

**Committee report to Council**

**Agenda item 5.2**

**Council**

**Proposed Public Highway Declaration of Plane Tree Way, North Melbourne**

**30 April 2019**

**Committee** Submissions (Section 223)

**Presenter** Greg Stevens, Manager Parks, Property and Waterways

**Purpose and background**

1. The purpose of this report is to recommend the public highway declaration of Plane Tree Way, North Melbourne (the Road) pursuant to sections 204(1), 207A and 223 of the *Local Government Act 1989* (the Act), as shown shaded on the attached plan (see Attachment 1).

**Consideration at Committee**

2. At the Submissions (Section 223) Committee meeting on 7 March 2019 the Committee considered the report at Attachment 1 and made the below recommendation for presentation to Council.

**Recommendation**

3. That Council:
  - 3.1. Declare Plane Tree Way, North Melbourne (Road) as shown on the public notice dated 16 January 2019 as a public highway, for the reasons that:
    - 3.1.1. the declaration of the Road and the Council assuming statutory care and management, will allow the active management of the use of the road, improving the amenity, safety and access benefits for all users
    - 3.1.2. the proposal has substantially greater community support to that abandoned in 2018 at the recommendation of the S223 Committee.
  - 3.2. Recommend management investigate options to address the suggestions of submitters for the future operation of the Road and its environs, as summarised in paragraph 4.2 of the report to the S223 Committee.
  - 3.3. Notify in writing every person who has lodged a separate submission of the decision and reasons for the decision.

**Attachment:**

1. Submissions (Section 223) Committee, Agenda item 5.2, 7 March 2019 (Page 2 of 37)

## Management report to Submissions (223) Committee

### Proposed Public Highway Declaration of Plane Tree Way, North Melbourne

**Submissions  
(223) Committee**

**Presenter:** Leon Wilson, Acting Senior Project Officer Facilities Management

**7 March 2019**

#### Purpose and background

1. This report responds to 19 submissions received to a proposed public highway declaration of Plane Tree Way, North Melbourne ('the Road') as shown shaded on the plan in Attachment 2.
2. A proposed declaration of only part of Plane Tree Way was advertised on 11 October 2017 as part of the redevelopment of the Lady Huntingfield Children's Centre (LHCC) under planning permit TP-2017-743. Submissions Committee on the 7 December 2017 recommended that '*the Council delegate who initiated the proposal, abandon the partial declaration in light of the written submissions*'. Of the 21 submissions received to the partial declaration eight objected outright to the proposal and only five submissions supported it, the other eight suggested the full length be declared.
3. The Road is part of the common property on plan of subdivision RP12295 (see Attachment 2) which is known as City Gardens.
4. The submissions to the current proposal (see Attachment 3) raise the following points:
  - 4.1. Two submissions object to the proposal on the basis the land is owned and maintained by the Owners Corporation (OC), and concerns about changes to the character of the area, the amount of traffic, security, the costs related to public liability and lighting.
  - 4.2. Seventeen submissions support the proposal for the full length declaration as Council will be responsible for public liability, maintenance of the road surface, trees and garden, traffic management, parking restrictions and pedestrian safety. Also noted is the additional benefit the full declaration will have on the separation of City Gardens into three owners corporations (refer to extract of proposed subdivision and overlay of features in Attachment 2) and that Plane Tree Way can be considered a public highway under the operation of the common law, based on long term public user. Other suggestions include:
    - 4.2.1. a walking pace speed limit with speed humps and possible one way traffic direction
    - 4.2.2. four hour parking restrictions in the parking bays and no standing along the length
    - 4.2.3. preserve the unique character of Plane Tree Way and enhance it with two disabled parking spots and more garden at the rear of LHCC
    - 4.2.4. Council has the expertise to look after the whole avenue of Plane Trees under one management plan
    - 4.2.5. Heritage signage about the Plane Trees

#### Key issues

5. The proposed redevelopment of LHCC requires emergency egress onto Plane Tree Way. Community Services advise an exit to Plane Tree Way is of particular importance if there is an emergency.
6. The current proposal substantially addresses the concerns raised in the original submissions as demonstrated by the supporting submissions to the current proposal.

#### Recommendation from management

7. That the Submissions (Section 223) Committee:
  - 7.1. Consider all written submissions in relation to the proposal and hear any person wishing to be heard in support of their submission and then make a recommendation to Council.
  - 7.2. Recommend Council notify in writing every person who has lodged a submission of its decision and the reasons for its decision.

#### Attachments:

1. Supporting Attachment (Page 2 of 36)
2. Public Notice and Plans (Page 3 of 36)
3. Submissions (Page 8 of 36)

## Supporting Attachment

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### Legal

1. Where a Council proposes to declare a road as a public highway under section 204(1) of the *Local Government Act 1989* (Act), sections 207A(c) and 223 of the Act require it give public notice of the proposal and consider all submissions received prior to making its decision.
2. Should the Road be declared as a public highway the subject land will vest in Council and the Road will formerly come under Council's care and management and be included on Council's Public Roads Register under the *Road Management Act 2004*.

### Finance

2. Council is meeting the costs associated with the public highway declaration.
3. Council will accept responsibility for the maintenance and cleaning of the road should it become a public highway including the trees and plants within the proposed road area. These costs will be met out of existing and future general Engineering Services branch budgets.

### Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

5. The proposal was given public notice. Overall the consultation involved:
  - 5.1. advertising in the Age on the 16 January 2019
  - 5.2. a letter was sent to the owners and occupiers of abutting properties
  - 5.3. the notice was placed on Council's web site.

### Relation to Council policy

6. There is no Council policy for the declaration of roads as public highways, however the actions taken and the recommendations in this report are all legislatively compliant and accord with well-established practice.
7. The Manager Planning and Building originally on 18 September 2017, acting under sub-delegated Council powers, approved commencement of the public highway declaration following in principle approval from Council's Principle Engineer Infrastructure subject to public consultation (see Attachment 2 for a copy of the public notice).
8. Following the abandonment of the partial declaration as recommended by the Submission Committee on 7 December 2017 the declaration of the full length of Plane Tree Way has been re-initiated as suggested in a number of the original submissions.

### Environmental sustainability

9. This proposal has no significant impact on environmental sustainability.

## MELBOURNE CITY COUNCIL

### Proposed Public Highway Declaration of Plane Tree Way, North Melbourne

Notice is given pursuant to sections 204(1), 207A and 223 of the *Local Government Act 1989* ('Act') that the Melbourne City Council ('Council') proposes to declare the road known as Plane Tree Way, North Melbourne shown shaded on the plan below as a public highway ('Proposal').

The Proposal would enable the road to be added to Council's Road Register under the *Road Management Act 2004* and maintained by Council.

Any person may make a written submission on the Proposal to the Council. All submissions received by the Council on or before 14 February 2019 will be considered in accordance with section 223(1) of the Act, by the Council's Submissions (Section 223) Committee (Committee).

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on 7 March 2019, commencing at 3pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne.

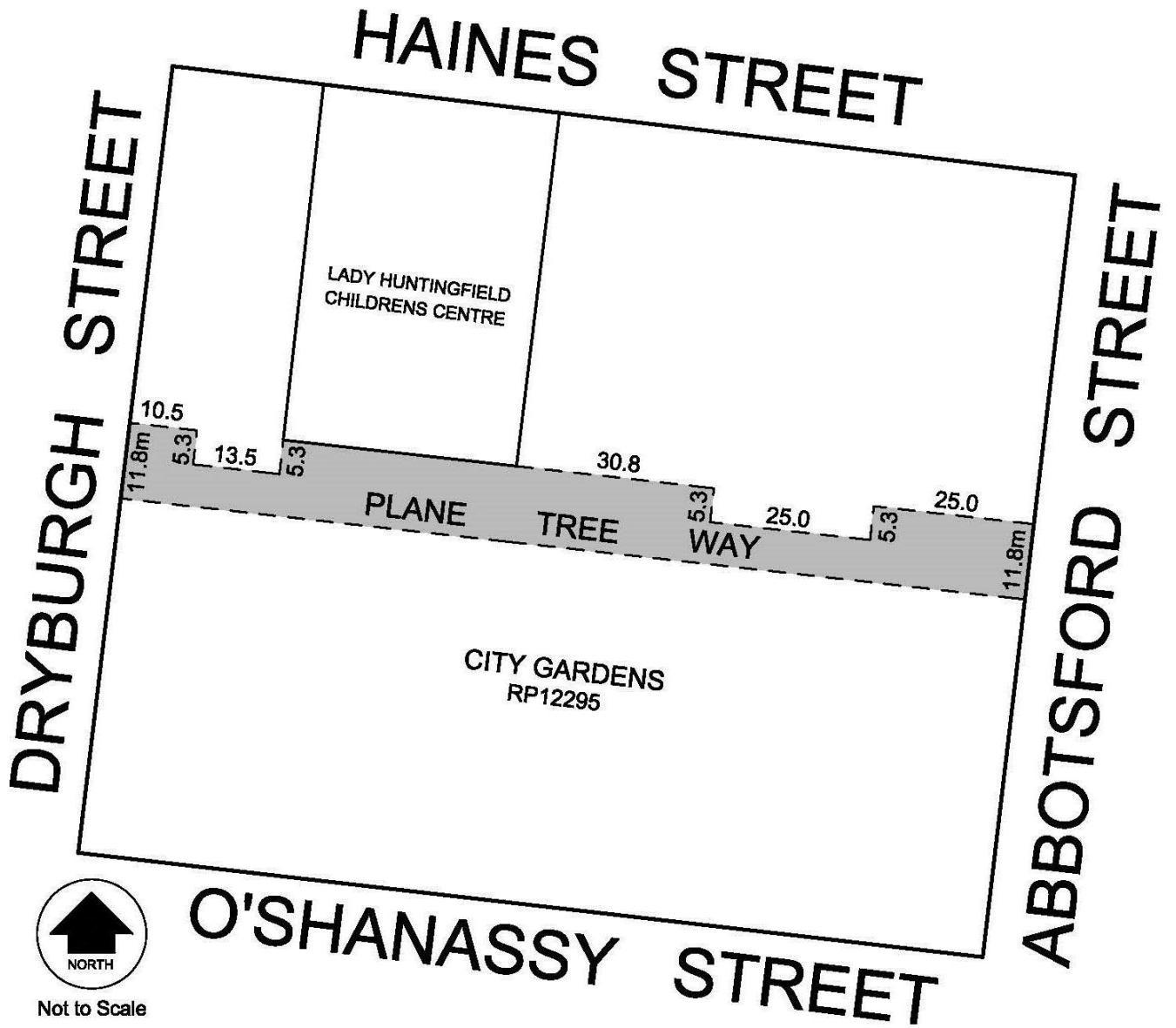
Written submissions should be marked 'Proposed Public Highway Declaration of Plane Tree Way' and addressed to the Manager Governance and Legal, Melbourne City Council, GPO Box 1603, Melbourne, 3001. Written submissions can be made via mail, email to [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au) or on-line at <https://comdigital.wufoo.com/forms/rly4bj60tdagsq/>

#### **Written submissions cannot be delivered in person.**

Submissions form part of the public record of the meeting (including any personal information you provide) and will be published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at Council offices.

If you have any concerns about how Council will use and disclose your personal information, please contact the Council Business team via email at [privacy@melbourne.vic.gov.au](mailto:privacy@melbourne.vic.gov.au)

Plan from Public Notice



Not to Scale



Land Subject to Public Highway Declaration

Sheet 2 of Existing Plan of Subdivision RP12295

RP12295

136988

The parcel <sup>9275</sup> The whole of the described in certificate of title Volume <sup>9126</sup> Folio <sup>136</sup> 969 being part of Crown Allotments 1, 2, 3, 12<sup>A</sup>, 12<sup>B</sup>, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25<sup>A</sup>, 25<sup>B</sup>, 30<sup>A</sup>, 30<sup>B</sup>, 31, 32, 33, 34, 35 and 36 of Section 77<sup>A</sup> and part of former Government Roads, <sup>at North Melbourne</sup> Parish of Jiko Jiko, County of Bourke.

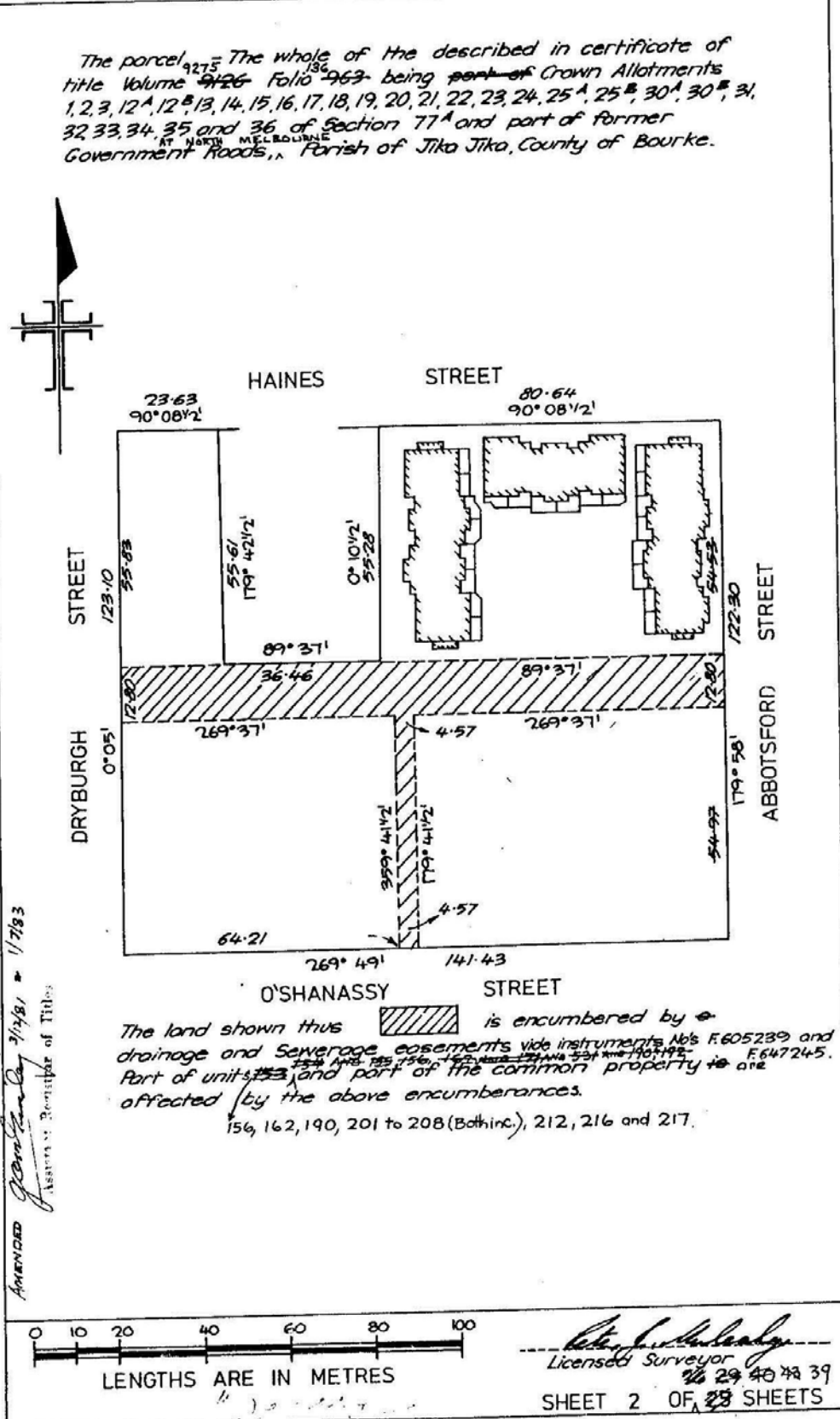
AMENDED AT 2.26 P.M.  
ON 27-11-1985


*V.P. Jones*  
200 200 200 200 200

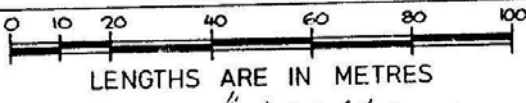
AMENDED PURSUANT TO APPROVAL OF  
PLAN OF REDEVELOPMENT OF UNIT 153  
AND UNIT 155 \* 154  
*S. Challenor*  
12/12/1979

*S. Challenor*  
12/12/1979

AMENDED *S. Challenor* 3/12/81 \* 1/7/83  
Assistant Registrar of Titles



The land shown thus  is encumbered by drainage and Sewerage easements vide instruments Nos F.605239 and Part of units ~~153~~ and part of the common property ~~is~~ affected (by the above encumbrances).  
156, 162, 190, 201 to 208 (Bothinc.), 212, 216 and 217.



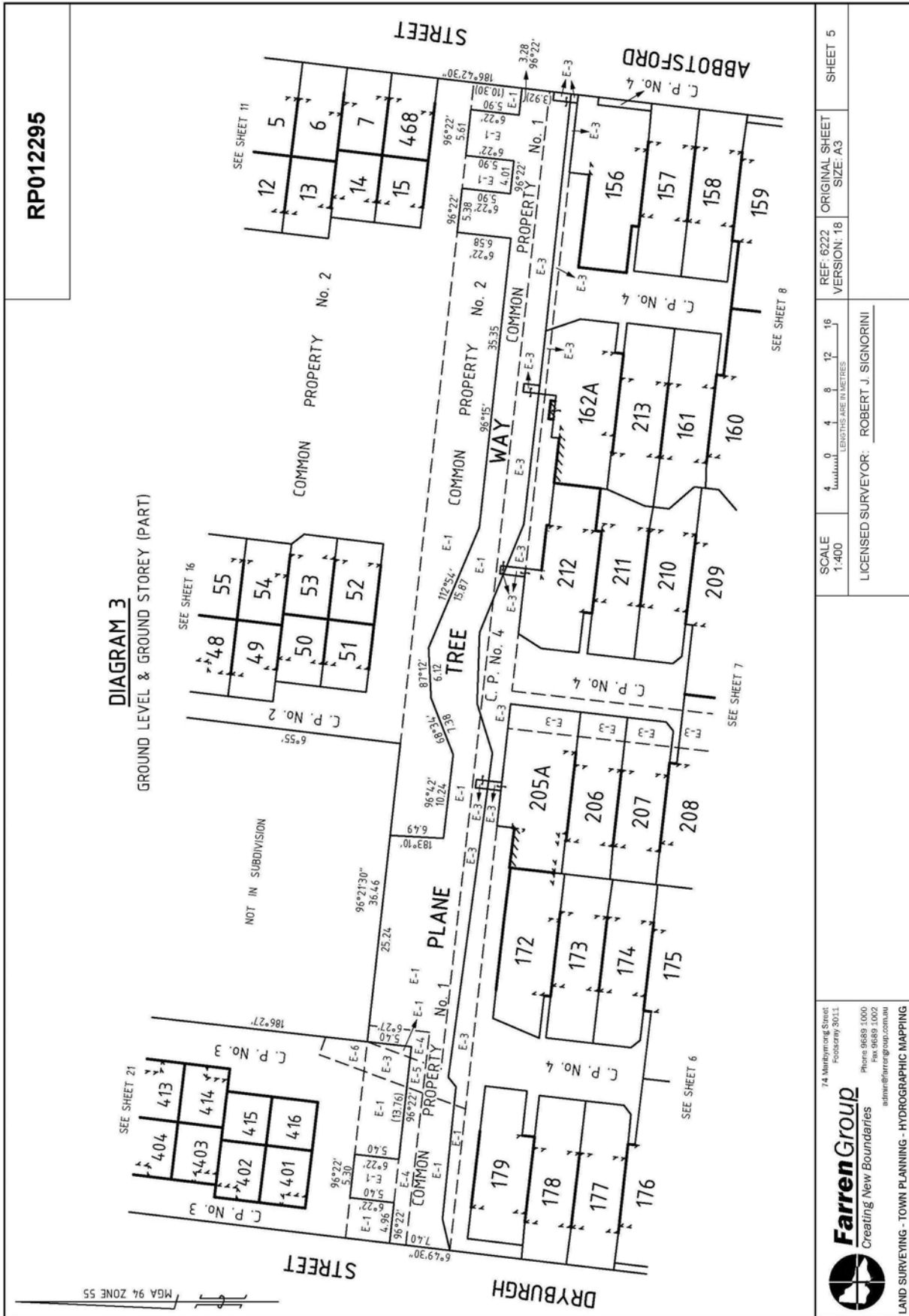
*S. Challenor*  
Licensed Surveyor  
26 29 40 48 39  
SHEET 2 OF 28 SHEETS

Acting Chief Executive Officer and Town Clerk.

REF. 1730 - 5

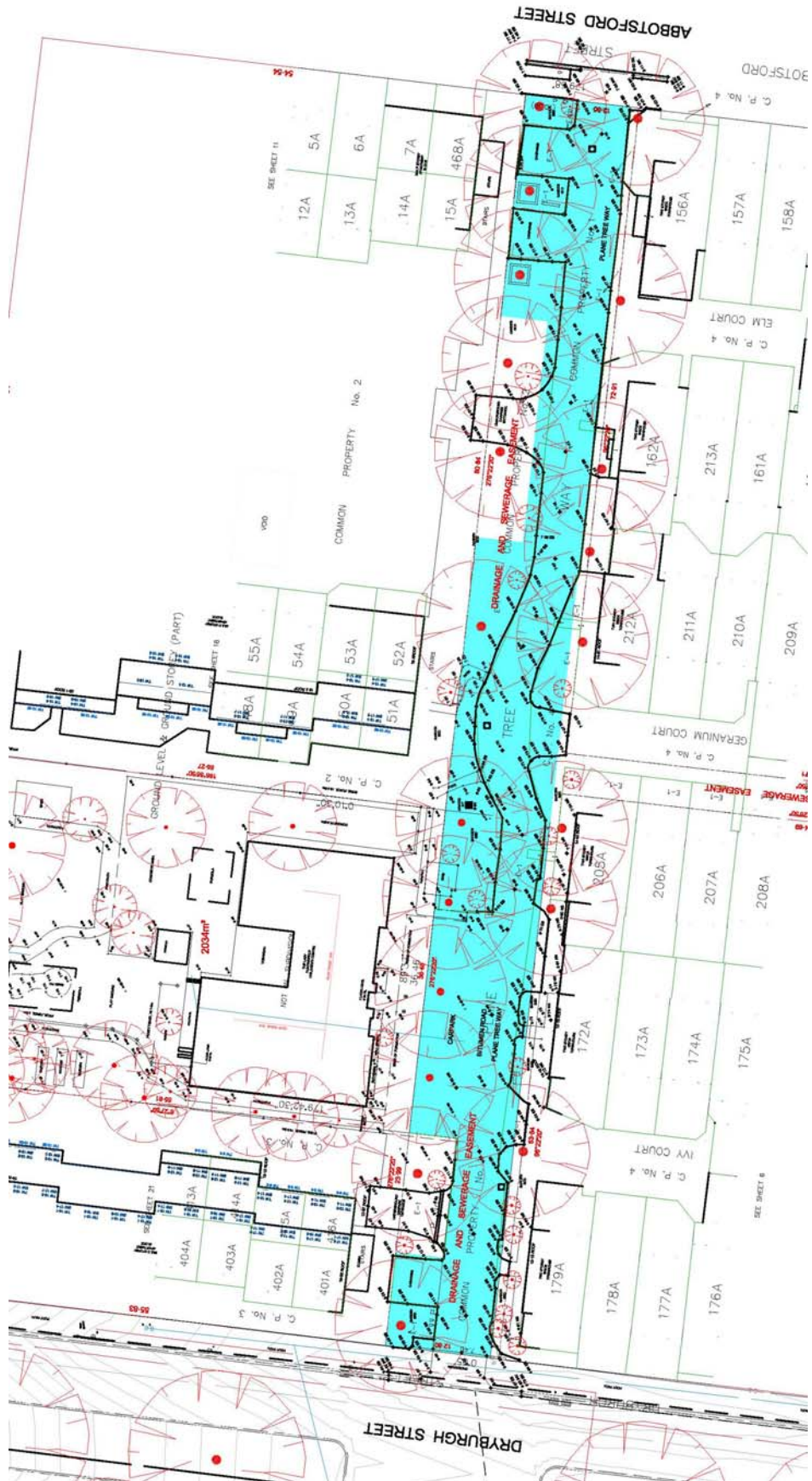
Sheet 5 of proposed Plan of Subdivision RP12295

The proposed plan of subdivision has been lodged at Council for approval and is awaiting responses from service authorities and additional information.



74 Maribyrnong Street Footscray 3011	SCALE 1:400	4 0 4 8 12 16 LENGTHS ARE IN METRES	REF: 6222 VERSION: 18	ORIGINAL SHEET SIZE: A3	SHEET 5
<b>FarrenGroup</b> Creating New Boundaries Phone 9689 1000 Fax 9689 1002 admin@farrengroup.com.au	LICENSED SURVEYOR: ROBERT J. SIGNORINI				
LAND SURVEYING - TOWN PLANNING - HYDROGRAPHIC MAPPING					

Proposed declaration overlaid with the features on site





20 January 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I own and live in an apartment within City Gardens Owners Corporation

I support the 2019 proposal made by City of Melbourne for the Proposed Public Highway Declaration of Plane Tree Way. I am glad to see Council's decision to abandon 2017 plans to manage only part of Plane Tree Way, in deference for this new proposal to manage the full length of the road.

We have cared for this beautiful and important piece of North Melbourne green space for 41 years and now entrust it to Council and their skilled team of gardeners, arborists and the like to preserve and maintain it.

As we are currently at VCAT under an order to resubdivide into three separate owners corporations connected only by the common property of Plane Tree Way, it seems this proposal is a helpful move towards simplifying the process of resubdivision.

I request to appear in person at the Submissions Committee meeting.

Kind regards,

\*\*Please note I do not give permission for my address, email or phone number to be released or published. Thank you.

20 January 2019

The Manager Governance and Legal,  
Melbourne City Council,  
GPO Box 1603,  
Melbourne 3001.

Dear Sir or Madam,

**Re: Proposed Public Highway Declaration of Plane Tree Way  
North Melbourne.**

Thank you for your letter of 14 January 2019.

I own property at \_\_\_\_\_, the present owners of Plane Tree  
Way.

I support your Proposed Public Highway Declaration of Plane Tree  
Way. I have confidence that the Melbourne City Council will care  
for this exceptional street and its treasured trees.

I would like to attend the public meeting on 7 March 2019,  
commencing 3 pm.

Please confirm receipt of this email by return email.

Regards

**Proposed Public Highway Declaration of Plane Tree Way**

19 January 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I am the owner of \_\_\_\_\_ at the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal, in particular:

- the responsibility to Council of maintenance of Plane Tree Way;
- the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists;
- the gardening and upkeep of the beautiful garden beds;
- Council assuming responsibility of public liability;
- that it will support our VCAT order to re-subdivide into three separate owners corporations;
- the management of the 6 visitor car parking spaces at each end of Plane Tree Way;
- the preservation of this beautiful asset for residents and the North Melbourne public.

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are:

- the safety of pedestrians accessing Plane Tree Way;
- 4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way;
- 'no parking' signage on the road itself to minimise traffic blockages;
- heritage signage to highlight the Exceptional plane trees;
- the management of traffic direction.

I do not wish to appear to speak in person before the Submissions Committee on 7 March 2019 at 3pm, Melbourne Town Hall.]

Regards,

Please note I do not give permission for my address, email or phone number to be released or published.  
Thank you.

## Proposed Public Highway Declaration of Plane Tree Way

18 January 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

### **Re: Proposed Public Highway Declaration of Plane Tree Way**

I am an owner at the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal, in particular:

the responsibility to Council of maintenance of Plane Tree Way

the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists

the gardening and upkeep of the beautiful garden beds

Council assuming responsibility of public liability

that it will support our VCAT order to Resubdivide into three separate owners corporations

the management of the 6 visitor carparks at each end of Plane Tree Way

the preservation of this beautiful asset for residents and the North Melbourne public alike

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are:

the safety of pedestrians accessing Plane Tree Way

4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way

'no parking' signage on the road itself to minimise traffic blockages

heritage signage to highlight the Exceptional plane trees  
the management of traffic direction

I do not wish to appear to speak in person before the Submissions Committee on 7  
March 2019 at 3pm, Melbourne Town Hall.

Regards.

Please note I do not give permission for my address, email or phone number to be  
released or published. Thank you.

18/1/19

The Manager  
Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne VIC 3001

Dear Madam/Sir,

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I would like to support the proposed declaration of Plane Tree Way, North Melbourne, as a public highway.

Plane Tree Way was originally a public road called Harris Street until the Inge Bros development of the residential units in the Dryburgh/O'Shanassy/Abbotsford/Haines Sts block in the 1970/80s. Even though the road was allowed to be included in the private development, this was opposed by the local community at the time and they successfully fought to retain right of way access for the Lady Huntingfield Children's Centre. The redevelopment of Lady Huntingfield Children's Centre and upgrade of Gardiner Reserve directly linking to Plane Tree Way now drive resumption of full public accessibility for Plane Tree Way.

In supporting the declaration of Plane Tree Way as a public highway, I strongly believe the following conditions should be applied:

1. The varying width and narrowness of the roadway with closely abutting gardens means the road should be a **shared** road by pedestrians, cyclists and cars with the road surface signed accordingly. A speed limit of 20kph should apply and speed humps should be installed to effectively enforce this speed limit.
2. The road should **not** be engineered to form kerbs, footpaths, cycle paths at the expense of the abutting gardens and the historic plane trees.
3. The informal car parking in the area outside the Lady Huntingfield Centre should be removed, with only two disabled spaces allowed and the remainder of the space converted to open space to complement the new Children's Centre.
4. Staff car parking (daytime) should be arranged with City Gardens and use of the adjoining underground car park. Parents drop off/collection parking should be located in Haines St where the main entrance to the facility is located.
5. The historic plane trees on both sides of Plane Tree Way (on CoM Exceptional Tree Register) should be protected from traffic and infrastructure impacts.

In closing, I would like to register to be heard in this matter on 7 March, 2019.

Yours sincerely,

I remain shocked at yet another notice that Plane Tree Way could be made a public Highway.

The City Gardens development has always been private land, the paths and roads within it privately built, the maintenance of the roads and gardens part of a body corporate which has always been and still is privately funded.

How could anyone think that Plane Tree Way should now be a public thorough fare? The thinking of councils and governments astounds me.

I ask all people who vote on such issues how they would feel if I were to declare that I would seize part of their property?

Ridiculous proposal!



18 Jan 2019

Manager Governance and Legal

Melbourne City Council

GPO Box 1603 Melbourne 3001

**Re: Proposed Public Highway Declaration of Plane Tree Way**

Dear Sir/Madam,

Please consider the following questions and requests regarding this proposal. Note I am the owner of \_\_\_\_\_, and hence a part owner of the land you are considering in accordance with my lots liability of the Owners Corporation. Along with the other residents we own this land, maintain it, insure it, and preserve its appearance and use.

Questions under your proposal:

- Who will maintain ownership of the land?
  - o If not the current owners, then I will demand that all owners are compensated fairly in line with current land market value
- Who will provide for public liability insurance?
- Who will maintain and pay for operation of street lighting, which we currently pay?
- Who will have control and responsibility to preserve the appearance and use of the land?
- Will any boundaries of the bitumen change?
- Will the amount of traffic change? There is already excess traffic due to kindergarten people accessing from Abbotsford st end.
- How will you increase security?

In summary I am looking for assurances that preserve both my asset and the appearance and use of common property, and no additional traffic from Abbotsford st. end.

With best regards,

21 January 2019

The Manager Governance and Legal,  
Melbourne City Council,  
GPO Box 1603,  
Melbourne 3001.

Dear Sir or Madam,

**Re: Proposed Public Highway Declaration of Plane Tree Way  
North Melbourne.**

Thank you for your letter of 14 January 2019.

I own property at \_\_\_\_\_ the present owners of Plane Tree  
Way.

I support your proposal to make a Public Highway of Plane Tree  
Way. I have confidence that the Melbourne City Council will care  
for this exceptional street and its treasured trees.

Please keep the road bumps to make sure cars don't speed down  
the road and perhaps keep some of the garden beds also to  
discourage people using Plane Tree Way and a quick thorough  
fare.

Please confirm receipt of this email by return email.

Regards

I have received your advice, dated 14/1/19 of the new decision to declare Plane Tree Way a public highway.

Let me say that in principle I support this declaration.

My concerns sole relate to the impact on the Owners Corporation that currently is responsible for the City Gardens complex, including Plane Tree Way.

Specific concerns:-

Would the Owners Corporation have any responsibility for the declared highway, including maintenance, lighting (the provision of and payment for), and the gardening of the surrounds?

It appears that some of the plane trees in Plane Tree Way are included in the declared highway, while others appear to be on Owners Corporation land. It is important that the care, maintenance and pruning of these trees is consistent, and preferably the one organisation has responsibility. I am perfectly happy for this to be Council, as long as everyone understand whose responsibility it is. If the Council does not have the responsibility for all the plane trees, then a joint committee of Council and representatives from the Owners Corporation might work.

I feel that the City Gardens Owners Corporation should be split, even VCAT agrees that it is too big with too many conflicting interests. The town houses on the south side of Plane Tree Way should be totally independent of the apartments on the north side of Plane Tree Way. I would hope that the declaration of a public highway would be consistent with the split; and that arrangements don't leave loose ends that will cause new complications, and costs (especially legal costs) in the future.

Regards

20 January 2019

The Manager Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: com.meetings@melbourne.vic.gov.au

To The Manager Governance and Legal.

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I own and live in an apartment within City Gardens Owners Corporation

I support City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way. It's great to see Council's decision to propose the management of the full length of the road, rather than the section proposed in 2017, for continuity of maintenance over the whole area.

City Gardens owners and residents love this gorgeous road, which is a hidden gem and one of the prettiest roads in Melbourne. Its heritage value with the 100 year old Exceptional Trees is high. We trust the City of Melbourne team will now take great care of it and ensure it remains one of North Melbourne's precious assets.

With the VCAT resubdivision order of three separate owners corporations nearing to a close after more than 6 years, City of Melbourne's proposal to take ownership of Plane Tree Way is also the right move towards finalising the process of resubdivision at City Gardens.

Kind regards,

Please note I do not give permission for my address, email or phone number to be released or published. Thank you.

To :  
Manager of Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001

27 January 2019

Re : Proposed Public Highway Declaration of Plane Tree Way, North Melbourne

Dear Sir/ Madam,

In response to the Melbourne City Council's proposal to make Plane Tree Way a Public Highway, I wish to advise that I am in strong support of this proposal. I, as a townhouse owner in the City Gardens Complex, believe that this initiative proposed by the Council will greatly benefit all the residents in the City Gardens Complex, which owns the Plane Tree Way at present. My conviction is based on the following reasons.

1. The entire length of Plane Tree Way has long been and still is being used as a public highway by the public to access the Lady Huntingfield Child Care Centre and this traffic will only increase with the increase in the number of children attending the new premises.
2. The general public that use Plane Tree Way far outnumbers the residents of City Gardens. To name only a few of the people who are habitual users : people going to the North Melbourne pool and gym, to Gardiner Reserve, people in the neighbourhood taking a stroll, cycling, etc.
3. It is unrealistic to think that the car and bike traffic accessing Lady Huntingfield Child Care Centre will only drive in and out of City Gardens via the Dryborough St end. As a matter of fact, having lived in this neighbourhood for nearly 40 years, I know for fact that more people use the Abbotsford St end to enter Plane Tree Way as Abbotsford St is a bigger street and carries a lot more traffic.
4. The whole of Plane Tree Way includes heritage precious plane trees enjoyed by the public and therefore it should be the responsibility of the Melbourne City Council regarding its maintenance and care.
5. At present, the general public just help themselves to use our visitor car parks which are purposely reserved for visitors to City Garden residents. Because of this, very often our trade contractors and visitors are unable to find car parking spots in our visitor car park spaces. This situation will definitely worsen greatly with the expansion of the Child Care Centre and the addition of the proposed Maternal Health Clinic. This situation needs to be regulated by the Council, e.g. car parking time restriction regulations enforced by the Council, etc. Our Owners Corporate has no power to stop this unregulated practice unless we decide to build a wall at both ends of Plane Tree Way and install electronic devices to allow only residents' cars to go through, which will look ugly and most unfriendly.

I do not give permission for my name and address to be published.



3 February 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: com.meetings@melbourne.vic.gov.au

To the Manager, Governance and Legal

**SUBMISSION**

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I am an owner and resident at the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal. In particular:

- I am supportive of the Council assuming responsibility for the maintenance of Plane Tree Way, noting that although it is currently a private road, it is used by many members of the public who are not residents of City Gardens;
- I am supportive of the Council assuming responsibility for the care of the plane trees which are listed on the exceptional tree register, noting that the Council has the staff and resources to properly maintain and protect these trees.
- the Council's assumption of the land will assist the owners of City Gardens in the endeavours to re-subdivide the land into separate blocks / owners corporations

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are:

- whether improved lighting is necessary;
- 'no parking' signage on the road itself to minimise traffic blockages;
- re-paving;
- how best to direct pedestrian traffic so that it is separated from car traffic where possible;
- 
- [the safety of pedestrians accessing Plane Tree Way]

Thank you for your consideration of this submission.

Regards,

Please note I do not give permission for my address, email or phone number to be released or published. Thank you.

## Proposed Public Highway Declaration of Plane Tree Way

18 January 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

Re: Proposed Public Highway Declaration of Plane Tree Way

I am an owner of the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal, in particular:

- the responsibility to Council of maintenance of Plane Tree Way
- the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists
- the gardening and upkeep of the beautiful garden beds
- Council assuming responsibility of public liability
- that it will support our VCAT order to Resubdivide into three separate owners corporations
- the management of the 6 visitor carparks at each end of Plane Tree Way
- the preservation of this beautiful asset for residents and the North Melbourne public alike

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are:

- the safety of pedestrians accessing Plane Tree Way
- 4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way 9am to 6pm



- 'no parking' signage on the road itself to minimise traffic blockages
- heritage signage to highlight the Exceptional plane trees
- the management of traffic direction

I do not wish to appear to speak in person before the Submissions Committee on 7 March 2019 at 3pm, Melbourne Town Hall.

Regards,

Please note I do not give permission for my address, email or phone number to be released or published. Thank you.

4 February 2019

**Proposed Public Highway declaration of Plane Tree Way, North Melbourne**

Dear Sir/Madam,

Please accept my submission for the above proposal. As a resident of City Gardens, committee member of the City Gardens Owners Corporation and a parent whose child attended Lady Huntingfield Childrens Centre, I am an interested party to this proposal.

I would like to support the proposal.

**Acquisition of land**

The proposed acquisition of Plane Tree Way rightly puts the maintenance of a road in the hands of government. Owners Corporations were designed to maintain common property in residential areas such as gardens, passages, walls, stairwells, pathways, driveways and fences. They were not designed to maintain and manage roads.

**City Gardens resubdivision**

The City of Melbourne is aware that City Gardens is currently undergoing a resubdivision. One of the problems with the division has been the question of who will manage Plane Tree Way. The City of Melbourne acquiring Plane Tree Way will finally allow the three sections of City Gardens to be independent.

**Pedestrian Safety**

An ongoing concern is the safety of pedestrians who use Plane Tree Way to access the local parks, pool and sports facilities in the area. These pedestrians are likely to increase with the opening of the expanded Gardiner Reserve park that lies at the end of Plane Tree Way and the increase of children at the new maternal health centre and child care at the sight of the former Lady Huntingfield.

Government is better placed to ensuring the safety of pedestrians along Plane Tree Way. City Gardens Owners Corporation cannot control speeding traffic down this road. We are not able to give tickets to hoon drivers. We do not have the expertise to understand how to manage this shared road use.

I would request that the City of Melbourne consider further safety measures, once they have acquired Plane Tree Way; a speed limit of 5km, upgrading the existing speed humps, putting a sign to indicate children, local traffic only signs, etc.

I look forward to the City of Melbourne managing this road and hope that in future, we will work together to ensure the safety of our community.

Kind regards,

Manager Governance & Legal  
City of Melbourne Council

16/10/17

## Proposed Public Highway Declaration.

I thank the Submissions Committee for the opportunity to comment on the proposal to declare Plane Tree Way North Melbourne a public highway. This road is privately owned by the City Gardens Owners Corporation.

I support this proposal. Unfortunately the plan submitted to me only shows that the portion to be declared is outside the Lady Huntingfield childcare centre which is owned by the City Council.

It is important that all plane tree way be declared a public road under this proposal.

I am a long term resident, owner and past president of the city gardens owners corporation, who has often noted, and had it brought to my attention that:-

- ① Most traffic in plane tree way, including delivery trucks, is going to and from the childcare centre from Abbotsford st.
- ② The Lady Huntingfield centre generates considerable foot traffic on our road.
- ③ Many North Melbourne citizens use our road to access the park in dryburgh st & the North Melbourne swimming pool
- ④ I also note Plane Tree Way is viewed by non city gardens owners as a public road, a road owned

by the Owners Corporation for the benefit of city Gardens people only.

⑤ declaring all Plane Tree Way to be a public Highway would match the reality of how the road is used & meet the expectations of all users.

⑥ declaring all this privately owned road would bring Councils expertise to bear thus leading to improved use of the road.

I wish to take the opportunity to address the Committee on this proposal to declare all of Plane Tree Way a public highway.

Respectfull yours

Proposed Public Highway Declaration of Plane Tree Way

12 February 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

Re: Proposed Public Highway Declaration of Plane Tree Way

I am an owner at the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal, in particular:

the responsibility to Council of maintenance of Plane Tree Way the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists the gardening and upkeep of the beautiful garden beds Council assuming responsibility of public liability.

That it will support our VCAT order to Resubdivide into three separate owners corporations

The management of the 6 visitor carparks at each end of Plane Tree Way the preservation of this beautiful asset for residents and the North Melbourne public alike

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are: the safety of pedestrians accessing Plane Tree Way

4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way

no parking' signage on the road itself to minimise traffic blockages

heritage signage to highlight the Exceptional plane trees

the management of traffic direction

I do not wish to appear to speak in person before the Submissions Committee on 7 March 2019 at 3pm, Melbourne Town Hall.

Regards,

Please note I do not give permission for my address, email or phone number to be published

Page 30 of 37  
**Proposed Public Highway Declaration of Plane Tree Way**

[Your Name] 12/4/19

18 January 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: com.meetings@melbourne.vic.gov.au

To the Manager, Governance and Legal.

**Re: Proposed Public Highway Declaration of Plane Tree Way**

I am [an owner/a resident] at the City Gardens complex, 335 Abbotsford St North Melbourne.

I would like to make a submission in support of City of Melbourne's Proposed Public Highway Declaration of Plane Tree Way in the Public Notice dated 14 January 2019, for the full length of Plane Tree Way.

I support the proposal, in particular:

[the responsibility to Council of maintenance of Plane Tree Way]

[the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists]

[the gardening and upkeep of the beautiful garden beds]

[Council assuming responsibility of public liability]

[that it will support our VCAT order to Resubdivide into three separate owners corporations]

[the management of the 6 visitor carparks at each end of Plane Tree Way]

[the preservation of this beautiful asset for residents and the North Melbourne public alike]

Additional things I would like City of Melbourne to give consideration to in Plane Tree Way are:

[the safety of pedestrians accessing Plane Tree Way]

[4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way]

[no parking' signage on the road itself to minimise traffic blockages]

[heritage signage to highlight the Exceptional plane trees]

[the management of traffic direction]

[I wish/do not wish] to appear to speak in person before the Submissions Committee on 7 March 2019 at 3pm, Melbourne Town Hall.]

Regards

[Your Name]

12/1/19

Please note I do not give permission for my address, email or phone number to be released or published. Thank you.

Manager  
Governance and Legal  
Melbourne City Council  
GPO Box 1603  
MELBOURNE VIC 3001

13 Feb 2019

Dear Manager

**RE: Proposed Public Highway Declaration of Full Length of Plane Tree Way, NORTH MELBOURNE**

I refer to Melbourne City Council's letter dated 14 January 2019.

Please be advised that after careful consideration I have decided to FULLY support the Council's Proposed Public Highway Declaration of Full Length of Plane Tree Way, NORTH MELBOURNE.

**Historic, Continuous Public Use of Plane Tree Way, North Melbourne**

The entire Plane Tree Way was originally built as a public road, and it had always and continuously been used as a public road by members of the public (motor vehicles, bicycles and pedestrians) without express leave or license even after the developer acquired the Plane Tree Way from then Housing Commission in late 1970s and became a private road forming part of the City Garden complex.

**Brings Significant Benefits to the Local Community**

The Council's Proposed Public Highway Declaration of Full Length of Plane Tree Way, NORTH MELBOURNE brings significant benefits to the local community. This is because:

1. The Council's experienced maintenance team will be fully responsible for the maintenance and cleaning of the entire Plane Tree Way as well as visitor car parks.
2. All the trees and gardens covered by the proposal will also be properly maintained by Council's fully qualified and highly experienced arborist and gardener.
3. All the lightings along the Plane Tree Way will also be fully maintained by the Council.
4. Local residents will enjoy better garden, better lighting, better living environment and safer road (Plane Tree Way) under the care of the Council.
5. Significant cost savings to all members of the City Garden Owners Corporation.

**Suggestion**

The Council may want to consider looking after the remaining trees and gardens along the townhouse side of the Plane Tree Way as well which are current not covered by the Council's proposal for the sake of consistency, completeness and local residents' enjoyment.



**Conclusion**

Accordingly, in light of the factors set out above I submit that the Council's Proposed Public Highway Declaration of Full Length of Plane Tree Way, NORTH MELBOURNE will not only make perfect sense but also bring great benefits to the local community.

Let's work together to build a better future for our kids and community.

Cheers.

Yours faithfully

Sent: Thursday, 14 February 2019 11:02 AM  
To: CoM Meetings  
Subject: Proposed Public Highway Declaration of Plane Tree Way

Proposed Public Highway Declaration of Plane Tree Way

To: Manager Governance and Legal  
Melbourne City Council

I write this submission in strong support of the Proposed Public Highway Declaration of Plane Tree Way, North Melbourne.

I am a resident owner in City Gardens nearby [redacted] and I use Plane Tree Way usually several times each day. I've lived in City Gardens for 10 years, and served on the owners corporation committee for 4 years (2 years as committee chair), so I am very familiar with the complex and its neighbourhood.

I made a submission to the Council in November 2017 in regard the previous proposal to declare part of Plane Tree Way. In that I suggested that it would be far better to declare all of Plane Tree Way a public highway. So I am pleased that the Council has now come back with such a proposal.

Plane Tree Way is used by diverse residents of City Gardens, by staff and users of Lady Huntingfield Children's Centre (which use will increase with the current expansion of the centre), and by the general public. Historically, what is now Plane Tree Way was a public street, the western continuation of what is now Harris Street. Beneath it flows an ancient creek. Therefore it makes much more sense for Plane Tree Way to become again a public highway, and not remain a problematic private way.

My particular reasons for supporting this declaration are as follows:

1. It will provide surer vehicle and pedestrian access for Lady Huntingfield Children's Centre from both the Abbotsford Street end and the Dryburgh Street end.
2. It will provide better control of car parking along Plane Tree Way, for the benefit of City Gardens residents, and users and staff of Lady Huntingfield.
3. It will provide a better framework for the care and preservation of the significant plane trees along Plane Tree Way — a treasure of the local community, the "cathedral of trees". While only about half the trees will go under direct Council control, that will be a good basis for coordinating the care of all the trees, including the rest that will remain on private or owners-corporation land.
4. It will greatly simplify the resubdivision (currently in progress) of City Gardens into three separate owners corporations, one for D Block (west of Lady Huntingfield), one for ABC Blocks (east of Lady Huntingfield), and one for the townhouses (south of Plane Tree Way). Plane Tree Way's current status as a private way requires the creation of an additional owners corporation merely for shared Plane Tree Way, putting on all owners the ongoing burden and complications of being in two owners corporations at once, one for where they own, plus one for Plane Tree Way. Allocating the costs of maintaining Plane Tree Way in this scenario could be contentious: For example, half the townhouses in City Gardens have their driveways onto O'Shanassy Street, and do not use Plane Tree Way at all. Making Plane Tree Way a

public highway would remove the need for the complication of this problematic extra owners corporation, and eliminate the potential for conflict over maintenance costs.

I would like to attend the meeting on 7 March 2019, and speak if appropriate.

Thank you for your attention.

Yours faithfully,

## Proposed Public Highway Declaration of Plane Tree Way

28 February 2019

Manager, Governance and Legal  
Melbourne City Council  
GPO Box 1603  
Melbourne 3001  
Email to: [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

To the Manager, Governance and Legal.

### **Re: Proposed Public Highway Declaration of Plane Tree Way**

We are an owner at the City Gardens complex, 335 Abbotsford St North  
Melbourne.

We would like to make a submission **in support** of City of Melbourne's Proposed  
Public Highway Declaration of Plane Tree Way in the Public Notice dated 14  
January 2019, for the full length of Plane Tree Way.

We support the proposal, in particular:

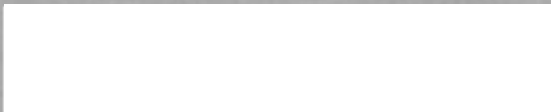
- the responsibility to Council of maintenance of Plane Tree Way
- the care of the important 100-year old plane trees under the Exceptional Tree Register by City of Melbourne arborists
- Council assuming responsibility of public liability for Plane Tree Way
- Council will support our VCAT order to re-subdivide The City Gardens complex into three separate Owner's Corporations
- the preservation of this beautiful asset for residents and the North Melbourne public alike.

We would also like City of Melbourne to give consideration to:

- 4 hour signed parking zones for the 6 visitor car parks at each end of Plane Tree Way
- 'no parking' signage on the road itself to minimise traffic blockages
- heritage signage to highlight the Exceptional plane trees

We do not wish to appear to speak in person before the Submissions Committee on 7 March 2019 at 3pm, Melbourne Town Hall.

Yours faithfully,

A large white rectangular box redacting the signature of the sender.

Please note I do not give permission for my address, email or phone number to be released or published. Thank you.