

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.6**

**Ministerial Planning Referral TPM-2007-21/B  
1-11 Balston Street (199 City Road), Southbank**

**11 November 2014**

**Presenter:** Karen Snyders, Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application to the Minister for Planning to amend an existing planning permit (No. 2007/0531/A) at 1-11 Balston Street, Southbank on the corner of City Road (refer Attachment 2 – Locality Plan). The Minister for Planning is the responsible authority for determining the application as the gross floor area of the building exceeds 25,000 sqm. The application is not exempt from the giving of notice and appeal rights under the Heritage Overlay.
2. The applicant and architect is Central Equity and the owner is Chaddesley Holdings Pty Ltd.
3. An existing heritage building on the subject land has been demolished to leave only the original façade intact. This façade is a C grade building in a level 2 streetscape. An agreement under s.173 of the *Planning and Environment Act 1987* applies to the land and specifies the retention and refurbishment of the existing heritage facade running along City Road and Balston Street, and stipulates that the owner cannot 'alter or change the façade in any manner without first obtaining the Council's prior written approval or consent'.
4. Opposite the subject site (across Balston Street) is the Boyd Community Hub. In 2012 the Council entered into an agreement to redevelop the site with urban park of approximately 2500 square metres and a residential and commercial building. The design of the public urban park site is due to occur in this financial year (2014/2015) with construction expected to commence in early 2016.
5. The applicant seeks to make amendments to the approved plans including increasing the overall height by 14 storeys (from 104.65m to 147.7m), increase the number of apartments from 382 to 557, modifications to the heritage façade, addition of new podium car parking floor level (net increase of 16 spaces), and introduction of a canopy on the corner of City Road and Balston Street to prevent adverse wind conditions. The total gross floor area is proposed to increase from 37,344sqm to 52,616sqm (refer Attachment 3 – Selected Plans).

**Key issues**

6. The key issues of concern are the inconsistency of the increased height with the preferred built form outcomes in the area, the impact of the proposed increased height on overshadowing and wind impacts, and the impact of the ground floor alterations of the heritage façade.
7. The subject site is located within a 100m discretionary height control. The proposed height of 147.7m would blur the distinction of built form between the areas north and south of City Road and the different precincts of Southbank and is inconsistent with the transition in height sought by policy.
8. The height will cause increased overshadowing of the land identified as future urban park as part of the redevelopment of the former JH Boyd School site.
9. The increased height of the tower requires revised wind amelioration devices at the corner of Balston Street and City Road which are of inappropriate design detail, relating poorly to the heritage façade and adversely affecting its integrity.
10. The increase in the number of apartments has increased the power supply required for the building, and resulted in the relocation of the building services from Balston Street to an enlarged substation within two of the existing openings in the City Road remnant heritage façade. This would adversely affect the significance of the heritage place by substantially altering the consistency of fenestration across the length of the frontage and disrupt the appreciation of the heritage value of the building. This also would diminish the active street frontage and opportunities for pedestrian interest and engagement.

**Recommendation from management**

11. That the Future Melbourne Committee resolves the a letter be sent to the Department of Transport, Planning and Local Infrastructure (DTPLI) advising that the Melbourne City Council objects to the application for the following reasons:
  - 11.1. The proposed increase in height is inconsistent with the 100m height limit for the area, would increase overshadowing of the proposed park, and would exacerbate wind conditions (resulting in inappropriate awnings).
  - 11.2. The increased number of apartments would generate increased demand in ground floor service areas, resulting in decreased active frontages on City Road, loss of a street tree, and unacceptable intrusion into the retained heritage fabric.

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Plans
4. Delegate Report

**Supporting Attachment**

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**Legal**

1. The Minister for Planning is the Responsible Authority for Determining the Application.

**Finance**

2. There are no direct financial issues arising from the recommendations contained in this report.

**Conflict of interest**

3. 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**

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

**Relation to Council policy**

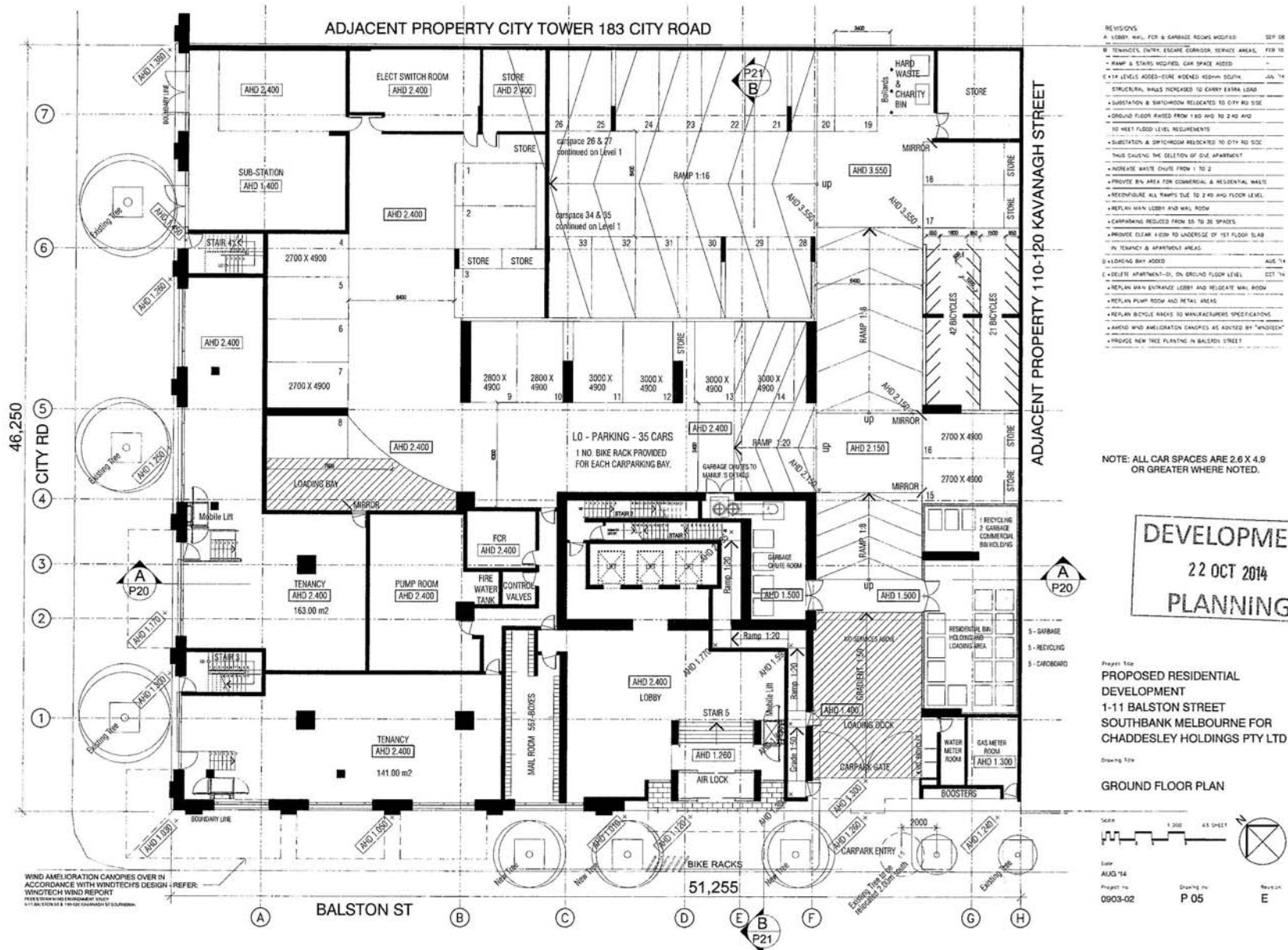
5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

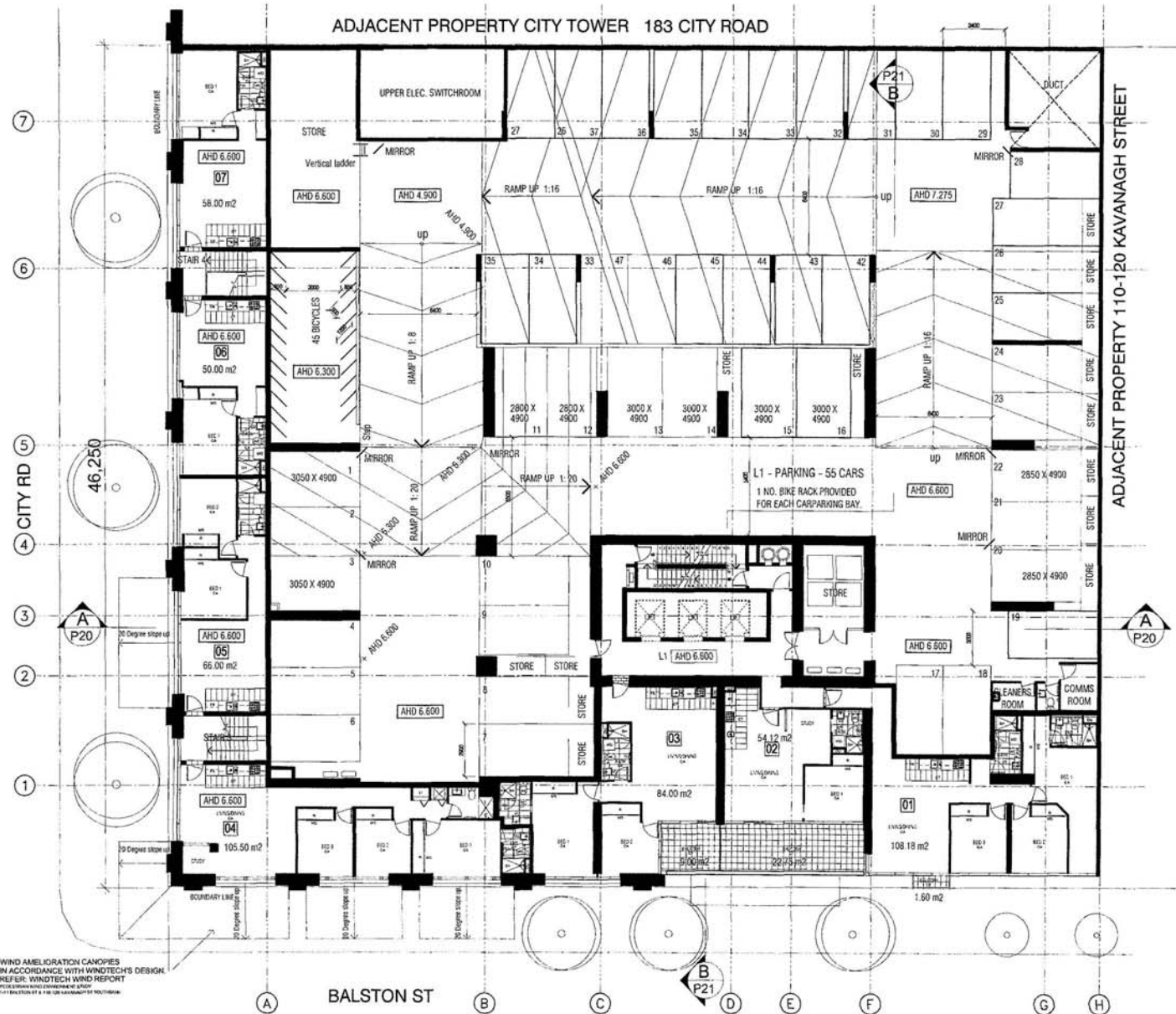
**Environmental sustainability**

6. A 'Sustainable Management Plan' has been provided with the amended application outlining the environmental initiatives proposed for the development. The Plan concludes that the development will achieve a 6.8 star rating average.

# 1-11 Balston Street (199 City Road), Southbank







- REVISIONS
- A APART 05 MODIFIED TO 2 BED, APART 06 MODIFIED TO 2 BED SEP 08
  - F BED, APART 07 ADDED, BALCONY ADDED TO APART 07 FEB 10
  - B BALCONIES DELETED FROM SUITS 1,2&4 FEB 10
  - C STAIRS & STORES MODIFIED, RECYCLING & CANOPIES ADDED FEB 10
  - D+14 LEVELS ADDED - CORSE ADDED 420mm LIGHTS, 400 14
  - E STRUCTURAL WALLS INCREASED TO CARRY EXTRA LOAD
  - F ADJUST FLOOR LEVEL FROM 5.85 AND TO 6.85 AND
  - G RECONFIGURE ALL RAMP AS REQUIRED
  - H REPLACE LIFT DR. ENCLOSURE - 07 FROM 2 TO 3 WEEKS
  - I REPLACE CARPARK AREA, 55 THAT 55 CARPARKS
  - J ARE RETAIN
  - K PROVIDE ADDITIONAL 45 BICYCLE RACKS TO OCT 14
  - L MANUFACTURER SPECIFICATIONS

NOTE: ALL CAR SPACES ARE 2.6 X 4.9 OR GREATER WHERE NOTED.

**DEVELOPMENT**  
 22 OCT 2014  
**PLANNING**

Project Title  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
 1-11 BALSTON STREET  
 SOUTHBANK MELBOURNE FOR  
 CHADDESLEY HOLDINGS PTY LTD

Drawing Title  
**1ST FLOOR PLAN**

Scale  
 1:200 A3 SHEET

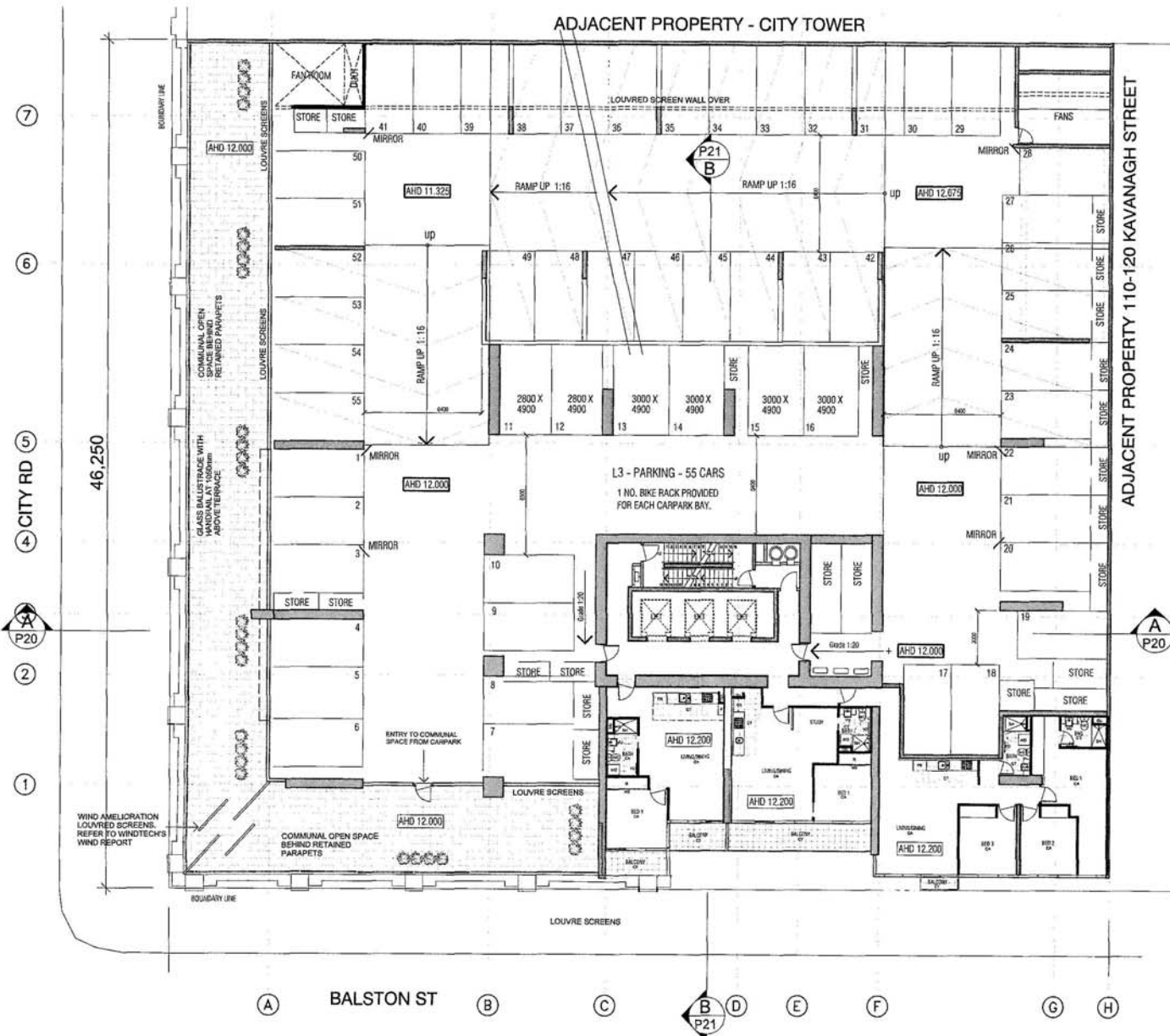
Date  
 JUL 14

Project no  
 0903-02

Drawing no  
 P 06

Rev/No  
 D

WIND AMELIORATION CANOPIES  
 IN ACCORDANCE WITH WINDTECH'S DESIGN.  
 REFER: WINDTECH WIND REPORT  
 111 BALSTON ST & 110-120 KAVANAGH ST SOUTHBANK



REVISIONS

A	APART 01 LAYOUT MODIFIED, APART 02 MODIFIED TO 2	SEP 08
B	APART 03 ADDED, BALCONY ADDED TO APART 03	
C	CARPARK STORES, TANDEN CARPARKS & COL'S MODIFIED FEB 10	
D	LIFT LOBBY & UNITS RLA RAISED 200mm STAIR ADDED.	
E	C 10 LEVELS ACCESS-CORE WIDENED 400mm SOUTH	JUL 11
F	STRUCTURAL WALLS INCREASED, APART 03 MODIFIED TO	
G	REVISION	
H		

DEVELOPMENT  
 3 SEP 2014  
 PLANNING

NOTE: ALL CAR SPACES 2.6 X 4.9 UNLESS OTHERWISE NOTED.

Project Title  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
 9 BALSTON STREET  
 SOUTHBANK MELBOURNE FOR  
 CHADDESLEY HOLDINGS PTY LTD

Drawing Title  
**3RD FLOOR PLAN**

Scale  

 A3 SHEET

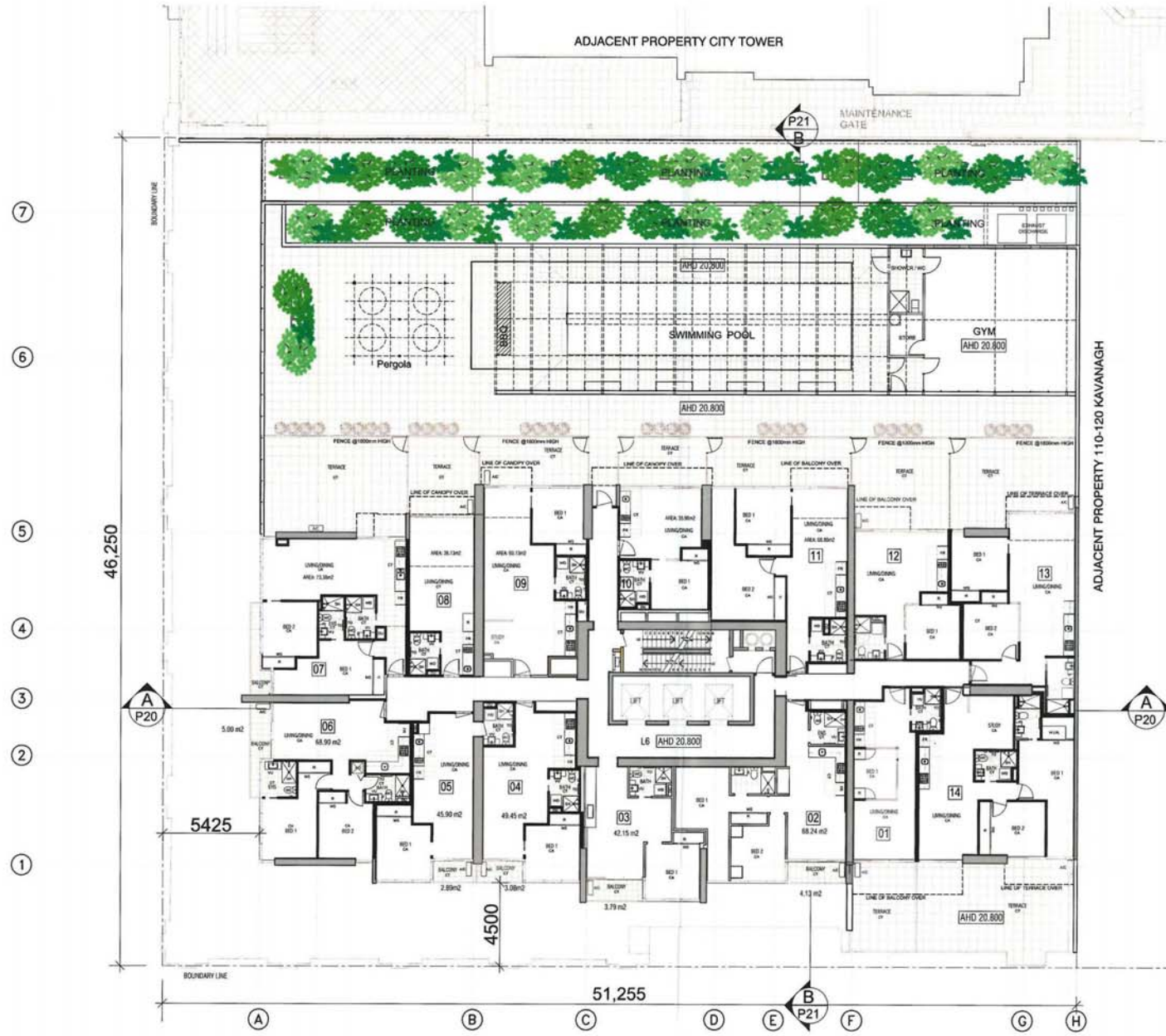
Date  
 JAN 2014

Project no.  
 0903-02

Drawing no.  
 P 08

Revision  
 C





- REVISIONS
- A UNITS REVISED & INCREASED FROM 8 TO 14 SEP 08
  - FLOOR PLATE CHANGED TO SUIT
  - B BALCONIES ADDED & EXTENDED FOR A/C UNITS FEB 10
  - BUILDING ENVELOPE EXTENDED EAST & WEST
  - C 14 LEVELS ADDED - CORE WIDENED 450mm SOUTH, ALL '14 STRUCTURAL WALLS INCREASED TO CARRY EXTRA LOAD.
  - ADJUST FLOOR LEVEL TO 20.80 AHD
  - GENERALLY, REPLAN ALL UNITS 1 - 14.
  - DELETE TENNIS COURT AND RAISE BASE LEVEL TO 20.80 AHD.
  - REDESIGN POOL AND SYMNASIUM, AS SHOWN.
  - REDESIGN POOL AND SYMNASIUM, AS SHOWN.
  - ARE REDESIGNED.
  - CREATE LANDSCAPING ZONES ALONG EASTERN BOUNDARY.
  - REDESIGN RECREATIONAL PODIUM AREA.

NOTE:  
THIS 6TH FLOOR DRAWING - P11, TO BE COMPARED TO THE 5TH FLOOR OF ENDSUED DRAWING - P10.

DEVELOPMENT  
 3 SEP 2014  
 PLANNING

Project Title  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
 1-11 BALSTON STREET  
 SOUTHBANK MELBOURNE FOR  
 CHADDESLEY HOLDINGS PTY LTD

Drawing Title  
**6th FLOOR & PODIUM PLAN**

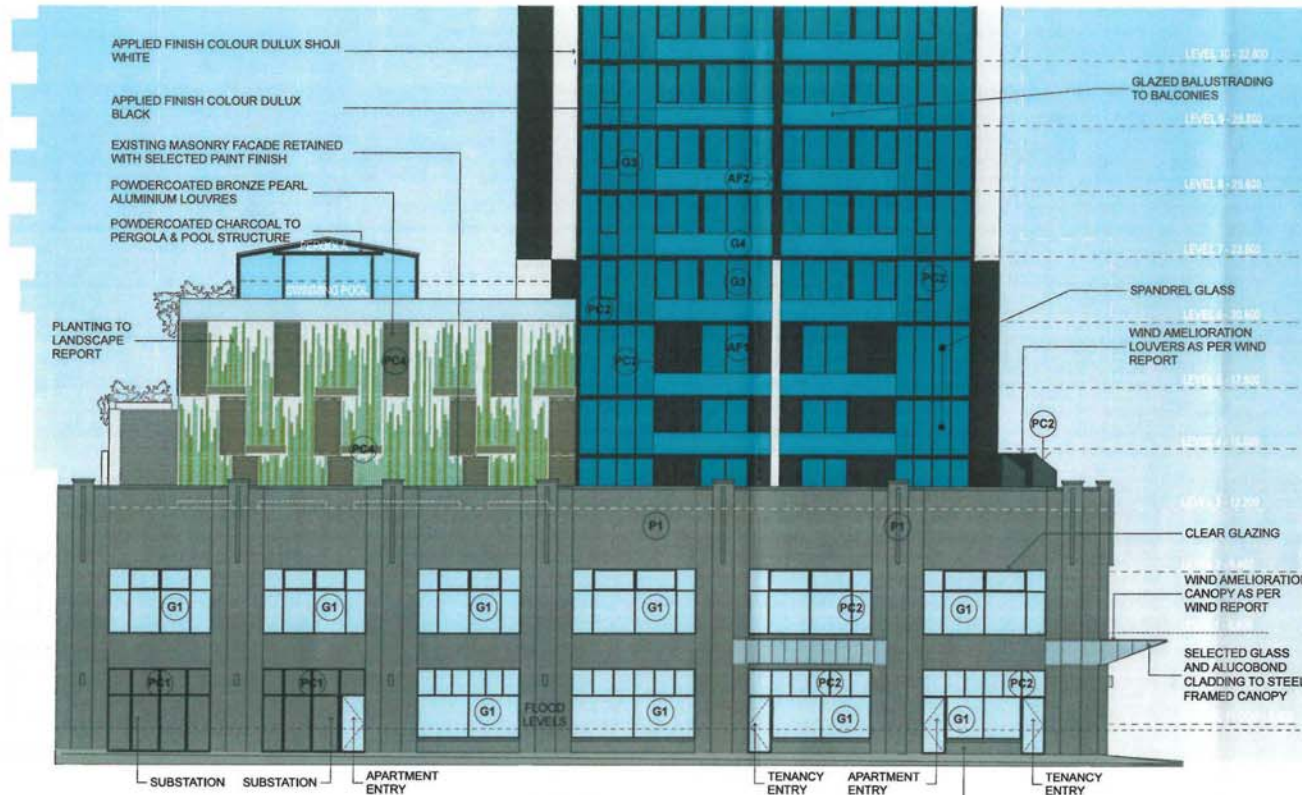
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Date JUL '14

Project no. 0903-02 Drawing no. P 11 Revision C







Revision	Date
A	WIND AMELIORATION LOUVERES ADDED. SEP 08
B	EXTERNAL FINISHES NOTED & SCHEDULE OF FINISHES TABLE ADDED. NOV 08
C	G1 GLASS COLOUR MODIFIED. FEB 10
D	TOWER INCREASED BY 14 FLOORS. MODIFIED HERITAGE FACADE, AS REQUIRED. DELETE FABRIC CANOPIES AND REPLACE WITH ENGINEERED WIND AMELIORATION CANOPIES. PROVIDE 1 ADDITIONAL CARPARK FLOOR. CREATE VERTICAL PLANTING FROM HERITAGE PODIUM LEVEL TO PODIUM AT LEVEL 6. ADJUST ALL LEVELS TO COMPLY WITH FLOOD REQUIREMENTS. AMEND MATERIALS AND FINISHES SCHEDULE. JULY 14
E	CANOPY MATERIAL NOMINATED AND HERITAGE FACADE NOTES ADDED. AUG 14
F	CANOPY REMOVED. OCT 14

DEVELOPMENT  
22 OCT 2014  
PLANNING



SILLS AND WINDOWS TO BE REMOVED TO ACCOMMODATE CITYPOWER SUBSTATION ACCESS AND POWER CABLE REQUIREMENTS. ALSO ENTRY TO APARTMENTS ON LEVEL 1

EXISTING BRICK SILLS TO BE RETAINED, REPAIRED AND WATERPROOFED AS REQUIRED.

REMOVE DOUBLE DOORS. REBUILD BRICK SILL AND RELOCATE ENTRY DOOR TO RETAIL TENANCY.

SILLS TO BE RETAINED AND WATERPROOFED. CUT SILL TO CREATE 2 DOORWAYS.

SCHEDULE OF FINISHES

CODE	FINISH	POSITION	NOTES
BF	PAINT FINISH "BRISTOL FRESCO"	HERITAGE FACADE	
BF	PAINT FINISH TO MATCH	CANOPY ENTRY	
BF	POWDERCOAT FINISH TO MATCH BRISTOL FRESCO	HERITAGE FACADE - SUBSTATION	
PC2	POWDERCOAT PAINT CHARCOAL	HERITAGE FACADE WINDOW - GARNER (COLOURED ON PODIUM LEVEL)	
		HERITAGE FACADE WINDOW - TOOL & DIE SHOP STRUCTURE	
		ENTRY SILL	
		ENTRY DOOR	
		APARTMENT WINDOWS (CYLES ABOVE SILENTON BY GARNER ENTRY DOOR)	
PC4	POWDERCOAT-DULUX PRESOLV BRONZE PEARL	APARTMENT BALCONIES & WINDOWS ABOVE BALSTON ST GARNER ENTRY	
BF	PAINT FINISH TO MATCH POLICE POWDERCOAT BRISTOL FRESCO	RELOCATED TOWER	
BF	PAINT FINISH TO MATCH POLICE POWDERCOAT BRISTOL FRESCO	RELOCATED TOWER	
BF	PAINT FINISH TO MATCH POLICE POWDERCOAT BRISTOL FRESCO	RELOCATED TOWER	
BF	PAINT FINISH TO MATCH POLICE POWDERCOAT BRISTOL FRESCO	RELOCATED TOWER	
BF	PAINT FINISH TO MATCH POLICE POWDERCOAT BRISTOL FRESCO	RELOCATED TOWER	

Project Title  
PROPOSED RESIDENTIAL DEVELOPMENT  
1 - 11 BALSTON STREET  
SOUTHBANK MELBOURNE FOR  
CHADDESLEY HOLDINGS PTY LTD

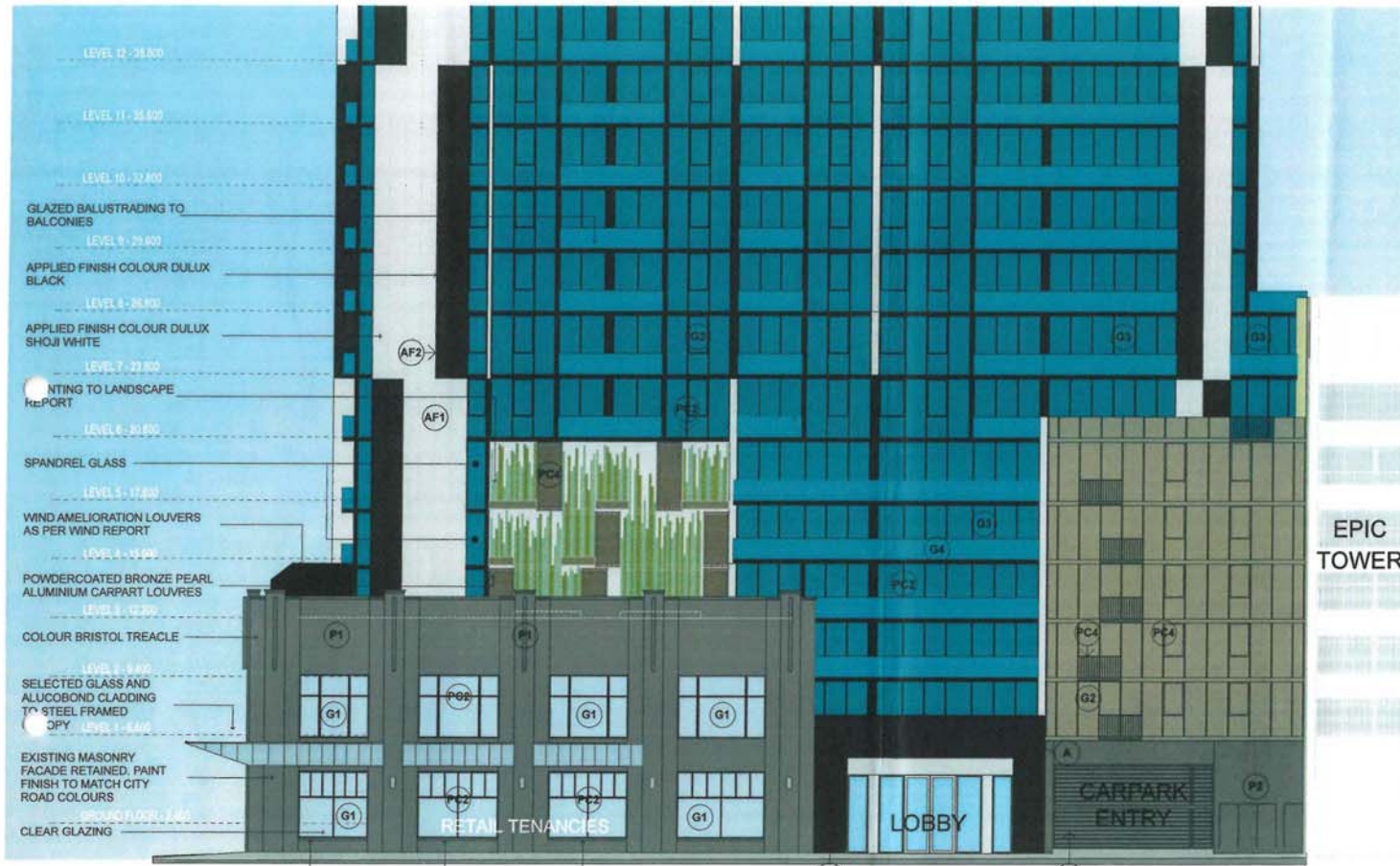
Drawing Title  
CITY ROAD STREETSCAPE



Date  
June 14

Project No  
Drawing No  
D99

Revision  
C



WEST ELEVATION FROM BALSTON STREET

SILLS TO BE RETAINED, REPAIRED AND WATERPROOFED, AS REQUIRED.

REMOVE DOOR AND SIDELIGHT. CUT AND CREATE OPENINGS FOR NEW WINDOWS TO MATCH ADJACENT ON GROUND AND LEVEL 1. REBUILD BRICK SILL TO MATCH ADJACENT EXISTING.

SCHEDULE OF FINISHES

CODE	FINISH	POSITION	NOTES
P1	PAINT FINISH TO MATCH CITY ROAD COLOURS	EXISTING MASONRY FACADE	
P2	PAINT FINISH TO MATCH CITY ROAD COLOURS	EXISTING MASONRY FACADE	
P3	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
P4	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
G1	GLASS TO MATCH ADJACENT BUILDING	RENOVATED FACADE WINDOWS - CARPARK LOUVER OR PODIUM LEVEL	
G2	GLASS TO MATCH ADJACENT BUILDING	RENOVATED FACADE WINDOWS	
G3	GLASS TO MATCH ADJACENT BUILDING	RENOVATED FACADE WINDOWS	
G4	GLASS TO MATCH ADJACENT BUILDING	RENOVATED FACADE WINDOWS	
PC1	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
PC2	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
PC3	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
PC4	POWDERCOAT BRONZE PEARL ALUMINIUM CARPARK LOUVRES	CARPARK ENTRY	
AF1	APPLIED FINISH COLOUR DULUX SHOJI WHITE	RESIDENTIAL TOWER	
AF2	APPLIED FINISH COLOUR DULUX BLACK	RESIDENTIAL TOWER	
G1	GLASS TO MATCH ADJACENT BUILDING	RESIDENTIAL TOWER	
G2	GLASS TO MATCH ADJACENT BUILDING	RESIDENTIAL TOWER	
G3	GLASS TO MATCH ADJACENT BUILDING	RESIDENTIAL TOWER	
G4	GLASS TO MATCH ADJACENT BUILDING	RESIDENTIAL TOWER	

Revision	Date
A	SEP 08
B	NOV 08
C	FEB 10
D	FEB 10
E	JULY 14
F	AUG 14
G	OCT 14

EPIC TOWER

DEVELOPMENT  
22 OCT 2014  
PLANNING

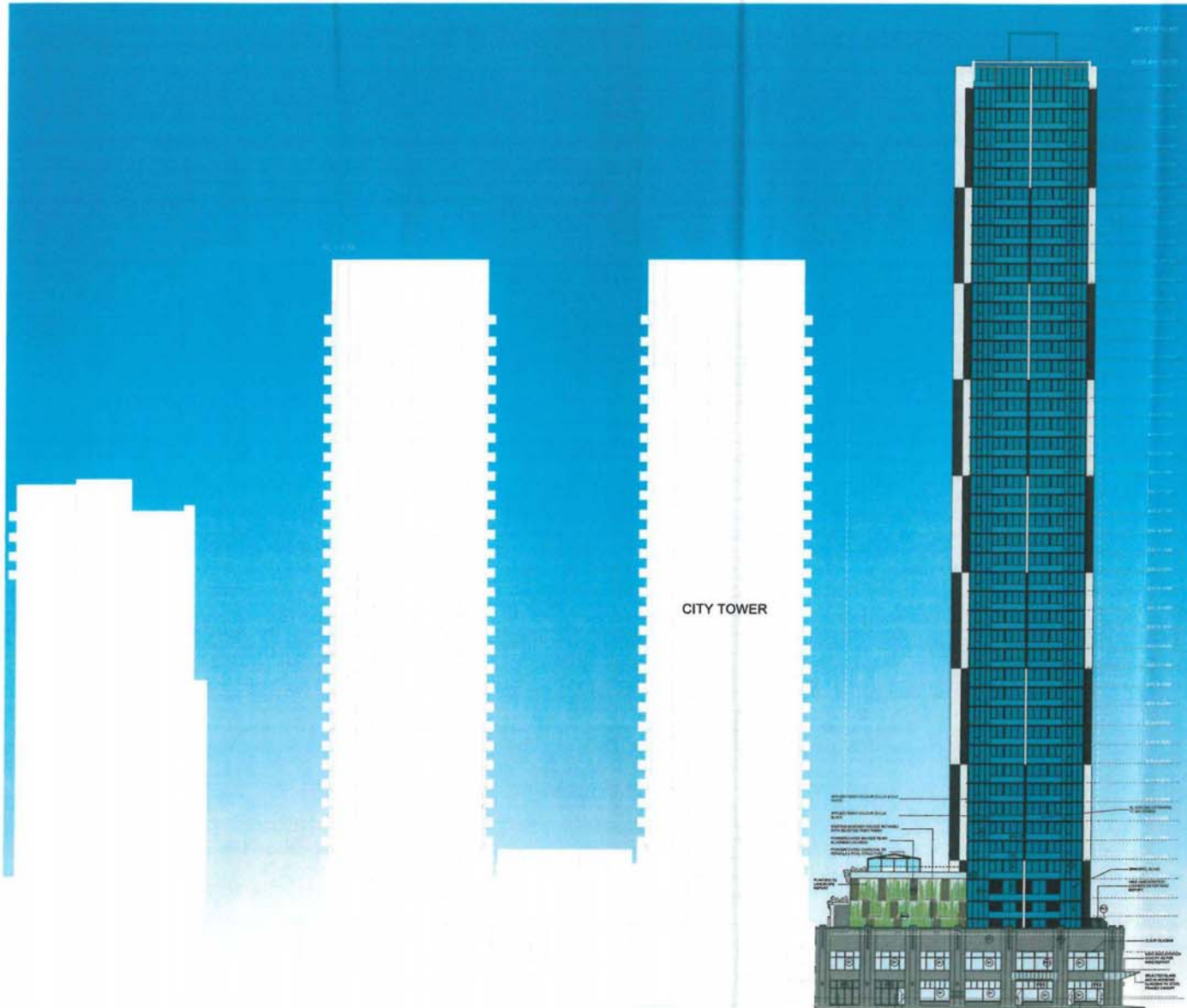
Project Title  
PROPOSED RESIDENTIAL DEVELOPMENT  
1 - 11 BALSTON STREET  
SOUTHBANK MELBOURNE FOR  
CHADESLEY HOLDINGS PTY LTD

Drawing Title  
BALSTON STREET STREETScape



Date  
Jun 14  
Project No  
Drawing No  
Revision





01 NORTH ELEVATION FROM CITY ROAD

Revisions	Date	
A	BALCONIES MODIFIED, WIND AMELIORATION LOUVRES ADDED.	SEP 08
B	BALCONIES ADDED & WINDOW FENESTRATION MODIFIED, BUILDING RAISED 605mm TO ACCOMMODATE SERVICES	FEB 10
C	TOWER INCREASED BY 14 FLOORS, MODIFIED HERITAGE FACADE, AS REQUIRED, DELETE FABRIC CANOPIES AND REPLACE WITH ENGINEERED WIND AMELIORATION CANOPIES, PROVIDE 1 ADDITIONAL CARPARK FLOOR, CREATE VERTICAL PLANTING FROM HERITAGE PODIUM LEVEL TO PODIUM AT LEVEL 6, ADJUST ALL LEVELS TO COMPLY WITH FLOOD REQUIREMENTS, AMEND MATERIALS AND FINISHERS SCHEDULE, SOUTH ELEVATION: RELATIONSHIP OF SOUTH WALL TO THE NORTH WALL OF EPIC TOWER.	JULY 14
D	CANOPY MATERIAL NOMINATED AND HERITAGE FACADE NOTES ADDED	AUG 14
E	CANOPY REMOVED	OCT 14

DEVELOPMENT  
22 OCT 2014  
PLANNING

Project Title  
PROPOSED RESIDENTIAL DEVELOPMENT  
1 - 11 BALSTON STREET  
SOUTHBANK MELBOURNE FOR  
CHADDESLEY HOLDINGS PTY LTD

Drawing Title  
CITY ROAD BUILDINGS

Scale  
1:350 A1 SHEET

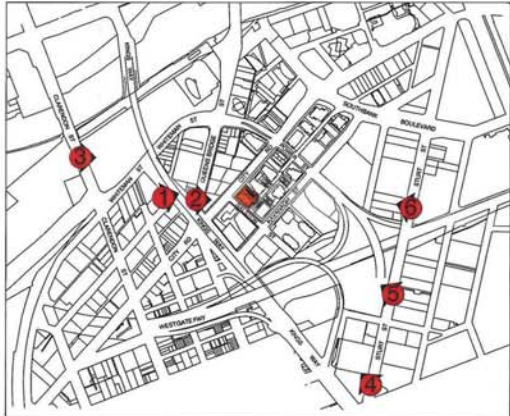
Date  
Jun 14

Project No. Drawing No. Revision  
D9R C

REVISIONS	
A - ISSUED FOR TENDERS	AS 14



VIEW 1



DEVELOPMENT  
3 SEP 2014  
PLANNING

Project Title  
**PROPOSED RESIDENTIAL  
DEVELOPMENT  
1-11 BALSTON STREET  
SOUTHBANK MELBOURNE FOR  
CHADDESLEY HOLDINGS PTY LTD**

Drawing Title  
**VIEW 1**

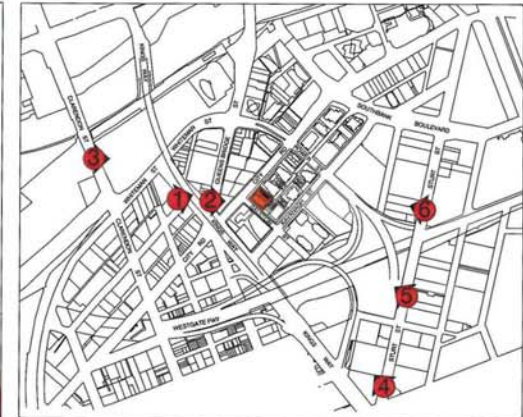
Date  
JUL 2014  
Project no.  
0903-02  
Drawing no.  
P 29.1  
Revision  
A



REVISIONS		JUL 14
A	REVISED FOR TOWNPLANNING	



VIEW 5



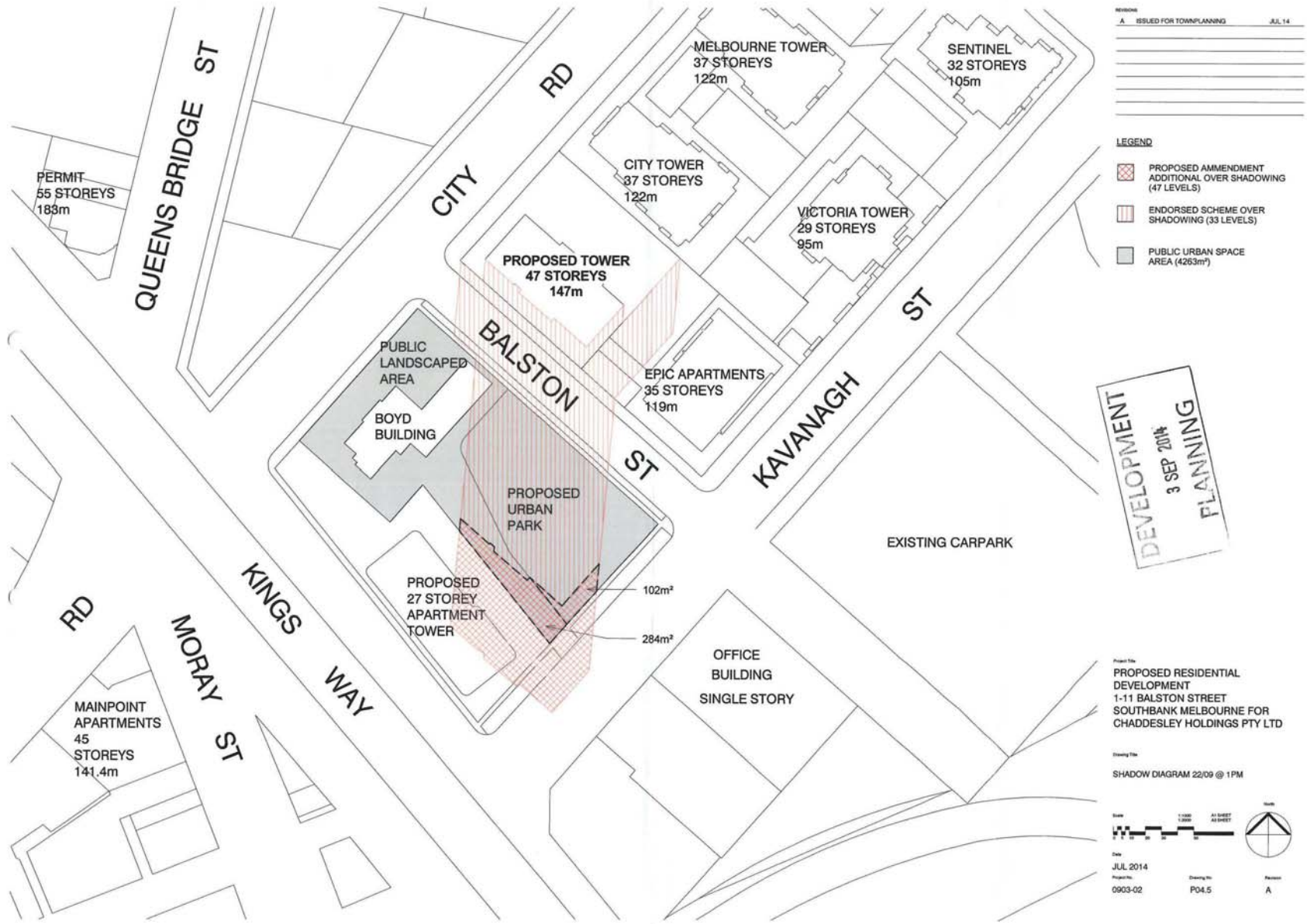
DEVELOPMENT  
3 SEP 2014  
PLANNING

Project Title  
**PROPOSED RESIDENTIAL  
DEVELOPMENT  
1-11 BALSTON STREET  
SOUTHBANK MELBOURNE FOR  
CHADDESLEY HOLDINGS PTY LTD**

Drawing Title  
**VIEW 5**

Date  
JUL 2014  
Project no.  
0903-02  
Drawing no.  
P 29.5  
Revision  
A





## PLANNING REPORT

### MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2007-21/B</b>
<b>DTPLI Application number:</b>	20070531B
<b>Applicant / Owner / Architect:</b>	Central Equity / Chaddesley Holdings Pty Ltd/ Central Equity
<b>Address:</b>	110-120 Kavanagh Street, SOUTHBANK VIC 3006
<b>Proposal:</b>	Amendment to the approved plans to include an additional 14 floors of apartments together with other revisions
<b>Date received by City of Melbourne:</b>	19 August 2014
<b>Responsible officer:</b>	Maree Klein
<b>Report Date:</b>	2 October 2014
<b>(DM# 8771162)</b>	

#### 1. SUBJECT SITE AND SURROUNDS

##### 1.1. The site

The subject site is known as No. 1-11 Balston Street, Southbank and is located on the corner of City Road and Balston Street. The site is located within the Southbank precinct and is south of the Yarra River and Melbourne's Central Business District.

The site comprises a regular lot shape and is currently developed with a two-storey commercial building which incorporates a rendered brick heritage facade built to both Balston Street and City Road street frontages. The existing building wraps around the corner into Balston Street and the rear of the building has been demolished to leave only the original facade intact.

The remnant façades built to both Balston Street and City Road frontages is identified in the City of Melbourne Heritage Places Inventory 2008 as a C grade building in a level 2 streetscape. The building is recognised for its 'plain surfaces and simple fenestration identify it as a representative example of early modern Melbourne factory.'

The site has a frontage of approximately 51.26 metres to Balston Street to the west and 46.25 metres to City Road to the north. This equates to an overall site area of approximately 2369 sqm. The topography of the land is relatively level across the site.

An agreement under s.173 of the Planning and Environment Act, 1987 applies to the land and specifies the retention and refurbishment of the existing heritage facade running along City Road and Balston Street, and stipulates that the owner cannot

‘alter or change the façade in any manner without first obtaining the Council’s prior written approval or consent’.



Figure 1. Locality Plan

## 1.2. Surrounds

Land immediately adjoining the site is described below:

- North – across City Road, is a row of predominantly single and double storey commercial buildings.
- South – ‘Epic Apartments’ located at No. 110-120 Kavanagh Street, recently completed and occupied. This development comprises 38 storeys of residential apartments (491 dwellings).
- East – ‘City Tower’ and ‘Melbourne Tower’. Residential towers in the block between Kavanagh, Balston, City Road and Power Street are between 25 to 28 storeys.
- West – across Balston Street is the former JH Boyd School site. The JH Boyd building has recently been converted by the City of Melbourne to a new community and cultural hub known as ‘Boyd’. The City of Melbourne website describes it as follows:

‘Boyd is the City of Melbourne’s first integrated community service space, transformed from the heritage-listed site of the former JH Boyd Girls’ High School at 207-227 City Road, Southbank. The multi-use facility features the Southbank Library, Kere Kere cafe, family services, community meeting rooms and Creative Spaces artist studios. There’s also a council self-service



kiosk where people can renew their pet registration, pay rates and infringement notices, accounts and invoices. The Boyd centre also has free wi-fi access, a history walk and space to relax.'

In 2012 the City of Melbourne entered into an agreement with the Mackie Group to redevelop the balance of the site that will include an urban park of approximately 2500 square metres and a residential and commercial building. The commercial and residential building (22 levels) was approved under Permit No. 2012/005857 issued by the Minister for Planning on 15 August 2013.

The below draft site layout plan provides a visual representation.



Figure 2. Draft site layout plan for the former JH Boyd School site

## 2. SITE HISTORY

Planning Permit No. 2007/0531 was approved by the Minister for Planning on 1 February, 2008 and authorised redevelopment of the land at No. 1-11 Balston Street, Southbank as follows:

'Partial demolition of the existing building and use and development of a multiple dwelling residential building including ground floor food and drink premises (other than Hotel and Tavern) and Shop (other than Adult sex bookshop and bottle shop) and a reduction in the associated car parking requirements, generally in accordance with the endorsed plans'.

The building incorporates ground level retail tenancies, podium level car parking and dwellings, having a total height of 34 storeys (104.65 metres). The development when approved was known as the 'North tower' and is the final residential tower for completion within the Southbank block bound by Power Street, Kavanagh Street, Balston Street and City Road.

Endorsed amended plans were subsequently approved by the Minister for Planning on 29 March 2010 (2007/0531A). These plans depict a building comprising 382 apartments and 256 on site car parking spaces, with a height of 104.65 metres.

Multiple applications have been made and approved for the extension of time for the commencement date for the planning permit. The most recent approval for the extension of time was issued on 15 January 2014, requiring that the development commence by 1 December, 2016.

### 3. THE PROPOSAL

The applicant seeks approval to make further amendments to the endorsed plans under Section 72 of the Planning and Environment Act 1987, including:

- Increasing the overall height of the building by 14 storeys (49 metres);
- Increased ground level commercial ceiling levels to 4 metres;
- An additional ramped podium level to the car park;
- Provision of additional bicycle parking spaces;
- Additional of new podium car parking floor level (net increase of 16 spaces);
- Modifications to the heritage façade, including infill of two window openings on City Road to accommodate doors to the substation;
- Introduction of a glass and alucobond clad steel framed canopy on the corner of City Road and Balston Street to prevent adverse wind conditions at street level (replacing previously approved wind mitigation consisting of a pergola style louvers and sunshade at podium terrace level, and canvas awnings for the retail tenancies on corner of City Road and Balston Street).

The plans originally referred to the City of Melbourne for comment were formally amended following a request for further information from DTPLI. These plans were received by the City of Melbourne on 3 September 2014 and are the plans that comments from various internal departments were sought on. As a result of these comments, further amended plans were prepared by the applicants, and it is these plans (received October 2013) that are subject to this assessment.

In more detail, the differences between the proposed amendment and the approved development are as follows:

	Approved	Proposed
Number of floors	33	47
Height (excl rooftop services)	104.65m	147.70m
Bicycles	249	389
Carparks	256	269
Number of apartments	382 1 bed apartments: 142 2 bed apartments: 150 3 bed apartments: 29	557 1 bed apartments: 336 2 bed apartments: 169 3 bed apartments: 51
Gross floor area	37,344 sqm	52,616 sqm

### 4. PLANNING SCHEME PROVISIONS

The provisions of the Melbourne Planning Scheme have changed since the approval of Planning Permit No. 2007/0531/A in 2008.

The land was previously affected by the Mixed Use Zone and subject to a range of overlay provisions. Amendment C171 to the Melbourne Planning Scheme undertook

to include the land (and the Southbank area generally) within the new Capital City Zone, Schedule 3 'Southbank'. Amendment C171 also replaced the Design and Development Overlays (DDO) that previously applied to the site.

Importantly, Amendment C171 replaced the previous Schedule 39 of the DDO (Southbank Central Interface) with Schedule 60 of the DDO (Southbank), with the maintenance of the 100m discretionary height limit.

The statutory controls that now apply to the land are detailed below.

	Previous Controls	Current Controls
<b>Zoning</b>	Mixed Use Zone	Capital City Zone, Schedule 3 (Southbank)
<b>Overlays</b>	Design and Development Overlay Schedule 18 'Southbank Plot Ratio' Schedule 27 'City Link Exhaust Stack Environs' Schedule 39 'Southbank Central Interface' (100m discretionary height control) Heritage Overlay, Schedule 368 (171 City Road, South Melbourne, which includes the subject site)	Design and Development Overlay Schedule 1, Area 2 'Active Street Frontages' Schedule 3 'Traffic Conflict Frontage' Schedule 60, Area 3 (100m discretionary height control) Heritage Overlay, Schedule 368 (171 City Road, South Melbourne, which includes the subject site) Parking Overlay, Schedule 1

Further, since the issue of the permit in 2008, the 'Southbank Structure Plan 2010' has become a reference document at Clause 22.17 of the Melbourne Planning Scheme. The Structure Plan identifies the former JH Boyd School site as one of three new local activity nodes, being focal points of new commercial, retail and community infrastructure development and local social life in Southbank.

The following policies of the Melbourne Planning Scheme are relevant:

State Planning Policies	Clause 11.04-2 'Activity Centre Hierarchy' & Clause 11.04-4 'Central Melbourne' Clause 15.01-1 'Urban Design' & Clause 15.01-2 'Urban design principles' Clause 15.3 'Heritage' Clause 16.01-1 'Integrated housing' & Clause 16.01-2 'Location or residential development' & Clause 16.01-3 'Strategic redevelopment sites'
Municipal Strategic Statement	Clause 21.04 'Settlement' Clause 21.06 'Built Environment and Heritage' Clause 21.07 'Housing' Clause 21.08 'Economic Development' Clause 21.11 'Local Areas' Clause 21.13-1 'Urban Renewal Areas Southbank'



Local Planning Policies	<p>Clause 22.01 'Urban Design within the Capital City Zone'</p> <p>Clause 22.02 'Sunlight to Public Spaces'</p> <p>Clause 22.19 'Energy, Water and Waste Efficiency'</p> <p>Clause 22.23 'Stormwater Management (Water Sensitive Urban Design)'</p>
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General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.
Clause 65 – Approval of an application or plan	Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

## 5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment.

Pursuant to Pursuant to Schedule 3 of the Capital City Zone and Schedule 60 of the Design and Development Overlay, the application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

However, it is not considered that the development is exempt under the Heritage Overlay from the notice requirements, the decision requirements and the review rights of the Act.

## 6. REFERRALS

The application was referred to the following internal departments which comments summarised:

### Council's Heritage Consultant

- The infill of the window openings for the substation and the alteration of the sill height will disrupt the constancy of expression across the length of the frontage and will disrupt the appreciation of heritage value of the building.
- The proposed glazed canopies are features that make a substantial statement and would compete with the early building form and distract from the appreciation of that early form.

### Urban Design

- Since the issue of the original permit, Southbank Structure Plan 2010 has become a reference document, designating the subject site as part of a local activity node and calling for City Road to become more pedestrian friendly. The Boyd site on the west side of Balston Street will be the focus of the activity node, but not all of the communities needs can be accommodated within the Boyd site. It is important that surrounding sites contribute to the activity node. The subject site should therefore provide a

substantial number of tenancies at ground and first floor levels to house local retail and services.

- Not supportive of increase in height as it would have an overbearing impact on pedestrians in both streets, is inconsistent with the 100m height limit (reaffirmed in Amendment C171), would increase overshadowing of the proposed park and appears to exacerbate wind conditions (resulting in a new requirement for awnings).
- The increased accommodation generates increased demand in ground floor services. It reduces the extent of active frontages at ground floor level which is not supported. The sub-station should return to its previously approved location; if this means the number of storeys should be reduced to limit the electrical load, then the number of storeys should be reduced. If the pump room needs to be enlarged, this should be at the expense of parking space, not retail space. More tenancy space should be provided at the ground floor level of an activity node. It is too valuable to be allocated to car parking.
- Recommend that a commercial tenancy be provided in lieu of the ground level apartment, and that this space be deeper. The mail room could be moved to free up additional street frontage.
- At 3<sup>rd</sup> floor, habitable space should be provided adjoining the communal open space, supporting usage which would contribute to activity and passive surveillance to City Road and Balston Street.
- The design of the new canopy is not supported. If the amended built form generates wind problems, we recommend that the built form be modified to avoid creating the problem.
- The awnings would impact on street trees.

### Urban Landscapes

- Confirm that the design of the public urban park at the former JH Boyd School site is due to occur in this financial year (2014/2015) with construction expected to commence in early 2016.
- The original proposed awning was not supported as it would have resulted in the loss of street trees. Amended plans reducing the awning will no longer necessitate removal of street trees on City Road. However, removal or pruning of any tree on City Road will not be supported. The canopies will need to be designed and installed accordingly
- The location of a substation on City Road will result in a street tree on City Road being removed and not replaced.
- Seek a change to the locations of the proposed trees on Balston Street to achieve a more consistent streetscape along Balston Street and a more consistent spacing of street trees. The tree species for Balston Street is *Quercus cerris* (Turkey Oak) which are large deciduous trees expected to reach a height of approx. 12m with a canopy spread of 10-12m in this location. With this in mind, the tree spacing should be rethought.

### Engineering (Traffic)

- Recommend that some visitor parking be provided on-site for the requirements of visitors to the development.
- Raised a number of concerns about some aspects of the amended car park design.

### Engineering (Waste)

- The waste storage and collection arrangements are satisfactory.

### **Engineering (Infrastructure)**

- Objection to 2 outward opening doors projecting onto the footpath on City Road.
- All projections over the street alignment must conform to the relevant Building Regulations and the City of Melbourne Road Encroachment Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.
- Maximum permissible width of vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres should include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacings.
- Recommend standard conditions be included on any amended permit issued.

## **7. ASSESSMENT**

Having regard to the nature of the proposed amendments, the following key issues have been identified:

- Inconsistency of increased height with preferred built form outcomes
- Impact of the proposed increased height, including overshadowing and wind impacts
- Impact of the ground floor alterations

### **7.1 Inconsistency of increased height with preferred built form outcomes**

Policy continues to support the ongoing development of Southbank as an area in suitable for high density residential uses, with ground floor commercial activation. Indeed, one of the key purposes of the Capital City Zone, Schedule 3 (which the subject site is now zoned) is 'to develop Southbank as an extension of the Central City, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.'

The development parameters to support this strategic land use are guided by the Design and Development Overlay (Schedule 60) introduced via Amendment C171. The general purpose of a Design and Development overlay is 'to identify areas which are affected by specific requirements relating to the design and built form of new development.' The 100m discretionary height control affecting the subject site at the time of the approval of the original development, has been reaffirmed in Amendment C171 and the introduction of DDO60. Tower setbacks from all sides have increased however, with tower setbacks from all sides of 10 metres sought, and a preferred 20 metre separation between towers (with a discretionary minimum 10 metre separation).

The following built form outcomes are identified:

- 'Buildings that provide an appropriate transition to development in adjoining areas to the south, west and east.
- Buildings that do not dominate urban form in adjoining Areas.
- The maintenance of the dominant streetscape scale.'

Taking the relevant purpose of Schedule 3 to the Capital City Zone (Southbank) and the relevant design objectives and built form outcomes of DDO60 into account, it is considered that the proposed increase in height is unacceptable for the following reasons:

- The subject site is not a landmark or gateway site in any significant sense that can justify the additional height above that sought by the DDO;
- The sought increase in height has not correspondingly increased the tower setbacks. While the setbacks from neighbouring towers continues to be acceptable, the tower setbacks from Balston Street and City Road (typically 4.5m and 5.4m respectively) are unchanged.
- The increased height of the building means that it would be the dominant building in this area of Southbank, where a consistent height is sought.
- The proposed increase in height to 147.7m would blur the distinction of built form between the areas north and south of City Road and different precincts of Southbank would be compromised. The policy expectation of 'transition' will not be respected.
- The greater height and associated shadow will have a significantly greater, far-reaching, impact than was intended by the height control, on a greater number of streets and public spaces (discussed further below).

## **7.2 Impact of the proposed increased height, including overshadowing and wind impacts**

The proposed amendments has adverse overshadowing and ground level wind condition impacts as a direct result of the sought increase in height from 104.65m to 147.7m.

### *Overshadowing*

An increased shadow length will result from the proposed increase in height of the building by 14 storeys. Of consequence is the increased overshadowing of the land identified as future urban park as part of the redevelopment of the former JH Boyd School site (opposite on Balston Street).

While not an existing public space (as noted by the applicants), it is nonetheless clear from discussions with Council's Urban Landscapes area that the development of the park is forthcoming, having formed part of the 2012 agreement between the City of Melbourne and the Mackie Group with regard to the redevelopment of the remainder of the former JH Boyd School site.

In general, local policy at Clause 22.02 suggests that development should not *reduce* the amenity of public spaces by casting any additional shadows between 11.00am and 2.00pm on 22 September.

Shadow diagrams prepared by the applicants compare the shadows cast by the approved development, and the proposed increase in height. These diagrams demonstrate that the increased shadow length will have a direct impact on the future urban park, casting additional shadows, beyond that already approved, at 1.00pm and 2.00pm at the September equinox (refer to figure 3 below).

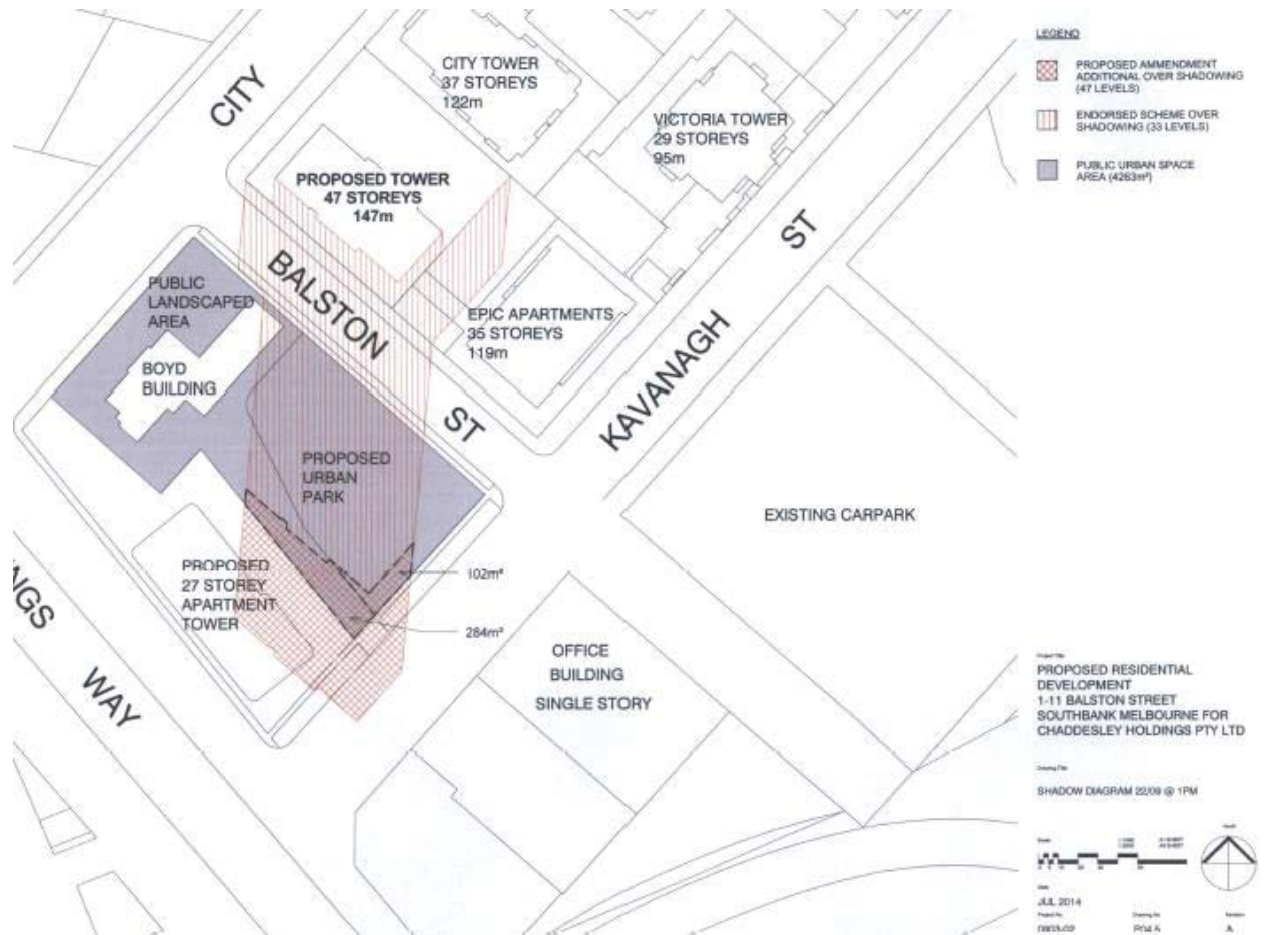


Figure 3. Shadow diagram 22 September @1pm

This reduction in area free from shadow would diminish the enjoyment of this important public space during the times of the year when the intensity of its use would be at its highest.

The Southbank Structure Plan 2010 recognises that ‘the current provision of public open space available for recreational and community uses is low in Southbank’ (page 28). It is therefore imperative that this new public open space remains free from shadow as much as possible.

*Wind Impacts*

The current endorsed plans detail the wind amelioration measures as an overhead pergola style louvers and sunshade provided at the podium level at the corner of City Road and Balston Street. Simple canvas awnings were endorsed for the retail tenancies on City Road and Balston Street accommodated within the remnant heritage facade, but it is clear from the wind report accompanying the original application that these canvas awnings did not form part of the necessary wind amelioration techniques.

With the introduction of Amendment C171 to the Planning Scheme, and the rezoning of the land to Schedule 3 of Capital City Zone, developments in Southbank are now required to meet a higher standard with regard to wind protection. Developments are to be designed to be generally acceptable for stationary long term wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 10 ms-1).



The proposed increase in height necessitates revised wind amelioration devices at the corner of Balston Street and City Road as wind conditions in this area would be outside not only the stationary long term wind exposure, but also the comfortable walking criterion for pedestrian safety.

At this point, the applicants investigated 6 different treatments to ameliorate the adverse wind effect, including a continuous downward facing awning, a continuous horizontal awning, and a continuous upward facing awning.

The results of the wind tunnel study showed that only the introduction of alucobond street awnings around that area 'to run continuously and slope upwards away from the façade at a slope of 20 to 30 degrees and connecting to the building façade from a height of 2.5m above ground level (3.9m above footpath)' would bring wind conditions close to the existing wind conditions at this point(p. iii of Windtech Report).

Further, the outdoor terrace area on the podium on the corner of City Road and Balston Street would also experience adverse wind conditions. As such, 3 metre high x 1m wide baffle screens are proposed to be included.

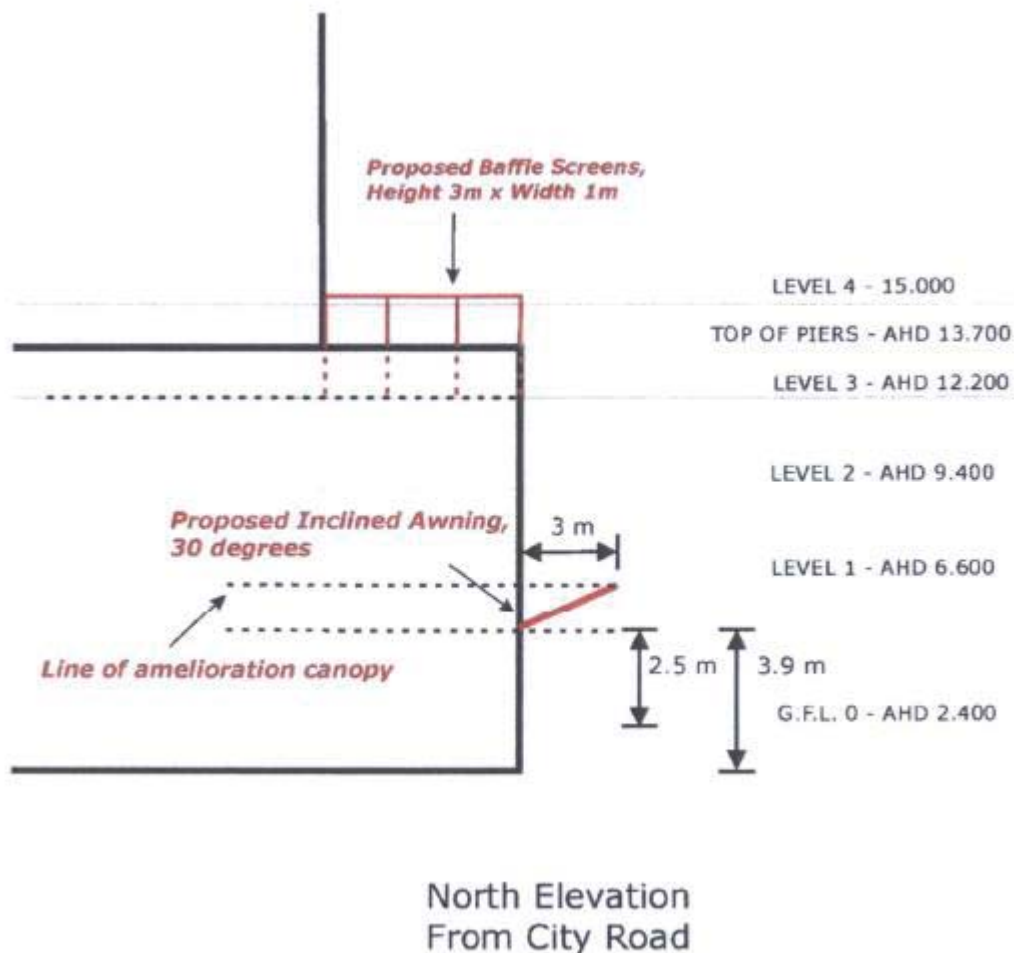


Figure 4. Recommended inclined awning and baffle screen treatment (source: Windtech report)

This proposed wind amelioration techniques would ensure that wind conditions meet the fast walking criterion. While not meeting the criterion for development in now required in Southbank, the applicants Wind Consultants advise that:



“the results of the wind tunnel study indicate that the ground level wind conditions will exceed the 10m/s for the annual maximum gust wind speeds...However the wind conditions on the street level is not due to the proposed development but the exposure of the site to the south. The effect of the tower section of the development on the local wind conditions has been addressed through the inclusion of strategic setback of the tower on the podium and inclusion of specifically arrange [sic] awnings.”

While accepting that the resultant ground level wind conditions would be the same as that currently experienced on the corner of City Road and Balston Street, the design of the wind amelioration techniques is not acceptable.

Clause 22.01 outlines design guidelines with respect to wind and weather protection, including:

- The design, height, scale and detail of canopies, verandahs and awnings should be compatible to nearby buildings, streetscape and precinct character.
- Canopies, verandahs and awnings may be partly or fully transparent to allow light penetration to the footpath and views back up the building facade.
- Weather protection should be setback to accommodate existing street trees.
- Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

The engineered design of the proposed wind amelioration measures are an inappropriate design detail, relating poorly to the heritage façade and adversely affecting its integrity.

As noted by Council’s Heritage Advisor, the proposed glazed canopies are features that make a substantial statement and would compete with the early building form and detract from the appreciation of that early form. The design of the canopies is not compatible to the building itself, or nearby buildings in either City Road or Balston Street.

As such, the canopies proposed as a result of adverse wind conditions directly caused by the additional height of the tower, should not be supported.

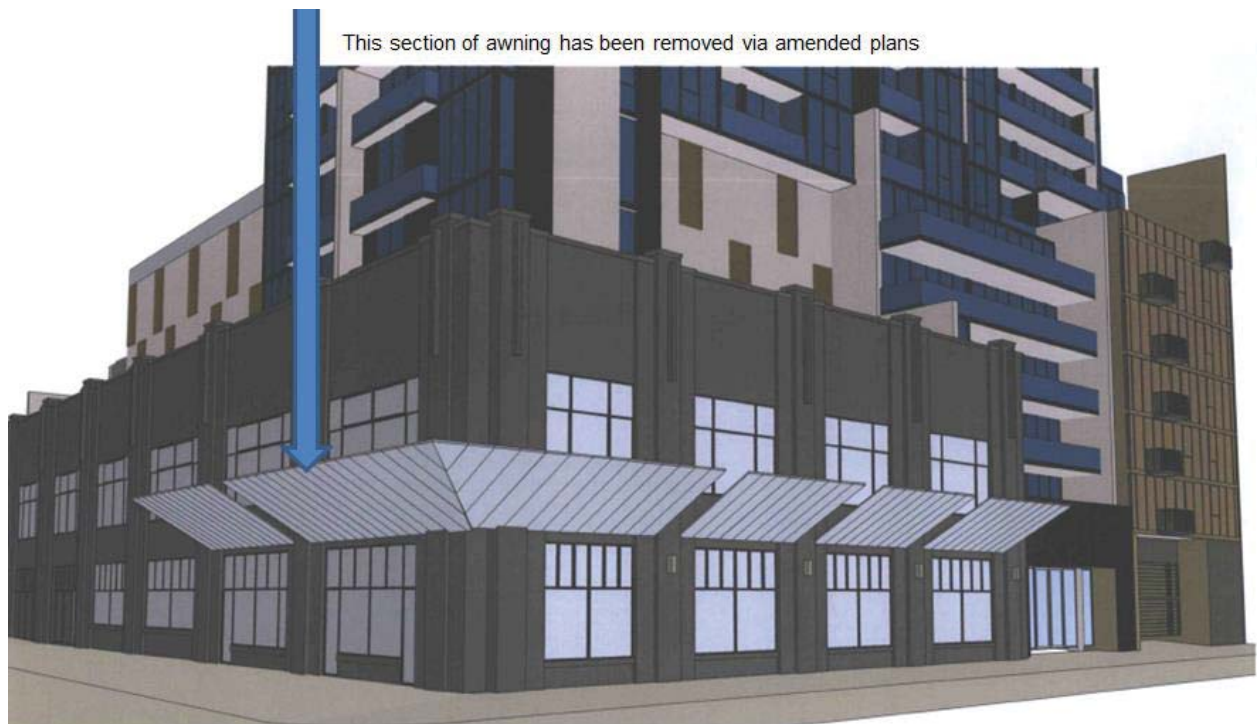


Figure 5. Perspective corner of City Road and Balston Street - wind amelioration canopy

Further, the large baffle screens on the outdoor terrace area would compromise the useability of this space by residents, placing large obstacles within an outdoor recreational space.

These inappropriately designed wind amelioration devices would not be required were the building height to remain at its current approved height of 104.65m.

### 7.3 Impact of the ground floor alterations

As a result of the increased building height and increased number of apartments from 382 to 557, the building services have been revised including the relocation and increase in the size of the substation from Balston Street non-heritage fabric (as currently approved) to City Road (refer to figure 6 below).



Figure 6. City Road streetscape

It is now proposed to accommodate an enlarged substation within two of the existing openings in the City Road remnant heritage façade.

The relocation of the substation into the City Road frontage raises concerns on two fronts:

1. Adverse impact on the heritage façade; and
2. Reduction in active street frontages.

The substation relocation would adversely affect the significance of the heritage place in that it substantially alters the consistency of fenestration expression across the length of the frontage and will disrupt the appreciation of the heritage value of the building. The Building Identification sheet for the site specifically notes the simple fenestration, and it is this fenestration that would be adversely impacted. The infill of two windows is not sympathetic to the architectural character and appearance of the site itself, nor the greater City Road streetscape.

The relocation of the substation into the City Road frontage would also diminish the active street frontage and opportunities for pedestrian interest and engagement. City Road is affected by Schedule 1 of the Design and Development Overlay which specifically encourages active street frontages in major pedestrian areas. Reducing the extent of active street frontages is not supported.

Correspondence from the applicant's electrical engineer suggests that the projects power supply is 2920kVA as a result of the increased number of apartments proposed, and that CitiPower's substation designers will now not design a substation of greater capacity than 20000kVA that requires access through a carpark due to concerns with access, distance and handling of equipment.

It is anticipated that if the number of apartments were reduced, the projects power supply would likewise be reduced to a level where the location of the substation could again be accommodated within a car park area, and not in ground level street frontage.

#### **7.4 Conclusion**

The applicants have argued that the above concerns raised by Council are not justified when considered in the context of the policy support for substantial built form change for Southbank articulated by the Local Planning Policy Framework and believe that proposed revisions represent an appropriate balancing of the policy and building design.

The policy framework certainly encourages high rise residential growth in Southbank, however the preferred built form character to support this growth is nominated at a 100m height control under DDO60. The approved development at 100m has already meet the local policy for substantial built form change. It is the applicants desire to exceed this preferred height that has resulted in adverse consequences.

The proposed increase in height is inconsistent with the 100m height limit for the area, would increase overshadowing of the proposed park, and would exacerbate wind conditions (resulting in inappropriate awnings). Further, the increased number of apartments would generate increased demand in ground floor service areas, resulting in decreased active frontages on City Road and unacceptable intrusion into the retained heritage fabric.

The application to amend the approved development cannot be supported.

#### **8. OFFICER RECOMMENDATION**

That a letter be sent to DTPLI advising that the City of Melbourne objects the objects to the application for the reason:

1. The proposed increase in height is inconsistent with the 100m height limit for the area, would increase overshadowing of the proposed park, and would exacerbate wind conditions (resulting in inappropriate awnings). Further, the increased number of apartments would generate increased demand in ground floor service areas, resulting in decreased active frontages on City Road, loss of a street tree, and unacceptable intrusion into the retained heritage fabric.