

*Planning and Environment Act 1987*

**PORT PHILLIP PLANNING SCHEME**  
**AMENDMENT C203port**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This Amendment has been prepared by Port Phillip City Council, which is the planning authority for this amendment.

**Land affected by the amendment**

The Amendment applies to all land within the City of Port Phillip.

**What the amendment does**

The Amendment proposes to implement the Port Phillip Planning Scheme Review, which includes the translation of the Planning Scheme into the new structure introduced by Amendment VC148. The amendment updates the local policies in the Port Phillip Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Port Phillip Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF), the schedule to the Heritage Overlay, selected particular provisions, and operational provisions, consistent with:

- The Victoria Planning Provisions as a result of Amendment VC148.
- The *Ministerial Direction – The Form and Content of Planning Schemes*.

The Amendment makes the following changes to the existing content in Clauses 21 and 22 of Port Phillip Planning Scheme:

- Relocates the content of Clause 21 and 22 to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged.
- Implements the *Port Phillip Planning Scheme Audit* (23 May 2018) and the land use and development directions of Council's adopted strategies and documents, including *Act and Adapt – Sustainable Environment Strategy 2018-28*, *Art and Soul – Creative and Prosperous City Strategy 2018-22*; *Don't Waste It! – Waste Management Strategy 2018-28*, *In Our Backyard – Growing Affordable Housing in Port Phillip 2015-25*, and *Move, Connect, Live – Integrated Transport Strategy 2018-28*.
- Updates the local heritage policy to implement the *Heritage Design Guidelines* (City of Port Phillip, 2021) which address known gaps and issues.
- Clarifies and improves the style, format, language and/or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, including the removal of repetitive content and removal or update of outdated content, with the intended effect of the original clauses remaining unchanged.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts content that conflicts with State planning policy of the Victoria Planning Provisions (VPP).

The Amendment introduces eleven new classes of local VicSmart applications and removes obsolete background and incorporated documents.

The Amendment makes other changes to provisions to implement the recommendations of the *Port Phillip Planning Scheme Review Audit Report* (23 May 2018) and update the Port Phillip Planning Scheme.

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Specifically, the Amendment proposes to make the following changes to the Port Phillip Planning Scheme:

#### **Purpose and Vision**

1. Introduces a new MPS at Clause 02 based on content previously contained in Clauses 21 and 22 of the Local Planning Policy Framework (LPPF) and new content from the *City of Port Phillip Council Plan 2017-2027* and other Council adopted documents and strategies.

#### **Planning Policy Framework**

2. Introduces revised local policy content into the PPF at Clauses 11 (Settlement), 12 (Environmental and Landscape values), 13 (Environmental Risks and Amenity), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure) based on content previously contained in Clauses 21 and 22 of the LPPF.

#### **Local Planning Policy Framework**

3. Deletes Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06-1, 21.06-2, 21.06-3, 21.06-4, 21.06-5, 21.06-6, 21.06-7 (Neighbourhoods) and 21.07 (Incorporated Documents) to enable replacement of the MSS with a new MPS (except for Clause 21.06-8 Fishermans Bend Urban Renewal Area, which has not been translated as part of this amendment).
4. Deletes Clauses 22.01 (Non-residential Uses in the Residential Zones), 22.02 (Backpackers' Lodges), 22.03 (Caretakers' Houses in Industrial and Business Zones), 22.04 (Heritage Policy), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Unit Residential Development), 22.07 (Gaming), 22.08 (Outdoor Advertising Policy), 22.09 (St Kilda Foreshore Area Policy), 22.10 (No Content), 22.11 (Carlisle Street Major Activity Centre Policy), 22.12 (Stormwater Management (Water Sensitive Urban Design)), 22.13 (Environmental Sustainable Development) and 22.14 (Bay Street Activity Centre Policy) to enable replacement of the Local Planning Policy Framework (except for Clause 22.15 Fishermans Bend Urban Renewal Area Policy, which has not been translated as part of this amendment) with the new Planning Policy Framework.
5. Amends Clause 21.06 to enable retention of the local policy for Fishermans Bend Urban Renewal Area (which has not been translated as part of this amendment) currently at Clause 21.06-8.

#### **Overlays**

6. Amends the Schedule to Clause 43.01 (Heritage Overlay) to include application requirements from content previously contained at Clause 22.04 (Heritage Policy) of the LPPF and reflect the new *Heritage Design Guidelines* (City of Port Phillip, 2021).

#### **Particular Provisions**

7. Replaces the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained in the local policy at Clause 21.04 (Land use) and 22.07 (Gaming) of the LPPF. Updates content to reflect urban renewal area locations, based on the independent panel report for City of Melbourne Amendment C307melb (now C366melb). Updates content to replace individually listed strip shopping centres with all strip shopping centres within the municipality as prohibited locations for a gaming machine, to ensure applicability regardless of changes to property addresses.
8. Replaces the Schedule to Clause 59.15 (Local VicSmart Applications) to include twelve new classes of VicSmart application.
9. Introduces two new Schedules to Clause 59.16 (Information requirements and decision guidelines for local VicSmart applications) to set out information requirements and decision requirements for specific classes of VicSmart applications: applications under a heritage overlay, and applications for licensed premises in the Commercial 1 Zone.

#### **Operational Provisions**

10. Replaces the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that deletes obsolete documents or updates the naming of documents.
11. Replaces the Schedule to Clause 72.08 (Background documents) with a new schedule that consolidates and updates all background documents from Clause 21.07 to include all background documents which

underpin the MPS and local policies in the PPF. It includes new documents endorsed by Council as well as strategies previously adopted by Council. The documents are:

- a. *Act and Adapt – Sustainable Environment Strategy 2018-28* (City of Port Phillip, 2018)
  - b. *Activating Laneways Strategy* (City of Port Phillip, July 2011 adopted August 2011)
  - c. *Art and Soul - Creative and Prosperous City Strategy 2018-22* (City of Port Phillip, 2018)
  - d. *Australian Rainfall and Runoff – Book 9 Runoff in Urban Areas* (Commonwealth of Australia, 2019)
  - e. *Car Share Policy 2016-2021* (City of Port Phillip, 2018)
  - f. *City of Port Phillip Biodiversity Study* (Arcadis, May 2020)
  - g. *City of Port Phillip Council Plan 2017-2027* (City of Port Phillip, 2017)
  - h. *City of Port Phillip Housing Needs Assessment and Allocations Framework* (Beverley Kliger & Associates, 2019)
  - i. *Compliance Guidelines for Clause 22.12 Stormwater Management* (City of Port Phillip, 2017)
  - j. *Don't Waste It! - Waste Management Strategy 2018-28* (City of Port Phillip, 2018)
  - k. *Getting Our Community Active - Sport and Recreation Strategy 2015-2024* (City of Port Phillip, 2015)
  - l. *Greening Port Phillip: An urban forest approach 2010* (City of Port Phillip, 2010)
  - m. *Guidelines for Preparing a Waste Management Plan 2019* (City of Port Phillip, 2019)
  - n. *Heritage Design Guidelines* (City of Port Phillip, 2021)
  - o. *In Our Backyard: Growing Affordable Housing in Port Phillip 2015-2025* (City of Port Phillip, 2015)
  - p. *Move, Connect, Live Integrated Transport Strategy, 2018* (City of Port Phillip, 2018)
  - q. *Port Phillip Design Manual, 2000* (City of Port Phillip, 2000) including:
    - i. *Fishermans Bend Estate Guidelines* (City of Port Phillip, updated 2021)
    - ii. *Garden City Estate Guidelines* (City of Port Phillip, updated 2021)
  - r. *Draft Public Space Strategy 2020* (City of Port Phillip, August 2020)
  - s. *Recreational Boating Facilities Framework 2014* (Central Coastal Board, 2014)
12. Introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21.
13. Introduces a new Schedule to Clause 74.02 (Further strategic work) that consolidates all further strategic work actions from Clause 21 and updates content in accordance with the *Port Phillip Planning Scheme Audit Report* (City of Port Phillip, 2018) recommendations and *Foreshore Management Plan* (City of Port Phillip, 2012).

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The Amendment is required to implement the Port Phillip Planning Scheme Review by updating the Port Phillip Planning Scheme. The Amendment:

- Fulfills Port Phillip City Council's obligation as the Responsible Planning Authority under the *Planning and Environment Act 1987* to undertake a regular review of its planning scheme, with the last review commencing in 2006 and being completed in 2011. It does this by:
  - Implementing recommendations of the *Planning Scheme Review Audit Report* (Port Phillip 2018).

- Making generally minor updates to local content to implement Council documents and strategies adopted or prepared since the last Planning Scheme Review.
- Removing obsolete reference and background documents.
- Restructures and redrafts all local policy content to align with Victorian Government required changes to the format and drafting of planning schemes introduced through Amendment VC148 in 2018.
- Updates the local heritage policy to implement the new *Heritage Design Guidelines* (City of Port Phillip, 2021) which addresses gaps and issues.
- Introduces new local VicSmart planning provisions.

#### Implements the Port Phillip Planning Scheme Review

Port Phillip City Council, as the Responsible Planning Authority, is required under Section 12B of the *Planning and Environment Act 1987* to undertake regular reviews of its planning scheme to ensure it provides the necessary framework to achieve Council's land use vision for the municipality.

The *Port Phillip Planning Scheme Review Audit Report* (23 May 2018) made 86 recommendations, ranging from relatively minor corrections to improvements to Council processes, and recommends significant further strategic work to reform key policy within the scheme.

At the 6 June 2018 Ordinary Council Meeting, the 2018 Audit Report was adopted and consequently submitted to the Minister for Planning, and Council resolved to commence a program of updates to the local content (policy and provisions) generally in accordance with the recommendations of the 2018 Audit Report.

A key aim of the Planning Scheme Review is to update local policy content to align with the *Council Plan 2017-27*, and key Council documents and strategies adopted or prepared since the last Planning Scheme Review, including *Act and Adapt, Don't Waste It!, In Our Backyard, Art and Soul*, the *Public Space Strategy Draft V3*, and *Move, Connect, Live* strategies.

Other recommendations of the audit included removing obsolete reference documents (now known as background documents) and incorporated documents.

#### Implements Amendment VC148

Amendment VC148 was introduced in 2018 as part of the Victorian Government's Smart Planning Program to simplify and modernise Victoria's planning policy and rules to make planning schemes more efficient, accessible and transparent. The Amendment implemented changes to the Victoria Planning Provisions (VPP) and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation, on 31 July 2018. More specifically, the amendment:

- Introduced a new PPF.
- Enabled the future introduction of a MPS.
- Introduced a new state, regional and local integrated policy structure.
- Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content.
- Created new operational provisions.

The PPF is the policy content of a planning scheme containing state policy (which includes regional policy) and local policy in a thematically integrated form. The PPF is complemented by an MPS at Clause 02 of the planning scheme. The MPS is a succinct expression of the overarching strategic policy directions of the planning authority. The MPS replaces and updates the MSS based on the *Council Plan 2017-27* and other Council strategies and documents.

The MPS provides:

- The foundation for the planning scheme's policy based on a municipality's location, regional context, assets and strengths, opportunities and challenges.
- An understanding of the matters that are important to the municipality from a planning perspective.
- The context for the local and relevant state policies in Clauses 10-19.
- An outline of what planning outcomes the municipality seeks to achieve, which are then implemented through controls and policy within the planning scheme.

Amendment C203port adopts the new policy format to ensure the better alignment and integration of local planning policy with state planning policy.

The Amendment content has been translated in a generally policy neutral manner, in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*, to ensure policy content is:

- Within the scope of the *Planning and Environment Act 1987* and is strategically justified.
- Clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning.
- Drafted to be clear and unambiguous.

The Amendment does not seek to translate policy contained at Clause 21.06-8 (Neighbourhoods) and Clause 22.15 (Fishermans Bend Urban Renewal Area Policy) that relates to the Fishermans Bend Urban Renewable Area. A separate process of review will be undertaken by the Department of Environment, Land, Water and Planning to ensure consistency with the Melbourne Planning Scheme.

#### Updates local heritage provisions and documents

The Amendment is required to implement work produced through the City of Port Phillip Heritage Program into the Port Phillip Planning Scheme, to update the heritage related provisions and documents and address known issues and gaps in Council's heritage framework, which has not undergone review since the Port Phillip Heritage Review and local heritage policy were introduced into the Port Phillip Planning Scheme in 2000 through Amendment C5.

Amendment C203port specifically introduces:

- New heritage design guidelines as a background document to the planning scheme.
- Updated local heritage policy located at Clause 15.03-1L, which replaces the existing policy at Clause 22.04 and implement the new heritage design guidelines.
- Updated Fishermans Bend Estate Heritage Design Guidelines and Garden Estate Heritage Design Guidelines as background documents to the planning scheme (forming part of the Port Phillip Design Manual). The updates comprise generally minor changes to align with the new Heritage design guidelines and correct identified errors.

Further information is contained in the *Heritage Strategic Assessment Report* (June 2021).

#### New local VicSmart planning provisions

The Amendment is required to implement to introduce local VicSmart application types into the Port Phillip Planning Scheme which was a key recommendation of the 2018 Audit Report.

The Amendment introduces twelve new VicSmart application types for minor application types. Eleven of the application types are already processed through Council's Fast Track service (a service Council runs to capture certain minor application types that do not require public notice). These eleven application types relate to planning permit triggers for minor buildings and works under the Heritage Overlay, Design and Development Overlay, and commercial zones in addition to some types of signs. The one new category proposed is for certain liquor licence applications in limited circumstances.

This will formalise and replace the Fast Track process and better utilise the state planning provisions. It will provide for a more streamlined process, with clearer expectations and timeframes for applicants and more efficient use of Council resources.

Further information is contained in the *VicSmart Strategic Assessment Report* (June 2021).

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment will implement the following objectives of planning in Victoria set out in section 4(1) of the *Planning and Environment Act 1987*:

- a) *To provide for the fair, orderly, economic and suitable use, and development of the land.*
- b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

- c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- f) *To facilitate development in accordance with the objectives of planning in Victoria.*

By implementing the Planning Scheme Review and restructuring and updating local policy content into the MPS, PPF and local schedules, the amendment will clarify, condense and modernise the Port Phillip Planning Scheme. This will ensure fair and orderly use and development outcomes and facilitate appropriate development. The Amendment provides certainty to users of the scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality, consistent with these objectives.

By updating the local heritage provisions and documents, the Port Phillip Planning Scheme will continue to conserve and enhance places of significance in accordance with current heritage practices.

By introducing local VicSmart application types into the Port Phillip Planning Scheme, the faster, simpler and more consistent processing of these applications will have economic benefits through the reduction of regulatory and administrative burden for both applicants and the Responsible Authority.

#### **How does the amendment address any environmental, social and economic effects?**

While the changes to the Port Phillip Planning Scheme are generally administrative and policy neutral, the amendment is expected to have positive environmental, social and economic effects for Victorian businesses, industry and the community by:

- Improving the clarity and transparency of local policy content in the MPS, PPF and proposed local schedules, which results in greater certainty for users of the system.
- Reducing unnecessary costs to applicants and councils as a result of unclear planning provisions.
- Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and proposed local schedules.

The application of updated and improved local policy content in the MPS, PPF and amended local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Port Phillip and Victoria.

There will be a positive environmental impact from aligning the planning scheme with Council's existing vision and priorities including *Act and Adapt, Move, Connect, Live and Don't Waste It!*

There will be a positive environmental impact from updating the heritage policy to provide clear and specific guidance on significant trees and gardens and sustainability and services.

There will be a positive economic impact from improving the efficiency of planning decision making by introducing local VicSmart provisions.

#### **Does the amendment address relevant bushfire risk?**

The land affected by the amendment is not located within an area of identified bushfire risk.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the *Ministerial Direction - The Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*.

The new MPS, together with the local planning policies at Clauses 11 to 19 are in the format specified in Annexure 3 of the Direction. Where local schedules have been included or amended, the form of the schedule has been drafted to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendments* made under Section 12 of the Act.

**How does the amendment support or implement the Municipal Planning Strategy?**

The Amendment introduces a new Municipal Planning Strategy (MPS) at Clause 02 of the Port Phillip Planning Scheme based on content previously contained in Clauses 21 and 22 of the Local Planning Policy Framework (LPPF) and new content from the *City of Port Phillip Council Plan 2017-2027* and other Council adopted documents and strategies.

The new content is summarised in **Table A** below:

Table A: Summary of new Municipal Planning Strategy content

Clauses		Amendments
<b>02.01</b>	<b>Context</b>	Describes the planning schemes policy foundation, based on the municipality’s location and regional context, history, assets, strengths, key attributes and influences derived from Council strategies and updates demographic data, previously contained in the LPPF at Clause 21.02 Municipal context and profile.
<b>02.02</b>	<b>Vision</b>	Introduces new content which establishes a vision for the municipality to be a vibrant, liveable and sustainable inner-city that the community can be proud of. The vision sets out the spatial response to the <i>Council Plan 2017-27</i> vision.
<b>02.03</b>	<b>Strategic Directions</b>	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme, derived from adopted strategies across Council and based on content previously contained in the LPPF at Clauses 21.01 (Vision and Approach), 21.02 (Municipal context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.12 (Stormwater Management Water Sensitive Urban Design), and 22.15 (Fishermans Bend Urban Renewal Policy).  Provides Port Phillip City Council’s response to the implementation of <i>Plan Melbourne 2017-2050</i> , the metropolitan planning strategy.
<b>02.04</b>	<b>Strategic Framework Plans</b>	Includes new strategic framework plan maps that express the strategic framework for the municipality, based on various existing provisions and documents.

The policy content of the MPS outlines the strategic directions for the municipality and underpins the policy content in the PPF.

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Amendment introduces new local planning policies at Clauses 11, 12, 13, 15, 16, 17, 18 and 19 of the PPF. All new local planning policy content has undergone extensive review to ensure it supports and implements the State policies in the PPF. The new structure is summarised in **Table B** as follows:

Table B: Summary of new local planning policy content

Clauses		Amendments
<b>11</b>	<b>Settlement</b>	All local policies at Clause 11 are policy neutral.  Introduces local policies that define Port Phillip’s hierarchy of activity centres and identifies preferred development outcomes in activity centres, from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.11 (Carlisle Street Major Activity Centre), and 22.14 (Bay Street Activity Centre Policy).  Introduces local policies relating to other distinctive local places: St Kilda Foreshore, St Kilda Road South Precinct and the St Kilda Road North Precinct, from content previously contained in the LPPF at Clauses 21.06 (Neighbourhoods) and 22.09 (St Kilda Area Foreshore policy).  The local policy for Fishermans Bend has not been translated as part of this Amendment and will remain at Clauses 21.06-8 and 22.15 Fishermans Bend



		Urban Renewal Area. This will be translated as part of a future amendment, pending resolution of drafting with stakeholders.
12	<b>Environmental and Landscape values</b>	<p>Introduces a local policy relating to the importance of biodiverse landscapes and the municipality's coast from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), and 22.09 (St Kilda Area Foreshore policy).</p> <p>This change is mostly policy neutral with minor updates to reflect <i>Port Phillip Greening Strategy 2010</i>, <i>Greening Port Phillip Strategy An Urban Forest Approach</i>, <i>Foreshore Management Plan 2012</i>, <i>City of Port Phillip Biodiversity Study 2020</i>, and <i>Recreational Boating Facilities Framework 2014</i>.</p>
13	<b>Environmental Risks and Amenity</b>	<p>Introduces a local policy relating to maintaining the amenity of existing areas from content previously contained in the LPPF at Clause 21.04 (Land Use), 22.01 (Non-residential Uses in the Residential Zones), 22.02 (Backpackers' Lodges), 22.03 (Caretakers' Houses in Industrial and Business Zones), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development).</p> <p>This change is mostly policy neutral with minor updates to the content of Clause 13.07-1L-04 (Tourism), entertainment uses and licenced premises to reflect the <i>Council Plan 2017-27</i>.</p> <p>Clause 13.07-1L-03 (Interfaces and amenity) is mostly policy neutral with updated content to manage amenity in mixed use environments in accordance with <i>2018 Planning Scheme Audit</i> recommendations.</p> <p>Clause 13.07-1L-01 (Backpackers' accommodation) and Clause 13.07-1L-02 (Caretakers' Houses) is policy neutral.</p>
15	<b>Built Environment and Heritage</b>	<p>Introduces a local policy relating to the form of new development from content previously contained in the LPPF principally at Clauses 21.05 (Built Form), 21.06 (Neighbourhoods), 22.04 (Heritage Policy), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development), 22.08 (Outdoor Advertising Policy,) 22.09 (St Kilda Area Foreshore Policy), 22.11 (Carlisle Street Major Activity Centre Policy), 22.13 (Environmentally Sustainable Development) and 22.14 (Bay Street Activity Centre Policy).</p> <p>This change is mostly neutral with minor updates to references to background documents and content in accordance with the <i>2018 Planning Scheme Audit</i> recommendations, the <i>Council Plan 2017-27</i>, <i>Activating Laneways Strategy</i>, <i>Act and Adapt - Sustainable Environment Strategy</i>, <i>Art and Soul – Creative and Prosperous City Strategy 2018-22</i>, universal accessibility, and placemaking in streets approach; permeability, landscaping and vehicle accessways and delete outdated content.</p> <p>Clauses 15.01-1L-01 (Signs) and 15.01-5L (Neighbourhood Character) which are policy neutral.</p> <p>Clause 15.03-1L (Heritage) contains updated and new content to implement the <i>Port Phillip Heritage Design Guidelines 2021</i>. The content fills gaps and addresses issues. The <i>Heritage Strategic Assessment Report</i> (June 2021) provides further background on the changes to this policy.</p>
16	<b>Housing</b>	<p>Introduces a local policy which defines locations for new housing and promotes diverse and affordable housing from content previously contained in the LPPF at Clauses 21.04 (Land Use), 22.02 (Backpackers' Lodges), and 22.15 (Fishermans Bend Urban Renewal Policy).</p> <p>Updates references to background documents and content (except for 16.01-1L-02 (Location of residential development), which remains policy neutral) based on Council's submission to 'City of Port Phillip Australian Building Codes Board - Accessible Housing Options Paper September 2018' based on Liveable Housing Design Guidelines, <i>In Our Backyard: Growing Affordable Housing in Port Phillip 2015-2025</i>, to give direction on 'well-</p>



	located' affordable housing and expand on Fishermans Bend best practice policy.
<b>17 Economic Development</b>	<p>Introduces local policies relating to the maintenance and growth of employment in the municipality from content previously contained in the LPPF at Clauses 21.04 (Land Use) and 21.06 (Neighbourhoods).</p> <p>Updates references to background documents and introduces new content to Clause 17.04-2L (Coastal and marine tourism) in accordance with the <i>2018 Planning Scheme Audit</i> recommendations.</p> <p>All other sub-clauses remain policy neutral.</p>
<b>18 Transport</b>	<p>Introduces local policies which promote sustainable transport and address road systems and car parking in new development from content previously contained in the LPPF at Clauses 21.03 (Ecologically Sustainable Development), 21.04 (Land use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.04 (Heritage Policy), and 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development).</p> <p>This change is mostly policy neutral with minor updates to refer to updated background documents and content based on <i>Move, Connect, Live: Integrated Transport Strategy (City of Port Phillip August, 2018)</i>, usual practice and VCAT outcomes relating to height clearance, and introduces new content for active transport infrastructure, electric and cargo bikes, car share, in accordance with the <i>2018 Planning Scheme Audit</i> recommendations and <i>BESS (Built Environment Sustainability Scorecard) bess.net.au</i> (Council Alliance for a Sustainable Built Environment (CASBE), 2015).</p> <p>Clause 18.03 (Ports) relating to Port Melbourne and Station Pier environments is policy neutral.</p>
<b>19 Infrastructure</b>	<p>Introduces local policies relating to health and education precincts, open space and water sensitive urban design from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development), 22.09 (St Kilda Area Foreshore policy), .22.12 (Stormwater management (WSUD)), and 22.13 (Environmentally Sustainable Development).</p> <p>This change is mostly policy neutral with minor updates to refer to updated background documents and content to reflect the <i>Council Plan 2017-27, Public Space Strategy Draft V3, City of Port Phillip Biodiversity Study May 2020, Getting Our Community Active - Sport and Recreation Strategy 2015-2024; City of Port Phillip Water Sensitive Urban Design Guidelines 2009</i> and <i>Australian Rainfall and Runoff – Book 9 Runoff in Urban Areas</i>.</p> <p>Introduces new content adapted from Clause 58.06-3 (Waste and recycling objectives) to achieve Council's <i>Don't Waste It!</i> and new <i>Waste Management Plan Guidelines</i>, and new content for foreshore development, and multi-functional spaces in accordance with <i>2018 Planning Scheme Audit</i> recommendation.</p> <p>Clause 19.03-2L (Infrastructure design and provision) is policy neutral.</p>

The Amendment introduces and updates schedules to overlays, particular provisions, and operational provisions at Clauses 43.01 (Heritage Overlay), 52.28 (Gaming), 59.15 (Local VicSmart Application), 59.16 (Information Requirements and Decision Guidelines for Local VicSmart Applications) and other provisions, which are summarised in **Table C** as follows:

Table C: Summary of updates to schedules to overlays, particular provisions and operational provisions

Clauses		Amendments
<b>43.01</b>	<b>Schedule to Heritage Overlay</b>	Relocates application requirements from content previously contained in the LPPF at Clause 22.04 (Heritage Policy) and

		introduces new content to reflect the new <i>Heritage Design Guidelines</i> (City of Port Phillip, 2021).
<b>52.28</b>	<b>Schedule to Gaming</b>	<p>Translates existing gaming policy previously contained in the LPPF at Clauses 21.04 (Land Use), 22.07 (Gaming) and the Schedule to Clause 52.28 (Gaming).</p> <p>Updates content to reflect urban renewal area locations based on City of Melbourne Panel for Amendment C307 (now C366). Updates content to replace individually listed strip shopping centres with all strip shopping centres within the municipality as prohibited locations for a gaming machine, to ensure applicability regardless of changes to property addresses.</p>
<b>59.15</b>	<b>Schedule to Local VicSmart Applications</b>	Introduces new content to introduce twelve categories of local VicSmart applications. Refer to <i>VicSmart Strategic Assessment Report</i> (June 2021) for further information.
<b>59.16</b>	<b>Schedule 1 to Information Requirements and Decision Guidelines for Local VicSmart Applications (Applications under a Heritage Overlay)</b>	Introduces new content. Refer to <i>VicSmart Strategic Assessment Report</i> (June 2021) for further information.
<b>59.15</b>	<b>Schedule 2 to Information Requirements and Decision Guidelines for Local VicSmart Applications (Licensed Premises in the Commercial 1 Zone)</b>	Introduces new content. Refer to <i>VicSmart Strategic Assessment Report</i> (June 2021) for further information.
<b>72.04</b>	<b>Schedule to incorporated documents</b>	<p>Update to delete obsolete documents.</p> <p>Refer to list of deleted incorporated documents in <b>Table E</b> below.</p>
<b>72.08</b>	<b>Schedule to background documents</b>	<p>Introduces new content to consolidate all background documents into one schedule including from Clause 21.07 (Incorporated Documents) and lists new documents introduced through updates to Clauses 2 and 11-19.</p> <p>Refer to list of new background documents in <b>Table D</b> below.</p>
<b>74.01</b>	<b>Schedule to application of zones and overlays</b>	Translates content which explains the application of zones and overlays in a policy neutral way from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), and 21.06 (Neighbourhoods).
<b>74.02</b>	<b>Schedule to Future strategic work</b>	Updates content previously contained in the LPPF at Clause 21.06 (Neighbourhoods), with new content in accordance with <i>2018 Planning Scheme Audit</i> recommendations and <i>Foreshore Management Plan 2012</i> .

Table D: New background documents proposed to be introduced into the Port Phillip Planning Scheme

Proposed background document	Referenced in this new provision	Replaces this document in the current planning scheme (where applicable)
<i>Act and Adapt – Sustainable Environment Strategy 2018-28</i> (City of Port Phillip, 2018)	15.01-2L-01 Building design 19.03-3L Stormwater management (water sensitive urban design)	<i>Toward Zero Sustainable Environment Strategy (2007)</i>
<i>Activating Laneways Strategy</i> (City of Port Phillip, July 2011 adopted August 2011)	15.01-2L-01 Building design	N/A
<i>Art and Soul - Creative and Prosperous City Strategy 2018-22</i> (City of Port Phillip, 2018)	15.01-2L-02 Urban art	<i>City of Port Phillip Urban Art Strategy 2002</i>
<i>Australian Rainfall and Runoff A Guide to Flood Estimation – Book 9 Runoff in Urban Areas</i> (Commonwealth of Australia, 2019)	19.03-3L Stormwater management (water sensitive urban design)	N/A
<i>Car Share Policy 2016-2021</i> (City of Port Phillip, 2018)	18.02-4L-01 Car parking	N/A
<i>City of Port Phillip Biodiversity Study</i> (Arcadis, May 2020)	19.02-6L Public open space and foreshore	N/A
<i>City of Port Phillip Council Plan 2017-2027</i> (City of Port Phillip, 2017)	N/A; underpins various provisions including Clause 2 Municipal Planning Strategy	<i>Council Plan 2009-2013</i>
<i>City of Port Phillip Housing Needs Assessment and Allocations Framework</i> (Beverley Kliger & Associates, 2019)	16.01-2L Affordable housing	N/A
<i>Compliance Guidelines for Clause 22.12 Stormwater Management WSUD</i> (City of Port Phillip, 2017)	19.03-3L Stormwater management (water sensitive urban design)	N/A
<i>Don't Waste It! - Waste Management Strategy 2018-28</i> (City of Port Phillip, 2018)	19.03-5L Waste and resource recovery	N/A
<i>Foreshore Management Plan 2012</i> (City of Port Phillip, 2012)	12.02-1L Protection of Port Phillip's coast 17.04-2L Coastal and marine tourism 19.02-6L Public open space and foreshore	<i>Foreshore Management Plan 2004 (City of Port Phillip, 2004)</i>
<i>Getting Our Community Active - Sport and Recreation Strategy 2015-2024</i> (City of Port Phillip, 2015)	19.02-6L Public open space and foreshore	N/A
<i>Greening Port Phillip: An urban forest approach 2010</i> (City of Port Phillip, 2010)	12.01-1L Urban forest	N/A

<i>Guidelines for Preparing a Waste Management Plan 2019</i> (City of Port Phillip, 2019)	19.03-5L Waste and resource recovery	N/A
<i>Heritage Design Guidelines</i> (City of Port Phillip, 2021)	15.03-1L Heritage	N/A
<i>In Our Backyard: Growing Affordable Housing in Port Phillip 2015-2025</i> (City of Port Phillip, 2015)	16.01-2L Affordable housing 16.01-4L Community care accommodation 16.01-5L Residential aged care facilities	N/A
<i>Move, Connect, Live Integrated Transport Strategy, August 2018</i> (City of Port Phillip, 2018)	18.02-1L-01 Sustainable personal transport 18.02-1L-02 Walking and bicycle cycling 18.02-4L-01 Car parking	<i>Sustainable Transport Framework (2004)</i>
<i>Port Phillip Design Manual, 2000</i> (City of Port Phillip, 2000) including: - <i>Fishermans Bend Estate Guidelines</i> (City of Port Phillip, revised 2021) - <i>Garden City Estate Guidelines</i> (City of Port Phillip, revised 2021)	11.03-1L-03 Carlisle Street major activity centre 15.01-2L-01 Building design 15.01-5L Neighbourhood character 15.03-1L Heritage	<i>Port Phillip Design Manual, 2000</i> (City of Port Phillip, 2000) including: - <i>Fishermans Bend Guidelines</i> (City of Port Phillip, updated 2010) - <i>Garden City Guidelines</i> (City of Port Phillip, updated 2010)
<i>Public Space Strategy Draft V3</i> (City of Port Phillip, August 2020)	19.02-6L Public open space and foreshore	<i>Open Space Strategy (2006, Revised 2009)</i>
<i>Recreational Boating Facilities Framework 2014</i> (Central Coastal Board, 2014)	11.03-6L-01 St Kilda Foreshore	<i>Recreational Boating Strategy</i> (State Boating Council, 1997)

Table E: Incorporated documents proposed to be removed from the Port Phillip Planning Scheme

	<b>Incorporated document</b>	<b>Introduced by</b>	<b>Description</b>	<b>Reason for removal</b>
1	<i>114-124 Albert Road, South Melbourne</i>	NPS1 – 29 October 1998	Allows for one shop at ground level without a permit.	No longer relevant. Site is now developed with Australian Unity building.
2	<i>12 Acland Street, St Kilda</i>	NPS1 – 29 October 1998	Land may only be developed and used without a permit for residential apartments and associated car parking generally in accordance with plans.	Project complete – no longer relevant. Provisions now included in DDO6-5.
3	<i>12B Chapel Street, St Kilda – September 2013</i>	C96 – 21 November 2013	Relates to development on land for an approved planning permit in 2013. Document prepared September 2013. Allows use of the land, to the rear of an existing church, for preventative care and counselling services (medical centre and	Out of date. Site has been developed.

			associated office) with associated car parking).	
4	1-29 Albert Road, South Melbourne	NPS1 – 29 October 1998	Land may be used for a shop without a planning permit in addition to provisions of planning permit no. S3967 issued in 1993.	Out of date. Site has been developed. Provisions now included in DDO31; DDO13 & DDO26-4B.
5	132-134 Bank Street & 223-227 Moray Street, South Melbourne	NPS1 – 29 October 1998	Relates to development on land for an approved planning permit application in 1994. Land may be used for residential apartments generally in accordance with plans approved under planning permit.	Out of date. Site has been developed.
6	14-16 The Esplanade, St Kilda	NPS1 – 29 October 1998	Relates to development on land for an approved planning permit application in 1993. May grant a permit to vary the business signs shown on the drawing provided that the number of high-wall business signs is not increased.	Out of date. Site has been developed.
7	414-416 & 418 St Kilda Road	NPS1 – 29 October 1998	Includes specific controls related to Clauses 52.03 and 81 of the scheme. A permit is not required to construct a building at 414-416, provided that the building height does not exceed 65m, excluding building services and architectural features and the plot ratio does not exceed 8.0. A permit is not required at 418 St Kilda Road, provided that the building height does not exceed 70m, excluding building services and architectural features and the plot ratio does not exceed 10.0.	Out of date. Site has been developed. Extensive built form controls are contained in DDO26-4e.
8	582-584 St Kilda Road, Melbourne	NPS1 – 29 October 1998	Works may be constructed without a permit provided the following conditions are met: <ul style="list-style-type: none"> <li>- Building must not exceed 60m</li> <li>- Plot ratio does not exceed 4.0</li> <li>- No building within 13.7m of the frontage and 45.m of the sideage</li> <li>- Vehicle and pedestrian access to and from the development and the area set aside for loading and unloading</li> <li>- Details of proposed landscaping.</li> </ul>	Out of date. Site has been developed. Extensive built form controls are contained in DDO26-5b.
9	M1 Redevelopment Project, October 2006	C58 – 18 November 2006	Applies to the M1 Redevelopment Project in the Cities of Hobsons Bay, Maribyrnong, Melbourne, Port Phillip, Yarra, Stonnington, Boroondara, Monash, Greater Dandenong and Casey.	Project complete – no longer relevant.
10	Part 61 Bertie Street, Port Melbourne, November 2001	C33 – 5 December 2001	Relates to Clause 33.01-1; 33.02-4 & 52.06-1. The land may be used and developed for office purposes together with associated car parking in accordance with the incorporated document.	Project complete – no longer relevant.
11	Prince Apartments Stage 2	C94 – 6 February 2014	Incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the scheme. The land identified	Project complete – no longer relevant.

<p><i>Development Plans 29 Fitzroy Street</i></p>		<p>within this document may be used and developed in accordance with the specific controls. To facilitate the re-development of the existing Prince of Wales Hotel and Spa into 35 dwellings including the addition of one storey on the existing building, one small retail tenancy and on-site car parking.</p>	
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**Does the amendment make proper use of the Victoria Planning Provisions?**

The Amendment revises local policy and associated local policy content in a form and using content that is consistent with the VPP as updated by Amendment VC148.

The bulk of content from the LPPF has been edited and moved to the new MPS at Clause 2 and local planning policies at Clauses 11 to 19.

Where appropriate, local policy content from the LPPF has also been relocated to local schedules. For example, the relevant local policy content relating to gaming (currently at Clause 22.07) has been placed in the Schedule to Clause 52.28 (Gaming) and the relevant local policy content relating to the application of zones, overlays and provisions (currently at Clauses 21.04, 21.05 and 21.06) has been placed in the Schedule to Clause 74.01 (Application of zones, overlays and provisions).

Where local schedules have been amended, the form of the schedule has been modified to accord with the current Ministerial Direction.

The Schedule to Clause 43.01 (Heritage Overlay) has been amended to include application requirements from content previously contained at Clause 22.04 (Heritage Policy) of the LPPF.

Where new schedules have been introduced, the form of the schedule is consistent with the current Ministerial Direction.

The inclusion of local VicSmart Provisions to capture applications currently processed through Council’s Fast Track service will be a proper use of the Victorian Planning Provisions.

**How does the amendment address the views of any relevant agency?**

The Amendment makes administrative changes to the Port Phillip Planning Scheme following approval of the changed planning scheme format established in Amendment VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.

The views of relevant agencies were considered in the preparation of strategic foundation documents used to underpin the MPA and local policies in the PPF, including the *Council Plan 2017-27, Act and Adapt, Don’t Waste It!, In Our Backyard, Art and Soul, the Public Space Strategy Draft V3, and Move, Connect, Live.*

All relevant agencies and stakeholders will be consulted during exhibition for the amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment will update the PPF to align with Council’s adopted Transport strategy: *Move, Connect, Live.* Overall, the amendment will not have a significant impact on the transport system as defined by the *Transport Integration Act 2010.*

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The ongoing resource and administrative costs of the local VicSmart provisions on the responsible authority will be neutral. This is because the reduction in revenue from fees (associated with the loss of Fast Track service fee and the lesser fees received from VicSmart applications) is likely to be offset by the estimated officer time saved. Savings in officer time are likely to result in improved efficiencies in the processing of all planning permit applications, rather than reduce the City Development staff requirements.

The other parts of the amendment are not expected to impose any significant additional resource or administrative costs on the responsible authority.



Introducing a revised local policy format is expected to create a clearer more navigable policy framework where state and local policy are communicated consistently. After an initial familiarisation phase, the new format should have the effect of reducing any resource or administrative burden on the responsible authority, by introducing a clearer framework that integrates state and local policy, uses clearer language and avoids repetition.

The policies provide a greater level of certainty to the community and other stakeholders within the municipality and make clear how council will use its discretion when deciding planning permit applications.

### **Where you may inspect this amendment**

The Amendment is available for public inspection free of charge, during office hours at the following locations:

*City of Port Phillip customer service centres and libraries:*

- Port Melbourne Town Hall and Library, 333 Bay Street, Port Melbourne
- St Kilda Library, 150 Carlisle Street, St Kilda
- St Kilda Town Hall, Corner Carlisle Street and Brighton Road, St Kilda

*Note: Due to restrictions imposed in response to the COVID-19 pandemic, the amendment may not be available for inspection at the above offices. However, the amendment can be still be inspected free of charge online at the Department of Environment, Land, Water and Planning website at: [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).*

*Online:*

The amendment may also be viewed online free of charge at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and on the City of Port Phillip website <https://haveyoursay.portphillip.vic.gov.au/c203port>

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **17 December 2021**.

A submission must be in writing and sent to:

Head of City Policy  
City of Port Phillip  
Private Bag 3  
PO St Kilda VIC 3182

Or by email to: [strategicplanning@portphillip.vic.gov.au](mailto:strategicplanning@portphillip.vic.gov.au)

Or via the City of Port Phillip website <https://haveyoursay.portphillip.vic.gov.au/c203port>

### **Panel hearing dates**

In accordance with Clause 4(2) of *Ministerial Direction No. 15* the following panel hearing dates have been pre-set for this amendment:

- Directions hearing: the week commencing 2 May 2022
- Panel hearing: the week commencing 6 June 2022