

STRATEGY AND POLICY REVIEW COMMITTEE

1 JUNE 2009

POLICY AND PLANNING

A2	AMENDMENT C74 (UPDATES AND CORRECTIONS TO THE PORT PHILLIP PLANNING SCHEME) - CONSIDERATION FOR ADOPTION
LOCATION/ADDRESS:	VARIOUS - CITY OF PORT PHILLIP
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING
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FILE NO:	66/02/168
ATTACHMENTS:	ATTACHMENT 1 – AMENDMENT C74 EXPLANATORY REPORT / LIST OF CHANGES ATTACHMENT 2 – TABLE OF UPDATES AND CORRECTIONS INCLUDED IN PROPOSED AMENDMENT C74

1. EXECUTIVE SUMMARY

- 1.1. Amendment C74 proposes to make various updates and corrections to the Port Phillip Planning Scheme, including minor text and mapping changes. The amendment also proposes to make corrections to the Port Phillip Heritage Review, Heritage Policy Map, and Neighborhood Character Policy Map, which are incorporated documents in the planning scheme.
- 1.2. Amendment C74 was exhibited pursuant to section 20(2) of the *Planning and Environment Act 1987*, under the Ministerial protocol for fast tracking 'correction amendments'. Section 20(2) provides for the limited notice of an amendment such as C74, where the proposed changes are updates and corrections only which do not alter the intent or effect of the planning scheme.
- 1.3. One written submission was received which confirmed no objection to Amendment C74 as exhibited.
- 1.4. Council now needs to determine whether to formally adopt Amendment C74 and request certification by the Minister for Planning, prior to approval of the Amendment by Council.

2. RECOMMENDATION

That the Strategy and Policy Review Committee recommend that Council resolve to:

- 2.1. Adopt Amendment C74 to the Port Phillip Planning Scheme pursuant to section 29 of the *Planning and Environment Act 1987*, in accordance with the Explanatory Report and List of Changes included as Attachment 1.
- 2.2. Request the Secretary of the Department of Planning and Community Development to Certify Amendment C76 pursuant to section 35A of the *Planning & Environment Act 1987*.
- 2.3. Authorise the Executive Director Community Development and Planning to finalise all amendment documentation, consistent with Attachment 1.
- 2.4. Authorise the Executive Director Community Development and Planning to approve Amendment C74 pursuant to section 35B of the *Planning and Environment Act 1987*, subject to the certified amendment being generally consistent with Amendment C74 as adopted by Council.
- 2.5. Formally advise the Minister for Planning of any decision made to approve Amendment C74, pursuant to section 35B of the *Planning and Environment Act 1987*.

3. DISCUSSION

Background

- 3.1 Council is required to ensure that the provisions of the Port Phillip Planning Scheme are up-to-date. To do this it is necessary to regularly review the provisions of the scheme to identify any anomalies and then undertake an amendment process to correct them.
- 3.2 The State Government has developed a protocol for the assessment of correction amendments, to 'fast-track' processing times and reduce the cost associated with amendments. This protocol has been applied to Amendment C74 providing for:
 - Exemption from the notification requirements of sections 19(1), 19(2) and 19(3) of the *Planning and Environment Act 1987*, being the giving of direct notice to owners and occupiers of properties included in the Amendment and the placing of Public Notices in the Local Papers and Government Gazette.
 - Approval of Amendment C74 by Council (given its minor nature) subject to certification of the amendment by the Secretary of the Department of Planning and Community Development. The Minister for Planning usually has the function of approving a planning scheme amendment following its adoption by Council.

Content and effect of Amendment C74

- 3.3 Attachment 2 provides a detailed table of the updates and corrections that are proposed to the Port Phillip Planning Scheme as part of Amendment C74, and the basis for these changes. In summary the corrections include:
- Text and map corrections and updates to various citations / statement of significance in the *Port Phillip Heritage Review*.
 - Updating of the *City of Port Phillip Heritage Policy Map* to correct the heritage grading of various properties (eg. where a heritage building has been demolished but the site remains graded as 'significant' and should now be 'non-contributory').
 - Minor changes to the wording of the Design and Development Overlay provisions for Ormond Road (DDO18) that do not alter the effect of the provisions but assist in its interpretation.

Changes to Port Phillip Heritage Review and Heritage Policy Map

- 3.4 The Port Phillip Heritage Review comprises:
- Individual citations for individual heritage properties and areas.
 - The *City of Port Phillip Heritage Policy Map* which shows the heritage grading applied to individual properties covered by a Heritage Overlay.
 - The *City of Port Phillip Neighbourhood Character Policy Map* which shows properties that "contribute" to the neighbourhood character of areas not covered by a Heritage Overlay.

As an Incorporated Document, it is important that the Port Phillip Heritage Review contains information that is accurate and correct. The changes proposed as part of Amendment C74 will achieve this.

- 3.5 Changes proposed are generally site-specific affecting the text and / or maps of 23 individual citations, the Statement of Significance for HO3 (correction to spelling of Kerferd Road), and updating the heritage grading of 38 properties (as either 'significant', 'contributory' or 'non-contributory') on the *City of Port Phillip Heritage Policy Map*.

Changes to the DDO18 Schedule

- 3.6 The proposed changes to Schedule 18 to the DDO (applied to Ormond Road, Elwood) were raised by the Independent Panel during its consideration of Amendment C57 (Part 2) leading to the recommendation that the changes also be made to Part 1 of the Amendment (already approved) to ensure consistency.
- 3.7 The changes to DDO18 clarify but do not alter the intent of the control as follows:
- DDO18-1 (affecting the Elwood Neighbourhood Activity Centre / Business 1 Zone) is amended to clarify that the setback requirement for balustrades does not apply where a balustrade is incorporated into the street wall and does not extend above a height of 10.5 metres.

- DDO18-2 (affecting the Residential Precinct / Residential 1 Zone) is amended to clarify that the front landscaped setbacks should not be used for car parking.
 - The formatting of DDO18 and associated Planning Scheme Map (9DDO) is altered to remove a duplication in the clause relating to the two residential precincts.
- 3.8 The 'Explanatory Report' and 'List of Changes' document included as Attachment 1 provides full details of the proposed amendment and these form part of the Amendment C74 documentation.

Exhibition of Amendment C74

- 3.9 Amendment C74 was exhibited under section 20(2) of the *Planning and Environment Act 1987*, between 25th February and 27th March, 2009.
- 3.10 As outlined above, notification was limited to the giving of notice to 'prescribed authorities', consistent with the Minister's protocol for facilitating 'corrections' amendments. Amendment C74 involves minor corrections and updates only and was therefore appropriate to be processed without full public notification as the changes do not alter the effect of scheme provisions.
- 3.11 One written submission was received from the Department of Sustainability and Environment, specifying no objection to Amendment C74 as exhibited.

Policy and Legislative Implications

- 3.12 Council is required by the *Planning and Environment Act 1987* to regularly review the provisions of the Port Phillip Planning Scheme. This includes identifying any anomalies with provisions, and undertaking an amendment process to correct these such as with Amendment C74.
- 3.13 Amendment C74 will not result in policy changes to the planning scheme.

Resource and Risk Implications

- 3.14 Support for certification from the Department of Planning and Community Development is anticipated. No risk implications are therefore identified.
- 3.15 Allocation has been made to process Amendment C74 in the 08/09 budget. The direct costs of the project have been minimised through processing the amendment in line with the Minister's 'fast tracking' protocol.

Alternative Options

- 3.16 Having exhibited Amendment C74 and considered all submissions, Council now has the following options under the *Planning and Environment Act 1987*:
- Option 1: Adopt Amendment C74 (with or without changes).
- Option 2: Abandon Amendment C74.
- 3.17 Adoption of Amendment C74 (without changes) is recommended. Completion of the amendment is required to ensure that the provisions of the planning scheme are correct and up-to-date. The amendment is administrative only and as such, will not materially affect any property owners,

developers, current applications or other parties. No submissions have objected to the Amendment.

- 3.18 Should council resolve to adopt Amendment C74, the Amendment must be forwarded to the Secretary of the Department of Planning and Community Development for Certification.
- 3.19 Council has already been authorised to approve Amendment C74, following certification. Subject to the certified amendment being consistent with Amendment C74 as adopted by Council, it is suggested that the Executive Director - Community Development and Planning be authorised to approve the amendment.