

Unconfirmed minutes



CITY OF MELBOURNE

Future Melbourne Committee Minutes

**Meeting Number 68
Tuesday 5 December 2023
5.30pm**

Town Hall Commons

Present

Acting Lord Mayor Nicholas Reece (Chair)
Councillor Dr Olivia Ball
Councillor Roshena Campbell
Councillor Jason Chang
Councillor Davydd Griffiths
Councillor Jamal Hakim
Councillor Philip Le Liu
Councillor Rohan Leppert
Councillor Kevin Louey

Apologies

Lord Mayor Sally Capp AO
Councillor Elizabeth Doidge

To be confirmed at the meeting of the Future Melbourne Committee
On Tuesday 6 February 2024

U n c o n f i r m e d m i n u t e s

1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Acting Lord Mayor Nicholas Reece, welcomed attendees to the meeting, acknowledged the Traditional Owners of the land governed by the City of Melbourne, the Wurundjeri Woi Wurrung and Bunurong / Boon Wurrung peoples of the Kulin, and advised that:

- the meeting was being streamed live and a recording will be made available on the City of Melbourne website
- apologies were received from Lord Mayor Sally Capp and Councillor Doidge.

2. Disclosures of conflicts of interest

The Acting Lord Mayor advised that conflicts of interest should be disclosed as they arise.

3. Confirmation of minutes of the previous meeting

Moved: Cr Dr Ball

That the minutes of meeting No 67 held on Tuesday 21 November 2023 be confirmed.

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Le Liu, Leppert and Louey.

4. Matters arising from the minutes of the previous meetings

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

Cr Hakim arrived at the meeting at 5.33pm.

5. Public questions

Below is a summary of public questions and responses. The full question time can be heard in the live stream recording of the meeting on Council's website at <https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/pages/future-melbourne-committee-5-december-2023.aspx>

Queen Victoria Market boundaries

B McNicholas requested clarification on the boundaries of the heritage-listed Queen Victoria Market (QVM), noting that the Annual Report 2022–23 of QVM Pty Ltd contains references to localities within the precinct such as the Munro building and Gurrova Place.

Cr Griffiths, City Transport, Infrastructure and Operations Deputy Portfolio Lead thanked B for the question and advised that Council will refer B's comments to the QVM management team. The various maps B referred to have been created for different purposes, one of which is for visitor information and to assist with wayfinding.

Cr Griffiths further advised that whilst some of the localities within the precinct are technically not under QVM Pty Ltd's management, the Annual Report reflects the activities of the surrounding areas that impact traffic, pedestrian, retail and economic management of the QVM.

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Queen Victoria Market parking

Mary-Lou Howie asked if Council, in the current cost of living crisis, will revise the proposed changes to parking, and suspend the broader gentrification agenda, to enable visitors and residents to continue to freely access the market for its primary function which is to buy and sell affordable, high quality produce as well as general merchandise. Mary-Lou further asked if Council is confident that it has sufficiently engaged and canvassed the views of nearby residents, traders and customers.

Cr Griffiths, City Transport, Infrastructure and Operations Deputy Portfolio Lead thanked Mary-Lou for the question and advised that a goal of Council is to ensure that everyone can access the market and its surrounds, and Council continues to engage with the Disability Advisory Committee to ensure best practice outcomes.

Cr Griffiths further advised that the renewal works completed on the market precinct are vital to the market's long term future.

Extension of Public Question Time

Moved: Cr Leppert

That public question time be extended for so long as it takes to hear and answer questions from those who have lodged a question and are in attendance at the meeting.

Seconded: Cr Hakim

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Le Liu, Leppert and Louey.

Amendment to Governance Rules

Mary-Lou Howie asked if Council can amend its Governance Rules to include provisions for Councillors to summarise key points of submissions prior to debate on an agenda item; and for submissions and public questions to be published with the minutes of a meeting.

The Acting Lord Mayor, Finance, Governance and Risk Deputy Portfolio Lead thanked Mary-Lou for the question and advised that the Governance Rules which guide the conduct and decision making of Council and Future Melbourne Committee meetings are adopted by Council, in line with the *Local Government Act 2020*. The process to amend the Governance Rules includes a review being undertaken by Council, and a public consultation process.

The Acting Lord Mayor further advised that submissions made by members of the public on agenda items are distributed in full to all Councillors in advance of the meeting. Councillors may choose to refer to points raised in submissions at the time of debate on an item. The minutes of the meeting include details of submitters of items of correspondence for each agenda item. Submissions are published on Council's website following the meeting.

Objection to expansion of Miles Street Reserve, Southbank

Elsie Foong expressed concerns over Council's plans to expand the Miles Street Reserve, citing privacy and safety concerns, and noted there are two reserves in close proximity, namely the Sturt Street Reserve and the Grant Street Reserve. Elsie urged Council to not go ahead with this plan and to spend the money elsewhere.

Cr Leppert, Environment Portfolio Lead thanked Elsie for the question and advised that the Miles and Dodds Street Reserve expansion project was identified as a project under Major Initiative 16; a Council commitment to increasing the amount of public open space in the municipality with a focus on areas of greatest need, such as Southbank.

Cr Leppert further advised that Council is currently seeking community views on the proposal to inform the next steps for the project, and have so far received feedback both supporting and opposing the project. Once this phase of community engagement closes, Council will prepare a summary of all feedback and be back in touch

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with residents early in 2024 with the next steps. Elsie's questions at this meeting will be incorporated as feedback and considered in that process.

At this point in the meeting the time for consideration of public questions expired.

6. Reports from management

The Acting Lord Mayor advised that the following submissions had been received.

Submissions/Correspondence

In relation to Agenda item 6.1, **Planning Permit Application: TP-2002-279/B 313-315 Flinders Lane, Melbourne (Basement):**

Requests to speak:

- Miguel Parades, Miranda Bar
- Heinz Schaefer, Miranda Bar
- Hew Gerrard (on behalf of applicant).

Item of correspondence:

- Matthew Lemmen.

In relation to Agenda item 6.2, **Ministerial Planning Referral: TPM-2022-23 396-416 Docklands Drive, Docklands:**

Item of correspondence:

- Karl Hessian.

In relation to Agenda item 6.4, **Design Excellence Program – Design Competition Guidelines:**

Item of correspondence:

- Cath Evans, Property Council of Australia.

In relation to Agenda item 6.6, **Food City 2024–34, City of Melbourne's Draft Food Policy:**

Requests to speak:

- Mary-Lou Howie
- B McNicholas.

Items of correspondence:

- Dr Jane Stanley
- Kelvin Thomson
- Mary-Lou Howie
- B McNicholas.

In relation to Agenda item 7.1, **Notice of Motion, Cr Rohan Leppert: Moonee Ponds Creek Improvement:**

Request to speak:

- Chris Thrum.

Items of correspondence:

- John Kavanagh
- Chris Thrum
- Karl Hessian.

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In relation to Agenda item 7.2, **Notice of Motion, Cr Roshena Campbell: Return of workers in the City of Melbourne:**

Request to speak and item of correspondence:

- Chris Thrum

Planning Section

The Acting Lord Mayor advised there were three reports from management where Council exercises its responsibilities under the *Planning and Environment Act 1987*.

6.1 Planning Permit Application: TP-2002-279/B 313-315 Flinders Lane, Melbourne (Basement)

The purpose of this report was to advise the Committee of an application to amend existing Planning Permit TP-2002-279/A. The application seeks to amend planning permit conditions to allow for the provision of amplified live music. The existing permit allows for 'use of a bar' within the basement at 313-315 Flinders Lane, Melbourne.

Cr Le Liu left the meeting at 5.59pm, and returned at 6.08pm.

The following people addressed the Committee:

- Miguel Parades, Miranda Bar
- Heinz Schaefer, Miranda Bar
- Hew Gerrard (on behalf of applicant).

Moved: Acting Lord Mayor Nicholas Reece

That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit subject to the conditions set out in the delegate report (refer to Attachment 4 of the report from management), and to a revision to amended Condition no. 9 to read,

"Amplified live music or entertainment (including live bands, DJs and recorded amplified music) may only take place between the following hours:

- Thursdays 5pm to 1am the following day;*
- Fridays and Saturdays 5pm to 3am the following day;*

Only background music is permitted at any other time."

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Le Liu, Leppert and Louey.

6.2 Ministerial Planning Referral: TPM-2022-23 396-416 Docklands Drive, Docklands

The purpose of this report was to advise the Committee of a Ministerial referral seeking approval of an addendum to the MAB Docklands Development Plan 1999. The submitted NewQuay Development Plan – August 2023 would modify the future land use and built form guidance for the land located at 396-416 Docklands Drive, Docklands.

Cr Chang left the meeting at 6.26pm, and returned at 6.29pm.

Moved: Acting Lord Mayor Nicholas Reece

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council supports the application subject to the recommended changes outlined in the delegate report (refer to Attachment 4 of the report from management).

Seconded: Cr Leppert

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The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Le Liu, Leppert and Louey.

6.3 Melbourne Planning Scheme Review 2023

The purpose of this report was to seek Committee approval of the Melbourne Planning Scheme Review Report 2023.

Moved: Acting Lord Mayor Nicholas Reece

1. *That the Future Melbourne Committee:*

1.1. *Approves the Melbourne Planning Scheme Review Report 2023 (Review) (Attachment 2 of the report from management) subject to the following amendments:*

1.1.1. *Add a new section 4 in the same form as found in the tabled document, with remaining sections renumbered, the contents section updated, and internal references updated, as appropriate;*

1.1.2. *At the end of the Executive Summary, add:*

Planning scheme amendment challenges

The average time it takes to pursue a planning scheme amendment from beginning to end has grown considerably since the 2018 Melbourne Planning Scheme review. The causes of these delays are many and varied, and are discussed in this report. The integrity of the Victorian planning system demands that the causes of unreasonable delays in amending the planning scheme be identified and addressed.

The City of Melbourne stands ready to act in partnership with the State Government to facilitate the timely implementation of national and state policies and the efficient management and amendment of the Melbourne Planning Scheme.

1.1.3. *At the end of section 6.6 but before the recommendation, add: "The Melbourne Planning Scheme also still retains some anomalies whereby parts of the General Residential Zone previously without built form controls (i.e. where building envelopes were largely guided by policy), but now with mandatory height limits following the Minister's 2017 reforms, have experienced an unacceptable reduction in development potential. The clearest example of this is Flemington Road, North Melbourne, where significant developments on a major thoroughfare of the type supported by policy (such as the 11 storey Vincent Care accommodation at 191 Flemington Road) would now be prohibited unless pursued through a site-specific planning scheme amendment."*

1.1.4. *At the end of section 7, add: "Delays in the planning scheme amendments process and misalignments between Council and State expectations on amendment priorities remain the foremost barriers to efficient planning scheme administration."*

1.2. *Notes the Review recommendations in relation to providing further guidance in the Melbourne Planning Scheme in a number of strategic areas.*

1.3. *Authorises the General Manager Strategy, Planning and Climate Change to make editorial changes, corrections, formatting and design necessary to finalise the Review prior to submission.*

1.4. *Requests management forward the finalised Review to the Minister for Planning in accordance with section 12B(5) of the Planning and Environment Act 1987 and publish the same on the Council website.*

1.5. *Directs that the tabled document be appended to the minutes of this meeting (refer Appendix 1).*

Seconded: Cr Leppert

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The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Le Liu, Leppert and Louey.

6.4 Design Excellence Program – Design Competition Guidelines

The purpose of this report was to seek approval for the Community Engagement Summary and revised Design Competition Guidelines.

Moved: Acting Lord Mayor Nicholas Reece

1. *That the Future Melbourne Committee:*
 - 1.1. *Notes the Community Engagement Summary (Attachment 2 of the report from management).*
 - 1.2. *Approves the revised Design Competition Guidelines (Attachment 3 of the report from management) to proceed to publication and implementation, subject to the following changes being made to the text on page 10 of the Guidelines:*
 - 1.2.1. *Following the text “Following the voluntary phase,” add the text “it is anticipated that”;*
 - 1.2.2. *Alter the text: “The Guidelines apply to projects on significant sites in the City of Melbourne”, to “The Guidelines can be applied to projects on significant sites in the City of Melbourne”.*
 - 1.3. *Notes that further consultation with industry will be undertaken prior to any Council consideration of mandating design competitions, in line with the City of Melbourne’s Community Consultation Guidelines.*
 - 1.4. *Authorises the General Manager Property, Infrastructure and Design to make editorial changes, corrections, formatting and design necessary to finalise the Design Competition Guidelines prior to publication.*
 - 1.5. *Requests that management provide a whole-of-organisation recommendation to this Committee by March 2024 setting out potential options for City of Melbourne-led projects that may be suitable for a Design Competition.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Le Liu, Leppert and Louey.

6.5 Greenline Project Update - Master Plan

The purpose of this report was to present the Committee with the outcomes of community consultation and stakeholder/authority engagement on the draft Greenline Project Master Plan, and present management’s recommendation for approval of the final Greenline Project Master Plan.

Cr Le Liu left the meeting at 6.53pm.

Moved: Cr Griffiths

1. *That the Future Melbourne Committee:*
 - 1.1. *Notes the feedback received throughout the four week consultation and engagement period contained in the Greenline Project Master Plan Round Two Engagement Summary Report (Attachment 3 of the report from management).*
 - 1.2. *Approves the Greenline Project Master Plan (Master Plan) (Attachment 2 of the report from management).*
 - 1.3. *Authorises the General Manager Property, Infrastructure and Design to make editorial changes, corrections, formatting and design necessary to finalise the Master Plan prior to publication.*

Seconded: Cr Hakim

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The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Leppert and Louey.

6.6 Food City 2024–34, City of Melbourne’s Draft Food Policy

The purpose of this report was to present City of Melbourne’s draft food policy titled: *Food City 2024–34* and to seek approval for the draft Policy to go out for community consultation.

B McNicholas addressed the Committee.

Cr Le Liu returned to the meeting at 6.58pm.

Cr Campbell left the meeting at 7.04pm, and returned at 7.07pm.

Cr Le Liu left the meeting at 7.08pm, and did not return.

Moved: Cr Dr Ball

1. *That the Future Melbourne Committee:*
 - 1.1. *Approves the commencement of community consultation for the draft food policy: Food City 2024–34 (Attachment 2 of the report from management), subject to the draft policy being amended by management to better reflect the role of, and opportunities provided by the Queen Victoria Market.*
 - 1.2. *Authorises the General Manager Community and City Services to make editorial changes, corrections, formatting and design necessary to the policy prior to commencement of community consultation.*

Seconded: Cr Hakim

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Leppert and Louey.

7. General business

There were three items of general business.

7.1 Notice of Motion, Cr Rohan Leppert: Moonee Ponds Creek Improvement

Chris Thrum addressed the Committee.

Moved: Cr Leppert

That the Future Melbourne Committee:

1. *Requests that updates on the Moonee Ponds Creek corridor improvement projects listed at paragraph A be provided in accordance with paragraph B.*
 - A. *Improvement projects:*
 1. *Commonwealth funding for Moonee Ponds Creek restoration.*
 2. *Active transport bridge/s plan.*
 3. *Macaulay Development Contributions Plan controls.*
 4. *VicTrack land transfer or community lease.*
 5. *Chelmsford Street local park.*
 6. *Arden integrated stormwater management open space.*
 7. *Creek hard rubbish and litter collection program.*
 8. *Moonee Ponds Creek Implementation Plan.*
 9. *West Gate Tunnel Project local trees replacement.*

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10. *Trail reinstatement in Docklands.*
11. *West Gate Tunnel new bridge locations and Bridge 75 design.*
12. *Pump upgrades and any other relevant projects identified by management.*

B. Requested updates:

1. *By 29 February 2024 – online publication of an information page that includes mapping of the City of Melbourne extent of the Moonee Ponds Creek corridor with the following overlays:*
 - 1.1. *The land owner;*
 - 1.2. *The land manager;*
 - 1.3. *The general location of each of the improvement projects identified; and*
 - 1.4. *In relation to each improvement project – the title of the project, the identification of the lead agency/authority, a broad description of the purpose and extent of the project, a short history of progress towards implementing the project, and the current status of the project.*
 2. *By 5 March 2024 – a report to this committee that includes the same information set out in paragraph 2.1 as well as an advocacy plan to progress any project outside the direct control of the City of Melbourne, that advocacy plan to consider:*
 - 2.1. *Which projects require State or Commonwealth Government budget bids for 2024-25 and what should be done to progress those bids;*
 - 2.2. *Which projects may be suitable for known State and Commonwealth grant opportunities and what should be done to apply for those grants; and*
 - 2.3. *The role of the local community and Moonee Ponds Creek stakeholders in joining advocacy efforts and holding Governments to account.*
2. *Requests that management make, or cooperate with another relevant authority to make, an application for a grant under the Commonwealth Urban Rivers and Catchments Program to progress any of the improvement projects that are deemed suitable.*

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Leppert and Louey.

7.2 Notice of Motion, Cr Roshena Campbell: Return of workers in the City of Melbourne

Chris Thrum addressed the Committee.

Moved: Cr Campbell

That the Future Melbourne Committee:

1. *Notes:*
 - 1.1 *There has been a positive trend in Melbourne's office occupancy which rose 13 per cent over the year to September.*
 - 1.2 *Melbourne continues to lag behind other capital cities with an average office occupancy rate of 56 per cent at the end of September compared to 75 per cent in Sydney and Brisbane, 85 per cent in Adelaide and 91 per cent in Perth.*
 - 1.3 *The City of Melbourne is playing a leadership role by:*
 - 1.3.1. *continuing to prioritise the presence of City of Melbourne employees in the workplace whilst acknowledging obligations to provide flexible ways of working;*

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- 1.3.2. *establishing the City Economy Advisory Committee to provide strategic advice to the City of Melbourne on how to strengthen the daytime economy;*
- 1.3.3. *convening the City Economy Summit next month to consult with city businesses on how the City of Melbourne can grow the daytime economy.*
- 1.4 *The State Government is the central city's single biggest employer yet pedestrian sensors near Victorian public sector workplaces indicate lower pedestrian activity than the rest of the city, suggesting fewer public servants are attending the office compared to other city workers.*
2. *Requests management provide marketing support for a Back to Work campaign in the first week of February 2024 promoting events, hospitality and other activations encouraging a return of office workers after the summer holidays by leveraging existing destination marketing programs and actively seeking partnerships with key stakeholders.*
3. *Requests the CEO convene a roundtable with major employers by March 2024 on how to return office workers and seeking input on council activities that would encourage office attendance.*
4. *Requests the Lord Mayor write to the Premier requesting the return of Victorian public servants to their CBD workplaces.*

Seconded: Cr Chang

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Griffiths, Hakim, Leppert and Louey.

7.3 Petition regarding Howey Place, Melbourne

Tabled by Cr Jamal Hakim.

Cr Chang left the meeting at 7.43pm, and did not return.

Moved: Cr Hakim

That the Committee receives the petition from Jarrad Cuff and 21 others calling for the repositioning of the current bollards and installation for a loading dock in Howey Place, Melbourne.

Seconded: Cr Campbell

The motion was put and carried unanimously with the following Councillors present: Acting Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Griffiths, Hakim, Leppert and Louey.

8. Urgent business

There were no items of urgent business.

9. Public questions

A further opportunity to ask public questions was provided. Below is a summary of public questions and responses. The full question time can be heard in the live stream recording of the meeting on Council's website at <https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/pages/future-melbourne-committee-5-december-2023.aspx>

Southbank Promenade Stage 1

Tony Penna referred to a number of upgrades to street furniture and pavement which were proposed as part of Southbank Promenade Stage 1 that have not been completed. Tony expressed frustration with the misstatement of Stage 1 being deemed complete, given the number of upgrades which have not yet been

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undertaken. Tony asked why and how the Southgate development is holding up the completion of Southbank Promenade from Evan Walker Bridge to Queensbridge Square. Tony also asked for the anticipated completion date of Stage 1.

Cr Griffiths, City Transport, Infrastructure and Operations Deputy Portfolio Lead thanked Tony for the question and advised that the upgrades referred to in the images shared by Tony relate to Stage 2 works and that Council will provide a further response directly to Tony after the meeting.

Cost of legal advice

Katy Send submitted a written question asking how much it cost Council to obtain legal advice to prepare the Privacy Impact Assessment for City of Melbourne's interactive maps (94 page document).

The Acting Lord Mayor, Finance, Governance and Risk Deputy Portfolio Lead thanked Katy for the question and advised that the question relates to a Privacy Impact Assessment that was undertaken in 2010. The Acting Lord Mayor further advised that the question will be taken on notice to enable officers to search Council records, and provide any appropriate details directly to Katy.

Response to previous questions on Docklands Emergency Preparedness

Katy Send submitted a written question referring to previous questions submitted to the Future Melbourne Committee (FMC) meeting on 14 November 2023 regarding Docklands emergency preparedness, and asked when she will receive a response from Council.

Cr Dr Ball, Health, Wellbeing and Belonging Portfolio Lead thanked Katy for the question and advised that a response has now been provided to Katy for the majority of the questions asked at the 14 November FMC.

Queen Victoria Market development

Fiona Bell referred to the Gurrowa Place development in the QVM precinct and stated that it would overlook and change the context and setting of QVM. Fiona noted that excavating a large underground carpark under sheds could lead to graves being disturbed. Fiona asked for clarification if Council has made a self-referral under the *Environment Protection and Biodiversity Conservation Act 1999* or applied for a Strategic Assessment so that the plans for the site can be independently assessed concerning protection of its significant heritage aspects.

Cr Griffiths, City Transport, Infrastructure and Operations Deputy Portfolio Lead thanked Fiona for the question and advised that the Franklin Street stores sit within the cemetery footprint and are covered by CHMP 14125 – Area 3 – General Cemetery Management Zone. The new Gurrowa Place car park will not be located under the Franklin Street stores and no excavation will be carried out in this area.

Cr Griffiths further advised that Lendlease, the developer of Gurrowa Place, are well aware of the heritage requirements and have reputable and well-respected heritage and cultural advisors working with them through this process. Lendlease have submitted an application with Heritage Victoria to ensure protection of the heritage significance of the site as part of this development; and a decision is still pending.

10. Closure of meeting

The Acting Lord Mayor declared the meeting closed at 7.57pm.

To be confirmed at the meeting of the Future Melbourne Committee on Tuesday 6 February 2024.

Chair
Future Melbourne Committee

4 Planning scheme amendment challenges

The local planning scheme amendments listed in the previous section, as well as those initiated prior to 2018 previous planning scheme review that were resolved since (or are still outstanding), as well as a series of amendments requested by Council under S20(4) of the Act (e.g. interim heritage controls), together number more than 60 planning scheme amendments.

Beyond this number, the Minister has initiated a large number of state-wide, multi-council and Melbourne-only planning scheme amendments to implement reforms to the Victoria Planning Provisions and to facilitate site-specific developments. The planning scheme amendment process is complicated and – especially as it relates to the City of Melbourne – a significant administrative challenge.

The Act reflects the design of the Victorian planning system, whereby administration of planning schemes is usually conducted by the local municipal authority, but planning authority status is shared by the municipal authority and Ministers, with the Planning Minister retaining the sole power to determine the final form of any planning scheme amendment. Where Councils and the Minister as planning authorities do not align in policy ambition, or where either level of Government lacks the resources necessary to process and review planning scheme amendment activity in an efficient fashion, the planning scheme amendment process can experience major delays which, in some cases, can cause significant development uncertainty.

The average time it takes to pursue a planning scheme amendment from beginning to end has grown considerably since the 2018 Melbourne Planning Scheme review. As table 1 shows, the most significant delays are found:

1. Following Council adoption of an amendment, awaiting the Minister's final decision (shown at the end of the process in red);
2. In awaiting the Minister's authorisation to exhibit an amendment (shown at the start of the process in red); and
3. In securing time for Planning Panels Victoria to conduct hearings and, where amendments are challenged at the Tribunal, waiting for the Tribunal to make a decision (shown midway in the process in orange).

The City of Melbourne has generally managed to progress planning scheme amendments efficiently for the stages over which it is chiefly responsible (shown in shades of blue).

The causes for delays are many and varied. The City of Melbourne has observed that:

1. The change in approach in the Department to provide a more thorough review of proposed planning scheme amendments before the exhibition stage, and apply much more significant conditions on authorisation approvals, has naturally led to greater delays at the start of the process. (For example: C309 West Melbourne Structure Plan; C376 Sustainable Building Design; C417 Macaulay Structure Plan; C432 Municipal Planning Strategy);
2. The propensity to re-prosecute the strategic basis for an amendment at the end of the process despite the scrutiny applied at the commencement, as well as by Planning Panels Victoria, is creating a duplication of effort and leading to greater delays at the end of the process. (For example: C308 Central City and Southbank Urban Design – 2 years; C309

West Melbourne Structure Plan – 2 years; C366 Gaming – 4 years and still not resolved; C278 Sunlight to Parks – 2 years and still not resolved).

The City of Melbourne welcomes the scrutiny on all planning scheme amendments it puts forward, but requests that the resources necessary to facilitate that scrutiny are provided for, and that the Department and Minister commit to making decisions in a reasonable timeframe.

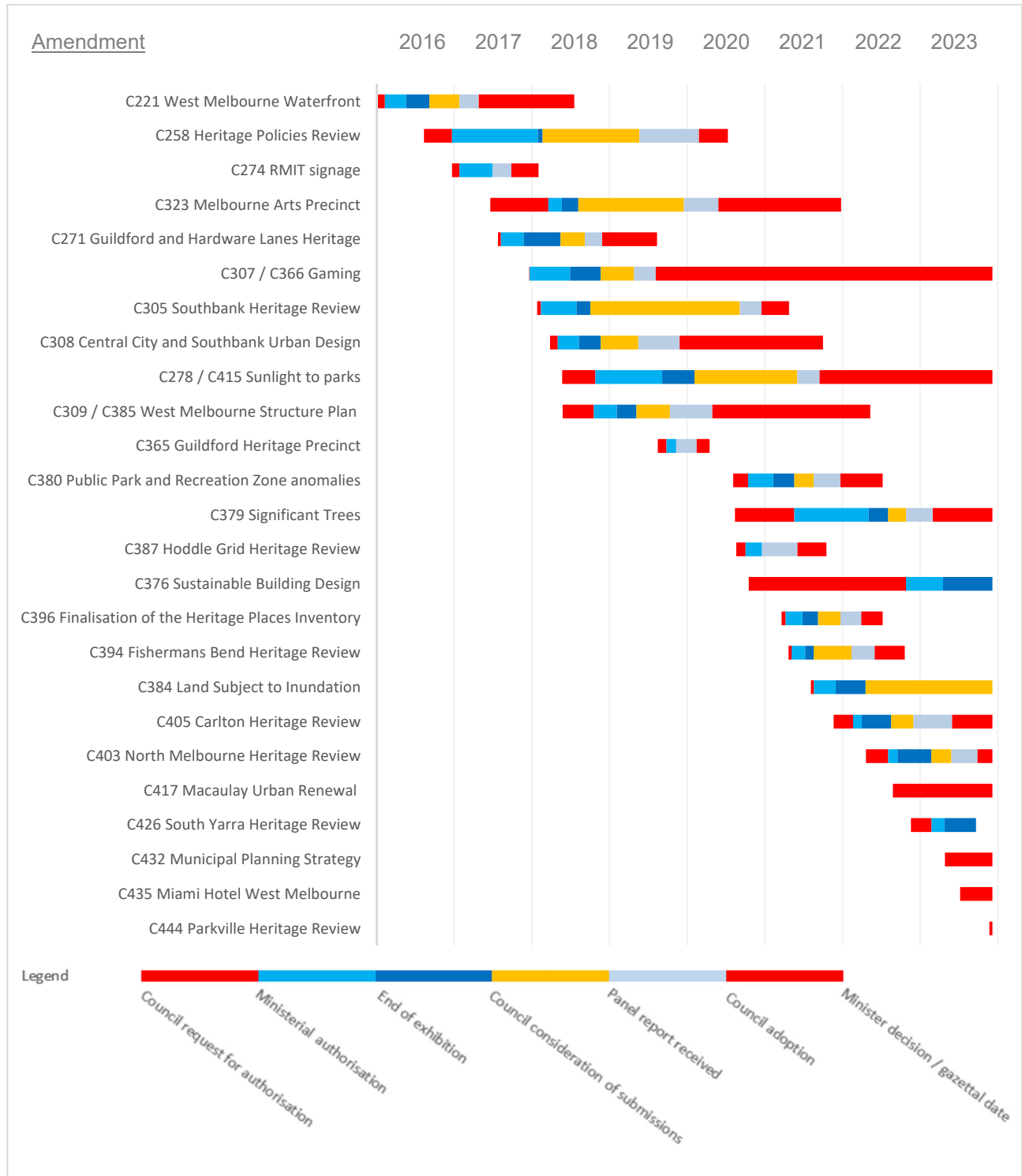


Table 1: local Melbourne planning scheme amendment timelines

Particular problems have been experienced with the Municipal Planning Strategy, which needed to wait for the State Government-initiated planning scheme format reforms to be applied to the City of Melbourne. These cascading processes have caused the exhibition of the Municipal Planning

Strategy to be delayed by 4 years compared with original City of Melbourne Annual Plan expectations (FY 2019-20), and the amendment has still not received authorisation. This overarching policy vision for the municipality – to facilitate abundant housing options and provide clarity on settlement strategies – continues to be delayed, despite the demands of the housing crisis and the ambitions of the Victorian Government’s Housing Statement. These delays have also caused significant disruptions in workforce planning for the City of Melbourne.

In 2021 the Victorian Government published the Red Tape Commissioner’s final report reviewing Victoria’s planning and building approvals process, titled “Turning best practice into common practice.” This report contained 27 recommendations. Recommendation A2, ‘streamline the planning scheme amendment process’, contained eight component parts:

<u>Recommendation A2 component</u>	<u>Status</u>
[1] DELWP providing councils with a final response within 30 days of DELWP initiating a “further review” of an authorisation request;	Not yet implemented.
[2] DELWP exploring opportunities to stream different types of planning scheme amendments and package multiple amendments in omnibus amendments;	Not yet implemented.
[3] As part of Better Reporting, DELWP to measure and review the performance of the planning scheme amendment process from start to finish and to identify the steps in the chain that are causing some amendments to take unreasonable time;	Not yet implemented.
[4] Modernising how proposed planning scheme amendments are publicly explained, updating notice templates to support plain-language, multi-language notices and using images for significant planning scheme amendments – DELWP should provide an updated Planning Practice Note to support the use of these new provisions;	Implemented.
[5] Councils referring exhibited amendments to Planning Panels Victoria (PPV) at the earliest opportunity in cases where there are clearly unresolvable objections — DELWP should provide guidance on how this can be managed through delegations;	Not yet implemented.
[6] Reducing the maximum period for publication of Panel reports by councils from 28 days to 14 days;	Implemented by the <i>Planning and Environment Amendment Act 2021</i> .
[7] Requiring councils to provide reasons as well as notice for a decision to abandon or to not consider or progress an amendment; and	Implemented by the <i>Planning and Environment Amendment Act 2021</i> .
[8] Clarifying the process for applicants to formally seek a planning scheme amendment related to their land and how such requests can be referred to the Minister should the council unreasonably reject the proposal – this may require an amendment to the Planning and Environment Act 1987.	Implemented.

It is notable that the two parts of recommendation A2 that have been implemented through legislative reform are those that impose faster requirements on councils, while the parts that have not been implemented are those that impose faster requirements on the Victorian Government, or which require greater Departmental resources.

The Victorian Government’s Housing Statement (September 2023) includes a commitment to implement the remainder of the Red Tape Commissioner’s recommendations. The first (faster authorisation) and third (analysis of causes of unreasonable delays) are essential to the orderly and efficient planning of Victoria and each municipality.

The City of Melbourne stands ready to act in partnership with the State Government to facilitate the timely implementation of national and state policies and efficient amendments of the Melbourne Planning Scheme. We request that Victorian Government urgently addresses the delays to planning scheme amendment process that it is responsible for.