

6 OFFICER KILN SITE - 365 PRINCES HIGHWAY, OFFICER

FILE REFERENCE INT2022049

RESPONSIBLE GENERAL MANAGER Tracey Parker

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RECOMMENDATION

Council is prepared to accept the Land associated with the Officer kiln subject to the following conditions being met to Council's satisfaction:

1. That the following information be provided by, and paid for by Parklea subject to Council's satisfaction:
 - a. An updated Heritage Architects Report prepared by a suitably qualified Heritage Architect/Conservator which includes recommendations on but not limited to:
 - i. The current conditions of the site.
 - ii. The detailed works required for the structural conservation of the kiln and chimney in order for the structure to achieve a Certificate of Compliance under Building Regulations 2018 - Regulation 126.
 - iii. A fully costed management plan for the Kiln.
 - iv. Guidance on interpretive signage for the site.
 - b. Any works identified in the Heritage Architects Report are to be supported by a full schedule of estimated costings, prepared by a suitably qualified structural engineer/builder.
 - c. A Masterplan of the site is to be prepared in consultation with the community and council detailing the future development of the land.
 - d. The works identified in the Masterplan should be supported by the estimated costings of the proposed embellishments of the site.
 - e. The transfer of Land to Council is to include all land as required within Lot 1 and Reserve 1 on PS 835703H (total area 1759m²) which is deemed necessary to undertake the Master Plan works.
 - f. Prior to the transfer of land, an agreed monetary contribution is made to Council for the works required to the heritage building to achieve a Certificate of Compliance under Building Regulations 2018 - Regulation 126 and as identified in the Heritage Architects Report as well as the embellishment of the site as identified in the Masterplan.

Attachments

- 1 Proposed Plan of Subdivision 2 Pages

EXECUTIVE SUMMARY

Parklea, the landowners and developers of the Timbertop Estate in Officer recently approached Council to discuss the heritage protected Officer Kiln site located at 365 Princes Highway Officer.

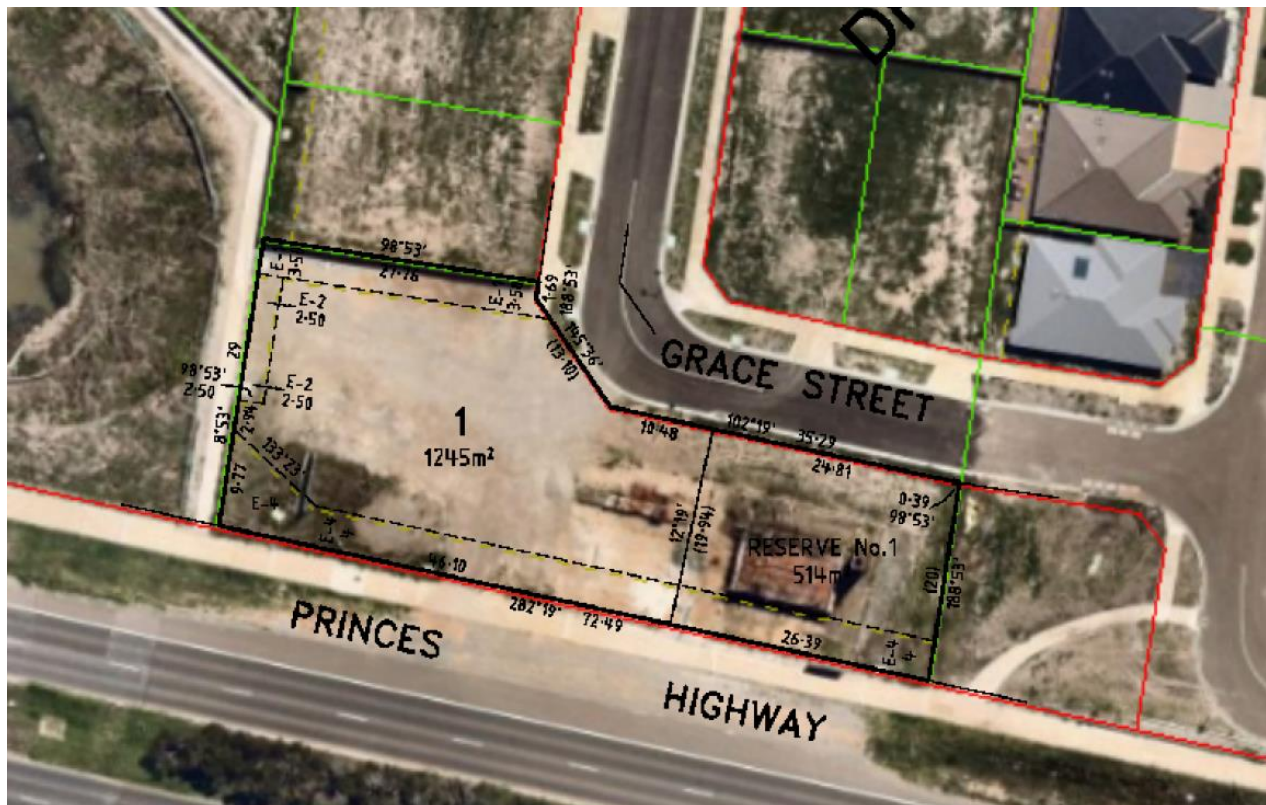
Parklea advised Council Officers that they have no viable use for this site in the future and have asked Council to consider taking ownership of part of the site (Reserve No. 1 PS 835703H - 514m²)

and heritage structure if Parklea were to transfer it at no cost to Council. The balance land of 1245m² (Lot 1 PS 835703H) is proposed to remain in private ownership by Parklea, most likely for future residential development. This balance lot could be subdivided for residential development.

BACKGROUND

Over a number of years Parklea have tried to find a suitable buyer for the total parcel of land which has an area of 1759m², to date no buyer has been found and the land is still currently on the market for sale. Parklea has previously offered the site to Council at a price of \$1,000,000 and then subsequently at a price of \$200,000. This should increase Council's level of concern with now being offered the land at no cost. Council should also note that Parklea have offered Council a portion of the total site, an area of 514m² Reserve No. 1 PS 835703H.

This area of land has also been offered to the Officer Progress Association.



The kiln site in Officer is located on a prominent site that can be seen by the residents of the Timbertop estate and the passing traffic of the Princes Highway. The Officer Precinct Structure Plan (PSP) process required that the kiln should be protected for its heritage values to the local community. The kiln, along with Berwick Potters (south of the Highway) are significant sites to Cardinia Shire's early terra-cotta manufacturing era. They are both protected under a Heritage Overlay.

In addition, the site is considered to have potential state significance, meaning its significance relates to the wider Victorian community. In March 2019, a nomination for state significance was lodged with Heritage Victoria. This application is currently under review.

Parklea have explored adaptive uses for the site with the most promising outcome being a restaurant that would build around the Kiln and incorporated into the interior. However, Parklea

have noted in discussions with Council Officers that they have not found a suitable tenant to pursue this option.

Parklea noted with Council Officers that they have no viable use for this site in the future and have asked whether Council would be interested in taking over ownership of the site and structure if Parklea were to transfer the land at no cost to Council.

The previous planning permit applications (as relevant) relating to the subject site include:

- Planning Permit T170233 for the Use of the land for a restaurant and alteration of access from a Road Zone Category 1, generally in accordance with the approved plans was issued on 14 September 2017. The permit has been extended and the use must commence prior to 14 September 2023. Twenty seven car parking spaces were permitted.
- Planning Permit T170128 for Buildings and works including demolition of part of a building (associated structure) and construction of a freestanding wall in a Heritage Overlay generally in accordance with the endorsed plans was issued on 7 September 2017.
- Planning Permit T130742 for the subdivision of land and creation of a reserve was issued on 3 November 2016.
- Planning Application T140447 for the demolition of a building (kiln and associated structures) in a Heritage Overlay was refused on 4 May 2015.
- Planning Application T120401 for the subdivision of the land into two lots was withdrawn 14 December 2012.
- Planning Application T070440 for the use and development of the land for a hotel, bottle shop, nightclub, 60 gaming machines and access to the RDZ1 licenced premise and removal of native vegetation was also withdrawn.
- Planning Application T070177 for a market was withdrawn on 18 July 2007.
- Planning Permit T060681 issued 12 February 2007 for the removal of heritage building (weatherboard/cement sheet building).
- Planning Permit T060442 for the removal of non-native vegetation was issued on 6 November 2006.

COMMENTS

The PSP does not identify how the site is intended to be used, other than apply the General Residential Zone to the land. It is considered that there is an opportunity to retain the heritage structure within a larger lot abutting the shared path network, it is possible that space around the building could be used as a park, and embellished with interpretive signage, visitor car parking, water refilling station, additional paths, seating, landscaping, shelters and play equipment. However discussions with internal council departments and representatives of the Officer Progress Association have not identified a confirmed future use of the site, should council take ownership of the land.

The underlying issues with this site is the refurbishment and reinstatement of the heritage building to allow for safe use and viewing. Council Officers are currently not aware of the costs required to undertake these works and future works to maintain the asset.

Whilst the transfer of this land and building for no cost may seem attractive, the costs required may be very expensive due to the specific nature of work required to fix it and maintain the kiln. Council Officers are of the opinion that the cost of refurbishment and reinstatement are significant enough to warrant a developer who are now willing to hand over a substantial parcel of land for no cost. Before considering the transfer of this land and building to Council, a request to Parklea should be made to understand the costs required to refurbish the heritage component of this building, as well as possible futures uses of the land.

In consultation with community and council officers Parklea should fund or facilitate the development of a master plan for the site. Based on the approved master plan, Parklea should transfer the land required, (which may be larger than the Reserve proposed in the current Plan of Subdivision), to council as well as a monetary amount to fund the embellishment works on the site which should be fully costed and some ongoing maintenance of the asset.

Direct vehicle access to the site has not been considered as part of this proposal and would be subject to VicRoads approval and has not been substantiated at this time. If the total Lot 1 parcel is kept in Parklea's ownership, the 1245m² land parcel (Lot 1) may be able to be further developed by Parklea subject to a planning permit application being made to Council.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

3. Our Environment - through the conservation of site of heritage significance throughout the Shire.

CONSULTATION/COMMUNICATION

A local community group has also been in communication with Parklea.

FINANCIAL AND RESOURCE IMPLICATIONS

The cost to refurbish and embellish the site is unknown until the further investigations are undertaken. It is considered that the transfer of and the development of the land should be undertaken at no cost to Council.

CONCLUSION

There is an opportunity for the heritage structure to be retained in land owned and maintained by Council. However, as there are significant financial risks associated with the offer by Parklea, the liabilities need to be further understood and supported by full costings of the works required to the building and to support the site. It is recommended that council future consider the transfer of land in accordance with the conditions recommended in this report.

PLAN OF SUBDIVISION		EDITION	PS 835703H	
LOCATION OF LAND PARISH: PAKENHAM TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 38 (PART) CROWN PORTION: - TITLE REFERENCE: VOL 12179 FOL 169 LAST PLAN REFERENCE: LOT AA ON PS814723U POSTAL ADDRESS: GRACE STREET (at time of subdivision) OFFICER 3809 MGA 94 CO-ORDINATES: E 359 840 ZONE: 55 (approx. centre of land in plan) N 5 786 495				
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING	THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT NO.	
RESERVE No.1	CARDINIA SHIRE COUNCIL	SURVEY	THIS PLAN IS TO NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NO(S) 82, 512 IN PROCLAIMED SURVEY AREA NO. -	
DRAFT		DEPTH LIMITATION	DOES NOT APPLY	
		J EASEMENT E-3 HAS BEEN OMITTED FROM THIS PLAN.		
EASEMENT INFORMATION				
LEGEND: E - ENCUMBERING EASEMENT, CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBRANCE A - APPURTENANT EASEMENT				
SUBJECT LAND	PURPOSE	WIDTH (metres)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1	DRAINAGE	SEE DIAG	PS814723U	CARDINIA SHIRE COUNCIL
E-1	SEWERAGE	SEE DIAG	PS814723U	SOUTH EAST WATER CORPORATION
E-2	DRAINAGE	SEE DIAG	PS814723U	CARDINIA SHIRE COUNCIL
E-4	DRAINAGE	SEE DIAG	AS234684G	CARDINIA SHIRE COUNCIL
TIMBERTOP EAST - KILN		LICENSED SURVEYOR GREGORY STUART WILLIAMS		
1 LOT & RESERVE		DATE 07/02/20	REFERENCE 328012-KILN	ORIGINAL SHEET SIZE A3
Level 3, 1 Southbank Boulevard Southbank, Victoria 3006 03) 7019 8400 www.veris.com.au DEVELOP WITH CONFIDENCE™ Formerly Bosco Jonson		VERSION A	DRAWING 328012-KILN-AA	SHEET 1 OF 2 SHEETS

