

Planning and Environment Act 1987

Panel and Advisory Committee Report

**Mornington Peninsula Planning Scheme Amendment C209
and Advisory Committee
Sorrento Ferry Terminal Upgrade**

5 December 2017

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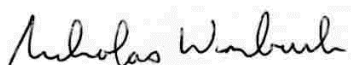
Panel Report pursuant to section 25 of the Act

Mornington Peninsula Planning Scheme Amendment C209

Advisory Committee Report pursuant to section 151 of the Act

Sorrento Ferry Terminal Upgrade

5 December 2017



Nick Wimbush, Chair



Kate Partenio, Member

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List of Abbreviations

CHMP	Cultural Heritage Management Plan
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
ESO25	Environment Significance Overlay Schedule 25
HO1	Heritage Overlay Schedule 1
LPPF	Local Planning Policy Framework
MPLPS	Mornington Peninsula Localised Planning Statement 2014
MSS	Municipal Strategic Statement
NCG	Nepean Conservation Group Inc.
PCRZ	Public Conservation and Resource Zone

PPRZ	Public Park and Recreation Zone
SCMP	Sorrento Coastal Management Plan
Searoad Ferries	Peninsula Searoad Holdings Pty Ltd
SITAP	Sorrento Integrated Transport Action Plan Commercial Centre and Foreshore Precinct Traffic and Safety Improvements
SPPF	State Planning Policy Framework
TTWG	Traffic Technical Working Group
VCS	Victorian Coastal Strategy
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Mornington Peninsula Planning Scheme Amendment C209
Common name	Sorrento Ferry Terminal Upgrade
Brief description	The Amendment seeks to facilitate the redevelopment of the Sorrento Ferry Terminal to include a new Terminal Building, reconfigured vehicle access and traffic works, new car parking, landscaping and public realm works. The Amendment seeks to do this primarily by introducing a site specific exemption through clause 52.03 with an associated incorporated document.
Subject land	The Amendment applies to the land at the existing Sorrento Ferry Terminal and associated car park and adjoining foreshore area. The land allotments include: <ul style="list-style-type: none"> - 10 Esplanade, Sorrento - 12 Esplanade, Sorrento - 14 Esplanade, Sorrento - Part 3154 Point Nepean Road, Sorrento - Part 3176 Point Nepean Road, Sorrento - Part 3300 Point Nepean Road, Sorrento
The Proponent	Peninsula Searoad Holdings Pty Ltd (Searoad Ferries)
Planning Authority	Mornington Peninsula Shire Council
Authorised	26 May 2017 with conditions relating to licensed premises provisions.
Exhibition	Between 22 June and 28 July 2017
Submissions	Number of Submissions: 36, of which 13 were opposed

Advisory Committee summary	
The Advisory Committee	Sorrento Ferry Terminal Traffic Advisory Committee
Brief description	The Minister for Planning appointed the Advisory Committee to review traffic and transport between the ferry terminal and the town centre and provide advice on priorities for future traffic improvements. Terms of Reference were provided and are included in Appendix E to this report.

Process

The Panel and Advisory Committee	<p>Nick Wimbush (Chair), Brett Davis and Kate Partenio were appointed as an Advisory Committee on 9 August 2017 and a Panel on 8 September 2017.</p> <p>The membership was reconstituted and Nick Wimbush (Chair) and Kate Partenio were appointed as an Advisory Committee on 18 October 2017 and a Panel on 25 October 2017.</p>
Directions Hearing	Mornington Peninsula Shire Council Offices Rosebud, 3 October 2017
Panel Hearing	Mornington Peninsula Shire Council Offices Rosebud, 31 October and 1 November 2017
Site inspections	Unaccompanied on 3 and 30 October 2017
Date of this Report	5 December 2017

Executive summary

(i) Summary

Mornington Peninsula Planning Scheme Amendment C209 (the Amendment) seeks to introduce a site specific planning control over a portion of the Sorrento pier and foreshore to facilitate the redevelopment of the Sorrento Ferry Terminal.

The redevelopment will result in the construction of a new two storey terminal near the end of the pier and significant changes to traffic and parking.

The exhibition of the Amendment attracted 36 submissions, of which 13 were objections and the rest were either neutral or in support. Many of the supporting submissions were from local and regional tourism businesses and organisations. Major issues raised in the objections included concern about the scale and built form of the terminal building; the use of public land for such developments; traffic and parking issues and the impact on heritage values in Sorrento.

The Panel appointed to consider the Amendment was also appointed as an Advisory Committee to consider broader traffic issues.

After considering the written submissions and submissions and evidence at the Hearing, the Panel concludes that the Amendment, and subsequent development, should be supported. The ferry is an important service to the Bellarine and Mornington Peninsulas and for broader business and tourism users. The Panel considers the upgraded terminal and parking proposed is appropriate to provide better facilities for those users.

The terminal is a coastally dependent use and whilst the Panel accepts that a smaller facility could be constructed, the proposal as put forward is acceptable when considered against relevant planning and coastal policy.

In its Advisory Committee role, the Committee has reviewed the broader traffic proposals put forward by Council and supports these in principle.

(ii) Panel Recommendation

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Amendment C209 to the Mornington Peninsula Planning Scheme as exhibited, subject to the inclusion of the Incorporated Document as shown in Appendix D to this report.**

(iii) Advisory Committee Recommendation

The Advisory Committee recommends:

- 2. The Minister for Planning liaise with the Minister for Roads and Road Safety to ensure implementation of the Sorrento Integrated Transport Action Plan Commercial Centre and Foreshore Precinct Traffic and Safety Improvements program is considered in relevant State Government funding programs.**

PART A: BACKGROUND

1 Background

1.1 Background to the proposal

Peninsula Searoad Holdings Pty Ltd (Searoad Ferries - the Proponent) operates a car and passenger ferry service between Sorrento and Queenscliff. It carries approximately 850,000 passengers and 200,000 vehicles per annum and provides an important transport link between the Bellarine and Mornington Peninsulas. The daily ferry service departs from Sorrento every hour from 7.00am to 6.00pm, with a later ferry in summer.

The Sorrento Ferry Terminal is located approximately 200 metres north-east of the Sorrento main street (Ocean Beach Road and Point Nepean Road).

Landside access to the site is from the Esplanade via Point Nepean Road. At present, vehicles entering the site are directed through the in-bound ticketing booth on the north-western side of the terminal and await loading in the central ferry terminal lanes. When a ferry has docked, exiting cars are directed to the out-bound traffic lanes on the south-eastern side of the site. After the ferry has been emptied, the waiting vehicles are loaded.

Pedestrian access to the ferry is managed separately at a small rotunda structure adjacent to the ferry docking zone. Access is provided via the north-western side of the site. On-site amenities and weather protection for pedestrian passengers are limited.

It is expected that the proposed terminal building and improvements to the car loading area will result in changes to the traffic layout within the forecourt of the Sorrento Ferry Terminal.

It is anticipated that the proposed upgrade of the Sorrento Ferry Terminal will be accompanied by a similar upgrade of facilities at Queenscliff (known as 'Stage 2').

1.2 The proposal

In its submission, the Proponent highlighted that difficulties associated with the use of the Sorrento Ferry Terminal include:

- *Pedestrian access, safety and wayfinding*
- *Traffic issues in peak times*
- *Separation of boarding passengers from vehicles – passengers board the ferry via the vehicle deck with the vehicles, included (sic) disabled elderly passengers and families with prams*
- *The current shelter can accommodate 25 people standing – far from the more than 550 people who board during peak times*
- *A small kiosk operates during peak periods selling coffee and water, however there is no seating, shelter or toilet for passenger use*
- *There is no dedicated area for pick up and drop off of passengers catching the ferry so cars generally stop in the middle of the roundabout to drop off passengers.¹*

¹ Proponent submission p3.

Council described the proposed redevelopment as including a new terminal building (featuring a maritime museum, café/lounge tenancy, and small shops for souvenirs and ticketing); reconfigured vehicle access and traffic works; new car parking; and landscaping and public realm works. More specifically, the proposal includes:

- *Reconfiguration of the existing site access arrangements from the Esplanade*
- *Redirection of traffic to load the ferry to the south-eastern part of the site and directing unloaded vehicles departing to the north-western part of the site*
- *The provision of a new staff and visitor car park (35 spaces) in the south-western part of the site*
- *The construction of a new ticketing building in the south-eastern part of the site*
- *The construction of a new seating and kiosk area adjacent to the car park*
- *The construction of a new passenger terminal building in the northern part of the site, adjacent to the ferry docking zone*
- *New pedestrian pathways and landscaping works.*

In addition, a proposed two-storey terminal building includes:

- *A perimeter entry boardwalk*
- *A ground level north-facing café tenancy of 246 square metres comprising indoor and outdoor dining*
- *A small retail tenancy of 95 square metres*
- *Ground level ticket sales and amenities*
- *Tourist information services at first floor level*
- *A 'Museum at the Bay' tenancy at Level 1 with an area of 48 square metres*
- *Souvenir gift shop of 10 square metres*
- *A lounge café at Level 1 of 218 square metres*
- *The administration office for Searoad Ferries*
- *A maximum height of 9.5 metres above pier level*
- *A retractable boarding gantry to allow passengers to travel from the building to the ferry that will comply with Disability Discrimination Act 1992 (DDA) access and provide weather protection*
- *Materials and finishes include steel and aluminium cladding, timber decking, glazing and natural concrete.²*

The building will have a maximum height of 9.5 metres and have a retractable boarding gantry for passengers to travel from the building to the ferry.

The subject site and proposal is shown in Figure 1.

² Council Part A submission.



Figure 1 The Sorrento Ferry Terminal proposal³

1.3 Summary of issues raised in submissions

The key issues in the objecting submissions were summarised in the Council Part A Submission and included:⁴

- Contrary to State and Local planning objectives including heritage, foreshore areas and environmental assets
- Privatisation of public land
- Negation of third party rights
- Redevelopment unnecessary
- Inappropriate design and scale of proposed terminal building
- Development should be on the western side of the pier or preferred in Portsea
- Traffic Impacts
- Broader tourism and transport plans.

1.4 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

³ From Draft Incorporated Document.

⁴ Document 4, pp 19-20.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report is divided into three main parts and deals with the issues under the following headings:

Part A: Background

Part B: The Amendment

- Planning policy framework
- Terminal floorspace and operation
- Urban design and visual impact
- European heritage
- The Incorporated Document

Part C: The Advisory Committee

1.5 Issues not addressed further in this report

A number of issues were raised in submissions which the Panel has not considered in detail in the report as noted below.

(i) Redevelopment is unnecessary

Whether the redevelopment, and thus Amendment, is 'necessary' is not a question that the Panel can usefully address. A project has come forward, supported by the Planning Authority and State, and the Panel's role is to assess the Amendment against relevant policy and the objectives of planning in Victoria.

Many planning scheme amendments are arguably not strictly 'necessary'. The objectives for planning in Victoria, as set out in the *Planning and Environment Act 1987*, do not, in the Panel's view, establish a scheme for establishing a level of necessity; rather, taken as a whole, they seek to facilitate sustainable development whilst ensuring the protection of natural, cultural, social and economic resources.

The Panel considers the policy framework in Chapter 2.

(ii) Alternative locations

Alternative locations for the ferry terminal were suggested; including on the north-western side of the jetty at Sorrento, and at Portsea. The Panel is not persuaded on the material before it that either of these alternatives are superior to the extent they would warrant a recommendation for investigation from the Panel.

The Panel is considering the Amendment before it, to facilitate the upgrade of an existing long-standing facility. A strategic review of different locations is not needed, and, if it were, this is not the process to undertake such an exercise.

(iii) Use of public land

Some submitters were concerned that the Amendment will result in the privatisation of public land and that this is inappropriate in principle. The Panel notes that the majority of the redeveloped facility will be within an existing lease and so to a large extent the 'privatisation' occurred long ago. The Panel considers the relatively small lease extension over water is reasonable in the context of the Amendment, even though the lease extension itself is not a consideration for the Panel and will be managed through a separate process.

Of greater interest to the Panel is whether the Amendment is supported in planning and coastal policy. These issues are addressed in Chapter 2.

(iv) Coastal processes

The redevelopment proposes to reclaim a small portion of land on the Sorrento foreshore south east of the existing foreshore roundabout. The new terminal building will be over water and will likely require piling or other support structure.

Dr Andrew McCowan prepared an expert witness statement on coastal engineering and climate change risk but was not called to give evidence at the Hearing and his evidence was not challenged by any party. His findings were:

- *The proposed re-development will have no material effect on the coastal processes in the area*
- *Although there are future risks associated with the existing ferry terminal and the likely effects of sea level rise and climate change, there are options for mitigating these risks*
- *The proposed re-development will not exacerbate any of the existing risks to the effects of climate change.*

The Panel is satisfied that any residual impacts can be managed through the Construction and Operation Environmental Management Plans required under the Incorporated Document.

(v) Aboriginal cultural heritage

At the Hearing, the Proponent noted that a Cultural Heritage Management Plan (CHMP) has been approved for the project under the *Aboriginal Heritage Act 2006*. The CHMP found that it is unlikely the proposal will impact upon Aboriginal cultural heritage as no Aboriginal cultural heritage places were recorded in the area and there is low potential for such heritage.

The Proponent noted that the CHMP proposes management conditions including Aboriginal cultural heritage induction with all site workers/contractors and an inspection program for works.

(vi) Lack of consultation

A number of submitters, including the Nepean Historical Society and Nepean Conservation Group, submitted that there has been a lack of consultation; and the use of an incorporated

document is not appropriate as it takes away third-party rights that would be available during a planning permit application process.

The planning authority's choice to use the incorporated document approach is noted; one of the benefits this brings is that the land can remain in the underlying public zone. To move to a planning permit situation would require a rezoning, probably with a planning permit attached and thus a similar position to that for Amendment C209 would be arrived at.

The Panel was not presented with any evidence that the notification for the Amendment was flawed, and the number of submissions (36) is testament to the fact that the Amendment was known in the community.

Whether there should have been more broader informal consultation is not a matter the Panel can usefully comment on.

Part B – The Amendment

2 The Amendment

2.1 Description of the Amendment

The Amendment proposes to facilitate redevelopment of the Sorrento Ferry Terminal.⁵ The Amendment will make the following changes to the Mornington Peninsula planning scheme:

- Amend Schedule to Clause 52.03 Specific Sites and Exclusions to include the new Incorporated Document for the subject land.
- Amend Schedule to Clause 81.01 Incorporated Documents to include the new Incorporated Document in the Planning Scheme.



Figure 2 Extract from planning scheme at project area⁶

2.2 Policy framework

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

⁵ The proposal will also require consent under the *Coastal Management Act 1995*; see Document 11.

⁶ Figure 2 from expert evidence of Stuart McGurn.

(i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11.04-1 (Open space planning) – this clause has the objective “to assist creation of a diverse and integrated network of public open space commensurate with the needs of the community”. Council stated that “The redevelopment proposed under the Incorporated Document is consistent with the Strategy for open space networks, in maintaining public ownership and access to public land immediately adjoining the coast (foreshore land and the Sorrento Pier)”.

Clause 11.05-2 (Distinctive areas of state significance) – this clause has the objective “to protect and enhance the valued attributes of the distinctive areas of the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges”.

The Strategies of this provision which relate to the Mornington Peninsula, are articulated through the *Mornington Peninsula Localised Planning Statement 2014* (MPLPS) which is included as a policy guideline. Council stated that the Amendment is considered against the relevant parts of the MPLPS as follows:

- *Integrated Planning*
 - *The redevelopment is aimed at improving the existing ferry service and infrastructure by enhancing facilities, particularly for visitors and tourists, without unreasonably compromising environmental, economic and social values.*
- *Conservation of natural systems and biodiversity*
 - *A Coastal Impact Assessment has been submitted as a supporting document to the Amendment.*
 - *Consent under the Coastal Management Act 1995 (CMA) is required before the Amendment can be approved by the Minister.*
 - *A Coastal Hazard and Vulnerability Assessment (CHVA) has been undertaken in consideration of climate change and sea level rise at the ferry terminal with respect to the proposed land reclamation and terminal building. The report finds the impact of the redevelopment on coastal processes to be low, and that the terminal building can be designed to ensure that inundation does not occur.*
- *Protecting the character and role of the settlements, towns and villages*
 - *It is envisaged that there will be positive flow on economic impacts to local businesses through increased visitation to Sorrento, however not to the extent of compromising the character and role of Sorrento within the hierarchy of Township settlements on the Mornington Peninsula.*
 - *The proposed retail uses are ancillary to the ferry operations, with the floor space limited via condition of Incorporated Document, to ensure that the role of the Sorrento commercial centre is complemented, and not undermined.*
 - *The design and architectural form of the terminal building, being a modern building, does not seek to adopt or replicate the character of local heritage built form.*

- *The principal of net community benefit is given priority in the consideration of the use of coastal Crown Land. It is considered that the proposal (involving redevelopment on Crown Land and an increase to the leased area) will result in a net community benefit, arising from the flow on tourism and economic benefits to the Mornington Peninsula.*
- *Protecting landscape and cultural values*
 - *The development ‘footprint’ and scale have been designed to accommodate the facilities of a modern transport terminal while seeking to minimise landscape impact by adopting a design that will not compete with the heritage fabric of the Sorrento township.*
 - *A Cultural Heritage Management Plan (CHMP) has been prepared and approved.*
- *Provision for recreation and tourism*
 - *Improved pedestrian connection to the boardwalk and adjoining landscaping thereby providing opportunities for unstructured outdoor recreation to the Sorrento pier.*
 - *The location of the terminal, being over water, does not impede or alter accessibility and usability of the Sorrento pier by visitors.*
 - *The proposed infrastructure and facilities are considered to support the tourism role of the Peninsula, and are likely to meet the demands of its users.*

Clause 12.01-1 (Protection of biodiversity) – the objective of this clause is “*to assist the protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites*”. Council stated that “*A more comprehensive biodiversity impact assessment should be undertaken for the proposed redevelopment, with particular attention to the impacts of terminal construction over water and the proposed reclamation of land. The assessment should be required by condition to the Incorporated Document and should include impact mitigation measures for the construction phase*”.

Clause 12.02-1 (Protection of coastal areas) has the objective to “*recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources*”. **Clause 12.02-2** (Appropriate development of coastal areas) has the objective “*To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values*”.

Council stated that the Sorrento Ferry Terminal is consistent with these strategies because it provides “*a suitable site for improved facilities taking into account the demand and role of the ferry service. The Amendment is made in response to opportunities to improve the transport terminal, traffic management and car parking*”.

Council stated that “*a CHMP has been prepared and approved to ensure that Aboriginal cultural heritage values are not adversely affected*”.

Clause 12.02-3 (Coastal Crown land) – this clause has the objective “*To achieve development that provides an environmental, social and economic balance*” – the proposed use and development on coastal foreshore Crown land:

- *Creates safe, equitable access to the ferry terminal and Sorrento Pier*
- *Creates a public benefit by improving the ferry service*
- *Will be required to prevent adverse environmental impacts*
- *Is derived from a demonstrated need for improved facilities*
- *Is located near to the existing terminal area as part of a transport node within the Sorrento Township.*

Clause 12.04-1 (Environmentally sensitive areas) – this clause recognises the Mornington Peninsula and the foreshore areas of Port Phillip Bay as areas containing significant recreational value. Council stated that *“the redevelopment proposed under the Amendment will not diminish the historic values of Sorrento, nor local environmental or recreational values with proper management”*. Council noted that the proposed terminal building is located outside the Heritage Overlay Schedule 1.

Clause 12.04-2 (Landscapes) has the objective *“to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments”*. Council stated that the redevelopment will strike a balance between providing a modern facility and minimising coastal landscape impact.

Clause 13.01-1 (Coastal inundation and erosion) – Council noted that a Coastal Assessment is provided as a supporting document to the Amendment, which finds that the risk in this instance to be low and manageable.

Clause 15.01-1 (Urban design) – the objective of this clause is *“To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”*. Council stated that the proposal has been designed to improve the amenity of the existing terminal site and pier, through improved pedestrian connectivity, landscaping, traffic management, and better-quality facilities for ferry patrons.

Council stated that the redevelopment proposed under the Amendment responds to the strategies contained in Clause 15.01-2 (Urban design principles).

Clause 15.03-2 (Aboriginal cultural heritage) – this clause has the objective *“to ensure the protection and conservation of places of Aboriginal cultural heritage significance”*. Council stated that there were no Aboriginal cultural heritage places recorded in the Activity Area while undertaking the CHMP, with low potential for Aboriginal cultural heritage to be present in the Activity area. However, Aboriginal cultural heritage or Aboriginal human remains may remain intact, buried in in-situ dune deposits under the disturbed sand horizons encountered in the Complex Assessment. This is addressed in the CHMP.

Clause 17.03-1 (Facilitating tourism) – this clause has the objective *“To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination”*. Council stated that the Amendment is consistent with this clause in encouraging well designed and sited tourist facilities.

Clause 18.02-5 (Car parking) – this clause has the objective *“To ensure an adequate supply of car parking that is appropriately designed and located”*. Council stated that the Traffic and Transport Assessment (Cardno, December 2016) provided with the Amendment supports the proposed provision of car parking, resulting in a net increase in the vicinity of the site.

Council noted that it is undertaking a car parking study for Sorrento, which will consider options for additional car parking provision.

(ii) Local Planning Policy Framework (LPPF)

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.02 (Profile of the Mornington Peninsula) – this clause notes that Township employment is supported by visitor trade, which accounts for approximately 20 per cent of turnover in tourism focussed centres. The clause acknowledges the importance of the vehicle and passenger ferry infrastructure and service between Sorrento and Queenscliff.

Clause 21.04 (Mornington Peninsula Strategic Framework Plan) contains the following strategic directions:

- *Recognising the coastal activity nodes and tourism priority areas identified in the Victorian Coastal Strategy 2014.*
- *Recognising and protecting strategic landscape areas between and around townships, due to their strong influence on the Peninsula's sense of place.*

Council stated that:

the proposed redevelopment seeks to improve infrastructure to an existing recreation and activity node, being located both on Crown land and adjacent to the Sorrento activity centre. The Victorian Coastal Strategy 2014 recognises that recreation and tourism development focused around activity and recreation nodes, creates efficient relationships between buildings and infrastructure, and minimises development impacts on the coast.

Clause 21.08 (Foreshores and Coastal Areas) – the objective of this clause is *“To protect and enhance the natural ecosystems and landscapes of the coast for the benefit and enjoyment of present and future generations”*, and the strategy is to *“Limit the development of new structures on the foreshore to designated activity nodes where possible”*. Council stated that the provision aims to give preference to reusing existing structures where feasible and removing degraded foreshore structures wherever possible. The existing facilities are not modern and suitable for all weather. Council noted that the proposed development has been designed in consideration of the scenic and visual qualities of the foreshore and coastal areas. Council further noted that:

- *A coastal vulnerability assessment has been undertaken with respect to climate change impacts, with the risk of inundation and risk to coastal processes found to be low.*
- *A new terminal structure is considered justified given a demonstrated net community benefit resulting from an improved transportation service and flow on economic benefits to the Mornington Peninsula.*
- *The environmental impacts of the proposed reclamation of land from the adjoining foreshore/bay require a complete assessment prior to commencement of development, including consent under the CMA.*

Clause 22.04 (Heritage Places and Abutting Land) – Council stated that the proposed terminal redevelopment is consistent with the key objectives of this clause, which are:

- *To ensure that development on land abutting a heritage place respects the heritage values of the place.*
- *To assess the impact of a proposed development on the heritage values of abutting land in a Heritage Overlay.*

Council stated that the area for redevelopment is partially located within the Heritage Overlay, however there are no buildings proposed within the area affected by the Heritage Overlay. The proposed terminal building is also located away from the heritage fabric located within the Overlay.

Clause 22.05 (Aboriginal Cultural Heritage) – Council stated that the Amendment is consistent with this clause as a CHMP was approved in January 2017, prior to the Bunurong Land Council becoming the Registered Aboriginal Party for the Mornington Peninsula (registered 19 July 2017).

Clause 22.17 (Sorrento Historic Precinct Policy) – this clause applies to all land designated HO1 (Sorrento Historic Precinct) on the planning scheme maps. This local policy states:

Council stated that there are no buildings proposed within the area of the HO1 and the proposed parking and access works will not adversely affect:

- *local heritage streetscape character*
- *public pedestrian use and links to foreshore areas in keeping with the historical use of the Esplanade*
- *the intimate relationship of the houses, Esplanade and the beach*
- *the heritage character of the Point Nepean Road frontage*
- *the landscape character of Sorrento Park.*

In consideration of the proposed terminal building and other structures on the land not situated within the HO1, the redevelopment:

- *will not adversely affect vistas of identified heritage significance*
- *does not mimic or seek to replicate local historic fabric, and therefore will not detract from the integrity of identified heritage fabric*
- *The proposed two storey scale is also consistent with the heights enforced under the Design and Development Overlay – Schedule 28 ‘Ocean Beach Road Commercial Precinct’. The heights established by this Overlay have been recently tested by a Panel and found to be appropriate to the Centre based on the report by Helen Lardner Pty Ltd.*

(iii) Other relevant strategies or policies

Victorian Coastal Strategy 2014

The Victorian Coastal Strategy (VCS) is prepared under the *Coastal Management Act 1995* and is called up under Clause 12 of the SPPF. It provides guidance in relation to the use and development of land on the Victorian Coast. The VCS contains four principles:

- *Ensure protection of significant environmental and cultural values*
- *Undertake integrated planning and provide clear direction for the future*
- *Ensure the sustainable use of natural coastal resources*

- *Ensure development on the coast is located within existing, modified and resilient environments where the demand for development is evidence and any impacts can be managed sustainably.*

The Proponent stated that the proposed development responds to the ‘appropriate use’ obligations of the VCS in the following ways:

- *The functionality of the ferry terminal is dependent upon its being located near the water*
- *The ferry is a key component of the Sorrento Township and the redevelopment of the Ferry Terminal will enhance the role*
- *It is located on reclaimed land and as such will have limited impact on conservation and biodiversity values*
- *The ferry is privately operated, so the proposed redevelopment reduces the need for public outlay for infrastructure*
- *Views will not be affected in a manner which detracts from the use and enjoyment of public recreation areas*
- *Pedestrian access along the foreshore will be maintained and improved.*

In his expert witness statement for the Proponent, Mr Czarny stated that the proposed configuration is consistent with VCS Part 3.2 because it supports a safe manoeuvring space with separation between different modes of movement. It facilitates improved pedestrian access between the Sorrento foreshore and Town Centre. The proposed Terminal complex is connected to the public realm with timber boardwalks and seating, which is consistent with the VCS. The proposed configuration, whilst establishing a character of its own, will respond to ‘local context and values of the site’.

Mr McGurn in his expert evidence for the Proponent also assessed the proposal in terms of the criteria set out in the VCS, and his assessment found that the proposal meets this criteria.

Draft Sorrento Coastal Management Plan

Council, as the foreshore manager, has prepared a draft Sorrento Coastal Management Plan (SCMP).⁷

The draft SCMP sets out a framework for use and management of the Sorrento foreshore. It does not directly address the ferry lease area but has a strategy (RE1) to redesign adjacent areas to create a sense of arrival for ferry passengers.

2.3 Planning scheme provisions

(i) Zones

The land is affected by the following zones:

- Public Conservation and Resource Zone (PCRZ) (affects the Searoad Ferries lease area and the vast majority of the subject land as well as waters of the Bay out to the planning scheme boundary)

⁷ Out for public comment at the time of writing.

- Public Park and Recreation Zone (PPRZ) (applies to the adjoining foreshore area, which features the current site access roundabout).

Council stated that the current use of the Sorrento Ferry Terminal is prohibited under both the PPRZ and PCRZ. Accordingly, the operator of the Sorrento Ferry Terminal seeks to amend the Planning Scheme to allow for redevelopment of the Terminal.

(ii) Overlays

The land is affected by the following planning controls:

- Heritage Overlay (Schedule 1 – ‘Sorrento Historic Precinct’) (HO1)
- Environmental Significance Overlay (Schedule 25 – ‘Port Phillip Coastal Area’) (ESO25).

Council explained that the land in its entirety is located within ESO25 and the southern portion of the land is subject to HO1. The HO1 requires a planning permit generally for demolition and buildings and works; the ESO25 requires a planning permit for buildings and works and vegetation removal.

(iii) Particular provisions

As part of the Amendment, an Incorporated Document is proposed to be inserted at Clause 52.03 ‘Specific Sites and Exclusions’ and referenced at Clause 81 ‘Documents Incorporated in this Scheme’ of the Planning Scheme to enable the redevelopment.

The draft Incorporated Document is structured as a set of planning permit conditions and will act to override all other provisions contained within the Planning Scheme (except for liquor licencing provisions) - becoming the consolidated approval document for the redevelopment.

In addition, the following Particular Provisions are relevant to the proposal:

- Clause 52.05 (Advertising Signs)
- Clause 52.06 (Car Parking)
- Clause 52.07 (Loading and Unloading of Vehicles)
- Clause 52.17 (Native Vegetation)
- Clause 52.29 (Land Adjacent to a Road Zone (Category 1))
- Clause 52.34 (Bicycle Facilities).

(iv) General provisions

The following general planning scheme provisions are relevant:

- Clause 61.03 (Existing Use Rights) - identifies the circumstances under which existing use rights are established. The existing Ferry Terminal has been in operation in excess of 15 years.
- Clause 65 includes ‘Decision Guidelines’ for consideration in determining permit applications.
- Clause 74 outlines land use terms. ‘Transport Terminal’ is defined as *“Land used to assemble and distribute goods of passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway”*.

- Clause 81.01 (Incorporated Documents) - identifies documents that are incorporated into the Scheme.

2.4 Ministerial Directions

In the explanatory report Council stated that the Amendment is consistent with:

- Direction No. 9 Metropolitan Strategy, Plan Melbourne 2017-2050 and specifically Outcome 3 - to support an integrated transport system that connects people to jobs and services, and Outcome 4 - improving Melbourne's liveability and amenity by facilitating private-sector tourism investment opportunities.
- Direction No. 11 Strategic Assessment of Amendments.
- Direction No. 13 Managing Coastal Hazards and the Coastal Impacts of Climate Change.

Subject to consideration of the Ministerial Direction on the Form and Content of Planning Schemes in Amendment finalisation, the Panel is satisfied that the Amendment complies with the relevant directions.

2.5 Discussion

There are a significant number of policies and strategies relevant to the Amendment, reflecting its high level of natural, cultural, historic and economic value and community interest generally in coastal areas.

Some of the objecting submitters were critical of Council's approach to the policy balancing exercise, suggesting that the historical, cultural and landscape values of the site were not being given sufficient weight. Some of these specific aspects as discussed in more detail later in the report.

The Panel is required to undertake the balancing exercise required in Clause 10.04 of the planning scheme, including:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

In this case, the Panel considers that the issue in summary is whether the policies supporting the use and development of foreshore land and the broader community benefits that flow (economic, social and cultural),⁸ are outweighed by the policies supporting the protection of natural and cultural values including heritage (Aboriginal and Post-contact), and the level of real impact on those values if the proposal proceeds.

In forming its view the Panel notes:

- Most of the Victorian coast is protected in policies and strategy from development; resulting in relatively low levels of foreshore development compared to most jurisdictions.

⁸ The benefits were contested by the Nepean Historical Society (Document 16) but the Panel is satisfied that benefits will accrue in both construction and operation from the redeveloped facility.

- Areas where foreshore development is allowed or encouraged are relatively limited; and the Sorrento Pier is clearly in an activity node where a level of development and use is expected relative to other undeveloped areas of coast.
- The pier has a long history of commercial boating and ferry use.
- The ferry terminal is clearly a coastally dependent use.
- The revised traffic arrangements will have positive efficiency and safety outcomes compared to the existing.

As is considered in more detail later in this report the Panel does not consider the impacts on cultural heritage of the proposal are such that they should result in refusal of the Amendment. The policy framework suggests such values need to be protected and the Panel is satisfied that they can co-exist with the Amendment and resulting terminal expansion.

The major outstanding issue is whether the form and scale of the proposed terminal is consistent with policy. This issue is addressed in detail in Chapter 4, but the Panel concludes that the terminal building is an appropriate design response in the coastal environment.

2.6 Conclusion and recommendation

The Panel concludes that the Amendment is supported in policy and should be approved. Impacts of the facility can be managed, and the redeveloped facility should provide a positive contribution not only to the ferry service, but to the broader peninsula.

The Panel recommends:

Adopt Amendment C209 to the Mornington Peninsula Planning Scheme as exhibited, subject to the inclusion of the Incorporated Document as shown in Appendix D to this report.

3 Terminal floorspace and operation

3.1 The issue

Issues raised in submissions included that the proposal provides for a greater level of floor space than is needed, existing traffic congestion, the provision of directional signage and pedestrian safety in and around the terminal.

3.2 Evidence and submissions

The Proponent

The Proponent submitted that the new terminal will improve safety and accessibility for local passengers and tourists including people with a disability, noting that the existing terminal design has many difficulties including:

- Pedestrian access, safety and wayfinding
- Traffic issues in peak times
- Conflict between boarding pedestrian passengers and vehicles
- Limited shelter for waiting, with the current shelter having standing room for only 25 passengers, whilst the demand is for more than 550 passengers at peak times
- Lack of facilities, with only a small kiosk selling coffee and water, with no seating or toilets
- No pick up or drop off area for passengers.

The revised vehicle area and road network, which includes the switching of the entry and exit points from the Esplanade, will remove the need for vehicles to enter the terminal from the roundabout. The design also includes a queueing area prior to the ticket booths. These changes will minimise impacts of arriving vehicles on the Esplanade, addressing existing queueing issues at the roundabout.

All pedestrian traffic will be required to use the western side of the pier to approach and depart from the ferry, with a footpath network and a series of pedestrian crossings and crossing points directing pedestrian flows away from conflict points.

The new terminal building is being provided to service the needs of ferry passengers, but will be open to the public.

Following the conclusion of the hearing, the Proponent and Council together produced the following revised Land Use Conditions to be included within Section 6 of the Incorporated Document, which may be varied with the written consent of the responsible authority:

- 4. The Transport terminal may operate 6am to 9pm, every day of the year, unless with the written consent of the responsible authority.*
- 5. The Food and drink premises, Shops and Museum approved by this permit may operate from 7am to 9pm, every day of the year, unless with the written consent of the responsible authority.*
- 6. The Food and drink premises may accommodate a maximum of 240 seated patrons at any one time, unless with the written consent of the responsible authority.*

7. *At all times when the sale of food or drink is occurring from upstairs, only ticketed ferry passengers or ticketed museum patrons may enter the first floor.*

Mr Walsh, of Traffix Group, gave evidence on behalf of the Proponent, that he had assumed that the upper level would be restricted to ferry passengers and hence be ancillary to the ferry use, whilst the ground level café could attract the general public as well as ferry passengers. He advised that if one was to consider that the ground floor retail and food and drink premises were not ancillary, then the statutory car parking demand of 4 spaces per 100 square metres would apply (13 spaces for 341 square metres) and this was being provided.

Mr Walsh supported the proposed road network changes in and adjacent to the terminal, noting that the swapping of the entry and exit lanes will address queueing issues at the roundabout and on the Esplanade. However, he recommended that a pedestrian crossing be added across the Esplanade to the west of the roundabout. He also advised that the roundabout design will need to be modified to accommodate a 12.5 m bus and submitted Functional Layout Plan G23515-A-01 demonstrating how a bus can be accommodated based on a layout reflecting the available turning circle at the existing roundabout.⁹ This plan results in the loss of 2 parking spaces compared to the exhibited plans, limiting the net increase in parking spaces in the area to 19 spaces.

Mr Walsh was questioned by Council over the need to provide a signalised pedestrian crossing across the ferry vehicle exit lanes to improve safety for pedestrians. Mr Walsh advised the Panel that a signalised pedestrian crossing was not needed on safety grounds and it was more important that departing vehicles be given priority to assist with the efficient movement of ferry traffic on and off the ferry.

In closing, responding to the request by Council to include Bluetooth technology on directional signage on the terminal exit lanes to advise motorists of travel times to Melbourne via alternative routes, the Proponent submitted that the information was not needed and contrary to the Council's aim of encouraging visitation to Sorrento and the commercial centre.

Council

Council submitted that the Incorporated Document limits the retail floor area to 750 square metres *"to avoid adverse impacts to the level of service and viability of the Sorrento commercial centre"*. The museum use will be distinguished from the established Sorrento Museum by virtue of its small size, noting its floor area makes up part of the retail floor area limit.

Council submitted it supported the changes proposed to the ferry terminal parking and road network as exhibited but sought a signalised pedestrian crossing across the ferry exit lanes to minimise the risk of pedestrian accidents respecting a 'Towards Zero' goal.¹⁰ Council did

⁹ Document 18 – Addendum Traffic Engineering Evidence Statement by Mr Walsh.

¹⁰ The State's Towards Zero Road Safety Plan.

not support the provision of the additional pedestrian crossing on the Esplanade west of the roundabout, that was recommended by Mr Walsh.

Council tendered a copy of the minutes of meeting no. 7 of the Traffic Technical Working Group (TTWG), dated 16 August 2016.¹¹ (The TTWG was coordinated by DEDJTR and established to develop a traffic strategy for the Sorrento ferry terminal. It included representatives of Council, the Proponent and its traffic consultant Cardno, Ventura Bus, VicRoads, PTV and DEDJTR). The meeting minutes confirmed that there was agreement to not include a pedestrian crossing across the Esplanade west of the roundabout. The minutes state that the TTWG was however undecided on the merits of providing a signalised pedestrian crossing on the ferry exit road and resolved to refer the issue to the Advisory Committee.

As mentioned in the Proponent submission section above, Council also sought the inclusion of Bluetooth signage within the proposed gantry sign on the terminal exit lane to advise motorists of travel times to Melbourne via a left or right turn, with the right turn encouraging traffic to head into the Sorrento commercial centre via Hotham Road. Council advised that a trial of this type of signage in the municipality has been completed and permanent signs are to be installed by VicRoads on the Mornington Peninsula Freeway in the near future.

Mornington Peninsula Regional Tourism Board

The Tourism Board submitted that the ferry service is an important tourism service, bringing around 8 per cent of the tourists to the area. It supported the proposal noting that the current facilities *“makes the ferry journey stressful at best and impossible for most mobility impaired people”*.¹²

The Tourism Board submitted that the ferry is at capacity at peak times for cars and therefore traffic conditions cannot worsen at these times; and that *“toilet facilities and safe access to the ferry are critical to growing foot traffic...this is the traffic we are seeking to grow with the establishment of the bicycle/walking paths in the Southern Peninsula”*.

Susan Leeming

Ms Leeming submitted that the gantry signage proposed on the Esplanade on the eastern approach to the Ferry was inappropriate for the area. The Proponent agreed to remove the gantry and use kerbside signage instead, which was accepted by Ms Leeming and Council.

Nepean Historical Society

The Nepean Historical Society expressed concern that there is no demonstrated need for this development, and of this scale. In respect to the operation, it was concerned that pedestrians overall will be worse off as they have to travel further and cross the busy traffic route of exiting vehicles.

¹¹ Document 8, Tab ref 06.

¹² Document 12, Presentation by the Mornington Peninsula Regional Tourism Board.

Nepean Conservation Group

The Nepean Conservation Group Inc. submitted that the Searoad Ferries traffic management proposal cannot proceed without an overall traffic and parking plan for Sorrento. This was echoed by the Victorian National Parks Association and is discussed within the Advisory Committee section of this report.

It accepted that the existing car waiting area arrangements were not practical but that the overall facility is currently low key and low impact.

3.3 Discussion

Scale

The proposed terminal building and supplementary kiosk represent a significant change to the existing ferry facilities. The provision of a two-storey building will provide clear operational benefits and safety improvements for pedestrian passengers and in particular for those with a disability and or with prams due to the ability to board directly into the upper level of the ferry avoiding conflict with loading cars.

The inability of the existing building to adequately service the needs of the ferry passengers was not really questioned, with the scale of the building being more of an urban design concern for some submitters, although some submitters questioned why the existing toilets on the foreshore could not continue to service the needs of passengers. The urban design merits are discussed later in this report.

Clearly the ferry, with a capacity for 700 passengers, is a large operation. The ferry use is expected to continue growing at around 3 per cent per annum, but this will largely be accommodated during off-peak periods, with the peak period already close to or at saturation.

The museum use, at 48 square metres, is considered by the Panel to be an ancillary use and it is appropriate to have a display space at this maritime facility celebrating maritime history. Likewise, the small shop use is aimed at providing souvenirs to tourists and the Panel considers this to be appropriate and directly related to the ferry use.

The Panel notes that Condition 1d) of Section 6 of the Incorporated document seeks to place a limit on the retail floor area of 750 square metres. As a museum is not a retail use, the condition should be amended to include the museum use in the combined floor area total, as was indicated in the development plans.

At present, there is very limited floor space for passengers to wait out of the weather and without obstructing the pier. This could result in passengers waiting in cars or delaying their arrival to minimise waiting, which can worsen traffic congestion around loading times.

Providing food and drink at the terminal is appropriate for a ferry operation and will allow passengers to gain access to high quality amenities prior to boarding, and whilst this may duplicate facilities found on board, they will meet the needs of passengers whilst waiting, encouraging them to arrive early and also potentially to travel as a pedestrian, reducing traffic congestion.

Floor space available to the public

The Panel considers that the primary issue in relation to floor space relates to the accessibility of the ground floor and upper floor by the general public and the ability to enforce the proposed condition on patronage levels. In turn this also impacts on the adequacy of the parking supply.

The proposed revised land use conditions seek to address this by limiting the size of the food and drink use within the building to 240 seated patrons and to limit the use of the upper level servery for food and drink sales to times when the upper level would be restricted to ticketed ferry passengers or museum visitors.

The Panel supports these changes as it ensures that the use of the upper level as a food and drink premise is fully limited to an ancillary use and that the overall seating is reasonable having consideration to the ferry capacity (700 passengers). Additionally, by not opening the upper level servery for sales during non-peak times, it also provides for the lower level to retain a strong ancillary link.

However, the Panel considers that the condition should be expanded to limit the sale **and/or service** of food and drink on the upper level to ensure effective compliance, noting that the serveries on each level are linked by a 'dumb waiter'. Notwithstanding this change, patrons will be able to purchase food and drink on the lower level and move to the upper level to consume their purchases. The Panel also notes that the statutory car parking provision is being provided for the uses on the lower level, and that there is a further surplus of new parking that would offset to some extent any parking requirements of public use of the upper level.

Road network and loading area

The adequacy of the road network and loading area design is discussed in some detail within the Advisory Committee section of this report (Section C).

In summary, the Panel considers that the proposed changes to the loading and access arrangements, including the pedestrian strategy, are generally appropriate and will address existing congestion issues. The Panel finds however, that the design would benefit from a safety review, both during design and post-opening, focussed on the design of the roundabout and pedestrian paths across the ferry exit lanes and across the western leg of the roundabout heading to Hotham Road.

Wayfinding signage

The Panel supports the deletion of the gantry sign on the Esplanade in favour of kerbside signage. The existing kerbside signage demonstrates that kerbside signage is suitable for this local environment. A gantry would be inappropriate in this setting.

The Panel supports the use of a gantry sign on the ferry exit. This is within the terminal area and it would be difficult to utilise kerbside signage due to space limitations. The Panel does not find that it is necessary to include Bluetooth style travel information on this gantry, noting that further work is necessary to demonstrate the costs and benefits of such signage and consideration to alternative measures of providing such information to ferry passengers in a timely manner to allow for decision making prior to reaching the exit.

3.4 Conclusions

The Panel concludes that the scale of the terminal building facilities is appropriate considering the scale and level of ferry use and that that the proposed road network changes, including car parking, will result in a net improvement to local traffic conditions, subject to a road safety review of the roundabout and pedestrian crossings.

The Panel finds that the Incorporated Document provides appropriate control over the size of the use, but should be amended to restrict the service of food and drink on the upper level to ticketed patrons and to include the museum use within the 750 square metres leasable floor area limitation.

The Panel has included the recommended changes to the Incorporated Document in Appendix D.

4 Urban design and visual impact

4.1 The issue

Issues raised in submissions included that the proposal, and particularly the terminal building, represents an overdevelopment and that it will impact on views to and from the foreshore.

4.2 Evidence and submissions

A number of submitters were concerned about the size and bulk of the terminal structure. The Nepean Historical Society (NHS) stated:¹³

...we say that the proposed terminal will be dramatically out of character in Sorrento, and even if it has design merit, will not be able (because of its height and bulk) to respond appropriately to the local and immediate character of the place. It will be out of scale with its surrounding environment ...

Ms de Jong for the Nepean Conservation Group Inc. (NCG) expressed similar concerns and put it in the Hearing thus:¹⁴

The height, scale, massing and footprint of the proposed terminal raise concerns as Sorrento (and Queenscliff on the other side of the Bay) have significant cultural heritage, landscape and coastal values. How are these values protected and respected? Not by proposing something that has no connection to place, and adversely affects firmly held community values.¹⁵

And further:

The proposed scale of changes are not justified. Working with the community to update the facilities, respectful of the historic township should be considered.

The Planning Report stated that the proposed built form is appropriate because:

- *The ground floor of the new terminal building provides for activation of the public realm through new entry points and a licensed¹⁶ café tenancy which faces towards the sea and Sorrento pier ...*
- *The upper level also includes active uses which will provide for a relationship to the Pier below*
- *...*
- *The two-storey scale is appropriate given that the building needs to functionally consider its relationship with a docked ferry, sea level rise and the relationship with the existing Sorrento Pier and foreshore areas.¹⁷*

¹³ Document 16.

¹⁴ Document 15.

¹⁵ Document 15.

¹⁶ The liquor licensing provisions of the planning scheme still apply. If a liquor licence is desired for the new facility a separate application will need to be made.

¹⁷ Planning Report p22.

The Proponent considered the proposed redevelopment to be a “*sensitive urban design response*”¹⁸, which whilst contemporary in nature, reflects its maritime context. The Proponent stated that the location of the terminal abutting the dock within a ‘wedge’ will mean that it does not impact negatively on outward views to the bay from the pier, which is illustrated through the photomontages.

It submitted that within the Sorrento Foreshore Reserve, the proposed redevelopment will have a moderate impact on certain viewing locations. Beyond the coastline there will be “*...a limited or negligible impact and will appear as a minor element in the overall view, consistent with other built elements in the view*”. The substantial visual impacts will mainly be experienced by those in close proximity to the site, for instances passengers to the ferry. However, the height of the new ferry terminal is consistent with the size of the ferry vessels, and accordingly the visual impact would still be moderate.

Mr Czarny, giving urban design evidence for the Proponent stated that:

*...the siting, configuration, composition and materiality of the proposed 2 storey terminal building and related outbuildings are well integrated into the coastal context while functioning successfully as a contributory element in the important transport and tourism function of the precinct.*¹⁹

In the Hearing, Mr Czarny reinforced that the built form “*speaks to its maritime context in terms of size, form and design*” and should be seen as relating to the Bay not the township. He also considered the built form to demonstrate design excellence, that importantly, doesn’t overshadow the pier.

Mr Czarny also gave evidence that he considered the design was an appropriate response to the *Siting and Design Guidelines for Structures on the Victorian Coast* (1998).

Mr Schutt, giving landscape evidence for the Proponent stated:

- *The siting and design of buildings and other infrastructure associated with the proposed development is primarily based upon the functional requirements of the Ferry Terminal operations*
- *Beyond the immediate environs of the coastline and the Sorrento Foreshore Reserve the proposed development becomes a minor element in the overall view*
- *Valued attributes of existing views; are generally unaffected by the proposed development*
- *Where visual impacts have been identified as substantial, they are experienced in close proximity to the proposed development and will be typically experienced by people who are utilising the ferry service and hence will view the proposed development in the context of its functionality and purpose*
- *The proposed development is located on the site of the existing Ferry Terminal which is a modified and resilient environment*

¹⁸ Proponent submission p10.

¹⁹ Craig Czarny expert witness statement p10.

- *The proposed development responds to its context by ensuring that existing viewsheds of valued landscapes, vegetation and built form are retained and protected*
- *Proposed landscape treatments, including the provision of indigenous tree species, serve to improve the visual integration of the Ferry Terminal with the adjacent foreshore*
- *Views of prominent existing landmarks – both built and natural – are retained*
- *The proposed development is located within the extents of the current Sorrento Ferry Terminal and replaces existing structures*
- *The photomontages prepared as part of my assessment demonstrate that the visual impact resulting from the proposed development will not be of detriment to the natural features, vegetation, landscape quality and heritage values of the subject site and surrounds; and*
- *The design of the proposed buildings is of a high quality and will potentially provide a new landmark within the context of the Sorrento foreshore.*²⁰

Mr McGurn, giving planning evidence, noted that the materials selected, which include galvanised steel, aluminium, natural concrete and glazing, are appropriate in the coastal environment.²¹

4.3 Discussion

Built form scale, design and visual impact inherently come with some level of subjective opinion, and there is rarely a case where a new built form comes with universal acclaim, even though such acclaim may develop over time. This is particularly so in the public domain, and even more so on the coast which is rightly considered a ‘special’ environment.

The question for the Panel is whether the visual impact of the bulk and scale of the proposed terminal is inappropriate to the degree that it should warrant some negative commentary and perhaps a recommendation from the Panel. In terms of design, the Panel considers this is less of a concern; the design is modern and distinctive and there appeared to be general agreement in the Hearing that whatever is built, it need not be, and should not be, a copy of or overly derivative of the area’s existing rich heritage.

The Panel accepts that the existing small shelter could be replaced or given a minor upgrade, but that would not achieve the functionality that is sought through development to follow the Amendment. One of the key changes sought is direct entry from the terminal to the passenger deck. This simple design objective itself suggests a two storey building is desirable, given the entry level in the ferry.

Ultimately the Panel is being asked by objectors to recommend a different proposal than the one before us. This is difficult to do in the face of significant evidence that the visual impacts will be reasonable and the built form acceptable.

²⁰ Stephen Schutt expert report p27.

²¹ Stuart McGurn expert report p14.

There is no doubt that the terminal building will result in a change to the visual presentation of the pier and foreshore and some, perhaps many, will object to such a change. The Panel is not convinced on the material before it however that the change is such that the Amendment should be rejected or sent back for redesign.

The Panel is particularly struck by Mr Czarny's evidence that the proposal 'speaks to the Bay' rather than to the Sorrento town centre. Given the physical context of the town and pier/foreshore, the Panel considers this is a useful way to conceptualise the proposal. Not that the ferry terminal is, or will be, removed from the town centre, but that they operate in different landscape/seascape settings.

On balance, the Panel accepts that whilst the terminal building will have visual impacts and could be conceivably built as a smaller structure, what is proposed is a high-quality design that can and should be supported within the policy framework.

4.4 Conclusion

The Panel concludes that the terminal building is a strong design response with acceptable visual and landscape impacts that should be supported.

5 European heritage

5.1 The issue

Objecting submissions suggested that the proposal, and particularly the terminal building will pose unacceptable impacts to the heritage values of Sorrento and the pier area. There are no structures proposed in Heritage Overlay 1 (HO1) but some car park and traffic changes will affect the overlay. Clause 22.04 requires development abutting the heritage overlay to respect heritage values.

5.2 Evidence and submissions

The Nepean Historical Society (NHS) submitted:

Ever since George Coppin completed his private development project which laid out and established Sorrento in the nineteenth century, the town's sea front and jetty have been integral to its functioning and character.

Noting LPPF clause 22.17 (Sorrento Historic Precinct Policy), it further submitted at the Hearing:²²

Although there are no new buildings proposed within the HO1 area, in our submission the developments on and in the immediate vicinity of the pier-land reclamation and the terminal building, will inevitably detrimentally affect the sensitive, historic foreshore area which is within HO1.

Council stated that it has sought to use the criteria used to determine if a place is of cultural heritage significance. Council analysis found that *"...the significance of the Sorrento township would not be detrimentally affected by the proposed terminal redevelopment and its associated road and parking works"*²³.

Council noted that the draft Sorrento Coastal Management Plan (SCMP) acknowledges archaeological values along the foreshore have experienced activities such as tree clearance, park development, and filling associated with coastline stabilisation.

The SCMP includes objectives to protect and enhance the heritage values of the Sorrento foreshore. The Sorrento Pier is not identified as exhibiting historic significance. Council considers that the redevelopment of the terminal over water adjoining the Sorrento Pier will not have detrimental impacts on the cultural historic significance of the Sorrento foreshore.

In his expert witness statement, Mr McGurn stated that *"The proposed structures are substantially removed from the adjoining Heritage Areas and thematically fit with the history of public and recreational use of the foreshore"*.

5.3 Discussion

Sorrento's heritage values are well understood and protected in relevant parts of the planning scheme, including HO1. The Panel appreciates submitters, and particularly the

²² Document 16.

²³ Council Part B submission.

NHS, bringing this heritage alive in the Hearing and allowing the Panel to better understand these values, which include the foreshore and maritime entrance to Sorrento.

The issue for the Panel to consider is whether the Amendment and proposal, will inappropriately detract from those heritage values. More specifically, given the existing ferry use and terminal, the key issue relates to whether or not the construction near the end of the pier will detrimentally affect the area's heritage values.

The Panel does not accept that it will for the following reasons.

As put by Mr McGurn and others, there is a physical separation between the ferry terminal and the town centre. The historic 'arrival by sea' function is retained, but in a modern structure that demonstrates maritime influences in its materials.

There was general agreement that a new terminal building should not replicate the built form of the heritage buildings in the vicinity in materials or style as this can result in a derivative, disrespectful outcome. This in the Panel's view would be a much poorer outcome than the modern design proposed.²⁴

Council in the SCMP has already indicated it wishes to both respect the heritage of the surrounding foreshore and improve the visitor entry experience for ferry arrivals. This in the Panel's view provides opportunities rather than impacts. Moving from the modern arrival terminal on to the historic pier and foreshore and then in to the town centre proper entails a significant journey taken by travellers for over a hundred years.

If anything, it could be argued that the ferry terminal building will provide a modern juxtaposition to the historic elements of Sorrento, highlighting the old and the new and links between. The Panel considers that the elements of Sorrento that go to defining its character will not be negatively affected by the Amendment and proposal.

5.4 Conclusion

The Panel concludes that the Amendment and subsequent development will not detract from the historic heritage values protected by HO1.

²⁴ At a larger scale the WA Maritime Museum in Fremantle is another example where a modern design has referenced but not copied themes from a nearby historic maritime precinct.

6 The Incorporated Document

6.1 The issue

The Incorporated Document allows for the land uses to be approved (which are otherwise typically prohibited by the current zoning of the land). It is structured as a set of planning permit conditions that will effectively form the approval document for the redevelopment. Approval of the Incorporated Document (plans and documents) will act as a permission for the redevelopment that will override the other provisions of the Mornington Peninsula Planning Scheme.

It allows for:

- *The construction of a new Ferry Terminal (comprising maritime museum, café, lounge, small shop and pedestrian ticketing booth). The proposed Ferry Terminal will be located on new pylons and platform located between the berthing area and Sorrento Pier;*
- *The reconfiguration of the vehicle access;*
- *New car parking area; and*
- *Landscape and public realm works.*

6.2 Evidence and submissions

The Proponent stated that the Incorporated Document is required because the zoning of the land does not support the proposed redevelopment as 'Transport Terminal' is a prohibited use in the PPRZ and is prohibited within the PCRZ unless undertaken by or on behalf of a public land manager or Parks Victoria. Approvals for the required works and vegetation removal are required under the zones, ESO25 and the HO1. In addition, approval is required from the following:

- Parks Victoria (the foreshore and public land is Crown Land status)
- DELWP pursuant to the *Coastal Management Act 1995*
- VicRoads for works on roadways
- The Mornington Peninsula Shire Council for works on road ways and areas of public municipal owned land.

The Proponent stated that the Incorporated Document is appropriate due to the complexity of planning controls applicable to the Site. The Proponent noted that a section 173 agreement could potentially further secure Searoad Ferries' commitment to fund off-site works.

In its submission, Parks Victoria suggested the following changes:

- All crown land/seabed included within the ferry terminal's lease
- The 'Project Area' and the 'Proposed Future Lease Boundary' be increased in area and dimensions broadly as described by annotation 7a on the plan attached to the submission. This would make it more efficient to approve a minor upgrade of berthing infrastructure to accommodate a larger vessel if required. It would avoid a separate planning consideration being required in accordance with the underlying zoning of PPRZ.

Nepean Conservation Group Inc. (NCG) noted the following in relation to the Incorporated Document:

- It unnecessarily covers more than the current Searoad Ferries lease
- Under clause 5, the community have no rights to comment on future changes or developments
- It negates the local overlays in the Mornington Peninsula Shire Planning Scheme
- The community should have input in relation to clause 6.

Nepean Historical Society stated that the Incorporated Document covers some future uses, but gives actual examples of things which would be included such as all buildings and works, licensed premises and demolitions.

A number of relatively minor changes to the Incorporated Document were discussed in the Hearing and many of these were not contested.

Council also requested further consideration of biodiversity issues prior to and during development which the Panel considers reasonable for a development of this scale.

Post Hearing the Proponent and Council discussed the issue of patron numbers and whether a 'split' in numbers was required between the upper and lower levels.

The Panel's consideration of all changes is included in the version of the Incorporated Document in Appendix D of this report.

6.3 Discussion and conclusion

As recommended in Chapter 2, the Panel is satisfied that the Incorporated Document as shown in Appendix D provides an appropriate level of control and management for the project and should be adopted.

Part C – The Advisory Committee

7 The Advisory Committee

7.1 Terms of Reference

Mornington Peninsula Shire Council requested the Minister for Planning, the Hon. Richard Wynne MP, to appoint an Advisory Committee (the Committee) under section 151 of the *Planning and Environment Act 1987* (P&E Act) to consider matters related to the design control of traffic for the Sorrento ferry terminal. The Committee is also to consider future stages of improvements to the local traffic network between the terminal and Sorrento town centre.

Clause 3 of the Terms of Reference states that the purpose of the Committee is to advise the Minister for Planning and Mornington Peninsula Shire Council on:

- *All relevant matters concerning the design and control of traffic for the Sorrento ferry terminal and local traffic network between the ferry terminal and the Sorrento town centre as defined in the submitted Planning Scheme Amendment documents; and*
- *Prioritising the delivery of future traffic improvements to the local road networks between the terminal and the Sorrento town centre.*

Clause 13 states that the Committee must:

- *Review and assess all relevant matters concerning the design and control of traffic for the Sorrento ferry terminal, and staged improvements to the local traffic networks between the terminal and Sorrento town centre as defined in the submitted Planning Scheme amendment documents; and*
- *Review and assess all submissions made in regard to traffic issues.*

Clause 25 states that the Committee must produce a written report for the Minister for Planning, Mornington Peninsula Shire Council and VicRoads that provides:

- *An assessment of the proposed design and control of traffic associated with the Sorrento ferry terminal redevelopment, and any staged improvements to the local traffic networks between the terminal and the Sorrento town centre in line with the Mornington Peninsula Shire Council's objective of encouraging increased visits to the Sorrento town centre by ferry passengers;*
- *An assessment of whether the proposed traffic and car parking design, and staging of works should be supported;*
- *An assessment of submissions to the Advisory Committee;*
- *Any other relevant matters raised in the course of the Advisory Committee hearing;*
- *A list of persons who made submissions to the Advisory Committee;*
- *...*

7.2 Traffic and pedestrian studies

A Traffic Technical Working Group (TTWG) was coordinated by DEDJTR to assess the traffic and pedestrian conditions and potential improvements in and around the Sorrento Ferry Terminal. The TTWG comprised members of DEDJTR, DELWP, VicRoads, Council, PTV, Ventura Bus and Searoad Ferries and its traffic consultant Cardno.

As a part of this work, Cardno produced the following documents²⁵:

- Audit of Pedestrian Amenity – Sorrento Terminal, 15 December 2016
- Traffic and Transport Assessment – Sorrento Ferry Terminal, 15 December 2016
- Searoad Ferries Sorrento Ferry – Terminal Concept Plan CG150265SK17 Rev 3, 26 August 2017
- Concept Layout Plan – Roundabout Point Nepean Road (& Hotham Road) Sketch CG150265SK18P2, 8 March 2017
- Functional Layout Concept – Roundabout Sorrento Portsea Road, Sketch CG150265SK07P1, 26 August 2015.

The Committee heard the following evidence, with both witnesses available for questioning:

- The Council called Mr Ross Hill of onemilegrid to present his witness statement:
 - Sorrento Activity Centre Parking Action Plan – report to the Sorrento Ferry Terminal Traffic Advisory Committee, 20 October 2017
- Searoad Ferries called Mr Jason Walsh of Cardno to present his witness statement and addendum:
 - Sorrento Ferry Terminal Amendment C209 to the Mornington Peninsula Planning Scheme –Traffic Engineering Evidence Statement to Planning Panels Victoria, 24 October 2017
 - Sorrento Ferry Terminal Amendment C209 to the Mornington Peninsula Planning Scheme – Addendum Traffic Engineering Evidence Statement to Planning Panels Victoria, 30 October 2017²⁶.

The Council provided the Committee with the following additional documents²⁷:

- TTWG – Meeting no. 7 minutes
- VicRoads letter to Ian Munro, DEDJTR, 6 March 2017
- Engineering Report Point Nepean Rd Area (Sorrento) – Safe System Solutions, VicRoads Metro South East report, 15 August 2016
- Southern Peninsula Travel Time Demonstration, Data Analysis and Investigation, Traffix Group, August 2017
- Sorrento Integrated Transport Action Plan (SITAP), Council, October 2017
- Draft Sorrento Coastal Management Plan, Council, October 2017
- Mornington Peninsula Bicycle Strategy RideSafe – Final Issue, Council, May 2010.

7.3 Matters raised in submissions to Amendment C209

A number of submitters noted general concerns with existing traffic congestion at peak times in and around the Sorrento ferry terminal and were concerned that the proposed redevelopment facilitated by C209 would exacerbate traffic congestion.

VicRoads submitted that it supported the amendment and Incorporated Document, subject to the correction of some typographical errors for clarity. It further advised it had reviewed the Cardno Traffic and Transport Assessment and was in general agreement with its findings and supportive of the measures recommended including:

²⁵ Document 8 tabs Ref 01 – 05.

²⁶ Document 18.

²⁷ Document 8 tabs Ref 06 – 13 and Document 23.

- The general configuration of parking areas, bus stops, traffic management treatments and pedestrian facilities in the immediate vicinity of the terminal.
- Increasing the storage length for the right-turn lane on Point Nepean Road into the Esplanade.
- The concept of introducing a roundabout at the Point Nepean Road/Hotham Road intersection.
- The concept of introducing a roundabout at the Point Nepean Road/Ocean Beach Road/Constitution Hill Road intersection.

VicRoads noted and accepted that the implementation of traffic measures is likely to be undertaken in stages subject to the availability of funding.

Transport for Victoria supported the proposed traffic control changes on the Esplanade, as part of C209, subject to the roundabout being designed to accommodate a U-turn movement by 12.5 metre-long buses.

Searoad Ferries submitted that the proposed redevelopment will not result in an increase in traffic at peak times as there is no spare capacity for additional vehicles at these times. Furthermore, the proposed works within and at the terminal entry and exit will resolve existing traffic congestion issues relating to the terminal at the terminal entry. This was supported through the evidence of Mr Walsh, noting that Mr Walsh recommended the provision of an additional pedestrian crossing across the western leg of the Esplanade at the roundabout adjacent to the ferry exit.

The evidence of Mr Walsh was not challenged by Council's traffic witness Mr Hill; as Mr Hill had not considered the Amendment, with his evidence limited to matters relating to the Sorrento Activity Centre Parking Action Plan²⁸.

7.4 Design and control of traffic for the Sorrento ferry terminal

(i) Existing conditions

The Sorrento Ferry Terminal vehicle entry point is currently located 10-12 metres northeast of the roundabout on the Esplanade. At peak times, vehicles queue along the Esplanade on the south approach to the roundabout. A dedicated queueing lane is provided for this purpose on the Esplanade, however, at peak times the queue extends beyond the length of the lane blocking through vehicles. Queueing vehicles can also, illegally, stop within the circulating lane of the roundabout, blocking other vehicles—including traffic exiting the parking area to the north and buses and cars undertaking a U-turn at the roundabout.

Arriving pedestrians conflict with this traffic and, reportedly, cross the roundabout via the central island. It is unclear from the pedestrian surveys whether these pedestrians are walking down to the pier from: Hotham Street, the Bayside trail to the west or from the south along the west side of the Esplanade. Council advised that it is most likely the latter.

(ii) Proposed conditions

The proposed new layout is shown in Figure 3. The changes reverse the entry and exit lanes so that vehicles depart rather than arrive via the roundabout. The new entry lanes are extended to allow for arriving vehicles to queue at the ticket gate clear of the Esplanade.

²⁸ Refer Document 3 – Traffic Conclave Report.

(iii) Evidence and submissions

Mr Walsh gave evidence that the new layout will address the existing traffic congestion concerns on the Esplanade. Council did not dispute this evidence and advised that it had been developed in consultation with the TTWG coordinated by DEDJTR.

Council argued that a signalised pedestrian crossing was required across the ferry exit lanes for safety reasons, but this was contested by Mr Walsh on operational grounds as he considered that when the exit lanes were in use for vehicles exiting the ferry, it was important that the vehicles can do so with minimal delay to allow for the efficient operation of the ferry.

The Traffic and Transport Assessment by Cardno included a benefit cost assessment for pedestrian signals at this location. This was calculated using the Australasian Pedestrian Crossing Facility Selection Tool and produced a significantly negative Benefit Cost Ratio. It also indicated that a zebra crossing was not an appropriate facility at this location either.

Mr Walsh recommended an additional pedestrian crossing across the Esplanade to the northwest of the roundabout, which was not supported by Council.

The TTWG, at its meeting no. 7 on 16 August 2016, agreed to adopt Cardno's design concept layout with the following final revisions:

- *Remove the pedestrian crossing across the Esplanade and foreshore car park entry north of the ferry terminal roundabout. Direct pedestrians to the new, improved pedestrian paths via signage and fencing (reason: to minimise the number of pedestrian crossings for safety).*
- *Realign pedestrian footpath to wrap around the south and east sides of the ferry terminal car park (reason: to avoid vehicle and pedestrian conflict at exit of ferry terminal car park)*
- *Make the pedestrian crossing to the ferry terminal entry a zebra crossing (reason: to enhance pedestrian safety).*
- *Retain the right turn from the Esplanade into two lanes arrangement at the entry to the ferry terminal (reason: to prevent traffic congestion on the Esplanade).³⁰*

The final Cardno plan adopted the final revisions agreed by the TTWG with the exception of the request to remove the pedestrian crossing across the foreshore car park entry.

As discussed in Chapter 3 Council submitted that the directional signage at the ferry terminal exit should include Bluetooth technology for wayfinding; a proposal not supported by the Proponent.

Council provided the Committee with a copy of a report on the trial by Traffix Group dated August 2017.³¹ That report recommended further investigation during the summer holidays and other peak periods to establish baselines and reassess the influence of the variable messages on motorist's route choice. It did not include a recommendation to install such Bluetooth signage at the ferry terminal.

³⁰ Document 8 tab ref 06.

³¹ Document 8 tab ref 09.

Transport for Victoria submitted that the roundabout should be designed for buses to undertake a U-turn. Searoad Ferries tendered an addendum report by Mr Walsh³² that contained a revised concept plan showing how the roundabout could be laid out to provide a turning circle similar to the existing roundabout, noting that whilst that does not meet the Austroads' turning circle it does work currently in practice.

(iv) Discussion

The Committee considers that the overall design will improve traffic flow on the Esplanade. It notes that it did not have the benefit of observing the ferry operation at peak times and gives strong consideration to the advice that the TTWG did not recommend a pedestrian crossing (either signalised or zebra) across the ferry exit lanes nor across the roads to the north of the roundabout.

The provision of pedestrian crossings (zebra crossings) or a pedestrian operate signalised crossing can provide both priority and guidance for pedestrians. Priority can be important where there may otherwise be insufficient gaps in the traffic flow to provide reasonable opportunities to safely cross a road. A well-positioned pedestrian crossing can provide a safer crossing location for pedestrians and attracts its use due to the immediate priority it offers. Where a pedestrian crossing point is well positioned along natural desire lines, fencing or other guidance can be required to redirect pedestrians to a safe crossing location.

The need to provide a pedestrian crossing, or a signalised pedestrian crossing, must be balanced against the need to efficiently move vehicles around the road network.

The ferry exit lanes would only be used for around 5 minutes each hour as passengers depart the ferry, with the exception of an occasional vehicle at other times. Providing pedestrian priority across the ferry lanes is not considered appropriate. Indeed, a stronger argument could be made for the need to ensure that pedestrians, for their own safety, are advised or prevented from crossing the exit lanes when the ferry traffic is departing. It is noted that the crossing point is raised to ensure slow movement of vehicles.

The Committee, at the Hearing, raised the option of the Proponent commissioning an independent road safety review of the design to consider the opposing recommendations by Council, Mr Walsh and the TTWG in relation to the provision of pedestrian crossing facilities. This was supported by all parties.

This safety audit should also consider the overall roundabout design, and in particular the deflection and sight lines for vehicles exiting the ferry terminal in the left lane and the footpath width to the north of the bus stop.

The review should be undertaken prior to completion of the design stage and post opening to allow adjustments following establishment of use.

The Committee notes that the final design will need to be approved by Council as the road authority, whilst VicRoads will need to approve the provision of any controlled pedestrian crossing facility, signalised or zebra.

For the reasons discussed in Chapter 3, the Committee is not convinced that Bluetooth signage should be included as a requirement of the Incorporated Plan for the ferry terminal,

³² Document 18.

noting that such information if desired, could be better delivered to ferry patrons prior to departing the ferry to allow motorists the opportunity to reconsider their travel plans prior to reaching the exit point. Overall the need and benefit of such signage at this location is not yet proven and any additional encouragement for traffic to travel along Hotham Road should be delayed until the proposed works in Hotham Road and at the Hotham Road/Point Nepean Road intersection are undertaken, as discussed in the following section.

(v) Conclusion and recommendation

The Advisory Committee considers the Sorrento Ferry Terminal traffic redesign should be approved, and has made a general recommendation regarding facilitating Amendment C209 in Chapter 2. The road safety review discussed above should be included in the Incorporated Document and suggested wording is provided in Appendix D.

7.5 Local traffic network improvements and staging

(i) The issue

The local traffic network in Sorrento struggles to meet the demands and expectations of both visitors and residents during the peak tourism periods.

The Audit of Pedestrian Amenity prepared by Cardno for the Proponent identified a number of improvements to the pedestrian network that should be implemented to improve pedestrian safety and accessibility. These include additional pram crossings, installation of tactile guidance surface indicators (TGSI's) for DDA compliance, pathway installations and widenings and pedestrian crossing points.

The Traffic and Transport Assessment identified a three-stage approach to improve traffic conditions:

Stage 1:

- Ferry terminal reconfiguration (except directional signage at exit)

Stage 2:

- Upgrade parking on Hotham Street to increase the capacity for through traffic from the Esplanade
- Convert the right turn lane from the Esplanade to Point Nepean Road to a bus only lane
- Provide direction signage at the ferry exit directing vehicles bound for the Sorrento Town Centre to turn right towards Hotham Road.

Stage 3:

- Intersection upgrade works at Point Nepean Road/Esplanade, with a focus on increasing the right turn lane length on Point Nepean Road
- Construct a roundabout at the Point Nepean Road/Hotham Road intersection.

That report also noted that a number of recommendations from the 2001 Draft Vehicle and Pedestrian Strategy Report for Policemans Point- Esplanade Precinct, Sorrento remain outstanding, or only partially complete. These include:

- Point Nepean Road/Esplanade intersection upgrade (turn lanes and pedestrian crossing)

- Hotham Road/Point Nepean Road intersection - roundabout construction and redirect traffic, from the ferry, headed to a number of key directions in Portsea along Hotham Road in lieu of Point Nepean Road
- Point Nepean Road/Ocean Beach Road/Constitution Hill Road intersection - roundabout construction.

Council produced its Sorrento Integrated Transport Action Plan Commercial Centre and Foreshore Precinct Traffic and Safety Improvements (SITAP) map³³ to show where upgrade works are proposed. This is reproduced as Figure 4.

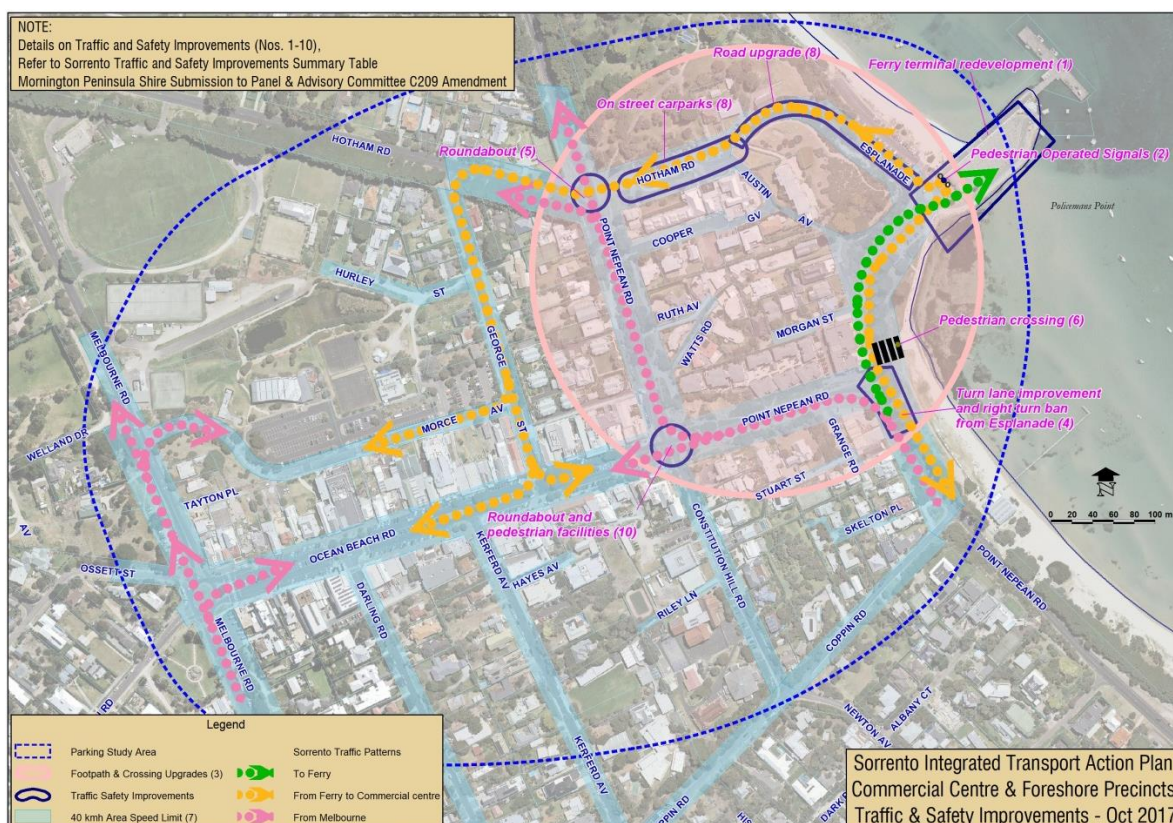


Figure 4 Proposed SITAP works³⁴

The works, cost and timing were also tabulated in Council’s submission and are reproduced in Table 1.

Council submitted that there is no current funding proposal for these works, however, Condition 12 of the Incorporated Document requires traffic and safety management measures to be implemented should significant increases in ferry traffic occur.

Council submitted that it was critical that VicRoads fund the works required on roads for which it is the designated road authority and provided the following information regarding funding and priorities, beyond that identified with the terminal upgrade to be undertaken by Searoad ferries.

³³ Document 8 tab ref 10.

³⁴ Document 8, tab 10.

Table 1 Works proposed in the SITAP Plan³⁵

Item	Treatment	Responsibility	Priority	Cost estimate
1	Footpath and DDA compliance in precinct	Council	High (<1 year)	Medium (\$0.1-1 mill)
2	Point Nepean Road right turn lane extension at Esplanade and right turn ban on the Esplanade	VicRoads	High	Medium
3	Point Nepean Road/Hotham Road roundabout	VicRoads	High	High (>\$1.0 mill)
4	Pedestrian Crossing on the Esplanade near Point Nepean Road	Council	High	Low (<\$0.1 mill)
5	40 km speed limit in precinct	VicRoads	High	Low
6	Hotham Road between the Esplanade and Point Nepean Road widening and parking	Council	Medium (1-5 years)	High
7	Way finding signage in precinct	VicRoads and Council	Medium	Low
8	Point Nepean Road/Ocean Beach Road roundabout	VicRoads	Medium	High

(ii) Discussion

It is clear that there has been significant investigation into identifying traffic issues and solutions within the Sorrento town centre and foreshore area over a long time. A number of key items, including critical roundabouts on the arterial roads, are high cost, but will assist in managing the significant influx of tourists into the area.

Searoad Ferries are proposing to address the localised issues on the Esplanade caused by their existing and continuing operations.

It remains for the road authorities to develop a funding plan for the identified traffic works in order to commence implementation of the SITAP plan.

The Advisory Committee notes that Hotham Road parking and widening works area an essential component of works that would need to be completed before encouraging additional traffic along Hotham Street, as currently the travel path conflicts with the parking outside the Sorrento Hotel. Accordingly, these works should be undertaken prior to upgrading way finding signage at the ferry terminal to include travel time information by route; and ideally the priority of these works should match or be higher than the Point Nepean Road/Hotham Road roundabout.

³⁵ Document 8, p23.

(iii) Conclusion and recommendation

The Advisory Committee concludes that the suite of works proposed in SITAP appears reasonable but will require significant funding to implement. The Advisory Committee notes Council's concession that these works are generally not required by, or as part of, the ferry terminal redevelopment.

The Advisory Committee recommends:

The Minister for Planning liaise with the Minister for Roads and Road Safety to ensure implementation of the Sorrento Integrated Transport Action Plan Commercial Centre and Foreshore Precinct Traffic and Safety Improvements program is considered in relevant State Government funding programs.

7.6 Sorrento Activity Centre Parking Action Plan

(i) The issue

Council called Mr Hill of onemilegrid to present the results of the Sorrento Activity Centre Parking Action Plan prepared by his office. The objective of the study is *“establishing existing parking demands, predicting future parking demands and devising short, medium and long term actions to assist in addressing any parking issues identified”*.

Short term recommendations included:

- Parking directional signage
- Formalising informal parking areas
- Reviewing restrictions in underutilised areas
- Enforcement.

Medium term recommendations included:

- Inserting a car parking overlay within the Mornington Peninsula Planning Scheme to provide mechanisms to fund parking and facilitate development through the use of selected parking rates.
- Formalising parking in Hotham Street between Point Nepean Road and the Esplanade.

Long term recommendations are aimed at reducing traffic and parking demands and include:

- Improved public transport connectivity for improved travel by bus within Sorrento and around the municipality.
- Improved bicycle infrastructure and connectivity to reduce local car movements and parking.
- Promotion of group visitor travel, to reduce private car travel to the region.

(ii) Conclusion

The Advisory Committee considers that these strategies are reasonable and that the Council and State Government work towards an implementation strategy to realise the study aims.

Appendix A Submitters to the Amendment

No.	Submitter
1	Sea All Dolphin Swims
2	Curlewis Golf Club
3	Elite Day Tours
4	Greg Hunt MP
5	Green Olive at Red Hill
6	Hon Martin Dixon MP
7	Portsea Village Resort
8	Peninsula Hot Springs
9	Visit Victoria
10	Mornington Peninsula Marine Alliance (MPMA)
11	Carol Mountain
12	Victorian Tourism Industry Council (VTIC)
13	Big4 Holiday Parks
14	Andrew Donaldson
15	Maritime Industry Australia Limited
16	Frank South
17	Robert Sitch
18	Maurice Schinkel
19	Judith Coker
20	Susan Leeming
21	Enchanted Adventure Garden and Tree Surfing Australia
22	Moonraker Dolphin Swims
23	Parks Victoria
24	Brian and Jenny Stevens
25	Victor and Barbara Mulder
26	Transport Accident Commission (TAC)
27	Merricks Nursery
28	Mornington Peninsula Regional Tourism Board
29	Nepean Conservation Group Inc.
30	VicRoads
31	Nepean Historical Society Inc.
32	Victorian National Parks Association
33	Parks Victoria
34	Sorrento Portsea Chamber of Commerce
35	John Gedye
36	Catherine O'Byrne

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Mornington Peninsula Shire Council	Rosa Zouzoulas and Alia Slamet assisted by Doug Bradbrook and calling the following expert witness: - Ross Hill from onemilegrid on parking
Peninsula Searoad Holdings Pty Ltd	Jeremy Gobbo QC and Carly Robertson of Counsel, instructed by Greg Tobin of Harwood Andrews Lawyers and calling the following expert witnesses: - Steve Schutt from Hansen on visual impact - Craig Czarny from Hansen on urban design - Jason Walsh from Traffix Group on traffic engineering - Stuart McGurn from Urbis on town planning Dr Andrew McCowan from Water Technology on hydraulic engineering and coastal process provided an expert statement but his material was not challenged and Dr McCowan was not called.
Mornington Peninsula Regional Tourism Board	Tracey Cooper
Susan Leeming	
Nepean Conservation Group	Dr Ursula de Jong
Nepean Historical Society	Ian Gray, Frank Hindley and Andrea Hackwell

Appendix C Document list

No.	Date	Description	Presented by
1	31/10/2017	Transport for Victoria letter for the Advisory Committee dated 20/10/2017	Transport for Victoria (TfV)
2	31/10/2017	TfV supplementary letter dated 27/10/17	TfV
3	31/10/2017	Traffic Conclave report dated 26/10/17	Ross Hill, onemilegrid
4	31/10/2017	Part A Submission on behalf of the Mornington Peninsula Shire Council, October 2017	Mornington Peninsula Shire Council (Council)
5	31/10/2017	Incorporated Document Searoad Ferries – Sorrento Terminal Building and Associated Uses and Works October 2017	Council
6	31/10/2017	Email from DELWP to Council regarding Coastal Management Consent	Council
7	31/10/2017	Submitter Locations	Council
8	31/10/2017	Part B Submission on behalf of the Mornington Peninsula Shire Council, October 2017	Council
9	31/10/2017	Letter from DELWP to Council regarding Incorporated Document, dated 16/5/2017	Council
10	31/10/2017	Email from DELWP to Council, regarding Section 173 agreements, dated 10/10/2017	Council
11	31/10/2017	Letter from DELWP to Council, regarding Consent to use or develop coastal crown land, dated 27/10/2017	Council
12	31/10/2017	Presentation by Mornington Peninsula Regional Tourism Board	Mornington Peninsula Regional Tourism Board
13	31/10/2017	Submission by Susan Leeming	Susan Leeming
14	31/10/2017	Improving Planning Outcomes in Small Coastal Towns booklet by Ursula de Jong, Robert Fuller, David Beynon	Nepean Conservation Group
15	31/10/2017	Presentation by Nepean Conservation Group (electronic only)	Nepean Conservation Group
16	31/10/2017	Submission by Nepean Historical Society	Nepean Historical Society
17	1/11/2017	Part B – Addendum Submission on behalf of Council	Council
18	1/11/2017	Addendum Traffic Engineering Evidence Statement by Mr Walsh, dated 30 October 2017	Searoad Ferries

No.	Date	Description	Presented by
19	1/11/2017	Hearing Folder	Searoad Ferries
20	1/11/2017	Passenger Survey, April 2017	Searoad Ferries
21	1/11/2017	Outline of submissions on behalf of Peninsula Searoad Holdings Pty Ltd	Searoad Ferries
22	1/11/2017	Borough of Queenscliff Minutes of Ordinary Meeting of Council 30 January 2013 items 15.3 Queenscliff Planning scheme – Amendment C23: ‘Queenscliff Ferry Terminal Extensions’ Consideration of Panel Report and Adoption of Amendment	Searoad Ferries
23	1/11/2017	Mornington Peninsula Bicycle Strategy Final Rev B	Council
24	1/11/2017	Queenscliffe C23 Panel Report with erratum	Council
25	1/11/2017	Ridesafe Maps Final Issue	Council

Appendix D Panel version of Incorporated Document

In the attached Incorporated Document, blue underlined text was put forward by parties in the Hearing, or post hearing in relation to patron numbers, and is recommended by the Panel. ~~Red-strikethrough-text~~ is for Panel recommended deletions. Yellow highlights are new or modified items recommended by the Panel. The Panel has also merged condition 12 f) into the overlapping condition 11 l).

Mornington Peninsula Planning Scheme

Searoad Ferries – Sorrento Terminal Building and Associated Uses and Works

Incorporated Document

~~June~~ October 2017

**This document is an incorporated document in the Planning Scheme pursuant
to
Section 6(2)(j) of the Planning and Environment Act 1987.**

1. INTRODUCTION

This document is an incorporated document in the Schedules to Clauses 52.03 and 81.01 of the Mornington Peninsula Planning Scheme (the Scheme).

The document has been incorporated by Amendment C209 to the Scheme.

The land identified in this document may be used and developed in accordance with the control in this document.

The control in this document prevails over any contrary or inconsistent provision in the Scheme.

2. LAND

The control in this document applies to the land shown as the Project Area in Figure 1 of this document.

3. PURPOSE

The purpose of the control in this document is to allow the use and development of land for the Searoad Ferries – Sorrento Terminal Building and Associated Uses and Works (the Project).

4. PROJECT DESCRIPTION

The Project includes but is not limited to the following uses and development:

- The use of land as a 'Transport terminal'; 'Food and drink premises'; 'Shop'; and a maritime 'Museum';
- Reconfiguration of the existing site access arrangements from the Esplanade, [including roadworks, new roundabout, signage, drainage and land reclamation works](#);
- Redirection of traffic to load the ferry to the south-eastern part of the site and directing unloaded vehicles departing to the north-western part of the site;
- The provision of a new staff and visitor car park in the south-western part of the site;
- The construction of a new ticketing facility in the south-eastern part of the site;
- The construction of a new seating and kiosk area adjacent to the car park;
- The construction of a new passenger terminal building in the northern part of the site, adjacent to the ferry docking zone; and

- New pedestrian pathways, [road crossings](#), [fencing](#) and landscaping works.

5. CONTROL

Despite any provision to the contrary in the Scheme, a planning permit is only required under Clause 52.27 Licensed Premises.

A permit is not required pursuant to any Zone, Overlay, Particular Provision (other than Clause 52.27) or General Provision of the Mornington Peninsula Planning Scheme. This includes all land uses and development and works associated with the Project, including:

- Use of land as a 'Transport terminal', 'Food and drink premises', 'Shop' and 'Museum';
- Demolition;
- Construction of buildings and works;
- Display of advertising signs;
- Roadworks and street furniture;
- Fencing works;
- [Reclamation of land](#);
- Removal of vegetation.

This control is subject to the conditions in clause 6 of this document.

The Project may proceed in stages. Each stage must comply with the conditions in clause 6 of this document, as relevant.

The plans approved may be amended with the written consent of the Responsible Authority.

6. CONDITIONS

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and 3 copies must be provided. The plans must be generally in accordance with the plans submitted with the Incorporated Document (plans prepared by F2 Architecture, dated December 2016, revision P5, TP.00 – TP.26 [and drawing number CG150265SK20 prepared by Cardno dated 5 September 2017, revision 3](#)) but modified to show:
 - a) [Adequate provision for a public bus to undertake a U-turn at the roundabout.](#)
 - b) [A biodiversity/environmental impact assessment and Site Environmental Management Plan in accordance with the recommendations of the Flora and Fauna Assessment by Biosis Pty Ltd \(draft report\) dated 23 December 2016, with the additional requirement of an impact assessment on aquatic habitat and associated impact mitigation measures.](#)
 - c) Details of any advertising signs and location associated with the project (except for those for which no planning permit would typically be required under the Scheme).
 - d) Details of security fencing.

- e) The combined leasable floor area of all retail and museum premises must not exceed 750 square metres including any leasable retail floor area ancillary to the operation of a transport terminal (but not including any area used solely for the sales of tickets associated with the Sorrento ferry).
- f) A plan showing the extent of airspace and seabed occupied and the support structures proposed.
- g) Any changes arising from the recommendations of specialist consultant reports in relation to Aboriginal Cultural Heritage; Flora / Fauna and biodiversity impact assessments; Coastal Vulnerability; Waste; Traffic Engineering or other regulatory approvals.
- h) A Landscape Concept Plan, detailing existing vegetation to be removed and proposed new landscaping works (including new surface treatments).

Layout not altered

2. The layout of the land, the uses, the size, height and type of the buildings and works, including the materials of construction, on the endorsed plans must not be altered or modified without the written consent of the responsible authority.
3. Unless otherwise agreed in writing by the responsible authority, the building must not be occupied until all buildings and works as approved by the responsible authority have been completed to the satisfaction of responsible authority and acceptance by Council of the works associated with the detailed engineering plans endorsed under condition 10.

Land Use Conditions

4. The Transport terminal may operate 6am to 9pm, every day of the year, unless with the written consent of the responsible authority.
5. The Food and drink premises, Shops and Museum approved by this permit may operate from 7am to 9pm, every day of the year, unless with the written consent of the responsible authority.
6. The Food and drink premises may accommodate a maximum of 240 seated patrons at any one time, unless with the written consent of the responsible authority.
7. At all times when the sale and/or service of food or drink is occurring from upstairs, only ticketed ferry passengers or ticketed museum patrons may enter the first floor.

Colours/Materials

8. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans unless with the further permission of the responsible authority.

9. The external materials and colours of buildings must be finished and maintained to be of low reflectivity, to the satisfaction of the responsible authority.

Engineering Plans

10. After the endorsement of the plans identified in condition 1 but before development commences, detailed engineering plans for the works shown in drawing number CG150265SK20 prepared by Cardno dated 5 September 2017, revision 3 and drainage and land reclamation works associated with the Project must be prepared to the satisfaction of the responsible authority. The detailed plans must be drawn to scale with dimensions. Three copies (or a PDF electronic copy) must be provided to the responsible authority and once approved form part of the endorsed plans.

The plans must show:

- a) Details, including levels of roads, kerb & channel, car parks and associated aisle, within the site.
- b) The design of all vehicle movements entering and exiting the property being in a forward direction (in accordance with the concept drawing).
- c) Sight distance for vehicles and pedestrians not being unduly restricted at the exit from site by fencing or landscaping works.
- d) Design of the required land reclamation works including any associated seawall.

Construction and Environmental Management Plan

11. Before the development commences, a Construction and Environment Management Plan must be submitted to and approved to the satisfaction of the responsible authority. Any plans submitted must be consistent with all other documents approved under this Incorporated Document (including the recommendations of environmental and biodiversity impact assessments) and must be drawn to scale with dimensions and three copies must be provided. The Construction and Environment Management Plan must include the following:

- a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
- b) Identification of possible environmental risks associated with development works.
- c) Measures and monitoring systems to minimise and control environmental risks, including but not limited to runoff, erosion, noise, sediment, dust and litter escaping from construction works.
- d) Location of all stockpiles and storage of building materials.
- e) The location of any temporary cabins and sheds.
- f) The location and storage of machinery on the site.
- g) The measures to minimise the amount of waste construction materials; the provision for the recycling of waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- h) The management of waste collection from the construction site.
- i) Details to demonstrate compliance with relevant EPA guidelines.
- j) Hours during which construction activity will take place.

- k) The site and all materials and builder's facilities stored on site (including toilet facilities) maintained in a clean condition during the construction works to the satisfaction of the responsible authority.
- l) A Construction Traffic Management Plan, including traffic and parking provisions to allow for the operation of the Terminal during construction.
- m) Measures to minimise the impact upon local amenity.

Traffic Management Plan

12. Before the development commences, a Traffic Management Plan must be submitted to and approved to the satisfaction of the responsible authority. Any report submitted must be consistent with all other documents approved under this Incorporated Document and must be drawn to scale with dimensions and three copies must be provided. The Traffic Management Plan must include the following:
- a) Location of all vehicle, pedestrian and bicycle traffic management and controls works considered necessary when the development is completed.
 - b) Arrangements for operating and maintaining the parking areas.
 - c) A program for monitoring traffic levels through the surrounding areas i.e. Hotham Road to establish any changes in traffic as a result of the development.
 - d) -Details of traffic management measures to the satisfaction of the responsible authority and VicRoads are to be implemented should significant increases in traffic be recorded as a result of the development.
 - e) A program of monitoring parking operation within the site and adjacent land.
 - ~~f) Traffic and parking provisions to allow for operation of the Terminal during construction.~~
 - g) Any changes resulting from the outcome of a road safety review to be undertaken during design, and provision for a post-opening safety review and implementation of works following that review stage.

Waste Management

13. Before the use commences a Waste Management Plan for the land must be prepared by suitably qualified professionals and submitted to and approved to the satisfaction of responsible authority. When approved, the plan will be endorsed and will then form part of this Incorporated Document. The waste management plan must apply to all development and uses on the site. The plan should include the following:
- a) Adequate areas have been set aside for storage and disposal of waste.
 - b) The type of waste and recyclable materials, bins and containers.
 - c) The location and space allocated for storage of waste and recyclable materials, bins and containers.
 - d) Collective service arrangements including the frequency and times of collection.
 - e) The path of access for both users and collection vehicles.
 - f) Measures to manage and minimise noise, odour and litter, including measures to avoid litter being deposited in the Bay.

14. Goods or packaged materials must not be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

Environmentally Sustainable Design

15. Before the development commences, an Environmentally Sustainable Development Management Plan (“the ESD Plan”) prepared by a suitably qualified person must be submitted to the responsible authority for approval. The ESD Plan must address the following:
 - a) Incorporation of energy efficient lighting, heating hot water and appliances;
 - b) Energy management and use; and
 - c) Water conservation and re-use.

Lighting

16. Before the development commences, a Lighting Management Plan must be submitted to the Responsible Authority for approval. The Lighting Plan must have the objective of providing an appropriate level of illumination for pedestrian and vehicle safety, while also minimising light pollution, and must address the following:
 - a) The location of existing lighting sources within the site and at the immediate boundary.
 - b) The proposed lighting within the site.
 - c) The level of illumination (lux) proposed and compliance with relevant standards and guidelines.
 - d) Where appropriate, external light sources are directed downward and shielded.
 - e) Where appropriate, sensor lighting and timers are utilised.

Operational Management

17. Before the uses commences, an Operational Management Plan must be submitted to the responsible authority for approval. The Operational Management Plan must address the management of the premises which is not otherwise covered in other management plans endorsed under this Incorporated Document.
18. The Operational Management Plan must be reviewed and submitted to the responsible authority for approval every five years from the commencement of use.

Amenity

19. All external lighting must be appropriately baffled to the satisfaction of responsible authority.
20. All external building elevations, fixtures and works (including roadworks and drainage which form part of the development) must be maintained, at the proponent's expense, in good condition at all times in accordance with the schedule of finishes shown on

the endorsed plans, or otherwise in a condition similar to when the Acceptance of Works Certificate was issued (whichever is relevant), to the satisfaction of responsible authority.

21. The use and / or development must not detrimentally affect the amenity of the neighbourhood, including through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Advertising Signs

22. All advertising signs must be appropriately designed and sighted to the satisfaction of responsible authority.
23. Advertising signs must not be visually dominant on any elevation of all buildings, the landscape, or any other significant view and must not contain any bunting, banners, streamers, flags, balloons or similar devices.
24. Advertising signs must be in accordance with the endorsed plans unless with the further permission of the responsible authority.
25. All advertising signs will expire after 15 years from the date of approval.

Expiry

26. Notwithstanding other provisions of these conditions, the land uses and development permitted by this Incorporated Document will expire if any of the following circumstances applies:-
- a) the development is not started within five (5) years of the date of the gazettal of the approved amendment.
 - b) the development is not completed within eight (8) years of the date of the gazettal of the approved amendment.
 - c) The use does not start within two years after the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire, or within six months afterwards.

Figure 1 – Project Area

Panel recommendation: Add the area '7a' identified in the Parks Victoria submission dated 21 July 2017.



Appendix E Advisory Committee Terms of Reference

Sorrento Ferry Terminal Traffic Advisory Committee

Terms of Reference

Version: 19 June 2017

Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to report, concurrently with a potential Planning Panel considering Amendment C209 to the Mornington Peninsula Planning Scheme, on measures that can be implemented to improve traffic and transport in the Sorrento area.

Name

1. The Advisory Committee is to be known as the 'Sorrento Ferry Terminal Traffic Advisory Committee'.
2. The Advisory Committee is to have members with the following skills:
 - Land use planning;
 - Traffic engineering; and
 - Transport planning.

Purpose

3. The purpose of the Advisory Committee is to compliment the potential Panel considering submissions to Amendment C209 to the Mornington Peninsula Planning Scheme and to concurrently advise the Minister for Planning and Mornington Peninsula Shire Council on:
 - All relevant matters concerning the design and control of traffic for the Sorrento ferry terminal and local traffic network between the ferry terminal and the Sorrento town centre as defined in the submitted Planning Scheme Amendment documents; and
 - Prioritising the delivery of future traffic improvements to the local road networks between the terminal and the Sorrento town centre.

Background

4. Mornington Peninsula Shire Council has requested the Minister for Planning, the Hon. Richard Wynne MP, to appoint an Advisory Committee under Section 151 of the Planning and Environment Act 1987 (the Act) to consider matters related to the design and control of traffic for the Sorrento ferry terminal, as well as future stages of improvements to the local traffic network between the terminal and Sorrento town centre.
5. The Advisory Committee will complement the potential Panel for Amendment C209 that the Minister for Planning will appoint at the appropriate time pursuant to Sections 153 and 155 of the Act to consider any submissions made to the planning scheme amendment at 10, 12 and 14 Esplanade and part 3154, 3176 and 3300 Point Nepean Road, Sorrento.
6. Amendment C209 proposes a new Incorporated Document to be inserted at Clause 52.03 and the Schedule to Clause 81 of the Mornington Peninsula Planning Scheme to facilitate the redevelopment of the Searoad Ferries Sorrento Ferry Terminal.
7. Searoad Ferries operates a car and passenger ferry service between Sorrento and Queenscliff. Carrying over 700,000 passengers per annum, it provides a vital transport link between the Bellarine and Mornington Peninsulas. The proposed terminal building and improvements to the car loading area will result in changes to the traffic layout within the forecourt of the Sorrento ferry terminal.

8. Future stages of improvements to the local traffic networks between the terminal and Sorrento town centre have also been developed jointly by Searoad Ferries, Mornington Peninsula Shire Council and VicRoads. The objective was to improve traffic circulation around Sorrento and encourage increased visitation of the Sorrento town centre by ferry passengers, in response to requests by local traders to Mornington Peninsula Shire Council.
9. The proponent, Searoad Ferries, has prepared a draft incorporated document which will be exhibited concurrently with Amendment C209.
10. Mornington Peninsula Shire Council has requested that the Panel and Advisory Committee operate concurrently with the dual role of hearing submissions in response to Amendment C209, as well as submissions related to traffic issues associated with the redevelopment of the Sorrento ferry terminal and future stages of improvements to the traffic networks between the terminal and Sorrento town centre. The joint Panel and Advisory Committee will provide interested parties, who have made submissions on the amendment and / or traffic design issues, to have their views heard at a single forum.
11. Mornington Peninsula Shire Council is the planning authority for the planning scheme amendment, and the responsible authority for administering and enforcing the planning scheme.
12. On 26 May 2017, the Minister for Planning authorised Planning Scheme Amendment C209 to the Mornington Peninsula Planning Scheme.

Method

13. The Advisory Committee must:
 - Review and assess all relevant matters concerning the design and control of traffic for the Sorrento ferry terminal, and staged improvements to the local traffic networks between the terminal and Sorrento town centre as defined in the submitted Planning Scheme Amendment documents; and
 - Review and assess all submissions made in regard to traffic issues.
14. The Advisory Committee may inform itself in anyway it sees fit, but must have regard to:
 - All statutory documentation, including the Planning Scheme Amendment documents;
 - The objectives of the Planning and Environment Act 1987 and any relevant provisions in the Mornington Peninsula Planning Scheme;
 - Sorrento Foreshore Management Plan;
 - Road Management Act 2004 and all relevant road standards and guidelines; and
 - Any public submissions.
15. The Advisory Committee is not expected to carry out any additional public notice or referral, but may do so if it considers it to be appropriate.
16. The Advisory Committee is expected to carry out a public hearing.
17. The Advisory Committee shall provide the following parties with an opportunity to make a submission and be heard¹:
 - Mornington Peninsula Shire Council;
 - VicRoads;

¹ Note: As the Advisory Committee will be operating concurrently with the independent Planning Panel on Amendment C209, submissions to the amendment will be heard at the same time as submissions on the traffic issues.

Terms of Reference | Sorrento Ferry Terminal Traffic Advisory Committee

- Public Transport Victoria;
 - The proponent and their representatives; and
 - Any person who has made a submission regarding traffic issues related to the proposed ferry terminal redevelopment and future improvements to the traffic networks between the terminal and Sorrento town centre.
18. Petitions and pro-forma letters will be treated as a single submission, and only the first person to appear will receive correspondence in relation to this matter.
 19. The Advisory Committee may meet and invite others to meet with them when there is a quorum of at least two of the Committee members.
 20. The Advisory Committee may limit the time of parties appearing before it.
 21. The Advisory Committee may prohibit or regulate cross-examination.
 22. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to the submission of its report,

Submissions are public documents

23. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
24. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in camera'.

Outcomes

25. The Advisory Committee must produce a written report for the Minister for Planning, Mornington Peninsula Shire Council and VicRoads providing:
 - An assessment of the proposed design and control of traffic associated with the Sorrento ferry terminal redevelopment, and any staged improvements to the local traffic networks between the terminal and the Sorrento town centre in line with Mornington Peninsula Shire Council's objective of encouraging increased visits to of the Sorrento town centre by ferry passengers;
 - An assessment of whether the proposed traffic and car parking design, and staging of works should be supported;
 - An assessment of submissions to the Advisory Committee;
 - Any other relevant matters raised in the course of the Advisory Committee hearing;
 - A list of persons who made submissions considered by the Advisory Committee; and
 - A list of persons consulted or heard.
26. The report is to be prepared as a single report in conjunction with the Panel for Amendment C209.

Timing

27. The Advisory Committee is required to complete its hearings within the hearing timeframe set aside for the Panel for Amendment C209.
28. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 40 business days from the completion of its hearing.

Fee

29. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.
30. The costs of the Advisory Committee will be met by Mornington Peninsula Shire Council and Searoad Ferries.



Hon. Richard Wynne MP

Minister for Planning

Date: 29/6/17

The following information does not form part the Terms of Reference.

Project Management

1. Day to day liaison for this matter will be through Matthew Sacco, Planning Services, the Department of Environment, Land, Water and Planning on 8392 5505 or by email at matthew.sacco@delwp.vic.gov.au
2. Inquiries regarding the Advisory Committee process will be through Andrea Harwood, Senior Project Manager with Planning Panels Victoria on 8392 5123 or by email at andrea.harwood@delwp.vic.gov.au.