

STRATEGY AND POLICY REVIEW COMMITTEE
4 AUGUST 2008

POLICY AND PLANNING

A1	AMENDMENT C74 – UPDATES AND CORRECTIONS TO THE PORT PHILLIP PLANNING SCHEME
LOCATION/ADDRESS:	VARIOUS - CITY OF PORT PHILLIP
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING
AUTHOR:	SUZY THOMAS, STRATEGIC PLANNER
FILE NO.:	66/02/168
ATTACHMENTS:	ATTACHMENT 1 – PROPOSED UPDATES AND CORRECTIONS INCLUDED IN AMENDMENT C74

1. EXECUTIVE SUMMARY

- 1.1. Amendment C74 proposes to make 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 Neighbourhood Character Policy Map, which are incorporated documents in the planning scheme.
- 1.2. It is proposed to process the amendment pursuant to section 20(2) of the *Planning and Environment Act 1987*, under the Ministerial protocol for 'correction amendments'. Notice of the amendment is limited, given that the proposed changes are minor updates and corrections only which do not alter the effect of the provisions of the scheme.
- 1.3. It is recommended that Council request the Minister for Planning to authorise preparation of Amendment C74 and to grant an exemption from notice requirements pursuant to section 20(2) of the *Planning and Environment Act 1987*.

2. BACKGROUND AND CONTEXT

- 2.1. Council is committed to ensuring 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 errors and anomalies and then undertake an amendment process to correct them.
- 2.2. The State Government has developed a protocol for the assessment of correction amendments, to 'fast-track' processing times and reduce the costs associated with amendments.

- 2.3. Under section 20(2) of the *Planning and Environment Act 1987* (the Act), the Minister for Planning may grant an exemption from the requirements relating to giving notice of an amendment, if the Minister considers that compliance with any of those requirements is not warranted. The types of amendments that are able to be considered for Ministerial exemption under section 20(2) of the Act are:
- A correction to the planning scheme.
 - A plain English translation of an existing provision where the effect of the provision is unchanged.
- 2.4. Council may also request authorization from the Minister to approve the amendment itself, pursuant to section 11 of the Act, rather than forwarding the amendment to the Minister to approve. This process was introduced to streamline minor amendments such as C74.
- 2.5. Attachment 1 outlines the corrections that are required to be made to the planning scheme. The corrections relate to:
- Text and map corrections / updates to the citations in the Port Phillip Heritage Review.
 - A correction to the Statement of Significance for HO3, by changing 'Kerferd Road' to 'Kerferd Road'.
 - Minor changes to the wording of the Design and Development Overlay provisions for Ormond Road (DDO18) that do not change the effect of the provisions (these changes were recommended by the Panel in their consideration of Amendment C57 Part 2).
 - Updating and corrections to the heritage gradings (e.g. where a new building has been constructed, or a site is vacant, and it is incorrectly graded as 'significant' when it should be 'non-contributory').

Amendment C74 proposes to facilitate these corrections and updates.

Port Phillip Heritage Review

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.

- 2.6. The changes to the DDO18 Schedule are in response to the recommendations of the Panel in their report considering Amendment C57 Part 2. This was presented to Council last month in the July cycle of meetings, where Council resolved to incorporate minor wording changes to the DDO18 in proposed Amendment C74 (recommendation 10.3 of the Council report) . Officers from the Department of Planning and Community Development (DPCD) were consulted with regard to processing the changes to the DDO18, and advised that an amendment pursuant to section 20(2) of the Act would be appropriate.

3. RECOMMENDED OPTION

- 3.1. It is recommended that Council resolve to prepare Amendment C74 to the Port Phillip Planning Scheme and request authorisation to exhibit pursuant to section 8(a) of the Act.
- 3.2. It is further recommended that Council request the Minister to grant an exemption from the notification, pursuant to section 20(2) of the Act, on the basis that the amendment proposes corrections and updates which do not alter the effect of the provisions of the scheme.
- 3.3. It is also recommended that Council request the Minister to authorise Council to approve the amendment, pursuant to section 11 of the Act.

3.4. Criterion for recommendation

The amendment is required to ensure that the provisions of the planning scheme are correct and up-to-date. The amendment is considered administrative only and as such, will not materially affect any property owners, developers, current applications or other parties.

3.5. Sustainability assessment

Social Equity	Amendment C74 will ensure that the Council is providing the community with correct planning scheme information.
Economic Viability	Correcting errors in the planning scheme, via Amendment C74, will improve the quality and cost effectiveness of Council's Services to the community by reducing the time spent on queries brought about by the planning scheme not operating at an optimum level. The 'process' associated with the amendment minimise administrative costs to Council.
Environmental Responsibility	The 'process' associated with the amendment will have no environmental implications.
Cultural Vitality	The corrections to heritage citations in the Port Phillip Heritage Review will ensure that the City's physical and cultural heritage is accurately reflected in the planning scheme.

3.6. Policy and legislative implications

Section 20(2) of the Act allows the Minister to grant an exemption from the requirements relating to giving notice of an amendment if the Minister considers that compliance with any of those requirements is not warranted. The types of amendments that can be considered for Ministerial exemption from notice under section 20(2) of the Act include a correction to the planning scheme.

Amendment C74 involves corrections and updates only. It is therefore appropriate to be processed without full public notification, given the changes do not alter the effect of the provisions of the scheme.

The changes proposed under Amendment C74 will not result in policy changes to the planning scheme.

3.7. Risk implications

Support from DPCD and ultimately from the Minister for Planning is anticipated. No risk implications are therefore identified.

3.8. Resource implications

There will be minimal resource implications as a result of supporting the preparation of the amendment, given that public notification (and hence a potential Panel hearing) is not proposed as part of the amendment process.

4. ALTERNATIVE OPTIONS

4.1. Alternative 1

Council could determine not to support the preparation of Amendment C74. This is not recommended, as the amendment is required to facilitate the corrections and updates to the planning scheme as outlined in Attachment 1.

4.2. Alternative 2

Council could determine to support the preparation of Amendment C74 and direct that full notification to all owners and occupiers affected by the amendment be given. This is not recommended, as the changes proposed under Amendment C74 are updates and corrections only which do not alter the effect of the provisions of the scheme. Undertaking a full notification process would be an unnecessary use of Council resources.

5. PARTICIPATION AND ENGAGEMENT

5.1. Internal

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

- David Islip, Urban Design and Heritage Advisor

5.2. External

5.2.1. The external people and/or organisations who have been engaged with in relation to this issue are:

- Department of Planning and Community Development

6. RECOMMENDATION

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

6.1.1. Endorse the changes to the Port Phillip Planning Scheme proposed as part of Amendment C74 (outlined in Attachment 1).

6.1.2. Request the Minister for Planning to authorise the preparation of Amendment C74 to the Port Phillip Planning Scheme pursuant to section 8(a) of the *Planning and Environment Act 1987*.

6.1.3. Request the Minister to grant an exemption from notification pursuant to section 20(2) of the *Planning and Environment Act 1987*, on the basis that Amendment C74 proposes corrections and updates only which do not alter the effect of the provisions of the Port Phillip Planning Scheme.

6.1.4. Request the Minister to authorise Council to approve the amendment, pursuant to section 11 of the *Planning and Environment Act 1987*.

6.1.5. Authorise the Executive Director, Community Development and Planning, to finalise the amendment documentation.