



8.5	AMENDMENT C143 - 19 SALMON STREET (FORMER ROOTES/CHRYSLER FACTORY) HERITAGE OVERLAY - CONSIDER PANEL RECOMMENDATIONS AND ADOPTION OF AMENDMENT
WARD:	GATEWAY
GENERAL MANAGER:	CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT
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TRIM FILE NO:	66/02/260-02
ATTACHMENTS:	1. Port Phillip C143 Panel Report 2. Extent of Heritage Overlay proposed for 19 Salmon Street 3. C143 Amendment Documentation for Approval

PURPOSE

- To consider the report and recommendations of the independent Planning Panel appointed by the Minister for Planning to review Amendment C143 (19 Salmon Street and 299 Williamstown Road, Port Melbourne – Permanent Heritage Controls).
- To determine whether to adopt Amendment C143 (with or without changes) and request Ministerial approval.
- To consider whether to request the extension of the interim heritage controls for 19 Salmon Street, Port Melbourne, 496-510 City Road, South Melbourne and 157-163 Montague Street, South Melbourne from the Minister for Planning.

I. RECOMMENDATION

That Council:

- 1.1 Adopts Amendment C143 to the Port Phillip Planning Scheme, pursuant to Section 29 of the *Planning and Environment Act 1987* (the Act), with the changes reflected in the amendment documentation provided at [Attachment 3](#).
- 1.2 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.
- 1.3 Submits the adopted Amendment C143, together with prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.



- 1.4 Advises the Minister for Planning that Council has varied the Panel's recommendation to reduce the extent of the Heritage Overlay applying to 19 Salmon Street, and accepted all of the Panel's other recommendations, based on the reasons detailed in paragraph 3.8 of this report.
- 1.5 Writes to the Minister for Planning to request an extension of the interim heritage controls applying to 19 Salmon Street, Port Melbourne, 496-510 City Road, South Melbourne and 157-163 Montague Street, South Melbourne until 31 January 2019.
- 1.6 Writes to all submitters to Amendment C143 to advise them of Council's decision.

2. BACKGROUND

- 2.1 In July 2012, the Minister for Planning identified Fishermans Bend as an urban renewal project of state significance and rezoned the area to the Capital City Zone to facilitate its redevelopment.
- 2.2 In June 2013, the *Fishermans Bend Heritage Study* was commissioned by Places Victoria as an input to the preparation of a 'Strategic Framework Plan' for Fishermans Bend.
- 2.3 The Study (prepared by Biosis) identified a number of sites not included in a Heritage Overlay for further investigation to determine their level of heritage significance.
- 2.4 In early 2014, Council commissioned the *Fishermans Bend Additional Heritage Place Assessments* (also prepared by Biosis) to undertake the further detailed assessments and recommend additional heritage protection, where required.
- 2.5 Amendment C117 was prepared by Council to implement the recommendations of the *Fishermans Bend Heritage Study* (Biosis, 2013) and the *Fishermans Bend Additional Heritage Place Assessments* (Biosis, 2015).
- 2.6 Amendment C117 was exhibited for one month commencing 25 February 2016. 10 submissions were received, and referred to an independent Planning Panel. The Panel Hearing was held over three days in August 2016.
- 2.7 The Panel acknowledged that the buildings at 157-163 Montague Street and 496-510 City Road were of heritage significance but did not support the proposal to extend the existing Albert Park Residential Precinct Overlay (HO442) over the sites. The Panel also recommended a further assessment of the 'former Montague slum neighbourhood' for potential heritage significance as a potential precinct.
- 2.8 Prior to Council's final adoption of Amendment C117, notification issues were identified concerning two of the affected properties which related to the application of the Heritage Overlay to the former Rootes / Chrysler factory.
- 2.9 To address the notification issues identified, at its meeting to consider the adoption of Amendment C117 on 13 December 2016 Council resolved to
 - remove the properties at 19 Salmon Street and 299 Williamstown Road, Port Melbourne from Amendment C117; and
 - request authorisation from the Minister for Planning to prepare Amendment C143 to apply the Heritage Overlay to the same properties.



- 2.10 Council adopted Amendment C117 with changes. As part of its adoption of, Council did not accept the recommendations to 157-163 Montague Street and 496-510 City Road, South Melbourne. Council stated that *'there are only fragments of this history left within the broader precinct and accordingly they are important to retain. The Montague Street / City Road corner is an important representation of this.'*
- 2.11 Amendment C117 was approved by the Minister for Planning on 26 March 2017, with changes. The Minister supported the Panel's recommendations and removed the properties at 157-163 Montague Street and 496-510 City Road from the Amendment. The Minister recommended that Council liaise with the Fisherman's Bend Taskforce to undertake further strategic work in the form of a heritage study of the Montague Precinct to further establish the significance of the properties. Amendment C117 was gazetted on 4 May 2017.
- 2.12 Interim heritage controls still apply to the former Rootes / Chrysler factory sites (19 Salmon Street and 299 Williamstown Road, Port Melbourne) and to shops and houses (157-163 Montague Street and 496-510 City Road, South Melbourne). These controls were originally applied via Amendment C115 and extended through Amendment C146. These are due to expire on 31 January 2018.

Amendment C143

- 2.13 Amendment C143 originally proposed to apply a permanent heritage overlay to 19 Salmon Street and 299 Williamstown Road, Port Melbourne (former Rootes / Chrysler factory complex). Specifically, it sought to make the following changes to the Port Phillip Planning Scheme:
- Apply an individual Heritage Overlay (HO472) by 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); and
 - Apply a 'significant heritage place' grading on the Heritage Policy Map.
- 2.14 At the Ordinary Council Meeting on 13 December 2016, Council resolved to request exhibition of Amendment C143 and reduce the extent of notice required under the Act. This request was granted by the Minister for Planning and the Amendment was placed on public exhibition for one month commencing in February 2017.
- 2.15 One submission was received during the exhibition period from the owner of 19 Salmon Street. Council formally considered this submission at its Ordinary Council Meeting on 19 April 2017. At this meeting, Council resolved to request the appointment of an independent Planning Panel by the Minister for Planning to hear this submission.
- 2.16 Following Council's formal consideration of the submission on 19 April 2017, a late submission was received from the owner of 299 Williamstown Road. Council considered the late submission at its Ordinary Council Meeting on 19 July 2017. At this meeting, Council resolved to recommend the removal of 299 Williamstown Road from the Amendment, based on an additional heritage assessment of the site which determined that this property did not warrant inclusion in a Heritage Overlay.



Panel Hearing

- 2.17 The Panel Hearing took place over two days on 9 and 10 August 2017. The landowner of 19 Salmon Street made a submission to the Panel. The owner of 299 Williamstown Road did not appear.
- 2.18 Council provided an expert witness statement to the Panel in support of its submission (prepared by heritage consultant Mr Roger Beeston from RBA Architects + Conservation Consultants). Mr Beeston considered the entirety of the complex at 19 Salmon Street as significant and worthy of the Heritage Overlay. This was on the basis that it met the threshold for historical (Criterion A) and architectural significance (Criterion E) at a local level, and potentially rarity (criterion B) at a State level in his view.
- 2.19 The owner of 19 Salmon Street also provided an expert witness statement to the Panel in support of its submission (prepared by heritage consultant Bryce Raworth). Mr Raworth was of the view that a heritage overlay should apply, but only to the extent of the buildings attributed to the earlier phases of development in 1941 and 1943 (those shown as being of 'primary significance' in the exhibited Citation). Mr Raworth considered that those buildings are significant at a local level, and meet the threshold for historical (Criterion A) and architectural (Criterion E) significance.
- 2.20 The two experts both agreed that 299 Williamstown Road had been substantially altered such that the significance of the place was compromised, and accordingly was not worthy of a Heritage Overlay.
- 2.21 The written report and recommendations of the Panel was received on 5 September 2017. Council made the report available to the public on 28 September 2017.

3. KEY INFORMATION

Panel Recommendations for Amendment C143

- 3.1 The key issues raised at the hearing related to whether the proposed extent of the proposed Heritage Overlay supports planning policy objectives to protect significant heritage values and whether or not this would facilitate the efficient development of a major urban renewal area.
- 3.2 The Panel recommends that C143 be adopted subject to changes. The Panel Report is provided at [Attachment I](#).
- 3.3 More specifically, the Panel supports the application of the Heritage Overlay (HO472) to only the part of 19 Salmon Street that was shown as 'Primary significance' in the exhibited Citation. The reduced extent of the Heritage Overlay would cover the Art Deco office building and industrial 'saw tooth' roof building constructed in 1941-43 that was associated with the national World War Two efforts.
- 3.4 The basis of this recommendation was the Panel's conclusion that the 1955 extensions (those shown as 'Secondary significance' in the Citation) are of low heritage significance and not worthy of the Heritage Overlay. The Panel reasoned that they are generic industrial buildings that are not of aesthetic significance, and do not communicate the nature or extent of the former car manufacturing operations on the site.



- 3.5 While it is generally standard practice to apply the Heritage Overlay to all of the parcel of land on which significant heritage fabric is located, the Panel concluded that policy support exists to apply it only to significant parts of larger sites. In particular, the Panel sought to rely on other examples where this methodology had been applied to larger industrial sites.
- 3.6 As a result of the above, the Panel recommended a number of changes to the exhibited Citation. The changes reflect the recommended extent of the Heritage Overlay, and reflect new information presented in the evidence at the Panel Hearing.
- 3.7 The *Planning and Environment Act 1987* (the Act) requires Council to formally consider the Panel’s report and each of its recommendations, and determine whether to adopt (with or without changes) or abandon the Amendment.
- 3.8 The following table outlines the officer’s recommended position for Council in response to the Panel’s recommended changes to the extent of the heritage overlay and the citation.

No.	PANEL RECOMMENDATIONS	OFFICER RECOMMENDATIONS
1	Reduce the extent of HO472 to only include the part of the 19 Salmon Street that is shown as ‘Primary Significance’ in the Citation.	<p>Vary the Panel’s recommendation</p> <p>Officers accept the Panel’s finding that the 1955 extensions do not meet the threshold for local significance. The former manufacturing uses of the site cannot be ascertained through the fabric of the building and the buildings are not considered to be of aesthetic significance.</p> <p>It is recommended the proposed Heritage Overlay be reduced to only include the part of the buildings shown as ‘primary significance’ in the Citation in line with the Panel’s recommendation.</p> <p>It is recommended that the Panel’s proposed change be varied to also include a small area of buildings and land surrounding the significant buildings in the extent of the Heritage Overlay (as shown in <u>Attachment 2</u>). This would control development, including subdivision, in close proximity to the significant buildings, ensuring that the heritage matters are given due consideration. This approach is consistent <i>Planning Practice Note 1 – Applying the Heritage Overlay</i> and will help to ensure that an easily identifiable boundary of the land affected by the Heritage Overlay along Plummer Street, Salmon Street and Tarver Street is retained.</p>
2	Amend Citation 2366 for 19 Salmon Street, Port Melbourne, in the revised incorporated document, <i>Port Phillip Heritage Review</i> to:	



2a	Relate to the reduced extent of HO472.	<p>Accept the Panel's recommendation</p> <p>Officers accept that a reduced extent of the overlay in line with Panel's recommendation, the citation should be updated accordingly.</p>
2b	Remove reference to 299 Williamstown Road.	<p>Accept the Panel's recommendation</p> <p>The Panel's recommendation is consistent with Council's resolution of 19 July 2017 to remove 299 Williamstown Road from the amendment. The citation should be updated accordingly to remove all references to 299 Williamstown Road.</p>
2c	Specify 1941 as the year the first stage of the building was constructed in the 'What is Significant' section.	<p>Accept the Panel's recommendation</p> <p>The citation should be amended to reflect this information, consistent with the recommendations of the evidence of Mr Roger Beeston on behalf of Council.</p>
2d	Include reference to the 'Commonwealth Department of Works' being responsible for the design.	<p>Accept the Panel's recommendation</p> <p>The citation should be amended to reflect this information, consistent with the recommendations of the evidence of Mr Roger Beeston on behalf of Council.</p>
2e	Express the name to more succinctly its key uses – e.g. 'Former Commonwealth WWII Facility and Rootes Factory'.	<p>Accept the Panel's recommendation</p> <p>The citation should be amended to reflect this information, consistent with the recommendations of the evidence of Mr Roger Beeston on behalf of Council.</p>
2f	Delete from the Citation recommendation: <i>'Retain and adapt representative elements and elevations of secondary significant in any new redevelopment along the Plummer and Smith Streets elevations.'</i>	<p>Accept the Panel's recommendation</p> <p>Officers have accepted the Panel's recommendation to reduce the extent of the overlay to remove the 'secondary significant buildings', therefore the recommendations relating to the 'secondary significant buildings' in the Citation should be deleted.</p>



Summary of recommended changes to Amendment C143

- 3.9 The following is a summary of the recommended changes to Amendment C143:
- Revise the schedule to the Heritage Overlay (Clause 43.01), maps and citation to remove 299 Williamstown Road from Amendment C143.
 - Revise the maps and citation to reduce the extent of HO472 to part of 19 Salmon Street, as discussed in this report.
 - Update the citation to include reference to the construction date of 1941, express the name of the place more succinctly, refer to Commonwealth Department of Works as the designer, and delete recommendations relating to elements of the building designated as secondary significance’.

Amendment documentation with tracked changes is included as Attachment 3.

Additional matter for noting – Local Heritage Policy

- 3.10 Council’s Heritage Local Planning Policy (Clause 22.04) is intended to guide discretion when the requirement for a planning permit pursuant to the Heritage Overlay is triggered. It was implemented prior to the declaration of Fishermans Bend as an urban renewal area. Consequently, it was designed to deal primarily with the protection of heritage places in the established residential neighbourhoods of the municipality.
- 3.11 Under Clause 22.04, it is policy to refuse the demolition of significant and contributory buildings, except to the extent that the building is structurally unsound, and the proposed replacement development displays design excellence. A planning permit can be issued that varies from this policy objective.
- 3.12 In the exhibited Citation, a less restrictive approach to demolition of the buildings at 19 Salmon Street was proposed than that specified in Clause 22.04 insofar as it specifically contemplates the partial demolition of the ‘secondary significant’ buildings.
- 3.13 Clause 22.04 also generally seeks to encourage development that is concealed behind significant heritage places (normally by limiting development to one additional setback storey).
- 3.14 19 Salmon Street has a combination of 1 and 2 storey buildings currently and the Design and Development Overlay (the DDO) that applies to the site indicates a maximum height of 12 storeys for part of the site and 18 storeys for another part.
- 3.15 In its assessment of Amendment C143, the Panel was concerned that this would not provide clear guidance to assist planning permit decisions and would potentially create confusion and conflict at later points in time.
- 3.16 In response to this, it is noted that the Citation was prepared to specifically balance the objectives of Clause 22.04 with the strategic outcomes intended for Fishermans Bend. Further, it is considered that more weight would be given to the DDO and the Citation on the basis that they are place specific, whilst the policy is more generic in its nature.
- 3.17 This matter is worth noting, but does not require a response as part of Amendment C143. Notwithstanding, the issue may be an issue worth exploring as part of any future review of the Heritage Policy at Clause 22.04.



Options and next steps

- 3.18 At this stage in the amendment process, the Act sets out the following options for Council as the Planning Authority:
- Option 1: Adopt Amendment C143 without changes (as exhibited).
 - Option 2: Adopt Amendment C143 with changes (based solely or partially on the recommendations of the Panel).
 - Option 3: Abandon Amendment C143.
- 3.19 Option 1 is not recommended. In the absence of a balanced consideration of the exhibited Amendment and the Panel's recommendations, the Minister is likely to accept the Panel's recommendations based on evidence provided at the Panel.
- 3.20 Option 2 is recommended, as aligned to the position detailed in paragraph 3.9. Whilst reducing the extent of the exhibited overlay, these changes would provide heritage protection for the most significant fabric on the site (the original 1941 building, including its Art Deco entry, and the 1943 extension).
- Should Council decide to vary or not accept any of the Panel's recommendations, it will need to provide its reasoning to the Minister for Planning.
- 3.21 Option 3 is not recommended. This option will provide no permanent heritage protection for a significant heritage place.
- 3.22 Should Council choose to adopt C143 (as exhibited or with changes), it will need to submit a request for approval of the Amendment to the Minister for Planning. The Minister may determine to approve C143 as adopted by Council (or with changes) or may refuse the Amendment altogether.

Extension of Interim Heritage Controls: 19 Salmon Street, 496-510 City Road and 157-163 Montague Street, South Melbourne (shops and houses)

- 3.23 Following the approval of Amendment C117, Council officers liaised with the Fishermans Bend Taskforce to progress a heritage assessment for the Montague precinct. The assessment would provide the strategic justification required to implement permanent heritage controls for sites of significance within that precinct, including 496-510 City Road and 157-163 Montague Street, South Melbourne.
- 3.24 In mid-2017, the Taskforce commissioned Context Pty Ltd to prepare a 'Social History' study of Fishermans Bend. This work was to include an assessment of the 'former Montague Slum Neighbourhood'.
- 3.25 *Life on the Bend – A Social History of Fishermans Bend, Melbourne* (Context, 2017) was finalised in October 2017 and is now available on the Fishermans Bend website. While the Context study explores the thematic social history of Fishermans Bend (including Montague), its scope did not extend to identifying specific fabric that may be worthy of formal heritage protection.
- 3.26 A more detailed heritage assessment of the Montague precinct is therefore now required to assess buildings (including the properties at 496-510 City Road and 157-163 Montague Street, South Melbourne) and infrastructure for possible heritage significance. The findings would inform a future amendment to the Port Phillip Planning Scheme.

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- 3.27 The heritage assessment is anticipated to be undertaken and finalised in 2017/18. A subsequent planning scheme amendment would be completed in 2018.
- 3.28 Extension of the interim heritage controls applying to 496-510 City Road and 157-163 Montague Street, South Melbourne is therefore required until permanent controls for the sites are finalised.
- 3.29 The request for extension of interim controls should also extend to the 19 Salmon Street subject of Amendment C143, in the event that a decision by the Minister on the amendment is not made before the expiry date (31 January 2018).



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 Act. This included 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 has also been undertaken in accordance with the requirements of the Act, where submitters had the opportunity to be heard and make submissions.
- 5.3 Owners of the affected properties will be advised in writing that Council are applying for an extension to the interim heritage controls affecting their properties.
- 5.4 The owners of 496-510 City Road and 157-163 Montague Street, South Melbourne will also be advised of Council's intention to undertake a further heritage assessment of the shops/ houses at those sites.
- 5.5 As an outcome of the heritage assessment, a future planning scheme amendment for permanent controls may be progressed that would undergo a formal public exhibition process in accordance with the notification requirements of the Act. This would allow affected and interested persons/groups to make written submissions. Any objecting submission/s must be referred to an independent Planning Panel for review, prior to Council proceeding to adopting the amendment and requesting Ministerial approval.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 No significant risk implications have been identified in relation to the processing of the amendment. Amendment C143 has been processed in accordance with the requirements of the Act. Submitters to Amendment C143 were provided the opportunity to present to an independent Planning Panel. This provided a fair and transparent process in accordance with the requirements of the Act.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- Amendment C143 will have a positive environmental impact by protecting a place of historic significance and facilitating the reuse and recycling of existing building stock.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- Amendment C143 will have a positive social effect through the preservation of historically significant places, for the benefit of current and future generations.



7.3 ECONOMIC IMPLICATIONS

- Amendment C143 is not expected to have any significant economic impact. Planning Panels have established the principle that social and economic effects relevant at the Amendment stage are those of a broad community nature rather than those of a personal kind (see: Panel Report - Amendment C207 to the Melbourne Planning Scheme).

7.4 FINANCIAL IMPLICATIONS

- Council has incurred direct costs associated with Amendment C143 including those related to public notification, processing fees and Panel hearing costs.
- The remaining cost associated with Amendment C143 is the payment of the statutory fee for Ministerial approval). The costs have been met within the annual budget allocation for Planning Scheme Amendments.
- Council will be required to pay a statutory fee to request the Minister to extend the interim heritage controls through a section 20(4) amendment to the Port Phillip Planning Scheme.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- If Council decides to adopt Amendment C143, it will be submitted to the Minister for Planning for approval within 10 business days.
- The Minister is required to make a decision on the Amendment within 40 business days of receiving the adopted amendment.
- A request to extend the heritage controls applying to 19 Salmon Street, Port Melbourne and 496-510 City Road and 157-163 Montague Street, South Melbourne will be submitted to the Minister for Planning for approval within 10 business days.

8.2 COMMUNICATION

- All submitters will be advised of Council's decision at this meeting and will continue to be informed of the progress of Amendment C143. If Amendment C143 is approved by the Minister, submitters will be directly advised.
- If Council supports making a request to extend the interim heritage controls for 19 Salmon Street, 299 Williamstown Road, 496-510 City Road and 157-163 Montague Street, details of the request will be made available 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.