

PORT PHILLIP PLANNING SCHEME

AMENDMENT C215port

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this Amendment.

The amendment has been made at the request of Port Phillip City Council.

Land affected by the Amendment

The amendment applies to 21 Dorcas Street South Melbourne, shown in red in **Figure 1** below.



Figure 1: Sites subject to the amendment.

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

What the amendment does

The amendment applies Heritage Overlay 562 (HO562) to 21 Dorcas Street, South Melbourne on a permanent basis.

Specifically, Amendment C215port seeks to introduce permanent heritage controls by:

- a. Amending planning scheme map 4HO to apply Heritage Overlay 562 (HO562) to 21 Dorcas Street, South Melbourne.
- b. Amending Clause 15.03-1L to include the *21 Dorcas Street, South Melbourne Heritage Report and Place Citation (Trethowan Architecture, 2023)* as a background document, and update the version number and date of the *Port Phillip Heritage Review, Port Phillip Heritage Policy Map* and *Port Phillip Neighbourhood Character Map* Incorporated Documents.
- c. Amending the schedule to Clause 43.01 – Heritage Overlay to include HO562 applying to 21 Dorcas Street, South Melbourne on a permanent basis and list the *Statement of Significance*:

'House', 21 Dorcas Street, South Melbourne, July 2023 (Incorporated Document). Solar energy system controls to apply,

- d. Amending the schedule to Clause 72.04 (Incorporated Documents) to update the version number and date for the *Port Phillip Heritage Review, City of Port Phillip Heritage Policy Map* and *City of Port Phillip Neighbourhood Character Map* as Incorporated Documents, and add the *Statement of Significance: 'House', 21 Dorcas Street, South Melbourne, July 2023* as a new Incorporated Document.
- e. Amending the schedule to Clause 72.08 – Background Documents to include the *21 Dorcas Street, South Melbourne Heritage Report and Place Citation (Trethowan Architecture, 2023)* as a Background Document.
- f. Amending the *Port Phillip Heritage Review Volumes 1 - 6* (Incorporated Document) to update the version number and date, and introduce a new Citation 2457 for 21 Dorcas Street, South Melbourne.
- g. Applying a 'Significant heritage place' grading to 21 Dorcas Street, South Melbourne on the *City of Port Phillip Heritage Policy Map* (part of the Port Phillip Heritage Review) (Incorporated Document).
- h. Removing the 'Contributory Outside the Heritage Overlay' grading for 21 Dorcas Street, South Melbourne on the *City of Port Phillip Neighbourhood Character Map* (part of the Port Phillip Heritage Review) (Incorporated Document).

Strategic assessment of the Amendment

Why is the Amendment required

Amendment C215port will give statutory effect to the recommendations of the *21 Dorcas Street, South Melbourne Heritage Report and Place Citation (Trethowan Architecture, 2023)* (the Review) through providing permanent heritage protection to 21 Dorcas Street, South Melbourne.

Council commissioned the Review as an input into the strategic planning for the South Melbourne Structure Plan, which is under preparation.

The Review provides that the property is of local historical (Criterion A), representative (Criterion D) and aesthetic significance (Criterion E) to the City of Port Phillip and recommends it for inclusion in the heritage overlay. In accordance with the review, the Amendment proposes to apply HO562 to 21 Dorcas Street, South Melbourne on a permanent basis, introduce a new Statement of Significance for the property, and make related changes to the *Port Phillip Heritage Review* (an Incorporated Document in the Port Phillip Planning Scheme), by introducing a new individual place Citation, and applying a 'significant' grading to the property on the City of Port Phillip Heritage Policy Map and removing the 'contributory outside the heritage overlay' grading on the City of Port Phillip Neighbourhood Character Map.

A request to apply an interim heritage overlay to the property was lodged with the Minister for Planning on 24 July 2023. The request was in response to a request to demolish the property pursuant to Section 29A of the *Building Act 1993* received by Council on 3 July 2023. There is currently no Heritage Overlay applied to the site, and accordingly no planning permit is required for demolition. Council has sought interim heritage protection to respond to the immediate threat of the demolition of this important heritage building and provide interim protection while permanent heritage controls are progressed through Amendment C215port.

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

The amendment implements the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(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;

- 4(1)(f) - to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- 4(1)(g) - to balance the present and future interests of all Victorians.

The Amendment is consistent with these objectives by ensuring that the heritage significance of buildings is protected and that heritage matters are considered as part of any planning permit applications for the nominated site.

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

The amendment will have a positive environmental impact by protecting a place of historic significance and allowing the reuse and recycling of existing building stock. It is considered that the long-term social and economic effects of the amendment will be positive, as it will allow for the conservation of a place of potential local heritage significance.

Does the Amendment address relevant bushfire risk?

The municipal area of Port Phillip does not have any designated bushfire prone areas.

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

The amendment is also consistent with the Ministerial Direction on the *Form and Content of Planning Schemes* under Section 7(5) of the Act.

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* pursuant to Section 12 of the Planning and Environment Act 1987 - that requires planning authorities to have regard to the Metropolitan Strategy (*Plan Melbourne 2017-2050*). Direction 4.4 of *Plan Melbourne 2017-2050* seeks to "respect our heritage as we build for the future". The amendment is consistent with this policy direction as it proposes to make changes to ensure the Planning Scheme continues to guide appropriate development in the municipality, and that the built heritage of the municipality is maintained.

The amendment is consistent with *Ministerial Direction No. 15 – The Planning Scheme Amendment Process* pursuant to Section 12 of the Planning and Environment Act 1987.

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

The amendment supports the following aspects of the State Planning Policy Framework:

Clause 15.03-1S Heritage Conservation:

Objective: To ensure the conservation of places of heritage significance.

Strategies: Identify, assess and document places of natural or cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

The amendment ensures that the policy directions for heritage conservation can be met through the identification, assessment and protection of heritage places within Port Phillip. The protection of heritage properties will encourage appropriate development and the conservation and restoration of the contributory elements of the heritage places.

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

This amendment is consistent with the objectives and strategies outlined in the Planning Policy Framework of the Port Phillip Planning Scheme.

In accordance with Clause 02.02 of the Municipal Planning Strategy, the vision is shaped by a desire to celebrate history, protect character, and encourage inclusion and creativity, while planning for the future of a dynamic and evolving City, with policy seeking to create a Port Phillip:

- Of diverse and distinctive neighbourhoods where well-designed new development is integrated with, and enhances our valued heritage and character and the beauty of our neighbourhoods.
- That respects and values its past, its diversity and its link with traditional owners.

To achieve this vision, Clause 02.03-4 of the Municipal Planning Strategy, Built Environment and Heritage, sets out strategic directions. As such, Council supports:

- Protecting and enhancing the varied, distinctive and valued character of neighbourhoods across Port Phillip, and the physical elements therein.
- Protecting and conserving valued heritage places and precincts by:
 - Retaining and conserving heritage places.
 - Development that respects and complements heritage places by using a contextual design approach that retains and enhances the significance of a heritage place.
 - Supporting adaptive reuse of heritage places that are no longer used for their original purpose, such as industrial buildings.
- Balancing sustainability outcomes and heritage conservation.

To achieve this vision, Clause 15.03-1L Heritage Policy outlines the strategies that are relevant to the conservation and protection of heritage places, relating to:

- General heritage matters
- Demolition and relocation
- Conservation
- Alterations
- Additions
- New buildings
- Vehicle access
- Fencing
- Signage
- Significant trees and gardens
- Roof terraces and roof decks
- Sustainability and services
- Subdivision
- Public realm and infrastructure

While 21 Dorcas Street, South Melbourne, is located within an area where substantial residential growth is directed, heritage protection is not incompatible with growth.

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

The amendment makes proper use of the Victorian Planning Provisions by maintaining the approach of a schedule to the Heritage Overlay to place heritage controls over the properties identified to be of heritage significance.

Application of the Heritage Overlay in the Port Phillip Planning Scheme is consistent with *Practice Note 1 - Applying the Heritage Overlay*.

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

The amendment does not affect any agency.

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

The amendment will not have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*, as the amendment applies to a single property in South Melbourne.

Resource and administrative costs

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

The amendment will not result in any significance resource implications for the Responsible Authority.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the St Kilda Town Hall (99a Carlisle Street, St Kilda).

The amendment may also be viewed online at the City Port Phillip website:

<http://www.portphillip.vic.gov.au/planning-scheme-amendments.htm>

The Amendment can also be inspected free of charge at the Department of Transport and Planning website at: [Planning scheme amendments on exhibition](#).

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 [insert date].

A submission must be 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

Panel hearing dates

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

- directions hearing: [to be set following authorisation]
- panel hearing: [to be set following authorisation]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
South Melbourne	21 Dorcas Street, South Melbourne	Port Phillip C214port 001hoMap04