



8.8	19 SALMON STREET, PORT MELBOURNE – APPLICATION FOR REVIEW AT VCAT
LOCATION/ADDRESS:	19 SALMON STREET PORT MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	SIMON GUTTERIDGE, PRINCIPAL PLANNER FBURA
TRIM FILE NO.:	PF16/703293
ATTACHMENTS:	1. Statement of Grounds 2. Minister's Notice of Decision to Grant a Permit
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	Request of Council
APPLICATION NO:	DELWP Ref: 2015/34819; Council Ref: 0010/2015/MINRA
APPLICANT:	Prime Port Melbourne P/L C/- Urbis P/L
EXISTING USE:	Warehousing, car repairs, car sales, wine sales etc.
ABUTTING USES:	Warehouses, Industry, Offices
ZONING:	Capital City Zone (CCZ1)
OVERLAYS:	Heritage Overlay (HO472) (Significant graded) Citation No. 23661; Design and Development Overlay (DDO30), Special Building Overlay (SBO1), Development Contributions Plan Overlay (DCPO2), Parking Overlay (PO1),
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	N/A

PROPOSAL

To advise of the lodgement of an application for review against the Minister for Planning's Notice of Decision to Grant a Permit for a townhouse development at 19 Salmon Street, Port Melbourne.



1. EXECUTIVE SUMMARY

- 1.1 The Minister for Planning has issued a Notice of Decision to Grant a Permit (NOD) for *'Partial demolition of an existing building in a heritage overlay and construction of mixed use buildings for the purpose of dwellings and retail uses, waiver of the loading requirements, alteration of access to a Road Zone-Category 1 and vary the bicycle Facility Requirements prescribed by Clause 52.34 in accordance with the endorsed plans.'*
- 1.2 The NOD sets out draft conditions of approval, including conditions to amend plans and provide further reports to address concerns arising from Council and Department of Environment, Land, Water and Planning (DELWP) assessment of the proposal.
- 1.3 The proposal and NOD do not adequately address the concerns raised by Council in its original objection to the proposal.
- 1.4 Council, as (sole) objector to the application, has a right to seek a review of the Minister's decision by the Planning List of the Victorian Civil and Administrative Tribunal (VCAT).
- 1.5 Council has lodged an application for review with the Tribunal against the Minister's decision to support the proposal. A copy of the Statement of Grounds is attached.

KEY ISSUES

1. Extent of demolition of significant heritage graded buildings;
2. Inconsistency with Fishermans Bend Vision (September 2016) and Fishermans Bend Strategic Framework Plan (as amended September 2016)
3. Underdevelopment of the land.

2. RELEVANT BACKGROUND

- 2.1 The subject site is the land generally bounded by Salmon, Plummer, Smith and the continuation of Tarver Street, occupied by the former Rootes/Chrysler factory, and known as 19 Salmon Street Port Melbourne.
- 2.2 The Minister for Planning is the Responsible Authority for the proposal.
- 2.3 DELWP referred the application to Council for comment.
- 2.4 On 17 May 2016, Council considered an application for 148, two, three and four level townhouses on the land and resolved to inform the Minister that the application was not supported for a number of reasons including the narrow width of internal roads, the extent of demolition of heritage graded buildings, and the under-development of the site.
- 2.5 In response to Council and DELWP concerns, the applicants amended the proposal to reduce the number of dwellings to 135, retain more of the primary significant heritage buildings (by deleting these buildings from the application), widen the internal roads and other detail matters.
- 2.6 Council considered the amended plans on 18 October 2016 and resolved to advise the Minister it still did not support the proposal and to formally object to the application.



- 2.7 As per standard practice, Council also resolved to provide the Department with draft permit conditions should the Minister determine to grant a permit.
- 2.8 Although the application was widely advertised, Council was the sole objector to the proposal.
- 2.9 The applicant subsequently prepared further amended plans (dated 28 October 2016) for the Department to further address Council's and the Department's concerns, however these plans were not provided to Council.
- 2.10 On 1 February 2017, the Minister for Planning determined to issue a Notice of Decision to Grant a Permit (NOD) for the further amended design, subject to conditions. A copy is attached.

3. OFFICER'S ASSESSMENT

- 3.1 As an objector Council needed to lodge an application for review (appeal) of the Minister's decision with the Planning List of the Victorian Civil and Administrative Tribunal (VCAT) by Wednesday, 22 February 2017. If no appeal was lodged by this time, a permit would have issued for the amended proposal with the proposed conditions.
- 3.2 Officers have reviewed the draft conditions and amended plans and note:
 - 3.2.1 The plans referenced in the NOD do not address all of Council's concerns, particularly with regard to heritage, underdevelopment of the site, and consistency with the Fishermans Bend Strategic Framework Plan (FBSFP) (as amended);
 - 3.2.2 The NOD incorporates a number of Council's recommended draft conditions;
 - 3.2.3 The proposal would demolish the majority of the heritage graded buildings on the land including all of the secondary significant buildings facing Plummer Street and Tarver Street and the non-significant 1970s buildings facing Smith Street;
 - 3.2.4 The exclusion of the majority of the primary heritage significant original factory building facing Salmon Street and the Plummer and Tarver Street corners from the amended plans does not provide surety regards the long-term protection and restoration of these buildings;
 - 3.2.5 The proposal is similar in concept to the townhouse development under construction at 220 Ingles Street in the Sandridge Precinct of Fishermans Bend, but would (through the combination of the improved plans and proposed conditions) have a better designed internal road network, more public and private open space, and a greater mix of commercial and residential uses and dwelling types.
- 3.3 Officers further note:
 - 3.3.1 The Heritage Overlay applicable to the subject site is an interim provision, applicable while the heritage significance of the buildings is independently reviewed;



- 3.3.2 The independent panel for Amendment C117 supported the inclusion of all of the subject site and all existing buildings at 19 Salmon Street in the Heritage Overlay;
- 3.3.3 The inclusion of a site / building in the Heritage Overlay does not preclude the full and/or partial demolition and redevelopment of any building(s) on the site;
- 3.3.4 A revised Strategic Framework Plan and other specialist reports for Fishermans Bend are due for release for review and public consultation by the time any appeal would be likely to be heard;
- 3.3.5 Council's lodgement of an application for review does not preclude it negotiating with the applicant and DELWP prior to, at and after any Compulsory Conference, and thereby potentially achieving an improved development outcome and resolving the matter by consent.

4. OFFICER DIRECT OR INDIRECT INTEREST

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

5. CONCLUSION

- 5.1 Council was the sole objector and is the sole applicant for review for this matter.
- 5.2 The Tribunal process allows for negotiating changes to the proposal to achieve an improved outcome by agreement of the parties.
- 5.3 If the matter cannot be resolved by agreement, the matter will be heard and determined by the Tribunal.



14. RECOMMENDATION

That Council:

- 14.1** Notes the lodgement of an application for review against the Minister for Planning's Notice of Decision to Grant a Permit for a townhouse development at 19 Salmon Street, Port Melbourne.
- 14.2** Authorises the Manager City Development to instruct Council's Solicitors on this Application for Review.