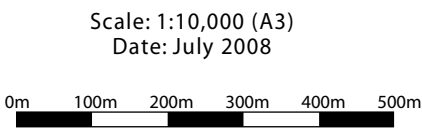
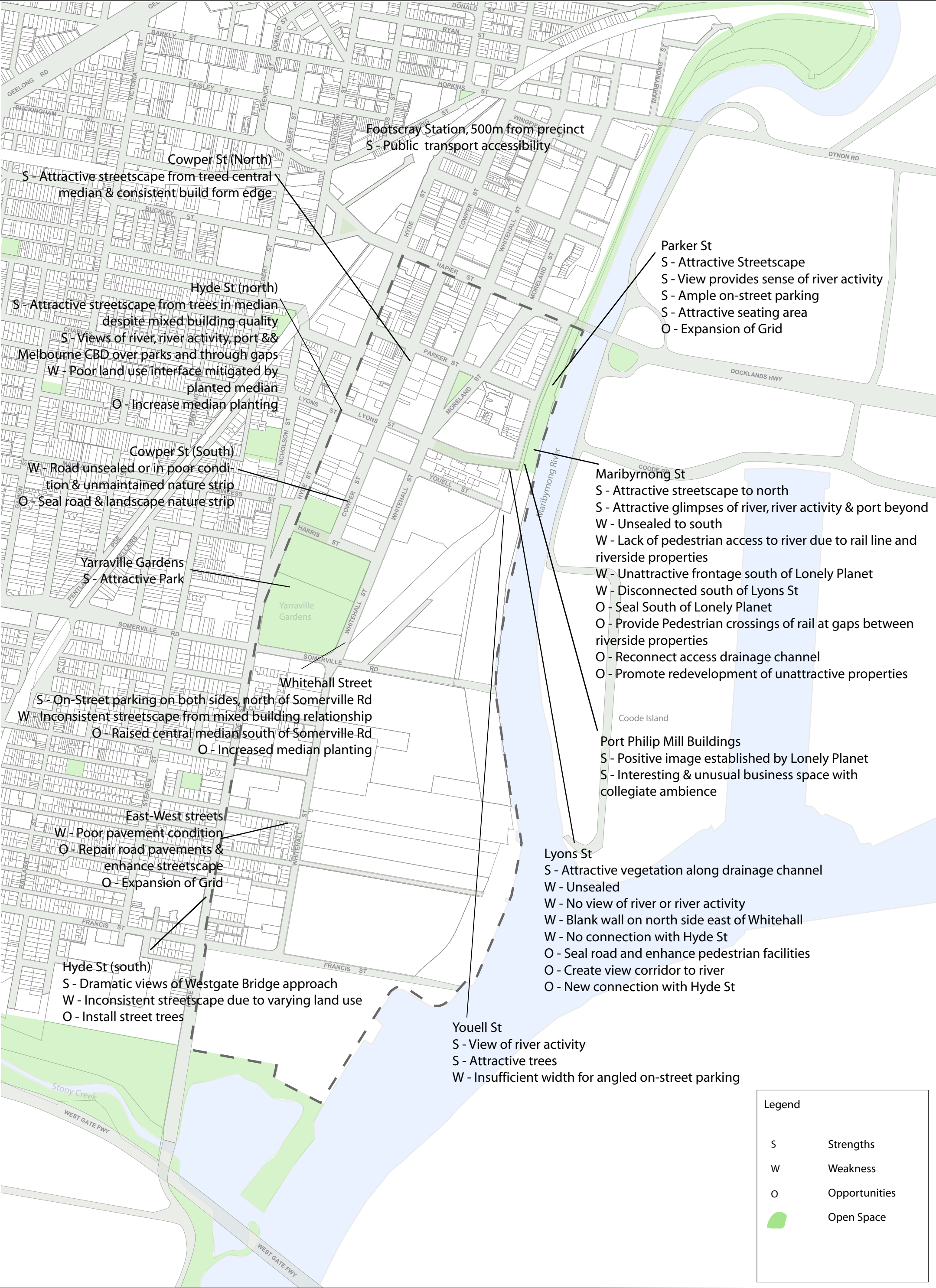
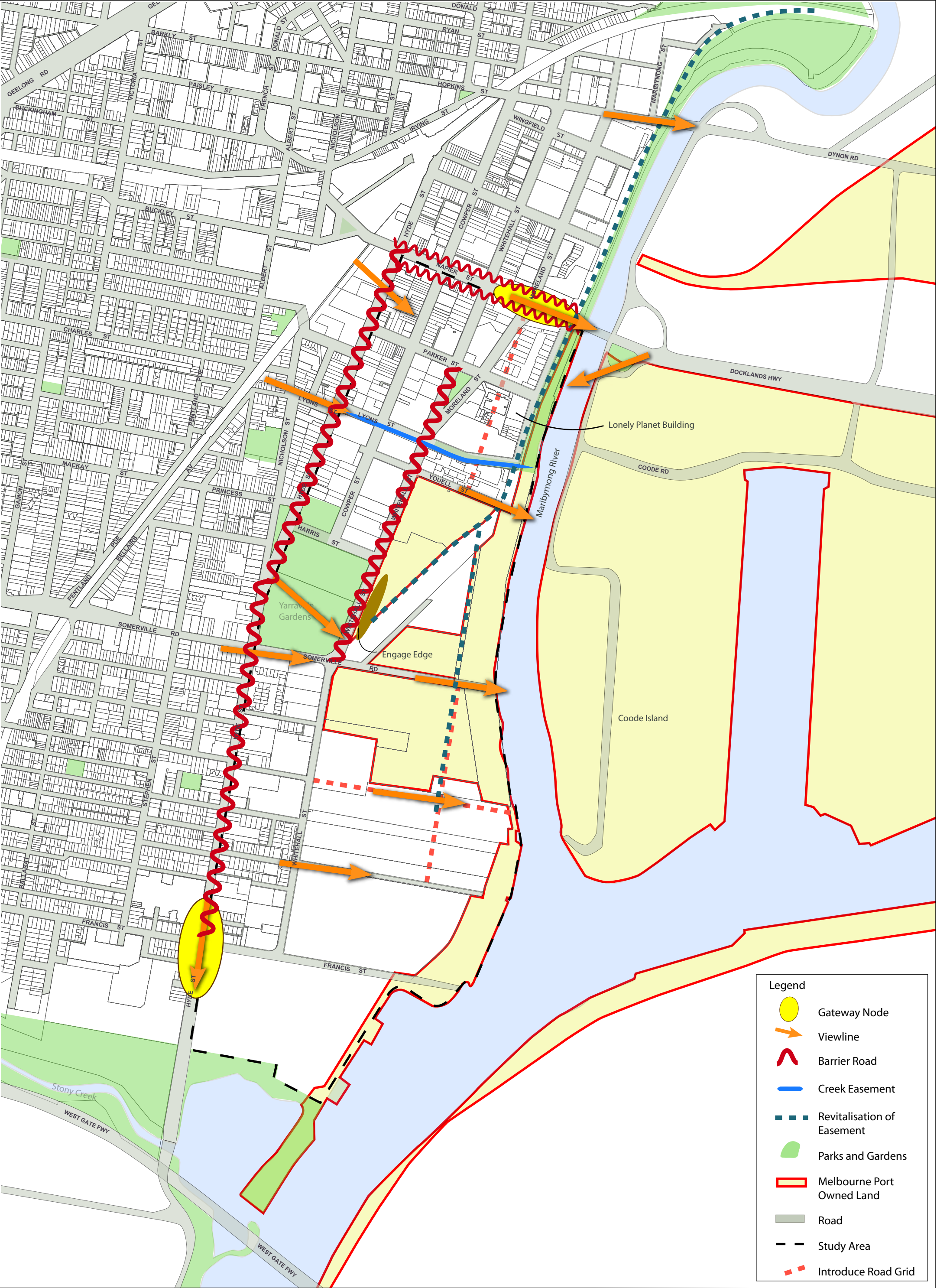




YARRAVILLE PORT STRUCTURE PLAN
Eddington Report Options







YARRAVILLE PORT STRUCTURE PLAN
Site Constraints and Opportunities

Scale: 1:10,000 (A3)
Date: July 2008

0m 100m 200m 300m 400m 500m

Clients:



Mapping:



CONSULTATION

MARIBYRNONG CITY COUNCIL

Council considers that the closure of the former industrial and logistics businesses within the precinct present significant opportunities to attract new businesses that can broaden the employment opportunities that are available in the municipality. The population of Maribyrnong is changing and the proportion of white collar workers living in the municipality is growing. There are few jobs available within Maribyrnong for people with these skills and most white collar workers need to travel to Melbourne CBD and other inner city locations for work. Often these people will purchase goods and services from places close to where they work rather than in activity centres in Maribyrnong. Council considers that it is desirable that a wider range of employment be provided within the municipality.

The northern part of the Study Area presents a unique opportunity to attract new businesses and retain existing business located elsewhere in the municipality, as well as attracting new businesses considering locating close to central Melbourne. The area enjoys proximity to the Maribyrnong River and attractive views of the CBD and Docklands. The Study Area also has sweeping views to the Port and Coode Island MHF. Industrial structures including large cranes, stacked shipping containers and heavy vehicles dominate these views. Though industrial in nature, many people find these views attractive, particularly at night when the structures are extensively illuminated. The area is within 10 minutes walking time to Footscray Central Activities District and all its shopping, cafes and public transport. The area also has a striking built form including heritage buildings and attractive streetscapes.

A number of sites have become available for development within the area due to a number of factors. Some of these sites are constrained for transport and logistics uses by their relatively small land size. Other locations in Melbourne have also become more attractive for these uses, including those adjacent to the metropolitan freeway network and larger unencumbered sites within the outer industrial nodes. With these changes to industry needs, Council considers that the area can now attract new businesses that have relatively high employment densities (compared to warehousing, freight and logistics) and that can provide more white collar employment opportunities than the traditional warehouse / logistics industries.

Council also supports greater access to the River's edge by the general community. Council prefers to see the River's edge being accessible to the community supported by small cafes and facilities typically available to public places. Footscray Wharf could be restored and redeveloped as a small marina providing moorings for boats. People would not be permitted to reside on the boats in the Marina, however some public access into the marina would be supported. Public access to the River's edge is a high priority for Council including a linear pedestrian and cycling path. Where the public cannot have access to the river's edge due to the operations of the Port and related uses, public access should be provided along Whitehall Street on a shared pathway.

Council considers that the proximity to the Port and Coode Island MHF should not constrain the use of the area for a wider range of uses. The operations of the Port is likely to generate some off site impacts such as noise from heavy trucks and movement of containers, odours and light spillage, but these have not been objectively measured to have detrimental impacts on less sensitive uses. Council also considers that Coode Island MHF may pose a risk to people in the Study Area and to property, but the extent of the risk should be publically available to enable all stakeholders to assess the types of uses and development that might be suitable in the Study Area. Council appreciates that the proximity to the Port and the Coode Island MHF requires that sensitive uses should not be accommodated in the area and Council does not support highly sensitive uses such as accommodation, child care and education centres locating in the area. However other uses such as offices which have a day time workforce located within a building may be appropriate, subject to an objective assessment of the risk posed by the Port and Coode Island MHF. People working in such uses should enjoy convenient access to local cafes and function centres, which would primarily service the local workforce in the Study Area.

PORT OF MELBOURNE CORPORATION

The Port of Melbourne is one of Australia's major ports and vital for the economic prosperity of the nation and Victoria. The Port presently operates all day, seven days per week, and the number of containers handled by the Port is expected to double in the next decade. The existing and future operations of the Port has potential to generate some off site impacts including noise from the unloading and stacking of the containers, odours from some bulk goods, noise from transport, and light spillage. The storage of chemicals at Coode Island MHF also poses a risk to people and property located on the western side of the River.

A key objective of the POMC is to ensure that the Port is able to operate all day, every day, and is unconstrained by requirements to operate in ways that unduly minimize impacts on the adjoining areas. Experience in other Ports in Australia indicates that Port operations can generate off site impacts that are perceived by residents living nearby to cause detriment. Residents who experience disruption or loss of amenity from noise or fumes tend to think that these impacts are generated by the Port (even if they may be generated by other activities) and seek constraints on the Port operations. The POMC notes that the long term development plans for the Port of Melbourne indicate that there will be a significant increase in the intensity of its operations. Furthermore, activities such as container storage and handling that can potentially generate off site impacts (such as noise from loading) are planned to be located closer to the Yarraville Study Area. The POMC considers that the preferable way to ensure that the Port can continue to operate relatively unconstrained is to prevent people from residing in the Port environs areas. Given the safety risks arising from the proximity to Coode Island, it is also prudent to minimize the number of people within the environs area. The POMC notes that the EPA Buffer distances suggest that sensitive uses such as dwellings should be located at least 1 kilometre from activities such as the Coode Island MHF.

The POMC notes that the MOU with Council confirms that Precincts B and C continue to be used for industrial and freight logistics purposes. A focus should be placed on improving the streetscape

and appearance of the area through works in the street reserve such as the shared pedestrian and cycling path presently under construction in Whitehall Street.

The POMC recognises that Footscray Wharf can be redeveloped for community and leisure activities leveraging from its heritage character. POMC supports the redevelopment of the Wharf for a non residential boat marina. Such development might include limited informal community recreation and extension of the linear network along the river. However the POMC does not support the inclusion of people intensive activities such as large offices, marina, cafes and markets in close proximity to the Port. Furthermore the redevelopment of the wharf should not proceed until the policy framework is agreed and appropriate amendments to the Planning Scheme approved.

The POMC is highly concerned that people living and working in the Port buffer area are likely to complain about the operations of the Port. Experience at this Port and others around Australia indicate that whilst technical, objective indicators suggest that the operations of the Port are within acceptable limits, people perceive that they are causing detriment. The expected doubling of the number of containers moving through the Port in the next decade suggest that the Port needs to retain its 24/7 operations and cannot be constrained by any curfews. The POMC considers that it will need to use the off peak capacity of the rail and road networks, including the rail line within the subject precinct.

The perceptions of detriment by people living and working in the western bank of the Maribyrnong River are likely to be increased as the Port proposes to intensify its operations in the north-west corner of the Port. It is also proposed to relocate the main truck access road from Footscray Road, close to the River.

POMC understands that WorkSafe has assessed the risk to persons and property arising from the proximity of the subject precincts to Coode Island. The risk arises from the storage of hazardous chemicals and materials and the threats include loss of life, personal injury and damage to property. The threats arise from plumes of chemicals, fire and explosion.

The preferred planning outcome for Precinct A would be to have the land included in an alternate Zone, preferably Industrial 1 or 3.

The POMC has purchased land south of Lyons Street and intends to use some of the currently vacant land in the industrial precinct for Port uses, possibly including the storage of containers. The POMC is keen to ensure that their premises present well to the public domain and they are contributing to local improvements including a heritage trail and shared walkway along Whitehall Street.

The POMC considers that former industrial areas in this Study Area are different to the vacant industrial areas found in Hobsons Bay and Fishermans Bend where some industry has left the area and former industrial sites are less likely to be used for these purposes again. The POMC considers that the proximity to the Port continues to make these areas highly attractive for port related industrial and logistics industries.

VicRoads

VicRoads aims to implement the State Government's policy of ensuring that the Port can operate efficiently at all times. A high level of access is required to the Port to enable the containers and bulk materials to be moved through the Port. Presently heavy trucks use Francis Street and Somerville Road and cause significant impacts on the residences, and VicRoads would support options to relocate that truck traffic onto routes that take the traffic through non residential areas and to the Monash /Westgate Freeways. VicRoads also supports a greater proportion of freight traffic being carried by rail, however significant upgrades of rail infrastructure are required to facilitate this.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT (DPCD)

There has been an Interdepartmental Committee tasked with examining the land use strategies and planning controls in the areas that interface with the Port of Melbourne. The IDC has reviewed a number of drafts of a Port Environs Planning Framework strategy but at the time of interview a draft strategy has not been approved for public release. An issue that remains under discussion is the concept of two way buffers whereby the Port and its interface aim to minimise the impacts and constraints on the other.

WorkSafe have documented the risk levels and consider them to be very high. According to WorkSafe, the appropriate uses that should be permitted in this locality are those that are likely to require their staff to be trained in safety in the event of chemical plume or explosions and fire. The uses should not attract large numbers of people into the area. The preferred uses for this area are generally industrial and logistics uses.

Buildings can be designed to minimise the effects of explosion, fire or chemical spillage. The buildings would need to be designed so that the eastern walls do not contain any openings or windows, however occupants would not enjoy the attractive orientation to the Port and CBD skyline.

DPCD prefers that the area does not develop in a similar manner to Fishermans Bend where large numbers of employees expecting high amenity are working in an area adjacent to the Port. In Yarraville they will also be exposed to risk.

Interim planning controls have been prepared by DPCD, however these are considered to be inconsistent with the intention of the Victoria Planning Provisions. The interim controls would comprise an Incorporated Document that would control uses and development, and prohibit sensitive uses including offices in the Business 2 Zone. Planning controls similar to the Airport Environs Overlay (AEO) have been considered for the port. The AEO places the onus for amelioration on a new use proposed within close proximity to an airport. However, in the case of the Port, the risk levels cannot be adequately ameliorated by building design, hence the preferred approach is to prevent inappropriate uses from locating in the Study Area. The preferred planning controls are to modify the planning policies at Clauses 21 and 22, and to rezone the area from Business 2 to B3 or Industrial 1, and encourage the area to continue to be used for freight logistics, industry and uses associated with the Port.

DEPARTMENT OF INNOVATION, INDUSTRY AND REGIONAL DEVELOPMENT

The Department of Innovation, Industry and Regional Development (DIIRD) considers that ensuring that the Port is not constrained by sensitive uses in its interface areas is a matter of high importance to the economic well being and prosperity of Melbourne and the State. An Inter Departmental Committee has been working for several years preparing a strategy to guide the ongoing development and operations of the Port and to ensure that nearby development is not detrimentally affected by the Port, nor likely to constrain the ports operations.

The primacy of the Port over its environs reflects the substantial investment in the Port operations and the economic importance of the Port to the economic prosperity of the State. Over recent times, substantial investments have been made to improve the Port, and there are considerable further investments planned to expand its capacity.

The operations of the Port can cause possible detriment to its surrounding areas through the emission of noise, dust and lighting. The noise can be generated from heavy trucks travelling through the Port and its environs, as well as noise generated by the loading, unloading and stacking of metal containers. Dust and other airborne particles may be generated from the movement of containers and the loading of bulk materials.

DIIRD considers that the inclusion of the adjoining land in the Business 2 Zone as part of the translation of the former Footscray Planning Scheme into the VPP format Maribyrnong Planning Scheme was a transformation rather than a policy neutral translation. However, it is acknowledged that new uses and development have occurred in compliance with the Business 2 Zone and that a rezoning needs to be carefully considered.

The core issue arising from the interface of the Port and sensitive uses is the proximity of people intensive activities to Coode Island. Whilst there have been significant upgrades to Coode Island since the early 1990's, it continues to store chemicals that pose significant risk to nearby areas. The risk levels have been extensively assessed by State Government agencies and they are understood by the operators. The Coode Island operators and their workforce have strategies in place to manage possible events.

Whilst there has been considerable consultation between Council, the local community and the operators of Coode Island, DIIRD understands the State Government to have a strong view that uses such as offices, restaurants, cafes and conference facilities are inappropriate in the interface area, south of Footscray Road / Napier Street. The preferred uses in this area should continue to be industry, freight and logistics.

DIIRD at the time had not formulated a response to the Eddington report in respect of the recommendations to provide new access points to the Port from the Westgate Freeway.

MELBOURNE WATER

The land within the Study Area is above the estimated 1:100 year flood level and therefore Melbourne Water would not seek to impose any limitations on development in this area. Melbourne Water would be a Referral Authority to review development proposals on land affected by the Special Building Overlay to ensure that any development does not impede overland flood waters. Melbourne Water would also prefer that development is set back at least 30 metres from the edge of the River and that its siting and built form is consistent with the Maribyrnong River Urban Design Guidelines.

ENVIRONMENTAL PROTECTION AGENCY

The EPA has monitored the interface of the Port and its environs and receives some complaints from people living or working in the environs area. The major concern continues to be risk arising from the storage of hazardous materials and the release of toxic vapors or odours into the buffer area. The prevailing weather will carry odour spills north south as happened in recent years, and the Business 2 area is within that plume area. Records show that incidents occur infrequently but they have large impacts. Over the past few years the EPA has received few complaints about the operations of the Port, (mainly the noise generated from the movement of containers at night). There have also been several odour plumes from Coode Island and Holden Dock arising from the movement of fuels. Although the port has improved its operations, some off site impacts (such as odour and dust) can arise on windy days. Should sensitive uses be introduced, the EPA would expect that complaints would increase.

The EPA buffer guidelines propose that the Port and sensitive uses be separated by a buffer of at least 1 kilometre (west of Hyde Street). The EPA would prefer that the minimal buffer be at least 750 metres. A buffer of 450 metres (between Coode Island and the Business 2 Zone) would be inadequate and would prevent any expansion of the Coode Island / Marstel facility. Some land is available adjacent to these facilities for future expansion.

The preferred response to odour and other plumes released from Coode Island is for people to shelter in buildings. Evacuations are possible but not desirable. The preferred planning response is to locate these facilities in areas with buffers with non urban uses, but the port is in place and must be protected. Hence planning controls should encourage land uses with low population densities and with staff likely to have been trained in safety. The EPA does not support the Business 2 Zone and considers the Industrial 3 Zone to be more appropriate.

PARKS VICTORIA

Conversations with Parks Victoria confirm that there are no land management issues of relevance to their metropolitan parks team as the continuation of bicycle paths away from the river and through the precinct are designed and managed by Council and the POMC. Connections with these facilities are coordinated through the Two Rivers Water and Land Access Plan (Draft). However river frontage occupied by port related boat operators ("permissive users") does fall within their

marine management responsibilities and are therefore of relevance to their maritime strategies. As there has recently been a Supreme Court action in this regard, if the project requires closer inspection of the river frontage this will need a more considered review.

DEPARTMENT OF INFRASTRUCTURE - (INCLUDING DEPT. OF TRANSPORT)

The DoT chairs an Inter Departmental Committee (IDC) that has been undertaking considerable work in relation to the interface issues with the port. This work is under continual review, although this particular project is consistent with the expectation that the types of uses appropriate in the Business 2 Zone needs detailed discussion.

The State policy framework in respect of the interface areas to the Port is clear. The interface areas have traditionally been used for industrial purposes and it is expected that this will continue. The buffers are expected to be “two way” in that uses in the interface area will not constrain the Port, nor will the Port impose detrimental impacts on the uses in the interface area. The Department of Transport concurs with the recent submission by the Minister for Planning to VCAT that sensitive uses should not locate in the interface area.

Sensitive uses in the Port interface area pose two groups of impacts. The first include risk of death or personal injury. WorkSafe has been guiding the review of this work including appropriate risk methodologies and their inclusion into planning controls. These would be likely to require uses within the interface area to use building designs that provide protection to people within the building and for the use to have emergency evacuation procedures to respond to hazardous events within the Port.

The second group of impacts are generally termed amenity impacts and include impacts arising from noise, odour, light spillage and traffic. One approach being reviewed by DPCD includes an overlay similar to the Airport Environs Overlay that models the potential impacts of activity, taking into account the impacts of the likely volume of traffic and container movements arising from the expected volume of activity within the Port. The approach would also reflect the emphasis in the AEO that new development in the interface area would be expected to undertake the attenuation measures rather than the responsibility for attenuation being met by the generator of the noise.

An opportunity for Council to meet its strategic objectives may arise from the review of the roles of the Footscray Transit City. It could be promoted as the preferred location for mixed use developments, including offices, in an attractive cosmopolitan environment and the emphasis on extending the Footscray CBD to the river could be confined to the areas north of Napier Street.

The Business 2 Zone is considered to be the “weak link” in the interface area around the Port of Melbourne as it allows caretakers residence and home occupation within the recommended separation distances to hazardous chemical storage facility. Interim planning controls have been drafted but no decision has yet been taken to introduce new controls in this area. New planning controls should provide reduce the breadth of the land use outcomes available in the Business 2 area and ensure that sensitive uses are not permitted.

THE PLANNING FRAMEWORK

MELBOURNE 2030

Melbourne 2030- Planning for sustainable growth proposes that Melbourne will become a more compact city by encouraging the concentration of new development close to existing activity centres and strategic sites within the existing built environment. A core objective is to reduce the rate of outward growth of Melbourne's suburbs by enabling more people to live in the existing built areas rather than living in new suburbs built on former farmland and open space. Redevelopment close to and within activity centres and strategic sites should enable more effective use of physical and community infrastructure and reduce pressure for development on the fringes of Melbourne. Development within activity centres should include mixed use buildings that enable people to work, shop and to live within the activity centre. Housing developments that will take advantage of the proximity of the central area to jobs, facilities and cultural opportunities are supported.

Direction 4 proposes that Melbourne and Victoria continue to have a prosperous economy. Land use and transport infrastructure should be integrated in transport corridors to ensure high quality access to ports and airports and efficient movement of freight and people. Policy 4.3 proposes that key transport gateways and freight links need to be protected and enhanced to ensure Victoria's prosperity. With respect to the Port of Melbourne, Policy 4.3 notes that the Port is constrained as former industrial areas undergo change, however the Port has considerable scope to grow and use its existing land more effectively.

Direction 8 Better Transport Links seeks to develop a more sustainable and efficient transport network. In respect to the movement of freight Melbourne 2030 notes that an efficient transport system is vital to Victoria's growth and prosperity. The transport system will have to cater for increased freight traffic but Melbourne 2030 proposes that its environmental impact should be reduced. Rail should carry a greater proportion (up to 30%) of the freight travelling to Melbourne's port. However road freight is expected to significantly increase. Melbourne 2030 aims to protect and invest in the long term potential of the Ports, including minimizing land use conflicts.

Melbourne 2030 also supports the creation of linear pedestrian and bicycle links, particularly along major natural features such as the Maribyrnong River.

STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) establishes the general overarching principles for land use and development planning in Victoria. The SPPF includes a statement of general principles for land use and development planning and economic, social and environmental policies to guide all development throughout Victoria.

Clause 11 of all Planning Schemes provides that Planning and Responsible Authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making. This suggests that local planning policies

can interpret and refine the policy directions set out in the SPPF to the extent needed to respond to local circumstances, but the local policies should not conflict with or be contrary to the SPPF.

This section outlines the parts of the SPPF that are relevant to consider when setting future directions for the Port Environs Area.

General Principles

Statements of general overarching principles that elaborate upon the objectives of planning in Victoria outlined in Clause 11.03 that are relevant to this area include:

Settlement - Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety
- Adaption in response to changing technology
- Economic viability
- Land use and transport integration

Environment - Planning is to contribute to the protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage in order to achieve ecologically sustainable development. In particular, planning should:

- Adopt best practice environment management and risk management approach which aims to avoid or minimise environmental degradation and hazards.
- Prevent environmental problems created by siting incompatible land uses close together.

Infrastructure Planning for development of urban physical and community infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely. Growth and redevelopment of settlements should be planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Economic Well Being - Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

Social Needs - Regional Co-operation - planning authorities are to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Clause 12 Metropolitan Development implements Melbourne 2030 and seeks to ensure that Melbourne has a strong and innovative economy and urban environments that are not only high quality, safe and functional but that also provide more open space, have a sense of place and a cultural identity. This growth and development must be achieved within a context of environmental sustainability and integrating land use and transport.

In particular, Clause 12.04 proposes that the key transport and freight links are developed to maintain Victoria's position as the nation's premier logistics centre by:

- Identifying and protecting options for access and further development at the Ports of Melbourne, Geelong and Hastings.
- Ensuring Port areas are protected by adequate buffers to minimize land use conflict.
- Improving rail freight access to ports.

Clause 15 Environment seeks to assist the protection and, where possible, restore or improve the elements as described above. It also seeks to ensure that places of cultural heritage significance are protected, and that development does not cause detriment due to the offsite impacts of use and development.

Clause 17 Economic Development, particularly Clause 17.03 – Industry seeks to ensure availability of land for industry and to facilitate the sustainable development and operation of industry and research and development activity. Furthermore:

- Industrial activity in industrial zones should be protected from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.
- Planning authorities should protect the quantum of large areas of industrial land of state significance to ensure availability of land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive uses.
- Existing industrial areas that include key manufacturing or processing industries; a major clustering of allied industries; key industrial infrastructure should be protected and carefully planned where possible to facilitate further industrial development.

Clause 18 Infrastructure, particularly Clause 18.05 – Ports recognises the importance to Victoria of economically sustainable major ports (Melbourne, Geelong, Portland, and Hastings) by planning for appropriate access, terminal areas and depot areas. It also seeks to plan the land resources adjacent to ports to facilitate the efficient operation of the port and port-related uses and minimise adverse impacts on surrounding urban development and the environment. More specifically it requires that:

- The land resources adjacent to ports should be protected to preserve their value for uses which depend upon or gain significant economic advantage from proximity to the ports' particular shipping operations.

- Port and industrial development should be physically separated from sensitive urban development by the establishment of appropriate buffers which reduce the impact of vibration, intrusive lighting, noise and air emissions from port activities.
- Planning for the use of land adjacent to ports should aim to achieve and maintain a high standard of environmental quality, be integrated with policies for the protection of the environment generally and of marine environments in particular and take into account planning for adjacent areas and the relevant catchment.

LOCAL PLANNING POLICY FRAMEWORK

Councils have the opportunity to refine the State Government's broad planning objectives to reflect the particular opportunities and aspirations of their local communities. These are set out in the Municipal Strategic Statement (MSS) and Local Policies in the relevant planning scheme.

Maribyrnong Planning Scheme

All planning schemes in Victoria include a Municipal Strategic Statement that enables the Planning Authority to identify the key challenges that the locality is facing and the objectives and strategies that will guide decisions by all stakeholders.

Clause 21.02 Key Issues notes that industrial activity in Maribyrnong is declining and that unused industrial land has been significantly rezoned for residential development and public open space. It is anticipated that any remaining unused large industrial sites and most of the small industrial precincts will be rezoned for a mixture of commercial and industrial activity where new non-industrial sustainable jobs can also be created.

Maribyrnong has experienced higher than forecast population growth due to the redevelopment of large former industrial sites. Such redevelopment is generating a demand for local professional / managerial type work, local entertainment facilities and access to the Maribyrnong River. There is also a need to conserve and re-use heritage buildings including former industrial buildings.

Part of the Study area is shown as a major mixed use development area. See below.

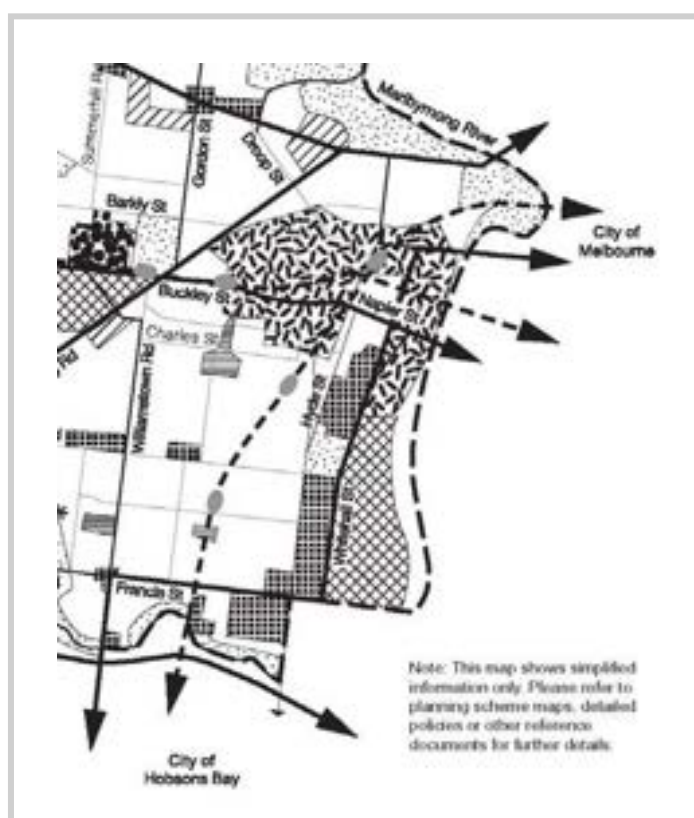


Clause 21.03 Vision 2011 and Strategic Framework proposes that existing industry will be encouraged to remain and expand, and at the same time, to adopt best practice, more environmentally friendly processes, to replace existing obsolete buildings with modern ones, and to improve the visual qualities of sites and industrial areas. New cleaner manufacturing industry and recycling activity will be encouraged to locate on existing vacant or under-used industrial land and in newly created mixed use areas where industrial and commercial activity will comfortably co-exist. Some of these mixed use areas will have the appearance and activity mix of office/industrial parks.

New forms of economic development will include activities associated with the arts (studios, arts based industry and galleries), services (especially personal and household services), information, leisure and recreation, and above all, tourism and associated services and accommodation.

The vision also proposes that in the next 15 years the Maribyrnong River will continue to change rapidly from its past industry orientation to a high quality mix of housing, open space, cultural, leisure and recreational activity, arts activity and employment and tourism nodes. It will begin to rival the Yarra as a regional recreation and tourist focus.

The Strategic Framework Plan shows the subject area becoming an extension of the Footscray Activity Centre as shown below.



Clause 21.04 Objectives – Strategies – Implementation foresees significant change in this area as follows:

- Create attractive new open space, arts, and tourism activity along the Maribyrnong River on industrial land which is no longer needed.
- Create sustainable new jobs in tourism, accommodation, education, entertainment, leisure, recreation, retailing and other commerce and industry in suitable locations along the river and in existing activity centres within a kilometre of the river.
- Expand the arts community living, working, trading and entertaining within the river area.
- Establish a wide range of accessible leisure and recreation facilities along the river.
- Enhance cultural and historical expression and interpretation of the river environs.
- Provide better access to the river and surrounding activities via improved arterial road access, a water based public transport system and completion of a recreational trail system linking activities.



The Industrial Activity and Mixed Use Framework Plan proposes that the subject area be used and developed for convenience and tourist shopping, arts activities and core industrial areas. Of note are the objectives to facilitate the development of 300,000 square metres of industrial floorspace and to encourage new, clean, value-adding export orientated industries and to improve the appearance of the industrial areas. The objectives also propose the development of mixed use precincts offering a range of employment opportunities.

In terms of transport, the key objectives are to reduce heavy truck traffic using Francis Street through areas such as Yarraville. An objective is also to improve arterial road links from major industrial areas to the highway and freeway systems, and the Port of Melbourne and rail freight terminals.

The strategic framework also advocates the preservation of the City's heritage including its industrial heritage.

Clause 22.04-2 Footscray Riverside Precinct also includes policies to guide use and development in the Precinct. The area is identified as having major tourism, mixed commercial, entertainment, and leisure development opportunities and some residential development potential north of Napier Street.

South of Napier Street are three large former industrial sites only partially used or vacant and available for redevelopment. The area also includes an operative fish processing and fish wholesale/retail establishment.

This precinct is described as having excellent road, public transport and recreation trail links and opportunities to develop riverside parkland and other riverside leisure, recreation and tourist activities. In the future, this precinct will be linked via an upgraded pathway system to the nearby Footscray Business Centre where there are opportunities to develop tourism, recreation, leisure and shopping activities. A water transport link to a network of tourist attractions on the Yarra and Maribyrnong rivers will also be developed.

The Council's vision for this precinct is to transform it into a major western region tourist, arts, leisure and recreation focus, in line with the recently adopted Footscray Riverside Project Masterplan.

Key objectives include:

- To develop the precinct as an art, entertainment, leisure and tourist focus.
- To create an attractive, interesting and exciting cosmopolitan, even bohemian, mixed use, mixed activity environment embracing residential activity, studios, arts industry, eating places and other leisure and entertainment activity, spaces for festival and market activity, galleries, tourist shops and fish retailing, additional parking and attractive open space, with distinct arts, historical, seafood and maritime flavours which is alive at all hours of the day and night.

- To enhance opportunities for water based activity of many kinds on the river.
- To further develop public access to the river and its activities, and linkages to nearby activity.
- To encourage development that capitalizes on the views from the escarpment over the river to the Melbourne CAD skyline.
- To encourage development that will enhance the entry to, and image of, the Footscray Centre and the western suburbs.
- To protect and emphasise the site's historic character.

Clause 22.07-2 Industrial Buffer Areas applies to land that abuts Hyde and Whitehall Streets Yarraville. The policy proposes that buffers reduce land use conflicts and anomalies in the future while allowing full productive use to be made of land within both the Industrial 1 Zone and Industrial 3 Zone. The policy also encourages high quality design of industrial development, including providing for office uses, screening outdoor storage and loading areas and to provide high quality facades and external materials. The subdivision of land into lots less than 0.5 ha is not supported unless the proposed lots can make adequate provision for the operation of businesses.

Clause 22.08 Potentially Contaminated Land responds to the legacy that much land has been used for industrial purposes and is highly likely to contain contaminants that need to be properly managed even if the replacement uses are non-sensitive. The policy encourages the owners of former industrial land to consider the management of contamination, including non-sensitive uses prior to offering the land for sale or transition to other uses.

It is noted that the policy framework in the Maribyrnong Planning Scheme is to be reviewed. Some of the themes that may be revised include the linkages between the Study Area and the Footscray Transit City. The planning boundaries for the Footscray Transit City do not include the Study Area and that may suggest that the policies for the Transit City may encourage development to be directed to, and focused within the Transit City rather than the wider area. Furthermore the local policy framework for the Study Area needs to be reviewed in light of the Memorandum of Understanding between Council and the POMC to better reflect the agreement that the uses and development to be encouraged does not include the people intensive uses set out in the current policies.

PORT OF MELBOURNE PLANNING SCHEME

The MSS in the Port of Melbourne Planning Scheme notes that the Port is the largest container Port and one of the largest general cargo ports in Australia, handling over a third of the nation's container trade. The Port's operations contribute directly to the State and local economies, providing a gateway for trade into and out of Victoria and the nation. This trade is vital to ensure continued growth of a key component of the State's economy. There are currently thirty-one commercial berths at five docks and at river wharves. The berths service two modern, purpose-built international container terminals as well as multi-purpose terminals.

The following berths are of particular relevance to the Yarraville precinct:

Swanson Dock East

The east side of Swanson Dock, covering around 40 hectares, has a berth length of 884 metres, and is serviced by six container cranes. This terminal has on-dock rail facilities and can accommodate the largest container vessels trading with Australia.

Swanson Dock West

The west side of Swanson Dock covers 34 hectares with the potential to expand as trade grows. It has a total wharf length of 944 metres and is serviced by seven container cranes. Swanson Dock West can accommodate the largest container vessels trading with Australia.

Maribyrnong No. 1

Maribyrnong No 1 berth operates as a hazardous and non-hazardous liquid bulk berth, servicing the Coode Island tank storage facilities.

Yarraville Berths 5 and 6

Yarraville bulk cargo berths handle a range of dry bulk materials including sugar, gypsum and fertilizer as well as sulphuric and phosphoric acids.

The Port's overall trade continues to grow at an average yearly rate of 6%. The trade forecasts predict trade growth to continue over the next 10 years for each type of cargo through the Port. Containerised cargo represents around 67% of total port trade and is also the most land intensive port use. International container trade is forecast to rise from 1.7 million TEU in 2000 to 2.7 million by 2015. (A TEU is a trade throughput measure based on a twenty-foot container.)

In addition to the port terminals and their transport linkages, there are a range of cargo-related industries which need to be located on-port or near port either to meet logistic requirements of key users and operators or to enhance the Port's competitive position. These industries include container depots and parks, cold stores, packing and unpacking depots, and distribution centres. Over the next 10 years there will be a need to provide land in the immediate vicinity of the Port for cargo related uses for which an on-port location is critical. Defined and existing open space and recreational areas consistent with the current port plans are not proposed to accommodate cargo related uses.

The need for suitably zoned and located land will increase as the pressures for optimisation of land within the Port are realised by the conversion of land for international containers. The expansion of berth and land requirements for containers and multi-purpose cargo handling will result in the reduction of available land within the Port for other cargo related activities. This in turn will limit opportunities for non-port uses to develop or remain within the port area. It is likely that many of these cargo related activities will be relocated from within the existing Port boundaries, but will seek locations in close proximity.

Over the last 20 years, widespread changes have occurred in relation to the form, extent and type of land use and development in and around the Port of Melbourne. The long term sustainability of the Port requires it to manage any impact on surrounding areas and also to protect itself from any adverse impact from surrounding development. The relationship of land uses outside of the Port has implications for its operations as a 24 hour working port.

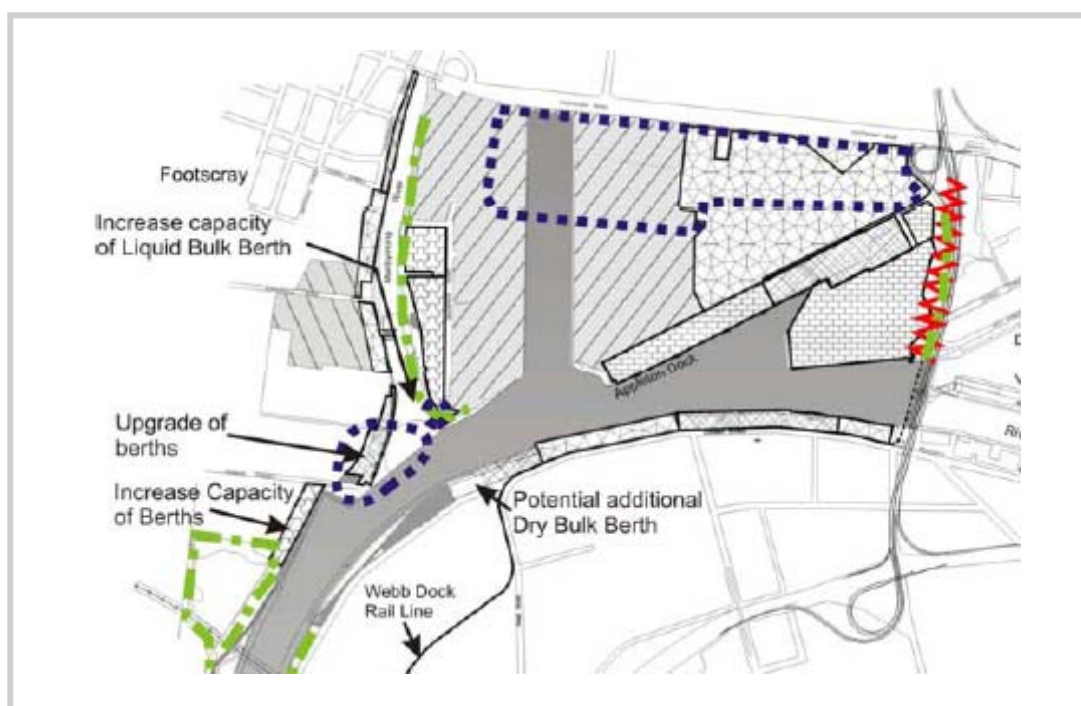
Interface issues for the Port are primarily related to amenity factors such as landscaping, visual impact, noise and traffic. Safety is also an issue particularly in areas abutting Coode Island and the liquid bulk berths.

PoMC's vision is that:

The Port of Melbourne is a key driver of sustainable economic growth by being the best performing and best connected port in Australia.

Strategic Framework Plan

Shaded land on west side of River designated as “other” POMC land.



The major strategic directions identified in the Strategic Land Use Framework Plan include:

- Identification of land and berths to accommodate future port developments;
- Provision of land to accommodate cargo related industries that need to be located in the Port to either meet logistics requirements of key users and operators or to enhance the Port's competitive position;
- Identification of areas with potential for integration with port operations;

- Nomination of areas where noise management measures are to be implemented;
- Identification of waters within close proximity to the Port for navigation purposes; and
- Identification of landscaping and open space areas.

PoMC will facilitate and support development to maximise the use of Swanson Dock container facilities until these facilities are substantially utilised, and demand for container services warrants the development of the Webb Dock Precinct. The PoMC will achieve this by:

- Extension of the container terminal area at East and West Swanson Dock;
- Extension of the container berths north towards Footscray Road;
- Provision of improved road and rail infrastructure and integrated logistics network; and
- Facilitating significant private investment.

The Swanson Dock area also contains the Coode Island chemical storage facility. The Coode Island Task Force validated the current and future importance of this function to the State and it will continue to be located at the Port.

Objectives

- To ensure that adequate port land and infrastructure is available to meet the forecast trade and passenger growth in the Port over the next 10 years and beyond.
- To ensure that the use of land in the Port is flexible in its ability to respond to changing economic conditions.
- To provide efficient land and sea transport links and intermodal connections.
- To identify land use and development opportunities throughout the Port that will meet short and long term planning outcomes and facilitate continued economic growth.

Clause 21.04-4 sets out the directions relating to visual impact, amenity and buffers. In recent years, residential development has moved closer to the Port and industrial development has made way for urban living. In addition, community expectations of amenity continue to increase and this places pressure upon the Port's operations. A balance is needed between the economic, efficient and safe operation of the Port and community expectations for residential and urban amenity in this strategic part of Port Phillip Bay.

While ensuring that amenity impacts of the Port are appropriately managed it is important to develop mechanisms to address any inappropriate development proposals which may adversely impact on or unreasonably constrain, the future development of the commercial port.

Existing open space areas are to be retained as landscaped buffers between sensitive land uses and the Port, including the Williamstown Foreshore, Perce White Reserve Westgate Park and other key coastal parklands. PoMC is committed to retaining these areas and where it is consistent with Port planning, providing new opportunities for open space along the foreshore and river.

Objectives

- To balance the needs of a working port with the amenity entitlement of the sensitive uses at the port interface.
- To improve the visual appearance of the Port, particularly at the interface areas and those parts of the Port fronting Footscray Road, to contribute to an attractive gateway to the Western Region of Melbourne.
- To protect the viability and future operation of the Port from the encroachment of inappropriate uses.
- To retain existing open space and park areas as landscaped buffers between sensitive land uses and the operational Port.

Strategies

- Improve the visual and landscape qualities of the Port, both internally and as viewed from surrounding areas and encourage high quality landscape buffers around the Port interface with residential and commercial areas.
- Ensure that the visual and landscape qualities of the Port along the Footscray Road frontage achieve a positive contribution to the gateway to Western Melbourne.
- Appropriately manage potential amenity impacts caused by lighting within the Port.
- Appropriately manage potential amenity impacts caused by noise from port operations that can carry beyond the interface areas into residential areas abutting the Port.
- Appropriately manage potential amenity impacts caused by noise from port operations within appropriate guidelines.
- Ensure that appropriate planning and buffer mechanisms are in place to manage the ongoing development around the port.

Clause 21.04-5 Open Space and Recreation notes that the passive and active recreational values of Port Phillip Bay, Hobson's Bay, Yarra River and the Maribyrnong River are being increasingly appreciated by the community, and promoted in policy terms. There are a number of open space areas, parklands, trails and networks that exist within the Port boundary. This expectation for increasing recreational opportunities (both land and water based) needs to be balanced against the Port's need to ensure its continued safe and efficient operation.

The PoMC has committed to providing open space opportunities and links along the foreshore and river front where it is consistent with the Port development, security and planning.

ZONES AND OVERLAYS

The current planning controls propose that the Study Area be developed for industrial purposes and complementary uses.

The Study Area is included in three Zones under the Maribyrnong Planning Scheme, being the Business 2 Zone, Industrial 1 Zone and the Industrial 3 Zone. The land adjacent to the Maribyrnong River is included in a Special Use Zone under the POM Planning Scheme. The table below provides an overview of the similarities and differences between the Zones. A more comprehensive comparison of the Zones is attached at Appendix D.

	Business 2	Industrial 1	Industrial 3	Special Use Zone
<i>Purpose</i>	Encourage the development of offices and related uses.	Provide for manufacturing, storage and distribution of goods in a manner that does not affect safety or amenity.	Provide for industries and associated uses in a manner that minimises inter industry conflicts or safety or amenity of adjacent more sensitive uses. To provide a buffer between IN1Z or IN2Z and local communities.	Provide for the on - going operation and development of the Port for interchange, storage and distribution of goods, and provide for uses which derive benefit from co-establishing with a port.
<i>As of right uses</i>	Caretakers House, Home occupation, informal outdoor recreation, office,	Industry, service station, shipping container storage, warehouse.	Home occupation, service station,	Industry, informal outdoor recreation, major sports and recreation facility, shipping container storage, transport terminal, warehouse.
<i>Discretionary Uses</i>	Accommodation, industry, Place of assembly, retail premises, shop, warehouse.	Caretakers house, convenience shop, education centre, leisure and recreation. Office (500sqm), place of assembly, restricted retail, retail premises.	Caretakers house, convenience shop, education centre, industry, leisure and recreation. Lighting shop, office (500sqm), party suppliers, and place of assembly, restricted retail, retail premises, shipping container storage, and warehouse.	Caretakers house, convenience shop, education centre, leisure and recreation. Office (500sqm), place of assembly, retail premises.

	Business 2	Industrial 1	Industrial 3	Special Use Zone
<i>Prohibited Uses</i>	Major sports and recreation facility.	Accommodation, cinema, hospital, shop.	Accommodation, cinema, hospital, shop.	Accommodation, hospital, market, shop,
<i>Requirements</i>	Use must not detrimentally impact on the amenity of the neighbourhood. Residential application requires a design analysis.	Use must not detrimentally impact on the amenity of the neighbourhood.	Use must not detrimentally impact on the amenity of the neighbourhood.	Application must address off site impacts. Uses must demonstrate that they need to be associated with the Port.

The key features that arise from the comparison of the different Zones shown in the table above are:

- The Business 2 Zone promotes office development, whilst the Industrial Zones and the Special Use Zone promotes industry, warehousing and logistics.
- The Business 2 Zone allows a very wide range of uses including sensitive uses such as accommodation, retail, and restricted retail.
- The most sensitive use, accommodation (excepting caretakers' house) is prohibited in the Industrial and Special Use Zones.
- All the Zones allow semi sensitive uses such as caretakers' house, education centres, place of assembly, convenience store, restricted retail and smaller offices.
- The Industrial and the Special Use zones require applicants to address and limit their off-site impacts.
- Industry, warehousing and shipping container storage are allowable uses in all the Zones, although such a use may not be consistent with the purpose of the Business 2 Zone.

The Precinct is also affected by three Overlays as follows:

- Heritage Overlay.
- Development Contributions Plan Overlay Schedule 6.
- Special Building Overlay.

Parts of the precinct are included in a Heritage Overlay, which aims to conserve and enhance those elements that contribute to the significance of heritage places. A permit is required to demolish, remove, construct a building, externally alter a building or carry out works. A permit is also required to externally paint a building.

The Zones and Overlays are included in Appendix A and B.

PARTICULAR PROVISIONS

Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or more Storeys. The purpose of this clause is to ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area. This Clause applies to Zones such as the Business 2 Zone in which accommodation is a permitted use. It is not relevant to the Industrial or Special Use Zones.

Clause 52.10 Uses with Adverse Amenity Potential requires that proposed industrial uses that may generate emissions to the detriment of sensitive uses should be separated from existing sensitive uses by recommended distances. The Clause applies to land in a Residential Zone, Docklands Zone or Business 5 Zone and hence does not apply to the Study Area.

Clause 52.34 Bicycle Facilities requires the provision of bicycle storage racks and showers for larger developments.

Clause 52.33 Shipping Container Storage applies to all land except land included in Special Use Zone established for the purpose of port and port-related activities. The Clause sets out the matters to be addressed in any application to use land for the storage of containers. Some of the matters to be addressed include traffic access, loading facilities and possible off site impacts including noise, light, glare, dust, fumes or drainage. An application is also required to address possible attenuation measures.

Clause 52.36 Integrated Public Transport Planning applies to a commercial or office development of 10,000 or more square metres of leasable floor and an industrial subdivision of 20 or more lots.

Other relevant Particular Provisions that apply to use and development in the Study Area include Clause 52.05 Advertising Signs, Clause 52.06 Car Parking, Clause 52.07 Loading and Unloading of Vehicles and Clause 52.11 Home Occupation.

RELEVANT STRATEGIC STUDIES & APPLICATIONS

STRATEGIC STUDIES RELATED TO THE PORT OF MELBOURNE

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.

Port Development Strategy 2035 Vision

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 West;
- 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.

The key directions set out in the Port Development Strategy of relevance to planning in the Yarraville area are:

- The Yarraville Precinct will retain its multi-purpose dry and liquid bulk functions in the short to medium term
- Given its vital State role Coode Island is to be retained for bulk liquid operations (including hazardous liquids) for the long term. The Major Hazard Facilities (MHF) have been consolidated to the west of McKenzie Road following the development of the Marstel facility in the northern section of this MHF precinct.

- Expansion of Swanson Dock to the north.
- Integration of Swanson Dock with the Dynon rail hub.
- Intensive development of Swanson Dock for container freight, including greater use of the area in the northwest corner.
- Development of additional container facility on the north side of Footscray Road. (Current Fruit Market site).

Port of Melbourne Environs Planning Framework Working Paper (December 2007)

This paper provides an overview of the work that has been undertaken as a basis for a planning framework to guide land use change in both the Port and its adjoining areas. The issues have been extensively canvassed in meetings between Council, the Port of Melbourne Corporation and the Coode Island Community Consultative Committee. Various reports including the *Port of Melbourne Buffer Zone Study Inception Study Report* also canvass the issues.

Maribyrnong City Council has expressed concerns about the following issues:

- Impacts of container parks (heavy vehicles traffic, noise from loading, lighting, visual appearance, security).
- Impacts of heavy truck traffic on the Yarraville road network.
- Expansion of Port related activities into the precinct on the western side of the River.
- Risk arising from the Coode Island storage facilities.

The Port of Melbourne Corporation wishes to ensure that the operations of the Port and Coode Island are not constrained by the need to protect the amenity or safety of nearby land uses. POMC and various studies suggest that the number of containers moving through the Port will increase from 2 million TEU in 2006 to 7 million TEU by 2035, and most of these will be transported by road.

Both the Council and the POMC support the retention of the industrial land uses that provide a buffer between the Port and the residential uses generally to the west of Hyde Street. There is also agreement that the planning controls should better implement the buffering function.

Precinct A is the area that is most disputed. This precinct is bounded by Footscray Road, Lyon Street, Whitehall Street and the River. Council is seeking an evidence based decision making framework to determine the extent to which the operations of the Port impact and constrain land use and development outcomes.

Council's submission to the Eddington Review proposes that a new road be connected to the West Gate Freeway from the Stony Creek Backwash and be aligned to connect to Whitehall Street and then directly into the Port via new road and rail bridges across the River. This connection would replace the Maribyrnong Goods Line that connects under Bunbury Street. In addition Council proposes a tunnel between Footscray Road and Sunshine Road and an improved north / south connection between Sunshine Road and the West Gate Freeway. In response to the Eddington Study

the State Government's Victorian Transport Plan responded to the issues, proposing a tunnel linking from West Footscray to the Dynon Precinct, and the Truck Action Plan Stage 1 proposal, incorporating a new link from the Westgate Freeway through the precinct to Shepherd Bridge north of the precinct.

The State Government is committed to increasing the proportion of freight traffic carried by rail from 17% to 30% of total freight. There are proposals to improve the rail network e.g. ARTC rail upgrading the freight lines through the Tottenham area, grade separation of the Footscray Road rail crossing, SmartFreight and the port rail link. The increased use of trains will also have amenity impacts in the localities through which the trains will pass. Council is keen to phase out the Maribyrnong Goods Line and does not support the re opening of the train line along the River frontage. In the MOU, the two parties acknowledge that the rail line will be retained for the medium term and have agreed to approach the current rail owner and operator to assess the feasibility of an alternative rail route.

Council is particularly keen to improve access to the River front to local residents, cyclists and pedestrians. Lack of public access through the Yarraville precinct is a missing link in the metropolitan regional trail network. Investigations are underway to provide a regional trail around the Footscray wharves, probably using Whitehall Street. The local community has expressed a strong desire to enjoy access to the River, and to celebrate its history.

Changes to planning controls are seen by Council to be an effective way to provide a more certain framework to guide land use and development proposals in the Study Area. It is highly desirable for WorkSafe to make public all objective and evidence based assessment of risk to inform planning guidelines and decisions.

The Paper notes that apart from the truck traffic, there are few, if any detrimental amenity impacts from the operation of the Port. The Paper acknowledges comments made in the community forums that some business operators located in the Yarraville area expressed enjoyment in their location particularly with their views of the docks and the Melbourne CBD skyline. In this sense there is an acceptance of the presence and operation of the Port.

Council would prefer an evidence based approach to considering off site amenity impacts. Such an approach would:

"....identify the sources of the impacts and determine the most appropriate form of mitigation (spatial separation, building design, attenuation). Currently there has been no assessment of the offsite impacts such as noise or light spill to understand the physical extent to which it is a problem and measures that can be used to eliminate or reduce its impacts."

POMC considers that the above approach will not adequately address sensitive uses in the interface area as the concerns are related to expectations of current and future occupants, who may have higher amenity expectations and press for limitations on the operations of the Port. An example of this was the issuing of a Notice of Decision to Grant a Planning Permit which was

approved by Council in 2004 for use and development of office buildings including retail premises, place of assembly and associated car parking. The POMC was highly concerned with the proposed development and an application for review was made to VCAT. The review was called in by the Minister for Planning and the application was withdrawn. This application led to the Port Environs planning process.

The POMC considers that the Maribyrnong Planning Scheme provides considerable direction to guide decisions on land use and development in the locality. The existing Industrial 1 and Industrial 3 Zones provide an effective buffer of 750 metres to 1,000 metres between the Port and the nearest Residential Zone.

However Precinct 'A' of the Yarraville port environs is included in the Business 2 Zone and is within 350 metres of Coode Island and residential development is a discretionary use. The Zone also allows for a range of other land uses such as offices, education facilities, restaurants and conference facilities that have relatively high population densities.

Council supports land uses and developments within Precinct A that have a higher density than industrial uses. Developments such as commercial offices are more likely to present an attractive interface to the River and contribute to a positive gateway to Footscray and the western region. Importantly, such developments will provide local employment for the growing number of residents who work in offices, restaurants and professional services who presently have to travel to workplaces in the Central Melbourne of the middle eastern / south eastern suburbs.

A MOU has been prepared that indicates that new local planning policies will include the following policies:

- Residential uses will not be supported in this location.
- A preference for development similar to the scale of existing developments within the precinct.
- All future development acknowledges the proximity to the Port and port related uses and the need for the on-going efficient operations of the Port.
- The potential risk and amenity impacts of port operations on this area and the interface role of this area.
- Appropriate management of historic contamination.

The MOU provides that any new planning policy will:

- Require the consideration of risk and amenity issues in the assessment of planning applications.
- Develop a planning framework that determines the preferred use and scale of development and requires the consideration of risk and amenity issues in the assessment of planning applications in the area. This includes developing a framework for considering public health,

safety and amenity with respect to the proximity and exposure to port related operations and the impact on the efficient operations of the port.

- Determine the preferred uses and scale of development for the precinct.

The MOU proposes that the Maribyrnong Planning Scheme should be amended to acknowledge the on-going operations of the Port, the Port Development Plan and the need for ancillary port activities in the Study Area. The POM Planning Scheme should be amended to acknowledge Maribyrnong Council's planning policies for the interface area, the expectations of the neighbouring community and the need for the Port and its related uses to be sensitive to local objectives.

The Paper notes that Precincts B and C (south of Lyon Street) are to be retained for industrial purposes including port and logistics activities. The Paper notes that the appearance and condition of the frontage to the River to the north of Napier Street has been improving in recent years due to a range of public works. The key areas for further improvement are north of Somerville Road where container storage areas should be screened by landscaping and the Footscray Wharf area which has been identified as a possible commercial marina and has public frontage to Maribyrnong Street. Improvements will positively contribute to the perceptions of the western bank from the City / Docklands. The POMC has completed improvements to the frontage of No 111 – 115 Whitehall Street including the installation of a shared pedestrian and cycling path. The bicycle path has been supported by relevant authorities.

The environs area has a significant heritage from the pre European settlement times as well as the early industrial and fishing premises. Both Council and the POMC have completed heritage studies within the Study Area. The Paper notes that many of the sites in the area have buildings with a Heritage Overlay and cultural heritage sites. However redevelopment in the area can include the demolition of the heritage features. It is therefore important that the buildings and the contextual settings of sites are recorded and the heritage interpretation is provided. Council is working towards precinct wide interpretation through a riverside heritage trail and on-site information and the PoMC will also participate in this project.

There are some residential uses within the Study Area, even though the land is zoned Industrial. Earsdon Street and Frederick Street within the south-western corner of the Study Area contain numerous dwellings with non-conforming use rights, and residents have requested Council to rezone the streets to residential. Council policy is to maintain the zoning as industrial, but it concedes that property prices and interest in the land will most likely result in continuation of the residential use.

The POMC has also expressed concern about caretaker residences within the Study Area. Council considers that there are approximately 5 to 6 caretaker residences in the Moreland Road Cotton Mills in Precinct A and is considering enforcement actions.

TRANSPORT STUDIES

Investing in Transport East-West Needs Assessment (March 2008)

Sir Rod Eddington was commissioned by the Victorian Government to provide recommendations on improving transport connections between Melbourne's eastern and western regions. The report acknowledges the strong economic and population growth that is occurring and confirms that this will generate continued demand for travel within Melbourne. It also comments that the shift from a manufacturing to a service based economy generates the need for skilled workers to have access to regional and international markets. It also notes that Melbourne must find ways to provide convenient travel in a carbon constrained future.

Melbourne's western region is forecast to continue to have strong population growth (34% in the 25 years to 2030). The western region is attractive due to its proximity to central Melbourne and lower house prices. However the west continues to have lesser infrastructure such as private schools, major shopping centres and education facilities compared to Melbourne's east. Improving the east – west transport connections partly addresses the imbalance of access to employment opportunities in the service economy and the competitiveness of the western region.

The Study suggests that existing rail lines and Westgate / Monash Freeways will be unable to provide effective services to meet the travel demands generated by the forecast growth.

The Eddington report also examines Melbourne's freight task. The report forecasts that road freight will continue to increase by 3 percent per annum with the Port of Melbourne being one of three key freight areas. The report predicts a significant increase in the use of light commercial vehicles and an increase in larger vehicles.

The Port of Melbourne is integral to Melbourne's prosperity. Freight throughput has grown for 13 consecutive years and this is expected to continue for the foreseeable future. Growth is expected in containers (4 times), motor vehicles, (2.5 times) and bulk products (double). Over 80 percent of the Port freight is moved by road generating 1.2 million trips per annum. All of the containers leaving the Port with a destination within Melbourne are carried by trucks. It is likely that the freight task will continue to be mainly completed by trucks. There are opportunities for productivity improvements with road transport, but there will continue to be large volumes of trucks generated by the Port.

The Study recommended significant transport infrastructure projects to improve Melbourne's integration. The key projects of relevance to Yarraville include:

- Twin rail tunnels between Caulfield to Footscray via the CBD and Parkville.
- A state of the art underground rail station at Footscray.
- A new proposed east west road providing connections to Footscray Road, Dynon Road and the Eastern Freeway.

Two options are proposed for the east-west road link. One comprises a tunnel under Footscray and the River generally along Buckley Street to the north of the Yarraville Precinct. Interchanges would be provided to Footscray Road and Dynon Road in the vicinity of the Port. A second option is to provide an elevated road from the Westgate Freeway near Williamstown Road over the Maribyrnong River to Dynon Road and Footscray Road. This would directly traverse the Yarraville Precinct. The Eddington report recommends the first option to provide an alternative to the Westgate Bridge and Freeway.

The Eddington recommendations have informed the State Government's Victorian Transport Plan 2009.

MARIBYRNONG RIVER STRATEGIES

Maribyrnong River Valley Visions, Design Guidelines: Final Report July 2007

The study is an initiative of Melbourne 2030, and presents design objectives and guidelines that have been included into planning schemes of each of the municipalities along the river valley.

Footscray Wharf length

A local policy for this area will be prepared in accordance with the MOU. This policy will determine the preferred land uses with preference for the current scale of development to continue to characterise this area. The proposed policy will require consideration of risk and amenity issues in the assessment of planning applications. It will also develop an appropriate planning framework for considering public health, safety and amenity with particular reference to the sensitivity of the proposed developments and their proximity and exposure to the port, supporting infrastructure and impact on efficient operations of the port. Residential land will not be supported in this area due to the proximity to Coode Island and the port. Some level of public access to the river will be maintained and a high level of amenity for pedestrians and cyclists will be provided. The old wharf has the potential to be redeveloped as a commercial marina.

Port length

Along this length there is a strong working river with ship repairs, major wharves, chemical storage and container ports. The active working river edge is dominated by port-related activity, including the goods rail line and wharves. Although tourist boats travel along the river, there is very limited public access to the river banks. The rail line alongside the river extends south into the port, branching off from the Footscray rail line to the north of Dynon Road. The view to Swanson Dock is spectacular. There is potential for further industrial and commercial development that could include new advanced manufacturing, maritime and service industries which have a specific need to be located in the port.

The character of this part of the River is considered to be defined and dominated by shipping and heavy industrial activities.

The objectives and more detailed guidelines are designed to guide the appropriate form of proposed buildings and works within the river valley to prospective developers, land managers, landowners and the community at large.

The report addresses building heights within the River environs. There is a desire for 'harmony' of building design on the escarpments along the river. The proposed design objectives are:

- To ensure new built form helps achieve the preferred character for each length of the river.
- To ensure the landscaped character of escarpments is maintained where this is a part of the preferred character of the valley or neighbourhood.
- To ensure materials and design details respond to the natural setting of the river.

The proposed guidelines are:

- Monolithic building forms and sheer multiple storey elevations without articulation should be avoided.
- Buildings should respect the built form character of surrounding development.
- Except in accordance with a master plan for activity node. The subject site is located within the Racecourse precinct which specifies that buildings should not exceed 3 storeys at river front edge. The outcome for this area seeks a high level of activity and use along the river while maintaining a pedestrian scale along the river's edge and development that relates to the scale of the adjoining area.

Footscray Riverside Project – Masterplan Report

Many of the concepts are based on Coode Island being relocated and include a boat turning circle, the continued use of the area by fishing fleets and the ability to replace the rail line with landscaping. The Masterplan sets out the following strategies to be promoted in the riverside area:

- River side access is to be promoted.
- The River Frontage and Public Open Space is to be enriched.
- Regional Shared pathways routes are to be connected and connections made to local points of interest.
- The river frontage is to be "landscaped" including screen planting to Coode Island perimeter / River frontage.
- Gateways and key nodes are to be reinforced including the triangular corner on the intersection of Somerville Road.
- Promote mixed use of the precinct including maritime and fishing uses (such as boat building, retail and wholesale fish businesses).
- Integrate art projects and extend arts precincts uses through the area, art pieces to provide cultural and historical interpretation and reference and also be used as way finding.
- Protect and promote vistas particularly to waterfront.

- Improve visibility of Blackbird mooring and other boat mooring facilities.
- Encourage mixed entertainment uses within area.
- Provide improved parking facilities.
- Connect into larger riverside “park” and pathway system.
- Recognize the areas industrial and maritime character.

RELEVANT TOWN PLANNING APPLICATIONS

90-96 Maribyrnong Street, Footscray - Lonely Planet Building, office and printing.

The land is included in the Business 2 Zone and comprised vacant former industrial building. The application sought approval for buildings and works and car parking dispensation. The Council supports the application as the building will be occupied by a fast growing clean industry – publishing. The area identified by local policies as a significant potential for employment and the re-invigoration of the riverside. Council considered that the introduction of significant numbers of office based workers into the area will have a positive impact on other land uses such as retail and food sectors. Council’s planning framework identifies the location as a major regional activity centre and emphasizes the importance of new forms of economic activity including the important emerging role of ‘information’ based activities. The application was supported by Council.

Lot 97, 106 Maribyrnong Street and Lot 94, 100 Maribyrnong Street, Footscray.

Two applications for 3 and 4 storey extensions of warehouses behind heritage facade

Applicant appealed on non determination but Council would have refused applications on impact of heritage significance. VCAT determined that the scale of the significant industrial buildings and the scale of the new development, demonstrates that the three and four level buildings proposed are acceptable in this robust urban context. The Tribunal also accepted that divergent architectural responses are possible and that car parking requirements can be waived in this area.

Unit 4, 21 Youell Street, Footscray for caretakers’ residence.

Council refused the application on the basis that it was not consistent with Council’s Industrial policy with regards to the core industrial area, amenity of the proposed use, proximity to Coode Island MHF, lack of need of a caretaker’s residence on the land and the undesirable precedent that it would establish within the Footscray/Yarraville industrial precinct.

At the subsequent appeal, VCAT determined that:

- The caretaker’s dwelling would provide some security for other occupiers of industrial subdivision.
- Its location at one end of the subdivision is quite unlikely to cause or be caused nuisance by other occupiers.
- The caretakers’ residence was needed.
- The subject site is in the order of 1 kilometre from Coode Island MHF and there are other major housing projects in the locality.

99 Moreland Street, Footscray

A Notice of Decision to Grant a planning Permit was approved by Council in 2004 for use and development of office buildings including retail premises, place of assembly and associated car parking. The application consists of a variety of building types offering large and small office tenancies. Each of the proposed buildings has a street address maximizing activity at the ground plane and allowing predominately pedestrian circulation to occur within the site. Buildings will have excellent views across the river towards the city and landscaped courtyards. Restaurant and service oriented commercial/retail use is planned at ground levels, which will activate the waterfront. A 600 seat conference/restaurant facility is planned on the third level of the office building overlooking the river and city. An art gallery is also planned showcasing local artist's work. As noted previously, the POMC was highly concerned with the proposed development and an application for review was made to VCAT. The review was called in by the Minister for Planning and the application was withdrawn. This application led to the Port Environs planning process.

Preliminary Risk review in respect of 99 Moreland Street, Footscray (2005)

This report was prepared by ModuSpec Australia Pty Ltd. The report provided a review of the existing risk assessment and land use planning in the area affecting the development site.

MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding has been signed between the POMC and Council that aims to clarify the planning directions for the environs area. The MOU also identifies the changes to the planning framework that need to be implemented.

The MOU provides that the current planning framework does not properly guide land use and development in the northern part of the Study Area as it allows sensitive uses to be approved. The MOU provides that both the Port of Melbourne Planning Scheme and the Maribyrnong Planning Scheme should be amended to better reflect the agreements about use and development.

The MOU sets out particular planning and related outcomes that should be achieved in the area and these include:

“Area A”

Council agrees to prepare a new local planning policy for Area A that will strengthen Council's position and provide greater certainty of outcomes.

The new local planning policy will be based on the following principles:-

- *Residential uses will not be supported in this area*
- *A preference for development similar to the existing scale of developments within Area A.*
- *All future development acknowledges the proximity of the port and port related uses and the need for the ongoing efficient operations of the port.*

- *The potential risk and amenity impacts of port operations on this area and the interface role of this precinct given its proximity to the port.*
- *Appropriate management of historic contamination.*

The new local planning policy will:-

- *Require the consideration of risk and amenity issues in the assessment of planning applications within this area.*
- *Develop an appropriate planning framework for considering public health, safety and amenity with particular reference and consideration of the sensitivity of the proposed developments and its proximity / exposure to the port, supporting infrastructure and impact on the efficient operations of the port.*
- *Determine the preferred uses and scale of development for the precinct.*

PoMC agrees to make amendments to the Port Planning Scheme to reflect the outcomes of the agreed local planning policy.

Council and PoMC will jointly appoint a consultant to prepare a background paper providing a context analysis and consideration of potential planning mechanisms and development of a draft planning policy for consideration by the parties.

“Areas B & C”

The parties agree that this area is retained for industrial purposes including port and logistics activities and an appropriate acknowledgement and commitment will be incorporated into the local planning scheme to reflect this.

The local policy will be prepared in consultation between the parties.

PoMC agrees to make amendments to the Port Planning Scheme to reflect the outcomes of the agreed local planning policy.

The parties acknowledge that aspects of the future use and development of these areas, such as improved landscape treatment of the riverfront, urban design to improve the appearance and function of the areas, local amenity and access and traffic management require further consideration.

Council and PoMC will jointly appoint a consultant to undertake these investigations and provide recommendations on how these matters may be addressed.

The parties agree to work cooperatively in developing and assessing any planning or building applications for 221 Whitehall Street and agree to be proactive and reasonable in identifying solutions for the site.

In the context of the proposed redevelopment of 221 Whitehall Street, the parties agree to cooperate to achieve the conservation of Dees Cottage and to develop options for its future use including without limitation its use for heritage interpretation, community use or incorporation into the development of the site.

PoMC will undertake an assessment of Dee Cottage and will take reasonable measures, until such agreement is reached, to secure Dee Cottage from vandalism and further deterioration and ensure its ongoing conservation for future use.

Maribyrnong Goods Line

The parties acknowledged that it is Council's preference that the rail line is phased out.

The parties acknowledge that the Maribyrnong Goods Line will be retained for the medium term.

The parties agree to approach the current owner and operator to assess the feasibility of an alternative rail route in the medium to long term.

It is acknowledged that neither party controls the operations of the goods line and that any consideration of an alternative rail route will need to be conducted in consultation with the current owner and operator.

Footscray Wharf

The parties agree that subject to securing long term control of Anne Street Pier for port services, PoMC agrees to work with Council to provide public use of Footscray Wharf.

The preliminary and interim works and final nature of the public use of Footscray Wharf will be determined by PoMC in consultation with Council taking into account the planning controls applied to Area A and the recognition of the requirements to provide sufficient buffers to port related infrastructure. PoMC acknowledges Council's aspirations for this area to be further developed as a gateway to the municipality and as frontage to area A.

The parties agree that the preferred public use of Footscray Wharf is as a commercial Marina (non-residential) facility subject to:-

- *Commercial viability and mooring capacity;*
- *Existing boats vacating the area;*
- *Public benefit; and,*
- *Use and tenancy controls applied by PoMC.*

Until such time that the wharf is developed in accordance with the above, PoMC will undertake works to improve the public safety, amenity, appearance and land access to Footscray Wharf.

Prior to works commencing and for their duration, the current permanent boat operators will be relocated to Lot B or other suitable alternative and the parties will work together to achieve this relocation.

The parties further acknowledge that PoMC will retain ownership of the wharf and that it will remain under the Port of Melbourne planning scheme.

Footscray Wharf will be developed in accordance with the development sequence and project milestones shown in the attached Interim Implementation Schedule.

Bike Path

The parties acknowledge that the bike path cannot extend along the Maribyrnong River south of Lyons St to Francis. The parties acknowledge that the route for the bike path between Napier and Lyons Street should continue along its current alignment.

PoMC agrees to fund a study, in consultation with Council and Vic Roads, to identify an appropriate non riverfront route.

The parties agree to pursue Council's preference for a continuous off-road, shared path between Francis Street and Napier Street and the provision of connections between the local and metropolitan bike routes.

PoMC agrees to make a funding contribution to the bike path once a final route is agreed between the parties. Level of funding will depend on outcomes of study.

Traffic

PoMC agrees to provide the Council access to current data on the impact of port activities on truck movements in the municipality.

Francis Street riverfront

The PoMC agrees to upgrade landscaping and access to the riverfront at the eastern end of Francis Street."

WORKSAFE DRAFT ADVICE ON LAND USE PLANNING NEAR A MAJOR HAZARD FACILITY (2009)

Work Safe has released draft *Advice on land use planning near a major hazard facility*. This includes a consequence assessment of the Coode Island MHF as the first in a program of assessing all MHF's. The work consists of advice for both an Inner and Outer Area, with contours provided to outline their extent.

The Outer Area (Emergency) extends over the southern part of Area A, including the 99 Moreland St site, and large parts of Area B and C. Worksafe advises against land use within the outer area for residential use, or for business use where a large number of people may be present who are not able to safely respond to a potential emergency situation.

KEY DIRECTIONS ARISING FROM CONSULTATION, PLANNING FRAMEWORK AND STRATEGIC STUDIES

- At the State Government level there is an agreed view that the infrastructure of the Port is vital to the State and national economy. There has been significant investment in the Port, including upgrading Coode Island, channel deepening and improving the internal road network and the rail link to the Dynon rail hub.
- The volume of freight going through the Port will double in the next decade, particularly container traffic. The Port will handle the increased volumes mainly through productivity improvements as there are limited opportunities to expand the land dedicated to the Port. Some activities can be relocated to sites adjacent to the Port.
- The capacity of the Port to meet the forecast freight loads requires unconstrained operations that need to be protected through a buffer area that does not include sensitive uses.
- The industrial areas around the Port have traditionally provided an effective buffer to sensitive uses. However over time the industrial uses are being replaced by more sensitive uses, particularly offices and accommodation that tend to have higher amenity expectations that may not be met by the Port's operations.
- Port operations create off site amenity impacts and whilst these may be within accepted limits, people still perceive there are problems and are likely to seek to constrain those operations. Objective measurement of the possible off site impacts and risks arising from the operations of the Port would assist all stakeholders to manage the off-site impacts.
- The storage and transport of materials at Coode Island poses a major risk to persons, property and amenity in the Yarraville precinct. The EPA recommends that a 1,000 metre buffer be provided to the chemical storage areas and that a buffer of 750 metres is acceptable. A buffer of less than 450 metres would be unacceptable.
- Several State government agencies consider that the preferred way to manage the Coode Island interface area is to limit land uses to industrial / freight /logistics uses as these activities tend to have relatively few people on site, and the people are trained to respond to risk events. Mitigating the risks through building design and on-site evacuation is not supported.
- The planning framework for the Port interface is under close Ministerial review as more sensitive uses are located within the traditional buffer areas. The Business 2 Zone is of particular concern to the State Government agencies and the POMC as accommodation and office are permitted uses. At this time there is no agreement about how use and development in the buffer areas can best be managed through the relevant planning schemes.
- The riverside area is seen by Council as an opportunity to attract significant, high quality development into Maribyrnong to provide a better balance of employment opportunities and some tourism /conference facilities that make use of the attractions of the River.
- The area has vacant industrial land that may continue to be attractive to industrial and freight logistics activities and not remain as blighted land.

- There is a shared view that it is desirable to continue to improve the river's edges and streetscapes in the precinct, provided that the improvements do not attract significant numbers of people into the area.
- The planning frameworks for both the Port and the Yarraville environs need review and will form the next stage of this Project. The MSS in the Port of Melbourne Planning Scheme can better reflect the opportunities and possible impacts on its buffer areas. The Maribyrnong MSS and the policy at Clause 22.04-2 in the MPS need to be modified to identify Precinct A as an area suitable for small offices, business services and logistics purposes and to discourage intensive uses such as restricted retailing, education centres, conference centres, large offices, tourism and events that attract large numbers of people. Accommodation should be prohibited in the Study Area.
- The POMC and the State government agencies would prefer that the land currently included in the Business 2 Zone be included in the Industrial 1 Zone or the Industrial 3 Zone. Council prefers that the Business 2 Zone remain or the area be included in the Business 3 Zone. Council does not support the application of either the Industrial Zones within Precinct A.
- Other planning tools under consideration include extending the Port of Melbourne Planning Scheme boundaries, and application of a Design and Development Overlay, Development Plan Overlay or Incorporated Plan Overlay.

IMPACTS OF THE PORT ON THE YARRAVILLE PRECINCTS

One of the key issues that was raised in the consultation, planning framework and the strategic studies is the capacity for the operations of the Port to compromise or have a perceived detrimental impact on the amenity of sensitive uses located in the Yarraville precinct. This concern arises from the trend of industrial and logistics uses that traditionally located in the Port interface area being replaced by the more sensitive uses whilst at the same time the intensity of activity in the Port is increasing. The conversion of former industrial uses to business parks that accommodate commercial uses including offices, small specialised distribution and sales centres, business support services is also of concern as the new activities generally have relatively high densities of workers. The workers also often expect high levels of day time amenity, including opportunities to relax outside the workplace in an attractive landscaped setting. The worker will usually expect to have convenient access to support services including cafes, restaurants and meeting rooms / functions centres. Workers in such areas may consider that the operations of the Port causes detriment to the amenity of their work environment and may seek to constrain the operations of the Port.

The types of impacts that the operations of the Port may impose on adjoining areas include:

- Noise from heavy trucks carrying containers.
- Noise from trains hauling cargo to and from the Port.
- Main transport routes may act as barriers to landscape features such as the River.
- Noise from the loading, unloading and storage of metal containers.
- Odours from bulk loads or chemicals.
- Dust from bulk loads such as concrete or grains.
- Light spillage from the illumination of the Port working areas.
- Risk of injury, fatality or property damage arising from the storage or transport of hazardous materials at Coode Island.

Maribyrnong City Council prefers that the possible impacts from the current operations of the Port should be objectively measured to accurately and fairly determine if impact such as noise, dust or light spillage comply with appropriate standards. Where the activities generate off site impacts that exceed appropriate standards, mitigation works may be recommended to manage the offsite impacts. Mitigation measures could be undertaken within the Port, or at the locations where the impacts are experienced, however it was determined by the Project Committee that no testing or measurement was to be undertaken. Notwithstanding, the impacts of the Port on sensitive uses and semi sensitive uses are at the centre of the current debates about appropriate use and development in the buffer area and it was therefore considered important that an assessment of the likely impacts be undertaken.

The table below sets out each of the uses that are as of right and permitted in the Business 2 Zone and the Industrial 1 Zone. An assessment is provided of the likely impact of each of the possible

impacts on each of the possible uses. The assessment indicates whether the use is likely to be suitable or unsuitable in the Yarraville environs area having regard to the likely impacts of the Port. Where there is no basis to determine the suitability of a land use, the use is described as 'uncertain'.

It is acknowledged that the assessment is not based on any detailed or scientific testing or records. The assessment is based on observations made from Maribyrnong Street on three separate occasions between mid May and mid June between midday and late afternoon. The table was reviewed and discussed with officers from Council and the Port of Melbourne Corporation who included their own observations and experience from working in the locality for many years.

The table indicates that most uses are likely to be affected by events arising from the storage or distribution of hazardous chemicals in and around Coode Island. The activities least likely to be affected are those with relatively few people working on site, and with people who are likely to be trained in responding to such events.

The table indicates that sensitive uses including dwellings, caretakers' house, home occupation, education centres and place of assembly are likely to be detrimentally affected by the operations of the Port through the emission of noise and dust. Recreation activities/events and venues that attract relatively large numbers of people are also likely to be detrimentally affected, particularly if they are held outdoors. Venues such as conference facilities, restaurants and cafes that operate their venues partly outdoors are also likely to experience some impacts from the Port.

Activities that are held within a building, including offices, restaurants and conference venues may be less impacted by the operations of the Port. Noise from heavy vehicles and odours may be reduced by the building, and the light spillage is not likely to be a concern as most workers would not be in the area at night. People working in offices and like activities are likely to be impacted when they leave the building to walk along the River's edge or have a break at an outdoor café.

The strategic directions for the Port suggest that in the future the Yarraville Precinct may experience more operational impacts due to events such as the reactivation of the presently dormant rail line along Maribyrnong Street, the use of the north-west corner of the port for storage of shipping containers and the relocation of the main Port access road closer to the River. This is supported in the Eddington Review and also in Council's submissions to the Eddington Review.

Detailed testing of the Ports compliance with appropriate standards might be undertaken if it is determined that uses such as offices, small cafes and the like are appropriate in this area. Like the Airport Environs Overlay, it may be necessary to control land use or to require the new proposed uses to undertake appropriate mitigation measures to ensure that people working in the Yarraville precinct enjoy reasonable level of amenity. The requirements to assess the need for and install appropriate mitigation requirements could be included in the planning controls for the area.

IMPACTS MATRIX

✗ - Not suitable as likely or known to be detrimentally impacted by the operations of the Port.

✓ - Suitable use as unlikely to have, or known to not be detrimentally impacted.

? - Uncertain or unknown impact.

Business 2 Zone	Noise from loading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
As of right Uses														
Caretakers House	✗	✗	✗	✗	✗	✗	✗	Nil	Clause 17.03 & 18.05 protect ports. Clause 15.05 suggests that land use separation technique should be used to ensure community amenity is not reduced.	Clause 21.04, 22.04 supports mixed use	Clause 52.10 does not apply to B2Z	As of right, no decision to be made	DDO to control built form.	✗
Home Occupation	✗	✗	✗	✗	✗	✗	✗	Limitation on number of employees.	Clause 17.03 & 18.05 protect ports	Clause 21.04, 22.04 supports mixed use	Nil	As of right, no decision to be made		✗

Business 2 Zone	Noise from loading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Office	✓	✓	✓	✓	✓	✗	✗	Limit on leasable floor area	CI12 supports mixed uses, discourages out of centres development. CI 17.2 aims for commercial facilities to be located in activity centres. CI 17.03 protects industry and Port from sensitive uses.	CI 21.04, 22.04 supports mixed uses.	Nil	As of right.	Can impose limits on floor area for key sites.	✓
Informal outdoor recreation	✓	✓	✓	✓	✓	✓	✗		Clause 12 supports improved rivers Edge	Clause 21.04, 22.04 supports mixed use and small professional businesses.	Nil	As of right, no decision to be made		

Business 2 Zone	Noise from loading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Permitted Uses											Nil			
Accommodation	x	x	x	x	x	x	x		Clause 12 and 18 conflict Clause 12 also ensures that port areas are protected by adequate buffers to minimise land use conflicts.	Not supported south of Napier Street.	Nil	Require attenuation, screening	IPO or DPO, but cannot change permit triggers.	x
Industry	✓	✓	✓	✓	✓	✓	✓	Not listed in Clause 52.10		Supports mix of uses	Nil		Clause 22 local policy to guide discretion	✓
Leisure & recreation (dance school, rock climbing)	✓	✓	✓	✓	✓	x	x							x

Business 2 Zone	Noise from loading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Place of assembly	x	x	x	x	x	x	x		See comments above.	Supports	Nil	Control hours of operation, numbers of patrons		x
Retail premises	✓	✓	✓	✓	✓	x	x			Not supported	Nil	Require screening.		x
Shop	✓	✓	✓	✓	✓	x	x	Limit on leasable floor area		Not supported	Nil	Require screening		x
Warehouse	✓	✓	✓	✓	✓	✓	✓	Not listed in Clause 52.10		Supports	Nil			✓
Freight logistics	✓	✓	✓	✓	✓	✓	✓		Supported as a port related use	Not supported				✓
Café small	✓	✓	✓	✓	✓	✓	✓		Supported to support other businesses	Supported		Can limit number of patrons and operations		✓
Restaurant (indoor)	✓	✓	✓	✓	✓	x	x			Supported				x
Conference Centre	✓	✓	✓	✓	✓	x	x			Supported				x

MOU proposes that development be at a scale consistent with prevailing scale and built form. Applications will be required to include assessment of risk arising from proximity to Port.

Industry 1 Zone	Noise from unloading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
As of right Uses														
Home Occupation	x	x	x	x	x	x	x		Clause 17.03 & 18.05 protect ports			As of right use, no permit required	DDO to control built form	x
industry	✓	✓	✓	✓	✓	✓	✓	Permit required if Note 1 or 2 to Clause 52.10 No off site amenity impacts.	Clause 17.03 & 18.05 protect ports			As of right use, no permit required		✓
Informal Outdoor recreation	✓	✓	✓	✓	✓	✓	✓			Supported along the River edge.		As of right use, no permit required		✓
Mail Centre	✓	✓	✓	✓	✓	✓	✓					As of right use		✓
Shipping Container storage	✓	✓	✓	✓	✓	✓	✓	Note 1 or 2 to Clause 52.10	Clause 17.03 and 18.05 protect ports	Not supported	Clause 52.33 Shipping containers	As of right use		✓

Industry 1 Zone	Noise from unloading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Warehouse	✓	✓	✓	✓	✓	✓	✓	Permit required if Note 1 or 2 to Clause 52.10. No impact on amenity.	Clause 17.03 and 18.05 protect ports			As of right use		✓
Permitted Uses														
Caretaker's House	✗	✗	✗	✗	✗	✗	✗	Nil	Clause 17.03 & 18.05 protect ports Clause 15.05 suggests that land use separation technique should be used to ensure community amenity is not reduced.	Clause 21.04, 22.04 supports mixed use	Clause 52.10 does not apply to	Require screening, attenuation	IPO or DPO, but cannot change permit triggers.	✗

Industry 1 Zone	Noise from unloading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Education Centre	✗	✗	✗	✗	✗	✗	✗	Not PS or SS.	Clause 17.03 & 18.05 protect ports	Supported in mixed use area		Require screening, attenuation, safety plans	Clause 22 local policy to guide discretion	✗
Leisure and Recreation	✓	✓	✓	✓	✓	✓	✓		Clause 17.03 & 18.05 protect ports	Supported along Rivers edge		Require screening, attenuation, safety plans		✓
Leisure Dance school, rock climbing	✓	✓	✓	✓	✓	✗	✗			Supported in mixed use area				✗
Office	✓	✓	✓	✓	✓	✗	✗	Less than 500sm.	Clause 17.03 and 18.05 protect ports	Clause 21.04, 22.04 supports mixed use		Require screening, attenuation, safety plans		✗
Place of Assembly	✓	✓	✓	✓	✓	✗	✗		Clause 17.03 and 18.05 protect ports	Supported in mixed use area		Require screening, attenuation, safety plans		✗
Restricted retail	✓	✓	✓	✓	✓	✗	✗		Clause 17.03 and 18.05 protect ports	Not supported		Require safety plans		✗

Industry 1 Zone	Noise from unloading containers	Noise from transport	Light Spillage	Odour	Meets Amenity Expectations	Fatality Risk	Injury risk	Conditions in Use table	SPPF provisions	MSS provisions	Particular Provisions	Permit conditions	Other possible VPP tools	MOU
Retail premises	x	x	x	x	x	x	x	Not less than 1,000sm	Clause 17.03 and 18.05 protect ports	Not supported		Require safety plans		x Cl. 22 local policy to guide discretion

DEVELOPMENT AND DESIGN PRINCIPLES

The analysis of the Yarraville Port Environs Precinct and the strategic review of its planning framework have highlighted the need to establish urban design principles to guide the precinct's ongoing development. These development and urban design principles cover both private and public areas within the precinct to ensure both contribute to improving the areas amenity, functionality and safety.

Land Uses

The land use versus planning zone issues are dealt with elsewhere in this report, however the variety in types and often apparent conflicts in land use are part of the areas traditional make up, and in many ways the mixture is the defining local character.

It is important that all the land uses acknowledge their impact upon the public realm and streetscapes. Due to the increasing volumes and size of vehicle movements through the precinct and the limited space provided in road easements it is recommended that all new development across the various land uses / zones provide sufficient space to enable landscaping to their perimeters. This landscaping and perimeter fencing is to be undertaken to a suitable standard to improve the amenity of the public realm and soften the building and pavement bulk. Current initiatives undertaken with recent developments providing a perimeter landscape zone are an important first step, however clear design guidelines should be set to ensure an improved and consistent standard going forward.

Building Height

The precincts city fringe and port side locality and topographical and zoning constraints ensures land for industrial and commercial development is at a premium. It is recommended that building heights be guided by topography and overshadowing impacts upon any residential properties and open space.

The elevated position of the western escarpment allows the flat areas along the river to be developed higher in many locations without having a negative impact upon views to the CBD. Overshadowing impacts from higher developments in this area are reduced due to the upward slope of the land to the north and west of the precinct. The only shadows cast to the west would be those cast by the morning sun.

It is recommended that a series of height controls be implemented across the precincts based on topography and impact upon surrounding land use. In combination with height controls it is recommended that building set-backs be introduced to protect sightlines and prevent overshadowing of streetscapes and the public realm.

In general it is recommended that the following principles be adopted:

- Development immediately adjacent to residential areas be restricted to a maximum of three stories or 10.5 metres to restrict overshadowing.

- Yarraville Gardens be protected from overshadowing and have its view lines protected by restricting development to its east to a maximum of three stories or 10.5 metres.
- Development within the area currently zoned business and light industrial (at the northern end of the precinct) be restricted to five stories or 17.5 metres with step downs and set back along interfaces with streets (see sketch Landscape and Building set-backs). PoMC does not consider that this limit is appropriate given the MOU outcomes or the preferred uses in the area.
- Areas currently zoned heavy industry be unrestricted in height with step downs and set back along interfaces with streets (see sketch Landscape and Building set-backs).
- The south west corner of the precinct (Hyde and Francis Street) be restricted to five stories or 17.5 metres with landscape and building set-backs along interfaces with the streets (see sketch Landscape and Building set-backs) to mitigate visual impact upon residential areas to the northern side of Francis street.
- Frontages to Maribyrnong River remain clear of industrial buildings, except where required for port operations and for example, the proposed commercial marina at Footscray Wharf. It is noted these areas will need to contain cranes and conveyor systems for the loading and unloading of freight and goods.
- Utilize river front at the northern end of the precinct as a commercial marina consistent with the MoU.

Built form

The precinct as a whole has no defining form and has small traditional terrace style homes to large tilt slabs. It is recommended that each development be reviewed upon its architectural merit, use and impact upon the public realm. In general the following principles should guide any review of built form.

- Buildings be articulated and utilize design treatment which “breakup the building bulk” wherever possible, in particular when fronting streetscapes to ensure visual interest and contribute to the public realms amenity.
- Buildings incorporate setbacks in height along streetscapes and protect major view-lines.
- New buildings should be designed in line with environmentally sustainable design principles.
- Where zero lot lines occur, building frontages should present activated edges.
- Corner lot buildings should have the corners set back curved or angled to assist in creating safe sightlines and a sense of space.
- New developments include bicycle storage and other facilities to take advantage of the proximity to the regional bicycle route and reduce vehicle movements and parking requirements wherever possible.
- Buildings should express their form, materiality and purpose / functionality in designed manner and utilize durable materials, ‘façadism’ and applied coatings should be avoided.
- Opportunity for land mark buildings at the precincts gateways nodes (see Site Constraints and opportunities) should be pursued. In particular any new development in the northern

gateway node should provide a visually interesting presentation / treatment to Docklands Highway / Napier Street which provides the main entrance to the precinct and the Footscray Activity Centre.

- New developments include water storage tanks to capture roof and or pavement storm water runoff for use in building facilities and or to irrigate proposed landscape easements to development perimeters.

Heritage

Whilst a number of features and sites have been identified across the precinct (see Heritage areas) public realm experience of heritage is contained within two main areas being;

The area between Parker, Youell, Moreland/ Whitehall Streets and the River.

This area within north of the precinct provides the dominant “built form” heritage experience, and is in the walking distance of the River, the Footscray Activity Centre and Heritage buildings being developed as mixed use along Moreland Street further north. In this area it is recommended that:

- The built form and materials which interface with the public realm and heritage sites should reflect and reinterpret traditional maritime / port themes and the heritage buildings within the precinct.
- Laneway connections and a finer more pedestrian urban fabric should be utilized.

Yarraville Gardens:

Yarraville Gardens provides open space heritage experience which should be maintained through its layout and planting. It is recommended that:

- The sightlines from this area over the precinct and beyond, be maintained.
- Overshadowing of the park by buildings be prevented.
- Community connectivity to the park be maintained

Within both the “built form” and “landscape” heritage areas and along the river’s edge opportunity exists for interpretative signage and public art (or a fusion of both) which informs the public about the precincts heritage and features.

Interpretative signage could include historic photos taken at key vantage points and use accompanying plans and text to illustrate the areas role in the development of Melbourne and its rich cultural heritage.

Open Space and Community Facilities

Although a natural draw card and primary open space connector access to the Maribyrnong River is currently restricted through most of the precinct. Due to the limited access the River’s role as an open space facility and as a connector to other communities facilities is compromised.

The main open space facility within the precinct is Yarraville Gardens which is centrally located but encircled by roads carrying an increasing amount of traffic. This traffic and the lack of physical and

visual connection between open spaces and community facilities including Activity Centres provide a challenge to the connectivity of open space and community facilities. It is recommended that the following principles be adopted:

- The role of Yarraville Gardens as a centrally located open space and community focal point be maintained and reinforced.
- Open spaces and Community facilities include bicycle storage, drinking fountains and other facilities to service people riding to and through the precinct.
- As a medium to long term goal public access along the river front should be provided to connect the open space areas in the South associated with Stony Creek and the waterfront be connected with the open space areas in the North which follow the Maribyrnong River.
- That landscape easements be introduced with fencing set back to enable the perimeter of buildings and development to create a landscape character with in the precinct which supports the open space and creates visual linkages and improved amenity.

Permeability and circulation

The area is becoming increasingly dominated by vehicles with both the Ports projections and Eddington report predicting significant further increases. The increased traffic coupled with increased scale of development (merging of sites) reduces the physical and visual permeability of the precinct. Whilst the movement and circulation of vehicles is under review, conflict with pedestrian and cyclists appears not to be fully addressed. The main north south routes of Hyde and Whitehall Streets have restrictive road reserves and if the Eddington report option of a link from the Westgate Bridge to Hyde Street is adopted, Hyde Street would become a major circulation and pedestrian permeability barrier.

Current plans to take on and off road Bicycle routes from the waterfront up to Whitehall and Hyde Street further add to the congestion and conflict / competition for access within restrictive reserves.

It is recommended that the following principle be adopted:

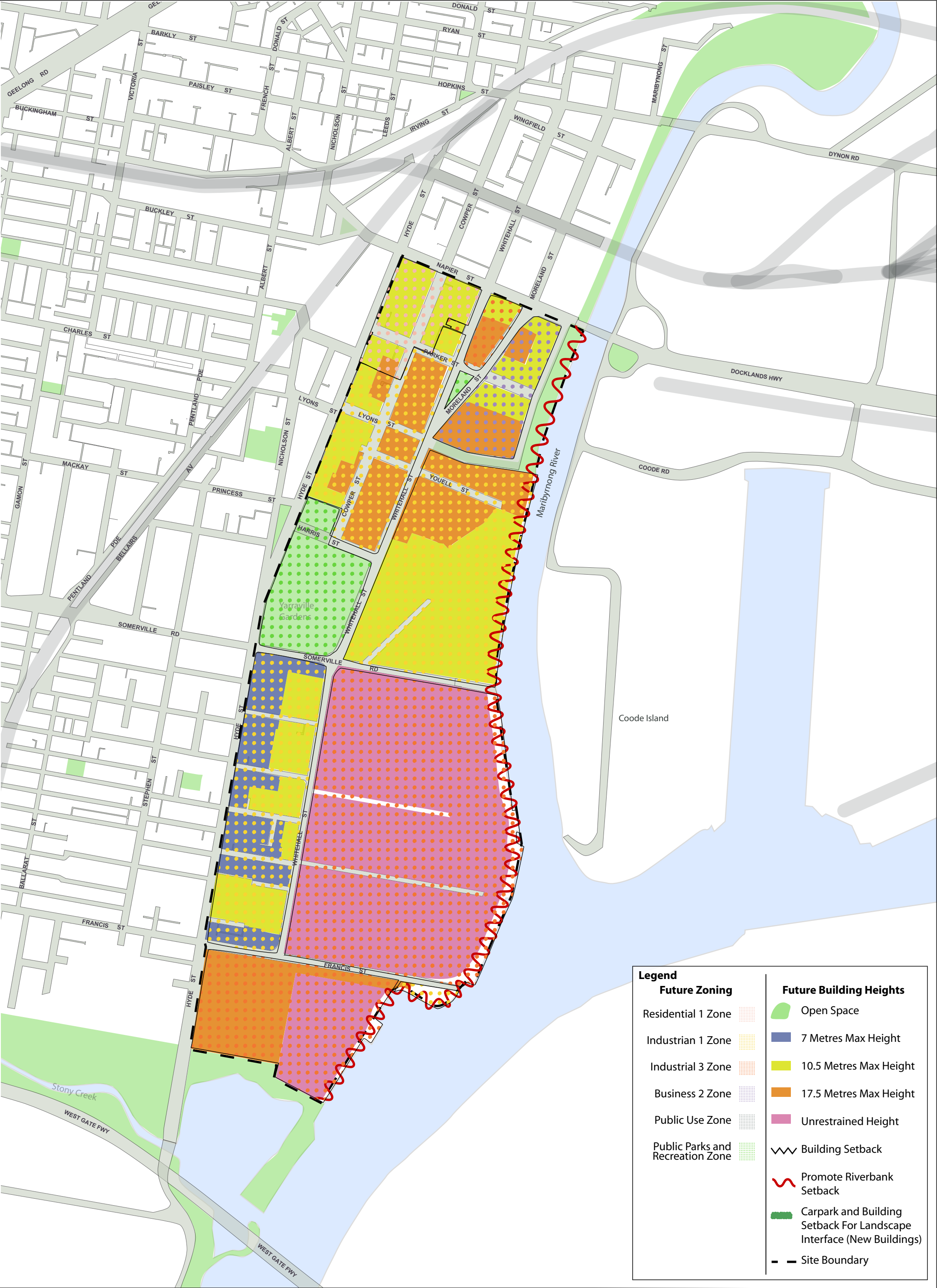
- East – West connectivity be addressed to ensure Hyde and Whitehall Streets to do present barriers to connectivity and pedestrian permeability.
- That the community interface role of Hyde street be protected allowing and promoting pedestrian access to Yarraville Gardens and to Civic facilities to the Precincts north.
- That heavy traffic be taken along Whitehall Street, which is surrounded by more industrial uses in preference to Hyde Street which is flanked by more residential development.
- That the current non utilized rail reserve be kept clear of development with sufficient easements to enable its utilization by freight rail and to have a potential road and shared use path linkage.
- That improved lighting be introduced to the public realm to improve the safety of after-hours pedestrian movement through the precinct.

- That optimum not minimum standard be adopted for shared use paths and on road bicycle lanes in recognition of the precincts position within Melbourne's bicycle path network.
- Pedestrian and cycling paths through the precinct are linked to the regional paths along the Maribyrnong River and to the CBD and bay.
- That view lines and building set backs are maintained so that the visual permeability improves the perceived pedestrian permeability.
- Where rail freight services are reintroduced into the precinct, safety fencing and other measures are designed in manner that does not present visual and circulation barriers.

Other

Other urban design opportunities exist to improve the amenity and experience of the public realm this include;

- Underground overhead services around heritage buildings to reduce visual clutter and assist in street tree plantings.
- Street tree plantings wherever possible to create leafy boulevards. Street tree planting pits may also be rain garden water infiltration zones as has been adopted in Docklands.
- Incorporation of public art at the precincts entrances and at visually prominent areas through the precinct to create visual interest and celebrate the area's history and unique character.
- Utilise creative lighting of buildings and industrial elements such as silos and cranes throughout the precinct to create a unique night time experience within the precinct.



YARRAVILLE PORT STRUCTURE PLAN
Building Heights / Set Backs

Scale: 1:10,000 (A3)
Date: July 2008

0m 100m 200m 300m 400m 500m

Clients:



Mapping:



AMENDING THE PLANNING SCHEMES

OVERVIEW

The Memorandum between the Council and the Port of Melbourne Corporation supports a review of the current planning framework to ensure that it effectively implements the future use and development of land in this Precinct in a manner consistent with the state and local planning frameworks.

The Zones and the other current provisions in the Maribyrnong Planning Scheme provide general guidance in respect of the preferred land uses and built form (e.g. preferred heights, and setbacks, building articulation and design styles) and the preferred treatment of the interface with the River. This Review examines the options to implement the objectives and strategies that the various Schemes and studies envisage for the Port and its environs.

The Victorian Planning Provisions (VPP's) provide various planning tools to ensure that the preferred land use and built form outcomes are achieved as the various sites are redeveloped. The options reviewed in the table below have been identified through discussions with various State Government agencies and Council. The options also derive from a review of the current planning controls that apply to the Port in other Planning Schemes, as well as the experience of framing planning controls in other similar precincts such as Fishermans Bend, Williamstown and Spotswood. The table below includes a summary of the features of each of the relevant VPP tools, and considers the appropriateness of each of the tools to provide a framework to manage land use change and development in the Study Area.

STATUTORY OPTIONS

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
NO CHANGE TO CURRENT PLANNING CONTROLS		
This option proposes that no change be made to the Business 2 Zone, Industrial 1 Zone and the Industrial 3 Zone, nor the MSS or local policy.		
<ul style="list-style-type: none"> Land use and investment decisions have been made in conformity with the current zones. Current zones are known and understood. Current zones are consistent with MSS. There are few redevelopment sites in the B2 Zone. 	<ul style="list-style-type: none"> A change of zone possibly creates non conforming uses and uncertainty. Current uses are inconsistent with MOU particularly accommodation. Clause 22 policy overstates the tourism role of the B2 Zone . Clause 22 is inconsistent with the SPPF. 	Change is supported.
REVIEW & STRENGTHEN CLAUSE 21 MUNICIPAL STRATEGIC STATEMENT		
Modify Clause 21 to more accurately reflect the Memorandum of Understanding in respect of the appropriate mix of uses. Clause 21 would include objectives and strategies relating to the preferred use, development and built form in the port buffer area.		
The MSS could be amended to ensure that the precinct is viewed as a buffer to the port and industrial / logistics businesses are the preferred uses.	<ul style="list-style-type: none"> Adds to the complexity of the amendment. Would be a minor change to the MSS, and the MSS should be modified through a comprehensive review rather than through many incremental changes that respond to particular issues or precincts. 	Council proposes to undertake its regular periodic review of its MSS in 2009, and it would be better that any additional statements or changes related to the Study Area be introduced through the planned review rather than incremental changes.
REZONE ALL OR PART OF THE BUSINESS 2 ZONE TO BUSINESS 3 ZONE		
Apply the B3 area to the land between Napier Street and Parker Street, or to the offices fronting the River. Strategic emphasis on mixed industry, warehousing and office development. Caretakers House, place of assembly, leisure and recreation and restricted retailing are permitted, accommodation and shop are prohibited. Can include in a schedule a maximum floor space limit on offices. The limit can apply to specific sites and the whole zone. The limit can be exceeded with a planning permit.		

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> • Makes accommodation a prohibited use. • The zone would be more consistent with the SPPF and encourage use and development in the buffer area that is consistent with the operations of the Port. • Consistent with the present mix of uses. • Zone has been applied to similar areas such as Fisherman Bend. • Would enable Council to meet most of its strategic directions and acknowledges the precinct as an office /business area. • Planning discretion and built form could be guided by local policy and DDO. • In conjunction with a DDO, would provide considerable certainty about office development opportunities. 	<ul style="list-style-type: none"> • Zone allows use and development such as offices, place of assembly and leisure facilities which attract many people and are likely to generate demands for high amenity outcomes. • Floor space limits can be exceeded by permit, although applications need to be strategically justified. • Council preferred Floor space limit of 15-20,000 sqm is not acceptable to PoMC • POMC remains concerned with B3 Zone in Fishermans Bend. • State government (DPCD and DIIRD) have a preference for an Industrial Zone. 	Supported for further discussion
REZONE THE BUSINESS 2 ZONE TO INDUSTRIAL 1 ZONE		
Uses such as offices, accommodation, cafes and restaurants will be prohibited. Caretakers residence, restricted retail, and offices are allowable uses subject to permit. Offices are restricted to 500 sqm per site. Home occupation is as of right use.		
<ul style="list-style-type: none"> • Accommodation and shop are prohibited. • Consistent with the SPPF and the protection of the area as a Port buffer area. • Promotes the area as suitable for industry and logistics activities. 	<ul style="list-style-type: none"> • Caretaker residence and home occupation are permitted. • People intensive uses such as restricted retail and indoor recreation venues are permitted. • Industrial 1 Zone may allow potentially inappropriate uses to locate close to 	Not supported as it creates a potentially difficult interface to the north, and does not reflect the strategies and existing land uses in the precinct.

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> • Restricts the size of offices. • Consistent with zoning of remainder of the Study Area. 	<p>sensitive uses on the north side Napier Street.</p> <ul style="list-style-type: none"> • Limit on office floor area can be ineffective if land is allowed to be subdivided into small parcels. • Inconsistent with LPPF strategic vision for the area. • Likely to be inconsistent with the expectations and values in the land market. 	
REZONE THE BUSINESS 2 ZONE TO INDUSTRIAL 3 ZONE		
Uses such as offices, accommodation, cafes and restaurants will be prohibited. Industry, caretakers residence, restricted retail, and offices are allowable uses subject to permit. Offices are restricted to 500 sqm per site. Home occupation is as of right use.		
<ul style="list-style-type: none"> • Identifies the area as a transition or interface between industrial and sensitive uses. • Accommodation and shop are prohibited. • Consistent with the SPPF and the protection of the area as a Port buffer area. • Promotes the area as suitable for industry and logistics activities. • Industry must demonstrate that it minimises impacts on amenity. • Consistent with the industrial and distribution uses in the area. • Restricts the size of offices. 	<ul style="list-style-type: none"> • Caretaker residence, home occupation and café are permitted uses. • People intensive uses such as restricted retail and indoor recreation venues are permitted. • Limit on office floor area can be ineffective if land is allowed to be subdivided into small parcels. • Inconsistent with Council's strategic vision for the area. 	Supported for further discussion

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> • Consistent with the zoning of the land to the west. • Provides control over warehouses and industrial uses. • Supported by State Government consultation 		
REZONE THE BUFFER AREA TO A SPECIAL USE ZONE		
Include the buffer area, including the existing Business 2 Zone into a Special Use Zone based on other Special Use Zones around the Port and hazardous facilities. Provisions can be designed to implement strategic directions for the area.		
<ul style="list-style-type: none"> • The provisions can be tailor made to implement the strategic directions. • The Zone can prohibit uses that are inappropriate in the area. • The Zone can also include specific requirements or conditions such as maximum floor areas or conditions to be met such as off site impacts. 	<ul style="list-style-type: none"> • The DPCD generally does not support the Special Use Zone where VPP Zones can be used. • Using the SUZ may set a precedent for other Port buffer areas. • SUZ is not readily transparent or understood by land owners and tenants. • Should only be used if the same or similar provisions are to be applied to all of the Port buffer areas. 	Not supported as the Schedules are unlikely to vary significantly from the Business 3 Zone or the Industrial 3 Zone. This option is unlikely to be supported by DPCD.
APPLY THE INCORPORATED PLAN OVERLAY		
The Overlay would require development to be consistent with an Incorporated Plan in the Planning Scheme. Once in the Planning Scheme, development applications that are generally consistent with the Incorporated Plan are exempt from third party notification and applications for Review to VCAT. The Incorporated Plan can only be modified through an amendment to the Scheme. The IPO can exclude uses that are permitted in the Zone but do not form part of the preferred use and development. IP are usually applied to large development sites where the intended use and development is known and reasonably certain. It is a form of planning approval for a particular development rather than a planning framework where many uses are possible.		

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> The Incorporated Plan can specify land use and development and could exclude accommodation. Once in the Scheme, the Plan can only be changed through a further Amendment, hence all stakeholders have high level of certainty regarding the planning and design framework. Third parties are exempt from notification and review to VCAT, which makes the approval of developments more streamlined. 	<ul style="list-style-type: none"> An Incorporated Plan cannot prohibit uses that are permitted in the Zone, but it can limit the allowable uses to those prescribed in the Incorporated Plan. Once in the Scheme, it is difficult to change. Would require Council to invest resources to ensure that plan can be implemented and does not impose unreasonable constraints or costs that prevent development. Third parties are exempt from notification and review to VCAT which can generate uncertainty for local residents and other land owners in the Precinct. Incorporated Plans are not transparent or easily understood by the community and owners / tenants. 	<p>Not supported as being unduly complex and difficult to implement through an amendment when the seas and development are uncertain. The amendment would require considerable resources to ensure that it reflects landowners aspirations.</p>
APPLY A NEW DDO		
<ul style="list-style-type: none"> Usually requires a proponent to demonstrate that a development meets built form objectives and requirements. Usually includes controls on heights, setbacks and design. 		
<ul style="list-style-type: none"> Consistent with the approach by Council to implement built form policy. Provides clear guide for developers in respect to built form outcomes. Preferred limits can be mandatory. 	<ul style="list-style-type: none"> DDO is used in respect of development, but would not apply to use. 	<p>A Design and Development Overlay provides certainty regarding design and built form outcomes and is a transparent and understood planning tool.</p>
APPLY THE DEVELOPMENT PLAN OVERLAY (DPO)		
<p>The Schedule to the Development Plan Overlay sets out matters that have to be addressed prior to permits being granted for subdivision or development:</p> <ul style="list-style-type: none"> Usually applies to matters of design and staging. 		

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> Usually applied to large sites that are likely to be developed in stages. Usually applied to sites in one or a few ownerships and where there are few stakeholders. Following approval of amendment, the Development Plan is negotiated between applicant and Council. Third party notification, submissions and review to VCAT are not required or available. Development Plan can be modified with the approval of the Council (or VCAT). 		
<ul style="list-style-type: none"> The Development Plan can provide clear direction about development. The Development Plan can be changed to respond to new developments. Third parties do not participate in the approval of the Development Plan. Applicants can seek review by VCAT if there are disputes over the Development Plan. 	<ul style="list-style-type: none"> DPO only applies when a permit is required i.e. development rather than use. The Development Plan is often prepared by the applicant and reflects their development preferences. Refusal to support a proposed Development Plan can be the subject to Review by VCAT. Development Plans would be prepared for each site as each developer would be unlikely to prepare plans for the whole Precinct. Planning Practice Note recommends that the DPO be applied for sites in single ownership rather than multiple ownerships, and where there are few external stakeholders. Controls development, not use. 	<p>It is considered that the need to prepare a DPO for each site adds value to the development approval process in addition to planning permits. It would be unreasonable to require one owner to prepare a DPO for the whole precinct and get agreement from all landowners. The Development Plan may not provide Council and the community with adequate certainty regarding the framework for the development of the land.</p>
MODIFY THE LOCAL POLICY AT CLAUSE 22.04-3		
<p>The policy could cover the following matters:</p> <ul style="list-style-type: none"> Area to which it applies. Policy basis. Preferred outcomes Preferred lot sizes. Identify the matters that need to be described in a planning application, including an assessment of risk in respect to proximity to Coode Island. 		

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<ul style="list-style-type: none"> MOU provides that local policy needs to be modified to better reflect the inclusion of the land in the Port buffer area. Provides clear directions in respect of the application of discretion. Council is reviewing its local policies; hence it is an appropriate time to modify the policy. 	<ul style="list-style-type: none"> Is only relevant when a planning permit is triggered (not applicable for as of right uses). Local policy has limited weight in VCAT. Policy should be used only if other VPP tools are not suitable. 	Worth further consideration, but strategic directions will have greater weight when expressed in Clause 21, and through other VPP tools.
INCLUDE IN THE MSS A STRATEGIC REPORT AS A REFERRAL OR INCORPORATED DOCUMENT		
Include <i>Yarraville Environs Precinct Built Form Framework Plan</i> in the Maribyrnong Planning Scheme Planning Scheme		
<ul style="list-style-type: none"> A Referral Document can provide an expansive description of objectives, design principles and preferred development outcomes. Can include particular requirements. It can be useful for stakeholders, developers and the responsible authority in conjunction with an Overlay that sets out design objectives and decision guidelines for the precinct. 	<ul style="list-style-type: none"> Referral and Incorporated documents are not regarded as having the same level of significance as other VPP tools. A Referral Document may make the Amendment more complex. The referral document is unlikely to add additional information that is not reflected in the VPP controls and policy. 	Inclusion of this review as a Referral Document is supported as it provides the Responsible Authority and VCAT with an appreciation of the strategic issues and discussion.
EXTEND THE PORT OF MELBOURNE PLANNING SCHEME TO THE SUBJECT AREA		
Include the buffer area between the River and Whitehall Street in the Port of Melbourne Planning Scheme for which the Minister for Planning is the Responsible Authority		
<ul style="list-style-type: none"> Reflects the current ownership and intended use by POMC of significant land parcels. Planning controls and DPCD decisions 	<ul style="list-style-type: none"> Removes area from Council's responsibility. The controls under the new Scheme may allow the port uses to extend to Napier 	Not supported as it is not necessary to achieve appropriate controls over use and development.

POSITIVE CONSIDERATIONS	CONCERNS	ASSESSMENT OF OPTION
<p>will ensure that use and development is consistent with the Port.</p> <ul style="list-style-type: none"> Provides a consistent model to manage all of the Port buffer areas. Minister for Planning would manage use and development in the buffer areas to a facility of State significance. 	<p>Street adjacent to a sensitive northern interface.</p> <ul style="list-style-type: none"> Still requires an appropriate planning policy and zoning framework to be effective 	
PREPARE A NEW PORT ENVIRONS BUFFER OVERLAY		
<p>Apply a new Port Environs Buffer Overlay that requires use and development in the buffer area to be designed and to operate in a manner that minimises risk from Coode Island MHF and minimises amenity impacts arising from the operations of the Port. The Overlay could be similar to the Airport Environs Overlay that requires dwellings to include noise attenuation measures.</p>		
<ul style="list-style-type: none"> Could be a model that could be applied to other Port buffer areas. Consistent with Airport Environs Overlay. Consistent with the SPPF policies aimed at protecting the port and industry from encroachment Consistent with Port Futures 	<ul style="list-style-type: none"> Overlay needs to be completed and would be the subject of considerable discussion and review. Contrary to the principal that the source of amenity impacts should undertake the mitigation measures. Overlay suggests that mitigation measures will be adequate and inappropriate uses will be allowed into the buffer area, but problems may arise later. The measures or standards for risk and amenity may be difficult to define. 	<p>Supported for further consideration given the current Advisory Committee process to consider port environs planning protection for ports.</p>

ASSESSMENT OF STATUTORY OPTIONS

The above analysis of the VPP options indicates that it is desirable to modify the strategic planning framework that guides land use and development decisions in the Yarraville interface area to the Port of Melbourne. The current policy framework and the Business 2 Zone are not consistent with the strategic directions set out in the SPPF that seek to ensure that the Port can continue to handle the volumes of freight free of constraint from sensitive uses in the nearby areas. The existing planning framework appears to be inconsistent with the Memorandum of Understanding agreed between the POMC and Council, and the Memorandum of Understanding provides that the planning framework will be amended.

Several options to modify the existing planning framework without rezoning the area included in the Business 2 Zone are considered. The options include applying an Incorporated Plan Overlay and Incorporated Plan, or introducing a new Port Environs Overlay. These options appear to be overly complex and are inconsistent with the intent of the VPP's that promote planning controls that are transparent and easily accessed and understood. They would also take considerable time and resources to implement.

The application of the Design and Development Overlay or Development Plan Overlay without other changes would have limited benefit as they would only affect developments that need a planning permit, and generally would also only relate to development and built form and not impact on land use. A Design and Development Overlay will provide greater certainty regarding the built form and design outcomes and standards that would apply in the Buffer area.

Relying on a revised planning policy at Clause 21 and / or Clause 22 without changing the Zone creates the likely outcome that the Zone allows sensitive uses such as accommodation which is inconsistent with the State and a revised local policy that reflects the principals in the Memorandum of Understanding. It is preferable to include the land in a more suitable Zone that better reflects the policy framework.

Several alternative Zones are reviewed, including a new Schedule to the Special Use Zone (Port Environs Buffer Area), as well as the VPP Zones. A new Schedule has the benefit of being able to be tailor made to implement the policies, but the DPCD would prefer that the VPP's be used.

The inclusion of any part of the Study area into the Port of Melbourne Planning Scheme or the application of the Special Use Zone Schedule from the Port of Melbourne Planning Scheme into the Maribyrnong Planning Scheme is not recommended as these planning tools have been designed to manage use and development within the Port. The Study Area has interfaces and land use patterns that need their own solutions. Furthermore that area has traditionally been an integral part of Footscray / Maribyrnong and whilst there may be some differences about land use / development outcomes in Precinct A, there are no differences in respect to Precincts B and C and the area abutting Hyde Street, hence such a significant change seems unnecessary.

In view of the sensitive interfaces to the north and the west to residential areas, the most satisfactory options to replace the Business 2 Zone are the Industrial 3 Zone or the Business 3 Zone.

A review of the table of uses in the Business 3 Zone and the Industrial 3 Zone indicates that there are minor differences between the Zones. The key differences are that industry, warehouse and office are as of right in the Business 3 Zone, but require a permit in the Industrial 3 Zone. Office is limited to 500 square metres per site in the Industrial 3 Zone. The maximum floor area of offices in Business 3 Zone may be specified in the Schedule to the Zone, and schedule can specify maximum limits for each site.

The key differences between the two zones is reflected in the purposes of the Zones and the range of use and development anticipated to occur in each Zone. The purposes of the Industrial 3 Zone are:

- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *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.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

For comparison the purpose of the Business 3 Zone is:

- *To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.*

It is considered that either zone could replace the current Business 2 Zone, and may be able to achieve the strategic outcomes for the site. However given that these strategic outcomes have not been agreed and in particular the scale of preferred development, particularly for office use, has not been resolved it is not possible to recommend a preference for either zone.

Maribyrnong City Council's preference is for a Business 3 Zone with office floor space being limited to 15 – 20,000m². It considers that:

- It best reflects the small scale office / industry / distribution and supply activities that are located in the precinct.
- It will encourage some employment opportunities to the area.
- It is consistent with the application of the Zone in Fishermans Bend to encourage similar uses.
- It is consistent with the Zone applied to the land to the north of Napier Street.

- There are no inter-industry conflict or amenity issues generated by the uses in the precinct that require the Industrial 3 Zone to be applied.
- It enables the application of limits on office floor space on a site by site basis and can better control the development of offices in the precinct than the Industrial 3 Zone.

PoMC's preference is for an Industrial 3 Zone and it considers that:

- The purpose of the zone is consistent with the role of the area as a buffer and it allows for a range of uses compatible with this interface role.
- It would not sterilize the area and provides for development of similar scale and employment generation as provided by the commercial/industrial buildings in the north of the precinct.
- It is consistent with the Footscray CAD Draft Strategic Framework Report objectives for the Riverside Precinct (north of Napier Street) which is 'Commercial developments do not compete with the business core of the centre. Appropriate uses may include small offices of less than 1500sqm, existing industry, service industries, indoor recreation facilities, indoor commercial display areas, trade and landscape supplies, convenience shops and manufacturing sales'
- It provides certainty regarding the size of office developments.
- IN3Z is consistent with outcomes of Truck Action Plan which will see Whitehall Street continue as a major freight route.
- It can address council's concerns regarding truck impacts by allowing control of transport generating uses such as warehouse and industry.
- It is consistent with the SPPF particularly 18.05 – 2 'The land resources adjacent to ports should be protected to preserve their value for uses which depend upon or gain significant economic advantage from proximity to the ports' particular shipping operations'.
- It is consistent with the recommendations for Footscray CAD to be the focus of office development.
- It is consistent with Draft WorkSafe Guidelines.
- It is consistent with Council's consequence analysis.
- It is consistent with the approach taken to land within proximity to the Mobil Yarraville terminal where Council's LPPF policy 22.02 -3 calls for rezoning to IN3Z.
- Lonely Planet can be catered for under the planning scheme particular provisions.

The Memorandum of Understanding provides that the planning framework includes directions on the built form in Area A. The preferred way to implement the built form outcomes is through a Design and Development Overlay that sets out the objectives, preferred design outcomes and any particular design requirements such as heights, setbacks, landscape areas and the like. The next stages of this review should also investigate whether a Design and Development Overlay can require a risk assessment and design response to mitigate the possible impacts of its proximity to the Port.

The MSS and the local policies in both Planning Schemes need review to reflect the intent of the various strategic studies reviewed in this paper. The MOU contemplates modification to the local planning frameworks of both planning schemes.

The Port of Melbourne Planning Scheme should include additional objectives and strategies that reflect the intention to:

- Ensure that Port developments in the interface area contribute positively to the local built environment and streetscapes.
- Acknowledge that Maribyrnong should be able to pursue its social and economic objectives of creating a more diverse range of employment opportunities and an attractive built form in the Yarraville area, subject to there being no detrimental impact on the ongoing 24/7 operations of the port.
- That the Port will mitigate the impacts of its operations on the River's edge and adjoining areas.
- That the Footscray Wharf will be redeveloped as a commercial non-residential marina, subject to commercial viability with some limited level of public access.

The policy framework of the Maribyrnong Planning Scheme also needs to be modified to be consistent with the SPPF. Modifications might include:

- Modify the strategic direction for the area and to lessen the emphasis on it becoming a significant mixed use precinct comprising office, tourism and associated activities, which recognizes the buffer role of the area.
- To lessen the theme that the area is an extension of the Footscray Transit City and a connection between the Transit City and the River. This theme should be limited to the area to the north of Napier Street.
- To provide strategic directions in respect of built form that provides a strategic justification for a DDO that would constrain building heights to 15metres.
- To identify the area as suitable for small scale offices, business support service, industry, particularly those related to and supporting the operations of the Port.
- To encourage improvements to pedestrian and cycling access through the area including along Whitehall Street where access cannot be provided along the Maribyrnong River due to Port operations at Yarraville terminals 5 and 6.
- Acknowledge the importance of the Port to the national and State economies and that use and development in the Yarraville area should not constrain the operations of the Port.

RECOMMENDATIONS

It is recommended that an amendment to the Maribyrnong Planning Scheme be prepared that:

- Ensure that Clause 21.03, Clause 21.04 and Clause 22.04 clearly identify the Study Area as a buffer to the Port of Melbourne and that the uses and development within this area should not be likely to be affected by the intensification of activities in the Port and not likely to have high amenity expectations or impact on the 24/7 port operations.
- Modify Clauses 21.03, Clause 21.04 and Clause 22.04 to more clearly identify that the preferred uses and development in the Study Area are industry, logistics and small scale office / distribution mixed uses.
- Provides increased recognition and support for port development and operations.
- Is consistent with the SPPF as it relates to ports.
- Provides protection for the port from encroachment by incompatible land use.
- The Current Zone is not considered appropriate and a zone change is recommended the Industrial 3 Zone and the Business 3 Zone should be carefully considered to be applied to Precinct A.
- It is also recommended that a Design and Development Overlay that includes design objectives, design outcomes and design standards, including preferred building heights and setbacks be applied to Precinct A. The Design and Development Overlay could also include design measures to respond to and minimise risk from the Coode Island MHF.

It is recommended that an amendment to the Port of Melbourne Planning Scheme be prepared that includes the following elements:

- Ensure that Port developments in the interface area contribute positively to the local built environment and streetscapes.
- Acknowledge that Maribyrnong has different social and economic objectives in the Yarraville area, and consider these, where appropriate, subject to there being no detrimental impact on the ongoing 24/7 operations of the port.
- That the Port will mitigate the impacts of its operations on the River's edge and adjoining areas.
- That the Port will support efforts to extend linear paths along the River or on alternate routes where safety, security and operational reasons require that public be excluded from accessing the River's edge.
- That the Footscray Wharf will be redeveloped as a non-residential marina with some limited level of public access.

APPENDIX A

MARIBYRNONG PLANNING SCHEME PLANNING FRAMEWORK & PROVISIONS

44.03

21/09/2009
VC60

FLOODWAY OVERLAY

Shown on the planning scheme map as **FO** or **RFO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.03-1

15/09/2008
VC49

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 4500 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

- The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.03-2

19/01/2006
VC37

Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

44.03-3

21/09/2009
VC60

Application requirements

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

Flood risk report

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The State Planning Policy Framework and the Local Planning Policy Framework.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

44.03-4

19/01/2006
VC37

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.03-5

19/01/2006
VC37

Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.03-6

21/09/2009
VC60

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

19/01/2006
VC37

SCHEDULE TO THE FLOODWAY OVERLAY

Shown on the planning scheme map as FO or RFO

44.05

15/09/2008
VC49

SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as **SBO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

44.05-1

15/09/2008
VC49

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles designed to operate at more than 66,000 volts.
- To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To roadworks and associated works if this is limited to resurfacing the existing road or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an extension of less than 20 square metres in floor area to an existing building (not including an out-building), where the floor levels are constructed to at least 300mm above the flood level or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an upper storey extension to an existing building.
- To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level.
- To an out-building (including replacement of an existing building) if the out-building is less than 10 square metres in floor area and constructed to at least 150mm above the flood level or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.
- To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.
- To a replacement fence in the same location and of the same type and materials as the existing fence.
- To a pergola or an open deck area with unenclosed foundations.
- To a carport constructed over an existing carspace.
- To an in-ground swimming pool and associated security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.
- To a tennis court at existing surface level with fencing designed to minimise obstruction to flows.
- To an aviary or other enclosure for a domestic animal if it is less than 10 square metres in floor area at ground level.
- To open sided verandahs, open sided picnic shelters, barbeques and park furniture (excluding playground equipment) if there is less than 30mm change to existing surface levels.
- To radio masts, light poles or advertising signs on posts or attached to buildings.

44.05-2

19/01/2006
VC37

Subdivision

A permit is required to subdivide land.

44.05-3

19/01/2006
VC37

Application requirements

Unless otherwise agreed in writing by the relevant floodplain management authority, an application to construct a building or construct or carry out works must be accompanied by a site plan which shows, as appropriate:

- The boundaries and dimensions of the site.
- Relevant existing and proposed ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- The layout, size and use of existing and proposed buildings and works, including vehicle parking areas.

- Floor levels of any existing and proposed buildings to Australian Height Datum.
- Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.05-4

19/01/2006
VC37

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.05-5

19/01/2006
VC37

Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.

44.05-6

19/01/2006
VC37

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

19/01/2006
VC37

SCHEDULE TO THE SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as SBO

Permit requirement

No permit is required to construct a building or to construct or carry out works, including any rail and road infrastructure, which includes (but is not limited to) rails, overhead electric power lines, signalling, platform extensions, grade separation, pedestrian crossings, fences, landscaping, safety measures, flora and fauna protection, contamination remediation, bridges, culverts, embankments, pedestrian pathways and connections, roadworks and acoustic protection measures, on land occupied by or used for the Melbourne Airport Rail Link.

APPENDIX B

PORT OF MELBOURNE PLANNING SCHEME PLANNING FRAMEWORK & PROVISIONS

37.01

19/01/2006
VC37

SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ** with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.

37.01-1

19/01/2006
VC37

Table of uses**Section 1 - Permit not required**

USE	CONDITION
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone

Section 2 - Permit required

USE	CONDITION
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

USE
Any use in Section 3 of the schedule to this zone

37.01-2

19/01/2006
VC37

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any guidelines in the schedule to this zone.

37.01-3

19/01/2006
VC37

Subdivision

Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any guidelines in the schedule to this zone.

37.01-4

19/01/2006
VC37

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any guidelines in the schedule to this zone.

37.01-5

19/01/2006
VC37

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

10/01/2008
NFPS**SCHEDULE 1 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ1****PORT OF MELBOURNE****Purpose**

To provide for the ongoing operation and development of the Melbourne Port as a key area of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a port.

1.010/01/2008
NFPS**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Industry (other than Rural Industry)	<p>Must be directly associated with and reliant upon the port.</p> <p>Must not be for a purpose shown with a Note 1 or Note 2 in the Table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> • The threshold distance, for a purpose listed in the Table to Clause 52.10; • 30 metres, for a purpose not listed in the table to Clause 52.10.
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Pleasure boat facility	
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling.

Section 1 - Permit not required (continued)

USE	CONDITION
Service station	<p>The land must be at least the 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</p>
Shipping container storage	<p>Must be directly associated with and reliant upon the Port.</p> <p>Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or an education centre or land in a public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> • The threshold distance, for a purpose listed in the Table to Clause 52.10 • 30 metres, for a purpose not listed in the table to Clause 52.10.
Telecommunications facility	<p>Buildings and works must meet the requirements of Clause 52.19.</p>
Tramway	
Transport terminal (other than Heliport and Wharf)	<p>Must be directly associated with and reliant upon the port.</p> <p>The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, the Docklands Zone, land used for a hospital or an education centre or land in a public Acquisition Overlay to be acquired for a hospital or an education centre.</p>
Warehouse	<p>Must be directly associated with and reliant upon the Port.</p> <p>Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> • the threshold distance, for a purpose listed in the Table to Clause 52.10 • 30 metres, for a purpose not listed in the table to Clause 52.10.

Section 1 - Permit not required (continued)

USE	CONDITION
Wharf	

Section 2 - Permit required

USE	CONDITION
Caretaker's house	
Convenience shop	
Education centre	Must not be a primary or secondary school
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Heliport	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Office	The leasable floor area must not exceed 500 square metres.
Place of Assembly	
Retail premises (other than Market and Shop)	
Utility installation (other than Minor utility installation)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Accommodation (other than Caretaker's house)
Child care centre
Extractive industry
Hospital
Major sports and recreation facility
Market
Motor racing track
Shop (other than Convenience shop)

2.0**Use of land**10/01/2008
NFPS**Application requirements**

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- An assessment against the policies of the Port Strategic Statement.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.
- The effect that the use may have on land in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near or associated with port facilities or uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans.
- The interim use of those parts of the land not required for the proposed use.
- The requirements of the Strategic Framework Plan contained in the Port Strategic Statement if applicable.

3.0**Subdivision**10/01/2008
NFPS

Lots may only be created if the land is to be used for an approved port related use.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, Capital City Zone, Docklands Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.
- The ability of the land as subdivided to accommodate future port related uses.
- The ability of the land to be combined with other lots for use as a port related use.
- Any natural and cultural values on or near the land.
- The purpose of the zone.
- The use intended.
- The extent of any existing or proposed reclamation works.
- The topography of the land.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.

4.0**Buildings and works**10/01/2008
NFPS**Permit requirement**

A permit is required to construct a building or construct or carry out works.

This does not apply to a building or works which:

- Provide for a Pleasure boat facility, Wharf, or Shipping container storage and other storage and handling facilities (not tanks for bulk liquid storage), navigational beacons and aids, terminals and other associated facilities.
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - the boundaries and dimensions of the site;
 - adjoining roads;
 - relevant ground levels;
 - the layout of existing and proposed buildings and works;
 - the locations of the proposed use of all existing and proposed buildings;
 - the provision of on-site vehicle parking;
 - loading and unloading areas;
 - internal vehicle movements;
 - site entrance and exit points;
 - proposed landscape areas;
 - external storage and waste treatment areas;
 - features above or below water.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.

Exemption from notice and review

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone, Capital City Zone, Docklands Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land or water.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.

- The effect of the development on adjoining areas.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment.
- The adequacy of stormwater discharge.
- The requirements of the Strategic Framework Plan contained in the Port Strategic Statement if applicable.

5.0

Maintenance

10/01/2008
NFPS

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

6.0

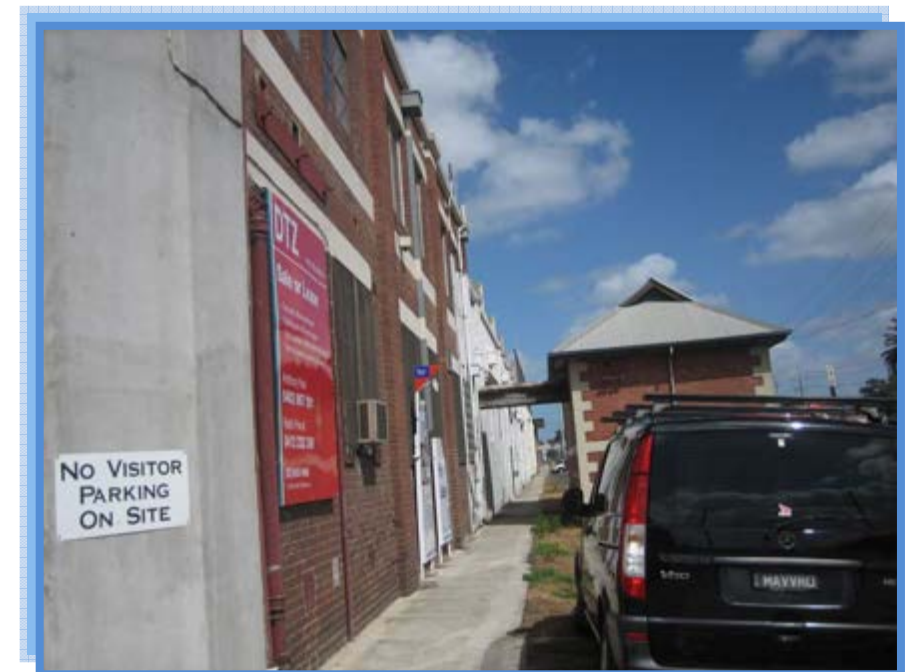
Advertising signs

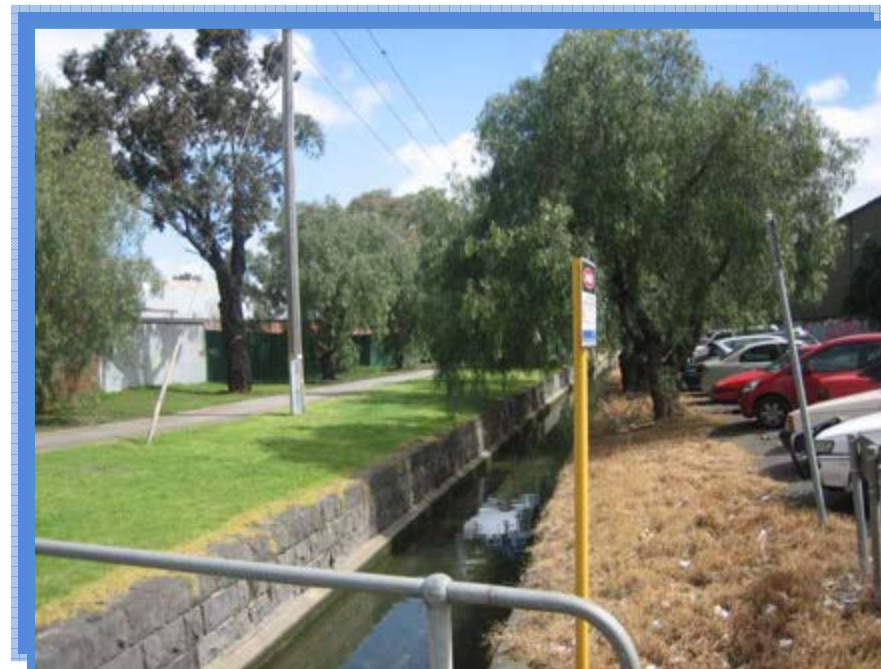
10/01/2008
NFPS

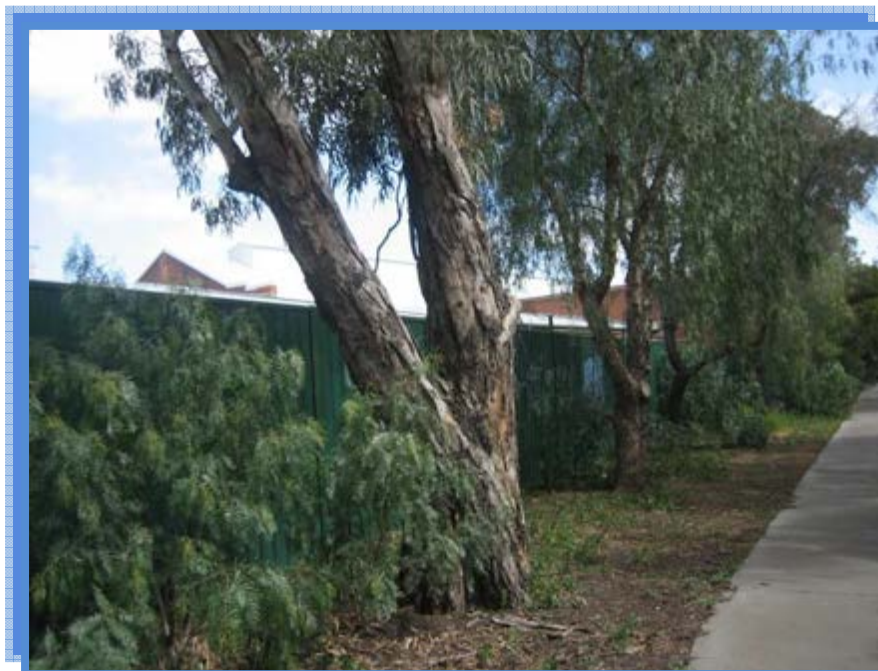
The advertising sign requirements are at Clause 52.05. This Zone is in Category 2.

APPENDIX C

PHOTOS

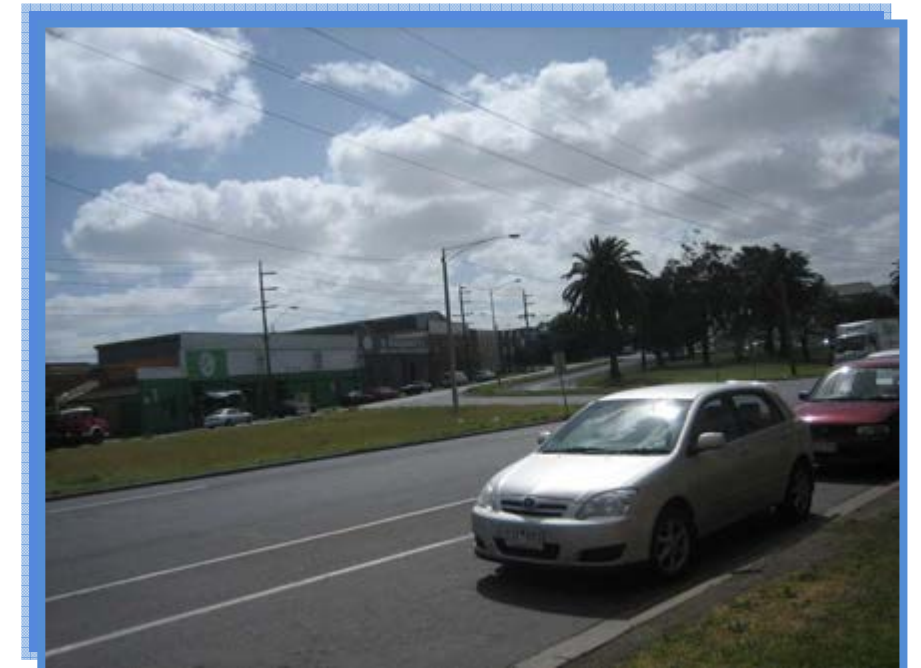












APPENDIX D

COMPARISON OF ZONES

Review of uses in Industrial 1 Zone, Industrial 3 Zone and Business 3 Zone

Uses	Industrial 1	Industrial 3	Business 3	Comment
Accommodation(other than caretaker's office)	Prohibited	Prohibited	Prohibited	
Adult sex bookshop	Permit required	Permit required	Permit required	
Agriculture (other than Apiculture, Crop raising, Extensive animal husbandry, and Intensive animal husbandry)	Permit required	Permit required	Permit required	
Apiculture	As of right	As of right	As of right	
Caretaker's house	Permit required	Permit required	Permit required	
Carnival	As of right	As of right	As of right	
Cinema based entertainment	Prohibited	Prohibited	Permit required	Unlikely that the site could accommodate this use. However would require planning permit in Business 3
Circus	As of right	As of right	As of right	
Convenience shop	Permit required	Permit required	Permit required	
Crop raising	As of right	As of right	Permit required	Use not relevant to site
Education centre	Permit required	Permit required (must not be a primary or secondary school)	Permit required	
Equestrian supplies	Permit required	Permit required	Permit required	
Extensive animal husbandry	As of right	As of right	Prohibited	Use not relevant to site
Home occupation	As of right	As of right	As of right	
Hospital	Prohibited	Prohibited	Prohibited	
Industry (other than Materials recycling)	As of right	Permit required	As of right	Only relevant for Industrial 3 Zone as permit is required
Informal outdoor recreation	As of right	As of right	As of right	
Intensive animal husbandry	Prohibited	Prohibited	Prohibited	

Uses	Industrial 1	Industrial 3	Business 3	Comment
Leisure and recreation (other than Informal outdoor recreation)	Permit required	Permit required	Permit required	
Lighting shop	Permit required (Must be in one occupation with a leasable floor area I at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 500 square metres)	Permit required (Must be in one occupation with a leasable floor area I at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 500 square metres)	Permit required (Must be in one occupation with a leasable floor area I at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 500 square metres)	
Mail centre	As of right	As of right	As of right	
Major sports and recreation facility	Permit required	Prohibited	Prohibited	Only relevant for Industrial 1 Zone as permit is required but unlikely that the site could accommodate such a use.
Materials recycling	Permit required	Permit required	Permit required	
Mineral exploration	As of right	As of right	As of right	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining and Search for stone)	Permit required	Permit required	Permit required	
Mining	As of right	As of right	As of right	
Minor utility installation	As of right	As of right	As of right	
Motor racing track	Permit required	Prohibited	Prohibited	Only relevant for Industrial 1 Zone as permit is required but unlikely that the site could accommodate such a use.
Natural systems	As of right	As of right	As of right	

Uses	Industrial 1	Industrial 3	Business 3	Comment
Office	Permit required (The leaseable floor area must not exceed 500sqm)	Permit required (The leaseable floor area must not exceed 500 square metres)	As of right (The combined leaseable floor area for all offices must not exceed any amount specified in the schedule to this zone)	This could be dealt with by a schedule to the Business 3 Zone with maximum floorspace which would be site specific.
Party supplies	Permit required	Permit required	Permit required	
Place of assembly (other than Carnival and Circus) Includes function centre, conference centre, reception centre)	Permit required	Permit required	Permit required	
Postal agency	Permit required	Permit required	As of right	????
Railway	As of right	As of right	As of right	
Restricted retail premises (other than Equestrian supplies, Lighting shop, and Party supplies)	Permit required (Must be in one occupation with a leaseable floor area of at least the amount specified in the zone. If no amount is specified, the leaseable floor area must be at least 1000sqm)	Permit required(Must be in one occupation with a leaseable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leaseable floor area must be at least 1000 square metres.	Permit required (Must be in one occupation with a leaseable floor area of at least	
Retail premises (other than shop) Includes café, restaurant, hotel, tavern)	Permit required	Permit required	Permit required	
Road	As of right	As of right	As of right	
Search for stone	As of right	As of right	As of right	
Service station	As of right	As of right	Permit required	Unlikely that the site could accommodate such a use
Shipping container storage	As of right	Permit required	Permit required	?????

Uses	Industrial 1	Industrial 3	Business 3	Comment
Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises)	Prohibited	Prohibited	Prohibited	
Telecommunications facility	As of right	As of right	As of right	
Tramway	As of right	As of right	As of right	
Utility installation(other than Minor utility installation and Telecommunications facility)	Permit required	Permit required	Permit required	
Warehouse (other than Mail centre and Shipping container storage)	As of right	Permit required	As of right	Only relevant for Industrial 3 Zone as permit is required

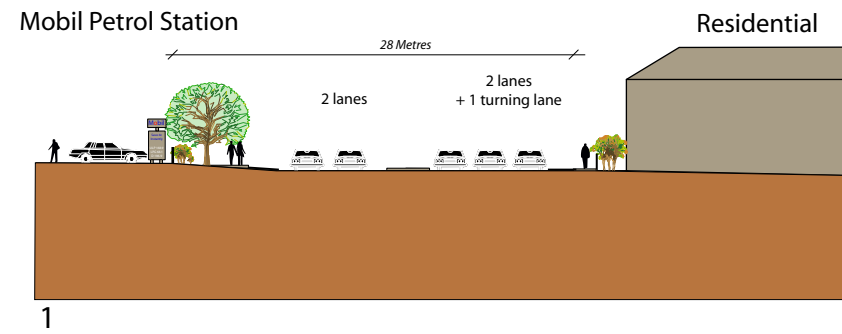
The major differences between the three zones are:

- Industry
- Office,
- Warehouse,
- Leisure,
- Café/restaurant
- Place of Assembly

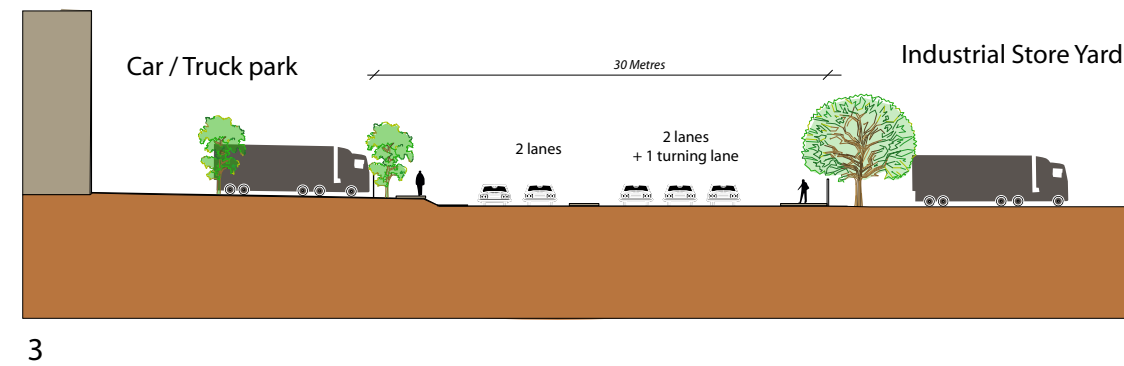
APPENDIX E

EXISTING ELEVATIONS

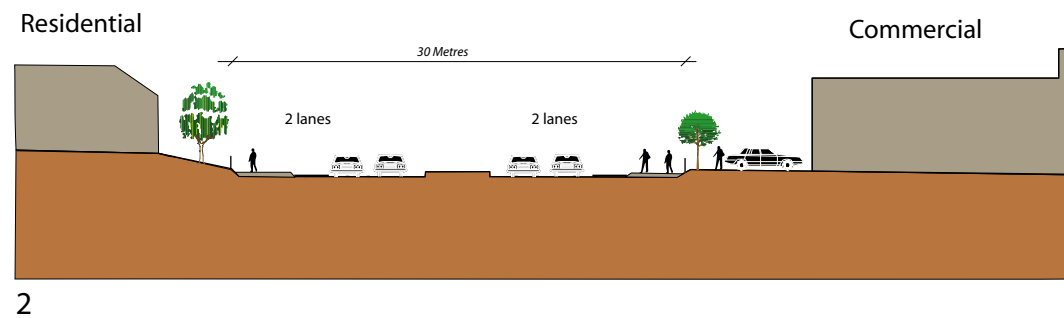
Whitehall Street



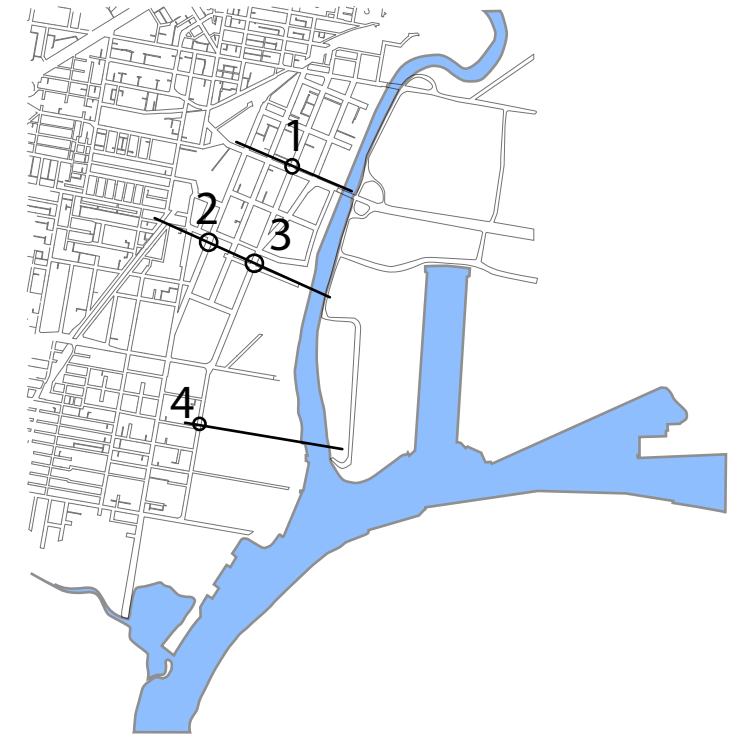
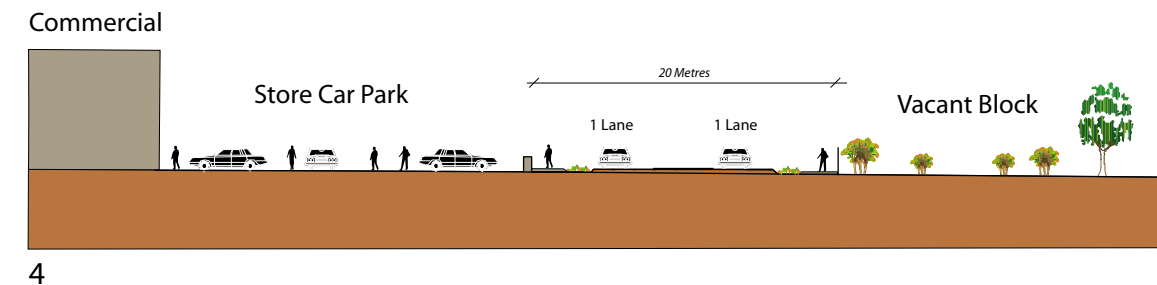
Docklands Road



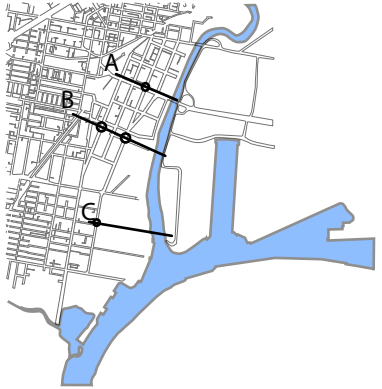
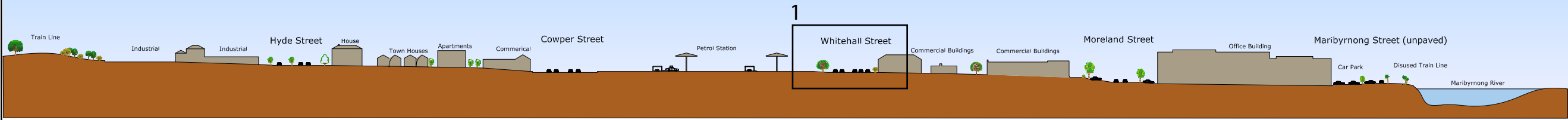
Hyde Street



Docklands Highway

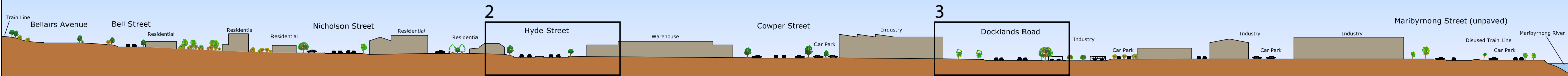


Napier Street Elevation



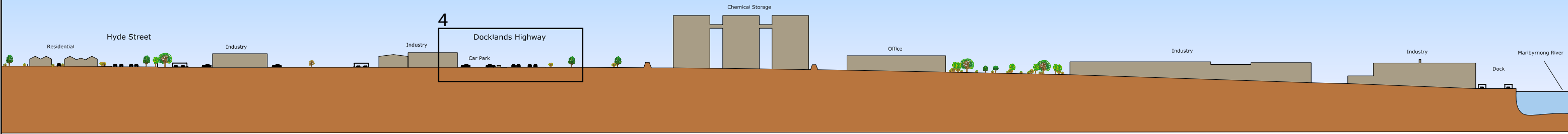
A

Youell Street Elevation



B

Leek Street Elevation



C