

STRATEGY AND POLICY REVIEW COMMITTEE
4 AUGUST 2008

POLICY AND PLANNING

A2	AMENDMENT C62 – REVISED LOCAL PLANNING POLICY FRAMEWORK (MSS AND LOCAL POLICIES) AND SCHEDULE TO CLAUSE 52.01
LOCATION/ADDRESS:	CITY OF PORT PHILLIP
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING
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FILE NO.:	66/02/161
ATTACHMENTS:	ATTACHMENT 1 – DRAFT LOCAL PLANNING POLICY FRAMEWORK AND SCHEDULE TO CLAUSE 52.01

1. EXECUTIVE SUMMARY

- 1.1. Amendment C62 proposes to introduce a revised Local Planning Policy Framework (LPPF), incorporating the Municipal Strategic Statement (MSS) and Local Policies, and a new Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision, to the Port Phillip Planning Scheme.
- 1.2. In October 2007, the draft Amendment C62 was presented to Council for endorsement. Council resolved to endorse the amendment documentation and request that the Minister for Planning authorise the preparation and exhibition of Amendment C62.
- 1.3. The request for authorisation was sent to the Minister in November 2007. Following a number of discussions and meetings with officers from the Department of Planning and Community Development, authorisation to prepare and exhibit the amendment was granted in April 2008, subject to conditions.
- 1.4. The conditions of the authorisation required some changes to be made to the amendment documentation, namely associated with housing and activity centres and the Accessible Buildings policy.
- 1.5. It is recommended that Council endorse the proposed changes to the draft LPPF documents, in accordance with the conditions of the authorisation, to enable the formal exhibition process to commence.

2. BACKGROUND AND CONTEXT

- 2.1. The Local Planning Policy Framework (LPPF) of the Port Phillip Planning Scheme incorporates Clause 21 – Municipal Strategic Statement (MSS) and Clause 22 – Local Policies. The MSS provides a 10 to 15 year vision for land use planning and development in the City of Port Phillip and reflects the objectives of Council and the community. The MSS provides a framework for the application of objectives, strategies and policies to achieve the desired land use and development outcomes.
- 2.2. The Local Policies are one of the tools available for implementing the objectives and strategies in the MSS. Local Policies provide guidance for decision making in relation to planning permit applications.
- 2.3. Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to regularly review the provisions of the planning scheme at least once in every three years, including the MSS and Local Policies.
- 2.4. In October 2006, a comprehensive audit of the planning scheme was completed in accordance with the requirements of the Act. The audit found that the MSS and Local Policies needed to be updated to reflect the Council and Community Plan and relevant state, regional, and local policy and strategy references.
- 2.5. In November 2006, Council resolved to endorse the audit of the planning scheme. In accordance with the recommendations of the audit, Council also resolved to commence a review and redraft of the Local Planning Policy Framework (incorporating the MSS and Local Policies) and make other amendments to the scheme as required.
- 2.6. The review of the MSS and Local Policies was conducted over a series of months from the beginning of 2007, in consultation with a number of key staff and internal departments of Council, and with the Department of Planning and Community Development.
- 2.7. Amendment C62 to the Port Phillip Planning Scheme implements the recommendations of the audit through a revised LPPF incorporating the MSS and Local Policies, and a new Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision.
- 2.8. Amendment C62 was presented to Council in October 2007 for endorsement. Council resolved to endorse the amendment and request that the Minister authorise the preparation and exhibition of the amendment. The request for authorisation was subsequently sent to DPCD on 31 October 2007.
- 2.9. Following receipt of the request for authorisation and the amendment documentation, officers at DPCD raised concerns with the wording of a number of strategies relating to housing and activity centres in the MSS and with the wording of the proposed Accessible Buildings policy. Written advice was provided from the Activity Centres Unit at DPCD, who raised the following specific issues:
 - Although activity centres may be at a “mature stage of development”, it does not limit their capacity for further ‘infill’ housing development.

- Heritage provisions do not necessarily limit housing and other development opportunities.
- The strategy to direct 'moderate' residential growth to activity centres is inappropriate and Council will need to modify its response to the challenges facing development in activity centres. This may include allowing well-designed developments that are respectful of heritage values and that include a modest number of storeys. It is unrealistic to expect building heights to remain unaltered throughout metropolitan Melbourne's activity centres when the city is growing by approximately 1,000 residents each week.
- The Housing Opportunities Framework Plan should be modified to identify all activity centres as areas appropriate for housing growth.
- The table of activity centres in the Port Phillip needs to be modified in accordance with the Melbourne 2030 classification.
- Council should be encouraging increased housing densities in all activity centres in accordance with State policy.

2.10. A number of meetings and discussions were held with DPCD to address their concerns. Council's strategic approach to housing growth and activity centres was further explained, emphasising:

- It is consistent with the Inner Regional Housing Statement – a joint inner Council and State Government Strategy.
- That a 'blanket' approach promoting housing growth across all activity centres was inappropriate and that Council was actively preparing Structure Plans to deliver new housing opportunities in activity centres which are appropriate to local conditions.
- That the strategy of 'moderate' growth related specifically to the retail / commercial strips within activity centres, where heritage considerations are.
- That the 'significant' housing growth areas identified in the MSS – such as mixed use zones – were generally a part of (or at least proximate to) major activity centres, and hence delivered on Melbourne 2030's objective for well located / sustainable opportunities for housing growth.
- Council officers meet with key DPCD officers during the development of its housing strategy (which underpins the directions for housing growth in the MSS) with strong indications that the approach did meet State objectives and was a strategically robust approach.

2.11. Following these meetings, Council received formal notification from DPCD in April 2008 that authorisation to prepare and exhibit the amendment had been approved. The authorisation was subject to the following conditions:

- Local policy should not include accessibility matters that are more appropriately addressed by building regulations. It should also not replicate standards already legislated for.
- That Council have regard to the State Government Review of Advertising Sign Provisions, once released, to inform the final content of the proposed Outdoor Advertising Policy.

- That Council have regard to the advice provided by the Activity Centres Unit to inform the final content of the Activity Centre Policy.
- The Council remove the reference in the planning scheme to deleted Clauses and restructure its numbering in Clause 22 to ensure that a sequential numbering system is adopted.

2.12. Following receipt of the conditions of authorisation, changes were made to the MSS and Local Policies to ensure that the documents complied with the requirements of the authorisation. The key changes to the documents are:

- Clarifying that the 'moderate' residential growth areas referred to in Clause 21.04-1 are the retail strips (generally defined by the Business 1 Zone boundaries) within the Major Activity Centres of Clarendon Street, South Melbourne; Bay Street, Port Melbourne; Carlisle Street, Balaclava; and Fitzroy/Acland Streets, St Kilda; and the Neighbourhood Activity Centre of Ormond/Glen Huntly Road, Elwood).
- Acknowledging the potential (and anticipated demand) for retail growth within activity centres, to reflect directions set in the Port Phillip Activity Centres Review, 2006.
- Clarifying that heritage constraints may limit the ability to develop at higher densities in the Neighbourhood Activity Centres of Bridport Street/ Victoria Avenue, Albert Park; Armstrong Street, Middle Park; and Glen Eira Road, Ripponlea.
- Clarifying that residential development will be limited in the Neighbourhood Activity Centres of Tennyson Street, Elwood and Centre Avenue, Port Melbourne, being locations which do not offer direct access to the Principle Public Transport Network.
- Amending the table of activity centre in Clause 21.04-2 to align with the definitions in Melbourne 2030.
- Re-drafting the Accessible Buildings policy in accordance with the conditions of the authorisation. In drafting the policy, consideration has been given to the interim and final Panel reports (August 2007 and February 2008 respectively) for Amendment C84 to the Yarra Planning Scheme, which proposed to introduce a revised Local Planning Policy Framework including an Accessible Buildings Policy. The Panel generally supported the inclusion of an Accessible Building policy, but stated that it was inappropriate to apply the relevant Australian Standards as a mandatory requirement and that the Standards should be used as a reference tool to assist applicants. The recommendations from this Panel have been adopted for Council's proposed Accessible Buildings Policy.
- Some minor changes have also been made to wording in the document, including updating the figures in the Municipal Profile (Clause 21.02-2) to reflect 2006 ABS data.
- Renumbering of the Local Policies (Clause 22) in accordance with the conditions of the authorisation.

3. RECOMMENDED OPTION

It is recommended that Council resolve to endorse the revised Local Planning Policy Framework, which incorporates the changes to meet the conditions of authorisation granted by the Minister for Planning. It is further recommended that Council commence formal public exhibition of the LPPF over a two month period in February and March 2009. Any submissions received to the amendment would then be considered by Council in April 2009

3.1. Criterion for recommendation

The revised LPPF (incorporating the MSS and Local Policies) consolidates Council's position in regard to land use and development issues affecting the municipality, and provides the strategic basis for the determination of planning applications. The MSS and Local Policies need to be updated to reflect the current state, regional, and local policy and strategy references.

Endorsement of the revised LPPF will enable the formal public exhibition process to commence, which is proposed to commence in February 2009. It is not intended to direct mail each resident and non-resident owner of land in the municipality, as is normally required Planning Scheme amendments, but rather utilise the distribution of Divercity. Divercity is delivered to each property in the municipality on a bi-monthly basis, with the February/March 2009 edition distributed in the last week of January 2009.

The bi-monthly distribution of Divercity, coupled with the impending Council elections in November and preceding Caretaker period, restricts earlier exhibition of the amendment.

Although earlier exhibition of the amendment could technically occur over October and November 2008 (to coincide with the October/November issue of Divercity), this option is not recommended given the politically sensitive environment leading up to the elections and during the Caretaker period.

3.2. Sustainability assessment

Social Pillar	The revised LPPF places a higher emphasis on social equity, particularly in relation to community health and wellbeing, in comparison to the existing local planning scheme provisions.
Economic Pillar	The revised LPPF reflects the Council Plan and relevant state, regional and local policy and strategy references. The revised document will facilitate appropriate development in the City, which will help build the economic prosperity of Port Phillip.
Environmental Pillar	The revised LPPF will facilitate the development of the City in a way that helps create a more sustainable Melbourne, in accordance with Melbourne 2030 principles. There is a much stronger focus on environmental sustainability in the reviewed document, in particular Clause 21.03 – Environmental Sustainability, incorporating Environmentally Sustainable Land Use and Development, and Sustainable Transport.
Cultural Pillar	The revised LPPF is cognisant of the diversity of the Port Phillip community and visitors to the city. Strategies and objectives in the reviewed document help support the cultural vitality pillar by encouraging and fostering a diverse community.

3.3. Policy and legislative implications

- 3.3.1. Section 12B of the Act requires Council to review its planning scheme every three years. The audit, which was endorsed by Council in November 2006, meets Section 12B of the Act.
- 3.3.2. The audit identified a wide range of state government, regional and Council policies and strategies that have been prepared but are not reflected in the Port Phillip Planning Scheme. The revised LPPF will ensure the planning scheme is up to date and properly reflects Council's current policy position on land use planning and development matters.

3.4. Risk implications

- 3.4.1. Not adopting the recommendation may expose Council to some risk in regard to criticism by the community that the planning scheme does not adequately reflect Council's current policy position on land use planning and development.

3.5. Resource implications

- 3.5.1. The costs associated with exhibiting the amendment have been budgeted for in the Strategic Planning Unit budget for 2008-09.

4. ALTERNATIVE OPTIONS

4.1. Alternative 1

That Council endorses the revised LPPF and resolves to exhibit the amendment during October and November 2008. Exhibition during this time would coincide with Council elections and the preceding Caretaker period. This option is not recommended by officers, as the amendment represents a major planning policy and would be exhibited in a politically sensitive environment.

4.1.1. Policy and legislative implications

Council has invested a high level of resources in the LPPF policy development over the last four years and has a robust planning policy framework based around the four pillars. Exhibiting a major policy document in a politically sensitive environment could give rise to submissions that are not directly related to the planning / policy merits of the document.

4.1.2. Risk implications

The risks associated with exhibiting during the election period include time delays in addressing submissions and associated changes sought to the document which are political rather than planning based.

4.1.3. Resource implications

There are no direct resource implications associated with exhibition of the amendment in either February/March 2009 or October/November 2008. The costs associated with exhibiting the amendment have been budgeted for in the 2008-09 financial year.

5. PARTICIPATION AND ENGAGEMENT

5.1. Internal

5.1.1. The people who have been engaged with in relation to this issue are:

- Manager City Development
- Statutory Planning
- Economic Development
- Councillors

Note: A wide range of Council departments were involved in development of the earlier version of the new LPPF.

5.2. **External**

- 5.2.1. Consultation with key external stakeholders has been undertaken with the Department of Planning and Community Development.
- 5.2.2. The wider community will be consulted through the formal amendment process.

6. IMPLEMENTATION

- 6.1. Amendment C62 will be exhibited for a period of 2 months, during which time submissions may be made. All submissions made to the amendment will be reported to Council along with any recommended changes to the amendment documentation. Submissions made are likely to be referred to an independent Panel (appointed by the Minister for Planning) for review.

7. COMMUNICATION

- 7.1. Public exhibition of Amendment C62 will occur in accordance with Section 19 of the Act. This process allows all members of the community to make submissions to the amendment, which will be further considered prior to approval of the amendment.
- 7.2. A communications strategy has been developed which goes further than the requirements of the Act in order to encourage wide community understanding and ownership of the proposed MSS and Local Policies.
- 7.3. The key elements of this communications strategy are:

Statutory Requirements

- Formal public exhibition for a period of 2 months, rather than the required 1 month.
- Advertisements in the local papers to notify the community that submissions can be made.
- Public notice in The Age to notify non-resident owners of the amendment.
- Articles in Diversity, delivered to each household in the municipality.
- Direct mail of information to key stakeholder groups including residents associations, industry groups, adjacent Councils, Port of Melbourne Corporation, advocacy groups and VCAT, and meetings with these groups as requested.
- Direct mail to Ministers and authorities as required by the Act.
- Notice in the Government Gazette as required by the Act.

Non-Statutory Communication Proposed

- Development of key messages to guide development of all communications materials (see below).
 - Distribution of a detailed flyer informing the community of key issues addressed in the MSS and Local Policies, and how they may make a submission.
 - A “travelling road show” in each neighbourhood (for example, Bay Street, Port Melbourne on a Saturday morning) during the consultation period.
 - Detailed web site through which submissions can be made.
 - Telephone and email enquiry lines.
 - A media strategy to generate interest in the amendment.
 - Ongoing discussions with the Department of Planning and Community Development.
- 7.4. The communications strategy does not propose to direct mail each resident and non resident owner of land in the municipality as is normally undertaken for Planning Scheme amendments.
- 7.5. Under Section 19 (1A) of the Act, the planning authority (Council) is not required to give notice by direct mail if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.
- 7.6. This is considered to be the case with Amendment C62, in which case, under Section 19 (1B) of the Act, the planning authority is required to take reasonable steps to ensure that public notice of the proposed amendment is given in the area affected by the amendment. The proposed communications strategy meets these requirements.
- 7.7. Council informed the Minister for Planning of its intention to undertake notification in accordance with Section 19 (1B) of the Act at the time of seeking authorisation for the amendment. DPCD officers verbally advised that the proposed notification was acceptable.
- 7.8. The key messages that have been developed to guide the communications strategy for the amendment are as follows:
- We heard what you (the community) said at the community summit and we have responded.
 - As part of the process there will be opportunity for community feedback. We want everyone to have a say.
 - This is a simple, responsible and easy to use approach to planning in the City of Port Phillip.
 - This is an important part of Port Phillip’s response to Melbourne 2030.
 - This amendment updates Council’s planning policy to be more reflective of Port Phillip’s priorities.

- 7.9. Tailored key messages will also be developed for specific issues, such as environmental sustainability, community health and wellbeing and accessibility.

8. RECOMMENDATION

- 8.1. That the Strategy and Policy Review Committee recommend that Council resolve to:
- 8.1.1. Endorse the proposed changes to the Local Planning Policy Framework (incorporating the Municipal Strategic Statement and Local Policies) as outlined in Attachment 1, and that formal public exhibition of Amendment C62 to the Port Phillip Planning Scheme be commenced in February 2009.
 - 8.1.2. Authorise the Executive Director, Community Development and Planning to finalise the amendment documentation, prior to exhibition.