

Report to the Future Melbourne Committee

Agenda item 6.1

Planning Scheme Amendment C394 – Fishermans Bend Heritage

17 August 2021

Presenter: Tanya Wolkenberg, Acting Director City Strategy**Purpose and background**

1. The purpose of this report is to consider the submissions received during public exhibition of proposed Melbourne Planning Scheme Amendment C394 *Fishermans Bend Heritage Permanent Controls* (the Amendment) and to recommend that the Future Melbourne Committee refer all submissions listed at Attachment 2 to an independent Planning Panel in accordance with the *Planning and Environment Act 1987*.
2. The Amendment implements the recommendations of the Fishermans Bend Heritage Review 2021 (the Review) undertaken by HLCD heritage consultants and historian Dr Peter Mills. The Review proposes that three places of local heritage significance be included in heritage overlays: the former Kraft Vegemite Factory (1 Vegemite Way, Port Melbourne), Shed 21 (206 Lorimer Street, Docklands) and the former SEC Electricity Substation (224-236 Salmon Street, Port Melbourne). These places are important reminders of Victoria's wartime industrialisation and postwar prosperity, and their protection will ensure that the history of the area can be shared and understood by Melburnians for years to come.
3. The Review was presented to the Future Melbourne Committee on 20 April 2020 when it was resolved to request that the Minister for Planning prepare and exhibit the Amendment. Public exhibition was undertaken from 3 June to 8 July 2021. Two online information sessions were held, in addition to other engagement activities through Participate Melbourne. Management has worked closely with landowners and stakeholders since 2018 using an approach to engagement that recognises the unique requirements of the area as an operating industrial precinct.

Key issues

4. A total of ten submissions were received and are categorised as follows:
 - 4.1. Five submissions supporting the Amendment and the protection of heritage in Fishermans Bend, with minor recommendations for additional inclusions.
 - 4.2. Two submission unrelated to heritage in Fishermans Bend.
 - 4.3. Two submissions requesting changes to the Amendment.
 - 4.4. One submission that objects to the Amendment and the application of the Heritage Overlay.
5. The issues raised in submissions have been considered by management and four submissions were referred to HLCD Heritage for further review (Attachment 2). For all places, HLCD reaffirmed its original assessment, subject to a minor revision of the Statement of Significance and citation for 1 Vegemite Way to include additional information and recognition for the distinctive smell of Vegemite that has been traditionally linked to the site. Management is in partial agreement with HLCD's recommended revisions for the Former Kraft Vegemite site (refer Attachment 2).
6. Two submitters requested that the exhibited Review be updated to remove reference to the former GMH complex as it is not proposed for protection through the Amendment. Management supports this change and proposes to amend the exhibited Review in the following manner:
 - 6.1. Remove reference to the former General Motors Holden complex (incorporating 241 (part), 251-259 and 261 Salmon Street, Bayside Avenue (part) and Central Boulevard (part), Port Melbourne) in the summary recommendations table (Sections 1 and 4.1), recommended site extents (Section 4.2) and citation (Section 5.5).
 - 6.2. Insert text into the executive summary (Section 1) to note that the Review was amended to remove references to the former GMH complex.

Recommendation from management

7. That the Future Melbourne Committee:
 - 7.1. Notes all submissions to Amendment C394 (Amendment) as listed in Attachment 2 and adopt management's position on all those submissions.
 - 7.2. Refers all submissions to the Amendment as listed in Attachment 2 to an independent panel appointed by the Minister for Planning for consideration by the panel.
 - 7.3. Notes that the form of the Amendment to be presented to the independent panel is as exhibited except those parts of the Amendment which include proposed revisions, following consideration of all submissions, as set out below.
 - 7.4. Amends the exhibited *Fishermans Bend In-Depth Heritage Review 2021* in the following manner:
 - 7.4.1. Remove reference to the former General Motors Holden complex (incorporating 241 (part), 251-259 and 261 Salmon Street, Bayside Avenue (part) and Central Boulevard (part), Port Melbourne) in the summary recommendations table (Sections 1 and 4.1), recommended site extents (Section 4.2) and citation (Section 5.5).
 - 7.4.2. Insert text into the executive summary (Section 1) to note that the Review was amended to remove references to the former GMH complex.
 - 7.4.3. Revise the description section in the citation for 1 Vegemite Way, Port Melbourne (former Kraft Vegemite Factory) to acknowledge the distinctive smell of Vegemite that has been traditionally linked to the site.
 - 7.5. Amends the exhibited Clause 22.04 (Heritage Places in the Capital City Zone) and the exhibited Schedule to Clause 72.08 (Background Documents) to change the title of the Review to reflect the date it was amended.
 - 7.6. Authorises the General Manager Strategy, Planning and Climate Change to make any further minor or necessary changes to the Amendment.

Attachments:

1. Supporting Attachment (Page 3 of 18)
2. Summary of submissions and management recommendations (Page 5 of 18)

Supporting Attachment

Legal

1. Part 3 of the *Planning and Environment Act 1987* (the Act) deals with the amendment of planning schemes within Division 1 of the Act. It sets out the requirements for exhibitions and for giving notice of proposed planning scheme amendments. Division 2 of the Act outlines the public submissions process. Section 23(1) of the Act provides that:

After considering a submission which requests a change to the amendment, the planning authority must:

- (a) change the amendment in the manner requested; or*
- (b) refer the submission to a panel appointed under Part 8; or*
- (c) abandon the amendment or part of the amendment.*

2. The recommendations made in the report are consistent with the Act.

Finance

3. The costs for processing of the Amendment are included in the 2021–22 City Strategy budget.

Conflict of interest

4. No member of council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

6. The Amendment was exhibited in accordance with the Act in the following manner:
 - 6.1. Public notices were placed in The Age and Government Gazette on 3 June.
 - 6.2. The Amendment and supporting information was made available on the City of Melbourne's Participate Melbourne website and the Department of Environment, Land, Water and Planning's website.
 - 6.3. A copy of the statutory notice, as well as a covering letter was sent to all affected land owners on 31 May, 2021. The information was also sent to relevant stakeholder and prescribe Ministers.
 - 6.4. Public information sessions were held virtually on 9 and 16 July, in addition to an online photo gallery and self-guided walking tour on the Participate Melbourne website.
 - 6.5. All submissions received in response to the exhibition of the Amendment will be provided to the Panel. Submitters will also have to opportunity to address the Panel.

Relation to Council policy

7. The Amendment aligns with the following Major Initiative in the Council Plan 2021–2025:
 - 7.1. Complete heritage reviews and implement associated planning scheme amendments to protect and celebrate heritage in our municipality.

8. The Amendment implements Action 2.2 of Council's Heritage Strategy 2013, to 'Progressively undertake a review of heritage in the high-growth and urban renewal areas and mixed use areas of the City'.
9. The Amendment aligns with Council policy seeking to conserve and protect places of identified heritage significance, including Clauses 21.06 of the Municipal Strategic Statement and Clause 22.04 of the Local Planning Policy Framework.

Environmental sustainability

10. The identification, conservation and integration of the heritage fabric can reduce building demolition and new construction waste and new construction waste, and conserve the embodied energy of existing buildings.

FISHERMANS BEND IN-DEPTH HERITAGE REVIEW

Summary of Submissions and Management Responses

Date updated: 20 July 2021

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1. [REDACTED] (general submission)

Subject land	General
Themes	- Affordable housing
Matters raised	- Would like Council to allocate suitable areas within Fishermans Bend for the establishment of housing for rough sleepers in Melbourne.
Management response	- Submission is noted. - The provision of affordable housing is unrelated to whether the buildings proposed to be included in Heritage Overlays within Amendment C394 meet the threshold for local heritage significance.
Management position	- No changes are recommended in response to this submission. - Refer submission to the planning panel.

2. [REDACTED] (general submission)

Subject land	General
Themes	<ul style="list-style-type: none"> - General support for heritage protection - Accessibility of infrastructure for people with disabilities
Matters raised	<ul style="list-style-type: none"> - Supports heritage protection for significant landmarks in Fishermans Bend. - Notes that heritage protection should not override the upgrading of buildings and infrastructure to make them accessible for people with disabilities to enjoy the new Fishermans Bend in the future.
Management response	<ul style="list-style-type: none"> - Submission is noted. - The provision of access to heritage buildings for people with disabilities is unrelated to whether the buildings proposed to be included in Heritage Overlays within Amendment C394 meet the threshold for local heritage significance.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to the planning panel.

3. [REDACTED] on behalf of the Royal Historical Society of Victoria

Subject land	General
Themes	<ul style="list-style-type: none"> - Supports Amendment C394 - Further protection on a single site
Matters raised	<ul style="list-style-type: none"> - Supports Amendment C394 and the detail contained in the Review. - Requests that City of Melbourne pursue local heritage protection for the remainder of land not being considered for the Victorian Heritage Register (VHR) on the former General Motors Holden (GMH) complex.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant HLCD. - Management agrees with HLCD’s response that the outcome of the VHR process for the GMH complex is unknown and the final extent of registration is not confirmed. It is therefore out of scope for Amendment C394 to consider the application of the Heritage Overlay. - Management agrees with HLCD’s response that Council could potentially consider the Heritage Overlay process in the future but this would depend on the significance of the particular area under consideration and it would need to be reviewed on its own merits.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to the planning panel.

4. [REDACTED] on behalf of the Port Melbourne Historical and Preservation Society

Subject land	General
Themes	<ul style="list-style-type: none"> - Supports Amendment C394 - Review is a valuable resource for future research
Matters raised	<ul style="list-style-type: none"> - Supports the Review and commends HLCD for the development of a thorough heritage study drawn from primary sources. - The Review will be a valuable resource for researchers in the future. - Support for all of the proposed recommendations, including controls on exterior paint colours for the former Kraft administration building.
Management response	<ul style="list-style-type: none"> - Submission is noted.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to the planning panel.

5. [REDACTED] in relation to 4 Wharf Road, Port Melbourne (Westgate Park)

Subject land 4 Wharf Road, Port Melbourne (Westgate Park)

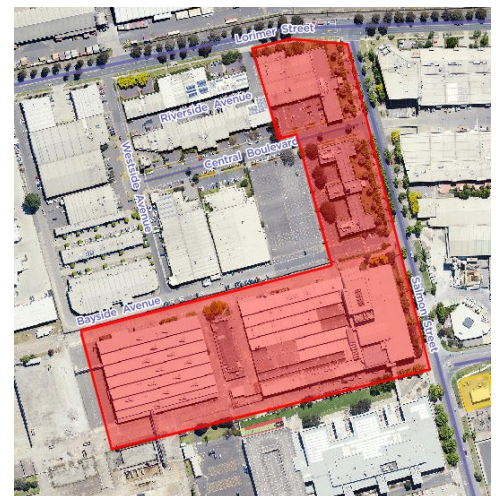


Extent of Westgate Park shown in red (Source: CoM Maps)

Themes	<ul style="list-style-type: none"> - Supports Amendment C394 - Further protection on a single site
Matters raised	<ul style="list-style-type: none"> - Supports Amendment C394 and the proposal to heritage list places in Fishermans Bend. - Suggests that Westgate Park should be included in a Heritage Overlay or as part of the West Gate Bridge VHR nomination.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant HLCD. - Management agrees with HLCD’s response that it is challenging from a heritage perspective to link the original vision for the bridge to the current physical site of the park, particularly when successive design plans have not been fully realised and the extent has been expanded several times. HLCD notes that the environmental values of Westgate Park may be better protected by other means. - Management agrees with HLCD’s response that Westgate Park does not reach the required threshold for addition to the VHR or protection under the Heritage Overlay.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to the planning panel.

6. [REDACTED] on behalf of the University of Melbourne in relation to 241 Salmon Street, Port Melbourne (former General Motors Holden complex)

Subject land Former General Motors Holden (GMH) complex at 241 (part), 251-259 and 261 Salmon St; Bayside Avenue (part), and Central Boulevard (part), Port Melbourne.

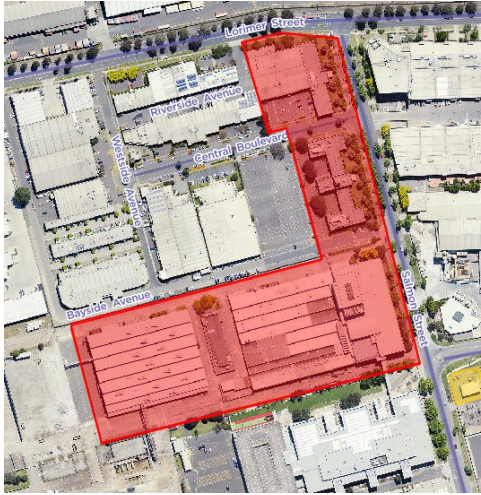


Indicative extent of the former GMH complex shown in red (Source: CoM Maps)

Themes	- Requests changes Amendment C394
Matters raised	<ul style="list-style-type: none"> - Request the exhibited version of the <i>Fishermans Bend In-Depth Heritage Review 2021</i> be updated to remove all references to the former GMH complex prior to it being cited as a reference document or background document in the MPS. - Planning Practice Note 13 states that a background document is used to understand content in the Planning Scheme and should not include content beyond this scope. - Notes that the Review incorrectly states that '<i>the former GMH complex was added to the Victorian Heritage Register by the Minister for Planning in December 2020, and the final coverage is not yet public</i>'. The Minister for Planning is still considering whether the former GMH Complex should be included in the VHR.
Management response	<ul style="list-style-type: none"> - Management agrees that key references to the former GMH complex should be removed from the Review in the format proposed to be referenced in the Melbourne Planning Scheme. The former GMH complex is not directly impacted by Amendment C394 and is also the subject of a nomination to the VHR that is under active consideration by the Minister for Planning. - Management supports the request to update the Review with correct information regarding the inclusion of the former GMH complex on the VHR.
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> - The exhibited <i>Fishermans Bend In-Depth Heritage Review 2021</i> be amended to remove reference to the former General Motors Holden complex (incorporating 241 (part), 251-259 and 261 Salmon Street, Bayside Avenue (part) and Central Boulevard (part), Port Melbourne) in the summary recommendations table (Sections 1 and 4.1), recommended site extents (Section 4.2) and citation (Section 5.5).

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- Clause 22.04 (Heritage Places in the Capital City Zone) and the Schedule to Clause 72.08 (Background Documents) be amended to change the title of the Review to reflect the date it was amended.
 - It is noted that the removal of the proposed site extent for the former GMH complex as outlined above, also satisfies the submitter's request to correct information on the status of the VHR nomination for this place.
 - Refer submission to the planning panel.
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7. [REDACTED] on behalf of Development Victoria in relation to 206 Lorimer Street (Shed 21), and former GMH complex

Subject land	Former GMH complex at 241 (part), 251-259 and 261 Salmon St; part of Bayside Avenue, and part of Central Boulevard, Port Melbourne.	
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Indicative extent of the former GMH complex shown in red (Source: CoM Maps)

Themes	<ul style="list-style-type: none"> - Requests changes to Amendment C394 - Supports inclusion of 206 Lorimer Street (Shed 21) within a Heritage Overlay
Matters raised	<ul style="list-style-type: none"> - Supports the proposed Heritage Overlay for 206 Lorimer Street (Shed 21) and its alignment. - Requests the removal of all references to the former GMH complex within the exhibited version of the Review.
Management response	Management agrees that key references to the former GMH complex should be removed from the Review in the format proposed to be referenced in the Melbourne Planning Scheme. The former GMH complex is not directly impacted by Amendment C394 and is also the subject of a nomination to the VHR that is under active consideration by the Minister for Planning.
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> - The exhibited <i>Fishermans Bend In-Depth Heritage Review 2021</i> be amended to remove reference to the former General Motors Holden complex (incorporating 241 (part), 251-259 and 261 Salmon Street, Bayside Avenue (part) and Central Boulevard (part), Port Melbourne) in the summary recommendations table (Sections 1 and 4.1), recommended site extents (Section 4.2) and citation (Section 5.5). - Clause 22.04 (Heritage Places in the Capital City Zone) and the Schedule to Clause 72.08 (Background Documents) be amended to change the title of the Review to reflect the date it was amended. - Refer submission to the planning panel.

8. [REDACTED] on behalf of the National Trust Australia (Victoria)

Subject land General, also relating to Kraft Vegemite Factory at 1 Vegemite Way, Port Melbourne



Chimney and boiler house of the Former Kraft Factory at 1 Vegemite Way (Source: P Mills 2020)

Themes

- Support for Amendment C394 and the Review
- Request to add further information

Matters raised

- Notes strong support for the exhibited Amendment and the detailed Review that underpins this work.
- Recommends an addition to the Statement of Significance for the former Kraft Factory under Criterion A to recognise the distinctive smell of Vegemite that emanates from the factory. The smell is an excellent example of intangible cultural heritage and allows the purpose of the building to be understood.
- There are numerous examples internationally of efforts to recognise and protect significant the experiential aspects of places and cultural landscape, such as sounds and smells.
- Accepts that the Heritage Overlay controls do not protect existing uses, if the manufacture of Vegemite at the site was discontinued, the National Trusts believes that the factory’s distinctive smell will still be a recognised aspect of its history, and can be referenced in any future interpretation strategy.

Management response

- This submission was referred to City of Melbourne’s heritage consultant HLCD.
- Management agrees with HLCD’s response that the smell of the manufacturing process for Vegemite is distinctive, well recognised and associated with this particular place. It is an example of intangible cultural heritage.
- Management agrees that if manufacture of Vegemite were to cease at the site in the future, it is important that the distinctive smell should remain a recognised part of the site’s history that could be referenced in any future historical interpretation.
- Management disagrees with HLCD’s response that an additional sentence be added to the Statement of Significance under the ‘Why it is significant’ section. The Statement of Significance is a development control in the Melbourne Planning Scheme, and is used to make decisions on the proposed development of heritage places. It is not considered appropriate to require that any future development respond to the distinctive smell created by a current use at the site.
- Management agrees with HLCD’s response that reference to the distinctive smell should be added to the description section of the citation for the Former Kraft

Vegemite Factory. This information can be easily relied upon in any future historical interpretation.

Management position

- In response to the submission it is recommended that:
 - o The description section of the citation for the former Kraft Vegemite Factory (1 Vegemite Way, Port Melbourne) be updated to include reference to the distinctive smell of Vegemite.
 - Refer submission to the planning panel.
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9. [REDACTED] on behalf of Danvale Nominees Pty Ltd in relation to 224-236 Salmon Street, Port Melbourne

Subject land Electricity Substation at 224-236 Salmon Street, Port Melbourne



Proposed extent of Heritage Overlay curtilage shown in yellow and property boundary shown in red (Source: CoM Maps)

Themes	<ul style="list-style-type: none"> - Property does not meet threshold for application of heritage criteria - Proposed extent of Heritage Overlay curtilage
Matters raised	<ul style="list-style-type: none"> - Objection to the proposed application of the Heritage Overlay to 224-236 Salmon Street, Port Melbourne, which is currently occupied by an electricity substation. - Disputes the heritage significance of the substation as described in the Statement of Significance on the grounds that it does not meet the threshold for the application of Criterion A (historical significance) and Criterion E (aesthetic significance). - Notes that the City of Melbourne’s consultant has only relied on two of the possible nine criteria for the application a heritage control. - Disputes the extent of the proposed Heritage Overlay, stating that it is too large. - If in the event a planning panel found a Heritage Overlay justified, requests the extent of the Heritage Overlay be limited to the physical building only, and the reuse and development of the subject building be acknowledged and provided for.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant HLCD. - Management agrees with HLCD’s response that the historical significance (Criterion A) of the 1935 electricity substation is demonstrable through the role it played in facilitating major industrial development in Fishermans Bend. The location, form and scale of the substation demonstrate its significant role in the precinct’s early development and its construction represented an important government action. The substation meets the threshold for aesthetic significance (Criterion E) as it exhibits aspects of the inter-war stripped classical style and the application of architectural styles to functional buildings, particularly to reflect the GMH complex in this case. Further, it is not a requirement that buildings are in good condition to meet the threshold for aesthetic significance. Overall the place warrants inclusion in the Heritage Overlay under Criterion A (historical) and Criterion E (aesthetic). - Management agrees with HLCD’s response that the curtilage (extent of the

Heritage Overlay) is often the whole of the property, however with respect to this property it has been reduced as far as possible while still protecting heritage values.

- Management agrees with HLCD's response that the number of criteria met at the local level out of a possible nine is irrelevant. As long as a place meets one or more at the threshold for local significance, it can be included in the Heritage Overlay. The Statement of Significance clearly outlines that two criteria apply.
- The extent of the proposed Heritage Overlay is appropriate and aligns with Planning Practice Note 1 – Applying the Heritage Overlay, which states:

“It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item”.

Management position

- No changes are recommended in response to this submission.
 - Refer submission to the planning panel.
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10. [REDACTED] on behalf of Samma Property Group in relation to 196-204 Lorimer Street, Docklands

Subject land 196-204 Lorimer Street, Docklands
(adjacent to Shed 21)



Subject site at 196-204 Lorimer Street shown in red, with Shed 21 shown in yellow. Shed 21 is situated to the north and is proposed for a Heritage Overlay through Amendment C394

Themes	- Support alignment of proposed Heritage Overlay at Shed 21.
Matters raised	- Formally confirm support to align the proposed Heritage Overlay at 206 Lorimer Street with the approved <i>Bolte Precinct West – Yarra’s Edge Addendum Development Plan 2019</i> . This will ensure that land use and development outcomes expected under the Development Plan can be realised.
Management response	- Submission is noted.
Management position	- No changes are recommended in response to this submission. - Refer submission to the planning panel.