



**Melbourne City Council
Planning Committee**

MINUTES

**Meeting Number 27
Tuesday, 3 June 2008
6.30pm**

PRESENT

Acting Lord Mayor Gary Singer (Acting Chair)
Cr Brindley
Cr Clarke
Cr Jetter
Cr Shanahan
Cr Wilson

APOLOGIES

Cr Ng (Chair)
Cr Snedden

To be confirmed at the Planning Committee
meeting on 8 July 2008.

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

The meeting commenced at 6.30pm.

The Acting Chair Acting Lord Mayor Gary Singer (“the Acting Chair”), advised that:

- the meeting was being recorded for the purpose of ensuring the accuracy of the minutes of the meeting;
- the agenda comprised of five Reports from Management, one item of General Business and an item of proposed Urgent Business from Management; and
- apologies had been received from the Chair Cr Ng and Cr Snedden.

RATIFICATION OF CHANGE OF MEETING VENUE

Moved: Cr Shanahan

That the Planning Committee ratify the change of venue from the Council Meeting Room, Level Two, Melbourne Town Hall Administration Building to the Yarra Room, Level Two, Melbourne Town Hall Administration Building.

Seconded: Cr Jetter
Carried unanimously.

REQUEST TO PHOTOGRAPH DURING PROCEEDINGS

Moved: Cr Jetter

That the Planning Committee resolve to allow photographs to be taken during proceedings in accordance with the request made by the Melbourne Times and The Age.

Seconded: Cr Shanahan
Carried unanimously.

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

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

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

Moved: Cr Brindley

That the minutes of meeting No 26, held on Tuesday, 6 May 2008, be confirmed.

Seconded: Cr Clarke
Carried unanimously.

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

There were no matters arising from the minutes of the previous meetings.

5. REPORTS FROM MANAGEMENT (Agenda Item 5)

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

In relation to **Agenda Item 5.1**, "*TP-2007-1196: Level 3, 249 Little Lonsdale Street, Melbourne*":

Requests to Speak:

- Roz Hansen, Planning Consultant of Hansen Partnership;
- Chris Kukielko on behalf of the Match Bar Group; and
- Paul Tredwell, resident.

In relation to **Agenda Item 5.2**, "*City of Melbourne Submission to State Government on the East West Link Needs Assessment (EWLNA) Recommendations*":

Items of Correspondence:

- Jane Good and Mark Perica, residents;
- Queenie Lee, resident;
- Angela Hoefnagels, resident;
- John Gratton, resident;
- Brian Walters, President of Protectors of Public Lands Victoria Inc;
- Diana Pawluk, resident;
- Jenny Lloyd, resident;
- Leslie Edwards, resident;
- Andrew Pawluk, resident;
- Roman and Natalie Korchev, residents;
- Bill Cook, Chairperson of North & West Melbourne Association Inc;
- Paula McCann and Robert Loader, residents;
- Wendy Taylor, resident;
- Cory Boardman, resident;
- Ray Cowling, resident; and
- Chris Goodman, The 3068 Group.

Requests to Speak:

- Kevin Chamberlin on behalf of the North & West Melbourne Association;
- Julianne Bell, Convenor of Royal Park Protection Group Inc;
- Vincent Ryan, resident;
- Richard Reilly, Chair of the Kensington Association;
- Anthony Dare, resident;
- Greta Bird, resident;
- David Ettershank, resident;
- Chyloe Kurdas, Female Football Development Manager;
- Kaye Oddie, resident;
- Ian Bird on behalf of the Carlton Residents Association Inc Committee;
- Peter Brohier; and
- Robert Gilfillan, resident.

In relation to **Agenda Item 5.3**, "*Proposed Restricted Retail Premises (Costco) at Waterfront City, 331-383 Footscray Road, Docklands*":

Request to Speak:

- Stuart McGurn on behalf of the applicant, ING Real Estate/Costco Wholesale.

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

REFERRAL NOTICE PROCESS

The Acting Chair, 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 Council Business Officers.

5.1 Application for Planning Permit: TP-2007-1196: Level 3, 249 Little Lonsdale Street, Melbourne

The purpose of this report was to advise the Committee of an application for planning permit for the use of the premises as a tavern and associated buildings and works. This report is presented to the Planning Committee as the proposal and recommendation seek to vary policy guidelines contained in Council's Draft Licensed Premises Policy.

Chris Kukielko addressed the Committee in support of the application.

Roz Hansen addressed the Committee speaking in favour of the application. In response to questions raised by Councillors, Ms Hansen made the following comments:

- the applicant is concerned about the unsocial and unruly behaviour which has been an issue in the City and has developed an extensive Patron Management Plan;
- the QV complex has 24 hour security and to date there have been no issues in relation to unruly behaviour from patrons;
- Patron Management Plans must be adhered to as the permit applications are issued to the address of the venue and not any particular individual; and
- the balcony fronting Swanston Street has an area of 25 square meters is to be used as a smoking area and the balcony fronting Little Lonsdale Street has an area of 94 square meters and is to be used for dining/drinking.

Paul Tredwell addressed the Committee expressing his concerns in relation to the amount of bars that have been established in the area since moving into his property in 1996.

Moved: Cr Wilson

1. *That the Planning Committee:*
 - 1.1. *determine to issue a Notice of Decision to Grant a Planning Permit subject to the conditions at Attachment 1 of this report; and*
 - 1.2. *subject to amending Condition 3 to state that the premises shall only be open for the use hereby permitted between 10am and 1am, Monday through Saturday in line with the Council's adopted Draft Licensed Premises Policy and the State Government's moratorium.*

Seconded: Cr Jetter

Amendment

Moved: Cr Clarke

1. *That the Planning Committee determine to issue a Notice of Decision to Grant a Planning Permit subject to the conditions at Attachment 1 subject to the following:*
 - 1.1. *amend condition 2 to include the words 'unless it is proven compliance with Building Code of Australia can be achieved, in which case the maximum number would be 370;*
 - 1.2. *amend condition 4, that the outdoor balcony shown as the designated smoking area of 25 square metres be provided for access until 1am;*
 - 1.3. *the outdoor terrace area designated as 94 square metres be provided for access until midnight; and*
 - 1.4. *delete condition 5b.*

Seconded: Cr Brindley

Cr Clarke's amendment was put and carried with the Acting Chair and Councillors Brindley and Clarke voting in favour of the motion and Councillors Jetter, Shanahan and Wilson voting against the motion. The Acting Chair used his casting vote to vote in favour of Cr Clarke's amendment.

The substantive motion 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 subject to the following:*
 - 1.1. *amend condition 2 to include the words 'unless it is proven compliance with Building Code of Australia can be achieved, in which case the maximum number would be 370;*
 - 1.2. *amend condition 4, that the outdoor balcony shown as the designated smoking area of 25 square metres be provided for access until 1am;*

- 1.3. *the outdoor terrace area designated as 94 square metres be provided for access until midnight; and*
- 1.4. *delete condition 5b.*

The substantive motion was put and carried unanimously.

5.2 City of Melbourne Submissions to State Government on the East West Link Needs Assessment (EWLNA) Recommendations

On 2 April 2008 Sir Rod Eddington released his report Investing in Transport – East West Link Needs Assessment (EWLNA) which he has submitted to State Government. The State Government are seeking comment on the EWLNA report by 15 July 2008.

The Manager Strategic Planning and Sustainability, David Mayes, introduced the draft submission prepared by management and answered questions of Committee members. The draft submission compared four recommendations of EWLNA to Council's Transport Strategy, "Moving People and Freight (2006)".

The Acting Chair requested Cr Brindley refrain from interjecting whilst Council officers provide their responses to questions raised by Councillors.

Kevin Chamberlin addressed the Committee speaking against a road tunnel.

Julianne Bell addressed the Committee speaking against a road tunnel, use of parks and potential pollution. Ms Bell had provided supporting documentation to Councillors prior to the commencement of the meeting.

Vincent Ryan addressed the Committee expressing concerns at the accuracy of the report in relation to greenhouse gas emissions and carbon neutrality. Mr Ryan had provided Councillors with supporting documentation prior to the commencement of the meeting.

Richard Reilly addressed the Committee highlighting his concerns relating to the destruction of JJ Holland Park. Mr Reilly had provided Councillors with supporting documentation prior to the commencement of the meeting.

Anthony Dare relinquished his request to address the Committee in light of comments made by previous submitters.

Greta Bird addressed the Committee speaking against a road tunnel and expressed concerns on the impact of traffic congestion around the municipality. Ms Bird had provided supporting documentation to Councillors prior to the commencement of the meeting.

David Ettershank addressed the Committee expressing concerns in relation to the possible destruction of Holland Park, the impact of a Dynon/Kensington Road interchange from a road tunnel, the impact of vent stacks and the lack of an overall Melbourne Transport Strategy.

Chyloe Kurdas addressed the Committee expressing concerns in relation to the negative impact of a road tunnel on the use of Holland Park as a sporting venue and that alternative venues had not been identified. Ms Kurdas had provided supporting documentation to Councillors prior to the commencement of the meeting.

Kaye Oddie addressed the Committee highlighting her concerns at the negative impact of a road tunnel on Royal Park and other parkland in the area. Ms Oddie had provided supporting documentation to Councillors prior to the commencement of the meeting.

Cr Wilson left the meeting at 8.10pm.

Ian Bird addressed the Committee highlighting his concerns and objections to a road tunnel. Mr Bird had provided supporting documentation to Councillors prior to the commencement of the meeting.

Cr Wilson returned to the meeting at 8.13pm.

Peter Brohier addressed the Committee on the need to support a "sea highway" between Melbourne and Tasmania".

Robert Gilfillan addressed the Committee on the need to protect the parks and their use by junior sporting groups. Mr Gilfillan has provided supporting documentation to Councillors prior to the commencement of the meeting.

Moved: Incorporating comments made by Councillors Cr Brindley moved the following:

1. *That the Planning Committee recommends that Council resolve to:*
 - 1.1. *abandon Council's support for an East West Road Tunnel;*
 - 1.2. *oppose the use of parks for any works associated with an East West Road Tunnel;*
 - 1.3. *a redrafted submission to the EWLNA being presented to the next Council meeting to reflect this change along with the prioritisation of all public transport initiatives including the Doncaster Rail; and*
 - 1.4. *request a further report to the Planning Committee on redrafting its Transport Policy to reflect these changes.*

Seconded: Cr Wilson

Foreshadowed
Motion: Cr Clarke

1. *That the Planning Committee:*
 - 1.1. *notes the failure of the Eddington Report to deliver a sustainable transport strategy for Melbourne;*
 - 1.2. *defers resolution of Council's submission to the next meeting of the Planning Committee, scheduled to be held on 8 July 2008, and reconsider Council's response to the Eddington Report with particular attention to the objections outlined at the Meeting of 3 June 2008; and*
 - 1.3. *states its strongest possible objection to any use of Holland Park or Royal Park or any other Park for the purposes of any road works or associated activities.*

Cr Brindley, as mover, agreed to incorporate Cr Clarke's suggestion as follows:

- *"states its strongest possible objection to any use of Holland Park or Royal Park or any other Park for the purposes of any road works or associated activities".*

The motion in its entirety reads:

1. *That the Planning Committee recommends that Council resolve to:*
 - 1.1. *abandon Council's support for an East West Road Tunnel;*
 - 1.2. *oppose the use of parks for any works associated with an East West Road Tunnel;*
 - 1.3. *a redrafted submission to the EWLNA being presented to the next Council meeting to reflect this change along with the prioritisation of all public transport initiatives including the Doncaster Rail;*
 - 1.4. *request a further report to the Planning Committee on redrafting its Transport Policy to reflect these changes; and*
 - 1.5. *state its strongest possible objection to any use of Holland Park or Royal Park or any other Park for the purposes of any road works or associated activities.*

The motion was put and carried unanimously.

ADJOURNMENT OF MEETING

Moved: Cr Clarke

That the Planning Committee adjourn at 8.50pm and resume at 8.55pm.

Seconded: Cr Wilson
Carried unanimously.

RESUMPTION OF MEETING

The meeting resumed at 8.55pm with the following Committee members present; the Acting Chair and Councillors Brindley, Clarke, Jetter, Shanahan and Wilson.

5.3 Proposed Restricted Retail Premises (Costco) at Waterfront City, 331 - 383 Footscray Road, Docklands

The purpose of this report was to advise the Planning Committee of an application to the Minister for Planning for the construction of a restricted retail premises at Waterfront City, Docklands.

Stuart McGurn addressed the Committee speaking in favour of the application on behalf of the applicant, expressing concerns at the inaccuracies contained in the report. Mr McGurn expressed concerns with the inaccuracies contained in the report in relation to the various figures quoted, however the reference to Design Plan Overlay Number 7 was the major concern.

Mr McGurn undertook to provide Councillors with information on how the car park was to operate.

The Manager Building and Planning, Shiran Wickramashinghe, advised the Committee that the only opposition from Council officers to the application was the built form and not the proposed use of the site.

Moved: Cr Clarke

That the Planning Committee defer consideration of this item to the next Council Meeting and review the recommendation in light of the proponent's comments.

Seconded: Cr Jetter

Foreshadowed

Motion: Cr Brindley foreshadowed the recommendation from management contained in the report as follows:

- *"That the Planning Committee endorse the comments provided by Council Officers in response to the application (refer Attachment 2)."*

The motion in its entirety reads:

That the Planning Committee defer consideration of this item to the next Council Meeting and review the recommendation in light of the proponent's comments.

Cr Clarke's motion was put and carried with the Acting Chair and Councillors Clarke, Jetter, Shanahan and Wilson voting in favour of the motion and Councillor Brindley voting against the motion.

5.4 Melbourne Docklands - Partial Revocations of Temporary Reservations

The purpose of this report was to establish an agreed set of guidelines for the administration to follow when responding, under delegation, to requests from VicUrban seeking Council's support for the temporary partial revocation of the reservation affecting the Crown land that forms part the Docklands Coordination area.

Moved: Cr Clarke

1. *That the Planning Committee:*
 - 1.1. *note that VicUrban will, from time to time, make requests to the Minister for Major Projects and the Minister administering the Crown Land (Reserves) Act 1978 to partially revoke the temporary reservation of areas of Crown land ("affected area") which form part of the Docklands Coordination area;*
 - 1.2. *note these requests are to enable the affected area and adjoining land to be developed with the intent the affected land is returned to Council's control as Committee of Management in an improved state at the conclusion of the development;*
 - 1.3. *authorise management under existing delegated power to consider supporting such requests as and when received, provided VicUrban confirms:*
 - 1.3.1. *the revocation is to be temporary and is for the purposes of developing the affected land or land adjoining the affected area;*

- 1.3.2. *the affected area will be returned to Council's control as Committee of Management in the same or an improved state at the conclusion of the development; and*
- 1.3.3. *there will be no net loss of Crown land when the area is returned to Council's control at the completion of development.*

Seconded: Cr Wilson
Carried unanimously.

5.5 CBD Traffic Signal Cycle Time

The purpose of this report was to advise on the qualitative assessment of the impact of reducing the cycle time of traffic signals across the Central Business District (CBD), in order to reduce public transport, cyclist and pedestrian waiting times.

Moved: Cr Brindley

That the Planning Committee resolve to immediately begin the process of implementing 75 second traffic signal cycle times in the CBD.

Seconded: Cr Shanahan

The Principal Engineer Traffic Engineering, Haig Poulson, advised the Committee that VicRoads was the responsible authority in relation to signal timing and Council would be required to seek their approval prior to any changes being implemented and the proposal should be tested against the Department of Transport's Integrated Transport Model.

Cr Brindley withdrew his motion.

Moved: Cr Brindley moved the recommendation from management contained in the report subject to the addition of the following paragraph:

- *"request a further report be brought to the August Planning Committee on the outcomes of the CBD Integrated Transport Model".*

Seconded: Cr Clarke

The motion in its entirety reads:

1. *That the Planning Committee:*
 - 1.1. *agree to the objectives of introducing 75/80 second traffic signal cycle times in the CBD;*
 - 1.2. *instruct the administration to utilise the Department of Transport's Integrated Transport Model, when available, to confirm that a 75 or 80 second cycle can be implemented, and if so, to take the necessary steps to implement it; and*
 - 1.3. *request a further report be brought to the August Planning Committee on the outcomes of the CBD Integrated Transport Model.*

Carried unanimously.

6. GENERAL BUSINESS (Agenda Item 6)

There was one item of General Business.

6.1. Notice of Motion: 2006 Transport Strategy Update

Moved: Incorporating comments made by Councillors, Cr Brindley moved his Notice of Motion as follows:

1. *That the Planning Committee request a report be brought to the August meeting explaining the status of the following initiatives from Council's 2006 Transport Strategy:*
 - 1.1. *the introduction of a 40kmh speed limit in the CBD;*
 - 1.2. *the commencement of a Planning Scheme amendment to modify the parking requirements for residential developments;*
 - 1.3. *the possible introduction of a bus turnaround facility on Lonsdale Street; and*
 - 1.4. *assessment of motorcycle parking in the Planning Scheme.*

Seconded: Cr Clarke
Carried unanimously.

7. URGENT BUSINESS (Agenda Item 7)

There was one item of Urgent Business from Management.

7.1. Draft Amendment to Council's Activities Local Law 1999 Regarding Toy Vehicles

The purpose of this report was to consider draft amendment to Council's *Activities Local Law 1999* regarding toy vehicles and approve commencement of the statutory public notice and submission procedure required by the *Local Government Act 1989*.

The Manager Engineering Services, Geoff Robinson, provided supporting documentation to Councillors prior to the commencement of the meeting.

Moved: Cr Clarke

That the matter of the Draft Amendment to Council's Activities Local Law 1999 regarding Toy Vehicles meets the criteria for consideration as an item of Urgent Business as it has arisen since the distribution of the agenda, and cannot safely or conveniently be deferred until the next Council meeting.

Seconded: Cr Wilson
Carried unanimously.

Moved: Cr Clarke

Cr Wilson suggested the following additional paragraph:

- *"that the Planning Committee receive a report in relation to the consideration of a Skate Park in the Docklands vicinity".*

Cr Clarke, as mover, agreed to incorporate Cr Wilson's suggested amendments.

The motion in its entirety reads:

1. *That the Planning Committee recommends that Council:*
 - 1.1. *pursuant to Part 5 of the Local Government Act 1989 ("the Act"), propose to make the Activities (Riding of Toy Vehicles in Prescribed Areas) Local Law 2008, to enhance the ability of the Council to regulate and manage the riding of toy vehicles under the Activities Local Law 1999 ("Principal Local Law"), in accordance with the proposed Local Law at Attachment One ("proposed Local Law");*
 - 1.2. *pursuant to section 223 of the Act, approve the establishment of a committee to be called the Activities (Riding of Toy Vehicles in Prescribed Areas) Local Law 2008 Submissions Committee ("Local Law Amendment 2008 Committee") and appoint the Manager Engineering Services, the Manager Community Safety and Wellbeing and the Manager Legal Services, or the persons from time to time acting in those positions, to the Local Law Amendment 2008 Committee for the purpose of:*

- 1.2.1. *considering any written submissions received in relation to the proposal;*
- 1.2.2. *hearing any persons wishing to be heard in support of them; and*
- 1.2.3. *reporting back with recommendations to Council through the Planning Committee;*
- 1.3. *note that any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a meeting of the Local Law Amendment 2008 Committee, scheduled to be held on Tuesday, 22 July 2008 commencing at 3.00 pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne;*
- 1.4. *authorise the Manager Governance Services, or the person acting from time to time in that position, to carry out any administrative procedures necessary to enable Council to perform its functions under Section 223 of the Act;*
- 1.5. *note that adoption of the proposed Local Law is subject to Council being satisfied it complies with the Victorian Charter of Human Rights;*
- 1.6. *endorse the initial Charter analysis at Attachment Two and resolves in principle it is satisfied that to the extent the proposed Local Law impacts on human rights; the limitation is reasonable taking into account the matters detailed at paragraph 8 of the management report;*
- 1.7. *note that the necessary actions to give public notice of the proposed Local Law will be carried out under delegation; and*
- 1.8. *that the Planning Committee receive a report in relation to the consideration of a Skate Park in the Docklands vicinity.*

Seconded: Cr Wilson
Carried unanimously.

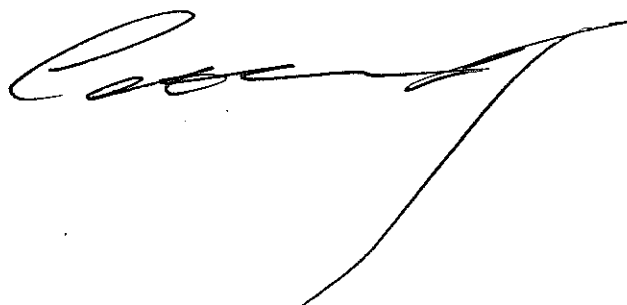
8. PUBLIC QUESTIONS (Agenda Item 8)

There were no Public Questions.

9. CLOSURE OF MEETING (Agenda Item 9)

The meeting concluded at 9.24pm.

To be confirmed at the Planning Committee meeting on 8 July 2008.



Chair
Planning Committee
Town Hall
Melbourne

The reports considered in the decision making process (summaries of which are incorporated in these minutes) can be found at www.melbourne.vic.gov.au/committees