

CITY OF MELBOURNE

Future Melbourne Committee

MINUTES

**Meeting Number 13
Tuesday 4 June 2013
5:30pm**

**Council Meeting Room
Level 2
Melbourne Town Hall**

PRESENT

Lord Mayor, Robert Doyle
Deputy Lord Mayor, Susan Riley
Councillor Richard Foster
Councillor Rohan Leppert
Councillor Kevin Louey
Councillor Stephen Mayne
Councillor Oke
Councillor Ken Ong
Councillor Beverley Pinder-Mortimer

APOLOGY

Councillor Jackie Watts
Councillor Arron Wood

Confirmed at the meeting of the Future Melbourne
Committee meeting on Tuesday 2 July 2013

1. COMMENCEMENT OF MEETING AND APOLOGIES

The meeting commenced at 5:30pm.

The Chair, Lord Mayor, Robert Doyle, advised that:

- the meeting was being recorded and would be made available on the City of Melbourne website before close of business tomorrow;
- the agenda comprised of four Reports from Management and one item of General Business; and
- apologies had been received from Councillors Watts and Wood.

2. DISCLOSURES OF CONFLICTS OF INTEREST

The Chair, Lord Mayor, Robert Doyle, advised that conflicts of interest would be disclosed as they arose.

3. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Moved: Deputy Lord Mayor, Susan Riley

That the minutes of meeting No 11, held on Tuesday 7 May 2013, be confirmed.

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong and Pinder-Mortimer.

4. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

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

5. PUBLIC QUESTIONS

Anthony van der Craats asked a question relating to the proposed Princes Bridge Bike lane.

The Lord Mayor, Robert Doyle, made the following key comments:

- the City of Melbourne cannot make any moves until Vic Roads authorises the proposal; and
- the Transport Plan, in which the Princes Bridge proposal was contained, has been a two and a half year consultation process.

6. REPORTS FROM MANAGEMENT

The Chair, Lord Mayor, Robert Doyle, advised that as at 3pm the following submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2010*.

In relation to Agenda Item 6.1, '**Application for Planning Permit: TP-2012-923, 4 Pridham Street, Kensington**':

Requests to Speak:

- Charles Mattiuzzo, owner; and
- Dr Tony Dare, resident.

In relation to Agenda Item 6.2 '**Planning Scheme Amendment C190 Arden-Macaulay**':

Requests to Speak:

- Anthony van der Craats, resident;
- John Widmer, resident;
- Maritza A Araneda, resident;

- Dr Tony Dare, resident;
- Sharon Inkster, resident;
- Dr Darragh O'Brien; resident;
- Melissa Martin, resident; and
- Geoff Leach, resident.

Items of Correspondence:

- Peter Hogg, Chairperson, Residents About Integrated Development @3051 Inc; and
- Nigel Jones, resident.

In relation to Agenda Item 6.3 '**Planning Scheme Amendments C214 and C215 Kensington Heritage Review**':

Item of Correspondence:

- Michael Carroll and Franca Alessi.

In relation to Agenda Item 6.4 '**Planning Scheme Amendment C208 Development Contributions Plan**':

Request to Speak:

- Anthony van der Craats, resident.

PLANNING PORTFOLIO

Cr Ong assumed the role of Chair to present the four reports from Management for consideration in relation to the Planning Portfolio.

The order of business on the agenda was changed to consider items in the following sequence; 6.1, 6.4, 6.2, 7.1 and 6.3.

6.1 Application for Planning Permit: TP-2012-923, 4 Pridham Street, Kensington

The purpose of this report was to advise the Committee of an application to construct a three-storey residential building at 4 Pridham Street, Kensington.

Planning Coordinator, Daniel Soussan, provided a presentation to the Committee and made the following key comments:

- there were four objections lodged;
- the proposed site is in a residential one zone and is not affected by any overlays at present;
- the application was advertised over a 28 day period, not the usual 14 day period, due to the Christmas period;
- car parking is via the rear lane using a car stacker system;
- the proposed conditions to grant the permit is:
 - that first floor is set back by approximately three metres;
 - the second floor level has an apartment to the front; and
 - the intention is to delete ensuite element at the rear;
- the recommendation in the officer report seeks a reduction to the overall height by 600mm to be more consistent with the RESCODE height provisions of nine metres;
- there are a series of provisions to reduce the height to the rear of the building by 300mm;
- the reason for height reducing is the shadow impact on neighbouring buildings;
- there are large two storey structures with a mass of three storey buildings in area;
- the proposed building is a similar scale to the ANZ and rear buildings; and
- satisfied with the amenity outcome that has been achieved by the changes to the plans.

Charles Mattiuzzo, the owner, addressed the Committee and made the following key comments:

- 30 Rankins Road came through Council successfully, which is a similar development;
- apartments are not small, but generous 75-80sq metre, apartments;
- we do not over develop as we are conscious to fit in with the area; and
- looking for Council support as there are is currently a demand for this type of development.

Dr Tony Dare, resident, addressed the Committee and made the following key comments:

- object to this development;

- this is an over development;
- parking reduction is unacceptable;
- car stackers are not a suitable replacement for ground level parking;
- the character of the design is inappropriate in the area;
- the subject site is in a stable area and this development does not comply with the Melbourne Planning Scheme; and
- object due to the proximity of the heritage area.

Sharon Inkster decided not to address the Committee.

Moved: Cr Ong

That the Future Melbourne Committee issue a Notice of Decision to Grant a Permit, subject to the conditions included in the delegate's report at Attachment 5 of the Management Report.

Seconded: Lord Mayor

Cr Leppert made the following key comments:

- clarifies that the majority of the shadowing is caused due to the building form being further back on the second level;
- the recommendation suggests this is the first three storey building on the street;
- not against densification to extend urban growth boundary;
- Council has a social pact with community as this is a stable area and should be treated with extra sensitivity;
- there was a draft amended motion to delete the top floor, as it is not consistent with street scape and keeps the sight lines accurate, but this will not be moved on this occasion; and
- this proposal has gone a little too far in terms of over development.

Cr Ong made the following key comments:

- will move the recommendation because the officers have done a lot of work; and
- the delegates report is very thorough, which has taken into account impact of neighbouring overshadowing.

Cr Mayne spoke in favour of the motion and made the following key comments:

- the overall context of the site is two to three storey building mass, for example, the ANZ building; and
- this is a small proposal in which support should be given.

The motion was put and carried with the following Councillors voting in favour of motion: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Louey, Mayne and Pinder-Mortimer, and the following Councillors voting against the motion: Councillors Oke and Leppert.

6.4 Planning Scheme Amendment C208 Development Contributions Plan

The purpose of this report was to present proposed Planning Scheme Amendment C208 Development Contribution Plan.

The Manager Strategic Planning, David Mayes provided a presentation to the Committee making the following key comments:

- this is a Planning Scheme Amendment to implement a developer contributions plan in City of Melbourne's three urban renewable areas: Arden-Macaulay, City North and South Bank;
- this presentation provides a reasonable sense of what the complex amendment is about;
- this fits into a picture where Council funds public infrastructure to provide improvements to public realm infrastructure;
- there is a parallel Amendment named C209, which focuses on the public space infrastructure;
- C208 deals with non-public space infrastructure;
- this Plan takes into account both existing users and discounts the contribution we are seeking from new development accordingly;
- the amendment is structured into four precincts which asks development in each quadrant to contribute part of the cost of the projects;
- developer contributions will be put back in the area; and

- in setting rates Council has sort to balance the contributions this Amendment is expected to gain from developers to ensure this is not an impost on development.

Anthony van der Craats, resident, addressed the Committee and made the following key comments:

- support this proposal;
- the City of Melbourne has a foregone opportunity to put an overlay into the Planning Scheme to allow Council to recoup funds from any development that does not meet car parking requirements within the city or development zone;
- would the City of Melbourne consider putting this overlay in, particularly where there is no overriding community benefit as a result of development; and
- asks the City of Melbourne to give serious consideration into imposing a levy for the exemption of car parking.

Moved: Cr Ong

That the Future Melbourne Committee seek authorisation from the Minister for Planning under the Planning and Environment Act 1987, to prepare and exhibit Planning Scheme Amendment C208 Developer Contributions Plans.

Seconded: Cr Leppert

Cr Ong spoke in favour of the motion and made the following key comments:

- thanks to the officers;
- it has taken over a year to get to this point and it should have been done a long time ago;
- hope this goes through as fast as possible as there are lots of developments coming into the pipe line;
- would be a missed opportunity if the scheme was not implemented;
- this would help develop the funds for renewable areas; and
- hope this comes through by 2014 – 2015, as Council would miss out if it was put through later.

Cr Leppert spoke in favour of the motion and made the following key comments:

- believes this is good to consider prior to considering C190 Amendment;
- there are many submissions which are directly related to this; and
- this is a good framework that is well thought through and looks forward to seeing the community reaction.

Cr Oke spoke in favour of the motion and made the following key comments:

- suggest Council insert a request to get this through as soon as possible;
- one of the major concerns of densification is the pressure on existing community infrastructure and this will add to the funding; and
- commend to next stage of process.

Cr Mayne spoke in favour of the motion and made the following key comments:

- thanked officers;
- when you consider the infrastructure and spending challenge there is a strong argument for moving down this path; and
- very good model that would have worked well in Docklands.

The motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

6.2 Planning Amendment C190 Arden-Macaulay

The purpose of this report was to present the outcomes of the public exhibition of Melbourne Planning Scheme Amendment C190 Arden-Macaulay and to request the Minister for Planning appoint a panel to consider the submissions.

Anthony van der Craats, resident, addressed the Committee and made the following key comments:

- concerned that as from 1 July 2013 a new Planning Scheme will become available and make parts of the C190 Arden-Macaulay redundant;
- believe that planning is about the future and not about the existing use of land; and

- argue that mixed-use zones should be reconsidered properly under the new Planning Scheme.

John Widmer, resident, addressed the committee and made the following key comments:

- concerned about the number of people in an already crowded suburb; and
- believe that it is reasonable in public government that estimates can be offered as to how many people could fit into certain areas.

Maritza A Araneda, resident, addressed the Committee and made the following key comments:

- concerned about public transport, parking and traffic, the height of buildings and open spaces in relation to C190; and
- concerned that Arden-Macaulay will be viewed much like Docklands and have to retrospectively build in a community.

Dr Tony Dare, resident, addressed the committee and made the following key comments:

- Kensington Association has been involved in consultation throughout the development of C190; and
- have particular concerns with density, heights, population increase and availability of open space.

Sharon Inkster, resident, addressed the Committee and made the following key comments:

- believe that residents in the area currently have a high level of amenity which will be compromised;
- poor quality public open space is of concern;
- the community wants to be active partners in this process of urban renewal; and
- the Kensington Association has worked constructively when supporting the concept of urban renewal.

Dr Darragh O'Brien, resident, addressed the Committee and made the following key comments:

- concerned that due to the lack of detail in C190, it will not achieve a thriving precinct;
- highly detailed master plans should be at a global standard for such significant urban renewal projects and this has not been produced here;
- such a Plan will provide a framework for developers and architects and will identify strategically significant sites; and
- ask the Committee to call on additional measures that could be developed in parallel with minimum impact on the time frame of this amendment process.

Melissa Martin, resident, addressed the Committee and made the following key comments:

- compelled to speak to address the Committee due to the needs of children in the community;
- local primary school is squeezed to capacity;
- concerned about open spaces for children to play in and can see no plans providing assurance that this will happen; and
- feel that it is up to local Council to provide this for the community.

Geoff Leach, resident, addressed the Committee and made the following key comments:

- is concerned about the level of community consultation from Council in relation to C190;
- concerned about form, density, height and open space; and
- would like to hear about developer contributions for community benefits.

In response to questions from the Committee, Manager Strategic Planning, David Mayes, made the following key comments:

- there will be a Master Plan of private sites along the Moonee Ponds Creek;
- Council will need to work with property owners and will drive some of the Master Plan agenda around particular street scapes;
- the Structure Plan looks at the 'big picture' which specifies the areas and the Master Plans will be done in a strategic way and also in response to development that occurs in the area; and
- Master Plans are underway but are subject to consultative processes.

Moved: Cr Mayne

1. *That the Future Melbourne Committee resolve to:*

- 1.1 *note management's assessment of the submissions as set out in Attachments 2 and 3 of Management Report;*
- 1.2 *request the Minister for Planning appoint an Independent Panel to consider submissions to the Melbourne Planning Scheme Amendment C190; and*
- 1.3 *note that the form of the Amendment to be presented to the Independent Panel will be in accordance with Attachment 4 of Management Report.*

Seconded: Lord Mayor, Robert Doyle

Cr Mayne made the following key comments:

- it has been a very long process to reach this point with some intensive analysis of the 177 submissions that came in;
- with industrial moving out and residential moving in, it is important to have infrastructure in place for residential, schooling and transport; and
- Council needs to be sensible and balanced in its approach to this and believe it should be supported.

The Lord Mayor, Robert Doyle made the following key comments:

- want to clarify to submitters that this is not a public open space plan, it is about using the development of land, land use zones and building form controls; which is not to say that public open spaces are not necessary, but this is a separate thing from the Planning Scheme Amendment;
- reject any suggestion that previous consultation processes were better than this consultation, as this process has been underway since 2010 with two previous consultations;
- as well as tonight's verbal submissions there has also been over 200 written submissions;
- this process has not been done to make a final decision but to appoint it to an Independent Panel; and
- the Planning Amendment is about strategic principals for an entire area.

Cr Leppert made the following key comments:

- believe the remarks associated with the moving of this motion were more about moving for the Arden-Macaulay Structure Plan, which is a process Council has already been through;
- we are not debating whether or not densification is good or whether or not this should be an urban renewal area;
- this Council has previously agreed that the Arden-Macaulay is an urban renewal area;
- this is just an amendment to the rezoning, design and redevelopment within Arden-Macaulay;
- believe that now is the appropriate time to consider any amendments prior to it going to an Independent Panel;
- it is important to get into the design and detail now as Council has asked the community to hold off until this exact point and now is the time to stop and listen; and
- support the principles of the Structure Plan.

Cr Leppert moved that the motion be amended by replacing paragraph 1.3 and adding a new paragraph 1.4, as detailed below:

Moved: Cr Leppert

1.3 *approve changes to the Amendment in accordance with Attachment 4, as well as the following additional changes to clause 2.0 of Schedule 60 to the Design and Development Overlay:*

1.3.1 *In the row in the Table to Schedule 60 applying to area 3, the "Maximum street edge height" provisions be replaced with "equal to the width of the street, except for development fronting a street separating it from existing low-scale residential development, or development fronting Macaulay Road, in which case the maximum height at street edge must equal 10.5 metres" and the "Preferred building envelope from street" provisions be replaced with "should be within the 45 degree angle as shown in figure 1, except for development fronting a street separating the development from existing low-scale residential, in which case it should be within the line of sight as shown in figure 9, and development fronting Macaulay Road, in which case it should be within the line of sight as shown in figure 12";*

1.3.2 In the row in the Table to Schedule 60 applying to area 4, the "Preferred maximum building height" provision be replaced with "10.5 metres";

1.3.3 In the row in the Table to Schedule 60 applying to area 5, the "Maximum street edge height" provisions be replaced with "equal to the width of the street, except development along Little Hardiman Street west of Albermarle Street where maximum height at street edge must equal 4 metres, and along Macaulay Road and Hardiman Street where maximum height at street edge must equal 10.5 metres" and the "Preferred building envelope from street" provisions be replaced with "should be within the 45 degree angle as shown in figure 1, except for development fronting Macaulay Road, in which case it should be within the line of sight as shown in figure 12";

1.3.4 Insertion of a new figure 12 after figure 11 thus:

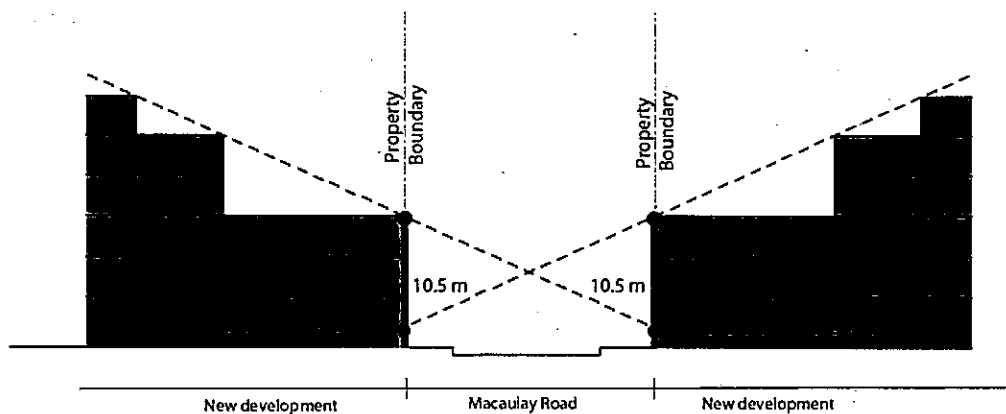


Figure 12;

1.4 note that the version of the Amendment to be presented to the Independent Panel will be presented in accordance with the changes made above.

Seconded: Cr Oke

Cr Leppert made the following key comments:

- this amendment directly responds to calls from the public who have called for setbacks from Macaulay Road;
- 54 submissions made very specific reference to Macaulay Road and made specific reference to a 'canyoning' effect;
- there is an overwhelming concern from local residents that developments six storeys up on Macaulay Road is not supported;
- what this amendment doesn't do is reduce the heights in areas three and five but it does make exception on Macaulay Road between the two railway lines where it changes the streetscape; and
- believe that this amendment is relatively minor in the scheme of things, but what it will do is protect the character of Macaulay Road.

Cr Oke stated:

- support these changes to C190 as she hopes that it addresses the concerns of members of the community.

Cr Mayne made the following key comments:

- believe that Officers have already made adjustments to the heights;
- intensifying along main roads is what the concept is about and proposing that moving from 20 metres to 10.5 metres is a drastic reduction; and
- feel that this is veering too far away from the original concept.

The motion was put and carried with the following Councillors voting in favour of the amendment: The Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey and Oke, and the following Councillors voting against the amendment: Councillors Ong, Mayne and Pinder-Mortimer.

Cr Leppert moved that a further amendment be made to the motion with the addition of a new paragraph 1.3.5 as detailed below:

Moved: Cr Leppert

1.3.5 *In the row in the Table to Schedule 60 applying to Area 6, the "Preferred maximum building height" provisions be "20 metres, except where the application contains a Victorian State primary or secondary school of 200 places or more which carries the support of the Victorian Department of Education, in which case the preferred height limit will be to the satisfaction of the Melbourne City Council."*

Seconded: Cr Mayne

Cr Leppert made the following key comments:

- in all of the Arden-Macaulay Planning Scheme Amendments there are no incentives to try and get a government school in the area;
- taking this opportunity to put this amendment forward, which may provide incentives for developers to work with the Department of Education, and then come back to Council who can set the model; and
- area 6 has been chosen as it has the capacity for extra height without creating bulk or shadowing issues.

Cr Mayne made the following key comments:

- believe that this is an excellent motion from Cr Leppert as we have all seen what has happened with Docklands not having a school;
- it is hard to get places in state schools in the City of Melbourne, which is outrageous;
- this is a planning mechanism that gives Council a tool to create a vertical school in which to place 200 children; and
- this motion puts Council on the record that they are actively working towards getting a school in the Arden-Macaulay area.

Cr Ong made the following key comments:

- have been pushing for primary schools in the City of Melbourne for the past four years;
- there was a recent announcement from Places Victoria that they are putting out expressions of interest for a school in Docklands;
- putting this in place in C190 makes it explicit in Council strategies that this is what Council wants; and
- there are plans in place to look at other infrastructure needs in the community.

Cr Oke thanked Cr Leppert for putting forward this amendment which addresses some of the concerns of the submitters.

The motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

Cr Ong moved a further amendment to paragraph 1.3.5 to insert the words "or 28 metres west of Boundary Road" after the words "20 metres ...".

Seconded: Cr Mayne

Cr Ong made the following key comments:

- following discussions with Officers, who confirmed that this area is mostly industrial, believe that it could do with more density; and
- believe this to be a logical change as it allows for additional density without impacting on local amenities nearby.

Cr Mayne made the following key comments:

- having lost some density on Macaulay Road, we have now gained some on Boundary Road; and
- given that Boundary Road is right next to a freeway with a very little residential interface, along with the public housing towers which are already higher than the proposed amendment this, amendment is in the spirit of the broader context of the proposal.

Cr Leppert made the following key comments:

- the effect of the amendment in Area six is to raise everything west of Boundary Road from 20 metres to 28 metres, which is the preferred maximum height limit, but then again you are allowed another 30 per cent as part of the DVO 60;
- if you take the roads out of Area six there is about 175,000 square metres of land;
- with two levels of this land that equates to 350,000 square metres of land;
- that is about enough for about 575,000 square metres of apartments which could house 7500 extra residents; and
- this would be the maximum possible density increase if this amendment when through;
- it puts aside all of the hard nuanced work that the Officers have done in making sure that setbacks in Area six are dealt with subtly.

Lord Mayor, Robert Doyle made the following key comments:

- believe that if you can argue that you can take some height away then you can also argue that you can put some height back;
- this is commercial and industrial land next to a freeway that is coming to us on a case by case basis; and
- if we do believe in stopping the urban sprawl, then this is a place that we could argue that we could accommodate more.

The motion was put and carried with the following Councillors voting in favour of the amendment: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Louey, Mayne and Pinder-Mortimer and the following Councillors voting against the amendment: Councillors Leppert and Oke.

Cr Leppert moved that a further amendment be made to the motion with the addition of a new paragraph 1.3.6 as detailed below:

Moved: Cr Leppert

1.3.6 *Replace the third paragraph beneath the heading "Building Heights and Setbacks" with "A permit can only be granted to increase the preferred maximum building height in it can be demonstrated that the development: (1) provides a demonstrable benefit to the broader community beyond the requirements in this scheme (for example but not limited to a public open space contribution greater than that prescribed, affordable housing, etc.) (2) the development will not increase overshadowing of the public realm between 11am and 2pm at the equinox, and (3) the upper storeys of the development will be visually recessive when viewed from the adjoining public realm private open space of adjoining low scale residential development."*

Seconded: Cr Oke

Cr Leppert made the following key comments:

- this is a simple amendment which adds a third condition that the applicant must demonstrate that there is a benefit to the community if they go above the height limit; and
- this is a small hurdle to get better community outcomes.

Cr Oke thanked Cr Leppert for taking on community concerns in regard to discretionary height limits.

Lord Mayor, Robert Doyle made the following key comments:

- strongly support this motion;
- this is a question of urban design and takes into account that discretion means discretion and does not mean that you get it; and
- what you must exercise in order for this discretion to be granted is somewhat more than you otherwise would have done.

The amendment was put and carried unanimously with the following Councillors present: The Chair Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

The substantive motion in its entirety reads:

1. *That the Future Melbourne Committee resolve to:*

- 1.1. note management's assessment of the submissions as set out in Attachments 2 and 3 of the Management report;
- 1.2. request the Minister for Planning appoint an Independent Panel to consider submissions to the Melbourne Planning Scheme Amendment C190;
- 1.3. approve changes to the Amendment in accordance with Attachment 4, as well as the following additional changes to clause 2.0 of Schedule 60 to the Design and Development Overlay:
 - 1.3.1 In the row in the Table to Schedule 60 applying to area 3, the "Maximum street edge height" provisions be replaced with "equal to the width of the street, except for development fronting a street separating it from existing low-scale residential development, or development fronting Macaulay Road, in which case the maximum height at street edge must equal 10.5 metres" and the "Preferred building envelope from street" provisions be replaced with "should be within the 45 degree angle as shown in figure 1, except for development fronting a street separating the development from existing low-scale residential, in which case it should be within the line of sight as shown in figure 9, and development fronting Macaulay Road, in which case it should be within the line of sight as shown in figure 12";
 - 1.3.2 In the row in the Table to Schedule 60 applying to area 4, the "Preferred maximum building height" provision be replaced with "10.5 metres";
 - 1.3.3 In the row in the Table to Schedule 60 applying to area 5, the "Maximum street edge height" provisions be replaced with "equal to the width of the street, except development along Little Hardiman Street west of Albermarle Street where maximum height at street edge must equal 4 metres, and along Macaulay Road and Hardiman Street where maximum height at street edge must equal 10.5 metres" and the "Preferred building envelope from street" provisions be replaced with "should be within the 45 degree angle as shown in figure 1, except for development fronting Macaulay Road, in which case it should be within the line of sight as shown in figure 12";
 - 1.3.4 Insertion of a new figure 12 after figure 11 thus:

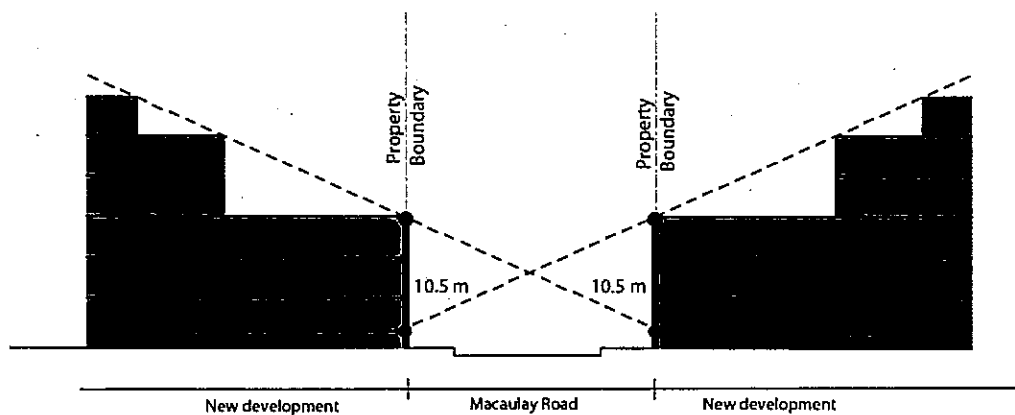


Figure 12;

- 1.3.5 In the row in the Table to Schedule 60 applying to Area 6, the "Preferred maximum building height" provisions be "20 metres, or 28 metres west of Boundary Road, except where the application contains a Victorian State primary or secondary school of

200 places or more which carries the support of the Victorian Department of Education, in which case the preferred height limit will be to the satisfaction of the Melbourne City Council."

1.3.6 Replace the third paragraph beneath the heading "Building Heights and Setbacks" with "A permit can only be granted to increase the preferred maximum building height in it can be demonstrated that the development: (1) provides a demonstrable benefit to the broader community beyond the requirements in this scheme (for example but not limited to a public open space contribution greater than that prescribed, affordable housing, etc.) (2) the development will not increase overshadowing of the public realm between 11am and 2pm at the equinox, and (3) the upper storeys of the development will be visually recessive when viewed from the adjoining public realm private open space of adjoining low scale residential development."

1.4 note that the version of the Amendment to be presented to the Independent Panel will be presented in accordance with the changes made above.

The substantive motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

Cr Ong left the meeting at 6:56pm.

7. GENERAL BUSINESS

The Lord Mayor, Robert Doyle, assumed the role of Chair to present of General Business.

There was one item of General Business for consideration.

Cr Ong returned to the meeting at 6:58pm.

7.1 Notice of Motion, Cr Leppert: Arden Macaulay Open Space

Moved: Cr Leppert

1. *That the Future Melbourne Committee:*

1.1 *requests management to discuss the Open Space Strategy with owners of properties of strategic importance within the Arden Macaulay area (including those areas generally identified in the Arden Macaulay Structure Plan as well as any other sites of significance identified by management) with a view to planning for the acquisition of land for future public open space;*

1.2 *requests management to report to the Future Melbourne Committee of 6 August 2013 the outcomes of the discussions described above as well as potential barriers to land acquisition, and present options as to how to advance land acquisition for public open space in the Arden Macaulay area;*

1.3 *notes the intention of the Council as per its draft 2013-14 Annual Plan to create and seek public feedback on a Council 10 Year Financial Strategy, and declares an intention to build into that strategy the staged acquisition of public open space in urban renewal areas; and*

1.4 *supports the Council allocating significant funds from the Public Open Space Reserve, which is anticipated to stand at \$5.23 million in financial year 2013-14, to provide for the purchase of first available land in the Arden Macaulay area so as to guarantee future public open space.*

Seconded: Cr Oke

Cr Leppert made the following key comments:

- single biggest item of concern raised during the public submission of the C190 exhibition process was open space;

- C209 provided the means by which funds can be accrued or land swaps can occur in urban renewable areas, but what it does not do is what the public acquisition can do, which says which specific areas of land can be acquired;
- in support of public acquisition overlays;
- request officers discuss with owners of private land around the Arden Macaulay area;
- this builds into our 10 year financial strategy a staged process for acquiring open space for Arden Macaulay;
- intention of this Council is to provide open public space in the Arden Macaulay area; and
- does not want to imply work has not already begun; Property Services work very hard and have started important discussions.

Cr Oke spoke in support of the motion and made the following key comments:

- acknowledge Cr Wood contributed to the motion as the new Chair of the Environment Portfolio;
- the community has been consulted significantly;
- there has actually been a lot of work done but Council seems to be taken to VCAT by residents or delayed through other processes which is why Council might be lacking in open space; and
- disagree with lack of intent for open space from this Council and last Council as a lot of time has been spent fighting for open spaces.

Cr Mayne spoke in support of the motion and made the following key comments:

- the 2013-14 budget makes reference about spending about \$5 million in the open space reserve; and
- Council is going to purchase one site to demonstrate it is serious about spending money on open space strategy.

Cr Ong made the following key comments:

- support what Cr Oke said about how hard the previous Council worked in terms of open space strategy e.g. Errol Street;
- limited by funds and available sites; and
- not supportive of compulsory acquisition.

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong and Pinder-Mortimer.

6. REPORTS FROM MANAGEMENT

Cr Ong resumed the role of Chair to present the one remaining report from Management for consideration in relation to the Planning Portfolio.

6.3 Planning Scheme Amendments C214 and C215 Kensington Heritage Review

The purpose of this report was to present the proposed Melbourne Planning Scheme Amendments C214 (interim controls) and C215, Kensington Heritage Review and The Review of Heritage Buildings in Kensington - Percy Street Area on which the amendments are based.

Moved: Cr Oke

1. *That the Future Melbourne Committee:*

- 1.1 *request the Minister for Planning prepare Planning Scheme Amendment C214 pursuant to section 20(4) of the Planning and Environment Act 1987 and approve the Amendment to introduce interim heritage controls; and*
- 1.2 *seek authorisation from the Minister for Planning under the Act, to prepare and exhibit Planning Scheme Amendment C215 which seeks to introduce permanent heritage controls.*

Seconded: Cr Ong

Cr Oke commented that she looks forward to process and the report back once it has been put out there by the Minister. Cr Oke further thanked officers for all the work on this matter.

Cr Ong stated this is a fascinating, intriguing report and recommends taking it to the next step.

Cr Mayne made the following key comments:

- agree with Cr Ong that this is a fascinating document;
- hope to supply a hard copy of this report to named properties and neighbours either side;
- this document should sit on every book shelf in Kensington; and
- this is expensive and important work that will stand the test of time in decades to come.

Cr Leppert made the following key comments:

- agree with Councillors that this is a fascinating document;
- thanks to officers for their work and for also incorporating the Percy Street section into the study area;
- this was long overdue for a heritage review; and
- reiterate that this motion is to send it out for public exhibition;

The Lord Mayor, Robert Doyle, spoke in support of the motion and made the following key comments:

- this document will stimulate debate;
- not just a planning document, it is a document that can make the community stronger; and
- commend the report.

The motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

The Lord Mayor, Robert Doyle, resumed the role of chair for the remainder of the meeting.

8. URGENT BUSINESS

There were no items of proposed urgent business for consideration

9. PUBLIC QUESTIONS

Anthony van der Craats asked when will the Council publish a report on the changes to the *State's Planning Scheme*.

Geoff Lawler made the following key comments:

- as per the advice provided to Councillors a few days ago, the Minister intends to change the business and industrial zones from their current form to a new form on the 1 July 2013;
- the Minister has determined the change will happen and there will be no opportunity for variations or submissions on that;
- Council could seek to initiate amendments to the State Planning Scheme to rezone those new zones starting from the point of the new zones; and
- two new commercial zones will replace five existing business zones.

10. CLOSURE OF MEETING

The Chair, Lord Mayor, Robert Doyle, declared the meeting closed at 7:57pm.

Confirmed at the meeting of Future Melbourne Committee on Tuesday 2 July 2013.



Chair
Future Melbourne Committee