

*Planning and Environment Act 1987*

**PORT PHILLIP PLANNING SCHEME**

**AMENDMENT C70**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the City of Port Phillip.

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

**Land affected by the amendment.**

The land affected by the amendment is generally described and defined as follows:

- 15 Albion Street, East St Kilda
- Albion Street/ Los Angeles Street, East St Kilda (Former Brunnings Estate)
- 101 Alma Road, East St Kilda
- 82-96 Bay Street, 126-142 Rouse Street & 93 Dow Street, Port Melbourne
- 1 Beaconsfield Parade, Port Melbourne
- 10, 9 - 23 Centre Avenue, Garden City
- 59 & 60 Crichton Avenue, 27 Walter Street & 432 Williamstown Road, Garden City
- 126 Evans Street, Port Melbourne
- 34 Fitzroy Street, St Kilda, The Gatwick Hotel
- 1, 3 & 5 Garden Court, Elwood
- Garden City Reserve, Port Melbourne
- 35 Gurner Street, St Kilda
- 197 & 197A Hotham Street, Ripponlea
- 15 Marriott Street, St Kilda
- 26 McCormack Street, Port Melbourne
- 1 Morris Street, South Melbourne
- 2-2D Quat Quatta Avenue, Ripponlea
- 31A and 31B Scott Street, Elwood
- Sea wall and promenade, south side of Beaconsfield Parade between Cowderoy Street, St Kilda West and McGregor Street, Middle Park
- 21-23 Tiuna Grove, Elwood

**What the amendment does.**

The amendment proposes to make updates and corrections to the Port Phillip Planning Scheme, including site specific zoning changes, and minor text and mapping changes. The amendment also proposes to make corrections to the Port Phillip Heritage Review, the Port Phillip Heritage Policy Map and Neighbourhood Character Policy Map, which are incorporated documents in the planning scheme. The changes comprise the following:

- Rezoning of 15 Marriott Street, St Kilda from a Public Use Zone (PUZ6 – Local Government) to a Residential 1 Zone, to reflect the residential use of the land.
- Introducing a permanent Heritage Overlay to:
  - 1, 3 & 5 Garden Court, Elwood.
  - Garden City Reserve, Port Melbourne (northern portion).
  - Sea Wall and Promenade, Beaconsfield Parade, St Kilda West/Middle Park. An Incorporated Plan for the Sea Wall and Promenade is also introduced into the scheme at Clause 81.

- Amend the existing Heritage Overlay Maps to make the following corrections/updates:
  - Extend HO5 to cover the whole property at 35 Gurner Street, St Kilda.
  - Extend HO2 to cover the whole of the properties known as 59 & 60 Crichton Avenue, 27 Walter Street & 432 Williamstown Road, Garden City.
  - Delete the HO from the area to which HO115 currently applies (area bounded by Bay Street, Little Bay Street, Dow Street and Rouse Street, Port Melbourne).
  - Apply a reduced HO115 to cover 93 Dow Street, Port Melbourne only.
  - Include 96 Bay Street, Port Melbourne in a new Heritage Overlay (HO452).
  - Retain the underlying HO1 over the balance of the area to which the original HO115 applied (ie area bounded by Bay Street, Little Bay Street, Dow Street and Rouse Street, Port Melbourne).
  - Reduce the area of HO431, to coincide with location of Scots Church at 31A Scott Street, Elwood.
  - Apply HO432 to coincide with the location of the Church Hall at 31A Scott Street, Elwood.
  - Delete HO432 from the land at 31B Scott Street, Elwood.
- Update the Schedule to the Heritage Overlay at Clause 43.01 by:
  - Inserting a new Heritage Overlay reference for 96 Bay Street, Port Melbourne (HO452).
  - Inserting a new (permanent) Heritage Overlay reference for the Sea Wall and Promenade, Beaconsfield Parade, St Kilda West/Middle Park (HO450), including reference to the Incorporated Plan - Sea Wall and Promenade (September 2008).
  - Updating the address for HO115 (93 Dow Street, Port Melbourne).
  - Correcting the address for HO432 (31A Scott Street, Elwood).
- Update the Port Phillip Heritage Review, which is an incorporated document in the planning scheme, to:
  - Add 5 new citations (10 Centre Avenue, Port Melbourne, 9-23 Centre Avenue, Port Melbourne, 34 Fitzroy Street, St Kilda, 1 Morris Street, South Melbourne and 101 Alma Road, St Kilda East).
  - Amend the Statements of Significance for the HO2 precinct (to make reference to the Garden City Reserve) and HO7 precinct (to make reference to Garden Court and the former Brunnings Estate).
  - Correct / update text/map details on 5 existing citations.
  - Update the grading of 24 individual properties on the Port Phillip Heritage Policy Map.
  - Delete three (3) properties on the Port Phillip Neighbourhood Character Policy Map which are now to be included in a Heritage Overlay.
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- Update Clauses 21.05, 22.01, 22.04 of the Local Planning Policy Framework to include the revised version number and date of the Port Phillip Heritage Review, Port Phillip Heritage Policy Map and Port Phillip Neighbourhood Character Policy Map.
- Update the Schedule to Clause 81 – Incorporated Documents, to incorporate and refer to the updated versions of the Port Phillip Heritage Review, City of Port Phillip Heritage Policy Map and City of Port Phillip Neighbourhood Character Policy Map, and to introduce an Incorporated Plan for the Sea Wall and Promenade St Kilda West / Middle Park. (dated September 2008).

## Strategic assessment of the amendment

- Why is the amendment required?

The amendment is required to:

- Rezone one property to reflect the primary use of the land.
- Implement the recommendations of heritage reports prepared for a number of individual properties through changes to the Heritage Overlay.
- Update information in the Port Phillip Heritage Review, which is an incorporated document in the scheme.

### Rezoning

15 Marriott Street, St Kilda is occupied by a building comprising 7 residential units, all of which are on separate titles. The site has been in private ownership since 1992 but is currently zoned Public Use Zone (PUZ6 – Local Government). The PUZ6 is not an appropriate zoning for the site given it is in private ownership and is used for residential purposes. The amendment is therefore required to zone the site to the R1Z to reflect the residential use.

### Heritage Overlay

A heritage report has been prepared by Heritage Alliance – Conservation Architects and Heritage Consultants, for 1, 3 & 5 Garden Court in Elwood and the Garden City Reserve in Port Melbourne. The reports identify and describe the heritage significance of these sites and recommend that these places be included in a Heritage Overlay. The amendment is required to implement these findings.

The Sea wall and Promenade, on the south side of Beaconsfield Parade between Cowderoy Street and McGregor Street in St Kilda West/Middle Park, is not currently within the Heritage Overlay. The site however, is identified in the St Kilda 20<sup>th</sup> Century Architectural Study Volume 3, 1992 as a significant heritage place and is included in the Port Phillip Heritage Review as Citation No. 413. The amendment is therefore required to incorporate the site in a Heritage Overlay to reflect the citation.

### Port Phillip Heritage Review

Council is committed to ensuring that the provisions of the Port Phillip Planning Scheme are up-to-date. To do this, it is necessary to regularly review the provisions of the scheme to identify any errors, anomalies and outdated provisions, and then undertake an amendment process to correct them.

The Port Phillip Heritage Review comprises:

- History and background information to the Review, including Statements of Significance for a number of individual precincts.
- Individual citations for individual heritage properties and areas (there is a total of 2350 citations).
- The City of Port Phillip Heritage Policy Map, which shows the heritage grading applied to all properties covered by a Heritage Overlay.
- The City of Port Phillip Neighbourhood Character Policy Map, which shows properties that ‘contribute’ to the neighbourhood character of areas not covered by a Heritage Overlay.

Reviewing the information contained in the Review is periodically required, and updates made to documentation where necessary, such as regrading properties that have been identified as having little or no heritage significance as a result of a development approval (e.g. demolition of a significant graded heritage dwelling and its replacement with a contemporary dwelling), or updating the address of a property in a citation that may have changed as a result of a recent subdivision. As an incorporated document, it is important that the Port Phillip Heritage Review contains information that is accurate and correct, and Amendment C70 will achieve this.

Amendment C70 - Details of Changes:

The changes proposed as part of Amendment C70 to the Port Phillip Planning Scheme are described in greater detail in the following table:

SUBJECT LAND	PROPOSED CHANGE	RATIONALE
<i>Zoning changes</i>		
15 Marriott Street St Kilda	Rezone the site to the Residential 1 Zone (on Planning Scheme Map 6).	The existing building contains 7 units on separate titles. The property has been in private ownership since 1992, but is currently under a public zone – the Public Use Zone 6 (Local Government). The whole of the site should be rezoned to Residential 1 to reflect the residential use.
<i>Additional Properties to be included in a Heritage Overlay on a permanent basis. Note: An Interim Heritage Overlay was applied to each of these properties by Amendment C76.</i>		
1, 3 & 5 Garden Court Elwood	<p>Include all three properties in a permanent Heritage Overlay by:</p> <ul style="list-style-type: none"> <li>- Extending the boundary of HO7 on Planning Scheme Map 8HO to include 1, 3 &amp; 5 Garden Court, Elwood.</li> <li>- Updating the Port Phillip Heritage Policy Map to show all three properties as ‘significant’.</li> <li>- Updating the Neighbourhood Character Map to remove all three properties.</li> <li>- Including reference to the properties in Garden Court in the HO7 citation which forms part of the Incorporated Document ‘Port Phillip Heritage Review’.</li> </ul>	A commissioned heritage assessment recommended that 1, 3 & 5 Garden Court should be included in a heritage Overlay (HO7).
Garden City Reserve Port Melbourne (northern part)	<p>Include Garden City Reserve in a permanent Heritage Overlay (note: this does not include the former section of Howe Parade ie southern portion) by:</p> <ul style="list-style-type: none"> <li>- Extending the boundary of HO2 on Planning Scheme Map 2HO to include the Reserve.</li> <li>- Including reference to the Garden City Reserve in the citation for HO2 which forms part of the Incorporated Document ‘Port Phillip Heritage Review’.</li> <li>- Updating the Port Phillip Heritage Policy Map to show the Garden City Reserve (not including the former portion of Howe Parade) as ‘significant’.</li> </ul>	<p>The inclusion of the Garden City Reserve in HO2 was requested by residents.</p> <p>A commissioned heritage assessment (completed by Heritage Alliance in 2006) confirmed that the reserve is an integral part of the Garden City design and layout and should have been included in the original heritage overlay for Garden City.</p> <p>The application of HO2 is limited to the reserve only and does not extend to the park extension which was formerly the Howe Parade road reserve. [Amendment C69 includes rezoning of this portion from Residential 1 to Public Park and Recreation.]</p>

<b>SUBJECT LAND</b>	<b>PROPOSED CHANGE</b>	<b>RATIONALE</b>
Sea Wall and Promenade, south side of Beaconsfield Parade between Cowderoy Street, St Kilda West and McGregor Street, Middle Park.	<p>Include the land in a permanent Heritage Overlay (HO450) by:</p> <ul style="list-style-type: none"> <li>- Amending Planning Scheme Maps 5HO and 6HO to show HO450 (Seawall and Promenade).</li> <li>- Updating the Schedule to the Heritage Overlay at Clause 43.01 to include HO450.</li> <li>- Updating the Port Phillip Heritage Policy Map to show the Sea Wall and Promenade as 'significant'.</li> <li>- Including the HO number (HO450) in the citation for the Sea Wall and Promenade (Citation number 413).</li> <li>- Introducing an Incorporated Plan (Sea wall and Promenade - September 2008) at Clause 81 and making reference to the plan in the schedule to Clause 43.01.</li> </ul>	<p>The Sea Wall and Promenade were erroneously omitted from the heritage overlay – there is an existing Citation (Citation Number 413) which outlines the significance of the sea wall and promenade. The citation needs to be brought into effect through the application of heritage controls.</p> <p>The Heritage Overlay will include reference to an Incorporated Plan which enables specified works to be undertaken without the requirement for a planning permit (provided works are undertaken in accordance with that incorporated plan).</p>

<i>Minor Changes to the Port Phillip Heritage Review and Heritage Overlay</i>		
15 Albion Street East St Kilda	Update the Port Phillip Heritage Policy Map to show 15 Albion Street East St Kilda as 'non-contributory'.	VCAT approved the demolition of the original building in 1993. The site is now occupied by seven units.
Former Brunnings Estate (Los Angeles Street/Albion Street, East St Kilda)	Update the Port Phillip Heritage Review to include reference to the Brunnings Estate in the Citation for HO7.	A VCAT decision for 15 Albion Street, East St Kilda, noted that there is no mention of the Brunnings Estate in HO7. The citation for HO7 has been updated to include reference to this former nursery and estate.
101 Alma Road East St Kilda	Include a new Citation in the Port Phillip Heritage Review (Citation 2355).	<p>This place is identified as significant within HO6. Planning approval has recently been allowed (November 2007) to create 17 flats in the existing and proposed buildings. A citation was prepared prior to this application, and it is considered that it is still important to identify what is significant on the property for future information.</p> <p>Council's Heritage Advisor, has reviewed the history of the site and provided the information upon which the new citation is based</p>

SUBJECT LAND	PROPOSED CHANGE	RATIONALE
<p>82 - 96 Bay Street, 126-142 Rouse Street &amp; 93 Dow Street Port Melbourne</p>	<p>Reduce the area of the existing HO115 (on Planning Scheme Map 2HO) to only include 93 Dow Street, Port Melbourne, being the boundaries of the old Carrick &amp; Morely Warehouse building.</p> <p>Update the Schedule to the Heritage Overlay to correct the address reference in HO115.</p> <p>Update the Port Phillip Heritage Policy Map to show the old Carrick &amp; Morely Warehouse building at 93 Dow Street, Port Melbourne, as 'significant'</p> <p>Correct the street address and map on Citation 637</p>	<p>The existing HO115 (map boundaries) include both the old National Bank building and the former Carrick &amp; Morley factory warehouse, and adjoining land.</p> <p>The site was formerly a single consolidated lot (previously known as 90 Bay Street). In 2000, the site was redeveloped for retail shops and residential apartments.</p> <p>Redevelopment of the site included the conversion of the former <i>Carrick &amp; Morley factory warehouse</i> into residential apartments on separate strata titles (Units 1 – 200/93 Dow Street). HO115 has been reduced in size to only apply to the original warehouse / factory building.</p> <p>To reflect the modification to HO115, Citation <b>637</b> needs to be updated to reflect the new street address and correct the citation map.</p>
	<p>Introduce a new HO452 (on Planning Scheme Map 2HO) to apply to 96 Bay Street, Port Melbourne, being the old National Bank building on the corner of Bay Street and Little Bay Street.</p> <p>Update the Schedule to the Heritage Overlay to include HO452 relating to the old National Bank building at 96 Bay Street, Port Melbourne.</p> <p>Update the Port Phillip Heritage Policy Map to show 96 Bay Street, Port Melbourne (the old National Bank building) as 'significant'.</p> <p>Update the street address, map and HO reference in Citation 693</p>	<p>The existing HO115 (map boundaries) include both the old National Bank building and the former Carrick &amp; Morley factory warehouse, and adjoining land.</p> <p>Subdivision of the redeveloped site in 2006 created a separate lot for the old National Bank building, being 96 Bay Street.</p> <p>To reflect the modification to HO115, Citation <b>693</b> needs to be updated to reflect the new street address, correct the citation map and reference HO452.</p>

SUBJECT LAND	PROPOSED CHANGE	RATIONALE
	<p>Update the Port Phillip Heritage Policy Map to show the balance of the site as 'non-contributory'.</p> <p>Note: The balance of the site will be included in a Heritage Overlay (HO1).</p>	<p>HO1 extends along most of the length of Bay Street. Although the new development on the site does not have any heritage significance, not including the site in HO1 altogether would create a "gap" in the HO.</p> <p>To reflect the modification of HO115 and addition of HO 452 (applying specifically to the former Carrick &amp; Morley factory warehouse and National Bank building respectively) – the balance of the site should be shown as 'non-contributory'.</p>
<p>1 Beaconsfield Parade, Port Melbourne</p>	<p>Update the Port Phillip Heritage Policy Map to show the property at 1 Beaconsfield Parade, Port Melbourne as 'contributory'.</p>	<p>This property has been developed since 1998 into apartments at the rear of, and within, the existing building. The front of the original building has been retained but the site has been heavily modified, hence reducing it from a 'significant' to a 'contributory' grading.</p>
<p>9 &amp; 23 Centre Avenue, Garden City</p>	<p>Update the Port Phillip Heritage Policy Map to show the properties at 9 and 23 Centre Avenue as 'significant'.</p> <p>Include a new Citation for the Centre Avenue Shops (Citation Number 2352) in the Port Phillip Heritage Review.</p>	<p>9 and 23 Centre Avenue are the two shops at either end of the Centre Avenue shopping centre in Garden City. Both shops have been erroneously omitted from the grading applied to the row of shops (which are all graded 'significant').</p> <p>A commissioned heritage assessment has confirmed that the two end shops are an integral part of the Central Avenue shopping centre. The assessment recommends that the Heritage Policy Map be revised to apply the correct heritage grading of 'significant', and includes a new citation to be incorporated in the Port Phillip Heritage Review.</p>
<p>10 Centre Avenue, Garden City</p>	<p>Include a new citation for the Community Centre (Citation Number 2351) in the Port Phillip Heritage Review.</p>	<p>This is the Community Centre opposite the Centre Avenue shopping centre. The Community Centre has been identified as a 'significant' heritage property.</p> <p>A heritage assessment for the Centre Ave Shopping Centre includes a citation for the Community Centre to be incorporated in the Port Phillip Heritage Review.</p>
<p>59 &amp; 60 Crichton Avenue, 27 Walter Street &amp; 432 Williamstown Road Garden City</p>	<p>Extend the HO2 (on Planning Scheme Map 2HO) to cover these properties in their entirety.</p> <p>Update the Port Phillip Heritage Policy Map to show to all properties as 'significant'.</p>	<p>The boundary of HO2 currently bisects all four properties in error.</p> <p>These properties form the edge of the Garden City Estate. As each of the properties contain one half of a duplex it is appropriate that the HO2 boundary apply to the whole of each site and the Heritage Policy Map revised to reflect the change.</p>

SUBJECT LAND	PROPOSED CHANGE	RATIONALE
126 Evans Street Port Melbourne	Update the Heritage Policy Map to show 126 Evans Street, Port Melbourne as 'non-contributory'.	This property forms one of a pair with 125 Evans Street. Both sites are developed with relatively recent townhouses. No. 125 is correctly shown as a 'non-contributory' property, however No. 126 is inappropriately shown as 'significant'.
34 Fitzroy Street St Kilda Gatwick Hotel	Introduce a new Citation for the Gatwick Hotel (Citation Number 2353) in the Port Phillip Heritage Review.	34 Fitzroy Street is known as the Gatwick Hotel and is identified as a 'significant' heritage place within HO7. The Gatwick Hotel is a key building on Fitzroy Street and as such, a citation is considered necessary. Heritage Victoria has previously commented on the absence of a citation for this site.  Council's Heritage Consultant, has reviewed the history of the site and provided the information upon which the new citation is based
35 Gurner Street St Kilda	Extend HO5 (on Planning Scheme Map 6HO), to cover the whole property at 35 Gurner Street. St Kilda.  Retain the entire property as 'significant' on the Port Phillip Heritage Policy Map.	The boundary of HO5 currently bisects the property at 35 Gurner Street, St Kilda, in error.  The property contains one individual building which is recognised as being 'significant'. It is appropriate that the HO5 boundary apply to the whole site.  The Heritage Policy Map is consistent with the revised boundary.
197 & 197A Hotham Street Ripponlea	Update the Port Phillip Heritage Policy Map to show the properties as 'non-contributory'.	A planning permit was approved in 1997 to develop the land for 7 new apartments. The apartments have since been constructed and the 'significant' grading is no longer applicable.
26 McCormack Street Port Melbourne	Update the Port Phillip Heritage Policy Map to show the property as 'significant'	This property has an existing Citation <b>2237</b> .  The property is currently shown as 'non-contributory' on the Port Phillip Heritage Policy Map, which is not consistent with the heritage significance of the dwelling. The grading should be 'significant' in line with existing Citation 2237.  Council's Heritage Advisor has reviewed the current 'non-contributory' grading and has recommended the regrading to 'significant'.

<b>SUBJECT LAND</b>	<b>PROPOSED CHANGE</b>	<b>RATIONALE</b>
1 Morris Street South Melbourne	Introduce a new Citation (Citation Number 2354) in the Port Phillip Heritage Review.	1 Morris Street is identified as a 'significant' heritage place and is subject to HO210 – an individual Heritage Overlay. Despite it being within an individual heritage overlay, there is currently no citation associated with the dwelling.  Council's Heritage Consultant, has reviewed the history of the site and provided the information upon which the new citation is based.
2-2D Quat Quatta Avenue, Ripponlea	Update the Port Phillip Heritage Policy Map to show the properties as 'non-contributory'.	A planning permit was approved in 1997 to develop the land for 7 new apartments. The apartments have since been constructed and the 'significant' grading is no longer applicable.
31A Scott Street Elwood	Reduce the area of HO431 on Planning Scheme Map 9HO, to coincide with location of Scots Church.  Insert HO432 to coincide with the location of the Church Hall (Children's Centre).  Update the Schedule to the Heritage Overlay to correct the street address for HO432 to show 31A Scott Street, Elwood.  Update the street address and map in Citations 2341 and 2342 to show 31A Scott Street, Elwood.	Scots Presbyterian Church has requested the correction of a mapping error which currently includes the site at 31B Scott Street in a Heritage Overlay.  The amendment will show the correct location of the Scots Church and Church Hall buildings - both on land known as 31A Scott Street, Elwood.
31B Scott Street Elwood	Delete the existing HO432 (Planning Scheme Map 9HO) from land at 31B Scott Street, Elwood.  Delete the property from the Port Phillip Heritage Policy Map	31B Scott Street is the playground for the Children's Centre that operates in the old church hall on 31A Scott Street. It is incorrectly mapped as HO432.
21-23 Tiuna Grove Elwood	Update the Port Phillip Heritage Policy Map to show the properties at 21-23 Tiuna Grove, Elwood as 'non-contributory'.	This property contains 1960s walk-up flats. The 'significant' grading should be amended to 'non-contributory' to reflect this form of development.

- 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 of the *Planning and Environment Act 1987*:

- 4(1)(a) to provide for a fair, orderly, economic and sustainable use, and development of land;
- 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), c), (d).

- How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will have a positive environmental impact by protecting places of historic significance.

The amendment will have a positive social effect through the preservation of historically significant places, conserving significant parts of Port Phillip's history for future generations.

The amendment is unlikely to have an adverse economic effect. The identification of a place within the Heritage Overlay does not prohibit development or future alterations to any heritage place.

The amendment will ensure that the Council is providing the community with correct planning scheme information, and will improve the quality and cost effectiveness of Council's services to the community by reducing time spent on queries brought about by the planning scheme not operating at an optimum level.

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

Section 12(2)(a) of the Planning and Environment Act 1987 requires that in preparing a planning scheme amendment, a planning authority must have regard to the Minister's Directions.

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

### **Melbourne 2030:**

The amendment is affected by Ministerial Direction No. 9 – Metropolitan Strategy.

The amendment is consistent with the following directions and policies within Melbourne 2030:

#### Direction 5 – A Great Place to Be

Policy 5.1 seeks to recognise and protect cultural identity, neighbourhood character and sense of place. One of the initiatives to achieve this includes reviewing and revising urban design guidelines for incorporation in the planning scheme (5.1.2). The amendment is consistent with this policy direction as it proposes to make minor changes to the Port Phillip Heritage Review to ensure that it correctly reflects the municipality's built form.

Policy 5.4 seeks to protect heritage places and values. The initiative at Policy 5.4.4 is to "ensure that planning schemes reflect the full extent of heritage values in each municipality." The amendment is consistent with this initiative as it proposes to make updates to the Port Phillip Heritage Review to reflect the current heritage status of properties within the municipality, as well as introducing a Heritage Overlay to properties that have been identified as having particular heritage significance.

#### Direction 9 – Better Planning Decisions

Policy 9.1 seeks to ensure that the planning process is effective and efficient and Melbourne 2030 is committed to the improvement of planning outcomes. The amendment is consistent with this policy as it proposes to make updates that will ensure the planning scheme is up to date and operating at an optimum level, thereby supporting effective decision making. This includes the rezoning of the residential property at 15 Marriott Street, St Kilda, which is clearly erroneously zoned as Public Use Zone 6 (Local Government).

- How does the amendment support or implement the State Planning Policy Framework?

The amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), in particular:

Clause 12.05-2, A great place to be: Heritage, states that heritage places and values should be protected by ‘supporting the identification, conservation, protection and management of cultural heritage’.

Clause 15.11, Heritage – General Implementation, states that ‘Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development. These include...Important buildings, structures, parks, gardens, sites, areas, landscapes, towns and other places associated with the historic and cultural development of Victoria, including places associated with pastoral expansion, gold mining, industrial development and the economic expansion and growth of Victoria’.

- How does the amendment support or implement the Local Planning Policy Framework?

It is Port Phillip’s vision that heritage places, neighbourhood character and natural systems are protected by:

- Ensuring that all significant heritage places receive adequate protection from demolition or unsympathetic alterations.
- The restoration and recycling of heritage buildings and new development which contributes positively to the heritage value and local neighbourhood character of the place and its natural systems.
- Fostering design processes and outcomes which emphasise the value of Port Phillip’s heritage places, the complexity of its local ecology and the elements which define local neighbourhood character.
- Managing new development in a way which is environmentally sustainable – in terms of air and water quality, energy and resource consumption, waste minimisation and protection of natural systems.

To achieve this, the Port Phillip’s Municipal Strategic Statement and Local Policies outline a number of objectives, strategies, implementation methods and policies that are relevant to the conservation and protection of heritage places. These are as follows:

- Clause 21.05-1 Residential Land Use
- Clause 21.05-3 Neighbourhood Character
- Clause 21.05-5 Heritage Conservation
- Clause 22.01 Residential Neighbourhood Character Policy
- Clause 22.04 Port Phillip Heritage Policy
- Clause 22.05 Urban Design Policy for New Residential Development
- Clause 22.06 Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development

The amendment is consistent with the objectives and strategies outlined in both the State Planning Policy Framework and the Local Planning Policy Framework of the Port Phillip Planning Scheme.

- Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions.

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

This amendment does not seek to create any new referral authority.

- 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 significant resource implications for the responsible authority.

### **Where you may inspect this Amendment**

Any person who may be affected by the amendment may make a submission to the planning authority.

#### **A submission must be sent to:**

Coordinator – Strategic Planning  
City of Port Phillip  
Private Bag No.3  
PO St Kilda, Victoria 3182

### **The closing date for submissions is: 13 July 2009**

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

City of Port Phillip Municipal Offices:

-St Kilda Town Hall, Cnr Carlisle Street and Brighton Road, St Kilda;

-South Melbourne Town Hall, 208-220 Bank Street, South Melbourne, and

St Kilda Library, 150 Carlisle Street, St Kilda.

Note: Planning Officers are available at the St Kilda Town Hall to assist with enquiries.

The amendment may also be viewed online at:

the City Port Phillip web site:

[http://www.portphillip.vic.gov.au/planning\\_scheme\\_amendments\\_currently\\_on\\_exhibition.html](http://www.portphillip.vic.gov.au/planning_scheme_amendments_currently_on_exhibition.html)

the Department of Planning and Community Development web site from 11 June 2009:

[www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

# Amendment C70

## List of changes to the Port Phillip Planning Scheme

Clause / Map Numbers	Change	Comment
<b>PLANNING SCHEME MAP CHANGES</b>		
Map No. 6	Amend Planning Scheme Map No. 6, as shown on the attached map marked “Port Phillip Planning Scheme, Amendment C70”.	Rezones 15 Marriott Street, St Kilda from Public Use Zone – 6 to Residential 1 Zone to reflect the use and ownership of the land.
Map No. 2HO	<p>Amends Planning Scheme Map No. 2HO, as shown on the attached maps marked “Port Phillip Planning Scheme, Amendment C70”.</p> <p>The maps are amended by:</p> <ul style="list-style-type: none"> <li>• Including the northern part of Garden City Reserve (bound by Beacon Road and Tucker Avenue but not including the former portion of Howe Parade) in a Heritage Overlay (HO2).</li> <li>• Deleting the HO from the area to which HO115 currently applies (area bounded by Bay Street, Little Bay Street, Dow Street and Rouse Street Port Melbourne).</li> <li>• Applying a reduced HO115 to cover 93 Dow Street, Port Melbourne only;</li> <li>• Including 96 Bay Street in a new Heritage Overlay (HO452)</li> <li>• Retaining the underlying HO1 over the balance of the area to which the original HO115 applied (ie area bounded by Bay Street, Little Bay Street, Dow Street and Rouse Street Port Melbourne).</li> <li>• Extending the boundary of HO2 to apply to the whole of the site at 59 &amp; 60 Crichton Avenue, 27 Walter Street &amp; 432 Williamstown Road, Garden City.</li> </ul>	Updates Planning Scheme Map 2HO to include the Garden City Reserve (northern part) in a Heritage Overlay (on a permanent basis); extend HO2 to include all of the site at 59 & 60 Crichton Avenue, 27 Walter Street & 432 Williamstown Road, Garden City; and to realign the Heritage Overlay as it applies to 93 Dow Street (HO115) and 96 Bay Street, Port Melbourne (HO452). The balance of the land covered by the original HO115 is retained in HO1.
Map No. 5HO	<p>Amends Planning Scheme Map No. 5HO, as shown on the attached map marked “Port Phillip Planning Scheme, Amendment C70”.</p> <p>The maps are amended by:</p> <ul style="list-style-type: none"> <li>• Including the sea wall and promenade on the south side of Beaconsfield Parade, between Cowderoy Street and McGregor Street, St Kilda West / Middle Park in a new Heritage Overlay (HO450).</li> </ul>	Updates Planning Scheme Maps 5HO and 6HO to include the sea wall and promenade along Beaconsfield Parade in a Heritage Overlay (on a permanent basis).
Map No. 6HO	Amends Planning Scheme Map No. 6HO, as shown on the attached maps marked “Port Phillip Planning Scheme, Amendment C70”.	Updates Planning Scheme Map 6HO so that the site at 35 Gurner Street, in its entirety, is within a Heritage Overlay.

	<p>The maps are amended by:</p> <ul style="list-style-type: none"> <li>• Including the eastern portion of 35 Gurner Street, St Kilda in a Heritage Overlay (HO5).</li> <li>• Including the sea wall and promenade on the south side of Beaconsfield Parade, between Cowderoy Street and McGregor Street, St Kilda West / Middle Park in a new Heritage Overlay (HO450).</li> </ul>	<p>Updates Planning Scheme Maps 5HO and 6HO to include the sea wall and promenade along Beaconsfield Parade in a Heritage Overlay (on a permanent basis).</p>
Map No. 8HO	<p>Amends Planning Scheme Map No. 8HO, as shown on the attached map marked “Port Phillip Planning Scheme, Amendment C70”.</p> <p>The maps are amended by:</p> <ul style="list-style-type: none"> <li>• Including 1, 3 &amp; 5 Garden Court, Elwood in a Heritage Overlay (HO7).</li> </ul>	<p>Updates Planning Scheme Map 8HO to include 1, 3 &amp; 5 Garden Court in a Heritage Overlay (on a permanent basis).</p>
Map No. 9HO	<p>Amends Planning Scheme Map No. 9HO, as shown on the attached maps marked “Port Phillip Planning Scheme, Amendment C70”.</p> <p>The maps are amended by:</p> <ul style="list-style-type: none"> <li>• Deleting HO432 from 31b Scott Street, Elwood; replacing HO432 on the western portion of 31a Scott Street; realigning the HO431 boundary to cover the eastern portion of 31a Scott Street, Elwood.</li> </ul>	<p>Updates Planning Scheme Map 9HO by correcting a mapping error in relation to 31a and 31b Scott Street, Elwood.</p>
<b>LOCAL PLANNING POLICY FRAMEWORK</b>		
Clause 21.05-5	<p>In the MSS section - Clause 21.05:</p> <p>At sub-clause 21.05-5 Heritage Conservation, under ‘Incorporated Documents’:</p> <ul style="list-style-type: none"> <li>• Replace the current reference to the Port Phillip Heritage Review with “Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6”.</li> </ul> <p>At sub-clause 21.05-3 Neighbourhood Character, under ‘Incorporated Documents’:</p> <ul style="list-style-type: none"> <li>• Replace the current reference to the Port Phillip Heritage Review with “Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6”.</li> <li>• Replace the current reference to the City of Port Phillip Neighbourhood Character Map with “City of Port Phillip Neighbourhood Character Map (2009)”</li> </ul>	<p>Updates references to the Port Phillip Heritage Review by referring to the latest version.</p>
Clause 22.01	<p>In the Local Policy section - Clause 22.01 Residential Neighbourhood Character Policy:</p> <p>1. Under sub-clause 22.01-3 ‘Policy’ at ‘Incorporated Documents’:</p> <ul style="list-style-type: none"> <li>• Replace the current reference to the Port Phillip Heritage Review with “Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6”.</li> <li>• Replace the current reference to the City of Port Phillip Neighbourhood Character Map with “City of Port Phillip Neighbourhood Character Policy Map (2009)”.</li> </ul>	<p>Updates all references to the City of Port Phillip Neighbourhood Character Policy Map and Port Phillip Heritage Review to the latest version.</p>

Clause 22.04	<p>In the Local Policy section - Clause '22.04 Heritage Policy':</p> <ol style="list-style-type: none"> <li>Under sub-clause 22.04-1 'Policy Basis' in the fourth bullet point: <ul style="list-style-type: none"> <li>Replace the current reference to the Port Phillip Heritage Review with "Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6"</li> </ul> </li> <li>Under subclause 22.04-4 'Policy' at 'Incorporated Documents': <ul style="list-style-type: none"> <li>Replace the current reference to Port Phillip Heritage Review with "Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6".</li> <li>Replace the current reference to City of Port Phillip Heritage Policy Map with "City of Port Phillip Heritage Policy Map (2009)".</li> </ul> </li> </ol>	Updates all references to the City of Port Phillip Heritage Policy Map and Port Phillip Heritage Review to the latest version.
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**OVERLAYS**

Clause 43.01 Schedule	<p>Amend the schedule to the Heritage Overlay by modifying the references at HO115 and HO432.</p> <p>Following HO54, insert the following:</p> <table border="1" data-bbox="430 646 1509 927"> <tr> <td>HO450</td> <td><i>Sea Wall and Promenade</i> Beaconsfield Parade (south side), between Cowderoy Street, St Kilda West and McGregor Street, Middle Park.</td> <td>Yes</td> <td>No</td> <td>No</td> <td>No</td> <td>No</td> <td>No</td> <td>No</td> <td>Sea Wall and Promenade - (September 2008)</td> <td>No</td> </tr> </table> <p>Following HO39, insert the following:</p> <table border="1" data-bbox="430 1018 1509 1145"> <tr> <td>HO452</td> <td><i>Former National Bank</i> 96 Bay Street, Port Melbourne</td> <td>Yes</td> <td>No</td> <td>No</td> <td>No</td> <td>No</td> <td>No</td> <td></td> <td></td> <td>No</td> </tr> </table>	HO450	<i>Sea Wall and Promenade</i> Beaconsfield Parade (south side), between Cowderoy Street, St Kilda West and McGregor Street, Middle Park.	Yes	No	No	No	No	No	No	Sea Wall and Promenade - (September 2008)	No	HO452	<i>Former National Bank</i> 96 Bay Street, Port Melbourne	Yes	No	No	No	No	No			No	Updates the Schedule to Clause 43.01 by inserting new Heritage Overlay references; HO450 (Sea wall and promenade, Beaconsfield Parade, St Kilda West/Middle Park); HO452 (96 Bay Street, Port Melbourne; and modifying references HO115 (93 Dow Street, Port Melbourne); HO432 (31a Scott Street, Elwood).
HO450	<i>Sea Wall and Promenade</i> Beaconsfield Parade (south side), between Cowderoy Street, St Kilda West and McGregor Street, Middle Park.	Yes	No	No	No	No	No	No	Sea Wall and Promenade - (September 2008)	No														
HO452	<i>Former National Bank</i> 96 Bay Street, Port Melbourne	Yes	No	No	No	No	No			No														

**INCORPORATED DOCUMENTS**

Clause 81.01 Schedule	<p>Insert a revised Schedule (81.01) to Clause 81 to:</p> <ul style="list-style-type: none"> <li>Replace the current Port Phillip Heritage Review with "Port Phillip Heritage Review, Version 14, 2009, Volumes 1-6".</li> </ul>	<p>Includes the 'Incorporated Plan - Sea wall and Promenade - September 2008' in the list of Incorporated Documents.</p> <p>Incorporates and updates references to the latest</p>
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	<ul style="list-style-type: none"> <li>• Replace the current City of Port Phillip Heritage Policy Map with “City of Port Phillip Heritage Policy Map (2009)”.</li> <li>• Replace the current City of Port Phillip Neighbourhood Character Policy Map with “City of Port Phillip Neighbourhood Character Policy Map (2009)”.</li> <li>• Introduce a new document; “Incorporated Plan - Sea Wall and Promenade - September 2008”.</li> </ul>	<p>version of the Port Phillip Heritage Review, City of Port Phillip Heritage Policy Map, and the City of Port Phillip Neighbourhood Character Policy Map.</p> <p>The updated Port Phillip Heritage Review (Version 14) includes new Citations for: 101 Alma Road, East St Kilda; 34 Fitzroy Street, St Kilda, 1 Morris Street, South Melbourne; 9 to 23 Centre Avenue and 10 Centre Avenue, Port Melbourne; and updated Citations for: HO2 (to reference Garden Court and the Brunnings Estate); HO7 (to reference Garden City Reserve); the Sea wall and Promenade, Beaconsfield Parade; 96 Bay Street, Port Melbourne, 93 Dow Street, Port Melbourne and 31a Scott Street, Elwood.</p> <p>The updated City of Port Phillip Heritage Policy Map (2009) includes altered ‘grading’ for the following properties:  Properties to be shown as ‘significant’ - Sea Wall and Promenade, Beaconsfield Parade; 96 Bay Street and 93 Dow Street, Port Melbourne (with balance of land formerly known as 90 Bay Street, Port Melbourne to be shown as ‘non-contributory’); 9 and 23 Centre Ave, Garden City; 59 and 60 Crichton Avenue, 27 Walter Street and 432 Williamstown Road, Garden City; 1,3 and 5 Garden Court, Elwood; Garden City Reserve; 26 McCormack Street, Port Melbourne;  Properties to be shown as ‘contributory’ - 1 Beaconsfield Parade, Port Melbourne;  Properties to be shown as ‘non-contributory’ - 15 Albion Street, St Kilda; 126 Evan Street Port Melbourne; 197 and 197A Hotham Street, Ripponlea; 2-2d Quat Quatta Ave, Ripponlea; 21-23 Tiuna Grove, Elwood;  Property to be deleted - 31b Scott Street, Elwood.</p>
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		The updated City of Port Phillip Neighbourhood Character Policy Map (2009) shows the deletion of properties at 1, 3 and 5 Garden Court, Elwood.
<b>LIST OF AMENDMENTS (Information to accompany amendment)</b>		
List of Amendments	<p>Insert:  Amendment number “C70”, in operation from “Date to be inserted by DPCD” with the following description,  “Rezones 15 Marriott Street, St Kilda to a Residential 1 Zone; Introduces a permanent Heritage Overlay to properties at 1, 3 &amp; 5 Garden Court, Elwood, Garden City Reserve, Port Melbourne (northern part), and the Sea Wall and Promenade, Beaconsfield Parade (HO450); Introduces a new Incorporated Document at Clause 81 - ‘Seawall and Promenade - September 2008’; Introduces a new HO reference (HO452) for 96 Bay Street, Port Melbourne in the Schedule to the Heritage Overlay; Amends the HO reference for HO115 and HO432 (93 Dow Street, Port Melbourne and 31a Scott Street, Elwood) in the Schedule to the Heritage Overlay; Incorporates changes and updates references to the latest version of the incorporated Documents - “Port Phillip Heritage Review Version 14, 2009, Volume 1-6”, “City of Port Phillip Neighbourhood Character Policy Map, 2009”, and “City of Port Phillip Heritage Policy Map, 2009” and updates the version number and date of these Incorporated Documents in Clauses 21.05, 22.01 and 22.04.”</p>	Updates the List of Amendments to the Port Phillip Planning Scheme