
1.4 Heritage Victoria Referral - Permit amendment application for Richmond Maltings, 2 and 15 Gough Street, Cremorne (H2050).

Executive Summary

Purpose

Council has received a referral under Section 105(4) (b) of the *Heritage Act 2017*, in relation to an application made to Heritage Victoria by Lovell Chen on behalf of Cayden for an amendment to Heritage Victoria Permit P25508 which applies to Stage 2 of the Nylex Silos Site redevelopment.

This report provides Council with information regarding the proposal and makes recommendations for a response to the Heritage Victoria Referral.

Officers need to provide a Council position to Heritage Victoria by end of business on 28 July 2019.

Key Issues

As this report results from a Heritage Victoria referral, consideration in this referral request is limited to heritage matters and thus only the Heritage Overlay and heritage policies contained within Council's Municipal Strategic Statement and local section of the Planning Scheme are relevant. Other land use and development aspects will be determined by the Planning Permit amendment application currently lodged with Council.

Financial Implications

There are no financial implications associated with this heritage referral response.

PROPOSAL

The proposal seeks an amendment to the existing Heritage Victoria Permit for Stage 2 facilitating the development of the fire damaged Building B6.

1.4 Heritage Victoria Referral - Permit amendment application for Richmond Maltings, 2 and 15 Gough Street, Cremorne (H2050).

Reference: D19/125819
Authoriser: Senior Co-ordinator Statutory Planning

Purpose

1. Council has received a referral under Section 105(4) (b) of the *Heritage Act* 2017, in relation to an application made to Heritage Victoria by Lovell Chen on behalf of Cayden for a new development outcome for Building B6 on the Nylex Silos Site being the building which was significantly damaged by fire in late 2017. The application also seeks to amend a number of permit conditions.



2. This report provides Council with information about the proposal and makes recommendations for a response to the Heritage Victoria referral.

Background

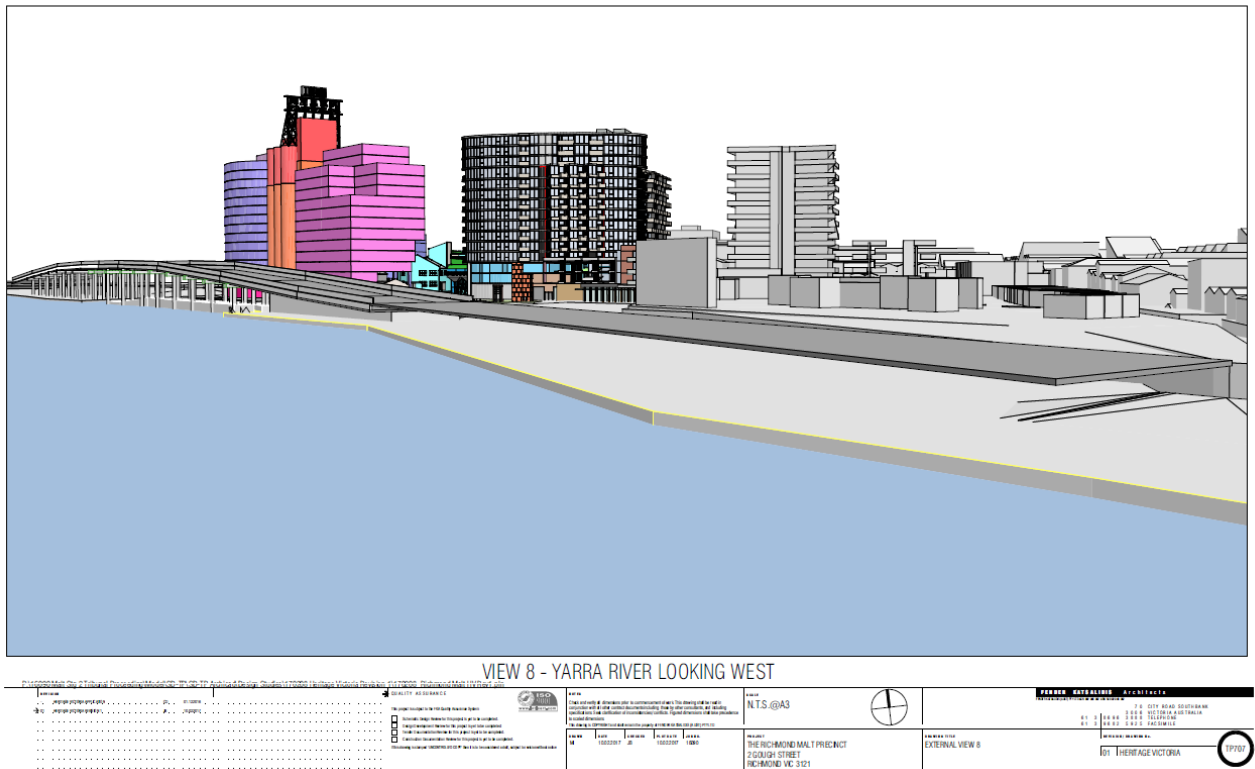
3. The subject site known as 2 and 15 Gough Street, Cremorne has a long planning history and for the purposes of this report, only the relevant Heritage Victoria process will be discussed in detail.
4. Council received the original referral from Heritage Victoria on 12 December 2016 which sought approval for the development of both stages 1 and 2.

5. External heritage advice was obtained from Trethowan Architecture Interiors Heritage and concurrent Urban Design advice from MGS Architect who both raised concerns with the application.
6. Council formally objected to the applications 17 January 2017 (letter incorrectly dated the letter 2016) on the following grounds:
 - (a) *The extent of demolition would significantly impact upon the cultural heritage significance of the Richmond Maltings Site and the Nylex Plastics Sign (being Victorian Heritage Registration Reference HO2050 and HO2049 and affected Heritage Overlay HO350 under the Yarra Planning Scheme.*
 - (b) *The proposal fails to conserve or enhance those elements which contribute to the significance of the heritage place.*
 - (c) *The scale, bulk, height and massing of the proposed development would significantly impact upon the cultural heritage significance of the Richmond Maltings site and would unreasonably dominate the heritage place;*
 - (d) *The proposal fails to conserve or enhance the key heritage features of the site which depict the various stages of the malting process since the late 19th century;*
 - (e) *The scale, bulk, height and massing of the proposed development would unreasonably impact upon the views to and the prominence of the Nylex Plastics Sign;*
 - (f) *The proposal would not provide reasonable opportunities for interpretation or appreciation of the cultural heritage attributes of the site;*
 - (g) *The proposal would not retain the visual prominence or landmark qualities of the Nylex Plastics Sign and the 1960's silos which supports this heritage feature;*
 - (h) *The proposal would not reinforce the landmark qualities or heritage attributes of the site in the design of the new buildings and works.*
7. In addition to the objection grounds, Council also raised the following issues with the application:
 - (a) *There was also insufficient information to undertake a full heritage assessment. The following items are requested:*
 - (i) *A clear demolition plan of all demolition works to occur across the site (on one plan);*
 - (ii) *A development summary, listing dwelling numbers, dwelling configurations, car parking spaces, commercial floor areas, all proposed land uses;*
 - (iii) *Fully dimensioned, coloured elevations;*
 - (iv) *Dimensions on floor plans/layouts, including setback and wall lengths;*
 - (v) *Elevations (for stage 2, basic massing diagrams have only been provided); and*
 - (vi) *View lines from key vantage points around the site (including from the east along Balmain Street) to the Nylex Sign and Richmond Maltings heritage building stock.*
8. The image below details the limited information included within the original referral with only massing diagrams provided for Stage 2.



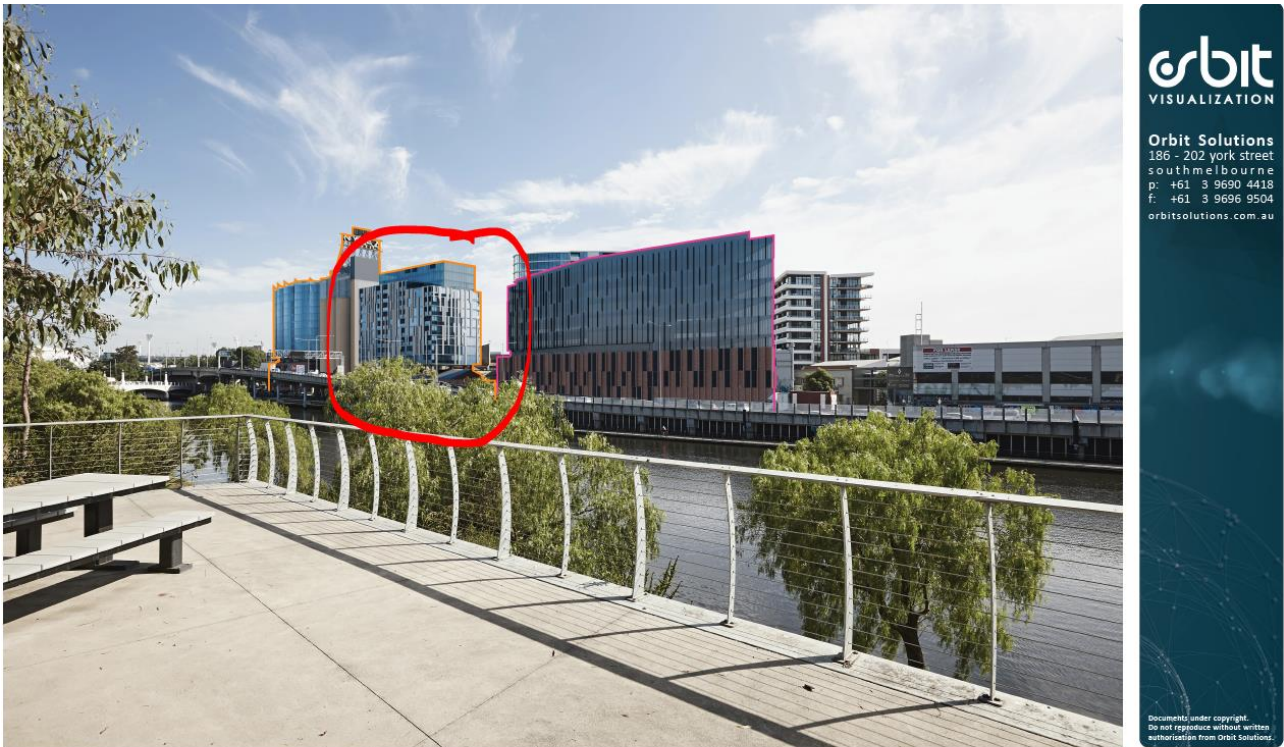
Please Note: Highlighted in yellow is Building B6 which is the applicable building relevant to the current referral.

- Council was advised on 5 July 2017 that Heritage Victoria had approved the permits for both Stage 1 and 2 referencing plans dating 10 February 2017 (see relevant image below) which provided limited detail on the actual built form outcome approved for the site.



Please Note: Building in pink is the proposed approved envelope for Building B6 which is the applicable building relevant to the current referral.

10. Heritage Victoria Permit P25508 was amended on 28 August 2017, the amendment related to the removal of hazardous materials and wording changes to a number of conditions clarifying the timing for various approvals to enable works to proceed in stages.
11. Planning Permit PLN15/1176 (Stage 2) was issued at the direction of the Victorian Civil and Administrative Tribunal (**VCAT**) on 22 January 2018 and subsequently corrected on 4 April 2018.
12. The planning permit allowed a built form outcome which was depicted in the renders tabled at the hearing with some design modification required as conditions of the permit:



View 4 Proposed Built Form with Landscaping and Building Outline

STAGE 2
STAGE 3

Project:
Caydon Cremorne Stage 2
At:
2 Gough Street, Cremorne, VIC 3121
For:
Caydon Property Group Pty Ltd



Figure:
4.3
Revision:-
Date: 17/07/2017
Job Number: V17031
Drawn: FB, JL

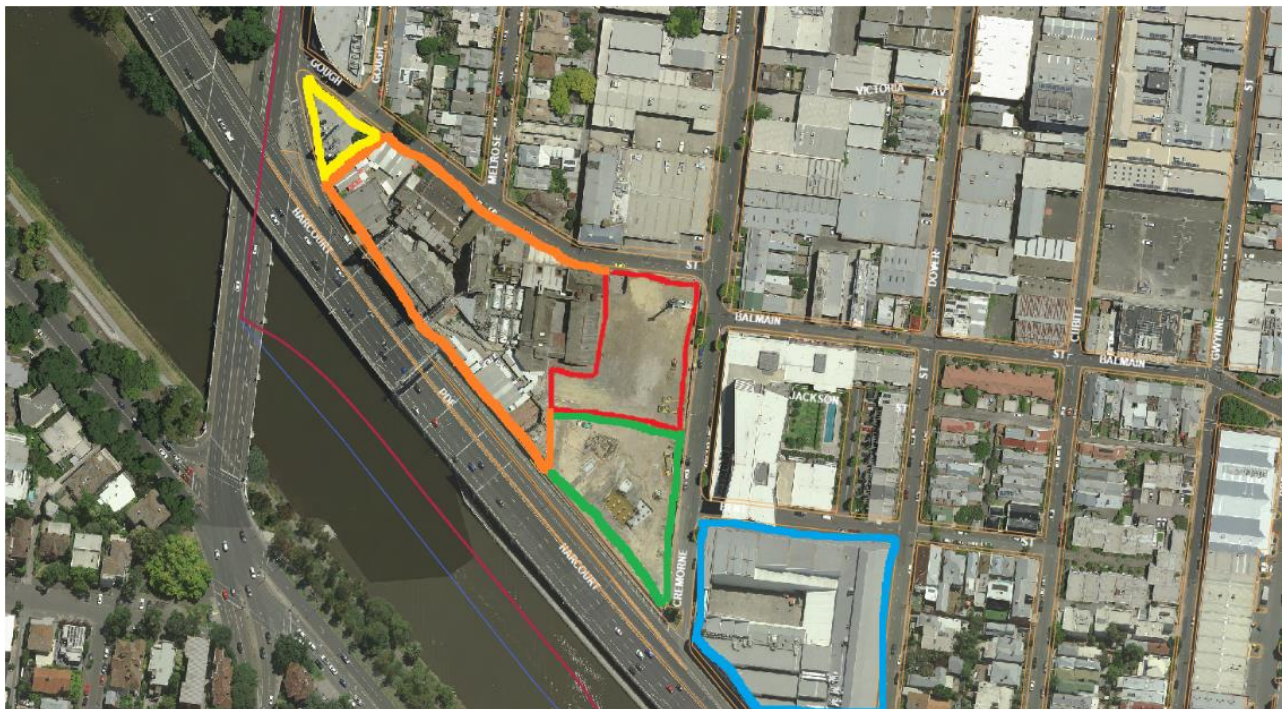
Please Note: Building outlined in red is the proposed approved envelope for Building B6 permitted under the planning permit which is the applicable building relevant to the current referral.

13. Council received the written referral and architectural plans from Heritage Victoria on 15 July 2019 as the subject site is included on the State Heritage Register. Advice was subsequently sought from Council’s Heritage Advisor and was received on 23 July 2019. This advice is included within the assessment section of this report.
14. For the purpose of this report, Council’s role is limited to providing comments on the proposal. Heritage Victoria will ultimately decide on the merits of the application.
15. Currently an amendment to Planning Permit PLN15/1176 is being advertised and amongst other things seeks changes to the built form of Building B6 commensurate with those being sought by the Heritage Victoria amendment.

Existing Conditions

Subject Site

16. The subject site is located on the south-west corner of the intersection of Gough and Cremorne Streets in Cremorne. Broadly speaking, the site is located in the south-west corner of Cremorne, adjacent to the City Link, Yarra River and Hoddle Street.
17. The site has approvals for a two stage development (see image below) the area in red forms part of Stage 1 and the orange area is Stage 2.

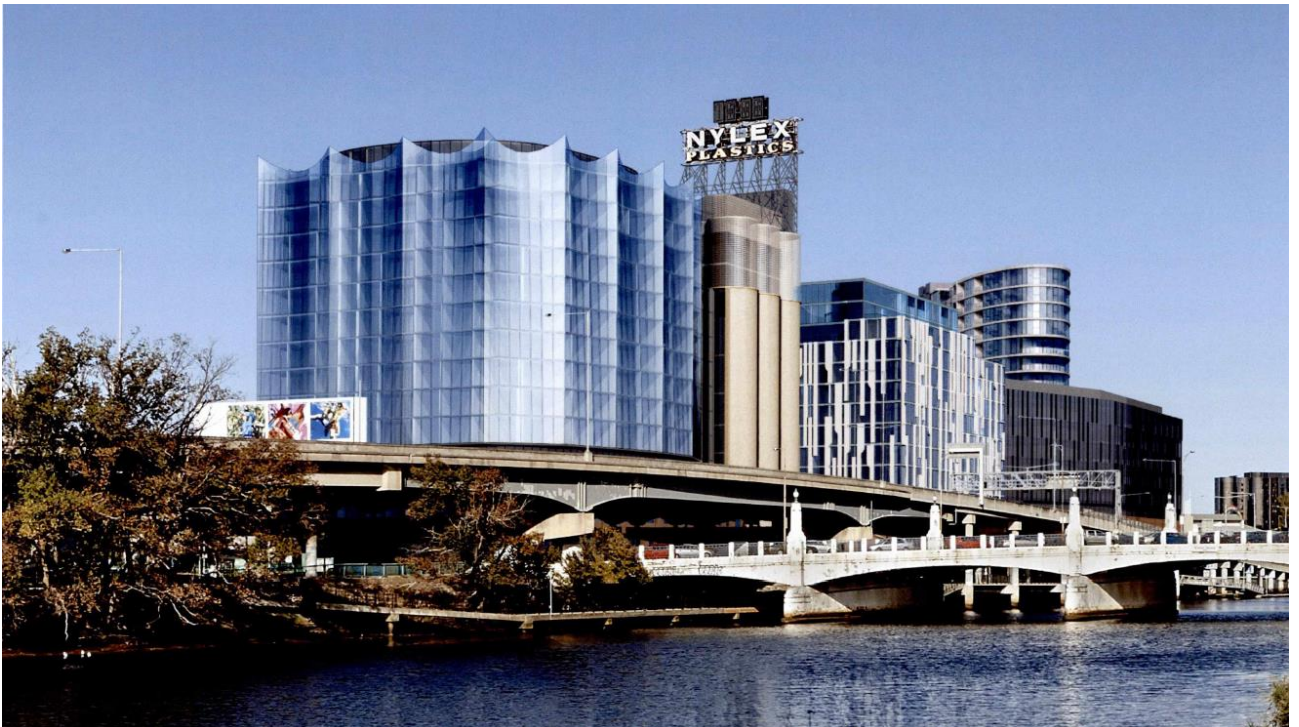


18. The entire site inclusive of the both Stages 1 & 2 are included on the Heritage Register (two listings – the sign specifically and the site as a whole).
19. The two Heritage Victoria registrations for the site are:
 - (a) H2049 – Nylex Sign – The sign is identified as a double sided sky-sign mounted on a cross braced steel frame on top of silos. The sign is of social and historical significance to the state of Victoria. The sign is said to signalise the industrial base of the former City of Richmond. Further, the sign is of social significance for its landmark qualities, forming an unofficial gateway to Melbourne. It is noted that the silos supporting the sign are not referenced in the registration and are not of heritage significance.
 - (b) H2050 – Richmond Malting's – The site was the Barrett Burston Richmond Malting's, initially developed in the 1850s – 1860s. The site is historically, scientifically (technologically), aesthetically, socially and archaeologically significant to the State of Victoria.

Surrounding Land

20. The surrounding context of the site is one of change. Existing built form varies from single storey dwellings and former industrial buildings to 10 storey mixed use (predominantly residential) development.
21. The immediate context of the site will notably change over the next 5 – 10 years as the broader Nylex site is fully developed and surrounding developments commence and or complete construction.

22. In the image above shown in red (Stage 1) has a planning permit for a mixed use development including buildings up to 15 storeys in height. Uses across the site include residential, office, supermarket and a gym with basement car parking with the site currently under construction.
23. Stage 2 of the development of the broader site (shown in orange) and the subject of the Heritage Victoria referral has approval under planning permit PLN15/1176 a number of buildings rising to 15 storeys in height. Uses include residential, office, hotel, cafes and restaurants, galleries and the like with basement car parking.
24. A current amendment to the permit has been lodged with Council and is currently being advertised.
25. The site at 17 – 21 Harcourt Parade (shown in green) is known as Stage 3. Planning permit PL08/0921 approves a commercial office building of up to 9 storeys in height. Construction has commenced on the site.
26. Two amendment are currently with Council, one seeking to introduce a commercial car park on the site. This application at the time of writing this report was currently on advertising. A second amendment to the endorsed construction management plan has recently been received and is yet to be reviewed.
27. The image below is an indicative representation when all 3 stages are completed.



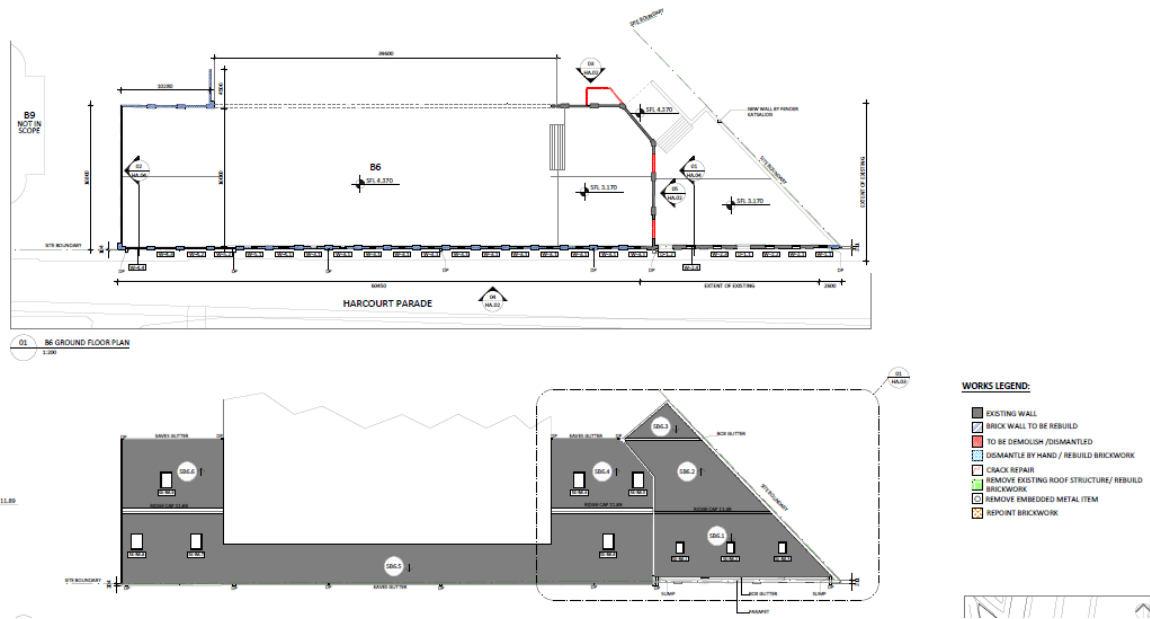
28. In yellow is 1 - 3 Harcourt Parade, Cremorne, a planning permit application has been lodged with Council (PLN18/0002) which seeks approval for 'Development of the land for the construction of a 10 storey building (plus plant deck), use of the land as a residential hotel (104 rooms), construction and display of major promotional electronic signage and removal of covenant 1818808 from lot 1 on plan of subdivision 408289Y', the application has been advertised and Council will be assessing the application shortly.



29. In blue is the former 'Stitches' site at 167 – 169 Cremorne Street, Cremorne. A combined rezoning and planning permit application is lodged with Council, however it is unclear if this application will proceed.

The Proposal

30. The proposal is in effect the same proposal currently lodged with Council with respect to the changes proposed to the heritage registered building.
31. In more detail, as relevant to this heritage referral and as described by the permit applicant:
- (a) Reconstruction works including;
 - (i) Original extent of southern wall (Harcourt Parade) to be joined to remnant wall;
 - (ii) Western wall reconstructed;
 - (iii) South west corner reconstructed to original alignment (not chamfered)
 - (iv) Western end of north wall and its return; and
 - (v) Reconstruction of the roof to match original profile except for northern and central section's where the tower is proposed.



- (b) Conservation works;
 - (i) Crack repair to remnant north and east walls;
 - (ii) Repoint section of brick work to north elevation.
- (c) New works;
 - (i) Central section of the northern wall is not proposed to be reconstructed with a larger area proposed to be used as the hotel lobby and associated uses;
 - (ii) Height of the overall building reduced in line with the conditions of the permit;
 - (iii) Façade design to include light and dark blue glazing with concrete elements articulating the façade. (Please note, the permit issued by Heritage Victoria never included detailed floor plans and elevations).
- (d) Amendment to the Permit;
 - (i) Amendment to permit to allow for commencement of early works demolition for Stage 2 prior to the fulfilment of condition 1 and conditions 8 – 12 as they relate to Stage 2 (Please note condition 8 – 12 relate to:
 - Condition 8 – New Buildings Detail Design
 - Condition 9 – Conservation Adaptation works
 - Condition 10 – Heritage Management Plan
 - Condition 11 – Interpretation and
 - Condition 12 - Landscape

32. The proposal is described in more detail in the plans and reports prepared by Lovell Chen and Caydon which are provided at Attachment 1.

Planning Provisions

33. The subject site is contained within the Comprehensive Development Zone – Schedule 3 and is also affected by the Heritage Overlay, City link Project Overlay, Environmental Audit Overlay and Land Subject to Inundation Overlay.

Zoning

Comprehensive Development Zone – Schedule 3 (Richmond Maltings, 2 Gough Street, Cremorne)

34. The purpose of this zone is:
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*
35. The purpose of schedule 3 is:
- (a) *To allow a comprehensively staged, mixed use development on the site which will create activity during the day and evening and generate local employment opportunities.*
 - (b) *To conserve and enhance key heritage buildings through refurbishment and reuse.*
 - (c) *To allow the continuation of limited major advertising in the precinct.*
 - (d) *To ensure that development on the site will complement and enhance the Yarra River environs.*
 - (e) *To ensure the combination of uses, their density and the scale and character of development does not prejudice the amenity of the surrounding area.*
 - (f) *To retain the visual dominance and preservation of views of the landmark Nylex sign and associated silos through the sensitive siting of new building envelopes on the site.*
 - (g) *To provide a well-designed, attractive open plaza space within the development which is accessible to the surrounding community.*
 - (h) *To ensure a high quality architectural response to the site that acknowledges and is respectful of the scale and form of buildings within the site and its immediate environs.*
36. Under schedule 3, the use of the site for offices does not require a planning permit. However, the use of the site as dwellings, hotel), shops, cafes, restaurants require a planning permit.
37. Section 2 of schedule 3 states that:
- (a) *Use of land must be in accordance with the Table of uses to this Clause and the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007". [Design Principles]*
 - (b) *A use must not detrimentally affect the amenity of the neighbourhood, including through the:*
 - (i) *Transport of materials, goods or commodities to or from the land.*
 - (ii) *Appearance of any building, works or materials.*

- (iii) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
38. Under section 4 of schedule 3, a planning permit is required for the proposed buildings and works as the proposal is not generally in accordance with the Planning or Design Principles.
39. Decision guidelines when considering the proposed buildings and works are (as relevant):
- (a) *Consistency with the building envelopes and design principles detailed on the comprehensive development plan: "Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007".*
 - (b) *Streetscape character.*
 - (c) *Built form.*
 - (d) *Interface with nearby areas.*
 - (e) *Parking and site access.*
 - (f) *The preservation of the amenity of nearby residents.*
 - (g) *The orderly management of vehicular and pedestrian traffic.*
 - (h) *The visual impact of the building or works on the impact of the area.*
40. The Design Principles offer the following guidance when assessing built form (the full list has been included here, where some items may relate to the balance of the site, any development on this section must ensure it does not undermine the broader objectives of the site):
- (a) *Facilitate safe, convenient and legible public access into and through the site.*
 - (b) *Provide tall development at the eastern end of the site consistent with the built forms adjacent to the east.*
 - (c) *Retain the visual prominence and landmark qualities of the Nylex sign and clock and the 1960's silos which support this heritage feature.*
 - (d) *Provide opportunities for pedestrian access through the site to Harcourt Parade to the south and the Punt Road Bridge. Options for any future potential pedestrian access across or along Harcourt Parade are to be the subject of full discussion and negotiation between VicRoads, City Link, Council and the land owner.*

Overlays

City Link Project Overlay

41. This overlay exempts use and development in association with the City Link Project area if the use or development is part of the Melbourne City Link Project (as relevant). The only permit triggers of this overlay relate to signage (none is proposed as part of this application).

Environmental Audit Overlay

42. Clause 45.03-1 of the Scheme states that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
43. This requirement is already conveyed to the Applicant in the form of a notation on the permit. *Heritage Overlay (HO350 – 2 Gough Street [Nylex Plastics sign] and 2 and 15 Gough Street [Richmond Maltings], both on the Victorian Heritage Register [H2049 and H2050])*
44. Clause 43.01-2 of the Scheme states that no permit is required under this overlay to develop a heritage place which is included on the Victorian Heritage Register.
45. It is noted however, that the CDZ3 Design Principles note the following objectives:
- (a) *Conserve and enhance the key heritage features of the site which depict the various stages of the malting process since the late 19th Century.*
 - (b) *Provide opportunities for interpretation and appreciation of the cultural heritage attributes of the site which are to be retained.*

Land Subject to Inundation Overlay

46. A planning permit is required to construct a building or to construct or carry out works pursuant to clause 44.04-2 and the application must be referred to Melbourne Water for comment.
- Other*
47. In terms of the Municipal Strategic Statement and Local Planning Policies, Clauses 21.05-1 and 22.02 provide general guidance on the development of heritage places.

Assessment

48. The application was referred to Council's Heritage Advisor who was generally comfortable with the proposed works but suggested some changes. The following recommendations were made in response to the design for Building B6:
- (a) As no sample of the blue glass has been submitted a more neutral grey or transparent material should be used:
 - (b) Delete the concrete strips proposed to articulate the building.
49. In response to the proposed amendments to the permit, no objection to the proposed changes to facilitate early works was offered.

Conclusion

In accordance with the guidance from Council's heritage advisor, the proposal from a heritage point of view is acceptable, subject to conditions.

RECOMMENDATION

1. That Council:
 - (a) Authorise officers to write to Heritage Victoria advising the subject to the following conditions:

- (i) deletion of the proposed blue glass and replacement with a more neutral grey or transparent material;
 - (ii) deletion of the concrete strips proposed to articulate the building
- that Council does not objection to the proposed amendment:

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Attachments

- 1 Heritage Victoria Referral letter to council - 2 Gough Street
- 2 Heritage Victoria Referral - Applicant Heritage Report
- 3 Heritage Victoria Referral - Applicant cover letter
- 4 Heritage Victoria Referral - Plans Part 1
- 5 Heritage Victoria Referral - Plans Part 2
- 6 Heritage Victoria Referral - Plans Part 3
- 7 Heritage Referral - Stage 2 Heritage Victoria Amendment Cremorne, 2 and 15 Gough Street, Cremorne
- 8 Copy of Amended Heritage Victoria Permit - Stage 2