

AMENDMENT C171PORT – ST KILDA MARINA – RESPONSE TO SUBMISSIONS

This document provides a consideration and analysis of the issues raised in submissions received during public Exhibition of Amendment C171port. It comprises three parts:

- Part 1: An overview of the St Kilda Marina Consultation and Engagement Program – the background consultation, formal exhibition of Amendment C171port and future consultation (not yet undertaken).
- Part 2: A response and recommendations to key issues raised by multiple submissions.
- Part 3: Response to individual submissions.

Background Documents

Following is a list of background documents referred to in Parts 1, 2 and 3:

- St Kilda Marina Project Site Vision and Objectives:
http://www.portphillip.vic.gov.au/CoPP_ST%20KILDA%20MARINA_SITE_VISION_AND_OBJECTIVES_FINAL%2020.07.18.pdf
- St Kilda Marina Project Opportunities and Constraints Paper:
www.portphillip.vic.gov.au/St%20Kilda%20Marina%20Project%20Opportunities%20and%20Constraints%20Final.pdf
- St Kilda Marina Project – Stage Two Community Engagement Report (June 2018):
<http://www.portphillip.vic.gov.au/12.2%20Attach%204.pdf>
- St Kilda Marina Project – Stage Three Community Engagement Report (April 2019):
<http://www.portphillip.vic.gov.au/default/St%20Kilda%20Marina%20Project%20Stage%20Three%20Community%20Engagement%20Report.pdf>
- St Kilda Marina New Lease Project Approach:
<http://www.portphillip.vic.gov.au/St%20Kilda%20Marina%20-%20Project%20Approach.pdf>
- St Kilda Marina Site Brief:
http://www.portphillip.vic.gov.au/default/St%20Kilda%20Marina%20Site%20Brief_FINAL_0619.pdf
- St Kilda Marina Project Procurement Plan (May 2019):
<http://www.portphillip.vic.gov.au/Procurement%20Plan%20Final%20.pdf>
- St Kilda Marina Heritage Assessment (Built Heritage, April 2018):
[http://www.portphillip.vic.gov.au/C171port%20Supporting%20Doc%20-%20St%20Kilda%20Marina%20Heritage%20Assessment%20\(April%202018\)%20Exhibition%20Final.pdf](http://www.portphillip.vic.gov.au/C171port%20Supporting%20Doc%20-%20St%20Kilda%20Marina%20Heritage%20Assessment%20(April%202018)%20Exhibition%20Final.pdf)

- St Kilda Marina Environmental and Coastal Hazard Assessment (Water Technology, February 2018):
www.portphillip.vic.gov.au/st%20kilda%20marina%20environ%20coastal%20hazard%20assessment%20v02.pdf
- St Kilda Marina Place Comparative Study (SJB Urban, April 2018):
<http://www.portphillip.vic.gov.au/default/SJB%20-%20St%20Kilda%20Marina%20Comparative%20Study.pdf>
- St Kilda Marina, St Kilda Waterfront Precedent Study (T.C.L., April 2018):
www.portphillip.vic.gov.au/default/TCL%20-%20St%20Kilda%20Marina%20Comparative%20Study.pdf
- St Kilda Marina New Lease Project Place Assessment (Co Design Studio, January 2018):
<http://www.portphillip.vic.gov.au/default/CoDesign%20-%20St%20Kilda%20Marina%20Place%20Assessment.pdf>
- Cultural heritage due diligence assessment for St Kilda Marina, St Kilda, Victoria (Biosis, April 2018):
<http://www.portphillip.vic.gov.au/Biosis%20-%20Aboriginal%20Heritage%20Due%20Diligence%20Report%20Pages%201-14.pdf>; and
<http://www.portphillip.vic.gov.au/Biosis%20-%20Aboriginal%20Heritage%20Due%20Diligence%20Report%20Pages%2015-46.pdf>
- St Kilda Marina - Marina Market Research and Viability Assessment (Essential Economics, February 2017):
<http://www.portphillip.vic.gov.au/default/Final%20St%20Kilda%20Marina%20Market%20Reserach%20and%20Viability%20Assessment%20Feb%202018.pdf>
- City of Port Phillip Amendment C171 port web page:
www.portphillip.vic.gov.au/amendment-c171.htm

PART 1 – OVERVIEW OF ST KILDA MARINA CONSULTATION AND ENGAGEMENT PROGRAM AND PUBLIC EXHIBITION OF PLANNING SCHEME AMENDMENT C171PORT

The following section provides an overview of consultation related to the:

- a) Overarching St Kilda Marina: Consultation and Engagement Program
- b) Planning Scheme Amendment C171port: Consultation and Correspondence
- c) Future planned engagement (not yet undertaken)

a) St Kilda Marina: Consultation and Engagement Program

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
STAGE 1: PLANNING FOR THE PROJECT	Project introduction: <ul style="list-style-type: none"> • Introduced stakeholders and community members to the project. • Built community and stakeholder interest in participating in future engagement. 	<ul style="list-style-type: none"> • Introduced the project through Council website and Divercity magazine (Divercity is delivered to all households and many businesses throughout Port Phillip). • Established an email database of interested community members and stakeholders ('interested persons' email list) • Conducted intercept surveys at the Marina to inform the opportunities and constraints paper. 	<ul style="list-style-type: none"> • The City of Port Phillip Community and key stakeholders informed of the Project Approach. • Feedback about community members' experience of the Marina site from intercept surveys recorded and reviewed.
STAGE 2: IDENTIFYING THE SITE VISION AND OBJECTIVES See: <ul style="list-style-type: none"> • <i>St Kilda Marina Project Opportunities and Constraints Paper</i> 	During Stage 2 of the project, Council prepared the <i>St Kilda Marina Project Site Vision and Objectives</i> which was informed through detailed site investigations and by a comprehensive community engagement program. Specifically, this stage: <ul style="list-style-type: none"> • Consulted on the <i>St Kilda Marina Project Opportunities and Constraints Paper</i> for the site (to inform <i>St Kilda</i> 	<ul style="list-style-type: none"> • Feedback was sought from community and stakeholders on the draft Site Vision and Objectives and ideas for how to make St Kilda Marina a great place through a four-week consultation period, using the <i>St Kilda Marina Project Opportunities and Constraints Paper</i> to inform the community and stakeholders about the site, case studies and Marina viability. 	<ul style="list-style-type: none"> • Engagement feedback (consolidated in a report) was used to refine and finalise the Site Vision and Objectives. • See the <i>St Kilda Marina Project – Stage Two Community Engagement Report (June 2018)</i> for further details.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
<ul style="list-style-type: none"> St Kilda Marina Project Site Vision and Objectives 	<p>Marina Project Site Vision and Objectives).</p> <ul style="list-style-type: none"> Built stakeholder and community understanding of the opportunities and constraints. Sought feedback on the draft <i>St Kilda Marina Project Site Vision and Objectives</i>. Set the scene for Stage 3 engagement. 	<ul style="list-style-type: none"> Between 30 April and 30 May 2018 the following community engagement activities occurred: <ul style="list-style-type: none"> Flyers sent to over 7,000 properties including 2,000 non-resident owners. Two community pop-up sessions at St Kilda Esplanade Market and Elwood Village (13 and 19 May 2018 respectively) St Kilda Marina Project Community Open Day (26 May 2018) Community drop-in session at St Kilda Town Hall (30 May 2018) Community feedback on the draft site Vision and Objectives Survey tool on Council's Have Your Say (30 April – 30 May 2018) 425 community members actively participated via either face-to-face events or via the online survey tool. Advertised the expression of interest process for community members and stakeholders to participate in the Community Panel for Stage 3 through Divercity, stakeholder databases, flyers and Have Your Say. 	
<p>STAGE 3: SETTING THE PARAMETERS</p> <p>See:</p> <ul style="list-style-type: none"> St Kilda Marina Site Brief 	<p>The purpose of the Stage Three engagement was to inform the development of the <i>St Kilda Marina Site Brief</i> (the Site Brief). This was achieved through an iterative process that involved Council, technical consultants and the community working through the issues, constraints and opportunities with a view to establishing parameters for the site.</p>	<ul style="list-style-type: none"> The Community Panel was selected via a public expression of interest process advertised through Divercity, stakeholder databases, flyers and Have Your Say. From the received nominations, a computer-generated random selection process was undertaken to match nominees to the selection criteria. Recruitment of the panel members was undertaken by independent consultants. 	<ul style="list-style-type: none"> Engagement report summarising key feedback themes and describing options supported and not supported by community, stakeholders and government.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
	<p>There were two primary streams of engagement for Stage Three:</p> <ul style="list-style-type: none"> • St Kilda Marina Project Community Panel (Community Panel) • Broader community engagement, including key stakeholders. <p><u>The Community Panel:</u></p> <p>The purpose of the Community Panel was to work collaboratively with Council and Council’s technical consultants to identify the best long-term solution for the Marina site that delivers an effective balance of social, cultural, environmental, economic and financial benefits i.e. that delivers on the Site Vision and Objectives informed by the community in Stage 2. The Community Panel provided input into the development of site layout options and iterations of the site parameters to inform the Site Brief.</p> <p>The community members worked through an iterative process assessing site opportunities, constraints, options and feasibility assessments with Council officers and various technical advisors having knowledge in Marina design, urban design, the Marina market, property feasibility, and community engagement. The Panel was asked to provide feedback on the information presented. The ideas explored by the Community Panel were then tested with the broader community. The analysis</p>	<ul style="list-style-type: none"> • The Community Panel formed in July 2018. • Twenty-four community members were recruited with one person deciding not to continue at the beginning of the first session. • The members of the Community Panel represented the diversity of relationships to the St Kilda Marina and the diversity of the City of Port Phillip community, including: <ul style="list-style-type: none"> ○ Nearby residents ○ Visitors to the Marina ○ Private boat owners ○ Recreational users. ○ A mix of ages, genders and occupations • Panel members met on six separate occasions. • Panel members worked with urban design, property, commercial and sustainability advisors to explore potential options for the site and test them against the site vision and objectives. • Between 21 September and 7 October 2018, the wider community were invited to share their feedback on the ideas being explored in the Community Panel workshops via a survey. This online survey was promoted through a range of channels to attract: <ul style="list-style-type: none"> • Marina users, including private boat owners and public boat ramp users • community groups, clubs and trader associations • local businesses, including Donovans and Stokehouse • residents of City of Port Phillip, including residents who live opposite the Marina 	<ul style="list-style-type: none"> • Council used the feedback from the Panel and broader community to further refine the design criteria for inclusion in the Site Brief. • See the <i>St Kilda Marina Project – Stage Three Community Engagement Project (April 2019)</i> for further details.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
	<p>and feedback from the Community Panel and broader community informed the development of design criteria, including mandatory criteria (the 'must haves') and discretionary criteria (the 'nice to haves') for various components of the site. The Community Panel was then invited to provide feedback on these design criteria.</p> <p><u>Broader Community engagement:</u></p> <p>The purpose of broader community engagement was to test the ideas being explored by the Community Panel with the broader community and stakeholders.</p> <p>The broader community were given the opportunity to follow the Community Panel's journey. This was communicated via project newsletters, media advertisements, social media, the Have Your Say project page and Panel Observer opportunities. Session summaries and videos providing an overview of the Panel sessions were published on the Have Your Say project page.</p> <p>Broader community and stakeholders engagement was via an online survey to further inform the Panel's deliberations, while also validating or testing the thinking of the Community Panel. In total, 368 people completed the survey. The Community Panel was presented with an analysis of the broader engagement</p>	<ul style="list-style-type: none"> the general public who work in or visit the area, including the Marina Reserve skate park community, users of Moran Reserve and users of the Bay Trail young people, such as secondary school students currently working with the Port Phillip EcoCentre. In total 368 people completed the online survey. Participants identified with the site in various ways: as a local resident, accessing restaurants and other facilities, and to use the spaces next to the Marina were the most common responses. Of the 47 participants who selected 'other', 34 were boat owners. The Community Panel met for the last time on 10 December 2018 to present its outcomes to Council, and to share their experiences of the process. The Community Panel outcomes were formally presented to Council on 17 April 2019 in the Stage Three Community Engagement Report, and the report was released to the public. The Site Brief was endorsed by Council on 15 May 2019. The approach to a planning scheme amendment process and suite of planning controls necessary to facilitate the St Kilda Marina redevelopment as envisaged in the Site Brief was endorsed by Council on 5 June 2019. Two community drop-in sessions for the Site Brief, Procurement Plan and the proposed planning scheme amendment process (13 and 15 June 2019). 	

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
	findings to support their ongoing deliberations.		
STAGE 4: PLANNING FOR PROCUREMENT	<i>See below: Planning Scheme Amendment C171port: Consultation and Correspondence</i>		

b) Planning Scheme Amendment C171port: Consultation and Correspondence

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
Planning Scheme Amendment C171port	<p><u>Correspondence:</u></p> <ul style="list-style-type: none"> • Inform surrounding owners/occupiers and stakeholders of Council’s intention to undertake a planning scheme amendment to achieve the St Kilda Marina Site Brief. • Provide opportunities for surrounding owners/occupiers and stakeholders to access information on the proposed amendment, and discuss it with Council Officers • Invite owners/occupiers and stakeholders to attend the Council Meeting on 24 July 2019. 	<p>A letter sent to approximately 9,000 <u>surrounding owners and occupiers and stakeholders</u>, dated 8 July 2019, and email sent to the ‘interested persons list’ that:</p> <ul style="list-style-type: none"> • Provided notification of Council’s intent to commence Amendment C171port • Advised that Amendment C171port seeks to update the planning controls for the St Kilda Marina to achieve the St Kilda Marina Site Brief. • Provided an outline of Amendment C171port including its intention to rezone the Marina from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ), apply a Development Plan Overlay (DPO) and extend the existing Heritage Overlay (HO). The letter included a link to Council’s Amendment C171port web page which provided further details. • Invited recipients to attend Council’s Planning Committee on 24 July 2019 where a decision 	<ul style="list-style-type: none"> • A number of recipients contacted Council Officers to discuss the Amendment. • One speaker made a verbal presentation at the Council Meeting on 24 July 2019.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
		<p>was made to commence the process for Amendment C171port to update the Port Phillip Planning Scheme.</p> <ul style="list-style-type: none"> • Provided specific contact details (email/phone) for recipients to contact Council's relevant Strategic Planning Officer for enquiries regarding the amendment. 	
	<p><u>Formal Exhibition of Amendment C171port</u></p> <p>Provide notice of Amendment C171port in accordance with the requirements of the <i>Planning and Environment Act 1987</i>.</p>	<p>Direct notification (a letter) was sent to approximately 9,000 <u>surrounding owners and occupiers, stakeholders, prescribed Ministers, local members of parliament, community groups, and government authorities and infrastructure providers</u>, dated 14 October 2019, and email sent to the 'interested persons list' that:</p> <ul style="list-style-type: none"> • Provided formal Notice of Amendment (C171port) • Outlined how AmC171port proposed to change the planning scheme. • Provide details of where the documentation could be viewed on Council's AmC171port web site and the DELWP site. • Invited submissions to be made to Council by 18 November 2019 • Provided specific contact details (email/phone) for recipients to contact Council's relevant Strategic Planning Officer for enquiries regarding the amendment. • Invited to two drop in sessions held on 29 October 2019 at St Kilda Library to talk to the Project Manager and Planning Officers about the amendment. 	<ul style="list-style-type: none"> • 131 submissions received (including two late submissions). • A number of recipients: <ul style="list-style-type: none"> ○ contacted Council Officers via phone or email ○ attended information sessions ○ met 'one-on-one' with Council Officers to discuss the Amendment.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
		<p>Public Notices were in the Port Phillip Leader (on 15 October 2019) and the Government Gazette (on 17 November 2019).</p> <p>Amendment C171port was placed on public exhibition from 17 October to 18 November 2019.</p>	
	<p><u>Post- Exhibition Correspondence with Submitters/interested persons</u></p> <p>Inform Submitters of Council’s process of considering submissions and invite submitters to meetings where Council/Council’s Planning Committee will hear Submissions/make a decision regarding AmC171port.</p>	<p>A letter (sent to 129 submitters) dated 21 November 2019, and an email to the interested persons list that:</p> <ul style="list-style-type: none"> • Advised Submitters that Council’s Planning Committee would hear submissions on Amendment C171port at its meeting on 11 December 2019 and invited submitters to address the Committee. • Provided specific contact details (email/phone) for recipients to contact Council’s relevant Strategic Planning Officer for enquiries regarding the amendment. <p>A letter (sent to 131 Submitters) dated 16 December 2019 and an email to the interested persons list that:</p> <ul style="list-style-type: none"> • Advised Submitters that Council would consider whether to refer the submissions to an independent Planning Panel for review, or abandon the amendment at a special Council meeting on Wednesday 29 January 2020 and inviting them to attend and address council directly. • Provided specific contact details (email/phone) for recipients to contact Council’s relevant Strategic Planning Officer for enquiries regarding the amendment. 	<ul style="list-style-type: none"> • 10 Speakers made verbal submissions to the Planning Committee on 13 December 2019. • A summary and response to submissions is to be presented at a Council Meeting 29 January 2019.

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
	<p><u>Possible Planning Panel</u></p> <p>Subject to the outcome of Council's formal consideration of submissions, an independent Planning Panel would be requested to consider all submissions to Amendment C171port. It is anticipated that a Directions Hearing would then be held on or around 24 February 2020 with the Panel Hearing to commence on or around 30 March 2020.</p>	<ul style="list-style-type: none"> Should Council determine to refer the submissions to an independent Planning Panel for Review, submitters have the opportunity to make direct representations to any future independent Panel hearing. 	

c) Future planned engagement (consultation not yet undertaken)

Project stage	Engagement purpose	Community and stakeholder engagement	Engagement outputs
STAGE 5: PROCURING NEW LEASE	Provide information and up-dates to the community and stakeholders in the tender process (with links to the Probity Plan).	<ul style="list-style-type: none"> Provide information and updates to the community and stakeholders during the procurement process in line with probity requirements. 	<ul style="list-style-type: none"> Community and stakeholders to be informed of the project progress.
STAGE 6: DELIVERING NEW LEASE	<p>Informing and updating the community and stakeholders about the new lease arrangement.</p> <p>Council has endorsed the approach of undertaking non-statutory consultation with the community prior to the approval of the Development Plan (under the DPO) and on the 'look and feel' of the proposed development as part of the Marina Lease process.</p>	<ul style="list-style-type: none"> Provide information and updates to the community and stakeholders. Seek and respond to, community feedback on the Development Plan (under the DPO) and on the 'look and feel' of the proposed development. 	<ul style="list-style-type: none"> Community and stakeholders to be informed of the new lease arrangement. Summary and response to community feedback to be presented at a Council Meeting.

PART 2 – RESPONSE TO KEY ISSUES RAISED BY MULTIPLE SUBMISSIONS

The following section summarises the key issues raised in multiple submissions and provides a response to those issues. The submissions that raised each key issue are noted in the table below. Please note that a response to each individual submission is included in Part 3 of this document.

Key issues:

1. Removal of third party appeal rights
2. Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)
3. Approach to heritage
4. Application of the Development Plan Overlay (DPO)
5. Planning Scheme Amendment C171port is not justified
6. Uncertainty over the future development outcome
7. Lack of consultation
8. Procedural unfairness and Council's conflict of interest
9. Removal of Service Station
10. Increase in allowable commercial and retail floor space
11. Built form impacts
12. Impact on views
13. Uncertainty over Moran Reserve
14. Relocation of public boat ramp
15. Traffic and parking impacts
16. Public access and open space
17. Environmental impacts
18. Maintenance of the foreshore, Elwood Canal and Moran Reserve

The above issues are not listed in order of the number of submissions received. Please see the table below which identifies the number of submissions that raised each key issue.

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
1	<p>Removal of third party appeal rights</p> <p>Submissions related to this topic:</p> <ul style="list-style-type: none"> Express concerns that adequate input from third parties such as surrounding residents will not be received or considered. Previous VCAT hearings relating to planning permits for the site are noted. Seek to maximise rights to participate in the planning process once the redevelopment proposal is finalised and planning permits are applied for. Raise concerns around lack of transparency of the planning process. Note the risk that if the community cannot participate formally through the planning permit process that a community campaign may be created against the site's redevelopment. 	5, 7, 12, 17, 20	<p>Response / Rationale:</p> <p>Under the proposed Development Plan Overlay (DPO), an approval of a Development Plan will need to precede any application for a planning permit for the St Kilda Marina site (the Marina). An effect of the approved Development Plan under the proposed Schedule 2 to the DPO (DPO2) is that while planning permit/s must be obtained under the Special Use Zone (SUZ), third party rights are removed. This means that when a permit is sought, third parties are not required to be notified and if a permit is issued, there are not rights of review to VCAT by third parties.</p> <p>The DPO2 is an important planning tool. It gives a statutory basis to a master planned approach. Without the DPO2, a staged approach to the redevelopment could be piecemeal. The development plan gives a very clear picture of the nature of the overall development. Although the proposed DPO2 removes third party rights in relation to a planning permit applications, Council has endorsed the approach of undertaking non-statutory consultation with the community prior to the approval of the development plan and on the 'look and feel' of the proposed development as part of the Marina Lease process. The concept plan in the DPO2 schedule also provides guidance on key development criteria. It is noted that there is no mechanism to include notice requirements in the drafting of the Schedule to the DPO.</p> <p>This approach is designed to provide an appropriate level of participation and certainty to all stakeholders such that proposals consistent with agreed outcomes for the site will not be subjected to uncertain approval timeframes. Extensive upfront community consultation occurred through the development of the St Kilda Marina Site Brief (the Site Brief), developed with the Community Panel and the broader community. Refer to Part 1 of this document for further information on community consultation. The proposed DPO2 and SUZ4 reflects the vision, objectives and design criteria in the Site Brief.</p> <p>Due to the complex operational arrangements of the Marina and the proposed procurement process to appoint a new leasee for the site, it is necessary and reasonable to provide a level of certainty to the future leasee (who is expected to invest significantly in the preparation of a concept and then a detailed design through the procurement process), Council and the community regarding the type of development outcomes to be achieved. A balanced approach is appropriate.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>See Part 1 of this document for an overview of the extensive community engagement program that informed the development of the Site Brief, which is the basis of Amendment C171port.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> No change to Amendment C171port.
2	<p>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</p> <p>A number of submissions supported the rezoning of the site from PPRZ to SUZ.</p> <p>Other submissions raised concerns over rezoning from PPRZ to SUZ. These submissions:</p> <ul style="list-style-type: none"> Note concerns that Council Reports related to the amendment have not referenced the <i>DELWP Planning Practice Note 3 “Applying the Special Use Zone” May 2017</i>. Consider the rezoning unnecessary, as the Marina has been zoned PPRZ for the last 50 years. Note a range of other yacht clubs that have been redeveloped, but not rezoned from PPRZ (Royal 	<p>Support: 34, 36-128</p> <p>Concerns: 5, 6, 9, 13, 14, 18, 19, 30</p>	<p>Response / Rationale:</p> <p>A planning scheme amendment is needed to apply a more suitable suite of zone and overlay controls to ensure the ongoing operation of the Marina and to efficiently facilitate its redevelopment in accordance with the St Kilda Marina Site Brief (the Site Brief).</p> <p>Amendment C171port proposes to rezone the Marina site from PPRZ to SUZ.</p> <p>The existing zone applying to the land is the PPRZ:</p> <ul style="list-style-type: none"> The PPRZ which is normally applied to public open space 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 proposed to be managed. While it is possible for the Marina to stay in the PPRZ even as it is redeveloped, the PPRZ does not sufficiently recognise the fact that the St Kilda Marina will be largely operated by the private sector on a commercial basis for private and community benefit. Nor does the PPRZ recognise in any way that the site is to be redeveloped as a water based built environment in the context of a commercial marina operation. As it is proposed to appoint a commercial operator to develop then use (or manage the use of) the various facilities at the St Kilda Marina and potentially expand the range of activities, it is appropriate to have the land rezoned to a zone that: <ul style="list-style-type: none"> is not necessarily largely predicated on the use and development of the land being undertaken by a public land manager provides a more defined planning framework as to what uses the land 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

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>Melbourne Yacht Squadron, Royal Brighton Yacht Club, Sandringham Yacht Club, Blairgowrie Yacht Squadron)</p> <ul style="list-style-type: none"> Consider that the rezoning is to create a speculative framework in which Council maximises its future lease parameters. Raised concerns that the rezoning will allow the site to become a commercial development zone, where open and public space is replaced with commercial purposes. Raised concerns that the use of the space for public and recreational uses will not be continued, and instead it will be used for private commercial uses. Raised concerns the rezoning (and application of DPO) is a blunt tool that needs further interrogation to limit the risk of unintended consequences. 		<ul style="list-style-type: none"> The PPRZ is a public land zone which gives broad powers to a public land manager to use and develop the land without planning approval for the purposes of the public land manager. While it is true that if the developer or manager of the public land is a person other than the public land manager, the requirement for a planning permit is triggered, the zone is not designed with that in mind. It is also considered important that the planning controls ensure that redevelopment of the site is guided by and is consistent with a master plan. In this regard, the proposed Development Plan Overlay and the subsequent approved development plan will operate as a type of master plan for the site, providing specific guidelines for future development by a 3rd party. For the reasons outlined above, the application of a DPO over a PPRZ is not considered appropriate and there are no precedents for this that officers are aware of. <p>The SUZ provides for the use and development of land for specific purposes as set out in a customisable schedule to the zone. The proposed customised SUZ Schedule 4 (SUZ4) reflects the Site Brief (and the ongoing Marina use) by allowing, or prohibiting uses as specified in the Site Brief. Use of the SUZ provides increased certainty and transparency to support the implementation of the Site Brief.</p> <p>Specifically, it is recommended that the SUZ (and the proposed schedule) is the most suitable zone solution for the site for the following reasons:</p> <ul style="list-style-type: none"> 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 SUZ and its schedule provides for the use and development of land for specific purposes as set out in a customisable schedule to the zone. The SUZ and its schedule is an appropriate zone given it is to be applied to a single site that is proposed to be used for a mix of purposes ultimately for the enjoyment of the public. The possible mix of uses as envisaged in the Site Brief makes the site stand out as being an unusual site meriting a relatively site-specific and more tailored approach to the planning controls. The Site Brief includes a list of allowable and prohibited land uses, which have been translated into the SUZ4. The customised SUZ schedule reflects the Site Brief (and the ongoing Marina use) by allowing, regulating or prohibiting as appropriate, uses as specified in the Site Brief. Therefore, the use of the SUZ and the proposed schedule provides for both increased certainty and transparency to support the redevelopment of the Marina.

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>The proposed controls are a relatively standard approach to facilitating the redevelopment of a site that would benefit from a master planned approach.</p> <p>The application of the SUZ is consistent with the:</p> <ul style="list-style-type: none"> • <i>DELWP Planning Practice Note 3 Applying the Special Use Zone (May 2017) which states: A Special Use Zone can be considered when...an appropriate combination of other available zones, overlays and local policies cannot give effect to the desired objectives or requirements.</i> • <i>A Practitioner’s Guide to Victorian Planning Schemes Version 1.2 August 2019 which states: Public land zones are not intended to identify the legal status of the land or indicate the existing land use. They are intended to set out appropriate statutory requirements that apply to the use and development of the land in addition to the relevant land management legislation. Land should not be automatically included in a public land zone just because it is public land. There will be situations where a public land zone is not the most appropriate zone... In such cases the use of other zones and overlays can appropriately recognise the purpose for which the land is reserved.</i> <p>The Minister for Planning’s delegate Authorised Amendment C171port on 25 September 2019. The purpose of authorisation is to identify whether a proposed amendment is consistent with state policy or interests and to ensure it makes appropriate use of the Victorian Planning Provisions prior to exhibition of Amendment C171port.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
3	<p>Approach to heritage</p> <p>A number of submissions support the extension of the Heritage Overlay.</p> <p>Other submissions raised concerns with the proposed</p>	<p>Support: 30, 34, 36-128</p> <p>Concerns: 12, 17, 31</p>	<p>Response / Rationale:</p> <p>The proposed heritage controls to be implemented through Amendment C171port have been informed by the St Kilda Marina Heritage Assessment, prepared by Built Heritage (12 April 2018) along with the Site Brief.</p> <p><u>St Kilda Marina Heritage Assessment, prepared by Built Heritage (12 April 2018)</u></p> <p>The Built Heritage (2018) assessment concluded that the Marina is of local heritage significance and recommended that a heritage overlay should be applied. It identified primarily, that the Marina should continue</p>

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	<p>heritage controls. These submissions:</p> <ul style="list-style-type: none"> Do not support the extension of the HO as the dry boat storage, the finger piers and the beacon are not 'substantially intact' as identified in the St Kilda Marina Heritage Assessment (Built Heritage, 2018), and existing buildings require replacing and/or updating. Raise concerns that the extended Heritage Review may open the developer and Council to unnecessary extended objections when most Marina heritage features are questionable. Consider the SUZ4 and DPO2 undermine the value of most of the significant heritage features with the light house the only exception, as all other structures can be demolished including the highly significant dry storage buildings. 		<p>to be used for a purpose that is compatible to its original use. Ideally, it should continue to function as a Marina, or for similar boat related purposes.</p> <p>Further, the elements of primary significance identified are the Marina Harbour (including boat ramps, finger piers, floating berths and dockboxes), the two dry boat storage buildings, and the Beacon. The report noted that the master planned nature of the Marina was of some note.</p> <p><u>Proposed heritage controls</u></p> <p>The approach to managing the site's heritage (specifically as identified in the Statement of Significance and the Citation 2057) needs to be balanced with the Site Brief's other objectives at the stage that a particular development proposal is identified rather than at this stage.</p> <p>To achieve this balance, the amendment proposes to extend the existing Heritage Overlay (HO187), which currently applies to the Beacon only, to apply to the whole Marina site with a revised heritage citation (Citation 2057) and introduce a new Incorporated Document, the <i>Permit Exemptions Incorporated Plan (Incorporated Document)</i> The DPO2 also requires consideration of heritage matters in the preparation of a Development Plan.</p> <p>Specifically:</p> <p><u>Extend the existing Heritage Overlay</u></p> <p>The application of the HO187 to the entire Marina will ensure the heritage values of the Marina will be considered as part of any redevelopment proposal. The cultural heritage issues (specifically as identified in the statement of significance and the Citation 2057) will at the development stage need to be balanced with the other objectives for the redevelopment of the site, as outlined in the Site Brief and translated into the proposed SUZ4 and DPO2. It is considered that skilled designers will be able to resolve heritage matters whilst also delivering an innovative design response.</p> <p>The application of an expanded HO187 (with a revised citation 2057) provides for formal recognition of the social and cultural significance of the place while also enabling the ongoing viability of the Marina through innovative</p>

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	<ul style="list-style-type: none"> Heritage provisions should allow for replacement of the Beacon. Heritage provisions should allow for replacement of the Dry Boat Stack. 		<p>design. This will identify the Marina’s significant heritage fabric, whilst also recognising that the continued use of the site requires buildings to be ‘fit for purpose’.</p> <p>Importantly, the application of HO187 to the entire Marina will require the heritage values of the Marina to be considered as part of the preparation of the Development Plan (as a requirement of the DPO2).</p> <p><u>Revised Citation (forming part of the Port Phillip Heritage Review):</u></p> <p>Amendment C171 proposes to revise Heritage Citation 2057 (which currently applies only to the Beacon) to apply and be of relevance to the entire Marina site. Its drafting draws greatly from the Heritage Assessment. As a matter of logistics, Heritage Citations are all included in the document known as Port Phillip Heritage Review, which is (another) incorporated document in the Port Phillip Planning Scheme.</p> <p>The revised Heritage Citation 2057 will provide more specific information regarding the history of the Marina, its cultural significance and how to manage the heritage significance of the Marina and guide decision making.</p> <p>Specifically, the revised Heritage Citation 2057 includes a ‘Policy basis’ which states:</p> <ul style="list-style-type: none"> <i>The conservation of St Kilda Marina presents specific management issues, as the use of the site as a functioning Marina is of primary heritage significance. While features such as the dry boat storage contribute to the significance of the place, the upgrading or replacement of these facilities are likely to be necessary to meet current standards and reflect the evolution of marine based leisure over time (e.g., through the increased size and diversity of boats). Conservation by use is an important heritage principle and for this reason there are circumstances where it is appropriate to permit the demolition, removal and/or alteration of significant fabric to facilitate the continued use of the culturally significant land use (Marina) and ensure its continued viability.</i> <p>In response to the competing objectives to 1) protect significant heritage fabric and 2) redevelop the Marina as a working Marina in accordance with the Site Brief, revised Heritage Citation 2057 provides guidance by stating that <i>demolition of significant buildings may be permitted if:</i></p> <ul style="list-style-type: none"> <i>The demolition and/or changes support the continued viability of the Marina use</i> <i>The demolition and/or changes reflect a master-planned approach to the redevelopment of the Marina.</i>

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			<p><u>Permit Exemptions Incorporated Plan</u></p> <p>The exemptions proposed in the Permit Exemptions Incorporated Plan (Incorporated Document) for the site are noteworthy. In keeping with normal practice, the Incorporated Document will exempt certain minor maintenance related demolition and building and works from permit triggers in the Heritage Overlay. This is a normal technique to manage the ongoing use and maintenance of heritage places. However, as proposed the Incorporated Document also provides that where a development plan has been approved for the whole of the site, any demolition or buildings and works which is generally in accordance with that development plan is exempt from a permit under the Heritage Overlay. The exemption within the Incorporated Plan has its genesis from the provisions in Clause 43.01-3 of the Heritage Overlay (No permit required), which state:</p> <ul style="list-style-type: none"> • <i>No permit is required under this overlay:</i> <ul style="list-style-type: none"> ○ <i>For anything done in accordance with an incorporated plan specified in a schedule to this overlay.</i> <p>Noting that the permit process is exempt from 3rd party participation, it is considered that the identification of the site as having cultural significance and then providing for the Permit Exemptions Incorporated Plan (Incorporated Document) as proposed provides an appropriate balance to recognition of the sites importance on the one hand and the provision of some level of certainty to the future development of the St Kilda Marina on the other hand such that any development which is generally in accordance with the development plan should have a reasonable expectation of being subsequently permitted.</p> <p><u>DPO2</u></p> <p>Amendment C171 supports Council’s master-planned approach to the redevelopment of the Marina where (through the Development Plan Overlay) a Development Plan becomes the primary and holistic decision making ‘tool’ which considers all matters as required by the planning scheme through the DPO Schedule 2 (DPO2). Specifically, the DPO2 states that the Development Plan must include:</p> <ul style="list-style-type: none"> • <i>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:</i> <ul style="list-style-type: none"> ○ <i>Responds to the guidelines set out in Citation 2057 (St Kilda Marina) in the Port Phillip Heritage Review (June 2019).</i> ○ <i>Identifies how the site heritage is to be interpreted in the future development of the site. Provides guidance on the ongoing maintenance and management of the heritage places to be retained.</i>

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			<ul style="list-style-type: none"> ○ <i>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.</i> <p>In this way, all heritage matters will be considered 'up front' and will be addressed in the approved Development Plan rather than through any piecemeal or staged permit process in the event the Marina is redeveloped in stages. It is considered that a detailed consideration will have already been undertaken of the cultural significance of the place. It is reasonable then, to 'switch off' the permit triggers in the Heritage Overlay by the Permit Exemptions Incorporated Plan (Incorporated Document). All future planning permit applications must be generally in accordance with any heritage aspects of the approved Development Plan.</p> <p>Council's local heritage policy at Clause 22.04 of the Port Phillip Planning Scheme 'applies to all land within a Heritage Overlay' and generally does not encourage demolition of significant buildings. In this case, the site-specific planning controls proposed for the Marina will provide a more specific level of direction than is provided for by the general policy. The specific policies will relate directly to the context, opportunities and constraints of the Marina site.</p> <p><u>Beacon</u></p> <p>The existing Heritage Citation notes the Significance of the Beacon as follows: <i>This visually distinctive structure is of significance primarily as a scenic element which contributes to the maritime character of the Foreshore area.</i> The St Kilda Marina Heritage Assessment (2018) prepared by Built Heritage provides further detailed analysis that affirms the significance of the Beacon.</p> <p>The DPO2 requires the development plan to maintain and enhance the landmark role, destination and setting of the Beacon and requires that any buildings maintain its visual prominence.</p> <p>Citation 2057, under 'New Development' and in relation to the Beacon, states: <i>The scale, form and location of new buildings or structures should ensure the prominence of the 'Beacon' as a local landmark is respected and maintained.</i></p>

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			<p>The Pilot Beacon has been assessed as having significance. This does not mean it cannot be altered or removed, however proponents would need to demonstrate how doing so would facilitate the continued use of the culturally significant land use (Marina) and ensure its continued viability.</p> <p><u>Dry Boat Storage Buildings</u></p> <p>The proposed heritage controls for the Marina site allow for the replacement of the existing Dry Boat Storage Buildings, recognising that the continued use of the site requires buildings to be 'fit for purpose'.</p> <p>The proposed revised Heritage Citation 2057 for the St Kilda Marina acknowledges that:</p> <p><i>The conservation of St Kilda Marina presents specific management issues, as the use of the site as a functioning Marina is of primary heritage significance. While features such as the dry boat storage contribute to the significance of the place, the upgrading or replacement of these facilities are likely to be necessary to meet current standards and reflect the evolution of marine based leisure over time (e.g., through the increased size and diversity of boats). Conservation by use is an important heritage principle and for this reason there are circumstances where it is appropriate to permit the demolition, removal and/or alteration of significant fabric to facilitate the continued use of the culturally significant land use (Marina) and ensure its continued viability.</i></p> <p>And notes that:</p> <p><i>Part or full demolition, or major alterations to buildings, infrastructure or features that contribute to the significance of the Marina may be permitted if:</i></p> <ul style="list-style-type: none"> • <i>The demolition and/or changes support the continued viability of the Marina use.</i> • <i>The demolition and/or changes reflect a master-planned approach to re-development of the Marina.</i> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
4	Application of the Development Plan Overlay (DPO)	Support: 34, 36-128 Concerns:	Response / Rationale:

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>A number of submissions expressed support for the application of the DPO.</p> <p>Other submissions raised concerns over the introduction of the DPO. These submissions:</p> <ul style="list-style-type: none"> • Raised concerns that the application of the DPO (as well as rezoning to SUZ) is a blunt tool that needs interrogation to limit the risk of unintended consequences. <p><i>Note: A number of submissions also requested changes to the content of the proposed DPO2. These submissions are outlined below in the relevant sections.</i></p>	17, 18, 30	<p>A Development Plan Overlay (DPO) can be used to guide the future use and development of the land through a master planned approach and accordingly, is the appropriate planning ‘tool’ to translate the vision, design criteria and development parameters articulated in the Site Brief, into the Planning Scheme in an overarching way.</p> <p>The DPO requires a development plan to be approved prior to the grant of any planning permit. The development plan then operates as a type of master plan for the site. A key requirement under the DPO is that any planning permit must be generally in accordance with the approved development plan. There is no capacity to grant a planning permit that does not meet this requirement.</p> <p>This ‘master planned’ approach provides Council and all other stakeholders with a broader overview of the development of the whole site and thus provides some measures of certainty regarding future development outcomes on the Marina site and avoids an unplanned and ad-hoc approach to the development approvals process. The community have had significant input into Site Vision and Objectives and Site Brief which outline the intent for the site and is underpinning the master planned approach in DPO2.</p> <p>The level of detail contained in the DPO Schedule 2 (DPO2) is primarily based on information and guidance that is contained within the Site Brief. Most of the Design Criteria in the Site Brief are included under the ‘Requirements for development plan’ (Section 4) of the DPO2. The key elements shown in plan form in the Site Brief are included in the Concept Plan (Figure 1) in DPO2, with which any Development Plan must be consistent. This will ensure that the Development Plan is consistent with the Design Criteria set out in the Site Brief.</p> <p>The DPO2 (which includes both text and a Concept Plan) contains sufficient detail to provide a suitable level of confidence that a development which is generally in accordance with the DPO2 will be an acceptable outcome, whilst also encouraging innovative design solutions.</p> <p>Under the DPO2, the new leasee of the Marina will need to apply for approval of a Development Plan prior to applying for a planning permit. Any Development Plan must be consistent with the DPO2. The DPO2 cannot be changed without a further Planning Scheme Amendment.</p> <p>The proposed controls are a relatively standard approach to facilitating the redevelopment of a site that would benefit from a master planned approach.</p>

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			<p>Recommended position / changes:</p> <ul style="list-style-type: none"> No change to Amendment C171port.
5	<p>Planning Scheme Amendment C171port is not justified</p> <ul style="list-style-type: none"> Two submissions related to this topic consider there is sufficient certainty via the procurement process for the new lease (which is based on the Site Brief), or the St Kilda Land Act or Marine and Coastal Act and a planning scheme amendment is not justified. 	12, 17	<p>Response / Rationale:</p> <p>A planning scheme amendment is appropriate as under the current planning controls, the Site Brief is not considered in the assessment of any planning permit applications for the site. Further, any approvals sought under the St Kilda Land Act and the Marine & Coastal Act do not require consideration of the Site Brief.</p> <p>It is also noted that the Marina is <u>not</u> currently subject to any specific height controls in the Port Phillip Planning Scheme. <i>The St Kilda Foreshore Urban Design Framework 2002</i> does not apply to the Marina. DDO10 will continue to apply to the site, but does not specify building height limits for the Marina.</p> <p>The original lease for the St Kilda Marina was granted by Council as Committee of Management under Section 4 of the <i>St Kilda Land Act 1965</i>. The <i>St Kilda Land Act 1965</i> enabled the harbour and adjacent land to become the St Kilda Marina. The Act stipulates that the area is reserved for a Marina and provides facilities for the recreational convenience of boat users and the public. Specifically, it defines activities on the site as an area where:</p> <ul style="list-style-type: none"> Facilities are provided for boating and associated activities. Facilities are provided for the parking of motor vehicles and trailers. Facilities are provided for the recreation comfort and convenience of boat users, motor vehicle users and members of the public. <p>The <i>St Kilda Land Act 1965</i> pre-dates the <i>Crown Land Reserves Act 1978 (CLRA)</i> and relates specifically to the site and adjoining parcels (which are all Crown Land). Because the <i>St Kilda Land Act 1965</i> has special leasing powers applicable to the St Kilda Marina land, the generic leasing powers contained in the <i>Crown Land (Reserves) Act 1978</i> are not applicable.</p> <p>The <i>St Kilda Land Act 1965</i> stipulates that the area is reserved for a Marina. It defines a Marina as an area where facilities are provided for the launching, landing, berthing, storing repairing and provisioning of boats, the parking of motor vehicles and trailers, the fuelling and servicing of boats and motor vehicles and the recreation comfort and convenience of persons who own or use boats or motor vehicles and members of the public.</p>

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			<p>The site is coastal Crown Land for the purposes of the <i>Marine and Coastal Act 2018</i>. The Act was established to enable an integrated and co-ordinated whole-of-government approach to protect and manage Victoria's marine and coastal environment.</p> <p>The Act imposes controls on the use and development of coastal Crown Land. Under the Act, consent from the Minister is required to use or develop, or undertake works on, marine and coastal Crown land, and it establishes an application process. In providing consent, the Minister must have regard to the Victorian Coastal Strategy, any Coastal Action Plan, and the purpose for which the land is reserved.</p> <p>A planning scheme amendment is needed to apply a more suitable suite of zone and overlay controls to ensure the ongoing operation of the Marina and to efficiently facilitate its redevelopment in accordance with the Site Brief.</p> <p>The revised planning provisions for the Marina are designed to facilitate the redevelopment of the St Kilda Marina and more specifically:</p> <ul style="list-style-type: none"> • Allow nominated uses to occur on the land generally as articulated in the Site Brief. • Manage the scale and form of development in a sensitive location on coastal crown land through a 'master planned' approach, generally as articulated in the Site Brief. • Ensure the master plan is given a statutory basis through an appropriate planning control to assist the responsible authority (Council) on the subsequent decision making process in relation to approving a development plan and issuing one or more planning permits. • Balance the provision of appropriate planning controls with the provision of some certainty to outcomes that support the timely delivery of an acceptable redevelopment of the Marina. <p>It is considered important that the planning controls ensure that redevelopment of the site is guided by and is consistent with an approved development plan, which operates as a type of master plan for the site, providing specific guidelines for future development. Consequently, a more tailored and purpose built planning control is desirable.</p>

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			<p>Due to the complex operational arrangements of the Marina and the proposed procurement process to appoint a new leasee for the site, it is necessary and reasonable to provide a level of certainty to the future leasee (who is expected to invest significantly in the preparation of a concept and then a detailed design through the procurement process), Council and the community regarding the type of development outcomes to be achieved.</p> <p>Council is undertaking the planning scheme amendment (Amendment C171port) concurrently with the procurement process for a new lease for the Marina to:</p> <ol style="list-style-type: none"> 1. Manage these two separate processes in a timely manner. The outcomes of the amendment process will inform the finalisation of the procurement process. 2. Achieve a balance in ensuring community involvement and providing a level of certainty to the market. It is fair to provide certainty to all stakeholders that proposals that are consistent with the agreed outcomes for the site will not be subjected to uncertain approval timeframes. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
6	<p>Uncertainty over the future development outcome</p> <p>Submissions related to this topic:</p> <ul style="list-style-type: none"> • Raise concerns about the amount of ambiguity of the future development (and lack of certainty), because the development outcome and the proposed scale of change is not yet known. • State difficulty commenting on the proposed planning scheme amendment 	8, 14, 16, 18, 19, 20, 25, 26, 32-33, 35	<p>Response / Rationale:</p> <p>The specific development outcome for the Marina site is not yet known. Council in its capacity as Committee of Management of the Crown Land is undertaking a procurement process to procure a new long-term lease for the site, concurrent to undertaking Amendment C171port to the Port Phillip Planning Scheme. As part of this procurement process, the proponents will prepare concept plans showing the proposed development outcome, which is required to be in accordance with the Site Brief, and consider the proposed planning controls in Amendment C171port. Both the procurement and planning scheme amendment processes are based on the Site Brief.</p> <p>In September 2016, Council resolved to undertake a competitive process to secure a new long-term lease arrangement for St Kilda Marina, which is consistent with the State Government’s Leasing Policy for Crown Land (2010). This included a resolution that ‘Directed officers to develop principles for the selection of a tenant for the St Kilda Marina for approval by Council that include optimising community benefit and providing an appropriate commercial outcome for the site.’ The Site Brief (which has been translated into the SUZ4 and DPO2) sets out the</p>

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	<p>documentation because of the large amount of documentation, and because the future development outcome is not known.</p> <ul style="list-style-type: none"> • Raise concerns with the lack of specific details in the Amendment documentation, which is contrary to the notion of ensuring a clear, transparent and better practice approach as sought by the Amendment. Request a more comprehensive concept plan establishing clear future development parameters. • Request 3D models so the community can see what the development proposal looks like. • Request the DPO schedule include a clause that establishes mechanisms whereby residents and the community will be provided with information and opportunities for feedback 		<p>key information required for everyone to have a shared understanding of current conditions and desired outcomes at the St Kilda Marina, including Council, the community, Marina and wider precinct users, and potential lease holders. It also informs the market and guides interested parties to provide suitable proposals in a competitive process to procure a long-term lease arrangement.</p> <p>While the Site Brief (and SUZ4 and DPO2) does not explain how the Marina is to be specifically designed and developed, it does outline a series of design criteria to be provided in the framework for future redevelopment of the Marina. The Site Brief and DPO2 include text and plan based guidance on the site’s future form and function, addressing issues such as height, scale, location and quality of built form, publicly accessible open space and connections. Various elements are identified, such as views and movement, Marina function, and complementary uses.</p> <p>Importantly, a key intention behind the design criteria in the Site Brief (which has been translated into the SUZ4 and DPO2 in Amendment C171port) is to allow the potential tenderers to the procurement process for the new lease to leverage market expertise and respond to the Site Brief with progressive and innovative solutions in what is a highly specialised sector. The Site Brief and Amendment C171port provide a clear framework for Council to assess and compare all submissions to the procurement process against this vision, and for the community to understand Council’s decision-making process, while allowing scope for innovation and flexibility to ensure the market can develop a viable Marina operation.</p> <p>Due to the complex operational arrangements of the Marina and the proposed procurement process, it is necessary and reasonable to provide a level of certainty via Amendment C171port to the future tenderer who is expected to invest significantly in the preparation of a concept and then a detailed design, Council and the community regarding the type of development outcomes to be achieved.</p> <p>As outlined in the response to Key Issue 4 (Application of the Development Plan Overlay (DPO)), the DPO requires a development plan to be approved prior to the grant of any planning permit.</p> <p>Council has endorsed the approach of undertaking non-statutory consultation with the community prior to the approval of the Development Plan (under the DPO) and on the ‘look and feel’ of the proposed development as</p>

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	<p>during the preparation of the development plan.</p>		<p>part of the Marina Lease process. This will ensure community feedback on the future development is obtained and considered. For further information, see response to Key Issue 1 (Removal of Third Party Rights).</p> <p>Consistent with <i>Ministerial Direction – The Form and Content of Planning Schemes</i> there is no mechanism to include notice requirements within the Schedule to the DPO.</p> <p><u>Complexity of Amendment documentation</u></p> <p>As with any planning scheme amendment, the amendment documentation is comprised of technical planning information including the proposed planning controls and changes to the existing planning scheme.</p> <p>Letters were sent to interested parties notifying them of Exhibition of Amendment C171port. The letter included a brief overview of the amendment, a Notice of Amendment (as required by Section 19 of the Planning and Environment Act 1987) and a link to the full amendment documentation on the Council and DELWP websites. To assist with people’s understanding of the amendment, a Frequently Asked Questions (FAQ) document was included on Council’s website. Council strategic planning officers were also available to assist interested parties with any questions about Amendment C171port at two drop-in sessions, were available for one-on-one meetings with interested parties, as well as by email and phone.</p> <p>Six members of the public attended the two drop-in sessions, one one-on-one meeting was held with a resident who requested a meeting with Council officers (this option was made available to all community members) and eight members of the public phoned Council Officers to discuss this Amendment.</p> <p>Further to this, prior to the planning scheme amendment, Council undertook extensive consultation and engagement with the community which informed the development and content of the Site Brief.</p> <p>For further details regarding the consultation and engagement program for the St Kilda Marina refer to response to Key Issue 7 (Lack of consultation).</p> <p><u>Request for 3D model</u></p>

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			<p>There is no 3D model of the proposed Marina site redevelopment at this stage because the procurement process which will deliver a proposed design is still underway and has not yet concluded. The proposed planning controls (based on the Site Brief) contain requirements which establish the parameters for the future redevelopment of the Marina as the means to best achieve the site vision and objectives from the Site Brief. They establish the outcomes Council requires for the site, while allowing flexibility for how the market can deliver them.</p> <p>The proponents to the RFP process are required to deliver their proposed design in a format suitable for effective assessment by a design review panel, including plans, elevations and 3D renders.</p> <p>Further, once the proposal is publicly available, Council has endorsed the approach of undertaking non-statutory consultation with the community prior to the approval of the development plan and on the 'look and feel' of the proposed development as part of the Marina Lease process.</p> <p>Through the Community Panel workshops to inform the preparation of the Site Brief, 3D modelling of various development scenarios was used to facilitate discussions regarding the extent of potential redevelopment and building massing, height and location. In addition, information was presented in a variety of formats (plans, 3D renders, presentations, text, photos, on site discussions and overlays on aerial images) and interpreted by the project team to facilitate understanding by the panel. See the <i>Stage 3 St Kilda Marina Consultation and Engagement Report (April 2019)</i> for examples.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.

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7	<p>Lack of consultation</p> <p>Submissions related to this issue raise concerns over lack of consultation. This includes:</p> <ul style="list-style-type: none"> • Lack of consultation with Marina users, including fishing, yachting and boating organisations. • Lack of consultation with local residents. Concerns that local residents are not aware of the proposed changes to the Marina. <p><i>Note: some submissions also question whether any environmental groups and organisations have been consulted to obtain impact assessments. This is addressed in Key Issue 17 (Environmental Impacts).</i></p>	3, 8, 9, 10, 13, 14, 15, 16, 19, 25, 26, 32, 33, 35, 130, 131	<p>Response / Rationale:</p> <p>Extensive consultation with the community and stakeholders has informed the development and context of the Site Brief. Amendment C171port seeks to facilitate the redevelopment of the Marina generally in the manner envisaged in the Site Brief.</p> <p>As such, all consultation undertaken to date forms part of the pre-consultation process for the proposed changes to the Planning Scheme via Amendment C171port.</p> <p>Amendment C171port was placed on public exhibition between 17 October 2019 to 18 November 2019, in accordance with the requirements of the Planning and Environment Act 2987.</p> <p>See Part 1 of this document for a full summary of all consultation undertaken related to this Amendment.</p> <p>Consultation to date has ensured that a wide range of Stakeholder views, including local residents and a range of Marina users, have been considered. The amendment process will provide the opportunity for submitters to make representations to the independent Panel hearing.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
8	<p>Procedural unfairness and Council's conflict of interest</p> <p>Submissions relate to concurrent lease process and planning scheme amendment, and conflict between Council's responsibility as both the</p>	7, 8, 17	<p>Response / Rationale:</p> <p>Council is undertaking the planning scheme amendment (Amendment C171port) concurrently with the procurement process for a new lease for the Marina to:</p> <ol style="list-style-type: none"> 3. Manage these two separate processes in a timely manner. The outcomes of the amendment process will inform the finalisation of the procurement process.

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	<p>Responsible Authority and the financial beneficiary of the new lease. These submissions:</p> <ul style="list-style-type: none"> Consider an independent review process is needed to mediate (e.g. Planning Panel / VCAT) Consider the issue of tender documents prior to the rezoning is procedurally unfair as Council has committed to support 12m high development / parking in Moran Reserve. 		<p>4. Achieve a balance in ensuring community involvement and providing a level of certainty to the market. It is fair to provide certainty to all stakeholders that proposals that are consistent with the agreed outcomes for the site will not be subjected to uncertain approval timeframes.</p> <p>Similar concurrent processes have been used to facilitate other large projects in Victoria, including the Marysville Hotel redevelopment and the Ballarat Station redevelopment.</p> <p>Mechanisms have been incorporated in the procurement process to provide updated information as the planning process evolves and make any necessary modifications. The lease, as with other City of Port Phillip leases, requires the lessee to comply with and observe all Laws and Requirements relating to the land, the premises, the services and the use.</p> <p>In considering a planning scheme amendment for the site, Council must consider only its role as Planning Authority to ensure transparency of its decision making. Compliance with the statutory process for amendments, continued engagement with submitters and an independent review by a Panel will ensure an open and transparent process.</p> <p>If Council does not resolve all submissions, to proceed, Council will be required to request that the Minister for Planning appoint an Independent Panel to consider all submissions to the Amendment. The independent Panel would provide a report with recommendations to Council that Council must consider prior to resolving either to adopt, change or abandon the Amendment.</p> <p>Should Council then decide to adopt the Amendment it must be submitted to the Minister for Planning for approval. The Minister for Planning can refuse to approve an amendment, or approve an amendment, or a part of it, with or without changes and subject to conditions.</p> <p>The Procurement Process includes opportunities to address any changes to the planning controls that may be made as part of the Minister's final approval of the Amendment, assuming the Amendment is Gazetted by the Minister.</p> <p>Recommended position / changes:</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<ul style="list-style-type: none"> No change to Amendment C171port.
9	<p>Removal of Service Station</p> <p>One submission expressed support for removal of the Service Station.</p> <p>Other submissions questioned why Council thinks that a service station is not appropriate but a large commercial development is appropriate.</p> <p>Other submissions asked that the Service Station be retained. These submissions:</p> <ul style="list-style-type: none"> Noted the service station is valued by some local residents and Marina users and there are not many in the area. Stated that it is commercially unrealistic to preclude the service station. <p><i>Note: Submissions also raised concerns with contamination associated with the service</i></p>	1, 3, 10, 12, 13, 17, 130, 131	<p>Response / Rationale:</p> <p>The proposed planning scheme controls do not preclude a Service Station on the Marina site. The service station use is listed as a Section 2 use (permit required) in the SUZ4. An objective of SUZ4 is <i>“To provide for complementary commercial uses which are compatible with, and support the function of the marina.”</i></p> <p>The Site Brief states that <i>“Council has directed that the service station is no longer an appropriate use for this coastal site (p.61)</i>. This was to ensure that any future uses on the Marina site are compatible with the primary use as a marina and appropriate for the coastal location.</p> <p>While the service station is not supported, it should be noted that boat fuelling facilities associated with the Marina use are supported.</p> <p>The Site Brief states that the Service station use is prohibited, while the proposed SUZ4 lists “Service Station” as a Section 2 Use (a use for which a permit is required). This will allow for a transition period, for example if the development is staged.</p> <p>The removal of the service station from the site was subject to community consultation as part of the development of the Site Brief. Levels of support for removing the petrol station were divided with 42 per cent of participants opposing, 32 per cent supporting and 26 per cent neutral. Most comments to keep the petrol station were made by locals and Marina users. See P.35 of the Stage 3 St Kilda Marina Consultation and Engagement Report April 2019</p> <p>In relation to the location of the Service Station on the foreshore, discussions with the Department of Environment, Land, Water and Planning (DELWP) highlighted the following:</p> <ul style="list-style-type: none"> A service station is a non-coastally dependent use. Typically, DELWP encourages relocation of non-coastal dependent uses.

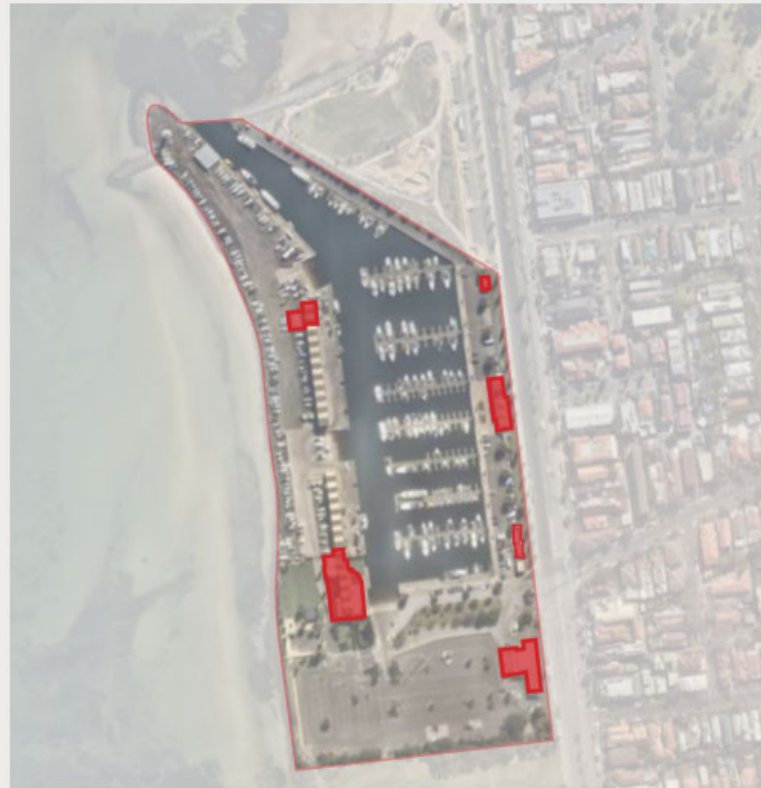
Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p><i>station use, this has been responded to as part of Key Issue 17 (Environmental impacts).</i></p>		<ul style="list-style-type: none"> • However, factors such as linking a service station to a Marina or coastally dependent use, or replacing an existing function may influence an alternative position. <p>Assessments undertaken as part of the development of the Site Brief did not support the statement that it is commercially unrealistic to preclude the service station on the Marina site.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
10	<p>Increase in allowable commercial and retail floor space</p> <p>A number of submissions raised concerns about the proposed increase of commercial and retail floor space on the Marina site. Submissions relating to this issue:</p> <ul style="list-style-type: none"> • Consider the Marina an inappropriate location for increased commercial activity. • Consider the foreshore should be protected from further development • Concerns that existing open and public space will be lost for commercial purposes • Concerns that the amendment allows for 	5, 6, 9, 10, 13, 14, 16, 19, 20, 21, 22, 26, 29, 31, 34, 35, 130, 131	<p>Response / Rationale:</p> <p>St Kilda Marina plays an important strategic role in the Victorian Government’s network of boating facilities in the region as an important regional asset, providing storage and launching facilities, primarily for motor boats. There are few locations along the foreshore which provide recreational boating facilities. The Central Coastal Board Coast Action Plan 2015/2016 (CCBCAP) sets out a vision and guiding principles for boating facilities for the Port Phillip Bay, extending from Breamlea in the west to Inverloch in the east. The CCBCAP recognises St Kilda Marina as a regional boating facility that provides services for a large catchment and is a highly significant boating destination. As a regional boating facility, St Kilda Marina provides a safe haven, public access and various services catering for a wide range of boating activity and skill levels. Enhancing the long-term viability and operational function of the Marina is a goal for Council.</p> <p>This site was reclaimed for the development of a Marina. The significance of the site is linked to its continuation as a Marina as described in the proposed heritage citation. However, after 50 years the Marina is no longer fit for purpose or compliant with contemporary standards.</p> <p>Council considered and decided that this site should remain a marina to serve the local and wider community which is reflected in the vision included in the Site Brief and DPO2 to create ‘A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working marina’.</p> <p>To deliver this vision and achieve the project objectives, redevelopment of the site is required. Through the proposed planning controls (informed by the Site Brief), Council intends for this redevelopment to maintain a</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>extensive commercial building construction.</p> <ul style="list-style-type: none"> • Consider the main function should remain a Marina. • Consider a demonstrated demand for increased commercial space has not been demonstrated. Concern that this may detract from Acland and Fitzroy Street retail centres. • Object to new uses and/or event venues (such as Tavern, function centre and Restaurant) with liquor licences and extended hours of operation due to concerns over safety/amenity impacts • Concern that additional commercial development cannot be designed with sufficient on site car and boat trailer parking • Raise concerns that the amount and scale of commercial development will be more attractive to property developers than marine operators/developers, and is 		<p>working marina in this location while improving community access, public space and connections through the site and improving the environmental performance and outcomes for the site.</p> <p>The St Kilda Marina has always been a commercial endeavour, run by a private operator, with the land leased from Council as the Committee of Management. The Marina has always had a mix of uses on the site. Currently the Marina site has approximately 3,600 square metres of complementary commercial and retail uses including food and beverage venues, boat sales and services, a service station and Sky Dive Melbourne (see Figure 1 below). These existing complementary commercial and retail uses are intended to attract people to the site in recognition of the role the Marina plays as an important tourism asset that appeals to local, national and international visitors. They also play an important role in supporting the functioning of the Marina and its users and provide important activation on the site, particularly to the public realm.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
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for Council to maximise profits under a new lease.

Complementary uses - existing - 3,662 sqm*



* Leasable areas estimated from aerial photography measurements


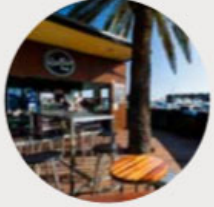












- 
Rollo's
 Footprint ≈ 100sqm
 Ground level
 
- 
Sky Dive Melbourne
 Area ≈ 133sqm
 Ground level
 
- 
The Great Provider
 Footprint ≈ 356sqm
 Ground level
 
- 
St Kilda Boat Sales
 Area ≈ 143sqm
 Ground level
 
- 
BP service station
 Area ≈ 646sqm
 Ground level
 
- 
Boat servicing | Offices
 Area ≈ 1,162sqm
 2 level
 
- 
Riva
 Area ≈ 1,142sqm
 2 levels
 

Figure 1: Existing commercial and retail floor area on the Marina site (3,662sqm floor area)

The Site Brief and proposed planning controls which are subject to planning scheme Amendment C171port ensure the Marina will retain its function as a working Marina with ancillary commercial uses, as it has now. To alleviate concerns and manage overdevelopment of the site, the criteria in the Site Brief and translated into the

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>proposed DPO2 restrict commercial and retail floor area as well as building heights to retain the Marina as the primary land use on the site, and effectively balance site usage with public use and activity. Please see response to Key Issue 11 (Built form impacts) for more detail.</p> <p>The vision for the Marina (included on page 14 of the Site Brief and included as a requirement for the Development Plan in DPO2) aims to reflect the aspirations of the community, key stakeholders and Council, and states <i>'A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working Marina'</i>. This vision underpins the intent that the Marina's primary function is to continue as a Marina to be enjoyed by the public, however the site will offer a mix of uses and attractions. Consistent with this vision, a purpose of the SUZ4 is <i>"To provide for complementary commercial uses which are compatible with, and support the function of the Marina."</i></p> <p>The Site Brief states that 3,600sqm of retail floor area, to match existing, is allowed for complementary uses as part of the development, and an additional 1,400sqm subject to demonstration of demand for the additional space and Council approval. This additional allowable area is approximately the same as adding a building the same scale as the Stokehouse restaurant to what the site currently has (see Figure 2 below). This aims to achieve the creation of a dynamic environment through a mix of uses and activities, which are complementary to the Marina and the coastal environment. Allowable commercial and retail uses were informed by the Community Panel and are described on page 62 of the Site Brief.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
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Complementary uses - comparison 5,000 sqm*

What would approximately 5,000 sqm* compare to using local foreshore comparisons?



- 
Rollo's
 Footprint = 100sqm
 Ground level
 - 
Sky Dive Melbourne
 Area = 133sqm
 Ground level
 - 
The Great Provider
 Footprint = 356sqm
 Ground level
 - 
St Kilda Boat Sales
 Area = 143sqm
 Ground level
 - 
BP service station
 Area = 646sqm
 Ground level
 - 
Boat servicing | Offices
 Area = 1,162sqm
 2 level
 - 
Riva
 Area = 1,142sqm
 2 levels
- 

+


- 


- 
- 
- 
- 
- 
- Stokehouse**
Area = 1300sqm
2 Levels

* Comparison is inclusive of leasable area, excluding back-of-house and carpark areas.

Figure 2: Example of approximately 5,000sqm of commercial and retail floor area on the Marina site

The proposed DPO2 nominates a maximum total leasable commercial and retail floor area of 5,000 square meters as being permissible on the site. Although this does not automatically allow this amount of commercial and retail floor area to be achieved, as land uses must be consistent with the SUZ4 and any proposed development must also meet the other built form requirements in the DPO2.

The proposed building heights for the site along with the maximum floor area for commercial and retail areas (in conjunction with the floor area requirements for the dry storage building) will enable the floor area to be

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>arranged in a way that frees up more of the site which is currently used for boats on the ground, for other uses including open space.</p> <p>Given the relatively small increase in commercial and retail floor area for the site, this is not considered to impact on, or detract from the nearby retail centres of Acland Street and Fitzroy Street. Further, the SUZ4 requires that any new land uses on the site needs to be compatible with, and support the function of the Marina.</p> <p>The proposed controls put reasonable limits on development on the foreshore while allowing delivery of the site vision, the objectives for year-round activation, and improved public engagement with the Marina as an important tourism asset to local, national and international visitors.</p> <p><u>New uses with liquor licences and extended hours of operation (late nights) and safety/amenity impacts</u></p> <p>The Victorian Commission for Gambling and Liquor Regulation data base identifies that there is a Restaurant and Café Licence, an On-Premises Licence and a Limited Licence on the Marina site currently.</p> <p>Any applications for future liquor licences will be subject to the standard application process. The type of liquor licence required from the Victorian Commission for Gambling and Liquor Regulation, and whether a planning permit is required, will depend on the type of venue proposed.</p> <p>Any new uses at the Marina must comply with the proposed Special Use Zone Schedule 4 (SUZ4).</p> <p><u>Future events being held at the Marina</u></p> <p>The issue of temporary events at the site is not relevant to the planning scheme amendment C171port.</p> <p>It is not yet known whether future events will be held at the Marina, this will be dependent on the development proposal and any programming for the site that the proponents suggest, which is not yet known.</p> <p>A temporary events permit would likely be required for any future events.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p><u>Consultation on commercial and retail uses during the development of the Site Brief</u></p> <p>The Site Brief includes list of permissible and prohibited uses, which have been translated into the propose SUZ4. These lists were developed through consultation with the Community Panel.</p> <p>Community Panel members largely supported having complementary uses on the Marina site, particularly to activate the area to increase the use of public space. However, they were concerned by the scale and type of commercial use allowed on the site. The Panel members did not support commercial uses that were out of character with the Marina and foreshore, large multinational chains, hotel or residential development. The Site Brief defines permitted and not permitted uses reflecting this feedback. These uses have been translated from the Site Brief into the SUZ4.</p> <p>The broader community was asked to indicate what complementary use ideas would draw them to the Marina site. The top three complementary use ideas were:</p> <ol style="list-style-type: none"> 1. food and beverage outlets (226 respondents from a total of 368 respondents) 2. recreation and Marina/water focused businesses (207 respondents from a total of 368 respondents) 3. low cost food and beverage options (184 respondents from a total of 368 respondents). <p>Some participants in support of complementary use ideas commented that overall activity should be increased to improve the quality of commercial offerings. Others suggested more family friendly activities and spaces, and non-commercial uses such as community facilities. Several participants did not support any of the options, commenting that these services were plentiful and that the Marina function should take priority.</p> <p><u>Concerns relating to attraction of property developers rather than marine operators/developers</u></p> <p>Objectives for the site are defined in the Site Brief p15, grouped under themes of Place identity, Social and cultural, Economic, Environment, and Financial. Objectives under Financial aim to achieve financial sustainability for the site by:</p> <ul style="list-style-type: none"> • <i>Achieving an appropriate level of return for Council, proportionate to the level of commercial activity that considers other non-financial benefits derived for the community.</i>

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			<p>Council recognises that to be a financially sustainable project which can achieve the broader public benefits sought through the Site Brief, commercial activity needs to be a component of the project. This will be managed through the proposed planning controls, and as part of the procurement process for a new long-term lease for the site.</p> <p>Council advertised the Invitation for an Expression of Interest (EOI) for a new lease for the St Kilda Marina via various public forums, including the Marine Industries Association newsletter. The EOI process was undertaken to shortlist suitably qualified proponents for the Request for Proposal (RFP) process. The evaluation criteria used to assess submissions included a requirement to demonstrate experience in marina and waterfront developments and operations. EOIs were scored favourably if this was demonstrated. Equally the RFP process includes a similar criterion and approach to assessment.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
11	<p>Built form impacts</p> <p>A number of submissions expressed a range of concerns with built form controls in the DPO2. These include concerns over the proposed scale of built form including the extent of built form envelopes across the site and maximum building heights. These submissions:</p> <p><u>General concerns with the proposed scale of built form and development in DPO2 include:</u></p>	3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36-128, 130, 131	<p>Response / Rationale:</p> <p>The proposed built form controls in DPO2 have been informed by the Site Brief. DPO2 includes a range of built form controls for the Marina site, including the definition of built form envelopes and restrictions on floor area for different types of buildings (dry boat storage building and commercial and retail buildings). These controls are outlined in more detail below.</p> <p>It is important to read the various built form controls together, so that their cumulative impact and interrelationship can be understood. Most importantly, <u>the built form envelopes do not represent the size, shape or scale of future buildings on the site. Instead, they represent a larger area within which buildings can be arranged.</u></p> <p>The built form controls must also be read in conjunction with the other requirements in DPO2, including those relating to protection of views (new built form must not obstruct key views to and from the Marina specified in DPO2), provision of car and trailer boat parking and provision of public space, walking and cycling paths as well as the broader objectives for the site.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<ul style="list-style-type: none"> The redevelopment of the Marina should be low density / scale / impact. Lack of urban design justification for building heights Concerns over the physical bulk of the potential buildings is considerable. The open space, open-air feel of the Marina lease will be lost with the proposed development. Concern over proposed scale of allowable development and loss of 'open' feel of the Marina. Concerns that site coverage will be too high. Concern over height of development relative to existing heritage buildings. <p><u>Concerns over the extent of proposed built form envelopes in DPO2 include:</u></p> <ul style="list-style-type: none"> Concerns regarding development of buildings on the existing service station and boat trailer car park area (built form envelope 2) 		<p>DPO2 includes the following objectives relating to built form:</p> <ul style="list-style-type: none"> 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 public realm and landscaping outcomes. To ensure development 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. <p>DPO2 requires that any Development Plan address the following principles and objectives for character and built form:</p> <ul style="list-style-type: none"> 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. <p>DPO2 defines three built form envelopes (built form envelope 1, 2 and 3) on the Marina site. These are shown in <i>Figure 1: Concept Plan</i> and are subject to specific requirements in <i>Table 1: Specific Requirements</i>. These built form envelopes are described below and must be read in conjunction with the restrictions on floor area for commercial and retail buildings and restrictions on building footprint for dry boat storage in <i>Table 1: Specific Requirements</i> of the DPO2 (these are outlined in more detail below).</p> <p>The location of built form envelopes relative to existing buildings on the site is shown below in Figure 3 below.</p> <p><u>Built form envelope 1</u> is located between the Bay Trail on Marine Parade and the Marina Promenade (adjacent to the Marina Activity Area), generally north of Dickens Street and south of Wordsworth Street. This built form envelope encompasses existing buildings along Marine Parade including Rollos café and the St Marina café</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>and trailer parking is being moved into Moran Reserve.</p> <ul style="list-style-type: none"> The plan shows an overly, bulky box like shape for Envelope 2, which does not show respect to the distinctive forms and landmark qualities of the Marina. Object to the area to the rear of the existing dry boat storage being shown as a built form envelope (built form envelope 1) Consider that new development must maintain the existing building layout that includes a break between the north and south dry boat storage sheds to ensure existing view lines and site permeability is maintained. <p><u>Concerns over proposed maximum building heights:</u></p> <ul style="list-style-type: none"> Concerns that 12 metres is too high for commercial and retail buildings as this could accommodate four storey buildings that would visually 		<p>(formerly The Great Provider), refer Figure 3 below. Specific requirements for built form envelope 1 in <i>Table 1: Specific Requirements</i> in DPO2 include:</p> <ul style="list-style-type: none"> Maximum building height of 12 metres (inclusive of all roof structures). Minimum setback of 4 metres from the Bay Trail on Marine Parade. 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). <i>Note: built form envelope 1 is adjacent to the Marina Promenade, however no minimum setback is specified in DPO2.</i> <p>Figure 1: Concept Plan also shows a view line to be protected through built form envelope 1, from Marine Avenue to the Marina Activity Water.</p> <p>When read in combination with the development outcomes in DPO2, these controls aim to achieve a high quality, well designed and active frontage along Marine Parade, which creates and strengthens key sightlines to the Marina Activity Water, ensures site permeability so that much of this Marine Parade frontage will remain open (a minimum of half of the frontage within the building envelope) and is sensitive of the surrounding context.</p> <p><u>Built form envelope 2</u> is located to the south of the site, from the southern boundary to south of Dickens Street. This built form envelope encompasses the existing service station and car and trailer parking area, refer Figure 3 below. The gap between built form envelope 2 and built form envelopes 1 and 3 is a minimum of 25 metres, to allow for a clear entry to the site and open to the sky views and pedestrian path from the existing entry and Dickens Street to the ‘civic heart’ and to the bay. Specific requirements for built form envelope 2 in <i>Table 1: Specific Requirements</i> in DPO2 include:</p> <ul style="list-style-type: none"> Maximum building height of 12 metres (inclusive of all roof structures). Minimum 15 metre setback from the crest of the seawall. Minimum setback of 4 metres from the Bay Trail on Marine Parade. <p>Figure 1: Concept Plan also shows a view line to be protected through built form envelope 2, from Moran Reserve to the Marina Water, as well as a key pedestrian connection to Moran Reserve at the same location.</p> <p>This building envelope is the largest of the three, with the most flexibility in terms of where buildings can be located within the building envelope.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>dominate the significant heritage structures within the Marina, block views both into and from the Marina and to the foreshore, and adversely affect the adjoining residential areas in terms of excessive bulk and scale. Four storey buildings are not needed to meet the retail and commercial floor space requirements (two storeys is adequate).</p> <ul style="list-style-type: none"> • There is no precedent for 12 metre high retail and commercial buildings on the foreshore – this would be higher than all other existing foreshore retail and dining development within the City of Port Phillip. • Concerns over 12m high buildings on Marine Parade and the resulting visual bulk impacts on nearby dwellings (existing buildings on the Marina along Marine Parade are single storey). The 12m height is not consistent with the maximum applicable 		<p>The development outcomes in DPO2 for built form envelopes 1 and 2 are: <i>Built form that:</i></p> <ul style="list-style-type: none"> • <i>Allows for sightlines between Marine Parade, key public spaces and Marina Activity Area.</i> • <i>Provides sufficient area for sightlines, entries, walking and landscaping</i> • <i>Responds to the scale and rhythm of adjacent built form along Marine Parade</i> <p><u>Built form envelope 3</u> is located between the Marina Activity Area and the new Peninsula Promenade (adjacent to the sea). This built form envelope encompasses the existing dry boat storage building, however is larger than the existing dry boat storage buildings to enable in increase to the size of dry boat storage (refer Figure 3 below). Specific requirements for built form envelope in <i>Table 1: Specific Requirements</i> in DPO2 include:</p> <ul style="list-style-type: none"> • Maximum building height of 15 metres. Architectural features such as domes, towers, masts and building services, including enclosed stairwells can exceed Built Form Envelope 3 as shown in Figure 1 the height of the maximum height specified above to a maximum of 3 metres. The floor area of these features must not exceed 20 per cent of the gross floor area of the top building level. • Maximum building width of 40 metres. • Minimum 15 metre setback from the crest of the seawall. <p>The development outcome in DPO2 for the built form envelope 3 are:</p> <ul style="list-style-type: none"> • <i>If possible, provide for a smaller building footprint than the allowable envelope.</i> <p>DPO2 does not identify any views to be retained through built form envelope 3.</p> <p>It is envisaged that the dry boat storage building/s will continue to be located in built form envelope 3 given its proximity to the Marina Water and efficiency of Marina operations.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
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height controls that apply to the east side of Marine Parade under the General Residential 1 Zone and Design and Development Overlay Schedules 6-9 and 7 of 11 metres and 9 metres.

- Concerns that the proposed 12m building height would set precedent for higher residential dwelling building heights in the immediate area.
- Concerns that 15 metres is too high for the dry boat storage building due to the visual impact which will block views.

A number of submissions include proposed changes to building heights in the DPO2. The rationale for these changes is to reduce visual bulk, ensure existing views (including outlook from dwellings) are protected and/or respond to existing heritage buildings. These include:

- A maximum height of one storey across the site.

Built form envelopes 1, 2 & 3, and existing buildings



Figure 3: Built form envelopes 1, 2 and 3 and existing buildings

In addition to building envelopes, DPO2 also includes requirements which limit the size of buildings that can be located within the built form envelopes. It is important that these requirements are understood in conjunction with the built form envelopes. Restrictions on building size in *Table 1: Specific Requirements* of DPO2 include:

- Commercial and Retail Buildings:**
 - The total leasable commercial and retail floor area must not exceed 5,000 square metres.
 - Development outcomes include:
 - Built form that:*

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	<ul style="list-style-type: none"> • A maximum height of two storeys across the site. • A maximum height of one storey or 4m to Marine Parade and two storeys or 7m for Building Envelope 3 & the part of Building Envelope 2 not fronting Marine Parade. • Maintain the current height of existing commercial and retail buildings and dry boat storage buildings, to be consistent with the height limit that exists for residential buildings on Marine Parade. • Buildings should be no higher than existing heritage buildings (e.g. 7.7m existing dry boat storage building). • Buildings should decrease in height and density as you get closer to the foreshore • A maximum height equivalent to that achievable in the DDO6-9 Marine Parade (11 metres) and DDO7 Marine Parade and Ormond Esplanade (9 metres) should be adopted. 		<ul style="list-style-type: none"> ▪ <i>Provides for active frontages where adjacent to key public spaces and key pedestrian connections including Marina Parade.</i> ▪ <i>Responds to the site’s visual prominence and visibility from key public spaces in the Marina, built with durable and high-quality materials.</i> <p>○ Dry Boat Storage:</p> <ul style="list-style-type: none"> - The building footprint must not exceed 6,500 square metres with a total maximum volume of 97,500m³; unless complementary uses are provided, where the maximum building footprint size can increase up to 7,000sqm provided the volume of the dry storage has a total maximum volume of 97,500m³. - Maximum capacity is 300 boats, with option to increase to 400 boats with evidence of sustainable market demand. - Development outcomes include: <i>Built form that:</i> <ul style="list-style-type: none"> ▪ <i>Ensures elements of dry storage operations are visible from key public spaces, connections</i> ▪ <i>Responds to the site’s visual prominence and visibility from key public spaces in the Marina, built with durable and high-quality materials.</i> ▪ <i>Responds to its location within a significant coastal landscape</i> <p>The maximum allowable building floor area (for retail and commercial buildings) and maximum footprint (for dry boat storage buildings) in DPO2 is <u>much smaller</u> than the built form envelopes and <u>it is not possible to ‘fill up’ all three of the built form envelopes with buildings</u>. Areas within the built form envelopes that are not used for buildings will be used to accommodate other requirements for the site specified in the DPO2, such as provision of landscaping, public space and car and boat trailer parking and vehicle circulation. For further information on commercial and retail floor space please see response to Key Issue 10 (increase in allowable commercial and retail floor space).</p> <p>Council officers consider that the controls proposed in DPO2 (and translated from the Site Brief) put a reasonable limit on development on the foreshore while allowing delivery of the site vision, the objectives for year-round activation, and improved public engagement with the Marina as an important tourism asset to local, national and international visitors. The combination of the built form envelopes together with the maximum allowable</p>

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	<ul style="list-style-type: none"> No development should take place immediately on Marine Parade and buildings should be set back substantially. Redevelopment should only be allowed on a small portion of the land (suggestions mainly for 10-15%, some for 5-10% and some up to 20%). 		<p>footprint for the dry storage building, maximum retail/commercial floor area, and restrictions on the amount of built form along Marine Parade (within built form envelope 1) act together to restrict the amount of development on the site and ensure the desired outcomes of protecting views and sightlines and ensuring a high level of site permeability and public space will be achieved.</p> <p><u>A master planned approach to the site</u></p> <p>The drafting of the built form controls contained in DPO2 has been designed to ensure a master planned approach to the Marina site, consistent with the Vision of the Site Brief. Built form envelopes were influenced by the opportunity to frame and respond to key views on the site (See response to Key Issue 12 (Impact on views)), ensure optimal function of the site as a Marina and achieve other objectives for the site including public realm outcomes, while also facilitating a master planned approach to the Marina site.</p> <p>The current composition of buildings on the Marina site were master planned. The Built Heritage report discusses the original Marina master plan, and that Fulton (the project architect) stated that “the fundamental design approach has been to create a series of buildings, each of which, while having an architectural identity expressing its particular function, relates to the other in character, giving a unity to the whole development” Fulton also noted that the buildings would “convey a sense of shelter” as well as “introducing a decorative or festive note” that was deemed appropriate to the recreational nature of the complex. In addition, all buildings and structures were designed “to embrace adequate means to modify the impact of climactic extremes ... and for protection against the added effects liable from a seaside site”. These same considerations are relevant today.</p> <p>Marina development is highly specialised and technical. Council is running a competitive procurement process for a new long-term lease in which the market is asked to respond to the Site Brief and planning controls with a master planned approach. The built form envelopes in DPO2 (and the Site Brief) are considerably larger than the allowable floor area to enable a level of flexibility for proponents to be innovative in their urban design and architectural response to the site. A master planned approach will ensure the provision of an optimally functioning Marina, while allowing flexibility of potential built form to respond to the history and heritage of the site and ensuring other requirements and objectives are met (such as views, public realm and car and trailer parking) and provide certainty to all stakeholders regarding the site’s future development. The built form envelopes and requirements are not too restrictive to prevent innovative approaches, and allow for various configurations and approaches to the unique challenges and opportunities of the site.</p>

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			<p><u>Site Coverage</u></p> <p>The Marina site area is approximately 8.7Ha or 87,000sqm (inclusive of land, seawall and Marina water). If the dry storage building occupied its maximum allowable footprint (6,500sqm) and the maximum the retail and commercial floor area (5,000sqm) was built as single storey buildings, the maximum area occupied by buildings on site allowed under the proposed DPO2 would be 11,500sqm, or just over 13% of the site area (inclusive of land, seawall and Marina water). This is exclusive of any above ground carparking structures, should multi-level car parking structures be proposed.</p> <p>The site coverage would be further reduced if commercial and retail floor area was built over more than one level (as per the existing buildings on the site), or if the maximum dry boat storage or commercial and retail floor area was not provided on the site (i.e. if need could not be demonstrated for this through the procurement process for the new long-term lease for the site).</p> <p>Figure 4 below gives an indication of potential site coverage for the redevelopment of the Marina site. This example shows retail and commercial buildings equivalent to the scale of existing buildings on the site (3,600sqm), an additional 1,400 sqm retail and commercial building (accommodated in a building the equivalent size of the Stokehouse restaurant), along with a dry storage building that occupies its maximum allowable footprint (6,500sqm). In this example, the total area occupied by buildings on site would be 9,680sqm, or 11% of the site area (inclusive of land, seawall and Marina water). This example assumes at grade parking is provided.</p>

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Figure 4: Potential site coverage (11% of total site using a mix of buildings including 1- and 2- storey retail / commercial buildings)

These examples demonstrate that the DPO2 built form controls will ensure that the ‘open air’ feel of the Marina will be retained and site coverage of buildings (excluding any multi-storey car parking structures, if provided) will be a maximum of 13%.

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			<p>Building Heights</p> <p>DPO2 specifies a maximum building height of 12m (inclusive of all roof structures) for built form envelope 1 and 2. A maximum building height of 15m is specified for built form envelope 3, with the ability for architectural features such as domes, towers, masts and building services, including enclosed stairwells can exceed the 15m, to a maximum of 3 metres, if the floor area of these features do not exceed 20 per cent of the gross floor area of the top building level.</p> <p>Built form envelope 3 has the highest maximum building height on the site, as this building envelope is located further away from the sensitive residential interface and closer to the water. The building height is lower for built form envelopes 1 and 2 which have a frontage to Marine Parade, providing lower heights closer to the more sensitive interfaces of dwellings on Marine Parade, and Moran Reserve.</p> <p>The proposed maximum building heights are consistent with the context of the wider foreshore which has a series of larger buildings and structures in open settings including existing buildings on the site such as the Beacon (18m), and the dry boat storage (9.3m). Further along the foreshore, the Palais Theatre (28m), Stokehouse (11.8m), St Kilda Life Saving Club, St Kilda Sea Baths and the Royal Melbourne Yacht Squadron continue the pattern of buildings along the foreshore in open settings (see Figure 5 below).</p> <div data-bbox="801 922 2145 1332" data-label="Figure"> <p>Comparison of heights along the foreshore</p> <p>Stokehouse (11.8m) Palais Theatre (28m) Beacon (18m) Existing sheds (9.3m)</p> <p>New Dry storage (15m)</p> </div> <p>Figure 5: Comparison of heights along the Foreshore in St Kilda</p>

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			<p>The existing built form along Marine Parade opposite the Marina comprises a mix of heights of one, two and three storey buildings, including a mix of single detached dwellings, townhouses and apartment buildings.</p> <p>The Marina site has the capacity to comfortably site relatively large buildings within its significant land area (8.7 hectares or 8,700 sqm). Marine Parade separates the site from the adjacent dwellings and neighbourhood/s by more than 40 meters. The existing boat sheds are located more than 170 meters from the nearest residential buildings. The restrictions on the allowable floor areas for retail and commercial buildings and dry boat storage mean a large proportion of the of the site will unencumbered by buildings and that new buildings will have significant curtilage to 'breathe'.</p> <p>In addition to the restrictions on built form, the Site Brief requires the site to be more accessible than it currently is and requires provision of more and higher quality open space than is there currently (equivalent to an area of 20 per cent of the total unencumbered land area within the Marina project area – substantially more than the existing 3.9%). To achieve this low site coverage, and maximise the potential for open space benefits, building height allows for multistorey buildings for dry boat storage and retail and commercial uses.</p> <p><u>Community Panel consideration of building height</u></p> <p>Through the preparation of the Site Brief, the Community Panel considered a range of issues pertaining to Marina function and how they pertain to building heights and sizes. See Part A of this document for an overview of the Community Panel process.</p> <p>Panel members largely supported having uses complementary to the Marina function on the Marina site, particularly as these uses will activate the area to increase the community use of public space. However, they were concerned by the scale and type of commercial and retail buildings and uses allowed on the site. Some panel members reported being uncomfortable with the extent of commercial space, and the height and size of the built form. Most Panel members supported minimising height and commercial use. On the other hand, some panel members queried the height restriction placed on buildings (including for the retail and commercial uses and the dry store buildings), with the suggestion that this may stifle innovation or functions that may add value at a higher level. The restriction on the commercial floor area was also queried by some members as being too limiting.</p>

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			<p>Panel members were split on the built form criteria included in the Site Brief. Just under half, 41 per cent were comfortable or very comfortable that the built form criteria would contribute to the site vision and objectives being met, and 32 per cent were uncomfortable or very uncomfortable.</p> <p>Through the development of the Site Brief, panel members were asked their level of comfort with a mandatory height of 12m inclusive all roof structures. 36 per cent were comfortable or very comfortable with the mandatory height limit of up to 12 metres, compared with 23 per cent who were very uncomfortable. Just under half, 41 per cent were neither comfortable nor uncomfortable with the mandatory height limit of up to 12 metres.</p> <p>Panel members were asked about their preferred configuration of the dry storage building. 59.1% preferred a higher and shorter boat storage building to protect the shoreline views, while 40.9% preferred a longer and lower building to reduce the height of the building. This was based on massing models prepared to illustrate the effect of these scenarios on views.</p> <p>The design criteria in the Site Brief act together to preference a higher and wider, but less long building to meet the requirement of a contemporary Marina operation, allow for greater views past and through the site, and which responds to the context and the opportunity of the site.</p> <p><u>Proposed building heights relative to heritage structures</u></p> <p>The heritage beacon is 18m tall and will remain the tallest structure on the site. Built form envelope 3 is located more than 160 meters away from the beacon ensuring the beacon retains sufficient room to breathe. The existing dry boat storage building is 9.3 metres high. Built form envelope 3 includes the area where the existing dry boat storage building is located.</p> <p>Amendment C171port proposes to revise Heritage Citation 2057 (currently only applying to the Beacon) to apply to the entire Marina. The revised Citation acknowledges that the use of the site as a functioning Marina is of primary heritage significance and acknowledged that replacement of buildings such as the dry boat storage building is likely to be necessary to meet current standards and reflect the evolution of Marina based leisure over</p>

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			<p>time. Refer to response to Key Issue 3 (Approach to heritage) for further detail on how the heritage significance of the Marina is proposed to be managed.</p> <p><u>Proposed 15m maximum building height (built form envelope 3)</u></p> <p>It is envisaged that dry boat storage is likely to remain in its current location, within built form envelope 3. DPO2 provides for a larger dry boat storage building than what currently exists on the site. This is based on market research, which has confirmed that modern dry storage requirements are not met by the existing dry boat structure in terms of safety, ability to house larger boats, building scale, and weather protection. The dry boat storage built form controls provide sufficient flexibility to enable the market to use its specialist knowledge and accommodate progressive Marina technology and structures in their proposals to address the following:</p> <ol style="list-style-type: none"> 1. Boat users are increasingly looking for fully weather protected dry boat storage 2. Boat users are looking at storage options for increasingly larger boats in dry stack arrangements 3. A variety of stacking systems exist (other than the type that currently accommodated at the St Kilda Marina) that may return more efficient outcomes for the use and operation of the dry boat storage on the site. Creating a weather protected dry storage building is desirable for launch and retrieval. <p>Possible demand for dry boat storage has also been mapped through extensive research, which includes the market sounding, and understanding population growth and corresponding demographics to gauge what the need might be over time for an increase in dry storage onsite. The proposed increase to the size of the dry boat storage in DPO2 to accommodate a maximum of 400 boats reflects this.</p> <p>Different options for the building height and width of dry boat storage was considered through the development of the Site Brief. This included consideration of single width and double width storage systems, as well as different building heights and lengths to accommodate 300-400 boats (see Figure 6 and Figure 7 below). The controls in DPO2 reflect the preferred outcome for a higher and shorter boat storage building with a maximum height of 15 metres and maximum building footprint of 6,500sqm to protect more shoreline views, rather than a longer and lower dry boat storage building. If the dry boat storage was proposed to the maximum width of built form envelope 3 (maximum width of 40m), this would result in a building that is 162.5 metres long.</p>

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Maintaining the gap in the middle of the dry storage building would reduce the efficiency of the storage operation, meaning the capacity of the building would be reduced, or the building would need to be larger to accommodate the same number of boats. The community consultation feedback identified a preference for a smaller building footprint, so the maximum area allowed for the building was established based on estimates of the minimum required space to contain the allowable number of boats. Maintaining this gap is not precluded by the Site Brief.



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Figure 6: Existing dry boat storage (left) and options considered for new dry boat storage (right) considered by the Community Panel as part of the preparation of the Site Brief (image from St Kilda Marina Project Community Panel process outcomes report, page 23).



Figure 7: Views of height and length of dry storage options considered by the Community Panel as part of the preparation of the Site Brief (image from St Kilda Marina Project Community Panel process outcomes report, page 24). Note: the requirements of DPO2 allow the option on the top right.

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			<p>The controls for built form envelope 3 enable the Marina to respond to a demand for boat storage over time, while also allowing more boats to be stored in the dry boat storage building, rather than outside in the open air (as is currently the case). The vertical stacking of more boats within the dry boat storage will allow more of the Marina site to be used for purposes other than for storing boats at ground level, such as the provision of public space, walking and cycling paths and landscaping.</p> <p><u>Proposed 12m maximum building height and Marine Parade interface</u></p> <p>Built form envelope 1 and Built form envelope 2 in DPO2 have a frontage to Marine Parade. The Marine Parade interface to the Marina is currently fenced which does not allow for easy welcoming public access to the site. Consistent with the Site Brief, to ensure an open interface to Marine Parade, DPO2 includes the following requirement for Built Form Envelope 1: <i>Built form to occupy a maximum of 50 percent of the Marine Parade frontage to allow for sightlines and site permeability as shown on the Concept Plan.</i> For further information on views, see response to Key Issue 12 (Impact on views). DPO2 also requires that <i>Minimal fencing and obstacles to movement from Marine Parade and Marina Reserve to the Marina promenade.</i> Removal of these fences will create a more open interface to the Marine Parade edge.</p> <p>Development outcomes specified in DPO2 require that any future development provides an appropriate interface to Marine Parade. Key developments outcomes include:</p> <ul style="list-style-type: none"> • <i>Responds to the scale and rhythm of adjacent built form along Marine Parade (relating to built form envelope 1 and 2); and</i> • <i>Provides for active frontages where adjacent to key public spaces and key pedestrian connections including Marine Parade (relating to commercial and retail buildings).</i> <p>The built form controls must also be read in conjunction with the other requirements in DPO2, including those relating to protection of views (new built form must not obstruct key views to and from the Marina specified in DPO2), provision of car and trailer boat parking and provision of public space, walking and cycling paths as well as the broader objectives for the site.</p> <p>DPO2 requires built form envelopes 1 and 2 to be setback a minimum of 4 metres from the Bay Trail. DPO2 requires the Bay Trail to be a minimum of 7-8 metres, depending if there is on-street car parking adjacent to the Bay Trail. Along with the 4 metre setback, this will mean that buildings are setback a minimum of 11-12 metres</p>

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			<p>from the vehicle carriageway on Marine Parade. Marine Parade road reservation (including the existing Bay Trail) is approximately 40 metres wide.</p> <p>Together, the above controls will provide substantial separation (over 43 metres) between dwellings on the eastern side of Marine Parade, and any future buildings on the Marina site on the western side of along Marine Parade.</p> <p>Design and Development Overlay 6 (DDO6) applies to Marine Parade opposite the Marina, north of Dickens Street. South of Dickens Street, DDO7 applies to Marine Parade opposite the Marina. DDO6-9 includes a maximum building height of 11 meters. DDO7 includes a maximum building height of 9 metres. Both DDO6-9 and DDO7 require a minimum 3 metre front setback for dwelling from the street. While it is acknowledged that DDO6-9 and DDO7 apply different height limits to future buildings north and south of Dickens Street on Marine Parade opposite the Marina, the existing built form along Marine Parade does not differ substantially north and south of Dickens Street, with a mix of one, two and three storey buildings.</p> <p>Several submissions contend that built form heights along Marine Parade should be reduced. Some suggest an appropriate height is one storey or two stories, other submissions suggest matching the heights specified in DDO6-9 and DDO7.</p> <p>Council officers consider that the built form controls and development outcomes outlined above will ensure an appropriate development outcome to Marine Parade.</p> <p>However in response to submitters concerns over overall height, Council officers recommend that the maximum allowable height for built form envelope 1 in DPO2 is reduced from 12 metres to 11 meters. This will allow for a two storey building inclusive of any roof structure, and is unlikely to adversely impact the potential design responses in built form envelope 1 due to its narrow width and frontage requirements (maximum allowable frontage of 50%).</p> <p>Council officers do not consider reducing the height of built form envelope 2 from 12 metres to be warranted. Built form envelope 2 is by far the largest built form envelope on the site, extending from Marine Parade to the water, with its short edge to Marine Parade. It provides the most flexibility in terms of where retail and</p>

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			<p>commercial buildings can be located on the site, and allows for the option to provide a multi-storey car park (consistent with DPO2 and the Site Brief). Reducing the height of built form envelope 2 would unnecessarily constrain development on the Marina site.</p> <p><u>Redevelopment of the existing service station and boat trailer car park</u></p> <p>Built form envelope 2 is the largest building envelope, and includes the area of the existing service station and boat trailer car park. As outlined above, built form envelope is not indicative of a future building on the site, and any developer of the site will need to consider how the maximum floor area can be distributed across the site.</p> <p>The designation of built form envelope 2 over the area of existing trailer parking does not mean that trailer parking is being moved into Moran Reserve. The requirements of the DPO2 for the future redevelopment of the Marina site (including dry boat storage and retail and commercial buildings, public space and trailer boat parking) must be contained within the existing Marina site area.</p> <p>Any future proposals (including vehicle access and parking) on land beyond the existing St Kilda Marina Lease area (such as in Moran Reserve) will be subject to a separate full planning permit process and will not form part of the development plan for the Marina site (as required by DPO2).</p> <p>The Amendment does not propose any changes to Moran Reserve. For further information on Moran Reserve, please refer to response to Key Issue 13 (Uncertainty over Moran Reserve). DPO2 also includes a range of requirements relating to car and boat trailer parking, please refer to response to Key Issue 15 (Traffic and parking impacts) for further information. Where car and trailer parking is to be located on the site in future will form part of the developer’s master planned approach to the redevelopment. Trailer and car parking may continue to be located fully or partially within built form envelope 2.</p> <p><u>Multi-storey car park structure</u></p> <p>There is an opportunity to consolidate and reduce the impact of at-grade car and boat trailer parking on the site. DPO2 encourages the provision of shared use carpark infrastructure and an overall reduction of quantity of car parking on the site, as the Marina has different peaks and troughs of use throughout the day and year. The controls in DPO2 contemplate that one option to achieve a shared use carpark is through provision of a multi-</p>

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			<p>level car park on the site to increase efficiency of land use and provide more publicly accessible open space. DPO2 includes specific requirements to ensure any car parking structure is of a high-quality design. Please also refer to response to Key Issue 15 (Traffic and parking impacts).</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • Council officers recommend that Council propose the following changes to Amendment C171port at the independent planning panel: <ul style="list-style-type: none"> • Reduce the maximum allowable building height in DPO2 for built form envelope 1 to no more than 11 meters (inclusive of roof structures).
12	<p>Impact on views</p> <p>A number of submissions raised concerns regarding loss of views from private dwellings and from the public realm. These submissions:</p> <ul style="list-style-type: none"> • Raised concerns over loss of views to: <ul style="list-style-type: none"> • the bay / sea / water and along the foreshore • the Marina (including boats and Marina activity) • the Beacon (heritage) • the You-Yangs • the Beacon • Moran Reserve (including vegetation which currently screens 	4, 8, 9, 13, 14, 16, 19, 20, 21, 22, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36-128, 130	<p>Response / Rationale:</p> <p>The views identified in DPO2 are consistent with the views identified in the Site Brief.</p> <p>Any development plan approved under DPO2 must be generally in accordance with the <i>Figure 1: Concept Plan</i>, which shows the specific locations and extent of views to be protected. DPO2 <i>Table 1: Specific Requirements</i> also includes a specific requirement for key views shown in Figure 1:</p> <ul style="list-style-type: none"> • <i>New built form must not obstruct key views to and from the Marina including:</i> <ul style="list-style-type: none"> • <i>From Point Ormond Lookout</i> • <i>To Station Pier</i> • <i>To City</i> • <i>To Palais Theatre</i> • <i>Towards the Bay and Marina activity</i> • <i>To the Marina approach.</i> <p>The views identified in DPO2 are from and/or to the public realm. Specific views from existing dwellings are not identified, nor is there a requirement to maintain existing views from existing dwellings. Consideration of views from private dwellings is not an issue to be considered through the planning scheme.</p>

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	<p>the car park from a view from Marine Parade)</p> <ul style="list-style-type: none"> • St Kilda beach and baths • the City skyline • Docklands <ul style="list-style-type: none"> • Concerns that existing views (listed above) are an amenity of dwellings along Marine Parade which is why residents paid more for their properties than comparable properties without views, and these views should not change (the proposed changes will block these views). • Concerns that new 12m high buildings cannot protect and enhance any key views and the proposal threatens the open air feel of the development. • There was also a lack of certainty that existing sightlines from the public realm will be maintained or that new development will be reflective of the existing building layout within the Marina that allows for views and visual breaks from both 		<p>It should be noted that while some specific views from/to the public realm are to be maintained, the arrangement of buildings on the site may change with the site’s redevelopment. This means that some existing views not identified in DPO2 may not stay the same – some views may be lost or changed, and new views will be created. Please also refer to response to Key Issue 11 (Built form impacts) regarding building heights and views, which addresses how the ‘open air’ feel of the Marina site will be maintained.</p> <p><u>Consideration of views by the Community Panel in the development of the Site Brief</u></p> <p>The Community Panel workshopped existing and potential views and identified the following views as important:</p> <ul style="list-style-type: none"> • prominence of the beacon as part of the coastline • view to the bay horizon • view of the Marina operations • views into the site and beyond from Marine Parade • view of surrounding landmarks such as the Palais Theatre, Station Pier and the city skyline. <p>The draft views for protection were tested with the broader community for feedback. Overall there was a high level of support for protecting the views into and within the site. The results demonstrated the high value placed on these views by the broader community. Levels of support for protecting the identified views ranged from 65 to 77 per cent, with bay views identified as the most important. Improving the overall appearance of the site to be more appealing and inviting was desired by some, while others suggested minimising the built form to protect the views.</p> <p>Community Panel members were asked to rate their level of comfort that the important views will be protected and that the views criteria will contribute to the site vision and objectives being met.</p> <p>The majority of panel members (73 per cent, or 16 of 22 Panel members) indicated they were comfortable or very comfortable that the important views will be protected, while 64 per cent (14 members) were comfortable or very comfortable with the criteria in the site parameters. Some Panel members flagged the role of built form design as important in protecting and enhancing views. Good design can ensure buildings are part of the view rather than negatively impacting the views.</p>

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	<p>the east side of Marine Parade through to Port Phillip Bay and within the Marina complex.</p>		<p>In addition, the Community Panel members stressed the importance of the excellence of design of the dry storage facility and discussed being able to see the internal operations of the dry boat storage to enhance the unique Marina identity. This is reflected in a requirement in the DPO2 for elements of dry storage operations to be visible from key public spaces and connections. In regards to the dry boat storage building, more Panel members, 59 per cent preferred a higher and shorter (i.e. reduced length along peninsula) configuration to protect the bay views, while 41 per cent (nine members) preferred a longer and lower configuration to reduce the height of the building.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
13	<p>Uncertainty over Moran Reserve</p> <p>A large number of submissions raised concerns regarding potential boat trailer parking in Moran Reserve “investigation area” shown in the Site Brief. Submissions raised concerns regarding:</p> <ul style="list-style-type: none"> • Loss of public open space and vegetation in Moran Reserve. • Potential parking in Moran Reserve and conflict with sky divers. • The impact of development on the appearance of Moran Reserve. 	6, 7, 8, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 28, 30, 31, 32, 33, 35	<p>Response / Rationale:</p> <p>Amendment C171port applies only to the existing St Kilda Marina site and does not apply to land within Moran Reserve.</p> <p>It is not proposed to rezone or apply overlays to any land outside of the St Kilda Marina Lease area. Any future proposals (including vehicle access and parking) on land beyond the existing St Kilda Marina Lease area (such as in Moran Reserve) will be subject to a separate full planning permit process and will not form part of the development plan for the Marina site (as required by DPO2). Any future planning permit process will be assessed against the relevant policy and legislation.</p> <p>The requirements of the DPO2 for the future redevelopment of the Marina site (including those relating to Marina operations, built form, public space, car and trailer boat parking and pedestrian and cycling paths) must be contained within the existing Marina site area.</p> <p>Accordingly, Amendment C171port will not result in the removal of open space or vegetation from, or development in, Moran Reserve. Although not directly applying to land within Moran Reserve, in relation to the reserve, the proposed DPO2 requires that the development plan must make provision to:</p> <ul style="list-style-type: none"> • <i>Improve the site’s interface with Moran Reserve</i> • <i>Require that buildings provide active frontages where they adjoin key public spaces.</i>

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	<ul style="list-style-type: none"> • There is not an indication on the site plan how this new trailer parking area on Moran Reserve will be accessed. • Designation of “investigation area” on Moran Reserve means the proposed redevelopment does not fit on the St Kilda Marina site. • The Port Phillip community has not been consulted about a proposal to extend Marina operations into a valuable foreshore park. • Development within Moran Reserve is not consistent with the Port Phillip Coastal Management Plan 2012. 		<ul style="list-style-type: none"> • <i>Require built form to achieve design excellence and respond to its prominent coastal location and significant historical context of the site.</i> <p><u>Vehicle Access from Moran Reserve</u></p> <p>See the response to Key Issue 15 (Traffic and parking impacts) regarding vehicle access/egress to/from the site and parking.</p> <p><u>Site Brief “Investigation area for integrated trailer parking in Moran Reserve”</u></p> <p>Although not part of the Planning Scheme Amendment, the Site Brief includes a section of Moran Reserve in the “Project Interface Area” (see Section 2.2 Project Area of the Site Brief). It also identifies an “<i>investigation area for integrated trailer parking</i>” in Moran Reserve (See Figure 8 below).</p>

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Public boat ramp and trailer parking



Figure 8: Site Brief - Public boat ramp and trailer parking (image is from the Site Brief, page 60)

Further, the Site Brief states that (criteria 9.2.25) *“Trailer parking integrated to an improved interface with Moran Reserve can be investigated. However, existing high value vegetation to be retained”* page 59). This criterion was added to the site brief after the completion of the Community Panel process.

The “investigation area” was included in the Site Brief to enable consideration of some trailer parking to occur in this area only if doing so created clear community benefit, improved the interface between the Marina and the reserve, did not result in a net loss of public space and sought to remain high value vegetation. In addition, the

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>investigation area in Moran Reserve was included in the Site Brief as parking occupies a large amount for the site and is not well used much for the year. The Site Brief (Criterion 9.2.20) requires investigation of carparking systems to increase efficiency of land dedicated to parking and to demonstrate alternative uses of trailer parking areas in the boating low season. Innovative design of the investigation area could mean some of the little used trailer parking could be proposed within Moran Reserve if there was no overall loss of open space within the project, thereby allowing other space within the Marina to be used for higher quality, possibly better positioned public open space.</p> <p>As noted above and irrespective of the Site Brief, the area where the proposed Planning Scheme Amendment C171port applies does not include this investigation area in Moran Reserve.</p> <p>Any proposals for this area will need to be processed under a separate full planning permit process.</p> <p><u>Loss of vegetation in Moran Reserve</u></p> <p>Planning Scheme Amendment C171port does not apply to land within Moran Reserve, and will not impact on the high value vegetation within the Reserve.</p> <p>Page 37 of the Site Brief identifies ‘High Value Native Vegetation’ along the Marina’s shared southern boundary and extending into Moran Reserve. Criterion 9.2.25 of the Site Brief requires that <i>existing high value vegetation be retained</i>.</p> <p>Vegetation has been assessed through various means including the provision of reports by Water Technology and AECOM (which included some information from the EcoCentre). For more information on these reports see response to Key Issue 17 (Environmental impacts). Council’s arborist provided input into Site Brief. With regard to vegetation, the DPO2 requires the development plan must include:</p> <ul style="list-style-type: none"> • <i>A Site analysis plan of the site’s regional and strategic context, including or explaining:</i> <ul style="list-style-type: none"> ○ <i>Existing coastal character analyses including landscape features, topography and significant vegetation.</i> • <i>An Arborist report prepared by a qualified person outlining the proposed vegetation for retention and removal and identifying any high value vegetation.</i>

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			<p><u>Skydivers in Moran Reserve</u></p> <p>A licence between the City of Port Phillip and Skydive Melbourne allows use for the landing of skydive operations within Moran Reserve. Planning Scheme Amendment C171port does not apply to land currently used for this purpose within Moran Reserve.</p> <p>The Site Brief requires retention of facilities suitable to maintain the skydiving activity at the site (design criteria 9.3.7 on page 62). This requirement will be addressed through the procurement process for the new long-term lease.</p> <p>The investigation area nominated in the Site Brief (as outlined above) is outside the area licensed by the skydiving organisation to land sky divers.</p> <p>Any future change to Moran Reserve would need to consider the impact on all existing users of this area.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
14	<p>Relocation of public boat ramp</p> <p>A number of submissions expressed concerns over change to the public boat ramp:</p> <ul style="list-style-type: none"> • The existing boat trailer parking is well set up with excellent access, parking and extra wide boat launch facilities with traffic lights and should not be changed. • The proposal to locate the boat ramp at the north end of the Marina was rejected 	3, 6, 12, 14, 16, 19, 26, 35	<p>Response / Rationale:</p> <p>Improving the public boat ramp access is an important element of improving the Marina site’s public access and opportunities. This is because there is currently congestion in the Marina basin fairway between queuing boats accessing the public ramp, dry storage loading and wet berth manoeuvrability. In peak summer season, there is traffic congestion for boat and trailer vehicles accessing the site from Marine Parade. Where the Bay Trail path crosses the access point to the public boat ramp, there are safety issues and delays for boat users and cyclists.</p> <p>DPO2 requires that a public boat ramp is provided on the Marina site. <i>Table 1: Specific Requirements</i> includes a range of specific requirements and outcomes for the public boat ramp, which relate to the boat ramp design, the capacity of the boat ramp, the number of public boat trailer parking spaces to be provided at a location proximate to the boat ramp. A requirement also requires relocation of the Bay Trail to reduce conflict with the boat ramp. These requirements are consistent with the Site Brief. <i>Figure 1: Concept Plan</i> in the DPO2 does not designate a specific location for the public boat ramp.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>by the panel. A roadway will be required for cars and trailers if the ramp is located to the north of the site thus encroaching on the promenade. At this location, boats and trailers will run parallel to the path and the shed wall creating a very unpleasant walk to the beacon.</p> <ul style="list-style-type: none"> • The proposed location of the new boat ramp is not supported by boat owners as it is too far from the trailer park and will lead to a confluence of boats in the narrow entry point. The existing boat ramp allows boats to be launched and docked with ease and allows space to boats to be docked at the wharf whilst parking and retrieving the trailer. • The proposed boat trailer parking and the propose boat launch ramp are too far apart. This design reduced the functionality of the Marina 		<p>The planning controls allow for flexibility in locating of the boat ramp so a developer can design the functions of the Marina and meet all the criteria which include safe access, best practice design, minimising conflicts and efficient access. However, parameters have been included to ensure that existing safety features and functionality are not diminished, the parking for boats and trailers is to match existing (with a requirement to encourage additional parking capacity for boating launching at peak times), and conflicts between boating uses and other Marina users are minimised.</p> <p>It is considered that the developer can consider alternative configurations for the Marina to meet their project vision if the requirements of the DPO2 (and Site Brief) are met. This includes the potential to relocate the boat ramp. There is enough space along the promenade to safely mange movement for different modes, if this is sought.</p> <p>In addition, as part of the procurement process for the new lease, the procurement plan advises that marina technical expertise will be included on the evaluation panel and this element would be part of their and the overall evaluation panel’s remit.</p> <p><u>Community Panel considerations in the development of the Site Brief</u></p> <p>The Marina function which includes the dry storage, the wet berths, the public boat ramp and boat and trailer parking and the interrelated were components thoroughly explored in the development of the Site Brief, with particular focus on the dry storage, boat ramp and boat and trailer parking.</p> <p>Ideas explored through the development of the Site Brief included moving the boat ramp closer to the mouth of the Marina (north of the existing dry boat storage buildings), reducing the distance required to enter the Bay and reducing conflicts with Marina operations and other users. This is illustrated in the Site Brief in Figures 14 and 15, which contemplate two locations for the public boat ramp – the existing position, as well as an alternative location to the north of the existing dry boat storage (see Figure 9 below).</p>

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- Concerns regarding relocation of trailer boat parking area.

Public boat ramp and trailer parking



Figure 9: potential locations for public boat ramp.

Some panel members and broader community participants raised concerns about the potential relocation of the public boat ramp, and associated boat and trailer parking closer to the Marina entrance, siting key considerations as safety and functionality.

As part of the development of the Site Brief, Community Panel members were asked how comfortable they were that the boat ramp and trailer parking criteria, to the best of its ability, contributes to the site vision and objectives being met? In total 59.1 per cent (13 of 22 Panel members) indicated they were comfortable or very

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			<p>comfortable, while 18.2 per cent (4 of 22 Panel members) indicated they were uncomfortable or very uncomfortable with this statement. The remaining 22.7 per cent (5 Panel members) were neither comfortable nor uncomfortable with this statement. Of the broader community participants 64 per cent supported the relocation, while 36 per cent opposed it.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> No change to Amendment C171port.
15	<p>Traffic and Parking impacts</p> <p>A number of submissions raised concerns over traffic and parking impacts of the redevelopment of the Marina.</p> <p><u>Traffic and car and boat trailer parking impacts</u></p> <p>Some submissions raised concerns over lack of sufficient on-site car and boat trailer parking:</p> <ul style="list-style-type: none"> The number of car parks to be provided on site has not been specified. No space provision has been made for car parking and trailer boat parking to occur within the existing Marina site. Instead an 'investigation area for 	3, 4, 6, 8, 9, 13, 14, 15, 16, 18, 19, 20, 26, 29, 32, 33, 35	<p>Response / Rationale:</p> <p>Proposed DPO2 and SUZ4 includes a comprehensive range of requirements for improved traffic and parking on the Marina site.</p> <p>DPO2 requires that any Development Plan address the following principles and objectives for parking and access:</p> <ul style="list-style-type: none"> 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 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. <p>Table 1 Specific Requirements in DPO2 includes the following specific requirements for a Development Plan:</p> <ul style="list-style-type: none"> Publicly accessible open space: <ul style="list-style-type: none"> Enhance the public realm and if practical relocate the preferred vehicle route into the Marina, as shown on the Concept Plan (Figure 1). Marina Functions: <ul style="list-style-type: none"> 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. Public boat ramp and trailer parking: <ul style="list-style-type: none"> Provide a minimum of 80 public boat trailer parking spaces within proximity of the public boat ramp; and

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	<p>integrated parking' is shown on Moran Reserve which is not part of the Marina lease area.</p> <ul style="list-style-type: none"> Additional commercial uses will increase demand for car parking, and concern as to whether there is enough space to provide this additional car parking on the Marina site. <p>Some submissions noted concerns over impact of increased traffic and parking on surrounding local streets:</p> <ul style="list-style-type: none"> Submitters say the local area already suffers from parking overload due to the increased residential density in the area which is often exacerbated from the Marina during busy times. Visitors often choose to park on the streets which have free parking, rather than the Marina which is tolled. On hot days with calm water, especially weekends and public holidays the entire boat trailer car park 		<ul style="list-style-type: none"> Trailer parking area must include landscaping and WSUD principles to increase surface permeability and improve place amenity, when not in use. Car parking: <ul style="list-style-type: none"> Encourage the use of a shared use car-parking system. If a car parking structure is provided: <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. Where possible, carparking structures should be sleeved with active uses where there is an interface with public spaces. Minimise the need for mechanical ventilation in car parking structures. Provide for central car parking below grade if practical. <p>Figure 1 Concept Plan in the DPO shows the location of a preferred vehicle route for public boat ramp and trailer carparking off Marine Parade opposite Thackeray Street and within the southern boundary of the site.</p> <p>Any application for the approval of a Development Plan under the DPO2 is required to include:</p> <ul style="list-style-type: none"> An Urban concept report which includes or explains plans or diagrams demonstrating the following: <ul style="list-style-type: none"> Proposed movement networks through the site, including pedestrian, cycling, vehicle and boat launching and car and trailer parking. An Integrated transport and access plan prepared by a qualified person which includes: <ul style="list-style-type: none"> 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. The identification of appropriate traffic mitigation measures to be provided. An empirical assessment to support the adequacy of the car parking provision. <p>The SUZ4 also includes application requirements relating to traffic and parking. Any application for a Planning Permit for buildings and works under the SUZ4 is required to include:</p> <ul style="list-style-type: none"> A Site plan(s), drawn to scale, which show (among other things): <ul style="list-style-type: none"> 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.

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	<p>fills up and surplus boat trailers and tow vehicles end up parking on Marine Parade or go to another boat ramp if they cannot find a parking spot.</p> <ul style="list-style-type: none"> • A lack of sufficient onsite parking will result in increased traffic and use of on street car parking spaces along Marine Parade and in adjacent streets including Thackeray Street, by visitors. This will create amenity impacts to surrounding streets - increasing the probability of accidents, increased airborne pollution and increased noise from cars & revellers. • Concerns that increased use of on street parking by Marina users will reduce the number of on street car parks currently available to local residents. • Some submissions requested a traffic study undertaken by experts: • Concerns that no traffic study has been undertaken 		<ul style="list-style-type: none"> ○ The location and layout of all boating related, pedestrian and cyclist ingress, egress and access arrangements. ○ Any infrastructure works required on adjacent land including traffic management works. <p>- A Traffic Management Plan which includes arrangements for car and trailer parking management, traffic management and traffic control works considered necessary.</p> <p>Any planning permit application will also be subject to the car parking requirements of Clause 52.06 Car Parking in the Port Phillip Planning Scheme. The amount of car parking required for the site will depend on the types and size of uses the developer proposes for the site.</p> <p><u>Traffic and Car and boat trailer parking impacts</u></p> <p>A specific location for car and boat trailer parking has not been included on the Figure 1 Concept Plan in the DPO2. Essentially, car and boat trailer parking can be located anywhere on the site (excluding areas designed for pedestrian and cycle paths, and wherever the developer proposes built form), as long as the above parameters are met. Car and boat trailer parking can be located within areas shown as built form envelopes. As outlined in the response to Key Issue 11 (Built form impacts), the built form envelopes are substantially larger than the size of buildings that can be located on the site and it is expected that some of these areas will be used for parking. For further information on built form envelopes, please also see the response to Key Issue 11 (Built form impacts).</p> <p>An Integrated transport and access plan is required to be prepared as part of the Development Plan in the DPO2. This requires an empirical assessment to support the adequacy of the car parking provision and consider expected traffic generation and the impact on the existing road network over a 24-hour period, so that the impacts on surrounding streets can be assessed.</p> <p>The proposed planning controls (outlined above) ensure that the impacts of traffic and car and boat trailer parking are adequately addressed through the preparation of a Development Plan (under DPO2) and planning permit application/s (under SUZ4).</p> <p><u>Multi-storey car park</u></p>

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	<p>to consider the effects on local traffic and noise levels associated with allowable development.</p> <ul style="list-style-type: none"> • Expert analysis is needed of the likely number of car parking spaces required to support the proposed development, and adequate space for this car parking needs to be a requirement of any new lease. • A traffic and parking study needs to be prepared taking into account: <ul style="list-style-type: none"> ○ data obtained on hot days with calm water on weekends and public holidays. ○ Any changes to the existing entrance / exit to the site ○ bikes, pedestrians and traffic flow in Marine Parade and Thackeray St. <p><u>Multi-storey car park:</u></p> <p>Three submissions raised concerns over a multiple story</p>		<p>As outlined above, the planning controls, specifically DPO2, contemplate the provision of a multi storey car park on the site as one option to provide shared-user carpark management on the site, to minimise parking or encourage alternative uses in non-peak periods. Consolidation of carparking on the site (currently spread across the site) would create the opportunity for a significant increase in high quality public spaces. There is no requirement to provide a multi-storey car park, and the developer may choose to retain car parking at grade. In the case the developer does take up the option to provide a multi-storey car park, DPO2 provides adequate guidance to ensure a positive design outcome through requirements such as sleeving and active frontages and adequate floor to ceiling height to allow for future conversion to other uses.</p> <p><u>Community Panel considerations relating to car parking in development of the Site Brief:</u></p> <p>In the planning phase of the project to develop the Site Brief, to understand how people arrive at the site and their experience once there, research was carried out in late 2017 including pedestrian counts, bike counts, traffic counts, carparking counts/occupancy studies, boat ramp counts, and a public life survey consisting of site observations and intercept surveys. This information was considered by the Community Panel. The key findings of this background work were:</p> <ul style="list-style-type: none"> • The current extent and layout of roads and carparks on site has resulted in an unattractive built environment and does not contribute to the public enjoyment of the foreshore. • Access to the site for regional visitors, using arterial roads is available directly from both Marine Parade and Barkly Street via Dickens Street 300m from the site. • There is both public and private carparking on site, in addition to the boat and trailer parking. The small public carpark by the Marina waterfront has 27 parking spaces (currently not metered) and has a high occupancy rate. However, the metered public carpark near the foreshore and Riva has 139 parking spaces and has a low occupancy rate (the survey in November 2017 on a Saturday recorded an average occupancy rate of 14 per cent between 8 am and 5 pm). • Council policy supports the supply of carparking infrastructure to promote multiple uses. A site such as the Marina which has different peaks and troughs of use supports shared use carpark infrastructure. The utilisation of public carparking available on the Marina site indicates additional uses can be accommodated with this carpark provision. • The objective for the site is for a reduction in the amount of carparking so that other more valued uses can have space, but that the car parking is used more efficiently. Carparking is addresses through section 9.4 of the Site Brief.

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	<p>car park structure. Submissions included the following concerns:</p> <ul style="list-style-type: none"> • A multi-storey car park will block out views and result in visual bulk. • The design of such as structure would not be sympathetic to the surrounding environment. • Car parking should remain at grade or, if necessary, below grade, similar to the Sea Baths' carpark configuration. <p><u>Changes to site access:</u></p> <p>Three submissions raised concerns regarding changes to site access. Submissions expressed:</p> <ul style="list-style-type: none"> • Concerns over the location of the preferred vehicle route for public boat ramp and trailer parking (entering off Marine Parade opposite Thackeray Street). This would likely result in a signalised intersection at Marine Parade / Thackeray street, which will likely result in an increase in 		<p>As part of the development of the Site Brief, Community Panel members were asked how comfortable they were that the car parking criteria, to the best of its ability, contributes to the site vision and objectives being met? In total 40.9 per cent (9 of 22 Panel members) indicated they were comfortable or very comfortable with car parking criteria, while 36.3 per cent (8 of 22 Panel members) indicated they were uncomfortable or very uncomfortable with this statement. The remaining 22.8 per cent (5 Panel members) were neither comfortable nor uncomfortable with this statement.</p> <p>Community Panel members were asked how comfortable they were with an approach that aims to consolidate car parking into a single structure on site to free up space for other uses? In total 54.5 per cent (12 of 22 Panel members) indicated they were comfortable or very comfortable with car parking in a single structure, while 36.4 per cent (8 of 22 Panel members) indicated they were uncomfortable or very uncomfortable with this statement. The remaining 9.1 per cent (2 Panel members) were neither comfortable nor uncomfortable with this statement.</p> <p>Where there were a range of views or a clear division between the Panel on the design criteria, this indicated that the broader community also likely has a range of views or be clearly divided on those topics. In these instances, Council made the decision, recognising there may be divided views.</p> <p><u>Changes to site access</u></p> <p>DPO2 contemplates future vehicle and pedestrian access to the Marina site. DPO2 includes the following requirements for entry points to the Marina site:</p> <ul style="list-style-type: none"> • Table 1 Specific Requirements includes the following specific requirements relating to publicly accessible open space: <ul style="list-style-type: none"> ○ Enhance the public realm and if practical relocate the preferred vehicle route into the Marina, as shown on the Concept Plan (Figure 1). ○ If practical, relocate electrical substation away from the primary entry at the Dickens Street approach. • Concept Plan Figure 1 shows: <ul style="list-style-type: none"> ○ a key pedestrian connection at the Dickens Street approach into the Marina site and continuing through the site to the water.

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	<p>traffic flow and congestion along Thackeray Street.</p> <ul style="list-style-type: none"> • Preference to retain the existing entry/egress point at Dickens Street as there is already a signalised intersection and this street is an established thoroughfare, wide enough to accommodate greater volumes of traffic together with their trailers. • Concern that the preferred vehicle entry (opposite Thackeray Street) will encroach into the O.C. Moran Reserve. 		<ul style="list-style-type: none"> ○ a preferred vehicle route to the public boat ramp and trailer parking within the southern boundary of the site. <p>The DPO2 requirements are consistent with the requirements in the Site Brief.</p> <p>The intent of these controls (as considered through the development of the Site Brief) is to reduce the existing conflicts between pedestrians, bicycle and vehicles at the entry point to the Marina, and to protect the amenity of the future public space (there is a requirement to provide a civic heart of a minimum of 700sqm near the existing entry). The specific requirements to change access to the site, and remove the electrical substation are included in DPO2 “if practical”, noting that if vehicle entry point was relocated that this would likely require the existing signalised intersection at Marine Parade / Dickens Street be moved to Thackeray Street further approvals (such as from VicRoads) would be needed. An alternative way in which a developer could meet these requirements is to retain the existing vehicle entry at Marine Parade / Dickens Street, and ensure the entry and pedestrian paths are designed in a way that reduces conflict between the cars and pedestrians.</p> <p>In regards to potential boat trailer parking in Moran Reserve “investigation area”, please refer to response to Key Issue 13 (Uncertainty over Moran Reserve).</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
16	<p>Public access and open space</p> <p>Submissions related to this topic:</p> <ul style="list-style-type: none"> • Seek increased public access to Marina Site. Removal of fencing is sought. • Request adequate parkland and new green space be 	1, 4, 6, 10, 14, 15, 16, 19, 26, 31, 35, 131	<p>Response / Rationale:</p> <p>DPO2 includes a range of requirements for improved public access and additional publicly accessible open space on the Marina Site to what exists on the site currently.</p> <p>DPO2 includes the following objectives relevant to public access and the provision of publicly accessible open space:</p> <ul style="list-style-type: none"> • To enhance the long-term operational function of the Marina, promoting it as a destination for active public use and enjoyment.

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>provided (note: submissions do not state how much they consider to be adequate).</p> <ul style="list-style-type: none"> • Seek increased public access to the beach within the Marina site near the light house. • Request public access to the foreshore all the way up to the light house. • Raise concerns regarding whether community access and improved public space can be achieved on the site given the scale of built form proposed for the site. • Note that a figure/drawing showing clearly the areas available for public use and open space is not included in the Site Brief. 		<ul style="list-style-type: none"> • To ensure that the redevelopment achieves innovative and sustainable design excellence and high-quality public realm and landscaping outcomes. <p>DPO2 requires that any Development Plan address the following principles and objectives for open space and public realm:</p> <ul style="list-style-type: none"> • 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. <p>DPO2 requires the provision of increased public access and additional publicly accessible open space on the Marina Site to what exists currently. <i>Table 1: Specific Requirements</i> and <i>Figure 1: Concept Plan</i> require the provision of a range of publicly accessible open spaces and public realm improvements, including:</p> <ul style="list-style-type: none"> • 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 <i>Figure 1: Concept Plan</i>, or an alternative location providing an equivalent level of amenity. • No less than 20 per cent of the site as public open space. • Minimal fencing and obstacles to movement from Marine Parade and Marina Reserve to the Marina promenade. • Provision of a range of pedestrian and cycle paths on the site, including: <ul style="list-style-type: none"> ○ Provision of a new Peninsula promenade path ○ Provision of a Marina Promenade ○ Relocation of the Bay Trail

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			<ul style="list-style-type: none"> ○ Provision of a range of key pedestrian connections (these are identified in <i>Figure 1: Concept Plan</i>). ○ Investigation of a potential bridge for pedestrians and cyclists <p>The DPO2 (and the Site Brief) enable a level of flexibility for proponents to be innovative in their urban design and architectural response to the site. A master planned approach will ensure the provision of optimal open space/s, while allowing flexibility of to respond to the context of the site and ensuring other requirements and objectives are met (such as built form, views and car and trailer parking).</p> <p>The Marina's open spaces today are either secured by fencing or have unclear public access. The open spaces, in particular the carparks, are not designed to support a variety of uses. Much of the site is currently inaccessible to the public behind fences and gates. In other areas, there is conflict between walkers, bike riders and vehicles and other areas present unattractive, unwelcoming environments. The intention is for much of this area to be opened for public access and for the quality of these spaces to be greatly improved.</p> <p>As articulated in the Site Brief, the intent for the site is that a strong connection to the Marina and the water should be facilitated through generous and publicly inviting promenades. The path to the beacon (the Peninsular Promenade) will be welcoming and accessible leading to a green parkland space at the Beacon. The Marine Parade edge (the Marine Promenade) will be more open, showcasing the Marina's use and identity and establishing it as a public destination drawing people into the site. A free public gathering space (the Civic Heart) is to be created, catering for a diversity of uses which complement the waterfront setting and encourage social exchange.</p> <p>The proposed planning controls seek to promote the Marina as a destination for active public use, including promenading, outdoor dining, passive recreation, play, events and participating in the spectacle of a Marina. A density and diversity of year-round compatible activities should offer settings for true public engagement.</p> <p>The requirements relating to the peninsula including a promenade and open space incorporating the Beacon. This would open the promenade to public access. It is the intention and expectation that the adjacent beach would be accessible from the promenade paths and open spaces.</p>

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			<p>The restrictions on built form will also enhance the open air feel of the Marina and ensure that the above requirements for publicly accessible open space can be achieved. Please also see Key Issue 11 (Built form impacts).</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> No change to Amendment C171port.
17	<p>Environmental impacts</p> <p>Submissions raise a range of environmental concerns relating to Amendment C171port and the preparation of the site brief. Submissions relating to this issue:</p> <ul style="list-style-type: none"> Consider that a lack of technical analysis of environmental considerations has been undertaken to inform Amendment C171port and the Site Brief, and / or request additional reports be undertaken. Request an acoustic study be undertaken on future building / businesses and associated uses. Request the acoustic treatment of any new development to contain significant noise within the 	6, 8, 12, 13, 14, 15, 16, 19, 20, 22, 23, 24, 25, 26, 28, 29, 32, 33, 35, 130	<p>Response / Rationale:</p> <p>The proposed planning controls require the consideration of a range of environmental and sustainability issues as part of the Development Plan (under DPO2) and any planning permit application/s (under SUZ4).</p> <p>DPO2 requires that any Development Plan address the following principles and objectives for environmental design:</p> <ul style="list-style-type: none"> 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 innovative environmental sustainability design initiatives across the site. Identify methodologies for construction and uses to minimise environmental impact on surrounding coastal environment. <p>DPO2 includes the following specific Requirements in Table 1 Specific Requirements for the sea wall and internal Marina walls:</p> <ul style="list-style-type: none"> Repair or replace the seawall and internal Marina walls for storm protection, and to accommodate projected sea level rise (0.8m by 2100). Use alternative treatment on internal Marina walls to increase habitat amenity. Improve habitat for native flora and fauna through planting of native vegetation, including seaward edge of breakwater and vegetation connections with Elwood Canal.

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>building (particularly late at night).</p> <ul style="list-style-type: none"> Assert that there has been no assessment of, or acknowledgement to threats to the St Kilda Marina's Fairy Penguin Colony. Some submissions suggest that a penguin sanctuary / protected area and visitors centre should be set up at the Marina, with volunteers caring for the penguins as they do at the breakwater at the end of the St Kilda Pier. Question whether an environmental impact study has been prepared for the proposal, addressing matters such as penguin colony, marine life reports, flora and fauna reports and aboriginal significance, and impacts of rubbish, sewerage and storm water and contaminated land (associated with landfill and removal of the existing service station). Raise concerns regarding contamination of the site. 		<ul style="list-style-type: none"> 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. Provide water quality systems (including WSUD) for stormwater outfalls within the subject site. <p>The following reports and plans are required to be prepared as part of the content of a Development Plan under the DPO2:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p>The following technical reports are required as part of any application for a Planning Permit for buildings and works under the SUZ4:</p> <ul style="list-style-type: none"> - A Landscaping Plan which shows: <ul style="list-style-type: none"> 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.

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>Question what the EPA requirements are for the removal of the BP petrol station.</p> <ul style="list-style-type: none"> • Raise concerns over protection (or lack of) of existing fauna and flora (vegetation). • Ask if Council has consulted environmental groups and organisations to obtain impact reports. 		<ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> - 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 event (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 run off 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). <p>As outlined above, the DPO2 and SUZ4 requires comprehensive consideration of environmental and sustainability impacts, flora and fauna / vegetation and noise amenity impacts as part of any development proposal for the site. As per the Site Brief, protection of the natural environment is a key consideration in the planning controls, as is seeking opportunities through maintenance and redevelopment of the site to enhance the natural environment.</p> <p>The above requirements relating to protecting the sensitive coastal location from damage (both associated with the ongoing use of the Marina and its redevelopment) have been informed by an Environmental and Coastal and Hazard Protection Report by Water Technology. This report identified that the western sea wall, Groyne and southern sea walls (out of project boundary) are in poor repair and are not adequate for the existing marine conditions. The AECOM report St Kilda Marina Redevelopment Environmental and Coastal Requirements, Section 3.0 Coastal</p>

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			<p>Requirements advises that adopting a 50 year design life for the infrastructure is in accordance with AS 4997 – 2005 (Guidelines for the design of maritime structures) and designing to a sea rise level of 0.4 meters by 2070.</p> <p>Any additional works within the project site which are subject to planning approval will need to plan not less than 0.8 meters by 2100 as per Clause 13.01-2S Coastal inundation and erosion of the Port Phillip Planning Scheme.</p> <p>The above requirements relating to improving habitat for flora and fauna have been informed by Section 3 Marine Ecosystems and Section 4 Terrestrial Ecology of the Environmental and Coastal and Hazard Protection Report by Water Technology. These sections describe St Kilda Marina and adjoining marine habitats and flora and fauna, vegetation zones and conservation values. In general these areas are in good condition and have significant local environmental and social value. Vegetation zones that adjoin the site boundary to the south of the site are considered to have high native value.</p> <p>In addition to the planning controls, the Site Brief includes the following additional requirements which proponents to the procurement process for a new long term lease will need to consider, that can deliver positive environmental outcomes. These will be dealt with under a new lease, and include:</p> <ul style="list-style-type: none"> • Planting saltbush along the seaward edge of the breakwater and creating vegetation connections with Elwood Canal • Repair or replace seawalls to ensure intertidal areas can continue to accommodate bird roosting • Protect land, water and air from pollutants from associated Marina operations • Protect sensitive marine habitats from Marina operations, maintenance and redevelopment (living breakwaters) • Manage the control of marine pests within the St Kilda Marina • Targeted field fauna surveys should be undertaken within and adjacent to any proposed development areas • A comprehensive Environmental Management Plan is recommended for Marina operations <p><u>Consultation with Environmental Groups and Environmental Reports</u></p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>Council officers consulted with the Port Phillip Ecocentre to inform the project about the natural environment at the Marina and surrounds, given their extensive local knowledge. Recommendations from the Ecocentre were provided to the relevant consultants preparing environmental reports (listed below).</p> <p>Council also consulted with the Department of Land, Water and Planning (DELWP), who are responsible for providing consent as required by the Coastal and Marine Act.</p> <p>A range of reports were procured to inform the Site Brief and procurement process for a new long term lease, including reports related to:</p> <ul style="list-style-type: none"> • Environmental and Coastal Hazard Assessment • Environmental and Coastal Report • Geotechnical Overview • Environmental Site Assessment • Cultural Heritage Due Diligence Report. <p><u>Penguin Colony</u></p> <p>Prior to developing the Site Brief, Council officers consulted the Port Phillip EcoCentre and more recently have consulted both the Port Phillip EcoCentre and Earthcare regarding the presence of penguins at the Marina. There has been no evidence found by either organisation, including at a recent survey undertaken on site, to suggest the presence of penguins at the Marina. Prior to developing the Site Brief, The Port Phillip EcoCentre also provided a report outlining top environmental concerns for the Marina area, which did not list a penguin colony.</p> <p>However, as we are approaching February, an ideal time to detect penguins as any resident penguins would be likely to be moulting and can be more easily located, we are working with both organisations to undertake an additional and a comprehensive site survey during this time.</p> <p>A Fairy Penguin Colony is located at the St Kilda Pier on the breakwater adjacent to the pier and associated Royal Melbourne Yacht Squadron, however, as noted above, no evidence of penguins residing at the St Kilda Marina site has been found by local environmental organisations, Ecocentre or Earthcare.</p>

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
			<p>A penguin sanctuary / protected area and visitors centre is not contemplated by the proposed planning controls in Amendment C171port.</p> <p><u>Contaminated Land</u></p> <p>The proposed planning controls in Amendment C171port do not require assessment of contaminated land on the site, as contamination is managed through the lease for the site.</p> <p>In accordance with Ministerial Direction No. 19 (Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health), Council sought the views of the Environment Protection Authority (EPA) regarding Amendment C171port prior to its authorisation. 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.</p> <p>An Environmental Site Assessment was undertaken by AECOM with the purpose of identifying the presence of gross contamination and how this may impact on redevelopment works. Preliminary soil testing was undertaken across the site to inform the proponents to the procurement process for the new-long term lease about the presence of contamination and to propose further actions that may be required. The Marina is built on landfill and there are areas of contamination that need to be managed as part of the redevelopment works. Any requirements regarding remediation of contaminated land will be included in the new lease.</p> <p>Further, the existing sublease for the service station provides that, at the end of its lease term, the subtenant is required to remove all fuel pumps and fuel tanks and related tenant's trade fixtures and fittings and make good any damage caused by their removal and clean up to the satisfaction of the EPA, any pollution caused by the subtenant's act or omission during the term of the sublease.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
18	Maintenance of the foreshore, Elwood Canal and Moran Reserve	14, 16, 19, 25, 26, 35	Response / Rationale:

Key Issue Number	Summary of key issue raised in submissions	Submission numbers that raised this key issue	Council officer recommended position / changes to the amendment
	<p>Several submissions raise concerns regarding maintenance of the foreshore, Elwood Canal and Moran Reserve. These submissions:</p> <ul style="list-style-type: none"> • Requests clean-up of foreshore and Elwood Canal • Raise concerns regarding maintenance of Moran Reserve 		<p>Maintenance of the foreshore, Elwood Canal and Moran Reserve is not an issue to be resolved through the Planning Scheme Amendment.</p> <p>These matters have been referred to the appropriate areas of Council for consideration.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.

SECTION 3 – RESPONSE TO INDIVIDUAL SUBMISSIONS

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
1	Addison Street Elwood	<p>Submission requesting changes</p> <p><u>Removal of Service Station</u></p> <p>Submitter states:</p> <ul style="list-style-type: none"> The Petrol Station should be removed (an eyesore like this would not be in this site of Beach Road) <p><u>Public access and open space</u></p> <p>Submitter states:</p> <ul style="list-style-type: none"> The area should be developed so that everyone can access it. The Marina is fenced off. It could and should be a community area while still being a Marina - an area where people want to go day and night to visit or eat and drink. 	<p>Response / rationale:</p> <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> See response to Key Issue 9 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> See response to Key Issue 16 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> No change to Amendment C171port.
2	Nearby resident	<p>Submission requesting changes</p> <p><u>Separated bike path through the Marina</u></p> <p>Submitter states:</p> <ul style="list-style-type: none"> The lack of separated bike path in the short section north of the Moran Reserve (and south of Dickens Street) is a danger to pedestrians and cyclists. The bike path is available from the Moran Reserve southbound and also north of Dickens Street but disappears in the area in between. There is currently significant space to include a separated bike path in this area. Currently it's a shared pathway for the considerable number of cyclists and pedestrians that frequent this area and I regularly experience and observe the safety issues and 	<p>Response / rationale:</p> <p><u>Separated bike path through the Marina</u></p> <ul style="list-style-type: none"> DPO2 includes the following principle and objective for open space and public realm: <i>“Provide for clearly legible separated walking and cycling paths in high traffic areas, where appropriate.”</i> DPO2 also requires the realignment of the Bay Trail. The location of the realignment is shown in Figure 1: Concept Plan and width requirements are included in Table 1: Specific Requirements, under Bay Trail (note if the bridge is provided, DPO2 requires the provision of separated paths along the peninsular promenade).

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>dangers that result from cyclists and pedestrians sharing (only) this section of coastal walk/ride.</p> <ul style="list-style-type: none"> • Council should consider extending the separated bicycle path in this area too. 	<ul style="list-style-type: none"> • The above requirements are consistent with the design criteria specified in the Site Brief. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
3	User of the St Kilda Marina	<p>Objecting Submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> • Submitter states that the Marina currently provides central access to the bay for many local and non-local users. Many of these, owners of various trailer boat water crafts from power boats to Yachts. Most of these crafts cannot use other local ramps such as Brighton or Blackrock due to either parking or water depth. Other than St Kilda Marina, the only other safe harbours are with Carrum or Williamstown. • Submitter states that St Kilda Marina is owned by the Council and that in 1969 a fifty year lease was signed and is due to expire this year some time. In October 2017, a preliminary assessment of the site was done and then in February 2018 a full assessment of the site was done. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter states: <ul style="list-style-type: none"> ○ Flyers should have been placed on vehicles parked in the carparks in that time so Council could get a clearer picture of just how many use the facility and their thoughts of Council's intentions. Many users that don't know of Council's intentions. ○ Proper consultation with Marina users was inadequate. <p><u>Relocation of public boat ramp</u></p> <p><u>Built Form impacts</u></p> <p><u>Traffic and Parking Impacts</u></p>	<p>Response / rationale:</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Removal of service station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> • Submitter states: <ul style="list-style-type: none"> ○ At no point does it underline the future access of the boat ramp. ○ The trailer car park is marked as built form envelope. ○ Rear boat storage marked as built form envelope. ○ Only safe Harbour in area for locals. ○ Other ramps in the area do not accommodate for larger crafts. ○ No consideration has been taken for the hundreds of current users. ○ The ramp access should currently be free according to state law. <p><u>Removal of service station</u></p> <ul style="list-style-type: none"> • Submitter states that the BP petrol station which has been serving the locals for years is marked as low value. 	
4	Residents (two) opposite the Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> • Submitters are property owners directly opposite the proposed area for re-development, who request that any changes put before the Council be carefully considered in light of the residents who are greatly affected by the area. It is a much used public area and the submitters suggest that care should be taken in deciding on further development. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitters state that parking is already at a premium in this area, so facilities for parking should be considered. <p><u>Built form impacts</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters request the following changes: 	<p>Response / rationale:</p> <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> ○ Any new buildings considered should not exceed one storey. If they did exceed that limit, the buildings would encroach on the existing residents outlook. ○ The new buildings should be constructed in keeping with the function of the Marina. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> ● Submitters request that adequate parkland should be provided. 	
5	Resident opposite the Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Removal of third party appeal rights</u></p> <p>Submitter states that:</p> <ul style="list-style-type: none"> ● to exclude third party rights and remove VCAT review is a regressive move. It should be noted this site has a history of VCAT review (e.g. P1230/2011 and P2677/2012). ● Future Planning permit applications for the St Kilda Marina site will receive inadequate input from 3rd parties such as residents. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <p><u>Proposed level of change</u></p> <p>Submitter states that:</p> <ul style="list-style-type: none"> ● within the Council paper “St Kilda Marina Planning Scheme Amendment C171” dated 24 July 2019 where the change of the zone to SUZ is recommended, there is no direct or indirect reference to the DELWP Planning Practice Note 3 called “Applying the Special Use Zone” May 2017. ● To completely ignore the existence of the relevant State government planning notice is an alarming omission, consistent with an approach of not considering all the issues. ● Whilst the Council meeting paper dated 5 June 2019 states under section 6.4 “that the existing Design and Development Overlay 	<p>Response / rationale:</p> <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 1 in Part 2 of this document. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 2 in Part 2 of this document. <p><u>Proposed level of change</u></p> <ul style="list-style-type: none"> ● Amendment C171port is required to facilitate the redevelopment of the Marina generally in the manner envisaged in the Site Brief. A planning scheme amendment is needed to apply a more suitable suite of zone and overlay controls to ensure the ongoing operation of the Marina and to efficiently facilitate its redevelopment in accordance with the Site Brief. ● Whilst it is proposed to rezone the site from PPRZ to SUZ, introduce a new DPO, and extend the existing HO to the entire site, the existing Design and Development Overlay Schedule 10 (DDO10), HO and Special Building Overlay (SBO) which apply to the site are to be retained, thereby minimising the level of change to the existing applicable planning controls. <p><u>Increase in allowable commercial and retail floor space</u></p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>(DDO10) will remain unchanged, thus ensuring a minimum level of change to the applicable planning controls". It is the submitter's view that the objective of "minimal level of change" is not consistent with the change from a "Public Park and Recreation Zone" (PPRZ) to a "special Use Zone" (SUZ).</p> <ul style="list-style-type: none"> The above mentioned Council paper dated 5 June 2019 also notes that the new DPO which will act as a masterplan for the entire site. It goes on to strongly suggest that a masterplan is not consistent with a PPRZ (ref to sections 5.4 and 5.6). The submitter notes that there are PPRZ sites within Port Phillip that have masterplans i.e. Albert Park and Marina Reserve (site on the north side of the St Kilda Marina) it is therefore possible that a site can have a master plan and still remain a PPRZ. The objective of "minimal level of change" is not achieved when a change in zone classification occurs for the St Kilda Marina (from PPRZ to SUZ). <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> There are inconsistencies between the proposed Development Plan Overlay schedule 2 (DPO2) and the recently completed St Kilda Marina Site Brief on which the tenderers are to be access against for the upcoming new contract. The Site Brief was completed after extensive community involvement and was approved at the 15 May 2019 Council Meeting. The Site Brief has a mandatory requirement of "up to 3,600 sqm of leasable and commercial and retail floor area" (p.62) with a discretionary requirement of an additional 1,400 sqm. Whereas the DPO2 states that the leasable commercial and retail floor area must not exceed 5000 sqm. There is no mention that the mandatory requirement within the site brief "is up to 3,600 sqm". <p><u>Built form impacts</u></p>	<ul style="list-style-type: none"> See response to Key Issue 10 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> The Site Brief under section 9.4 states “a strong connection to the Marina and the water should be facilitated through generous and publicly inviting promenades.... the Marine Parade edge will be more open, showcasing the Marina’s use and identity and establishing it as a public destination drawing people to the site. Whereas the DPO2 identifies Marine Parade as Envelope 1 and permits possible maximum building height limits of 12 metres or two storeys with a possible 50% maximum coverage of entire Marine Parade Frontage”. Meaning that the DPO2 would possibly allow 12 meter high buildings over 50% of 175 metres of development. The current Marine Parade buildings on the eastern edge frontage are all single storey, and occupy approximately 80 meters or 23% of the frontage. The site vision and objectives as specified within the Site Brief have an emphasis and focus upon a working Marina with coastal open space and public views. Whilst the proposed DPO2 does not currently reconcile with the Site Brief. The DPO for instance notes that the Marine Parade frontage can have a ‘built form to occupy a maximum of 50% of the Marine Parade frontage”. 	
6	Nearby resident: Canterbury Road, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u> <u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> Submitter was a member of the Community Panel who strongly objects to the council's proposal to rezone the Marina from Public Park and Recreation Zone (PPRZ) to the Special Use Zone (SUZ) with a new schedule and application of a Development Plan Overlay (DPO) with a new schedule. Submitter objects to the amendment to rezone the Marina from PPRZ to SUZ4 and the application of a DPO for the following reasons: <ul style="list-style-type: none"> The Council has not been able to show what has changed during the past 50 years to necessitate the rezoning of the 	<p>Response / rationale:</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> See response to Key Issue 2 in Part 2 of this document. The proposed planning scheme amendment process was not included in the scope of the Community Panel. The project approach given to the Community Panel identified that the Community Panel were involved in Stage 3 – the development of the design parameters (Site Brief). Stage 4 (which followed Stage 3) included planning and legislative controls. Stage 3 included developing a framework for a design outcome determined with the community panel. This

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		<p>Marina from Public Park and Recreation to Special Use. The Marina must not become a commercial development zone and this is what it looks like becoming.</p> <ul style="list-style-type: none"> ○ During the Community Panel deliberations at no time was the panel asked to consider rezoning the Marina to Special Use Zone and Development Overlay. <p><u>Public access and open space</u> <u>Space available for Public Park and Recreation</u></p> <ul style="list-style-type: none"> ● Section 9.4 Open Space Realm and Car Parking in the Site Brief fails to provide a figure/drawing showing clearly the areas available for Public Park and Recreation. ● However, by comparison Figure 6 Site Use in the Site Brief shows the extensive area proposed for commercial development. Section 9.4 attempts to describe in vague terms the areas proposed for Public use without any clear understanding of what is proposed and required. <p><u>Uncertainty over Moran Reserve</u> <u>Built form impacts</u> <u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> ● Submitter states that at no time did the Community Panel agree to the proposed encroachment into the Doug Moran reserve for car parking. ● The Community Panel did not agree to the proposed two storey carpark and commercial development proposed at the southern end of the Marina site. ● The Community Panel did not agree to the proposed additional 1,400sqm of commercial space and furthermore a demonstrated demand for the space has not been shown. ● The Community Panel did not agree to the proposed 6,000sqm boat shed. A typical Bunnings shed is 8,000sqm in area thus a 15m high shed wall along the proposed promenade and sea front will be ugly. A 	<p>was then reviewed with government partners and Councillors, and their input incorporated, to finalise the Site Brief.</p> <ul style="list-style-type: none"> ● Stage 4 (after the community panel input) considered the most appropriate planning controls to implement the Site Brief into the planning scheme. ● The proposed planning controls and planning scheme amendment process was prepared by technical planning experts. The opportunity for community feedback has been provided through a formal Exhibition process as part of the Planning Scheme Amendment, where the community could provide submissions which will be considered by an Independent Planning Panel. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 16 in Part 2 of this document. <p><u>Space available for Public Park and Recreation</u></p> <ul style="list-style-type: none"> ● To clarify - Figure 6 “Site Use Area Assessment” in the Site Brief provides an assessment of the existing areas of the Marina, not the area proposed for commercial development. ● This figure is not included in Amendment C171port. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 13 in Part 2 of this document. <p><u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> ● The panel process endeavoured to create consensus around the key issues and components. This was possible in some areas while the panel remained split in other areas. See the Stage Three Community Engagement Report for a detailed summary.

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		<p>roadway will be required for cars and trailers if the ramp is located to the north of the site thus encroaching on the promenade.</p> <p><u>Social benefits arising from redevelopment have not been demonstrated</u></p> <ul style="list-style-type: none"> • Submitter states at no time have the Social benefits arising from the proposed Marina "development" been made available to the community. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • The proposal to locate the boat ramp at the north end of the Marina was rejected by the panel. At this location, the boats and trailers will run parallel to the path and the shed wall creating a very unpleasant walk to the beacon. <p><u>Traffic and parking impacts</u></p> <p><u>Bridge must be provided to alleviate safety risk (riders/pedestrians)</u></p> <ul style="list-style-type: none"> • Submitter states that shared boat operations with bike riders and pedestrians remain contrary to the claims in the brief. The safety risk remains and can only be removed with the constriction of a bridge over the Marina opening thus separating pedestrians and bike riders from boat operations and creating a true promenade. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter states that the site will be contaminated due to 50 years of fuel operations, oils spills and bilge waste in the Marina. This presents a substantial risk and cost arising from the necessary remedial work. This has not been clearly identified in the brief. Contaminated sand cannot be used for beach spoil. 	<ul style="list-style-type: none"> • Where there were a range of views or a clear division between the Panel on the design criteria, this indicated that the broader community also likely has a range of views or be clearly divided on those topics. In these instances, Council made the decision, recognising there may be divided views. <p><u>Social benefits arising from redevelopment have not been demonstrated</u></p> <ul style="list-style-type: none"> • Amendment C171port will have a positive community benefit effect though the redevelopment of the Marina as a publicly available asset with increased public access and provision of public places for the benefit of current and future generations. • The Site Vision and Objectives on page 15 of the Site Brief outlines the following social and cultural objectives for the redevelopment of the St Kilda Marina: <ul style="list-style-type: none"> ○ Improve the social and cultural contribution of the site to the municipality through: ○ Creating opportunities and flexible spaces for active and passive recreation, quiet enjoyment and culture, welcoming people to spend more time and build community connections. ○ Acknowledging history and heritage in design and place experience, including enhancing the existing place identity as a working Marina. ○ Balancing the relationship between public and commercial uses across the site. <p>This was made clear in a pack to the Community Panel at the commencement of the Community Panel process. Specifically, consistent with the Site Brief, the proposed planning controls will require:</p> <ul style="list-style-type: none"> • An increase in public open space on the site, including:

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			<ul style="list-style-type: none"> ○ Provision of no less than 20 per cent of the site as public open space, including a publicly accessible and active 'civic heart' public space of a minimum of 700sqm area, with shelter and a connection to the water and boating activities. ○ Minimal fencing and obstacles to movement from Marine Parade and Marina Reserve to the Marina promenade. ● Provision of publicly accessible amenities independent of those provided by the commercial operations. ● Provision of access to the Beacon along a new Peninsula Promenade. ● Relocation of the Bay Trail to improve safety by minimising conflicts along the path between different users (walkers, riders, vehicles and boat ramp users). ● Investigation of a new pedestrian and cycle bridge connecting the Bay Trail to the Beacon. ● Provision of a flexible space suitable for meetings of at least 100 persons, for regular and seasonal use. ● Response to a range of environmental considerations, including repairing and/or replacing the seawall and internal Marina walls for storm protection and to accommodate projected sea level rise, increase habitat amenity and planting. ● Retention of key views. ● Recognition of the Heritage Significance of the site through: <ul style="list-style-type: none"> ○ Enhancing the landmark role, destination and setting of the Beacon. ○ Extension of the Heritage Overlay over the land, and requirements for the Development Plan to

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			<p>respond to the cultural heritage significance of the Marina.</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Bridge must be provided to alleviate safety risk (riders/pedestrians)</u></p> <ul style="list-style-type: none"> • DPO2 requires a Development Plan include: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ▪ The likely impact of the bridge on the Marina operations. ▪ 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. • <i>Table 1: Specific Requirements</i> of the DPO also sets out a range of design parameters for a bridge, if provided. • While the Request for Proposal process that is currently underway is confidential, Council can advise that the bridge is required to be considered by the proponents

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			<p>submitting a proposal. A key component of the vision for the site is the working Marina. Consideration must be made to the effective and safe operations of the Marina functions, and the impact that a bridge may have on this. Furthermore, the costs of the bridge will need to be factored into the feasibility for the site and considered in terms of overall financial sustainability.</p> <ul style="list-style-type: none"> The Site Brief and DPO2 require conflicts between cyclists, pedestrians and vehicles be reduced. This is to be managed by relocating or redesigning routes and circulation, delivering separated paths for pedestrian and cyclists, provide clear lines of sight for trail users and walkers at pedestrian crossings, and providing adequate wayfinding and signage. This must be undertaken, regardless if a bridge is part of the proposal or not. A bridge is not required to create a safe and efficient environment for uses or all transport modes on the site. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 17 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.
7	Nearby Resident: Thackeray Street, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> Submitters are owners of a property in Thackeray Street, Elwood, who will be impacted by possible changes to the St Kilda Marina site as proposed in the Council 'St Kilda Marina Project Site Brief'. 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p>

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		<ul style="list-style-type: none"> Submitters are members of Elwood Sailing Club, who regularly use the Marina facilities to access the three ESC patrol boats currently stored in the dry storage sheds and to retrieve ESC rescue RIB's from the Marina boat ramps by trailer when the sea conditions do not allow us to retrieve them from the ESC/EAC boat ramp at Elwood beach. Submitters have an interest in both maintaining a working Marina on the site and maintaining or preferably enhancing the local residential amenity. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> Submitters major concerns relate to the changes proposed in the 'Built Form criteria' (page 63 of the Site Brief), which would allow for the repurposing of the current B.P. service station, trailer and car parks on the southern section of the site to an envelope allowing commercial & retail buildings up to 12 metres in height. Also of concern to the submitters is the proposal to allow 12 metre high buildings along 50% existing frontage to Marine Parade where currently there are only single story buildings and increasing the height of the boat sheds from approx. 8.5m to 15m. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submitters is concerned that it appears that to alleviate the impact of reduced trailer & car parking on project site, that Council is investigating repurposing adjacent parkland not on the Marina site and containing high value native vegetation for 'integrated trailer parking' (page 60 of the Site Brief). <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> With these concerns over the Marina project the submitters want to be ensured of being able to maximise our rights as impacted ratepayers to partake in the planning process once the final redevelopment proposal is tabled. 	<ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> See response to Key Issue 1 in Part 2 of this document. <p><u>Procedural unfairness and Council's conflict of interest</u></p> <ul style="list-style-type: none"> See response to Key Issue 8 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> Submitters do not see how rezoning the site from a Public Park & Recreational Zone (PPRZ) to a Special Use Zone (SUZ) will allow for our input into the planning process, particularly as per Amendment C171port St Kilda Marina FAQ <i>“An effect of the approved Development Plan is that while planning permits must be obtained under the SUZ, third party rights are removed. That means that when a permit is sought, third parties are not required to be notified and if a permit is issued, there are no rights of review to VCAT by third parties”.</i> <p><u>Procedural unfairness and Council’s conflict of interest</u></p> <ul style="list-style-type: none"> Submitters understand that after 50 years of service many of the structures at the Marina are probably reaching the end of their serviceable lives and if there is to be a functioning Marina into the future it needs to be on done a commercially viable basis. However, concern is raised that by giving Council and the developer the planning rights detailed in the Amendment C171port proposal, it will amount to legally endorsing a profound conflict of interest between maximising commercial returns and maintaining the operation of a functioning Marina at the site. Submitters state that in view of the potential of a conflict of interest for Council, being both the proponent of this planning scheme amendment and a commercial beneficiary, at a very minimum all submissions on this matter should be referred to an independent panel for consideration before the amendment is adopted, as suggested in the amendment notice letter. 	
8	Residents (two) opposite the Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> Submitters home is situated near the corner of Thackeray Street and Marine Parade, fronting Moran Reserve with views over the reserve to Port Phillip Bay and across the Marina. Submitters currently enjoy the amenity of living directly opposite a beautiful foreshore park that is 	<p>Response / rationale:</p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> See response to Key Issue 12 in Part 2 of this document.

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		<p>populated with significant mature native flora and views across the heritage listed Marina.</p> <p><u>Uncertainty over Moran Reserve</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters raised concerns regarding the lack of provision for onsite parking and the proposed extension of boat trailer parking into Moran Reserve. • There has been absolutely no consultation with the Port Phillip community about a proposal to extend Marina operations into a valuable foreshore park. • The Moran Reserve is a public recreational park that does not form part of the St Kilda Marina and should not be offered for use as parking to a lease of the Marina without a prior planning approval and community consultation process. • The proposed new trailer park location in Moran Reserve will necessitate the removal of a large area of what Council itself regards as high value coastal vegetation from Moran reserve (see section 6.7 Site Plan pp 37) • The reduction on coastal reserve for additional car parking directly contradicts guiding principal Number 3 for managing the foreshore within the Port Phillip Coastal Management Plan 2012 Principal 3 (coastal Sustainability of vegetation and heritage values) requires council to protect and enhance the natural environment and cultural values of the foreshore and ensure its sustainability. Extension of parking into a sensitive coastal park fails to meet this principal. • The proposed new boat trailer park facility on Moran reserve would be located directly in front of the submitters property and will result in a significant loss of our current amenity in particular the loss of enjoyment of views of significant mature native flora and loss of permeable park surfaces. This vegetation also currently screens the 	<p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. • Please also see responses to Key Issue 3 (Approach to heritage) and Key Issue 12 (Impact on views) in Part 2 of this document. <p><u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> • The panel process endeavoured to create consensus around the key issues and components. This was possible in some areas while the panel remained split in other areas. See the Stage Three Community Engagement Report for a detailed summary. • Where there were a range of views or a clear division between the Panel on the design criteria, this indicated that the broader community also likely has a range of views or be clearly divided on those topics. In these instances, Council made the decision, recognising there may be divided views. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • See response to Key Issue 6 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Procedural unfairness and Council's conflict of interest</u></p> <ul style="list-style-type: none"> • See response to Key Issue 8 in Part 2 of this document. • In addition, as a matter of clarification, the submission states: <i>"Council has previously made written</i>

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		<p>majority of the current Marina car and trailer car park from view from marine parade.</p> <ul style="list-style-type: none"> • There is also no indication in the site plan of how this new trailer parking area on Moran reserve would be accessed by vehicles. • Extension of the carparking into the Moran reserve reduces the safety buffer landing zone for sky diving and will therefore create a greater risk of serious injury to clients of Sky Diving Australia who are a preferred tenant of the St Kilda Marina and who use the Moran Reserve daily as a landing pad of skydiving, particularly on windy days. <p><u>Traffic and Parking impacts</u></p> <ul style="list-style-type: none"> • Submitter states that the primary purpose of the Marina is as a recreational boat launch and storage facility. A critical part of this function requires the provision of adequate car and boat trailer parking within the Marina site. There is currently 8115m² of public vehicle circulation and car parking within the Marina with a total of 167 car parking spaces including a dedicated boat trailer parking area within the Marina property in the area directly behind the BP Service Station. • Submitters state that the Marina site plan (Site Plan Section 9.2.18 p.59) calls for a minimum of 80 boat trailer parking spaces within proximity of the boat ramp as a mandatory requirement but makes no space provision for this to occur within the existing Marina site. Instead council have indicated on page 60 of the site plan (figure 14 and 15) they will create an ‘investigation area for integrated parking’ for boat trailer parking to be located on the adjoining Moran Parkland Reserve which is not part of the Marina lease. • Submitters state that this proposal is completely unacceptable and will adversely affect their amenity for a number of reasons, outlined below. • There is no plan in the Marina site brief for the location of onsite car and boat trailer parking infrastructure within the Marina lease area to 	<p><i>undertakings to the community in its new lease project approach documents that it would complete all consultation prior to seeking a formal rezoning of the site”.</i> The project approach document does not suggest this. Nor does the Community and Stakeholder Engagement Plan.</p> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

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		<p>support the anticipated increase in demand for car parking from proposed new dining & retail developments.</p> <ul style="list-style-type: none"> • There needs to be an expert analysis of the likely number of additional car parking spaces required to support the additional demand created by future new developments and creation or retention of space for this additional car parking needs to be a requirement of any new lease. • Lack of sufficient onsite parking will reduce our amenity by leading to overflow parking from visitors by car to the Marina and reducing the number of on street parking spaces currently available to local occupants of property along marine parade and streets adjacent to Marine Parade near the Marina including Thackeray Street. • Submitters state that any plan to redevelop the Marina without adequate on site car and boat parking constitutes an overdevelopment and should not be approved unless it can be clearly demonstrated that additional commercial development can be designed with sufficient on site car and boat trailer parking. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitters strongly object to the proposed new 12m height limit for future retail and mixed use developments within the Marina. Noting that the Marina Site plan (p 62 and 63 complementary uses) calls for 3,600m² of leasable commercial and retail floor area as a mandatory plus an additional 1,400m² of additional space subject to council approval. • In Section 9.3.16 (p63) of the site plan the council indicates it would permit the construction of new buildings within the Marina with heights up to 12m. Submitters note that a 12 m height control can potentially translate into an ability for a developer to construct large 4 storey structures that would visually dominate the significant heritage structures within the Marina and will block views both into and from the Marina and to the foreshore. • A 12 m development height also appears to be at odds with council's own comments in the Marina site brief (section 9.1 views and 	

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		<p>movement) that it will be a mandatory requirement of the lease that any new development to protect and enhance key views and sightlines both into and out from the Marina.</p> <ul style="list-style-type: none"> • Submitters do not see how it is possible for a 4 storey/12m high building complexes can possibly protect and enhance any key views into or out of the significant heritage sections of the Marina. • Submitters note that the Marina site plan (p 63) identifies 3 distinct locations within the Marina site as being suitable for future development of commercial and retail facilities: <ul style="list-style-type: none"> ○ Marine Parade frontage (East) ○ Southern end of the site currently utilised for car and trailer parking and BP Service Station. (the civic heart) ○ Western Seafront corridor located on the foreshore directly in front of the dry boat storage buildings. • Submitters state that a 12m height limit is excessive and contrary to the council's heritage report on the Marina dated April 12th 2018 which recommended that any new development within the Marina should be a predominantly low key, low impact, low rise built environment that maximises key views of significant heritage structures and maximises sightlines both into and from the site. • Submitters state that there is no precedent for retail & dining development of up to 4 stories with a height up to 12m height on the Port Phillip foreshore. • A 12m high commercial building would exceed the heights of all existing foreshore retail and dining development within the City of Port Phillip from Elwood to Port Melbourne including the St Kilda Baths complex. • Submitters request that each of the 3 locations identified in the site plan as being suitable for further development have a set of more detailed individual building design guidelines, each with its own specified maximum building heights, setbacks and building envelope so that each area responds more sensitively to its location within the Marina site with a focus on a more appropriate scale of development, 	

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		<p>maximising and maintaining critical views and site lines of the significant heritage buildings within the Marina in particular the dry boat storage and pilot beacon.</p> <ul style="list-style-type: none"> • Submitters suggest that the maximum height of any new building within the Marina in the Southern and Western new development zones not exceed 2 stories or 7m maximum height so that the dry boat storage sheds iconic roofline continue to present as clearly the tallest buildings on the site. • Submitters would also request that the portion of any new development that fronts Marine Parade (where the BP Service station is currently located) be restricted to single storey with a height not exceeding 4m to reduce visual bulk and maintain views and sightlines of the significant Marina buildings along Marine Parade. • Submitters would also request that any new development on the Eastern development zone fronting Marine Parade also remain as single storey with a height not exceeding 4m so that the significant heritage elements including the Marina waterway and dry boat storage remain clearly visible from Marine Parade. • Submitters state that in short any new development should be sympathetic to the low rise built environment of the Port Phillip foreshore areas and respect the scale, prominence, distinctive forms and landmark qualities of the site. Any excessively large development of up to 12m would block key views into and from a site of acknowledged heritage and cultural significance would adversely affect our amenity and the amenity of the community. • Submitters state that large scale new developments within the Marina don't reflect the Port Phillip community's future vision for the Marina site. <p><u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> • Submitters state that in 2017 and 2018 council conducted held a number of workshops and focus groups. The broad consensus and 	

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		<p>feedback from the community from these groups was that 'less is more' in relation to future development at the Marina. Three 12m/4 storey high new developments within the Marina is not an example of 'less is more'.</p> <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • Submitters asks that Council carry out computer modelling and produce photographic renderings to more clearly demonstrate to the local community and the panel hearing members the potential scale and impact of each of the three new development zones of up to 12m height when viewed within each or 3 areas adjacent to the Marina complex. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitters note that allowable uses within the Marina will include taverns (bars) and function space. • Submitters state that late night noise and music from bars or functions have the potential to affect the submitters' amenity and requests that it is a condition of any new development that the building is designed and acoustically treated to contain significant noise within the building particularly late at night. • Submitters state that any excessive noise from new developments within the Marina will affect their amenity if audible from our property particularly late at night. • Submitters state that there has been no acknowledgement or environmental assessment of threat to the St Kilda Marina penguin colony from future development of the Marina. • Submitters state that protection of the fairy penguin colony is vital and also a potential future tourist attraction for the Marina. <p><u>Procedural unfairness and Council's conflict of interest</u></p> <ul style="list-style-type: none"> • Submitters state that it seems that the lack of any specific provision for a minimum number of onsite parking space has been caused by 	

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		<p>Council's eagerness to attempt to maximise the profitability of the new Marina lease by encouraging developers to redevelop all available existing open spaces currently used for car and boat trailer parking into a large new commercial & retail space.</p> <ul style="list-style-type: none"> • Section 4.12.2 of the City of Port Phillip Management Plan 2012 notes that council derives substantial revenue from the lease of its assets but cautions that economic development in Port Phillip should seek to achieve social, environmental, and cultural sustainability and not just unchecked economic growth. • Submitters state that Council has previously made written undertakings to the community in its new lease project approach documents that it would complete all consultation prior to seeking planning and legislative amendments and following that to conduct a competitive tender procurement process. It has failed to follow this path, instead in June 2019 it issued public expression of interest for a new lease and redevelopment of the Marina prior to seeking a formal rezoning of the site. Its stated justification for acting pre-emptively on the tender this was that it did not want to lose 'momentum'? • Submitters state that the issue of tender documents prior to a rezoning is procedurally unfair because it means that council has already committed itself in principal to supporting a 12m height control for new development and boat trailer parking on Moran Reserve. • Submitters state that the offer of 3 new development zones within the Marina with 12m height control is clearly driven by commercial/profitability imperatives. • Submitters state that the offer of additional development opportunities within the Marina site is an understandable attempt by Council to maximise its potential income from the new lease. Any savvy commercial operator can be expected to maximise the maximum building height/footprint to maximise their potential income. 	

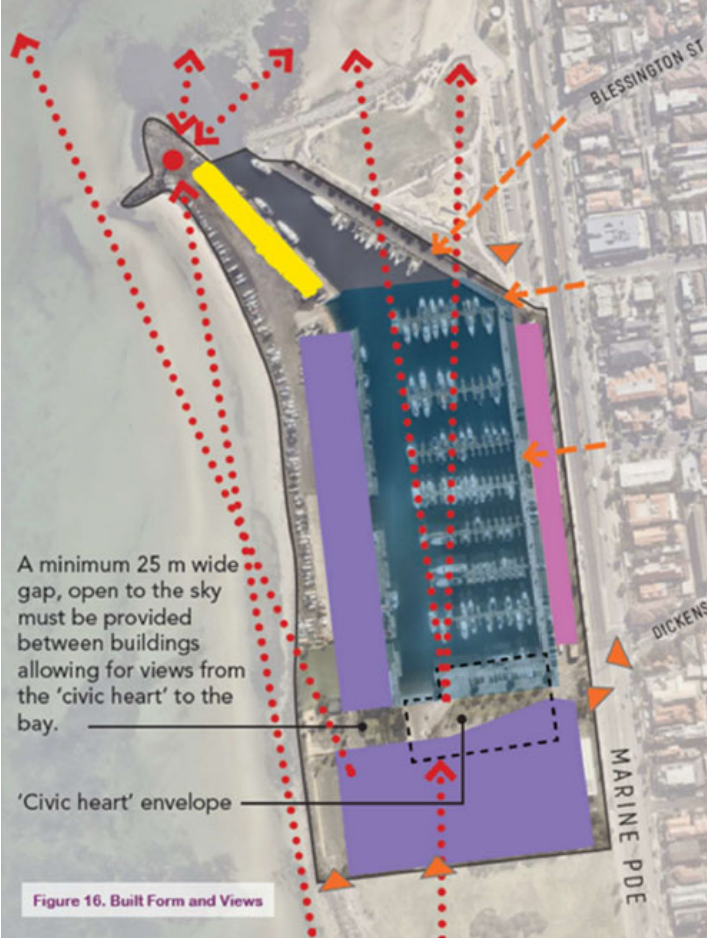
No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> Submitters state that Council seeks to remain the planning authority following a rezoning of the site and to adjudicate what can be built on the Marina site yet it benefits from earning rental from leasing the site. This means that Council are not in a position to impartially review any objections to the proposed rezoning or objections relating to the height and scale of any new complex or traffic and parking. Submitters' preference given the significant nature of the Marina site is for VCAT or an independent planning body to set individual parameters for scale of any significant new developments within the Marina. 	
9	Nearby Residents (two): Thackeray Street, Elwood	<p>Objecting submission requesting changes</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> Submitters note that it was claimed in Council's letter of October 14 that a site brief for the 'revitalisation of the St Kilda Marina' was developed 'with the community'. Submitter queries what community might that be because none of the most affected residents in Thackeray Street and Marine Parade they spoke to, maybe 12 in all, were consulted. Submitters note that as they are among the nearest community residents to the Marina they believe their views should have been sought. Submitters query why Council decided to commence the process of changing planning controls for this area. Submitters do not consider a 'revitalization' to include a continuation of, and potential extension of, 'commercial and retail floor area'. <p><u>Built form impacts</u></p> <p><u>Traffic and car parking impacts</u></p> <ul style="list-style-type: none"> Submitters learnt with surprise that buildings up to 12m high adjacent to Marine Parade could be included under this proposed change to planning controls. 	<p>Response / rationale:</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> See response to Key Issue 7 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Traffic and car parking impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 15 in Part 2 of this document. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> See response to Key Issue 2 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> See response to Key Issue 10 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> See response to Key Issue 12 in Part 2 of this document. <p>Recommended position / changes:</p>


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		<ul style="list-style-type: none"> Submitters note that proposed 'Built Form Envelopes' envisage a significant part of the Marina boat trailer area be built on along with the green wedge at the southern extremity. As local residents the submitters already suffer from overflow parking in their street from this site during busy times not to mention the rubbish/bottles, letter box/fence damage and associated noise from late night patrons to Riva functions. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <p><u>Increase in allowable commercial and retail floor space</u></p> <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> Submitters state that this space is currently designated as 'Public Park and Recreation Zone' for a reason. Reducing what is already minimal open and public space in our community, and turning it over to be used for part commercial purposes in an area of Melbourne that is already undergoing significant residential densification is considered unjustified. This space is required for public and recreational use, not 3,600 sqm (plus potentially an additional 1,400 sqm) of 'leasable commercial retail floor area' proposed under the 'Complimentary Use criteria'. The list of 'Allowable Uses' (restaurants, café, takeaway etc.) are already present elsewhere on this site, where is the justification for more? The Submitter would much prefer the leasable area be reduced and returned to its original Public Park and Recreation Zone use i.e.: extend the small green wedge on the southern boundary to include the 3600 sqm petrol station site. The 'Complimentary Uses' key considerations list 'local, national and international visitors' as important for tourism to the site. Submitters question where is the evidence that the current visitor numbers are deficient? And 'tourists/visitors' don't necessarily want more retail floor space an abundance of which is already available nearby (Acland, Fitzroy Streets, Ormond Road), a significant amount of which is laying 	<ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

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		<p>empty and unattractive. Submitter suggest that green Public Park and Recreation area is much more desired by this group in this location.</p> <ul style="list-style-type: none"> • Submitters state that this space is foremost a park and recreation facility for the rate paying community of Port Phillip and the wider population, the 'Amendment C171' proposals do not respect that requirement. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters would much prefer water views along Marine Parade rather than seeing buildings. 	
10	Nearby resident: Thackeray Street, Elwood	<p>Objecting submission</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter objects to the proposed planning controls and wishes to highlight concerns around the lack of effective community consultation around the proposed changes. • Submitter contends that the proposed changes have a broader impact than just the residents in the immediately surrounding area and considers that it would be a shocking outcome if this redevelopment is pushed through with minimal consultation and without the broader community truly understanding what the Council's proposed "revitalisation" entails. • Submitter considers that language of the planning and consultation process is unclear. <p><u>Removal of Service Station</u></p> <p><u>Increase in allowable commercial and retail floor space</u></p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitter considers that it is not clear in any of the documentation why Council believes that a service station is an inappropriate use for a coastal site but that a big commercial development - with buildings up to 12 metres high dominating the foreshore - is a highly desirable asset. 	<p>Response / rationale:</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Public Access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Amendment at odds with Council's values in its Council Plan</u></p> <ul style="list-style-type: none"> • AmendmentC171port aligns with Strategic Direction 4, "We are growing and keeping our character". It supports the delivery of the specifically identified Council Plan key outcome, "a city of diverse and distinctive neighbourhoods and places". The St Kilda Marina Lease is a specific priority in the Council Plan.

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		<ul style="list-style-type: none"> • Submitter suggests the case for adding yet more commercial and retail floor area by rezoning public coastal land is completely unclear given vacancies in nearby Fitzroy and Acland Streets. <p><u>Public Access and open space</u></p> <ul style="list-style-type: none"> • Submitter considers this to be an opportunity to ensure that coastal land can be used to conserve the environment and suggests creation of a green space that everyone can enjoy. <p><u>Amendment at odds with Council’s values in its Council Plan</u></p> <ul style="list-style-type: none"> • Submitter states that the foreshore land is a community asset and that instead of proposing a commercial overdevelopment of this site with minimal public consultation, Council should be acting in ways that show that the values stated in Council plans. This would include meaningful community consultation, protection of the natural environment, fostering local connections, social development and safety top ensure they are lived values rather than empty words. 	<ul style="list-style-type: none"> • AmendmentC171port also aligns with Strategic Directions 3 “We have smart solutions for a sustainable future” and Strategic Direction 6 “Our commitment to you” by supporting delivery of the following outcomes: <ul style="list-style-type: none"> ○ a financially sustainable, high-performing, well-governed organisation that puts the community first. ○ a city that is adapting to climate change ○ a water sensitive city • The St Kilda Marina is a key strategic site within Council’s property portfolio and presents a significant opportunity in terms of social, environmental, economic and cultural possibilities for the St Kilda foreshore, the municipality and the State. Council has undertaken significant community consultation to date, including as part of the development of the Site Vision and Objectives which align with Council’s directions and values, to develop the Site Brief and the exhibition of Amendment C171port (for a summary of consultation undertaken, please refer to Part 1 of this document). <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
11	Entity interested in future development of Marina.	<p>Submission requesting changes</p> <p><u>Requests new built form envelope on the northern part of the Marina</u></p> <ul style="list-style-type: none"> • Submitter is concerned that the Site Brief does not show a Built Form Envelope on the Northern portion of the Marina foreshore, which means they could not provide a new facility for the Coast Guard near the mouth of the Marina. 	<p>Response / rationale:</p> <p><u>Requests new built form envelope on the northern part of the Marina</u></p> <ul style="list-style-type: none"> • The Site Brief includes criteria to maintain the AVCG on site including: <ul style="list-style-type: none"> ○ 9.3.2 Include Australian Volunteer Coast Guard (AVCG) facility with improved facilities, including

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		<ul style="list-style-type: none"> • The submitter states that the Coast Guard have expressed that they require a new facility in this location and that they must be located near the mouth of the Marina to ensure they have clear and easy access to the Bay when required. • Submitter proposes that a Built Form Envelope be included in the northern portion of the Marina Foreshore (see yellow rectangle in image below) that would serve two purposes: <ul style="list-style-type: none"> ○ Allow a redesign and construction of a new Coast Guard Facility to continue to provide a safe and convenient location for the coast guard to operate. ○ Allow design and construction of a destination such as a café / stand up paddle board kiosk which will provide activation to that part of the Marina by attracting pedestrians to walk down 	<p>vessel berth and vehicle access (refer to the Technical Specifications document).</p> <ul style="list-style-type: none"> ○ 9.3.3 Relocate AVCG facilities such as carparking to support AVCG operations (refer to the Technical Specifications document). <p>These requirements are not included in Amendment C171port as this is not an issue to be resolved through the Planning Scheme Amendment, this will be a requirement of a new lease for the site.</p> <ul style="list-style-type: none"> • Council consulted the AVCG during the development of the Site Brief and a tenancy brief was developed which is included in the Technical Specifications. Feedback from AVCG included: <u>Location requirements:</u> <ul style="list-style-type: none"> • Ease of exit for vessel to Bay important, along with ease of volunteer access between vessel and base • Public access and visibility to base important for training activities • Current location of base adequate though public access and visibility requires improvement • Sightlines to Marina entrance preferred from base deck area <u>Considerations for Future Facility:</u> <ul style="list-style-type: none"> • Current location of vessel and base is adequate for AVCG requirements subject to improved public and incident access for volunteers • Relocation of vessel to opposite side, adjacent Marina Reserve possible • Relocation of base alternatives include: adjoining to Marina Reserve; within Dry Storage facility and the current Rollo's café site all subject to detailed access considerations

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		<p>the bay trail to the end of the site.</p>  <p>A minimum 25 m wide gap, open to the sky must be provided between buildings allowing for views from the 'civic heart' to the bay.</p> <p>'Civic heart' envelope</p> <p>Figure 16. Built Form and Views</p> <ul style="list-style-type: none"> The submitter questions the rationale of not including a built form envelope in this part of the Marina, and considers the following: <ul style="list-style-type: none"> If the built form envelope is not extended, would the existing Coast Guard facility be prohibited from remaining in that location? 	<ul style="list-style-type: none"> Elevated sightlines to enable bay waters outlook is preferred to assist monitoring of weather impacts, local boat movements. Level 1 base a possible consideration Adjacency of AVCG with public boat ramp and associated shared vessel pontoon is acceptable. Note the unrestricted clear access to the Marina entrance is required As part of the new lease, the leasee is required to accommodate the AVCG on the site, and provide detailed design documents for review by the Landlord as part of the redevelopment. Viable alternative locations to the AVCG's existing location are available within the proposed built form envelopes 1 and 2 (subject to detailed access considerations). It is therefore not considered warranted to allow for an AVCG facility within the built form envelope proposed in Submission 11. It is considered that provision of a substantial building in this location would be inconsistent with the vision and objectives of the Site Brief and should not be included in the proposed planning controls. Council officers recommend that Council propose changes the DPO2 at the independent planning panel, to allow for provision of a destination such as a café / stand up paddle board kiosk to provide activation adjacent to the Beacon by attracting pedestrians and cyclists to travel to the end of the site. Activation of the space at the end of the peninsula promenade around the Beacon, and use of the adjoining beach (including for stand up paddle boards) would provide a clear benefit to the community. However, it is important to ensure that there are clear parameters around any structure in this location, so that

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		<ul style="list-style-type: none"> ○ And if so, how could a Coast Guard facility remain as a 'Marina Key Use' as outlined in 6.1 of the Site Brief. 	<p>the size and location of this structure does not block identified views to the Beacon, or views through the site to the Marina Water and Bay. Council officers recommend supporting a single storey kiosk of a maximum of 50sqm plus storage for stand up paddleboards / canoes at the end of the Peninsula Promenade near the Beacon, within the investigation area shown below (see image below).</p> 

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			<p>Recommended position / changes:</p> <ul style="list-style-type: none"> • It is recommended that Council propose the following changes to Amendment C171port at the independent planning panel: <ul style="list-style-type: none"> ○ Amend the DPO2 to allow for the provision of a single storey kiosk of a maximum of 50sqm plus storage for stand up paddleboards / canoes at the end of the Peninsula Promenade adjacent to the Beacon. All other requirements (including those relating to views and paths) must be met.
12	Nearby Resident: Eildon Road, St Kilda	<p>Submission requesting changes</p> <p><u>Planning Scheme Amendment is not justified</u></p> <ul style="list-style-type: none"> • Submitter questions the need to update the planning controls for the site, given the current controls have allowed for new buildings and activities to be created. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitter asks why an extension into the public reserve and reduction of available public space is required. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitter considers that the height of the proposed commercial complex and the expanded new dry boat storage shed should be maintained at its current height, which is consistent with the height limit that exists for residential buildings on Marine Parade. • The submitter is concerned that if the height is increased, this would set precedent for owners of the adjacent residential buildings to increase their existing height restrictions. <p><u>Relocation of public boat ramp</u></p>	<p>Response / rationale:</p> <p><u>Planning Scheme Amendment is not justified</u></p> <ul style="list-style-type: none"> • See response to Key Issue 5 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document.

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		<ul style="list-style-type: none"> • Submitter provides that the proposed location of the new boat ramp is not supported by boat owners as it is too far from the trailer park and will lead to a confluence of boats in the narrow entry point. • Submitter contends that the existing boat ramp allows boats to be launched and docked with ease and allows space to boats to be docked at the wharf whilst parking and retrieving the trailer. • Submitter contends that the width of the seaside road way to the proposed new boat ramp does not allow a walkway to the beacon wide enough for two way separated bicycle and pedestrian walkways. • Submitter suggests that a bridge needs to be constructed across the Marina entry to complete the seaside promenade to Elwood whilst allowing 24/7 entry to a safe harbour. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> • Submitter queries the heritage value of the site, and submits that: <ul style="list-style-type: none"> ○ The beacon needs major repair as the fibre glass is in disrepair and is constructed on a wooden frame. ○ The dry boat stack building is in major disrepair. The steel framework is corroded and the seaside brickwork needs complete replacement as most of the mortar has been patch or is currently removed by the weather. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter states that the water and seabed in the Marina and the surrounding soil has not been tested for contamination. • Submitter states that contamination is most likely to be petroleum based products, oil, diesel, petrol, possibly old lead batteries plus unknown item discharged from boats over 50 years. • Submitter observes that the Marina area has no tidal flow hence the water is generally stagnant. <p><u>Removal of Service Station</u></p>	<ul style="list-style-type: none"> • The proposed SUZ would not prohibit the provision of an electric recharging station. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> • See response to Key Issue 1 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> • Submitter states that the current service station has an existing lease and provides substantial rent to the tenant which, in future, would financially support the construction and upgrade to the Marina, making the proposed new project financially viable. • Submitter considers that the service station will gradually transfer to an electric recharging station for vehicles and Marina craft. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> • <u>Submitter</u> considers that the proposal to remove third part appeal rights is not transparent and suggests that if the community's right to appeal is removed, it will lead to a community based campaign, probably called "The Marina Triangle". • Submitter states that the community expects the right to appeal and that this will allow a more transparent process and hence lead to community acceptance of the proposed outcome. 	
13	Nearby resident: Thackeray Street, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • Submitter values the foreshore parks, native flora, access to beaches, greater mariner with views to the CBD and the bay, and considers that the expense of living in the area warrants the amenity that is enjoyed by residents. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter contends that the proposal was presented with too much jargon and that it is difficult to comprehend what is being proposed. Submitter suggests that proposed changes should be presented in a format that is understandable to the average citizen. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> • Submitter considers that the current zoning allows for a place for beach goers, marine users and the public to come together, albeit that 	<p>Response / rationale:</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> • See response to Key Issue 2 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document.

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		<p>the area is not always fully utilised. Submitter is concerned that the rezoning of land will facilitate commercial use of the land.</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitter considers there will be a loss of views to the bay from the public realm. Submitter contends that given the premium paid to live in the area, the environment should be kept as it is. • Submitter considers the proposal threatens the open feel/open air feel of the area which is part of its character, and an iconic landmark. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • Submitter does not support additional event venues, given the negative impacts on residents of noise, rubbish, lack of parking and additional car and pedestrian traffic. • Submitter is concerned over the impact of additional commercial use on nearby centres at Fitzroy and Acland Streets, where there are already many vacant shopfronts. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitter requests that Council provide adequate clean-up and parking restrictions in favour of local rate paying residents, and draws on the example of a recent event at Riva Bar & Restaurant, and the damage and mess created at the foreshore. • Submitter contends that there is a shortage of parking for residents in Thackeray Street and that this issue would be exacerbated with additional commercial development at the Marina. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> • Submitter notes that few petrol stations exist in the area, and requests the existing service station be retained. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitter requests that the height of buildings and structures of all parts of the 'built form envelopes' must not exceed two storeys. 	<p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>Submitter provides that this is reasonable and would coincide with current building heights to the beach side along Marine Parade.</p> <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter requests protection of the penguin colony. • Submitter requests that full environment impact studies be undertaken and recommendations adhered to. • Requests clean-up of foreshore and Elwood Canal. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitter requests that no part of the park lands to the southern end of the proposal is used for parking or commercial use of any kind. 	
14	Residents opposite Marina (two): Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>General comments:</u></p> <ul style="list-style-type: none"> • Submitter considers there to be a lack of urban design. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitter states the proposed changes will block out views of the bay/sea, Marina activity and parkland that local residents, tourists and passers-by currently have. The views are an amenity of the residences in the local area. • The open space, open air feel of the Marina will be lost with the proposed development. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitter contends that the document fails to address how local traffic will be protected by the additional volume of people coming into the area, in particular parking. • Submitter contends that the document fails to address or provide details as to noise and congestion with the increase traffic, or of parking for new development, especially function centre and Taverns, etc. 	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> • See response to Key Issue 2 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Environmental impacts</u></p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> The submitter advises that on hot days with calm water, especially weekends and public holidays the entire boat trailer car park fills up and the surplus boat trailers and tow vehicles end up parking on Marine Parade or go to another boat ramp if they cannot find a parking spot. A traffic and parking study needs to be prepared with data obtained on hot days with calm water on weekends and public holidays. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> Submitter is concerned that the proposed rezoning seems to be changing a Public Purpose Usage area to a Private Usage & Benefits area. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submitter is strongly opposed to Moran Reserve being converted into boat trailer parking as Moran Reserve is a well used public open space. Submitter considers that a boat trailer park already exists on the site. Submitter considers that moving the trailer park into Moran Reserve suggests that Council's changes cannot fit in the lease area and there is not enough land to use for the proposed commercial development. Submitter considers the site is a Marina not a commercial/retail centre, the land is sufficient for the Marina and its operations. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> Submitter considers the proposed boat trailer parking and the proposed boat launch ramp are too far apart and that this will reduce the functionality of the Marina and be unattractive to boat users. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> Submitter considers that the proposed changes allow for extensive commercial buildings and that this will only attract property developers, not marine operators. 	<ul style="list-style-type: none"> See response to Key Issue 17 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 18 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> See response to Key Issue 18 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> See response to Key Issue 6 in Part 2 of this document. <p><u>Accommodation land use</u></p> <ul style="list-style-type: none"> SUZ4 proposes to prohibit "accommodation" (as a section 3 use, prohibited). Accommodation is defined in the Victorian Planning Provisions as: <i>Land used to accommodate persons</i>. Uses that are nested under Accommodation (and are therefore prohibited) include: <ul style="list-style-type: none"> Camping and caravan park Corrective institution Dependent person's unit Dwelling Group accommodation Host farm Residential aged care facility Residential building (this use includes a motel) Residential village Retirement village.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> • Submitter considers the main function of the land is a Marina, not a commercial property development site to be offered to the highest bidder. Introducing further businesses and buildings does not fit in the land allocated for the Marina. • Submitter considers the design puts development before the Marina users and the true purpose of the Marina. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter asks if Council has consulted environmental groups and organisations to obtain impact reports. • Submitter states an environmental impact study needs to be prepared as most of the land is reclaimed land and underneath is landfill. Removing the petrol station will require EPA supervision and clearances and documentation. Leeching can risk sea/marine life which is in very close proximity. • Submitter considers an acoustic report needs to be prepared on impact of future building/businesses and associates uses. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitter is concerned that Council has been spraying weed killer in Moran Reserve that is toxic and is endangering the community without having provided any warning signage. • Submitter states the foreshore is a mess, as it contains bricks, rubbish, concrete, plastic pipes, wood and rubbish from the current activities. Contends that money needs to be invested (by Council and/or leaseholder) in cleaning this up and not enough has been invested in beautifying the foreshore (e.g. sand can be added to create more beaches). <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitter would like public access to the beach near the light house, currently blocked off. Public access should be provided to the foreshore all the way to the lighthouse. 	<ul style="list-style-type: none"> • SUZ4 also proposes to prohibit “hotel” (as a section 3 use, prohibited). Hotel is defined in the Victorian Planning Provisions as: <i>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</i> <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitter states that buildings should decrease in height and density closer to the foreshore, which is opposite to what Council is proposing. • Submitter considers that visual bulk is a big concern and no development should take place immediately on Marine Parade. • Submitter contends that any redevelopment of the Marina must match the current heritage of the Marina and not exceed a building height of two storeys. • New small two story buildings should be allowed that don't take up more than 10-15% of the land max. <p><u>Uncertainty over the future development outcome</u></p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter considers there is a lack of detail and certainty with respect to the development proposal and the current proposal (plans, new structures, commercial uses) is too ambiguous. • Submitter contends that more work needs to be done, including 3D models to show the public what the proposals will look like. • Submitter considers the amendment information is huge in volume and not easy to understand. Requests new letters with 3D visual diagrams of the proposed changes be sent to residents and residents given enough time to respond to this. • Submitter asks if Council has consulted fishing and boating organisation and the users of the Marina for design input. <p><u>Accommodation land use</u></p> <ul style="list-style-type: none"> • Submitter asks Council what "no accommodation" means and suggests that this must include the preclusion of Hotel/motel or only residential. 	
15	Nearby resident:	Objecting submission requesting changes	Response / rationale: <u>Impact on views</u>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
	Thackeray Street, Elwood	<p><u>Impact on views</u></p> <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitter considers that this space is foremost a park and recreation facility giving open space and views of the bay that is enjoyed by residents and the wider community people walking, relaxing, riding their bikes, driving their cars, visiting the foreshore. • Submitter considers that Amendment C171 does not respect this requirement/vision. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter considers that there has been a lack of detailed information given to the community about these proposed changes. • Submitter requests a Community Engagement Strategy be prepared to provide the community with information and opportunities for feedback on the development plan. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitter considers that a building height of 12 metres is not sympathetic to the low rise built environment, and that 4 storeys is totally unacceptable. • Submitter states that the plan shows an overly, bulky box like shape for Envelope 2, which does not show respect to the distinctive forms and landmark qualities of the Marina. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitter requests that if the present entrance and exit to the new trailer car park is altered, there must be a comprehensive traffic report, taking into consideration bikes, pedestrians, traffic flow in Marine Parade and Thackeray St. • Submitter considers there to be a lack of provision for onsite parking and requests an expert analysis of the number of car parking spaces required to support the additional demand created by new development. 	<ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> • Submitter states that the local area already suffers from parking overload with the increase in density of residences in the area which is often exacerbated from the Marina during busy times. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitter does not support the use of Moran Reserve will be used for Boat trailer parking and the loss of green parklands for a trailer car park. • Submitter suggests that this is totally unacceptable and should not be offered to a lessee of the Marina without planning approval and community consultation. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter provides that any function centres or bars that would operate at night, are designed to include acoustically appropriate materials to contain noise. • Submitter asks for an environmental impact assessment be prepared to document how this unique environment will be impacted and subsequently protected by this development and how the health of the Marina penguin colony is to be maintained. 	
16	Residents (two) opposite Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes:</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • The submitters moved to Marine Parade to enjoy the amenities and lifestyle, and paid accordingly for them. • Submitters have been a resident, voter and rate payer in Elwood for 47 years. • Submitters own multiple properties in the area. • Submitters are involved in the Elwood Sailing Club and were previously been involved in the St Kilda Life Saving Club and the Elwood Foreshore Committee at the St Kilda Council. <p><u>Impact on views</u></p>	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> Submitters consider whilst changes must be considered to the Marina, they must be sympathetic to and enhance the beautiful bay and westerly sunsets over the water. Submitters state the proposed changes will block out views of the bay/sea, Marina activity and parkland that the local residents, tourists and passers-by currently have. The views are an amenity of the residences in the local area. Submitters consider the open space, open air feel of the Marina will be lost with the proposed development. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> Submitters are concerned about having more businesses across the road as this will increase noise and disturbances in the quiet neighbourhood. Submitters consider the site is a Marina not a commercial/retail centre, the land is sufficient for the Marina and its operations. Submitters consider that the proposed changes allow for extensive commercial buildings and that this will only attract property developers, not marine operators. Submitters consider the main function of the land is a Marina, not a commercial property development site to be offered to the highest bidder. Introducing further businesses and buildings does not fit in the land allocated for the Marina. Submitters consider the design puts development before the Marina users and the true purpose of the Marina. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submitters are strongly opposed to Moran Reserve being converted into boat trailer parking and access roads as Moran Reserve is a well used public open space on the foreshore. Submitters consider that a boat trailer park already exists on the site and green parks and public open spaces on Moran Reserve should not be turned into concrete. 	<p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> See response to Key Issue 9 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 17 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 15 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 18 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> See response to Key Issue 16 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> See response to Key Issue 6 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> See response to Key Issue 7 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> Submitters consider that moving the trailer park into Moran Reserve suggests that Council's changes cannot fit in the lease area and there is not enough land to use for the proposed commercial development. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> Submitters consider the proposed boat trailer parking and the proposed boat launch ramp are too far apart and that this will reduce the functionality of the Marina and be unattractive to boat users. <p><u>Built form impacts</u></p> <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> Submitters consider that any changes to the Marina must be low density and maximum height of two storeys. Any new structures in the Marina must match the current heritage of the Marina. Submitters consider that any new structures should only be allowed on a small portion of the land (approx. 5-10%). Submitters state that buildings should decrease in height and density closer to the foreshore, which is opposite to what Council is proposing. Submitters consider that visual bulk is a big concern and no development should take place immediately on Marine Parade. Submitters state that most residents prefer the petrol station as is, rather than 12 metre high 5,000 square meter commercial building/s. Submitters consider that new small two story buildings should be allowed that don't take up more that 10-15% of the land max. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> Submitters consider that comprehensive marine life impact reports, flora and fauna impact reports need to be prepared. Submitters state an environmental impact study needs to be prepared as most of the land is reclaimed land and underneath is landfill. Removing the petrol station will require EPA supervision and clearances and documentation. Leeching can risk sea/marine life which is in very close proximity. 	

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> • Submitters state that there is a colony of Penguins that live near the light house. These Penguins need to be protected to the utmost level from this commercial overdevelopment. The penguins and other marine life should be put first, not commercial development. • Submitters suggest a penguin sanctuary and protected area and visitors centre should be set up, with volunteers caring for the penguins as they do at the Breakwater at the end of the St Kilda Pier. This will attract more tourists. • Submitters consider an acoustic report needs to be prepared on impact of future building / businesses and associates uses. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitters are concerned about the influx of traffic. • Submitters advise that on hot days with calm water, especially weekends and public holidays the entire boat trailer car park fills up and the surplus boat trailers and tow vehicles park on Marine Parade or go to another boat ramp if they cannot find a parking spot. A traffic and parking study needs to be prepared with data obtained on hot days with calm water on weekends and public holidays. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters state the foreshore is an eyesore as it contains bricks, rubbish, concrete, plastic pipes, wood and rubbish from the current activities. Contends that money needs to be invested (by Council and/or leaseholder) in cleaning this up and not enough has been invested in beautifying the foreshore (e.g. sand can be added to create more beaches). <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitters request provision of public access to the beach near the light house (currently blocked off). Public access should be provided to the foreshore all the way to the light house. 	

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p><u>Uncertainty over the future development outcome</u> <u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitters ask if Council has consulted environmental groups and organisations to obtain impact reports. • Submitters ask if Council has consulted fishing and boating organisation and the users of the Marina for design input. • Submitters consider there is a lack of certainty with respect to the development proposal and the current proposal (plans, new structures, commercial uses) is too ambiguous. More work needs to be done, including 3D models to show the public what the proposals will look like. • Submitters contend that most of the local residents have no idea of the scale of these proposed changes are and most of the residents are not informed. Many of the residents are away on holiday. Other residents are being renovated or under construction and the owners are living elsewhere. Many properties are rented and the owners may have not received the information. • Submitters consider the amendment information is huge in volume and not easy to understand. Requests new letters with 3D visual diagrams of the proposed changes be sent to residents and residents given enough time to respond to this. <p><u>Conclusion</u></p> <ul style="list-style-type: none"> • Submitters object to this redevelopment of the Marina, and use of Moran Reserve for boat trailer parking. • Submitters are happy with some development within the conditions stated above. 	
17	Nearby resident: Chaucer St, St Kilda	<p>Objecting submission requesting changes:</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • Submitter is a member of unChain Port Phillip Inc 	<p>Response / rationale:</p> <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> • See response to Key Issue 3 in Part 2 of this document.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p><u>General comment</u></p> <ul style="list-style-type: none"> • Submitter is concerned that the provisions and processes proposed in the Planning Scheme Amendment will result in a second-rate St Kilda Marina. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> • Submitter considers the proposed Heritage provisions are potentially disastrous and should be rejected. The heritage consultant recommends extensive controls for the new St Kilda Marina, which is the nature of heritage consultants. Proposed heritage controls are based on the false premise that the dry boat storage, the finger piers and the beacon are ‘substantially intact’ (Built Heritage, 2018, Section 3.2.1). <ul style="list-style-type: none"> ○ The dry boat storage building is not ‘structurally intact’. It has reached the end of its life and must be replaced. ○ The dry boat storage is not ‘functionally intact’. It is based on old technology which has been replaced in modern Marinas. ○ The Marina is not ‘legally intact’. It manifestly fails to comply with modern standards laid down in the Code (Australian Standard 3962 – 2001 Guidelines for design of Marinas). There is no indication that the heritage consultant has considered this. ○ The Marina is not ‘environmentally intact’. The idea behind the existing Marina was that the water pollution would be cleared by tidal action. The outgoing tide would create a whirlpool effect that would flush out the pollution. This has not been successful. There is no indication that the heritage consultant has considered this. Submitter states that there is zero public support for allowing the sub-standard 1960s Marina to shape the exciting 21st century Marina the public deserves. • Submitter states that the current Marina, built in the 1960s, was intended to be ‘the largest and best facility of its type yet projected in 	<p><u>Stronger incentives for the developer are required to deliver the Bridge</u></p> <ul style="list-style-type: none"> • DPO2 requires a Development Plan include: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ▪ The likely impact of the bridge on the Marina operations. ▪ 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. • <i>Table 1: Specific Requirements</i> of the DPO also sets out a range of design parameters for a bridge, if provided. • The Site Brief is a key document in the RFP process. It requires that the option for a bridge is investigated in terms of marina operations, bridge functionality, alignment of the Bay Trail and impact on views. A key component of the vision for the site is the working Marina. Consideration must be made to the effective and safe operations of the Marina functions, and the impact that a bridge may have on this. Furthermore, the costs of the bridge will need to be factored into the feasibility for the site and considered in terms of overall financial sustainability. • The Site Brief and DPO2 require conflicts between cyclists, pedestrians and vehicles be reduced. This is to be

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>Australia' (Built Heritage, 2018). To honour the Marina's heritage, the aim for the new Marina should be to build 'the best facility of its type in Australia'. A second rate Marina significantly shaped by its 1960s predecessor is not satisfactory.</p> <ul style="list-style-type: none"> • Submitter states the Amendment should envisage the possible replacement of the dilapidated existing beacon with a new one that could incorporate new functions like a public look-out. This may be a significantly less expensive option than continually patching up the existing beacon. <p><u>Stronger incentives for the developer are required to deliver the Bridge</u></p> <ul style="list-style-type: none"> • Submitter considers a major issue to be whether there should be a bridge across the mouth of the Marina. This would open up the back of the Marina to the public and enable a shared pedestrian / bicycle coastal path along the perimeter of Marina Reserve and the St Kilda Marina that would join the existing path south of the Marina. The bridge could be an icon. • Submitter states some boat owners are opposed to the concept of the bridge and opening up the Marina to the public. However, it is legitimate for the Council to develop the Marina, not just for the boating community but for the wider public. The legislation controlling the Marina is the St. Kilda Land Act 1965. The Act includes this in the definition of a Marina: 'an area where facilities are provided for ... the recreation, comfort and convenience of ... members of the public'. • Submitter considers the bridge will serve both the public interest (Bay Trail) and will make the Harbour Village more accessible. Therefore there should be a significant incentive to the developer to fund the bridge, such as a 10% increase in the commercial letting area or allowing the inclusion of a service station which would provide a significant source of revenue for the operator. <p><u>Removal of service station</u></p>	<p>managed by relocating or redesigning routes and circulation, delivering separated paths for pedestrian and cyclists, provide clear lines of sight for trail users and walkers at pedestrian crossings, and providing adequate wayfinding and signage. This must be undertaken, regardless if a bridge is part of the proposal or not. A bridge is not required to create a safe and efficient environment for uses or all transport modes on the site.</p> <ul style="list-style-type: none"> • The amount of allowable retail and commercial area was investigated in depth by the Community Panel, refer to response to Key Issue 10 (Increase in allowable commercial and retail floor space). • Council did not consider any further incentives (such as additional commercial floor space or retaining the service station) would be justified to facilitate the bridge. <p><u>Removal of service station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document. <p><u>Planning Scheme Amendment C171port is not justified</u></p> <ul style="list-style-type: none"> • See response to Key Issue 5 in Part 2 of this document. <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • See response to Key Issue 4 in Part 2 of this document. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> • See response to Key Issue 1 in Part 2 of this document. <p><u>Procedural unfairness and Council's conflict of interest</u></p> <ul style="list-style-type: none"> • See response to Key Issue 8 in Part 2 of this document.

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		<ul style="list-style-type: none"> • Submitter considers that it is commercially unrealistic to preclude the service station. This provides a significant income stream (c\$350,000 p.a.) especially through the winter months. This may provide an essential cross-subsidy for other elements in the Marina that are only viable in the more clement months. <p><u>Planning Scheme Amendment C171port is not justified</u></p> <ul style="list-style-type: none"> • Submitter states that a Planning Scheme Amendment is not necessary as the existing Marina was built without the various provisions in the proposed Amendment. The justification given by Council officers is that a Planning Scheme Amendment will provide 'specificity' and 'certainty'. It is submitted that this is wrong and that the Site Brief and EOI process can provide sufficient certainty. • Submitter states the definition of 'Marina' in the St Kilda Land Act is wide enough to permit any non-boating activities such as food and drink outlets. Section 2 states that "Marina" means an area where facilities are provided for... the recreation comfort and convenience of persons who own or use boats or motor vehicles and members of the public'. • Submitter considers any activities that the Council does not want can be prevented by Council using its powers as the landlord or under the Marine and Coastal Act. <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • Submitter contends that the real reason for the Planning Scheme Amendment is to allow the 'Masterplan' approach, which is problematic. The 'Masterplan' approach risks delivery of a second-rate Marina and limits potentially superior designs. The essence of the new Marina under the Masterplan approach is designed by consultants and Council officers. Non-complying designs in the lease process are disadvantaged, even if they are demonstrably superior. There is also the issue that the Masterplan approach involves considerable unnecessary costs and delays for Council. A better approach is to invite 	

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		<p>tenders on the basis of the broad opportunities and constraints identified in the Site Brief, to use their creativity, expertise and passion. They have the incentive to design a wonderful new Marina.</p> <ul style="list-style-type: none"> • Submitter considers the St Kilda Triangle provides an object lesson in the danger of the Masterplan approach. The St Kilda Foreshore Urban Design Framework (UDF) envisaged the Triangle as an entertainment and cultural precinct, with significant public open space. Council decided on a Masterplan approach with 'Orange' and the 'Purple' plans. Both were far too prescriptive which has significantly contributed to their failure. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> • Submitter considers the Masterplan approach to abolish Third Party Appeal rights is problematic. The aim in abolishing Third Party Appeal rights is to encourage tenderers, however this can backfire. The principal cause of the failure of the original Triangle plan was the refusal of the State government to contribute financially. But another cause was the abolition of Third Party Appeal rights. Opponents could not bring a simple and relatively swift VCAT challenge on the merits (that the BBC plan did not comply with the Foreshore UDF and the Planning Scheme). Instead the community had to wage a guerrilla war of Administrative Law actions, FOI applications, Council and State elections, Parliamentary Committee submissions, and referrals to the Ombudsman. Council is taking an unnecessary risk in proposing to abolish Third Party Appeal rights in the Planning Scheme Amendment for the Marina. <p><u>Procedural unfairness and Council's conflict of interest</u></p> <ul style="list-style-type: none"> • Submitter considers the Request for Proposals (RFP) process cannot run in parallel with a genuine Planning Scheme Amendment consultation. • Submitter does not see how it is possible to have concurrent RFP and a genuine Planning Scheme Amendment consultation. Questions how 	

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		<p>tenderers can make proposals based on the Site Brief given unknown changes may emerge from the Planning Scheme Amendment process. Council has selected three tenderers after an EOI process. On 19 September the three consortia were issued the Request for Proposals documentation. The RFP period closes on 19 December 2019 and evaluation of the proposals will commence immediately.</p> <ul style="list-style-type: none"> • Submitter concludes that the statutory Planning Scheme Amendment consultation required of Council, which closes on 18 September, is a sham. It appears that Council does not intend to pay any genuine attention to any of the ideas or concerns that may be submitted. 	
18	<p>Consortium of landowners (33): Own properties on Marine Parade and adjoining streets (Thackeray St, Dickens Street & Hood Street)</p>	<p>Objecting submission requesting changes</p> <ul style="list-style-type: none"> • Submission is on behalf of a consortium of landowners (33) who own properties on the east side of Marine Parade and adjoining streets. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u> <u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • Submitters consider the amendment to be flawed in so far it seeks to: <ul style="list-style-type: none"> ○ Rezone the area of St Kilda Marina from Public Park and Recreation Zone (PPRZ) to a Special Use Zone - Schedule 4 (SUZ4). ○ Introduce a Development Plan Overlay – Schedule 2 and associated Concept Plan to guide future development and use of the land. • Submitters consider the application of the Special Use Zone is not necessary or warranted other than to achieve a speculative framework in which Council maximises its future lease parameters. Much larger yacht clubs and Marina facilities operating under lease arrangements on foreshore land that have been recently substantially expanded and upgraded on land included within the Public Park and Recreation Zone around Port Phillip include: <ul style="list-style-type: none"> ○ Royal Melbourne Yacht Squadron 	<p>Response / rationale:</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> • See response to Key Issue 2 in Part 2 of this document. <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • See response to Key Issue 4 in Part 2 of this document. <p><u>Legal standing of the Site Brief</u></p> <ul style="list-style-type: none"> • The Site Brief has no legal standing. It is a strategic document that has guided the preparation of the planning controls. Beyond that, while it may be used as a reference tool by Council in its capacity as the owner of the land (and municipal council) and while on one view it could form a reference document (especially noting its guidance to the DPO2) it is not proposed to give the document any recognition as an incorporated or to identify it as a reference document in the planning scheme. <p><u>Built form impacts</u></p>

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		<ul style="list-style-type: none"> ○ Royal Brighton Yacht Club ○ Sandringham Yacht Club ○ Blairgowrie Yacht Squadron <p>None of these expansions or upgrade of facilities required the land to be removed from the PPRZ. The existing PPRZ should be retained or a better explanation provided as to why it should be removed in favour of the Special Use Zone.</p> <p><u>Legal standing of the Site Brief</u></p> <ul style="list-style-type: none"> ● Submitters note that the Development Plan Overlay – Schedule 2 and associated Concept Plan has been informed by the St Kilda Marina Site Brief which is not proposed to be included as a reference document to the Planning Scheme Amendment. Its legal standing in terms of guiding future development needs to be better explained. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> ● Submitters consider the St Kilda Marina Site Brief which provided the initial parameters to the development concept is ill informed as it has not sufficiently addressed: <ul style="list-style-type: none"> ○ The urban context of adjacent built form. ○ The maximum applicable height controls that apply to the east side of Marine Parade under the General Residential 1 Zone and Design and Development Overlay Schedules 6-9 and 7. ○ The investigation area identified to the Site Brief at the southern interface of the Marina has not been resolved. ● Submitter considers these existing controls limit and define the built form character of properties on the east side of Marine Parade to maximum building heights of 11 metres (DDO6-9 Marine Parade) and 9 metres (DDO7 Marine Parade and Ormond Esplanade). DDO7 seeks the expressed built form within the 9 metre limit as 2 storeys and visible roof. It is also notable that both of the above DDOs look for upper level roof forms to be visible from Marine Parade. 	<ul style="list-style-type: none"> ● See response to Key Issue 11 in Part 2 of this document. <p><u>Amendment is at odds with other initiatives Council has sought for foreshore</u></p> <ul style="list-style-type: none"> ● The <i>Port Phillip Foreshore Management Plan</i> highlights the challenge that ‘A new master plan is required for the St Kilda motor boat Marina and surrounding car park area.’ 5.5.2 p60. It is noted that the <i>St Kilda Foreshore Urban Design Framework 2002</i> does not apply to the Marina site. ● The strategic and urban context of the Marina site was considered in depth during the development of the Site Brief, which has informed Amendment C171port. Page 20 of the <i>St Kilda Marina Opportunities and Constraints Paper (July, 2018)</i> considers the planning and strategic context of the Marina site, including how the Port Phillip Planning Scheme sets out state and local planning policy and controls for the use and development of the St Kilda Marina. ● The Community Panel considered the role of the Marina within its wider context which is captured with the vision to create ‘A special place on the foreshore for everyone that welcomes a diversity of sustainable uses anchored by a working Marina’. Within the Site Brief itself, section 5.0 Site Analysis considers the site’s regional context, local context and the foreshore setting. ● Council conducted or commissioned several pieces of analysis to inform the Community Panel, proponents to the procurement process for the new lease, and the Site Brief including but not limited to: <ul style="list-style-type: none"> ● <i>St Kilda Marina Environmental and Coastal Hazard Assessment (Water Technology, February 2018)</i>

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		<ul style="list-style-type: none"> • Submitter suggests the building envelopes provided to the proposed concept plan of DPO2 have been derived so as to respond to this existing built form of properties on the east side of Marine Parade, however considers this to be incorrect given: <ul style="list-style-type: none"> ○ Built form envelopes 1 and 2 <ul style="list-style-type: none"> ▪ A doubling of the height to 12.0m (currently 6.3m) of the existing BP Service Station to Envelope 2 with significantly increased building footprint. ▪ Potential introduction of 4 storey development to Envelope 1 to 12.0m (currently limited to a sparse scattering of single storey structures). ○ Built form envelope 3 <ul style="list-style-type: none"> ▪ A 30% increase in height to 15.0m over and above the existing 10.0m height of the dry stack boat storage facilities. • Submitters contend the parameters of the height as detailed in the Amendment need to be better explained in terms of the urban design objectives and principles being pursued for the Marina environment. • Submitters states the Amendment documentation fails to adequately justify the proposed 12 metre height adjacent to the immediate residential areas to the east over Marine Parade. • Submitters considers the Amendment documentation provides little urban design justification for the 12 and 15 metre heights to the foreshore environs. The proposed 12 metre height has the potential to adversely affect the adjoining residential areas in terms of excessive bulk and scale. A maximum height equivalent to that achievable in the DDO6-9 Marine Parade and 9 metres DDO7 Marine Parade and Ormond Esplanade should be adopted. <p><u>Amendment is at odds with other initiatives Council has sought for foreshore</u></p> <ul style="list-style-type: none"> • Submission contends that unlike the other parts of the valued St Kilda foreshore the Amendment has not been fully informed by an urban design framework, masterplan or detailed urban context statement as 	<ul style="list-style-type: none"> • <i>St Kilda Marina Heritage Assessment (Built Heritage, April 2018)</i> • <i>St Kilda Marina Place Comparative Study (SJB Urban, April 2018)</i> • <i>St Kilda Marina, St Kilda Waterfront Precedent Study (T.C.L., April 2018)</i> • <i>St Kilda Marina New Lease Project Place Assessment (Co Design Studio, January 2018)</i> • <i>Cultural heritage due diligence assessment for St Kilda Marina, St Kilda, Victoria (Biosis, April 2018)</i> • <i>St Kilda Marina - Marina Market Research and Viability Assessment (Essential Economics, February 2017)</i> • The purpose of DPO2 (which seeks to implement the design criteria in the Site Brief) is that the developer will prepare a development plan (master plan) for the site, that encapsulates the strategic and urban context and the values and requirements established by Council and the Community Panel. DPO2 requires the following plans and reports which consider the surrounding context be included in the Content of the Development Plan: <ul style="list-style-type: none"> • A <i>Site analysis plan</i> of the site's regional and strategic context, including or explaining: <ul style="list-style-type: none"> ○ <i>Existing coastal character analysis including landscape features, topography and significant vegetation</i> ○ <i>Current movement networks in and around the site</i> ○ <i>Existing uses and surrounding uses</i> ○ <i>The historical and cultural significance of the site</i>

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		<p>such the approach to the Amendment is at odds with other initiatives Council have sought to the foreshore.</p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submission states the proposed investigation area for integrated trailer parking detailed in the site brief needs to be better explained as it results in the encroachment into the valued park land and the removal of significant trees associated with the PPRZ. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> Submission states the Amendment documentation fails to provide any details regarding expected traffic impacts to the area in particular to the residential areas to the east. A detailed traffic analysis should be provided. Submission considers there is little logic to the location of the preferred vehicle route for public boat ramp and trailer parking given the configuration of Marine Parade, including the medium strip and existing controlled intersection at Dickens Street. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> Submission contends that greater detail needs to be provided to better explain how the Marina is to be specifically developed moving forward and these details need to be provided as part of the Amendment exhibition and approval. The lack of specific details in the Amendment documentation is contrary to the notion of ensuring a clear, transparent and better practice approach as sought by the Amendment. A more comprehensive concept plan needs to be prepared establishing clear future development parameters would address these deficiencies. 	<ul style="list-style-type: none"> An Urban concept report which includes or explains plans or diagrams demonstrating the following: <ul style="list-style-type: none"> Any proposed demolition works Proposed land uses across the site Conceptual elevations Building envelopes Fully dimensioned cross sections of all proposed building envelopes, showing any level changes across the site. 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. 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. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 15 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts).

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			<ul style="list-style-type: none"> No further change is recommended to Amendment C171port.
19	Resident opposite Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <ul style="list-style-type: none"> Submitters oppose the proposed redevelopment of the St Kilda Marina site. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> Submitters consider the proposed amendment fails to meet, address and protect the last three of the five purposes defined in Schedule 4 to the Special Use Zone. <p><u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> Submitters contend a strong majority of Community Consultation Panel members held a preference for low impact, high quality development. Members voiced fear of larger commercial development and the belief that this would irrevocably change the look and feel of the area, and impact negatively on the overall quality of experience. The proposed development does not address the Panel’s concerns. <p><u>Built form impacts</u></p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submitters contend that any redevelopment of the Marina must be low density. The physical bulk of the potential building is considerable. The open space, open-air feel of the Marina lease will be lost with the proposed development. Submitters consider buildings should decrease in height and density as you get closer to Marine Parade. No further development should take place on Marine Parade. 	<p>Response / rationale:</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> See response to Key Issue 9 in Part 2 of this document. <p><u>Inconsistencies between the Site Brief/amendment development parameters and Community Panel views</u></p> <ul style="list-style-type: none"> The panel process endeavoured to create consensus around the key issues and components. This was possible in some areas while the panel remained split in other areas. See the Stage Three Community Engagement Report for a detailed summary. Where there were a range of views or a clear division between the Panel on the design criteria, this indicated that the broader community also likely has a range of views or be clearly divided on those topics. In these instances, Council made the decision, recognising there may be divided views. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> See response to Key Issue 12 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p>

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		<ul style="list-style-type: none"> Submitters consider any redevelopment of the Marina must match the current heritage of the Marina and not exceed the height of two stories. Submitters consider that any redevelopment should only be allowed on a small portion of the land (10-15%) as the key purpose of this land is to operate as a Marina. Introducing further/other services/building does not fit in the land allocated for the Marina. Submitters object to the construction of buildings in the Marina's boat trailer car park and creation of a new trailer car park in Moran Reserve due to the loss of public open space. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> Submitters consider the proposed changes will block out the bay/sea views and Marina views and parkland view that the local residents have. The views are an amenity of the residences in the local area. The view is heritage but the proposed buildings on Marine Parade will diminish this and one will not be able to see the Beacon while walking or driving north along Marine Parade from Dickens Street. The views of the beautiful boats and the Marina activity will be lost from local residents homes and the public as they drive by. Submitters want the current outlook maintained and any extra boat storage sheds to be located behind the existing boatsheds at the west perimeter of the Marina. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> Submitters consider there is not enough land on the Marina site for further commercial development, only enough space for the Marina and its current function. The Marina is not a commercial/retail centre. Submitter considers the main function of the land is a Marina, not a commercial property development site to be on offer to the highest bidder. This will only attract developers – not Marina operators. <p><u>Relocation of public boat ramp</u></p>	<ul style="list-style-type: none"> See response to Key Issue 10 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> See response to Key Issue 14 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 15 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 17 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 18 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> See response to Key Issue 16 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> Submitters consider the proposed boat trailer parking and the propose boat launch ramp are just too far apart. This design reduced the functionality of the Marina. The reduction of public land reserve for parking is alarming. No benefit is mentioned for the commercialization of public land. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> Submitter advises that on hot days with calm water, especially weekends and public holidays the entire boat trailer car park fills up and the surplus boat trailers and tow vehicles end up parking on Marine Parade or go to another boat ramp if they cannot find a parking spot. A traffic and parking study needs to be prepared with data obtained on hot days with calm water on weekends and public holidays. Submitter contends that no traffic study has been undertaken to consider the effects on local traffic and noise levels associated with allowable development. It appears parking is not considered for building in place of service station and boating car park. A function centre could affect residents parking. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> Submitters consider a sound / acoustic study needs to be conducted on future building / businesses and associates uses. Submitters state that no environmental study has been undertaken to consider the effects of the changes to the coast. Are there to be higher sea walls to protect the site against rising seawater from climate change? What effects will the construction and changed use have upon the penguin colony near the Beacon and on St Kilda Pier? Submitters states an environmental impact study needs to be prepared as most of the land is reclaimed land and underneath is landfill. Removing the petrol station will require EPA supervision and clearances and documentation. Leeching spreads faster through fill and can risk sea/marine life that is in close proximity. 	

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		<ul style="list-style-type: none"> • Submitters asks if the council consulted environmental groups and organisations to obtain impact reports. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters consider the foreshore is a mess, it contains ugly bricks, rubbish, concrete, pipes, wood and rubbish there from the current activities. Money should be invested in cleaning this up. If current leaseholders and council cannot the site tidy and beautified by removing this debris, what guarantees are there that future leaseholders will do this work, especially the incumbent leaseholders. They have invested nothing in beautifying the foreshore. They can add sand and create more beaches. • Submitters are concerned that Council has been spraying weed killer in Moran Reserve that is toxic and is endangering the community without having provided any warning signage. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitters state there is a beach near the lighthouse that is blocked off to the public – the beach and foreshore could be available for public use. The Marina operators in the new lease should allow public access to the foreshore all the way to the lighthouse. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter asks if the council has consulted fishing, yachting and boating organisations and the users of the Marina for current use and proposed design input. • Submitters contend that most of the local residents had no idea of the scale of these proposed changes and most of the residents are not informed. • Submitters requests new letters which are simple and easy for local residents to understand with 3D visual diagrams of the proposed changes be sent to residents and residents given enough time to respond to this. 	

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		<ul style="list-style-type: none"> Submitters state there was no public consultation before Rollo's kiosk was constructed, so residents are very concerned about future development. This building compromised views to the lighthouse, Marine reserve and the skate park. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> Submitters contend that there is a lack of certainty with respect to the development proposals and the current proposal is too ambiguous. More work needs to be done, including 3D models to show the public what the proposals will look like. 	
20	Residents (two) opposite Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>Traffic and parking impacts</u></p> <p><u>Uncertainty over Moran Reserve</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> Submitters consider the current proposal makes no representation for car parking or for the 80 public boat trailer parks within the Concept Plan in Schedule 2 to Clause 43.04 Development Plan Overlay (DPO). However, the Concept Plan details the preferred vehicle route for public boat ramp & trailer parking entering off Marine Parade opposite Thackeray Street. Submitters object to this on the following basis: <ul style="list-style-type: none"> Due to the expected traffic volumes, there will need to be a controlled (signalised) intersection at Marine Parade / Thackeray street, turning this intersection into a cross road. This is likely to result in an increase in traffic flow and congestion along Thackeray Street. Should a signalled intersection be necessary, a vehicle entry/egress would seemingly contravene the stated Local Policy of not increasing traffic congestion, parking, pedestrian or cyclist circulation issues and Design Brief key consideration (9.2.24) to reduce traffic congestion on Marine Parade. 	<p>Response / rationale:</p> <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 15 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. Given the significantly reduced frontage of built form envelope 2 to Marine Parade (relative to built form envelope 1), and along with the other requirements for built form (including a limit on maximum floor space requirements), it is not considered warranted to provide further restrictions for the built form envelope 2 Marine Parade frontage. <p><u>Increase in allowable commercial and retail floor space</u></p>

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		<ul style="list-style-type: none"> ○ It is noted there was originally a parking entry at this point which has subsequently been barricaded. It would appear this measure was necessary, because at some point in the past, it became apparent just entering at this point was inappropriate. ○ Should this be developed into a vehicle entry/egress point for the Marina, the submitters will be directly affected from the corresponding increase in airborne pollution and noise. The Plan should retain the existing entry/egress point at Dickens Street as there is already a signalised intersection and this street is an established thoroughfare, wide enough to accommodate greater volumes of traffic together with their trailers. ○ It is not clear whether the preferred vehicle entry (opposite Thackeray Street) will encroach into the O.C. Moran reserve which is outside the Amendment area. It is noted that the entry point shown in the Concept Plan would clash with a mature Morton Bay fig tree and could not be accommodated as depicted without the removal of this ancient tree. ○ Submitters do not support any diminution of or encroachment into Moran Reserve resulting from the Marina Project as green space is a precious community asset and their quality of life would be affected by the loss of green space or significant vegetation. ○ Submitters consider it is unclear what is proposed for the areas adjoining the Development Plan in O.C. Moran reserve identified in the Site Brief (figures 14 and 15) as 'investigation area for integrated parking' and "project interface areas". ● Submitters consider that it is unclear as to the number of parking spaces that are to be provided on the site, as the area where car parking has historically been accommodated has been designated as built form envelope with a height limitation of 12m. Submitters are unable to fully object to the Site Plan in this respect due to the lack of 	<ul style="list-style-type: none"> ● See response to Key Issue 10 in Part 2 of this document. <p><u>Removal of third party appeal rights</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 1 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> ● See recommended change in Section 2 Issue 11 (Built form impacts). ● No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>detail presented or on what might be expected regarding facilities for car parking.</p> <ul style="list-style-type: none"> • With regard to parking, submitters make the following objections/comments: <ul style="list-style-type: none"> ○ Submitters object in principle to a multiple story car park structure that blocks out views across to the Bay and to the You-Yangs when viewed from Marine Parade. Design functionality dictates that such structures are seldom, if ever, sympathetic to the environment they occupy and are unlikely to meet the Place Identity Objectives or create a seamless connection to the foreshore and surrounding activity centres and destinations as stated in the Site Brief. Car parking should remain at grade or, if necessary, below grade, similar to the Sea Baths' carpark configuration. ○ Current parking facilities are not fully utilised throughout the year. Submitters observations are that patrons prefer to park away from the Marina in areas where parking places are not tolled. During peak times and during special events held by the Riva restaurant, patrons choose to park in the residential streets opposite the Marina and along Marine Parade where parking is free. The resulting increase in traffic in residential streets affects the submitters directly by increasing the probability of accidents, from increased airborne pollution and increased noise from cars & revellers. Submitters would like to see a parking study undertaken with the objectives of fixing the number of car parking spaces to be specified in the DPO and measures that would be adopted to encourage patrons to park within the Marina. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitters object to the 12m height limit for commercial and retail buildings (potentially 4 storey buildings) on the following basis: 	

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		<ul style="list-style-type: none"> ○ This height is not consistent with the Site Brief 'Place Identity' objectives 3 & 4 (page 15) and these objectives are not well reflected in the Site Brief Design Criteria or in the proposed DPO requirements. Currently, there are no buildings on this site higher than 7.7m (the Dry Storage buildings). ○ The height is not sympathetic to the local character of the areas opposite the Marina, which are typically no more than 3 levels in height. ○ It would be difficult to accommodate a number of four story buildings (or structures), without visually detracting from heritage listed structures and without compromising mandatory views detailed on the DPO Concept Plan (particularly views from Marine Parade and the O. C. Moran Reserve). ○ Submitters fail to see why 4 story buildings will be necessary to meet the floor space requirements of businesses that are listed in the Complementary Uses criteria as detailed in the Site Brief document. Two story buildings would be more appropriate, (successful retail and service businesses invariably seek to be accommodated at ground level anyway), and still able to meet the maximum specified 5,000m² of commercial floor space, without compromising open spaces. ○ Submitters prefer to see the height limit for commercial and retail buildings set at no more than the highest existing building at the Marina, namely the Dry Storage buildings at 7.7m. ● Submitters consider that the Site Brief design criteria for complementary uses is mostly carried through to the DPO. ● However, submitters consider it is unclear what is proposed regarding setbacks and frontage along Marine Parade for building envelope 2. Specifically: <ul style="list-style-type: none"> ○ Submitters object to any plan for building envelope 2 that ends up consisting of either a blank wall or a car park frontage 	

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		<p>facing Marine Parade, noting the DPO includes requirements for active frontages for commercial and retail buildings fronting public space, key pedestrian connections, the Marine Parade frontage and the Marina Activity Area.</p> <ul style="list-style-type: none"> ○ Submitters consider criteria 9.3.22 in the Site Brief <i>“Buildings on Marine Parade respond to the scale and rhythm of adjacent built form”</i> logically applies to building envelope 1, with the requirement for a 50% frontage and is consistent with good urban design outcomes. ○ However, submitters consider it is not clear what is required for building envelope 2 and object to any development that ends up consisting of a 'box' building occupying the full building envelope as is depicted on the DPO2 Figure 1 of the Concept Plan. Submitters would prefer to see further specification detail in the DPO to ensure a good urban design outcome also occurs for Envelope 2. i.e. a design that does not end up looking unsightly or overly bulky when viewed from both the Marina public spaces, Marine Parade and residences opposite. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> ● Submitters object to any additional development of the Marina (such as the allowable uses of restaurant, function space and tavern) that leads to the granting of more liquor licences, effectively permitting extended hours of operation. ● Submitters already experience some angst when special events are held at Riva. Any increase in late night / early morning Marina activity has the potential to impact on submitters’ quality of life. Specifically when it takes the form of: <ul style="list-style-type: none"> ○ Loud music played at venues and noise from revellers and vehicles as patrons leave the Marina and enter into the surrounding precincts. 	

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		<ul style="list-style-type: none"> ○ Anti-social behaviour and public offences committed by patrons in and around the Marina precincts. <p><u>Removal of third party appeal rights</u></p> <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> ● Submitters object to the removal of third party appeal rights in the DPO as being a large scale development, the Marina Project will impact on the surrounding area and it is not uncommon for Councils to at least agree to circulate proposals and consult with residents and the community on such proposals, before making any decision. ● Submitters consider that at present, and until a developer is selected and submits its proposal, there is not enough detail for any interested party to make a meaningful assessment of how this Project will impact on residents and the community. The DPO schedule should include a clause that establishes mechanisms whereby residents and the community will be provided with information and opportunities for feedback during the preparation of the development plan. 	
21	Residents (two) opposite Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> ● When the Submitters purchased their property on Marine Parade, with one of the key selling points being the beautiful view of the Marina. The proposed changes will block out the bay/sea views and Marina views. <p><u>Built form impacts</u></p> <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> ● Submitters believe that any redevelopment should only be allowed on a small portion of the land (10-15%) as the key purpose of this land is to operate as a Marina. ● Submitters also object to the proposal to transform the current boat trailer car park into an area whereby commercial buildings can be 	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 11 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 10 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 13 in Part 2 of this document. <p>Recommended position / changes:</p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>constructed as the site is a Marina not a commercial/retail centre and it should stay that way.</p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> Submitters do not support the proposal to construct buildings in the Marina's boat trailer car park and build a new trailer car park in Moran Reserve. Transforming a beautiful open public park space into a boat trailer car park is unnecessary, given a boat trailer car park already exists. 	<ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.
22	Nearby resident: Marine Parade, Elwood	<p>Objecting submission</p> <p>Submitter objects to the proposed changes and requests that the Marina not be ruined with unnecessary development.</p> <p><u>Built form impacts</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> The foreshore needs to remain free from further development especially the type that is proposed that will block views and impact on the precious wildlife. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> Submitter states that the existing colony of penguins is already in danger and money needs to go into developing a safe and fertile habitat for them. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> Fitzroy Street would be a much better place for commercial buildings. It is full of empty buildings that could be refurbished and tenants could walk along the beautiful foreshore in their lunch breaks. 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> See response to Key Issue 12 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 17 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> See response to Key Issue 10 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.
23 and 24	Duplicate submissions from nearby residents:	<p>Objecting submission</p> <p>Submitter objects to the proposed redevelopment of the St Kilda Marina.</p> <p><u>Uncertainty over Moran Reserve</u></p>	<p>Response / rationale:</p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> See response to Key Issue 13 in Part 2 of this document.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
	Marine Parade, Elwood	<ul style="list-style-type: none"> • Submitter objects to the plan that part of Moran Reserve would be converted into a trailer car park. It is incredibly disappointing that this open, public and beautiful space would be destroyed and paved. This space is used by the local community so well and it does the community an enormous disservice to repurpose this vegetated space into a car park. • Submitter states that the proposed changes are vague and do not clearly outline what section of park space is being considered for redevelopment. • Submitter states that it is absolutely unacceptable that any park space be destroyed, especially for a trailer car park. • Submitter states that boats are affordable to a very small percentage of the population but parks can be used by all. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter states that environmental impact, marine life and flora and fauna reports must be completed to inform any planning and redevelopment. 	<p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
25	Nearby resident: Marine Parade, Elwood	<p>Objecting submission</p> <ul style="list-style-type: none"> • Submitter states that potential loss of views from their property (Marine Parade) will come at a high personal cost and an enormous financial one. • Submitter notes that they are not against progress and an improvement to the Marina area, however: <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • The proposed changes will block out the bay/sea views, Marina views and parkland views that the local residents have. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Any redevelopment of the Marina must match the current heritage of the Marina and not exceed two storeys in height. 	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> Any redevelopment of the Marina must be low density The open space, open air feel of the Marina will be lost with proposed development. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> The trailer park must remain where it is and not be moved into Moran Reserve, thus encroaching on valuable existing parkland. Public parks should not be converted into car parks, especially when a car park already exists next door. The strip of native vegetation must also remain. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> The colony of penguins must be protected. It's a feature that could be utilised as they do at the breakwater at the end of the St Kilda Pier. Submitter queries whether Council has: <ul style="list-style-type: none"> Done an environmental impact study. Any changes to the Marina, especially with the removal of the BP service station, will have environmental impacts on marine life. Conducted a sound/acoustic study <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> The foreshore itself beyond the Marina is a mess and money needs to be spent cleaning it up, nothing has been invested in beautifying this area. They should add sand and create more beach frontage. <p><u>Lack of consultation</u></p> <p><u>Uncertainty over future development outcome</u></p> <ul style="list-style-type: none"> Submitter queries whether Council has informed local residence appropriately, i.e. clearly and articulately, with 3D structures to give anyone clarity on what the proposal are. Submitter states that there are far too many vagaries in this proposal. 	<ul style="list-style-type: none"> See response to Key Issue 18 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over future development outcome</u></p> <ul style="list-style-type: none"> See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.
26	Residents (two)	Objecting submission	Response / rationale:

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
	opposite Marina Reserve: Marine Parade, Elwood	<p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters state that the proposed amendment will block out the bay/sea/city/docklands views, Marina views, parkland views and sunset over the bay that local residents have as an amenity to their properties. • Submitters state that this is why they purchased it and paid more than equivalent houses without such views. • The open space, open air feel of the Marina will be lost with the proposed development. The views of the boats and Marina activity will be lost from local residents dwellings and the public as they walk, skate, cycle and drive by. • Submitter notes that they don't want to lose their beautiful bay and westerly sunsets over the water. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Any changes to the Marina must have very low impact/visual bulk. They must be low density and well setback, and a maximum height of combination one and two storeys only. • Submitters state that any new structures should only be allowed on a small portion of the land approximately 10-20%. • Submitters state that a new structure to house the Australian Volunteer Coast Guard (AVCG) or boat sales office and boating related businesses would integrate well with the true purpose of the lease. • Submitters state that any new structures in the Marina must match the current heritage of the Marina. • Submitters state that buildings should decrease in height and density as you get closer to the foreshore. The Council is proposing the opposite. Visual bulk is a big concern and no development should take place immediately on Marine Parade. It should be setback significantly. • Submitters state that most residents prefer the petrol station as is, rather than 12 metre high, 5,000 sqm commercial buildings. 	<p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 18 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> New small two story buildings should be allowed that don't take up more than 10-15% of the site. all the land is highly utilised, especially when there are excellent boating conditions. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> Submitters state that commercial large scale buildings of 5,000 square metres are not Marina related and are pushing out the trailer park which is not the true purpose of the lease to function as a Marina. There are already multiple food outlets on the lease. The key purpose of this land is to operate as a Marina introducing other businesses and buildings does not fit in the land allocated for the Marina. Submitters state that Council should be protecting the foreshore and parks not commercialising them. Submitters are concerned that the proposed changes will allow extensive commercial building construction which will only attract property developers, not Marina operators. It is a Marina not a commercial/retail centre, the land is sufficient enough for the Marina and its operations. Moving the trailer park clearly suggests that Council's changes cannot fit in the existing lease area. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> Submitters state that the area is already well set up for excellent boat trailer parking and boat launch facilities with excellent access and traffic lights. Why change this excellent set up? The proposed boat trailer parking and the proposed boat launch are too far apart. This design reduces the functionality of the Marina. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> Submitters state that the valuable penguin colony needs to be protected. Commercial development of the Marina will affect their habitat. They question what impact studies have been done on the 	<ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<p>penguins? And suggest a purpose built penguin sanctuary, protected area and visitor centre should be set up, similar to St Kilda Pier.</p> <ul style="list-style-type: none"> • Submitters state that an acoustic report also needs to be done on the impact of future building/businesses and associated uses. • Submitters state that an environmental impact study needs to be done as most of the land is reclaimed land and underneath is landfill. Removing the service station will require EPA supervision and clearances and documentation. Leeching can risk sea/marine life which is in very proximity. A comprehensive marine life impact report, and flora and fauna impact reports need to be done. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitters state that the sand beach near the lighthouse should not be blocked off from public access. • Submitters state that the future Marina operators should allow public access to the foreshore all the way to the lighthouse. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters state that Moran Reserve should not be converted into boat trailer parking and access roads. There is strong objection to converting this parkland into concrete parking lots. • Submitters also object to the redevelopment of the Marina, and use of Moran Reserve as a trailer park and road access point. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitters state that a traffic and parking study needs to be done with data obtained on hot days with calm water on weekends. • Submitters note the influx of traffic and more businesses across the road will increase noise and disturbances in the peaceful and quiet neighbourhood. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters state that the immediate foreshore is unsightly, it contains building waste, debris, bricks, rubbish, concrete, plastic pipes, wood, 	

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		<p>there is rubbish there from the current activities. Funds should be invested in cleaning and improving. Not enough has been invested in beautifying and cleaning up the immediate foreshore.</p> <p><u>Lack of consultation</u></p> <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • Submitter questions whether Council has consulted fishing and boating organisations and the users of the Marina for design input. • Submitters stat that there is a lack of certainty regarding the development proposals. More work needs to be done, there are too many questions. Most of the local residents have no idea of the scale of these proposed changes and are not informed. Many residents are away, others are renovating or building and are elsewhere. All local residents need to be sent new letters with 3D visual diagrams of the proposed changes and given enough time to respond. The Council must make the information simple and easy for the residents to understand. The current proposal is too ambiguous, and does not contain enough detail and actual designs. <p><u>Conclusion</u></p> <ul style="list-style-type: none"> • Submitter is happy with some development within the conditions stated above. 	
27	Residents (two) opposite Marina Reserve: Marine Parade, Elwood	<p>Objecting submission</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters main concern is that the proposed changes would compromise the ambience of their property and would hinder or block completely views which they currently enjoy over the Marina and Port Phillip. • Submitter states that the proposed development would block views which the public currently enjoys. <p><u>Built form impacts</u></p>	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p>Recommended position / changes:</p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> • Submitter states that the re-development of the Marina should be low density in nature and not be as extensive as set out in the proposal. 	<ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.
28	Residents (two) opposite Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • Submitters relatively recently purchased their apartment on Marine Parade. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • Submitters believe that any redevelopment should only be allowed on a small portion of the land (10-15%) as the key purpose of this land is to operate as a Marina. • Submitters do not support the proposal to transform the current boat trailer car park into commercial buildings. The Marina should stay as it is. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitters note there is a colony of Penguins that live near the light house which needs to be protected to the utmost level from overdevelopment as the penguins and other marine life should be put first not commercial ventures and profit. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters do not support the proposal to construct buildings in the Marina's boat trailer car park and build a new trailer car park in Moran Reserve. Transforming a beautiful open public park space into a boat trailer car park is unnecessary, given a boat trailer car park already exists. 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
29	Residents (two) opposite Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • Submitters live on Marine Parade, Elwood and have been living at the property since the early 1990s. <p><u>Built form impacts</u></p> <p><u>Environmental impacts</u></p> <p><u>Impact on views</u></p> <p><u>Traffic and parking impacts</u></p> <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • Submitters object to the proposed changes particularly the building envelope facing Marine Parade which provides for future buildings of up to 12 metres high. This will have a severe detrimental impact on the amenities that are currently available to the submitters as occupants of their property. Detrimental impact will be felt in terms of: <ol style="list-style-type: none"> 1) the potential loss of the existing flora and fauna, including many mature trees 2) the potential loss of bay views from the submitters as well as many of the adjacent properties in Marine Parade 3) the increased parking congestion, resulting in parking alongside Marine Parade becoming more difficult 4) the increased noise pollution resulting from the potential commercial activities which would be conducted from the buildings to be built on the proposed site 5) making the areas around the proposed site potentially unsafe due to increased late night activities, particularly if more venues like the existing function centre “Riva” were built. 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.
30	Residents (two)	<p>Submission requesting changes</p> <p><u>Background</u></p>	<p>Response / rationale:</p> <p><u>Support for Site brief</u></p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
	opposite Marina: Marine Parade, Elwood	<ul style="list-style-type: none"> Submitters own a property on Marine Parade. <p><u>Support for Site brief</u></p> <ul style="list-style-type: none"> Submitters support the careful work on the masterplan and the inclusion of community input. Design / project ambitions are well stated, however a process to ensure these are skilfully translated into a design outcome is critical. <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> Submitters consider the decision to rezone the Marina from PPRZ to SUZ (with schedule) and introduce a DPO (with schedule) seems a blunt tool that needs interrogation to limit the risk of unintended consequences. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> Submitters are concerned that the proposed ‘built form envelopes’ are too diagrammatic and not based on a concept that investigates formal impact. Submitters consider the Marina and surrounds are a significant and important ‘place’ (of global status) so new buildings on the site need design excellence. The place deserves ‘global benchmarking’ as a design reference point. The outcome needs to be design led to ensure design excellence is a prerequisite. It is critical to embed a process to achieve this. Design excellence must be required, supported and judged. Submitters recommend a process that has: <ul style="list-style-type: none"> project design principles (as outlined in brief) seriously committed to as key / measurable project requirements; informed judgement is required to assess design capability and capacity of all consultants who will be working on the project – the highest quality of design input should be non-negotiable; 	<ul style="list-style-type: none"> Support noted <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <ul style="list-style-type: none"> See response to Key Issue 2 in Part 2 of this document. <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> See response to Key Issue 4 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. DPO2 requires design excellence for the redevelopment of the Marina site. An objective of DPO2 is <i>“To ensure that the redevelopment achieves innovative and sustainable design excellence and high-quality public realm and landscaping outcomes.”</i> A principle and objective to be included in the development plan relating to Character and built form is to <i>“Require built form to achieve design excellence and respond to its prominent coastal location and significant historical context of the site.”</i> In addition, the evaluation of proposals for the new lease for St Kilda Marina is set out in the <i>St Kilda Marina Project Procurement Plan (May 2019)</i>. It articulates the skills that are included on the evaluation panel (panel responsible for evaluating proposals against set evaluation criteria which focus various elements including design). The required skills include architecture, urban design and placemaking, in addition to very specific Marina design skills. To focus particularly on the design elements of the proposals, the evaluation panel chair has appointed a Design Review Panel comprising of highly-regarded industry experts from urban design,

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		<ul style="list-style-type: none"> ○ a process of design review is required – submitters suggest the state government process of design review through OVGA, including early design review of masterplan, then ongoing independent review at key points in process. ● Submitters consider there needs to be a design process that sensitively interrogates height, scale, location of new buildings, location and quality of publicly accessible open space, urban design and landscape, connections, views, movement, Marina function and commercial space. ● Submitters consider that without investigation of form, 12m may be too high for commercial and retail buildings on the foreshore – unintended consequences of the diagram is possible. Form relationships need consideration across the site. ● Submitters consider the 15m height of dry storage buildings is of concern and will have significant visual impact. The concept of ‘architectural features’ exceeding this height requires careful design judgement. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> ● Submitters support the extension of the heritage overlay (HO187) to the entire site recognises the cultural heritage of the place. This may prove challenging for Heritage Victoria judgement of appropriate ‘fit’ and quality of contemporary buildings, so a process for judgement of heritage / contemporary excellence needs to be detailed. Submitters suggest the Department of Premier’s Office of the Victorian Government Architect (OVGA) is involved in the process. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> ● Submitters consider site boundaries described in the masterplan must be kept confined to maintain / maximise heavily used adjacent open spaces. For example, it is unclear where displaced parking is to be relocated and this may be a threat to heavily used existing open space. 	<p>architecture, urban design, heritage, ESD and landscape architecture. The selection of the individuals was done via an invited EOI process. The evaluation criteria also request that proposals respond to design elements such as those listed in the query.</p> <ul style="list-style-type: none"> ● Design excellence is defined in the Site Brief glossary as: strength and clarity of design concept; raises the expectations of built form; degree of innovation and creativity; sensitive use of new technologies; functional and enduring design; displays qualities that contribute to sense of place and community; is forward thinking, inspires or educates; integral innovative environmental sustainability. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 3 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 13 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> ● See response to Key Issue 12 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> ● See recommended change in Section 2 Issue 11 (Built form impacts). ● No further change is recommended to Amendment C171port.

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		<p>The suggestion that there is an area being ‘investigated for integrated trailer parking’ south into Moran Reserve is not acceptable.</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters consider views through to the bay are critical – how these might be promoted and protected is unclear. 	
31	Resident opposite Marina: Marine Parade, St Kilda	<p>Objecting submission requesting changes</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • Submitter grew up in St Kilda, and after living elsewhere for 45 years has returned permanently to St Kilda. • Submitter has a background in Industrial Design <p><u>SUZ4 land use concern – convenience shop and take-away food premises</u></p> <ul style="list-style-type: none"> • Submitter objects to the SUZ4 requirement that a permit is not required for convenience shops and take-away food premises. The definitions must be far more specific and restrictive. Businesses that fit these categories are very broad including every type of fast-food and cheap food businesses of varying standards. • Submitter considers that no quality café or restaurant will operate next to most fast-food premises. The development imperative must be to ensure the St Kilda Marina redevelopment sets a high quality standard so that the present deterioration of the Marina will not occur again. <p><u>Built form impacts</u></p> <p><u>Impact on views</u></p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • The submitter objects to building envelopes 1 & 2 designated at 12m high, the equivalent of 3 storeys high buildings on the Marine Parade frontage and southern boundary. The present buildings are at most 4m high similar to Donovans. Buildings 300% higher will have a dominate blocking impact on view of the Marina from marine parade. 	<p>Response / rationale:</p> <p><u>SUZ4 land use concern – convenience shop and take-away food premises</u></p> <ul style="list-style-type: none"> • SUZ4 proposes to allow “take away food premises” (as a section 1 use, permit not required). A “take away food premises is defined in the Victorian Planning Provisions as: <i>Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.</i> • This would allow a small kiosk venue. • The Victorian Planning Provisions define a “Convenience restaurant” as: <i>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</i> The proposed SUZ4 prohibits “convenient restaurant” on the Marina site. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document.

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		<ul style="list-style-type: none"> • Submitter objects to a 3 storey carpark to be built as compensation for the developer to also build an adjacent 3 storey premises, as this will create a Business Park appearance and significantly block views from Moran Reserve north towards the light house, St Kilda beach and baths. Presently, with the exception of the relatively low petrol station, the southern boundary is structure free. The open space park appearance of Moran Reserve will be significantly compromised. • Submitter objects to building envelope 3 designated at 15m high, the equivalent of 4 storey buildings dominating the western sunset skyline. Submitter believes that the existing dry storage buildings are 9m high and a 66% height increase to 15m will create an unacceptable dominant building mass close to the bay and bay trail. • Submitter considers the contrast between 15m high, 4 storey high buildings extending most of the way to the light house on the east side of the Bay Trail compared to the open bay vista on west aspect will be extreme. • Submitter notes the vast majority (72%) of dry-land boat storage spaces are boats stored on trailers or with simple supports; as opposed to more sophisticated rack and stack/dry stack systems. Industry expect significant growth in more sophisticated dry stack storage systems into the future as has been evidenced in the USA and parts of Euro. Provided a link to a report titled <i>Size and Characteristics of the Australian Marina Sector, by the Marina Industries Association of Australia, November 2010.</i> <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitter believes it is questionable that ongoing and improved community access to, and use of, the site with high quality public spaces can be achieved when significant increase to height of all buildings and additional buildings proposed for the southern boundary to Moran Reserve. <p><u>Approach to heritage</u></p>	<p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Approach to heritage</u></p> <ul style="list-style-type: none"> • See response to Key Issue 3 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Request for design competition for the bridge</u></p> <ul style="list-style-type: none"> • A design competition for the bridge is not an issue to be resolved through the Planning Scheme Amendment. • Several options were assessed as part of determining the procurement process for the new lease for the site, including a design competition. The bridge needs to be considered in the context of the overall marina operation. The process articulated in the procurement plan was determined the most appropriate. The Site Brief is a key document in the RFP process. It requires that the option for a bridge is investigated in terms of marina operations, bridge functionality, alignment of the Bay Trail and impact on views. The evaluation panel chair has appointed a Design Review Panel comprising highly-regarded industry experts from urban design, architecture, heritage, ESD and landscape architecture to assist in the assessment of proposals. Refer to Council Report dated 5 June 2019. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> • Submitter is concerned about the proposed comprehensive heritage protection: <ul style="list-style-type: none"> ○ The light house is the most prominent and important structure and is presently heritage protected. The heritage review highlights a few other heritage Marina features of high significance particularly the Marina excavation, and dry storage buildings and notes many other questionable Marina features of high significance. The SUZ4 and DPO2 seem to undermine the value of most of the significant heritage features with the light house the only exception. It appears to the submitter that all other structures can be demolished including the highly significant dry storage buildings. ○ The extended Heritage Review may open the developer and Council to unnecessary extended objections when most Marina heritage features are questionable. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • Submitter questions why Council is fearful that Marina developers will shy away from bidding to develop the St Kilda Marina and compromise on many key planning criteria. Marina long term leases in premium locations such as St Kilda, the most central and accessible location to Melbourne central are very rare (once in 30 to 50 years). Port Phillip has the lead hand and the more significant the quality of design, technology and structural build the developer proposes, the longer the lease period. <p><u>Request for design competition for the bridge</u></p> <ul style="list-style-type: none"> • Submitter supports the provision of a new Marina / Bay Trail bridge as it has been 100 years since St Kilda has had a new iconic public structure (Carlo Catani masterplan in 1906, rebuilt Islamic fretwork and Moorish domed tower baths in 1929). The St Kilda Marina project provides an opportunity for an iconic landmark bridge to be 	

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		<p>constructed at one of the most visible points on the St Kilda foreshore alongside the lighthouse and entrance to the Marina.</p> <ul style="list-style-type: none"> • Submitter considers an architectural designed bridge, such as the examples listed below, would complete the final link in a continuous bayside Bay Trail with a stunning iconic, commemorative functional structure. The bridge should be envisaged as a separate project, given high exposure by means of a design competition and potentially including cafes / restaurants such as the Providence River Pedestrian and Cyclist Bridge. • Submitter considers that potential Marina developers will not be enthusiastic supporters of a Marina entrance bridge, and if pushed will focus on an engineered solution rather than an architectural, sculptural and iconic design. The small number of tall masted boats presently stored or launched at the Marina must not negatively influence the building of a bridge. There are two yacht clubs nearby. • Submitter suggests that an award winning architect designed bridge commemorating the 185th anniversary in 2026 of the official naming of St Kilda in 1841 will appeal to state and federal politicians and governments as well as corporations who will see this project as an attractive high profile proposal to support. • Submitter has included information and photographs on bridge examples including: <ul style="list-style-type: none"> ○ A link to examples of pedestrian bridges on ArchDaily. ○ Providence River Pedestrian and Cyclist Bridge, Competition Winner inFORM Studio – link provided to an article from ArchDaily on this project. ○ Melkwegbrug (Melkwegbridge) by NEXT Architects – information on this project included in the submission. ○ 13 Inspiring Architectural Projects for Bicycles – link provided to an article from ArchDaily on this project. 	

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		<ul style="list-style-type: none"> ○ LALA Bridge - renderings for Dream Pedestrian Bridge Over Marina del Rey by Abramson Architects – link provided to Abramson Architects website project page. 	
32 and 33	Duplicate submission from residents (two) opposite Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> • The submitters property is adjacent to the proposed site. <p><u>Lack of consultation</u></p> <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • Submitters are extremely disappointed by the lack of information, consultation and engagement provided and consideration shown by Council. Submitters initial understanding of the changes based on the brief letter received from Council was for a like replacement of facilities with a slight increase in height of the dry-store boat area to accommodate future need. Upon further investigation, the proposal is significantly more extensive and invasive than indicated in that letter. • Submitters would like 3D visual diagrams to be provided to all local residents to provide greater clarity as the current proposal is too ambiguous. Submitters also request an extension to the timeframe to provide feedback as many of their neighbours also misinterpreted the letter provided by council. Submitter formally requests to be informed of all meetings and further amendments to the proposal. <p><u>Built form impacts</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters consider the proposed changes will add significant visual bulk to the foreshore and will block the current bay, city, docklands, Marina and parkland views they currently have at their property. These views are an amenity of the submitters’ residence, and the reason they purchased and paid more than a similar property without such views. 	<p>Response / rationale:</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • See response to Key Issue 6 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

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		<ul style="list-style-type: none"> • Submitters request that the Marina continue to be low density, well set back, and maximum height of two storeys. • Submitters believe that all new structures in the Marina should be respectful of the heritage of the Marina as well as adhere to the existing design overlay (pitched roof etc.) applied to the Marine Parade area. • Submitters consider any new structures should only be allowed on a small portion of the land approximately 10-15%. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • The proposed changes will also create an influx of traffic. Additional businesses across the road will increase noise and disturbances in the submitters quiet neighbourhood. • There is already well set up boat trailer parking with excellent access including traffic lights at Dickens St and Marine Parade intersection. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters do not believe that constructing 5,000 square meters of commercial buildings (taverns, cafes, and restaurants) and relocating the trailer park into existing parkland is the appropriate purpose of the lease which is to function as a Marina and as a result not something the submitters support. • Submitters strongly object to removal or reduction in size of Moran Reserve parkland to relocate the boat trailer parking area or the construction of any buildings. The foreshore and foreshore parks should be protected, not commercialised. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitter would like comprehensive marine life impact reports, flora and fauna impact reports, environmental impact study, acoustic reports, EPA requirements for the removal of the BP petrol station fully documented and a full traffic and parking study to be conducted and shared. 	

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34	Port Melbourne Historical and Preservation Society Inc	<p>Submission in support</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u> <u>Approach to heritage</u> <u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • Submitter fully supports the Council’s proposal to rezone the Marina to the Special Use Zone with a new schedule, the application of a Development Plan Overlay with a new schedule and the extension of the Heritage Overlay 187, which currently only applies to the Beacon, to cover the entire site in order to recognise the cultural heritage significance of the Marina whilst still enabling the objectives of the Site Brief to be achieved. 	<p>Response / rationale:</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u> <u>Approach to heritage</u> <u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • Support noted <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.
35	Residents (5) opposite Marina: Marine Parade, Elwood	<p>Objecting submission requesting changes</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> • Submitters have a long family connection with the local area. A family member lived in St Kilda, and was a World War 2 ANZAC. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters state the proposed development will block their unique views of the St Kilda Marina (including boats), the bay, Moran Reserve, the city skyline, docklands views, Westgate Bridge, Bolte Bridge and unique deep orange westerly sunsets over the water. These views are an amenity to the submitters’ house and other neighbouring homes as well as passers-by. This is why the submitters purchased in the area and paid much more than equivalent houses without such amazing views. • Submitters feel very strongly about these proposed changes and will consider contacting the media and lobbying political parties and lobbying local members and social media with respect to this matter. <p><u>Built form impacts</u></p>	<p>Response / rationale:</p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Support for Marina related activities</u></p> <ul style="list-style-type: none"> • Support noted <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 13 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document.

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		<ul style="list-style-type: none"> • Submitters contend that any changes to the St Kilda Marina must have very low impact and low visual bulk, be low density, and be well set back. New small buildings should be a maximum height of two stories. • Submitters consider any new structures in the Marina must match the current heritage of the Marina. • Submitters consider that there should be no development immediately on Marine parade, it should be set back significantly so that it doesn't blocks views and people don't think it's a shopping centre or office block, rather than a working Marina. • Submitters consider that any new structures should only be allowed on a small allocation of the land approximately 10-15%. • Submitters consider the open space, open air feel of the Marina lease will be lost with proposed development. Buildings should decrease in height and density as you get closer to the foreshore the council is proposing the exact opposite, how and this be justified. • Submitters state visual bulk is a big concern and no development should take place immediately on Marine Parade. • Submitters suggest most residents prefer the petrol station as is, rather than 12 meter high 5,000 square meter commercial buildings which ends up looking like a shopping centre or office block. • Submitters consider that building extensive, tall commercial building in the Marina is not the purpose of the lease, and conflicts with the purpose of the land, which is to function as a Marina. There are already multiple food outlets on the lease. • Submitters consider that the land is sufficient for the Marina and its operations and the proposal has been very poorly designed and puts development before the marine users and purpose of the Marina. <p><u>Support for Marina related activities</u></p> <ul style="list-style-type: none"> • Submitters consider a new structure to house Marina related activities is a great idea and fits with the purpose of the land/lease. The Australian Volunteer Coast Guard (AVCG), boat sales office and 	<p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • See response to Key Issue 14 in Part 2 of this document. <p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 15 in Part 2 of this document. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • See response to Key Issue 18 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • See response to Key Issue 6 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

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		<p>boating related businesses would integrate well with the true purpose of the Marina lease.</p> <p><u>Increase in allowable commercial and retail floor space</u></p> <p><u>Uncertainty over Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters do not support large scale commercial buildings of 5,000 square meters (such as taverns, cafes, and restaurants) as these are not Marina related and will result in pushing out the boat trailer park into a smaller area in the adjoining Moran Reserve. Moving the trailer park to Moran Reserve suggests that Council’s changes cannot fit into the existing lease area. There is not enough land to use for the proposed commercial development and there is nowhere to put the boat trailers. • Submitters strongly object to conversion of Moran Reserve into a boat trailer parking lot and access road. Moran Reserve is a well used public open space on the foreshore and the existing boat trailer parking is well set up with excellent access, parking and extra wide boat launch facilities with traffic lights. Submitters consider that the foreshore and foreshore parks should be protected, not commercialised. • Submitters consider the proposed changes allow for extensive commercial building construction and will only attract property developers (who are not interested in Marina operation), not true Marina operators. • Submitters consider that more business across the road, will increase noise and disturbances in their beautiful, peaceful and quiet neighbourhood. • Submitters object to this redevelopment of the Marina, and converting Moran Reserve into a trailer park and road access point. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • Submitters state there is a colony of rare penguins that live near the light house of the Marina who need to be protected. The penguin colony’s safety, health, wellbeing and environment should be the City 	

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		<p>of Port Phillip’s first priority, above commercial development. Commercial overdevelopment of the Marina will most likely adversely affect the penguin colony and their sensitive habitat.</p> <ul style="list-style-type: none"> • Submitters ask whether impact studies have been undertaken with respect to this penguin colony. • Submitters would like to see a purpose built penguin sanctuary and visitors centre on the site, with volunteers caring for the penguins, similar to the Breakwater (end of the St Kilda Pier). It also makes a great spot for city and water view photos, a look-out or viewing area. • Submitters request an acoustic report is prepared on impact of future building / businesses and associates uses. • Submitters consider an environmental impact study needs to be prepared as most of the land is reclaimed land and underneath is landfill. Removing the petrol station will require EPA supervision and clearances and documentation. Leeching from the petrol station and Marina activities and construction activities can risk sea/marine life which is in very close proximity. • Submitter asks if council has consulted environmental groups and organisations to obtain impact reports. A comprehensive marine life and flora and fauna impact report/s need to be prepared. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitter requests provision of public access to the beach near the light house (currently fenced off). Public access should be provided to this beach, to attract more tourists and add to the attractiveness of Melbourne especially to the many overseas guests on the “Hop on and Hop Off Tourist Bus” that visit every day. <p><u>Relocation of public boat ramp</u></p> <ul style="list-style-type: none"> • Submitters consider the proposed boat trailer parking and the proposed boat launch ramp are too far apart. This design reduced the functionality of the Marina and is unattractive to boat users. 	

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		<p><u>Traffic and parking impacts</u></p> <ul style="list-style-type: none"> • Submitters advise that on hot days with calm water, especially weekends and public holidays the entire boat trailer car park fills up and the surplus boat trailers and tow vehicles park on Marine Parade. A traffic and parking study needs to be prepared with data obtained on hot days with calm water on weekends and public holidays. <p><u>Maintenance of the foreshore, Elwood Canal and Moran Reserve</u></p> <ul style="list-style-type: none"> • Submitters consider the immediate foreshore (at the water's edge) is an eye sore and unsightly as it contains building waste, debris, concrete, wood, bricks, rubbish, plastic pipes. Funds need to be invested in cleaning and improving the water's edge, by removing this debris. Sand should also be added, and create more beaches, with seat benches and look outs, kid playgrounds, picnic areas and bbq areas. <p><u>Lack of consultation</u></p> <p><u>Uncertainty over the future development outcome</u></p> <ul style="list-style-type: none"> • Submitters ask if the council consulted fishing and boating organisation and the users of the Marina for design input. • Submitter considers there is a lack of certainty with respect to the development proposal and the current proposal (plans, new structures, commercial uses) is too ambiguous. More work needs to be done, including 3D models to show the public what the proposals will look like. • Submitter contends that most of the local residents have no idea of the scale of these proposed changes are and most of the residents are not informed. Many of the residents are away on holiday. Other residents are being renovated or under construction and the owners are living elsewhere. Many properties are rented and the owners may have not received the information. • Submitter considers the amendment information is huge in volume and not easy to understand. Requests new letters with 3D visual 	

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		<p>diagrams of the proposed changes be sent to residents and residents given enough time to respond to this.</p> <p><u>Conclusion</u></p> <ul style="list-style-type: none"> • Submitters have also objected through a group objection letter. • Submitters are happy for some development, but addressing the submitters objections, as above. 	
36 - 128	<p>Duplicate submission on behalf of 92 submitters</p> <p>Submitters include properties within the City of Port Phillip, as well as from across Victoria.</p>	<p>Submission in support requesting changes</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <p><u>Approach to heritage</u></p> <p><u>Application of the Development Plan Overlay (DPO)</u></p> <p>Submitter is generally supportive of the proposed planning scheme amendment including:</p> <ul style="list-style-type: none"> • Rezoning of St Kilda Marina from Public Park and Recreation Zone to the Special Use Zone Schedule 4, • Amendment the Heritage Overlay Schedule, and • The introduction and application of the Development Plan Overlay Schedule 2. • Submitter supports the proposed master-planned approach to the redevelopment of the Marina as it will provide greater certainty as to the future use and development of the site. <p><u>Tighter requirement for temporary building or use (DPO2)</u></p> <p>Submitter states:</p> <ul style="list-style-type: none"> • Section 2 specifies that a permit may be granted before a development plan has been prepared for various buildings and works, including: <ul style="list-style-type: none"> ○ A temporary use or temporary building no greater than 500 square metres. 	<p>Response / rationale:</p> <p><u>Rezoning from Public Park and Recreation Zone (PPRZ) to Special Use Zone (SUZ)</u></p> <p><u>Approach to heritage</u></p> <p><u>Application of the Development Plan Overlay (DPO)</u></p> <ul style="list-style-type: none"> • Support noted <p><u>Tighter requirement for temporary building or use (DPO2)</u></p> <ul style="list-style-type: none"> • DPO2 provides for the granting of a planning permit prior to the approval of a Development Plan for “a temporary use or temporary building no greater than 500 square metres”. DPO2 does not specify a maximum height for temporary buildings. • Council officers consider a maximum height of one storey is a reasonable limitation for temporary buildings given the large size of the Marina site. • Council officers recommended that Council propose at the independent planning panel that the DPO2 requirement that allows for a permit to be granted for a temporary building no greater than 500 square metres prior to the preparation of a Development Plan be amended to only allow a <u>single storey</u> building. <p><u>Built form impacts</u></p> <p><u>Impact on views</u></p>

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> This control does not specify the height of any proposed buildings and therefore does not provide sufficient certainty. The submitter requests that this controls should be amended to specify the following: <ul style="list-style-type: none"> A temporary use or temporary <u>single storey</u> building no greater than 500 square metres. <p><u>Built Form impacts</u></p> <p><u>Impact on views</u></p> <ul style="list-style-type: none"> Submitter raised concerns that some aspects of the Amendment do not accord with the design criteria outlined in the St Kilda Marina Site Brief and sections of the Port Phillip Municipal Strategic Statement. Submitter raised concerns regarding the future height, scale and layout of development in Built Form Envelopes 1, 2 and 3. Submitter considers that the proposed three-storey building heights in Envelope 1 and 2, and the four storey building height for Envelope 3 are inappropriate in the context of the Marina and the western foreshore of St Kilda. Submitter states that built form within the Marina currently comprises single-storey buildings in Envelopes 1 and 2 and double-storey boat storage buildings in Envelope 3. The existing low-rise, open character of the Marina is generally reflective of the western side of the foreshore in the surrounding area, which is largely utilised as open space and recreation with limited development. Submitter notes that developments of two and three-storeys exist on the western side of the foreshore are located approximately 800m north of the site in the central commercial area of St Kilda. For these reasons the submitter states that the proposal does not support the following objectives of Clause 22.06 of the Port Phillip Planning Scheme: <i>To achieve high quality urban design and architecture that:</i> <ul style="list-style-type: none"> <i>Responds to the context of places within the municipality</i> <i>Protects and enhances the valued elements of the municipality'</i> 	<ul style="list-style-type: none"> See response to Key Issue 11 (built form impacts) and Key Issue 12 (impact on views) in Part 2 of this document. In addition, given the amount of development allowed on the site and the maximum site coverage (outlined in the response to Key Issue 11), and the required views to be retained (outlined in the response to Key Issue 12), further requirements regarding minimum spacing between buildings (in built form envelope 1 and 2), or the % of frontage to Moran Reserve is not considered to be warranted for the site. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> See recommended change in Section 2 Issue 11 (Built form impacts). Council officers recommend that Council propose the following changes to Amendment C171port at the independent planning panel: <ul style="list-style-type: none"> The ability to grant a planning permit for a temporary building no greater than 500 square metres prior to the preparation of a Development Plan (in DPO2) should be amended to only allow a <u>single storey</u> building.

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		<ul style="list-style-type: none"> • Submitter states that the scale of the existing buildings does not impose or detract from the coastal character of the area, and does not interrupt highly valued view lines to Port Phillip Bay from both the public and private realm. The existing building heights are appropriate in the context of the Marina and should be retained as part of the amendment. • Submitter states that the requirements in Table 1, and the Concept Plan, are ambiguous in relation to the spacing and setbacks between any proposed future buildings. Without adequate separation between buildings there is the potential to significantly impact views to the bay and create visual bulk. The requirement specifies that built form Envelope 1 is: <i>'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.'</i> • Submitter states that Table 1 provides no further requirements regarding site coverage, building layout and breaks between buildings within Envelopes 2 or 3. • Submitter states that this control provides little certainty that sightlines from the public and private realm will be maintained, or that new development will be reflective of the existing building layout within the Marina that allows for views and visual breaks from both the east side of Marine Parade through to Port Phillip Bay and within the Marina complex. • Submitter states that for these reasons, the proposal does not support 22.06 of the Port Phillip Planning Scheme, which specifies that it is policy to: <i>Encourage new development to maintain and enhance important vistas including, but not limited to:</i> <ul style="list-style-type: none"> ○ <i>Along the beach front roads and boulevard, towards the foreshore and Port Phillip Bay in both directions'.</i> • Submitter states that the Specific Requirements, Development Outcomes and Concept Plan must provide greater certainty and clarity around the height, scale and layout of future buildings and structures within the Marina. This is required to ensure that new developments 	

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		<p>support existing local policies and respect the existing amenity of the area.</p> <ul style="list-style-type: none"> • Submitter proposes the following changes to the proposed Built Form Envelopes 1,2 and 3 outlines in Table 1: <ul style="list-style-type: none"> ○ Built Form Envelope 1: <ul style="list-style-type: none"> ▪ Maximum building height of 6 metres of single storey (inclusive of all roof structures). ▪ Built form to occupy a maximum of 50 per cent of the Marine Parade frontage to allow for sightlines and site permeability. Development must maintain regular breaks between buildings with no less than 9 metres between breaks to ensure existing view lines are maintained. ○ Built Form Envelope 2: <ul style="list-style-type: none"> ▪ Maximum building height of 6 metres or single storey (inclusive of all roof structures). ▪ Built form to occupy a maximum of 50 per cent of the Moran Reserve interface to allow for sightlines and site permeability. Development must maintain regular breaks between buildings with no less than 9 metres between breaks to ensure existing view lines are maintained. ○ Built Form Envelope 3: <ul style="list-style-type: none"> ▪ Maximum building height of 12 metres or three-storeys (inclusive of all roof structures). ▪ New development must maintain the existing building layout that includes a break between the north and south dry boat storage sheds to ensure existing view lines and site permeability is maintained (we submit this should be illustrated on the Concept Map through two separate building envelopes – 3A and 3B). ○ Development outcomes: 	

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		<ul style="list-style-type: none"> ▪ Ensure any new building footprint is smaller than the allowable envelope. <p><u>Conclusion:</u></p> <ul style="list-style-type: none"> • The submitter offers only conditional support of the amendment pending the above-mentioned recommendations. These recommendations address key issues identifies within the proposed DPO2, which generally relate to building height, scale and layout. The submitter states that these recommendations will assist in addressing inconsistencies with the MSS, and promote better planning outcomes for residents and visitors. 	
129	Melbourne Water	<p>Submission with comments</p> <p><u>Flooding information</u></p> <ul style="list-style-type: none"> • Melbourne Water has reviewed the proposed planning scheme amendment and has offered the following information and advice: <ul style="list-style-type: none"> ○ Land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from Melbourne Water’s underground drainage system for a storm event with a 1 % chance of occurrence in any one-year. The estimated flood level for the property is 1.6 metres to Australian Height Datum (AHD). ○ This property will also be affected by any incremental mean sea level rise associated with climate change predictions above the current Port Phillip Bay level of 1.6 metres. The flood level for Port Phillip Bay in 2040, rises 200mm to a level of 1.80 metres (AHD), with a further increase of 600mm by 2100, to 2.4 metres AHD. ○ Any application for buildings and works within the Land Subject to Inundation Overlay will be referred to Melbourne Water pursuant to Section 55 of the Planning and Environment 	<p>Response / rationale:</p> <p><u>Flooding information</u></p> <ul style="list-style-type: none"> • Advice on flooding information is noted and is consistent with the requirements of DPO2 and the Site Brief. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • No change to Amendment C171port.

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		Act 1987 and will be assessed against the DELWP Guidelines for Development in Flood Affected Areas.	
130*	Nearby resident (two): Ruskin Street, Elwood	<p>Objecting submission requesting changes</p> <p><u>Built form impacts</u> <u>Removal of Service Station</u> <u>Impact on views</u></p> <ul style="list-style-type: none"> • Submitters strongly object to the proposed changes on the site currently occupied by the BP service station on Marine Parade. The proposed development would be a travesty and must not be allowed to proceed. • Submitters state that these mooted changes affect not just the residents in the immediately surrounding area but also anyone in the Port Phillip or wider Melbourne area who values the opportunity for people to enjoy the foreshore area as a publicly accessible open space, unencumbered by excessive commercial development. • Submitters state that it is not clear in any of the documentation why Council believes that a service station is an inappropriate use of for a coastal site but that a big commercial development – with buildings up to 12 meters high dominating the foreshore – is a highly desirable asset. For Council to describe this as a ‘revitalisation’ is an insult to the intelligence of ratepayers in the City of Port Phillip and the broader public who currently enjoy this area. ‘Destruction’ – of open space, sight lines and amenity would be a more honest description. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • Submitters state that given the evidence of unused residential space in the Fitzroy and Acland street areas and the long-running inaction around the “Triangle” site the case for adding yet more high cost commercial and retail floor area on public coastal land is completely unclear. 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 11 in Part 2 of this document. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> • See response to Key Issue 9 in Part 2 of this document. <p><u>Impact on views</u></p> <ul style="list-style-type: none"> • See response to Key Issue 12 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> • See response to Key Issue 17 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 response to Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port.

No.	Relevant property / interest	Summary of written submission	Recommended position / Changes to the Amendment
		<ul style="list-style-type: none"> Foreshore land is a community asset – instead of proposing a commercial overdevelopment of this site, with minimal public consultation, Council should be acting in ways that show that the values states in Council plans – meaningful community consultation, protection of the natural environment, fostering local connections, social development and safety – are lived values rather than empty words. <p><u>Environmental impacts</u></p> <ul style="list-style-type: none"> Submitters state that Council has an opportunity here to ensure that coastal land can now be used in ways that help to conserve our environment with the creation of a green space that everyone is able to enjoy. Council states that its role is to protect and enhance the liveability and well-being of current and future communities. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> Submitters state that it is unclear what the status of this development is in the planning approval process and seek assurance that no commitment has yet been given to this egregious project. Submitters state that it would be a shocking outcome if this redevelopment is pushed through with minimal consultation and without the broader community truly understanding what the Council’s proposed “revitalisation” really entails and having a genuine opportunity to express their views. 	
131*	Nearby resident: St Kilda	<p>Objecting submission requesting changes</p> <p><u>Built form impacts</u></p> <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> Submitter states strong objection to the proposed changes to the site which is now the BP petrol service station on Marine Parade, St Kilda. Submitter states that is not clear in any of the documentation why Council believes that a service station is an inappropriate use for a coastal site but that a big commercial development- with buildings up 	<p>Response / rationale:</p> <p><u>Built form impacts</u></p> <ul style="list-style-type: none"> See response to Key Issue 11 in Part 2 of this document. <p><u>Removal of Service Station</u></p> <ul style="list-style-type: none"> See response to Key Issue 9 in Part 2 of this document. <p><u>Public access and open space</u></p>

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		<p>to 12 meters high dominating the foreshore – is a highly desirable asset.</p> <ul style="list-style-type: none"> • Submitter states that for Council to describe this as a revitalisation is a prime example of the way in which the language of the planning and consultation process is used to obfuscate rather than clarify what is intended. <p><u>Public access and open space</u></p> <ul style="list-style-type: none"> • Submitter states that these proposed changes affect not just the residents in the immediate surrounding area but also anyone in the Port Phillip or wider Melbourne area who values the opportunity for people to enjoy the foreshore area as a publicly accessible open space unencumbered by excessive commercial development. • Submitter states that Council has an opportunity here to ensure that Coastal land can now be used in ways that help to conserve the environment with the creation of a green space that everyone is able to enjoy. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • Submitter states that anyone who walks around Fitzroy Street or Acland Street can see evidence of unused residential space in what was once a thriving and interesting community. • Submitter raises issues regarding the debacle over decades around the ‘Triangle’ site – an iconic piece of foreshore real estate used as a car park. Submitter states that perhaps this site should be sorted first, and the case for adding yet more high cost commercial and retail floor area by rezoning public coastal land is completely unclear. • Submitter states that Council states that its role is to protect and enhance the liveability and well-being of current and future communities. Foreshore land is a community asset – instead of proposing a commercial development of this site with minimal public consultation, Council should be acting in ways that show that the values states in Council plans – meaningful community consultation, 	<ul style="list-style-type: none"> • See response to Key Issue 16 in Part 2 of this document. <p><u>Increase in allowable commercial and retail floor space</u></p> <ul style="list-style-type: none"> • See response to Key Issue 10 in Part 2 of this document. <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • See response to Key Issue 7 in Part 2 of this document. <p>Recommended position / changes:</p> <ul style="list-style-type: none"> • See recommended change in Section 2 response to Issue 11 (Built form impacts). • No further change is recommended to Amendment C171port

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		<p>protection of the natural environment, fostering local connections, social development and safety – are lived values rather than empty words.</p> <p><u>Lack of consultation</u></p> <ul style="list-style-type: none"> • Submitter states that it would be a shocking outcome if this redevelopment is pushed through with minimal consultation and without the broader community truly understanding what the Council’s proposed ‘revitalisation’ really entails. 	

** Late submission received after the Exhibition period for Amendment C171port.*