

PORT PHILLIP PLANNING SCHEME

AMENDMENT C171port

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the Amendment

The Amendment applies to the St Kilda Marina (the 'site').

The site is land generally bound by St Kilda Marina Reserve, Marine Parade, Moran Reserve and Port Phillip Bay. The site includes the St Kilda Marina water. The site is shown in **Figure 1** below.

The site has a total of 8.7 hectares, and is located within Crown Allotment 90D and partly within 90A, Township of St Kilda, Parish of Melbourne South.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.



Figure 1 - Site Location

What the Amendment does

The Amendment facilitates the integrated use and development of the site generally in the manner envisaged in the *St Kilda Marina Site Brief, 2019*. Specifically, the Amendment proposes to make the following changes to the Port Phillip Planning Scheme:

- Rezone the site from Public Park and Recreation Zone (PPRZ) to Special Use Zone with a new Schedule 4 to Clause 37.01 (SUZ4).
- Apply a Development Plan Overlay to the site and insert a new Schedule 2 to Clause 43.04 Development Plan Overlay (DPO2) for the site.
- m, Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include reference to map 8DPO.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to facilitate the redevelopment of the St Kilda Marina ("site") generally in the manner envisaged in the *St Kilda Marina Project Site Brief (endorsed by Council May 2019)* (the Site Brief). The Site Brief was prepared by the City of Port Phillip, to inform the grant of a new lease for the Marina. The Site Brief translates the Vision and Objectives for the Marina into design criteria for the future redevelopment of the site. It envisages that the use of the site as a Marina with some supporting commercial and retail uses will be retained and expanded, while the public realm is to be improved through increased public access, improved walking and cycling connections and potentially an increase in public open space.

The existing use of the site and the range of possible uses as envisaged in the Site Brief makes the site stand out as being unusual meriting a relatively site-specific approach to the planning controls. The Amendment proposes to rezone the site to the Special Use Zone Schedule 4 (SUZ4) and apply the Development Plan Overlay Schedule 2 (DPO2) to ensure that the site is used and developed generally in accordance with an overall development plan as envisaged by the Site Brief.

The site is currently zoned Public Park and Recreation Zone (PPRZ). The existing zone does not properly reflect the existing use and the strategic direction envisaged for the site under the Site Brief. Specifically, the rezoning is proposed for the following reasons:

- The PPRZ which is normally applied to public open space in the more traditional sense, is considered to not be the best fit control having regard to what is envisaged by the Site Brief and the way that the Marina is currently used and proposed to be managed. The rezoning is consistent with *Planning Practice Note 2: Public Land Zones* by ensuring the applicable zone reflects intended land and development.
- As it is proposed to appoint a commercial operator to develop then use (or manage the use of) the various facilities at the site and potentially expand the range of activities, it is appropriate to have the land rezoned to a zone that:
 - is not necessarily predicated on the use and development of the site being undertaken by a public land manager
 - provides a more defined planning framework as to what uses the site may be put by a more refined table of uses and how it is to be developed
 - provides a more appropriate suite of provisions for buildings and works and application requirements to support the possible mix of activities as envisaged in the Site Brief
- It is also considered important that the planning controls ensure that redevelopment of the site is guided by and is consistent with a development plan that acts as a masterplan. The Amendment will provide for a transparent and holistic approval process with community input at appropriate stages.
- The site is an unusual site with special characteristics of being a marine based commercial undertaking in the context of being located on publicly owned land. The proposed SUZ4 provides for the use and development of land for specific purposes consistent with *Planning Practice Note 3: Applying the Special Use Zone*. The schedule reflects the Site Brief by allowing, regulating or prohibiting as appropriate, uses as specified in the Site Brief. Council considers that the SUZ4 will provide for both increased certainty and transparency to support the redevelopment of the Marina.

The proposed application of the DPO2 to the site will guide the future use and development of the land through a master planned approach. It is the appropriate planning 'tool' to translate the vision, design criteria and development parameters articulated in the Site Brief, into the Planning Scheme.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment will implement the following objectives of planning in Victoria, under Section 4(1) of the Planning and Environment Act 1987:

- a) *to provide for a fair, orderly, economic and sustainable use, and development of 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;*
- e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- g) *to balance the present and future interests of all Victorians.*

How does the Amendment address any environmental, social and economic effects?

Economic

The Amendment will facilitate an expected increase in the economic viability of the St Kilda Marina, expanding on the existing Marina operations at the site, also providing for some additional although limited commercial and retail uses.

Environmental

The Amendment will have a positive environmental impact through the restoration of the sea wall and ensuring that future development minimises the impacts of rising sea levels and responds to climate change.

Social

The Amendment will have a positive social impact through the recognition of the cultural heritage significance of the site and maintenance of the cultural significance, while allowing under-utilised land to be developed for increased marina and recreational uses to benefit the local community. The Amendment will also facilitate increased public access to the St Kilda Marina and the improvement of the public realm, including improved walking and cycling connections and potentially an increase in public open space. The social impact of the Amendment will also be further assessed at the time of approving a Development Plan for the site.

Does the Amendment address relevant bushfire risk?

The Amendment applies to an urban area and will have no impact on 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 on the Form and Content of Planning Schemes* and *Ministerial Direction on the Strategic Assessment of Amendments*.

Ministerial Direction No. 1

A portion of the site is currently used as a service station and a marine petrol station. The site is not proposed to be used for a sensitive use (as defined in Ministerial Direction 1 as residential, childcare, preschool centre, primary school). The extent of the future use of the site for public open space in a form which presents as a sensitive use is not yet determined. Accordingly, Council considers that clause 5 of the Ministerial Direction 1 does not apply.

'General Practice Note - Potentially Contaminated Land – June 2005' states that '*applying the EAO is a mechanism provided in the VPP and planning schemes to defer the requirements of Direction no.1 for an environmental audit until the site is to be developed for a sensitive use*'. The Amendment does not defer the requirements of Ministerial Direction No 1.

In relation to other uses (such as public open space) it is open to Council to satisfy itself under Clause 4. In this regard, the service station sub lease requires the tenant (BP) to arrange for an environmental assessment report to be carried out by an appropriately qualified environmental consultant approved by Council and the head lease holder. The report must identify any potential or actual pollution of the

premises, whether any further testing is required; and the likely cost of clean-up. BP must then clean up any pollution or contamination to the satisfaction of the Environment Protection Authority.

Ministerial Direction No. 9

The Amendment is consistent with the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*. Specifically, the Amendment is consistent with:

- Direction 3.3 – *Improve local travel options to support 20-minute neighbourhoods;*
- Direction 4.1 – *Create more great public places across Melbourne;*
- Direction 4.2 – *Build on Melbourne’s cultural leadership and sporting legacy;*
- Direction 4.3 – *Achieve and promote design excellence;*
- Direction 4.4 – *Respect Melbourne’s heritage as we build for the future;*
- Direction 5.2 – *Create neighbourhoods that support safe communities and healthy lifestyles;*
- Direction 5.4 – *Deliver local parks and green neighbourhoods in collaboration with communities;*
- Direction 6.2 – *Reduce the likelihood and consequences of natural hazard events and adapt to climate change;*
- Direction 6.5 – *Protect and restore natural habitats.*

Ministerial Direction No. 13

This Direction requires the consideration of managing coastal hazards and the coastal impacts of climate change. This Amendment will ensure that future development within the site responds to the current and future risks and impacts associated with projected sea level rise and the sea wall will be designed and reconstructed to minimise potential coastal hazards.

Ministerial Direction No. 19

In accordance with this Direction, Council sought the views of the Environment Protection Authority (EPA) regarding this Amendment. The EPA advised Council that it does not consider there to be a role for the EPA specifically in relation to this Amendment in accordance with Ministerial Direction 19.

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

The Amendment supports and implements various objectives and strategies of the Planning Policy Framework. The Amendment supports Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks and Amenity), Clause 14.02 (Water), Clause 15 (Built Environment and Heritage), Clause 17 (Economic Development), Clause 18 (Transport) and Clause 19 (Infrastructure) of the Planning Policy Framework.

Specifically, the Amendment supports:

- Clause 12.02-1S (Protection of coastal areas):
 - *Coordinate land use and planning with the requirements of the Coastal Management Act 1995 to:*
 - *Provide clear direction for the future sustainable use of the coast, including the marine environment, for recreation, conservation, tourism, commerce and similar uses in appropriate areas.*
 - *Identify sustainable areas and opportunities for improved facilities.*
- Clause 12.02-2S (Coastal Crown land):

- *Ensure the use and development on or adjacent to coastal crown foreshore Crown Land:*
 - *Maintains safe, equitable public access and improves public benefit.*
 - *Protects local environmental and social values*
 - *Demonstrates need and coastal dependency*
 - *Minimises impact on the coast by locating within a defined activity or recreation node.*
- **Clause 12.02-3S (Bays):**
 - *Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by:*
 - *Focussing development in areas already developed or in areas that can tolerate more intensive use.*
 - *Requiring coastal planning and management to be consistent with the 'Victorian Coastal Strategy (Victorian Coastal Council, 2014).*
- **Clause 13.01-2S (Coastal inundation and erosion):**
 - *Plan for sea level rise of not less than 0.8 meters by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*
- **Clause 17.04-2S (Coastal and maritime tourism and recreation):**
 - *Encourage suitably located and designed coastal, marina and maritime tourism and recreational opportunities.*
 - *Ensure a diverse range of accommodation and coastal experiences are provided for and maintained.*
 - *Ensure sites and facilities are accessible to all.*
 - *Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.*
 - *Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point / Cowes and Wyndham.*
 - *Provide public access to recreational facilities and activities on land and water*
 - *Encourage high quality urban design that is innovative, sustainable and integrated with surrounding areas.*
 - *Support maritime and related industries in appropriate locations.*

The Amendment also supports and implements the Victorian Coastal Strategy (2014). The St Kilda Marina is identified as an important regional asset, providing storage and launching facilities, primarily for motor boats. The St Kilda Marina is also important for its location and strategic role in Victoria's network of boating facilities in the region. There are few locations along the foreshore which provide recreational boating facilities. The *Central Coastal Board Coast Action Plan 2015/2016* also recognises the St Kilda Marina as a regional boating facility that provides services for a large catchment and is a highly significant boating destination.

A coastal hazard risk assessment was undertaken for the St Kilda Marina in accordance with the requirements of the Victorian Coastal Strategy (2014) and meets the minimum sea level rise scenario for planning as per the Victorian Coastal Strategy.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with the objectives and strategies of the Port Phillip Municipal Strategic Statement (MSS) and local planning policies. In particular, the Amendment is consistent with the following objectives/strategies:

- Clause 21.03 (Ecologically Sustainable Development)
- Clause 21.04-5 (Public Open Space and Foreshore), specifically:
 - *Ensure that public open space offers a diversity of functions and experiences and continues to host a range of leisure, tourism, recreation, cultural, social and sporting activities to meet the needs of all users.*
 - *Ensure that the buildings and private space within new developments adjacent public open space areas are clearly delineated and do not degrade the values of the existing public open space.*
 - *Protect the identified significant heritage features and qualities of Port Phillip's gardens and parks, including identified natural heritage areas.*
 - *Ensure that new uses make a positive contribution to the public open space area and offer a net community benefit.*
 - *Facilitate widespread use and visitation along the foreshore, through reinforcing a series of activity destinations including at Elwood, St Kilda and Port Melbourne, connected by high quality pedestrian and cycle links.*
 - *Ensure use and development on the foreshore is sympathetic to the surrounding coastal landscape and built environment and does not disrupt important views and vistas*
 - *Enhance the physical environment of the foreshore to provide a range of services and facilities to meet the needs of users and to maintain a high quality setting for recreation.*
 - *Manage and enhance the foreshore as an important tourism asset which appeals to local, national and international visitors.*
- Clause 21.05 (Built Form)
- Clause 22.04 (Heritage Policy), specifically:
 - *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.*
- Clause 22.06 (Urban Design Policy for Non-Residential Development and Multi Residential Development), specifically:
 - *To achieve high quality urban design and architecture that respects and enhances places and sites with significant heritage, architectural, scientific and cultural significance.*
 - *Encourage new development to preserve the visual prominence of key landmarks from adjoining streets, foreshore areas and other key public spaces. These landmarks include... maritime structures such as St Kilda Pier, Kerferd Road Pier and Station Pier.*
- Clause 22.12 (Stormwater Management (Water Sensitive Urban Design))
- Clause 22.13 (Environmentally Sustainable Development)

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes appropriate use of the Victorian Planning Provisions through the rezoning of the site to Special Use Zone and the application of a Development Plan Overlay.

Rezoning the site to the Special Use Zone is appropriate given the special characteristics of the site. It allows for land uses which are associated with the function of the St Kilda Marina and are complementary to the operation of the St Kilda Marina. The Special Use Zone facilitates an important project which requires certainty in terms of an overall planning framework, while providing for a degree of flexibility during detailed design.

The Development Plan Overlay will facilitate development which aligns with the overall vision, establishing certainty for the future use and development of the site. It will manage the scale and form of development in a sensitive location on coastal crown land through a “master planned” approach, generally as recommended by the Site Brief.

How does the Amendment address the views of any relevant agency?

As noted above, Council sought the views of the Environment Protection Authority (EPA) regarding this Amendment. The EPA advised Council that it does not consider there to be a role for EPA specifically in relation to this Amendment in accordance with Ministerial Direction 19.

All other relevant agencies and stakeholders will be consulted during exhibition of the Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is not anticipated to have significant impact on the transport system, as defined by the *Transport Integration Act 2010*. The Amendment rezones the site and applies the Development Plan Overlay.

Resource and administrative costs

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

Although the number of permit triggers is different under the proposed provisions, for example the permit triggers under the Special Use Zone, the use of the Development Plan Overlay (DPO) ensures a master planned approach to the site. The DPO streamlines permit approvals as any permit granted must be generally in accordance with the approved development plan. The requirement for a Development Plan will provide for improved decision making by Council. The Amendment is therefore not expected to have a significant impact upon the resources and administrative costs of Council.

Where you may inspect this Amendment

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

Port Phillip City Council Municipal Offices, St Kilda Town Hall, Corner Carlisle Street and Brighton Road, St Kilda.

The Amendment may also be viewed online:

- City of Port Phillip website: <http://www.portphillip.vic.gov.au/amendment-c171.htm> Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/schemes-and-amendments/browse-amendments

ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
St Kilda Marina, St Kilda	Land generally bound by St Kilda Marina Reserve, Marine Parade, Moran Reserve and Port Phillip Bay. The site includes the St Kilda Marina water.	Port Phillip C171port 001dpoMap08 Port Phillip C171port 002znMap08

Planning and Environment Act 1987

PORT PHILLIP PLANNING SCHEME

AMENDMENT C171port

INSTRUCTION SHEET

The planning authority for this amendment is the Port Phillip City Council.

The Port Phillip Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of two (2) attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 08ZN in the manner shown on the attached maps marked 'Port Phillip Planning Scheme, Amendment C171port'.

Overlay Maps

2. Insert new Planning Scheme Map No. 08DPO in the manner shown on the attached maps marked 'Port Phillip Planning Scheme, Amendment C171port'.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In **Zones** – Clause 37.01, insert a new Schedule 4 in the form of the attached document.
4. In **Overlays** – Clause 43.02, insert a new Schedule 2 in the form of the attached document.
5. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document

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Proposed C171port

SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ4**.

ST KILDA MARINA

Purpose

To provide for recreational boating and boating-related activities with safe and efficient access to Port Phillip Bay.

To provide for complementary commercial uses which are compatible with, and support the function of the marina.

To ensure built form is at an appropriate scale for the highly valued coastal location, maintains key public views and enhances public accessibility.

To protect and enhance the natural environment and appropriately manage the coastal impacts of climate change.

1.0

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Proposed C171port

Table of uses

Section 1 - Permit not required

Use	Condition
Convenience shop	
Education centre	Must be in conjunction with the marina use.
Informal outdoor recreation	
Restricted recreation facility	
Recreational boat facility	
Take away food premises	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Function centre	
Leisure and recreation (other than Major Sports and recreation facility, Motor racing track, Restricted recreation facility and Informal outdoor recreation)	
Office (other than Bank, Electoral office, medical centre and real estate agency and travel agency)	Must be in conjunction with the marina use.
Retail premises (other than Convenience restaurant, Convenience shop, Gambling premises, Hotel, Landscape gardening supplies, Shop, Take away food premises and Tavern)	
Service station	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation

Use
Agriculture
Brothel
Cemetery
Child care centre
Cinema
Cinema based entertainment facility
Convenience restaurant
Display home
Earth and energy resources industry
Funeral parlour
Gambling premises
Hotel
Industry
Landscape gardening supplies
Major sports and recreation facility
Motor racing track
Place of assembly (other than Function centre)
Saleyard
Shop (other than Convenience shop)
Tavern
Transport terminal
Veterinary centre
Warehouse

2.0

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Proposed C171port

Use of land

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out, to the satisfaction of the responsible authority.
- The likely effects, if any, on adjacent land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare, to the satisfaction of the responsible authority.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any relevant guidance set out in a development plan approved under Schedule 2 to the Development Plan Overlay.
- The effect that the use may have on the safe and efficient operation of the Marina.
- The effect that activities associated with the Marina may have on the proposed use.
- The interface with adjoining zones, especially the relationship with the Foreshore Reserve.

3.0

Subdivision

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Proposed C171port

None specified.

4.0

Buildings and works

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Proposed C171port

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities that will be carried out.
- An explanation of how it is generally in accordance with the approved Development Plan for the site.
- Site plan(s), drawn to scale, which show:
 - The boundaries and dimensions of the site.
 - Relevant ground levels.
 - Location, height and purpose of buildings and works on adjoining land.
 - The layout and use of existing and proposed buildings and works.
 - All structures and treatments, including public art proposed in the public realm.
 - The proposed location of public open space.
 - Details of the gross floor area of the proposed buildings.
 - The location and layout and access to and from all car parking and loading areas and, as appropriate, a management plan for operating and maintaining the car parking areas.
 - The location and layout of all boating related, pedestrian and cyclist ingress, egress and access arrangements.
 - Changes to the seawall.
 - Any infrastructure works required on adjacent land including traffic management works.
- Elevation drawings of all built form, drawn to scale and indicating colour and materials of all proposed buildings and works, including streetscape elevations and internal site elevations from key public areas.
- Fully dimensioned cross sections of all built form.
- Shadow diagrams between 9am and 3pm on 22 June and 22 September.
- Details of the proposed materials and finishes.
- Fully dimensioned signage and wayfinding plans.
- A **Staging Plan** which indicates the stages and interim treatments, if any, in which the land is to be developed.
- A **Landscaping Plan** which shows:

- Appropriate landscaping treatment of the site in response to its location within a significant coastal landscape.
 - Treatment and layout of the public realm, including the water's edge and details of marina edges.
 - The location, layout and a typical planting schedule for all landscaped areas.
 - Details of interim landscape treatments, if required.
 - Planting native vegetation and create a continuous corridor along the breakwater.
- A **Wind Assessment** for the proposed development.
 - A **Wave Action Plan** prepared by a suitably qualified person if any works are proposed to the seawall.
 - An **Acoustic Report** prepared by a qualified acoustic engineer identifying how sensitive uses will be protected from noise amenity impacts, and details of any acoustic measures proposed, if required.
 - A **Traffic Management Plan** which includes arrangements for car and trailer parking management, traffic management and traffic control works considered necessary.
 - An **Environmentally Sustainable Design and Water Sensitive Urban Design Assessment** which outlines how the proposed development incorporates environmentally sustainable and water sensitive design principles.
 - A **Flood Mitigation Plan** which outlines how the proposed development will maintain safe pedestrian and vehicular access to and from the land during a peak flood even (1 in 100-year flood) to the satisfaction of the responsible authority and the relevant flood plain management authority, if required.
 - A **Drainage Plan** which confirms that no polluted and / or sediment laden runoff will be discharged directly or indirectly into the Bay or Marina environment as a result of development on the site.
 - A **Waste Management Plan** prepared by a suitably qualified consultant identifying waste management systems and procedures (separation, litter reduction, sewerage pump-out or interceptor pits).
 - A **Heritage Assessment** prepared by a suitably qualified person which addresses how the proposed development is appropriate given the heritage significance of the site.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any relevant guidance set out in a development plan approved under Schedule 2 to the Development Plan Overlay.
- The effect that the development may have on the safe and efficient operation of the Marina.
- The interface with adjoining zones, especially the relationship with the Foreshore Reserve.

5.0

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Signs

None specified

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SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO2**.

ST KILDA MARINA REDEVELOPMENT

1.0 Objectives

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Proposed C171port

To enhance the long-term operational function of the marina, promoting it as a destination for active public use and enjoyment.

To ensure a master-planned approach to the redevelopment of the marina.

To ensure that the redevelopment achieves innovative and sustainable design excellence and high-quality architecture, public realm and landscaping outcomes.

To ensure the redevelopment is responsive to the site's significant coastal landscape, biodiversity and environmental context.

To ensure development respects and enhances the marina's cultural and heritage significance.

2.0 Requirement before a permit is granted

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Proposed C171port

A permit may be granted before a development plan has been prepared for the following:

- Any buildings and works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environment Audit under the *Environmental Protection Act 1970*.
- Minor works or demolition involving the maintenance and repair of existing buildings and structures on the land.
- Dredging works.
- A temporary use or single storey temporary building no greater than 500sqm.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a development plan and the future use and development of the land in an integrated manner and in accordance with the vision and objectives for the site contained in this schedule.

3.0 Conditions and requirements for permits

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A permit must include a condition, as appropriate, to give effect to any relevant requirement of an approved development plan.

4.0 Requirements for development plan

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Proposed C171port

The development plan must be generally in accordance with the Concept Plan shown at Figure 1 and include or make provision for:

- The following vision for the site: '*A special place on the foreshore for everyone, that welcomes a diversity of sustainable uses anchored by a working Marina*'.
- The following principles and objectives for the site:

Land use

- Ensure commercial uses demonstrate a coastal or tourism dependency reflecting the site's coastal foreshore location or recreational marina function.
- Provide for a mix of uses, including community uses to activate the precinct year-round.
- Design spaces so that they are also suitable for temporary event.

Character and built form

- Require built form to achieve design excellence and respond to its prominent coastal location and significant historical context of the site.
- Encourage smaller interrelated built forms to create diversity of public spaces and to protect and enhance sightlines as shown on the Concept Plan (Figure 1).
- Design new buildings to be adaptable to a variety of future uses.
- Activate building frontages where they adjoin key public spaces.

Open space and public realm

- Allow for views of the activities of the Marina from public spaces.
- Encourage the provision of additional high quality publicly accessible open space and a diversity of public spaces including passive, active and viewing spaces.
- Improve the site's interface with Moran Reserve.
- Maintain and enhance the landmark role, destination and setting of the Beacon.
- Celebrate the cultural heritage and the history of the Marina through design, photographic material and the provision of public art.
- Design the marina water edge to encourage a diversity of public uses, accessible to a range of users, including places for young people and places of quiet contemplation.
- Provide for clearly legible separated walking and cycling paths in high traffic areas, where appropriate.
- Encourage retention of vegetation identified as high value.

Parking and access

- Design for flexibility within the car parking and boat trailer parking area for alternative temporary uses in the boating low season.
- Ensure car and trailer parking areas are visually softened through the provision of suitable landscaping and/or screening, particularly when viewed from streets and pathways.
- Relocate the Bay Trail to remove existing conflicts with Marina operations.
- Minimise vehicle entry points to the site to avoid conflict points with the Bay Trail, where possible.

Environmental design

- Apply Water Sensitive Urban Design (WSUD) principles to increase surface permeability and improve place amenity.
 - Plan for sea level rise and incorporate flood mitigation techniques through an integrated water management approach.
 - Maximise opportunities for innovate environmental sustainability design initiatives across the site.
 - Identify methodologies for construction and uses to minimise environmental impact on surrounding coastal environment.
- The following requirements for use and development:

Table 1: Specific Requirements

Element	Specific requirement	Development outcomes
<p>Key views shown in Figure 1</p>	<p>New built form must not obstruct key views to and from the marina including:</p> <ul style="list-style-type: none"> ▪ From Point Ormond Lookout ▪ To Station Pier ▪ To City ▪ To Palais Theatre ▪ Towards the Bay and Marina activity ▪ To the Marina approach. 	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ Retains and enhance key sightlines to and from the Marina.
<p>Built Form Envelopes 1 and 2 as shown in Figure 1</p>	<p>Maximum building height of 11 metres for Built Form Envelope 1 and 12 metres for Built Form Envelope 2 (inclusive of all roof structures).</p> <p>Minimum 15 metres setback from the crest of the seawall.</p> <p>Minimum setback of 4 metres from Bay Trail on Marine Parade.</p> <p>Built Form Envelope 1 only:</p> <ul style="list-style-type: none"> ▪ Built form to occupy a maximum of 50 per cent of the Marine Parade frontage to allow for sightlines and site permeability as shown on the Concept Plan (Figure 1). 	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ Allows for sightlines between Marine Parade, key public spaces, and landmarks and Marina Activity Area. ▪ Provides sufficient area for sightlines, entries, walking, cycling, events and landscaping. ▪ Responds to the scale and rhythm of adjacent built form along Marine Parade. ▪ Is set within a landscape setting which allows for effective integration with adjoining parklands, Port Phillip Bay and Marine Parade. ▪ Minimises overshadowing of Moran Reserve between 9am and 3pm at the solstice (June 22). ▪ Does not become visually dominant within the Marina complex. ▪ Maintains and enhances the contributory and valued natural landscape and native vegetation along Parkland edges.
<p>Built Form Envelope 3 as shown in Figure 1</p>	<p>Maximum building height of 15 metres.</p> <p>Architectural features such as domes, towers, masts and building services, including enclosed stairwells can exceed the height of the maximum height specified above to a maximum of 3 metre. The floor area of these features must not exceed 20 per cent of the gross floor area of the top building level.</p> <p>Maximum building width of 40 metres.</p> <p>Minimum 15 metre setback from the crest of the seawall.</p>	<p>If possible, provide for a smaller building footprint than the allowable envelope.</p>
<p>Kiosk (outside of Built Form Envelopes 1, 2 and 3)</p>	<p>Allow the provision of a single storey kiosk of a maximum of 50 square metres plus storage for stand up paddleboards and canoes at the end of the Peninsula Promenade, adjacent to the Beacon.</p>	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ protects views to the Beacon, identified in Figure 1 Concept Plan.
<p>Dry boat storage building</p>	<p>The building footprint must not exceed 6,500 square metres with a total maximum volume of 97,500m³; unless:</p> <ul style="list-style-type: none"> ▪ Complementary uses are provided, where the maximum building footprint 	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ Ensures elements of dry storage operations are visible from key public spaces, connections.

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Element	Specific requirement	Development outcomes
	<p>size can increase up to 7,000sqm provided the volume of the dry storage facility has a total maximum volume of 97,500m³</p> <ul style="list-style-type: none"> ▪ Maximum capacity is 300 boats, with option to increase to 400 boats with evidence of sustainable market demand. <p>Buildings must showcase the working Marina either through active frontages or visual connections between the interior of the buildings and key public spaces and promenades, and primary and secondary connections, shown on the Concept Plan (Figure 1).</p>	<ul style="list-style-type: none"> ▪ Responds to the site's visual prominence and visibility from key public spaces in the Marina, built with durable and high-quality materials. ▪ Responds to its location within a significant coastal landscape.
<p>Commercial and retail buildings</p>	<p>The total leasable commercial and retail floor area must not exceed 5,000 square metres.</p> <p>Provide for a flexible space suitable for meetings of at least 100 persons, for regular and seasonal use.</p> <p>Buildings should provide active frontages where buildings front public space, key pedestrian connections, the Marine Parade frontage and the Marina Activity Area.</p>	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ Provides for active frontages where adjacent to key public spaces and key pedestrian connections including Marina Parade. ▪ Responds to the site's visual prominence and visibility from key public spaces in the Marina, built with durable and high-quality materials.
<p>Civic Heart Public Space</p>	<p>Provide a publicly accessible and active 'civic heart' public space of a minimum 700sqm area, with shelter and a connection to the water and boating activities within the envelope shown on Figure 1 Concept Plan, or an alternative location providing an equivalent level of amenity, views and aspect.</p>	<p>A public space that:</p> <ul style="list-style-type: none"> ▪ Is accessible to the public with areas of solar access and shade with a minimum 50% of space accessing sunlight between the hours of 10am and 3pm at the winter solstice (June 22). ▪ Ensures connection to the water and boating activities. ▪ Ensures wind speed standards for siting and standing are achieved.
<p>Publicly accessible open space</p>	<p>Provide no less than 20 per cent of the site as public open space.</p> <p>Minimal fencing and obstacles to movement from Marine Parade and Marine Reserve to the Marina promenade.</p> <p>Enhance the public realm and if practical relocate the preferred vehicle route into the Marina, as shown on the Concept Plan (Figure 1).</p> <p>If practical, relocate electrical substation away from the primary entry at the Dickens Street approach.</p> <p>Provide publicly accessible amenities independent of those provided by the commercial operations.</p>	<p>Additional high quality publicly accessible open space across the site.</p> <p>Publicly accessible open spaces that:</p> <ul style="list-style-type: none"> ▪ Have good solar amenity and good passive surveillance. ▪ Minimise, where practical, the impact of vehicles. ▪ Endeavours to ensure appropriate wind speed conditions for walking in primary walking networks are achieved. ▪ Ameliorate adverse wind conditions at ground level on publicly accessible spaces both within and abutting the site. ▪ Street, promenade, walk and park level interface treatments contribute to high levels of pedestrian amenity and safety. ▪ Provide landscaping to reduce the visual impact of development and

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Element	Specific requirement	Development outcomes
		enhance the microclimate within and abutting the Marina.
Marina Functions	<p>Provide storage facilities to support small craft (Stand up paddleboard/ kayak) with the provision of a safe launching area.</p> <p>Provide safe and efficient public boat ramps in a suitable location, for vessel launching and retrieval.</p> <p>Provide for additional capacity of the boat ramp and trailer parking in peak periods (summer) without compromising safety, queuing or safe water practice and functionality.</p>	Marina functions, including the boat ramp operations, designed and operated to provide for the safety of users and visitors to the area year-round.
Public boat ramp and trailer parking	<p>Provide a safe public boat ramp with a minimum 4 vessel capacity in a location which will provide suitable vessel loading amenity on land and marina water.</p> <p>Provide a minimum of 80 public boat trailer parking spaces within proximity of the public boat ramp.</p> <p>Trailer parking area must include landscaping and WSUD principles to increase surface permeability and improve place amenity, when not in use.</p>	<p>Boat ramp design that:</p> <ul style="list-style-type: none"> ▪ Meets AS 3962-2001 Guidelines for Design of Marinas Safe Water, Vessel and Vehicle access. ▪ Ensures a safe, high quality environment for primary and secondary pedestrian connections in accordance with the Concept Plan (Figure 1). ▪ Optimises 'all weather' safe haven and reduce congestion of marina water. <p>Trailer parking that is proximate to the public boat ramp.</p>
Car parking	<p>Encourage the use of a shared use car-parking system.</p> <p>If a car parking structure is provided:</p> <ul style="list-style-type: none"> ▪ Ground Level minimum floor to ceiling height of 3.3 metres. ▪ Minimum of 3 metre floor to ceiling heights for other levels. <p>Where possible, carparking structures should be sleeved with active uses where there is an interface with public spaces.</p> <p>Minimise the need for mechanical ventilation in car parking structures.</p> <p>Provide for central car parking below grade if practical.</p>	<p>Car parking areas that:</p> <ul style="list-style-type: none"> ▪ Demonstrate design excellence and incorporate high quality screening. ▪ Allow for the future conversion of the space to other uses. ▪ Provide for active frontages where adjacent to key public spaces and key pedestrian connections.
Bike parking	<p>Provide adequate bicycle facilities for employees, marina users and visitors.</p> <p>Provide space for future bike share facilities for Marina visitors in key arrival points both for visiting vessels and visitors to the precinct.</p> <p>Provide short stay bicycle facilities adjacent to key hospitality destinations within the precinct.</p> <p>Provide secure bike storage areas for Marina users and staff of all uses within the development at benchmarks that demonstrate leadership in green travel solutions.</p>	<p>Bicycle facilities that:</p> <ul style="list-style-type: none"> ▪ Encourage sustainable transport modes. ▪ Include end of trip facilities and where possible, and cycle repair facilities.

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Element	Specific requirement	Development outcomes
	Provide bicycle repair station facilities for the use of visitors, employees and Marina users.	
Waste Management	Ensure core infrastructure services storage and collection points are fully contained within new building envelopes and located away from parkland, pedestrian spaces, walks and promenades, Marine Parade interfaces and are not visible in key views to and through the site identified in Figure 1 Concept Plan.	Minimise the visual, amenity and operational impact of waste management facilities and storage. Appropriately located waste recycling.
Peninsula promenade path as shown in Figure 1	<p>Minimum 4 metre pedestrian priority shared path (if no bridge is provided as part of the proposal).</p> <p>Ensure there is the ability to widen the path to 6m for the provision of the future bridge connection.</p> <p>Provide for siting areas at key locations along the path for comfort and amenity.</p> <p>If a bridge is provided a separated walking and cycling path is required:</p> <ul style="list-style-type: none"> ▪ Minimum 3 metre path for walkers. ▪ Minimum 0.5 metre separator ▪ Minimum 2.5 metre bidirectional cycle path 	<p>A new pedestrian connection that:</p> <ul style="list-style-type: none"> ▪ Provides access to the Beacon along a new Peninsula Promenade. ▪ Provides landscape improvements to the entire setback zone between Built Form Envelopes 2 and 3 and the water's edge. <p>Early delivery of the separated peninsula promenade path, if a bridge is not to be constructed as part of the proposal.</p>
Marina Promenade as shown in Figure 1	<p>Pedestrian ways must be designed to promote a slower walking environment along Marina promenade.</p> <p>Incorporate areas of seasonally-appropriate shade along the Marina Promenade.</p>	Enhanced pedestrian amenity and safety.
Potential pedestrian and cycle bridge as shown in Figure 1	<p>If provided, the pedestrian and cycle bridge should include:</p> <ul style="list-style-type: none"> ▪ Minimum 3 metre path for walkers. ▪ Minimum 0.5 metre separator ▪ Minimum 2.5 metre bidirectional cycle path <p>The provision for the possible alignment of the Bay Trail to utilise the bridge.</p>	<p>A new pedestrian and cycle bridge that, if provided:</p> <ul style="list-style-type: none"> ▪ Demonstrates design excellence in its contextual architectural response including through integration with adjoining public realm. ▪ Does not significantly impact on Marina operations.
Bay Trail	<p>Relocate the Bay Trail as shown on the Concept Plan (Figure 1). Provide for the following</p> <ul style="list-style-type: none"> ▪ Minimum path width of 3 metre for pedestrians. ▪ Minimum 0.5 metre separator ▪ Minimum 3.5 metre bidirectional cycle path. <p>Where the Bay Trail is adjacent to on-street vehicle parking, an outer separator of 1 metre is required.</p>	<p>A relocated Bay Trail that:</p> <ul style="list-style-type: none"> ▪ Minimises conflicts along the path between different users (walkers, riders, vehicles and boat ramp users). ▪ Provides clear lines of sight for trail users and walkers at pedestrian crossings. ▪ Provides sightlines to Marina.
Beacon	Maintain and enhance the landmark role, destination and setting of the Beacon.	<p>Built form that:</p> <ul style="list-style-type: none"> ▪ Maintains the visual prominence of the Beacon.

Element	Specific requirement	Development outcomes
Seawall and internal marina walls	<p>Repair or replace the seawall and internal marina walls for storm protection, and to accommodate projected sea level rise (0.8m by 2100).</p> <p>Use alternative treatment on internal marina walls to increase habitat amenity.</p> <p>Improve habitat for native flora and fauna through planting of native vegetation, including seaward edge of breakwater and vegetation connections with Elwood Canal.</p> <p>Design sea walls to ensure intertidal areas are not less than present day extent and are preserved for projected water levels in 2070 (anticipated seawall design life) to accommodate bird roosting.</p> <p>Provide water quality systems (including WSUD) for stormwater outfalls within the subject site.</p>	Appropriate protections measures for sensitive marine habitats potentially impacted by modifications to the seawall.

Content of Development Plan

The development plan must include:

- A **Site analysis plan** of the site’s regional and strategic context, including or explaining:
 - Existing coastal character analysis including landscape features, topography and significant vegetation.
 - Current movement networks in and around the site.
 - Existing uses and surrounding uses.
 - The historical and cultural significance of the site.
- An **Urban concept report** which includes or explains plans or diagrams demonstrating the following:
 - Any proposed demolition works.
 - Proposed land uses across the site.
 - Project Vision and Key Design Principles underpinning the concepts.
 - Conceptual elevations.
 - Building envelopes.
 - The location and dimensional attributes of primary and secondary pedestrian and cycling promenades, trails, paths and walks relative to buildings as described in the landscape plans.
 - Fully dimensioned cross sections of all proposed building envelopes, showing any level changes across the site.
 - View analysis including views from locations identified in the Figure 1 Concept Plan demonstrating realisation of key view ambitions.

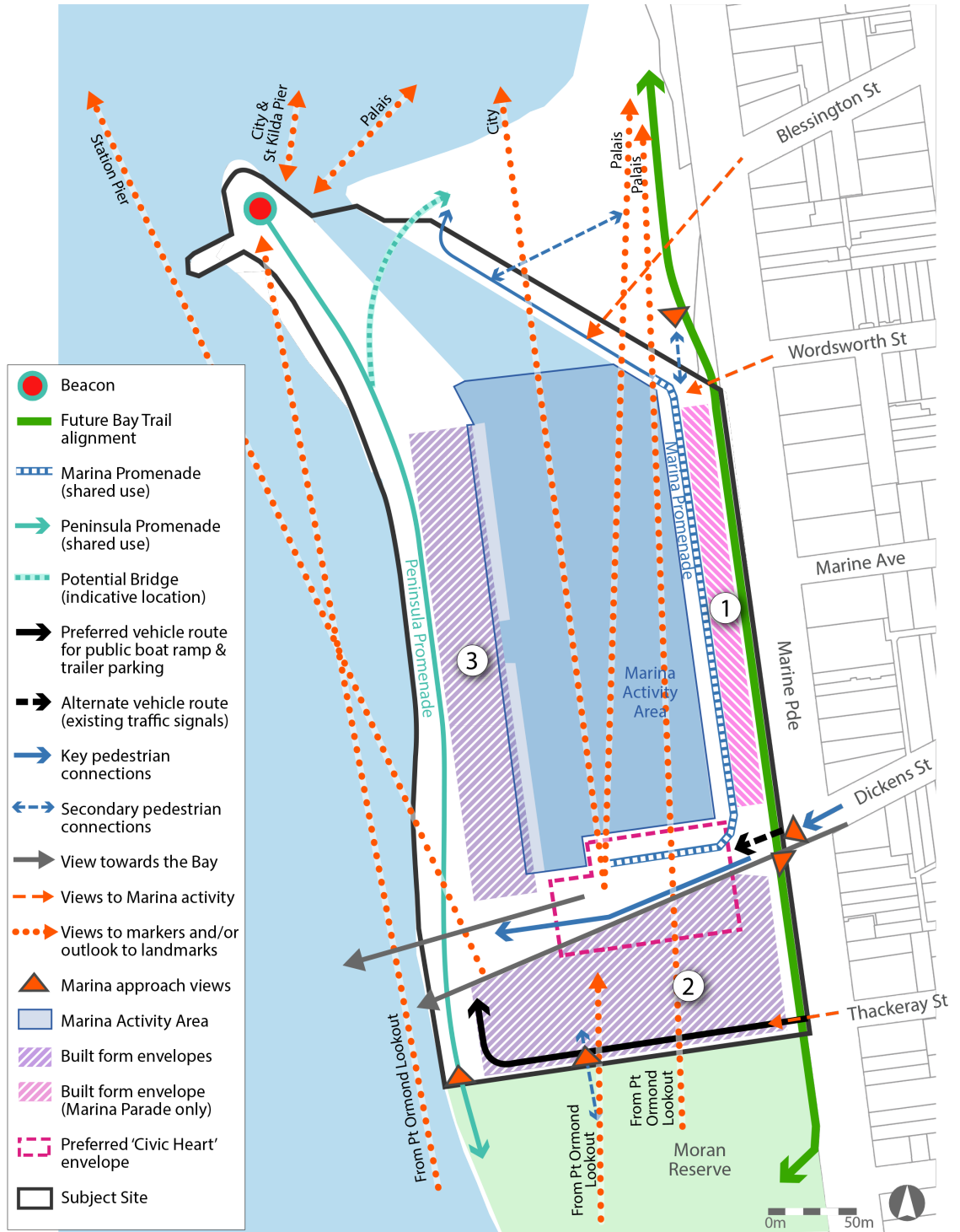
- The design quality and design language of building systems, building materials, treatments, including reflectivity requirements, and architectural styles throughout the site and the benchmarks of best practice guiding these choices.
- Guidelines for the interface responses and indicative sections of built form, movement networks and landscapes both externally with the adjoining Bay, MO Moran Reserve, Marina Reserve and Marine Parade and internally with the marina water, Civic Heart, Marina and Peninsula Promenade and primary and secondary pedestrian connections.
- Proposed movement networks through the site, including pedestrian, cycling, vehicle and boat launching and car and trailer parking.
- Details of any proposed reorganisation or changes to wet berths.
- The location of heritage buildings and infrastructure and significant vegetation to be retained (where applicable).
- Shadow diagrams between 9am and 3pm on 22 June and 22 September.
- Details of any infrastructure works required on adjacent land including traffic management works.
- A **Heritage impact assessment** prepared by a qualified person explaining how the development plan responds to the cultural heritage significance of the Marina and which:
 - Identifies how the site heritage is to be interpreted in the future development of the site.
 - Identifies how the fabric of the original dry boat storage facility will be retained, repurposed, integrated or interpreted.
 - Provides guidance on the ongoing maintenance and management of the heritage places to be retained.
 - Identifies how the scale, form and location of any new buildings or structures will ensure the prominence of the 'Beacon' as a local landmark is respected and maintained.
- A **Staging plan**, if relevant, detailing proposed sequencing of the development and which includes details of:
 - The indicative timing of development, infrastructure and services.
 - The overall integration with other development stages.
 - Vehicular access points, road infrastructure works and traffic management for each stage of the development.
- A **Landscape and public realm plan** prepared by a qualified person, identifying all structures and treatments and showing:
 - Landscaping concepts proposed throughout the site.
 - The areas of public or publicly accessible open space (including the proposed location and dimensional attributes of the Civic Heart) and the percentage of publicly accessible open space within the site.
 - Typical street, Marina Promenade, Peninsula Promenade, primary and secondary pedestrian connections and Bay Trail cross sections.
 - The management of landscaped areas, including sustainable irrigation treatments such as water sensitive urban design opportunities.
 - Details of how the Landscape Concept Plan responds to the Sustainable Management Plan.
 - Concepts for street furniture, landscaping and materials and finishes.
 - Location and/or details of public art to be provided.

- Location of wayfinding signage.
- An upward light output ratio less than 5 per cent for all external lighting.
- A **Signage and wayfinding strategy** to provide for:
 - The orderly display of signage integrated with the built form.
 - Signage that demonstrates legibility to and through the site for walkers, cyclists and drivers in the design response.
 - Signage in keeping with the character and sensitive coastal location of the area.
- An **Integrated transport and access plan** prepared by a qualified person, to the satisfaction of Department of Transport and the responsible authority, which includes:
 - Expected traffic generation and the impact on the existing road network over a 24-hour period.
 - Location of car and trailer parking, vehicle egress and ingress points.
 - The identification of active travel and pedestrian and cycle paths, bicycle storage and end of trip facilities.
 - The identification of appropriate traffic mitigation measures to be provided.
 - An empirical assessment to support the adequacy of the car parking provision and bike parking provision.
- A preliminary **Wind engineering report** prepared by a qualified person which reports on the functionality of the designs having regard to the range of intended uses and the amenity of public spaces.
- An **Arborist report** prepared by a qualified person outlining the proposed vegetation for retention and removal and identifying any high value vegetation.
- A preliminary **Wave climate and wave movement report** prepared by a qualified person, demonstrating the seawall restoration works meet the requirements specified in this Schedule.
- A **Sustainability management plan**, including a Water Sensitive Urban Design Response, by a suitable qualified person which identifies the environmentally sustainable initiatives to be included in the development and demonstrates, as appropriate:
 - Equivalent 5 Star Green Star Communities rating or higher.
 - Integrated ESD for water, waste and energy.
 - Landscaping and WSUD principles to increase surface permeability and improve place amenity.
 - Waste management systems.
 - An assessment which demonstrates how Council's sustainability targets will be achieved or exceeded.
 - Low carbon, energy and water efficient building design and operations.
- A **Stormwater and flood management plan** prepared by a qualified person.
- A **Construction environmental management plan** prepared by a qualified person.
- A report investigating and demonstrating opportunity for the future provision of a bridge between Marina reserve and the peninsula, including consideration of the indicative location shown in Figure 1 and the following:
 - The likely impact of the bridge on the marina operations.

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- The likely functionality of the bridge.
- The opportunities and constraints of realigning the Bay Trail to make use of the bridge.
- The likely impact of a bridge on views to the beacon.
- The likely public realm outcomes.

Figure 1: Concept Plan



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Proposed C171port

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0

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Proposed C171port

Maps comprising part of this planning scheme:

- 1, 1EAO, 1ESO, 1HO, 1ICO, 1DDO, 1SBO, 1RXO, 1PO
- 2, 2ESO, 2HO, 2ICO, 2DDO, 2NCO, 2IPO, 2SBO, 2EAO, 2DCPO, 2CLPO, 2PO
- 3, 3ESO, 3HO, 3ICO, 3DDO, 3SBO, 3EAO, 3DCPO, 3PO
- 4, 4HO, 4DDO, 4SBO, 4PAO, 4EAO
- 5, 5HO, 5DDO, 5SBO
- 6, 6SCO, 6ESO, 6VPO, 6HO, 6DDO, 6DPO, 6SBO, 6PAO, 6EAO, 6RXO
- 7, 7ESO, 7HO, 7DDO, 7SBO, 7EAO
- 8, 8HO, 8DDO, 8SBO, 8DPO, 8EAO
- 9, 9ESO, 9HO, 9DDO, 9SBO.

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6149port Proposed C171port

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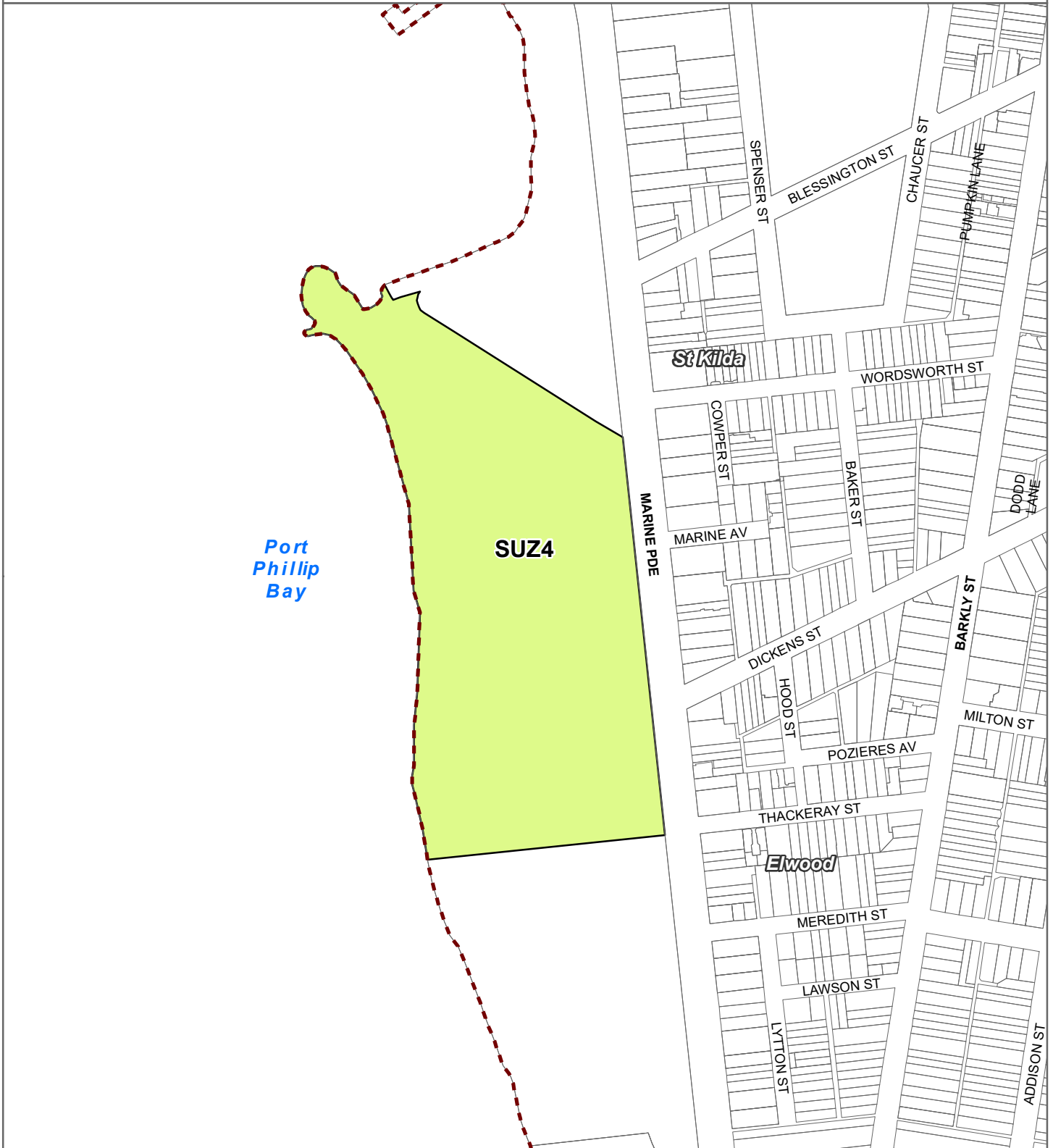
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6149port Proposed C171port

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PORT PHILLIP PLANNING SCHEME - LOCAL PROVISION AMENDMENT C171



LEGEND

- SUZ - Special Use Zone
- Local Government Area

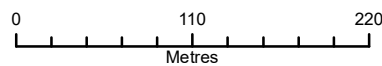


Part of Planning Scheme Map 8

Disclaimer

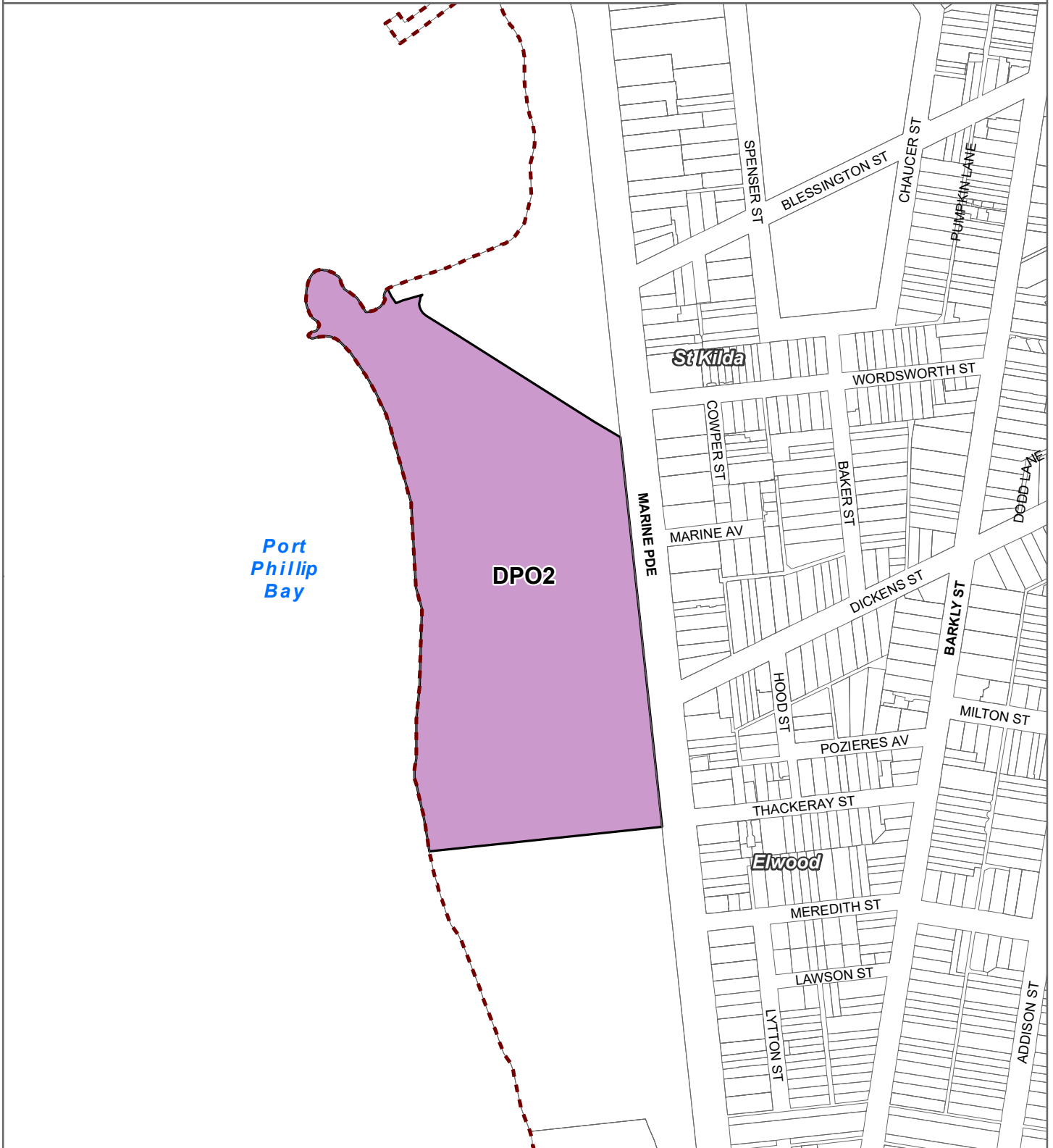
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Print Date: 13/06/2019



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PORT PHILLIP PLANNING SCHEME - LOCAL PROVISION AMENDMENT C171



LEGEND

- DPO2 - Development Plan Overlay - Schedule 2
- Local Government Area

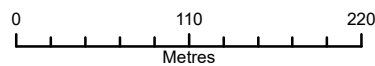


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