

Planning Application: TP- 2017-975
207-229 City Road, Southbank

6 March 2018

Presenter: Angela Meinke, Manager Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for a planning permit lodged by Melbourne City Council for the removal of Reserve 1 on PS641940X, Reserve 2 on PS805565M and Reserve 3 on PS817458V under the provisions of section 24A of the *Subdivision Act 1988* and creation of a new consolidated Reserve 1 in accordance with PS817467U (refer to Attachment 2 – Locality Plan and Attachment 3 – proposed plan of subdivision).
2. The subject site is located on the southern corner City Road and Balston Street in Southbank. Kings Way and Kavanagh Street are located to the rear and south of the site. The site has a total area of 5761 square metres and is currently used as the Boyd Community Hub with a two and three storey brick building occupying the site which was the former JH Boyd Girls High School.
3. The site is located within the Capital City Zone 3 and is affected by the Heritage Overlay HO369 and is included on the Victorian Heritage Register under the *Heritage Act 1995*. Heritage Victoria has no objection to the permit for the consolidation of the reserves in to one reserve.
4. The actions within this report support the creation of Boyd Park. The concept plans for the development of Boyd Park will be presented to Council under a separate agenda item.

Key issues

5. The existing reserve status must be removed from each of the current reserves by the direction of a planning permit before the new consolidated reserve can be created.
6. The consolidation of the reserves into one reserve for a public recreation reserve will provide net community benefit whilst making a positive contribution to the character and amenity of the area.

Recommendation from management

7. That the Future Melbourne Committee resolves that a Planning Permit be issued subject to the conditions set out in the delegate report (refer to Attachment 4).

Attachments

1. Supporting Attachment (page 2 of 12)
2. Locality Plan (page 3 of 12)
3. Plan (page 4 of 12)
4. Delegate Report (page 6 of 12)

Supporting Attachment

Legal

1. Pursuant to Section 96 of the *Planning and Environment Act 1987* (Act), a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority, unless the planning scheme gives an exemption.
2. Clause 67.01 of the Melbourne Planning Scheme provides an exemption from the provisions of Section 96 of the Act for the removal of a reserve.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

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 direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. Notification of this application was not required because the responsible authority is satisfied the grant of the permit would not cause material detriment to any person.

Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

Environmental sustainability

7. Not relevant to this application as Clause 22.19 Energy, Water and Waste Efficiency does not apply to applications for the removal of a reserve.



CITY OF MELBOURNE

Locality Plan

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207-229 City Road, Southbank

Attachment 2
Agenda item 6.1
Future Melbourne Committee
6 March 2018



Approx. Scale 1:1000

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PLAN OF SUBDIVISION

PS817467U

UNDER SECTION 24A OF SUBDIVISION ACT 1988

LOCATION OF LAND

PARISH: **MELBOURNE SOUTH**
 TOWNSHIP: CITY OF SOUTH MELBOURNE
 SECTION: -
 CROWN ALLOTMENT: 2088 (PART)
 CROWN PORTION: -
 TITLE REFERENCE: VOL 11337 FOL 519
 VOL 11860 FOL 476
 VOL FOL
 LAST PLAN REFERENCE: RESERVE 1 ON PS641940X
 RESERVE 2 ON PS805565M
 RESERVE 3 ON PS817458V
 POSTAL ADDRESS: CORNER OF CITY RD AND BALSTON ST
 (at time of subdivision) SOUTHBANK VIC 3006
 MGA 94 CO-ORDINATES: E: 320 566 ZONE: 55
 (of approx centre of land in plan) N: 5 811 546

Council Name: Melbourne City Council
 SPEAR Reference Number: S113509A

Attachment 3
Agenda item 6.1
Future Melbourne Committee
6 March 2018

VESTING OF ROADS AND/OR RESERVES

NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON
RESERVE 1	MELBOURNE CITY COUNCIL

PURPOSE OF THE PLAN

- To remove reserve status from Reserve 1 on PS641940X, Reserve 2 on PS805565M and Reserve 3 on PS817458V.
- To create Reserve 1 on this Plan.

The above actions are authorised by Planning Permit effective upon registration of this plan.

NOTATIONS

DEPTH LIMITATION: 60m Below the Surface. Applies to all of the Land in This Plan.

SURVEY:
This plan is based on survey.
 STAGING:
This is not a staged subdivision.

Area of Release: 5761 m²
 No. of Lots: 1 Reserve

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of



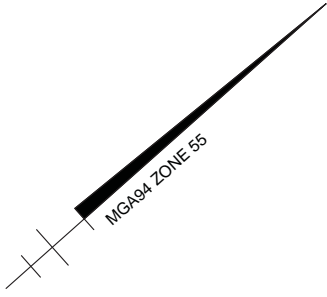
Urban Development | Built Environments | Infrastructure
 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
 Tel: 61 3 9501 2800 | Web: taylorss.com.au

SURVEYORS FILE REF: Ref. 20956 Sec24A
 Ver. 1

ORIGINAL SHEET
 SIZE: A3

SHEET 1 OF 2

Digitally signed by: Leo Alexander Bateman (Taylors Development Strategists Pty Ltd),
 Surveyor's Plan Version (1),
 21/11/2017, SPEAR Ref: S113509A



CITY ROAD

KINGS WAY

BALSTON STREET

RESERVE No. 1
5761m²

41°39'40"
67.67

320°39'20"
43.55

33m
230°39'20"

320°39'20"
53m

100.65
131°45'20"

50m
221°48'20"

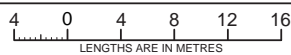
KAVANAGH

STREET



Urban Development | Built Environments | Infrastructure
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorstds.com.au

SCALE
1:400



ORIGINAL SHEET
SIZE: A3

Ref. 20956 Sec24A
Ver. 1

SHEET 2

Digitally signed by: Leo Alexander Bateman (Taylors Development Strategists Pty Ltd),
Surveyor's Plan Version (1),
21/11/2017, SPEAR Ref: S113509A

DELEGATED PLANNING APPLICATION REPORT

Application No:	TP-2017-975
Subdivision Reference No:	SA-2017-107
Plan No:	PS817467U
Applicant:	City of Melbourne
Address:	207-229 City Road, SOUTHBANK
Proposal:	Removal of Reserve 1 on PS641940X, Reserve 2 on PS805565M and Reserve 3 on PS817458V under the provisions of section 24A of the Subdivision Act 1988 and creation of a new consolidated Reserve 1 in accordance with PS817467U
Date of Application:	21 November 2017
Responsible Officer:	Leon Wilson, Team Leader Land Survey

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the southern corner of City Road and Balston Street in Southbank. Kings Way and Kavanagh Street are located to the rear and south of the site. The site is irregular in shape and has a total site area of 5761 square metres. The site is currently used as the Boyd Community Hub with a two and three storey brick building occupying the site which was the former JH Boyd Girls High School.



Figure 1: Subject site shown in red



Figure 2: Aerial Photo of subject site shown in red

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

There have been pre-application discussions with City Design Studio and Land Survey Team prior to this application being lodged.

2.2 Planning Application History

The following applications relate to the site and this application.

TP or SA Number	Description of Proposal	Decision & Date of Decision
SA-2017-107	Certification of 35(8) plan of subdivision including removal of reserves using section 24A in accordance with PS817467U	Lodged
SA-2016-126	Certification of Section 35(8) plan of subdivision PS805565M	Registered 10/03/2017
SA-2016-125	Certification of removal of easement from Reserve 1 on PS641940X	Registered 03/01/2017
SA-2011-133	Certification of Section 35(8) plan of subdivision PS641940X	Registered 07/03/2012
TP-2011-224	Use of the building as a place of assembly including cafe/gallery, meeting rooms, library, playgroup, consulting rooms and artists studios and the waiving of the car parking requirements associated with the use.	Permit 27/05/2011

3 PROPOSAL

The underlying title of the Boyd Community Hub currently comprises of three Reserves, being Reserve 1 on PS641940X, Reserve 2 on PS805565M and Reserve 3 on PS817458V, each of which were vested in Council as a part of three separate applications pursuant to Section 35(8) of the Subdivision Act 1988 (Figure 3). The proposal seeks to consolidate these three Reserves into one larger Reserve shown as Reserve No. 1 on the plan (Figure 4). In order to do this, the existing reserves must be removed and immediately replaced with a new consolidated reserve over the whole area.

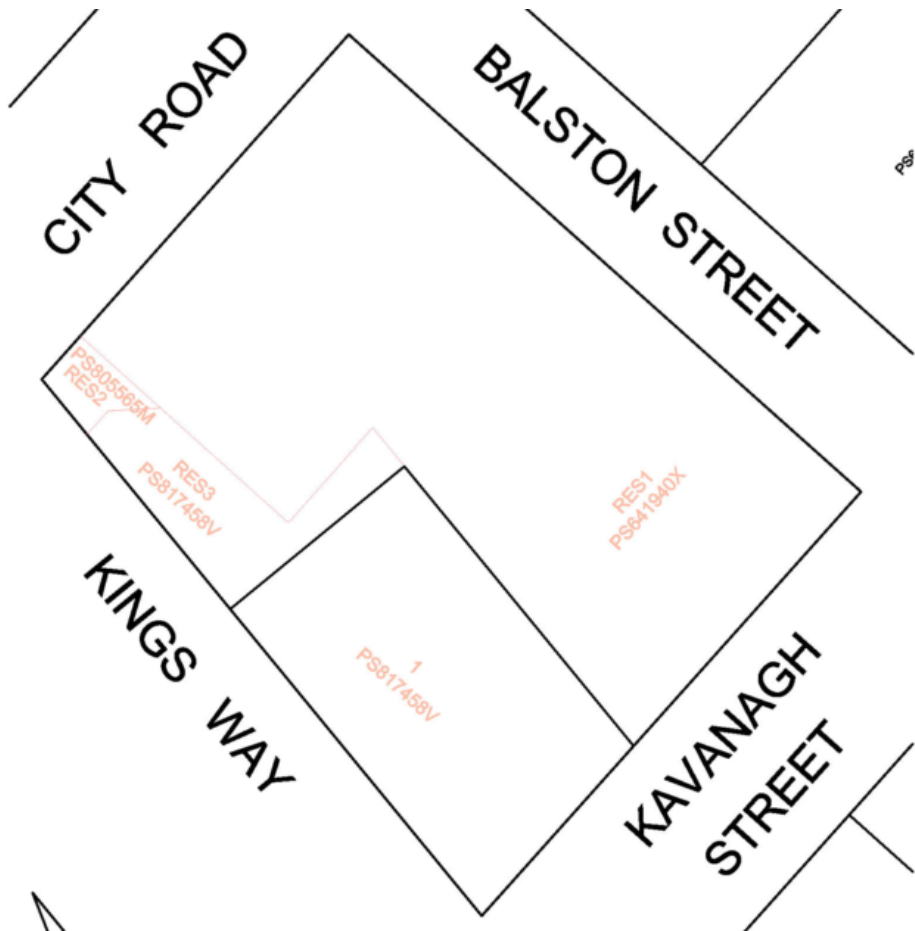


Figure 3: Subject Site showing existing Reserves (RES1, RES2, RES3) shown in pink

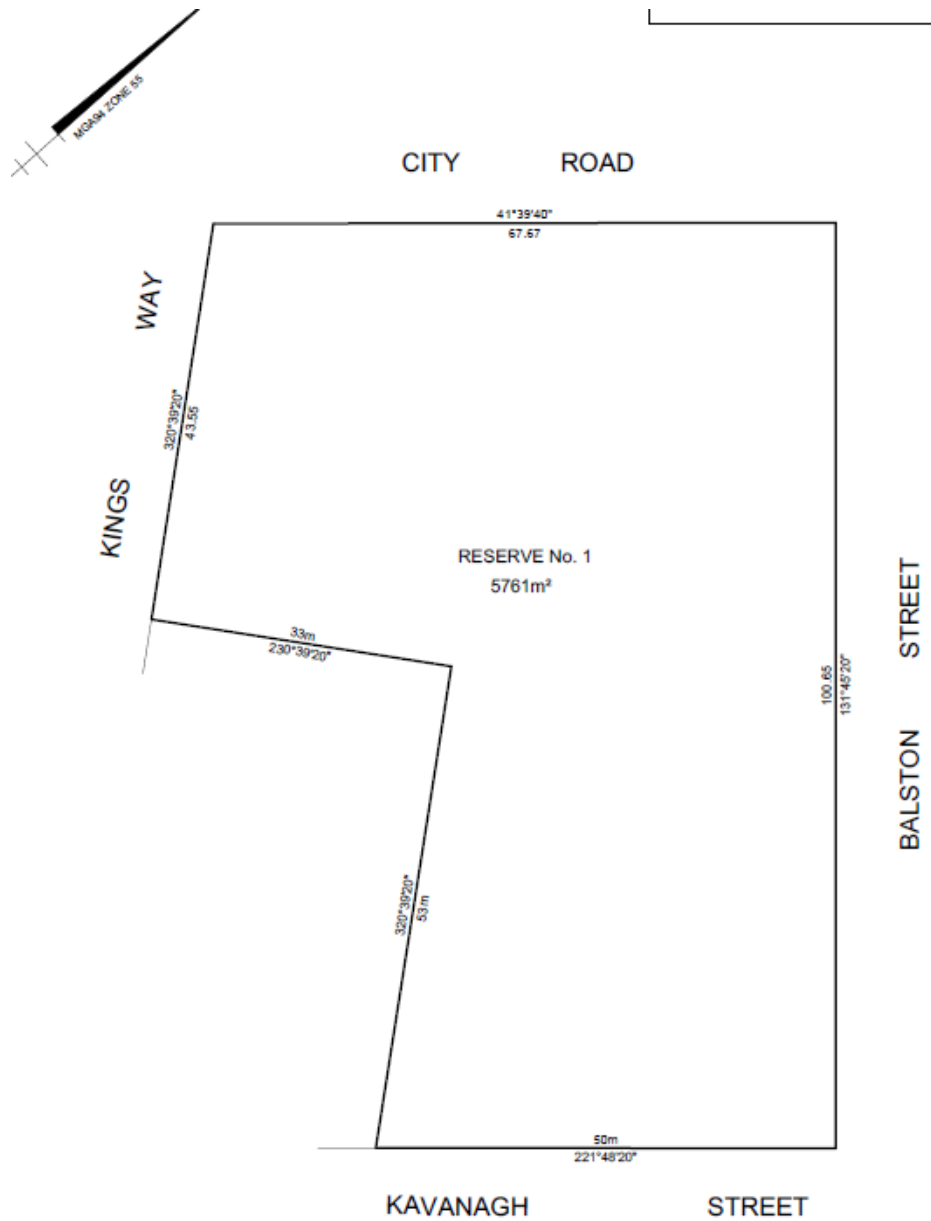


Figure 4: Consolidated Reserve

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 52.02 Easements Restrictions and Reserves	Pursuant to Clause 52.02, a planning permit is required before a person proceeds under section 24A of the <i>Subdivision Act 1988</i> .

5 ZONE

The subject site is located within the Capital City Zone 3 where a planning permit is not required for the consolidation of titles into one title.

6 OVERLAY(S)

The subject site is affected by the Heritage Overlay 0369 and is included on the Victorian Heritage Register under the Heritage Act 1995.

7 PARTICULAR/GENERAL PROVISIONS

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

8 PUBLIC NOTIFICATION

An application by a responsible authority for a subdivision is exempted from section 96(1) and 96(2) of the Planning and Environment Act 1987 under class 2 of clause 67.01 of the MPS, allowing the Council to issue the permit.

The subdivision is of land surrounded by Balston Street, City Road, Kavanagh Street and Kings Way, the only other adjoining land to the site is also owned by Council therefore notification under Clause 67.02 of the MPS is not required. Notification of this application to other nearby landowners was not required because the responsible authority is satisfied the grant of the permit would not cause material detriment to any person.

9 OBJECTIONS

No objections have been received.

10 REFERRALS

The application is the subdivision of an existing building already connected to services and is exempt from referral under clause 66.01 of the MPS.

The application was referred to Heritage Victoria under clause 66.01 of the MPS, they have no objection to the consolidation of the reserves in to one reserve.

11 ASSESSMENT

The application seeks approval for the removal of Reserve 1 on PS641940X, Reserve 2 on PS805565M and Reserve 3 on PS817458V under the provisions of section 24A of the Subdivision Act 1988 and creation of new consolidated Reserve 1 in accordance with PS817467U. The removal and reinstatement of the reserve on the one plan is simultaneous and does not adversely affect the heritage or amenity of the area. The application is an administrative process for the protection of the status of the Boyd Community Hub, and will provide a net community benefit as well as contributing positively to the character and amenity of the area.

12 RECOMMENDATION

The proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above. It is recommended that a Planning Permit be issued subject to the following conditions:

1. The layout and site dimensions of the proposed plan as shown on the endorsed plan(s) shall not be altered or modified without the prior written consent of the Responsible Authority.

2. Any like plan submitted for certification under the provisions of the *Subdivision Act 1988*, (“the certified plan”) shall be to the satisfaction of the Responsible Authority (Team Leader - Land Survey).
3. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - 3.1. The plan is not certified under the *Subdivision Act 1988* within two years of the date of issue of this permit. The Responsible Authority may extend this time if a request is made in writing before the permit expires, or within six months afterwards; or
 - 3.2. The registration of the plan is not completed within five years of the date of certification. The time for registration of the plan cannot be extended.

Leon Wilson
Team Leader Land Survey

31 January 2018