

07/04/2008  
C92**SCHEDULE 5 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ5****WATERS OF THE PORT OF MELBOURNE****Purpose**

To provide navigable channels and access for shipping to the Port of Melbourne as a key area of the State for the interchange, storage and distribution of goods.

To provide for boating and recreational uses within the waters of the Port of Melbourne.

**1.0**07/04/2008  
C92**Table of uses****Section 1 - Permit not required**

<b>USE</b>	<b>CONDITION</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the conditions requirements of Clause 52.08-2.
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Pleasure boat facility</b>	
<b>Railway</b>	
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19
<b>Wharf</b>	

**Section 2 - Permit required**

<b>USE</b>	<b>CONDITION</b>
<b>Industry (other than Rural Industry)</b>	<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, 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"> <li>• The threshold distance, for a purpose listed in the Table to Clause 52.10;</li> <li>• 30 metres, for a purpose not listed in the table to Clause 52.10..</li> </ul>
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	
<b>Transport terminal (other than wharf)</b>	<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>
<b>Utility installation (other than Minor utility installation)</b>	
<b>Warehouse (other than Boat and caravan storage and Rural store)</b>	<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, 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"> <li>• The threshold distance, for a purpose listed in the Table to Clause 52.1</li> <li>• 30 metres, for a purpose not listed in the table to Clause 52.10.</li> </ul>

**Section 3 - Prohibited****USE**

**Any other use not in Section 1 or 2**

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**2.0**

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**Use of land****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 nature and 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 effect that the use may have on land 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, 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 uses port facilities or associated 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 and works to the satisfaction of the responsible authority to minimise any adverse impacts.
- The interim use of those parts of the land not required for the proposed use.
- Any state or local policy or guidelines relating to the protection, use or development of port facilities.

### 3.0

## Buildings and works

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### 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.
- Provides for dredging to navigable depths in designated shipping channels and harbours to ensure continued access to port 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.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
- 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.

### **Exemptions 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, Docklands Zone, Capital City 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.
- 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.

## **4.0**

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### **Maintenance**

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

**5.0**

**Advertising signs**

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