Planning Framework for Port Land and Buffer Areas
Submission by the City of Port Phillip
May 2010

1.0 Introduction

The City of Port Phillip welcomes the opportunity to make a submission to the Advisory Committee considering the planning framework for port land and buffer areas.

CoPP is seeking the following outcomes for the Port and the interface areas:

- Port activities and operations which are commercially and environmentally and socially sustainable.
- To minimise the impacts of port growth and related freight transport corridors on the local environment and on local communities.
- Implementation of an efficient road and rail freight network, which reduces the dependence on road freight, addresses road congestion, and redirects freight traffic away from residential areas.
- Development of a clear planning framework and explicit performance standards for the Port and environs which seek to:
  - protect the port operations from encroachment by sensitive land uses,
  - protect existing land uses in the environs of the port from adverse amenity and environmental impacts from port activities, and
  - provide greater certainty for local communities with respect to future port operations and growth, how impacts will be managed and establishes planning approval process that protect community interests.

2.0 Key messages

The following ‘themes’ relate across the topics discussed in detail within this submission, and are considered critical for the successful delivery of effective Port Buffers:

- The City of Port Phillip agrees in principle with the concept of a two way approach to managing land use change within the Port and its environs - protecting both existing and future port operations, and the safety, amenity and environmental qualities of surrounding communities. However the primary onus needs to be on Port land from where impacts are generated, and where opportunities for physical buffers exist.
- Much of the Port land abutting Port Phillip is undeveloped. Accordingly, there is a prime opportunity to ‘design in’ solutions along with expansion of the Port to ensure that these adequately prevent or ameliorate any impacts. Conversely, the land within Port Phillip which adjoins the port has well established use / development, leaving very limited potential for retrospective treatments ie extensive residential development in Garden City and Beacon Cove / the highly valued open space of Perc White Reserve.
- To progress interface planning for the port, the community needs certainty about what is proposed for Webb Dock. Council seeks information from the Port and State Government on the timing and the approval process for the Webb Dock development, in particular outlining how stakeholders can participate in the process.
- Land use and development plans for Webb Dock must be embedded in the Port of Melbourne Planning Scheme to provide certainty with respect to future expansion of the port, for both the community and the Port of Melbourne Corporation.

- Managing the impacts of Webb Dock expansion through:
  - A review of the full range of likely impacts from the proposed port development and a clear statement of the environmental and amenity standards to be met.
  - Specific controls in the Port of Melbourne Planning Scheme which ensure the construction of a landscaped visual and acoustic buffer.
  - A commitment from the State Government that the construction of Dockside Road will occur at a nominated and agreed point in the Port's expansion.
  - A commitment from the State Government that an investigation of the feasibility of the Webb Dock rail will be undertaken as an immediate priority and reported to the public.
  - The Advisory Committee highlighting the need for this essential infrastructure to the State Government and Port of Melbourne Corporation.
  - Rezoning Perc White Reserve to the Public Park and Recreation Zone and applying an Environmental Significance Overlay to reflect its current open space use and environmental values.

- Recognise that traffic impacts generated by the Port are an important planning consideration in relation to interface areas. Traffic considerations must therefore be clearly embedded in future planning controls / decision guidelines relating to land uses in the Port.

- Future management of the Port and interface areas must be multi-pronged and cannot solely rely on statutory planning controls. The solution also includes the development of clear environmental standards, development of the buffer, management and monitoring of traffic issues and development of key transport infrastructure.

### 3.0 Planning framework for port land and buffer areas

Council has reviewed the Discussion Paper prepared by the Advisory Committee and outlines below its recommended approach to developing a planning framework for both port land and the port environs.

#### 3.1 Statutory planning framework for the Port

Council considers the onus to address the potential amenity impacts of the future development of Webb Dock should be on the Port of Melbourne Corporation and the State Government – given much of the Port land abutting Port Phillip is undeveloped and that the adjoining areas of Garden City and Beacon Cove are already extensively developed for sensitive uses.

The Port of Melbourne Planning Scheme provides a major opportunity to manage the amenity impacts and provide certainty for the Port and the local community. Council is cognisant that planning controls for the Port itself need to provide an efficient and streamlined assessment process for projects identified in the port’s land use strategies, but they must also establish clear parameters / performance standards to prevent / address amenity and environmental impacts on the surrounding area.

**Principles**

Council submits that the following principles should be applied in developing a future planning framework for the port:

- Land use and development plans for Webb Dock must be embedded in planning controls to provide certainty for both the community and the Port.
- The community must have an ability to participate in the planning process for Webb Dock.
- The staged growth of the port must be linked to the construction of key transport infrastructure.
- Traffic impacts must be recognised as an important planning consideration in the interface areas and reflected as such in the design of planning controls / decision guidelines.
A landscape and acoustic buffer is enshrined in the Port of Melbourne Planning Scheme.

Tangible environmental and amenity standards are developed for Port operations to mitigate potential amenity impacts.

**Recommendations for Planning Controls on Port Land**

- Apply the proposed Port Zone to the Port of Melbourne. The purpose specific zone recognises the economic significance of the ports, the need to protect the ports from the encroachment of sensitive uses, the need to ensure the ports do not have unreasonable amenity and risk impacts on surrounding land uses and the need to protect environmental values. (The Port Zone is further discussed in Section 5.2.1.) This would provide a more comprehensive, effective and transparent control than the current ‘Special Use Zone’.

- Incorporate a land use and development strategy for Webb Dock into the planning scheme as an Incorporated Plan or Development Plan. The plan should provide details on:
  - The layout of existing and proposed buildings and works
  - Proposed uses on all parts of the land
  - Staging of the development
  - The location and timing of road and rail infrastructure
  - Traffic requirements both within and outside the site
  - Landscaping or other measures to address the interface with existing residential uses
  - Interim uses
  - The likely effects on the neighbourhood, including noise levels, air-borne emissions, emissions to land or water, traffic and light spill or glare.

The process to embed the land use and development strategy in the Port Planning Scheme should be through a planning scheme amendment which enables full public participation. Council considers that this process could then enable planning permits to issue without further notice or review where they are in accordance with the approved plan. In the event that development is not consistent with the approved plan, the planning framework must provide for further community involvement in the approvals process.

- Enshrine the buffer along the Todd Road boundary and details about its construction (eg planting, height, quality etc) in the planning scheme, through additions to the existing Design and Development Overlay 2 provision (see Section 4.2).

- Rezone Perc White Reserve to the Public Park and Recreation Zone and apply an Environmental Significance Overlay to reflect its current open space use and environmental values (see Section 4.5).

- Ensure tangible performance standards to address air emissions, noise emissions from the port, road traffic noise, light spill and stormwater runoff that are clear to the community are embedded in planning provisions (or via other statutory mechanisms) and are regularly monitored, reported and enforced (refer to Section 4.1).

**3.2 Planning / Management Framework for Port Environs**

The planning and management of the ‘interface’ between the port and neighbouring areas is crucial. Because much of the Port land abutting Port Phillip is currently undeveloped, there is an opportunity and an onus to ‘design in’ solutions on Port land and ensure that these adequately prevent or ameliorate any impacts.

The retrospective introduction of planning controls on private land adjoining the port will not be effective given the established nature of land use and development these areas. Other approaches to management are necessary.

**Principles**

- Given the close proximity and the potential amenity impacts of the Webb Dock development on Garden City residents, future planning and management solutions must recognise Garden City as an area requiring appropriate protection.
Similarly Beacon Cove, affected by operations at Station Pier, must also be clearly identified as a port environs area that requires an effective interface treatment.

- The final boundaries of the interface areas should be defined in consultation with the council and community and should reflect the extent of amenity impacts.
- Council considers the primary onus needs to be on Port land from where impacts are generated, and where opportunities for physical buffers exist.
- Traffic and freight impacts, including noise, vibration, exhaust emissions and light spill are significant concerns for the community. The onus must be on the Port (as the generator of traffic) via appropriate planning controls to ensure increased amenity impacts do not result from the intensification of port operations.
- Potential buyers in the ‘Port Environs Areas’ should be alerted to the current and potential off-site impacts generated by the Port.

Planning mechanisms

- The application of a Port Environs Area Overlay or Design and Development Overlay is not supported for Garden City or Beacon Cove. Given that residential development is well established within both Garden City and Beacon Cove with little opportunity for future increases in housing density, there is little benefit in applying a planning scheme control to protect the port from the encroachment sensitive uses or to control the nature of development.
- No changes to zones within the City of Port Phillip to protect the port from the encroachment of sensitive uses are considered necessary.
- Changes to Port Phillip’s Planning Scheme to more explicitly recognise the importance of the Port and the management of the interface areas at Garden City and Beacon Cove are in progress through Amendment C62 to the Port Phillip Planning Scheme. The Discussion Paper found that the current Port Phillip Planning Scheme contains few references to the Port of Melbourne. Council’s revised Local Planning Policy Framework recently exhibited as Amendment C62 acknowledges the port and seeks to manage interface issues. Further review of the policy is expected to occur through the submission and panel process (see Section 5.3.1).
- Council supports the concept of a ‘notice of potential detriment’ highlighted in the Discussion Paper. The notice would alert potential buyers in Garden City and Beacon Cove to the potential nuisance from the Port. This should not, however, be seen as a diminution of the responsibility of the Port to manage and minimise its off-site impacts.

Webb Dock and Garden City

- Council considers that traffic and freight issues should continue to be addressed by the Port and State Government. Council supports the Government’s designation of Environmental Freight Zones (EFZ). The Government will work with industry to support and encourage best practice operating standards as well as monitoring noise and air quality and also the impacts such as engine braking and backing related noise. Council considers the EFZs should not just be a monitoring exercise – clear and measurable standards to be achieved should be put in place.
- Council also supports other State Government programs such as investment in the Principal Freight Network and increased use of the next generation of freight vehicles (HPFVs - High Productivity Freight Vehicles) as means of reducing the impacts of freight.

Station Pier and Beacon Cove

- In relation to Station Pier, Council will continue to work with the Port of Melbourne Corporation and Beacon Cove community through the joint working group to improve traffic access and circulation and parking, enable the effective and efficient operation of cruise ships and the Spirit of Tasmania including TT–line freight yard and develop an active and attractive waterfront, tourism and recreational precinct for the local community and visitors.
4.0 Interface issues in Port Phillip

In its preliminary submission, Council identified a number of interface issues of concern to the community. Council has reviewed the Committee’s discussion in response to these issues.

Council notes it has raised a number of issues that the Committee considers outside its Terms of Reference. However these essential issues should be addressed by the State Government and Port of Melbourne Corporation.

4.1 Air quality, water runoff, light and noise emissions from the port

Issues identified in preliminary submission

Council, in its preliminary submission, identified the impacts of air quality, water runoff, light spill and noise emissions from the Port operations as key community concerns.

Council’s submission identified that the Webb Dock Environmental Effects Statement and Webb Dock Environmental Management Plan were approved by the Minister for Planning in 1999. A review of the standards and solutions is required.

The Port of Melbourne Corporation must be specific about the full range of likely impacts from the proposed port development and the obligations to prevent or ameliorate these impacts. Council considers that there is a need for tangible standards and solutions that are clear to the community and that are regularly monitored and reported.

Committee’s response

The Committee identified that in Webb Dock there is a significant opportunity for the PoMC to identify the full range of amenity impacts in the planning and development stage. Appropriate measures preferably with tangible performance standards should be developed to mitigate potential amenity impacts. In the Committee’s view, “improving environmental performance of the ports should be the starting point for interface planning particularly given that the ports operate to some, albeit varying, degree in existing urban environments.”

Council response and outcomes sought

- Council strongly supports the Committee’s view that defining and improving environmental performance standards should be the starting point of interface planning. Council wishes to see this view reflected in the Committee’s final report.
- The Port of Melbourne Corporation (PoMC) needs to be specific about the full range of likely impacts from the proposed Port development.
- Council seeks the development of tangible performance standards to address air emissions, noise emissions from the port, road traffic noise, light spill and stormwater runoff that are clear to the community and are regularly monitored and reported. Responsibility for ensuring the standards are met must be clearly defined.
- In particular, Council is seeking a commitment from the Port and State Government to confirm a process to assess and review the current environment standards for the Webb Dock development. Council is seeking clarification whether the ESS or EMP will be reviewed for Webb Dock.

4.2 Visual amenity and landscape buffers

Issues raised in preliminary submission

The landscaped buffer and acoustic wall on Port of Melbourne land along Todd Road is essential to ameliorate the off-site impacts of the port activities.

At present, the buffers are shown on the Webb Dock Conceptual Development Plan in the Port of Melbourne Planning Scheme. Council considers it is essential the buffer and details about its construction (eg planting, height, quality etc) is incorporated into Design and Development Overlay 2 provisions in the Port of Melbourne Planning Scheme.
Committee’s response

The Committee supports Council comments that the landscape buffer along Todd Road provides a significant opportunity to address potential adverse amenity impacts. However the nature of the buffer and the timing of its development are matters that need to be considered as part of the assessment process for the Webb Dock development.

The Committee also identifies that it does not have a role in reviewing the provisions of the Port of Melbourne Planning Scheme and made no comment about the inclusion of the buffer in DDO2.

Council response and outcomes sought

- Council considers that the Port of Melbourne Planning Scheme provides a major opportunity to manage the amenity impacts. Council considers it is essential that DDO2 in the Port of Melbourne Planning Scheme enshrines the buffer and provides specific details about its construction standards re: planting, height, quality.
- All buffers should be designed, constructed and maintained fit for purpose.
- Planting must commence well ahead of development to ensure it is well established before development commences.
- While Council considers that details of the buffer should be enshrined in the Port of Melbourne Planning Scheme, it is acknowledged that the detailed design of the buffer cannot be progressed until the plans for the development of Webb Dock have been finalised.
- Council seeks clarification from the Port and State Government as to the timing and the approval process for the Webb Dock development, in particular how stakeholders can participate in the process.

4.3 Port expansion to be supported by rail infrastructure

Issues raised in preliminary submission

The Port and State Government are proposing to bring forward the terminal capacity at Webb Dock of up to one million TEU (Twenty-foot Equivalent Unit). However the Webb Dock Rail link is not considered viable as part of this initial development and will be considered as part of the second stage.

There are strong concerns that the delay in the rail link will result in increased truck movements impacting on the Port Melbourne community.

The proposed Webb Dock Rail Link on its existing reservation passes through the bike/walking link from Sandridge Beach through Westgate Park to the Yarra River. Council wishes to ensure that the route of the rail link maintains this important pedestrian / cycle route through to the Yarra River.

Committee’s response

The Committee considered that strategic transport links such as rail infrastructure extended beyond statutory planning processes and are beyond the scope of the Committee’s enquiry. However in the Committee’s opinion they are matters to which the Government could direct its attention in appropriate forums in the future.

Council response and outcomes sought

- Council wishes to see the Committee, in its final report, highlight its view that transport infrastructure is an essential matter for the Port and State Government to consider in the development of the port.
- A commitment is sought from the State Government that an investigation of the feasibility of the Webb Dock rail will be undertaken as an immediate priority and reported to the public. The outcomes of this feasibility are crucial to inform planning for Port growth and related infrastructure projects.
- Council has significant concerns that a delay in the rail link or a failure to construct it will result in increased noise, vibration etc. The planning for and amelioration of the impacts of road infrastructure including Dockside Road, therefore becomes imperative.
4.4 Traffic management

Issues raised in preliminary submission

Council considers that the present level of traffic along routes such as Williamstown Road has adverse impacts on the community and residential amenity.

The initial development of Webb Dock (up to one million TEU) is proposed to be serviced by the existing road network. Council is concerned this will result in more freight traffic in Todd and Williamstown Roads – affecting the Garden City community.

In the longer term, Council understands that Dockside Road within the Port will be extended, both north and south of Williamstown Road, as a key transport project. The City of Port Phillip strongly supports the construction of new road connections for freight traffic. These roads will reduce port traffic use of Williamstown Road, address road congestion and minimise intrusion of freight traffic into residential areas and the Perc White Reserve/Sandridge Beach recreational precinct.

The impact of these roads on the community however, needs to be managed. The realignment of Dockside Road, south of Williamstown Road will be a significant source of noise, vibration, exhaust emissions and light spill. CoPP is concerned about the potential adverse off-site impacts. Substantial acoustic fencing with landscaped treatment is required along this boundary.

Council’s preliminary submission also raised traffic management is also an issue in relation to Station Pier. The predominant traffic issue relates to the significant queuing for the Spirit of Tasmania. The queuing interrupts the use of the local road network for residents, the general public, restaurant patrons and emergency vehicles needing to access Waterfront Place. Access by large trucks to the freight yard causes also congestion on the local road network. The situation is exacerbated by the growth in cruise ship visitation at Station Pier over the summer cruise ship season. Parking supply and management is also an issue.

Committee’s response

The Committee, in its Discussion Paper, acknowledges that such impacts could be more significant for many local residents than other amenity impacts from port or port-related activities. However the Committee notes that road and transport matters are regulated by State policies and controls other than the statutory planning framework. The Committee highlights it as an issue to which Government should turn its attention in appropriate forums in the future.

The Committee also identified it may be possible to mitigate the impacts of traffic noise by applying a planning overlay along transport corridors. For example, DDO1 in the Hume Planning Scheme requires development to be designed to minimise the impact of traffic noise on noise sensitive activities. Council considers the application of a noise attenuation overlay is not practical in the cases of Garden City and Beacon Cove – given both areas are already developed.

In relation to traffic and transport issues, the Committee notes that “there is little prospect that port-related traffic will have a significant impact on Garden City”.

The Committee recognised there are significant traffic issues associated with the Station Pier. However the Committee considers that traffic congestion issues are an operational matter for Council rather than an issue that can be addressed through statutory planning. Accordingly the Committee does not consider it has a role to play in addressing such issues.

Council response and outcomes sought

- Council does not support the Committee’s view that there is little prospect that port-related traffic will have a significant impact on Garden City. Council seeks clarification of this position and the background to it. Council acknowledges that a number of works are planned to address adverse traffic impacts in the wider area. However it is unclear how these works will ameliorate the impacts of existing Williamstown Road traffic on local residents and improve traffic conditions in Port Melbourne.

- Council strongly supports the Committee’s view that the State Government and Port should address road traffic and freight issues. However Council does not share the Committee’s views that road traffic impacts are not a statutory planning matter.
Traffic impacts are considered in planning policy, planning permit applications and planning scheme amendments. The Industrial 1, 2 and 3 Zones and the Committee’s proposed Port Zone include the consideration of traffic impacts. The Draft Port Zone requires “a report indicating the hourly and daily volumes of traffic, by vehicle type and the capacity and suitability of the road network to accommodate the anticipated volumes. This report should also include details of any mitigating works required to achieve the required capacity.” Traffic impacts must be recognised as an important planning consideration in the interface areas and reflected as such in the design of planning controls / decision guidelines.

- Council is seeking a reduction in the volume of trucks using Williamstown Road to reduce the adverse impacts on the Garden City community.
- Council restates its strong support for the construction of Dockside Road and appropriate buffering. Council seeks a firm commitment from the State Government that this and other road infrastructure projects will be constructed as part of the initial expansion of Webb Dock.
- Once Dockside Road is constructed, discontinuing Williamstown Road where it enters Port land is essential.
- A short term solution for traffic issues in the vicinity of the Port would be to improve the capacity of the roundabout near Westgate Park. This would reduce the queuing of trucks and other traffic using the entry and exit ramps for Westgate Freeway.
- Since 2008, Council and Port of Melbourne Corporation have been working together in a joint working group. This work is guided by the Port Melbourne Waterfront Revitalisation Report (2005) endorsed by the Minister for Planning and Council. The working group is seeking to improve traffic access and circulation, ensure adequate and convenient car parking, improve pedestrian movement and ensure the effective and efficient operation of cruise ships and the Spirit of Tasmania including TT–line freight yard.
- Council has begun a planning process with the community, PoMC and key stakeholders to develop an Urban Design Framework (UDF) for the Port Melbourne Waterfront to provide a basis for future decision making. The UDF will address access and movement.

4.5 Protection of the foreshore, Perc White Reserve and Webb Dock Trail

Issues raised in preliminary submission

Perc White Reserve and Sandridge Beach recreational precinct is highly valued by the local community. The Reserve contains foreshore grassland which is remnant of the original vegetation and is of regional significance.

Port operations have the potential to impact on the amenity and environmental values of the reserve and the recreational precinct.

The planning controls on the reserve do not adequately reflect its use, or protect its amenity and environmental values. The reserve is zoned Special Use Zone 1 (SUZ1) which is not an appropriate planning mechanism to protect regionally significant vegetation.

There are also concerns about the possible loss of the Webb Dock Trail through future development. These trails are highly valued by the Port Phillip and wider community. It is unclear whether the trail will be maintained.

Committee’s response

The Committee did not address the foreshore, Perc White Reserve or Webb Dock Trail in the Discussion Paper.

Council response and outcomes sought

- Given the current SUZ zoning for Perc White Reserve does not reflect the use or environmental values, Council seeks the Committee’s broad support for the reserve to be zoned PPRZ with an Environmental Significance Overlay.
- Council is seeking clarity in the location of cycle and pedestrian trails around the Port and assurance that public access to the Webb Dock cycle and pedestrian trail is maintained.
4.6 Non-port related development in the Station Pier Precinct

Issues raised in preliminary submission

The Discussion Paper identifies that the Port has concerns relating to the future intensification of non-port-related development in the Station Pier precinct. The Port considers this should be balanced with the current and future operations of Station Pier for cruise ships and the Tasmanian ferry service. Council did not identify this issue in its initial submission.

Committee’s response

The Committee notes that such an expectation appears to conflict with other planning objectives that has seen the development of Beacon Cove with a mix of high and medium density dwellings.

The Committee is seeking views on how future intensification of non-port-related development in the Station Pier precinct could be appropriately balanced with the current and future operations of Station Pier for cruise ships and the Tasmanian ferry service.

Council response and outcomes sought

- It is unclear from the Discussion Paper whether the Port’s concern with incompatible uses relates to restaurants and other tourism related uses adjacent to Station Pier or the proposed development in Waterfront Place. This requires clarification.
- As identified in Section 4.4 - Traffic Management, Council is working with the Port of Melbourne Corporation, the community and other stakeholders to develop an Urban Design Framework. This Framework will address the issues of land use and built form.

5.0 Changes to the Statutory Planning Framework

The Committee has explored a number of changes to the statutory planning framework including:

- Identifying improvements that could be made to the State Planning Policy Framework (SPPF) to strengthen the provisions relating to the role of ports in Victoria;
- Identifying improvements that could be made to some of the local planning policies of municipal planning schemes;
- Developing a Port Zone that could be considered for the Port of Melbourne;
- Developing a Port Environs Overlay and/or Design and Development Overlay to apply to the interface areas;
- Exploring mechanisms to integrate the port’s land use strategies with the planning framework; and
- Considering whether the notice or referral of applications in the interface areas should be required to the relevant port manager.

5.1 State Planning Policy Framework (SPPF)

The Committee identifies that the SPPF could be enhanced by acknowledging the importance of the future growth and development of the port as well as recognising the need for a two-way consideration of interface issues between the port and its environs. The City of Port Phillip agrees in principle with this approach, however the primary onus needs to be on Port land from where impacts are generated, and where opportunities for physical buffers exist.

In terms of the revised SPPF (recently released by the Department of Planning and Community Development for consultation), Council considers the strategies under Clause 18.06-2 do not acknowledge the amenity impacts on surrounding communities (eg noise and vibration from port operations and traffic as well as light spill.) The SPPF should also be clear about requiring the Port and port activities to meet specified environmental standards.
In revised Clause 18.08 Freight, only two strategies relate to freight routes. The first strategy, which seeks to improve the freight and logistics network, is vague and generic. The management of the impacts of freight is not addressed. The SPPF should include a strategy to “minimise the impacts of freight on the local road network”.

The Committee also proposes to reference key port documents in the SPPF. Council supports this view. The current SPPF and revised consultation version do not reflect some key State Government strategies such as the Victorian Transport Plan, Freight Futures and Port Futures.

5.2 Changes to the Port of Melbourne Planning Scheme

5.2.1 Port Zone

The Discussion Paper proposes the development of a purpose-specific Port Zone which would replace the current Special Use Zone. The Port Zone has been designed to apply to Ports of Hastings, Portland and Geelong, however the Committee suggests it may be applicable to the Port of Melbourne. The City of Port Phillip strongly supports the concept of a Port Zone and its application to the Port of Melbourne.

The proposed Port Zone has broader objectives (purposes) in comparison to the current Special Use Zone. In particular, the City of Port Phillip supports the Committee’s inclusion of the following purposes in the Zone:

- To provide for the development of a port in a manner which does not pose any unacceptable risk to the safety of local communities.
- To provide for development which does not unreasonably impact on the amenity of neighbouring land uses.
- To protect the environmental values of the port’s adjacent coastline and waters.

The application requirements (in comparison to the Port of Melbourne Special Use Zone) have also been expanded and include a requirement for a report detailing traffic impacts. This addition is strongly supported and is consistent with the decision guidelines in the industrial zones.

5.2.2 Integration of port strategic plans into the statutory planning framework

One of the issues raised in the Discussion Paper is the need for more effective integration of the port land use strategies and the statutory planning framework. The Committee has suggested incorporating the Port’s strategic plans as either Incorporated Documents or Development Plans into the planning scheme. This would allow development to proceed in accordance with the approved plan without public notice or appeal (depending on the mechanism selected).

The Discussion Paper highlighted that stakeholders consider that the existing port strategic land use plans do not provide sufficient detail for them to be considered as Incorporated Documents or Development Plans for inclusion into the planning scheme.

As highlighted in Section 3.1, Council supports embedding land use and development plans for Webb Dock in planning controls. This will assist in providing certainty for the Port itself and the community. However Council considers the Port Development Strategy Vision 2035 (August 2009) currently does not provide enough detail on the Webb Dock development to fulfil this function.

Council notes one suggested mechanism is the use of the Development Plan Overlay. A specific concern with the use of the Development Plan Overlay is the lack of formal notice. Council notes that in its draft schedule, the Committee has built-in informal consultation. Given the scale of port development, 14 days to consider a development plan is too short. A minimum of 28 days is suggested.

It is also suggested that the Development Plan Overlay Schedule should require the consideration of amenity impacts such as lighting and noise and vibration from the port. The management of stormwater should also be addressed.
Council would favour the use of the Incorporated Plan Overlay or a clause similar to those in the Public Park and Recreation Zone that enable use and development to occur where it is in accordance with an incorporated document.

5.3 Proposals for the Port Phillip Planning Scheme

5.3.1 Local Planning Policy Framework

The Discussion Paper found that the Port Phillip Planning Scheme contains few references to the Port of Melbourne. However, Clause 21.03-1 identifies that a key issue for the municipality is increased traffic in residential areas from the impact of Webb Dock.

Council has recently exhibited a revised Local Planning Policy Framework (LPPF) through Amendment C62. This version of the LPPF includes a broad range of strategies addressing the Port and the interface areas.

The vision in the revised Municipal Strategic Statement (MSS) is to: “Ensure that the viable and efficient operation of the Port of Melbourne (and associated freight corridors) occurs in a sustainable manner, which includes minimising the potential environmental and amenity impacts on the local area and its communities.”

Clause 21.04-4 Industry – seeks to “minimise the impacts of Port Growth and related freight transport corridors on the local environment and local communities.” Strategies are to:

3.1 Implement an efficient road and rail freight network which reduces the dependence on road freight, addresses road congestion and redirects freight traffic away from residential areas.

3.2 Enhance road freight access from Webb Dock to the Westgate Freeway via improvements to Todd Road and implementation of the Plummer Street bypass.

3.3 Seek to establish buffer areas around the Port to protect the amenity at the Garden City residential interface.

In terms of residential development in the interface areas, both Garden City and Beacon Cove are identified as established residential areas where medium density housing is discouraged. Beacon Cove is identified as a Limited Change Area – a residential area (outside a Heritage Overlay) which has a consistent neighbourhood character, or areas which do not offer proximity to a major activity centre or the fixed rail Principle Public Transport Network. Garden City is a Minimal Change Area – an established residential area within a Heritage Overlay where new development will be minimised in order to retain recognised heritage values.

The neighbourhood Clause 21.06-4 Port Melbourne and Garden City also contains a number of specific objectives and strategies relating to Garden City and Beacon Cove.

In relation to the residential properties in Garden City, strategies are to:

6.4.1 Manage the interface of residential development in Garden City with future development in Webb Dock.

6.4.2 Discourage access to properties in Garden City from Todd Road.

In the Beacon Cove Commercial Area, strategies are to:

6.4.3 Encourage new tourism, recreation and entertainment uses abutting the foreshore.

6.4.4 Ensure that access and use of public areas do not prejudice the development of Station Pier and its industrial service area, or the development of civic space and provision of visitor facilities and services.

6.4.5 Ensure the traffic impacts associated with the development of Waterfront Place and growth in visitation numbers to Station Pier are considered.
6.4.6  Manage the residential interface in Beacon Cove with future development along the foreshore, including Princes Pier, to minimise conflicts.

6.4.7  Require port related development on the foreshore, relating to Princes Pier and Station Pier, to consider impacts on nearby foreshore activities and surrounding areas.

6.4.8  Encourage ferries and boats to provide visitor transportation to area.

Submissions to Amendment C62 closed on 12 April 2010 and the Port of Melbourne Corporation has made a submission. The Port submitted that Clause 21.04-4 Industry should acknowledge the two-way buffer concept.

The Port also raised concerns about the types of uses encouraged on the Industrial 3 Zone land fronting Williamstown Road adjacent to the proposed Webb Dock expansion. The Port considers that the encouragement of new office and associated commercial uses and light industrial / service businesses and warehousing will raise amenity expectations.

The City of Port Phillip considers that offices and associated commercial uses and light industrial / service businesses are appropriate land uses for this land. Council notes that these uses are less sensitive and have lower amenity expectations than existing residential development in Garden City that abuts the Port. Council also notes that in the case of the office uses in the City of Melbourne, the Advisory Committee did not share the Port’s concerns.

The Port also submitted that the MSS should acknowledge both the tourism and Bass Straight transport, loading and storage role of Station Pier. It emphasised the concept of the two way buffer requiring development on the foreshore to consider impacts on transportation and access to Station Pier. Land uses, access and public areas should not prejudice the continued operation of Station Pier and its industrial service area.

5.3.2 Port Environs Overlay or Design and Development Overlay

The concept of an overlay to address interface issues is supported in principle. However it would have limited applicability in the City of Port Phillip. Council concurs with the views of the Committee which considered that additional planning controls designed to restrict uses to protect the port from the encroachment of sensitive uses or control the nature of built form to reduce potential amenity impacts from port activities will not have any significant benefit in addressing amenity concerns for the Webb Dock / Garden City interface.

Council notes that the Port Environs Overlay, with its objectives of protecting sensitive uses from port generated noise through noise attenuation while seeking to limit the number of people who will be exposed to noise, is more applicable to undeveloped land (greenfields or brownfields).

An issue for both the Port Environs Overlay and Design and Development Overlay is the definition of sensitive uses. The concept of sensitive uses in relation to the port needs further exploration. It is evident that residential development, child care centres, educational establishments and hospitals constitute sensitive uses. However it is unclear whether offices, cafes and shops should be considered sensitive. In relation to offices, Council notes that in the context of Fishermans Bend in the City of Melbourne, the Committee does not share the Port of Melbourne Corporation’s concerns that offices are a sensitive use and raise amenity expectations.

A further challenge for both overlays is defining the noise levels to which the noise attenuation measures are to be designed.

5.3.3 Boundaries of the port environs

The Committee is seeking comments on what areas should be included in the ‘port environs’ and how this should be determined. The Committee has suggested the key interface areas should be included in the port environs on a case by case basis in preference to a more arbitrary approach that would delineate a certain distance from the port boundaries.
The Committee considered that an arbitrary approach may not be justified given the significant variation in the nature of activities occurring within different parts of each of the ports and the diversity of surrounding land uses and development. In addition, an arbitrary approach may capture uses that are compatible with port activities and do not require a buffer.

Council supports the tailored approach to defining the port environs. Council notes that the Committee supported the inclusion of Garden City within the Port Environs. However it was not clear whether Beacon Cove is included. Council submits that it should be included for the same reasons as Garden City.

It is unclear whether the Committee is seeking comments on the specific boundaries for the interface areas and whether these are the area shown as Interface Precinct Investigation Areas on the map. It is unclear how the Interface Precinct Investigation Areas boundaries were arrived at. Council considers that the area should be based on the extent of amenity and environmental impacts.

5.4 Process - Notice of applications

Council notes that the Committee has considered whether the notice or referral of applications in the identified port environs to the port manager should be required in the various interface areas. Council concurs with the Committee’s finding that this is unnecessary in the City of Port Phillip, given Port Phillip’s existing controls and development and the Committee’s conclusion that additional planning controls were unnecessary.

Council is however seeking assurances that developments within the port will be referred to Council for comment. In the Port of Melbourne Planning Scheme, pursuant to the Special Use Zone (the zone which applies to land adjoining the City of Port Phillip), most land uses envisaged for Webb Dock will not trigger a planning permit. DDO2 which also affects Webb Dock only requires the notice of applications for a limited range of buildings and works where they are located within 30 metres of a residential zone. In reality, the width of Todd Road and the buffer means that residents in Garden City will not be given notice on development proposals in the Port.

Section 521(b) of the Planning and Environment Act 1987 requires that notice of an application be given “to a municipal council, if the application applies to or may materially affect land within its municipal district”. However given the limited permit triggers in the Port of Melbourne Planning Scheme, the City of Port Phillip is unlikely to be formally notified of development.

Given the potential impacts that the future development of Webb Dock will have on the adjoining community, the City of Port Phillip seeks an assurance that it will be formally notified when significant development is mooted for Webb Dock.

5.6 Additional issues

5.6.1 Municipal and Port boundaries

Station Pier is covered by a Comprehensive Development Zone and Industrial 3 Zone, and is included in the Port Phillip Planning Scheme. The Pier is however declared land under the management of the PoMC. Consideration should be given to whether it should be included in the Port Phillip Planning Scheme or Port of Melbourne Planning Scheme, and also the appropriateness of the zoning.

The Panel considering the New Format Planning Scheme for the Port recommended the Port Corporation and DPCD should resolve this issue with Council and include it as further work in the Port Strategic Statement. This work has not progressed.
5.6.2 Container storage in Industrial 1 Zone

A further concern is the visual impact of container storage on industrial land adjoining the Port. The stacking of storage containers up to six storeys (15.6 metres) in height is an as of right use in the Industrial 1 Zone. Container stacks of seven storeys triggers a permit.

It is inconsistent that DDO2 within the Port of Melbourne Planning Scheme limits the height of containers to 12 and 15 metres (4 and 5 storeys) (depending on the location) whereas stacks of 6 storeys (15.6 metres) are permitted ‘as of right’ outside the Port.

6.0 Conclusion

The City of Port Phillip looks forward to the consideration of the issues and outcomes identified in this submission by the Advisory Committee.

Whilst all outcomes outlined in this submission are considered important, of highest priority to Port Phillip are:

1. Details from the Port and State Government on the timing and the approval process for the Webb Dock development, in particular outlining how stakeholders can participate in the process.
2. Land use and development plans for Webb Dock are embedded in the Port of Melbourne planning controls to provide certainty with respect to future expansion of the port, for both the community and the Port of Melbourne Corporation (including an appropriate zoning for Perc White Reserve).
3. A review of the full range of likely impacts from the proposed port development and a clear statement of the environmental and amenity standards to be met.
4. Specific controls in the Port of Melbourne Planning Scheme which ensure the construction of a high quality landscaped visual and acoustic buffer.
5. A commitment from the State Government that the construction of Dockside Road will occur at a nominated and agreed point in the Port’s expansion.
6. A commitment from the State Government that an investigation of the feasibility of the Webb Dock rail will be undertaken as an immediate priority, reported to the public and considered as part of the future planning for the Port and associated infrastructure.

Council welcomes the opportunity to present this submission to the Advisory Committee at a hearing.