



6.8 **19 SALMON STREET, PORT MELBOURNE (10/2015/MIN/A)**
LOCATION/ADDRESS: **19 SALMON STREET, PORT MELBOURNE**
EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**
BRAD FOLETTA, SENIOR URBAN PLANNER
PREPARED BY: **SIMON GUTTERIDGE, PLANNING COORDINATOR CANAL WARD AND FISHERMANS BEND**

1. PURPOSE

1.1 To provide a Council position on Ministerial Application PA201534819-1, 19 Salmon Street, Port Melbourne, to amend the existing permit pre-ambule and plans under Section 72 of the *Planning and Environment Act 1987*.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area, and demolition of a significant heritage building
APPLICATION NO:	2015/34819-1 (DELWP) 10/2015/MIN/A (Council)
APPLICANT:	Prime Port Melbourne Pty Ltd c/ Rigby Cooke Lawyers
EXISTING USE:	Restricted Retail, warehouses and restricted recreation uses
ABUTTING USES:	One and two storey commercial and industrial uses
ZONING:	Capital City Zone – Schedule 1 (CCZ1)
OVERLAYS:	Heritage Overlay Schedule 472 (HO472) Design and Development Overlay – Schedule 33 (DDO33) Special Building Overlay – Schedule 1 (SBO1) Environmental Audit Overlay (EAO) Parking Overlay – Schedule 1 (PO1) Infrastructure Contribution Overlay – Schedule 1 (ICO1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



- 2.1 Planning Permit 2015/34819 was issued by the Minister on 01 February 2017 to allow '*Partial demolition of an existing building under the Capital City Zone Schedule 1, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans*'.
- 2.2 The proposal allowed the construction of 128 four storey townhouses and associated open space and internal and appurtenant roads.
- 2.3 No plans have been endorsed in accordance with Condition 1 of the permit.
- 2.4 The permit will expire if the development is not commenced by 01 February 2019.
- 2.5 The applicant is seeking to amend the permit to make changes to the plans and permit preamble to include approval for partial demolition under the Heritage Overlay - Schedule 472.
- 2.6 The key changes to the plans are:
 - a) Provision of two new plans identifying partial demolition of the portion of the contributory commercial building covered by Heritage Overlay - Schedule 472.
 - b) Amendment of the plans to show the extent of demolition over the site.
- 2.7 The key changes to the permit preamble is:
 - a) The modification of the permit preamble to state (changes shown in bold): *Partial demolition of an existing building under the Capital City Zone Schedule 1 **and Heritage Overlay Schedule 472**, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.*
- 2.8 The Victorian planning system recognises that a permit holder's intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed, Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit and associated plans.
- 2.9 An application to amend a permit under Section 72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development. It also avoids the proliferation over time of permits for different aspects of the use and development of a parcel of land.
- 2.10 The proposed development would remain consistent with the existing and proposed strategic policy framework for Fishermans Bend. In particular, both commercial and residential uses would be retained and dwelling diversity objectives would be achieved, and the most significant heritage views and built form will be retained.



- 2.11 The proposed changes would not result in any additional off-site amenity impacts, with no increase in height or extent of built form envelope.
- 2.12 The demolition, will not adversely affect the significance of the heritage place, as it is located central to the site, and retains a substantial portion of the built form of secondary significance and does not impact on the primarily significant built form.
- 2.13 For these key reasons, it is recommended that Council advise the Minister for Planning that Council supports the proposal in its current form.

3. RECOMMENDATION

- 3.1 That Council advises the Minister (C/- the Department of Environment, Land, Water and Planning) that Council supports the amended application subject to a new condition 1(x) being incorporated into the permit:

Amended preamble

The preamble to be:

Partial demolition of an existing building under the Capital City Zone Schedule 1 and Heritage Overlay Schedule 472, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans

Amended conditions

The addition of condition 1(x) as follows:

- 1(x). The extent of the buildings to be retained to be consistent with the Conservation Management Plan prepared by HLCD, dated February 2016, including:
 - i. The whole of the section of Primary significance (being the corner 'tower' section containing the original offices).
 - ii. A 'four bay' section of the façade of the factory along the south side including the façade elements, form and corrugated cladding of the roof and internally the steel structural system.
 - iii. One bay immediately adjacent to the corner office tower section facing Salmon Street.

4. RELEVANT BACKGROUND

- 4.1 Three recent permit applications are recorded for the subject land:

Application No.	Proposal	Decision	Date of Decision
19 Salmon Street			
P760/2010	Use for restricted signage	Approved	17 October 2010
925/2007	Display of business identification signage	Withdrawn	11 September 2007
675/2008	Use for restricted retail premise and warehouse	Approved	7 October 2008

- 4.2 Planning Permit 2015/34819 was issued by the Minister on 01 February 2017 for Partial demolition of an existing building under the Capital City Zone Schedule 1, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.
- 4.3 No plans have been endorsed in accordance with Condition 1 of the permit.
- 4.4 Council lodged an application for review (appeal) with the Tribunal (VCAT) against the Minister's decision to issue a Notice of Decision to Grant a Permit. This appeal was later withdrawn after it was confirmed that the Interim Heritage Overlay provisions for the site which applied when Council and DELWP officers considered the application, had lapsed by the time the Minister determined the application; consequently, Council's appeal on heritage grounds could not proceed. This matter is discussed in greater detail later in the report.
- 4.5 The heritage significance of this site being the former Commonwealth Armed Fighting Vehicles offices and workshop and later the Rootes/Chrysler Factory was identified and assessed by the Fisherman's Bend Heritage Study. The initial Interim Heritage Overlay was applied to the whole of the site at 19 Salmon Street, as well as parts of several surrounding sites. However, after a comprehensive Panel process, the Heritage Overlay area was reduced to only cover areas deemed by the Panel to be of primary significance.
- 4.6 The areas considered of primary significance are the buildings constructed up until 1946 including the Salmon Street office block (including the interior) and an original sawtooth factory section extending 50m to the east of this block; the foundry and 3 bays of original sawtooth factory east of Smith St & south of Tarver St (see also Figure 7). The revised Heritage Overlay (HO472) was gazetted on 24 May 2018.



Figure 1: Extent of current site covered by Heritage Overlay (HO472) shown in orange.

5. PROPOSAL

5.1 It is proposed to amend Ministerial permit 2015/34819 under Section 72 of the *Planning and Environment Act 1987* as follows:

Existing Preamble	Proposed Preamble
<p><i>Partial demolition of an existing building under the Capital City Zone Schedule 1, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.</i></p>	<p><i>Partial demolition of an existing building under the Capital City Zone Schedule 1 and Heritage Overlay Schedule 472, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.</i></p>

Proposed changes to development plans

It is proposed to demolish a 3167m² portion of the existing single storey industrial building located within the extent of the new Heritage Overlay (HO472) which now affects the site, and was not approved as part of the original application.

The extent of demolition is shown on plans entitled *Project: 19 Salmon Street, Port Melbourne* (Job No 35017), drawing numbers TP110 (rev H) and TP328 (rev I), prepared by Bruce Henderson Architects and received by Council on 8 October 2018, covers the extent of building now sitting within the Heritage Overlay that now affects the site.

The extent of demolition is show in blue below as per plan TP110.

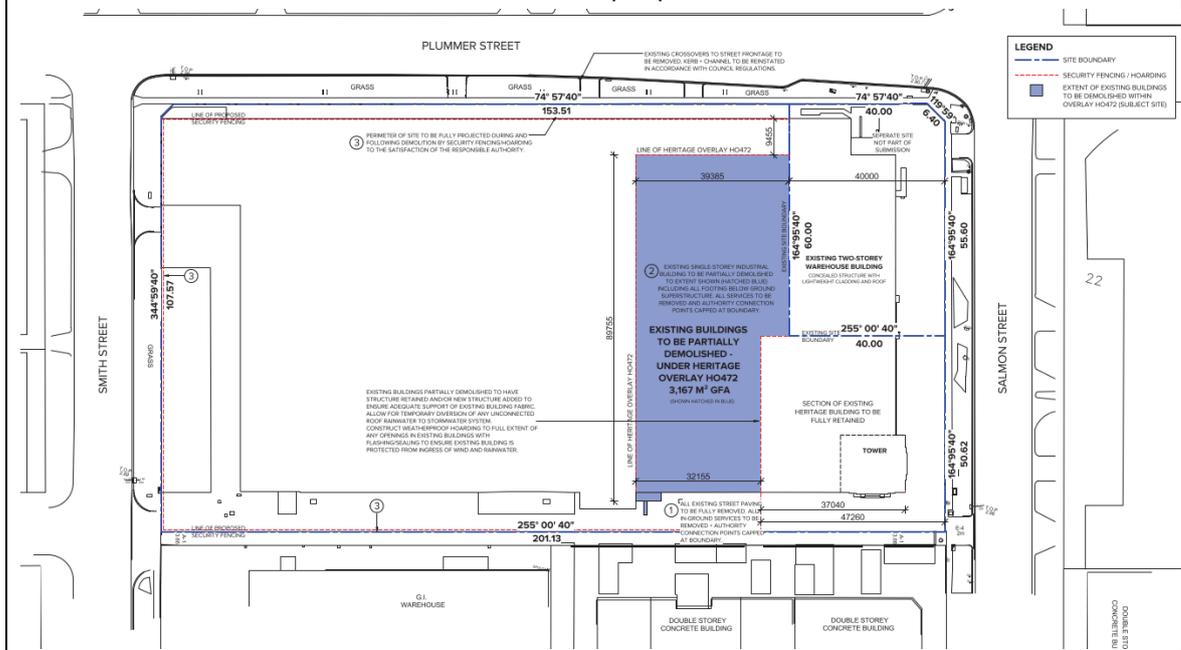


Figure 2: The blue portion shows the extent of the built form to be demolished that now sits within Heritage Overlay (HO472) which requires additional approval under this overlay for demolition, in addition to that already approved under Ministerial Permit 2015/4819.

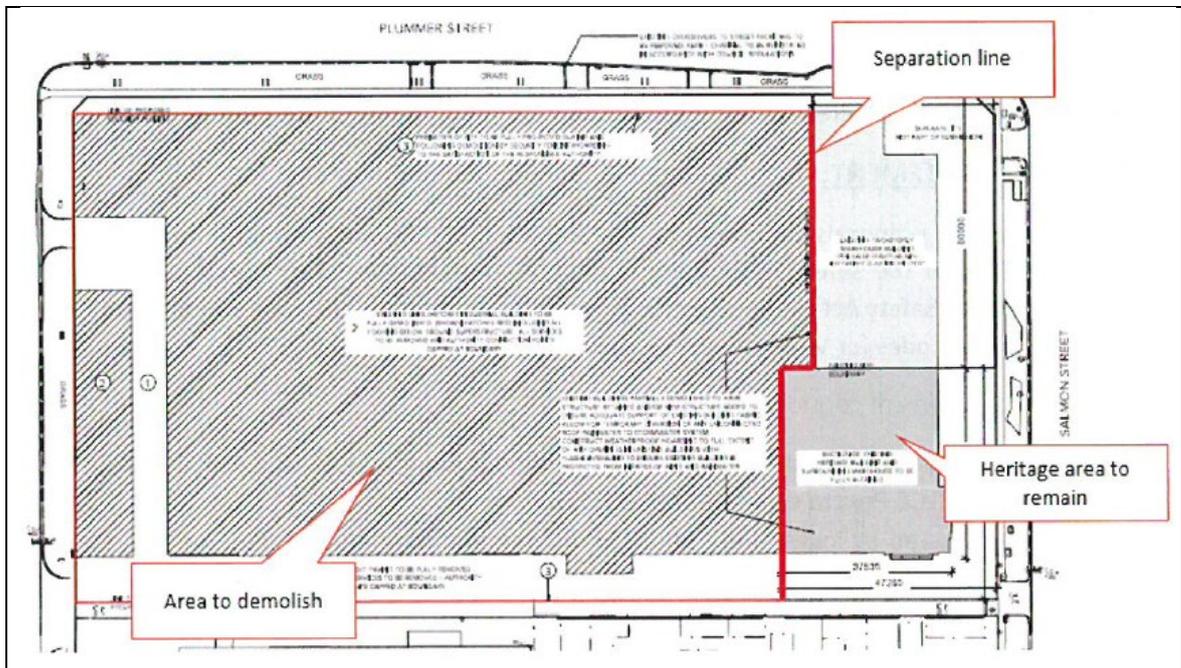


Figure 3: above shows the total area to be demolished specified in the Demolition Work Method Statement provided with the application and as approved under the original permit issued.

A Demolition Method Statement was prepared by Rafferty the Wrecker which on page 3 outlines the extent of works shown in the above plans as:

- Identification and measurement of the sections of the building to remain by a land surveyor with the separation line clearly identified.
- Review of this separation line and endorsement of the demolition works required methodology by HLCD Pty Ltd and Ingegnaria Consultants.
- Carry our works in line with the structural report prepare by Ingegnaria Consultant, which deals with the structural support and works required to ensure that the retained portions of the heritage building will be supported during demolition and construction works to ensure their retention.
- Regular inspection by Ingegnaria Consultant and HLCD Pty Ltd.

5.2 The following documentation has been submitted as part of this amendment application:

- a) A Heritage Assessment Letter dated 18 September 2018 prepared by HLCD Pty Ltd.
- b) A Demolition Work Method Statement dated 27 March 2018 prepared by Rafferty the Wrecker.
- c) A Structural Feasibility memo dated 13 March 2018 prepared by Ingegnaria Consultants

6. SUBJECT SITE AND SURROUNDS

6.1 The subject site is located on the south-west corner of Salmon and Plummer Streets, and is bounded by Plummer Street to the north, Salmon Street to the east. Smith Street to the west and the Tarver Street extension to the south.



The site has a frontage of approximately 106.2m to Salmon Street, a depth of approximately 201m, and a total site area of approximately 22,253m².

- 6.2 The site is comprised of two lots known as lots S2 and S3 being 19 Salmon Street. The large parcel lot S3 encompasses all the development in this application; whilst the second smaller parcel lot S2 is subject to a separate future application.
- 6.3 The site is currently occupied by a number of one and two storey warehouses. Of particular note is the Art Deco building located on the south-east corner of the site known as the former "Rootes Factory" which has primary heritage significance.
- 6.4 Surrounding land is developed as follows:

North

Plummer Street forms the site's north boundary. Directly across the street are currently four double storey office and warehouse buildings, however the land at 365-391 Plummer Street has an application for *Demolition of the existing building and construction of a mixed-use development, comprising three (3) residential towers atop mixed-use podiums, including a supermarket, food and drinks premises, day spa and offices; use of a childcare centre, gymnasium and accommodation; the provision of carparking in excess of rates specified in the Parking Overlay; and alteration to access in a Road Zone Category 1 (MINRA0005/2017)*. This application has been called in by the Minister for Planning.

East

Salmon Street forms the site's east boundary. Directly across the street are currently six double storey office and warehouse buildings; the land at 22 Salmon Street has a current application for *Demolition of existing buildings on site and buildings and works associated with the construction of a multi-storey mixed-use development comprising of supermarkets, shops, offices, a primary school, a library, a community hall, dwellings and associated car parking, the use of the land for supermarkets and place of assembly (library and community hall), the alteration and creating of access to a road in a road zone category and reduction to the loading bay requirements of clause 52.07 (9/2017/MIN)*. This application has been called in by the Minister for Planning.

South

A double width unnamed laneway (formerly part of Tarver Street) forms the site's south boundary. Directly across the lane are five double storey warehouse buildings, used for industry with subsidiary offices.

West

Smith Street forms the site's east boundary, and is comprised of two lanes with parallel and right-angle parking along the majority of the streets length. Directly across the lane are two single storey warehouse buildings, used for industry with subsidiary offices.

Broader context

- 6.5 The immediate and wider surrounding area is primarily industrial and commercial uses, generally one or two storeys in height, typically located on large allotments. South of the site and south of Williamstown Road is the Garden City estate, which primarily contains two storey duplex residential dwellings.

JL Murphy Reserve is located 200 metres east of the site and Port Melbourne beach located 500 metres south of the site provide outdoor recreational space. The Fishermans Bend employment cluster is located north of the site, over the Westgate Freeway.



Figure 4: subject site and extent of heritage review forming Heritage Overlay (HO472).

7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?	New Permit Trigger?
Clause 37.04: Capital City Zone (CCZ1)	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) if it does not meet the following conditions:</p> <ul style="list-style-type: none"> • Must not be in a Non-core area. • Must not be within an Amenity buffer shown on Map 4. • Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. • Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p>The land is in a Core area but is within 450m of the South Melbourne to Brooklyn pipeline and thus requires a permit under this clause.</p>	No – Revised (proximity to pipelines)



	<p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</p> <p>Pursuant to Clause 37.04-4, an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> • An application lodged before the approval of Amendment VC136. • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136. <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.1 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law. <p>An application for the use of land, subdivision, or demolish or remove a building or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p>A planning permit is required under this clause for demolition.</p>	
Clause 43.01: Heritage Overlay (HO472)	A permit is required to demolish or remove a building pursuant to Clause 43.01-1 (Heritage Overlay).	Yes
Clause 43.02: Design and Development Overlay - Schedule 33 - Fishermans Bend - Wirraway Precinct (DDO33)	<p>The land is in Area W2 of DDO33 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 81 metres (24-storeys).</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 33 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An application to construct a building or construct or carry out works or subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>	No
Clause 44.05: Special Building Overlay - Schedule 1 (SBO1)	Pursuant to Clause 44.05-2 a permit is required to construct a building or construct or carry out works.	No
Clause 45.03: Environmental Audit Overlay (EAO)	Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings	No (Previously considered under



	<p>and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use. <p>A planning permit is not required under this clause.</p>	Clause 37.04)
Clause 45.09: Parking Overlay (PO1)	<p>Schedule 1 to the Parking Overlay specifies that a maximum of 0.5 car space should be provided for each 1 or 2-bedroom dwellings and one space for each 3 (or more) bedroom dwelling. Further to this a maximum of one car space per 100 sqm of gross floor area for Office and Retail premises uses should be provided. A permit is required to exceed these rates.</p> <p>A permit is not required under this clause, as prior permission has been given under the original permit from which this application already benefits.</p>	No
Clause 45.11: Infrastructure Contributions Overlay (EIO1)	<p>Pursuant to Clause 45.11-2, a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> • A non-government school; • Housing provided by or on behalf of the Department of Health and Human Services; • Any other land or development of land specified in a Schedule to the ICO. <p>Pursuant to Schedule 1 to the ICO, a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for:</p> <ul style="list-style-type: none"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. <p>As the proposed amendment is related to a previously approved use and the site coverage is not increased a permit can be granted.</p>	No (previously considered under Clause 45.06: Development Contributions Plan Overlay, prior to Amendment GC81)

8. PLANNING SCHEME PROVISIONS

8.1 PLANNING POLICY FRAMEWORK

The application needs to be assessed against the Planning Policy Framework (PPF), including:

Clause 11: Settlement,

Clause 12 Environmental and Landscape Values

Clause 13: Environmental Risks and Amenity

Clause 15: Built Environment and Heritage



- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

8.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses, which are relevant to this application as follows:

- Clause 21: Municipal Strategic Statement
- Clause 21.01: Vision and Approach
- Clause 21.02: Municipal Context and Profile
- Clause 21.03: Ecologically Sustainable Development
- Clause 21.04: Land Use, including 21.04-1: Housing and Accommodation
- Clause 21.05: Built Form
- Clause 21.06: Neighbourhoods, including 21.06-8: Fishermans Bend Urban Renewal Area

The application also needs to be assessed against the following Local Planning Policies:

- Clause 22.04: Heritage
- Clause 22.12: Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13: Environmentally Sustainable Development
- Clause 22.15: Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

8.3 Other relevant provisions

- Clause 52.06: Car Parking
- Clause 65: Decision Guidelines, including Clause 65.01: Approval of an Application or Plan

8.4 Relevant Planning Scheme Amendment/s:

8.4.1 Since the issue of the Planning Permit the Planning Scheme has been changed by Amendment GC81 (gazetted 05 October 2018), which modified some of the controls affecting the site as follows:

- Modification of Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- Three modified Design and Development Overlays, Schedules DDO30, DDO32 and DDO33 which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.
- Modification to the Parking Overlay Schedule 1, to reduce the maximum parking rates for residential dwellings.



- An update to the Fishermans Bend Strategic Framework Plan, October 2018. The Framework is an incorporated document to Port Phillip Planning Scheme.

9. REFERRALS

Internal referrals

- 9.1 The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

Internal Department / Referral Officer	Referral Comments (summarised)
<p>Heritage Advisor</p>	<p>The heritage significance of this site (the former Rootes Chrysler Factory/Commonwealth Armed Fighting Vehicles offices and workshop) was identified and assessed by the Fisherman’s Bend Heritage Study (FBHS). The HO as originally sought in accordance with the FBHS was much larger encompassing all of 19 Salmon Street, as well as parts of several surrounding sites. However, after a protracted Panel process the HO extent was reduced to the more limited extent as now exists. This area was a recommendation of the panel and includes the areas identified as being of ‘Primary’ and ‘secondary’ significance by the Conservation Management Plan prepared by HLCD (this is the CMP included in the documentation submitted with the application – see the ‘Significance Plan’ on about p.10).</p> <p>On this basis, the HLCD CMP identified sections of the building that should be retained and conserved – see ‘Overview of Conservation Recommendations’ immediately following the ‘Significance Plan’. This includes:</p> <ul style="list-style-type: none"> • The whole of the section of Primary significance (this being the corner ‘tower’ section containing the original offices. Interior controls were to be applied to this section. • A ‘four bay’ section of the façade of the factory (see indicative image on about p.12) along the south side including the façade elements, form and corrugated cladding of the roof and internally the steel structural system. • One bay immediately adjacent to the corner office tower section facing Salmon Street. <p>The demolition plans as submitted appear to be largely consistent with the above. However, I would feel more confident if the notes on plan were more explicit about the fabric to be retained, which is consistent with the recommendations of the HCLD CMP. For example, Drawing no. TP-328 provides detail plans of the retained facades. The notation for the Significant corner building is clear:</p> <p><i>EXISTING HERITAGE FABRIC TO BE RETAINED AND RESTORED INTERNALLY AND EXTERNALLY IN ACCORDANCE WITH APPROVED HERITAGE REPORT</i></p> <p>This is supported by a notation along the bottom of the plan indicating the extent of the section of building to be retained. However, the note for the section of factory to be ‘retained’ (on both elevations) is a little ambiguous:</p> <p><i>HERITAGE INTERFACE DESIGN TO FUTURE DETAIL TO RESPONSIBLE AUTHORITY APPROVAL. EXISTING STEEL STRUCTURE TO HERITAGE WAREHOUSE BAYS TO BE RETAINED.</i></p> <p>To me, this note does not appear to clearly say the façade and the internal steel structure will be retained as per the HLCD CMP recommendations, so could be worded better. It would also be helpful if the plans could confirm that the extent of factory to be retained is consistent with the HLCD CMP – that is, four bays on the south side, and one bay approximately on the Salmon Street side.</p>



	<p>Apart from that, the plans are generally consistent with the conservation approach set out in the CMP, which the Panel largely endorsed. I am pleased that the plans do show how the exposed sections of the partially demolished buildings will be protected and supported.</p> <p>To me, this will still result in the loss of too much fabric and there is still much uncertainty about what will happen along the Salmon Street frontage including the area at the northeast corner, which appears to be in separate ownership. However, given the Panel findings and the extent of the HO472 as finally determined I don't think we can expect much more.</p> <p>But to confirm, the approach as proposed appears to be largely consistent with conservation approach recommended for this site through the Panel process, subject to some clarification in the notes on plan, as I have noted above.</p> <p>Planning Officer Comment:</p> <ul style="list-style-type: none"> • The proposed extent of demolition does not affect the fabric outlined in the Conservation Management Plan to be retained and is consistent with the conservation approach recommended for this site through the Panel process. It is proposed to retain the elements of primary significance and a representative sample of the elements of secondary significance. • To ensure that the significant fabric is protected it would be recommended that Council support, if given, would be conditional on the plans clearly stating and demonstrating that the extent of fabric to be retained is consistent with the HLCD CMP – that is, four bays on the south side, and one bay approximately on the Salmon Street side. • Whilst the demolition affects a considerable area of 3167m², the area is central to the site, will not be visible from the street, is primarily consistent with extent of built form specified to be retained in the CMP, and still allows the retention of the steel structure forming the original building which is to be incorporated into the redevelopment of this area. It also references the horizontality of this part of the factory design. • The demolition method statement submitted with the application identifies that the demolition can be successfully conducted without impacting the significant structures to be retained. • Further to this the extent of demolition aligns with that already approved under the original permit and its retention would result in a considerable redesign of the built form already approved by the Minister.
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External referrals

9.2 The application was not required to be externally referred.

10. PUBLIC NOTIFICATION/ OBJECTIONS

10.1 The Minister for Planning is the Responsible Authority for the application.

10.2 The Minister has not given notice of the application.

10.3 An application to demolish or remove a building in the Capital City Zone is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act.

10.4 An application to demolish a building in the Heritage Overlay is not exempt from notice requirements.



11. OFFICER'S ASSESSMENT

Key Considerations

- 11.1 This application to amend existing Ministerial planning permit 2015/34819 seeks further approval for partial demolition of the building under the Heritage Overlay (HO472) which now affects the site. Associated changes are also proposed to the permit preamble.
- 11.2 The key changes to the plans are:
- New plan and elevations provided which identify the area of the building to be demolished that sits within Heritage Overlay (HO472) and requires further approval for demolition under this overlay.
 - Those parts of the building to be demolished under the heritage overlay and the subject of this planning permit application are identified in blue (see previous figure 2), comprising an area of 3,167m².
- 11.3 The change to the permit preamble (shown in bold) would read as follows:
- Partial demolition of an existing building under the Capital City Zone Schedule 1 and Heritage Overlay Schedule 472, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.*
- 11.4 As the proposal has prior approval for demolition and buildings and works under the Design and Development Overlay and Capital City Zone, this assessment will be conducted only against the decision guidelines relating to demolition under Clause 43.01 (Heritage Overlay) and Clause 22.04 (Heritage Policy). The following key implications are considered in turn:
- i. Does the proposal remain consistent with the strategic policy framework?
 - ii. Is the demolition of part of a heritage place going to affect the significance of that place?
 - iii. Consideration of any applicable statement of significance, heritage study and any applicable conservation policy?
- 11.5 The strategic policy framework for Fishermans Bend specifies one of its goals at Objective 3.9 is to *protect architectural and cultural heritage to strengthen the sense of place and identity* including strategies to:
- i. Protect and enhance the existing heritage fabric.
 - ii. Retain and re-purpose existing heritage buildings through adaptive re-use
- The 17 May 2016 report to Council's Statutory Planning Committee for the original plans associated with application 2015/34819 set out a detailed summary of the heritage significance and heritage planning controls of the existing buildings, together with an appraisal of the original proposal against the relevant controls.
- 11.6 Council's officers contended that the extent of demolition proposed would have been too great and would result in an unreasonable loss of intact, significant heritage fabric, legibility of the site's history, and context for the corner building.

It was noted that whilst the buildings are showing signs of age and wear, they have not been demonstrated to be structurally unsound, and so do not meet the first test (built form proven to be structurally unsound) of Council's Heritage Policy for demolition.

11.7 Officers recommended that any proposal for the site should:

Retain the Plummer and 'Tarver' Street facades of the original 1941 factory building, and restore (including reinstatement of original fenestration) and adapt these structures for new commercial and/or residential uses (including apartments rather than townhouses) including:

- i. The whole of the two-storey administration and amenities wing facing Salmon Street including the Deco/Moderne building at the corner of Salmon Street and the proposed Tarver Street extension;*
- ii. The whole 13 bay length of the 1941 sawtooth roofed factory buildings facing 'Tarver Street' to a depth of at least one sawtooth roof section.*

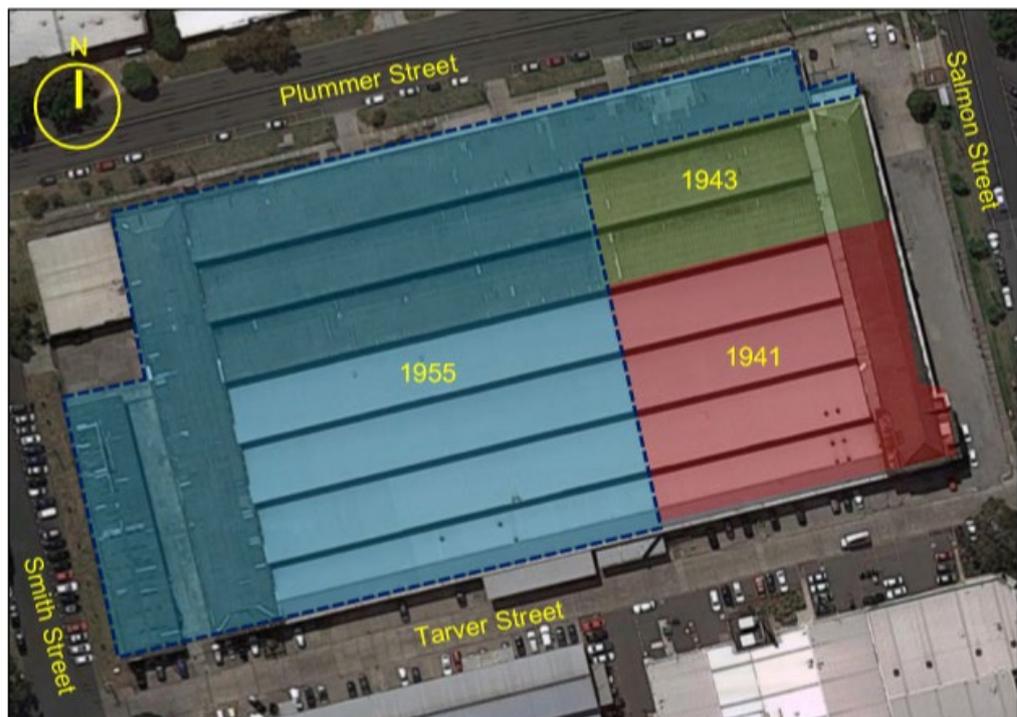


Figure 5: Aerial photograph showing the stages of development of the Factory and associated buildings.



Figure 6: A 1945 Aerial photograph of the subject site from Salmon Street showing original building phase (1941) and secondary building phase (shown red).

- 11.8 Officers considered that the remainder of the 1946 -1955 factory buildings and the buildings identified by the Biosis Report as being of 'secondary, limited or nil' significance could be demolished to allow for contemporary development.
- This included the later factory buildings facing Plummer Street because these buildings:
- i. Are of minor architectural and historical significance;
 - ii. Have always presented a secondary side/rear elevation to the street;
 - iii. Would require substantial alteration to achieve any reasonable commercial presence or residential sense of address.
 - iv. At single-storey height only, would present an insubstantial street wall to the proposed civic boulevard along Plummer Street.
 - v. This includes the portion of the building proposed to be demolished as part of this application.
- 11.9 It was resolved at the Statutory Planning Committee Meeting of 18 October 2016 that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Council did not support the amended proposal in its current form based on the matters set out above.
- 11.10 At the time Council determined to advise the Minister that it objected to the amended proposal the interim Heritage Overlay (HO) C115 had not expired. This interim Heritage Overlay subsequently expired on 31 January 2017.
- 11.11 The Minister resolved to issue a Notice of Decision for the amended proposal on 1 February 2017, following the expiry of the Heritage Overlay on the site on 31 January 2017.
- 11.12 Council lodged an application for review (appeal) pursuant to section 82 *Planning and Environment Act 1987* (PE Act) on 22 February 2017 prior to the placement (on 2 March 2017) of the further interim Heritage Overlay on the site.
- 11.13 At the Practice Day Hearing the permit applicant contended the Council's grounds 1 - 5 for the above appeal related to heritage, essentially the demolition of the existing building and the appropriateness of a replacement building.

However, at the time of the granting of the Notice of Decision to Grant a Permit no Heritage Overlay applied to the land which would have given rise to such grounds of review.

- 11.14 VCAT determined that Council lost its third-party rights to review in relation to heritage issues on the lapsing of the Heritage Overlay on 31 January 2017 and therefore Council had no third-party rights of review the application was therefore struck out as misconceived pursuant to section 75 *Victorian Civil and Administrative Tribunal Act 1998*.
- 11.15 The Heritage Overlay (HO472) that now affects the site identifies and covers the areas considered of primary significance, which are the buildings on site constructed prior to 1946 and form the original two building phases of the former Rootes Chrysler Factory/ Commonwealth Armed Fighting Vehicles offices and workshop. The heritage significance of the factory was also identified and assessed by the Fisherman's Bend Heritage Study Conservation Management Plan. The studies identified the sections of the buildings which are of primary significance and therefore should be retained and conserved as:
- 11.15.1 The whole of the section of Primary significance (this being the corner 'tower' section containing the original offices (see figure 8 below).
- 11.15.2 A 'four bay' section of the façade of the factory along the south side including the façade elements, form and corrugated cladding of the roof and internally the steel structural system (see figure 8 below).
- 11.15.3 One bay immediately adjacent to the corner office tower section facing Salmon Street (see figure 8 below).



Figure 7: levels of significance outlined in the Conservation Management Plan (February 2016).

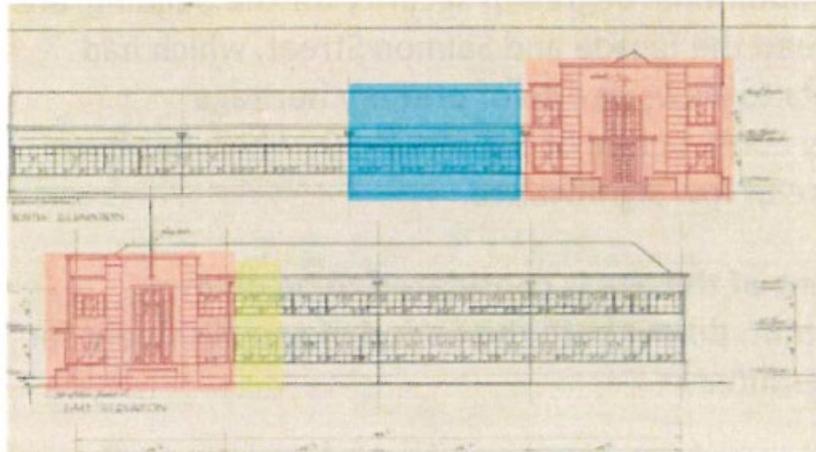


Figure 8: Site elevation showing Conservation Management Plan (February 2016), area of primary significance (shown red), 'four bay' section of the south elevation (shown blue) and 'one bay adjacent to office tower facing Salmon Street' (shown yellow).

- 11.16 The proposed extent of demolition does not affect the fabric outlined in the Conservation Management Plan to be retained and is consistent with the conservation approach recommended for this site through the Panel process. It is proposed to retain the elements of primary significance and a representative sample of the elements of secondary significance.
- 11.17 Whilst the demolition affects a considerable area of 3167m², the area is central to the site, will not be visible from the street, is consistent with the panel findings above, and still allows the retention of the steel structure which is to be incorporated into the redevelopment of this area. It also references the horizontality of this part of the factory design.
- 11.18 The demolition method statement submitted with the application determines that the demolition can be successfully conducted without impacting the significant structures to be retained.
- 11.19 To ensure that the significant fabric is protected it would be recommended that Council support, if given, would be conditional on the plans clearly stating and demonstrating that the extent of factory to be retained is consistent with the Conservation Management Plan that is; four bays on the south side, and one bay approximately on the Salmon Street side are to be retained.
- 11.20 Further to this the extent of demolition aligns with that already approved under the original permit and its retention would result in a considerable redesign of the built form already considered and granted by the Minister.
- 11.21 Therefore, the proposed extent of demolition is appropriate having regard to the current Heritage Overlay and the area of primary and secondary heritage significance being retained.

Assessment of each change

- 11.22 Each of the proposed changes is considered in the table below.



Proposed change	Assessment
<p>To amend the preamble from:</p> <p><i>Partial demolition of an existing building under the Capital City Zone Schedule 1, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.</i></p> <p>to:</p> <p><i>Partial demolition of an existing building under the Capital City Zone Schedule 1 and Heritage Overlay Schedule 472, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.</i></p>	<p>The applicant has sought to amend the preamble to add reference to demolition under the heritage overlay that now affects the site.</p> <p>It is imperative that the preamble refers to all permit triggers. The proposed preamble does this.</p>
Proposed changes to endorsed plans	
Overall changes	
<p>The extent of demolition proposed in accordance with the Heritage Overlay affecting the site to now be shown on plans TP110 and TP328, prepared by Bruce Henderson Architects and received by Council on 8 October 2018.</p> <p>It is proposed to demolish a 3167m² portion of the existing single storey industrial building located within the extent of the Heritage Overlay (HO472) that now affects the site which was not approved as part of the original application. The extent of demolition is show in blue below as per plan TP110:</p>	<p>The proposed extent of demolition does not affect the fabric outline in the Conservation Management Plan to be retained and is consistent with conservation approach recommended for this site through the Panel process.</p> <p>Whilst the demolition affects a considerable area of 3167m², the area is central to the site, will not be visible from the street, is consistent with this panel findings, and still allows the retention of the steel structure which is to be incorporated into the redevelopment of this area. It also references the horizontality of this part of the factory design.</p>

12. COVENANTS

- 12.1 The applicant has completed a declaration that the subject land, being all the land contained in Volume 11581, Folio 017, commonly known as Lot S3 of Plan of Subdivision 728869T is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

13. OFFICER DIRECT OR INDIRECT INTEREST

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



14. OPTIONS

- 14.1 Approve as recommended.
- 14.2 Approve with changed or additional conditions.
- 14.3 Refuse - on key issues.

15. CONCLUSION

- 15.1 This proposal seeks demolition of a considerable area of the building being 3167m². However, the area is central to the site, will not be visible from the street, and does not affect the fabric outline in the Conservation Management Plan to be retained and is consistent with conservation approach recommended for this site through the Panel process.
- 15.2 The extent of demolition aligns with that already approved under the original permit and its retention would result in a considerable redesign of the built form already approved by the Minister.
- 15.3 It is recommended that the proposal be supported, subject to conditions. This is because it would remain generally consistent with the existing and proposed strategic policy framework for Fishermans Bend, Heritage Overlay 472, and Clause 22.04. Further, subject to conditions would not result in detriment to the significant heritage place.

TRIM FILE NO:

PF18/33728

ATTACHMENTS

- 1. 10/2015/MIN/A - Demolition Plan
- 2. 10/2015/MIN/A - Demolition Elevation Plan
- 3. 10/2015/MIN/A - Demolition Work Method Statement
- 4. 10/2015/MIN/A - External Heritage Report
- 5. 10/2015/MIN/A - Heritage Overlay (C143) Panel Report
- 6. 10/2015/MIN/A - Conservation Management Plan (HLCD, February 2016)