



Hon Richard Wynne MP
Minister for Planning

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East Melbourne, Victoria 3002
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Ref: MBR032538



Ms Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Att: Evan.burman@yarracity.vic.gov.au

Dear Ms Vaidyanath

**PROPOSED YARRA PLANNING SCHEME AMENDMENT C220
JOHNSTON STREET ACTIVITY CENTRE**

I refer to your council's application for authorisation to prepare Amendment C220 to the Yarra Planning Scheme to implement the land use and built form objectives and strategies of the *Johnston Street Local Area Plan*.

In accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment subject to the following condition;

- Council must limit the application of mandatory controls to confined locations where there are exceptional circumstances as outlined in Planning Practice Note 60 -Height and setback controls for Activity Centres.

In addition to the above condition, Council may consider the following:

- In locations where discretionary controls are applied, Council could nominate both a preferred maximum height and an absolute mandatory maximum height and outline the requirements which must be met to enable development to exceed the preferred maximum height.

This places the onus on the applicant to demonstrate that a proposal which exceeds discretionary controls:

- a) achieves the objectives of the Design and Development Overlay;
- b) provides a demonstrable community benefit specified by Council e.g public realm improvements, environmentally sustainable design, affordable housing; and
- c) is limited to a specified height.

The preferred height nominated should be no lower than the heights nominated in Council's authorisation request. The extent of difference between the preferred maximum height and absolute maximum height should be determined by Council and be based on the strategic context of the location.

For example in many locations the extent of variation may allow an incremental increase in height variation e.g 30 per cent. In strategic redevelopment areas such as to the east of Victoria Park Station, a greater difference should be applied.

These controls will allow council to direct and accommodate growth to its higher order activity centres, while allowing flexibility for site-specific design.

Please note that DELWP has recently commenced work on a pilot project with Moonee Valley City Council to review the role of mandatory and discretionary height controls in the Moonee Ponds Activity Centre. Following this process, I will consider how the lessons learnt from the pilot can be applied to other activity centres across metropolitan Melbourne. I encourage City of Council to engage with DELWP officers on this program in the coming months.

Amendment C220 must be submitted to me for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that Ministerial Direction No. 15 sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report. Practice Note 77: Pre-setting panel hearing dates provides information about this step).

The Ministerial Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

I may decide to grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process.

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to me **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically to planning.amendments@delwp.vic.gov.au.

If you have any queries, please contact Alison Glynn, Director, State Planning Service, Department of Environment, Land, Water and Planning on (03) 8392 5511.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

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