

PORT PHILLIP PLANNING SCHEME

AMENDMENT C189PORT

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to 12 Hotham Grove, Ripponlea, shown in **red** in Figure 1 below.



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

What the amendment does

The amendment applies interim Heritage Overlay 418 (HO418) to 12 Hotham Grove, Ripponlea for a 12 months period (expires **TBC – pending approval date**), by:

- Amending Port Phillip Planning Scheme Map 9HO to apply HO418 to 12 Hotham Grove, Ripponlea.
- Amending the Schedule to Clause 43.01 – Heritage Overlay to include interim HO418 and list the Statement of Significance.
- Amending the Schedule to Clause 72.04 (Documents incorporated in this scheme) to list the Statement of Significance for HO418.
- Amending the incorporated *Port Phillip Heritage Review Volumes 1-6* to replace Citation 2331 with a new Citation 2331 and update the version and date of the document.
- Amending the incorporated *City of Port Phillip Heritage Policy Map* to apply a 'Significant Heritage Place' grading to 12 Hotham Grove, Ripponlea.

- Amending the *City of Port Phillip Neighbourhood Character Map* to remove the 'Contributory outside of the HO' grading for 12 Hotham Grove, Ripponlea as the property will be included in the heritage overlay.
- Making consequential changes to Clause 21.07 – Incorporated Documents, Clause 22.04 – Heritage Policy and the Schedule to Clause 72.04 – Incorporated Documents to reflect the revised version number and date of the *Port Phillip Heritage Review*, the *City of Port Phillip Heritage Policy Map* and the *City of Port Phillip Neighbourhood Character Map*.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C189port will provide interim heritage protection for the building at 12 Hotham Grove, Ripponlea, whilst Council pursues permanent heritage controls through a separate amendment process to commence in September 2022 (proposed Amendment C206port).

The building has been assessed in *Review of Heritage Precinct HO7: Elwood, St Kilda, Balacava and Ripponlea – Stage 2 Report* (RBA Architects and Conservation Consultants) and found to be of local historical and representative significance to Port Phillip. The report recommends 12 Hotham Grove, Ripponlea for inclusion in the heritage overlay with a 'Significant' grading. It is proposed to be included as part of a serial listing with 2 Hotham Grove, Ripponlea (already in HO418) as two surviving late Victorian timber houses in an isolated pocket of Ripponlea.

The citation (Citation 2331) and Statement of Significance provide that

The houses are historically significant for their association with an early phase of development in Ripponlea. They are of representative significance as largely intact examples of modest late Victorian timber housing in Ripponlea.

A building permit for demolition of 12 Hotham Grove, Ripponlea was received pursuant to Section 29A of the *Building Act 1993* on 12 July 2022. There is currently no Heritage Overlay applied to the site, and accordingly no planning permit is required for demolition. Council is seeking interim heritage protection to respond to the immediate risk of the demolition of this important heritage building and to enable heritage matters to be considered in any future planning application for this site while permanent heritage controls are being progressed.

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

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

- 4(1)(d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(f) - to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- 4(1)(g) - to balance the present and future interests of all Victorians.

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

The amendment will have a positive environmental impact by protecting a place of historic significance and allowing the reuse and recycling of existing building stock. The amendment will have a positive social effect through the preservation of a historically and culturally significant place for the benefit of current and future generations. The amendment is not expected to have any significant economic impact.

Does the amendment address relevant bushfire risk?

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

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

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* pursuant to Section 12 of the Planning and Environment Act 1987 - that requires planning authorities to have regard to the Metropolitan Strategy (*Plan Melbourne 2017-2050*).

Direction 4.4 of *Plan Melbourne 2017-2050* seeks to “respect our heritage as we build for the future”. The amendment is consistent with this policy direction as it proposes to make changes to ensure the Planning Scheme continues to guide appropriate development in the municipality, and that the built heritage of the municipality is maintained.

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

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

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

Clause 15.03-1 Heritage Conservation:

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

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

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

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

Encourage appropriate development that respects places with identified heritage values.

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

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

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

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

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

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

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

In accordance with Clause 21.05-1 of the Municipal Strategic Statement, the vision is to conserve and enhance the architectural and cultural heritage of Port Phillip with policy seeking to:

- Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes.
- Support the restoration and renovation of heritage buildings and discourage their demolition.
- Encourage high quality design that positively contributes to identified heritage values.
- Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.
- Encourage urban consolidation only where it can be achieved without affecting heritage significance.

To achieve this vision, Clause 22.04 – Heritage Policy (Local Planning Policies) outlines the objectives that are relevant to the conservation and protection of heritage places, as follows:

- To retain and conserve all significant and contributory heritage places.
- To discourage the demolition of significant and contributory heritage places.

- To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.
- To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.
- To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.
- To encourage development, in particular use of materials, that responds to the historic character of laneways and to minimise elements that adversely impact on that character.
- To ensure that reconstruction and repair of significant heritage bluestone kerb and channelling, bluestone laneways and significant concrete kerb and channel is carried out in a way that reflects as closely as possible the original appearance.

How does the amendment support or implement the Municipal Planning Strategy?

Not applicable.

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

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

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

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

The amendment does not affect any agency.

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

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

Resource and administrative costs

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

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

Where you may inspect this amendment

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

The amendment may also be viewed online at the City Port Phillip website: <http://www.portphillip.vic.gov.au/planning-scheme-amendments.htm>

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Ripponlea	12 Hotham Grove, Ripponlea	Port Phillip C189port 001hoMap09