Amendment GC81 to the
Melbourne Planning Scheme and Port Phillip
Planning Scheme

Submission to the Fishermans Bend Planning
Review Panel on behalf of
the Port of Melbourne Operations as trustee for the
Port of Melbourne Unit Trust

17 April 2018
1. **Introduction**

1.1 This submission is made on behalf of the Port of Melbourne Operations (PoM Operations) in relation to the proposed Amendment GC81 (Amendment) to the Melbourne Planning Scheme and Port Phillip Planning Scheme (Schemes).

1.2 The PoM Operations is the trustee of the Port of Melbourne Unit Trust that manages the operations of the Port of Melbourne (PoM) in accordance the *Port Management Act 1995* (Vic) (PM Act) and Port Development Strategy Vision 2035 (Port Development Strategy). The PoM is generally located:

(a) south of Footscray Road and north of the Yarra River;
(b) north of Lorimer Street and south of the Yarra River;
(c) south of the Westgate Freeway and north of Port Phillip Bay;
(d) along the western edge of the Yarra River at Newport and Spotswood;
(e) at Point Gellibrand, Williamstown.

1.3 Map one illustrates the location of the PoM.

1.4 From a commercial perspective, the PoM is the largest container port in Australia covering 481 hectares and currently handling approximately 2.7 million Twenty foot Equivalent Units (TEU) per year. Some estimates having placed the ultimate capacity of the PoM on the current footprint and with its current transport connections at 7 to 9 million TEU per annum.\(^1\) It is a critical infrastructure asset that is vital to the State of Victoria and more broadly, Australia.

1.5 On 15 December 2017, the PoM Operations submitted a formal submission to the proposed Amendment which highlighted the following key concerns:

(a) the lack of recognition of the strategic and State significance of the PoM and its need to maintain its current operations and provide for future growth;

(b) the potential to create land use conflicts; and

(c) the need to protect key road and rail routes into and out of the PoM including the existing Webb Dock and its associated Rail Reserve.

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\(^1\) Port of Melbourne Operations, April 2018

\(^2\) Infrastructure Victoria, *Advice on securing Victoria's Port Capacity* (May 2017)
1.6 Our client's concerns regarding the Amendment are based on the implications that the Amendment would have on its current and future operations. This is particularly important given that the PoM is the largest shipping container port in Australia and the

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3 Port of Melbourne Operations, 2018
Victorian State Government (State Government) has committed to a 50 year lease of the PoM.\(^4\)

1.7 In summary, it is our client's submission that the Amendment should be altered to:

(a) acknowledge the strategic and State significance of the PoM and it's need to grow in the future;

(b) incorporate the Port Development Strategy (as amended from time to time) into the relevant Schemes;\(^5\)

(c) apply an amended Schedule 4 to the Environment Significance Overlay - Port Environs to the western portion of Fishermans Bend (as attached at Appendix A to this submission);

(d) recognise the western portion of Fishermans Bend (as attached at Appendix A to this submission) as part of the port environs affected by Ministerial Direction 14 - Port Environs;

(e) protect the land use buffer to sensitive uses as provided for by way of the land that is now known as the Employment Precinct;

(f) acknowledge, protect and accommodate the Webb Dock Rail Link;

(g) consider and address the impact of future traffic flows on the current upgrade and investments connecting the PoM to the Westgate Freeway and to support port freight at Cook Street;

(h) acknowledge the need for freight from Station Pier to continue to move across the Fisherman's Bend Precinct via the existing VicRoads arterial roads and the need to protect these roads from adverse impacts caused by capacity constraints;

(i) protect existing freight vehicle connections between Webb Dock, the Swanson Dock Precinct and Lorimer Street; and

(j) consider the PoM shipping operations when planning for any ferry (or other) vessel operations.

2. Site, Surrounds, Operations, and future of the Port of Melbourne

2.1 Occupying 481 hectares\(^6\) of land, the PoM is strategically located within the Melbourne Metropolitan Region.

\(^4\) Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 (Vic)
\(^5\) It is noted that this is a reference document in all planning schemes.
\(^6\) Port of Melbourne Operations, April 2018
2.2 Currently, the PoM is surrounded by a range of land uses including urban, residential, commercial and industrial uses. **Map two** illustrates the land uses surrounding the PoM.

![Map two: Land uses surrounding the Port of Melbourne](image)

Map two: Land uses surrounding the Port of Melbourne

2.3 There are a number of key rail and road links that provide access to and from the PoM. These include:

(a) Lorimer Street which provides an existing connection between Webb Dock and the Swanson Dock Precinct;

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7 Infrastructure Victoria, *Advice on securing Victoria’s Port Capacity* (May 2017) page 93
(b) Cook Street which provides direct access from Webb Dock to the West Gate Freeway;

(c) Prohasky, Plummer and Graham Streets which provide a route for Station Pier freight to transverse the Fishermans Bend Precinct.

(d) Other routes such as Todd Road that form part of the Port of Melbourne Container Network as shown in map three. Roads identified in blue are all gazetted arterial roads within the precinct that semi-trailers, transporting containers at up to 48 tonnes can use. However, oversize or high capacity vehicles cannot use Bolte Bridge.

2.4 The PoM is the largest container port in Australia handling 2.7 million TEU in 2016-2017 financial year. It is of strategic and economic importance to the State of Victoria and Australia.\(^8\)

2.5 The PoM comprises of a number of precincts that import and export different types of cargo, including containers, Tasmanian trade, dry bulk and liquid bulk. Remaining land within the PoM is used for port related activities such as loading areas, truck and rail staging areas, container storage, administration, maintenance and staff areas. Map four illustrates the various precincts within the PoM, \(^9\) generally consistent with the Port Development Strategy Vision 2035 (Port Development Strategy).\(^10\)

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\(^8\) Port of Melbourne Operations, April 2018

\(^9\) Infrastructure Victoria, *Advice on securing Victoria's Port Capacity* (May 2017) page 78

\(^10\) Port of Melbourne Corporation, *Port Development Strategy 2035 Vision*, pages 20 to 24
Map three: Port of Melbourne Container Network
Map four: Port of Melbourne Precincts\textsuperscript{12}

\textsuperscript{11} Port of Melbourne Operations, April 2018
\textsuperscript{12} Infrastructure Victoria, Advice on securing Victoria’s Port Capacity (May 2017) page 79
2.6 The Port Development Strategy also includes land within the PoM, the Ann Street Pier which is currently used for the storage and mooring of marine equipment; Breakwater Pier which caters for special purposes such as visiting naval ships and the Newport Precinct which is predominantly open space is used for oil pipelines and jetties associated with the adjacent refinery operations.13

2.7 In recent times, the Webb Dock Precinct has undergone significant redevelopment to increase its capacity at a cost of approximately $1.6 billion and now includes the Victorian International Container Terminal which has the current capacity to cater for approximately 1.4 million TEU.14

2.8 The PoM has grown over the last decade from dealing with approximately 2 million TEU in 2006 to approximately 2.64 million TEU in 2015/2016. These volumes are expected to continue to increase in line with population growth. Figure one illustrates the forecast growth of the PoM operations under various growth scenarios.

![Figure One: Forecast of total container trade volumes (TEU) in the central, low and high cases](image)

2.9 Work undertaken by Infrastructure Victoria indicates that the PoM has a 15 year capacity before changes must be made to increase its capacity.16 The future potential changes are as follows:

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13 Port of Melbourne Corporation, *Port Development Strategy 2035 Vision*, pages 20 to 24
14 Port of Melbourne Operations, April 2018
15 Infrastructure Victoria, *Advice on securing Victoria’s Port Capacity* (May 2017) page 43; Deloitte, *Infrastructure Victoria Second Container Port Advice container draft forecasts for Victoria* (February 2017)
(a) upgrades to surrounding streets such as Simms Street and the West Gate Freeway ramp;

(b) an increase in overnight transport utilising the PoM;

(c) improvements to the berth and yard of Swanson Dock such as expanding the footprint of the container stacks, adding an intermodal terminal and widening the dock; and

(d) improvements to Webb Dock such as reconfiguring Webb Dock to increase its container trade capacity, extending Webb Dock into Port Phillip Bay to create Webb Dock South and possibly constructing the freight link to the Western Distributor.17

2.10 The PoM will determine how to best respond to increasing trade volume and update this regularly through the Port Development Strategy.

2.11 PoM Operations are currently in the process of updating the current Port Development Strategy as required under Part 6B of the PM Act. The Port Development Strategy must be prepared and submitted to the Minister for Ports consistent with the Port Development Strategy Ministerial Guidelines July 2017.18

2.12 The development of the Port Development Strategy will explore and develop the changes and investment required to provide the necessary capacity to accommodate the increasing demand for freight.

2.13 The potential development of Fishermans Bend must be designed and implemented in a manner that does not curtail the PoM’s ability to implement changes and increase its capacity.

2.14 The PoM operations will intensify to an anticipated 8 million TEU per year by 2050. Prior to this point, it is not financially viable to have a second port. It is only after this point, that it becomes viable for the State Government to operate a second port. As such, 8 million TEU per year is effectively the trigger point for a second port or transport network investment around the PoM, which will inevitably mean a tripling of the current activities of the PoM within the next 50 years.19

2.15 The State Government has entered into a 50 year lease for the Port of Melbourne Operations to manage the PoM. As part of this lease, the State Government cannot develop a second port for the first 15 years of the lease without compensating the leasee of the PoM.20

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16 Infrastructure Victoria, Advice on securing Victoria’s Port Capacity (May 2017) page 43; Deloitte, Infrastructure Victoria Second Container Port Advice container draft forecasts for Victoria (February 2017)
17 Infrastructure Victoria, Advice on securing Victoria’s Port Capacity (May 2017) pages 74, 81 to 87
18 Port of Melbourne Operations, April 2018, Port Management Act 1995 (Vic) part 6B
19 Infrastructure Victoria, Advice on securing Victoria’s Port Capacity (May 2017) page 43; Deloitte, Infrastructure Victoria Second Container Port Advice container draft forecasts for Victoria (February 2017)
20 Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 (Vic)
2.16 Consequently, it is of vital importance that the PoM is protected, its strategic importance recognised and its ability to grow and expand to accommodate the forecast growth in the future remains unimpeded.

3. Planning Scheme Amendment GC81 as it impacts the Port of Melbourne

3.1 The Amendment aims to establish the framework to redevelop Fishermans Bend into five precincts including an employment precinct.21

3.2 Of relevance to our client are the PoM interfaces with Fishermans Bend and the potential impacts development will have on the current and future operations of the PoM. **Map five** illustrates the interface between the PoM and Fishermans Bend.

3.3 Specifically, our client's concerns can be categorised into the following key themes:

(a) the lack of recognition of the strategic and State significance of the PoM, its current operations and the need to provide for future growth;

(b) the potential to create land use conflicts; and

(c) the need to protect key road and rail routes into and out of the PoM including the existing Webb Dock and its associated rail reserve and the South Wharf precinct.

3.4 These concerns are discussed in further detail throughout the remainder of this submission.

Map Five: The interface between the Port of Melbourne and Fishermans Bend
4. Acknowledging the strategic importance of the Port of Melbourne and its need to grow

4.1 In its current form, the Amendment acknowledges that the PoM is the largest container port in Australia with the PoM identified in Objective Two: A Prosperous Community. Rightly so, this objective outlines that the PoM is a key employment generator for the State and is of State and national significance.

4.2 Ultimately, the Amendment target for 2050 specifies that the PoM remains Australia’s primary container port. The intention is to achieve this via objective 2.5 which, amongst a number of matters, aims to safeguard 24 hour, seven day a week access to the PoM.

4.3 The schedules to the Capital City Zones in both Schemes require the consideration of the intensity of development and possible requirements to construct to certain standards (e.g. AS 2107: Acoustics - Recommended design sound levels and reverberation times for building interiors) for proposals within the PoM buffers or within a certain distance from the anticipated freight line or existing industrial uses.

4.4 It is submitted however that in order to ensure fair, orderly, economic and sustainable use and development of land within Fishermans Bend, the Amendment needs to further acknowledge the strategic importance of the PoM and its need to grow. This can be achieved by making more explicit reference to the PoM in the Amendment controls and Fishermans Bend Framework Plan (Framework Plan). It can also be achieved by incorporating the Port Development Strategy (as amended from time to time) in the Schemes. By doing this, the Amendment would further advance the objectives of Clause 18.03 of the State Planning Policy, the relevant objectives and directions of Plan Melbourne and ensure compliance with Ministerial Direction 14 - Port Environs.

4.5 A marked up (track changes) version of the relevant pages of the Framework Plan with suggested changes is attached at Appendix B detailing the changes it is submitted ought to be included in the Framework Plan.

5. Addressing and avoiding the potential for future land use conflicts

5.1 The PoM and Fishermans Bend have a direct interface which has the potential to give rise to land use conflicts between future residential and mixed use areas and the operations of the PoM.

5.2 Land use conflicts have the potential to significantly affect the PoM in a range of ways including:

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22 State Government of Victoria, Fishermans Bend Framework: Draft for Consultation (October 2017) pages 15, 27
23 State Government of Victoria, Fishermans Bend Framework: Draft for Consultation (October 2017) page 44
24 State Government of Victoria, Fishermans Bend Framework: Draft for Consultation (October 2017) page 45
25 Planning and Environment Act 1987 (Vic) s4
(a) Restricting the hours of operation:  

(i) Given the size and scale of the PoM and its anticipated future growth, it is anticipated that the PoM operations will intensify to an anticipated 8 million TEU per year by 2050.

(ii) However, increased density around the PoM interfaces (e.g. of up to four storeys along the western edge of the Wirraway Precinct) create the potential for conflicts to arise between land uses which have the potential of limiting operations of the PoM.

(iii) Such effects may include restrictions on the hours of operation of the PoM itself or its associated uses such as truck and freight movements.

(b) Restriction on routes:  

(i) In order to perform its fundamental function, the PoM must be able to move cargo, goods and other items to and from the PoM.

(ii) This requires the use of key road and freight routes as set out at map three in this submission.

(iii) Potential land use conflicts have the ability to result in restrictions being placed on key routes the PoM utilises or alternatively may lead to congestion along key routes.

(c) Speed or size restrictions:  

(i) Fishermans Bend will ultimately be developed for a mixed use suburb which includes an employment area. The introduction of 80,000 residents in close proximity to the PoM and along its key transport routes may give rise to calls to restrict the speed or size of vehicles moving along key freight routes and roads. The PoM is already experiencing this in the inner west along key transport routes in Yarraville, Footscray and Seddon.

(ii) Such increased pressures would inhibit the PoM's current operations (which are of State and National significance) as well as limiting forecast growth.

(d) Restrictions on the potential to expand:

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26 GHD, Port of Melbourne Corporation Advisory Committee: Review of Planning Controls Port Environs (August 2010) page 4  
27 GHD, Port of Melbourne Corporation Advisory Committee: Review of Planning Controls Port Environs (August 2010) page 4  
28 GHD, Port of Melbourne Corporation Advisory Committee: Review of Planning Controls Port Environs (August 2010) page 4  
(i) The PoM will grow in the coming years. The introduction of residential and other related uses within close proximity to the PoM has the ability to restrict the PoM’s ability to grow if such an interface is not properly managed.

(ii) For example, controls such as ‘clause 52.10: Uses with adverse amenity potential’ have the ability to hinder certain operations from expanding. This issue is recognised in the Fishermans Bend Buffer Assessment, which notes that:

‘the encroachment of sensitive land uses on the buffer areas of existing industry may result in unachievable or unreasonable requirements on the industries to mitigate the impacts at the source’.30

5.3 While the PoM strives to achieve best practice, given its significance to the State and National economy, it must have licence to continue to operate and grow. Its operations by their very nature are industrial and have the potential for a number of off site impacts including by way of noise, light and odour emissions and require appropriate consideration. If realised, the above outcomes have the ability to severely restrict the operations of the PoM and decrease its competitiveness. This may result in severe negative consequences on the economy of the State of Victoria and indeed Australia.31

5.4 The State Government recognised these issues in 2010 and established the Ports and Environs Advisory Committee (PEAC). The PEAC considered land use planning around all four Victorian ports and, amongst a range of recommendations, suggested the application of a Port Environs Overlay to land around the PoM to protect it from conflicting land uses.32 As a result, Environmental Significance Overlay - Port Environs (ESO) was introduced into various planning schemes by the Minister for Planning in or about May 2012.33

5.5 It is submitted that despite this, inappropriate development has unfortunately already been approved along the PoM interface in an area that is identified as the ‘Port Buffer’ in the Framework Plan.34 On or about 5 December 2017, The City of Port Phillip issued a Planning Permit (Permit) for 122 dwellings at 187 - 201 Williamstown Road, Port Melbourne. While condition 12 of the Permit requires the entering into and registration of an agreement pursuant to section 173 of the Planning and Environment Act 1987 (Vic) (s173 Agreement) on the certificates of title to the land which notifies future land owners of the PoM operations and requires land owners to undertake acoustic attenuation, this does not address the interface issue or reduce the number of complaints future residents may have, this in turn could have adverse effects on the viability of the PoM’s operations.

30 GHD, Department of Environment, Land, Water and Planning: Fishermans Bend Buffer Assessment (October 2016) page 124
31 GHD, Port of Melbourne Corporation Advisory Committee: Review of Planning Controls Port Environs (August 2010) pages 4 to 5
32 Planning Panels Victoria, Ports and Environs Advisory Committee (October 2010) page 156
34 State Government of Victoria, Fishermans Bend Framework: Draft for consultation (October 2017) pages 36 and 49
5.6 Given the above, it is submitted that the ESO and Ministerial Direction 14 (Port Environs) (MD14) should apply to the western portion of Fishermans Bend (in the Wirraway Precinct) and land that interfaces with the PoM including the remainder of the Employment Precinct. Further, it is submitted that the ESO should be amended to provide:

(a) noise assessment;

(b) noise mitigation; and

(c) a requirement to enter into s173 Agreements to be registered on the certificates of title of affected land generally in the form as attached at Appendix C to this submission.

5.7 It is acknowledged that the Framework Plan identifies the western portion of Fishermans Bend (in the Wirraway Precinct) as a mix of private, proposed and existing open space. Not all of this land is in public ownership and a public acquisition process will be required if it is to be transferred into public ownership. Ideally, this land should be rezoned and reserved (where necessary) to reflect the recommendations of the Framework Plan, including application of the Public Park and Recreation Zone (as appropriate) to ensure that its proposed open space function as defined in the Framework Plan aligns with the land use controls that apply to it. This also ensures that inappropriate land uses do not establish in an area with such proximity to the PoM.

5.8 Further, while it is acknowledged that the Employment Precinct is not strictly subject to the current Advisory Committee process, it is imperative that this land is protected from future inappropriate uses and remains an employment area which creates synergies with the PoM, plays an important buffer function and allows the Fishermans Bend area to achieve its employment targets.

5.9 It is submitted that the Advisory Committee and the Minister in considering the Amendment needs to have regard to MD14 in respect of the operations of Webb Dock, its associated freight and transport routes and the PoM operations generally. MD14 provides that a planning authority must satisfy itself that an amendment to a planning scheme will not introduce a sensitive use or will not intensify existing sensitive uses in areas designated as port environs if the use prejudices the operations of the PoM.

5.10 It is submitted that on a broader level, land use conflict will arise between existing viable heavy industries operating in Fishermans Bend. These conflicts, along with those of the PoM should be addressed in a holistic and strategic manner, not on a site by site ad hoc basis. As detailed above, the Employment Precinct plays a vital buffer role to certain industries within the Fishermans Bend Precinct and must continue to do so in the future.35

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35 As outlined in the evidence of Mr Marco Negri’s for 310- 324 Ingles Street and 225 Boundary Street, Port Melbourne (dated March 2018) on behalf of Barro Group Pty Ltd
6. Protecting transport and freight corridors

6.1 In order to fulfil its function, the PoM must have access to key road and rail routes.

6.2 The Framework Plan aims to safeguard existing Webb Dock connections, future rail and road corridor connections between Webb Dock, Swanson and Appelton Docks and strengthen existing structures for higher mass vehicles. The Framework Plan includes objective 2.5 which includes a range of strategies such as maintaining the Todd Road/ Lorimer Street/ Wurundjeri Way as a freight route.\(^{36}\)

6.3 However, to ensure the efficient and successful operation of the PoM now and into the future, the Amendment must recognise and protect a number of key freight and transport routes that service the PoM.

6.4 The PoM benefits from a rail reservation known as the Webb Dock Rail Link Rail Reserve (Webb Dock Rail Link). Map six illustrates the alignment of this easement (in black) together with the key freight routes (in red). As part of the PoM Lease, the Leasee has committed to preparing a Rail Access Strategy within three years of the commencement of the lease (i.e. by October 2019). It is noted that, rail and movement of freight via rail is a key priority in the PoM's business plan.\(^{37}\)

6.5 Consequently, it is submitted that the Framework Plan and Amendment must acknowledge, protect and accommodate the Webb Dock Rail Link. This can be achieved by amending figure nine of the Framework Plan to illustrate the alignment of this easement in addition to or rather than the future freight rail route currently identified in the Framework Plan.

6.6 Currently, Webb Dock has direct access to the West Gate Freeway. The PoM has previously expressed interest in redesign of the road network to ensure that future traffic flows do not compromise the current upgrade and investments to support PoM freight at Cook Street. The inclusion of active transport traversing Cook Street is anticipated to create conflicts between the road users of Cook Street and lead to an unsafe outcome.\(^{38}\) Given the significance of the PoM, freight traffic must take precedence along this access route to the West Gate Freeway.

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\(^{36}\) State Government of Victoria, Fishermans Bend Framework: Draft for consultation (October 2017) pages 36 and 49


6.7 While the Framework Plan includes freight routes through the Precinct, it must also recognise that Station Pier freight will continue to traverse the Fishermans Bend Precinct through Prohasky, Plummer and Graham Streets and protect and provide for the continued use of these roads in this fashion. The Framework Plan currently proposes to create a civic spine supported by a tram route through Plummer Street.\(^{40}\) This will create land use conflicts between road users (particularly freight associated with the PoM) and seriously hinder the PoM's ability to move freight and perform its function. It is submitted that any road network considerations should not adversely impact the capacity of Prohasky, Plummer and Graham Streets to accommodate freight

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\(^{39}\) Port of Melbourne, *Webb Dock Rail Link Rail Reserve* (March 2018)
movements to or from Station Pier and consider the future requirements in relation to cruise shipping.

6.8 Existing freight vehicle connections between Webb Dock and the Swanson Dock Precinct are via Lorimer Street. It is submitted that the Advisory Committee should recommend that these freight routes be protected to ensure that freight movement efficiencies and capacities are maintained and the PoM activities are not adversely affected by the development of the Fishermans Bend Precinct. Alternative freight routes such as including those noted in the Framework Plan between Todd Road, Lorimer Street and Wurundjeri Way or Lorimer Street, Williamstown Road and Normanby Roads must be integrated into the network, and be able to meet long term capacity and performance requirements and promote freight efficiencies.41

6.9 Lorimer Street is also the key route for all the freight movements to and from the South Wharf Precinct. The South Wharf Precinct deals with a number of bulk commodities. This Precinct also plays a significant role in cement supply chains. The South Wharf Precinct's ongoing operation is crucial to maintaining competitive supply chains for cement to support the construction and building sector especially as demand for cement is anticipated to grow strongly in the future as the City's population increases and demand for dwellings accelerates (as are the aspirations of this Amendment).42

6.10 The public transport provisions in the Framework Plan include strategies to investigate a potential underground rail line beneath Webb Dock. This is inconsistent with the Port Development Strategy which suggests deepening Webb Dock further north.43 The infrastructure and wharf structures on Webb Dock may also prohibit this outcome. As such, it is submitted that an alternative route for underground passenger rail should be explored and considered. The PoM's ability to operate and increase the capacity of Webb Dock is of critical importance. It is submitted that any future potential underground rail link must have regard to the PoM and its current and future operations.

6.11 The Framework Plan highlights the potential for the investigation of water transport options in the future. While it is acknowledged that no commitments have been made at this stage, it is submitted that any further consideration or investigation must consider existing ship movements to and from the PoM and minimise potential conflict between commercial vessels and other vessel operations. Such investigations in our submission should also not include an assumption that PoM land will be made available for water transport options.44

42 Infrastructure Victoria, Second Container Port Advice - Evidence Base Discussion Paper (March 2017) page 26
43 Port of Melbourne Corporation, Port Development Strategy 2035 (2009s, page 26
7. Other matters

7.1 The Framework Plan includes the South Wharfs in the Employment Precinct. This land has been leased as part of the PoM lease and must be removed from the Framework Plan as it is intended to be developed and used for PoM activities.

8. Conclusion

8.1 The PoM is the largest shipping container Port in Australia. The PoM is forecast to experience significant growth over the coming years. Work undertaken by Infrastructure Victoria indicates that a second port will not be economically viable until the PoM reaches its capacity of 8 million TEU per year in approximately 2050.

8.2 In addition, the State Government has entered into a 50 year lease for the Port of Melbourne Operations to manage the PoM. This lease includes a provision that discourages the State Government from pursuing a second port within the first 15 years of the life of the lease, and is premised on an ability for the PoM to maintain its current operations and grow significantly over the next 50 years as forecast.

8.3 Consequently, the PoM and its strategic location are of vital importance to the State of Victoria and the Australian economy.

8.4 The redevelopment of the Fishermans Bend Precinct aims to protect and allow the PoM to grow and continue its role as the premier shipping port in the country.

8.5 However, as outlined in this submission, in order to achieve these ends it is submitted that refinements are requested to the Amendment to ensure that strategic and State significance of the PoM are appropriately recognised and protected, land use conflicts are avoided and addressed, and key road and rail routes serving the PoM are protected.

8.6 The PoM Operations looks forward to working with the State Government and various stakeholders to successfully implement the development of Fishermans Bend.

David Vorchheimer
HWL Ebsworth Lawyers
For and on behalf of the Port of Melbourne Operations as the trustee of the Port of Melbourne Unit Trust

17 April 2018
APPENDIX A:

AREA TO BE AFFECTED BY THE AMENDED ENVIRONMENTAL SIGNIFICANCE OVERLAY AND MINISTERIAL DIRECTION 14 (PORT ENVIRONS)
APPENDIX B:

REFINED FISHERMANS BEND FRAMEWORK PLAN
liveable community
In Fishermans Bend, people will be connected through integrated walking, cycling and public transport links that will make choosing sustainable transport options easy. Digital high-speed data networks will also enhance connectivity. Activity cores will be located near public transport, and include community services and public spaces to ensure that people can access their daily needs close to where they live and work. Less than one in five trips will be made by private car.

A prosperous community
In Fishermans Bend, planning will support diverse employment and education opportunities across all precincts. Local and metropolitan jobs will be supported across a range of sectors and complemented by education and training opportunities. The Port of Melbourne’s operations will be protected and its potential for future growth unimpeded. Opportunities for commercial and creative industries will be preserved to ensure that a balanced mix of uses is provided, building on the area’s existing strengths including proximity to the CBD and Port of Melbourne.

An inclusive and healthy community
Fishermans Bend will be a community for people of all ages and backgrounds. It will provide a range of dwelling options for all types of households including family living and affordable housing. Community services, such as schools, health services, community meeting spaces, library services, sporting facilities and high quality public spaces will ensure that people have opportunities to lead healthy lives. Less than one in five trips will be made by private car.

A climate adept community
Fishermans Bend will need to be resilient to extreme weather events – including flooding, drought, heat waves and storm surges associated with sea level rise. A high degree of social cohesion exists, creating an environment that enhances community resilience. In the future in Fishermans Bend, the urban heat island effect will be lower than in other areas of Melbourne.

A water sensitive community
Utilising stormwater and recycled water as a substitute for potable water to conserve water resources.
An integrated water recycling facility will be developed to supply a new three-pipe network. Stormwater detention and retention will be provided within buildings. Landscapes will be designed to incorporate water sensitive urban design principles to improve water quality and manage flooding.

A biodiverse community
Biodiversity will be supported in Fishermans Bend with public spaces and buildings creating habitat opportunities for indigenous flora and fauna. This will be achieved through appropriate landscape design in streets and parks, as well as through the use of green walls and roofs in buildings. Green links will be established to link Fishermans Bend to surrounding areas with biodiverse environments such as Westgate Park and Port Phillip Bay.

A low waste community
Recycling will be maximised and waste to landfill reduced. Waste management systems will divert organic waste from landfills. Construction and demolition waste recycling opportunities will be maximised through reuse and recovery of building materials. Opportunities for advanced resource recovery (such as energy from waste) will be investigated, as will local, place-based waste solutions. Building design guidelines will support increased rates of recycling and diversion from landfill through best practice design and operation.
**Sustainability goal 1**

**A connected and liveable community**

**Overview**

In order for Fishermans Bend to be a well-connected and liveable place, it must integrate transport and land use planning.

**A connected place**

To create a reliable transport network that supports people choosing sustainable transport as their preferred way of getting to and around Fishermans Bend, improvements in public transport, cycling and walking infrastructure will be required.

Walking and cycling are affordable, sustainable, healthy ways to get around. The relatively flat topography of Fishermans Bend and proximity to key destinations such as Docklands, the Hoddle Grid, Southbank, South Melbourne, Port Melbourne and Port Phillip Bay, make it generally well-suited to walking and cycling.

The existing large block sizes, however, make it difficult to walk to places. By contrast, the Hoddle Grid has a much finer network of streets, which demonstrates how a high level of pedestrian permeability can support walking access through the city and support a vibrant street life. This can be further enhanced by a well-designed public space network of parks, tree lined boulevards and shady streets that connect to a variety of squares, and sports and recreation spaces within Fishermans Bend and beyond.

An efficient, well-connected public transport network will maximise the opportunity to link Fishermans Bend to global markets, improving productivity and attracting jobs (see Sustainability goal 2: A prosperous community).

This network will have regard to the key transport routes servicing the Port of Melbourne. These include the Webb Dock Rail Link, links from Webb Dock to the West Gate Freeway via Cook Street, Prohasky, Plummer and Graham Streets which allow the movement of freight across the Fishermans Bend precinct, and Lorimer Street which is the key route between Webb Dock and the Swanson Precinct.

**A liveable place**

Liveability is central in the planning for Fishermans Bend. A holistic appreciation of liveability has been adopted, and Fishermans Bend aims to provide workers and residents alike with a sense of community and connection to, and pride in, place.

Mixed use precincts are the foundation of a sustainable city. They create walkable places by locating jobs, homes, shops, entertainment places and essential community services in close proximity to each other.

The design of new buildings contribute to the local sense of place, influence the quality of life provided for residents and workers, and the environmental footprint of an area. Well-designed buildings that contribute to the creation of distinct neighbourhood character, provide for a high amenity environment and which include sophisticated sustainability measures will be central to the development of Fishermans Bend.

Fishermans Bend will provide easy access to schools, health and community services to support the diverse and growing resident, worker and visitor population.

A range of multi-functional public open spaces, including parks and civic places provide opportunities for recreation, community events, rest, relaxation and a connection to nature (see also Sustainability goal 3: An inclusive and healthy community).

Overall densities need to be carefully managed to ensure that there is not an over-development of the area resulting in loss of amenity, congestion, infrastructure overloading and poor quality streetscapes. The density of Fishermans Bend will be managed through the combination of floor area ratios and height controls to accommodate a population of 80,000 residents and 80,000 jobs.

Future uses within proximity to the Port of Melbourne will have regard to the Port of Melbourne’s operations and implement mitigation measures that address any land use conflicts and ensure that the current and future operations of the Port of Melbourne remain unimpeded.
Sustainability goal 1 – a connected and liveable community

Objective 1.1
Deliver public transport services that connect to the existing Melbourne network and are a ten minute walk from all residences and workplaces

Strategies
1.1 Seek to extend the tram network to Fishermans Bend, including two new dedicated tram routes connecting north and south of the freeway to Docklands, Southern Cross Station and the Hoddle Grid
1.2 Investigate potential metro stations that may be incorporated in a future underground rail line while having regard to the Port of Melbourne, in particular, Webb Dock
1.3 Enhance the existing light-rail services in Montague to improve capacity and access

1.4 Upgrade existing and introduce new bus services to improve coverage, frequency, connection and user choice
1.5 Explore opportunities to support the delivery of privately operated ferries and water taxis while having regard to the operations of the Port of Melbourne

Objective 1.2
Make Fishermans Bend a great place to walk for people with a wide range of abilities and needs

Strategies
1.2.1 Create new, direct pedestrian connections across the Yarra River to Docklands
1.2.2 Introduce a fine grain, permeable street network through the creation of new streets and laneways and ensure intersections are aligned to maximise connectivity (as per figure 8)
1.2.3 Reduce speed limits to create safe and enjoyable walking environments
1.2.4 Extend and enhance the existing network of fine grain laneways in Montague
1.2.5 Design streets to create safe, comfortable pedestrian-friendly environments that enable children, seniors and people with disabilities to get around independently and safely
1.2.6 Improve the pedestrian connection across major roads between Fishermans Bend and Port Melbourne, South Melbourne and Docklands including Williamstown Road and Lorimer Street
1.2.7 Improve pedestrian connectivity across the West Gate Freeway
1.2.8 Improve way-finding and signage to make it easier for people to get around
## Sustainability goal 1 – a connected and liveable community

### Objective 1.6
**Support long-term sustainable transport patterns**

#### Strategies
- **L1** Encourage alternative transport options and smart use of space by limiting private car parking in new developments to 0.5 cars/dwelling and one car/100m² for employment uses.
- **L2** Car parks must be designed to allow for future conversion to alternative uses and subdivided as common property (not individually titled) to be managed by the owners corporation and leased to property owners.
- **L3** Support the off-site delivery of precinct car parking stations to provide dedicated car parking in the short term.
- **L4** Require new development to incorporate green travel plans to support resident and worker use of alternative transport modes.
- **L5** Encourage inclusion of car share spaces within new developments.

#### Strategies
- **L1** Require buildings to be designed to ensure their deliveries, servicing and waste management are managed on-site.
- **L2** Prioritise innovative freight delivery and supply chain solutions to reduce the number of trucks accessing the area.

### Objective 1.7
**Support low-impact methods of delivering last-kilometre-freight and waste removal**

#### Strategies
- **L1** Require a permit for sensitive uses in proximity to some existing and planned infrastructure (Figure 9) which is likely to impact amenity.
- **L2** Require development to mitigate against negative amenity impacts such as noise, vibration, odours and light pollution associated with adjoining/nearby infrastructure and land uses including the Port of Melbourne.
- **L3** Investigate opportunities to underground overhead transmission lines in the long term.
- **L4** Ensure that road, cycle and walking routes do not create conflict and impact the freight rail and road routes servicing the Port of Melbourne especially, the Webb Dock Rail Reserve, Cook Street between the West Gate Freeway and Webb Dock, Prohasky, Plummer and Graham Streets and Lorimer Street between Webb Dock and Swanson Dock.

### Objective 1.8
**Plan and design new development to respond to existing and future infrastructure and land uses**

#### Strategies
- **L1** Investigate opportunities to underground overhead transmission lines in the long term.
- **L2** Ensure that road, cycle and walking routes do not create conflict and impact the freight rail and road routes servicing the Port of Melbourne especially, the Webb Dock Rail Reserve, Cook Street between the West Gate Freeway and Webb Dock, Prohasky, Plummer and Graham Streets and Lorimer Street between Webb Dock and Swanson Dock.

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**Figure 9: Buffer and amenity consideration**
Sustainability goal 2
A prosperous community

Overview
The Lorimer, Montague, Sandridge and Wirraway precincts were rezoned to Capital City Zone (CCZ) in 2012. This rezoning did not facilitate the development of a range of uses and densities necessary to create a prosperous community, leading instead to a dominance of high density residential development with minimal commercial offering.

The new objectives and strategies outlined in this draft Framework coupled with the suite of planning controls encourage these four precincts to develop a range of economic activities, including large floor plate campus-style office facilities, creative industries and innovation hubs, as well as more traditional high street retail and hospitality strips, alongside residential uses. The retention of industrial heritage and adaptive reuse of select existing buildings in each precinct could provide the built form bridge for this economic transformation.

A smart city
To be a prosperous community in the 21st century, high speed data connections are essential. Fishermans Bend will be an exemplar smart precinct for Melbourne, with the capacity to connect the community and businesses to and from anywhere in the world. Smart technologies will also enable the real time control of infrastructure – improving services, boosting efficiency, maximising capacity and minimising faults.

Integrated transport planning
Fishermans Bend will be a mix of residential, commercial, retail, community, leisure and entertainment activity. For this to occur successfully an alignment between higher intensities of use and public transport provision is required (see Goal 1).

Economic development will need to be supported over time by additional public transport infrastructure that connects Fishermans Bend to the rest of Melbourne.

Employment Precinct
The inclusion of the 230 hectare Employment Precinct as part of the Fishermans Bend renewal area presents a unique opportunity to create 21st century jobs centred on innovation and entrepreneurship and design excellence in manufacturing.

The strategic location of the Employment Precinct acts as a land use buffer between the Port of Melbourne and more sensitive uses envisaged to develop in Fishermans Bend. This is to be protected and appropriately planned.

The close proximity between Employment Precinct and the Port of Melbourne provide an excellent opportunity to create synergies. This opportunity will be further promoted and developed as planning for the Employment Precinct progresses in the future.

The Victorian Government’s purchase of the former General Motors Holden (GMH) site, located centrally within the Employment Precinct, creates a catalyst opportunity for the precinct. Its transformation into Australia’s leading design, engineering and technology district provides an opportunity to set the agenda for the broader redevelopment to follow.

While a range of sectors and business models will be promoted in the Employment Precinct, it will retain a strong focus on physical production and the transformation of ideas to commercially viable products. This will differentiate it from inner Melbourne’s other National Employment and Innovation Clusters (NEIC), and create a distinctive brand for Fishermans Bend. Smaller scale tenants, urban manufacturers, creative industries...
Sustainability goal 2 - a prosperous community

Objective 2.1
Facilitate job growth across Fishermans Bend to host 80,000 jobs by 2050

Strategies
2.1.1 Locate the majority of employment opportunities close to public transport to ensure easy access to these jobs from within and outside Fishermans Bend
2.1.2 Establish Sandridge as a major activity core accommodating the highest jobs density in Fishermans Bend
2.1.3 Establish activity cores within Wirraway, Montague and Lorimer that are supported by public transport
2.1.4 Introduce a requirement for active frontages within the activity cores and fronting key pedestrian routes and public spaces
2.1.5 Introduce built form controls that support commercial development floor plates in core areas
2.1.6 Develop a distinctive brand for Fishermans Bend that reflects its history and promotes its future
2.1.7 Attract world class tertiary institutions that will enable research and development, education, services and productive engagement with the market
2.1.8 Establish activity cores within Wirraway, Montague and Sandridge that are supported by public transport
2.1.9 Develop a strategic and integrated plan for employment and investment in Fishermans Bend
2.1.10 Increase opportunities to connect, collaborate and create synergies with future and established employment-rich areas, such as the Port of Melbourne

Objective 2.2
Strengthen Melbourne’s economic diversity and resilience

Strategies
221 Investigate the new desired mix of industry and business
222 Encourage job opportunities for Aboriginal Victorians in Fishermans Bend
223 Create high quality liveable places that are conducive to innovators and entrepreneurs and that attract talented and skilled workers from a range of educational backgrounds
224 Promote the economic and cultural value of creative industries and embed them into the renewal process
225 Monitor and analyse the economic development outcomes to inform future policy
226 Recognise and protect the current and future operations of the state and nationally significant Port of Melbourne
227 Promote a range of commercial and industrial building typologies, adaptable built form and mix of scale to enable flexibility and a diverse range of use

Objective 2.3
Establish the Employment Precinct as a unique economic precinct of global significance

Strategies
231 Devise and map a development program for the Employment Precinct that provides leadership and opportunities for collaboration that will:
   - attract 40,000 jobs to the precinct
   - create a finer grain and higher amenity urban environment conducive to innovation
   - achieve economic convergence by co-locating and clustering compatible industries across various sectors
   - attract high-value adding sectors and businesses of various sizes
   - be Australia’s premium location for innovators
232 Utilise government investment in the GMH site to promote the evolution of manufacturing and create a hub for innovation, entrepreneurship and design excellence
Sustainability goal 2 - a prosperous community

Objective 2.4
Provide smart city technology to support economic activity in Fishermans Bend

Objective 2.5
Protect Port of Melbourne activities to expand and enhance the long-term economic viability of Melbourne and access to global markets

Strategies

2.4.1 Plan for the delivery of high-bandwidth fibre and wireless networks across Fishermans Bend

2.4.2 Encourage next generation technologies, such as smart devices, smart networks and big data, to maximise the efficiency of new and existing infrastructure while minimising the environmental impacts of growth

2.4.3 Integrate smart sensors to monitor environmental conditions, such as air quality, thermal comfort, wind and flood levels

Strategies

2.5.1 Safeguard 24/7 access to the port by preserving a direct rail and road freight corridor between Webb Dock and Swanson/Appleton Docks and the freight terminal at Dynon and the Webb Dock Rail Reserve

2.5.2 Introduce planning controls required to protect this corridor, including land use, air quality and noise attenuation controls

2.5.3 Maintain land use buffers around the Port of Melbourne and apply the Environmental Significance Overlay

2.5.4 Maintain Todd Road/Lorimer Street/Wurundjeri Way as a freight route until a viable alternative freight route is established for vehicles that cannot use the West Gate or Bolte Bridges and require access to Swanson/Appleton Docks and Dynon Precinct

2.5.5 Maintain the current over-dimensional routes along Lorimer Street and Williamstown/Normanby Roads

2.5.6 Promote the use of preferred freight corridors to minimise the impacts on residential and commercial activities in Fishermans Bend

2.5.7 Explore the upgrade of the West Gate and Bolte Bridges to accommodate larger freight vehicles

2.5.8 Protect the freight and road routes serving the Port of Melbourne especially

- Cook Street between the West Gate Freeway and Webb Dock
- Prohasky, Plummer and Graham Streets
- Lorimer Street between Webb Dock and Swanson Dock

2.5.9 Alternative freight routes must be integrated into the network and able to meet the long term performance requirements of the Port of Melbourne and promote freight efficiency

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Figure 14. Freight activity
# Delivering the Employment Precinct

## Planning for Fishermans Bend Employment Precinct 2050

The inclusion of the 230 hectare Employment Precinct as part of the Fishermans Bend renewal area presents many unique opportunities to provide 21st century jobs centred on innovation, entrepreneurship and design excellence in manufacturing.

Over the next 12 months, state and local government will collaborate with industry and key stakeholders to plan the Fishermans Bend National Employment and Innovation Cluster (NEIC). This will follow a separate timeframe from the other four precincts.

This process will investigate how this precinct can be successfully developed as a NEIC. Until the planning is completed, the list below should be considered interim.

Initial constraints and opportunities have been identified as a starting point to assist with the further detailed planning for this precinct.

### Infrastructure delivery – key projects

<table>
<thead>
<tr>
<th>Sustainability goal reference</th>
<th>Timeframe</th>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium term</td>
<td></td>
<td>1</td>
<td>Northern tram corridor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>GMH site redevelopment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>Upgrade of the Westgate Punt</td>
</tr>
<tr>
<td>Long term</td>
<td></td>
<td>4</td>
<td>Sewer mining treatment plant (location to be determined)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>Potential underground rail</td>
</tr>
</tbody>
</table>

## Constraints

- Lack of public transport, pedestrian and cycling access and connections to neighbouring precincts.
- Limited access to the Yarra River, with land abutting the river utilised by the Port of Melbourne.
- Large block industrial subdivision pattern that makes achieving finer grain urban form, street activation, and improved permeability challenging.
- Medium to high soil contamination in some locations.
- The need to consider existing industrial uses, including concrete batching plants.
- Limited provision of community infrastructure and services.
- Existing utility infrastructure and easements required to be maintained, including high voltage power lines and existing sub-stations Salmon/Turner Streets and Graham Street.
- Existing freight rail alignment along Lorimer Street, Todd and Wharf Roads required to be maintained until an alternative is established.
- Truck movements associated with Webb Dock upgrade

## Opportunities

- Government ownership of former General Motors Holden (GMH) site to act as catalyst project and set the tone for broader evolution of precinct.
- Rich industrial history and supporting infrastructure, with several world renowned companies in operation.
- Industrial zoning and a strong commitment to a precinct focused on employment and the physical production of goods.
- Proximity to Melbourne’s CBD and its thriving knowledge economy.
- Proximity to the Port of Melbourne.
- Accessibility to key road infrastructure connecting the precinct to the port, airport and broader Melbourne.
- Key transport infrastructure providing a substantial buffer to surrounding areas slated for mixed use development.
- Large sites and an abundance of underutilised space, providing numerous opportunities for intensification of employment and supporting institutional developments.
- Ability to adaptively reuse large industrial buildings to accommodate a variety of uses, including small scale urban manufacturers, start-ups, creative industries, and pop-ups.
- Potential to relocate industries from other Fishermans Bend precinct and sites.
- Potential location for other catalyst projects including the sewer treatment plant.
- Ability to act as a land use buffer between infrastructure and industry and the more sensitive uses envisaged for Fishermans Bend.
- Ability to increase and equitably distribute regional open space and improve the Westgate Park connection to the Yarra River.
APPENDIX C:

AMENDED ENVIRONMENTAL SIGNIFICANCE OVERLAY
SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

PORT OF MELBOURNE ENVIRONS

1.0 Statement of environmental significance

The overlay manages potential conflicts between land in the port environs and the adjoining Port of Melbourne, an asset that is of State and National significance. Land within this overlay should not be developed for any purpose that might compromise the long term protection and expansion of port operations, infrastructure and associated storage facilities.

2.0 Environmental objective to be achieved

- Minimise the potential for future land use conflicts between the port and port environs.
- Ensure that any use and intensity of development in the overlay area does not constrain the ongoing operation and development of the commercial port or impede its future expansion.

3.0 Permit requirement

A permit is not required to:

- Use, construct a building or construct or carry out works, unless the building or works is associated with the following uses:
  - Accommodation
  - Child care centre
  - Education centre
  - Place of Assembly
  - Office
  - Food and Drinks Premises
  - Display Home
- Remove, destroy or lop any vegetation, including dead vegetation.

A permit is required to subdivide land.

4.0 Conditions and requirements for permits

Any permit for accommodation must include the following conditions:

**Noise From Port**

The subject development must maintain noise mitigation treatment to limit noise from commercial operations from the Port of Melbourne (PoM) (west of Todd Road) to the external private open areas of all dwellings to Leq58 dB(A) or lower for daytime periods and Leq51 dB(A) or lower for evening and night-time periods, adjusted in accordance with State Environment Protection Policy No. N-1.

- The Responsible Authority may, periodically at its discretion and/or in response to a
resident noise complaint, require the owner or Owners Corporation to undertake, or
cause to be undertaken a Noise Commissioning Assessment by a suitably qualified
acoustic consultant. The noise assessment must exclude traffic noise emissions from
Todd Road and Williamstown Road and be completed in accordance with the
requirements State Environment Protection Policy (Noise from Industry, Commerce
or Trade) No. N-1.

- If the Noise Commissioning Assessment determines that noise from the Port of
  Melbourne (PoM) (west of Todd Road) exceeds the above limits, the owner or
  Owners Corporation must undertake or cause to be undertaken additional noise
  mitigation treatment to meet the above noise limits.

Incorporation of Noise attenuation Measures

- Upon completion and prior to the occupation of the building(s) allowed by this
  permit, a report by a suitably qualified acoustic consultant must be submitted to,
  approved by and be to the satisfaction of the Responsible Authority:
  - Certifying that the dwellings incorporate the noise attenuation measures as
    specified in the endorsed Acoustic Report and shown on the endorsed plans.
  - Verifying the dwellings achieve the internal noise levels specified in the
    corresponding condition(s) in this permit.
  - The report must detail the set-up on site and methodology of the testing process.

- Where post construction measurement and testing shows internal noise levels
  exceeding those specified in the corresponding condition above, the applicant must
  make rectifications and retest as necessary to demonstrate compliance with the noise
  levels to the satisfaction of the Responsible Authority.

- The cost of certification acoustic works is to be met by the Permit Applicant.

Agreement under Section 173 of the Planning and Environment Act 1987

Before the development starts (other than demolition or works to remediate contaminated
land), the applicant must:

- Enter into an agreement under Section 173 of the Planning and Environment Act 1987
  with the Responsible Authority and the Port of Melbourne Operations;
  - Register the agreement on the title(s) for the land in accordance with Section
    181 of the Planning and Environment Act 1987; and
  - Provide the Responsible Authority with the dealing number confirming the
    registration of the agreement.

- The agreement must be in a form to the satisfaction of the Responsible Authority, and
  the applicant must be responsible for the expense of the preparation and registration
  of the agreement, including the Responsible Authority's reasonable costs and expense
  (including legal expenses) incidental to the preparation, execution, registration,
  enforcement and ending of the agreement.

- The agreement must contain the following obligations as covenants to run with the
  land, and must provide for the following:
  - Confirm that the land is located adjacent to an active, 24 hour per day working
    port located at the Port of Melbourne;
  - Acknowledge the adjacent Port is projected to expand and increase its operations
    from circa 1 million standard containers in 2017 to six million standard
containers by 2040, generally in accordance with the Port Development Strategy 2035 Vision, Port of Melbourne Corporation, August 2009, as amended from time to time.

• Require that the dwellings to be constructed on the land must be constructed to the acoustic standards above.

• Require that the dwellings must be designed and constructed to comply with the ventilation requirements of the Building Code of Australia, AS3666 and AS1668 with all windows and doors closed.

• Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibility, in writing, for maintaining the outdoor acoustic standards required by the conditions of this permit and the construction of any additional noise attenuation structures or features to achieve the outdoor acoustic standards required by the conditions of this permit.

• Require that the dwellings allowed by this permit must at all times comply with the acoustic standards required by permit;

• Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibilities, in writing, to maintain doors, glazing and acoustic seals to fulfil the indoor acoustic standards required by the conditions of the Planning Permit.

• The owner must inform every prospective purchaser or tenant of a dwelling in the building, in writing, that the adjacent Port may be a source of significant noise.

5.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

• Whether the proposed use or development is appropriate to the site by virtue of the proximity to the port.

• Whether the intensity of the proposed use or development might impede the long term operations of the port.

• Whether the proposed use or development might impede the long term development and operation of the port.

• Whether the proposed use or development has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.

• Whether the siting and design of the proposed use or development includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port.

• Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a port development strategy approved under the Port Management Act 1995.

• Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from port operations.
PORT PHILLIP PLANNING SCHEME

- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.

5.0 Reference

Map one: The Port of Melbourne
Legend

Legend

- Urban Areas
- Freeway
- Highway
- Arterial
- Channels
- Port of Melbourne

Land Use types

- Residential
- Commercial
- Mixed Residential/Commercial
- Industrial
- Park or Open Space

Map two: Land uses surrounding the Port of Melbourne
Map three: Port of Melbourne Container Network
Map four: Port of Melbourne Precincts
Map Five: The interface between the Port of Melbourne and Fishermans Bend
Appendix A: Area to be affected by the amended environmental significance overlay and ministerial direction 14 (port environs)