1. PURPOSE

1.1 To present Prescribed Amendment C160 and Amendment C161 for consideration, that give statutory effect to the Port Phillip Heritage Review Update (David Helms Heritage Planning, February 2019) and three individual heritage assessments, as well as correct anomalies in the Port Phillip Planning Scheme.

2. EXECUTIVE SUMMARY

2.1 Amendment C160 and C161 group together numerous updates and technical corrections to the Port Phillip Planning Scheme (the Scheme). The amendments affect multiple properties throughout the municipality.

2.2 The amendments have been informed by a list of corrections identified and compiled by City Strategy & Policy and the community and address matters such as:

- corrections to planning scheme zoning map anomalies;
- corrections and updates to planning overlay map and schedule anomalies, including removal of the Environmental Audit Overlay where no longer required;
- updates to the Port Phillip Heritage Review (including Port Phillip Heritage Policy Map and Port Phillip Neighbourhood Character Map) Incorporated Documents;
- correction to rezoning errors inadvertently made by Amendment C123 (Residential Zones) in 2017.

2.3 The proposed changes to heritage controls are based on the Port Phillip Heritage Review Update (February 2019) prepared by David Helms Heritage Planning. The report reviewed a list of errors and anomalies identified over time by Council officers and the community. Recommendations include:

- adding five new places of individual significance to be included in the Heritage Overlay (see Section 4.6 for list of places)
• extending Heritage Overlay (HO) precincts HO5 – St Kilda Hill and HO7 – St Kilda, Elwood, Balaclava, Ripponlea to capture logical inclusions
• updating and correcting details of heritage places within the schedule to the Heritage Overlay (Clause 43.01)
• changing the heritage grading of properties within the Heritage Overlay;
• revising Citations in the Port Phillip Heritage Review (PPHR), and
• removing heritage places that have been demolished from the Heritage Overlay and regrading to ‘Nil’.

2.4 The amendments will apply site-specific Heritage Overlays and introduce citations for the following sites, following site specific heritage assessments:
• 588-590 City Rd, South Melbourne
• 2-6 Blanche Street and 110-118 Barkly Street, St Kilda, and
• 58, 59 & 60 Queens Road, Melbourne.

2.5 The updates are split across two separate planning scheme amendments, depending on the nature of the change:
• Amendment C160 is for obvious errors and technical corrections and is proposed to follow a streamlined ‘Prescribed’ amendment process exempt from the notification requirements of the Planning and Environment Act 1987 (the Act), and
• Amendment C161 will undergo a full statutory exhibition process, including a planning panel process should any submissions remain unresolved.

2.6 Resources have been allocated to progress the amendments through the Planning Scheme Amendment Program.
3. RECOMMENDATION

That Planning Committee:

3.1 Endorse the findings of the following heritage reports and assessments:

- *Port Phillip Heritage Review Update* (February 2019) prepared by David Helms Heritage Planning provided at Attachment 1
- *588-590 City Rd, South Melbourne* (May 2017) prepared by Context Pty Ltd provided at Attachment 2
- *2-6 Blanche Street and 110-118 Barkly Street, St Kilda* (December 2017), prepared by Context Pty Ltd provided at Attachment 3
- *58, 59 & 60 Queens Road, Melbourne Heritage Assessment* (November 2017) prepared by Peter Andrew Barrett and provided at Attachment 4.

3.2 Resolve to prepare Amendment C161 to the Port Phillip Planning Scheme to make a series of updates and technical corrections and to update heritage provisions to give effect to the heritage reports listed in 3.1, generally in accordance with the documentation at Attachments 5 – 10.

3.3 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C161 to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*.

3.4 Place Amendment C161 on exhibition, in accordance with Section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.

3.5 Request the Minister for Planning to prepare and approve Amendment C160 to the Port Phillip Planning Scheme to make obvious updates and technical corrections, pursuant to Section 20A of the *Planning and Environment Act 1987*, and generally in accordance with the documentation provided at Attachment 11 – 16.

4. KEY POINTS/ISSUES

**Context**

4.1 Amendment C160 and C161 have been prepared to process numerous updates and technical corrections to the Port Phillip Planning Scheme (the Scheme).
4.2 These amendments contain many site-specific changes to the scheme, affecting numerous properties throughout the municipality and respond to feedback by Council officers and community members over time.

4.3 Council is obligated to regularly review the provisions of the Scheme under Section 12(1)(c) of the Planning and Environment Act 1987 (the Act). Updating and correcting anomalies and removing redundant provisions will ensure the Scheme remains current and accurate. The updates will also remove unnecessary permit triggers and strengthen our heritage planning controls, providing a basis for clear and consistent decision-making.

4.4 The proposed updates to the Scheme are split across two separate amendments; Amendment C160 and C161. This approach allows for minor updates and technical corrections to be approved via a streamlined ‘Prescribed’ amendment process (Amendment C160) where public notification and exhibition is not required, and for all other changes to undergo a full statutory public exhibition amendment process (Amendment C161).

**Strategic Justification**

4.5 The amendments are informed by *Port Phillip Heritage Review Update* (February 2019) prepared by David Helms Heritage Planning (Attachment 1 – the PPHR Update Report). The report reviews a number of anomalies and errors with existing heritage places and provide strategic justification for an amendment to the planning scheme.

4.6 The PPHR Update Report makes the following recommendations:

- Five places satisfy the threshold for local individual significance and are recommended for inclusion in the Heritage Overlay:
  - 96 Grey Street, St Kilda (Greycourt)
  - 12 Marine Parade, St Kilda (Edgewater Towers)
  - 152 and 154 Mitford Street, Elwood (Houses)
  - 324 Esplanade East, Port Melbourne (House)
  - 110-118 Barkly Street and 2-6 Blanche Street St Kilda (Houses)

- Precinct extensions to HO5 (St Kilda Hill) and HO7 (St Kilda, Elwood, Balaclava, Ripponlea). The extensions include comparable buildings to those already included in the precincts and form logical inclusions.

- Updates to the Heritage Overlay maps and schedule (schedule to Clause 43.01 – Heritage Overlay) for 20 places to correct information.

- Changes to the heritage gradings shown on the *Port Phillip Heritage Policy Map* for 223 properties, based on a review of the ‘intactness’ and ‘integrity’ of the place, and in some cases, in for incorrect gradings (a complete list of grading changes is included in Appendix C of the report).
Revisions and updates to 91 Citations included in the *Port Phillip Heritage Review*.

Removal of the Heritage Overlay for 7 demolished heritage places, and updates to individual Citations where applicable.

Changing the heritage grading to ‘Nil’ on the *Port Phillip Heritage Policy Map* for numerous properties that have been demolished and are within a precinct Heritage Overlay.

4.7 The recommendations of the PPHR Update Report will be implemented by both Amendment C160 and C161.

4.8 Amendment C161 also proposes to apply the Heritage Overlay to the following sites, to give effect to the following individual heritage assessments for:

- 588-590 City Rd, South Melbourne (*Context Pty Ltd, May 2017*) - refer to Attachment 2
- 2-6 Blanche Street and 110-118 Barkly Street, St Kilda (*Context Pty Ltd, December 2017*) - refer to Attachment 3, and
- 58, 59 & 60 Queens Road, Melbourne Heritage Assessment (*Peter Andrew Barrett, November 2017*) refer to Attachment 4.

4.9 The reports and assessments above have been prepared in accordance with the *Australia ICOMOS Charter for Places of Cultural Significance, 2013* (‘Burra Charter’) and its guidelines using the HERCON Criteria. Further, all recommendations for the application of the Heritage Overlay are consistent with the *Victorian Planning Practice Note: Applying the Heritage Overlay*.

**Amendment C160 – Prescribed ‘Update’ Amendment**

4.10 The proposed Amendment C160 is a ‘Prescribed’ amendment, pursuant to Section 20A of the *Planning and Environment Act 1987*.

4.11 A prescribed amendment allows Council to make corrections to the planning scheme of an obvious or technical nature, and remove redundant provisions within the Scheme without the need to notify affected properties or undertake exhibition. The list of prescribed classes of amendment are set out in Regulation 8 of the *Planning and Environment Regulations 2015*.

4.12 Amendment C160 proposes to make changes that will not alter the effect of planning scheme provisions or result in policy changes. On that basis, it meets the prescribed criteria.

4.13 The specific changes proposed to be included in Amendment C160 are:

- Rezoning several properties along Bay Street, Port Melbourne to the Mixed-Use Zone and Commercial 1 Zone to reflect the changes made by Amendment C103 that implemented the Bay Street Activity Centre
Structure Plan in July 2016. The properties were inadvertently rezoned back to residential by a mapping error in Amendment C123 (New Residential Zones) in December 2017.

• Deleting the Environmental Audit Overlay (EAO) from 9 sites where a Certificate of Environmental Audit has been issued in accordance with Part IXD of the Environment Protection Act 1970.

• Deleting five site-specific Heritage Overlays where the heritage place has been demolished.

• Deleting a small portion of HO8 (Elwood-Glenhuntly Rd, Ormond Rd) and HO442 (Albert Park Residential Precinct / Part Montague Precinct) precinct overlays, where a heritage place has been demolished at the edge of the heritage precinct.

• Shifting the Heritage Overlay 14 (HO14) so that it covers the exact location of the ‘Ngargee Tree’ in Albert Park.

• Updating the Environmental Significance Overlay – Schedule 2 (ESO2) so that it refers to the ‘Ngargee Tree’ which is a Boon-Wurrung term and not the ‘Corroboree Tree’ which is a Queensland term.

• Corrections and updates to the Schedule to the Heritage Overlay (Clause 43.01) to correct property addresses and place names, mapping references, and recognising the registration of a heritage place on the Victorian Heritage Register for 12 heritage places.

• Corrections and updates to the Port Phillip Heritage Review (Incorporated Document) to:
  • revise 56 Citations to make technical corrections including correcting property addresses, place names, mapping references, and recognising the registration of a heritage place on the Victorian Heritage Register
  • update 18 Citations to identify where demolition of the heritage place has occurred
  • re-introduce Citation 486 into the PPHR after it was inadvertently removed in Amendment C103
  • update 2 Citations to be in the ‘New Format’.

• Update the City of Port Phillip Heritage Policy Map (Incorporated Document) to remove 55 ‘Significant Heritage Place’ gradings and 41 ‘Contributory Heritage Place’ gradings where the heritage place has been demolished, or to correct obvious mapping errors.

• Update the City of Port Phillip Neighbourhood Character Map (Incorporated Document) to remove the ‘Contributory outside of the Heritage Overlay’
grading from 730 properties, where the heritage place has been demolished, or to correct obvious mapping errors.

- The Amendment proposes to make consequential changes to Clause 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the *Port Phillip Heritage Review* (including the *Heritage Policy Map* and the *Neighbourhood Character Map*).

4.14 The draft Amendment C160 documentation is included as Attachment 11 - 16, with a list of the affected properties and specific changes to the planning scheme outlined in the draft Explanatory Report.

**Amendment C161 – Exhibited ‘Update’ Amendment**

4.15 Amendment C161 is proposed to be an exhibited amendment, in accordance with the statutory notification requirements of Section 19 of the *Planning and Environment Act 1987*.

4.16 Amendment C161 proposes to:

- Rezone the following properties to address mapping anomalies where a property is in two zones:
  - Part of 9 Charles Street from the Mixed Use Zone to the Neighbourhood Residential Zone - Schedule 1.
  - Part of 210-218 Dorcas Street, South Melbourne from the Commercial 1 Zone to General Residential Zone – Schedule 1
  - Part of 31 and 31A Prentice Street and 36 Leslie Street, St Kilda East from the Commercial 1 Zone to General Residential Zone – Schedule 1
  - Part of 248-250 Dorcas Street, South Melbourne from the Neighbourhood Residential Zone – Schedule 2 to the Commercial 1 Zone.
  - Part of 1/99 Carlisle Street, St Kilda from the Neighbourhood Residential Zone - Schedule 2 to the Commercial 1 Zone.
  - Part of 204-206 St Kilda Road, St Kilda from the General Residential Zone – Schedule 1 to the Commercial 1 Zone.
  - Part of the Westgate Freeway (Citylink Ramp) from the Industrial 1 Zone to the Road Zone Schedule 1.
• Part of 350-370 Kings Way, South Melbourne from the Public Park and Recreation Zone to the Public Use Zone Schedule 2 and
• Part of 35 Lakeside Drive, Albert Park from the Public Use Zone Schedule 2 to the Public Park and Recreation Zone.
• Part of 146 Dow Street, Port Melbourne from the Neighbourhood Residential Zone – Schedule 2 to the General Residential Zone – Schedule 1
• Rezone properties at 2, 4, 6 and 8 Milton Street, Elwood from the Commercial 1 Zone to the General Residential Zone – Schedule 1 to reflect the historic and ongoing residential use of this land.
• Apply new site-specific Heritage Overlay’s to:
  • 110, 112, 114, 116 and 118 Barkly Street, St Kilda, and 2, 2A, 4 and 6 Blanche Street, St Kilda (HO507).
  • 588- 590 City Road, South Melbourne (HO509)
  • 12 Marine Parade, St Kilda (HO510)
  • 152 and 154 Mitford Street, Elwood (HO511)
  • 58, 59 & 60 Queens Road, Melbourne (HO512)
• Re-apply HO383 to 53 Jackson Street and 1A Enfield Street which was inadvertently removed by mapping error.
• Extend HO5 (St Kilda Hill Precinct) to apply to an additional three properties.
• Extend HO7 (Elwood, St Kilda, Balaclava, Ripponlea Precinct) to apply to an additional 17 properties.
• Extend HO260 to apply to 161 Mitford Street, Elwood.
• Extend HO220 to apply to 71 Ormond Road, Elwood.
• Remove HO164 from the land bounded by Boundary Road, Munro Street, Ingles Street and Woodruff Street, apart from 164 Ingles Street and 14 Woodruff Street, Port Melbourne to reflect demolition, and update the citation.
• Delete HO215 from the Rail over Road bridge at Nightingale Street, Balaclava, Remove HO7 from the Rail over Road bridge at Carlisle Street,
Balaclava and extend HO147 to apply to the Rail over Road Bridges at Carlisle Street and Nightingale Street, Balaclava.

- Make corrections to the Schedule to the Heritage Overlay (Clause 43.01) for 10 heritage places.

- Update the *Port Phillip Heritage Review* (Incorporated Document) to:
  - Introduce four new citations for individually significant properties.
  - Update 49 existing citations.

- Update the *City of Port Phillip Heritage Policy Map* (Incorporated Document) to show:
  - 257 properties as a ‘Significant Heritage Place’ grading.
  - 17 properties as a ‘Contributory Heritage Place’.
  - 25 properties as non-contributory heritage place (this figure does not include the properties listed in Table J of the Explanatory Report associated with the deletion of part of HO164 and the consequential grading change of these properties from Significant to Non-Contributory).

- Update the *City of Port Phillip Neighbourhood Character Policy Map* (Incorporated Document) to show:
  - 4 additional properties as a ‘Contributory Heritage Place outside the Heritage Overlay’ grading.
  - 1 property as a non-contributory heritage place.
  - Consequential changes to remove ‘Contributory Heritage Place outside the Heritage Overlay’ grading where properties are being regraded.

- Include the following documents as a Reference Document in Clause 22.04 (Heritage Policy):
  - *Heritage Assessment, 588-590 City Rd, South Melbourne* (Context Pty Ltd, May 2017)
  - *Heritage Assessment 2-6 Blanche Street and 110-118 Barkly Street, St Kilda* (Context Pty Ltd, December 2017).
  - *58, 59 & 60 Queens Road, Melbourne Heritage Assessment* (Peter Andrew Barrett, November 2017).
o  *Port Phillip Heritage Review Update* (David Helms Heritage Planning, February 2019).

- Make consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the Port Phillip Heritage Review (including the City of Port Phillip Heritage Policy Map and the City of Port Phillip Neighbourhood Character Map).

4.17 Draft Amendment C161 documentation is included as Attachment 5 - 10, with a list of the affected properties and specific changes to the planning scheme outlined in the draft Explanatory Report.

5. **CONSULTATION AND STAKEHOLDERS**

5.1 Amendment C160 (Prescribed ‘Update’ Amendment) is exempt from the statutory notification requirements of the Act and no consultation will occur as part of this process.

5.2 All landowners and occupiers of properties directly affected by Amendment C161 have been invited to this Planning Committee Meeting in writing. The letter included information how the amendment affected their property, including a link to more information on Council’s website.

5.3 Amendment C161 is proposed to undergo a full statutory exhibition process for four (4) weeks, in accordance with the Act. This would include:

- two ‘Drop-in sessions’ with Council officers and Council’s Heritage Advisor available to provide information to affected landowners and the community.
- publication of a Public Notice in the government Gazette and the Port Phillip Leader
- a dedicated Council webpage with an explanation of the Amendment and relevant documentation
- relevant documentation will also be made publicly available in Council’s Town Halls and libraries.

5.4 The exhibition process provides a formal opportunity for all interested parties to make a written submission on the proposed amendment.

5.5 Any submissions to proposed Amendment C161 that cannot be resolved will be referred to an independent Planning Panel for review and recommendation prior to any decision by Council to adopt or abandon the amendment.
6. LEGAL AND RISK IMPLICATIONS

6.1 No significant risk implications have been identified in relation to the processing of the amendments. The amendments will be processed in accordance with the requirements of the Act.

7. FINANCIAL IMPACT

7.1 The expenses associated with proceeding with the proposed amendments is included in Council’s annual Planning Scheme Amendments Program budget.

7.2 The expenses include payment of statutory fees, and for Amendment C161 notification during public exhibition and running an independent Planning Panel hearing if there are any unresolved submissions.

8. ENVIRONMENTAL IMPACT

8.1 The amendments will have a positive environmental impact through protecting places of historic significance and allowing the reuse and recycling of existing building stock.

9. COMMUNITY IMPACT

9.1 Being responsive to requests for updates and corrections as they are identified will benefit all users of the planning scheme and stakeholders in the planning process.

9.2 The amendments will have a positive impact on the community, through protecting historically significant places within Port Phillip for the benefit of current and future generations.

9.3 Amendment C161 is likely to impose some additional costs on the owners or developers of the properties to be included in the Heritage Overlay for the first time through increased planning permit requirements.

9.4 Overall, Amendment C160 and C161 will have a positive economic impact through removing redundant planning provisions and permit triggers and by promoting the cultural economy through heritage conservation.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The amendments are consistent with the ‘We are Port Phillip’ Council Plan 2017-2027 commitment to ‘protecting heritage places’ and ‘ensuring new development integrates with, respects and contributes to the unique heritage, character and beauty of our neighbourhoods’.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE
• Should the Planning Committee decide to proceed with the amendments, a request for Ministerial approval of Amendment C160, and a request for Ministerial authorisation for Amendment C161 will be sent to the Minister for Planning.

• Once authorisation is received, Amendment C161 would commence public exhibition, providing a formal opportunity for all interested parties to make a written submission on the proposed amendment. This is anticipated to occur in May 2019.

11.2 COMMUNICATION

• If approved by the Minister for Planning, information about Amendment C160 will be provided on Council’s website.

• Information about Amendment C161 and the upcoming exhibition process will be provided on Council’s website.

• If authorised, Amendment C161 will be publicly exhibited pursuant to Section 19 of the Planning and Environment Act 1987. See Section 5 - Consultation for exhibition details.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

TRIM FILE NO: 66/02/278

ATTACHMENTS

2. C161 Heritage Assessment 588-590 City Rd, Port Melbourne (Context Pty Ltd, May 2017)
3. C161 Heritage Assessment 2-6 Blanche and 110-118 Barkly Street, St Kilda (December 2017)
4. C161 Heritage Assessment 58, 59 & 60 Queens Rd, Melbourne (Peter Andrew Barrett, November 2017)
5. C161 Draft Administration Documents
6. C161 Draft Scheme Maps and Ordinances
7. C161 PPHR V30 - Volume 1 (Extract)
8. C161 PPHR V30 New Citations (Extract)
9. C161 PPHR V30 Revised Citations (Extract)
10. C161 PPHR V30 Proposed Heritage Policy and Neighbourhood Character Maps
11. C160 Administration Documents
12. C160 Amended Scheme Maps and Ordinances
13. C160 PPHR V28 - Volume 1 (Extract)
14. C160 PPHR V28 Reinstated Citation - Bay Street (Extract)
15. C160 PPHR V28 Updated Citations