

NOTICE OF MOTION: CR MAYNE

COUNCIL'S LEASE REGISTER

Motion

That Council approve, as a new disclosure initiative, the inclusion of a readable version of the Council's lease register with the 2013-14 budget papers and note that the detail to be disclosed will include the address of land and buildings, name of the occupant, annual rent payable and the length of tenancy.

Background

The Council's Lease Register contains details of financial arrangements in relation to various Council owned properties. As such, it reasonable to suggest inclusion of broad detail about such arrangements in documentation presented to the community about the financial status and operation of Council.

This motion proposes inclusion, as an appendix, to the 2013-14 draft budget documentation which will be made available to the community in due course.

Taking this step will further demonstrate this Council's commitment to conducting its operations with the highest level of transparency.

Moved: Cr Mayne

Incorporated Document

Shadow Controls, 555 Collins Street, Melbourne, February 2013 – Amendment C216

This document is an incorporated document in the Melbourne Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.

INTRODUCTION:

This document is an Incorporated Document in the schedule to Clause 52.03 and Clause 81 of the Melbourne Planning Scheme (the Scheme).

This document excludes the land identified in the Incorporated Document from a planning control contained within the Scheme that prohibits the overshadowing of the south bank of the Yarra River.

The specific controls may exclude other controls of the Scheme.

If there is any inconsistency between the specific controls and the general provisions of the Scheme, the specific controls will prevail.

ADDRESS OF THE LAND:

This document applies to land at 555 Collins Street, Melbourne, being the land in Plan of Consolidation 104626.

THIS DOCUMENT ALLOWS:

The consideration and determination of a planning permit application for development for the purposes of office, retail, and non-residential uses only which is contrary to the provisions of the Schedule 1 of the Capital City Zone of the Melbourne Planning Scheme, being:

'The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited, except for unenclosed structures associated with the construction of gangways, mooring poles and pontoons which are constructed by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998, or the Crown Land (Reserves) Act 1978.'

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

- 1 The building must be iconic in nature and design, demonstrate a high degree of architectural merit, provide excellent public realm outcomes, and deliver high quality economic and environmentally sustainable offices.
- 2 All other provisions of the planning scheme remain.
- 3 The controls in this incorporated document will expire if a planning permit has not been granted for development of the land and the demolition and development is not commenced within five (5) years of the date of the approval of the amendment that incorporates this document into the planning scheme.

The Minister for Planning may extend the period referred to if a request is made in writing before these controls expire, or within three months afterwards.

END OF DOCUMENT

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C216

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Urbis Pty on behalf of Stamoulis Property Group Pty Ltd.

Land affected by the amendment

The amendment applies to land known as 555 Collins, Melbourne, with a site address of 555 Collins Street, being Land in Plan of Consolidation 104626.

What the amendment does

The amendment amends the schedules at Clauses 52.03 and 81.01 of the Melbourne Planning Scheme by introducing an incorporated document to allow for a planning application to be considered at the abovementioned site which is contrary to the prohibitions outlined within Schedule 1 of the Capital City Zone.

Specifically the amendment:

- Amends the Schedule to Clause 52.03 to include the Incorporated Document entitled "Shadow Controls, 555 Collins Street, Melbourne, February 2013".
- Amends the Schedule to Clause 81.01 to include the Incorporated Document "Shadow Controls, 555 Collins Street, Melbourne, February 2013".

The amendment will exclude the site at 555 Collins Street, Melbourne from the planning control contained with the Capital City Zone that prohibits developments that would cast a shadow over the south bank of the Yarra River between 11am and 2pm on the 22 June.

Assessment of the amendment

• Why is the amendment required?

At present the site is affected by a control under the Capital City Zone (CCZ1) that prohibits overshadowing of the south bank of the Yarra River between 11am and 2pm on the 22 June. By removing the prohibition a permit application for a building that results in overshadowing may be lodged for assessment.

The amendment is required to provide a site specific exclusion under Clause 52.03 and to insert an incorporated document at Clause 81 of the Melbourne Planning Scheme.

The amendment will enable the assessment of a planning application for a significant commercial development on this site that potentially will contribute to premium office space within Melbourne's CBD.

- **How does the amendment implement the objectives of planning in Victoria?**

Key objectives of planning in Victoria outlined in Section 4(1)(a) of the *Planning and Environment Act 1987* are to (a) 'to provide for the fair, orderly, economic, and sustainable use and development of land' and (b) 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'.

The subject site, located in the Melbourne CBD on the corner of Collins Street and King Street, enjoys excellent access to nearby residential precincts of Southbank and Docklands, excellent connectivity to the wider Melbourne metropolitan area, access to retail, other employment areas (for business synergies) and recreation opportunities.

The amendment will enable the assessment of a planning application for a significant commercial development at the site to be lodged and assessed. A significant commercial development at the site will facilitate orderly, economic and sustainable use and development of land, and will implement the objectives of planning in Victoria.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

Social and Economic

This amendment will enable the consideration of a significant commercial development that has the potential to have social and economic benefits.

Environmental

There are not considered to be any significant environmental effects resulting from the proposed amendment. There will be additional overshadowing of some areas on the southern bank of the Yarra River and beyond which may have limited impact on the environment.

- **Does the amendment address relevant bushfire risk?**

Development within the Melbourne CBD is not subject to bushfire risk.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction 9 on Metropolitan Strategy.

The amendment is consistent with the Ministerial Direction 11 on the Form and Content of Planning Schemes under section 7(5) of the Act and the Strategic Assessment Guidelines.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

By enabling the consideration of a planning application for a significant commercial development at the site, the amendment supports the following State Planning Policies:

Clause 11 – Settlement, including *to strengthen Central Melbourne's capital city functions and its role as a primary business, retail, sport and entertainment hub for the State.*

Clause 17 – Economic Development, which seeks to *'encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.'*

Clause 18 – Transport, by locating high density development in a city-centre location with the highest level of access to public transport.

Clause 19 – Infrastructure, which promotes the efficient use of existing infrastructure provisions, promoting that where possible, new development capitalises existing community, social, cultural and development infrastructure facilities.

- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

By enabling the consideration of a planning application for a significant commercial development at the site, the amendment supports the Local Planning Policy Framework by:

- Locating a significant level of new 'premium' office space and support the Central City's role as a principal centre for commerce, professional, business and financial services (in accordance with Clause 21.03-3).
- Ensuring the intensity of the office provision will be appropriate for the location (in accordance with Clause 21.03-3).

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by updating the schedules to Clauses 52.03 and 81.01 to insert the Incorporated Document 'Shadow Controls, 555 Collins Street, Melbourne, February 2013' into the Melbourne Planning Scheme.

- **How does the amendment address the views of any relevant agency?**

No consultation has been undertaken for this amendment. However, the assessment of the planning application for the site will consider the views of statutory referral authorities and the City of Melbourne.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

As a statutory referral authority any requirements specified by the Department of Transport will be included on any future permit for this site.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not impose any impact on the administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following place:

Melbourne City Council
CH2
240 Little Collins Street
Melbourne VIC 3000

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

COPY



Minister for Planning

Our Ref: BMIN018016

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The Rt. Hon Lord Mayor
Cr Robert Doyle
City of Melbourne
PO Box 1603
MELBOURNE VIC 3001

Dear Lord Mayor,

MELBOURNE PLANNING SCHEME AMENDMENT C216 555 COLLINS STREET, MELBOURNE

I am writing to advise you that I have decided to exercise the power under section 20(4) of the *Planning and Environment Act 1987* to exempt myself from notice and prepare, adopt and approve Amendment C216 to the Melbourne Planning Scheme.

The effect of the Amendment is to insert a new Incorporated Document titled "Shadow Controls, 555 Collins Street, Melbourne, February 2013" in the schedule to Clause 81.01 and also in the schedule to Clause 52.03 of the Melbourne Planning Scheme. The effect of the incorporated document will be to remove the winter solstice shadowing controls that affect the site. I have required that a planning permit will still be required for the redevelopment of the site and have specifically required that the building be an iconic design of the highest standard.

A copy of the Incorporated Document is enclosed.

Notice of approval of Amendment C216 to the Melbourne Planning Scheme will shortly appear in the Government Gazette.

If you have any further queries in relation to this matter please contact Jane Monk, Director Planning Statutory Services, Department of Planning and Community Development on 03 9098 8914.

Yours sincerely

MATTHEW GUY MLC
Minister for Planning

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Privacy Statement

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MINISTERIAL POWERS OF INTERVENTION IN PLANNING AND HERITAGE MATTERS

The Planning and Environment Act 1987, the Heritage Act 1995 and the Victorian Civil and Administrative Tribunal Act 1998 provide for the intervention of the Minister for Planning in planning and heritage processes.

This practice note sets out the circumstances in which the Minister will consider exercising those powers of intervention and the principles that will apply in considering a request for intervention so that the use of intervention powers is both transparent and accountable.

WHAT POWERS DOES THIS PRACTICE NOTE APPLY TO?

This practice note applies to the following:

- power to amend a planning scheme, with exemption from notice requirements, or to expedite an amendment to a planning scheme, under section 20(4) of the *Planning and Environment Act 1987*;
- power to expedite an amendment to a planning scheme under section 185A of the *Planning and Environment Act 1987*;
- power to call-in a planning permit application yet to be decided by a responsible authority under sections 97B of the *Planning and Environment Act 1987*;
- power to call-in a matter before the Victorian Civil and Administrative Tribunal under clause 58 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*;

- power to call-in recommendations for registration and permit appeals before the Heritage Council or the Victorian Civil and Administrative Tribunal under sections 43 and 78(1)(a) & (2) of the *Heritage Act 1995*.

HOW WILL THE MINISTER USE THESE POWERS?

In considering using powers of intervention, the Minister will:

- where a person other than the Minister proposes the intervention, expect the proposal to be made in writing and to identify the basis on which the Minister should intervene, addressing the criteria set out in this practice note;
- where a person other than a planning authority or responsible authority proposes the intervention, expect that person to have consulted the relevant planning authority or responsible authority about the proposal;

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- expect the planning authority or responsible authority and other affected parties to have attempted to resolve any dispute and clearly identify any outstanding matters;
- seek to consult the relevant planning authority or responsible authority, where it would otherwise have a decision-making role in relation to the matter;
- examine each case on its merits, including consideration of the need to consult with affected parties and the need to seek independent expert advice;
- act so as not to unreasonably delay a decision on the matter.

In using powers of intervention, the Minister will:

- make publicly available written reasons for each decision, including an explanation of how the circumstances of the matter responded to this Practice Note and the legislative criteria for that action;
- provide a report to Parliament at least every twelve months detailing the nature of each intervention.

WHEN WILL THE MINISTER CONSIDER USING THESE POWERS?

While all the circumstances in which intervention may be considered cannot be prescribed, the following criteria will usually be relevant:

1. The matter will be one of genuine State or regional significance. Such situations may include, for example, those:
 - where the determination of the application may have a substantial effect on achievement or development of State or regional planning or heritage objectives;
 - which raise a major issue of State or regional policy or public interest such as the implementation of Melbourne 2030 objectives;
 - which could have significant effects beyond their immediate locality.
2. The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.
3. The matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).

Planning Notes provide practical advice on general planning and urban design matters.

For copies of other planning notes in the series contact internet address:

www.dse.vic.gov.au/planning

FOR FURTHER DETAILS CONTACT:

Port Phillip Region
Telephone 03 9296 4400

Gippsland Region
Telephone 5172 2111

North East Region
Telephone 5761 1611

North West Region
Telephone 5430 4750

South West Region
Telephone 5226 4001

4. The matter will raise issues of fairness or public interest, where:
 - the mechanisms of the planning process have created a situation that is unjust, unreasonably causes hardship or is clearly in error;
 - anomalous provisions apply and the valid intent is clearly evident or simple inconsequential correction is required;
 - there is a need for urgency and the public interest would be served by immediate action;
 - the matter is unlikely to be reasonably resolved by the processes normally available.
5. The matter requires co-ordination to facilitate decision-making by more than one agency.

As an overriding consideration, Ministerial powers will only be exercised having regard to and within the confines of, the legislative provision in question.

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