - Proposed PEO2 (PoMC)



Source: Port of Melbourne Corporation

4.2.2. Appleton Dock, Victoria Dock and South Wharf with Lorimer Street and Fishermans Bend

Area

Appleton Dock and Victoria Dock are currently used for general cargo and PoMC proposes to develop these docks in the short to medium term for international containers. These two docks have an interface with Lorimer Street and Fishermans Bend. These areas have traditionally been used for manufacturing. Major warehouse and office developments have been constructed in the precinct in more recent years. This precinct is identified in Figure 11 of the Discussion Paper.

Summary of submissions

PoMC maintained that the changing focus of Fishermans Bend from traditional manufacturing to large-scale office development and potential for other uses such as child-care facilities and eating establishments justifies the need to include this area in the port environs.

Further, PoMC submitted that the City of Melbourne's Planning Scheme also sought to control large-scale office development. Clause 21.05-4 – *Advanced manufacturing and industry* identifies the area as the preferred location for clean, high-profile, value-added advanced manufacturing and research and development. PoMC considered that the proposal for a PEO in this precinct would not be contrary to Council's Planning Scheme objective for the precinct.

The PoMC's main concern is that large-scale office uses and other uses attracting large numbers of people will raise the amenity expectations of people working in the area and potentially impact on the port's operations.

In its additional information, the EPA stated that it has received dust and odour reports from businesses in the area, mainly relating to impacts from waterside activities such as stockpiling of materials. It stated that a shift to smaller floorspace, increased density or less intensive commercial uses would risk increase in impact and complaint.

Mr Morris expressed surprise about comments made by Council's Manager of Strategic Planning that Council did not support 'reverse buffers' in areas that could undermine other planning objectives applying to certain areas and thereby compromise other higher order land uses. In view of Council's Land Use policy at Clause 21.04 of its Planning Scheme and a number of Design and Development schedules in the Melbourne Planning Scheme that have a specific reverse buffer type objectives.⁶

⁶ The DDO schedules tabled by Mr Morris were DDO12, DDO23 DDO26 and DDO27

PoMC proposed that PEO1 should apply to the industrial zones and PEO2 should apply to the business zones in this precinct. **Figure 3** shows the area to be covered by the PEOs as suggested by PoMC.

However, in response to submissions at the roundtable discussions, PoMC revised its position and suggested that PEO1 was not required in this precinct and that it would be satisfied with the application of PEO2.

DoT supported PoMC's concerns about this precinct and also raised the issue of the potential impacts of any reinstated Webb Dock railway, which would run along the north side of Lorimer Street.

Melbourne Cement Facilities (MCF) which is located at 750 Lorimer Street manufactures concrete and mortars supplying the construction industry within a 40 kilometre radius. MCF is concerned that office development and expansion of the business zones will have an impact on its operations because of the higher expectations such development will create.

The City of Melbourne opposed the PoMC's proposed PEOs in this precinct. It considered that the recent office development occurring in the area is mainly associated with manufacturing and warehouse uses and did not consider such development was contrary to its Planning Scheme objectives for the area. Further, Council did not consider that eating establishments that served workers in the areas should have an impact on the port's operations.

Council expressed concern about the lack of certainty in terms of the criteria in the PEO that would be applied to new use and development to ensure the impacts of the port's operations were addressed. In other words, Council queried which building standards such as noise attenuation would apply to new use and development.

Discussion

Despite the EPA's reference to receiving complaints about dust and odour, the authority provided no details regarding the nature, number or origin of such complaints. The Committee was not provided with sufficient evidence by any party that would justify including the whole of the Lorimer Street and Fishermans Bend precinct in the port environs.

However, the Committee acknowledges that there are three areas included in the Business 3 Zone on the south side of Lorimer Street that have a direct interface with the port, including Melbourne Cement Facilities. Given this direct interface and the potential for large-scale office development as well as uses that could attract large numbers of people, the Committee considers that it would be reasonable for the PEO to be applied to these areas so that the impacts of the port's operations are taken into account and to determine whether there should be any additional requirements for new use and development subject to a permit in the relevant zone to mitigate impacts from the port.

The Committee does not consider that the PEO should apply to the areas zoned industrial in this precinct because this zone contains limitations on the size of offices and the type of uses that could attract large numbers of people.

The Committee agrees that should the Webb Dock railway proceed there will be a need to address potential noise impacts for businesses along Lorimer Street. However, this is a matter that should be considered as part of any assessment process required for that project.

Conclusions

The Committee concludes that:

- the industrial zoning of land in this precinct limits the size of offices and the type of uses that could attract large numbers of people in the area;
- insufficient justification has been provided to the Committee to warrant the application of the PEO to the industrial zoned land in Lorimer Street and Fishermans Bend; and
- there is a case to apply the PEO to the three areas of land in the Business 3 Zone that have a direct interface with the port, including Melbourne Cement Facilities (Figures 4, 5 and 6).

Recommendations

The Committee recommends that:

- **the PEO apply to the three areas of land in the Business 3 Zone within the Lorimer Street area and Fishermans Bend that have a direct interface with the port, including Melbourne Cement Facilities (Figures 4, 5 and 6).**

Figure 3 Fisherman's Bend - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 4 Recommended PEO (Map 6, Melbourne Planning Scheme)



Figure 5 Recommended PEO (Map 7, Melbourne Planning Scheme)

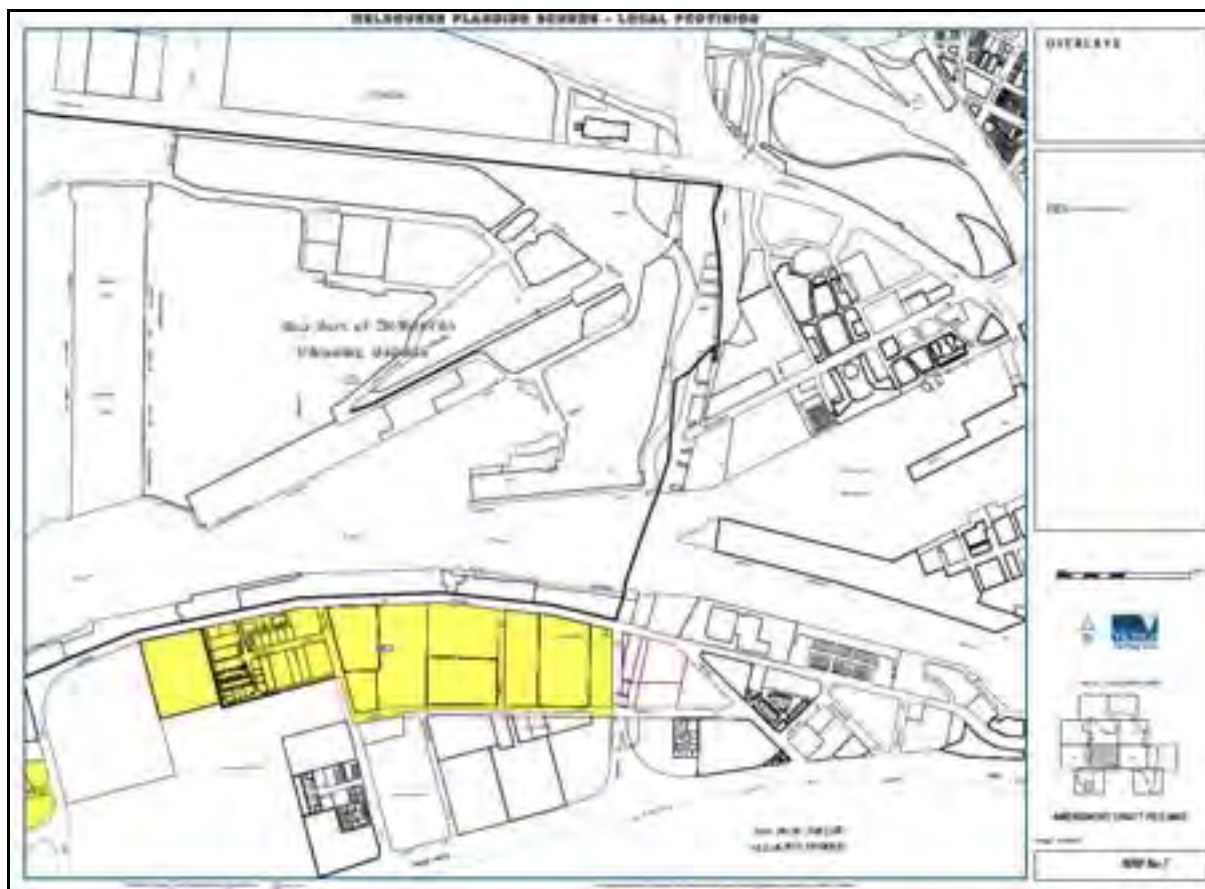
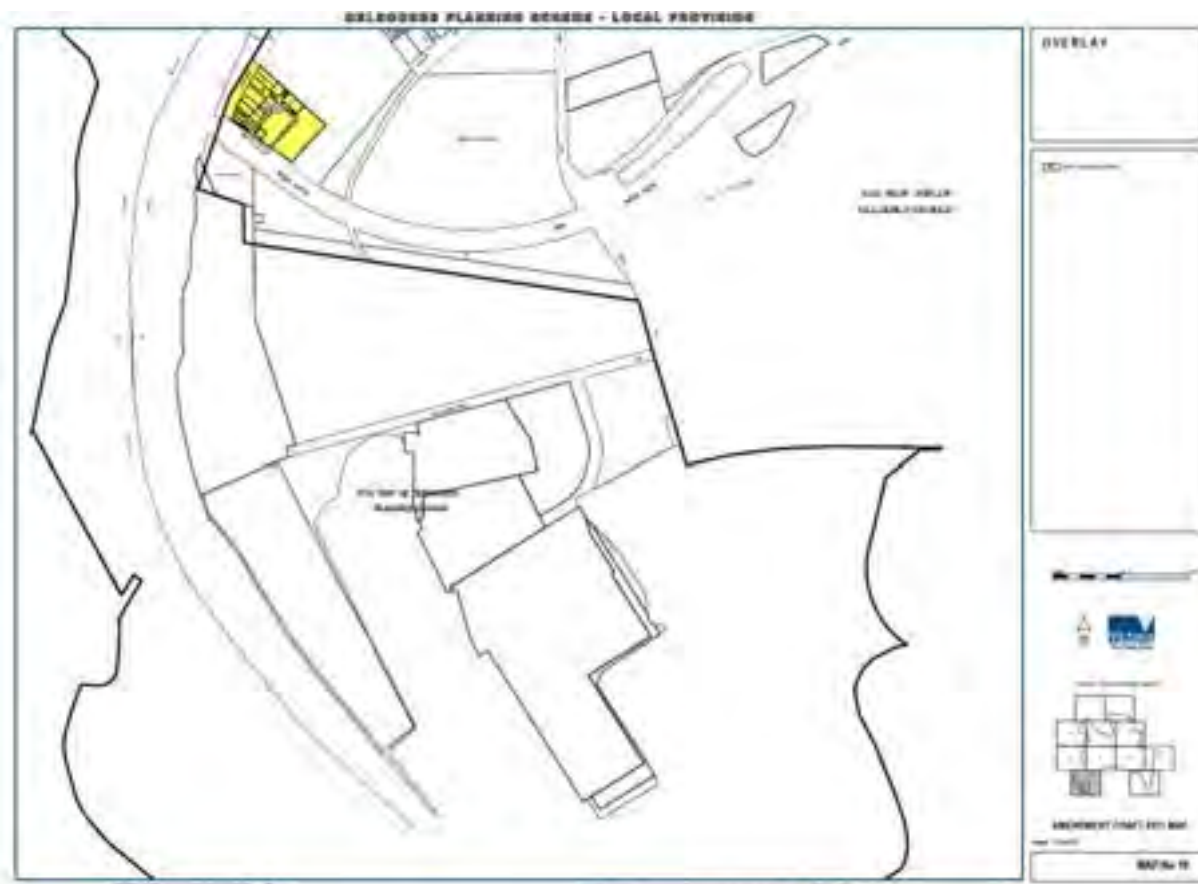


Figure 6 Recommended PEO (Map 10, Melbourne Planning Scheme)



4.2.3. Victoria Dock with Docklands

Area

Victoria Dock is approximately 21 hectares and the PoMC invested approximately \$10 million in 2002 to prepare the site for future development. In 2004, the State Government awarded a tender to develop the site to Westgate Ports. Victoria Dock has an interface to the Docklands precinct to the west. Docklands is separated by the Bolte Bridge and Moonee Valley Creek. The precinct is identified in Figure 12 of the Discussion Paper.

Summary of submissions

The PoMC submitted that the western part of Docklands should be included in the port environs because of the need to reduce potential amenity impacts from Victoria Dock. PoMC originally proposed that PEO1 should apply to Docklands but amended its position following VicUrban's submission and agreed that PEO2 would be appropriate. (See Figure 7).

The EPA stated that it was not aware of "amenity pollution" reports from Docklands.

VicUrban opposed both PEO1 and PEO2 applying to Docklands. Ms Porritt, on behalf of VicUrban, submitted the following, as summarised:

- the decision guidelines seeking consideration of a more intensive use of land are not appropriate where such a land use is a "given" in the Docklands area;
- identifying the PoMC as a referral authority is not appropriate;
- a further requirement for permission for use is inappropriate where expectations are clearly set out in the approved Development Plans; and
- the proposed decision guidelines seek to prevent the expansion of population close to the Port of Melbourne.

Further, Ms Porritt submitted that buffers to the Port of Melbourne have been considered as part of the Development Plan approvals in the Docklands area, including:

- commercial uses (rather than residential) on the western part of Yarra's Edge;
- open space and community use on western part of Victoria Harbour; and
- the proposed Western Park adjacent to New Quay West.

Ms Porritt drew the Committee's attention to DDO1 (Victoria Dock Precinct) of the Port of Melbourne Planning Scheme. This DDO includes design objectives that development not adversely impact on the environment or the amenity of neighbouring land within Docklands, there are restrictions on building height and

the views of VicUrban must be sought before a decision is made on an application.

While Ms Porritt acknowledged during the roundtable discussions that PEO2 would have a lesser impact on development at Docklands, VicUrban remained concerned that a PEO or any other planning control that limited development to protect the interests of the port would be contrary to State Government planning objectives for Docklands.

The City Of Melbourne also questioned the justification of including Docklands in the port environs and PEO. However, Mr Mayes, on behalf of Council, stated that relevant sections of the new Municipal Strategic Statement (MSS) should contain objectives and strategies which ensure the interface between the Port of Melbourne and Docklands are taken into account in decision-making.

DoT submitted there was strong merit in including the western part of Docklands in the port environs because of its interface with the port and a port buffering role for areas beyond.

During the roundtable discussions, Mr Morris stated that PoMC had made a significant concession by amending its proposal to include the western part of Docklands in PEO2. He further stated that DDO1 addressed the interface from VicUrban's perspective and that it was only fair and equitable that PoMC's interests were also recognised in applying PEO2 over the western part of Docklands.

Discussion

The Committee understands VicUrban's submissions that planning in the western part of Docklands has acknowledged the existence of the port and that the impact of any additional planning controls to address the interface with the port should not undermine clear State Government planning objectives for the intensive development of Docklands.

Further, the Committee notes that the future development of the western part of Docklands has been largely determined with the approval of the master plans for New Quay West, Yarra's Edge and Victoria Harbour. Accordingly, the Committee considers that introducing a PEO now would not serve a meaningful planning purpose because development is occurring in accordance with approved Development Plans. As noted in the Discussion Paper, the impact of Bolte Bridge between Victoria Dock and Docklands is a relevant matter in considering whether additional planning controls are required to address the interface. It would not surprise if noise from traffic on the Bolte Bridge would have more of an impact on Docklands than port operations at Victoria Dock.

In the Committee's view, DoT's submission that Docklands be included in the port environs because it has an interface with the port is also not a sufficient reason for including the area in the port environs.

In response to Mr Morris's comments that it would be fair and equitable for a PEO to be introduced given the DDO in the Port of Melbourne Planning Scheme that requires VicUrban's views to be taken into account in relation to the Victoria Dock area, the Committee considers that this matter should not form the basis of introducing new planning controls. As stated in the preceding paragraph, new planning controls should only be considered if they are to achieve a planning purpose.

Conclusions

The Committee concludes that:

- VicUrban has recognised the interface with Victoria Dock in the planning of the western part of Docklands;
- there has not been sufficient justification to include the western part of Docklands in the port environs;
- introducing a PEO would not serve a planning purpose because development of Docklands is proceeding in accordance with approved Development Plans; and
- the PEO not apply to the western part of Docklands.

Figure 7 Docklands - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

4.3 City of Maribyrnong

There has been a long-standing disagreement between PoMC and City of Maribyrnong over the future planning of the Yarraville precinct, particularly to the area from Docklands Highway to the south and Footscray Road to the north. In an attempt to resolve the disagreements, PoMC and Council entered into a Memorandum of Understanding (MoU) in 2005. While there has been resolution on some issues under the MoU, there remains major disagreement between the parties on the future of Area A identified in the MoU. This area includes the land in the Business 2 Zone bounded by Docklands Highway to the east, Lyons Street to the south, Maribyrnong River to the east and Footscray Road to the north.

4.3.1. Swanson Dock (Coode Island) with Yarraville precinct

Area

Coode Island lies to the west of Swanson Dock and east of the Maribyrnong River and contains the Coode Island MHF. On the west side of Maribyrnong River is an area containing industrial and office uses, including the Lonely Planet building. The City of Maribyrnong has sought to revitalise the area by promoting the precinct as a business, tourist and residential area. There was also a proposal to establish a public marina and café/restaurant precinct at Footscray Wharf. However, Council has developed a new policy for this precinct that would prohibit residential use. This precinct is identified in Figure 7 of the Discussion Paper.

Summary of submissions

Comprehensive submissions were made by PoMC and City of Maribyrnong in relation to this precinct. In addition, submissions were made by Terminals Pty Ltd, DP World Melbourne and CSR Limited on this precinct. These three businesses have major operations at Swanson Dock and Coode Island and made submissions about the need to protect their operations from the encroachment of sensitive uses by ensuring appropriate buffers.

Consideration of this port environs area involved discussion not only on the PEO but also the rezoning of the Business 2 zoned land known as 'Area A', the EPA buffer distance requirements under Clause 52.10, the EPA Works Approval for the Marsten terminal at Coode Island and the WorkSafe Advisory Note released in March 2010.

In terms of proposed changes to the Planning Scheme, PoMC submitted that:

- Area A should be zoned Industrial 3;
- PEO1 should apply to the area generally bounded by south of Napier Street, east of Whitehall Street (except between Lyons Street and just south of Harris Street), north of Lyall Street and along the western edge of the Maribyrnong River; and

- PEO2 should apply to the area generally bounded by south of Napier Street west of Whitehall Street, east of Hyde Street to Frederick Street, and west of Whitehall Street.

The PoMC proposal for the PEOs for this precinct is shown in **Figure 8**.

However, Mr Morris advised that PoMC could support Area A being rezoned to Business 3 if the City of Maribyrnong supported its revised PEO1.

In brief, PEO1 was revised to:

- prohibit certain land uses that accommodated a prescribed number of people;
- require a condition that permits for land use must have a safety and evacuation plan; and
- restrict office development to no more than 11 metres in height, limit floor space to no more than 8,000 square metres and limit the plot ratio to one to one.

The City of Maribyrnong submitted that:

- Area A should be zoned Business 3;
- PEO1 should apply to the area proposed by PoMC with the exception of north-east corner of Yarraville Gardens (which should be in PEO2); and
- PEO2 could be further extended north of Lyons Street and west of Whitehall Street north of Parker Street.

The City of Maribyrnong's proposal for the PEOs is shown in **Figure 9**.

However, the City of Maribyrnong did not support PoMC's revised PEO1 but acknowledged that some limitations of intensity of development may be appropriate.

The City of Maribyrnong also opposed the proposal in PEO1 that PoMC be made a referral authority under section 55 of the Planning and Environment Act.

In broad terms, PoMC considered that the location of the Coode Island MHF justifies a risk adverse approach to the planning of the area. Mr Morris noted that a 1,000 metre buffer is required under Clause 52.10 - Uses with Adverse Amenity Potential, a 750 metre buffer is required under the EPA's Works Approval for Marstel Terminal (at Coode Island) and a 300 metre buffer is required under WorkSafe's Advisory Note (Outer Consequence Area).

The WorkSafe Advisory Note was released in March 2010. Mr Cooke, Principal Safety Analyst, addressed the Committee on the background and development of the Advisory Note, and the application of the Advisory Note and provided an update of other Advisory Notes being prepared for existing MHFs in the ports.

The Coode Island Advisory Note identifies two contours:

- Inner planning advisory area (185 metres from the facility). This contour is based on the individual risk of fatality from foreseeable incidents which is greater than or equal to 1×10^{-7} per year (1 chance in 10 million years); and
- Outer planning advisory area (300 metres from the facility). The consequence of a credible incident is not likely to cause a fatality but persons present may suffer some adverse effects or have difficulty responding to an emergency that may result in injury or harm.

With the potential for risk, Mr Morris considered it was appropriate that the planning framework placed limits on the nature of uses and the intensification of development in the area.

Mr Walmsley, representing the City of Maribyrnong, submitted that the planning controls need to find a balance between the competing interests to achieve a net benefit to the community. He stated that it was Council's desire to promote co-existence and realise the opportunities for further investment and economic development.

Further, Mr Walmsley stated that an evidence-based approach is required to determine port environs and planning controls. He stated that Council is concerned that there has been a failure to provide evidence and this has been an impediment to crafting appropriate planning controls.

In terms of identifying the port environs, he submitted that the MoU between Council and the PoMC was based on:

- the risk and air emissions recommended buffer requirements;
- existing land uses and planning zones; and
- logical physical boundaries, such as roads, to easily define the area.

For Area A, Mr Walmsley stated it was clearly distinguishable as a business/office precinct separate from the main industrial land to the south. Council supported rezoning Area A from Business 2 Zone to Business 3 Zone rather than Industry 3 Zone because:

- it removes the potential for residential uses consistent with the commitments made in the MoU;
- the purpose of the zone is consistent with the existing and preferred land use and development character of the area, which is predominantly offices and commercial businesses;
- the zone retains the strategic direction pursued by Council over the past 15 years to revitalise the area;
- this zone has less of an adverse impact on existing property owners and occupiers through their existing use rights and development and land values,

including for Lonely Planet;

- it retains a flexible land use control for the redevelopment of 99 Moreland Street which is a major redevelopment site in the precinct;
- if there are concerns about the extent of office floor space then the schedule to the zone could be used to limit floor space; and
- when considered together with the rest of the precinct it provides a significant and very effective buffer between the port and the nearest residential uses.

In addition, Mr Walmsley advised that Amendment C82 proposes a new policy for the Yarraville precinct, to be known as the *Yarraville Port Industrial Precinct*. The proposed policy will acknowledge that the subject area serves an important amenity and risk buffer between Coode Island and the operations of the Port of Melbourne and the inner west residential areas.

DoT supports rezoning Area A to Industry 3 and noted that the State Government *Port Futures* document recommends that industrial zonings be reinstated in Yarraville.

Submissions against the rezoning to industrial were received from Janet Rice and Chris Brugeaud. Ms Rice, a former mayor and councillor of Maribyrnong, provided an historical backdrop to the development of the Footscray Wharf precinct and expressed concern that PoMC's proposal could sterilise the land and undermine Council's long-term objectives to revitalise the area. She also questioned the need to address amenity impacts of the port given that people living in proximity to the port accepted some level of noise and other adverse amenity impacts.

Mr Brugeaud advised that he had purchased and developed his property for office purposes because of Council's planning vision for the area to create an attractive mixed use area. He was very critical of PoMC's conduct in terms of requiring the removal of the recreational boating facilities at Footscray Wharf and erecting unattractive cyclone wire fencing along the banks of the river.

Discussion

Area A

The Committee considers Area A currently zoned Business 2 should be rezoned to Business 3 and that the PEO should apply to the area bounded by Docklands Highway to the east, Lyons Street to the south, Maribyrnong River to the east and Footscray Road to the north. **See Figure 10.**

By rezoning the land to Business 3 residential land use would be prohibited and the PEO would ensure that the impact of the port's activities, including the MHF, would be considered in future applications to use and develop land.

In the Committee's view, prohibiting residential land use is a significant change to

the planning controls in the precinct because it would prohibit an important sensitive land use. Prohibiting residential development would ensure that, if a worse-case scenario of a night-time incident occurs at the Coode Island MHF, there would be no residents that would be affected by such an event.

In terms of the WorkSafe Advisory Note, the Committee agrees with the City of Maribyrnong's comments that the introduction of the Note in March 2010 "*provides a more informed and authoritative understanding about the potential risk issues affecting the port environs.*"⁷

The Advisory Note advises against the following in relation to the 'inner planning advisory area', as follows:

Land use or developments within the inner area, apart from low density industrial uses such as non-retail warehousing or other low employee density business or industrial use. This minimises the numbers of people that might be affected by a low frequency-high consequence incident and maximises the likelihood of people safely responding to an emergency.

As noted by the City of Maribyrnong, the area within the inner buffer is nearly all in the Special Use Zone, under the control of the PoMC and contains existing port industrial uses consistent with the guidance in the Advisory Note.

In relation to the 'outer planning advisory area', the Note advises against the following:

- *Land use or developments within the outer area for residential, business or other use where people likely to be present are not able to safely respond to a potential emergency situation or the proposal may result in unacceptable societal risk eg a large number of people present.*
- *Planning Scheme amendments that may result in unacceptable societal risk because of the cumulative effects of all developments and persons that may be present on land surrounding the MHF.*

Given this advice, WorkSafe's Advisory Note on the 'outer planning advisory area' discourages both uses where large numbers of people could be present and large-scale development. Such uses could include child-care centres, educational establishments, hospitals and large-scale offices.

While there appeared to be some consensus between PoMC and Council that it would be appropriate to control the nature of uses and intensity of development in Area A, there was no consensus on the specific development parameters that may be considered appropriate. Accordingly, PoMC and City of Maribyrnong did not reach an agreement on the nature of the PEO that may be considered appropriate in Area

⁷ Pages 9-10 of City of Maribyrnong submission to Discussion Paper

A.

Further, the Committee notes that Mr Cooke from WorkSafe advised that WorkSafe did not consider that its role was to provide advice on the type of planning controls that may be considered appropriate for the area. However, he did indicate that WorkSafe could provide advice on individual applications to use and develop land.

Accordingly, the Committee considers that while the potential may exist for an application to be made for some sensitive uses and larger-scale development in the Business 3 Zone, there will be scope for the impact of the Coode Island MHF and the port's operations to be considered because of:

- the inclusion of WorkSafe's Advisory Note as a policy guideline in the SPPF;
- the requirement that the views of WorkSafe Victoria and the PoMC to be taken into account as proposed in the PEO;
- the requirement for applicants to prepare Emergency Evacuation Management Plans for use and developments within 300 metres of an MHF to the satisfaction of WorkSafe as proposed in the PEO;
- the decision guidelines requiring the Responsible Authority to take into account the proximity and operations of the port as proposed in the PEO; and
- Council's proposed policy *Yarraville Port Industrial Precinct* that also recognises the existence and operations of the MHF and port.

In addition, scope exists to restrict the size of office development by introducing a limit on floor space in the schedule to the zone. While the Committee considers it may be appropriate to limit office floor space, there was a lack of information provided that justified the Committee specifying an office floor limit in this Report .

In the Committee's view, the proposal for a Business 3 Zone and the application of the PEO in Area A will require applicants to provide the necessary information to allow the relevant authorities and the Responsible Authority to assess whether or not a particular use and development is appropriate in proximity to an MHF and the port. This framework should provide the basis for an evidence based decision-making that all parties agree is necessary in this port environs.

The Committee makes no findings in relation to submissions that expressed concern that Council's policy on this precinct was contrary to State and local policy that promotes large-scale development in the Footscray Central Activities District (CAD). The Committee notes this is a matter that is likely to be considered by the Panel that has been established to review submissions on Amendment C82, which is a review of Council's Local Planning Policy Framework (LPPF).

Remainder of precinct

The Committee considers the PEO should not apply outside the proposed Business 3

zoned area because this land is within existing industrial zones which limit the nature and scale of sensitive uses.

Conclusions

The Committee concludes that:

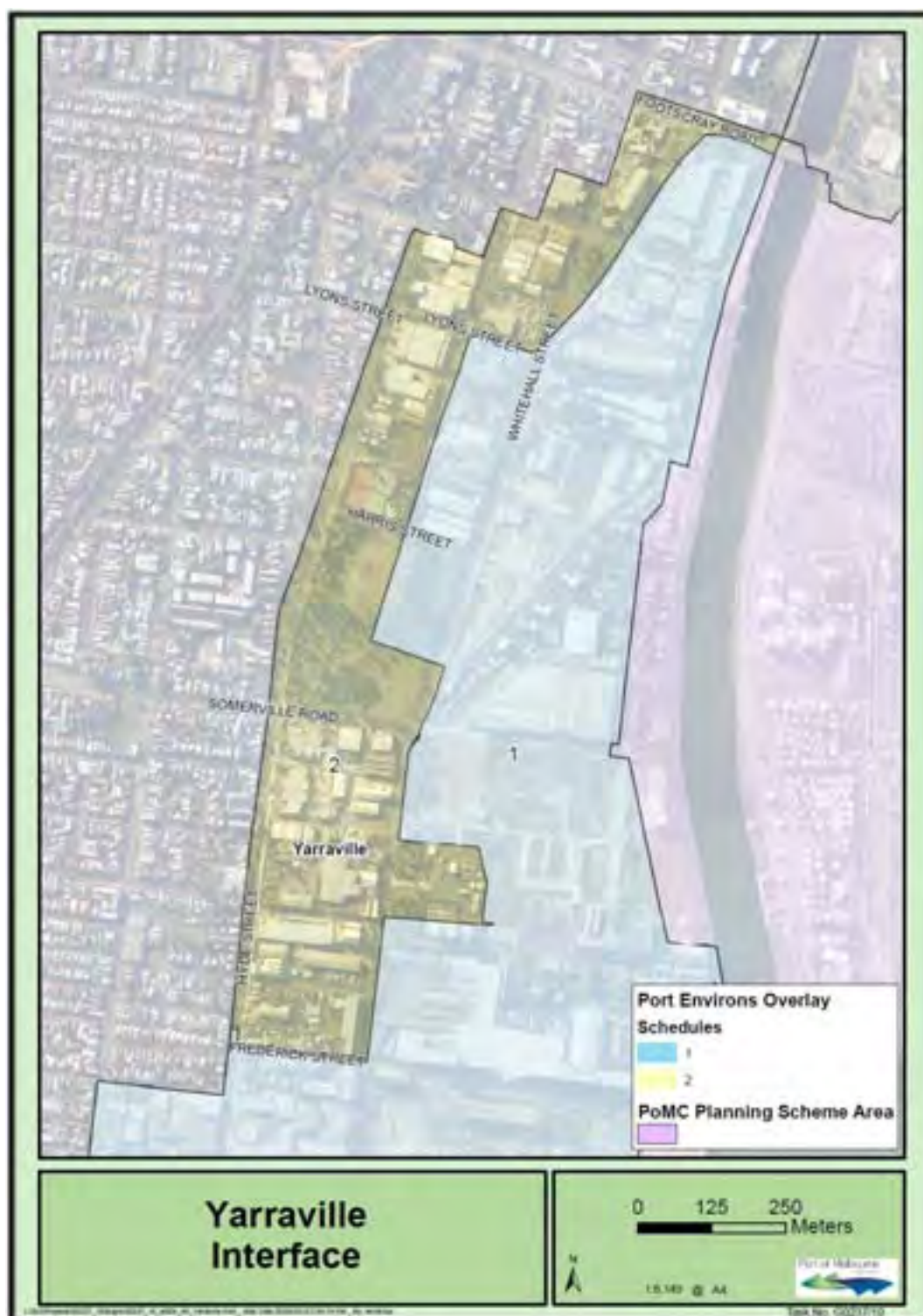
- Area A of the Yarraville precinct should be included in the port environs;
- Area A currently zoned Business 2 should be rezoned to Business 3;
- the PEO should be introduced over the proposed Business 3 Zone; and
- the PEO should not apply in the existing industrial zoned land in the Yarraville precinct.

Recommendations

The Committee recommends that:

- **Area A in the Yarraville Precinct be rezoned from Business 2 to Business 3; and**
- **The PEO apply over the proposed Business 3 Zone (Area A in the Yarraville Precinct) (Figure 10).**

Figure 8 Yarraville - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 9 Yarraville and Francis Street - Proposed PEO (City of Maribyrnong)



Source: City of Maribyrnong

Figure 10 Recommended PEO (Map 8, Maribyrnong Planning Scheme)



4.3.2. Holden Dock with Francis Street, Yarraville

Area

The main issue concerning this precinct is the existence of the Mobil fuel storage terminal, located at the north-east corner of Hyde Street and Francis Street. The facility is defined as an MHF under the Occupational Health and Safety Regulations 2007. The main interface with the Refinery is the area to the west which contains some commercial development as well as a number of dwellings that were built early in the 20th Century. This precinct is identified in Figure 13 of the Discussion Paper.

Summary of submissions

The PoMC submitted that the Mixed Use Zone area should be rezoned Industrial 3. It considered this outcome would be consistent with Clause 22.02-3 of the Maribyrnong Planning Scheme which proposed that in the long-term this land should be zoned to industrial.

Further, PoMC drew the Committee's attention to *Sandbar Properties Pty Ltd v Maribyrnong CC* [2010] VCAT 678. In that case, the Tribunal refused an application for two, three-storey buildings for 66 dwellings at 200 Stephen Street Yarraville because the site is located within 300 metres of the Yarraville terminal and that it would be contrary to orderly planning for risk.

PoMC proposed that PEO1 should be introduced in the precinct and basically follow the 300 metre buffer distance required under Clause 52.10 - *Uses with Adverse Amenity Potential* for Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity with fixed roofs. PoMC also proposed that the PEO should be extended to include a parcel of land on the south side of Francis Street west of Stephen Street, which is the former Yarraville primary school site. **See Figure 11.**

The City of Maribyrnong submitted that to address the issue of the buffers in light of the *Sandbar* decision, it proposed the following rezonings:

- South side of Francis Street east of Stephen Street alignment – from Mixed Use Zone to Industrial 3 Zone;
- South side of Francis Street west of Stephen Street alignment – from Mixed Use Zone to Public Use Zone at northern end and from Mixed Use Zone to Residential 1 Zone at southern end in accordance with the approved development for a community centre and dwellings;
- North side of Francis Street east of Stephen Street – from Mixed Use Zone to Business 3 Zone; and
- West side of Hyde Street to Francis Street – from Mixed Use Zone to Industrial 3 Zone.

Figure 12 shows Council's suggested rezonings and **Figure 9** shows Council's preferred position on where the PEO should apply.

In addition, Council submitted that Amendment C82, which is a review of Council's LPPF, will provide a clearer direction to ensure greater protection of industrial buffers in this precinct on the basis that the proposed policy introduces new policy directions, application requirements and decision guidelines.

Council supported the application of PEO1⁸ but considered some of the local roads would provide a more logical basis for identifying the area to which the PEO should apply. Accordingly, it considered the PEO should apply west of Stephen Street and south of Kent Street as well as to the area of land generally north and east of the Yarraville terminal.

Council also suggested a minor reduction of the PEO in the area southwards so that it stopped at Stoney Creek. PoMC did not object to this alteration.

In its written submission to the Committee, WorkSafe included a map showing a 185 metre 'inner planning advisory area' and a 300 metre 'outer planning advisory area' for the Yarraville terminal. The plan states that this map is currently being published. WorkSafe advised on 6 October 2010 that its Advisory Note for the Yarraville Fuel Terminal MHF was now publicly available.

Mr Morris submitted that PoMC supports Council's proposals to rezone the land from Mixed Use to Industrial 3. However, he questioned whether the Business 3 Zone on the north side of Francis Street is appropriate given it would allow large-scale office development within the EPA 300 metre buffer from the MHF.

Mr Walmsley stated that the Business 3 Zone along the north side of Francis Street would be the same zoning as the area to the immediate north which already contains a number of office developments. Ms Rice stated that the Business 3 Zone provides a buffer to the residential areas to the north and west.

DoT supported PoMC's submission that the Mixed Use zoned land should be rezoned Industrial 3 and a PEO would be the most effective and transparent approach, although did not elaborate on its submission.

Discussion

The Committee considers Council's proposals to rezone the land from Mixed Use to a combination of Industrial 3 and Business 3 should be supported.

In relation to rezoning the land on the south side of Francis Street and the west side of Hyde Street to the Industrial 3 Zone, these areas have the most direct interface with the MHF and the Zone will provide the appropriate level of restrictions on the nature of land uses that are permitted.

⁸ As per the original version included in PoMC's submission to the Discussion Paper.

In relation to rezoning the north side of Francis Street to the Business 3 Zone, the Committee agrees with Council that while some of this area also has a direct interface with the MHF, it provides a logical extension of the Business 3 Zone that applies to the north.

The Committee also notes that the Business 3 Zone prohibits residential use and that scope exists to limit the size of offices by introducing a floor limit in the schedule.

In relation to rezoning the south side of Francis Street west of the Stephen Street alignment from the Mixed Use Zone to the Public Use Zone at the northern end and from the Mixed Use Zone to the Residential 1 Zone at the southern end, the Committee notes that this outcome largely reflects the existing conditions as a result of a decision to approve the re-development of the former Yarraville Primary School for dwellings and a community centre.)

The Committee considers the PEO should follow both the EPA's and WorkSafe's 300 metre buffer from the MHF (measured from the property boundary). However, the PEO should not apply to the Industrial 3 Zone to the north of the MHF facility.

While it is noted the PEO would apply to the proposed Industrial 3 Zone on the south side of Francis Street and the west side of Hyde Street, it considered that the existence of a number of the residential non-conforming uses justifies the application of the PEO over industrial zoned land in this instance.

Accordingly, the Committee recommends the PEO should include the properties generally bounded by west of Hyde Street, Stony Creek to the south, the properties on the north side of Frederick Street to the north and the properties west of Stephen Street. (For clarification refer to **Figure 13**).

Conclusions

The Committee concludes that:

- the port environs include the properties generally bounded by west of Hyde Street, Stony Creek to the south, the properties on the north side of Frederick Street to the north and the properties west of Stephen Street (**Figure 13**);
- the PEO apply to the port environs identified in Figure 13;
- the PEO not apply to the Industrial 3 zoned land north of Docklands Highway; and
- the current Mixed Use Zone land be rezoned to a combination of Industrial 3, Business 3, Residential 1 and Public Use Zone in accordance with Maribyrnong City Council's submission.

Recommendations

The Committee recommends that:

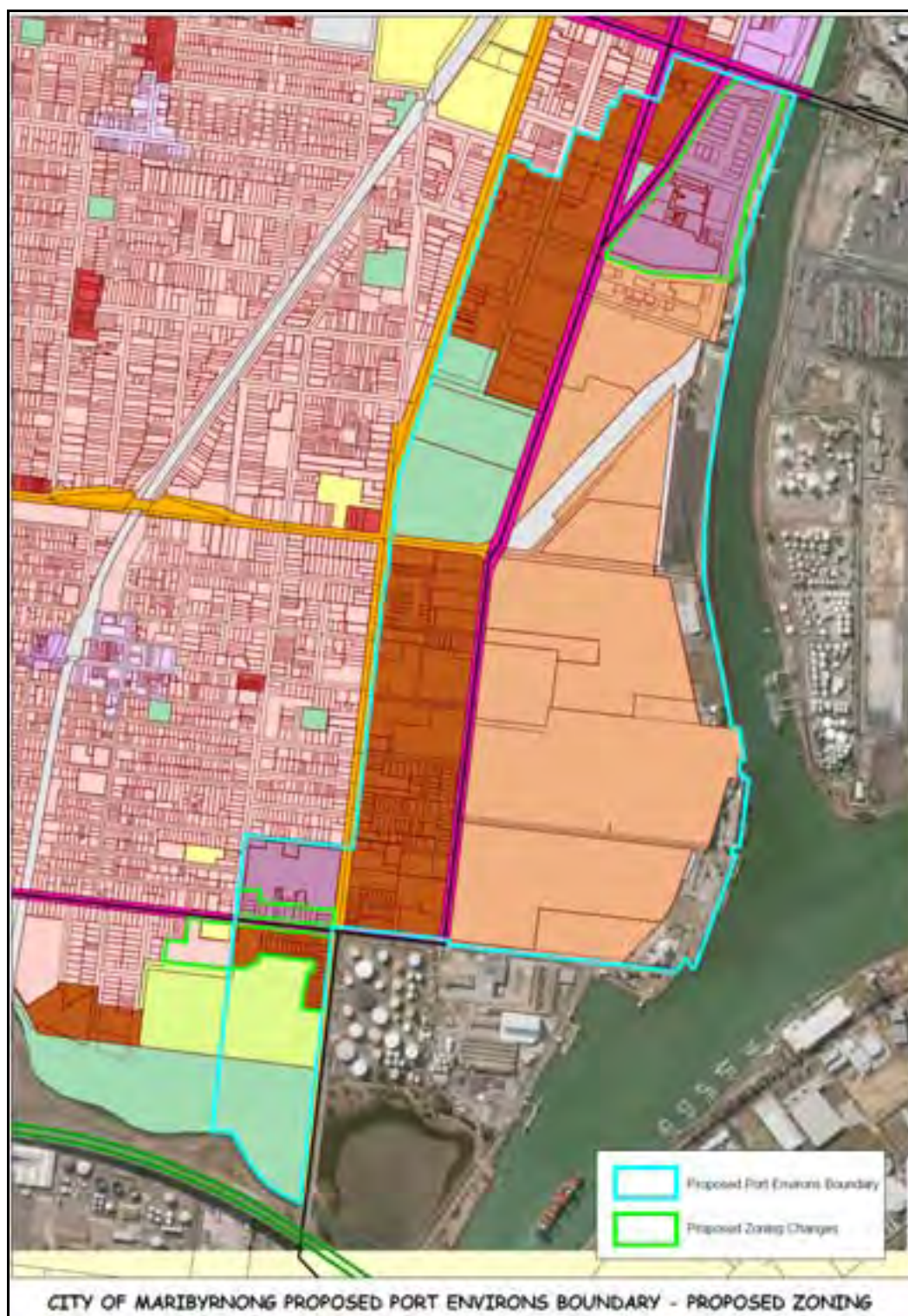
- the PEO apply to the properties on the south side of Earsdon Street, the properties on the west side of Stephens Street south of Kent Street as well as the properties behind these properties that are affected by the 300 metre contour, and the remainder of the property on the south side of Francis Street west of Stephen Street (Figure 13); and
- The land in the Francis Street precinct be rezoned from Mixed Use to a combination of Industrial 3, Business 3, Residential 1 and Public Use Zone.

Figure 11 Francis Street - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 12 Francis Street Proposed Rezoning (City of Maribyrnong)



Source: City of Maribyrnong

Figure 13 Recommended PEO (Map 12, Maribyrnong Planning Scheme)



4.4 City of Port Phillip

4.4.1. Webb Dock with Garden City

Area

Webb Dock is currently used as a multi-purpose facility with additional berths for motor vehicles and break bulk cargoes. The PDS identifies Webb Dock as a major container berth that would have a similar capacity as Swanson Dock by 2035. The main residential interface with Webb Dock is Garden City to the north east. This precinct is identified in Figure 8 of the Discussion Paper.

Summary of submissions

There were a number of submissions concerned about the existing impacts of port activities and the future development of Webb Dock as a major container berth.

The City of Port Phillip is concerned to ensure that the impacts of the future Webb Dock development are subject to community consultation and a comprehensive assessment processes. Further, Council stated that there was an opportunity to address potential impacts from the Webb Dock development in the design process including ensuring adequate buffers within PoMC land and complying with relevant standards.

A number of submitters potentially impacted by the future development of Webb Dock considered that any development that resulted in increased adverse amenity should not be supported.

In its additional information, the EPA stated that it has received complaints about “bang and crash” noise at Webb Dock from residents at The Boulevard Port Melbourne. It stated that these noise complaints demonstrate *“the risk of adverse outcomes if intensification of uses were allowed at either Beacon Cove or Garden City.”*

The PoMC advised the Committee that the Minister for Planning has exempted the development of Webb Dock from the preparation of an EES given that the EES approved in 1999 was prepared for the establishment of a container berth.

In addition, PoMC advised the Committee that the Minister for Roads and Ports has requested that PoMC undertake market soundings regarding the development of additional container capacity within the port. However, Mr Morris advised that it should be assumed that Webb Dock will be developed as a container berth sometime in the future.

The PoMC consider that PEO2 should apply to that part of Garden City covering an area approximately 500 metres from the south-east corner of Williamstown Road and Todd Road (which marks the Port of Melbourne boundary).

The PoMC also submitted that PEO2 should be extended northwards on the east

side of Todd Road to include 187-201 Williamstown Road (Detmold Industrial Packaging site), the Melbourne Grammar School sportsfields and Westgate Park.

In PoMC's view, the PEO is required because of the future development of Webb Dock. However, PoMC acknowledged that given existing conditions the lower order PEO2 would only be required so that it is made aware of applications and there are some decision guidelines requiring the Responsible Authority to consider potential impacts of the port.

In its submission on the Discussion Paper, the City of Port Phillip questioned the need for the PEO given the Heritage Overlay applying to Garden City ensures there will not be significant re-development of this area.

Further, Council is concerned that minor applications under the Heritage Overlay would be subject to the PEO requirements and there is insufficient guidance as to the standard of development required to address potential impacts from the port.

During the roundtable discussions, Mr Morris submitted that PEO2 would not trigger additional permits because it would only apply when a permit was required under the Heritage Overlay.

Further, PEO2 includes a provision that an application would not be subject to notice to the PoMC unless in the opinion of the Responsible Authority, the proposal satisfies requirements or conditions previously agreed in writing between the Responsible Authority and PoMC. Mr Morris explained that PoMC proposed to develop a protocol for consideration by Council so that minor applications that may be required under the Heritage Overlay, such as painting a fence, would not need to be subject to notice would not require an assessment under PEO2 decision guidelines.

Council considered that PEO2 would be more acceptable than the PEO as originally proposed but maintained its concern about the need for such a control and lack of guidance on the standard of development required to address potential impacts from the port.

A late submission was received by SJB Planning on behalf of the owner of 187-201 Williamstown Road. The owner is proposing to request the City of Port Phillip to rezone the subject land from Industrial 3 to Business 3. Ms Rachael O'Neill from SJB Planning submitted that the proposed rezoning was largely in accordance with City of Port Phillip's strategic directions under the LPPF review and Council's *Draft Fishermans Bend Planning and Economic Development Strategy*.

Further, Ms O'Neill considered the rezoning would not "materially" change the sensitivity of land uses given the nature of sensitive uses that already exist in proximity to the port. She also advised the Committee that her client is opposed to any application of a PEO over the subject land.

In response to these submissions, Mr Morris stated that PoMC is concerned that the rezoning is speculative and the Business 3 Zone could encourage large-scale office development where occupant's amenity expectations could increase.

DoT submitted that the Discussion Paper did not refer to the Webb Dock EES nor the obligations placed on PoMC to address environmental and amenity impacts associated with the development of Webb Dock.

Discussion

As stated previously, the Committee does not have a role to assess the future development of Webb Dock and therefore provides no comments on the appropriateness or otherwise of this development.

While the Committee questioned the need to include Garden City in the ports environs in the Discussion Paper, it has reached the conclusion that its version of the PEO would be appropriate to apply in the area identified by the PoMC in its submission for two reasons (**See Figure 14**).

Firstly, the EPA's late submission has referred to noise complaints lodged in response to existing activities at Webb Dock, but the Committee was not provided with the specific nature of the complaints. As Garden City is reasonably close to Webb Dock, the Committee is not surprised that noise can be heard from the existing activities at Webb Dock.

Secondly, the future development of Webb Dock as a container berth with cranes, lighting and vibration, could have an impact on the amenity of the western part of Garden City. Accordingly, it would be appropriate that the PEO is applied to this area to provide an opportunity to determine whether new use and development should include requirements to mitigate potential adverse impacts.

However, the Committee stresses that its recommendation to include the PEO over Garden City should not be seen to preclude options for the PoMC to reduce the potential adverse impacts within the port boundaries. As noted in the Discussion Paper, the primary obligation is on the port manager to address potential amenity and environmental impacts and there appears to be scope in the Webb Dock precinct for PoMC to provide internal buffers.

The Committee does not consider the PEO will be onerous to either applicants or the Responsible Authority because it will only be triggered when a permit is required under the relevant zone, not under the overlay. In the case of Garden City which is zoned Residential 1, a permit will only be required for sensitive uses such as a child care centre, place of assembly and medical centre. A permit will not be required for a single dwelling or an alteration to a single dwelling or other minor buildings and works associated with a single dwelling.

In relation to 187-201 Williamstown Road, the Committee is not convinced the PEO

is required whether the land is zoned industrial or business. In the Committee's view, use and development under the Business 3 Zone are not necessarily incompatible with the port's activities at this particular interface. However, the Committee considers any future rezoning of this land is not a matter for this inquiry.

The Committee considers that it is unlikely that the Melbourne Grammar School sportsfields will be developed for other purposes and the distance of Westgate Park from the port does not justify the PEO over these areas.

The Committee notes DoT's concern that it did not refer to the 1999 EES or the PoMC's obligations to meet environmental or amenity standards in the Discussion Paper. However, the Committee has previously expressed concern in this Report about relying on an EES that is more than 10 years old to provide guidance on the Webb Dock development.

Conclusions

The Committee concludes that:

- part of Garden City could be impacted by port activities at Webb Dock;
- approximately 500 metres of land in Garden City from the Todd Road interface be included in the port environs;
- the PEO apply to the identified port environs; and
- the land at 187-201 Williamstown Road, Melbourne Grammar School sportsfields and Westgate Park not be included in the port environs and not be subject to the PEO.

Recommendations

The Committee recommends that:

- the PEO apply to approximately 500 metres of land in Garden City from the Todd Road interface (Figure 15).

Figure 14 Garden City - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 15 Recommended PEO (Map 1, Port Phillip Planning Scheme)



4.4.2. Station Pier with Beacon Cove

Area

Station Pier is used as the Melbourne Sea Passenger Terminal and is the only cruise liner facility in Melbourne. Its main interface is with the Beacon Cove residential area. Beacon Cove has been constructed since the mid 1990s and currently comprises approximately 1,100 dwellings in a mixture of low-rise and high-rise housing. The precinct is identified in Figure 10 of the Discussion Paper.

Summary of submissions

There were a number of submissions concerned with Station Pier, particularly traffic impacts associated with the Spirit of Tasmania ferry service. Some submitters suggested that the Spirit of Tasmania service/operators should be relocated to Webb Dock.

The City of Port Phillip is also concerned with the traffic impacts associated with the Spirit of Tasmania operations and advised the Committee that, through a joint committee involving PoMC, Council and the Beacon Cove community, it is seeking to improve traffic access and circulation, and parking to achieve an active and attractive waterfront, tourism and recreational precinct for the local community and visitors.

In its submission to the Discussion Paper, the Beacon Cove Neighbourhood Association (BCNA) identified a number of measures to improve the amenity of the Station Pier precinct including traffic measures. It was also submitted that any development of 1-11 Waterfront Place should be conditional on providing a net reduction of traffic congestion in the immediate area. The BCNA also supported the submissions made by Port People Inc⁹ and City of Port Phillip on this precinct.

The PoMC considers PEO2 should apply over part of Beacon Cove basically south of Beach Street between Princes Street and Beacon Road to address the interface with Station Pier.

Discussion

As was stated in the Discussion Paper, it is not the role of the Committee to make recommendations in relation to the functioning of the port. Accordingly, it is not appropriate for the Committee to make recommendations on matters such as the suggested relocation of the Spirit of Tasmania ferry service to Webb Dock.

The Committee considers the impact of activities at Station Pier justifies the application of the PEO over the area nominated by PoMC (**See Figure 16**).

⁹ Port People Inc is a residential group whose primary focus is maintaining and enhancing the broad amenity of the garden City area.

While the area has been largely developed, the Committee understands there is some further development potential in the area, including 1 – 11 Waterfront Place.

In the Committee's view, given the nature of activities at Station Pier and the potential for further development, it is appropriate that the PEO is introduced to allow potential impacts of the port to be considered and for consideration to be given as to whether there should be additional requirements for future development for mitigation against port operations

Conclusions

The Committee concludes that:

- the area identified by PoMC be included in the port environs; and
- the port environs area identified by PoMC be included in the PEO (Figure 17).

Recommendation

The Committee recommends that:

- The PEO apply to the southern part of Beacon Cove in the vicinity of Station Pier (Figure 17).

Figure 16 Station Pier - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 17 Recommended PEO (Map 2, Port Phillip Planning Scheme)



4.5 City of Hobsons Bay

4.5.1. Ann Street Pier, Gellibrand Pier and Breakwater Pier with the former Port Phillip Woollen Mills site

Since the Discussion Paper was released in March 2010, this precinct has become contentious as a result of a rezoning of a site approximately of 2.7 hectares on the south side of Nelson Place from Industrial 1 and Special Use Zone 5 to Residential 1. The site is known as the former Port Phillip Woollen Mills site. The request for the rezoning was refused by the City of Hobsons Bay in December 2009 but approved by the Minister for Planning in May 2010. The owners of the land, Nelson Place Village Pty Ltd (NPV), propose to develop the site for a multi-storey mixed use development.

The Minister for Planning has also established an Advisory Committee to consider the nature of additional planning controls that should apply to the NPV site to guide future development. This Committee has yet to conduct its public hearings.

Despite the establishment of the Port Phillip Woollen Mills Advisory Committee, comprehensive submissions were made to the Ports and Environs Advisory Committee by NPV and by Mobil Refining Australia Pty Ltd (Mobil). In broad terms, the issue centred on whether the former Port Phillip Woollen Mills site should be included in the port environs and subject to a PEO.

Area

This part of the Port of Melbourne contains the Mobil tank farm, which is identified as an MHF by WorkSafe Victoria under the Occupational and Health and Safety Regulations 2007. This area also contains the Williamstown shipyards currently operated by BAE Systems. However, this land is subject to its own Act of Parliament and is included in the City of Hobsons Bay Planning Scheme, not the Port of Melbourne Planning Scheme. This precinct is identified in Figure 14 of the Discussion Paper. The former Port Phillip Woollen Mills site is located to the south west of the Mobil tank farm and is directly opposite and south of the BAE Systems site.

Summary of submissions

Submissions were received from PoMC, DoT, City of Hobsons Bay, NPV, Save Williamstown and Wade Noonan MP.

PoMC submission

The PoMC originally proposed that PEO2 apply 300 metres from the edge of PoMC's property boundary at Nelson Place. Mr Morris submitted the lower order PEO schedule would be appropriate as a trigger for notice of an application to be given to PoMC and for potential impacts of a future development on the port's operations to

be considered.

During the roundtable discussions, Mr Morris advised that PoMC had amended its position and submitted that it would be more appropriate to include all the land east of Ann Street and south of Nelson Place in the PEO, which would include all of the NPV site. Further, PoMC submitted that land south of Aitken Street and some properties in Kanowna Street affected by the 300 metre buffer should also be included in the PEO.

Mr Morris submitted the 300 metre buffer should be measured from the south-west corner of the PoMC land leased to Mobil (excluding the approximate 20 metre wide landscaping strip) (**See Figure 18**).

City of Hobsons Bay submission

The City of Hobsons Bay raised a number of issues regarding the PEO and submitted that the Committee should prepare a draft schedule for consideration. A specific concern of Council was the lack of certainty regarding the development standards that would need to be met to ensure the impacts of port activities were considered. However, during the roundtable discussions, Council officers considered that, provided a PEO did not unreasonably restrict desired land uses and addressed its concerns about lack of certainty, it could have merit.

DoT submission

DoT submitted that a PEO would provide a more consistent and transparent approach to dealing with development associated with sensitive uses.

WorkSafe submission

WorkSafe's submission included a plan that showed the contours of the inner planning advisory area of approximately 185 metres and the outer planning advisory area of approximately 300 metres around the Mobil MHF. After the public hearing, WorkSafe advised on 6 October 2010 that the plan was publicly available. The plan includes a notation that "*These planning advisory areas are based on information available at the time of publication.*"

NPV submission

Mr Naughton, on behalf of NPV, advised the Committee that NPV made a request to the City of Hobsons Bay in March 2009 to rezone its site from Industrial 1 and Special Use 5 to Residential 1 to facilitate a multi-storey mixed use development. Council resolved in December 2009 not to exhibit the Amendment.

The Minister for Planning approved an Amendment C75 on 1 April 2010 to rezone the NPV land to Residential 1 and to apply the Environmental Audit Overlay. On 27 May 2010, the Minister appointed an Advisory Committee to review planning and design matters relating to the subject land. However, the ToR for this Committee

does not include a review of the residential zoning of the land. The Advisory Committee has been adjourned until 10 November 2010 when a further directions hearing will be held.

Mr Naughton called two engineering and one planning expert to address issues in relation to the appropriateness of the EPA's and WorkSafe's buffer requirements the nature of the PEO that could be appropriate.¹⁰

In summary, Mr Naughton submitted that the NPV land should not be included in the port environs and noted that:

- the EPA recommended buffer distances are to be scribed around the envelope of the potential odour sources, rather than the industrial site boundary;
- while Clause 52.10 provides that separation distances are to be scribed from the premises boundaries, the Clause 52.10 separation distance serves a different function in the planning process (which is used to determine the suitability of candidate land parcels that require separation from sensitive land uses); and
- WorkSafe has adopted a "crude" approach to the application of the inner and outer planning advisory areas, and the evidence is that the Mobil tank farm contains relatively stable chemicals in the form of various mixtures of hydrocarbons known as crude oil.

Further, Mr Naughton submitted that given the nature of the material stored in each of the five tanks and the different buffer distances required for tanks with fixed roofs and floating roofs, the following buffer distances should apply:

- Tank 304 – not used to store any potentially hazardous chemicals (given there is no bund), so there is no need to specify a buffer distance (in any case it is more than 300 metres from the NPV site);
- Tank 506 – understood to be equipped with effective Volatile Organic Compound (VOC) emission controls - 100 metres buffer required; and
- Tanks 707, 901 and 900 – all have floating roofs, which require a 100 metres buffer. Tank 707 is closest, approximately 275 metres from boundary of the NVP the site.

On the basis that the NPV land should not be included in the port environs, Mr Naughton submitted there was no need to include the land in the PEO. However, if the Committee concluded the NPV land (or part of the land) should be included in the PEO then the version of PEO and PEO2 prepared by Mr Clarke were preferred.

¹⁰ Mr Andrew Clarke, town planner, Matrix Planning Australia Pty Ltd, Mr Ian Thomas, chemical engineer, Ian Thomas & Associates Pty Ltd; Mr Terry Bellair, environmental engineer, Environmental Science and Associates

Mobil Refinery submission

Mr Willis, representing Mobil, advised the Committee that Mobil only became aware of this Committee's process at the Former Port Phillip Woollen Mills Advisory Committee Directions Hearing on 13 September 2010.

Mobil did not provide a written submission to the Discussion Paper but made a comprehensive submission to the Committee at the public hearing.

In summary, the main points of Mobil's submission were:

- Mobil is a longstanding user of the port and port land and has invested heavily over a long time to develop its facility at Point Gellibrand;
- the Mobil Refinery at Altona includes the Point Gellibrand wharf and tank farm as the entrance point for the greater part of the refinery's feedstock while 90% of the refinery's output is stored and distributed from the Yarraville terminal;
- as Mobil is an existing and immovable use, a buffer zone is needed to ensure that:
 - development does not occur which would be adversely impacted from Mobil's existing facilities; and
 - necessary investment in updating and adapting Mobil's facilities is not constrained by encroachment of sensitive uses, such as residential.
- a PEO is a suitable mechanism for planning authorities to manage the interface between local communities and port users such as Mobil;
- the PEO will be of greatest use if it embodies guidance and rules determined by expert authorities (for example WorkSafe and EPA); and
- in managing interface issues, it is essential that an overlay or zone provides standing for users such as Mobil and local residents to be involved in protecting their legitimate and vital interests.

In addition, the Committee was advised that only two complaints had been received by Mobil during the last seven years concerning noise from Point Gellibrand. The two complaints concerned shipping noise when there was a north-easterly wind blowing towards the Ann Street residential area.

In response to a request from the Committee, Mobil provided some additional information confirming the following:

- tank 506 does not have an internal floating roof. It has two standard atmosphere vents and as such does not have the BOC [sic] emission control/safety equipment;
- the boundary of the lease which is currently being negotiated with PoMC

includes the land on the other side of the access road (the north side of the road at the gate); and

- the 300 metre contour in its presentation was calculated from the corner of the vegetated area.

Mobil also provided a map (**Figure 19**) showing the EPA's and WorkSafe's buffer distances. The maps shows three different points of measurement:

- yellow circles – measured from the south-western corner of PoMC land zoned SUZ1 (outside area currently leased to Mobil);
- blue circles – measured from the south-west corner of Mobil leased land; and
- green circles – measured from western edge of Mobil leased site (under proposed new lease).

Save Williamstown submission

Save Williamstown submitted that a PEO is critical to apply over the NPV land and that a 47 metre high rise building and high density residential development as proposed by NPV is not a suitable sustainable development for the subject site.

In short, Save Williamstown is concerned about:

- risks to people given the potential for the Point Gellibrand Mobil tank farm to explode;
- further potential for risk by explosion of ships associated with discharge and loading of vessels at Point Gellibrand; and
- the fact that the Port Phillip Bay channel deepening project will result in bigger ships potentially containing even larger quantities of crude oil berthing at Point Gellibrand and increasing risk.

As part of its submission, Save Williamstown referred to the 2005 Buncefield explosion in the United Kingdom as well as number of other incidents involving tank farms, refineries and ships that had occurred in the past 20 years. Reference was also made to an incident at Point Gellibrand in August 2009 when a severe wind squall caused a ship to breakaway from its berth breaking the terminal cargo arm and resulting in spillage of crude oil.

Save Williamstown advised the Committee that with the existence of the Mobil tank farm MHF there is a potential evacuation zone up to 1 kilometre from the MHF. This area currently includes approximately 670 dwellings and an estimated population of 3,014 persons (including 1,500 workers at BAE Systems). The NPV proposal could increase the number of dwellings in the Potential Evacuation Zone by approximately 456 dwellings.

Save Williamstown also submitted that it was important to protect the Williamstown

Shipyards operated by BAE Systems given its economic significance and that a 100 metre buffer applied to the south of Nelson Place would be appropriate.

While opposing the NPV proposal, Save Williamstown considered that a lower-scale mixed use development with no sensitive uses occurring within the 300 metre buffer would be appropriate for the site.

Wade Noonan MLA submission

Wade Noonan is the State Member of Parliament for Williamstown. He stated that Point Gellibrand is important to the port's facilities and he was aware that PoMC is concerned about potential impacts of sensitive uses on the port's operations.

While acknowledging that the NPV site has been rezoned to residential by the Minister for Planning and a residential development could be supported, he considered that the scale of NPV's proposed development is inappropriate. Mr Noonan also tabled his submission to the Former Port Phillip Woollen Mills Advisory Committee.

Discussion

While NPV made submissions and called evidence that questioned the appropriateness of both the EPA and WorkSafe buffers based on matters such as the quantity of material stored on Mobil's site, the nature of the facilities in which the hazardous materials are stored and the fact that there are different approaches to measuring the buffer distances. The Committee does not consider these are issues it needs to consider in determining the port environs.

The Committee considers that, pursuant to its role under the ToR, its primary task is to consider whether the land in the Point Gellibrand precinct should be included in the port environs and, if so, whether there is a need for additional planning controls as proposed in the PEO.

In approaching this task, the Committee considers it must have regard to the existing EPA buffer requirements and WorkSafe's planning advisory note it has prepared for Mobil's Point Gellibrand tank farm. Pursuant to Clause 52.10 of the VPP, the EPA buffer for the Point Gellibrand MHF is 300 metres measured from the property boundary of the emitting source. WorkSafe's 300 metre buffer also appears to be measured from the property boundary of the emitting source. Indeed, WorkSafe advised that its 300 metre buffer was partly based on the EPA buffer.

From the information provided to the Committee by the PoMC and Mobil, it is evident that both the EPA and WorkSafe's 300 metre buffers, whether measured from the area of land under the existing lease or proposed lease between PoMC and Mobil, affects NPV's land.

While the EPA and WorkSafe buffers may affect only part of the NPV site, the Committee is of the view that it would be more appropriate to apply the PEO over

the whole of the land that is affected by the buffer requirements. In the Committee's view, this approach is preferable because it would make sense to require consideration of a future development as a whole on the port's activities rather than only part of the development.

Further, and more importantly, the EPA and WorkSafe buffer requirements are a guide to provide assistance to decision-makers, not a definitive statement about the extent of a potential impact should an incident occur at a MHF facility. This is consistent with the Committee's view that PEOs have logical boundaries, whether they be properties, roads or other features.

In relation to this particular area, the Committee considers that applying the PEO over the whole of the land will ensure that the potential impacts of the BAE Systems site as well as general amenity issues such as noise from port operations will be able to be considered in assessing any future applications to use and develop the land.

Mr Naughton, on behalf of NPV, made strong submissions opposing the application of the PEO over the NPV land. However, the Committee considers that the PEO it has prepared is not onerous and should not, in itself, be a significant factor that influences the nature of the development of the NPV site. The PEO simply provides a framework for the potential impacts of the port's operations to be explicitly taken into account in the decision making process and to provide an opportunity to determine whether any specific requirements for new use or development are required to mitigate potential port impacts.

The Committee also notes that any future proposal to use and develop the NPV land will involve further consideration of the application of the EPA's and WorkSafe buffers for this site. As Mr Naughton submitted, the EPA adopts a case by case assessment to ensure that sensible planning solutions are reached.

In terms of the actual area that should be included in the PEO, the Committee considers that it should apply to the area bounded by Nelson Place, Ann Street, Aitken Street and Kanowna Street.

In addition, given that the buffer as measured by PoMC affects the land south of NPV's land it would be appropriate to include the area bounded by Aitken Street, Windsor Terrace, Cecil Street and Kanowna Street (**See Figure 18**).

Conclusions

The Committee concludes that:

- in identifying the port environs, it is appropriate that the Committee has regard to the EPA buffer requirements in Clause 52.10 of the VPP and WorkSafe Victoria's requirements as set out in its Advisory Note;
- it is not the role of the Committee to review the appropriateness of the EPA or WorkSafe buffer requirements; and

- the area bounded by Nelson Place, Ann Street, Aitken Street and Kanowna Street and the area bounded by Aitken Street, Windsor Terrace, Cecil Street and Kanowna Street be included in the port environs and be subject to a PEO (Figure 20).

Recommendation

The Committee recommends that:

- **the PEO apply in the Point Gellibrand precinct to the areas bounded by:**
 - **Nelson Place, Ann Street, Aitken Street and Kanowna Street (Figure 20); and**
 - **Aitken Street, Windsor Terrace, Cecil Street and Kanowna Street (Figure 20).**

Figure 18 Williamstown - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

Figure 19 Mobil Refining Australia Contours



Source: Mobil Refining Australia Pty Ltd

Figure 20 Recommended PEO (Map 19, Hobsons Bay Planning Scheme)



4.5.2. The Strand, Williamstown

Area

The Strand is a residential area on the Williamstown foreshore that has direct views to Webb Dock. The precinct is identified in Figure 8 of the Discussion Paper.

Summary of submissions

Both PoMC and City of Hobsons Bay agreed with the Discussion Paper's conclusion that The Strand should not be included in the port environs and subject to a PEO. Notwithstanding, Council acknowledged that the issue of views to the city from Williamstown is a very important issue for Council and residents.

In its additional information, the EPA noted that *"noise can freely propagate over bodies of water and thus the distance from Webb Dock to The Strand should not be assumed to offer significant noise benefit."*¹¹

A submission was received from Mr Geoff Forsyth who resides at 74 The Strand. He advised the Committee he was speaking on behalf of a number of local residents though he did not identify them.

Mr Forsyth questioned some of the statements in the Discussion Paper including the distance between Webb Dock and The Strand. He also stated that the purpose of the design of some of the new dwellings along The Strand was to capture the views of the city as they currently exist, not for the future development of Webb Dock. However, Mr Forsyth's submission was mainly concerned about the potential impact of the future development of Webb Dock and the fact that there were a number of alternatives that could be considered to minimise the impact on The Strand residents.

Discussion

While noting the EPA's submission about the potential for noise impacts from Webb Dock to The Strand, there were no submissions that convinced the Committee that The Strand should be included in the port environs and subject to a PEO.

As has been stated in Section 2.4.3, matters relating to the future development of Webb Dock are not a matter for this Committee.

Conclusion

The Committee concludes that:

- the Strand not be included in the port environs nor subject to the PEO.

¹¹ EPA additional information October 2010, Page 6

4.5.3. Newport and Spotswood

Area

This area is to the west of the Yarra River south of the Westgate Freeway. The Newport and Spotswood areas were not identified by the Committee as a potential port environs area in the Discussion Paper.

Submissions

The PoMC expressed concern in its submission to the Discussion Paper that the City of Hobsons Bay *Hobsons Bay Industrial Land Management Strategy June 2008* indicated that the area west of Douglas Parade in Spotswood and Newport was a declining industrial area and that, in the future the area may be considered for commercial, retail or residential development (subject to rezoning).

Given the location of this area relative to the port, PoMC submitted that the area should be included in the port environs and included in PEO2 (**See Figure 21**).

In its additional information, the EPA noted some noise complaints from port operations at Webb Dock had been received from residents in this precinct.

The City of Hobsons Bay did not accept PoMC's submission about the need to include this area in the port environs, but invited the Committee to make comments to provide guidance to Council.

A submission was also received from Ms Laura Sheridan, a resident of Peel Street, Newport. While accepting that there will be some amenity impacts from port operations, Ms Sheridan is concerned with the potential impacts of the future Webb Dock development and that more information needs to be provided in relation to the amenity standards with which the port must comply.

Discussion

In the Committee's view, there was no information provided that justified the inclusion of these parts of Newport and Spotswood in the port environs and that they be subject to the PEO.

While there may be a possibility of change in this area in the future, this can be considered should there be any requests for rezoning lodged with Council.

It would appear that the possibility of this area being subject to re-development pressure for non-industrial issues is a more significant issue to existing industries in the area than the port's operations. Accordingly, the Committee considers this is a matter for Hobsons Bay to address rather than this Committee.

The Committee addresses Ms Sheridan's concern about the lack of information in relation to the environmental and amenity standards applying to port development and operations in Chapter 14.

Conclusion

The Committee concludes that:

- the areas of Newport and Spotswood west of Douglas Parade should not be included in the port environs nor subject to the PEO.

Figure 21 Newport and Spotswood - Proposed PEO (PoMC)



Source: Port of Melbourne Corporation

5. PORT OF HASTINGS

5.1 Introduction

The Port of Hastings is located to the south-east of Melbourne in the Shire of Mornington Peninsula Shire. Under *Port Futures*, this port will act as an overflow container port for the Port of Melbourne. As stated previously, the PoMC was established as the port manager of the Port of Hastings on 1 September 2010.

The total amount of land included in the Special Use Zone 1 (SUZ1) for port related purposes at the Port of Hastings is approximately 3,500 hectares. However, current port and port related activities cover a relatively small area and much of the land in the SUZ1 is currently not used or developed for port related purposes.

5.2 Summary of submissions

With approximately 3,500 hectares of land zoned for port-related purposes and the general undeveloped nature of the port, both PoMC and Mornington Peninsula Shire agreed that there were no current potential port environs that need to be considered to address the interface.

However, it was also agreed that, in the future planning of the port, it was critical that potential impacts of port activities were considered in order to identify the land required to provide adequate buffers and that transport corridors are identified and protected for freight purposes.

5.3 Discussion

The Committee agrees with both Mornington Peninsula Shire and PoMC that given the location of the port there is no short-term need to identify port environs and consider applying the PEO.

Most of the issues concerning Port of Hastings relate to the future planning of the port and the identification, development and protection of transport corridors. While these strategic planning issues are beyond the Committee's ToR, the Committee is strongly of the view that it is critical that the transport corridors need to be identified as part of the current growth area planning and precinct structure planning occurring in Melbourne's south-east growth corridor.

Council addressed the Committee on the potential for applying the proposed Port Zone to the port. This matter is discussed in Chapter 11.

5.4 Conclusion

The Committee concludes that:

- given the location of the Port of Hastings there is no short-term need to

identify the port environs and consider applying the PEO.

6. PORT OF GEELONG

6.1 Introduction

The Discussion Paper identified the following port environs areas for the Port of Geelong:

- North Shore residential area with Incitec Pivot and Midway;
- Norlane residential area with industrial land east of Station Street;
- Former Ford site with 'port area of interest' land;
- Proposed Geelong marine industry project, Osborne Park, Osborne House and the Rippleside residential area with 'port area of interest' land; and
- Geelong Grammar School with Shell Refinery.

6.2 North Shore residential area with Incitec Pivot and Midway

Area

North Shore is a long-established residential enclave of about 200 dwellings within the 'port area of interest' and has two major industrial neighbours - Incitec Pivot to the north and Midway to the south. The precinct is identified in Figure 15 of the Discussion Paper.

Summary of submissions

GeelongPort considered that the North Shore residential area is the only area beyond the port's boundaries that should be considered as port environs subject to a PEO.

The City of Greater Geelong also considered it would be appropriate for the North Shore residential area to be included in the port environs. It suggested a DDO control that provided direction in relation to height, density, noise attenuation etc may be an appropriate mechanism to manage the interface. While Council was not opposed to the concept of a PEO, it was concerned with potential cost implications for existing residents if there were additional building standards and delays in the requirements for notice/referral.

Further, Council considered that the south side of Seabreeze Parade, which is mostly owned by Incitec Pivot, could be zoned to a Special Use Zone or the PEO could be introduced over this land to protect the buffer between Incitec Pivot and the North Shore residential area.

Council submitted that it may be appropriate that the State acquire this land for possible passive recreation purposes but advised that on-going management of the land would be an issue for Council.

In its additional information, the EPA stated that it had received reports about dust

impacts spreading well into this residential area, associated mainly with the loading activities on the wharf.

Ms Sue McLean, representing GCFGL, also considered the North Shore residential area should be included in the port environs and that a DDO could be a more appropriate planning control.

The GCFGL expressed concern about the potential recreational value of the south side of Seabreeze Parade given that contamination issues have not been properly addressed.

The North Shore Residents Group (NSRG) considered the area should be included in the port environs and a planning control be introduced that limited the height and density of residential development.

Further, the NSRG submitted that the south side of Seabreeze Parade should be acquired by the State Government and designated as a buffer zone that would be managed by City of Greater Geelong under the auspices of the Department of Sustainability and Environment (DSE). Other options included acquiring only those properties owned by Incitec Pivot or if the land is not acquired that Council, Incitec Pivot and local residents enter into a partnership arrangement for its use and development as a community resource (for example, an industrial heritage park).

The NSRG also considered the land known as Phosphate Paddock, bounded by Phosphate Road, The Esplanade and Incitec Pivot's administration block, should also be acquired, zoned and managed similar to its suggestion for the south side of Seabreeze Parade.

Prior to the commencement of the public hearings, the Committee was contacted by a representative of Incitec Pivot who advised that the company did not support any change to the zoning of the land it owned on the south side of Seabreeze Parade and that its ownership of the land was sufficient to protect the buffer role that it played.

DoT also submitted that a PEO would provide a more consistent and transparent approach to dealing with development associated with sensitive uses.

Discussion

The Committee considers there is a strong case for the North Shore residential area to be included in the port environs and subject to the PEO prepared by the Committee. The area identified to be included in the PEO is shown in **Figure 22**.

The PEO will ensure that the potential impacts of the port are considered in any application where a permit is required for use and development under the Residential 1 Zone and that there is an opportunity to consider whether any mitigation measures should be required in any permit to use or develop land.

The Committee does not consider the PEO will be onerous to either applicants or the

Responsible Authority because it will only be triggered when a permit is required under the relevant zone. In the Residential 1 Zone, the Committee notes that a permit will only be required for sensitive uses such as a child care centre, place of assembly and medical centre. A permit will not be required for a single dwelling or an alteration to a single dwelling or other minor buildings and works associated with a single dwelling.

While the PEO does not include density and height requirements, the Committee considers this is a matter that could be addressed in a DDO should Council consider such requirements are necessary.

In relation to the south side of Seebreeze Parade, the Committee considers that any proposal to acquire the land and develop the land for a community purpose would need further discussion between Incitec Pivot, other land owners, Council and local residents. However, the Committee does not consider the land needs to be acquired to ensure the protection of the buffer. Other mechanisms could be considered such as introducing a provision in Council's Local Policy on Geelong Port (Clause 22.12), that explicitly recognises the buffering role this land plays. The application of the PEO over this land will also recognise that any future use and development of land needs to take into account the potential impact of the port (and Incitec Pivot).

In relation to Phosphate Paddock, the Committee considers the buffering role this land plays could also be recognised in Council's policy on the Port of Geelong. However, given this land is not in a residential area the PEO would not achieve any significant planning purpose. Accordingly, this land should not be included in the PEO.

The Committee also considers any proposal to acquire this land and develop the land for a community purpose would need further discussion between Incitec Pivot, Council and local residents and is not a matter for this Committee.

The Committee agrees with the GCFGL that any future proposals for these sites for community related uses should not proceed without an assessment of potential contamination of the soil.

Conclusions

The Committee concludes that:

- given the interface of North Shore with industrial uses to the immediate north and south, it should be included in the port environs and subject to the PEO (Figure 22);
- Council should consider whether any additional requirements relating to density and height of development in the North Shore residential area are appropriate; and
- Council should consider amending Clause 22.12 – Geelong Port, to explicitly

recognise the buffering role the south side of Seabreeze Parade and Phosphate Paddock plays.

Recommendations

The Committee recommends:

- the PEO apply to the North Shore residential area (Figure 22);
- Greater Geelong City Council consider whether any additional requirements relating to density and height of development in the North Shore residential area are appropriate; and
- Greater Geelong City Council consider amending Clause 22.12 – Geelong Port, to explicitly recognise the buffering role the south side of Seabreeze Parade and Phosphate Paddock plays.

Figure 22 Recommended PEO (Map 34, Greater Geelong Planning Scheme)



6.3 Norlane residential area with industrial land east of Station Street

Area

Norlane is a long-established residential area located to the north and west of the port. Norlane's housing was mainly constructed for workers of the port and industrial areas of Geelong, including Ford, in the 1950s and 1960s. Norlane is separated from an industrial area to the west by Station Street. While this industrial area is included in 'port area of interest area' in the PLUS and within the Geelong Port Structure Plan area prepared by Council, the Committee notes it is a considerable distance from the core port activities occurring closer to the foreshore. This precinct is identified in Figure 16 of the Discussion Paper.

Summary of submissions

Both GeelongPort and the City of Greater Geelong agreed with the Discussion Paper's conclusion that the Norlane residential area west of Station Street should not be included in the port environs and subject to a PEO. GCFGL also agreed that there was no need to include this area in the port environs.

The EPA advised it had not received any complaints affecting the residential area.

As stated by Council, the nature of existing industrial uses, the proposed Industrial 3 Zone and DDO20 provides an adequate planning response at this interface.

Discussion

Given the consensus on this issue, the Committee makes no further comment on this matter.

In relation to Council's proposal to rezone the land between the Melbourne-Geelong railway line and Station Street to Industrial 3, the Committee considers this matter in Chapter 11.

Conclusion

The Committee concludes that:

- the Norlane residential area west of Station Street not be included in the port environs nor subject to the PEO.

6.4 Former Ford site with 'port area of interest' land

Area

The former Ford site is located south of the existing Ford site fronting Princes Highway, to the west of the 'port area of interest' land. This site is identified in Figure 17 of the Discussion Paper.

Summary of submissions

GeelongPort submitted that the Committee should consider the Panel's findings in Amendment C98 concerning the rezoning of the site to facilitate a bulky goods retail development that concluded that the former Ford site should be protected for a port related use as it constituted a higher order objective than the proposed retail development.

The City of Greater Geelong considered the site should be included in the port environs. However, Council's Port of Geelong Structure Plan does not support the alienation of this site purely for a port use and would seek to retain the Industrial 2 Zone and apply a DDO to ensure an appropriate built form outcome for this gateway site.

The GCFGL agreed with Council's position on this matter.

DoT acknowledged the strategic location of this site on the broader transport network and that a bridge over the railway line would significantly improve access to the port.

The Department of Innovation, Industry and Regional Development (DIIRD) considered a retail use on this site to be incompatible with the port.

Discussion

In the Discussion Paper the former Ford site was identified as a potential port environs area. However, on reflection the Committee considers that the more relevant issue is whether the site should be included in the port area of interest and a possible candidate for inclusion in the proposed Port Zone rather than as a potential port environs area subject to a PEO. This matter is addressed in Chapter 11.

The Committee considers that Council's proposal for a DDO over this site is appropriate to address built form outcomes at this gateway location. However, this will be subject to a separate Planning Scheme amendment process.

Conclusion

The Committee concludes that:

- the former Ford site not be included in the port environs nor subject to the PEO.

6.5 Proposed Geelong marine industry project, Osborne Park, Osborne House and the Rippleside residential area with 'port area of interest' land

Area

The proposed Geelong marine industry project is to be located on the former power

station site, located within the wider port area south of the GrainCorp site. This project proposes to offer facilities for boat-manufacturing, maintenance and repairs, storage and slip/lift facilities. This precinct is identified in Figure 18 of the Discussion Paper.

Summary of submissions

GeelongPort considered the proposed Geelong marine industry project to be a suitable land use transition between the port and industrial uses and the Rippleside residential area to the south.

Mr Townshend, on behalf of GeelongPort, submitted that because the development would be subject to a separate Planning Scheme amendment process it was not necessary to address its concerns with the potential for short-term tourist accommodation during this process.

GeelongPort also raised a concern about rezoning a small portion of Crown land from Industrial 1 to Public Park and Recreation. This matter is addressed in Chapter 10.

The EPA noted that hotels and motels are protected from industry noise emissions to the same degree as residential uses. Accordingly, it stated it would not be sufficient to rely on expectations of lesser amenity for any proposed tourist accommodation use.

GCFGL agreed with Council's position but indicated it did not have a firm view whether this site should be zoned to a Special Use Zone.

As a potential future industry project, there were no submissions that considered this site should be included in the port environs and subject to a PEO.

Discussion

The Committee notes the consensus between GeelongPort and City of Greater Geelong that the marine industry project is a suitable land use transition between port operations and the proposed use and development.

With the requirement for a Planning Scheme amendment, issues about the potential to include short-term tourist accommodation use can be addressed in the public submissions and assessment processes.

Issues concerning the zoning of the site are considered in Chapter 11.

Conclusion

The Committee concludes that:

- the Geelong marine industry project site not be included in the port environs nor subject to the PEO.

6.6 Geelong Grammar School with Shell Refinery

Area

Geelong Grammar School is located to the immediate north of the port area that is currently zoned Industrial 2. The site is identified in Figure 19 of the Discussion Paper.

Summary of submissions

Geelong Grammar School submitted that its campus should not be included in the port environs. On behalf of the School, Ms Nicholson stated that given the distance of the school campus from the port's activities, the imposition of a reverse buffer would be an unreasonable impost and posed the potential risk of the school's activities being constrained.

Accordingly, the School opposed the application of a PEO over the campus and also raised concerns about the lack of certainty with the decision guidelines given that they gave little direction to the types of matters that needed to be considered for applications to use and develop land.

Further, Ms Nicholson stated that the campus had been developed in such a way that the lowest intensive activities were located closest to the port.

Ms Nicholson also stated that any requirement that applications be notified or referred to GeelongPort would achieve little planning purpose.

The School expressed concern that the Farming Zone was introduced over the site without notice and that it would be appropriate to discuss with Council the potential to zone the site to a Special Use Zone.

Both GeelongPort and City of Greater Geelong supported the School's submissions on this matter, though GeelongPort did originally suggest a PEO could be considered over part of the school site closest to Shell.

Council noted that including the School in the port environs would be contrary to both the port's land use strategy and Council's structure plan.

Further, Council stated that it was more appropriate for the issue of buffers to be more of an issue for Shell and Terminals than for the School.

In its additional information, the EPA stated that it has received "significant" complaints about odour without providing detail, but noted that the complaints had not been from the school. Further, it stated that the school and community have also raised significant concerns with health impacts from emissions from Shell and other industrial sources in the area.

GCFGL agreed with Council's position on this matter. It also advised that it had worked with Terminals in an attempt to minimise the risk of accidents between

trucks carrying butadiene during school pick up and drop off times.

Discussion

The Committee notes the consensus between GeelongPort, City of Greater Geelong and Geelong Grammar School on this matter and does not consider there would be any planning benefit by including the school in the port environs and subject to the PEO. However, it is evident that it is important for Shell and the school to maintain an effective working relationship to ensure each party is aware of the need for continuing co-existence.

Conclusion

The Committee concludes that:

- the Geelong Grammar School site not be included in the port environs nor subject to the PEO.

7. PORT OF PORTLAND

7.1 Introduction

The Discussion Paper identified one potential port environs area, being the land south of the port and west of Incitec Pivot generally bounded by Henty Highway to the north, Madeira Packet Road to the east, Wellington Road to the west and Edgar Street to the south. The precinct was identified in Figure 20 of the Discussion Paper.

7.2 Summary of submissions

The Port of Portland submitted that the port environs should include the Portland foreshore area, Lee Breakwater, the foreshore from the Lee Breakwater to Anderson's Point and the Whaler's Point navigation installation.

The Port also submitted the PEO should be modelled on the Melbourne Airport Environs Overlay.

During the roundtable discussions, the Port advised the Committee that as a result of some noise modelling undertaken as a condition of the Woodchip facility's Environmental Management Plan, it was evident that noise from the port's operations was also having an impact to the west of the site along the Portland foreshore. A plan showing the noise levels was subsequently provided to the Committee.

The Shire of Glenelg supported the proposal to include the land south of the port in the port environs and the introduction of a PEO. However, it sought clarification on the criteria used to define the port environs. It also submitted that further investigations needed to be undertaken to determine the extent of impacts of port activities in relation to noise, dust and traffic.

Council also submitted that noise from heavy vehicles accessing the port was a concern to local residents and that, when the railway line was in greater use, it also had significant noise impacts.

In its additional information, the EPA stated that it is aware of past issues where fluoride from Incitec Pivot had led to etching (pitting from corrosive vapour) of glass in the windows of homes in the area. The EPA strongly recommended that there be no further encroachment of residential uses closer to the port or residential intensification of the area.

DoT considered the use of a PEO would be appropriate in the identified port environs, however did not elaborate on its submission.

The Western Coastal Board considered that further investigations to determine the port environs boundaries should be undertaken and, during such a process, it would be appropriate to seek the views of the resident population.

7.3 Discussion

The Committee considers that it would be appropriate to include the area identified in the Discussion Paper in the port environs and subject to the PEO prepared by the Committee. The area identified to be included in the PEO is shown in **Figure 23**.

While the Committee does not have all the relevant information to precisely determine the extent of the port's and Incitec Pivot impacts on the area, it is evident that there is a direct interface between the port, Incitec Pivot and the residential area to the south and west and that the local roads provide a logical boundary to the area in which impacts of the port's operations could be an influence.

In response to the Port of Portland's submission that the port environs should include a number of additional areas, it seems to the Committee these are areas where some port activities occur rather than areas occupied by non-port users that could be affected by port activities. Accordingly, it would be inappropriate to include these areas in the port environs.

The PEO would ensure that the potential impacts of the port are considered in any application where a permit is required for use and development under the Residential 1 Zone and that there is an opportunity to consider whether any mitigation measures should be required in any permit to use or develop land.

The Committee does not consider the PEO would be onerous to either applicants or the Responsible Authority because it would only be triggered when a permit is required under the relevant zone, not under the overlay. In the Residential 1 Zone, a permit would only be required for sensitive uses such as a child care centre, place of assembly and medical centre. A permit would not be required for a single dwelling or an alteration to a single dwelling or other minor buildings and works associated with a single dwelling.

While there may be some noise impacts from the port to the west towards Portland's town centre, the Committee notes the noise levels are not excessive and that the commercial and recreational nature of the area does not require any mitigation measures.¹²

7.4 Conclusion

The Committee concludes that:

- the area generally bounded by Henty Highway to the north, Madeira Packet Road to the east, Wellington Road to west and Edgar Street to the south should be included in the port environs and subject to the PEO (**Figure 23**).

¹² Port of Portland provided the Committee with a noise contour map by Marshall Day Acoustics dated 02/03/08 on 27 September 2010.

7.5 Recommendations

The Committee recommends that:

- **the PEO apply to the area generally bounded by Henty Highway to the north, Madeira Packet Road to the east, Wellington Road to west and Edgar Street to the south (Figure 23).**

Figure 23 Recommended PEO (Map 42, Glenelg Planning Scheme)



8. IMPLEMENTATION OF THE PEO

8.1 Introduction

During the hearing, the Committee indicated to parties that it did not necessarily consider that the PEO would be introduced immediately into Planning Schemes as an outcome of this process. The Committee made this comment because it considered more refinement may need to occur on the PEO in terms of both the nature of its provisions and the areas to which it may apply. Any further refinement should involve discussion with planning authorities and other key stakeholders. It was also considered that affected land owners should be given the opportunity to formally comment on a new planning control, which this Committee process was not able to provide.

On behalf of PoMC, Mr Morris urged the Committee to consider making a recommendation to the Minister for Planning to introduce a Planning Scheme amendment to implement the PEO as an outcome of this process.

8.2 Submissions

In making the request that the PEO be introduced into Planning Schemes as an outcome of this process, Mr Morris tabled a letter signed by the then Premier Mr Bracks to the then Minister for Planning Mr Hulls dated 20 June 2005. The Premier sought the Minister for Planning's advice as to the possible interim planning arrangements that could apply to the port environs that were subject to buffering analysis and development work. The Premier also stated that such interim arrangements will be important to provide certainty to stakeholders about port environs land use and development while the work is undertaken.

Mr Morris submitted that given the length of time that had taken to get to this point, that there was a strong case for implementing the proposed planning controls as a matter of urgency.

Specifically, Mr Morris submitted that PoMC's final version of PEO2 should be introduced across all land identified by PoMC for inclusion within the PEO (i.e. PEO1 and PEO2) and this should occur through the process prescribed by section 20(4) of the *Planning and Environment Act 1987*.

Mr Morris submitted this would be appropriate because PEO2 does not introduce a new permit trigger over affected land.

Further, Mr Morris suggested that a provision be included so that PEO2 expired in two years.

He also submitted that the Committee should further recommend that a Planning Scheme amendment process be undertaken for all relevant Planning Schemes, to

consider the extent of land contained within PEO1 and PEO2 and the final forms of those schedules. This process should also address the proposals for rezoning of the land in the Yarraville precinct in the City of Maribyrnong. These processes should include the notice provisions set out in part 3 of the Planning and Environment Act.

8.3 Discussion

While the Committee does not support the introduction of PEO1 into the VPP, it considers the proposition put forward by PoMC for the early introduction of the PEO into the VPP and relevant Planning Schemes as prepared by the Committee has merit for the following reasons:

- the length of time it has taken to reach this point of considering appropriate planning controls in the port environs;
- the need to provide some certainty for port managers, responsible authorities and other key stakeholders; and
- the 'lower order' nature of the proposed PEO in that it would not impose onerous requirements on applicants or responsible authorities because there are no additional permit triggers that would be introduced.

Further, the Committee considers the PEO should be subject a two-year 'sunset' clause to provide an opportunity to review the effectiveness of the control. This review should be conducted within the two-year period.

8.2 Conclusion

The Committee concludes that:

- there is merit in recommending to the Minister for Planning that the PEO be introduced into the VPP and relevant Planning Schemes without public notice subject to a two-year 'sunset' clause to enable a review of the effectiveness of the control.

8.3 Recommendations

The Committee recommends that:

- **the PEO prepared by the Committee (Appendix F) be introduced in the identified port environs by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987*; and**
- **the inclusion of the PEO in relevant Planning Schemes be subject to a two year sunset clause to enable a public review of the effectiveness of the control.**

PART C – PLANNING FRAMEWORK FOR VICTORIA’S PORTS

9. STATE PLANNING POLICY FRAMEWORK

9.1 Introduction

The ports currently enjoy strong strategic support in the State Planning Policy Framework (SPPF) of all Planning Schemes which, in its recently revised format, incorporated a number of the suggestions made in the Discussion Paper. However, the Committee considers that there are still some aspects of the SPPF that could be further strengthened in relation to ports and their environs to provide greater clarity and support for the continued operation and development of ports and management of interfaces with the port environs.

9.2 Summary of submissions

In submissions, the issue of strengthened strategic support for ports was mainly raised by the ports themselves as well as some of the relevant Councils. In addition to unambiguous support for the economic importance of efficient port operations and related landside transport services, other elements considered necessary to be addressed in strengthened SPPF clauses were the concept of two-way management of the interface between ports and adjoining areas (especially where there are existing sensitive uses) and the achievement of appropriate levels of protection of both the terrestrial and marine environments.

9.3 Strategic support for ports

Ports are currently only addressed in Clause 18.03 – *Ports* of the SPPF within the policy context of Transport in terms of planning for ports and land adjacent to ports. As suggested in the Discussion Paper, the Committee recommends that the brief statement at the introduction to Clause 18 Transport in the revised SPPF be strengthened by the addition of the sentence:

The State's ports and airports and their associated road and rail links are crucial elements of Victoria's competitive capability and their potential for sustainable future development is to be protected and enhanced.

The Committee considers that, given the importance of ports to the functioning of the Victorian economy and lifestyle, there would be merit in explicitly recognizing the role of ports, particularly the Port of Melbourne, earlier in the SPPF in Clause 11 Settlement. This clause already refers to overarching policy issues relevant to ports, namely, 'land use and transport integration' and directs that '*Planning is to prevent environmental problems created by siting incompatible land uses close together.*' The Committee notes that Melbourne Airport, by virtue of its identification in Melbourne 2030 as a 'Specialised Activity Centre' enjoys policy support under Clause 11.04-2 – *Activity centre hierarchy* of the SPPF. The Committee suggests that, when strategic planning processes allow, consideration should be given to

identifying the Port of Melbourne as an element of 'state significant infrastructure' or similar so that it achieves policy support under the Settlement policy context in the SPPF (as well as in the Transport context).

In addition, the Committee considers that Clause 18.03 – *Ports* of the SPPF may be more appropriately restructured to address strategic planning issues related to the Port of Melbourne separately to those related to the other commercial shipping ports – Geelong, Hastings and Portland (and, arguably, other ports along the Victorian coast which serve largely commercial fishing, recreational or other uses). This arrangement would reflect both the approach to Airports presented in Clause 18.04 of the SPPF and the importance of the Port of Melbourne and its significant difference in scale and function to the other three commercial ports. A draft of relevant SPPF clauses is included in **Appendix H**.

Similar to those presented for Melbourne Airport, the Committee considers that the strategies in relation to the Port of Melbourne should recognize the strategic economic importance of this port as the primary logistics resource underpinning the Victorian and, to some extent, the national economies.

The Committee does not see the need for the Fishermans Bend precinct to be singled out in Clause 18.03 – 2 – *Planning for land adjacent to ports* but rather considers that it be replaced with a clause relating to managing land use in port environs which is more generally applicable to both the Port of Melbourne and other ports. Such a clause could identify the need to apply a two-way approach to managing land use change within the port and its environs with the aim of protecting existing and future port operations and safety, amenity and environmental quality of nearby communities.

As stated in Section 3.3, it would be appropriate to include the WorkSafe Advisory Notes on major hazard facilities in ports as a policy guideline in Clause 18.03 of the SPPF.

9.4 Conclusions

The Committee concludes that:

- revision of the SPPF is required to appropriately reflect the key concepts of:
 - the importance of the ports to Victoria's economy and lifestyle;
 - the need to protect the existing and future efficient operation of ports;
 - the need to appropriately manage the interface between ports and nearby land uses especially sensitive urban land uses; and
 - the importance of environmental management and protection within and nearby ports.

9.5 Recommendations

The Committee recommends that:

- **Clause 18.03 be restructured to address the Port of Melbourne separately to the other commercial ports as outlined in Appendix H; and**
- **The WorkSafe Advisory Notes on major hazard facilities in ports be included as a policy guideline in Clause 18.03.**

10. LOCAL PLANNING POLICY FRAMEWORKS

10.1 Introduction

In the Discussion Paper, in relation to the Local Planning Policy Frameworks (LPPFs) in each of the Planning Schemes which surround the Port of Melbourne, the Committee asked whether these LPPFs should be amended generally in accordance with the recommendations presented in the *Port Environs Planning Framework* (PEPF). In relation to the other ports, the Committee generally queried whether local policy in relation to ports needed to be strengthened. The Committee also suggested that, during periodic reviews of the LPPF, the relevant approved port land use strategy (PLUS) should be included in the applicable Planning Scheme as a Reference Document.

Submissions on this issue were made primarily by the port managers, Councils, government departments and some key stakeholders. Mr Morris, on behalf of PoMC, submitted that, while LPPFs should generally be strengthened in accordance with changes to the LPPFs set out in the PoMC's written submission, these changes were really a matter for each local Council to deal with through separate Planning Scheme amendments.

Both DoT and DIIRD generally supported the recommendations of the draft PEPF in relation to amendments to the MSSs and LPPFs in Planning Schemes surrounding the Port of Melbourne. The DoT also submitted that relevant local policy enhancements should be made to the Planning Schemes in which the ports of Hastings, Geelong and Portland are located. In addition, the DoT submitted that the approved port strategies for each of the four ports should be included as reference documents in the LPPFs of the municipalities that surround the ports on the basis that these documents provide valuable reference material for local planning issues.

10.2 Local Planning Schemes

10.2.1 Melbourne Planning Scheme

While the majority of the operating areas of the Port of Melbourne are within the boundaries of the City of Melbourne, these areas are covered by the Port of Melbourne Planning Scheme rather than the Melbourne Planning Scheme. The draft PEPF included several recommendations relating to updating or strengthening specific provisions of the Melbourne Planning Scheme's MSS in relation to the interface with Docklands, land use change in Fishermans Bend and Port Melbourne and consistency with the Port of Melbourne PDS.

Amendment C162 to the Melbourne Planning Scheme, which proposes a revision of the MSS, was exhibited in July 2010 and Council is currently considering submissions. The proposed MSS includes acknowledgement of the strategic role of

the Port of Melbourne in the Municipal Profile as well as recognition of the proposed Webb Dock Freight Rail Link under Clause 21.03 Integrating transport with land use and development. Clause 21.03-5 Freight Transport has the objective *'to reduce the amenity and environmental impacts of road based service, delivery and waste freight vehicles'* with strategies including:

- *Support service, delivery and waste freight solutions which improve efficiency and minimise negative impacts on amenity and the environment;*
- *Support improved rail links for freight movement servicing the Port of Melbourne and industry.*

The proposed Webb Dock rail link is shown on Figure 3 Access and Spaces map in the proposed Clause 21.03-5.

Figure 2 Growth Framework Plan in Clause 21.02 shows the urban renewal areas of Dynon, e-Gate and Docklands near the Port of Melbourne but there is no reference to the management of this interface. In Clause 21.06-2 Residential, under the objective *'to provide residents with an optimum level of amenity'* the following strategy is proposed without any specific reference to the presence of the Port of Melbourne adjacent to the three urban renewal areas, namely:

In the Capital City, Docklands and Business Zones, ensure residential development takes into account the amenity impacts of established and future office and retail uses, including noise impacts, and provides acoustic insulation in dwellings to protect future occupants.

Given the strategic importance of the Port of Melbourne, the Committee considers that there would be merit in the MSS explicitly recognising the concept of the two-way interface management between port and port-related and potentially sensitive uses in these urban renewal areas. Such a reference would guide the strategic planning process for the three urban renewal areas which the Committee, in Section 4.2.1 argues would negate the need for the introduction of the PEO over these areas.

In addition, as stated in Section 4.2.3, the Council agreed that its MSS should also explicitly recognise the interface of the port with Docklands.

In relation to industrial areas in the Fishermans Bend and Port Melbourne areas, the proposed MSS in Clause 21.06-5 Industry has the objective *to ensure industrial and Port of Melbourne activity is not compromised by other uses in the City*. Supporting strategies include:

- *Discourage new housing or other sensitive uses where they may undermine the viability of existing industrial and Port related uses;*
- *Manage the interface of industry and residential areas to protect industry and the amenity of residential uses.*

Another objective is *to support Port Melbourne (Fishermans Bend) as the City's core industrial area* with the strategies including *Discourage office development in the Industrial 1 Zone in Port Melbourne (Fishermans Bend) so as not to undermine its industrial character.*

Conclusions

The Committee concludes that:

- the references in the exhibited MSS to the proposed Webb Dock rail link and the policy for industrial areas in Fishermans Bend will assist the management of interface issues with the Port of Melbourne in these areas; and
- there would be merit in the proposed MSS explicitly recognising the concept of two-way interface management between port and port-related and sensitive uses in the urban renewal areas of Docklands, Dynon and e-Gate.

Recommendations

The Committee recommends that:

- **Melbourne City Council consider amending its draft MSS to :**
 - **explicitly recognise the concept of two-way interface management between port and port-related and sensitive uses in the urban renewal areas of Docklands, Dynon and e-Gate; and**
 - **explicitly acknowledge the interface of Docklands with the Port.**

10.2.2 Port Phillip Planning Scheme

The Discussion Paper posed the question whether the Port Phillip Planning Scheme's LPPF should be generally in accordance with the PEPF's recommendations. Changes to the Port Phillip LPPF were exhibited in April 2010 via Amendment C62 and a Panel Hearing was held in September 2010. In relation to the Port of Melbourne, the exhibited LPPF proposed:

- recognising the two-way buffer concept
- recognising the importance of the Port of Melbourne
- recognising the importance of Station Pier
- supporting the industrial role of Fishermans Bend
- protecting the amenity of interface areas
- protecting the Port of Melbourne from sensitive uses
- use and development of the Foreshore
- managing the impacts of freight movements

The PoMC submitted various concerns about the exhibited LPPF and met with Council to discuss these concerns following the exhibition period. Council prepared an amended LPPF in response to issues raised in submissions. The PoMC indicated at the Panel Hearing that this revised LPPF adequately addressed most of the issues it had raised with the exception of issues related to the ownership and role of Perc White Reserve. At the Hearing, the Council agreed to mapping changes that would more appropriately illustrate PoMC's ownership of this land.

Conclusion

The Committee concludes that:

- the Panel process for Amendment C62 will appropriately deal with LPPF matters in the Port Phillip Planning Scheme.

10.2.3 Maribyrnong Planning Scheme

The Discussion Paper posed the question whether the Maribyrnong Planning Scheme's LPPF should be generally amended in accordance with the draft PEPF's recommendations.

Summary of submissions

Council submitted that revised local planning policies had been exhibited in June 2010 via Amendment C82 to the Maribyrnong Planning Scheme. The exhibited policies had been developed with regard to the MoU agreed by Council and the PoMC in November 2006 and the information and recommendations of the *Issues Paper Yarraville Port Environs Local Planning Policy 2010* and addressed concerns about existing policies.

The Industrial Development Policy (Clause 21.06) recognises the role of the Yarraville Port Industrial Precinct ((Clause 21.06-1) and the need for improved buffers to the Mobil Yarraville Terminal and identifies the area south of Francis Street as a strategic investigation area (Clause 21.06-2). The amendment also includes new local planning policies for:

- the Yarraville Port Industrial Precinct (Clause 22.04) - this proposed policy will acknowledge that the subject area serves an important amenity and risk buffer between Coode Island and the operations of the Port of Melbourne and the inner west residential areas; and
- the Francis Street Mixed use Area (Clause 22.02) – this proposed policy is based on the existing policy at Clause 22.0-3 with minor revisions to better recognise the amenity and risk issues of the locality and to indicate the buffer requirement are under investigation and that land rezoning may occur. It also introduces decision guidelines in relation to risk and amenity for this area.

The PoMC noted that some of its suggested changes to the LPPF were incorporated

in this Amendment and will pursue further changes through the Amendment C82 process.

Discussion

The Committee considers there is merit in Council's proposed policies to address these particular interfaces with the port. The policies will provide a clear framework to assist in the application of the planning controls, including the PEO. The Committee acknowledges the policies will be further considered by the Panel considering Amendment C82. The planning control issues related to the Yarraville and Francis Street precincts rather than local policy were discussed extensively in the roundtable (see Sections 4.3.1 and 4.3.2).

Conclusions

The Committee concludes that:

- the process for Amendment C82, together with the recommendations in relation to the PEO for the port environs in Yarraville and Francis Street (see Sections 4.3.1 and 4.3.2 respectively), will appropriately deal with LPPF matters in the Maribyrnong Planning Scheme.

10.2.4 Hobsons Bay Planning Scheme

The Discussion Paper posed the question whether there should be a more specific reference in the Hobsons Bay Planning Scheme's MSS that recognises the interface of the Port of Melbourne and whether the current Industry Policy in Clause 21.09 adequately addresses the interface between industrial and sensitive uses.

Summary of submissions

The City of Hobsons Bay submitted that the current MSS appropriately addresses the significance of the Port of Melbourne. The PoMC submitted that the recommendations in the draft PEPF for amendments to the MSS should be recommended by the Committee.

Conclusions

The Committee concludes that:

- consistent with the PoMC's suggestions in the draft PEPF, there should be a more specific reference in the MSS in the Hobsons Bay Planning Scheme. These references should be aimed at:
 - strengthening the MSS residential policies in Clause 21.06 to acknowledge the interface with the Port of Melbourne and identifying the need to consider proximity to the port in land use decisions; and
 - strengthening Local Planning Policy for Industry in Clause 22.02 to require a two-way approach to managing land use change and amenity

to protect interests of both the port and industry as well as more sensitive non-industrial uses in the port environs.

Recommendations

The Committee recommends that:

- **Hobsons Bay City Council consider amending its Planning Scheme to:**
 - **strengthen the MSS residential policies in Clause 21.06 to acknowledge the interface with the Port of Melbourne and identifying the need to consider the proximity to the port in land use decisions; and**
 - **strengthen the Local Planning Policy for Industry in Clause 22.02 to require a two-way approach to managing land use change and amenity to protect interests of both the port and industry as well as more sensitive non-industrial uses in the port environs.**

10.2.5 Mornington Peninsula Planning Scheme

Summary of submissions

Mornington Peninsula Shire submitted that it generally supported the Committee's comments in the Discussion Paper in relation to strengthening policy in relation to the Port of Hastings. The Council submitted that *....it would be appropriate to update both the SPPF and LPPF with reference to the Hastings Port Land Use and Transport Strategy (PLUTS) recognising that this essentially represents a continuation rather than fundamental change in policy direction.*

Bluescope Steel, a key land use within and user of the Port of Hastings, submitted that, in relation to the MSS in the Mornington Peninsula Planning Scheme, it is critical that planning control documents recognise and clearly disseminate information so that informed decisions can be made by both applicants and authorities.

Discussion

The Committee confirms its view presented in the Discussion Paper that, despite the strong policy related to the Port of Hastings in Clause 21.03-1 of the Planning Scheme, there would be merit in Council updating this policy. This update would be particularly pertinent in response to both the role that the this port will play in the future as Melbourne's second container port and the strategic directions of the land use strategy including the proposed development of the Long Island precinct. Such a review should also address the need to identify transport corridors through the shire to support expansion of the Port of Hasting.

The Committee is aware that, as of 1 September 2010, the integration of the

governance and management functions of the ports of Hastings and Melbourne took effect. As a result, it is reasonable to expect that there will be closer alignment in the strategic planning for these two ports as part of what might be considered development of a 'multi-port system' serving the Melbourne metropolitan area. In time, any such changes should be appropriately recognised in the LPPF.

Conclusions

The Committee concludes that:

- the Mornington Peninsula Planning Scheme should be updated and revised to recognise, among other things:
 - the future role of the Port of Hastings as Melbourne's second container port;
 - the strategic directions of the Port of Hastings Land Use and Transport Strategy including the proposed development of the Long Island precinct; and
 - the need to identify sustainable transport corridors to support expansion of the Port of Hastings.

Recommendations

The Committee recommends:

- **Mornington Peninsula Shire consider amending its Planning Scheme to recognise:**
 - **the future role of the Port of Hastings as Melbourne's second container port;**
 - **the strategic directions of the Port of Hastings Land Use and Transport Strategy including the proposed development of the Long Island precinct; and**
 - **the need to identify sustainable transport corridors to support expansion of the Port of Hastings.**

10.2.6 Greater Geelong Planning Scheme

The Discussion Paper posed the question that, provided the conflicts between the Greater Geelong City Council's draft *Geelong Port Structure Plan* and the Port Land Use Strategy (PLUS) prepared by GeelongPort in accordance with the requirements under Part 6A of the *Port Management Act 1995* are resolved, is there a need for a new local policy and if so, is the Council's Structure Plan a useful starting point?

Summary of submissions

Council submitted that its Structure Plan provides considerably more direction and

detail as a basis for local policy and as a Reference Document (especially in relation to environmental performance and response to bulk liquid storage) than the PLUS which Council considered to be a 'State level strategy'. GeelongPort endorsed the Committee's view that *having two different strategies relating to the port's future creates confusion and can lead to unjustified outcomes*'. While noting that the visions contained in the PLUS and the Structure Plan are aligned, the most significant point of divergence relates to the framework operating in relation to the Liquid Bulk precinct (described in the Structure Plan as the Refinery Precinct). GeelongPort submitted that the PLUS should be the land use strategy for the port.

The Geelong Chamber of Commerce submitted that Council's Structure Plan was a useful starting point to prepare a new Local Policy for Geelong Port. The GCFGL submitted that the discrepancies between the two documents need to be addressed and that having one policy document is more appropriate and that the Council's Structure Plan is the preferable approach once more directional detail is included such as the Master Plans for each precinct.

Discussion

There was general agreement among key stakeholders of the principle that there should be one policy for the Port which reflects as much as consistency as possible between the Structure Plan and the PLUS about such matters as the State significance of the port and a balanced approach to buffer and interface management and that the PLUS should be identified in the LPPF as a Reference Document.

While the two strategic plans are largely consistent with each other, there are some notable differences including:

- The Structure Plan identifies four precincts where as the PLUS identifies three (Structure Plan split the Break and bulk break precincts into Corio Quay and Lascelles Wharf);
- The Structure Plan seeks to limit the Bulk Liquid Storage to the Terminals site lease (which enables expansion south towards Cuthberton's Creek); and
- The Structure Plan imposes additional requirements relating to the Terminals site (for example, chemical class zones, health and safety emergency plans etc).

The Committee notes that the Port of Geelong PLUS was included in the SPPF with the approval of Amendment VC71 on 20 September 2010 as a document that must be considered by planning and responsible authorities.

In the Committee's view, it would be inappropriate for the draft Port of Geelong Structure Plan to be included as a reference document in the Greater Geelong Planning Scheme given the inclusion of the PLUS in the SPPF. To have two strategic planning documents applying to the port would undermine the objectives of

promoting consistency in the Planning Scheme.

In relation to the Structure Plan's proposals for limiting the Bulk Liquid Storage to the Terminals site, this is a strategic planning matter that is beyond the scope of this Committee.

The Committee also questions the appropriateness of including additional requirements relating to the Terminals site in a planning document. Such matters may be more appropriately addressed SEMP's that port managers must prepare or in other documents that are required under environmental and public health legislation.

The issue of whether there should be three or four precincts in the port area should be subject to further discussion in relation to identifying the different schedules to the Port Zone.

The Committee notes that the elements relating to the interface areas in the Structure Plan have been addressed by the Committee in Chapter 6.

The Committee considers that the DDO included in the proposed Amendment prepared by Council to apply to land at 309-363 Melbourne Road, Geelong North (lot 4 and 5 PS511550P) and land at 365 – 377 Melbourne Road, Geelong North to ensure a high quality development at these gateway sites should not be affected by this process. In other words, the Committee sees no obstacles to this aspect from the Amendment proceeding to exhibition.

Conclusions

The Committee concludes that:

- The draft *Geelong Port Structure Plan* should not be included as a reference Document in the Greater Geelong Planning Scheme;
- Further strategic planning should be undertaken by GeelongPort and the City of Greater Geelong, including stakeholder consultation, to resolve the number and nature of precincts within the Port and of the location, capacity and conditions for Bulk Liquid Storage within the appropriate precinct in Geelong Port;
- Once agreement is reached on the strategic port planning matters noted above, the City of Greater Geelong should prepare a new local planning policy addressing, but not limited to, both the strategic importance of the ports and the need for the two-way management of port interfaces to be undertaken in a manner that protects efficient operation of the ports and the reasonable amenity of surrounding land uses, especially residential and other sensitive uses; and
- As noted in Section 6.2, the Council also consider amending its local policy to

recognise the buffering role played by the south side of Seabreeze Parade and Phosphate Paddocks.

Recommendations

The Committee recommends:

- **The draft *Geelong Port Structure Plan* not be included as a reference Document in the Greater Geelong Planning Scheme;**
- **Further strategic planning be undertaken by GeelongPort and the Greater Geelong City Council, including stakeholder consultation, to resolve the number and nature of precincts within the Port and of the location, capacity and conditions for Bulk Liquid Storage within the appropriate precinct in Geelong Port;**
- **Once agreement is reached on the strategic port planning matters noted above, the Greater Geelong City Council should prepare a new local planning policy addressing, but not limited to, both the strategic importance of the ports and the need for the two-way management of port interfaces to be undertaken in a manner that protects efficient operation of the ports and the reasonable amenity of surrounding land uses, especially residential and other sensitive uses; and**
- **Greater Geelong City Council consider amending its local policy to recognise the buffering role played by the south side of Seabreeze Parade and Phosphate Paddocks.**

10.2.7 Glenelg Planning Scheme

Submissions

The Glenelg Shire Council submitted that*the existing policy in the SPPF and the LPPF [in the Glenelg Planning Scheme] provides adequate policy support to enable the port to operate effectively and accommodate future expansion.* The Port of Portland submitted that there is potential to more closely align the Glenelg MSS with the Port of Portland Port Land Use Strategy but warned that any such alignment needs to take into account the different review periods for both documents.

Discussion

The content of the LPPF was not a key issue discussed in presentations to the Hearing or during the roundtable discussion in relation to the Port of Portland.

The Committee confirms its view presented in the Discussion Paper that the references in the LPPF at Clause 22.03-3 Port of Portland are adequate to recognise the economic significance of the Port and manage the interface between port and port-related and sensitive uses.

Conclusions

The Committee concludes that:

- when the Glenelg Shire Council undertakes its next review of the MSS, the content of Clause 22.03-3 should be amended to more closely reflect, within the broader strategic context, particularly the Strategic Framework and Directions for port development presented in the Port of PLUS; and
- the Port of Portland PLUS (*August 2009*) should be included in the Glenelg Planning Scheme as a Reference Document.

Recommendations

The Committee recommends:

- **Glenelg Shire Council consider amending Clause 22.03-3 to recognise the future Port of Portland development and include the Port of Portland PLUS as a Reference Document.**

10.2.8 Status of the Port Strategic Land Use Plans

As indicated by the discussion in the preceding paragraphs, there was general agreement with the Committee's suggestion in the Discussion Paper that the relevant approved port land use strategy in accordance with the requirements under Part 6A of the *Port Management Act 1995* should be included in the applicable Planning Scheme as a Reference Document.

The Committee confirms that this recognition would appropriately take place as part of any periodic proposal to amend the local policy rather than as a separate initiative.

11. PORT ZONE

11.1 Introduction

The Committee's ToR require it to:

Advise on appropriate and streamlined planning controls that could apply to the use and development of land and where relevant, the waters of the Ports of Geelong, Portland and Hastings.

The Committee analysed the Special Use Zones (SUZ) that currently apply to the three ports and noted there were a number of inconsistencies between the zones in terms the nature of permitted uses, the application requirements, the decisions guidelines, the subdivision requirements and the exemptions from the need to obtain a permit for buildings and works. Accordingly, the Committee concluded that there was merit in preparing a specific-purpose Port Zone.

A draft a Port Zone was included in the Discussion Paper for consideration by submitters.¹³

As stated in the Discussion Paper, a Port Zone was considered to have the following benefits:

- A new Port Zone would give enhanced status to Ports by not including them in the Special Use Zone which is a zone that provides for a 'grab-bag' of uses that do not sit comfortably in the basic suite of land use zones.¹⁴
- The generic SUZ provisions give little clue as to the purpose of use given this zoning. The zone instead relies on schedules to inform what particular type of land use is the subject of control.
- The current use of the SUZ does not lend itself to consistency in the provisions relating to ports.
- A new Port Zone can provide transparency and consistency and where necessary can include schedules to allow variations within and between ports to cater for differences in port activities and particular local circumstances.
- Common and strengthened zone purposes can ensure that the strategic and economic importance of each of the Victoria's commercial trading ports to the State and the regions within which they sit can be better understood and provided for.
- A new zone can require consistent application requirements and decision guidelines.

¹³ See Chapter 11.2 of the Discussion Paper

¹⁴ This accepts that for the present the Port of Melbourne will maintain its current Special Use Zones

- A new zone does not preclude the use of overlays or other Planning Scheme control tools.

While the Committee's ToR do not require it to consider the planning controls for the Port of Melbourne, it considered the Port Zone could also apply to Melbourne.

The draft Port Zone prepared for the Discussion Paper is included in **Appendix I**.

11.2 Summary of submissions

In broad terms, there was support for the concept of applying a Port Zone to Victoria's commercial trading ports. Submissions in support of the Port Zone were received from DPCD, DoT, VicRoads, City of Greater Geelong, GeelongPort, North Shore Residents Group, PoHC¹⁵, Port of Portland, Shire of Glenelg, City of Port Phillip and Roger Lambert.

The PoMC did not oppose the concept of a Port Zone but considered that the draft included in the Discussion Paper would be an impediment to the port's operations.

Mornington Peninsula Shire did not support the Port Zone. However, following a request from the Committee, Council's Manager of Strategic Planning, Allan Cowley, made a submission on the matters that would need to be addressed if a Port Zone was introduced.

GCFGL supported Council's position that a Port Zone is appropriate, though considered the existing zoning should be retained. However, it considered that any proposals that resulted in more rights and powers being given to port authorities and port users than members of the public would be unacceptable.

Despite broad support for the concept of a Port Zone, a common theme of submitters was that the draft Zone included in the Discussion Paper contained too many provisions and that a preferable approach would be to have a Port Zone as a 'parent' zone and that the schedules to the Zone should contain the more detailed provisions that would apply to the different precincts within a port. Such an approach would provide the flexibility required for the different parts of the ports and also allow the planning consideration relevant to the different precincts.

The Committee addresses the issue of whether the Port Zone should be extended into the waters in the following sections when it considers the ports of Hastings, Geelong and Portland in the following sections.

More detailed submissions about the proposed Port Zone were made in relation to each of the ports. These submissions are considered in the following sections.

¹⁵ As noted in Footnote 3, Port of Melbourne Corporation became responsible for Port of Hastings on 1 September 2010 Transport Legislation Amendment (Ports Integration) Bill on 12 August 2010

11.2.1. Port of Geelong

GeelongPort made a comprehensive submission to the Committee about its concerns with the current Special Use Zone applying to the Port of Geelong. Mr Townshend, representing GeelongPort, submitted that the SUZ has failed to recognise the strategic and economic significance of the port and has also failed to secure the primacy of port related activities. He also submitted that the industrial zones applying in the port 'area of interest' land has failed to protect the port from proposals that compromise the future aspirations of the port.

Accordingly, Mr Townshend submitted any proposal for a new Port Zone should be based on:

- the purposes of the control;
- the permit triggers applicable to use and development; and
- the notice and review provisions of the control.

Mr Townshend tabled an alternative Port Zone and schedules to the Zone that could apply to the Port of Geelong. He explained that it would operate by establishing the foundations of the zone control in the parent provision while allowing for the schedule to the zone to specify or vary the requirements with respect to land use, subdivision, buildings and works, application requirements, exemption from notice and review and decision guidelines. GeelongPort's proposed Port Zone and three schedules are included in **Appendix J**.

GeelongPort also tabled a plan that showed where the schedules would apply. This is included in **Appendix K**. It is also proposed to include the Point Henry site in the Port Zone.

The parent zone includes the general purposes of the Zone and all other requirements, including the Table of uses, subdivision, buildings and works and advertising signs, and is cross-referenced to the schedules where the more detailed provisions are found.

Three schedules are proposed to apply to:

- Geelong Port Liquid Bulk and Refinery Precinct
- Geelong Port General Port Area
- Waters of Geelong Port.

In addition, Mr Townsend considered a fourth schedule could apply to the wider port 'area of interest' land west of the Melbourne-Geelong railway. The area to which this schedule would apply is also shown on the plan in **Appendix K**.

In terms of the permit triggers in the schedules, it is proposed that they would reflect the primacy of the particular schedule. For example, liquid bulk is proposed as an

as-of-right use in the Liquid Bulk Precinct.

With respect to the exemptions, it was acknowledged that the extent to which applications for use and development would be subject to notice requirements is controversial. However, it was submitted that the current lack of exemptions resulted in relatively uncontroversial decisions relating to port planning being subject to unwarranted scrutiny.

Given that the alternative Port Zone and schedules were tabled during the hearings, the Committee provided an opportunity for the City of Greater Geelong and GCFGL further time to respond.

Council provided a very constructive response to GeelongPort's proposal for an alternative Port Zone and schedules. In summary, Council submitted:

- a schedule structure to apply to different precincts within the Port Zone area has merit – including the potential to provide greater direction around uses, encourage specific activities in certain precincts, clarify the role of a precinct and identify appropriate application requirements and decision guidelines to suit that designation; and
- the primary issues of concern with GeelongPort's proposed Port Zone as tabled include:
 - Extent of the Port Zone and the extent of specific schedule areas; and
 - Specific Zone provisions relating to uses, use of Clause 52.10 and notice provisions.

In relation to the extent of the application of the various schedules, Council was concerned with the differences between the areas identified in the schedules and the areas identified in the Port Strategic Land Use Strategic Plan and Council's Port of Geelong Structure Plan. Council considered the discrepancies between the precincts identified in the PLUS and the Structure Plan would have implications in terms of the appropriateness of the nature of uses and developments that would be permissible in the various schedules.

Council was also concerned that the Geelong Port General Area should not cover the more fragmented industrial zoned land. It considered the Industrial 3 Zone provides a better framework for buffer treatment. Council would also require that existing open space and Crown land areas should have the appropriate zonings remain in place for open space and Crown land areas.

Council proposed a more refined precinct was appropriate for the Geelong Port General Area (See **Appendix L**).

Council considered there is some merit in the Port Zone extending over water adjacent to existing or identified critical land side port infrastructure and a schedule

is one way of providing a localised focus around specific buildings and works and would not inhibit reasonable port works. However, the extent identified by GeelongPort for this precinct was considered excessive. A buffer of 5 – 20 metres around key assets (piers, wharfs and, potentially, identified extension areas) is likely to cover the majority of buildings and works activities associated with current port operations.

In response to GeelongPort's suggestion that an Incorporated Document could be considered over the Public Park and Recreation Zone area, it noted that a view would need to be formed as to whether the commercial operation of the Port can be said to be suited to the public or recreation purposes of that Zone. It was also noted that under Clause 36.02-6 that an *"Incorporated Plan must be consistent with the intent of the public land reservation under any Act."*

Finally, Council has a fundamental concern with the major differences in relation to the nature of Section 1 conditions and notice/review provisions relating to use applications.

In terms of the Liquid Bulk Storage & Refinery precinct, Council strongly rejected the proposition to remove the Clause 52.10 conditions against specific section 1 uses. The link to Clause 52.10 is an important consideration in relation to triggering a permit particularly given the proximity of this precinct to residential and school interface areas and the ability to consider environmental and community health impacts of such proposals.

Council also strongly rejected the proposition to remove third party notice/review provisions for use. It submitted that this is contrary to the Committee's observation that amenity and interface issues have resulted in an improvement of environmental performance of the ports as a key starting point. Such impacts are best considered in relation to applications for use as opposed to those for buildings and works. The proposition is also contrary to striking a balance between controls that improve industry performance and identify expectations of communities at the interface about the protection of the Port.

A summary of Council's comments in relation to the alternative Port Zone tabled by GeelongPort is included in **Appendix M**.

Ms Mclean, on behalf of GCFGL, reiterated her concerns about the potential loss of rights by the public to receive notice of applications. She considered Port Zone – schedule 3 to be excessive and that there was no need for Port Zone schedule 4.

11.2.2. Port of Hastings

As noted in Section 10.2, both PoHC and PoMC support the concept of a Port Zone.

The PoHC submitted that a clearly defined Port Zone that acknowledges the range of activities that take place within a port needs to be developed. However, it did not

provide any specific comments on the draft Port Zone included in the Discussion Paper.

It considered that the extension of a Port Zone into the waters should be limited to the areas likely to be required for berth pockets, swing basins, access channels and sites containing navigational aids etc.

Mornington Peninsula Shire considered the current Special Use Zone applying to the Port of Hastings was performing reasonably well and that many of the concerns identified by the Committee could be addressed by reviewing the existing Special Use Zone. It considered there were a number of advantages with the current provisions that required a permit for all industrial use and development, including:

- it enabled a critical assessment whether a proposed use is legitimately port dependent;
- it enabled decisions to have regard to the location of the site relative to the core port infrastructure; and
- it enabled the consideration of the characteristics of the specific use and the inclusion of relevant conditions to define and regulate the scope of the approved use.

It was also concerned that 'a one size fits all' approach to introducing a Port Zone could undermine specific objectives for each port, such as the environmental objectives for Hastings.

However, in response to a request from the Committee, Council officers considered that if a Port Zone was introduced it should be a parent control with more detailed provisions in the schedules to the zones. It also prepared a parent Port Zone that appeared very similar to the parent Port Zone prepared by GeelongPort. Council did not have the opportunity to prepare any schedules to the Port Zone.

11.2.3. Port of Portland

The Port of Portland submitted that a Port Zone with port-specific schedules is supported. It considered the Port Zone should be modelled on the Special Use Zone in the Port of Melbourne Planning Scheme with a broad or 'high level' zone and more detailed provisions included in the schedules.

In relation to extending a Port Zone into the waters, it noted that any approvals for port-related infrastructure or works is managed through the relevant port, harbour and coastal management legislation. However, it considered a schedule similar to the schedule that applies in the waters adjacent to some parts of the Port of Melbourne would also be appropriate for the Port of Portland.

While there appeared to be some confusion between port land and port environs, it is understood that Port of Portland considers the Port Zone should apply to existing

Port of Portland operations areas, including the Incitec Pivot site and the Canal Court land.

The Shire of Glenelg did not make any specific comments about the draft Port Zone.

11.3 Discussion

The Committee considers there is strong merit in introducing a Port Zone over port land with a parent Port Zone that sets out the broad requirements of the zone and includes the provision of schedules that identify different port precincts and the detailed planning controls that would apply in each of the precincts. The Committee considers the alternative model tabled by GeelongPort forms the basis of an approach that would be appropriate to apply to all four ports, including Port of Melbourne.

However, the Committee considers that preparing the schedules that would apply to the precincts within the ports requires further discussion between port managers, planning authorities and relevant stakeholders before implementation could be considered. This should also involve discussion in relation to the extent of area to which the Port Zone should apply to adjacent waters. In broad terms, the Committee considers that the extent of the Zone should cover the areas where there are proposed infrastructure or works that have been clearly identified in a port development strategy or in other strategic project work that has involved discussion with stakeholders, including relevant State and local authorities.

While there may other planning or approval requirements along the coastline under other statutes or regulation that the port managers must comply with, the Committee considers that any proposal to extend a zoning control into the waters will provide an appropriate opportunity to ensure planning issues are addressed.

The Committee makes the following comments in relation to the ports of Geelong, Hastings and Portland to provide some guidance for the future discussions.

Port of Geelong

The Committee agrees with the City of Greater Geelong's submission that the areas identified in GeelongPort's Port Zone schedules require review in terms of appropriateness of area, the appropriateness of uses in the tables and the exemptions that apply.

The Committee also agrees with Council that further discussion is required in relation to extending the Terminals site given the potential development of a rail loop.

In relation to the Table of uses, the Committee considers Bulk Liquid Storage should be a section 1 use. However, the Committee considers that a condition should be inserted against this use that states:

Must not be any increase of storage capacity

Accordingly, any proposal to increase the storage capacity will be subject to a buildings and works permit, however a proposal to upgrade existing facilities will not be subject to a use permit. The Committee notes that this is consistent with the view presented in the written submission to the Discussion Paper by Terminals Pty Ltd.

The Committee also agrees with Council that Bulk Liquid Storage should be subject to a condition requiring compliance with Clause 52.10 on the basis that this clause is an important consideration in relation to triggering a permit where there could be an adverse amenity impact to a sensitive use, such as residential or educational establishment.

In relation to the Geelong Port General Port Area, the Committee agrees with Council that there is case to extend the application of this schedule but further discussion is required to consider the impact on existing industrial and future uses in the Industrial 2 and Industrial 3 zoned and to also review whether the zone should affect existing open space areas and Crown land.

Further, consideration needs to be given as to the impact of whether industrial uses that may not be associated with the port should be encouraged or discouraged from the precinct and whether office floor space should be limited to 500 square metres.

In relation to the Waters of Geelong Port schedule, the Committee does not agree that this schedule should apply to the area proposed on the maps and it should be restricted to areas where it is proposed to provide port related infrastructure or works. This also requires further discussion with interested stakeholders.

Port of Hastings

The Committee considers that at this stage, the Port Zone should only apply to the core port area (which basically includes the Long Island precinct identified on Map 2 in the Port of Hastings Port Land Use and Transport Strategy) as well as to those areas in at the Crib Point and Stony Point precincts where it is proposed to continue port activities.

It would be appropriate for a schedule to be developed for these precincts before a Port Zone is introduced and the development of the schedules be subject to consultation with relevant authorities and interested stakeholders.

The Committee does not consider the Port Zone should apply to the extensive Special Use Zone 1 outside the current core port areas until further strategic planning is undertaken to determine how much land is required for the port and port related uses.

Similar to the Port of Geelong, further discussion is required in relation to determining the boundaries of where the different schedules would apply and the

nature of provisions that may be appropriate within each schedule.

Port of Portland

The Committee considers that the Port Zone should apply to the Port of Portland and that, as a minimum, schedules should be developed for the main port area, Incitec Pivot and Canal Court.

As discussed previously, whether the Port Zone should extend to the waters will depend on whether there is identified infrastructure and works required as part of the port's operations.

Similar to both the Port of Geelong and Port of Hastings, further discussion is required in relation to determining the boundaries of where the different schedules would apply and the nature of provisions that may be appropriate within each schedule.

11.4 Implementation of the Port Zone

Implementation of the Port Zone to the ports of Geelong, Hastings and Portland should not occur until there has been further discussion with relevant authorities and interested stakeholders in relation to the development of appropriate schedules that could apply to the various precincts within the port areas.

It may be appropriate that this task is undertaken as a priority project to ensure consistency of approach and to meet the State Government's objectives to streamline the planning framework for ports.

As part of this exercise, the Committee considers it would also be appropriate to include the Port of Melbourne Planning Scheme. This approach would ensure that the planning provisions for all four of Victoria's ports have a level of consistency.

11.5 Conclusions

The Committee concludes that:

- there is substantial merit in introducing a purpose-specific Port Zone into the VPP;
- the Port Zone could also be appropriate for applying in the Port of Melbourne Planning Scheme; and
- the Port Zone should not be introduced into relevant Planning Schemes until appropriate schedules have been prepared for the different precincts within each port.

11.6 Recommendations

The Committee recommends that:

- the Port Zone as set out in Appendix J be used as a basis for a parent zone that could be introduced into the VPP; and
- the preparation of schedules to the Port Zone to apply to the different precincts within each port be undertaken as a priority project.

12. DEFINITION OF PORT

12.1 Introduction

During the preliminary consultations conducted by the Advisory Committee, concern was expressed by City of Greater Geelong in particular that there was some confusion in relation to the specific uses relating to port activities and that it may be appropriate to have a broad definition of *Port* included in Planning Schemes. Council's main concern is that the existing definitions of uses that occur in a port, such as Wharf, storage, or major plant may get caught up in unnecessary permit processes.

The Discussion Paper included the standard of definition of *port facilities* in the New South Wales planning system with the view of seeking responses as to whether it was the type of definition that may be considered appropriate for Victoria's planning system.

In addition, the Discussion Paper sought responses on whether definitions should be developed for 'port-dependent' and 'port-related' uses. The SUZ's that apply in the ports of Hastings, Geelong and Portland include requirements that uses such as industry must be dependent or reliant on the port.

12.2 Summary of submissions

PoMC submitted that an attempt to create a definition of *Port* was fraught with difficulties given that a port is a place or system rather than a particular land use or activity. PoMC also noted that the Port of Melbourne is defined under the *Port Management Act 1995* which recognises the wide range of activities that occur within a port.

The PoMC also submitted that there is no benefit in trying to define 'port dependent' or 'port related' uses but rather this nexus should be established by way of decision guidelines in the Port Zone and PEO.

DoT and the other port managers held the same view as PoMC that there was little benefit in creating a definition of *Port* given the wide ranging activities that occur in a port and the Port Management Act defined Victoria's four ports.

The City of Greater Geelong maintained its concern about the confusion relating to the specific types of uses under the VPP definitions that may occur in a port and that the application for such uses may unnecessarily be subject to the planning process.

The City of Hobsons Bay submitted that if the terms 'port dependent' or 'port related' are extensively used, there would be merit in having standardised definitions.

12.3 Discussion

The Committee agrees with DoT and the port managers that, given the wide range of activities within a port that there seems to be little benefit in creating a definition of *Port* for inclusion in the VPP.

While the port managers and DoT considered the Port Management Act definition of the four ports was considered adequate, the Committee is not convinced that the broad definition in this Act provides any assistance in terms of defining *Port* under the planning framework. However, the Committee does not consider the very broad definition of the ports in the Port Management Act is an issue one way or another in terms of its planning relevance.

In response to City of Greater Geelong's concerns relating to the confusion over the specific types of uses under the VPP definitions that may occur in a port and that the application for such uses may unnecessarily be subject to the planning process, the Committee considers that the introduction of a new Port Zone with schedules provides an opportunity to ensure that the various uses associated with port activities are placed in the appropriate section of the Table of Uses.

The Committee was not provided with any examples where the lack of definition for a *Port* had caused problems for applicants.

The Committee also agrees that it is not necessary to create definitions for 'port dependent' or 'port related' uses and the schedules to the Port Zone can include similar requirements under the existing special use zones table of uses and decision guidelines. In addition, the VPP Practice Note that has been recommended by the Committee should provide some guidance as to the nature of industries that are port dependent or port related.

12.4 Conclusions

The Committee concludes that:

- creating a definition of Port for inclusion in the VPP is not required; and
- creating definitions for 'port dependent' or 'port related' uses for inclusion on the VPP is not required, however the VPP practice note that has been recommended by the Committee should provide some guidance as to the nature of industries that are port dependent or port related.

13. WHO SHOULD BE THE RESPONSIBLE AUTHORITY?

13.1 Introduction

As noted in the Discussion Paper, the ToR does not require the Committee to consider whether the Minister for Planning (the Minister) should be the Responsible Authority to consider applications to use and development land in the ports of Hastings, Geelong and Portland or whether the relevant local council should remain the responsible authority.¹⁶

However, during the preliminary discussions with stakeholders, strong views were put both for and against the Minister being the responsible authority. Despite these views, the Committee concluded in the Discussion Paper that the more important issue is not who should be the Responsible Authority but to establish an effective and efficient planning framework that achieves the planning objectives for the ports and surrounding areas.

The Committee also concluded in the Discussion Paper that, if there was any consideration for State involvement in planning decisions, it would be more appropriate that it is the Minister for Planning that is the Responsible Authority rather than the Minister for Roads and Ports.

The Committee received a number of written submissions on this matter.

13.2 Summary of submissions

Submissions in support of the Minister for Planning being the Responsible Authority for the ports of Hastings, Geelong and Portland were received from DoT, GeelongPort, PoHC and Port of Portland and a number of businesses that operate in the ports.

Submissions against the Minister for Planning being the Responsible Authority for the three ports were received from City of Greater Geelong, Mornington Peninsula Shire, GCFGL and Otway Conservation Council Committee.

DoT stated it would welcome the Committee adopting a firm recommendation that the Minister for Planning should be the Responsible Authority for the three ports.

DoT considered that the Minister for Roads and Ports should be a prescribed Minister for Planning Scheme Amendments.

GeelongPort submitted that the Minister for Planning should be the Responsible Authority for the Port of Geelong on the basis that the Minister for Planning was the Responsible Authority for the Port of Melbourne and so that the operations of State significant infrastructure can be more appropriately recognised and to avoid

¹⁶ The Minister for Planning is the Responsible Authority for Port of Melbourne

planning applications and rezoning proposals becoming bogged down in localised issues and unnecessary procedure. GeelongPort also noted that the State Government's *Port Futures* specifically stated that the State Government will consider establishing the Minister for Planning as Responsible Authority for applications within the ports.

Port of Portland also submitted the Minister for Planning should be the Responsible Authority for its port due to the State and regional significance of port infrastructure. However, it considered there should be involvement by local councils and communities in decision-making processes. The Shire of Glenelg considered that, whoever is the Responsible Authority it is important to have consultation with affected parties. This view was also expressed by the DIIRD.

The City of Greater Geelong stated that there was little evidence to suggest that the State acting as Responsible Authority has the capacity or relationship with the broader community to deliver planning permit application assessments more efficiently and openly than local government. Council also noted that the Minister is able to call-in an application of State significance under section 97B of the *Planning and Environment Act 1987*.

Mornington Peninsula Shire submitted that successive councils have recognised the responsibility to maintain port development options under the framework provided by State policy and have demonstrated an ability to assess applications having regard to the full range of values that apply to the land.

GCFGL submitted that, despite its criticisms of City of Greater Geelong's planning department, it does not support in any capacity having the State acting as the responsible authority. It stated that the implementation of an effective planning framework run at the local level with clear and transparent involvement is the only way forward both on a democratic and sustainable management basis.

13.3 Discussion

While not within its ToR, the Committee considers it is appropriate that it addresses this matter given the strength of submissions for and against the proposition.

As stated in the Discussion Paper, the Committee maintains its view that the more important issue is not who should be the Responsible Authority but to establish an effective and efficient planning framework that achieves the planning objectives for the ports and surrounding areas.

In the Committee's view, its recommendations for a Port Zone with schedules would provide a more effective framework that promotes a consistent and streamlined approach while still providing scope to take into account the diverse nature of the ports and the activities within different areas of the ports.

Further, the recommendation for a PEO in areas where it is appropriate will also

allow for a transparent and efficient planning framework to ensure the impacts of port activities on surrounding areas are considered.

While the Committee received comments from some of the port managers about the costs and delay associated with gaining planning approval for use and development at their ports, there was no evidence to the Committee that the costs and delays were solely due to local councils not been able to meet their obligations as responsible authorities.

Indeed, the Committee notes that it received one submission that considered the delays with one specific proposal was due to the proponent not providing all the relevant information and had nothing to do with the local council's performance.

In the Committee's view, local councils have largely acknowledged the importance of the ports to their municipalities and have largely demonstrated their capabilities as a Responsible Authority for applications for the use and development of land in the ports.

Further, the Minister is able to exercise powers under section 97B of the *Planning and Environment Act* 1987 to 'call-in' applications of State significance and to require applications to be considered within a specified time period. In other words, if there are concerns about the capacity of a local council to consider a large application, there is an avenue open to an applicant for an alternative approvals process.

The Committee notes there was consensus that, if the State became involved as responsible authority, it should be the Minister for Planning rather than the Minister for Roads and Transport who should be the Responsible Authority on the basis that it would be the planning minister whose department held the necessary expertise and who would be able to provide a more independent assessment.

13.4 Conclusions

The Committee concludes that:

- a strengthened SPPF and relevant LPPF, a Port Zone and schedules and the PEO would provide a more effective and efficient planning framework for the consideration of applications to use and develop land within the ports;
- no evidence was provided to the Committee that demonstrated that those councils with responsibility for considering applications within the ports were not able to perform this function effectively; and
- the Planning and Environment Act provides scope for the Minister to 'call-in' an application of State significance to use and develop land in the ports of Hastings, Geelong and Portland.

14. CARETAKER'S HOUSE

14.1 Introduction

In the Discussion Paper it was noted that both PoMC and City of Maribyrnong were concerned with applicants seeking to exploit Planning Scheme provisions by establishing purported 'Caretaker's Houses' as dwellings that have no caretaker function. The Committee referred to Clause 22.06 of the Yarra Planning Scheme that seeks to close this loophole by providing greater restrictions on the establishment of such dwellings. The Committee also flagged the option of introducing a particular provision in the VPP on caretaker's houses.¹⁷

14.2 Summary of submissions

The PoMC prepared a particular provision on caretaker's houses which has been based on a combination of approaches including the Western Australia model, the VPP provisions for Home occupation, the City of Yarra policy and a proposal by the City of Port Phillip in their MSS review. PoMC's draft particular provision is in **Appendix N**.

PoMC also suggested that the particular provision should be introduced into the VPP by the Minister for Planning exercising his powers under section 20(4) of the *Planning and Environment Act, 1987*.

The Committee notes there was general support by a number of councils for a particular provision on Caretaker's houses. There were no submissions that opposed PoMC's draft proposal.

14.3 Discussion

The Committee has reviewed PoMC's draft particular provision and considers it is has merit and should be introduced into the VPP by the Minister for Planning under section 20(4) of the *Planning and Environment Act, 1987*.

However, it recommends the last dot point under *Requirements to be met* the provision should read as follows:

The caretaker's house must, if appropriate, include measures to manage vibration, light spill and glare, noise, air-borne emissions and provide for safety and emergency evacuation.

14.4 Conclusion

The Committee concludes that:

¹⁷ The Port Environs Planning Framework (Port of Melbourne November 2009) also recommended that a particular provision be prepared for Caretaker's houses.

- PoMC's recommendation for a particular provision on Caretaker's houses has merit and subject to one modification as suggested by the Committee should be introduced into the VPP.

14.5 Recommendations

The Committee recommends that:

- the draft particular provision for caretaker's house drafted by PoMC be introduced by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* subject to the amendment of the last dot point in the Requirements to be met as follows:

The caretaker's house must, if appropriate, include measures to manage vibration, light spill and glare, noise, air-borne emissions and provide for safety and emergency evacuation.

PART D – ADDITIONAL MATTERS

15. OTHER MATTERS RAISED IN SUBMISSIONS

15.1 Transport corridors

Although the Advisory Committee's ToR primarily relates to planning controls, a number of submitters made reference to current and future traffic and transportation issues.

Clearly the location of the Ports, within or adjacent to built up residential areas, except for Hastings and the size of vehicles generated to and from the Ports creates an impact upon the environment through which they pass.

Ports operate 24 hours a day, 7 days a week. The Port of Melbourne generated an international container throughput of approximately 2 million Twenty-foot equivalent unit (TEUs) in 2010 and is anticipated to generate in excess of 4 million TEUs in 2025.

In order to achieve this growth, without creating adverse impacts upon the adjacent road network and residential areas, a number of issues will need to be addressed.

These issues include but are not limited to truck volumes, travel times, truck routes, traffic noise, mode split and the transport network.

The Victorian Government has released policy statements and strategies relating to road and rail transport serving the Melbourne metropolitan area. *Freight Futures* is a strategy aimed at developing an efficient and sustainable freight network for Victoria. The Port of Melbourne is an important component of the freight network.

The transport issues are very complex and must be considered in conjunction with land use, social and environmental matters. The ToR do not require the Committee to address traffic and transportation issues relating to the Port of Melbourne or other ports. However, the Committee suggests that the relevant authorities adopt an holistic approach to future port and transportation planning and examine issues such as:

- is Station Pier the best location for the Spirit of Tasmania?
- is the Port of Melbourne the best location for the anticipated growth in container trade?

Hastings

The Port of Hastings has over 3,500 ha of land zoned for port and port related uses, with only a small proportion currently used for those purposes. The Port management should therefore be in an excellent position to avoid planning problems evident in other ports constrained by urban development. This maybe so, however, the port must have rail and road linkages to the metropolitan and national transport networks. Unfortunately these are not currently available and it is therefore

important that transport corridors be identified and protected.

The rapid population growth of Melbourne has resulted in non urban land in the south-east corridor being re zoned for residential uses.

Significant residential growth has occurred and is planned in Lyndhurst and Cranbourne and it is important to ensure that the new residential neighbourhoods are designed to avoid constraints to the transport network. It is also important that the transport planners consider the residential areas when planning for the infrastructure improvements.

The Port of Hastings has “local” transport issues such as the potential southern extension of Western Port Highway, the Bayview Road and McKirdys Road extensions to the Western Port Highway and rail connections and upgrades, as well as Regional issues. The latter items being the Western Port Highway corridor, the Clyde-Five Ways Road alignment and the Koo Wee Rup Road alignment, as well as rail connections parallel to the highway/East Link routes.

It is therefore imperative that the State Government makes a decision regarding future road and rail corridors between the Port of Hastings and the metropolitan transport network and enacts legislation to secure these corridors.

Portland

The recent construction of the Henty Highway “Ring Road” and the Cliff Street overpass has significantly improved vehicular accessibility to the port. However, as residential properties are located close to the ring road there are adverse noise impacts.

Trade growth through the port is anticipated to increase by 1.6 times in 5 years and 2.6 times in 10 years. Ideally a significant proportion of this throughput could be transported by rail. However, in spite of the “Green Triangle Region Freight Action Plan” prepared jointly by the Victorian and South Australian Governments recommending a number of “Priority Infrastructure Projects”, the Committee is not aware of any of these projects commencing. (Refer page 5 in report) Fortunately it appears as though land acquisition is not required to facilitate any of these projects.

The Committee was advised that vehicular access was possible and available from some properties abutting the Ring Road in spite of Vic Roads limited or no access policy.

Geelong

The Port of Geelong is relatively well connected to the regional road and rail system. However, improvements are required at the local level viz: a road connection between the Geelong by-pass and the port and between the port and the Heales Road industrial estate. The outcome of these investigations may require land acquisition to provide the appropriate alignment. The Committee suggests that the

relevant authorities proceed with their investigations immediately to provide an appropriate transport corridor.

Rail improvements are also proposed in the PLUS, however, it is not anticipated that these works will require any additional land acquisition.

15.2 The role of VicRoads

VicRoads submitted that, in relation to the proposed Port Zone, it should be listed as a referral authority pursuant to section 52(1) (c) of the *Planning and Environment Act* 1987.

The Committee notes that VicRoads did not elaborate on this matter and seems to have confused the different roles between receiving a referral of an application under section 55 of the Planning and Environment Act and receiving notice of an application under section 52(1)(c).

The Committee considers that unless there is significant development that impacts on the road network managed by VicRoads it would be inappropriate for VicRoads to receive notice or referral of an application.

However, it is proposed that the relevant schedules of the proposed Port Zone would include application requirements relating to traffic impacts and also include decision guidelines on transport and traffic matters. For any proposal that affected the roads managed by VicRoads it would be expected that the Responsible Authority would seek the views of VicRoads. Of course the existing requirements in the VPP relating to referral of applications to VicRoads would not change as a result of this process.

15.3 The role of DoT

DoT submitted that the Minister for Roads and Transport should be a 'prescribed Minister' for planning scheme amendments in ports. However, no explanation was provided as to why the Minister for Roads and Ports should be a prescribed Minister. It is understood that to be a prescribed Minister it is necessary to be listed as such under section 8 of the Planning and Environment Regulations 2005. The Committee suggests this is a matter that the Minister for Roads and Transport could take up with the Minister for Planning.

15.4 Environmental and Amenity Standards and Guidelines

One of the concerns raised by a number of submitters was the lack of clear information by port managers in relation to the environmental and amenity standards and guidelines that must be met by ports and businesses within the ports, and the actual performance of operators in meeting the standards.

Ms Caryn Anderson, Executive General Manager – Business and Planning, PoMC,

agreed that in response to this concern that the Corporation would review how it could improve the quality and availability of such information.

In this regard, the Committee notes that the additional information provided by the EPA includes information that would assist the port managers prepare monitoring reports, such as air emissions levels around the ports.

The Committee considers this is an important issue for all ports. It would be appropriate that a standardised approach is developed by the four ports in terms of the nature and availability of such information. Consideration should be given to having the information on each of the ports' web sites.

15.5 Ports' Land Use Strategies

The Committee raised in Chapter 13 of the Discussion Paper that there needs to be better integration between the ports' land use strategies and the planning framework. Suggestions were put forward as to how this could be achieved. There were no submissions that opposed this objective. However, it was generally agreed that until the strategic land use plans contained more detail it would not be appropriate for the strategic land use plans to be included in Planning Schemes as development plans or incorporated plans. Some submitters also expressed concern about loss of third party rights if ports were included in a Development Plan Overlay.

While integration between the land use strategies and the planning framework may be a longer-term outcome, the Committee considers that when the port managers review their land use strategies they should initiate discussions with DPCD and the local councils as to how the strategies could be prepared for possible inclusion into the Planning Scheme. The Committee notes that the strategic land use plans that were completed in 2009 are now listed as policy guidelines under Clause 18.03 of the SPPF.

PART E –RECOMMENDATIONS

16. RECOMMENDATIONS

The Advisory Committee makes the following recommendations to the Minister for Planning:

Port Environs Overlay

1. The PEO prepared by the Committee (Appendix F) be introduced in the identified port environs by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987*;
2. DPCD prepare a VPP Practice Note on the role and implementation of the PEO;
3. The inclusion of the PEO in relevant Planning Schemes be subject to a two year sunset clause to enable a public review of the effectiveness of the control.

Port of Melbourne

City of Melbourne

4. The PEO apply to the three areas of land in the Business 3 Zone within the Lorimer Street area and Fishermans Bend that have a direct interface with the port, including Melbourne Cement Facilities (Figure 4, 5 and 6).

City of Maribyrnong

5. Area A in the Yarraville Precinct be rezoned from Business 2 to Business 3; and
6. The PEO apply over the proposed Business 3 Zone (Area A in the Yarraville Precinct) (Figure 10).
7. The PEO apply to the properties on the south side of Earsdon Street, the properties on the west side of Stephens Street south of Kent Street as well as the properties behind these properties that are affected by the 300 metre contour, and the remainder of the property on the south side of Francis Street west of Stephen Street (Figure 13); and
8. The land in the Francis Street precinct be rezoned from Mixed Use to a combination of Industrial 3, Business 3, Residential 1 and Public Use Zone.

City of Port Phillip

9. The PEO apply to approximately 500 metres of land in Garden City from the Todd Road interface (Figure 15).
10. The PEO apply to the southern part of Beacon Cove in the vicinity of Station Pier (Figure 17).

City of Hobsons Bay

11. The PEO apply in the Point Gellibrand precinct to the areas bounded by:
 - Nelson Place, Ann Street, Aitken Street and Kanowna Street (Figure 20);

and

- Aitken Street, Windsor Terrace, Cecil Street and Kanowna Street (Figure 20).

Port of Geelong

12. The PEO apply to the North Shore residential area (Figure 22);
13. Greater Geelong City Council consider whether any additional requirements relating to density and height of development in the North Shore residential area are appropriate; and
14. Greater Geelong City Council consider amending Clause 22.12 – Geelong Port, to explicitly recognise the buffering role the south side of Seebreeze Parade and Phosphate Paddock plays.

Port of Portland

15. The PEO apply to the area generally bounded by Henty Highway to the north, Madeira Packet Road to the east, Wellington Road to west and Edgar Street to the south (Figure 23).

State Planning Policy Framework

16. Clause 18.03 be restructured to address the Port of Melbourne separately to the other commercial ports as outlined in Appendix H; and
17. The WorkSafe Advisory Notes on major hazard facilities in ports be included as a policy guideline in Clause 18.03.

Local Planning Policy Framework

18. Melbourne City Council consider amending its draft MSS to :
 - explicitly recognise the concept of two-way interface management between port and port-related and sensitive uses in the urban renewal areas of Docklands, Dynon and e-Gate; and
 - explicitly acknowledge the interface of Docklands with the port.
19. Hobsons Bay City Council consider amending its Planning Scheme to:
 - strengthen the MSS residential policies in Clause 21.06 to acknowledge the interface with the Port of Melbourne and identifying the need to consider the proximity to the port in land use decisions; and
 - strengthen Local Planning Policy for Industry in Clause 22.02 to require a two-way approach to managing land use change and amenity to protect interests of both the port and industry as well as more sensitive non-industrial uses in the port environs.
20. Mornington Peninsula Shire consider amending its Planning Scheme to

recognise:

- the future role of the Port of Hastings as Melbourne's second container port;
 - the strategic directions of the Port of Hastings Land Use and Transport Strategy including the proposed development of the Long Island precinct; and
 - the need to identify sustainable transport corridors to support expansion of the Port of Hastings.
21. The draft Geelong Port Structure Plan not be included as a reference Document in the Greater Geelong Planning Scheme;
 22. Further strategic planning be undertaken by GeelongPort and the Greater Geelong City Council, including stakeholder consultation, to resolve the number and nature of precincts within the Port and of the location, capacity and conditions for Bulk Liquid Storage within the appropriate precinct in Geelong Port;
 23. Once agreement is reached on the strategic port planning matters noted above, the Greater Geelong City Council should prepare a new local planning policy addressing, but not limited to, both the strategic importance of the ports and the need for the two-way management of port interfaces to be undertaken in a manner that protects efficient operation of the ports and the reasonable amenity of surrounding land uses, especially residential and other sensitive uses;
 24. Greater Geelong City Council consider amending its local policy to recognise the buffering role played by the south side of Seabreeze Parade and Phosphate Paddocks; and
 25. Glenelg Shire Council consider amending Clause 22.03-3 to recognise the future Port of Portland development and include the Port of Portland PLUS as a Reference Document.

Port Zone

26. The Port Zone as set out in Appendix J be used as a basis for a parent zone that could be introduced into the VPP; and
27. The preparation of schedules to the Port Zone to apply to the different precincts within each port be undertaken as a priority project.

Caretakers House

28. The draft particular provision for caretaker's house drafted by PoMC be introduced by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* subject to the amendment of the last dot point in the Requirements to be met as follows:

The caretaker's house must, if appropriate, include measures to manage vibration, light spill and glare, noise, air-borne emissions and provide for safety and emergency evacuation.

APPENDIX A: TERMS OF REFERENCE



TERMS OF REFERENCE

Advisory Committee
PLANNING AND ENVIRONMENT ACT 1987 (\$151)

REVIEW OF PLANNING CONTROLS **PORT ENVIRONS** **Ports of Melbourne, Geelong, Portland and Hastings**

1. Background

Victoria's four commercial trading ports at Melbourne, Geelong Portland and Hastings are the State's key trade gateways to the world and contribute directly to approximately \$3 billion in economic output; \$1.5 billion in value add and 15,000 direct jobs.

The Port of Melbourne is the largest container and general cargo port in Australia and accounts for over \$75 billion of trade annually. It will continue to develop its specialised capacity to handle containerised cargo.

The Port of Geelong remains Victoria's most important bulk cargo port handling about \$5.6 billion worth of imports and exports annually. As well as being a vital contributor to the Victorian economy, the port is a valuable asset of the Geelong community, providing a gateway to the world for local industries, businesses and farmers from across the region as well as supporting 6,100 jobs.

The Port of Portland is a deep-water bulk port and serves the needs of the Green Triangle Region, a region that crosses state boundaries and handles an estimated \$1.5 billion in annual trade. Over the next five to ten years, the Port's volume is expected to double, adding approximately \$1 billion in trade value per annum.

Each year around four million tonnes of petroleum product (oil and gas) is handled through the Port of Hasting with a further one million tonnes of steel product handled through the BlueScope Steel wharves. The State Government has nominated the Port of Hastings as the preferred site for a second container port to supplement the Port of Melbourne when it reaches capacity.

2. Policy Settings

Recently the State Government released *Port Futures (2009)*, which builds on and advances policy and strategy settings established in the *Victorian Ports Strategic Framework (2004)* to ensure that the ports remain competitive and sustainable over the next 10 years and beyond. A key priority in *Port Futures* is the Government's

commitment to introduce measures to improve planning and buffer protection for the ports. These measures include:

- Formally recognising port land use strategies in the Victorian Planning System and the requirement under the *Port Services Act 1995* for port managers to review these strategies every four years.
- Protecting ports from encroachment of residential and other sensitive uses, while acknowledging that existing residents and sensitive uses in the vicinity of a port must be afforded reasonable amenity and safety protection from the operations of the port.
- Considering establishing the Minister for Planning as the ‘Responsible Authority’ for administering planning permit applications to use and develop port land.
- The consideration of a planning framework, including appropriate zones and controls for effective two-way buffer protection for ports.
- Ensuring that the interests of the ports are explicitly considered in the evaluation of planning scheme amendments involving policy or zoning changes in the environs of the port controlled land.

Given the critical role of the commercial ports to Victoria’s economy, it is important to ensure that:

- future developments on port land and port environs are protected by adequate buffer areas to prevent land use conflicts at the perimeter (Direction 4.3, *Melbourne 2030 – planning for sustainable growth 2002*).
- planning controls that apply to port land are generally consistent and not unduly onerous.

3. Tasks

The tasks of the Advisory Committee established under section 151 of the *Planning and Environment Act 1987* include, but are not limited to the following:

3.1 Port Environs Matters

- a. Determine whether the existing and proposed planning scheme controls applying to the environs of the Ports of Geelong, Hastings and Portland are adequate to ensure the protection of the ports against the encroachment of sensitive uses.
- b. Review the issues raised in the draft Port of Melbourne *Port Environs Planning Framework* (Port of Melbourne Corporation) and provide recommendations on how the framework can be implemented, as appropriate.
- c. Make recommendations on appropriate boundaries for the land that would constitute ‘port environs’ for all of the four commercial ports.
- d. Make recommendations that would protect the ports from encroachment of sensitive uses through the use of appropriate planning policy and applications of the *Victoria Planning Provisions*.
- e. Respond to any other matters that the Advisory Committee considers relevant to planning and development controls of the four commercial ports so that they remain competitive and sustainable.

3.2 Port Planning Controls

- f. Advise on appropriate and streamlined planning controls that could apply to the use and development of land and where relevant, the waters of the Ports of Geelong, Portland and Hastings. This should have regard to the current model used in the Port of Melbourne Planning Scheme for which the Minister for Planning is Responsible Authority. (The Advisory Committee is not to consider or make recommendations that separate planning schemes be developed for the ports of Geelong, Hastings and Portland or review the planning controls applying to the Port of Melbourne).
- g. Draft appropriate planning scheme provisions that could apply to the Ports of Geelong, Portland and Hastings.

4. Matters to be considered

The Advisory Committee must have regard to:

- The State Government's policy and strategies on ports:
 - Victorian Ports Strategic Framework (2004)
 - The Victorian Transport Plan (2008)
 - Freight Futures: Victorian Freight Network Strategy (2008)
 - Port Futures – New Priorities and Directions for Victoria's Ports System (2009)
- Port Development Strategy 2035 Vision (Port of Melbourne Corporation, 2009)
- Port of Geelong Port Land Use Strategy 2009 (GeelongPort, 2009)
- Port of Portland – Port Land Use Strategy (Port of Portland Pty Ltd, 2009)
- Port of Hastings Land Use and Transport Strategy (Port of Hastings Corporation, 2009)
- Draft Port Environs Planning Framework (Port of Melbourne Corporation, 2009)
- The views of stakeholders including the relevant councils, port managers, departments and agencies and communities affected by the ports.
- The Victoria Planning Provisions
- The port related planning provisions in the Greater Geelong, Glenelg, Mornington Peninsula and Port of Melbourne Planning Schemes
- Geelong Port Structure Plan (City of Greater Geelong, 2007)
- Advisory Committee/Panel reports including:
 - Greater Geelong Planning Scheme - Amendment C98 (Hometown Geelong)
 - Glenelg Planning Scheme - Permit Applications P07076, P07077 and P07078, 62 Victoria Parade, 2 Jones Street / 48 Victoria Parade and 3 Hartwich Street
 - Glenelg Planning Scheme - VCAT Application for Review P3175/2005 Permit Application P05146 - Rosdell Court Subdivision.
- Any other documents or matters the Advisory Committee considers relevant.

5. Consultation

It is expected that the Advisory Committee will consult with key stakeholders, including relevant councils and departments and agencies, affected communities, and respective managers of the ports.

The Advisory Committee should also have regard to the legislative requirements and commitments made in the port land use strategies to consult with communities.

Written submissions should be the principal means of providing input to the committee process. Following the release of the Discussion Paper, a public hearing should be conducted and is intended to provide an opportunity for submitters to clarify information or views as presented by them in their written submissions and to raise issues with respect to information, approaches and views presented by other submitters or publicly disclosed by the Advisory Committee.

6. Outcomes

The Advisory Committee will prepare a Discussion Paper following consultation with key stakeholders. The Discussion Paper will address the land use planning issues on port land and port buffer areas and will include recommendations on these matters. A Final Report is to be provided for the Minister for Planning's consideration.

7. Timelines

It is expected that the Advisory Committee will submit the Discussion Paper to the Minister for Planning within six months from the date of its appointment or from the date of its Terms of Reference, whichever applies, and the Final Report within 11 months from these dates.

8. Conduct of Hearings

The Advisory Committee may act as a quorum of one at any time during the course of its proceedings.

9. Fees

The members of the Advisory Committee will receive the same fees and allowances as a panel chair appointed under Division 1 of Part 8 of the *Planning and Environment Act 1987*.

10. Project Support

Day to day policy support for the Advisory Committee will be through the Planning Policy Unit of the Department of Planning and Community Development.


JUSTIN MADDEN MLC
Minister for Planning
16 SEP 2009

Date:

APPENDIX B: LIST OF SUBMITTERS

List of Submitters

	Name	Organisation
1	G.A & E.J Forsyth	
2	R.E Lambert	
3	Yvonne Goudie	Port to Port Community Group
4		Geelong Grammar School
5	R & L Williams	
6	Tim Hellsten, Coordinator Planning Strategy	City of Greater Geelong
7	Rachel Chew	Livaditis & Co
8	Natalie Walker, Manager City Strategy	Hobsons Bay City Council
9	Lawrie Miller, Executive Director	Geelong Chamber of Commerce
10	Lloyd Elliott, Director	Urbis
11	Helen Kuchel, Secretary	Port People Inc
12	Margaret Hancock, President	Phillip Island Conservation Society
13	Peter Watkinson, Executive Director, Public Land	Department of Sustainability and Environment
14	Trevor Nink, Secretary	Beacon Cove Neighbourhood Association
15	George Horman, Managing Director	Terminals Pty Ltd
16	Wade Noonan, State Member of Parliament	Williamstown District
17	Peter D'Arcy, Director & General Manager	DP World Melbourne
18	Rodney Gunn, Acting Director Hazard Management	WorkSafe
19	Chris Leon, Chairman	Melbourne Cement Facilities
20	Rosalie and Angelo Durso	
21	Kushy Athureliya, General Manager Technical Services	Shipping Australia Limited
22	Leonie Kirkwood, Senior Strategic Planner	City of Port Phillip
23	Chris Brugeaud	
24	Prue Digby, Deputy Secretary, Planning and Local Government	DPCD
25	Geoff Lawler, Director City Planning & Infrastructure	City of Melbourne
26	Alicia Pearce, Coordinator Strategic Research	Australian National Engineering Taskforce
27	Tom Angliss, Director - Property	Asciano
28	John Bowman, Convenor	Bellarine Greens
29	Aimee Allen, General Manager Western Port	Bluescope Steel Ltd
30	Jenny Warfe, President	Blue Wedges Inc.
31	Liam Hodgetts, Manager Strategic Development	City of Casey
32	Martin W Jones, General Manager	CSR Ltd
33	John Robinson, Deputy Secretary Economic Infrastructure, Policy Coordination and Development	Department of Innovation, Industry and Regional Development
34	Terry Garwood, Executive Director	Department of Transport

	Name	Organisation
	Freight, Logistics & Marine	
35	Sue McLean, Secretary	Geelong Community for Good Life Inc
36	Phillip McCutcheon, Principal	The Planning Group Australia
37	Dr C.E.J. Jenkin	
38	Catherine Jones	
39	John, Lou & Vincent Arthur	L.Arthur Pty Ltd Transport Services
40	Peter Linaker	
41	David Walmsley, Manager, Strategy & Economic Development	Maribyrnong City Council
42	Ray Webb, Acting Director Sustainable Environment	Mornington Peninsula Shire
43	A.J. Hancock, Director	Nordia Group
44	Ralph Kenyon, Chief Executive Officer	Port of Hastings Corporation
45	Nick Easy, Acting Chief Executive Officer	Port of Melbourne Corporation
46	Scott Paterson, Chief Executive Officer	Port of Portland
47	Ann Birrell, Co-convenor	Port Phillip Greens
48	Jennifer Cunich, Executive Director, Property Council of Australia, Victoria	The Voice of Leadership
49	Janet Rice	
50	Laura Sheridan	
51	Gary Liddle, Chief Executive	VicRoads
52	Phillip Roth, Planning Manager	VicUrban
53	Sue Mudford, Acting Chair	Western Coastal Board
54	Stuart McConnell, Director Future Focus	EPA Victoria
55	Nick Carey, Senior Statutory Planner	Glenelg Shire
56	Godfrey Moase, Chair/Spokesperson	Save Williamstown
57	Angela Croome, Senior Planner	SJB
58	Gillian Blair, Committee Member	Otway Conservation Council, Inc.
59	John Wilson	
60	Dale Jennings	North Shore Residents Group Inc.

Note: Mobil Refining Australia Pty Ltd did not make a formal submission, however Middleton's on behalf of Mobil made a written request to be heard on 14 September 2010.

APPENDIX C: SUBMITTERS THAT APPEARED AT THE HEARINGS

List of Submitters that appeared at the public hearings

	Submitter	Represented By
1	Shire of Glenelg	Syd Deam, Group Manager Planning and Economic Development Nick Carey, Senior Statutory Planner
2	Port of Portland	Scott Patterson, Chief Executive Officer Jim Cooper, General Manager Commercial Robert Woodside, Aurecon
3	Nelson Place Village	Mark Naughton, who called: Ian Thomas, chemical engineer of I F Thomas and Associates Pty Ltd Dr J T Bellair environmental engineer, of Environmental Science Associates Andrew Clarke, Matrix Planning Australia Pty Ltd
4	Wade Noonan MLA	
5	Janet Rice	
6	Gabb Property Development	Rachel O'Neill, consultant planner, SJB Planning
7	Blue Wedges	Jenny Wharfe Secretary Cathryn Manning
8	Asciano	Tom Angliss, Director Property
9	G A Forsyth	
10	Beacon Cove Neighbourhood Association	Trevor Nink, Secretary Eddie Micallef Steve Scott Carol Goudie (attended the roundtable on behalf of Port to Port)
11	Chris Brugeaud	
12	Department of Transport	Mark Curry, Director Freight Network Division, with Marianne Richards, Senior Policy Manager, Freight Activity Planning, Freight, Logistics and Marine Division
13	WorkSafe Victoria	Geoff Cooke, Principal Safety Analyst
14	Environment Protection Authority	Stuart McConnell, Director Future Focus Dr Lyn Dennison, Principal Scientist – Air Quality Eliot Palmer, Project Coordinator - Noise
15	City of Melbourne	David Mayes, Manager Strategic Planning with Robyn Hellman and Sue Wilcox
16	Port of Melbourne Corporation	Stuart Morris, QC instructed by Minter Ellison with: John Carey, solicitor, Minter Ellison Phil Bissett, solicitor, Minter Ellison Caryn Anderson, Executive General Manager – Business and Planning John Riley, Manager Land Use Planning Andrew McLean, Land Use and Approvals Coordinator
17	GeelongPort	Chris Townshend SC with Barnaby Chessell of counsel and Phillip McCutcheon, town planner, of The

Submitter	Represented By
	Planning Group. Shane Collins, Business Manager GeelongPort David Kirkwood, Property Manager, GeelongPort
18 Greater Geelong City Council	Tim Hellsten, Coordinator Planning Strategy and Melissa McBride, Coordinator Statutory Planning
19 Geelong Grammar School	Judy Nicholson, Nicholson Planning and Development Pty Ltd with Andrew Moore, Commercial Director, Geelong Grammar School
20 Geelong Community for Good Life Inc.	Sue McLean, Secretary, with Margaret Lewis and Suzanne Kelly Turner
21 Peter Linaker	
22 Otways Conservation Council	Sue McLean
23 Bellarine Seastar Community	Sue McLean
24 North Shore Residents Group Inc	Bruce Cohen, President Dale Jennings, Secretary
25 City Of Port Phillip	Leonie Kirkwood, Senior Strategic Planner, with Katrina Terjung
26 VicUrban	Sarah Porritt of counsel with, Leo Henry, corporate solicitor VicUrban, Phil Roth Manager VicUrban and Simon Wilson
27 Hobsons Bay City Council	Ian Prigeon, solicitor of Russell Kennedy with Natalie Walker Manager City Strategy and Karmen Markis, Strategic Planner
28 Maribyrnong City Council	David Walmsley, Manager Strategy and Economic Development with Adam Parker, Senior Strategic Planner
29 Mornington Peninsula Shire Council	Mr Alan Cowley, Manager Strategic Planning
30 Mobil Refining Australia Pty Ltd	Mr Peter Willis of counsel instructed by Middleton's with Peter Dunbar, Safety Manager Mobil
31 Save Williamstown	Charmain Gaud Susan Orange Captain Bill Kovevaar Elizabeth McKinnon
32 Laura Sheridan	
33 Port Phillip Greens	Ann Birrell, Co-covenor
34 CSR Ltd	Martin Jones, General Manager

The Committee thanks all parties for the way in which they presented and contributed to the process, and for the information that was provided. A written submission was tabled at the Hearing.

APPENDIX D: PORT ENVIRONS OVERLAY

(Advisory Committee Discussion Paper, March 2010)

PORT ENVIRONS OVERLAY

Shown on the planning scheme map as **PEO** with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that land use and development are compatible with the operation of a commercial trading port as detailed in the relevant Port Development Strategy approved under the *Port Services Act 1995*.

To recognise that the 24-hour, 7 day a week operation of commercial trading ports may have off-site amenity impacts on sensitive uses proposed to be located on adjacent lands.

To ensure that the establishment of sensitive uses on land adjacent to a commercial trading port do not impact on the ability of the port to operate on a 24-hour, 7 days a week basis.

To assist in shielding people from the impact of port generated noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.

To limit the number of people residing in the area or likely to be subject to significant levels of port generated noise.

To provide for the minimisation of exposure to risk to health or life of persons living in, working in or visiting the area.

Use of land

Any requirement in a schedule to this overlay must be met.

Construction of buildings

Any new building accommodating a sensitive use must include noise attenuation measures to the satisfaction of the responsible authority taking into account any comment from the Roads Corporation or EPA.

Subdivision

A permit is required to subdivide land.

An application to subdivide land must be referred to the commercial port operator under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the commercial port operator.

Exemption from notice and review

An application under this overlay 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a Port Development Strategy approved under the *Port Services Act 1995*.
- Whether the proposal will result in an increase in the number of dwellings and people affected by noise from port operations or road or rail traffic.

- Whether the proposal will result in an increase in the number of dwellings and people affected by exposure to risk to health or life.
- Whether the design of the building incorporates appropriate noise attenuation measures.
- The views of the port operator.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

APPENDIX E: PORT ENVIRONS OVERLAY

(Port of Melbourne Corporation, June 2010)

10.3 Appendix C - Proposed Port Environs Overlay

PORT ENVIRONS OVERLAY

Shown on the planning scheme map as **PEO** with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that land use and development are compatible with the operation of a commercial trading port in accordance with any adopted port development strategy.

To recognise that the 24-hour, 7 day a week operation of commercial trading ports may have off-site amenity impacts on sensitive uses proposed to be located in proximity to the port.

To assist in shielding people from the impact of port generated noise by requiring appropriate noise attenuation measures in dwellings and other buildings designed for sensitive uses.

To control the number of people residing in the area or likely to be subject to significant levels of port generated noise.

To provide for minimisation of exposure to risk to health or life of persons living in, working in or visiting the area.

Use of land

Any requirement in a schedule to this overlay must be met.

For the purpose of this clause a sensitive use includes Accommodation, Arts and craft centre, Child care centre, Cinema based entertainment facility, Education centre, Food and drink premises, Hospital, Office, Place of assembly, Restricted recreation facility and Retail premises.

Buildings and works

Any requirement in a schedule to this overlay must be met.

Subdivision

A permit is required to subdivide land.

An application to subdivide land in the port environs identified in a schedule to this overlay must be referred to the Port of Melbourne Corporation in relation to the Port of Melbourne or to the Department of Transport in relation to any other commercial port under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Port of Melbourne Corporation or the Department of Transport as appropriate.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposal is compatible with the present and future operation of the commercial trading port in accordance with an adopted port development strategy.
- Whether the proposal will result in an increase in the number of dwellings and people affected by port operations.
- The views of the Port of Melbourne Corporation and the Department of Transport in relation to the Port of Melbourne and the Department of Transport in relation to all other commercial ports.
- Any other matters specified in a schedule to this overlay.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

SCHEDULE 1 TO THE PORT ENVIRONS OVERLAY

Shown on the planning scheme map as PEO1.

Purpose

To ensure that the long term development and commercial trade growth of the Port of Melbourne is not prejudiced by the location of sensitive uses in adjacent areas of Yarraville, Docklands and Fishermans Bend.

To ensure that the establishment of sensitive uses provides appropriate measures to minimise off-site amenity impacts from the 24-hour, 7 day a week operation of the port.

1.0 Use of land

A permit is required to use land for the following sensitive uses:

- Accommodation
- Art and craft centre.
- Child care centre.
- Cinema based entertainment facility.
- Education centre.
- Food and drink premises.
- Hospital.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.
- Retail premises.

2.0 Construction of buildings

A permit is required to construct a building for a sensitive use in Clause 1.0.

The siting, design and construction of any new building must include appropriate measures to minimise off site amenity impacts from the 24-hour, 7 day a week operation of the port having regard to the need to address the following impacts to the satisfaction of the responsible authority:

- Vibration
- Light spill and glare
- Noise
- Air-borne emissions.
- Safety and emergency evacuation.

3.0 Referral of applications

An application for a sensitive use in Clause 1.0 must be referred under Section 55 of the Act to the Port of Melbourne Corporation.

4.0 Decision guidelines

Before deciding on an application for a sensitive use in Clause 1.0 the responsible authority must consider:

- Whether the proposed use or development is appropriate to the site by virtue of the proximity of the port.
- Whether the proposed use or development might impede the long term development and operation of the port.
- Whether the proposed use or development will result in an increase in the number of dwellings and people affected by vibration, light spill or glare, noise or air-borne emissions associated with the 24-hour, 7 day a week operation of the port.
- Whether the proposed use or development will result in an increase in the numbers of dwellings and people affected by exposure to health or safety risk associated with the 24-hour, 7 day a week operation of the port.
- Whether the proposed use or development maintains the existing threshold distances of uses in the port with the potential to cause adverse amenity as defined in Clause 52.10.
- Whether the measures proposed in the use or development are appropriate to ensure that the amenity of the use will not be impacted upon by vibration, light spill or glare, noise or air-borne emissions associated with the 24-hour, 7 day a week operation of the port.
- The suitability of the measures proposed to minimise exposure of people to health or safety risks associated with the 24-hour, 7 day a week operation of the port.
- The views of the EPA and WorkSafe if relevant.

SCHEDULE 2 TO THE PORT ENVIRONS OVERLAY

Shown on the planning scheme map as PEO2.

Purpose

To ensure that the long term development and commercial trade growth of the Port of Melbourne is not prejudiced by the location of sensitive uses in adjacent areas of West Melbourne, Garden City and Williamstown.

To ensure that the establishment of sensitive uses takes into account the need minimise off-site amenity impacts from the 24-hour, 7 day a week operation of the port.

1.0 Notification requirements

In accordance with section 52(1)(c) of the Act, notice of an application for use or development for the following sensitive uses must be given to the Port of Melbourne Corporation unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Port of Melbourne Corporation:

- Accommodation.
- Arts and craft centre
- Child care centre.
- Cinema based entertainment.
- Display home.
- Education centre.
- Food and drink premises
- Hospital.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.
- Retail premises.

2.0 Decision guidelines

Before deciding on an application for a sensitive use in Clause 1.0 the responsible authority must consider:

- Whether the proposed use or development is appropriate to the site by virtue of the proximity of the port.
- Whether the proposed use or development might impede the long term development and operation of the port.
- Whether the proposed use or development has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use or development includes appropriate measures to ensure that the amenity of the

proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port.

APPENDIX F: PORT ENVIRONS OVERLAY FINAL VERSION

(Advisory Committee, October 2010)

45.09

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C--

PORTS ENVIRONS OVERLAY

Shown on the planning scheme map as **PEO**

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that land use and development are compatible with the operation of a commercial trading port as detailed in the relevant Port Development Strategy approved under the Port Services Act 1995.

To recognise that the 24-hour, 7 day a week operation of commercial trading ports may have off-site amenity and risk impacts on adjacent lands.

45.09-1

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C--

Requirement before a permit is granted

A permit under the relevant zone must not be granted to use, subdivide land, construct a building or construct or carry out works until the requirements in this overlay have been met.

45.09-2**Application Requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information:

- A site plan showing the proposed development in relation to adjacent port activities; and
- The manner in which people occupying the site will be protected from adverse amenity impacts including noise, light spill, glare, airborne emissions, vibration resulting from Port operations.

An application for the use and development of any land, or any part of that land, within 300 metres a Major Hazard Facility (measured from the property boundary) must be also accompanied by an Emergency Evacuation Management Plan prepared to the satisfaction of WorkSafe.

45.09-3**Decision guidelines**

Before deciding on an application to use and develop land under the provision of the relevant zone, in addition to the decision guidelines in Clause 65 and the relevant zone, the responsible authority must consider:

- Whether the proposed use or development is appropriate to the site by virtue of the proximity to the port.
- Whether the proposed use or development might impede the long term development and operation of the port.
- Whether the proposed use or development has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use or development includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port.

- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a Port Development Strategy approved under the Port Services Act 1995.
- Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from port operations.
- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.
- The views of the relevant port operator.
- The views of WorkSafe for use or development within 300 metres of a MHF.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

APPENDIX G: PORT ENVIRONS PRECINCTS

(Port of Melbourne Corporation, June 2010)



Port Environs Overlay Areas

0 500 1,000
Meters



1:35,000 @ A4



APPENDIX H. – DRAFT REVISED SPPF

(Advisory Committee, October 2010)

18.03-1 Port of Melbourne and Environs**Objective**

To strengthen the role of the Port of Melbourne within the State's economy and transport and logistics infrastructure and to protect its ongoing operation, the amenity of the port's environs, and the quality of the terrestrial and marine environment.

Strategies

Ensure the effective and competitive operation of the Port of Melbourne at local, national and international levels.

Ensure any new use or development within the Port does not prejudice the efficient operation of the Port of Melbourne or the amenity of the Port's environs.

Ensure any new use or development in the Port's environs does not prejudice the operation of the Port on a 24 hour, seven day a week basis.

Ensure that industrially-zoned land in the Port's environs is not diminished and continues to support the role of the Port as a critical industrial precinct.

Ensure that the interfaces between port and related industrial development with sensitive urban development is managed by the establishment of appropriate measures which reduce the impact of vibration and lighting, noise and air emissions from port activities.

Improve sustainable transport access to ports.

Policy guidelines

Planning must consider as relevant:

- *Melbourne 2030* (Department of Sustainability and Environment, 2002).
- *Victorian Ports Strategic Framework* (Department of Transport, 2004).
- *The Victorian Transport Plan* (Department of Transport, 2008).
- *Freight Futures: Victorian Freight Network Strategy for a more prosperous and liveable Victoria* (Department of Transport, 2008).
- *Port Futures* (State Government of Victoria, 2009).
- *Port of Melbourne Port Development Strategy* (Port of Melbourne Corporation 2009).
- *Port Environs Planning Framework* (Port of Melbourne Corporation 2009 – draft).

18.03-2**Planning for (other commercial) Ports And Environs****Objectives**

To recognise the importance to Victoria of economically sustainable major ports (Geelong, Hastings and Portland) within the State's transport and logistics infrastructure and to protect their ongoing operation, the amenity of the port's environs and the quality of the terrestrial and marine environment.

Strategies

Identify and protect options for sustainable access to, and future development at, the ports of Geelong, Hastings and Portland.

Ensure any new use or development within ports does not prejudice the efficient operation of the ports or the amenity of the ports' environs.

Ensure that planning and development for use of land adjacent to ports:

- Achieves and maintains a high standard of environmental quality;
- Integrates with policies for the protection of the environment, particularly marine environments;
- Takes into account planning for the port, adjacent areas and the relevant catchment.

Protect land adjacent to ports to preserve its value for uses which depend upon or gain significant economic advantage from proximity to the ports' particular shipping operations.

Retain the Port of Hastings as a long-term option for future port development to complement the functions and development of the ports of Melbourne and Geelong.

Policy guidelines

Planning must consider as relevant:

- *The Victorian Transport Plan* (Department of Transport, 2008).
- *Melbourne 2030* (Department of Sustainability and Environment, 2002).
- *Victorian Ports Strategic Framework* (Department of Transport, 2004).
- *Freight Futures: Victorian Freight Network Strategy for a more prosperous and liveable Victoria* (Department of Transport, 2008).
- *Port Futures* (State Government of Victoria, 2009).
- Statement of Planning Policy No 1 - Western Port (1970-varied 1976).
- Port of Hastings Land Use and Transport Strategy (2009).
- Port of Portland - Port Land Use Strategy (2009).
- Port of Geelong- Port Land Use Strategy (2009).

18.03-3 Planning For Port Environs

Objective

To facilitate the planning for and efficient operation of ports by the identification of port environs where land use in these areas is managed so that it is compatible with port operations and reasonable amenity expectations.

Strategies

Avoid the location of sensitive uses in port environs

Protect land adjacent to ports to preserve its value for uses which depend upon or gain significant economic advantage from proximity to the ports' particular shipping operations.

Identify and protect corridors which will enable the development and operation of sustainable transport services to the ports.

Ensure that planning and development for use of land identified as port environs:

- Achieves and maintains a high standard of environmental quality;
- Integrates with policies for the protection of the environment, particularly marine environments;
- Takes into account planning for the port, adjacent areas and the relevant catchment.

Policy guidelines

Planning must consider as relevant:

- *The Victorian Transport Plan* (Department of Transport, 2008).

- *Melbourne 2030* (Department of Sustainability and Environment, 2002).
- *Victorian Ports Strategic Framework* (Department of Transport, 2004).
- *Freight Futures: Victorian Freight Network Strategy for a more prosperous and liveable Victoria* (Department of Transport, 2008).
- *Port Futures* (State Government of Victoria, 2009).
- *Port Environs Planning Framework* (Port of Melbourne Corporation 2009 – draft).
- Statement of Planning Policy No 1 - Western Port (1970-varied 1976).
- Port of Hastings Land Use and Transport Strategy (2009).
- Port of Portland - Port Land Use Strategy (2009).
- Port of Geelong- Port Land Use Strategy (2009).

APPENDIX I. DRAFT PORT ZONE

(Advisory Committee Discussion Paper, March 2010)

11.2 Proposed Port Zone

The Committee has developed a Port Zone, as follows:

xx.01 PORT ZONE

Shown on the planning scheme map as **PZ**

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement or Port Strategic Statement and local planning policies.

To recognize the significance that commercial trading ports have to the economic well-being of the State of Victoria.

To provide for the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a major commercial trading port.

To provide for the development of a port in a manner which does not pose any unacceptable risk to the safety of local communities.

To provide for development which does not unreasonably impact on the amenity of neighbouring land uses.

To protect the environmental values of the port's adjacent coastline and waters.

To provide for use and development that generally accords with any Port Development Strategy prepared pursuant to Section 91K of the Port Services Act 1995.

xx.01-1 Table of uses

Section 1 - Permit not required

USE	CONDITION
Industry (other than Materials recycling, refuse disposal, refuse transfer station, rural industry)	<p>Must be directly associated with and reliant upon the port.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> The threshold distance, for a purpose listed in the table to Clause 52.10. 30 metres, for a purpose not listed in the table to Clause 52.10.
Informal outdoor recreation	

USE	CONDITION
Mail centre	
Minor utility installation	
Natural systems	
Pleasure boat facility	
Railway	
Road	
Service station	The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Shipping container storage	<p>Must be directly associated with and reliant upon the port.</p> <p>Must not be for the storage of bulk volatile organic compounds or the temporary storage of industrial wastes.</p> <p>The land must be at least 100 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <p>The site must adjoin, or have access to, a road in a Road Zone.</p> <p>Shipping containers must be setback at least 9 metres from a road in a Road Zone.</p> <p>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</p>
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	
Transport terminal (other than Heliport and Wharf)	
Warehouse (other than Mail centre and Shipping container storage)	<p>Must be directly associated with and reliant upon the port.</p> <p>Must not be a purpose shown in the table to Clause 52.10.</p> <p>The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or</p>

USE	CONDITION
	Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Wharf

Note: In this draft the following uses which are generally Section 1 uses in all zones under the VPP have been omitted as none is appropriate in any circumstances in a commercial trading port:

Apiculture, Carnival, Circus, Home occupation, Mineral exploration, Mining, Search for stone.

Section 2 - Permit required

USE	CONDITION
Heliport	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Office	The leasable floor area must not exceed 500 square metres
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Accommodation (other than Caretaker's house)
Child care centre
Cinema based entertainment facility
Hospital
Intensive animal husbandry
Market
Shop (other Convenience shop)

xx.01-2 Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The purpose of the use and the types of processes to be utilised.

- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.
 - Risk.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- An assessment against the relevant Port Development Strategy and the policies of the Local Planning Policy Framework.
- A report indicating the hourly and daily volumes of traffic, by vehicle type and the capacity and suitability of the road network to accommodate the anticipated volumes. This report should also include details of any mitigating works required to achieve the required capacity. The report should also address the adequacy of truck parking, loading and truck queuing areas to accommodate truck movements at peak periods as well as employee parking on the land.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that the use may have on land in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near or associated with port facilities or uses.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The adequacy of the transport network to achieve safe, efficient vehicle movement to and egress from the land.

- The interim use of those parts of the land not required for the proposed use.
- The requirements of any Strategic Framework Plan contained in the Port Strategic Statement if applicable.

xx.01-3

19/01/2006

Subdivision

Permit requirement

A permit is required to subdivide land.

A lot may only be created if the land is to be used for a port or a port-dependent or port-related use.

Exemption from notice and review

An application 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, Capital City Zone, Docklands Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- Any natural and cultural values on or near the land.
- The purpose of the zone.
- The use intended.
- The extent of any existing or proposed reclamation works.
- The topography of the land.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.

xx.01-4

15/09/2008

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for navigational beacons and aids and associated facilities.

- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - the boundaries and dimensions of the site;
 - adjoining roads;
 - relevant ground levels;
 - the layout of existing and proposed buildings and works;
 - the locations of the proposed use of all existing and proposed buildings;
 - the provision of on-site vehicle parking;
 - loading and unloading areas;
 - internal vehicle movements;
 - site entrance and exit points;
 - proposed landscape areas; external storage and waste treatment areas;
 - features above or below water.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.
- A traffic impact report outlining the volume of traffic anticipated to be generated by the proposed development, the ability of the road network to cater for the proposed volumes and the mitigating works required to accommodate the desired capacity. The report should also address the adequacy of on-site

parking areas required to accommodate truck parking, loading and queuing areas and employee parking.

Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

xx.01-5 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

APPENDIX J. DRAFT PORT ZONE (GEELONG)

(GeelongPort, September 2010)

xx.01 PORT ZONE

Shown on the planning scheme map as **PZ**

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement or Port Strategic Statement and local planning policies.

To recognize the significance that commercial trading ports have to the economic well-being of the State of Victoria.

To provide for the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a commercial trading port.

To provide for the development of a port in a manner which does not pose any unacceptable risk to the safety of local communities.

To provide for development which does not unreasonably impact on the amenity of neighbouring land uses.

To protect the environmental values of the port's adjacent coastline and waters.

To provide for use and development that generally accords with any Port Development Strategy prepared pursuant to Section 91K of the Port Services Act 1995.

xx.01-1 Table of uses

Section 1 - Permit not required

USE	CONDITION
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone

Section 2 - Permit required

USE	CONDITION
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone
Any other use not in Section 1 or 3 of the schedule to this zone	

Section 3 - Prohibited

USE
Any use in Section 3 of the schedule to the zone

xx.01-2 Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any guidelines in the schedule to this zone.

xx.01-3 Subdivision

Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - Any guidelines in the schedule to this zone must be met.
-

xx.01-4 Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works, unless the schedule to this zone specifies otherwise.

Application requirements

An application to construct a building or carry out works must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any guidelines in the schedule to this zone.

xx.01-5 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 2 unless a schedule to this zone specifies a different category.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

GREATER GEELONG PLANNING SCHEME

SCHEDULE 1 TO THE PORT ZONE

Shown on the planning scheme map as **PZ1**

LIQUID BULK STORAGE AND REFINERY PRECINCT

Purpose

To provide for the development of the Geelong Port as a key area of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a port.

To protect the port environs from incompatible and / or inappropriate use.

To provide for oil refinery.

To provide for liquid bulk storage including goods which require a licence under the Dangerous Goods Act 1985.

1.0

Table of uses

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Industry	Must be directly associated with and reliant upon the port.
Natural systems	
Railway	
Road	
Shipping container storage	Must be directly associated with and reliant upon the port.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	
Transport terminal (other than Heliport)	Must be directly associated with and reliant upon the port.
Warehouse (other than Mail centre and Shipping container storage)	Must be directly associated with and reliant upon the port.
Wharf	

Section 2 - Permit required

GREATER GEELONG PLANNING SCHEME

USE	CONDITION
Caretaker's House	
Heliport	
Office (other than a bank)	The leasable floor area must not exceed 500 square metres

Section 3 - Prohibited

USE
Any other use not in Section 1 or 2

2.0 Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval, Licence, or Waste Discharge Licence is required under the Environment Protection Act 1970.
- Whether a licence is required under the Dangerous Goods Act 1985.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- A report indicating the hourly and daily volumes of traffic, by vehicle type and the capacity and suitability of the road network to accommodate the anticipated volumes. This report should also include details of any mitigating works required to achieve the required capacity. The report should also address the adequacy of truck parking, loading and truck queuing areas to accommodate truck movements at peak periods as well as employee parking on the land.

Exemptions from notice and review

GREATER GEELONG PLANNING SCHEME

An application 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.

This exemption does not apply to land within 30 metres from land (not a road) which is in a Residential Zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposed use advances the purposes of the Liquid Bulk Storage and Refinery Precinct.
- The effect that the use may have on land in a residential zone, Business 5 Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near or associated with port facilities or uses.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The consistency of the use with the strategies and principles contained within the Port of Geelong Port Land Use Strategy 2009.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The adequacy of the transport network to achieve safe, efficient vehicle movement to and egress from the land.
- The interim use of those parts of the land not required for the proposed use.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse amenity impacts.

3.0 Subdivision

Permit requirement

A permit is required to subdivide land.

Exemption from notice and review

An application 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)

GREATER GEELONG PLANNING SCHEME

of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposed subdivision advances the purposes of the Liquid Bulk Storage and Refinery Precinct.
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- Any natural and cultural values on or near the land.
- The purpose of the zone.
- The use intended.
- The consistency of the use with the strategies and principles contained within the Port of Geelong Port Land Use Strategy 2009.
- The extent of any existing or proposed reclamation works.
- The topography of the land.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
- The interface of land with the adjoining areas.

4.0 Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for navigational beacons and aids and associated facilities.
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval, Licence or any other notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for minor utility installations.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Provide for fire protection under the relevant legislation.

GREATER GEELONG PLANNING SCHEME

- Alter plumbing services which do not affect the drainage of other land.
- Provide for a rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - the boundaries and dimensions of the site;
 - adjoining roads;
 - relevant ground levels;
 - the layout of existing and proposed buildings and works;
 - the locations of the proposed use of all existing and proposed buildings;
 - the provision of on-site vehicle parking;
 - loading and unloading areas;
 - internal vehicle movements;
 - site entrance and exit points;
 - proposed landscape areas; external storage and waste treatment areas;
 - features above or below water.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.
- A traffic impact report outlining the volume of traffic anticipated to be generated by the proposed development, the ability of the road network to cater for the proposed volumes and the mitigating works required to accommodate the desired capacity. The report should also address the adequacy of on-site parking areas required to accommodate truck parking, loading and queuing areas and employee parking.

Exemption from notice and review

GREATER GEELONG PLANNING SCHEME

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposed buildings or works advance the purposes of the Liquid Bulk Storage and Refinery Precinct.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

4.0 Advertising signs

The advertising sign requirements are at Clause 52.05. This zone is in Category 2.

GREATER GEELONG PLANNING SCHEME

SCHEDULE 2 TO THE PORT ZONE

Shown on the planning scheme map as **PZ2**

GENERAL PORT AREA

Purpose

- To provide for the development of the Port of Geelong as a key area of the State for the interchange, storage and distribution of goods.
- To provide for port related activities other than oil refinery or liquid bulk storage.
- To protect the port environs from incompatible and / or inappropriate use.
- To provide and maintain land use buffers to nearby residential areas.

Table of uses

1.0

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice May 1997
Industry	<p>Must be directly associated with and reliant upon the port.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none">• The threshold distance, for a purpose listed in the table to Clause 52.10.• 30 metres, for a purpose not listed in the table to Clause 52.10.
Natural systems	
Railway	
Road	
Service station	The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a

GREATER GEELONG PLANNING SCHEME

USE	CONDITION
	hospital or an education centre.
Shipping container storage	Must be directly associated with and reliant upon the port.
Tramway	
Transport terminal (other than Heliport)	Must be directly associated with and reliant on the port.
Warehouse (other than Mail centre and Shipping container storage)	Must be directly associated with and reliant upon the port. Must not be a purpose shown in the table to Clause 52.10. The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Wharf	

Section 2 - Permit required

USE	CONDITION
Caretakers house	
Heliport	
Office	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE

GREATER GEELONG PLANNING SCHEME

Accommodation (other than Caretaker's house)

Bank

Cabaret

Cemetary

Child Care Centre

Cinema based entertainment facility

Crematorium

Display home

Extractive Industry

Hospital

Intensive animal husbandry

Landcare gardening supplies

Major sports and recreation facility

Market

Motor racing track

Manufacturing sales

Motor vehicle, boat or caravan sales

Outdoor recreation facility

Primary produce sales

Restaurant

Shop (other than convenience shop)

Veterinary centre

2.0

Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval, Licence or Waste Discharge Licence is required under the Environment Protection Act 1970.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.

GREATER GEELONG PLANNING SCHEME

- Air-borne emissions.
- Emissions to land or water.
- Traffic, including the hours of delivery and despatch.
- Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- A report indicating the hourly and daily volumes of traffic, by vehicle type and the capacity and suitability of the road network to accommodate the anticipated volumes. This report should also include details of any mitigating works required to achieve the required capacity. The report should also address the adequacy of truck parking, loading and truck queuing areas to accommodate truck movements at peak periods as well as employee parking on the land.

Exemptions from notice and review

An application 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.

This exemption does not apply to land within 30 metres from land (not a road) which is in a Residential Zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that the use may have on land in a residential zone, Business 5 Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near or associated with port facilities or uses.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The adequacy of the transport network to achieve safe, efficient vehicle movement to and egress from the land.
- The interim use of those parts of the land not required for the proposed use.

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- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse amenity impacts.

3.0 Subdivision

Permit requirement

A permit is required to subdivide land.

Exemption from notice and review

An application 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- Any natural and cultural values on or near the land.
- The purpose of the zone.
- The use intended.
- The consistency of the use with the strategies and principles contained within the Port of Geelong Port Land Use Strategy 2009.
- The extent of any existing or proposed reclamation works.
- The topography of the land.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
- The interface of land with the adjoining areas.

4.0 Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for navigational beacons and aids and associated facilities.

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- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval, Licence, or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for minor utility installations.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Provide for fire protection under the relevant legislation.
- Alter plumbing services which do not affect the drainage of other land.
- Provide for a rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - the boundaries and dimensions of the site;
 - adjoining roads;
 - relevant ground levels;
 - the layout of existing and proposed buildings and works;
 - the locations of the proposed use of all existing and proposed buildings;
 - the provision of on-site vehicle parking;
 - loading and unloading areas;
 - internal vehicle movements;
 - site entrance and exit points;
 - proposed landscape areas; external storage and waste treatment areas;
 - features above or below water.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.

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- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.
- A traffic impact report outlining the volume of traffic anticipated to be generated by the proposed development, the ability of the road network to cater for the proposed volumes and the mitigating works required to accommodate the desired capacity. The report should also address the adequacy of on-site parking areas required to accommodate truck parking, loading and queuing areas and employee parking.

Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

4.0 Advertising signs

The advertising sign requirements are at Clause 52.05. This zone is in Category 2.

GREATER GEELONG PLANNING SCHEME

SCHEDULE 3 TO THE PORT ZONE

Shown on the planning scheme map as **PZ3**

WATERS OF THE PORT OF GEELONG

Purpose

To provide navigable channels and access for shipping to the Port of Geelong.

To provide for the use and development of infrastructure related to the Port of Geelong.

1.0

Table of uses

Section 1 - Permit not required

USE	CONDITION
Informal outdoor recreation	
Natural systems	
Wharf	

Section 2 - Permit required

USE	CONDITION
Industry	Must be directly associated with and reliant upon the port.
Leisure and recreation (other than Informal outdoor recreation)	
Shipping container storage	
Transport terminal (other than a wharf)	Must be directly associated with and reliant upon the port.
Utility Installation (other than minor utility installation)	
Warehouse	Must be directly associated with and reliant upon the port.

Section 3 – Prohibited

USE
Any other use not in Section 1 or 2

GREATER GEELONG PLANNING SCHEME

2.0 Use

Application requirements

An application must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The nature and purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that the use may have on land in a residential zone, Business 5 Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The adequacy of the transport network to achieve safe, efficient vehicle movement to and egress from the land.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse amenity impacts.
- The interface of the site with adjoining areas.

GREATER GEELONG PLANNING SCHEME

Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

3.0 Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for a Wharf or for Shipping container storage and other storage and handling facilities (not tanks for bulk liquid storage), navigational beacons and aids, terminals and other associated facilities.
- Provides for dredging to navigable depths in designated shipping channels and harbours to ensure continued access to port facilities.
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for minor utility installations.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Provide for fire protection under the relevant legislation.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - the boundaries and dimensions of the site;
 - adjoining transport modes;
 - relevant ground levels;
 - the layout of existing and proposed buildings and works;
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.

GREATER GEELONG PLANNING SCHEME

Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the site.
- The effect of the proposed development on the future development of the adjoining area for port and port related uses.
- The effect of the development on adjoining areas.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.

4.0 Advertising signs

The advertising sign requirements are at Clause 52.05. This zone is in Category 2.

APPENDIX K. PORT ZONE PRECINCTS (GEELONG)

(GeelongPort, September 2010)

PZ - PZ3 Minimal



PZ1



PZ2

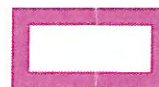


PZ3



PZ4

Point Henry Precinct



PZ3

APPENDIX L. PORT ZONE PRECINCTS (GEELONG)

(City of Greater Geelong, September 2010)



APPENDIX M. COMMENTS ON THE PORT ZONE (GEELONG)

(City of Greater Geelong, September 2010)

City of Greater Geelong secondary submission; potential Port Zone variation

GeelongPort Port Zone	Discussion Paper Port Zone	SUZ6	General Comment
Header page purposes	No header page but purpose statements the same	SUZ6 is less extensive	No major issues
Liquid storage Schedule 1 purpose	No schedules	More specific than SUZ around bulk liquid storage	Generally ok however where proposed to extend Port Zone over land not owned by Port need to consider purposes of related zones in relation to non port related industry
Schedule 1 table of uses	S1 Industry and warehouse uses require as a condition consideration of 52.10 Less extensive range of S3 uses	S1 Industry, transport terminal and warehouse uses require as a condition consideration of 52.10 and amenity considerations Less extensive range of S3 uses	Concept of a liquid bulk storage precinct supported – issue of extent discussed elsewhere Reduces buffer considerations - Clause 52.10 considerations should remain for section 1 uses Ok re restrictive nature of S3 prohibited uses
Schedule 1 Notice provisions	Use not exempt from notice/review	Use not exempt from notice/review	Concerns over loss of third party notice/appeal provisions
Schedule 1 Decision Guidelines	No reference to PLUS	No reference to PLUS	Should include broader document reference to allow for document change over time Potential for wider consideration of Emergency Management, Community health and safety plans etc
General port area Schedule 2 purpose	No schedules	More specific	Generally ok however where proposed to extend Port Zone over land not owned by Port need to consider purposes of related zones in relation to non port related industry

City of Greater Geelong secondary submission; potential Port Zone variation

Schedule 2 table of uses	S1 Industry, transport terminal, wharf & warehouse same S2 office floor space limit Less extensive range of S3 uses	S1 Industry, transport terminal, wharf & warehouse same S2 office floor space limit Less extensive range of S3 uses	Concept of a general port area precinct supported – issue of extent discussed elsewhere S2 floor space limit of 500m2 required Ok re restrictive nature of S3 prohibited uses – pier/marina? Issues for non port related activities currently in 1N1 and 2
Schedule 2 Notice provisions	<u>Use not exempt</u> from notice/review	<u>Use not exempt</u> from notice/review	Concerns over loss of third party notice/appeal provisions –
Schedule 2 Decision Guidelines	No reference to PLUS	No reference to PLUS	Should include broader document reference to allow for document change over time Potential for wider consideration of Emergency Management, Community health and safety plans etc
Port waters area Schedule 3 purpose	No schedules	More specific to water areas than SUZ6	Generally ok in principle – extent of major concern – should be limited to adjacent areas to hard port infrastructure i.e wharfs, piers etc
Schedule 3 table of uses	Less restrictive – not designed to extend over water	Less restrictive – not designed to extend over water	As above – need to consider has not excluded certain activities related to port – i.e pier etc.
Schedule 3 Notice provisions	<u>Use not exempt</u> from notice/review	<u>Use not exempt</u> from notice/review	Concerns over loss of third party notice/appeal provisions
Schedule 3 Decision Guidelines	Not comparable	Not comparable	Potentially should refer to reference document.

APPENDIX N. PARTICULAR PROVISION - CARETAKERS HOUSES

(Port of Melbourne Corporation, September 2010)

10.4 Appendix D – Proposed Caretakers' Dwelling Particular Provision

CARETAKERS HOUSES PARTICULAR PROVISION

1.0 Purpose

To discourage the establishment of residential uses which may compromise the integrity of industrial or commercial areas.

To limit the scale of caretakers' houses in industrial areas to be incidental to the predominant industrial or commercial use.

To ensure that caretakers' houses are of appropriate design to minimise potential conflicts with surrounding industrial or commercial development.

2.0 Application

These provisions apply to land in Business 3, Industrial 1 and Industrial 3 zones.

3.0 Requirements to be met

A caretaker's house must meet the following requirements:

- The caretaker's house must be incidental to a lawful commercial or industrial use.
- Only one caretaker's house is permitted on a lot and that house must be on the same lot as the associated commercial or industrial use.
- The caretaker's house must be less than 10 per cent of the total floor area of the associated commercial or industrial use (excluding car parking and loading bay areas) or 100 m², whichever is less.
- There must be a demonstrated need for a caretaker to look after the commercial or industrial property when it is empty or to supervise its maintenance and cleaning.
- The caretaker's house must include appropriate measures to manage vibration, light spill and glare, noise, air-borne emissions and provide for safety and emergency evacuation.

4.0 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the caretaker's house is an ancillary use directly associated with the lawful industrial or commercial business operating on the site.
- Whether the caretaker's house is an appropriate use for the site and is compatible with surrounding commercial and industrial development.
- Whether the caretaker's house will reduce the operating capability and capacity of adjacent industrial and commercial businesses.
- Whether the caretaker's house is necessary to meet the supervisor's residential requirements to ensure the effective operation of the land use on the site.

- Whether the caretaker's house will reduce the availability of Industrial 1, 3 or Business 3 zoned land for industrial and commercial business purposes.
- Whether the design of the development provides appropriate measure to protect the amenity of the caretaker's house from vibration, light spill and glare, noise, air-borne emissions from the operation of the industrial or commercial business on the site and on adjacent sites.
- Whether provision is made to minimise safety risk to the occupant of the caretaker's house from operation of the industrial or commercial business on the site and on adjacent sites.