

UNCONFIRMED MINUTES



Future Melbourne Committee

MINUTES

**Meeting Number 45
Tuesday 6 December 2011
5pm**

**Yarra Room
Level 2
Melbourne Town Hall**

PRESENT

Lord Mayor, Robert Doyle (Chair)
Deputy Lord Mayor, Susan Riley
Councillor Carl Jetter
Councillor Jennifer Kanis
Councillor Kevin Louey
Councillor Cathy Oke
Councillor Ken Ong
Councillor Jackie Watts

APOLOGY

Councillor Brian Shanahan

To be confirmed at the meeting of the Future Melbourne
Committee meeting on Tuesday 7 February 2012

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1. COMMENCEMENT OF MEETING AND APOLOGIES

The meeting commenced at 5pm.

The Chair, Lord Mayor, Robert Doyle, advised that:

- the meeting was being recorded for the purpose of ensuring the accuracy of the minutes of the meeting;
- the agenda comprised 12 Reports from Management, two of which were confidential;
- there were no items of General Business; and
- an apology had been received from Councillor Shanahan.

2. DISCLOSURES OF CONFLICTS OF INTEREST

The Chair, Lord Mayor, Robert Doyle, advised that conflicts of interest would be disclosed as they arose.

3. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Moved: Deputy Lord Mayor, Susan Riley

That the minutes of meeting No 43, held on Tuesday 8 November 2011, be confirmed.

Seconded: Councillor Kanis

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Oke, Ong and Watts.

4. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

Councillor Ong updated the Committee in relation to agenda item 5.1 of the Future Melbourne Committee No 43, held on Tuesday 8 November 2011. He advised that Council has written to the Minister of Planning and the Department of Planning and Community Development outlining Council's objection to the proposed development at 101-117 Canning Street, North Melbourne, and proposing a more appropriate development option for the site.

5. REPORTS FROM MANAGEMENT

SUBMISSIONS/ITEMS OF CORRESPONDENCE

The Chair, Lord Mayor, Robert Doyle, advised that as at 3pm the following submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2010*.

In relation to **Agenda Item 5.1, "City North Structure Plan 2011"**:

Requests to Speak:

- Kevin Chamberlin, North and West Melbourne Association;
- Angela Williams, resident;
- Blair Henry, Graduate Architect, PDG Corporation; and
- Greta Bird, the Carlton Residents Association Inc.

Item of Correspondence:

- Angela Williams, resident;
- Blair Henry, Graduate Architect, PDG Corporation; and
- Greta Bird, the Carlton Residents Association Inc.

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In relation to **Agenda Item 5.2, “Arden Macaulay Structure Plan 2011”**:

Requests to Speak:

- Paul Kippin, Steering committee member, Kensington Association;
- Darryl Washington, Managing Director, Langford Property Pty Ltd;
- Stan Cooke, HIMA/AHI Affiliate;
- Lee Spokes, resident;
- David Passarella, Gadens Lawyers on behalf of Allied Mills;
- Tess Demediuk, Residents About Integrated Development (RAID) @ 3051;
- Peter Hogg, RAID;
- Marg Leser, RAID;
- Phil Gleeson, Senior Consultant, Urbis;
- Kaye Oddie, resident;
- Penelope Smith, Associate Director/Senior Planner, Fulcrum Urban Planning on behalf of Comdain Property;
- David Ettershank, the Kensington Association;
- Sharon Inkster, the Kensington Association;
- Mark Naughton, EG Funds Management Pty Ltd;
- Darragh O'Brien, Principal, Darragh O'Brien Architects;
- Kevin Chamberlin, North and West Melbourne Association;
- Angela Williams, resident;
- Glenn Cotter, resident; and
- Virginia Jackson, Director, Harlock Jackson.

Item of Correspondence:

- Stan Cooke, HIMA/AHI Affiliate;
- Mark Naughton, EG Funds Management Pty Ltd;
- Darragh O'Brien, Principal, Darragh O'Brien Architects;
- Lee Spokes, resident; and
- Tony Dare, Chair, the Kensington Association.

In relation to **Agenda Item 5.3, “Planning Scheme Amendment C186 Heritage Overlay”**:

Requests to Speak:

- Chris Karagounis, Karagounis Family Trust, Alex Kaar;
- Rupert Mann, President, Melbourne Heritage Action; and
- Brendan Rogers, Urbis.

Item of Correspondence:

- Paris Kyne, Hansen Partnership; and
- Brendan Rogers, Urbis.

In relation to **Agenda Item 5.4, “Application for Planning Permit: TP-2011-96, 12-14 Bayswater Road Kensington”**:

Requests to Speak:

- Kel Twite, Director, SJB Planning;
- Alan & Frances McKay, residents; and
- Theodore Byard, resident.

Item of Correspondence:

- David Olive, resident;
- William Martin, resident;
- Jacqueline Byard, resident;

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- Carlo Ursida, resident;
- Aidan Pickett, resident; and
- Duncan Fitt, resident.

In relation to **Agenda Item 5.5, “Application for Planning Permit: TP-2010-1011: 31 Bayswater Road Kensington”**:

Requests to Speak:

- Fiona Cubitt, resident;
- Steve Martinuzzo, resident;
- Kelly Brodie, resident;
- Alan & Frances McKay, residents;
- David De Giovanni, town planner; and
- Lorraine and Vincent Hayes, residents.

Item of Correspondence:

- Lyn Borghouts, resident; and
- Lorraine and Vincent Hayes, residents.

In relation to **Agenda Item 5.8, “Hawke and Adderley Street Park – Public Consultation in Consideration of a Dog Off-Leash Trial”**:

Requests to Speak:

- Kelly Bolton, resident;
- Anthony McKee, resident; and
- Troy Erickson, resident.

Item of Correspondence:

- Patricia Priolo, resident;
- Paula Ferrari, James Ferrari and Tania Archibald, residents;
- Annabel Woodward and Michael Keating, residents;
- Trudie Balthazaar and Kristen Loveridge, residents;
- Kim Burrell & Frank Fazzito, residents; and
- Karl Hessian, resident.

PLANNING PORTFOLIO

Cr Ong assumed the role of Chair to present the seven items for consideration in relation to the Planning Portfolio.

The Lord Mayor, Robert Doyle, advised the meeting of the Committee’s intent to defer agenda items 5.1 and 5.2. The Lord Mayor explained this was to give the public extra time to review and digest the content of the very large documents and make submissions.

5.1 City North Structure Plan 2011

The purpose of this report was to inform the Committee of the public consultation on the draft City North Structure Plan 2011 and to seek approval of the final City North Structure Plan 2011 (the Structure Plan). The draft Structure Plan was endorsed by the Future Melbourne Committee in May 2011 for public consultation. Consultation was conducted from May to 30 June 2011.

Given the Committee’s intention to defer the item Kevin Chamberlin, North and West Melbourne Association, declined to address the Committee.

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Angela Williams, resident, addressed the Committee making the following key comments:

- supports deferral of the item; and
- requests submissions received from government agencies be made available to the public (i.e. on website) so they know what each agency thinks of the Structure Plan.

Blair Henry, Graduate Architect, PDG Corporation, addressed the Committee making the following key comments:

- represents the land owner of 690-694 Elizabeth Street, Melbourne; and
- is generally supportive of the Structure Plan, however proposed a minor amendment to the Haymarket precinct to include a 60m maximum height restriction to the Haymarket corner fronting Elizabeth, Berkeley and Pelham Streets, with setbacks to match other sites fronting the Haymarket Roundabout.

Greta Bird, the Carlton Residents Association, addressed the Committee making the following key comments:

- the Structure Plan makes no commitment to include one of Carlton's core needs – a comprehensive library and large community meeting space;
- ask that Council use the Kathleen Syme Centre to house a comprehensive library and community meeting space; and
- suggest Council seek to acquire the vacant Carlton Police Station building to use for other community services.

5.2 Arden Macaulay Structure Plan 2011

The purpose of this report was to inform the Committee of the public consultation on the draft Arden-Macaulay Plan 2011 and to seek approval of the final Arden-Macaulay Structure Plan 2011 (the Structure Plan). The draft Structure Plan was endorsed by the Future Melbourne Committee in May 2011 for public consultation. Consultation was conducted from May to 30 June 2011.

Given the Committee's intention to defer the item Darryl Washington, Managing Director, Langford Property Pty Ltd, declined to address the Committee.

Stan Cooke, HIMA/AHI Affiliate, addressed the Committee commenting on the demographics of the area.

Lee Spokes, resident, addressed the Committee making the following key comments:

- is the owner of two buildings in Sutton Street, North Melbourne where he runs two businesses that employ 25 people;
- has concern with the Council's intention to rezone the factories as park land; and
- invites Councillors to come visit the businesses and the contribution they make to the community.

Given the Committee's intention to defer the item David Passarella, Gadens Lawyers on behalf of Allied Mills, declined to address the Committee.

Tess Demediuk, Residents About Integrated Development (RAID) @ 3051, addressed the Committee making the following key comments:

- concerned that the Structure Plan, being a 30 year vision, is subject to the annual budget approval process; and
- request officers prepare a table of changes (summary) between the current Structure Plan and the draft Structure Plan.

Councillor Ong advised that although the annual budget process is the mechanism used for funding, the Structure Plan and the Municipal Strategic Statement will give more certainty in Council's ongoing future budget expenditure as it fits into Council's strategic directions.

Peter Hogg, RAID, addressed the Committee making the following key comments:

- the Structure Plan is a vast improvement on the draft plan, particularly in regards to the increased open space, schools and community infrastructure;

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- pleased to see a five-six storey height limit in the area, although in practice this can be exceeded by appeals to VCAT; and
- the current proposed location of the metro station is not well integrated with existing transport and needs to tie in with the rail network.

Given the Committee's intention to defer the item David Marg Leser, RAID, declined to address the Committee.

Phil Gleeson, Senior Consultant, Urbis, speaking on behalf of George Weston Foods, addressed the Committee commenting that the Structure Plan contradicts Planning Scheme Amendment C162 as it assumes the southern part of the precinct will be an urban renewal area.

Kaye Oddie, resident, addressed the Committee making the following key comments:

- the Structure Plan proposes a 30m building height for the area surrounding Gardiner Park which will adversely impact on the amenity of the park and cause significant overshadowing; and
- there is discrepancy between the Structure Plan's proposed building height surrounding Gardiner Park and the Municipal Strategic Statement public open space objective which states that developments around parks should not adversely impact on the amenity of a park or the environmental and aesthetic values.

Penelope Smith, Associate Director/Senior Planner, Fulcrum Urban Planning, on behalf of Comdain Property, addressed the Committee making the following key comments:

- against the deferral of the item and ask that Council make a decision on the Structure Plan to offer certainty to the community;
- the Structure Plan is a significant document which provides a clear vision for the future and has the potential to deliver good outcomes; and
- the precinct is growing in popularity as a place to live with declining industrial uses.

David Ettershank, the Kensington Association, addressed the Committee making the following two suggestions:

- Council place an advertisement in newspapers to inform the public of the Structure Plan; and
- a Question and Answer session be held by officers on the Structure Plan prior to Christmas.

Given the Committee's intention to defer the item Sharon Inkster, the Kensington Association, declined to address the Committee.

Mark Naughton, EG Funds Management Pty Ltd, addressed the Committee making the following key comments:

- the relevance of the planning controls that effect the precinct are out of date;
- urge Council to consider the concepts of economic stagnancy and un-utilised land; and
- the area should be zoned 'mixed use' as opposed to a Business 3 Zone, as offices will not relocate to this part of Melbourne.

Darragh O'Brien, Darragh O'Brien Architects, addressed the Committee making the following key comments:

- the Structure Plan needs to include master planning on a micro level to explain how the aspirations in the report will be achieved; and
- the Structure Plan takes into account many of the concerns regarding social infrastructure, however the mechanisms on how Council will ensure the social infrastructure is put into place needs to be outlined.

Given the Committee's intention to defer the item Kevin Chamberlin, North and West Melbourne Association, declined to address the Committee.

Given the Committee's intention to defer the item Angela Williams, resident, declined to address the Committee.

Glenn Cotter and Ms Cotter, residents, addressed the Committee making the following key comments:

- the precinct is in need of development therefore zoning it 'mixed use' is a smarter option;
- Council should consider adding design development overlays to protect the amenity of the area;
- it does not make sense to keep land locked in the area for industrial usage for the following reasons:

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- the precinct is expected to grow from 3,000 residents and 3,300 workers up to 25,000 residents and 30,000 workers by 2030;
- the precinct is close to the CBD;
- it would increase employment opportunities; and
- it would increase housing diversity and provide low cost housing.

Virginia Jackson, Director, Harlock Jackson, addressed the Committee making the following key comments:

- represents the Lost Dogs Home – a significant presence and land owner in the precinct;
- is disappointed the Lost Dogs Home was not referenced in the Structure Plan as it is an important community service;
- the Structure Plan presupposes that the Lost Dogs Home is going;
- the Structure Plan is premature as the Municipal Strategic Statement has not yet been finalised; and
- there needs to be stronger mechanisms to protect residential amenity.

Moved: Lord Mayor, Robert Doyle

1. That the Future Melbourne Committee resolve:

- 1.1. that agenda items 5.1 (City North Structure Plan) and 5.2 (Arden Macaulay Structure Plan 2011) be deferred until the Future Melbourne Committee (FMC) scheduled to be held on 7 February 2012;*
- 1.2. that public submissions be invited until Friday 6 January 2012 in relation to City North Structure Plan and Arden Macaulay Structure Plan 2011 to allow management to present the two structure plans with any addendums considered necessary for the 7 February 2012 FMC meeting;*
- 1.3. that the two proposed planning scheme amendments, based on the plans presented on 7 February 2012, be presented at the 28 February 2012 Council meeting; and*
- 1.4. that management ensure that any future agenda items regarding significant strategic plans or policies, including the revised addendums as above, allow for:*
 - 1.4.1. a minimum 14 day period for further public comment or submissions following the presentation of a final draft to Committee; and*
 - 1.4.2. notification to be provided to all submitters of impending Committee consideration of a final draft strategic plan or policy.*

Seconded: Cr Oke

Councillors made the following comments:

- thanks to all submitters for their correspondence and presentations;
- thanks to the Manager Strategic Planning, David Mayes and team for their work on these two Structure Plans;
- deferring consideration of the Structure Plans until February 2012 will not effect the time line as they are not being considered by the Minister until late February 2012;
- the extra time created by deferring the items will give more time for the public to read and respond to the Structure Plans and for management to consider these submissions and make any amendments as required;
- the Structure Plans and Municipal Strategic Statement are overarching documents and should be read in that light; and
- Council will consider ways to improve the way the information in the Structure Plans can be disseminated to the public.

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Oke and Watts.

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5.3 Planning Scheme Amendment C186 Heritage Overlay

The purpose of this report was to present the outcomes of the public exhibition of Melbourne Planning Scheme Amendment C186 - Central City (Hoddle Grid) Heritage Review, and to request the Minister for Planning appoint a panel to consider the submissions.

Jennifer Hartley, speaking on behalf of Chris Karagounis, addressed the Committee commenting that the property at 261 William Street does not have any heritage features that justifies a heritage overlay listing.

Rupert Mann, President, Melbourne Heritage Action, addressed the Committee making the following key comments:

- this is a commendable step by the Council to protect the essence and character of the city;
- it is a misleading argument that heritage preservation will stifle development;
- Melbourne is a leader in imaginatively and innovatively incorporating heritage into a vibrant cityscape; and
- the Council must be supported to list more precincts, interiors, buildings, signage, street art, furniture and laneway as heritage.

Brendan Rogers, Urbis, speaking on behalf of ISPT, addressed the Committee making the following key comments:

- requests that 433-455 Collins Street, Melbourne, be removed from the Overlay after receiving expert advice it does not meet the criteria; and
- ISPT is happy to work with Council to retain photographic records of the features of the building, however these are features that are not able to be maintained in the long term.

Moved: Lord Mayor, Robert Doyle

1. That the Future Melbourne Committee resolve to:

- 1.1. note management's assessment of the submissions as set out in Attachment 3 of the management report;*
- 1.2. request the Minister for Planning appoint an Independent Panel to consider the submissions to Melbourne Planning Scheme Amendment C186; and*
- 1.3. note that the form of the Amendment to be presented to the Independent Panel will be in accordance with Attachment 4 of the management report.*

Seconded: Cr Kanis

Councillors made the following comments:

- Council is not making the final decision on the Heritage Overlay, only requesting an Independent Panel be appointed to consider the submissions;
- when appointing an independent panel it is better to be inclusive in what buildings are to be considered as it gives the Minister a starting point;
- arguments against including a building in the overlay can be made to the panel;
- there needs to be a balance between prosperity and preservation; and
- acknowledge the work put in by officers and the heritage advisor in relation to this matter.

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Oke and Watts.

5.4 Application for Planning Permit: TP-2011-96, 12-14 Bayswater Road Kensington

The purpose of this report was to advise the Committee of a planning permit application to construct a part two and part three-storey building comprising one single bedroom dwelling, seven two bedroom dwellings, and

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eight under-croft car parking spaces at 12-14 Bayswater Road, Kensington (refer Attachment 2 and Attachment 3 of the report from management).

Executive Officer Planning, Martin Williams, made a presentation to the Committee outlining the details of the application as contained in the report from management.

Following questions from Councillors regarding compliance with the ResCode, Mr Williams advised that:

- the site coverage of the proposal is 81 per cent, which is higher than the 60 per cent standard;
- the proposed set back of 3.9 metres is greater than the 3.1 metre standard; and
- the screening to prevent overlooking is acceptable by the standard.

Kel Twite, Director, SJB Planning, on behalf of the applicant, addressed the Committee making the following key comments:

- the applicant has a willingness to work with Council officers to revise the design to a point where Council is comfortable with the proposal;
- the applicant is comfortable with the recommendations put forward by officers;
- the few non-complying areas of the application do not unreasonably affect surrounding properties; and
- all apartments will contain one car parking space, with any additional parking needs being reasonably accommodated on-street.

Frances McKay, resident, addressed the Committee making the following key comments:

- the proposal does not fit in with the streetscape; and
- this development will put strain on on-street parking where there is currently no free parking at peak times.

Theodore Byard, resident, addressed the Committee making the following key comments:

- as a neighbour, he would be directly affected by the height and bulk of the building;
- site coverage and lack of attention to landscape are in stark contrast to the rest of the area; and
- would be happy for the development to go ahead if the set backs and site coverage were to meet ResCode standards.

In response to questions from the Committee, Mr Twite advised that:

- the applicant would be willing to look at reducing the site coverage;
- agrees that deferral of the item would be the best option in order to allow the applicant to consider changes.

Moved: Lord Mayor, Robert Doyle

That the Future Melbourne Committee defer this item to be heard at the Council Meeting to be held 20 December 2011 and officers work with residents and developer to come to an agreed compromise.

Seconded: Cr Kanis

Councillors made the following comments:

- concerned about the development and the impact it will have on the streetscape and neighbouring houses; and
- commend the applicant for their willingness to consider reducing the site coverage.

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Oke and Watts.

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5.5 Application for Planning Permit: TP-2010-1011: 31 Bayswater Road Kensington

The purpose of this report was to advise the Committee of an application for demolition of the existing dwelling and construction of two double-storey dwellings at 31 Bayswater Road, Kensington (refer Attachment 2 and Attachment 3 of the report from management).

Planning Coordinator, Daniel Soussan, made a presentation to the Committee outlining the details of the application as contained in the report from management.

Following questions from Councillors, Mr Soussan advised that:

- the walkway is owned by the subject site, however there are two slithers of land that are not part of the subject site and will require changes to the plans;
- access to the rear dwelling can only be made via the walkway or the car park;
- within the Kensington area if you are issued with a certificate of residency after 25 October 2011 then you are not eligible for resident parking permits, however this street has no signs stating it is resident parking only; and
- the level of impact on neighbouring solar efficiency is not unreasonable with good solar access in the summer months and three hours of blocked solar access in the mornings on winter months.

Fiona Cubitt, resident, addressed the Committee making the following key comments:

- development will have an impact on her neighbouring property with a loss of sunlight and privacy;
- will receive overshadowing in the mornings which will cause slippery wet surfaces in winter and prevent some rooms getting morning light;
- overshadowing on solar panels will cause some of the solar panels to be ineffective;
- noise and privacy will be affected with a walkway next to the courtyard and intercom next to the bedrooms; and
- the application should be refused as it causes loss of amenity to existing properties and fails to meet ResCode guidelines.

Following further questions from Councillors, Mr Soussan advised that:

- the overshadowing caused by the development on the neighbouring solar panels would be until 11am in Winter and 10am in Summer; and
- there is not a requirement in the ResCode to assess the amount of overshadowing inside the neighbouring house, however there is a standard for a minimum amount of daylight in the house which the proposal complies with.

Steve Martinuzzo, resident, addressed the Committee making the following key comments:

- according to the ResCode and Municipal Strategic Statement any new development in a stable area should not adversely effect adjoining properties, should not undermine neighbourhood character and should not reduce sunlight which this application fails to comply with;
- the mass and scale of the rear dwelling of the proposal will dwarf our backyard and cause massive overshadowing;
- the development exceeds the 60 per cent site coverage ResCode standard;
- the development does not respect the neighbourhood character in regards to site coverage; and
- there is insufficient on-street parking available to accommodate the needs of this development.

Kelly Brodie, resident, addressed the Committee making the following key comments:

- the application fails to comply with the Melbourne Planning Scheme; and
- it will create unsightly bulk and diminish the areas historic charm.

Frances McKay, resident, addressed the Committee commenting that multi developments will put extra strain on the street and car parking availability.

David De Giovanni, town planner, speaking on behalf of the applicant, made the following key comments:

- the site coverage is an acceptable 61 per cent;
- the proposal has a high degree of compliancy;

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- overlooking will not be an issue due to screening;
- the overshadowing complies with the ResCode standard;
- there is a strong reduction for car parking needs in the area; and
- ask Council to uphold officers' recommendation.

Lorraine Hayes, resident, addressed the Committee and made the following key comments:

- the application is flawed and non-compliant;
- there is lack of on-site car parking to accommodate the development; and
- being in a heritage overlay area the amenity of the neighbours needs to be maintained.

Moved: Lord Mayor, Robert Doyle

1. *That the Future Melbourne Committee issue a refusal to grant a permit on the following grounds:*
 - 1.1. *the application fails to respond to neighbourhood character;*
 - 1.2. *it represents overdevelopment of the site; and*
 - 1.3. *the proposed development would impact adversely on the amenity of adjoining residential properties.*

Seconded: Cr Kanis

Councillors made the following comments:

- the proposal does not meet community expectations and concerns;
- as there has been no substantial change between the original proposal and the recommendation from management then there is less to lose when this application goes to VCAT;
- the development would not fit in to the surrounding area; and
- urge residents to make the same arguments to VCAT.

Councillor Ong spoke against the resolution stating that:

- looking at the requirements objectively there is no reason to deny the application; and
- VCAT will not be as considerate of the emotional arguments of residents.

The motion was put and carried with the Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Oke and Watts voting for the motion and the Chair, Councillor Ong, voting against the motion.

ENBLOC

Cr Ong moved the recommendations contained in the Reports from Management with respect to agenda items 5.6 and 5.7.

Lord Mayor, Robert Doyle seconded Cr Ong's motion.

The motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley and Councillors Jetter, Kanis, Louey, Oke, and Watts.

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The relevant information in relation to each of these agenda items, including the Committee resolutions, is detailed below.

5.6 Proposed Discontinuance of Part of Corporation Lane No. 1646 at the rear of 12 Mary Street, North Melbourne

The purpose of this report was to advise the Committee of the proposed discontinuance of the portion of public lane shown hatched on the plan (Attachment 2 of the report from management) and the results of the public consultation process.

1. *That the Future Melbourne Committee recommend Council discontinue the portion of Corporation Lane 1646 immediately at the rear of 12 Mary Street, North Melbourne (Road) for the following reasons:*
 - 1.1. *the Road is not reasonably required for public use;*
 - 1.2. *the discontinuance will not affect the balance of Corporation Lane 1646 including the area marked unused at the rear of 14 Mary Street;*
 - 1.3. *discontinuance will allow the Road to be consolidated with the Council owned adjoining land at 12 Mary Street; and*
 - 1.4. *the public notice of the proposal:*
 - 1.4.1. *appropriately and sufficiently identified the Road being the area immediately behind 12 Mary Street;*
 - 1.4.2. *was reasonable in describing the portion of road behind 14 Mary Street, as unused as that area was recorded as a road but was no longer used as a road by the Council; and*
 - 1.4.3. *to the extent the Road has been used by third parties, such use has not been to the exclusion of others and in any event, no claim for adverse possession has been made in respect to the Road.*

5.7 Proposed Public Highway Declaration of Meyers Place, Westwood Place and ‘Off-shoot Lanes’, Melbourne

The purpose of this report was to advise the Committee of the proposed public highway declaration, of Meyers Place, Westwood Place and off-shoot lanes (the Roads) shown hatched on the plan (Attachment 2 of the report from management) and the results of the public consultation process.

1. *That the Future Melbourne Committee recommend Council declare the roads known as Meyers Place (Corporation Lane 424), Westwood Place (Corporation Lane 414) and Corporation Lane 1206 as shown hatched on the plan, to be Public Highways for the following reasons:*
 - 1.1. *the roads are already treated as public highways at common law and the declaration will simply confirm this status;*
 - 1.2. *declaration will give certainty to the status of the roads and Council’s rights in respect to them; and*
 - 1.3. *no submissions objecting to the proposal were received.*

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ECO-CITY PORTFOLIO

Cr Oke assumed the role of Chair to present the one item for consideration in relation to the Eco-City Portfolio.

5.8 Hawke and Adderley Street Park – Public Consultation in Consideration of a Dog Off-Leash Trial

On 9 August 2011 the Future Melbourne Committee resolved that, ‘management undertake community consultation regarding the possibility of implementing a six month trial to use Hawke and Adderley Street Park as a dog off-leash area between the hours of 5pm and 9am’, following a request from the West Melbourne Dog Owners group (refer Attachment 5 of the report from management).

Councillor Ong left the meeting at 7.58pm.

Kelly Bolton, resident, addressed the Committee and made the following key comments:

- if local dog owners cannot use the park as an off-leash area they will be required to drive to another park which will be time consuming;
- the proposed trial is supported by two thirds of residents surveyed, including non-dog owners; and
- children and particularly preschoolers are not using the park between the hours that is proposed in the trial.

Councillor Ong returned to the meeting at 8pm.

Anthony McKee, resident, addressed the Committee and made the following key comments:

- anecdotal evidence shows that by 5-6pm parents have taken their young children home;
- dog owners are the most regular and consistent users of the park;
- the small size of the park discourages owners of large dogs to use the park which creates a safe environment for small dogs and people alike; and
- 18 families in the area with children are supportive of the trial.

Troy Erickson, resident, addressed the Committee and made the following key comments:

- the dogs that use the park are small dogs which don’t require much room;
- the dogs need the opportunity to socialise with other dogs which is important in maintaining quality behaviour in animals; and
- dog owners use common sense when small children are using the park.

Moved: Lord Mayor, Robert Doyle

That the Future Melbourne Committee defer consideration of the dog off-leash trial in the Hawke and Adderley street park until the Council meeting on 20 December 2011.

Seconded: Cr Ong

Councillors made the following comments:

- the key concern is the children’s safety and the interest of the children who have not had an opportunity to voice their concerns during the consultation period;
- time based segregation has been trialled in other parts of the city and does not work;
- you cannot rely on common sense from all individuals using the park and cannot stop large dogs from entering the park;
- either agreeing or disagreeing to the trial will limit the opportunities for one group of users; and
- deferring the item will allow time for officers to investigate alternative options, including:
 - a fenced area to separate the playground and the grassed area; and
 - changing part of the existing road into park.

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The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Oke, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Ong and Watts.

ECONOMIC DEVELOPMENT AND KNOWLEDGE CITY PORTFOLIO

Cr Louey assumed the role of Chair to present the two items for consideration in relation to the Economic Development and Knowledge City Portfolio.

Councillor Oke declared an indirect conflict of interest on agenda item 5.9 due to a conflict of duty under Section 78 of the *Local Government Act 1989* as her employer Arron Wood, director of Firestarter Pty Ltd is being recommended to retain his membership on the Enterprise Melbourne Board. Councillor Oke left the meeting at 8.20pm.

ENBLOC

Cr Kanis moved the following motions in relation to agenda items 5.9 and 5.10.

Cr Ong seconded Cr Kanis' motions.

Councillors made the following comments:

- the Diversity Policy requires that diversity be considered when selecting board members; and
- there is no indication that the Diversity Policy was applied in the proposal to extend the tenure of the board members to the Boards discussed in agenda items 5.9 and 5.10.

The Manager Business and International, Jane Sharwood, addressed the Committee in relation to agenda item 5.9 and commented that:

- the terms of reference outline the groups of people that have been appointed based on their expertise;
- point 6 of the report from management indicates that the Diversity Policy was taken into consideration, however the policy did not come into effect until after these boards were appointed; and
- if board members were to resign then diversity would be considered.

The Director City Business, Martin Cutter, addressed the Committee in relation to agenda item 5.10 and commented that:

- the Melbourne Awards Advisory Board has already expired and management is seeking to reappoint the board until 31 December 2012; and
- the expertise of the Board is needed due to 2012 being the 10th Anniversary of the program with the current board members being significant sponsors of the program.

The motions were put and carried unanimously with the following Councillors present: The Chair, Cr Louey, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley and Councillors Jetter, Kanis, Ong and Watts.

The relevant information in relation to each of these agenda items, including the Committee resolutions, is detailed below.

5.9 Proposal to Extend Tenure of the Current Members of Enterprise Melbourne Advisory Board, Melbourne Retail Advisory Board and Melbourne Hospitality Advisory Board

The purpose of this report was to extend the tenure of the current members of the Enterprise Melbourne Advisory Board, Melbourne Retail Advisory Board and Melbourne Hospitality Advisory Board for a further 12 months to 30 June 2013.

That the Future Melbourne Committee defer the consideration of this item until a report on the application of the diversity policy has been presented at the Future Melbourne Committee meeting in February 2012.

UNCONFIRMED MINUTES

5.10 Proposal to Extend Tenure of the Current Members of Melbourne Awards Advisory Board

The purpose of this report was to extend the tenure of the current members of the Melbourne Awards Advisory Board to 31 December 2012 and amend the terms of reference of the Board for that same period.

1. *That the Future Melbourne Committee:*
 - 1.1. *extends the term of the Melbourne Awards Advisory Board to December 2012; and*
 - 1.2. *adopts the Board's new Terms of Reference and asks that a further report of the application of the diversity policy be brought to the first Future Melbourne Committee meeting of 2012.*

6. GENERAL BUSINESS

Lord Mayor, Robert Doyle, resumed chair of the meeting.

There were no items of General Business for consideration in the open session.

7. URGENT BUSINESS

There were no items of Urgent Business for consideration in the open session.

8. PUBLIC QUESTIONS

There were no public questions.

9. CLOSURE OF OPEN MEETING

Moved: Cr Ong

1. *That pursuant to sections 89(2)(d) and (h) of the Local Government Act 1989, the meeting of the Future Melbourne Committee be closed to members of the public for the consideration of the following category:*
 - 1.1. *5.11 because it contains information which if released, could prejudice the Council or any person.*

Seconded: Deputy Lord Mayor, Susan Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Jetter, Kanis, Louey, Ong and Watts.

Councillor Oke returned to the meeting at 8.33pm.

The Chair, Lord Mayor, Robert Doyle, declared the open meeting closed at 8.33pm.

To be confirmed at the meeting of Future Melbourne Committee on Tuesday 7 February 2012.

Chair
Future Melbourne Committee