

IN PLANNING PANELS VICTORIA

‘PART A’ SUBMISSION ON BEHALF OF THE PLANNING AUTHORITY

AMENDMENT C243MORN TO THE MORNINGTON PENINSULA PLANNING SCHEME

23 APRIL 2025

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INTRODUCTION

1. This submission is made on behalf of Mornington Peninsula Shire Council (**Council**), the Planning Authority under s 8A of the *Planning and Environment Act 1987* (**Act**) for the Mornington Peninsula Planning Scheme (**Scheme**).
2. Council has prepared Amendment C243morn (**Amendment**) at the request of Proctor Investments No 2 Pty Ltd (**Proponent**).
3. This 'Part A' submission is made in accordance with the Panel's directions dated 4 April 2025 (**Directions**).
4. Direction 12 of the Directions requires Council's Part A submission address the following matters:
 - a) a summary of the physical context of the subject land and surrounds
 - b) background to the Amendment
 - c) a summary of the conditions of authorisation and how they have been met
 - d) a summary of the strategic context, including:
 - (i) an overview of the key state and local strategies for port and industrial land and what they say about the subject land, including:
 - MICLUP
 - the 2020 Industrial Strategy
 - the 2018 Industrial Areas Strategy
 - the 2018 Port Development Strategy
 - (ii) other relevant planning policies and provisions
 - (iii) any relevant changes to the strategic and planning context since the Amendment went on exhibition
 - e) the relationship between the 2018 Industrial Areas Strategy and the 2020 Industrial Strategy including whether the 2020 Industrial Strategy complements or supersedes the 2018 Industrial Areas Strategy
 - f) a response to the discussion in the 2020 Industrial Strategy about the suitability of the Somerville Precinct to accommodate long term growth and industrial uses, and any impacts this might have on the future redevelopment of the Hastings Precinct
 - g) clarification of whether the 2020 Industrial Strategy envisages industrial development in all three precincts (Hastings, Somerville and Tyabb), or in one preferred precinct
 - h) any impacts of the Amendment on:
 - policy for the protection of green wedge and agricultural land

- the Somerville Township Structure Plan
 - i) a summary of the earlier 'fast track' proposal which was rejected by the former DELWP, as referred to in the June 2022 Council Minutes, including what the proposal sought and reasons for it being rejected
 - j) a summary of:
 - (i) the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how
 - (ii) any recently approved or upcoming amendments that might impact on the Amendment
 - (iii) any permit applications or recently granted permits that might impact on the Amendment.
5. This submission addresses these directions under the consolidated headings of:
- 5.1. physical context;
 - 5.2. background and strategic context;
 - 5.3. processing of the Amendment;
 - 5.4. relevant Scheme provisions;
 - 5.5. relevant changes to context and other amendments; and
 - 5.6. submissions in response to the Amendment.
6. Further to this Part A submission, at the hearing listed to commence on 12 May 2025, Council will present its 'Part B' submissions.

THE AMENDMENT

- 7. The Amendment relates to the land at 79 and 83 Bungower Road, Somerville (**Land** or **Subject Land**).
- 8. In broad terms, the Amendment seeks to vary the provisions of the Scheme as they relate to the Land so as to facilitate the delivery of a technology, industry and business park.
- 9. More specifically, as set out in the Explanatory Report:¹

The amendment is required to facilitate the use and development of the land for the Mornington Peninsula (Somerville) Technology, Industry and Business Park through the application of the new local policy, the Industrial 3 Zone and Development Plan Overlay (Schedule 24).

¹ Amendment C243morn Explanatory Report, 2 (**Explanatory Report**).

The land is currently zoned Special Use Zone (Schedule 1 – Port Related Uses) which prohibits a range of industrial and warehouse-based uses if they do not meet the following condition:

Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.

10. As further set out within the Explanatory Report, the Amendment seeks to facilitate these outcomes by making the following changes to the Scheme:²

- Insertion into the Planning Policy Framework of a new local policy 17.03-2L (Industrial Land Supply – Mornington Peninsula (Somerville) Industry, Technology and Business Park Precinct), which will apply to the land.
- Rezoning of the land from Special Use Zone Schedule 1 – Port Related Uses (SUZ1) to Industrial 3 Zone (IN3Z).
- Introduction of a new Development Plan Overlay Schedule 24 (Mornington Peninsula (Somerville) Technology, Industry and Business Park Precinct) (DPO24) over the land.
- Amending the Schedule to Clause 72.08 to include the *Industrial Land and Infrastructure Assessment and Rezoning Strategy* (Mornington Peninsula Shire, 2020) as a Background Document.

11. The Explanatory Report further provides that these changes to the Scheme seek to guide future development and use of the Land by:³

- Ensuring long-term opportunities for the establishment of strategic industries, manufacturing, research and development, smaller start-ups and small to medium enterprises through the provision of lots and buildings of varying sizes.
- Discouraging uses that should be more appropriately located in commercial centres or conflict with the primary focus of the precinct.
- The provision of recreational open space which will contain facilities such as a sporting oval with walking and cycling tracks that will enhance the experience of workers, visitors to the area and residents.
- Incorporating the Brunnings homestead heritage site into the open space area to ensure the protection of the homestead and the significant trees located on the site.
- A range of environmentally sustainable practices and initiatives, such as the use of renewable energy, sustainable building design and best practice water and waste management.
- Providing well-designed landscaped buffers where required to ensure that an appropriate transition occurs between the precinct, adjoining properties and surrounding zones.

² Ibid.

³ Ibid 2-3.

12. The following documents form part of the Amendment, as exhibited:⁴

12.1. Explanatory report:

12.1.1 Amendment C243morn Explanatory Report;

12.2. Clauses and schedules:

12.2.1 C243morn clause 17.03_morn (Industry);

12.2.2 C243morn clause 43.04s24_morn (Schedule 24 to the Development Plan Overlay);

12.2.3 C243morn clause 72.08s_morn (Schedule to Background Documents);

12.3. Map sheets:

12.3.1 C243morn DPO Map 9;

12.3.2 C243morn Zone Map 9;

12.4. Supporting documents, clauses and schedules in track changes format:

12.4.1 *Industrial Land Use & Infrastructure Assessment and Rezoning Strategy* (Hansen Partnership, September 2020);

12.4.2 C243morn clause 17.03_morn (Industry) – tracked changes; and

12.4.3 C243morn clause 72.08s_morn (Schedule to Background Documents) – tracked changes.

THE PHYSICAL CONTEXT⁵

13. The Subject Land is located within Somerville, approximately 50 kilometres south-east of Melbourne's CBD and on the north-western corner of the Mornington Peninsula. It is directly accessible from the Mornington Peninsula Freeway – which provides connection to Melbourne – via both Frankston-Flinders Road and Bungower Road.

14. Somerville contains a mix of urban and green wedge/agricultural land and is home to approximately 11,000 permanent residents.⁶

15. The Somerville 'Town Centre' is identified as a 'Large Township Activity Centre' within the Scheme,⁷ being the top of the neighbourhood activity centre hierarchy and second in the overall activity centre hierarchy for the municipality.⁸ The Town Centre includes Somerville Station, part of the Stony Point line on the Metropolitan Melbourne railway network.

⁴ Both the Explanatory Report and Schedule 24 to the Development Plan Overlay are sought to be updated by Council as per the resolution from the 25 February 2025 Council meeting.

⁵ This section of the submissions responds to Direction 12(a) of the Directions.

⁶ *Somerville Township Structure Plan* (Mornington Peninsula Shire Council, June 2019), 3.

⁷ Clause 02.04 Strategic framework plan.

⁸ Clause 02.03-1 Settlement.

16. The Town Centre consists of predominantly commercial land. To the north-east of the town centre is a designated industrial area. A mix of general residential and low-density residential land cascades out from the town centre.
17. The *Mornington Peninsula Industrial Areas Strategy* provides the following description of the industrial area:⁹

The Somerville industrial precinct is located on the north-east edge of Somerville township, and includes land recently incorporated into the Industrial 3 Zone to the north of Speedwell Street.

Somerville's industrial area is predominantly a trade and warehousing-oriented industrial precinct, with very limited showroom and homemaker retailing. Unoccupied land is concentrated in the recently-rezoned industrial area, with the established parts of the precinct effectively operating close to capacity.

18. Further, the *Somerville Township Structure Plan* provides the following for the industrial area development and role as:¹⁰

A small light industrial area of approximately 40 ha is located along Grant Road on the north-eastern edge of the township and is zoned Industrial 3 Zone. This land is primarily used for trade and warehousing activities, and a limited amount of showroom uses. The emphasis of businesses in this area is primarily to meet local needs, as opposed to serving the broader region.

19. Collectively, the activity centre, industrial area and surrounding residential area is identified as the 'Somerville Township'.¹¹
20. Outside of the Township, the remaining land within Somerville bears characteristics of more rural areas, characterised by large lots and rural-type infrastructure.
21. The eastern end of Somerville forms part of the coast line of Western Port Bay. The eastern side of Somerville that adjoins the coast is located within a 'Port-Related Use Area' as a result of the proximity to the Port of Hastings, with part of this land identified as being part of the 'State Significant Port of Hastings Industrial Precinct'.¹²
22. The role of the Port of Hastings is described in the *2018 Port Development Strategy* as follows:¹³

The Port of Hastings (the Port) is located approximately 70 kilometres south east of Melbourne on the shores of Western Port (as shown in Figure 1) and provides a major gateway and supporting role for Victoria, Melbourne and south east Australia. The Port provides access to major industries including, a hub for oil and gas imports and a major steel product manufacturing facility.

...

The Port is responsible for a significant share of the State's bulk liquid trade and offers the deepest channel in Victoria. There are four established jetty complexes, the BHP

⁹ *Mornington Peninsula Industrial Areas Strategy* (Essential Economics Pty Ltd, April 2018), 69.

¹⁰ *Somerville Township Structure Plan* (Mornington Peninsula Shire Council, June 2019), 10.

¹¹ *Ibid* 3.

¹² Clause 02.04 Strategic framework plan.

¹³ *2018 Port Development Strategy* (Port of Hastings Authority, December 2018), 8.

Steel Industries Wharf, Long Island Point Jetty, Crib Point Jetty, and the Stony Point Port Services Complex.

23. Despite the designation of the eastern end of Somerville as being for 'port-related uses', the vast majority of land within this area is currently used for legacy agricultural purposes.
24. Those parts of Somerville that fall within either the activity centre/residential or the port related uses areas are included within a 'carve out' from Melbourne's Urban Growth Boundary.
25. The Subject Land itself is located approximately 2.3 kilometres south-east of the Somerville Town Centre and approximately 5 kilometres west of the coast. It falls within the 'port-related uses' area. Specifically, it is identified as being within the 'Long Island Precinct' of the Port environs area. The *2018 Port Development Strategy* describes this precinct in the following terms:¹⁴

Long Island Precinct is an extensive area of largely rural coastal hinterland situated between the towns of Hastings, Tyabb and Somerville.

The precinct contains the existing Steel Works Wharf, owned by BlueScope steel, and the Long Island Point Jetty, used by Esso for export of LPG and crude oil. The precinct also includes a heavy industrial estate and the Old Tyabb Reclamation Area.

Land use within the Long Island precinct of the Port is quite diverse and the SUZ1 special use zone is a dominant feature on the current land use map in Figure 3. This SUZ1 zone is also the area previously identified as suitable for a future container port and supporting port precincts.

Long Island also includes the largest contiguous parcel of Special Use Zone (SUZ1) land in the Port area (3,206 Ha).

The bulk of the precinct is some distance from the major residential centres of Hastings and Tyabb. Within the SUZ1 land designation, there is an area designated for wildlife conservation and some areas designated for public use (PUZ7). The wildlife conservation area is understood to be maintained with assistance from BlueScope Steel.

26. The Subject Land consists of two lots, as follows:
 - 26.1. 79 Bungower Road, an irregular shaped lot of approximately 33.87 hectares, that has previously been used for agricultural purposes, is developed with some agricultural buildings towards the south-western corner and features scattered vegetation throughout, including more dense patches towards the southern end, and a generally flat topography; and
 - 26.2. 83 Bungower Road, a rectangular lot of approximately 2.98 hectares that is home to the Thomas Brunnings Farm, consisting of a historic dwelling with associated gardens, along with outbuildings within various paddocks.
27. The statement of significance for the Thomas Brunnings Homestead identifies the dwelling as being a '*1920s red brick Federation Bungalow style farm house*' and provides as it relates to its heritage significance:

¹⁴ Ibid 18.

Thomas Brunning's farm in Bungower Road is significant to the Mornington Peninsula Region because:

- of its strong link with the regionally prominent Brunning family, known for their orcharding and nursery (Criterion Ag, H1);
- the house and its setting are good examples of an early 20th century farm house and yard, made more so by the detailed description Leila Shaw has provided for her life in the house and its relatively good state of preservation to that era (Criterion D2).

28. Collectively, the two lots form a rectangular parcel of approximately 36.85 hectares.
29. The Subject Land is bound by Bungower Road to the north and Lower Somerville Road to the west. Bungower Road is a sealed road with one lane in each direction and is identified as a 'Significant Municipal Road'. Lower Somerville Road, where it adjoins the Subject Land, is an unmade local road which terminates into a 'paper road' before it draws level with the southern boundary of the Land.
30. Dandenong-Hastings Road / Western Port Highway, which forms part of the 'Principal Road Network' providing access between the Dandenong South and the Port of Hastings, is located approximately 1.1 km east of the Land.
31. To the east, the Subject Land adjoins 75 Bungower Road, land used for agricultural purposes. To the south, the Land adjoins 48b Oneills Road, which contains a plant nursery and market gardens.
32. Lower Somerville Road serves as the boundary between the Somerville Township (west) and 'port-related uses' area (east). As a consequence, the Subject Land is located on the edge of the 'port-related uses' area and just outside the Township.
33. The north-eastern corner of the Subject Land has been approved for use and development for industrial purposes via a combination of Planning Permit (P14/1846) and the application of the Specific Controls Overlay 10 (the '**Sealite Development**'). Development under these approvals is yet to commence.

BACKGROUND AND STRATEGIC CONTEXT¹⁵

34. This section of the submission provides:
 - 34.1. a chronological overview of the background to the Amendment; and
 - 34.2. the strategic basis behind the Amendment, set out in chronological order as it arises through the relevant background material.
35. The strategic basis set out here is intended to supplement the overview set out in the Explanatory Report and the agenda of the relevant Council meetings.

¹⁵ This section of the submissions responds to directions 12(b), (d)(i), (e), (f), (g) and (i) of the Directions.

GENERAL BACKGROUND AND CONTEXT

36. As noted, the Subject Land is located within a broader area associated with the Port of Hastings. As noted within the *2018 Port Development Strategy*, this land has long been set aside for potential use as part of the Port:¹⁶

Past planning for the Port has included a large area of land which has been reserved for the Port of Hastings under the Mornington Peninsula Planning Scheme, for port related purposes (Special Use Zone 1 [SUZ1]) and this provides a solid base sufficient to cater for the foreseeable planning of the Port at the current time. The bulk of this SUZ1 zoned area is farm land with some rural residential and small to medium size commercial operations.

37. The *2018 Port Development Strategy* sets out the reasons for identification and protection of a broad area surrounding the Port as follows (emphasis added):¹⁷

Currently the SUZ1 provides for broad allocation of land for port related activity and covers an area of approximately 3206 ha within Hastings and 322ha in Crib Point. The Port Zone (PZ) covers an area of 4 hectares at Crib Point and approximately 3 hectares at Stony Point as it focuses predominantly to direct land holdings by the Port of Hastings Development Authority (POHDA).

Over the years, strategic planning for a container port at Hastings has focused the overarching of planning controls to consider the anticipated needs of the Port and its contribution to the Victorian community.

The Victorian Freight Plan – Delivering the Goods (July, 2018) identifies the ongoing need for land use considerations at the Port of Hastings with the Plan for Bay West as Victoria's second container port whilst retaining the Port of Hastings as an option in reserve. Although changes in the Port's trades can occur quickly with technology and supply chain development the Port development zone should continue to provide for future port scenarios as a flexible and adaptable space.

38. In effect, a broad area around the Port of Hastings has been sought to be protected in case the Port is required to be developed and utilised as Melbourne's second container port.
39. The *2018 Port Development Strategy* further provides as it relates to the protection of this land:¹⁸

The Port of Hastings precinct is well-protected with long term objectives established in the Mornington Peninsula Planning Scheme. Large parcels of land have been reserved under the Special Use Zone 1 (SUZ1). The Special Use Zone highlights the strategic objectives for the area and clarifies that the land may need to be developed for port related purposes.

40. In a planning context, as noted, this land is identified through the application of the Special Use Zone, Schedule 1 (**SUZ1**). The purpose of the SUZ1 sets out the 'planning reasons' why this land is protected for port-related uses as:

To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Western Port.

¹⁶ Ibid 10.

¹⁷ Ibid 58.

¹⁸ Ibid 17.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Western Port and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.

41. In its current form, the SUZ includes 'industry' as a permissible use, but requires it be associated with the port or be a marine service industry:¹⁹

Use	Condition
Industry (other than Automated collection point and Rural industry)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.

SEALITE PLANNING PERMIT (JULY 2015)

42. On 9 July 2015, Council issued Planning Permit P14/1846, which approved part of the Subject Land (the north-eastern corner) for:

THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (MANUFACTURE OF MARINE PRODUCTS), NATIVE VEGETATION REMOVAL AND REDUCTION OF CAR PARKING REQUIREMENTS IN ACCORDANCE WITH THE ENDORSED PLANS

43. The endorsed plans depict an approximately 7,000 square metre two-storey factory/office building at the north-eastern corner of the Land.
44. The *Industrial Land Use & Infrastructure Assessment Rezoning Strategy* describes this permit in the following terms:²⁰

Of note is the 2015 permit issued at 79 Bungower Road, Somerville which allows for the use and development of 3.5ha of the land for the manufacturing of marine products. This land is owned by Sealite Pty Ltd who are a manufacturer of marine and aeronautical products. This raises the possibility for the establishment of an anchor tenant for the precinct which would potentially help to spur investment and the co-location of similar businesses.

45. Development under the permit is yet to commence.

¹⁹ Clause 1.1 (Table of uses – Section 2 – Permit required) of Schedule 1 to Clause 37.01 Special Use Zone.

²⁰ *Industrial Land Use & Infrastructure Assessment Rezoning Strategy* (Hansen Partnership, September 2020), 26.

MORNINGTON PENINSULA INDUSTRIAL AREAS STRATEGY (APRIL 2018)

46. The *Mornington Peninsula Industrial Areas Strategy* (Essential Economics Pty Ltd, April 2018) was adopted by Council on 30 April 2018.

47. The *Strategy* provides the following as to its purpose:²¹

The Strategy provides an assessment of industrial areas on the Mornington Peninsula, the major economic drivers of industrial land use in the region, and strategic policy direction for the Shire's industrial areas.

48. And key objectives:²²

Key objectives for the Mornington Peninsula Industrial Areas Strategy are to:

- Examine the key economic drivers for industrial land use on the Mornington Peninsula
- Consider the viewpoints and concerns of Council, key stakeholders, and local businesses associated with planning and development of industrial areas
- Assess the issues and opportunities for industrial land in Mornington Peninsula Shire
- Develop a principles-based action and implementation plan which will identify and address key issues of relevance to industrial development in Mornington Peninsula Shire and inform the future policy directions.

49. The report includes an analysis of available industrial land within the municipality, but makes clear that it excludes any existing SUZ1 land from this analysis due to its inability to be developed and used for industry in a general sense. This is well summarised in the following extract from the executive summary:²³

[4] A total of ten industrial precincts have been identified on the Mornington Peninsula, comprising a total of 388.5ha of zoned industrial land. Excluding land encumbered by roads and other development restrictions, net developable industrial land in the Shire is estimated at approximately 318.7ha, and 25% or 78.2ha is available for future development. Land in the Special Use Zone 1 - Port Related Uses Zone, which includes approximately 3,500ha of land on the eastern side of the municipality is not included in this assessment as it is not available for general industrial use and development.

50. Following this analysis of the existing available industrial land supply, the *Strategy* then includes an economic analysis to assess the anticipated future demand, concluding that it is necessary to identify new industrial land to address future demand. This is again well summarised in the executive summary:

[7] On the basis that occupied industrial land increases by a historical average of 2.9ha per annum on the Mornington Peninsula, the availability of unoccupied industrial land would decline from 25% in 2015 to 14% of existing supply by 2026, or even less than this if demand levels remain at current levels. This indicates that constraints have become imminent and it is appropriate to begin the process of identifying additional supply opportunities. This includes for

²¹ *Mornington Peninsula Industrial Areas Strategy* (Essential Economics Pty Ltd, April 2018), 6.

²² Ibid.

²³ Ibid 4.

industries requiring larger land areas, where there is already limited supply. Approximately two-thirds of unoccupied land in the industrial zone on the Mornington Peninsula is potentially impacted by factors such as planning overlays and/or infrastructure and servicing issues that may inhibit the land's future development for industrial purposes.

51. In a general sense, the *Strategy* sets out that, as part of the need to identify new industrial land, it would be appropriate to investigate the rezoning of port-related land for this purpose. In this regard, the *Strategy* includes 'Principle 3':²⁴

Support the growth of industrial and appropriate commercial activities on the Mornington Peninsula through the provision of serviced and readily-developable land at appropriate locations which support jobs, investment, business growth and economic prosperity.

52. And with the following included as part of the 'rationale' for 'Principle 3':²⁵

In this context, the large reserves of land zoned for Port-related development (Special Use Zone 1) are noted, and this includes land located on the edge of a number of the townships and land which is relatively remote from the core Port area (at Long Island / Hastings).

These areas may provide useful opportunities to provide additional industrial land for a range of activities, including general and marine-based industries/ businesses. However, the 'release' of this land for non-Port dependent industrial use is uncertain at this time, as the appropriate use and development conditions for such land are dependent on State government policy (a number of locations for further investigation are noted in Chapter 7).

53. Linked with this principle, the *Strategy* includes the following as 'Action 2':²⁶

Prepare for the long-term demand for additional industrial land through preliminary planning and other required investigations

54. With the following included as part of the 'rationale' for this action:²⁷

The further expansion of industrial land on the Mornington Peninsula is expected to be required within 10-years. However, the additional supply of industrial land is likely to be constrained by a range of geographic, planning and environmental factors which mean it is appropriate for Council to begin investigations now to support future rezonings.

These investigations are expected to be focused on land adjacent to existing industrial areas at Somerville, Hastings and Tyabb; for example, including land currently located within but on the edge of the Special Use Zone 1 – Port Related Uses Zone. Opportunities on the western side of the Peninsula appear more constrained, and this increases the need to avoid 'sterilization' of existing industrially-zoned land by the intrusion of potentially incompatible uses.

²⁴ Ibid 58.

²⁵ Ibid.

²⁶ Ibid 62.

²⁷ Ibid.

55. More specifically, for industrial land supply in Somerville, the *Strategy* identifies that, whilst there were no major supply issues within Somerville at the time of the *Strategy*, there existed an opportunity to explore future rezoning within the adjacent SUZ1 area (emphasis added):²⁸

No significant issues are noted for Somerville given the recent expansion of the industrial area which ensures available supply for the medium-term. Some stakeholders in the precinct perceive infrastructure and servicing inadequacies that may require attention from Council in the future.

Future expansion of industrial land supply in Somerville appears constrained by environmental and planning factors. However, it is noted that the Special Use 1 Zone (Port Related Uses) adjoins the eastern boundary of the Somerville township (south of Bungower Road and east of Lower Somerville Road); this land is relatively remote from the port facilities at Long Island and may provide an opportunity for further investigation, subject to appropriate use and development standards.

2018 PORT DEVELOPMENT STRATEGY (DECEMBER 2018)

56. The *2018 Port Development Strategy* (Port of Hastings Development Authority, December 2018) provides the following as to its overarching purpose:²⁹

1.1 What is the Port Development Strategy

The Port of Hastings 2018 PDS forms part of a suite of port related strategies across state, regional and municipal levels. As a public document, the development vision in a PDS provides a platform for ports to exchange information on relevant matters with Government departments, agencies and municipalities. It enables better alignment of port related proposals with other Government policies and strategies.

Section 91K of the Port Management Act 1995 (PMA) sets out the requirement for port authorities to prepare a PDS. It also provides the legislative standing for the Ministerial Guidelines for Port Development Strategies and that such strategies are to be prepared at regular intervals.

Requirements for a PDS are focused on the potential for port development, its transport links, land requirements, port infrastructure and associated trade. It also gives consideration to the community and social aspects of the strategy. The PDS is to look forward, planning for 30 years and is to be updated every five years.

57. At the time of the publishing of the *2018 PDS*, Port of Hastings was identified as an 'option in reserve' for use as Melbourne's second container port (behind Bay West):³⁰

In mid-2018, the Government released the new Victorian Freight Plan 'Delivering the Goods' which confirmed Bay West as the Government's preferred location for Victoria's second container port but importantly highlighted the need to retain the Port of Hastings as an option in reserve. As such, the current planning strategy for the Port of Hastings focuses on non-containerised trades while acknowledging the need to reserve and protect port land use operations to offer flexibility in end use as port planning in Victoria evolves over the coming decades.

²⁸ Ibid 69.

²⁹ *2018 Port Development Strategy* (Port of Hastings Development Authority, December 2018), 10.

³⁰ Ibid 14.

58. Notwithstanding this need to hold land around the Port of Hastings in reserve, the *2018 PDS* nonetheless recognised the potential for future redeployment of land around the peripheries of the SUZ1 area within Long Island Point:³¹

7.3.1 Long Island Point

The scope of potential port needs is indicated on the land use planning for the Long Island precinct, including the northern access areas for transport, services and pipeline infrastructure. Much of the land within the SUZ1 zone provides for the reserve scenario of a possible container port in the future with essential space for related logistics and related industry and transport development.

Areas adjacent to the main port precincts and activity centres allow for supporting industry and activities which provide a lower impact interface to communities of Hastings and Tyabb. These areas should be investigated for industrial uses that are compatible with the nearby communities and the activities of an adjacent port at some time in the future.

These elements are included in the future northern area and Long Island land use framework in Figure 19. This provides for the reserve scenario should a container port be required in the future with consideration of how the development of other trades may also require additional land within the SUZ1 zone.

59. The Subject Land, along with a wider area of land along the periphery of the SUZ1 land within Somerville, Tyabb and Hastings, is subsequently identified as being within an area earmarked for '*Investigat[ion] for Industrial Uses*'.³²

SOMERVILLE TOWNSHIP STRUCTURE PLAN (JUNE 2019)

60. The *Somerville Township Structure Plan* (Mornington Peninsula Shire Council, 2019) was adopted by Council in July 2019.
61. The purpose of the *Structure Plan* is set out as:³³

The purpose and function of the Somerville Township Structure Plan is to plan for the future of the Somerville Township by protecting the distinctive positive elements of the township and building upon its opportunities. This will guide the physical environment, amenity and activities within the township.

62. As it relates to industrial land, the *Structure Plan* sets out that there was no contemporaneous demand for industrial land at the time of the *Plan*, though identifies the possibility for long term growth into the port-related uses area (emphasis added):³⁴

The structure plan has considered both Council's *Industrial Areas Strategy 2018*, and the draft *Marine Industry Precincts Strategy* (MIP) May 2019, and the preferred marine precinct recommendation for Bungower Road (west) in the MIP. Investigation areas identified by the Port of Hastings in the latest development plan have also been examined.

Somerville's industrial area has no current demand for industrial land given the more recent expansion of the industrial area located along Grant Road which ensures

³¹ Ibid 59.

³² Ibid 60.

³³ *Somerville Township Structure Plan* (Mornington Peninsula Shire Council, June 2019), 4.

³⁴ Ibid 10.

available supply for the medium-term. The Port of Hastings investigation area provides opportunity for longer-term expansion of industrial land into the current SUZ1 area (south of Bungower Road and east of Lower Somerville Road). Potential future upgrade of Bungower Road is important in providing an east-west road connection from the Mornington Peninsula Freeway to the Port of Hastings.

MELBOURNE INDUSTRIAL AND COMMERCIAL LAND USE PLAN (AUGUST 2020)

63. The *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, 2020) sets out the supply and demand for commercial and industrial land within metropolitan Melbourne. The purpose is provided as:³⁵

The *Melbourne Industrial and Commercial Land Use Plan* builds on the relevant policies and actions of *Plan Melbourne 2017-2050* (Plan Melbourne) and the associated *Plan Melbourne 2017-2050 Five-Year Implementation Plan* (Plan Melbourne Implementation Plan). It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework that will enable state and local government to more effectively plan for future employment and industry needs, and better inform strategic directions.

64. As it relates to supply of industrial land generally, the *MICLUP* finds:³⁶

Based on these levels of supply and consumption, metropolitan Melbourne as a whole is estimated to have approximately 23 years supply of zoned industrial land available and approximately 17 years supply of unzoned land that has been identified as future supply for industrial purposes.

65. More specifically, the *MICLUP* identifies Mornington Peninsula as being within the 'southern region'. The following supply figures are identified for Mornington Peninsula specifically:³⁷

Zoned occupied (ha)	Zoned vacant (ha)	Future supply (ha)	Total available supply (ha)
2,184.8	1,027.7	0.0	1,027.7

66. And with the following consumption rates further identified:³⁸

2015-16 (ha)	2016-17 (ha)	2017-18 (ha)
3.9	3.0	6.8

67. As it relates to southern region as a whole, the *MICLUP* concludes with relation available supply:³⁹

If consumption rates remain at last year's level, it is anticipated that the region as a whole has approximately 21 years supply of zoned industrial land. If land in Mornington

³⁵ *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, August 2020) 1.

³⁶ *Ibid* v.

³⁷ *Ibid* 88.

³⁸ *Ibid* 89.

³⁹ *Ibid*.

Peninsula zoned Special Use Zone 1 is removed from supply, there would be just over 12 years supply of zoned industrial land.

68. The *MICLUP* identifies land immediately surrounding the Port of Hastings as ‘State Significant Industrial Land – Existing’, whilst the broader SUZ1 land around the periphery of this is identified as ‘Regionally Significant Industrial Land – Existing’.⁴⁰
69. Regarding ‘Regionally Significant Industrial Land’ and the SUZ1 land, *MICLUP* includes as an item that ‘planning for the region should’ address:⁴¹
- Investigate and identify areas within regionally-significant industrial precincts that could support other employment uses, including offices, creative industries and start-ups, that support or are well connected to adjacent employment uses or transport connections.
 - In consultation with the Port of Hastings Development Authority and Mornington Peninsula Shire Council, investigate the potential for any Special Use Zone 1 land outside of the Hastings SSIP that could allow for a broader range of industrial uses.

BUILDING VICTORIA’S RECOVERY TASKFORCE APPLICATION (EARLY 2020)

70. In early 2020, following the publishing of a draft version of the *Industrial Land Use & Infrastructure Assessment Rezoning Strategy*, an application was made by the Proponents to the Building Victoria’s Recovery Taskforce (**BVRT**).⁴²
71. The proposal submitted to the BVRT was for a ‘technology and business park’ of approximately 59.6 hectares at 83 Bungower Road, 79 Bungower Road, 75 Bungower Road and 73 Bungower Road.
72. The proposal ultimately did not proceed through the BVRT.

INDUSTRIAL LAND USE & INFRASTRUCTURE ASSESSMENT REZONING STRATEGY (SEPTEMBER 2020)

73. The *Industrial Land Use & Infrastructure Assessment Rezoning Strategy* (Hansen Partnership, September 2020) (**ILARS**) was adopted by Council on 14 September 2020. It builds upon the 2018 *Mornington Peninsula Industrial Areas Strategy* by specifically analysing the suitability of the port-related SUZ1 land for rezoning. It also undertakes a fresh analysis of industrial land supply and demand within the municipality.
74. The *ILARS* sets out its purpose as:⁴³

This project is investigating land located within the Special Use Zone (SUZ1) to the east of Somerville and Tyabb, and to the north of Hastings. This land is currently zoned for port-related purposes.

⁴⁰ Ibid 95.

⁴¹ Ibid 94.

⁴² BVRT was a taskforce established in early 2020 in response to the Covid-19 Pandemic to ‘identify and accelerate’ shovel ready proposals (<https://www.premier.vic.gov.au/new-taskforce-bolster-building-and-development-industry>; <https://www.premier.vic.gov.au/building-recovery-taskforce-continues-fast-tracking/>).

⁴³ *Industrial Land Use & Infrastructure Assessment Rezoning Strategy* (Hansen Partnership, September 2020) 4.

The purpose of this project is to:

- Determine the current local and regional demand and supply of industrial land across the Shire and investigate strategic industrial business opportunities.
- Undertake a land use and infrastructure assessment of the investigation area across a range of assessment criteria and identify a preferred location to accommodate industrial development.
- Outline a vision for the proposed precinct and determine a high-level concept.
- Prepare a rezoning strategy for the preferred location to implement the vision.

75. The *ILARS* sets up an 'investigation area' that consists of existing SUZ1 land within Hastings, Tyabb and Somerville. The investigation area largely coincides with the land earmarked for '*Investigat[ion] for Industrial Uses*' within the *2018 Port Development Strategy*.⁴⁴

76. As part of the updated analysis of industrial land supply and demand, an economic analysis was undertaken by Urban Enterprise. The analysis found that take up of industrial land had occurred at a faster rate than anticipated within the *2018 Mornington Peninsula Industrial Areas Strategy*, with the following summary included within *ILARS* (emphasis added):⁴⁵

The info graphic below provides a snapshot of the key findings of the economic analysis. The key conclusions are that there has been an increase in the take up of industrial land within the Shire over the last five years. This has only been held back by an increasing lack of industrial land supply. There is now a need to provide for at least 40-60 hectares of new industrial land to meet demand over the next 15 years and potentially more to accommodate strategic business opportunities. Currently there is approximately 40.4ha of vacant industrial land remaining in the Shire. If this continues to be consumed at rate of 6.7ha per year then this supply will be depleted in approximately 6 years. This would mean that 60 hectares of land would be required to ensure a 15 year supply of industrial land within the Shire.

77. The *ILARS* proceeds with its substantial analysis of the SUZ1 land by breaking down the investigation area into three precincts; the 'Somerville Precinct', the 'Tyabb Precinct' and the 'Hastings Precinct'.⁴⁶ It then identifies thirteen 'assessment categories' to be applied to each precinct to identify the 'preferred location' for broader industrial rezoning.⁴⁷

78. The 'Somerville Precinct' consists of 13 parcels of land totalling 198 hectares, described as follows:⁴⁸

The Somerville Precinct covers land stretching from the northern side of Bungower Road down to O'Neills Road in the south. It is located approximately 2.4km from the Somerville town centre.

Topographically, land within the precinct is generally flat with a slight fall from west to east. The precinct is heavily characterised by its rural setting with the market gardens, some of which located within the precinct, providing a non-urban break from the more urban setting of Somerville. Roads with high exposure within the precinct, such as

⁴⁴ Ibid 5-7.

⁴⁵ Ibid 15.

⁴⁶ Ibid 21.

⁴⁷ Ibid 21-22.

⁴⁸ Ibid 23-25.

Bungower Road, would necessitate sympathetic development that situates it within the wider rural setting.

The precinct is positioned on the south east side of Somerville. Existing industrial land within Somerville is located on the opposite side of the settlement off Grants Road.

79. In summarising the various strengths and weaknesses associated with the 'Somerville Precinct', the *ILARS* relevantly includes the following as part of the conclusion with relation to the Precinct:⁴⁹

The land within the north east corner, south of Bungower Road, is considered to be the most advantageous land to accommodate development. However, the expansion beyond this location is limited to the south by significant vegetation and the John Brunnings Farm, and to the east and north east by well-established market gardens.⁵⁰

80. The area referred to within the above extract consists of the land at 83 Bungower Road, 79 Bungower Road, 75 Bungower Road and 73 Bungower Road (**Somerville Preferred Land**) as can be discerned from the *Somerville Precinct Existing Land Use Map*.⁵¹
81. The precinct analysis ultimately concludes by identifying the 'Hastings Precinct' as the preferred precinct within the investigation area for broader industrial rezoning,⁵² with the bulk of the *ILARS* then dedicated to establishing a 'vision' for the 'Hastings Precinct'.
82. Despite ultimately landing on the 'Hastings Precinct' as the preferred precinct, the *ILARS* includes, as part of its conclusion, the earlier identified Somerville Preferred Land as one of several more specific locations from within the other precincts that could '*be potentially looked at in the future*' for broader industrial rezoning.⁵³
83. In recognising the potential suitability for rezoning of the Somerville Preferred Land, the *ILARS* justifies its ultimate conclusion that the wider 'Hastings Precinct' should be preferred in the following terms:⁵⁴

There is a small section of land within the north west section of the Somerville Precinct, south of Bungower Road, which is potentially suitable for industrial development, however there are a number of limitations for accommodating long term growth opportunities on this land when compared with the Hastings Precinct.

The key reasons for this are as follows:

- Development of this land would potentially encroach on well established market gardens in this location, against State and local agricultural policy.
- It has limited opportunities for expansion to the south due to the John Brunnings Farm and to the east by market gardens. There are also a range of ecological values associated with this land.
- Development in this precinct will likely result in more vehicle movements through existing settlements when compared with the Hastings Precinct.

⁴⁹ Ibid 33.

⁵⁰ The 'John Brunnings Farm' is located at 48 Oneills Road, Somerville (the adjoining land to the south of the Subject Land) and is covered by Heritage Overlay HO311.

⁵¹ *Industrial Land Use & Infrastructure Assessment Rezoning Strategy* (Hansen Partnership, September 2020) 25.

⁵² Ibid 56-57.

⁵³ Ibid 57-58.

⁵⁴ Ibid 58.

Further pressure on Bungower Road is also likely to be generated which already has capacity issues.

- This would be exacerbated if O’Neills Road could not provide a secondary access point to the south.
- There is likely to be more significant upgrades required to provide a connection to sewerage. The Elgas pipeline which runs through the precinct contains buffer requirements which decrease the amount of developable area.
- Based on consultation, there appears to be significant community concern related to industrial development on this side of Somerville when compared with other precincts.

The positive attributes of this site relate primarily to the existing permit for the relocation of a marine manufacturer (Sealite), which could create an anchor tenant opportunity to potentially help attract other strategic business opportunities, and the relatively good access to the Western Port Highway.

84. However, notwithstanding these drawbacks and the ultimate preference for rezoning of the ‘Hastings Precinct’, the *ILARS* nonetheless concludes that a ‘supplementary rezoning’ of the Somerville Preferred Land may wish to be pursued, though at a lesser intensity than the 60 hectare proposal put to the BVRT.⁵⁵

As outlined in Section 10.4, Council may wish to support a supplementary rezoning to facilitate the approved Sealite development. Sealite is an important local business that should be supported, however, they have indicated throughout this project that they would not relocate to the Hastings Precinct. As part of this supplementary rezoning, Council may wish to consider rezoning of further land to accommodate a range of allied businesses that may seek to co-locate in this location. However, the 60ha proposal that the proponent has submitted to the Building Victoria’s Recovery Taskforce is not considered to be appropriate in this location for the reasons outlined above.

85. As it relates to the Somerville Preferred Land, the *ILARS* includes the following under ‘other matters’ as to the ‘advantage’ and practical utility of a rezoning of this land:⁵⁶

Sealite Proposal South of Bungower Road

As noted previously in this report, one significant advantage of the Somerville Precinct is the existing approval for the Sealite development south of Bungower Road, which could act as a stimulus and anchor for development in that area. While this development, which occupies approximately 2 hectares of the 33.9 hectare property owned by Sealite, could, in terms of planning controls, proceed within the existing SUZ1 (being marine related industry), the limits on the range of uses, practically inhibit investment in the site.

86. It then proceeds to set out the ‘benefits’ of rezoning of the Somerville Preferred Land, including by reference to the proposal before the Building Victoria’s Recovery Taskforce and the Sealite Development as follows:⁵⁷

During the course of this project, the Sealite proponents have submitted a proposal to the Building Victoria’s Recovery Taskforce (BVRT) for a ‘Mornington Peninsula

⁵⁵ Ibid.

⁵⁶ Ibid 87.

⁵⁷ Ibid.

Technology Business Park' with an area of approximately 60 hectares. We understand that the focus of this proposal would be on the manufacture of products for the marine and aviation industries and would seek to attract other high technology related companies.

This proposal has made it necessary to consider the Somerville Precinct more carefully. It is still considered that the attributes of this location do not outweigh the strategic benefits of locating the main growth in both municipal and strategic scale industrial development in the Hastings Precinct. However, the prospect of a successful local business expanding within the Shire should not be discounted, particularly due to its location near the growing population of Somerville and the positive employment benefits it will potentially bring. While the preference would be for the Sealite business to relocate to the Hastings Precinct, they have indicated throughout this project that relocation is not an option for them. It is also relevant that the area of the Hastings Precinct has been reduced to better respond to the planning policy objectives for that area, and therefore the identification of additional industrial land does have some strategic benefit.

87. The *ILARS* ultimately concludes with relation to the Somerville Preferred Land that a supplementary rezoning in the order of 10-15 hectares could be considered:⁵⁸

As such, Council may wish to support a supplementary rezoning to facilitate the approved Sealite development south of Bungower Road. As part of this supplementary rezoning, Council may wish to consider inclusion of further land to accommodate a limited range of allied businesses that may seek to co-locate in this location. However, the 60ha proposal that the proponent has submitted to the BVRT is not considered to be appropriate in this location for the reasons outlined in Section 7.2 (e.g. implications for identity and character of Somerville, impacts on agriculture, traffic distribution through settlements, limited ability to expand, impact on nearby low density residential areas). Any rezoning in the Somerville Precinct should therefore only supplement, and not seek to replicate, what is proposed for the Hastings Precinct, which should be the main focus for high amenity and best practice industrial development on the eastern side of the Peninsula.

In this context, a rezoning to provide in the order of 10 to 15ha of industrial land may be considered appropriate. This is subject to a design and layout that responds appropriately to the context and reduces adverse impacts, particularly in relation to the low density residential land to the west, the single frontage onto Bungower Road, and the significant rural and agricultural character of the area. Such a size will assist with the expansion of Sealite while also allowing for other allied businesses subject to uptake and demand.

FAST TRACK AMENDMENT REQUEST (LATE 2020-EARLY 2021)

88. On 21 September 2020, Council wrote to the Minister for Planning requesting the Minister prepare an amendment (and exempt such amendment from exhibition and notice) to implement the findings of the *ILARS* (**Fast Track Amendment**).
89. The proposed Fast Track Amendment included:
- 89.1. as it relates to the land generally north of Graydens Road, Tyabb and west of the Frankston-Stony Point rail line from within the 'Hastings Precinct':

⁵⁸ Ibid.

- 89.1.1 application of a new schedule to the SUZ;
 - 89.1.2 application of a Development Plan Overlay;
 - 89.1.3 application of a Development Contributions Plan Overlay; and
 - 89.1.4 implementation of that part of the *ILARS* that established the 'vision' for the 'Hastings Precinct' as an incorporated document.
- 89.2. as it relates to the land at 83 Bungower Road and part of 79 Bungower Road from within the 'Somerville Precinct':
- 89.2.1 application of a new Schedule 11 to the Special Use Zone; and
 - 89.2.2 application of a Development Plan Overlay.
90. On 2 June 2021, the Department of Environment, Land, Water and Planning (**DELWP**) responded to the Fast Track Amendment request on behalf of the Minister. The response identified a number of preliminary concerns that, in summary, related to:
- 90.1. the choice of the SUZ over an industrial zone;
 - 90.2. the proposal to secure development contributions via agreements pursuant to s 173 of the Act and in the absence of a development contributions plan;
 - 90.3. the proposal to include detailed design concepts for the 'Hastings Precinct' as an incorporated document within the Scheme;
 - 90.4. lack of investigation into the land between the 'Hastings Precinct' and the Tyabb 'green wedge area';
 - 90.5. need to consider bushfire constraints where land was subject to the Bushfire Management Overlay or within a declared Bushfire Prone Area; and
 - 90.6. the lack of detail regarding the 'Somerville Precinct' relative to the detail provided for the 'Hastings Precinct'.
91. The DELWP ultimately advised that:

A fast-track process is unlikely to be supported based on the further work required and absence of formal consultation with landowners and community about the proposed planning controls. The usual amendment process will ensure a robust merits assessment of this significant proposal including full public notice and review by an independent planning panel.

AMENDMENT C283MORN – SEALITE INCORPORATED DOCUMENT (NOVEMBER 2021)

92. In addition to requesting the Minister prepare an amendment to implement the findings of *ILARS*, Council's 21 September 2020 correspondence also included, by way of an alternative, a request that the Minister prepare an amendment (and exempt such amendment from exhibition and notice) to allow the Sealite Development to be used for broader industrial purposes (i.e. not limited to port or marine services related uses as per the SUZ1).

93. On 18 November 2021, Amendment C283morn was gazetted following the recommendation of the Development Facilitation Program.⁵⁹ The amendment was prepared by the Minister for Planning at the request of Sealite Pty Ltd.

94. The explanatory report provides the following description of Amendment C283:

The amendment applies a Specific Controls Overlay to 2.5 hectares of land at 79 Bungower Road, Somerville and introduces an incorporated document into the planning scheme titled '79 Bungower Road, Somerville, September 2021' and other associated changes. The amendment facilitates the use and development of land for non-marine related industry.

95. Effectively, the amendment widened the scope for the Sealite Development, as approved under Planning Permit P14/1846, to be used for industrial purposes beyond the limits imposed by the SUZ1.

96. As to why the amendment was required, the explanatory report included the following:

The amendment is required to facilitate the use and development of the site for non-marine industry to provide immediate benefits to Victoria's economy, keeping Victorians in work and a significant building and construction project on track for completion.

The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.

The Special Use Zone Schedule 1 (SUZ1) Port Related Uses in the Mornington Peninsula Planning Scheme currently prohibits use of the land for non-marine industry use and development. SUZ1 includes the following condition under Section 2, Industry: 'Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry'.

The land affected by the amendment has been identified as surplus to port requirements. The land is identified in the Melbourne Industrial and Commercial Land Use Plan (2020) as an investigation area for industrial land use and within the Port Development Strategy (Port of Hastings Development Authority, 2018) as surplus to port needs.

On 10 June 2015, the Mornington Peninsula Shire Council issued Planning Permit no. P14/846 for the use and development of land for marine product manufacturing, reduction in carparking and native vegetation removal on the land. The proponent has requested the amendment to enable non-marine product manufacturing.

The amendment will allow for non-marine industry use and development of the land and associated delivery of employment opportunities to the Mornington Peninsula area.

⁵⁹ The successor to the BVRT.

NAVIGATING OUR PORT FUTURES: THE VICTORIAN COMMERCIAL PORTS STRATEGY (JULY 2022)

97. *Navigating our Port Futures: The Victorian Commercial Ports Strategy* (Department of Transport, 2022):⁶⁰

... is the Victorian Government's 30 year strategy, vision and action plan to position our ports system to grow and thrive in this new operating environment.

98. The 2022 VCPS reaffirmed the selection of Bay West as Melbourne's second container port.⁶¹
99. The 2022 VCPS also reaffirms the position that the full extent of 'port-related' land around the Port of Hastings is not necessarily required for such purposes, providing the following further explanation:⁶²

The Port of Hastings was established with supporting land use planning arrangements allowing the port to grow and significantly develop over time. To protect it for future port-related development, a vast area of land was put aside with zoning controls. This area is zoned as Special Use Zone 1 (SUZ1) in the area's planning scheme. Figure 7 outlines the Port of Hastings SUZ1 controls.

SUZ1 is far larger than the declared port area and includes the entirety of the Esso and BlueScope Steel sites, a number of smaller industrial and rural uses and even a small proportion of residential properties. The provisions of the SUZ1 encourage uses that create effective buffers to port-related uses. The land within the SUZ1 is currently not available for industrial development apart from development of the port and port-related industries.

100. The 2022 VCPS further re-states the potential for this land to be investigated for future industrial development:⁶³

Whilst the large land reserves are strategically important and sections should remain protected, as time has passed, it has become clear that it is no longer necessary to retain the entirety of this SUZ1 area as being protected for port related industries. A broader economic development approach for the use of this land would be more appropriate.

If the land within SUZ1 that isn't needed for port development were rezoned in partnership with the local council, the area may potentially be opened to a range of new industrial-based employment opportunities, in both traditional, and emerging higher value sectors including wind energy.

101. As it relates to the review of land around the Port of Hastings, the 2022 VCPS concludes by including the following action with an applied timeframe of 'up to 2 years':⁶⁴

The Minister for Ports and Freight will direct Port of Hastings Corporation to confirm the area of land it requires to be retained for port planning purposes in the next iteration of the PDS.

⁶⁰ *Navigating our Port Futures: The Victorian Commercial Ports Strategy* (Department of Transport, 2022) 7.

⁶¹ *Ibid* 30, 44-45.

⁶² *Ibid* 46.

⁶³ *Ibid*.

⁶⁴ *Ibid*.

102. The subsequent iteration of the PDS for the Port of Hastings that addresses this requirement is anticipated in late 2025.⁶⁵

AMENDMENT C294MORN – HASTINGS PRECINCT (FUTURE)

103. As it relates to the 'Hastings Precinct' that is identified within the *ILARS* as being the 'preferred precinct' for broader industrial rezoning, Council is currently working with landowners to facilitate a privately lead amendment, known as Amendment C294morn.
104. A number of technical assessments and further investigations are required before Amendment C294morn can proceed. Subsequently, whilst Council remains committed to the future delivery of the 'Hastings Precinct' it does not have any committed time-frames for its delivery at this stage.

OTHER STRATEGIC DOCUMENTS / POLICY STATEMENTS

Plan Melbourne 2017-2050

105. *Plan Melbourne 2017-2050* (State Government of Victoria, 2017) broadly identifies a need to ensure sufficient supply of industrial land.⁶⁶
106. The 2019 addendum to *Plan Melbourne* further highlights a need for industrial land supply in order to ensure Melbourne remains 'prosperous', highlighting the shortfalls that informed the drafting of *MICLUP*.⁶⁷

Economic Growth Statement – Victoria Open for Business (December 2024)

107. The recently released *Economic Growth Statement – Victoria: Open for Business* (Department of Treasury and Finance, 2024) sets out a '10-year plan' to unlock industrial land in order to ensure increased certainty and growth.⁶⁸
108. Included within the '10 year plan' as an 'immediate action' for the increase of industrial land supply is:⁶⁹

Reviewing the zoning of up to 3 300 hectares at Altona North and Hastings - currently restricted under Special Use Zoning – unlocking it for new and growing businesses.

PROCESSING OF THE AMENDMENT

109. As previously noted, the amendment is privately lead. The Proponent has prepared a number of technical assessments and further investigations regarding the suitability of the Subject Land for a technology, industry and business park that are intended to build off the broad strategic justification established for the re-zoning of part of the Somerville Preferred Land within *ILARS*. These documents were provided both prior to and following Council seeking authorisation for the Amendment and include (in chronological order):

⁶⁵ <https://portofhastings.vic.gov.au/port-development-strategy>.

⁶⁶ *Plan Melbourne 2017-2050* (State Government of Victoria, 2017) 35, 74.

⁶⁷ *Plan Melbourne 2017-2050: Addendum 2019* (State Government of Victoria, 2019) 4.

⁶⁸ *Economic Growth Statement – Victoria: Open for Business* (Department of Treasury and Finance, 2024) 19.

⁶⁹ *Ibid*.

- 109.1. *Clause 13.02-1S Assessment* (Fire Risk Consultants, February 2022);
 - 109.2. *Preliminary Site Investigation* (Greencap, February 2022);
 - 109.3. *Existing Ecological Conditions Report* (Ecology and Heritage Partners, April 2022);
 - 109.4. *Infrastructure Assessment Report* (DPM Consulting Group, April 2022);
 - 109.5. preliminary transport assessment (Stantec, April 2022);
 - 109.6. *Town Planning Report* (Macroplan, May 2022);
 - 109.7. *Existing Ecological Conditions Report* (Ecology and Heritage Partners, May 2022);
 - 109.8. *Preliminary Transport and Movement Plan* (Stantec, June 2024);
 - 109.9. response to traffic and transport concerns (Stantec, July 2024); and
 - 109.10. review of CFA submission to Amendment (Fire Risk Consultants, 16 Aug 24).
110. The Amendment, including, specifically, the DPO has also been guided by high level concept plans prepared by the Proponent, including the following plan showed overleaf:



Figure 01 – Draft Concept Plan.

MINISTERIAL AUTHORISATION⁷⁰

111. On 20 June 2022, Council resolved to seek authorisation for the Amendment from the Minister for Planning.
112. On 8 September 2022, the Minister for Planning granted authorisation to Council, subject to the following conditions:
- Review the proposed Clause 17.03-1L (Industrial land supply) and make changes as appropriate to remove duplication with requirements in the proposed Development Plan Overlay schedule having regard to the marked up version provided with this letter, and the *Practitioner's Guide to Victoria's Planning Schemes*.
 - Review the proposed Development Plan Overlay schedule and make changes as appropriate to clarify requirements before a permit is granted, conditions and requirements for permits and development plan requirements having regard to the marked up version provided with this letter.
 - Include consequential changes to the schedule to Clause 72.08 (Background documents) to include the *Industrial Land and Infrastructure Assessment and Rezoning Strategy* (Mornington Peninsula Shire Council, 2020).
113. In response to the conditions of authorisation, Council:
- 113.1. updated the proposed clause 17.03-1L to be consistent with the marked up version attached with the letter of authorisation;
- 113.2. updated the proposed Schedule 24 to the DPO to be consistent with the marked up version attached with the letter of authorisation;
- 113.3. proposed to amend clause 72.08 to include the *ILARS* as a 'background document' to the Scheme.

PUBLIC EXHIBITION

114. Details of the public exhibition of the Amendment are set out within the agenda of the 25 February 2025 Council meeting, as follows:⁷¹

As detailed previously in this report, the Amendment was publicly exhibited for 6 weeks, from 30 March until 12 May 2023. Notice of the Amendment was given by the following methods:

- public notices in the Government Gazette and Western Port News
- a dedicated webpage on the Shire's website
- individual letters to owners and occupiers of all land in the Somerville postcode
- notices sent as directed by the Minister's authorisation letter to:

⁷⁰ This section of the submission responds to direction 12(e) of the Directions.

⁷¹ Council Meeting Agenda – 25 February 2025, 30-31.

- Bunurong Land Council Aboriginal Corporation
- Department of Transport
- Melbourne Water
- Owners of pipe assets - APA Group, ESSO Australia and Viva Energy Australia.
- notices to prescribed ministers and other relevant ministers, including the Minister for Employment, Minister for Industry and Innovation, Minister for Energy and Resources and Minister for Ports and Freight
- notices to other Members of Parliament at the Federal and State level, including The Hon. Zoe McKenzie MP (Federal) and local MPs Mr Chris Crewther MP, Mr Paul Mercurio MP and Mr Sam Groth MP
- notices to all people who made submissions during consultation for Council's adopted ILARS and respondents who wanted to be kept notified of future Amendments to implement the recommendations of ILARS
- public authorities (including the CFA, EPA, Invest Victoria, Port of Hastings Authority, South East Water and Energy Safe Victoria)
- other stakeholders including:
 - Casey City Council and Frankston City Council
 - South East Melbourne Manufacturers Alliance (SEMMA)
 - Western Port Chamber of Commerce
 - local real estate agents in Somerville
 - Mornington Peninsula Ratepayers' and Residents' Association
 - Peninsula Speaks
 - Tyabb and District Ratepayers
 - Council Alliance for a Sustainable Built Environment
 - Somerville, Tyabb and District Heritage Society
 - The Committee for Mornington Peninsula and Committee for Frankston (now merged and known as the Committee for Frankston and Mornington Peninsula)
 - Pipeline easement occupants.

During the exhibition period, members of the community could enquire about the Amendment with officers from the Shire's Strategic Planning team via phone or email, or by arranging an in-person appointment at Shire offices.

Five in-person community information sessions were also held to provide further opportunities for community members to speak directly with a Shire officer in person, as well as the Proponent and representatives of the Proponent's planning consultant (Macroplan).

Set up as a series of individual one-on-one appointments, the sessions allowed community members to seek further clarity about the Amendment and the Planning Scheme Amendment process, including how to make a submission and stay updated about the Amendment's progress, and provide their initial thoughts and feedback on the proposal.

115. As it relates to consultation, it should also be noted that, prior to exhibition of the Amendment, extensive consultation regarding the potential rezoning of the broader 'port related' land was undertaken as part of the preparation of the *ILARS*. This is recorded within the agenda of the 20 June 2022 Council meeting as follows:⁷²

As noted, the current amendment proposal follows from the previous consideration and adoption by Council of the 2020 *ILARS* report. Preparation of the *ILARS* report involved extensive community consultation by Council with direct notice to over 3000 properties and the consideration of more than 200 submissions. While the majority of submissions did support the proposed Hastings precinct, there was also considerable support for a precinct in Somerville, particularly on the basis that it would be anchored by the approved Sealite factory development. There were also submissions that argued against any further industrial development in the Shire or raised concern about a precinct on the edge of the Somerville township, and these issues were considered by Council in adopting the *ILARS* report.

SUBMISSIONS

116. By the time exhibition of the Amendment closed, Council had received 114 total submissions, including (approximately):
- 116.1. 33 percent of submissions that fully support the Amendment;
 - 116.2. 54 percent of submissions that express opposition to the Amendment, either partially or fully; and
 - 116.3. 13 percent of submissions that are either broadly in support, or don't specifically object to, the Amendment, but request changes.
117. Council has since received once further submission in the form of a petition opposing the Amendment which contains 100 signatures.⁷³

CONSIDERATION OF SUBMISSIONS AND REFERRAL TO PANEL

118. On 25 February 2025, Council resolved to request appointment of an independent panel to consider the submissions and to refer all submissions (including late submissions) to the panel accordingly.
119. Council further resolved to endorse proposed changes to the exhibited explanatory report and Schedule 24 to the DPO in response to submissions, broadly encompassing the following changes:⁷⁴
- 119.1. amendments to Schedule 24 to the DPO to:

⁷² Planning Service Committee Minutes – 20 June 2022, 46.

⁷³ It is noted that a number of the signatories to the petition were also individual submitters to the Amendment.

⁷⁴ As set out in more detail within the Council Meeting Agenda – 25 February 2025, 27-29.

- 119.1.1 include additional conditions applicable to permits relating to bushfire protection;
 - 119.1.2 include an additional requirement that the development plan include an 'Intrusive Soil Contamination Assessment';
 - 119.1.3 modify the drafting relating to the requirement for an 'Ecological Assessment and Native Vegetation Management Plan' as part of the development plan;
 - 119.1.4 modify the drafting relating to the requirement for the 'Master Plan', specifically with reference to the entry point on Bungower Road, to now require consultation with the Department of Transport (as opposed to being 'to the satisfaction of' the Department);
 - 119.1.5 include, as part of the requirements for the 'Master Plan' that forms part of the development plan, additional requirements relating to bushfire protection;
 - 119.1.6 modify the drafting relating to the requirement for a 'Transport and Movement Plan' as part of the development plan, including as it relates to intersection treatment (including timing of signalling of the intersection) and accommodation of anticipated heavy vehicle traffic;
 - 119.1.7 modify the drafting relating to the requirement for a 'Landscape Plan' as part of the development plan;
 - 119.1.8 include an additional requirement that the development plan address matters relating to 'Major Pipeline Infrastructure';
 - 119.1.9 include, as part of the requirements for a 'Staging Plan' as part of the development plan, further matters relating to intersection and road infrastructure delivery;
 - 119.1.10 include, as part of the requirements for a 'Construction Environmental Management Plan', additional requirements for vegetation and environmental protection; and
 - 119.1.11 modification to the drafting of the matters that the Section 173 Agreement are required to include (including for timing of signalling of the intersection).
- 119.2. amendments to the content of the explanatory report, including to reflect the above changes and to include additional information regarding the views of relevant agencies.

RELEVANT SCHEME PROVISIONS⁷⁵

120. The updated explanatory report identifies the following clauses of the Planning Policy Framework as being of particular relevance to the Amendment:

120.1. Clause 11 Settlement

120.1.1 Clause 11.01 Victoria

- Clause 11.01S Settlement

120.1.2 Clause 11.02 Managing growth

- Clause 11.02-1S Supply of urban land

120.2. Clause 13 Environmental risks and amenity

120.2.1 Clause 13.02 Bushfire

- Clause 13.02-1S Bushfire planning

120.2.2 Clause 13.04 Soil degradation

- Clause 13.04-1S Contaminated and potentially contaminated land

120.3. Clause 17 Economic development

120.3.1 Clause 17.01 Employment

- Clause 17.01-1S Diversified economy
- Clause 17.01-1R Diversified economy – Metropolitan Melbourne
- Clause 17.01-2S Innovation and research

120.3.2 Clause 17.03 Industry

- Clause 17.03-1S Industrial Land Supply

120.4. Clause 18 Transport

120.4.1 Clause 18.01 Land use and transport

- Clause 18.01-1S Land use and transport integration
- Clause 18.01-3 Sustainable and safe transport

120.4.2 Clause 18.02 Movement networks

- Clause 18.02-1S Walking

⁷⁵ This section of the submission responds to direction 12(d)(ii) of the Directions.

- Clause 18.02-2S Cycling

120.5. Clause 19 Infrastructure

120.5.1 Clause 19.01 Energy

- Clause 19.01-3S Pipeline infrastructure

121. These provisions will be referred to as relevant throughout the subsequent arts of Council's submissions, including within its 'Part B' submissions.

RESPONSE TO MATTERS RAISED BY THE PANEL⁷⁶

IMPACT ON POLICIES RELATING TO THE PROTECTION OF GREEN WEDGE AND AGRICULTURAL LAND

122. Matters relating to the protection of green wedge and agricultural land arise through clause 11 (Settlement) and clause 14.01 (Agriculture) of the Planning Policy Framework. Broadly, they strive to recognise the importance of both green wedge and agricultural land and ensure that it is protected from development pressures.
123. It is important to note in the first instance that, whilst it may have been used for agricultural purposes for some time historically, the Subject Land has, at no time since the implementation of the 'new format' planning schemes, been subject to either agricultural, rural conservation or green wedge type zoning.
124. The Land has, for some time as noted in the earlier stages of these submissions, been identified as land to be held in reserve for the Port of Hastings. In more recent times, it has been recognised as 'regionally significant' industrial land.⁷⁷
125. Practically speaking, whilst the existing SUZ1 allows rural-type uses of land, it is made clear that this is on an interim basis only and that the 'ultimate' use of the land is not for such purposes. This is made clear enough through the relevant purpose of the SUZ1:
- To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.
126. Subsequently, the Land should not be considered to be part of the State's agricultural land supply and any proposed rezoning should not properly be held to result in a loss of agricultural land when the Land is considered through the lens of the applicable existing planning controls.
127. Whilst it could potentially be argued that the intervening recognition that the Land will no longer be required for use by the Port of Hastings that has occurred since implementation of the current planning controls means that the Land should be 'returned' to its historic agricultural use and 'put back' within the agricultural land supply, such arguments cannot be substantiated in light of:

⁷⁶ This section of the submission responds to direction 12(h) of the Directions.

⁷⁷ *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, August 2020) 95.

- 127.1. the historic (and current) recognition of the agricultural use of the SUZ1 as being for an interim period only;
 - 127.2. the historic (and current) overarching purpose of the SUZ1 which goes largely to the use of the land for industrial purposes (albeit in a more confined manner than what is now proposed);
 - 127.3. the lack of any identifiable strategic document or policy that contemplates the SUZ1 land as being part of, or giving back to, the State's agricultural land supply;
 - 127.4. the lack of any identifiable strategic document or policy that speaks to the need to consider re-zoning of the SUZ1 land for agricultural land uses; and
 - 127.5. the overwhelming policy thrust within recent years for the 'unlocking' of more industrial land in order to address anticipated shortfalls.
128. To the extent that it may have been contemplated that
129. Further, as previously noted, the Land is also within a dedicated 'carve out' from Melbourne's Urban Growth Boundary (**UGB**), whereby the entirety of the 'port-related uses' land is within the UGB. This brings with it two key starting propositions:
- 129.1. that the 'port-related uses' land is, at least on face value, okay to be subject to some growth pressures; and
 - 129.2. that the 'port-related uses' land does not have the benefit of high-level protection from growth pressures that results from being located outside of the UGB.
130. The location of the Land within the UGB is critical when considering the impact the rezoning could potentially have on green wedge land. The choice to include the Land (and surrounding 'port-related uses' land) within the UGB is a deliberate decision by the State, evidenced by the 'carve out' created for the 'port-related uses' land. When read in context with the current applicable planning controls that do not strive to assign or protect any green wedge value for the land, it evinces an intention that the Land is not to be treated as part of the State's 'green wedges'.
131. This goes hand in hand with the express recognition through many strategic plans and other documents that the Land can (and should) contribute to the State's industrial land supply and growth.
132. Ultimately, Council is of the view that the Amendment is not contrary to policy that relates to the protection of green wedge and agricultural land. At any rate, to the extent that it could be said to impact on such matters, any potential impact would be well outweighed by the benefit of the unlocking of additional industrial land.

IMPACT ON THE SOMERVILLE TOWNSHIP STRUCTURE PLAN

133. The Amendment is considered to be complimentary to the *Somerville Township Structure Plan* when regard is had to the context set out earlier within these submissions. Council considers this to be the case for three key reasons.
134. Firstly, the existing industrial area within the Somerville Township is anticipated to reached peak demand in the future and does not have the capacity for future expansion to rise to meet

further demand given that it is flanked by residential land to the south and the UGB to the north and east. Subsequently, any further supply of industrial land within or adjacent to Somerville in the future will have to be delivered in a new location.

135. Second, the *Somerville Township Structure Plan* expressively recognises that the 'Port of Hastings investigation area' provides opportunity for longer-term expansion of industrial land.⁷⁸ The realising of this is therefore consistent with what was contemplated within the *Structure Plan*.
136. Third, the Amendment proposes to achieve a different, more niche form of industry to the more generalised industrial estate that presently exists within the Somerville Township.
137. As it relates to matters of traffic impacts, these are addressed within the various technical assessments that were prepared by the Proponent in the early stages of the Amendment. These documents were further subject to a peer review commissioned by Council.⁷⁹
138. Matters of traffic will also be further explored through the 'Part B' submissions.

RELEVANT CHANGES TO CONTEXT

RELEVANT CHANGES TO THE STRATEGIC CONTEXT SINCE EXHIBITION⁸⁰

139. The earlier stages of these submissions outline the background and strategic context to the Amendment. Whilst there were significant policy developments in the lead up to exhibition of the Amendment, included post the adoption of the *ILARS*, the general strategic status quo has been largely retained since the exhibition of the Amendment.
140. If anything, the need for the identification and release of additional industrial land throughout the State – which represented the status quo of the relevant strategic context at the time of public exhibition – has been further strengthened in intervening years. This includes through the release of the *Economic Growth Statement* in December 2015 as outlined in the earlier stages of these submissions.
141. At a more specific level, one change to the strategic context that had perhaps been anticipated to occur following exhibition of the Amendment was the release of the updated Port of Hastings PDS. As flagged within the *2022 VCPS*, the updated PDS was anticipated to provide greater certainty around potential additional surplus land around the Port. However, the updated PDS has been delayed and is not anticipated to be delivered until late 2025.

RELEVANT RECENTLY APPROVED OR UPCOMING AMENDMENTS⁸¹

142. As it relates to the Planning Policy Framework, again the recognition of the need for further industrial land has been strengthened over recent years.
143. Generally coinciding with exhibition of the Amendment was the gazettal of Amendment VC215 on 3 March 2023, which gave effect to the *MICLUP*. This included by:

⁷⁸ *Somerville Township Structure Plan* (Mornington Peninsula Shire Council, June 2019), 10.

⁷⁹ Salt3, 2 April 2024.

⁸⁰ This section of the submission responds to direction 12(d)(iii) of the Directions.

⁸¹ This section of the submission responds to direction 12(j)(ii) of the Directions.

- 143.1. including the *MICLUP* as a policy document to be considered 'as relevant' under various policies;
 - 143.2. modifying policy at clause 13.07-1S Land use compatibility to require protection of all 'commercial, industrial and other employment generating uses' (as opposed to only *existing* commercial, industrial and other uses');
 - 143.3. modifying policy at clause 17.01-1R Diversified economy – Metropolitan Melbourne to include further policy support for '*diverse employment generating uses, including offices, innovation and creative industries*'; and
 - 143.4. introducing a new policy at clause 17.03-3R Regionally significant industrial land – Metropolitan Melbourne, which generally relates to the protection of regionally significant industrial land.
144. As it relates to industrial land and industrial land uses, a further more change since the exhibition of the Amendment is the gazettal of Amendment VC237 on 24 December 2024. Among other things, Amendment VC237 updated various policies within the Planning Policy Framework to refer to the new *Separation Distance Guidelines* (Environment Protection Authority, August 2024).⁸²
145. The earlier stages of these submissions also identify Amendment C294morn, which will seek to give effect to *ILARS* as it relates to the 'Hastings Precinct'. However, as noted, the amendment is yet to progress beyond the initial stages largely due to the privately led nature of the amendment.
146. Beyond this, there are no recently approved or upcoming amendments that might impact on the Amendment.

RELEVANT PERMITS / PERMIT APPLICATIONS⁸³

147. Of note within the surrounding area is Planning Permit P21/0463, which was granted by Council in 2022 for the subdivision of land within the existing industrial area within the Somerville Township (88 lots).
148. Beyond this, there are no permit applications or recently granted permits that would impact upon the Amendment.
149. For completeness, however, Council records indicate the following recently granted permits applicable to either the Subject Land or land within the immediately surrounding area:
- 149.1. Planning Permit P23/0617, issued by Council on 8 May 2023 for the installation of solar panels at 83 Bungower Road, Somerville (i.e. the smaller parcel of the Subject Land); and
 - 149.2. Planning Permit P23/2490, issued by Council on 5 August 2024 for the construction of a machinery shed at 59 Bungower Road, Somerville.

⁸² Such as clause 13.07-1S Land use compatibility.

⁸³ This section of the submission responds to direction 12(j)(iii) of the Directions.

SUBMISSIONS IN RESPONSE TO THE AMENDMENT⁸⁴

KEY ISSUES RAISED IN SUBMISSIONS

150. A detailed summary of, and response to, the submissions received in response to exhibition of the Amendment forms part of the agenda to the Council meeting held on 25 February 2025 (**Agenda**).
151. As identified within the Agenda, the key issues raised in submissions are summarised as relating to:⁸⁵
 - 151.1. **support for a new high-tech industry and business park;**
 - 151.2. **traffic and transport planning**, including:
 - 151.2.1 Bungower Road does not have the capacity to absorb the increase in traffic;
 - 151.2.2 increase in traffic and heavy vehicles travelling through Somerville's local streets;
 - 151.2.3 increased use of Lower Somerville Road; and
 - 151.2.4 lack of public transport to the Land;
 - 151.3. **the industrial zone is not appropriate for the Land**, including:
 - 151.3.1 the Land should be rezoned to Green Wedge or farming and not for industrial use.
 - 151.3.2 this precinct should be in Hastings – the preferred site in the *ILARS*;
 - 151.3.3 there is existing supply of industrial land in Somerville;
 - 151.3.4 the rezoning is premature as it should wait for review of all port land;
 - 151.3.5 regional demand for industrial land;
 - 151.3.6 suggested alternative locations for industrial use (Tyabb and Crib Point);
 - 151.3.7 potential for similar rezoning requests in SUZ2 if the Amendment is approved, which will change the character of Somerville; and
 - 151.3.8 the Land should be rezoned for residential use;
 - 151.4. **future uses in the precinct**, including:
 - 151.4.1 Sealite may not be the 'anchor tenant'; and
 - 151.4.2 control over types of industrial uses in the future;

⁸⁴ This section of the submission responds to direction 12(j)(i) of the Directions.

⁸⁵ Council Meeting Agenda – 25 February 2025, 21-23.

- 151.5. **impacts on surrounding residential and agricultural areas**, including:
- 151.5.1 potential adverse impacts of heavy industry - noise, dust, odour and heavy traffic;
 - 151.5.2 protection of green wedge values;
 - 151.5.3 inappropriate siting near a low-density residential area;
 - 151.5.4 negative impacts of tree removal on habitat for local species;
 - 151.5.5 where will new employees live given local housing shortage;
 - 151.5.6 potential for increase in local crime in the industrial precinct;
 - 151.5.7 will the new precinct provide job opportunities for locals; and
 - 151.5.8 the precinct will devalue nearby properties;
- 151.6. **development of the precinct**, including:
- 151.6.1 provision of open space and community facilities;
 - 151.6.2 management of and public access to the open space facilities and sports area;
 - 151.6.3 protection of the Thomas Brunning heritage homestead;
 - 151.6.4 impact on major oil pipeline through site;
 - 151.6.5 control of built form and heights;
 - 151.6.6 impact of security lighting on rural area;
 - 151.6.7 provision of landscape buffers;
 - 151.6.8 connection to sewer;
 - 151.6.9 stormwater management; and
 - 151.6.10 Environmentally Sustainable Design features.

COUNCIL'S RESPONSE TO SUBMISSIONS

152. As noted, the Agenda includes a detailed response submissions prepared by the relevant Council officers. This includes a response to both the key themes and each individual submission received.
153. Insofar as submissions that are considered to be 'resolved', as noted earlier within these submissions, Council has put forward a range of changes to the Amendment in response to submissions received during exhibition. These are predominantly in response to submissions received from agencies/statutory bodies.

154. The Agenda includes the following as it relates to these changes:⁸⁶

In response to issues raised in submissions, officers recommend some post-exhibition changes to the Amendment documentation. These changes relate to the issues of traffic management, fire hazard mitigation, native vegetation management, and conditions regarding the pipeline easement. Officers recommend that the proposed changes form part of Council's submission to the Panel as part of the next stage in the Amendment process (as discussed later in this report).

155. With relation to these changes relative to the submissions that they arose from, Council provides the following further commentary:

- 155.1. Submitter 44 (**Department of Energy, Environment and Climate Action**) – resulted in changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan;
- 155.2. Submitter 61 (**Viva Energy Australia**) – resulted in changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan;
- 155.3. Submitter 95 (**Esso Australia**) – resulted in changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan;
- 155.4. Submitter 110 (**Energy Safe Victoria**) – resulted in changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan;
- 155.5. Submitter 111 (**EPA Victoria**) – resulted in changes to the wording of the explanatory report and changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan;
- 155.6. Submitter 112 (**CFA**) – resulted in changes to clause 3.0 and clause 4.0 of Schedule 24 to the DPO as it relates to both conditions and requirements for permits and requirements for the development plans;
- 155.7. Submitter 113 (**Department of Transport and Planning**) – resulted in changes to clause 4.0 of Schedule 24 to the DPO as it relates to requirements for the development plan.

156. Of the above submissions, Submitter 112 (CFA) has advised in writing that it considers its submission to be resolved.⁸⁷ Despite this, Council has nonetheless referred Submission 112 to the Panel given the changes made to satisfy Submitter 112 were not part of the exhibited material.

157. Council will further respond to the matters raised in submissions, including from those who wish to be heard at the hearing, in its 'Part B' submission.

CONCLUSION

158. This concludes Council's 'Part A' submission.

⁸⁶ Ibid 27.

⁸⁷ Correspondence dated 20 November 2024.

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JACKSON LANE LEGAL

Jack Chiodo
Principal Town Planner

on behalf of the Planning Authority

23 April 2025