



**CITY OF MELBOURNE**

## **Future Melbourne Committee**

### **Minutes**

**Meeting Number 33  
Tuesday 6 May 2014  
5.30pm**

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

#### **Present**

Acting Lord Mayor, Susan Riley  
Councillor Richard Foster  
Councillor Rohan Leppert  
Councillor Kevin Louey  
Councillor Stephen Mayne  
Councillor Cathy Oke  
Councillor Ken Ong  
Councillor Beverley Pinder-Mortimer  
Councillor Jackie Watts  
Councillor Arron Wood

#### **Apology**

Lord Mayor, Robert Doyle

Confirmed at the meeting of the Future Melbourne Committee meeting  
on Tuesday 3 June 2014

## 1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Acting Lord Mayor, Susan Riley, advised that:

- the meeting was being recorded and the audio would be made available on the City of Melbourne website before close of business tomorrow
- the agenda comprised 11 reports from management
- an apology had been received from the Lord Mayor, Robert Doyle.

## 2. Disclosures of conflicts of interest

The Chair, Acting Lord Mayor, Susan Riley, advised that conflicts of interest would be disclosed as they arose.

## 3. Confirmation of minutes of the previous meeting

Moved: Cr Oke

*That the minutes of open meeting No 31 held on Tuesday 1 April 2014, be confirmed.*

Seconded: Cr Foster

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

## 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

Dr John W H Price, resident, asked the Committee when information will be made publically available regarding the cost estimates of the capital works and the underground car park for the Queen Victoria Market redevelopment?

Cr Mayne advised that cost estimates will be made available once the Masterplan is developed, following the next round of public consultations.

Chris Thrum, resident, asked the Committee whether it was aware another W Hotel once existed in Sydney?

Acting Lord Mayor, Susan Riley responded that the Committee had not heard of this hotel.

## 6. Reports from management

The Chair, Acting Lord Mayor, Susan Riley, 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 – Draft Melbourne Music Strategy 2014–2017**

### Request to speak

- Chris Thrum

**Item of correspondence**

- Chris Thrum

**In relation to Agenda item 6.2 - Ministerial Planning Referral: TPM-2013-31, 19-25 Russell Street and 150-162 Flinders Street, Melbourne**

**Requests to speak**

- Bill Kuszniarczyk, Clement-Stone Town Planners
- Tamara Orrlov, Hansen Partnership Pty Ltd
- Kerry Butcher, Hosier Inc.
- Luke McManus, Hosier Inc.
- Fiona Sweetman, Hidden Secrets Tours

**In relation to Agenda item 6.4 - Ministerial Planning Referral: TPM-2004-6/A, Crown Casino Retail Precinct, 27-45 Whiteman Street, Southbank**

**Request to speak**

- Lloyd Elliott, Urbis

**Item of correspondence**

- Lloyd Elliott, Urbis

**In relation to Agenda item 6.5 - Application for Planning Permit: TP-2013-960, 9-11 Exploration Lane, Melbourne**

**Requests to speak**

- Michael Kennedy
- Vaughn Connor, Contour Town Planners

**Item of correspondence**

- Marcus Packham, Fraser Place Management

**In relation to Agenda item 6.7 – Ministerial Planning Referral: TPM-2013-23, 499 St Kilda Road, Melbourne**

**Request to speak**

John Hasting, Contour Town Planning

**In relation to Agenda item 6.8 - Application for Planning Permit: TP-2014-43, Victoria Harbour Precinct, 839-899 Collins Street, Docklands**

**Request to speak**

- Vaughn Connor, Contour Town Planners

**In relation to Agenda item 6.10- Planning Scheme Amendment C207 Arden-Macaulay Heritage Review**

**Items of correspondence**

- John Honner, SBA Law
- Juin Choo, SBA Law

**Requests to speak**

- Stacey Pettit, Dustday Investments Pty Ltd
- Robert Milner, Dustday Investments Pty Ltd

**In relation to Agenda item 6.11 - Planning Scheme Amendment C215 Kensington Heritage Review**

**Request to speak**

- Natalie Bate

- **Arts and Culture Portfolio**

Cr Leppert assumed the role of Chair to present one report from management for consideration in relation to the Arts and Culture Portfolio.

### **6.1 Draft Melbourne Music Strategy 2014–17**

The purpose of this report was to seek endorsement of the draft Melbourne Music Strategy 2014–17 for public consultation for a period of three weeks in May 2014.

Chris Thrum addressed the Committee.

Moved: Cr Leppert

1. *That the Future Melbourne Committee:*

- 1.1. *Approves the release of the draft Melbourne Music Strategy 2014–17 for public consultation for a period of three weeks between 7 to 30 May 2014.*

- 1.2. *Requests management provide a report on the final draft Melbourne Music Strategy 2014–17 (including the results of the consultation) to the June 2014 meeting of the Future Melbourne Committee.*

Seconded: Cr Watts

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

### **Planning Portfolio**

Cr Ong assumed the role of Chair to present 10 reports from management for consideration in relation to the Planning Portfolio.

### **6.2 Ministerial Planning Referral: TPM–2013–31, 19–25 Russell Street and 150–162 Flinders Street, Melbourne**

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 19–25 Russell Street and 150–162 Flinders Street, Melbourne.

The following people addressed the Committee:

- Bill Kuszniczuk, Clement-Stone Town Planners.
- Tamara Orrlov, Hansen Partnership.
- Kerry Butcher, Hosier Inc.
- Luke McManus, Hosier Inc.
- Fiona Sweetman, Hidden Secrets Tours.

Moved: Cr Ong

1. *That the Future Melbourne Committee:*

- 1.1 *Resolves to write to the Department of Transport, Planning and Local Infrastructure and to Heritage Victoria advising that while Melbourne City Council supports the restoration of the Forum Theatre, Council objects to the application as the proposed new hotel building is contrary to the heritage and urban design policies and planning controls of the Melbourne Planning Scheme and for the reasons set out in the Delegate Report referred to in Attachment 4 of the management report.*

- 1.2 *Is concerned that there will be an adverse impact of the proposed development on the amenity of Russell Street, Flinders Street, Melbourne's world-renowned Hosier Lane and Federation Square through building height, inadequate setbacks, overshadowing and visual bulk.*
- 1.3 *Is of the view that the restoration of the Forum Theatre should have proceeded in its own right without the requirement of the new hotel development proposal at 19-25 Russell Street.*
- 1.4 *Further stresses that, should the Minister for Planning decide to approve any development at 19-25 Russell Street, the approval should limit the development to a height which ensures consistent street character with the existing built form in that area around Russell Street, achieves adequate setbacks and ensure that the proposed tower does not overshadow the Atrium of Federation Square as required under Clause 22.02 of the Melbourne Planning Scheme, and that Ministerial approval of the built form of the development at 19-25 Russell Street be consistent with the Planning Permit TP-2001-1384 issued on 13 September 2002 as granted by Victorian Civil Administration Tribunal.*

Seconded: Cr Mayne

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

### **6.3 Ministerial Planning Referral: TPD-2014-7, 160-186 Lorimer Street, Docklands**

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 160-186 Lorimer Street, Docklands.

Moved: Cr Mayne

1. *That the Future Melbourne Committee resolves that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council supports the application subject to the inclusion of the recommended conditions set out in the Delegate Report (refer Attachment 4 of management report).*

Seconded: Cr Wood

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

### **6.4 Ministerial Planning Referral: TPM-2004-6/A, Crown Casino Retail Precinct, 27-45 Whiteman Street, Southbank**

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 27-45 Whiteman Street, Southbank.

Cr Foster declared an indirect conflict of interest due to a conflict of duty under section 78B of the *Local Government Act 1989*. Cr Foster performed paid consultative work for the applicant.

Cr Foster left the meeting at 6.58pm prior to any discussion taking place.

Lloyd Elliot of Urbis addressed the Committee.

Moved: Cr Leppert

1. *That the Future Melbourne Committee:*

1.1 *notes the intention of the applicant to further amend the application it has made to amend a planning permit, and accordingly requests management to report again to this Committee at the appropriate time*

1.2 *advises the Department of Transport, Planning and Local Infrastructure that until such time as this Committee has considered the further amended application, or if the application is not amended further, the City of Melbourne objects to the application for the reasons set out in the Delegate Report (in Attachment 3 to the management report).*

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley, Councillors, Leppert, Louey, Mayne, Oke, Pinder-Mortimer, Watts and Wood.

Cr Foster returned to the meeting at 7.07pm after the vote was taken.

#### **6.5 Application for Planning Permit: TP-2013-960, 9-11 Exploration Lane, Melbourne**

The purpose of this report was to advise the Committee of an application to construct a tower for residential use at 9-11 Exploration Lane, Melbourne originally approved under Planning Permit TP-2009-531/A.

The following people addressed the Committee:

- Michael Kennedy.
- Vaughn Connor, Contour Town Planners.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves to issue a Planning Permit generally consistent with the previous development approved under TP-2009-531/A subject to the conditions included in the delegate's report (refer Attachment 4 of the management report).*

Seconded: Cr Wood

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

#### **6.6 Ministerial Planning Referral: TPM-2014-5, 49-61 Coventry Street (and 26-66 Dorcas Street), Southbank**

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 49-61 Coventry Street and 26-66 Dorcas Street, Southbank.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves that a letter be sent to Department of Transport, Planning, and Local Infrastructure advising that:*
  - 1.1 *The Melbourne City Council objects to the application for the following reasons:*
    - 1.1.1 *The height of the towers exceeds the maximum building height under the Design and Development Overlay and the height is inappropriate in the context of existing surrounding buildings in both the City of Melbourne and the City of Port Phillip.*
    - 1.1.2 *The setback from the eastern boundary is insufficient having regard to the development potential of adjoining sites and the requirements of the Design and Development Overlay.*
  - 1.2 *This objection could be considered to be withdrawn if the overall height of the development is reduced to 60 metres excluding plant and the setbacks to the eastern boundary are increased to a minimum of eight metres. This may result in a higher podium and a lesser tower setback to Dorcas Street.*
  - 1.3 *The conditions set out in the Delegate Report (refer Attachment 4 of the management report) are recommended for inclusion on any permit issued.*

Seconded: Cr Mayne

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

#### **6.7 Ministerial Planning Referral: TPM-2013-23, 499 St Kilda Road, Melbourne**

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 499 St Kilda Road, Melbourne.

John Hastings from Contour Town Planners addressed the Committee.

Cr Leppert left the meeting at 8pm.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council supports the application subject to the inclusion of the recommended conditions as set out in the Delegate Report (refer Attachment 4 of the management report).*

Seconded: Cr Wood

Cr Leppert returned to the meeting at 8.03pm.

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

## **6.8 Application for Planning Permit: TP-2014-43, Victoria Harbour Precinct, 839-899 Collins Street, Docklands**

The purpose of the report was to advise the Committee of an application for use and development of land for a pleasure boat facility and family services hub at 839-899 Collins Street, Docklands.

Vaughn Connor from Contour Town Planners addressed the Committee.

Moved: Acting Lord Mayor, Susan Riley

1. *That the Future Melbourne Committee resolves to issue a Planning Permit subject to the conditions included in the delegate's report (refer Attachment 4 of the management report).*

Seconded: Cr Wood

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

## **6.9 Melbourne Planning Scheme Amendment C208 Development Contributions Plan**

The purpose of this report was to present the outcomes of the exhibition of *Melbourne Planning Scheme Amendment C208 Development Contributions Plan*, proposed revisions to the Amendment and to recommend the Committee request the Minister for Planning appoint a panel to consider the Amendment and the submissions.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood declared indirect conflicts of interests due to receipt of applicable gifts under section 78C of the *Local Government Act 1989*. The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood were recipients of campaign donations from a developer.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood left the meeting at 8.16pm.

As the quorum was lost this item was not considered.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood returned to the meeting at 8.18pm.

## **6.10 Planning Scheme Amendment C207 Arden-Macaulay Heritage Review**

The purpose of this report was to advise Committee of the recommendations of the Panel for *Melbourne Planning Scheme Amendment C207 Arden-Macaulay Heritage* and of the proposed revisions to Amendment C207 in response to the Panel's recommendations.

Cr Mayne left the meeting at 8.26pm.

The following people addressed the Committee:

- Stacey Pettit, Dustday Investments Pty Ltd
- Robert Milner, Dustday Investments Pty Ltd



Cr Mayne returned to the meeting at 8.28pm.

Moved: Cr Ong

1. *That the Future Melbourne Committee recommends that Council:*
  - 1.1 *Adopts Melbourne Planning Scheme Amendment C207 Arden Macaulay Heritage at Attachment 4 of management report, pursuant to section 29 of the Planning and Environment Act 1987.*
  - 1.2 *Submits Melbourne Planning Scheme Amendment C207 to the Minister for Planning for approval.*

Seconded: Cr Foster

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

#### **6.11 Planning Scheme Amendment C215 Kensington Heritage Review**

The purpose of this report was to present the outcomes of the public exhibition of Melbourne Planning Scheme Amendment C215 Kensington Heritage Review (the Amendment) and to recommend that the Committee request the Minister for Planning appoint a panel to consider the Amendment and submissions.

Cr Oke declared a direct conflict of interest under section 77B of the *Local Government Act 1989*. Cr Oke lives in a street listed in the proposed Planning Scheme Amendment.

Cr Oke left the meeting at 8.43pm prior to any discussion taking place.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves to:*
  - 1.1 *Note management's assessment of the submissions.*
  - 1.2 *Request the Minister for Planning appoint a Panel to consider the Melbourne Planning Scheme C215 (Amendment) and hear submissions in respect to the Amendment.*
  - 1.3 *Note that the Amendment in the form of Attachment 4 will be presented to the Panel, with amendment to 33 Eastwood Street Kensington, the building fronting Eastwood Street will be ungraded but will remain within the Heritage Overlay.*

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Pinder-Mortimer, Watts and Wood.

The Acting Lord Mayor, Susan Riley, resumed the role of Chair for the remainder of the meeting.

#### **7. General business**

There were no items of General business for consideration.

## **Urgent business**

There were no items of proposed urgent business for consideration.

Cr Oke returned to the meeting at 8.51pm.

## **8. Public questions**

John O'Brien, resident, asked Councillors whether they had considered the impact on the utilities from vibration and construction in the underground car park adjacent to the development at 9-11 Exploration Lane?

Cr Ong advised that prior to a planning permit being issued, a Construction Management Plan (CMP) was required. The CMP is signed off by Council and the Building Surveyor before the permit is issued.

John O'Brien, resident, asked a further question of Cr Ong relating to the sign at the corner of Little Lonsdale and Exhibition Streets. He advised that many female residents in the area find this sign terribly offensive.

Cr Ong committed to following up this matter and to advise Mr O'Brien the outcome.

Gabrielle Pickering, resident, asked whether Council had taken into consideration property values with high-density developments that are spatially challenged.

Cr Ong responded that careful evaluations are conducted in accordance with the Planning Scheme, design overlay and heritage overlay prior to making decisions, however property values are not required to be considered.

## **9. Closure of meeting**

The Chair, Acting Lord Mayor, Susan Riley, declared the meeting closed at 8.57pm.

Confirmed at the meeting of Future Melbourne Committee on Tuesday 3 June 2014.



Chair  
Future Melbourne Committee