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## COALITION OF RESIDENTS ASSOCIATIONS

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The Carlton Residents Association Inc. EastEnders Inc. The East Melbourne Group Inc.  
Hardware Precinct Resident & Tenants Group Kensington Association Melbourne-South Yarra Group  
North & West Melbourne Association Inc. Residents 3000 Inc.  
Southbank Residents Group

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### Melbourne Planning Scheme Amendment C60 - MSS and Local Policies

#### Agenda Item 3.10: MCC Planning and Development Committee, 13th November 2003

##### A. Introduction

1. The tenor of the Panel's Report on the Replacement MSS and Other Policy Changes (Attachment 2) is more critical of the draft MSS than is evident in the content and language of the Officer's Report and Summary of the Panel Recommendations (Attachment 1).
2. Some of the Panel Report's broad expressions of support are starting points for serious criticism which is not evident in the Officer's Report or Summary. Indeed on many points the Panel's view is more consistent with the material from submitters (including CoRA).
3. In view of this, we feel that the Committee should give in principle commitment for some key directions for the redraft and ensure these principles are included in the C60 project Program (Attachment 3).

##### B. Structure and Useability

4. The Panel Report's Recommendation 1 called for significant restructuring and supported the precinct-based structure (page 41) with an example MSS structure included as Appendix D. This suggestion is not included in the Summary of Panel Recommendations (Attachment 1), nor in the C60 project Program (Attachment 3) although it is referred to in paragraph 17 of the Officer's Report. CoRA recommends the Committee gives in principle support to a precinct-based structure for the MSS similar to the one recommended by the Panel.
5. **Recommendation 1:** The Committee gives in principle support for a precinct-based structure for the MSS as recommended by the Panel. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).

### C. Amenity Framework

6. This is the key area in which the Panel's Report comments were more critical than the Officer's Report suggests (see Panel Report pages 43-55).
7. The key issue is the proposed concept of a 'Mixed Use' area which does not coincide directly with Mixed Use zone areas and includes some Residential 1 zone areas. This creates a confusion of objectives and could prejudice the amenity and expectations of residents in the affected Residential 1 zone areas and could lead to many VCAT cases which could otherwise be avoided.
8. The Panel Report amply demonstrates the confusion (pages 50-55) caused by the term and calls for a complete restructuring of the amenity framework (page 55). Paragraph 21 of the Officer's Report suggests only that the Council conceded that "this section of the MSS needs to be reviewed to better explain the concepts". We therefore seek in principle support from Committee that the amenity framework in the MSS be discarded and considered again from first principles, and that the concept of 'Mixed Use' area be abandoned, especially when applying to RZ1 zones.
9. Related to the amenity framework policy is the issue of 'level of amenity' which has caused concern. CoRA would like the Committee to give a clear direction that in the redrafting of the 'amenity framework' policy that the language of a 'different amenity' is used without reference to 'level'.
10. **Recommendation 2:** The Committee calls for an improved and rewritten 'amenity framework' section consistent with the Panel Report including elimination of the term 'Mixed Use Area' and the term 'level' in reference to amenity. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).

### D. Heritage

11. Reference is made in the Officer's Report to the Panel's recommendation that heritage issues in the MSS be enhanced. In principle support from the Council should be given now to ensure adoption of the approach detailed in paragraphs 24 and 25 explicitly identifying 'heritage conservation' as a key strategic theme in the MSS and enhancing references to heritage and cultural landscapes including identification of heritage issues on a precinct by precinct basis.

12. **Recommendation 3:** The Committee directs that the redrafting outlined in paragraphs 24 and 25 with respect to Heritage is given effect in the MSS and included in the C60 project program in Attachment 3.

#### **E. Education, medical and research institutions**

13. The Panel Report did not comment on significant technical issues which could arise from the deletion of the Research and Education Strip Local Policy applying to North Parkville. The Committee is requested to endorse reconsideration of this matter as part of the C60 project program in Attachment 3.
14. **Recommendation 4:** The Committee directs that the redrafting of the MSS include further reconsideration of the deletion of the Research and Education Strip Local Policy applying to North Parkville and that this matter is included in the C60 project program in Attachment 3.

#### **F. Sunlight to Public Spaces Policy**

15. **Recommendation 5:** The Committee endorses the Panel Report's Recommendation 9 to endorse winter solstice protection for Flagstaff Gardens and gives in principle support for the Panel Report's suggestion outlined in paragraph 44 for the inclusion of Parliament Gardens, Queen Elizabeth Square and Treasury Gardens among the public spaces given winter solstice shadow protection. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).

#### **G. Zoning Review**

16. The reference to "a municipality wide 'overview' review of the application of zones to land" appears in the Summary of the Panel Report (Attachment 1, page 2, final bullet point). Given the significant implication of this addition, it is surprising the point is not referred to in the Officer's Report. Our understanding is that there is no intention to consider a rezoning at this stage, and we request a firm commitment from the Committee.
17. **Recommendation 6:** The Committee directs that a zoning review not be included as an additional commitment in the redraft of the MSS.

#### **H. Process**

18. The C60 Project program in Attachment 3 is very brief and non-specific and therefore constitutes a very broad delegation from the Council. CoRA notes that the MSS is the key strategic framework for the municipality for all planning matters, and is the point at

which the Council formulates its vision on behalf of the community on the matters which vitally affecting heritage, amenity, built form and public infrastructure.

19. CoRA considers that the Committee had insufficient involvement in the development of the C60 Amendment before it went to the Panel. We would like the Committee to take a more active interest in the C60 amendment as it did for the C20 Amendment between the Panel Report and adoption, to ensure that the Committee is fully aware of the concerns of stakeholders and the implications of the MSS. We would therefore like to see the C60 project Program (Attachment 3) include progress reports to the Committee, including opportunity for stakeholder reports on issues in progress.
20. **Recommendation 7:** The Committee directs that C60 project Program (Attachment 3) include progress reports to the Committee including opportunity for stakeholder reports to the Committee on issues in progress during the review period.

#### **I. Written Submissions on the Panel's recommendations**

21. There is a deadline of Friday 21 November 2003 for written submissions to Council on the Panel's recommendation. CoRA has already made detailed written submissions to the Panel on virtually all the matters addressed by the Panel recommendations and would like those detailed matters already addressed in our submission to form a key reference for the C60 project Program (Attachment 3) without the need for further written submissions.
22. **Recommendation 8:** The Committee directs that the C60 project Program (Attachment 3) specifically include consideration of the matters raised in the CoRA submission to the Planning Panel.

Yours sincerely

Bev Kennedy

Vice-President

Parkville Association

Sue Chambers

President

Carlton Residents Association

On behalf of the Coalition of Residents Associations

### **CoRA Recommendations**

- Recommendation 1:** The Committee gives in principle support for a precinct-based structure for the MSS as recommended by the Panel. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).
- Recommendation 2:** The Committee calls for an improved and rewritten 'amenity framework' section consistent with the Panel Report including elimination of the term 'Mixed Use Area' and the term 'level' in reference to amenity. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).
- Recommendation 3:** The Committee directs that the redrafting outlined in #24 and #25 with respect to Heritage is given effect in the MSS and included in the C60 project program in Attachment 3.
- Recommendation 4:** The Committee directs that the redrafting of the MSS include further reconsideration of the deletion of the Research and Education Strip Local Policy applying to North Parkville and that this matter is included in the C60 project program in Attachment 3.
- Recommendation 5:** The Committee endorses the Panel Report's Recommendation 9 to endorse winter solstice protection for Flagstaff Gardens and gives in principle support for the Panel Report's suggestion outlined in #44 for the inclusion of Parliament Gardens Queen Elizabeth Square and Treasury Gardens among the public spaces given winter solstice shadow protection. This recommendation is to be included in the directions for the C60 project Program (Attachment 3).
- Recommendation 6:** The Committee directs that a zoning review not be included as an additional commitment in the redraft of the MSS.
- Recommendation 7:** The Committee directs that C60 project Program (Attachment 3) include progress reports to the Committee including opportunity for stakeholder report to the Committee on issues in progress during the review period.
- Recommendation 8:** The Committee directs that the C60 project Program (Attachment 3) specifically include consideration of the matters raised in the CoRA submission to the Planning Panel.