



**Melbourne City Council
Planning and Development Committee**

MINUTES

**Meeting Number 4
Thursday, 5 February 2004
5.30pm**

PRESENT

Cr Ng (Chair)
Cr Redwood (Deputy Chair)
Cr Chamberlin
Cr Kitching (arrived 5.41pm)
Cr Goonan
Cr Nicholson
Cr Ristrom (arrived 5.43pm and departed 7.50pm)
Deputy Lord Mayor, Susan Riley

APOLOGIES

To be confirmed at the next meeting of the
Planning and Development Committee
on 4 March 2004

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

The meeting commenced at 5.40 pm.

The Chair, Cr Ng, advised that the agenda comprised one Report from Management, one item of General Business and one proposed item of Urgent Business.

The Chair further advised that no apologies had been received.

2. DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There was one indirect pecuniary interest received from Cr Risstrom in relation to the proposed item of Urgent Business, *Kensington Estate: DSE Ratification of Henry St South and Gower St South Application*.

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

Resolved:

That the open minutes of meeting No 2, held on Thursday, 4 December 2003, be confirmed.

Moved: Cr Goonan
Seconded: Deputy Lord Mayor, Susan Riley
Carried unanimously

Resolved:

That the open minutes of special meeting No 3, held on Thursday, 11 December 2003, be confirmed.

Moved: Cr Goonan
Seconded: Cr Kitching
Carried unanimously

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

There was one matter arising from the minutes of the previous meeting, held on Thursday, 4 December 2003.

4.1. Horse Drawn Vehicle Policy

In response to a query raised by Cr Goonan, the Chair, Cr Ng, advised the Committee that the Horse Drawn Vehicle Policy, deferred at the December 2003, was the subject of further consultation between interested parties and a report would be presented to the March 2004 meeting.

5. REPORTS FROM MANAGEMENT (Agenda Item 5)

The Chair advised that the following submissions/correspondence had been received in accordance with the Council's Conduct of Meetings Local Law 2001.

Correspondence:

In relation to Agenda Item 5.1: *1-89 Hobsons Road, Kensington, Built Form Review and Melbourne Planning Scheme Amendment C58:*

- Jennie Douglas and Terri Soumilas.

In relation to General Business Item 6.1: *Planning Permit Application TP03/1193:*

- Dr Celestina Sagazio, on behalf of the National Trust.

In relation to a Proposed Item of Urgent Business: Kensington Estate: DSE Ratification of Henry St South and Gower St South Application

- David Ettershank, on behalf of the Kensington Association.

Requests to Speak:

In relation to Agenda Item 5.1: ***1-89 Hobsons Road, Kensington, Built Form Review and Melbourne Planning Scheme Amendment C58:***

- Richard Reilly and Paul Devereux, on behalf of the Kensington Association;
- Stuart McGurn, on behalf of Fulcrum Town Planners; and
- Lou Garita, property owner of 1-39 Hobsons Road.

In relation to General Business Item 6.1: ***Planning Permit Application TP03/1193:***

- John Wilson, on behalf of Body Corporate No.410853; and
- Raffaella Pisano, on behalf of Body Corporate No.341076.

In relation to a Proposed Item of Urgent Business: ***Kensington Estate: DSE Ratification of Henry St South and Gower St South Application***

- Richard Reilly, on behalf of the Kensington Association.

Copies of the written submissions/correspondence were circulated to all Councillors prior to the meeting.

5.1. 1-89 Hobsons Road, Kensington, Built Form Review and Melbourne Planning Scheme Amendment C58

The report requested the Committee consider the recommendations of the Hobsons Road Built Form Review and consider whether to place Melbourne Planning Scheme Amendment C58 on public exhibition.

The Group Manager Sustainable Regulatory Services, John Noonan, provided the Committee with a brief PowerPoint presentation outlining the main aspects of the review and amendment.

Comments made by Councillors included:

- concern there is no reference to community services access for future residents;
- interest in how the issues needing clarification (contained in paragraph 129) of the management report will affect the proposed recommendation;
- clarification regarding the meaning of the recommendation; and
- interest in the time frame for the exhibition period.

Comments made by Richard Reilly, on behalf of the Kensington Association, included:

- the community's largest concern is the density of the proposal, 800-1,000 dwellings;
- if the proposal were to proceed it would have a huge impact on community services in the area;
- interest in why we are discussing this tonight when 76 issues are currently unresolved;
- the 6 unresolved matters listed in paragraph 129 of the management report are key issues and far too important to be resolved by the administration;
- the Kensington Association believes it is entitled to be involved in discussions and that the Amendment C58 should come back to Committee;
- the position of the Kensington Association is for the Committee to resolve not to proceed with the exhibition of Amendment C58 tonight; and
- given the amount of information there was to digest with respect to this matter, it would have been appreciated if the documentation (ie internet and public papers) had been made available to the public earlier than Monday, 2 February 2004.

Comments made by Paul Devereux, from the Kensington Association, included:

- we have huge issues as a community with a vaguely drawn proposal that may house 800-1,000 dwellings;
- we are in the process of workshopping a Precinct Study which would feed into this process;
- believe the Committee should wait for the outcome of the Study before making a decision;
- from day one the option of 800-1,000 dwellings was unacceptable;
- believe medium density of 450 dwellings is still too much, but more workable;

- this proposal is driven by commerciality;
- the meat of the issue is the density and we believe it is being purposefully glossed over;
- would like the Committee to defer its decision until more detail can be provided; and
- there has been little time to digest the matter.

Further comments made by Councillors included:

- interest in how the Kensington Association feels about adopting the Built Form Principles ie the first two dot points under Built Form in the Built Form Principles.

Comments made by Stuart McGurn, on behalf of Fulcrum Town Planners, included:

- the first land owner approached Council in July 2000;
- it took 7 months before the land owner was told (in February 2001) that the proposal was not workable;
- all four land owners then got together and approached Council and discussions with Councillors commenced in 2002;
- it is unfair to suggest that we did not consult with the community, when there were at least 2 meetings with the Kensington Association;
- when we presented this to Committee in February 2003 and were told we had to conduct a Built Form Review before the Amendment;
- we were later told the Built Form Review and the Amendment were to be completed simultaneously;
- we are not asking the Committee to sign anything, just to put the Amendment on exhibition so we can get feedback;
- believe our proposal is well researched; and
- it has taken a long time and we have changed much along the way.

Further comments made by Councillors included:

- interest in why we would exhibit the Amendment to the Panel, when Committee can foster relationships between the community, owners and developers and essentially retain power over the proposal;
- concern that the Hobsons Road area is already greatly impacted on by traffic and the proposal would be in contradiction to the fourth dot point under Land Uses in the Built Form Principles; and
- interest in whether the proponents would be prepared to exhibit the Amendment for 60 days, as opposed to the standard 30 days.

Stuart McGurn, on behalf of Fulcrum Town Planners, put forward a suggested alternate recommendation.

“That the Planning and Development Committee:

- adopt the Built Form Principles (with the exception of those relating to heritage) of the Hobsons Road Built Form Review (refer Attachment 2) as the basis for consideration of Melbourne Planning Scheme Amendment C58;
- exhibit Melbourne Planning Scheme Amendment C58 for public comment in accordance with the provisions of Section 19 of the Planning and Environment Act and subsequent to this notification report the amendment back to the Planning and Development Committee for consideration;
- that the outstanding matters as outlined in paragraph 129 of the report be resolved to the satisfaction of the Group Manager Sustainable Regulatory Services, and the outcome be reported back to the Planning and Development Committee for consideration;
- note that the resolution to exhibit Amendment C58 does not indicate either support or opposition to the amendment in its current form; and
- note that this decision is being made by the Committee under delegation from the Council and is subject to the referral notice process.”

Comments made by Lou Garita, property owner, included:

- this process has been a long one;
- there are four separate owners working in cooperation to change the site from industrial to residential use;
- we basically want support from the Council regarding the “use” of the land as residential’;
- the limitations of the site are flooding, filling, acoustic impacts, infrastructure etc;
- the redevelopment of the site will not be a cheap process;
- have received a commitment from Marathon Foods that they will relocate within three years;
- we will have a building open (corner Kensington Rd and Hobsons Rd) with copies of plans and elements of the site for public consideration; and
- want to get this out in the public forum.

The Deputy Lord Mayor, Susan Riley, left the meeting at 6.42 pm.

Cr Chamberlin moved the following motion:

- *That the Planning and Development Committee recommend Council not proceed with Melbourne Planning Scheme Amendment C58.*

Cr Kitching seconded Cr Chamberlin's motion.

Further Councillor comments included:

- believe site should remain as a commercial use and paragraph 41 and 42 in the management report says essentially the same thing;
- the proposed residential use of this site is not appropriate, Kensington cannot withstand an increase of 800-1,000 dwellings;
- the fundamental problem is the area is growing too quickly and needs to be monitored;
- the City of Melbourne, the City of Moonee Valley and the State Government need to develop a Master Plan for the area, especially for sites such as the Kensington Banks, Flemington Racecourse, the Four 'N' Twenty Pie site and the Showgrounds;
- Option One was never supported;
- development in this area shouldn't continue until a Master Plan has been completed;
- Council should advocate to the State Government that there is a need for an important strategic piece of work to be completed for this area;
- if the process has taken this long and important issues remain unresolved, then I think it is a fair indication that the proposal should be abandoned; and
- the density issue should be resolved now because it will effect community services in the immediate and adjacent areas;

The Director Sustainable Development & Strategy, Geoff Lawler, advised the Committee that the City of Melbourne, in partnership with the City of Moonee Valley, is developing a Community Action Plan that will set out short to medium-term practical and cost effective actions, responsibilities and desired outcomes for Kensington.

Further Councillor comments included:

- believe the State Government should also be involved in the development of the Community Action Plan for Kensington;
- interest in the timeframes associated with the Action Plan;
- confirmation sought that some of the issues regarding the Showgrounds and Flemington Racecourse could be addressed in the Action Plan process; and
- clarification of the consequences if Council abandons the Amendment.

Further comments made by Stuart McGurn and Lou Garita included:

- the amount of time, effort and money expended on this project has been significant;
- if Council abandons the Amendment we will have to reassess the land use;
- we have accommodated numerous changes requested by Council during the past 2 ½ years and it is unfair and unprecedented for Council to abandon the Amendment; and
- we have no appeal rights.

Further Councillor comments included:

- there has been a lot of work done by the administration and the developers;
- would like to know what vision the residents have for the land before we make a decision to abandon the Amendment; and
- believe there is still middle ground to be found.

The Chair, Cr Ng, put Cr Chamberlin's motion to the vote. The motion was carried with Councillors Chamberlin, Kitching, Nicholson, Redwood and Risstrom voting in favour of the motion and the Chair, Cr Ng, and Cr Goonan voting against the motion.

The resolution reads:

That the Planning and Development Committee recommend Council not proceed with Melbourne Planning Scheme Amendment C58.

Cr Goonan left the meeting at 7.28 pm.

6. GENERAL BUSINESS (Agenda Item 6)

There was one item of general business:

6.1. Planning Permit Application TP03/1193: John M Wilson

Raffeala Pisano, representing the Body Corporate of 30 Oliver Lane, 140 Flinders Street and 30 Russell Street, provided the Committee with a summary of the written submission circulated as part of the Planning and Development Committee papers on Monday, 2 February 2004.

Represented by Raffeala Pisano, John Wilson declined to address the Committee.

Councillor comments included:

- clarification regarding the planning permit application process; and
- confirmation sought from the administration that the residents would be kept informed of any developments regarding the application.

Cr Redwood moved the following motion:

That the Planning and Development Committee:

- *request the application be brought to Committee in due course, should the administration recommend approval; and*
- *note that this decision is being made by the Committee under delegation from the Council and is subject to the referral notice process.*

Cr Redwood's motion was seconded by Cr Kitching. The motion was put and carried unanimously.

7. URGENT BUSINESS (Agenda Item 7)

There was one proposed item of urgent business.

7.1. Kensington Estate: DSE Ratification of Henry St South and Gower St South Application

Mr David Ettershank, on behalf of the Kensington Association, wrote a submission requesting that the issue of the *Kensington Estate: DSE Ratification of Henry St South and Gower St South Application* be considered as an item of urgent business at the Planning and Development Committee meeting to be held on 5 February 2004.

In response to Mr Ettershank's submission, the Group Manager Sustainable Regulatory Services, tabled a memorandum outlining options to address the parking issue.

Cr Chamberlin moved the following motion:

"That the issue in relation to 'Kensington Estate: DSE Ratification of Henry St South and Gower St South Application', meets the criteria for consideration as an item of urgent business, as it has arisen since the distribution of the agenda papers and cannot safely or conveniently be held over to the next meeting."

Cr Kitching seconded the Cr Chamberlin's motion. The motion was put and carried unanimously.

Comments made by Richard Reilly, on behalf of the Kensington Association, included:

- the Kensington Association is disappointed over the ratification by the Department of Sustainability and Environment (DSE) of Becton's application for approval of the Henry St South and Gower St South developments;
- the conditions of the approval do not adequately address disabled access across the site and visitor parking in Altona Street; and
- notwithstanding these concerns being clearly articulated by Council and the community to DSE, DSE has now approved the application.

Cr Risstrom, as Chairperson of the Melbourne Affordable Housing Company, declared an indirect pecuniary interest in relation to this matter and left the room at 7.50 pm, before discussion.

Comments made by Councillors, included:

- there seems to be some confusion regarding the outcome of the meeting held by the Community Liaison Committee; and
- perhaps Council should approach the Minister and ask her to clarify/correct the situation.

The Deputy Lord Mayor, Susan Riley, and Cr Goonan returned to the meeting at 7.56 pm.

Cr Redwood moved the following motion:

That the Planning and Development Committee:

- *request that the administration write to the Minister expressing concern that it has been alleged that deficiencies have been identified in the Disability Access and Visitor Parking in Altona Street, and if so, request that they be rectified; and*
- *note that this decision is being made by the Committee under delegation from the Council and is subject to the referral notice process.*

Cr Kitching seconded Cr Redwood's motion. The motion was put and carried unanimously.

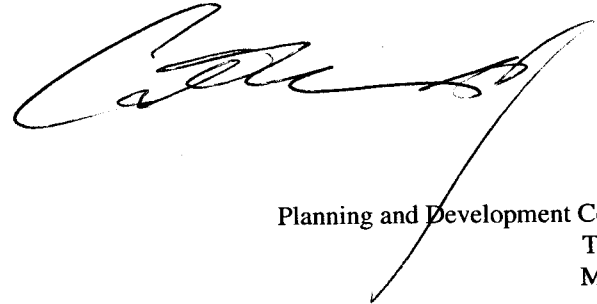
8. PUBLIC QUESTIONS (Agenda Item 8)

There were no public questions.

9. CLOSURE OF OPEN MEETING (Agenda Item 9)

The open meeting closed at 8.00 pm.

To be confirmed at the next meeting of the Planning and Development Committee on 4 March 2004.



Chair
Planning and Development Committee
Town Hall
Melbourne