

6 DEMOLITION OF A BUILDING (KILN, CHIMNEY AND ASSOCIATED STRUCTURES) WITHIN THE HERITAGE OVERLAY AT 365 PRINCES HIGHWAY, OFFICER

FILE REFERENCE INT1525641

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Angela Gleeson

RECOMMENDATION

That a Refusal to Grant Planning Permit T140447 be issued for Demolition of a building (kiln, chimney and associated structures) within the heritage overlay at 365 Princes Highway, Officer on the following grounds:

- The proposal is not consistent with the incorporated Officer Precinct Structure Plan (September 2011) including heritage report in that this proposal does not retain this significant heritage building.
- The proposal is not consistent with the purposes of Clause 43.01 Heritage Overlay.
- The proposal is not consistent with the State & Local Planning Policy Frameworks of the Cardinia Planning Scheme in relation to heritage which seek to protect and conserve places of heritage significance.
- Insufficient information has been provided with the application in order to justify the demolition of the heritage building and associated structure. No supporting evidence has been provided to support and justify the removal of the heritage building.

Attachments

- | | | |
|---|-------------------|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 9 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T140447
APPLICANT:	Bosco Jonson Pty Ltd on behalf of Keymore Pty Ltd
LAND:	Lot 1, PS 419047A, 365 Princes Highway, Officer
PROPOSAL:	Demolition of a building (kiln, chimney and associated structures) within the heritage overlay
PLANNING CONTROLS:	Urban Growth Zone Schedule 3 applied zone General Residential Development Contributions Overlay Schedule 4 Heritage Overlay (Schedule 104) Clause 65 Decision Guidelines Officer Precinct Structure Plan September 2011

Officer Native Vegetation Precinct Plan September 2011,
Officer Development Contributions Plan and Conservation
Management Plan 15 September 2011.

NOTIFICATION & OBJECTIONS: The application was not advertised.

KEY PLANNING CONSIDERATIONS: Officer Precinct Structure Plan September 2011
Heritage Overlay and Cardinia Shire Heritage Study 1996

RECOMMENDATION: It is recommended that a Notice of Refusal to Grant a Permit
be issued.

BACKGROUND:

Planning permit T060681 was issued on the 12 February 2007 for the removal of a heritage building (weatherboard/cement sheet building). The building was old and in a state of disrepair and was considered to contain asbestos.

Planning permit T060442 was issued on the 6 November 2006 for the removal of vegetation.

Planning permit application T130742 for the subdivision of the land is a current planning permit application.

Council's Municipal Building Surveyor issued a building order to the owner of the land to conduct minor works on the building to ensure that it is safe due to the structure being left in a state of disrepair, when there is bad weather and high winds parts of the building may become unstable. Since then the applicant has rectified these matters in accordance with the Municipal Building Surveyors requests in order to make the structure safe in the interim.

SUBJECT SITE

The site is located on the north side of Princes Highway.

The site currently contains the existing heritage building which includes the brick kiln, chimney and a corrugated steel shed surrounding the kiln. In addition there is a claypit hole to the west of the building.

The topography of the land is undulating and slopes from the north west to the south. The existing structure is located along the Princes Highway frontage on the flattest part of the land.

The area is currently under residential development, and the other heritage pottery kiln site known as Berwick Potteries, is located to the south of the site across Princes Hwy.

PROPOSAL

The proposal is for the demolition of the brick kiln, chimney and associated structures being the corrugated steel shed surrounding the kiln.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11 Settlement
- 11.03 Open space
- 11.03-2 Open space management
- 12 Environmental and landscape values
- 12.04-2 Landscapes
- 15.01-1 Urban design
- 15.01-2 Urban design principles
- 15.01-3 Neighborhood and Subdivision Design
- 15.01-5 Cultural Identity and Neighborhood Character
- 15.03-1 Heritage conservation

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-5 Open space
- 21.02-6 Post contact heritage
- 21.03-2 Urban growth area
- 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan September 2011
- Context, Proposed revisions of HO boundaries in Officer township final report 11 October 2010
- Cardinia Shire Heritage Study 1996

Zone

The land is subject to the Urban Growth Zone Schedule 3. The applied zone for the land is General Residential (Clause 32.08).

Overlays

The land is subject to the Development Contributions Plan Overlay Schedule 4 Officer Development Contributions Plan and the Heritage Overlay Schedule 104 (Clause 43.01).

PLANNING PERMIT TRIGGERS

The proposal for the demolition of a building (kiln, chimney and associated structures) within the heritage overlay requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 2.10 Specific Provisions – Buildings and Works on Encumbered Open Space of the Urban Growth Zone Schedule 3 a planning permit is required for the buildings and works on land shown as Encumbered Open Space.

- Pursuant to Clause 43.01-1 of the Heritage Overlay a planning permit is required to demolish or remove a building. Schedule 104 of the Heritage Overlay refers to 'James Hicks Pty Ltd Pottery' 365 Princes Highway Officer. External paint controls apply and internal alterations apply.

PUBLIC NOTIFICATION

The application was not advertised why?

REFERRALS

The application was not referred externally as there was no requirement for external referrals.

DISCUSSION

The Cardinia Shire Heritage Study describes the former pottery site as follows:

'James Hicks Pty Ltd Pottery has regional value to Cardinia Shire with an estimated date of c1900, 1920. The complex consists of corrugated iron clad gabled clay sheds of varying ages with two brick strapped chimneys and an early converted tunnel kiln. The red painted gabled shed housing the kiln appears to date from the 1920's but the kiln is older. The exterior of the shed is not in very good condition and has been allowed to fall into a state of disrepair. Part of the brick kiln is susceptible to the weather and if not maintained or protected from the weather could fall into a further state of disrepair.

The history of the complex involves its collection of brick and iron structures and has historical significance for its associations with the origins and development of the important district brick, pipe and pottery industries. It has rarity to not only the region but within the State as a relatively intact pottery with some early kiln remains.

The history of the potteries is linked to the early building trade. The pottery is linked to the brickmaking activities and has strong family links of which generations of these families still reside in the area. The land was used for pipe making.

The heritage overlay also consists of a large clay hole which was associated with the pottery and pipe making activity. James Hicks also made agricultural pipes and terra cotta bricks on the land. The site is also linked the pottery on the south side of Princes Hwy which is Berwick Pottery.

The brickworks became a very lucrative business that resulted in many bricks being sold to Melbourne. In the 1940's and 1950's Hicks ran tile works on the Officer sites. Evidence of the complex's long history is not only found in the continuing involvement of the Hicks family but also of its continuing pottery operations and existence of some early kiln remains. (Page 351-353 of the Heritage Study)

The complex relates directly with the Berwick Pottery complex across the highway. The significance of the James Hicks Pty Ltd is the pottery which includes the kiln, early clay sheds, office) is significant to the Cardinia Shire as one of the Shires two early terra cotta manufacturing complexes which still retains notable early elements and highlights the development of extractive and secondary industries of the district. This pottery is an important district industrial site with remaining brick kilns

and other structures associated with brick making, pipe making and pottery production from the post First World War era.'

The Cardinia Planning Scheme, State and Local Planning Policy Framework objectives are to protect sites and features of high scientific, nature conservation, biodiversity, heritage, geological or landscape value. Furthermore it aims to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

Development must create respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape, climate and ensure the conservation of places of heritage significance.

The proposed demolition of the heritage building fails to comply with the objectives of the scheme in that the demolition of the heritage building would result in removing the importance of the heritage place. The Scheme further provides for ensuring that sites of State, regional and local heritage significance are protected and maintained.

The provisions of the SPPF and LPPF are very specific in relation to encouraging the conservation and restoration of contributory elements within an appropriate setting and context for heritage places. Furthermore it recognises the significance of heritage buildings and sites in contributing to the character of townships within the municipality. In removing the heritage building, this would remove any significant remaining heritage linkage to the local area and the local family and community that still reside in the area.

Having regard to the decision guidelines of the Heritage Overlay the proposed demolition is not consistent with the purpose of the Heritage Overlay which seeks to protect and conserve places of Heritage significance

The proposed demolition is not in accordance with the incorporated Officer Precinct Structure Plan (September 2011). The Officer PSP identifies the heritage building within the public open space which also contains the claypit. In addition, the Officer PSP specifies that significant sites are to be well integrated within the open space network and surrounding development along with being further enhanced, protected and well maintained. With limited areas of heritage in the Officer PSP, the character of an area within an emerging residential growth area is critical and Council must retain important links to the past within the new development and the link with the existing pottery across the highway.

The Officer PSP and the decision guidelines of the Heritage Overlay support the retention of the building and retention of all three parts including the clay pit, pottery and chimney. Removing of part of it would significantly alter the intent of the heritage significance and connection to the township and wider community.

In addition to the above there has been no satisfactory evidence provided to Council for the removal of the structures simply based on the fact that it is 'unsafe'. Over the years the building has been left to the elements of the weather which has subsequently eroded at the existing fabric of the structures and allowed it succumb to further degradation. Council has asked for a structural report to assess the integrity of the building and to date the applicant has not provided this information, therefore it is considered that it is not a valid reason for demolishing the pottery.

CONCLUSION

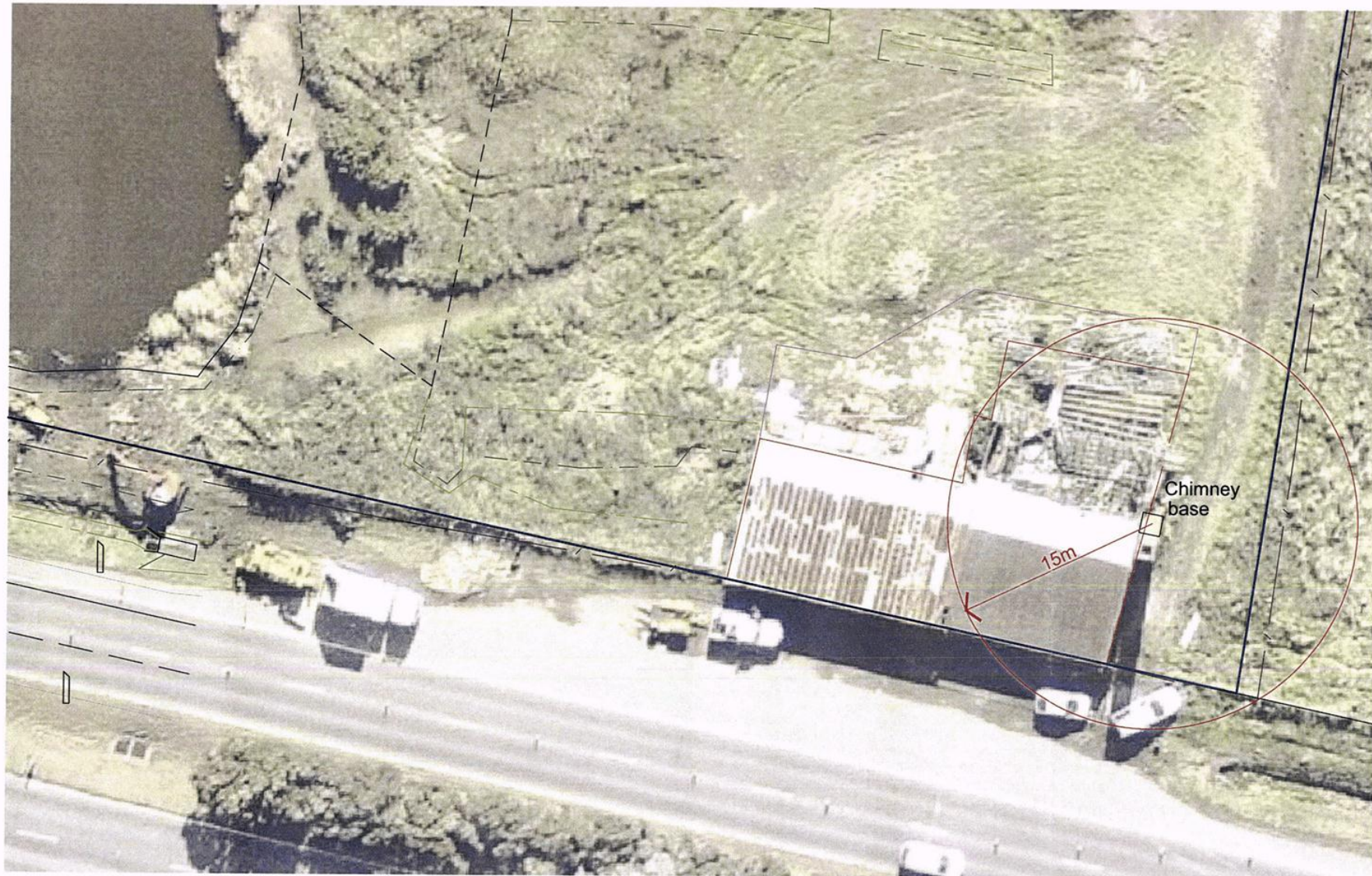
As stated in the above discussion, the proposed demolition of the heritage building (kiln, chimney and associated structures) is not in accordance with the relevant provisions of the Cardinia

Planning Scheme and Incorporated Officer Precinct Structure Plan. Furthermore no satisfactory information has been provided within the application to support its removal.

As Officer is a developing urban growth area, it is important to retain and maintain in perpetuity the heritage building for the community to enjoy. It is also important to ensure that whilst the area is being developed for residential purposes that aspects of heritage are retained and improved within open space areas. Council envisages that this open space with the existing claypit and heritage buildings accompanied with appropriate landscaping will further enhance the experience of the residents and local community.

As such, the proposed application is therefore recommended for refusal on the grounds detailed in the Officers report above.





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KILN DETAIL

DATE: 23 July 2014
 REF: 28012 001
 DWG: 801200EA

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SCALE 1:250@A3

**365 PRINCES HWY
 OFFICER**











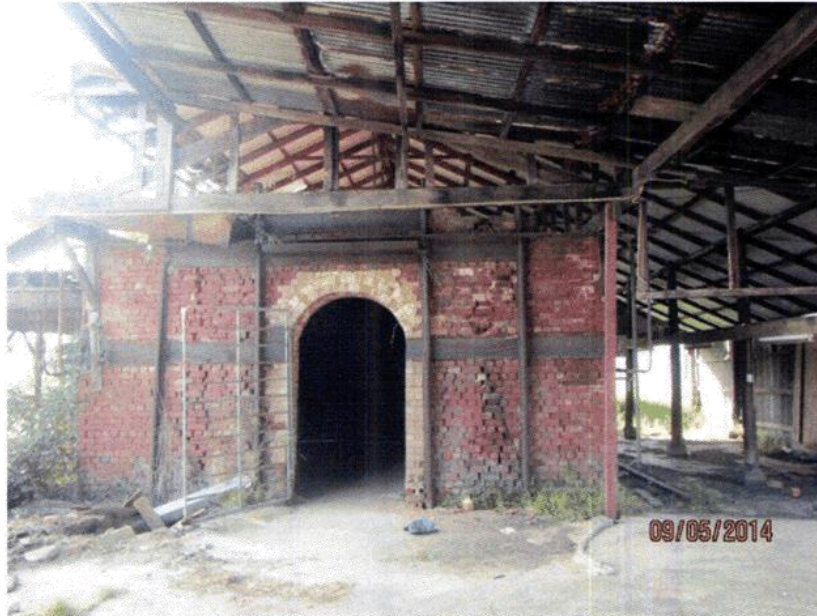
8.3 Kiln



Western wall and entry



Western wall and entry



Western wall and entry



Western wall and entry



Stack Brickwork



Stack Brickwork