

Future Melbourne Committee

Minutes

**Meeting number 46
Tuesday 11 November 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

Apologies

Lord Mayor, Robert Doyle
Councillor Arron Wood

Confirmed at the meeting of the Future Melbourne Committee meeting
on Tuesday 2 December 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 of 12 reports from management and two items of general business
- Apologies had been received from the Lord Mayor, Robert Doyle and Cr Wood.

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 meeting No 44, held on Tuesday 7 October 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 and Watts.

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

There were no public questions.

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 6.3, 'Planning Scheme Amendment C215 Kensington Heritage Review'**

Request to Speak:

- Chris Stribley, Managing Principal Cera Stribley

Item of correspondence:

- Chris Stribley, Managing Principal Cera Stribley

In relation to **Agenda item 6.4, 'Application for Planning Permit TP-2014-193, 33-35 Arden Street North Melbourne'**.

Requests to Speak:

- Paul Little, Planning and Property Partners
- Andrew Patrick, resident

Items of correspondence:

- Ryan Staggard, resident
- Cesare and Vincenzo Scamporlino

In relation to **Agenda item 6.5, 'Ministerial Planning Permit TP-2014-33, 68-70 Dorcas Street Southbank'**.

Request to Speak:

- Tony Penna, President, Southbank Residents Group

Item of correspondence:

- Shura Shukor, Planning Consultant, Urbis Planning

In relation to **Agenda item 6.6, 'Ministerial Planning Permit Referral TPM-2007-21/B, 11 Balston Street (199 City Road) Southbank'**.

Item of correspondence:

- Teresa Coldebella, Town Planner on behalf of Central Equity Construction

In relation to **Agenda item 6.7 'Application for Planning Permit TP-2013-648, 557 St Kilda Road Melbourne'**.

Request to Speak:

- Robert Kelderman, Director, Contour Consultants

In relation to **Agenda item 6.8 'Ministerial Planning Referral ID-2014-4, 555 Collins Street Melbourne'**.

Request to Speak:

- Tony Penna, President, Southbank Residents Group

Items of correspondence:

- Andrew Lanarus, Senior Consultant, Urbis
- Michael Smolders, resident

In relation to **Agenda item 6.10 'Ministerial Planning Referral TPM-20014-28, 386-412 William Street Melbourne'**.

Requests to Speak:

- Saul Siritzky, Urbis
- Jeremy Schluter, Elenberg Fraser Architects

Item of correspondence:

- Rohan Storey

In relation to **Agenda item 7.1 'Notice of Motion, Cr Leppert: Capital City Zone Rights'**.

Requests to Speak:

- Tony Penna, President, Southbank Residents Group
- Peter Renner, Chair Freshwater Place Residential

Items of correspondence:

- Cedric Saldanha, Director, Dimensions Pty Ltd
- Jessica Wong
- Dr Alexander Lugg
- Warren Green and Ewan Ogilvy on behalf of the Carlton Residents' Association
- Ray Cowling
- Michael Smolders
- Sharyn Roberts
- Lyn Gazel, resident
- Monika and Camillo Ippoliti
- Ludwig Cugura
- Phillip Aitken
- Bill Allan for Maureen Capp, Chairperson, Wesley Historic Precinct Action Group
- Phil Roubin
- Doug Reynolds, Regency Towers resident
- David Jones, Chairperson, Owners Corporation, Yarra Condos
- Arji Fry, resident
- Mary Kehoe and Graham McCallum
- Karin Dixon, President, EastEnders Inc
- Angela Williams
- Ronald Butters and Paul Kilborn. Resident
- Janet Graham, resident
- Geoff Leach

- Alison Parr
- Peter Renner, Chair Freshwater Place Residential

Order of business

Moved: Cr Leppert

That the Committee allow the consideration of agenda item 7.1 prior to the consideration of agenda item 6.1.

Seconded: Cr Oke

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 and Watts.

7.1 Notice of Motion, Cr Leppert: Capital City Zone Rights

The following people addressed the Committee:

- Tony Penna, President, Southbank Residents Group
- Peter Renner, Chair Freshwater Place Residential

Moved: Cr Leppert

That the Future Melbourne Committee requests management to prepare a Planning Scheme Amendment which removes from the Schedules to the Capital City Zone the exemption from the notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987 for planning applications which seek to demolish and/or construct a building (and related works).

Seconded: Cr Watts

Councillor Mayne suggested the following wording to be added to the motion:

'Draft' before the Planning Scheme Amendment and 'Further, when the draft Planning Scheme Amendment is returned to this Committee for its consideration, on 9 December 2014, that the accompanying report from management also describe the impact of the change caused by the Planning Scheme Amendment, and discuss administrative alternatives which would generally meet the objectives of the Planning Scheme Amendment.'

Councillors Leppert and Watts as the mover and seconder of the motion, agreed to incorporate the amendment proposed by Cr Mayne.

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

The resolution, in its entirety, reads as follows:

That the Future Melbourne Committee requests management to prepare a draft Planning Scheme Amendment which removes from the Schedules to the Capital City Zone the exemption from the notice requirements of section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987 for planning applications which seek to demolish and/or construct a building (and related works). Further, when the draft Planning Scheme Amendment is returned to this Committee for its consideration, on 9 December 2014, that the accompanying report from management also describe the impact of the change caused by the Planning Scheme Amendment, and discuss administrative alternatives which would generally meet the objectives of the Planning Scheme Amendment.

Finance and Governance Portfolio

Cr Mayne assumed the role of Chair to present the two reports from management for consideration in relation to the Finance and Governance Portfolio.

Cr Watts left the meeting at 6.23pm and did not return.

6.1 Ratification of meeting dates 2015

The purpose of this report was to ratify the dates, times and venue for meetings of the Future Melbourne Committee in 2015.

Moved: Cr Mayne

That the Future Melbourne Committee ratifies the schedule of meeting dates, times and venue as outlined in Attachment 2 to the report from management.

Seconded: Cr Ong

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

6.1a Proposed travel by Councillor Pinder-Mortimer: Guangzhou International Urban Innovation Conference and 2014 Chinese International Friendship City Conference, Guangzhou, China November 2015

The purpose of this report was to seek Committee approval for Councillor Pinder-Mortimer to travel to Guangzhou to attend the Guangzhou International Urban Innovation Conference and the 2014 Chinese International Friendship City Conference for the period 26 to 29 November 2014.

Moved: Acting Lord Mayor, Susan Riley

1. *That the Future Melbourne Committee:*

- 1.1 *Approves Councillor Pinder-Mortimer's participation in the Guangzhou International Urban Innovation Conference and 2014 Chinese International Friendship City Conference.*
- 1.2 *Approves an amount of \$338.50 to cover the incidental expenses and visa application fees.*
- 1.3 *Notes that Councillor Pinder-Mortimer will prepare a report to the Future Melbourne Committee or Council within 60 days of return from travel.*

Seconded: Cr Mayne

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

Planning Portfolio

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

6.2 Planning Scheme Amendment C212 – Exceptional Tree Register

The purpose of this report was to advise Council of the recommendations of the Panel appointed by the Minister for Planning for Melbourne Planning Scheme Amendment C212 Exceptional Tree Register and to present the revisions made to the amendment in response to the Panel's recommendations.

Moved: Cr Ong

1. *That the Future Melbourne Committee:*

- 1.1 *Notes management's assessment of the Panel's recommendations and subsequent changes to Amendment C212.*
- 1.2 *Recommends that Council:*
 - 1.2.1 *Adopts Melbourne Planning Scheme Amendment C212 Exceptional Tree Register at Attachment 4 of the report from management, pursuant to section 29 of the Planning and Environment Act 1987.*

1.2.2 *Submits Melbourne Planning Scheme Amendment C212 to the Minister for Planning for approval.*

Seconded: Cr Oke

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

6.3 Planning Scheme Amendment C215-Kensington Heritage Review

The purpose of this report was to seek adoption of the final version of Amendment C215 based on the recommendations of the Panel appointed by the Minister for Planning.

Cr Oke declared an indirect conflict of interest under section 78E of the *Local Government Act 1989*. Cr Oke lives and owns a property in the area of the proposed Planning Scheme Amendment.

Cr Oke left the meeting at 6.33pm prior to any discussion taking place.
Chris Stribley, Managing Principal Cera Stribley addressed the Committee.

Moved: Cr Ong

1. *That the Future Melbourne Committee:*
 - 1.1 *Notes management's assessment of the Panel's recommendations and subsequent revisions to Amendment C215.*
 - 1.2 *Recommends that Council:*
 - 1.2.1 *Adopts Melbourne Planning Scheme Amendment C215-Kensington Heritage Review at Attachment 4 of the report from management pursuant to Section 29 of the Planning and Environment Act 1987.*
 - 1.2.2 *Submits Melbourne Planning Scheme Amendment C215-Kensington Heritage Review to the Minister for Planning for approval.*

Seconded: Cr Leppert

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

Cr Oke returned to the meeting at 6.41pm after the vote was taken.

6.4 Planning Permit Application: TP-2014-193, 33-35 Arden Street, North Melbourne

The purpose of this report was to advise the Committee of an application for planning permit TP-2014-193 at 33-35 Arden Street, North Melbourne.

The following people addressed the Committee:

- Paul Little, Planning and Property Partners
- Andrew Patrick, resident

Moved: Cr Ong

That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit in accordance with the conditions set out in the Delegate Report (refer Attachment 4 of the report from management – Delegate Report).

Seconded: Cr Mayne

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

Referral notice process triggered

In accordance with the delegation to the Committee, this decision was passed by the Committee on an affirmative vote of less than six members of the Committee and accordingly the referral notice process was triggered

6.5 Ministerial Planning Referral TPM-2014-33, 68-70 Dorcas Street, Southbank

The purpose of this report was to advise the Committee of a Ministerial Planning Application at 68-70 Dorcas Street, Southbank.

Tony Penna, President, Southbank Residents Group addressed the Committee.

Moved: Cr Ong

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 objects to the application for the reasons set out in the attached Delegate Report.

Seconded: Cr Mayne

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

6.6 Ministerial Planning Referral TPM-2007-21/B, 1-11 Balston Street (199 City Road), Southbank

The purpose of this report was to advise the Committee of an application to the Minister for Planning to amend an existing planning permit at 1-11 Balston Street, Southbank on the corner of City Road.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey and Pinder-Mortimer declared indirect conflicts of interest 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 and Pinder-Mortimer were recipients of campaign donations from the developer.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey and Pinder-Mortimer left the meeting at 7.19pm.

As the quorum was lost, this item was not considered.

The Chair, Councillor Ong, Acting Lord Mayor, Susan Riley and Councillors Louey and Pinder-Mortimer returned to the meeting at 7.20pm.

6.7 Planning Application TP-2013-648, 557 St Kilda Road, Melbourne

The purpose of this report was to advise the Committee of an application for planning permit at 557 St Kilda Road, Melbourne.

Cr Oke left the meeting at 7.21pm and returned at 7.23pm.

Acting Lord Mayor, Susan Riley declared an indirect conflict of interest due to a conflict of duty under section 78A of the *Local Government Act 1989*. Acting Lord Mayor, Susan Riley runs a network club, 3004, in Ormond Hall.

Acting Lord Mayor, Susan Riley left the meeting at 7.24pm prior to any discussion taking place.

Robert Kelderman, Director, Contour Consultants addressed the Committee.

Cr Leppert left the meeting at 7.40pm and returned at 7.43pm.

Moved: Cr Oke

That the Future Melbourne Committee resolves that a Notice of Decision be issued subject to the conditions set out in the attached Delegate Report (refer Attachment 4 of the report from management), with the addition of the word 'amplified' before the word 'live' at condition 4.

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: The Chair, Cr Ong, Councillors Foster, Leppert, Louey, Mayne, Oke and Pinder-Mortimer.

Acting Lord Mayor, Susan Riley returned to the meeting at 8.01pm after the vote was taken.

6.8 Ministerial Planning Referral: ID-2014-4, 555 Collins Street, Melbourne

The purpose of this report was to advise the Committee of a request to the Minister for Planning to amend the existing incorporated document in the Melbourne Planning Scheme entitled 'Shadow Controls, 555 Collins Street, February 2013'.

Tony Penna, President, Southbank Residents Group addressed the Committee.

Councillors Foster and Pinder-Mortimer left the meeting at 8.04pm and returned at 8.08pm.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves that a letter be sent to Department of Transport, Planning and Local Infrastructure:*
 - 1.1. *Advising that the Council does not support the request to amend the Incorporated Document Shadow Controls, 555 Collins Street, Melbourne, February 2013 as the outcome that is sought cannot satisfactorily facilitate a development which justifies an exemption to the prohibition of a development to overshadow the south bank of the Yarra River from 11am to 2pm on 22 June.*
 - 1.2. *Recommending that the incorporated document Shadow Controls, 555 Collins Street Melbourne, February 2013 should be removed from the Melbourne Planning Scheme.*

Seconded: Cr Leppert

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

6.9 Ministerial Planning Referral No. TPM-2010-29/A, 54-64 A'Beckett Street, Melbourne

The purpose of this report was to advise the Committee of an application to the Minister for Planning to amend an existing planning permit at 54-64 A'Beckett Street, Melbourne.

Moved: Cr Ong

1. *That the Future Melbourne Committee resolves that:*
 - 1.1. *A letter be sent to the Department of Transport, Planning and Local Infrastructure advising that the Melbourne City Council supports the Minister for Planning's decision to refuse the amendment and objects to the application on the grounds set out in the Delegate Report (refer Attachment 4 of the report from management).*
 - 1.2. *Should the permit applicant lodge an appeal with the Victorian Civil and Administrative Tribunal against the Ministers decision to refuse the amendment, that the City of Melbourne will seek to be joined as a party to the appeal.*

Seconded: Cr Mayne

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

6.10 Ministerial Planning Referral, TPM-2013-28- 386-412 William Street, Melbourne

The purpose of this report was to advise the Committee of a Ministerial Planning Application for the land at 386-412 William Street, Melbourne.

The following people addressed the Committee:

- Saul Siritzky, Urbis
- Jeremy Schluter, Elenberg Fraser Architects

Moved: Cr Ong

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 conditions detailed in the attached Delegate Report (refer Attachment 4 of the report from management).

Seconded: Cr Mayne

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

6.11 Ministerial Planning Referral: TPM-2014-37, 2-12 Batmans Hill Drive (Tower 5 of the Collins Square Development Plan)

The purpose of this report was to advise the Committee of an application for planning permit for Tower 5 at 2-12 Batmans Hill Drive Melbourne and associated amendments to the Collins Square Development Plan Volume 4.

Moved: Cr Ong

That the Future Melbourne Committee resolves to issue a letter of support for the application subject to the conditions set out in the Delegate Report (refer Attachment 4 of the report from management – Delegate Report).

Seconded: Cr Mayne

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

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

7. General business

There was one further item of general business for consideration.

7.2 Notice of Motion, Cr Mayne: Investment in Melbourne Convention and Entertainment Centre

Councillor Ong left the meeting at 8.56pm and returned at 8.58pm.

Moved: Cr Mayne

1. *That the Future Melbourne Committee:*

1.1 *welcomes the State Government's commitment to a \$350 million investment in the Melbourne Convention and Exhibition Centre through the existing Private Public Partnership structure with Plenary Group*

1.2 *requests the Martin Cutter, Director City Business to write to the Leader of the Opposition requesting a written commitment before the 29 November 2014 state election to match the investment in order to preserve Melbourne's competitive position with Sydney in the economically important business events market.*

Seconded: Cr Pinder-Mortimer

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 and Pinder-Mortimer.

8. Urgent business

There was one item of proposed urgent business for consideration.

Moved: Cr Foster

That the matter of the East West Link project resolution from the 28 October Council Meeting meets the criteria for consideration as an item of Urgent Business as it has arisen since the distribution of the agenda, and cannot safely or conveniently be deferred until the next meeting.

Seconded: Cr Mayne

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 and Pinder-Mortimer.

Moved: Cr Foster

That the Future Melbourne Committee requests management to present the legal advice, referred to in the 28 October 2014 Council meeting resolution on the East West Link project (Item 7.3), to the 18 November 2014 Future Melbourne Committee meeting rather than the 25 November 2014 Council meeting.

Seconded: Cr Mayne

The motion was put and lost with the following Councillors voting in favour of the motion: Councillor Oke, Leppert, Mayne and Foster and the following voting against the motion: The Chair, Acting Lord Mayor, Susan Riley, Councillors Louey, Pinder-Mortimer. Councillor Ong abstained from voting. Acting Lord Mayor, Susan Riley used her casting vote to vote against the motion.

9. Public questions

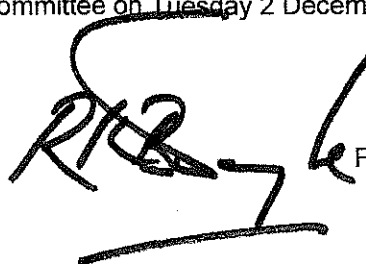
Shane Scanlon from Dockland News asked if the Councillors thought accepting developer contributions for campaign donations was a good idea given that conflict of interests arise which result in the Committee not being able to consider some development matters.

Councillors Mayne and Leppert, Acting Lord Mayor Susan Riley and Councillor Oke all expressed personal views on the matter.

10. Closure of meeting

The Chair, Acting Lord Mayor, Susan Riley, declared the meeting closed at 9.20pm.

Confirmed at the meeting of the Future Melbourne Committee on Tuesday 2 December 2014.



Chair
Future Melbourne Committee