



**Melbourne City Council
Planning Committee**

MINUTES

**Meeting Number 19
Tuesday, 2 October 2007
6.30pm**

PRESENT

Cr Ng (Chair)

Cr Brindley

Cr Clarke

Cr Jetter

Cr Shanahan

Cr Snedden

Cr Wilson

Deputy Lord Mayor Gary Singer (departed at 9.06pm)

To be confirmed at the Planning
Committee meeting on 13 November 2007.

1. COMMENCEMENT OF MEETING AND APOLOGIES (Agenda Item 1)

The meeting commenced at 7.00pm.

2. ADJOURNMENT OF MEETING

Cr Clarke moved the following motion:

That the Planning Committee adjourn at 7.00pm and resume at 7.30pm.

Cr Jetter seconded Cr Clarke's motion. The motion was put and carried unanimously.

3. RESUMPTION OF MEETING

The meeting resumed at 7.30pm with the following Committee members present; the Chair, Cr Ng, the Deputy Lord Mayor, Gary Singer and Councillors Brindley, Clarke, Jetter, Shanahan, Snedden and Wilson.

The Chair Cr Ng, advised that:

- the meeting was being recorded for the purpose of ensuring the accuracy of the minutes of the meeting;
- the agenda comprised of eight Reports from Management and one proposed item of Urgent Business; and
- no apologies had been received.

4. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest or conflict of interest.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS (Agenda Item 3)

Moved: Deputy Lord Mayor, Gary Singer

That the minutes of meeting No 18, held on Tuesday, 4 September 2007, be confirmed.

Seconded: Cr Brindley

Carried unanimously

6. MATTERS ARISING FROM THE PREVIOUS MINUTES (Agenda Item 4)

Cr Clarke moved the following motion in relation to **Agenda Item 5.2**, "Application for Planning Permit: TP-2007-384, 188-196 Peel Street, North Melbourne":

Moved: Cr Clarke

That a meeting be called for objectors to the Application for Planning Permit: TP-2007-384, 188-196 Peel Street, North Melbourne.

Seconded: Cr Shanahan

Carried unanimously.

Cr Brindley sought a response from Management on the resolution of the Planning Committee in relation to **Agenda Item 5.1**, "Proposal for Newspaper Kiosk Licensing System", which called for a subsequent report to the next Planning Committee meeting on the matter in accordance with part 1.7 of the resolution.

In response to Cr Brindley's question, the Manager Regulatory Services (Building and Planning), John Noonan informed the Committee that as the resolution in relation to the matter was a recommendation from the Committee to Council, and Council considered the item at its meeting on Tuesday, 25 September 2007, it was determined that the next appropriate Planning Committee meeting was Tuesday, 13 November 2007.

Cr Snedden raised concern on the thoroughness of the minutes of Committee meetings and sought to have a clearer account of the comments of Councillors included as a matter of public record.

In response to a further question from Cr Brindley regarding **Agenda Item 5.1**, "*Proposal for Newspaper Kiosk Licensing System*", the Chair Cr Ng advised that Team Leader Street Trading, John Kanelopoulos was managing part 1.6 of the resolution calling for a competition amongst Melbourne education institutions to create innovative uses of newspaper pillars.

7. REPORTS FROM MANAGEMENT (Agenda Item 5)

The Chair Cr Ng advised that the following submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2001*.

Requests to Speak:

In relation to Agenda Item 5.2, "**Application for Planning Permit: 222-226 Domain Road, South Yarra**":

- Lisa Stubbs, Senior Planner, Contour Consultants Australia Pty Ltd;
- Cynthia Crompton, resident;
- Damien Hely, resident; and
- Tracey Avery, Conservation Coordinator for the National Trust of Australia (Victoria).

In relation to Agenda Item 5.3, "**Application for Planning Permit to the Minister for Planning 131-135 Bourke Street, Melbourne**":

- Jonathan Fetterplace, Associate Director for Urban Planning, Urbis;
- Dr Mimi Colligan;
- Peter Johnson, Committee Member of the Victorian Theatres Trust;
- Mark O'Dwyer, a Director of H2O Architecture representing the Victorian Theatres Trust;
- Simon Dick, Woods Bagot;
- James Evans, Devine Limited; and
- Rohan Storey, Architectural Historian for the National Trust of Australia (Victoria).

In relation to Agenda Item 5.4, "**Melbourne Planning Scheme Amendment for St Kilda Road – Shrine Environs (Block Bounded by St Kilda Road, Coventry Street, Anthony Lane and Dorcas Street)**":

- Clem Epstein, General Manager for Overland Properties Pty Ltd

In relation to Agenda Item 5.6, "**Proposed VCAT Submission: 22-26 Millswyn Street, South Yarra**":

- Marilyn Fenwick, resident;
- William & Laurie Wood, residents; and
- William Cook, resident.

Copies of written submissions were circulated to Councillors prior to the commencement of the meeting.

8. REFERRAL NOTICE PROCESS

The Chair Cr Ng, advised members of the Committee and the public that:

- in accordance with the resolution of the Council on 28 February 2006, where the Committee makes a decision on the basis of fewer than five members voting in favour of it, the decision may be referred, by a Councillor, to Council for decision; and
- information in relation to the referral notice process was available from the Secretariat Officers.

9. ORDER OF BUSINESS

The Deputy Lord Mayor, Gary Singer moved the following motion:

That the Committee, in accordance with Clause 11 of the Conduct of Meetings Local Law 2001, resolve that the Order of Business be amended to allow the consideration of agenda items to be 5.3, 5.2, 5.4, 5.6, 5.1, 5.5, 5.7 and 5.8.

Cr Shanahan seconded the Deputy Lord Mayor, Gary Singer's motion. The motion was put and carried unanimously.

The Chair Cr Ng, dealt with Agenda Item 5.3 as the next item of business.

5.3 Application for Planning Permit to the Minister for Planning: 131-135 Bourke Street, Melbourne

The purpose of this report was to advise the Committee of a planning application made to the Minister for Planning for the demolition of the existing buildings and the construction of a 25 storey building for use as serviced apartments, ground level retail and basement car parking at 131-135 Bourke Street, Melbourne.

Jonathan Fetterplace of Urbis on behalf of the applicant, spoke in favour of the development, making comment regarding planning considerations and heritage investigations for the site.

Dr Mimi Colligan spoke in favour of the introduction of heritage controls for the site.

Peter Johnson, on behalf of the Victorian Theatres Trust spoke in favour of the introduction of heritage controls for the site.

In response to questions raised by Councillors Mr Johnson made the following comments:

- the side walls of the theatre hall remained intact, but not the theatre hall itself;
- the eastern arcade was thought to have been demolished, however when screens on the façade of the building were removed in 1998 it was found to be intact;
- the building was listed with the Victorian Theatres Trust in 2000, however is not Heritage listed; and
- the façade is unique and should be retained.

Mark O'Dwyer, on behalf of the Victorian Theatres Trust spoke in favour of the introduction of heritage controls for the site.

Simon Dick of Woods Bagot spoke in favour of the development, and in response to questions raised by Councillors, made the following comments:

- the applicant had considered retaining the façade however it did not feel like the right architectural fit;
- it was technically possible to retain the façade only; and
- the cost associated with retaining and restoring the façade had not been determined.

James Evans on behalf of the applicant, spoke in favour of the development, and in response to questions raised by Councillors, made the following comments:

- the matter regarding the façade would need to be resolved by December;
- the applicant would be disappointed with heritage overlays due to the delays it would cause to development;
- serviced apartments were originally proposed as part of the development, however that operator had left;
- traffic management had been incorporated into the plans, with 45 car spaces currently allocated;
- retaining the façade and existing building back to 17 metres would result in the loss of 8 car spaces;
- should the façade be retained, it would undergo considerable restoration at a considerable cost;
- the existing verandah would be replaced;
- the ground floor itself may not be restored; and
- funding would be sought from the National Trust with regard to any restoration work.

Rohan Storey, on behalf of the National Trust of Australia (Victoria), spoke against the development, and in support of the heritage overlay being applied to the site.

In response to questions raised by Cr Clarke, Mr Storey agreed that a strategic review of the Planning Scheme should be undertaken by Council in the near future.

Alternative
Motion: Cr Clarke

That the Planning Committee defer this item to the December meeting of the Planning Committee to allow resolution of the retention of the significant heritage elements of the building.

Seconded: Deputy Lord Mayor, Gary Singer
Carried unanimously.

5.2 Application for Planning Permit: 222-226 Domain Road, South Yarra

The purpose of this report was to advise the Committee of an application for planning approval to demolish the existing dwelling and construct a new two storey dwelling above a basement level and associated road works.

A representative of the applicant spoke in favour of the item, informing the Committee that the applicant agrees with the proposed permit condition requiring the height of the 'cabana' being reduced to 3.5 metres.

Ms Cynthia Crompton and Mr Damien Hely spoke against the item, informing the committee that the height and bulk of the building would impact the general amenity of their properties.

In response to a question from Cr Brindley, Team Leader Development and Planning, Martin Williams informed the Committee that the setback for a building on a boundary is usually 3 metres.

Ms Tracey Avery of the National Trust of Australia (Victoria) spoke against the item, citing the architectural significance of the property.

In response to a question from Cr Clarke, Ms Avery informed the Committee that the National Trust of Australia (Victoria) would ask that Council undertake a full assessment of the property.

In response to a question from Cr Clarke, Team Leader Development and Planning, Martin Williams informed the Committee that:

- it was difficult to assess the grading that should be applied to the building, and
- a B grading would be a possibility.

In response to a question from Cr Clarke, Ms Avery made the following comments:

- part of the building can be demolished if a B grading was in place;
- the National Trust would be interested in a grading where the bulk of the building could be retained; and
- there would be no objection to an extension to the back of the building.

Moved: incorporating comments from Councillors, Cr Brindley moved the recommendation contained in the Management Report, subject to the following amendments:

- the addition of paragraph 1.1, being "*that the cabana be reduced to 3 metres in height*"; and
- the addition of paragraph 1.2 being, "*screening to the upper floor deck to minimise overlook*".

Seconded: Cr Shanahan

The motion was put and carried with the Chair, Cr Ng and Councillors Brindley, Clarke, and Snedden voting in favour of the motion and the Deputy Lord Mayor Gary Singer and Councillors Jetter, Shanahan and Wilson voting against the motion. The Chair Cr Ng used her casting vote to vote in favour of the motion. The motion was carried.

The motion in its entirety now reads:

1. *That the Planning Committee determine to issue a Notice of Decision to Grant a Planning Permit subject to the conditions at Attachment 1 of this report, and with the following conditions:*
 - 1.1. *that the cabana be reduced to 3m in height;*
 - 1.2. *screening to the upper floor deck to minimise overlook; and*
 - 1.3. *note that this decision is being made by the Committee under delegation from the Council and is subject to the referral notice process.*

REFERRAL NOTICE PROCESS TRIGGERED

In accordance with the delegation to the Committee, this decision was passed by the Committee on an affirmative vote of less than five members of the Committee and accordingly the referral notice process was triggered.

The Deputy Lord Mayor Gary Singer left the meeting at 9.06pm and did not return.

5.4 Melbourne Planning Scheme Amendment for St Kilda Road – Shrine Environs (Block Bounded by St Kilda Road, Coventry Street, Anthony Lane and Dorcas Street)

The purpose of this report was to :

- seek the Committee's support for an amendment to insert a new Schedule to the Design and Development Overlay into the Melbourne Planning Scheme to rectify an anomaly in relation to height controls on St Kilda Road; and
- provide an update of consultation that has been carried out since the Planning Committee meeting of 5 June 2007.

Cr Shanahan left the meeting at 9.10pm and returned at 9.15pm.

Mr Clem Epstein on behalf of Overland Properties Pty Ltd, spoke against the item.

Alternative

Motion: Cr Clarke moved the following motion:

1. *That the Planning Committee:*
 - 1.1. *defer the application pending a full review of the proposed application and allow the consultative process to continue in conjunction with the State Government; and*
 - 1.2. *invite the applicant to present to the Councillor Information Exchange Session on their proposals for the site.*

Seconded: Cr Jetter

Discussion ensued.

The Chair Cr Ng sought to incorporate the following words as paragraph 1.3 to the recommendation, to read:

- *"request a further report to the Planning Committee meeting in December".*

Cr Wilson indicated that he would second the Chair Cr Ng's proposed amendments.

Cr Clarke and Cr Jetter, as mover and seconder of the motion respectively, agreed to incorporate the comments of the Chair Cr Ng.

The motion in its entirety now reads:

1. *That the Planning Committee:*
 - 1.1. *defer the application pending a full review of the proposed application and allow the consultative process to continue in conjunction with the State Government;*
 - 1.2. *invite the applicant to present to the Councillor Information Exchange Session on their proposals for the site; and*
 - 1.3. *request a further report to the Planning Committee at its meeting in December.*

The motion was put and carried unanimously.

5.6 Proposed VCAT Submission – 22-26 Millswyn Street, South Yarra

The purpose of this report was to inform the Planning Committee of an application to develop the land at 22-26 Millswyn Street, South Yarra, for the purpose of three large dwellings. The matter is listed for a hearing at the Victorian Civil and Administrative Tribunal ('VCAT') on 22 October 2007.

Ms Marilyn Fenwick spoke against the item, citing the impact of the development on her residence and the area generally.

In response to a question raised by Cr Clarke, Ms Fenwick informed the Committee that there were 15 objectors who are parties to the Appeal.

Mr William Wood spoke against the item, citing the impact the proposed structure would have on the Mason Street streetscape.

Mr William Cook spoke against the item and in response to a question raised by Cr Clarke, Mr Cook advised the Committee that greater Council representation at VCAT would be welcome.

Alternative

Motion: Incorporating comments made by Councillors, Cr Snedden moved the following motion:

1. *That the Planning Committee:*
 - 1.1. *accept the substituted plans for the proposal; and*
 - 1.2. *refuse to support the amended proposal submitted at VCAT on the following grounds as outlined in the submissions of Mr William Cook (items 1 – 6 inclusive) and Ms Marilyn Fenwick.*

Seconded: Cr Shanahan

The motion was put and carried with the Chair Cr Ng and Councillors Clarke, Jetter, Shanahan, Snedden and Wilson voting in favour of the motion and Cr Brindley voting against the motion.

Further

Motion: Cr Clarke moved the following motion:

That the Committee recommend that legal representation be engaged to submit for the application for 22-26 Millswyn Street, and engage expert witness advice for planning and design considerations.

Seconded: Cr Brindley

The motion was carried unanimously.

5.1 Application for Planning Permit to the Minister for Planning: 425-441 Docklands Drive, Docklands

The purpose of this report was to advise the Planning Committee of an application to the Minister for Planning for an amendment to the approved Development Plan (SP07/0125) for the North East Car Park within the Waterfront City Precinct.

Moved: Cr Clarke moved the recommendation contained in the management report, subject to the addition of the words:

- *“and seek a meeting with the Minister for Major Projects to discuss the planning application and future of the ice skating rink.”*

Seconded: Cr Shanahan

Carried unanimously.

The motion in its entirety now reads:

That the Planning Committee note the response provided by Council officers to the Department of Sustainability and Environment (now the Department of Planning and Community Development) and seek a meeting with the Minister for Major Projects to discuss the planning application and future of the ice skating rink.

5.5 Proposal for Suburb Renaming for the Melbourne Convention Centre Development as South Wharf

The purpose of the report was to seek the Committee’s approval to a proposal from the Acting Secretary of the Department of Innovation, Industry and Regional Development (“DIIRD”) to establish a new suburb named as South Wharf covering the new Melbourne Convention Centre and existing Exhibition Centre. The full area is generally bounded by the Yarra River, Clarendon Street, Normanby Road and Montague Street (refer to the locality plan at Attachment 1 (“the Plan”).

Alternative

Motion: Cr Clarke

That the Planning Committee not approve the renaming.

Seconded: Cr Wilson

Carried unanimously.

5.7 Maribyrnong River Valley Vision and Design Guidelines

The purpose of the report was to seek the Committee’s endorsement of the Maribyrnong River Valley Vision, Design Guidelines: Final Report (“the Guidelines”).

Moved: Cr Clarke

1. *That the Planning Committee:*
 - 1.1. *endorse the Maribyrnong River Valley Vision, Design Guidelines: Final Report, July 2007;*
 - 1.2. *agree that the Department of Planning and Community Development be advised of the Planning Committee’s support for establishment of the Maribyrnong River Valley Coordinating Committee to oversee the implementation of the Guidelines; and*
 - 1.3. *agree that a request be made to the Department of Planning and Community Development to address outstanding issues namely:*
 - 1.3.1. *to determine the extent of land to be included in the Environmental Significance Overlay and Flood Overlay; and*
 - 1.3.2. *to provide detailed costing of the actions in the implementation plan including the funding arrangements for the proposed Coordinating Committee.*

Seconded: Cr Wilson

Carried unanimously.

5.8 Future Melbourne Update

The purpose of the report was to provide a progress report on the Future Melbourne project.

In response to questions raised by Councillors, the Manager Strategic Planning & Sustainability, David Mayes confirmed the commitment of Melbourne University to the Future Melbourne project.

Discussion ensued.

Moved: Cr Clarke moved the recommendation contained in the management report, subject to the addition of the words:

- *“and seeks a further briefing at a Councillor Information Exchange Session and invite University of Melbourne representatives and the Chair of the Reference Group to that meeting.”*

Seconded: Cr Wilson
Carried unanimously.

The motion in its entirety now reads:

That the Planning Committee notes the progress report on the Future Melbourne project and seeks a further briefing at a Councillor Information Exchange Session and invite University of Melbourne representatives and the Chair of the Reference Group to that meeting.

10. GENERAL BUSINESS (Agenda Item 6)

There were no items of General Business.

11. URGENT BUSINESS (Agenda Item 7)

There were four (4) items of urgent business.

7.1. Crown Casino Third Hotel Proposal

Cr Clarke moved that the matter of the Crown Casino Third Hotel Proposal met the criteria for consideration as a matter of urgent business.

Cr Wilson seconded Cr Clarke’s motion. The motion was put and carried unanimously.

Cr Clarke moved the following motion:

1. *That the Planning Committee:*
 - 1.1. *indicate general support for the proposed development and the re-zoning subject to detailed officer level comments and suggested conditions; and*
 - 1.2. *that the formal response be approved by a sub committee comprising the Chair of Planning Committee, the Chair of Environment Committee and Cr Clarke as co-Chair of the Docklands Coordination Committee.*

Cr Wilson seconded Cr Clarke’s motion. The motion was put and carried unanimously.

7.2. Statutory Planning Efficiency & Resourcing

Cr Clarke moved that the matter of Statutory Planning Efficiency & Resourcing met the criteria for consideration as a matter of urgent business.

Cr Snedden seconded Cr Clarke's motion. The motion was put and carried unanimously.

In response to questions raised by Cr Clarke, John Noonan, Manager Regulatory Services (Building and Planning) made the following comments:

- the staffing of the planning department had been separated into planning and administration teams;
- that there were currently seven (7) vacancies in the planning team, including five (5) resignations;
- the vacancies were currently filled by contract and temporary staff; and
- these vacancies were to be filled in the coming weeks.

Cr Clarke moved the following motion:

1. *That an urgent report be prepared for the Finance and Governance Committee to be held on 9 October 2007 on what measures have been, and need to be taken to:*
 - 1.1. *ensure that the City of Melbourne complies with:*
 - 1.1.1. *its Statutory Planning obligations;*
 - 1.1.2. *State Government Referrals;*
 - 1.1.3. *VCAT representations; and*
 - 1.1.4. *planning enforcement responsibilities;*
2. *has sufficient resources to meet and provide advice to planning applicants and stakeholders; and*
3. *has the appropriate mix of qualified planners and experience relevant to a Capital City.*

Cr Snedden seconded Cr Clarke's motion. The motion was put and carried unanimously.

7.3. Fast-Track Planning

Cr Clarke moved that the matter of Fast-Track Planning met the criteria for consideration as a matter of urgent business.

Discussion ensued.

Cr Clarke withdrew his motion and agreed that the matter be the subject of a briefing note to all Councillors.

7.4. Strategic Planning

Cr Clarke moved that the matter of Strategic Planning met the criteria for consideration as a matter of urgent business.

Cr Snedden seconded Cr Clarke's motion.

The motion was put and lost with Councillors Brindley, Clarke and Snedden voting in favour of the motion and the Chair Cr Ng and Councillors Jetter, Wilson and Shanahan voting against the motion.

7.5. Recognition of Service

Moved: Cr Shanahan

That the Committee notes the contribution of Mr Noonan to the City of Melbourne as its Senior Planner over the last 35 years.

Seconded: Cr Wilson

Carried unanimously.

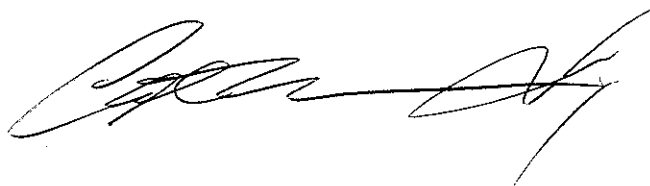
12. PUBLIC QUESTIONS (Agenda Item 8)

There were no Public Questions.

13. CLOSURE OF MEETING (Agenda Item 9)

The open meeting concluded at 10.35pm.

To be confirmed at the Planning Committee meeting on 13 November 2007.



Chair
Planning Committee
Town Hall
Melbourne