

Feedback on the Independent Review of the Victorian Ports System Discussion Paper



Introduction

Mornington Peninsula Shire Council welcomes the opportunity to comment on the *Independent Review of Victorian Ports System Discussion Paper* (July 2020) (the Paper).

The Mornington Peninsula is a unique place with a coastline of around 192 kilometres that stretches from Port Phillip Bay on the western side to Western Port Bay on the eastern side. Twenty-nine out of the Peninsula's 40 settlements have boundaries that adjoin the coastline which is a significant and highly valued asset of the Shire. Our coastline supports a diverse range of activities that include both recreational and commercial such as fishing, boating, swimming, diving, surfing, ferry services and shipping.

Besides the many piers and jetties located across the coastal settlements facing Port Phillip Bay, Bass Strait and Western Port Bay, the Shire is also home to the Port of Hastings. As identified in the Paper, the Port of Hastings is one of the four commercial ports in Victoria and was included for consideration by Infrastructure Victoria regarding Victoria's second container port. Although Bay West has been selected as the preferred option for Victoria's second container port, the Port of Hastings continues to play a significant role in terms of employment and output in the Peninsula and the wider region.

The Mornington Peninsula is also part of the Western Port Biosphere which includes the Western Port Ramsar Wetland. Home to a rich diversity of fauna and flora, the Wetland's significant ecological values are increasingly threatened by the growing volume of commercial trade at the Port of Hastings and associated marine traffic. The increased trade volume also feeds into the intermediate customers of the Port of Hastings resulting in heavier and more frequent road and rail movements that could detrimentally affect the amenity of neighbouring communities.

Council hereby provides the following feedback on the Paper with the view that the submission would facilitate the delivery of outcomes that not only provide greater certainty about the future role of the Port of Hastings, in the context of Bay West being the preferred option for Victoria's second container port, but also ensure the important services provided by the Peninsula's coastline and the significant values of the Western Port Biosphere are maintained and enhanced for current and future generations.

Overarching Feedback on the Paper

Relevant legislation and policy

The paper should reference relevant legislation and policy such as the:

- Marine and Coastal Act 2018;
- Marine and Coastal Policy 2020;
- Victorian Coastal Strategy 2014; and
- Siting and Design Guidelines for Structures on the Victorian Coast 1998 – the guidelines are currently under review and likely to be released this year.

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Climate change impacts

It is not evident in the Paper that the potential impacts of climate change on the ports system have been considered. These impacts include damage and increased maintenance due to severe weather events.

Environmental and community values

Consideration of environmental values should be strengthened throughout the paper, including aspirations to improve outcomes for the marine and coastal environment.

In addition, it is not evident in the Paper that community values in relation to local ports – in Mornington, Rye, Flinders, *etcetera* – have been considered.

Feedback on ‘A Vision for the Victorian Ports System’

Section	Feedback
3.2 What does the State want to achieve through the ports system?	The Paper explains that “the primary purpose of the ports is to serve the needs of Victorian citizens, businesses and the economy by providing convenient, efficient access to international and interstate shipping services and coastal resources.” This aim needs to be qualified to include an assurance that it is not pursued at any cost to the environment.
3.3 Who are the key stakeholders in the ports system?	Besides the four groups of stakeholders identified here – end users, intermediate customers, port owners/managers plus service providers, and the State Government – local governments, environment groups, local residents and community associations should also be included.
3.5 A suggested vision for the system	<p>The vision statement about being safe and environmentally responsible is based on an approach that focuses on prevention and remediation. While good to have, it should also include measures that would improve the environment.</p> <p>The vision statement about being collaborative and constructive in the approach it adopts to coexistence with neighbouring communities just means that the ports will work with neighbouring communities and develop constructive ideas to coexist. What’s lacking is the benchmark or objective needed to define the sort of coexistence that would be acceptable to both the ports and neighbouring communities.</p> <p>The vision statement about being understood and supported by the broader community for the critical role it plays in supporting the State’s economic performance could be interpreted to be suggesting that the community should therefore be more accommodating even to the extent of relinquishing some of the things that they value, if deemed necessary by the ports to support the economic performance of the State.</p>

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	Council's response to Question 1(b) is that the above comments need to be addressed. In addition, there needs to be clarification regarding whether the six principles articulated in the vision are equal in importance, and how an issue will be resolved if it impacts on two or more competing principles.
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Feedback on 'Governance and Institutional Arrangements'

Section	Feedback
4.2.1 Local ports	Council's response to Question 3(a) and (b) is that further investigation regarding the future direction of local ports is needed before Council can be adequately informed on a policy position. Nonetheless, there are immediate concerns with the proposed shift of assets and management of ports to local governments and other committees of management, most critically, inadequate funding exacerbated by rate capping. In addition, the proposed options do not reflect information included in concurrent State Government projects, e.g. Future Foreshores, where management changes are proposed.
4.2.2 Organisational structure	Council would not be in favour of centralised organisational arrangements as suggested in options 1 and 2. These options also suggest that the headquarter should be in Geelong, which reduces employment in year-round jobs for the Western Port area where the current Port of Hastings Development Authority is based. Having a localised Port of Hastings Development Authority provides greater engagement and access with the community.

Feedback on 'Safe Operation of the Ports System'

Section	Feedback
6.2.4 Safety and Environment Management Plans (SEMPs)	It is not clear in the Paper whether these plans are required to be made public, and whether port authorities are required to publicly report against these plans. If not, Council suggests that they need to be made public and be reported against publicly for transparency and accountability.

Feedback on 'Port Strategic Planning'

Section	Feedback
7.2.1 Port Development Strategies (PDSs)	Council's response to Question 13(a) is that there is certainly value in the requirement to prepare a Port Development Strategy considering that the Strategy would articulate how land use and development is anticipated to occur in the future over the Strategy's timeframe. This will have direct implications for

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	<p>Council in relation to the strategic planning of land use and development within its municipality. However, the process needs to be consultative. As far as the PDS prepared by the Port of Hastings is concerned, Council was not privy to the Strategy during its drafting and was not invited to comment. This would be inconsistent with the earlier vision stated for the Victoria's port system, which talks about collaborating with neighbouring communities to coexist.</p> <p>The PDS also needs to consider any relevant local plans, strategies and policies. In the context of the Shire, the PDS prepared by the Port of Hastings should take into consideration the <i>Mornington Peninsula Localised Planning Statement</i> (Victorian Government, 2014), which is a policy document incorporated into the Planning Policy Framework of the Victoria Planning Provisions under Clause 11.03-5S (Distinctive areas and landscapes).</p> <p>Council's response to Question 13(b) is that the State Government should be responsible for preparing a state-wide Victorian Ports Strategy (VPS), with each port then preparing their own PDS which aligns with the VPS.</p>
<p>7.2.2 A Victorian Ports Strategy</p>	<p>Council's response to Question 14(a) is that a new Victorian Ports Strategy is strongly welcomed. Besides articulating what we can expect from Bay West as Victoria's second container port, it should also provide clear indication of what we can expect from the Port of Hastings in terms of its future role and function, rather than keeping it as a reserve which may never happen. The community needs certainty to facilitate their own planning, development and investment decisions. The Strategy also needs to include working with local communities to help identify the role and use of local ports that is consistent with local values.</p> <p>Council's response to Question 14(b) is:</p> <ol style="list-style-type: none"> 1. What is the future role of Port of Hastings in the context of Bay West being the preferred option for Victoria's second container port? 2. Following the above, what can the Mornington Peninsula Shire expect in terms of the intermediary transport services required to help achieve the identified future role of Port of Hastings? How will this impact on the local transport network, infrastructure and communities? How are these issues to be addressed? 3. How will the new Victorian Ports Strategy ensure key environmental assets such as the Western Port Ramsar Wetland continue to be protected and enhanced for current and future generations in the context of the future role of Port of Hastings and other local ports in the Western Port area?

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Feedback on 'Other matters'

Section	Feedback
8.2.1 Port planning protections	<p>Council's response to Question 15(a) is that the current planning system provides sufficient protection for ports from encroachment by adjacent land uses. The Shire has a surplus amount of land set aside for port-related uses, which is in the Special Use Zone Schedule 1 (SUZ1). Rather than the ports, i.e. Port of Hastings and other local ports in the Western Port area, being constrained by the encroachment of adjoining land uses, the port-related use requirement on the surplus SUZ1 land precludes the land from being developed for other productive uses.</p>
8.2.3 Port sector engagement	<p>Council's response to Question 17(a) is yes. Consulting with a single and highly visible body is more effective and would facilitate more efficient collaboration between government agencies, including local governments like the Shire, and other stakeholders.</p> <p>Council's response to Question 17(b) is that it should take the form of an Advisory Council comprising a range of experts with varied but relevant experiences. Its role should be to consider all matters relevant to the achieving the vision of the Victorian ports system, listen to the feedback and comments from all stakeholders, share information between stakeholders, and provide advice to the State Government.</p> <p>Council's response to Question 17(c) is no. This is because such an industry consultative body might be too focused on freight and logistics issues leaving other relevant matters neglected.</p>