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SPECIAL

Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME
Notice of Approval of Amendment
Amendment L20

The Minister for Planning and Local Government has approved Amendment L20 to the Port Phillip Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land at 181-189 Barkly Street, St Kilda known as Acland Court, from a Restricted Business zone to a Comprehensive Development zone; and, removes the subject land from existing Development Control Area 4G in order to facilitate the use and development of the land without the need for a permit.

A copy of the amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the South Melbourne Town Hall offices of the Port Phillip City Council, 202 Bank Street, South Melbourne.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

- 1 OCT 1997

MAYOR'S OFFICE

Schedule Three**Comprehensive Development Zone****Planning Scheme Map****Marked CDZ-3****Comprehensive Development Plan****Acland Courtyard**

The Comprehensive Development Plan comprises the following drawings:

SK-14E	Ground Floor Plan / Basement Plan
SK-15E	First Floor Plan / Second Floor Plan
SK-16E	Third Floor Plan / Fourth Floor Plan
SK-17E	Fifth Floor Plan / Typical Unit Layouts
SK-18E	Sections
SK-19E	Elevations
SK-20B	Perspective View
SK-21C	North Elevation
SK-22A	Cross Section Thru Acland Courtyard Building
SK-23	Comprehensive Development Zone - Building Envelope Plan

prepared by Synman Justin Bialek and dated 18 September 1996.

Land

181-189 Barkley Street - St Kilda

Purpose

- To encourage a range of residential, retail and commercial uses which are complimentary to the mixed use role and function of the Acland Street activity and Tourist Centre.
- To ensure the replacement of existing car parking and the provision of additional car parking for new development.
- To create and enhance pedestrian linkages between Acland Street and Barkly Street and other adjoining sites.
- To encourage active "people orientated" uses on ground floor at street frontages.
- To encourage a high standard of urban design and architecture having regard to the siting, appearance and character of buildings in the surrounding area.
- To maintain and enhance the historic Acland Market building.
- To ensure a high level of amenity is provided for dwellings within new development.

1.0 Table of uses

Section 1 - Permit not required

<u>Use</u>	<u>Condition</u>
Bank	
Car Park	
Dwelling	
Office)	Must not be at ground floor level
Shop	
Store)	Must be in conjunction with a shop
Cafe)	The maximum number of cafe and restaurant seats must not exceed 200.
Restaurant)	
Kerbside Seating)	The maximum number of seats must not exceed 12. The hours of operation are limited to 7.00am to 10.00pm and a Local Laws Permit must be obtained.

Section 2 - Permit required

<u>Use</u>	<u>Condition</u>
Amusement parlour	
Place of assembly	

Any use in Section 1 where the condition is not met

Any use not in Section 1 or 3

Section 3 - Prohibited

<u>Use</u>	<u>Condition</u>
Adult sex bookshop	
Boat sales or hire	
Brothel	
Car sales	
Caravan park	
Dangerous industry	
Extractive industry	
Fuel depot	
General hospital	
Liquid fuel depot	
Manufacturing sales	
Mechanical car wash	
Motor vehicle repairs	
Motor vehicle sales or hire	
Occupational store	
Offensive industry	
Panel beating	
Petrol station	
Warehouse	

2.0 Buildings and works

Permit requirement

No permit is required for buildings and works providing plans are approved by the responsible authority which are generally in accordance with the Comprehensive Development Plan.

In addition to the Comprehensive Development Plan, further information must be submitted to and approved by the responsible authority prior to the commencement of any buildings and works. This information must show or describe:

- the location and layout of rubbish bin storage and trade waste facilities;
- a schedule of external materials, finishes and colours;
- the location of bicycle parking;
- the location of all plant and equipment including ducts and flues;
- access to the building and circulation for ease of use by disabled persons;
- a staging plan and / or schedule with dates for completion of each stage if the development is to be constructed in stages.

Exemption

An application is exempt from the notice requirements of Section 52(1), (a), (b) and (d), the decision requirements of Sections 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act if it is generally in accordance with the comprehensive development plan.

3.0 Subdivision

Permit requirement

A permit is required to subdivide land.

Application requirements

An application must be referred to a referral authority listed in Clause 102.

Exemption

An application to subdivide an existing building and any associated works is exempt from the notice requirements of Section 52(1), (a), (b) and (d), the decision requirements of Sections 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act if it is generally in accordance with the comprehensive development plan.

4.0 Agreements

Before any development, buildings, works or uses are commenced, the owner and / or applicant is required to enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987. Such agreement is to provide for the following matters to the satisfaction of the responsible authority:

- A two way right-of-way at the northern boundary of the site incorporating a widening of the existing right-of-way to a minimum width of 6 metres and rebuilding of the existing right-of-way (including drainage and subgrade) in part bluestone pavers and part bitumen.
- Lighting fixtures and connections (excluding electricity supply) to the right-of-way and all other frontages to the development. These fixtures and connections are to be of a type and standard which will enhance pedestrian safety around the development.
- Provision for resurfacing of the footpath adjacent to the Barkly Street frontage of the site.
- Simultaneous development 181 and 183-189 Barkly Street to ensure that the overall management of the vehicular and pedestrian access and circulation is substantially enhanced.

The owner and / or applicant is required to bear all costs associated with preparation of this agreement and those costs associated with developing, implementing, obtaining any statutory approvals and completing the said works to the satisfaction of the responsible authority.

5.0 External lighting

All lighting used to externally illuminate buildings, works and uses shall be to the satisfaction of the responsible authority and shall be fitted with cut-off luminaires (baffles) where appropriate so as to prevent the emission of direct and indirect light onto adjoining properties.

6.0 Control of noise

Noise emanating from the subject land shall be restricted to the levels specified in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade No. N-1) and (control of Music Noise from Public Premises) No. N-2 or any other guidelines or policy prepared by the Environment Protection Authority, or any other relevant authority, relating to this site that may from time to time apply to uses allowed in the zone.

7.0 Car parking

The car park described in the comprehensive development plan shall be formed, constructed, laid out, linemarked and ventilated to the satisfaction of the responsible authority.

8.0 Storage of goods

No goods under the controls of the operator or any use or development allowed under this schedule shall be stored or left exposed outside the building so as to be visible from any public road and no odour shall be emitted from any receptacle so as to cause offence to persons off the site.

9.0 Plant and equipment

Plant and associated equipment and plumbing (excluding downpipes) must be concealed within the building envelope to the satisfaction of the Responsible Authority.

10.0 Hours of operation of loading bay

The loading bay may be used 24 hours a day, seven days a week for a period of 12 months from the commencement of the use. At the expiry of that period, the loading bay may continue to be used 24 hours a day, seven days a week unless the responsible authority notifies the owner in writing that the use of the loading bay is adversely affecting the reasonable amenity expectations of nearby residents. In these circumstances, the responsible authority may limit the hours of operation to not less than 6.00am to 12 midnight Monday to Saturday and 8.00am to 12 noon Sunday to the satisfaction of the responsible authority.

11.0 Time limits

The use and development allowed in this schedule shall commence within two years of the planning controls being gazetted and shall be completed within three years of that date unless alternative dates have been agreed to by the responsible authority.

12.0 Advertising signs

Advertising controls are in Category 9 of the Table at Clause 18.

Note: Check whether an overlay also applies to the land. Other requirements may also apply. These can be found at Particular Provisions. Some requirements (such as car parking) apply to all zones. Others apply only to specific uses or developments.

Table 1 (to Clause 156)

Development Control Areas	Maximum Height	Front Boundary Setback	Rear Boundary Setback	Side Boundary Setback
Column 1	Column 2	Column 3	Column 4	Column 5
4E	<p>For buildings and works without pitched roof forms, or having a roof pitch of less than 20 degrees - 7 metres.</p> <p>For buildings and works having a roof pitch of more than 20 degrees - 10 metres.</p> <p>For existing buildings, alterations and additions or extensions shall not exceed the highest point of the existing building.</p>	3 metres	To be calculated by drawing a line at an angle of 64 degrees from the natural surface level from any point on the rear boundary of the site.	To be calculated by drawing a line at an angle of 64 degrees from the natural surface level from any point on the side boundary of the site.
4G	12 metres	Refer to Clause 156-8.	Refer to Clause 156-8.	Refer to Clause 156-8.

Table 2 (to Clause 156)

Site Of Conservation InterestDescription Of Item Of Conservation
Significance

ACLAND STREET

7-13 Acland Street

Residences

25 Acland Street

Flats

35 Acland Street

Residence

39 Acland Street

Flats

41 Acland Street

Residence

53 Acland Street

Residence

83-87 Acland Street

Three shops (1936)

91-93 Acland Street

Acland Court (1935)

14A Acland Street

Flats

14 Acland Street

Church Square - Christ Church Anglican
Church - Residence, Parish Hall and old
Vicarage

16 Acland Street

Acland House

26 Acland Street

Linden

88 Acland Street

St. Kilda Army & Navy Club Building (1923-
4)

94-96 Acland Street

Shops (1928)

ALFRED SQUARE

1 Alfred Square

Residence

2 Alfred Square

Residence

- Alfred Square

War Memorial

BARKLY STREET

188 Barkly Street

Bluestone former school (1866-67)

190 Barkly Street

Brick former school residence with 188 Barkly
Street (1865-66)

202 Barkly Street

Village Belle Hotel (189)

BEACONSFIELD PARADE

315 Beaconsfield Parade

Residence

317 Beaconsfield Parade

Residence

319-20 Beaconsfield Parade

Flats

324 Beaconsfield Parade

Residence

326 Beaconsfield Parade

The Astor flats

327-28 Beaconsfield Parade

Residences

335 Beaconsfield Parade

Residence

341 Beaconsfield Parade

Beaconsfield Hotel

342 Beaconsfield Parade

Seaside Lodge

348 Beaconsfield Parade

Residence

354 Beaconsfield Parade

Residence

INCORPORATED DOCUMENTS

The following documents are incorporated into this scheme under section 6(2)(j) of the Act:

<u>DOCUMENT</u>	<u>CLAUSE</u>
State Section	
Victorian Code for Residential Development, April 1992	3-3
Regional Section	
Retail Development Guidelines, October 1989	14-5
Office Development Guidelines, October 1989	14-6
State Environment Protection Policy (Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area) gazetted 26 March 1981	
State Environment Protection Policy (The Air Environment) gazetted 13 July 1981 and amended 17 February 1982, 16 June 1982, 24 November 1982, 28 September 1983 and 6 June 1988	
State Environment Protection Policy (The Waters of Port Phillip Bay) gazetted 10 April 1975	14-11
State Environment Protection Policy (Waters of the Yarra River and Tributaries) gazetted 30 April 1984	
State Environment Protection Policy (Waters of the Dandenong Valley) gazetted 24 February 1988	
State Environment Protection Policy (The Waters of Western Port Bay and Catchment) gazetted 9 February 1979	
State Environment Protection Policy (Waters of Victoria) gazetted 26 February 1988	
Melbourne City Link Project - Advertising Locations, Ref No 6V.024, dated 20/10/95	26-2
Local Section	
South Melbourne Mixed Use Zone No 2 Guidelines for Development (1992)	112
Consent Notice No. 1 General Industrial Zone 50 Salmon Street, Port Melbourne	113-4A
South Port Technology Precinct Guidelines for Use and Development adopted by the City of South Melbourne on 11 November, 1991	120
Consent Notice No. 1 - Residential C (Port Melbourne/ St. Kilda) Zone (R1A) 12 Acland Street, St. Kilda	125-5D
Amended by L38 to the Port Phillip Planning Scheme	
Consent Notice No. 1 (L15 to the Port Melbourne Planning Scheme) Residential C (Port Melbourne/ St. Kilda) Zone (R1A) 65 Beach Street, Port Melbourne	125-5I
Janil Waterfront Apartments Concept Plans (L15 to the Port Melbourne Planning Scheme)	125-5I

Local Section

Plan prepared by Whiteway Neon Signs, drawing No. 41001/2862A, dated 16 May, 1993	127-3A
Consent Notice, Specified Area No 1, Sea Baths Site Amended by L12 (11/3/92), L18 (1/7/92), L30 (20/1/94) and L34 (22/12/94) to the St. Kilda Planning Scheme	135-2
Consent Notice, Specified Area No 2, Luna Park	135-2
Plan named Bayside Port Melbourne - plan showing areas subject to an environmental audit, Drawing Number 1255Z4, dated 3 November 1994	137-3
Bayside Concept Plan No 1	137-4
Bayside Precinct Plan No. 1	137-4
Bayside Residential Component Guidelines No. 1 (June 1996)	137-6
City of South Melbourne Eating House Policy	152, 153
City of South Melbourne Outdoor Eating Facilities Code	153
360-370 St. Kilda Road South Melbourne, October 1995	144-7
Consent Notice No 1, Residential C (South Melbourne) Zone, 264 Kingsway, South Melbourne	126-5C
Consent Notice No. 1, Restricted Light Industrial Zone, 3 Blanche St., St Kilda	117-7
Becton, Port Melbourne Incorporated Plan dated 22 October 1996 "East End Village Development" drawing numbers 9430PPM20A, 9430PPM21A, 9430PPM22, 9430SK23B, 9430SK24B, 9430SK25C, 9430SK26C, 9430SK27C, 9430SK28 and 2357-1 dated 19 August 1996.	156-12B
Incorporated Document (Amendment L42 to the Port Phillip Planning Scheme) 492 St Kilda Road, January 1997	144-5F & 124-3B
492 St Kilda Road Concept Plans (Amendment L42 to the Port Phillip Planning Scheme)	144-5F & 124-3B
Acland Courtyard Comprehensive Development Plan	137A