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**PLANNING SCHEME AMENDMENT C143:
HERITAGE CONTROLS FOR 19 SALMON
STREET AND 299 WILLIAMSTOWN ROAD,
PORT MELBOURNE - CONSIDERATION OF
LATE SUBMISSION**

WARD:

GATEWAY

GENERAL MANAGER:

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TRIM FILE NO:

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ATTACHMENTS:

1. Location Map

PURPOSE

- To consider a late submission received to Amendment C143 to the Port Phillip Planning Scheme, made in relation to the land known as 299 Williamstown Road, Port Melbourne.
- To formulate a response in relation to the late submission requesting removal of the subject land from the proposed Heritage Overlay, as the basis for Council's position at the upcoming Panel hearing.

1. RECOMMENDATION

That Council:

- 1.1 Considers the late submission made to Amendment C143 in relation to the land known as 299 Williamstown Road, Port Melbourne
- 1.2 Endorses the following changes to Amendment C143, as the basis for Council's position to the Panel in response to the issues raised in the late submission:
 - Remove 299 Williamstown Road Port Melbourne from the Amendment.
 - Amend the Heritage Overlay Map and Schedule to the Heritage Overlay in relation to proposed HO472, to only include land at 19 Salmon Street, Port Melbourne.
 - Amend proposed Citation 2366, forming part of the Incorporated Document *Port Phillip Heritage Review*, to exclude the reference to 299 Williamstown Road.
- 1.3 Writes to all submitters and Planning Panels Victoria to inform them of Council's



decision.

2. BACKGROUND

Amendment C143 – 19 Salmon Street and 299 Williamstown Road, Port Melbourne

- 2.1. Amendment C143 proposes to apply permanent heritage controls to 19 Salmon Street and 299 Williamstown Road, Port Melbourne (former Rootes/Chrysler factory complex). The amendment addresses two sites which were part of a previous amendment (Am C117) which sought to update the heritage controls for various sites in Fishermans Bend.
- 2.2. Specifically, Amendment C143 seeks to make the following changes to the Port Phillip Planning Scheme:
 - Apply an individual Heritage Overlay (HO472) to (Lot S2 and Lot S3 on PS728869) 19 Salmon Street and 299 Williamstown Road, Port Melbourne, including updating the Planning Scheme Maps and the Schedule to the Heritage Overlay.
 - Include a new Citation (Citation 2366) in the *Port Phillip Heritage Review* (Incorporated Document in the Planning Scheme).
 - Apply a 'significant heritage place' grading on the Heritage Policy Map.
- 2.3. Interim heritage controls currently apply to the sites affected by Amendment C143. The controls, originally applied in January 2016 for 12 months, were extended until January 2018 through a Ministerial Amendment (via Section 20(4) of the *Planning and Environment Act 1987*) in January 2017.

Amendment C143 - Exhibition process and consideration of submissions

- 2.4. At the Ordinary Council Meeting on 13 December 2016, Council resolved to request exhibition of the amendment and reduce the extent of notice required under the Act.
- 2.5. Amendment C143 was placed on public exhibition for one month commencing in February 2017.
- 2.6. Pursuant to section 20(2) of the *Planning and Environment Act 1987*, Council was granted an exemption to reduce the extent of notice required for the exhibition of the Amendment to owners and occupiers affected by the amendment, Prescribed Ministers and other parties who submitted to Amendment C117. Details of exhibition were outlined in the 19 April 2017 Ordinary Council meeting report.
- 2.7. One (1) submission objecting to the amendment was received during the exhibition period.
- 2.8. At its Ordinary Meeting of 19 April 2017, Council considered this submission and resolved to request that the Minister for Planning appoint an independent Planning Panel to consider the amendment and submission (and any late submissions subsequently received).
- 2.9. A one person panel was appointed. The Directions Hearing was held on 25 May 2017, with the Panel Hearing scheduled to commence the week beginning 19 June 2017. Following the Directions Hearing, the Panel deferred the hearing to 9 August 2017 to provide parties further opportunity to prepare and secure legal representation and expert evidence.



3. KEY INFORMATION

Overview of late submission received to Amendment C143

- 3.1 A late submission was received on 24 May 2017, after the exhibition period and Council’s formal consideration of submissions. That submission was referred directly to the appointed Panel in accordance with Council’s resolution of 19 April 2017.
- 3.2 The submission, made on behalf of the property owner of 299 Williamstown Road, Port Melbourne, objected to the inclusion of the subject property within the proposed Heritage Overlay.
- 3.3 The key issues raised in the submission are:
- The property does not demonstrate cultural heritage significance.
 - There are no buildings or elements of buildings of primary significance on the property.
 - The property is a common style industrial building that has been substantially modified.
 - Amendment C143 is inconsistent with the property’s inclusion in the Fisherman’s Bend Urban Renewal Area and that area’s identification for urban growth in *Plan Melbourne*.
 - Council has not met the requirements of Section 19(1) of the *Planning and Environment Act 1987* (“the Act”), as the landowner did not receive notification of Amendment.
- 3.4 Both submitters have been advised of Council’s consideration of this report and invited to be heard at the Planning Forum (held on the same day as Council’s consideration of this report).

Consideration of the issues raised in the late submission

- 3.5 In preparing for Panel, Council officers have recently sought further independent heritage advice on the issues raised in submissions.
- 3.6 This further expert heritage advice does not support the application of a Heritage Overlay to the land at 299 Williamstown Road, Port Melbourne, on the basis of the extent of alterations



to the subject buildings which have affected their significance. As a result, Council's current position to apply a Heritage Overlay is difficult to maintain in a submission to the Panel.

- 3.7 In response to this new evidence, the following changes are recommended to Amendment C143:
- Remove 299 Williamstown Road, Port Melbourne from the Amendment.
 - Amend the Heritage Overlay Map and Schedule to the Heritage Overlay in relation to proposed HO472, to include land at 19 Salmon Street, Port Melbourne only.
 - Amend proposed Citation 2366, forming part of the Incorporated Document *Port Phillip Heritage Review*, to exclude the reference to 299 Williamstown Road.
- 3.8 If endorsed, this recommendation would form the basis of Council's position at a Panel hearing in relation to 299 Williamstown Road, Port Melbourne.
- 3.9 A map showing the properties affected by Amendment C143, and the site at 299 Williamstown Road proposed to be removed from the amendment, is provided at [Attachment 1](#).
- 3.10 The late submission also raised the matter of incorrect notification to the subject property owner. It is highlighted that direct notification was given in accordance with the registered contact details on Council's rates data base.

Options:

- 3.11 The following options are available to Council in relation to the proposed heritage protection of 299 Williamstown Road, part of the former Rootes/Chrysler factory:
- Option 1: Advise the Panel that Council proposes the removal 299 Williamstown Road from the proposed Heritage Overlay (HO472) and Amendment C143.
 - Option 2: Retain 299 Williamstown Road in the proposed Heritage Overlay and advise the Panel that Council does not support changes to the amendment in response to the late submission.

Council does not have the option to adopt the amendment at this stage, given that an objecting submission remains.

- 3.12 Option 1 would enable the amendment process to continue and progress application of a permanent Heritage Overlay to 19 Salmon Street, Port Melbourne only. The Panel process provides for an independent review of submissions and supporting expert evidence, offering a transparent process to enable stakeholder interests to be fully considered. The Panel will provide its report and recommendations to Council, prior to it making a final decision whether to adopt the amendment.
- 3.13 Option 2 would not address the new evidence raised as a result of the consideration of the late submission and is not recommended.

FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY



- 4.1 Implementation of heritage controls through Amendment C143 supports delivery of the Council Plan 2017-27, in particular: Direction 4: *We are growing and keeping our character* and Outcome 4.2: *A City of diverse and distinctive neighbourhoods and places, through 'protecting heritage places that represent our historic, social, cultural and architectural identity'.*

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Amendment C143 has undergone public exhibition in accordance with the requirements of the *Planning and Environment Act 1987*. This includes direct notification to the owners and occupiers of properties that may be affected by the amendment, submitters on Amendment C117 and Prescribed Ministers.
- 5.2 An independent Planning Panel process will provide further opportunities for submitters to be heard on the amendment.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Amendment C143 has been exhibited and processed in accordance with the requirements of the *Planning and Environment Act 1987*.
- 6.2 Submitters will be provided the opportunity to present to an independent Planning Panel who will then make a recommendation to Council in relation to the amendment. This provides for a fair and transparent process.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- The Amendment overall would have a positive environmental impact by protecting a place of historic significance and facilitating the reuse and recycling of existing building stock (noting this would no longer be applicable to the subject property).

7.2 SOCIAL & CULTURAL IMPLICATIONS

- The Amendment overall will have a positive social effect through the preservation of a historically significant place, for the benefit of current and future generations.

7.3 ECONOMIC IMPLICATIONS

- The change to the amendment is not expected to have any significant economic impact, noting that it proposes to remove a proposed planning permit trigger and heritage controls in respect to the subject property.
- Planning Panels have established the principal that social and economic effects relevant at the amendment stage are those of a broad community nature rather than those of a personal kind (Panel Report - Amendment C207 to the Melbourne Planning Scheme).

7.4 FINANCIAL IMPLICATIONS



- Council has incurred direct costs associated with notification during the public exhibition of Amendment C143. Further costs in processing this amendment, Panel hearing costs and the payment of statutory fees (for Ministerial approval), will be covered within the annual budget allocation for planning scheme amendments.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- The Panel Hearing is scheduled for 9 and 10 August 2017. The Panel has 20 business days to complete its report.
- Following the receipt of the Panel Report, Council will consider the Panel's recommendations and determine whether to adopt Amendment C143 (with or without changes).

8.2 COMMUNICATION

- All submitters will be informed of Council's decision at this meeting, and will continue to be kept informed of the progress of Amendment C143.
- Planning Panels Victoria has invited all submitters to present at the Panel Hearing.
- An update on Amendment C143 will be provided on Council's website.

9. OFFICER DIRECT OR INDIRECT INTEREST

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