



Port of Melbourne Corporation

November 2009

Port Environs Planning Framework



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1 Introduction

1.1 Purpose of the *Port Environs Planning Framework*

The *Port Environs Planning Framework* (PEPF) seeks to balance the needs of a working port with community expectations of amenity, environment, recreation and open space opportunities, and safety. It aims to protect both the interests of the Port of Melbourne (the Port) and its vital role in the Victorian economy, as well as local communities that are its immediate neighbours, including the values of the natural environment in which they are located.

The PEPF has been prepared with input from an inter-department committee chaired by the Department of Transport (DOT). It has included consultation with local government and the community including the preparation of working papers for the four councils of the cities adjoining the Port of Melbourne.

The Government supports major infrastructure initiatives for the port to maintain and increase its operational efficiency, and this is clearly expressed in a range of high level policy statements including the recently released *Victorian Transport Plan* (2008,) *Freight Futures: Victorian Network Strategy* (2008) and *Port Futures* (2009). As a priority, *Freight Futures* identifies the need for proactive land use planning – planning for future port and freight and their land use requirements, including buffering strategies. *Port Futures* provides recommendations for protecting the Port of Melbourne and a process for consideration and adoption of the PEPF.

Strategic land use planning for longer-term development of the Port of Melbourne has been underway since 2002. The PEPF forms part of this approach. The Framework will identify effective land use planning policies and controls that will provide protection and buffering for the Port of Melbourne and minimise potential for land use conflicts at its interface with surrounding communities in the four municipalities of Melbourne, Port Phillip, Hobsons Bay and Maribyrnong. The PEPF makes a series of recommendations for changes to the planning system to be implemented at a State and local level as well as by the Port of Melbourne Corporation (PoMC). Further detail is provided in the *Port Environs Planning Framework Background Report 2009*.

1.2 Port of Melbourne

The Port of Melbourne is the critical focus of south-eastern Australia's import and export links with the rest of the world. Its location within a broader freight transport logistics system and its established infrastructure provide many unique advantages. It is Australia's premier container port and ranks in the top fifty container ports in the world, having handled 2.2 million TEU (twenty-foot equivalent unit/containers) in 2008-09. The port handles more than 3,400 commercial ship calls each year and provides access to more than 300 ports of call across the globe. The port contributes some \$2.2 billion annually to the Victorian economy and is directly linked to more than 13,700 jobs across metropolitan Melbourne and regional Victoria.

The Victorian Government's economic, transport, logistics, land use and planning policies recognise the Port of Melbourne as the leading freight and logistics hub in Australia and the role it plays in the Victorian and Australian economies.

1.3 Sustaining port operations in urban environments

The Port of Melbourne is one of Australia's oldest city ports, located centrally in an established metropolitan area. Figure 1 shows the location of the port in proximity to the Cities of Melbourne, Port Phillip, Maribyrnong and Hobsons Bay and Figure 2 shows the Long Term Vision Concept Plan for the port included in the *Port Development Strategy* (2009).

Urban growth and development is increasingly placing pressure on ports with an inner city location. Changing social and environmental expectations of neighbouring communities has the potential to affect port operations and future development plans whilst the desirability of waterfront land for residential and office uses is intensifying. Land use challenges around the Port have become evident over the last decade in Yarraville and Footscray, Garden City and Beacon Cove, Docklands, Footscray, Fishermans Bend and Williamstown.

The issues of safety, noise, air and light emissions from activities associated with the port can potentially affect adjoining areas and may be inconsistent with their land use expectations. Complaints resulting from actual impacts or unmet amenity expectations from residents and businesses can lead to curfews on both port operations and on transport movements that support them. This in turn increases the cost of international trade, reduces the competitiveness of the port and diminishes the wider benefits to Victoria and Australia.

The land use planning policies and controls under the PEPF would minimise the incidence of safety, noise, air and light impacts on residents and businesses.

The Government's commitment to sustainable planning for Victoria's ports is expressed in high level State policy and strategy documents such as *Freight Futures* and *Port futures* which identify the need for effective protection and buffering of ports to prevent land use conflicts at their interfaces with neighbouring communities.



Figure 1 Port of Melbourne and Municipal Boundaries

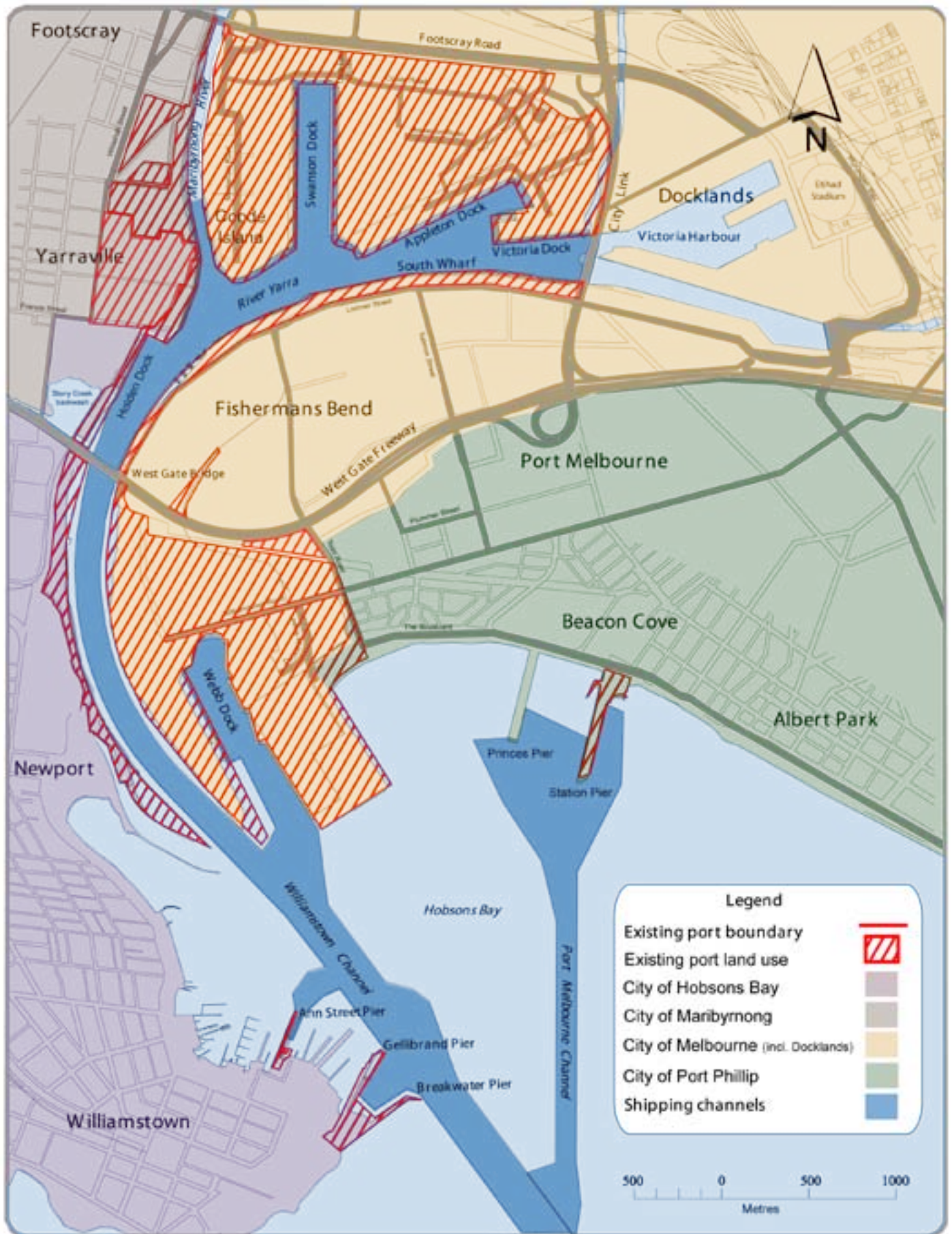
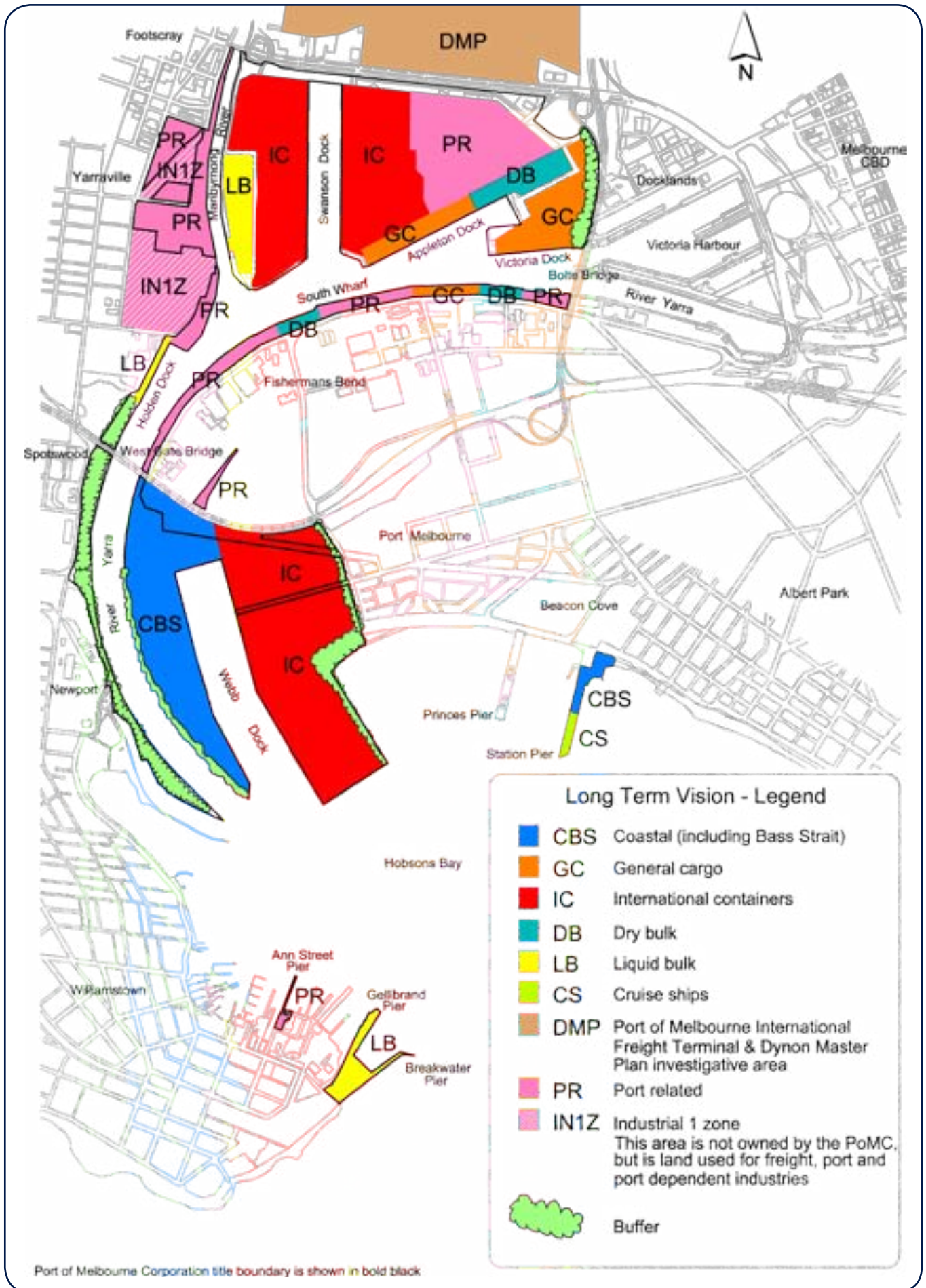


Figure 2 Port of Melbourne Long Term Vision



Five overarching principles have been considered in the development of the PEPF.

Principle 1

Land use planning in the port environs needs to be consistent with and further contribute to State policy directions and strategies for the port and the freight transport network.

Principle 2

Land use planning in the port environs should ensure that any new use or development:

- takes into account the potential effect of port operations on the land; and
- does not introduce inappropriate activities that would prejudice the efficient and effective current and future operations of the port.

Principle 3

Residents and sensitive uses in areas in the vicinity of the port must be afforded reasonable amenity and safety protection from the operations of the port.

Principle 4

Industry and commercial development in the port and its environs must strive for best practice safety and environmental management in order to make a positive contribution to amenity and neighbourliness.

Principle 5

Strategic planning for the port and its environs must provide a sound land use planning approach that integrates economic, environmental and social outcomes.



2 Challenges for port land use planning and worldwide responses

2.1 Land use challenges

As the Port of Melbourne continues to operate and grow in its inner urban setting of Melbourne, land use planning challenges at its interface with neighbouring communities include:

- protecting the amenity of residential development and foreshore areas in locations such as Docklands, Garden City, Port Melbourne, Williamstown and Footscray
- providing for continued operation of Major Hazard Facilities at Coode Island and Gellibrand Pier
- ensuring that future development in neighbouring areas does not impede long-term port development
- protecting arterial land transport connections and Freight Activity Centres from adjoining development with unrealistic amenity expectations
- continuing operation of South Wharf and future recommissioning of the Webb Dock rail link whilst balancing land use changes in Fishermans Bend
- balancing development pressures in sought-after Williamstown with the needs of the port and the BAE ship building facility.

2.2 What are buffers?

A buffer is a mechanism through which risk, residual emissions and amenity expectations can be managed. It is designed to reduce land use conflict and neutralise or mitigate negative impacts by controlling the intensity, form and location of incompatible land uses. Traditionally, buffers imply a physical or spatial form of separation often through a low intensity use such as landscaping or open space. In many areas, particularly inner urban areas around ports, a traditional buffer is not practical.

In these areas good buffer outcomes can be achieved by strategic policies and planning that ensure the location of compatible land use activities, appropriate zoning and development overlays, particular site-specific development controls and separation distances controlling the location of particular types of industry or hazardous facilities. In this sense, scarce land resources are not underutilised.

This approach is recognised in the *State Planning Policy Framework* and in planning provisions such as the Industrial 3 Zone which has as a purpose:

“To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.”

Buffers should not result in sterilisation of land use. Rather, the objective should be to identify a range of beneficial land uses which can form a buffer between hazardous/high-impact and sensitive land uses. To achieve this, activities at the port need to be managed to protect the amenity and interests of surrounding communities, and land use changes in surrounding communities need to be managed so that they do not compromise future operations and development of the port. This approach to land use management is critical to the success of a buffer for the port and its surrounding communities.

2.3 What are sensitive land uses?

The definitions of sensitive land uses are fairly similar across national and international contexts. They include single or multiple dwellings; childcare centres, kindergartens, school, college, university or other educational institution; and hospital facilities. The definition is also beginning to encompass a broader range of activities including some commercial facilities (such as offices, retail outlets, training centres and even some specialist industrial uses). Typically this expansion of the definition reflects uses that attract higher densities of workers and/or visitors or uses with higher amenity requirements or expectations.

The need to embrace a wider range of land uses in consideration of what is sensitive to port activities is directly relevant to safety land use planning considerations around major hazardous facilities at Coode Island and Gellibrand Pier, and the broader amenity issues at port interfaces such as South Wharf with Fishermans Bend, Victoria Dock with Docklands and Swanson Dock/Coode Island with Yarraville.

2.4 Approaches to land use management and planning control mechanisms

Historically, ports with inner urban locations around Australia and internationally have been subject to pressure from encroachment of incompatible land uses or changes to amenity expectations from abutting areas. In some cases this pressure has been a significant factor in decisions to move port operations to other locations, as has occurred in Adelaide and Brisbane and is proposed for port operations in Sydney Harbour.

The Port of Melbourne is strategically located at the hub of the freight transport network, has significant land resources to cater for trade growth and is the site of large capital investment. On this basis, although port operations in Melbourne have moved downstream over time, there is a government commitment to maintain and expand port operations and port development in Melbourne.

Significant improvements in the environmental performance of ports have helped minimise offsite impacts, assisting ports to be 'good neighbours'. Ports in established urban areas are required to manage, emissions on-site through compliance with regulations, technology and environmental management. Most port managers, including PoMC, have developed Safety and Environmental Management Plans.

While the environmental requirements for ports have been strengthened there is broad recognition that the most successful approach to balancing all interests in the long term is by preventing and minimising the location of sensitive uses near ports. Assessing the appropriateness of planning, zoning and development controls in areas adjoining ports has, in more recent times, been complemented by built form and design controls and guidelines for both on-site and surrounding development. While reactive management measures can maintain a reasonable balance the most successful approach has been one of prevention and minimising the co-location of sensitive uses.

This two way approach to planning around ports has resulted in a range of methods to balance land use, covering established planning controls and alternative mechanisms.

Planning frameworks

Zoning protection, where existing land use allowed, has been a common approach to protecting ports and industry. While land use encroachment and planning changes have eroded zoning frameworks in urban areas including Melbourne, the implementation of complementary planning zoning in areas abutting ports has been a feature of the development of the Port of Adelaide and Port of Brisbane. In the case of Brisbane the port has also been given planning authority status for the port and the surrounding area. This method provides a stepped land use transition between sensitive uses and the port.

The European approach has incorporated a reliance on safety-based criteria to achieve effective two-way buffering. For instance, the United Kingdom (UK) has represented information for risk and hazard assessments as contours on local planning scheme maps. This allows a tiered approach to considering the acceptability of land uses near ports, including major hazard installations.

Land acquisition

In some areas the existing land use pattern cannot be rectified by planning scheme approaches and a more direct intervention is required. An example of this from Queensland is the Port Corporation of Queensland's action in initiating a buy-back of housing at Hay Point near Gladstone.

Land use and buffer policies

Western Australia (WA) leads the way in relation to reverse sensitivity/buffer requirements. The State Industrial Buffer Planning Policy (1997) is applied on an explicitly two-way basis for establishing new industry and for preventing encroachment by incompatible land uses. The WA government has also recommended a general presumption against the establishment of caretakers' dwellings in industrial areas, also an emerging issue in Victoria.

Design responses

Built form and design requirements implemented through the planning system or building codes also offer strategies for dealing with urban encroachment on port activities. Here, it is presumed that residential and noise sensitive uses are unsuitable in the vicinity of port areas without acoustic design measures incorporated into the design of new buildings. This approach has been used in Fremantle, WA, in addition to land use controls in changed planning frameworks. Wellington in New Zealand has implemented reverse sensitivity planning controls where sensitive land uses, including offices and restaurants, are required to install acoustic design measures to mitigate noise emissions.

Land title covenants

Restrictive covenants or memorials on land title can raise awareness of the proximity to a port or industrial area. Land title covenants have been used throughout WA, in Townsville, Queensland, and, to an extent, in Victoria through the requirement for Section 173 agreements on planning permits.

Conclusion

Protecting ports from encroachment by incompatible land use is a common problem. Addressing the issues requires both a range of direct mechanisms and policy response.



3 Planning framework and issues

The Victorian statutory planning framework is based on the Victorian Planning Provisions. Planning schemes are in place for each municipality and for the Port of Melbourne.

3.1 Victorian Planning Provisions

The *State Planning Policy Framework* (SPPF) is found in planning schemes across Victoria. The SPPF contains general strategic principles for land use and development planning and specific sectoral policies that must be taken account of and given effect when considering land use matters.

The initiatives found within *Melbourne 2030* which impact on port planning, are represented in the SPPF *Clause 12 – Metropolitan Development*. The other SPPF policies of particular relevance are *Clause 17.03 – Industry, and Clause 18.05 – Ports*. These policies are aimed at supporting the port by:

- ensuring port areas are protected by adequate buffers to minimise land use conflict
- protecting access options and future development of the port
- improving freight rail links
- protecting industrial areas from encroachment of unplanned commercial, residential and other sensitive uses which could adversely affect industry viability
- protecting land adjacent to ports for port related uses and planning these areas to facilitate the efficient operation of the port.

The above policies generally support port development and buffer requirements, although some aspects could be amended to give greater support for the consideration of two-way amenity impacts for development in areas close to the port.

In addition to strengthening of the SPPF the development of caretaker's houses in proximity to the port is of concern. Application of the provisions has changed over recent times. The original provisions were used to provide for a caretaker to oversee a large-scale industrial or office use. The current practice, where the industrial stock is subdivided into smaller units, has to an extent resulted in the establishment of significant residential use in industrial premises. An example of this is within the Coode Island buffer area in Yarraville where several residences have been established in the Cotton Mills and under the Business 2 zoning do not require a permit.

The strategic policy intent for port protection afforded by the SPPF provides a sound basis for strengthening the control of planning in the port environs to ensure that the policy intent can be implemented.

3.2 Complementary state planning initiatives

Freight Futures

In December 2008, the Victorian Government released *Freight Futures: Victorian Freight Network Strategy*. *Freight Futures* provides a framework for improved road and rail links to serve the freight network. It strongly recognises the need for compatible development in and around the port and to reduce land use conflict around port interfaces. *Freight Futures'* Direction 2: Identify and develop freight activity centres is aimed at proactive land use planning. Given the economic importance of freight to Victoria and the projected strong growth of the freight task, there is a need to further improve the integration of freight planning with the Melbourne 2030 planning process, other key State planning strategies and the Victorian land use planning system more generally.

The development of a Melbourne International Freight Terminal is a proposed strategic planning initiative to improve the efficiency of the Port of Melbourne, primarily by integrating the port and the adjacent Dynon rail precinct into a single world-class intermodal hub to handle the forecast growth in the freight task over the next 30 years.

Freight Futures includes a requirement to complete the PEPF for the port. It also identifies the need for more appropriate land use zoning around ports and freight centres and the need to update the Victorian Planning Provisions (VPPs) to better recognise port buffering principles and port land use policies. It acknowledges the need to protect community amenity in proximity to ports, while preserving the economic and functional requirements for efficient freight operations.

Port Futures

In August 2009, the Victorian Government released *Port Futures: New Priorities and Directions for Victoria's Ports System*. *Port Futures* identifies the critical need to facilitate port planning and protect ports from encroachment by surrounding sensitive uses as well as protecting neighbouring communities from the impacts of port operations. It proposes a range of initiatives be examined to streamline and strengthen planning processes and protections, including:

- formally recognising port strategic plans and strengthening policies to separate port activities from residential and other sensitive uses in the State Planning Policy Framework (SPPF);
- ensuring that the interests of the ports are explicitly considered in the evaluation of planning scheme amendments involving policy and/or zoning changes in the environs surrounding the ports controlled land; and
- considering the reinstatement of industrial zones where appropriate and new planning controls to establish effective two-way buffer protections for ports.



3.3 Planning at the Port of Melbourne

PoMC must maximise its contribution to the economic development of the region while managing impacts of port expansion on local communities and the environment. PoMC recognises that planning to accommodate the growth of port services and facilities is vital to this task. In working to achieve efficient operations, future land use outcomes and port development, PoMC is guided by planning and environmental management strategies drawn from State and Federal objectives.

The following strategic initiatives also aim to protect and maintain the interests of the port, while respecting adjoining and surrounding land uses. Their implementation ensures off-site impacts from the port are managed in a manner that protects the natural and built environment. The forward plans also provide certainty to enable complementary planning outcomes in adjoining areas.

Port of Melbourne Planning Scheme

The Minister for Planning is the Responsible Authority for the Port of Melbourne Planning Scheme (PoMPS). The PoMPS acknowledges the need for port development to have regard to potential impacts beyond its boundaries, protecting both the natural and built environment. This is set out in the relevant planning policy and controls as shown in Figure 3.

The PoMPS includes a Port Strategic Statement (PSS) which is based on the PoMC strategic planning work. The new format planning scheme was gazetted on 10 January 2008 and covers the areas shown in white on Figure 5 .

Figure 3 Port of Melbourne Planning Scheme



The PSS sets out future land use in the Strategic Framework Plan and Vision, which is then detailed in the range of land use objectives, strategies and implementation recommendations in Clause 21.04. The outcomes of previous environmental assessment and planning process affecting land surrounding the port such as Webb Dock and Victoria Dock interface areas have been embodied in planning policies, as well as specific built form controls in Design and Development Overlays.

The PSS acknowledges the requirement for land use within the port to protect the interests of established communities, and ensure built form and amenity improvements are implemented. The need for improving the visual appearance of the port at its interface is a policy objective along with the retention of existing open space and landscape buffers.

Port Development Strategy 2035 Vision (2009)

The *Port Development Strategy 2035 Vision (2009)* provides an overarching strategic framework for guiding future development of the port to cater for expected growth until 2035. The *Port Development Strategy (PDS)* defines a staged approach to development which seeks to maximise the use of existing infrastructure and leverage off the significant investments that have already been made in the port. The principle developments that will change the port in the short to medium term include the:

- development of Webb Dock East for international containers
- consolidation of motor vehicle operations at Webb Dock East
- increased size and intensification of international container terminal facilities at Swanson Dock
- integration of Dynon and Swanson Precincts to support the Port's activities; and
- consolidation of general cargo at Appleton Dock, Victoria Dock and South Wharf.

In addition, it is acknowledged that there will be a need to provide land, within and near the port, to cater for cargo related industries such as container depots, cold stores and distribution centres.

Safety and Environmental Management Plan

A Safety and Environmental Management Plan (SEMP) for the Port of Melbourne was introduced in July 2005 and recertified in 2009. It applies a whole-of-port approach to improving the safety and environmental performance of all operations within the port, including operations under PoMC's direct control and those over which it has influence only.

Climate Change Management Strategy

The PoMC Climate Change Management Strategy aims to maintain the Port of Melbourne's premier position by adopting greenhouse gas reduction initiatives that make good business sense and adapting to predicted climate change related risks.

Community Relations Program

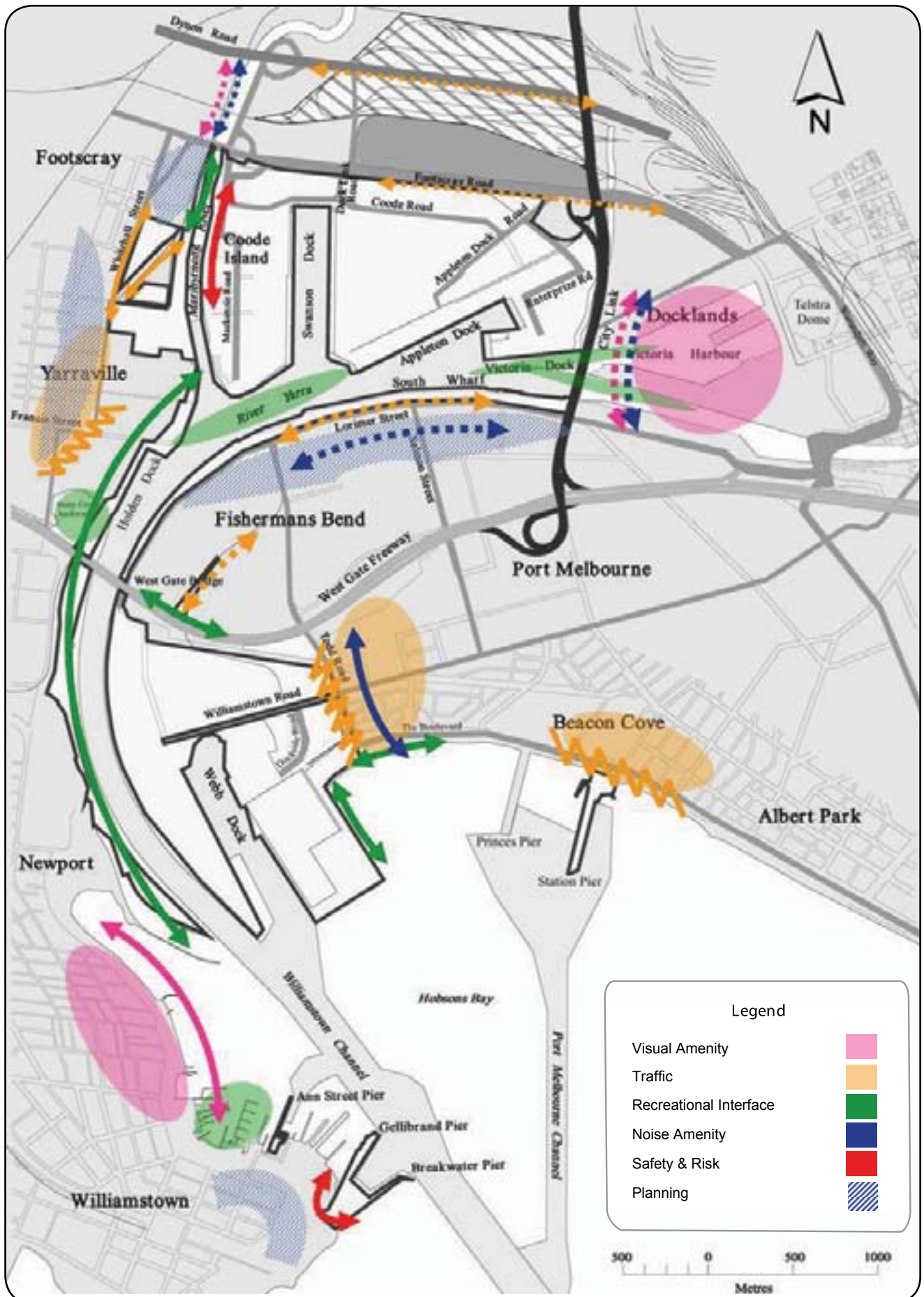
PoMC's Community Relations program fosters stronger relationships with communities immediately neighbouring the Port of Melbourne. It guides communications, engagement and consultation activity with neighbouring municipalities. It aims to involve local communities in port projects and improve awareness and appreciation of the role of the Port of Melbourne.

3.4 Municipal issues and planning schemes

In addition to the SPPF, land use planning expressed through planning controls and in Local Planning Policy Frameworks (LPPF) provides an important tool to guide and manage land use change adjacent to the port. The cities of Melbourne, Port Phillip, Hobsons Bay and Maribyrnong each have a Municipal Strategic Statement (MSS) as part of their LPPF, which to varying degrees recognises the significance of the Port of Melbourne and its contribution to the Victorian economy. Each MSS encapsulates the local community's values, providing a strategic vision for the municipality and a basis for zoning and overlays which establish planning controls for land use and development.

The Port Environs issues papers, prepared in consultation with each of these municipalities, have identified a number of interface issues which are summarised in Figure 4. Not all of these can be directly addressed through the planning system however they do provide an important context for planning decisions and frameworks.

Figure 4: Interface issues at the Port of Melbourne



The wide range of zones in Melbourne's port environs reflects the array of land uses and development patterns that have emerged around the port. In the past, zoning around the port was predominantly industrial and this provided buffer protection. In recent years, zoning and land use changes in Yarraville, Fishermans Bend and Docklands have to an extent eroded this zoning protection by allowing discretionary land use of a more sensitive nature. This, combined with the gentrification of neighbouring residential areas and changes to the way the planning provisions for 'caretakers houses' are applied has increased concerns regarding the encroachment of inappropriate land use in the port environs.

In addition to caretaker's housing, a number of other uses such as child minding centres, education centres, offices, places of assembly and retail premises can be permitted around the port under the existing planning controls. In many locations the safety and amenity expectations of these facilities cannot be met in light of port operations and planned port development. Furthermore, the potential for complaints and subsequent pressure to modify port operations is exacerbated.

A similar situation exists for transport connections to the port. Residential development is increasing adjacent to major road and rail transport corridors. As trade volumes grow in response to the growth in Melbourne's population, the port's ability to operate 24/7 becomes increasingly important to maintaining efficient container handling services. Efficient, unencumbered transport links are an essential part of the port system.

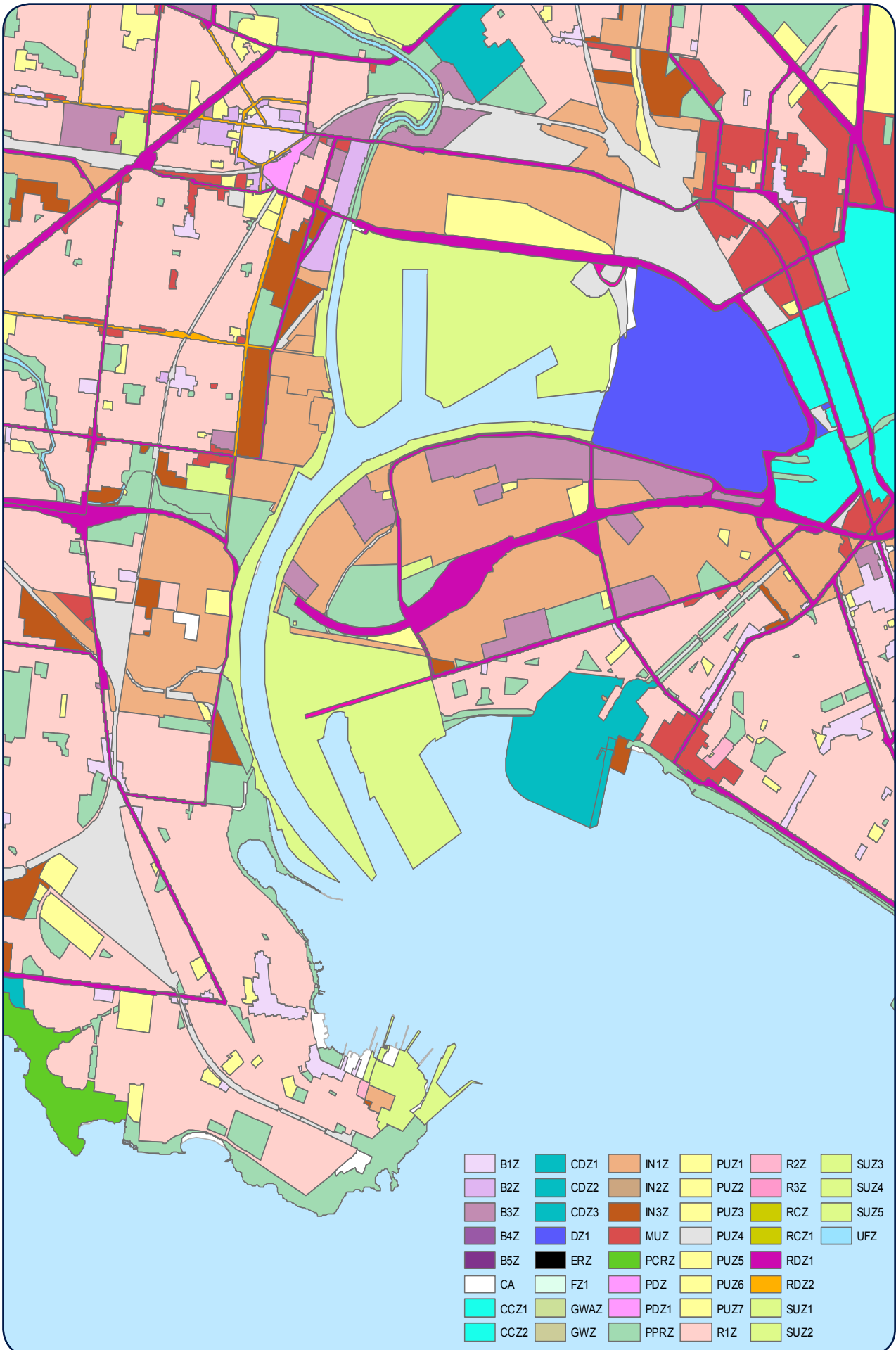
While the policy and zoning proposals identified below will assist in protecting the two-way interests of the Port of Melbourne and its surrounding communities, statutory implementation mechanisms should also be considered to establish effective two way buffer protection for the port.

This approach to interface issues is not unique to the Port of Melbourne. Examples range from an overlay around Melbourne Airport, a special use zone abutting the Altona petrochemical complex, noise amelioration measures to protect Docklands Stadium, and height controls in Fishermans Bend to protect views from Docklands.

The current zoning framework is shown in Figure 5.



Figure 5: Planning Scheme Zones around the Port of Melbourne



Melbourne Planning Scheme

The port and the City of Melbourne interface at four key areas:

- Swanson Dynon Precinct – Swanson and Appleton Docks and West Melbourne Industrial Area
- Docklands Precinct – Victoria Dock and Docklands
- South Wharf Precinct – South Wharf and Fishermans Bend
- Webb Dock Precinct – Webb Dock, Westgate Park and Fishermans Bend.

The Melbourne Planning Scheme recognises the importance of port activities and the value of the port to the city's economy and as a part of Victoria's transport hub. The relevant planning provisions are identified in Figure 6.

Figure 6: Melbourne Planning Scheme – Provisions relevant to the Port of Melbourne



Overall, the Melbourne Planning Scheme provides strong policy support to ensure that development within the port environs does not impede the future operations of the port. It recognises the need for port activities and expansion to occur in a manner that protects the amenity of interface areas.

The effectiveness of this planning framework could be strengthened by developing policies and controls which limit the intensity of commercial development and further the two-way consideration of amenity impacts. This includes protecting separation distances for industry and hazardous facilities from encroachment by sensitive or inappropriate uses.

This is important in areas adjacent to the Swanson Dynon precinct given the proposed integration of the port and rail freight area and resultant intensification of activity in this location. Of particular concern is the potential for zoning changes and the consequent introduction of further land use of a more sensitive nature than currently exists.

The protection of separation distances is also particularly relevant for business zones applied in Fishermans Bend. These zones potentially permit a range of commercial, entertainment, office and other non-industrial uses which bring higher amenity expectations than the historic industry zoning has delivered. It is likely that these new expectations cannot be met in proximity to key port facilities, either existing or planned. This could lead to an increase in complaints and consequent pressure for the port to modify its activities or hours of operation. This issue could be addressed through introducing a Design and Development Overlay or through applying floor space limits to office developments in proximity to the port and land reserved for the Webb Dock Rail Link.

Within the Docklands area, while the zoning framework allows residential development in proximity to the port, potential interface issues have been addressed through the Victoria Dock development assessment process. This has included the requirement for the developer of land at Victoria Dock to assess noise impacts and provide attenuation if required. These requirements are complemented with overlay and policy provisions in the Port of Melbourne Planning Scheme. Similarly, potential interface issues with Webb Dock Rail Link are being addressed through that environmental assessment process.

Port Phillip Planning Scheme

The port and the City of Port Phillip interface in two key areas:

- Webb Dock Precinct – Webb Dock and Garden City
- Station Pier Precinct – Station Pier and Beacon Cove

The Port Phillip Planning Scheme provides strong support for the Port of Melbourne and recognises the importance of the port and its activities, acknowledging that it forms an important part of the industrial sector and that its infrastructure contributes to the socio-cultural significance of interface areas. Important port assets, including Webb Dock and Station Pier are recognised through a number of MSS objectives related to foreshore protection, tourism enhancement and local transport and pedestrian network improvements. Relevant sections within the planning framework are identified in Figure 7.

Overall, the planning framework for the City of Port Phillip addresses interface issues. The existing policies and mechanisms generally ensure that land use change in the industrial and port environs does not impede future operations however opportunities also exist to enhance this aspect.



Figure 7 Port Phillip Planning Scheme - Provisions relevant to the Port of Melbourne



Policy statements could be strengthened to explicitly highlight the need for effective management of other port assets and interfaces. Greater weight could be given to the inter-relationships that industrial land in Port Melbourne has with the port. The need for development and land use activities to be cognisant of the existence of the port and their impacts on the operation of Webb Dock and Station Pier could also be enhanced.

In recognising Port Melbourne as a waterfront destination for tourists and locals, there is a need to ensure that land use changes along the foreshore do not prejudice the current and future operations of Station Pier.

The planning framework could expand its objectives to include improved access arrangements to the port, such as recognising traffic and security operational requirements at Station Pier, impacts on Beaconsfield Parade and the significance of Todd Road with regard to through-traffic and access to Webb Dock.

While the existing Port Phillip planning framework includes residential zoning abutting Webb Dock at Garden City the current heritage overlay effectively limits the intensification of population in this area. In addition, interface issues were addressed during the Webb Dock Environmental Effects Statement (EES) process with the inclusion of provisions in the Port of Melbourne Planning Scheme and the implementation of buffer planting on the perimeter of the port area.

The remaining development opportunities within Beacon Cove should consider proximity to the port, including Station Pier, and potential residential amenity issues such as noise, lighting and visual impacts in any development proposals. This can be achieved by the planning framework taking a two-way approach

to recognising the proximity of the port and its current and future 24 hour operations, while providing for development opportunities.

Hobsons Bay Planning Scheme

The port and the City of Hobsons Bay interface in two key areas:

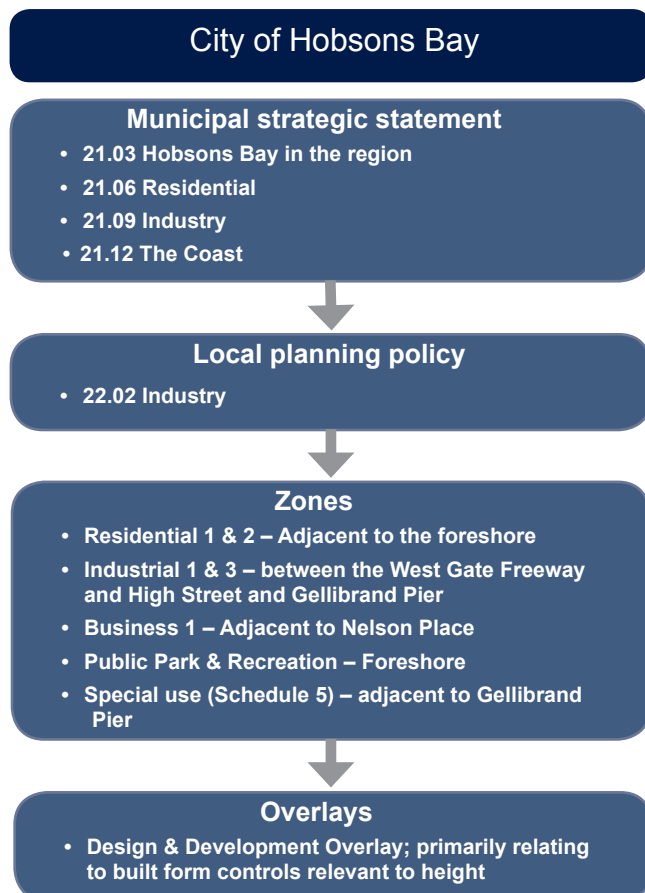
- Newport Precinct – Newport and the Holden Dock facility and related pipeline infrastructure;
- Williamstown Precinct – Williamstown and the PoMC facilities at Ann Street, Breakwater and Gellibrand Piers.

The Hobsons Bay Planning Scheme acknowledges the operations of the port, its location advantage and the economic value of freight operations to the State. The relevant planning provisions are shown in Figure 8.

The planning framework deals with interface issues from the perspective of the industrial areas outwards to the residential areas of the municipality. Policy objectives could be strengthened to ensure the effective management of land use adjacent to port areas by implementing two-way consideration of the interests of the port and neighbouring communities. Policy could acknowledge the interface between the port and coastal residential areas of Williamstown, recognising the continued and future operations of port facilities and minimising impacts of residential and sensitive uses on port operations and associated industrial activity.

To minimise interface conflict and protect current and future port operations, it is important to maintain industrial zoning, providing a buffer between the port, marine industry and residential areas, and discouraging inappropriate activities within proximity of port facilities.

Figure 8 Hobsons Bay Planning Scheme - Provisions relevant to the Port of Melbourne



Maribyrnong Planning Scheme

The port and City of Maribyrnong interface in the areas of Yarraville and Footscray. These areas have a long established relationship with the Maribyrnong River frontage and the Port of Melbourne dating back to the early decades of the nineteenth century. A Memorandum of Understanding (MoU) between PoMC and Maribyrnong City Council provides an agreed way forward with some of the interface issues encountered in this area.

The Maribyrnong Planning Scheme provides limited support for the Port of Melbourne, its significance to Victoria and potential land use interface issues within the municipality. The relevant sections of the planning framework are shown below in Figure 9.

Figure 9 Maribyrnong Planning Scheme - Provisions relevant to the Port of Melbourne.



Opportunities exist to strengthen policy statements to acknowledge the range of issues at the interface with the port. Greater clarity can be provided on future directions for land use planning and development that minimises potential land use conflicts.

Currently, the planning framework requires the Port of Melbourne to assess interface issues from the perspective of the port and industrial areas outwards to the adjoining areas of the municipality. Greater weight could be given to ensuring that development planning within surrounding municipalities considers potential impacts to the Port of Melbourne.

To minimise interface conflict and protect current and future port operations, it is important to maintain industrial zoning which provides a buffer between the port, marine industry and residential areas, and discourages inappropriate activities near port facilities. Development within the port environs, particularly in the Yarraville riverfront area, should consider proximity to the port, including the Coode Island chemical storage and Swanson Dock container terminals, and potential safety and amenity issues for any development proposals.

Recent zoning changes in the Yarraville area have been particularly concerning, as they have resulted in the consequent introduction of land use of a more sensitive nature than previously existed. These zoning changes have permitted a range of commercial, entertainment, office and other non-industrial uses which bring higher amenity expectations than the historic industry zoning had delivered. It is likely that these new expectations cannot be met in proximity to key port facilities, either existing or planned. This could lead to an increase in complaints and consequent pressure for the port to modify its activities or hours of operation.

The effectiveness of the current planning framework could be strengthened by developing policies and controls which limit the introduction of sensitive land uses and the intensity of commercial development and further the two-way consideration of amenity impacts. This includes protecting separation distances for industry and hazardous facilities from encroachment by sensitive or inappropriate uses, such as residential and commercial development.

There is a need for zoning changes to strengthen the industrial buffer along the western side of the Maribyrnong River, south of Footscray Road. The existing Business 2 Zone allows for residential use with caretakers houses and significant office development not requiring a permit under the local planning scheme. As neither Business 2 nor Business 3 Zones can give certainty of control over office development and other inappropriate uses that erode the amenity expectations of the port, an Industrial Zone is required here.



4 Land use safety planning

4.1 Safety planning for Port of Melbourne and its environs

Land use safety planning is a mechanism for dealing with actual or potential conflicts between sources of risk, such as potentially hazardous industrial development, and surrounding land uses. It aims to ensure that industrial development does not pose an unacceptable risk to the surrounding areas and, concurrently, that exposure to risks from existing industrial development are not increased by changes in land uses surrounding such development.

At the Port of Melbourne, the primary need for land use safety planning occurs around its Major Hazard Facilities (MHF), such as those at Coode Island and at Point Gellibrand. These are permanent facilities catering for the storage and handling of large volumes of dangerous liquid chemicals and are regulated by WorkSafe Victoria under the Major Hazard Facilities Regulations (Vic) 2000. These facilities are considered to potentially pose a higher level of risk to surrounding land uses beyond the port area compared to cargoes that are transitory and stored in smaller quantities.

Public safety considerations are included in the PEPF to enable consistent, transparent land use planning decisions regarding public safety around such major hazard facilities in the port environs.

Currently, in the four municipal planning schemes around the Port of Melbourne, public safety considerations are only applied at the time when a major hazard facility seeks a planning permit to establish or change its activities. No planning provision provides for the maintenance of community emergency response capability when developing land surrounding a MHF. In other words, there is no requirement for a responsible authority to assess public safety around an established MHF when land use changes in its environs are considered.

4.2 Safety criteria

In order to define the safety planning areas around the major hazardous facility at Coode Island and Point Gellibrand, WorkSafe Victoria has applied risk criteria to define an inner or 'risk based area' of the facilities and a consequence criteria to define an outer or 'consequence based area' around the facilities.

The outer or consequence based area around the Coode Island facilities extends north and east over port operations, and south to the edge of PoMC owned land along the river near the Port of Melbourne's Port Education and Shipping Management Centres. All of these areas are within the Special Use Zone Schedule 1 – Port of Melbourne in the Port of Melbourne Planning Scheme. To the west, the consequence-based area extends to parts of the existing Orica and CSR industrial complexes and PoMC-owned land south of Youell Street. This area is zoned Industrial 1.

The consequence area impacts a small area west of Whitehall Street, the north-east corner of Yarraville Gardens, which is zoned Public Park and Recreation, and between Harris Street and Lyons Street a strip of small industrial premises which are zoned Industrial 3.

The area of most concern with regard to risk and safety issues under the current planning framework is the Yarraville area between Moreland Road, Lyons Street and Parker Street, currently included in a Business 2 Zone. The area is close to the Coode Island Major Hazard Facility and well within the air emission buffer specified in the planning scheme. Most significantly the safety analysis undertaken by WorkSafe Victoria shows that its consequence area covers the majority of the land.

It is understood that the WorkSafe Victoria analysis is supported by a preliminary risk review commissioned in 2005 by Maribyrnong City Council for the Advisory Committee Hearing for a proposal relating to 99 Moreland Street, Yarraville. The preliminary risk review includes a consequence analysis which identifies maximum consequence distances for serious injury potential that identifies an impact on this Business 2 Zone area under some scenarios.

In the case of Mobil Gellibrand and its crude oil facility, while detailed consequence analysis has not been undertaken the typical distances involved for these types of facilities are less than 150 metres. The area encompasses the eastern portion of the the ship building facility and a small part of its car park to the south of Battery Road. It also covers the north-eastern edge of Point Gellibrand Coastal Heritage Park. A buffer distance of 300m is recommended by the EPA for this facility (Recommended Buffer Distances for Industrial Residual Air Emissions July 1990).

4.3 Recommended outcomes

The small portion of Yarraville Gardens within the consequence area of the Coode Island MHF can be appropriately managed through its current designation as Public park and Recreation Zone and related policies in the Maribyrnong Planning Scheme which identify this area as an important local open space facility. In other areas close by, safety planning outcomes can be achieved in the existing Industrial 3 Zone in relation to limiting the nominated office, retail, accommodation and community facilities.

However, there are no planning provisions, including agency referrals which require responsible authorities to consider safety or emergency response for land use or development proposals associated with these non-industrial activities. Such provisions would assist to protect both the existing major hazard facilities at Coode Island and the community.

The Yarraville Business 2 Zone south of Napier Street does not provide a framework that would achieve safety planning objectives for the nominated land uses. It allows for caretaker's houses and significant office development without a planning permit. In addition, significant residential development can be contemplated, as has occurred within this zone north of Napier Street.

In the Hobsons Bay planning scheme, the current Special Use Zone covering the ship building facility and its car park provides a suitable planning framework for the Mobil facility at Gellibrand Pier, Williamstown. This zone, in conjunction with the Public Park and Recreation Zone at Point Gellibrand and maintenance of the existing Industrial 3 zoning over land south of Nelson Place, would provide a management framework that could achieve safety planning outcomes. These zonings should be maintained.

At present, provisions for referring planning applications to EPA Victoria are limited, and should be strengthened in this area. Referral to EPA Victoria is only currently required under Clause 66 of all planning schemes in relation to industry and warehouse development. In such cases, land use with adverse amenity potential as nominated in Clause 52.10 is referred to EPA Victoria where the nominated threshold distance (the distance between the proposed land use and other, nearby sensitive uses) is not met by the industry or warehouse. Referral of this type of industry or warehouse use and development is made to WorkSafe Victoria where a dangerous goods licence is required, a notification is required under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 (Vic) or where fire protection quantity exceeds the Dangerous Goods (Storage and Handling) Regulations 2000 (Vic).

No reverse amenity referral provisions exist for use or development of sensitive land uses including office and retail activities within the threshold distances of existing industry or warehouse for a purpose nominated in Clause 52.10. This is a matter that needs to be addressed in planning controls around the port.

5 Recommendations

A successful environs planning framework will balance the current and future operations of the port against the need to protect surrounding communities to ensure sustainable development outcomes. A two-way consideration of issues is necessary to ensure that the port can co-exist with neighbouring communities and remain efficient and internationally competitive within an inner city location that continues to evolve.

The recommendations encapsulate the PEPF Principles by:

- strengthening the land use planning objectives for the port and its future development which are expressed by both PoMC and the Victorian Government
- adopting an approach to management of land use change that aims to protect both the interests of the port and its neighbours
- ensuring that planning frameworks provide a basis for consideration of environmental, amenity and safety management issues in land use decisions by proponents and responsible authorities.

Broadly the PEPF recommendations identify opportunities for:

- enhancements to the SPPF to provide greater recognition and protection of the port and to particular provisions in relation to defining caretakers houses in the Victorian Planning Provisions
- administrative and procedural improvements to the planning system
- policy changes to the Port of Melbourne Planning Scheme (PoMPS)
- policy changes to the Local Planning Policy Frameworks of the Melbourne, Port Phillip, Hobsons Bay and Maribyrnong Planning Schemes to provide policy support and protection for the Port of Melbourne
- changes to the Business Zones abutting the port in Melbourne and Maribyrnong Planning Schemes.

5.1 Victorian Planning Provision Changes

State Planning Policy Framework

Policy in the sectoral themes of metropolitan development, industry and ports in the SPPF should be strengthened to provide greater clarity and support for the continued operations of the port. This aims to:

- clearly identify the Port of Melbourne as one of the primary Freight Activity Centres underpinning the Victorian economy
- clearly identify the Port of Melbourne as a State asset which requires protection to ensure its ongoing competitiveness is protected from changes to land use in its environs that may impact upon its ability to operate efficiently
- acknowledge the important role of the port as a critical industrial precinct in Victoria and the need to ensure that surrounding industrially-zoned land is not diminished
- give effect to the Government's policy for ports as expressed in the *Victorian Ports Strategic Framework Plan*, along with other related strategies such as *Port Futures*, *Port Development Strategy*, *Victorian Transport Plan* and *Freight Futures*.
- provide policy statements that identify the need to apply a two way approach to managing land use change within the port and its environs, with the aim of protecting existing and future port operations and the safety, amenity and environmental qualities of surrounding communities
- enhance the existing SPPF policies that seek to protect the port from encroachment from residential and other sensitive uses by expanding the scope to cover commercial office development and other inappropriate land use for which amenity expectations cannot necessarily be met in the port environs.

Particular Provisions for defining a Caretakers House

To prevent encroachment of residential land use through the conversion of industrial premises or new development related to caretaker's houses, there is need to introduce provisions to clarify the definition, address the need for such a use, requirements to be met and provide decision guidelines for assessing applications. A similar approach to the current provisions for Home Occupation could be taken where particular provisions define the requirements to be met and provide decision guidelines.

5.2 Administrative improvements

There is a need for the port to be given greater prominence in the evaluation of planning scheme amendments involving policy and zoning around the port by:

- preparation of a Planning Practice Note in relation to planning around ports to ensure that policy and in particular zoning changes account for the impact of the change on the port
- nomination of the Minister for Roads and Ports as a prescribed Minister for amendments in municipalities adjoining the port. Although this would require a change to the *Planning and Environment Act 1987 (Vic)*, it could be included in the review currently underway.

5.3 Policy changes to the Port of Melbourne Planning Scheme

The new format Port of Melbourne Planning Scheme has been approved and gazetted by the Minister for Planning in January 2008. PoMC will determine specific amendments to policy statements, in the areas identified in Figure 3 to reflect:

- future land use strategies that will be implemented as part of PoMC's Port Development Strategy (2009)
- acknowledgement of the need for future land use changes within the port to be managed in a manner that minimises potential for any off-site impacts
- acknowledgement of the need for protection of the natural environment and amenity and safety of surrounding communities.

5.4 Policy changes to the municipal Planning Schemes

To strengthen policy and planning control frameworks in the four planning schemes surrounding the port, a range of recommendations are proposed which seek to further the SPPF and address local land use interface issues. Details of the specific changes recommended can be found in the *Port Environs Planning Framework - Background Report (2009)*.

Melbourne Planning Scheme

Changes are recommended to the Municipal Strategic Statement (MSS) and Local Policy within the Melbourne Planning Scheme. The relevant sections have been identified in Figure 6. The proposed changes aim to strengthen existing strategies for dealing with port interface issues between sensitive uses and surrounding industrial uses, by application of the buffer distances in Clause 52.10 of the Melbourne Planning Scheme, and extension of existing amenity principles.

The recommended changes are:

- update the MSS where it refers to policy for the Docklands area to strengthen coexistence and integration with the port at the interface with Victoria Dock and South Wharf
- update the MSS in to include statements address the land use change around the Fishermans Bend and Port Melbourne areas and their interface with the port, particularly regard to protection of existing separation buffers for land uses consistent with Clause 52.10 Uses with Adverse Amenity Potential
- update the MSS to reflect the *Port Development Strategy*.

Port Phillip Planning Scheme

There is scope to enhance the MSS and LPPF to better reflect the State policy relevant to the port, the role of the port (including current and future port development) and interface relationships. It is recommended that the MSS include statements, in the sections identified in Figure 7 that:

- support the existing policy and zoning framework as applied to the port throughout the MSS.
- strengthen the MSS to address residential interface issues in Garden City and Port Melbourne.
- strengthen tourism policies for Station Pier and recognise the significant role Station Pier plays in Bass Strait freight transport and cruise shipping.
- recognise and strengthen the role of public transport and road freight in providing access to Station Pier.

Hobsons Bay Planning Scheme

Recommended changes to the MSS and LPPF in the Hobsons Bay Planning Scheme sections identified in Figure 8 are aimed at:

- strengthening the MSS residential coastal policies to acknowledge the interface with the port and the need to consider proximity to the port in land use decisions
- strengthening Local Planning Policy for industry to require a two-way approach to managing land use change and amenity to protect interests of the port and industry, as well as more sensitive non-industrial uses within the port environs area
- continuing to protect industrial zoned land within the environs of Gellibrand Pier from residential encroachment.

Maribyrnong Planning Scheme

Recommended changes to the MSS and LPPF in the Maribyrnong Planning Scheme sections identified in Figure 9 seek to acknowledge the ongoing operations of the port, the draft PDP and the need for ancillary port activities in the area. Specific recommendations are:

- enhancing the references in the MSS in relation to residential, industrial and transport development. This will assist in protecting the industrial areas, especially in Yarraville, so that they are retained as buffers for the port and protected from encroachment by sensitive uses
- strengthen policy statements in the MSS regarding the Maribyrnong River and Valley to address interfaces with the port and associated access corridors
- include policy statements in the MSS in relation to industrial use to ensure that existing buffer separation distances, including any threshold distances consistent with Clause 52.10 uses with Adverse Amenity Potential, are maintained and protected
- update local policies in the LPPF to promote retention of industrial and port-related uses, appropriate zoning, and to ensure new development does not impede current and future operations of the port.
- create a new local policy for Yarraville to limit commercial office development and prohibit new residential use. The policy would also ensure future development considers the potential risk and amenity impacts of port operations on those specific areas.

5.5 Zoning and Overlay Changes to municipal Planning Schemes

Within the *Port Phillip Planning Scheme*, the existing zone and overlays support the PEPF and no changes are recommended to the planning controls.

Similarly, in the *Hobsons Bay Planning Scheme*, with the exception of the possible changes near Gellibrand Pier, the existing zoning and overlay framework that applies to interface areas is considered appropriate and no further changes are recommended.

In the *Melbourne Planning Scheme*, it is recommended that the schedule to the Business 3 Zone in Fishermans

Bend be amended to include a floor space limitation for offices which restricts the intensification of such uses in proximity to the operational port.

In the Maribyrnong Planning Scheme, given the safety analysis outlined above (see Section 4) it is recommended that the land in the Business 2 Zone between Lyons Street, Moreland Street and Footscray Road be rezoned to Industrial 3 Zone to achieve land use compatibility and address safety management and amenity interface issues with the port, particularly the major hazardous facilities.

An additional approach could be to introduce a planning mechanism to provide two-way buffer protection for the port and adjoining areas. It could be achieved through a planning scheme overlay (similar to the Airport Environs Overlay) to land in the port environs and particularly within the Business 2 and 3 Zones, Industrial 1 and Industrial 3 Zones in proximity to the port.

Such a control would allow for consideration of land use and development proposals that may impact on the ports ability to operate on the 24/7 basis required to meet predicted trade growth. It would also address the important safety and amenity considerations regarding encroachment near Major Hazardous Facilities.

An overlay could nominate sensitive uses that must be considered in the environs of the port, and guide applications and decision making to ensure potential amenity and safety management impacts of the port are properly assessed.

This could be implemented by requiring applications to be accompanied by a safety and amenity impact report that identifies the likely impacts from the port and port related uses on the proposed use or development, having regard to emergency incidents, vibration, lighting, noise and air emissions.

Decision guidelines for applications could require the responsible authority to consider:

- whether the proposal will result in an increase in the number employees, visitors, dwellings and people detrimentally affected by the port and port-related activity
- the adequacy of design measures and procedures to address emergency incidents
- the extent to which building, siting and design measures will address any identified amenity and safety impacts associated with the proximity of the proposal to the port
- the suitability of the use and development being located within the environs of the port, taking into account identified impacts from the port and recommended ameliorative measures.

In assessing applications, the views of PoMC, WorkSafe Victoria and EPA Victoria should be considered to ensure that all port, safety and environmental emission issues are addressed.

Such an overlay would require proponents and the Responsible Authority to specifically consider the suitability of the proposed use and development of a range of sensitive uses including caretakers dwellings, accommodation, offices, educational facilities, public entertainment and leisure facilities, and retail activities within the port environs. Importantly, Responsible Authorities would be required to consider the potential management of amenity and safety issues to avoid future land use conflicts. It would be applied in addition to the recommended changes to zoning.

6 Next Steps

The PEPF will be a foundation upon which State and local governments, PoMC and other regulatory agencies can build to enhance land use policy and decision making through the planning system. It will provide a platform for implementation of changes to policy and planning controls for the Port of Melbourne and interface areas in the surrounding municipalities of Melbourne, Port Phillip, Hobsons Bay and Maribyrnong.

The recommendations encompass policy changes at a State level that will strengthen the Government's commitment to ensuring the international competitiveness and efficiency of the port. Administrative improvements to the planning system will help to ensure that the interests of the port are considered in land use planning decisions, particularly involving rezoning of land in proximity to the port. Opportunities for aligning local policy in municipal planning schemes have been identified, along with potential zoning changes that are aimed at eliminating potential for land use conflicts in the immediate environs of the port.

PoMC will continue to work with Government to implement the PEPF, including further consultation with local councils as changes to the planning system occur.

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8 Glossary

Term	
Design and Development Overlay	A planning design control over development of land
LPPF	Local Planning Policy Framework covering planning policy particular to each council.
Melbourne 2030	State Government planning strategy for Melbourne's development
MSS	Municipal Strategic Statement guiding planning decisions under a council planning scheme
PSS	The strategic statement equivalent to an MSS in the Port of Melbourne Planning scheme
Responsible Authority	The body responsible for the administration or enforcement of a planning scheme or provision of a planning scheme
Section 173 agreements	Agreements under the Planning and Environment Act which are referenced on land title
State Planning Policy Framework (SPPF)	State planning policies common to all planning schemes
Victorian Planning Provisions	Standard planning provisions for Victoria which are used in all planning schemes



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