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18 May 2023

The Hon Sonya Kilkenny MP
Minister for Planning
Minister for Outdoor Recreation
8 Nicholson Street, East Melbourne, VIC, 3002

Dear Sonya,

**CITY OF PORT PHILLIP SUBMISSION
Proposed Planning Scheme Amendment C434MELB
Public Acquisition Overlay on 10-28 and 21-51 Sardine Street, Port
Melbourne for a Water Recycling Facility in Fishermans Bend**

This letter outlines the City of Port Phillip's submission to proposed planning scheme amendment C434Melb. This letter forms Council's formal position on the matter.

Council's understanding of the amendment and its context

The City of Port Phillip understand South East Water have requested the Minister for Planning prepare a planning scheme amendment to the Melbourne Planning Scheme (C434Melb) that seeks to apply the Public Acquisition Overlay to the land at 10-28 and 21-51 Sardine Street, Port Melbourne (Lots 10 and S2 on Plan of Subdivision 433881X) for the purpose of enabling the timely acquisition of land and to ensure any future planning approvals will meet the construction and completion dates. The site is outlined in red in the aerial photograph below.





Council understands that:

- The Fishermans Bend Framework (released 2018) and Fishermans Bend Water Sensitive City Strategy (released 2022) identify the opportunity, need and government policy position to deliver a water recycling facility (WRF) as a catalyst project in Fishermans Bend. However, these documents do not identify a specific location for the project. Objective 5.2 of the Framework includes the sustainability strategies to support the delivery of a water recycling plant and third-pipe infrastructure to provide recycled water as a substitute for potable water for toilet flushing, laundry and irrigation for all private and public developments throughout the urban renewal precinct. The strategies also seek to provide recycled water to maintain sports and other planting in streets and parks.
- The land located at 10-28 and 21-51 Sardine Street, Port Melbourne has been identified as the preferred site for the WRF to service Fishermans Bend based on its size and shape; relative risk of contamination; close proximity to an extraction pump station; and will have a minimal impact with the public interface.
- The preferred site is located within Fishermans Bend Employment Precinct in the City of Melbourne. However, the WRF will ultimately service the full Fishermans Bend area, including precincts within the City of Port Phillip.
- SEW is seeking to have the WRF fully operational by 2030. In order to achieve this land acquisition will need to be finalised by the end of 2023.
- SEW requested the Minister for Planning prepare the amendment to enable the timely acquisition of land and ensure any future planning approvals will meet the construction and completion dates.
- Amendment C434Melb seeks to:
 - Amend the Schedule to Clause 45.01 (Public Acquisition Overlay) to apply PAO11 to the land with SEW as the acquiring authority and the Water Recycling Facility for Fishermans Bend as the purpose of the acquisition.
 - Amend Subclause 1.0 of the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to introduce Planning Scheme Map 11PAO.
- Amendment C434Melb has been prepared with an intent to progress it under section 20(4) of the *Planning and Environment Act 1987* (PE Act), exempting the amendment from the usual notice requirements of sections 17, 18 and 19 of the PE Act.

Council's submission is based on this understanding.

Council's Response to the Amendment

Council supports:

- the intent to progress land acquisition for a water recycling facility that services Fishermans Bend, including precincts in the City of Port Phillip. This is based upon its alignment to the Fishermans Bend Framework 2018 and the recently released Water Sensitive City Strategy for Fishermans Bend 2022.



- the proposed land acquisition pathway via application of the Public Acquisition Overlay.

Council's support in this letter is restricted to planning scheme amendment process matters only.

On the broader issue of the facility's design, delivery and operation Council:

- seeks to ensure that the cost burden to Council and its ratepayers for the provision of the 'third pipe' network and use of the recycled water is minimised.
- is supportive in-principle of the Fishermans Bend Framework goals and objectives to deliver a Water Recycling Facility and associated integrated water management infrastructure to service all precincts within Fishermans Bend.
- is supportive in-principle of the State Government identifying, funding and delivering the infrastructure including engagement with key stakeholders including Council.
- notes that Council support is focussed on the matter of the planning scheme amendment's land acquisition process only and does not constitute a broader commitment.
- requests SEW engage with Council outside of the planning scheme amendment process on broader issues related to the design, construction and operation of the facility. These include but not limited to:
 - how the water recycling facility and third pipe network will be funded (both the construction and ongoing operation and maintenance), delivered and operated;
 - how costs associated with the construction and operation of the facility and third pipe network will be minimised to Council and its ratepayers;
 - the area the facility will service and how the water can be used including irrigating open space; and
 - the design of the facility and how it will be delivered.

If any further information is required, please do not hesitate to contact Gareth Nevin, Senior Program Manager – Fishermans Bend on gareth.nevin@portphillip.vic.gov.au.

Yours sincerely,

Heather Cunsolo
Mayor City of Port Phillip