

Terms of Reference

Yarra Activity Centres Standing Advisory Committee

Standing Advisory Committee appointed under Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister and Yarra City Council on referred planning matters and associated draft Yarra planning scheme provisions for activity centres and other areas of urban change.

Name

The Advisory Committee is to be known as the 'Yarra Activity Centres Standing 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

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and Yarra City Council on any relevant matters referred to it relating to strategic and built form work undertaken in relation to its activity centres and other areas of urban change, and any associated draft planning scheme amendments..

Background

5. The City of Yarra is experiencing ongoing significant development pressure, primarily directed to activity centres, and other areas of urban change, such as the municipality's employment precincts.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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 Yarra Planning Scheme Amendment C269 which was exhibited between September to December 2020.
11. 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 areas and activity centres to provide certainty to the community and proponents about appropriate height, built form and decision criteria to manage new development. An initial list of areas the council has conducted built form analysis for is attached at Appendix A.
12. The objective of the Yarra Activity Centres Standing 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.
13. 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.
14. 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 Committee may be recommended to be approved under the provisions of section 20(4) of the Act.

Method

15. The Minister for Planning may refer one or more proposals for changes to planning controls to the advisory committee, including, but not limited to those areas specified in Appendix A.
16. The 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.
17. The Committee can undertake its proceedings in stages, including considering and reporting on any draft planning scheme amendments referred to it either separately or together.
18. The Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit.
19. The Committee may conduct any briefing, forum, hearing, meeting or workshop by electronic means.
20. The 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.
21. The 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 – Notice and submissions

22. Yarra City Council may seek the written consent of the Minister or the Minister's delegate to prepare and give notice of a draft planning scheme amendment.
23. As directed by the Minister, Yarra City Council will prepare and give notice of a draft planning scheme amendment and receive submissions. The Yarra City Council will consider all submissions and where possible seek to resolve issues with submitters prior to requesting matters be referred to the Committee.
24. When preparing documentation for public notice, the Yarra City Council must liaise with the Committee to agree to:
 - a. A Directions Hearing date
 - b. The public hearing datesThe agreed dates are to be included on all notices for public exhibition.
25. When preparing documentation for public notice, the Yarra City Council must liaise with DELWP to agree to:
 - a. The type of notice
 - b. The extent of notice
 - c. The public exhibition dates
26. The Advisory Committee is not expected to carry out any additional public referral or notice but may do so if it considers it to be appropriate.
27. Petitions and pro-forma letters will be treated as a single submission and only the first name to appear on the first page of the submission will receive correspondence on Advisory Committee matters.

Stage 2 - Referral

28. Once all submissions are considered by the council, it will provide a copy of all submissions received in response to notice and a detailed response to those submissions including a copy of council's preferred draft amendment in a request for the Minister to refer the proposal to the Advisory Committee.
29. The Minister will consider requests to refer planning matters to the Advisory Committee and may seek advice on any relevant strategic planning matters in the City of Yarra. Once a decision has been made, the Minister will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved submissions and/or any other relevant matter. The letter of referral will be a public document.

Stage 3 – Hearings and consideration of planning scheme amendments

30. Following referral from the Minister, including receipt of submissions and Yarra City Council's response, 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'.
31. The Committee must conduct a hearing and provide an opportunity for submitters to be heard if requested by any submitter, including Yarra City Council.
32. The Committee must afford natural justice to all participants in the hearing.
33. The Committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.
34. The 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 4 – Advisory committee report and recommendations

35. For each planning matter 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 draft planning scheme amendment and any recommended changes to the proposed provisions
 - c. an assessment of submissions to the Committee and any other relevant matters raised in the course of the Committee process
 - d. advice on any relevant strategic planning matters
 - e. a recommendation on whether the draft planning scheme amendment is strategically justified and could be approved by the Minister without notice, using his powers under section 20(4) of the Act
 - f. a recommendation on whether the draft 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
 - g. a record of the date, location, attendees and purpose of any forum, meeting or workshop it held.
 - h. a list of persons who made submissions to the Committee.
36. The Committee may address more than one draft amendment and/or relevant strategic planning matters and combine its assessment of the draft amendments in a report.
37. The 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

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

38. The 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.
39. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in camera'.

Timing

40. The Committee is required to commence its process by issuing a written notice for the referral of a matter from the Minister to all submitters, Yarra City Council and DELWP no later than 10 business days from the date of any specific letter of referral received.
41. The Committee is required to submit each report to the Minister and Yarra City Council under Stage 3 no later than 40 business days from the final day of its proceedings, tabling of submissions or consultation process whichever is final.
42. Yarra City Council must release the report of the Advisory Committee online to the council's website within 10 days of its receipt.

Fee

43. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
44. The costs of the Committee and any associated public consultation notification will be met by Yarra City Council unless an alternative is specified in the letter of referral from the Minister to the Advisory Committee.



Richard Wynne MP
Minister for Planning

Date: 10 / 06 / 2021

Appendix A: Council built form work program areas

- Alexandra Parade
- Bridge Road
- Brunswick Street
- Collingwood South
- Cremorne
- Fitzroy West
- Gertrude Street
- Gipps Street
- Heidelberg Road
- Johnston Street
- Smith Street
- Victoria Parade
- Victoria Street

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:
Fiona van der Hoeven, Practice Leader, Strategic Planning, Yarra City Council, 9205 5156,
fiona.vanderhoeven@yarracity.vic.gov.au

Jason Close, Manager Planning Services, Statutory Planning Services, the Department of Environment, Land, Water and Planning, 8392 5526, 0417 569 004, jason.close@delwp.vic.gov.au
and Pippa Magnuson, Senior Planner, Statutory Planning Services, the Department of Environment, Land, Water and Planning, 8508 2099, pippa.magnuson@delwp.vic.gov.au

- 2 Day to day liaison for the advisory committee will be through Chris Brennan, Project Officer, of Planning Panels Victoria on (03) 8392 5137 or planning.panels@delwp.vic.gov.au.