

VCAT Reference

Nos. P3193/2012 and P1401/2013

Heritage

Should demolition of the former 'Nugget Factory' building be allowed?

- 19 The subject land partly comprises Lot 12 on which exists an industrial building known locally as the 'Nugget Factory'. The Nugget Factory building fronts Kanowna Street, between Cecil Street and the former Britannia Hotel, and is located directly opposite the Point Gellibrand Coastal Park. The building was constructed in about 1887 for the purpose of a steam laundry, probably to service the maritime industry. However, by 1896-1897, the building was occupied by the Silex Soap Company, then remained vacant for a few years before being leased to the Standard Centrifugal Company. In 1907, the Nugget Polish Company Limited leased the building before purchasing it by 1909. The company occupied the building until 1974. During this time alterations and additions were constructed. Of these, the most significant is the change to the building's Kanowna Street façade, which transformed the somewhat ornate Victorian façade¹⁸ into one which takes on a post WW2 industrial appearance¹⁹.
- 20 The proposal involves demolition of the entire Nugget Factory building as well as removal of other industrial buildings, paved surfaces and fences. It is the removal of the Nugget Factory building which is of concern to the Council and resident objectors. The Council has refused a permit application to demolish the building, a decision which the Save Williamstown Group (SWG) and other respondent objectors support.
- 21 In essence, the parties opposing demolition of the Nugget Factory submit that demolition of the building would have an adverse impact on the significance of the heritage area within which it lies. They contend that the building is significant and should not be demolished because:

¹⁸ The original façade is shown in a photograph contained in various heritage reports. See for example, Lovell Chen (2010) Appraisal Report, Former Williamstown Steam Laundry, Kanowna Street, Williamstown – see Figure 4

¹⁹ Lovell Chen (2010) Appraisal Report, Former Williamstown Steam Laundry, Kanowna Street, Williamstown – see Figures 8 and 9

- It is a rare example of 19th century industrial fabric in Williamstown and Melbourne's western suburbs;
- It has historical links with Williamstown's late 19th century maritime history as it was used as a steam laundry servicing the Pacific and Orient Line (P&O);
- Its subsequent use as a factory producing 'Nugget' brand shoe polish and other uses demonstrates Williamstown's links with 20th century noxious and chemical industries that provided employment for the local community;
- The basic structure and layout of the Williamstown Steam Laundry is largely intact, and the interior demonstrates the types of plant machinery and fittings that may have been used in association with industrial uses; and
- The building contributes to the streetscape and is of a scale that complements and has a strong visual relationship with the adjacent Britannia Hotel.

22 Under the planning scheme, the subject land, which includes the Nugget Factory, is located within Heritage Overlay – Schedule 8 (HO8) which relates to the 'Government Survey Precinct'. A permit is required under the provisions of the Heritage Overlay (HO) at Clause 43.01 to demolish the factory building. In addition to implementing the policies of the planning scheme, the purpose of the HO includes to conserve and enhance heritage places of cultural significance, and those elements which contribute to the significance of the heritage place. The decision guidelines under Clause 43.01-4 require consideration be given to a range of matters, most relevantly in relation to demolition:

The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.

Any applicable statement of significance, heritage study and any applicable conservation policy.

...

Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.²⁰

23 In *Green v Hobsons Bay CC*²¹, the Tribunal noted the following with respect to the direction given by planning policy to the issue of demolition:

As a general proposition, there is little doubt that the State policy encourages and supports the conservation and enhancement of heritage places specifically through the retention of '*those elements that contribute to the importance of the heritage place*' as well as the

²⁰ Underlining our emphasis

²¹ See *Green v Hobsons Bay CC* (Includes Summary) (Red Dot) (Correction) [2013] VCAT 2091

*'conservation and the restoration of contributory elements'*²². Local policies express similar sentiments. The MSS calls for the protection and conservation of *'places of heritage significance in Hobsons Bay'* with the *'demolition of buildings, or works that contribute to the heritage place or precinct'* to be avoided²³. The local policy at Clause 22.02 seeks to ensure that the cultural significance of a heritage place is not diminished through *'the loss of fabric which contributes to the heritage place or precinct'*²⁴. While we have not set out all of the policies in detail, the extracts which we cite provide an appropriate sense of the general direction given by policy relevant to the issue of demolition.

24 Further, we note the design objectives of DDO11 include:

To recognise the historic, environmental, conservation and recreation significance of the area.

To encourage the adaptive re-use of heritage buildings.

25 As things stand at present, the relevant Statement of Significance applicable is that for HO8²⁵ which states, in part:

Historically, the Government Survey Precinct demonstrates the most important and prosperous phase in the development of Williamstown from the mid nineteenth to early twentieth centuries and was directly associated with the development of the port and later influenced by the development of railways and associated industries. The early settlement of Williamstown and its importance as a port and defence facility also contribute to a broader understanding of the history of Victoria.

...

Aesthetically, while there are examples of unrelated post war development within the precinct, as a whole, it retains remarkably intact and cohesive groups of nineteenth century buildings that are an integral part of the special character of Williamstown.

26 The citation for the precinct includes a schedule of places that contribute to its significance, but the Nugget Factory is not one of these.

27 Subsequent to the 2010 heritage review, the Council prepared a citation²⁶ in support of Amendment C99 to the planning scheme which, amongst other things, seeks to introduce a site specific Heritage Overlay control over the Nugget Factory. The amendment, as drafted, does not seek internal building controls, however, we understand that the Council has advised the panel appointed to consider the amendment that this was an oversight and now

²² See Clause 15.03-1

²³ See Clause 21.06-2

²⁴ See Clause 22.02-1

²⁵ Statement of Significance for HO8 Hobsons Bay Heritage Study (Revision 2010)

²⁶ Hobsons Bay Heritage Study – Amended 2014 – Volume 3 – Heritage Precinct and Place Citations part 2 – Heritage Places

seeks to pursue internal building controls. The amendment has progressed to the stage that it is to be considered by a panel; however, independent scrutiny of the amendment has not yet occurred.

- 28 The Statement of Significance prepared in support of listing the building within its own heritage overlay ascribes the Nugget Factory local and cultural significance to Hobsons Bay. The statement says the building is significant as an example of Williamstown's maritime history in the late 19th century, providing laundry services for ships docking at Williamstown; its non-maritime manufacturing history in the 20th century associated with the manufacture of Nugget shoe polish; as well as a place for local employment. The statement rates the external condition of the building as 'fair' while the external integrity is 'moderate'.
- 29 Ms Lardner and Mr Vines support the view that demolition of the Nugget Factory building should not be allowed. Ms Lardner notes that the building is not listed as a contributory building under the Statement of Significance for the HO8 precinct. However, she expresses the view that findings of reports by Lovell Chen, Alves and Biosis, support the view that the building should be ascribed as at least being of contributory value to the precinct. Ms Lardner suggests that despite the alterations to the Kanowna Street façade, the building's Victorian origins can still be understood through elements such as views of the roof and the pattern of bays defined by pilasters in the façade.
- 30 Mr Vines originally identifies the value of the building in his 1989 *Western Regional Heritage Study* in which it is graded 'B' and recommended for protection under the planning scheme. The post war alterations to the Kanowna Street façade are of no particular significance according to Mr Vines, as the structure of the building, which is largely 19 century fabric, remains. Mr Vines says that elements of the late 1880s building are evident from within, and that the various rooms at ground level portray the former industrial functions that took place. Mr Vines expresses the view that the Nugget Factory is not only significant because of its links with Williamstown's maritime history, but also as a rare surviving example of the noxious trade and chemical industry which once characterised Melbourne's western suburbs. He suggests it is likely that the building will be of archaeological significance for evidence of former uses which will be found in buried footings, foundations and relics.
- 31 Unlike the situation in *Green*, the Tribunal's decision relating to the demolition of the former Oriental Hotel, there is no argument in this case about the structural condition of the Nugget Factory. NPD accepts that the condition of the building is such that it could be retained. However, NPD submits that demolition of the building would not have an adverse impact on the significance of HO8 given the limited time that it was used as a steam laundry, changes to the street façade which now give it a post war

appearance rather than Victorian, and the difficulty associated with understanding its industrial past on viewing internal areas.

- 32 Complications presented by this case relate to the nature of the heritage overlay which is in place, the Statement of Significance that currently applies and the Council's Amendment C99 which seeks to include the Nugget Factory within its own heritage overlay together with a site specific Statement of Significance. As things stand at present, the land is within HO8 and the applicable Statement of Significance is for that area.
- 33 We accept that it is appropriate to examine further work carried out which may reveal an importance to an area or building which has not previously been understood. However, in this case, it is clear that the heritage value of this building has been examined on numerous occasions by various well known heritage consultants. This process started in the mid 1980s when Mr Vines undertook the *Western Regional Heritage Study*. Under that study, the Nugget Factory is given a relatively high heritage grading, suggesting local to regional significance and recommended for protection under the planning scheme. On reviewing a proposed statement of significance for the building set in the 1989 Vines study, historical associations with P&O and the Nugget shoe polish factory area set out, but it does not go as far as indicating that the building itself possesses special qualities. Nor does it say that the interior of the building, in terms of its appearance and design, is of specific importance.
- 34 Despite the identification of the historical associations in the 1989 study, the building was not identified as making any contribution to the heritage value of the area in the 1993 *Williamstown Conservation Study* by Butler. We think it is likely that the authors of the 1993 study would have had access to the 1989 Vines study, which appears to be a significant body of work. We understand that many of the early heritage studies, like the 1993 study, had limitations due to the amount of work to be undertaken and the financial resources available. However, from an inspection of the Nugget Factory, telltale signs of the building's Victorian origins, such as the roof form, would have been apparent to a heritage expert, albeit that the post WW2 changes to the façade markedly changed its primary appearance when viewed from Kanowna Street.
- 35 The current Statement of Significance for HO8, to which the policy at Clause 22.01 directs our consideration, makes clear that, historically, '*... the Government Survey Precinct demonstrates the most important and prosperous phase in the development of Williamstown from the mid nineteenth to early twentieth centuries which was directly associated with the development of the port and later influenced by the development of railways and associated industries*'. The statement goes on to say that '*Aesthetically, while there are examples of unrelated postwar development within the precinct, as a whole it retains remarkably intact and cohesive*

groups of nineteenth and early twentieth century buildings that are an integral part of the special character of Williamstown’.

- 36 We agree with Mr Raworth that the heritage value of the building must, in the first instance, be considered against the relevant Statement of Significance applicable which is for HO8. On viewing the photographic material provided in the reports of all four heritage experts, which show pictures of how the building presented to Kanowna Street (then Morris Street) when constructed, compared to today, it is clear that the façade of the building has been substantially altered. In this regard, we note that in a report prepared for the Council, historians Lesley Alves and Associates acknowledge that *‘alterations to the external fabric include a complete defacing of the façade and replacement of all openings including the central and arched windows’*²⁷. The Lovell Chen appraisal report, also prepared for the Council, states:

Alterations to the façade, which appear to have taken place in the 1950’s, have largely erased the architectural references to its nineteenth century origins. While the footprint of the building generally remains as originally constructed and the hipped roof and side walls remain in place, in its current state the property is not of aesthetic or architectural significance²⁸.

- 37 Lovell Chen conclude that the *‘the building does not warrant individual recognition’*, although it contributes to the streetscape and the setting of the adjacent Britannia Hotel.
- 38 The above assessments, which note the complete defacement of the street façade and erasure of architectural features that reference the building’s nineteenth century origin are quite frank. The changes to the original Kanowna Street façade are substantial. It seems to us that these conclusions are somewhat at odds with the rating of the building’s external integrity as ‘moderate’, as set out in the proposed citation supporting the building’s inclusion within a site specific heritage overlay²⁹. We think that rating the building’s external condition as moderate is, at best, generous, but probably somewhat misleading.
- 39 In its current condition, the Nugget Factory building presents itself as a largely post WW2 building to Kanowna Street and the public realm in the HO8 area. We are unable to conclude that the building contributes to *‘... demonstrating the most important and prosperous phase in the development of Williamstown from the mid nineteenth to early twentieth centuries’*, as set out in the Statement of Significance for HO8. The ability to do so was

²⁷ Lesley Alves and Associates, Heritage Report, Former Nugget Factory, 16-20 Kanowna Street, Williamston, August 2012

²⁸ Lovell Chen, Appraisal Report, Former Williamstown Steam Laundry, Kanowna Street, Williamstown, December 2010.

²⁹ See Hobsons Bay Heritage Study Amended 2012 – Volume 3 – Heritage precinct and Place Citations part 2 – Heritage Places – 16-20 Kanowna Street (former Nugget Factory)

largely lost when, in the words of Alves, ‘*a complete defacing of the façade and replacement of all openings*’ occurred. The building may be from the nineteenth century and, perhaps, a rare example. However, its inability to reasonably portray its nineteenth century origins to the public realm, detracts significantly from the case supporting its retention.

- 40 The Council and the respondent objectors also submit that the building is worthy of retention given its associations with Williamstown’s maritime history, particularly as a steam laundry servicing the P&O Line. NPD concedes that the steam laundry may have been used to service P&O. However, it submits that evidence suggests other premises on nearby railway land were operated as the main laundry servicing P&O. NPD also submits that even if the building was used as a steam laundry servicing P&O, it would have been for a relatively short time and not sufficient to give the building the level of significance required for it to be retained.
- 41 The research by Lovell Chen³⁰ indicates that the Nugget Factory land remained vacant until about 1887 with the existence of a steam laundry noted in rate books the following year and in the Sands and McDougall directory as the ‘Williamstown (Steam) Laundry’ in 1889. Lovell Chen also note that by 1896-1897 the Silex Soap Company occupied the building, then it remained vacant for a number of years before occupation by Standard Centrifugal Company and subsequently by the Nugget shoe polish factory from about 1907 until 1974. Lovell Chen’s appraisal also states that the P&O laundry comprised four timber dwellings situated within the railway fence, not the laundry on the subject land. As contended by NPD, this suggests the P&O’s long term laundry was elsewhere.
- 42 The report of Alves³¹ states:
- ... when the Williamstown Steam laundry opened in the late 1880’s, it was already too late, the Port of Williamstown was in decline, most passenger shipping having moved to Port Melbourne.
- 43 We note Lovell Chen’s assessment that:
- The subject property in Kanowna Street, is of historic interest as an early industrial premises in the Government Survey Heritage Precinct (HO8) and for its long association with the Nugget Polish Co. The building, albeit altered, is one of the few remaining buildings in Williamstown which reflects the non-maritime industrial origins and growth of Williamstown during the nineteenth century.
- 44 It is clear that Lovell Chen did not regard the building’s associations with the maritime services to be an important historical association.

³⁰ Lovell Chen, Appraisal Report, Former Williamstown Steam Laundry, Kanowna Street, Williamstown, December 2010

³¹ Lesley Alves and Associates (2012) Heritage Report – Former Nugget Factory

- 45 The Williamstown Steam Laundry, as constructed, was an impressive building with an ornate Victorian façade. It seems probable that the owner of the land, Mrs Black, sought to service Williamstown's maritime services. However, the evidence demonstrates that, as a laundry servicing the maritime industry, the use was short lived and unsuccessful leading to the building being either vacant or used for other purposes. It may be that the laundry did service P&O, but this would have been for a very short period. In our view, this is not sufficient to ascribe the building with a significant historical association with P&O.
- 46 However, the Council and respondent objectors also contend that association with the former Nugget Shoe Polish Co. is of significance, demonstrating early 20th century industry, providing a place of local employment and association with the noxious and chemical trades. Mr Vines expresses the view that while the façade is altered, it is possible to interpret from the built fabric the nature of former industrial uses evident in the size and position of rooms within the building.
- 47 We accept that the underlying fabric of the Nugget Factory building dates from the late 19th century, a time which is within the period where the Statement of Significance for HO8 says is:
- ... the most important and prosperous phase of the development of Williamstown from the mid nineteenth to the early twentieth centuries which was directly related with the development of the port and later influenced by the development of railways and associated industries'.
- 48 The association with the establishment of the Nugget Factory within the building during the early 20th century perhaps demonstrates the introduction of chemical trades as suggested by Vines. However, the Statement of Significance for HO8 makes no mention of industrial associations with the chemical and noxious trade industries despite the recommendations of the Vines study 25 years ago. In recent times, appraisals of the Nugget Factory, commencing with that of Lovell Chen in 2010, ascribe the building varying degrees of importance. Lovell Chen conclude that the building is of historical interest, but ultimately, that it '*... does not warrant individual recognition for cultural heritage reasons*'.
- 49 Part of the difficulty here is not just that the building has been defaced, but there is an absence of controls requiring a permit for internal alterations to the building. As the planning scheme controls stand, internal works which change the internal layout and form of the building do not require planning approval under the HO8. Other than the initial recognition of the value of the building in 1989 by Vines, which seems to have been largely dismissed until recent times, no evidence was presented to show that there has been any interest in the past in terms of seeking to apply a site specific heritage control over the Nugget Factory, including controls over internal works.
- 50 That is until Amendment C99. However, even in the case of Amendment C99, the exhibited documents do not seek internal buildings and works

controls. The Council has advised the panel considering the amendment that it now seeks to change the amendment so that internal building controls apply to the Nugget Factory. It seems that the Council suggested to the panel that the failure to provide for internal building controls was an inadvertent failure on its part. We are unsure of this, as there is no mention of the importance of the interior of the building in the proposed Statement of Significance. Further, unlike the situation with respect to the exterior of the building, the proposed Statement of Significance gives no indication of the condition or integrity of the interior of the building. Put simply, if the interior is significant warranting internal works controls, we would have thought that the Statement of Significance would explain why. We find the Council's explanation that it was an inadvertent failure to include internal buildings and works controls in the amendment as somewhat perplexing given the sensitivity of this matter to the local community and the overall background to the redevelopment of the NPD land.

- 51 We remain sceptical that internal buildings and works controls are appropriate for the Nugget Factory which is, at best, of local significance. We accept that a skilled and experienced expert like Mr Vines may be able to interpret the use of the interior of the building. However, the various other heritage consultants engaged to assess this building have been unable to come to the same conclusion. In our view, there is simply not enough in the extant internal fabric to demonstrate its former use as a steam laundry or shoe polish manufacturer. We are also unable to place much weight on what is proposed in Amendment C99 given that it has not passed the rigour of independent assessment.
- 52 The Council and the respondent objectors also submit that the building should be kept as it complements the adjacent Britannia Hotel. We agree that the overall height, scale and shape of the building, as noted in the Lovell Chen appraisal, are complementary to the adjacent hotel. However, the same could be said about any building with similar qualities, irrespective of the era. If the Nugget Factory is important to the setting of the Britannia Hotel, then it should have been included within HO162 which applies to the hotel. Alternatively, there should be some mention in the Statement of Significance that the association and relationship with the hotel building is important. While the extant Nugget Factory building has a complementary relationship with the hotel, bearing in mind the significant changes to its facade, a new, appropriately designed building could also have a complementary relationship through its form and scale.
- 53 We accept that adaptive reuse of the Nugget Factory building would also represent an acceptable outcome. However, we do not regard this as essential given our findings.
- 54 For the reasons set out above, we conclude that a permit should be granted to demolish the Nugget Factory as it will not detract from the significance of the HO8 precinct. We grant such permission in both applications. In

doing so, we include permit conditions requiring an archaeological investigation to be undertaken and for an information plaque/interpretative display as agreed to by NPD. However, given the level of significance and the extent to which the building has been altered, we are unable to agree that the circumstances warrant conditions requiring the owner of the land to undertake an interpretive/recording package or conservation management plan as put forward by the Council.

³² See Clause 21.06-1 Hobsons Bay Planning Scheme

³³ H0162

³⁴ H043