



**Melbourne City Council  
Planning Committee**

**MINUTES**

**Meeting Number 30  
Tuesday, 2 September 2008  
6.30pm**

**PRESENT**

Cr Ng (Chair)  
Cr Brindley  
Cr Clarke  
Cr Jetter  
Cr Shanahan  
Cr Snedden  
Cr Wilson  
Deputy Lord Mayor Gary Singer

To be confirmed at the Planning Committee  
meeting on 7 October 2008.

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

The meeting commenced at 6.58pm.

### ADJOURNMENT OF MEETING

Moved: The Chair Cr Ng

*That the Planning Committee adjourn at 7.00pm and resume at 7.05pm.*

Seconded: Cr Brindley

Carried unanimously.

### RESUMPTION OF MEETING

The meeting resumed at 7.05pm 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
- no apologies had been received.

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

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

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

Moved: Cr Clarke

*That the minutes of meeting No 29, held on Tuesday, 5 August 2008, be confirmed.*

Seconded: Deputy Lord Mayor Gary Singer

Carried unanimously.

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

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

## 5. 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*.

In relation to **Agenda Item 5.2**, "Application for Planning Permit: 25-35 Little Collins Street, Melbourne (TP2008-472)":

### Item of Correspondence:

- Andrew M. Cannon, Managing Director, the Cannon Group.

### Requests to Speak:

- Chris Canavan QC on behalf of the Melbourne Club;
- Anna Hardwick on behalf of Esanda Finance Corporation Limited; and
- Kellie Burns, SJB Planning on behalf of the applicant.

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

## 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 Council Business Officers.

### 5.1 Future Melbourne Community Plan Final Draft

The purpose of this report was to seek endorsement for the *Future Melbourne Community Plan* as a statement of the community's vision and goals for the future development of the City of Melbourne to 2020.

The Chair Cr Ng invited Ms Carol Schwartz, Chair Future Melbourne Reference Group to address the Committee.

Comments made by the Future Melbourne Reference Group Chair, Carol Schwartz included:

- commend Council for the extensive consultation undertaken; and
- has been an effective process which has resulted in a fertile and ambitious strategic plan to move forward.

The Chair Cr Ng thanked the Chair Future Melbourne Reference Group and members of the Committee for their involvement and work in the development of the Future Melbourne Community Plan.

Amendment

Moved: Cr Clarke moved the recommendation from Management subject to the addition of the following paragraph:

*"formally thank the Future Melbourne Reference Group and City of Melbourne staff for their work, deliberations, commitment and passion in preparing the Future Melbourne Community Plan."*

Seconded: Cr Brindley

In response to concerns raised by Cr Snedden, the Director Sustainability and Regulatory Services, Geoff Lawler, advised the Committee that the Victorian Employers' Chamber of Commerce and Industry had lodged a submission in response to the consultation draft.

Cr Snedden expressed further concerns about consultation with the Australian Industry Group and the Melbourne Retail Advisory Board.

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

The motion in its entirety reads:

1. *That the Planning Committee recommends that Council:*
  - 1.1. *endorse the amendments to the Future Melbourne Community Plan as shown in the Addendum at Attachment 1;*
  - 1.2. *endorse the Future Melbourne Community Plan as the community's vision and goals for the future development of the municipality;*
  - 1.3. *endorse the process described at Attachment 2 to develop optimal relationships, mechanisms, decision making and monitoring arrangements to work towards the goals expressed by the community in the Future Melbourne Community Plan and note that this process would need to be funded in the 2009/10 budget; and*
  - 1.4. *formally thank the Future Melbourne Reference Group and City of Melbourne staff for their work, deliberations, commitment and passion in preparing the Future Melbourne Community Plan.*

The Committee commended everyone involved in the work undertaken in the development of the Future Melbourne Community Plan.

Cr Snedden left the meeting at 7.20pm.

The Chair Cr Ng acknowledged the presence of former Lord Mayor William Deveney.

## **5.2 Application for Planning Permit: 25-35 Little Collins Street Melbourne (TP2008-472)**

The purpose of this report was to advise the Committee of an application for planning approval to demolish the existing building and develop a 24-storey building to be used for the purpose of retail premises, the Naval & Military Club (Restricted Place of Assembly), Conference Facilities (Place of Assembly), Serviced and Residential Apartments and partial waiver of bicycle facility requirements.

Chris Canavan QC addressed the Committee in relation to the application highlighting objections on behalf of the Melbourne Club, expressing concerns for the welfare of the significant tree in the rear garden of the Club.

Anna Hardwick addressed the Committee speaking against the application in relation to the design and operational aspects of it. Ms Hardwick had provided supporting documentation to Councillors prior to the commencement of the meeting. Ms Hardwick informed the Committee that the provision of the canopy and swimming pool would make it difficult for large vehicles to enter Coates Lane.

Kellie Burns addressed the Committee speaking in support of the application. In response to questions raised by Councillors, Kellie Burns made the following comments:

- the opinions on the trees are from three expert arborists, one of which was employed by the Council for many years;
- there is provision for a communal loading area and engineers do not envisage any issues in relation to trucks being able to access the site; and
- condition 1A restricts the projection beyond the street alignment to one-tenth of the width of Coates Lane.

In response to questions raised by Councillors, the Manager Planning and Building, Shiran Wickramasinghe, made the following comments:

- Coates Lane is approximately three metres wide;
- the communal loading bay will result in vehicles being able to turn around;
- the laneway was not identified in Council's laneway study;
- Council's arborist has inspected the tree and whilst there will be some impact on the tree, it is difficult to identify to what extent; and
- this application has been brought to Committee for resolution due to the contentious nature of it.

Cr Snedden returned to the meeting at 7.32pm.

Moved: Cr Brindley

*That the Planning Committee determine to Grant a Planning Permit subject to the conditions at Attachment 1 of this report.*

Seconded: Cr Shanahan

Carried unanimously.

## **5.3 Proposed Amendment to Council's Activities Local Law 1999 Regarding Toy Vehicles**

The purpose of this report was to advise the Committee of the submissions received in relation to the draft amendment to the *Activities Local Law 1999* regarding toy vehicles, and to recommend that Council adopt the draft amendments to Council's *Activities Local Law 1999*.

Moved: Deputy Lord Mayor Gary Singer

1. *That the Planning Committee recommends that Council:*
  - 1.1. *makes the Activities (Riding of Toy Vehicles in Prescribed Areas) Local Law 2008 ("the Local Law") to amend the Activities Local Law 1999 for the protection of public safety and infrastructure by enhancing the ability of the Council to regulate and manage the riding of toy vehicles, in the form tabled and endorsed at the meeting of the Submissions Committee on 31 July 2008 (Attachment 1) being substantially in the form as advertised;*
  - 1.2. *notes that adoption of the Local Law is subject to Council being satisfied it complies with the Victorian Charter of Human Rights and that at its meeting on 24 June 2008, Council endorsed an initial Charter analysis of the then proposed Local Law;*
  - 1.3. *endorses the final Charter analysis shown as Attachment 2 and resolve it is satisfied that to the extent the Local Law impacts on human rights, the limitation is reasonable;*
  - 1.4. *endorses the guidelines for making prescriptions pursuant to the Local Law under delegation, as detailed in Attachment 3;*
  - 1.5. *notes that under delegation:*
    - 1.5.1. *notice of the making of the Local Law will be given in the Government Gazette and by public notice in accordance with section 119(3) of the Local Government Act 1989 ("the Act");*
    - 1.5.2. *a copy of the Local Law will be sent to the Minister for Local Government in accordance with section 119(4) of the Act; and*
    - 1.5.3. *copies of the Local Law will be made available for inspection in accordance with section 120 of the Act as well as on the Council website; and*
  - 1.6. *notifies in writing every person who lodged a separate submission in respect to the proposed Local Law of Council's decision and the reason for its decision.*

Seconded: Cr Clarke  
Carried unanimously.

In response to a question from Cr Clarke, Geoff Robinson, Manager Engineering Services advised that he would consult Councillors on the designation of prescribed areas.

Cr Shanahan left the meeting at 7.47pm.

#### **5.4 The Provision of Enforcement Services in Multi-Level Private Car Parks**

The purpose of this report was to provide an analysis of the merits of a Council provided parking enforcement service in multi-level private car parks in Docklands, based on the model currently employed by the City of Port Phillip.

Moved: Deputy Lord Mayor Gary Singer

1. *That the Planning Committee note that:*
  - 1.1. *the establishment of a Council-provided parking enforcement service in multi-level private car parks is outside the current core business function of Council's Parking and Traffic Branch, which is mainly to provide sufficient traffic flow, pedestrian safety and access to on-street parking;*
  - 1.2. *the cost of the service would outweigh revenue generated and that the cost is not budgeted;*
  - 1.3. *management does not recommend the provision of parking enforcement services in multi-level private car parks due to the issues outlined in this report.*

Seconded: Cr Wilson

In response to questions raised by Councillors, the Manager Parking and Traffic, Stephen Nagle, made the following comments:

- the City of Port Phillip are not recovering costs and use a different system to what Council would use; and
- Council patrols and provides signage for small outdoor spaces and not areas under cover for various reasons.

Cr Shanahan returned to the meeting at 7.53pm.

Discussion ensued in relation to the enforcement services in multi-level private car parks.

Foreshadowed

Motion: Cr Clarke

*That the Planning Committee request that Management advise Councillors on the costs incurred by the City of Port Phillip.*

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

#### **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 motion in its entirety reads:

1. *That the Planning Committee note that:*
  - 1.1. *the establishment of a Council-provided parking enforcement service in multi-level private car parks is outside the current core business function of Council's Parking and Traffic Branch, which is mainly to provide sufficient traffic flow, pedestrian safety and access to on-street parking;*
  - 1.2. *the cost of the service would outweigh revenue generated and that the cost is not budgeted;*
  - 1.3. *management does not recommend the provision of parking enforcement services in multi-level private car parks due to the issues outlined in this report; and*
  - 1.4. *note that this decision is made by the Committee under delegation from the Council and is subject to the referral notice process.*

#### **5.5 CBD and Docklands Parking Plan 2008-2013**

The purpose of this report was to seek approval of the CBD and Docklands Parking Plan 2008-2013.

Moved: Cr Brindley

1. *That the Planning Committee recommend that Council:*
  - 1.1. *note the consultation summary at Attachment 2 of this report; and*
  - 1.2. *adopt the City of Melbourne CBD and Docklands Parking Plan 2008-2013 ("The Parking Plan").*

Seconded: Cr Wilson

Discussion ensued in relation to parking issues within the CBD and Docklands.

Amendment

Moved: Cr Brindley moved an amendment to the motion by adding the following paragraph:

- *"that Council state a longer-term aim of reducing the amount of on-street parking space for anything other than service related uses or for disabled parking."*

Cr Wilson, as seconder, did not accept the amendment and withdrew seconding the motion.

Cr Brindley's amendment lapsed for want of a seconder.

Moved: Cr Wilson

1. *That the Planning Committee recommend that Council:*
  - 1.1. *note the consultation summary at Attachment 2 of this report; and*
  - 1.2. *adopt the City of Melbourne CBD and Docklands Parking Plan 2008-2013 ("The Parking Plan").*

Seconded: Cr Brindley  
Carried unanimously.

## 5.6 Amendment C133 – Maximum Residential Car Parking Rate

The purpose of this report was to report on the review of residential car parking rates and to seek Council's approval to request authorisation from the Minister to exhibit Melbourne Planning Scheme Amendment C133.

Moved: Cr Brindley

1. *That the Planning Committee:*
  - 1.1. *consider and note the review of residential car parking rates undertaken by Ratio Consultants; and*
  - 1.2. *request authorisation from the Minister for Planning to exhibit Melbourne Planning Scheme Amendment C133, which seeks to introduce a maximum rate of 1 car parking space per dwelling for Carlton, Southbank and parts of North Melbourne, West Melbourne and East Melbourne. This is to be achieved through the use of a parking precinct plan to the Schedule to Clause 52.06 of the Melbourne Planning Scheme, however if any changes occur in the Victorian Planning Provisions then this would be pursued through the use of the State Government's proposed new mechanism, the Parking Overlay.*

Seconded: Cr Wilson

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

Cr Snedden left the meeting at 8.15pm and did not return.

## 5.7 Heritage Precincts Project Planning Scheme Amendment C132

The purpose of this report was to seek approval to request authorisation from the Minister for Planning to commence public exhibition of Planning Scheme Amendment C132.

Moved: Cr Brindley

1. *That the Planning Committee:*
  - 1.1. *notes the revised Heritage Policy Outside the Capital City Zone to be included at Clause 22.05 of the Melbourne Planning Scheme as at Attachment 1;*
  - 1.2. *seeks authorisation from the Minister for Planning to prepare Melbourne Planning Scheme Amendment C132 for public exhibition and proceed with the public exhibition; and*
  - 1.3. *notes that submissions received as a result of the public exhibition will be reported to the Planning Committee.*

Seconded: Cr Shanahan  
Carried unanimously.

Cr Clarke left the meeting at 8.12pm and returned at 8.13pm.

## 5.8 World Heritage Environs Area – Royal Exhibition Building and Carlton Gardens

The purpose of this report was to present the submission on the Views and Vistas Analysis of the World Heritage Environs Area Strategy Plan – Royal Exhibition Building and Carlton Gardens (WHEASP), for endorsement by the Planning Committee.

Moved: Cr Brindley

*That the Planning Committee endorse the administration's submission on the draft World Heritage Environs Area Strategy Plan – Royal Exhibition Building and Carlton Gardens to be presented at the Heritage Council Directions Hearing on 11 and 12 September (see Attachment 1).*

Seconded: Cr Jetter  
Carried unanimously.

## 6. GENERAL BUSINESS (Agenda Item 6)

There were no items of General Business.

## 7. URGENT BUSINESS (Agenda Item 7)

There were no items of Urgent Business.

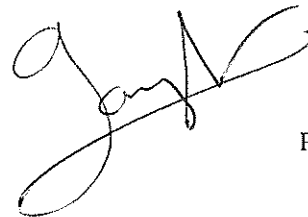
## 8. PUBLIC QUESTIONS (Agenda Item 8)

There were no Public Questions.

## 9. CLOSURE OF MEETING (Agenda Item 9)

The meeting concluded at 8.16pm.

To be confirmed at the Planning Committee meeting on 7 October 2008.



Acting Chair  
Planning Committee  
Town Hall  
Melbourne