

Yarra Activity Centres Advisory Committee

Advisory committee appointed under Part 7, section 151 of the *Planning and Environment Act 1987* to report on Yarra planning scheme provisions for activity centres or built form and related matters that are referred to the advisory committee by the Minister following a specific request by Yarra City Council.

Name

The advisory committee is to be known as the 'Yarra Activity Centres Advisory Committee'.

1. The advisory committee is to have members with the following skills:
 - a. Strategic and statutory planning
 - b. Built form, heritage and urban design
 - c. Economic development and urban geography
 - d. Traffic and transport planning.
2. The advisory committee will include a Chair, a Deputy Chair and not less than two other appropriately qualified members.
3. The advisory committee may engage specialist advice as required.

Purpose

The purpose of the advisory committee is to advise the Minister for Planning and Yarra City Council on the suitability of all relevant matters associated with proposed Yarra planning scheme provisions for activity centres or built form and related matters that are referred to the advisory committee upon a specific request by Yarra City Council.

Background

4. The City of Yarra is experiencing on going significant development pressure, primarily directed to activity centres, and other areas of urban change, such as the municipality's employment precincts.
5. The City of Yarra has a well-established network of activity centres, each with its own role and identity including:
 - a. Major activity centres of Bridge Road, Brunswick Street, Smith Street, Swan Street and Victoria Street which are identified in *Plan Melbourne 2017-2050* and provide a wide range of goods and services, some serving larger sub-regional catchments.
 - b. Neighbourhood activity centres of Carlton North, Gertrude Street, Heidelberg Road Alphington, Johnston Street, Nicholson Street, North Fitzroy, North Fitzroy/Clifton Hill, Queens Parade, Rathdowne Street and St Georges Road which provide access to local goods, services and employment opportunities to serve the needs of the surrounding community.
 - c. Local activity centres which provide a more limited range of goods, services and employment opportunities and largely serve the adjoining local community.
6. Activity centres in the municipal area are experiencing development pressure with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.
7. The City of Yarra has capacity for employment growth and the council is committed to supporting this growth in its employment areas in preference to residential development in these areas. There is an identified need to manage pressure for residential conversion of employment land to protect

opportunities for economic growth. These areas include the municipality's health and education precincts, Cremorne and the Gipps Street precinct in Collingwood.

8. A key challenge in planning for this development pressure is the need to accommodate new development in a built form that is sensitive to the context of the area which includes heritage significance, character and scale of the surrounding area. This needs to be balanced with opportunities to allow for new built form character in major regeneration areas. Protecting heritage buildings and streetscapes while still allowing appropriate development is a key driver in the municipal area.
9. Yarra City Council has already set much of its high-level strategic direction for its city through the Yarra Housing Strategy and the Yarra Spatial, Economic and Employment Strategy, both of which were adopted in 2018. The council is currently seeking to implement these strategies by amending its Planning Policy Framework via Amendment C269 which was exhibited between September to December 2020.
10. While the council has carried out a significant amount of strategic work in recent years and has successfully introduced built form and heritage controls to activity centres including Johnston Street and Queens Parade, there is a need to provide an appropriate planning framework for other activity centres and provide certainty to the community and proponents about appropriate height, built form and decision criteria to manage new development..
11. The objective of the Yarra Activity Centres Advisory Committee is to provide consistent advice in a transparent, simpler, more timely and cost-efficient process on any proposed new planning provisions referred to it by the Minister upon a specific request from Yarra City Council.
12. It is important that this process complements the council's commitment to community engagement and addresses the requirements of section 4(2)(h) of the Act which outlines the critical standard for any planning approval process, which is to meet the objective of establishing a clear procedure for amending planning schemes, with appropriate public participation in decision making.
13. Where community engagement, formal or informal public notice or consultation under section 20(5) of the Act has occurred before or as part of the advisory committee process, planning scheme amendments for matters considered by the advisory committee may be proposed to be approved under the provisions of section 20(4) of the Act.

Method

14. The advisory committee must comprise a quorum of at least two members, one of whom must be the Chair or the Deputy Chair, for any forums, hearings, meetings or workshops conducted by the advisory committee.
15. The advisory committee can undertake its proceedings in stages, including considering and reporting on any proposed planning scheme amendments referred to it either separately or together.
16. The advisory committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit.
17. The advisory committee may conduct any briefing, forum, hearing, meeting or workshop by electronic means.
18. The advisory committee will be provided with a background information, material and reports by the Department of Environment, Land, Water and Planning (DELWP) and Yarra City Council, including:
 - a. Strategic work undertaken by the council for the activity centres subject to existing or proposed interim planning controls;
 - b. Recent panel reports and VCAT decisions in the City of Yarra and other places relevant to planning scheme provisions for the activity centres the Yarra City Council requests to be referred to the advisory committee; and
 - c. Other relevant strategic work undertaken by either council or DELWP.
19. The advisory committee may invite DELWP, the council and any other party to identify or address any preliminary matters through forums, meetings, workshops or written comments.

Stage 1 – Referral, notice and submissions

20. At the request of Yarra City Council, the Minister for Planning may refer one or more proposed planning scheme amendments to the advisory committee.
21. The advisory committee may not proceed with the consideration of a proposed planning scheme amendment which has been referred to it unless it is satisfied that Yarra City Council has undertaken an appropriate level of consultation and public notification of the proposed planning provisions or Yarra City Council has advised the advisory committee that no consultation is required.
22. All submissions received in response to consultation and notification by Yarra City Council are to be provided to the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Electronic copies of submissions will be provided to DELWP and Yarra City Council at the same time as the submissions are referred to the advisory committee.

Stage 2 – Hearings and consideration of planning scheme amendments

23. Following referral by the Minister of a planning scheme amendment and any submissions, or public notice of a planning scheme amendment and receipt of submissions, the advisory committee may undertake any of the following:
 - a. a directions hearing
 - b. a public hearing and provide an opportunity for submitters to be heard
 - c. forums, meetings or workshops with one or more submitters or any other party
 - d. a review of submissions based 'on the papers'.
24. The advisory committee must conduct a hearing and provide an opportunity for submitters to be heard if requested by any submitter, including Yarra City Council.
25. The advisory committee must not commence to conduct a hearing until Yarra City Council has provided the advisory committee with a response to submissions received in response to any consultation and notification carried out by Yarra City Council.
26. The advisory committee must afford natural justice to all participants in the hearing.
27. The advisory committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.
28. The advisory committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering under section 22(3) of the Act.

Stage 3 – Advisory committee report and recommendations

29. For each proposed planning scheme amendment referred to it, the advisory committee must produce a written report for the Minister for Planning and Yarra City Council. The report must include:
 - a. consideration of the matters outlined in these Terms of Reference
 - b. an assessment of the proposed planning scheme amendment and any recommended changes to the proposed provisions
 - c. an assessment of submissions to the advisory committee and any other relevant matters raised in the course of the advisory committee process
 - d. a recommendation to Yarra City Council on whether the planning scheme amendment is strategically justified and should be submitted to the Minister for approval under section 20(4) of the Act
 - e. a recommendation on whether the planning scheme amendment or any part of it should be subject to the requirements of sections 17, 18 and 19 and the regulations of the Act and processed as a 'standard' amendment
 - f. a record of the date, location, attendees and purpose of any forum, meeting or workshop it held.
 - g. a list of persons who made submissions to the advisory committee.

30. The advisory committee may address more than one proposed amendment and combine its assessment of the proposed amendments in a report.
31. The advisory committee may inform itself in any way it sees fit, but must consider all relevant matters including but not limited to:
 - a. the provisions of the Act, including Ministerial Directions, advisory and practice notes and *Plan Melbourne*
 - b. the provisions of the Yarra Planning Scheme, including any adopted plans, strategies or planning scheme amendments (including Yarra Amendment C269 and any panel report for the amendment)
 - c. all submissions and evidence received
 - d. all relevant material provided to the it by all participating parties
32. At any time, the advisory committee may deliver a briefing to the Minister, DELWP or Yarra City Council.
33. The advisory committee
 - a. may request Council to provide a final form of any proposed planning scheme amendment taking into account the council's position as informed by a consideration of submissions or any recommendations made by the advisory committee; and
 - b. must consider any final form of any proposed planning scheme amendment prepared by Council which takes into account the council's position as informed by a consideration of submissions

Submissions and records of forums, meetings or workshops are public documents

34. The advisory committee must retain a library of any written submissions or other supporting documentation provided to it, or used or tabled in any forum, meeting or workshop, until a decision has been made on its report or five years has passed from the time of its appointment.

Timing

35. The advisory committee is required to submit each report under Stage 3 no later than 60 business days from the final day of any public hearing,

Fee

36. The fee for the advisory committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
37. The costs of the advisory committee and any associated public consultation notification will be met by Yarra City Council.

Expiry

38. The appointment of the advisory committee will expire 2 years from being appointed under the provisions of the *Planning and Environment Act 1987*

The following information does not form part the Terms of Reference.

Project Management

- 1 Administrative and operational support to the Committee will be provided by
Name, Position title, Yarra City Council, phone number and email
Name, Position title, the Department of Environment, Land, Water and Planning, phone number and email
- 2 Day to day liaison for the advisory committee will be through X, Project Officer, of Planning Panels Victoria on (03) 8392 5137 or planning.panels@delwp.vic.gov.au.

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