

**37.09**31/07/2018  
VC148**PORT ZONE**

Shown on the planning scheme map as **PZ**.

**Purpose**

To implement the Municipal Planning Strategy, Planning Policy Framework and Port Development Strategies.

To recognise the significant transport, logistics and prime maritime gateway roles of Victoria's commercial trading ports in supporting Victoria's economy.

To provide for shipping, road and railway access and the development of each of Victoria's commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

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

To provide for the ongoing use and development of Victoria's commercial trading ports that support the relevant port development strategy prepared pursuant to the *Port Management Act 1995*.

**37.09-1**31/07/2018  
VC148**Table of uses****Section 1 - Permit not required**

Use	Condition
<b>Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry)</b>	Must be located on land and associated with port operations.
	Must not be located on Station Pier, Port Melbourne.
	Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
	The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or 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: <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>
<b>Informal outdoor recreation</b>	
<b>Railway</b>	
<b>Road</b>	
<b>Shipping container storage</b>	Must be located on land and associated with port operations.
	Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
	The land must at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or 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: <ul style="list-style-type: none"> <li>▪ The threshold distance, for purpose listed in table to Clause 53.10</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>
<b>Tramway</b>	

Use	Condition
<b>Transport terminal (other than Heliport and Wharf)</b>	<p>Must be located on land and associated with port operations.</p> <p>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or 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>Warehouse (other than a Commercial display area)</b>	<p>Must be located on land and associated with port operations.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or 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 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>
<b>Wharf</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
<b>Employment training centre</b>	Must be located on land and associated with port operations.
<b>Heliport</b>	
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	
<b>Office</b>	Must be located on land and associated with port operations.
<b>Recreational boat facility</b>	
<b>Utility installation (other than Minor utility installation)</b>	
<b>Any other use not in Section 1 or 3</b>	

## Section 3 - Prohibited

Use
<b>Accommodation</b>
<b>Child care centre</b>
<b>Hospital</b>
<b>Major sports and recreation facility</b>
<b>Market</b>

## Use

Motor racing track

Outdoor recreation facility

Primary school

Secondary school

Shop (other than Convenience shop)

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### 37.09-2

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## Use of land

### Application requirements

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

- An assessment against the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.
- The nature and purpose of the use and the types of processes to be utilised, including the type and quantity of goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects on adjoining land, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic volumes.
  - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the 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 where any of the land required for the use is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

### Decision guidelines

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

- Whether the proposed use is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.

- The effect that the use may have on land in a residential zone, Capital City Zone or 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 education centre, having regard to any comments or directions of the referral authorities.
- The effect on environmental values of adjoining land and port waters.
- 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.
- The interface with non-port areas.
- The drainage of the land.
- The availability of and connection to services.
- Traffic implications on the surrounding road network.

### **37.09-3**

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#### **Subdivision**

##### **Permit requirement**

A permit is required to subdivide land.

##### **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 where any of the land required for subdivision is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

##### **Decision guidelines**

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

- Whether the proposed subdivision is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.
- 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.
- The extent of any existing or proposed reclamation works.
- 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 easements or rights of way which may be required to convey public or private goods or services to, or across the land.

### **37.09-4**

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#### **Buildings and works**

##### **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 Wharf or Shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigational beacons and aids, terminals and associated facilities.
- Rearrange, alter, renew or maintain a plant if the area or height of the plant is not increased.
- Comply with a direction or a 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.
- Provide for a rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street.
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

#### **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 existing and finished ground levels, including the areas of any cut and fill.
  - The layout of existing and proposed buildings and works.
  - The location 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.
  - External storage and waste treatment areas.
  - Features above or below water.
- Elevation drawings to scale which show the colour and material of the proposed buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- Where development involves reclamation, information concerning the type and amount of material to be used to carry 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 work.

#### **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 an application for buildings and works that are within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

#### **Decision guidelines**

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

- Whether the proposed development is consistent the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.
- The effect on environmental values of adjoining land and port waters.
- Built form.
- Interface with non-port areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

#### **37.09-5**

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#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.